

Historic Preservation Regulatory Code Summary

The following regulatory code language relates specifically to historic preservation, and is excerpted from the Tacoma Municipal Code from three places:

- Tacoma Municipal Code (TMC) 1.42 – Establishes the Landmarks Preservation Commission and stipulates its duties and responsibilities.
- TMC 13.05.045 through 13.05.049 – Defines the review procedures for permitting relating to historic buildings and districts.
- TMC 13.07 – Procedures related to designating individual City Landmarks and historic overlay zones (local historic districts), and provides an overview of existing local historic districts.

For more information about historic preservation, preservation standards or requirements, please visit www.tacomaculture.org/historic.asp or call 253-591-5220.

Chapter 1.42

LANDMARKS PRESERVATION COMMISSION

Sections:

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- 1.42.100 Meetings and procedures.
- 1.42.110 Historic Preservation Officer.

1.42.010 Short Title.

This chapter may be referenced as “Landmarks Preservation Commission Code.” (Ord. 27429 § 2; passed Nov. 15, 2005)

1.42.020 Landmarks Preservation Commission -Declaration of purpose.

It is hereby declared, as a matter of public policy, that the protection, enhancement, perpetuation, and use of objects, sites, structures, buildings, and districts of special historical or cultural significance within the City is a public necessity and required in the interest of the prosperity, civic pride, and general welfare of the people.

The purpose of this legislation is to:

A. Establish the Landmarks Preservation Commission (also referred to in this chapter as “Commission”) and to provide the administrative process by which these significant objects, sites, structures, buildings, and districts that possess integrity of design, setting, materials, feeling and association located within the City may be preserved and protected;

B. Foster civic pride in the beauty and accomplishments of the past through the publicizing and/or publishing of information concerning historic Tacoma;

C. Promote the use of the outstanding historic or architectural objects, sites, structures, buildings, and districts for the education, stimulation, and welfare of the people of the City; and

D. Promote and encourage continued private ownership and use of such objects, sites, structures, buildings, and districts now so owned and used, to the extent that the objectives listed above can be attained under such policy. (Ord. 27429 § 2; passed Nov. 15, 2005)

1.42.030 Creation of a Landmarks Preservation Commission.

In order to fulfill the purposes of this chapter, a Landmarks Preservation Commission, consisting of 11 members, is hereby established. The members of the Commission shall be appointed by the City Council in accordance with the City Charter and Rules of Procedure of the City Council. (Ord. 27429 § 2; passed Nov. 15, 2005)

1.42.040 Composition of the Landmarks Preservation Commission.

All members of the Commission shall have a demonstrated interest and familiarity with basic historic preservation issues, either through professional practice or volunteer work, and shall be residents within the boundaries of the City, except as provided elsewhere in this chapter.

The Landmarks Preservation Commission shall consist of the following:

A. Architect Positions: The Commission shall always include a minimum of three members who are currently or have been in the past professionally certified architects. These positions shall be named Architect Positions 1 through 3.

B. Professional Positions: In addition to the above, the Commission shall always include a minimum of four individuals who have had professional experience or training related to Historic Preservation originating from employment or study within the following disciplines: Arts or art history, architecture, history, architectural history, planning, prehistoric and/or historic archaeology, conservation, construction or building trades, landscape architecture, urban planning or design, structural engineering, land use or real estate law, real estate, appraisal or real estate finance, project management or contracting, or a related discipline. These positions shall be named Professional Positions 1 through 4.

C. Tacoma Arts Commission Liaison Position: One position may be appointed from the membership of the Tacoma Arts Commission upon nomination by the Tacoma Arts Commission Chair. If the Arts Commission Chair declines to make such an appointment, upon request of the Mayor, the position may be appointed by City Council according to the normal appointment procedures described in this chapter.

D. At-Large Positions: The remaining positions may be filled at-large. These shall be referred to as At-Large Positions 1 through 3.

E. Temporary vacancies of one or all of the professional positions shall not render actions by the Commission invalid, unless the Commission action is related to meeting Certified Local Government ("CLG") responsibilities cited in the Certification Agreement between the Mayor and the State Historic Preservation Officer on behalf of the state.

F. Exception to the residency requirement may be granted by City Council in order to fill vacancies for professional positions.

G. The Appointments Committee may, at its discretion, solicit nominations from neighborhood community associations, business districts, and professional organizations to ensure geographic and professional diversity within the Commission.

H. The provisions of this chapter shall be enforced as vacancies occur following the adoption of this legislation. (Ord. 27429 § 2; passed Nov. 15, 2005)

1.42.050 Terms of Commissioners.

Terms of the Commissioners of the Landmarks Preservation Commission shall be three years.

