

# Landmarks Preservation Commission

Planning and Development Services Department



## RULES AND REGULATIONS

The following Rules and Regulations of the Tacoma Landmarks Preservation Commission were adopted by the Commission at its January 24, 2007 meeting. These rules and regulations conform to the statutory authority of the Tacoma Municipal Code (Title 1, Chapter 1.42 Landmarks Preservation Commission, and Title 13, Chapter 13.07 – Landmarks and Historic Districts). Amendments to these Bylaws may be made annually.

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## **SECTION 1: Administrative Procedures**

### **I. Election and Terms of Office**

A. The Commission shall elect its own Chair, Vice-Chair, and such other officers as from time to time it may determine it requires, all of whom shall be members of the Commission.

1. Nominations and Elections – Officers shall be nominated at the first meeting in December of each year. Elections shall be held at the following meeting. New officers will assume duties at the meeting following their election.

2. Officer Qualification Considerations – The Officers should:

- a) be interested in holding the position(s);
- b) be able to devote sufficient time to Commission business;
- c) be committed to attending as many regular and special Commission meetings as possible;
- d) be prepared to make presentations to the City Council, citizens, committees, neighborhood groups, and service clubs regarding Commission responsibilities, projects, plans and policies; and
- e) have sufficient experience on the Commission to understand its role and functions and to have a basic understanding of the City's Comprehensive Plan policies and development regulations.

B. The term of office shall be for one (1) year or until the next scheduled election. In case of any vacancy in office, the vacancy shall be filled by an election at the first regular meeting after the occurrence of such vacancy.

### **II. Duties of Officers**

A. Chair – The Chair shall preside over all meetings of the Commission. All resolutions

adopted by the Commission and Commission correspondence shall be signed in his/her name as Chair of the Commission.

B. Vice-Chair – In the event of the absence of the Chair or his/her inability to act, the Vice-Chair shall take his/her place and perform his/her duties. In the event of the absences or inability to act of both the Chair and the Vice-Chair, the remaining members of the Commission shall appoint one of their members to temporarily act as Chair.

### **III. Establishment of Advisory Committees and Architectural Review Committee**

A. Advisory Committees – The Commission may establish advisory committees as it deems appropriate by a vote of the commission. Advisory Committees may be established from time to time to examine and make recommendations to the full Commission regarding certain preservation issues in the community. Advisory Committees are informal and shall not take action on any pending board business nor deliberate on specific applications before the board. Interested members of the community who are not appointed Commission members may join advisory committees.

B. Architectural Review Committee – The Architectural Review Committee (ARC) is established for the purpose of advising applicants regarding the design and appropriateness of proposed projects pending Commission review. The Commissioners appointed as Architects shall serve on the ARC, in addition to any other interested Commissioners. The ARC shall meet on a regular time and day established by the Commission, on an as needed basis. The Commission may request the ARC to review pending projects and solicit recommendations on those projects, and applicants may request feedback from the ARC regarding an application to the Commission. The Commission may also delegate final approval of a project to administrative review via Commission motion and vote

at a regular public meeting, pending ARC review and recommendation.

deemed appropriate by the Commission. An additional notice shall be required for matters continued for further hearing and continued to a time, date, and place certain.<sup>2</sup>

#### **IV. Historic Preservation Officer**

The Historic Preservation Officer shall organize and supervise clerical details of the Commission's business and shall be responsible to the Commission for the proper preparation and maintenance of records of meetings, hearings, official actions and all public records, per TMC 1.42.100. The Historic Preservation Officer shall serve as the primary professional liaison for Commission business, and may make recommendations or generate opinions for the Commission as an ex officio member.

#### **V. Meetings Procedures**

- A. Public Meetings – Regular public meetings of the Commission shall be held on the second and fourth Wednesday of each month at 5:30 p.m. in a location designated by the Commission and indicated on the agenda and other public documents announcing the meeting. If the regular meeting day falls on a legal holiday, the Chair of the Commission shall fix another day therefore and give notice of said meeting as hereinafter providing for “special meetings.” The notice for any regular public meeting shall indicate the date, time, place and business to be transacted, and be distributed prior to the meeting to those individuals and organizations listed on the mailing list that shall be maintained by the Historic Preservation Officer and may be subject to the Commission’s approval.<sup>1</sup>
- B. Public Hearings – Public hearings conducted by the Commission shall be held in a location designated by the Commission and indicated in the notice of hearing. The date and time of the hearing shall be determined by the Commission and indicated on the notice of hearing. Notices for public hearings shall be distributed in accordance with the Tacoma Municipal Code Section 13.02.057. Notices shall also be mailed, prior to the hearing, to those on the mailing list as hereinabove provided, to those individuals or organizations which have indicated in writing to the Planning and Development Service Department an interest in the subject(s) of the hearing, and to other interested parties as

