



City of Tacoma
Planning Commission

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September 3, 2025

The Honorable Mayor and City Council
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402

RE: 2025 Historic Preservation Code Amendments

Honorable Mayor Woodards and Members of the City Council,

On behalf of the Tacoma Planning Commission, I am forwarding our recommendations on the 2025 Historic Preservation Code Amendments. Enclosed please find the *"Planning Commission's Findings and Recommendations Report for the 2025 Historic Preservation Code Amendments"* that summarizes the proposed amendments, the public review and community engagement process, and the Planning Commission's deliberations.

The intent of this proposal is to bring the Tacoma Municipal Code into compliance with recent state legislation adopted under Substitute House Bill 1576, to respond to direction and issues identified during the Moratorium on Local Historic Districts established under Amended Ordinance 28962 and 29022, and to incorporate policy direction contained within the recently adopted update to the Historic Preservation Chapter of the Comprehensive Plan.

These amendments are intended to align the Historic Preservation Regulatory Code with the broad City policies and objectives concerning diversity, equity and inclusion, housing, and sustainability to identify barriers, gaps in preservation policy, and criteria, to identify additional tools and incentives for owners and residents of historic properties, and to clarify the historic district nomination process and respective roles of the Landmarks Commission and Planning Commission. Notable elements of this include:

- New inclusive nomination criteria for the Tacoma Register of Historic Places, as well as a new non-regulatory Community Heritage Register
- Historic district review processes that align with the Planning Commission work calendar, and new language that defines the unique roles of each commission during the review process
- Evaluation guidelines regarding the re-submittal of previously reviewed historic district nominations
- Reduced design review requirements for alterations to non-prominent elevations of buildings in residential historic districts
- To align with state law, a new owner consent requirement for individual historic nominations for buildings under 125 years of age
- Expansion of eligibility for the Special Tax Valuation historic property tax incentive

We respectfully request that the City Council accept our recommendations and adopt the Amendment package as presented.

Sincerely,

CHRISTOPHER KARNES, Chair
Tacoma Planning Commission

Enclosure



**PROPOSED 2025 HISTORIC PRESERVATION CODE AMENDMENTS
PLANNING COMMISSION'S FINDINGS AND RECOMMENDATIONS REPORT
SEPTEMBER 3, 2025**

Organization of Report

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2. Findings Part 1: Background
3. Findings Part 2: Landmarks Commission Review
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7. Findings Part 6: SEPA Review
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10. Recommendations

1. Summary of Proposal

The City of Tacoma is currently reviewing and updating Tacoma Municipal Code Sections 13.05 (Land Use Decisions), 13.07 (Landmarks and Historic Special Review Districts) and 13.12.570 (Archaeological, Cultural and Historic Resources). This effort aligns with the direction set by City Council when it established a temporary moratorium on the creation of local historic overlay districts via Ordinance No. 28962 on April 23, 2024, and a Work Plan adopted by Tacoma Ordinance No. 29022 on March 4, 2024. These amendments are intended to better align the historic district nomination process with the overall City land use policy framework, coordinate the respective activities of the Planning and Landmarks Preservation Commissions, provide increased access to historic preservation property tax incentives, and respond to recent changes in state law.

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 code amendment process, which began in May 2025 and is anticipated to conclude in October 2025.

2. Findings Part 1: Background

A. Comprehensive Plan and Land Use Regulatory Code

The *One Tacoma* Comprehensive Plan is Tacoma's comprehensive plan as required by the State Growth Management Act (GMA) and consists of several plan and program elements. As the City's official statement concerning future growth and development, the Comprehensive Plan sets forth goals, policies and strategies for the health, welfare and quality of life of Tacoma's residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is one of the key regulatory mechanisms that supports the Comprehensive Plan.

Specifically, Chapter 10 of the Comprehensive Plan Chapter relates to historic preservation, and includes goals, policies and implementation priorities for the Historic Preservation Program.

This chapter was amended as part of the Comprehensive Plan Periodic Update, which was approved by City Council on June 25, 2025.

Within TMC Title 13, Chapters 13.05, 13.06, 13.07 and 13.12 provide the basis for historic designations, design review, and environmental review for cultural and historic resources.

Within the updated Historic Preservation Chapter, there are sixteen Priority Actions identified, several of which pertain to the Historic Preservation Code Amendments. The Priority Actions include:

1.	Update the code to prioritize historic preservation initiatives derived from the neighborhood planning process.
2.	Create, maintain and make widely accessible a comprehensive, citywide inventory of Tacoma's cultural and historic resources
3.	Create a set of inclusive cultural context statements which establish a background for understanding Tacoma's historic resources and tell a full story of the city's history.
4.	Update the code for historic district designation process to a) clarify the respective roles of Planning and Landmarks Commissions, and City Council, and b) align the process with other similar land use policy reviews.
5.	Review and update the fees for design review for properties on the Tacoma Register of Historic Places, including those within locally designated historic districts and individual City Landmarks, particularly if the value to the City is appropriately balanced with the impact to community members.
6.	For historic district nominations, where appropriate, amend the regulatory requirements for the nominations process to include Tacoma's Tribal history.
7.	Streamline and clarify cultural resources review.
8.	Integrate probability mapping from the Puyallup of Tribe of Indians Comprehensive Land Use Plan into the City's code to improve and strengthen cultural resources review.
9.	Develop regulations that encourage new development on vacant or underutilized spaces and reuse of existing structures. Reduce code barriers including building code, energy code, change of use thresholds and seismic.
10.	Seek resources for a proactive survey program for the identification, documentation and preservation of historically and culturally significant buildings in all areas of the City, prioritizing historically underserved and underrepresented areas.
11.	Expand current demolition review code language to protect structures of historical or cultural significance outside of current historic districts. Streamline demolition review to address observed issues with the current process and to incorporate director's rules.
12.	Identify areas for improvement for historic preservation incentives, including support for state level amendments to the Special Tax Valuation Program that improve its accessibility and relevance, and are aligned with housing objectives.
13.	Explore partnerships with housing developers focused on converting underutilized historic commercial or institutional structures to affordable housing, leveraging low-income housing tax credits paired with historic tax credits.

14.	Create criteria and consideration for significance for sites under 50 years of age.
15.	Create a commemorative historic register for sites of community significance for which traditional historic designation may not meet community needs.
16.	Develop historic plaque program in coordination with community historic groups

A. Planning Mandates

GMA requires that any amendments to the Comprehensive Plan and/or development regulations conform to the requirements of the Act. Proposed amendments to the Comprehensive Plan and/or development regulations must also be consistent with the following State, regional and local planning mandates and guidelines:

- The State Environment Policy Act (SEPA);
- The State Shoreline Management Act (SMA);
- The Puget Sound Regional Council's *VISION 2050* Multicounty Planning Policies;
- The Countywide Planning Policies for Pierce County;
- TMC 13.02 concerning the procedures and criteria for amending the Comprehensive Plan and development regulations.

9. Findings Part 2: Landmarks Preservation Commission Review

Input from the Tacoma Landmarks Preservation Commission has been sought at several points during the Comprehensive Plan and Code Update process.

Date	Activity
June 12, 2024	Introductory Briefing, Comprehensive Plan and Regulatory Code Update
June 26, 2024	Comprehensive Plan and Regulatory Code Update scoping
October 23, 2024	Baseline Conditions review
May 28, 2025	Regulatory Code update – discussion
June 11, 2025	Regulatory Code update – discussion
July 9, 2025	Regulatory Code update – discussion
August 27, 2025	Review Public Testimony, recommendations

10. Findings Part 3: Planning Commission Review

The Tacoma Planning Commission is the body responsible for reviewing and making recommendations regarding amendments to the City Land Use and Development Regulations, per TMC 13.02.040 and RCW 36.70A. This includes Title 13 of the Tacoma Municipal Code, which contains the land use regulations pertaining to the activities of the Historic Preservation Program.

