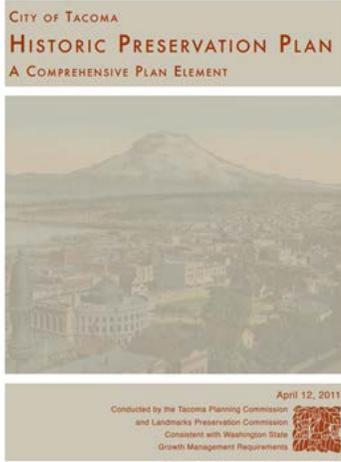


Section II-D

Historic Preservation Code Amendments





Historic Preservation Code Improvements

Staff Report

This proposal seeks to improve the effectiveness of the Historic Preservation Program through a series of code amendments, including: enhancement of demolition/cultural resources impact review within TMC 13.12.570; enhancements to TMC 13.07, including clarification of the nomination and designation process and project review, and the Historic Conditional Use Permit at TMC 13.06.640 F. Companion amendments to TMC 1.42 regarding the composition of the Landmarks Commission are also proposed.

Project Summary	
Applicant:	Planning and Development Services
Type of Amendment:	Code
Location and Size of Area:	Citywide
Current Land Use and Zoning:	Multiple
Neighborhood Council Area:	Multiple
Staff Recommendation:	To Release the Staff Report and Draft Exhibits for public review
Date of Report:	January 16, 2019
Project Proposal:	<p>Major elements of the proposed amendments include:</p> <ol style="list-style-type: none"> 1. Establishment of a citywide demolition review process that would include review of demolition permits for adverse effects to historically significant properties over 4,000 SF, within Mixed Use Centers, and within National Register Historic Districts or affecting National Register listed buildings, as well as clarifying existing demolition review language in code. 2. Amendments to clarify the nomination and designation process, including improvements to language regarding elements that can be included in historic designations, as well as improvements to the language regarding City Council review of nominations (TMC 13.07.050 and others). 3. Changes to nomination requirements to ease nominations locally for properties already on the National Register of Historic Places. 4. Increase effectiveness of Historic Conditional Use Permit by clarifying elements of listed properties eligible for Conditional Use, as well as potential expansion of use palette.



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1. Area of Applicability

These amendments are citywide, but would primarily affect properties with institutional, commercial and multifamily structures and those within National Register Historic Districts.

2. Background

This is an outgrowth of several years of community discussion as well as Landmarks Commission direction, in addition to process issues discovered during project review since the last significant code amendment in 2011.

In 2011 a GIS-based predictive model was created with the objective of providing a data-driven approach to determine what properties might be historically significant, without the need or expense of a field survey. However, after much analysis and review, it was determined that due to limitations on data, there were internal and external validity problems with the model output significant enough to limit its use as a permitting threshold tool (i.e. whether it could be used to determine whether a property was significant enough to require demolition review in permitting).

Moreover, the Downtown Subarea Plan implemented a similar requirement for review of impacts to historic and cultural resources resulting from development activities within the downtown area, under its Cultural Resource Management Plan requirement that is codified at TMC 13.12.570.

The remainder of the propose amendments are not expansions of code or program authority as much as they are clean up and clarification of existing language.

3. Policy Framework

The Historic Preservation Element of the Comprehensive Plan anticipates and supports the proposed amendments. Among other observations, the plan notes that demolition review is an administrative function housed within the Historic Preservation Office, and that presently (2011) the existing tools are not sufficient for this task to be fully functional.

Specifically, the Plan states:

Goal: Historic Resources are Protected from Demolition.

Historically significant properties should be protected from demolition whenever possible. This includes properties eligible for, or listed in, local, state or national historic registers.

Policy HP-21

Provide effective demolition review procedures.

Procedures for demolition review should protect both identified and potential historic resources from demolition.

Action HP-21A

Consider expanding a demolition review and consideration period to non-designated properties that may be historically significant.

Consideration should be given to expanding demolition review to include all properties within a historic or conservation district as well as non-single family residential properties that meet a specific age threshold and

appear on a historic register or are likely to be historically significant based on a predictive model. Note that a review period may also allow for public notice and comment.

The demolition review component of the proposed code amendments also specifically calls out Mixed Use Centers. While centers are a focal point of the City's Growth Strategy, they are also a focal point for place-making and livability. Applicable policies relating to historic preservation within the Mixed Use Center policy framework include:

- Policy DD-5.11 Protect and enhance defining places and features of centers and corridors, including landmarks, natural features, and historic and cultural resources.
- Policy DD-5.12 Protect, restore, and improve historic buildings in centers and corridors on adopted inventories.
- Policy DD-5.13 Encourage new development and public places to include design elements and public art that contribute to the distinct identities of centers and corridors, and that highlight the history and diverse cultures of neighborhoods.

4. Objectives

The following is a summary of how the proposed amendments respond to the objectives identified in 13.02.045.D.4 for amendments to the Comprehensive Plan and Land Use Regulatory Code:

- Address inconsistencies or errors in the Comprehensive Plan or development regulations;

Demolition review is not currently adequate within the City of Tacoma, and as practiced currently is both falling short of the Comprehensive Plan policy direction and the expectations of the community.

The amendments involving the Landmarks code will clarify processes for nominations that have recently arisen, improving the quality of service to Tacoma's citizens.

- Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services;

With increasing real and anticipated development pressure, this amendment is needed to ensure that adequate public review is conducted for projects that may affect historically significant properties in Tacoma. In addition, it potentially provides an opportunity for better project outcomes to ensure that future development is compatible with the character of the existing built environment.

- Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern;

Demolition review would provide an opportunity to identify and mitigate impacts to Tacoma's historic areas resulting from demolition of historically significant structures. This would encourage a balance between new development activity and the character of the existing context.

- Enhance the quality of the neighborhood.

The Historic Conditional Use Permit is intended to encourage the adaptive reuse of historically significant properties within neighborhoods, in cases where historic structure was constructed prior to the adoption of the zoning code and potential new uses are not allowed by the present day zoning. These structures, such as schools or other institutional buildings, are often character defining to the neighborhood and contribute to the neighborhood identity.

