



## ORDINANCE NO. 29063

1 AN ORDINANCE relating to land use; amending Title 13 of the Municipal Code,  
2 relating to the Land Use Regulatory Code, by amending various chapters, to  
3 support the revised goals, policies, and objectives related to historic  
4 preservation in the updated One Tacoma Comprehensive Plan, and address  
priorities identified by key stakeholders, as recommended by the Landmarks  
Preservation and Planning Commissions.

5 WHEREAS this recommendation from Planning and Development Services  
6 is based on the findings and recommendations from the Planning Commission,  
7 adopted at its meeting of September 3, 2025, and  
8

9 WHEREAS since 2024, the City has been in the process of updating its  
10 Comprehensive Plan and related code amendments, including the regulatory  
11 code governing the activities of the Historic Preservation Program and  
12 Landmarks Preservation Commission, and  
13

14 WHEREAS on June 24, 2025, pursuant to amended Ordinance  
15 No. 29042, the City Council adopted the amended Comprehensive Plan,  
16 including a new chapter on historic preservation containing policies, goals, and  
17 priority actions for the Historic Preservation Program, and  
18

19 WHEREAS this effort also aligns with the direction set by the City Council  
20 when it established a temporary moratorium on the creation of local historic  
21 overlay districts pursuant to Ordinance No. 28962 on April 23, 2024, and a Work  
22 Plan adopted by Ordinance No. 29022, on March 4, 2025, and  
23

24 WHEREAS these amendments are intended to better align the historic  
25 district nomination process with the overall City land use policy framework,  
26 coordinate the respective activities of the Planning and Landmarks Preservation



Commissions (“Commissions”), provide increased access to historic preservation property tax incentives, and respond to recent changes in Washington State law, and

WHEREAS the moratorium in part was based on several concerns raised by the Commissions during recent historic district reviews, which include the following:

1) a review of the historic district designation process should be conducted to clarify the roles and scope of the review by the Commissions, to improve the coordination between the two review processes; 2) the Comprehensive Plan policies and regulatory code relating to historic districts should be reviewed and amended at the earliest appropriate amendment cycle, including a review of consistency between historic preservation policies and policies elsewhere in the Comprehensive Plan relating to housing, equity and sustainability; and 3) the City should seek ways to reduce the burden on property owners and residents within local historic districts by relaxing or reducing design review requirements, and

WHEREAS this project has been implemented in two phases, the first consisting of the Periodic Amendment to the Tacoma Comprehensive Plan, which began in May 2024 and concluded in June 2025; and the second consisting of the code amendment process, which began in May 2025 and is anticipated to conclude in October 2025, and

WHEREAS the following is a summary of the proposed amendments to Title 13 of the Tacoma Municipal Code (“TMC”):



- 1) TMC 13.01 (Definitions): adding definitions for “prominent facade” and “prominent parcel” to aid in determination of work exempted from design review requirements in TMC 13.05;
- 2) TMC 13.05.030 (Area Wide Rezones): adding language to define and clarify the roles in historic district review of the Commissions;
- 3) TMC 13.05.040 (Historic Preservation Land Use Decisions): exempting work that is not visible (not on any prominent facade or prominent parcel) from historic design review;
- 4) TMC 13.07.040 (Criteria for historic designation): amendments to the eligibility criteria for individual landmarks and historic districts;
- 5) TMC 13.07.050 (Historic Nomination Process for individual properties): owner consent required for properties under 125 years old;
- 6) TMC 13.07.055 (Rescission of Landmarks Designation): minor amendment - code reference updated.
- 7) TMC 13.07.060 (Historic District nomination process): language coordinating the Commissions, nomination requirements, and new assessment criteria including a guidance for resubmittals that have been considered within the previous five-year period;
- 8) TMC 13.07.065 (new section – Community Heritage Register): the creation of a new, non-regulatory commemorative heritage register for sites of community significance that may not be appropriate for the Tacoma Register of Historic Places;



9) TMC 13.07.085 (Special Tax Valuation): broaden eligibility for this program to include National Register listed properties;

10)TMC 13.07.095 (Certificates of Approval – Standards for Review): language added to give weight to the consideration of impacts to the surrounding historic district during design review;

11)TMC 13.07.110 (Demolition of City Landmarks – Standards and criteria for review): minor amendment – code reference updated; and

12)TMC 13.12.570 (Demolition review): include new language regarding feasibility analysis and mitigation measures for the demolition of historically significant buildings that do not have historic designations, and

WHEREAS City staff completed this amendment review through an extensive and inclusive public engagement process, including a public hearing, conducted by the Planning Commission on August 6, 2025; 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 Title 13 of the Tacoma Municipal Code is hereby amended, by amending Chapters 13.01 entitled “Definitions”, 13.05 entitled “Land Use Permits and Procedures”, 13.07 entitled “Landmarks and Historic Special Review Districts”, and 13.12 entitled “Environmental Code”, all as set forth in the attached Exhibits “A” through “D”.



Section 3. 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



## EXHIBIT "A"

### CHAPTER 13.01 DEFINITIONS

#### Sections:

- 13.01.010 Purpose.
- 13.01.020 Planning Commission Definitions.
- 13.01.040 Platting and Subdivisions Definitions.
- 13.01.050 Land Use Permits and Procedures Definitions.

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#### **13.01.050 Land Use Permits and Procedures Definitions.**

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#### **13.01.050.P**

"Person in Control of Property." Any person, in actual or constructive possession of a property, including, but not limited to, an owner, occupant, agent, or property manager of a property under their control.

"Premises and property." Used by this chapter interchangeably and means any building, lot, parcel, dwelling, rental unit, real estate, or land, or portion thereof.

"Project Permit" or "Project Permit Application." Any land use or environmental permit or license required for a project action, including, but not limited to, subdivisions, binding site plans, planned developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by the critical area preservation ordinance, site-specific rezones authorized by a Comprehensive Plan or sub area plan, but excluding the adoption or amendment of a Comprehensive Plan, sub area plan, or development regulations, except as otherwise specifically included in this subsection. This chapter does not apply to activities allowed under 13.11.200 or 13.11.210.

"Prominent Façade." Prominent facades include all building facades visible from waterways, public rights-of-way, or from any customer or client parking or pedestrian area. Prominent facades also include facades which face the road(s) providing primary access to the building's site.

"Prominent Parcel." Parcels which are prominently visible either because of their corner location or because, when viewed from a distance on the road providing access to the parcel, they serve as a view terminus.

"Public Meeting." An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the decision. A public meeting does not constitute an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation shall be included in the project permit application file.

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EXHIBIT "B"

CHAPTER 13.05  
LAND USE PERMITS AND PROCEDURES

\* \* \*

**13.05.030 Zoning and Land Use Regulatory Code Amendments.**

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**B. Area-Wide Zoning Reclassifications.**

1. Zoning classifications shall be adopted and amended by ordinance of the City Council, following the procedures identified in this section.

2. Area-wide zoning reclassifications must be consistent with the procedural requirements of RCW 36.70A and in compliance with applicable case law.

3. An area-wide zoning reclassification that brings the zoning classification into conformity with the Future Land Use Map as identified in Figure 2 of the Urban Form Chapter of the Comprehensive Plan will be conducted by the Planning Commission, consistent with RCW 42.36.010, with recommendation to the City Council. Area-wide zoning reclassifications which conform to the Future Land Use Map and do not require plan modification may be considered at any time.

4. Area-wide zoning reclassifications which are inconsistent with the Future Land Use Map as identified in Figure 2 of the Urban Form Chapter of the Comprehensive Plan shall be conducted by the Planning Commission in conjunction with the Future Land Use Map amendment. Area-wide zoning reclassifications that require a Future Land Use Map amendment shall be considered during the Comprehensive Plan amendment cycle as prescribed in Section 13.02.045.

