ORDINANCE NO. 28962

AN ORDINANCE relating to land use regulation; enacting a temporary moratorium on the nomination and designation of new Historic Special Review and Conservation Districts, for a period of one year.

WHEREAS Tacoma Municipal Code ("TMC") 13.07.060 outlines regulations for the local Tacoma Register of Historic Places and the nomination and designation process for Historic Special Review and Conservation Districts ("Districts"), and

WHEREAS the Landmarks Preservation Commission ("LPC") and Planning Commission ("PC") both have roles in reviewing nominations and making recommendations, and,

WHEREAS in reviewing applications for Districts over the last year, both commissions noted concerns about the existing historic district designation process and recommended that a review and potential update to the process should be conducted in the earliest possible plan and code amendment cycle, and

WHEREAS the PC adopted its Work Program for 2023-2025 in November 2023, and the City Council's Infrastructure, Planning, and Sustainability Committee concurred with the work program in December 2023, and the work program includes the 2024 Comprehensive Plan Periodic Update, which is anticipated to be completed in mid-2025, and

WHEREAS a Historic Preservation Plan Update including a policy/code review of local historic districts is included in the current scope for the 2024 Comprehensive Plan Periodic Update ("Comprehensive Plan"), and

WHEREAS the requested review is planned to be included in the upcoming 2024 Comprehensive Plan update process, however, in the interim, applications for Districts may continue to be submitted, and

WHEREAS by Resolution No. 41226, the City Council directed the PC, in coordination with the LPC, to conduct a public process to develop findings of fact and recommendations as to whether a moratorium on nomination and designation of local historic districts is warranted, and the PC adopted a review schedule and set a public hearing on September 20, 2023, and

WHEREAS following the public hearing, the PC also sought feedback and input from the LPC, and

WHEREAS the LPC did not feel that a moratorium was a necessary step to address existing policy issues within the normal scope of its work, but the PC found there are significant unresolved policy and code questions relating to historic district creation, and the PC workplan would benefit from a temporary pause on historic district review afforded by a moratorium, and

WHEREAS the PC expressed that before the establishment of any new Districts additional study was needed regarding the interplay between the current code and the City's efforts to increase all income housing availability, and increase housing density within the City, and

WHEREAS the PC further noted that before the establishment of any new Districts study of the current code was needed to focus on addressing the impacts

of systemic racism on home ownership and wealth-building opportunities for people of color in the City, and

WHEREAS on November 15, 2023, the PC voted to recommend that the City Council establish a moratorium on the consideration and adoption of new Districts for a period of one year while the PC's established workplan on the subject is implemented, and

WHEREAS on March 5, 2024, the City Council held a public hearing to seek comment on the PC recommendation; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That a temporary moratorium on the nomination and designation of new Historic Special Review and Conservation Districts, is hereby enacted, for a period of one year or until the work is complete whichever is less.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance or its application to any other person or situation.

Section 4. Effective Date. This Ordinance shall be effective ten days after its publication.

Section 5. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

_____
Mayor

Attest:

_____
City Clerk

Approved as to form:

_____
Chief Deputy City Attorney