Date	Activity
July 17, 2024	One Tacoma update overview
October 18, 2024	Historic Preservation Chapter overview
February 5, 2025	One Tacoma Public Release

March 5, 2025	One Tacoma Public Hearing
March 19, 2025	Public Hearing Debrief
April 2, 2025	One Tacoma amendment discussion
April 23, 2025	One Tacoma Amendment recommendation
June 18, 2025	Historic Preservation Code introduction
July 16, 2025	Historic Preservation Code amendments overview, set hearing
August 6, 2025	Public Hearing – Historic Preservation Code Amendments
August 20, 2025	Public comment record summary (communication item)
September 3, 2025	Recommendation – Historic Preservation Code Amendments

11. Public Testimony and Summary of Community Engagement

A. Summary

Through the course of the comprehensive plan amendment process and historic code updates, City staff have conducted extensive engagement citywide. Outreach has targeted residents, businesses, and partner agencies, with a focus on accessibility, transparency, and community relevance.

B. Outreach

Between early 2024 and spring 2025, the City participated in a range of public events and forums to share information, gather feedback, and answer questions about the Comprehensive Planning process, including:

- Nine *One Tacoma* Visioning Workshops (May–June 2024) and Four *One Tacoma* Workshops (February–March 2025).
- Community Informational Meetings, including a virtual session July 24, 2025 and an in-person meeting at the Mottet Branch Library on July 26, 2025: Focused public meetings providing an overview of the Historic Preservation code update and ways to provide feedback on the draft code.
- Landmarks Commission briefing and scoping meetings over 2024-2025 to discuss both Comprehensive Plan policy and code updates.

C. Public Hearings

On August 6, 2025, the Planning Commission held a Public Hearing to receive public comment on the proposed code amendments. The comment period remained open until August 8. Staff also conducted virtual public information sessions on July 24 and 26.

Per the Planning Commission’s requirements, the following notices were sent:

1. **Public Notices** – The notice for the public hearing was sent to over 1700 people and organizations on the Landmarks Preservation Commission and Planning Commission mailing lists, including Neighborhood Councils, Neighborhood Business Districts and adjacent jurisdictions.

2. **News/Social Media** – The City of Tacoma issued a News Release on July 21, 2025. An online advertisement was placed in The News Tribune on July 23, 2025. A legal notice concerning the environmental determination, the public hearing and the informational meeting was placed in the Tacoma Daily Index on July 23, 2025. An event page for each of the public hearings and the informational meetings were posted on the City’s Facebook, starting the week of July 21.
3. **60-Day Notice** – A notice was sent to the Joint Base Lewis-McChord (per RCW 36.70A.530(4)) on July 18, 2025, asking for comments within 60 days of receipt of the notice. No comments were received.
4. **Tribal Consultation** – A letter was sent to the chairman of the Puyallup Tribe of Indians on July 18, 2025 to formally invite the Tribe’s consultation. No comments were received.

The Planning Commission was provided with the full Comment Record and staff responses in the meeting packet for the August 20 Planning Commission meeting.

There was a total of 8 comments received during the hearing and comment period, all written. There was general support for the amendments to the Special Tax Valuation Program, and for the changes to the Planning Commission review process in which historic district proposals are forwarded to Council following the Planning Commission review. Several commenters expressed concern or opposition to several of the proposed amendments, including:

- Commenters questioned whether the Planning Commission should have a role in the review of local historic districts, as the City has a Landmarks Commission and most other jurisdictions in Washington State do not use their Planning Commissions for historic district reviews
- Commenters expressed opposition to the fee requirement associated with Area Wide Rezone Applications, including historic districts
- Commenters are concerned with the exemption of window and cladding work on side and rear (non street facing) elevations, stating that this will lead to loss of historic integrity from inappropriate alterations
- Some commenters disagreed with the amendments to the wording proposed for historic eligibility criteria
- Some commenters felt that the waiting period between resubmittals for both individual landmarks (increased from one to two years) and historic districts (increased from no waiting period to 5 years) is excessive.

12. Findings Part 5: Landmarks Commission Discussion

1. Input from the Tacoma Landmarks Preservation Commission has been sought at several points during the Comprehensive Plan and Code Update process.
2. The comment record from the August 6, 2025, Public Hearing was provided to the Landmarks Commission ahead of its August 27, 2025 meeting for discussion.
3. Of the proposed amendments, the Landmarks Commission expressed concern specifically regarding the proposed exemptions from design review for window and cladding changes on “non-street facing” elevations in residential historic districts. While not unanimous, several of the commissioners felt that this language was too ambiguous, could lead to significant loss of historic integrity or be exploited by bad actors, and, while the intention of lowering cost burdens associated with design review in historic districts is a worthy goal, the Commission

feels that it has a strong track record of working with applicants on feasible and efficient compromise solutions.

4. The Landmarks Commission concurred with public comment that the proposed 2-year period between considerations of repeat individual historic nominations is excessive and unnecessary, and recommends that the current one year exemption is sufficient.
5. Regarding the 5-year waiting period between repeat submittals for local historic districts, the Landmarks Commission also concurs with public comment that this is also excessive, given the relatively low number of district nominations that are received. The Commission recommends that this language be altered to be consistent with the assessment criteria for Area Wide Rezones in TMC 13.05, which does not specify a minimum time period but instead uses the more general phrasing of whether similar proposals have been recently considered.
6. The Landmarks Commission supports the creation of the Community Heritage Register, noting that it is important to provide additional tools to address the diversity of community needs.
7. Regarding public comment concerning land use application fees for historic district rezones, the Commission suggests that the City explore ways to increase awareness that fees can be exempted by Neighborhood Councils.

13. Findings Part 6: Planning Commission Discussion

During public discussions leading up to the code amendment phase, including during the recent College Park Historic District reviews, the establishment of the moratorium on the creation of local residential historic districts, and the Periodic Update to the Comprehensive Plan, several central themes and policy areas emerged that guided the code amendment process. These include:

1. The Historic Preservation Comprehensive Plan Element and associated regulatory codes should be reviewed during the next code and policy amendment process to assess and evaluate compatibility with the broad City policy of objectives concerning diversity, equity and inclusion, housing, and sustainability to identify barriers, gaps in preservation policy, and criteria used by the Commission, and to identify additional tools and incentives for owners and residents of historic properties.

The proposed code amendment language addresses these areas as follows:

Diversity, Equity and Inclusion

- The addition of inclusive criteria into the nomination process is intended to broaden the relevancy of the Tacoma Historic Register by highlighting and recognizing the importance of community history and reflects the intent to improve representation of Tacoma's diverse history in its designated historic sites and districts.
- Likewise, the creation of a nonregulatory Community Heritage Register is intended to provide recognition and improve awareness of sites of community significance, for sites and properties that may not meet the criteria for inclusion or be appropriate for the Tacoma Register of Historic Places.
- The amendments also will require, where applicable, additional documentation of social history including demographic history, discriminatory practices such as "redlining" or any exclusive covenants, conditions and restrictions (CC&Rs), and indigenous history, for historic district nominations.

- The proposed relaxation of certain design review requirements for residential historic district also aligns with this goal, by reducing cost of participation and regulatory process, thus reducing barriers to access.

Tools and Incentives

- The proposed code amendments will open the primary local historic preservation incentive, which is currently limited to properties on the Tacoma Register of Historic Places and properties within local historic districts, to those on the National Register or within National Register Historic Districts. This removes the requirement that a property be listed locally.
2. The recommendations also included a review of the historic district designation process to clarify the roles and scope of the review by the Landmarks Commission and Planning Commission, and to improve coordination between the two processes. To this end, the proposed amendments:
 - Clearly define the historic district review process as an Area Wide Rezone.
 - Clarifies the respective roles of the Landmarks and Planning Commissions, giving deference to the Landmarks Commission's determination of historic eligibility and focusing the Planning Commission's review on the broader land use policy framework.
 - Aligns the historic district review process with the Planning Commission's workplan cycle, as with other land use applications it receives.
 - Includes new assessment tools for the Landmarks Commission to determine when it is appropriate to formally consider a proposal, including language limiting repeat submittals when necessary.
 3. For local historic district proposals, the Planning Commission concurred with prior discussion and Comprehensive Plan policy guidance to reduce the burden on property owners and residents within local historic districts by relaxing or reducing design review requirements.
 - The proposed amendments will reduce regulatory burdens on residents and property owners within residentially zoned historic districts by increasing exemptions from certain design review requirements.

