

REGULAR MEETING AGENDA

LANDMARKS & HERITAGE ADVISORY BOARD THURSDAY, March 28, 2019 AGENDA
American Lake Conference Room 1A
6000 Main Street SW, Lakewood, WA 98499
6:00 PM

- 1. Call to Order
- 2. Meeting Protocol
 - a. Roll Call
 - b. Acceptance/Changes to Agenda
 - c. Approval of Minutes from January 24, 2019
 - d. Announcements
- 3. Public Comments
- 4. Public Hearings
- 5. Reports by Historic Preservation Officer or Staff
 - Revised map of all historic properties in Lakewood
- 6. Unfinished Business
 - None
- 7. New Business
 - LMC Chapter 2.48 Protection and Preservation of Landmarks
 - Board Update: Historic Street Program
- 8. Next Meeting Scheduled
 - Tentatively scheduled for April 25, 2019
- 9. Adjournment

Members please contact Karen Devereaux at kdevereaux@cityoflakewood.us or 983-7767 by <u>Tuesday</u> prior to the meeting, if you are unable to attend. It is important to establish <u>in advance</u> whether or not there will be a quorum. Thank you.



LANDMARKS & HERITAGE ADVISORY BOARD

January 24, 2019 Meeting Minutes American Lake Conference Room 6000 Main Street SW Lakewood, WA 98499

"The mission of the City of Lakewood Landmarks and Heritage Advisory Board is to preserve, protect and promote the unique heritage and historic resources of the City of Lakewood."

CALL TO ORDER

The meeting was called to order by Mr. Glen Spieth, Chair, at 6:01 p.m.

MEETING PROTOCOL

Roll Call

Landmarks & Heritage Advisory Board Members Present: Glen Spieth, Joan Cooley,

Bob Jones, Beth Campbell, Marjorie Thomas-Candau and Bill Elder

Landmarks & Heritage Advisory Board Members Excused: None

Landmarks & Heritage Advisory Board Members Absent: None

Council Liaison to LHAB is Councilmember John Simpson

Staff Present: Courtney Brunell, Planning Manager and Karen Devereaux, Administrative Assistant

Acceptance/Changes to Agenda

No changes were made to the agenda.

Approval of Minutes

The minutes of the meetings held on November 29, 2018 were approved as written by voice vote, M/S/C Cooley/Campbell. Motion to approve the minutes passed unanimously, 6-0.

Announcements

Mr. Glen Spieth shared with the group that the Lakewood Historical Society has received its Certificate of Occupancy from the City Building Official for their museum inside the Colonial Plaza at the Terrace Theater.

The group welcomed newest member Mr. William "Bill" Elder. Ms. Courtney Brunell provided him with a LHAB Reference Binder including a 2019 Work Plan, By-Laws, List of Lakewood Designated Landmarks & Properties Listed on the National Register and Washington Heritage Register, Historic Properties Inventories as well as an interesting document on the history of Lakewood.

A list of the groups contact information was shared and Ms. Brunell reminder advisory board members in keeping with the open meetings act not to send "All" emails but to make requests or answer directly only to her email.

PUBLIC COMMENTS

None

City of Lakewood

PUBLIC HEARINGS

None

REPORTS BY HISTORIC PRESERVATION OFFICER OR STAFF

<u>Update on Northwest Vernacular Contract for Reconnaissance-Level Survey</u>

Ms. Courtney Brunell informed members of the consultants proposed schedule and tasks to ensure completion of the survey on time; specific milestones and dates were shared. Of importance in February is a mailing notification to property owners about performing the field work, set up of field map and WISSARD form to complete survey and historic context research. Field work is scheduled during the weeks of the 4th and 11th with physical descriptions and photographs cataloged. The following week will include development of the public workshop and promotional materials. The first of two public outreach meetings is scheduled for February 28th. The LHAB members will attend that meeting.

UNFINISHED BUSINESS

None

NEW BUSINESS

Vote for 2019 Chair and Vice-Chair Positions

Mr. Glen Spieth, Chair, opened the floor for nominations.

Ms. Marjorie Thomas-Candau nominated Mr. Glen Spieth for the position of Chair. No other nominations were made. A voice vote was taken and passed unanimously, 6-0.

Ms. Beth Campbell nominated Ms. Marjorie Thomas-Candau for the position of Vice-Chair. No other nominations were made. A voice vote was taken and passed unanimously, 6-0.

