

**CHAPTER 13.05**  
**LAND USE PERMITS AND PROCEDURES**

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**13.05.010 Land Use Permits.**

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B. Variances. <sup>2</sup>

1. Administration.

- a. All variances shall be processed in accordance with provisions of Chapter 13.05. Certain regulatory relief may be sought consistent with sections below that provide for potential variances in specified development situations.
- b. A minor variance is one in which the code relief requested is within 10 percent of the quantified standard contained in the code and shall be processed in accordance with 13.05.070.B. Minor variances may be granted for quantitative development regulations other than height, accessory building height, design, sign regulations, and off street quantity standards. Examples of quantitative standards are building setback, parking quantity, lot size, and minimum density requirements.
- c. A variance is one in which the code relief requested is beyond the threshold outlined above for minor variances and shall be processed in accordance with 13.05. 070.C.
- d. Both types of variances shall be subject to the same decision criteria found in this section. Minor variances shall not be granted for height in the View Sensitive Overlay District and for qualitative standards to which a 10 percent threshold would not apply.
- e. In the exercise of their powers to grant variances to, or interpret, the regulations contained in this chapter, the Director and Hearing Examiner may not, by any act or interpretation, change the allowed use of a structure or land, change the boundaries of a zoning district, or change the zoning requirements regulating the use of land.

<sup>1</sup> Code Reviser's note: Section 13.05.005 (Definitions), was repealed and relocated to the new Chapter 13.01 per Ord. 28613 Ex. G. See 13.01.050.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06.645 (Variances); relocated to 13.05.010 per Ord. 28613 Ex. G. Prior legislation: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28157 Ex. F; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27771 Ex. C; passed Dec. 9, 2008: Ord. 27644 Ex. A; passed Sept. 18, 2007: Ord. 27079 § 50; passed Apr. 29, 2003: Ord. 26933 § 1; passed Mar. 5, 2002.

## 2. Specified variances.

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### d. Design.

(1) Applicability. These shall include variances to design standards as set forth in Sections 13.06.100 and 13.06.090, with the exceptions of those uses and developments with specific variance criteria [and developments contained in Section 13.06.100.B and 13.06.100.D for Mixed Use Center and Downtown Districts, respectively. Requests to vary from design standards in Section 13.06.100.B and 13.06.100.D are to be processed as an Urban Design Project Review Departure per Section 13.19.040.](#)

(2) Criteria. The Director or Hearing Examiner may, in specific cases, authorize variances to design standards upon the finding that the variance request meets one of the criteria listed below. Standardized corporate design and/or increased development costs are not cause for variance. Failure to meet an appropriate test shall result in denial of the variance request. The Director or Hearing Examiner may issue such conditions as necessary to maximize possible compliance with the intent of the regulation from which relief is sought. The applicant carries the burden of proof to demonstrate applicability of the appropriate test(s):

(a) Unusual shape of a parcel established prior to 2002 creates practical difficulties in achieving compliance with the design standard sought to be varied.

(b) Preservation of a critical area, unique natural feature, or historic building and/or feature creates practical difficulties in achieving compliance with the design standard sought to be varied.

(c) Widely varied topography of the building site creates practical difficulties in achieving compliance with the design standard sought to be varied.

(d) Documentation of a pending public action, such as a street widening, creates practical difficulties in achieving compliance with the design standard sought to be varied.

(e) A proposed alternative design that departs from a requirement that can be demonstrated to provide equal or superior results to the requirement from which relief is sought in terms of quantity, quality, location, and function.

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### f. Variance to parking lot development standards.

(1) Applicability. These shall include variances to the parking lot development standards (all standards other than quantity) contained in Section 13.06.090.C, 13.06.090.D and 13.06.090.E, [with the exceptions of developments located within a Mixed Use Center and Downtown District. Requests to vary from parking lot development standards within a Mixed Use Center and Downtown District are to be processed as an Urban Design Project Review Departure per Section 13.19.40.](#)

(2) Criteria. The Director may authorize a variance for one or more of the following reasons:

(a) Reasonable alternatives are to be provided to said standards which are in the spirit and intent of this chapter; or

(b) Strict enforcement of the standards would cause undue or unnecessary hardship due to the unique character or use of the property.

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#### [D. Urban Design Project Review](#)

[Urban Design Project Review permit provisions, including applicability, approval criteria, application requirements and review processes, are contained in TMC 13.19.](#)

### **13.05.020 Application requirements for land use permits.**<sup>3</sup>

#### A. Purpose.

The purpose of this section is to outline land use permit and application requirements.

#### B. Applicability.

The regulations identified in this section apply to land use permits for which the Director and/or Hearing Examiner have decision-making authority. [The regulations identified in this section apply to land use permits for which the Urban Design Board has decision-making authority except where specific requirements in TMC 13.19 supersede or expand these requirements.](#) The applicant for a land use permit requested under this title shall have the burden of proving that a proposal is consistent with the criteria for such application.

#### C. Application Requirements.

##### 1. Predevelopment Conference.

A predevelopment conference may be scheduled at the request of the Department or the applicant. The predevelopment conference is intended to define the project scope and identify regulatory requirements of Title 13, prior to preparing a land use proposal. [A predevelopment conference is required prior to submittal of an application for an Urban Design Project Review permit.](#)

##### 2. Pre-Application Meeting.

The pre-application meeting is a meeting between Department staff and a potential applicant for a land use permit to discuss the application submittal requirements and pertinent fees. A pre-application meeting is required prior to submittal of an application for rezoning, platting, height variances, conditional use permit, [urban design project review](#), shoreline management substantial development (including conditional use, variance, and revision), wetland/stream/Fish and Wildlife Habitat Conservation Area (FWHCA) development permits, wetland/stream/FWHCA minor development permits, and wetland/stream/FWHCA verifications. This requirement may be waived by the Department. The pre-application meeting is optional for other permits.

##### 3. Applications Form and Content.

The Department shall prescribe the form and content for complete applications made pursuant to this title. The applicant is responsible for providing complete and accurate information on all forms as specified below.

Applications shall include the following:

- a. The correct number of completed Department application forms signed by the applicant;
- b. The correct number of documents, plans, or maps identified on the Department Submittal Requirements form which are appropriate for the proposed project;
- c. A demonstration by the applicant of consistency with the applicable policies, regulations, and criteria for approval of the permit requested;
- d. A completed State Environmental Policy Act checklist, if required; containing all information required to adequately determine the potential environmental impacts of the proposal;
- e. Payment of all applicable fees as identified in Section 2.09.170 – Required Filing Fees for Land Use Applications; and

<sup>3</sup> Code Reviser's note: Previously codified as 13.05.010 (Application requirements for land use permits); relocated to 13.05.020 per Ord. 28613 Ex. G.

f. Additional application information which may be requested by the Department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis, and transportation impact studies.

#### D. Initiation of Review Process.

The Department shall review a submitted application to determine its completeness, but will not begin permit processing of any application until the application is found to be complete. "Completeness" means the appropriate documents and reports have been submitted. Accuracy and adequacy of the application is not reviewed as a part of this phase.

#### E. Notice of Complete or Incomplete Application.

1. Within 28 days after receiving a development permit application, the Department shall provide in writing to the applicant either:

- a. A notice of complete application; or
- b. A notice of incomplete application and what information is necessary to make the application complete.

The 28-day time period shall be determined by calendar days from the date the application was filed to the postmarked date on the written notice from the Department.

2. An application shall be found complete if the Department does not, within 28 days, provide to the applicant a notice of incomplete application.

3. If the application is determined to be incomplete, and/or additional information is requested, within 14 days after an applicant has submitted the requested additional information, the Department shall notify the applicant whether the information submitted adequately responds to the notice of incomplete application, thereby making the application complete, or what additional information is still necessary.

4. An application is complete for purposes of this section when it meets the submission requirements of the Department as outlined in Section 13.05.020.C and TMC Section 13.11.230 for projects that may affect Critical Areas or their regulated buffers/management areas/geo-setbacks, even though additional information may be required or project modifications may be made later. The determination of a complete application shall not preclude the Department from requesting additional information or studies, either at the time of the notice of complete application or subsequently if new information is required or substantial changes in the proposed action occur, or should it be discovered that the applicant omitted, or failed to disclose, pertinent information.

#### F. Inactive Applications.

If an applicant fails to submit information identified in the notice of incomplete application or a request for additional information within 120 days from the Department's mailing date, or does not communicate the need for additional time to submit information, the Department may consider the application inactive and, after notification to the applicant, may close out the file and refund a proportionate amount of the fees collected with the application.

#### G. Modification to Application.

Proposed modifications to an application which the Department has previously found to be complete will be treated as follows:

1. Modifications proposed by the Department to an application shall not be considered a new application.
2. If the applicant proposes modifications to an application which would result in a substantial increase in a project's impacts, as determined by the Department, the application may be considered a new application. The new application shall conform to the requirements of this title which are in effect at the time the new application is submitted.

#### H. Limitations on Refiling of Application.

1. Applications for a land use permit pursuant to Title 13 on a specific site shall not be accepted if a similar permit has been denied on the site within the 12 months prior to the date of submittal of the application. The date of denial shall be considered the date the decision was made on an appeal, if an appeal was filed, or the date of the original decision if no appeal was filed.

