



## ORDINANCE NO. 27995

1 AN ORDINANCE relating to the Land Use Regulatory Code; amending Title 13  
 2 of the Tacoma Municipal Code ("TMC") pertaining to Landmarks  
 3 Preservation by consolidating procedures for historic design review in  
 4 Chapter 13.05 TMC, removing parking requirements for designated  
 5 historic buildings, modifying criteria for designating historic and  
 6 conservation districts, modifying provisions for demolition of historic  
 7 structures, and removing historic design guidelines from the TMC in favor  
 8 of administrative guidelines; streamlining permit requirements for parks,  
 9 recreation, and open space land uses; changing the references to the  
 10 "Working Definition of Downtown" to the "Downtown Regional Growth  
 11 Center"; simplifying the procedures for administering the State  
 12 Environmental Policy Act, and implementing planned action environmental  
 13 reviews; rezoning a site located at South 49th Street and Pine Street from  
 14 "R-2" and "C-1" to "R-4L"; slightly adjusting the boundary of the South  
 15 Tacoma Manufacturing/Industrial Overlay District along South Center  
 16 Street; and changing various TMC sections to address inconsistencies,  
 17 correct minor errors, and improve the effectiveness and clarity of the land  
 18 use regulations.

12 WHEREAS the Planning Commission ("Commission") annually  
 13 recommends changes to the Comprehensive Plan ("Plan") and Land Use  
 14 Regulatory Code ("Code"), pursuant to the Growth Management Act, and  
 15

16 WHEREAS the Commission after conducting a public hearing and  
 17 considering all testimony recommended changes to the Plan and Code on  
 18 April 20, 2011, and

19 WHEREAS the changes for the year 2011 are presented in two separate  
 20 ordinances for ease of review: one to amend the Plan and one to amend the  
 21 Code, and

22 WHEREAS this ordinance covers amendments to the Code, and

23 WHEREAS, this year, the Commission recommends changes to the  
 24 Code to include: (1) amending Chapters 13.05, 13.06, 13.06A, and 13.07 TMC  
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to provide a regulatory companion to implement the new Historic Preservation Plan Element of the Plan; (2) amending Chapter 13.06 TMC to make most parks, recreation and open space land uses “permitted outright” in residential zoning districts, allow more intensive parks, recreation features, and facilities as conditional uses, and to modify development standards with the intent to streamline the permit process and ensure appropriate compatibility with adjacent neighborhoods; (3) amending Section 13.05.095 TMC to change the reference of the “Working Definition of Downtown” to the “Downtown Regional Growth Center”; (4) amending Chapter 13.12 TMC and Chapter 13.11 TMC to update and simplify the procedures for administering the State Environmental Policy Act, including adding procedures for implementing planned action environmental reviews; (5) amending various sections of Chapters 13.02, 13.04, 13.05, 13.06, 13.06A , and 13.17 TMC to address inconsistencies, correct minor errors, and improve the effectiveness and clarity of the land use regulations; (6) rezoning a site located at South 49th Street and South Pine Street from “R-2” and “C-1” to “R-4L” to allow for construction of up to 145 multi-family dwelling units on the site; and (7) adding a property along the hillside above Center Street to the South Tacoma Manufacturing/Industrial Overlay District, and

WHEREAS, on May 24, 2011, the City Council held a public hearing to receive public comment on the Commission’s recommendation on the proposed Code revisions; Now, Therefore,



BE IT ORDAINED BY THE CITY OF TACOMA:

1  
2 Section 1. That the City Council adopts the Findings and  
3 Recommendations of the Planning Commission, dated April 20, 2011.

4 Section 2. That Chapter 13.02 of the Tacoma Municipal Code is  
5 amended, as set forth in the attached Exhibit "A."

6 Section 3. That Chapter 13.04 of the Tacoma Municipal Code is  
7 amended, as set forth in the attached Exhibit "B."

8 Section 4. That Chapter 13.05 of the Tacoma Municipal Code is  
9 amended, as set forth in the attached Exhibit "C."

10 Section 5. That Chapter 13.06 of the Tacoma Municipal Code is  
11 amended, as set forth in the attached Exhibit "D."

12 Section 6. That the property in the general vicinity of South 49th Street  
13 and Pine Street, as generally depicted in Exhibit "E" (for illustrative purposes  
14 only) and as specifically described in Exhibit "E-1," be and is hereby added as  
15 Section 13.06.100.B.6 (36) of the Tacoma Municipal Code ("R-4L" Low-Density  
16 Multi-Family Dwelling District) and is hereby deleted from Sections 13.06.100.B.2  
17 (R-2 Single-Family Dwelling District) and 13.06.200.B.2 (C-1 General  
18 Community Commercial District).

19 Section 7. That subsection 13.06.400.B.4 of the Tacoma Municipal  
20 Code is amended to modify the boundary of the South Tacoma  
21 Manufacturing/Industrial Overlay Zoning District, as generally depicted in  
22 Exhibit "F" (for illustrative purposes only) and as specifically described in  
23 Exhibit "F-1."  
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Section 8. That Chapter 13.06A of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "G."

Section 9. That Chapter 13.07 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "H."

Section 10. That Chapter 13.11 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "I."

Section 11. That Chapter 13.12 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "J."

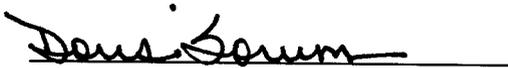
Section 12. That Chapter 13.17 of the Tacoma Municipal Code is amended to modify the boundary of the 34<sup>th</sup> & Pacific Mixed-Use Center as generally depicted in Exhibit "K" (for illustrative purposes only) and as specifically described in Exhibit "K-1."

Section 13. That the effective date of this ordinance shall be August 1, 2011.

Passed JUN 14 2011

  
Mayor

Attest:

  
City Clerk

Approved as to Form:

  
Deputy City Attorney



## 2011 ANNUAL AMENDMENT

### Amendments to the Land Use Regulatory Code – Chapter 13.02

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

#### Chapter 13.02

#### PLANNING COMMISSION

\* \* \*

##### 13.02.053 Area-wide zoning reclassifications.

The Planning Commission may also consider the need for area-wide zoning reclassifications, in association with or independently of Comprehensive Plan amendments, including those associated with an annexation or which are necessary to maintain the zoning classification's consistency with the Comprehensive Plan. The procedures for consideration of area-wide zoning reclassifications shall be as follows:

1. Who may request an area-wide zoning reclassification, and how. The means of submitting a request for an area-wide zoning reclassification and those empowered to submit such a request shall be the same as in Section 13.02.045.
2. Process for area-wide zoning reclassification. An area-wide zoning reclassification implementing the goals and policies of the Comprehensive Plan will be conducted by the Planning Commission, consistent with RCW 42.36.010, with recommendation to the City Council. Area-wide zoning reclassifications which are inconsistent with the Comprehensive Plan shall be proposed for adoption at the same time as and in conjunction with the Plan's amendment. Area-wide zoning reclassifications which are consistent with the Comprehensive Plan and do not require plan modification may be considered at any time.
3. Public Hearing and Recommendation for an Area-Wide Zoning Reclassification. The Planning Commission shall conduct a public hearing to consider an area-wide zoning reclassification and to determine the consistency of the reclassification with the Comprehensive Plan and its elements and RCW 36.70A. In making its recommendation to the City Council, the Planning Commission shall make findings and conclusions to demonstrate the manner in which the area-wide reclassification carries out and helps implement the goals and policies of the Comprehensive Plan. If a reclassification is recommended, it shall be based on, but not limited to, the following circumstances:
  - a. substantial evidence is presented demonstrating that growth and development is occurring in a different manner than presented in the Comprehensive Plan;
  - b. the proposed area-wide reclassification is consistent with the Comprehensive Plan and the Generalized Land Use Plan map;
  - c. the reclassification is needed to further implement the Comprehensive Plan;
  - d. the proposed reclassification is needed to maintain consistency with proposed amendments to the Comprehensive Plan;
  - e. there is substantial evidence presented showing inconsistency between the designated land use intensity in the subject area and the existing zoning; or
  - f. the subject property is suitable for development in general conformance with the zoning standards under the recommended rezone classification.

4. At least one public hearing on a proposed area-wide zoning reclassification shall be held prior to final action by the City Council.

5. Area-wide reclassifications adopted by the City Council supersede any previous reclassifications and any conditions of approval associated with such previous reclassifications.

\* \* \*



## 2011 ANNUAL AMENDMENT

### Amendments to the Land Use Regulatory Code – Chapter 13.04

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

#### Chapter 13.04

#### PLATTING AND SUBDIVISIONS

\* \* \*

##### 13.04.100 Plat procedures.

\* \* \*

E. Hearing Examiner or Land Use Administrator Review of Preliminary Plat. The Hearing Examiner or Land Use Administrator shall review the proposed preliminary plat. The preliminary plat shall not be approved unless it is found that:

1. Appropriate provisions are made for the public health, safety, and general welfare, and for open spaces; drainage ways; streets or roads; alleys; other public ways; bicycle circulation; transit stops; potable water supplies; sanitary wastes; parks and recreation; playgrounds; schools and school grounds; and all other relevant facilities, including sidewalks and other planning features which assure safe walking conditions for students who walk to and from school and for transit patrons who walk to bus stops or commuter rail stations.
2. The public use and interest will be served by the platting of such subdivision and dedication.

The Hearing Examiner or Land Use Administrator shall consider the proposed preliminary plat and shall issue a decision. The decision of the Land Use Administrator shall, at the conclusion of the appeal period, be forwarded to the Hearing Examiner for concurrence with the decision. An appeal taken within 14 days of the Land Use Administrator's decision will be processed in accordance with provisions of Chapter 1.23 of the Tacoma Municipal Code.

Approval of the preliminary plat is a tentative approval and does not constitute final acceptance of the plat. Approval of the preliminary plat, however, shall be assurance to the subdivider that the final plat will be approved; provided, that:

- a. The final plat substantially conforms to the approved preliminary plat.
- b. All requirements specified for the final plat are fully complied with.

A decision on the preliminary plat shall be made by the Hearing Examiner or Land Use Administrator within 90 days from the date of filing with the City Clerk, unless the applicant consents to the extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

A final plat meeting all requirements of this section shall be submitted to the Land Use Administrator within five years of the effective date of the preliminary plat approval. In accordance with RCW 58.17, this deadline has been extended from five to seven years, until December 31, 2014.

\* \* \*

G. Contents of Final Plat. The final plat shall be drawn to a scale of 100 feet or less, but, preferably, 100 feet to the inch, and shall show:

1. Name of subdivision.

2. Name and address of the subdivider.
3. North point, scale, and date.
4. The boundary lines with accurate distances and bearings, and the exact location and width of all existing or recorded streets and ways intersecting the boundary of the tract.
5. True bearings and distances to the established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and bearings.
6. Streets, alleys, and ways, together with their names, and any dedicated pedestrian ways, bike routes, and land for transit facilities within the subdivision.
7. The length of the arcs, radii, internal angles, points of curvature, length, and bearing of the tangents.
8. All easements for rights-of-way provided for public services or utilities and any limitations of the easement.
9. All block indications, lot numbers, and lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines.
10. The accurate location, material, and size of all monuments. Monuments shall meet the specifications of the Survey Recording Act and Public Works Department.
11. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
12. Zoning districts as set forth in the Tacoma zoning ordinances.
13. Private restrictions:
  - a. Boundaries of each type of use restriction;
  - b. Other private restrictions for each definitely restricted section of the subdivision.
14. Certification by a registered land surveyor to the effect that the plat is a true and correct representation of the lands actually surveyed and that all monuments shown thereon actually exist, or, in lieu of their placement, that a bond has been provided in conformance with Section 13.04.360 of this chapter, and that their location, size, and material are correctly shown.
15. Certification of approval by the City Engineer of all locations, grades, and dimensions of the plat and the construction specifications.
16. Dedication of all streets, alleys, ways, easements, parks, and lands for public use as shown on the plat and as required by the City of Tacoma.
17. All private easements (new or existing).
18. All critical areas requiring delineation in accordance with Chapter 13.11.
19. All building setback lines.
20. Common open spaces shall be dedicated, reserved or otherwise held in common by a homeowners' association or by a proportional ownership interest shared among all of the property owners within the subdivision, or alternatively, and only if acceptable to the receiving public agency, dedicated to the public.

\* \* \*

### **13.04.230 Lots.**

\* \* \*

D. Pipestem Lots. The creation of pipestem lots shall be allowed in certain circumstances. The intent of these limitations is to minimize negative impacts of inconsistent development patterns while allowing land to be divided when more traditional layouts are not achievable. The creation of pipestem lots is not allowed when a lot configuration can be provided that is consistent with the established pattern on the block without significantly reducing the number of allowed lots (see examples provided below). Pipestem lots shall provide a lot extension or primary accessway which connects to a public or private street. The creation of a pipestem lot is allowed under the following circumstances:

1. No more than one out of every three proposed lots is a pipestem lot; and
2. One of the following are met:
  - a. An existing dwelling which has been on the site for at least five years precludes a land division that is consistent with Section 13.04.230.A and would otherwise not meet the lot width, frontage, or setback requirements without a pipestem configuration (see examples for “R-2” District below); or
  - b. The site has dimensions which preclude a land division that is consistent with Section 13.04.230.A and would otherwise not meet the lot width, frontage, or setback requirements without a pipestem configuration.

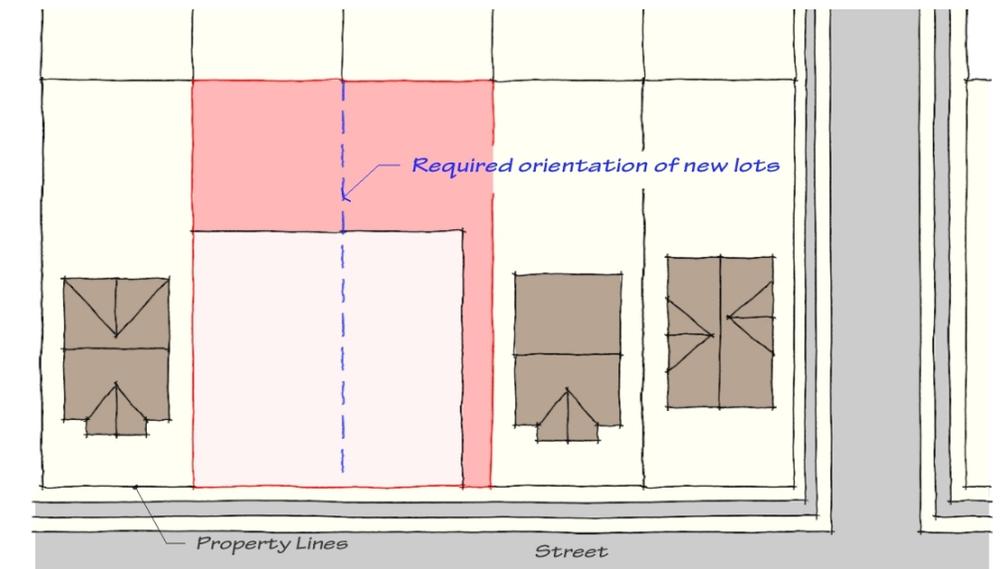
**Examples of allowed pipestem layouts**

In the first example, even though there is an established pattern on the block, the existing home prevents a property division consistent with that pattern. In the second example, the width and size of the property lends itself to a pipestem lot being created.



**Example of a prohibited pipestem layout**

In this example there is an established pattern on the block and a division consistent with that layout can be provided without significantly reducing the number of possible lots. Instead of creating a pipestem lot, the property should be divided consistent with the existing pattern.



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## 2011 ANNUAL AMENDMENT

### Amendments to the Land Use Regulatory Code – Chapter 13.05

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

#### Chapter 13.05

#### LAND USE PERMIT PROCEDURES

##### Sections:

13.05.005	Definitions.
13.05.010	Application requirements for land use permits.
13.05.020	Notice process.
13.05.030	Land Use Administrator – Creation and purpose – Appointment – Authority.
13.05.040	Decision of the Land Use Administrator.
<u>13.05.045</u>	<u>Historic Preservation Land Use Decisions</u>
<u>13.05.046</u>	<u>Compatibility of historic standards with zoning development standards</u>
<u>13.05.047</u>	<u>Certificates of approval, historic</u>
<u>13.05.048</u>	<u>Demolition of City Landmarks</u>
<u>13.07.049</u>	<u>Minimum buildings standards, historic</u>
13.05.050	Appeals of administrative decisions.
13.05.060	Applications considered by the Hearing Examiner.
13.05.070	Expiration of permits.
13.05.080	Modification/revision to permits.
13.05.090	Land Use Administrator approval authority.
13.05.095	Development Regulation Agreements.
13.05.100	Enforcement.
13.05.105	<i>Repealed.</i>
13.05.110	<i>Repealed.</i>

#### **13.05.005 Definitions.**

As used in this chapter, the following terms are defined as:

##### 13.05.005.A

~~A-~~ Abate: To repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this title by such means and in such a manner and to such an extent as the Land Use Administrator determines is necessary in the interest of the public health, safety, and welfare of the community

Administrative Approval, Historic: An approval that may be granted by the City Historic Preservation Officer for an alteration to a City landmark, without Landmarks Preservation Commission review, based on authority that may be granted by the Commission pursuant to TMC 1.42.

~~B-~~ Aggrieved Person: In an appeal, an “aggrieved person” shall be defined as a person who is suffering from an infringement or denial of legal rights or claims.

Alteration of a City Landmark: Any act or process which changes materially, visually, or physically one or more of the exterior architectural features or significant interior features of a property listed on the Tacoma Register of Historic Places individually or as a part of a district, including, but not limited to, the development, reconstruction,

or removal of any structure.

~~C~~-Appeal, for Standing: An aggrieved person or entity has “standing” when such person or entity is entitled to notice under the applicable provision of the Tacoma Municipal Code, or when such 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.

~~D~~-Application, Complete: An application which meets the procedural requirements outlined in Section 13.05.010.C, or for development activities that require a Certificate of Approval, per 13.05.047.

#### 13.05.005.C

Certificate of Approval, Historic: The written record of formal action by the Commission indicating its approval of plans for alteration of a City landmark.

City landmark: A property that has been individually listed on the Tacoma Register of Historic Places, or that is a contributing property within a Historic Special Review District or Conservation District as defined by this chapter.

Conservation District means an area designated for the preservation and protection of historic resources and overall characteristics of traditional development patterns, and that meets the criteria for such designation as described in Section 13.07.040.C of this code.

Contributing property, Historic: Any property within a Historic Special Review District or Conservation District which helps to convey the historic significance and traditional character of the area and that meets the criteria for determining significance, as set forth in Chapter 13.07.040 (C) of this code. This status may be documented in the district’s nomination or in other findings adopted by the Landmarks Preservation Commission. Note that within this designation, the City may assign subordinate categories of significance.

#### 13.05.005.D

Demolition of a City Landmark: Any act or process which destroys, in part or in whole, a City landmark, including neglect or lack of maintenance that results in the destruction of a historic property, except where otherwise indicated by this chapter.

~~E~~-Department: As used in this chapter, “Department” refers to the Community and Economic Development Department.

Design guideline, Historic: A standard of appropriate activity which will preserve or enhance the historic and architectural character of a structure or area, and which is used by the Landmarks Preservation Commission and the City Historic Preservation Officer to determine the appropriateness of proposals involving property within Historic Special Review and Conservation Districts.

#### 13.05.005.E

Exterior appearance of a City Landmark: the architectural character and general composition of the exterior of a property as experienced from the outside, including, but not limited to, the type, color, and texture of a building material and the type, design, and character of all windows, doors, fixtures, signs, and appurtenant elements.

#### 13.05.005.H

Historic resource: any property that has been determined to be eligible by the City Historic Preservation Officer or Washington State Department of Archaeology and Historic Preservation staff for listing in the Tacoma Register of Historic Places, the Washington State Heritage Register, or the National Register of Historic Places, or any property that appears to be eligible for such listing by virtue of its age, exterior condition, or known historical associations.

Historic Special Review District: An Overlay Zone with a concentration of historic resources that has been found to meet the criteria for designation as a Historic Special Review District under the provisions of TMC 13.07 and has been so designated by City Council.

#### 13.05.005.L

Landmarks Preservation Commission: the volunteer citizen body appointed by City Council whose primary responsibility is the oversight of the City’s historic resources, including the designation of historic resources and districts to the Tacoma Register of Historic Places, reviewing proposed developments and alterations affecting to the properties on the Register and authorizing Certificates of Approval; raising community awareness of the City’s history and historic resources, and serving as the City’s primary subject matter resource in the areas of history, historic planning, and preservation, as provided for in this chapter and TMC 1.42 and Chapter 13.07.

13.05.005.N

Noncontributing property, Historic: A property within a Historic Special Review District or Conservation District which is documented in the district's nomination as not contributing architecturally, historically, and/or culturally to the historic character of the district, or which has been so designated in a Historic Special Review District Inventory drafted and adopted by the Landmarks Preservation Commission, or which has been specifically found to be noncontributing by a vote of the Commission.

13.05.005.O

~~F~~-Open Record Hearing: A hearing, conducted by a single hearing body or officer authorized to conduct such hearings that create a record through testimony and submission of evidence and information.

~~G~~-Owner: Any person having any interest in the real estate in question as indicated in the records of the office of the Pierce County Assessor, or who establishes, under this chapter, his or her ownership interest therein.

13.05.005.P

~~H~~-Person in Control of Property: Any person, in actual or constructive possession of a property, including, but not limited to, an owner, occupant, agent, or property manager of a property under his or her control.

~~I~~-Premises and property: Used by this chapter interchangeably and means any building, lot, parcel, dwelling, rental unit, real estate, or land, or portion thereof.

~~J~~-Project Permit or Project Permit Application: Any land use or environmental permit or license required for a project action, including, but not limited to, subdivisions, binding site plans, planned developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by the critical area preservation ordinance, site-specific rezones authorized by a Comprehensive Plan or sub area plan, but excluding the adoption or amendment of a Comprehensive Plan, sub area plan, or development regulations, except as otherwise specifically included in this subsection. This chapter does not apply to Exempted Activities under Section 13.11.140.

~~K~~-Public Meeting: An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the decision. A public meeting does not constitute an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation shall be included in the project permit application file.

13.05.005.R

Repair of a City Landmark: to fix or mend features of a property without any change in character, new construction, removal, or alteration.

13.05.005.V

~~L~~-Violation: Any act which results in non-compliance with any of the standards outlined within this title or conditions imposed from land use permits granted by the City.

13.05.005.W

~~M~~-Work Plan: Any document containing information detailing all of the required approvals, processes, timelines, actions, reports, etc., that are necessary to remedy a violation of this title and that said approvals, processes, timelines, actions, reports, etc. will be undertaken in order to gain compliance with this title.

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**13.05.045 Historic preservation land use decisions.**

A. Purpose. The City finds that the protection, enhancement, perpetuation, and continued use of landmarks, districts, and elements of historic, cultural, architectural, archeological, engineering, or geographic significance located within the City are required in the interests of the prosperity, civic pride, ecological, and general welfare of its citizens. The City further finds that the economic, cultural, and aesthetic standing of the City cannot be maintained or enhanced by disregarding the heritage of the City or by allowing the destruction or defacement of historic and cultural assets. The purpose of this section is to support these goals and provide regulatory procedures for historic preservation decision making bodies.

B. Authority and Responsibilities.

1. Landmarks Preservation Commission. Pursuant to TMC 1.42, and for the purposes of this chapter, the Landmarks Preservation Commission shall have the authority to:

a. Approve or deny proposals to alter individual properties or contributing properties within historic and conservation districts that are listed on the Tacoma Register of Historic Places, as provided in TMC 13.07, and authorize the issuance of Certificates of Approval for the same, and adopt standards, design guidelines, and district rules to be used to guide this review.

b. Where appropriate, encourage the conservation of historic materials and make recommendations regarding mitigation measures for projects adversely affecting historic resources.

2. Historic Preservation Officer. Pursuant to TMC 1.42, and for the purposes of this chapter, the Historic Preservation Officer shall have the authority to:

a. Grant administrative Certificates of Approval, subject to such limitations and within such standards as the Commission may establish.

b. On behalf of the Landmarks Preservation Commission, draft and issue Certificates of Approval or other written decisions on matters on which the Commission has taken formal action.

c. Upon request by other City entities, review permit applications and other project actions for appropriateness and consistency with the purposes of this chapter, Chapter 13.07, and the Preservation Plan element of the Comprehensive Plan.

d. With respect to the goals and policies contained within this chapter, Chapter 13.07, and the Comprehensive Plan, represent the Historic Preservation Certified Local Government program for Tacoma and review, advise, and comment upon environmental analyses performed by other agencies and mitigation proposed, including NEPA and SEPA, Section 106, and other similar duties.

e. Advise property owners and the public of historic preservation code requirements.

f. Assist the Land Use Administrator, as needed, with requests for interpretations of codes relating to landmarks and to historic districts, as provided in those codes.

#### **13.05.046 Compatibility of historic standards with zoning development standards**

A. All property designated as a City landmark or that is located within a Historic Special Review District or Conservation District, according to the procedures set forth in Chapter 13.07, shall be subject to all of the controls, standards, and procedures set forth in Title 13, including those contained herein and in Chapter 13.07, 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.

B. Coordination with Residential Zoning Code. In certain cases, application of the development standards in the residential zones, as defined in Section 13.06.100, including those for height, bulk, scale, and setbacks, may conflict with historic preservation standards or criteria and result in adverse effects to City Landmark properties. In such cases, properties subject to design review and approval by the Landmarks Preservation Commission shall be exempted from the standards that conflict with the Landmarks Commission's application of historic preservation standards adopted pursuant to Chapter 13.07, including the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitation of Historic Buildings and applicable Historic Special Review District Design Guidelines. The issuance of a Certificate of Approval for final design by the Landmarks Preservation Commission shall include specific references to any conflicts between the historic standards and those in Chapter 13.06, and specifically request the appropriate exemptions.

C. Coordination with Downtown Zoning. In certain cases, the application of design standards in Downtown Tacoma zoning districts, as defined in Chapter 13.06A, may conflict with historic preservation standards or criteria and result in adverse effects to historic properties. In such cases, properties subject to design review and approval by the Landmarks Preservation Commission shall be exempted from the basic design standards of Chapter 13.06A that conflict with the Landmarks Commission's application of historic preservation standards adopted pursuant to this chapter, including the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitation of Historic Buildings and applicable Historic Special Review District Design Guidelines. The issuance of a Certificate of Approval for final design by the Landmarks Preservation Commission shall serve as the Commission's findings as required in TMC 13.06A.070.B.

### **13.05.047 Certificates of approval, historic.**

A. Certificate of Approval Required. Except where specifically exempted by this chapter, a Certificate of Approval is required before any of the following actions may be undertaken:

1. Alteration to the exterior appearance of any City landmark, or any building, site, structure or object proposed for designation as a City Landmark pursuant to TMC 13.07.050;
2. Alterations to the exterior appearance of any existing buildings, public rights-of-way, or other public spaces, or development or construction of any new structures, in any Historic Special Review District.
3. Except where otherwise specified, construction of new structures and additions to existing buildings within Conservation Districts. This authority is limited to the exterior appearance of new buildings and additions.
4. Removal or alteration of any existing sign, or installation or placement any new sign, on a City Landmark or property within a Historic Special Review or Conservation District.
5. Demolition of any structure or building listed on the Tacoma Register of Historic Places, or that is located within a Historic Special Review or Conservation District.
6. No City permits for the above activities shall be issued by the City until a Certificate of Approval has been issued by the Landmarks Preservation Commission or administrative approval has been granted by the Historic Preservation Officer.
7. When a development permit application is filed with Building and Land Use Services that requires a Certificate of Approval, the applicant shall be directed to complete an application for Certificate of Approval for review by the Landmarks Preservation Commission or Historic Preservation Officer.

B. Application Requirements. The following information must be provided in order for the application to be complete, unless the Historic Preservation Officer indicates in writing that specific information is not necessary for a particular application:

1. Property name and building address;
2. Applicant's name and address;
3. Property owner's name and address;
4. Applicant's telephone and e-mail address, if available;
5. The building owner's signature on the application or, if the applicant is not the owner, a signed letter from the owners designating the applicant as the owner's representative;
6. Confirmation that the fee required by the General Services Fee Schedule has been paid;
7. Written confirmation that the proposed work has been reviewed by Building and Land Use Services, appears to meet applicable codes and regulations, and will not require a variance;
8. A detailed description of the proposed work, including:
  - a. Any changes that will be made to the building or the site;
  - b. Any effect that the work would have on the public right-of-way or public spaces;
  - c. Any new development or construction;
9. 5 sets of scale plans, or a single legible electronic copy in a format approved by CEDD staff, with all dimensions shown, of:
  10. A site plan of all existing conditions, showing adjacent streets and buildings, and, if the project includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;
  11. A floor plan showing the existing features and a floor plan showing proposed new features;
  12. Elevations and sections of both the proposed new features and the existing features;
  13. Construction details, where appropriate;

14. A landscape plan showing existing features and plantings and a landscape plan showing proposed site features and plantings;

15. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

16. If the proposal includes new finishes or paint, one sample of proposed colors and an elevation drawing or photograph showing the proposed location of proposed new finishes or paint;

17. If the proposal includes new signs, canopies, awnings, or exterior lighting:

a. 5 sets of scale plans, or a single legible electronic copy of the proposed signs, awnings, canopies, or lighting showing the overall dimensions, materials, design graphics, typeface, letter size, and colors;

b. 5 copies or a single electronic copy of details showing the proposed methods of attachment for the new signs, canopies, awnings, or exterior lighting;

c. For lighting, detail of the fixture(s) with specifications, including wattage and illumination color(s);

d. One sample of the proposed colors and materials;

18. If the proposal includes the removal or replacement of existing architectural elements, a survey of the existing conditions of the features that would be removed or replaced.

#### C. Applications for Preliminary Approval.

1. An applicant may make a written request to submit an application for a Certificate of Approval for a preliminary design of a project if the applicant waives, in writing, the deadline for a Commission decision on the subsequent design phase or phases of the project and agrees, in writing, that the decision of the Commission is immediately appealable by the applicant or any interested person(s).

2. The Historic Preservation Officer may reject the request if it appears that the review of a preliminary design would not be an efficient use of staff or Commission time and resources, or would not further the goals and objectives of this chapter.

3. The Historic Preservation Officer may waive portions of the above application requirements in writing that are determined to be unnecessary for the Commission to approve a preliminary design.

4. A Certificate of Approval of a preliminary design shall be conditioned automatically upon the subsequent submittal of the final design and all of the information listed in Subsection B above, and upon Commission approval prior to the issuance of any permits for work affecting the property.

D. Applications for a Certificate of Approval shall be filed with the Permit Center.

#### E. Process and standards for review.

1. When an application for Certificate of Approval is received, the Historic Preservation Officer shall:

a. Review the application and determine whether the application requires review by the Landmarks Preservation Commission, or, subject to the limitations imposed by the Landmarks Preservation Commission pursuant to Chapter 1.42, without prejudice to the right of the owner at any time to apply directly to the Commission for its consideration and action on such matters, whether the application is appropriate for administrative review.

b. If the application is determined appropriate for administrative review, the Historic Preservation Officer shall proceed according to the Administrative Bylaws of the Commission.

2. If the application requires review by the full Commission, the Historic Preservation Officer shall notify the applicant in writing within 28 days whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete.

3. Within 14 days of receiving the additional information, the Historic Preservation Officer shall notify the applicant in writing whether the application is now complete or what additional information is necessary.

4. An application shall be deemed to be complete if the Historic Preservation Officer does not notify the applicant in writing, by the deadlines provided in this section, that the application is incomplete. A determination that the application is complete is not a determination that an application is vested.

5. The determination that an application is complete does not preclude the Historic Preservation Officer or the Landmarks Preservation Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in Chapter 13.07 and any rules adopted by the Commission.

6. Within 30 days after an application for a Certificate of Approval has been determined complete or at its next regularly scheduled meeting, whichever is longer, the Commission shall review the application to consider the application and to receive comments.

7. Notice of the Commission's meeting shall be served to the applicant and distributed to an established mailing list no less than three days prior to the time of the meeting.

8. The absence of the owner or applicant shall not impair the Commission's authority to make a decision regarding the application.

9. Within 45 days after the application for a Certificate of Approval has been determined complete, the Landmarks Preservation Commission shall issue a written decision granting, granting with conditions, or denying a Certificate of Approval, or if the Commission elects to defer its decision, a written description of any additional information the Commission will need to arrive at a decision. A copy of the decision shall be provided to the applicant and to Building and Land Use Services.

10. A Certificate of Approval shall be valid for 18 months from the date of issuance of the Commission's decision granting it unless the Commission grants an extension; provided, however, that a Certificate of Approval for actions subject to a permit issued by Building and Land Use Services shall be valid for the life of the permit, including any extensions granted in writing by Building and Land Use Services.

#### F. Economic Hardship

1. After receiving written notification from the Commission of the denial of Certificate of Approval, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that hardship exists.

2. When a claim of economic hardship is made due to the effect of this ordinance, the owner must prove that:

a. the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;

b. the property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

c. efforts to find a purchaser interested in acquiring the property and preserving it have failed.

3. The applicant shall consult in good faith with the Commission, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Commission.

4. The Commission shall hold a public hearing on the application within sixty (60) days from the date the complete application is received by the Historic Preservation Officer. Following the hearing, the Commission has thirty (30) days in which to act on the application. Failure to act on the hardship application within the (30) day timeframe will waive the Certificate of Approval requirement for permitting.

5. All decisions of the Commission shall be in writing.

6. The Commission's decision shall state the reasons for granting or denying the hardship application.

7. Denial of a hardship application may be appealed by the applicant within (14) business days to the Hearing Examiner after receipt of notification of such action.

8. Economic Evidence. The following shall be required for an application for economic hardship to be considered complete:

a. For all property:

(1) The amount paid for the property;

(2) The date of purchase, the party from whom purchased, and a description of the business or family relationship, if any, between the owner and the person from whom the property was purchased;

- (3) The cost of any improvements since purchase by the applicant and date incurred;
- (4) The assessed value of the land, and improvements thereon, according to the most recent assessments;
- (5) Real estate taxes for the previous two years;
- (6) Annual debt service, if any, for the previous two years;
- (7) All appraisals obtained within the previous five years by the owner or applicant in connection with his or her purchase, financing or ownership of the property;
- (8) Any listing of the property for sale or rent, price asked, and offers received, if any;
- (9) Any consideration by the owner for profitable and adaptive uses for the property, including renovation studies, plans, and bids, if any; and
- b. For income-producing property:
  - (1) Annual gross income from the property for the previous four years;
  - (2) Itemized operating and maintenance expenses for the previous four years;
  - (3) Annual cash flow for the previous four years.

G. Appeals to the Hearing Examiner. The Landmarks Preservation Commission shall refer to the Hearing Examiner for public hearing all final decisions regarding applications for certificates of approval and applications for demolition where the property owners, any interested parties of record, or applicants file with the Landmarks Preservation Commission, within 10 days of the date on the decision, written notice of appeal of the decision or attached conditions.

1. Form of Appeal. An appeal of the Landmarks Preservation Commission 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 shall be submitted:

- a. An indication of facts that establish the appellant's standing;
- b. An identification of explicit exceptions and objections to the decision being appealed, or an identification of specific errors in fact or conclusion;
- c. The requested relief from the decision being appealed;
- d. Any other information reasonably necessary to make a decision on appeal. Failure to set forth specific errors or grounds for appeal shall result in a summary dismissal of the appeal.

2. The Hearing Examiner shall conduct a hearing in the same manner and subject to the same rules as set forth in TMC 1.23.

3. The Hearing Examiner's decision shall be final. Any petition for judicial review must be commenced within 21 days of issuance of the Hearing Examiner's Decision, as provided for by TMC 1.23.060 and RCW 36.70C.040.

4. The Hearing Examiner, in considering the appropriateness of any exterior alteration of any City landmark, shall give weight to the determination and testimony of the consensus of the Landmarks Preservation Commission and shall consider:

- a. The purposes, guidelines, and standards for the treatment of historic properties contained in this Title, and the goals and policies contained in the Preservation Element of the Comprehensive Plan;
- b. The purpose of the ordinance under which each Historic Special Review or Conservation District is created;
- c. For individual City landmarks, the extent to which the proposal contained in the application for Certificate of Approval would adversely affect the specific features or characteristics specified in the nomination to the Tacoma Register of Historic Places;
- d. The reasonableness, or lack thereof, of the proposal contained in the application in light of other alternatives available to achieve the objectives of the owner and the applicant; and
- e. The extent to which the proposal contained in the application may be necessary to meet the requirements of any other law, statute, regulation, code, or ordinance.

5. When considering appeals of applications for demolition decisions, in addition to the above, the Hearing Examiner shall refer to the Findings of Fact made by the Landmarks Preservation Commission in addition to the demolition criteria for review and other pertinent statements of purpose and findings in this Title.

6. The Examiner may attach any reasonable conditions necessary to make the application compatible and consistent with the purposes and standards contained in this Title.

H. Ordinary Maintenance and Repairs. Nothing in this chapter or Chapter 13.07 shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any City landmark, which maintenance or repair does not involve a change in design, material, or the outward appearance thereof.

### **13.05.048 Demolition of City Landmarks**

A. Application requirements. In addition to the application requirements listed in Section 13.05.047, the following information must be provided in order for the application to be complete, unless the Historic Preservation Officer indicates in writing that specific information is not necessary for a particular application:

1. A detailed, professional architectural and physical description of the property in the form of a narrative report, to cover the following:

a. Physical description of all significant architectural elements of the building;

b. A historical overview;

c. Elevation drawings of all sides;

d. Site plan of all existing conditions showing adjacent streets and buildings and, if the project includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays;

e. Photographs of all significant architectural elements of the building; and

f. Context photographs, including surrounding streetscape and major sightlines.

2. A narrative statement addressing the criteria in this subsection for Applications for Historic Building Demolitions, to include the following areas, as applicable:

a. Architectural/historical/cultural significance of the building;

b. Physical condition of the building;

c. Narrative describing future development plans for the site, including:

d. Description of immediate plans for the site following demolition.

3. For replacement construction/redevelopment of the site, the following information is required:

a. A complete construction timeline for the replacement structure to be completed within two years, or a written explanation of why this is not possible.

b. Conceptual drawings, sketches, renderings, and plans.

c. Written proof, acceptable to the Landmarks Preservation Commission, of valid and binding financial commitments for the replacement structure is required before the permit can be issued, and should be submitted with the demolition request. This may include project budgets, funding sources, and written letters of credit.

4. If a new structure is not planned for the site, the application shall contain a narrative describing the rationale for demolition and a written request for waiver of the automatic conditions contained in Subsections C.1, C.2 and C.4, below.

5. If a new structure is not planned for the site, the application requirements in this section and Section 13.05.047 relating to new construction are not required in order for an application to be complete.

6. Reports by professionally qualified experts in the fields of engineering, architecture, and architectural history or real estate finance, as applicable, addressing the arguments made by the applicant.

B. Permitting Timelines.

1. Any City landmark for which a demolition permit application has been received is excluded from City permit timelines imposed by Section 13.05.010.J.

2. An application for a Certificate of Approval for Demolition of a City Landmark shall be filed with the Building and Land Use Services Permit Intake Center. When a demolition application is filed, the application shall be routed to the Historic Preservation Officer.

3. Determination of Complete Application. The Historic Preservation Officer shall determine whether an application for demolition is complete consistent with the timelines and procedures outlined in Section 13.05.047.E.1 through E.5.

### 3. Application Review.

a. Preliminary Meeting. Once the application for historic building demolition has been determined to be complete, excepting the demolition fee, the Historic Preservation Officer shall schedule a preliminary briefing at the next available regularly scheduled meeting of the Landmark Preservation Commission.

(1) The purpose of this meeting is for the applicant and the Commission to discuss the historic significance of the building, project background and possible alternative outcomes, and to schedule a hearing date, if necessary.

(2) To proceed with the application, the applicant shall request a public hearing, in writing, to consider the demolition application at the preliminary meeting.

(3) At this meeting, the Landmarks Preservation Commission may grant the request for public hearing, or may request an additional 30 days from this meeting to distribute the application for peer review, especially as the material pertains to the rationale contained in the application that involves professional expertise in, but not limited to, engineering, finance, law, architecture or architectural history, or, finding that the property in question is not contributing to the Historic District, may conditionally waive the procedural requirements of this section, provided that subparagraphs A and B, of Section 13.05.048.C, “Demolition of City Landmarks – Automatic conditions,” are met.

(4) If a 30-day peer review is requested, the request for public hearing shall again be considered at the next regular meeting following the conclusion of the peer review period.

b. Public Hearing. Upon receiving such direction from the Landmarks Preservation Commission, and once the application fee has been paid by the applicant, the Historic Preservation Officer shall schedule the application for a public hearing within 90 days.

(1) The Historic Preservation Officer shall give written notice, by first-class mail, of the time, date, place, and subject of the meeting to consider the application for historic building demolition not less than 30 days prior to the meeting to all owners of record of the subject property, as indicated by the records of the Pierce County Assessor-Treasurer, and taxpayers of record of properties within 400 feet of the subject property.

(2) The Commission shall consider the merits of the application, comments received during peer review, and any public comment received in writing or during public testimony.

(3) Following the public hearing, there shall be an automatic 60-day comment period during which the Commission may request additional information from the applicant in response to any commentary received.