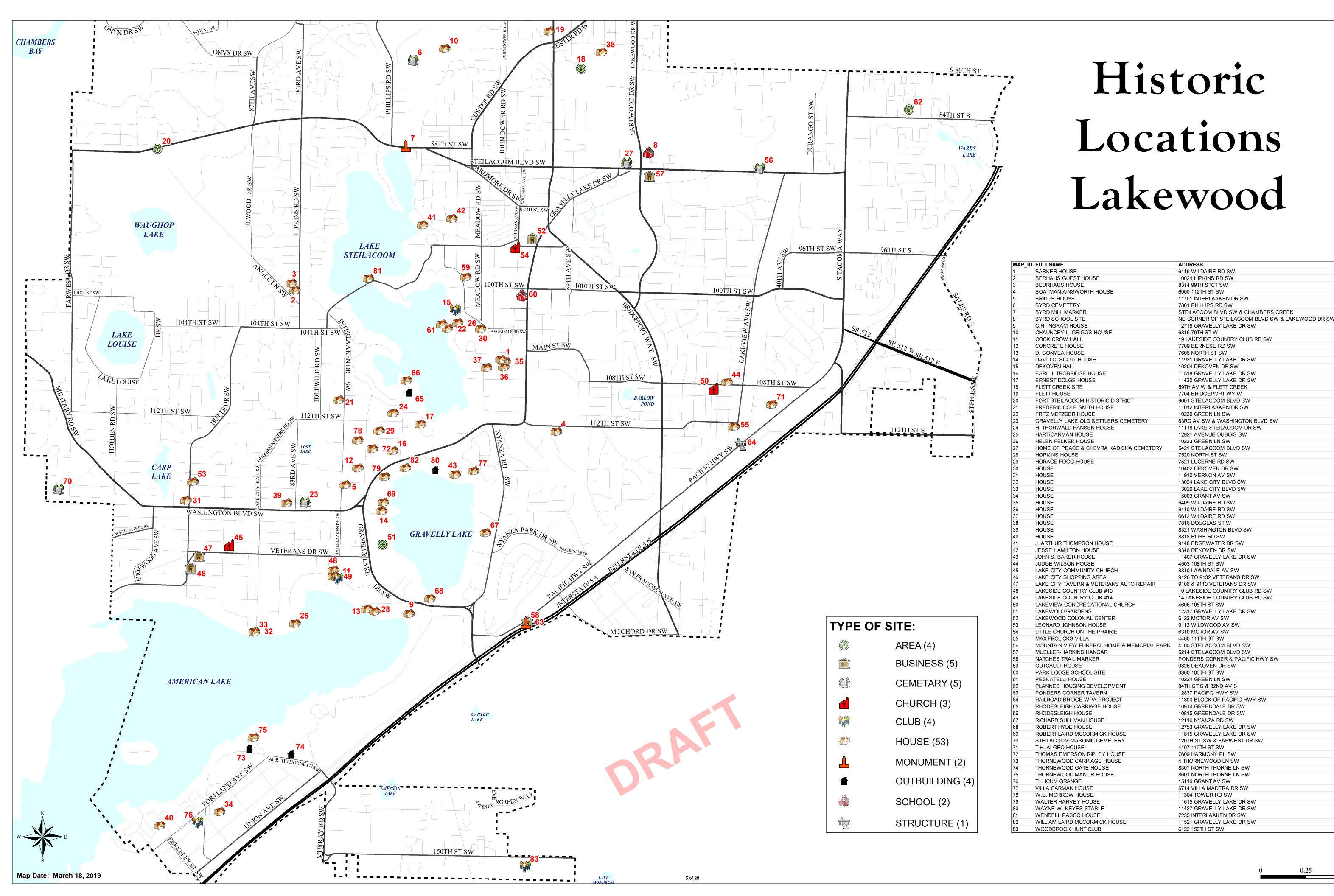
Review of the 2019 Work Plan

Members reviewed the projects on the work plan and many eagerly agreed to focus their efforts on specific sets of new goals. A program is being created to designate "hardscaping" such as bridges as historic landmarks. Implementation of a historic streets program is also being considered, which would include installation of new signage along major thoroughfares throughout the city. Members are working to develop frequently asked questions (FAQ's sheet) to post on the website. Staff and board members are exploring the use of the Community Landmark designation on parcels for the Colonial Center, Thornewood Castle and Little Church on the Prairie.

LHAB members are reaching out to other jurisdictions, reviewing the policies used and scheduling talks to learn about successful programs that can put into operation within the City of Lakewood.

Next Meeting the next regularly scheduled meeting will be Thursday, February 28th at 6:30 PM in the American Lake Conference Room 1A. (This meeting will be held during the Oak Park Open House held in the City of Lakewood City Hall Council Chambers at 6:30 PM).

Meeting Adjourned at 7:00 p.m.		
	03/28/2019	03/28/2019
Glen Spieth, Chair		Karen Devereaux, Recording Secretary to the
Landmarks & Heritage Advisory Board		Landmarks & Heritage Advisory Board





TO: Landmarks and Heritage Advisory Board

FROM: Courtney Brunell, Planning Manager

DATE: March 28, 2019

SUBJECT: Review of LMC Chapter 2.48 Protection and Preservation of Landmarks

Background

The Landmarks and Heritage Advisory Board is regulated by LMC 2.48 *Protection and Preservation of Landmarks*. During previous meetings, board members have raised concerns regarding the ability to designate "hardscaping" as a Lakewood Landmark.

Discussion

The Municipal Code broadly defines "Historic Resource" as: a district, site, building, structure or object significant in American and/or local history, architecture, archaeology and/or culture. "Site, structure or object" could in theory include hardscaping elements, such as a bridge, or a location, such as a historic orchard or park.

Currently, all of the Lakewood Landmarks are structures and none have emphasized "sites" as historic elements on their applications. This may in part be due to the application (attached), which requires architectural elements be listed for continuity purposes. Moving forward, the City would recommend amending the application to also include hardscaping features. This amendment would make it easier for applicants to understand that historic significance isn't necessarily attached only to structures, but also forces the applicant to identify specific elements that would be preserved using the historic designation process.