- C. Special Meetings – Special meetings of the Commission that are set for a time different than ordinarily scheduled, or scheduled to solicit public commentary on a particular item of board business, shall be held at such times as the Commission may determine, or may be called by the Chair for any time upon the written request of three members of the Commission. Special meetings shall be open to the public. Notices of special meetings shall be distributed to the same recipients of notices for regular public meetings, to the recipients on the special press mailing list on file with the City Clerk’s Office, and to other interested parties as deemed appropriate by the Commission. Such notice shall indicate the date, time, place and business to be transacted.
- D. Quorum – A quorum for the transaction of official business shall consist of a majority of the members of the Commission per TMC 1.42.
- E. Adjournment – The Chair may, at his or her discretion, call for a motion to end the meeting, or may declare the meeting ended without a formal motion.
- F. Absences – Commissioners unable to attend a meeting may request excusal from the meeting in advance of the meeting by notifying Staff, who shall present the request to the Chair, or may request excusal in person at the next regular meeting following the absence. The Commission shall then approve or deny the request. Upon a member's missing three (3) unexcused consecutive regular meetings, the Commission shall formally afford such member consideration to determine whether the absences are to be excused. If the Commission determines not to excuse such absences, then the Commission shall determine the

<sup>1</sup> Amended 12/14/2011

<sup>2</sup> Amended 12/14/2011

question of whether the Commission shall recommend to the City Council that such member should be deemed to have forfeited his/her office and a new member be appointed to fill the unexpired term.

leave the comment period open to a certain date.

G. Every official act taken by the Commission shall be by resolution or by motion by an affirmative vote of a majority of the quorum. In the event that a member disqualifies themselves or passes, this is to be registered as "abstained". Notwithstanding Robert's Rules of Order, the Chair shall vote on all resolutions or motions.

H. Conduct of Meetings.

1. Order of business:

- a) Roll Call.
- b) Consent Agenda
  - i. Excusal of Absences
  - ii. Approval of minutes not previously approved.
- c) General public comments regarding regular agenda items
- d) Review of Nominations to the Register
  - i. Preliminary Meeting on Nomination
    - 1) Staff reports
    - 2) Comments by the Applicant
    - 3) Comments by the Property Owner
    - 4) Board discussion and questions
    - 5) Actions: forward nomination or not forward nomination, or to defer if more information is required
  - ii. Special Meeting on Nominations to the Tacoma Register
    - 1) Staff Report
    - 2) Presentation by Applicant
    - 3) Comments by Property Owner
    - 4) Public Testimony
    - 5) Close of testimony
    - 6) Actions: Motion to forward nomination to City Council, to not forward to Council, or to

- e) Applications for Design Review
  - i. Staff Report
  - ii. Comments by the Applicant or owner
  - iii. Board questions and discussion
  - iv. Action: Approve, Approve with Conditions, Deny or defer for specific additional information

- f) Board Briefings
  - i. Staff introduction
  - ii. Presentation
  - iii. Questions and discussion
  - iv. Action if appropriate

g) Comments by the Chair

h) Comments by the Historic Preservation Officer

i) Board Business/Preservation Planning

j) The preceding order of business may be modified for any meeting by a suspension of the rules, concurred in by a majority of the voting members present, except that consideration of matters set for public hearing must occur at or following the time indicated on the hearing notice.

2. Conduct of public meetings:

a) The Chair of the Commission shall preside over all public meetings of the Commission except as provided for in Section II of these rules.

b) The Chair introduces the agenda items.

c) The Historic Preservation Officer or his/her representative, if appropriate, summarizes the staff report or other information

prepared or received by the staff on the agenda item.

- d) The Chair shall allow for comments or presentations by representatives of the applicant.
  - e) For normal agenda items that do not require public testimony or public hearings as defined in TMC 13.07, comments by the public may be permitted, but only at the discretion of the Chair.
  - f) The Commission considers the request and may ask questions of the staff or others in attendance at the direction of the Chair.
  - g) The Commission takes appropriate action, if an action is required.
3. Conduct of public hearings and special public meetings:
- a) The Chair of the Commission shall preside over all public hearings and special meetings conducted by the Commission except as provided for in Section II of these rules.
  - b) The Chair calls the public hearing or special meeting to order and announces the procedure for the public hearing or hearing as established by the Commission.
  - c) The Historic Preservation Officer or his/her representative, if appropriate, summarizes the staff report or other information prepared or received by the staff on the hearing item.
  - d) Communications, not contained in the Commission's report, received concerning the hearing item are presented to the Commission.
  - e) The Chair asks for reports from advisory committees if appropriate.
  - f) The Commission hears those persons wishing to give testimony.
  - g) The Chair either closes the hearing or special meeting and announces

the date upon which the record of the hearing will remain open to receive additional written comments, or continues the hearing to a later date if there is a finding by the Chair that all interested parties have not been afforded an adequate opportunity to testify before the Commission or if new information is to be considered on which the Commission feels additional public testimony to be appropriate.