A. Terms of all Commissioners shall begin on January 1 and end on December 31.

B. Each Commissioner may serve until an appointment and qualification of a successor.

C. In the event that a position is vacated before the expiration of the term, the City Council may appoint a successor to serve the remainder of the unexpired term. (Ord. 27429 § 2; passed Nov. 15, 2005)

1.42.060 Ex officio members.

The City Council may appoint one resident, property owner, or business owner from each local Historic Special Review District or Conservation District, as provided for in Chapter 13.07 of the Tacoma Municipal Code (“TMC”), to serve as an ex officio member of the Landmarks Preservation Commission, who shall act in a non-voting advisory capacity to the Commission for matters relating only to his or her Historic District under the jurisdiction of the Commission.

The Appointments Committee of City Council may, at its discretion, solicit nominations for the ex officio from community and business groups within said historic or conservation districts. Ex officio members shall be appointed by the City Council in accordance with the City Charter and Rules of Procedure of the City Council for terms of four years. Terms shall end on December 31 and begin on January 1. (Ord. 27429 § 2; passed Nov. 15, 2005)

1.42.070 Members shall serve without compensation.

Members of the Landmarks Preservation Commission shall serve without compensation. (Ord. 27429 § 2; passed Nov. 15, 2005)

1.42.080 Rules and officers.

A. The Commission shall have a chairperson and at least one vice chairperson with terms of one year, elected by quorum vote of the Commissioners present at a regular meeting.

B. Any Commissioner who fails to attend three consecutive meetings of the Commission without being excused may be deemed to have forfeited his or her office. The Commission shall take the necessary action to enforce this provision by causing such absence and the resulting forfeiture of office to be recorded in its official minutes, which minutes shall be transmitted to the Mayor for the purpose of nominating a successor to fill the unexpired term.

C. Members shall abide by the City’s Code of Ethics as provided in TMC 1.46. (Ord. 27429 § 2; passed Nov. 15, 2005)

1.42.090 Powers and duties of the Commission.

The primary duty of the Landmarks Preservation Commission is to identify and actively encourage the conservation of the City’s historic resources by establishing and maintaining a register of historic landmarks, landmark sites, historic special review districts, and conservation districts; reviewing proposed changes to register properties; raising community awareness of the City’s history and historic resources; and serving as the City’s primary resource in matters of history, historic planning, and preservation, as provided for in this chapter and Chapter 13.07 of the TMC.

In carrying out these responsibilities, the Landmarks Preservation Commission shall engage in the following:

A. Serve as liaison to the City Council on matters of historic preservation policy.

B. Establish and maintain the Tacoma Register of Historic Places (“Register”), as provided for in TMC 13.07. The Register shall consist of buildings, structures, sites, objects, and districts identified by the Commission as having historic significance worthy of recognition and protection by the City in accordance with the purposes of this chapter.

C. Review and advise the City Council regarding nominations to the Tacoma Register of Historic Places for individual listings as well as for potential historic districts, according to criteria and procedures listed in TMC 13.07.

D. Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register, as provided in TMC 13.07, and adopt standards, design guidelines, and district rules to be used to guide this review and the issuance of a certificate of approval.

E. Actively encourage the conservation of historic materials and make recommendations regarding mitigation measures for projects adversely affecting historic resources.

F. Review, advise, and comment to the Tacoma Planning Commission and City Council on land use, housing and redevelopment, municipal improvements and other types of planning and programs undertaken by any agency of the City, other neighboring communities, the county, and state or federal governments, as they relate to historic resources within the City.

G. Review nominations to the State and National Registers of Historic Places for historic properties within the City.

H. Make recommendations to the City Council on the use of various federal, state, local, or private funding sources available for preservation purposes within the City.

I. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites, districts, and new construction in historic areas; and encourage appropriate measures for such recognition.

J. Provide information to the public on methods of maintaining and rehabilitating historic properties, incentives for the rehabilitation of historic properties, and the regulations concerning such properties. This may take the form of pamphlets, newsletters, workshops, or similar activities.

K. Serve as the local review board for the special tax valuation program and:

1. Make determination concerning the eligibility of historic properties for special valuation;
2. Verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance;
3. Approve or deny applications for special valuation;
4. Advise the City Council regarding implementing agreements with property owners for the duration of the special valuation period, as required under WAC 254-20-070(2);
5. Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the 10-year special valuation period; and
6. Adopt bylaws and/or administrative rules and comply with all other local review board responsibilities identified in Chapter 84.26 RCW.

L. Adopt and maintain architectural standards and design guidelines for Historic Special Review Districts and historic properties.

M. The Commission shall have such further powers and duties as may, from time to time, be delegated to it by the City Council. (Ord. 27429 § 2; passed Nov. 15, 2005)

1.42.100 Meetings and procedures.

A. The Commission shall establish a regular time and place for meetings and shall meet a minimum of 12 times per calendar year, or additionally, as necessary, to conduct Commission business. Special meetings may be called by the chairman or by any three members of the Commission upon personal notice being given to all members or written notice being mailed to each member at least 24 hours prior to the date set for such meeting, unless such notice requirement is waived in writing.

