



## ORDINANCE NO. 28966

1 SPONSORED BY COUNCIL MEMBER WALKER

2 AN ORDINANCE amending Title 13 of the Tacoma Municipal Code, relating to  
3 the Land Use Regulatory Code, by amending various chapters, to create  
4 an Urban Design Project Review permit, establish an Urban Design  
5 Board, and amend certain development and design standards of mixed-  
6 use and downtown zoning districts.

7 WHEREAS the Design Review Analysis Manual was completed in 2016;  
8 this document identified the key components and options for establishing a  
9 design review program, and

10 WHEREAS the City Council initiated the development of a design review  
11 program with budget approval in 2017, and

12 WHEREAS between 2018 and 2021, project staff, along with consultant  
13 support, worked with a Project Advisory Group (“PAG”) to develop an Interim  
14 Summary Report and draft guidance documents, and

15 WHEREAS, through 2022 and 2023, project staff worked with the PAG,  
16 in coordination with the Planning Commission and the City Council  
17 Infrastructure, Planning, and Sustainability (“IPS”) Committee, to refine the  
18 previous draft documents and develop the proposed Urban Design Project  
19 Review (“UDPR”) program, and

20 WHEREAS, to implement the One Tacoma Comprehensive Plan’s  
21 growth and urban form policies, the proposal has been developed to equitably  
22 and explicitly support urban design considerations of walkability, active  
23 transportation, transit use, climate resilience, pedestrian orientation, context-  
24 responsiveness, and cultural expression, and  
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1           WHEREAS this approach responds to Tacoma’s unique needs and  
2 priorities, building on best practices from other jurisdictions, and

3           WHEREAS, notably, the proposal is neither focused on architectural  
4 style nor structured to unnecessarily emphasize aesthetic details that have  
5 hampered other design review programs, and  
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7           WHEREAS this proposal will implement One Tacoma Comprehensive  
8 Plan goals and policies to improve design outcomes and support innovative  
9 urban design within the city’s designated growth centers, and  
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11           WHEREAS the UDPR package includes:

12           (1) Creating a new UDPR permit process. This program is focused on  
13 medium to large-scale projects in downtown and designated mixed-use centers;

14           (2) Creating a City Council appointed Urban Design Board (“UDB”).  
15 Board members will reflect a mix of professional experience, community  
16 interests related to urban design, and geographic diversity and will assist in  
17 review of the largest, most significant projects;  
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19           (3) Authorizing the Planning and Development Services Director to draft  
20 and publish a UDPR manual to provide clear and objective design guidance for  
21 new projects subject to UDPR;  
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23           (4) Amending code standards related to development and building  
24 design within downtown and mixed-use center zoning districts, and

25           WHEREAS the UDPR package was released by the Planning  
26 Commission for public review on July 19, 2023, and public hearing was held on



1 August 16, 2023; the Planning Commission recommended approval to the City  
2 Council on October 18, 2023, and

3 WHEREAS the IPS Committee recommended approval of the UDPR  
4 package on February 28, 2024, without changes to the Commission  
5 recommendation, and

6 WHEREAS the City Council held a public hearing and collected public  
7 testimony on April 23, 2024; Now, Therefore,

8 BE IT ORDAINED BY THE CITY OF TACOMA:

9 Section 1. This ordinance shall be implemented in phases with the  
10 design standards amendments to Tacoma Municipal Code Chapter 13.06, and  
11 the amendments to TMC Chapter 13.19 regarding establishment of the Urban  
12 Design Board being effective June 6, 2024, but with the effective date for the  
13 Urban Design Project Review Permit and process to be applied to new permit  
14 applications being January 1, 2025.  
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16 Section 2. That the proposed amendments to Title 13 of the Land Use  
17 Regulatory Code, by amending various chapters, to create an Urban Design  
18 Project Review Permit, establish an Urban Design Board, and amend certain  
19 development and design standards of mixed-use and downtown zoning  
20 districts, are hereby approved.  
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22 Section 3. That Chapter 13.05 of the Tacoma Municipal Code ("TMC")  
23 relating to Land Use Permits, is hereby amended as set forth in the attached  
24 Exhibit "A", effective June 6, 2024.  
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Section 4. That Chapter 13.06 of the TMC, "Zoning", is hereby amended as set forth in the attached Exhibit "B", effective June 6, 2024.

Section 5. That Title 13 of the TMC is hereby amended by adding a new Chapter 13.19, entitled "Urban Design Board and Permit Review," to read as set forth in the attached Exhibit "C", effective January 1, 2025.

Section 6. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed May 7, 2024

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Chief Deputy City Attorney

EXHIBIT A

CHAPTER 13.05  
LAND USE PERMITS AND PROCEDURES

\* \* \*

13.05.010 Land Use Permits.

\* \* \*

B. Variances.

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.

2. Specified variances.

\* \* \*

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 13.19.040.](#)

(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.

\* \* \*

#### [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.**

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
- 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.

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.

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### **13.05.070 Notice process.**

#### **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 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

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
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
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

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
<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.

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.

### **13.05.080 Director Decision Making Authority.**

#### **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.;
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 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.

**13.05.090 Decision of the Director.**

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.

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.

### **13.05.100 Appeals of administrative decisions.**

#### A. Purpose.

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

#### 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. 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.

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### 13.05.120 Expiration of permits.

(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.

	<b>Type of Permit</b>	<b>Maximum Duration</b>
1.	Conditional Use Permit	5 years, possible 1-year extension. <sup>1</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>2</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 of the permit conditions. The renewal application shall be submitted prior to the termination of the five year limit with the appropriate renewal fees.

<sup>1</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>2</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.

(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.

### **13.05.130 Modification/revision to permits.**

#### 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.
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.](#)

EXHIBIT B

CHAPTER 13.06  
ZONING.

13.06.040 Mixed-Use Center Districts.  
\*\*\*

F. District development standards.

	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Requirements
<b>1. Lot area and setbacks.</b>									
***									
<b>3. Upper story setbacks.</b>									
a. Applicability.									
b. Purpose.									
c. District standards.	See Section 13.06.100, B.4.b Mass Reduction standards, as applicable for setback standards along pedestrian streets.	See Section 13.06.100, B.4.b Mass Reduction standards, as applicable for setback standards along pedestrian streets.	See Section 13.06.100, B.4.b Mass Reduction standards, as applicable. None	See Section 13.06.100, B.4.b Mass Reduction standards, as applicable. None	See Section 13.06.100, B.4.b Mass Reduction standards, as applicable. None	See Section 13.06.100, B.4.b Mass Reduction standards, as applicable. None	See Section 13.06.100, B.4.b Mass Reduction standards, as applicable. None	See Section 13.06.100.B.4.b Mass Reduction standards, as applicable. <del>None</del>	See Section 13.06.090.J; residential transition standards may also apply.

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Tacoma Municipal Code

H. Maximum setback standards.

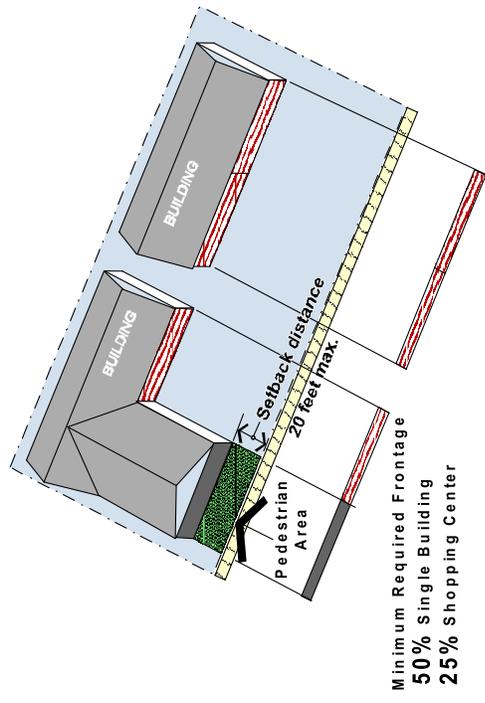
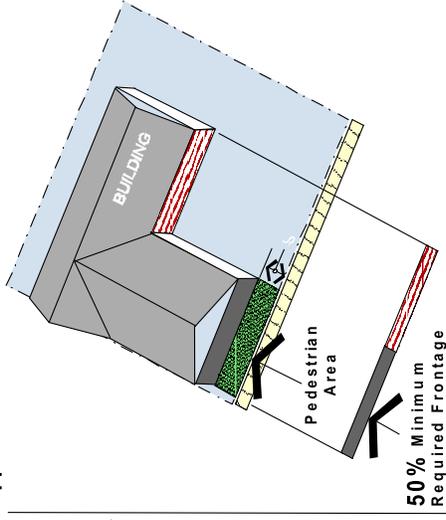
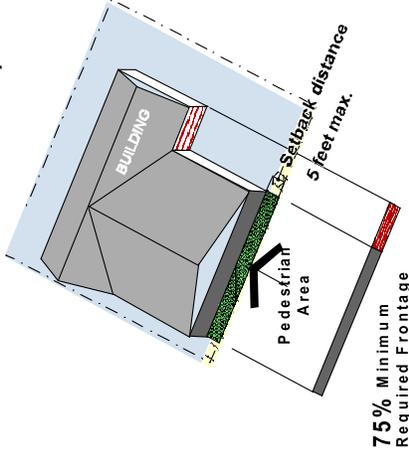
To achieve a pedestrian serviceable environment, where buildings are located in close proximity to the street and designed with areas free of pedestrian and vehicle movement conflicts, maximum building setbacks are required as follows:

	<u>Residential or mixed use buildings that contain a majority of residential uses</u>	Non-residential buildings and/or shopping centers of 30,000 square feet or less floor area	Non-residential buildings greater than 30,000 square feet floor area	Shopping centers greater than 30,000 square feet floor area
1. NCX and RCX Districts	Occupied structures must be located between 5 feet and 20 feet from the front lot line abutting a Pedestrian Street right-of-way for a minimum of 50% of the Pedestrian Street frontage.	<ul style="list-style-type: none"> <li>5 feet maximum front and corner side setback from the property lines at the public right-of-way for 75 percent of front and corner side façade.</li> </ul>	<ul style="list-style-type: none"> <li>5 feet maximum setback from property lines at the public right-of-way for 75 percent of front and corner side façade.</li> </ul>	<ul style="list-style-type: none"> <li>5 feet maximum setback from property lines at the public right-of-way for at least 75 percent of the front and corner side street frontage of the shopping center.</li> </ul>
2. CCX Districts		<ul style="list-style-type: none"> <li>10 feet maximum front and corner side setback from the property lines at the public right-of-way for 50 percent of front and corner side façade.</li> </ul>	<ul style="list-style-type: none"> <li>10 feet maximum setback from the property line at the public right-of-way for 50 percent of the front or side of the façade.</li> </ul>	<ul style="list-style-type: none"> <li>10 feet maximum setback from the property lines at the public right-of-way for at least 25 percent of the front and corner side street frontage of the shopping center.</li> </ul>
3. UCX, HMX and CIX Districts		<ul style="list-style-type: none"> <li>20 feet maximum front and corner side setback from the property lines at the public right-of-way for 50 percent of front and corner side façade.</li> </ul>	<ul style="list-style-type: none"> <li>20 feet maximum setback from the property line at the public right-of-way on either 50 percent of the front or side of the façade.</li> </ul>	<ul style="list-style-type: none"> <li>20 feet maximum setback from the property lines at the public right-of-way for at least 25 percent of the front and corner side street frontage of the shopping center.</li> </ul>
4. Pedestrian Streets		<ul style="list-style-type: none"> <li>When the site is adjacent to a designated pedestrian street(s), that street(s) frontage shall be utilized to meet the maximum setback requirement with the front, side, and/or corner side of the façade, as indicated above.</li> <li>When the site has more than two pedestrian street frontages, the primary pedestrian street frontage shall be utilized to meet the maximum setback requirement.</li> </ul>		
5. Motor Vehicles		<ul style="list-style-type: none"> <li>Maximum setback areas shall be designed to be sidewalk, pedestrian plaza, public open space, landscaping, and/or courtyard, and to be free of motor vehicles at all times.</li> </ul>		
6. Corner Sites		<ul style="list-style-type: none"> <li>To allow additional flexibility on corner sites, particularly for features such as outdoor seating areas or other enhanced pedestrian amenities, the minimum percentage may be calculated based on the total of the front and corner side building frontage and the required percentage provided along any combination of the two, as long as the total percentage requirement is met.</li> </ul>		
7. Exceptions		<ul style="list-style-type: none"> <li><del>In all X-Districts, w</del>hen there is a steep slope (at least 25% slope with a vertical relief of 10 or more feet) located adjacent to the sidewalk the maximum setback requirement shall be measured from the top or toe of the slope, as appropriate.</li> <li>When a residential buffer is required, the buffer requirement shall supersede the maximum setback requirement (see Section 13.06.090.J).</li> </ul>		

Tacoma Municipal Code

	<u>Residential or mixed use buildings that contain a majority of residential uses</u>	Non-residential buildings and/or shopping centers of 30,000 square feet or less floor area	Non-residential buildings greater than 30,000 square feet floor area	Shopping centers greater than 30,000 square feet floor area
	<ul style="list-style-type: none"> <li>• <u>Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided, the addition reduces the level of nonconformity as to maximum setback.</u></li> <li>• <u>When a public easement precludes compliance with this standard, the setback requirement shall be measured from the back edge of the easement.</u></li> <li>• <u>The primary building of a fueling station, where fueling stations are allowed, is subject to the maximum setback on only one side of the building on corner parcels. Kiosks without retail, and intended for fuel payment only, are exempt.</u></li> <li>• <u>Public facilities on sites greater than 5 acres in neighborhood, community and urban mixed-use centers shall be exempt from maximum setback requirements. This exemption shall expire upon the establishment of a new Institutional Zoning designation, an Institutional Master Plan process, or similar zoning process for reviewing, evaluating and approving large, public, campus-like facilities.</u></li> <li>• <u>Within parks, recreation and open space uses, accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the maximum setback standards.</u></li> <li>• <u>Porches, entries, landscaping and residential transition areas may be located within 5' of the lot line abutting the pedestrian street right-of-way.</u></li> </ul>			
<p><del>8. Exemptions in all Mixed-Use Center Districts</del></p>	<ul style="list-style-type: none"> <li>• <del>Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided, the addition reduces the level of nonconformity as to maximum setback.</del></li> <li>• <del>When a public easement precludes compliance with this standard, the setback requirement shall be measured from the back edge of the easement.</del></li> <li>• <del>Buildings that are 100-percent residential do not have a maximum setback.</del></li> <li>• <del>The primary building of a fueling station, where fueling stations are allowed, is subject to the maximum setback on only one side of the building on corner parcels. Kiosks without retail, and intended for fuel payment only, are exempt.</del></li> <li>• <del>Public facilities on sites greater than 5 acres in neighborhood, community and urban mixed-use centers shall be exempt from maximum setback requirements. This exemption shall expire upon the establishment of a new Institutional Zoning designation, an Institutional Master Plan process, or similar zoning process for reviewing, evaluating and approving large, public, campus-like facilities.</del></li> <li>• <del>Within parks, recreation and open space uses, accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the maximum setback standards.</del></li> </ul>			

Examples for Application of Maximum Setback



## I. X-District Residential ~~Yard~~ Amenity Space Standards

Required ~~yard~~ amenity space is intended to provide access to fresh air, light, ~~and green features, gathering areas, and other amenities.~~ ~~and These are~~ to be functional and attractive as an outdoor extension of the dwelling or ~~a an outdoor or indoor~~ shared space for living, ~~recreation,~~ relaxation, and social interaction.

1. Single-Family, Duplexes and Triplexes. At least 200 square feet of ~~yard~~ outdoor amenity space is required for each dwelling unit. Required ~~yard~~ amenity space could include a combination of front porches, private or shared rear yards, balconies, or rooftop decks. Vehicular access areas and required walkways and buffers shall not count as ~~yard~~ amenity space and front yard areas may not be counted towards this requirement, except for those yard areas set back beyond the minimum requirement.
2. Townhouse Development. At least 200 square feet of ~~yard~~ outdoor amenity space is required for each townhouse. Required ~~yard~~ amenity space could include a combination of private front or rear yard space, porches, balconies, rooftop decks, or shared common ~~yard~~ amenity space amongst groups of townhouses. Vehicular access areas and required walkways and buffers shall not count as ~~yard~~ amenity space.
3. Multi-Family and Mixed-Use Development. The total amount of amenity space required is equal to 50 square feet per dwelling unit. ~~At least 50 square feet of yard space is required for each dwelling unit.~~ Required setback and buffer areas, vehicular access areas and required walkways and buffers shall not count towards ~~meeting the yard~~ amenity space requirements. This required ~~yard~~ amenity space can be provided through ~~any a~~ combination of ~~the following types of areas/features~~ common or private amenity space consistent with the requirements described below.  
For developments containing more than 15 units, a minimum of 30% of the total amenity space shall be provided as common amenity space. The remainder can be provided as private or common amenity space. There is no minimum amount of private amenity space required.  
Reductions to required amenity space for qualifying developments is permitted per section “c” below.
  - a. Common ~~Yard~~ amenity space. This type of space includes ~~landscaped~~ courtyards, ~~or~~ decks, front porches, ~~community~~ gardens ~~with pathways,~~ ~~children’s~~-play areas, ~~or other multi-purpose recreational and/or~~ green spaces with pathways, and certain interior spaces. Requirements for common ~~yard~~ amenity spaces include the following:
    - (1) No dimension shall be less than fifteen feet in width (except for front porches as specified below).
    - (2) Shared porches qualify as common amenity space provided no dimension is less than eight feet.
    - (3) Spaces shall be visible from multiple dwelling units and positioned near pedestrian activity.
    - (4) Exterior amenity Sspaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable.
    - (5) Individual entries ~~shall~~ should be provided onto ~~common yard~~ an outdoor amenity space from adjacent ~~ground floor~~ residential units, when possible ~~where applicable~~.
    - (6) Exterior amenity Sspaces should be oriented to receive direct sunlight for part of the day, facing east, west, or (preferably) south, when possible.
    - (7) ~~Common Exterior~~ yard amenity space shall be open to the sky, except ~~for clear atrium roofs and shared porches. A that a maximum of 25% may be covered but not fully enclosed.~~  
~~Shared porches qualify as common yard space provided no dimension is less than eight feet.~~  
(8) Rooftop decks. To qualify, rooftop decks must meet the following standards:
      - (a) Must be accessible to all dwelling units.
      - (b) Must include amenities such as seating areas and landscaping.
      - (c) Must feature hard surfacing appropriate to encourage residential support frequent use.
      - (d) Must include lighting for residents’ safety.
      - (e) No dimension shall be less than 15 feet in width.
    - (9) Interior amenity spaces. Qualifying interior amenity spaces must available to all building residents for the purposes of recreation and communal gathering. These spaces include, but are not necessarily limited to, fitness centers, swimming pools, media rooms, co-working spaces, and lounges.
  - b. Private amenity space. This type of space may be provided as balconies, porches, decks, patios, or yards. Private balconies, porches, decks, patios or yards. To qualify as yard space, such spaces shall be at least thirty five square feet, with no dimension less than four feet.  
Requirements for qualifying private amenity spaces include the following:
    - (1) Spaces must be directly accessible from the dwelling unit.