- h) If, in the judgment of the Commission, action is appropriate based upon public testimony and comment received, the Commission may elect to take action on the item immediately following the close of the public hearing or special meeting.
- i) At a meeting(s) subsequent to the public hearing or special meeting, the Commission considers all oral and written testimony concerning the hearing item and acts to approve, disapprove, modify, or defer the decision-making until the completion of additional analyses.

I. Open Public Meetings Act and E-mail Exchanges.

E-mail exchanges between members of the Commission can constitute a violation of the Washington State Open Public Meetings Act (OPMA), Chapter 42.30 RCW. Generally, if a majority of the members participate in an e-mail discussion of Commission business, the members are conducting a meeting in violation of the OPMA requirement that meetings must be "open to the public with prior notice." It is suggested that Commission members observe the following guidelines to avoid OPMA problems with e-mail exchanges:

- 1. When possible, limit e-mail exchanges on issues related to

Commission business to less than a majority of Commission members. Sending copies of an e-mail to less than a majority may not suffice if subsequent exchanges relay the content of the original exchange to a majority of members.

2. Never decide at an open meeting that a majority of the Commission will continue or complete discussion of an agenda item by e-mail.
3. One-sided (no response anticipated) informational e-mails to a majority or more of Commission members are probably consistent with the OPMA. In open meetings, the Commission members should verbally announce that they have sent this type of e-mail if it relates to the discussion at hand. Commission members are free to engage in e-mail exchanges with staff on one-sided e-mails, but not with each other.
4. E-mail exchanges on issues that the Commission will not address are consistent with the OPMA. However, if any reasonable chance exists that an issue relates to a vote that may or will come before the Commission, a majority of the Commission should not subject the issue to e-mail discussion.

## VI. Regular Commission Business

- A. Nominations to the Tacoma Register of Historic Places – the Commission shall consider and recommend, pursuant to TMC 13.07, additions of individual properties and historic districts to the Tacoma Register of Historic Places.
- B. Nominations to the Washington State Heritage Register and National Register of Historic Places – the Commission shall respond to requests by the Department of Archaeology and Historic Preservation for review and comments regarding pending nominations to the Washington State Heritage Register and National Register of Historic Places. Such requests may then be forwarded to the Mayor's Office for any

additional comment at the discretion of the Manager of the Planning Division.

- ~~C. Name Changes – Per City Council Resolution 38091, the Commission may take public testimony and make recommendations regarding name changes pursuant to the City Council Policy on Place Names and Name Changes.<sup>3</sup>~~
- D. Design Review – pursuant to TMC 13.05 and 13.07, the Landmarks Preservation Commission shall review and approve or deny applications for alterations to City Landmarks.<sup>4</sup>
- E. Section 106 Review – From time to time the Historic Preservation Officer or lead agency conducting review under Section 106 may solicit comments from the Landmarks Preservation Commission. This includes federally-owned properties listed on the Tacoma Register of Historic Places not subject to typical City permitting processes.
- F. Applications for Special Tax Valuation – The Commission shall approve applications for Special Tax Valuation pursuant to TMC 13.07 and RCW 80.26.
- G. Special Business – From time to time Commissioners may propose and vote on special items, including Commission resolutions and official Commission policy recommendations. These items shall be proposed in advance of the meeting at which the Commission shall vote, and appear on the agenda under Board Business.
- H. Communication Items – From time to time, Commissioners may propose communications between the Commission and other organizations regarding preservation issues. These items are not required to be on the agenda, but shall be subject to a vote of the Commission under Board Business.
- I. Requests for opinion or other advisory actions – From time to time, City departments and other organizations

<sup>3</sup> Amended 12/14/2011

<sup>4</sup> Amended 12/14/2011

may request review of preservation related items not generally under the Commission's jurisdiction. These items generally shall appear under Board Briefings on the agenda, and any vote taken to be an advisory vote.

5. Records of all actions taken by the Commission in the matter (resolutions, motions, setting of dates for hearings, etc.).
6. Record of actions taken by the City Council in the matter (ordinances, resolutions, results of hearings, etc.).

**VII. Adoption of Annual Calendar<sup>5</sup>**

- A. The Commission should develop and adopt a calendar of normal business at its first meeting in January of each year.
- B. The contents of the calendar will consist of basic normal agenda items, activities and filing deadlines, for the purposes of increasing the efficiency of commission operations and to provide guidance to applicants and interested parties.
- C. Any calendar adopted by the Commission shall be made available to the public in electronic and printed formats.

- C. Recorded transcripts or summary minutes of all official Commission proceedings shall be filed with the City Clerk and shall be opened to public inspection.