2. The 12-month time period may be waived or modified if the Director finds that special circumstances warrant earlier reapplication. The Director shall consider the following in determining whether an application for permit is similar to, or substantially the same as, a previously denied application:

- a. An application for a permit shall be deemed similar if the proposed use of the property is the same, or substantially the same, as that which was considered and disallowed in the earlier decision;
- b. An application for a permit shall be deemed similar if the proposed application form and site plan (i.e., building layout, lot configuration, dimensions) are the same, or substantially the same, as that which was considered and disallowed in the earlier decision; and
- c. An application for a variance shall be deemed similar if the special circumstances which the applicant alleges as a basis for the request are the same, or substantially the same, as those considered and rejected in the earlier decision.

In every instance, the burden of proving that an application is not similar shall be upon the applicant.

#### I. Filing Fees.

The schedule of fees for land use permits is established in Chapter 2.09 of the Tacoma Municipal Code.

#### J. Time Periods for Decision on Application.

1. A decision on applications considered by the Director shall be made within 120 days of complete application. Applications within the jurisdiction of the Hearing Examiner shall be processed within the time limits set forth in Chapter 1.23. The notice of decision on a land use permit shall be issued (and postmarked) within the prescribed number of days after the Department notifies the applicant that the application is complete or is found complete as provided in Section 13.05.010.D.3. The following time periods shall be exempt from the time period requirement:

- a. Any period during which the applicant has been requested by the Department to correct plans, perform required studies, or provide additional required information due to the applicant's misrepresentation or inaccurate or insufficient information.
- b. Any period during which an environmental impact statement is being prepared; however, in no case shall the time period exceed one year, unless otherwise agreed to by the applicant and the City's responsible official for SEPA compliance.
- c. Any period for administrative appeals of land use permits.
- d. Any extension for any reasonable period of time mutually agreed upon in writing between the applicant and the Department.

2. The 120-day time period established in Section 13.05.020.J.1 for applications to the Director shall not apply in the following situations:

- a. If the permit requires approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200.
- b. If, at the applicant's request, there are substantial revisions to the project proposal, in which case the time period shall start from the date on which the revised project application is determined to be complete, per Section 13.05.020.E.3.

[c. Urban Design Project Review permit applications shall be processed within the time limits set forth in Chapter 13.19.](#)

3. Decision when effective. A decision is considered final at the termination of an appeal period if no appeal is filed, or when a final decision on appeal has been made pursuant to either Chapter 1.23 or Chapter 1.70. In the case of a zoning reclassification, the City Council's decision on final reading of the reclassification ordinance shall be considered the final decision.

4. If unable to issue a final decision within the 120-day time period, a written notice shall be made to the applicant, including findings for the reasons why the time limit has not been met and the specified amount of time needed for the issuance of the final decision.

5. Time Computation. In computing any time period set forth in this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. Legal holidays are described in RCW 1.16.050.

K. Required submittals.<sup>4</sup>

1. Administrative review-building permit.

Application for administrative review and building permit shall include the following:

a. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, including the related equipment facilities, and the proposed color(s) of the facility. The landscape plan shall address the required method of fencing, finished color, and, if applicable, the method of camouflage and illumination.

b. A signed statement indicating that:

(1) the applicant for a new tower has provided notice to all other area wireless service providers of its application to encourage the collocation of additional antennas on the structure. Notice shall be published in a newspaper of general circulation once per week, for a minimum period of 30 days, and an affidavit of publication shall be provided at the time of application as proof that the required notice has occurred. This requirement shall not apply to the development of concealed or camouflaged towers; and

(2) the applicant and/or landlord agree to remove the facility within one year after abandonment.

c. Copies of any environmental documents required, pursuant to the State Environmental Policy Act ("SEPA") (WAC 197-11). Project actions which are categorically exempt from SEPA shall also be exempt from this requirement. Copies of any environmental documents required by a federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.

d. An engineered and stamped site plan clearly indicating the location, type, and height of the proposed tower and antenna, the anticipated antenna capacity of the tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures.

e. Legal description of the parcel and Pierce County Assessor's Parcel Number.

f. A letter signed by the applicant stating the tower will comply with all FAA regulations and applicable standards, and all other applicable federal, state, and local laws and regulations.

g. A signed statement indicating that such installation, repair, operation, upgrading, maintenance, and removal of antenna(s) by the wireless communication provider shall be lawful and in compliance with all applicable laws, orders, ordinances, and regulations of federal, state, and local authorities having jurisdiction.

h. Where applicable, proof that the applicant is an FCC-licensed wireless communication provider or that it has agreements with an FCC-licensed wireless communication provider for use or lease of the proposed facility.

(Ord. 28725 Ex. E; passed Dec. 8, 2020: Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.05.010 (Application requirements for land use permits); relocated to 13.05.020 per Ord. 28613 Ex. G;

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<sup>4</sup> Code Reviser's note: Relocated from Subsection 13.06.545.D. per Ord. 28613 Ex. G.

passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex 5; passed Jun. 26, 2018: Ord. 28180 Ex. C; passed Oct. 15, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. A; passed May 8, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27771 Ex. B; passed Dec. 9, 2008: Ord. 27728 Ex A; passed Jul. 1, 2008: Ord. 27431 § 5; passed Nov. 15, 2005: Ord. 27245 § 1; passed Jun. 22, 2004: Ord. 26843 § 2; passed Aug. 21, 2001: Ord. 26645 § 4; passed Jun. 27, 2000: Ord. 25852 § 1; passed Feb. 27, 1996)

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### **13.05.070 Notice process.** <sup>5</sup>

#### A. Purpose.

The purpose of this section is to provide notice requirements for land use applications.

#### B. Administrative Determination.

1. A public notice is not required for Administrative Determinations. Examples of Administrative Determinations are minor variances, reasonable accommodation requests, review of non-conforming rights, zoning verification requests, and information requests.
2. Determinations of the Director shall be mailed to the applicant and the property owner (if different than the applicant) by first class mail and/or electronic mail.
3. At the discretion of the Director, notice of the Determination and/or summary of Determination may be provided to other qualified or interested parties.

#### C. Process I – Minor Land Use Decisions.

1. A public notice shall be provided, and a notice of application published, within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.E. Examples of minor land use decisions are variances, Conditional Use Major Modifications, temporary shelters, wetland/stream/FWHCA Verifications, and wetland/stream/FWHCA Minor Development Permits.
2. Public notice shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils pursuant to TMC 1.45 and business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); and the Puyallup Tribe of Indians. Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method. Notice shall also be mailed by first-class mail to occupants and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H.
3. Parties receiving public notice shall be given 14 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department.
4. Decisions of the Director shall be mailed to the applicant and the property owner, if different than the applicant, by first class mail. Decisions of the Director requiring environmental review pursuant to the State Environmental Policy Act, WAC 197-11, and the provisions of TMC Chapter 13.12, shall also include a Threshold Determination by the Responsible Official for the Department.
  - (a) A full copy of the decision shall be provided to any party who commented on the proposal during the comment period.
  - (b) A notice of decision shall be mailed by first-class mail to all recipients of the initial public notice, as described above.
5. A public information sign (or signs), provided by the Department for applications noted in Table H (Section 13.05.070.H), indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the

<sup>5</sup> Code Reviser's note: Previously codified as 13.05.020 (Notice process); relocated to 13.05.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019.



date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and how additional information can be obtained.

D. Process II – Administrative Decisions Requiring an Environmental Determination and Height Variances, Shoreline Permits, Conditional Use, Special Development Permits, Wetland/Stream/Fish & Wildlife Habitat Conservation Area (FWHCA) Development Permits, Site Approvals, [and Urban Design Project Review](#).

1. A public notice shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.E.
2. Public notice shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils pursuant to TMC 1.45 and neighborhood business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations consistent with the requirements set forth for Process I land use permits; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); and the Puyallup Tribe of Indians. Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method. Notice shall also be mailed by first-class mail to occupants and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H. For major modifications to development approved in a PRD District rezone and/or site approval, the notice of application shall also be provided to all occupants and owners of property and/or taxpayers of record within the entire PRD District and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H. from the boundary of the PRD District.
3. Parties receiving public notice shall be given 30 days, with the exception of five to nine lot preliminary plats [and Urban Design Project Review permits](#) which shall be given 14 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department, unless a Public Meeting is held, as provided by Section 13.05.070.G.
4. A public information sign (or signs), provided by the Department for applications noted in Table H (Section 13.05.070.H), indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and where additional information can be obtained.
5. Notice shall be published in a newspaper of general circulation for applications identified in the table in subsection H of this section.
6. Decisions of the Director shall be mailed to the applicant and the property owner, if different than the applicant, by first class mail. Decisions of the Director requiring environmental review pursuant to the State Environmental Policy Act, WAC 197 11, and the provisions of TMC Chapter 13.12, shall also include a Threshold Determination by the Responsible Official for the Department.
  - (a) A full copy of the decision shall be provided to any party who commented on the proposal during the comment period.
  - (b) A notice of decision shall be mailed by first-class mail to: all recipients of the initial public notice, as described above.

E. Process III – Decisions Requiring a Public Hearing.

1. A public notice shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.C.
2. Public notice, including the information identified in Section 13.05.070.F, shall be mailed by first-class mail to the applicant, property owner (if different than the applicant), neighborhood councils pursuant to TMC 1.45



and neighborhood business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); and the Puyallup Tribe of Indians. Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method. Notice shall also be mailed by first-class mail to residents and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H. For major modifications to development approved in a PRD District rezone and/or site approval, the notice of application shall also be provided to occupants and all owners of property and/or taxpayers of record within the entire PRD District and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.070.H from the boundary of the PRD District.

3. The notified parties shall be allowed 21 days from the date of mailing to comment on the pre-threshold environmental determination under provisions of Chapter 13.12, after which time the responsible official for SEPA shall make a final determination. Those parties who comment on the environmental information shall receive notice of the environmental determination. If an appeal of the determination is filed, it will be considered by the Hearing Examiner at the public hearing on the proposal.