To date, the Historic Conditional Use Permit has not resulted in a successful historic adaptive reuse development project. The enhancements to this program would identify and address inadequacies, such as limitations on potential uses or other barriers.

6. Outreach

The following outreach has been conducted to this point in the process:

- The Planning Commission conducted a public scoping hearing on June 6, 2018 and accepts comment on agenda items at regular meetings.
- The Master Builders Association of Pierce County has been briefed on the demolition review concept. The Historic Preservation Office is conversant with our counterparts at the Puyallup Tribe, and we would also offer these proposals for consultation with the appropriate staff at the Tribal administration.
- The Landmarks Commission is the primary subject matter expert on these policy issues, and has discussed all of these amendment areas in recent years at various meetings.

The following outreach will be conducted prior to a Planning Commission recommendation:

- In February, the City will be conducting a series of neighborhood planning workshops to provide information on proposed amendments, to gather community input on the proposals, and to raise awareness regarding the legislative process.
- The Planning Commission will conduct a public hearing on the proposed amendments.

Attachments:

1. Exhibit A: Amendments to the Tacoma Municipal Code
2. Letter from the Landmarks Commission Chair
3. Code amendment summary
4. Questions and Staff Responses
5. Demolition process flow chart



2019 Amendment Application No. 2019-06

Historic Preservation Code Improvements

PROPOSED AMENDMENTS TO THE TACOMA MUNICIPAL CODE TITLE 1 AND 13 – ADMINISTRATIVE CODE AND LAND USE REGULATORY CODE

January 16, 2019

NOTES:

This summary includes the sections that are proposed to be amended for Landmarks Commission review. Each section is an excerpt, in order to cut down on paper usage.

Sections are divided by *** marks, indicating the beginning and end of each amended section. Sections within which language has been omitted for length include ... marks to indicate the omitted language.

Additions are indicated by red underline and deletions are indicated by ~~red-strikethrough~~.

The following code sections are included in this draft language:

1.42 Landmarks Preservation Commission

- 1.42.040 Composition of the Landmarks Preservation Commission
- 1.42.090 Powers and Duties of the Commission
- 1.42.100 Meetings and Procedures
- 1.42.110 Historic Preservation Officer

13.06 Zoning

- 13.06.640 Conditional Use Permit

13.07 Landmarks and Historic Special Review Districts

- 13.07.30 Definitions
- 13.07.040 Tacoma Register of Historic Places – Establishment and criteria.
- 13.07.050 Tacoma Register of Historic Places – Nomination and designation process for individual properties.

13.12 Environmental Code

- 13.12.570 Archaeological, Cultural, and Historic Resources.

1.42.040 Composition of the Landmarks Preservation Commission.

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

The Landmarks Preservation Commission shall consist of ~~11 members as follows~~ the following:

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

B. Professional Positions: In addition to the above, the Commission shall ~~always~~ include a minimum of four individuals who have had professional experience or training related to Historic Preservation originating from employment or study within the

following disciplines: Arts or art history, architecture, history, architectural history, planning, prehistoric and/or historic archaeology, conservation, construction or building trades, landscape architecture, urban planning or design, structural engineering, land use or real estate law, real estate, appraisal or real estate finance, project management or contracting, or a related discipline. These positions shall be named Professional Positions 1 through 4.

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

~~DC.~~ At-Large Positions: The remaining positions may be filled at-large. These shall be referred to as At-Large Positions 1 through ~~34~~.

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

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

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

~~HG.~~ The provisions of this chapter shall be enforced as vacancies occur following the adoption of this legislation.

1.42.090 Powers and duties of the Commission.

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

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

- A. Serve as liaison to the City Council on matters of historic preservation policy.
- B. Establish and maintain the Tacoma Register of Historic Places (“Register”), as provided for in TMC 13.07. The Register shall consist of buildings, structures, sites, objects, and districts identified by the Commission as having historic significance worthy of recognition and protection by the City in accordance with the purposes of this chapter.
- C. Review and advise the City Council regarding nominations to the Tacoma Register of Historic Places for individual listings as well as for potential historic districts, according to criteria and procedures listed in TMC 13.07.
- D. Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register, as provided in TMC 13.05 and 13.07, and adopt standards, design guidelines, and district rules to be used to guide this review and the issuance of a certificate of approval.

1.42.100 Meetings and procedures.

- A. The Commission shall establish a regular time and place for meetings and shall meet a minimum of 12 times per calendar year, or additionally, as necessary, to conduct Commission business. Special meetings may be called by the chairman or by any three members of the Commission upon personal notice being given to all members or written notice being mailed to each member at least 24 hours prior to the date set for such meeting, unless such notice requirement is waived in writing.
- B. A simple majority of appointed filled positions shall constitute a quorum.
- C. All Commission meetings shall be conducted in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation, and the Commission shall adopt standards in its rules to guide this action.
- D. The Commission’s ~~chairman~~ person shall submit an annual report to the City Council, sending a copy thereof to the City Clerk.

1.42.110 Historic Preservation Officer.

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

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

13.07.030 Definitions.

...

“Significant interior ~~features~~spaces” means architectural features, spaces, and ornamentations which are specifically identified in the landmark nomination and which are located in public ~~or common~~ areas of buildings such as lobbies, corridors, or other assembly spaces, ~~or that are of exceptional historic significance due to integrity or association with historic events.~~

13.06.640 (F) Conditional Uses in Historic Structures. A conditional use permit for the reuse of a historic structure and/or site for one of the below- listed uses (where not otherwise allowed by the underlying zoning) shall be authorized only if it can be found to be consistent with all of the following criteria. This provision shall be limited to only ~~those~~ parcels that contain structures and sites that are individually-listed on the Tacoma Register of Historic Places. In granting such a conditional use permit the Director or Hearing Examiner may attach thereto such conditions regarding the location, character, orientation, layout, access and other features of the proposed development as may be deemed necessary to ensure consistency with the intent of the TMC and Comprehensive Plan and ensure that use of the building and site will be compatible with the existing, historic attributes of the building and site and surrounding uses.

