

Members

Kevin Bartoy, Chair
Roger Johnson, Vice Chair
Jonathan Hart
Sarah Hilsendeger
Jennifer Mortensen
Alex Morganroth
Lysa Schloesser
Holly Stewart
Carol Sundstrom
Jeff Williams



Agenda

Landmarks Preservation Commission Planning and Development Services Department

Deborah Cade, North Slope Ex-Officio
Leah Jaggars, Wedge Ex-Officio

Staff

Reuben McKnight, Historic Preservation Officer
Lauren Hoogkamer, Assistant Historic Preservation Officer
BT Doan, Office Assistant

Date: January 8, 2020
Location: 747 Market, Tacoma Municipal Bldg, Conference Room 248
Time: 5:30 p.m.

- 1. ACKNOWLEDGEMENT OF INDIGENOUS LANDS**
- 2. ROLL CALL**
- 3. NEW COMMISSIONER INTRODUCTIONS**
- 4. CONSENT AGENDA**
 - A. Excusal of Absences
 - B. Approval of Minutes: 11/13/19
- 4. DESIGN REVIEW**

A. 2105 S. C Street (Individual Landmark) <i>Brewery Blocks Rehab</i>	Michael Sullivan, Artifacts Consulting, Inc.	15 mins
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- 5. PRESERVATION PLANNING/BOARD BUSINESS**

A. 100 S. 9 th Street, Verizon Appeal	Staff	15 mins
B. Demolition Review Primer	Staff	15 mins
C. Amendments to the Guidelines, Bylaws, and Inventory	Staff	10 mins
D. Officer Elections	Commission	10 mins
E. Events & Activities Update	Staff	5 mins
- 6. CHAIR COMMENTS**

Next Regular Meeting: January 22, 2020, 747 Market Street, Tacoma Municipal Bldg., **Rm. 248** 5:30 p.m.

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Members

Kevin Bartoy, Chair
Roger Johnson, Vice-Chair
Alex Morganroth
Jennifer Mortensen
Lysa Schloesser
Holly Stewart
Carol Sundstrom
Jeff Williams
Marshall McClintock, North Slope Ex-Officio



MINUTES (Draft)

Landmarks Preservation Commission Planning and Development Services Department

Staff

Reuben McKnight, Historic Preservation Officer
Lauren Hoogkamer, Assistant Historic Preservation Officer
BT Doan, Office Assistant

Date: November 13, 2019

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

Commission Members in Attendance:

Kevin Bartoy, Chair
Roger Johnson, Vice-Chair
Marshall McClintock
Alex Morganroth
Lysa Schloesser
Carol Sundstrom
Jeff Williams

Staff Present:

Lauren Hoogkamer
BT Doan

Others Present:

Son Riu
Deborah Cade

Commissioner Members Excused:

Jennifer Mortensen
Holly Stewart

Commission Members Absent:

N/A

Chair Kevin Bartoy called the meeting to order at 5:32 p.m.

1. ACKNOWLEDGEMENT OF INDIGENOUS LANDS

2. ROLL CALL

3. CONSENT AGENDA

Chair Bartoy amended the agenda to add the Hearing Examiner update on the Verizon appeal to the Preservation Planning/Board Business. The agenda was approved as amended.

a. Excusal of Absences

- Jennifer Mortensen
- Holly Stewart

b. Approval of Minutes: October 23, 2019

The minutes of the meeting on 10/23/2019 was approved as submitted.

4. BOARD BRIEFINGS

a. 506 North L Street (North Slope Historic District)

Ms. Hoogkamer read the staff report as provided in the packet. She added that this was a briefing - no required action from the Commission, and that Commissioner McClintock had provided additional materials along with his comments, which were distributed to the Commission earlier in the meeting.

Son Riu, the property owner, stated that he had submitted photos of the house as it was acquired. The house has not been inhabited since the 1990s, thus was in severely poor shape. A lot of structural beams and areas were rotted, which called for demolition by the owner. The rotted areas were extensive, visible and easily fell apart upon contact. In response to Commissioner Williams' question, Mr. Riu informed the Commission that all the windows and sidings had been retained after removal.

Commissioner McClintock was concerned about the cornice details having been replaced, and recalled Vice-

Chair Johnson's direction at the site visit asking the owner to provide a condition report for each facade. He also commented that there appeared to be new windows on the west side of the house. Mr. Riu affirmed that no new window openings had been cut in and he was willing to change/revert any installation that had been done that the Commission deemed inappropriate. Commissioner McClintock requested the Historic Preservation Office to hire an expert to do a forensic condition study and come up with recommendations on what should be done. Ms. Hoogkamer stated that the typical practice was to base restoration on historic windows and pictures. Commissioner McClintock commented that he had expected the applicant to come before the Commission promptly after the site visit to get approval for his plan, in which case, the Commission might have allowed many parts of his proposal; but he did not. Mr. Riu apologized and explained that he had carried out the work with the understanding that he was acting within the historic guidelines and did not fully understand the approval process. He reiterated that he was open to reverting any work that had been done and restoring it to comply with the Commission's requests. Ms. Hoogkamer clarified that the applicant was only responsible for restoring the property to the condition in which he acquired it, not to its original historic condition.

Commissioner Williams inquired about the applicant's plan. The applicant explained the design and materials he had planned for the house, also adding that he would be happy to comply with the Commission's recommendation. The Commission proceeded to ask for an elevation of each side with windows numbered and noted with dimensions and materials, siding materials, inventory of what was removed, photos of their condition, and detailed drawings of the proposal in as close resemblance to the historic house as possible. It was also agreed that the flat roof needed to go back.

Ms. Hoogkamer asked for clarification from the Commission on whether they felt the need to explore Commissioner McClintock's recommendation to do a forensic analysis. Commissioner Williams thought it was sufficient to go off from the historic photos, but suggested getting professional help from a historic expert.

Chair Bartoy and Commissioner Morganroth expressed appreciation to the applicant for taking time and effort to restore the property.

5. DESIGN REVIEW

a. 507 South Ainsworth (Wedge Neighborhood Historic District) Remodel/New Garage)

Ms. Hoogkamer read the staff report as provided in the packet, noting that the applicant had provided an updated plan which was available in the front of the room.

Mr. Kesh Chavda was not present at the meeting, his partner provided comments in his absence. The applicant stated that there were issues with setbacks on the proposed porch coupled with potential permit delay, the porch would no longer be changed. Ms. Hoogkamer asked for clarification on the updated proposed exterior changes and whether any windows or doors would be replaced. Potentially, only the front door would be replaced with a more energy efficient one.

The Commission requested documents on the original windows, especially photos showing their conditions. The applicant was open to restoring the windows. Discussion ensued on what materials would be acceptable and what would not.

Commissioner Williams made a motion: *"I move that the Landmarks Preservation Commission approve the application for 507 S. Ainsworth, with the change that the front door be approved administratively and that if any windows need to be replaced that are non-original windows, they can go to administrative review as well."*

Commissioner Sundstrom seconded the motion. It passed unanimously.

6. PRESERVATION PLANNING/BOARD BUSINESS

a. Amendments to the Guidelines, Bylaws, and Inventory

Ms. Hoogkamer indicated that most changes were inventory and design guidelines including languages on Detached Accessory Dwelling Units (DADUs) and solar panels. She asked the Commission for feedback.

Chair Bartoy mentioned the recent application involving relatively visible solar panels and asked the Commission, with that in mind, if they were okay with moving the guidelines forward. Commissioner McClintock believed the guidelines were adequate and that each case would have to be judged on its own. Vice-Chair Johnson suggested having a section in the guidelines for solar panels.

Regarding DADUs, Commissioner Williams raised his concern about square footage, commenting that 1000 square feet was arbitrary and suggesting putting it in term of percentage. However, it was a specific language in the Land Use/Zoning code.

Additional clarification was requested on repurposing a garage into a DADU.

b. Events & Activities Update

The 6th Annual Holiday Heritage Swing Dance on November 8th was successful with over 200 attendants and raised \$422 in donation.

The last lecture of the Historic Preservation Lecture Series, titled “Oral History and Race in Tacoma” by Professor Andrew Gomez, will take place on November 14th.

On November 19th, there will be a state-hosted training for new Commissioners at Steilacoom Town Hall, optional but open for any interested Commissioners.

Regarding the update on the Hearing Examiner, Commissioner Williams reported that the applicant did not understand massing and there was a lot of discussion surrounding that. The applicant also claimed that the Landmarks Preservation Commission had no jurisdiction because of the Federal Trade Commission (FTC). The Examiner asked staff for documents on the building being historic and on the National Register list, and the applicant to provide documents related to their claim on the FTC.

7. CHAIR COMMENTS

Chair Bartoy mentioned it was World Kindness Day and urged everyone to be kind.

The meeting was adjourned at 6:46 p.m.

**These minutes are not a direct transcription of the meeting, but rather a brief capture. For full-length audio recording of the meeting, please visit: <http://www.cityoftacoma.org/cms/One.aspx?portalId=169&pageId=67980>*



STAFF REPORT

January 8, 2020

DESIGN REVIEW

AGENDA ITEM 4A: 2105 S. C Street (Individual Landmark)

Michael Sullivan, Artifacts Consulting, Inc.

BACKGROUND

Built in 1910, this building is an individual landmark on the Tacoma Register of Historic places. The project includes exterior and interior improvements to the Commerce Street (rear) elevation. The Commission was introduced to this project in 2018, during the design review of the adjacent Brewery Blocks buildings. The existing overhead door opening and adjacent bay to the South which includes a door and side window will be replaced with matching storefront doors and upper transom lights.

Damage to the brickwork will be repaired and the vertical pilasters will be restored after widening to accommodate the overhead door opening. The existing windows on the far south and north bays will be repaired and repainted to match the new dark bronze storefront frame.

The two new storefront door and transom assemblies will be metal clad wood in dark bronze color with out-swinging double doors and divided-lite transoms matching the mullion patterns of the original windows. Flat roof canopies will shade the bays, supported by wall anchored chains/cables to match the configuration on the adjacent 2120 building. The center entry canopy will be higher to accommodate signage over the shop entries. Industrial porcelain shade light fixtures will be mounted on the pilasters (five).

A new entry door and side lite will be added on the north elevation to access the courtyard and provide an additional exit. The door and frame will be metal clad wood in a matching dark bronze color. A concrete wall and 4' metal handrail will meet the exit on the exterior as required by building code. Ductwork for kitchen exhaust and air will rise along the upper north wall avoiding window openings above. The packet includes options for painted and unpainted ductwork.

ACTION REQUESTED

Approval of the above scope of work.

STANDARDS

Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings

9. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall 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. This property is an individual landmark on the Tacoma Register of Historic Places, as such, it is subject to review by the Landmarks Preservation Commission pursuant to TMC 13.05.047 modifications.
2. The existing brickwork and pilasters will be restored. Existing windows will also be repaired.
3. The proposed alterations are on the rear façade and do not destroy character defining features. The proposed changes are compatible with the overall materials and design of the existing structure.
4. The proposed changes could be reversed without harming the essential form and integrity of the structure.

RECOMMENDATION

Staff recommends approval of the application.

Recommended language for approval:

I move that the Landmarks Preservation Commission approve the application for 2105 S. C Street, as submitted.

Recommended language for deferral:

I move that the Landmarks Preservation Commission defer the application for 2105 S. C Street, pending submittal of [cite additional information needed to review application].

Recommended language for denial:

I move that the Landmarks Preservation Commission deny the application for 2105 S. C Street, based on the following [cite design guidelines.]

PRESERVATION PLANNING/BOARD BUSINESS**AGENDA ITEM 5A: 100 S. 9th Street, Verizon Appeal**

Staff

Discussion of the Hearing Examiner's decision (attached) and next steps regarding the Verizon appeal and application to alter antennae equipment on 100 S. 9th Street, the Bowes Building.

AGENDA ITEM 5B: Demolition Review Primer

Staff

BACKGROUND

Due to recent code updates, the Landmarks Preservation Commission will soon be reviewing projects that are under demolition review. This briefing is to provide background on that process and to prepare the Commission.

On October 31, 2019, amendments to the Land Use Code recommended by the Landmarks and Planning Commissions and approved by City Council took effect. The most significant of these amendments include revisions and additions to Tacoma Municipal Code (TMC) 13.12.570, "Archaeological, Cultural and Historic Resources."

These amendments provide for review of demolition permits and development activities potentially affecting historic and cultural sites, and older buildings not currently protected by Landmarks designation. Specifically, there are two types of review in this code:

1. Within designated subareas (such as the Downtown Regional Growth Subarea and the Tacoma Mall Subarea), development permit applications must indicate whether the project is in proximity to known historic or cultural sites. Where it appears that such development activities may have an impact, staff may recommend mitigation measures, which may involve advisory review by the Landmarks Commission, and
2. Citywide, demolition permits that affect properties that are over 50 years of age, AND include 4000 SF or more of demolition, or are located within Mixed Use Centers, or are designated on the National Register of Historic Places either individually or as part of a district, may require review by the Landmarks Commission if initial staff review indicates that the subject properties may be eligible for inclusion on the Tacoma Register of Historic Places.

For the latter demolition permit review, when Commission review is required, the Commission will receive a Historic Property Assessment report outlining the potential significance of the property, and will be requested consider a recommendation to the City Council Infrastructure Planning and Sustainability Committee regarding whether the property "should" be considered formally for Landmarks Designation.

If the Commission votes to make a recommendation for formal review, this will be conveyed to the Council Committee, which may deliberate for 60 days. If the Committee concurs, the Commission will schedule a public hearing and proceed with the designation process as with other Landmark nominations.

Staff will provide a brief overview of the code amendments, what the Commission may expect, and answer any questions that the Commission may have.

ACTION REQUESTED

This is an informational briefing. No action is requested.

AGENDA ITEM 5C: Amendments to Guidelines, Bylaws, and Inventory

Staff

Once annually, the Commission may review and amend Commission bylaws and district guidelines and inventories. This item was held over from December due to meeting cancellation.

The proposed changes include the following:

Commission Bylaws

No proposed changes.

Building Inventories

No proposed changes.