B. A simple majority of appointed filled positions shall constitute a quorum.

C. All Commission meetings shall be conducted in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation, and the Commission shall adopt standards in its rules to guide this action.

D. The Commission's chairman shall submit an annual report to the City Council, sending a copy thereof to the City Clerk. (Ord. 27429 § 2; passed Nov. 15, 2005)

1.42.110 Historic Preservation Officer.

To ensure adequate commission and professional staff assistance, the Director of the Community and Economic Development Department shall appoint a Historic Preservation Officer for the City. The Historic Preservation Officer shall possess expertise in the field of historic preservation, with professional qualifications in the disciplines of archaeology, architecture, architectural history, history, urban planning, art history, or a closely related field.

Under the direction of the Commission, the Historic Preservation Officer shall act as ex officio secretary and shall keep accurate records of the Commission's proceedings and transactions, conduct official correspondence, assist in organizing and supervising the Landmarks Preservation Commission, and organize and supervise clerical and technical work of the Commission to the extent required to administer this chapter.

In addition, the Historic Preservation Officer shall:

- A. Carry out, assist, and collaborate in surveys and programs designed to identify and evaluate objects, improvements, and sites worthy of preservation;
- B. Provide information to civic groups, public agencies, and citizens interested in historic preservation;
- C. Provide recommendations to the Landmarks Preservation Commission regarding objects, improvements, and sites which are believed worthy of preservation;
- D. Provide information to the public concerning objects, improvements, and sites deemed worthy of preservation, and encourage and advise owners in the protection, enhancement, and perpetuation of such objects, improvements, and sites;
- E. Advise the City and its agencies regarding methods and practices that encourage historic preservation and adaptive reuse, and make appropriate recommendations to the City and other bodies and agencies, both public and private;
- F. Recommend such policies, rules, and regulations for adoption by the Commission as are deemed necessary to carry out the purposes of this chapter and Chapter 13.07 of the TMC;
- G. Subject to such limitations and within such standards as the Commission may establish from time to time, grant administrative certificates of approval, 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;
- H. With respect to the goals and policies contained within this chapter and the Comprehensive Plan, represent the Historic Preservation CLG 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.
- I. Upon request by the Public Works Department, review permit applications for appropriateness and consistency with the purposes of this chapter and Chapter 13.07 of the TMC;
- J. Respond to requests for interpretations of the codes relating to landmarks and to landmark districts, as provided in those codes.
- K. From time to time, perform other duties as required by the City Manager or City Council.. (Ord. 27466 § 16; passed Jan. 17, 2006; Ord. 27429 § 2; passed Nov. 15, 2005)

13.05.045 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 Land Use Administrator, as needed, with requests for interpretations of codes relating to landmarks and to historic districts, as provided in those codes. (Ord. 27995 Ex. C; passed Jun. 14, 2011)

13.05.046 Compatibility of historic standards with zoning development standards.

A. 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.

B. Coordination with Residential Zoning Code. In certain cases, application of the development standards in the residential zones, as defined in Section 13.06.100, 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.

C. Coordination with Downtown Zoning. In certain cases, the application of design standards in Downtown Tacoma zoning districts, as defined in Chapter 13.06A, 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 Chapter 13.06A 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 as required in TMC 13.06A.070.B. (Ord. 27995 Ex. C; passed Jun. 14, 2011)

13.05.047 Certificates of approval, historic.

A. 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:

1. 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;
2. 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.
3. 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.
4. Removal or alteration of any existing sign, or installation or placement any new sign, on a City Landmark or property within a Historic Special Review or Conservation District.
5. 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.
6. 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.
7. When a development permit application is filed with Building and Land Use 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.

B. 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:

1. Property name and building address;
2. Applicant's name and address;
3. Property owner's name and address;
4. Applicant's telephone and e-mail address, if available;
5. 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;
6. Confirmation that the fee required by the General Services Fee Schedule has been paid;
7. Written confirmation that the proposed work has been reviewed by Building and Land Use Services, appears to meet applicable codes and regulations, and will not require a variance;
8. A detailed description of the proposed work, including:
 - a. Any changes that will be made to the building or the site;
 - b. Any effect that the work would have on the public right-of-way or public spaces;
 - c. Any new development or construction;
9. 5 sets of scale plans, or a single legible electronic copy in a format approved by CEDD staff, with all dimensions shown, of:
 10. 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;
 11. A floor plan showing the existing features and a floor plan showing proposed new features;
 12. Elevations and sections of both the proposed new features and the existing features;
 13. Construction details, where appropriate;

14. A landscape plan showing existing features and plantings and a landscape plan showing proposed site features and plantings;

15. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

16. 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;

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

a. 5 sets of scale plans, or a single legible electronic copy of the proposed signs, awnings, canopies, or lighting showing the overall dimensions, materials, design graphics, typeface, letter size, and colors;

b. 5 copies or a single electronic copy of details showing the proposed methods of attachment for the new signs, canopies, awnings, or exterior lighting;

c. For lighting, detail of the fixture(s) with specifications, including wattage and illumination color(s);

d. One sample of the proposed colors and materials;

18. 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.