- (2) Spaces must be exterior and may be covered or uncovered.  
(3) Spaces must be at least 35 square feet, with no dimension less than four feet.  
~~e. Rooftop decks. To qualify, rooftop decks must meet the following standards:~~

- ~~(1) Must be accessible to all dwelling units.~~  
~~(2) Must include amenities such as seating areas and landscaping.~~  
~~(3) Must feature hard surfacing appropriate to encourage residential use.~~  
~~(4) Must include lighting for residents' safety.~~  
~~(5) No dimension shall be less than 15 feet in width.~~

dc. Exceptions Reduction:

- (1) Partial Reduction. Projects meeting the required condition in (1)(a)(i) and at least one of the optional conditions in (1)(b) may reduce their total required amenity space by 50%.

(a) Required condition:

- (i) ~~(1)~~ Projects ~~is~~ located within an eighth a quarter-mile of accessible walking distance of a public park or "school park." ~~public school that includes attractive, and well-maintained outdoor recreational facilities which are regularly available to the public on a long-term basis.~~

To qualify, the park or school park must:

- Be at least 10,000 sq. ft. in area.
- Feature usable, outdoor recreational amenities regularly available to the general public. Common features include, but are not necessarily limited to, playfields, green space with paths, playgrounds, spraygrounds, dog parks, gardens paths, picnic shelters, trails, and seating.
- Accessed by a continuously paved pedestrian path.
- Qualifying school parks are defined as a public school facility that contains well-maintained recreational facilities, which are regularly available to the public year-round, and subject to an interlocal agreement between Tacoma Public Schools and Metro Parks Tacoma establishing minimum levels of access, maintenance, and facility amenities.

(b) Qualifying condition choices.

- (i) ~~(2)~~ Projects with a minimum floor area ratio (FAR) of 3.  
(ii) ~~(3)~~ Projects containing ground level spaces supporting an active street environment.

To qualify, the ground floor space must:

- Designed to accommodate retail and/or restaurant uses.
- Occupy at least 70% of the building's street-facing façade or at least 40 feet, whichever is greater.
- Retail space(s) shall be a minimum of 1,000 square feet and have a minimum depth of 25 feet.
- Restaurant space(s) shall be a minimum of 2,000 square feet and shall incorporate necessary venting and sewer facilities.
- The space shall have a minimum interior height of 12 feet from the finished floor to the finished ceiling above and have direct visibility and accessibility from the public sidewalk.
- Include an outdoor display or seating area a minimum of six feet in depth.

**13.06.050 Downtown.**

\* \* \*

F. District development standards.

1. Applicability.

\* \* \*

8. Maximum Setback ~~in the DCC District.~~

The maximum square feet of setback area for new and substantially altered structures and additions fronting on a Primary Pedestrian Street shall be determined by multiplying 75 percent of the linear sidewalk level frontage by a factor of 10.

\* \* \*

## 13.06.090 Site Development Standards.

\* \* \*

### B. Landscaping standards.

\* \* \*

#### 3. General Landscaping Requirements.

\* \* \*

##### d. Trees.

(1) Tree Species Selection – Small, Medium and Large species. Trees are categorized as small, medium or large based on their height and crown spread at maturity and on their growth rate. Trees size categories are determined according to the Canopy Factor, which is calculated using the following formula: (mature height in feet) x (mature crown spread in feet) x (growth rate number) x 0.01 = Canopy Factor. The growth rate number is 1 for slow growing trees, 2 for moderately growing trees, and 3 for fast growing trees. Large Trees have a Canopy Factor greater than 90; Medium Trees have a Canopy Factor from 40 to 90; Small Trees have a Canopy Factor less than 40.

(a) Tree size categories. Small, Medium and Large Tree lists are included in the UFM. To determine the size category of a tree not listed in the UFM, the applicant must provide an authoritative source of information about the tree's mature height, crown spread and growth rate. Objective information must come from published sources or from the nursery providing the tree growth information, often called "cut sheets".

##### (2) Species selection.

Species shall be selected to avoid or minimize potential conflicts with infrastructure and utilities. Trees under power lines shall have a maximum mature height (at 25 years of age) not greater than 25 feet. New tree plantings shall be a minimum of 2 feet from pavement (curb, sidewalk, alley, street), 5 feet from a structure, 5 feet from underground utilities, and 10 feet from light standards. Distances may be reduced, with staff approval, upon a demonstration that the species selected will not cause infrastructure conflicts. The UFM contains additional guidelines on this subject.

##### (3) Tree variety.

For projects that involve the planting of between four and ten trees, at least two different kinds (Genera) of trees shall be included. For projects involving the planting of more than ten trees, at least three different kinds (Genera) of trees, and a mixture of tree types (evergreen and deciduous) shall be included. For projects that involve planting more than twenty-five trees, no more than 25 percent shall be from one Genera and a minimum of 20 percent must be evergreen.

##### (4) Tree size at planting.

Trees provided to meet the landscaping requirements shall be consistent with the following size requirements at the time of planting: For deciduous trees, at least 50 percent of the trees provided shall be a minimum 2-inch caliper at the time of planting, with the remaining deciduous trees a minimum 1½-inch caliper. For evergreen trees, at least 50 percent of the trees provided shall be a minimum of 6 feet tall, with the remaining evergreen trees a minimum of 5 feet tall at the time of planting. Evergreen trees provided to meet these requirements shall also be species with the ability to develop a minimum branching width of 8 feet within 5 years.

##### (5) Tree separation from lighting standards.

Where trees are provided, they shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards. However, limited flexibility in the placement of trees shall be allowed to address unique circumstances such as unusual topography or where other required or existing features limit the ability to strictly meet this standard.

\* \* \*

F. Pedestrian and bicycle support standards.

\* \* \*

4. Bicycle and Pedestrian Connections.

**Purpose:** Pedestrian and bicycle standards encourage a safe, direct, attractive, and usable multimodal circulation system in all developments as well as connections between abutting streets and buildings on the development site, and between buildings and other activities within the site.

a. Interior Access Roads.

Interior access roads in multi-building developments shall be designed to provide safe, comfortable, and attractive multimodal travel and shall include features such as planting strips and street trees, sidewalks on one or both sides, and perpendicular or parallel parking on one or both sides.

b. Connection between streets and entrances.

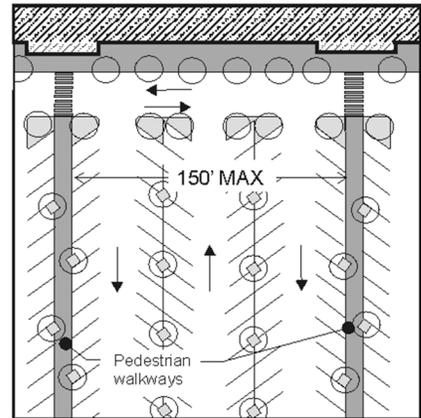
There must be a connection between one main entrance of each building on the site and the adjacent street. The route may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Where there is more than one street frontage, an additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance of each building.

c. Minimum connection frequency.

(1) Commercial, Office, Mixed-Use and Multifamily uses. Additional walkways are required when needed to provide at least one connection to the public sidewalk for each 150 feet of street frontage or every three parking aisles, whichever is less.

(2) Industrial uses and uses which require controlled site access for essential operational or public safety reasons. Additional walkways are required when needed to provide at least one connection to the public sidewalk for each 300 feet of street frontage or every six parking aisles, whichever is less.

(3) Parks and recreation uses (excluding passive open space), or portions thereof, which are undeveloped with buildings, shall provide a minimum of one walkway, and an additional walkway for each additional improved street frontage greater than 500 feet in length (unless topography, critical areas or public safety issues preclude reasonable provision of such additional access points).



d. Route directness.

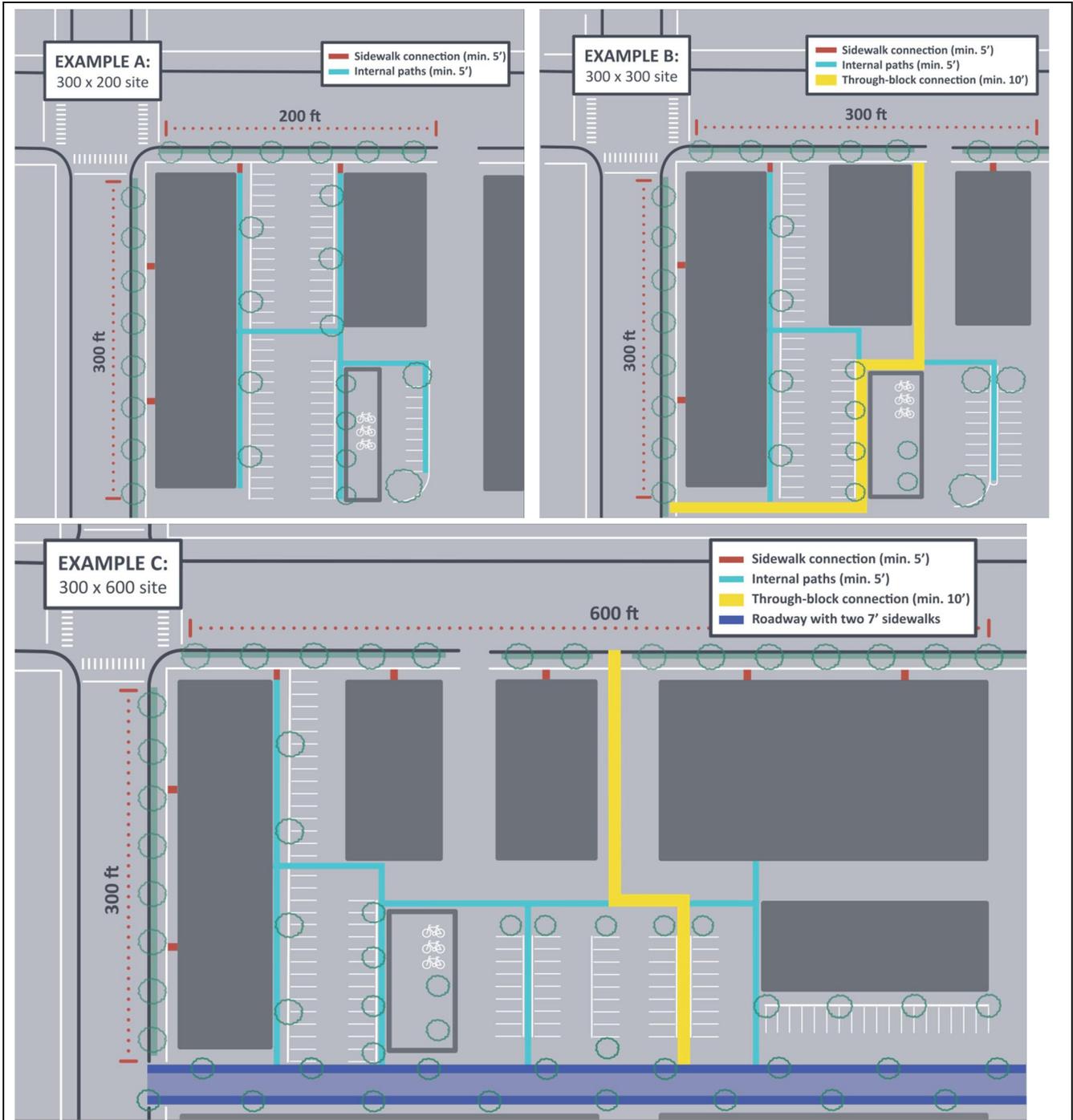
Connections to streets shall be designed and located to facilitate direct travel to all abutting public sidewalks, bus stops, transit stations/centers, schools, public bicycle facilities, trails, or shared-use paths in proximity of the development site. Walkways shall be located to provide the shortest practical route from the public sidewalk or walkway network to customer and/or public building entrances.

e. Internal pedestrian system.

(1) On sites larger than 10,000 square feet, and with multiple buildings or uses, an internal pedestrian connection system must be provided. The system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, pedestrian amenities and adjacent sidewalks.

(2) On sites with two or more street frontages 300 feet or more in length, and with multiple buildings or uses, a through-block connection is required providing a continuous pedestrian pathway between the abutting street frontages.

(3) On sites requiring three or more pedestrian connections, and with multiple buildings or uses, the most centrally located connection shall be an enhanced through-block connection that provides a continuous pedestrian pathway between the abutting street frontages.

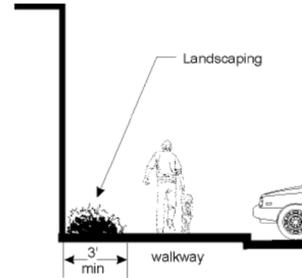


f. Facility Design.

(1) Lighting and landscaping. For walkways that are longer than 25 feet, trees shall be provided adjacent to the walkways at a rate equivalent to the linear requirements for street trees in 13.06.090.B, and pedestrian-scaled lighting shall be provided at a ratio of 2 per 100 feet. Where pedestrian light standards are provided, they shall be placed a minimum of 10 feet from trees. However, limited flexibility in the placement of light standards shall be allowed to address unique circumstances such as unusual topography or where other required or existing features limit the ability to strictly meet this standard. ~~Trees shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards.~~

(2) Size and materials.

- (a) Required walkways must be hard-surfaced and at least five feet wide, excluding vehicular overhang, except for walkways accessing less than four residential dwelling units, where the minimum width shall be four feet. When more than one walkway is required, at least one walkway must be 10 feet wide. Permeable pavement surfaces are encouraged where feasible.
- (b) Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least four inches high.
- (c) Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least four inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than five feet on center.
- (d) Internal pathways in multi-building residential developments shall be separated from structures at least three feet by landscaping, except where adjacent to usable yard spaces or other design treatments are included on or adjacent to the wall that add visual interest at the pedestrian scale. Examples include the use of a trellis with vine plants, sculptural, mosaic, bas-relief artwork, or other decorative wall treatments. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.



*Above left and center: Parking lot pathway examples. Above right: Separate walkway from structures with at least 3' of landscaping.*

- (3) Bicycle facilities. At least one driveway and travel lane on site shall be designed to accommodate bicycles in accordance with the Public Works Design Manual. Where a ten-foot walkway is provided, it may be used as a shared-use path for both pedestrians and bicyclists. The route shall include signage to direct bicyclists to on-site bicycle parking facilities.
- (4) Through-block connections.
  - (a) Through-block connections shall be a minimum of ten feet in width.
  - (b) Enhanced through-block connections, required for larger sites as described above, shall meet one of the following design options:
    - i. Minimum seven-foot wide sidewalks on both sides of a private roadway designed to provide safe, comfortable and attractive multi-modal travel with features such as planting strips, street trees and perpendicular or parallel parking on one or both sides.
    - ii. A pedestrian pathway a minimum of ten feet in width.
  - (c) Through-block connection design. Through-block connections shall meet the lighting and landscaping, size and materials standards above, and provide street furniture, per the design specifications below, at a frequency of one seating area every 250 feet. Enhanced through-connections shall provide street furniture at a frequency of one seating area every 150 feet.

\* \* \*

#### L. Utilities.

##### 1. Applicability.

The following standards apply to ground level [and rooftop](#) utilities. Rooftop utilities are [also](#) regulated under the Building Design Standards.

## 2. Purpose.

## 3. General Standards.

- a. Chain link fencing, with or without slats, is prohibited for required utility screening.
- b. Limited flexibility in this standard is allowed to ensure that the function of the utility equipment is not compromised by the screening requirement.

## 4. Standards in Mixed-use Districts

### a. Utility meters, electrical conduit, and other service utility apparatus.

- (1) Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street and other pedestrian areas.
- (2) If such elements are mounted in a location visible from the street, common open space or pedestrian plaza, internal pedestrian pathway, customer parking lots (alleys are excluded), or shared internal access roads for residential uses, they shall be screened with vegetation or by architectural features.
- (3) All landscape screening shall provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting.
- (4) Items that exceed 4 feet in height must use an opaque fence or structure to screen the element.

### b. Service, loading, and garbage areas.

- (1) Developments shall provide a designated area for service elements (refuse and disposal).
- (2) Such elements shall be sited along the alley, where available.
- (3) Where there is no alley available, service elements shall be located and/or screened to minimize the negative visual, noise, odor, and physical impacts.

### c. Rooftop utility screening.

(1) All rooftop mechanical for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form or an equivalent architectural feature which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. Flexibility in this standard is allowed to ensure that the function of the HVAC equipment or the building's overall energy performance is not compromised by these requirements.

## 5. Standards in Commercial Districts.

- a. Mechanical or utility equipment, loading areas, and dumpsters shall be screened from adjacent public street right-of-way, including highways, or residential uses.
- b. Items that exceed 4 feet in height must use fencing, structure, or other form of screening, except landscaping.
- c. Items that do not exceed 4 feet above ground level may be screened with landscaped screening.
- d. All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting.

## 6. Standards in Downtown Districts

### a. Utility meters, electrical conduit, and other service utility apparatus.

(1) Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street and other pedestrian areas.

(2) If such elements are mounted in a location visible from the street, common open space or pedestrian plaza, internal pedestrian pathway, customer parking lots, or shared internal access roads for residential uses, they shall be screened with vegetation or by architectural features. Alleys and courts are exempt from these requirements.

(3) All landscape screening shall provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting.

(4) Items that exceed 4 feet in height must use an opaque fence or structure to screen the element.

b. Service, loading, and garbage areas.

(1) Developments shall provide a designated area for service elements (refuse and disposal).

(2) Such elements shall be sited along the alley or court, where available.

(3) Where there is no alley available, service elements shall be located and/or screened to minimize the negative visual, noise, odor, and physical impacts.

c. Rooftop utility screening.

(1) All rooftop mechanical for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form or an equivalent architectural feature which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. Flexibility in this standard is allowed to ensure that the function of the HVAC equipment or the building's overall energy performance is not compromised by these requirements. This standard shall not apply to existing buildings undergoing substantial alteration.

7.6. Standards for Residential Buildings and Developments.

a. Standards for all single, two, and three-family dwellings in X-Districts, and to all two and three-family dwellings in all districts.

(1) Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.

(2) Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Such elements shall not be located along the street frontage. Where there is no alley available, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts and shall be screened from view from the street and sidewalk.

b. Townhouses in all districts.