North Slope and Wedge Neighborhood Historic District Design Guidelines

Section and page	Subject	Proposed language changes
Roofs and Roof Shapes (p. 17)	Solar panels	New language under Rooftop Additions: <u>Roof mounted solar equipment should be located in a manner that reduces its visual impact to the extent possible</u>
Garages and Parking (p. 20)	Accessory Structures and Detached Accessory Dwelling Units*	Change title of Section to read: <u>Accessory Structures</u> , Garages and Parking Item 2, "Minimize Views" add the following: <u>New accessory structures should be clearly subservient to the primary structure on the lot.</u> New Item 5, to read: <u>5. New accessory structures and garages should utilize a similar material palette and configuration to historic accessory structures. New accessory structures should meet the guidelines for new construction exterior materials, windows and roof form and shape. Garages and accessory structures should orient vehicle doors to the alley and maintain a simple roof plan with a single ridgeline.</u> New Item 6, to read: <u>6. Conversion of accessory structures. Accessory structures built during the district period of significance that are converted to residential use should retain the exterior visual characteristics of the accessory structure, including door and window configuration, cladding materials, and form. Added features, such as porches, exterior staircases, and new window or door openings, should be located to be minimally visible from public rights of way.</u>
Guidelines for New Construction	Windows	Item 3, to read: <u>3. Window configuration and detail.</u> New structures should utilize existing

(p. 25)		<p>historic window patterns in their design. Windows should be vertically oriented. Large horizontal expanses of glass may be created by ganging two or more windows into a series. Historically, the typical window in the district was a double hung sash window. Casement windows were commonly used for closets, nooks, and less commonly, as a principal window type in a structure. Many double hung sash windows had the upper sash articulated into smaller panels, either with muntin bars, leaded glazing, or arches. Muntins and grids should be true or simulated divided light. Grids sandwiched between thermal panes are not acceptable. Commonly, windows were also surrounded with substantial trim pieces or window head trim, <u>and new window trim should utilize historic detail patterns. These may include crown molding, except where headers are engaged with a belly band or cornice, substantial projecting sills with aprons, and windows that are recessed or "punched in" so that the window sash and frame does not project beyond the wall plane. Design submittals for new structures shall include window trim details.</u></p> <p>Item 4, to read: 4. <u>Window materials.</u> Historically, windows were generally wood. New construction should use windows that are wood, or that mimic the appearance of wood (including clad or composite materials). Vinyl windows are generally not acceptable for new primary <u>or detached accessory dwelling unit</u> structures in the historic district.</p>
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**Note that the following zoning currently applies to DADUs:*

1. Cannot be taller than the primary structure, and can be a maximum of 18' tall for standalone DADU structures, 20' tall if over a garage, and 15' tall in VSD zones.
2. Size of DADUs is limited to:
 - No more than 15% of the lot area.
 - No more than 85% of the living area of the primary structure or dwelling.
 - No more than 1,000 square feet.

ACTION REQUESTED

- Recommendation regarding draft language.
- Set a public hearing date for February 12th.

AGENDA ITEM 5D: Commissioner Elections

Commission

Each year, the Landmarks Preservation Commission nominates officers for Chair and Vice Chair. There are no specific requirements in the Bylaws specifying the manner in which officers must be elected.

Chair Bartoy has indicated that he would like to stand for another term as Chair.

ACTION REQUESTED

Nomination/election of a Chair and Vice Chair.

AGENDA ITEM 5E: Events & Activities Update

Staff

2020 Events

1. Heritage Project Grant Workshop (4pm @ TMB Room 220A, January 9th)
2. Historic Preservation Month, May
3. Forum 2020: Preservation Coast to Coast (July 22-26th)



747 Market Street | Room 345 | Tacoma WA 98402-3793 | 253.591.5220

APPLICATION FOR DESIGN REVIEW

Permit Number: HDR19-0017

PROPERTY INFORMATION

Building/Property Name:	Storefront Improvements
Building/Property Address:	2105 S C ST
Historic/Conservation District:	N/A
Applicant's Name:	
Applicant's Address:	,
Applicant's Phone:	
Applicant's Email:	
Property Owner's Name:	HORIZON COMMERCE PARTNERS LLC
Property Owner's Address:	

PROJECT SCOPE AND DESCRIPTION

Project Details

Application Type:	Commercial
Type of Work:	Door Replacement/Restoration
Estimated Valuation:	50000

Application Checklist

Features to be Modified:

Program of Work:

Specifications of Materials and Finishes:

Building/Roofing Information

Roof Height:

Roof Pitch:

Roof Material:

Size of Construction:

Proposed Material:

Exterior Material:

Window Information

Window Types:

Window Trim:

Window Material:

Window Locations:

Door Information

Door Types:

Door Materials:

Door Locations:

Sign/Awning Information

Existing Signage:

Sign Dimensions:

Sign Material:

Logo and Letter Size:

Lighting Specifications:

Removing or Relocating Signage:

Method of Attachment:



BREWERY BLOCKS: 2104 & 2106 COMMERCE STREET

COVER SHEET
11/20/19

A1



PROJECT SCOPE:

RENOVATE 1ST FLOOR OF EXISTING 3-STORY BRICK BUILDING ALONG THE "BREWERY BLOCKS" AS TWO RESTAURANTS ENTERED FROM COMMERCE STREET. NO WORK AT C STREET ENTRANCE (WEST ELEVATION) OR OFFICES ON 2ND & 3RD STORIES ABOVE.

EXISTING BRICK EXTERIOR WALL AT NORTH ELEVATION WITH:

- NEW ALUMINUM CLAD WOOD STOREFRONT AT NEW OPENING
- NEW DUCTWORK FOR RESTAURANTS; TO BE PAINTED, COLOR: TBD

EXISTING 3-STORY BRICK BUILDING WITH REPAIRED & MODIFIED EAST ELEVATION FACADE FACING COMMERCE STREET:

- REPAIR BRICK PILASTERS AROUND EXISTING-TO-BE-REMOVED ROLL-UP DOOR
- INSTALL NEW ALUMINUM CLAD WOOD STOREFRONT DOUBLE DOOR ENTRIES
- INSTALL NEW WINDOWS AS NEEDED (TO MATCH EXISTING)
- INSTALL NEW CANOPY



EXISTING COMMERCE STREET FACADE
(EAST ELEVATION)



EXISTING NORTH ELEVATION



BREWERY BLOCKS
T O C O M M O



FLYNN
ARCHITECTURE

BREWERY BLOCKS: 2104 & 2106 COMMERCE STREET

PROJECT CONTEXT
11/20/19

A2



EXTERIOR FINISHES:

- ① EXISTING BRICK EXTERIOR
- ② REPAIRED BRICK PILASTERS - INFILL TO MATCH AS MUCH AS POSSIBLE
- ③ ALUMINUM CLAD WOOD OUTSWINGING STOREFRONT DOORS AT NEW RECESSED ALCOVE; DARK BRONZE FRAME COLOR
- ④ EXISTING WINDOWS - RESTORE AND REFINISH AS NECESSARY; DARK BRONZE FRAME COLOR
- ⑤ EXISTING CONCRETE SILL
- ⑥ DOUBLE HEIGHT METAL CANOPY - TALLER OVER ENTRIES
- ⑦ SIGNAGE
- ⑧ LIGHTING

±47'-6"
T.O. PARAPET

±31'-6"
3RD FLOOR

±19'-0"
2ND FLOOR

0'-0"
1ST FLOOR

NO WORK AT THIS AREA

2120 COMMERCE
(UNDER CONSTRUCTION)

2104 & 2106 COMMERCE
(PROPOSED EXTERIOR)

2102 COMMERCE
(UNDER CONSTRUCTION)

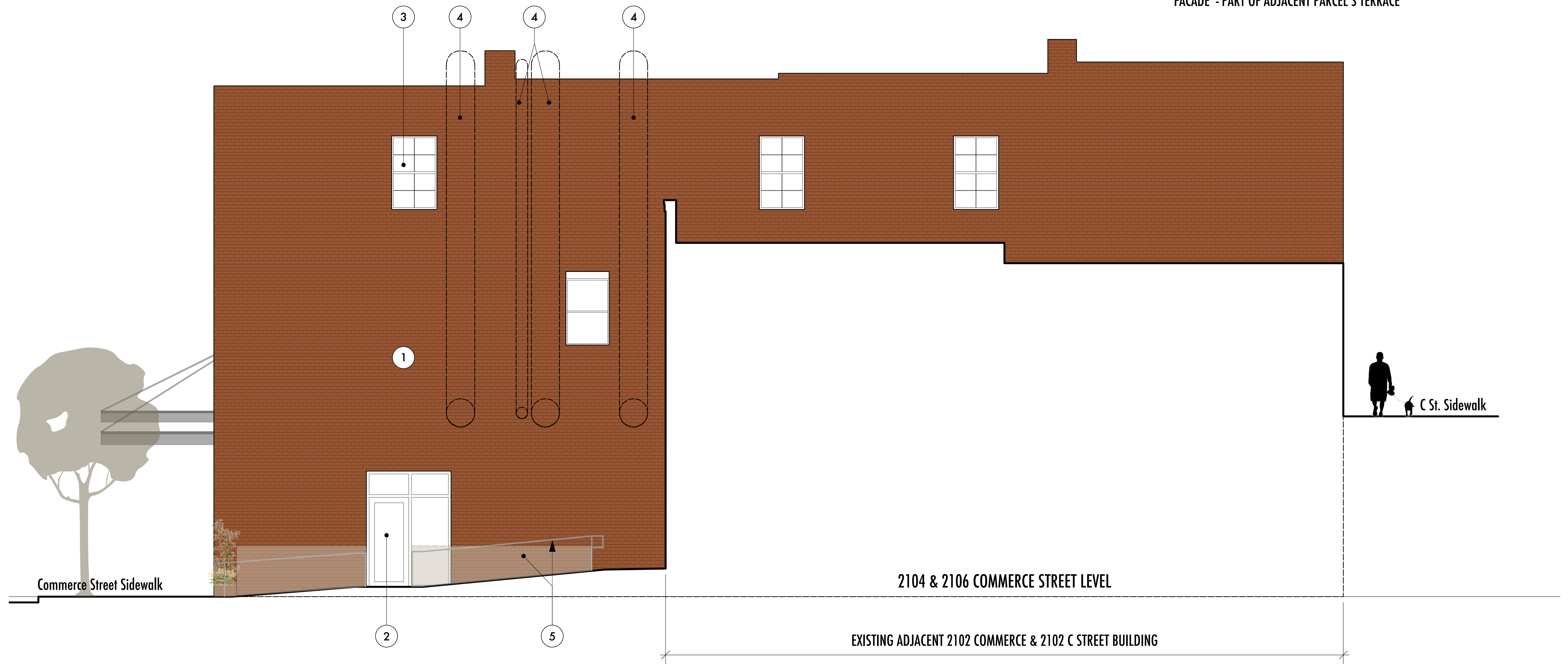
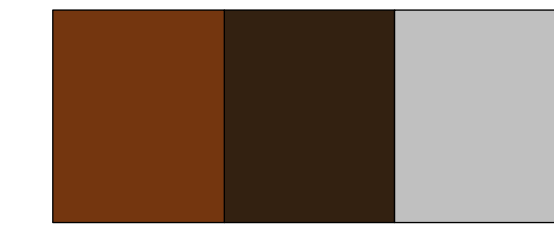
2106

2104



EXTERIOR FINISHES:

- ① EXISTING BRICK EXTERIOR
- ② ALUMINUM CLAD WOOD INSWINGING STOREFRONT DOOR WITH SIDELITE AT NEW OPENING; DARK BRONZE FRAME COLOR
- ③ EXISTING WINDOWS, TYPICAL
- ④ DUCTWORK; PAINT, COLOR OPTIONS:
 - MATCH BRICK COLOR
 - DARK BRONZE
 - STAINLESS STEEL (UNPAINTED)
- ⑤ CONCRETE WALL AND METAL HANDRAIL 4' IN FRONT OF NORTH FACADE - PART OF ADJACENT PARCEL'S TERRACE



AGENDA ITEM 5A

OFFICE OF THE HEARING EXAMINER

CITY OF TACOMA

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VERIZON WIRELESS,

Appellant,

v.

**CITY OF TACOMA, a Washington
municipal corporation, through its**

**LANDMARKS PRESERVATION
COMMISSION,**

Respondent.

**HEX NO. 2017-022
(HDR19-0007)**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

THIS MATTER came on for hearing before JEFF H. CAPELL, Hearing Examiner for the City of Tacoma (the “City”), on October 31, 2019, in Tacoma. The hearing was held in the City Council Chambers of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington. The Examiner briefly visited the site that is the subject of this appeal—100 South 9th Street, Tacoma, Washington—the day before the hearing.

Appellant Verizon Wireless (“Appellant” or “Verizon”) appeared at the hearing through Rick Cardoza, Project Manager, LDC, Inc., along with Matthew Painley (“Painley”), a Verizon Wireless Radio Frequency Engineer. The City and its Landmarks Preservation Commission (“LPC”) was represented by Deputy City Attorney Steve Victor, with the assistance of Laura Hoogkamer, the City’s Assistant Historic Preservation Officer (herein “Hoogkamer”). Two

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

ORIGINAL

1 additional City witnesses testified, Jeff Williams (“Williams”) and Lysa Schloesser
2 (“Schloesser”) who are present members of the LPC, both of whom participated in the LPC
3 decision being appealed.

4 During the hearing, both parties made reference to the “Spectrum Act,” which is a
5 commonly used name for certain sections (primarily section 6409) of the Middle Class Tax
6 Relief Act and Job Creation Act,¹ and the Telecommunications Act of 1996 (collectively herein
7 the “Federal Laws”).² As a result of these seemingly competing references, the Examiner
8 requested that the parties put in writing their respective positions regarding any application of
9 these Federal Laws to this appeal and submit them in memo or brief form by November 15,
10 2019. The record was held open for the parties’ submissions and initially closed upon receipt of
11 the parties submissions on the date just noted.

