

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.⁹

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.

⁹ 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.¹⁰

A. Purpose.

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

¹⁰ 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 19¹¹. 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)

¹¹ 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. ¹²

(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 ¹³
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. ¹⁴
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.	Urban Design Project Review	5 years, possible 1-year extension

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

¹² 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.

¹³ 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.

¹⁴ 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.¹⁵

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.

¹⁵ 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.

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

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.