14. Findings Part 6: SEPA Review

Pursuant to Washington Administrative Code (WAC) 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance was issued on July 24, 2025 (SEPA File Number LU25-0153), based upon a review of an environmental checklist. No comments were received by the deadline of August 8, 2025. The preliminary determination became final on August 15, 2025.

15. Conclusions

1. The proposal has been reviewed with the required public process and notification.
2. Public comment received centered primarily on three areas, including the appropriateness of Planning Commission jurisdiction over historic preservation proposals, the proposed waiting period between repeat submittals, and the relaxation of design review requirements within residential historic districts.

3. The Planning Commission is the appropriate body to consider both amendments to land use code under Title 13 of the Tacoma Municipal Code under TMC 13.02.040 as well as RCW 36.70A, as both relate directly to development regulations.
4. Regarding waiting periods between repeat submittals, as noted in during the discussions and findings for the current moratorium on residential historic districts, there is a demonstrated need for some assessment tools or criteria addressing this issue. The Planning Commission concurs with the recommendation to align new language in TMC 13.07 with that in TMC 13.05, and believes retention of the 5 year guideline specifically for local historic district resubmittals is appropriate.
5. Regarding the relaxation of design review requirements in local historic districts, the Commission acknowledges the concerns of historic district residents. However, the Commission also believes that the regulatory burden should be balanced with public benefit and access to historic preservation. Therefore, the Commission recommends that the exemptions should be implemented for local historic district proposals with some additional clarification as noted under “Recommendations”.

16. Recommendations

- A. The Planning Commission recommends adoption of the 2025 Historic Preservation Code Amendment package, with the following amendments to the Public Review Document:
 1. Reduce the mandatory waiting period for repeat individual landmark nominations to 1 year as it currently exists.
 2. In TMC 13.07.060.A.2.i, revise the language for the assessment criteria for historic district nominations in TMC 13.07, adding language encouraging repeat submittals to identify changes made to the prior submittals.
 3. The design review exemptions at TMC 13.05.040.D.2.c and d, and 13.07.120.C.2 and 3, adding language for exemptions to alterations on that are not on “prominent facades” or “prominent parcels,” and adding definitions for both phrases in TMC 13.01. The Planning Commission also recommends that it be implemented for both existing and future local historic districts.

“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. |

13.01.050 Land Use Permits and Procedures Definitions.

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.

“EXHIBIT B”

CHAPTER 13.05

LAND USE PERMITS AND PROCEDURES

* * *

13.05.030 Zoning and Land Use Regulatory Code Amendments.

* * *

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.

~~56.~~ Amendments proposed to comply with the update requirements of RCW 36.70.A.130 will occur according to the time frames established therein.

~~67.~~ 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.

~~78~~. 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.

89. 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.

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.

13.05.040 Historic preservation land use decisions.

A. Purpose.

The City finds that the protection, enhancement, perpetuation, and continued use of landmarks, districts, and elements of historic, cultural, architectural, archeological, engineering, or geographic significance located within the City are required in the interests of the prosperity, civic pride, and ecological and general welfare of its citizens. The City further finds that the economic, cultural, and aesthetic standing of the City cannot be maintained or enhanced by disregarding the heritage of the City or by allowing the destruction or defacement of historic and cultural assets. The purpose of this section is to support these goals and provide regulatory procedures for historic preservation decision making bodies.

B. Authority and Responsibilities.

1. Landmarks Preservation Commission.

Pursuant to TMC 1.42, and for the purposes of this chapter, the Landmarks Preservation Commission shall have the authority to:

- a. Approve or deny proposals to alter individual properties or contributing properties within historic and conservation districts that are listed on the Tacoma Register of Historic Places, as provided in TMC 13.07, and authorize the issuance of Certificates of Approval for the same, and adopt standards, design guidelines, and district rules to be used to guide this review.
- b. Where appropriate, encourage the conservation of historic materials and make recommendations regarding mitigation measures for projects adversely affecting historic resources.

2. Historic Preservation Officer.

Pursuant to TMC 1.42, and for the purposes of this chapter, the Historic Preservation Officer shall have the authority to:

- a. Grant administrative Certificates of Approval, subject to such limitations and within such standards as the Commission may establish.
- b. On behalf of the Landmarks Preservation Commission, draft and issue Certificates of Approval or other written decisions on matters on which the Commission has taken formal action.
- c. Upon request by other City entities, review permit applications and other project actions for appropriateness and consistency with the purposes of this chapter, Chapter 13.07, and the Preservation Plan element of the Comprehensive Plan.
- d. With respect to the goals and policies contained within this chapter, Chapter 13.07, and the Comprehensive Plan, represent the Historic Preservation Certified Local Government program for Tacoma and review, advise, and comment upon environmental analyses performed by other agencies and mitigation proposed, including NEPA and SEPA, Section 106, and other similar duties.
- e. Advise property owners and the public of historic preservation code requirements.
- f. Assist the Director, as needed, with requests for interpretations of codes relating to landmarks and to historic districts, as provided in those codes.

C. Compatibility of historic standards with zoning development standards.

1. All property designated as a City landmark or that is located within a Historic Special Review District or Conservation District, according to the procedures set forth in Chapter 13.07, shall be subject to all of the controls, standards, and procedures set forth in Title 13, including those contained herein and in Chapter 13.07, applicable to the area in which it is presently located, and the owners of the property shall comply with the mandates of this Title in addition to all other applicable Tacoma Municipal Code requirements for the area in which such property is located. In the event of a conflict between the application of this chapter and other codes and ordinances of the City, the more restrictive shall govern, except where otherwise indicated.

2. Coordination with Residential Zoning Code.

In certain cases, application of the development standards in the residential zones, as defined in Section 13.06.020, including those for height, bulk, scale, and setbacks, may conflict with historic preservation standards or criteria and result in adverse effects to City Landmark properties. In such cases, properties subject to design review and approval by the Landmarks Preservation Commission shall be exempted from the standards that conflict with the Landmarks Commission's application of historic preservation standards adopted pursuant to Chapter 13.07, including the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitation of Historic Buildings and applicable Historic Special Review District Design Guidelines. The issuance of a Certificate of Approval for final design by the Landmarks Preservation Commission shall include specific references to any conflicts between the historic standards and those in Chapter 13.06, and specifically request the appropriate exemptions.

3. Coordination with Downtown Zoning.

In certain cases, the application of design standards in Downtown Tacoma zoning districts, as defined in Section 13.06.050, may conflict with historic preservation standards or criteria and result in adverse effects to historic properties. In such cases, properties subject to design review and approval by the Landmarks Preservation Commission shall be exempted from the basic design standards of Section 13.06.050 that conflict with the Landmarks Commission's application of historic preservation standards adopted pursuant to this chapter, including the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitation of Historic Buildings and applicable Historic Special Review District Design Guidelines. The issuance of a Certificate of Approval for final design by the Landmarks Preservation Commission shall serve as the Commission's findings.

D. Certificates of approval, historic.

1. Certificate of Approval Required.

Except where specifically exempted by this chapter, a Certificate of Approval is required before any of the following actions may be undertaken:

- a. Alteration to the exterior appearance of any City landmark, or any building, site, structure or object proposed for designation as a City Landmark pursuant to TMC 13.07.050;
- b. Alterations to the exterior appearance of any existing buildings, public rights-of-way, or other public spaces, or development or construction of any new structures, in any Historic Special Review District.
- c. Except where otherwise specified, construction of new structures and additions to existing buildings within Conservation Districts. This authority is limited to the exterior appearance of new buildings and additions.
- d. Removal or alteration of any existing sign, or installation or placement of any new sign, on a City Landmark or property within a Historic Special Review or Conservation District.
- e. Demolition of any structure or building listed on the Tacoma Register of Historic Places, or that is located within a Historic Special Review or Conservation District.
- f. No City permits for the above activities shall be issued by the City until a Certificate of Approval has been issued by the Landmarks Preservation Commission or administrative approval has been granted by the Historic Preservation Officer.
- g. When a development permit application is filed with Planning and Development Services that requires a Certificate of Approval, the applicant shall be directed to complete an application for Certificate of Approval for review by the Landmarks Preservation Commission or Historic Preservation Officer.