1. The use shall be consistent with the goals and policies of the Comprehensive Plan, any adopted neighborhood or community plans, and applicable ordinances of the City of Tacoma.
2. The use shall be located, planned, and developed in such a manner that it is not inconsistent with the health, safety, convenience, or general welfare of persons residing or working in the community. The following shall be considered in making a decision on a conditional use permit:
 - a. The generation of noise, noxious or offensive emissions, light, glare, traffic, or other nuisances which may be injurious or to the detriment of a significant portion of the community.
 - b. Availability of public services which may be necessary or desirable for the support of the use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian, and public transportation systems), education, police and fire facilities, and social and health services.
 - c. The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties.
3. The proposed re-use shall promote the preservation and/or restoration of the designated historic structure(s) on the site.
4. Whether the proposed re-use is necessary to maintain and preserve the historic property due to unique circumstances of the property.
5. The proposed reuse and design of any modifications to the historic structure(s) and site shall be approved by the Landmarks Preservation Commission.
6. The proposed use(s) shall be limited to ~~one of~~ the following:

Art/Craft production	Assembly facilities	Continuing care retirement community
Cultural institutions, <u>including art galleries</u>	Extended care facility	Group housing
Intermediate care facility	Lodging house	Multi-family dwellings
Offices offering professional dental, medical, legal or design services	Offices for charitable, philanthropic or community service organizations where it can be shown that there is limited contact with the general public	Personal services
Retirement home	Retail, only as an incidental use to one or more of the other listed uses	<u>Eating and Drinking</u>
<u>Live Work</u>		

13.07.040 Tacoma Register of Historic Places – Establishment and criteria.

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

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

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

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

2. Designation Criteria: In addition to the above, a property may be designated to the Tacoma Register of Historic Places if it:

- a. Is associated with events that have made a significant contribution to the broad patterns of our history; or
- b. Is associated with the lives of persons significant in our past; or
- c. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- d. Has yielded or may be likely to yield, information important in prehistory or history; or
- e. Abuts a property that is already listed on the Tacoma Register of Historic Places and was constructed within the period of significance of the adjacent structure; or
- f. Is already individually listed on the National Register of Historic Places; or
- g. f. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood or City.

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

- a. The interior space meets the definition of “significant interior spaces” as described in this chapter and contributes to the historic character of the property, and
- b. That the protection of the interior space would provide broad public benefit.

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

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

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

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

- a. A narrative statement which addresses the historical or cultural significance of the property, in terms of the Designation Criteria listed in this chapter; and
- b. A narrative statement which addresses the physical condition assessment and architectural description; and
- c. Specific language indicating which improvements on the site are included in the nomination, including any significant interior spaces ~~within publicly owned buildings~~; and

...

B. Landmarks Preservation Commission Preliminary Meeting on Nomination.

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

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

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

2. No person shall carry out or cause to be carried out any alteration of any building, site, structure, or object under consideration by the Landmarks Preservation Commission for designation as a City Landmark, without a Certificate of Approval pursuant to TMC 13.05.047.

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

...

D. City Council Review of Designation.

1. Upon receipt of a recommendation from the Commission, the City Council may place the nominated property on the Tacoma Register of Historic Places ~~approve the same~~ by adoption of a resolution designating the structure property 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 the Council determines shall be subject to Landmarks Preservation Commission regulation.

3. Upon adoption of a resolution approving the designation of a historic building as a City landmark, the City ~~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~~ its jurisdiction.

13.12.570 Archaeological, Cultural, and Historic Resources.

A. Regional Growth Centers.

1. This section sets forth provisions for addressing archaeological, cultural, and historic resources for projects located within the Downtown Tacoma Regional Growth Center and within the Tacoma Mall Neighborhood Regional Growth Center in areas where a Subarea Plan and a companion area-wide, non-project Environmental Impact Statement (“EIS”) have been completed. The Planning and Development Services Department will use this process and any required assessments to evaluate potential impacts and assist in identifying and establishing appropriate mitigation measures.

2. Cultural Site Assessment Requirements ~~B. Known Archaeological, Cultural and Historic Resources.~~

a. 1. ~~All a~~ Applications for a permit shall ~~indicate identify~~ whether the property is within 500 feet of a site known to contain an historic, cultural or archaeological resource(s) ~~based upon historic registers and records.~~ ~~Locations Records~~ of known ~~archaeological~~ sites are restricted ~~and c-~~ Consultation with the Washington Department of Archaeology and Historic Preservation or a certified archaeologist will be required.

(1) ~~If there are no known historically designated or significant sites within 500 feet of the subject property, a letter to the Historic Preservation Officer should be submitted with the development stating so, along with the research methods used and resources consulted.~~

(2) ~~If the property is determined to be within 500 feet of a site known to contain historic, cultural, or archaeological resources, the City shall require a cultural resource site assessment; provided that, the provisions of this section may be waived if the Director determines that the proposed development activities do not include any ground disturbing activities and will not impact a known historic, cultural or archaeological site. The intent of the site assessment is to identify potentially affected historic or cultural significant properties near the project area, and to provide a general assessment of the potential impacts to these properties. The site assessment shall be conducted in accordance with Washington State Department of Archaeology and Historic Preservation guidelines for survey and site reporting to determine the presence of significant historic or archaeological resources. The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party. The site assessment shall contain the following elements:~~

(a) ~~The Cultural Resource Assessment shall catalog known significant historic or cultural sites in the vicinity (500 feet) of the proposed project, and assess whether there are any probable impacts to those sites resulting from the development activity. This assessment shall include photographs and a brief description of significant sites, a description of anticipated impacts (if any) and a map showing locations relative to the proposed development.~~

(b) ~~Where there is a large planned development that may affect numerous historically significant properties, and for any project that includes demolitions of structures 50 years of age or older, the documentation of buildings must be conducted in accordance with Washington State Department of Archaeology and Historic Preservation guidelines for survey and site reporting. Such documentation must include an assessment of the historic significance or lack thereof, and the basis for this assessment.~~