C. Applications for Preliminary Approval.

1. 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).

2. 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.

3. 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.

4. 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 B above, and upon Commission approval prior to the issuance of any permits for work affecting the property.

D. Applications for a Certificate of Approval shall be filed with the Permit Center.

E. Process and standards for review.

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

a. 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.

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

2. 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.

3. 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.

4. 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.

5. 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.
6. 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.
7. 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.
8. The absence of the owner or applicant shall not impair the Commission's authority to make a decision regarding the application.
9. 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 Building and Land Use Services.
10. 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 Building and Land Use Services shall be valid for the life of the permit, including any extensions granted in writing by Building and Land Use Services.

F. Economic Hardship

1. 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.
2. When a claim of economic hardship is made due to the effect of this ordinance, the owner must prove that:
 - a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - b. 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
 - c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
3. 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.
4. 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.
5. All decisions of the Commission shall be in writing.
6. The Commission's decision shall state the reasons for granting or denying the hardship application.
7. 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.
8. Economic Evidence. The following shall be required for an application for economic hardship to be considered complete:
 - a. For all property:
 - (1) The amount paid for the property;

- (2) 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;
- (3) The cost of any improvements since purchase by the applicant and date incurred;
- (4) The assessed value of the land, and improvements thereon, according to the most recent assessments;
- (5) Real estate taxes for the previous two years;
- (6) Annual debt service, if any, for the previous two years;
- (7) All appraisals obtained within the previous five years by the owner or applicant in connection with his or her purchase, financing or ownership of the property;
- (8) Any listing of the property for sale or rent, price asked, and offers received, if any;
- (9) Any consideration by the owner for profitable and adaptive uses for the property, including renovation studies, plans, and bids, if any; and

b. For income-producing property:

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

G. 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.

1. 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:

- a. An indication of facts that establish the appellant's standing;
- b. An identification of explicit exceptions and objections to the decision being appealed, or an identification of specific errors in fact or conclusion;
- c. The requested relief from the decision being appealed;
- d. 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.

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

3. 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 1.23.060 and RCW 36.70C.040.

4. 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:

- a. 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;
- b. The purpose of the ordinance under which each Historic Special Review or Conservation District is created;
- c. 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;

d. 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

e. 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.

5. 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.

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

H. 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. (Ord. 27995 Ex. C; passed Jun. 14, 2011)

13.05.048 Demolition of City Landmarks.

A. Application requirements. In addition to the application requirements listed in Section 13.05.047, 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:

1. A detailed, professional architectural and physical description of the property in the form of a narrative report, to cover the following:

a. Physical description of all significant architectural elements of the building;

b. A historical overview;

c. Elevation drawings of all sides;

d. 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;

e. Photographs of all significant architectural elements of the building; and

f. Context photographs, including surrounding streetscape and major sightlines.

2. A narrative statement addressing the criteria in this subsection for Applications for Historic Building Demolitions, to include the following areas, as applicable:

a. Architectural/historical/cultural significance of the building;

b. Physical condition of the building;

c. Narrative describing future development plans for the site, including a description of immediate plans for the site following demolition.

3. For replacement construction/redevelopment of the site, the following information is required:

a. A complete construction timeline for the replacement structure to be completed within two years, or a written explanation of why this is not possible.

b. Conceptual drawings, sketches, renderings, and plans.

c. 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.

4. 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 C.1, C.2 and C.4, below.

5. If a new structure is not planned for the site, the application requirements in this section and Section 13.05.047 relating to new construction are not required in order for an application to be complete.

6. 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.

B. Permitting Timelines.

1. Any City landmark for which a demolition permit application has been received is excluded from City permit timelines imposed by Section 13.05.010.J.

2. An application for a Certificate of Approval for Demolition of a City Landmark shall be filed with the Building and Land Use Services Permit Intake Center. When a demolition application is filed, the application shall be routed to the Historic Preservation Officer.

3. 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 13.05.047.E.1 through E.5.

4. Application Review.

a. 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.

(1) 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.

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

(3) 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 13.05.048.C, "Demolition of City Landmarks – Automatic Conditions," are met.

(4) 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.

b. 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.

(1) 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.

(2) 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.

(3) 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.

(4) 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 he or she may issue written approval for a historic building demolition.