12 The Examiner re-opened the record, by his own request, on November 19, 2019, asking
13 that the parties submit any prior hearing examiner decisions dealing with the Subject Property
14 (defined below) regarding the rooftop telecommunications equipment that are in their
15 possession, as well as information regarding the LPC’s review of the expansion/modification of
16 the rooftop equipment in 2014 (as such was mentioned at the hearing). Verizon previously
17 submitted a 2011 LPC decision approving the “Installation of not more than six cell antennas
18 and its [sic] associated equipment onto the rooftop...” Verizon later confirmed that it was not
19 able to find any previous hearing examiner decisions on the Building (defined below) and the
20 Verizon equipment. The City did not provide any LPC information from the 2014
21 modifications to the Verizon equipment (nor did Verizon).

¹ Found at 42 U.S.C. § 1344(a).

² Found at Title 47 U.S.C.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

1 From the evidence and testimony presented, the Examiner enters the following:

2 **FINDINGS OF FACT:**

3 1. The Bowes Building (aka the “Tacoma Savings and Loan Building”), located at
4 100 South 9th Street in Tacoma, Washington (the “Subject Property” or the “Building”), is a
5 privately owned, commercial building in the north end of Tacoma’s downtown core built in
6 1909. Testimony described the Building as “low-profile,” “narrow,” and generally “small.” Its
7 location on South 9th Street puts it at or near the bottom of one of the many steep inclines that
8 constitute the Tacoma peninsula’s rise up from the waters of the Puget Sound. *Hoogkamer*
9 *Testimony, Williams Testimony, Schloesser Testimony; Ex. R-9.*

10 2. The Building appears to have been nominated locally for historic status on the
11 Tacoma Register of Historic Places in 1979. *Ex. R-9.* The recent LPC process leading to this
12 appeal refers to the Building as “an individual landmark on the Tacoma Register of Historic
13 Places.” *See e.g., Ex. R-3.*³ The Building is also referenced as being a significant example of
14 Beaux Arts Architecture, and as having been designed by prominent Tacoma architect Fredrick
15 Heath. *See e.g., Ex. R-9.*

16 3. Cardoza testified that Verizon first installed rooftop telecommunications
17 equipment (hereafter generically “RTE”) on the Building sometime after a 2007 to 2008
18 timeframe, and that such was installed only after the LPC denied a Certificate of Approval
19
20

21 ³ Hoogkamer testified that she thinks the Building is federally listed as well, but the City did not point to anything in the record that bears this out conclusively. Whether the Building is federally listed is not critical to this appeal. In its search for the prior Hearing Examiner decision that Verizon erroneously referenced during the hearing, the Hearing Examiner’s Office did find LPC Meeting Minutes from August 27, 2008 (the “8/27/2008 Minutes”), which make reference to the Subject Property being “on the Washington State and National Registers.”

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

1 (“COA”), but the Hearing Examiner reversed that denial on appeal.⁴ Cardoza’s testimony was
2 unable to be corroborated by anything in City Records. While it is clear that at some point RTE
3 was approved for installation on the Building, it is not clear from the evidence presented in the
4 record of this appeal (or from available City records generally) when that approval first took
5 place, although it can be confirmed that it was no later than 2011.⁵

6 4. Cardoza further testified that Verizon last modified the RTE in 2014. His
7 understanding is that this modification never went to the LPC for its review and approval.
8 Schloesser testified that such was not the case, and that the LPC did review and approve the
9 2014 modification to the RTE, although no written record of this review and approval was
10 submitted by the LPC/City even after it was requested. While having the historical provenance
11 of the RTE fully sorted would be preferred, it is not essential to deciding the issue(s) presented
12 by this appeal.

13 5. In any event, the RTE has been functioning on the rooftop of the Building for
14 many years as part of Verizon’s communications network in the downtown Tacoma area. The
15 RTE is on the rooftop of the Building under the auspices of a lease that Verizon has with the
16 owner of the building. *Cardoza Testimony*. Cardoza testified that the lease has approximately
17 20 years remaining in its effective term.

18
19 ⁴ A Hearing Examiner decision in this time frame would have been made by a predecessor to the present
20 Examiner. The 8/27/2008 Minutes interestingly seem to reference an even earlier denial of a similar proposal on
the way also to denying the 2008 Verizon application by motion and vote of the LPC. The stated reason for the
2008 denial was due to visual impacts the equipment would have on the views of the Building.

21 ⁵ After the hearing, Hearing Examiner Office staff made a search of extant records along with a request to other
City departments. No 2007~2008 Hearing Examiner decision was found regarding the Building. Staff did come up
with the 8/27/2008 Minutes, as well as LPC Meeting Minutes from January 12, 2011 and February 9, 2011 (the
“2/9/2011 Minutes”). In the 2/9/2011 Minutes, the LPC approved the installation of RTE as set forth therein, and
this appears possibly to have been the first approval of RTE on the Building. This decision was finalized in a

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1 6. Dating back to 2008, Verizon has desired to have, and to update the RTE on the
2 Building based on Radio Frequency (“RF”) justification studies it has performed. *Painley*
3 *Testimony, Ex. A-7, Ex. A-8, See also 8/27/2008 Minutes.* Verizon refers to its location on the
4 Building as the “TAC Wheeler site.” *Painley Testimony, Ex. A-7, Ex. A-8.* Verizon’s RF
5 studies have shown the TAC Wheeler site to be vital to Verizon’s network coverage and
6 capacity in the area. *Id.* The requested COA under appeal here, and the revisions proposed to
7 the RTE thereunder, are designed to allow Verizon to increase its capacity (i.e., greater call
8 volume and data transmission) in the area served by its TAC Wheeler facilities (the RTE).
9 *Cardoza Testimony, Painley Testimony, Ex. A-7, Ex. A-8.* Verizon’s testimony regarding its
10 need for the expanded RTE to address current capacity deficiencies has not been challenged by
11 the City/LPC. *Id.*

12 7. The process leading to the current appeal began in earnest at the LPC’s April 24,
13 2019 meeting. *Cardoza Testimony, Williams Testimony, Schloesser Testimony; Ex. R-1,*
14 *Ex. R-2.* Verizon’s proposal was listed as “replacing six existing antennas and six remote radio
15 units (RRU) and adding three 5G panel antennas and three combined antenna/RRUs, two
16 overvoltage protectors (OVP) and two hybrid cables on the rooftop.” *Cardoza Testimony; Ex.*
17 *R-3.* At this meeting, LPC members expressed concerns about “[t]he placement [and height] of
18 the [proposed] antennas, asking if they could be placed lower and farther back from the edge.”
19 *Id.* Ultimately, the meeting ended with the LPC deferring a decision and asking that Verizon
20 “[r]eturn[] at a future date with more information about the feasibility of lowering and moving
21

formal decision memo from the City’s Historic Preservation Officer on February 10, 2011. This decision memo was submitted by Verizon as part of its post hearing materials.

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1 panels for less visibility.” *Ex. R-1*. Among other things, Verizon gleaned from this meeting that
2 the LPC was concerned about too much “daylight” (i.e., open visibility) being present between
3 the panels proposed on the rooftop, and that the LPC did not want Verizon to make repeated
4 return trips to the LPC with RTE modification requests at short intervals.⁶ *Cardoza Testimony*.

5 8. Between this first meeting and Verizon’s return trip to the LPC on August 14,
6 2019, Verizon revised its design and proposal to incorporate *more* facilities in order potentially
7 to decrease the need for a sooner return in the future. *Cardoza Testimony*. The LPC’s meeting
8 minutes remark that “the updated proposal was made to include all new technologies to avoid
9 future addition of equipment to the building.” *Ex. R-6*. That notwithstanding, the listing of
10 equipment for Verizon’s proposal in all of the August 2019 documentation (the LP Packet [*Ex.*
11 *R-4*], the LPC Minutes [*Ex. R-6*], and the Decision being appealed [*Ex. R-8*]), all read the same
12 as what was considered the previous April. Cardoza testified, however, that Verizon had added
13 three more panel antennas for MIMO (multiple input, multiple output), three 5g antennas and
14 three 5g RRUs. The additions were intended to enable AWS-3 and CBRS frequency bands at
15 the TAC Wheeler site. *Cardoza Testimony*. Cardoza testified additionally that the positioning
16 of the various panel antennas had been revised to reduce daylight visibility between the panels
17 as much as possible, but he acknowledged that from a size, height, and numbers standpoint, the
18 overall proposal had increased.

19 9. At the August 14, 2019 LPC meeting, Verizon presented its expanded design with
20 only one of the antennas having been lowered in height from where it was positioned in the

21 _____
⁶ The parties’ testimony was in agreement that Verizon’s last modification took place in 2014. For historic preservation professionals, five years no doubt seems like a very short time in the grand scheme. Contrarily, to those in the technology fields, five years must seem like an aeon.

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1 April 2019 design. *Ex. R-5*. At least one commissioner commented, “If you can’t lower them
2 all, what’s the point.” *Id.* Another commissioner mused about whether the new proposal was
3 “all that much worse than what was there before,” while others characterized it as a significant
4 and obvious change saying that the RTE “is bad now, and this [proposal] only makes it worse.”
5 *Id.* There were also pointed comments made that Verizon should look to place its RTE
6 elsewhere (i.e., relocate it off the Building).⁷ *Id.* Discussion at both the August 2019 LPC
7 meeting and testimony at the hearing made it clear that the LPC’s concern about the RTE rests
8 squarely on the height of the RTE and its visibility from the rooftop of the Building.⁸
9 Ultimately, the August 2019 LPC meeting resulted in a unanimous vote by the commissioners
10 present to deny the COA. *Ex. R-5, Ex. R-6*. The LPC decision was based on application of the
11 federal Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings (the
12 “Federal Rehab Standards”), paragraph 9, which provides as follows:

13 New additions, exterior alterations or related new construction shall not destroy
14 historic materials that characterize the property. The new work shall be
15 differentiated from the old and shall be compatible with the massing, size, scale,
and architectural features to protect the historic integrity of the property and its
environment.

16 Hoogkamer testified that the City/LPC considers any change that modernizes or even modifies
17 an historic building in any way to be a rehabilitation, and therefore, the City/LPC applies the
18 Federal Rehab Standards to all applications.⁹ The LPC’s specific decision language in this
19 instance stated:

20 _____
21 ⁷ Hoogkamer reinforced this sentiment in her testimony at the hearing.

⁸ Which concern seems to be consistent with all LPC reviews dating back to 2008.

⁹ On questioning from the Examiner, Hoogkamer was unsure if the TMC defined “rehabilitation” as it applies to this appeal. At the time, the Examiner was also unsure. As it turns out, TMC 13.07.030 defines “rehabilitation” thusly: “Rehabilitation” means the act or process of making possible a compatible use for a property through

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- 1 1. The proposal did not meet Standard 9 as it was not compatible with the
2 massing, size, scale, and architectural features to protect the historic integrity of
3 the property and its environment.
- 4 2. The Commission commented that as this was a smaller, three-story building,
5 the proposal was not compatible in massing and scale. *Ex. R-8.*

6 The decision was clarified at the hearing in the testimony of Williams and Schloesser, which
7 made it clear that the height of the RTE, and the resulting visibility of the RTE from the street
8 and surrounding neighborhood are the basis of the LPC's denial.

9 10. At the August 2019 presentation to the LPC, Verizon represented that its design
10 could go no lower and still achieve the increased capacity that Verizon is seeking. *Ex. R-5.* At
11 the hearing, in response to questioning, Painley testified similarly that the height of the
12 proposed RTE could not go lower and still achieve Verizon's capacity needs. That
13 notwithstanding, a few minutes later, Cardoza testified that after the LPC issued its denial,
14 Verizon had come up with an alternative design that would lower the height of the proposed
15 RTE, but that Verizon wanted a decision on the appeal as presented rather than go back to the
16 LPC with this new design proposal first. Cardoza further testified that Verizon has some
17 concerns about this alternative lower proposal due to LPC restrictions from 2011 regarding
18 attachment to the parapets of the Building. Finally, in its post-hearing submission regarding the
19 applicability of federal laws, Verizon stated "[t]here currently is not an alternative design that is
20 available to Verizon based on LPC actions to date." This was stated immediately following
21 Verizon's renewed mention of the 2011 LPC concerns regarding the Building's parapets, and

repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values."

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1 appears to be based on Verizon's presumed limitation regarding them drawn from the 2011
2 LPC decision.

3 11. At the Examiner's request, both parties submitted post-hearing memos regarding
4 the Federal Laws mentioned briefly at the hearing.¹⁰ Verizon's memo had sections purporting
5 to address all of the following:

- 6 1. Telecommunications Act of 1996
- 7 2. Spectrum Act - 6409
- 8 3. FCC 18-133 – Small Wireless Facilities. (*Listed here exactly as presented in
9 Verizon's memo*)

10 After its brief discussion of each of the above, Verizon included a "Comments" section
11 seemingly attempting to draw a conclusion on its preceding assertions. As will be discussed in
12 more detail in the Conclusions of Law section below, Verizon's conclusions were equivocal in
13 each instance.

14 12. For its part, the City's memo addressed "Section 6409(a) of the Spectrum Act,
15 "Section 332(c)(7) of the Communications Act,"¹¹ and a Federal Communications Commission
16 ("FCC") Order now codified at 47 C.F.R. § 1.6100. The City's memo concluded by contending
17 that "[f]ederal law does not affect the outcome of this appeal."

18 13. Any conclusion herein which may be more properly deemed or considered a
19 finding is hereby adopted as such.

20 CONCLUSIONS OF LAW

- 21 1. The Hearing Examiner has jurisdiction in this matter pursuant to Tacoma

¹⁰ These submissions are in the record, but are not considered exhibits and are not referenced as such.

¹¹ Also referred to as the "Telecommunications Act."

1 Municipal Code (“TMC”) 1.23.050 and TMC 13.05.047.

2 2. Under TMC 13.05.047.G.4, the Hearing Examiner is to “consider” the following
3 criteria in reviewing a decision of the LPC:

4 a. The purposes, guidelines, and standards for the treatment of historic properties
5 contained in this Title, and the goals and policies contained in the Historic
6 Preservation Element of the Comprehensive Plan;¹²

7 b. The purpose of the ordinance under which each Historic Special Review or
8 Conservation District is created;

9 c. For individual City landmarks, the extent to which the proposal contained in the
10 application for Certificate of Approval would adversely affect the specific features
11 or characteristics specified in the nomination to the Tacoma Register of Historic
12 Places;

13 d. The reasonableness, or lack thereof, of the proposal contained in the application
14 in light of other alternatives available to achieve the objectives of the owner and
15 the applicant; and

16 e. The extent to which the proposal contained in the application may be necessary
17 to meet the requirements of any other law, statute, regulation, code, or ordinance.