(c) ~~Demolition of historically significant structures or the disturbance of documented archaeological sites will automatically require the preparation of a Cultural Resource Management Plan (see below).~~

(d) ~~Waivers of the Cultural Site Assessment. Applicants may request that the provisions of this section be waived by submittal of a written request stating the basis for such a waiver, including the resources consulted and research conducted.~~

(e) ~~The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party, if needed.~~

(3) ~~From the date of receipt of the Cultural Resource Assessment, the Historic Preservation Officer shall have thirty (30) days to review the document. The Historic Preservation Officer may accept the assessment as presented, request additional information or clarification, or find that, due to likely adverse effects upon historically or culturally significant properties resulting from the development project, a Cultural Resource Management Plan should be completed.~~

3. Cultural Resource Management Plan

a. 2. ~~If the cultural resource site assessment identifies the presence of significant historic or archaeological resources, for which there is an anticipated adverse effect resulting from the proposed development activity, a Cultural Resource Management Plan (“CRMP”) shall be prepared by a professional archaeologist or historic preservation professional paid by the landowner or responsible party. In the preparation of such plans, the professional archaeologist or historic preservation professional shall solicit comments from the Washington State Department of Archaeology and Historic Preservation and the Puyallup Tribe. Comments received shall be incorporated into the conclusions and recommended conditions of the CRMP to the maximum extent practicable.~~

b. ~~The CRMP is intended to provide documentation that allows a thorough assessment of the anticipated adverse impacts to historic and culturally significant properties resulting from development activities within the regional growth center or subarea. The CRMP shall be prepared by a qualified cultural resources consultant, as defined by the Washington State Department of Archaeology and Historic Preservation, and 3.-A CRMP shall contain the following minimum elements and information:~~

a. ~~The CRMP shall be prepared by a qualified cultural resources consultant, as defined by the Washington State Department of Archaeology and Historic Preservation;~~

(1) b. ~~A Description of the Area of Potential Effect (“APE”) for the project, defined as geographic area or areas within which the development project may directly or indirectly cause changes in the character or use of historic or culturally significant~~

properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of the project and may be different for different kinds of effects caused by the project. ~~including~~ The justification for the APE shall include a general description of the scope of work for the project and the extent and locations of ground disturbing activities (ground disturbing activities include excavations for footings, pilings, utilities, environmental testing or sampling, areas to be cleared and/or graded, demolition, removal or relocation of any existing structures, and any other ground disturbances that may occur as a result of construction activities);

(2) An inventory and assessment of all historically and culturally significant/designated properties within the APE, including citations, with dates, of any previous written documentation on listed or known culturally significant sites. In compiling this information consultations with the following agencies shall be necessary, and a list of the agency officials that were consulted with shall be included, such as the Washington State Department of Archaeology and Historic Preservation, the City of Tacoma Historic Preservation Office, and the Puyallup Tribe of Indians;

(3)e. Photographs of the APE, including existing structures and areas of construction activities; An assessment of probable direct and indirect impacts within the APE resulting from development activities, including:

(a) Demolition of any buildings or structures over 50 years of age.

(b) The potential for the site to contain historic or prehistoric archaeological materials, based on the topography of the property, historical literature, geological data, geographical context, or proximity to areas of known cultural significance.

(4) d. An examination of project on-site design alternatives; ~~including an explanation of why the proposed activity requires a location on, or access across and/or through, a significant historic or archaeological resource; and~~

e. An explanation of why the proposed activity requires a location on, or access across and/or through, a significant historic or archaeological resource; and

f. Citations, with dates, of any previous written documentation on listed or known culturally significant sites. In compiling this information consultations with the following agencies shall be necessary, and a list of the agency officials that were consulted with shall be included:

(1) State Department of Archaeology and Historic Preservation to identify buildings, sites, or objects within the APE that are listed on the National Register of Historic Places or the Washington State Heritage Register.

(2) City of Tacoma Historic Preservation Office to identify any buildings, sites, or objects within the APE listed on the Tacoma Register of Historic Places.

(3) The Puyallup Tribe of Indians Historic Preservation Section to identify any buildings, sites, or objects within the APE within the 1873 Land Claims Settlement Survey Area.

g. An assessment of probable adverse impacts to culturally significant buildings, sites, or objects, resulting from:

(1) Demolition of any buildings or structures over 50 years of age.

(2) The potential for the site to contain historic or prehistoric archaeological materials, based on the topography of the property, historical literature, geological data, geographical context, or proximity to areas of known cultural significance.

(5) h. A description of how potential adverse effects to cultural resources as a result of construction activities will be mitigated or minimized. Subject to review and approval of the City's Historic Preservation Officer, appropriate mitigation may include, but is not limited to:

(a) ~~(1)~~ Additional consultation with federal, state, local and tribal officials or the Tacoma Landmarks Commission.

(b) ~~(2)~~ Additional studies such as pedestrian surveys, subsurface testing, remote sensing, phased or periodic testing as a part of any geotechnical assessment or soil testing required for the project, or monitoring during construction.

(c) ~~(3)~~ Avoidance of historic/cultural resources;

(d) ~~(4)~~ Retention of all or some of a historic structure into a new development;

(e) ~~(5)~~ Interpretive/educational measures;

(f) ~~(6)~~ Off-site/on site preservation of another historic resource;

(g) ~~(7)~~ Recording the site with the Washington State Department of Archaeology and Historic Preservation, or listing the site in the National Register of Historic Places, Washington Heritage Register, as applicable, or any locally developed historic register registry formally adopted by the City of Tacoma;

(h) ~~(8)~~ Preservation in place;

(i) ~~(9)~~ Reinterment in the case of grave sites;

(j) ~~(10)~~ Covering an archaeological site with a nonstructural surface to discourage pilferage (e.g., maintained grass or pavement);

(k) ~~(11)~~ Excavation and recovery of archaeological resources;

(l) ~~(12)~~ Inventorying prior to covering of archaeological resources with structures or development; and

(m) ~~(13)~~ Monitoring of construction excavation.

c. 4. Upon receipt of a complete permit application in an area of known historic/archaeological resources, the City shall notify and request a recommendation from appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation and the Puyallup Tribe. Recommendations of such agencies and other affected persons shall be duly considered and adhered to whenever possible and reasonable.

d. 5. The recommendations and conclusions of the CRMP shall be used to assist the Director in making final administrative decisions concerning the presence and extent of historic/archaeological resources and appropriate mitigating measures. The Director shall consult with the Washington State Department of Archaeology and Historic Preservation and the Puyallup Tribe prior to approval of the CRMP.

e. 6. The Director may reject or request revision of the conclusions reached in a CRMP when the Director can demonstrate that the assessment is inaccurate or does not fully address the historic/archaeological resource management concerns involved.