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~~ [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.

~~34.~~ 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.

45. Applications for a Certificate of Approval shall be filed with Planning and Development Services.

56. 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.

67. 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.

78. 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.~~

E. Demolition of City Landmarks.

1. Application requirements.

In addition to the application requirements listed in Section 13.05.040.D, 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. A detailed, professional architectural and physical description of the property in the form of a narrative report, to cover the following:
 - (1) Physical description of all significant architectural elements of the building;

- (2) A historical overview;
 - (3) Elevation drawings of all sides;
 - (4) 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;
 - (5) Photographs of all significant architectural elements of the building; and
 - (6) Context photographs, including surrounding streetscape and major sightlines.
- b. A narrative statement addressing the criteria in this subsection for Applications for Historic Building Demolitions, to include the following areas, as applicable:
- (1) Architectural/historical/cultural significance of the building;
 - (2) Physical condition of the building;
 - (3) Narrative describing future development plans for the site, including a description of immediate plans for the site following demolition.
- c. For replacement construction/redevelopment of the site, the following information is required:
- (1) A complete construction timeline for the replacement structure to be completed within two years, or a written explanation of why this is not possible.
 - (2) Conceptual drawings, sketches, renderings, and plans.
 - (3) Written proof, acceptable to the Landmarks Preservation Commission, of valid and binding financial commitments for the replacement structure is required before the permit can be issued, and should be submitted with the demolition request. This may include project budgets, funding sources, and written letters of credit.
- d. If a new structure is not planned for the site, the application shall contain a narrative describing the rationale for demolition and a written request for waiver of the automatic conditions contained in Subsections 3.a, 3.b, and 3.d, below.
- e. If a new structure is not planned for the site, the application requirements in this subsection and subsection 13.05.040.D relating to new construction are not required in order for an application to be complete.
- f. Reports by professionally qualified experts in the fields of engineering, architecture, and architectural history or real estate finance, as applicable, addressing the arguments made by the applicant.

2. Permitting Timelines.

- a. Any City landmark for which a demolition permit application has been received is excluded from City permit timelines imposed by Section 13.05.020.J.
- b. An application for a Certificate of Approval for Demolition of a City Landmark shall be filed with the Planning and Development Services Permit Intake Center. When a demolition application is filed, the application shall be routed to the Historic Preservation Officer.
- c. Determination of Complete Application.

The Historic Preservation Officer shall determine whether an application for demolition is complete consistent with the timelines and procedures outlined in Section 13.05.040.D.5.a through 5.e.

d. Application Review.

- (1) Preliminary Meeting. Once the application for historic building demolition has been determined to be complete, excepting the demolition fee, the Historic Preservation Officer shall schedule a preliminary briefing at the next available regularly scheduled meeting of the Landmark Preservation Commission.
 - (a) The purpose of this meeting is for the applicant and the Commission to discuss the historic significance of the building, project background and possible alternative outcomes, and to schedule a hearing date, if necessary.

(b) To proceed with the application, the applicant shall request a public hearing, in writing, to consider the demolition application at the preliminary meeting.

(c) At this meeting, the Landmarks Preservation Commission may grant the request for public hearing, or may request an additional 30 days from this meeting to distribute the application for peer review, especially as the material pertains to the rationale contained in the application that involves professional expertise in, but not limited to, engineering, finance, law, architecture or architectural history, or, finding that the property in question is not contributing to the Historic District, may conditionally waive the procedural requirements of this section, provided that subsections 1 and 2 of Section 13.05.040.E, "Demolition of City Landmarks – Automatic Conditions," are met.

(d) If a 30-day peer review is requested, the request for public hearing shall again be considered at the next regular meeting following the conclusion of the peer review period.

(2) Public Hearing.

Upon receiving such direction from the Landmarks Preservation Commission, and once the application fee has been paid by the applicant, the Historic Preservation Officer shall schedule the application for a public hearing within 90 days.

(a) The Historic Preservation Officer shall give written notice, by first-class mail, of the time, date, place, and subject of the meeting to consider the application for historic building demolition not less than 30 days prior to the meeting to all owners of record of the subject property, as indicated by the records of the Pierce County Assessor-Treasurer, and taxpayers of record of properties within 400 feet of the subject property.

(b) The Commission shall consider the merits of the application, comments received during peer review, and any public comment received in writing or during public testimony.

(c) Following the public hearing, there shall be an automatic 60-day comment period during which the Commission may request additional information from the applicant in response to any commentary received.

(d) At its next meeting following the public comment period, the Landmarks Preservation Commission shall make findings of fact regarding the application based on the criteria for consideration contained in this subsection. The Landmarks Preservation Commission may approve, subject to automatic conditions imposed by this subsection, the application or may deny the application based upon its findings of fact. This decision will instruct the Historic Preservation Officer whether or not they may issue written approval for a historic building demolition.

3. Automatic Conditions.

Following a demolition approval pursuant to this section, the following conditions are automatically imposed, except where exempted per Section 13.05.040.E.2 or elsewhere in this chapter, and must be satisfied before the Historic Preservation Officer shall issue a written decision:

a. For properties within a Historic Special Review or Conservation District, the design for a replacement structure is presented to and approved by the Landmarks Preservation Commission pursuant to the regular design review process as defined in this chapter; or, if no replacement structure is proposed for a noncontributing structure, the Commission may, at its discretion, waive this condition and those contained in Subsections 3.b and 3.d, below;

b. Acceptable proof of financing commitments and construction timeline is submitted to the Historic Preservation Officer;

c. Documentation of the building proposed for demolition that meets Historic American Building Survey ("HABS") standards or mitigation requirements of the Washington State Department of Archaeology and Historic Preservation ("DAHP"), as appropriate, is submitted to the Historic Preservation Office and the Northwest Room of the Tacoma Public Library;

d. Development permits for the replacement are ready for issue by Planning and Development Services, and there are no variance or conditional use permit applications outstanding;

- e. Any additional mitigation agreement, such as relocation, salvage of architectural features, interpretation, or deconstruction, proposed by the applicant is signed and binding by City representatives and the applicant, and approved, if necessary, by the City Council; and
- f. Any conditions imposed on the demolition have been accepted in writing (such as salvage requirements or archaeological requirements).

4. Specific exemptions.

The following are excluded from the requirements imposed by this chapter and Chapter 13.07 but are still subject to Landmarks Preservation Commission approval for exterior changes as outlined elsewhere in this chapter and Chapter 13.07.

- a. Demolition of accessory buildings, including garages and other outbuildings, and noncontributing later additions to historic buildings, where the primary structure will not be affected materially or physically by the demolition and where the accessory building or addition is not specifically designated as a historic structure of its own merit;
- b. Demolition work on the interior of a City landmark or object, site, or improvement within a Historic Special Review or Conservation District, where the proposed demolition will not affect the exterior of the building and where no character defining architectural elements specifically defined by the nomination will be removed or altered; and
- c. Objects, sites, and improvements that have been identified by the Landmarks Preservation Commission specifically as noncontributing within their respective Historic Special Review or Conservation District buildings inventory at the preliminary meeting, provided that a timeline, financing, and design for a suitable replacement structure have been approved by the Landmarks Preservation Commission, or such requirements have been waived, pursuant to Section 13.05.040.E.

F. Minimum buildings standards, historic.

1. Prevention of Demolition by Neglect.

The Landmarks Preservation Commission shall make a reasonable effort to notify the Building Official of historic properties that appear to meet the criteria for substandard buildings or property under TMC 2.01.050.

