



**City of Tacoma**  
Community and Economic Development Department

**Agenda Item  
GB-3**

TO: Planning Commission  
FROM: Donna Stenger, Manager, Long-Range Planning Division  
SUBJECT: 2011 Annual Amendment – Recommendation  
DATE: April 13, 2011

The Planning Commission is scheduled to make its recommendations to the City Council at the meeting on April 20, 2011, concerning the proposed amendments to the Comprehensive Plan and Land Use Regulatory Code for 2011, which consist of the following:

- #2011-01 – 49th and Pine Intensity and Zoning Change
- #2011-02 – Historic Preservation Plan and Code Revisions
- #2011-04 – Water Level of Service Standard
- #2011-05 – Transportation Element
- #2011-06 – Regional Centers & Safety-Oriented Design
- #2011-07 – Park Zoning and Permitting
- #2011-08 – Regulatory Code Refinements
- #2011-09 – SEPA Regulations Amendment

As discussed at your last meeting, attached for your consideration are proposed revisions to the draft Historic Preservation Plan and Regulatory Code in response to public testimony and further staff analysis. These changes will be incorporated into the recommended documents if the Commission concurs. Also attached for your review and approval is a copy of the draft letter from the Commission to the City Council forwarding the recommendations and the draft “Planning Commission’s Findings and Recommendations.”

The City Council is scheduled to review the Commission’s recommendations at a study session on May 3, hold a public hearing on May 24 to receive public testimony, consider first reading of ordinances for adopting the proposed amendments on June 7, and consider final reading of said ordinances on June 14. The effective date of the adopted amendments will be August 1, 2011.

If you have any questions, please contact Donna Stenger at 591-5210 or [dstenger@cityoftacoma.org](mailto:dstenger@cityoftacoma.org).

DS:lw

c. Peter Huffman, Assistant Director

Attachments (4)





**2011 PROPOSED AMENDMENTS  
TO THE  
COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

TACOMA PLANNING COMMISSION  
FINDINGS AND RECOMMENDATIONS  
APRIL 20, 2011

**A. SUBJECT:**

Proposed amendments to the City of Tacoma’s Comprehensive Plan and modifications to the Land Use Regulatory Code, including an area-wide zoning reclassification, for 2011.

**B. SUMMARY OF PROPOSED AMENDMENTS:**

Nine (9) applications were submitted for consideration as part of the 2011 Annual Amendment. Application #2011-03 concerning the development of a new Container Port Element in the Comprehensive Plan was subsequently considered an independent proposal and is being reviewed separately and on a different timeline from the annual amendment.

Following is a brief summary of the proposed revisions for 2011. Of the eight (8) applications, #2011-01 was submitted by the Westmall Court Pine Street LLC, #2011-04 was submitted by Tacoma Water, and all others were submitted by the Community and Economic Development Department. Of note, #2011-02 is in response to one of the City Council’s adopted priority planning projects; a portion of #2011-05 was included based on an adopted motion of City Council; and #2011-07 was requested by Metro Parks Tacoma.

APPLICATION	DESCRIPTION OF AMENDMENT
<b>#2011-01: 49th &amp; Pine Intensity and Zoning Change</b>	Change the Comprehensive Plan Intensity designation at South 49 <sup>th</sup> & Pine Streets (4910 & 4924 South Pine Street) from Low and Single-family to Medium, and change the zoning classification from R-2 and C-1 to R-4L (Low-Density Multiple-Family Dwelling District), to allow for construction of up to 145 multi-family dwelling units on the 5-acre site.
<b>#2011-02: Historic Preservation Plan and Code Update</b>	Creation of a new Historic Preservation Element of the Comprehensive Plan and amendments to the Land Use Regulatory Code to provide updated and improved guidance regarding historic preservation and the City’s preservation program.
<b>#2011-04: Water Level of Service Standard</b>	Revisions to the existing level of service standard (LOS) for “Water (Potable)” as contained in the Capital Facilities Element of the Comprehensive Plan from “562 gallons per day per Equivalent Residential Unit (ERU)” to “442 gallons per day per Equivalent Residential Unit (ERU)” and/or as contained in Tacoma Water’s current Washington State Department of Health approved water system plan”.
<b>#2011-05: Transportation Element</b>	Amendments to the Transportation Element of the Comprehensive Plan to: Address alternative transportation modes such as skateboards, electric personal assistive mobility devices and low speed vehicles; revisions and addition of new projects to the Unfunded Project List; and updates to the Classification of Arterials Map.

APPLICATION	DESCRIPTION OF AMENDMENT
<b>#2011-06:</b> <b>Regional Center Update and Safety-Oriented Design</b>	Updates to the Comprehensive Plan to reflect changed circumstances including the countywide and regional planning context, to align regional growth center boundaries, and to refine policy direction for safety-oriented design considerations.
<b>#2011-07:</b> <b>Park Zoning and Permitting</b>	Revisions to the development regulations for parks, recreation and open space land uses in order to streamline the permit process in residential zoning districts, while ensuring appropriate compatibility with residential neighborhoods.
<b>#2011-08:</b> <b>Regulatory Code Refinements</b>	Various amendments to the Land Use Regulatory Code to address inconsistencies, correct minor errors, and provide additional clarity.
<b>#2011-09:</b> <b>SEPA Regulations</b>	Updates to, and simplification of, the existing regulatory procedures used to administer the State Environmental Policy Act (SEPA) to ensure consistency with other codes, including the Critical Areas Protection Ordinance, and with current statutes and the State administrative code. The amendment also includes changes to the <i>Comprehensive Plan</i> to clarify the City's "substantive authority" under SEPA to condition, modify, or deny a permit based on environmental impacts.

### C. FINDINGS OF FACT:

1. The Comprehensive Plan, adopted in 1993 by Ordinance No. 25360 and amended by ordinance once every year thereafter, is Tacoma's comprehensive plan as required by the Growth Management Act (GMA) and consists of several plan and program elements.
2. The GMA requires that any amendments to the Comprehensive Plan and/or development regulations conform to the requirements of the Act.
3. The GMA allows counties and cities to amend their comprehensive land use plans generally only once each year except that amendments may be considered more frequently for a limited set of circumstances. All proposals to amend the Comprehensive Plan shall be considered concurrently so that the cumulative effect of the various changes can be ascertained.
4. The Countywide Planning Policies for Pierce County are required by the GMA and were developed in cooperation with the cities and towns located within the County. The Policies establish a countywide framework that guides the development of town, city, and County comprehensive plans being prepared and amended under GMA.
5. Multicounty planning policies for the Central Puget Sound Region are required by the GMA and are to be used by local jurisdictions to guide growth management and transportation planning. The multicounty planning policies are included within VISION 2040, the Growth Management, Environmental, Economic, and Transportation Strategy for the Central Puget Sound Region, as adopted in April 24, 2008 and amended on May 28, 2009.
6. Multicounty policies contained in VISION 2040 provide direction for transportation planning and investment decisions and form the policy framework for development of Transportation 2040, which was adopted on May 20, 2010 and is an action plan for transportation in the Central Puget Sound Region for the next 30 years.

7. The GMA requires that any change to development regulations shall be consistent with and implement the Comprehensive Plan. Development regulations, as defined by GMA, include, but are not limited to, zoning controls, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances.
8. Proposed amendments to the Land Use Regulatory Code, Title 13 Tacoma Municipal Code, and area-wide zoning reclassifications fall within the GMA definition of development regulations.
9. Chapter 13.02 of the Tacoma Municipal Code sets forth the procedures and criteria for amending the Comprehensive Plan and development regulations and for area-wide zoning reclassifications.
10. The City Council adopted Resolution No. 37070 on December 19, 2006, approving the four guiding principles for planning the future growth of the City of Tacoma: (1) to protect neighborhoods, (2) to protect critical areas, (3) to protect port, industrial and manufacturing uses, and (4) to increase densities in the downtown and neighborhood business districts.
11. The deadline for submitting an application to the Planning Commission for an amendment to the Comprehensive Plan, development regulations or an area-wide zoning reclassification for consideration in 2011 was June 30, 2010 (Tacoma Municipal Code, Section 13.02.045.D).
12. Nine applications were submitted by the deadline to the Planning Commission for consideration as part of the 2011 annual amendments, of which a summary is provided above.
13. Staff of the Long-Range Planning Division, in accordance with the adoption and amendment procedures and criteria in TMC 13.02.045, conducted an assessment of the proposed amendments. The purpose of the assessment is to determine whether the proposed amendments should be considered in the current amendment cycle, if the proposed amendments should be modified, and whether the amendments can be incorporated into other planned work activities.
14. The Planning Commission reviewed the assessment reports for the nine applications on July 21 and August 4, 2010.
15. Regarding Application #2011-01 (49th & Pine Intensity and Zoning Change), the Commission's initial review included consideration of expanding the scope of review to include the two blocks east of and adjacent to this site. However, after reviewing additional analysis relative to the condition of the properties on these two adjacent blocks the Commission elected not to expand the review area for this application.
16. Regarding Application #2011-07 (Park Zoning and Permitting), the Commission initial review included consideration of expanding the scope of the project to include other common institutional/public/quasi-public uses in residential areas, such as schools, churches, and recreational and community services and clubs. These discussions included the concern that opening this application up to all of these other uses would significantly complicate this review and could impact its potential to accurately address the issues raised by MetroParks, who is the applicant in this case. The Commission decided to accept the application and proceed generally with the scope submitted, with the understanding that the project could include some limited analysis and potential changes that may affect and/or be appropriate to apply other agencies, particularly the school district.
17. On July 21, the Commission accepted three applications, as submitted, for inclusion in the 2011 amendment cycle, and approved the respective assessment reports. The three applications were #2011-02 (Historic Preservation Plan and Code Update), #2011-03 (Container Port Element), and #2011-05 (Transportation Element).
18. On August 4, the Commission accepted six applications, as submitted, for inclusion in the 2011 amendment cycle, and approved the respective assessment reports. The five applications were

#2011-01 (49th & Pine Intensity and Zoning Change), #2011-04 (Water Level of Service Standard), #2011-06 (Regional Center Update and Safety-Oriented Design), #2011-07 (Parks Permitting and Zoning), #2011-08 (Regulatory Code Refinements), and #2011-09 (SEPA Regulations).

19. The Planning Commission reviewed technical analyses of all applications at 11 subsequent meetings (September 1 & 15, October 6 & 20, November 3 & 17, and December 1 & 15 of 2010, and January 5 & 19, and February 2 of 2011).
20. On September 1, 2010, the Planning Commission toured the general areas associated with two of the applications, i.e., the Port of Tacoma and Tidelands area associated with Application #2011-03 (Container Port Element), and the area associated with Application #2011-01 (49th & Pine Intensity and Zoning Change).
21. In January 2011 Application #2011-03 (Container Port Element) was removed from the package of applications being considered as part of this annual amendment due to the need for additional coordination and discussions among all the affected parties, which could not be completed before the annual amendments were scheduled for public review.
22. A staff analysis report was prepared by the Long-Range Planning Division for each of the remaining applications. The reports provided a general description of the proposed amendments and identified applicable provisions of the Growth Management Act, Comprehensive Plan and the Land Use Regulatory Code. Each amendment was analyzed using the ten criteria found in Chapter 13.02 of the Tacoma Municipal Code pertaining to proposed amendments to the Comprehensive Plan or development regulations. Area-wide zoning reclassifications were also reviewed using the six additional criteria found in Chapter 13.02. An economic impact assessment of each amendment was also provided. Other information used during the review of the proposed amendments included, but was not limited to, state laws, City ordinances, similar provisions used by other municipalities, and City Council direction.
23. Chapter 13.02 of the Tacoma Municipal Code defines an area-wide zoning reclassification as a legislative action to change zoning classifications on an area-wide basis in order to implement and maintain consistency with the Comprehensive Plan. The Planning Commission may consider area-wide zoning reclassifications in association with, or independent of, proposed amendments to the Comprehensive Plan
24. Area-wide zoning reclassifications are proposed as part of Application #2011-01 (49<sup>th</sup> & Pine Intensity and Zoning Change) and Application #2011-06 (Regional Centers and Safety-Oriented Design).
25. All of the proposed amendments were presented to and discussed by the Planning Commission during their regular and/or special meetings, all of which are open to the public.
26. Staff conducted additional public outreach efforts for #2011-01 (49<sup>th</sup> & Pine Intensity and Zoning Change) including:
  - a. Community meeting: September 28, 2010
  - b. The Planning Commission's site visit to view the area: September 1, 2010 (approximately 10 community members also joined the tour)
  - c. The South Tacoma Neighborhood Council meeting: November 17, 2010.
27. Staff conducted additional public outreach efforts for #2011-02 (Historic Preservation Plan and Code Revisions). In addition to ongoing feedback as well as periodic updates to the Landmarks Preservation Commission, presentations were also made to:
  - a. City Council Study Session: February 3, 2009
  - b. Stakeholders informational meeting: July 29, 2009

- c. Community Workshop: September 23, 2009
- d. Master Builders Association: October 8, 2009
- e. City Council – Neighborhoods and Housing Committee: November 16, 2009
- f. Hillside Development Council: November 18, 2009
- g. Public lecture on historic preservation and economic development: December 7, 2009
- h. Sustainable Tacoma Commission: December 14, 2010

In addition, staff met with representatives of the Port of Tacoma, Tacoma School District, Metro Parks and made presentations to the Council’s Environment and Public Works Committee and Joint Municipal Action Committee.