(4) At its next meeting following the public comment period, the Landmarks Preservation Commission shall make findings of fact regarding the application based on the criteria for consideration contained in this subsection. The Landmarks Preservation Commission may approve, subject to automatic conditions imposed by this subsection, the application or may deny the application based upon its findings of fact. This decision will instruct the Historic Preservation Officer whether or not he or she may issue written approval for a historic building demolition.

C. Automatic Conditions. Following a demolition approval pursuant to this section, the following conditions are automatically imposed, except where exempted per Section 13.05.048.B or elsewhere in this chapter, and must be satisfied before the Historic Preservation Officer shall issue a written decision:

1. For properties within a Historic Special Review or Conservation District, the design for a replacement structure is presented to and approved by the Landmarks Preservation Commission pursuant to the regular design review process as defined in this chapter; or, if no replacement structure is proposed for a noncontributing structure, the Commission may, at its discretion, waive this condition and those contained in Subsections C.2 and C.4, below;

2. Acceptable proof of financing commitments and construction timeline is submitted to the Historic Preservation Officer;

3. Documentation of the building proposed for demolition that meets Historic American Building Survey (“HABS”) standards or mitigation requirements of the Washington State Department of Archaeology and Historic Preservation (“DAHP”), as appropriate, is submitted to the Historic Preservation Office and the Northwest Room of the Tacoma Public Library;

4. Development permits for the replacement are ready for issue by Building and Land Use Services, and there are no variance or conditional use permit applications outstanding;

5. Any additional mitigation agreement, such as relocation, salvage of architectural features, interpretation, or deconstruction, proposed by the applicant is signed and binding by City representatives and the applicant, and approved, if necessary, by the City Council; and

6. Any conditions imposed on the demolition have been accepted in writing (such as salvage requirements or archaeological requirements).

D. Specific exemptions. The following are excluded from the requirements imposed by this chapter and Chapter 13.07 but are still subject to Landmarks Preservation Commission approval for exterior changes as outlined elsewhere in this chapter and Chapter 13.07.

1. Demolition of accessory buildings, including garages and other outbuildings, and noncontributing later additions to historic buildings, where the primary structure will not be affected materially or physically by the demolition and where the accessory or addition is not specifically designated as a historic structure of its own merit;

2. Demolition work on the interior of a City landmark or object, site, or improvement within a Historic Special Review or Conservation District, where the proposed demolition will not affect the exterior of the building and where no character defining architectural elements specifically defined by the nomination will be removed or altered; and

3. Objects, sites, and improvements that have been identified by the Landmarks Preservation Commission specifically as noncontributing within their respective Historic Special Review or Conservation District buildings inventory at the preliminary meeting, provided that a timeline, financing, and design for a suitable replacement structure have been approved by the Landmarks Preservation Commission, or such requirements have been waived, pursuant to Section 13.05.048.

#### **13.05.049 Minimum buildings standards, historic.**

A. Prevention of Demolition by Neglect. The Landmarks Preservation Commission shall make a reasonable effort to notify the Building Official of historic properties that appear to meet the criteria for substandard buildings or property under TMC 2.01.060.

B. For buildings listed on the Tacoma Register of Historic Places which are found to be Substandard, Derelict, or Dangerous according to the Building Official, under the Minimum Building provisions of TMC 2.01, the following shall apply:

1. Because City landmarks are culturally, architecturally, and historically significant to the City and community, the historic status of a Substandard, Derelict, or Dangerous Building may constitute a “sufficient reason” for acceptance of alternate timelines and extensions upon agreed timelines; and

2. Any timelines and plans for the remediation of a dangerous City landmark, including for repair or demolition, shall not be accepted by the Building Official until the applicable procedures as set forth in this chapter for review of design or demolition by the Landmarks Preservation Commission have been satisfied, pursuant to TMC 2.01.040.F.

3. The Building Official may consider the Landmarks Preservation Commission to be an interested party as defined in TMC 2.01, and shall make a reasonable effort to keep the Commission notified of enforcement complaints and proceedings involving City Landmarks.

4. Nothing in this chapter shall be construed to prevent the alteration of any feature which the Building Official shall certify represents an immediate and urgent threat to life safety. The Building Official shall make a reasonable effort to keep the Historic Preservation Officer informed of alterations required to remove an unsafe condition involving a City Landmark.

C. The Historic Preservation Officer shall have the authority to administratively approve changes without prior Landmarks Preservation Commission review per Section 13.05.048, if, upon consultation with the Building Official and appropriate City Engineering staff, it is determined such changes are necessary to mitigate an immediate and

urgent threat of structural failure or significant damage to a City landmark. The circumstances and rationale for such an alteration shall be provided in a report to the Landmarks Preservation Commission at its next regular meeting.



## 2011 ANNUAL AMENDMENT

### Amendments to the Land Use Regulatory Code – Chapter 13.06

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

### Chapter 13.06

#### ZONING

Sections:

**13.06.100 Residential Districts.**

- 13.06.100.B.1 R-1 Single-Family Dwelling District.
- 13.06.100.B.2 R-2 Single-Family Dwelling District.
- 13.06.100.B.3 R-2 SRD Residential Special Review District.
- 13.06.100.B.4 HMR-SRD Historic Mixed Residential Special Review District.
- 13.06.100.B.5 R-3 Two-Family Dwelling District.
- 13.06.100.B.6 R-4-L Low-Density Multiple Family Dwelling District.
- 13.06.100.B.7 R-4 Multiple-Family Dwelling District.
- 13.06.100.B.8 R-5 Multiple-Family Dwelling District.
- 13.06.105 *Repealed.*
- 13.06.110 *Repealed.*
- 13.06.115 *Repealed.*
- 13.06.118 *Repealed.*
- 13.06.120 *Repealed.*
- 13.06.125 *Repealed.*
- 13.06.130 *Repealed.*
- 13.06.135 *Repealed.*
- 13.06.140 PRD Planned Residential Development District.
- 13.06.145 Small-lot single-family residential development.
- 13.06.150 Accessory dwelling units.
- 13.06.155 Day care centers.

**13.06.200 Commercial Districts.**

- 13.06.200.A District purposes.
- 13.06.200.B Districts established.
- 13.06.200.B.1 T Transitional District.
- 13.06.200.B.2 C-1 General Neighborhood Commercial District.
- 13.06.200.B.3 C-2 General Community Commercial District.
- 13.06.200.B.4 HM Hospital Medical District.
- 13.06.200.B.5 PDB Planned Development Business District.
- 13.06.200.C Land use requirements.
- 13.06.200.D Building envelope standards.
- 13.06.200.E Maximum setback standards on designated streets.
- 13.06.200.F Common requirements.

**13.06.300 Mixed-Use Center Districts.**

- 13.06.300.A District purposes.
- 13.06.300.B Districts established.
- 13.06.300.B.1 NCX Neighborhood Commercial Mixed-Use District.
- 13.06.300.B.2 CCX Community Commercial Mixed-Use District.
- 13.06.300.B.3 UCX and UCX-TD Urban Center Mixed-Use District.

- 13.06.300.B.4 RCX Residential Commercial Mixed-Use District.
- 13.06.300.B.5 CIX Commercial Industrial Mixed Use District.
- 13.06.300.B.6 NRX Neighborhood Residential Mixed-Use District.
- 13.06.300.B.7 URX Urban Residential Mixed-Use District
- 13.06.300.B.8 HMX Hospital Medical Mixed-Use District
- 13.06.300.C Applicability and pedestrian streets designated.
- 13.06.300.D Land use requirements.
- 13.06.300.E Building envelope standards.
- 13.06.300.F Maximum setback standards.
- 13.06.300.G Residential X-District Yard Space Standards.
- 13.06.300.H Common requirements.
- 13.06.400 Industrial Districts.**
- 13.06.400.A Industrial district purposes.
- 13.06.400.B Districts established.
- 13.06.400.B.1 M-1 Light Industrial District.
- 13.06.400.B.2 M-2 Heavy Industrial District.
- 13.06.400.B.3 PMI Port Maritime & Industrial District.
- 13.06.400.B.4 ST-M/IC South Tacoma Manufacturing/Industrial Overlay District.
- 13.06.400.C Land use requirements.
- 13.06.400.D Building envelope standards.
- 13.06.410 *Repealed.*
- 13.06.420 *Repealed.*
- 13.06.430 *Repealed.*
- 13.06.500 Requirements in all preceding districts.**
- 13.06.501 Building design standards.
- 13.06.502 Landscaping and/or buffering standards.
- 13.06.503 Residential transition standards.
- 13.06.510 Off-street parking and storage areas.
- 13.06.511 Transit support facilities.
- 13.06.512 Pedestrian and bicycle support standards.
- 13.06.520 Signs.
- 13.06.521 General sign regulations.
- 13.06.522 District sign regulations.
- 13.06.525 Adult uses.
- 13.06.530 Juvenile community facilities.
- 13.06.535 Special needs housing.
- 13.06.540 Surface mining.
- 13.06.545 Wireless communication facilities.
- 13.06.550 Work release centers.
- 13.06.555 View-Sensitive Overlay District.
- 13.06.560 Parks, recreation and open space.
- 13.06.600 Zoning code administration – General purposes.**
- 13.06.601 Public Facility Sites – Development Regulation Agreements Authorized.
- 13.06.602 General restrictions.
- 13.06.603 Mineral resource lands.
- 13.06.605 Interpretation and application.
- 13.06.610 *Repealed.*
- 13.06.620 Severability.
- 13.06.625 *Repealed.*
- 13.06.630 Nonconforming parcels/uses/structures.
- 13.06.635 Temporary use.
- 13.06.640 Conditional use permit.
- 13.06.645 Variances.
- 13.06.650 Application for rezone of property.
- 13.06.655 Amendments to the zoning regulations.
- 13.06.700 Definitions and illustrations.**

### 13.06.100 Residential Districts.

The 100 series will contain regulations for all residential classifications, including the following:

- R-1 Single-Family Dwelling District
- R-2 Single-Family Dwelling District
- R-2SRD Residential Special Review District
- HMR-SRD Historic Mixed Residential Special Review District
- R-3 Two-Family Dwelling District
- R-4 Multiple-Family Dwelling District
- R-4-L Low-Density Multiple-Family Dwelling District
- R-5 Multiple-Family Dwelling District
- PRD Planned Residential Development District (see Section 13.06.140)

A. District purposes. The specific purposes of the Residential Districts are to:

1. Implement the goals and policies of the City's Comprehensive Plan.
2. Implement the Growth Management Act's goals and county-wide and multi-county planning policies.
3. Provide a fair and equitable distribution of a variety of housing types and living areas.
4. Protect and enhance established neighborhoods.
5. Provide for predictability in expectations for development projects.
6. Allow for creative designs while ensuring desired community design objectives are met.
7. Strengthen the viability of residential areas by eliminating incompatible land uses, protecting natural physical features, promoting quality design, and encouraging repair and rehabilitation of existing residential structures.

8. Allow for the enhancement of residential neighborhoods with parks, open space, schools, religious institutions and other uses as deemed compatible with the overall residential character.

B. Districts established.

1. R-1 Single-Family Dwelling District. This district is intended for low-density, single-family detached housing. Other compatible uses such as residential care homes and shelters are also appropriate. The district is characterized by low residential traffic volumes and properties located within the View Sensitive Overlay district. It is most appropriate in established areas with a relatively quiet and stable neighborhood environment.
2. R-2 Single-Family Dwelling District. This district is intended primarily for low-density, single-family detached housing but may also allow limited lodging uses and uses such as limited holiday sales for Christmas and Halloween. The district is characterized by low residential traffic volumes and generally abuts more intense residential and commercial districts.
3. R-2SRD Residential Special Review District. This district is intended primarily for low-density, single-family detached housing, but it also may allow a limited number of two- and three-family dwellings by conditional use permit where the location, amount, and quality of such development would be compatible with the single-family character of the area and enhance the area's overall quality.
4. HMR-SRD Historic Mixed Residential Special Review District. This district is designed to apply to existing neighborhood areas or portions of existing neighborhood areas which have been designated as an historic special review district because the buildings within reflect significant aspects of Tacoma's early history, architecture, and culture as set forth and according to the procedures in Chapter 13.07, and which are characterized by a mix of residential buildings, including single family residential dwellings and multiple family dwellings, and where it is desirable to protect, preserve, and maintain the historic buildings. Single-family dwellings will continue to be the predominant land use within the HMR-SRD district. Conversion of existing multiple-family uses to single-family uses will be encouraged, but not required.

~~If any conflict is found between the regulations of this chapter and the guidelines and criteria of the Historic Special Review Districts found in Chapter 13.07, the guidelines and criteria shall prevail.~~

5. R-3 Two-Family Dwelling District. This district is intended primarily for two-family housing development. Uses such as single-family dwellings, three-family dwellings, and some lodging and boarding homes may also be appropriate. The district is characterized by low residential traffic volumes and generally abuts more intense residential and commercial districts.

6. R-4-L Low-Density Multiple-Family Dwelling District. This district is intended for low-density multiple-family housing, mobile home parks, retirement homes and group living facilities. It is similar to the R-4 Multiple-Family Dwelling District, but more restrictive site development standards are intended to minimize adverse impacts of permitted and conditional uses on adjoining land. The district is characterized by amenities and services associated with single- and two-family residential districts, and it is located generally along major transportation corridors and between higher and lower intensity uses.

7. R-4 Multiple-Family Dwelling District. This district is intended primarily for medium density multiple-family housing. Other appropriate uses may include day care centers, and certain types of special needs housing. The district is characterized by a more active living environment and is located generally along major transportation corridors and between higher and lower intensity uses.

8. R-5 Multiple-Family Dwelling District. This district is intended for high-density multiple family housing, as well as residential hotels, retirement homes, and limited mixed-use buildings. The district is generally located in the center of the city in close proximity to employment centers, conveniences, services, major transportation corridors, and public transportation facilities.

#### C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.100. All portions of 13.06.100 and applicable portions of 13.06.500 apply to all new development of any land use variety, including additions, and remodels, in all districts in Section 13.06.100, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.100.A through Section 13.06.100.C are not eligible for variances. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply. For individually designated properties listed on the Tacoma Register of Historic Places, and for contributing buildings within Historic Special Review Districts, where there is a conflict between the regulations of this chapter and historic guidelines and standards, the historic guidelines and standards shall prevail pursuant to TMC 13.05.046.

2. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

3. Use table abbreviations.

P = Permitted use in this district.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
N = Prohibited use in this district.

4. District use table.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
* * *									
<a href="#"><u>Craft food and non-alcoholic beverage production</u></a>	N	N	N	N	N	N	N	N	
* * *									
Dwelling, single-family detached	P	P	P	P	P	P	P	P	No lot shall contain more than one-dwelling unless each dwelling complies with the use regulations, height regulations, area regulations, and parking regulations of the district.
Dwelling, two-family	N	N	P/CU	P/CU	P	P	P	P	<del>In the For</del> R-2SRD and HMR-SRD districts, two-family dwellings are permitted if lawfully in existence at the time of reclassification to R-2SRD/HMR-SRD or only upon issuance of a conditional use permit. See Section 13.06.640.
Dwelling, three-family	N	N	P/CU	P/CU	P	P	P	P	<del>In the For</del> R-2SRD and HMR-SRD <u>districts</u> , three-family dwellings are permitted if lawfully in existence at the time of reclassification to R-2SRD or HMR-SRD. New three-family dwellings are permitted only upon issuance of a conditional use permit. See Section 13.06.640. For R-3, three-family dwellings are permitted, provided existing single- or two-family dwellings shall not be enlarged, altered, extended, or occupied as a three-family dwelling, unless the entire building is made to comply with all zoning standards applicable to new buildings; and, further provided such existing structures shall not be enlarged or extended, unless such enlargement, extension, or alteration is made to conform to the height, area, and parking regulations of this district.
Dwelling, multiple-family	N	N	N	P/N	N	P	P	P	<del>In the For</del> HMR-SRD <u>district</u> , only multiple-family dwellings lawfully in existence on December 31, 2005 are permitted. Such multiple-family dwellings may continue and may be changed, repaired, and replaced, or otherwise modified, provided, however, that the use may not be expanded beyond property boundaries owned, leased, or operated as a multiple-family dwelling on December 31, 2005.
Dwelling, townhouse	N	N	CU	N	P	P	P	N	Subject to additional requirements contained in Section 13.06.100.G.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
Dwelling, accessory (ADU)	P/N	P/N	P/N	P/N	P	P	P	P	In <u>the</u> R-1, R-2, R-2SRD and HMR-SRD districts, <i>detached</i> ADUs are prohibited while <i>attached</i> ADUs are permitted. Subject to additional requirements contained in 13.06.150.
* * *									
Eating and drinking	N	N	N	N	N	N	N	P	For R-5, minor eating and drinking establishments are permitted, provided they are within retirement homes, continuing care retirement communities, student housing, apartment complexes, or similar facilities, <del>and</del> are designed primarily to serve on-site residents, <u>and are consistent with a restaurant use per Section 13.06.700.E.</u>
Emergency and transitional housing	N	N	N	N	N	CU	CU	CU	Subject to additional requirements contained in Section 13.06.535.
Extended care facility	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
<del>Food and non-alcoholic beverage production and processing, limited</del>	<del>N</del>	-							
* * *									
Group housing	P	P	P	P	P	P	P	P	<del>In the</del> For R-1, R-2, R-2SRD, and HMR-SRD districts, group housing is limited to 6 or fewer unrelated adults. <del>In the</del> For R-3 districts, group housing is limited to 15 or fewer unrelated adults. <del>In the</del> For R-4L, R-4 and R-5 districts, there is no limit to the allowed number residents in a group housing facility.
* * *									
<del>Park</del> , <del>and</del> recreation <u>and open space</u>	<u>P/CU</u>	<u>Parks, recreation and open space uses are permitted outright. However, the following parks and recreation features and facilities require a Conditional Use Permit:</u>  <ul style="list-style-type: none"> <li>• <u>Destination facilities</u></li> <li>• <u>High-intensity recreation facilities</u></li> <li>• <u>High-intensity lighting</u></li> <li>• <u>Development of more than 20 off-street parking spaces</u></li> </ul> <u>Parks, recreation and open space uses are subject to the requirements of Section 13.06.560, where the above features are defined.</u>							
* * *									

D. Lot size and building envelope standards.

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<b>Minimum Lot Area (in square feet, unless otherwise noted)</b>								
* * *								
Mobile home/ <del>trailer court-parks</del>						3.5 acres, provided at least 3,500 sq. ft. is provided for each mobile home- <del>lot</del>		
Pre-existing lots	A lot which was a single unified parcel of land as indicated by the records of the Pierce County Auditor as of May 18, 1953 or a lot which was configured legally to conform to the applicable requirements but which became nonconforming as a result of subsequent changes to this chapter or other official action by the City, and which has been maintained in that configuration since, having an average width, frontage, or area that is smaller than the applicable minimum requirements may be occupied by a single-family dwelling; provided all other applicable requirements are complied with, including required setbacks, yards and design standards (see Sections <a href="#">13.06.145</a> and <a href="#">13.06.630</a> ).							
Exceptions to Minimum Lot Area Requirements	Reductions to minimum lot area requirements may be allowed pursuant to Section 13.06.145.							
<b>Lot Measurements (in feet)</b>								
Minimum Average Lot Width	50	50	50	50	50	50	50	50
	16 for townhouse dwellings							
Minimum Lot Frontage	25	25	25	25	25	50	50	50
	The minimum lot frontage requirement does not apply to townhouse dwellings. <a href="#">Pipestem lots which only serve one single-family dwelling are not required to meet the minimum lot frontage requirements, provided the access easement or lot extension to such pipestem lot has a minimum width of 10 feet.</a>							
Exceptions to Minimum Lot Width	Reductions to minimum lot width may be allowed pursuant to Section 13.06.145.							
<b>Lot Coverage (percentage)</b>								
Maximum lot coverage	-	-	-	-	-	35	-	-
<b>Max. Height Limits (in feet)</b>								
	<del>Buildings within a View Sensitive Overlay district are subject to the requirements contained in 13.06.555-</del>							
Main Buildings	35	35	35	35	35	35	60	150
Accessory Buildings	18-feet for buildings with sloped roofs with a minimum pitch of 3:12 15-feet for other accessory structures, buildings with flat roofs or with roofs with a pitch of less than 3:12 and for buildings in View Sensitive Overlay Districts.							
<u>Exceptions</u>	<a href="#">Buildings within a View Sensitive Overlay district are subject to the additional height restrictions contained in 13.06.555.</a> <a href="#">Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602.</a>							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<b>Setbacks (in feet)</b>	<p>These residential setback requirements are designed to provide yard areas that help to minimize impacts between neighboring uses, allow space for recreational activities, allow access to light and air, serve as filtration areas for storm water run-off, provide a level of privacy and comfort, provide emergency and utility access around and into buildings, provide public view corridors, create a pleasing, rhythmic streetscape, promote consistency with existing development patterns, and promote the desired character of residential neighborhoods.</p> <p><u>Certain conditional uses may require different minimum setbacks. See Section 13.06.640.</u></p>							
Minimum Front Setback	25	20	20	20	20	20	15	10
	<p>For townhouse dwellings, the minimum front yard setback shall apply only along the front property line of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.<del>501.N400.G</del>.</p> <p>Garage doors that face the front property line, where such property line abuts a public street or private road, shall be setback a minimum of 20 feet from the front property line or private road easement.</p> <p><u>Pipestem lots shall provide the required front setback along one of the property lines that abut or are nearest to the accessway/lot extension. The accessway/lot extension shall not be included when measuring the setback. The front yard setback will determine the orientation of the other required setbacks.</u></p>							
* * *								
<b><u>Additional Residential Development Standards</u></b>								
Minimum <u>Usable</u> Yard Space	<p>All lots shall provide a contiguous rear or side useable yard space equivalent to at least 10% of the lot size. This usable yard space shall meet all of the following standards:</p> <ul style="list-style-type: none"> <li>• Have no dimension less than 15-feet, except for lots that are less than 3500 SF, where the minimum dimension shall be no less than 12 feet</li> <li>• Not include <u>structures, parking</u>, alley or driveway spaces or required buffers</li> <li>• Not be located in the front yard</li> </ul> <p>For townhouse and multi-family developments, this <u>usable</u> yard space requirement can be calculated based on the overall project site and the yard space(s) provided to meet the requirement can be any combination of individual and shared yard spaces, as long as each meets the above standards and as long as all dwellings have access to at least one qualifying yard space.</p>							
<u>Vehicular Access and Parking</u>	<p><u>All on-site parking for dwellings and buildings other than dwellings shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard or not practicably limited only to the rear and sides (such as for institutional and other large uses), subject to determination by the City Engineer, then vehicular access to the front may be developed. However, in all cases such access and parking shall be limited to the minimum necessary and in no case shall driveway and/or parking areas exceed a total of 50 percent of the front yard or 50 percent of a corner street side yard.</u></p>							
* * *								

F. Accessory building standards. Accessory buildings permitted per [Section 13.06.100.C.4](#), such as garages, sheds, common utility and laundry facilities, and business offices and recreational facilities for mobile home/[trailer courts parks](#) and multi-family uses, are subject to the following location and development standards:

1. The total square footage of [all](#) accessory building [footprints](#) shall be no more than [87.5%](#) of the square footage of the main building [footprint](#) and no more than 15% of the square footage of the lot. In addition, the total [building footprint](#) square footage of structures accessory to a single-family dwelling shall not exceed 1,000 square feet, except where properties contain a detached accessory dwelling unit, [in which case, when](#) the total square footage of accessory building [footprints](#) (including the detached ADU) shall be no more than 1,500 square feet. See Section 13.06.150 for [ADU standards on Accessory Dwelling Units](#).
2. A stable shall be located [at least not less than](#) 25 feet from any street right-of-way line [and at least not less than](#) seven and one-half feet from any side lot line. The capacity of a private stable shall not exceed one horse for each 20,000 square feet of lot area.
3. Except for an approved Accessory Dwelling Unit (ADU – see Section 13.06.150), an accessory building shall contain no habitable space. Plumbing shall not be permitted in an accessory building without a finding by the Building Official that such plumbing is not to be utilized in conjunction with habitable space within [the an](#) accessory building or will not permit the accessory building to be utilized as habitable space.

\* \* \*

G. Townhouse Standards. [Refer to Section 13.06.501.O for design standards that](#)~~The following requirements apply to all townhouse developments in R-Districts. These requirements are intended to provide façade articulation that emphasizes individual units and reduces the apparent mass of structures, minimize impacts of vehicular access and service elements, and emphasize pedestrian access and building orientation to the street.~~

#### ~~1. Building Mass:~~

- ~~a. The maximum number of attached units in one cluster is six, with minimum spacing between clusters of 10 feet.~~
- ~~b. Unit articulation. Facades with more than two townhouses facing a street, alley, common open space or common parking area shall be articulated to emphasize individual units. This can be accomplished by either roofline modulation consistent with Section 13.06.501.I and/or vertical building modulation. To qualify for 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. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.~~
- ~~c. At least 15 percent of the facade (all vertical surfaces facing the street) shall be comprised of transparent windows and/or doors. Rough openings shall be used to calculate this requirement.~~

#### ~~2. Garage Orientation & Vehicular Access:~~

- ~~a. Garage doors shall not face any street~~
- ~~b. Vehicular access and garages for all units shall be placed off of the alley, where suitable access is available, such as an abutting right of way that is or can practicably be developed.~~
- ~~c. Where street front vehicular access is necessary, driveway approaches shall be limited to no more than one for every 9 units in the development.~~
- ~~d. Driveway approach widths along public or private roads are limited to 14 feet when serving one unit and 20 feet in width when serving multiple units.~~

#### ~~3. Pedestrian Orientation:~~

- ~~a. Townhouses fronting on a street must all have individual, ground-related entries that are accessible from the sidewalk.~~
- ~~b. A continuous pedestrian walkway composed of a raised sidewalk or a material that is distinct from adjacent parking or driving surfaces must be provided between the front entrance of each unit and the nearest public sidewalk. Walkways accessing individual units shall be a minimum of 4 feet wide and walkways accessing multiple units shall be a minimum of 5 feet wide.~~

#### ~~4. Utilities:~~

- ~~a. 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.~~

~~b. 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.~~

H. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Section 13.06.500. These requirements apply to Section 13.06.100 by reference.:

~~Refer to Section 13.06.500 for the following requirements in Section 13.06.100 districts:~~

13.06.501 Building design standards

13.06.502 Landscaping and/or buffering standards.

13.06.510 Off-street parking and storage areas.

13.06.511 Transit support facilities.

13.06.512 Pedestrian and bicycle support standards.

13.06.520 Signs

13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area)

**13.06.140 PRD Planned Residential Development District.**

\* \* \*

B. Procedures. Application for reclassification to a PRD District shall be made in accordance with the provisions of Chapter 13.05 and Section 13.06.650. Applications for reclassification to a PRD District shall bear the written consent of the owners of all property within the proposed PRD. Applications for a major modification to an existing PRD District shall bear the written consent of the owners of the specific properties proposed to be modified.

An application for site approval shall accompany a request for reclassification to a PRD District. Applications filed subsequent to such a reclassification shall be considered by the Land Use Administrator. Where only a portion of the development is submitted for site approval, a preliminary plan for the remainder of the development shall also be submitted, indicating the intended layout for the remainder of the development.

The Hearing Examiner shall conduct a public hearing on all applications for site approval which accompany a reclassification request. In acting upon a request for site approval, the Hearing Examiner or Land Use Administrator shall consider, but not be limited to, the following criteria:

\* \* \*

4. A plan or plans at a scale of not less than one inch equals 200 feet for the proposed development showing:

a. Proposed name of the development, north point, scale, date, legal description, and names and addresses of the developer, engineer, surveyor, land planner, and landscape architect.

b. The basic layout of the site or portion thereof, including lot design, if any, building locations, street layout, and roadway widths.

c. Horizontal alignment data for all streets and vehicular accessways.

d. Any areas proposed to be dedicated or reserved for public parks, schools, or playgrounds, or otherwise dedicated or reserved for public purposes.

e. Other undedicated open space set aside for the use of the residents of the development in common.

f. A general land use plan for the proposed district indicating the areas to be used for the various purposes.

g. Types of dwellings and site locations there~~offer~~.

\* \* \*

C. General requirements.

\* \* \*

20. There shall be adequate provisions to insure the perpetual maintenance of all non-dedicated accessways and all other areas used, or available for use, in common by the occupants of the PRD District.

\* \* \*

F. Area regulations.

1. Setback regulations. A minimum 20-foot building setback shall be maintained from the district property line on the perimeter of the PRD District. Setbacks from dedicated arterial streets within the PRD District shall be maintained in accordance with the requirements of the residential district with which it is combined.

The distance separating buildings, exclusive of accessory buildings, shall be not less than twice the standard side yard setback for the applicable base zoning district~~15 feet~~, except that a building on a platted lot may be attached to any building or buildings on any adjoining platted lot or lots, or, if unattached, a building setback equal to that required in the base zoning district~~of not less than seven and one half feet~~ shall be maintained from such adjoining lot line or lines. Accessory buildings shall not be permitted within required setback areas.

Building setbacks from the PRD District boundary, from dedicated streets adjacent to and within the PRD District, and from other buildings shall be increased by one-half foot for each one foot the height of such a building or structure exceeds 35 feet.

\* \* \*

6. Common Open Space. A minimum of one-third of the gross site area of the PRD District shall be provided as common open space. For the purpose of this section, common open space shall be defined as land which is provided or maintained for the general enjoyment of the residents of the PRD District or the general public and not used for buildings, dedicated public rights-of-way, private access/road easements, driveways, traffic circulation and roads, private yards, required sidewalks, utility areas, storm water facilities (unless also developed as a recreational area), parking areas, or any kind of storage. Common open space includes, but is not limited to woodlands, open fields, streams, wetlands, other water bodies, habitat areas, steep slope areas, landscaped areas, parks, beaches, community gardens, courtyards, or recreation areas.

\* \* \*

**13.06.145 Small-lot single-family residential development.**

\* \* \*

6. Functional yard space. All lots shall provide at least one contiguous yard space equivalent to at least 10 % of the lot size. (See examples below) This usable yard space shall:

- a. Feature minimum dimensions of 15 feet<sup>2</sup> on all sides, except for lots that are less than 3,500 SF, where the minimum dimensions shall be no less than 12 feet.
- b. Not include alleys or driveways space
- c. Not be located within the front yard

\* \* \*

**13.06.150 Accessory dwelling units.**

\* \* \*

B. Procedures. Any property owner seeking to establish an ADU in the City of Tacoma shall apply for approval in accordance with the following procedures:

- 1. Application. Prior to installation of an ADU, the property owner shall apply for an ADU permit with Building and Land Use Services. A complete application shall include a properly completed application form, floor and structural plans for modification, fees as prescribed in subsection B.2 below, and an affidavit of owner occupancy as prescribed in subsection B.3 below.
- 2. Fees. Fees shall be required in accordance with Section 2.09.020. Upon sale of the property, a new owner shall be required to sign a new affidavit and to register the ADU, paying the applicable fee in accordance with Section 2.09.020.
- 3. Affidavit. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the ADU, and agrees to all requirements provided in subsection C.

~~4. Permit. Upon receipt of a complete application, application fees, and a notarized affidavit, and upon approval of the structural plans, an ADU permit shall be issued to the property owner.~~

~~4.5. Notice on title. Concomitant agreement. Upon issuance of the ADU permit, the property owner of any property containing an ADU shall record with the Pierce County Auditor a notice on title of the ADU-ized concomitant agreement. Such notice agreement shall be in a form as specified by Building and Land Use Services, and shall include as a minimum: (a) the legal description of the property which has been permitted for the ADU; and (b) the conditions necessary to apply the restrictions and limitations contained in this section. The property owner shall submit proof that the notice on title concomitant agreement has been recorded prior to inspection and issuance of an ADU permit certificate of approval by Building and Land Use Services. The notice on title concomitant agreement shall run with the land as long as the ADU is maintained on the property. The property owner may, at any time, apply to Building and Land Use Services for a termination of the notice on title concomitant agreement. Such termination shall be granted upon proof that the ADU no longer exists on the property.~~

~~5. Permit. Upon receipt of a complete application, application fees, a notarized affidavit, proof of recorded notice on title, and approval of any necessary building or other construction permits, an ADU permit shall be issued.~~

~~6. Inspection. After the City has: (a) received a completed application, application fees, and a signed affidavit; (b) approved an ADU permit; and (c) received a recorded concomitant agreement, the City shall inspect the property to confirm that minimum and maximum size limits, required parking and design standards, and all applicable building, health, safety, energy, and electrical code standards are met. Satisfactory inspection of the property shall result in the issuance of a certificate of approval.~~

~~7. Notification. Upon inspection and issuance of a certificate of approval for the ADU, the City will send a non-appealable notice to owners of property within 400 feet of the site, enclosing requirements for the ADU and a copy of the concomitant agreement signed by the applicant.~~

~~8. Reports. Building and Land Use Services shall report annually to the City Council regarding ADU applications. The report shall include: (a) the number of units established; (b) the geographic distribution of the units; (c) the average size of the units; and (d) the number and type of completed regulatory enforcement actions. The ADU ordinance will be reassessed every five years, or sooner, if records show that 20 percent of the single-family structures within any census tract or City-wide have ADUs.~~

~~9. Violations. A violation of this section regarding provision of ownership shall be governed by subsection C.5, and a violation of provision of legalization of nonconforming ADUs shall be governed by subsection C.10. Violations of any other provisions shall be governed by Section 13.05.100.~~

\* \* \*

### **13.06.155 Day care centers.**

A. Purpose. It is found and declared that day care centers are facilities which perform a needed community service. The City of Tacoma recognizes the need for locating day care centers within areas which they service and. ~~When locating in R-1, R-2, R-2SRD, HMR-SRD, and R-3 Districts, day care centers shall obtain a conditional use permit. Day care centers with an enrollment of more than 50 children or adults in PRD Districts and in R-4 L, R-4, and R-5 Multiple Family Dwelling Districts shall also obtain a conditional use permit. The purpose of requiring a conditional use permit is to ensure~~ ing, to the extent possible, that day care centers in residential districts will be compatible with the surrounding neighborhood and will not adversely affect adjacent ~~neighboring~~ properties.

\* \* \*

13.06.200 Commercial Districts.

\* \* \*

4. District use table.

Uses	T	C-1	C-2 <sup>1</sup>	HM	PDB	Additional Regulations <sup>2,3</sup> (also see footnotes at bottom of table)
* * *						
Brewpub	N	N	P	N	N	2,400 barrel annual brewpub production maximum, equivalent volume wine <del>ry</del> limit.
* * *						
<u>Craft food and non-alcoholic beverage production</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>See Section 13.06.700.C for use definition, which includes certain size limitations. In C-1 Districts, all production, processing, and distribution activities are to be conducted within an enclosed building.</u>
* * *						
Eating and drinking	N	<u>P/</u> <u>CU</u>	P	<u>P*</u>	<u>P*/</u> <u>CU*</u>	<u>In the C-1 and PDB districts, restaurants are permitted outright while drinking establishments require a conditional use permit. See Section 13.06.700.E for the definitions of restaurants and drinking establishments.</u> <u>In the C-2 district, live entertainment is limited to that consistent with either a Class “B” or Class “C” Cabaret license as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with a Class “C” cabaret license as designated in Section 6B.70.</u> <u>a. In C-1 and PDB, live entertainment limited to that consistent with a Class “C” Cabaret license as designated in Chapter 6B.70;</u> <u>b. In C-2, live entertainment limited to that consistent with either a Class “B” or Class “C” Cabaret license as designated in Chapter 6B.70;</u> <u>e. Alcohol service, in C-1 and PDB, requires a conditional use permit.</u> <u>*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts (See Table 13.06.200.D for size limitation in HM and PDB)</u>
* * *						
<u>Food and non-alcoholic beverage production and processing, limited</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>Not to exceed 4,000 square feet or 45 percent of the floor area, whichever is less, and must include a retail component fronting the street at the sidewalk level.</u>
* * *						
Microwinery, limited	N	CU	P	N	CU	<u>Alcohol service, in C-1 and PDB zones, requires a conditional use permit.</u> Must include a retail component that occupies a minimum of 500 gross square feet of usable space, fronts the street at sidewalk level or has a well-marked and visible entrance at sidewalk level, and is open to the public a minimum of forty (40) hours per week. All production activities must be conducted within an enclosed building. Within C-1 districts, no outside storage is allowed. Outside storage is allowed in all other districts where this use is permitted provided screening and/or buffer <u>landscapeplanting</u> areas are <u>plantedprovided</u> in accordance with Section 13.06.502.B.
* * *						
<u>Parks, <del>and</del> recreation <u>and open space</u></u>	P	P	P	P	P	<u>Subject to the requirements of Section 13.06.560.D.</u>

Uses	T	C-1	C-2 <sup>1</sup>	HM	PDB	Additional Regulations <sup>2,3</sup> (also see footnotes at bottom of table)
Passenger terminal	N	N	P	N	N	
Personal Services	N	P	P	P*	P*	<u>*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts. See Table 13.06.200.D for size limitation in PDB and HM.</u>
* * *						
Retail	N	P	P	P*	P*	<u>*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts. See Table 13.06.200.D for size limitation in PDB and HM.</u>
* * *						
Self-storage	N	N	P	N	P	Any other use of the facility shall be consistent with this section. <u>See specific requirements in Section 13.06.503.B.</u>
* * *						
Vehicle service and repair	N	<del>N/P*</del>	P	N	N	<u>*In the C-1 District, car washes are allowed with a limited of 2 washing bays stalls in C-1. Washing bays shall be enclosed on at least 2 sides and covered with a roof. No water shall spray or drain off-site.</u> Subject to development standards contained in Section 13.06.510.E. Prohibited in any commercial district combined with a VSD View Sensitive Overlay District and adjacent to a Shoreline District (i.e., Old Town Area).
* * *						

D. Building envelope standards.

	T	C-1	C-2	HM	PDB
* * *					
Maximum Height Limit	35 feet	35 feet	45 feet	150 feet	45 feet
	Height will be measured consistent with Building Code, Height of Building, unless a View Sensitive Overlay District applies. Height may be further restricted in View-Sensitive Overlay Districts, <u>per Section 13.06.555.</u> <u>Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602.</u>				
Maximum Height Exceptions	<ol style="list-style-type: none"> <li>1. <del>Schools, libraries, structures for religious assembly, colleges: In districts with a height limit of 35 feet, these facilities, when permitted as a use, are allowed at a maximum 45 feet in height.</del></li> <li>2. <del>Structures, above height limits: Chimneys, tanks, towers, steeples, flagpoles, smokestacks, silos, elevators, fire or parapet walls, and/or similar necessary building appurtenances may exceed the district height limit provided all structural or other requirements of the City of Tacoma are met and no usable floor space above the district height limit is added.</del></li> </ol>				
Maximum Floor Area per Building	<del>20,000 square feet per building</del> None	30,000 square feet per building	None	7,000 square feet per business for eating and drinking, retail and personal services uses	7,000 square feet per business for eating and drinking, retail and personal services uses

E. Maximum setback standards on designated streets. To achieve a pedestrian supportive 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:

Designated Pedestrian Streets in Commercial Districts	Requirements
<b>1. Designated Pedestrian Streets Requiring Maximum Setback</b>	<ul style="list-style-type: none"> <li>a. 6th Avenue (Madison Street to Alder Street).</li> <li>b. 6th Avenue (Sprague Avenue to I Street).</li> <li>c. North 30th Street (from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline).</li> </ul>
<b>2. Maximum Setback Applied</b>	<ul style="list-style-type: none"> <li>a. 10 feet maximum front and/or corner side setback from property lines at the public right-of-way shall be provided for at least 75 percent of building facing the designated street frontage.</li> <li>b. When the site is adjacent to a designated pedestrian street, that street frontage shall be utilized to meet the maximum setback requirement with the front, side, and/or corner side of the facade as indicated above.</li> <li>c. This requirement supersedes any stated minimum setback.</li> <li>d. 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>
<b>3. Exceptions</b>	<ul style="list-style-type: none"> <li>a. Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided the addition does not increase the level of nonconformity as to maximum setback..</li> <li>b. Buildings that are 100 percent residential do not have a maximum setback..</li> <li>c. The primary building of a gas station, where gas 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.</li> <li><u>d. 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> </ul>

\* \* \*

F. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Section 13.06.500. These requirements apply to Section 13.06.200 by reference.