2. For buildings listed on the Tacoma Register of Historic Places which are found to be Substandard, Derelict, or Dangerous according to the Building Official, under the Minimum Building provisions of TMC 2.01, the following shall apply:

- a. Because City landmarks are culturally, architecturally, and historically significant to the City and community, the historic status of a Substandard, Derelict, or Dangerous Building may constitute a “sufficient reason” for acceptance of alternate timelines and extensions upon agreed timelines; and,
- b. Any timelines and plans for the remediation of a dangerous City landmark, including for repair or demolition, shall not be accepted by the Building Official until the applicable procedures as set forth in this chapter for review of design or demolition by the Landmarks Preservation Commission have been satisfied, pursuant to TMC 2.01.030.B.
- c. The Building Official may consider the Landmarks Preservation Commission to be an interested party as defined in TMC 2.01, and shall make a reasonable effort to keep the Commission notified of enforcement complaints and proceedings involving City Landmarks.
- d. Nothing in this chapter shall be construed to prevent the alteration of any feature which the Building Official shall certify represents an immediate and urgent threat to life safety. The Building Official shall make a reasonable effort to keep the Historic Preservation Officer informed of alterations required to remove an unsafe condition involving a City Landmark.

3. The Historic Preservation Officer shall have the authority to administratively approve changes without prior Landmarks Preservation Commission review per Section 13.05.040.E, if, upon consultation with the Building Official and appropriate City Engineering staff, it is determined such changes are necessary to mitigate an immediate and urgent threat of structural failure or significant damage to a City landmark. The circumstances and

rationale for such an alteration shall be provided in a report to the Landmarks Preservation Commission at its next regular meeting.

* * *

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.

* * *

13.07.010 Short title.

This chapter may be cited as the “Tacoma Landmarks and Historic Special Review Districts Code.”

13.07.020 Landmarks and Historic Districts - Declaration of purpose and declaration of policy.

The City finds that the protection, enhancement, perpetuation, and continued use of landmarks, districts, and elements of historic, cultural, architectural, archeological, engineering, or geographic significance located within the City are required in the interests of the prosperity, civic pride, ecological, and general welfare of its citizens. The City further finds that the economic, cultural, and aesthetic standing of the City cannot be maintained or enhanced by disregarding the heritage of the City or by allowing the destruction or defacement of historic and cultural assets.

The purpose of this chapter is to:

- A. Preserve and protect historic resources, including both designated City landmarks and historic resources which are eligible for state, local, or national listing;
- B. Establish and maintain an open and public process for the designation and maintenance of City landmarks and other historic resources which represent the history of architecture and culture of the City and the nation, and to apply historic preservation standards and guidelines to individual projects fairly and equitably;
- C. Promote economic development in the City through the adaptive reuse of historic buildings, structures, and districts;
- D. Conserve and enhance the physical and natural beauty of Tacoma through the development of policies that protect historically compatible settings for such buildings, places, and districts;
- E. Comply with the state Environmental Policy Act by preserving important historic, cultural, and natural aspects of our national heritage; and
- F. To promote preservation compatible practices related to cultural, economic and environmental sustainability, including: conservation of resources through retention and enhancement of existing building stock, reduction of impacts to the waste stream resulting from construction activities, promotion of energy conservation, stimulation of job growth in rehabilitation industries, and promotion of Heritage Tourism;

G. To contribute to a healthy population by encouraging human scale development and preservation activities, including walkable neighborhoods; and

H. Integrate the historic preservation goals of the state Growth Management Act and the goals and objectives set forth in the City's Comprehensive Plan and regulatory language.

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

~~e. 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.
2. Catastrophic Loss. Due to circumstances beyond the control of the owner, such as fire, earthquake, or other catastrophic occurrence, the property has been damaged to the extent that its historic character has been irrecoverably lost.
3. Procedural Error. A property may be removed from the Historic Register if there is clear evidence that the Landmarks Preservation Commission or City Council committed any procedural errors during the consideration of the designation. This criterion does not include dissenting opinions regarding the findings or interpretations of the Commission during the designation process or the Commission's application of the Criteria for Designation.

C. The Landmarks Preservation Commission may itself also request removal of a property from the Historic Register in instances where:

1. The significant structure on the property no longer exists, due to a previous demolition.
2. The Commission finds that retaining the property on the Historic Register does not further the goals and objectives of this Chapter and the Preservation Plan.

D. When a request for removal from the Historic Register is received, or when the Landmarks Preservation Commission resolves to request removal of a property from the Historic Register, the Commission shall:

1. Set a date for Public Hearing within 60 days.
2. Send written notice via mail of the date, time and location of the Public Hearing. 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. For properties proposed for removal under Criterion C1, a public hearing is not required.
3. Following the public hearing, the Commission may leave the comment period open for up to 10 days.
4. At its next meeting, following the close of the comment period, the Commission may, by a vote of a majority of the quorum, find that the property meets one or more of the criteria for removal from the historic register and recommend the same to City Council, find that the property does not meet any of the criteria and reject the request, or it may defer the decision if additional information is required. The Commission shall set forth findings of fact for its decision.
5. If the Commission finds that the property appears to meet the criteria for removal from the Historic Register, and recommends the property for removal from the Historic Register, the Historic Preservation Officer shall transmit the Commission's recommendation to the City Council for its consideration within 30 days of the decision.

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.

24. 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.

B. 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.

C. 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.

D. 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.

E. 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;

F. 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.

13.07.070 Commission rules of procedure and administrative guidelines.

A. The Commission shall adopt and maintain a Rules of Procedure document that provides for the following:

1. Application submittal requirements for nominations to the historic register.
2. Design guidelines for historic special review and conservation districts.
3. The above shall be amended in accordance with the procedures and standards provided in Section 13.07.120.B.

B. Historic District Inventories.

The Commission shall adopt and maintain historic building inventories for buildings within Historic Special Review Districts that identify “Contributing” and “Non Contributing” properties. Architectural integrity, as it relates to materials, space, and composition in various periods of architecture, shall be respected and, to the extent possible, maintained in contributing properties. Historic. The absence of a property on a historic inventory shall not preclude the Landmarks Preservation Commission's authority to review changes to such a property. If a property is not listed on the historic inventory for the district, the property shall be assumed to be contributing.

13.07.080 Special tax valuation - Local Review Board.

Pursuant to TMC 1.42 and authorized pursuant to WAC 254-20 (hereinafter referred to as the “State Act”), the Landmarks Preservation Commission is hereby designated as the Local Review Board to exercise the functions and duties of a local review board as defined and until such time as the City Council may either amend or repeal this provision or designate some other local body or committee as the Local Review Board to carry out such functions and duties.

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.

B. Intent and Applicability.

1. With regard to individually designated City Landmarks, the Standards are to be applied to ensure that any proposed development will neither adversely affect the exterior architectural features of the resource nor adversely affect the character or historical, architectural, or aesthetic interest or value of such resource and its site.
2. With regard to any property located within a historic district, Design Guidelines are to be applied to ensure that the proposed development conforms to the prescriptive standards for the district adopted by the commission and does not adversely affect the character of the district.

13.07.105 Criteria for the Relocation of a City Landmark.

Relocating a historic structure usually diminishes its integrity, because the association with the original site is a key feature, and therefore it is not permitted in most cases. However, there may be extreme circumstances, in which a building is threatened in its present location and alternatives for preservation on site do not exist. In such a case, the following criteria should apply:

- A. The structure is threatened by further deterioration or loss in its present location.
- B. All alternatives to relocation have been reasonably considered.
- C. The original building and site condition will be accurately recorded before removing the structure from the existing site.
- D. Moving procedures are sufficiently planned to protect the key features of the structure.
- E. The relocation site provides an appropriate context similar to that of the original.
- F. A commitment is in place to complete the relocation and subsequent rehabilitation of the building.
- G. There is adequate protection to assure continued preservation of the building at its relocated site.

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.

