

ORDINANCE NO. 1375

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO HISTORIC PRESERVATION; MAKING FINDINGS OF FACT; ESTABLISHING THE HEARING EXAMINER AS THE HEARING BODY FOR APPEALS OF CERTIFICATES OF APPROPRIATENESS AND WAIVERS OF CERTIFICATES OF APPROPRIATENESS; ALLOWING PLAQUES AS AN INCENTIVE FOR LISTED PROPERTIES; AMENDING SECTIONS 17.97.020, 17.97.040, 17.97.050, 17.97.060, AND 17.97.070 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, GHMC Chapter 17.97, Historic Preservation, provides for a process to evaluate, designate, and protect designated historic and prehistoric resources in the City of Gig Harbor; and grants the Design Review Board the authority to carry out the provisions of this Chapter; and

WHEREAS, applicants proposing to make changes to locally registered properties are required to obtain a Certificate of Appropriateness from the Design Review Board to certify that the changes will not adversely affect the historic characteristic(s) of the property. In cases of whole or partial demolition a Waiver of Certificate of Appropriateness is required; and

WHEREAS, the Design Review Board is the decision-making body for Certificates of Appropriateness and Waivers of Certificate of Appropriateness. Historically, the applicant could appeal the Design Review Board's decision to the City Council per GHMC 17.97.070; and

WHEREAS, the City is the property owner for seven of the eight properties on the City's Local Register of Historic Places; and

WHEREAS, to address potential Appearance of Fairness Doctrine concerns, on May 8, 2017, the City Council adopted interim emergency regulations under Ordinance No. 1364 to designate the Hearing Examiner as the hearing body for Certificates of Appropriateness and Waivers of Certificates of Appropriateness; and

WHEREAS, the City Council desires to make such appeal process permanent; and

WHEREAS, in addition, the City Council would like to codify the City's policy that properties listed on the local, state or national Register of Historic Places are eligible for an identification plaque; and

WHEREAS, housekeeping amendments are needed to correct errors in terminology; and

WHEREAS, the City Council held a public hearing on this ordinance on October 9th, 2017; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Subsection 17.97.020(L) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.97.020 Definitions.

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

* * *

L. "Incentives" are such rights or privileges or combination thereof which the city or other local, state or federal body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of register properties. Examples of economic incentives include, but are not limited to, tax relief, transfer of development rights, facade easements, preferential leasing policies, plaques, and beneficial placement of public improvements or amenities.

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Section 2. Subsection 17.97.040(D) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.97.040 Register of historic places.

* * *

D. Effects of Listing on the Register.

1. Listing on the city historical register is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually.

2. Prior to the commencement of any work on a register property, excluding ordinary repair and maintenance and emergency measures defined in GHMC 17.97.020(J) and (P), the owner must request and receive a certificate of appropriateness from the DRB for the proposed work. Violation of this rule shall be grounds for the DRB to review the property for removal from the register.

3. Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a certificate of appropriateness.

4. Once the city is certified as a certified local government (CLG), all properties on the city historic register may be eligible for special tax valuation on their rehabilitation (GHMC 17.97.020(T)).

5. Plaques. Owners of properties on a historic register may display a plaque to recognize the property's listing on a specific register.

Section 3. Subsection 17.97.050(C) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.97.050 Review of changes to properties listed on the city's register of historic places.

* * *

C. Review Process.

1. Application for Review and Issuance of a Certificate of Appropriateness or Waiver. A complete application for a certificate of appropriateness or waiver shall include the following:

- a. A completed application on a form provided by the community development Planning department.
- b. A written description of the existing use of the registered structure and the proposed use of the registered structure.
- c. Comprehensive exterior photographs showing all exterior facades of the registered structures, and close-up photographs of all existing architectural detailing and characteristics of the structure (e.g., siding, trim, turnings, braces, window design). If available, historic photos that show the structure's original or earlier design and detailing.
- d. Comprehensive interior photographs showing room layouts and architectural features and details (e.g., door and trim design, wall finishes and textures, arches, niches, stair details, window design, wall panels, ceiling panels, and fixtures). Interior photographs are necessary only for special valuation applications.
- e. A written description of the proposed changes to the registered structure, including:
 - i. Information on building materials proposed for removal and/or replacement, and stated reasons for removal or replacement as opposed to repair and retention;
 - ii. Changes to door and window design (fenestration);
 - iii. Changes to siding, trim and architectural detailing;
 - iv. Changes to the existing massing or form of the building, including additions, demolitions, roof modifications, and enclosure of porches, decks, etc.
- f. Elevation drawings, minimum one-quarter inch scale, depicting the structure with all proposed changes (except demolitions).
- g. A written description of proposed cleaning, refinishing or resurfacing techniques, explaining how retained historic materials will be protected and preserved.
- h. A description of existing exterior building colors, original building colors (if known) and proposed building colors.