Refer to Section 13.06.500 for the following requirements in Section 13.06.200 districts:

13.06.501 Building design standards.

13.06.502 Landscaping and/or buffering standards.

13.06.503 Residential transition standards.

13.06.510 Off-street parking and storage areas.

13.06.511 Transit support facilities.

13.06.512 Pedestrian and bicycle support standards.

13.06.520 Signs.

13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area)

### 13.06.300 Mixed-Use Center Districts.

\* \* \*

B. Districts established. The following specific districts are established to implement the purposes of this section and the goals and policies of Tacoma's Comprehensive Plan:

1. NCX Neighborhood Commercial Mixed-Use District. To provide areas primarily for immediate day-to-day convenience shopping and services at a scale that is compatible and in scale with the surrounding neighborhood, including local retail businesses, professional and business offices, and service establishments. This district is intended to enhance, stabilize, and preserve the unique character and scale of neighborhood centers and require, where appropriate, continuous retail frontages largely uninterrupted by driveways and parking facilities with street amenities and direct pedestrian access to the sidewalk and street. Residential uses are encouraged as integrated components in all development.
2. CCX Community Commercial Mixed-Use District. To provide for commercial and retail businesses intended to serve many nearby neighborhoods and draw people from throughout the City. These areas are envisioned as evolving from traditional suburban development to higher density urban districts. Walking and transit use are facilitated through designs which decrease walking distances and increase pedestrian safety. Uses include shopping centers with a wide variety of commercial establishments; commercial recreation; gas stations; and business, personal, and financial services. Residential uses are encouraged in CCX Districts as integrated development components.
3. UCX and UCX-TD Urban Center Mixed-Use District. To provide for dense concentration of residential, commercial, and institutional development, including regional shopping centers, supporting business and service uses, and other regional attractions. These centers are to hold the highest densities outside the Central Business District. An urban center is a focus for both regional and local transit systems. A TD designation is used for the Urban Center Mixed-Use District in the Tacoma Dome area to provide specific transit-oriented development, consistent with the Tacoma Dome Area Plan. Walking and transit use is facilitated through designs which decrease walking distances and increase pedestrian safety. Residential uses are encouraged in UCX Districts as integrated development components.
4. RCX Residential Commercial Mixed-Use District. To provide sites for medium- and high-intensity residential development in centers, with opportunities for limited mixed use. This district is primarily residential in nature and provides housing density on the perimeter of more commercial mixed-use zones. Commercial uses in this district are small in scale and serve the immediate neighborhood. These uses provide opportunities for employment close to home. This district frequently provides a transition area to single-family neighborhoods.
5. CIX Commercial Industrial Mixed-Use District. To provide sites for a mix of commercial establishments and limited industrial activities, including light manufacturing, assembly, distribution, and storage of goods, but no raw materials processing or bulk handling. Larger scale buildings are appropriate. Residential uses are permitted.
6. NRX Neighborhood Residential Mixed-Use District. To provide for a predominantly residential neighborhood, to discourage removal of existing single-family residential structures; and to encourage in-fill residential development of appropriate size and design. This district is designed for areas characterized by an established mix of housing types and limited neighborhood commercial uses, in areas which were formerly zoned to permit residential development at densities greater than single-family, where redevelopment removed many existing single-dwelling structures and where there is continued development pressure that threatens single-family dwellings. Adaptive reuse of existing single-family detached structures as duplexes or triplexes is permitted with special review. Multiple-family dwellings in existence at the time of reclassification to NRX are conforming uses.
7. URX Urban Residential Mixed-Use District. To provide sites for medium intensity residential development, such as townhouses, condos and apartments. This district is residential in nature and provides housing density in proximity to more commercial mixed use zones. This district serves as a transition between more intensive MUC uses and surrounding residential areas.
8. HMX Hospital Medical Mixed-Use District. This district is intended for limited areas that contain hospitals and/or similar large-scale medical facilities along with a dense mix of related and supportive uses, such as outpatient medical offices, care facilities, counseling and support services, medical equipment and support facilities, food and lodging. Residential uses are also appropriate. The district includes ~~with~~ limitations on non-medical and non-related uses, to only allow uses which may serve typical needs of medical centers such as food and lodging. It is not intended for introduction into areas not containing or non-contiguous to a hospital or similar facility. Residential uses are also appropriate. Walking and transit use is facilitated through designs which decrease walking distances and increase pedestrian safety. This classification is not appropriate inside Comprehensive Plan designated low-intensity areas.

\* \* \*

D. Land use requirements.

1. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

2. Use table abbreviations.

P	= Permitted use in this district.
CU	= Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
TU	= Temporary use consistent with Section 13.06.635.
N	= Prohibited use in this district.

3. District use table.

Uses	NCX	CCX	UCX	UCX-TD	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
* * *										
Correctional facility	N	N	N	N	N	N	N	N	N	
<u>Craft food and non-alcoholic beverage production</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>See Section 13.06.700.C for use definition, which includes certain size limitations.</u> <u>In NCX, CCX, and RCX Districts, all production, processing, and distribution activities are to be conducted within an enclosed building.</u>
Cultural institution	P	P	P	P	N	P	N	N	N	
* * *										
Eating and drinking	P	P	P	P	P	P	P*	N	N	Outdoor seating is permitted with a 12-seat maximum in RCX. In RCX live entertainment is limited to that consistent with a Class “C” Cabaret license, as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with a either a Class “B” or Class “C” Cabaret license, as designated in Chapter 6B.70. *Limited to 7,000 square feet of floor area, per <u>business development site</u> , in the HMX District.
Emergency and transitional housing	CU	P	P	P	CU	N	CU	CU	CU	See Section 13.06.535. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Extended care facility	P	P	P	P	P	P	P	P	P	See Section 13.06.535. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
<u>Food and non-alcoholic beverage production and processing, limited</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Not to exceed 4,000 square feet or 45 percent of the floor area, whichever is less, and must include a retail component fronting the street at the sidewalk level.</u>

Uses	NCX	CCX	UCX	UCX-TD	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Foster home	P	P	P	P	P	P	P	P	P	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
* * *										
Parks, <del>and</del> recreation <u>and open space</u>	P	P	P	P	P	P	P	P	P	Not subject to RCX residential requirement. <sup>1</sup> <u>Subject to the requirements of Section 13.06.560.D.</u>
Passenger terminal	P	P	P	P	N	P	N	N	N	
Personal Services	P	P	P	P	P	P	P*	N	N	*Limited to 7,000 square feet of floor area, per <u>business development site</u> , in the HMX District.
* * *										
Retail	P	P	P	P	P	P	P*	N	N	*Limited to 7,000 square feet of floor area, per <u>business development site</u> , in the HMX District.
* * *										
Seasonal sales	TU	TU	TU	TU	TU	TU	TU	TU	TU	Subject to Section 13.06.635.
Self-storage	N	P	P	P	N	P	N	N	N	<u>See specific requirements in Section 13.06.503.B.</u> In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Staffed residential home	P	P	P	P	P	P	P	P	P	See Section 13.06.535. See definition for bed limit. Prohibited at street level along designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup> Not subject to minimum densities found in Section 13.06.300.E.
* * *										
Utilities	CU	CU	CU	CU	CU	CU	CU	CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> Not subject to RCX residential requirement. <sup>1</sup>
Vehicle rental and sales	N*	P	P	P	N	P	N	N	N	In UCX-TD, only permitted if 50 percent of site contains an enclosed building. In CCX Districts, prohibited <u>at street level</u> along frontage of designated core pedestrian streets. <sup>2</sup> *Use permitted in the 56th Street and South Tacoma Way Mixed-Use Center NCX only, if all activities occur within buildings; outdoor storage repair, and sales are prohibited.
Vehicle service and repair	N*	P	P	P	N	P	N	N	N	All activities must occur within buildings; outdoor storage and/or repair is prohibited. <u>Subject to development standards contained in Section 13.06.510.E.</u> In UCX-TD, only permitted if 50 percent of site contains an enclosed building. In CCX Districts, prohibited along frontage of designated core pedestrian streets. <sup>2</sup> *Use permitted in the 56th Street and South Tacoma Way Mixed-Use Center NCX only, <u>provided</u> all activities occur <u>entirely</u> within buildings; outdoor storage and/or repair is prohibited.

Uses	NCX	CCX	UCX	UCX-TD	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Vehicle service and repair, industrial	N	N	P	P	N	P	N	N	N	<a href="#">Subject to additional development standards contained in Section 13.06.510.E.</a>
Vehicle storage	N	N	N	N	N	P	N	N	N	Subject to development standards contained in Section 13.06.510.D.

\* \* \*

**Footnotes:**

1. The floor area of any development in RCX must be at least 75 percent residential, unless otherwise noted.
2. For uses that are restricted from locating at street-level along designated pedestrian or core pedestrian streets, the following limited exception is provided. Entrances, lobbies, management offices, and similar common facilities that provide access to and service a restricted use that is located above and/or behind street-level uses shall be allowed, as long as they occupy no more than 50-percent or 75 feet, whichever is less, of the site's street-level frontage on the designated pedestrian or core pedestrian street. See Section 13.06.300.C. for the list of designated pedestrian and core pedestrian streets.
3. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.
4. Commercial shipping containers shall not be an allowed type of accessory building in any mixed-use zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.635.

[5. Additional restrictions on the location of parking in mixed-use zoning districts are contained in the parking regulations – see Section 13.06.510.A.1 Table 2](#)

\* \* \*

E. Building envelope standards.

1. The following table contains the primary building envelope requirements. See Section 13.06.501 for additional requirements:

	NCX	CCX	UCX	UCX-TD	RCX	CIX	HMX	URX	NRX	Additional Requirements
* * *										
Maximum height of structures (feet)	45 feet <sup>1</sup> ; 65 feet in the Stadium Mixed-Use Center <sup>1</sup>	60 feet; 75 feet, if at least 25 percent of floor area is residential or through use of TDRs from an identified TDR sending area <sup>4</sup> .	75 feet; 120 feet, if at least 25 percent of floor area is residential or through use of TDRs from an identified TDR sending area <sup>4</sup> .	75 feet <sup>2</sup> , 120 feet, if for a cultural institution or at least 25 percent of floor area is residential, including hotels, or through use of TDRs from an identified TDR sending area <sup>4</sup> .	60 feet <sup>1</sup>	75 feet	150 feet	45 feet <sup>3</sup>	35 feet	Height will be measured consistent with Building Code, Height of Building. Maximum heights, shall be superseded by the provisions of Section 13.06.503.A. <a href="#">Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602.</a>
	<sup>1</sup> In NCX, RCX, and CIX Districts, additional height above these standard height limits may be allowed in certain areas through the X-District Height Bonus Program – see Section 13.06.300.E.2.									
	<sup>2</sup> In UCX-TD Districts, for all properties lying south of a line running parallel to the center line of the alley between East 26th Street and East 27th Street starting at the western boundary of the UCX-TD District and running east to the center line of East E Street, then north to the center line of East 26th Street, then east to the eastern boundary of the UCX-TD District, height is 120 feet, if at least 4 of the design elements found in Section 13.06A.080 (excluding Section 13.06A.080(8)) are incorporated into the project. Height can be increased to 225 feet, if at least 4 of the design elements are incorporated and 2 of the special features found in Section 13.06A.090 (excluding Section 13.06A.090(7)) are included.									
	<sup>3</sup> In the McKinley Mixed-Use Center, the portion of the URX District that is north of the alley between East Wright Avenue and East 34 <sup>th</sup> Street has a height limit of 35 feet instead of 45 feet.									
	<sup>4</sup> Where the use of TDRs is identified as a method for obtaining additional height, this option shall become effective as of the date of adoption of a TDR program by the City.									
* * *										

	NCX	CCX	UCX	UCX-TD	RCX	CIX	HMX	URX	NRX	Additional Requirements
Maximum <del>individual business occupancy size</del> (floor area)	30,000 square feet per business; 45,000 square feet for full service grocery stores only; offices shall be exempt from these limits.	None	None	None	None	None	7,000 SF per business for eating <del>and</del> drinking, retail and personal services uses	None	None	See Section 13.06.300.D for limitations on the amount of non-residential space allowed in developments in RCX Districts.
Minimum density (units/acre)	30; 40 on designated pedestrian streets (see Section 13.06.300.C)	30; 40 on designated pedestrian streets (see Section 13.06.300.C)	40	30	30; 40 on designated pedestrian streets (see Section 13.06.300.C)	None	None	25	None	Projects that do not include residential uses, and mixed-use projects (such as residential & commercial, residential & industrial, or residential & institutional) are exempt from minimum-density requirements.
<p>For purposes of this provision, density shall be calculated by dividing the total number of dwelling units in a development by the area, in acres, of the development site, excluding any accessory dwelling units or areas dedicated or reserved for public rights-of-way or full private streets. <u>In the same manner, to determine the minimum number of units required to meet this standard, multiply the size of the property, in acres, by the required minimum density, then round up to the nearest whole number. For example, the minimum number of units required on a 6,500 square foot (.15-acre) property located in the UCX-TD District would be 5 units (.15 x 30 = 4.47, which rounds up to 5 units).</u></p>										

2. X-District Height Bonuses. The X-District Height Bonus program provides a mechanism to allow for additional height for projects within certain portions of the Neighborhood Mixed-Use Centers. It is designed to encourage new growth and foster economic vitality within the centers, consistent with the State Growth Management Act and the City’s Comprehensive Plan, while balancing taller buildings and greater density with public amenities that help achieve the community’s vision for the centers, with improved livability, enhanced pedestrian and transit orientation, and a quality built environment, and realize other City-wide goals. Through this program, projects within certain areas may qualify for additional building height, above and beyond the standard maximum height limits outlined above, under Subsection E.1. In order to achieve these increased height limits, projects are required to provide one or more public benefit bonus features.

a. Applicability. Where applicable in the Mixed-Use Centers, the height bonus provision allows for projects to be eligible to increase the standard maximum height limit through the incorporation of one or more public benefit features into the development of the project. These public benefit features are divided into two levels, each of which is outlined below (see graphic on the next page). The following table details the areas within the various neighborhood centers that are eligible for this height bonus program and the maximum additional height allowed through each of the two bonus levels:

<b>Zoning District &amp; Center</b>	<b>Base Height Limit</b> <i>(allowed without any bonus items)</i>	<b>Maximum Height Allowed Through Level 1<sup>3</sup></b>	<b>Maximum Height Allowed Through Level 2<sup>3</sup></b>
<b>NCX – Neighborhood Commercial Mixed-Use District</b> (Proctor, Lincoln, 6 <sup>th</sup> & Pine, McKinley, and Narrows Centers)	45 feet	65 feet	Not Available
<b>NCX – Neighborhood Commercial Mixed-Use District</b> (Stadium Center)	65 feet	75 feet	85 feet
<b>NCX – Neighborhood Commercial Mixed-Use District</b> (56 <sup>th</sup> & South Tacoma Way Center)	45 feet	65 feet	85 feet
<b>NCX – Neighborhood Commercial Mixed-Use District</b> (MLK Center – property within 200 ft of Core Pedestrian Street) <sup>1</sup>	45 feet	65 feet	85 feet
<b>NCX – Neighborhood Commercial Mixed-Use District</b> (MLK Center – property not within 200 ft of core pedestrian street) <sup>1</sup>	45 feet	65 feet	Not Available
<b>RCX – Residential Commercial Mixed-Use District</b> (MLK Center – east of MLK Jr. Way and between 9 <sup>th</sup> and 13 <sup>th</sup> Streets)	60 feet	70 feet <sup>2</sup>	80 feet
<b>CIX – Commercial-Industrial Mixed-Use District</b> (56 <sup>th</sup> & South Tacoma Way Center)	75 feet	90 feet	100 feet

**Footnotes:**

1. The 200-foot depth used to define ~~the~~ some of the areas eligible for the height bonus program shall be extended to encompass an entire development site when at least 60% of the development site is within the standard 200-foot deep bonus area. For purposes of this provision, the “development site” can include multiple parcels as long as they are part of the same project proposal and are abutting or separated by no more than an alley right-of-way.
2. Within the RCX-zoned area, the “Residential Use” item that is provided within the Level 1 bonus palette is not available.
3. Projects that qualify for this program are still subject to the upper-story setback restrictions found in Section 13.06.503.A.

b. Height Bonus Palettes. The two tables below outline the various public benefit features available for incorporation as part of a project in order to increase maximum height limits, as described above. The following limitations and guidelines apply to the use of the bonus palettes:

(1) In no case, regardless of how many bonus features are incorporated, can the additional maximum height limits outlined above be exceeded.

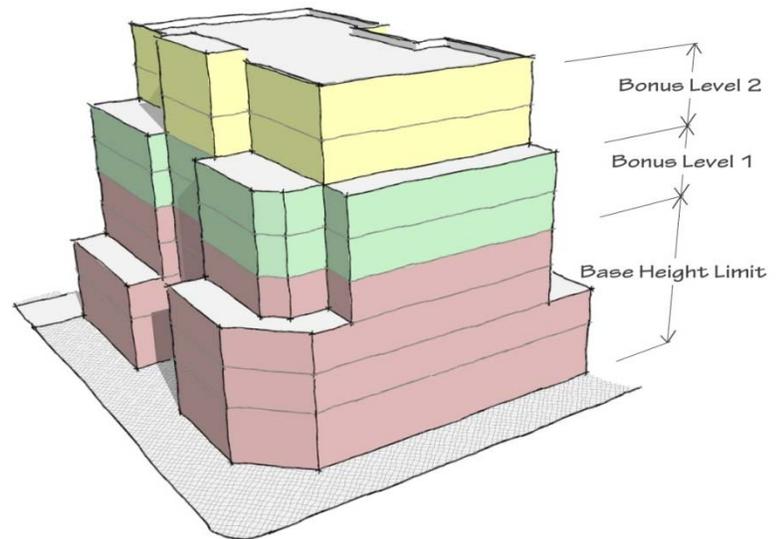
(2) In cases where the bonus height associated with a feature exceeds the maximum bonus height available, that bonus feature can be incorporated but shall only be worth the maximum amount available. For example, if the maximum amount available is 10 feet and a project incorporates the “Affordable Housing” bonus feature (which is normally worth 20 feet), that feature would only be worth 10 feet in that case.

(3) Within each level, projects can include any combination of the available features to achieve the additional allowed height. In those areas where the maximum height bonus available is divided into two steps, the bonus features in the Level 2 palette can-not be utilized for the first step of additional height and the bonus features in the Level 1 palette can-not be utilized for the second step of additional height.

(4) The bonus palettes identify the minimum of what must be incorporated in order to achieve each feature and qualify for the associated bonus height. Bonus features must be provided in full in order to qualify and partial credit is not available. For example, the “Residential Use” bonus feature requires that at least 50% of the project be residential in order to receive 10 feet of additional height – providing 25% of the project as residential is not worth 5 feet.

(5) Bonus features can-not be counted more than once toward the additional allowed height or be worth more than the maximum height identified for that feature, even if the project provides more than the minimum amount required to qualify (providing a bonus feature twice or at twice the level described is not worth twice the bonus amount). A limited exception to this restriction is allowed for green roofs, such that a green roof can count as the “Green Roof” bonus item and also be one part of a larger design strategy to achieve the “LID Stormwater Management” or “Energy Efficiency” bonus items.

(6) Bonus features are not subject to variance.



X-District Height Bonus Program

**HEIGHT BONUS PALETTE – LEVEL 1**

BONUS FEATURE	DEFINITION	BONUS HEIGHT
* * *		
<b>QUALITY OF LIFE</b>		
Affordable Housing	At least 20% of residential units provided for households making less than 80% of area median income. In order to qualify, the affordable units shall meet all of the standards prescribed through the City’s Multi-family Property Tax Incentive program.	20 feet
Affordable Housing Trust Fund	Contribution to the City’s Housing Trust Fund in an amount equal to 0.5% of the value of the building (as calculated using the latest Building Valuation Data published by the International Code Council). This contribution would be made available in loans or grants to public or private developers for the development of housing for households making less than 80% of area median income. First priority for the use of the contribution would be within the mixed-use center where the project contribution is being made.	10 feet
Open Space Fund Contribution (0.5%)	Contribution to the City’s Open Space Fund in an amount equal to 0.5% of the value of the building (as calculated using the latest Building Valuation Data published by the International Code Council). These funds would be utilized for acquisition and management of open spaces within the City, with a particular focus, when appropriate, on acquiring and managing open spaces within and in close proximity to the subject Mixed-Use Center.	10 feet
Transfer of Development Rights (TDR)	Use of TDRs from an identified TDR sending area. This feature shall become effective as of the date of adoption of a TDR program by the City.	10 feet

\* \* \*

F. 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:

	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
NCX, RCX, and UCX-TD Districts	<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 facade.</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 facade.</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>
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 facade.</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 facade.</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>
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 facade.</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 facade.</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>
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 facade, 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>		
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>		
Corner Sites	<ul style="list-style-type: none"> <li><u>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.</u></li> </ul>		
Exceptions	<ul style="list-style-type: none"> <li>In UCX-TD, setback distance beyond the maximum may be used if the additional area is devoted to pedestrian plazas, public open spaces, and/or courtyards, with no motor vehicle use and at least 25 percent of the building frontage meets the maximum setback.</li> <li>In all X-Districts, when 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 13.06.502.D).</li> </ul>		
Exemptions in all Mixed-Use Center Districts	<ul style="list-style-type: none"> <li>Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided, the addition reduces the level of nonconformity as to maximum setback.</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>Buildings that are 100 percent residential do not have a maximum setback.</li> <li>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.</li> <li>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.</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> </ul>		

\* \* \*

G. Residential X-District Yard Space Standards. The following standards apply to all new duplex/triplex, townhouse, multi-family or mixed-use development in X-Districts. They are intended to provide yard space for residents of these developments.

1. Duplexes and Triplexes. At least 200 square feet of yard space is required for each dwelling unit. Required yard 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 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 space is required for each townhouse. Required yard space could include a combination of private front or rear yard space, porches, balconies, rooftop decks, or shared common yard space amongst groups of townhouses. Vehicular access areas and required walkways and buffers shall not count as yard space.

3. Multi-Family and Mixed-Use Development. At least 100 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 the yard space requirement. Projects located within 300 feet of a public park or public school that includes outdoor recreational facilities are exempt from this requirement.

a. Common Yard space. Where accessible to all residents, common yard space may count for up to 100 percent of the required yard space. This includes landscaped courtyards or decks, front porches, [community](#) gardens with pathways, children’s play areas, or other multi-purpose recreational and/or green spaces. Special requirements and recommendations for common yard spaces include the following:

\* \* \*

H. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Section 13.06.500. These requirements apply to Section 13.06.300 by reference.

Refer to Section 13.06.500 for the following requirements for development in Mixed-Use Center Districts:

13.06.501 Building design standards.

13.06.502 Landscaping and/or buffering standards.

13.06.503 Residential transition standards.

13.06.510 Off-street parking and storage areas.

13.06.511 Transit support facilities.

13.06.512 Pedestrian and bicycle support standards.

13.06.520 Signs.

[13.06.602 General restrictions \(contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area\)](#)

### 13.06.400 Industrial Districts.

\* \* \*

#### 13.06.400.C Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.400. All portions of Section 13.06.400 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. Use Requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed.

Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

3. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit consistent with the criteria and procedures of Section 13.06.640.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N	=	Prohibited use in this district.

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
* * *				
Correctional facility	P	P	P	
<del>Craft food and non-alcoholic beverage production</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>See Section 13.06.700.C for use definition, which includes certain size limitations.</del>
Cultural institution	P/CU*	P/CU*	N	*Conditional use within the South Tacoma M/IC Overlay District, unless an accessory use.
* * *				
Extended care facility	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
<del>Food and non-alcoholic beverage production and processing, limited</del>	<del>P</del>	<del>P</del>	<del>P</del>	
Foster home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District.
* * *				
<del>Parks, and recreation and open space</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>Subject to the requirements of Section 13.06.560.D.</del>

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
* * *				
Seasonal sales	TU	TU	TU	Subject to development standards contained in Section 13.06.635.
Self-storage	P	P	P	<a href="#">See specific requirements in Section 13.06.503.B.</a>
Staffed residential home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.  *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
* * *				

E. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Section 13.06.500. These requirements apply to Section 13.06.400 by reference.

Refer to Section 13.06.500 for the following requirements for development in Industrial Districts:

13.06.502 Landscaping and/or buffering standards.

13.06.503 Residential transition standards.

13.06.510 Off-street parking and storage areas.

13.06.511 Transit support facilities.

13.06.512 Pedestrian and bicycle support standards.

13.06.520 Signs.

13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area)

**13.06.400.D Building envelope standards.**

	M-1	M-2	PMI
	* * *		
Maximum Height Limit	75 feet	100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.	100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.
Maximum Height Exceptions	<u>Certain specified uses and structures are allowed to extend above height limits, per See</u> Sections 13.06.602.A.2 and 13.06.545.		

### 13.06.501 Building design standards.

A. 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 in C-1, C-2, HM, T, PDB, and Mixed-Use Center Districts and alterations, as outlined below, as well as to townhouses in R-districts, except as follows:

1. Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.
2. Alterations/additions/Remodels. Three thresholds are used to gauge the extent of design standard compliance on alterations/additions/remodels to existing development:
  - a. Level I remodels and additions/alterations include all remodels and/or additions within a two year period with cumulative value of less than 560% of the value of existing development or structures/building value, as determined by the applicable Building Code. The requirement for such alterations/remodels and additions 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.
  - b. Level II alterations/remodels and additions include all remodels and/or additions within a two year period whose cumulative value ranges from 560% 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/Remodels.
  - c. Level III alterations/remodels and additions 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/remodels shall conform to ALL standards.
  - d. 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.
  - e. No addition or remodel shall increase the level of nonconformity or create new nonconformities to the development or design standards.
3. 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.
4. Temporary. Temporary structures are exempt from the design standards of this section.
5. Residential and/or mixed-use. Single, two, and three-family dwellings are subject only to the design standards in Subsection N. Townhouses are subject only to the design standards in Subsection O. 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.
  - a. 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. Two and three family dwellings are subject only to the design standards in Section N.~~
  - ~~c. Townhouses are subject only to the design standards in Section O.~~
  - ~~d. The standards herein apply to all other residential uses unless otherwise noted.~~
6. Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.
7. 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.
8. Floor area. For purposes of this section of the code (Section 13.06.501), "floor area" shall not include spaces below grade.
9. 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.

\* \* \*

**C. General Roofline Standards.** The following requirements apply to the C-1, C-2, T, HM and PDB zoning districts. See Section 13.06.501.I, below, for X-District requirements. These requirements are intended to ensure that roofline is addressed as an integral part of building design to avoid 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 residential and human scale development.

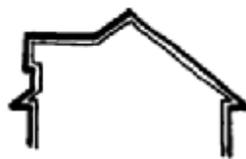
**Roofline Choices**  
(All buildings shall use one or more of the roofline options)

1. Sloped roof. Use of a roof form with a pitch no flatter than 5/12. Rounded, gambrel, and/or mansard forms may be averaged.
2. Modulated roof. Use of features, which are a minimum of 2 feet in height, such as a terracing parapet, multiple peaks, jogged ridge lines, dormers, etc., with a maximum of 100 feet uninterrupted roofline between roof modulation elements. Modulation elements shall equal a minimum of at least 15 percent of the roofline on each elevation. The maximum shall be 50 feet of uninterrupted roofline along the eave between roof modulation elements in C-1 Districts and on sides facing residential uses or districts. Roof forms with a pitch flatter than 5/12 are permitted with this option; provided, the appropriate modulation is incorporated.
3. Corniced roof\*. 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. Cornices shall not project over property lines, except where permitted on property lines abutting public right-of-way.
4. Canopy Exemption. Fueling station canopies, drive-through canopies, or similar canopies are exempt from roofline requirements.

**Modulated Roof**



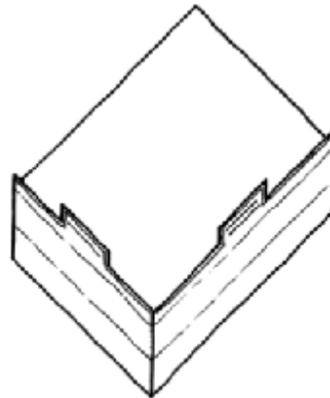
**Sloped Roof**



**Sloped Roof**

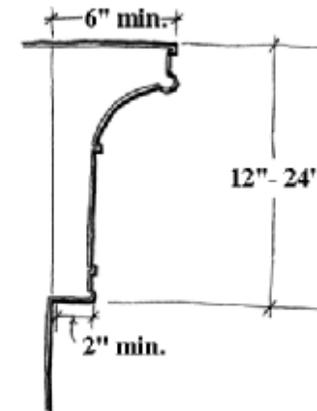


**Sloped Roof**



**Roofline Examples**

**Modulated Roof Example**

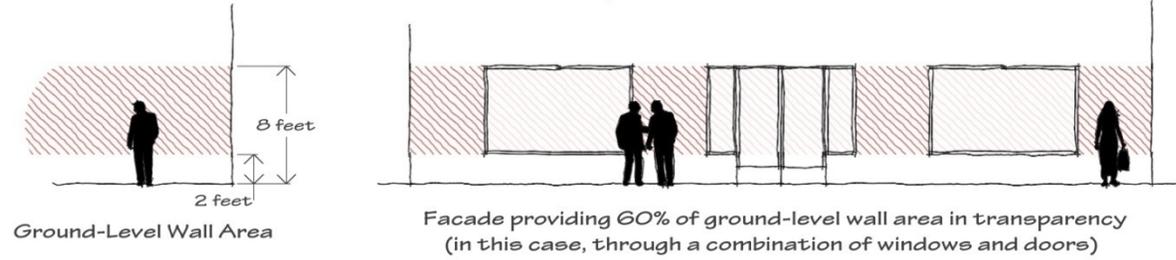


**Cornice Example**

**D. General Windows and openings.** The following requirements apply to the C-1, C-2, T, HM and PDB zoning districts. See Section 13.06.501.J, below, for X-District requirements. These requirements are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, and to provide architectural detailing and variety to building elevations on each story.

<p>1. Street level</p>	<p>a. Front, side, or corner side exterior walls facing streets or that contain customer entrances and face customer parking lots of 20 stalls or greater shall have transparent window or openings for at least 50 percent of <del>the area of</del> the ground level wall area, <del>which is defined as the area between 2 feet and 8 feet above the sidewalk. This standard shall apply</del> on a <del>minimum</del> <del>maximum</del> of 2 such building elevations. The window and opening requirements shall be reduced to 340 percent of the ground level wall area for <del>portions of facades where the grade level of the sidewalk of the abutting street is 4 feet or more above or below the adjacent floor level of the building</del> <del>elevations that are impacted by steep grades, as outlined below in the steep grade exemption section.</del> 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 and the correlating location of the floor plates of the building. Rough openings are used to calculate this requirement.</p> <p>b. Required view. Required windows or openings must provide either views into building work areas, sales areas, lobbies, merchandise displays, or artworks. Art and display windows shall be at least 2 feet deep, recessed and integrated into the façade of the building (tack on display cases do not qualify)</p> <p><del>c. The "ground level wall area" is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</del></p> <p><del>d. Limited alternatives. Alternatives of decorative grilles, art work, or similar features can be substituted for those portions of uses where the provision of natural light can be demonstrated to nullify the intended use (examples include movie theater viewing areas and light sensitive laboratories) and for parking structures, provided an equivalent wall area is covered.</del></p>
<p>2. Upper levels</p>	<p>a. Front, side, or corner side exterior walls facing streets or walls that contain customer entrances and face 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 on a minimum of 2 such building elevations.</p> <p>b. Upper level windows shall be a different type than the ground level windows on the same elevation.</p> <p>c. For purposes of this requirement, a window type is either a grouping of windows, a window size, or a window shape.</p>
<p>3. Exemptions</p>	<p><del>a. Steep grades. The window and opening requirement shall not apply to that portion of a facade where the grade level of the sidewalk of the abutting street is 4 feet or more above or below the adjacent floor level of the building.</del></p> <p><del>b. Residential privacy. On sides where C, HM, T, or PDB District boundaries adjoin R-1, R-2, R-2SRD, or R-3 District boundaries, structures within the C, HM, T, or PDB District that are set back at least 7 feet from the property line and screened by landscaping to a minimum height of 6 feet are exempt from the window and opening requirements on the effected side.</del></p> <p><del>b. Residential buildings. Residential buildings or residential portions of mixed-use buildings are exempt from street level windows or openings.</del></p>

**Development Requirements for Facades  
Windows/Openings**



\* \* \*

**F. General Pedestrian Standards.** The following requirements apply to all development in the C-1, C-2, T, HM, and PDB districts, except where noted or specifically exempted. See Section 13.06.501.L, below, for X-District requirements. These requirements are intended to enhance pedestrian mobility and safety in commercial areas by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.

<p>1. Customer entrances</p>	<p>a. 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>b. Designated streets. Non-residential or mixed-use buildings on designated pedestrian streets noted in Section 13.06.200.E or Section 13.06.300.C shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facing, 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>2. Street level weather protection</p>	<p>a. Weather protection shall be provided above a minimum of 25 percent of the length of hard surfaced, public or private walkways and/or plazas along facades containing customer and/or public building entries or facing public street frontage.</p> <p>b. 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>c. 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 building accessories to not less than 3 feet in width.</p>

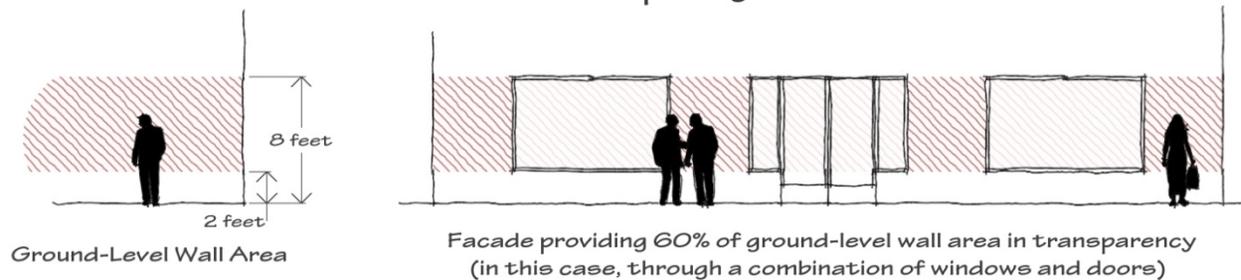
\* \* \*

**J. X-District Windows and Openings: Façade Transparency and Solar Access.** The following requirements apply all development in any X District, unless specifically exempted. These requirements 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. Street level transparency standards for non-residential uses:

- a. Facades facing a designated Core Pedestrian Street shall have transparent windows or openings for at least 60 percent of the ground level wall area.
- b. Facades facing a designated Pedestrian Street shall have transparent windows or openings for at least 50 percent of the ground level wall area.
- c. Facades 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.
- d. 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.
- e. Flexibility for industrial uses. The window and opening requirements shall be reduced to 30 percent of the ground level wall area for the facades of industrial uses located along designated Pedestrian Streets and reduced to 20 percent of the ground level wall area for the facades 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.
- f. 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 facades facing designated Pedestrian Streets and 20 percent along facades 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.
- ge. 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 facades facing designated Pedestrian Streets and up to 50% on all other applicable facades. Art and display windows shall be at least 2 feet deep, recessed and integrated into the façade of the building (tack on display cases do not qualify).
- hf. ~~The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished gradesidewalk. For building elevations where the finished grade level adjacent to the building is four feet above or below the level of the sidewalk, the “ground level wall area” shall be defined as the portion of the façade between 2 feet and 8 feet above the adjacent finished grade.~~
- ig. This standard shall apply on a maximum of ~~23~~ such building elevations, and shall apply in the order provided above. As an example, for a building that faces a Core Pedestrian Street, ~~a Pedestrian Street,~~ a non-pedestrian street, and a qualifying parking lot, the requirements would apply to the façades ~~facing the Core Pedestrian and Pedestrian Streets,~~ and either the façade facing the non-designated street or the façade facing the parking lot.
- jh. Rough openings are used to calculate this requirement.

**Development Requirements for Facades Windows/Openings**



**L. X-District Pedestrians Standards.** The following requirements apply to all development in any X-District, except where noted or specifically exempted. These requirements are intended to enhance pedestrian mobility and safety in commercial areas by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.

<p>1. Customer entrances</p>	<p>a. 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>b. Designated streets. Non-residential or mixed-use buildings on designated pedestrian streets noted in Section 13.06.200.E or Section 13.06.300.C shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facing, 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>2. Street level weather protection</p>	<p>a. 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>b. 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>c. 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>d. 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>e. 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>

**M. X-District Fencing, Retaining Walls and Utility Standards.** The following requirements apply to all development in any X-District, unless specifically exempted. They 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>1. Utility screening</p>	<p>a. Rooftop. 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> <p>b. All ground level. 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. 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. All landscape screening shall provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting. Items that exceed 4 feet in height must use an opaque fence or structure to screen the element. Limited flexibility in this standard is allowed to ensure that the function of the utility equipment is not compromised by the screening requirement.</p> <p>c. 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. Where there is no alley available, service elements shall be located and/or screened to minimize the negative visual, noise, odor, and physical impacts.</p>
<p>2. Fencing type limitation</p>	<p>a. Chain link fencing, with or without slats, is prohibited for required screening.</p> <p>b. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.</p> <p>c. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.</p> <p>d. Electrified. The use of electrified fencing is prohibited in all zoning districts.</p> <p>e. The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided the portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment. <u>Fences required by the Washington State Liquor Control Board shall also be exempt from the maximum height limitation, provided any portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent.</u></p> <p>f. The maximum height of free-standing fences along an alley shall be 3 feet, except that fences greater than 3 feet in height are allowed if the portion of the fence between 3 and 7 feet above grade is at least 20% transparent.</p>
<p>3. Retaining Walls</p>	<p>a. Retaining walls located adjacent to public street rights-of-way shall be terraced such that individual sections are no greater than 4 feet in height. Bench areas between retaining wall sections shall be planted with Type C or D landscaping to soften the view of the wall and contribute to the pedestrian environment.</p>

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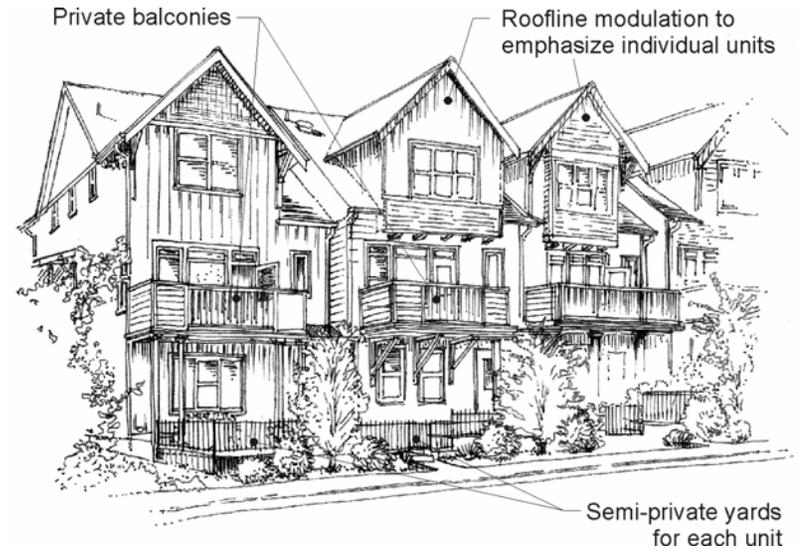
**O. ~~X-District~~ Townhouse Standards.** The following requirements apply to all townhouse dwellings in all ~~X-D~~ districts. These requirements are intended to provide façade articulation that emphasizes individual units and reduces the apparent mass of structures, minimize impacts of vehicular access and service elements, and emphasize pedestrian access and building orientation to the street.

1. Building Mass:
  - a. The maximum number of units in one building is six, with minimum spacing between clusters of 10 feet.
  - b. Unit articulation. Facades with more than two townhouses facing a street, alley, common open space or common parking area shall be articulated to emphasize individual units. This can be accomplished by either roofline modulation consistent with Section 13.06.501.I.1 and/or vertical building modulation. To qualify for 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. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.

2. Garage Orientation & Vehicular Access:
  - a. Garages shall not face any street
  - b. Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as abutting right-of-way that is or can be developed, is available.
  - c. Where street-front vehicular access is necessary, driveway approaches shall be limited to no more than one for every 9 units in the development.
  - d. Driveway approaches shall also be consistent with the standards in Section 13.06.510.

3. Pedestrian Orientation:
  - a. All townhouses on lots with street frontage must have an individual entry that faces and is accessible from the street/sidewalk. Townhouses on corner lots only need to provide such an entry to one of the two adjacent streets/sidewalks.
  - b. A continuous pedestrian walkway, which can be a shared walkway, must be provided between the front entrance of each unit and the nearest public sidewalk. Walkways shall be either a raised sidewalk or composed of materials different from any adjacent vehicle driving or parking surfaces. Walkways accessing individual units shall be a minimum of 4 feet wide and walkways accessing multiple units shall be a minimum of 5 feet wide.

4. Windows on the street. At least 15 percent of the facade (all vertical surfaces facing the street) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.



5. Utilities:
  - a. 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.
  - b. 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.

6. Fencing.

- a. Chain link fencing, with or without slats, is prohibited for required screening.
- b. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.
- c. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.
- d. Electrified. The use of electrified fencing is prohibited in all zoning districts.
- e. The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided such fence is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment.

### 13.06.502 Landscaping and/or buffering standards.

A. General requirements. The landscaping section is divided into four sections, with one each specifically addressing the landscaping requirements for development in Residential Zoning Districts, Commercial Zoning Districts, Mixed-Use Zoning Districts, or Industrial Zoning Districts. In addition to the standards outlined in each of those tables, the general requirements contained herein and the landscaping types outlined in subsection F apply to all districts.

1. Intent. The landscaping requirements, as a whole, are intended to contribute to the aesthetic environment of the City; provide green spaces that can support the urban citywide tree canopy; wildlife, such as birds, in the urban environment; help reduce storm water runoff; filter pollution; and buffer visual impacts of development.

2. Applicability. Unless specifically exempted, landscaping shall be provided consistent with this section for all new development, including structures and/or parking lots, as well as alterations to existing development, as outlined below.

a. Alterations. Three thresholds are used to gauge the extent of landscaping standard compliance on alterations to existing development:

(1) Level I alterations to a site include all remodels and/or additions within a two-year period whose combined value is less than 50% of the value of the existing development or structure, as determined by the Building Code, excluding purchase costs of the property and/or structure. 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, for an expanded parking area, landscaping would be required for the new parking area, but the applicant would not be required to bring an existing parking area into conformance with these landscaping standards.

