

## **Regulation 4.60 MUNICIPALITY OF ANCHORAGE LOCAL LANDMARK REGISTER**

### **4.60.001 Definitions.**

The following words, terms, and phrases, when used in this chapter and Anchorage Municipal Code section 4.60.030, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building improvements* shall mean capital events that materially extend the useful life of a building or increase the value of a building, or both.

*Contributing resource* shall mean any resource that adds to the historic significance of a district or landscape.

*Director* shall mean the director of the planning department or the director's designee.

*Feature* shall mean any component or element of a landmark which has been designated by the historic preservation commission pursuant to this regulation and is found to be of importance to the historic, architectural, archaeological, Tribal, scenic, or natural value of the property.

*Historic context* shall mean an organizing structure for interpreting history that groups information about historic properties which share a common theme, common geographical location, and common time period. The development of historic contexts is a foundation for decisions about the planning, identification, evaluation, registration, and treatment of historic properties, based upon comparative significance. Examples of historic context may include Indigenous cultures, stories, or place names, Alaska Gold Rush, Alaska Railroad, World War II, Homestead Act, 1964 Earthquake, Urban Renewal, or the Prudhoe Bay Oil Discovery.

*Historic preservation officer* shall mean the Anchorage Historic Preservation Officer or designee.

*Integrity* shall mean the ability of the landmark resource to convey its significance. Integrity must always be grounded in an understanding of a resource's physical features and how those features relate to the significance of the resource. The seven aspects of integrity are location, design, setting, materials, workmanship, feeling, and association.

*Nomination* shall mean a proposal to list a historic or cultural resource for designation as a landmark.

*Nominator* shall mean any person, group of owners, property owner, Tribal entity, the historic preservation officer, or any member of the historic preservation commission who may nominate a resource for designation.

*Owner* shall mean a person with a fee simple interest, a substantial beneficial interest of record, or a substantial beneficial interest in a resource. Where the owner is a public agency or government, that agency shall specify the person or person(s) to receive notices hereunder.

*Person* shall mean any individual, partnership, corporation, group or association.

*Resource* shall mean any type of landmark proposed for nomination to include a building, district, structure, site, landscape, traditional cultural property, object, or travel route as described in AMCR 4.60.002, landmark types.

*Significance* shall mean the determination of the essential features that define why a resource is important and must include the period-in-time the resource is significant to. Significance is determined by identifying the links to important events or persons, design or construction features, or other potential information that makes the resource important. "Significant" landmark resources will be found to have a meaningful or notable influence or effect on our history or culture.

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*Substantial alteration* shall mean to demolish or materially alter the physical characteristics of a resource in an adverse manner.

( AO No. 2021-32 , § 2, 4-14-21)

#### **4.60.002 Landmark types.**

Landmarks shall be nominated as buildings, districts, structures, sites, landscapes, traditional cultural properties, objects, or travel routes. The nomination of object as a landmark does not constitute a nomination of the site on which the object is located unless the nomination states otherwise.

- A. *Building.* A building is a construction used for human shelter, e.g. to house animals, or for commerce, business, or education. Nominators can nominate a building exterior, interior, or both. Nominators cannot nominate just portions of the exterior. However, non-movable portions of a building interior can be nominated. It must be noted on the nomination form when both the exterior and interior of a building are being nominated for designation to the local landmark register.

*Examples:* A house, barn, place of religious assembly, school, theatre, Quonset hut, Wanigan, hall, machine shop, depot, office building, shed.

- B. *District.* A significant concentration, linkage, or continuity of sites, buildings, structures, travel routes, or objects united historically or aesthetically by plan or physical development and features related by period, type, or location. Single properties may not be significant by themselves, but still contribute to the whole by providing continuity of historic era, design, appearance, cultural use, or function. A district may include both contributing and non-contributing properties. A district may also comprise individual landmarks separated geographically but linked by history, architecture, and/or culture.

