MEMORANDUM

CITY/BOROUGH OF JUNEAU 155 South Seward Street, Juneau, Alaska 99801

DATE:

January 4, 2013

TO:

Planning Commission

FROM:

Laura A. Boyce, AICP, Planner

Community Development Department

FILE NO.:

AME2012 0013

PROPOSAL: Revise the Downtown Historic District boundary to remove one block from the

existing district.

The City and Borough of Juneau Land Use Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

ATTACHMENTS

Attachment A

Proposed Ordinance with Map Exhibits

Attachment B

Existing Downtown Historic District Map

Attachment C

Historic Resources Advisory Committee Draft Special Meeting Minutes -

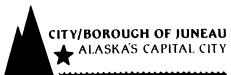
December 19, 2012

BACKGROUND

The proposed ordinance would remove the block bounded by Shattuck Way, Front Street, Seward Street, and Municipal Way from the Downtown Historic District (Attachment A). As stated in the Manager's Report to the Assembly for introduction of this proposed ordinance,

The purpose of the revised map is to facilitate the development of the proposed Dr. Walter Soboleff building by the Sealaska Heritage Institute without the design constraints imposed by the Historic District requirements, e.g., height restrictions. It would remove from the District the parcel on which the building is proposed.

If the block were to remain in the Downtown Historic District, the proposed Sealaska Heritage Institute building would have to comply with the design standards and height requirements in the *Downtown Historic District Design Standards and Guidelines*. As designed currently, the proposed building would require a number of variances from the adopted Historic District Design Standards for design as well as height. The Assembly requested CBJ staff to draft an ordinance addressing this issue.



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Downtown Historic District

The Downtown Historic District was established in the early 1980s by the CBJ Assembly to preserve Juneau's unique history and business district. In addition, the District has been listed on the National Register of Historic Places since June 17, 1994. The application materials to the federal government for consideration of the district include the following District description:

"The City of Juneau is in southeastern Alaska. Founded in 1880 after Joe Juneau and Richard Harris discovered gold in nearby creeks, the city grew from a mining camp to an urban center and in 1906 became the capital of Alaska.... Juneau's business district developed along the shore of Gastineau Channel for ready access to ships and boats that moved cargo and passengers. Residential neighborhoods grew around the town's commercial center. The Juneau Downtown Historic District includes forty-two contributing buildings. Of these, nineteen were constructed prior to 1911, fourteen between 1912 and 1920, and nine between 1921 and 1944. Within the district boundaries are sixteen non-contributing buildings, either recently built or altered so that the historic integrity is destroyed. The non-contributing buildings are dispersed through the district. Their scale, lines, massing, color, and detailing are compatible with the contributing buildings."

Located on the subject block, which is being considered for removal, were two buildings at the time of District creation. On the lot currently owned by Sealaska was the C. W. Young/Ace Hardware building, constructed in 1896 and is one of the contributing buildings to the district. The C. W. Young building was destroyed by fire in 2004. Also located on this block is a newer building known as the Municipal Way building. It was constructed in 1983 is and owned by George Crowder. As a newer building, it is not a contributing structure to the Downtown Historic District. When it was constructed, however, it was required to comply with design standards for the Downtown that were in place at the time. It can be argued that this specific block has lost its historic integrity since the historic contributing building burned down and that the existing building is of newer construction, although it does comply with Downtown Historic District design standards.

Downtown Historic District Design Standards and Guidelines

The Downtown Historic District Design Standards and Guidelines ("Design Standards and Guidelines" and "The Standards") were adopted by the Assembly as regulation on October 12, 2009. These Design Standards and Guidelines are only applicable to properties located within the boundaries of the Downtown Historic District. As stated in the Assembly report when these regulations were adopted, these regulations provide "... property owners, contractors, and CBJ Planning staff with the tools necessary to design, evaluate, and develop buildings consistent with the existing Juneau Downtown Historic District fabric."