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

(3) Level III alterations to a site include all remodels and/or additions within a two-year period whose combined value exceeds 200% of the value of the existing development or structure, as determined by the Building Code, excluding purchase costs of the property and/or structure. Such developments shall be brought into conformance with ALL of the applicable landscaping standards.

(4) 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.

(5) No alteration shall increase the level of nonconformity or create new nonconformities to these standards.

32. Required landscape plans shall be prepared by a licensed landscape architect, certified nursery professional, or certified landscaper. Exempted developments:

a. Residential developments with less than 7 units.

b. Non-residential and mixed-use developments featuring less than 500 square feet of landscaping.

43. Native landscaping. The retention and use of new native landscaping is encouraged and permitted for any and all landscaping. New landscaping materials shall include species native to the Puget Sound lowland region of the Pacific Northwest or non-invasive naturalized species that have adapted to the climactic conditions of the region in the following minimum amounts:

a. 50 percent of trees.

b. 75 percent of ground cover and shrubs.

54. Landscaping, visibility and safety. Except in cases where required landscaping is intended to provide dense visual buffers, trees and shrubs shall be selected and maintained to maximize visibility at eye level for safety. To meet this requirement, shrubs shall be chosen and maintained at no taller than 3 feet. Trees shall be selected and pruned (once tall enough) to maximize views below 7 feet in height. Limited flexibility in the selection of trees and shrubs shall be allowed to address unique circumstances such as unusual topography, existing features, or where strict adherence to this standard is not necessary to meet the intent. This provision does not apply to buffers required along property lines that abut residentially-zoned property and to Landscaping Type A ~~in subsection D~~.

6. Street trees.

a. Street trees shall be compatible with other trees in the vicinity by variety, species, and planting pattern. Trees and any associated grates must comply with any applicable, adopted business area improvement plan, streetscape design plan, and/or the City's Tree Planting Program.

b. Street trees should generally be evenly spaced to create or maintain a rhythmic pattern, but can be provided with variations in spacing and/or grouped to accommodate driveways, building entrances, other streetscape amenities, etc. To achieve consistency with an existing, well-established pattern of tree spacing, the quantity of required street trees may be reduced.

c. Street trees shall, when possible, be planted within the right-of-way adjacent to the curb and between the pedestrian lane/sidewalk and curb. When this is not possible, street trees may be located within the right-of-way and behind the sidewalk. If neither of these preferred locations is possible, such as when existing infrastructure prevents trees from being planted within the right-of-way, trees located within 10 feet of the right-of-way may be counted as street trees.

d. In cases where street trees are provided adjacent to a required buffer, the trees provided as street trees may be used to reduce the number of trees required in the buffer area.

75. General tree size standards. Unless specified otherwise, ~~deciduous~~ trees provided to meet these landscaping requirements shall be consistent with these minimum size standards. For deciduous trees, at least 50% 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. The caliper of deciduous trees shall be measured 4½ feet above the root ball or grade (diameter at breast height, or DBH). For ~~e~~Evergreen trees, ~~provided to meet these requirements at least 50% of the trees provided~~ shall be a minimum of 6 feet tall at the time of planting, with the remaining evergreen trees a minimum of 5 feet tall at the time of planting. Evergreen trees provided to meet these requirements ~~and~~ shall also be species with the ability to develop a minimum branching width of 8 feet within 5 years. In all cases, trees that are provided that are above and beyond the landscaping requirements can be smaller ~~trees may be integrated into the landscaping provided they are in addition to the required larger trees.~~

8. General tree variety standards. In order to improve and protect the health, aesthetic quality, and sustainability of the City's urban forest, projects shall provide a mix of trees. 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 shall be included.

96. General shrub size standards. Unless specified otherwise, shrubs provided to meet these requirements shall be from a minimum 3-gallon container.

107. Landscaping quantity calculations. When a specified amount or number of trees or plants is specified, that shall be the minimum number required. Any requirement resulting in a fraction, when applied, shall be rounded up or down to the nearest whole number. In cases where the minimum is expressed as a ratio of a number of trees or shrubs per a specified amount of area or length of site frontage or buffer (such as 3 trees per 100 feet of street frontage), the number of required trees or shrubs shall be calculated by applying the ratio to the square footage of the area or length of the associated frontage or buffer. For example, under a street tree requirement of 3 trees per 100 feet of street frontage, a site with 50 feet of street frontage would require 2 trees ( $50 \times 3/100 = 1.5$ , which rounds up to 2) and a site with 90 feet of street frontage would require 3 trees ( $90 \times 3/100 = 2.7$ , which rounds up to 3). The same planting may satisfy more than one requirement, unless specifically noted otherwise.

11. Minimum landscaped area – overall site. Where a minimum amount of landscaped area is identified for an entire site, that percentage shall be considered the minimum requirement. More specific requirements that also apply, such as buffering or parking lot landscaping, may necessitate more landscaping than this minimum.

128. Credits for retaining existing trees and shrubs. These requirements are provided to encourage tree preservation because of the greater visual and ecological benefits of mature plantings.

a. The following tree planting credits are available for existing trees, provided an arborist's or landscape architect's appraisal determines that the tree(s) is healthy and can be saved. If retained trees are damaged during or after construction, replacement shall be based upon the same ratios.

- One required tree for every retained tree of at least equal size;
- Two required trees for every retained tree that is 8 inches to 20 inches in diameter (measured at breast height);
- Three required trees for every retained tree 20 inches to 32 inches in diameter (measured at breast height);
- Four required trees for every retained tree over 32 inches in diameter (measured at breast height).

b. Existing shrubs, which comply with the minimum plant size specifications of this table, may count towards the required landscape plantings. Invasive plants, such as blackberry and scotch broom, shall not count towards the required plantings.

139. Minimum unpaved planting area per tree. Trees shall be provided with the following minimum planting areas:

- a. Parking lot trees and other trees on private property; 60 square feet, 5-foot minimum width.
- b. Street trees in the right-of-way; 24 square feet; 4-foot minimum width.
- c. Street trees in right-of-way with tree grates; 16 square feet; 4-foot minimum width.

140. Minimum tree trunk setbacks. Trees shall be planted a minimum of 2 feet from a sidewalk or curb, 5 feet from a structure, and 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.

154. Installation. Landscaping meeting the standards of this section shall be installed by the time of final occupancy.

162. Maintenance. Landscaping shall be maintained in a healthy, growing, and safe condition, and replaced or repaired as necessary, during the plant establishment period and for the life of the project. Pruning of required trees or shrubs shall be for the purpose of maintaining the tree or shrub in a healthy growing condition and/or to enhance its natural growing form. Trees and shrubs shall not be excessively pruned such that it adversely affects the healthy living condition of the plant, significantly damages the natural growing form of the plant, or eliminates or significantly reduces the purpose for the planting. Modifications to the landscaping shall be in conformance with these standards and subject to approval of the City.

<b>Section 13.06.502.B Residential District Landscaping</b>	R-1, R-2, R-2-SRD, HMR-SRD, R-3, R-4, R-4-L, R-5, R-1-PRD, R 2-PRD, R-3-PRD, R-4-PRD, R-4-L-PRD, R-5-PRD
<b>Applicability</b>	
<ul style="list-style-type: none"> <li><del>Unless specifically exempted, a landscaping plan shall be provided consistent with this table for all new development of structures and/or parking lots, as well as additions and substantial remodels, as outlined below.</del></li> </ul>	
<b>Exemptions</b>	
<ul style="list-style-type: none"> <li>Single-family detached, two-family, and three-family dwellings are exempt from all landscaping requirements contained in this table.</li> <li><del>Remodel projects valued at less than 60 percent of the building value, as calculated in the Building Code, are exempt from all landscaping requirements contained in this table.</del></li> <li><del>Building additions and buildings added to sites with existing structures are exempt from the landscaping requirements contained in this table, except for street tree requirements and Buffer Planting Areas. Street trees and Buffer Planting Areas are only required along property lines adjacent to the building addition. If the required Buffer Planting Area cannot be provided because of legally existing development, the maximum possible Buffer Planting Area shall be provided and this area shall be covered with a mixture of trees, shrubs, and groundcover plants.</del></li> <li>Parking lots of 20 stalls or less, located behind buildings and accessed by alleys, are exempt from the perimeter strip, buffer and interior landscaping distribution requirements below. <del>This exemption does not apply to the minimum landscaping area requirement; provided, the minimum area is fully planted with a mixture including the required quantity of trees, shrubs, and/or groundcovers.</del></li> <li>Parking lots of 20 stalls or less and loading areas are exempt from the interior landscaping distribution requirements to allow flexibility in placement of required landscaping.</li> <li><u>Park and recreation uses are only required to meet the Overall Site and Planting Requirements of this table. Passive open space areas of such uses are exempt from all landscaping requirements of this table.</u></li> </ul>	
<b>Minimum Landscaping Area</b>	
Overall site	<ul style="list-style-type: none"> <li><del>A minimum of 5 percent of the entire site minus the area covered by structures i</del>In R-4-L, R-4, and R-5 Districts, and <u>for</u> conditional uses permitted in Section 13.06.640, <u>a minimum of 5 percent of the entire site, minus the area covered by structures, shall be planted with a mixture of trees, shrubs, and groundcover plants.</u></li> <li><del>The percentage identified above is the minimum requirement for these districts. Requirements that follow may necessitate more landscaping than this minimum.</del></li> <li><del>Parking lots of 20 stalls or less, located behind buildings and accessed by alleys, are only required to meet the minimum percent for overall site landscaping, outlined above.</del></li> <li><del>These landscaped areas shall be covered with a mixture of trees, shrubs, and groundcover plants.</del></li> </ul>
Site perimeter strip	<ul style="list-style-type: none"> <li>Perimeter strips may be broken for primary structures, vehicle and pedestrian access crossings, and to allow limited access to and use of utility services located in alleys.</li> <li>A minimum 7-foot wide site perimeter strip shall be provided on sides without abutting street trees. The required perimeter strip shall be reduced to 5 feet for parcels of 150 feet or less in depth.</li> <li>A minimum 5-foot wide site perimeter strip shall be provided on sides with abutting street trees.</li> <li>The perimeter strip shall be covered with a mixture of trees, shrubs, and groundcover plants.</li> </ul>

<b>Buffer Planting Areas.</b> In addition to the intent of the landscaping requirement noted above, buffer planting areas are intended to provide substantial vegetative screening between dissimilar <b>districts</b> to soften visual and aesthetic impacts (unless exempted above).	
Mobile home/ <del>trailer courts-parks</del> abutting R-1, R-2, and R-3 districts.	<ul style="list-style-type: none"> <li>• A wall, fence, vegetated wall, evergreen hedge, or other suitable enclosure of minimum height four and one half feet and maximum height of seven feet placed at least five feet from the side and rear lot lines. The area between such enclosures and the property lines shall be landscaped to form a permanent screening area.</li> <li>• A landscaped screening area at least five feet in depth must be provided along <u>the</u> street frontage on a non arterial street forming a boundary between a mobile home park site and an R-<u>1</u>, R-<u>2</u>, or R-<u>3</u> District and must be located between the street curbline and a line five feet inside and parallel with the front lot line.</li> <li>• No signs shall be permitted on any part of a screening enclosure or within a screening area.</li> <li>• The Land Use Administrator may waive the requirement for a screening enclosure and/or screening area if equivalent screening is provided by existing parks, parkways, recreation areas, or by topography or other natural conditions.</li> </ul>
<b>Planting Requirements.</b> These requirements are intended to provide trees of sufficient maturity at planting to provide more immediate mitigation to the site, to provide trees adequate space to avoid damage and continue growth, and to visually break up parking lots.	
Tree size and quantity	<ul style="list-style-type: none"> <li>• <del>A</del> <u>A</u> minimum of 1 tree per 1,000 square feet of parking lot area <u>shall be provided</u>.</li> <li>• For parking areas behind buildings of 20 stalls or less that are shielded by buildings from public street view, a minimum of 1 tree per 2,000 square feet of parking lot area <u>is required</u>.</li> <li>• If more trees are needed to meet distribution or street tree requirements, that total is the minimum requirement.</li> </ul>
Interior landscaping distribution	<ul style="list-style-type: none"> <li>• Trees and planting areas shall be at aisle ends and evenly distributed throughout the parking lot with no stall more than 50 feet from a tree trunk.</li> <li>• At least 1 tree shall be located within 10 feet of required walkway for each 40 feet of said walkway.</li> </ul>
Street trees	<ul style="list-style-type: none"> <li>• 3 trees per 100 feet of site street frontage <u>shall be provided, including buildings; at least 2-inch caliper; compatible with other trees in the vicinity by variety, species, and planting pattern.</u></li> <li>• <del>Trees and grates must comply with adopted business area improvement plans and/or the City's Tree Planting Program.</del></li> </ul>

<b>Section 13.06.502.C Commercial District Landscaping</b>	<b>T, C-1, C-2, HM, PDB</b>
<b>Applicability</b>	
<ul style="list-style-type: none"> <li><del>Unless specifically exempted, a landscaping plan shall be provided consistent with this table for all new development of structures and/or parking lots, as well as additions and substantial remodels, as outlined below.</del></li> </ul>	
<b>Exemptions</b>	
<ul style="list-style-type: none"> <li>Single-family, two-family, and three-family dwellings are exempt from all landscaping requirements contained in this table.</li> <li><del>New buildings that are less than 250 square feet of floor area are exempt from all landscaping requirements contained in this table. However, such new buildings shall not be constructed within required Buffer Planting Areas.</del></li> <li><del>Building remodels are exempt from all landscaping requirements contained in this table.</del></li> <li><del>Building additions and buildings added to sites with existing structures are exempt from the landscaping requirements contained in this table, except for street tree requirements and Buffer Planting Areas. Street trees and Buffer Planting Areas are only required along property lines adjacent to the building addition. If the required Buffer Planting Area cannot be provided because of legally existing development, the maximum possible Buffer Planting Area shall be provided and this area shall be covered with a mixture of trees, shrubs, and groundcover plants.</del></li> <li>Parking lots of 20 stalls or less, loading areas, and fueling stations are exempt from the Interior Landscaping Distribution requirements contained in the Planting Requirements section of this table, to allow flexibility in placement of required landscaping.</li> <li>Parking lots of 20 stalls or less, located behind buildings and accessed by alleys, are exempt from the Perimeter Strip, Buffer and Interior Landscaping Distribution requirements below.</li> <li>C, T, HM, or PDB property across an arterial street or highway from R-District property is not required to provide a Buffer Planting Area along the affected property line abutting the arterial street or highway.</li> <li><u>Park and recreation uses are only required to meet the Overall Site and Planting Requirements of this table. Passive open space areas of such uses are exempt from all landscaping requirements of this table.</u></li> </ul>	
<b>Minimum Landscaping Area (unless exempted above)</b>	
Overall site	<ul style="list-style-type: none"> <li>A minimum of 10 percent of the entire site, minus the area covered by structures, <u>shall be covered with a mixture of trees, shrubs, and groundcover plants</u> in T, C-1, C-2, HM, and PDB Districts.</li> <li><del>Parking lots of 20 stalls or less, located behind buildings and accessed by alleys, are only required to meet the minimum percent for overall site landscaping, outlined above.</del></li> <li><del>Landscaped areas shall be covered with a mixture of trees, shrubs, and groundcover plants.</del></li> </ul>
Site perimeter strip	<ul style="list-style-type: none"> <li>Perimeter strips may be broken for primary structures, vehicle and pedestrian access crossings, and to allow limited access to and use of utility services located in alleys.</li> <li>A minimum 7-foot wide site perimeter strip shall be provided on sides without abutting street trees. The required perimeter strip shall be reduced to 5 feet for parcels of 150 feet or less in depth.</li> <li>A minimum 5-foot wide site perimeter strip shall be provided on sides with abutting street trees.</li> <li>The perimeter strip shall be covered with a mixture of trees, shrubs, and groundcover plants.</li> </ul>

<b>Buffer Planting Areas.</b> In addition to the intent of the landscaping requirements noted above, buffer planting areas are intended to provide substantial vegetative screening between dissimilar zoning districts to soften visual and aesthetic impacts (unless exempted above).	
C, T, HM, or PDB District property abutting R-District property	<ul style="list-style-type: none"> <li>• A continuous planting area <del>that has a minimum width of 15 feet and contains Type A Landscaping shall be provided</del> on the <del>required</del> property, <del>along the boundary with the R-District, with a minimum width of 15 feet that contains:</del> <ul style="list-style-type: none"> <li>• <del>A minimum of 6 trees per 100 lineal feet of abutting property line.</del></li> <li>• <del>A minimum of 12 shrubs per 100 lineal feet of abutting property line.</del></li> </ul> </li> <li>• Where the property required to provide a buffer is 150 feet or less in depth, measured perpendicularly from the residential parcel, the buffer can be reduced to the minimum 7-foot wide buffer listed below.</li> </ul>
C, T, HM, or PDB District property across the street or alley from R-District property	<ul style="list-style-type: none"> <li>• A continuous planting area <del>that has a minimum width of 7 feet and contains Type B or C Landscaping shall be provided</del> on the <del>required</del> property, <del>across from the R-District, with a minimum width of 7 feet that contains:</del> <ul style="list-style-type: none"> <li>• <del>A minimum of 4 trees per 100 lineal feet of abutting property line.</del></li> <li>• <del>A minimum of 10 shrubs per 100 lineal feet of abutting property line.</del></li> <li>• <del>Street trees are not required on frontage where a buffer is required, but may be used to satisfy buffer tree requirements.</del></li> </ul> </li> <li>• Buffer planting areas may be broken only for vehicle and pedestrian access crossings and to allow limited access to and use of utility services located in alleys.</li> </ul>
<b>Planting Requirements.</b> These requirements are intended to provide trees of sufficient maturity at planting to provide more immediate mitigation to the site, to provide trees adequate space to avoid damage and continue growth, and to visually break up parking lots (unless exempted above).	
Tree size and quantity	<ul style="list-style-type: none"> <li>• <del>A m</del><u>A minimum of</u> 1 tree per 1,000 square feet of new parking lot area <u>shall be provided.</u></li> <li>• For parking areas behind buildings of 20 stalls or less that are shielded by buildings from public street view, a minimum of 1 tree per 2,000 square feet of parking lot area <u>is required.</u></li> <li>• If more trees are needed to meet distribution or street tree requirements, that total is the minimum requirement.</li> </ul>
Interior landscaping distribution	<ul style="list-style-type: none"> <li>• Trees and planting areas shall be at aisle ends and evenly distributed throughout the new parking lot with no stall more than 50 feet from a tree trunk.</li> <li>• At least 1 tree shall be located within 10 feet of required walkway for each 40 feet of said walkway.</li> </ul>
Street trees	<ul style="list-style-type: none"> <li>• 3 trees per 100 feet of site street frontage <del>shall be provided, including buildings; compatible with other trees in the vicinity by variety, species, and planting pattern.</del></li> <li>• <del>Trees and grates must comply with adopted business area improvement plans and/or the City's Tree Planting Program.</del></li> </ul>

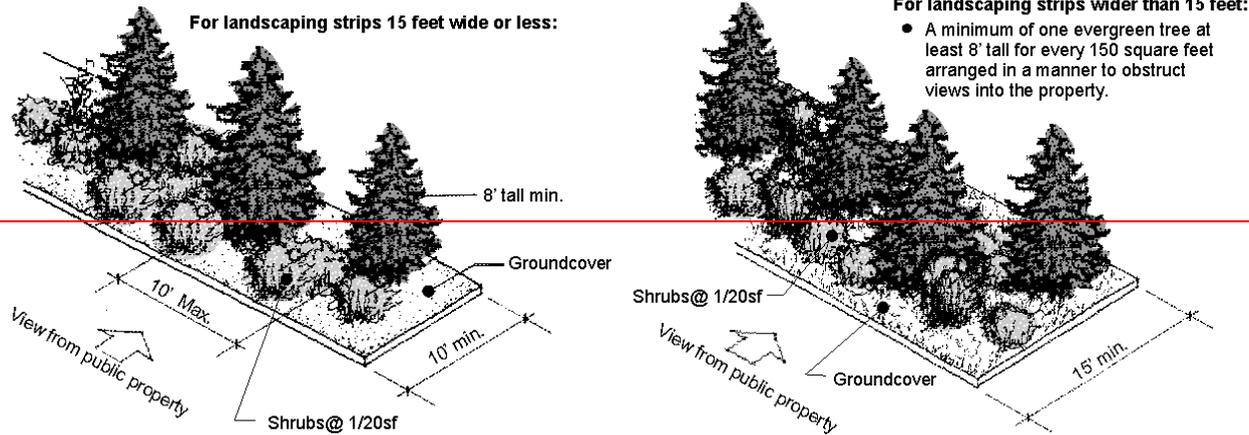
Section 13.06.502.D X-District Landscaping	RCX, NCX, CCX, UCX, UCX-TD, CIX, URX, HMX, NRX
<b>Applicability</b>	
<ul style="list-style-type: none"> <li><del>Unless specifically exempted, a landscaping plan shall be provided consistent with this table for all new development of structures and/or parking lots, as well as additions and substantial remodels, as outlined below.</del></li> </ul>	
<b>Exemptions</b>	
<ul style="list-style-type: none"> <li>Single-family detached dwellings are exempt from all landscaping requirements contained in this table.</li> <li><del>Buildings that are less than 250 square feet of floor area are exempt from all landscaping requirements contained in this table. However, such new buildings shall not be constructed within required Buffer Planting Areas.</del></li> <li>Parking lots of 15 stalls or less, loading areas, and fueling stations are exempt from the Interior Landscaping Distribution requirements contained in the Planting Requirements section of this table, to allow flexibility in placement of required landscaping.</li> <li>Parking lots of 15 stalls or less, located behind buildings and accessed by alleys, are exempt from the Perimeter Strip, Buffer and Interior Landscaping Distribution requirements below.</li> <li>Property across an arterial street or highway from R-District property is not required to provide a Buffer Planting Area along the affected property line abutting the arterial street or highway.</li> <li><u>Park and recreation uses are only required to meet the Front Yard and Planting Requirements of this table. Passive open space areas of such uses are exempt from all landscaping requirements of this table.</u></li> </ul>	
<b>Additions/Remodels:</b>	
<p>Three thresholds are used to gauge the extent of landscaping standard compliance on additions/remodels:</p> <ul style="list-style-type: none"> <li><del>Level I remodels/additions include all remodels and/or additions within a two year period with value of less than 60% of the existing building value, as determined by the Building Code. The requirement for such remodels is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, for an expanded parking area, landscaping would be required for the new parking area, but the applicant would not be required to bring an existing parking lot into conformance with these landscaping standards.</del></li> <li><del>Level II remodels/additions include all remodels and/or additions within a two year period whose value ranges from 60% to 200% of the value of the existing structure, as determined by the Building Code. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II.</del></li> <li><del>Level III remodels/additions include all remodels and/or additions within a two year period whose value exceeds 200% of the value of the existing structure, as determined by the Building Code. Such remodels shall conform to ALL standards.</del></li> </ul> <p><del>The standards do not apply to remodels that do not change the exterior appearance of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.</del></p>	
<b>Minimum Landscaping Area (unless exempted above)</b>	
Overall site	<ul style="list-style-type: none"> <li><u>For single-purpose residential developments, a</u> minimum of 15 percent of the entire site, <u>minus the area covered by structures, shall be covered with a mixture of trees, shrubs, and groundcover plants for single-purpose residential developments.</u></li> <li>Exceptions and departures to landscaped area requirement. <ul style="list-style-type: none"> <li>Requirements for developments with structured parking are relaxed based on the percentage of structured parking to the total number of on-site parking spaces. For example, if all parking is structured, there is no <u>overall site</u> landscaping requirement. If 50 percent of the parking is structured, then the amount of required <u>overall site</u> landscaping is reduced by 50 percent (to 7.5 percent).</li> <li>Green roofs and roof gardens may be used to meet up to one-third of the landscaped area requirements.</li> <li>Planting strips within street rights-of-way shall not be <u>counted toward this requirement</u><del>included in required landscaped areas.</del></li> </ul> </li> <li><del>Landscaped areas shall be covered with a mixture of trees, shrubs, and groundcover plants.</del></li> </ul>

<b>Residential Buffer Planting Areas.</b> In addition to the intent of the landscaping requirements noted above, buffer planting areas are intended to provide substantial vegetative screening between dissimilar zoning districts to soften visual and aesthetic impacts (unless exempted above). These landscaping provisions are also intended to soften the appearance of buildings from the street and enhance the aesthetics of development.	
X District property abutting R-1, R-2 or R-2SRD District property	<ul style="list-style-type: none"> <li>• A continuous planting area <del>that has a minimum width of at least 15 feet</del> <u>and contains Type A Landscaping shall be provided on wide along abutting the property, along the boundary with the R-District property line containing Type A Landscaping.</u></li> <li>• Where the property required to provide a buffer is 150 feet or less in depth, measured perpendicularly from the residential parcel, the buffer can be reduced to 10 feet in width.</li> </ul>
X District property across the alley from R-1, R-2 or R-2SRD District property	<ul style="list-style-type: none"> <li>• A continuous planting area <del>that has on the required property with</del> a minimum width of 7 feet <del>and that</del> contains Type B or C Landscaping <u>shall be provided on the property, across from the R-District.</u></li> <li>• Buffer planting areas may be broken only for vehicle and pedestrian access crossings and to allow limited access to and use of utility services.</li> </ul>
<b>Front Yard</b>	
Front Yard Landscaping	<ul style="list-style-type: none"> <li>• In areas where buildings are not located adjacent to the sidewalk, the area between the public sidewalk and buildings shall incorporate expanded sidewalk space, outdoor seating, plazas and/or landscaping with a combination of trees, shrubs, and/or ground cover plants.</li> </ul>
Foundation Planting	<ul style="list-style-type: none"> <li>• All street-facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards: <ol style="list-style-type: none"> <li>1. The landscaped area must be at least three feet wide.</li> <li>2. There must be at least one shrub for every three lineal feet of foundation.</li> <li>3. Groundcover plants must fully cover the remainder of the landscaped area.</li> </ol> </li> </ul>
<b>Planting Requirements.</b> These requirements are intended to provide trees of sufficient maturity at planting to provide more immediate mitigation to the site, to provide trees adequate space to avoid damage and continue growth, and to visually break up parking lots (unless exempted above).	
Street Trees	<ul style="list-style-type: none"> <li>• <del>Tree species, location, spacing, and grades must comply with adopted business area improvement plans, streetscape design plans, and/or the City's Tree Planting Program.</del></li> <li>• Street trees shall be provided at a ratio of 3 trees per 100 feet of site street frontage <del>shall be provided, including buildings, compatible with other trees in the vicinity by variety, species, and planting pattern.</del></li> <li>• <del>Trees planted within the right-of-way are considered street trees for purposes of this requirement. Street trees shall generally be placed adjacent to the curb and between the pedestrian lane and curb.</del></li> </ul>
Parking Lot Landscaping	<ol style="list-style-type: none"> <li>1. Perimeter parking lot landscaping: <ol style="list-style-type: none"> <li>a. Streets: 10-foot wide planting strip with Type C Landscaping.</li> <li>b. Side and rear yards: 10-foot wide planting strips with Type B or C Landscaping. Where the subject property is 150 feet or less in depth, the perimeter strip can be reduced to 5 feet in width.</li> <li>c. Perimeter strips may be broken only for vehicle and pedestrian access crossings, and to allow limited access to and use of utility services located in alleys.</li> </ol> </li> <li>2. Internal parking lot landscaping: <ol style="list-style-type: none"> <li>a. Planting areas with trees are required at all parking aisle ends.</li> <li>b. <del>Long rows of parking shall be broken by islands or peninsulas with trees such that there are</del> <u>shall be</u> no more than eight parking stalls in a row without a tree.</li> <li>c. Trees shall be provided at an average of 30-foot intervals along walkways within or adjacent to parking lots.</li> <li>d. Type C Landscaping shall be used for internal parking lot landscaping.</li> <li>e. Bioretention cells or swales may be incorporated into required planting areas.</li> </ol> </li> </ol>

## Landscaping Types

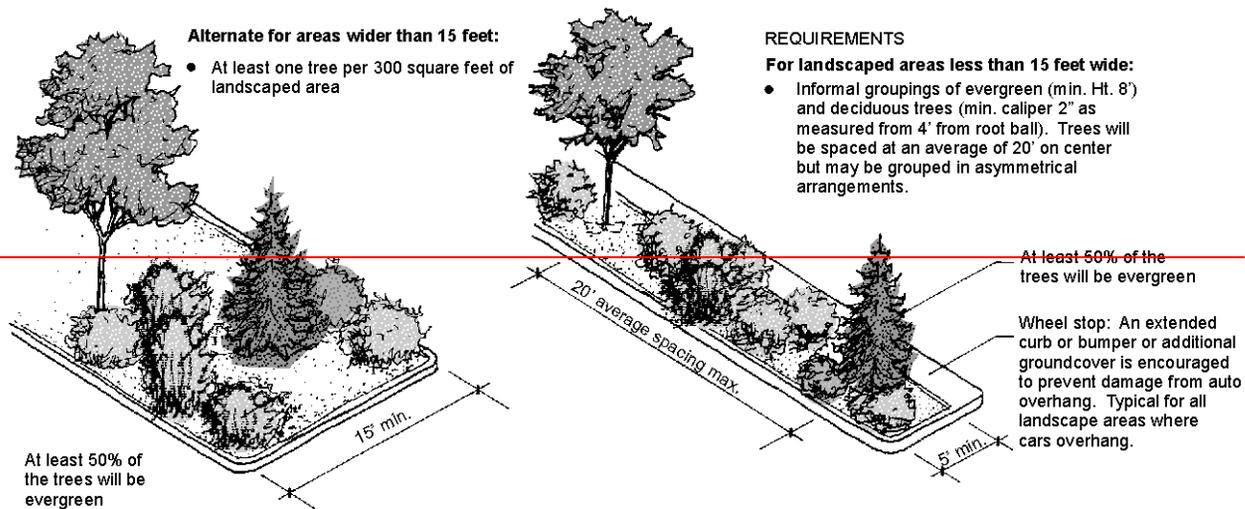
Landscaping Type A—A dense landscaping screen separating different uses. Specifically:

- a. For landscaping strips 10 to 15 feet wide:
  - i. At least one row of evergreen trees, minimum 8 feet in height at the time of planting and 10 feet maximum separation.
  - ii. Shrubs at a rate of one shrub per 20 square feet of landscaped area. In addition to being from minimum 3-gallon sized containers, shrubs shall be at least 16 inches tall at planting and have a mature height of at least 3 feet.
  - iii. Groundcover plants.
  - iv. Bioretention cells or swales can be incorporated into these landscaping strips.
- b. For landscaping strips wider than 15 feet:
  - i. A minimum of one evergreen tree for every 150 square feet arranged in a manner to obstruct views into the property.
  - ii. Shrubs and groundcover as required above.
  - iii. Bioretention cells or swales can be incorporated into these landscaping strips.



**Landscaping Type B**—A moderately dense and naturalistic vegetation screen to offer visual relief and integrate built elements into the natural environment. Specifically:

- a. For landscaping strips less than 15 feet wide:
  - i. Informal groupings of evergreen and/or deciduous trees. At least 50 percent of the trees must be evergreen. Trees to be spaced at an average of 20 feet on-center, but may be grouped in asymmetrical arrangements.
  - ii. Shrubs at a rate of one shrub per 20 square feet of landscaped area.
  - iii. Groundcover plants.
  - iv. Bioretention cells or swales can be incorporated into these landscaping strips.
- b. For landscaping strips wider than 15 feet:
  - i. At least one tree per 300 square feet of landscaped area. At least 50 percent of the trees must be evergreen.
  - ii. Tree species, shrubs, and groundcover as required above.
  - iii. Bioretention cells or swales can be incorporated into these landscaping strips.



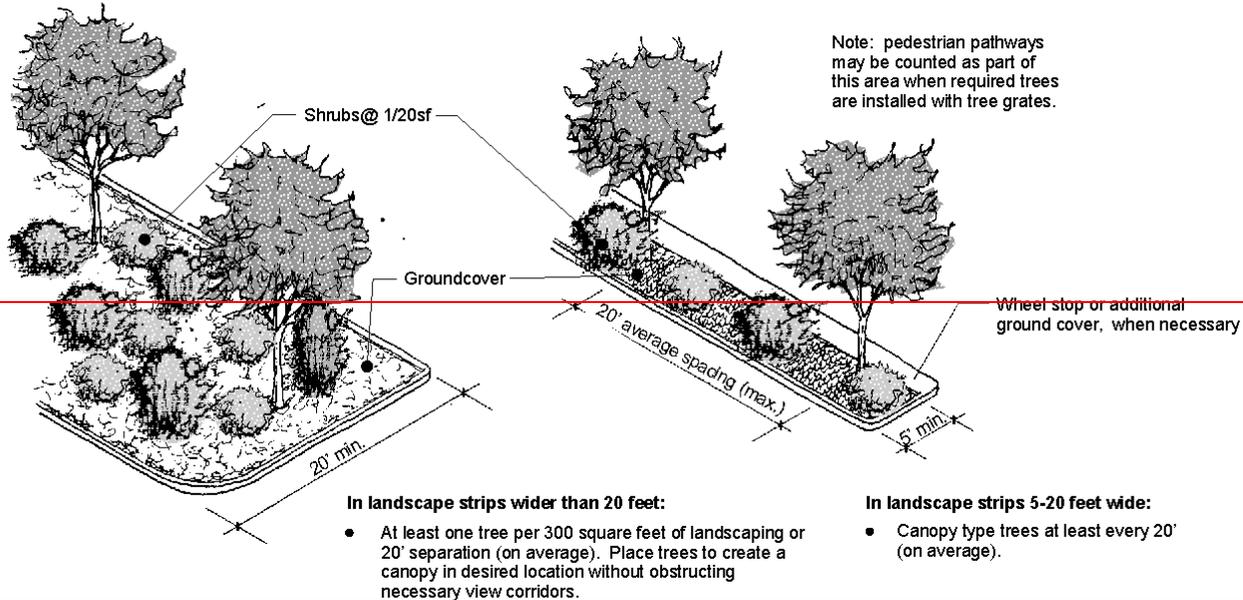
**Landscaping Type C—Landscaping provides visual relief in parking areas and along roadways where both a canopy of trees and visibility is required.**

**a.—For landscaping strips 5 to 20 feet wide:**

- i.—Trees at 20 feet on-center.
- ii.—Shrubs at a rate of one shrub per 20 square feet of landscaped area.
- iii.—Groundcover plants.
- iv.—Bioretention cells or swales can be incorporated into these landscaping strips.

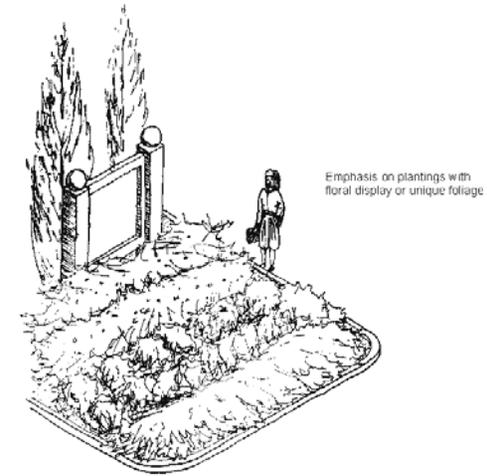
**b.—For landscaping strips wider than 20 feet:**

- i.—At least one tree per 300 square feet of landscaped area or 20 foot separation (on average). Place trees to create a canopy in desired locations without obstructing necessary view corridors.
- ii.—Tree species, shrubs, and groundcover as required above.
- iii.—Bioretention cells or swales can be incorporated into these landscaping strips.



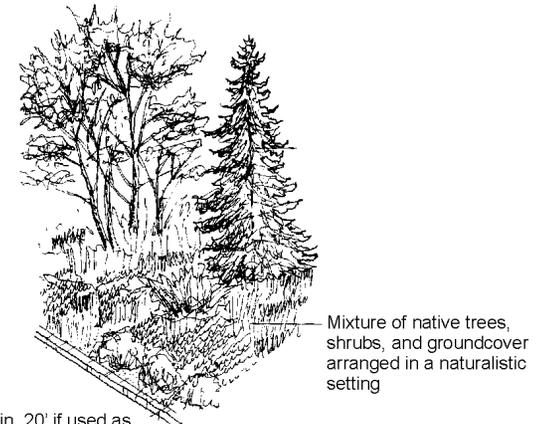
**Landscaping Type D**— A decorative landscaped display with colorful flowers or foliage as a focal setting for signs, special site elements and/or high visibility or pedestrian areas. Specifically:

- a. Shrubs, at least 50 percent of which must exhibit decorative floral or foliage, shall cover at least 50 percent of the landscaped area within 3 years.
- b. The remaining 50 percent of the landscaped area may be planted with trees, shrubs, perennials, groundcover plants, or cultivated flower beds.



**Landscaping Type E**— Enhancing natural areas to better integrate developments into existing conditions. Specifically:

- a. Landscaping shall consist of trees, shrubs, and groundcover plants that are native to the Puget Sound and are appropriate to the conditions of the site.
- b. Arrangement of plants shall be asymmetrical and plant material shall be sufficient in quantity to cover the soil in one growing season.
- e. Minimum 20 feet in width if used as a screen or required front yard treatment.