B. Demolition of Historic Resources - Citywide

1. Scope and Applicability. This section sets forth provisions for review of demolition permits that affect structures that are 50 years of age or greater at the time of permit application, and that involve demolition of 4000 gross square feet or more on a parcel, or are located within designated Mixed Use Centers, or are properties listed on the National Register of Historic Places either as part of a district or individually listed. The following project types are exempt from this section:

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

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

2. Demolitions affecting designated City Landmarks. All demolition permits affecting City Landmarks (either individually listed or within local historic special review districts) shall be reviewed pursuant to procedures outlined in TMC 13.05.048 and TMC 13.07.110.

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

a. Current photographs of all elevations of all affected structures

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

c. Narrative of any known history of affected structures (construction date, architect, builder, occupants, associated events)

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

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

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

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

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

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

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

d. A complete legal description; and

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

6. The Historic Property Assessment Report shall be forwarded to the Landmarks Preservation Commission for its review. If the Commission finds that the affected properties should be included in the Tacoma Register of Historic Places, it shall transmit such a recommendation to the appropriate Council Committee for concurrence.

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

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

9. During the demolition review process, all requirements of TMC 13.05.046 relating to the alteration of historic properties apply to the affected properties. If the demolition permit application is withdrawn, but the Commission or City Council is considering historic designation of the subject property, the historic designation review will continue regardless of the demolition permit status.

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

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



City of Tacoma
Landmarks Preservation Commission

December 12, 2018

Stephen Wamback, Chair
Tacoma Planning Commission

Dear Chair Wamback:

On behalf of the Landmarks Preservation Commission, I am pleased to present the Commission's recommendations for amendments to Title 13 of the Tacoma Municipal Code, in regard to historic preservation. This set of amendments ranges from minor adjustments to existing language for the purposes of clarity, to a new section covering the review of certain demolition permits in the City, that addresses what the Commission feels is a gap in existing regulations.

Specifically, the enclosed code language includes the following general scope:

1. Establishment of a citywide demolition review process.

Currently the City reviews demolition permits that affect City Landmarks and buildings within locally designated historic districts, as well as development permits within the Downtown and Mall Subareas for adverse effects to cultural and historical resources (TMC 13.12.570). However, outside of the subareas and locally designated historic districts, there is very little review for cultural and historic resources. The efforts to improve demolition review began with the adoption of the Historic Preservation Plan in 2011 and the subsequent discussions that have occurred since then, including the Planning Commission, Landmarks Commission and City Council.

The proposed language would:

- Create a new process that includes enhanced review of demolition permits that involve the demolition of structures 50 years old or older, and 1) involve a cumulative demolition of 4000 sf or more of buildings a parcel, or 2) are located within Mixed Use Centers, or 3) are contributing properties within National Register Historic Districts or are individually listed on National Register of Historic Places. Historically significant structures proposed for demolition would receive additional review, and potentially be recommended to City Council for Landmarks protection.
- Amend the existing demolition review language for subareas, including the Downtown Subarea and the Mall Subarea (TMC 13.12.570 "Cultural Resource Management Plan"), for usability and predictability.

The Commission believes that these proposed additions and amendments to the code will close gaps in the review process and provide for a more transparent assessment of impacts to cultural resources resulting from development activity.

2. Improvements to the nomination and designation of properties to the Tacoma Register of Historic Places, including:
 - Clarification regarding elements that can be included in historic designations
 - Clarification of the role of City Council in its review of nominations (TMC 13.07.050 and others).
 - Ease the process for nominating properties already individually listed on the National Register of Historic Places to the Tacoma Register of Historic Places

3. Increase effectiveness of Historic Conditional Use Permit
 - The Commission recommends further consideration of potential improvements to the Historic Conditional Use Permit language to improve its usability by expanding the table of potential uses to include eating and drinking establishments, Live Work, and potentially other uses that the Planning Commission may wish to consider.
 - Clarify existing language where it is unclear or unnecessarily restrictive.

These recommendations are accompanied by related “clean up” items proposed within TMC 1.42 including general language clean up (removing outdated references and revising language to be gender-neutral), removing the “arts commission liaison” position from the Commission, and other minor changes.

This body of recommendations represents the product of several years of discussion by the Landmarks Preservation Commission, staff, and the community. This year, the proposed amendments have been under review since August at the Landmarks Commission’s regularly scheduled meetings.

We believe that the proposed amendments will result in a significant increase in the effectiveness of the cultural resource management toolkit in Tacoma, while balancing the need to protect our most important historic resources with the need to accommodate future growth and ensure predictable, customer service focused project review.

Sincerely,



Kevin Bartoy,
Chair

Enclosures:

Draft Recommended Amendments to 13.05, 13.07, and 13.12

Attachment 3: Summary of Proposed Amendments

Major elements of the proposed amendments include:

1. Establishment of a citywide demolition review process that would include review of demolition permits for adverse effects to historically significant properties over 4,000 SF, within Mixed Use Centers, and within National Register Historic Districts or affecting National Register listed buildings, as well as clarifying existing demolition review language in code.
2. Amendments to clarify the nomination and designation process, including improvements to language regarding elements that can be included in historic designations, as well as improvements to the language regarding City Council review of nominations (TMC 13.07.050 and others).
3. Changes to nomination requirements to ease nominations locally for properties already on the National Register of Historic Places.
4. Increase effectiveness of Historic Conditional Use Permit by clarifying elements of listed properties eligible for Conditional Use, as well as potential expansion of use palette.