i. A statement explaining how the applicant believes the proposed changes meet the criteria for approval outlined in subsection (C)(3) of this section.

j. A written waiver acknowledging that the application will not be processed under GHMC Title 19.

2. Review of Permits to Work on a Property Listed on the Register of Historical Properties. The director or designee shall report any application for a permit to work on a designated city register property to the DRB. If the activity is not exempt from review, the staff shall notify the applicant of the review requirements. The city shall not issue any permit for work on a designated city register property until a certificate of appropriateness or a waiver is received from the DRB, but shall work with the DRB in providing information on required building and fire code requirements.

3. DRB Review. All applications for a certificate of appropriateness or a waiver shall be forwarded to the DRB for review and final decision. The DRB shall hold a public meeting on the application and review the proposed work according to the criteria listed in subsection (C)(4) of this section. The DRB shall issue a written decision within 30 days after the public meeting on the application. The DRB's processing of an application is exempt from project permit processing in GHMC Title 19, with the exception of the appeal provisions of Chapter 19.06 GHMC.

The DRB's decision shall be in writing and shall state the findings of fact and conclusions relied upon for the decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the certificate of appropriateness. If the owner agrees to the DRB's decision and all conditions pertaining to the decision, a certificate of appropriateness shall be granted by the DRB, and the city may issue permits for the proposed work. If the owner does not agree with the DRB's decision, then permits may be issued only if the structure is removed from the city's historic register under the provisions of GHMC 17.97.040(C). Issuance of any permit pursuant to this chapter shall not provide an exemption from compliance with any other applicable code or ordinance including, but not limited to, fire, plumbing, and mechanical codes.

4. Criteria for Certificate of Appropriateness Approval. The following standards for rehabilitation and maintenance of historic properties (based upon the Washington State Advisory Council Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100) shall be the basis for the DRB's decision on a certificate of appropriateness:

a. Rehabilitation.

i. Every reasonable effort shall be made to provide a compatible use for an historic property which requires minimal alteration of the building, structure, or site and its environment, or to use an historic property for its originally intended purpose.

ii. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

iii. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

iv. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

v. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

vi. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

vii. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

viii. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

ix. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment, and when such design is consistent with all other applicable design and development regulations.

x. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

b. Maintenance.

i. Buildings and structures shall not be allowed to deteriorate beyond the point where routine maintenance and repair will return them to good condition.

ii. Buildings shall be kept in a safe and habitable condition at all times. Structural defects and hazards shall be corrected. Any condition which constitutes a fire hazard shall be eliminated.

iii. Buildings shall be protected against ongoing water damage due to defective roofing, flashing, glazing, caulking, or other causes. Moisture condensation resulting from inadequate heat or ventilation shall be eliminated if present at levels sufficient to promote rot or decay of building materials.

iv. Deteriorated exterior architectural features and any broken or missing doors and windows shall be repaired or replaced.

v. Painted exterior surfaces shall be maintained and repainted as necessary to prevent a deteriorated appearance or damage to the substrate.

Exterior masonry surfaces shall be tuck pointed where required to maintain the mortar in sound condition. Finished tuck pointing shall match the original mortar joint in hardness and appearance.

5. Demolition. A waiver of the certificate of appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated city historic property. The owner or his/her agent shall apply to the DRB for a review of the proposed demolition and request a waiver. The waiver shall be placed on the DRB's meeting agenda, and the DRB and applicant shall discuss and consider alternatives to demolition. Additional meetings on the waiver may be held up to 45 calendar days after the initial meeting of the DRB on the waiver, unless either party requests an extension and the owner agrees in writing to the extension beyond the 45 days. If no request for an extension is made and no alternative to demolition has been agreed to, the DRB shall issue the waiver from the certificate of appropriateness. When issuing a waiver, the DRB may request the owner to mitigate the loss of the city historic register property by means determined by the DRB. Mitigation may include, but not be limited to: retention of site improvements, structural accessories, materials or design motifs that could be incorporated into new site development; documentation of the historic property, which may include an Historic American Building Survey (HABS); historic plaques or monuments placed on the site to provide information of the site and importance of the historic structure. Any conditions recommended by the DRB may be voluntarily complied with by the applicant. After the property is demolished, the DRB shall initiate removal of the property from the register.