4. A public information sign (or signs), provided by the Department, indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The notice shall contain, at a minimum, the following information: type of application, name of applicant, location of proposal, and where additional information can be obtained.

5. Notice shall be published in a newspaper of general circulation for applications identified in the table in subsection H of this section.

#### F. Content of Public Notice and Notice of Application.

1. At a minimum, the Public Notice shall contain the following elements:

- a. A clear statement that a full Notice of Application as described below is available, and how to access that Notice;
- b. A project description, including type of permit requested, proponent, location, and vicinity map;
- c. Preliminary environmental determination (or exemption);
- d. Project contact information, including comment method and deadline and, as applicable, the following:
  - (1) Date, time, place and type of hearing (notice must be provided at least 15 days prior to the open record hearing);
  - (2) A provision which advises that a “public meeting” may be requested by any party entitled to notice.

2. The notice of application shall contain the following information, where applicable, in whatever sequence is most appropriate for the proposal, per the requirements of RCW 36.70B.110. The notice shall be made available, at a minimum, in the project’s online permit file, and by any other methods deemed appropriate:

- a. Date of application;
- b. Date of notice of completion for the application;
- c. Date of the notice of application;
- d. Description of the proposed project action;
- e. List of permits included in the application;
- f. List of studies requested;
- g. Other permits which may be required;

- h. A list of existing environmental documents used to evaluate the proposed project(s) and where they can be reviewed;
- i. Public comment period (not less than 14 nor more than 30 days), statement of right to comment on the application, receive notice of and participate in hearings, request a copy of the decision when made, and any appeal rights;
- j. Date, time, place and type of hearing (notice must be provided at least 15 days prior to the open record hearing);
- k. Statement of preliminary determination of development regulations that will be used for project mitigation and of consistency;
- l. A provision which advises that a “public meeting” may be requested by any party entitled to notice;
- m. Notice that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 14 days of the mailing of such notice, or who requests receipt of a copy of the decision.
- n. Any other information determined appropriate, e.g., preliminary environmental determination, applicant’s analysis of code/policy applicability to project.

#### G. Public Comment Provisions.

Parties receiving public notice shall be given the opportunity to comment in writing to the department. A “public meeting” to obtain information, as defined in Section 13.01.050, may be held on applications which require public notification under Process II, and Conditional Use Major Modifications, when:

1. The Director determines that the proposed project is of broad public significance; or
2. The neighborhood council pursuant to TMC 1.45 or the neighborhood business district pursuant to TMC 1.47 in the area of the proposed project requests a “public meeting”; or
3. The owners of five or more parcels entitled to notice for the application make a written request for a meeting; or
4. The applicant has requested a “public meeting.”

Requests for a meeting must be made in writing and must be in the Planning and Development Services office within the comment period identified in the notice. One public meeting shall be held for a permit request regardless of the number of public meeting requests received. If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting. Notice of the “public meeting” shall be mailed at least 14 days prior to the meeting to all parties entitled to original notice, and shall specify the extended public comment period; however, if the Director has determined that the proposed project is of broad public significance, or if the applicant requests a meeting, notification of a public meeting may be made with the notice of application, and shall allow the standard 30-day public comment period.

The comment period for permit type is identified in Section 13.05.070.H. When a proposal requires an environmental determination under Chapter 13.12, the notice shall include the time within which comments will be accepted prior to making a threshold determination of environmental significance or non-significance.

#### H. Notice and Comment Period for Specified Permit Applications.

Table H specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

**Table H – Notice, Comment and Expiration for Land Use Permits**

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation of code	Recommended	100 feet for site specific	For general application	Yes	14 days	Director	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	Director	No	No	None
Boundary line adjustment	Required	No	No	No	No	Director	No	No	5 years <sup>3</sup>
Binding site plan	Required	No	No	No	No	Director	No	No	5 years <sup>3</sup>
Environmental SEPA DNS* (see TMC 13.05.070.I)	Optional	Same as case type	Yes if no hearing required	No	Same as case type	Director	No	No	None
Environmental Impact Statement (EIS)* (see TMC 13.05.070.I)	Required for scoping, DEIS and FEIS	1000 feet	Yes	Yes	Minimum 30 days	Director	No, unless part of associated action. Public scoping meeting(s) required	No	None
Variance, height of main structure	Required	400 feet	No	Yes	30 days	Director	No <sup>1</sup>	No	5 years
Open space classification	Required	400 feet	No	Yes	2	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	1000 feet	Yes	Yes	21 days SEPA <sup>2</sup>	Hearing Examiner	Yes	Final Plat	5 years <sup>6</sup>
Rezones	Required	400 feet; 1000 feet for public facility site	No; Yes for public facility site	Yes	21 days SEPA <sup>2</sup>	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance* (see TMC 13.05.070.I)	Required	400 feet	No	Yes	30 days <sup>5</sup>	Director	No <sup>1</sup>	No	2 years/ maximum <sup>6</sup>
Short plat (2-4 lots)	Required	No	No	No	No	Director	No	No	5 years <sup>3</sup>
Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years <sup>6</sup>
Site approval	Required	400 feet	No	Yes	30 days <sup>5</sup>	Director	No	No	5 years
Conditional use* (see TMC 13.05.070.I)	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days <sup>5</sup>	Director	No	No	5 years <sup>4</sup>
Conditional use, correctional facilities (new or major modification)	Required	2,500 feet from the edge of the zone	Yes	Yes	30 days <sup>2</sup>	Hearing Examiner	Yes	No	5 years

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Conditional use, detention facilities (new or major modification)	Required	2,500 feet from the edge of the zone	Yes	Yes	30 days <sup>2</sup>	Hearing Examiner	Yes	No	5 years
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days <sup>2</sup>	Hearing Examiner	Yes	No	5 years
Conditional use, master plan	Required	1000 feet	Yes	Yes	30 days <sup>2</sup>	Director	Yes	No	10 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; 1000 feet for public facility sites and master plans	No	Yes	14 days <sup>5</sup>	Director	No	No	5 years
Temporary Shelters Permit	Required	400 feet	Yes	Yes	14 days	Director	No	No	1 year
Minor Variance	Optional	100 feet <sup>7</sup>	No	No	14 days	Director	No <sup>1</sup>	No	5 years
Variance	Optional	100 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years
Wetland/Stream/FWHCA development permits	Required	400 feet	No	Yes	30 days	Director	No <sup>1</sup>	No	5 years*
Wetland/Stream/FWHCA Minor Development Permits	Required	100 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years*
Wetland/Stream/FWHCA verification	Required	100 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years
<a href="#">Urban Design Project Review, Type I Concept design; (Final design)</a>	<a href="#">Required; (Required)</a>	<a href="#">400 feet; (400 feet)</a>	<a href="#">No; (No)</a>	<a href="#">Yes; (Yes)</a>	<a href="#">14 days; (14 days)</a>	<a href="#">Director; (Director)</a>	<a href="#">No; (No)</a>	<a href="#">No; (No)</a>	<a href="#">1 year; (5 years)</a>
<a href="#">Urban Design Project Review, Type II Concept design; (Final design)</a>	<a href="#">Required; (Required)</a>	<a href="#">400 feet; (400 feet)</a>	<a href="#">No; (No)</a>	<a href="#">Yes; (Yes)</a>	<a href="#">30 days; (30 days)</a>	<a href="#">Urban Design Board; (Urban Design Board)</a>	<a href="#">Yes; (No)</a>	<a href="#">No; (No)</a>	<a href="#">1 year; (5 years)</a>

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

\* Programmatic Restoration Projects can request 5 year renewals to a maximum of 20 years total.

When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.110.C).

- 1 Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director's decision and are not eligible for a one-year extension.
- 2 Comment on land use permit proposal allowed from date of notice to hearing.
- 3 Must be recorded with the Pierce County Auditor within five years.
- 4 Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director's decision.
- 5 If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.
- 6 Refer to Section 13.05.120 for preliminary plat expiration dates.
- 7 Public Notification of Minor Variances may be sent at the discretion of the Director. There is no notice of application for Minor Variances.

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#### J. Notice for public hearings. <sup>6</sup>

1. The Department shall give public/legal notice of the subject, time and place of the Planning Commission, or its advisory committee, public hearings in a newspaper of general circulation in the City of Tacoma prior to the hearing date. The Department shall provide notice of Commission public hearings on proposed amendments to the Comprehensive Plan and development regulations to adjacent jurisdictions, other local and state government agencies, Puyallup Tribal Nation, the applicable current neighborhood council board members pursuant to TMC 1.45, neighborhood business districts pursuant to TMC 1.47, and other individuals or organizations identified by the Department as either affected or likely to be interested.
2. For Comprehensive Plan land use designation changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a special notice of public hearing is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, and occupants, within, and within 2500 feet of the subject area.
3. For land use designation amendments, area-wide zoning reclassifications, or center boundary modifications affecting a designated regional growth center or manufacturing and industrial center, the Department shall ensure that a special notice of public hearing is mailed to all property taxpayers and occupants within, and within 2500 feet, of the designated center.
4. For a proposed amendment to the Comprehensive Plan land use designations or area-wide zoning classifications within a focused geographic area, the Department shall require that a public information sign(s), provided by the Department, is posted in the affected area at least 14 calendar days prior to the Planning Commission public hearing. The sign shall be erected at a location or locations as determined by the Department, and shall remain on site until final decision is made by the City Council on the proposed amendment. The applicant shall check the sign(s) periodically in order to make sure that the sign(s) remains up and in a readable condition. The sign shall contain, at a minimum, the name of the applicant, a description and location of the proposed amendment, and where additional information may be obtained.
5. The City Clerk shall give public notice of the subject, time and place of public hearings for actions by the City Council in a newspaper of general circulation in the City of Tacoma prior to the hearing date.