The following is a summary table of potential amendments:

Topic	Code Area	Current Status	Proposed
Administrative	All	Certain areas of the code have outdated language that refers to old organizational structure, outdated processes, etc.	All mentions of BLUS and CEDD, gender neutral language, paper copies for applications
Commission composition	1.42	The Commission composition includes a position for "Arts Commission Liaison." The corresponding "Landmarks Commission Liaison" on the arts commission was eliminated several years ago, and the "Arts Commission Liaison," which is appointed by the Arts Commission chair, has been vacant for several years.	Remove Arts Commission Liaison position.
Demolition/cultural resource review	13.12	Currently, there are specific provisions in the code for demolition review for designated City landmarks and buildings within locally designated historic and conservation districts, as well as demolition review within the Downtown Subareas through the "Cultural Resources Management Plan" provision in TMC 13.12.570. However, outside historically designated areas and the Downtown	Create a pilot citywide demolition review that lowers the threshold for environmental review (SEPA) of demolition of structures that are 50 years of age and older to 4,000 SF, and: <ul style="list-style-type: none"> • Exempt SF homes, except houses within NR historic districts

		Subareas, there is no formal provision for demolition review of potentially historic resources other than through SEPA. The SEPA review threshold for demolition permits is 12,000 SF.	<ul style="list-style-type: none"> • Under 4,000 SF exempt, except in NR districts and mixed use centers • Create a checklist process • May refer demolition permits to LPC
Nomination process	13.07.030 and 13.07.050	<p>Currently code definitions include the term <i>significant interior features</i>, which is defined as “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.” This is the only area in code that interiors are specifically defined. Elsewhere, in the nomination section, the term <i>significant interior spaces</i> is used to define interior spaces that may be included in the nomination, and this section further limits this to “publicly owned buildings.”</p> <p>The City’s interpretation of this set of codes is that “significant interior features” and “significant interior spaces” are intended to mean the same thing.</p> <p>Currently, the interior spaces under the authority of the Commission include the lobbies of the municipal building and the auditorium of the Pantages (by convention), and the front rooms of the Pt. Defiance Superintendent’s House (by nomination).</p>	<ul style="list-style-type: none"> • Change the definition “significant interior features” to “significant interior spaces” to match the term elsewhere in the code • Remove restriction of interior spaces that limits eligibility to publicly owned buildings • Provide additional guidance for “public spaces” within buildings
Nomination and designation	13.07.050.D.1	Clarification of City Council review. Currently the code states that council may approve	Clarify the language to distinguish between the designation and the

		<p>a resolution designating a landmark, deny it or refer the nomination back to the Commission as it may deem appropriate. Further, the code states that if the designation is approved, the Council shall include in its resolution the elements which are part of the designation and subject to LPC review.</p> <p>This has been interpreted to mean that the Council may not amend the scope of the recommendation without first referring it back to the Commission. However, it is the City's interpretation that the Council has the discretion to make changes and to include within the designation those elements that the Council deems appropriate for landmarks protection.</p>	controls within the resolution that council passes.
Nomination of NR listed properties	13.07.040 and 13.07.050	Currently, individual properties that are on the historic register must still go through the full local nomination process to be locally designated, including a local nomination form and the "two meeting" process. There has been some discussion regarding individual NR listed properties and whether it should be easier to nominate them to the Tacoma register of historic places.	Revise the code so that NR listed properties are automatically considered eligible for the Tacoma Register, eliminating the need for a "preliminary meeting," and expedite the nomination process for NR listed properties (i.e. use existing nomination forms without further work)
Conditional Use Permit	13.06	The historic conditional use permit was created in 2007 in order to provide a land use tool that expanded potential uses in historic structures beyond what is allowed in the base zone. A prototypical example is an institutional building in a single family neighborhood, such as a school. However, since 2007, there has been only one	Add language to clarify which elements of a historic property are eligible for the CUP, provide additional guidance for reviewers of CUP permits, expand use table, remove unintentionally limiting language.

		<p>successful application for the program that has resulted in an operating conditional use. Moreover, there has been some confusion whether all elements of a historically designated property may utilize the CUP or only the historically “contributing” elements.</p>	
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II-D: Historic Preservation Code Amendments Attachment 4: Question and Response

1. *How many properties in total citywide would fall under the requirements of the new demolition review code?*

Staff Response: The draft code as currently proposed contains several thresholds. It applies to demolition permits for demolitions of buildings 50 years of age or greater and that would remove 4,000 SF or greater within a parcel, exempting single family structures, or are within a mixed use center. The existing SEPA threshold is 12,000 SF. It would also apply to properties that are listed on the National Register of Historic Places either individually or as contributing structures within a historic district.

According to parcel data, there are approximately 42,000 buildings in Tacoma that are older than 50 years. Of these, 1,580 properties citywide that contain improvements exceeding 4,000 SF.

There are approximately 1,900 buildings that are listed on the National Register either individually or as part of a district.

Lastly, there are approximately 4,400 buildings of all ages within Mixed Use Centers. Mixed Use Centers vary greatly in development history; areas such as South Tacoma will have many older buildings, whereas centers like Tacoma Central have far fewer older structures.

2. *What does the demolition review process look like and what are the timelines for review?*

Staff Response: As currently proposed, when a demolition permit is received it will be reviewed to see if it meets any of the thresholds for the demolition review process. This would occur as with any permit in its initial stages.

If it meets any of the criteria for demolition review, historic preservation staff will have up to 30 days to determine if it appears to meet the existing code criteria for inclusion in the Tacoma Register of Historic Places, and if so, will request a historic property assessment report to be completed by the applicant and submitted to the Landmarks Commission.