C. Automatic Conditions. Following a demolition approval pursuant to this section, the following conditions are automatically imposed, except where exempted per Section 13.05.048.B or elsewhere in this chapter, and must be satisfied before the Historic Preservation Officer shall issue a written decision:

1. 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 C.2 and C.4, below;
2. Acceptable proof of financing commitments and construction timeline is submitted to the Historic Preservation Officer;
3. 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;
4. Development permits for the replacement are ready for issue by Building and Land Use Services, and there are no variance or conditional use permit applications outstanding;
5. 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
6. Any conditions imposed on the demolition have been accepted in writing (such as salvage requirements or archaeological requirements).

D. 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.

1. 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;
2. 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
3. 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 13.05.048. (Ord. 27995 Ex. C; passed Jun. 14, 2011)

13.05.049 Minimum buildings standards, historic.

A. 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 2.01.060.

B. 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:

1. 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,
2. 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 2.01.040.F.

3. 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.

4. 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.

C. The Historic Preservation Officer shall have the authority to administratively approve changes without prior Landmarks Preservation Commission review per Section 13.05.048, 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. (Ord. 27995 Ex. C; passed Jun. 14, 2011)

Chapter 13.07

LANDMARKS AND HISTORIC SPECIAL REVIEW DISTRICTS¹

Sections:

- 13.07.010 Short title.
- 13.07.020 Landmarks and Historic Districts – Declaration of purpose and declaration of policy.
- 13.07.030 Definitions.
- 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.
- 13.07.070 Commission rules of procedure and administrative guidelines
- 13.07.080 Special tax valuation – Local Review Board.
- 13.07.085 Property eligible for special tax valuation.
- 13.07.090 *Repealed.*
- 13.07.095 Certificates of approval – Standards for Review.
- 13.07.100 *Repealed.*
- 13.07.105 Criteria for the Relocation of a City Landmark.
- 13.07.110 Demolition of City landmarks – Standards and criteria for review.
- 13.07.120 Historic Special Review and Conservation Districts – Generally.
- 13.07.130 Designation of Old City Hall Historic Special Review District – Declaration of purpose.
- 13.07.140 Designation of Old City Hall Historic Special Review District – Findings.
- 13.07.150 Old City Hall Historic Special Review District – Boundary description.
- 13.07.155 Guidelines for building design and streetscape improvement review of the Old City Hall Historic District.
- 13.07.160 Old City Hall Special Review District – Specific Exemptions.
- 13.07.165 *Repealed.*
- 13.07.170 Designation of Union Depot/Warehouse Historic Special Review District – Declaration of purpose.
- 13.07.180 Designation of the Union Depot/Warehouse Historic Special Review District – Findings.
- 13.07.190 Union Depot/Warehouse Historic Special Review District – Boundary description.

¹ Prior legislation: Ord. 26611, passed Apr. 4, 2000; Ord. 26556, passed Dec. 14, 1999; Ord. 26386, passed Mar. 23, 1999; Ord. 26144, passed Oct. 28, 1997; Ord. 25747, passed Aug. 5, 1995; Ord. 24877, passed Apr. 2, 1991; Ord. 24505, passed Dec. 12, 1989; Ord. 23694, passed Sept. 9, 1986; Ord. 23005, passed Sept. 6, 1983; Ord. 22303, passed Feb. 3, 1981; Ord. 21283, passed Mar. 7, 1978; Ord. 20806, passed Jul. 13, 1976.

- 13.07.200 Designation of 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.
- 13.07.220 Designation of North Slope Historic Special Review District – Purpose.
- 13.07.230 Designation of North Slope Historic Special Review District – Findings.
- 13.07.240 North Slope Historic Special Review District – Boundary description.
- 13.07.250 North Slope Historic Special Review District – Specific Exemptions.
- 13.07.260 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Purpose.
- 13.07.270 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Findings.
- 13.07.280 Wedge Neighborhood Historic Special Review District – Boundary Description.
- 13.07.290 Wedge Neighborhood Conservation Special Review District – Boundary Description.
- 13.07.300 Wedge Neighborhood Historic Special Review District and Wedge Neighborhood Conservation Special Review District – Specific Exemptions.
- 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.
- 13.07.320 Severability.
- 13.07.330 *Repealed.*
- 13.07.340 *Repealed.*
- 13.07.350 *Repealed.*
- 13.07.355 *Repealed.*
- 13.07.360 *Repealed.*
- 13.07.370 *Repealed.*
- 13.07.380 *Repealed.*

13.07.010 Short title.

This chapter may be cited as the “Tacoma Landmarks and Historic Special Review Districts Code.” (Ord. 27429 § 3; passed Nov. 15, 2005)

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. (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27772 § 4; passed Dec. 9, 2008; Ord. 27748 Ex. A; passed Oct. 14, 2008 Ord. 27429 § 3; passed Nov. 15, 2005)

13.07.030 Definitions.

For purposes of this chapter, certain terms and words are hereby defined as follows:

“Certified Local Government” or “CLG” means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established a historic preservation commission and a historic preservation program meeting Federal and State standards.