5. Requests to establish a new local historic special review district require an application for an area wide zoning reclassification, and a completed nomination form to the Tacoma Register of Historic Places per TMC 13.07.060. Reviews of requests to establish or modify a Historic Special Review or Conservation District shall be conducted by the Planning Commission, following a recommendation of historic significance from the Landmarks Preservation Commission. Following its review, the Planning Commission will forward both the Landmarks Preservation Commission's and Planning Commission's recommendations to City Council.

~~5.6.~~ Amendments proposed to comply with the update requirements of RCW 36.70.A.130 will occur according to the time frames established therein.

~~6.7.~~ Application for an area-wide zoning reclassification.

a. A proposed area-wide zoning reclassification may be submitted by any private individual, organization, corporation, partnership, or entity of any kind, including any member(s) of the City Council or the Planning Commission or other governmental Commission or Committee, the City Manager, any neighborhood or community council or other neighborhood or special purpose group, a department or office, agency, or official of the City of Tacoma, or of any other general or special purpose government.

b. Area-wide zoning reclassifications initiated by the City Council, the Planning Commission, or the Department do not require an application. For all other items, the Department shall prescribe the form and content for applications for amendments to the Comprehensive Plan and development regulations.



c. Application fees shall be as established by City Council action.

d. The application deadline for any given annual amendment cycle shall be established by the Department no later than the last day of May. Those applications for amending the Comprehensive Plan received after the established deadline are less likely to be considered in the current annual amendment cycle and are more likely to be considered in a subsequent amendment cycle, unless determined otherwise by the Planning Commission.

e. The application shall include, but not be limited to, the following:

(1) Project summary:

- A description of the proposed amendment;
- The current and proposed Comprehensive Plan land use designation and zoning classification for the affected area;
- A description, along with maps if applicable, of the area of applicability and the surrounding areas, including identification of affected parcels, ownership, current land uses, site characteristics, and natural features;
- The proposed amendatory language, if applicable.

(2) Background.

- Appropriate history and context for the proposed amendment, such as prior permits or rezones, concomitant zoning agreements, enforcement actions, or changes in use.

(3) Policy review.

- Identify and cite any applicable policies of the Comprehensive Plan that provide support for the proposed amendment;

(4) Objectives.

(a) Describe how the proposed amendment achieves the following objectives, where applicable:

- Address inconsistencies or errors in the Comprehensive Plan or development regulations.
- Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services.
- Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern.
- Enhance the quality of the neighborhood.
- [For requests to establish or modify a Historic Special Review or Conservation District, an explanation of how the request satisfies the eligibility requirements specified in 13.07.040.C.](#)

(5) Community outreach.

- A description of any community outreach and response to the proposed amendment;

(6) Supplemental information.

(a) Supplemental information as requested by the Department, which may include, but is not limited to:

- completion of an environmental checklist,
- wetland delineation study,
- visual analysis, or
- other studies.

f. Pre-Application meeting.





(1) The applicant is responsible for providing complete and accurate information. A meeting between the Department staff and the applicant to discuss the application submittal requirements before submitting an application is strongly advised.

7.8. Assessment of proposed amendments.

a. The Department shall docket all amendment requests upon submittal of a complete application, to ensure that all requests receive due consideration and are available for review by the public.

b. The Department will provide the Planning Commission with an Assessment Report for the proposed amendment applications that includes, at a minimum:

- Whether the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review;
- Whether there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into; and
- A preliminary staff review of the application submittal;
- Identification of other amendment options the Planning Commission could consider in addition to the amendment as proposed by the applicant; and
- Whether the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required, the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.

c. The Planning Commission will review this assessment and make its decision as to:

- whether or not the application is complete, and if not, what information is needed to make it complete;
- whether or not the scope of the application should be modified, and if so, what alternatives should be considered; and
- whether or not the application will be considered, and if so, in which amendment cycle.

d. The Planning Commission shall make determinations concerning proposed Comprehensive Plan amendments within 120 days of the close of the application period.

e. The Planning Commission shall make determinations concerning proposed zoning and regulatory code amendments that do not require concurrent Comprehensive Plan amendments within 120 days of receiving an application.

8.9. Analysis of proposed amendments.

a. Upon completing the assessment and receiving an affirmative determination from the Planning Commission to accept the application, the proposed amendment will be analyzed by the Department.

b. The Department shall provide the Commission with a staff analysis report, which will include, as appropriate:

- (1) A staff analysis of the application in accordance with the elements described in 13.05.030.B.6;
- (2) An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;
- (3) An analysis of the amendment options identified in the assessment report; and
- (4) An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.



~~9~~10. Planning Commission Review.

a. The Department will present the proposed amendment along with analysis conducted pursuant to this Section to the Planning Commission for review and direction. The Commission will conduct public meetings and hearings, and solicit comments from the general public, organizations and agencies, other governmental departments and agencies, and adjacent jurisdictions as appropriate.

b. In formulating its recommendations to the City Council concerning a proposed area-wide zoning reclassification, the Planning Commission shall provide public notice and conduct at least one public hearing.

c. Advisory committees established in accordance with Section 13.02.015 may also conduct one or more public hearings prior to making recommendations to the Planning Commission.

d. For area-wide zoning reclassifications, the Department shall ensure that a special notice of the acceptance of the application by the Planning Commission for consideration in the current amendment cycle is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, and occupants, within, and within 2500 feet of, the subject area. This special notice will inform property taxpayers that an application has been filed, identify where the application and background information may be reviewed, describe in general terms the review and public comment process, establish a time and place for an informational meeting with City staff, and solicit preliminary comments.

e. The Planning Commission shall conduct a public hearing to consider an area-wide zoning reclassification and to determine the consistency of the reclassification with the Comprehensive Plan and its elements and RCW 36.70A. In making its recommendation to the City Council, the Planning Commission shall make findings and conclusions to demonstrate the manner in which the area-wide reclassification carries out and helps implement the goals and policies of the Comprehensive Plan.

f. For requests to establish or modify a Historic Special Review or Conservation District, the Planning Commission will conduct its review following a recommendation from the Landmarks Preservation Commission. Specifically, the Landmarks Preservation Commission will provide the Planning Commission its determination as to whether the request satisfies the eligibility requirements specified in 13.07.040.C. The Planning Commission shall defer to the Landmarks Preservation Commission regarding determination of historic significance and shall include the Landmarks Preservation Commission's recommendation in its recommendation to City Council.

~~10~~11. Planning Commission findings and recommendations.

a. Upon completion of the public comment period and review of the public testimony, the Planning Commission will make a determination as to whether the proposed amendments are consistent with the following criteria:

- Whether the proposed amendment will benefit the City as a whole, will not adversely affect the City's public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare; and
- Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan.

b. The Commission will prepare a recommendation and supportive findings to forward to the City Council for consideration.

~~11~~12. City Council public hearing and action.

a. At least one City Council public hearing on the proposed area-wide zoning reclassification shall be held prior to final action by the City Council; prior to making a substantial change to the proposal recommended by the Planning Commission, the City Council shall hold an additional hearing or hearings, with the City Clerk giving notice pursuant to Section 13.05.070.



b. Consistent with RCW 36.70A, the Department must notify the Washington State Department of Commerce and other required state agencies of the City's intention to adopt or amend the Comprehensive Plan prior to adoption by the City Council, and must transmit copies of the adopted plan and any amendment after City Council action.

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### **13.05.040 Historic preservation land use decisions.**

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D. Certificates of approval, historic.

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#### 2. Exemptions

A Certificate of Approval will not be required before any of the following actions are undertaken:

a. Ordinary Maintenance and Repairs: Nothing in this chapter or Chapter 13.07 shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any City landmark, which maintenance or repair does not involve a change in design, material, or the outward appearance thereof.

b. Religious Properties: Modifications to structures that are owned by a religious organization and used for church purposes as defined by Washington State WAC 458-16-190.

c. Exterior alterations to contributing buildings in local historic special review districts that are not on prominent facades or located on prominent parcels, as defined in Section 13.01.050.P.

d. Within historic special review districts that are primarily within residential zones, including UR1, UR2, UR3, R4 and R5, changes to windows and cladding that are not on prominent facades or located on prominent parcels.

