



ORDINANCE NO. 28611

1 AN ORDINANCE relating to the City's Comprehensive Plan and Tacoma
2 Municipal Code; amending various chapters of Title 1, relating to
3 Administration and Personnel, and Title 13, relating to the Land Use
4 Regulatory Code of the Municipal Code, to adopt the proposed historic
5 preservation regulatory amendments to the Comprehensive Plan and
6 Land Use Regulatory Code for 2019, as recommended by the Planning
7 Commission.

8 WHEREAS the state's Growth Management Act ("Act"), RCW 36.70A,
9 requires that any amendments to the City's Comprehensive Plan and/or
10 development regulations conform to the requirements of the Act, and that all
11 proposed amendments, with certain limited exceptions, be considered concurrently
12 so the cumulative effect of the various changes can be ascertained, and

13 WHEREAS proposed amendments must also be consistent with state,
14 regional, and local planning mandates, and

15 WHEREAS the 2019 Amendment includes the following six applications:
16 (1) Future Land Use Map Implementation; (2) Shoreline Master Program Periodic
17 Review; (3) Affordable Housing Action Strategy; (4) Historic Preservation Code
18 amendments; (5) Manitou Potential Annexation Area; and (6) Minor Plan and Code
19 amendments, and

20 WHEREAS the 2019 Amendment to the Comprehensive Plan and Land Use
21 Regulatory Code ("2019 Amendment") was reviewed by the Planning Commission
22 through an extensive and inclusive public engagement process, including two
23 public hearings conducted on May 1, 2019 and May 15, 2019, and

24 WHEREAS the City provided early, broad and inclusive public notification of
25 these policy initiatives, including public notices, community presentations, notice of
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1 its intent to adopt amendments to the State Department of Commerce and Joint
2 Base Lewis-McChord as required by RCW 36.70A, and an invitation for
3 consultation from the Puyallup Tribe of Indians, and
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5 WHEREAS, on June 19, 2019, the Planning Commission put forward its
6 recommendations, as documented in the Commission's Findings of Fact and
7 Recommendations Report, and
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9 WHEREAS the Planning Commission's recommendations include
10 amendments pertaining to the application of Historic Preservation, and include nine
11 proposed amendments to Chapters 1.42, 13.06, 13.07, and 13.12 of the Tacoma
12 Municipal Code ("TMC"), which address language consistency, modifying the
13 composition of the Landmarks Preservation Commission ("Commission"),
14 streamlining and clarifying the nomination process for City landmarks, improving
15 the flexibility of the Historic Conditional Use Permit, clarifying and streamlining the
16 existing Cultural Resource Review process for subareas, and establishing a
17 citywide demolition review process, and
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19 WHEREAS the proposed Historic Preservation amendments were reviewed
20 by the Landmarks Preservation Commission during 2018-2019, and recommended
21 to the Planning Commission on December 12, 2018, and
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23 WHEREAS the City Attorney's office reviewed the 2019 Amendment
24 proposals and determined that there is no evidence that the amendments would
25 result in an unlawful, permanent, physical occupation of private property, and
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1 WHEREAS, pursuant to the State Environmental Policy Act ("SEPA"), the
2 City issued a preliminary Determination of Environmental Nonsignificance ("DNS")
3 based on review of an environmental checklist and other information, on April 19,
4 2019, which became final on May 24, 2019, determining that the project does not
5 have a probable significant adverse impact on the environment, and
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7 WHEREAS the proposed amendments are consistent with the goals of the
8 One Tacoma Comprehensive Plan, the Tacoma 2025 Strategic Plan, and the
9 City's health, equity and sustainability policies and initiatives, and
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11 WHEREAS, on August 20, 2019, in accordance with Tacoma Municipal
12 Code 13.02, the City Council conducted a public hearing to receive public
13 comments on the Planning Commission's recommendations; Now, Therefore,
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15 BE IT ORDAINED BY THE CITY OF TACOMA:

16 Section 1. That the recitals set forth above are hereby adopted as the
17 Findings of the City Council and are by this reference incorporated herein as if set
18 forth in their entirety.