“City landmark” means a property that has been individually listed on the Tacoma Register of Historic Places, or is that is a contributing property within a Historic Special Review District or Conservation District as defined by this chapter.

“Conservation District” means an area designated for the preservation and protection of historic resources and overall characteristics of traditional development patterns, and that meets the criteria for such designation as described in Section 13.07.040.C of this code.

“Deconstruction” The disassembly of a building, or a portion thereof, in a manner that keeps individual components and materials intact. These may then be reassembled to the original design, or may be made available for reuse in other improvement projects.

“District” means a geographically definable area possessing a significant concentration, linkage, or continuity of sites buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

“Embodied Energy” means the energy consumed to construct a building, including that required to create materials for it, transport them to the site, and then assemble them.

“Historic resource” means any property that has been determined to be eligible by the City Historic Preservation Officer or Washington State Department of Archaeology and Historic Preservation staff for listing in the Tacoma Register of Historic Places, the Washington State Heritage Register, or the National Register of Historic Places, or any property that appears to be eligible for such listing by virtue of its age, exterior condition, or known historical associations.

“Historic Special Review District” means an Overlay Zone with a concentration of historic resources that has been found to meet the criteria for designation as a Historic Special Review District under the provisions of this chapter and has been so designated by City Council.

“Property” means any building, object, site, structure, improvement, public amenity, space, streetscapes and rights-of-way, or area.

“Reconstruction” means the act of structurally rebuilding a structure or portion thereof, wherein the visible architectural elements are replaced in kind with materials and finishes that accurately convey the character of the original elements.

“Removal” means any relocation of a structure on its site or to another site.

“Rehabilitation” means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

“Restoration” means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical,

electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

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

“Streetscape” means the total visual environment of a street as determined by various elements including, but not limited to, street furniture, landscaping, lighting, paving, buildings, activities, traffic, open space, and view.

“Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. (Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

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 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: In addition to the above, a property may be 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. 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. Has yielded or may be likely to yield, information important in prehistory or history; or
- e. 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. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood or City.

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 meet the following specific criteria:

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

b. It is an area that represents a significant and distinguishable entity but some of whose individual components may lack distinction;

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

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.

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

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. 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 within publicly owned buildings; 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.

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 without the

consent of the nominating individual, unless such a change is required to correct an error or inconsistency within the nomination.

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 13.05.047.

3. At this meeting, the Landmarks Preservation Commission shall, by quorum vote, find that the application meets the threshold criteria for designation contained in this chapter, that it does not meet the threshold criteria, or the Commission may defer the decision if additional information is required.

4. If the Landmarks Preservation Commission finds that the nomination appears to meet the threshold 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 criteria, 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 recommend the property for designation as a City landmark, find that the property does not meet any of the criteria and reject the nomination, or it may 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 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 approve the same by adoption of a resolution designating the structure as a historic landmark or building, may reject the same, or may refer it back to the Commission for further consideration, 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 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 Clerk shall transmit a copy of said resolution to Building and Land Use Services, which shall place the City landmark designation on the subject property's records under his or her jurisdiction. (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

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.

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. (Ord. 27995 Ex. H; passed Jun. 14, 2011)

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

A. Members of the City Council or 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 using the following criteria:

1. 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. For proposed historic districts, the area appears to possess a high level of significance, based upon existing documentation or survey data; or
3. For proposed conservation districts, preliminary analysis indicates that the area appears to have a distinctive character that is desirable to maintain; and
4. 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. Creation of the district is compatible with and supports community and neighborhood plans; or
6. The area abuts another area already listed as a historic district or conservation district; or
7. The objectives of the community cannot be adequately achieved using other land use tools.

B. District Designation – Landmarks Preservation Commission.

1. Public Hearing. Following a request by the City Council or by a quorum vote of the members of the Landmarks Preservation Commission regarding such a request, Building and Land Use Services staff shall:

- a. Notify other City Departments and Divisions, as appropriate, of the proposed designation.
- b. Schedule a public hearing.
- c. Give written notice, by first-class mail, of the time, date, place, and subject of the Commission's meeting to consider designation of the district as a Historic Special Review District.
- d. This notice shall be given not less than 14 days prior to the meeting to all taxpayers of record of the subject property, as indicated by the records of the Pierce County Assessor, taxpayers of record of properties within 400 feet of the subject property, and to the Neighborhood Council of the affected area. Notice shall also be submitted for publication to the newspaper of record.
- e. Conduct the public hearing in accordance with the notice given, at which the owner or owners of the property involved, the owners of all abutting property, and other interested citizens or public officials shall be entitled to be heard.

2. 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.