28. Staff conducted additional public outreach efforts for #2011-05 (Transportation Element), including presentation to the following groups to explain the proposed policy revisions and discuss issues pertaining to skateboards:
  - a. Business Improvement Area Board: November 15, 2010
  - b. Downtown Merchants Group: December 2, 2010
  
29. Staff conducted additional public outreach efforts for #2011-06 (Regional Centers and Safety-Oriented Design), including presentations to:
  - a. New Tacoma Neighborhood Council: January 12, 2011
  - b. Central Neighborhood Council: January 6 and February 3, 2011
  - c. Tacoma Dome Business District Association: January 13, 2011
  - d. Stadium Business District Association: January 19, 2011
  - e. Upper Tacoma Business District Association: January 20, 2011
  - f. North End Neighborhood Council: February 7, 2011
  - g. Hilltop Public Advisory Committee: February 17, 2011
  - h. Hillside Development Council: March 23, 2011
  
30. Staff conducted additional public outreach efforts for #2011-07 (Parks Permitting and Zoning), including a presentation to the Metro Parks Tacoma’s Board of Commissioners at its Study Session on January 10, 2011.
  
31. After completing a review of the amendment proposals and staff reports and modifying the proposals as warranted, the Planning Commission, on February 2, 2011, authorized the eight proposed amendments for distribution for public review and comment and set a public hearing date for March 2, 2011.
  
32. Written and/or electronic notice of the Planning Commission’s public hearing was distributed to Neighborhood Council board members, other neighborhood groups, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, Puyallup Tribe, major employers and institutions, City and State departments, and other known interested individuals or groups. In addition, the notice could also be viewed and downloaded at the Long-Range Planning Division’s website ([www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)). The notice also was posted on the public information bulletin boards on the first and second floors of the Tacoma Municipal Building.
  
33. The notice stated the time and place of the public hearing, the purpose of the public hearing, information pertaining to the environmental determination, where and how additional information could be obtained, and how to provide comments. Advertisement of the public hearing and community informational session was published in *The News Tribune* on February 18, 2011.

34. The public hearing notice indicated that written comments were welcome and must be submitted by 5:00 p.m., Friday, March 11 to the Tacoma Planning Commission, 747 Market St., Rm. 1036, Tacoma, WA 98402, or faxed to (253) 591-2002, or e-mailed to [planning@cityoftacoma.org](mailto:planning@cityoftacoma.org).
35. A 24-hour planning inquiry phone line was established (573-2529) where citizens could call in to receive more information about the proposed amendments and leave messages. Staff responded to the messages providing individualized information depending on the request or question.
36. Notice was also provided to taxpayers, as listed in the records of the Pierce County Assessor, for properties involved in and within 400 feet of the site of the South 49<sup>th</sup> & Pine Intensity Change and Rezone (Application #2011-01), and for properties within and within 400 feet of the boundaries of the proposed zoning, center and land use intensity changes near Center Street (Application #2011-06). In addition, one public notice sign was posted adjacent to the South 49<sup>th</sup> & Pine Street site, and three were posted at sites proposed for zoning, land use intensity and/or center boundary changes near Center Street.
37. Pursuant to WAC 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) was issued on February 9, 2011. This preliminary DNS, SEPA File Number: SEP2011-40000157940, was made based upon a review of a completed environmental checklist. The preliminary determination became final on March 11, 2011.
38. The environmental checklist and Preliminary Determination of Nonsignificance were provided to the Planning Commission, Department of Ecology, Tacoma's Neighborhood Councils, City departments, adjacent jurisdictions, State and federal agencies, the Puyallup Tribe, and other appropriate entities. Legal notice announcing the availability of the checklist for review was placed in the City of Tacoma's official newspaper, the *Tacoma Daily Index*, on February 9, 2011.
39. The proposed amendments, including the complete text of proposed changes (in strikeout and underscored format), maps depicting boundary and zoning changes and the staff reports which analyze the proposed amendments for consistency with the amendment criteria, were compiled into a single document (the "Green Book"). The document also included a copy of the preliminary environmental determination and completed checklist. This document was made available for public review at all branches of the Tacoma Public Library and at the office of the Community and Economic Development Department. The document was also posted on the City's website ([www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)) and made available on CD-ROM upon request.
40. Pursuant to RCW 36.70A.530(4), the Community and Economic Development Department notified the Commander of Joint Base Lewis-McChord on February 9, 2011 of the City's intent to amend its Comprehensive Plan and Land Use Regulatory Code. No response from the Commander was received within the 60 days required by law, which indicates the Commander has no objections to the proposed amendments.
41. In accordance with RCW 36.70A.106, the Community and Economic Development Department, on February 14, 2011, notified the State Department of Commerce and other required State agencies of its intent to adopt amendments to its Comprehensive Plan and development regulations. No comments were received from the Department of Commerce or other state agencies.
42. Pursuant to RCW 36.70A.370 and following the guidelines prepared by the Washington State Attorney General pursuant to RCW 36.70A.370, the draft amendments were reviewed by the City Attorney to assure that adoption of the changes will not result in an unconstitutional taking of property.
43. A public question and answer session was held on February 24, 2011. The purpose of the meeting was for staff to provide a more detailed explanation of the proposed amendments and to answer



questions about the proposed changes. Notice of this meeting was included in the public hearing notice and advertised in *The News Tribune*.

44. The Planning Commission held a public hearing on the draft amendments to the Comprehensive Plan and Land Use Regulatory Code on Wednesday, March 2, 2011, at 5:00 p.m.
45. Twenty people testified at the March 2, 2011 public hearing and twenty-five written comments were submitted by the close of the comment deadline of March 11, 2011.
46. The majority of the comments were related to Applications #2011-01 (49<sup>th</sup> & Pine Intensity and Zoning Change), #2011-02 (Historic Preservation Plan and Code Revisions), and #2011-06 (Regional Centers and Safety-Oriented Design). Comments received on #2011-01 included some concerns about the potential for increased traffic in the area and the lack of recreational facilities serving the new growth in the general West Mall area. Testimony regarding #2011-02 was mostly supportive of adopting the new Historic Preservation Plan and continuing to expand the City's historic preservation program. Regarding #2011-06, comments were generally supportive of the proposed safety-oriented design policies but mixed regarding the proposal to adopt the Downtown Regional Growth Center as part of the Comprehensive Plan.
47. The Planning Commission reviewed all testimony from the public hearing and written testimony received during the comment period at their meetings on March 16, April 6, and April 20, 2011. In support of that review, staff provided a Summary of Public Comments and Staff Responses Report detailing all of the public testimony and providing comments, additional analysis, and suggestions for the Commission's consideration. After review and discussion of the public testimony and additional staff analysis, the Commission incorporated a number of changes into the proposed amendments and moved to recommend to the City Council for adoption all of the 2011 annual amendment package, as modified.

#### **D. CONCLUSIONS:**

The Planning Commission concludes that:

##### **Amendment Application #2011-01 (49<sup>th</sup> & Pine Intensity and Zoning Change):**

The proposed amendment will support redevelopment of this property while ensuring that its redevelopment is compatible with and serves as a reasonable transition between the abutting high intensity growth area around the Tacoma Mall and the adjacent single-family neighborhood to the south. This proposed amendment will allow for construction of a low-density multi-family project on a vacant property that has long been classified for non-single-family development. In addition, the proposed change in zoning will not only ensure consistency between the proposed Comprehensive Plan designation for the area and the applicable zoning and eliminate the existing split intensity and zoning on the site, but will also proactively guide future development and better ensure that it does not include commercial or industrial uses which would likely be inappropriate for this location.

**[Recommended]**

##### **Amendment Application #2011-02 (Historic Preservation Plan and Code Revisions):**

This proposed amendment comes in response to increasing public interest in historic preservation and related issues, including the development of new historic and conservation districts, enhanced demolition protections for historic buildings, improved planning and economic development tools to encourage the reuse of existing buildings, and sustainable development. The Preservation Plan, if adopted, will consolidate, revise and add historic preservation policies into a new Historic Preservation Element to provide updated guidance on the importance of historic preservation and direction for program administration, education and outreach; and revise the Land Use Regulatory Code for initial implementation of the new and revised policy guidance. The Preservation Plan will

provide the City with a policy foundation that is consistent with overall City policy while utilizing up-to-date historic preservation best practices and the addition of appropriate standards, guidelines and regulations. The plan element provides a vision and direction for the preservation program, a policy platform for the development of additional land use tools and incentives, defines the roles of various stakeholders in historic preservation in Tacoma, and identifies priorities for the City and community for future preservation initiatives. *[Recommended]*

**Amendment Application #2011-04 (Water Level of Service):**

Modifying the level of service standard (LOS) for potable water in the Capital Facilities Element of the Comprehensive Plan, as proposed, will better ensure consistency between the Comprehensive Plan and Tacoma Water’s required water system plan, allow for flexibility to provide timely and reasonable water service reflecting the current water use patterns, and help achieve the community’s water conservation goals. *[Recommended]*

**Amendment Application #2011-05 (Transportation Element):**

This proposed amendment is comprised of two components – policy additions for unconventional vehicles and devices, and technical updates to the arterials map and unfunded project lists. The proposed policy additions regarding unconventional transportation modes, such as skateboards, electric personal assistive mobility devices (Segways) and low-speed electric vehicles, will make the Transportation Element more consistent with the City’s goals to reduce carbon emissions from transportation, strengthen active transportation options in Tacoma, support regional consistency regarding electric vehicle infrastructure, and satisfy the City’s obligations to address electric vehicles as mandated by Washington State law. The revisions to the Unfunded Project List represent the addition of project ideas submitted by various Neighborhood Councils and individuals in response to the Public Works Department’s community outreach efforts. The proposed modifications to the Classification of Arterials Map in the Transportation Element will update the Comprehensive Plan to reflect recent Council actions to classify and declassify certain street segments as arterials.

*[Recommended]*

**Amendment Application #2011-06 (Regional Centers and Safety-Oriented Design):**

This proposed amendment addressed multiple topics that were combined together because they relate to the same elements of the Comprehensive Plan. The amendment includes changes to ensure consistency between the Comprehensive Plan and state, regional and countywide planning policies, minor text and map amendments to reflect the recent administrative reorganization of the City’s planning functions and correct certain district boundaries, and new discussion and maps that acknowledge the regional growth and manufacturing/industrial centers designated by the Puget Sound Regional Council. The proposal will also affirm that the Downtown Regional Growth Center replaces the “working definition” of downtown previously adopted by the City Council. This amendment also includes significant enhancements to the Comprehensive Plan’s discussion of safety-oriented design and explicitly establishes a long-range goal of improving design, particularly public improvements, to create active, attractive, functional and pleasing “people-oriented” spaces while better ensuring the safety and security of their users. While the City currently uses many of these principles, this additional guidance will supplement these past and ongoing efforts and further one of the City Council’s priorities. *[Recommended]*

**Amendment Application #2011-07 (Parks Permitting and Zoning):**

The proposed amendments, developed collaboratively with Metro Parks Tacoma staff, will revise development regulations for parks, recreation and open space land uses in order to streamline the permit process in residential zoning districts while ensuring appropriate compatibility with residential neighborhoods. In summary, the changes will make many parks, recreation and open space uses “permitted outright” in residential zoning districts, designate more intensive parks and recreation

features and facilities as Conditional uses, and modify development standards for parks, recreation and open space uses. These types of uses are strongly supported by the Comprehensive Plan, Growth Management Act and other policy guidance and contribute to Tacoma residents' quality of life in many ways. The Comprehensive Plan places equal emphasis on protecting and enhancing residential neighborhoods. The proposed code changes are intended to modify current permit processes to better achieve both of these policy intents and appropriately balance the desires for efficient permitting and the ability and desire for City review and public input for larger facilities in residential areas. In addition, one proposed change clarifies the permit process for both parks and schools, benefitting both types of institutions. By streamlining the development and enhancement of parks, recreation and open space, and by protecting and enhancing residential neighborhoods, the proposal supports Tacoma's quality of life and environment. **[Recommended]**

**Amendment Application #2011-08 (Regulatory Code Refinements):**

The proposed clarifications and refinements to the Land Use Regulatory Code and the Comprehensive Plan will address inconsistencies, correct minor errors, and improve provisions that, through administration and application of the Code and the Plan, have been found to be unclear or not fully meeting their intent. The proposed amendments will improve consistency and compatibility within the development regulations and between the Comprehensive Plan, zoning classifications and development regulations. **[Recommended]**

**Amendment Application #2011-09 (SEPA Code Changes):**

The proposed amendments to the City's Environmental Code would update and simplify the existing procedures and ensure consistency with other codes, including the Critical Areas Protection Ordinance. The proposed amendments include reorganization and reformatting to simplify and assist in the use and administration of the code requirements by staff and the public. In addition, the proposed amendment clarifies the application of State Environmental Policy Act (SEPA) requirements when a project is otherwise exempt from review for a Critical Areas permit, incorporates recent State legislation regarding the support for infill development and environmental review in conjunction with planning activities, and clarifies the City's authority to condition, modify, or deny permits based on environmental impacts. These changes will ensure consistency between the City's environmental regulations and review processes while supporting the City's efforts to encourage growth and redevelopment in designated areas by facilitating area-wide environmental review during the planning stage instead of at the individual project level. **[Recommended]**

The Planning Commission further concludes that the proposed amendments to the Comprehensive Plan and Land Use Regulatory Code, as described above, are consistent with the Growth Management Act, will benefit the City as a whole, will not adversely affect the City's public facilities and services, and are in the best interests of the public health, safety and welfare of the citizens of Tacoma.

**E. RECOMMENDATIONS:**

The Planning Commission recommends that the City Council adopt the proposed amendments as described above and as set forth in the document entitled *Comprehensive Plan and Land Use Regulatory Code, Proposed Amendments for 2011*, Planning Commission Recommendation, April 20, 2011.