Min. 20' if used as part of screen or required front yard treatment

<b>Section 13.06.502.E</b> <b>Port Maritime and Industrial District</b> <b>Landscaping</b>	<b>M-1, M-2, PMI</b>
<b>Applicability</b>	
<ul style="list-style-type: none"> <li><del>Unless specifically exempted, a landscaping plan shall be provided consistent with this table for all new development of parking areas over 20,000 square feet of gross lot area, for perimeter strips adjacent to arterial street frontages, for street trees, and for buffer plantings abutting R-District property.</del></li> <li><del>Required landscaping and perimeter strips may be substituted with central landscaping, except where necessary to screen an outdoor storage or industrial use from an R-District property. Central landscaping is in equal proportion to that which would have been required and that which can be provided with variations in spacing and/or grouped to accommodate driveways, building entrances, etc. Required landscaping and perimeter strips are those not otherwise exempted by the provisions in this section.</del></li> </ul>	
<b>Exemptions</b>	
<ul style="list-style-type: none"> <li><del>Building remodels are exempt from all landscaping requirements contained in this table.</del></li> <li><del>Building additions and buildings added to sites with existing structures are exempt from the landscaping requirements contained in this table, except for street tree requirements and Buffer Planting Areas. Street trees and Buffer Planting Areas are only required along property lines adjacent to the building addition. If the required Buffer Planting Area cannot be provided because of legally existing development, the maximum possible Buffer Planting Area shall be provided and this area shall be covered with a mixture of trees, shrubs, and groundcover plants.</del></li> <li><del>Single-family, two-family, and three-family dwellings are exempt from all landscaping requirements contained in this table.</del></li> <li><del>Required landscaped perimeter strips may be substituted with central landscaping, except where necessary to screen an outdoor storage or industrial use from an R-District property. Central landscaping is in equal proportion to that which would have been required and that which can be provided with variations in spacing and/or grouped to accommodate driveways, building entrances, etc. Required landscaped perimeter strips are those not otherwise exempted by the provisions in this section.</del></li> <li><del>Required landscaped perimeter strips and street trees may be exempted if demonstrated that such requirement would interfere with adjacent or intersecting railroads, including private spur railroads, existing storm water ditches, or national security requirements, or if demonstrated that there is a 20-foot vertical grade difference between the properties that offers comparable protection.</del></li> <li><del>When there is a 20-foot vertical grade difference between M or PMI District property that is abutting R-District property, no buffer is required along the affected property line if such grade difference is demonstrated to provide comparable protection.</del></li> <li><del>When there is a 20-foot vertical grade difference between M or PMI District property that is located across the street or alley from R-District property or adjacent to R-District property within a mixed-use district center, no buffer is required along the affected property line if such grade difference is demonstrated to provide comparable protection.</del></li> <li><del>Park and recreation uses are only required to meet the Minimum Landscaping Area-Overall site requirements and the Planting Requirements of this table. Passive open space areas of such uses are exempt from all landscaping requirements of this table.</del></li> </ul>	
<b>Minimum Landscaping Area (unless exempted above)</b>	
Overall site	<ul style="list-style-type: none"> <li><del>Five percent of parking areas over 20,000 square feet of gross lot area shall be planted with a mixture of trees, shrubs, and groundcover plants. Not more than five percent is required for such parking areas, but this requirement is separate from the required site perimeter strip or buffer plantings.</del></li> <li><del>These landscaped areas shall be covered with a mixture of trees, shrubs, and groundcover plants.</del></li> <li><del>In M-1 districts, all projects adjacent to a developed public street right-of-way are required to plant street trees consistent with the street tree planting requirements detailed below.</del></li> </ul>
Site perimeter strip	<ul style="list-style-type: none"> <li><del>Perimeter strips may be broken for primary structures and vehicle and pedestrian access crossings.</del></li> <li><del>A minimum 5-foot wide perimeter strip that is covered with a mixture of trees, shrubs, and groundcover plants shall be provided along arterial street frontages.</del></li> <li><del>The perimeter strip shall be covered with a mixture of trees, shrubs, and groundcover plants.</del></li> </ul>

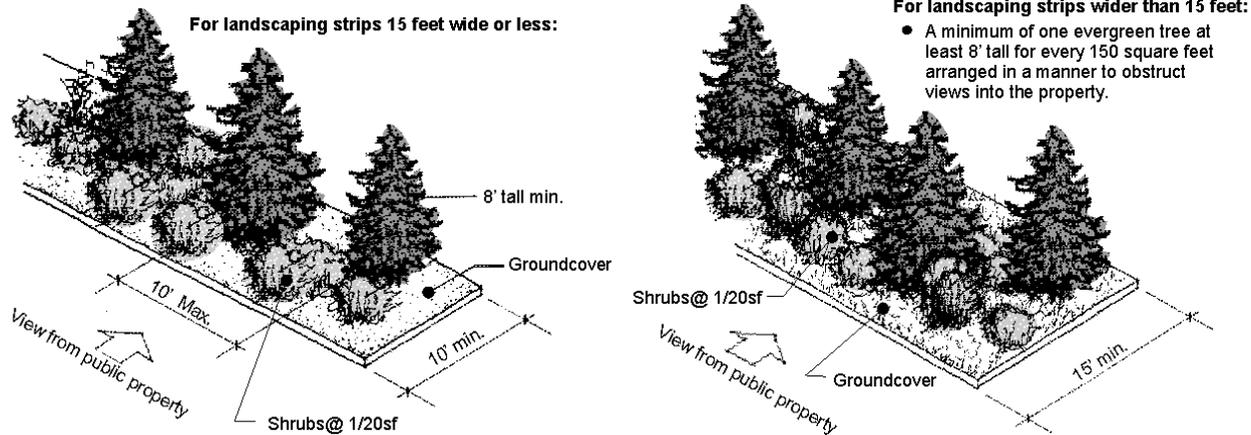
<p><b>Buffer Planting Areas.</b> In addition to the intent of the landscaping requirements noted above, buffer planting areas are intended to provide substantial vegetative screening between dissimilar zoning districts to soften visual and aesthetic impacts, (unless exempted above).</p>	
<p>M or PMI District property abutting R-District property</p>	<ul style="list-style-type: none"> <li>• A continuous planting area <del>that has on the required property with</del> a minimum width of 15 feet <del>and that</del> contains <u>Type A Landscaping shall be provided on the property, along the boundary with the R-District.</u></li> <li>• <del>A minimum of 6 trees per 100 lineal feet of abutting property line.</del></li> <li>• <del>A minimum of 12 shrubs per 100 lineal feet of abutting property line.</del></li> <li>• Where the property required to provide a buffer is 150 feet or less in depth, measured perpendicularly from the residential parcel, the buffer can be reduced to the minimum 7-foot wide buffer listed below.</li> </ul>
<p>M or PMI District property across the street or alley from R-District property <del>or adjacent to R-District property within a mixed-use center</del></p>	<ul style="list-style-type: none"> <li>• A continuous planting area <del>that has on the required property with</del> a minimum width of 7 feet <del>and that</del> contains <u>Type B or C Landscaping shall be provided on the property, across from the R-District.</u></li> <li>• <del>A minimum of 4 trees per 100 lineal feet of abutting property line.</del></li> <li>• <del>A minimum of 10 shrubs per 100 lineal feet of abutting property line.</del></li> <li>• <del>Street trees are not required on frontage where a buffer is required, but may be used to satisfy buffer tree requirements.</del></li> <li>• <u>Buffer planting areas may be broken only for vehicle and pedestrian access crossings and to allow limited access to and use of utility services. Buffer planting areas may be broken only for vehicle lanes and/or walkways.</u></li> <li>• In cases where there is a demonstrated site constraint, the minimum buffer width may be reduced to a minimum 4 feet, with the integration of a continuous site-obscuring fence or vegetated wall.</li> </ul>
<p><b>Planting Requirements.</b> These requirements are intended to provide trees of sufficient maturity at planting to provide more immediate mitigation to the site, to provide trees adequate space to avoid damage and continue growth, and to visually break up parking lots, (unless exempted above).</p>	
<p>Tree size and quantity</p>	<ul style="list-style-type: none"> <li>• <del>A m</del>Minimum 1 tree per 1,000 square feet of <del>new</del> parking lot area <u>shall be provided.</u></li> <li>• If more trees are needed to meet distribution or street tree requirements, that total is the minimum requirement.</li> </ul>
<p>Interior landscaping distribution</p>	<ul style="list-style-type: none"> <li>• Trees and planting areas shall be at aisle ends and evenly distributed throughout the new parking lot with no stall more than 50 feet from a tree trunk.</li> <li>• At least 1 tree shall be located within 10 feet of required walkway for each 40 feet of said walkway.</li> </ul>
<p>Street trees</p>	<ul style="list-style-type: none"> <li>• <u>In M-1 Districts, 3 trees per 100 feet of site street frontage shall be provided, including buildings, compatible with other trees in the vicinity by variety, species, and planting pattern.</u></li> <li>• <del>Trees and grates must comply with adopted business area improvement plans and/or the City's Tree Planting Program.</del></li> </ul>

**Section 13.06.502.F**

**Landscaping Types**

Landscaping Type A - A dense landscaping screen separating different uses. Specifically:

- a. For landscaping strips 10 to 15 feet wide:
  - i. At least one row of evergreen trees, minimum 8 feet in height at the time of planting and 10 feet maximum separation.
  - ii. Shrubs at a rate of one shrub per 20 square feet of landscaped area. In addition to being from minimum 3-gallon sized containers, shrubs shall be at least 16 inches tall at planting and have a mature height of at least 3 feet.
  - iii. Groundcover plants.
  - iv. Bioretention cells or swales can be incorporated into these landscaping strips.
- b. For landscaping strips wider than 15 feet:
  - i. A minimum of one evergreen tree for every 150 square feet arranged in a manner to obstruct views into the property.
  - ii. Shrubs and groundcover as required above.
  - iii. Bioretention cells or swales can be incorporated into these landscaping strips.



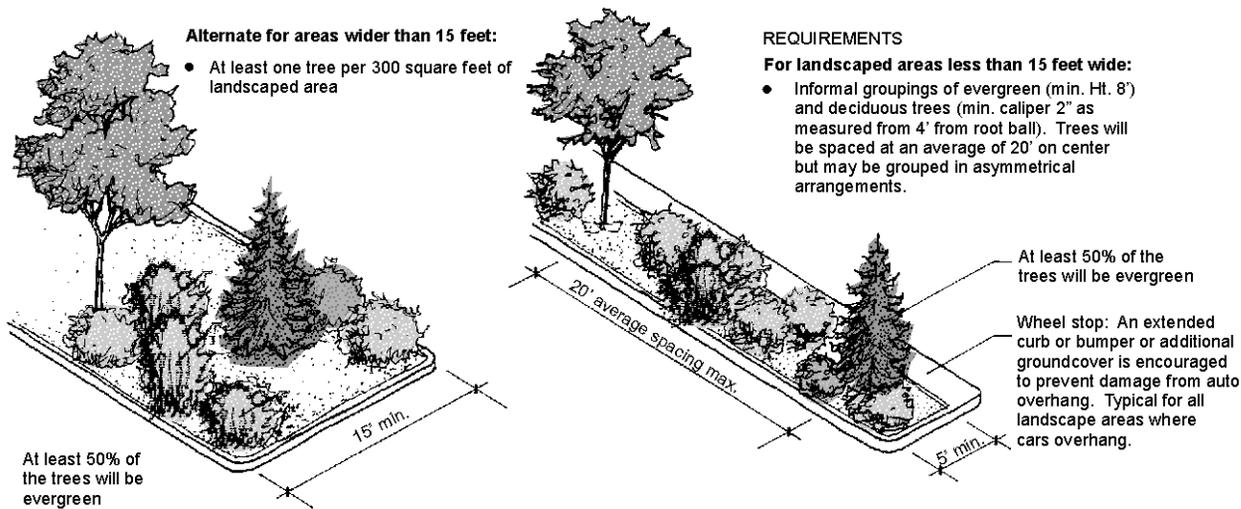
Landscaping Type B - A moderately dense and naturalistic vegetation screen to offer visual relief and integrate built elements into the natural environment. Specifically:

a. For landscaping strips less than 15 feet wide:

- i. Informal groupings of evergreen and/or deciduous trees. At least 50 percent of the trees must be evergreen. At least one tree per 500 square feet of landscaped area. Trees to be spaced at an average of 20 feet on-center, but may be grouped in asymmetrical arrangements.
- ii. Shrubs at a rate of one shrub per 20 square feet of landscaped area.
- iii. Groundcover plants.
- iv. Bioretention cells or swales can be incorporated into these landscaping strips.

b. For landscaping strips wider than 15 feet:

- i. At least one tree per 300 square feet of landscaped area. At least 50 percent of the trees must be evergreen.
- ii. Tree species, shrubs, and groundcover as required above.
- iii. Bioretention cells or swales can be incorporated into these landscaping strips.



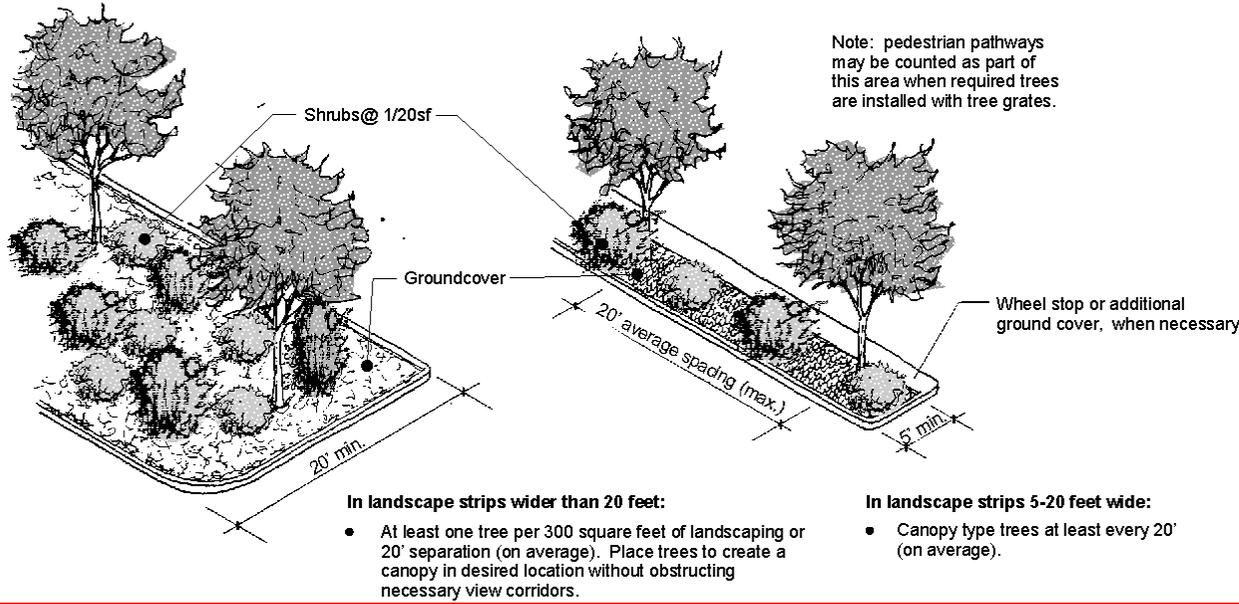
Landscaping Type C - Landscaping provides visual relief in parking areas and along roadways where both a canopy of trees and visibility is required.

a. For landscaping strips 5 to 20 feet wide:

- i. Trees at 20 feet on-center.
- ii. Shrubs at a rate of one shrub per 20 square feet of landscaped area.
- iii. Groundcover plants.
- iv. Bioretention cells or swales can be incorporated into these landscaping strips.

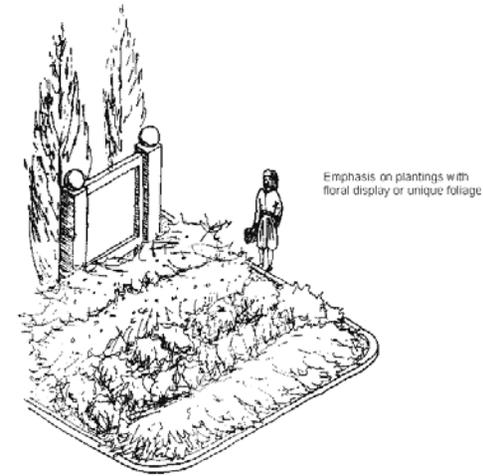
b. For landscaping strips wider than 20 feet:

- i. At least one tree per 300 square feet of landscaped area or 20 foot separation (on average). Place trees to create a canopy in desired locations without obstructing necessary view corridors.
- ii. Tree species, shrubs, and groundcover as required above.
- iii. Bioretention cells or swales can be incorporated into these landscaping strips.



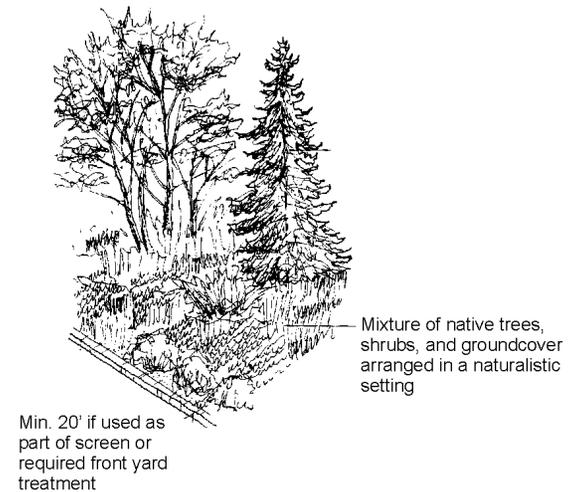
Landscaping Type D - A decorative landscaped display with colorful flowers or foliage as a focal setting for signs, special site elements and/or high visibility or pedestrian areas. Specifically:

- a. Shrubs, at least 50 percent of which must exhibit decorative floral or foliage, shall cover at least 50 percent of the landscaped area within 3 years.
- b. The remaining 50 percent of the landscaped area may be planted with trees, shrubs, perennials, groundcover plants, or cultivated flower beds.



Landscaping Type E - Enhancing natural areas to better integrate developments into existing conditions. Specifically:

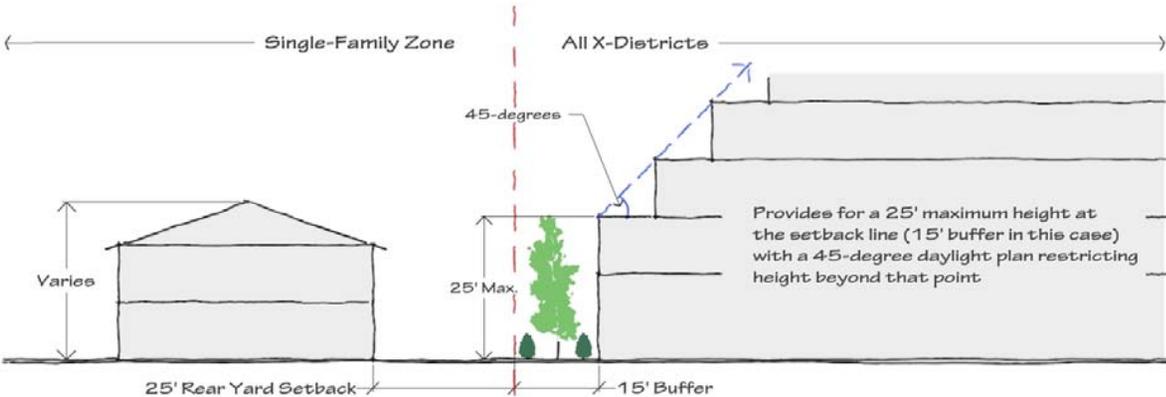
- a. Landscaping shall consist of trees, shrubs, and groundcover plants that are native to the Puget Sound and are appropriate to the conditions of the site.
- b. Arrangement of plants shall be asymmetrical and plant material shall be sufficient in quantity to cover the soil in one growing season.
- c. Minimum 20 feet in width if used as a screen or required front yard treatment.



**13.06.503 Residential transition standards.**

The following items are required to help ensure appropriate transitions between non-residential and/or higher intensity development and adjacent residential districts, in terms of building bulk and scale, location of activity areas for privacy and noise reduction, provision of greenspace, and visual separation:

[See table below.]

<p><b>A. Upper Story Stepback</b></p>	<ol style="list-style-type: none"> <li>1. Structures shall not intercept a 25-degree daylight plane inclined into the C, T, PDB, HM, M, or PMI District from a height of 25 feet above existing grade at any R-District / C, T, PDB, HM, M, or PMI District boundaries, excluding boundaries with R-4 Districts, R-5 Districts, and/or non-residential uses in any R District (<del>see diagram at right</del>). <u>For purposes of this provision, vacant land located in an R-District shall be considered a residential use.</u></li> <li>2. The following requirements apply in all X-Districts, where a Mixed-Use Center boundary is adjacent to single-family zoning (R-1, R-2 and R-2SRD Districts), except where the adjacent use within the single-family zone is a park, permanent open space, undevelopable steep slope, public facility or freeway.             <ol style="list-style-type: none"> <li>a. <del>An upper story stepback equal to 10 feet back for each 10 feet up above 25 feet shall be incorporated in P</del>projects abutting a single-family zone at an alley or rear or side property line <u>shall not intercept a 45-degree daylight plane inclined into the X-District from a height of 25 feet above existing grade, measured from the inside edge of the required buffer or setback</u> (example of abutting scenario below). <del>This stepback is measured from the inside edge of the required buffer or setback.</del></li> <li>b. <del>An upper story stepback equal to 10 feet back for each 10 feet up above 35 feet shall be incorporated in P</del>projects abutting a single-family zone at a street <u>shall not intercept a 45-degree daylight plane inclined into the X-District from a height of 35 feet above existing grade at</u>. <del>This stepback is measured from</del> the property line.</li> </ol> </li> </ol> <div style="text-align: center; margin-top: 20px;">  <p><b>Upper Story Stepback - Abutting Scenario</b></p> </div>
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Upper Story Stepback - Abutting Scenario

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**13.06.510 Off-street parking and storage areas.**

A. Purpose. To ensure the safe and adequate flow of traffic in public right-of-way, it is deemed in the interest of the public health, safety, and general welfare that off-street parking areas be required as a necessary part of the development and use of land, and to ensure that required parking areas are designed to perform in a safe and efficient manner. Additionally, to minimize impacts to adjacent uses from areas used for storage of vehicles and other materials, specific design and development standards for such areas are provided in Subsection D.

Minimum parking requirements are particularly important in order to ensure resident, visitor, customer, and employee parking within reasonable distance to the uses served, reduce congestion on adjacent streets; and to minimize, to the extent possible, spillover parking into adjacent residential areas. The requirements herein set forth are also established to discourage under-used parking facilities and to minimize the amount of land dedicated to parking, consistent with the Comprehensive Plan, that encourages economic development, transit use, carpooling, energy conservation, and air quality improvement by providing for: only the minimum number of stalls necessary, compact stalls, shared parking between uses, transportation demand management, and incentives for reducing the size of parking areas.

Applicability. Buildings, structures, or uses hereafter established, built, enlarged, increased in capacity, or changed in principal use in all districts shall provide the following off-street parking areas:

- 1. Off-street parking spaces - quantity. The quantity of off-street parking shall be provided in accordance with the standards of the tables below.
  - a. Fractions. Fractions resulting from required parking calculations will be rounded up or down to the nearest whole number.
  - b. Multiple uses. Where an establishment on a lot contains multiple types of uses, the required parking spaces shall be equal to the total spaces determined by computing each use type separately, except where specifically stated otherwise herein.
  - c. Use not listed. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the City Traffic Engineer. Such determination shall be based upon the requirements for the use specified in this section that is most nearly comparable to the unspecified use and traffic engineering principles and studies.
  - d. Historic buildings and sites. Structures and sites that are individually listed on the Tacoma Register of Historic Places shall be exempt from all parking quantity requirements. This provision does not apply to Historic Special Review District overlay zones.

\* \* \*

TABLE 1 – Required Off-Street Parking Spaces <sup>9,14</sup>		
Use	Unit	Required parking spaces
		Min.
* * *		
<b>Institutional</b>		
* * *		
Elementary, middle, and junior high schools	<del>Classroom</del> Teaching station.	1.20
* * *		

TABLE 2 – Parking in Mixed-Use Center Districts
* * *

Exemptions	<p>No parking is required for any structure in existence upon the date the Mixed-Use Center was created within which it exists (see Section 13.17.020). New development shall provide parking as required.</p> <p>In NCX <u>and CCX</u> Districts, no parking is required for buildings located within 10 feet of the right-of-way of the designated core pedestrian streets (see Section 13.06.300.C). <del>In CCX Districts, no parking is required for buildings that are located within 10 feet of the right of way of a designated core pedestrian street.</del></p> <p>In NCX, CCX, and UCX Districts, no parking is required for the first 3,000 square feet of <del>each</del> ground-level retail or eating and drinking establishment.</p>
<b>Parking Quantity Reductions.</b> The parking requirements for mixed-use, multi-family, commercial, institutional and industrial developments within X-Districts may be reduced as follows:	
Transit Access	<p>Parking requirement shall be reduced by 25% for sites located within 500 feet of a transit stop and 50% for sites located within 500 feet of a transit stop at which a minimum of <del>2015</del>-minute peak hour service is provided (routes which serve stops at least every <del>2015</del> minutes during peak hours). Applicants requesting this reduction must provide a map identifying the site and transit service schedules for all transit routes within 500 feet of the site.</p>
* * *	
<b>Development Standards – Location.</b>	
NCX, RCX, NRX, URX and UCX-TD Districts	<p>Parking shall be located to the rear, side, within, or under a structure, or on a separate lot.</p> <p><u>Surface p</u>Parking located to the side of a structure shall not exceed a maximum of 60 feet in width for paved vehicular area along designated pedestrian street frontages.</p>
* * *	
<b>Development Standards – Driveways.</b> Driveways shall be located and developed in a manner that recognizes the overall goals for promoting pedestrian activity over vehicle orientation. They shall be limited in size and number and located in the preference order described below:	
Driveway location	<ol style="list-style-type: none"> <li>1. Driveways shall be located from an alley when suitable access is available, such as an abutting right-of-way that is or can practicably be developed.</li> <li>2. When suitable alley access is not available, driveways shall be limited to the lowest classified roadway adjacent to the site (non-designated street, designated pedestrian street, designated core pedestrian street)</li> <li>3. Projects that utilize an alley for vehicle access and can-not practicably limit vehicular access only to the alley, shall also be allowed to have additional vehicular access from abutting non-designated pedestrian streets.</li> <li>4. Driveways shall be located as close as practical to the property line most distant from any street intersections. Location shall be subject to the approval of the City Traffic Engineer.</li> </ol>
* * *	
<b>Development Standards – Parking Garages.</b> The following standards apply to parking garages. They are intended to limit parking garage impacts on the pedestrian environment and reduce opportunities for crime in parking garages.	
Core Pedestrian Streets	<p>Parking garages are prohibited at street level along the frontage of designated core pedestrian streets. <u>These areas are intended to include uses and portions of uses that encourage pedestrian activity and interaction between adjacent uses and the streetscape.</u></p>
<u>Pedestrian Streets</u>	<p><u>Parking garages shall not occupy more than 50% of the length of a building’s street-level frontage along a designated pedestrian street. The remaining portions are intended to include uses and portions of uses that encourage pedestrian activity and interaction between adjacent uses and the streetscape.</u></p>

Parking Garage Openings	<p>These standards apply to parking garages for five or more vehicles.</p> <p>Parking garage openings, including vehicular access openings, shall not exceed 50% of the total ground floor façade adjacent to a public street or sidewalk.</p> <p>Parking garage openings at the level of and facing a street, alley, courtyard, plaza, or open parking area shall incorporate decorative grilles, architectural elements, planters, and/or artworks that effectively reduce the visibility of vehicles within the garage while still allowing for limited visibility into and out of the garage. Any portion of the screening that is between 3 and 7 feet above the adjacent grade shall be at least 20% transparent but not more than 80% transparent. Vehicular access openings shall be exempt from this standard.</p>
<p><b>Development Standards – Drive-throughs in Mixed-Use Centers.</b> The following standards apply to drive-throughs located in Mixed-use Centers. See section 13.06.300.D for permitted zones.</p>	
<ol style="list-style-type: none"> <li>1. Drive-through driveways and stacking lanes must be located at least 150 feet from any bus stop or transit center, <u>as measured along the curb line between the driveway and the bus stop or transit center</u></li> <li>2. All vehicle use areas associated with a drive-through shall be located at the side or rear of the building</li> <li>3. Drive-through windows shall not face a designated pedestrian street and stacking areas shall not lie between a building and a designated pedestrian street</li> <li>4. Drive-through stacking lane(s) and service window(s) shall be designed and screened from the view of adjacent properties with landscaping and/or structures</li> <li>5. Pedestrian paths that cross a drive-through aisle shall use a raised platform and be marked with symbols, signage and/or special painting.</li> <li>6. Within Mixed Use Centers, drive-throughs shall be limited to 1 stacking lane maximum unless the portion with multiple lanes is fully screened from public view.</li> <li>7. Drive-through uses that are not located within a building are prohibited from locating within 100 feet of a light rail station or streetcar station</li> <li>8. <u>Driveways are also subject to the standards contained in Section 13.06.510</u></li> </ol>	

2. Off-site parking. Parking areas for all uses shall be located on the same parcel with such uses; however, it is recognized that more efficient use of land, business, or organization growth, safety, or similar considerations may make off-site parking desirable. Therefore, an exception is provided that off-street parking areas may be constructed on a parcel separate from the main building or buildings occupied by such uses, under the following circumstances:

- a. Where allowed. The parking area shall be considered an extension of the use it serves. The parking area shall be permitted, prohibited, or subject to conditional use permit in the same manner as the associated land use.
- b. Proximity to use. The parcel(s) for such off-site parking area shall be located within 500 feet of the parcel(s) to be served. The distance shall be measured between the nearest points of pedestrian access between the two parcels.

\* \* \*

3. Shared parking. Parking areas for all uses shall be located on the same parcel with such uses; however, it is recognized that more efficient use of land, business, or organization growth, safety, or similar considerations may make shared parking desirable. Therefore, two or more uses may share common parking facilities, subject to the following:

- a. Off-site. The shared parking site shall comply with the provisions of off-site parking (subsection 2 above).
- b. Performance. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
- c. Availability confirmation. Required parking spaces within such a shared parking area are owned or under legal contract by the owner(s) or lease holder(s) of the property intended to be served.
- d. Total spaces. When two or more uses share common parking facilities, the total number of parking spaces required shall be the sum of spaces required for those uses individually.
  - (1) General exception. Where the uses involved are both daytime and nighttime uses, as defined below, the total required parking for all uses may be reduced by 50 percent of the daytime use requirement or the nighttime use requirement, whichever is smaller.
  - (2) Religious assembly and school exception. All of the parking spaces required by this section for a religious assembly or for an auditorium incidental to a public or private school, college, or university may be supplied by the off-street parking areas provided by daytime uses.

(3) Daytime uses established. For the purposes of this section, the following uses are considered as daytime uses: banks; business and professional offices; retail stores; daycare centers, manufacturing and warehouse buildings; and similar primarily daytime uses as determined by the City Engineer.

(4) Nighttime uses established. For the purposes of this section, the following uses are considered as nighttime uses: auditoriums incidental to a public or private school; college; or university; churches; bowling alleys; dance halls; theatres; taverns; cocktail lounges; night clubs; or restaurants; and similar primarily nighttime uses as determined by the City Engineer.

(5) Similar sharing of parking may be allowed between other uses whose parking demand generally occurs at different times, such as between those that operate primarily on weekdays and those that operate primarily on weekends, as determined by the City Engineer.

\* \* \*

5. Driveways. Except as otherwise stipulated in the TMC, driveways shall be constructed according to the requirements of TMC 10.14.050 (or as amended), which include the following standards:

a. Except as otherwise provided by TMC 10.14.050, the width of any driveway shall not exceed 30 feet, exclusive of the radii of the returns, the measurement being made parallel to the center line of the street, unless special authorization is given by the Director of Public Works;

b. The width of any driveway shall not be less than 10 feet, exclusive of the radii of the returns, the measurement being made parallel to the center line of the street;

c. All driveways for other than single-family residences and duplexes shall be a minimum of 20 feet in width, exclusive of the radii of the returns, the measurement being made parallel to the center line of the street. The radius of all driveway returns shall be a minimum of 10 feet, except on non-arterial streets for single-family residences or duplexes, which shall have a minimum radius of five feet;

d. The total width of all driveways on a street for any one parcelownership shall not exceed 50 percent of the frontage of that parcelownership along the street, and shall not be more than two in number except as allowed under TMC 10.14.050.B.6.e.

~~6. Vehicle access and parking in R-Districts. Additional limitations on vehicular access and parking in R-Districts are contained in Section 13.06.100.D. All on-site parking for dwellings and buildings other than dwellings shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard, subject to determination by the City Engineer, then vehicular access to the front may be developed. However, in no case shall driveway and/or parking areas exceed a total of 50 percent of the front yard or 50 percent of a corner street side yard.~~

\* \* \*

### **13.06.511 Transit support facilities.**

\* \* \*

B. Applicability. These provisions apply Citywide to all new development ~~and, alternations/remodels that, within a two-year period, exceeding 50~~60 percent of the value of existing development or structures, building value as determined by the Building Code, ~~and additions to existing buildings over 5,000 square feet of floor area or 75 percent of floor area~~ on streets where regularly scheduled transit service is provided. ~~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. No alteration shall increase the level of nonconformity or create new nonconformities to these standards.~~

C. Projects required to provide transit support facilities. Any single-family or multiple-family residential, ~~or~~ commercial, ~~or~~ industrial, or park or recreation project that will be located on, or within 500 feet of, a street where regularly scheduled transit service is provided, and meets the project size thresholds in Table 13.06.511.D.1 below, shall be required to provide a concrete pad(s) for the required transit support facilities and pay to Pierce Transit the costs of providing and installing such facilities, unless mutually agreeable alternative arrangements for providing support facilities that conform to Pierce Transit's standards are agreed to between the project applicant and Pierce Transit. In addition, for parks, recreation and open space uses required to obtain a Conditional Use Permit, the Land Use Administrator shall determine the appropriate transit support facilities based on the methodology outlined below. For projects subject to the transit support facilities standard, evidence of compliance with this requirement shall be provided to Building and Land Use Services prior to issuance of a certificate of occupancy.

\* \* \*

D. Facility standards. Two benches and foundation pads are to be provided at a bus stop within 500 feet of the proposed project where at least five transit riders are expected to board buses on an average weekday. Two foundation pads and shelters are to be provided at a bus stop within 500 feet of the proposed project where at least ten transit riders are expected to board buses on an average weekday. Where there are multiple transit stops within 500 feet of the project site, Pierce Transit shall be consulted as to the need for an appropriate location for the transit support facilities.

TABLE 13.06.511.D.1	2 Benches and Foundation Pads (for future transit provided shelters)	2 Foundation Pads and Shelters
Office	16,000–32,000 square feet of floor area	Over 32,000 square feet
Retail and service	5,000–10,000 square feet of floor area	Over 10,000 square feet
Shopping center	4,000–8,000 square feet of floor area	Over 8,000 square feet
Convenience market	2,000-4,000 square feet of floor area	Over 4,000 square feet
Fast-food restaurant	1,000-2,000 square feet of floor area	Over 2,000 square feet
Manufacturing	45,000–90,000 square feet of floor area	Over 90,000 square feet
Single-Family Housing	60–120 dwelling units	More than 120 dwelling units
Duplexes, Triplexes and Multi-family Housing	30–60 dwelling units	More than 60 dwelling units
<u>Parks and recreation (as defined in Section 13.06.560.C)</u>	<u>High-intensity recreation facilities</u>	<u>Destination facilities</u>

Note: These project thresholds are generally based on trip generation rates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6<sup>th</sup> Edition, and Pierce Transit data showing 3% of weekday vehicular trips are on transit.

E. Exemptions. Projects shall be exempt from these requirements when the required transit support facility(ies) (a bench or shelter) already exist(s) at the nearest bus stop pair (the closest stops on both sides of the street); or when Pierce Transit determines that the required facilities would not enhance the capacity or function of the transit system, such as when there are accessibility issues or pending route changes projects shall be exempt from these requirements.

### 13.06.512 Pedestrian and bicycle support standards.

A. General Applicability.
1. Application. The pedestrian and bicycle support standards apply to all new development, <u>and alternations that, within a two-year period, exceed 50 percent of the value of existing development or structures, as determined by the Building Code, unless specifically exempted herein. 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. No alteration shall increase the level of nonconformity or create new nonconformities to these standards.</u>
2. Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.

~~3. Additions. Additions up to 5,000 square feet of floor area or 75 percent of floor area, whichever is less, shall be exempt from these standards. Larger additions shall meet the requirements of this table at a ratio of at least 1 to 5 (such that a 1 percent increase in floor area will necessitate provision of 5 percent of the requirements of this table for the site; a 2 percent increase in floor area will necessitate provision of 10 percent of the requirements; and so forth, up to where a 20 percent or larger increase in floor area will necessitate provision of 100 percent of the requirements).~~

~~34. Super regional malls. Additions to super regional malls which add less than 10,000 square feet of floor area shall be exempt from these standards. Larger additions shall meet the requirements of this table at a ratio of at least 1 to 3 for the entire mall site (in the same manner described above, under subsection 3), except that additions of an anchor tenant or 140,000 or more square ft. shall require full provision of these requirements for the entire mall site.~~

~~45. Temporary. Temporary structures are exempt from the standards of this section.~~

~~6. Remodel. Remodel projects valued below 50 percent of the building value, as determined by the Building Code are exempt from the standards of this section.~~

~~57. Residential or Mixed-Use. Residential structures of 4 dwelling units or fewer only need to comply with the standards of subsection B, below. Mixed-use structures shall comply with all of the standards.~~

~~6. Parks, recreation and open space uses shall meet the standards of this table, except as specifically exempted below.~~

~~78. Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.~~

~~89. Fractions. Any requirement resulting in a fraction when applied shall be rounded up or down to the nearest whole number.~~

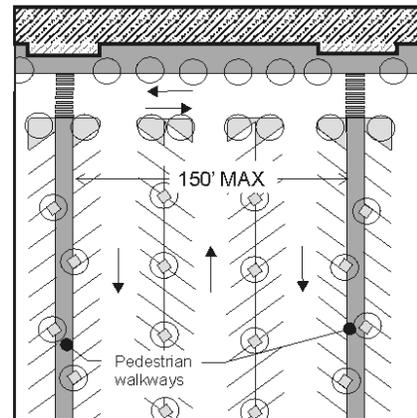
**B. Walkways (Illustrated). To support transportation choices, including walking, the following standards shall be met to assist pedestrian safety, comfort, and mobility, including access to uses from public ways and access from parking areas.**

1. Direct. A direct walkway shall be provided between all customer and/or public entrances and the nearest public sidewalk. For residential dwellings, the required walkway shall be provided between the front entrance and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right-of-way.

2. Multiple use sites. Shopping centers and sites with multiple uses shall provide a walkway network along building facades and through the parking lot that provides pedestrian circulation within the development and that links all customer and/or public building entrances to the public sidewalk. For walkways that are longer than 25 feet, trees shall be provided adjacent to the walkways at a ratio of 3 per 100 feet and pedestrian-scaled lighting at a ratio of 2 per 100 feet. For example, a 50-foot long walkway would require 2 trees and 1 pedestrian-scaled light while a 90-foot long walkway would require 3 trees and 2 pedestrian-scaled lights. Trees shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards.

3. Minimum connection frequency. 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. Walkways shall be located to provide the shortest practical route from the public sidewalk or walkway network to customer and/or public building entrances. This standard does not apply to residential uses containing 4 or fewer dwelling units.

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 accesses).



4. Size and materials. All walkways must either be a raised sidewalk or composed of materials different from parking lot and vehicle access areas. Required walkways must be at least 5 feet wide, excluding vehicular overhang, except for walkways accessing individual residential dwelling units, where the minimum width shall be 4 feet. When more than one walkway is required, at least one walkway must be 10 feet wide.

5. Transit access. A direct walkway shall be provided between the principal customer and/or public building entry and any bus stop adjacent to the site. This may be the same as the walkways above. A separate walkway is required if the bus stop is not within 100 feet of a walkway connection to the sidewalk. This standard does not apply to residential structures of 4 dwelling units or fewer, or to parks, recreation and open space uses without buildings adjacent to the street.

**C. Street Furniture. To support transportation choices, including walking, the following standards shall be met to assist pedestrian safety, comfort, and mobility, including resting places at reasonable intervals.**

1. Minimum. A minimum of one fixed bench or equivalent seating area for every 250 feet of street frontage. This requirement determines quantity and not distribution, not required if site has less than 250 feet of street frontage. Projects in the PMI District are exempt from this requirement. Parks, recreation and open space uses are only required to provide street furniture adjacent to buildings fronting on a street.

2. Minimum on designated pedestrian streets in Mixed-Use Center Districts. A minimum of one fixed bench or equivalent seating area for every 150 feet of street frontage. This requirement determines quantity and not distribution, not required if site has less than 150 feet of street frontage. Parks, recreation and open space uses are only required to provide street furniture adjacent to buildings fronting on a street.

3. Design. Furniture shall be consistent with any applicable adopted business area improvement plans and shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. See examples below.



4. Credit. Any adjacent public street furniture can be counted toward this requirement.

**D. Bicycle Parking. To support transportation choices, including biking, the following standards shall be met for more visible and secure locations for bicycle parking.**

1. Quantity in T, C-1, C-2, HM, and PDB. Minimum 3 percent of the requirement for automobile parking spaces for the first 300 car stalls and 1 percent of car stalls in excess of 300. A minimum of 2 bike spaces is required, except sites requiring 5 or fewer car stalls are exempt from bike parking. Adjacent public bike racks can be counted toward this requirement.

2. Quantity in Mixed-Use Center Districts. Five percent of the requirement for automobile parking spaces for the first 300 automobile stalls and 1.5 percent of automobile stalls in excess of 300, but no less than 2 bicycle stalls. Sites requiring 5 or fewer automobile stalls are exempt from this requirement, except for sites exempted from parking requirements due to their location along core pedestrian streets in neighborhood mixed-use centers (see Section 13.06.510.A.1 Table 2), where the number of required bicycle parking stalls shall be based on the amount of parking that would've been required for the project if it were not exempted.

Adjacent public bike racks can be counted toward this requirement. Any form of vehicle storage, including auto dealers, counts only customer and employee parking to determine bike parking requirement.

3. For park and recreation uses where no vehicular parking is required, a minimum of 2 bike spaces for every 500 feet of street frontage is required in all residential, commercial or industrial zones; in Mixed-Use Center zones a minimum of 2 bike spaces for 250 feet of street frontage is required. The amount shall be no less than 2 bike spaces. Adjacent public bike racks can be counted toward this requirement.

4.3. Location. Bicycle parking shall be located within 50 feet of the primary building entrance for individual sites. Bicycle parking may be grouped near an owner designated primary entrance in shopping centers. Bicycle parking may be shared at a common location on the same block and same side of the street; provided, the quantity meets the total requirement and is no more than 100 feet from any site served. Bicycle parking shall not block pedestrian use of a walkway and shall be located where there is sufficient space to allow bicycle maneuvering and allow access to the rack without moving another bicycle.

5. Design. Bicycle parking facilities, such as racks and lockers, shall be consistent with any applicable, adopted business area improvement plan or streetscape design plan. Racks and lockers shall also be securely anchored and designed to accommodate the required number of bicycles, support bicycles upright, and allow for the frame and at least one wheel to be secured with a standard U-lock. See examples below.