18 Each of these criteria will be discussed, as applicable, in turn below.

19 3. In addition to the foregoing review criteria, TMC 13.05.047.G.4 instructs the
20 Hearing Examiner to “[g]ive weight to the determination and testimony of the consensus of the
21 Landmarks Preservation Commission...”¹³ The foregoing notwithstanding, the Hearing
Examiner’s review is *de novo*. TMC 1.23.060.

4. Appellant Verizon has the burden of demonstrating that the LPC’s denial of

¹² Hereinafter referred to simply as the “Comp Plan.”

¹³ The LPC is composed of individuals having expertise in architecture (three positions), historic preservation (four positions), a Tacoma Arts Commission appointee, and three “At-Large” positions. TMC 1.42.040.

1 Verizon's request for a COA was in error or otherwise inconsistent with applicable standards
2 and, therefore, should be reversed. *TMC 1.23.070.C.*

3 5. The LPC's denial centered squarely on the identical language of Federal Rehab
4 Standard 9 and TMC 13.07.095.A.1.i,¹⁴ which states:

5 New additions, exterior alterations, or related new construction shall not destroy
6 historic materials that characterize the property. The new work shall be
7 differentiated from the old and shall be compatible with the massing, size, scale,
and architectural features to protect the historic integrity of the property and its
environment.¹⁵

8 Regardless of whether they were added in an attempt to lengthen any return period to the
9 LPC,¹⁶ Verizon's additions to the RTE are new additions under Federal Rehab Standard 9 and
10 TMC 13.07.095.A.1.i. As such, the additions must "be compatible with the massing, size,
11 scale, and architectural features" of the Building. As the LPC's discussion (*Exs. R-2 and R-5*)

12
13 ¹⁴ In other words, the LPC found no other provisions of the Federal Rehab Standards or the TMC that Verizon's
proposal violated.

14 ¹⁵ For what it is worth, the Examiner finds the City's universal application of the Federal Rehab Standards to any
15 change to an historic building to be slightly awkward and perhaps not the intention of the TMC regardless of
16 current practice. TMC 13.07.095.A.1 introduces the City codification of the Federal Rehab Standards indicating
17 that they "[a]re to be applied to *specific rehabilitation projects* in a reasonable manner..." [Emphasis added] After
18 codifying the Federal Rehab Standards, TMC 13.07.095.A.2 states that "For specific projects that involve
19 Restoration, Preservation, or Reconstruction, the Secretary of the Interior's Standards for Rehabilitation,
20 Restoration, Preservation, and Reconstruction, may be applied as appropriate to the proposed project." This
provision seems to indicate that the other federal standards, i.e., those for Restoration, Preservation, and
21 Reconstruction may have a better application for some projects and perhaps not every change to an historic
building should necessarily be considered a rehabilitation. Admittedly, the definition of rehabilitation at TMC
13.07.030 appears to be very broad. That notwithstanding, in Verizon's proposal to modify the RTE, no part of the
Building itself is being rehabilitated in a lay definition sense. The RTE seem somewhat akin to Abraham Lincoln's
stovepipe hat. The hat goes on top. Wearing it changes nothing permanent about the historically significant person
below, and the hat can be removed without damage to the wearer. The hat may be seen as an aesthetically
undesirable affectation to the dignified historic wearer, but it ultimately does nothing to change the historic person
underneath, much as the RTE do not affect the Building in any irreversible fashion.

¹⁶ It should be noted that the LPC cited no authority for requiring Verizon to not come back "repeatedly" to obtain
further modifications to the RTE other than the LPC's personal preferences. Technology changes, often rapidly.
Other than complying with applicable laws, nothing should prevent Verizon from being heard regarding additional
modifications. The LPC is governed by applicable laws the same as any applicant before it, personal predilections
notwithstanding.

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1 and hearing testimony clearly indicate, the LPC's denial was solely due to the proposal's
2 increased visibility on the rooftop of the Building as a function of increased size and mass. All
3 testimony and evidence seemed to indicate that increased size and mass that would not impact
4 views would not matter to the LPC, although that hypothetical was not asked or otherwise
5 directly addressed. Giving all due deference to the LPC, three of the four views presented in
6 Exhibit A-5—Northeast View (Looking Southwest), Northwest View (Looking Southeast), and
7 the Fireman's Park and A Street view¹⁷—do not present a significant enough visual change to
8 warrant denying the COA. The Southwest view (from Court A and 939 Court Parking),
9 however, is a different story. The visible change here is significant enough to support the
10 LPC's denial.

11 6. Turning now to the considerations in TMC 13.05.047.G.4, the Examiner
12 concludes as follows:

13 **6.a. TMC 13.05.047.G.4.a.—The purposes, guidelines, and standards for the**
14 **treatment of historic properties contained in this Title, and the goals and policies**
contained in the Historic Preservation Element of the Comprehensive Plan.

15 The purposes, guidelines, and standards for the treatment of historic properties
16 contained in TMC Title 13 are many and varied. The primary purpose statements regarding
17 historic preservation found in Title 13 are set forth at TMC 13.05.045 and TMC 13.07.020.
18 Add to that mix the purposes, guidelines, and standards from the Historic Preservation Plan

19 //

20 //

21 _____
¹⁷ Although the photos from Fireman's Park and A Street are somewhat interesting because the RTE seem to washout in the background buildings farther south producing a somewhat camouflaging effect.

1 element of the Comp Plan, and the field gets many times broader.¹⁸ As with many policy
2 statements, the broader they get, the more there is that potentially conflicts. TMC 13.07.020
3 presents the most usable and concise summary statement of the many and varied purposes,
4 guidelines and standards of the TMC and the Comp Plan and reads as follows:

5 The purpose of this chapter is to:

6 A. Preserve and protect historic resources, including both designated City
7 landmarks and historic resources which are eligible for state, local, or national
8 listing;

9 B. Establish and maintain an open and public process for the designation and
10 maintenance of City landmarks and other historic resources which represent the
11 history of architecture and culture of the City and the nation, and to apply historic
12 preservation standards and guidelines to individual projects fairly and equitably;

13 C. Promote economic development in the City through the adaptive reuse of
14 historic buildings, structures, and districts;

15 D. Conserve and enhance the physical and natural beauty of Tacoma through the
16 development of policies that protect historically compatible settings for such
17 buildings, places, and districts;

18 E. Comply with the state Environmental Policy Act by preserving important
19 historic, cultural, and natural aspects of our national heritage; and [sic]

20 F. To promote preservation compatible practices related to cultural, economic and
21 environmental sustainability, including: conservation of resources through
retention and enhancement of existing building stock, reduction of impacts to the
waste stream resulting from construction activities, promotion of energy
conservation, stimulation of job growth in rehabilitation industries, and promotion
of Heritage Tourism;

G. To contribute to a healthy population by encouraging human scale
development and preservation activities, including walkable neighborhoods; and

//

//

¹⁸ The Historic Preservation Plan element of the Comp Plan is essentially the City's all-encompassing policy statement on historic preservation and spans 158 pages.

1 H. Integrate the historic preservation goals of the state Growth Management Act
2 and the goals and objectives set forth in the City's Comprehensive Plan and
regulatory language.

3 As discussed a bit at FN 15 above, the RTE on the building, and the LPC's approach to
4 approvals at this location are a somewhat interesting case because the RTE are an attached, and
5 ultimately removable addition to the Building that does not alter the Building itself, except
6 perhaps visually. The RTE, at present, and even as proposed, do nothing to cause actual,
7 physical harm to the historic resource that is the Building/Subject Property (*subsections A, D,*
8 *E, F and H of TMC 13.07.020* above).¹⁹ In fact, the RTE does not alter any historic aspect of
9 the building physically whatsoever. The presence of the RTE on the rooftop does change the
10 Building's overall appearance, however, because the RTE is/are visible.

11 Similarly, the ongoing preservation of the Building is neither harmed nor enhanced
12 structurally by the presence of the RTE (*Id*). Alternatively, allowing the latest and best RTE to
13 be installed on the Building can certainly be seen as "Promot[ing] economic development in
14 the City through the adaptive reuse of historic buildings,..." and no doubt the income that the
15 owner of the Building receives from Verizon's leased presence on the rooftop contributes to the
16 capital that enables the Building's prolonged preservation (*subsections C and F* above). All
17 that is to say that the presence of the RTE on the Building and allowing their expansion can be
18 seen as in harmony with some purposes, guidelines, and standards for the treatment of historic
19 properties, and not in harmony with others. If this criterion were the lynchpin of this decision,
20 perhaps a more in depth weighing of the pros and cons of purposes, guidelines, and standards

21

¹⁹ Subsections B ("Establish and maintain an open and public process...") and G ("To contribute to a healthy population") do not have much application here.

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1 would be warranted. This criterion is not the core of the decision in this appeal, however. As it
2 stands this criterion can be considered a neutral wash.

3 **6.b. TMC 13.05.047.G.4.b.—The purpose of the ordinance under which each**
4 **Historic Special Review or Conservation District is created.**

5 This criterion is not applicable here. The LPC’s authority in this particular COA
6 application comes from the Building being individually listed on the Tacoma Register of
7 Historic Places, not from the Building being located in an Historic Special Review or
8 Conservation District.

9 **6.c. TMC 13.05.047.G.4.c.—For individual City landmarks, the extent to which**
10 **the proposal contained in the application for Certificate of Approval would**
11 **adversely affect the specific features or characteristics specified in the nomination**
12 **to the Tacoma Register of Historic Places.**

13 This criterion is the flipside to TMC 13.05.047.G.4.b. It is directly applicable to the
14 Building/Subject Property because it is an individually listed “City landmark[].” As is likely
15 the case with most historic buildings, the specific features or characteristics specified in the
16 nomination to the Tacoma Register of Historic Places for this individual City landmark have
17 their greatest ties to actual architectural features of the building. *FoF 1 and FoF 2*. In the
18 Nomination Form for the Building/Subject Property,²⁰ some mention is made regarding the
19 surrounding neighborhood and the Building’s relationship to that area historically as well.

20 As has already been discussed, the RTE do not alter, damage, or otherwise physically
21 affect any specific features or characteristics of the structure of the Building as specified in the
22 nomination to the Tacoma Register of Historic Places. The RTE do, however, affect the overall

²⁰ *Ex. R-9.*

1 visual appearance of the Building, and Verizon's proposed new additions will appreciably add
2 to that visual impact, at least from southerly vantage points (i.e., the view from Court A and
3 939 Court Parking referenced at CoL 5). To the extent that these visual impacts, even though
4 not a permanent, unremovable part of the historic Building, *can* be further mitigated, they
5 *should* be.²¹ This goes hand-in-hand with the next criterion.

6 **6.d. TMC 13.05.047.G.4.d.—The reasonableness, or lack thereof, of the proposal**
7 **contained in the application in light of other alternatives available to achieve the**
8 **objectives of the owner and the applicant.**

9 Throughout the course of the two LPC meetings (April and August 2019) and the
10 hearing, much discussion and testimony focused on whether the visibility of the RTE could be
11 reduced in Verizon's proposal while still achieving Verizon's objectives. At its April 2019
12 meeting, the LPC specifically called on Verizon to explore the availability of lower, and
13 therefore less visible, configurations. Verizon only lowered the height of one of its proposed
14 masts. Verizon's August 2019 proposal, which is the one on appeal here, was loaded up, so to
15 speak, in Verizon's attempt to lengthen the period between this LPC request and any
16 subsequent request to modify the RTE. This approach was not unreasonable given the LPC's
17 comments regarding its preference that Verizon not make repeat requests at what the LPC
18 perceived to be short intervals. *FoF 7*. The reasonableness of the loaded up approach does not
19 change the visual impacts arising from the new additions and the increase in size of the RTE
20 that results, however.

21 _____
²¹ Testimony at the hearing showed both that (a) Verizon is used to mitigating visual impacts through screening,
and (b) that the LPC has an uncodified preference to avoid the use of screening because it is seen as adding mass,
size, and scale.

1 Throughout this same period, the LPC has proposed relocation of the RTE to another
2 location. While it may be the LPC's preference essentially to backtrack and have no RTE on
3 this Building, in light of (a) Verizon's investment in the RTE as presently constituted on the
4 Building, (b) the term remaining on Verizon's lease, and (c) Verizon's RF studies, outright
5 relocation is not a reasonably available alternative based on the record presented.

6 At the hearing, Cardoza did indicate that Verizon had an alternative design that it came
7 up with after the LPC's August 2019 denial that would reduce the height of the RTE. If this
8 alternative design can achieve Verizon's objectives while decreasing the visual impacts on
9 which the LPC based its denial, the alternative design needs to be considered under TMC
10 13.05.047.G.4.d, and the LPC should give that alternative design serious consideration in light
11 of this decision. The Examiner understands Verizon's concerns regarding "use of the parapets"
12 stemming back to the 2011 LPC approval. Eight years have passed since that approval, and the
13 LPC's present denial rests squarely on added height and visibility. With the alternative lower
14 design before the LPC, the LPC and Verizon may very well find an avenue for compromise.

15 In any event, in light of the south facing material change in visual impacts presented by
16 the proposal under appeal, TMC 13.05.047.G.4.d dictates that Verizon's lower alternative
17 design needs to be considered as an alternative to the present proposal that the LPC denied.
18 This criterion weighs against Verizon's requested reversal without having first sufficiently
19 considered the new, alternative design.

20 6.e. TMC 13.05.047.G.4.e.—The extent to which the proposal contained in the
21 application may be necessary to meet the requirements of any other law, statute,
regulation, code, or ordinance.

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1 *Application of the Federal Laws*

2 Without the parties' brief mention at the hearing of the Federal Laws, this criterion
3 would have had no application here and been without any support in the record. The discussion
4 that follows comes from the parties' post hearing memos. Cardoza stated in closing at the
5 hearing that he would make Verizon's best case for the application of the Federal Laws to both
6 replacement antennas and small cell facilities. Verizon's memo is taken in that light.