19 Section 2. That the proposed Historic Preservation regulatory
20 amendments to the Comprehensive Plan and Land Use Regulatory Code
21 ("2019 Amendment"), relating to Chapter 1.42 of the Tacoma Municipal Code
22 ("TMC"), Landmarks Preservation Commission, as recommended by the
23 Planning Commission and as set forth in the attached Exhibit "A," are hereby
24 approved, to become effective on October 31, 2019.
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1 Section 3. That the proposed Historic Preservation regulatory
2 amendments to the 2019 Amendment, relating to Chapter 13.06 of the TMC,
3 Zoning, as recommended by the Planning Commission and as set forth in the
4 attached Exhibit "B," are hereby approved, to become effective on October 31,
5 2019.
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7 Section 4. That the proposed Historic Preservation regulatory
8 amendments to the 2019 Amendment, relating to Chapter 13.07 of the TMC,
9 Landmarks and Historic Special Review Districts, as recommended by the
10 Planning Commission and as set forth in the attached Exhibit "C," are hereby
11 approved, to become effective on October 31, 2019.
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13 Section 5. That the proposed Historic Preservation regulatory
14 amendments to the 2019 Amendment, relating to Chapter 13.12 of the TMC,
15 Environmental Code, as recommended by the Planning Commission and as set
16 forth in the attached Exhibit "D," are hereby approved, to become effective on
17 October 31, 2019.
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1 Section 6. The City Clerk is authorized to make minor corrections to this
2 ordinance and exhibits as necessary to rectify any inconsistencies or errors,
3 including, but not limited to, the correction of scrivener's errors, references,
4 ordinance numbering, section numbering, and any references thereto.
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6 Passed SEP 24 2019

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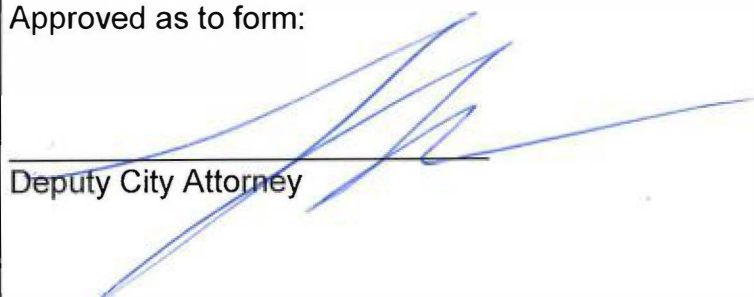
9 Mayor

10 Attest:

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13 City Clerk

14 Approved as to form:

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16 Deputy City Attorney
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Note: These amendments show all of the changes to 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 has been deleted is shown as ~~strikethrough~~.

CHAPTER 1.42 LANDMARKS PRESERVATION COMMISSION

* * *

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.

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CHAPTER 13.06 ZONING

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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 these 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/c Craft production	Assembly facilities	Continuing care retirement community
Cultural <u>institutions, 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	Eating and Drinking
Live Work		

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CHAPTER 13.07 LANDMARKS AND HISTORIC SPECIAL REVIEW DISTRICTS

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13.07.030 Definitions.

“Significant interior ~~feature~~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.

13.07.040 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.

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Note: These amendments show all of the changes to existing Land Use regulations.
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CHAPTER 13.12 ENVIRONMENTAL CODE

* * *

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 aApplications 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:

c. 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) c. 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) (4)~~ 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)~~ Reinternment 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 within 60 days of the Committee's initial consideration of the recommendation, the Commission's recommendation is rejected. In all cases, the Committee's concurrence by vote shall be required for further consideration by the Commission; however, this does not preclude consideration of the property for designation to the Tacoma Register of Historic Places if a formal nomination for the same property is received from a private individual.

8. Upon receiving concurrence from the Committee, the Landmarks Preservation 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

* * *



TO: Elizabeth Pauli, City Manager
FROM: Brian Boudet, Planning Manager, Planning and Development Services
Peter Huffinan, Director, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Ordinance – Adopting Proposed Historic Preservation Regulatory Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2019 – September 17, 2019
DATE: August 23, 2019

SUMMARY:

An ordinance amending various chapters of Title 1 and 13 of the Municipal Code, relating to historic preservation regulatory amendments to the Comprehensive Plan and Land Use Regulatory Code for 2019, as recommended by the Planning Commission on June 19, 2019.

