

DEVELOPMENT REGULATION AGREEMENT
APPLICATION PACKET



City of Tacoma
Community and Economic Development Department
747 Market Street, Third Floor
Tacoma, WA 98402
(253) 591-5030

City of Tacoma

Development Regulation Agreement Application

Instructions and Background Information

Introduction

An **Application for a Development Regulation Agreement** pursuant to RCW 36.70.B.170-210 and the City of Tacoma's standards contained within Tacoma Municipal Code (*TMC*) 13.05.095 may be submitted by a person or entity having ownership or control of real property within one of the qualifying areas below:

1. Proposed projects located within the International Financial Services Area (IFSA), as defined in Amended Ordinance No. 27825 with a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;
2. Proposed projects located within the Downtown Regional Growth Center, as set forth in the Growth Strategy and Development Concept Element of the City's Comprehensive Plan, provided that the real property involved is subject to a significant measure of public ownership or control, and provided that the project includes a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;
3. Proposed projects located within the Downtown Regional Growth Center where the City Landmarks Commission formally certifies that the proposed project is either a historic structure or is directly associated with and supports the preservation of an adjacent historic structure; and
4. Proposed projects located on a public facility site, as defined in *TMC* 13.06.700.P, that are at least five acres in size and are not a public utility site.

The Application for a Development Regulation Agreement shall be made with the Community and Economic Development Department, solely and exclusively on the current form approved by said Department, together with the filing fee of \$4,663.32 – Point Defiance.

Once a Development Regulation Agreement is approved changes to standards may only be secured by amendment to the Development Regulation Agreement pursuant to amendment thresholds and process set forth in the Development Regulation Agreement.

Notification

The City Council shall be notified once a complete application has been received. The City shall give notice under *TMC* 13.02.057 and 13.02.045.H as if the application were for a land use intensity change.

Review Criteria

The City Manager, and such designee or designees as may be appointed for the purpose, shall negotiate acceptable terms and conditions of the proposed Development Regulation Agreement based on the following criteria:

1. The Development Regulation Agreement conforms to the existing Comprehensive Plan. Except for projects on a public facility site of at least five acres in size, conformance must be demonstrated by the project, as described in the Development Regulation Agreement, scoring 800 points out of a possible 1,000 points, according to the following scoring system (based on the Downtown Element of the City's Comprehensive Plan):
 - a. Balanced healthy economy. In any project where more than 30 percent of the floor space is office, commercial, or retail, one point shall be awarded for every 200 square feet of gross floor space (excluding parking) up to a maximum of 290 points.
 - b. Achieving vitality downtown. Up to 40 points shall be awarded for each of the following categories: (i) CPTED design ("Crime Prevention Through Environmental Design"), (ii) sunlight access to priority public use areas, (iii) view maximization, (iv) connectivity, (v) quality materials and design, (vi) remarkable features, (vii) access to open space, and (viii) street edge activation and building ground orientation.
 - c. Sustainability. Up to 50 points shall be awarded for each of the following categories: (i) complete streets, (ii) transit connections, and (iii) energy conservation design to a L.E.E.D. (Leadership in Energy and Environmental Design) certification to a platinum level or certified under another well-recognized rating system to a level equivalent to certification to a platinum level.
 - d. Quality Urban Design. Up to 60 points shall be awarded for each of the following categories: (i) walk ability, (ii) public environment, (iii) neighborly outlook, and (iv) support for public art.

Point Defiance is a public facility site of 760 acres and as such is not required to demonstrate compliance with the Comprehensive Plan. However, the Point Defiance DRA will conform to the Open Space and Recreation Element of the Comprehensive Plan. This effort has been coordinated with the refinement of both the Comprehensive Plan and the Municipal Code with recognition of Point Defiance Park as a Destination Facility. This will enable Metro Parks Tacoma to manage the Park to appropriately locate the

more intense uses, managing the various programs and recreational aspects, while maintaining the integrity of the environmental characteristics of the Park.

2. Appropriate project or proposal elements, such as permitted uses, residential densities, nonresidential densities and intensities, or structure sizes, are adequately provided to include evidence that the site is adequate in size and shape for the proposed project or use, conforms to the general character of the neighborhood, and would be compatible with adjacent land uses.

One of the purposes of the DRA is to create a document that sets the standards for permitted uses, structure sizes, heights and intensities that wouldn't typically be considered in a residential zone but are appropriate for a Destination Facility such as Point Defiance Park. The 760 acre size of the park creates the ability to address compatibility issues with the neighborhood with consideration of the placement of the more intense uses and the ability to mitigate for traffic and other impacts.