(1) Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.

(2) Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Such elements shall not be located along the street frontage. Where there is no alley available, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts and shall be screened from view from the street and sidewalk. The City may require a consolidated location for storage of solid waste containers, direct street access pickup, or a shared waste collection service if necessary for efficient solid waste collection.

c. Multifamily in Residential Districts.

(1) Mechanical or utility equipment, loading areas, dumpsters and other utility apparatus shall be located and/or designed to minimize their visibility from the street, including highways, and other pedestrian areas and residences.

(2) If such elements are mounted in a location visible from the street, common open space or pedestrian plaza, internal pedestrian pathway, or shared internal access roads for residential uses, they shall be screened with vegetation or by architectural features.

(3) Items that exceed 4 feet in height must use fencing, structure, or other form of screening, except landscaping.

(4) Items that do not exceed 4 feet above ground level may be screened with landscaped screening.

(5) All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting.

8.7. Examples.



*Well-designed service enclosure example.*



*Landscaping helps to minimize the negative visual impacts of utility meters.*



*Exposed utility meters like this will not be allowed where visible from common open spaces, streets or pedestrian areas.*

\* \* \*

### **13.06.100 Building design standards.**

\* \* \*

#### **B. Mixed-Use District Minimum Design Standards.**

##### **1. General applicability.**

The design standards of this section are required to implement the urban design goals of the Comprehensive Plan of the City of Tacoma. The building design standards apply to all new development as outlined below, except as follows:

##### **a. Standards.**

Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.

##### **b. Alterations.**

(1) Three thresholds are used to gauge the extent of design standard compliance on alterations to existing development:

Level I alterations include all remodels and/or additions within a two year period whose cumulative value is less than 50% of the value of existing development or structures, as determined by the applicable Building Code. The requirement for such alterations is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building façade's siding, then the siding shall meet the applicable exterior building material standards, but elements such as building modulation would not be required.

Level II alterations include all remodels and/or additions within a two year period whose cumulative value ranges from 50% to 200% of the value of the existing development or structure, as determined by the applicable Building Code. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II alterations.

Level III alterations include all remodels and/or additions within a two year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the applicable Building Code. Such alterations shall conform to ALL standards.

(2) The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.

(3) No addition or remodel shall increase the level of nonconformity or create new nonconformities to the development or design standards.

##### **c. Super regional malls.**

Additions to super regional malls of less than 10,000 square feet of floor area are exempt from the design standards of this section.

##### **d. Temporary.**

Temporary structures are exempt from the design standards of this section.

##### **e. Residential and/or mixed-use.**

(1) Single, two, and three-family dwellings are subject only to the design standards in Subsection E. Townhouses are subject only to the design standards in Subsection H. For other residential uses, such as mixed-use buildings and multi-family dwellings of 4 units or more, the standards herein apply unless otherwise noted.

(2) Single-family dwellings legally established prior to August 1, 2011 are exempt from these standards. However, remodels and additions to such single-family dwellings shall not increase the level of nonconformity.

##### **f. Historic.**

In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.

g. Religious assembly facilities which can demonstrate that the design standards impose a substantial burden, administratively or financially, on their free exercise of religion, shall be exempt from compliance.

##### **h. Floor area.**

For purposes of this section of the code (Section 13.06.090.C), “floor area” shall not include spaces below grade.

i. Parks, recreation and open space uses.

Accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the design standards of this section.

2. Zoning District Applicability.

The following requirements apply to all development located in any X-District, except where noted or unless specifically exempted.

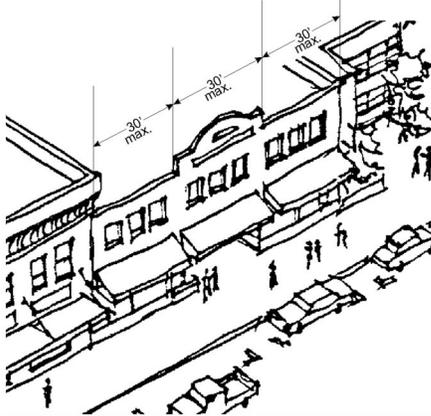
3. Ground Level Design

a. Façade Details & Articulation

<p><u>Applicability: All building façades fronting a designated Pedestrian Street must include the following required and selected articulation features at intervals no greater than 40 feet. Buildings that have 60 feet or less of frontage on the designated pedestrian street are exempt from this standard.</u></p>	
<p><u>(1) Required Features.</u></p>	<p><u>Use of vertical piers (min. 2 inch projection) and arrangement of windows and/or entries that reinforce the pattern of small storefront spaces.</u></p>
<p><u>(2) Optional Features: Choose one from each of the following categories</u></p>	
<p><u>(a) Window and/or entry treatment:</u></p>	<ul style="list-style-type: none"> <li>• <u>Display windows divided into a grid of multiple panes.</u></li> <li>• <u>Transom windows.</u></li> <li>• <u>Roll-up windows/doors.</u></li> <li>• <u>Recessed entry.</u></li> <li>• <u>Decorative door.</u></li> <li>• <u>Arcade.</u></li> <li>• <u>Landscaped trellises or other permanent decorative elements that incorporate landscaping near the building entry.</u></li> </ul>
<p><u>(b) Building materials and other façade elements:</u></p>	<ul style="list-style-type: none"> <li>• <u>Decorative weather protection element(s) such as a steel canopy or glass, fixed-fabric, or retractable awning.</u></li> <li>• <u>Decorative building-mounted light fixtures.</u></li> <li>• <u>Use of brick, stonework, and architectural pre-cast concrete for at least 10 percent of siding material on the façade.</u></li> <li>• <u>Incorporating a decorative mix of building materials.</u></li> <li>• <u>Decorative kick-plate, pier, or belt course.</u></li> </ul>

**Example Figures**

*These figures all depict acceptable façade articulation examples. All use window configurations to reinforce the desired small storefront pattern.*



*This building uses roofline modulation, window configurations, and weather protection elements to reinforce the pattern of small storefronts.*



*This building employs a regular pattern of vertical piers.*



*This building incorporates different weather protection elements.*

**b. Weather Protection**

(1) General requirements	<p>(a) <u>Weather projection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features.</u></p> <p>(b) <u>Weather protection must cover at least 5 feet in width of the public or semi-public sidewalk but reduced to accommodate trees, lighting, bay windows, or similar building features to not less than 3 feet in width.</u></p>
(2) Minimum Requirements	
(a) <u>Pedestrian Street-facing building facades</u>	<p><u>Weather protection shall be provided above all entrances and along a minimum of 80 percent of ground level building facades abutting or located within 5 feet of a hard-surfaced public or private sidewalk, walkway, and/or amenity space.</u></p>
(b) <u>Building facades facing a non-Pedestrian Street or common amenity space</u>	<p><u>Weather protection shall be provided above all entrances and along a minimum of 50 percent of ground level building facades abutting or located within 5 feet of a hard-surfaced public or private sidewalk, walkway, and/or amenity space.</u></p>

c. Building Orientation & Entrances

<p><u>(1) Definitions</u></p>	<ul style="list-style-type: none"> <li>• <u>“Primary entrance.” An entrance that provides direct pedestrian access to all or a plurality of residential units, non-residential building main lobby, or a shared entrance of multiple users/uses. For the purposes of applying associated provisions, this can include entrances into an enclosed interior space as well as covered and uncovered, unenclosed or partially enclosed spaces such as shared walkways, gates, or other similar features.</u></li> </ul>
<p><u>(2) Residential buildings/uses</u></p>	
<p><u>(a) Location</u></p>	<p><u>Primary entrances must be oriented to the abutting street and must include features that visually communicate its prominence and function such as signage, wayfinding, pedestrian lighting, landscaping, walls/fences, etc. If the building has more than one street frontage where one is a designated Pedestrian Street, the primary entrance must be oriented to the Pedestrian Street except that the primary entrance for residential units within a mixed-use building may be located on non-Pedestrian Street for buildings with more than one street frontage. If no entrance clearly meets the definition of a Primary entrance, at least one entrance must be designated and designed according to these standards.</u></p>
<p><u>(b) Dimensions</u></p>	<p><u>Primary residential and shared entries must include a covered space that is at least 4 ft. wide and 6 ft. deep located on the development site. This space may either be recessed or projecting from the front building wall. The weather protection cover may not be more than 12 feet above grade.</u></p>
<p><u>(3) Non-residential buildings/uses</u></p>	
<p><u>(a) Location</u></p>	<p><u>A publicly-accessible Primary Entrance must be oriented to the abutting street, located within 20 feet of the street, and must include features that visually communicate its prominence and function such as signage, wayfinding, pedestrian lighting, landscaping, walls/fences, etc. If the building has more than one street frontage where one is a designated Pedestrian Street, the primary entrance must be oriented to the Pedestrian Street.</u></p>
<p><u>(b) Customer entrances</u></p>	<p><u>Additional publicly-accessible entrances shall be provided along building elevations containing a publicly-accessible entrance at a min. interval of 250 feet.</u></p>

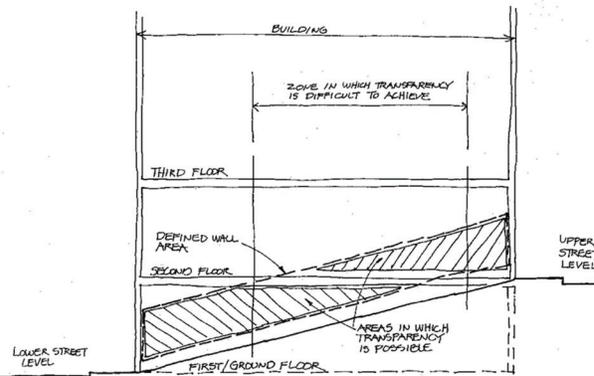
d. Building transitions

<p><u>Applicability: The following standards apply to the area located between street right-of-way and the building.</u></p>	
<p><u>(1) General requirements</u></p>	<p><u>(a) Fences, walls, or hedges greater than 36 inches in height are prohibited.</u>  <u>(b) Where a building is located more than 5 feet from the right-of-way, the areas located between the right-of-way and the building must consist of pedestrian amenities, landscaping, vegetated LID BMPs, or works of art. Landscaping shall be consistent with TMC 13.06.090.B.4.h. Review of any proposed public art shall be coordinated with the City’s Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator. Parking is prohibited in the setback areas.</u></p>

<p><u>(2) Residential entrances: Individual ground-related unit entrances.</u></p>	<p>Each unit shall provide a transition area including one of the following features between the right-of-way and unit entrance.</p> <ul style="list-style-type: none"> <li>• <u>Grade changes that elevate the unit’s entrance at least 2 feet above adjacent grade.</u></li> <li>• <u>A common exterior amenity space meeting the requirements of 13.06.040.I.3.a.</u></li> <li>• <u>A private exterior amenity space meeting the requirements of 13.06.040.I.3.b and that includes a fence or wall to provide physical and visual separation from public spaces.</u></li> </ul>
<p><u>(3) Residential entrances: Shared multi-unit entrances.</u></p>	<p>Each shared entrance shall provide a transition area between the right-of-way and entrance. Transitions can be accomplished by the following:</p> <ul style="list-style-type: none"> <li>• <u>Grade changes that elevate the entrance at least 2 feet above adjacent grade.</u></li> <li>• <u>A common exterior amenity space meeting the requirements of 13.06.040.I.3.a.</u></li> </ul>
<p><u>(4) Pedestrian Street-facing facades</u></p>	<p><u>(a) Where a building is located 5 feet or less from the right-of-way, the areas located between the right-of-way and the building must be hard-surfaced.</u></p>

e. Transparency

<p><u>Purpose: The following standards are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, to provide for natural lighting to buildings interiors to conserve energy, and to provide architectural detailing and variety to building elevations on each story.</u></p>	
<p><u>(1) General requirements</u></p>	<ul style="list-style-type: none"> <li>• <u>The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</u></li> <li>• <u>This standard shall apply on a maximum of 2 such building elevations, and application shall be prioritized as follows: Core Pedestrian Street, Primary Pedestrian Street, Pedestrian Street, a non-Pedestrian Street, and other qualifying frontages (e.g. , the requirements would apply to the façade facing the Core Pedestrian and either the façade facing the non-designated street or the façade facing the parking lot.</u></li> <li>• <u>Rough openings are used to calculate this requirement.</u></li> <li>• <u>Reductions for sloping properties. These requirements may be reduced by 50 percent for building elevations where the finished grade level adjacent to the building is four feet above or below the level of the sidewalk. The requirement may be further reduced to 15 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades running parallel to the elevation and crossing the floor plates of the building.</u></li> </ul>



*Diagram depicting sloping property.*

(2) Residential buildings/uses

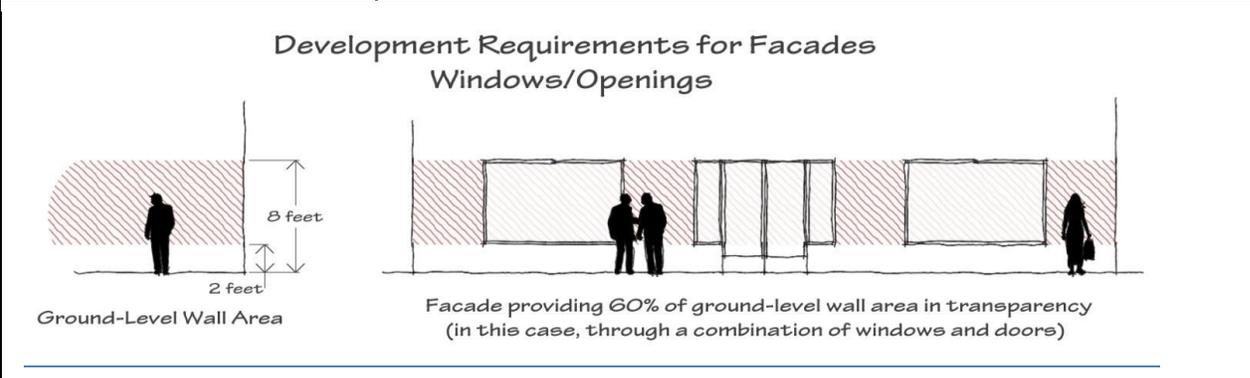
- (a) Portions of a building containing residential uses at the ground level facing a designated Pedestrian Streets shall have transparent windows or openings equal to at least 35 percent of the ground level wall area.
- (b) Portions of a building containing residential uses at the ground level facing a non-Pedestrian Street, common amenity space, or an associated surface parking lot of 20 stalls or greater shall have transparent windows or openings for at least 15 percent of the ground level wall area.
- (c) Ancillary uses such as lobbies, mail rooms, bicycle storage, and amenity spaces shall be considered residential uses for the purposes of applying these requirements.

(3) Non-residential buildings/uses, except industrial uses

- (a) Portions of a building containing non-residential uses, except industrial uses, at the ground level facing a designated Core Pedestrian Street shall have transparent windows or openings equal to at least 60 percent of the ground level wall area.
- (b) Portions of a building containing non-residential uses, except industrial uses, at the ground level facing a designated Pedestrian Street shall have transparent windows or openings equal to at least 50 percent of the ground level wall area.
- (c) Portions of a building containing non-residential uses, except industrial uses, at the ground level facing a non-pedestrian street, common amenity space, or an associated surface parking lots of 20 stalls or greater shall have transparent windows or openings for at least 40 percent of the ground level wall area.
- (d) Required view. Required windows or openings must provide either views into building work areas, sales areas or lobbies.
- (e) Art or window displays may substitute for transparent elements for up to 25% of the requirement on façades facing designated Pedestrian Streets and up to 50% on all other applicable façades.
- (f) Window displays must be at least 2 feet in depth and recessed into the building. Display cases attached to the exterior wall do not qualify.
- (g) A decorative grille, work of art, or a similar treatment may be used to meet this standard on those portions of the sidewalk level façade where it can be demonstrated that the intrusion of natural light is detrimental to the sidewalk level use. Examples of such uses include, but are not limited to, movie theaters, museums, laboratories, and classrooms. In no instances shall the amount of transparency present in existing buildings be decreased below 20 percent. This standard shall also apply when 50 percent or more of the sidewalk level façade is altered.
- (h) Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.