(Ord. 28786 Ex. A; passed Nov. 16, 2021; Ord. 28725 Ex. A; passed Dec. 8, 2020; Code Reviser's note: Subsections were previously codified as Section 13.02.057 (Notice for public hearing) and Section 13.05.020 (Notice process); both were relocated to 13.05.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

(Prior legislation for 13.02.057: Ord. 28376 Ex. E; passed Aug. 16, 2016; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 12; passed Dec. 16, 2003)

(Prior legislation for 13.05.020: Ord. 28613 Ex. D; passed Sept. 24, 2019; Ord. 28518 Ex. 6; passed Jun. 26, 2018; Ord. 28511 Ex. A; passed May 15, 2018; Ord. 28498 Ex. B; passed Apr. 10, 2018; Ord. 28491 Ex. A; passed Feb. 20, 2018; Ord. 28470 Ex. A; passed Nov. 21, 2017 [Code Reviser's note: Ord. 28470, as extended by various

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<sup>6</sup> Code Reviser's note: Previously codified as 13.02.057 (Notice for public hearings); relocated to 13.05.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

ordinances, expired and was replaced by Ord. 28786 Amended, passed Nov. 16, 2021]; Ord. 28460 Ex. A; passed Oct. 17, 2017; Ord. 28429 Ex. A; passed May 9, 2017; Ord. 28376 Ex. E; passed Aug. 16, 2016; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28230 Ex. C; passed Jul. 22, 2014; Ord. 28216 Ex. B; passed Apr. 22, 2014; Ord. 28180 Ex. C; passed Oct. 15, 2013; Ord. 28157 Ex. E; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. A; passed May 8, 2012; Ord. 28050 Ex. B; passed Feb. 14, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. C; passed Jun. 30, 2009; Ord. 27771 Ex. B; passed Dec. 9, 2008; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27631 Ex. A; passed Jul. 10, 2007; Ord. 27431 § 6; passed Nov. 15, 2005; Ord. 27245 § 2; passed Jun. 22, 2004; Ord. 27158 § 1; passed Nov. 4, 2003; Ord. 26195 § 1; passed Jan. 27, 1998; Ord. 25852 § 1; passed Feb. 27, 1996)

### **13.05.080 Director Decision Making Authority.** <sup>7</sup>

#### A. Authority.

The Director shall have the authority to act upon the following matters:

1. Interpretation, enforcement, and administration of the City's land use regulatory codes as prescribed in this title, including the approval of equivalencies for projects wherein the deviation from code is not substantial and there are alternatives provided that achieve the intent of the code by providing equal or superior results in terms of quantity, quality, location and/or function;
2. Applications for conditional use permits;
3. Applications for site plan approvals;
4. Applications for minor variances and variances;
5. Applications for preliminary and final plats as outlined in Chapter 13.04, Platting;
6. Applications for Critical Area Development Permits, Verifications, and Minor Development Permits as outlined in Chapter 13.11;
7. Applications for Shoreline Management Substantial Development Permits/conditional use/ variances as outlined in Title 19<sup>8</sup>;
8. Modifications or revisions to any of the above approvals;
9. Approval of landscape plans;
10. Extension of time limitations;
11. Application for permitted use classification for those uses not specifically classified;
12. Boundary line adjustments, binding site plans, and short plats;
13. Approval of building or development permits requiring Land Use Code and Environmental Code compliance.

#### [14. Application for Type I Urban Design Project Review](#)

#### B. Interpretation and Application of Land Use Regulatory Code.

In interpreting and applying the provisions of the Land Use Regulatory Code, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, morals or general welfare. It is not intended by this code to interfere with or abrogate or annul any easements, covenants or agreements between parties. Where this code imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires larger yards or setbacks and open spaces than are required in other ordinances, codes, regulations, easements, covenants or agreements, the provisions of this code shall govern. An interpretation shall be utilized where the factual basis to make a determination is unusually complex or there is some problem with the veracity of the facts; where the applicable code provision(s) is ambiguous or its application to the facts unclear; or in those instances

<sup>7</sup> Code Reviser's note: Previously codified as 13.05.030 (Director Decision Making Authority); relocated to 13.05.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

<sup>8</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.

where a person applying for a license or permit disagrees with a staff determination made on the application. Requests for interpretation of the provisions of the Land Use Regulatory Code shall be processed in accordance with the requirements of Section 13.05.090.

#### C. Permitted Uses – Uses Not Specifically Classified.

In addition to the authorized permitted uses for the districts as set forth in this title, any other use not elsewhere specifically classified may be permitted upon a finding by the Director that such use will be in conformity with the authorized permitted uses of the district in which the use is requested. Notification of the decision shall be made by publication in a newspaper of general circulation.

#### D. Reasonable Accommodation.

Any person claiming to have a handicap, or someone acting on their behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC § 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Director with verifiable documentation of handicap eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap eligibility and need for accommodation are demonstrated, the Director shall approve an accommodation, which may include granting an exception to the provisions of this Code.

##### 1. Purpose.

This section provides a procedure for requests for reasonable accommodations made by persons with disabilities, their representative or any entity, when the application of a land use regulation acts as a barrier to fair housing opportunities.

##### 2. Application.

Requests for reasonable accommodation shall be submitted in the form of a letter to the Development Services Division of the Planning and Development Services Department and shall include the following:

- a. The applicant's name, address, and telephone number;
- b. Address of the property for which the request is being made;
- c. The current use of the property;
- d. The basis for the claim that the individual is considered disabled under the fair housing laws: identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and its effects on the person's medical, physical or mental limitations;
- e. The code provision, regulation or policy from which reasonable accommodation is being requested, including all applicable material necessary to reach a decision regarding the need for and reasonableness of the accommodation, such as drawings, pictures, plans, correspondence or any other background information relevant to the request;
- f. The type of accommodation being sought and why the reasonable accommodation is necessary to make the specific property accessible to the individual; and
- g. Other supportive information deemed necessary by the Department to facilitate proper consideration of the request, consistent with the Acts.

3. No application fee shall apply to a request for reasonable accommodation (unless the request is being made concurrently with an application for some other Land Use discretionary permit, in which case the applicant shall pay only the required application fee for that other discretionary permit).

##### 4. Review Authority and Review Procedure.

- a. Review Authority. Requests for reasonable accommodation shall be reviewed by the Director, or designee.
- b. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another Land Use discretionary application shall be reviewed by the authority reviewing the discretionary land use application; further, a reasonable accommodation cannot waive a requirement for a Conditional



Use Permit when otherwise required or result in approval of uses otherwise prohibited by the City's land use and zoning regulations.

c. Review Procedure. The Director, or designee, shall either grant, grant with conditions, or deny a request for reasonable accommodation in accordance with 13.05.080.D.5 (Findings and Decision).

d. The Director may require an Accommodation Agreement be recorded with the Pierce County Auditor to provide notice and ensure conditions of approval are met. The City will be responsible for creating the Accommodation Agreement and will provide it to the applicant. The Accommodation Agreement must be recorded prior to issuance of Certificate of Occupancy or Certificate of Completion for the associated building permit;

e. A notice of the Director's decision will be mailed to all property owners/taxpayers located within 100 feet of the site where the accommodation is requested.

#### 5. Findings and Decision.

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors, with or without conditions:

- a. The requested accommodation is necessary to make specific housing available to a disabled person;
- b. The housing will be used by a disabled person;
- c. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning; and
- d. The requested accommodation would not impose an undue financial or administrative burden on the City;

#### 6. Reasonable Conditions.

In granting a request for reasonable accommodation, the reviewing authority may further impose conditions of approval that are deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required under 13.05.080.D.5 above, such as removal of the improvements, where removal would not constitute an unreasonable financial burden and when the need for which the accommodation was granted no longer exists.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.05.030 (Director Decision Making Authority); relocated to 13.05.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 5; passed Jun. 26, 2018: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28180 Ex. C; passed Oct. 15, 2013: Ord. 28157 Ex. E; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28077 Ex. B; passed Jun. 12, 2012: Ord. 28070 Ex. A; passed May 8, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27813 Ex. C; passed Jun. 30, 2009: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27539 § 1; passed Oct. 31, 2006: Ord. 27466 § 35; passed Jan. 17, 2006: Ord. 27431 § 7; passed Nov. 15, 2005: Ord. 27245 § 3; passed Jun. 22, 2004: Ord. 27017 § 5; passed Dec. 3, 2002: Ord. 26195 § 2; passed Jan. 27, 1998: Ord. 25852 § 1; passed Feb. 27, 1996)

### **13.05.090 Decision of the Director.**<sup>9</sup>

#### A. Effect of Director's Land Use Decision.

The Director's decision shall be final; provided, that pursuant to subsection H of this section, an appeal may be taken to the Hearing Examiner. The Director's decision shall be based upon the criteria set forth for the granting of such permit, the policies of the Comprehensive Plan, and any other applicable program adopted by the City Council. The decision of the Director shall be set forth in a written summary supporting such decision and demonstrating that the decision is consistent with the applicable criteria and standards contained in this title and the policies of the Comprehensive Plan. The decision shall include the environmental determination of the responsible official.

