

Members

Ken House, *Chair*
Edward Echtle, *Vice Chair*
Katie Chase
JD Elquist
Jonah Jensen
Megan Luce
Daniel Rahe
James Steel
Duke York



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

Staff

Reuben McKnight, Historic Preservation Officer

MINUTES

Landmarks Preservation Commission Planning and Development Services Department

Date: August 14, 2013

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

Commission Members in Attendance:

Ken House *Chair*
Edward Echtle, *Vice Chair*
Ross Buffington
Katie Chase
JD Elquist
Jonah Jensen
Marshall McClintock
Daniel Rahe
Duke York

Staff Present:

Reuben McKnight

Others Present:

Natalie McNair-Huff, True Blue

Commission Members Absent:

Megan Luce
James Steel

Chair Ken House called the meeting to order at 5:30 p.m.

1. ROLL CALL

2. CONSENT AGENDA

A. Excusal of Absences

Commissioners Megan Luce and James Steel were excused.

B. Meeting Minutes

No meeting minutes were available for approval by the Commission.

C. Administrative Approvals

The Administrative Review Summary listing projects approved from June 19 through August 7, 2013 were accepted.

3. DESIGN REVIEW

A. 1423 Pacific Avenue (Sandberg-Schoenfeld Building)

The staff report was read into record as follows:

Built in 1907, the Frederick Heath-designed Sandberg-Schoenfeld Building is a very early example of a reinforced concrete skyscraper. This is an application to install a new 3' X 8' oval shaped sign on existing sign brackets, in the same location where "Tully's" and "Quiznos" signs were previously installed (a streetview photograph is included with this staff report). Both of the previous signs were reviewed and approved by the Landmarks Preservation Commission in 2004.

STANDARDS

Staff recommends the following Secretary of the Interior's Standards be considered:

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

ANALYSIS

1. The Schoenfeld Building is historically significant as an early concrete skyscraper and example of the work of Frederick Heath. It is individually 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 per TMC 13.07.095, prior to those changes being made, by virtue of its status as a City Landmark.
3. The proposed sign does not require additional modification of the building, as it will incorporate existing conduits and brackets approved in 2004, thus meeting Standard #10.
4. The proposed sign will not cover or obscure any character defining features on the façade, thus meeting Standard #9. Both storefronts have been heavily modified several times since the construction of the building, most recently in 1999.

RECOMMENDATION

Staff recommends approval as submitted.

There was a motion:

"I move to guide the application to the Landmark Preservation Commission be approved at 1423 Pacific Avenue the Sandberg building for the sign as designed."

MOTION: York

MOTION: Seconded

MOTION: Carried

4. BOARD BRIEFING

A. Historic Property Maintenance Code

The staff report was read into record as follows:

SUMMARY

The City of Tacoma is currently developing a new ordinance, titled "Preventing Neglect of Historic Properties," which is proposed to be added to Title 8 of the Tacoma Municipal Code as a new chapter. The proposed ordinance is designed to prevent "demolition by neglect" of historic properties within Tacoma by defining neglect as a Public Nuisance.

BACKGROUND

"Demolition by neglect" is defined as the process whereby a property owner neglects a historic building until the

only course of action feasible to abate the resulting hazards to public health and safety is to demolish the building.

Many jurisdictions across the United States have adopted codes to prevent “demolition by neglect.” Effective examples of such codes rely on clear maintenance standards, a process for inspecting and determining when “neglect” is occurring, and tools to intervene prior to the point at which a building is beyond salvage or has lost its architectural integrity.

The City of Tacoma has many distressed properties, some of which are listed on the National and Tacoma Registers of Historic Places, either individually or as contributing structures within listed historic districts. Long term neglect of a historic building becomes very costly to abate, and can lead to the loss of the building. Ideally, intervention early in the cycle of decline is less costly.

However, under the existing enforcement codes, including Public Nuisances (Tacoma Municipal Code 8.30) and Minimum Buildings and Structures Code (TMC 2.01), the options for proactively abating substandard building conditions before they threaten the safety and longevity of a building are limited.

This is a pilot project that is designed to provide the City additional enforcement tools to prevent ongoing neglect of Tacoma’s most iconic historic buildings, as well as create the means and authority to intervene before buildings become “dangerous” as defined in the Minimum Buildings and Structures Code. By the time this occurs, the neglected condition has often continued for many years, increasing the costs of abatement and the likelihood for the need to demolish the building.

PROPOSED CODE AMENDMENTS

By creating a new section in Title 8, the City will be able to act to prevent neglect of historic properties earlier in the process of a building’s decline through its authority to abate Public Nuisances. The City has broad authority to identify and define “Public Nuisances” under Washington State law that present a risk to the health, safety and well-being of the public. Current examples of areas within the Tacoma Municipal Code that address certain property conditions as a nuisance include unsanitary property conditions, and violations of the Land Use Code.