\* \* \*

## 13.06.520 Signs.

\* \* \*

### ~~C. Definitions.~~

~~Abandoned sign. A sign that no longer correctly directs any person or advertises a bona fide business, lessor, owner, product, or activity conducted or available on the premises where such sign is located.~~

~~A Board sign (sandwich board sign). A sign which consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.~~

~~Animated sign. A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.~~

~~Architectural blade. A sign structure which is designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.~~

~~Awning sign. A sign affixed to the surface of an awning and which does not extend vertically or horizontally beyond the limits of such awning.~~

~~Banner sign. A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.~~

~~1. Commercial banner. A banner used for commercial purposes, which includes "For Lease," "Grand Opening," "Sale," etc.~~

~~2. Cultural, civil, and educational banner. A banner used for cultural, civic, or educational events, displays, or exhibits.~~

~~Blade sign—pedestrian oriented. A double-faced sign intended for pedestrian viewing installed perpendicular to the building facade for which it identifies.~~

~~Billboard sign. A sign which advertises goods, products, events, or services not necessarily sold on the premises on which the sign is located; however, a person, business, or event located on the premises shall not be identified. The sign may consist of:~~

~~1. Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of posted paper.~~

~~2. Painted bulletins, where the message of the advertiser is painted directly on the background of a wall-mounted or freestanding display area.~~

~~Building face or wall. All window and wall area of a building in one plane or elevation.~~

~~Center identification sign. Any sign which identifies a shopping, industrial center, or office center by name, address, or symbol. Center identification signs may also identify individual businesses and activities located within the center.~~

~~Changing message center. An electronically controlled sign, message center, or readerboard where copy changes of a public service or commercial nature are shown on the same lamp bank (i.e., time, temperature, date, news, or commercial information of interest to the traveling public).~~

~~Changeable copy sign (manual). Any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand, without altering the face or the surface of the sign (i.e., readerboards with changeable pictorial panels).~~

~~Construction sign. A temporary sign giving the name or names of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other information included thereon.~~

~~Corporate logo sign. A logo sign consists of a symbol or identifying mark(s) used as part of a corporation identification scheme that is meant to identify a corporation, company, or individual business or organization. Internally illuminated cabinet signs shall not be allowed for use as a logo sign above 35 feet in any of the downtown districts.~~

~~Directional sign. Any sign which serves solely to designate the location of any place, area, or business within the City limits of Tacoma, whether on premises or off premises.~~

~~Directory sign. A sign on which the names and locations of occupants or the use of a building is given.~~

~~Electrical sign. A sign or sign structure in which electrical wiring, connections, and/or fixtures are used as any part of the sign.~~

~~Flashing sign. An electrical sign or portion which changes light intensity in sudden transitory bursts, but not including signs which appear to chase or flicker and not including signs where the change in light intensity occurs at intervals of more than one second.~~

~~Freestanding sign. A permanently installed, self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.~~

~~Frontage:~~

~~1. Freestanding sign. For the purpose of computing the size of a freestanding sign, frontage shall be the length of the property line parallel to and abutting each public right-of-way bordered.~~

~~2. Building mounted sign. For the purpose of computing the size of building mounted signs, frontage shall be the length of that portion of the building containing the business oriented onto a right-of-way or parking lot. For a business with more than one frontage, the largest frontage with a public entrance shall be used.~~

~~Graphics. An aggregate of designs, shapes, forms, colors, and/or materials located on an exterior wall and relating to or representing a symbol, word, meaning, or message.~~

~~Ground sign. A sign that is six feet or less in height above ground level and is supported by one or more poles, columns, or supports anchored in the ground.~~

~~Identification or directory sign. A combination sign used to identify numerous buildings, persons, or activities which relate to one another, which is used as an external way finding for both vehicular and pedestrians traffic.~~

~~Illuminated sign. A sign designed to give forth any artificial or reflected light, either directly from a source of light incorporated into or connected with such sign or indirectly from a source intentionally directed upon it, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.~~

~~Incidental sign. A small sign intended primarily for the convenience and direction of the public on the premises, which does not advertise but is informational only, and includes information which denotes the hours of operation, telephone number, credit cards accepted, sales information, entrances and exits, and information required by law. Incidental information may appear on a sign having other copy as well, such as an advertising sign.~~

~~Landscaping. Any material used as a decorative feature, such as planter boxes, pole covers, decorative framing, and shrubbery or planting materials, used in conjunction with a sign, which expresses the theme of the sign but does not contain advertising copy.~~

~~Marquee sign. A sign attached to and made part of a marquee. A marquee (or canopy) is defined as a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.~~

~~Multiple business center. A grouping of two or more business establishments which either share common parking and/or access drives on the lot where they are located or which occupy a single structure or separate structures which are physically or functionally related or attached. In order to be considered a separate business establishment, a business shall be physically separated from other businesses; however, businesses which share certain common internal facilities, such as reception areas, checkout stands, and similar features shall be considered one business establishment.~~

~~Mural. A decorative design or scene intended to provide visual enjoyment that is painted or placed on an exterior building wall. A mural contains no commercial messages, logo, or corporate symbol.~~

~~Nonconforming sign. A nonconforming sign shall mean any sign which does not conform to the requirements of this section.~~

~~Neutral surface. The building surface, cabinetry, and opaque surfaces which are not an integral part of the sign message.~~

~~Off premises sign. A sign that identifies or gives directional information to a commercial establishment not located on the premises where the sign is installed or maintained.~~

~~Off premises open house or directional sign. A sign advertising a transaction involving:~~

- ~~1. A product sold in a residential zone;~~
- ~~2. A product that cannot be moved without a permit; and/or~~
- ~~3. A product with a size of at least 3,200 cubic feet.~~

~~On-premises sign. Any sign identifying or advertising a business, person, activity, goods, products, or services primarily located on the premises where the sign is installed or maintained.~~

~~Parapet. A false front or wall extension above the roof line.~~

~~Person. Person shall mean and include a person, firm, partnership, association, corporation, company, or organization, singular or plural, of any kind.~~

~~Political sign. A temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot in a primary, general, or special election.~~

~~Portable sign. Any sign not permanently attached to the ground or a building. (Includes A-frame, sandwich boards, and portable readerboards.)~~

~~Projecting sign. A sign, other than a wall sign, which is attached to and projects from a structure or building face.~~

~~Public Facility. Any facility funded in whole or part with public funds, which provides service to the general public, including, but not limited to, public schools, public libraries, community centers, public parks, government facilities, or similar use.~~

~~Public information sign. A sign erected and maintained by any governmental entity for traffic direction or for designation of, or direction to, any school, hospital, historical site, or public service, property, or facility. Public signs include those of such public agencies as the Port of Tacoma, Pierce Transit, the Tacoma School District, and the MetroParks Tacoma.~~

~~Readerboard. A sign consisting of tracks to hold letters, which allows for frequent changes of copy; usually such copy is not electronic.~~

~~Real estate sign. Any sign which is only used for advertising the sale or lease of ground upon which it is located or of a building located on the same parcel of ground.~~

~~Repair. To paint, clean, or replace damaged parts of a sign, or to improve its structural strength, but not in a manner that would change the size, shape, location, or character.~~

~~Roof line or ridge line. The top edge of the roof or top of a parapet, whichever forms the top line of the building silhouette.~~

~~Roof sign. Any sign erected upon, against, or directly above a roof or parapet of a building or structure.~~

~~Rotating signs. Any sign or portion thereof which physically revolves about an axis.~~

~~Searchlight. An apparatus for projecting a beam or beams of light.~~

~~Sign. Any object, device, display, structure, or part thereof, which is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.~~

~~Sign area. The total area of a sign, as measured by the perimeter of the smallest rectangle enclosing the extreme limits of the letter, module, or advertising message visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, decorative features, or framework which contains no written or advertising copy. (Includes only one side of a double faced sign, unless noted otherwise.)~~

~~1. Individual letter signs, using a wall as the background without added decoration or change in wall color, shall be calculated by measuring the smallest rectangle enclosing each letter. The combined total area of each individual letter shall be considered the total area of the sign.~~

~~2. For a multiple face sign, the sign area shall be computed for the largest face only. If the sign consists of more than one section or module, all areas will be totaled.~~

~~3. Neutral surfaces (i.e., graphic design, wall murals and colored bands), shall not be included in the calculation. (See definition of "Neutral Surface.")~~

~~4. The area of all regulated signs on a business premises shall be counted in determining the permitted sign area.~~

~~Sign height. The vertical distance measured from the adjacent grade at the base of the sign to the highest point of the sign structure; provided, however, the grade of the ground may not be built up in order to allow the sign to be higher.~~

~~Sign structure. Any structure which supports, has supported, is designed to support, or is capable of supporting a sign, including a decorative cover.~~

~~Street. A thoroughfare which provides the principal means of access to abutting property.~~

~~Swinging sign. A sign installed on an arm or spar that is fastened to an adjacent wall or upright pole, which sign is allowed to move or swing to a perceptible degree.~~

~~Temporary off-premises sign. An off-premises advertising sign attached to temporary fencing during the time of construction.~~

~~Temporary sign. An on-premises sign, banner, balloon, pennant, valance, A-board, or advertising display constructed of cloth, canvas, fabric, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or other similar light material, with or without a frame, which is not permanently affixed to any sign structure and which is intended to be displayed for a limited time only.~~

~~Under-marquee sign. Signs or other information-conveying devices that are affixed to the underside of a marquee and project down from the bottom of the marquee.~~

~~User. A user shall be understood to mean the lessee or purchaser of any sign.~~

~~Unlawful sign. Any sign which was erected in violation of any applicable ordinance or code governing such erection or construction at the time of its erection, which sign has never been in conformance with all applicable ordinances or codes.~~

~~Wall sign (fascia sign). A sign painted on or attached to or erected against the wall of a building with the face in a parallel plane of the building wall.~~

~~Warning Sign. Any sign which is intended to warn persons of prohibited activities such as "no hunting" and "no dumping."~~

~~Window sign. A sign painted on, affixed to, or installed inside a window for purposes of viewing from outside the premises.~~

\* \* \*

### **13.06.521 General sign regulations.**

\* \* \*

B. Exempt signs. The following signs shall be exempt from all requirements of this section and shall not require permits; however, this subsection is not to be construed as relieving the user of such signage from responsibility for its erection and maintenance, pursuant to Title 2 or any other law or ordinance relating to the same.

\* \* \*

18. Temporary public event signs not exceeding 12 square feet, and temporary event banners, placed on publicly owned land or adjacent public right-of-way. Signs or banners shall be securely attached to the ground or a structure and must be removed after the event.

\* \* \*

K. Temporary signs. Special regulations governing temporary signs are as follows:

1. The duration of display of a temporary sign shall not exceed six months in any 12-month period, unless otherwise noted.
2. No flashing temporary signs of any type shall be permitted.
3. All temporary signs must be authorized by the public or private property owner~~located on private property.~~
4. All temporary signs shall be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists.
5. No temporary sign shall project over or into a public right-of-way or property except properly authorized banners over streets (see Title 9).
6. All temporary signs shall meet vehicular sight distance requirements established by the Traffic Engineer.
7. The regulations governing the size, number, and type of temporary signs are located in Section 13.06.522.

\* \* \*

### **13.06.522 District sign regulations.**

A. R-1 Sign regulations. One non-illuminated sign, not exceeding 12 square feet in area shall be allowed pertaining to the lease, rental, or sale of a building or premises on which it is located. One non-illuminated nameplate, not

exceeding one and one-half square feet in area, placed flat against the building, shall be allowed for each adult family home, staffed residential home, group home, residential care facility, and family day care home. One ground sign shall be allowed, with a maximum area of 30 square feet identifying a subdivision. A subdivision identification sign shall be approved by the Land Use Administrator. A 32-square-foot temporary sign advertising a subdivision during construction shall be allowed adjacent to each street abutting the site, in conformance with Chapter 13.04.

Parks, recreation and open space uses on sites that are under one acre in size or which have less than 100 feet of street frontage are allowed the following non-illuminated signs:

- One ground sign with a maximum area of 30 feet;
- Interpretive or directional signs not more than 7 feet in height and 20 feet in sign area.

Parks, recreation and open space uses on sites over one acre in area that have a minimum of 100 feet of street frontage shall be allowed the following:

- One freestanding sign, not exceeding 40 square feet in area per face and not greater than 8 feet in height (or, up to 15 feet in height in association with conditional parks and recreation uses);
- One building face sign, of the same maximum dimension. Building face signs shall not extend above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.
- One additional ground sign with a maximum area of 30 square feet shall be allowed on each additional street frontage.
- Interpretive or directional signs, not to exceed 7 feet in height and 30 square feet in sign area.
- All signs shall meet the lighting, materials and location requirements applicable to signs for conditional uses in residential districts, as contained in this section.

\* \* \*

I. Sign regulations for conditional uses in residential districts and specified uses in all districts.

1. Application. The following regulations apply to conditional uses as designated. These regulations also apply to the uses noted as permitted uses in any district when the provisions below provide the greater sign allowance, in whole or in part.

2. For conditional uses in residential districts limited to public and private schools, ~~public park facilities,~~ and ~~churches religious assembly facilities~~ on sites that are over one acre in area and have a minimum of 100 feet of street frontage, one freestanding sign, not exceeding 40 square feet in area per face and not greater than 15 feet in height, and one building face sign, of the same maximum dimension, shall be allowed for each conditional use. One additional ground sign with a maximum area of 30 square feet shall be allowed on each additional street frontage. Building face signs shall not extend above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.

\* \* \*

### **13.06.545 Wireless communication facilities.**

\* \* \*

B. Exemptions. The following are exempt from the provisions of this section and shall be permitted in all zones:

1. Antennas and related equipment no more than three feet in height.
2. Wireless radio utilized for temporary emergency communications in the event of a disaster.
3. Licensed amateur (ham) radio stations not exceeding the permitted height requirements of the underlying zone. Amateur radio towers or antenna support structures exceeding the height limit shall be allowed only with approval of a Conditional Use Permit, in accordance with ~~comply solely~~ with the provisions of Section 13.06.640. Modification or use of such towers for commercial use shall require full compliance with this section.

\* \* \*

C. Permits required.

1. Where a transmission tower or antenna support structure is located in a zoning district, which allows such use as a permitted use activity, administrative review, and a building permit shall be required, subject to the project's consistency with the development standards set forth in Section 13.06.545.H. In instances where the antenna height

exceeds the height limit of the zoning district or is not allowed as a permitted use activity, a conditional use permit and building permit shall be required in addition to a demonstration of consistency with all required development standards. Table A, below, specifies the permits required for the various types of wireless service facilities that meet the standards of this ordinance.

\* \* \*

F. Site selection criteria. The following criteria shall be utilized to evaluate all conditional use permits, in addition to the criteria set forth in Section 13.06.640.C:

1. Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant's grid system. Further, the applicant must demonstrate, by engineering evidence, that the height requested is the minimum height necessary to fulfill the site's function within the grid system, and that collocation is not feasible. If a technical dispute arises, the Land Use Administrator may require a third-party technical study to resolve the dispute. The cost of the technical study shall be borne by the applicant or wireless service provider.
2. Applications for necessary permits will only be processed when the applicant demonstrates either that it 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 support structure.
3. Wireless service facilities shall be located and designed to minimize any significant adverse impact on residential uses. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
4. In all zones, location and design of facilities shall consider the impact of the facility on the surrounding neighborhood and the visual impact within the zoning district.

\* \* \*

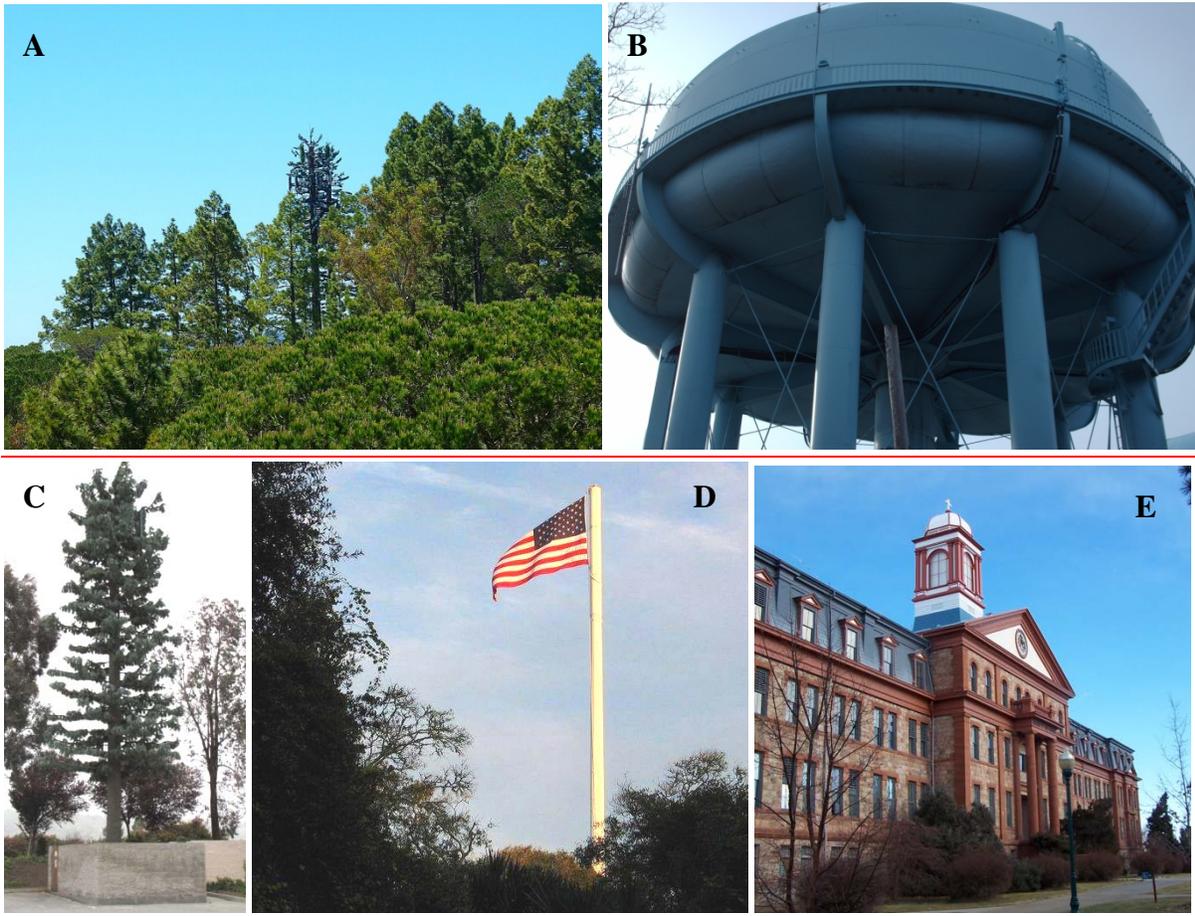
H. Development standards. The following special requirements and performance standards shall apply to any wireless communication tower or wireless facility:

1. Visual impacts. Wireless communication towers or antenna support structures and related facilities shall be located and installed in such a manner so as to minimize the visual impact on the skyline and surrounding area. The use of attached antennas, concealed facilities, or the camouflaging of towers, antennas, and associated equipment ~~shall be used~~is strongly encouraged, to the greatest degree ~~technically feasible~~possible, in ~~and adjacent to~~ all residential districts and in the URX, NRX, RCX, NCX, and CCX Mixed-Use Center Districts. Visual impacts shall be addressed in the following manner:

a. Site location and development shall preserve the pre-existing character of the surrounding buildings, land use, and the zoning district to the extent possible, while maintaining the function of the communications equipment. Wireless communication facilities shall be integrated through location, siting, and design to blend in with the existing characteristics of the site through application of as many of the following measures as possible (examples are also provide below):

- (1) Existing on-site vegetation shall be preserved, insofar as possible, or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area;
- (2) Towers or mounts shall be screened by placement of the structure among and adjacent to, within 20 feet, of three or more trees at least 50 percent of the height of the facility;
- (3) Location of facilities close to structures of a similar height;
- (4) Location of facilities toward the center of the site, and location of roof-mounted facilities toward the interior area of the roof and the use of screening, in order to minimize view from adjacent properties and rights-of-way;
- (5) Provision of required setbacks;~~and~~
- (6) Incorporation of the antenna, associated support structure, and equipment shelter as a building element or architectural feature~~;~~

(7) Designing freestanding towers to appear as another structure or object that would be common in the area, such as a flagpole or tree.



The examples of methods used to minimize the visual impacts of wireless facilities shown above include the preservation and use of existing vegetation (examples A and C), flush mounting and color-matching wireless facilities (example B), screening above-ground equipment (example C), disguising a wireless facility as another freestanding structure, (example D, as a flagpole; examples A and C, as a tree), and incorporation of wireless facilities into a building feature (example E, inside the cupola).

b. Related equipment facilities used to house wireless communications equipment shall be located within buildings or placed underground when possible. When they cannot be located in existing buildings or placed underground, equipment shelters or cabinets shall be limited to a maximum floor area of 400 square feet and a maximum height of 12 feet, shall be screened, and shall be insulated to ensure noise levels do not exceed the ambient pre-development noise level at any residential receiving property abutting the site with a maximum sound pressure level of 40 dB, pursuant to the 1993 ASHRAE Handbook. Alternate methods for screening may include the use of building or parapet walls, sight-obscuring fencing and/or landscaping, screen walls, or equipment enclosures or camouflaging; and

c. Wireless communication facilities and related equipment facilities shall be of neutral colors such as white, gray, blue, black, or green, or other appropriate color designed to disguise, conceal, or camouflage the facility or equipment, or similar in building color in the case of facilities incorporated as part of the features of a building, unless specifically required to be painted another color by a federal or state authority. Other screening methods, such as the use of siding which is architecturally compatible with adjacent buildings, or site-obscuring fencing materials may also be utilized. Wooden poles are not required to be painted.

\* \* \*

**13.06.555 View-Sensitive Overlay District.**

A building, structure, or portion thereof, hereafter erected, shall not exceed a height of 25 feet, except as provided in Sections [13.06.602](#), 13.06.640 and 13.06.645.B.3. This section shall not apply to any building, structure, or portion thereof within any development or subdivision which is greater than 30 acres in size and which has an approved site

plan or residential plat; provided, such site plans must have established the height or elevation of buildings, and such residential plats must have active architectural control committees, of which a resident or property owner of the plat shall be a member, and recorded covenants which give consideration to protection of views, and the architectural control committee must have reviewed and approved the plans of the building or structures before submittal to the City.

\* \* \*

### **13.06.560 Parks, Recreation and Open Space**

A. Purpose: This section describes the review process for parks, recreation and open space uses in residential zones, and provides development standards applicable to those uses in specified zones. Parks, recreation and open space uses are generally permitted outright in non-residential zones, as specified in the pertinent sections of the Zoning Code.

#### B. Scope and Applicability:

The review process provisions of this section apply to all parks, recreation and open space uses in residential zones; the development standards are applicable as specified in section D, below.

#### C. Review Process in Residential Zoning Districts:

The following definitions of Conditional park and recreational features are intentionally descriptive, rather than proscriptive. The intent is to provide clarity, while retaining adequate flexibility to accommodate future trends in park and recreational activities.

1. Parks, recreation and open space uses are permitted outright in residential zones. The following park and recreation features and facilities require a Conditional Use Permit in residential zones, unless exempt per TMC 13.06.560.C,3:

a. Destination facilities: Zoos, stadiums, community centers, recreation centers, indoor or outdoor swimming pools, indoor recreational facilities, and similar large-scale buildings or facilities providing a site or forum for sports, events, major gatherings, exhibitions or similar activities. Destination facilities are likely to attract a substantial proportion of users from beyond the immediate neighborhood.

b. High-intensity recreation facilities: Outdoor sports fields, athletic facilities, specialized recreation facilities (e.g., spray parks, dog parks, skateboard parks), and other facilities accommodating high-intensity outdoor recreational activities. High-intensity recreation facilities are likely to attract a substantial proportion of users from beyond the immediate neighborhood. In some cases, high-intensity recreation facilities are defined by the presence of multiple sports fields, courts or other features which, when taken together, are likely to become attractions beyond the immediate neighborhood.

The following features, or combinations of features, constitute high-intensity outdoor recreation facilities. These thresholds could be exceeded either through a single development action, or cumulatively (for example, a second sports field added to a site already developed with one, would constitute a high-intensity recreational facility).

(1) Two or more baseball, softball, football, soccer, rugby or similar sports fields improved with permanent sports and/or spectator features;

(2) Two or more basketball courts or four or more half basketball courts;

(3) Four or more tennis, handball or similar sports courts;

(4) Specialized high-intensity recreation facilities with a site footprint greater than 1,500 square feet;

Small-scale neighborhood-serving recreation facilities, play structures or equipment, picnic tables and shelters, street furniture, pervious fields without permanent sports, recreation or spectator facilities, and small-scale sports or recreation features dispersed within a substantially larger site do not constitute high-intensity recreation facilities.

c. High-intensity lighting: Flood lighting associated with, and bright enough to enable, organized team and/or spectator-oriented night-time sports, recreational or other outdoor events.

Parking lot lighting, pedestrian-scale lighting and security lighting do not constitute high-intensity lighting per this definition.

d. Parking: Development of more than 20 off-street parking spaces associated with a parks, recreation or open space use.

2. Expansions or modifications of existing Conditional park and recreation facilities shall require review as follows:

a. Expansions or modifications to Destination facilities, High-intensity lighting and Parking are subject to the Major Modification thresholds of Section 13.05.080.

b. High-intensity recreation facilities: Expansions or modifications exceeding one or more of the following thresholds shall require a Major Modification:

(1) Exceeds one or more of the numerical thresholds for specific types of high-intensity recreation facilities listed in Section 13.06.560.C.1.b. For example, development of two or more sports fields, or expansion of a specialized recreation facility by 1500 square feet or more, requires a Major Modification.

(2) Exceeds any of the Major Modification thresholds of Section 13.05.080, with the exception that high-intensity recreation facilities are not subject to Section 13.05.080.B.2 pertaining to total site structures, or to Section 13.05.080.B.4 pertaining to total site impervious surface.

3. Distance-based Conditional Use Permit exemption. This provision modifies the review process for certain park and recreation features and facilities which would otherwise be conditional, when they are located far enough away that impacts to residential neighborhoods would be limited. Most potential impacts decrease with distance. However, substantial traffic, noise and light generation can cause impacts over longer distances.

a. Except for destination facilities and high-intensity lighting, park and recreation uses and facilities listed as conditional features in 13.06.560.C.1 are exempt from the Conditional Use Permit requirement if located more than 1,000 feet from any other residentially zoned property.

4. Pre-existing parks, recreation, open space and school uses which were not required to obtain a Conditional Use Permit at the time they were developed, but which have subsequently become Conditional Uses, shall be viewed for zoning purposes in the same manner as if they had an approved Conditional Use Permit authorizing the extent of development as of August 1, 2011. If proposed modifications or expansions to such uses exceed the Major Modification thresholds of Section 13.05.080 or the expansion/modification thresholds of Section 13.06.560.C.2, a Conditional Use Permit will be required for the new development activities proposed.

#### D. Development standards

1. Applicability: The standards contained in this section are specific to parks, recreation and open space uses, and are meant to be applied along with other applicable regulations.

The following standards apply to both permitted and conditional parks, recreation and open space uses, whether or not a permit or authorization is required. Additional requirements may be imposed through the Conditional Use Permit process, when required per Section 13.06.560.C.

#### 2. Standards

a. Identification signage. Every park or recreation use (excluding passive open space) must be furnished with at least one sign, legible from an abutting public right-of-way, indicating the name of the site, the parties responsible for its management, and sufficient information for members of the public to contact those parties. The City of Tacoma and Metro Parks Tacoma's name constitutes adequate contact information. The required identification sign shall meet the requirements of Section 13.06.520 and does not constitute an additional sign allowance.

b. Ancillary sales and service features. Within residential zoning districts, commercial activities clearly ancillary to the recreational function may be located within parks, recreation or open space sites provided the following:

(1) Only food sales, park or recreation-oriented concessions, or rental of recreational equipment are permitted;

(2) The feature must be a minimum of 100 feet from adjacent residentially zoned properties;

(3) Hours of operation are limited to the hours the park is open to the public;

(4) The footprint may not exceed 500 square feet;

(5) No signage visible from public rights-of-way is permitted;

(6) More substantial sales and service features may be considered through the Conditional Use Permit process, as part of a destination facility or high-intensity recreation facility as defined in Section 13.06.560.C.

Refer to Chapter 8.27 Parks Code, and to Sections 13.06.500 and 13.06.600 for the following requirements pertinent to parks, recreation and open space uses:

13.06.501 Building Design Standards

13.06.502 Landscaping and/or buffering standards.

13.06.510 Off-street parking and storage areas.

[13.06.511 Transit Supportive Facilities.](#)

[13.06.512 Pedestrian and bicycle support standards.](#)

[13.06.520 Signs.](#)

[13.06.602 General restrictions.](#)

\* \* \*

### **13.06.602 General restrictions.**

A. This section contains general provisions for use, height, area, setbacks and yards. The following provisions apply to all zoning districts, except as hereinafter provided, and except where modified by the provisions of Chapter 13.06A relating to Downtown Districts, Chapter 13.10 relating to Shoreline Management, and other sections of the TMC:

\* \* \*

4. Area, setbacks and yards. Any building or structure hereafter built, enlarged, or moved on a lot shall conform to the area regulations of the district in which such building or structure is located.

\* \* \*

g. Side yard setbacks for schools, religious assemblies, and institutions. Public schools, public libraries, religious assemblies, colleges, universities, fraternities, sororities, private clubs, lodges, hospitals, sanitariums, educational institutions, philanthropic institutions, and other institutions, hereafter built in an R-1, R-2, R-3, HMR-SRD, or R-4-L District, shall provide side yard setbacks of not less than 20 feet ([see Section 13.06.602.A.4.p. below, for parks, recreation and open space setbacks.](#))

h. Side yard setbacks, institutions in Multiple-Family Dwelling Districts. Side yard setbacks for public schools, public libraries, religious assemblies, colleges, universities, fraternities, sororities, private clubs, lodges, hospitals, sanitariums, educational institutions, philanthropic institutions, and other institutions, hereafter built in an R-4 Multiple-Family Dwelling District, shall be not less than 25 feet in width and, in an R-5 Multiple-Family Dwelling District, not less than 30 feet in width ([see Section 13.06.602.A.4.p. below, for parks, recreation and open space setbacks.](#))

\* \* \*

[p. The following setbacks apply to parks, recreation and open space uses:](#)

[\(1\) Parking lots, designated areas for active play, play structures, picnic tables and areas, and structured gathering or seating areas shall provide a minimum 10-foot setback from abutting residentially zoned properties;](#)

[\(2\) Buildings and structures shall meet the setbacks for the zoning district, and shall provide a minimum 20-foot side yard setback in residential zoning districts;](#)

[\(3\) Garbage and recycling collection areas shall provide a minimum 20-foot setback from abutting properties. Trash receptacles for pedestrian use are exempt.](#)

[\(4\) Outdoor sports courts, sports fields, swimming pools, or other sports facilities, and any lighted outdoor recreation facilities, shall provide a minimum 50-foot setback from abutting residentially zoned properties and a minimum 25-foot setback from abutting properties in all other zones \(with the exception of industrial zones\).](#)

\* \* \*

3. Height. Any building, structure, or portion thereof, hereafter erected, shall not exceed the height limits established for the district wherein such building or structure is located except:

a. As provided in Section 13.06.640 relating to conditional uses.

b. As provided in Section 13.06.645 relating to height variances for residential structures located in the View-Sensitive Districts.

c. Schools, libraries, structures for religious assembly, colleges. In districts with a height limit of 35 feet, these facilities, when permitted as a use, are allowed at a maximum 45 feet in height.

d. Structures, above height limits. Chimneys, tanks, towers, [cupolas](#), steeples, flagpoles, smokestacks, silos, elevators, fire or parapet walls, [open railings](#), and/or similar necessary building appurtenances may exceed the

district height limit provided all structural or other requirements of the City of Tacoma are met and no usable floor space above the district height limit is added.

e. Shipping cranes or other freight moving equipment are exempt from height limits.

f. Solar panels/collectors are allowed to exceed the maximum height limit provided they do not extend more than 12-inches above the surface of the roof, as measured to the upper side of the solar panel, and on pitched roofs do not extend above the ridgeline.



4. Area, setbacks and yards. Any building or structure hereafter built, enlarged, or moved on a lot shall conform to the area regulations of the district in which such building or structure is located.

a. No lot area, now existing or hereafter established, shall be so reduced or diminished such that the yards, setbacks, open spaces, or total lot area be made smaller than required by the chapter, except in conformity with the regulations of this chapter.

b. Primary access easements and lot extensions on pipestem lots shall not be included in the calculation of lot area. As used herein, a primary access easement is the easement that provides the primary vehicular and pedestrian access to a property that does not have frontage on a public right-of-way or to a property that does have frontage on a public right-of-way when such right-of-way is not practicable for use as vehicular or pedestrian access to the property, for reasons such as significant topography.

\* \* \*

m. Projections into required setbacks and yards. Every part of a required setback or yard shall be open, from the ground to the sky, and unobstructed, except for the following:

(1) Accessory building in the required rear yard setback.

(2) Ordinary building projections such as cornices, eaves, belt courses, sills, or similar architectural features, may project into any required yard or setback not more than 24 inches.

(3) Chimneys may project into any required setback not more than 24 inches.

(4) Uncovered balconies, decks, or fire escapes whose surface is greater than 8 feet above the surrounding grade may project over a required front or rear yard setback four feet or over a required yard two feet.

(5) Uncovered terraces, platforms, and decks whose surface is greater than 30-inches but not more than 8 feet above the surrounding grade ~~which do not extend above the level of the first floor of the building~~ may project or extend into a required front or rear yard setback not more than eight feet or into a court not more than six feet.

(6) Uncovered, ground level decks (deck surface no more than 30-inches in height from surrounding grade) may occupy up to 50 percent of a required yard and may also extend into required side yard setbacks to within 3-feet of the property line.

~~(7)~~ An uncovered landing which does not extend above the level of the first floor of the building may project or extend into a required side yard setback not more than three feet.

~~(8)~~ Mechanical equipment may encroach 8-feet into the required rear yard setback and may encroach 8-feet into the functional rear yard setback on double-frontage lots (see Section 13.06.100.F.5 regarding “functional rear/front yards”). Mechanical equipment may not be located within a required side yard setback or yard space. The location of mechanical equipment shall not be used in the calculation of average setbacks.

~~(98)~~ Covered porches which are open on three sides and do not extend above the level of the first floor may project 8-feet into the required front yard setback.

~~(109)~~ Bay windows, garden windows and fireboxes may extend up to 24-inches into required side yard setbacks, as long as the total of such features does not exceed 25% of the side wall area.

~~(10) Uncovered, ground level decks (deck surface no more than 30 inches in height from surrounding grade) may occupy up to 50 percent of a required yard and may also extend into required side yard setbacks to within 3 feet of the property line.~~

\* \* \*

### 13.06.640 Conditional use permit.

A. Purpose. ~~In many zones there are uses that may be compatible but because of their size, operating characteristics, potential off-site impacts and/or other similar reasons warrant special review on a case-by-case basis. The purpose of the conditional use permit review process is to determine if such a use is appropriate at the proposed location and, if appropriate, to identify any additional conditions of approval necessary to mitigate potentially adverse impacts and ensure compatibility between the conditional use and other existing and allowed uses in the same zoning district and in the vicinity of the subject property. The zoning district use tables identify which uses require a conditional use permit (see Sections 13.06.100, -.200, -.300, and -.400). These uses may be authorized by the Land Use Administrator or Hearing Examiner in accordance with the procedures established in TMC 13.05 and the applicable criteria outlined below. The purpose of this section is to allow certain specified uses, which are deemed necessary to the public convenience but are found to possess characteristics which make impractical such uses being identified exclusively with any particular zone classification as herein defined. The conditional use permit is a mechanism by which the City may require special conditions on development or on the use of land in order to insure that designated uses or activities are compatible with other uses in the same land use district and in the vicinity of the subject property.~~

B. Conditional uses and height. Since certain conditional uses have intrinsic characteristics related to the function or operation of such uses, which may necessitate buildings or other structures associated with such uses to exceed the height limits of the zoning districts in which the conditional uses may be located, the Land Use Administrator or Hearing Examiner may authorize the height of buildings or other structures associated with the following conditional uses to exceed the height limit set forth in the zoning district in which such uses are located; provided, such height is consistent with the criteria contained in subsection C of this section:

1. Airports ~~and airfields.~~
2. Religious assembly ~~such as churches, temples, and synagogues.~~
3. Schools, public or private ~~Educational institutions.~~
4. Public safety and public services facilities ~~Governmental buildings.~~
5. Hospitals.
6. Wireless communication towers or wireless facilities, subject to the requirements set forth in Section 13.06.545, and the time limitations set forth in Chapter 13.05, Table G.
7. Utilities ~~Necessary public utilities and public service uses or structures on approved sites.~~
8. Park and r ~~Recreational facilities.~~
9. Surface Mining, and subject to the requirements of Section 13.06.540.

\* \* \*

F. Uses in Historic Structures. A conditional use permit for the reuse of a historic structure and/or site for one of the below-listed uses (where not otherwise allowed by the underlying zoning) shall be authorized only if it can be found to be consistent with all of the following criteria. This provision shall be limited to only those structures and sites that are individually-listed on the Tacoma Register of Historic Places. In granting such a conditional use permit the Land Use Administrator or Hearing Examiner may attach thereto such conditions regarding the location, character, orientation, layout, access and other features of the proposed development as may be deemed necessary to ensure consistency with the intent of the TMC and Comprehensive Plan and ensure that use of the building and site will be compatible with the existing, historic attributes of the building and site and surrounding uses.

\* \* \*

I. Pre-existing parks, recreation, open space and school uses which were not required to obtain a Conditional Use Permit at the time they were developed, but which have subsequently become Conditional Uses, shall be viewed for zoning purposes in the same manner as if they had an approved Conditional Use Permit authorizing the extent of development as of August 1, 2011. If proposed modifications or expansions to such uses exceed the Major Modification thresholds of Section 13.05.080, or for park and recreation facilities the expansion/modification thresholds of Section 13.06.560.C.2, a Conditional Use Permit will be required for the new development activities proposed.

\* \* \*

### 13.06.650 Application for rezone of property.

\* \* \*

E. Limitations on rezones in Mixed-Use Centers. After adoption of the area-wide reclassifications establishing and confirming the Mixed-Use Center zoning district boundaries in 2009, no property shall be reclassified to or from a Mixed-Use Center zoning district (X-district) except through a subsequent area-wide reclassification.

F. Limitations on rezones in certain overlay zoning districts. The boundaries of the following area-wide zoning overlay districts can only be amended through another area-wide reclassification: view-sensitive, groundwater protection, manufacturing/industrial center, and historic and conservation overlay districts.

G. Area-wide reclassifications adopted by the City Council supersede any previous reclassifications and any conditions of approval associated with such previous reclassifications.

\* \* \*

### 13.06.700 Definitions and illustrations.

\* \* \*

Alteration. A physical change to a structure or a site. Alterations do not include normal maintenance and repair or any of the following:

1. Changes to the façade of a building;
2. Changes to the interior of a building;
3. Increases or decreases in floor area of a building;
4. Changes to other structures, including parking garages, on the site or the development of new structures;
5. Changes to landscaping, off-street parking spaces, and other improvements to a site; and/or
6. Demolition

Alteration, substantial. As used in Chapter 13.06A – Downtown Tacoma, alterations within a two-year period:

1. The total cost of which, excluding purchase costs of the property and/or building, exceeds 50 percent of the replacement value of a building or structure;
2. The total cost of which, excluding purchase costs of the property, exceeds 50 percent of the replacement value of site improvements;
3. Which increase the gross square footage by more than 50 percent of buildings and structures; or
4. Which increase the gross square footage by more than 50 percent of a surface parking lot.

\* \* \*

Art/craft production. The production of arts and/or crafts with on-site production/assembly of goods by hand manufacturing involving the use of hand tools and/or small-scale equipment, ~~often operated in conjunction with a retail use with incidental sales of only those goods produced on-site.~~ This category includes such uses as ceramic art, glass art, candle-making, and custom jewelry manufacture. All activity must be conducted totally within the structure with no outdoor storage or ~~outdoor~~ significant emissions of odor, smoke, fumes, or sound that extend beyond the site. Individual tenant spaces or units within a building may constitute the site.

Art gallery. A space with public access from the sidewalk in the space and which is located within a building for the interior exhibition or display of artworks which may or may not be offered for sale to the public.

Assembly facilities. ~~Privately operated f~~Facilities for the principle purpose of public meetings and social gatherings (including incidental recreation), including community halls, union halls, exhibition halls, social clubs, and youth centers. This use shall not include stadiums or public or quasi-public parks, recreation or open space uses.

\* \* \*

Building, face or wall. All window and wall area of a building in one plane or elevation.

Building footprint. The outline of the total area that is surrounded by the exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof, excluding any roof overhangs.

Building, height of. In commercial, mixed-use, industrial, and downtown districts, building height shall be measured consistent with the applicable Building Code. Height of Building. In residential districts (those addressed in Section 13.06.100), the method provided below shall be used:

1. The height limit shall be the vertical distance between existing grade and a plane essentially parallel to the existing grade. The corners of such plane shall be located above the base points.
2. The base points shall be located at the four corners of the foundation or, if the foundation of the structure does not form a rectangle, at the four corners of the smallest rectangle which surrounds the foundation.
3. The base points shall be located on existing grade, unless determined otherwise by the Land Use Administrator in accordance with the provisions of Section 13.06.645.B.3.a.
4. Additional height at the rate of one foot for each 6 percent of the slope shall be allowed. This additional height shall not be allowed on the uphill portion of the structure. For the purpose of this provision, the slope shall be the difference between the elevation of the highest base point and the elevation of the lowest base point divided by the distance between those two base points.
5. No portion of a structure, including the highest gable, unless specifically excepted, shall extend above the height limit; provided, however, that a legal structure that existed before June 18, 1989, that was destroyed by fire, natural disaster, explosion, or other calamity or act of God or the public enemy may be rebuilt to its previous height within the building's prior actual dimensions, including, but not limited to, height, roof pitch, depth, and width. Such a structure cannot be enlarged, expanded, or otherwise increased in size without the enlargement or expansion meeting the zoning regulations in effect at the time of the expansion.

The height of a stepped or terraced building is the maximum height of any segment of the building.

\* \* \*

Commercial recreation and entertainment. Private provision of participant or spectator recreation or entertainment. This classification includes uses such as privately operated sports stadiums and arenas, amusement parks, bingo parlors, bowling alleys, billiard parlors, poolrooms, dance halls, ice/roller skating rinks, miniature golf courses, golf driving ranges, archery ranges, scale-model courses, shooting galleries, tennis/racquetball courts, croquet courts, swim clubs, health/fitness clubs, and pinball arcades or electronic gaming centers having more than five coin-operated game machines. This use does not include public or quasi-public parks, recreation or open space, theaters or golf courses.