#### 3. Application Requirements.

The following information must be provided in order for the application to be complete, unless the Historic Preservation Officer indicates in writing that specific information is not necessary for a particular application:

- a. Property name and building address;
- b. Applicant's name and address;
- c. Property owner's name and address;
- d. Applicant's telephone and e-mail address, if available;
- e. The building owner's signature on the application or, if the applicant is not the owner, a signed letter from the owners designating the applicant as the owner's representative;
- f. Confirmation that the fee required by the General Services Fee Schedule has been paid;
- g. Written confirmation that the proposed work has been reviewed by Planning and Development Services, appears to meet applicable codes and regulations, and will not require a variance;
- h. A detailed description of the proposed work, including:
  - Any changes that will be made to the building or the site;
  - Any effect that the work would have on the public right-of-way or public spaces;
  - Any new development or construction;
- i. ~~5 sets of scale~~ Scale plans, ~~or a single legible electronic copy~~ in a digital format approved by Planning and Development Services staff, with all dimensions shown, of:



- A site plan of all existing conditions, showing adjacent streets and buildings, and, if the project includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;
- A floor plan showing the existing features and a floor plan showing proposed new features;
- Elevations and sections of both the proposed new features and the existing features;
- Construction details, where appropriate;
- A landscape plan showing existing features and plantings and a landscape plan showing proposed site features and plantings;
- Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building façade where they are located;
- If the proposal includes new finishes or paint, one sample of proposed colors and an elevation drawing or photograph showing the proposed location of proposed new finishes or paint;

j. If the proposal includes new signs, canopies, awnings, or exterior lighting:

- ~~5 sets of scale plans, or a single legible electronic copy~~ [Digital scale plans](#) of the proposed signs, awnings, canopies, or lighting showing the overall dimensions, materials, design graphics, typeface, letter size, and colors;
- ~~5 copies or a single electronic copy of~~ [Details](#) showing the proposed methods of attachment for the new signs, canopies, awnings, or exterior lighting;
- For lighting, detail of the fixture(s) with specifications, including wattage and illumination color(s);
- One sample of the proposed colors and materials: [if applicable](#)

k. If the proposal includes the removal or replacement of existing architectural elements, a survey of the existing conditions of the features that would be removed or replaced.

#### [3.4](#) Applications for Preliminary Approval.

a. An applicant may make a written request to submit an application for a Certificate of Approval for a preliminary design of a project if the applicant waives, in writing, the deadline for a Commission decision on the subsequent design phase or phases of the project and agrees, in writing, that the decision of the Commission is immediately appealable by the applicant or any interested person(s).

b. The Historic Preservation Officer may reject the request if it appears that the review of a preliminary design would not be an efficient use of staff or Commission time and resources, or would not further the goals and objectives of this chapter.

c. The Historic Preservation Officer may waive portions of the above application requirements in writing that are determined to be unnecessary for the Commission to approve a preliminary design.

d. A Certificate of Approval of a preliminary design shall be conditioned automatically upon the subsequent submittal of the final design and all of the information listed in Subsection 2 above, and upon Commission approval prior to the issuance of any permits for work affecting the property.

#### [4.5](#) Applications for a Certificate of Approval shall be filed with Planning and Development Services.

#### [5.6](#) Process and standards for review.

a. When an application for Certificate of Approval is received, the Historic Preservation Officer shall:



(1) Review the application and determine whether the application requires review by the Landmarks Preservation Commission, or, subject to the limitations imposed by the Landmarks Preservation Commission pursuant to Chapter 1.42, without prejudice to the right of the owner at any time to apply directly to the Commission for its consideration and action on such matters, whether the application is appropriate for administrative review.

(2) If the application is determined appropriate for administrative review, the Historic Preservation Officer shall proceed according to the Administrative Bylaws of the Commission.

b. If the application requires review by the full Commission, the Historic Preservation Officer shall notify the applicant in writing within 28 days whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete.

c. Within 14 days of receiving the additional information, the Historic Preservation Officer shall notify the applicant in writing whether the application is now complete or what additional information is necessary.

d. An application shall be deemed to be complete if the Historic Preservation Officer does not notify the applicant in writing, by the deadlines provided in this section, that the application is incomplete. A determination that the application is complete is not a determination that an application is vested.

e. The determination that an application is complete does not preclude the Historic Preservation Officer or the Landmarks Preservation Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in Chapter 13.07 and any rules adopted by the Commission.

f. Within 30 days after an application for a Certificate of Approval has been determined complete or at its next regularly scheduled meeting, whichever is longer, the Commission shall review the application to consider the application and to receive comments.

g. Notice of the Commission's meeting shall be served to the applicant and distributed to an established mailing list no less than three days prior to the time of the meeting.

h. The absence of the owner or applicant shall not impair the Commission's authority to make a decision regarding the application.

i. Within 45 days after the application for a Certificate of Approval has been determined complete, the Landmarks Preservation Commission shall issue a written decision granting, granting with conditions, or denying a Certificate of Approval, or if the Commission elects to defer its decision, a written description of any additional information the Commission will need to arrive at a decision. A copy of the decision shall be provided to the applicant and to Planning and Development Services.

j. A Certificate of Approval shall be valid for 18 months from the date of issuance of the Commission's decision granting it unless the Commission grants an extension; provided, however, that a Certificate of Approval for actions subject to a permit issued by Planning and Development Services shall be valid for the life of the permit, including any extensions granted in writing by Planning and Development Services.

#### 6-7. Economic Hardship

a. After receiving written notification from the Commission of the denial of Certificate of Approval, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that hardship exists.



b. When a claim of economic hardship is made due to the effect of this ordinance, the owner must prove that:

(1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;

(2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

c. The applicant shall consult in good faith with the Commission, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Commission.

d. The Commission shall hold a public hearing on the application within sixty (60) days from the date the complete application is received by the Historic Preservation Officer. Following the hearing, the Commission has thirty (30) days in which to act on the application. Failure to act on the hardship application within the (30) day timeframe will waive the Certificate of Approval requirement for permitting.

e. All decisions of the Commission shall be in writing.

f. The Commission's decision shall state the reasons for granting or denying the hardship application.

g. Denial of a hardship application may be appealed by the applicant within (14) business days to the Hearing Examiner after receipt of notification of such action.

h. Economic Evidence. The following shall be required for an application for economic hardship to be considered complete:

(1) For all property:

- The amount paid for the property;
- The date of purchase, the party from whom purchased, and a description of the business or family relationship, if any, between the owner and the person from whom the property was purchased;
- The cost of any improvements since purchase by the applicant and date incurred;
- The assessed value of the land, and improvements thereon, according to the most recent assessments;
- Real estate taxes for the previous two years;
- Annual debt service, if any, for the previous two years;
- All appraisals obtained within the previous five years by the owner or applicant in connection with their purchase, financing or ownership of the property;
- Any listing of the property for sale or rent, price asked, and offers received, if any;
- Any consideration by the owner for profitable and adaptive uses for the property, including renovation studies, plans, and bids, if any; and

(2) For income-producing property:

- Annual gross income from the property for the previous four years;
- Itemized operating and maintenance expenses for the previous four years;
- Annual cash flow for the previous four years.

7-8. Appeals to the Hearing Examiner.

The Landmarks Preservation Commission shall refer to the Hearing Examiner for public hearing all final decisions regarding applications for certificates of approval and applications for demolition where the property owners, any interested parties of record, or applicants file with the Landmarks





Preservation Commission, within 10 days of the date on the decision, written notice of appeal of the decision or attached conditions.

a. Form of Appeal.