**VIII. Records**

- A. The Commission's adopted summary minutes of the public meetings shall be the official records. The actual recording of each hearing item shall be the official record for such item.
- B. Supplemental records pertaining to matters of public meetings and public hearings shall be kept on file in the Planning and Development Services Department as required by law. These supplemental records may include but not be limited to the following:
  1. Description of agenda items, including all submitted information therewith.
  2. Report of the Planning and Development Services Department, Advisory Committees and Standing Committees on the matter as presented to the Commission at a meeting thereof, including such material submitted in writing and in map form.
  3. Written communications concerning the matter.
  4. Facts concerning the matter.

**IX. Annual Report to the City Council**

The Commission shall annually report to the City Council regarding accomplishments and the status of planning efforts undertaken in the previous year, and if applicable, the outlook of planning issues for the coming year. Typically, this report will be given during Preservation Month (May).

Said report should, at the discretion of the Chair, take the form of a letter, a memorandum, a summary report or a copy of relevant minutes of the Commission's meetings, and may be posted on the City's website as well as delivered in person to the City Council.

**X. Community Outreach**

- A. Preservation Awards - The Commission should, on an annual basis, nominate and vote on individuals, organizations, or projects to be recognized officially by the City for Outstanding Achievement in Historic Preservation. The Commission should establish categories for awards, and forward the awards to the Mayor for a proclamation and recognition. The Commission, at its discretion, may solicit nominations from members of the public.
- B. The Commission may from time to time recommend and implement special programs, including educational sessions, tours and presentations,

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<sup>5</sup> Amended 12/10/2008

consistent with the purposes of TMC 1.42 and subject to the available departmental resources. The Historic Preservation Officer may advise the Commission regarding City resources and staff available for such projects, and convey requests by the Commission to the Planning and Development Services Department for such programs if special funding is required.

## **XI. Miscellaneous**

- A. Code of Ethics – Members of the Commission shall comply with the City of Tacoma’s Code of Ethics pursuant to the Tacoma Municipal Code Chapter 1.46 while conducting Commission business.
- B. Contact Information – The contact information of members of the Commission should be considered public information and made available for public access upon request. The Historic Preservation Officer shall be the contact for items related to official Commission business.
- C. Conferences – Members of the Commission may attend, at their own expense, conferences, meetings and training courses related to Commission business.

## **XII. Amending the Rules and Regulations<sup>6</sup>**

- A. General Changes –The rules and regulations may be amended by the Commission by a majority of vote on an annual basis, generally at its first regular meeting in December.
- B. Design Guidelines – Per TMC 13.07.120, the Commission shall adopt and maintain Design Guidelines for historic special review districts and conservation districts.
  - 1. Design Guidelines shall not be amended more than once annually, concurrent with the amendment of these Bylaws.
  - 2. The Commission shall conduct a public hearing consistent with the procedures set forth in TMC 13.07.120 prior to adopting any changes to Design Guidelines.

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<sup>6</sup> Amended 12/14/2011



## SECTION 2: Review Procedures

### I. Policies for Administrative Review

- A. The Commission may grant administrative review to part or all of any application before the Commission pursuant to TMC 1.42 by a quorum vote at the meeting in which said application is before the Commission. Typically, this would include conditions imposed upon the approval, for which the Historic Preservation Officer is delegated to ensure satisfaction of those conditions.
- B. The Commission may determine certain items or typical applications to be appropriate for ongoing Administrative Review, as these represent minor changes that do not warrant full Commission review. The types of Administrative Review are Type I and Type II. Type I Administrative Review results in minor visible changes to Contributing buildings or individual City Landmarks. Type II Review is appropriate for changes that are not visible or do not affect contributing historic buildings.

#### 1. Procedures for Type I Administrative Review

- a) When a project that is appropriate for administrative review, based upon the criteria set forth in these bylaws, is proposed to the Historic Preservation Officer, he or she will notify the Commission via email of a pending administrative review.
- b) Any Commissioner may request, within 24 hours<sup>7</sup>, that an application is submitted for regular agenda review.
- c) If no such request is received, the Historic Preservation Officer may approve at his or her discretion the project.
- d) The applicant may request formal commission review without prejudice, in the case that the Historic Preservation Officer does not approve or imposes conditions upon the project that are in dispute.

2. Typical items appropriate for Type I Administrative Review.
  - a) Signs – Changes in content or configuration that does not involve any change in sign location, dimensions, lighting or any additional sign area.
  - b) Windows – Staff may approve window repairs and upgrades that do not require any changes to window configuration, patterning, or new piercings or involve the removal of any historic material. The following types of upgrades are suitable for administrative approval:
    - i. Non historic aluminum windows to vinyl
    - ii. Non historic vinyl windows to vinyl, metal or fiberglass clad wood windows
    - iii. Non historic clad windows to wood windows
  - c) Rooftop HVAC, mechanical or communications equipment that is not visible from the primary rights of way and results in no modifications to the visible facades of the building.
  - d) Louvers and venting in which the vents or louvers are placed in an existing opening, such as a transom window, in which there is no change in the configuration of the fenestration and the only modification to the building is the removal of glazing panels.
  - e) Changes in color to awning fabric
  - f) Changes to a single door or window
  - g) Exterior remodeling of buildings that are under 50 years of age in Conservation Districts.
  - h) Temporary banners resulting in no new sign attachment points