The criteria for inclusion in the Tacoma Register of Historic Places are:

1. *Threshold Criteria:*
 - a. *The property is at least 50 years old at the time of nomination; and*
 - b. *Retains integrity of location, design, setting, materials, workmanship, feeling, and association such that it is able to convey its historical, cultural, or architectural significance*

2. *Designation Criteria: In addition to the above, a property may be designated to the Tacoma Register of Historic Places if it:*
- a. *Is associated with events that have made a significant contribution to the broad patterns of our history; or*
 - b. *Is associated with the lives of persons significant in our past; or*
 - c. *Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or*
 - d. *Has yielded or may be likely to yield, information important in prehistory or history; or*
 - e. *Abuts a property that is already listed on the Tacoma Register of Historic Places and was constructed within the period of significance of the adjacent structure; or*
 - f. *Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood or City.*

On receipt of this report, the Commission will determine at its next meeting whether the property should be formally considered for designation to the Tacoma Register of Historic Places, and if so, forward a recommendation for further consideration to the Infrastructure, Planning and Sustainability Committee. The Committee would have up to 60 days to act on the recommendation. If no action is taken within the timeline, the review process is concluded. If the Committee concurs, the Landmarks Commission would schedule a public hearing at its next available agenda, which is typically within 21 days with notice requirements. Following the hearing, if the Landmarks Commission recommends that all or part of the property should be designated to the Tacoma Register of Historic Places, a resolution would be prepared for Council consideration.

(See attachment 5: Process Flow Chart)

3. *What are the potential outcomes and/or mitigations that might result from this process?*

Staff Response: Staff anticipates that the outcome for the majority of demolition permits falling within the scope of this process is that the review will conclude at the staff review stage, due to lack of historic integrity (alterations) or because the buildings do not meet the historic significance criteria.

However, for buildings that complete the full review process, it means that alterations to the historically significant elements of the property will be reviewed by the Landmarks Preservation Commission. It does not mean that the building cannot be

changed, renovated or modernized, or even razed – just that these proposals will be reviewed during the permit process.

Mitigation is not formally identified within the proposed demolition review code. However, potential outcomes could include compromises reached between the Landmarks Commission and applicants, such as design amendments to proposed developments that would avoid removing certain historically important elements of a property.

The existing code for demolition review within subareas (TMC 13.12.570) does include examples of mitigation measures, but does not provide guidance on their applicability.

Mitigation measures may include:

- Additional consultation with federal, state, local and tribal officials or the Tacoma Landmarks Commission.
 - Additional studies such as pedestrian surveys, subsurface testing, remote sensing, phased or periodic testing as a part of any geotechnical assessment or soil testing required for the project, or monitoring during construction.
 - Avoidance of historic/cultural resources;
 - Retention of all or some of a historic structure into a new development;
 - Interpretive/educational measures;
 - Off-site/on site preservation of another historic resource;
 - Recording the site with the Washington State Department of Archaeology and Historic Preservation, or listing the site in the National Register of Historic Places, Washington Heritage Register, as applicable, or any locally developed historic registry formally adopted by the City of Tacoma;
 - Preservation in place;
 - Reinternment in the case of grave sites;
 - Covering an archaeological site with a nonstructural surface to discourage pilferage (e.g., maintained grass or pavement);
 - Excavation and recovery of archaeological resources;
 - Inventorying prior to covering of archaeological resources with structures or development; and
 - Monitoring of construction excavation.
4. *Using 50 years of age as a criterion seems arbitrary, as there are buildings that are not yet 50 years of age that may be significant due to associations with events or other factors, and there are many buildings older than 50 years of age of no historic value.*

Staff response: The age criterion is a standard used nationally by local, state and federal historic preservation programs as a threshold, or starting point, when considering historic significance. Fifty years is the threshold age in the City of Tacoma landmarks designation criteria, and it is also the generally used threshold age for National Register eligibility used by the National Parks Service (in exceptional circumstances, properties that have achieved significance within the

last 50 years may also be determined eligible). It is considered to be an appropriate amount of time to provide historical perspective to properly assess historic importance. There are many examples that one could use to demonstrate that it is imperfect.

To point, there are clearly buildings that are younger than 50 years being extraordinarily important, such as the Space Needle in Seattle, which is why Seattle is unusual in that it extended its landmarks eligibility to begin at 25 years of age.

The 50-year-old threshold in Tacoma could be lowered to be more inclusive; this would result in a higher number of properties reviewed under the proposed demolition review ordinance.

Likewise, there are thousands of buildings in Tacoma that are 50 or even 100 years of age that we would not consider historically significant. Many of us live in homes which meet the age criterion and are pleasant, but are otherwise unremarkable in terms of historic preservation.

This brings up a second point that is important to bear in mind, which is that 50 years is only a threshold determination. It does not automatically mean that a property is historically important, only that it might be. There are other criteria that need to be evaluated before a determination of significance is made, such as whether a property is significantly associated with events, or individuals, or historical narratives that are important.

The age threshold in the demolition review ordinance is designed to be consistent with standards already in place in the Tacoma Municipal Code, and state and federal law. It is also intended to strike a balance between protecting the historic character of the city and fostering development within it. While imperfect on its own, it is not an arbitrary criterion but rather a common standard for review.

5. *Buildings that are not yet 50 years of age may contain significant or important materials. Does the demolition review code address this?*

Staff response: The demolition review code as proposed does not use materials or other aspects of a building as a threshold trigger. However, preservation, reuse and recycling of architectural elements and historic materials is an important issue not only for historic preservation but also in terms of sustainable development practices. However, at this time, the draft demolition review code is intended to provide a limited, reasonable threshold to review projects of a certain scale that may have an adverse effect on the historic character of the city.

6. *Is a building the only structure that can trigger a historic preservation review? What about a cobblestone street? What about a neighborhood?*

Staff response: The scope of this code as proposed includes only projects involving demolitions that meet the age and square footage threshold. It is

important to note that the demolition review code is not intended to regulate all development activities within the city; its scope is intentionally set to certain parameters. The demolition review ordinance is not intended to protect or regulate all aspects of Tacoma's history; in some cases, there are other regulations that do this, or better tools, and in other cases, it is simply a matter of striking the right balance.

There are many historical elements within the built environment that could be preserved, including historic street paving, granite curbs and brick gutters, street lights, and other features within Tacoma. Some, such as Wright Park, are listed on the Tacoma Register of Historic Places on their own merits.