An appeal of the Landmarks Preservation Commission shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal. The following information shall be submitted:

- (1) An indication of facts that establish the appellant's standing;
- (2) An identification of explicit exceptions and objections to the decision being appealed, or an identification of specific errors in fact or conclusion;
- (3) The requested relief from the decision being appealed;
- (4) Any other information reasonably necessary to make a decision on appeal. Failure to set forth specific errors or grounds for appeal shall result in a summary dismissal of the appeal.

b. The Hearing Examiner shall conduct a hearing in the same manner and subject to the same rules as set forth in TMC 1.23.

c. The Hearing Examiner's decision shall be final. Any petition for judicial review must be commenced within 21 days of issuance of the Hearing Examiner's Decision, as provided for by TMC 1.23.160 and RCW 36.70C.040.

d. The Hearing Examiner, in considering the appropriateness of any exterior alteration of any City landmark, shall give weight to the determination and testimony of the consensus of the Landmarks Preservation Commission and shall consider:

- (1) The purposes, guidelines, and standards for the treatment of historic properties contained in this Title, and the goals and policies contained in the Historic Preservation Element of the Comprehensive Plan;
- (2) The purpose of the ordinance under which each Historic Special Review or Conservation District is created;
- (3) For individual City landmarks, the extent to which the proposal contained in the application for Certificate of Approval would adversely affect the specific features or characteristics specified in the nomination to the Tacoma Register of Historic Places;
- (4) The reasonableness, or lack thereof, of the proposal contained in the application in light of other alternatives available to achieve the objectives of the owner and the applicant; and
- (5) The extent to which the proposal contained in the application may be necessary to meet the requirements of any other law, statute, regulation, code, or ordinance.

e. When considering appeals of applications for demolition decisions, in addition to the above, the Hearing Examiner shall refer to the Findings of Fact made by the Landmarks Preservation Commission in addition to the demolition criteria for review and other pertinent statements of purpose and findings in this Title.

f. The Examiner may attach any reasonable conditions necessary to make the application compatible and consistent with the purposes and standards contained in this Title.

~~8. Ordinary Maintenance and Repairs.~~

~~Nothing in this chapter or Chapter 13.07 shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any City landmark, which maintenance or repair does not involve a change in design, material, or the outward appearance thereof.~~

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## EXHIBIT "C"

### CHAPTER 13.07

#### LANDMARKS AND HISTORIC SPECIAL REVIEW DISTRICTS

##### Sections:

- 13.07.010 Short title.
- 13.07.020 Landmarks and Historic Districts - Declaration of purpose and declaration of policy.
- 13.07.030 *Repealed.*
- 13.07.040 Tacoma Register of Historic Places - Establishment and criteria.
- 13.07.050 Tacoma Register of Historic Places - Nomination and designation process for individual properties.
- 13.07.055 Rescission of Landmarks Designation
- 13.07.060 Tacoma Register of Historic Places - Nomination and designation process for Historic Special Review and Conservation Districts.
- [13.07.065 Community Heritage Register.](#)
- 13.07.070 Commission rules of procedure and administrative guidelines.

\* \* \*

#### **13.07.040 Tacoma Register of Historic Places - Establishment and criteria.**

##### A. Tacoma Register of Historic Places is Established.

In order to meet the purposes of this chapter and Chapter 1.42 of the TMC, there is hereby established the Tacoma Register of Historic Places. Historic resources and districts designated to this Register pursuant to the procedures and criteria listed in this chapter are subject to the controls and protections of the Landmarks Preservation Commission established by TMC 1.42 and pursuant to the design review provisions of this chapter.

##### B. Criteria for the Designation to the Tacoma Register of Historic Places.

###### 1. Threshold Criteria:

The Commission may determine that a property is eligible for consideration for listing on the Tacoma Register of Historic Places if it:

- a. Is at least ~~50~~[40](#) years old at the time of nomination; and
- b. Retains integrity of location, design, setting, materials, workmanship, feeling, and association such that it is able to convey its historical, cultural, or architectural significance

###### 2. Designation Criteria [for individual property nominations](#): In addition to the above, a property may be [individually](#) designated to the Tacoma Register of Historic Places if it:

- a. Is associated with events that have made a significant contribution to the broad patterns of our history; or
- b. Is associated with the lives of persons significant in our past; or
- [c. Is associated with culturally significant events, individuals or historical themes that are associated with underrepresented communities on the existing Tacoma Register of Historic Places; or](#)
- [d.](#) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- [d-e.](#) Has yielded or may be likely to yield, information important in prehistory or history; or





e-f. Abuts a property that is already listed on the Tacoma Register of Historic Places and was constructed within the period of significance of the adjacent structure; or

f-g. Is already individually listed on the National Register of Historic Places; or

g-h. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood or City.

3. Additional criteria for considering designation of interior spaces. The Commission may include interior spaces in its designation recommendation if the Commission determines:

a. The interior space meets the definition of “significant interior spaces” as ~~described in this chapter~~ defined in 13.01.070.S and contributes to the historic character of the property, and

b. That the protection of the interior space would provide broad public benefit.

#### C. Special Criteria for the Designation of Historic Special Review Districts and Conservation Districts.

The City Council may find it appropriate to create Historic Special Review or Conservation Districts for the purposes of encouraging the preservation of character within established neighborhoods and districts, protecting such areas from adverse effects to their cultural and historic assets resulting from unsympathetic development activities, and for the purpose of promoting economic development and neighborhood identity.

##### 1. Historic Special Review Districts.

Historic Special Review Districts are areas that possess a high level of historic integrity in existing architecture, development patterns and setting, in which these characteristics should be preserved. In addition to the threshold criteria listed in Section 13.07.040.B.1, a proposed Historic Special Review District should possess a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development, and meet one or more of the following specific designation criteria for historic special review districts:

a. It is associated with events or trends that have made a significant contribution to the broad patterns of our history; ~~and or~~

b. ~~It is an area that~~ embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity from its surroundings; or ~~but some of whose individual components may lack distinction;~~

~~c. It possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.~~

c. It is associated with a culturally significant history that is underrepresented in the Tacoma Register of Historic Places and/or is being sponsored by a community organization associated with that history.

##### 2. Conservation Districts.

Conservation Districts should be established in areas in which there is a clearly established existing character related to historical development patterns and/or the overall appearance of building types that were constructed in a defined period of time, generally prior to 50 years before the present. In conjunction with or independent of the establishment of a historic district it may be warranted to consider the establishment of a Conservation District. A proposed Conservation District should meet one of the following specific criteria:

a. The area is part of, adjacent to, or related to an existing or proposed historic district or other distinctive area which should be redeveloped or preserved according to a plan based on a historic, cultural, or architectural motif; or



b. It possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

c. Although it shall possess historic character based upon an intact development pattern and a prevailing historic architectural character expressed through its assemblage of buildings, a Conservation District is not required to meet the criteria for landmark designation as outlined above.

3. The boundaries of Historic Special Review Districts and Conservation Districts should be based upon a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects or by documented differences in patterns of historic development or associations. Although recommended boundaries may be affected by other concerns, including underlying zoning, political or jurisdictional boundaries and property owner sentiment, to the extent feasible, the boundaries should be based upon a shared historical or architectural relationship among the properties constituting the district.

### **13.07.050 Tacoma Register of Historic Places - Nomination and designation process for individual properties.**

#### **A. Process for the nomination of individual properties, generally:**

1. Any resident of Tacoma or City official, including members of the City Council, City staff, or members of the Planning Commission, may request consideration by the Landmarks Preservation Commission of any particular property for placement on the Tacoma Register of Historical Places.

2. A written request, which shall be in the form of a completed nomination to the Tacoma Register of Historic Places, shall be made to the Historic Preservation Officer. For properties that are individually listed on the National Register of Historic Places, the National Register nomination form may be submitted in lieu of a Tacoma Register form. At a minimum, the nomination form shall contain the following:

a. A narrative statement which addresses the historical or cultural significance of the property, in terms of the Designation Criteria listed in this chapter; and

b. A narrative statement which addresses the physical condition assessment and architectural description; and

c. Specific language indicating which improvements on the site are included in the nomination, including any significant interior spaces; and

d. A complete legal description; and

e. A description of the character-defining features and architectural elements that are worthy of preservation.

f. For nominations that are not sponsored by the property owner, the nomination sponsor must provide evidence that attempts to contact the property owner have been made prior to submittal, and provide contact information for the owner. For nominations of non-City owned properties that are under 125 years of age, written confirmation from the property owner affirming consent for the nomination is required to proceed with review of the nomination.