The Planning Commission further recommends that the City Council amend the official zoning map to reflect the proposed area-wide zoning reclassifications recommended by the Planning Commission on April 20, 2011.





**City of Tacoma  
Planning Commission**

April 20, 2011

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL,

On behalf of the Planning Commission, I am forwarding our recommendations to amend Tacoma's Comprehensive Plan and Land Use Regulatory Code for 2011. Enclosed you will find our "Findings and Recommendations" that summarizes the proposed amendments, the public review process, and the Commission's actions, as well as the recommended policy, code and map revisions.

This year's amendments, as usual, touch on a variety of subjects and each is important on its own merits. Notwithstanding, I would like to call your attention to two of the proposed amendments. The first is an exceptional addition to the Comprehensive Plan to address our historic resources and their noteworthy contribution to the City's character and quality. The Historic Preservation Plan and associated regulatory provisions fulfill one of the City Council's strategic priorities. The Plan was well received by the public and was enthusiastically supported by many organizations and individuals. This Plan not only provides guidance on how best to attend to historic and cultural resources but lays out a broad implementation scheme that includes components for education, outreach, programs and administrative actions which taken together would significantly enhance the City's efforts to safeguard our historic buildings, sites, and artifacts.

One of the other amendments worth mentioning is the result of a very successful partnership between the City and the Metropolitan Parks district to enhance the way that park and recreation improvements are permitted within residential neighborhoods. Although park facilities generally are considered positive attributes of a community, some facilities and activities, such as sports fields and other large amenities, can affect neighboring residences. Permitting requirements intended to provide a means to deal with potential harmful effects have, in some cases, caused unnecessary delays and added expense to park improvement projects. The proposed amendment sets forth a permitting approach that simplifies the permit requirements for the majority of park facilities but maintains a review process for those activities and facilities that may cause neighborhood concern. The new permitting requirements should substantially reduce the requirements for Metro Parks and provide the necessary protections for adjacent residences.

Briefly, the other remaining amendments add new policy and intent language supporting the use of alternative transportation modes such as skateboards (including longboards) and neighborhood electric vehicles. This amendment is in response to a motion adopted by the City Council last year. The amendments also include a proposal to change the Comprehensive Plan's Land Use Intensity designation and a companion area-wide rezone for a site located at South 49<sup>th</sup> and Pine Street. This amendment was initiated by the owner of the site. The Commission notes that, in this case, consideration of the zoning change at the same time as the Comprehensive Plan change not only reduces administrative processing but will better ensure that the future project proposed for the property is of a scale that appropriately transitions from the more intense development to the north and the adjacent single-family neighborhood to the south.

**Honorable Mayor and Members of the City Council**

April 20, 2011

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In addition, the recommended amendments include new strong policy support for incorporating personal safety considerations into the design and improvement of public developments and spaces. The purpose of the new language is to establish the City as a leader in making public spaces attractive and safe for all users and to encourage private development to do the same. Other amendments will achieve consistency between the Comprehensive Plan and the City's development regulations, affirm the Downtown Regional Growth Center and consistency with Vision 2040, increase the accuracy of our zoning maps, and clarify and improve the City's land use code. Included in the recommended amendments is a change to a level of service standard for potable water to match what is approved by the State Department of Health in the City's Water Systems Plan. Finally, the recommended amendments include adjustments to the procedures for administering the State Environmental Policy Act including adding procedures for implementing planned action environmental reviews.

Detailed descriptions of all of the recommended amendments can be found in the enclosed document (the "yellow book"). These include the proposed revisions to text, maps and policies of the Comprehensive Plan and text revisions to the Land Use Regulatory Code. The document also includes maps depicting the proposed area-wide zoning reclassifications.

The Commission believes the proposed amendments support the City's strategic goals for a safe, clean, attractive, and environmentally sustainable city and foster economic diversity and growth. We respectfully request the City Council adopt the enclosed amendments, as recommended by the Planning Commission, and commit to their full implementation.

Sincerely,

JEREMY DOTY  
Chair

JD:ds

Enclosures



**2011 Annual Amendment Application # 2011-02  
Historic Preservation Plan and Regulatory Code Amendments**

**April 20, 2011**

**Summary of Additional Historic Preservation Plan Changes**

In response to public testimony, additional staff review, and Planning Commission comments, the following minor changes to the Draft Historic Preservation Plan are also recommended:

Description of Change	Page #	Text Amendment
<p><b>Policy HP-5</b></p> <ul style="list-style-type: none"> <li>Re-wrote the policy to better reflect the general range of actions that follow.</li> </ul>	3-10	<p><del>Support sustainability through efficient administration of the historic preservation program. Use the City's programs to promote the link between preservation and sustainability.</del></p>
<p><b>Action HP-5C</b></p> <ul style="list-style-type: none"> <li>Re-phrased the action to address both the calculation of embodied energy/landfill waste and potential credit for embodied energy preservation/waste diversion.</li> </ul>	3-10	<p><del>Develop a system for calculating the environmental impacts of demolishing a historic building. Consider providing credit for preservation of embodied energy and diversion of potential landfill waste.</del></p> <p>Explore <del>the</del> potential <del>programs</del> to <del>calculate embodied energy and require a calculation of full-landfill costs to support credits for projects that preserve existing buildings and reduce landmarks waste associated with demolition. Potential City-sponsored sustainability initiatives (such as an incentive or requirement for LEED certification) should provide such credit to preservation projects. and the loss of embodied energy as a part of issuing a demolition permit.</del></p>
<p><b>Action HP-21A</b></p> <ul style="list-style-type: none"> <li>Added a bullet point indicating that demolition review procedures may allow time to consider potential economic hardship.</li> <li>Added a cross reference to Action HP-25A.</li> </ul>	3-27	<p>Consideration should be given to expanding demolition review to include evaluation of all properties within a historic or conservation district as well as non-single family residential properties that <del>are 50 or more years old meet a specific age threshold and also</del> appear on a historic register or <del>have a high probability for historic significance are likely to be historically significant</del> based on a predictive model. <u>See Demolition Consideration Period on page 3-28 for more information.</u></p> <p>A demolition review process may be used to explore:</p> <ul style="list-style-type: none"> <li>Options for reuse by the current owner</li> <li>Options for addressing potential economic hardship</li> <li>Options for sale of the property to another owner</li> <li>The merits of considering landmark designation proceedings <del>(as a means of making other demolition prevention tools available)</del></li> <li>Other options including relocation or deconstruction</li> </ul> <p><del>A demolition consideration period may be necessary to provide adequate time for consideration of the options listed above before a demolition permit is granted. Demolition consideration periods are described in more detail in the sidebar on the next page.</del></p> <p>See also:</p> <ul style="list-style-type: none"> <li>Action HP-22E Develop criteria for relocating a threatened resource.</li> <li><u>Action HP-25A Clarify and clean up the existing preservation ordinance.</u></li> </ul>

Description of Change	Page #	Text Amendment
<p><b>Action HP-22C</b></p> <ul style="list-style-type: none"> <li>Added cross reference to background sidebar/callout box on PDAs.</li> </ul>	3-29	<p><i>Establish an emergency preservation fund.</i></p> <p>A revolving fund administered by the City, a Public Development Authority (PDA) or a local non-profit, should be established to address preservation emergencies. The fund may be used to acquire threatened properties for rehabilitation and/or transfer to a responsible buyer. Proceeds from the re-sale of properties would be used to replenish the fund, but consideration should also be given to establishing a permanent funding source such as a percentage added to permit fees. <u>See Public Development Authorities on the next page for more information.</u></p> <p>Some preservation emergencies that the fund could address include:</p> <ul style="list-style-type: none"> <li>Threats to historic resources due to owners who are unwilling or unable to make repairs under a minimum maintenance provision</li> <li>Threats to historic resources caused by disaster or other damage</li> <li>The fund could be applied to projects involving one or more of the following property types: <ul style="list-style-type: none"> <li>All properties designated as national state or local historic landmarks</li> <li>Properties that may be eligible for national, state or local historic landmark designation</li> <li>Other properties that may be considered to have historic value</li> </ul> </li> </ul> <p><u>See also see:</u></p> <ul style="list-style-type: none"> <li>Action HP-22D Explore creating a Public Development Authority (PDA) or other public corporation to address preservation emergencies.</li> <li><u>Action HP-32E Extend the use of grant and loan programs.</u></li> </ul>
<p><b>Action HP-22D</b></p> <ul style="list-style-type: none"> <li>Added sidebar/callout box to provide general information regarding the formation and uses of PDAs.</li> </ul>	3-30	<p><u>The State of Washington enables cities to form Public Development Authorities (PDAs) to establish and administer special programs and projects. PDAs are government-owned corporations that are legally separate from their parent-city. This separation limits a city's liability and may allow a PDA to operate with greater speed and efficiency.</u></p> <p><u>An individual PDA is created by city ordinance, which includes a charter specifying the purpose of the PDA and composition of its governing board. PDAs are most often used to engage in quasi-public activities that promote community objectives, such as development of affordable housing or management of city-owned commercial properties.</u></p> <p><u>In a preservation context, PDAs may be used to manage city-owned historic resources or buy and hold real estate to promote preservation objectives and address emergencies.</u></p> <p><u>PDAs operating in Tacoma as of 2011 include the Tacoma Community Redevelopment Authority, which administers loan programs for a variety of public purposes, and the Thea Foss Development Authority, which sells or leases land to promote the master plan for the Thea Foss waterfront.</u></p>



Description of Change	Page #	Text Amendment
<p><b>Action HP-23A</b></p> <ul style="list-style-type: none"> <li>Added sidebar/callout box defining TDR and providing background on conditions necessary for successful implementation.</li> </ul>	3-31	<p><u>A transfer of development rights (TDR) program allows the voluntary transfer of development rights from one property to another. TDR has been used across the country to help relieve the pressure to replace historic buildings in redeveloping areas where current regulations may allow larger or taller structures. For example, a TDR program might allow a historic church located in a redeveloping area zoned for higher commercial uses to receive compensation for unused development rights.</u></p> <p><u>TDR allows some or all development rights to be sold or conveyed from a “sending site” (a historic property) to a “receiving site. Receiving sites must generally be in areas where there is demand for larger buildings than are currently permitted and community support for increased density. Both sending and receiving sites must be subject to regulations that make it possible to calculate development rights, such as downtown or commercial areas with maximum floor area ratio and height standards. Setback and building coverage regulations that may exist in residential areas often make absolute development rights more difficult to calculate.</u></p>
<ul style="list-style-type: none"> <li>Added mention of potential partnerships to assist with TDR programs.</li> </ul>	3-31	<p><i>Consider establishing a transfer of development rights (TDR) program for historic properties.</i></p> <p><u>A transfer of development rights (TDR) program allows the voluntary transfer of development rights from one property to another</u> for historic properties would encourage the preservation of historic structures while enabling increased density in other parts of the city. <u>A demonstration project could be used to test the feasibility of using TDR as an incentive for historic preservation. See Transfer of Development Rights at right for additional information.</u></p> <p><u>The program would:</u></p> <ul style="list-style-type: none"> <li><u>The program would</u> allow owners of historic properties to sell development rights <u>on their property.</u></li> <li><del>Allow</del> The purchaser <del>of the development rights would then be able</del> to develop at a greater density or height than would otherwise be allowed.</li> <li><u>This may</u> be particularly useful in mixed-use corridors and for special property types, such as institutional facilities.</li> <li><u>Use partnerships with other preservation and conservation organizations, such as the Cascade Land Conservancy, to hold development rights for later transfer.</u></li> </ul>

Description of Change	Page #	Text Amendment
<p><b>Action HP-24A</b></p> <ul style="list-style-type: none"> <li>Added a bullet point indicating that the City should make property owners aware of any programs that may be able to assist those with financial need.</li> <li>Added a cross-reference to Action HP-32E.</li> </ul>	3-32	<p><i>Expand minimum maintenance code requirements.</i></p> <p>A minimum maintenance clause in the preservation ordinance should require an owner to keep the building in a sufficient state of repair such that key features are preserved.</p> <ul style="list-style-type: none"> <li>The clause should include provisions to notify the owner that the City is concerned about the condition of the property and indicate that the owner should take appropriate measures.</li> <li><u>This The</u> clause empowers the city to make repairs if the owner fails to do so and includes a mechanism for recovering City funds that may be spent in stabilizing the property.</li> <li><u>The City should ensure that property owners are aware of incentive and benefit programs that may be available to assist those who do not have the financial ability to maintain their property.</u></li> </ul>
<p><b>Action HP-25A</b></p> <ul style="list-style-type: none"> <li>Adjusted bullet point to indicate that the preservation ordinance should provide clearly defined criteria for economic hardship as it relates to demolition review.</li> </ul>	3-33	<p><i>Clarify and clean up the existing preservation ordinance.</i></p> <p>A technical clean up of the existing preservation code is needed to ensure usability and consistency with preservation goals and policies.</p> <p>Include these changes:</p> <ul style="list-style-type: none"> <li>Consolidate and clean up definitions.</li> <li>Revise the structure <u>and purpose of</u> the conservation district <u>tool</u>.</li> <li><del>Address a tiered survey system.</del></li> <li>Address demolition by neglect.</li> <li><del>Include Updated criteria for a determination of economic hardship criteria as it relates to design review.</del></li> </ul>
<p><b>Policy HP-30</b></p> <ul style="list-style-type: none"> <li>Added text to indicate that design guidelines should allow sufficient flexibility for property owners with limited financial ability.</li> </ul>	3-45	<p><i>Provide design guidelines that promote compatible development.</i></p> <p>Clear, well-illustrated design guidelines specific to Tacoma's resources should guide <u>historic</u> rehabilitation as well as infrastructure maintenance and new construction <u>in historic or conservation districts</u>. Citywide design guidelines should address the general treatment of historic resources <u>while more specific guidelines address the unique character of individual historic districts</u>. <del>In addition, guidelines specific to the character of Tacoma's individual historic districts should be adopted.</del> <u>All of these design guidelines should be available and easily accessible to the public and provide flexibility for property owners with differing financial resources. See Action HP-32E for more information on potential programs to assist owners with limited financial resources.</u></p>
<p><b>Action HP-32E</b></p> <ul style="list-style-type: none"> <li>Added text to suggest that financial assistance be available for property owners who are not financially able to maintain or rehabilitate their properties.</li> </ul>	3-48	<p><i>Extend the use of grant and loan programs.</i></p> <p><u>Grant and loan programs should be available to promote projects that meet preservation objectives and assist property owners that do not have the financial ability to adequately maintain or rehabilitate their property. Criteria for potential financial assistance should be administered separately from the design review process.</u></p>