7 As mentioned above, in its memo, Verizon supplied content from various sections of
8 the Federal Laws followed by "Comments." After referencing content from the
9 "Telecommunications Act of 1996" that disallows local regulations from prohibiting or having
10 the effect of prohibiting the provision of telecommunications services, Verizon posits that it
11 has established "the need for the site" through its RF studies. Verizon's need has not been
12 questioned. Verizon's level of need, however, does not equate to a prohibition of services even
13 if the RTE are not updated based on present technological needs. Verizon is providing
14 telecommunications services from the TAC Wheeler site and presumably can continue to do so,
15 just not at its optimal capacity level if the LPC's denial stays in place. If being frozen at current
16 capacity constitutes a prohibition, Verizon did not prove that such is the case under applicable
17 laws as applied to the facts here by a preponderance of the evidence as required by TMC
18 1.23.070.

19 In its memo's second section, Verizon turns to the Spectrum Act and its concept of
20 what is, and is not, a "Substantial Change." While this is informative, Verizon does not supply
21 any analysis of this content against its existing/proposed RTE. Verizon then concludes in its

1 “Comments” section that (a) “Verizon *believes* the site *may* qualify as a 6409 ‘Eligible
2 Facility...’” [emphasis added], and (b) “Verizon believes the proposal does not meet the
3 criteria of the FCC’s definition of a ‘Substantial Change.’”²² Verizon’s beliefs aside, in order
4 for the Examiner to reverse the LPC’s denial based on any other law, statute, regulation, code,
5 or ordinance, there must be evidence and analysis that rises to a preponderance showing such a
6 reversal to be warranted. That analysis—matching the facts present to applicable laws—is
7 missing here. The Examiner evaluates the parties’ evidence and arguments, but he does not
8 supply missing analysis not presented by the parties themselves.

9 In its last section addressing Small Wireless Facilities, Verizon begins by saying
10 “There are 2 potentially applicable FCC Clarifications and Rules that *might apply* per
11 reference to 5G or Small Wireless Facilities equipment in the record...” [emphasis
12 added] Whether these “FCC Clarifications and Rules” apply is for Verizon to argue and
13 support that argument convincingly, applying facts supported by a preponderance of the
14 evidence to applicable laws. Verizon has not done so here. As a result, the Examiner
15 concludes that the criterion set forth at TMC 13.05.047.G.4.d is not met and does not
16 provide grounds for reversing the LPC’s decision.

17 7. Any finding herein which may be deemed a conclusion is hereby adopted as such.

18 Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing
19 Examiner enters the following:

20
21 ²² Verizon has an additional statement in this Comments section regarding existing concealment elements which is puzzling. At the hearing and previously at LPC meetings, Verizon brought up the subject of screening for the RTE and was shot down quickly, as already referenced above. There was no evidence offered regarding any existing screening with the RTE at present.

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ORDER

1
2 The Landmarks Preservation Commission’s decision denying a certificate of approval
3 (COA) to Verizon’s proposed revisions and additions to its rooftop telecommunications
4 equipment (the RTE) at the Bowes Building located at 100 South 9th Street in Tacoma,
5 Washington (the Building) is upheld because the visual impacts from southern vantage points
6 resulting from increases to the mass, size, and scale of the RTE are no longer compatible
7 enough with the mass, size, scale and architectural features of the Building (TMC
8 13.07.095.A.1.i.) to be approved as presented, and because Verizon has not fully explored a
9 potentially reasonable alternative that may be able to achieve its objectives (TMC
10 13.05.047.G.4.d.) while reducing mass, size and scale incompatibility present in the project as
11 proposed.

12 Given the foregoing, Verizon’s application for a COA is remanded to the LPC in order
13 for Verizon to present its alternative design for consideration. The remand shall be considered
14 an extension and continuation of the process begun in April of 2019 and any waiting period,
15 and reapplication filing or fees that might otherwise apply are waived. In the event that Verizon
16 chooses not to present the alternative design to which it alluded at the hearing, the LPC’s denial
17 of a COA shall stand and be considered the City’s final decision on this COA application.

18 **DATED** this 5th day of December, 2019.

19 
20 _____
21 **JEFF H. CAPELL, Hearing Examiner**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

- 20 -
ORIGINAL

City of Tacoma
Office of the Hearing Examiner
Tacoma Municipal Building
747 Market Street, Room 720
Tacoma, WA 98402-3701
Ph:(253)591-5195 Fax:(253) 591-2003
Hearing.examiner@cityoftacoma.org

AGENDA ITEM 5B



Demolition Review

**Landmarks Preservation Commission
January 8, 2020**



DEMOLITION REVIEW



Historic Preservation Plan Comprehensive Plan Element

Policy: HP-21 Provide effective demolition review procedures

Action HP-21A: Consider expanding a demolition review and consideration period to non-designated properties that may be historically significant.

Previous Regulations

- Subarea “Cultural Resource Management Plan” (TMC 13.12.570)
 - currently Downtown and Mall Subareas
- Demolition review of City Landmarks (TMC 13.07 and 13.06)
- Currently little/no review for impacts to historic resources in many areas of City



● ● ● DEMOLITION REVIEW



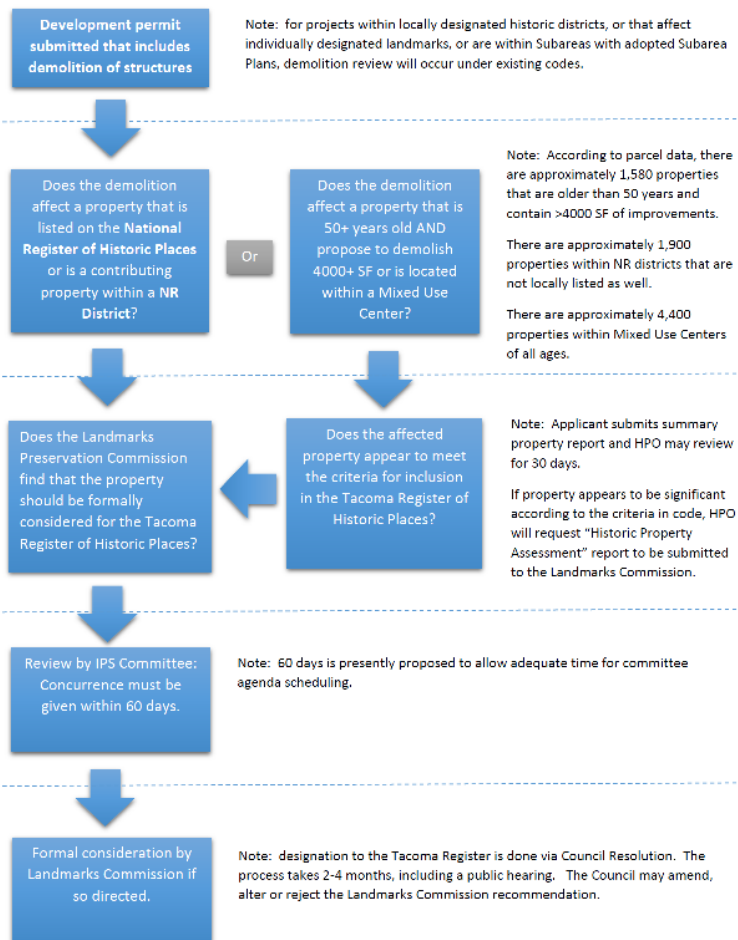
Objective

- Amend the existing regulations (Subarea Cultural Resources Review) for clarity and usability
- Eliminate “gap” in review of demolition permits (beneath SEPA threshold, not in subarea or historically designated areas)

New Requirements

- Citywide – demolition involving over 4,000 cumulative square feet, single family residential projects exempt
- Demolition review in all National Register Historic Districts
- Demolition review within Mixed Use Centers
- When demolition involves a potentially significant building, referred to LPC

DEMOLITION REVIEW



DRAFT UPDATE

1/2/2020

Design Guidelines for the
Wedge Neighborhood and
North Slope Historic Special Review Districts



Adopted by the Landmarks Preservation Commission pursuant to Tacoma Municipal Code 13.07 for design review within the Wedge Neighborhood Historic District, Wedge Conservation District, and the North Slope Historic District.

Updated December 2016



Tacoma Landmarks Preservation Commission
Planning and Development Services
City of Tacoma
747 Market Street
253-591-5220
www.cityoftacoma.org/historicpreservation

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SECTION I: ABOUT GUIDELINES AND DESIGN REVIEW

These guidelines are intended to provide information to homeowners and the Landmarks Preservation Commission about the intent and purpose of the North Slope and Wedge Neighborhood Historic Districts, as well as guidance for the review and evaluation of proposed alterations to historic properties within these districts. The historic character of these neighborhoods is embodied in their homes, streetscapes, and development patterns.

Basis for these Guidelines

These design guidelines are based on the US Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties, and specifically on the Standards for Rehabilitation of Historic Properties. In certain cases, local conditions or community objectives are reflected in some of the interpretations of the Secretary's Standards.

The Landmarks Preservation Commission is required to adopt and maintain these guidelines pursuant to Chapter 13.07 of the Tacoma Municipal Code.

What is Design Review?

Design review is an approval process that certain projects involving historic properties must complete before permits are issued and work is started. The Landmarks Preservation Commission reviews projects for historic compatibility at its regular public meetings, and if the work meets the standards for historic treatment, issues a certificate of approval.

Which Projects Require Design Review?

If your house is located within the boundaries of a historic district, then changes to the exterior of your property may require design review by the Historic Preservation Officer and the Landmarks Preservation Commission if permits are required. This includes changes to windows, siding, additions, chimneys, porches and decks.

Your project will require Landmarks Preservation Commission review, if:

- ...It is a new construction project or demolition; or
- ...It involves a contributing historic structure, AND
- ...It involves exterior work, AND
- ...It requires a building permit.

Projects are exempt from Landmarks Commission review, if:

- ...The project involves a non-contributing structure, but does not involve demolition; or
- ...The project does not require a permit; or
- ...The project does not involve any exterior work; or
- ...The project involves plumbing, sewer, electrical, or landscaping work.

What is the Process?

Proposed changes to historic properties within the Wedge Neighborhood and North Slope Historic Districts must be transmitted to the Landmarks Preservation Commission using an Application for Design Review, which are available on www.cityoftacoma.org/historicpreservation in the Design Review section.

Applications should include scale plans, details, specifications, photographs, and a narrative description, as appropriate.

The Landmarks Preservation Commission reviews applications during their regular meetings, every second and fourth Wednesday of the month.

Tacoma's Residential Historic Districts

The City of Tacoma has two residential historic districts.

North Slope Historic District

The North Slope Historic District, shown in the map to the right, was created by the City of Tacoma in 1994 at the request of property owners within the district, and was expanded in 1996 and 1999 in response to citizen request. The district contains historically significant homes constructed between 1881 and 1955.

The district contains over 900 homes, making it one of the largest residential historic districts in the Western United States.

The North Slope Historic District is listed on the National, state and Tacoma Registers of Historic Places. The boundaries and buildings inventory differ slightly between the different historic registers. These design guidelines and the design review process apply to the locally designated, or Tacoma Register, historic district.



The nomination and other information for the North Slope Historic District can be found here:

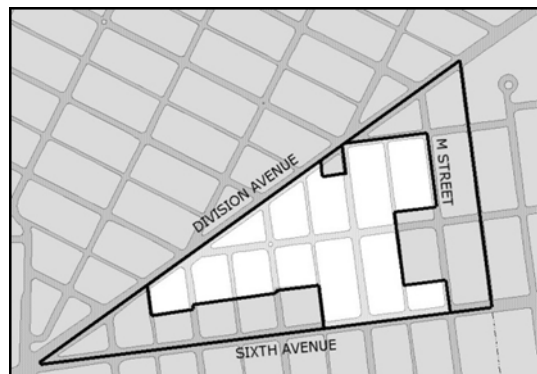
www.cityoftacoma.org/HistoricDistricts

Wedge Neighborhood Historic and Conservation Districts

The Wedge Neighborhood Historic and Conservation Districts were created by City Council in 2011 at the request of the neighborhood residents, after three years of research and effort.

The Wedge Historic District is an intact middle-class residential district reflecting a period of neighborhood development from Tacoma's early history until after WWI. The Historic District is buffered by the Conservation District; design review requirements for projects within the Conservation District are generally less than those within the core historic district.

The white area on the map shown at left contains the Wedge Neighborhood Historic District, which includes approximately 70 homes. The shaded areas in the triangle show the Conservation District.



The nomination and other information for the Wedge Neighborhood Historic District can be found here:

www.cityoftacoma.org/HistoricDistricts

SECTION II: PRESERVATION AND SUSTAINABILITY

Historic Preservation is consistent with sustainable development goals. From waste stream reduction, to reduced consumption, to local sourcing, historic preservation makes sense for those who are interested in living a “green” lifestyle. Why?

-  Preservation encourages the reuse of existing materials.
The greenest building is one that is already built. Historically, homes in the residential historic districts were handcrafted using skilled labor, and local materials. This craftsmanship was built to last, and the materials used in the construction were of top quality and are difficult to obtain now. Continuing to use these buildings and conducting proper maintenance extends the lifecycle of the original material investment, reduces environmental impacts that result from new construction and new materials, and reduces waste and waste stream impact from unnecessary demolition and replacement.
-  Preservation encourages recycling and salvage of materials.
In many cases, lifestyle needs necessitate the remodeling of a residence or the removal/replacement of historic materials and elements. In those cases, reusing the removed materials (for instance, storing windows that have been removed onsite for later use or stockpiling historic fir siding) or ensuring that items removed are salvaged for use by others is important.
-  Preservation employs a lifecycle approach to decision making.
All newly manufactured items, such as doors and windows, have a lifecycle cost. When upgrading a home for environmental reasons, it is important to consider the true impact of things like replacement windows—does the improvement in thermal efficiency over the service life of a new window offset the environmental impacts of manufacturing that window, the monetary expense of purchasing and installing the new window, and disposing of the original window?
-  Preservation is local-business friendly.
Historic rehabilitation, maintenance and repair makes use of traditional carpentry skills and trades. Investing in an historic house and repairing and maintaining historic elements tends to invest less in materials and more in labor; replacement tends to invest more in materials and less in labor. Therefore, money invested in trades tends to have a higher local economic impact—more dollars stay in Tacoma, and less go to a corporate headquarters a thousand miles away.