The proposed ordinance will:

- Add “neglect of a historic property” to the list of Public Nuisances enforced by the City.
- Apply to properties listed on the Tacoma Register of Historic Places, the National Register of Historic Places, and historically contributing properties within Historic Special Review Overlay Districts and National Register Historic Districts (but will not apply to single family residential structures within historic districts)
- Use a set of maintenance standards similar to those found in the International Property Maintenance Code and Minimum Buildings and Structures Code
- Use the Notice of Violation, Civil Penalties and Abatement procedures already contained in the Public Nuisance Code.
- Add additional penalties designed to discourage neglect, such as temporary limits on future development potential if a building must be demolished as a result of neglect.
- Provide authority for the City to enter, as provided by law, and repair conditions that threaten the integrity of a historic building.
- Exist in concert with the authorities already contained in the Minimum Buildings and Structures Code.

Lastly, the City will establish a funding source to create an “emergency preservation fund” to provide resources for proactive abatement of neglected historic properties.

Other jurisdictions have similar provisions in their enforcement, building, zoning, or nuisance codes. Staff reviewed examples in San Antonio, TX; Detroit, MI; Raleigh, NC; Knoxville, TN; Riverside, CA and Pt. Townsend, WA.

RELATED ACTIVITIES

This code amendment is a component of a broader set of initiatives that are designed to improve the protection of historic buildings in Tacoma, including:

- Updates to the Minimum Buildings and Structures Code (TMC 2.01), adopted earlier in 2013. These changes included additional flexibility for exemptions of code requirements for derelict historic buildings being brought into compliance, in addition to flexibility in the code allowing for repair of “dangerous” buildings

- Development of an “early warning system” set of procedures, that sends owners of “nonstandard” properties on Historic Tacoma’s Watch List an automated warning
- Notifications to the Historic Preservation Officer when a property within a historic district or on a historic register is determined to be derelict or substandard
- Prioritization of derelict historic properties for code compliance
- Development of a searchable GIS-based mapping tool for substandard historic properties

PUBLIC OUTREACH/UPCOMING DATES

June 3	Neighborhoods and Housing Committee
June 12	Landmarks Preservation Commission
June 18	Historic Tacoma
June 20	Building Board of Appeals
June 26	Landmarks Preservation Commission
July 9	Historic Tacoma
July 15	North Slope and Wedge Historic Districts
July 16	Cross District Association
Aug 8	Historic Property Owners
Aug 14	Landmarks
Aug 19	Neighborhoods and Housing Committee
Sept 10	Study Session
Sept 10	Council
Sept 17	Council

Notice has also been sent to the Tacoma-Pierce County Chamber of Commerce BIA and others through various media.

ACTION REQUESTED

Staff requests a motion in support of the proposed code.

In addition to the information provided in the staff report, staff wanted to go over the feedback that was received by property owners. There was some concern that this code was a standalone document with an aggressive tone. The code is actually part of a broader set of tools including the Minimum Building Structures Code and existing Nuisance Code. This code is designed for those instances where there are limited options on a very rare condition that's affecting an iconic building and something needs to be done and we have no other options.

There have been some questions and concerns regarding the appeal procedure. There isn't an appeals process written into this code because it is outlined in the referenced chapter of the Tacoma Municipal Code. Therefore, the notice of violation on the negotiation of property owners on the warrant to enter and correct a repair, those are all due process items that exist in 8.30.

Citizens were concerned that this may be applied arbitrarily or that there is a subjective reading of the maintenance items. Although this code contains fairly standard language on the matter we are going to propose and work out some additional language that provides additional clarification. An example of the added language is ‘original design elements are configurations construction techniques present in historic buildings that are consistent with codes at the time of construction are not nuisances’.

Additionally, we are going to be adding additional language regarding the overall intent of the code and how it'll to be applied. The City of Tacoma intends to work with property owners this is on the coordination, cooperation, and voluntary compliance or the preferred alternatives. This is not designed to create a situation where we are placing or placing the perception of an additional burden on folks who own and maintain historic properties well. Staff wants to try and ensure that message is clarified in the code's intent and carried through the enforcement section.

To address comments and concerns, staff will ensure that in the appeals process there is actually recourse and additional negotiation that property owners have a right to. It exists in Tacoma Municipal Code 8.30.100, but will be written into this code to ensure that anybody reading this code is made aware of the process.

Commission questions and discussion followed.

1. What were the major changes from the early draft that was presented at the North Slope neighborhood

meeting to the present draft? One major change appears to be regarding the lien penalty that was two years but is now listing five years.

