

Tacoma Municipal Code

13.05.040 Historic preservation land use decisions.¹

A. Purpose.

The City finds that the protection, enhancement, perpetuation, and continued use of landmarks, districts, and elements of historic, cultural, architectural, archeological, engineering, or geographic significance located within the City are required in the interests of the prosperity, civic pride, and ecological and general welfare of its citizens. The City further finds that the economic, cultural, and aesthetic standing of the City cannot be maintained or enhanced by disregarding the heritage of the City or by allowing the destruction or defacement of historic and cultural assets. The purpose of this section is to support these goals and provide regulatory procedures for historic preservation decision making bodies.

B. Authority and Responsibilities.

1. Landmarks Preservation Commission.

Pursuant to TMC 1.42, and for the purposes of this chapter, the Landmarks Preservation Commission shall have the authority to:

- a. Approve or deny proposals to alter individual properties or contributing properties within historic and conservation districts that are listed on the Tacoma Register of Historic Places, as provided in TMC 13.07, and authorize the issuance of Certificates of Approval for the same, and adopt standards, design guidelines, and district rules to be used to guide this review.
- b. Where appropriate, encourage the conservation of historic materials and make recommendations regarding mitigation measures for projects adversely affecting historic resources.

2. Historic Preservation Officer.

Pursuant to TMC 1.42, and for the purposes of this chapter, the Historic Preservation Officer shall have the authority to:

- a. Grant administrative Certificates of Approval, subject to such limitations and within such standards as the Commission may establish.
- b. On behalf of the Landmarks Preservation Commission, draft and issue Certificates of Approval or other written decisions on matters on which the Commission has taken formal action.
- c. Upon request by other City entities, review permit applications and other project actions for appropriateness and consistency with the purposes of this chapter, Chapter 13.07, and the Preservation Plan element of the Comprehensive Plan.
- d. With respect to the goals and policies contained within this chapter, Chapter 13.07, and the Comprehensive Plan, represent the Historic Preservation Certified Local Government program for Tacoma and review, advise, and comment upon environmental analyses performed by other agencies and mitigation proposed, including NEPA and SEPA, Section 106, and other similar duties.
- e. Advise property owners and the public of historic preservation code requirements.
- f. Assist the Director, as needed, with requests for interpretations of codes relating to landmarks and to historic districts, as provided in those codes.

C. Compatibility of historic standards with zoning development standards.²

1. All property designated as a City landmark or that is located within a Historic Special Review District or Conservation District, according to the procedures set forth in Chapter 13.07, shall be subject to all of the controls, standards, and procedures set forth in Title 13, including those contained herein and in Chapter 13.07, applicable to the area in which it is presently located, and the owners of the property shall comply with the mandates of this Title in addition to all other applicable Tacoma Municipal Code requirements for the area in which such property is located. In the event of a conflict between the application of this chapter and other codes and ordinances of the City, the more restrictive shall govern, except where otherwise indicated.

2. Coordination with Residential Zoning Code.

In certain cases, application of the development standards in the residential zones, as defined in Section 13.06.020, including those for height, bulk, scale, and setbacks, may conflict with historic preservation standards or criteria and

¹ Code Reviser's note: Previously codified as 13.05.045 (Historic preservation land use decisions); relocated to 13.05.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. C; passed Jun. 14, 2011.

² Code Reviser's note: Previously codified as 13.05.046 (Compatibility of historic standards with zoning development standards); relocated to 13.05.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 27995 Ex. C; passed Jun. 14, 2011.

result in adverse effects to City Landmark properties. In such cases, properties subject to design review and approval by the Landmarks Preservation Commission shall be exempted from the standards that conflict with the Landmarks Commission's application of historic preservation standards adopted pursuant to Chapter 13.07, including the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitation of Historic Buildings and applicable Historic Special Review District Design Guidelines. The issuance of a Certificate of Approval for final design by the Landmarks Preservation Commission shall include specific references to any conflicts between the historic standards and those in Chapter 13.06, and specifically request the appropriate exemptions.

