

Comments regarding the proposed purchase of the Weidner Rummy Building for the October 24, 2018 Olympia Heritage Commission Meeting.

According to recent reporting, the City Council unanimously authorized the City's purchase of the building at 112 and 116 Fourth Ave. on Tuesday, September 25, 2018. An article by Abby Spegman (The Olympian, September 26, 2018) states "The City of Olympia wants to turn a downtown building — the former home of Ben Moore's Restaurant & Pub and current home to an Indian restaurant — into a mixed-use development that could including a parking garage".

Regulatory Context. The Weidner Rummy Club Building is within the Olympia Downtown Historic District and considered a contributing element to the Historic District's eligibility status. By City Code (see attached) and federal law, a demolition proposal for a building with this designation has to be reviewed by the Olympia Heritage Commission (OHC), under the U.S. Secretary of the Interior's Standards.

Additionally, if state funding will be used to complete the purchase, the acquisition may be subject to the State regulation which requires review of land acquisition projects for the purpose of capital construction.

Public Reaction. To say that this announcement caused an uproar in the historic preservation community and among Olympians in general would be an understatement. Not the least of the concerns are that the City's actions with regards to this purchase appear to be an intentional and deliberate exclusion of the appropriate citizens advisory committee from the decision-making process.

The role of the Olympia Heritage Commission. The OHC, as required by City Code, includes among its members experienced historic preservation specialists who regularly manage complex acquisition projects, projects with complicated funding sources, and projects requiring an awareness of sensitive contexts. Members include professional archaeologists with decades of experience managing cultural resources, the State Historical Architect with the leading state agency with expertise in historic preservation matters, licensed architects from state and private sector with decades of experience working on historic preservation projects, and professional historians. Several members have served on the Commission for multiple terms and provide continuity in how preservation issues are managed by the city that have bridged staffing transitions by the previous three Historic Preservation Officers.

The OHC was available and willing to meet to provide advice. The OHC as a whole or the Heritage Review Board would have met before this decision just to consider this issue, if staff or leadership had brought it forward. The OHC could have been invited to comment to the City Council either as part of a public hearing or to provide the kind of advice to City government that the OHC's intended purpose.

If the concern was public disclosure of a sensitive real estate transaction, the City is certainly aware that (like the disclosure of archaeological site locations) documents "prepared for the

purpose of considering the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price" [RCW 42.56.260 (1) (b)] are exempt from public disclosure, which means any consultation or advisory discussions with the OHC or HRC about the proposal would have been exempt from public disclosure for the time period needed to complete the sensitive transaction.

The OHC had a scheduled meeting on Wednesday, September 26, 2018. We could have been briefed on this decision after the fact, during our regularly scheduled meeting, instead staff passed along a message to the Chair that there were "no pressing items on the agenda" and requested that the meeting be cancelled.

The Results. The City's failure to prepare and issue a public press release about the purchase *and* notify the Heritage Commission prior to public announcement, resulted in:

1. A missed opportunity to proactively handle the tidal surge of dismay and concern by the general population and effectively hamstringing the Heritage Commission's ability to provide clarity to the issue.
2. The City has opened itself to valid complaints of a lack of transparency. By neglecting to include some or all of the OHC, the citizens advisory commission charged with facilitating the early identification and resolution of conflicts between the preservation of historic resources and alternative land uses prior to proceeding with the decision.
3. By failing to provide the OHC members with a briefing concerning this decision immediately following the announcement *at minimum*, the City has created a breach of trust between the City and the OHC.
4. And finally, in its failure to follow the process outlined by City Code and to appropriately use the technical expertise represented by the OHC to evaluate risk associated with the proposal, the City has potentially opened itself up to financial liability.

It is my sincere hope that the City will learn from its mistakes in this issue and take the opportunity to put into practice the protocols mandated in federal, state, and city regulation during the 60-day feasibility study period.

To that end, it is my strong recommendation that:

1. If no presentation has been prepared for the scheduled October 24, 2018 OHC meeting, City staff should immediately begin the process of preparing a briefing on the purchase of the Weidner Rummy Club Building for the OHC and be prepared to present it at an interim public meeting.
2. OHC should be prepared to hold a special public meeting to accommodate this briefing, if no briefing has been prepared for the scheduled October 24, 2018 meeting.

3. City staff should coordinate with the Heritage Commission, the Department of Archaeology and Historic Preservation, and City Council to arrange for a City Council briefing on cultural resource regulation as it applies to the City's business and the City's Heritage Review process.

A handwritten signature in black ink, appearing to read 'KMKelly', written in a cursive, flowing style.

Katherine M. Kelly
Olympia Heritage Commission, Chair

OLYMPIA CITY CODE

18.12.020 General Purpose and Intent

The purpose and intent of this chapter is to provide for the identification, enhancement, perpetuation and use of historic resources within the City in order to:

- A. Safeguard the heritage of the City as represented by those sites, buildings, districts, structures and objects which reflect significant elements of the City's history.
- B. Strengthen the economic vitality of the City by promoting the stabilization and improvement of property values in historic areas, and by encouraging new buildings and developments that will be harmonious with existing historic buildings and areas.
- F. Promote and facilitate the early identification and resolution of conflicts between the preservation of historic resources and alternative land uses.