*Examples:* A residential neighborhood, business district, archaeological site, a building complex such as a cannery, military base, or college campus.

- C. *Structure.* A construction used for purposes other than human shelter.

*Examples:* Caches, bridges, dredges, dams, roadways, railroads, locomotives, aircraft, trail remnants or markers, and vessels.

- D. *Site.* The location of a significant event, a historic or prehistoric occupation or activity, or building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value, regardless of the value of any existing structure. The significance of a historic site does not depend upon the survival of original standing structures and may include buried archaeological materials, accurately reconstructed buildings or visible alterations of the land. However, the setting must retain integrity and be mostly free of modern or non-historic elements, which confuse the historical relationship of the site with its period of significance.

*Examples:* Habitation sites, funerary sites, village sites, gardens, ruins of historic buildings and structures, and natural features such as rock and land formations having cultural significance.

- E. *Landscape.* A geographic area including both historical, cultural, and natural resources associated with a prehistoric or historic event, activity, or person or peoples, or exhibiting other cultural or aesthetic values.

*Examples:* Farmlands, ancestrally used coastal areas, creek corridors, recreation areas, plant harvesting areas, parks, industrial and mining areas, etc.

- F. *Traditional cultural property.* A place associated with cultural practices or beliefs of a living community that are rooted in that community's history and are important in maintaining the cultural identity of

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the community. Traditional cultural properties have one or more of the following attributes: spiritual power, practice, stories, therapeutic quality, and remembrance.

*Examples:* Important ancestral fish camps, a location where a community has traditionally carried out economic, artistic, or other cultural practices important to maintaining its historic identity, or an urban neighborhood that is the traditional home of a particular cultural group and reflects its beliefs and practices.

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

*Examples:* Monuments, sculptures, boundary markers, a portion of a building interior, or fountains.

- H. *Travel routes.* Motorized or non-motorized routes of travel on land or water in urban, suburban, and remote, or rural settings. The landmark may represent a route of which there is no physical evidence remaining.

*Examples:* Trails, paths, roads, railway routes, mountain passes, or waterways.

( AO No. 2021-32 , § 2, 4-14-21)

#### **4.60.003 Designation process.**

- A. *Application.* Anyone may file an application to initiate the designation of a resource to the local landmark register, with the permission of each owner. A resource will not be considered for nomination without the owner's approval or 51 percent of owners' approval for resources with multiple owners. An application may be obtained from the planning department in hard copy or accessed online.

1. *Application fee.* An application fee based on a sliding scale (Table 4.60.003-1) will be assessed after the nomination has been determined complete. Nominations for municipal resources initiated by the historic preservation commission are exempt from the application fee. The application fee will be used to support the Anchorage Historic Preservation Program including the management of the local landmark register and will be directly deposited to the Historic Preservation Fund 740 (SAP 490000). The director may reduce or eliminate this fee at his or her discretion.

**TABLE 4.60.003-1**

TYPE	RESOURCE	FEE
1	Single Resource	\$50.00
2	District Contributing Resource (1—15)	\$75.00 total
3	District Contributing Resource (16—30)	\$100.00 total
4	District Contributing Resource (>31)	\$150.00 total

2. *Owner notification and approval.*

- a. Fifty-one percent of a resource's owners must approve the nomination of a landmark in writing. Owners may indicate their support or lack of support through a letter, a signed petition, through input at a public meeting, or through an email to the historic preservation officer or historic preservation commission.
- b. All owners within a proposed landmark will be notified of the landmark nomination by the historic preservation officer.

- B. *Completeness review.*

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1. The historic preservation officer is the administrative official with jurisdiction to determine the nomination is complete. One hard and electronic copy of the nomination is required to make the determination of completeness. The historic preservation officer may request additional information or work with the applicant to complete an application.
  2. The historic preservation officer will contact the nominator upon determination of completeness to request at least ten copies and one electronic copy of the nomination packet for distribution. (Additional copies may be required depending on the number of community councils to be noticed by the nomination.) The historic preservation officer will disseminate packets to municipal departments and the historic preservation commission.

