



City of Tacoma Planning and Development Services	<b>Page</b> 1 of 3	<b>Director's Rule 04-2021</b>
	<b>Publication:</b> August 23, 2021	<b>Effective:</b> August 23, 2021
	<b>Code &amp; Section Reference:</b> Archaeology, Historic and Cultural Resources TMC 13.12.570	
	<b>Type of Rule:</b> Permit review - Historic	
	<b>Ordinance Authority:</b> Tacoma Municipal Code 13.12.570	
<b>Index:</b> Permit Procedures	<b>Approved</b>  Peter Huffman, Director	<b>Date</b> 8/17/2021

**A. Background**

The City Council adopted a revised cultural resources review code in October 2019, which included enhanced review of demolition permits for potential impacts to potentially significant historical resources.

Specifically, this revised code requires applicants for demolition permits within Mixed Use Centers and within National Register Historic Districts, and for demolition permits affecting 4000 square feet or greater cumulative square footage on a parcel, to submit a summary demolition report generally describing the affected property. Following a review of up to 30 days, the Historic Preservation Officer may require a more thorough Historic Property Assessment report to be submitted to the Landmarks Preservation Commission (Commission), if the property appears to meet one or more criteria for historic designation in the City of Tacoma.

Upon receipt of the Historic Assessment report, the Commission is tasked with determining whether the property "should" be formally considered for designation to the Tacoma Register of Historic Places, and if so, making such a recommendation to the City Council via the "appropriate" committee. Generally, this means the Infrastructure, Planning and Sustainability Committee (Committee), to which the Planning and Development Services (PDS) department is assigned. The Committee then has 60 days to concur or to dissent; concurrence directs the Commission to take public comment on a proposed historic designation, whereas dissent effectively ends the process.

**B. Issues**

The current demolition review code provides the Commission broad authority to make recommendations for the historic designation and protection of buildings proposed for demolition, but does not provide any guidance to the Commission regarding the assessment of financial feasibility, alternative outcomes, or mitigation. As a result, the recommendations made by the Commission do not include information needed and expected by the City Council.

As this code has been implemented, there have been concerns relating to the predictability, costs, and the factors included in the Commission's review process. These include the potential for a developer to learn of the historic significance of an affected building only after purchase and planned redevelopment, since many properties that may fall into this process are not historically designated or on a historic inventory, and the expenses associated with retaining consultant services to draft Historic Assessment reports.

Lastly, as currently directed by the demolition review code, the Commission review process does not account for financial or economic impacts of preservation of the subject property, or direct the Commission to consider alternatives. However, during the code development process, questions about potential mitigation for demolitions and alternative outcomes were discussed.

Although not explicitly defined in the code, these considerations are embodied in the word "should." In essence, once a Historic Assessment report has been referred to the Commission, the Historic Preservation Officer has determined that the property to be demolished likely will meet one or more criteria for historic designation. The second part of question, for the Commission to determine, is whether such a property "should" be formally considered as a landmark.

The Commission has been understandably conservative in its exercise of this broad discretionary authority, as there is little guidance in the present code, despite the intent. The Commission has explicitly stated that the scope of its review is limited only to the historic merits of the affected property.

Conversely, the City Council, in recent reviews of Landmarks Commission recommendations, has expressed concern that alternative approaches and/or economic impacts have not been considered during the Commission's review of demolition permits, and thus have not been included in findings and recommendations from the Commission. This puts the City Council in a difficult position.

Lastly, without explicit code guidance, permit applicants can be reluctant to propose mitigation steps or alternative approaches to the Commission ahead of a formal decision about the property's historic significance, as this could be interpreted as an acknowledgement that their property does possess historic merit.

This Director's Rule is intended as an interim measure to address this gap between the Commission's discretionary review of Historic Assessment reports and the City Council's need to have fully vetted recommendations from the Commission.

### **C. Purpose**

PDS strives to provide efficient, high quality, and timely permit services for the communities of the City of Tacoma.

This Director's Rule seeks to further align planning and development permitting activities, and specifically the historic preservation demolition review process, with implementation of Tacoma's Comprehensive Plan in a way that appropriately reflects the need to balance our important historic preservation goals with the City's other policies and priorities, such as affordable housing, economic development, quality vibrant neighborhoods and business districts, an effective multi-modal transportation system, and a sustainable built and natural environment.

### **D. Director's Rule – Demolition Review Policy**

The interim procedures below will guide the historic review of demolition permits to address the observed code gaps until such a time as the relevant code sections can be amended:

1. When the Historic Preservation Officer directs an applicant to submit a Historic Assessment report, per Tacoma Municipal Code (TMC) 13.12.570.B.5, the report shall also include a feasibility analysis to be done by the applicant that addresses potential alternative approaches

and/or mitigation proposals. The report should address whether alternatives that would reduce the impact to historic resources have been considered, or whether there are strategies that have been considered to mitigate such impacts. Mitigation examples may include:

- Avoidance of historic/cultural resources
  - Retention of all or some of a historic structure into a new development
  - Voluntary design review for compatibility of new structure into existing neighborhood context
  - Interpretive/educational measures
  - Off-site/on-site preservation of another historic resource
  - Funding other preservation efforts, such as survey work or support for nonprofit preservation advocacy groups
2. The Historic Preservation Officer shall encourage the Landmarks Preservation Commission to weigh the balance of the public benefit of protecting the subject property against the potential impacts to the development project, and to consider alternatives and mitigations in making the determination as to whether a property "should" be historically designated.
  3. The feasibility analysis and/or mitigation proposals shall be factored into staff reports and recommendations by the Historic Preservation Officer to the Landmarks Preservation Commission, and such staff recommendations shall accompany any recommendations made by the Commission to the City Council.