3. Appropriate provisions are made for the amount and payment of fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, and other financial contributions by the property owner, inspection fees, or dedications.

Fee for the DRA has been set. As specific projects come forward for review they will have separate fees associated with the permits they are required to obtain.

4. Adequate mitigation measures including development conditions under chapter 43.21C RCW are provided.

Mitigation measures will be documented and proportionate to upcoming projects as they come on line.

5. Adequate and appropriate development standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features are provided.

Development standards will be developed to address these elements.

6. If applicable, targets and requirements regarding affordable housing are addressed.

Not applicable.

7. Provisions are sufficient to assure requirements of parks and open space preservation.

Metro Parks Tacoma will continue to work closely with the City of Tacoma to support their existing park systems of open spaces ranging from passive, low-impact, natural resource-driven habitat areas to the more intensive uses of recreation-oriented, high-impact parks activities.

8. Best available science and best management practices shall be used to address critical areas within the property covered by a Development Regulation Agreement adopted pursuant to this section. Review of a development activity's critical area impacts that go beyond those exempted activities identified in Section 13.11.140 TMC shall occur during the Development Regulation Agreement review process, and a separate critical areas permit is not required. Any Development Regulation Agreement approval(s) shall, to the maximum extent feasible, avoid potential impacts to critical areas, and any unavoidable impacts to critical areas shall be fully mitigated, either on- or off-site.

Critical areas that are close to anticipated development areas will be noted for the DRA and potential impacts will be addressed with appropriate mitigation at the various stages of development.

9. Interim uses and phasing of development and construction is appropriately provided. In the case of an interim use of a property or portion of a property, deferrals or departures from development regulations may be allowed without providing a demonstrated benefit to the City; provided, that any departures or deferrals to the Code requested for a final use of the property shall comply with criterion No. 10 below. The agreement shall clearly state the conditions under which the interim use shall be converted to a permanent use within a stated time period and the penalties for noncompliance if the interim use is not converted to the permanent use in the stated period of time.

Development proposed in the DRA will be phased over approximately 20 years. There will be no interim uses of the property as it will continue to function as a park. There are expected to be some temporary conditions and provisions will be included to address the management and transition to the permanent state.

10. Where a phased Development Regulation Agreement is proposed, a site plan shall be provided and shall clearly show the proposed interim and final use subject to the agreement.
The proposed development at Point Defiance Park is expected to occur over a 20 year time period. While the order and scheduling of specific development is unknown for work that is expected to occur more than a couple years out, the work will be shown in a site plan with approximate locations, sizes and descriptions of elements.
11. In the case of a Development Regulation Agreement where the proposed use would be the final use of the property, it shall be clearly documented that any departures from the standards of the Code, requested by the applicant, are in the judgment of the City, off-set by providing a benefit to the City of equal or greater value relative to the departure requested. In no case shall a departure from the Code be granted if no benefit to the City is proposed in turn by the applicant.
There will be a few departures from the standards of the Code as would be anticipated with having a Destination Facility within a single family zone. These proposed departures will be documented to the extent that they are known or anticipated and will be detailed enough to describe appropriate mitigations for the departure along with the public benefit provided by allowing it.
12. Conditions are set forth providing for review procedures and standards for implementing decisions, together with conditions explicitly addressing enforceability of Development Regulation Agreement terms and conditions and applicable remedies.
The DRA will include review procedures and standards, including requiring development to comply with Point Defiance Design Guidelines.
13. Thresholds and procedures for modifications to the provisions of the Development Regulation Agreement are provided.
Language will be included to address future changes to the DRA and what changes would be considered minor as opposed to something that would be outside the scope of the DRA and therefore require more extensive review by the City. Language will be included to regulate those changes. Work that is deemed outside the scope will be reviewed by the City for compatibility with the DRA.
14. A build-out or vesting period for applicable standards is provided.
The DRA is intended to vest development for a period of 20 years. Language may be added to the DRA to allow for review and modifications that arise due to unknown factors including the length of time and the inability to forecast the future.
15. Any other appropriate development requirements or procedures necessary to the specific project or proposal are adequately addressed.
Metro Parks will work closely with the City of Tacoma to address issues relevant to the Park and the DRA.
16. If appropriate and if the applicant is to fund or provide public facilities, the Development Regulation Agreement shall contain appropriate provisions for reimbursement, over time, to the applicant.
Since this agreement will be mutually beneficial to the City, Metro Parks and the general public, Metro Parks will work with the City to negotiate fair allocations of expenses between all parties, including future developers.
17. Appropriate statutory authority exists for any involuntary obligation of the applicant to fund or provide services, infrastructure, impact fees, inspection fees, dedications, or other service or financial contributions.
The DRA will address services provided, infrastructure maintenance and operation responsibilities, fees, etc and how to manage financial contributions.
18. Penalties for noncompliance with the terms of the Development Regulation Agreement are provided.
A section of the DRA will cover Default, Remedies & Terminations as well as requiring Insurance and including Indemnity specifics.