The *Design Standards and Guidelines* do not advocate nor require strict compliance with the various architectural styles during the period of significance of the District, from 1889 to 1944. *The Standards* were created to allow for new infill construction. As stated in the regulations in the "Basic Principles for Non-Contributing Buildings and New Construction," beginning on page

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4, "... sites where new infill construction will occur...the focus of design should be on being compatible with the historic context.... More flexibility is afforded to these sites, in terms of the details of design, when they respect the overall relationships of building mass, form, materials and scale and setting." Additionally, the basic principles for new construction in the Downtown Historic District are described and outlined as follows:

The historic district remains a vital place that is mostly built, but there are still opportunities for new development within its boundaries. Designing a building to fit within the historic district requires careful thought. It is important to realize that while a historic district conveys a certain sense of time and place associated with its history, it is also dynamic. While the Design Guidelines for New Construction provide direction for specific design issues, some basic site design and new construction principles form the foundation for compatible new construction. The following principles apply:

- 1. Respect the design character of the nearby historic properties.
 - * Don't try to make a new building look older than it is. The copying or exact replication of architectural styles or specific historic buildings is discouraged. Often, a contemporary interpretation of those architectural styles seen historically will work best.
- 2. Maintain the setbacks and alignments of buildings in the surrounding context.
 - * A new building shall align with nearby historic buildings. Other alignments, such as those seen from similar cornice heights, storefront heights and the relative alignment of windows and moldings are also important.
- 3. Relate to the scale of nearby historic buildings.
 - * A new building shall relate at the street level to the general size, shape and proportions of historic buildings. This does not mean that the absolute height must be the same, but that the scale of nearby historic buildings be reflected in the infill design. It is equally important for a new building to use similar primary building materials, or materials similar in appearance.

When a new building is built, it should be in a manner that reinforces the basic visual characteristics of the area. This does not mean that new buildings must look old. In fact, imitating historic styles is generally discouraged; historians prefer to be able to 'read' the evolution of the street, discerning the apparent age of each building by its styles and method of construction. When a new building is designed to imitate a historic style, this ability to interpret the history of the street is confused. (emphasis added)

Rather than imitating older buildings, a new design shall relate to the traditional design characteristics of the area while also reflecting the architecture of its time. New construction may do so by drawing upon some basic building features — such as the way in which a building is located on its site, the manner in which it relates to the street, and its basic mass, form and materials — rather than applying detailing which may or may not

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have been historically appropriate. Therefore, it is possible to be compatible with the historic context while also producing a design that is distinguishable as being newer. (Pages 4-5)

As evident above, there is flexibility within *The Standards* for new building construction that respects that massing, form, and materials of the District.

Historic Resources Advisory Committee Special Meeting

The Historic Resources Advisory Committee (HRAC) reviewed the proposed ordinance to remove the subject block from the Downtown Historic District at a special meeting on December 19, 2012. The HRAC's duties are to review and make recommendations about local projects that might affect properties identified in the local historic preservation plan; to review and develop nominations to the National Register of Historic Places; and to cooperate and consult with the Assembly, the Planning Commission, and the Alaska State Historic Preservation Officer on matters concerning historical districts and historic, prehistoric, and archaeological preservation.

After much discussion and review of the proposed ordinance, the HRAC approved a motion unanimously recommending that five feet of the Front Street façade of the block remain in the Downtown Historic District while the rest of the block is removed. Their reasoning was that Front Street includes many contributing historic buildings to the District and that the historic integrity of Front Street would be maintained by requiring that one side of the building to comply with the Downtown Historic District Design Standards and Guidelines, including the height limit of 35 feet. Additionally, the proposed Sealaska Heritage Institute building would be located directly across the street from the Valentine building, which is listed on the National Register of Historic Buildings, as well as being located in the District. Requiring height and design standard requirements along the Front Street façade of the proposed building would help support the historic integrity of Front Street and would minimize degradation of the District. The HRAC also expressed concerns about this boundary adjustment being precedent-setting. As an example, the Gastineau Apartments building, which recently suffered extensive fire and water damage, was mentioned. Members expressed concern that property owners might seek to remove their properties from the District in order to avoid compliance with the Design Standards and Guidelines. Please see Attachment C for the draft HRAC special meeting minutes. Additionally, a map illustrating the HRAC's proposed boundary recommendation is found in Attachment A.