Yes, the change in the duration of the lien penalty is one of the biggest changes from the early draft. There were lots of minor changes to wording. The other major changes are as follows:

- *In regards to the lien penalty, the earlier draft outlined that if a homeowner were to neglect their historic building to the extent that they've received notice and continue to neglect the building results in it getting demolished as a public safety hazard. This would be a long process that would result in a site moratorium for the span of two years. Having an out and out moratorium on development conflicted with the City of Tacoma's objectives for the ordinance by opening up the potential for someone to neglect a building to the extent that it is demolished to gain the additional development rights. The current draft now outlines that if there is neglect that results in the building getting demolished the additional development rights wouldn't apply. The five year timeline was added since it was thought to be a reasonable measure for reconstruction. However restriction wouldn't be all encompassing. An additional caveat has been added for cases where the development restriction can be waived if there is a legitimate public benefit.*
- *Language was added regarding that if the City of Tacoma should have to enter and repair a building condition that it's not that we're entering and restoring the building. The intention is not to have the City of Tacoma rehabilitate the building; it's simply to do what needs to be done to protect the historic landmark.*

Additional changes will be made to the language of the ordinance to try to alleviate the ongoing issues of misinterpretations. The Commission expressed concern with regards to the language as it relates to whether single family landmarked residences are included. Staff noted that the intent of the ordinance is that it would be applied to properties that are individually listed as a landmark and properties in historic districts.

2. Commissioner Chase disclosed that her company worked on development of this ordinance.
3. Commissioner Chase expressed concern about the abatement process and whether it is necessary to outline the process in the ordinance when it's already covered in the referenced Nuisance Code.
4. Natalie McNair-Huff presented on behalf of True Blue that resides in and owns the old Weyerhaeuser building which is listed on the national historic registry. True Blue supports the intent of the ordinance but have some concerns with the content. Many of their concerns were discussed with Reuben McKnight have been addressed. Below is the list of some of the items and potential solutions:
 - A lot of the code is subjective.
 - There should be a distinction made between buildings in good standing with structural integrity and buildings that are, or in imminent danger of, becoming derelict. Suggest adding language to make the delineation by determining if the building had been actively maintained.
 - Suggest referencing historic codes.
 - Would like to see if there is a way to extend the program assist historic building owners that have intentions to maintain the building but get overwhelmed by the cost.
5. Everyone was very supportive of the ordinance was presented at the North Slope Historic District meeting. The major concern they had was having the ordinance encompass single family homes.

There was a motion:

Under the understanding that there are still public meeting ahead of us, there's still possibilities of some modifications or substantial modifications to this. I think the draft as its written is going in the right direction and code move that we support it and its movement forward.

MOTION: York

MOTION Seconded

MOTION Carried

This will be at the neighborhoods housing committee on Monday the 19th and we are currently intending to schedule it for Sept 10th at City council and that would be the first reading and Sept 17th. Like I said during the presentation I will be working to incorporate most of these corrections and recommendations, and we do try to address all of these concerns in the draft going forward and we'll be briefing some of these to the neighborhood housing committee.

5. Board Business/Preservation Planning

Since the last Landmarks Preservation Committee meeting Tonie Cook has retired from the City of Tacoma. Reuben McKnight will be serving as the only City of Tacoma contact for the immediate future. We are looking at making some positive changes to the program and intend to fill Ms. Cook's position in the next few months.

6. Chair Comments

Chairman House did not have any comments at this time.

Commissioner Marshall presented the following items:

- Last night the City Council approved the transfer of the buildings to Kellogg, Sicker, and Pochert LLC, Mr. Grossman, for development. There was some concern how the development will affect the new construction the Tacoma Housing Authoring was planning to put next door in the next two to four years. Historic Tacoma requested and was denied, having them go through a variation of the conservation zone review by landmarks. Alternatively, the City Council seemed in favor of developing an adjacency review, similar to Seattle, where if you have a building that's on the historic registry and there's any major construction on the properties adjacent or across the street from that building it promotes a possible review. The historic preservation officer makes a review for possible conflict. The Historic Tacoma is interested in pursuing this route and is inquiring if the City of Tacoma may be as well.
- Sound Transit has announced a project to replace the wooden track single trestle directly east of the Tacoma Dome station. The Federal Highway Administration and the state historic preservation officer determined that this is a structure that's eligible for listing on the national registry for historic places. Sound Transit is looking at entering into a memorandum agreement about the effects of this project with the Federal Highway Administration as well as the State Historic Preservation Office. There will be a public meeting on September 23 to kick-off and get people's comments. Commissioner Marshall will be representing Historic Tacoma at that meeting and would be happy to provide additional information on the proceeding to anyone interested.
- Lastly, Historic Preservation is having a meeting either October 22 or 29th at the Tacoma Armory. If you are interested in coming and taking a tour and finding out what plans are being developed to repurpose the building, along with finding out what else Historic Tacoma is doing, I'm encouraging you to come. A definitive date will be set soon.

The meeting was adjourned at 6:16 pm.

Submitted as True and Correct:

Reuben McKnight
Historic Preservation Officer