3. Coordination with Downtown Zoning.

In certain cases, the application of design standards in Downtown Tacoma zoning districts, as defined in Section 13.06.050, may conflict with historic preservation standards or criteria and result in adverse effects to historic properties. In such cases, properties subject to design review and approval by the Landmarks Preservation Commission shall be exempted from the basic design standards of Section 13.06.050 that conflict with the Landmarks Commission's application of historic preservation standards adopted pursuant to this chapter, including the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitation of Historic Buildings and applicable Historic Special Review District Design Guidelines. The issuance of a Certificate of Approval for final design by the Landmarks Preservation Commission shall serve as the Commission's findings.

D. Certificates of approval, historic.¹

1. Certificate of Approval Required.

Except where specifically exempted by this chapter, a Certificate of Approval is required before any of the following actions may be undertaken:

- a. Alteration to the exterior appearance of any City landmark, or any building, site, structure or object proposed for designation as a City Landmark pursuant to TMC 13.07.050;
- b. Alterations to the exterior appearance of any existing buildings, public rights-of-way, or other public spaces, or development or construction of any new structures, in any Historic Special Review District.
- c. Except where otherwise specified, construction of new structures and additions to existing buildings within Conservation Districts. This authority is limited to the exterior appearance of new buildings and additions.
- d. Removal or alteration of any existing sign, or installation or placement any new sign, on a City Landmark or property within a Historic Special Review or Conservation District.
- e. Demolition of any structure or building listed on the Tacoma Register of Historic Places, or that is located within a Historic Special Review or Conservation District.
- f. No City permits for the above activities shall be issued by the City until a Certificate of Approval has been issued by the Landmarks Preservation Commission or administrative approval has been granted by the Historic Preservation Officer.
- g. When a development permit application is filed with Planning and Development Services that requires a Certificate of Approval, the applicant shall be directed to complete an application for Certificate of Approval for review by the Landmarks Preservation Commission or Historic Preservation Officer.

2. Application Requirements.

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

- a. Property name and building address;
- b. Applicant's name and address;
- c. Property owner's name and address;
- d. Applicant's telephone and e-mail address, if available;
- e. The building owner's signature on the application or, if the applicant is not the owner, a signed letter from the owners designating the applicant as the owner's representative;

¹ Code Reviser's note: Previously codified as 13.05.047 (Certificates of approval, historic); relocated to 13.05.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. C; passed Jun. 14, 2011.

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- f. Confirmation that the fee required by the General Services Fee Schedule has been paid;
- g. Written confirmation that the proposed work has been reviewed by Planning and Development Services, appears to meet applicable codes and regulations, and will not require a variance;
- h. A detailed description of the proposed work, including:
 - Any changes that will be made to the building or the site;
 - Any effect that the work would have on the public right-of-way or public spaces;
 - Any new development or construction;
- i. 5 sets of scale plans, or a single legible electronic copy in a format approved by Planning and Development Services staff, with all dimensions shown, of:
 - A site plan of all existing conditions, showing adjacent streets and buildings, and, if the project includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;
 - A floor plan showing the existing features and a floor plan showing proposed new features;
 - Elevations and sections of both the proposed new features and the existing features;
 - Construction details, where appropriate;
 - A landscape plan showing existing features and plantings and a landscape plan showing proposed site features and plantings;
 - Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building façade where they are located;
 - If the proposal includes new finishes or paint, one sample of proposed colors and an elevation drawing or photograph showing the proposed location of proposed new finishes or paint;
- j. If the proposal includes new signs, canopies, awnings, or exterior lighting:
 - 5 sets of scale plans, or a single legible electronic copy of the proposed signs, awnings, canopies, or lighting showing the overall dimensions, materials, design graphics, typeface, letter size, and colors;
 - 5 copies or a single electronic copy of details showing the proposed methods of attachment for the new signs, canopies, awnings, or exterior lighting;
 - For lighting, detail of the fixture(s) with specifications, including wattage and illumination color(s);
 - One sample of the proposed colors and materials;
- k. If the proposal includes the removal or replacement of existing architectural elements, a survey of the existing conditions of the features that would be removed or replaced.