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<sup>7</sup> Amended 12/09/09

- i) Privacy fences on residential lots that are subject to building code requirements due to heights in excess of 6' where the fence does not block views of the historic structure or require structural attachment to any historic structure.<sup>8</sup>
  - j) Painting of previously painted surfaces on individually listed landmarks and contributing structures in historic districts.<sup>9</sup>
3. Procedures for Type II Administrative Review – The Historic Preservation Officer may at his or her discretion sign permits or otherwise approve projects in this category with no advance notice to the Commission.
4. Typical Items appropriate for Type II Administrative Review
- a) In kind repair and replacement that does not require structural modifications
  - b) Changes to noncontributing buildings in districts that do not involve new construction or demolition, as provided by TMC 13.05 and/or 13.07<sup>10</sup>
  - c) Applications for signs involving structures under 50 years of age in Conservation Districts.
  - d) Exterior work that is not visible from any public right of way

type that the Commission commonly approves. In general, the types of Projects that are appropriate for Expanded Administrative Review include:

- a) Alterations, construction or removal of accessory structures (garages)
- b) Minor alterations to porches, balconies and decks, such as replacement or restoration of balusters, stairs and columns
- c) Residential work contained within the rear or side yards
- d) Window replacement on secondary elevations, including originals when there is 1) clear evidence of deterioration and there is no change to configuration, or 2) the replacement is required due to interior plan changes to the home, AND the replacement meets the guidelines for materials.
- e) Work on City Landmarks that is exempt from a building permit, and site improvements that do not affect the historic structure.
- f) Signs, provided that the attachment method is appropriate and the installation does not obscure architectural features
- g) Staff may recommend Expanded Administrative Review for other projects that the HPO determines to be minor.

C. Expanded Administrative Review Procedures

1. In support of its continuing goals to improve the efficiency of Commission operations, and to provide the most cost effective services to applicants, the Commission adopts these procedures for expanded administrative review. The typical project suitable for this kind of review appears to meet the applicable standards, results in minor impacts to historic fabric, or represents a project

2. Procedures.

- a) When a project that is determined suitable for Expanded Administrative Review is received by the Historic Preservation Office, the design documents shall be posted to the historic preservation website.

<sup>8</sup> Amended 12/10/2008

<sup>9</sup> Amended 1/11/17

<sup>10</sup> Amended 12/14/2011

- b) Staff will notify the Commission of a pending Expanded Administrative Review with a link to the design documents. Any Commissioner may request formal agenda review within three business days; otherwise, the application will be approved or amended and approved by staff.
- c) Applicants may request a review by the full Commission at the next available agenda, should there be disagreement with the staff's assessment.

for downtown where the standards conflict with the application of the Secretary of the Interior's Standards for Rehabilitation or district design guidelines. The Commission shall use findings regarding such a conflict as the basis of its decision to request a waiver of any zoning standards, and shall transmit these in writing to the Land Use Administrator.<sup>13</sup>

## II. Other Review Policies

- A. Variances and Conditional Use Permits
1. The Commission shall not formally review or approve any project for which a variance or conditional use permit is required and has not yet been granted, except in cases where preliminary review of a complete application for conditional use or variance is requested by the Planning and Development Services Director as stipulated in the applicable section of TMC 13.06.<sup>11</sup>
  2. Applications requiring a variance may be presented to the Commission for feedback in a briefing context.
  3. Per 13.05.046, historic preservation projects that are subject to the Residential Zoning Code, which require a variance, may petition the Commission for a waiver of the zoning development standards, where the standards conflict with the Design Guidelines or the Secretary of the Interior's Standards for Rehabilitation, as applicable. The Commission shall use findings regarding such a conflict as the basis of its decision to request a waiver of any zoning standards, and shall transmit these in writing to the Planning and Development Services Department.<sup>12</sup>
  4. Per 13.06.070B, projects involving City Landmarks within the Downtown zone undergoing Landmarks Preservation Commission review may request a waiver from the basic design standards

- B. Banners: The Commission delegates authority to review and approve the content of temporary banners mounted to existing brackets on light standards, that are located in downtown historic districts, to the Tacoma Arts Commission<sup>14</sup>
- C. Notice for Major Projects in Residential Historic Districts.
1. For projects involving new construction, and additions to existing homes that affect primary roofline, form or foundation plan, the Commission shall send notice in the form of an agenda, to adjacent property owners.
  2. Adjacent is defined as properties on the adjoining property lines, properties directly across the street or alley, and the properties adjoining the properties directly across the street or alley.
  3. This policy does not include construction or alterations to accessory structures.<sup>15</sup>

## III. Special Tax Valuation Procedures and Policy

- A. Definition of Qualified Expenditures – Costs that are generally eligible for Special Tax Valuation must meet the definitions for “actual cost of rehabilitation” specified in WAC 254-20-030 and the IRS definition for “Qualified Rehabilitation Expenditure.”