Historic Preservation Plan

The National Historic Preservation Act established the Certified Local Government (CLG) program to provide financial and technical assistance at the local level. The City and Borough of Juneau applied to be recognized as a Certified Local Government and the application was approved. One of the requirements of a CLG is to have a Historic Preservation Plan in place. The CBJ has a draft Historic Preservation Plan and it includes twelve objectives which help guide preservation activities and goals within the city. As stated earlier, the Historic Resources Advisory Committee is charged with making recommendations about projects listed in the Historic Preservation Plan. One of the objectives of the draft Plan, O-6, is to "Extend the Downtown Historic District to include areas of similar architectural character as the current district." Two implementing actions are included:

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- A. Work with property owners of the area to extend the district for assuring the character of the historic downtown is retained.
- B. At such time that the district is extended, expand the current historic district standards to include any unique historic characteristics for this particular part of the district if different from the rest.

Objectives 8 and 11 include objectives and actions for promoting and preserving the culture of Juneau's Native people:

- O-8 "Educate and inform the general public about Juneau's unique history and Native heritage."
- O-11 "Provide a means for understanding and appreciating the traditional culture of Juneau's Native people."

While the Sealaska Heritage Institute's planned building advances both Objectives 8 and 11 of the Historic Preservation Plan, the proposed ordinance to remove a block from the Downtown Historic District goes against Objective 6 to extend the boundaries of the District.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Contents

Historic and Cultural Resources

POLICY 16.2 IT IS THE POLICY OF THE CBJ TO IDENTIFY HISTORIC RESOURCES WITHIN THE CBJ AND TO TAKE APPROPRIATE MEASURES TO DOCUMENT AND PRESERVE THESE RESOURCES.

16.2.IA1 Publish strengthened design guidelines that will assist historic building owners in planning alterations <u>or new construction within historic neighborhoods and districts</u> while preventing degradation of historic resources. (emphasis added)

POLICY 16.3 IT IS THE POLICY OF THE CBJ TO INCREASE PUBLIC AWARENESS OF THE VALUE AND IMPORTANCE OF JUNEAU'S ARCHAEOLOGICAL AND HISTORIC RESOURCES, AND TO EDUCATE, ENCOURAGE, AND ASSIST THE GENERAL PUBLIC IN PRESERVING HERITAGE AND RECOGNIZING THE VALUE OF HISTORIC PRESERVATION.

POLICY 16.4 IT IS THE POLICY OF THE CBJ TO PRESERVE AND PROTECT THE UNIQUE CULTURE OF JUNEAU'S NATIVE PEOPLES, INCLUDING BUILDINGS, SITES, ARTIFACTS, TRADITIONS, LIFESTYLES, LANGUAGES AND HISTORIES.

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16.4.SOP2 Work with local native groups to build partnerships to identify and preserve significant cultural resources and sites.

POLICY 16.5 IT IS THE POLICY OF THE CBJ TO PROMOTE RESPONSIBLE HERITAGE TOURISM THAT ACCURATELY REPRESENTS JUNEAU'S UNIQUE HISTORY, WHILE PROTECTING THE RESOURCES FROM OVERUSE OR HARM.

Discussion

The Comprehensive Plan does not directly address degradation of the CBJ's historic *districts*, but it does speak to preventing degradation of historic *resources*. The block currently being considered for removal from the district is a historic resource. Its removal from the District facilitates development that will be inconsistent and incompatible with its existing historic context and appears to go against the established historic preservation goals of the CBJ. In contrast, Policy 16.4 and standard operating procedure 16.4.SOP2 encourages CBJ to work with native groups to preserve native people's cultural resources and sites. The proposed Sealaska Heritage Institute's cultural center will further this goal to preserve Native people's cultural resources.

