

ANCHORAGE, ALASKA
AO No. 2020-_____

1 **AN ORDINANCE ESTABLISHING THE MUNICIPALITY OF ANCHORAGE LOCAL**
2 **LANDMARK REGISTER.**
3

4
5 **WHEREAS**, the Anchorage Historic Preservation Commission “shall prepare and
6 submit to the assembly, mayor, and planning and zoning commission for approval by
7 ordinance a procedure for designating, without modifying the underlying zoning
8 classification,” historic and cultural resources for inclusion into an Anchorage-wide
9 Historic Inventory; and

10
11 **WHEREAS**, the recognition of cultural and historic resources gives the public
12 valuable information about the people who came before, their struggles, successes,
13 and way of life; and

14
15 **WHEREAS**, local landmark registers are a foundational element of historic
16 preservation programs throughout the world enabling communities to survey,
17 recognize, and preserve their unique history and culture by inventorying and listing
18 these resources with an adopted local landmark register; and

19
20 **WHEREAS**, the residents of the Municipality of Anchorage have expressed their
21 support for the adoption of a local landmark register during a Municipal-wide historic
22 preservation planning process conducted during 2017-2018; now, therefore,

23
24 **THE ANCHORAGE ASSEMBLY ORDAINS:**

25
26 **Section 1.** Anchorage Municipal Code section 4.60.030 is hereby amended to read
27 as follows (*the remainder of the section is not affected and therefore not set out*):

28
29 **4.60.030 Historic Preservation Commission**

30 *** **

31 **E. Powers and duties of commission.** The commission shall:

32 *** **

- 33 2. Prepare and maintain a comprehensive inventory of historic and
34 cultural resources. The local Historic Inventory shall be
35 compatible with the Alaska Heritage Resource Survey and shall
36 be submitted annually to the State of Alaska Office of History
37 and Archeology.
38 3. Prepare and submit to the assembly, mayor, and planning and
39 zoning commission for approval by ordinance, a procedure for
40 designating, without changing or modifying the underlying zoning
41 classification:
42 a. Resources on the Historic Inventory with “HI”; and
43 b. Properties listed in the Alaska Landmark Register, the

National Register of Historic Places and/or the Municipality of Anchorage Local Landmark Register [LOCAL, STATE AND FEDERAL HISTORIC REGISTRIES] with "HR".

5. Review applications for designation of [HISTORIC PROPERTIES,] Historic and Cultural Resources [OR HISTORIC DISTRICTS], including nominations to the Alaska Landmark Register [STATE] and National Register[S] of Historic Places, and under applicable federal and state laws, nominate such [PROPERTIES,] resources to the Municipality of Anchorage Local Landmark Register [OR DISTRICTS FOR THE LOCAL HISTORIC REGISTER].

A. [INITIALLY] T[t]he commission may [SHALL] nominate municipal properties including those listed on the Alaska Landmark Register [STATE] and National Register[S] of Historic Places for the Anchorage L[ocal] Landmark [HISTORIC] Register.

6. Under the Alaska Historic Preservation Act and the National Historic Preservation Act of 1966, 54 USC 300101 [16 USC 470] et seq.:

b. Serve as the local historical district commission for the municipality under AS 29.55 and AS 45.98, and maintain the Municipality of Anchorage Local Landmark Register [LOCAL HISTORIC REGISTER].

G. Local Landmark Register. There is established a Municipality of Anchorage Local Landmark Register.

1. Purpose.

The purpose of this section is to establish the Municipality of Anchorage Local Landmark Register. Local landmark registers are a foundational element in historic preservation programs throughout the world. The purpose of the Local Landmark Register is to document the buildings, districts, structures, sites, landscapes, travel routes, traditional cultural properties and objects significant to the history and culture of Anchorage, and the communities within.

2. Qualification.

The Local Landmark Register is a voluntary program available to anyone seeking to document and recognize a resource by this nomination process. Resources listed in the Local Landmark Register neither supersede nor limit National Register of Historic Places, or Alaska Landmark Register eligibility and listing. To be qualified for listing on the Local Landmark Register, a

1 resource must be identified as at least 30 years old and must be
2 both “Significant” and retain sufficient “Integrity” to convey the
3 significance, as those terms are defined in Anchorage Municipal
4 Code of Regulations Chapter 4.60.