19. The building(s) shall be L.E.E.D. certified to a gold level or certified under another well-recognized rating system to be comparable to a building that is L.E.E.D. certified to a gold level.

The DRA will include language that addresses environmental sustainability and recognizes that this is not just attributable to buildings but to the design and management of the environment, including stormwater systems and many other ways to make sound sustainable decisions that don't focus solely on building certification. Many park buildings are very simple in construction and would not have enough of the elements that are required to meet L.E.E.D. Requiring ALL buildings to meet this standard is unrealistic and ignores other options that are available or will be in the future.

20. Compliance with these provisions above will ensure that the terms of the Development Regulation Agreement is consistent with the development regulations of the City then in effect, except that in the case of Shoreline Management Districts (Chapter 13.10 TMC) and Landmarks and Historic Special Review Districts (Chapter 13.07 TMC), specific compliance with the regulations and procedures of these codes is required.

It is understood that any development within the shoreline will be required to be additionally reviewed through the Shoreline Process. Historic elements will be reviewed and processed as may be needed at both the local and state levels.

21. The Development Regulation Agreement shall specify any and all development standards to which its terms and provisions apply. All other applicable standards and requirements of the City or other agencies shall remain in effect for the project.

Metro Parks will work closely with the City of Tacoma to create an Agreement that clearly states the requirements for proceeding with review and what standards will be set for future development in the Park.

Public Hearing and Approval Process

1. If the City Manager deems that an acceptable Development Regulation Agreement has been negotiated and recommends the same for consideration, the City Council shall hold a public hearing and then may take final action, by resolution, to authorize entry into the Development Regulation Agreement. In addition, the City Council may continue the hearing for the purpose of clarifying issues or obtaining additional information, facts, or documentary evidence; advice may be sought from the Planning Commission.
2. Because a Development Regulation Agreement is not necessary to any given project or use of real property under the existing Comprehensive Plan and development regulations in effect at the time of making application, approval of a Development Regulation Agreement is wholly discretionary, and any action taken by the City Council is legislative only and not quasi-judicial.
3. The decision of the City Council shall be final immediately upon adoption of a resolution authorizing or rejecting the Development Regulation Agreement.
4. Following approval of a Development Regulation Agreement by the City Council, and execution of the same, the Development Regulation Agreement shall be recorded with the Pierce County Auditor.



Application for Development Regulation Agreement

X = SHR District parcels

Property Information

Site Address (or nearest intersection):	5400 N Pearl St., Tacoma WA 98407		
Parcel Number(s):	#0221103000 , #0221221011 , #0221221021 , #8950100010 , #8950100015 , #8950100016 , #8950100017 & #7356000010		

Contact Information

Applicant (or Contact Person):	Christine Phillips		
Business Name(s):	BCRA		
Mailing Address:	2106 Pacific Ave., Suite 300, Tacoma, WA 98402		
Phone Number:	(253) 627-4367	E-Mail:	CPhillips@BCRAdesign.com
Property Owner:	City of Tacoma / Metropolitan Park Board / Contact: Doug Fraser		
Mailing Address:	4702 S 19TH ST, TACOMA WA 98405-1175		
Phone Number:	(253) 305-1019	E-Mail:	DougF@tacomaparks.com

Project Description

Describe your proposal. Attach site plans, maps, illustrations, studies, and other background information as appropriate.

This is a Preliminary Application to inform the City of Metro Parks intent to pursue a Development Regulation Agreement with the City. This proposal will include extensive external and internal planning over the coming months in order to reach a consensus on the final Agreement.

Metro Parks Tacoma is in the process of Master Planning Point Defiance for the next 20 years. They are taking their 2008 Conceptual Plan and expanding on it to include more detail on potential program elements and locations. This has included extensive public review with multiple opportunities for input and will continue to do so throughout the Master Planning and DRA process. This is a significant undertaking and requires much thought and coordination between multiple public entities and especially requires the public to have heavy participation throughout this process.

Metro Parks Tacoma wishes to enter into an agreement with the City of Tacoma, as described in the City Municipal Code 13.05.095, Development Regulation Agreements.

Previous Application / Agreement

Does this application serve as a supplement or amendment to a previously approved Development Regulation Agreement?