3. The Historic Preservation Officer or staff may amend, edit, or complete a nomination form submitted to the City for the purposes of clarity, but may not expand the boundaries of the legal description in the nomination nor make editorial changes beyond minor formatting and proof reading without the consent of the nominating individual. ~~unless such a change is required to correct an error or inconsistency within the nomination.~~ Staff must note recommended amendments that have been rejected by the applicant in staff reports to the Commission.



B. Landmarks Preservation Commission Preliminary Meeting on Nomination.

1. When a nomination form is found by the Historic Preservation Officer to be complete as indicated in this section, the Historic Preservation Officer shall:

a. Schedule the nomination for preliminary consideration at the next available regularly scheduled meeting of the Landmarks Preservation Commission and shall serve the taxpayer(s) of record written notice 14 days in advance of the time and place of the meeting. If the taxpayer of record is not the sponsor of the nomination, the taxpayer of record may request an additional 30 days to respond to the nomination.

b. Notify other City Departments and Divisions, as appropriate, of receipt of the nomination.

2. No person shall carry out or cause to be carried out any alteration of any building, site, structure, or object under consideration by the Landmarks Preservation Commission for designation as a City Landmark, without a Certificate of Approval pursuant to TMC 13.05.040.D.

3. At this meeting, the Landmarks Preservation Commission shall, by quorum vote, find that the application appears to meet the ~~threshold designation~~ criteria ~~for designation~~ contained in this chapter, that it does not meet the ~~threshold designation~~ criteria, or the Commission may defer the decision if additional information is required. The Commission may also, by quorum vote, amend or edit a nomination that is under review at the preliminary meeting.

4. If the Landmarks Preservation Commission finds that the nomination appears to meet the ~~threshold designation~~ criteria, the Commission shall:

a. Schedule the nomination for consideration and public comment at a subsequent public meeting at a specified time, date, and place not more than 90 days from the date of the preliminary meeting.

b. Give written notice, by mail, of the time, date, place, and subject of the Commission's meeting to consider designation of the property as a City landmark.

c. This notice shall be given not less than 14 days prior to the meeting to all taxpayers of record of the subject property, as indicated by the records of the Pierce County Assessor, and taxpayers of record of properties within 400 feet of the subject property.

5. If the Commission finds that the property does not meet the ~~threshold designation~~ criteria at its preliminary meeting, the application is rejected and the Commission may not consider the property for designation for a period of one calendar year. Once a calendar year passes, the process may be restarted.

6. If the Commission, following the preliminary meeting, fails to act on the nomination or schedule it for further consideration within 45 days or by its next meeting, whichever is longer, the application is rejected as above.

C. Landmarks Preservation Commission Meeting on Nomination.

1. At the meeting to consider approval of a nomination to the Register of Historic Places, the Commission shall receive information and hear public comments on whether the property meets the criteria for designation.

2. The Commission may, by a vote of a majority of the quorum, find that the property meets one or more of the criteria for designation and should be placed on the Tacoma Register of Historic Places, and recommend the property for designation as a City landmark; find that the property does not meet any of the criteria or that inclusion on the Tacoma Register of Historic Places would not further the objectives of the Historic Preservation Chapter of the Comprehensive Plan or this chapter, and reject the nomination; or defer the decision if additional information is required. The Commission shall base its recommendation on the criteria and public comment received during its review and set forth findings of fact for its decision.



3. If the Commission finds that the property appears to meet the criteria for designation and recommends the property for designation as a City landmark, the Historic Preservation Officer shall transmit the Commission's recommendation to the City Council for its consideration within 30 days of the decision.

4. No proposed nomination may be extended beyond the boundaries of the land described in the original proposal unless the procedures set forth above are repeated for the enlarged boundaries.

5. If the Commission fails to act within a 45-day period or by its next meeting, whichever is longer, the designation shall be deemed to have been rejected and the designation procedure terminated.

6. If a nomination is rejected, the subject property shall not be considered again for historic designation for a period of at least one calendar year from the date of rejection. Once a calendar year passes, the process may be restarted.

#### D. City Council Review of Designation.

1. Upon receipt of a recommendation from the Commission, the City Council may place the nominated property on the Tacoma Register of Historic Places by adoption of a resolution designating the property as a historic landmark or building, as the Council may deem appropriate.

2. If the City Council approves the designation, the designating resolution shall contain the following:

a. Location description, including legal description, parcel number, and street address of the City landmark;

b. Criteria under which the property is considered historic and therefore designated as a landmark;

c. Elements of the property, including any significant interior spaces if so nominated, that the Council determines shall be subject to Landmarks Preservation Commission regulation.

3. Upon adoption of a resolution approving the designation of a historic building as a City landmark, the City shall place the City landmark designation on the subject property's records under its jurisdiction.

#### **13.07.055 Rescission of Landmarks Designation**

A. The City Council, Landmarks Preservation Commission, or the owner of property listed on the Tacoma Register of Historic Places may request removal of said property from the Register.

B. Such a request shall be made in writing to the Landmarks Preservation Commission, and shall include a statement of the basis for removal from the Register, based on the following criteria:

1. Economic hardship. The property cannot be maintained as a City Landmark without causing undue economic hardship to the owner.

a. This criterion shall only apply if a determination of economic hardship has been made by the Commission. See Economic Hardship, ~~Section 13.05.046~~ [TMC 13.05.040. D.](#)

b. This criterion shall not apply in the case of proposed demolitions that have not been before the Commission through the normal Demolition Review process.

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**13.07.060 Tacoma Register of Historic Places - Nomination and designation process for Historic Special Review and Conservation Districts.**

A. Procedures for the nomination of Historic Special Review Districts and Conservation Districts, Generally.

1. Historic Special Review Districts are administered as overlay zones and require review by both the Landmarks Preservation Commission and Planning Commission. The Landmarks Preservation Commission, generally, is charged with evaluating the historic merits of a proposed historic district. The Planning Commission is charged with determining whether establishing a proposed district is compatible with the City's land use policy framework.

2. Any resident of Tacoma or City official, including ~~M~~members of the City Council, City staff or members of the Landmarks Preservation Commission may propose consideration of a Historic Special Review or Conservation District. ~~A proposal may come in response to a request made by residents or community groups.~~ Such requests should be ~~prioritized~~ evaluated using the following criteria:

1-a. Appropriate documentation of eligibility is readily available. Survey documentation is already prepared or could be easily prepared by an outside party in a timely manner; and

2-b. For proposed historic districts, the area appears to possess a high level of significance, based upon existing documentation or survey data; or

3-c. For proposed conservation districts, preliminary analysis indicates that the area appears to have a distinctive character that is desirable to maintain; and

4-d A demonstrated substantial number of property owners appear to support such a designation, as evidenced by letters, petitions or feedback from public workshops; and

5-e. Creation of the district is compatible with and supports community and neighborhood plans; or

6-f. The area abuts another area already listed as a historic district or conservation district; or

7-g. The stated objectives of the community cannot be adequately achieved using other land use tools.

h. The proposal, or a proposal substantially similar in location, size and other characteristics, has not been reviewed by the Commission in the previous 5 years. If the proposal is substantially similar to proposals considered within the past 5 years, the Commission may decline to consider the proposal.

i. For historic district resubmittals that have been considered within the previous 5 years, applicants are encouraged to identify changes from previous submittals in the application materials.