<p><u>(4) Industrial uses</u></p>	<p>(a) Portions of a building containing industrial uses at the ground level facing a designated Pedestrian Streets shall have transparent windows or openings equal to at least 30 percent of the ground level wall area.</p> <p>(b) Portions of a building containing industrial uses at the ground level facing a non-Pedestrian Street, common amenity space, or an associated surface parking lots of 20 stalls or greater shall have transparent windows or openings for at least 20 percent of the ground level wall area.</p> <p>(c) A decorative grille, work of art, or a similar treatment may be used to meet this standard on those portions of the sidewalk level façade where it can be demonstrated that the intrusion of natural light is detrimental to the sidewalk level use. In no instances shall the amount of transparency present in existing buildings be decreased below 20 percent. This standard shall also apply when 50 percent or more of the sidewalk level façade is altered.</p>
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<p><u>(5) Structured parking</u></p>	<p>(a) Portions of a building containing structured parking at the ground level facing a designated Pedestrian Streets shall have transparent windows or openings equal to at least 30 percent of the ground level wall area.</p> <p>(b) Portions of a building containing structured parking at the ground level facing a non-Pedestrian Street, internal courtyard, plaza or an associated surface parking lot of 20 stalls or greater shall have transparent windows or openings for at least 20 percent of the ground level wall area.</p> <p>(c) Alternatives such as decorative grilles, artwork, display windows, or similar features can be substituted for the transparency required in that portion of the ground-level façade. Review of any proposed public art shall be coordinated with the City’s Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.</p>
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f. Blank walls

<p><u>(1) Definition</u></p>	<p>“Blank wall.” A ground floor wall or portion of a ground floor wall that is over 4 feet in height and has a horizontal length greater than 15 feet without a transparent window or door</p>
<p><u>(2) Blank walls facing a street, internal pathway, courtyard, plaza, or an associated surface parking lot of 20 stalls or greater must be treated in one or more of the following ways and must be accompanied by lighting that enhances the selected treatment:</u></p>	<ul style="list-style-type: none"> <li>• <u>Window displays must be at least 2 feet in depth and recessed into the building. Display cases attached to the exterior wall do not qualify.</u></li> <li>• <u>Landscape planting bed at least 5 feet wide or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall. Such planting areas shall include planting materials that are sufficient to obscure or screen at least 60 percent of the wall’s surface within 3 years.</u></li> <li>• <u>Installing a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least 60 percent of the wall’s surface within 3 years. For large areas, trellises should be used in conjunction with other blank wall treatments.</u></li> </ul>

	<ul style="list-style-type: none"> <li>• <a href="#">Artwork. Review of any proposed public art shall be coordinated with the City’s Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.</a></li> </ul>
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4. Building Form and Expression

a. Façade articulation

<p><a href="#">Applicability: Buildings greater than 3 stories in height must conform to the building articulation standards in section (1). Buildings that have more than 60 feet of frontage along a street, open space, or parking area must conform to the articulation standards in section (2).</a></p>	
<p><a href="#">(1) Required building articulation</a></p>	<p><a href="#">(a) Buildings 4 or 5 stories in height shall provide bipartite articulation by incorporating design treatments that provide a clear delineation of the building’s top and base.</a></p> <p><a href="#">(b) Buildings over 5 stories shall provide tripartite articulation by incorporating design treatments that provide a clear delineation of the building’s top, middle, and base.</a></p> <p><a href="#">(c) This articulation can be accomplished through a combination of building form, materials, and detailing.</a></p> <ul style="list-style-type: none"> <li>• <a href="#">Top: Features may include a sloped roofline or strong cornice line. For façades utilizing upper level stepbacks, the “top” design treatment may be applied to the top of the front vertical plane of the building or the top of the building where it is set back from the building’s front vertical wall (provided the top of the building is visible from the centerline of the adjacent street).</a></li> <li>• <a href="#">Middle: provide consistent articulation of middle floors with windows, balconies, exterior materials, modulation, and detailing.</a></li> <li>• <a href="#">Base: provide a distinctive ground floor or lower floors design that contrasts with other floors through the use of varying window design and/or configuration, and exterior materials, architectural details, and/or other methods.</a></li> </ul>
<p><a href="#">(2) Optional articulation features. All buildings shall include at two of the following articulation features at intervals of no more than 30 feet along all façades facing a street, open space, or parking area. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide one of the articulation features. Modulation Choices in TMC 13.06.100.B.4.b that exceed similar options listed here can be used to satisfy these requirements if employed.</a></p>	<p><a href="#">(a) Repeating distinctive window patterns at intervals less than the required interval.</a></p> <p><a href="#">(b) Minor vertical building modulation. Minimum depth and width of modulation is 2 feet and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation.</a></p> <p><a href="#">(c) Major vertical building modulation. Minimum depth and width of modulation is 10 and 15 feet, respectively.</a></p> <p><a href="#">(d) Horizontal modulation (upper level step-backs). Provide a minimum horizontal modulation of 5 feet from the building face for at least 75 percent of the facade.</a></p> <p><a href="#">(e) Roofline modulation consistent with TMC 13.06.100.B.4.c(3).</a></p> <p><a href="#">(f) Balconies or bay windows. To qualify, balconies must be recessed or project at least 18 inches beyond the primary building face and bay windows must project at least 18 inches beyond the primary building face. These may project into street rights-of-way, where allowed by the Public Works Department, but not into alley rights-of-way.</a></p>

b. Mass reduction

Purpose: The following standards are intended to reduce the appearance of bulk.

Applicability: Buildings that have more than 60 feet of frontage along a street, open space, or parking area must conform to these standards.

(1) Building modulation choices: Buildings fronting a designated Pedestrian Street must employ two of the following modulation approaches. Building fronting a street not designated as Pedestrian Street must employ one.

(a) Horizontal modulation: Upper floor streetfront stepback (choose one as applicable)

Pedestrian Street Facades:

- 8' minimum stepback along the streetfront façade for 4th floor and above in RCX Districts.
- 8' minimum horizontal stepback along for 5th floor and above in X Districts other than RCX, where the ROW width is less than 100'.
- 8' minimum horizon stepback for 6<sup>th</sup> floor and above in X zones other than RCX, where the ROW width is 100' or greater.
- Proportional Stepback option for any district other than RCX: A 8' stepback from the building face above the level which corresponds to a 1:2 proportional relationship to the street

Other street facades:

- 5' minimum stepback along the streetfront façade for 4<sup>th</sup> floor and above in RCX Districts.
- 5' minimum horizontal stepback along for 5<sup>th</sup> floor and above in X Districts other than RCX, where the ROW width is less than 100'.
- 5' minimum horizon stepback for 6<sup>th</sup> floor and above in X zones other than RCX, where the ROW width is 100' or greater.
- Proportional Stepback option for any district other than RCX: A 5' stepback from the building face above the level which corresponds to a 1:2 proportional relationship to the street

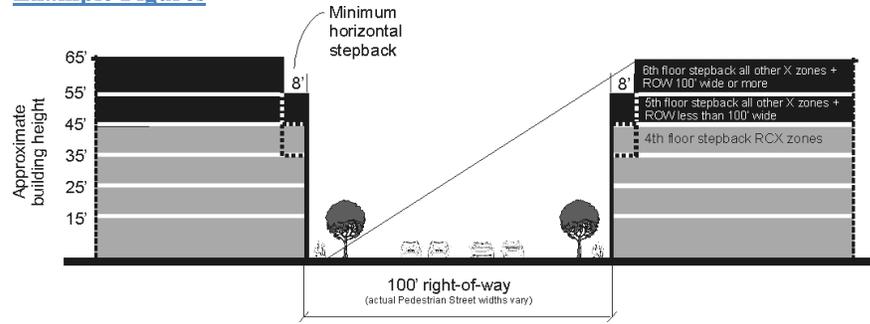
Encroachments: One distinct design element of no more than 25 feet in width is allowed to encroach vertically into these stepbacks for each façade.

(b) Vertical modulation: Façade Wall Width Options (choose one)

- Provide vertical building modulation at least 20 feet deep and 30 feet wide. For multi-story buildings the modulation must extend through more than one-half of the building floors.
- Façade employs building walls with contrasting articulation that make it appear like two or more distinct buildings. To qualify for this option, these contrasting façades must employ the following:
  - Different building materials and/or configuration of building materials.
  - Contrasting window design (sizes or configurations).
  - Off-set front walls – Front facing façades are off-set from the property line by a min. 8 foot difference.

(c) Common exterior amenity space. A common exterior amenity space, such as a courtyard or public plaza, of at least 800 square feet or 5 percent of building floor area, whichever is greater. The amenity space shall be located within 50 feet of and visible to the primary entrance; accessible to the residents and/or customers; and contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bike rack, or artwork for each 200 square feet of plaza area.

**Example Figures**



*Diagram depicting horizontal modulation.*



*Articulation examples of mixed-use buildings containing residential uses on upper floors. These examples include vertical and horizontal modulation and changes in building materials at no more than 30-foot articulation intervals.*



*Examples of facades that effectively use techniques to reduce the apparent bulk and scale of the structure. The image on the left uses street and upper level courtyards whereas the right image uses both vertical building modulation and the use of contrasting building materials and articulation.*

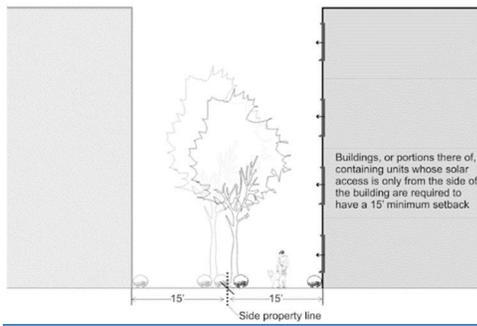
**(2) Light and air access for residential units.**

Every residential unit shall have access to a minimum amount of light, direct or indirect, and air per these requirements.

Units that face a side or rear property line or an internal exterior space shall provide sufficient separation as follows.

- (a) Units that only face a side or rear property line shall be set back from the property line at least 8 feet for a horizontal dimension of at least 10 feet.
- (b) Units that only face an internal exterior space, such as a courtyard or light well, shall be no closer than 15 feet from any parallel wall.
- (c) Units that face a side or rear property line and an internal exterior space is required to only meet (a) or (b) above.
- (d) Every unit shall be afforded at least 10 feet of total exterior wall width and each shall include at least one operable window.
- (e) This standard shall not apply in cases where the rear or side property line abuts a street or alley.
- (f) Private amenity spaces, such as balconies, may encroach up to 5 feet into this space.

**Example Figures**



*Examples of buildings that meet minimum light and air standards for residential units.*

**c. Roofline design**

<p><u>(1) General requirements.</u></p>	<ul style="list-style-type: none"> <li>• <u>Buildings employing a flat roof must meet the standards in TMC 13.06.100.B.4.c(2).</u></li> <li>• <u>The length of any continuous roofline visible from a street, open space, or associated parking lot shall that extends more than 100 feet shall employ roofline modulation consistent with the standards described below.</u></li> <li>• <u>Buildings employing roofline modulation for the purposes of satisfying TMC 13.06.100.B.4.a(2)(e) shall be consistent with the roofline modulation standards described below.</u></li> </ul>
<p><u>(2) Flat roof standards. Buildings or portions thereof featuring flat roofs (horizontal roofs with either no slope or only a slope sufficient to effect drainage, often which incorporate surrounding parapets) shall employ roofline treatments incorporating one or more of the following design elements along façades facing a street.</u></p>	<p><u>(a) A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. The height of the cornice shall be at least 12-inches high for buildings 10 feet or less in height; 18-inches for buildings greater than 10 feet and less than 30 feet in height; and 24-inches for buildings 30 feet and greater in height. The cornice must extend along at least 75 percent of the façade.</u></p> <p><u>(b) Use of balcony/deck railings that function as a roofline treatment. Such railings must be at least 2 feet in height and extend along at least 75 percent of the façade and shall be visible from the adjacent street centerline.</u></p> <p><u>(c) Use of contrasting building materials on the top floor or top two floors for buildings five stories or taller, for at least 75 percent of the façade.</u></p>

<p><u>(3) Roofline modulation. Roofline modulation is not required of all buildings. However, where required or otherwise applied, the roofline shall meet the following modulation requirements.</u></p>	<p><u>Whether the roof is flat or pitched, roofline modulation can be accomplished through either vertical or horizontal roofline articulation or a combination of both that breaks up the dominant roof form to enhance visual interest.</u></p> <p><u>(a) Vertical articulation can be achieved by incorporating any vertically-oriented change to the roofline. This can include stepped parapets, dormer, gables, domes, turrets or other projecting elements. The minimum vertical dimension of roofline modulation is 2 feet when combined with vertical building modulation of or 4 feet when it is not.</u></p> <p><u>(b) Horizontal articulation can be achieved by incorporating a horizontally-oriented change to the roofline. This can include recessing the peak of the roofline from the building face with a pitched roof, vertical building modulation, or other methods that provide horizontal changes within the roof form. If vertical building modulation is to be used to provide horizontal roofline modulation, the building modulation shall meet the minimum requirements of TMC 13.06.100.B.4.a(2) or 13.06.100.B.4.b(1)(b).</u></p> <p><u>(c) Modulating elements shall equal a minimum of 15 percent of each elevation's roofline.</u></p>
<p><u>(4) Roofline elements shall not project over property lines, except where permitted on property lines abutting public right-of-way.</u></p>	
<p><u>(5) Canopy Exemption. Fueling station canopies, drive through canopies, or similar canopies are exempt from roofline requirements.</u></p>	

d. Transparency

<p><u>Purpose: The following standards are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, to provide for natural lighting to buildings interiors to conserve energy, and to provide architectural detailing and variety to building elevations on each story.</u></p>	
<p><u>(1) General requirements</u></p>	<ul style="list-style-type: none"> <li><u>Rough openings are used to calculate this requirement.</u></li> </ul>
<p><u>(2) Residential buildings and residential portions of mixed-use buildings</u></p>	<p><u>(a) Portions of a building containing residential uses facing a street shall have transparent windows or openings equal to at least 15 percent of the wall area.</u></p> <p><u>(b) Portions of a building containing residential uses facing an internal courtyard, plaza or an associated surface parking lot of 20 stalls or greater shall have transparent windows or openings for at least 10 percent of the wall area.</u></p> <p><u>(c) Ancillary uses such as lobbies, mail rooms, bicycle storage, and amenity spaces shall be considered residential uses for the purposes of applying these requirements.</u></p>
<p><u>(2) Non-residential buildings, non-residential portions of mixed-use buildings, and structured parking.</u></p>	<p><u>(a) Portions of a building containing non-residential uses, including structured parking, facing a street or associated surface parking lot shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor.</u></p> <p><u>(b) Upper level windows shall be a different type than the ground level windows on the same elevation.</u></p> <p><u>(c) For purposes of this requirement, a window type is either a grouping of windows, a window size, or a window shape.</u></p>

### 3- Facade Articulation:

Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human-scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.

a. All building façades fronting directly on a Designated Pedestrian Street must include at least two of the following articulation features at intervals no greater than 40 feet to reinforce the desired pattern of small storefronts adjacent to the sidewalk. Buildings that have 60 feet or less of frontage on the designated pedestrian street are exempt from this standard.

(1) Use of window and/or entries that reinforce the pattern of small storefront spaces.

(2) Use of vertical piers to reinforce the pattern of small storefront spaces. Such piers must project at least 2 inches from the façade and extend from the ground floor to the roofline.

(3) Use of weather protection features that reinforce the pattern of small storefronts. For example, for a business that occupies three lots, use three separate awnings to break down the scale of the storefronts. Alternating colors of the awnings may be useful as well.

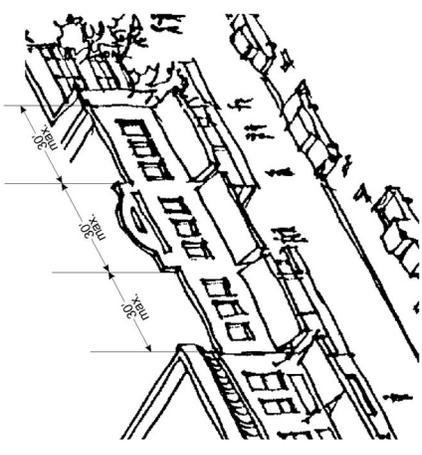
(4) Roofline modulation.

(5) Change in building material or siding style.

#### Example Figures

*Right: This building uses roofline modulation, window configurations, and weather protection elements to reinforce the pattern of small storefronts.*

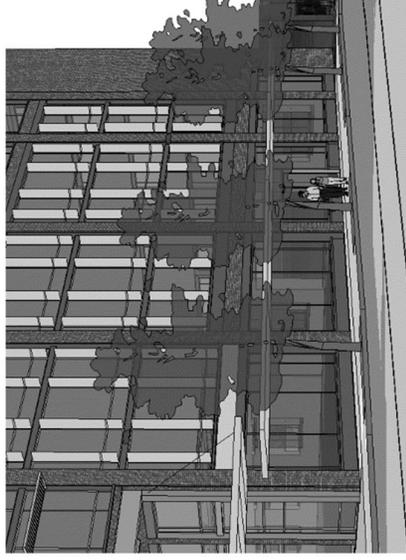
*Below: Other acceptable façade articulation examples. All use window configurations to reinforce the desired small storefront pattern. Other features used in these examples to meet the standards include:*



Vertical piers

Roofline modulation

Different weather protection

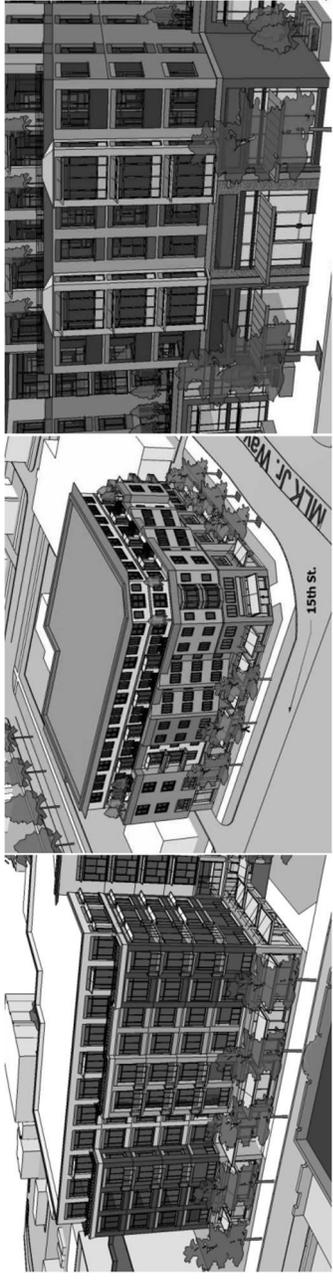


<p>b. All non-residential façades fronting on a non-Pedestrian Designated Street or containing a pedestrian entrance must include at least three of the following articulation features at intervals no greater than 60 feet. Buildings that have 120 feet or less of frontage on the non-designated street are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.</p>	<p>(1) Use of window configurations and/or entries that reinforce the pattern of storefront spaces.  (2) Vertical building modulation. The minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.  (3) Use of separate weather protection features that reinforce the pattern of storefront spaces.  (4) Roofline modulation.  (5) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 feet of the façade.  (6) Change in building material or siding style.  (7) Use of vertical piers. Such piers must project at least 2 inches from the façade and extend from the ground floor to the roofline.  (8) Providing a trellis, tree, or other landscape feature within each interval. Such feature must be at least one-half the height of the building (at planting time for any landscaping element).</p>
<p>c. All residential buildings and residential portions of mixed-use buildings shall include at least three of the following articulation features at intervals of no more than 30 feet along all façades facing a street, common open space, or common parking areas. Buildings that have 60 feet or less of frontage on the street or façade width facing the common open space or common parking area are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.</p>	<p>(1) Repeating distinctive window patterns at intervals less than the required interval.  (2) Vertical building modulation. Minimum depth and width of modulation is 2 feet and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation. Otherwise, minimum depth and width of modulation is 10 and 15 feet, respectively. Balconies may not be used to meet modulation option unless they are recessed or projected from the façade at least 18 inches.  (3) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 percent of the façade.  (4) Roofline modulation.  (5) Vertical articulation of the façade. This refers to design treatments that provide a clear delineation of the building's top, middle and bottom.  (a) Top features may include a sloped roofline or strong cornice line. For façades utilizing upper level step-backs, the "top" design treatment may be applied to the top of the front vertical plane of the building or the top of the building where it is set back from the building's front vertical wall (provided the top of the building is visible from the centerline of the adjacent street).  (b) Middle features: provide consistent articulation of middle floors with windows, balconies, exterior materials, modulation, and detailing  (c) Bottom: provide a distinctive ground floor or lower floors design that contrasts with other floors through the use of both contrasting window design/configuration and contrasting exterior materials  (d) Façade reduction elements including balconies and bay windows may project into street rights-of-way, where allowed by the Public Works Department, but not into alley rights-of-way</p>



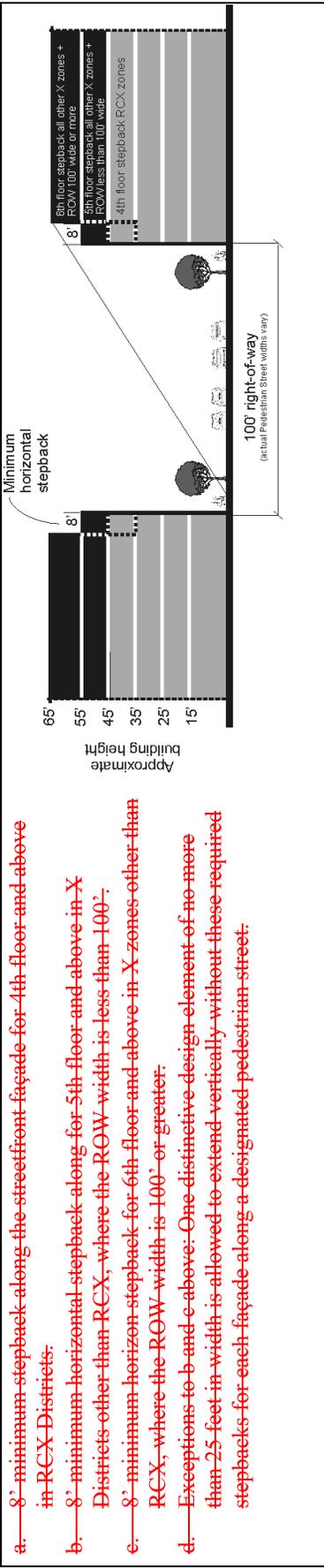
*Above: Residential building articulation at 30-foot or less intervals.*

*Below: Articulation examples of mixed-use buildings containing residential uses on upper floors. These examples include vertical and horizontal modulation and changes in building materials at no more than 30-foot articulation intervals.*



**4. Mass Reduction: Upper Floor Streetfront Stepbacks:**

**Purpose:** The following standards are intended to reduce the appearance of bulk and reduce the potential for shade and shadow impacts on pedestrian streets. They apply to all development along designated pedestrian streets, unless specifically exempted.