A. Design Guidelines.

1. The Landmarks Preservation Commission shall adopt and maintain Guidelines for Building Design and Streetscape Review for historic special review districts and conservation districts, to be used as the basis for design review for rehabilitation, new development, and public amenities within the districts. Such guidelines are intended to ensure a certainty of design quality within each district, protect the historic fabric of the districts, enhance the economic viability of the districts through the promotion of their architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies.
2. Guidelines at a minimum should address the following subjects: height, scale, massing, exterior cladding and materials, building form and shape, roof shape, fenestration patterns and window materials, architectural details, storefronts (within commercial areas), awnings and signs, additions, parking, main entrances, rhythm of openings, accessory structures, mechanical equipment, streetscape and sustainable design.
3. In instances where design guidelines have not yet been adopted for historic special review or conservation districts, the Secretary of the Interior's Standards for Rehabilitation may be used.
4. For certain common types of City-managed projects, and for certain projects within the City right-of-way, including streetlighting, sidewalk repair and similar alterations within the right-of-way, the City Public Works Department may propose "standard specifications" for programmatic review and adoption by the Commission, in lieu of case-by-case reviews. Any such standards, rules or policies shall be adopted by quorum vote and, once adopted, shall be made available to the public in electronic and printed formats.
5. Design guidelines as adopted and maintained by the Commission shall not supersede the scope of authority defined by this chapter, TMC 1.42 and Sections 13.05.040.D and E.

B. Amending the Design Guidelines.

1. The Landmarks Preservation Commission shall possess the authority to review and approve changes to historic district design guidelines.
2. District design guidelines shall be amended not more than once annually, concurrent with the Commission's review of its Administrative Bylaws.
3. When proposed changes have been drafted, the Commission shall approve the draft and conduct a public hearing to receive comment on the proposed changes.

4. The Commission shall notify property owners within 400' of the historic district for which the guidelines are being amended, not less than 14 days prior to the date of the hearing. The notice shall indicate the date, time and location of the hearing.

5. Following the close of the Public Hearing, the Commission shall review public testimony and take action to approve, amend, or deny the proposed changes no sooner than its next regularly scheduled meeting.

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.
- ~~24.~~ Interior alterations to existing properties, unless those modifications affect the exterior appearance of the property.

13.07.130 Designation of Old City Hall Historic Special Review District - Declaration of purpose.

A. In order that the Old City Hall area and buildings within the area may not be injuriously affected; to promote the public welfare; and to provide for the enhancement of this area and its structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of its historic heritage, returning unproductive structures to useful purposes, and attracting visitors to the City; and in order that a reasonable degree of control may be exercised over the site, development, and architecture of the private and public buildings erected therein, there is hereby created the Old City Hall Historic Special Review District, the boundaries of which are more particularly described in Section 13.07.120 hereof.

B. Said district and the buildings and structures therein possess significant aspects of early Tacoma history, architecture, and culture. Historic, cultural, and architectural significance is reflected in the architectural cohesiveness of the area. For the foregoing reasons, many of the features contained in the buildings and structures in said district should be maintained and preserved.

13.07.140 Designation of Old City Hall Historic Special Review District - Findings.

A. The area encompassed by the Old City Hall Historic Special Review District has played a significant role in the development of the City of Tacoma, the Puget Sound region, and the state of Washington. The district was the location of the early governmental and commercial center of the City. The focus of commerce and transportation was located in this district.

B. The Old City Hall Historic Special Review District is associated with the lives of many Tacoma pioneers through property, business, and commercial activities which were concentrated in the area.

C. Many buildings within the Old City Hall Historic Special Review District embody distinctive characteristics of late 19th Century Eclectic architecture, which reflects Greco-Roman and Renaissance architectural influences. For these and other reasons, the buildings and structures combine to create an

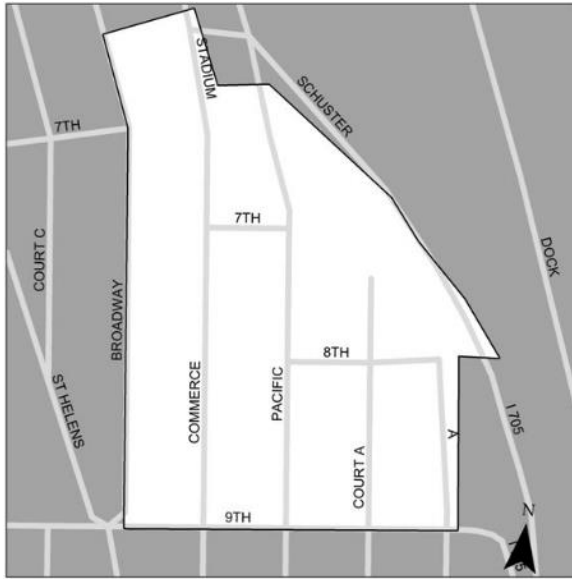
outstanding example of an area of Tacoma which is significant and distinguishable in style, form, character, and construction representative of its era.

D. The restoration and preservation of objects, sites, buildings, and structures within the Old City Hall Historic Special Review District will yield information of educational significance regarding the way of life and the architecture of the late 19th century, as well as add interest and color to the City. Restoration of the Old City Hall Historic Special Review District will preserve the environment which was characteristic of an important era of Tacoma's history, and will be considerably more meaningful and significant educationally than if done on the basis of individual isolated buildings and structures.

13.07.150 Old City Hall Historic Special Review District - Boundary description.

The legal description for the Old City Hall Historic Special Review District is described in Ordinance No. 24877, and shall be kept on file in the City Clerk's Office. The approximate boundaries are described in Map A below.

Map A: Approximate Boundaries of the Old City Hall Historic Special Review District



13.07.155 Guidelines for building design and streetscape improvement review of the Old City Hall Historic District.

Pursuant to Section 13.07.120, the Landmarks Preservation Commission shall adopt and maintain Guidelines for building design and streetscape improvement to ensure a certainty of design quality within the Old City Hall Historic District, protect the historic fabric of the district, enhance the economic vitality of the district through promotion of its architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies. These guidelines shall be made available to the public in electronic and printed formats.

13.07.160 Old City Hall Special Review District - Specific Exemptions.

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

A. 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

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

13.07.165 *Repealed by Ord. 27995.* Appeals to the Hearing Examiner - Factors to be considered.

13.07.170 Designation of Union Depot/Warehouse Historic Special Review District - Declaration of purpose.

In order that the area and buildings within the area may not be injuriously affected, to promote the public welfare, and to provide for the enhancement of the area and its structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of its historic and architectural heritage, returning unproductive structures to useful purposes, and attracting visitors to the City, and in order that a reasonable degree of control may be exercised over the site, development, and architecture of the private and public buildings erected therein, including certain infrastructure, there is hereby created the Union Depot/Warehouse Historic Special Review District.

13.07.180 Designation of the Union Depot/Warehouse Historic Special Review District - Findings.

A. The area encompassed by the Union Depot/Warehouse Historic Special Review District has played a significant role in the development of the City of Tacoma, the Puget Sound region, and the state of Washington. The district was the location of the early railroad, industrial, and commercial center of the City. The focus of early manufacture and commerce was identified with this district.

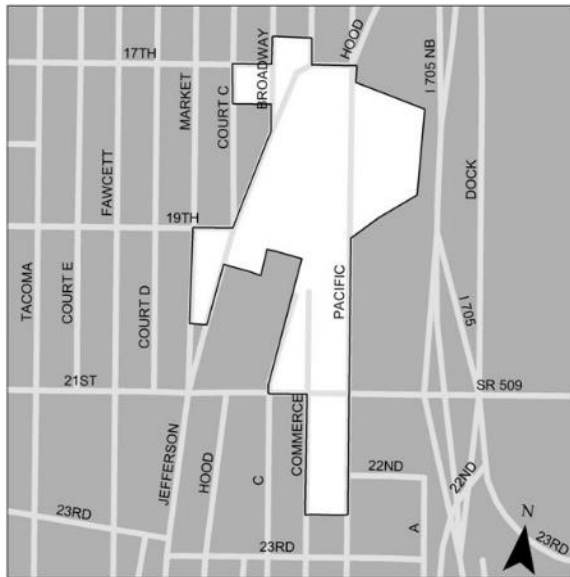
B. The Union Depot/Warehouse Historic Special Review District is associated with the lives of many Tacoma pioneers through property, railroad, and commercial activities which were concentrated in the area. Many of the buildings within the Union Depot/Warehouse Historic Special Review District embody the distinctive characteristics of the late 19th and early 20th century Eclectic architecture, which reflects Greco-Roman, Renaissance, and Baroque architectural influences. For these and other reasons, the buildings and structures combine to create an outstanding example of a historic district in Tacoma dating from circa 1887–1930, which is significant and distinguishable in style, form, character, and construction representative of its era.