Additional consideration needs to be given to the impact of designating a site as historic. Is there a specific element that the City is hoping to preserve via the designation? Those elements should be listed on the application.

Next Steps

- Review LMC 2.48 (attached) to ensure that the nomination application is satisfying the requirements
- 2. Amend the application, if necessary



Lakewood Historic Register

Nomination Form

Τ.	Δn	nli	ica	nt	In	fo	rma	ation
Alteria	Ab		La	III C	411	IU	IIIIC	

Date	
Name	
Street Address	
City State Zip Code	
Home Phone	
Work Phone	
E-Mail Address	

II. Owner Information

Name	
Street Address	
City State Zip Code	
Home Phone	
Work Phone	
E-Mail Address	

III. Property Information

Historic Name	
Other Names	
Location	
Tax Parcel Number	
Legal Description	

IV. Classification of	of Property			
Ownership of Property	Number of Resources Contributing	Non-Contributing	Non-Contributing	
Private	Building(s)	Building(s)	Building(s)	
Public-Local	District	District	District	
Public-State	Site	Site	Site	
Public-Federal	Structure	Structure	Structure	
	Object	Object	Structure	
	Total	Total	Total	
Historic Name		Name of related multiple	e property listing	
Number of contributing resources previously listed as Pierce County Landmarks		Number of contributing resources previously listed on National Register		
Historic Uses and Property Owners		Current Uses		
VI. Property Prese	ervation Elements Ar	chitectural Description	1	
Materials				
Foundation:	Walls:	Roof:	Windows:	
Other:	Other:	Other:	Other:	
•		appearance of the properts necessary.	ty below and on the	
Hardscaping element	ts (for property or sites	s that do not include struc	tures):	

VII. Register Criteria Check all that apply The Property: 1. Is more than 50 years old or, if a proposed landmark district, contains resources that are more than 50 years old. 2. Possesses integrity of location, design, setting, materials, workmanship, feeling and association. 3. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history. 4. Embodies the distinctive architectural characteristics of a type, period, style, or method of construction, or represents a significant and distinguishable entity whose components may lack individual distinction. 5. Is an outstanding work of a designer, builder or architect who has made a substantial contribution to the arts. 6. Exemplifies or reflects special elements of the City's cultural, economic, political, aesthetic, engineering or architectural history. 7. Is associated with the lives of persons significant in national, state or local history 3

 8. Has yielded or is likely to yield important archaeological information.
 9. Is an integral part of districts that meet the criteria above.
 10. Is a religious property deriving primary significance from architectural or artistic distinction or historical importance.
 11. Is a building or structure removed from its original location but which is significan primarily for its architectural value, or which is the only surviving structure significantly associated with an historic person(s) or event.
 12. Is a birthplace or grave of a historical person of outstanding importance and is the only surviving structure or site associated with that person.
 13. Is a cemetery that derives its primary significance from age, from distinctive design features, or from association with historic events or cultural patterns.
 14. Is a reconstructed building accurately executed in a suitable environment and presented in a dignified manner or as part of a restoration master plan, and no other building or structure with the same association has survived.
 15. Is a property commemorative in intent of design, age, tradition, or symbolic value that has invested it with its own historical significance.
 16. A property achieving significance within the past forty years, if it is of exceptional importance.
 17. Is an easily identifiable visual feature of a neighborhood or city and contributes to the distinctive quality or identity of such neighborhood or city.
18. Is associated with significant historic events or historic themes.
 19. Is associated with important or prominent persons in the community, or recognized by local citizens for substantial contributions to the neighborhood or community.

VIII. Areas of Significance

Period of Significance:	Significant Dates:
Significant Person(s):	Cultural Affiliation:
Complete if criteria 7 is checked.	Complete if criteria 8 is checked.
Architect/Builder:	

Statement of Significance:

Describe the significance of the property, using the criteria checked, criteria definitions, and areas and the periods of significance noted above. Use as many continuation sheets as necessary.

X. Form Preparation			
Form was prepared by:			
Name (printed)			
Signature			
Date			

Chapter 2.48 PROTECTION AND PRESERVATION OF LANDMARKS

Sections: 2.48.010 Purpose. **Definitions.** 2.48.020 Landmarks and Heritage Advisory Board created. 2.48.030 2.48.035 Powers of Lakewood Landmarks and Heritage Advisory Board. 2.48.040 Designation criteria. 2.48.050 Nomination procedure. 2.48.060 **Designation procedure.** 2.48.070 Certificate of appropriateness procedure. 2.48.080 **Evaluation of economic impact.** 2.48.090 Appeal procedure. 2.48.110 Penalties for violating this chapter. 2.48.120 Special valuation for historic properties. 2.48.130 Severability. 2.48.140 Retroactive approval of acts.