Findings

The proposed amendment to completely remove the block from the Downtown Historic District appears to be in conflict with Policy 16.2. However, the proposed building by the Sealaska Heritage Institute furthers Policy 16.4. The HRAC's proposal to maintain a portion of Front Street within the Downtown Historic District while removing the remaining portion of the block is a compromise that supports both policies since requiring the Front Street façade portion of the building to comply with *Downtown Historic District Design Standards and Guidelines* will preserve the historic integrity of Front Street, where a number of Juneau's oldest high quality historic buildings are concentrated.

COMPLIANCE WITH THE 1981 DOWNTOWN HISTORIC DISTRICT DEVELOPMENT PLAN

The 1981 Downtown Historic District Development Plan was a study by the CBJ to explore the possibilities of historic conservation for downtown Juneau. There were fifteen conclusions from the study about how the CBJ could move forward with implementing historic preservation in Juneau:

Conclusion #2 recommended that a Downtown Historic District be created.

Conclusion #3 concluded that the initial boundary of the District should be modest, with expansion considered in the future.

Conclusion #5 states that "Downtown Juneau should consciously preserve its townscape".

Conclusion #10 states that "New buildings should conform to the existing character of historic districts".

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Findings #5 and #10, promote the creation of development standards for historic districts and buildings. Development standards were later created and were applicable to the Downtown Historic District. Those standards were updated and replaced in 2009, which are now the currently adopted *Downtown Historic District Design Standards and Guidelines*.

Conclusion #10 continues as follows:

10. New Buildings Should Conform to the Existing Character of Historic Districts. The guidelines, when adopted, should anticipate eventual replacement of some buildings within the district as well as construction on currently vacant sites. New buildings must be expected to conform to what is defined as the essential character of the district, including both existing building styles and the special character of the townscape. With this purpose, heights along streets, building setbacks, materials, façade openings and signing are appropriate elements to be controlled.

The adopted *Design Standards and Guidelines* have been written to address the conclusion above that new buildings should conform to the existing character of the district. This study is an adopted element of the Comprehensive Plan, as established in CBJ 49.05.200(b)(1)(B), provides recommendations for future historic preservation. It does not speak specifically to removing a block from the established Historic District. It generally speaks to the importance of preserving the character and townscape of downtown historic Juneau. In light of this, this proposed ordinance does not further the conclusions from this 1981 study. Of the two revised boundaries proposed, one to completely remove the block from the historic district and the other as proposed by HRAC to retain a portion of the Front Street façade within the District, the HRAC's compromise recommendation furthers the conclusions of this study more so than the complete removal of the block from the District.

COMPLIANCE WITH CBJ LAND USE CODE

The proposed ordinance would amend the boundaries of the Downtown Historic District. The *Downtown Historic District Design Standards and Guidelines* are applicable to the properties located within the boundaries of that District. Amending the map doesn't cause any inconsistencies within the CBJ Land Use Code.

HABITAT

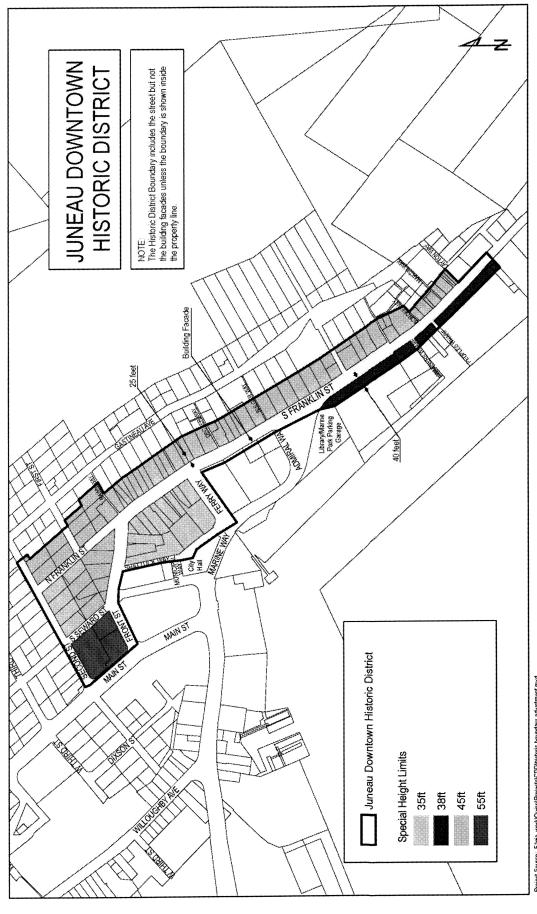
The proposed ordinance has no impact on habitat.