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 13.02.053.
2. Notice of the time, place, and purpose of such hearing shall be given by Building and Land Use 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 consider the 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 the proposal, and shall promptly notify the Landmarks Preservation Commission of the action taken.
4. If 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, 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 Building and Land Use 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 13.02.053 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. (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27466 § 36; passed Jan. 17, 2006; Ord. 27429 § 3; passed Nov. 15, 2005)

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. (Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

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. (Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

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. Landmarks Preservation Commission shall act as the Local Review Board and enter into the agreements referred to in WAC 254-20. (Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

13.07.090 Certificates of approval. *Repealed by Ordinance 27995.*

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27466 § 37; passed Jan. 17, 2006: Ord. 27429 § 3; passed Nov. 15, 2005)

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 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. (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

13.07.100 Criteria for the Relocation of a City Landmark. *Repealed by Ordinance 27795.*

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

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. (Ord. 28077 Ex. C; passed Jun. 12, 2012)

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, 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.(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

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 13.05.047 and 13.07.048.

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. Interior alterations to existing properties, unless those modifications affect the exterior appearance of the property. (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27466 § 38; passed Jan. 17, 2006; Ord. 27429 § 3; passed Nov. 15, 2005)

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. (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

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

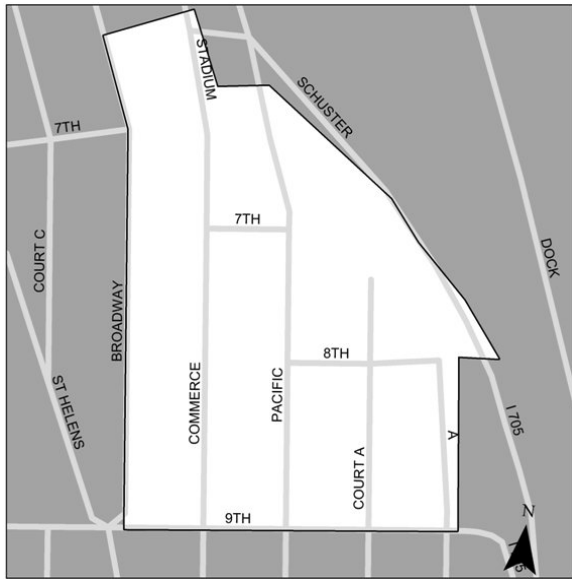
A. The area encompassed by the Old City Hall Historic Special Review District has played a significant role in the development of the City of Tacoma, the Puget Sound region, and the state of Washington. The district was the location of the early governmental and commercial center of the City. The focus 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. (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

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.



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

13.07.160 Old City Hall Special Review District – Specific Exemptions.

B. Interior alterations to existing properties, unless those modifications affect the exterior appearance of the property. (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

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,

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

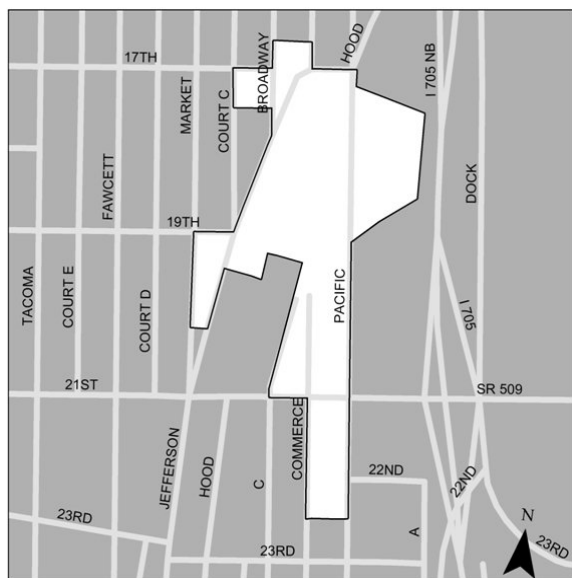
B. The Union Depot/Warehouse Historic Special Review District is associated with the lives of many Tacoma pioneers through property, railroad, and commercial activities which were concentrated in the area. Many of the buildings within the Union Depot/Warehouse Historic Special Review District embody 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. (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

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**

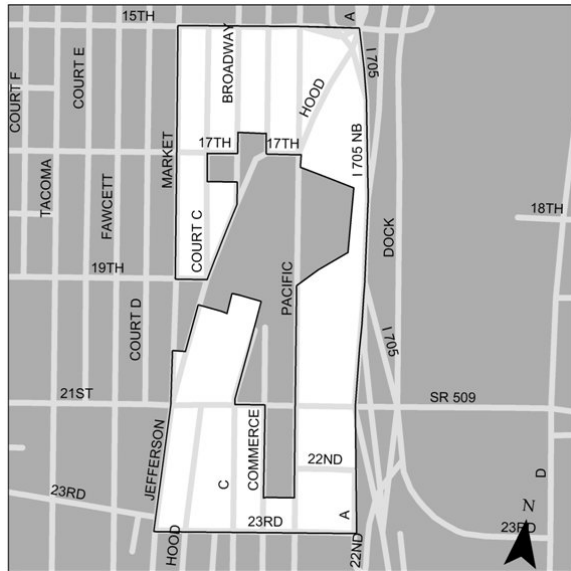


(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

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



(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

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. (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

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. (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

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.