2.48.010 Purpose.

The purposes of this chapter are to:

- A. Designate, preserve, protect, enhance, and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the City's, county's, state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;
- B. Foster civic pride in the beauty and accomplishments of the past;
- C. Stabilize and improve the economic values and vitality of landmarks;
- D. Protect and enhance the City's tourist industry by promoting heritage-related tourism;
- E. Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of Lakewood;
- F. Promote and continue incentives for ownership and utilization of landmarks;

- G. Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;
- H. Assist, encourage, and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in the preservation, exhibition, protection and interpretation of Lakewood's heritage;
- I. Work cooperatively to identify, evaluate and protect historic resources in furtherance of the purposes of this chapter. [Ord. 251 § 1, 2000.]

2.48.020 Definitions.

The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context:

"Alteration" means any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.

"Board" means the Landmarks and Heritage Advisory Board.

"Building" means a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex, such as a courthouse and jail or a house and barn.

"Certificate of appropriateness" means written authorization issued by the Board or its designee permitting an alteration to a significant feature of a designated landmark.

"Community landmark" means a historic resource which has been designated pursuant to this chapter but which may be altered or changed without application for or approval of a certificate of appropriateness.

"Council" means the Lakewood City Council.

"Designation" means the act of the Board determining that a historic resource meets the criteria established by this chapter.

"Designation report" means a report issued by the Board after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.

"District" means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

"Heritage" means a discipline relating to history, ethnic history, traditional cultures, folklore, archaeology and historic preservation.

"Historic Preservation Officer" means the Lakewood Historic Preservation Officer or his or her designee, as provided in LMC 2.48.030(F) or its successor provision.

"Historic resource" means a district, site, building, structure or object significant in American and/or local history, architecture, archaeology and/or culture.

"Incentives" means such compensation, rights or privileges or combination thereof, which the Council or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner(s) of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street, vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements or amenities, or the like.

"Interested person of record" means any individual, corporation, partnership or association which notifies the Board or the Council in writing of his/her/its interest in any matter before the Board.

"Landmark" means a historic resource designated as a landmark pursuant to this chapter.

"Nomination" means a proposal that a historic resource be designated a landmark.

"Object" means a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

"Owner' is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the Board in a historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices hereunder.

"Person" means any individual, partnership, corporation, group or association.

"Person in charge" means the person or persons in possession of a landmark, including, but not limited to, a mortgagee, or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

"Preliminary determination" means a decision of the Board determining that a historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.

"Significant feature" means any element of a landmark which the Board has designated pursuant to this chapter as important to the historic, architectural or archaeological value of the landmark.

"Site" means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains a historical or archaeological value regardless of the value of any existing structures.

"Structure" means any functional construction in addition to that which is described as a "building" hereinabove. [Ord. 578 § 1, 2014; Ord. 251 § 1, 2000.]

2.48.030 Landmarks and Heritage Advisory Board created.

- A. There hereby is created a Lakewood Landmarks and Heritage Advisory Board. It shall consist of no more than nine members selected as follows:
 - 1. At least three shall be professionals who have experience in identification, evaluation, and protection of historic resources and have been selected from among the fields of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, landscape architecture, American studies, law or other historic preservation-related disciplines.
 - 2. The members of the Board shall be appointed by the Lakewood Mayor, subject to confirmation by the Council. All regular members shall have a demonstrated interest in historic preservation.
- B. Appointments of Board members shall be made for a three-year term. Each regular member shall serve until his or her successor is duly appointed and confirmed. Appointments shall be effective on January 1st of each year. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Any members may be reappointed regardless of the number of terms previously served. The members of the Board shall serve without compensation.
- C. The chair shall be a member of the Board and shall be elected annually by the regular Board members. The Board shall adopt rules and regulations, including procedures consistent with this chapter. The Board shall not conduct any public hearing required under this chapter until rules and regulations have been filed with the City Clerk.
- D. A majority of the Advisory Board members shall constitute a quorum for the transaction of business. All official actions of the Board shall require a majority vote of the members present and eligible to vote on the action voted upon. No member shall be eligible to vote upon any matter which requires a hearing unless that member has attended the hearing or familiarized him or herself with the record. Members must be present to vote; no absentee ballots are allowed.

- E. The Board may from time to time establish one or more committees to further the policies of the Board, each with such powers as may be lawfully delegated to it by the Board.
- F. The Director of the City of Lakewood Community Development Department shall provide staff support to the Board, and shall serve as a "Historic Preservation Officer" for the City, or supervise a person functioning in that capacity, as authorized by the City Manager. The Historic Preservation Officer shall further perform such tasks and provide such other services as are consistent with the City Manager's direction, including, as applies, use of employment resources, act as custodian of the Board's records, and other duties as assigned.
- G. At all hearings before and meetings of the Board, all oral proceedings shall be electronically recorded. Such proceedings may also be recorded stenographically by a court reporter if any interested persons at his or her expense shall provide a court reporter for that purpose. A tape recorded copy of the electronic record of any hearing or part thereof shall be furnished to any person upon request and payment of the reasonable expense thereof.
- H. The Board is authorized, subject to the availability of funds budgeted for that purpose and approval of the expenditure by the City Council, to expend moneys to compensate experts, in whole or in part, to provide technical assistance to property owners in connection with requests for certificates of appropriateness upon a showing by the property owner that the need for such technical assistance imposes an unreasonable financial hardship on such property owner.
- I. In order to avoid looting or depravation of any such sites, Advisory Board records, maps, or other information identifying the location or archaeological sites and potential sites shall be exempt from public access as provided in RCW 42.56.300. [Ord. 578 § 1, 2014; Ord. 512 § 1, 2010; Ord. 368 § 1, 2004; Ord. 251 § 1, 2000.]