5
6 **3. Nomination and Designation Process.**

7 Anyone may file an application to initiate the designation of a
8 resource to the Local Landmark Register, provided they have
9 obtained the owner’s permission. The Historic Preservation
10 Officer shall review the application and refer completed
11 applications to the Historic Preservation Commission in
12 accordance with Anchorage Municipal Code of Regulations
13 Chapter 4.60.

14
15 **H [G].** The sunset provisions in section 4.05.150 shall not apply to this board.

16
17 (CAC 2.64.680—2.64.690; AO No. 77-304; AO No. 82-49; AO No. 83-44;
18 AO No. 86-154; AO No. 87-96; AO No. 2004-96, § 1, 6-8-04; AO No.
19 2006-175, § 1, 1-9-07; AO No. 2011-64(S-1), § 5, 6-28-11; AO No. 2011-
20 81, § 3, 8-30-11; AO No. 2015-97, § 1, 9-15-15.)

21
22 **Charter reference—** Boards and commissions, § 5.07.

23
24 **Cross reference—** Naming of municipal buildings, other fixed facilities
25 and public places, ch. 3.97; historic preservation project fund, ch. 6.100;
26 land use planning, supplementary district regulations, ch. 21.45; building
27 regulations, ch. 23.05; public lands, tit. 25.

28
29 **State Law reference—** Historical commissions, AS 29.55.010; historical
30 district revolving loan fund, AS 45.98.

31
32 **Section 2.** Anchorage Municipal Code of Regulations is hereby amended by
33 adding a new chapter 4.60—Municipality of Anchorage Local Landmark Register.

34
35 **Regulation 4.60 Municipality of Anchorage Local Landmark Register**

36
37 **4.60.001 Definitions**

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

42
43 *Contributing resource* shall mean any resource that adds to the historic
44 significance of a district or landscape.

45
46 *Director* shall mean the Director of the Planning Department or the
47 Director’s designee.

48

1 *Feature* shall mean any component or element of a landmark which has
2 been designated by the Historic Preservation Commission pursuant to this
3 ordinance and is found to be of importance to the historic, architectural,
4 archaeological, Tribal, scenic, or natural value of the property.

5
6 *Historic Context* shall mean an organizing structure for interpreting history
7 that groups information about historic properties which share a common
8 theme, common geographical location, and common time period. The
9 development of historic contexts is a foundation for decisions about the
10 planning, identification, evaluation, registration, and treatment of historic
11 properties, based upon comparative significance. Examples of historic
12 context may include Indigenous cultures, stories, or place names, Alaska
13 Gold Rush, Alaska Railroad, World War II, Homestead Act, 1964
14 Earthquake, Urban Renewal, or the Prudhoe Bay Oil Discovery.

15
16 *Historic Preservation Officer* shall mean the Anchorage Historic
17 Preservation Officer or designee.

18
19 *Integrity* shall mean the ability of the landmark resource to convey its
20 significance. Integrity must always be grounded in an understanding of a
21 resource's physical features and how those features relate to the
22 significance of the resource. The seven aspects of integrity are location,
23 design, setting, materials, workmanship, feeling, and association.

24
25 *Improvement* shall mean any object on a site constituting a physical
26 improvement of a property.

27
28 *Nomination* shall mean a proposal to list a historic or cultural resource for
29 designation as a landmark.

30
31 *Nominator* shall mean any person, group of owners, property owner, Tribal
32 entity, the Historic Preservation Officer, or any member of the Historic
33 Preservation Commission who may nominate a resource for designation.

34
35 *Owner* shall mean a person with a fee simple interest, a substantial
36 beneficial interest of record, or a substantial beneficial interest known to the
37 Historic Preservation Commission in an object, site, or improvement. Where
38 the owner is a public agency or government, that agency shall specify the
39 person or person(s) to receive notices hereunder.

40
41 *Person* shall mean any individual, partnership, corporation, group or
42 association.

43
44 *Resource* shall mean any building, district, structure, site, landscape,
45 traditional cultural property, object, or travel route.
46

1 *Significance* shall mean the determination of the essential features that
2 define why a resource is significant, and in what period in time the resource
3 is significant to. Significance is determined by identifying the links to
4 important events or persons, design or construction features, or other
5 potential information that makes the resource important. “Significant”
6 landmark resources will be found to have a meaningful or noticeable
7 influence or effect on our history or culture.