3. Applications for Preliminary Approval.

- a. An applicant may make a written request to submit an application for a Certificate of Approval for a preliminary design of a project if the applicant waives, in writing, the deadline for a Commission decision on the subsequent design phase or phases of the project and agrees, in writing, that the decision of the Commission is immediately appealable by the applicant or any interested person(s).
- b. The Historic Preservation Officer may reject the request if it appears that the review of a preliminary design would not be an efficient use of staff or Commission time and resources, or would not further the goals and objectives of this chapter.
- c. The Historic Preservation Officer may waive portions of the above application requirements in writing that are determined to be unnecessary for the Commission to approve a preliminary design.
- d. A Certificate of Approval of a preliminary design shall be conditioned automatically upon the subsequent submittal of the final design and all of the information listed in Subsection B above, and upon Commission approval prior to the issuance of any permits for work affecting the property.

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

5. Process and standards for review.

- a. When an application for Certificate of Approval is received, the Historic Preservation Officer shall:
 - (1) Review the application and determine whether the application requires review by the Landmarks Preservation Commission, or, subject to the limitations imposed by the Landmarks Preservation Commission pursuant to Chapter 1.42, without prejudice to the right of the owner at any time to apply directly to the Commission for its consideration and action on such matters, whether the application is appropriate for administrative review.
 - (2) If the application is determined appropriate for administrative review, the Historic Preservation Officer shall proceed according to the Administrative Bylaws of the Commission.
- b. If the application requires review by the full Commission, the Historic Preservation Officer shall notify the applicant in writing within 28 days whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete.
- c. Within 14 days of receiving the additional information, the Historic Preservation Officer shall notify the applicant in writing whether the application is now complete or what additional information is necessary.
- d. An application shall be deemed to be complete if the Historic Preservation Officer does not notify the applicant in writing, by the deadlines provided in this section, that the application is incomplete. A determination that the application is complete is not a determination that an application is vested.
- e. The determination that an application is complete does not preclude the Historic Preservation Officer or the Landmarks Preservation Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in Chapter 13.07 and any rules adopted by the Commission.
- f. Within 30 days after an application for a Certificate of Approval has been determined complete or at its next regularly scheduled meeting, whichever is longer, the Commission shall review the application to consider the application and to receive comments.
- g. Notice of the Commission's meeting shall be served to the applicant and distributed to an established mailing list no less than three days prior to the time of the meeting.
- h. The absence of the owner or applicant shall not impair the Commission's authority to make a decision regarding the application.
- i. Within 45 days after the application for a Certificate of Approval has been determined complete, the Landmarks Preservation Commission shall issue a written decision granting, granting with conditions, or denying a Certificate of Approval, or if the Commission elects to defer its decision, a written description of any additional information the Commission will need to arrive at a decision. A copy of the decision shall be provided to the applicant and to Planning and Development Services.
- j. A Certificate of Approval shall be valid for 18 months from the date of issuance of the Commission's decision granting it unless the Commission grants an extension; provided, however, that a Certificate of Approval for actions subject to a permit issued by Planning and Development Services shall be valid for the life of the permit, including any extensions granted in writing by Planning and Development Services.

6. Economic Hardship

- a. After receiving written notification from the Commission of the denial of Certificate of Approval, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that hardship exists.
- b. When a claim of economic hardship is made due to the effect of this ordinance, the owner must prove that:
 - (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 - (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- c. The applicant shall consult in good faith with the Commission, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Commission.