Description of Change	Page #	Text Amendment
<p><b>Action HP-40F</b></p> <ul style="list-style-type: none"> <li>Added additional cross references to support the link between preservation and sustainability.</li> </ul>	3-58	<p><i>Expand partnerships with sustainability organizations and programs. Create relationships with sustainability organizations and programs to promote the benefits of historic preservation. <del>Preservation of historic structures saves their conservation of</del> embodied energy and <del>reduces reduction of</del> construction waste. <del>Because many historic structures were built to be energy efficient and are part of pedestrian-friendly neighborhoods, their preservation also supports walkability and lowered energy use. Therefore, a</del> <u>As</u> sustainability programs and initiatives <del>continue to</del> develop, it will be important to <del>educate and collaborate with sustainability organizations and programs to</del> emphasize the overlap between goals <del>for with</del> preservation <del>and sustainability objectives</del>. <u>See the <i>Environmental Component of Sustainability</i> on page IN-6 for more information.</u></i></p> <p><u>Also see:</u></p> <ul style="list-style-type: none"> <li><u>Action HP-3A Provide tools to encourage cooperation between advocates for historic preservation and sustainability.</u></li> <li><u>Action HP-3B Provide information about the environmental benefits of preservation of existing buildings as part of the citywide sustainability program.</u></li> <li><u>Action HP-41A Assist in the City's efforts to promote sustainability.</u></li> </ul>





**2011 Annual Amendment Application # 2011-02  
Historic Preservation Plan and Regulatory Code Amendments**

**April 20, 2011**

**Chapter 13.07 (Landmarks and Historic Special Review Districts)**

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strike through~~. **Highlighted text reflects most recent amendments.**

<b>Chapter 13.07</b>		
<b>LANDMARKS AND HISTORIC SPECIAL REVIEW DISTRICTS</b>		
Sections:		
13.07.010	Short title.	<del>13.07.130</del> <del>Demolition of City landmarks – Automatic conditions.</del>
13.07.020	Landmarks and Historic Districts – Declaration of purpose and declaration of policy.	13.07. <del>140-110</del> Demolition of City landmarks – Standards and criteria for review.
13.07.030	Definitions.	<del>13.07.150</del> <del>Demolition of City landmarks – Specific exemptions.</del>
13.07.040	Tacoma Register of Historic Places – Establishment and criteria.	<del>13.07.160</del> <del>Appeals to the Hearing Examiner.</del>
13.07.050	Tacoma Register of Historic Places – Nomination and designation process for individual properties.	<del>13.07.165</del> <del>Appeals to the Hearing Examiner – Factors to be considered.</del>
<u>13.07.055</u>	<u>Rescission of Landmarks Designation</u>	<del>13.07.170</del> <del>Ordinary maintenance or repairs.</del>
13.07.060	Tacoma Register of Historic Places – Nomination and designation process for Historic Special Review and Conservation Districts.	<del>13.07.180</del> <del>Minimum buildings standards.</del>
<del>13.07.070</del>	<del>District and landmarks regulation.</del>	<u>13.07.120</u> <u>Historic Special Review and Conservation Districts – Generally</u>
<del>13.07.070</del>	<del>Commission rules of procedure and administrative guidelines</del>	13.07. <del>190-130</del> Designation of Old City Hall Historic Special Review District – Declaration of purpose.
13.07.080	Special tax valuation – Local Review Board.	13.07. <del>200,140</del> Designation of Old City Hall Historic Special Review District – Findings.
13.07.085	Property eligible for special tax valuation.	13.07. <del>210-150</del> Old City Hall Historic Special Review District – Boundary description.
13.07.090	<del>Certificates of approval.</del>	<u>13.07.155</u> <u>Guidelines for building design and streetscape improvement review of the Old City Hall Historic District.</u>
13.07.095	Certificates of approval – Process and standards for review.	13.07. <del>220-160</del> Old City Hall Special Review District – Specific Exemptions.
13.07.100	<del>Demolition of City landmarks – Declaration of purpose. Criteria for the Relocation of a City Landmark</del>	13.07. <del>230-170</del> Designation of Union Depot/Warehouse Historic Special Review District – Declaration of purpose.
<del>13.07.110</del>	<del>Demolition of City landmarks – Application process.</del>	13.07. <del>240-180</del> Designation of the Union Depot/Warehouse Historic Special Review District – Findings.
<del>13.07.120</del>	<del>Demolition of City landmarks – Application requirements.</del>	

- 13.07.~~250-190~~ Union Depot/Warehouse Historic Special Review District – Boundary description.
- 13.07.~~260-200~~ Designation of Union Station Conservation District.
- 13.07.~~270-210~~ Guidelines for building design and streetscape improvement review of the Union Depot/Warehouse Historic District and Union Station Conservation District.
- ~~13.07.280 — Union Depot/Warehouse Historic Special Review and Union Station Conservation Districts — Specific exemptions.~~
- 13.07.~~290-220~~ Designation of North Slope Historic Special Review District – Purpose.
- 13.07.~~300-230~~ Designation of North Slope Historic Special Review District – Findings.
- 13.07.~~310-240~~ North Slope Historic Special Review District – Boundary description.
- 13.07.~~320-250~~ Guidelines for building design and streetscape improvement review of the North Slope Historic Special Review District.
- 13.07.~~330-260~~ North Slope Historic Special Review District – Specific exemptions.
- 13.07.~~340-270~~ Severability.

### 13.07.010 Short title.

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

### 13.07.020 Landmarks and Historic Districts – Declaration of purpose and declaration of policy.

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

The purpose of this chapter is to:

A. Preserve and protect historic resources, including both designated City landmarks and historic resources which are eligible for state, local, or national listing;

B. Establish and maintain an open and public process for the designation and maintenance of City landmarks and other historic resources which represent the history of architecture and culture of the City and the nation, and to apply historic preservation standards and guidelines to individual projects fairly and equitably;

C. Promote economic development in the City through the adaptive reuse of historic buildings, structures, and districts;

D. Conserve and enhance the physical and natural beauty of Tacoma through the development of policies that protect historically compatible settings for such buildings, places, and districts;

E. Comply with the state Environmental Policy Act by preserving important historic, cultural, and natural aspects of our national heritage; ~~and~~

F. To promote preservation compatible practices related to cultural, economic and environmental sustainability, including: conservation of resources through retention and enhancement of existing building stock, reduction of impacts to the waste stream resulting from construction activities, promotion of energy conservation, stimulation of job growth in rehabilitation industries, and promotion of Heritage Tourism;

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

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

### 13.07.030 Definitions.

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

~~“Accessory structure” means any structure which is incidental or subordinate to the main building(s) and is located on the same property as the main building.~~

~~“Administrative Approval” means an approval that may be granted by the City Historic Preservation Officer for an alteration to a City landmark, without Landmarks Preservation Commission (also referred to herein as “Commission”) review, based on authority that may be granted by the Commission pursuant to Chapter 1.42 of the Tacoma Municipal Code (“TMC”).~~

~~“Alteration” means any act or process which changes materially, visually, or physically one or more of the exterior architectural features or~~



~~significant interior features of a property, including, but not limited to, the construction, reconstruction, or removal of any structure.~~

~~“Building” means any structure that is used or intended for supporting or sheltering any use or occupancy. For the purposes of this chapter, the term “building” includes accessory structures.~~

~~“Certificate of Approval” means the written record of formal action by the Commission indicating its approval of plans for alteration of a City landmark.~~

~~“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 warranting the designation for the preservation and protection of historic character and properties contained therein, without meeting the same higher standard for designation as a Historic Special Review District. Conservation Districts are normally established surrounding or adjacent to an established or proposed historic district or place, 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.~~

~~“Construction” means the act of adding to an existing structure or erecting a new principal or accessory structure on a property.~~

~~“Contributing property” means any property within a Historic Special Review District which is documented in the district’s nomination to the Tacoma Register of Historic Places to contribute architecturally, historically, and/or culturally to the historic character of the district, and properties that date from the historic period of significance for the Historic Special Review District and retain integrity of materials, place, or setting which have not previously been identified during architectural surveys.~~

~~“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.~~

~~“Demolition” means any act or process which destroys, in part or in whole, a City landmark, including neglect or lack of maintenance that results in the destruction of a historic property. For the purposes of this chapter, demolition does not include nonhistoric or noncontributing additions to historic buildings if so determined by the Landmarks Preservation Commission or Historic Preservation Officer, or so indicated in the nomination documentation for a building.~~

~~“Design guideline” means a standard of appropriate activity which will preserve or enhance the historic and architectural character of a structure or area, and which is used by the Commission and the City Historic Preservation Officer to determine the appropriateness of proposals involving property within Historic Special Review and Conservation Districts.~~

~~“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.~~

~~“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.~~

~~“Exterior architectural appearance” means the architectural character and general composition of the exterior of a property including, but not limited to, the type, color, and texture of a building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.~~

~~“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 area 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, ~~which the City finds should be protected from adverse effects to its cultural and historic character resulting from~~~~

development activities, and has been so designated by City Council.

~~“Interested party of record” means any individual, corporation, partnership, or association which notifies the Commission, in writing, of its interest in a matter before the Commission prior to Commission action on the matter.~~

~~“Noncontributing property” means a property within a Historic Special Review District which is documented in the district’s nomination to the Tacoma Register of Historic Places as not contributing architecturally, historically, and/or culturally to the historic character of the district; or which has been so designated in a Historic Special Review District Inventory drafted and adopted by the Commission.~~

“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 historic resource structure or portion thereof, wherein the visible architectural elements are replaced in kind with materials and finishes that match that accurately convey the character of the original elements.

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

~~“Repair” means any change that is not construction, removal, or alteration.~~

“Rehabilitation” means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient, contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values; 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.

### **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: ~~A property may be included in 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; ~~and~~

~~c. Meets one or more of the designation criteria listed in the section below.~~

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~~ Is part of, adjacent to, or related to an existing or proposed historic district, square, park, or other distinctive area which should be redeveloped or preserved according to a plan based on a historic, cultural, or architectural motif; 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 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 purposes of promoting economic development and neighborhood identity. When determining the appropriateness of the designation of a Historic Special Review District, in addition to the criteria above, the Landmarks Preservation Commission shall consider the following:~~

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 at TMC 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.~~

~~The area shall contain a concentration of structures having a special character or special historic, cultural, architectural, engineering, or geographic interest or value as defined by the six criteria above; and~~

~~2. The area shall constitute a distinct section of the City.~~

~~D2. Special Criteria for the Designation of 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 as set forth in Section 13.07.040, it may be warranted, from time to time, to consider the establishment of a Conservation District. When considering the appropriateness of a Conservation District, the Landmarks Preservation Commission shall consider: A proposed Conservation District should meet one of the following specific criteria:~~

~~1. A potential Conservation District should normally be established surrounding an established or proposed historic district and shall possess special historic, architectural, or cultural significance that is a part of the heritage of the City.~~

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.~~

~~2c. Although it shall possess historic character based upon an intact development pattern and a prevailing historic architectural character expressed through its assemblage of buildings, which shares or is sympathetic to the development patterns and period of significance of the adjacent historic district, a Conservation District is not required to meet the criteria for landmark designation as outlined above.~~

~~3. The boundaries of Historic Special Review Districts and Conservation Districts should be based upon a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects or by documented differences in patterns of historic development or~~

associations. Although recommended boundaries may be affected by other concerns, including underlying zoning, political or jurisdictional boundaries and property owner sentiment, to the extent feasible, the boundaries should be based upon a shared historical or architectural relationship among the properties constituting the district.

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

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

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

2. A written request, which shall be in the form of a completed nomination to the Tacoma Register of Historic Places, shall be made to the Historic Preservation Officer. 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 13.07.090.

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 ~~first-class~~ 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.

#### **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, TMC 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.

### **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, ~~and~~ 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, ~~by ordinance,~~ request to amend or rescind the designation of a Historic Special Review District or Conservation District at any time pursuant to the same procedure as set forth in this chapter and TMC 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.

**13.07.070—District and landmarks regulation:**

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 this chapter, shall be subject to the controls, standards, and procedures set forth herein, as well as the bulk, use, setback, zoning, and other controls of the area in which it is presently located, and the owners of the property shall comply with the mandates of this chapter in addition to the land use and zoning requirements of the area in which such property is presently or may later be 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. Neighborhood compatibility. In certain cases, application of the development standards in the HMR SRD zoning district, as defined under TMC 13.06.118, including those for height, bulk, scale, and setbacks, may conflict with historic preservation standards or criteria and result in adverse effects to historic properties. For the purposes of TMC 13.06.118, 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 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 include specific references to any conflicts between the standards in this chapter and those in TMC 13.06.118F, and specifically request the appropriate exemptions.