RECOMMENDATION

As this is a matter of policy, Staff does not have a recommendation on this proposed ordinance. The Planning Commission should consider all aspects of this issue and forward its recommendation to the Assembly for consideration.

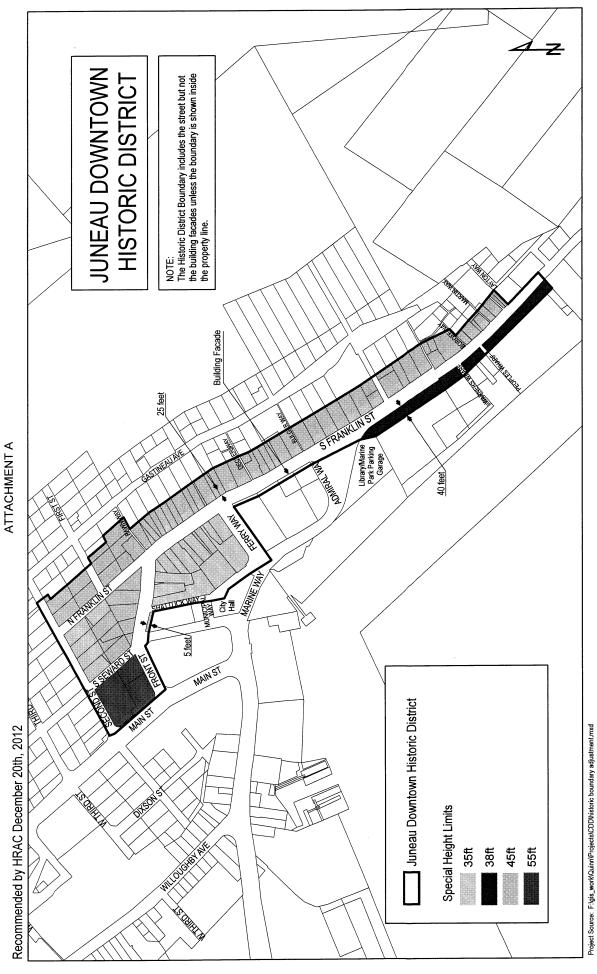
1	Presented by: The Manager			
2	Introduced: Drafted by: J.W. Hartle			
3				
4	ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA			
5	Serial No. 2013-01			
6	An Ordinance Amending the Land Use Code By Adopting a Revised Juneau Downtown Historic District Map.			
7	Revised addiesa Downtown Historic District Map.			
8	BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:			
9	Section 1. Classification. This ordinance is of a general and permanent nature			
10	and shall become a part of the City and Borough Code.			
11				
12	Section 2. Amendment of Section. CBJ 49.70.510 Map, is amended to read:			
13	49.70.510 Map.			
14	There is adopted for the purpose of defining the HST district in the City and			
15	Borough, the Juneau Downtown Historic District map, dated [date of adoption] as the			