- a. 8' minimum setback along the streetfront façade for 4th floor and above in RCX Districts;
- b. 8' minimum horizontal setback along for 5th floor and above in X Districts other than RCX, where the ROW width is less than 100';
- c. 8' minimum horizon setback for 6th floor and above in X zones other than RCX, where the ROW width is 100' or greater;
- d. Exceptions to b and c above: One distinctive design element of no more than 25 feet in width is allowed to extend vertically without these required setbacks for each façade along a designated pedestrian street.

**5. Mass Reduction: Maximum Façade Widths:**

**Purpose:** The following standards are intended to incorporate a significant modulation of the exterior wall through all floors except the ground floor. They apply to the upper-story façades of multi-story buildings that are greater than 120 feet in width. Such buildings shall include at least one of the following features to break up the massing of the building and add visual interest:

- a. Provide vertical building modulation at least 20 feet deep and 30 feet wide. For multi-story buildings the modulation must extend through more than one-half of the building floors.
- b. Use of a contrasting vertical modulated design component that extends through all floors above the first floor fronting on the street (upper floors that are stepped back more than 10 feet from the façade are exempt) and featuring at least two of the following:
  - (1) Utilizes a change in building materials that effectively contrast from the rest of the façade.
  - (2) Component is modulated vertically from the rest of the façade by an average of 6 inches.
  - (3) Component is designed to provide roofline modulation.
- c. Façade employs building walls with contrasting articulation that make it appear like two distinct buildings. To qualify for this option, these contrasting façades must employ the following:
  - (1) Different building materials and/or configuration of building materials.
  - (2) Contrasting window design (sizes or configurations).



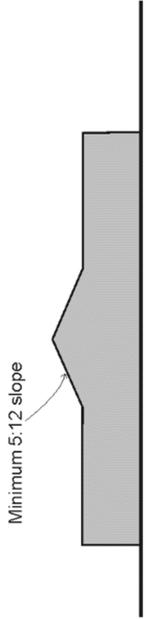
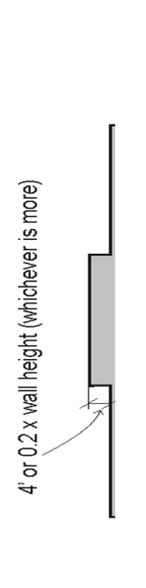
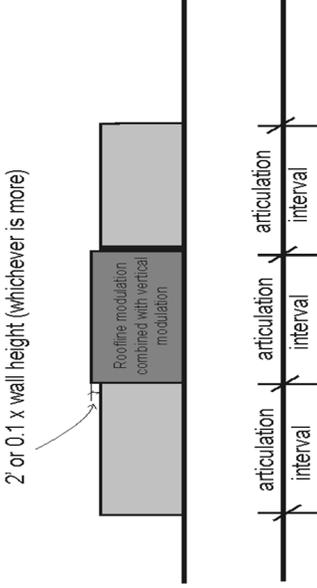
*Examples of façades wider than 120 feet that effectively use techniques to reduce the apparent bulk and scale of the structure. The image on the left uses street and upper-level courtyards whereas the right image uses both vertical building modulation and the use of contrasting building materials and articulation.*

## 6. Roofline Standards:

**Purpose:** The following roofline design choices are intended to ensure that roofline is addressed as an integral part of building design to discourage flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with human scale development.

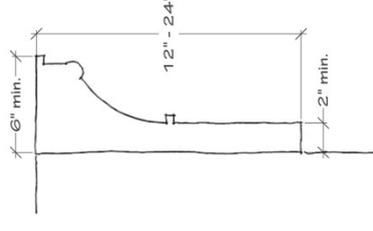
a. Roofline modulation. Roofline modulation is not required of all buildings. However, in order to qualify as a facade articulation element in other mass reduction standards herein, the roofline shall meet the following modulation requirements along facades facing a street:

- (1) For flat roofs or facades with horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of 2 feet or 0.1 multiplied by the wall height (finish grade to top of the wall) when combined with vertical building modulation techniques. Otherwise, the minimum vertical dimension of roofline modulation is the greater of 4 feet or 0.2 multiplied by the wall height.
- (2) Buildings with pitched roofs must include a minimum slope of 5:12 and feature modulated roofline components (such as gabled, hipped, shed, or other similar roof forms) at the interval required per the applicable standard in Section 5, above. Rounded, gambrel, and/or mansard forms may be averaged.



b. Flat roof standards. Buildings or portions thereof featuring flat roofs (horizontal roofs with either no slope or only a slope sufficient to effect drainage, often which incorporate surrounding parapets) that do not incorporate roofline modulation, as described above, shall employ decorative roofline treatments incorporating one or more of the following design elements along facades facing a street:

- (1) A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. See graphic at right. The height of the cornice shall be at least 12 inches high for buildings 10 feet or less in height; 18 inches for buildings greater than 10 feet and less than 30 feet in height; and 24 inches for buildings 30 feet and greater in height. The cornice must extend along at least 75 percent of the façade.
- (2) A one-piece cornice element that projects at least 18 inches from the façade for buildings four stories or less or at least 2 feet from the façade for buildings taller than 4 stories. The cornice line must extend along at least 75 percent of the façade.
- (3) Use of balcony/deck railings that function as a visual roofline element. Such railings must be at least 2 feet in height and extend along at least 75 percent of the façade and shall be visible from the adjacent street centerline.
- (4) Use of contrasting building materials on the top floor or top two floors for buildings five stories or taller, for at least 75 percent of the façade.



Cornice Example

e. Roofline elements shall not project over property lines, except where permitted on property lines abutting public right-of-way.

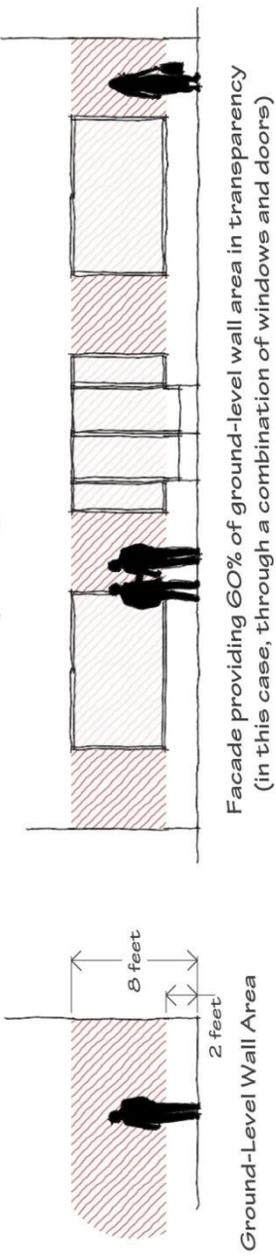
d. Canopy Exemption: Fueling station canopies, drive through canopies, or similar canopies are exempt from roofline requirements.

7. Windows and Openings: Façade Transparency and Solar Access:

Purpose: The following standards are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, to provide for natural lighting to buildings interiors to conserve energy, and to provide architectural detailing and variety to building elevations on each story.

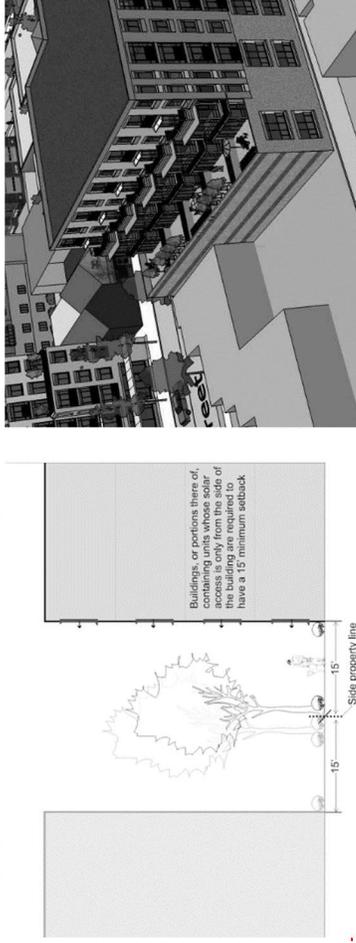
a. Street level transparency standards for non-residential uses:

- (1) Façades facing a designated Core Pedestrian Street shall have transparent windows or openings for at least 60 percent of the ground level wall area.
- (2) Façades facing a designated Pedestrian Street shall have transparent windows or openings for at least 50 percent of the ground level wall area.
- (3) Façades facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater shall have transparent windows or openings for at least 40 percent of the ground level wall area.
- (4) Flexibility for sloping properties: The window and opening requirements shall be reduced to 30 percent of the ground level wall area for building elevations where the finished grade level adjacent to the building is four feet above or below the level of the sidewalk. The requirement shall be further reduced to 20 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades running parallel to the elevation and crossing the floor plates of the building.
- (5) Flexibility for industrial uses: The window and opening requirements shall be reduced to 30 percent of the ground level wall area for the façades of industrial uses located along designated Pedestrian Streets and reduced to 20 percent of the ground level wall area for the façades of industrial uses facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater.
- (6) Flexibility for structured parking: For structured parking or portions of a building containing structured parking that is located at the ground level and subject to these requirements, the window and opening requirement for that portion of the ground level wall area shall be reduced to 30 percent along façades facing designated Pedestrian Streets and 20 percent along façades facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater. Additionally, alternatives such as decorative grilles, art work, display windows, or similar features can be substituted for the transparency required in that portion of the ground level façade. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.
- (7) Required view: Required windows or openings must provide either views into building work areas, sales areas or lobbies. Art or display windows may substitute for transparent elements for up to 25% of the requirement on façades facing designated Pedestrian Streets and up to 50% on all other applicable façades. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or

	<p>approved by the Arts Commission, as determined by the Arts Administrator. Art and display windows shall be at least 2 feet deep, recessed and integrated into the façade of the building (art on display cases do not qualify).</p> <p>(8) The "ground level wall area" is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</p> <p>(9) This standard shall apply on a maximum of 2 such building elevations, and shall apply in the order provided above. As an example, for a building that faces a Core Pedestrian Street, a non-pedestrian street, and a qualifying parking lot, the requirements would apply to the façade facing the Core Pedestrian and either the façade facing the non-designated street or the façade facing the parking lot.</p> <p>(10) Rough openings are used to calculate this requirement.</p>
	<h3 style="text-align: center;">Development Requirements for Facades Windows/Openings</h3>  <p style="text-align: center;">Facade providing 60% of ground-level wall area in transparency (in this case, through a combination of windows and doors)</p>
<p>b. Upper level transparency standards for non-residential uses;</p> <p>c. Residential buildings and residential portions of mixed-use buildings shall incorporate transparent windows and doors equal to at least 15% of all vertical façade surfaces facing the street and equal to at least 10% of all vertical surfaces facing alleys, courtyards, plazas and surface parking lots.</p>	<p>(1) Exterior walls facing streets or containing a customer entrance and facing customer parking lots of 20 stalls or greater shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor.</p> <p>(2) Upper level windows shall be a different type than the ground level windows on the same elevation.</p> <p>(3) For purposes of this requirement, a window type is either a grouping of windows, a window size, or a window shape.</p>

d. Solar access for residential units:

(1) Buildings or portions thereof containing dwelling units whose solar access is only from the side or rear of the building (facing towards the side or rear property line) shall be set back from the applicable side or rear property lines at least 15 feet. This standard shall not apply in cases where the rear or side property line abuts an alley. Examples are provided below.



e. Window/Trim Detailing. Building façades shall employ techniques to recess or project individual windows or groupings of windows above the ground floor at least two inches from the surrounding façade or incorporate window trim at least four inches wide surrounding the windows. Windows on façades that face the rear property line or alleys are exempt from this standard.

Examples:

Recessed window OK



Projected window OK



Window with trim OK



Unacceptable



8. Façade Surface Standards:

<p>Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.</p>	<p>a. Blank walls limitation</p> <p>(1) Blank wall definition: A ground floor wall or portion of a ground floor wall that is over 4 feet in height and has a horizontal length greater than 15 feet without a transparent window or door</p> <p>(2) Blank walls facing a street, internal pathway, or customer parking lot of 20 stalls or greater must be treated in one or more of the following ways:</p> <ul style="list-style-type: none"> <li>• Transparent windows or doors;</li> <li>• Display windows at least 2 feet in depth and integrated into the façade (back on display cases do not qualify);</li> <li>• Landscape planting bed at least 5 feet wide or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall. Such planting areas shall include planting materials that are sufficient to obscure or screen at least 60 percent of the wall's surface within 3 years;</li> <li>• Installing a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least 60 percent of the wall's surface within 3 years. For large areas, trellises should be used in conjunction with other blank wall treatments.</li> </ul> <p>b. Building face orientation</p> <p>(1) All multi-family buildings shall maintain primary orientation to an adjacent street or right of way and not toward the alley or rear of the site, unless otherwise determined by the Director.</p> <p>(2) The building elevation(s) facing street public rights of way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.</p> <p>(3) For buildings that have more than 2 qualifying elevations, this requirement shall only be applied to two of them.</p> <p>c. Building Details for Core Pedestrian Streets</p> <p>(1) All façades facing designated Core Pedestrian Streets shall be enhanced with appropriate details. All new buildings shall employ at least one detail element from each of the three categories below. To qualify as an element, features must be used continuously along the façade or at 30-foot intervals.</p> <p>(a) Window and/or entry treatment:</p> <ul style="list-style-type: none"> <li>• Display windows divided into a grid of multiple panes;</li> <li>• Transom windows;</li> <li>• Roll up windows/doors;</li> <li>• Recessed entry;</li> <li>• Decorative door;</li> <li>• Arcade;</li> <li>• Landscaped trellises or other permanent decorative elements that incorporate landscaping near the building entry;</li> </ul> <p>(b) Decorative façade attachments:</p> <ul style="list-style-type: none"> <li>• Decorative weather protection element(s) such as a steel canopy or glass, fixed fabric, or retractable awning;</li> <li>• Decorative building-mounted light fixtures;</li> </ul> <p>(c) Decorative building materials and other façade elements:</p> <ul style="list-style-type: none"> <li>• Use of brick, stonework, and architectural pre-cast concrete for at least 10 percent of siding material on the façade;</li> <li>• Incorporating a decorative mix of building materials;</li> </ul>
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- Decorative kick plate, pier, or belt course.

Decorative elements referenced above must be distinct and unique elements or unusual designs that require a high level of craftsmanship. The examples below include a decorative door, use of materials, transom windows, and a retractable awning (left image), decorative lights, arcade, use of brick, and decorative planters near the entry (center image), and decorative canopies, decorative windows, and use of brick (right image).



9. Pedestrian Standards:

Purpose: The following standards are intended to enhance pedestrian mobility and safety by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.

<p>a. Customer entrances</p>	<p>(1) Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only 1 elevation.</p> <p>(2) Designated streets. Non-residential or mixed-use buildings on designated pedestrian streets noted in Section 13.06.030 or Section 13.06.300.C shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facings, and visible to the designated street. For such buildings over 30,000 square feet of floor area, the maximum distance is increased to 60 feet.</p>
<p>b. Street level weather protection</p>	<p>(1) Weather protection shall be provided above a minimum of 50 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage. Façades or portions of façades where planting strips of more than 5 feet in width separate the walkway from the building wall are exempt from these standards.</p> <p>(2) Mixed-Use Center District designated pedestrian streets. Weather protection shall be provided above a minimum of 80 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage.</p> <p>(3) Weather protection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.</p> <p>(4) Weather protection must cover at least 5 feet of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar accessories to not less than 3 feet in width.</p> <p>(5) Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.</p>

10. Rooftop Utility Screening:

<p>Purpose: The following standards are intended to provide for thoughtful placement and design of utilities, mechanical equipment, service areas and fences to mitigate visual impact on public views, general community aesthetics and residential privacy.</p>	
<p>a. Rooftop utility screening.</p>	<p>All rooftop mechanical for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form or an equivalent architectural feature which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. Limited flexibility in this standard is allowed to ensure that the function of the HVAC equipment is not compromised by the screening requirement.</p>

D. Downtown District Minimum ~~Building~~-Design Standards.

1. General Applicability.

The design standards of this section are required to implement the urban design goals of the Comprehensive Plan of the City of Tacoma. The basic design standards, except as otherwise noted, shall apply to all new construction, additions, and substantial alterations.

a. Standards.

Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted. Additional standards are applicable to the DCC and DR Districts, see below.

b. Alterations.

(1) Three thresholds are used to gauge the extent of design standard compliance on alterations to existing development:

Level I alterations include all remodels and/or additions within a two year period whose cumulative value is less than 50% of the value of existing development or structures, as determined by the applicable Building Code. The requirement for such alterations is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building façade's siding, then the siding shall meet the applicable exterior building material standards, but elements such as building modulation would not be required.