SECTION III: GUIDELINES FOR THE ALTERATION OF EXISTING BUILDINGS

Tacoma's historic districts contribute to the social, cultural, and economic welfare of its residents by preserving the character of its early residential neighborhoods, contributing to civic pride by developing an awareness of Tacoma's heritage and sense of place, and by encouraging capital investment in and rehabilitation of historic structures through the use of incentives and design review. The historic features contained in contributing buildings and structures in the historic districts should be maintained and preserved, and new structures should be designed to be visually and aesthetically compatible with the historic character of the districts.

General Preservation Principles

1. **Maintain architectural integrity**, as it relates to scale, proportion, texture, color, compatible materials, space, and composition in various periods of architecture, in contributing properties.
2. **Retain original materials**. The historic materials present on historic buildings should be retained wherever feasible.
3. **Repair before replacement**. Historic materials should be maintained and repaired when needed, including maintaining proper weather protection. Where repair is needed, it is desirable to remove as small an amount of material as possible.
4. **Replacement in kind**. If replacement of a historic feature or material is unavoidable, they should be replaced in kind with a visual and material match whenever possible.
5. **Houses change through time**. Changes to a home, such as early additions within the historic period of the house, may be historic in themselves. In addition, historic homes are often updated to reflect modern use. Alterations should respect historic additions, as well as strive to balance modern convenience with historical appropriateness.
6. **Guidelines should be applied reasonably**. When applying the guidelines, the Commission will be considerate of clearly documented cases of economic hardship. Application of these guidelines is not intended to deprive a property owner of reasonable use of their property.



WINDOWS

Windows are a character defining feature of a historic home, reflecting both the time period of construction, the materials and craftsmanship of an era, and the architectural style of a building.

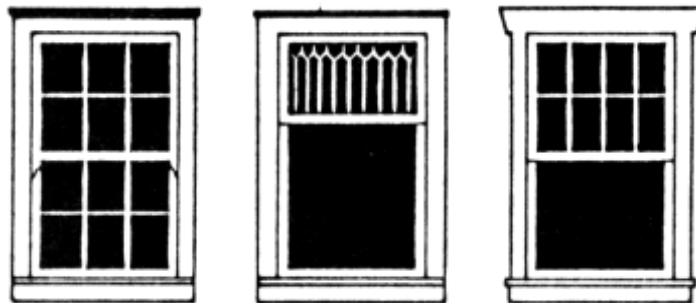
Maintaining historic integrity of the primary facades enhances and preserves the historic district. Every effort should be made to maintain existing historic windows or their visual equivalents on primary elevations within original openings, and to maintain a historic appearance on secondary elevations.

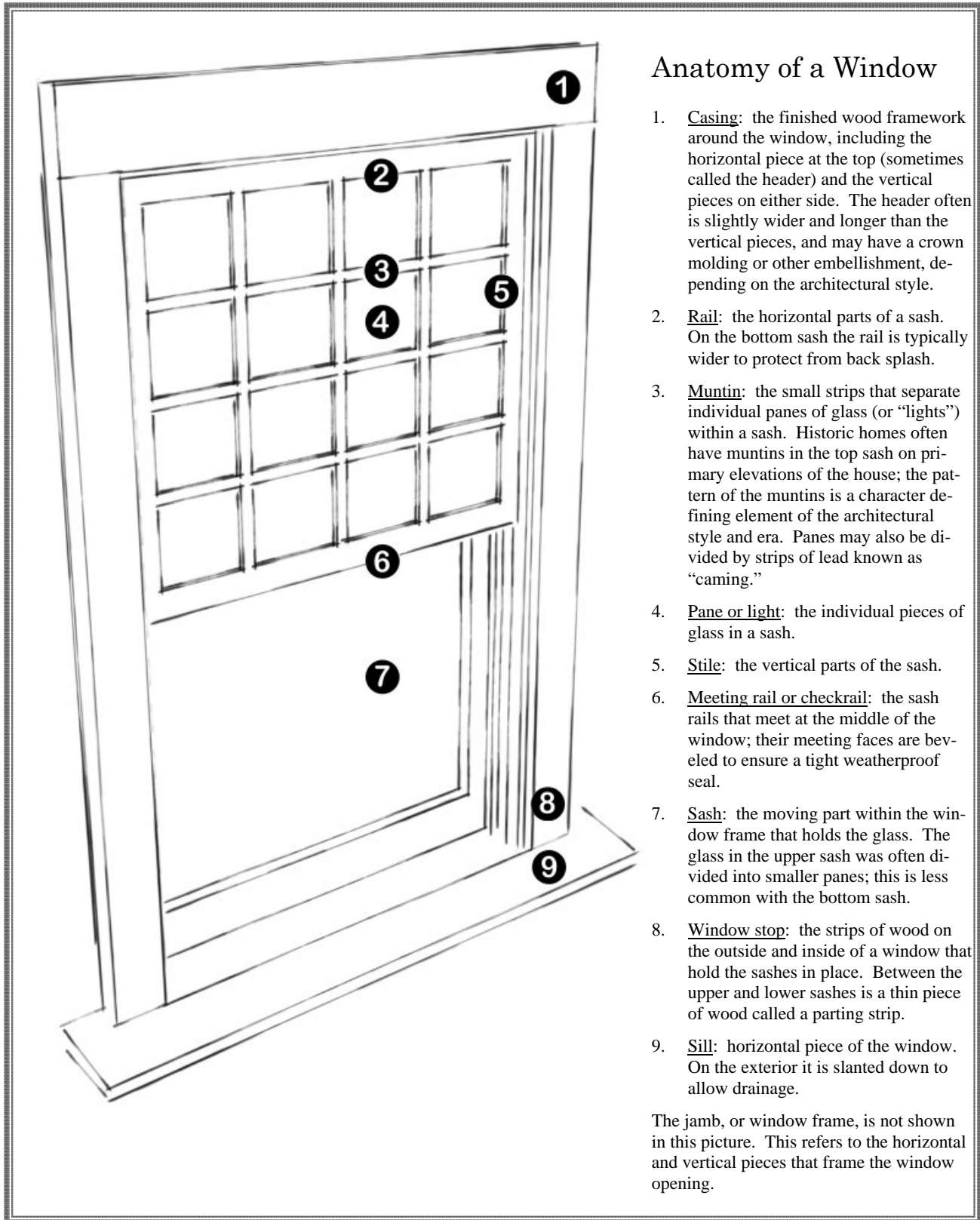
Windows are composed of individual elements, including the stiles and rails that make up the sash, muntins, joinery, window stops and casing, and each fulfills a functional role reflecting the window's historic design. Preserving both the materials and craftsmanship, and the appearance, scale and visual relationship between these components, is an objective of the historic district.

Guidelines for Windows

1. **Preserve Existing Historic Windows.** Existing historic windows in good working order should be maintained on historic homes in the district. The existing wood windows exhibit craftsmanship and carpentry methods in use at the time that the neighborhood was developed. New manufactured windows, even those made of wood, generally do not exhibit these characteristics.

(continued on page 10)





Anatomy of a Window

1. **Casing:** the finished wood framework around the window, including the horizontal piece at the top (sometimes called the header) and the vertical pieces on either side. The header often is slightly wider and longer than the vertical pieces, and may have a crown molding or other embellishment, depending on the architectural style.
2. **Rail:** the horizontal parts of a sash. On the bottom sash the rail is typically wider to protect from back splash.
3. **Muntin:** the small strips that separate individual panes of glass (or “lights”) within a sash. Historic homes often have muntins in the top sash on primary elevations of the house; the pattern of the muntins is a character defining element of the architectural style and era. Panes may also be divided by strips of lead known as “caming.”
4. **Pane or light:** the individual pieces of glass in a sash.
5. **Stile:** the vertical parts of the sash.
6. **Meeting rail or checkrail:** the sash rails that meet at the middle of the window; their meeting faces are beveled to ensure a tight weatherproof seal.
7. **Sash:** the moving part within the window frame that holds the glass. The glass in the upper sash was often divided into smaller panes; this is less common with the bottom sash.
8. **Window stop:** the strips of wood on the outside and inside of a window that hold the sashes in place. Between the upper and lower sashes is a thin piece of wood called a parting strip.
9. **Sill:** horizontal piece of the window. On the exterior it is slanted down to allow drainage.

The jamb, or window frame, is not shown in this picture. This refers to the horizontal and vertical pieces that frame the window opening.

(WINDOWS *continued from previous page*)

2. **Repair Original Windows Where Possible.** Original wood windows that are in disrepair should be repaired if feasible. The feasibility of different approaches depends on the conditions, estimated cost, and total project scope. Examples of substandard conditions that do not necessarily warrant replacement include: failed glazing compound, broken glass panes, windows painted shut, deteriorated paint surface (interior or exterior) and loose joinery. These conditions alone do not justify window replacement

Repair of loose or cracked glazing, loose joinery or stuck sashes may be suitable for a carpenter or handyperson. Significant rot, deterioration, or reconstruction of failed joints may require the services of a window restoration company. If information is needed regarding vendors that provide these services, please contact the Historic Preservation Office.

2. **Replace windows with a close visual and material match.** When repairing original windows is not feasible, replacement may be considered.

- Where replacement is desired, the new windows should match the old windows in design and other details, and, where possible, materials.
- Certain window products, such as composite clad windows, closely replicate original appearance and therefore may be appropriate. This should be demonstrated to the Commission with material samples and product specification sheets.
- Changing the configuration, style or pattern of original windows is not encouraged, generally (for example, adding a highly styled divided light window where none existed before, or adding an architecturally incompatible pattern, such as a Prairie style gridded window to a English Cottage house).
- Vinyl windows are not an acceptable replacement for existing historic windows.

Depending on specific project needs, replacement windows may include:

- Sash replacement kits. These utilize the existing window frame (opening) and trim, but replace the existing sashes and substitute a vinyl or plastic track for the rope and pulley system. Sash replacement kits require that the existing window opening be plumb and square to work properly, but unlike insert windows, do not reduce the size of the glazed area of the window or require shimming and additional trim.

(continued on next page)

(WINDOWS *continued from previous page*)

- An insert window is a fully contained window system (frame and sashes) that is “inserted” into an existing opening. Because insert windows must accommodate a new window frame within the existing opening, the sashes and glazed area of an insert window will be slightly smaller than the original window sashes. Additional trim must be added to cover the seams between the insert frame and the original window. However, for window openings that are no longer plumb, the insert frame allows the new sashes to operate smoothly.
4. **Non-historic existing windows do not require “upgrading.”**
Sometimes the original windows were replaced prior to the formation of the historic district, and now must be replaced again. Although it is highly encouraged, there is no requirement to “upgrade” a non-historic window to a historically appropriate wood window. For example, a vinyl replacement window may be an acceptable replacement for a nonhistoric aluminum horizontal slider window, especially if the historic configuration (vertically operated sash) is restored.
5. **New Window Openings/Changing Window Openings**
- Enlargement or changes to the configurations of existing window openings is to be avoided on the primary elevation(s) of a historic building within the district. In specific cases, such as an egress requirement, this may not be avoidable, but steps should be taken to minimize the visual impact
 - Changes to window configurations on secondary (side and rear) elevations in order to accommodate interior remodeling are not discouraged, provided that character defining elements, such as a projecting bay window in the dining room, are not affected. A typical example of this type of change might be to reconfigure a kitchen window on the side of a home to accommodate base cabinets.
 - In general, openings on buildings in the historic district are vertically oriented and are aligned along the same height as the headers and transoms of other windows and doors, and may engage the fascia or belly band that runs above the window course. This pattern should be maintained for new windows.
 - Window size and orientation is a function of architectural style and construction technique. Scale, placement, symmetry or asymmetry, contribute to and reflect the historic and architectural character of a building.

(*continued on next page*)

(WINDOWS *continued from previous page*)

6. **Sustainability and thermal retrofitting.**

- a. Window replacement is often the least cost effective way to improve thermal efficiency. Insulation of walls, sealing of gaps and insulation of switch plates, lights, and windows, as well as upgrades to the heating system all have a higher return on investment and are consistent with preservation of the character of a historic home.
- b. Properly maintained and weather stripped historic windows generally will improve comfort by reducing drafts.
- c. The energy invested in the manufacture of a new window and the cost of its purchase and installation may not be offset by the gains in thermal efficiency for 40 to 80 years, whereas unnecessary removal and disposal of a 100 year old window wastes old growth fir and contributes to the waste stream.
- d. If thermal retrofitting is proposed as a rationale for window replacement, the owner should also furnish information that shows:
 - The above systematic steps have been taken to improve the performance of the whole house.
 - That the original windows, properly weather stripped and with a storm window added, is not a feasible solution to improve thermal efficiency.
 - Minimal retrofit, such as replacing only the sash or glass with thermal paned glass, is not possible.
 - Steps to be taken to salvage the historic windows either on site or to an appropriate architectural salvage company.



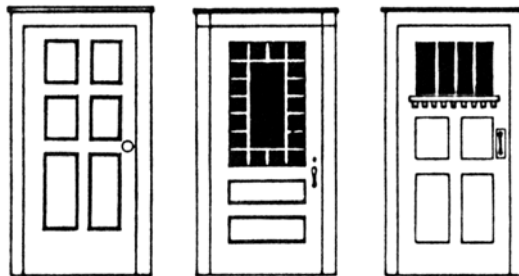
Above: Storm windows, held in place with a simple metal clip (still available at some hardware stores), maintenance of glazing compound and weatherstripping were the traditional way of improving thermal performance of windows. This is still a cost effective method in the Pacific Northwest climate.

DOORS

Historic entry doors commonly include sidelights, and occasionally a transom. They tend to be paneled and/or contain glazed openings in the upper portion. Doors were constructed of wood, with stile and rail construction, or in some cases, solid wood clad with a wood veneer. The style of a door often reflects the architectural style and/or construction period of the home.