16	same may be amended from time to time by the assembly by ordinance. Additional			
17	height requirements shall be as specified in chapter 49.25, article IV. The map, as			
18	adopted or as amended, may identify special historic districts within the general			
19	historic district for the purpose of applying special regulations aimed at preserving or			
20	enhancing the special characteristics of the identified districts.			
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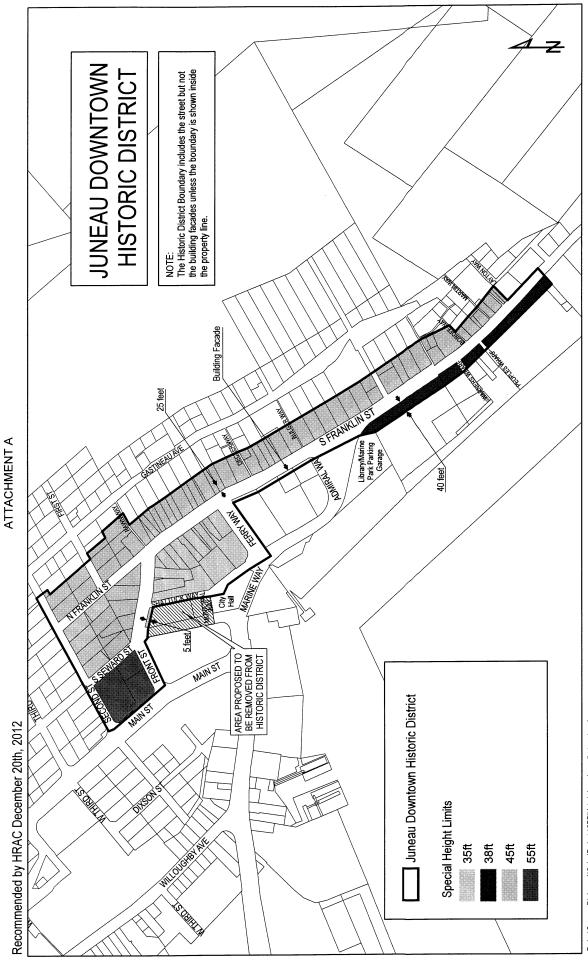
1	Section 3. Effective Date. This ordinance shall be effective 30 days after its
2	adoption.
3	Adopted this day of 2013.
4	
5	
6	Merrill Sanford, Mayor
7	Attest:
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9	Laurie J. Sica, Clerk
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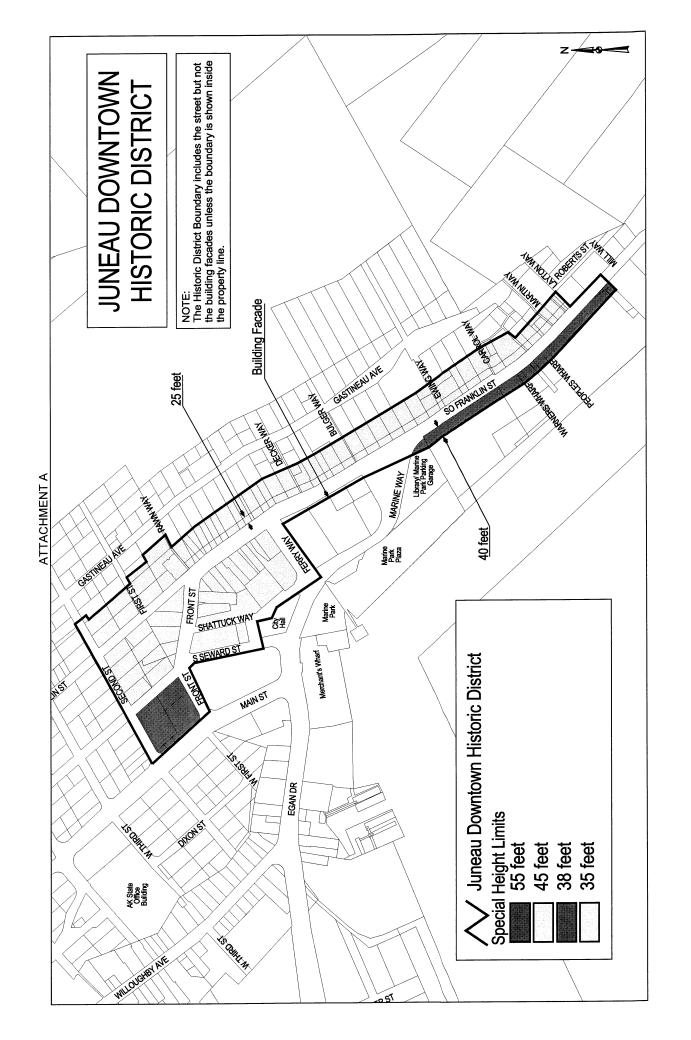
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SPECIAL MEETING

Meeting Minutes of the City and Borough of Juneau Historic Resources Advisory Committee

Wednesday, December 19, 2012
City Hall Assembly Chambers
5:00 p.m. to 6:30 p.m.