(Ord. 7011 §1, 2016; Ord. 6491 §8, 2007).

18.12.055 Heritage Commission Powers and Duties

A. The major responsibilities of the Heritage Commission are: to identify and actively encourage the preservation of Olympia's historic resources by maintaining, updating, and expanding the Olympia Heritage Register and reviewing proposed changes to Heritage Register properties; to raise community awareness of Olympia's history and historic resources; and **to serve as the City's primary resource in matters of history, historic planning and preservation.**

In carrying out these responsibilities the Heritage Commission shall engage in the following:

6. Review proposals and applications to construct, change, alter, modify, remodel, remove or significantly affect properties or districts on the Heritage Register properties, as provided OMC 18.12.090 and 18.12.100. Such review shall be for the purpose of providing recommendations on the impacts of the proposed action to the identified historic resource. All recommendations shall be consistent with the Design Review Criteria and SEPA Mitigation. The City agency or body charged with acting on such a permit or document shall forward a copy of the final decision to the Heritage Commission.

7. Make recommendations to the City Council to be used in the land use and permitting process to guide this review.

15. Review and provide recommendations to the City Council on the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning and programs undertaken by any agency of the City, other neighboring cities and towns, the County, the state or federal governments, as they relate to historic and archaeological resources within the City.

(Ord. 7011 §1, 2016; Ord. 6491 §8, 2007).

18.12.090 Heritage Register - Alteration and Construction

A. Applicability. (See Design Guidelines, Sections 18.105.020 and 18.105.030, Remodeled Historic Buildings.) **No person shall construct any new building or structure, or reconstruct, alter, restore, remodel, repair or demolish any existing building or structure which is on the Heritage**

Register or within a Historic District without review by the Heritage Commission, the Heritage Review Committee, or Joint Design Review, as required by OMC 18.12.070 and 18.76.180. The review shall apply only to exterior or interior features designated as significant and relating to the designation of the property to the Heritage Register and interior features for historically significant interior spaces of public buildings, including privately owned buildings open to the public; provided, that this section shall have no application to ordinary repair and maintenance, including painting, or Emergency Repair measures as defined in Chapter 18.02, Definitions. Violation of this rule shall be grounds for the Heritage Commission to review the property for removal from the Heritage Register. The review shall be based upon OMC 18.105.020 and 18.105.030.

C. Standards for Review.

2. For any property located within a Historic District, the proposed construction, removal, rehabilitation, alteration, remodeling, excavation or exterior alteration shall conform to the standards in OMC 18.110.210, 18.105.020, and 18.105.030 and preserve the historic context and merit of the district, consistent with The Secretary of the Interior's Standards for the Treatment of Historic Properties (as amended).

3. Proposed alterations or significant changes necessary or appropriate in order to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance shall be coordinated with, and given consideration along with historic preservation concerns, in reviewing proposed changes to Heritage Register properties.

(Ord. 7011 §1, 2016; Ord. 6886 §22, 2013; Ord. 6491 §8, 2007).

18.12.100 Demolition of a Historic Building or a Contributing Historic District Property

Demolition of a Historic Building or a Contributing Historic District Property. Findings and a recommendation to the Building Official made by the Heritage Commission or Historic Preservation Officer is required before a permit may be issued to allow whole or partial demolition of a designated structure or facility of recognized historical significance, which for the purposes of WAC 197-11-800(2)(f) is one listed on the Olympia Heritage Register, Washington Heritage Register or National Register of Historic Places. The owner or his/her agent shall apply to the building official who will request a review of the proposed demolition by the Heritage Commission. The Heritage Commission shall recommend to the Building Official the approval or denial of the proposed demolition. Recommendations may also include steps to mitigate the loss of the property through, but not limited to, the procedures described in the SEPA Mitigation Policy for Olympia Historic Resources. The Building Official shall give substantial weight to these recommendations in establishing conditions of approval of the permits granted. If the structure is demolished, the Heritage Commission shall initiate the procedure for removal of the structure from the Heritage Register and may recommend designation as a historic site.

(Ord. 7011 §1, 2016; Ord. 6491 §8, 2007).

18.12.110 Removal of Designation

In the event that any property is no longer deemed appropriate for designation to the Heritage Register, the Heritage Commission may remove such designation by the same procedure as provided for in establishing the designation, particularly Section 18.12.085(D), (E) and (F). A property may be removed from the Olympia Heritage Register without the owner's consent.

(Ord. 7011 §1, 2016; Ord. 6491 §8, 2007).

Secretary's Standards for Rehabilitation

Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as "certified rehabilitations" eligible for the 20% rehabilitation tax credit. The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

The Standards apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
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.