C. Compatibility with downtown design standards. In certain cases, the application of design standards in downtown zones may conflict with historic preservation standards or criteria and result in adverse effects to historic properties. For the purposes of TMC 13.06A.070B, properties subject to design review and approval by the Landmarks Preservation Commission shall be exempted from the basic design standards 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.070B.

D. Upon adoption of this ordinance, and for successive Historic and Conservation District designations, the Landmarks Preservation Commission shall adopt an official inventory of the historic properties that are within and found to contribute to the historic and architectural character of the respective district, as defined by the criteria and purposes contained within this chapter.

E. 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 District property inventories shall be maintained and reviewed annually by the Commission and shall be kept on file and available to the public at the Historic Preservation Office. The absence of a property on a historic inventory shall not preclude the Landmarks Preservation Commission's authority to review changes to such a property. If a property is not listed on the historic inventory for the district, the property shall be assumed to be contributing.

**13.07.070 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 per TMC 13.07.120.B.

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

### 13.07.080 Special tax valuation – Local Review Board.

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

### 13.07.085 Property eligible for special tax valuation.

The class of historic property which shall be eligible for special valuation in accordance with the State Act shall be property which is a historic property meeting the criteria or requirements as set forth and defined in the State Act, and which is designated as a City landmark by resolution of the City Council in accordance with the provisions of this chapter, or is a contributing property within a locally administered Historic Special Review District. Landmarks Preservation Commission shall act as the Local Review Board and enter into the The covenants or agreements referred to in Section 3(2)-WAC 254-20 of the State Act and amendments thereto shall be subject to approval by resolution of the City Council and may be executed on behalf of the City and the Local Review Board by the appropriate officers of the City and the Local Review Board, as designated by the resolution approving such covenants or agreements.

### 13.07.090 – Certificates of approval.

~~A. Certificate of Approval Required. Except where specifically exempted by this chapter, no person shall carry out or cause to be carried out any alteration of any City landmark, any building, site, structure or object proposed for designation as a City Landmark pursuant to TMC 13.07.050, or alteration or construction of any new or existing structures, buildings, public rights of way, or other public spaces in any Historic Special Review or Conservation District, and no one shall remove or alter any sign or erect or place any new sign, and no permit for such activity shall be issued unless a Certificate of Approval has been issued by the Landmarks Preservation Commission or, subject to the limitations imposed by the Landmarks Preservation Commission pursuant to TMC 1.42, administrative approval has been granted by the Historic Preservation Officer.~~

~~B. When a permit application is filed with Building and Land Use Services that requires a Certificate of Approval, the applicant shall be referred to the Historic Preservation Officer.~~

#### ~~C. Application Requirements.~~

~~1. Applications for a Certificate of Approval shall be filed with the Historic Preservation Officer.~~

~~2. The following information must be provided in order for the application to be complete, unless the Historic Preservation Officer indicates in writing that specific information is not necessary for a particular application:~~

~~a. Property name and building address;~~

~~b. Applicant’s name and address;~~

~~c. Property owner’s name and address;~~

~~d. Applicant’s telephone and e-mail address, if available;~~

~~e. The building owner’s signature on the application or, if the applicant is not the owner, a signed letter from the owners designating the applicant as the owner’s representative;~~

~~f. Confirmation that the fee required by the General Services Fee Schedule has been paid;~~

~~g. Written confirmation that the proposed work has been reviewed by Building and Land Use Services, appears to meet applicable codes and regulations, and will not require a variance;~~

~~h. A detailed description of the proposed work, including:~~

~~(1) Any changes that will be made to the building or the site;~~

~~(2) Any effect that the work would have on the public right of way or public spaces;~~

~~(3) Any new construction;~~

~~i. Twenty sets of scale plans, with all dimensions shown, of:~~

~~(1) 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;~~

~~(2) A floor plan showing the existing features and a floor plan showing proposed new features;~~

~~(3) Elevations and sections of both the proposed new features and the existing features;~~

~~(4) Construction details, where appropriate;~~

~~(5) A landscape plan showing existing features and plantings and a landscape plan showing proposed site features and plantings;~~

~~j. 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;~~

~~k. 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;~~

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

~~(1) Twenty sets of scale drawings of the proposed signs, awnings, canopies, or lighting showing the overall dimensions, materials, design graphics, typeface, letter size, and colors;~~

~~(2) Twenty copies of details showing the proposed methods of attachment for the new signs, canopies, awnings, or exterior lighting;~~

~~(3) For lighting, detail of the fixture(s) with specifications, including wattage and illumination color(s);~~

~~(4) One sample of the proposed colors and materials;~~

~~m. 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.~~

#### ~~D. 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. To be complete, an application for a Certificate of Approval for a preliminary design must include the following:~~

~~a. Building name and building address;~~

~~b. Applicant's name and address;~~

~~c. Building owner's name and address;~~

~~d. Applicant's telephone and e-mail address;~~

~~e. The building owner's signature on the application or a signed letter from the owners designating the applicant as the owner's representative, if the applicant is not the owner;~~

~~f. Confirmation that the fee required by the General Services Fee Schedule has been paid;~~

~~g. Written confirmation that the proposed work has been reviewed by Building and Land Use Services, appears to meet applicable codes and regulations, and will not require a Land Use variance;~~

~~h. A description of the proposed work, including:~~

~~(1) General overview of any changes that will be made to the building or the site;~~

~~(2) General effects that the work would have on the public right of way or public spaces;~~

~~i. Twenty sets of scale plans, as applicable, with all dimensions shown of:~~

~~(1) A conceptual 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;~~

~~(2) Elevations of both the proposed new features and the existing features;~~

~~j. 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;~~

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

~~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 C.2. above, and upon Commission approval prior to the issuance of any permits for work affecting the property.~~

### **13.07.095—Certificates of Approval—Process and standards for review.**

~~A. The Landmarks Preservation Commission is the designated body that reviews and approves or denies applications for Certificates of Approval.~~

~~B. Review Process.~~



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

~~2. 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.~~

~~3. 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.~~

~~4. 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 this chapter and any rules adopted by the Commission.~~

~~5. 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.~~

~~6. 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.~~

~~7. The absence of the owner or applicant shall not impair the Commission's authority to make a decision regarding the application.~~

~~8. 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, or 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, and shall provide a copy of its decision to the applicant and Building and Land Use Services.~~

~~9. 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.~~

### **13.07.095 C- Certificates of Approval - Standards for Review.**

~~1A. In addition to any district rules, policies, or design guidelines for Historic Districts described elsewhere in this chapter, ~~t~~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, a City landmark, excepting applications for demolition:~~

1. ~~a-~~For properties listed individually on the Tacoma Register of Historic Places, ~~The~~ 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, ~~including, but not limited to, Standards for Rehabilitation, Restoration, Preservation, and Reconstruction, as appropriate to the proposed project 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.

b. 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.

2-3. These standards shall be filed and made available to any property owner and the public at the Historic Preservation Office of the City.

#### 13.07.100 Criteria for the Relocation of a City Landmark.

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

A. The structure is threatened by further deterioration or loss in its present location.

B. All alternatives to relocation have been reasonably considered.

C. The original building and site condition will be accurately recorded before removing the structure from the existing site.

D. Moving procedures are sufficiently planned to protect the key features of the structure.

E. The relocation site provides an appropriate context similar to that of the original.

F. A commitment is in place to complete the relocation and subsequent rehabilitation of the building.

G. There is adequate protection to assure continued preservation of the building at its relocated site.

#### 13.07.100 Demolition of City landmarks— Declaration of purpose.

A. Historic resources in the City contribute to the general public welfare by fostering civic identity and pride, promoting a sense of local history and place, by encouraging public and private capital investment in underutilized buildings and infrastructure, and by

educating the public about past ways of life, individuals, events, and architectural styles.

B. Properties that are placed on the Tacoma Register of Historic Places, either as individual properties or as part of districts, have been determined, through a public process, to represent exceptional examples of a type of architecture, design, engineering, as exceptional examples of the environment at a particular point in history, as representative of historical patterns or events, or because of their exceptional educational or scholarly importance.

C. It is the policy of the City to prevent unnecessary demolition of its City landmarks and to encourage investment in and adaptive reuse of underutilized historic resources. Approval of demolitions of City landmarks shall be granted only in special circumstances where it has been determined by the Landmarks Preservation Commission that the property owner has satisfactorily met the conditions and criteria imposed by this section.

### **13.07.110 — Demolition of City landmarks — Application process.**

A. Permitting Timelines. Any City landmark for which a demolition permit application has been received is excluded from City permit timelines imposed by TMC 13.05.010.J.

B. Certificate of Approval for Demolition of City Landmark Required. No person shall carry out or cause to be carried out demolition of a City landmark, and no demolition permit shall be issued for the same unless a Certificate of Approval for Demolition of a City Landmark has been issued by the Landmarks Preservation Commission, and all special and automatic conditions imposed on such approval have been determined satisfied by the Historic Preservation Officer.

1. An application for a Certificate of Approval for Demolition of a City Landmark shall be filed with the Historic Preservation Officer. When a demolition permit application is filed with Building and Land Use Services, the applicant shall be referred to the Historic Preservation Officer.

#### **2. Determination of Complete Application.**

a. The Historic Preservation Officer shall determine whether an application for historic building demolition is complete and shall notify the applicant in writing within 30 days of the application being filed, whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete.

b. 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.

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

d. 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 this chapter and in any rules adopted by the Commission.

#### **3. Application Review.**

##### **a. Preliminary Meeting.**

(1) 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.

(2) The purpose of this meeting is for the applicant and the Commission to discuss the project background and possible alternative outcomes, and to schedule a hearing date.

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

(4) 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, architecture or architectural history, and law, 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 subparagraphs A and B, of Section 13.07.130, "Demolition of City Landmarks — Automatic conditions," are met.

(5) 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.~~

~~(1) 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.~~

~~(2) 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, and taxpayers of record of properties within 400 feet of the subject property.~~

~~(3) 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.~~

~~(4) 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.~~

~~(5) 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.~~

~~**13.07.120 — Demolition of City landmarks — Application requirements.**~~

~~A. 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. Building name and building address;~~
- ~~2. Applicant's name and address;~~
- ~~3. Building 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 a signed letter from the owners designating the applicant as the owner's representative if the applicant is not the owner;~~

~~6. Confirmation that the fee required by the City of Tacoma Fee Schedule has been paid;~~

~~7. Written confirmation that the demolition has been reviewed by Building and Land Use Services, appears to meet applicable codes and regulations, and will not require a land use variance or code waiver;~~

~~8. 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.~~

~~9. 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. Future development plans for the site, including conceptual drawings, sketches, renderings, and plans.~~

~~10. 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.~~

~~11. A complete construction timeline for the replacement structure to be completed within two years, or a written explanation of why this is not possible.~~

~~12. 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.~~

### ~~13.07.130 — Demolition of City landmarks— Automatic conditions.~~

~~Following a demolition approval pursuant to this section, the following conditions are automatically imposed, except where exempted per TMC 13.07.110.B.3.a(4) and 13.07.150.C, and must be satisfied before the Historic Preservation Officer shall issue a written decision:~~

~~A. For properties within a Historic Special Review or Conservation District, the design for a replacement structure is presented to and approved by the Landmarks Preservation Commission pursuant to the regular design review process as defined in this chapter; or, if no replacement structure is proposed for a noncontributing structure, the Commission may, at its discretion, waive this condition and 13.07.130.B and D;~~

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

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

~~D. Building and Land Use Service 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;~~

~~E. Any mitigation agreement proposed by the applicant is signed and binding by City representatives and the applicant, and approved, if necessary, by the City Council; and~~

~~F. Any conditions imposed on the demolition have been accepted in writing (such as salvage requirements or archaeological requirements).~~

### **13.07.140110 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 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.

### **13.07.150 — Demolition of City Landmarks— Specific exemptions.**

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

~~A. Demolition of accessory structures, 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 or addition is not specifically designated as a historic structure of its own merit;~~

~~B. Demolition work on the interior of a City landmark or object, site, or improvement within a Historic Special Review or Conservation District, where the proposed demolition will not affect the exterior of the building and where no character-~~

defining architectural elements specifically defined by the nomination will be removed or altered; and

C. Objects, sites, and improvements that have been identified by the Landmarks Preservation Commission specifically as noncontributing within their respective Historic Special Review or Conservation District buildings inventory at the preliminary meeting, provided that a timeline, financing, and design for a suitable replacement structure have been approved by the Landmarks Preservation Commission pursuant to Section 13.07.095 of this chapter, or such requirements have been waived pursuant to TMC 13.07.130.A.

### **13.07.160—Appeals to the Hearing Examiner.**

A. Referral 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 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.

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

1. An indication of facts that establish the appellant's standing;
2. An identification of explicit exceptions and objections to the decision being appealed, or an identification of specific errors in fact or conclusion;
3. The requested relief from the decision being appealed;
4. Any other information reasonably necessary to make a decision on appeal.

Failure to set forth specific errors or grounds for appeal shall result in a summary dismissal of the appeal.

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

D. 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.

### **13.07.165—Appeals to the Hearing Examiner—Factors to be considered.**

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

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

B. 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 chapter.

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

### **13.07.170—Ordinary maintenance or repairs.**

Nothing in this chapter 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.

### **13.07.180—Minimum buildings standards.**

~~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.~~

~~C. 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.~~

~~D. The Historic Preservation Officer shall have the authority to administratively approve changes without prior Landmarks Preservation Commission review per TMC 13.07.095, 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 Commission at its next regular meeting.~~

### **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 TMC 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. 27429 § 3; passed Nov. 15, 2005)

### **13.07.190130 Designation of Old City Hall Historic Special Review District – Declaration of purpose.**

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

B. Said district and the buildings and structures therein possess significant aspects of early Tacoma history, architecture, and culture. Historic, cultural,

and architectural significance is reflected in the architectural cohesiveness of the area. For the foregoing reasons, many of the features contained in the buildings and structures in said district should be maintained and preserved.