<sup>9</sup> Code Reviser's note: Previously codified as 13.05.040 (Decision of the Director); relocated to 13.05.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

## B. Conditioning Land Use Approvals.

When acting on any land use matter, the Director may attach any reasonable conditions found necessary to make the project compatible with its environment, to carry out the goals and policies of the City's Comprehensive Plan, including its Shoreline Master Program, or to provide compliance with applicable criteria or standards set forth in the City's Land Use Regulatory Codes. Such conditions may include, but are not limited to:

1. The exact location and nature of the development, including additional building and parking area setbacks, screening in the form of landscape berms, landscaping or fencing;
2. Mitigating measures, identified in applicable environmental documents, which are reasonably capable of being accomplished by the project's sponsor, and which are intended to eliminate or lessen the environmental impact of the development;
3. Provisions for low- and moderate-income housing as authorized by state statute;
4. Hours of use or operation, or type and intensity of activities;
5. Sequence in scheduling of development;
6. Maintenance of the development;
7. Duration of use and subsequent removal of structures;
8. Dedication of land or granting of easements for public utilities and other public purposes;
9. Construction of, or other provisions for, public facilities and utilities. In regard to the conditions requiring the dedication of land or granting of easements for public use and the actual construction of or other provisions for public facilities and utilities, the Director shall find that the problem to be remedied by the condition arises, in whole or significant part, from the development under consideration, the condition is reasonable, and is for a legitimate public purpose.
10. Critical Area development permits, minor development permits, and verifications shall be subject to TMC Chapter 13.11.

Refer to Section 13.05.150 and TMC Chapter 13.11 for procedures to enforce permit decisions and conditions.

## C. Timing of Decision.

After examining all pertinent information and making any inspections deemed necessary by the Director, the Director shall issue a decision within 120 days from the date of notice of a complete application, unless additional time has been agreed to by the applicant, or for other reasons as stated in Section 13.05.020.

In the event the Director cannot act upon a land use matter within the time limits set forth, the Director shall notify the applicant in writing, setting forth reasons the matter cannot be acted upon within the time limitations prescribed, and estimating additional time necessary for completing the recommendation or decision.

## D. Mailing of Decision.

1. A copy of the decision shall be mailed to the applicant and the property owner, if different than the applicant, by first class mail. A copy of the decision shall be mailed to those who commented in writing or requested a copy of the decision within the time period specified in Section 13.05.070 and a summary of the decision shall also be mailed by first-class mail to owners of the property, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances specified in Section 13.05.070.H; the Puyallup Indian Tribe for "substantial actions" as defined in the "Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners," dated August 27, 1988; neighborhood councils pursuant to TMC 1.45 or the neighborhood business districts pursuant to TMC 1.47 in the vicinity of the proposal; and qualified neighborhood or community organizations.
2. Notice to the State of Washington on Shoreline Permit Decisions/Recommendations. Copies of the original application and other pertinent materials used in the final decision in accordance with this section, State regulations, and, pursuant to RCW 90.58 or 43.21C, the permit and any other written evidence of the final order of the City relative to the application, shall be transmitted by the Director to the Attorney General of the State of Washington and the Department of Ecology in accordance with WAC 173-27-130 and RCW 90.58.140(6).

3. Notice shall be provided to property owners affected by the Director's decision that such owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. Notice of the Director's decision shall also be provided to the Pierce County Assessor/Treasurer's Office.

#### E. Consolidated Review of Multiple Permit Applications and of Environmental Appeals with the Underlying Land Use Action.

Applications which require an open-record hearing shall be considered by the Hearing Examiner. When an open-record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently. Therefore, in this situation, applications for which the Director has authority shall be transferred to the jurisdiction of the Hearing Examiner to allow consideration of all land use actions concurrently.

#### F. Consolidated Review of Land Use Permitting on Multi-Jurisdictional Projects.

Applications for projects that require land use permits from the City of Tacoma as well as from a neighboring jurisdiction, and where such neighboring jurisdiction's land use permitting processes require a pre-decision public hearing, the application for the City of Tacoma's land use permit shall be transferred to the jurisdiction of the Hearing Examiner for the purpose of conducting a joint hearing with the other permitting jurisdiction. Should a joint hearing not be arranged by agreement of the permitting jurisdictions, the matter shall be returned to the jurisdiction of the Director.

#### G. Reconsideration.

A request for reconsideration may be made on any decision or ruling of the Director by any aggrieved person or entity having standing under this chapter. A request seeking reconsideration shall be in writing and shall set forth the alleged errors of procedure, fact, or law. The request for reconsideration shall be filed with Planning and Development Services within 14 calendar days of the issuance of the Director's decision, not counting the day of issuance of the decision. If the last day for filing the request for reconsideration falls on a weekend day or a holiday, the last day for filing shall be the next working day. It shall be within the discretion of the Director to determine whether the opposing party or parties will be afforded an opportunity to respond. After review of the matter, the Director shall take such further action deemed proper, which may include the issuance of a revised decision.

#### H. Appeal to the Hearing Examiner.

Any aggrieved person having standing under this chapter shall have the right, within 14 calendar days of the issuance of the Director's decision to appeal the Director's decision to the Hearing Examiner. Such appeal shall be in accordance with Section 13.05.100 of this chapter.

#### I. Compliance with Permit Conditions.

Compliance with conditions established in a permit is required. Any departure from the conditions of approval or approved plans constitutes a violation of this title and shall be subject to enforcement actions and penalties. See Section 13.05.150 for enforcement and penalties.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.05.040 (Decision of the Director); relocated to 13.05.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28157 Ex. E; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. A; passed May 8, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 8; passed Nov. 15, 2005; Ord. 27245 § 4; passed Jun. 22, 2004; Ord. 27079 § 13; passed Apr. 29, 2003; Ord. 26585 § 2; passed Mar. 14, 2000; Ord. 26195 § 3; passed Jan. 27, 1998; Ord. 25852 § 1; passed Feb. 27, 1996)

### **13.05.100 Appeals of administrative decisions.** <sup>10</sup>

#### A. Purpose.

The purpose of this section is to cross-reference the procedures for appealing administrative decisions on land use proposals.

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<sup>10</sup> Code Reviser's note: Previously codified as 13.05.050 (Appeals of administrative decisions); relocated to 13.05.100 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

## B. Applicability.

The provisions of this section shall apply to any order, requirement, permit, decision, or determination on land use proposals made by the Director. These may include, but are not limited to, variances, short plat, wetland/stream development, site approval, and conditional use permits, modifications to permits, interpretations of land use regulatory codes, and decisions for the imposition of fines. Appeals of shoreline permit decisions shall be subject to the appeals process in the Shoreline Master Program and TMC Title 19<sup>11</sup>. These provisions also do not apply to activities that are allowed with staff review under TMC Chapter 13.11.

## C. Appeal to the Hearing Examiner.

The Hearing Examiner shall have the authority to hear and decide appeals from any final written order, requirement, permit, decision, or determination on land use proposals, except for appeals of decisions identified in Chapter 13.04. The Hearing Examiner shall consider the appeal in accordance with procedures set forth in Chapter 1.23 and the Hearing Examiner's rules of procedure.

## D. Who May Appeal.

Any final decision or ruling of the Director may be appealed by any aggrieved person or entity having standing under the ordinance relevant to the Director's final written order. In this context, an "aggrieved person" shall be defined as a person who is suffering from an infringement or denial of legal rights or claims. An aggrieved person has "standing" when it is determined that the person or entity can demonstrate that such person or entity is within the zone of interest to be protected or regulated by the City law and will suffer direct and substantial impacts by the governmental action of which the complaint is made, different from that which would be experienced by the public in general.

## E. Time Limit for Appealing.

Appeals from decisions or rulings of the Director shall be made within 14 calendar days of the effective date of the final written order or within seven calendar days of the date of issuance of the decision on a request for reconsideration, not counting the day of issuance of the decision. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day.

## F. Form of Appeal.

An appeal of the Director 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, accompanied by an appeal fee as specified in Section 2.09.170, of the Tacoma Municipal Code, shall be submitted:

1. An indication of facts that establish the appellant's right to appeal.
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 the appeal.

NOTE: Failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal.

## G. Where to Appeal.

The Office of the Hearing Examiner.

(Code Reviser's note: Previously codified as 13.05.050 (Appeals of administrative decisions); relocated to 13.05.100 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28230 Ex. C; passed Jul. 22, 2014; Ord. 28180 Ex. C; passed Oct. 15, 2013; Ord. 28157 Ex. E; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27813 Ex. C; passed Jun. 30, 2009; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27245 § 5; passed Jun. 22, 2004; Ord. 25852 § 1; passed Feb. 27, 1996)

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<sup>11</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.

### 13.05.120 Expiration of permits. <sup>12</sup>

(Refer to Table H in Section 13.05.070).

#### A. Expiration Schedule.

The following schedule indicates the expiration provisions for land use permits within the City of Tacoma.

	Type of Permit	Maximum Duration
1.	Conditional Use Permit	5 years, possible 1-year extension <sup>13</sup>
2.	Variance	5 years, possible 1-year extension
3.	Site Approval	5 years, possible 1-year extension
4.	Wetland/Stream/FWHCA Development Permits and Wetland/Stream/FWHCA Minor Development Permits	5 years. Programmatic Restoration projects can apply for possible 5 year renewals, not to exceed 20 years total
5.	Wetland Delineation Verifications	5 years
6.	Preliminary Plat	5 years, 7 years, or 10 years to submit a final plat permit application, dependent on preliminary plat approval date per RCW 58. <sup>14</sup>
7.	Binding Site Plans, Short Plats, Boundary Line Adjustments	5 years to record with Pierce County Auditor
8.	Shoreline Permits	2 years to commence construction; 5 years maximum, possible one- year extension
9.	<a href="#">Urban Design Project Review</a>	<a href="#">5 years, possible 1-year extension</a>

The Hearing Examiner or Director may, when issuing a decision, require a shorter expiration period than that indicated in subsection A of this section. However, in limiting the term of a permit, the Hearing Examiner or Director shall find that the nature of the specific development is such that the normal expiration period is unreasonable or would adversely affect the health, safety, or general welfare of people working or residing in the area of the proposal. The Director may adopt appropriate time limits as a part of action on shoreline permits, in accordance with WAC 173-27-090.