Level II alterations include all remodels and/or additions within a two year period whose cumulative value ranges from 50% to 200% of the value of the existing development or structure, as determined by the applicable Building Code. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II alterations.

Level III alterations include all remodels and/or additions within a two year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the applicable Building Code. Such alterations shall conform to ALL standards.

(2) The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.

(3) No addition or remodel shall increase the level of nonconformity or create new nonconformities to the development or design standards.

~~a-c.~~ Variances. A variance to the required standards may be authorized, pursuant to Section 13.05.010.B.

d. Temporary.

Temporary structures are exempt from the design standards of this section.

e. Residential and/or mixed-use.

(1) Single, two, and three-family dwellings are subject only to the design standards in Subsection E. Townhouses are subject only to the design standards in Subsection H. For other residential uses, such as mixed-use buildings and multi-family dwellings of 4 units or more, the standards herein apply unless otherwise noted.

(2) Single-family dwellings legally established prior to August 1, 2011, are exempt from these standards. However, remodels and additions to such single-family dwellings shall not increase the level of nonconformity.

~~b-f.~~ Historic.

In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail. ~~If a building is being renovated in accordance with the Secretary of Interior's Standards for Treatment of Historic Properties, and a conflict between the~~

~~basic design standards or additional standards and the Secretary's Standards occurs, then the Historic Preservation Criteria and Findings made by the Tacoma Landmarks Preservation Commission shall prevail.~~

g. Religious assembly facilities which can demonstrate that the design standards impose a substantial burden, administratively or financially, on their free exercise of religion, shall be exempt from compliance.

h. Parks, recreation and open space uses.

Accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the design standards of this section.

## 2. Zoning District Applicability.

The following requirements apply to all development located in any Downtown District, except where noted or unless specifically exempted.

### ~~Screening-~~

~~All rooftop mechanical for new construction shall be screened or located in a manner as to be minimally visible from public rights of way. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights of way within 125 feet of the building, provided said rights of way are below the roof level of the building. If the project proponent demonstrates that the function and integrity of the HVAC equipment would be compromised by the screening requirement, it shall not apply. This standard shall not apply to existing buildings undergoing substantial alteration.~~

## 3. Ground Level Design

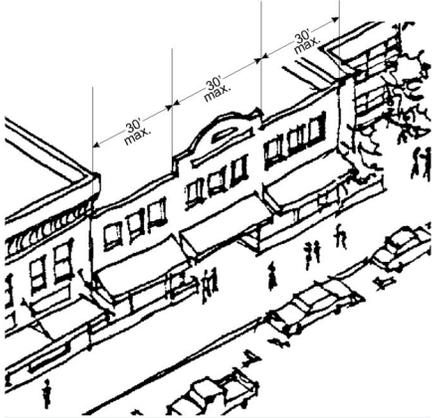
### a. Façade Details & Articulation

<u>Applicability: All building façades fronting a designated Pedestrian Street must include the following required and selected articulation features at intervals no greater than 40 feet. Buildings that have 60 feet or less of frontage on the designated pedestrian street are exempt from this standard.</u>	
<u>(1) Required Features: DCC zoning</u>	<u>(a) The floor area abutting at least 50 percent of the linear sidewalk level frontage shall meet the following standards, in addition to any other required basic or additional design standards.</u> <ul style="list-style-type: none"><li><u>The distance from the finished floor to the finished ceiling above shall be at least 12 feet.</u></li><li><u>The interior area must have a minimum average depth of 25 feet measured from the sidewalk level façade.</u></li><li><u>Use of vertical piers (min. 2 inch projection) and arrangement of windows and/or entries that reinforce the pattern of small storefront spaces.</u></li></ul>
<u>(2) Required Features: Other Downtown zones (non-DCC).</u>	<u>(a) The floor area abutting at least 25 percent of the linear sidewalk level frontage shall meet the following standards, in addition to any other required basic or additional design standards.</u> <ul style="list-style-type: none"><li><u>The distance from the finished floor to the finished ceiling above shall be at least 12 feet.</u></li><li><u>The interior area must have a minimum average depth of 25 feet measured from the sidewalk level façade.</u></li><li><u>Use of vertical piers (min. 2 inch projection) and arrangement of windows and/or entries that reinforce the pattern of small storefront spaces.</u></li></ul>
<u>(2) Optional Features: Choose one from each of the following categories</u>	

<p><u>(a) Window and/or entry treatment:</u></p>	<ul style="list-style-type: none"> <li>• <u>Display windows divided into a grid of multiple panes.</u></li> <li>• <u>Transom windows.</u></li> <li>• <u>Roll-up windows/doors.</u></li> <li>• <u>Recessed entry.</u></li> <li>• <u>Decorative door.</u></li> <li>• <u>Arcade.</u></li> <li>• <u>Landscaped trellises or other permanent decorative elements that incorporate landscaping near the building entry.</u></li> </ul>
<p><u>(b) Building materials and other façade elements:</u></p>	<ul style="list-style-type: none"> <li>• <u>Decorative weather protection element(s) such as a steel canopy or glass, fixed-fabric, or retractable awning.</u></li> <li>• <u>Decorative building-mounted light fixtures.</u></li> <li>• <u>Use of brick, stonework, and architectural pre-cast concrete for at least 10 percent of siding material on the façade.</u></li> <li>• <u>Incorporating a decorative mix of building materials.</u></li> <li>• <u>Decorative kick-plate, pier, or belt course.</u></li> </ul>

**Example Figures**

*These figures all depict acceptable façade articulation examples. All use window configurations to reinforce the desired small storefront pattern.*



*This building uses roofline modulation, window configurations, and weather protection elements to reinforce the pattern of small storefronts.*



*This building employs a regular pattern of vertical piers.*



*This building incorporates different weather protection elements.*

b. Weather Protection

<u>(1) General requirements</u>	<p>(c) <u>Weather projection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features.</u></p> <p>(d) <u>Weather protection must cover at least 5 feet in width of the public or semi-public sidewalk but reduced to accommodate trees, lighting, bay windows, or similar building features to not less than 3 feet in width.</u></p>
<u>(2) Minimum Requirements</u>	
<u>(a) Pedestrian Street-facing building facades</u>	<u>Weather protection shall be provided above all entrances and along a minimum of 80 percent of ground level building facades abutting or located within 5 feet of a hard-surfaced public or private sidewalk, walkway, and/or amenity space.</u>
<u>(b) Building facades facing a non-Pedestrian Street or common amenity space</u>	<u>Weather protection shall be provided above all entrances and along a minimum of 50 percent of ground level building facades abutting or located within 5 feet of a hard-surfaced public or private sidewalk, walkway, and/or amenity space.</u>

c. Building Orientation & Entrances

<u>(1) Definitions</u>	<ul style="list-style-type: none"> <li>• <u>“Primary entrance.” An entrance that provides direct pedestrian access to all or a plurality of residential units, non-residential building main lobby, or a shared entrance of multiple users/uses. For the purposes of applying associated provisions, this can include entrances into an enclosed interior space as well as covered and uncovered, unenclosed or partially enclosed spaces such as shared walkways, gates, or other similar features.</u></li> </ul>
<u>(2) Residential buildings/uses</u>	
<u>(a) Location</u>	<u>Primary entrances must be oriented to the abutting street and must include features that visually communicate its prominence and function such as signage, wayfinding, pedestrian lighting, landscaping, walls/fences, etc. If the building has more than one street frontage where one is a designated Pedestrian Street, the primary entrance must be oriented to the Pedestrian Street except that the primary entrance for residential units within a mixed-use building may be located on non-Pedestrian Street for buildings with more than one street frontage. If no entrance clearly meets the definition of a Primary entrance, at least one entrance must be designated and designed according to these standards.</u>
<u>(b) Dimensions</u>	<u>Primary residential and shared entries must include a covered space that is at least 4 ft. wide and 6 ft. deep located on the development site. This space may either be recessed or projecting from the front building wall. The weather protection cover may not be more than 12 feet above grade.</u>

<u>(3) Non-residential buildings/uses</u>	
<u>(a) Location</u>	<u>A publicly-accessible Primary Entrance must be oriented to the abutting street, located within 20 feet of the street, and must include features that visually communicate its prominence and function such as signage, wayfinding, pedestrian lighting, landscaping, walls/fences, etc. If the building has more than one street frontage where one is a designated Pedestrian Street, the primary entrance must be oriented to the Pedestrian Street.</u>
<u>(b) Customer entrances</u>	<u>Additional publicly-accessible entrances shall be provided along building elevations containing a publicly-accessible entrance at a min. interval of 250 feet.</u>

d. Building transitions

<u>Applicability: The following standards apply to the area located between street right-of-way and the building.</u>	
<u>(1) General requirements</u>	<u>(a) Fences, walls, or hedges greater than 36 inches in height are prohibited.</u> <u>(b) Where a building is located more than 5 feet from the right-of-way, the areas located between the right-of-way and the building must consist of pedestrian amenities, landscaping, vegetated LID BMPs, or works of art. Landscaping shall be consistent with TMC 13.06.090.B.4.h. Review of any proposed public art shall be coordinated with the City’s Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator. Parking is prohibited in the setback areas.</u>
<u>(2) Residential entrances: Individual ground-related unit entrances.</u>	<u>Each unit shall provide a transition area including one of the following features between the right-of-way and unit entrance.</u> <ul style="list-style-type: none"> <li>• <u>Grade changes that elevate the unit’s entrance at least 2 feet above adjacent grade.</u></li> <li>• <u>A common exterior amenity space meeting the requirements of 13.06.040.I.3.a.</u></li> <li>• <u>A private exterior amenity space meeting the requirements of 13.06.040.I.3.b and that includes a fence or wall to provide physical and visual separation from public spaces.</u></li> </ul>
<u>(3) Residential entrances: Shared multi-unit entrances.</u>	<u>Each shared entrance shall provide a transition area between the right-of-way and entrance.</u> <u>Transitions can be accomplished by the following:</u> <ul style="list-style-type: none"> <li>• <u>Grade changes that elevate the entrance at least 2 feet above adjacent grade.</u></li> <li>• <u>A common exterior amenity space meeting the requirements of 13.06.040.I.3.a.</u></li> </ul>
<u>(4) Pedestrian Street-facing facades</u>	<u>(a) Where a building is located 5 feet or less from the right-of-way, the areas located between the right-of-way and the building must be hard-surfaced.</u>

e. Transparency

Purpose: The following standards are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, to provide for natural lighting to buildings interiors to conserve energy, and to provide architectural detailing and variety to building elevations on each story.

(1) General requirements

- The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.
- This standard shall apply on a maximum of 2 such building elevations, and application shall be prioritized as follows: Primary Pedestrian Street, Pedestrian Street, a non-Pedestrian Street, and other qualifying frontages (e.g., the requirements would apply to the façade facing the Core Pedestrian and either the façade facing the non-designated street or the façade facing the parking lot.
- Rough openings are used to calculate this requirement.
- Reductions for sloping properties. These requirements may be reduced by 50 percent for building elevations where the finished grade level adjacent to the building is four feet above or below the level of the sidewalk. The requirement may be further reduced to 15 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades running parallel to the elevation and crossing the floor plates of the building.

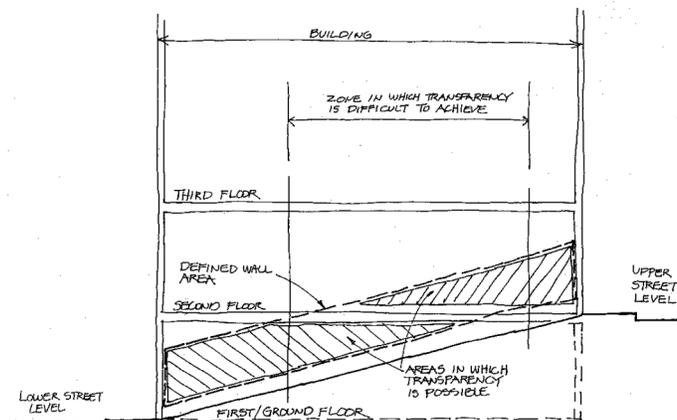


Diagram depicting sloping property.

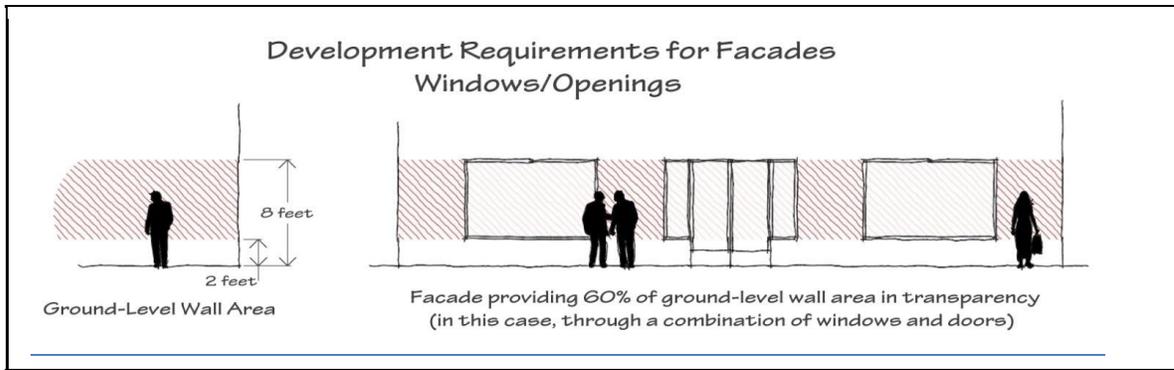
(2) Residential buildings/uses

- (a) Portions of a building containing residential uses at the ground level facing a designated Pedestrian Streets shall have transparent windows or openings equal to at least 35 percent of the ground level wall area.
- (b) Portions of a building containing residential uses at the ground level facing a non-Pedestrian Street, common amenity space, or an associated surface parking lot of 20 stalls or greater shall have transparent windows or openings for at least 20 percent of the ground level wall area.
- (c) Ancillary uses such as lobbies, mail rooms, bicycle storage, and amenity spaces shall be considered residential uses for the purposes of applying these requirements.

(3) Non-residential buildings/uses, except industrial uses

- (a) Portions of a building containing non-residential uses, except industrial uses, at the ground level facing a designated Pedestrian Street shall have transparent windows or openings equal to at least 60 percent of the ground level wall area.
- (b) Portions of a building containing non-residential uses, except industrial uses, at the ground level facing a non-pedestrian street, common amenity space, or an associated surface parking lots of 20 stalls or greater shall have

	<p><u>transparent windows or openings for at least 40 percent of the ground level wall area.</u></p> <p><u>(c) Required view. Required windows or openings must provide either views into building work areas, sales areas or lobbies.</u></p> <p><u>(d) Art or window displays may substitute for transparent elements for up to 25% of the requirement on façades facing designated Pedestrian Streets and up to 50% on all other applicable façades.</u></p> <p><u>(e) Window displays must be at least 2 feet in depth and recessed into the building. Display cases attached to the exterior wall do not qualify.</u></p> <p><u>(f) A decorative grille, work of art, or a similar treatment may be used to meet this standard on those portions of the sidewalk level façade where it can be demonstrated that the intrusion of natural light is detrimental to the sidewalk level use. Examples of such uses include, but are not limited to, movie theaters, museums, laboratories, and classrooms. In no instances shall the amount of transparency present in existing buildings be decreased below 20 percent. This standard shall also apply when 50 percent or more of the sidewalk level façade is altered.</u></p> <p><u>(g) Review of any proposed public art shall be coordinated with the City’s Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.</u></p>
<p><u>(4) Industrial uses</u></p>	<p><u>(a) Portions of a building containing industrial uses at the ground level facing a designated Pedestrian Streets shall have transparent windows or openings equal to at least 30 percent of the ground level wall area.</u></p> <p><u>(b) Portions of a building containing industrial uses at the ground level facing a non-Pedestrian Street, common amenity space, or an associated surface parking lots of 20 stalls or greater shall have transparent windows or openings for at least 20 percent of the ground level wall area.</u></p> <p><u>(c) A decorative grille, work of art, or a similar treatment may be used to meet this standard on those portions of the sidewalk level façade where it can be demonstrated that the intrusion of natural light is detrimental to the sidewalk level use. In no instances shall the amount of transparency present in existing buildings be decreased below 20 percent. This standard shall also apply when 50 percent or more of the sidewalk level façade is altered.</u></p>
<p><u>(5) Structured parking</u></p>	<p><u>(a) Portions of a building containing structured parking at the ground level facing a designated Pedestrian Streets shall have transparent windows or openings equal to at least 30 percent of the ground level wall area.</u></p> <p><u>(b) Portions of a building containing structured parking at the ground level facing a non-Pedestrian Street, internal courtyard, plaza or an associated surface parking lot of 20 stalls or greater shall have transparent windows or openings for at least 20 percent of the ground level wall area.</u></p> <p><u>(c) Alternatives such as decorative grilles, artwork, display windows, or similar features can be substituted for the transparency required in that portion of the ground-level façade. Review of any proposed public art shall be coordinated with the City’s Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.</u></p>



f. Blank walls

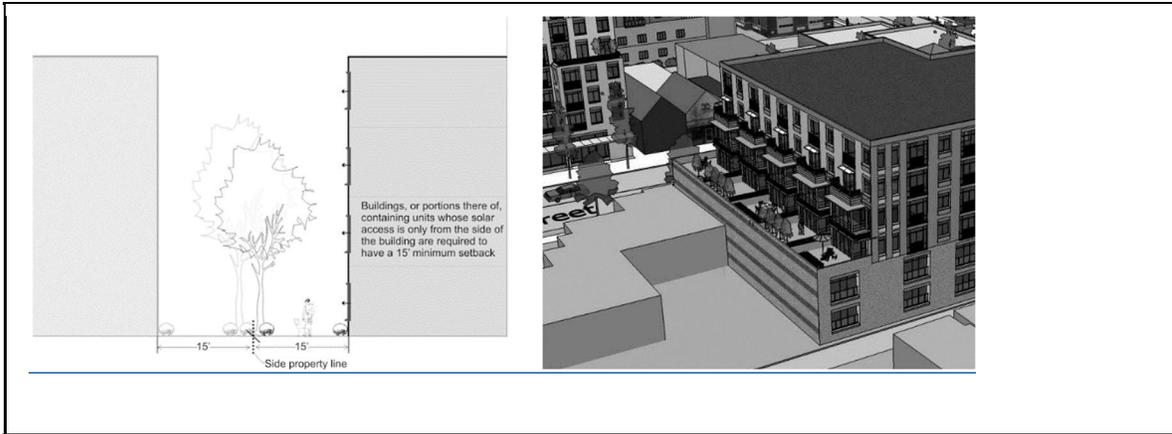
<p><u>(1) Definition</u></p>	<p>“Blank wall.” A ground floor wall or portion of a ground floor wall that is over 4 feet in height and has a horizontal length greater than 15 feet without a transparent window or door</p>
<p><u>(2) Blank walls facing a street, internal pathway, courtyard, plaza, or an associated surface parking lot of 20 stalls or greater must be treated in one or more of the following ways and must be accompanied by lighting that enhances the selected treatment:</u></p>	<ul style="list-style-type: none"> <li>• <u>Window displays must be at least 2 feet in depth and recessed into the building. Display cases attached to the exterior wall do not qualify.</u></li> <li>• <u>Landscape planting bed at least 5 feet wide or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall. Such planting areas shall include planting materials that are sufficient to obscure or screen at least 60 percent of the wall’s surface within 3 years.</u></li> <li>• <u>Installing a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least 60 percent of the wall’s surface within 3 years. For large areas, trellises should be used in conjunction with other blank wall treatments.</u></li> <li>• <u>Artwork. Review of any proposed public art shall be coordinated with the City’s Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.</u></li> </ul>

4. Building Form and Expression

a. Façade articulation

Applicability: Buildings greater than 3 stories in height must conform to the building articulation standards in section (1). Buildings zoned DR that have more than 60 feet of frontage along a street, open space, or parking area must conform to the articulation standards in section (2).