2.48.035 Powers of Lakewood Landmarks and Heritage Advisory Board.

- A. The primary duty of the Board is to identify and actively encourage the conservation of the City's historic resources by establishing and maintaining a register of historic landmarks, landmark sites, historic special review districts, and conservation districts; reviewing proposed changes to register properties; raising community awareness of the City's history and historic resources; and serving as the City's primary resource in matters of history, historic planning, and preservation, as provided for in this chapter.
- B. In carrying out these responsibilities, the Landmarks and Heritage Advisory Board shall engage in the following:
 - 1. Serve as liaison to the City Council on matters of historic preservation policy.

- 2. Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties as set forth in this chapter, and adopt standards and design guidelines to be used to guide this review and the issuance of a certificate of approval.
- 3. Actively encourage the conservation of historic materials and make recommendations regarding mitigation measures for projects adversely affecting historic resources.
- 4. Review, advise, and comment to the Planning Advisory Board Commission and City Council on land use, housing and redevelopment, municipal improvements and other types of planning and programs undertaken by any agency of the City, other neighboring communities, the county, and state or federal governments, as they relate to historic resources within the City.
- 5. Review nominations to the State and National Registers of Historic Places for historic properties within the City.
- 6. Make recommendations to the City Council on the use of various federal, state, local, or private funding sources available for preservation purposes within the City.
- 7. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites, districts, and new construction in historic areas; and encourage appropriate measures for such recognition.
- 8. Provide information to the public on methods of maintaining and rehabilitating historic properties, incentives for the rehabilitation of historic properties, and the regulations concerning such properties. This may take the form of pamphlets, newsletters, workshops, or similar activities.
- 9. Adopt and maintain architectural standards and design guidelines for historic special review districts and historic properties.
- 10. The Board may, at the request of the Historic Preservation Officer or the City Manager, review proposals submitted to the City for funds made available for grants to be made to the City through the Housing and Community Development Act of 1974, 42 U.S.C. Section 5301 et seq., the State and Local Fiscal Assistance Act of 1971, 31 U.S.C. Section 1221 et seq., the Museum Assistance Program and other applicable local, state, federal and private foundations funding programs. Upon review of such grant proposals, the Board shall make recommendations to the Council concerning which proposals should be funded, the amount of the grants that should be awarded, the conditions that should be placed on the grant, and such other matters that the Board deems appropriate. The Historic Preservation Officer shall keep the Board apprised of the status of grant proposals, deadlines for submission of proposals and the recipients of grant funds.

- 11. The Board may, at the request of the Historic Preservation Officer or the City Manager, make and administrate funding grants received by the City from both private and public sources for the purposes which promote the goals of this chapter.
- 12. The Board shall have such further powers and duties as may, from time to time, be delegated to it by the City Council.
- C. The Board shall meet at least once each quarter for the purpose of considering and holding public hearings on nominations for designation and applications for certificates of appropriateness. Where no business is scheduled to come before the Board seven days before the scheduled meeting, the chair of the Board may cancel the meeting. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the action of the Advisory Board upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the Office of the Historical Preservation Officer and shall be public records. [Ord. 578 § 1, 2014.]

2.48.040 Designation criteria.

- A. An historic resource may be designated as a Lakewood landmark if it is more than 50 years old or, in the case of a landmark district, contains resources that are more than 50 years old, and possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:
 - 1. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or
 - 2. Is associated with the lives of persons significant in national, state or local history; or
 - 3. Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - 4. Has yielded or may be likely to yield information important in prehistory or history; or
 - 5. Is an outstanding work of a designer or builder who has made a substantial contribution to the art.
- B. A historic resource may be designated a community landmark because it is an easily identifiable visual feature of a neighborhood or city and contributes to the distinctive quality or identity of such neighborhood or the City or because of its association with significant historical events or historic themes, association with important or prominent persons in the community or county, or recognition by local citizens for substantial contribution to the neighborhood or community. An improvement or site qualifying for designation solely by virtue of satisfying criteria set out in this section shall be designated a community landmark.

- C. Cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 40 years shall not be considered eligible for designation. However, such a property shall be eligible for designation if it is:
 - 1. An integral part of districts that meet the criteria set out in this chapter; or
 - 2. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
 - 3. A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
 - 4. A birthplace, grave or residence of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or
 - 5. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
 - 6. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner or as part of a restoration master plan, and when no other building or structure with the same association has survived: or
 - 7. A property commemorative in intent of design, age, tradition, or symbolic value has invested it with its own historical significance; or
 - 8. A property achieving significance within the past 40 years if it is of exceptional importance. [Ord. 578 § 1, 2014; Ord. 251 § 1, 2000.]

2.48.050 Nomination procedure.

A. Any person, including any member of the Board, may nominate an historic resource for designation as a landmark or community landmark. Procedures set forth may be used to amend existing designations or to terminate an existing designation based on changes which affect the applicability of the criteria for designation. The nomination or designation of an historic resource as a landmark shall constitute nomination or designation of the land which is occupied by the historic resource unless the nomination provides otherwise. Nominations shall be made on official nomination forms provided by the Historic Preservation Officer, shall be filed with the Historic Preservation Officer and shall include all data required.