Guidelines for Doors

1. **Avoid enlarging or moving an original entry opening.** unless you can provide documentary evidence to demonstrate that the proposal is consistent with typical designs for houses of the time period, or that the change will restore a previously altered condition.
2. **Retain historic entry doors whenever feasible.** Replacement doors should, where possible, match the original door in design and other details, and materials. In many cases, for security or cost reasons, a non-custom door in alternative materials may be proposed; in these cases, the door should appear to be wood (painted fiberglass doors molded with panel indents may be acceptable; faux wood finishes tend to be inappropriate) and should be compatible with the architecture of the house (Craftsman doors should not be proposed for Victorian era houses, for example).
3. **Avoid faux treatments.** Faux wood textures, frosted glass, and gold or silver caming (lead work in stained glass) is not appropriate for use in the historic district.
4. **Avoid nonhistoric configurations.** Double entry doors were not common in the historic district, and are discouraged unless it can be demonstrated that this was an original feature to the building.

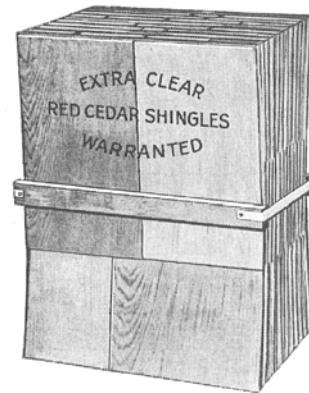


HISTORIC SIDING AND EXTERIORS

Traditional materials used for exterior cladding in the district include horizontal wood siding (including various types and dimensions of drop siding and bevel siding), wood shingles and shakes, and, to a lesser extent, brick, stucco and half timbering, and stone.

Guidelines for Exterior Siding and Materials

1. **Avoid removal of large amounts of original siding.**
2. **Repair small areas of failure before replacing all siding.** It is rarely advisable to replace all of the existing siding on a home, both for conservation reasons and for cost reasons. Where there are areas of siding failure, it is most appropriate to spot repair as needed with small amounts of matching material. Where extensive damage, including rot or other failure, has occurred, siding should be replaced with as close a material and **visual match** as is feasible, including matching reveals, widths, configuration, patterns and detailing.
3. **Other materials/configurations.** It is not historically appropriate to replace deteriorated siding with substitute materials, unless it can be demonstrated that:
 - the replacement material is a close visual match to the historic material and can be installed in a manner in which the historically character defining details may be reproduced (mitered corners, dentil molding, etc); and
 - replacement of the existing historic material is necessary, or the original material is no longer present; and
 - there is no feasible alternative to using a substitute material due to cost or availability.
4. **Avoid changing the appearance, pattern or configuration of original siding.** The siding type, configuration, reveal, and shingle pattern all are important elements of a home's historic character.



(HISTORIC SIDING AND EXTERIORS *continued from previous page*)

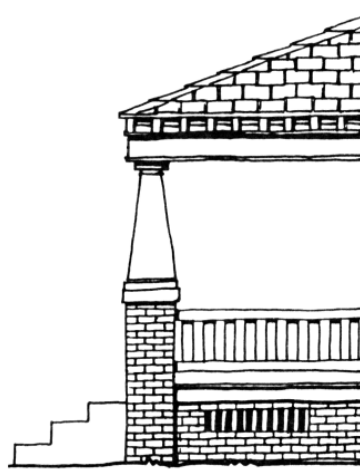
5. **Maintenance of historic masonry.** The mortar in historic masonry should be maintained in good repair to prevent mortar failure. Tuck pointing, or replacement and repair of mortar, does not require approval by the Landmarks Preservation Commission. However, the following is recommended to maintain historic masonry:
- Match new mortar with old in color, consistency and hardness. Modern mortars are much harder than historic mortars, which contained a higher proportion of lime and less cement. If a mortar is too hard, it may result in damage to bricks (such as spalling).
 - Avoid saw cutting to remove old mortar (or do so very carefully, to avoid damage to bricks).
 - Repair mortar before bricks can be shifted by hand.
 - Do not paint historic unpainted bricks. It is extremely difficult to remove paint from bricks, and certain types of paint can trap moisture and cause problems such as frost wedging (when trapped water expands as it freezes).
 - To clean or remove paint from masonry, use gentle means. Sandblasting is never recommended, as it can destroy the hard outer surface of bricks, allowing moisture to penetrate.
 - For more information, see the National Park Service's Preservation Brief #2, [Repointing Mortar Joints in Historic Masonry Buildings](#), available free of charge on the internet.



PORCHES

The front porch of an historic house is an important feature, providing a threshold to the interior as well as a viewing platform onto the street. It is thus a critical character defining element not just for the house, but for the district as well.

Porches are generally raised a foot or more above grade and are composed of decorative and functional elements that reflect the architectural type and time period of the home. These may include roof shape, entablature, columns, piers, railings, decking, and steps.



Guidelines for Porches

1. **Retain existing porches and porch details.** The original design elements of existing historic porches, when present, should be maintained. Major changes to configuration or ornamentation should be avoided. Missing or deteriorated details, such as columns and railings, should be repaired or replaced in kind.
2. **Avoid adding architecturally inappropriate details.** Items such as porch columns reflect the architecture of the home. Tapered columns atop piers are emblematic of Craftsman homes, but are not appropriate on Victorian era houses. Likewise, scrollwork, turned posts, or gingerbread are not appropriate on a Craftsman home. Replacement elements that have no historic design relationship with the architecture diminish the historic character of the building.
3. **Replace missing porches with designs and details that reflect the original design, if known. Avoid adding conjectural elements.** Photographic or other documentary evidence should guide the design of replacement porches. Where this is unavailable, a new design should be based on existing original porches from houses of similar type and age.
4. **In certain cases, building code may trump preservation guidelines.** For example, historic railing height may be considered a life safety issue, and new railings are generally required to meet building code. In these cases, innovative approaches may be needed to retain the appropriate scale and appearance.

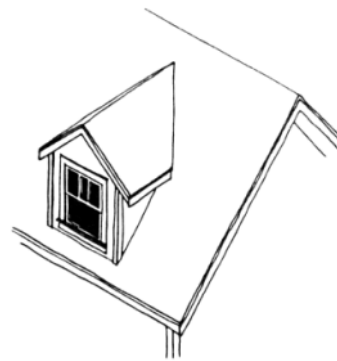
ROOFS AND ROOF SHAPES

The roof form is fundamental to the overall form and historic character of a home. A roof may be described in terms of its plan and configuration, pitch, elements such as dormers or parapets, and material. Most historic roofs in the district were pitched (including gabled and hipped) and designed to be clad in wood shingles.

Guidelines for Roofs

1. **Preserve and retain existing roof form and appearance.**

Major changes to the overall roof plan/type are discouraged. For example, changing a hipped roof to a gabled roof is generally inappropriate.



2. **Roof Additions should be sensitively located.**

Additions that affect roof appearance may include the addition of elements such as dormers, skylights and chimneys. Additions are not discouraged, but should seek to minimize the visual impact to the overall roof form, as follows:

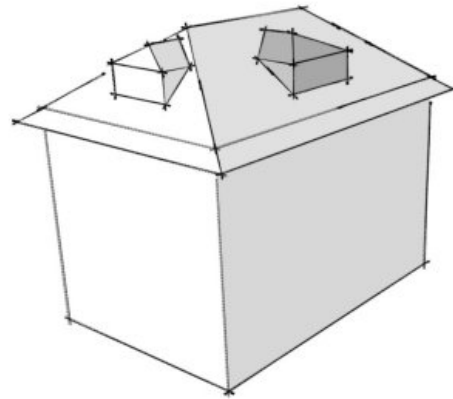
- Changes to the roof form should be located to the rear and less visible sides of a home.
- In certain cases, it may not be possible to conceal new elements such as additional dormers from view. In such cases, using examples of historic additions (location, scale, design, materials) to guide new design is appropriate.
- Roof mounted solar equipment should be located in a manner that reduces its visual impact to the extent possible.

3. **Existing roof heights should be maintained.** Changes to the primary ridgeline height of a house are generally discouraged, such as “bump ups,” with the exception that: in certain cases it may be demonstrated that an overall ridgeline height increase will dramatically increase useful attic space in a house WITHOUT significantly changing the appearance of the home from the street (rare).

(continued on next page)

(ROOFS *continued from previous page*)

3. **Materials and colors.** Composition roofs are an acceptable substitute for shingles, and have been in use on homes since the early 20th century. Composite and engineered materials that mimic the visual qualities of shingles vary widely in quality and appearance. If an engineered material is proposed that is not common in the district, material samples and product specification sheets should be furnished to the Commission. Metal roofs are not acceptable for historic homes. Clay tile roofs are appropriate only on the few examples of Mission or Spanish influenced architecture seen in the districts.



Above: Example of a rooftop addition that is visible and in scale.

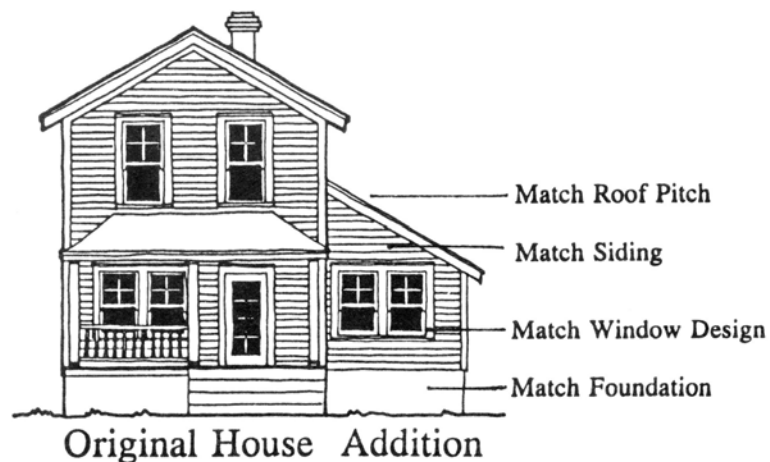
** Please note that a residential roof installation involving a single layer composition roof and sheathing may not require a building permit, and therefore, does not require design review. Other roof types may require permits and Landmarks Preservation Commission review. Homeowners and contractors should contact Building and Land Use Services at 253-591-5030 for more information.*

ADDITIONS

Additions to existing homes in the historic districts are not discouraged. Historically, additions to homes were common, either as optional add-ons to stock plans, or later phases that followed a typical pattern.

Guidelines for Additions

1. **Architectural style should be compatible** with the era and style of the principal structure, including massing, window patterning, scale of individual elements, cladding, roof form, and exterior materials.
2. **Additions should be removable** in the future without harming the character defining elements on the principal structure.
3. **Additions should be sensitively located** in a manner that minimizes visibility from primary rights of way. Where this is not possible, the design should respect the style, scale, massing, rhythm, and materials of the original building.
4. **An addition should be subservient** in size, scale and location to the principal structure.
5. **Seamless additions are discouraged**. There should be a clear visual break between the old structure and the new, such as a reduced size or footprint or a break in the wall plane, to avoid creating a falsely historic appearance (such that the original, historic portion of the house can be distinguished from the new, nonhistoric addition).

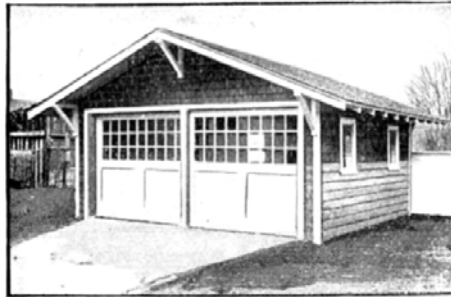


ACCESSORY STRUCTURES, GARAGES AND PARKING

Some early houses provided space for storing various means of transportation, from carriages to automobiles; however, these structures were traditionally separate from the main building and were nearly always entered from the alley rather than from the street.

Guidelines for Parking and Garages

1. **Alley accessed parking is the typical and predominant residential parking configuration in the district.** Residential driveways and garages facing the street are typically only appropriate when there is no alley access, or other site constraints prevent alley accessed parking (such as a corner lot).



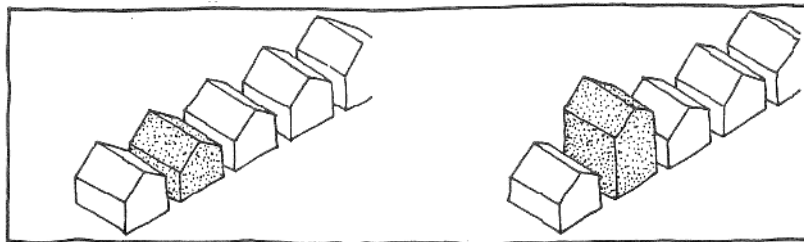
2. **Minimize views of parking, accessory structures and garages from the public right-of-way.** Parking areas and garages should be set toward the rear of the lot to minimize visibility from primary rights of way. Parking lots and banks of garage doors along the front facade of a building do not conform to the character of the neighborhood. Where it is not possible to locate a parking structure to conceal it from view, it should be set well back from the front plane of the primary structure on the property. New accessory structures should be clearly subservient to the primary structure on the lot. Off-street parking lots have no historic precedent in the residential areas of the neighborhoods and should be located behind the building and away from the street.
3. **Attached garages and carports are inappropriate.**
4. **New curb cuts are discouraged.** Residential driveways requiring curb cuts from a street or arterial are generally prohibited, unless the applicant can demonstrate by clear and convincing evidence that because of special circumstances not applicable to other property or facilities, including size, shape, design, topography, location, or surroundings, the strict application of this standard prevents alley-accessed parking. If approved, such curb cuts and approaches shall be consistent with the standards approved for the historic districts and on file in the Public Works Department.
5. **New accessory structures and garages should utilize a similar material palette and configuration to historic accessory structures.** New accessory structures should meet the guidelines for new construction exterior materials, windows and roof form and shape. Garages and accessory structures should orient vehicle doors to the alley and maintain a simple roof plan with a single ridgeline.
6. **Conversion of accessory structures.** Accessory structures built during the district period of significance that are converted to residential use should retain the exterior visual characteristics of the accessory structure, including door and window configuration, cladding materials, and form. Added features, such as porches, exterior staircases, and new window or door openings, should be located to be minimally visible from public rights of way.

SECTION IV: GUIDELINES FOR NEW CONSTRUCTION

HEIGHT

Goal: Balance the overall height of new construction with that of nearby structures.