C. *Anchorage Historic Preservation Commission Review.*

1. The historic preservation officer shall refer a completed application for landmark designation to the historic preservation commission. The historic preservation officer will place the nomination on the historic preservation commission's agenda for discussion and recommendation within 90 days after the historic preservation officer deems the nomination packet complete and the nomination fee is paid. The historic preservation officer will notify owners and/or proponents of the nominated resource of the historic preservation commission meeting by mail at least 30 days prior to the historic preservation commission meeting at which a nomination is set for consideration.
2. The historic preservation officer shall send notices of the historic preservation commission meeting to any affected and adjacent community councils.
3. The historic preservation commission shall make a determination of eligibility based on whether the resource meets all of the following:
  - a. The resource is identified as one or more of the landmark types as defined in AMCR 4.60.002;
  - b. The resource meets the requirements of AMCR 4.60.004; and
  - c. The resource retains sufficient integrity to convey that significance.

D. *Findings and recommendations of commission.* The historic preservation commission shall act officially on landmark designation within two regular meetings. The historic preservation commission may approve, reject, or request additional information.

1. *Approve.*
  - a. The historic preservation commission shall compose and approve a resolution that the nominated landmark meets the criteria for designation found in AMCR 4.60.004 and should be added to the local landmark register, if recommending approval.
  - b. The historic preservation commission will forward its recommendation through the historic preservation officer to the planning and zoning commission for a recommendation of approval by the planning and zoning commission to the anchorage assembly.
  - c. Upon the passage of an assembly ordinance designating the landmark, the municipal clerk shall send notice of the assembly action by mail to the owner, or owners, of the designated landmark. The historic preservation commission will also notify the owners of the assembly approval.
2. *Request more information.*
  - a. The historic preservation commission may request additional information from the nominator, owner(s), or historic preservation officer at or prior to the historic preservation commission meeting to assist them in making a determination. If additional information is requested at the meeting, the nomination will be tabled until the requested information is received.

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- b. Once additional information is received, the process established in AMCR 4.60.003B. and C. will be followed.
  - 3. *Deny.* A resource may be found ineligible by the historic preservation commission. The historic preservation commission will state in their findings during the historic preservation commission meeting why they believe the resource is ineligible. The nominator may appeal this finding per AMCR 4.60.008.
- E. *Recordation.*
- 1. *Municipal databases.* Within 90 days of designation of a landmark, the historic preservation officer shall record the designation in five municipal department databases: Cityview, the real property records database maintained by the municipal assessor with "HR" per AMC 4.60.030E.3.b, the permit system maintained by development services, the municipal geographic information system database, and the online local landmark register database maintained by the historic preservation officer.
  - 2. *Alaska Heritage Resources Survey Database (AHRS).* Upon designation of a landmark the historic preservation commission shall submit the landmark to the AHRS and the Alaska Department of Natural Resources Recorder's Office within 90 days for recordation.

( AO No. 2021-32 , § 2, 4-14-21)

#### **4.60.004 Evaluating historic and cultural resources.**

Qualified landmarks shall be at least 30 years old and must meet at least one criterion in one of the five categories: History, architecture, geography, culture, or be listed on the National Register or Alaska Landmark Register.

- A. *History:* The landmark shall meet at least one of the following criteria:
  - 1. Have direct association with development of the nation, state, Municipality, or communities within; or
  - 2. Be the location of a significant historical event; or
  - 3. Have direct or substantial association with an individual or group who influenced society; or
  - 4. Exemplify the cultural, social, economic, political, aesthetic, or engineering history of the nation, state, Municipality, or communities within; or
  - 5. Have potential to or has provided important information on the prehistory or history of the nation, state, Municipality, or communities within.
- B. *Architecture:* The landmark shall meet at least one of the following criteria:
  - 1. Embody distinguishing characteristics of an architectural style or type; or
  - 2. Be a significant example of the work of a recognized architect or master builder; or
  - 3. Contain elements of architectural design, engineering, materials, craftsmanship, or artistic merit which represent a significant or influential innovation; or
  - 4. Embodies a style or character that demonstrates the building traditions of a group of people of an area in an era of history or prehistory.
- C. *Geography:* The landmark shall meet at least one of the following criteria:

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1. It represents an established and familiar feature of the neighborhood, community, or city, due to its prominent location or physical characteristics; or
  2. Has historically promoted understanding and appreciation of the natural and cultural environment by means of its distinctive physical characteristics or rarity; or
  3. Represent a resource, whether natural or human-made, which has historically or culturally contributed to the character of areas within the Municipality or communities within.
- D. *Culture*: The landmark shall meet at least one of the following criteria:
1. Embody the customary beliefs, social forms, and material traits of an ethnic, religious, or social group shared by people in a place or time; or
  2. Embody an integrated pattern of human knowledge, belief, and behavior that depends upon the capacity for learning and transmitting knowledge to succeeding generations; or
  3. Demonstrate an important association with customary practices or beliefs of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community; or
  4. Exemplify social, cultural, ethnic, or historical heritage of the Municipality or communities within.
- E. *National or Alaska Historic Registers*: Any resource listed on the National Register of Historic Places or the Alaska Landmark Register may also be listed on the Local Landmark Register with owner approval.

( AO No. 2021-32 , § 2, 4-14-21)

#### **4.60.005 Use of property designated as a landmark.**

A landmark designation shall not affect the existing legally established use of the property at the time of designation. Anchorage Municipal Code Title 21 shall continue to apply to the designated landmark. Landmark properties that have received a historic preservation incentive or entitlement will not be allowed to opt out of the landmark register.

Incentives benefiting the landmark property may include but are not limited to: property tax relief, Title 21 deviations, transfer of development rights, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements or amenities, or parking reductions will not be allowed to opt out of the local landmark register.

The development services department and the planning department will notify the historic preservation officer about permits affecting a landmark. The historic preservation officer will apprise the historic preservation commission of any such permitting actions. Demolition, relocation, or substantial alteration may result in removal of the landmark from the local landmark register. The removal of the landmark from the local landmark register may be initiated by the historic preservation commission.

( AO No. 2021-32 , § 2, 4-14-21)

#### **4.60.006 Commemoration.**

Upon request, the historic preservation commission may provide landmarks with an appropriately designed recognition in commemoration of landmark designation for a fee. This may include a commemorative plaque, interpretive panel, or interpretive signage.

There may be instances when a landmark will not be publicly commemorated. Commemoration outreach will include government-to-government consultations with Alaska Indigenous groups by the historic preservation

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commission and historic preservation officer to ensure sensitivity and understanding of a landmark and the extent to which the landmark can be publicly acknowledged.

( AO No. 2021-32 , § 2, 4-14-21)

#### **4.60.007 Opt-out provision.**

The owner of a resource may request to remove their property from the local landmark register. This request will be made to the historic preservation officer by a signed letter from the "owner of record." The owner will be required to pay associated recordation fees for such removal upon approval.

A. *Exceptions:* Two exceptions to this provision occur as follows:

1. A landmark owner has received a historic preservation incentive to improve or maintain their property from the Municipality of Anchorage, or
2. A landmark owner has a historic preservation conservation easement.

B. The incentive received on a landmark will guide the timeframe when a landmark may be removed from the local landmark register.

( AO No. 2021-32 , § 2, 4-14-21)

#### **4.60.008 Appeals.**

The planning director shall administer these regulations. An aggrieved person may appeal a decision of the historic preservation commission regarding the eligibility of a resource for listing in the Anchorage Local Landmark Register. The historic preservation commission's decision may be appealed to the planning and zoning commission.

( AO No. 2021-32 , § 2, 4-14-21)