- B. Upon receipt by the Historic Preservation Officer of any nomination for designation, the Officer shall review the nomination, consult with the person or persons submitting the nomination, and the owner, and prepare any amendments to or additional information on the nomination deemed necessary by the Officer. The Historic Preservation Officer may refuse to accept any nomination for which inadequate information is provided by the person or persons submitting the nomination. It is the responsibility of the person or persons submitting the nomination to perform such research as is necessary for consideration by the Board. The Historic Preservation Officer may assume responsibility for gathering the required information or appoint an expert or experts to carry out this research in the interest of expediting the consideration.
- C. When the Historic Preservation Officer is satisfied that the nomination contains sufficient information and complies with the Board's regulations for nomination, the Officer shall give notice in writing, certified mail/return receipt requested, to the owner of the property or object, to the person submitting the nomination and any interested persons of record that a preliminary or a designation determination on the nomination will be made by the Board. The notice shall include:
 - 1. The date, time and place of hearing;
 - 2. The address and description of the historic resource and the boundaries of the nominated resource;
 - 3. A statement that, upon a designation or upon a preliminary determination of significance, the certificate of appropriateness procedure set forth will apply;
 - 4. A statement that, upon a designation or a preliminary determination of significance, no significant feature may be changed without first obtaining a certificate of appropriateness from the Board, whether or not a building or other permit is required. A copy of the provisions of this code shall be included with the notice;
 - 5. A statement that all proceedings to review the action of the Board at the hearing on a preliminary determination or a designation will be based on the record made at such hearing and that no further right to present evidence on the issue of preliminary determination or designation is afforded pursuant to this chapter.
- D. The Historic Preservation Officer shall, after mailing the notice required herein, refer the nomination and all supporting information to the Board for consideration on the date specified in the notice. No nomination shall be considered by the Board less than 30 nor more than 45 calendar days after notice setting the hearing date has been mailed. Notice of hearings must be published in a local paper at least 10 days in advance.
- E. Before the Historic Preservation Officer shall refer the nomination to the Board, the Historic Preservation Officer shall obtain confirmation from the owner of a parcel of private property that the

owner is in agreement with the nomination. If such owner is not in agreement with the nomination, the nomination shall not be forwarded to the Board for consideration. [Ord. 578 § 1, 2014; Ord. 251 § 1, 2000.]

2.48.060 Designation procedure.

- A. After the conclusion of the required public hearing, the Board may recommend approval, denial, amendment or termination of the designation of a historic resource as a landmark or community landmark. At the hearing the Board shall receive evidence and hear argument only on the issues of (1) whether the historic resource meets the criteria for designation of landmark or community landmark as specified in this chapter and merits designation as a landmark or community landmark, and (2) the significant features of the landmark. The hearing may be continued from time to time at the discretion of the Board. In the event the hearing is continued, the Board may make a preliminary determination of significance if the Board determines, based on the record before it, that the historic resource is of significant value and likely to satisfy the criteria for designation set out in this chapter. Such preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the Board makes a preliminary determination, it shall specify the boundaries of the nominated resource, the significant features thereof and such other description of the historic resource as it deems appropriate. Within five working days after the Board has made a preliminary determination, the Historic Preservation Officer shall file a written notice of such action with the City Manager and mail copies of the same to the person submitting the nomination and interested persons of record. Such notice shall include:
 - 1. A copy of the Board's preliminary determination;
 - 2. A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the Board, the certificate of appropriateness procedures set out in this chapter, a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required. The decision of the Board shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the Board thereafter.
- B. Whenever the Board recommends the designation of an historic resource under consideration for designation as a landmark, it shall, within 14 calendar days of the public meeting at which the decision is made, issue a written report which shall include:
 - 1. The boundaries of the nominated resource and such other description of the resource sufficient to identify its ownership and location;
 - 2. The significant features and such other information concerning the historic resource as the Board deems appropriate;

- 3. Findings of fact and reasons supporting the designation with specific reference to the criteria for designation set forth in this chapter;
- 4. A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the Board pursuant to the provisions of this chapter, a copy of which shall be included in the designation report. This subsection shall not apply to historic resources designated as community landmarks.
- C. Whenever the Board rejects the nomination of an historic resource under consideration for designation as a landmark, it shall, within 14 calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria set forth in this chapter have not been met. If an historic resource has been nominated as a landmark and the Board designates such historic resource as a community landmark, such designation shall be treated as a rejection of the nomination for Lakewood landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent renominating any historic resource rejected under this subsection as a Lakewood landmark at a future time.
- D. A copy of the Board's recommendation shall be delivered or mailed to the owner, to interested persons of record and the City Manager within five working days after it is issued. Upon receipt by the City Manager of the Board's recommendation that a nomination be approved, the recommendation shall also be set for consideration by the City Council no less than 30 and no later than 60 days after the date of the recommendation. The City Council shall be the final authority in approving a nomination.
- E. If the City approves or amends a landmark designation, the provisions of this chapter shall apply as approved or amended. A copy of the Board's designation report or designation amendment shall be filed with the appropriate City office together with a legal description of the designated resource and notification that the provisions of this chapter apply. If the City terminates the designation of an historic resource, the provisions of this chapter shall no longer apply to said historic resource. [Ord. 578 § 1, 2014; Ord. 251 § 1, 2000.]