<sup>11</sup> Amended 12/9/2015

<sup>12</sup> Amended 12/14/2011

<sup>13</sup> Amended 12/10/2008

<sup>14</sup> Standing Motion 1/9/2002

<sup>15</sup> Amended 1/11/2017

1. For the purposes of Special Tax Valuation, "Qualified Rehabilitation Expenditures" generally include:
  - a. Direct construction costs;
  - b. Certain soft costs, including:
    - Architectural and engineering fees;
    - Construction permit fees;
    - Development management fees;
    - Construction loan interest and fee;
    - Utilities, taxes, and insurance for the construction period; and
    - State sales tax.

2. Qualified Rehabilitation Expenditures generally do not include:
  - a) Any costs related to acquisition of the property;
  - b) Any expenditure attributable to enlargement of the building; except to make the building fully usable (i.e. add a bathroom if one is not existing, add a kitchen if a kitchen is not existing)
  - c) Any costs of valuation and permanent financing of the property; and
  - d) Overhead costs or other "costs of doing business."

B. Examples of Expenses that Do and Do Not Qualify – In addition to the above list, the table to the right provides a limited overview of certain categories of items often purchased during renovations that have been determined by the Tacoma Landmarks Preservation Commission (LPC) to generally meet or not meet the definition of Qualified Rehabilitation Expense, based upon the Washington State and IRS guidelines. This list is not exhaustive and does not supersede the authority of the Commission to consider applications on a case-by-case basis. It is intended to provide guidance to applicants for the preparation of applications.

1. Generally qualifying expenditures:
  - a) Appliances including water heaters, furnaces and other mechanical: HVAC, A/C units, ventilation, blowers, etc.

- b) Furnishings including built-ins, cabinetry, shelves, and window seats/nooks
- c) Plumbing and electrical including supplies and materials, fixtures, faucets, sinks, light fixtures, required exterior or site work (sewer lines, etc), fire suppression systems and other code-related requirements
- d) Landscaping, including sitework necessary for rehabilitation (including clearing, disposal, stabilization restoration), sitework for utilities and foundation work, and landscape stabilization

2. Expenditures generally not qualified:

- a) Appliances such as portable counter top appliances (toaster ovens), washers and dryers, commercial kitchen appliances, home electronics (stereo, TV, CCTV etc) other kitchen Appliances
- b) Furnishings such as Moveable furniture, including chairs, sofas, beds, tables, islands (if not permanently affixed to floor)
- c) Plumbing and electrical such as Security and alarm systems (i.e. CCTV) and table or floor lamps
- d) Landscaping, such as plants, soil amendments, etc., landscape design work, accent lighting, sprinkler systems

C. Application requirements – The applicant shall provide the following information accompanying the application filed with the County Assessor-Treasurer:

1. Application indicating the final cost of the project and assessed improvement value at the start of the project

2. Verification that the property is listed on the Tacoma Register of Historic Places
  3. Affidavits certifying the expenditures on the project are consistent with State law and the Commission's policies regarding Special Tax Valuation qualified expenditures
  4. Photographs before and after the project
  5. Additional information may be requested by the Commission if required to render an informed decision
- D. Criteria for approval – The Commission shall approve the application if the following criteria are met:
1. The Assessor has certified the project is substantial under the definitions for the program in State law and has been completed within the preceding 24 month period
  2. The property is listed on the Tacoma Register of Historic Places at the time of application
  3. The project appears to be consistent with the Secretary of the Interior's Standards for rehabilitation or the applicable design guidelines within a historic district.<sup>16</sup>

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<sup>16</sup> Amended 12/9/15

## **SECTION 3: Historic District Rules and Policies**

### **I. Design Interpretations, Special Policies and Resolutions**

A. The following are interpretations intended to clarify the guidelines and standards included in Chapter 13.07 of the Tacoma Municipal Code.

B. The Landmarks Preservation Commission reviews applications on a case-by-case basis, considering the merits of each individual proposal, and reserves the right to make interpretations as each case warrants and within the confines of the authority granted by city ordinance.