X Don Harris (Vice-Ch	nair) <u>></u>	Connie Munro
X Rico Worl	<u> </u>	ABS Myra Gilliam
ABS Liz Eskelin	<u> </u>	C Gerald Gotschall
Development)		
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elopment)		
evelopment)		
	X Rico Worl ABS Liz Eskelin Development)	X Rico Worl ABS Liz Eskelin Development)

I. Call to Order

Meeting began at 5 p.m. with a quorum.

II. Approval of Agenda

Agenda was approved. Rico Worl notified the committee that he needed to recuse himself as he has a conflict of interest as he works for the Sealaska Heritage Institute.

III. Public Testimony on Non-agenda Items

No comments from the public on non-agenda items.

- IV. New Business
 - 1. Proposed Sealaska Heritage Institute Building

CBJ staff, Laura Boyce and Greg Chaney, provided an overview of the request before the committee. Laura and Greg explained that the Assembly directed staff to draft a non-code ordinance for the proposed Sealaska Building located in the Downtown Historic District. Mr. Chaney mentioned that a number of variances from the Downtown Historic District Design Standards and Guidelines would be needed for the current building's design if it remains in the Downtown Historic District. A non-code ordinance, Mr. Chaney explained, if approved could allow the building to not comply with current standards, however, there is the possibility it could be considered spot-zoning.

Because of this, a map amendment to change the boundary of the Downtown Historic District to remove the block on which the proposed Sealaska building sits is proposed as it is a more legally defensible approach. An ordinance proposing to remove the Sealaska block, that also includes the city's municipal building, is being considered for removal from the Downtown Historic District and is before the HRAC today for their consideration.

Gerald Gotschall asked what is required for the site if it is removed from the District. Staff answered that a Conditional Use permit would be required for the building as well as a possible variance to the Land Use Code for canopies and vegetative cover.

Rosita Worl then spoke on behalf of the Sealaska Heritage Institute (SHI) as their current president. She introduced Lee Kadinger with SHI and acknowledged Ross Soboleff in the audience who is the son of Walter Soboleff, after whom the proposed building is named. She thanked the committee for the opportunity to speak. She supports the City's proposal to remove the block from the Downtown Historic District. She believes the building complements the District and the history of Juneau by including traditional architecture and heritage of the Tlingit. She mentioned a McDowell study that showed that 87% of Juneau citizen's support the proposed Cultural Center. She invited the HRAC members to visit Sealaska and have an orientation and tour of the historical and cultural center and programs. She stated she was available for questions.

Chair Gillette then asked the committee members if they had any questions. Don Harris stated that he would like to see drawings of the building. Marie Darlin asked for clarification regarding the removal of Seward Street from the District. CDD staff clarified that South Seward Street would be removed from the Downtown Historic District.

Ross Soboleff then spoke as a member of the public. He thanked the HRAC for considering this proposal. He stated he was speaking on his own behalf, not representing anyone. He reminded the HRAC that his father, Walter Soboleff, believed in an open public process and integrity. Walter Soboleff lived in this entire community and he was fully engaged in all aspects of this community; he loved this community. Mr. Ross Soboleff asked the HRAC to make its best decision.

Connie Munro moved that the committee support the request to remove the block from the Downtown Historic District boundary.

Gerald Gotschall commented on the motion. He stated that if the block is removed from the District, it frees up the height issue for the building. He hopes that future designs of the building will fit into the context of the Downtown District.

Marie Darlin reiterated that she would like to see designs of the building. Staff member Boyce handed out some of the proposed design plans of the building.

Don Harris stated that he was worried this removal would set a precedent. The Gastineau Apartments building recently burned. What if the owner requested for the site to be removed from the District so they wouldn't have to comply with the Downtown Historic District Design Standards?