2.48.070 Certificate of appropriateness procedure.

A. At any time after a designation report and notice have been filed with the City Manager and for a period of six months after notice of a preliminary determination of significance has been mailed to the owner and filed with the City Manager, a certificate of appropriateness must be obtained from the Board before any alterations may be made to the significant features of the landmark identified in the preliminary determination report or thereafter in the designation report. The designation report shall supersede the preliminary determination report. This requirement shall apply whether or not the proposed alteration also requires a building or other permit.

- B. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness. Repairs to or replacement of utility systems do not require a certificate of appropriateness; provided, that such work does not alter a significant exterior feature.
- C. There shall be three types of certificates of appropriateness, as follows:
 - 1. Type I, for restorations and major repairs which utilize in-kind materials.
 - 2. Type II, for alterations in appearance, replacement of historic materials and new construction.
 - 3. Type III, for demolition, moving and excavation of archaeological sites.
- D. The Historic Preservation Officer may approve Type I certificates of appropriateness administratively without public hearing, subject to procedures adopted by the Board. Alternatively the Historic Preservation Officer may refer applications for Type I certificates of appropriateness to the Board for decision.
- E. Type II and III certificates of appropriateness shall be decided by the Board and the following general procedures shall apply to such Board actions:
 - 1. Application for a certificate of appropriateness shall be made by filling out an application for such certificate with the Historic Preservation Officer on forms provided by the Board.
 - 2. If an application is made to the City Manager or designee for a permit for any action which affects a landmark, the City Manager shall promptly refer such application to the Historic Preservation Officer and such application shall be deemed an application for a certificate of appropriateness. The City Manager or designee may continue to process such permit application, but shall not issue any such permit until the time has expired for filing with the City Manager the notice of denial of a certificate of appropriateness or a certificate of appropriateness has been issued pursuant to this chapter.
 - 3. After the Board has commenced proceedings for the consideration of any application for a certificate of appropriateness by giving notice of a hearing pursuant to LMC <u>2.48.050(C)</u>, no other application for the same or similar alteration may be made until such proceedings and all administrative appeals therefrom pursuant to this chapter have been concluded.
 - 4. Within 45 calendar days after the filing of an application for a certificate of appropriateness with the Board or the referral of an application to the Board by the City Manager, except those decided administratively by the Historic Preservation Officer pursuant to subsection <u>D</u> of this section, the Board shall hold a public hearing thereon. The Historic Preservation Officer shall mail notice of the hearing to owner, the applicant, and parties of record at the designation proceedings, not less than 10 calendar days before the date of the hearing. No hearing shall be required if the Board, the owner and the applicant agree in writing to a stipulated certificate

approving the requested alterations thereof. This agreement shall be ratified by the Board in a public meeting and reflected in the Board meeting minutes. If the Board grants a certificate of appropriateness, such certificate shall be issued forthwith and the Historic Preservation Officer shall promptly file a copy of such certificate with the City Manager.

- 5. If the Board denies the application for a certificate of appropriateness, in whole or in part, it shall so notify the applicant, the owner, and interested persons of record setting forth the reasons why approval of the application is not warranted.
- 6. The Board shall adopt such other supplementary procedures consistent with the City Code as it determines are necessary to carry out the intent of this section. [Ord. 578 § 1, 2014; Ord. 251 § 1, 2000.]

2.48.080 Evaluation of economic impact.

- A. At the public hearing on any application for a Type II or Type III certificate of appropriateness, or Type I if referred to the Board by the Historic Preservation Officer, the Board shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the landmark and there is no viable and reasonable alternative which would have less impact on the features of significance specified in the preliminary determination section of the designation report.
- B. To prove the existence of a condition of unreasonable economic return, the applicant must establish, and the Board must find, both of the following:
 - 1. The landmark is incapable of earning a reasonable economic return without making the alterations proposed. This finding shall be made by considering, and the applicant shall submit to the Board evidence establishing, each of the following factors:
 - a. The current level of economic return on the landmark as considered in relation to the following:
 - i. The amount paid for the landmark, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the landmark was purchased;
 - ii. The annual gross and net income, if any, from the landmark for the previous five years; itemized operating and maintenance expenses for the previous five years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