### **C. Union Depot-Warehouse District design guidelines interpretations**

1. Height: New buildings in the Union Depot Warehouse Historic District that overlap DCC zoning may exceed the 85' height limit recommended by the design guidelines in TMC 13.07 <sup>17</sup>
2. Exterior Materials: Contemporary building materials for new construction, such as glass, steel, concrete and masonry have been determined to be acceptable for the district <sup>18</sup>

### **D. North Slope Historic District and Wedge Neighborhood design guidelines interpretations**

1. Periods of Significance. There are differing "periods of significance" stated in the three separate nominations that comprise the current North Slope Historic District. In all cases where there is conflict between "periods of significance" and the contributing or noncontributing status of a building (such as when a contributing building is outside the stated period of significance) the adopted North Slope Historic District Buildings Inventory is the governing document. <sup>19</sup>

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<sup>17</sup> Resolved by the Commission 2/23/2000

<sup>18</sup> Resolved by the Commission 2/23/2000

<sup>19</sup> Amended 12/19/2015

## SECTION 4: Enforcement Guidelines<sup>20</sup>

### I. Overview

The City of Tacoma Historic Preservation Program administers the activities of the Landmarks Preservation Commission (LPC). Property inspections and code enforcement procedures concerning City Landmarks are administered by Planning and Development Services Department (PDS) and the Neighborhood and Community Services Department (NCS).

To coordinate the activities of the LPC and PDS/NCS staff, this set of guidelines is established. Enforcement actions and inspections specific to City Landmarks and historic districts are based on the following policies and principles:

1. Fair and equitable enforcement is essential to achieve the intended purposes of the historic preservation ordinance.
2. Violations of the historic preservation ordinance may threaten public safety, destroy or damage irreplaceable cultural artifacts, diminish property values, result in costly repairs and property damage, and diminish the quality of life for Tacoma residents.
3. These guidelines are specific to violations of the historic preservation ordinance. However violations of the historic preservation ordinance may also violate applicable City of Tacoma building and land use codes, and may be enforced in concert with other City codes.
4. The goal of enforcement is to obtain compliance with the historic preservation ordinance. Fines and other mechanisms are a necessary means to achieve compliance and are not intended to be punitive or to collect revenue.
5. The highest enforcement priorities for the historic preservation ordinance are to stop situations and correct situations that threaten public safety or destroy or irreversibly alter historic properties.
6. City Staff, including the Historic Preservation Officer and Inspection and Code Enforcement staff consider program priorities and resources when responding to enforcement requests. Not every minor violation of the historic preservation ordinance warrants enforcement action.

7. Building Inspectors exercise judgement and discretion in taking enforcement action. Inspectors may issue verbal direction, notice of violation, notice of infraction, or stop work as appropriate to the situation.

### II. Enforcement Priorities

#### HIGH PRIORITY

1. Demolition, in whole or in substantial part, of a historic property.
2. Non-reversible alterations of original features or finishes to a historic property, such as sandblasting or removal of original masonry.
3. Substantial alteration or removal of important architectural and character defining elements of a property, such as porches, stairs, windows, wholesale siding removal, chimney demolition, and removal of other distinctive detailing.
4. Structural alterations, such as removal or relocation of walls and additions, and the addition of exterior structural elements such as decks.
5. Inspections requested by the Historic Preservation Officer.
6. Any building code violation determined to be a high priority by the Building Inspector.

#### NORMAL PRIORITY

1. Work that is completed at the time of complaint receipt.
2. Work underway that involves "in kind" replacement or repair of decorative elements, such as spot replacement of existing siding, repairs to trim, sills, flashing, that will not affect exterior appearance at the conclusion of the project.
3. Minor alterations on secondary building elevations (not prominently visible from a public right of way) that do not compromise the structural or historical integrity of the property (excluding window and door replacement that is underway).
4. Fences and other sitework not prominently visible from the public right of way, or not physically affecting the primary structure on the site.
5. Minor reversible decorative alterations.
6. Non-structural alterations to garages.
7. Changes in content to existing signs, or installation of freestanding signs that are not mounted on a permanent structure.

<sup>20</sup> Amended 12/09/09





### **III. General Procedures for Enforcement of High Priority Violations**

1. Requests for inspections that involve items in the high priority category should receive a site visit by the Building Inspector as soon following the receipt of complaint as possible.
2. Following inspection, if it is determined that the project appears to meet one or more of the project descriptions in the High Priority category, the Building Inspector, using his or her discretion, shall take the appropriate corrective action.
3. If the project is determined to fall into the Normal Priority category, the Inspector, at his or her discretion, may refer the matter to the Historic Preservation Officer for further action, may provide verbal direction to the property owner to contact the historic preservation officer, or may elect to take other corrective action (including a Stop Work Order) as determined appropriate.

### **IV. General Procedures for Normal Priority Violations**

1. Complaints and reports received by the City that appear to fall into the Normal Priority category may be referred by NCS or PDS directly to the Historic Preservation Officer for further action.
2. The Historic Preservation Officer will typically contact the property owner via Certified and First Class Mail, or if appropriate and possible, contact the owner in person, on the phone or via email. If appropriate, Historic Preservation Staff may conduct a site inspection.
3. If the Historic Preservation Officer, upon investigating the complaint, believes a Stop Work Order is appropriate, he or she may refer the complaint back to PDS or NCS and request inspection.
4. If appropriate, the Historic Preservation Officer will work with the property owner to gain proper approvals from the Landmarks Preservation Commission, via the procedures outlined in TMC 13.07. If approved, the Historic Preservation Officer shall refer the matter to PDS or NCS for the issuance of required City permits.
5. If attempts to contact the owner of the property are not successful, after allowing a reasonable duration of time, the Historic Preservation Officer may elect to refer the matter to Code Enforcement.