\* \* \*

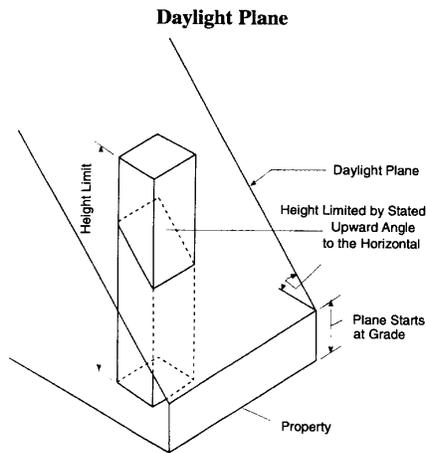
Cornice. Projection at the top of a wall; a term applied to construction where the roof and side walls meet. ~~Illustrated as required in certain districts of this chapter:~~

\* \* \*

Craft food and non-alcoholic beverage production. An establishment of no more than 4,000 square feet that is engaged in the production of food and/or non-alcoholic beverage products and which, due to the nature and limited scale of the activities, is compatible with retail sales and service uses and produces minimal off-site impacts. Such establishments must include an accessory and related on-site retail sales and/or eating and drinking component which occupies at least 10% of the total gross floor area. This classification allows wholesale and/or off-premises sales and includes, but is not limited to, bakeries, confectionaries, butchers, and coffee roasting establishments, but excludes microbrewery/winery uses and/or industry, light uses.

\* \* \*

Daylight plane. An inclined plane, beginning at a stated height above grade, generally at a ~~side or rear~~ property line or setback line or buffer, and extending into the site at a stated upward angle to the horizontal, which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive than the height limit or the minimum setbacks applicable at such point on the site.



Decorative grille. An open framework of metal, wood, or other material arranged in a pattern that effectively obscures the views of parked cars located in an off-street parking structure from the public right-of-way.

\* \* \*

Drive-through within a building. A drive-through in which the window and all driving and stacking lanes are contained within a building.

\* \* \*

Eating and drinking. Establishments in which food and/or beverages are prepared and sold at retail for immediate consumption. Eating and drinking establishments include restaurants and drinking establishments as defined below; serving primarily prepared food or beverages for consumption on or off premises. This classification includes restaurants, sandwich shops, coffee shops, bars, cocktail lounges, and taverns, but does not include brewpubs, catering services, or industrial-scale food production facilities.

1. "Drinking establishment" means an establishment other than a restaurant, licensed to sell alcoholic beverages for consumption on premises; that limits patronage to adults of legal age for the consumption of alcohol; and in which limited food service may be accessory to the service of alcoholic beverages. Drinking establishments may include but are not limited to taverns, saloons, bars, pubs, or cocktail lounges associated with restaurants. This use does not include brewpubs, catering services, or industrial-scale food production facilities.

2. "Restaurant" means a use in which food and/or beverage preparation and service is provided for individual consumption either on- or off-premises, and in which any service of alcoholic beverages is accessory to the service of food. This classification includes, but is not limited to, cafés, eateries, bistros, diners, restaurants, sandwich shops, and coffee shops.

\* \* \*

Floor Area Ratio (FAR). The amount of floor area within a building as a multiple of the lot area. Right-of-way that has had its air rights vacated shall be considered as lot area for calculating FAR. For the purposes of calculating allowable FAR within the downtown area, floor area shall exclude the following areas when calculating the maximum FAR:

1. Spaces below grade;
2. Space used for retail uses or restaurants that front the sidewalk; and
3. Space devoted to special features.
4. Area used for parking
5. Mechanical equipment, elevators, and stair shafts
6. Exterior decks, balconies, and corridors open to the air

\* \* \*

Food and non-alcoholic beverage production and processing, limited. An establishment engaged in the production, processing, and distribution of food and non-alcoholic beverage products that are compatible with retail sales and service uses, and which, due to the nature and limited scale of the activities, produces minimal off-site impacts. Such establishments also include on-site retail sales as an accessory or principal use. This classification allows

~~wholesale and/or off premise sales and includes, but is not limited to, bakeries, confectionaries, and coffee roasting establishments, but excludes microbrewery/winery uses and/or industry, light uses. All production, processing, and distribution activities are to be conducted within an enclosed building.~~

\* \* \*

Frontage (for the purposes of the sign regulations).

1. Freestanding sign. For the purpose of computing the size of a freestanding sign, frontage shall be the length of the property line parallel to and abutting each public right-of-way bordered.

2. Building mounted sign. For the purpose of computing the size of building mounted signs, frontage shall be the length of that portion of the building containing the business oriented onto a right-of-way or parking lot. For a business with more than one frontage, the largest frontage with a public entrance shall be used.

\* \* \*

Mixed-rate housing. Includes both affordable and market-rate housing units in the same housing or mixed-use development.

\* \* \*

Mural. A decorative design or scene intended to provide visual enjoyment this is painted or placed on an exterior building wall. A mural contains no commercial messages, logo or corporate symbol.

\* \* \*

Neutral surface (for purposes of the sign regulations). The building surface, cabinetry, and opaque surfaces which are not an integral part of the sign message.

\* \* \*

Normal maintenance and repair. “Normal maintenance” includes those usual acts designed to keep a building, structure, or site, or portion thereof, in a sound condition and operation. “Normal repair” includes those usual acts designed to restore a building, structure, or site, or portion thereof, to a state comparable to its original condition within a reasonable period after decay or partial destruction. Maintenance or repair does not include acts that would noticeably change the size, shape, location, external appearance, potential impacts, or character of existing development.

\* \* \*

Open space. Land undeveloped with structures which may be managed or utilized for a variety of purposes. The term open space is employed differently in different code sections, generally either to refer to public or quasi-public land maintained for its natural features (see Parks, recreation and open space definition), or to an area within subdivisions or developments which provides a separation between structures, a buffer between different uses, recreation opportunities or similar functions.

\* \* \*

Parapet. A protective railing, false front, or low wall along the edge of a roof, balcony or terrace and extending above the roof line, generally provided for decorative, drainage control, and/or fire separation purposes.

\* \* \*

Parcel and mail services. A use which provides for the preparation of parcels and packages for shipping, delivery, and mailing for walk-in clientele.

Parks, ~~and~~ recreation and open space. Metropolitan Park District, City of Tacoma, or other public/quasi-public parks, playgrounds, community gardens, and active-use open spaces, including commonly associated uses and features such as recreation facilities and community centers located within such sites; and, undeveloped, passive use public or quasi-public open space lands maintained primarily in a natural state for their conservation, aesthetic and other open space benefits. Open space may be enhanced with low-impact public access features such as trails and viewpoints, on-site parking, small buildings such as storage structures, bathrooms or picnic shelters, or interpretive signage and other limited improvements, and in some cases may serve additional public purposes. See Section 13.06.560.

\* \* \*

Person. Person shall mean and include a person, firm, partnership, association, corporation, company, or organization, singular or plural, of any kind.

\* \* \*

Pipestem lot. An interior lot in which the buildable area is not bound laterally by a public or private road, and which gains access by means of a lot extension, a driveway easement, or the terminus of a private or public road. Also commonly referred to as flag lots or panhandle lots. See diagram to right.

\* \* \*

Public benefit use. As used in Chapter 13.06A – Downtown Tacoma, public benefit uses shall include any of the following uses:

1. Day care available to the general public
2. Human services, such as employment counseling and walk-in clinics
3. Recreation, such as health clubs
4. Community meeting rooms
5. Art gallery or museum
6. Drop-in centers for youth or seniors

Public facility. Any facility funded in whole or part with public funds, which provides service to the general public, including, but not limited to, public schools, public libraries, community centers, public parks, government facilities, or similar uses.

\* \* \*

Replacement value. The value of a building as calculated using the latest “Evaluation Table” printed in the *Building Standards* magazine, published by the International Conference of Building Officials, based on the existing occupancy and the most closely appropriate type of construction.

\* \* \*

Roof line or ridge line. The top edge of the roof or top of a parapet, whichever forms the top line of the building silhouette, excluding any cupola, pylon, chimney, mechanical equipment, or other minor projection.

\* \* \*

Searchlight. An apparatus for projecting a beam or beams of light.

\* \* \*

Shopping center. A unified grouping of two or more commercial establishments, such as retail, eating and drinking, office, and personal service uses, which are located on a single site with common/shared parking facilities. Shopping centers may occupy a single structure or separate structures that are physically or functionally related, but establishments with accessory uses, such as a grocery store with an accessory coffee shop, are not, by themselves, considered a shopping center. ~~A unified group of retail businesses and service uses on a single site with common parking facilities.~~ A shopping center may include pads for future buildings.

\* \* \*

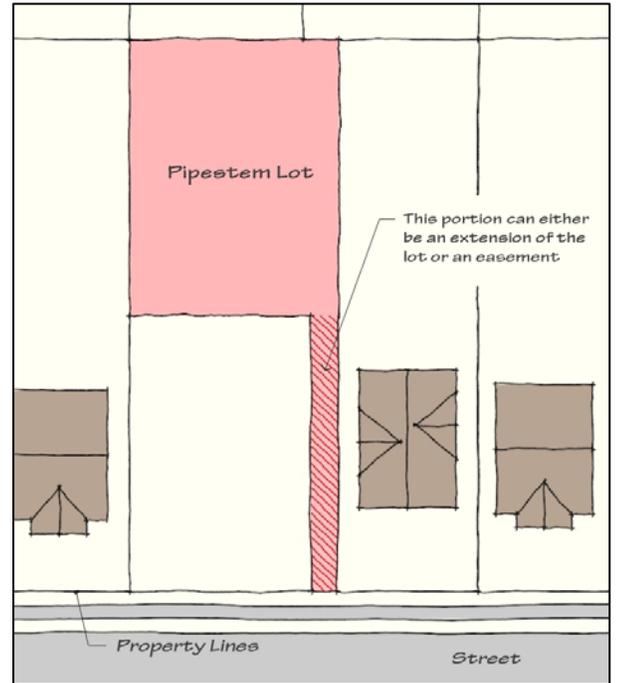
Sign. Any object, device, display, structure, or part thereof, which is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event using words, letters, figures, designs, symbols, fixtures, colors, illuminations, or projected images.

Sign, abandoned. A sign that no longer correctly directs any person or advertises a bona fide business, lessor, owner, product, or activity conducted or available on the premises where such sign is located.

Sign, A-Board. A sign which consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground. Also commonly known as sandwich board signs.

Sign, animated. A sign that uses movement, by either natural or mechanical means, to depict action or create a special effect or scene.

Sign, architectural blade. A sign structure which is designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.



Sign area. The total area of a sign, as measured by the perimeter of the smallest rectangle enclosing the extreme limits of the letter, module, or advertising message visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, decorative features, or framework which contains no written or advertising copy. (Includes only one side of a double-faced sign, unless noted otherwise.)

1. Individual letter signs, using a wall as the background without added decoration or change in wall color, shall be calculated by measuring the smallest rectangle enclosing each letter. The combined total area of each individual letter shall be considered the total area of the sign.

2. For a multiple face sign, the sign area shall be computed for the largest face only. If the sign consists of more than one section or module, all areas will be totaled.

3. Neutral surfaces (i.e., graphic design, wall murals and colored bands), shall not be included in the calculation. (See definition of "Neutral Surface.")

4. The area of all regulated signs on a business premises shall be counted in determining the permitted sign area.

Sign, awning. A sign affixed to the surface of an awning and which does not extend vertically or horizontally beyond the limits of such awning.

Sign, banner. A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.

1. Commercial banner. A banner used for commercial purposes, which includes "For Lease," "Grand Opening," "Sale," etc.

2. Cultural, civil, and educational banner. A banner used for cultural, civic, or educational events, displays, or exhibits.

Sign, billboard. A sign which advertises goods, products, events, or services not necessarily sold on the premises on which the sign is located; however, a person, business, or event located on the premises shall not be identified. The sign may consist of:

1. Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of posted paper.

2. Painted bulletins, where the message of the advertiser is painted directly on the background of a wall-mounted or freestanding display area.

Sign, blade - pedestrian oriented. A double-faced sign intended for pedestrian viewing installed perpendicular to the building facade for which it identifies.

Sign, center identification. Any sign which identifies a shopping center, industrial center, or office center by name, address, or symbol. Center identification signs may also identify individual businesses and activities located within the center.

Sign, changing message center. An electronically controlled sign, message center, or readerboard where copy changes of a public service or commercial nature are shown on the same lamp bank (i.e., time, temperature, date, news, or commercial information of interest to the traveling public).

Sign, changeable copy (manual). Any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand, without altering the face or the surface of the sign (i.e., readerboards with changeable pictorial panels).

Sign, construction. A temporary sign giving the name or names of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other information included thereon.

Sign, corporate logo. A logo sign consists of a symbol or identifying mark(s) used as part of a corporation identification scheme that is meant to identify a corporation, company, or individual business or organization. Internally illuminated cabinet signs shall not be allowed for use as a logo sign above 35 feet in any of the downtown districts.

Sign, directional. Any sign which serves solely to designate the location of any place, area, or business within the City limits of Tacoma, whether on-premises or off-premises.

Sign, directory. A sign on which the names and locations of occupants or the use of a building is given.

Sign, electrical. A sign or sign structure in which electrical wiring, connections, and/or fixtures are used as any part of the sign.

Sign, flashing. An electrical sign or portion which changes light intensity in sudden transitory bursts, but not including signs which appear to chase or flicker and not including signs where the change in light intensity occurs at intervals of more than one second.

Sign, freestanding. A permanently installed, self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

Sign graphics. An aggregate of designs, shapes, forms, colors, and/or materials located on an exterior wall and relating to or representing a symbol, word, meaning, or message.

Sign, ground. A sign that is six feet or less in height above ground level and is supported by one or more poles, columns, or supports anchored in the ground.

Sign height. The vertical distance measured from the adjacent grade at the base of the sign to the highest point of the sign structure; provided, however, the grade of the ground may not be built up in order to allow the sign to be higher.

Sign, identification or directory. A combination sign used to identify numerous buildings, persons, or activities which relate to one another, which is used as an external way-finding for both vehicular and pedestrians traffic.

Sign, illuminated. A sign designed to give forth any artificial or reflected light, either directly from a source of light incorporated into or connected with such sign or indirectly from a source intentionally directed upon it, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.

Sign, incidental. A small sign intended primarily for the convenience and direction of the public on the premises, which does not advertise but is informational only, and includes information which denotes the hours of operation, telephone number, credit cards accepted, sales information, entrances and exits, and information required by law. Incidental information may appear on a sign having other copy as well, such as an advertising sign.

Sign landscaping. Any material used as a decorative feature, such as planter boxes, pole covers, decorative framing, and shrubbery or planting materials, used in conjunction with a sign, which expresses the theme of the sign but does not contain advertising copy.

Sign, marquee. A sign attached to and made part of a marquee. A marquee (or canopy) is defined as a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.

Sign, nonconforming. A nonconforming sign shall mean any sign which does not conform to the requirements of this Chapter.

Sign, off-premises open house or directional sign. A sign advertising a transaction involving:

1. A product sold in a residential zone;
2. A product that cannot be moved without a permit; and/or
3. A product with a size of at least 3,200 cubic feet.

Sign, off-premises. A sign that identifies or gives directional information to a commercial establishment not located on the premises where the sign is installed or maintained.

Sign, on-premises. Any sign identifying or advertising a business, person, activity, goods, products, or services primarily located on the premises where the sign is installed or maintained.

Sign, political. A temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot in a primary, general, or special election.

Sign, portable. Any sign not permanently attached to the ground or a building. (Includes A-frame, sandwich boards, and portable readerboards.)

Sign, projecting. A sign, other than a wall sign, which is attached to and projects from a structure or building face.

Sign, public information. A sign erected and maintained by any governmental entity for traffic direction or for designation of, or direction to, any school, hospital, historical site, or public service, property, or facility. Public signs include those of such public agencies as the Port of Tacoma, Pierce Transit, the Tacoma School District, and the MetroParks Tacoma.

Sign, readerboard. A sign consisting of tracks to hold letters, which allows for frequent changes of copy; usually such copy is not electronic.

Sign, real estate. Any sign which is only used for advertising the sale or lease of ground upon which it is located or of a building located on the same parcel of ground.

Sign repair. To paint, clean, or replace damaged parts of a sign, or to improve its structural strength, but not in a manner that would change the size, shape, location, or character.

Sign, roof sign. Any sign erected upon, against, or directly above a roof or parapet of a building or structure.

Sign, rotating. Any sign or portion thereof which physically revolves about an axis.

Sign structure. Any structure which supports, has supported, is designed to support, or is capable of supporting a sign, including a decorative cover.

Sign, swinging. A sign installed on an arm or spar that is fastened to an adjacent wall or upright pole, which sign is allowed to move or swing to a perceptible degree.

Sign, temporary off-premises. An off-premises advertising sign attached to temporary fencing during the time of construction.

Sign, temporary. An on-premises sign, banner, balloon, pennant, valance, A-board, or advertising display constructed of cloth, canvas, fabric, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or other similar light material, with or without a frame, which is not permanently affixed to any sign structure and which is intended to be displayed for a limited time only.

Sign, under-marquee. Signs or other information-conveying devices that are affixed to the underside of a marquee and project down from the bottom of the marquee.

Sign, unlawful. Any sign which was erected in violation of any applicable ordinance or code governing such erection or construction at the time of its erection, which sign has never been in conformance with all applicable ordinances or codes.

Sign, wall. A sign painted on or attached to or erected against the wall of a building with the face in a parallel plane of the building wall. Also known as a fascia sign.

Sign, warning. Any sign which is intended to warn persons of prohibited activities such as “no hunting” and “no dumping.”

Sign, window. A sign painted on, affixed to, or installed inside a window for purposes of viewing from outside the premises.

\* \* \*

Telecommunications exchange facility. A structure where the majority of its floor area is used for equipment for the purposes of automatically receiving, decoding, routing, recoding, and sending of voice and data communications.

\* \* \*

Total cost. All costs associated with an alteration incurred from project initiation to project completion, excluding the purchase costs for the building and site.

\* \* \*

Transparency. Glazing through which it is possible to see clearly into and out of a building or into a window display.

\* \* \*

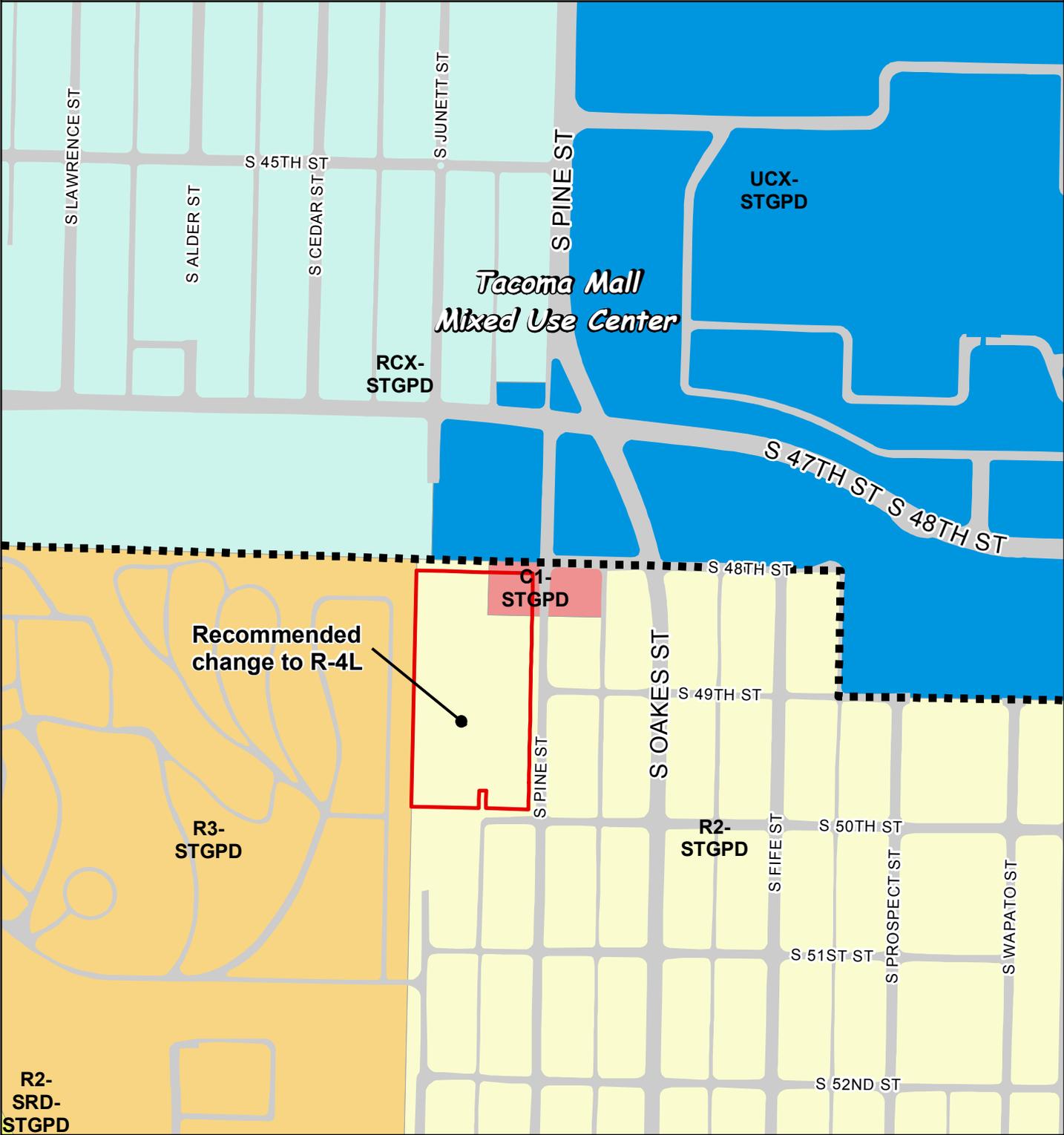
Tree. A self-supporting woody perennial plant that generally matures at a height greater than fifteen feet, has a minimum mature canopy width of ten feet, and is capable of being shaped and pruned to develop a branch-free trunk to at least seven feet in height.

\* \* \*

Variance. The procedure by which the strict application of the provisions of this title relating to height, area, setbacks, parking, design and other such development standards may be modified for a particular project based on special circumstances applicable to the specific property and/or project. Variances cannot change the underlying zoning or allow for uses that are otherwise prohibited. Since variances are an adjustment to the standards, projects that have received approval of a variance shall be considered to be conforming to that standard.

\* \* \*

# 49th & Pine Zoning



Recommended change to R-4L

*Tacoma Mall  
Mixed Use Center*

UCX-STGPD

RCX-STGPD

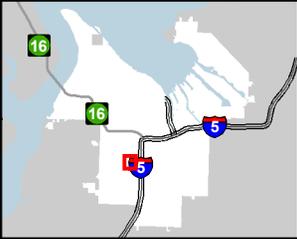
C1-STGPD

R3-STGPD

R2-STGPD

R2-SRD-STGPD

 Subject Properties  
 Mixed Use Centers



  
 0 250 500  
 Feet  
 Map is for reference only.





## 2011 ANNUAL AMENDMENT

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### **Area-Wide Rezone – South 49<sup>th</sup> & Pine Street Area**

Rezone from R-2/C-1 to R-4L

*(Note: no change to STGPD Overlay District boundary)*

Beginning at the center line intersection of South 48<sup>th</sup> and South Pine Streets, said point being the Northeast corner of the Northwest quarter of Section 19, Township 20 North, Range 03 East;

Thence southerly along the centerline of South Pine Street to its intersection with the center line of South 50<sup>th</sup> Street;

Thence westerly along said center line to its intersection with the west margin of South Junett Street;

Thence northerly along said west margin to its intersection with the center line of South 48<sup>th</sup> Street;

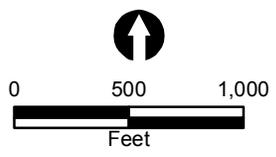
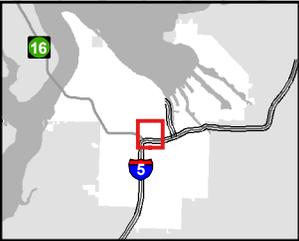
Thence easterly along said center line to the Point of Beginning.

# ST-M/IC Boundary Change Associated with Open Space Land Transfer



Area removed from  
Habitat Corridors and ST-M/IC

- Downtown Growth Center
- M/ICs with Boundary Refinements
- Tacoma Mall Growth Center
- Habitat Corridors with Boundary Edit
- Area Removed from ST-M/IC



Map is for reference only.





## 2011 ANNUAL AMENDMENT

### Area-Wide Rezone – South Tacoma Manufacturing/Industrial Center Revised ST-M/IC Overlay District Boundary

Beginning on the center line of the alley lying east of Block 1 of RAILSBACK'S ADDITION TO TACOMA, W.T. as recorded in Volume 2 of Plats at Page 13, records of the Pierce County Auditor, at its intersection with the westerly extension of the south line of Lot 10, Block 8 of ORCHARDS ADDITION TO NEW TACOMA, W.T. as recorded in Volume 1 of Plats at Page 62, records of the Pierce County Auditor;

Thence southerly along said alley center line a distance of 20 feet to a point lying 160 feet North of the north margin of Center Street;

Thence east, parallel with and 160 feet north of said north margin, a distance of 125 feet to its intersection with the center line of South Sheridan Street;

Thence south along said center line a distance of 20 feet;

Thence east parallel with and 140 feet north of said north margin, a distance of 310 feet to the northerly extension of the west margin of South M Street;

Thence south along said west margin a distance of 42.2 feet to the cusp of a curve to the left and the north margin of South 28<sup>th</sup> Street;

Thence easterly along said north margin to its intersection with the west line of Block 1 of said Plat;

Thence North 02°37'39" East along said west line a distance of 150 feet to the southwest corner of Lot 4, said Block 1;

Thence along the south line of said Lot 4 and its easterly extension, South 87°21'50" East a distance of 120 feet to the east line of said Block 1;

Thence South 02°37'39" East along said east line a distance of 13.18 feet;

Thence North 67°35'09" East a distance of 191.20 feet to the intersection with the center line of South J Street;

Thence along said center line North 09°00'04" West a distance of 218.37 feet to its intersection with the center line of South 27<sup>th</sup> Street;

Thence North 82°36'05" East along said center line a distance of 729.90 feet to the intersection with the center line of Yakima Avenue South;

Thence southeasterly along said center line to its intersection with the south right of way line of the Burlington Northern Railway;

Thence southwesterly along said south line to west line of the northeast quarter of the southeast quarter of Section 08, Township 20 North, Range 03 East, W.M.;

Thence south along said west line, a distance of 55 feet more or less, to its intersection with the north margin of South Tacoma Way;

Thence southwesterly along said north margin to its intersection with the east line of OUIMETTE'S SECOND ADDITION TO TACOMA, W.T. as recorded in Volume 1 of Plats at Page 123, records of the Pierce County Auditor;

Thence north along said east line to the northeast corner thereof;

Thence west along the north line of said Plat a distance of 35 feet to the center line of South "L" Street;

Thence south along said center line a distance of 352.5 feet, more or less, to a point lying 120 feet south of the south margin of South Tacoma Way;

Thence westerly, parallel with and 120 feet south of said southerly margin, a distance of 2323 feet more or less to its intersection with the east margin of City of Tacoma Deed No.3657, said point lying on the east margin of present day South Steele Street;

Thence southwesterly along said east margin to its intersection with the center line of South 35<sup>th</sup> Street;

Thence west along said center line to its intersection with the center line of South Pine Street;

Thence south along said center line to its intersection with the center line of South 36<sup>th</sup> Street;

Thence west along said center line to its intersection with the center line of South Lawrence Street;

Thence south along said center line to its intersection with the center line of South 38<sup>th</sup> Street;

Thence west along said center line to its intersection with the center line of the Union Avenue Overpass;

Thence northwesterly along said center line to its intersection with the center line of South Tacoma Way;

Thence southerly along said center line a distance of 1365 feet more or less to its intersection with the westerly extension of the south line of Lot 9, Block 17, CASCADE PARK ADDITION TO TACOMA, W.T. as recorded in Volume 1 of Plats at Page 120, records of the Pierce County Auditor;

Thence west along said westerly extension to its intersection with the center line of South Washington Street;

Thence south along said center line to its intersection with the center line of South 47<sup>th</sup> Street;

Thence west along said center line to its intersection with the center line of South Adams Street;

Thence south along said center line to its intersection with the center line of South 50<sup>th</sup> Street;

Thence west along said center line to its intersection with the center line of the Burlington Northern Railway;

Thence south along said center line a distance of 5933 feet more or less, to a point lying 160 feet north of the north line of Government Lot 3 in Section 25, Township 20 North, Range 02 East, W.M.;

Thence west, parallel with and 160 feet north of said north line, to a point 120 feet west of the west margin of South Durango Street;

Thence north, parallel with and 120 feet west of said west line, to its intersection with the center line of the alley lying directly south of South 69<sup>th</sup> Street;

Thence west along said center line to its intersection with the southerly extension of the center line of the alley between Blocks 22 and 23 of VILLA PARK as recorded in Volume 5 of Plats at Page 60-61, records of the Pierce County Auditor;

Thence north along said alley center line and its northerly extension to its intersection with the center line of South 66<sup>th</sup> Street;

Thence east along said center line to its intersection with the center line of South Adams Street;

Thence north along said center line to its intersection with the center line of South 60<sup>th</sup> Street;

Thence west along said center line to its intersection with the southerly extension of the west line of Block 5, HUNT'S PRAIRIE ADDITION TO TACOMA, W.T. as recorded in Volume 2 of Plats at Page 90, records of the Pierce County Auditor;

Thence north along said west line and its northerly extension to its intersection with the center line of South 58<sup>th</sup> Street;

Thence west along said center line to its intersection with the center line of South Tyler Street;

Thence north along said center line a distance of 203 feet more or less to its intersection with the west line of said Plat;

Thence north along said west line a distance of 1055.7 feet more or less to a point lying 100 feet east of the east margin of South Tyler Street;

Thence northerly, parallel with and 100 feet east of said east margin to its intersection with the south Plat line of MECHANICS HOME ADDITION TO TACOMA, WASHINGTON as recorded in Volume 6 of Plats at Page 40, records of the Pierce County Auditor, also known as vacated South 42<sup>nd</sup> Street;

Thence east along said south line to its intersection with the southerly extension of the center line of the alley between Blocks 5 and 6 of said Plat;

Thence north along said alley center line to its intersection with the north line of said Plat, also known as South 40<sup>th</sup> Street;

Thence east along said north line a distance of 216 feet more or less to a point lying 130 feet west of the west margin of the Oregon and Washington railroad Right of Way;

Thence north, parallel with and 130 feet west of said west margin, a distance of 200 feet;

Thence east, parallel with and 200 feet north of the north line of said Plat, a distance of 230 feet to the east line of said Railroad right of way;

Thence northeasterly along said east margin to its intersection with the west line of COOK AND CLEMENT FIRST ADDITION TO TACOMA, W.T. as recorded in Volume 2 of Plats at Page 29, records of the Pierce County Auditor;

Thence north along said west line to the northwest corner thereof, said point being on the center line of South 35<sup>th</sup> Street;

Thence east along said center line to its intersection with the southerly extension of the of the west line of Lot 12, Block 2901 of OAKLAND ADDITION TO TACOMA, W.T. as recorded in Volume 1 of Plats at Page 119, records of the Pierce County Auditor;

Thence north along said extended west line a distance of 44.92 feet to the north right of way margin of South 35<sup>th</sup> Street, inclusive of Deed number 5165;

Thence west along said margin to its intersection with the west line of Block 2902 of said Plat, said line being the easterly margin of South Adams Street;

Thence north along said west line to the northwest corner of said Block 2902;

Thence east along the north line of said Block to the northeast corner thereof, said point being on the west margin of South Washington Street;

Thence north along said west margin a distance of 695 feet more or less to the south east corner of Lot 5, Block 2702 of said Plat;

Thence east a distance of 180 feet more or less to the southwest corner of Lot 5, Block 2701 of said Plat;

Thence north along the west line of said Lot and its northerly extension to its intersection with the center line of Center Street;

Thence east along said center line to its intersection with the center line of South Union Avenue;

Thence north along said center line a distance of 160 feet; said point being 120 feet north of the south line of Block 21 of HILLCREST ADDITION TO TACOMA, WASHINGTON as recorded in Volume 10 of Plats at Page 30, records of the Pierce County Auditor;

Thence east, parallel with and 120 feet north of said south line to its intersection with the center line of the alley between Blocks 21 and 22 of said Plat;

Thence south along said center line to its intersection with the westerly extension of the south line of Lot7, Block 22 of said Plat;

Thence east along said south line and its easterly extension to its intersection with the center line of South Puget Sound Avenue;

Thence southeasterly a distance of 31.31 feet to the northwest corner of Deed number 4178;

Thence northeasterly along the north margin of Center Street, inclusive of Deeds 4178, 4218, and 4404, to its intersection with the west line of Boundary Line Adjustment No. 200704115002 as recorded at AFN 200704115002, records of the Pierce County Auditor;

Thence northeasterly along the south line of Parcels "F" through "A" and its easterly extension to its intersection with the east line of Lot 7, Block 29 of said Plat;

Thence north along said east line and its northerly extension to its intersection with the center line of the alley between Blocks 27 and 29 of said Plat;

Thence easterly along said center line to its intersection with the southerly extension of the center line of the vacated alley between Blocks 27 and 28 of said Plat;

Thence north along said center line and its northerly extension to its intersection with the center line of South Alder Street;

Thence east along said center line to its intersection with the east line of the afore mentioned Plat of HILLCREST ADDITION;

Thence north along said east line to its intersection with the center line of State Route 16 (SR-16);

Thence east along said center line to its intersection with the west margin of South Cedar Street;

Thence south along said west margin to a point lying 130 feet north of the north margin of Center Street;

Thence east, parallel with and 130 feet north of said north margin a distance of 82 feet more or less to the east margin of South Cedar Street;

Thence north along said east margin to its intersection with the north line of the south west quarter of Section 07, Township 20 North, Range 03 East, W.M.;

Thence east along said north line to the northeast corner thereof;

Thence south along the east line of said quarter section to a point lying 120 feet north and perpendicular to the north margin of Center Street;

Thence easterly, parallel with and 120 feet north of said north margin, a distance of 520 feet;

Thence northeast to the southeast corner of Lot 10, Block 9 of PRESCOTT'S SECOND ADDITION TO TACOMA, W.T. as recorded in Volume 3 of Plats at Page 65, records of the Pierce County Auditor;

Thence east, parallel with and 325 feet north of the north margin of Center Street to its intersection with the center line of the alley between Blocks 8 and 9 in PLAT OF CARROLL AND HANNAH ADDITION TO TACOMA, W.T. as recorded in Volume 2 of Plats at Page 7, records of the Pierce County Auditor, said point being the westerly extension of the north line of Lot 13, Block 8 of said Plat;

Thence south along said alley center line to its intersection with the westerly extension of the south line of Lot 12, said Block 8;

Thence east along said south line and its easterly extension to the center line of the alley between Blocks 7 and 6 of said Plat;

Thence south along said alley center line to its intersection with the westerly extension of the south line of Lot 11, Block 6 of said Plat;

Thence east along said south line and its easterly extension to the center line of South Ash Street;

Thence north along said center line to the westerly extension of the south line of Lot 11, Block 5 of said Plat;

Thence east along said south line and its easterly extension to its intersection with the center line of the alley between Blocks 5 and 4 of said Plat;

Thence north along said alley center line to its intersection with the westerly extension of the north line of Lot 15, said Block 4;

Thence east along said north line and its easterly extension to the center line of South Wilkerson Street;

Thence north along said center line to its intersection with the westerly extension of the north line of Lot 18, Block 3 of said Plat;

Thence east along said north line and its easterly extension to its intersection with the center line of South Alaska Street;

Thence south along said center line to its intersection with the westerly extension of the north line of Lot 13, Block 1 of said Plat;

Thence east along said north line and its easterly extension along the south line of Lot 7, Blocks 1 and 2 of REPLAT OF CHANDLER'S ADDITION TO TACOMA, WASHINGTON as recorded in Volume 2 of Plats at Page 62, records of the Pierce County Auditor, and its easterly extension to the center line of the alley between Block 2 and 3 of said Plat;

Thence south along said alley center line to its intersection with the westerly extension of the south line of Lot 12, said Block 3;

Thence east along said south line and its easterly extension to its intersection with the center line of South Chandler Street;

Thence south along said center line to its intersection with the westerly extension of the south line of Lot 13, Block 1 of BROKENBOUGH'S ADDITION TO TACOMA, W.T. as recorded in Volume 4 of Plats at Page 9, records of the Pierce County Auditor;

Thence east along said south line and its easterly extension to its intersection with the center line of South Ainsworth Street;

Thence south along said center line to its intersection with the westerly extension of the south line of Lot 15, Block 2 or said plat;

Thence east along said south line and its easterly extension to its intersection with the center line of the alley between Blocks 1 and 2 of E.L. SAWYERS ADDITION TO TACOMA, W.T. as recorded in Volume 2 of Plats at Page 37, records of the Pierce County Auditor;

Thence north along said alley center line to its intersection with the westerly extension of the north line of Lot 11, said Block 1;

Thence east along said north line and its easterly extension to its intersection with the center line of South Sawyer Street;

Thence north along said center line to its intersection with the westerly extension of the north line of Lot 9, Block 3 of RAILSBACK'S ADDITION TO TACOMA, W.T. as recorded in Volume 2 of Plats at Page 13, records of the Pierce County Auditor;

Thence east along said north line and its easterly extension to its intersection with the center line of the alley between Blocks 3 and 2 of said Plat;

Thence south along said alley center line to its intersection with the westerly extension of the north line of Lot 10, said Block 2;

Thence east along said north line and its easterly extension to its intersection with the center line of the alley lying east of Block 1 of said Plat; thence south along said alley center line to the Point of Beginning.



## 2011 ANNUAL AMENDMENT

### Amendments to the Land Use Regulatory Code – Chapter 13.06A

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

#### Chapter 13.06A

#### DOWNTOWN TACOMA

\* \* \*

##### 13.06A.030 Definitions.

~~See Section 13.06.700. As used in this chapter, unless context dictates otherwise, the following definitions shall apply:~~

~~1. “Alteration” means a physical change to a structure or a site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include any of the following:~~

~~a. Changes to the facade of a building;~~

~~b. Changes to the interior of a building;~~

~~c. Increase or decrease to floor area of a building;~~

~~d. Changes to other structures, including parking garages, on the site or the development of new structures; and/or~~

~~e. Changes to landscaping, off-street parking spaces, and other improvements on a site.~~

~~2. “Alteration, substantial” means alterations within a two-year period:~~

~~a. The total cost of which, excluding purchase costs of the property and/or building, exceeds 50 percent of the replacement value of a building or structure;~~

~~b. The total cost of which, excluding purchase costs of the property, exceeds 50 percent of the replacement value of site improvements;~~

~~c. Which increase the gross square footage by more than 50 percent of buildings and structures; or~~

~~d. Which increase the gross square footage by more than 50 percent of a surface parking lot.~~

~~3. “Art Gallery” means a space with public access from the sidewalk into the space and which is located within a building for the interior exhibition or display of artworks which may or may not be offered for sale to the public.~~

~~4. “Decorative grille” means an open framework of metal, wood, or other material arranged in a pattern that effectively obscures the views of parked cars located in an off-street parking structure from the public right-of-way.~~

~~5. “Development” means all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.~~

~~6. “Drive through within a building” means a retail or service use with a window offering goods and services to people in vehicles in which the window and all driving and stacking lanes are contained within a building.~~

~~7. “Floor Area” is the sum of the gross horizontal area of all floors of a building or portion thereof, measured to the inside face of exterior walls and excluding the area used for parking, mechanical equipment, elevators, stair shafts, exterior decks, balconies, and corridors open to the air.~~

~~8. “Floor Area Ratio (FAR)” is the amount of floor area within a building as a multiple of the lot area. Right of way that has had its air rights vacated shall be considered as lot area for calculating FAR. For the purposes of calculating allowable FAR within the downtown area, floor area shall exclude the following areas when calculating the maximum FAR:~~

~~a. Spaces below grade.~~

~~b. Space used for retail uses or restaurants that front the sidewalk.~~

~~c. Space devoted to special features.~~

~~9. “Mixed rate housing” shall include both affordable and market rate housing units in the same housing or mixed-use development.~~

~~10. “Nonconforming development” means development or an element of development that lawfully existed on January 10, 2000, the date this chapter became effective, and which does not conform to the development standards and basic design standards of the district in which it is located.~~

~~11. “Normal maintenance” means physical changes which keep a building, structure, or site, or a portion thereof, in a sound condition and operation.~~

~~12. “Parcel and mail services” means a use which provides for the preparation of parcels and packages for shipping, delivery, and mailing for walk-in clientele.~~

~~13. “Primary pedestrian street” means a street that is intended to support pedestrian activity throughout the day. Primary pedestrian streets are:~~

~~a. Pacific Avenue between S. 7th and S. 25th Streets.~~

~~b. Broadway between S. 7th and S. 15th Streets.~~

~~c. Commerce Street between S. 7th and S. 15th Streets.~~

~~d. “A” Street between S. 7th and S. 12th Streets.~~

~~e. Tacoma Avenue between S. 7th and S. 15th Streets.~~

~~14. “Public benefit use” means any of the following uses shall qualify:~~

~~a. Day Care, available to the general public.~~

~~b. Human Services, such as employment counseling and walk-in clinics.~~

~~c. Recreation, such as health clubs.~~

~~d. Community Meeting Room.~~

~~e. Art Gallery or Museum.~~

~~f. Drop-in centers for youth and seniors.~~

~~15. “Repair” means physical changes to a building, structure, or site, or a portion thereof, to fix or restore to sound condition after damage or deterioration.~~

~~16. “Replacement value” means the value of a building as calculated using the latest “Evaluation Table” printed in the *Building Standards* magazine, published by the International Conference of Building Officials, based on the existing occupancy and the most closely appropriate type of construction.~~

~~17. “Telecommunications exchange facility” means a structure where the majority of its floor area is used for equipment for the purposes of automatically receiving, decoding, routing, recoding, and sending of voice and data communications.~~

~~18. “Total cost” means all costs associated with an alteration incurred from project initiation to project completion excluding the purchase costs for the building and site.~~

~~19. “Transparency” means glazing through which it is possible to see clearly the internal activity of the building or into a window display.~~

~~20. “Works of art” means all forms of original, artist-produced creations of visual art, including, but not limited to, sculptures, murals, paintings, inlays, earthworks, mosaics, etc. Works of art can be both self-standing and/or integrated into the structure or its grounds. Not included in this definition is the reproduction of original works of art, mass-produced artworks, or architect-designed elements. Also not included are directional signage or supergraphics, maps, etc., except where an artist is employed.~~

### **13.06A.040 Downtown Districts and uses.**

A. After the area-wide reclassification establishing the following Downtown Districts, no property within the Downtown Districts shall be reclassified except through a subsequent area-wide reclassification as provided for in TMC 13.02.045.