Guideline: New buildings should be comparable in height to adjacent structures. Buildings that are substantially taller or shorter than the adjacent historic buildings should be avoided.



Above: Example shows compatible height on the left, and incompatible height on the right.

SCALE

Goal: Relate the size and proportions of new buildings and their architectural elements to those of the neighborhood.

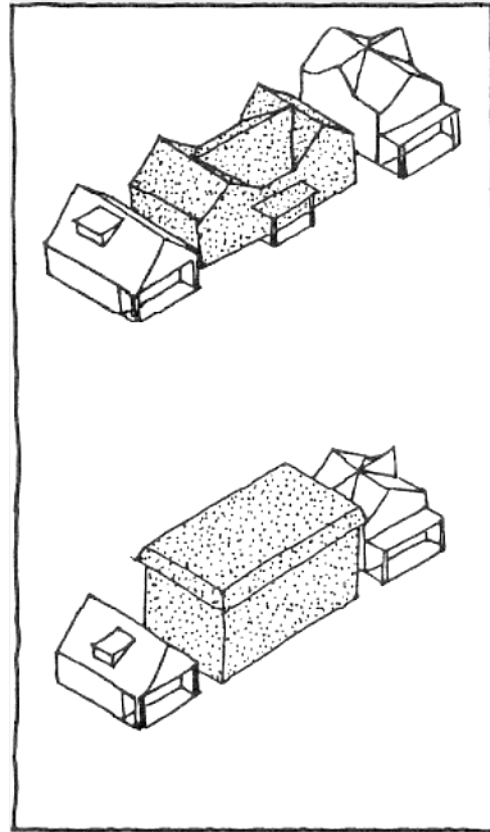
Guideline: Building facades should be of a scale compatible with surrounding buildings and maintain a comparable setback from the property line to adjacent buildings, as permitted by applicable zoning regulations.



MASSING

Goal: Break up the facades of buildings into smaller varied masses comparable to those contributing buildings in the residential historic districts.

Guideline: Variety of forms is a distinguishing characteristic of the North Slope and Wedge residential communities. Smaller massing—the arrangement of facade details, such as projections and recesses—and porches all help to articulate the exterior of the structure and help the structure fit into the neighborhood. Avoid large, blank planar surfaces.



Right: The top example shows compatible massing and scale, with individual elements that are proportionate with the architectural elements of the neighborhood. The bottom example is incompatible, with its large monolithic form, horizontal orientation, and large unbroken planar surfaces.

SENSE OF ENTRY

Goal: Emphasize entrances to structures.

Guideline: Entrances should be located on the front facade of the building and highlighted with architectural details, such as raised platforms, porches, or porticos to draw attention to the entry. Entrances not located on the front facade should be easily recognizable from the street.



Above: Many people seek residential historic districts when house shopping, because most were true “front porch” communities. Large, welcoming porches are an important element not just of the homes in the North Slope and Wedge, but also of the district itself.

ROOF SHAPES AND MATERIALS

Goal: Utilize traditional roof shapes, pitches, and compatible finish materials on all new structures, porches, additions, and detached outbuildings wherever such elements are visible from the street. Maintain the present roof pitches of existing contributing buildings where such elements are visible from the street.

Guideline:

1. **Shape and Pitch:** Typically, the existing historic buildings in the districts either have gable roofs with the slopes of the roofs between 5:12 to 12:12 or more and with the pitch oriented either parallel to or perpendicular to the public right-of-way or have hipped roofs with roof slopes somewhat lower.
2. **Architectural Elements:** Most roofs also have architectural details, such as cross gables, dormers, and/or “widow’s walks” to break up the large sloped planes of the roof. Wide roof overhangs, decorative eaves or brackets, and cornices can be creatively used to enhance the appearance of the roof.
3. **Materials:** Roofs that are shingle or appear to be shingle, or composition roofs, are the typical historic material compatible with the district. Seam metal may be an acceptable material for simple roof structures. Slate, faux slate and terra cotta tiles are not appropriate for the districts.

EXTERIOR MATERIALS

Goals: Use compatible materials that respect the visual appearance of the surrounding buildings. Buildings in the North Slope and Wedge Neighborhoods were sided with shingles or with lapped, horizontal wood siding of various widths. Subsequently, a few compatible brick or stucco-covered structures were constructed, although many later uses of these two materials do not fit the character of the neighborhood.

Guideline:

1. New structures should utilize exterior materials similar in type, pattern, configuration and appearance to those typically found in the neighborhood.
2. Stucco, especially commercial EIFS systems like Dryvit, is not acceptable for the historic district.
3. Faux materials, such as vinyl or metal siding, are not acceptable for the historic district.
4. Certain siding patterns, including board and batten and panel, are not historically common in the district and should not be used.
5. Cementitious products, such as Hardiplank, may be acceptable in the district if installed in a historically correct pattern (for example, horizontal lapped siding or shingle). In such cases, the product used shall be smooth in texture (faux wood grain finish is NOT acceptable).
6. Engineered products for trim and molding, if demonstrated to be similar in appearance to painted wood, may be an environmentally responsible substitute for wood on new structures. In such cases, the applicant should demonstrate to the Commission, via product literature and material samples, that the product is compatible.

WINDOWS AND RHYTHM OF OPENINGS

Goals: Respect the patterns and orientations of door and window openings, as represented in the neighboring buildings. Window and door proportions (including the design of sash and frames), floor heights, floor shapes, roof shapes and pitches, and other elements of the building exterior should relate to the scale of the neighborhood.

Guideline:

1. Placement. Typically, older buildings have doors and transoms that matched the head height of the adjacent windows. New structures should utilize this pattern.
2. Doors. Doors should be or appear to be paneled and/or contain glazed openings.
3. Window configuration and detail. New structures should utilize existing historic window patterns in their design. Windows should be vertically oriented. Large horizontal expanses of glass may be created by ganging two or more windows into a series. Historically, the typical window in the district was a double hung sash window. Casement windows were commonly used for closets, nooks, and less commonly, as a principal window type in a structure. Many double hung sash windows had the upper sash articulated into smaller panels, either with muntin bars, leaded glazing, or arches. Muntins and grids should be true or simulated divided light. Grids sandwiched between thermal panes are not acceptable. Commonly, windows were also surrounded with substantial trim pieces or window head trim, and new window trim should utilize historic detail patterns. These may include crown molding, except where headers are engaged with a belly band or cornice, substantial projecting sills with aprons, and windows that are recessed or "punched in" so that the window sash and frame does not project beyond the wall plane. Design submittals for new structures shall include window trim details.
4. Window materials. Historically, windows were generally wood. New construction should use windows that are wood, or that mimic the appearance of wood (including clad or composite materials). Vinyl windows are generally not acceptable for new primary or detached accessory dwelling unit structures in the historic district.

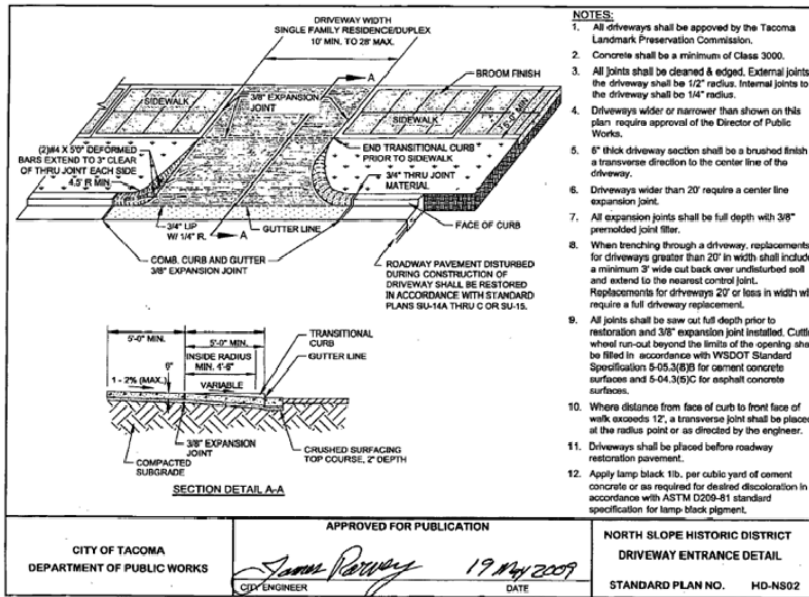
PARKING

Please see the “Guidelines for the Alteration of Existing Buildings, Parking,” on page 19.

SECTION V: STREET IMPROVEMENT STANDARDS FOR THE NORTH SLOPE AND WEDGE HISTORIC DISTRICTS

The architectural character of the North Slope and Wedge Neighborhood Historic Districts is significantly enhanced by the complementary residential nature of existing street amenities, including brick and cobblestone street paving, historic streetlights, planting strips, sidewalks, historic scoring patterns in walks and driveways, healthy trees, and a restrained use of signage. These elements should be retained or enhanced. Installation, repair, or replacement of streetlights, curbs, alley approaches, sidewalks, and street surfaces shall be consistent with the standards approved for the historic districts and kept on file with the Public Works Department.

1. Driveways: refer to Standard Plan HD-NS02 *Driveway Entrance Detail*
2. Sidewalk replacement: refer to Standard Plan HD-NS03 *Cement Concrete Sidewalk*
3. Alley Entrance: refer to Standard Plan HD-NS04 *Alley Entrance*
4. Streetlight Replacement: refer to Standard Plan HD-NS05 *Streetlight*



Left: Example of a Public Works Standard Plan.

SECTION VI: GUIDELINES FOR COMMERCIAL CONSTRUCTION WITHIN THE WEDGE CONSERVATION DISTRICT

Goal: Minimize visual impacts to the core district from commercial development that occurs on the periphery of the neighborhood. There are several areas within the Wedge Conservation District boundaries where commercial buildings will be constructed. Such construction projects should seek to minimize encroachment and visual impact by:

1. **Site planning.** Design new construction in such a manner that the primary massing of new buildings is directed away from the edges of the Wedge Neighborhood Historic District, particularly where the height of the new construction will be substantially higher than the historic apartment buildings also on the edges of the residential area. Locate entrances and exits in such a manner to minimize impacts from vehicular activities on the Wedge Historic District. Maintain and improve historically compatible streetscape and pedestrian amenities. Design buffers and setbacks for new buildings to maintain integrity of siting and availability of light and air. Locate parking to the rear or alley sides of new construction and avoid new curb cuts where alley access is available.
2. **Materials.** Utilize an exterior materials palette that reflects the typical and traditional building materials of the region, including wood and stone, and utilize other durable materials on new buildings. Avoid faux treatments or overtly synthetic materials.
3. **Scale and Massing.** Individual elements on elevations and building units should be designed to break up large planar surfaces and avoid large, monolithic massing. Vertically oriented new construction, consistent with historic modulation of individual façades and façade elements, as opposed to low single-story commercial construction, is preferred.

SECTION VII: EXEMPTIONS

WEDGE NEIGHBORHOOD

The following actions are exempt from the requirements for Design Review:

1. Any alterations to noncontributing properties within the Wedge Historic Special Review Districts, as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office and any alterations to properties within the designated Conservation District, are exempt from the design review requirements; provided, that alterations to accessory structures within the Historic District and the demolition of any structures in the Historic District and Conservation District, including noncontributing and accessory structures or the construction of new buildings, are not exempt from the provisions of this chapter;
2. Historically nonresidential and commercial use structures; provided, that the demolition of non-contributing or accessory structures are not exempt from the provisions of this chapter;
3. Interior modifications to existing structures, unless those modifications affect the exterior appearance of the structure;
4. Changes to the exteriors of contributing structures that are not visible from adjacent public rights-of-way may be granted an administrative Certificate of Approval by the Historic Preservation Officer, provided that staff is able to determine that the proposed project is consistent with the district design guidelines and applicable Secretary of the Interior's Standards, all without prejudice to the right of the owner at any time to apply directly to the Commission for its consideration and action on such matters;
5. Any alterations to private residential structures that are specifically exempted from permit requirements in the Residential Building Code as adopted by the City (such as painting and minor repairs such as caulking or weather-stripping);
6. The installation, alteration, or repair of public and private plumbing, sewer, water, and gas piping systems, where no right-of-way restoration is required;
7. The installation, alteration, or repair of public and private electrical, telephone, and cable television wiring systems; provided that the installation of solar panels, wind generators, and cellular antenna towers is not exempt;
8. The landscaping of private residences;
9. The maintenance of existing parking conditions and configurations, including curb cuts, driveways, alleys, and parking lots (new installations are subject to review by the Commission);
10. Signs not exceeding the limitations for a home occupation permit (TMC 13.06.100.E: one non-illuminated nameplate not exceeding one and one-half square feet in area placed flat against the building) and those installed by the City for directional and locational purposes;
11. The following types of projects within the public rights-of-way: ADA accessibility ramps and installations, in-road work, traffic-signaling equipment, utility markers, and equipment required by the United States Postal Service.

NORTH SLOPE HISTORIC DISTRICT

The following actions are exempt from the requirements for design review:

1. Any alterations to non-contributing properties as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office; provided, that modifications to accessory structures and the demolition of noncontributing or accessory structures are not exempt from the provisions of this chapter;
2. Interior modifications to existing structures, unless those modifications affect the exterior appearance of the structure;
3. Any alterations to private residential structures that are specifically exempted from permit requirements in the Residential Building Code as adopted by the City (such as painting and minor repairs such as caulking or weather-stripping);
4. The installation, alteration, or repair of public and private plumbing, sewer, water, and gas piping systems, where no Right of Way restoration is required;
5. The installation, alteration, or repair of public and private electrical, telephone, and cable television wiring systems, provided that the installation of solar panels, wind generators, and cellular antenna towers is not exempt;
6. The landscaping of private residences;
7. The maintenance of existing parking conditions and configurations, including curb cuts, driveways, alleys, and parking lots (new installations are subject to review by the Commission);
8. Signs not exceeding the limitations for a home occupation permit (TMC 13.06.100.E: one non-illuminated nameplate not exceeding one and one-half square feet in area placed flat against the building) and those installed by the City for directional and locational purposes;
9. The following types of projects within the public rights of way: ADA accessibility ramps and installations, in-road work, traffic signaling equipment, utility markers, and equipment required by the United States Postal Service.