8
9 *Substantial Alteration* shall mean to demolish or materially alter the physical
10 characteristics of a historic or cultural resource in an adverse manner.

11
12 **4.60.002 Landmark Types**

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

19
20 **A. Building**

21 A building is a construction used for human shelter, e.g. to house
22 animals, or for commerce, business, or education. An interior, or any
23 part of an interior may be designated regardless of whether the
24 remainder of the resource in which it is located has been so
25 designated. Nominations that include the entire building, including an
26 interior, should be noted for inclusion in the designation.

27
28 Examples: A house, barn, place of religious assembly, school,
29 theatre, Quonset hut, Wanigan, hall, machine shop, depot, office
30 building, shed.

31
32 **B. District**

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

42
43 Examples: A residential neighborhood, business district, archaeological
44 site, a building complex such as a cannery, military base, or college
45 campus.

46

1 **C. Structure**

2 A construction used for purposes other than human shelter.

3
4 Examples: Caches, bridges, dredges, dams, roadways, railroads,
5 locomotives, aircraft, trail remnants or markers, and vessels.

6
7 **D. Site**

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

18
19 Examples: Habitation sites, funerary sites, village sites, gardens, ruins
20 of historic buildings and structures, and natural features such as rock
21 and land formations having cultural significance.

22
23 **E. Landscape**

24 A geographic area including both historical, cultural, and natural
25 resources associated with a prehistoric or historic event, activity, or
26 person or peoples, or exhibiting other cultural or aesthetic values.

27
28 Examples: Farmlands, ancestrally used coastal areas, creek corridors,
29 recreation areas, plant harvesting areas, parks, industrial and mining
30 areas, etc.

31
32 **F. Traditional Cultural Property**

33 A place associated with cultural practices or beliefs of a living
34 community that are rooted in that community's history and are important
35 in maintaining the cultural identity of the community. Traditional Cultural
36 Properties have one or more of the following attributes: spiritual power,
37 practice, stories, therapeutic quality, and remembrance.

38
39 Examples: Important ancestral fish camps, a location where a
40 community has traditionally carried out economic, artistic, or other
41 cultural practices important to maintaining its historic identity, or an
42 urban neighborhood that is the traditional home of a particular cultural
43 group and reflects its beliefs and practices.

44
45 **G. Object**

46 A material thing of functional, aesthetic, cultural, historical, or scientific
47 value that may be by nature or design, movable yet related to a specific
48 setting or environment.

49

1 Examples: Monuments, sculptures, boundary markers, or fountains.
2

3 **H. Travel Routes**

4 Motorized or non-motorized routes of travel on land or water in urban,
5 suburban, and remote, or rural settings. The landmark may represent a
6 route of which there is no physical evidence remaining.
7

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

10 **4.60.003 Designation Process.**

11 **A. Application**

12
13 Anyone may file an application to initiate the designation of a resource
14 to the Local Landmark Register, with the permission of each owner. A
15 resource will not be considered for nomination without the owner's
16 approval or 51% of owners' approval for resources with multiple
17 owners. An application may be obtained from the planning department
18 in hard copy or accessed online.
19

20 **1. Application Fee.**

21 An application fee based on a sliding scale (Table 4.60.003-1)
22 will be assessed after the nomination has been determined
23 complete. Nominations for municipal resources initiated by the
24 Historic Preservation Commission are exempt from the
25 application fee. The application fee will be used to support the
26 Anchorage Historic Preservation Program including the
27 management of the Local Landmark Register and will be directly
28 deposited to the Historic Preservation Fund 740 (SAP 490000).
29

30 TABLE 4.60.003-1
31

TYPE	RESOURCE	FEE
1	Single Resource	\$100
2	District Contributing Resource (1-15)	\$150 total
3	District Contributing Resource (16-30)	\$200 total
4	District Contributing Resource (>31)	\$300 total

32 **2. Owner Notification and Approval.**

33 a. Fifty-one percent of a resource's owners must approve
34 the nomination of a Landmark in writing. Owners may
35 indicate their support or lack of support through a letter, a
36 signed petition, through input at a public meeting, or
37 through an email to the Historic Preservation Officer or
38 Historic Preservation Commission.
39

40 b. All owners within a proposed Landmark will be notified of
41 the landmark nomination by the Historic Preservation
42 Officer.
43
44
45