3. Private applications as defined by TMC 13.05.030.B for establishing a historic special review district shall include:

a. A completed nomination to the Tacoma Register of Historic Places. For districts that are listed on the National Register of Historic Places, the National Register nomination form may be submitted in lieu of a Tacoma Register form. At a minimum, the nomination form shall contain the following:

i. A narrative statement which describes how the district has changed over time and addresses the historical or cultural significance of the district, in terms of the Designation Criteria listed in this chapter; including:

- The indigenous history of the area generally, and any specific known history of activities or settlement within geography of the proposed district; and
- The social and demographic history of the proposed district, including any known racial restrictions including "redlining" and or neighborhood covenants; and
- A description of the predominant physical and architectural features of the district that are worthy of preservation; and



ii. A map and description of the proposed boundary for the district and rationale for why that boundary was selected; and

iii. A building inventory and map showing which properties within the district boundary are considered to contribute to the district's historic or cultural significance; and

iv. A statement of the community objectives of the historic district nomination.

b. An application for an area-wide zoning reclassification, as described by TMC 13.05.030.B.

4. The Historic Preservation Officer or staff may amend, edit, or complete a nomination form submitted to the City for the purposes of clarity, but may not expand the boundaries of the legal description in the nomination nor make editorial changes beyond minor formatting and proof reading without the consent of the nominating individual. Staff must note recommended amendments that have been rejected by the applicant in staff reports to the Commission.

#### B. District Designation - Landmarks Preservation Commission.

1. Upon receipt of a historic district nomination, the Historic Preservation Officer shall make a preliminary determination as to whether or not the nomination is complete, and conduct a preliminary staff assessment of the nomination according to TMC 13.07.060.A.

2. The Landmarks Preservation Commission will review the assessment and make its decision as to:

a. Whether or not the application is complete, and if not, what information is needed to make it complete;

b. Whether the nomination will be considered, based upon the nomination criteria and assessment criteria.

3. Public Hearing. Following a request by the City Council or by a quorum vote of the members of the Landmarks Preservation Commission ~~regarding such~~ to proceed with the consideration of a historic district a request, Planning and Development Services staff shall:

a. Notify other City Departments and Divisions, as appropriate, of the proposed designation.

b. Schedule a public hearing.

c. Give written notice, by first-class mail, of the time, date, place, and subject of the Commission's meeting to consider designation of the district as a Historic Special Review District.

d. This notice shall be given not less than 14 days prior to the meeting to all taxpayers of record of the subject property, as indicated by the records of the Pierce County Assessor, taxpayers of record of properties within 400 feet of the subject property, and to the Neighborhood Council of the affected area. Notice shall also be submitted for publication to the newspaper of record.

e. Conduct the public hearing in accordance with the notice given, at which the owner or owners of the property involved, the owners of all abutting property, and other interested citizens or public officials shall be entitled to be heard.

2-4. The Landmarks Preservation Commission shall, by a majority vote of quorum, recommend to the Planning Commission approval, disapproval, or approval with modification of a proposed Historic Special Review or Conservation District based upon the criteria for designation listed in this chapter, the goals and purposes of this chapter and the goals and policies contained within the Preservation Plan element of the Comprehensive Plan. The recommendation shall include:

a. Findings of historic significance based on the designation criteria

b. Appropriate boundaries of the proposed district





c. Within the parameters set by this chapter and TMC 13.05.040, the appropriate level of district regulation, including a set of preliminary design guidelines to assist the Planning Commission and public as to assess the potential outcomes of historic designation

C. District Designation - Planning Commission.

1. Each proposal for a new Historic Special Review District or Conservation District and the respective Landmarks Preservation Commission recommendation shall then be considered by the Planning Commission of the City pursuant to the procedures for area-wide zoning in TMC 13.05.030.B.

2. Upon receipt of a recommendation for a new Historic Special Review District, the Planning Commission shall consider it for inclusion in its next work program cycle according to its procedures.

~~2. Notice of the time, place, and purpose of such hearing shall be given by Planning and Development Services as provided in the aforementioned section. In addition, each taxpayer of record in a proposed Historic Special Review or Conservation District and within 400 feet of the proposed district shall be notified by mail.~~

3. In making a recommendation to the City Council, the Planning Commission shall defer to the Landmarks Preservation Commission on findings of historical significance and shall consider the proposal's conformance or lack of conformance ~~of the proposed designation~~ with the Comprehensive Plan of the City. The Planning Commission may recommend approval of, ~~or~~ approval of with modifications, or ~~deny outright~~ denial of the proposal, and shall promptly notify the Landmarks Preservation Commission of the action taken.

4. ~~If the~~ The Planning Commission ~~recommends approval or approval with modifications of the proposed designation, in whole or in part, it shall transmit the proposal, together with a copy of its recommendation~~ and the recommendation of the Landmarks Preservation Commission, to the City Council.

~~5. If the Planning Commission denies the proposed designation, such action shall be final; provided, that the owners or authorized agents of at least 80 percent of the property proposed to be designated, measured by assessed valuation of said property at the time of the Commission's decision, may appeal such disapproval to the City Council within 14 days. For owners of multiple properties, property ownership for the purpose of appeal is calculated as the sum total of the assessed valuation of all affected property.~~

~~6. If the proposal is initiated by the City Council, the matter shall be transmitted to the City Council for final determination regardless of the recommendation of the Planning Commission.~~

D. District Designation - City Council.

1. The City Council shall have final authority concerning the creation of Historic Special Review or Conservation Districts in the same manner as provided by the City Council in TMC 13.02.053.

2. Pursuant to the aforementioned procedures, the Council may, by ordinance, designate a certain area as a Historic Special Review District and/or Conservation District. Each such designating ordinance shall include a description of the characteristics of the Historic Special Review or Conservation District which justifies its designation, and shall include the legal description of the Historic Special Review District.

3. Within ten days of the effective date of an ordinance designating an area as a Historic Special Review or Conservation District, the Historic Preservation Officer shall send to the owner of record of each property within said district, and to Planning and Development Services, a copy of the ordinance and a letter outlining the basis for such designation, and the obligations and restrictions which result from such designation, in addition to the requirements of the building and zoning codes to which the property is otherwise subject.



4. Historic District property inventories, identifying contributing and noncontributing properties, shall be adopted upon designation of each historic district and maintained and reviewed annually by the Commission. Such inventories shall be kept on file and available to the public at the Historic Preservation Office.

E. The City Council may request to amend or rescind the designation of a Historic Special Review District or Conservation District pursuant to the same procedure as set forth in this chapter and Section 13.05.030.B for original designation and area-wide rezones. Amendments or de-designations that are requested by Council shall be transmitted to Council for final determination, ~~regardless of the recommendations of the Planning Commission or Landmarks Preservation Commission.~~

### 13.07.065 Community Heritage Register.

#### A. Community Heritage Register is Established.

To provide an avenue for recognizing historically and culturally significant sites that may not meet the designation criteria for the Tacoma Register of Historic Places or for which design review is not appropriate, there is hereby established the Community Heritage Register. The purpose of the Community Heritage Register is to highlight, celebrate and commemorate locations of community importance. Sites designated to the Community Heritage Register are exempt from any controls and protections of the Landmarks Preservation Commission established by TMC 13.05.040 or to the design review provisions of this chapter. Generally, sites that are listed on the Tacoma Register of Historic Places, or the National Register of Historic Places, are not appropriate for the Community Heritage Register.

#### B. Criteria for the Designation to the Community Heritage Register.

The Commission may determine that a site is eligible for consideration for listing on the Community Heritage Register if it is at least 25 years old at the time of nomination and:

1. Is associated with events significant to Tacoma's history, including culturally significant events or patterns of events that are currently underrepresented on the Tacoma Register; or
2. Is associated with the lives of persons significant in Tacoma's history, including communities that are currently underrepresented on the Tacoma Register; or
3. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood or City.

#### C. Process for the nomination of sites, generally:

1. Any resident of Tacoma or City official, including members of the City Council, City staff, or members of the Planning Commission, may request consideration by the Landmarks Preservation Commission of any particular property for placement on the Community Heritage Register.