<p><u>(1) Required building articulation for buildings 4 to 10 stories in height in all zoning districts. Buildings greater than 10 stories in height are exempt from these requirements.</u></p> <p><u>For the purposes of applying this requirement, floor heights are counted from the street-facing façade containing the Primary Entrance.</u></p>	<p><u>(a) Buildings 4 or 5 stories in height shall provide bipartite articulation by incorporating design treatments that provide a clear delineation of the building’s top and base.</u></p> <p><u>(b) Buildings over 5 stories shall provide tripartite articulation by incorporating design treatments that provide a clear delineation of the building’s top, middle, and base.</u></p> <p><u>(c) This articulation can be accomplished through a combination of building form, materials, and detailing.</u></p> <ul style="list-style-type: none"> <li>• <u>Top: Features may include a sloped roofline or strong cornice line. For façades utilizing upper level stepbacks, the “top” design treatment may be applied to the top of the front vertical plane of the building or the top of the building where it is set back from the building’s front vertical wall (provided the top of the building is visible from the centerline of the adjacent street).</u></li> <li>• <u>Middle: provide consistent articulation of middle floors with windows, balconies, exterior materials, modulation, and detailing.</u></li> <li>• <u>Base: provide a distinctive ground floor or lower floors design that contrasts with other floors through the use of varying window design and/or configuration, and exterior materials, architectural details, and/or other methods.</u></li> </ul>
<p><u>(2) Optional articulation features for development within the DR zoning district. Development within other zones are exempt. All buildings shall include at two of the following articulation features at intervals of no more than 30 feet along all façades facing a street, common open space, or common parking areas. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide one of the articulation features.</u></p> <p><u>Buildings that have 60 feet or less of frontage on the street or façade width facing the common open space or common parking area are exempt from this standard.</u></p> <p><u>Modulation Choices in TMC 13.06.100.B.4.b that exceed similar options listed here can be used to satisfy these requirements if employed.</u></p>	<p><u>(a) Repeating distinctive window patterns at intervals less than the required interval.</u></p> <p><u>(b) Minor vertical building modulation. Minimum depth and width of modulation is 2 feet and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation.</u></p> <p><u>(c) Major vertical building modulation. Minimum depth and width of modulation is 10 and 15 feet, respectively.</u></p> <p><u>(d) Horizontal modulation (upper level step-backs). Provide a minimum horizontal modulation of 5 feet from the building face for at least 75 percent of the facade.</u></p> <p><u>(e) Roofline modulation consistent with TMC 13.06.100.B.4.c(3).</u></p> <p><u>(f) Balconies or bay windows. To qualify, balconies must be recessed or project at least 18 inches beyond the primary building face and bay windows must project at least 18 inches beyond the primary building face. These may project into street rights-of-way, where allowed by the Public Works Department, but not into alley rights-of-way.</u></p>



b. Mass reduction

Purpose: The following standards are intended to reduce the appearance of bulk.

Applicability: Buildings that have more than 60 feet of frontage along a street, open space, or parking area must conform to these standards, except where exempted.

(1) Building modulation choices: Buildings fronting a designated Pedestrian Street must employ two of the following modulation approaches. Building fronting a street not designated as Pedestrian Street must employ one.

This requirement applies to buildings 4 to 10 stories in height in all districts.

Buildings greater than 10 stories in height are exempt from these requirements.

For the purposes of applying this requirement, floor heights are counted from the street-facing façade containing the Primary Entrance.

(a) Horizontal modulation: Upper floor streetfront stepback (choose one as applicable)

Pedestrian Street Facades:

- 8' minimum horizontal stepback along for 5<sup>th</sup> floor and above where the ROW width is less than 100'.
- 8' minimum horizon stepback for 6<sup>th</sup> floor and above where the ROW width is 100' or greater.
- Proportional Stepback option: A 8' stepback from the building face above the level which corresponds to a 1:2 proportional relationship to the street

Other street facades:

- 5' minimum horizontal stepback along for 5<sup>th</sup> floor and above where the ROW width is less than 100'.
- 5' minimum horizon stepback for 6<sup>th</sup> floor and above in X zones other than RCX, where the ROW width is 100' or greater.
- Proportional Stepback option: A 5' stepback from the building face above the level which corresponds to a 1:2 proportional relationship to the street

Encroachments: One distinct design element of no more than 25 feet in width is allowed to encroach vertically into these stepbacks for each façade.

(b) Vertical modulation: Façade Wall Width Options (choose one)

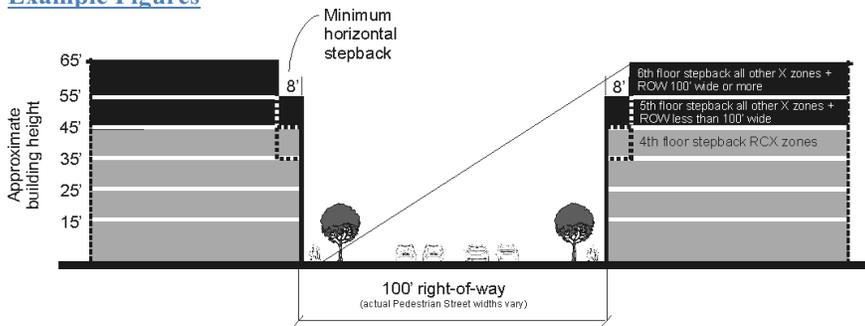
- Provide vertical building modulation at least 20 feet deep and 30 feet wide. For multi-story buildings the modulation must extend through more than one-half of the building floors.
- Façade employs building walls with contrasting articulation that make it appear like two or more distinct buildings. To

qualify for this option, these contrasting façades must employ the following:

- Different building materials and/or configuration of building materials.
- Contrasting window design (sizes or configurations).
- Off-set front walls – Front facing facades are off-set from the property line by a min. 8 foot difference.

(c) Common exterior amenity space. A common exterior amenity space, such as a courtyard or public plaza, of at least 800 square feet or 5 percent of building floor area, whichever is greater. The amenity space shall be located within 50 feet of and visible to the primary entrance; accessible to the residents and/or customers; and contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bike rack, or artwork for each 200 square feet of plaza area.

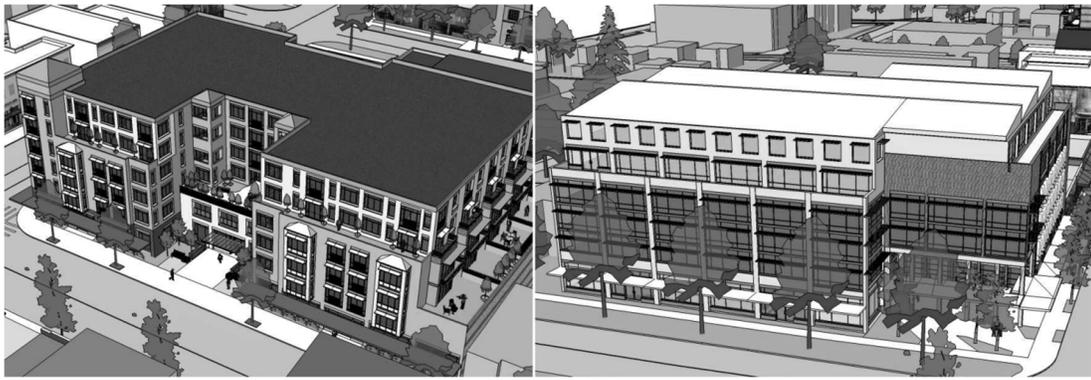
### Example Figures



*Diagram depicting horizontal modulation.*



*Articulation examples of mixed-use buildings containing residential uses on upper floors. These examples include vertical and horizontal modulation and changes in building materials at no more than 30-foot articulation intervals.*



*Examples of façades that effectively use techniques to reduce the apparent bulk and scale of the structure. The image on the left uses street and upper level courtyards whereas the right image uses both vertical building modulation and the use of contrasting building materials and articulation.*

(2) Light and air access for residential units.

Every residential unit shall have access to a minimum amount of light, direct or indirect, and air per these requirements.

This requirement applies to the lower 10 stories of buildings in all districts.

Floors over ten are exempt from these requirements.

For the purposes of applying this requirement, floor heights are counted from the street-facing façade containing the Primary Entrance.

Units that face a side or rear property line or an internal exterior space shall provide sufficient separation as follows. Units that directly face a street or alley are exempt.

(a) Units that only face a side or rear property line shall be set back from the property line at least 8 feet for a horizontal dimension of at least 10 feet.

(b) Units that only face an internal exterior space, such as a courtyard or light well, shall be no closer than 15 feet from any parallel wall.

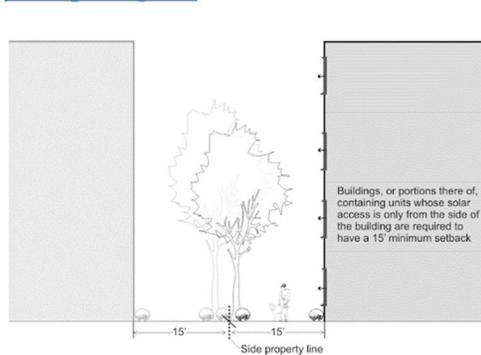
(c) Units that face a side or rear property line and an internal exterior space is required to only meet (a) or (b) above.

(d) Every unit shall be afforded at least 10 feet of total exterior wall width and each shall include at least one operable window.

(e) This standard shall not apply in cases where the rear or side property line abuts a street or alley.

(f) Private amenity spaces, such as balconies, may encroach up to 5 feet into this space.

Example Figures



Examples of buildings that meet minimum light and air standards for residential units.

c. Roofline design

<p><u>(1) General requirements.</u></p>	<ul style="list-style-type: none"> <li>• <u>Buildings employing a flat roof must meet the standards in TMC 13.06.100.B.4.c(2).</u></li> <li>• <u>The length of any continuous roofline visible from a street, open space, or associated parking lot shall that extends more than 100 feet shall employ roofline modulation consistent with the standards described below.</u></li> <li>• <u>Buildings employing roofline modulation for the purposes of satisfying TMC 13.06.100.B.4.a(2)(e) shall be consistent with the roofline modulation standards described below.</u></li> </ul>
<p><u>(2) Flat roof standards. Buildings or portions thereof featuring flat roofs (horizontal roofs with either no slope or only a slope sufficient to effect drainage, often which incorporate surrounding parapets) shall employ roofline treatments incorporating one or more of the following design elements along façades facing a street.</u></p>	<p><u>(a) A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. The height of the cornice shall be at least 12-inches high for buildings 10 feet or less in height; 18-inches for buildings greater than 10 feet and less than 30 feet in height; and 24-inches for buildings 30 feet and greater in height. The cornice must extend along at least 75 percent of the façade.</u></p> <p><u>(b) Use of balcony/deck railings that function as a roofline treatment. Such railings must be at least 2 feet in height and extend along at least 75 percent of the façade and shall be visible from the adjacent street centerline.</u></p> <p><u>(c) Use of contrasting building materials on the top floor or top two floors for buildings five stories or taller, for at least 75 percent of the façade.</u></p>
<p><u>(3) Roofline modulation. Roofline modulation is not required of all buildings. However, where required or otherwise applied, the roofline shall meet the following modulation requirements.</u></p>	<p><u>Whether the roof is flat or pitched, roofline modulation can be accomplished through either vertical or horizontal roofline articulation or a combination of both that breaks up the dominant roof form to enhance visual interest.</u></p> <p><u>(a) Vertical articulation can be achieved by incorporating any vertically-oriented change to the roofline. This can include stepped parapets, dormer, gables, domes, turrets or other projecting elements. The minimum vertical dimension of roofline modulation is 2 feet when combined with vertical building modulation of or 4 feet when it is not.</u></p> <p><u>(b) Horizontal articulation can be achieved by incorporating a horizontally-oriented change to the roofline. This can include recessing the peak of the roofline from the building face with a pitched roof, vertical building modulation, or other methods that provide horizontal changes within the roof form. If vertical building modulation is to be used to provide horizontal roofline modulation, the building modulation shall meet the minimum requirements of TMC 13.06.100.B.4.a(2) or 13.06.100.B.4.b(1)(b).</u></p> <p><u>(c) Modulating elements shall equal a minimum of 15 percent of each elevation's roofline.</u></p>

(4) Roofline elements shall not project over property lines, except where permitted on property lines abutting public right-of-way.

e. Historic resources

Applicability: New or substantially altered development adjacent to structures or districts that are designated historic within the Downtown Residential (DR) district.

(1) General requirements

The design shall make use of similar attributes such as massing, roofline, setbacks from the property lines, window types, and materials to ensure visual continuity between the older and the newer development and be subject to the approval of the Historic Preservation Officer.

3. Street Level Uses and Design.

a. General Standard.

Any sidewalk level façade of a new building, an addition to a building, or a substantially altered building that faces a street shall have at least 20 percent of the area located between 2 feet above grade and 12 feet above grade in transparency through the use of windows, doors, or window displays. Window displays must be at least 12 inches in depth and recessed into the building. Display cases attached to the exterior wall do not qualify. The transparency standard shall apply to the portion of the sidewalk level façade of a parking structure that includes retail, service, residential, or commercial uses at the sidewalk level. A decorative grille, work of art, or a similar treatment may be used to meet this standard on those portions of the sidewalk level façade where it can be demonstrated that the intrusion of natural light is detrimental to the sidewalk level use. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator. Examples of such uses include, but are not limited to, movie theaters, museums, laboratories, and classrooms. In no instances shall the amount of transparency present in existing buildings be decreased below this standard. This standard shall also apply when 50 percent or more of the sidewalk level façade is altered.

A parking structure lawfully in existence on January 10, 2000, the time of reclassification to the above districts, and which is substantially altered, may provide pedestrian amenities or enhancements along the sidewalk level frontage equal to 1 percent of the total project cost in lieu of meeting this standard. Such amenities or enhancements will be in addition to those otherwise required and may include works of art, landscaping, exterior public spaces, pedestrian safety improvements, weather protection, pedestrian scale lighting, seating or sitting walls, planters, vegetated LID BMPs, unit paving in the sidewalk, street furniture, architectural features, refined surface materials, decorative lighting, or other amenities. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.

b. Primary Pedestrian Streets.

To support pedestrian oriented/street activating commercial uses such as retail, restaurants, cultural or entertainment uses, hotel lobbies, personal service uses, parcel and mail services, the customer service portion of banks, credit unions, savings and loan associations, or Public Benefit Uses, any new building, the addition to any building, or any substantially altered building fronting on a Primary Pedestrian Street shall comply with the design requirements below:

(1) The floor area abutting at least 25 percent of the linear sidewalk level frontage shall incorporate these elements, along with any other required basic or additional design standards.

(a) The distance from the finished floor to the finished ceiling above shall be at least 12 feet.

~~(b) The area must have a minimum average depth of 25 feet measured from the sidewalk level façade.~~

~~(c) The sidewalk level façade must include a pedestrian entrance or entrances to accommodate a single or multiple tenants or be structurally designed so entrances can be added when converted to the building uses listed in subparagraph a. above.~~

~~(d) At least 25 percent of the sidewalk level façade of the portion of the building designed and constructed to accommodate future conversion to listed uses shall provide transparency through the use of windows and doors for the area located between 2 feet above grade and 12 feet above grade.~~

~~A parking structure lawfully in existence on January 10, 2000, the time of reclassification to the above districts, and which is substantially altered, may provide pedestrian amenities or enhancements along the sidewalk level frontage equal to 1 percent of the total project cost in lieu of meeting this standard. Such amenities or enhancements will be in addition to those otherwise required and may include works of art, landscaping, exterior public spaces, pedestrian safety improvements, weather protection, pedestrian scale lighting, seating or sitting walls, planters, unit paving in the sidewalk, street furniture, architectural features, refined surface materials, decorative lighting, vegetated LID BMPs, or other amenities. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.~~

~~4. Where trees are provided, they shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards. However, limited flexibility in the placement of trees shall be allowed to address unique circumstances such as unusual topography or where other required or existing features limit the ability to strictly meet this standard.~~

#### ~~5. Lighting.~~

~~Where pedestrian light standards or parking lot light standards are provided, they shall be placed a minimum of 10 feet from trees. However, limited flexibility in the placement of light standards shall be allowed to address unique circumstances such as unusual topography or where other required or existing features limit the ability to strictly meet this standard.~~

#### ~~6. Public Seating.~~

~~Where public seating is provided, it shall utilize designs that discourage long term loitering or sleeping, such as dividers or individual seating furniture.~~

#### ~~7. Additional Standards Applicable to Development Within the Downtown Commercial Core.~~

##### ~~a. Transitions.~~

~~The setback area or areas can only be used for entrance areas and space devoted to exterior public spaces, pedestrian amenities, landscaping, vegetated LID BMPs, or works of art. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator. Parking is prohibited in the setback areas.~~

~~b. Any new building, or any substantially altered structure located along those portions of Pacific Avenue, Broadway, and Commerce Street defined as a Primary Pedestrian Street shall comply with either subparagraphs (1) or (2) below.~~

~~(1) At least 50 percent of the linear sidewalk level façade shall be occupied by any of the following uses: retail; restaurants; cultural or entertainment uses; hotel lobbies; travel agencies; personal service uses; parcel and mail services; copy centers; check-cashing facilities; the customer service portion of banks, credit unions, and savings and loan associations, or Public Benefit Uses. Uses at the sidewalk level frontage lawfully in existence on January 10, 2000, the time of reclassification to the above districts, shall be considered legal nonconforming uses and may continue, although such uses do not conform to this standard.~~