1 **B. Completeness Review**

- 2
- 3 1. The Historic Preservation Officer is the administrative official
- 4 with jurisdiction to determine the nomination is complete. One
- 5 hard and electronic copy of the nomination is required to make
- 6 the determination of completeness. The Historic Preservation
- 7 Officer may request additional information or work with the
- 8 applicant to complete an application.
- 9
- 10 2. The Historic Preservation Officer will contact the nominator upon
- 11 determination of completeness to request at least 10 copies and
- 12 one electronic copy of the nomination packet for distribution.
- 13 *(Additional copies may be required depending on the number of*
- 14 *community councils to be noticed by the nomination.)* The
- 15 Historic Preservation Officer will disseminate packets to
- 16 municipal departments and the Historic Preservation
- 17 Commission.

18

19 **C. Anchorage Historic Preservation Commission Review**

- 20
- 21 1. The Historic Preservation Officer shall refer a completed
- 22 application for landmark designation to the Historic Preservation
- 23 Commission. The Historic Preservation Officer will place the
- 24 nomination on the Historic Preservation Commission's agenda
- 25 for discussion and recommendation within 90 days after the
- 26 Historic Preservation Officer deems the nomination packet
- 27 complete and the nomination fee is paid. The Historic
- 28 Preservation Officer will notify owners and/or proponents of the
- 29 nominated resource of the Historic Preservation Commission
- 30 meeting by mail at least thirty (30) days prior to the Historic
- 31 Preservation Commission meeting at which a nomination is set
- 32 for consideration.
- 33
- 34 2. The Historic Preservation Officer shall send notices of the
- 35 Historic Preservation Commission meeting to any affected and
- 36 adjacent community councils.
- 37
- 38 3. The Historic Preservation Commission shall make a
- 39 determination of eligibility based on whether the resource meets
- 40 all of the following:
- 41 a. The resource is identified as one or more of the
- 42 landmark types as defined in 4.60.002;
- 43 b. The resource meets the requirements of 4.60.004; and
- 44 c. The resource retains sufficient integrity to convey that
- 45 significance.
- 46

47 **D. Findings and Recommendations of Commission**

48

49 The Historic Preservation Commission shall act officially on landmark

1 designation within two regular meetings. The Historic Preservation
2 Commission may approve, reject, or request additional information.

3 1. Approve

4 a. The Historic Preservation Commission shall compose
5 and approve a resolution that the nominated landmark
6 meets the criteria for designation found in 4.60.004 and
7 should be added to the Local Landmark Register, if
8 recommending approval.

9 b. The Historic Preservation Commission will forward its
10 recommendation through the Historic Preservation Officer
11 to the Planning and Zoning Commission for a
12 recommendation of approval by the Planning and Zoning
13 Commission to the Anchorage Assembly.

14 c. Upon the passage of an Assembly ordinance designating
15 the landmark, the Municipal Clerk shall send notice of the
16 Assembly action by mail to the owner, or owners, of the
17 designated landmark. The Historic Preservation
18 Commission will also notify the owners of the Assembly
19 approval.

20 2. Request More Information

21 a. The Historic Preservation Commission may request
22 additional information from the nominator, owner(s), or
23 Historic Preservation Officer at or prior to the Historic
24 Preservation Commission meeting to assist them in
25 making a determination. If additional information is
26 requested at the meeting, the nomination will be tabled
27 until the requested information is received.

28 b. Once additional information is received, the process
29 established in 4.60.003B and C will be followed.

30 3. Deny

31 A resource may be found ineligible by the Historic Preservation
32 Commission. The Historic Preservation Commission will state in
33 their findings during the Historic Preservation Commission
34 meeting why they believe the resource is ineligible. The
35 nominator may appeal this finding per 4.60.008.

36 **E. Recordation**

37 1. Municipal Databases.

38 Within 90 days of designation of a landmark, the Historic
39 Preservation Officer shall record the designation in five
40 Municipal department databases: Cityview, the Real Property
41 records database maintained by the Municipal Assessor with
42 "HR" per 4.60.030E.3.b, the permit system maintained by
43 Development Services, the municipal geographic information
44 system database, and the online Local Landmark Register
45 database maintained by the Historic Preservation Officer.

46 2. Alaska Heritage Resources Survey Database (AHRS).