**SECTION 5: Appendices**

A	Landmarks Preservation Commission Master Calendar	18
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D	North Slope Historic District Inventory	50

January	FIRST MEETING
	<b>BOARD BUSINESS</b> <ul style="list-style-type: none"> <li>Officer Elections: Elections</li> <li>Establish Preservation Month activities committee</li> <li>Begin Awards Nomination Process</li> </ul>
	SECOND MEETING
February	FIRST MEETING
	SECOND MEETING
	<b>NOMINATIONS</b> <ul style="list-style-type: none"> <li>Public Hearing: Winter Qtr Nominations <sup>21</sup></li> </ul>
March	FIRST MEETING
	<b>NOMINATIONS</b> <ul style="list-style-type: none"> <li>Nominations due for Spring Qtr Public Hearing <sup>22</sup></li> </ul>
	SECOND MEETING
	<b>NOMINATIONS</b> <ul style="list-style-type: none"> <li>Last preliminary review date for Spring Qtr Public Hearing</li> </ul> <b>BOARD BUSINESS</b> <ul style="list-style-type: none"> <li>Discussion of Annual Report to Council</li> </ul>
April	FIRST MEETING
	<b>BOARD BUSINESS</b> <ul style="list-style-type: none"> <li>Selection of Achievement Awardees</li> <li>Preservation Month Activities Update/Final Review</li> <li>Consideration of Draft Annual Report to Council</li> </ul>
	SECOND MEETING
May	FIRST MEETING
	SECOND MEETING
	SECOND MEETING
June	FIRST MEETING
	<b>NOMINATIONS</b> <ul style="list-style-type: none"> <li>Nominations due for Summer Qtr Public Hearing</li> </ul>
	SECOND MEETING
June	<b>NOMINATIONS</b> <ul style="list-style-type: none"> <li>Last preliminary review date for Summer Qtr Public Hearing</li> </ul>

July	FIRST MEETING
	SECOND MEETING
	<b>NOMINATIONS</b> <ul style="list-style-type: none"> <li>Public Hearing: Summer Qtr Nominations <sup>23</sup></li> </ul>
August	FIRST MEETING
	SECOND MEETING
	SECOND MEETING
September	FIRST MEETING
	<b>NOMINATIONS</b> <ul style="list-style-type: none"> <li>Nominations due for Fall Qtr Public Hearing</li> </ul>
	SECOND MEETING
September	<b>NOMINATIONS</b> <ul style="list-style-type: none"> <li>Last preliminary review date for Fall Qtr Public Hearing</li> </ul> <b>BOARD BUSINESS</b> <ul style="list-style-type: none"> <li>Commissioner Terms Update</li> </ul>
	FIRST MEETING
	<b>SPECIAL TAX VALUATIONS</b> <ul style="list-style-type: none"> <li>Application Review</li> <li>Bylaws and Inventory Review</li> </ul>
October <sup>24</sup>	SECOND MEETING
	<b>NOMINATIONS</b> <ul style="list-style-type: none"> <li>Public Hearing: Fall Qtr Nominations</li> </ul> <b>SPECIAL TAX VALUATIONS</b> <ul style="list-style-type: none"> <li>Application Review</li> </ul>
	FIRST MEETING
November	<b>NOMINATIONS</b> <ul style="list-style-type: none"> <li>Nominations due for Winter Qtr Public Hearing</li> </ul> <b>SPECIAL TAX VALUATIONS</b> <ul style="list-style-type: none"> <li>Application Review</li> </ul> <b>BOARD BUSINESS</b> <ul style="list-style-type: none"> <li>Public Hearing: Bylaws and Inventory Review (as needed)</li> </ul>
	NO SECOND MEETING
	FIRST MEETING
December	<b>NOMINATIONS</b> <ul style="list-style-type: none"> <li>Last preliminary review date for Winter Qtr Public Hearing</li> </ul> <b>BOARD BUSINESS</b> <ul style="list-style-type: none"> <li>Bylaws and Inventory Approval</li> <li>Officer Elections: Nominations</li> </ul>
	NO SECOND MEETING

<sup>21</sup> Deadline for quarterly hearings is a minimum 2 meetings, or 4 weeks, ahead of date of hearing.

<sup>22</sup> Filing deadline is a minimum of 2 weeks ahead of preliminary review date.

<sup>23</sup> Deadline for nominations intending to apply for Special Tax Valuation in same year

<sup>24</sup> October 1: STV Filing deadline