Streets, in particular, represent a significant management challenge for the City due to costs associated with maintenance and upkeep and the utilities that often run beneath the surface. The Landmarks Commission and the City have had numerous discussion on this subject; in 2005 City Council adopted a new Landmarks Ordinance that categorically exempted streets from historic designation and also exempted them from historic district regulations. The disqualification of streets from historic designation was removed in 2008, but they still remain exempt from historic district requirements in the municipal code.

The primary point in this answer is that there are many elements within the built environment that are important to residents and to our shared history, and each represents a unique challenge when it comes to finding the appropriate level of management and protection.

7. *This proposal creates yet another sub-process in the already lengthy permitting process for re-development projects that may have 50-year-old buildings of no historic value.*

Staff response: It is the recommendation of the Landmarks Preservation Commission and the Planning Services Division that the existing process for the review of demolition of potentially significant buildings is not an acceptable status quo. While the appropriate level and timing of such a review is a matter of debate, there currently is no historic demolition review for large sections of the city, despite the fact that historic preservation is called out in the Growth Management Act as well as within the State Environmental Policy Act (and within the Act there is no lower threshold for review of historically significant buildings proposed for demolition). Development of improved demolition review is specifically directed within the Comprehensive Plan's existing policies (noted in the staff report included in the January 16th meeting packet).

The City likely has the authority under existing SEPA rules to conduct demolition review, but without language in the Tacoma Municipal Code to provide guidance to staff, the public and the development community, such a practice would be highly unpredictable and confusing.

Other specialized review processes do exist, including Critical Areas, wetlands,

and shorelines (the latter of which contains historic review language very similar to what is currently in the Tacoma Municipal Code for the subarea Cultural Resource Management Plan section). All of these review processes have thresholds.

The 50-year-old threshold is simply one way of determining whether a property falls within the scope of review, not how lengthy the review will be, and it certainly does not mean that “buildings of no historic value” will be subjected to a drawn-out, lengthy and unnecessarily burdensome permitting process.

It is worth pointing out that historic preservation as a permit review process in Tacoma is one of the most efficient within the Planning and Development Services Department, despite the often inaccurate representation of historic preservation as an obstructionist and arbitrary function of city and state governments, and the historic preservation program maintains a high level of credibility within the City organization and with its constituency.

8. *The proposed code does nothing to identify buildings that may have historic value even though they are not yet 50 years old.*

Staff response: This is correct, and the reason for this is that this code is not designed to be a tool for survey and identification of historic buildings. Survey and inventory is a function of the historic preservation office, not a permitting function. The City’s policies promote the use of surveys to proactively identify historic and cultural resources as a part of subarea or neighborhood planning, particularly in areas of likely growth and redevelopment.

The City currently has two historic buildings surveys as GIS data layers, including the Tacoma Cultural Resource Inventory, which was conducted between 1977-1981 and includes approximately 1,600 buildings. These records have been periodically updated with supplemental update surveys conducted in 1993 and 2004 in Hilltop, 2000-2003 in the Central Business District and in 2006 in the Whitman area, but the records are very incomplete. In 2011, the City commissioned a historic building predictive GIS model to categorize the potential significance of buildings built prior to 1965, using assessor data, historical records and building records from the Tacoma Public Library. However, while the database model provided useful aggregate building data, initial field testing and a subsequent analysis of its internal validity indicated that it was not a suitable basis for a demolition review permit requirement. In short, it missed important buildings and included many properties that were not significant.

A possible amendment to the proposed demolition review code that the Planning Commission could consider is to utilize the historic building inventory in lieu of the current criteria where an up to date survey has been completed.

The City is also currently working with the community advocacy organization Historic Tacoma to identify and inventory significant buildings within the Proctor Mixed Use Center, and recently partnered with the University of Washington

through the Livable City Year Program to identify potential historic districts and resources in the McKinley Hill and South Tacoma neighborhoods, work that is ongoing.

9. *The historic preservation proposal is triggered only when demolition of a 50+ year-old building is proposed. As Commissioner Santhuff pointed out, will there be limits to the remodeling of historic buildings so that only period remodels are allowed?*

Staff response: This proposed code is only intended to review demolitions. There are other areas in the municipal code that deal with alterations of historic buildings (i.e. buildings that are within historic districts or individually listed on a historic register).

Generally speaking, the policy of this and other cities is to conduct design/historic review on older buildings only when they have been given a special status such as a historic designation. Further, that most historic designations are initiated by the property owner, although in Tacoma (and other cities, such as Seattle) owner consent is not required for the City Council to place a building on a historic register.

II-D: Historic Code Amendments
Attachment 5: Demolition Process Flow Chart

Development permit submitted that includes demolition of structures

Note: for projects within locally designated historic districts, or that affect individually designated landmarks, or are within Subareas with adopted Subarea Plans, demolition review will occur under existing codes.

Does the demolition affect a property that is listed on the National Register of Historic Places or is a contributing property within a NR District?

Or

Does the demolition affect a property that is 50+ years old AND propose to demolish 4000+ SF or is located within a Mixed Use Center?

Note: According to parcel data, there are approximately 1,580 properties that are older than 50 years and contain >4000 SF of improvements.

There are approximately 1,900 properties within NR districts that are not locally listed as well.

There are approximately 4,400 properties within Mixed Use Centers of all ages.

Does the Landmarks Preservation Commission find that the property should be formally considered for the Tacoma Register of Historic Places?



Does the affected property appear to meet the criteria for inclusion in the Tacoma Register of Historic Places?

Note: Applicant submits summary property report and HPO may review for 30 days.

If property appears to be significant according to the criteria in code, HPO will request "Historic Property Assessment" report to be submitted to the Landmarks Commission.

Review by IPS Committee: Concurrence must be given within 60 days.

Note: 60 days is presently proposed to allow adequate time for committee agenda scheduling.

Formal consideration by Landmarks Commission if so directed.

Note: designation to the Tacoma Register is done via Council Resolution. The process takes 2-4 months, including a public hearing. The Council may amend, alter or reject the Landmarks Commission recommendation.

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