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d. The Commission shall hold a public hearing on the application within sixty (60) days from the date the complete application is received by the Historic Preservation Officer. Following the hearing, the Commission has thirty (30) days in which to act on the application. Failure to act on the hardship application within the (30) day timeframe will waive the Certificate of Approval requirement for permitting.

e. All decisions of the Commission shall be in writing.

f. The Commission's decision shall state the reasons for granting or denying the hardship application.

g. Denial of a hardship application may be appealed by the applicant within (14) business days to the Hearing Examiner after receipt of notification of such action.

h. Economic Evidence. The following shall be required for an application for economic hardship to be considered complete:

(1) For all property:

- The amount paid for the property;
- The date of purchase, the party from whom purchased, and a description of the business or family relationship, if any, between the owner and the person from whom the property was purchased;
- The cost of any improvements since purchase by the applicant and date incurred;
- The assessed value of the land, and improvements thereon, according to the most recent assessments;
- Real estate taxes for the previous two years;
- Annual debt service, if any, for the previous two years;
- All appraisals obtained within the previous five years by the owner or applicant in connection with their purchase, financing or ownership of the property;
- Any listing of the property for sale or rent, price asked, and offers received, if any;
- Any consideration by the owner for profitable and adaptive uses for the property, including renovation studies, plans, and bids, if any; and

(2) For income-producing property:

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

7. Appeals to the Hearing Examiner.

The Landmarks Preservation Commission shall refer to the Hearing Examiner for public hearing all final decisions regarding applications for certificates of approval and applications for demolition where the property owners, any interested parties of record, or applicants file with the Landmarks Preservation Commission, within 10 days of the date on the decision, written notice of appeal of the decision or attached conditions.

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

- (1) An indication of facts that establish the appellant's standing;
- (2) An identification of explicit exceptions and objections to the decision being appealed, or an identification of specific errors in fact or conclusion;
- (3) The requested relief from the decision being appealed;
- (4) Any other information reasonably necessary to make a decision on appeal. Failure to set forth specific errors or grounds for appeal shall result in a summary dismissal of the appeal.

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

c. The Hearing Examiner's decision shall be final. Any petition for judicial review must be commenced within 21 days of issuance of the Hearing Examiner's Decision, as provided for by TMC 1.23.160 and RCW 36.70C.040.

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

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

e. When considering appeals of applications for demolition decisions, in addition to the above, the Hearing Examiner shall refer to the Findings of Fact made by the Landmarks Preservation Commission in addition to the demolition criteria for review and other pertinent statements of purpose and findings in this Title.

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

8. Ordinary Maintenance and Repairs.

Nothing in this chapter or Chapter 13.07 shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any City landmark, which maintenance or repair does not involve a change in design, material, or the outward appearance thereof.

E. Demolition of City Landmarks.¹

1. Application requirements.

In addition to the application requirements listed in Section 13.05.040.D, the following information must be provided in order for the application to be complete, unless the Historic Preservation Officer indicates in writing that specific information is not necessary for a particular application:

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

- (1) Physical description of all significant architectural elements of the building;
- (2) A historical overview;
- (3) Elevation drawings of all sides;
- (4) Site plan of all existing conditions showing adjacent streets and buildings and, if the project includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays;
- (5) Photographs of all significant architectural elements of the building; and
- (6) Context photographs, including surrounding streetscape and major sightlines.

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

- (1) Architectural/historical/cultural significance of the building;
- (2) Physical condition of the building;

¹ Code Reviser's note: Previously codified as 13.05.048 (Demolition of City Landmarks); relocated to 13.05.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. C; passed Jun. 14, 2011.

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

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

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

(2) Conceptual drawings, sketches, renderings, and plans.

(3) Written proof, acceptable to the Landmarks Preservation Commission, of valid and binding financial commitments for the replacement structure is required before the permit can be issued, and should be submitted with the demolition request. This may include project budgets, funding sources, and written letters of credit.

d. If a new structure is not planned for the site, the application shall contain a narrative describing the rationale for demolition and a written request for waiver of the automatic conditions contained in Subsections C.1, C.2 and C.4, below.

e. If a new structure is not planned for the site, the application requirements in this subsection and subsection 13.05.040.D relating to new construction are not required in order for an application to be complete.

f. Reports by professionally qualified experts in the fields of engineering, architecture, and architectural history or real estate finance, as applicable, addressing the arguments made by the applicant.