#### B. Commencement of Permit Term.

The term for a permit shall commence on the date of the Hearing Examiner's or Director's decision; provided, that in the event the decision is appealed, the effective date shall be the date of decision on appeal. The term for a shoreline permit shall commence on the effective date of the permit as defined in WAC 173-27-090.

#### C. When Permit Expired.

A permit under this chapter shall expire if, on the date the permit expires, the project sponsor has not submitted a complete application for building permit or the building permit has expired, with the exception of projects that qualify for a programmatic restoration project extension. Programmatic restoration projects shall be allowed to apply for a renewal every five (5) years for a maximum total of 20 years to allow implementation of long-term habitat recovery.

In order to apply for a renewal, the applicant is required to submit a status report explaining the progress of a minor development permit or development permit and shall identify the remaining items requiring additional permitting, including building permits. The applicant shall provide copies of any monitoring reports that were required as part

<sup>12</sup> Code Reviser's note: Previously codified as 13.05.070 (Expiration of permits); relocated to 13.05.120 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

<sup>13</sup> Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director's decision and are not eligible for a one-year extension.

<sup>14</sup> If the preliminary plat was approved on or before December 31, 2007, the final plat must be submitted within ten years of the preliminary plat approval. If the preliminary plat was approved after December 31, 2007, but on or before December 31, 2014, the final plat must be submitted within seven years of the preliminary plat approval. A preliminary plat approved after January 1, 2015, must be submitted for final plat within five years of the preliminary plat approval.

of the permit conditions. The renewal application shall be submitted prior to the termination of the five year limit with the appropriate renewal fees.

(See 13.11.220.A – Programmatic Restoration Projects processed under the Minor Development Permit or the Development Permit may qualify for additional time extensions according to TMC 13.05.120.)

D. Extension of Permits (excluding those permits subject to RCW 58 Boundaries and Plats and those permits subject to WAC 173-27-090).

The Director may authorize a permit extension for up to one (1) year if a written request for an extension has been filed prior to the permit expiration date and has been determined to comply with the following criteria:

1. No significant changes in the site, proposal, or surrounding area have occurred which would result in the modification of a special condition of approval or could significantly alter a finding made in the original decision;
2. No changes have been made to the proposal which would necessitate additional review or permitting;
3. No changes have occurred on the site which would necessitate additional review or permitting;
4. If changes to the proposal or site have occurred, they do not exceed the standards found in 13.05.130.B Minor Modifications.

The Director may place conditions upon the permit extension request and notice of the approved extension shall be mailed to parties of record and required agencies pursuant to section 13.05.070.H. The extension of Shoreline permits shall be authorized in accordance with WAC 173-27-090 and notice of the extension shall be provided to the Department of Ecology.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser’s note: Previously codified as 13.05.070 (Expiration of permits); relocated to 13.05.120 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28230 Ex. C; passed Jul. 22, 2014: Ord. 28180 Ex. C; passed Oct. 15, 2013: Ord. 28157 Ex. E; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. A; passed May 8, 2012: Ord. 27813 Ex. C; passed Jun. 30, 2009: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 9; passed Nov. 15, 2005: Ord. 27245 § 6; passed Jun. 22, 2004: Ord. 26195 § 4; passed Jan. 27, 1998: Ord. 25852 § 1; passed Feb. 27, 1996)

### **13.05.130 Modification/revision to permits.<sup>15</sup>**

#### **A. Purpose.**

The purpose of this section is to define types of modifications to permits and to identify procedures for those actions.

#### **B. Minor Modifications.**

No additional review for minor modifications to previously approved land use permits is required, provided the modification proposed is consistent with the standards set forth below:

1. The proposal results in a change of use that is permitted outright in the current zoning classification.
2. The proposal does not add to the site or approved structures more than a 10 percent increase in square footage.
3. If a modification in a special condition of approval imposed upon the original permit is requested, the proposed change does not modify the intent of the original condition.
4. The proposal does not increase the overall impervious surface on the site by more than 25 percent.
5. The proposal is unlikely to result in a notable increase in or any new significant adverse effects on adjacent properties or the environment.

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<sup>15</sup> Code Reviser’s note: Previously codified as 13.05.080 (Modification/revision to permits); relocated to 13.05.130 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

6. Any additions or expansions approved through a series of minor modifications that cumulatively exceed the requirements of this section shall be reviewed as a major modification.

### C. Major Modifications.

Any modification exceeding any of the standards for minor modifications outlined above shall be subject to the following standards.

1. Major modifications shall be processed in the same manner and be subject to the same decision criteria that are currently required for the type of permit being modified. Major modifications to Site Rezone Permits that do not change the site's zoning designation shall be considered by the Director and processed as a Process II permit, consistent with the regulations found in Section 13.05.070.D. Major modifications to Conditional Use Permits shall be processed as a Process I permit, consistent with the regulations found in Section 13.05.070.C. [Major Modification to a Type I Urban Design Project Review permit shall be reviewed at the Final Design step \(see Section 13.19.040.F.1\). Major Modification to a Type II Urban Design Project Review permit shall be reviewed at the Final Design step \(see Section 13.19.040.F.2\).](#)

2. In addition to the standard decision criteria, the Director or Hearing Examiner shall, in their review and decision, address the applicability of any specific conditions of approval for the original permit.

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### G. Other permits.

Any modification, whether considered minor or major, may still require approvals other than the type granted for the original development. For example, an existing, permitted conditional use seeking a modification that qualifies as a minor modification to their existing conditional use permit but that also necessitates a variance to a development standard, would not be required to obtain approval of a major modification to their existing conditional use permit or a new conditional use permit but would need to receive a variance permit for the project. [Additional Departures may be requested to an approved Urban Design Project Review and processed as a Major Modification per Section 13.05.130.C.](#)

(Ord. 28725 Exs. A and E; passed Dec. 8, 2020: Code Reviser's Note: Previously codified as 13.05.080 (Modification/revision to permits); relocated to 13.05.130 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28336 Ex. B; passed Dec. 1, 2015: Ord. 28230 Ex. C; passed Jul. 22, 2014: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27631 Ex. A; passed Jul. 10, 2007: Ord. 27539 § 2; passed Oct. 31, 2006: Ord. 27431 § 10; passed Nov. 15, 2005: Ord. 27431 § 10, passed Nov. 15, 2005: Ord. 26195 § 5, passed Jan. 27, 1998: Ord. 25852 § 1; passed Feb. 27, 1996)



**CHAPTER 13.19**  
**URBAN DESIGN BOARD AND PERMIT REVIEW**

Sections:

13.19.010 Short title.

13.19.020 Authority and Responsibilities

13.19.030 Urban Design Board

13.19.040 Urban Design Project Review

13.19.050 Urban Design Project Review Manual

**13.19.010 Short Title.**

This chapter may be referenced as “Urban Design Code.”

**13.19.020 Authority and Responsibilities.**

A. Director.

Pursuant to TMC 13.19, and for the purposes of this chapter, the Director shall have the authority to:

1. Review, advise, and approve or deny Urban Design Project Review permits subject to administrative decisions, as provided in this chapter and TMC 13.05.
2. On behalf of the Urban Design Board, draft and issue decisions on matters on which the Urban Design Board has taken formal action.
3. Approve the initial version of the Urban Design Project Review Manual (also known as Tacoma Urban Design Guidelines) and maintain the Guidelines to reflect subsequent revisions.
4. Upon request by other City entities, review permit applications and other project actions for appropriateness and consistency with the purposes of this chapter and the Urban Design Project Review Manual.
5. Advise property owners and the public of urban design code requirements.
6. Provide information to the public on urban design. This may take the form of pamphlets, newsletters, events, workshops, or similar activities.

B. Urban Design Board.

Pursuant to TMC 13.19, and for the purposes of this chapter, the Urban Design Board shall have the authority to:

1. Review, advise, and approve or deny Urban Design Project Review permits subject to Board decisions, as provided in this chapter and TMC 13.05.
2. Adopt amendments to the Urban Design Project Review Manual (also known as the Tacoma Urban Design Guidelines), as provided in TMC 13.19.030.

3. Other duties and responsibilities described in TMC 13.19.030.

**13.19.030 Urban Design Board**

A. Declaration of purpose.

It is hereby declared, as a matter of public policy, that the functionality and enhancement of the built environment is a public necessity and required in the interest of the prosperity, civic pride, and general welfare of the people.

The purpose of this legislation is to:

1. Establish the Urban Design Board (also referred to in this chapter as “Board”) and to provide expertise and participate in the Urban Design Permit Review process by which the City reviews and approves certain design elements of significant development applications.
2. Foster civic pride in the urban design qualities of Tacoma and/or supporting general knowledge concerning urban design in Tacoma.

B. Creation of an Urban Design Board.

In order to fulfill the purposes of this chapter, an Urban Design Board, consisting of seven (7) members, is hereby established. The members of the Board shall be appointed by the City Council in accordance with the City Charter and Rules of Procedure of the City Council.

