



TO: Bill Fosbre, Acting City Attorney

FROM: Martha Lantz, Deputy City Attorney *ML*

RE: Inclusion of Interior Spaces in Designation of Properties to be Placed on the Tacoma Register of Historic Places

DATE: March 29, 2017

ISSUE PRESENTED

You have asked for an analysis as to the Landmark Preservation Commission's authority to include the "condenser room and the interior" of the Cushman Street substation as an element of its recommendation to the City Council that the Cushman and Adams Street substations be placed on the Tacoma Register of Historic Places.

BACKGROUND

A nomination to the Tacoma Register of Historic Places was submitted to the Landmarks Preservation Commission for consideration at its December 14, 2016, meeting. The nomination, as submitted, included the Cushman substation and surrounding property at 3713 North 19th Street, the interior space of the main condenser room within the Cushman Substation, the Adams Street Substation at 1920 North Adams Street and the surrounding property, and the transmission line running along North 21st Street from the substations to Highland Street.

Over the course of several meetings, the Commission heard from the nominator, members of the public, TPU staff, and Commission staff. TPU asked that the interior spaces be excluded from the nomination, as these areas are used for operations, maintenance, and storage and are not public areas. Commission staff recommended that the interior spaces be excluded from the nomination, as it was not a "public area or assembly space" as defined by TMC 13.07.030, and was different than other interior spaces on the Register (Tacoma Municipal Building Lobby, Pantages Auditorium) in that it "is not accessible to the public." Five of the thirty-four public comments specifically supported the designation of the interior of the Cushman Substation condenser room.

At its February 22, 2017, meeting, various members of the Commission commented on the inclusion of the interior space, including noting that the condenser room was "the entry room, was highly decorated and seemed to clearly have been built to be seen"; that neighbors had indicated that the space had been periodically open to

the public; that the “entryway seemed almost staged as a public space”; and that the condenser room was “designed to look like a public space and was very ornate.”

The recommendation forwarded by the Commission to the City Council specifically included the “condenser room and the interior” for inclusion on the Tacoma Register of Historic Places.

ANALYSIS

The Tacoma Municipal Code (“TMC”) addresses the designation of interior spaces as follows:

13.07.030 Definitions.

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“Significant interior features” means architectural features, spaces, and ornamentations which are specifically identified in the landmark nomination and which are located in public areas of buildings such as lobbies, corridors, or other assembly spaces.”

* * *

TMC 13.07.050.C contains the process for the nomination of properties and requires the inclusion of “specific language indicating which improvements on the site are included in the nomination, including any significant interior spaces within publicly owned buildings . . .”

TMC 13.07.040.D addresses City Council review of a designation, and includes the requirement that a designating resolution contain “elements of the property, including any significant interior spaces if so nominated, that shall be subject to Landmarks Preservation Commission regulation.”

While the criteria language for nomination and for City Council use is the phrase “significant interior spaces,” that term is not included in the definition section. The definition section uses the term “significant interior features.” Nonetheless, it appears that the definition section was intended to instruct when and what type of interior spaces within publically owned buildings would be considered significant such that those spaces should be included in the designation. Specifically, the definition instructs that interior spaces are significant (and appropriate for designation) when they are located in public areas of buildings. The examples given are of “assembly spaces” including, but not limited to, lobbies and corridors. When all of the TMC sections addressing the inclusion of interior spaces in a designation are harmonized, it appears the intent is to limit the designation to interior spaces of public buildings that are (or historically were) gathering or assembly places open to the public.

The discussion of the condenser room and interior of the Cushman substation does not support the conclusion that the spaces meet the definition in TMC 13.07.050. While the public may have been invited, on occasion, to enter the space, there is no suggestion that the space was historically used as a public gathering or assembly space. Although the condenser room may be an ornate, formal, staged, and highly decorative space, TPU confirmed that portion of the facility was always used for operations, maintenance, and storage. Absent the additional element of being a public assembly space, the substation's interior spaces, no matter how impressive or historically significant in terms of ornamentation or decoration, cannot satisfy the definition in TMC 13.07.030 of significant interior features appropriate for inclusion in a designation.

CONCLUSION

Because the condenser room and the interior of the Cushman substation are not located in a public area of a public building and were not historically utilized as spaces for public gathering or assembly, the identified interior spaces are not appropriate for inclusion in the recommendation for designation on the Tacoma Register of Historic Places.

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