- iii. The remaining balance on any mortgage or other financing secured by the landmark and annual debt service, if any, during the prior five years;
- iv. Real estate taxes for the previous four years and assessed value of the landmark according to the two most recent valuations;
- v. All appraisals obtained within the previous three years by the owner in connection with the purchase, financing or ownership of the landmark;
- vi. The fair market value of the landmark immediately prior to its designation and the fair market value of the landmark (in its protected status as a designated landmark) at the time the application is filed;
- vii. Form of ownership or operation of the landmark, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or both;
- viii. Any state or federal income tax returns on or relating to the landmark for the past two years.
- b. The landmark is not marketable or able to be sold when listed for sale or lease. The sale price asked, and offers received, if any, within the previous two years, including testimony and relevant documents, shall be submitted by the property owner. The following also shall be considered:
 - i. Any real estate broker or firm engaged to sell or lease the landmark;
 - ii. Reasonableness of the price or lease sought by the owner;
 - iii. Any advertisements placed for the sale or lease of the landmark.
- c. The unfeasibility of alternative uses that can earn a reasonable economic return for the landmark as considered in relation to the following:
 - i. A report from a licensed engineer or architect (each with experience in historic restoration or rehabilitation) as to the structural soundness of the landmark and its suitability for restoration or rehabilitation;
 - ii. Estimates of the proposed cost of the proposed alteration and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the Board concerning the appropriateness of the proposed alteration;
 - iii. Estimated market value of the landmark in the current condition after completion of the proposed alteration; and, in the case of proposed demolition, after renovation of the landmark for continued use;

- iv. In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing landmark;
- v. The infeasibility of new construction around, above, or below the historic resource.
- d. Potential economic incentives and/or funding available to the owner through federal, state, county, City or private programs.
- 2. The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence, to complete the alteration.
- C. Notwithstanding the foregoing enumerated factors, the property owner may demonstrate other appropriate factors applicable to economic return.
- D. Upon reasonable notice to the owner, and subject to the availability of funds budgeted for that purpose and approval of the expenditure by the City Council, the Board may appoint and hire an expert or experts to provide advice and/or testimony concerning the value of the landmark, the availability of incentives and the economic impacts of approval, the potential for public acquisition, denial or partial denial of a certificate of appropriateness.
- E. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness. [Ord. 578 § 1, 2014; Ord. 251 § 1, 2000.]

2.48.090 Appeal procedure.

- A. Any person aggrieved by a decision of the Board or of the Historic Preservation Officer relative to a certificate of appropriateness may, within 14 calendar days of mailing of notice of such decision, appeal such decision in writing to the Hearing Examiner. The written notice of appeal shall be filed with the City Clerk, and shall be accompanied by a statement setting forth the grounds of the appeal, supporting documents and argument, and an appeal fee in accordance with the City's fee schedule as set forth in LMC 3.20.010.
- B. If after examination of the written appeal and the record, the Hearing Examiner determines that an error in fact exists in the record, it may remand the proceeding to the Board or Historic Preservation Officer for reconsideration. Otherwise, it shall accept the facts as determined by the Board or Historic Preservation Officer. If the Hearing Examiner determines that the decision of the Board or Historic Preservation Officer is based on an error in the application of City Code provisions, it may modify or reverse the decision.

- C. The Hearing Examiner's decision shall be based solely upon the closed record; provided, that the Hearing Examiner may at his/her discretion permit the appellant and the Board or the Historic Preservation Officer, or their representatives, to submit arguments and statements explaining their positions, either in writing or orally at a public hearing held for the purpose, or both.
- D. A final action under this chapter shall be final unless within 21 calendar days from the date of the action an aggrieved person seeks review by a court of competent jurisdiction. [Ord. 578 § 1, 2014; Ord. 251 § 1, 2000.]

2.48.110 Penalties for violating this chapter.

- A. The performance of alterations, replacement, demolitions, repairs, moving or excavation of a landmark without a required certificate of appropriateness shall be designated as an infraction.
- B. Any person cited for violation of this chapter, shall be subject to a penalty amount not to exceed \$500.00 per day. Each day for which a violation or failure to comply occurs may constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filing in any court challenging the validity of the provision or provisions of this chapter as to which such violation or failure to comply is charged.
- C. Infraction under this chapter may be issued by a holder of a limited commission under LMC 2.14.110 and 2.14.120.
- D. All violations of this chapter are detrimental to the public health, safety and welfare and are public nuisances. All conditions that are determined after review by the City to be in violation of this chapter are subject to abatement. [Ord. 578 § 1, 2014; Ord. 251 § 1, 2000.]

2.48.120 Special valuation for historic properties.

- A. There is hereby established and implemented a special valuation for historic properties as provided in Chapter 221, 1986 Laws of Washington, and Chapter 84.26 RCW.
- B. The Lakewood Landmarks and Heritage Advisory Board is hereby designated as the "Local Review Board" for the purposes related to Chapter 221, 1986 Laws of Washington, and is authorized to perform all functions required by Chapter 221, 1986 Laws of Washington, Chapter 84.26 RCW, and Chapter 254-20 WAC.

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C. All Lakewood landmarks designated and protected under authority of City ordinance shall be eligible for special valuation as set forth in Chapter 221, 1986 Laws of Washington, and Chapter 84.26 RCW. [Ord. 578 § 1, 2014; Ord. 251 § 1, 2000.]

2.48.130 Severability.

A. If any provisions of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not offerted ford 254.54, 2000.

affected. [Ord. 251 § 1, 2000.]

2.48.140 Retroactive approval of acts.

Actions undertaken by the Landmarks and Heritage Advisory Board before the effective date of the ordinance codified in this chapter are hereby ratified. [Ord. 578 § 1, 2014.]

The Lakewood Municipal Code is current through Ordinance 702, passed November 19, 2018.

Disclaimer: The city clerk's office has the official version of the Lakewood Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.cityoflakewood.us

City Telephone: (253) 589-2489

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