MEMO

To: Mayor McCarthy, City Council
From: Jeff Arango, AICP – Director of Community Planning
Date: September 24, 2014

Re: Maintenance and Demolition of Historic Structures in the Central Business District

With the adoption of Ordinance 999 on May 5, 2014 the city established a six-month moratorium on applications for the demolition of structures listed or eligible for listing on the National Register of Historic Places in the Central Business District. Since that time the Planning Advisory Board (PAB) has been working with staff to develop standards for the maintenance and demolition of historic structures in the Central Business District. The Planning Advisory Board held a public hearing on September 10, 2014 to consider the proposal. The proposal has also been reviewed and amended appropriately by the city attorney. Following the public hearing the PAB unanimously recommended adoption of the ordinance by the city council.

The following highlights the key components of the proposed ordinance:

1. Applicable to structures in the Central Business District that are listed or eligible for listing on either the National Register of Historic Places or the Washington Heritage Register.
2. Require maintenance of historic structures to avoid demolition by neglect.
3. Require a historic survey of structures to determine eligibility for the above referenced historic registers upon application for demolition. An independent third party at the request of the city may review the survey.
4. One of the following three standards must be met for approval of demolition [see draft ordinance for more detail]:
   a. Economic Hardship
   b. Structural Integrity
   c. Community Benefit
5. If approved for demolition a structure may not be demolished until a redevelopment plan has been approved.
6. For developments on First Street between Anthes Ave and First Street the existing 30’ building width pattern must be replicated.
7. A minimum setback of 5’ is established for the already required upper level setback for developments that step down the bluff from First Street to Seawall Park.
8. The Historic Preservation Commission will review applications for demolition at a public hearing with final approval by the city council. Decisions may be appealed to the hearing examiner.

Recommendation

The Planning Agency recommends the city council pass the first reading of the ordinance and proceed with a second reading on October 20, 2014.
CITY OF LANGLEY

ORDINANCE NO. ________


WHEREAS, The Langley City Council adopted a six month moratorium on applications for the demolition of structures listed or eligible for listing on the National Register of Historic Places in the Central Business District on May 5, 2014; and

WHEREAS, The Planning Agency, including the Planning Advisory Board and city staff, drafted standards for the maintenance and demolition of historic structures in the Central Business District.

WHEREAS, The Planning Advisory Board has met monthly over the past five months in open public meetings to develop and review the proposed amendments

a. The city received no written comments on the proposal

WHEREAS, The Planning Advisory Board, following appropriate public notice, held a public hearing on September 10, 2014 to accept public comment and make a recommendation to the city council regarding adoption of the amendments. Three members of the public attended the public hearing and two offered comments in support of the proposal; and

WHEREAS, On September 3, 2014 the city’s SEPA responsible official issued a Determination of Non-Significance (DNS) in compliance with the State Environmental Policy Act (SEPA) with a 14-day public comment period and 10-day appeal period.

a. A notice of public action regarding the DNS was posted at appropriate places in the City of Langley and in the South Whidbey Record on September 3, 2014.

b. No public comments were received.

WHEREAS, The amendments to the Langley Municipal Code herein are consistent with the Langley Comprehensive Plan last amended in 2013; and

WHEREAS, The city applied for and was granted expedited review from the Washington Department of Commerce on September 23, 2014 for the enclosed amendments and in conformance with the requirements of the Washington State Growth Management Act; and
WHEREAS, on September 24, 2014, the PAB issued written Findings of Fact, Conclusions of Law and Recommendations ("Recommendation") attached hereto as Exhibit A, in which the PAB recommended that the City Council adopt the proposed amendments; and

WHEREAS, on ________, 2014, the City Council in open public meeting reviewed the Recommendation of the PAB and supports the Recommendation;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 2 of the Langley Municipal Code is hereby amended as shown in Exhibit B attached hereto and incorporated herin.

Section 2. Title 15 of the Langley Municipal Code is hereby amended as shown in Exhibit C attached hereto and incorporated herin.

Section 3. Title 16 of the Langley Municipal Code is hereby amended as shown in Exhibit D attached hereto and incorporated herin.

Section 4. Title 18 of the Langley Municipal Code is hereby amended as shown in Exhibit E attached hereto and incorporated herin.

Section 5. Severability. If any section, paragraph, subsection, clause or phrase of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance, or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held this ___ day of ______________________, 2014.

__________________________________________
Fred McCarthy, Mayor

ATTEST:
Debbie L. Mahler, Director of Finance/City Clerk

APPROVED AS TO FORM:

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Jeff Taraday, City Attorney