C. Composition of the Urban Design Board.

All members of the Board shall have a demonstrated interest and familiarity with urban design and development issues, and/or allied interests, as evidenced either through professional practice or significant volunteer work, and shall be residents within the boundaries of the City, except as provided elsewhere in this chapter.

The Urban Design Board shall consist of seven (7) members as follows:

1. Design and Development Positions: The Board shall include a minimum of four (4) members who have had professional experience related to site and building design and development originating from employment within the following disciplines: architecture, landscape architecture, planning, urban design, land use or real estate law, real estate development, project management or contracting, construction or building trades, and/or design, civil, or structural engineering. These positions shall be named Design and Development Professional Positions 1 through 4. No more than two (2) of these positions may be filled by Board members representing the same professional discipline.

2. Allied Community Representative Positions: In addition to the above, the Board shall include three individuals who have lived and/or professional experience and/or training relevant to City’s urban design priorities related to active transportation, sustainable development, and culture and heritage. Relevant disciplines and areas of expertise include, but are not limited to: transit agency administration, transportation planner, transportation engineer, “green” building design professional, urban forestry professional, third party “green building” certifier, environmental planner, arts and crafts, history, architectural history, cultural organization administration, , or another related discipline. These positions shall be named Allied Community Representatives 5 through 7.

3. At least two (2) Board positions shall be appointed to individuals residing or having primary place of business in City Council Districts 3, 4, or 5.

4. Temporary vacancies of one or all of the Board positions shall not render actions by the Commission invalid, providing a quorum is satisfied as established by the Board's Bylaws. -

5. Exception to the residency requirement may be allowed to fill up to two (2) Board positions.

#### D. Terms of Urban Design Board members.

Terms of the Board members of the Urban Design Board shall be three years.

1. Each Board member may serve until an appointment and qualification of a successor.

2. In the event that a position is vacated before the expiration of the term, the City Council may appoint a successor to serve the remainder of the unexpired term.

3. Initial Board appointments will consist of three 2-year appointments, and four full 3-year appointments. At least three of the initial 3-year appointments shall be for Design and Development Professional Positions 1 through 4.

#### E. Members shall serve without compensation.

Members of the Urban Design Board shall serve without compensation.

#### F. Rules and officers.

1. The Board shall have a chairperson and at least one vice chairperson with terms of one year, elected by quorum vote of the Board members present at a regular meeting.

2. Any Board member who fails to attend three consecutive meetings of the Board without being excused may be deemed to have forfeited his or her office. The Board shall take the necessary action to enforce this provision by causing such absence and the resulting forfeiture of office to be recorded in its official minutes, which minutes shall be transmitted to the Mayor for the purpose of nominating a successor to fill the unexpired term.

3. Members shall abide by the City's Code of Ethics as provided in TMC 1.46.

#### G. Powers and duties of the Board.

The primary duty of the Urban Design Board is to provide expert guidance and recommendations and render decisions as part of the City's Urban Design Project Review permit process; and to serve as the City's primary resource in matters of urban design, as provided for in this chapter and Chapter 13.05 of TMC.

In carrying out these responsibilities, the Urban Design Board shall engage in the following:

1. Review, advise, and approve or deny Urban Design Project Review permits subject to Board decisions, as provided in this chapter and TMC 13.05.

2. Review and advise the City's Urban Design Project Permit process according to criteria and procedures listed in this Chapter and TMC 13.05.

3. Maintain the Urban Design Project Review Manual (also known as Tacoma Urban Design Guidelines) and conduct periodic review of the Guidelines no more frequently than every two years after inception for amendments thereto.

4. Serve as liaison to the Planning Commission on matters of urban design policy.

B. Review and advise the City's Urban Design Project Permit process according to criteria and procedures listed in this Chapter and TMC 13.05.

5. Review, advise, and comment to the Tacoma Planning Commission and City Council on land use, housing and redevelopment, transportation, infrastructure, and other municipal improvements and other types of planning and programs undertaken by any agency of the City, other neighboring communities, the county, and state or federal governments, as they relate to urban design matters within the City.

6. Officially recognize excellence in urban design; and encourage appropriate measures for such recognition.

7. Provide information to the public on urban design. This may take the form of pamphlets, newsletters, events, workshops, or similar activities.

8. The Board shall have such further powers and duties as may, from time to time, be delegated to it by the City Council.

#### H. Meetings and procedures.

1. The Board shall establish a regular time and place for meetings and shall meet a minimum of 10 times per calendar year, or additionally, as necessary, to conduct Board business. Special meetings may be called by the chair or by any three members of the Board 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.

2. A simple majority of appointed filled positions shall constitute a quorum.

3. All Board meetings shall be conducted in compliance with Chapter 42.30 RCW, Open Public Meetings Act, and the Growth Management Act, RCW 36.70, to provide for adequate public participation, and the Board shall adopt standards in its rules to guide this action.

4. The Board's chair shall submit an annual report to the City Council, sending a copy thereof to the City Clerk.

### **13.19.040 Urban Design Project Review**

#### A. Purpose.

To foster development that is equitable, well functioning, and logically integrated in the built form of Tacoma, the City requires thoughtful consideration of the design decisions of individual developments through the urban design project review process. In addition to other provisions of this Chapter, the City finds it necessary in the interests of the prosperity, civic pride, and ecological and general welfare of all its citizens to engage in urban design project review. The City further finds that the economic, cultural, and aesthetic standing of the City will be supported and improved by providing urban design guidance to private development applications early in the development design process. The purpose of this Code section is to support those goals and provide a regulatory procedure for urban design decision making bodies.

## B. Authority and Responsibilities.

### 1. Director

Pursuant to TMC 13.19, and for the purposes of this chapter, the Director shall have the authority to:

a. Review and advise upon Urban Design Project Review Concept Design applications subject to an administrative review and decision. Review and advisory statements are limited to the consideration of applicable criteria, adopted City plans, and clear and objective design guidelines contained in the applicable version of the Urban Design Project Review Manual. The review and guidance shall be summarized in a consolidated Concept Review report and provided to the applicant.

b. Approve or deny Urban Design Project Permit applications subject to an administrative review and decision. Review and decisions are limited to the consideration of applicable criteria, adopted City plans, and clear and objective design guidelines contained in the applicable version of the Urban Design Project Review Manual.

### 2. Urban Design Board.

Pursuant to TMC 13.19, and for the purposes of this chapter, the Urban Design Board shall have the authority to:

a. Review and advise upon Urban Design Project Review Concept Design applications subject to a Board review and decision. Review and advisory statements are limited to the consideration of applicable criteria, adopted City plans, and clear and objective design guidelines contained in the applicable version of the Urban Design Project Review Manual. The review and guidance shall be summarized in a consolidated Concept Review report and provided to the applicant.

b. Approve or deny Urban Design Project Permit applications subject to a Board review and decision. Review and decisions are limited to the consideration of applicable criteria, adopted City plans, and clear and objective design guidelines contained in the applicable version of the Urban Design Project Review Manual.

## C. Applicability.

New development or additions to existing development meeting or exceeding certain location and development size thresholds shall be subject to applicable Urban Design Project Review requirements as described in this section.

### 1. Location.

a. New development or additions to existing development that exceed the development size thresholds in section “2” and are located within any of the City’s designated Mixed Use Centers. This consists of all properties with Mixed Use Center and Downtown district zoning.

b. Designated Mixed Use Centers

<u>Regional Growth Centers</u>	<u>Crossroads Centers</u>	<u>Neighborhood Centers</u>
<ul style="list-style-type: none"> <li>• <u>Downtown</u></li> <li>• <u>Tacoma Mall</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Lower Pacific Ave.</u></li> <li>• <u>Lower Portland Ave.</u></li> <li>• <u>James Center</u></li> <li>• <u>Point Ruston</u></li> <li>• <u>Tacoma Central</u></li> <li>• <u>Upper Pacific Ave.</u></li> <li>• <u>Upper Portland Ave.</u></li> <li>• <u>Westgate</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>6<sup>th</sup> Ave.</u></li> <li>• <u>Lincoln</u></li> <li>• <u>McKinley</u></li> <li>• <u>Narrows</u></li> <li>• <u>Proctor</u></li> <li>• <u>South Tacoma Way</u></li> </ul>

## 2. Development size thresholds.

New development or additions to existing development meeting or exceeding the development size thresholds contained herein shall be subject to applicable Urban Design Project Review requirements as described in this section.

a. Type I: Director decision. Development located in a designated Mixed Use Center that meets or exceeds the minimum cumulative building area threshold and is less than the maximum threshold listed below, as applicable to the type of mixed use center, is subject to a Director Urban Design Project Review decision.

### (1) Neighborhood Centers.

<u>Minimum Building Area</u>	<u>Maximum Building Area</u>
<u>10,000 sq. ft.</u>	<u>40,000 sq. ft.</u>

### (2) Regional Growth Centers and Crossroads Centers.

<u>Minimum Building Area</u>	<u>Maximum Building Area</u>
<u>20,000 sq. ft.</u>	<u>100,000 sq. ft.</u>

b. Type II: Urban Design Board decision. Developments that exceed the maximum building area thresholds contained in section “a” above, as applicable to the type of mixed use center, are subject to Urban Design Board Urban Design Project Review decision.

c. Additions. Urban Design Project Review threshold requirements for additions to existing developments is determined by the size of the addition separate from the existing building(s). When an addition requires an Urban Design Project Review permit, the existing development is to be considered in the permit review and decision. This includes consideration of any opportunities or constraints the existing development presents toward meeting applicable criteria.

d. Exempt from Urban Design Project Review. Developments that fall below the minimum building area thresholds contained in section “a” above are exempt from Urban Design Project Review but remain subject to other applicable requirements contained in this title.