2. Permitting Timelines.

a. Any City landmark for which a demolition permit application has been received is excluded from City permit timelines imposed by Section 13.05.020.J.

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

c. Determination of Complete Application.

The Historic Preservation Officer shall determine whether an application for demolition is complete consistent with the timelines and procedures outlined in Section 13.05.040.D.5.a through 5.e.

d. Application Review.

(1) Preliminary Meeting. Once the application for historic building demolition has been determined to be complete, excepting the demolition fee, the Historic Preservation Officer shall schedule a preliminary briefing at the next available regularly scheduled meeting of the Landmark Preservation Commission.

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

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

(c) At this meeting, the Landmarks Preservation Commission may grant the request for public hearing, or may request an additional 30 days from this meeting to distribute the application for peer review, especially as the material pertains to the rationale contained in the application that involves professional expertise in, but not limited to, engineering, finance, law, architecture or architectural history, or, finding that the property in question is not contributing to the Historic District, may conditionally waive the procedural requirements of this section, provided that subsections 1 and 2 of Section 13.05.040.E, "Demolition of City Landmarks – Automatic Conditions," are met.

(d) If a 30-day peer review is requested, the request for public hearing shall again be considered at the next regular meeting following the conclusion of the peer review period.

(2) Public Hearing.

Upon receiving such direction from the Landmarks Preservation Commission, and once the application fee has been paid by the applicant, the Historic Preservation Officer shall schedule the application for a public hearing within 90 days.

- (a) The Historic Preservation Officer shall give written notice, by first-class mail, of the time, date, place, and subject of the meeting to consider the application for historic building demolition not less than 30 days prior to the meeting to all owners of record of the subject property, as indicated by the records of the Pierce County Assessor-Treasurer, and taxpayers of record of properties within 400 feet of the subject property.
- (b) The Commission shall consider the merits of the application, comments received during peer review, and any public comment received in writing or during public testimony.
- (c) Following the public hearing, there shall be an automatic 60-day comment period during which the Commission may request additional information from the applicant in response to any commentary received.
- (d) At its next meeting following the public comment period, the Landmarks Preservation Commission shall make findings of fact regarding the application based on the criteria for consideration contained in this subsection. The Landmarks Preservation Commission may approve, subject to automatic conditions imposed by this subsection, the application or may deny the application based upon its findings of fact. This decision will instruct the Historic Preservation Officer whether or not they may issue written approval for a historic building demolition.

3. Automatic Conditions.

Following a demolition approval pursuant to this section, the following conditions are automatically imposed, except where exempted per Section 13.05.040.E.2 or elsewhere in this chapter, and must be satisfied before the Historic Preservation Officer shall issue a written decision:

- a. For properties within a Historic Special Review or Conservation District, the design for a replacement structure is presented to and approved by the Landmarks Preservation Commission pursuant to the regular design review process as defined in this chapter; or, if no replacement structure is proposed for a noncontributing structure, the Commission may, at its discretion, waive this condition and those contained in Subsections C.2 and C.4, below;
- b. Acceptable proof of financing commitments and construction timeline is submitted to the Historic Preservation Officer;
- c. Documentation of the building proposed for demolition that meets Historic American Building Survey (“HABS”) standards or mitigation requirements of the Washington State Department of Archaeology and Historic Preservation (“DAHP”), as appropriate, is submitted to the Historic Preservation Office and the Northwest Room of the Tacoma Public Library;
- d. Development permits for the replacement are ready for issue by Planning and Development Services, and there are no variance or conditional use permit applications outstanding;
- e. Any additional mitigation agreement, such as relocation, salvage of architectural features, interpretation, or deconstruction, proposed by the applicant is signed and binding by City representatives and the applicant, and approved, if necessary, by the City Council; and
- f. Any conditions imposed on the demolition have been accepted in writing (such as salvage requirements or archaeological requirements).