### **13.07.200140 Designation of Old City Hall Historic Special Review District – Findings.**

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

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

C. Many buildings within the Old City Hall Historic Special Review District embody distinctive characteristics of late 19th Century Eclectic architecture, which reflects Greco-Roman and Renaissance architectural influences. For these and other reasons, the buildings and structures combine to create an outstanding example of an area of Tacoma which is significant and distinguishable in style, form, character, and construction representative of its era.

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

### **13.07.210150 Old City Hall Historic Special Review District – Boundary description.**

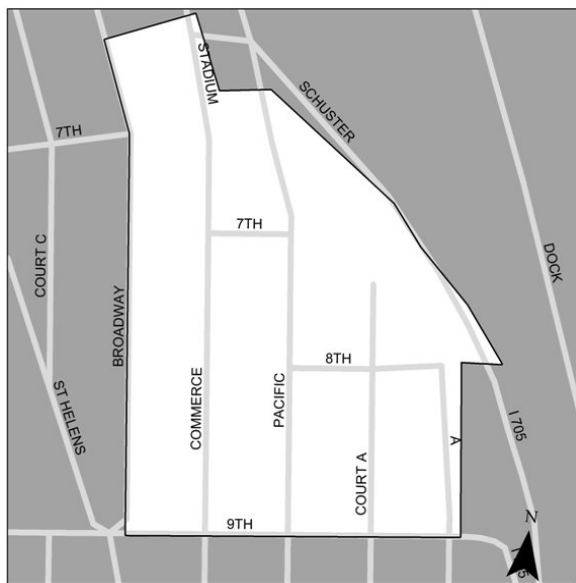
The legal description for the Old City Hall Historic Special Review District is described in Ordinance No. 24877, and shall be kept on file in the City Clerk's Office. The approximate boundaries are described in Map A below.



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

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

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



**13.07.220160 Old City Hall Special Review District – Specific Exemptions.**

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

A. Any alterations to non-contributing properties as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office; provided, that the demolition of such structures is not exempt from the provisions of this chapter; and

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

**13.07.230170 Designation of Union Depot/Warehouse Historic Special Review District – Declaration of purpose.**

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

**13.07.240180 Designation of the Union Depot/Warehouse Historic Special Review District – Findings.**

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

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

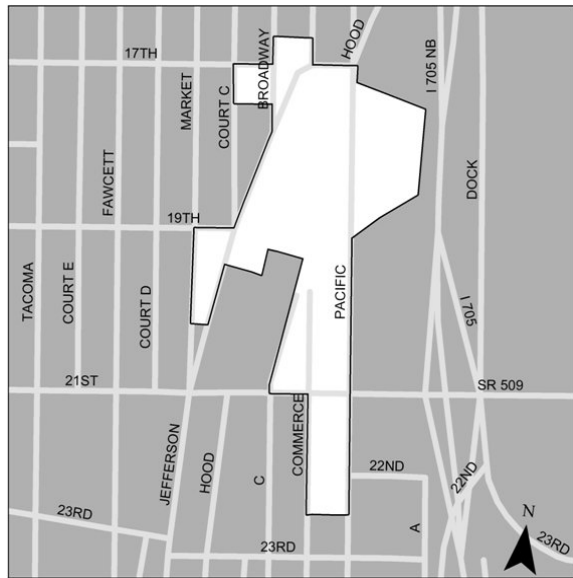
C. Restoration and preservation of objects, sites, buildings, and structures within the Union Depot/Warehouse Historic Special Review District will yield information of educational significance regarding the way of life and the architecture of the

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

**13.07.250190 Union Depot/Warehouse Historic Special Review District – Boundary description.**

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

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



**13.07.260200 Designation of Union Station Conservation District.**

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

**Map C: Approximate Boundaries of the Union Station Conservation District**



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

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

**13.07.270—Guidelines for building design and streetscape improvement review.**

A. Intent. The following are hereby established as the design review guidelines for rehabilitation, new

construction, and public amenities. These guidelines are intended to ensure a certainty of design quality within the Historic Special Review District and Union Station Conservation 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.

B. The following guidelines are intended to provide a set of basic standards for architectural and physical design within the Union Station districts. The guidelines will be used by the Landmarks Preservation Commission as a baseline for the design review process, but will not supersede the authority of the Commission to exercise its judgment and discretion on a case-by-case basis. The guidelines are also set forth to provide assistance to owners, developers, and designers involved in project planning by providing general design and technical recommendations.

C. From time to time, the Landmarks Preservation Commission may adopt policies and administrative rules for the purpose of clarifying and assisting property owners in interpreting these guidelines. Any such rules or policies shall be adopted by quorum vote and, once adopted, shall be made available to the public in electronic and printed formats.

D. Design Guidelines. The following predominant historic building elements shall be recognized as essential to the districts' historic image and used as the basis for design review of proposals for rehabilitation of existing buildings and review of new construction within the districts:

1. Height. The centerpiece and height benchmark for the districts is the Union Station, with its dome cap height of approximately 96 feet above Pacific Avenue. Wing parapet walls are 30 feet in height above Pacific Avenue. No new buildings constructed in the districts shall exceed 85 feet in height.

In the rehabilitation of existing buildings, their existing height should be maintained and the parapets and cornices should be kept intact. Any rooftop additions, penthouses, building systems equipment, or roof-mounted structures should be set back from existing parapet walls sufficiently to conceal them from view from street level.

2. Scale. Scale refers to a building's comparative relationship to neighboring buildings and its fit within the districts. The typical four-story building in the districts is 50 feet wide and 100 feet deep. Two such "basic blocks" side-by-side are proportionally

similar to the main section of Union Station and illustrate the scale and size of structural components in the districts.

Scale is also determined by the proportions of the architectural elements within the composition of the individual building facades. Exterior building facades shall be of a scale compatible with surrounding buildings and shall maintain a zero setback from the sidewalk. Window and door proportions, including the size and design of the wood sash and frame floor height, floor shapes, street elevations, and other elements of the building facades, shall relate to the scale of the surrounding buildings.

3. Materials. The predominant building material within the districts is masonry, including brick, granite, and terra cotta. Rehabilitation of existing buildings and construction of infill buildings shall utilize masonry as the predominant building material.

4. Minimum Maintenance. All contributing historic buildings in the districts shall be maintained against decay and deterioration caused by neglect or defective or inadequate weather protection.

5. Storefront Design. A major character-defining feature of the buildings within the districts is the storefront. The composition of the storefronts is consistent from one building to the next, and serves as a unifying feature of the districts by forming a continuity along the street. Preservation of the storefront is essential to the maintenance of the districts' image and character. Rehabilitation of an existing building shall include preservation of the existing storefront or reconstruction of a new storefront which is compatible with the original in scale, size, and material. New construction shall also include storefronts. Street-level retail sales and service uses, as described and defined in TMC 13.06, should be strongly considered for ground-floor use along Pacific Avenue in order to more effectively implement storefront design.

6. Awnings. Awnings have been a traditional addition to the facades of buildings within the districts and shall be encouraged within the districts as a functional exterior feature. All awnings shall be compatible with the historic character of the buildings and shall be based in design upon historic counterparts. They shall also:

a. Reflect the shape and character of the window openings;

b. Be, or appear to be, retractable in the form of historic awnings;

~~c. Constructed with canvas-like fabric rather than high-gloss in texture;~~

~~d. Not be back-lit or translucent;~~

~~e. Be in colors and/or patterns which complement the building and have basis in the historic record;~~

~~f. Be attached to the buildings in a manner which does not permanently damage the structure or obscure significant architectural features.~~

## ~~7. Signs.~~

### ~~a. General.~~

~~(1) All new exterior signs and all changes in the appearance of existing exterior signs require Landmarks Preservation Commission approval. This includes changes in message or colors on pre-existing signs.~~

~~(2) If there is a conflict between these standards and the requirements in the City's Sign Code, the more strict requirement shall apply.~~

### ~~b. Location and Size of Signs.~~

~~(1) Signs shall not dominate the building facades or obscure their architectural features (arches, transom panels, sills, moldings, cornices, windows, etc.).~~

~~(2) The size of signs and individual letters shall be of appropriate scale for pedestrians and slow-moving traffic. Projecting signs shall generally not exceed nine square feet on first floor level.~~

~~(3) Signs on adjacent storefronts shall be coordinated in height and proportion. Use of a continuous sign band extending over adjacent shops within the same building is encouraged as a unifying element.~~

~~(4) Portable reader board signs located on sidewalks, driveways, or in parking lots are prohibited.~~

~~(5) Existing historic wall signs are a contributing element within the district and should be restored or preserved in place. New wall signs shall generally be discouraged.~~

### ~~c. Messages and Lettering Signs.~~

~~(1) Messages shall be simple and brief. The use of pictorial symbols or logos is encouraged.~~

~~(2) Lettering should be of a traditional block or curvilinear style which is easy to read and compatible with the style of the building. No more than two different styles should be used on the same sign.~~

~~(3) Letters shall be carefully formed and properly spaced so as to be neat and uncluttered. Generally, no more than 60 percent of the total sign area shall be occupied by lettering.~~

~~(4) Lettering shall be generally flat or raised.~~

### ~~d. Color.~~

~~(1) Light-colored letters on a dark-colored background are generally required as being more traditional and visually less intrusive in the context of the Union Station District's predominantly red-brick streetscapes.~~

~~(2) Colors shall be chosen to complement, not clash with, the facade color of the building. Signs should normally contain not more than three different colors.~~

### ~~e. Materials and Illumination~~

~~(1) Use of durable and traditional materials (metal and wood) is strongly encouraged. All new signs shall be prepared in a professional manner.~~

~~(2) In general, illumination shall be external, non-flashing, and non-glare.~~

~~(3) Internal illumination is generally discouraged, but may be appropriate in certain circumstances, such as:~~

~~(i) Individual back-lit letters silhouetted against a softly illuminated wall.~~

~~(ii) Individual letters with translucent faces, containing soft lighting elements inside each letter.~~

~~(iii) Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.~~

~~However, such signs are generally suitable only on contemporary buildings.~~

~~(4) Neon signs may be permitted in exceptional cases where they are custom-designed to be compatible with the building's historic and architectural character.~~

### ~~f. Other Stylistic Points~~

~~(1) The shape of a projecting sign shall be compatible with the period of the building to which it is affixed, and shall harmonize with the lettering and symbols chosen for it.~~

~~(2) Supporting brackets for projecting signs should complement the sign design, and not overwhelm or clash with it. They must be adequately engineered to support the intended load, and generally should conform to a 2:3 vertical-horizontal proportion. Screw holes must be drilled at points where the fasteners will enter masonry joints to avoid damaging bricks, etc.~~

~~8. Color. Building colors should contribute to the distinct character of the historic building. Original building colors should be researched and considered in any new color scheme. Whether contrasting or complementary, the colors should reflect the design of the building. Building colors should utilize a~~



limited palette. Colors should be selected to emphasize building form and highlight major features of the building. Color schemes using several colors should be avoided and surfaces which are not historically painted should not be painted.

9. Views.—All new construction in the Union Station District should be designed to preserve existing views and vistas. Of particular importance are views of Commencement Bay, Mount Rainier, and Union Station.

E. Streetscape Guidelines.— Streetscaping is essential in the development of the districts in order to create value and enhance private development efforts. Proper design of streetscapes and public open spaces provides a unifying theme and unique identity for the districts, complements and extends the presence of Union Station, encourages pedestrian circulation, and creates a gateway to downtown and the waterway. The pattern of traffic routes and open space is based upon the historic function of the district and has a direct relation to such physical features as views from the upper floors of the building, sunlight, facade visibility, and streetscape appearance. Any significant loss or reconfiguration of existing open space and street corridors is discouraged.

The following improvements are to be encouraged:

1. Sidewalk paving.— Paving should be of brick or brick and brushed concrete. Existing granite curbs should be maintained or reconstructed, where possible.

2. Street paving.— Where feasible, historic street paving and gutters, either brick or cobblestone, should be preserved and restored.

Where feasible, existing railroad or streetcar rails should be preserved in place.

3. Streetlights.— Historic streetlights should be used throughout the district as unifying elements.

G. The Landmarks Preservation Commission may, at its discretion, waive mandatory requirements imposed by Section 13.07.290 of this chapter. In determining whether a waiver is appropriate, the Landmarks Preservation Commission shall require an applicant to demonstrate by clear and convincing evidence that, because of special circumstances not generally applicable to other property or facilities, including size, shape, design, topography, location, or surroundings, the strict application of those mandatory requirements of Section 13.07.290 would be unnecessary to further the purposes of this chapter. Such waiver shall not exceed the requirements set forth in the underlying zoning district, except where specifically provided for in TMC 13.06A.070.B.

### **13.07.280—Union Depot/Warehouse Historic Special Review and Union Station Conservation Districts—Specific exemptions.**

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

A. Any alterations to non-contributing properties, as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office; provided, that the demolition of such structures is not exempt from the provisions of this chapter; and

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

### **13.07.290<sup>220</sup> 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 13.07.340 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 13.07.330, all visible alterations and construction within the historic district boundaries, including alterations to elements and spaces within the public rights-of-way, are subject to the review and approval of the Landmarks

Preservation Commission prior to the initiation of work.