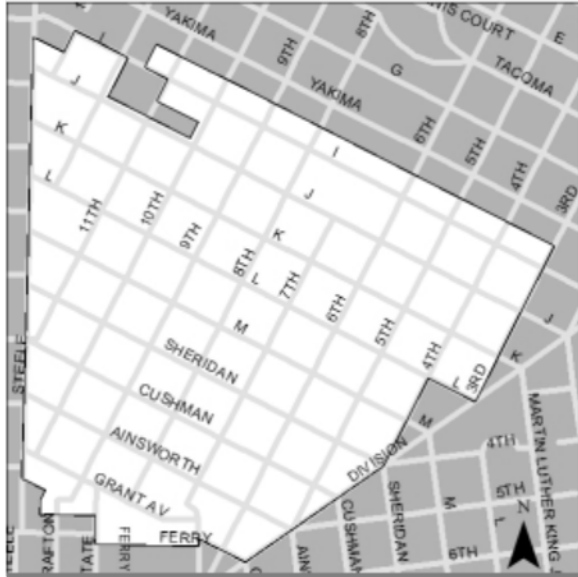
C. Architectural Characteristics. The architectural characteristics of the New Tacoma and North End community are variable, although there is a remarkable number of architect-designed houses in the neighborhood. Most homes built in the earliest period of growth from 1880 to the crash in 1893 were Queen 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 single-family brick residences constructed in simple forms, and two- or three-story multi-family 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 (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

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**



(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

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.
- (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

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. (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

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.

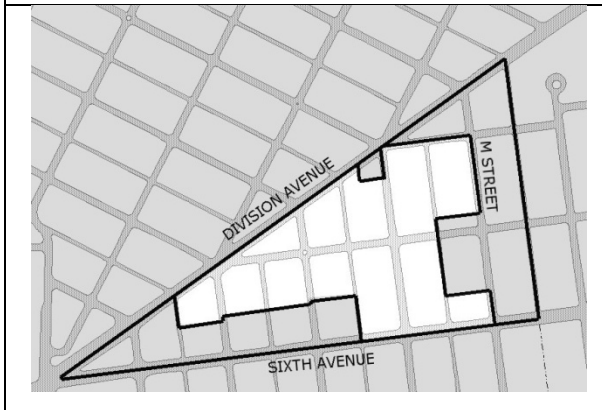
C. The Wedge Historic District is an intact middle-class residential district reflecting a period of neighborhood development from Tacoma's early history until after WWI. Although there are a number of notable homes within the district, most appear to be modest builder interpretations of established 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). (Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

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

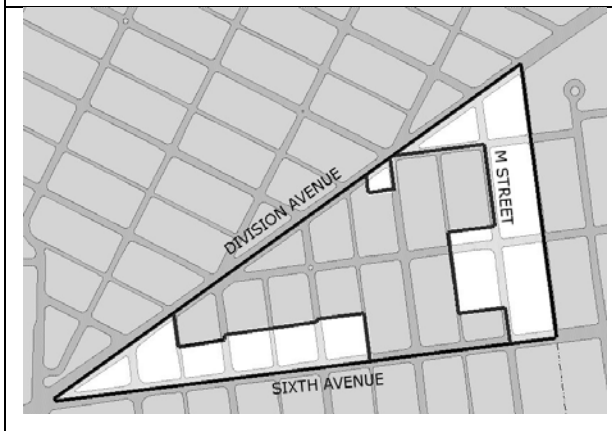


(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

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



(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27981 Ex. C; passed May 24, 2011; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

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.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

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. (Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

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. (Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27981 Ex. C; passed May 24, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

13.07.330 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Purpose. *Repealed by Ordinance 27995.*

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27981 Ex. C; passed May 24, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

13.07.340 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Findings. *Repealed by Ordinance 27995.*

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27981 Ex. C; passed May 24, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

13.07.350 Wedge Neighborhood Historic Special Review District – Boundary Description. *Repealed by Ordinance 27995.*

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27981 Ex. C; passed May 24, 2011)

13.07.355 Wedge Neighborhood Conservation Special Review District – Boundary Description. *Repealed by Ordinance 27995.*

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27981 Ex. C; passed May 24, 2011)

13.07.360 Wedge Neighborhood Historic Special Review District and Wedge Neighborhood Conservation Special Review District – Specific Exemptions. *Repealed by Ordinance 27995.*

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27981 Ex. C; passed May 24, 2011)

13.07.370 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. *Repealed by Ordinance 27995.*

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27981 Ex. C; passed May 24, 2011)

13.07.380 Severability. *Repealed by Ordinance 27995.*

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27981 Ex. C; passed May 24, 2011)