C. Restoration and preservation of objects, sites, buildings, and structures within the Union Depot/Warehouse Historic Special Review District will yield information of educational significance regarding the way of life and the architecture of the late 19th and early 20th centuries, as well as add interest and color to the City. Restoration of the Union Depot/Warehouse Historic Special Review District will preserve the sense of place and time and the environment which was characteristic of an important era of Tacoma's history, and such district planning will be considerably more meaningful and significant educationally than if done on the basis of individual isolated buildings and structures.

13.07.190 Union Depot/Warehouse Historic Special Review District - Boundary description.

The legal description for the Union Depot/Warehouse Historic Special Review District is described in Ordinance No. 24505, and shall be kept on file in the City Clerk's Office. The approximate boundaries are described in Map B below.

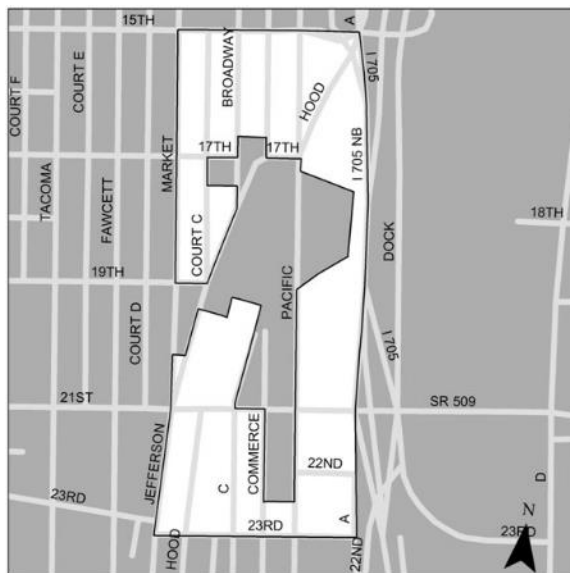
Map B: Approximate Boundaries of the Union Depot/Warehouse Historic Special Review District



13.07.200 Designation of Union Station Conservation District.

There is hereby created the Union Station Conservation District, the physical boundaries of which are described in Ordinance No. 24877, and kept on file in the City Clerk's Office. The approximate boundaries are described in Map C below.

Map C: Approximate Boundaries of the Union Station Conservation District



13.07.210 Guidelines for building design and streetscape improvement review of the Union Depot/Warehouse Historic District and Union Station Conservation District.

Pursuant to Section 13.07.120, the Landmarks Preservation Commission shall adopt and maintain Guidelines for building design and streetscape improvement to ensure a certainty of design quality within the Union

Depot/Warehouse Historic District and Union Station Conservation District, protect the historic fabric of the district, enhance the economic vitality of the district through promotion of its architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies. These guidelines shall be made available to the public in electronic and printed formats.

13.07.220 Designation of the North Slope Historic Special Review District - Purpose.

A. In order that the North Slope Neighborhood and buildings within the Neighborhood may not be injuriously affected; to promote the public welfare; to provide for the enhancement of the North Slope Neighborhood and its structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of Tacoma's historic heritage, maintaining productive and useful structures, and attracting visitors to the City; and in order that a reasonable degree of control may be exercised over the siting, development and architecture of public and private buildings erected in the North Slope Neighborhood so that the goals set forth in this section and in this chapter may be realized, there is hereby created the North Slope Historic Special Review District, the boundaries of which are more particularly described in Section 13.07.240 hereof.

B. The North Slope Neighborhood and the buildings therein reflect significant aspects of Tacoma's early history, architecture, and culture. Such historic, architectural, and cultural significance is also reflected in the architectural cohesiveness of the neighborhood. For the foregoing reasons, many of the features contained in the buildings and structures in the Neighborhood should be maintained and preserved.

C. Except where specifically exempted by TMC 13.07.095 and TMC 13.07.250, all visible alterations and construction within the historic district boundaries, including alterations to elements and spaces within the public right of way, are subject to the review and approval of the Landmarks Preservation Commission prior to the initiation of work.

13.07.230 Designation of North Slope Historic Special Review District - Findings.

The architectural, cultural, historical, and educational value of the North Slope Neighborhood is such that the protection and enhancement of its built environment and streetscape is important to the public welfare. In particular, the District is important for its association with the follow themes:

A. Role in the Development of Tacoma.

The area north of Division Avenue from the bluff to Sprague Street was one of several residential neighborhoods that developed after Tacoma was selected to be the terminus of the Northern Pacific Railroad. New Tacoma and the North End were considered to be a desirable place to live, near downtown Tacoma. The community was settled irregularly over its history in a fairly dense residential pattern, and it is common to find structures from the late 1800s next to houses built in the 1930s.

B. Association with Tacoma Pioneers, Property, Business and Commercial Activities.

The New Tacoma and North End community is predominantly residential, although there are scattered pockets of small commercial buildings that served the community. These commercial buildings are concentrated mostly along Division Avenue and K Street. The residents of the community represented a complete cross-section of different classes and occupations, from a United States ambassador to France to a Slovakian boat builder.

C. Architectural Characteristics.

The architectural characteristics of the New Tacoma and North End community are variable, although there is a remarkable number of architect-designed houses in the neighborhood. Most homes built in the earliest period of growth from 1880 to the crash in 1893 were Queen Anne and Stick style houses, of both modest and grand proportions. After the turn of the century, more Craftsman and bungalow-style houses were built,

as well as a few Colonial Revival structures. Those homes built after the turn of the century tended to be larger and more impressive, until the late 1920s when many one-story bungalows were built. After the Great Depression, another building boom took place in the neighborhood, with considerably smaller brick residences constructed in simple forms, and two- or three-story multi-unit apartment complexes.

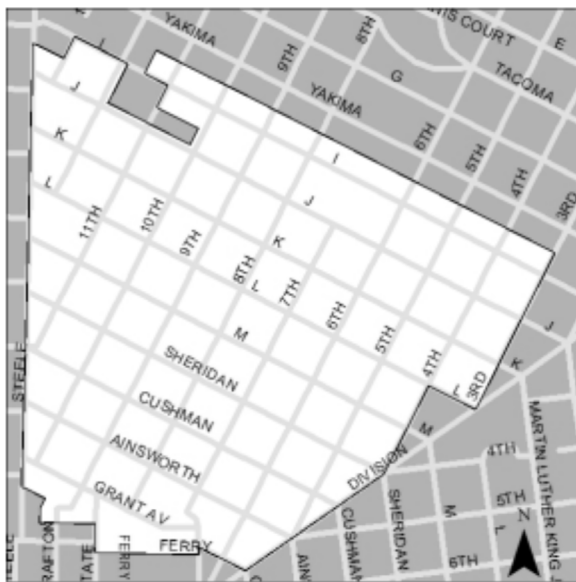
D. Educational Uses and Preservation of the Area's Heritage.

Restoration and preservation of objects, sites, buildings, and structures within the North Slope Neighborhood will yield information of educational significance about the way of life of Tacoma's citizens, and the architecture of the late 19th and early 20th centuries, and will add interest and color to the City. Maintaining this neighborhood as a whole will preserve the sense of time, place, and the environment which formed an important characteristic of Tacoma's history. District-wide planning will be considerably more meaningful and educationally significant than if done on the basis of individual, isolated buildings.

13.07.240 North Slope Historic Special Review District - Boundary description.

The legal description for the North Slope Historic Special Review District is described in Ordinance No. 26611, and shall be kept on file in the City Clerk's Office. The approximate boundaries are described in Map D below.