~~(2) The floor area abutting at least 50 percent of the linear sidewalk level frontage shall be designed and constructed to accommodate future conversion to the uses listed in subparagraph a. above and may be occupied by any use allowed in the zoning district. The areas designed and constructed to~~

~~accommodate future conversion shall meet the following standards, in addition to any other required basic or additional design standards:~~

~~(a) The distance from the finished floor to the finished ceiling above shall be at least 12 feet.~~

~~(b) The area must have a minimum average depth of 25 feet measured from the sidewalk level façade.~~

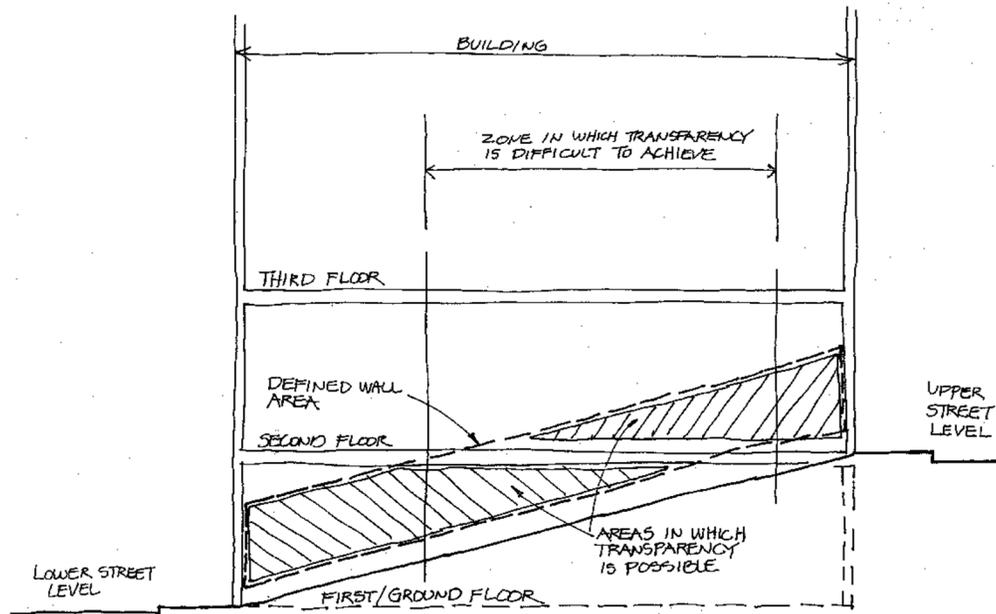
~~(c) The sidewalk level façade must include an entrance or entrances to accommodate a single or multiple tenants or be structurally designed so entrances can be added when converted to the building uses listed in subparagraph a. above.~~

~~(d) At least 25 percent of the sidewalk level façade of the portion of the building designed and constructed to accommodate future conversion to listed uses shall provide transparency through the use of windows and doors for the area located between 2 feet above grade and 12 feet above grade.~~

~~A parking structure lawfully in existence on January 10, 2000, the time of reclassification to the above districts, and which is substantially altered, may provide pedestrian amenities or enhancements along the sidewalk level frontage equal to 1 percent of the total project cost in lieu of meeting this standard. Such amenities or enhancements will be in addition to those otherwise required and may include works of art, landscaping, exterior public spaces, pedestrian safety improvements, weather protection, pedestrian scale lighting, seating or sitting walls, planters, vegetated LID BMPs, unit paving in the sidewalk, street furniture, architectural features, refined surface materials, decorative lighting, or other amenities. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.~~

~~e. The sidewalk level façade of any new or substantially altered structure and/or of an addition along those portions of Pacific Avenue, Broadway, and Commerce Street defined as a Primary Pedestrian Street shall include the following. This standard shall also apply when 50 percent of the sidewalk level façade is altered.~~

~~(1) At least 60 percent of the façade area between 2 feet above grade and 12 feet above grade shall consist of transparency through the use of windows, doors, or window displays except that the transparency standard shall be reduced to 50 percent if at least 50 percent of the sidewalk level façade is occupied with uses listed in subparagraph 2 a. above. Window displays must be at least 12 inches in depth and recessed into the building. Display cases attached to the exterior wall do not qualify. The transparency standard may be reduced for buildings located on a sloping site by eliminating application of this standard to that portion of the building façade where the slope makes application of the requirement impracticable as shown in the illustration below. The transparency standard shall apply to the portion of the sidewalk level façade of a parking structure that includes retail, service, or commercial uses at the sidewalk level. A decorative grille, work of art, or similar treatment may be used to meet this standard on those portions of the façade where it can be demonstrated that the intrusion of natural light is detrimental to the sidewalk level use. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator. Examples of such uses include, but are not limited to, movie theaters, museums, laboratories and classrooms. In no instance shall the amount of transparency present in existing buildings be decreased below this standard.~~



~~A parking structure lawfully in existence on January 10, 2000, the time of reclassification to the above districts, and which is substantially altered, may provide pedestrian amenities or enhancements along the sidewalk level frontage equal to 1 percent of the total project cost in lieu of meeting this standard. Such amenities or enhancements will be in addition to those otherwise required and may include works of art, landscaping, exterior public spaces, pedestrian safety improvements, weather protection, pedestrian scale lighting, seating or sitting walls, planters, vegetated LID BMPs, unit paving in the sidewalk, street furniture, architectural features, refined surface materials, decorative lighting, or other amenities. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.~~

~~(2) Weather protection over the public or private pedestrian walkway along at least 75 percent of the building frontage.~~

~~(a) Weather protection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.~~

~~(b) Weather protection must cover at least 5 feet of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar accessories to not less than 3 feet in width.~~

~~(c) Weather protection is required for all multi family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.~~

#### ~~8. Additional Standards Applicable to Development Within the Downtown Residential (DR) District.~~

~~Where new or substantially altered development is adjacent to structures or districts that are designated historic, the design shall make use of similar attributes such as massing, roofline, setbacks from the property lines, window types, and materials to ensure visual continuity between the older and the newer development and be subject to the approval of the Historic Preservation Officer.~~



## EXHIBIT C

### 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/multimodal 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. One representative is to be appointed for each of the three priority topics. 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. When multiple candidates are under consideration for appointment and some but not all candidates are Tacoma residents, preference shall be granted to Tacoma residents.

#### 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.

a. Developments subject to Urban Design Project Review requirements may propose alternative designs to the requirements of the following Code sections as part of their Urban Design Project Review permit application.

b. 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 below. 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.

c. Departure requests are processed in lieu of the pertinent variance in Section 13.05.010.B.2.

d. TMC Sections eligible for design departure request

- [\(1\) Mixed-Use Center Districts: Prohibition of ground-floor residential uses along designated Pedestrian Streets in Section 13.06.040.E.3.](#)
- [\(2\) Mixed-Use Center Districts: Minimum setbacks in Section 13.06.040.E.1.e.](#)
- [\(3\) Mixed-Use Center Districts: Height in Section 13.06.040.F.2.](#)
- [\(4\) Mixed-Use Center Districts: Maximum floor area in Section 13.06.040.F.4.](#)
- [\(5\) Mixed-Use Center Districts: Maximum setbacks in Section 13.06.040.H.](#)
- [\(6\) Mixed-Use Center Districts: Amenity space requirements in Section 13.06.040.I.](#)
- [\(7\) Downtown Districts: Height limits in Section 13.06.050.F.3.](#)
- [\(8\) Downtown Districts: Maximum setback in Section 13.050.F.8.](#)
- [\(9\) Drive-throughs in Sections 13.06.090.A.](#)
- [\(10\) Landscaping standards in Sections 13.06.090.B](#)
- [\(11\) Parking lot development standards in Sections 13.06.090.C, 13.06.090.D, and 13.06.090.E, excluding off-street parking space quantity standards in Sections 13.06.090.C.3 through “5.”](#)
- [\(12\) Pedestrian and bicycle support standards in Sections 13.06.090.F.](#)
- [\(13\) Short and long term bicycle parking in Sections 13.06.090.G.](#)
- [\(14\) Transit support facilities in Sections 13.06.090.H.](#)
- [\(15\) Sign standards in Sections 13.06.090.I.](#)
- [\(16\) Residential transition standards in Sections 13.06.090.J.](#)
- [\(17\) Fences and retaining walls in Sections 13.06.090.K.](#)
- [\(18\) Utilities in Sections 13.06.090.L.](#)
- [\(19\) Street level building transitions in Sections 13.06.090.M.](#)
- [\(20\) Design standards in Section 13.06.100.](#)

#### [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.

a. In addition to the general criteria, a design departure will be approved if the applicant has demonstrated the proposed alternative design achieves at least one of the following:

(1) Provides equal or superior results to the requirement from which relief is sought in terms of quantity, quality, location, and function.

(2) Allows the design to better address the general criteria for Urban Design Project Review approval.

b. Aspects of the development that may be considered in support of a proposed design departure include:

(1) Mitigation of impacts to and/or preservation of natural and built features including, but not limited to, trees, other vegetation, natural grade, historic or cultural artifacts, and public views of landmarks

(2) Optimization or innovative use of low impact design/green stormwater infrastructure, energy efficient design (e.g. passivehaus, solar orientation), or other green building best practices, methods and/or technologies.

(3) Supports relevant adopted City goals and/or policies.

## 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.**

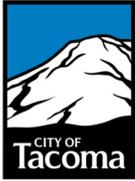
The Design Objectives contained in the Manual shall serve as the approval criteria for all Urban Design Project Review permit applications. Permit decisions shall be based on the objectives and guidance contained within the Manual.

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.



**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Stephen Antupit, Senior Planner, Planning and Development Services  
Carl Metz, Senior Planner, Planning and Development Services  
Peter Huffman, Director, Planning and Development Services  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance – Urban Design Project Review – April 30, 2024  
**DATE:** April 15, 2024

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**SUMMARY AND PURPOSE:**

An ordinance amending Title 13 of the Municipal Code, relating to the Land Use Regulatory Code, by amending various chapters, to create an Urban Design Project Review permit, establish an Urban Design Board, and amend certain development and design standards of mixed-use and downtown zoning districts.

**SPONSOR:**

Council Member Walker

**BACKGROUND:**

**Project Initiation and Development:**

The Design Review Analysis Manual was completed in 2016. This document identified the key components and options for establishing a design review program. The City Council initiated the development of a design review program with budget approval in 2017. Between 2018 and 2021, project staff, with consultant support worked with a Project Advisory Group (PAG) to develop an Interim Summary Report and draft guidance documents.

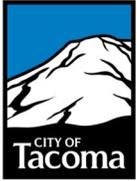
Through 2022 and 2023, project staff worked with the PAG, in coordination with the Planning Commission and the City Council Infrastructure, Planning, and Sustainability (IPS) Committee, to refine the previous draft documents and develop the proposed Urban Design Project Review (UDPR) program.

**Key Objectives of the Proposal**

To implement the One Tacoma Comprehensive Plan’s growth and urban form policies, the proposal has been developed to equitably and explicitly support urban design considerations of walkability, active transportation, transit use, climate resilience, pedestrian orientation, context-responsiveness, and cultural expression. This approach responds to Tacoma’s unique needs and priorities, building on best practices from other jurisdictions. Notably, the proposal is neither focused on architectural style nor structured to unnecessarily emphasize aesthetic details that have hampered other design review programs.

This proposal will implement One Tacoma Comprehensive Plan goals and policies to improve design outcomes and support innovative urban design within the city’s designated Growth Centers. The UDPR package includes:

- Creating a new UDPR permit process. This program is focused on medium to large-scale projects in downtown and designated mixed-use centers (a map of these areas can be found in the Recommendation Brief linked below).
- Creating a City-Council appointed Urban Design Board (UDB). Board members will reflect a mix of professional experience, community interests related to urban design, and geographic diversity and will assist in review of the largest, most significant projects.
- Draft a UDPR Manual to provide clear and objective design guidance for new projects subject to UDPR (this can be found at the [project webpage](#)).



- Code amendments of standards related to development and building design within downtown and mixed-use center zoning districts.

**UDPR Public Review:**

The UDPR package was released by the Planning Commission for public review on July 19, 2023, and a public hearing was held on August 16, 2023. The Planning Commission recommended approval to the City Council on October 18, 2023.

The IPS Committee recommended approval of the UDPR package on February 28, 2024, without changes to the Commission recommendation. The City Council will hold a public hearing and collect public testimony on April 23, 2024.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

This proposal, particularly the UDPR program, will implement One Tacoma Comprehensive Plan goals and policies related to the improvement of design within the built environment. All aspects of this project are limited to the designated mixed-use centers located throughout the City and where most of the City's future growth is planned. These areas include six neighborhood centers, eight crossroads centers, and the Tacoma Mall and downtown regional growth centers.

The PAG's membership reflected a range of industry and community interests most likely to be directly affected by the proposed UDPR program and were instrumental in the project's development. This group included architects, urban design professionals, affordable housing organizations, market-rate developers, and engaged community members.

Staff also engaged with the Tacoma community through an online open house/survey, particularly to guide program priorities.

In-person events and online presentations created opportunities for discussion with various stakeholder groups such as neighborhood councils and neighborhood planning groups, business districts, PAG, and other subject matter experts.

**2025 STRATEGIC PRIORITIES:**

**Equity and Accessibility:**

The proposed UDPR program will apply to all 16 designated mixed-use centers citywide. While the City currently employs a set of development and design standards across the City, it appears developments within lower opportunity areas do not always receive the care and attention that those located in higher opportunity areas of the City receive. These disparate outcomes can sometimes be attributed to areas having a higher concentration of people that are positioned to advocate for higher quality and more thoughtful designs while other parts of the City might have fewer people who are able to prioritize such matters. To some extent, the UDPR program seeks to address these types of disparities generally by providing guidance toward meeting key urban design objectives. This is further supported through the requirement of seating at least two UDB members from City Council Districts that have higher concentrations of lower opportunity areas.

**Civic Engagement: High Opportunity**

- Increase the percentage of residents who believe they are able to have a positive impact on the community and express trust in the public institutions in Tacoma.
- Elected officials, boards, commissions, and volunteer leadership will reflect the diversity of the Tacoma community.



The UDPR program will establish a new public entitlement review process subject to either administrative approval or through a City Council-appointed UDB. Both review processes provide new, early public notice and opportunities for community input, including one public meeting for UDB-level reviews. Additionally, the UDB will consist of seven community members representing a range of professional and lived experience relevant to the program’s urban design priorities with required geographic representation

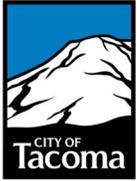
**Livability:** High Opportunity

- Increase positive public perception of safety and overall quality of life.
- Increase the number of Complete Compact Communities/ 20-Minute Neighborhoods throughout the city.

Many of the UDPR program’s urban design priorities directly align with and support several of the livability indicators. These include reduction in carbon emissions, open space conditions, sustainability, urban tree canopy, abundant housing for all income levels, access to safe transportation choices, and safety-minded public spaces.

**ALTERNATIVES:**

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. Deny the entire proposal	New construction would continue to not be subject to any required discretionary permitting processes. Developers and designers familiar with current building development and design standards would not need to adjust to new standards.	New projects would not reflect these enhanced design guidelines and would not enjoy the increased flexibility to meet design and project objectives. Certain aspects of building design would continue to be reliant on market forces and uneven design quality would continue to be experienced. Deviation from development and design standards would continue to require variance requests. Current development and design standards would be retained and disparities between mixed-use and downtown zones would remain. The community would continue to have limited visibility and engagement on large projects in growth centers.
2. Deny the UDPR proposal element but approve the development and design standards amendments	New construction would continue to not be subject to any required discretionary permitting processes.	Certain aspects of building design would continue to be reliant on market forces and uneven design quality would



		continue to be experienced. Deviation from development and design standards would continue to require variance requests.
3. Approve the UDPR proposal element but deny the development and design standards amendments	Developers and designers familiar with current building development and design standards would not need to adjust to new standards.	Current development and design standards would be retained and disparities between mixed-use and downtown zones would remain.

**EVALUATION AND FOLLOW UP:**

If the legislation is adopted, Planning and Development Services staff and the UDB will provide a report to the City Council annually. At a minimum, the report would summarize the number of UDPR permits processed and any other useful data, such as review times/level of service, geographic distribution of applications, or other information upon request.

The proposed amendment to TMC 13.19, in creating the UDB, specifies an Annual Report to City Council as a regular responsibility of the UDB Chair.

**STAFF/SPONSOR RECOMMENDATION:**

The IPS Committee and the Planning Commission have recommended adoption of the UDPR program and associated code amendments.

Staff recommend conducting the first reading of ordinance on April 30, 2024, followed by final reading on May 7, 2024.

Staff recommend the mixed-use and downtown zoning development and design standards amendments go into effect 30 days following final reading on June 6, 2024.

Staff recommend the UDPR-related amendments go into effect on January 1, 2025. This timeline allows staff to continue to develop the necessary permitting technology and appointment of UDB members, expected to take place in October 2024. To streamline the program roll-out, staff intend to be available to conduct required pre-application meetings with potential applicants in the months prior to the effective date.

**FISCAL IMPACT:**

No significant fiscal impact is expected from this proposal. Existing Planning and Development Services staff, for which the City Council already appropriated necessary resources, will support the UDPR program. A small portion of program costs, such as public notices and UDB meeting facilitation will be partially supported through the collection of new UDPR permit fees, which will come to the City Council as part of a regular fee code update scheduled for later this year.

**Are the expenditures and revenues planned and budgeted in this biennium's current budget?**

**YES**

THE UDPR program will be supported by existing Planning and Development Services staff and no additional funding is requested. New regular program operations are expected to be minimal and will be supported through permit fees.



City of Tacoma

City Council Action Memorandum

**Are there financial costs or other impacts of not implementing the legislation?**

No

**Will the legislation have an ongoing/recurring fiscal impact?**

YES

**Will the legislation change the City's FTE/personnel counts?**

No

Current staff capacity was considered in developing the scope of the UDPR program proposal, including the limited geographies and requirement thresholds, and no additional staff is expected to support the UDPR program as presented.

**<https://www.cityoftacoma.org/cms/one.aspx?portalId=169&pageId=154789>**

Ordinance No. 28966

First Reading of Ordinance: APR 30 2024

Final Reading of Ordinance: MAY 07 2024

Passed: MAY 07 2024

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
CM Bushnell	✓			
CM Daniels	✓			
CM Diaz				✓
DM Hines	✓			
CM Rumbaugh	✓			
CM Scott				✓
CM Ushka				✓
CM Walker	✓			
Mayor Woodards				✓

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
CM Bushnell				
CM Daniels				
CM Diaz				
DM Hines				
CM Rumbaugh				
CM Scott				
CM Ushka				
CM Walker				
Mayor Woodards				