47 Upon designation of a landmark the Historic Preservation
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49

1 Commission shall submit the Landmark to the AHRS and the
2 Alaska Department of Natural Resources Recorder's Office
3 within 90 days for recordation.
4

5 **4.60.004 Evaluating Historic and Cultural Resources**

6 Qualified landmarks shall be at least 30 years old and must
7 meet at least one criterion in one of the five categories: History,
8 Architecture, Geography, Culture, or be listed on the National
9 Register or Alaska Landmark Register.
10

11 **A. History:** The landmark shall meet at least one of the following criteria:
12

- 13 1. Have direct association with development of the nation, state,
14 Municipality, or communities within; or
15
16 2. Be the location of a significant historical event; or
17
18 3. Have direct or substantial association with an individual or
19 group who influenced society; or
20
21 4. Exemplify the cultural, social, economic, political, aesthetic, or
22 engineering history of the nation, state, Municipality, or
23 communities within; or
24
25 5. Have potential to or has provided important information on the
26 prehistory or history of the nation, state, Municipality, or
27 communities within.
28

29 **B. Architecture:** The landmark shall meet at least one of the following
30 criteria:
31

- 32 1. Embody distinguishing characteristics of an architectural style
33 or type; or
34
35 2. Be a significant example of the work of a recognized architect
36 or master builder; or
37
38 3. Contain elements of architectural design, engineering,
39 materials, craftsmanship, or artistic merit which represent a
40 significant or influential innovation; or
41
42 4. Embodies a style or character that demonstrates the building
43 traditions of a group of people of an area in an era of history
44 or prehistory.
45

46 **C. Geography:** The landmark shall meet at least one of the following
47 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 a racial, 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.

4.60.005 Use of Property Designated as a Landmark

Nothing contained in this ordinance or in a landmark designation shall affect the present legal use of property. Anchorage Municipal Code Title 21 shall continue to apply to the use of the landmark. An exception to the section is accorded to properties receiving a historic preservation incentive such as tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements or amenities, variances in Title 21 land use requirements, or parking reductions.

The Development Services Department will notify the Historic Preservation Officer about permits affecting a landmark. The

1 Historic Preservation Officer will apprise the Historic
2 Preservation Commission of any such permitting actions.
3 Demolition, relocation, or substantial alteration may result in
4 removal of the landmark from the Local Landmark Register. The
5 removal of the landmark from the Local Landmark Register may
6 be initiated by the Historic Preservation Commission.
7

8 **4.60.006 Commemoration.**

9 Upon request, the Historic Preservation Commission may
10 provide landmarks with an appropriately designed recognition
11 in commemoration of landmark designation for a fee. This
12 may include a commemorative plaque, interpretive panel, or
13 interpretive signage.
14

15 There may be instances when a landmark will not be
16 publically-commemorated. Commemoration outreach will
17 include Government-to-Government consultations with Alaska
18 Indigenous groups by the Historic Preservation Commission
19 and Historic Preservation Officer to ensure sensitivity and
20 understanding of a landmark and the extent to which the
21 landmark can be publically-acknowledged.
22

23 **4.60.007 Opt-out Provision**

24 The owner of a resource may request to remove their property
25 from the Local Landmark Register. This request will be made to
26 the Historic Preservation Officer by a signed letter from the
27 "owner of record." The owner will be required to pay associated
28 recordation fees for such removal upon approval.
29

30 1. Exceptions: Two exceptions to this provision occur as
31 follows:

- 32
- 33 i. A landmark owner has received a historic
34 preservation incentive to improve or maintain
35 their property from the Municipality of
36 Anchorage, or
 - 37 ii. A landmark owner has a historic preservation
38 conservation easement.
39

40

41 2. The incentive received on a landmark will guide the
42 timeframe when a landmark may be removed from the
43 Local Landmark Register.
44

45 **4.60.008 Appeals.**

46 The planning director shall administer these regulations. An
47 aggrieved person may appeal a decision of the Historic
48 Preservation Commission regarding the eligibility of a resource
49 for listing in the Anchorage Local Landmark Register. The

Historic Preservation Commission's decision may be appealed to the planning and zoning commission.

Section 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2020.

Chair of the Assembly

ATTEST:

Municipal Clerk

Public Review Draft Ordinance 6-15-2020

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