6. Appeals. ~~of Approval or Denial of a Waiver of a Certificate of Appropriateness.~~ The DRB's decision regarding a certificate of appropriateness or waiver of a certificate of appropriateness may be appealed to the city council hearing examiner within 10 working days under the provisions of Chapter 19.06 GHMC. The appeal must state the grounds upon which the appeal is based.

Section 4. Subsection 17.97.060(E) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.97.060 Review and monitoring of properties for special property tax valuation.

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E. Application Review Procedures. Applications for special property tax valuation shall be processed as follows:

1. The assessor forwards the application to the city community development Planning department, which determines if the application is complete.
2. The DRB reviews the application(s) and determines if the properties meet the criteria set forth in subsection (C)(1) of this section.
 - a. If the DRB finds the properties meet the criteria for approval, then, on behalf of the city, it enters into an historic preservation special valuation

agreement, set forth in subsection G of this section, with the owner. Upon execution of the agreement between the owner and DRB, the DRB approves the application(s).

b. If the DRB determines the properties do not meet all the criteria, then it shall deny the application(s).

3. The DRB provides its decisions in writing and states the facts upon which the approvals or denials are based. The ~~community development Planning~~ department then files copies of the decision with the Pierce County assessor.

4. For approved applications, the ~~community development Planning~~ department:

a. Forwards copies of the agreements, applications and supporting documentation (as required by WAC 254-20-090(4) and identified in subsection C of this section) to the Pierce County assessor.

b. Notifies the State Review Board that the properties have been approved for special valuation.

5. For approved applications, the DRB:

a. Monitors the properties for continued compliance with the terms of the special valuation agreement with the property owner.

b. Determines whether or not properties are disqualified from special valuation either because of:

i. The owner's failure to comply with the terms of the agreement; or
ii. A loss of historic value resulting from physical changes to the building or site.

6. For disqualified properties, in the event that the DRB concludes that a property is no longer qualified for special valuation, the DRB shall notify the owner, assessor and State Review Board in writing and state the fact supporting its findings.

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Section 5. Subsection 17.97.070 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.97.070 Summary of historic preservation applications and procedures.

	Historic Preservation Applications				
	Inclusion on Local Register	Removal from Local Register	Certificate of Appropriateness	Waiver of Certificate of Appropriateness	Special Property Tax Valuation
Initiated or requested by:	Owner or DRB	Owner or DRB	Owner	Owner	Owner
Recommendation by:	DRB	DRB	N/A	N/A	N/A
Decision by:	City Council	City Council	DRB	DRB	DRB, as specified in special valuation

					agreement
Required for:	Honorary designation and/or special tax valuation	Properties that are no longer properly preserved	Alteration of property listed on local historic register	Demolition of structure listed on local historic register	Reduced assessed valuation for 10-year period
Application submitted to:	Community Development Planning Dept.	Community Development Planning Dept.	Community Development Planning Dept.	Community Development Planning Dept.	Pierce County Assessor
Owner consent required:	Yes	No	N/A	N/A	Yes
Appeal:	No	No	Yes. To Council Hearing Examiner as per GHMC 17.97.050(C)(6)	Yes. To Council Hearing Examiner as per GHMC 17.97.050(C)(6)	Yes. To County Board of Equalization

Section 6. Supersedes Ordinance No. 1364. This Ordinance supersedes Ordinance No. 1364.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

Section 9. Publication. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

Section 10. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 23rd day of October, 2017.

CITY OF GIG HARBOR



Mayor

ATTEST/AUTHENTICATED:

Mally Lovelace
City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Aug 23 2017

FILED WITH THE CITY CLERK: 10/04/17
PASSED BY THE CITY COUNCIL: 10/23/17
PUBLISHED: 11/02/17
EFFECTIVE DATE: 11/07/17
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