**13.07.300230 Designation of the 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.

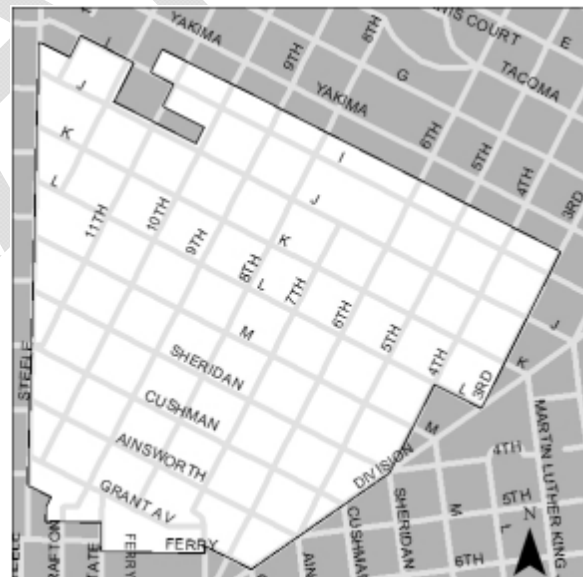
C. Architectural Characteristics. The architectural characteristics of the New Tacoma and North End community are variable, although there is a remarkable number of architect-designed houses in the neighborhood. Most homes built in the earliest period of growth from 1880 to the crash in 1893 were Queen 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

**13.07.310240 North Slope Historic Special Review District – Boundary description.**

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

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



**13.07.32013.07.250 Guidelines for building design and streetscape improvement review of the North Slope Historic Special Review District.**

Pursuant to TMC 13.07.120, the Landmarks Preservation Commission shall adopt and maintain



Guidelines for building design and streetscape improvement A. Intent. These guidelines are intended to ensure a certainty of design quality within the North Slope Historic Special Review 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 are hereby established as the design review guidelines for rehabilitation, new construction, and public amenities, including street furniture, streetlighting, paving and sidewalks, and street trees and planting strips. These guidelines shall be made available to the public in electronic and printed formats.

B. Architectural integrity, as it relates to scale, proportion, texture, color, compatible materials, space, and composition in various periods of architecture, should be respected and, to the extent possible, maintained in contributing properties.

C. The following guidelines are also intended to provide a basic set of standards for architectural and physical design within the North Slope Historic Special Review District. These guidelines will be used by the Tacoma Landmarks Preservation Commission as a base line for the design review process. These guidelines will also assist owners, developers, and designers involved in project planning by providing general design and technical recommendations. When applying the guidelines, the Commission will be considerate of clearly documented cases of economic hardship or deprivation of the owner's reasonable use of the property.

D. From time to time, the Landmarks Preservation Commission may adopt policies and administrative rules for the purpose of clarifying and assisting property owners in interpreting these guidelines. Any such rules or policies shall be adopted by quorum vote and, once adopted, shall be made available to the public in electronic and printed formats.

E. 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.

F. Design Guidelines. The following predominant building elements in the district shall be recognized as essential to the historic image of the neighborhood, and shall, along with the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings, be utilized as the basis for design review of proposals for rehabilitation and new construction within the district.

1. Height. Goal: Balance the overall height of new construction with that of nearby structures. In the rehabilitation of existing buildings, the present height of the structure should remain intact. New buildings should step down to be comparable in height to adjacent structures.

2. Scale. Goal: Relate the size and proportion of new buildings to those of the neighborhood. Scale refers to a building's comparative relationship to neighboring structures, and its fit within the district. Building facades should be of a scale compatible with surrounding buildings, and maintain a comparable setback from the property line to adjacent buildings as permitted by applicable zoning regulations.

Scale is also determined by the proportions of the architectural elements within the composition of the individual building facades. Window and door proportions (including the design of sash and frames), floor heights, floor shapes, roof shapes and pitches, and other elements of the building exterior should relate to the scale of the neighborhood.

3. Massing. Goal: Break up the facades of buildings into smaller varied masses, comparable to those contributing buildings in the neighborhood. Variety of forms is a distinguishing characteristic of the North Slope residential community. Smaller massing—the arrangement of facade details, such as projections and recesses—and porches all help to articulate the exterior of the structure and help the structure fit into the neighborhood.

4. Sense of Entry. Goal: Emphasize entrances to structures. Entrances should be located on the front facade of the building and highlighted with architectural details such as raised platforms, porches, or porticos to draw attention to the entry. Entrances not located on the front facade should be easily recognizable from the street.

5. Roof Shapes and Materials. Goal: Utilize traditional roof shapes, pitches, and compatible finish materials on all new structures, porches, additions, and detached outbuildings wherever such elements are visible from the street. Maintain the present roof pitches of existing pivotal, primary, and secondary

buildings where such elements are visible from the street.

Typically, the existing historic buildings in the neighborhood either have gable roofs with the slopes of the roofs between 5:12 to 12:12 or more, and with the pitch oriented either parallel to or perpendicular to the public right of way, or have hipped roofs with roof slopes somewhat lower. Most roofs also have architectural details such as cross gables, dormers, and/or widow's walks to break up the large sloped planes of the roof. Wide roof overhangs, decorative eaves or brackets, and cornices can be creatively used to enhance the appearance of the roof.

6. Exterior Materials. Goals: Use compatible materials that respect the visual appearance of the surrounding buildings. Buildings in the North Slope Neighborhood were sided with shingles or with lapped, horizontal wood siding of various widths. Subsequently, a few compatible brick or stucco-covered structures were constructed, although many later uses of these two materials do not fit the character of the neighborhood. Additions to existing buildings should be sided with a material to match, or be compatible with, the original or existing materials. New structures should utilize exterior materials similar to those typically found in the neighborhood.

7. Rhythm of Openings. Goals: Respect the patterns and orientations of door and window openings as represented in the neighboring buildings. Typically, older buildings have doors and transoms that matched the head height of the adjacent windows. Doors also tend to be paneled or contain glazed openings. Windows are vertically oriented. Large horizontal expanses of glass are created by ganging two or more windows into a series. Most windows are either single or double hung, with a few casement windows being incorporated into the designs. Many of the buildings had the upper sash articulated into smaller panels, either with muntin bars, leaded glazing, or arches. Most older windows were also surrounded with substantial trim pieces or window head trim.

8. Additional Construction. Goal: Sensitively locate additions, penthouses, buildings systems equipment, or roof mounted structures to allow the architectural and historical qualities of the contributing building to be dominant. While additions to contributing buildings in historic districts are not discouraged, they should be located to conceal them from view from the public right of way. Some new additions, such as the reconstruction of missing porches or the addition of dormers in the roof, may need to be located on the front facade of the building. When an addition is proposed for the front of the building, appropriate and sensitive designs for such

modifications should follow the guidelines for scale, massing, rhythm, and materials.

9. Parking. Goal: Minimize views of parking and garages from the public right of way. Most early houses provided space for storing various means of transportation, from horses and carriages to automobiles; however, these structures were nearly always entered from the alley rather than from the street. Parking lots and banks of garage doors along the front facade of a building do not conform to the character of the neighborhood. Off street parking lots have no historic precedent in this neighborhood, and should be located behind the building and away from the street. Proposed residential driveway approaches requiring curbeuts off a street or arterial are generally prohibited, unless the applicant can demonstrate by clear and convincing evidence that, because of special circumstances not generally applicable to other property or facilities, including size, shape, design, topography, location, or surroundings, the strict application of this standard prevents alley-accessed parking. If approved, such curbeuts and approaches shall be consistent with the standards approved for the historic district and on file in the Public Works Department. Setting garages and carport structures back from the front of the building reduces their visual importance.

10. Signage. Goal: New signs for existing and new buildings shall complement the architecture and style of the residential neighborhood. Signs should not dominate the building facades or obscure the structure's architectural features. Colors, materials, and lettering should be appropriate to the character of the surroundings and be compatible with the building's period and style. Care should be taken not to damage historic building materials in the installation process.

G. Street Improvements. The architectural character of the district is significantly enhanced by the complementary residential nature of existing street amenities, including brick and cobblestone street paving, historic streetlights, planting strips, sidewalks, historic scoring patterns in walks and driveways, healthy trees, and a restrained use of signage. These elements should be retained or enhanced. Installation, repair, or replacement of streetlights, curbs, alley approaches, sidewalks, and street surfaces shall be consistent with the standards approved for the historic district and kept on file with the Public Works Department.

**13.07.330260 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 per TMC 13.07.320.F(9));
- H. Signs not exceeding the limitations for a home occupation permit and those installed by the City for directional and locational purposes.
- I. The following types of projects within the public rights-of-way: ADA accessibility ramps and installations, in-road work, traffic signaling equipment, utility markers, and equipment required by the United States Postal Service.

**13.07.340270 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.





**2011 Annual Amendment Application # 2011-02  
Historic Preservation Plan and Regulatory Code Amendments**

**April 20, 2011**

**Chapter 13.05 (Land Use Permit Procedures)**

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strike~~through. **Highlighted text reflects most recent amendments.**

**Chapter 13.05**

**LAND USE PERMIT PROCEDURES**

Sections:

- 13.05.005 Definitions.
- 13.05.010 Application requirements for land use permits.
- 13.05.020 Notice process.
- 13.05.030 Land Use Administrator – Creation and purpose – Appointment – Authority.
- 13.05.040 Decision of the Land Use Administrator.
- 13.05.045 Historic Preservation Land Use Decisions
- 13.05.046 Compatibility of historic standards with zoning development standards
- 13.05.047 Certificates of approval, historic
- 13.05.048 Demolition of City Landmarks
- 13.07.049 Minimum buildings standards, historic
- 13.05.050 Appeals of administrative decisions.
- 13.05.060 Applications considered by the Hearing Examiner.
- 13.05.070 Expiration of permits.
- 13.05.080 Modification/revision to permits.
- 13.05.090 Land Use Administrator approval authority.
- 13.05.095 Development Regulation Agreements.
- 13.05.100 Enforcement.
- 13.05.105 *Repealed.*
- 13.05.110 *Repealed.*

**13.05.005 Definitions.**

As used in this chapter, the following terms are defined as:

A. Abate: To repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this title by such means and in such a manner and to such an extent as the Land Use Administrator determines is necessary in the interest of the public health, safety, and welfare of the community

B. Administrative Approval, Historic: An approval that may be granted by the City Historic Preservation Officer for an alteration to a City landmark, without Landmarks Preservation Commission review, based on authority that may be granted by the Commission pursuant to Chapter 1.42 of the Tacoma Municipal Code (“TMC”).

BC. Aggrieved Person: In an appeal, an “aggrieved person” shall be defined as a person who is suffering from an infringement or denial of legal rights or claims.

D. Alteration of a City Landmark: Any act or process which changes materially, visually, or physically one or more of the exterior architectural features or significant interior features of a property listed on the Tacoma Register of Historic Places individually or as a part of a district, including, but not limited to, the development, reconstruction, or removal of any structure.

CE. Appeal, for Standing: An aggrieved person or entity has “standing” when such person or entity is entitled to notice under the applicable provision of the Tacoma Municipal Code, or when such person or entity can demonstrate that such person or entity is within the zone of interest to be protected or regulated by the City law and will suffer direct and



substantial impacts by the governmental action of which the complaint is made, different from that which would be experienced by the public in general.

DF. Application, Complete: An application which meets the procedural requirements outlined in Section 13.05.010.C, or for development activities that require a Certificate of Approval, per 13.05.047.

G. Certificate of Approval, Historic: The written record of formal action by the Commission indicating its approval of plans for alteration of a City landmark.

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

I. 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.

J. Contributing property, Historic: Any property within a Historic Special Review District or Conservation District which helps to convey the historic significance and traditional character of the area and that meets the criteria for determining significance, as set forth in Chapter 13.07.040 (C) of this code. This status may be documented in the district's nomination or in other findings adopted by the Landmarks Preservation Commission. Note that within this designation, the City may assign subordinate categories of significance.

K. Demolition of a City Landmark: Any act or process which destroys, in part or in whole, a City landmark, including neglect or lack of maintenance that results in the destruction of a historic property, except where otherwise indicated by this chapter.

LE. Department: As used in this chapter, "Department" refers to the Community and Economic Development Department.

M. Design guideline, Historic: A standard of appropriate activity which will preserve or enhance the historic and architectural character of a structure or area, and which is used by the Landmarks Preservation Commission and the City Historic Preservation Officer to determine the appropriateness of proposals involving property within Historic Special Review and Conservation Districts.

N. Exterior appearance of a City Landmark: the architectural character and general composition of

the exterior of a property as experienced from the outside, including, but not limited to, the type, color, and texture of a building material and the type, design, and character of all windows, doors, fixtures, signs, and appurtenant elements.

O. Historic resource: 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.

P. Historic Special Review District: 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 TMC 13.07 and has been so designated by City Council.

Q. Landmarks Preservation Commission: the volunteer citizen body appointed by City Council whose primary responsibility is the oversight of the City's historic resources, including the designation of historic resources and districts to the Tacoma Register of Historic Places, reviewing proposed developments and alterations affecting to the properties on the Register and authorizing Certificates of Approval; raising community awareness of the City's history and historic resources, and serving as the City's primary subject matter resource in the areas of history, historic planning, and preservation, as provided for in this chapter and TMC 1.42 and 13.07.

R. Noncontributing property, Historic: A property within a Historic Special Review District or Conservation District which is documented in the district's nomination as not contributing architecturally, historically, and/or culturally to the historic character of the district, or which has been so designated in a Historic Special Review District Inventory drafted and adopted by the Landmarks Preservation Commission, or which has been specifically found to be noncontributing by a vote of the Commission.

FS. Open Record Hearing: A hearing, conducted by a single hearing body or officer authorized to conduct such hearings that create a record through testimony and submission of evidence and information.