STRATEGIC POLICY PRIORITY:

Adopting the proposed historic preservation regulatory amendments will directly improve the operations and effectiveness of the Historic Preservation Program toward its objectives of encouraging investment in historically significant buildings in Tacoma and the preservation of architecturally and culturally significant sites. These objectives primarily fall under the following strategic policy priority:

- Assure outstanding stewardship of the natural and built environment.

BACKGROUND:

Prepared pursuant to the Washington State Growth Management Act, the proposed amendments to the Comprehensive Plan and Land Use Regulatory Code for 2019 (2019 Amendment) include the following six applications: (1) Future Land Use Map Implementation, (2) Shoreline Master Program Periodic Review, (3) Affordable Housing Action Strategy, (4) Historic Preservation Code Amendments, (5) Manitou Potential Annexation Area, and (6) Minor Plan and Code Amendments.

The Planning Commission completed its review of the 2019 Amendment through an extensive and inclusive public engagement process, including two public hearings conducted on May 1 and May 15, 2019. The public hearing on May 15, 2019, also included a joint public hearing with the State Department of Ecology concerning the application of Shoreline Master Program Periodic Review. The Commission recommended on June 19, 2019, that the 2019 Amendment be adopted by the City Council. The Commission submitted, and filed with the City Clerk's Office, the Planning Commission's Findings of Fact and Recommendations Report for the 2019 Amendment, June 19, 2019. The report documents the public review and community engagement process and the Commission's deliberations and decision-making concerning the six applications.

Pursuant to Tacoma Municipal Code (TMC) 13.02.045, the City Council shall hold a public hearing before enacting any proposed amendments to the Comprehensive Plan and the TMC. The City Council has fulfilled said requirement by conducting a public hearing on August 20, 2019, concerning all six applications for the 2019 Amendment.

ISSUE:

This ordinance pertains to the application of Historic Preservation code amendments, which includes nine proposed amendments to Chapters 1.42, 13.06, 13.07, and 13.12 of the TMC. These amendments will address language consistency, modify the composition of the Landmarks Preservation Commission,



streamline and clarify the nomination process for City landmarks, improve the flexibility of the Historic Conditional Use Permit, clarify and streamline the existing Cultural Resource Review process for subareas, and establish a citywide demolition review process.

The proposed historic preservation amendments were reviewed by the Landmarks Preservation Commission during 2018-19 and recommended to the Planning Commission on December 12, 2018.

Key elements of the proposed amendments include:

- Establishment of a citywide demolition review process that would include review of demolition permits for adverse effects to historically significant properties over 4,000 square feet, 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.
- 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).
- Changes to nomination requirements to ease nominations locally for individual properties already on the National Register of Historic Places.
- 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.

ALTERNATIVES:

No alternatives are under consideration at this time.

If the proposed amendments are not adopted, the demolition review processes currently in place, including the Historic and Cultural Resources code section (TMC 13.12.570), would remain in effect. However, review in Mixed Use Centers and in National Register Districts, as well as citywide, would not occur.

RECOMMENDATION:

Staff recommends the City Council adopt the proposed Historic Preservation code improvements, as recommended by the Planning Commission and as depicted in Exhibits A-D. Staff also recommends setting the effective date of the legislation as October 31, 2019.

FISCAL IMPACT:

There is no fiscal impact.

Ordinance No. 28611

First Reading of Ordinance: SEP 17 2019

Final Reading of Ordinance: SEP 24 2019

Passed: SEP 24 2019

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Beale	X			
Mr. Blocker	X			
Ms. Hunter	X			
Mr. Ibsen	X			
Mr. McCarthy				X
Mr. Mello	X			
Mr. Thoms	X			
Ms. Ushka	X			
Mayor Woodards	X			

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Beale				
Mr. Blocker				
Ms. Hunter				
Mr. Ibsen				
Mr. McCarthy				
Mr. Mello				
Mr. Thoms				
Ms. Ushka				
Mayor Woodards				