Gary Gillette commented that he appreciated the concerns expressed. He said that this would be a great cultural center and a wonderful addition to the Downtown, but he was most concerned with the Front Street façade of the building. Front Street is where the majority of the City's oldest buildings are located and is more historic than South Seward Street; this building could be more sensitive to the buildings along Front Street. Mr. Gillette is concerned about the height of the building exceeding the 35 foot height limit on Front Street, as well as the vertical elements of the building as the vertical elements draw your eye upward, accentuating the height. Also, historically, elements were horizontal; the vertical elements are not historical. He stated that along the Seward Street façade, that the proposed building won't face any well-preserved historic buildings so he is fine with the removal of Seward Street. Along Shattuck Way, Mr. Gillette stated concerns with the pedestrian level of the building; it's a long blank façade proposed with tile, which isn't historic nor Native in design, and there are no windows at the ground level. Mr. Gillette mentioned the 1981 Downtown Historic District Development Plan that envisioned Shattuck Way as a pedestrian thoroughfare along this area. He stated that he hopes the final design of the building will address this issue. Mr. Gillette also brought up alternatives to the complete removal of the block from the District. He said that if the entire block were removed from the District, there would be no consideration of historic integrity along the Front Street side as it wouldn't have to comply with the Downtown Historic District standards. It could benefit if the first ten feet of the building along Front Street were to remain the District and the building could be stepped back to further complement the historic integrity of Front Street.

Gerald Gotschall brought up that other newer buildings in the Downtown Historic District reflect the historic proportions, lines, elevations, and patterns of the District; the Historic District Standards don't require the details. He also mentioned the Shattuck Way design of the building, that it is a blanked off wall with no rhythm and no pedestrian scale on Shattuck Way. Along Front Street, the stair element is articulated more than it needs to be; the stair jumps out as an element and it doesn't need to architecturally. Mr. Gotschall would like to see those architectural items addressed. Regarding keeping a portion of the Front Street façade in the District, while removing the rest of the block, he asked how much of the Front Street façade should be left in: 2 feet, five feet? He asked how do we state that we want the context to flow across the edge of this site? He said the Seward Street side is newer, more 80s in design, but the proposed architecture is not responding to the Front Street side.

Mr. Gillette mentioned that there could be a friendly amendment to the current motion made by Connie Munro. He suggested a ten or fifteen foot portion of the Front Street façade be included in the District.

Mr. Gotschall then asked for a friendly amendment to the current motion to include 5 feet of the property along Front Street to take into account the 35 height requirement. He clarified that he would like to retain five feet measured from the property line along Front Street.

Ms. Connie Munro stated that she thought this should be a separate motion.

Mr. Gillette clarified that the friendly amendment proposed would still remove the property from the District, but retain five feet from the property line along Front Street

within the District. He said that this amendment does two things, the Front Street façade will still be in the District so that height would be taken into account and only five feet – nothing further back – would have to comply with the District standards.

Mr. Gotschall stated that this would affect the stair feature along Front Street and have to be redesigned.

Ms. Munro stated that she did not accept the friendly amendment.

Mr. Gillette then restated the original motion to remove the entire block from the Downtown Historic District and called for a vote. Ms. Munro voted for the motion and the remaining four HRAC members voted against the motion. The motion failed.

Mr. Gotschall then made the motion:

Remove the block from the Downtown Historic District boundary except for five feet along Front Street which would be governed by Historic District standards.

Ms. Munro asked if this meant that the building could only be five feet in height along Front Street. Mr. Gillette explained that this meant five feet in depth of the building would have to comply with the Standards. The building height would be limited to 35 feet in height for the first five feet of the building along the Front Street side, but could then be stepped back and the height could be increased beyond five feet from Front Street. Ms. Munro stated that she didn't think this would be possible due to required fire and building code requirements that required the height. She was informed that this was not the case.

Mr. Gillette called for the vote on the current motion. All five members present voted in favor of the motion. The motion passed unanimously. Mr. Gillette stated that the HRAC's recommendation would go to the Assembly for consideration.

V. Committee Member Comments

No committee member comments.

VI. Next Regular Meeting – January 9, 2012, 5:00 p.m., City Hall Room 224

Mr. Gillette reminded members of the next meeting.

VII. Adjournment

Meeting adjourned at 5:55 p.m.