2. A written request, which shall be in the form of a completed nomination to the Community Heritage Register, shall be made to the Historic Preservation Officer. At a minimum, the nomination form shall contain the following:

- a. A narrative statement which addresses the significance of the site, in terms of the Designation Criteria listed in this chapter; and
- b. A clear description of the site location, including a complete legal description if available and a location map; and
- c. Representative photographs of the site; and
- d. For nominations that are not sponsored by the property owner, the nomination sponsor must provide evidence that attempts to contact the property owner have been made prior to submittal, and provide contact information for the owner.





3. The Historic Preservation Officer or staff may amend, edit, or complete a nomination form submitted to the City for the purposes of clarity, but may not expand the boundaries of the legal description in the nomination nor make editorial changes beyond minor formatting and proof reading without the consent of the nominating individual. Staff must note recommended amendments that have been rejected by the applicant in staff reports to the Commission.

D. Landmarks Preservation Commission Preliminary Meeting on Nomination.

1. When a nomination form is found by the Historic Preservation Officer to be complete as indicated in this section, the Historic Preservation Officer shall:

a. Schedule the nomination for preliminary consideration at the next available regularly scheduled meeting of the Landmarks Preservation Commission and shall serve the taxpayer(s) of record written notice 14 days in advance of the time and place of the meeting. If the taxpayer of record is not the sponsor of the nomination, the taxpayer of record may request an additional 30 days to respond to the nomination.

b. Notify other City Departments and Divisions, as appropriate, of receipt of the nomination.

2. At this meeting, the Landmarks Preservation Commission shall, by quorum vote, find that the application meets the criteria for designation contained in this chapter, that it does not meet the criteria, or the Commission may defer the decision if additional information is required. The Commission may also, by quorum vote, amend or edit a nomination that is under review at the preliminary meeting.

3. If the Landmarks Preservation Commission finds that the nomination appears to meet the criteria, the Commission shall:

a. Schedule the nomination for consideration and public comment at a subsequent public meeting at a specified time, date, and place not more than 90 days from the date of the preliminary meeting.

b. Give written notice, by mail, of the time, date, place, and subject of the Commission's meeting to consider designation of the property as a Community Heritage Register Site.

c. This notice shall be given not less than 14 days prior to the meeting to all taxpayers of record of the subject property, as indicated by the records of the Pierce County Assessor, and taxpayers of record of properties within 400 feet of the subject property.

4. If the Commission finds that the property does not meet the criteria, the application is rejected and the Commission may not consider the property for designation for a period of two calendar years. Once two calendar years pass, the process may be restarted.

5. If the Commission, following the preliminary meeting, fails to act on the nomination or schedule it for further consideration within 45 days or by its next meeting, whichever is longer, the application is rejected as above.

E. Landmarks Preservation Commission Meeting on Nomination.

1. At the meeting to consider approval of a nomination to the Community Heritage Register, the Commission shall receive information and hear public comments on whether the site meets the criteria for designation.

2. The Commission may, by a vote of a majority of the quorum, recommend the property for designation as a Community Heritage Site, reject the nomination, or defer the decision if additional information is required. The Commission shall set forth findings of fact for its decision.

3. If the Commission finds that the property appears to meet the criteria for designation and recommends the property for designation as a Community Heritage Site, the Historic Preservation Officer shall transmit the Commission's recommendation to the City Council for its consideration within 30 days of the decision.



4. No proposed nomination may be extended beyond the boundaries of the land described in the original proposal unless the procedures set forth above are repeated for the enlarged boundaries.

5. If the Commission fails to act within a 45-day period or by its next meeting, whichever is longer, the designation shall be deemed to have been rejected and the designation procedure terminated.

6. If a nomination is rejected, the subject property shall not be considered again for historic designation for a period of at least one calendar year from the date of rejection. Once a calendar year passes, the process may be restarted.

#### F. City Council Review of Designation.

1. Upon receipt of a recommendation from the Commission, the City Council may adopt a resolution designating the property as a Community Heritage Site.

2. If the City Council approves the designation, the designating resolution shall contain the following:

a. Location description, including legal description, parcel number, and street address of the site; and

b. A summary of the site's historic and/or cultural significance;

#### G. Community Heritage Sites – Management.

1. Placement of a site on the Community Heritage Register does not obligate the City to maintain, improve, manage or repair any aspect of the site, or to provide funds or resources. Responsibility for care and maintenance is the property owner's responsibility.

2. On site interpretive materials are encouraged but not required for Community Heritage Sites, and such materials, including markers or plaques, are the responsibility of the property owner. For sites that are City owned, listing on the Community Heritage Register does not obligate the City to provide or fund interpretive materials, but may accept community donations of such materials subject to the City's discretion and requirements for accepting such donations.

3. Alterations to Community Heritage Sites do not require any prior approval from the Landmarks Preservation Commission.

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#### **13.07.085 Property eligible for special tax valuation.**

The class of historic property which shall be eligible for special valuation in accordance with the State Act shall be property which is a historic property meeting the criteria or requirements as set forth and defined in the State Act, and which is designated as a City landmark by resolution of the City Council in accordance with the provisions of this chapter, or is a contributing property within a locally administered Historic Special Review District, or is listed on the National Register of Historic Places, either individually or as a contributing property within a National Register Historic District. Landmarks Preservation Commission shall act as the Local Review Board and enter into the agreements referred to in WAC 254-20.

#### **13.07.095 Certificates of Approval – Standards for Review.**

A. The Landmarks Preservation Commission shall use the following as guidelines when evaluating the appropriateness of alterations to properties listed on the Tacoma Register of Historic Places, excepting applications for demolition:

1. For properties listed individually on the Tacoma Register of Historic Places, the most current version of the Secretary of the Interior's Guidelines for the Treatment of Historic Properties published and maintained by the United States National Park Service, is the primary resource for evaluating appropriateness of rehabilitation projects. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's



site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. The basic standards are:

- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. For specific projects that involve Restoration, Preservation, or Reconstruction, the Secretary of the Interior's Standards for Rehabilitation, Restoration, Preservation, and Reconstruction, may be applied as appropriate to the proposed project.

3. For properties located within a Historic or Conservation District, the Commission shall give weight the proposed project's potential impact to the surrounding district and base decisions on the district rules, policies, or design guidelines for Historic or Conservation Districts as described in this chapter.

4. For technical preservation and conservation matters, the Commission may refer to Preservation briefs, and professional technical reports published by the National Park Service on various conservation and preservation practices.

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#### **13.07.110 Demolition of City landmarks - Standards and criteria for review.**

In addition to the stated purposes and findings located in this chapter, the Landmarks Preservation Commission shall address the following issues when considering an application for historic building demolition:

- A. The reasonableness of any alternatives to demolition that have been considered and rejected, that may meet the stated objectives of the applicant;



B. The physical, architectural, or historic integrity of the structure in terms of its ability to convey its significance, but not including any damage or loss of integrity that may be attributable to willful neglect;

C. The importance of the building to the character and integrity of the surrounding district; and

D. Any public or expert commentary received during the course of the public comment and peer review periods.

E. Economic Hardship:

A City Landmark may be demolished if the Landmarks Preservation Commission finds, pursuant to the Criteria for Economic Hardship located in ~~Chapter 13.05.046~~ [TMC 13.05.040.D.6](#), that maintenance, use and/or alteration of the resource in accordance with the requirements of this chapter would cause immediate and substantial hardship on the property owner(s) because of rehabilitation in a manner which preserves the historic integrity of the resource:

1. Is infeasible from a technical, mechanical, or structural standpoint, and/or
2. Would leave the property with no reasonable economic value because it would require an unreasonable expenditure taking into account such factors as current market value, permitted uses of the property, the value of transferable development rights and the cost of compliance with applicable local, state, and federal codes.