## D. Compatibility with Urban Design Project Review Manual and TMC standards

1. All development subject to Urban Design Project Review, shall be subject to all of the controls, standards, and procedures set forth in Title 13, 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 historic preservation land use controls.

Properties designated as a City Landmark and subject to historic preservation land use controls, including design review, are exempt from Urban Design Project Review.

## E. Urban Design Project Review permit.

### 1. Predevelopment conference.

The predevelopment conference is intended to have an applicant introduce a project at the earliest possible juncture in order to provide relevant Urban Design guidance to the applicant and avoid unnecessary revisions later in the process. At this meeting, the applicant and staff will discuss the project scope; the applicant's approach to meeting the UDPR criteria, including Design Objectives; and identify opportunities and constraints particular to the subject site. Staff will also provide initial insights into the design review process, application requirements, and any key design issues prior to preparing the application package. Potential UDPR applicants are required to schedule a predevelopment conference with Urban Design Studio staff prior to submittal of an Urban Design Project Review permit application. These should generally precede the required pre-application meeting but it may follow at the discretion of the Department.

### 2. Preapplication meeting.

The pre-application meeting is a meeting between Department staff and a potential applicant for a land use permit to discuss the application submittal requirements and pertinent fees. Potential UDPR applicants are required to schedule a pre-application meeting with Department staff, including Urban Design Studio staff, prior to submitting an Urban Design Project Review permit application.

### 3. Concept Design application package.

An Urban Design Project Review permit consists of two successive submittal packages. The first Concept Design application package will consist of the application form, a narrative, and all other required documents, plans, or maps, as outlined in the TMC and the application submittal form. The purpose of the Concept Design review is to confirm the project's approach to meeting applicable criteria, advise any necessary changes, and identify areas of emphasis or concern to be reflected in the Final Design. The applicant's materials should reflect this early scope, with more refined and detailed designs only expected at the Final Design review. Following Concept Design review, the applicant will receive a consolidated review and guidance summary report.

### 4. Final Design application package.

The Final Design submittal package, the second such submittal for an Urban Design Project Review permit, may be submitted within one year of receiving the Concept Design review and guidance summary report. This package will consist of the application form, a narrative (including responses to Concept Design review and guidance), and all other required documents, plans, or maps, as outlined in the TMC and the application submittal form. Following review of the complete application, the Final Design will be approved (as submitted or with conditions) or denied.

### 5. Application requirements.

a. Minimum application requirements are outlined in the TMC 13.05.020 and the application submittal form.

#### 6. Departures.

Developments subject to Urban Design Project Review requirements may propose alternative designs to the following: parking lot development standards in TMC 13.06.090.C, 13.06.090.D, and 13.06.090.E; or design standards in TMC 13.06.100 as part of their Urban Design Project Review permit application. For these developments, this request is processed in lieu of a variance from parking lot development standards (TMC 13.05.010.B.2.f) or design (TMC 13.05.010.B.2.d) respectively.

Developments located within a designated Mixed Use Center but where Urban Design Project Review requirements do not otherwise apply (building size is below the Type I thresholds) may request alternative designs to the Code sections listed above. These requests are to be processed a Type I review, except that Concept Design review is not required and is subject only to Final Design review. Predevelopment conference and pre-application meeting requirements may be waived by the Department.

#### 7. Modification to permits.

Any modification to a previously approved permit shall be processed consistent with TMC 13.05.130.

### F. Permit processes.

This section describes the permit review steps and associated time frames for Director and Urban Design Board decisions.

#### 1. Type I: Director decision.

##### a. Concept Design package review.

###### (1) Completeness review.

The initial completeness review of an application shall be conducted consistent with TMC 13.05.020.E.

###### (2) Complete application review.

Once the application is deemed complete, public notice will be made and comment will be received within the specified time. Following the public comment period expiration, a Concept Design review and guidance summary report will be provided to the applicant.

##### b. Final Design package review.

###### (1) Initial review.

The application package will be reviewed by staff and the applicant will be informed of the need of additional or missing information or advised of recommended revisions.

###### (2) Subsequent review(s).

Following the initial review, the applicant will either provide the requested information or changes OR inform staff that no additional information or changes will

be provided. Once all necessary information is provided, public notice will be made and comment will be received within the specified time. Following the public comment period expiration, the Director will either approve (as submitted or with conditions) or deny the application.

c. All permit review time frames will be conducted consistent with applicable State law. The Department shall make all attempts to process permits in less time than the maximum allowed by State law.

## 2. Type II: Urban Design Board decision.

### a. Concept Design package review.

#### (1) Completeness review.

The initial completeness review of an application shall be conducted consistent with TMC 13.05.020.E.

#### (2) Complete application review.

Once the application is deemed complete, a public hearing will be scheduled, public notice will be made, and comment will be received within the specified time.

#### (3) Public hearing.

The Urban Design Board will conduct a public hearing, providing an opportunity for public comment on the proposed development germane to the applicable permit criteria. Following the public hearing, a Concept Design review and guidance summary report will be provided to the applicant.

#### (4) Allowance for Administrative Final Design review.

The Urban Design Board may authorize the Director to conduct the Final Design review and make the final decision, subject to the requirements of Type I application processes. Applications eligible for this action must demonstrate specific site and/or application qualities established by the Urban Design Board procedures.

### b. Final Design package review.

#### (1) Initial review.

The application package will be reviewed by staff and the applicant will be informed of the need of additional or missing information or advised of recommended revisions.

#### (2) Subsequent review(s).

Following the initial review, the applicant will either provide the requested information or changes OR inform staff that no additional information or changes will be provided. Once all necessary information is provided, public notice will be made and comment will be received within the specified time. Following the public comment period expiration, the Urban Design Board will either approve (as submitted or with conditions) or deny the application.

c. All permit review time frames will be conducted consistent with applicable State law. The Department shall make all attempts to process permits in less time than the maximum allowed by State law.

3. Except as specified otherwise in this section, the provisions in TMC 13.05.020 shall apply.

#### G. Criteria.

##### 1. General Criteria.

An Urban Design Project Review application will be approved if the applicant has demonstrated the proposal complies with the Design Objectives contained within the Urban Design Project Review Manual. This determination shall be based on consideration of the clear and objective guidance contained within the Urban Design Project Review Manual in effect at the time application is made.

##### 2. Design Departure Criteria.

In addition to the general criteria, a design departure will be approved if the applicant has demonstrated the proposed alternative design provides equal or superior results to the requirement from which relief is sought in terms of quantity, quality, location, and function.

##### 3. Factors reviewed through Urban Design Project Review and limitations.

The review may evaluate most aspects of a given development including those pertaining to site planning, including structure placement, points of access, on-site connections, parking placement and access, public and private streets; architectural design, including dimensions, massing, entry orientation, environmental responsiveness, building materials, fenestration; open spaces, including active spaces, passive spaces, landscaping; as they relate to the relevant Design Objectives and the clear and objective guidance contained within the Urban Design Project Review Manual.

While the review may evaluate the distribution of massing and placement of structures on the site, the review may not require the applicant to reduce the total floor area, height, bulk, scale, or density.

#### H. Public notice.

##### 1. General.

Public notice shall be provided consistent with TMC 13.05.070.

##### 2. Type I: Director decisions.

Type I permits are subject to Process II requirements in TMC 13.05.070.D.

##### 3. Type II: Urban Design Board decision.

Type II permits are subject to Process III requirements in TMC 13.05.070.E.

#### I. Appeals.

##### 1. Type I: Director decisions.

Appeals of a Type I permit decision is referred to the Hearing Examiner for public hearing. Such appeals are subject to the processes and requirements in TMC 13.05.100.

## 2. Type II: Board decisions.

Appeals of a Type II permit decision is referred to the Hearing Examiner for public hearing. Such appeals are subject to the processes and requirements in TMC 13.05.100.

### **13.19.050 Urban Design Project Review Manual**

#### A. Purpose.

The Urban Design Project Review Manual (also known as Tacoma Urban Design Guidelines) is a primary resource for the Urban Design Project Review program and intended to be used by applicants, decision makers, and the general public. At a minimum, the Manual consists of an overview of Urban Design Project Review permit requirements and processes and urban design guidelines for new development.

The Manual communicates the City's urban design vision and provides guidance for new development with regard to its form, fit, and function within its urban context. The Manual establishes a series of design objectives, which are informed by guidelines and illustrative examples of design approaches. Cumulatively, the Manual provides clear and objective guidance toward achieving the program design objectives, and thereby Urban Design Project Review permit criteria.

#### B. Applicability.

The Design Objectives contained in the Manual shall serve as the approval criteria for all Urban Design Project Review permit applications. Permit decisions shall be based on the objectives and guidance contained within the Manual.

All development subject to Urban Design Project Review, shall be subject to all of the controls, standards, and procedures set forth in Title 13, 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 Manual and other codes and ordinances of the City, the more restrictive shall govern, except where otherwise indicated.

In the event of a conflict between the Manual and other City plans, policies, or standards, the more specific shall prevail.

#### C. Adoption and amendments.

The Director shall prepare and publish the initial Manual for use in administering Urban Design Project Review permits. No sooner than two years after initial empanelment of the Urban Design Board shall that body, in consultation with the Director and the Planning Commission, identify any amendments to the Manual. Thereafter, each two years shall the Board review the Manual and determine any proposed amendments to be made by the Director.