Map D: Approximate Boundaries of the North Slope Historic Special Review District



13.07.250 North Slope Historic Special Review District - Specific Exemptions.

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

- A. 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 modifications to accessory structures and the demolition of noncontributing or accessory structures are not exempt from the provisions of this chapter;
- B. Interior modifications to existing structures, unless those modifications affect the exterior appearance of the structure;

- C. Any alterations to private residential structures that are specifically exempted from permit requirements in the Residential Building Code as adopted by the City (such as painting and minor repairs such as caulking or weather-stripping);
- D. The installation, alteration, or repair of public and private plumbing, sewer, water, and gas piping systems, where no Right of Way restoration is required;
- E. The installation, alteration, or repair of public and private electrical, telephone, and cable television wiring systems, provided that the installation of solar panels, wind generators, and cellular antenna towers is not exempt;
- F. The landscaping of private residences;
- G. The maintenance of existing parking conditions and configurations, including curb cuts, driveways, alleys, and parking lots (new installations are subject to review by the Commission);
- H. Signs not exceeding the limitations for a home occupation permit and those installed by the City for directional and locational purposes.
- I. The following types of projects within the public rights of way: ADA accessibility ramps and installations, in-road work, traffic signaling equipment, utility markers, and equipment required by the United States Postal Service.

13.07.260 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts - Purpose.

- A. In order that the Wedge neighborhood and residential buildings within the neighborhood may not be injuriously affected; to promote the public welfare; to provide for the enhancement of the Wedge neighborhood and its residential structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of Tacoma's historic neighborhoods, maintaining productive and useful residential structures, and attracting visitors to the City; and in order that a reasonable degree of control may be exercised over the siting, development and architecture of public and private buildings erected in the Wedge neighborhood so that the goals set forth in this section and in this chapter may be realized, there is hereby created the Wedge Historic Special Review District and the Wedge Conservation Special Review District, the boundaries of which are more particularly described in Sections 13.07.280 and 13.07.290 TMC hereof.
- B. The Wedge neighborhood and the residential buildings therein reflect significant aspects of Tacoma's early neighborhood history, architecture, and culture. Such historic, architectural, and cultural significance is also reflected in the architectural cohesiveness of the neighborhood. For the foregoing reasons, many of the features contained in the buildings and structures in the neighborhood should be maintained and preserved.
- C. The Wedge Conservation District areas are established in order to encourage new development on the boundaries of the Historic District that is aesthetically and architecturally compatible with the character of the Wedge neighborhood. It is acknowledged that these are primarily commercial areas, and it is anticipated that commercial growth will occur in these areas. However, where there are historically significant structures within the Conservation District, this chapter encourages that these buildings be retained.
- D. Except where specifically exempted by TMC 13.07.300, all exterior alterations and construction within the historic and conservation district boundaries, including alterations to elements and spaces within the public rights-of-way, are subject to the review and approval of the Landmarks Preservation Commission prior to the initiation of work.

13.07.270 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts - Findings.

A. The Wedge Historic and Conservation Districts are evocative of the broad patterns of Tacoma's history. A middle class district that was constructed by some of Tacoma's most prolific builders, and occupied by famous and anonymous residents alike, the Wedge's development as a neighborhood mirrors that of Tacoma as a historic city.

B. Historically significant persons who lived in the Wedge Historic district include Silas Nelsen, Aaron Titlow, and Frank and Ethel Mars. Other notable persons who lived in the Wedge Historic District include doctors, attorneys, architects and contractors, engineers, politicians, jewelers, barbers, school, bank, real estate, and insurance personnel as well as seamen, railroad, and shipping and electric company employees.

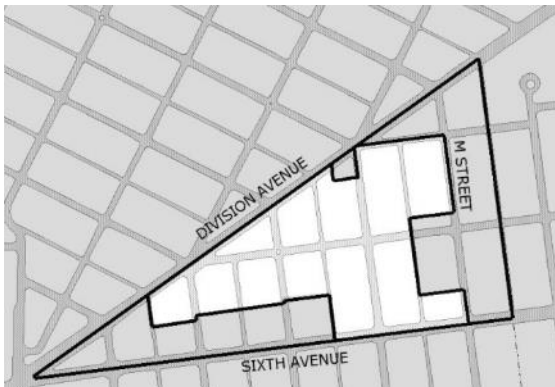
C. The Wedge Historic District is an intact middle-class residential district reflecting a period of neighborhood development from Tacoma's early history until after WWI. Although there are a number of notable homes within the district, most appear to be modest builder interpretations of established architectural styles and forms. Several of these provide good examples of typical residential architects.

D. The Wedge Historic District is adjacent to the North Slope Historic District and is part of a larger section of the City where historic development patterns prevail (including Wright Park, South J Street historic houses).

13.07.280 Wedge Neighborhood Historic Special Review District - Boundary Description.

The legal description for the Wedge Neighborhood Historic Special Review District is described in Ordinance No. 27981 and shall be kept on file in the City Clerk's Office. The approximate boundaries are depicted in Map E below.

Map E: Approximate Boundaries of the Wedge Neighborhood Historic Special Review District



13.07.290 Wedge Neighborhood Conservation Special Review District - Boundary Description.

The legal description for the Wedge Conservation Special Review District is described in Ordinance No. 27981 and shall be kept on file in the City Clerk's Office. The approximate boundaries are depicted in Map F below.

Map F: Approximate Boundaries of the Wedge Neighborhood Conservation Special Review District



13.07.300 Wedge Neighborhood Historic Special Review District and Wedge Neighborhood Conservation Special Review District - Specific Exemptions.

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

- A. Any alterations to noncontributing properties within the Wedge Historic Special Review Districts, as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office and any alterations to properties within the designated Conservation District, are exempt from the provisions of this chapter; provided, that alterations to accessory structures within the Historic District and the demolition of any structures in the Historic District and Conservation District, including noncontributing and accessory structures or the construction of new buildings, are not exempt from the provisions of this chapter;
- B. Historically nonresidential and commercial use structures; provided, that the demolition of noncontributing or accessory structures is not exempt from the provisions of this chapter;
- C. Interior modifications to existing structures, unless those modifications affect the exterior appearance of the structure;
- D. Changes to the exteriors of contributing structures that are not visible from adjacent public rights-of-way may be granted an administrative Certificate of Approval by the Historic Preservation Officer, provided that staff is able to determine that the proposed project is consistent with the district design guidelines and applicable Secretary of the Interior's Standards, all 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;
- E. Any alterations to private residential structures that are specifically exempted from permit requirements in the Residential Building Code as adopted by the City (such as painting and minor repairs such as caulking or weather-stripping);
- F. The installation, alteration, or repair of public and private plumbing, sewer, water, and gas piping systems, where no right-of-way restoration is required;
- G. The installation, alteration, or repair of public and private electrical, telephone, and cable television wiring systems; provided that the installation of solar panels, wind generators, and cellular antenna towers is not exempt;
- H. The landscaping of private residences;
- I. The maintenance of existing parking conditions and configurations, including curb cuts, driveways, alleys, and parking lots (new installations are subject to review by the Commission);

J. Signs not exceeding the limitations for a home occupation permit and those installed by the City for directional and locational purposes;

K. The following types of projects within the public rights-of-way: ADA accessibility ramps and installations, in-road work, traffic-signaling equipment, utility markers, and equipment required by the United States Postal Service.

13.07.310 Guidelines for building design and streetscape improvement review for the Wedge Neighborhood and North Slope Historic Special Review Districts and the Wedge Neighborhood Conservation Special Review District.

Pursuant to Section 13.07.120, the Landmarks Preservation Commission shall adopt and maintain Guidelines for building design and streetscape improvement to ensure a certainty of design quality within the North Slope and the Wedge Historic Special Review Districts and the Wedge Conservation District, protect the historic fabric of the districts, enhance the economic vitality of the districts through promotion of their architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies. These guidelines shall be made available to the public in electronic and printed formats.

13.07.320 Severability.

In the event that any section, paragraph, or part of this chapter is for any reason declared invalid or held unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

EXHIBIT “D”
CHAPTER 13.12
ENVIRONMENTAL CODE

13.12.570 Archaeological, Cultural, and Historic Resources.

* * *

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.

35. Requirements. Applications for a demolition permit shall include a demolition summary report that identifies all affected structures that are ~~fifty~~ 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.

46. 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.

57. 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 Rreport 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 within 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. 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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