GT. Owner: Any person having any interest in the real estate in question as indicated in the records of the office of the Pierce County Assessor, or who



establishes, under this chapter, his or her ownership interest therein.

~~HU~~. Person in Control of Property: Any person, in actual or constructive possession of a property, including, but not limited to, an owner, occupant, agent, or property manager of a property under his or her control.

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

~~IW~~. Project Permit or Project Permit Application: Any land use or environmental permit or license required for a project action, including, but not limited to, subdivisions, binding site plans, planned developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by the critical area preservation ordinance, site-specific rezones authorized by a Comprehensive Plan or sub area plan, but excluding the adoption or amendment of a Comprehensive Plan, sub area plan, or development regulations, except as otherwise specifically included in this subsection. This chapter does not apply to Exempted Activities under Section 13.11.140.

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

~~Y~~. Repair of a City Landmark: to fix or mend features of a property without any change in character, new construction, removal, or alteration.

~~LZ~~. Violation: Any act which results in non-compliance with any of the standards outlined within this title or conditions imposed from land use permits granted by the City.

~~MAA~~. Work Plan: Any document containing information detailing all of the required approvals, processes, timelines, actions, reports, etc., that are necessary to remedy a violation of this title and that said approvals, processes, timelines, actions, reports, etc. will be undertaken in order to gain compliance with this title.

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### 13.05.045 Historic preservation land use decisions.

A. 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 section is to 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, TMC 13.07, and the Preservation Plan element of the Comprehensive Plan.

d. With respect to the goals and policies contained within this chapter 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.

### **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 TMC 13.07, shall be subject to the controls, standards, and procedures set forth herein, as well as in Title 13 Land Use Regulatory Code and other controls of the area in which it is presently located, and the owners of the property shall comply with the mandates of this chapter in addition to all other applicable Tacoma Municipal Code requirements for -the area in which such property is presently or may later be 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 under TMC 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. For the purposes of TMC 13.06.100(B), 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 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 include specific references to any conflicts between the

standards in this chapter and those in TMC 13.06.100, 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 by TMC 13.06A, may conflict with historic preservation standards or criteria and result in adverse effects to historic properties. For the purposes of TMC 13.06A.070B, properties subject to design review and approval by the Landmarks Preservation Commission shall be exempted from the basic design standards 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.070B.

### **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 or site improvements, and changes to floor plans of 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 by the 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 TMC 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 this chapter 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, or 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, and shall provide a copy of its decision to the applicant and 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:

i. The amount paid for the property;

ii. 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;

iii. The cost of any improvements since purchase by the applicant and date incurred;

iv. The assessed value of the land, and improvements thereon, according to the most recent assessments;

v. Real estate taxes for the previous two years;

vi. Annual debt service, if any, for the previous two years;

vii. 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;

viii. Any listing of the property for sale or rent, price asked and offers received, if any;

ix. 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:

i. Annual gross income from the property for the previous four years;

ii. Itemized operating and maintenance expenses for the previous four years;

iii. 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



chapter, and the goals and policies contained in the 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 chapter.

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

H. Ordinary Maintenance and Repairs. Nothing in this chapter 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.

### **13.05.048 Demolition of City Landmarks**

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

d. 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, a written request for waiver of TMC 13.05.050.B.2 and B.4.

5. If a new structure is not planned for the site, the application requirements in this section and 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 TMC 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 TMC 13.05.047.E.1 through E.5.

### 3. 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.

i. 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.

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

iii. 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, architecture or architectural history, and law, 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 subparagraphs A and B, of Section 13.05.048.C, "Demolition of City Landmarks – Automatic conditions," are met.

iv. 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.

i. 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, and taxpayers of record of properties within 400 feet of the subject property.

ii. 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.

iii. 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.

iv. 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 TMC 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 13.05.050.B.2 and 13.05.050.B.4;

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. Building and Land Use Service 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 but are still subject to Landmarks Preservation Commission approval for exterior changes as outlined elsewhere in this chapter.

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 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.

### 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 TMC 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 Commission at its next regular meeting.



2011 Annual Amendment Application # 2011-02  
Historic Preservation Plan and Regulatory Code Amendments

April 20, 2011

Chapter 13.06 and 13.06A (Zoning)

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~. **Highlighted text reflects most recent amendments.**

**13.06.100 Residential Districts.**

The 100 series will contain regulations for all residential classifications, including the following:

- R-1 Single-Family Dwelling District
- R-2 Single-Family Dwelling District
- R-2SRD Residential Special Review District
- HMR-SRD Historic Mixed Residential Special Review District
- R-3 Two-Family Dwelling District
- R-4 Multiple-Family Dwelling District
- R-4-L Low-Density Multiple-Family Dwelling District
- R-5 Multiple-Family Dwelling District
- PRD Planned Residential Development District (see Section 13.06.140)

A. District purposes. The specific purposes of the Residential Districts are to:

1. Implement the goals and policies of the City’s Comprehensive Plan.
2. Implement the Growth Management Act’s goals and county-wide and multi-county planning policies.
3. Provide a fair and equitable distribution of a variety of housing types and living areas.
4. Protect and enhance established neighborhoods.
5. Provide for predictability in expectations for development projects.
6. Allow for creative designs while ensuring desired community design objectives are met.

7. Strengthen the viability of residential areas by eliminating incompatible land uses, protecting natural physical features, promoting quality design, and encouraging repair and rehabilitation of existing residential structures.

B. Districts established.

1. R-1 Single-Family Dwelling District. This district is intended for low-density, single-family detached housing. Other compatible uses such as residential care homes and shelters are also appropriate. The district is characterized by low residential traffic volumes and properties located within the View Sensitive Overlay district. It is most appropriate in established areas with a relatively quiet and stable neighborhood environment.

2. R-2 Single-Family Dwelling District. This district is intended primarily for low-density, single-family detached housing but may also allow limited lodging uses and uses such as limited holiday sales for Christmas and Halloween. The district is characterized by low residential traffic volumes and generally abuts more intense residential and commercial districts.

3. R-2SRD Residential Special Review District. This district is intended primarily for low-density, single-family detached housing, but it also may allow a limited number of two- and three-family dwellings by conditional use permit where the location, amount, and quality of such development would be compatible with the single-family character of the area and enhance the area’s overall quality.

4. HMR-SRD Historic Mixed Residential Special Review District. This district is designed to apply to existing neighborhood areas or portions of existing neighborhood areas which have been designated as an historic special review district because the



buildings within reflect significant aspects of Tacoma’s early history, architecture, and culture as set forth and according to the procedures in Chapter 13.07, and which are characterized by a mix of residential buildings, including single family residential dwellings and multiple family dwellings, and where it is desirable to protect, preserve, and maintain the historic buildings. Single-family dwellings will continue to be the predominant land use within the HMR-SRD district. Conversion of existing multiple-family uses to single-family uses will be encouraged, but not required.

~~If any conflict is found between the regulations of this chapter and the guidelines and criteria of the Historic Special Review Districts found in Chapter 13.07, the guidelines and criteria shall prevail.~~

5. R-3 Two-Family Dwelling District. This district is intended primarily for two-family housing development. Uses such as single-family dwellings, three-family dwellings, and some lodging and boarding homes may also be appropriate. The district is characterized by low residential traffic volumes and generally abuts more intense residential and commercial districts.

6. R-4-L Low-Density Multiple-Family Dwelling District. This district is intended for low-density multiple-family housing, mobile home parks, retirement homes and group living facilities. It is similar to the R-4 Multiple-Family Dwelling District, but more restrictive site development standards are intended to minimize adverse impacts of permitted and conditional uses on adjoining land. The district is characterized by amenities and services associated with single- and two-family residential districts, and it is located generally along major transportation corridors and between higher and lower intensity uses.

7. R-4 Multiple-Family Dwelling District. This district is intended primarily for medium density multiple-family housing. Other appropriate uses may include day care centers, and certain types of special needs housing. The district is characterized by a more active living environment and is located generally along major transportation corridors and between higher and lower intensity uses.

8. R-5 Multiple-Family Dwelling District. This district is intended for high-density multiple family housing, as well as residential hotels, retirement homes, and limited mixed-use buildings. The district is generally located in the center of the city in close proximity to employment centers, conveniences,

services, major transportation corridors, and public transportation facilities.

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.100. All portions of 13.06.100 and applicable portions of 13.06.500 apply to all new development of any land use variety, including additions, and remodels, in all districts in Section 13.06.100, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.100.A through Section 13.06.100.C are not eligible for variances. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply. For individually designated properties listed on the Tacoma Register of Historic Places, and for contributing buildings within Historic Special Review Districts, where there is a conflict between the regulations of this chapter and historic guidelines and standards, the historic guidelines and standards shall prevail pursuant TMC 13.05.046.

2. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

3. Use table abbreviations.

P = Permitted use in this district.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
N = Prohibited use in this district.

4. District use table. (see next page for table)

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**13.06.510 Off-street parking and storage areas.**

A. Purpose. To ensure the safe and adequate flow of traffic in public right-of-way, it is deemed in the interest of the public health, safety, and general welfare that off-street parking areas be required as a necessary part of the development and use of land,



and to ensure that required parking areas are designed to perform in a safe and efficient manner.

Minimum parking requirements are particularly important in order to ensure resident, visitor, customer, and employee parking within reasonable distance to the uses served, reduce congestion on adjacent streets; and to minimize, to the extent possible, spillover parking into adjacent residential areas. The requirements herein set forth are also established to discourage under-used parking facilities and to minimize the amount of land dedicated to parking, consistent with the Comprehensive Plan, that encourages economic development, transit use, carpooling, energy conservation, and air quality improvement by providing for: only the minimum number of stalls necessary, compact stalls, shared parking between uses, transportation demand management, and incentives for reducing the size of parking areas.

Applicability. Buildings, structures, or uses hereafter established, built, enlarged, increased in capacity, or changed in principal use in all districts shall provide the following off-street parking areas:

1. Off-street parking spaces - quantity. The quantity of off-street parking shall be provided in accordance with the standards of the tables below.

a. Fractions. Fractions resulting from required parking calculations will be rounded up or down to the nearest whole number.

b. Multiple uses. Where an establishment on a lot contains multiple types of uses, the required parking spaces shall be equal to the total spaces determined by computing each use type separately, except where specifically stated otherwise herein.

c. Use not listed. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the City Traffic Engineer. Such determination shall be based upon the requirements for the use specified in this section that is most nearly comparable to the unspecified use and traffic engineering principles and studies.

d. Historic buildings and sites. Structures and sites that are individually listed on the Tacoma Register of Historic Places shall be exempt from all parking quantity requirements. This provision does not apply to Historic Special Review District overlay zones.

### 13.06A.060 Development standards.

Development Standards Table.

Districts	Maximum Allowable Floor Area Ratio (FAR) <sup>1</sup>						Height Limits	Non-Res Parking <sup>2, 3, 4, 6</sup>	
	"As of Right"		With Design Standards		With Special Features			Min	Max
	Non-Res	Res	Non-Res	Res	Non-Res	Res		(stalls/floor area sf) <sup>5</sup>	
DCC	3	3	6	6	12	12	400'	2.4/1000	3.6/1000
DMU	2	3	4	5	6	7	100'	2.4/1000	3.6/1000
DR	1	2	2	4	4	6	90'	1.2/1000	3.6/1000
WR	3	4	4	5	6	7	100'	1.2/1000	3.6/1000

Notes:

- The FAR for non-residential and residential uses within a given development are individually calculated and may be added together for a cumulative total, provided that the respective maximum FAR for each use is not exceeded. For example, in the DCC, an "as-of-right" development may have a total FAR of 6, with a FAR of 3 in non-residential use and a FAR of 3 in residential use in a single development.
- For the purposes of calculating maximum allowable FAR, hotels shall be considered a residential use.
- A minimum FAR of 1 shall be achieved for structures within the Downtown Commercial Core district. The gross floor area shall be used to calculate the minimum FAR.
- Building Height will be measured consistent with the applicable Building Code, Height of Building and excludes parapets, mechanical penthouses, elevator overruns and machine rooms, and decorative architectural features (e.g., spires, towers, pergolas, pyramids, pitched roofs) not intended for residential, office or retail space.
- Maximum Building Height within 150' east of the centerline of the right-of-way of Yakima Avenue shall be 60 feet, in order to create a transition to lower-rise residential development to the west.
- Minimum parking ratios for non-residential development located east of Market Street, or located east of Jefferson Avenue from South 21st to South 28th streets shall be reduced by 50 percent in recognition of the availability of transit.
- The first 3,000 square feet of each street level establishment, whether inside or outside the IFSA, is exempt from parking requirements.
- Maximum parking ratios may be exceeded for providing parking available to the public and which is not dedicated to individual owners, tenants and lessees of the building.
- Tandem parking is permitted only for residential development subject to approval of the Traffic Engineer.
- Development shall also comply with the requirements of 13.06.510(C) Loading Spaces.
- No variances shall be granted to these development standards unless otherwise indicated.
- Buildings lawfully in existence on January 10, 2000, the time of reclassification to the above districts, including buildings within the IFSA, do not need to conform to these standards; however, additions will need to conform. No addition can increase nonconformity to these standards or create new nonconformity.
- Unless otherwise specified herein, the off-street parking area development standards contained in TMC 13.06.510, which include minimum stall size and height, aisle width, paving and access requirements, but not including minimum quantity requirements, shall apply to all new off-street parking provided.
- For buildings that contain multiple types of uses, the required number of parking spaces shall be equal to the total number of spaces determined by computing each use types separately, except where specifically stated otherwise herein.
- Structures and sites that are individually listed on the Tacoma Register of Historic Places shall be exempt from all parking quantity requirements. This provision does not apply to Historic Special Review District overlay zones.