4. Specific exemptions.

The following are excluded from the requirements imposed by this chapter and Chapter 13.07 but are still subject to Landmarks Preservation Commission approval for exterior changes as outlined elsewhere in this chapter and Chapter 13.07.

- a. Demolition of accessory buildings, including garages and other outbuildings, and noncontributing later additions to historic buildings, where the primary structure will not be affected materially or physically by the demolition and where the accessory building or addition is not specifically designated as a historic structure of its own merit;
- b. Demolition work on the interior of a City landmark or object, site, or improvement within a Historic Special Review or Conservation District, where the proposed demolition will not affect the exterior of the building and where no character defining architectural elements specifically defined by the nomination will be removed or altered; and
- c. Objects, sites, and improvements that have been identified by the Landmarks Preservation Commission specifically as noncontributing within their respective Historic Special Review or Conservation District buildings inventory at the preliminary meeting, provided that a timeline, financing, and design for a suitable replacement structure have been approved by the Landmarks Preservation Commission, or such requirements have been waived, pursuant to Section 13.05.040.E.

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F. Minimum buildings standards, historic.¹

1. Prevention of Demolition by Neglect.

The Landmarks Preservation Commission shall make a reasonable effort to notify the Building Official of historic properties that appear to meet the criteria for substandard buildings or property under TMC 2.01.050.

2. For buildings listed on the Tacoma Register of Historic Places which are found to be Substandard, Derelict, or Dangerous according to the Building Official, under the Minimum Building provisions of TMC 2.01, the following shall apply:

a. Because City landmarks are culturally, architecturally, and historically significant to the City and community, the historic status of a Substandard, Derelict, or Dangerous Building may constitute a “sufficient reason” for acceptance of alternate timelines and extensions upon agreed timelines; and,

b. Any timelines and plans for the remediation of a dangerous City landmark, including for repair or demolition, shall not be accepted by the Building Official until the applicable procedures as set forth in this chapter for review of design or demolition by the Landmarks Preservation Commission have been satisfied, pursuant to TMC 2.01.030.B.

c. The Building Official may consider the Landmarks Preservation Commission to be an interested party as defined in TMC 2.01, and shall make a reasonable effort to keep the Commission notified of enforcement complaints and proceedings involving City Landmarks.

d. Nothing in this chapter shall be construed to prevent the alteration of any feature which the Building Official shall certify represents an immediate and urgent threat to life safety. The Building Official shall make a reasonable effort to keep the Historic Preservation Officer informed of alterations required to remove an unsafe condition involving a City Landmark.

3. The Historic Preservation Officer shall have the authority to administratively approve changes without prior Landmarks Preservation Commission review per Section 13.05.040.E, if, upon consultation with the Building Official and appropriate City Engineering staff, it is determined such changes are necessary to mitigate an immediate and urgent threat of structural failure or significant damage to a City landmark. The circumstances and rationale for such an alteration shall be provided in a report to the Landmarks Preservation Commission at its next regular meeting.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser’s note: Subsections were previously codified as Sections 13.05.045 (Historic Preservation Land Use Decisions), 13.05.046 (Compatibility of historic standards with zoning development standards), 13.05.047 (Certificates of approval, historic), 13.05.048 (Demolition of City Landmarks), and 13.05.049 (Minimum buildings standards, historic); all were relocated to 13.05.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. See additional notes and prior legislation in footnotes.)

¹ Code Reviser’s note: Previously codified as 13.05.049 (Minimum building standards, historic); relocated to 13.05.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28255 Ex. D; passed Nov. 4, 2014; Ord. 27995 Ex. C; passed Jun. 14, 2011.