#### **13.07.120 Historic Special Review and Conservation Districts - Generally.**

\* \* \*

C. District exemptions.

The following actions within historic districts are exempt from the requirements imposed pursuant to this chapter:

1. Any alterations to non-contributing properties as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office; provided, that the demolition of such structures is not exempt from the provisions of this Chapter. ~~and~~
2. [Exterior alterations to contributing buildings in local historic special review districts that are not on prominent facades or located on prominent parcels, as defined in Section 13.01.050.P.](#)
3. [Within historic special review districts that are primarily within residential zones, including UR1, UR2, UR3, R4 and R5, changes to windows and cladding that are not on prominent facades or located on prominent parcels.](#)

~~2.4~~ Interior alterations to existing properties, unless those modifications affect the exterior appearance of the property.



## EXHIBIT "D"

### CHAPTER 13.12 ENVIRONMENTAL CODE

#### 13.12.570 Archaeological, Cultural, and Historic Resources.

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##### B. Demolition of Historic Resources – Citywide.

###### 1. Scope and Applicability.

This section sets forth provisions for review of demolition permits that affect structures that are ~~50-~~125 years of age or greater at the time of permit application, and that involve demolition of 4,000 gross square feet or more on a parcel, or are located within designated Mixed Use Centers, or are properties listed on the National Register of Historic Places either as part of a district or individually listed. The following project types are exempt from this section:

a. Demolition of single-unit dwellings that are not located within National Register Historic Districts or listed on the National Register of Historic Places;

b. Demolitions of buildings that are less than 4,000 square feet in size that are not located within National Register Historic Districts or listed on the National Register of Historic Places, or located within Mixed Use Centers.

c. Demolitions of structures that are owned by a religious organization and used for church purposes as defined by Washington State WAC 458-16-190.

2. Demolitions affecting designated City Landmarks. All demolition permits affecting City Landmarks (either individually listed or within local historic special review districts) shall be reviewed pursuant to procedures outlined in TMC 13.05.040.E and TMC 13.07.110.

3. The provisions of this chapter are not intended to be duplicative of other related cultural resource or historic review processes, including those mandated by Section 106 of the National Historic Preservation Act, National Environmental Policy Act or other applicable review processes.

4. Projects involving locations where a Subarea Plan and a companion area-wide, non-project Environmental Impact Statement ("EIS") have been completed, including the Downtown Tacoma Regional Growth Center, the Tacoma Mall Neighborhood Regional Growth Center and the Tideflats Subarea; projects involving areas subject to City of Tacoma Shoreline jurisdiction as defined in Title 19 Shoreline Master Program; and projects involving sites within Urban Residential (UR) districts where the City has completed an area-wide, non-project Environmental Impact Statement to raise the residential threshold exemption to 40 units, and where the proposal exceeds 20 units, shall be reviewed under the provisions of TMC 13.13 Archaeological, Cultural and Historic Resources Protection.

5. Requirements. Applications for a demolition permit shall include a demolition summary report that identifies all affected structures that are ~~forty-~~125 years of age or greater, and shall note any such structures that are listed on the National Register of Historic Places either individually or as part of a district. Submittal materials shall include at minimum:

a. Current photographs of all elevations of all affected structures; and,

b. Historical photographs of the affected structures, if available from public sources; and,

c. Narrative description of the proposed project; and,

~~ed.~~ Narrative of any known history of affected structures (construction date, architect, builder, occupants, associated events); and,



e. A narrative statement that evaluates the historical or cultural significance of the property in terms of the Designation Criteria listed in TMC 13.07.050; and

f. A narrative statement that assesses the physical characteristics of the property, including condition and an architectural description.

g. A pre-existing historical survey form or document, such as a Washington State Historic Property Inventory Form, may be submitted to satisfy items d-f above, if the required information is addressed in the survey document.

4-6. The summary demolition report shall be reviewed by the Historic Preservation Officer to determine whether the affected structures appear to be historically significant and should be referred to the Landmarks Preservation Commission for consideration of designation to the Tacoma Register of Historic Places. The Historic Preservation Officer may consider the summary demolition report for up to 30 days.

a. Demolition affecting properties under 125 years of age that are listed on the National Register of Historic Places, either individually or as a contributing structure within a historic district, shall be referred to the Landmarks Commission for consideration of ~~designation to the Tacoma Register of Historic Places,~~ mitigation as described in Section 7 below, unless it is determined by the Historic Preservation Officer that such properties lack historic integrity of location, place, setting, materials, association or feeling to the extent that such properties would be unlikely to be eligible for designation to the Tacoma Register.

b. Demolition of all other properties shall be preliminarily assessed by the Historic Preservation Officer based upon the criteria for designation of a landmarks TMC 13.07.040.

~~5-7. If the Historic Preservation Officer determines that the affected structures possess historic integrity of location, design, setting, materials, workmanship, feeling, and association and are likely eligible for listing on the Tacoma Register of Historic Places, or if the affected properties are already listed on the National Register of Historic Places, the applicant will be directed to prepare a Historic Property Assessment Report, which shall be prepared at the expense of the applicant by a qualified historic preservation consultant, and which shall contain:~~

~~a. A narrative statement which assesses the historical or cultural significance of the property, in terms of the Designation Criteria listed in TMC 13.07.050; and~~

~~b. A narrative statement which assesses the physical condition of the property and includes an architectural description; and~~

~~c. Specific language indicating which improvements on the site are eligible for historic designation according to the Designation Criteria, including any significant interior features within publicly owned buildings; and~~

~~d. A complete legal description; and~~

~~e. A description of the character-defining features and architectural elements that contribute to the historic character of the property.~~

the applicant shall be directed to provide a feasibility analysis that includes potential alternative approaches and/or mitigation strategies. The analysis should include whether alternatives that would reduce impacts to historic resources have been considered to mitigate potential impacts, and may contain mitigation proposals for the Commission's consideration. Mitigation should be proportional to the anticipated impact and historic importance of the subject property, and could include:

- Avoidance of the historic or cultural resource
- Retention of all or some of the historic structure in the new development
- Voluntary design review for the new structure to ensure compatibility of the new structure into its surrounding context





- Additional documentation of the historic property, such as completing an intensive level Washington State historic property inventory form (HPI).
- On site interpretation, such as display panels.
- Commissioning of online interpretive materials, such as a local history website, or other offsite interpretive measures.
- Architectural salvage/deconstruction of reusable or significant architectural elements and building materials from the site.
- Relocation of the historic structures to be demolished.
- Contributing funds to another historic site restoration, documentation or survey effort.

~~68.~~ The ~~Historic Property Assessment~~ demolition summary Report and feasibility analysis shall be forwarded to the Landmarks Preservation Commission for its review. When considering its recommendation, the Commission shall weigh the balance of the public benefit of protecting the subject property against the potential impacts to the development project, and to consider alternatives and mitigations proposed in making the determination as to whether a property should be historically designated.

9. If the Commission determines that the proposed mitigation is appropriate by a quorum vote, the mitigation proposal shall be recorded as a condition of the demolition permit.

10. If the Commission finds that the affected properties over 125 years of age should be included in the Tacoma Register of Historic Places, it shall transmit such a recommendation to the appropriate Council Committee for concurrence.

~~7. If no concurrence from the Committee is received with 60 days of the Committee's initial consideration of the recommendation, the Commission's recommendation is rejected. In all cases, the Committee's concurrence by vote shall be required for further consideration by the Commission; however, this does not preclude consideration of the property for designation to the Tacoma Register of Historic Places if a formal nomination for the same property is received from a private individual.~~

~~8. Upon receiving concurrence from the Committee, the Landmarks Preservation~~ the Commission shall schedule a public hearing as soon as it is practical to solicit public comment on the potential designation, per the procedural requirements at TMC 13.07.050.

~~9.11.~~ During the demolition review process, all requirements of TMC 13.05.040.C relating to the alteration of historic properties apply to the affected properties. If the demolition permit application is withdrawn, but the Commission or City Council is considering historic designation of the subject property, the historic designation review will continue regardless of the demolition permit status.

#### C. Unanticipated Discovery of Archaeological, Cultural and Historic Resources.

All permit applications shall prepare a plan for the possible unanticipated discovery of historic, cultural or archaeological resources, including a point of contact, procedure for stop-work notification, and for notification of appropriate agencies.

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