No Yes (Contract ID & Date: _____)

Project Applicability

Check all that apply:

- Projects located within the International Financial Services Area (IFSA).
- Projects located within the "Working Definition of Downtown", provided that the real property involved is subject to a significant measure of public ownership or control, and provided that the project includes a building footprint of at least 15,000 square feet and a proposed height of at least 75 ft.
- Projects located within the IFSA or the Working Definition of Downtown where the City Landmarks Commission formally certifies that the proposed project is either a historic structure or is directly associated with and supports the preservation of an adjacent historic structure.
- Projects located on a public facility site that are at least five acres in area and are not a public utility site.

Current Use of Property

Describe how the property is currently being used and what structures exist. Attach maps or illustrations as appropriate.

760+ acre destination park

Purpose of Request

Describe what the project intends to achieve and how it will advance the goals of the City's Comprehensive Plan.

The purpose of the DRA will be to help administer, coordinate and implement an understanding between Metro Parks Tacoma and the City for all proposed projects located within the current identified boundaries of Point Defiance Park – a recognized Destination Facility. This process will ensure a coordinated construction effort that complies with the proposed Point Defiance Park Development Design Guidelines and the City of Tacoma Development Regulation Agreements.

The Development Regulation Agreement will specify the standards and conditions that will govern development of the property. The development agreement will provide assurance to developer(s) that they may proceed to develop the project subject to the rules and regulations in effect at the time of approval and that the development will not be subject to subsequent changes in regulations.

Additional Applications / Permits

Identify any applications and/or permits to be filed with the Development Regulation Agreement or list those previously filed which relate to the project.

Non-project Environmental (SEPA) checklist

Attachments

Check all that apply (refer to the instructions and TMC 13.05.095 for required attachments):

- Site plans, floor plans and building elevations
- Building or site sections
- Landscape plans
- Others (please list):
- Civil, Environmental Engineering plans
- Water control/treatment, Environmental Reports
- Question sheets or studies

I hereby state that I am the APPLICANT listed above and that the foregoing statements and answers herein made, all information and evidence herein made, and all information and evidence herewith submitted are, in all respects and to the best of my knowledge and belief, true and complete. I understand that the filing fee accompanying this application is not refundable, is only for the purpose of partially defraying the normal administrative expenses of processing the application, and that the payment of said fee does not result in automatic issuance of the permit requested in this application.

Signature: Christine Phillips

Date: 12/30/14

Print Name: BCRA / Christine Phillips

Title: Senior Planner & Architect

I hereby state that I am the OWNER's representative listed above and that the foregoing statements and answers herein made, all information and evidence herein made, and all information and evidence herewith submitted are, in all respects and to the best of my knowledge and belief, true and complete. I understand that the filing fee accompanying this application is not refundable, is only for the purpose of partially defraying the normal administrative expenses of processing the application, and that the payment of said fee does not result in automatic issuance of the permit requested in this application.

Signature: Doug Fraser

Date: 12-30-14

Print Name: Metrop Parks Tacoma / Doug Fraser

Title: Chief Planning Manager

Receipt of Application

Application and \$4,663.32 Fee Received by:

Signature: _____

Date: _____

Print Name: _____

Title: _____

Project Information

Project Name: Point Defiance Park

Applicant: Metro Parks Tacoma

Project Evaluation – This does not apply to Point Defiance

Below is the scoring system applicable to Development Regulation Agreements that conform to the existing Comprehensive Plan, except for projects on a public facility sites of at least five acres in size. Qualifying proposals must score 800 points out of a possible 1,000 points, according to the following scoring system (based on the Downtown Element of the City Comprehensive Plan).

Scoring Criteria	Score
<p>Balanced healthy economy: In any project where more than 30 percent of the floorspace is office, commercial, or retail, one point shall be awarded for every 200 square feet of gross floorspace, excluding parking (290 points max.).</p>	
<p>Achieving vitality downtown:</p>	
CPTED design (40 points max.)	
Sunlight access to priority public use areas (40 points max.)	
View maximization (40 points max.)	
Connectivity (40 points max.)	
Quality materials and design (40 points max.)	
Remarkable features (40 points max.)	
Access to open space (40 points max.)	
Street edge activation and building ground orientation (40 points max.)	
<p>Sustainability:</p>	
Complete Streets (50 points max.)	
Transit connections (50 points max.)	
Energy conservation design to a L.E.E.D certification to a platinum level or equivalent (50 points max.)	
<p>Quality Urban Design:</p>	
Walk-ability (60 points max.)	
Public environment (60 points max.)	
Neighborly outlook (60 points max.)	
Support for public art (60 points max.)	
Total Score (points):	