B. No property shall be reclassified to a Downtown District except through an area-wide reclassification as provided for in TMC 13.02.045.

C. Downtown Commercial Core District (DCC).

This district is intended to focus high rise office buildings and hotels, street level shops, theaters, and various public services into a compact, walkable area, with a high level of transit service.

1. Preferred—retail, office, hotel, cultural, governmental.
2. Allowable—residential, industrial located entirely within a building.
3. Prohibited—industrial ~~uses not located entirely within a building~~; drive-through ~~uses~~ not located within a building, and automobile service stations/gasoline dispensing facilities in addition to those noted in TMC 13.06A.050.

D. Downtown Mixed-Use District (DMU).

This district is intended to contain a high concentration of educational, cultural, and governmental services, together with commercial services and uses.

1. Preferred—governmental, educational, office, cultural.
2. Allowable—retail, residential, industrial located entirely within a building.
3. Prohibited—industrial ~~uses not located entirely within a building~~, movie theaters greater than six screens, automobile service stations/gasoline dispensing facilities, and drive through ~~uses~~ that are not located within a building but are located within 100 feet of a light rail ~~or streetcar~~ street, in addition to those noted in TMC 13.06A.050.

E. Downtown Residential District (DR).

This district contains a predominance of mid-rise, higher density, urban residential development, together with places of employment and retail services.

1. Preferred—residential.
2. Allowable—retail, office, educational.
3. Prohibited—industrial, movie theaters greater than six screens in addition to those noted in TMC 13.06A.050.

F. Warehouse/Residential District (WR).

This district is intended to consist principally of a mixture of industrial activities and residential buildings in which occupants maintain a business involving industrial activities.

1. Preferred—industrial located entirely in a building, residential.
2. Allowable—retail, office, governmental.
3. Prohibited:
  - a. Movie theaters greater than six screens, in addition to those noted in TMC 13.06A.050.
  - b. Drive through uses that are not located within a building but are located within 100 feet of a light rail ~~or streetcar~~ street.

\* \* \*

### **13.06A.052 Primary Pedestrian Streets.**

A. Within the Downtown, the “primary pedestrian streets” are considered key streets in the intended development and utilization of the area due to pedestrian use, traffic volumes, transit connections, and/or visibility. The streetscape and adjacent development on these streets should be designed to support pedestrian activity throughout the day. They are designated for use with certain provisions in the Downtown zoning regulations, including setbacks and design requirements. Within the Downtown, the primary pedestrian streets are:

1. Pacific Avenue between S. 7th and S. 25th Streets.
2. Broadway between S. 7th and S. 15th Streets.
3. Commerce Street between S. 7th and S. 15th Streets.
4. “A” Street between S. 7th and S. 12th Streets.
5. Tacoma Avenue between S. 7th and S. 15th Streets.

\* \* \*

### **13.06A.055 Nonconforming Development.**

A. It is intended that nonconforming development or elements of nonconforming development that affect appearance, function, and design quality be brought into conformance with the development and basic design standards of this chapter. It is not intended to bring nonconforming development into compliance immediately, but to have future development comply with the purpose and intent of this code and eventually be brought into conformance with its standards. It is not intended to require extensive changes that are impractical, such as moving or lowering buildings.

B. For purposes of the Downtown zoning districts, nonconforming development shall mean development or an element of development that lawfully existed on January 10, 2000, the date this chapter became effective, and which does not conform to the current development standards and basic design standards of the district in which it is located.

CB. Nonconforming development may continue as set forth in Section 13.06.630, unless specifically limited by other regulations of this chapter.

DC. Additions to buildings nonconforming to the development standards or basic design standards must comply with these standards, unless otherwise exempted. No addition can increase the nonconformity to the development or basic design standards or create new nonconformity with these standards.

\* \* \*

### **13.06A.060 Development standards.**

#### **Development Standards Table.**

Districts	Maximum Allowable Floor Area Ratio (FAR) <sup>1</sup>						Height Limits	Non-Res Parking <sup>2, 3, 4, 5</sup>	
	“As of Right”		With Design Standards		With Special Features			Min	Max
	Non-Res	Res	Non-Res	Res	Non-Res	Res		(stalls/floor area sf) <sup>5</sup>	
DCC	3	3	6	6	12	12	400’	2.4/1000	3.6/1000
DMU	2	3	4	5	6	7	100’	2.4/1000	3.6/1000
DR	1	2	2	4	4	6	90’	1.2/1000	3.6/1000
WR	3	4	4	5	6	7	100’	1.2/1000	3.6/1000

Notes:

1. The FAR for non-residential and residential uses within a given development are individually calculated and may be added together for a cumulative total, provided that the respective maximum FAR for each use is not exceeded. For example, in the DCC, an “as-of-right” development may have a total FAR of 6, with a FAR of 3 in non-residential use and a FAR of 3 in residential use in a single development.
2. For the purposes of calculating maximum allowable FAR, hotels shall be considered a residential use.

3. A minimum FAR of 1 shall be achieved for structures within the Downtown Commercial Core district. The gross floor area shall be used to calculate the minimum FAR.
4. Building Height will be measured consistent with the applicable Building Code, Height of Building and excludes parapets, mechanical penthouses, elevator overruns and machine rooms, and decorative architectural features (e.g., spires, towers, pergolas, pyramids, pitched roofs) not intended for residential, office or retail space.
5. Maximum Building Height within 150' east of the centerline of the right-of-way of Yakima Avenue shall be 60 feet, in order to create a transition to lower-rise residential development to the west.
6. Minimum parking ratios for non-residential development located east of Market Street, or located east of Jefferson Avenue from South 21st to South 28th streets shall be reduced by 50 percent in recognition of the availability of transit.
7. The first 3,000 square feet of each street level establishment, whether inside or outside the IFSA, is exempt from parking requirements.
8. Maximum parking ratios may be exceeded for providing parking available to the public and which is not dedicated to individual owners, tenants and lessees of the building.
9. Tandem parking is permitted only for residential development subject to approval of the Traffic Engineer.
10. Development shall also comply with the requirements of 13.06.510(C) Loading Spaces.
11. No variances shall be granted to these development standards unless otherwise indicated.
12. Buildings lawfully in existence on January 10, 2000, the time of reclassification to the above districts, including buildings within the IFSA, do not need to conform to these standards; however, additions will need to conform. No addition can increase nonconformity to these standards or create new nonconformity.
13. Unless otherwise specified herein, the off-street parking area development standards contained in TMC 13.06.510, which include minimum stall size and height, aisle width, paving and access requirements, but not including minimum quantity requirements, shall apply to all new off-street parking provided.
14. For buildings that contain multiple types of uses, the required number of parking spaces shall be equal to the total number of spaces determined by computing each use types separately, except where specifically stated otherwise herein.

15. Structures and sites that are individually listed on the Tacoma Register of Historic Places shall be exempt from all parking quantity requirements. This provision does not apply to Historic Special Review District overlay zones.

\* \* \*

#### **13.06A.070 Basic design standards.**

\* \* \*

##### **C. Standards Applicable to Development in All Districts.**

1. The basic design standards and additional standards applicable to the DCC and DR districts, except as otherwise noted, shall apply to all new construction, additions, and substantial alterations.
2. 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 equivalent architectural feature that 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. 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. One street tree shall be provided per each 25 linear feet of frontage, with tree grates covering the pits, in conformance with City requirements. This standard, in its entirety, shall apply to all new construction, additions, substantial alterations, and when 50 percent or more of the existing sidewalk is replaced. One street tree shall be provided, consistent with the requirements of this standard, for each 25 linear feet of existing sidewalk that is replaced. Existing street trees shall be counted toward meeting this standard. Trees and grates should conform to the *Tacoma Downtown Streetscape Study and Design Concepts*.

a. The required street trees should generally be evenly spaced to create or maintain a rhythmic pattern, but can be provided with variations in spacing and/or grouped to accommodate driveways, building entrances, etc. To achieve consistency with the existing pattern of tree spacing, the quantity of required street trees may be modified.

\* \* \*

4. All new surface parking lots, additions to parking lots, parking lots associated with buildings undergoing substantial alteration, parking lots increased in size by 50 percent, and parking lots altered on 50 percent of its surface shall provide a perimeter landscaping strip abutting adjacent sidewalks containing a combination of trees and shrubs.

\* \* \*

5. The ground-level facades of new or substantially altered parking garages and additions shall be designed to obscure the view of parked cars. Where commercial or residential space is not provided to accomplish this, features such as planters, decorative grilles, architectural elements, or works of art shall be used. Parking garage openings at the level of and facing a street, alley, courtyard, plaza, or open parking area shall incorporate such elements in a manner that effectively reduces the visibility of vehicles within the garage while still allowing for limited visibility into and out of the garage. Any portion of the screening that is between 3 and 7 feet above the adjacent grade shall be at least 20% transparent but not more than 80% transparent. Vehicular access openings shall be exempt from this standard. This standard also shall apply when 50 percent or more of the sidewalk level facade is altered.

a. "Works of art," as used herein and in other portions of this Chapter, means all forms of original, artist-produced creations of visual art, including, but not limited to, sculptures, murals, paintings, inlays, earthworks, mosaics, etc. Works of art can be both self-standing and/or integrated into the structure or its grounds. The reproduction of original works of art, mass-produced artwork, or architect-designed elements are not included. Also not included are directional signage or super graphics, maps, etc., except where an artist is employed.

\* \* \*

9. New driveways shall be located from an alley, court, or street which does not have light rail or streetcar lines or is not designated as a Primary Pedestrian Street. Existing driveways may remain and be maintained. Abandoned driveways shall be removed when required by the Traffic Engineer.

a. If a driveway is not feasible from a non-designated alley, court, or street, a driveway may be located from a street having light rail or streetcar lines or a designation of Primary Pedestrian Street.

b. Maximum driveway width on a street having light rail or streetcar lines or on a defined Primary Pedestrian Street is 25 feet.

c. All driveways on a street having light rail or streetcar lines or on a defined Primary Pedestrian Street shall be no closer than 150 feet as measured to their respective centerlines, provided that there will be allowed at least one driveway from each development to each abutting street.

d. All driveways on a street having light rail or streetcar lines shall be equipped with a sign to warn exiting vehicles about approaching trains.

\* \* \*

### **13.06A.080 Design Standards for Increasing Allowable FAR.**

At least four of the following standards shall be incorporated into each development to increase allowable FAR as shown in the Development Standards Table. For each standard that is additionally met, the maximum allowable FAR indicated in the Development Standards Table may be increased by .5.

These standards suggest the result to be achieved. It is expected that the review process would allow for flexibility and creativity in meeting the intent. ~~Meeting t~~These standards shall be in addition to ~~meeting~~the basic design standards and, if applicable, the additional standards specified for the DCC and DR districts.

\* \* \*

### **13.06A.130 Severability.**

Should any section, clause, or provision of this chapter be declared by the court to be invalid, the same shall not affect the validity of the chapter, as a whole or any part thereof, other than the part so declared to be invalid.



## 2011 ANNUAL AMENDMENT

### Amendments to the Land Use Regulatory Code – Chapter 13.07

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

#### Chapter 13.07

#### LANDMARKS AND HISTORIC SPECIAL REVIEW DISTRICTS

##### Sections:

- 13.07.010 Short title.
- 13.07.020 Landmarks and Historic Districts —Declaration of purpose and declaration of policy.
- 13.07.030 Definitions.
- 13.07.040 Tacoma Register of Historic Places -- Establishment and criteria.
- 13.07.050 Tacoma Register of Historic Places —Nomination and designation process for individual properties.
- 13.07.055 Rescission of Landmarks Designation
- 13.07.060 Tacoma Register of Historic Places —Nomination and designation process for Historic Special Review and Conservation Districts.
- ~~13.07.070 District and landmarks regulation.~~
- 13.07.070 Commission rules of procedure and administrative guidelines
- 13.07.080 Special tax valuation — Local Review Board.
- 13.07.085 Property eligible for special tax valuation.
- ~~13.07.090 Certificates of approval.~~
- 13.07.095 Certificates of approval — Process and standards for review.
- 13.07.100 ~~Demolition of City landmarks—Declaration of purpose.~~ Criteria for the Relocation of a City Landmark
- ~~13.07.110 Demolition of City landmarks—Application process.~~
- ~~13.07.120 Demolition of City landmarks—Application requirements.~~
- ~~13.07.130 Demolition of City landmarks—Automatic conditions.~~
- ~~13.07.140~~ 110 Demolition of City landmarks —Standards and criteria for review.
- ~~13.07.150 Demolition of City landmarks—Specific exemptions.~~
- ~~13.07.160 Appeals to the Hearing Examiner.~~
- ~~13.07.165 Appeals to the Hearing Examiner—Factors to be considered.~~
- ~~13.07.170 Ordinary maintenance or repairs.~~
- ~~13.07.180 Minimum buildings standards.~~
- 13.07.120 Historic Special Review and Conservation Districts - Generally
- ~~13.07.190~~ 130 Designation of Old City Hall Historic Special Review District – Declaration of purpose.
- ~~13.07.200~~ 140 Designation of Old City Hall Historic Special Review District — Findings.
- ~~13.07.210~~ 150 Old City Hall Historic Special Review District — Boundary description.
- 13.07.155 Guidelines for building design and streetscape improvement review of the Old City Hall Historic District.
- ~~13.07.220~~ 160 Old City Hall Special Review District – Specific Exemptions.
- ~~13.07.230~~ 170 Designation of Union Depot/Warehouse Historic Special Review District – Declaration of purpose.
- ~~13.07.240~~ 180 Designation of the Union Depot/Warehouse Historic Special Review District — Findings.
- ~~13.07.250~~ 190 Union Depot/Warehouse Historic Special Review District — Boundary description.

- 13.07.~~260~~200 Designation of Union Station Conservation District.
- 13.07.~~270~~210 Guidelines for building design and streetscape improvement review of the Union Depot/Warehouse Historic District and Union Station Conservation District.
- ~~13.07.280—Union Depot/Warehouse Historic Special Review and Union Station Conservation Districts—Specific exemptions.~~
- 13.07.~~290~~220 Designation of North Slope Historic Special Review District – Purpose.
- 13.07.~~300~~230 Designation of North Slope Historic Special Review District – Findings.
- 13.07.~~310~~240 North Slope Historic Special Review District – Boundary description.
- 13.07. ~~320~~250 North Slope Historic Special Review District – Specific Exemptions.
- 13.07.~~330~~260 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Purpose.
- 13.07.~~340~~270 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Findings.
- 13.07.~~350~~280 Wedge Neighborhood Historic Special Review District – Boundary Description.
- 13.07.~~355~~290 Wedge Neighborhood Conservation Special Review District – Boundary Description.
- 13.07.~~360~~300 Wedge Neighborhood Historic Special Review District and Wedge Neighborhood Conservation Special Review District – Specific Exemptions.
- 13.07.~~370~~310 Guidelines for building design and streetscape improvement review for the Wedge Neighborhood and North Slope Historic Special Review Districts and the Wedge Neighborhood Conservation Special Review District.
- 13.07.~~380~~320 Severability.

**13.07.010 Short title.**

This chapter may be cited as the “Tacoma Landmarks and Historic Special Review Districts Code.”

**13.07.020 Landmarks and Historic Districts – Declaration of purpose and declaration of policy.**

The City finds that the protection, enhancement, perpetuation, and continued use of landmarks, districts, and elements of historic, cultural, architectural, archeological, engineering, or geographic significance located within the City are required in the interests of the prosperity, civic pride, ecological, and general welfare of its citizens. The City further finds that the economic, cultural, and aesthetic standing of the City cannot be maintained or enhanced by disregarding the heritage of the City or by allowing the destruction or defacement of historic and cultural assets.

The purpose of this chapter is to:

- A. Preserve and protect historic resources, including both designated City landmarks and historic resources which are eligible for state, local, or national listing;
- B. Establish and maintain an open and public process for the designation and maintenance of City landmarks and other historic resources which represent the history of architecture and culture of the City and the nation, and to apply historic preservation standards and guidelines to individual projects fairly and equitably;
- C. Promote economic development in the City through the adaptive reuse of historic buildings, structures, and districts;
- D. Conserve and enhance the physical and natural beauty of Tacoma through the development of policies that protect historically compatible settings for such buildings, places, and districts;
- E. Comply with the state Environmental Policy Act by preserving important historic, cultural, and natural aspects of our national heritage; and
- F. To promote preservation compatible practices related to cultural, economic and environmental sustainability, including: conservation of resources through retention and enhancement of existing building stock, reduction of impacts to the waste stream resulting from construction activities, promotion of energy conservation, stimulation of job growth in rehabilitation industries, and promotion of Heritage Tourism;
- G. To contribute to a healthy population by encouraging human scale development and preservation activities, including walkable neighborhoods; and
- F. Integrate the historic preservation goals of the state Growth Management Act and the goals and objectives set forth in the City’s Comprehensive Plan and regulatory language.

### 13.07.030 Definitions.

For purposes of this chapter, certain terms and words are hereby defined as follows:

~~“Accessory structure” means any structure which is incidental or subordinate to the main building(s) and is located on the same property as the main building.~~

~~“Administrative Approval” means an approval that may be granted by the City Historic Preservation Officer for an alteration to a City landmark, without Landmarks Preservation Commission (also referred to herein as “Commission”) review, based on authority that may be granted by the Commission pursuant to Chapter 1.42 of the Tacoma Municipal Code (“TMC”).~~

~~“Alteration” means any act or process which changes materially, visually, or physically one or more of the exterior architectural features or significant interior features of a property, including, but not limited to, the construction, reconstruction, or removal of any structure.~~

~~“Building” means any structure that is used or intended for supporting or sheltering any use or occupancy. For the purposes of this chapter, the term “building” includes accessory structures.~~

~~“Certificate of Approval” means the written record of formal action by the Commission indicating its approval of plans for alteration of a City landmark.~~

~~“Certified Local Government” or “CLG” means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established a historic preservation commission and a historic preservation program meeting Federal and State standards.~~

“City landmark” means a property that has been individually listed on the Tacoma Register of Historic Places, or is that is a contributing property within a Historic Special Review District or Conservation District as defined by this chapter.

~~“Conservation District” means an area warranting the designated for the preservation and protection of historic character and properties contained therein, without meeting the same higher standard for designation as a Historic Special Review District. Conservation Districts are normally established surrounding or adjacent to an established or proposed historic district or place, resources and overall characteristics of traditional development patterns, and that meets the criteria for such designation as described in Section 13.07.040.C of this code.~~

~~“Construction” means the act of adding to an existing structure or erecting a new principal or accessory structure on a property.~~

~~“Contributing property” means any property within a Historic Special Review District which is documented in the district’s nomination to the Tacoma Register of Historic Places to contribute architecturally, historically, and/or culturally to the historic character of the district, and properties that date from the historic period of significance for the Historic Special Review District and retain integrity of materials, place, or setting which have not previously been identified during architectural surveys.~~

~~“Deconstruction” The disassembly of a building, or a portion thereof, in a manner that keeps individual components and materials intact. These may then be reassembled to the original design, or may be made available for reuse in other improvement projects.~~

~~“Demolition” means any act or process which destroys, in part or in whole, a City landmark, including neglect or lack of maintenance that results in the destruction of a historic property. For the purposes of this chapter, demolition does not include nonhistoric or noncontributing additions to historic buildings if so determined by the Landmarks Preservation Commission or Historic Preservation Officer, or so indicated in the nomination documentation for a building.~~

~~“Design guideline” means a standard of appropriate activity which will preserve or enhance the historic and architectural character of a structure or area, and which is used by the Commission and the City Historic Preservation Officer to determine the appropriateness of proposals involving property within Historic Special Review and Conservation Districts.~~

~~“Embodied Energy” means the energy consumed to construct a building, including that required to create materials for it, transport them to the site, and then assemble them.~~

~~“District” means a geographically definable area possessing a significant concentration, linkage, or continuity of sites buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.~~

~~“Exterior architectural appearance” means the architectural character and general composition of the exterior of a property including, but not limited to, the type, color, and texture of a building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.~~

“Historic resource” means any property that has been determined to be eligible by the City Historic Preservation Officer or Washington State Department of Archaeology and Historic Preservation staff for listing in the Tacoma Register of Historic Places, the Washington State Heritage Register, or the National Register of Historic Places, or any property that appears to be eligible for such listing by virtue of its age, exterior condition, or known historical associations.

~~“Historic Special Review District” means an area-Overlay Zone with a concentration of historic resources that has been found to meet the criteria for designation as a Historic Special Review District under the provisions of this chapter, which the City finds should be protected from adverse effects to its cultural and historic character resulting from development activities, and has been so designated by City Council.~~

~~“Interested party of record” means any individual, corporation, partnership, or association which notifies the Commission, in writing, of its interest in a matter before the Commission prior to Commission action on the matter.~~

~~“Noncontributing property” means a property within a Historic Special Review District which is documented in the district’s nomination to the Tacoma Register of Historic Places as not contributing architecturally, historically, and/or culturally to the historic character of the district; or which has been so designated in a Historic Special Review District Inventory drafted and adopted by the Commission.~~

“Property” means any building, object, site, structure, improvement, public amenity, space, streetscapes and rights-of-way, or area.

“Reconstruction” means the act of structurally rebuilding a historic resource structure or portion thereof, wherein the visible architectural elements are replaced in kind with materials and finishes that match that accurately convey the character of the original elements.

“Removal” means any relocation of a structure on its site or to another site.

~~“Repair” means any change that is not construction, removal, or alteration.~~

~~“Rehabilitation” means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient, contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.~~

~~“Restoration” means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.~~

“Significant interior features” means architectural features, spaces, and ornamentations which are specifically identified in the landmark nomination and which are located in public areas of buildings such as lobbies, corridors, or other assembly spaces.

“Streetscape” means the total visual environment of a street as determined by various elements including, but not limited to, street furniture, landscaping, lighting, paving, buildings, activities, traffic, open space, and view.

“Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

#### **13.07.040 Tacoma Register of Historic Places – Establishment and criteria.**

A. Tacoma Register of Historic Places is Established. In order to meet the purposes of this chapter and Chapter 1.42 of the TMC, there is hereby established the Tacoma Register of Historic Places. Historic resources and districts designated to this Register pursuant to the procedures and criteria listed in this chapter are subject to the controls and protections of the Landmarks Preservation Commission established by TMC 1.42 and pursuant to the design review provisions of this chapter.

B. Criteria for the Designation to the Tacoma Register of Historic Places.

1. Threshold Criteria: ~~A property may be included in the~~ The Commission may determine that a property is eligible for consideration for listing on the Tacoma Register of Historic Places if it:

- a. Is at least 50 years old at the time of nomination; and
- b. Retains integrity of location, design, setting, materials, workmanship, feeling, and association such that it is able to convey its historical, cultural, or architectural significance; ~~and~~
- ~~e. Meets one or more of the designation criteria listed in the section below.~~

2. Designation Criteria: In addition to the above, a property may be designated to the Tacoma Register of Historic Places if it:

- a. Is associated with events that have made a significant contribution to the broad patterns of our history; or
- b. Is associated with the lives of persons significant in our past; or
- c. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- d. Has yielded or may be likely to yield, information important in prehistory or history; or
- ~~e. Is part of, adjacent to, or related to an existing or proposed historic district, square, park, or other distinctive area which should be redeveloped or preserved according to a plan based on a historic, cultural, or architectural motif~~ Abuts a property that is already listed on the Tacoma Register of Historic Places and was constructed within the period of significance of the adjacent structure; or
- f. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood or City.

C. Special Criteria for the Designation of Historic Special Review Districts. ~~When determining the appropriateness of the designation of a Historic Special Review District, in addition to the criteria above, the Landmarks Preservation Commission shall consider the following:~~ and Conservation Districts. The City Council may find it appropriate to create Historic Special Review or Conservation Districts for the purposes of encouraging the preservation of character within established neighborhoods and districts, protecting such areas from adverse effects to their cultural and historic assets resulting from unsympathetic development activities, and for the purpose of promoting economic development and neighborhood identity.

~~1. The area shall contain a concentration of structures having a special character or special historic, cultural, architectural, engineering, or geographic interest or value as defined by the six criteria above; and~~

Historic Special Review Districts. Historic Special Review Districts are areas that possess a high level of historic integrity in existing architecture, development patterns and setting, in which these characteristics should be preserved. In addition to the threshold criteria listed in Section 13.07.040.B.1, a proposed Historic Special Review District should meet the following specific criteria:

- a. It is associated with events or trends that have made a significant contribution to the broad patterns of our history; and
- b. It is an area that represents a significant and distinguishable entity but some of whose individual components may lack distinction;
- c. It possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

~~The area shall contain a concentration of structures having a special character or special historic, cultural, architectural, engineering, or geographic interest or value as defined by the six criteria above; and~~

~~2. The area shall constitute a distinct section of the City.~~

~~D2. Special Criteria for the Designation of~~ Conservation Districts. Conservation Districts should be established in areas in which there is a clearly established existing character related to historical development patterns and/or the overall appearance of building types that were constructed in a defined period of time, generally prior to 50 years before the present. In conjunction with or independent of the establishment of a historic district ~~as set forth in Section 13.07.040,~~ it may be warranted, ~~from time to time,~~ to consider the establishment of a Conservation District.

~~When considering the appropriateness of a Conservation District, the Landmarks Preservation Commission shall consider: A proposed Conservation District should meet one of the following specific criteria:~~

~~1. A potential Conservation District should normally be established surrounding an established or proposed historic district and shall possess special historic, architectural, or cultural significance that is a part of the heritage of the City.~~

~~a. The area is part of, adjacent to, or related to an existing or proposed historic district or other distinctive area which should be redeveloped or preserved according to a plan based on a historic, cultural, or architectural motif; or~~

~~b. It possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.~~

~~2c. Although it shall possess historic character based upon an intact development pattern and a prevailing historic architectural character expressed through its assemblage of buildings, which shares or is sympathetic to the development patterns and period of significance of the adjacent historic district, a Conservation District is not required to meet the criteria for landmark designation as outlined above.~~

~~3. The boundaries of Historic Special Review Districts and Conservation Districts should be based upon a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects or by documented differences in patterns of historic development or associations. Although recommended boundaries may be affected by other concerns, including underlying zoning, political or jurisdictional boundaries and property owner sentiment, to the extent feasible, the boundaries should be based upon a shared historical or architectural relationship among the properties constituting the district.~~

### **13.07.050 Tacoma Register of Historic Places – Nomination and designation process for individual properties.**

A. Process for the nomination of individual properties, generally:

1. Any resident of Tacoma or City official, including members of the City Council, City staff, or members of the Planning Commission, may request consideration by the Landmarks Preservation Commission of any particular property for placement on the Tacoma Register of Historical Places.

2. A written request, which shall be in the form of a completed nomination to the Tacoma Register of Historic Places, shall be made to the Historic Preservation Officer. At a minimum, the nomination form shall contain the following:

a. A narrative statement which addresses the historical or cultural significance of the property, in terms of the Designation Criteria listed in this chapter; and

b. A narrative statement which addresses the physical condition assessment and architectural description; and

c. Specific language indicating which improvements on the site are included in the nomination, including any significant interior spaces within publicly owned buildings; and

d. A complete legal description; and

e. A description of the character-defining features and architectural elements that are worthy of preservation.

f. For nominations that are not sponsored by the property owner, the nomination sponsor must provide evidence that attempts to contact the property owner have been made prior to submittal, and provide contact information for the owner.

3. The Historic Preservation Officer or staff may amend, edit, or complete a nomination form submitted to the City for the purposes of clarity, but may not expand the boundaries of the legal description in the nomination without the consent of the nominating individual, unless such a change is required to correct an error or inconsistency within the nomination.

B. Landmarks Preservation Commission Preliminary Meeting on Nomination.

1. When a nomination form is found by the Historic Preservation Officer to be complete as indicated in this section, the Historic Preservation Officer shall:

a. Schedule the nomination for preliminary consideration at the next available regularly scheduled meeting of the Landmarks Preservation Commission and shall serve the taxpayer(s) of record written notice 14 days in advance of

the time and place of the meeting. If the taxpayer of record is not the sponsor of the nomination, the taxpayer of record may request an additional 30 days to respond to the nomination.

b. Notify other City Departments and Divisions, as appropriate, of receipt of the nomination.

2. No person shall carry out or cause to be carried out any alteration of any building, site, structure, or object under consideration by the Landmarks Preservation Commission for designation as a City Landmark, without a Certificate of Approval pursuant to TMC 13.07.090.

3. At this meeting, the Landmarks Preservation Commission shall, by quorum vote, find that the application meets the threshold criteria for designation contained in this chapter, that it does not meet the threshold criteria, or the Commission may defer the decision if additional information is required.

4. If the Landmarks Preservation Commission finds that the nomination appears to meet the threshold criteria, the Commission shall:

a. Schedule the nomination for consideration and public comment at a subsequent public meeting at a specified time, date, and place not more than 90 days from the date of the preliminary meeting.

b. Give written notice, by ~~first-class~~ mail, of the time, date, place, and subject of the Commission's meeting to consider designation of the property as a City landmark.

c. This notice shall be given not less than 14 days prior to the meeting to all taxpayers of record of the subject property, as indicated by the records of the Pierce County Assessor, and taxpayers of record of properties within 400 feet of the subject property.

5. If the Commission finds that the property does not meet the threshold criteria, the application is rejected and the Commission may not consider the property for designation for a period of one calendar year. Once a calendar year passes, the process may be restarted.

6. If the Commission, following the preliminary meeting, fails to act on the nomination or schedule it for further consideration within 45 days or by its next meeting, whichever is longer, the application is rejected as above.

#### C. Landmarks Preservation Commission Meeting on Nomination.

1. At the meeting to consider approval of a nomination to the Register of Historic Places, the Commission shall receive information and hear public comments on whether the property meets the criteria for designation.

2. The Commission may, by a vote of a majority of the quorum, find that the property meets one or more of the criteria for designation and recommend the property for designation as a City landmark, find that the property does not meet any of the criteria and reject the nomination, or it may defer the decision if additional information is required. The Commission shall set forth findings of fact for its decision.

3. If the Commission finds that the property appears to meet the criteria for designation and recommends the property for designation as a City landmark, the Historic Preservation Officer shall transmit the Commission's recommendation to the City Council for its consideration within 30 days of the decision.

4. No proposed nomination may be extended beyond the boundaries of the land described in the original proposal unless the procedures set forth above are repeated for the enlarged boundaries.

5. If the Commission fails to act within a 45-day period or by its next meeting, whichever is longer, the designation shall be deemed to have been rejected and the designation procedure terminated.

6. If a nomination is rejected, the subject property shall not be considered again for historic designation for a period of at least one calendar year from the date of rejection. Once a calendar year passes, the process may be restarted.

#### D. City Council Review of Designation.

1. Upon receipt of a recommendation from the Commission, the City Council may approve the same by adoption of a resolution designating the structure as a historic landmark or building, may reject the same, or may refer it back to the Commission for further consideration, as the Council may deem appropriate.

2. If the City Council approves the designation, the designating resolution shall contain the following:

a. Location description, including legal description, parcel number, and street address of the City landmark;

b. Criteria under which the property is considered historic and therefore designated as a landmark;

c. Elements of the property, including any significant interior spaces if so nominated, that shall be subject to Landmarks Preservation Commission regulation.

3. Upon adoption of a resolution approving the designation of a historic building as a City landmark, the City Clerk shall transmit a copy of said resolution to Building and Land Use Services, which shall place the City landmark designation on the subject property's records under his or her jurisdiction.

### **13.07.055 Rescission of Landmarks Designation**

A. The City Council, Landmarks Preservation Commission, or the owner of property listed on the Tacoma Register of Historic Places may request removal of said property from the Register.

B. Such a request shall be made in writing to the Landmarks Preservation Commission, and shall include a statement of the basis for removal from the Register, based on the following criteria:

1. Economic hardship. The property cannot be maintained as a City Landmark without causing undue economic hardship to the owner.

a. This criterion shall only apply if a determination of economic hardship has been made by the Commission. See Economic Hardship, Section 13.05.046.

b. This criterion shall not apply in the case of proposed demolitions that have not been before the Commission through the normal Demolition Review process.

2. Catastrophic Loss. Due to circumstances beyond the control of the owner, such as fire, earthquake, or other catastrophic occurrence, the property has been damaged to the extent that its historic character has been irrecoverably lost.

3. Procedural Error. A property may be removed from the Historic Register if there is clear evidence that the Landmarks Preservation Commission or City Council committed any procedural errors during the consideration of the designation. This criterion does not include dissenting opinions regarding the findings or interpretations of the Commission during the designation process or the Commission's application of the Criteria for Designation.

C. The Landmarks Preservation Commission may itself also request removal of a property from the Historic Register in instances where:

1. The significant structure on the property no longer exists, due to a previous demolition.

2. The Commission finds that retaining the property on the Historic Register does not further the goals and objectives of this Chapter and the Preservation Plan.

D. When a request for removal from the Historic Register is received, or when the Landmarks Preservation Commission resolves to request removal of a property from the Historic Register, the Commission shall:

1. Set a date for Public Hearing within 60 days.

2. Send written notice via mail of the date, time and location of the Public Hearing. This notice shall be given not less than 14 days prior to the meeting to all taxpayers of record of the subject property, as indicated by the records of the Pierce County Assessor, and taxpayers of record of properties within 400 feet of the subject property. For properties proposed for removal under Criterion C1, a public hearing is not required.

3. Following the public hearing, the Commission may leave the comment period open for up to 10 days.

4. At its next meeting, following the close of the comment period, the Commission may, by a vote of a majority of the quorum, find that the property meets one or more of the criteria for removal from the historic register and recommend the same to City Council, find that the property does not meet any of the criteria and reject the request, or it may defer the decision if additional information is required. The Commission shall set forth findings of fact for its decision.

5. If the Commission finds that the property appears to meet the criteria for removal from the Historic Register, and recommends the property for removal from the Historic Register, the Historic Preservation Officer shall transmit the Commission's recommendation to the City Council for its consideration within 30 days of the decision.

### **13.07.060 Tacoma Register of Historic Places – Nomination and designation process for Historic Special Review and Conservation Districts.**

A. Members of the City Council or Landmarks Preservation Commission may propose consideration of a Historic Special Review or Conservation District. A proposal may come in response to a request made by residents or community groups. Such requests should be prioritized using the following criteria:

1. Appropriate documentation of eligibility is readily available. Survey documentation is already prepared or could be easily prepared by an outside party in a timely manner; and
2. For proposed historic districts, the area appears to possess a high level of significance, based upon existing documentation or survey data; or
3. For proposed conservation districts, preliminary analysis indicates that the area appears to have a distinctive character that is desirable to maintain; and
4. A demonstrated substantial number of property owners appear to support such a designation, as evidenced by letters, petitions or feedback from public workshops; and
5. Creation of the district is compatible with and supports community and neighborhood plans; or
6. The area abuts another area already listed as a historic district or conservation district; or
7. The objectives of the community cannot be adequately achieved using other land use tools.

B. District Designation – Landmarks Preservation Commission.

1. Public Hearing. Following a request by the City Council or by a quorum vote of the members of the Landmarks Preservation Commission regarding such a request, Building and Land Use Services staff shall:

- a. Notify other City Departments and Divisions, as appropriate, of the proposed designation.
- b. Schedule a public hearing.
- c. Give written notice, by first-class mail, of the time, date, place, and subject of the Commission’s meeting to consider designation of the district as a Historic Special Review District.
- d. This notice shall be given not less than 14 days prior to the meeting to all taxpayers of record of the subject property, as indicated by the records of the Pierce County Assessor, taxpayers of record of properties within 400 feet of the subject property, and to the Neighborhood Council of the affected area. Notice shall also be submitted for publication to the newspaper of record.
- e. Conduct the public hearing in accordance with the notice given, at which the owner or owners of the property involved, the owners of all abutting property, and other interested citizens or public officials shall be entitled to be heard.

2. The Landmarks Preservation Commission shall, by a majority vote of quorum, recommend to the Planning Commission approval, disapproval, or approval with modification of a proposed Historic Special Review or Conservation District based upon the criteria for designation listed in this chapter, ~~and~~ and the goals and purposes of this chapter and the goals and policies contained within the Preservation Plan element of the Comprehensive Plan.

C. District Designation – Planning Commission.

1. Each proposal for a new Historic Special Review District or Conservation District and the respective Landmarks Preservation Commission recommendation shall then be considered by the Planning Commission of the City pursuant to the procedures for area-wide zoning in TMC 13.02.053.
2. Notice of the time, place, and purpose of such hearing shall be given by Building and Land Use Services as provided in the aforementioned section. In addition, each taxpayer of record in a proposed Historic Special Review or Conservation District and within 400 feet of the proposed district shall be notified by mail.
3. In making a recommendation to the City Council, the Planning Commission shall consider the conformance or lack of conformance of the proposed designation with the Comprehensive Plan of the City. The Planning Commission may recommend approval of, or approval of with modifications, or deny outright the proposal, and shall promptly notify the Landmarks Preservation Commission of the action taken.

4. If the Planning Commission recommends approval or approval with modifications of the proposed designation, in whole or in part, it shall transmit the proposal, together with a copy of its recommendation, to the City Council.
5. If the Planning Commission denies the proposed designation, such action shall be final; provided, that the owners or authorized agents of at least 80 percent of the property proposed to be designated, measured by assessed valuation of said property at the time of the Commission's decision, may appeal such disapproval to the City Council within 14 days. For owners of multiple properties, property ownership for the purpose of appeal is calculated as the sum total of the assessed valuation of all affected property.
6. If the proposal is initiated by the City Council, the matter shall be transmitted to the City Council for final determination regardless of the recommendation of the Planning Commission.

#### D. District Designation – City Council.

1. The City Council shall have final authority concerning the creation of Historic Special Review or Conservation Districts in the same manner as provided by the City Council in TMC 13.02.053.
2. Pursuant to the aforementioned procedures, the Council may, by ordinance, designate a certain area as a Historic Special Review District and/or Conservation District. Each such designating ordinance shall include a description of the characteristics of the Historic Special Review or Conservation District which justifies its designation, and shall include the legal description of the Historic Special Review District.
3. Within ten days of the effective date of an ordinance designating an area as a Historic Special Review or Conservation District, the Historic Preservation Officer shall send to the owner of record of each property within said district, and to Building and Land Use Services, a copy of the ordinance and a letter outlining the basis for such designation, and the obligations and restrictions which result from such designation, in addition to the requirements of the building and zoning codes to which the property is otherwise subject.

4. Historic District property inventories, identifying contributing and noncontributing properties, shall be adopted upon designation of each historic district and maintained and reviewed annually by the Commission. Such inventories shall be kept on file and available to the public at the Historic Preservation Office.

E. The City Council may ~~by ordinance, request to~~ amend or rescind the designation of a Historic Special Review District ~~or Conservation District at any time~~ pursuant to the same procedure as set forth in this chapter and Section 13.02.053 for original designation and area-wide rezones. Amendments or de-designations that are requested by Council shall be transmitted to Council for final determination, regardless of the recommendations of the Planning Commission or Landmarks Preservation Commission.

#### **~~13.07.070 – District and landmarks regulation.~~**

~~A. All property designated as a City landmark or that is located within a Historic Special Review District or Conservation District, according to the procedures set forth in this chapter, shall be subject to the controls, standards, and procedures set forth herein, as well as the bulk, use, setback, zoning, and other controls of the area in which it is presently located, and the owners of the property shall comply with the mandates of this chapter in addition to the land use and zoning requirements of the area in which such property is presently or may later be 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.~~

~~B. Neighborhood compatibility. In certain cases, application of the development standards in the HMR-SRD zoning district, as defined under TMC 13.06.118, including those for height, bulk, scale, and setbacks, may conflict with historic preservation standards or criteria and result in adverse effects to historic properties. For the purposes of TMC 13.06.118, properties subject to design review and approval by the Landmarks Preservation Commission shall be exempted from the standards that conflict with the Landmarks Commission's application of historic preservation standards adopted pursuant to this chapter, including the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitation of Historic Buildings and applicable Historic Special Review District Design Guidelines. The issuance of a Certificate of Approval for final design by the Landmarks Preservation Commission shall include specific references to any conflicts between the standards in this chapter and those in TMC 13.06.118F, and specifically request the appropriate exemptions.~~

~~C. Compatibility with downtown design standards. In certain cases, the application of design standards in downtown zones may conflict with historic preservation standards or criteria and result in adverse effects to historic properties. For the purposes of TMC 13.06A.070B, properties subject to design review and approval by the Landmarks Preservation Commission shall be exempted from the basic design standards that conflict with the~~

~~Landmarks Commission's application of historic preservation standards adopted pursuant to this chapter, including the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitation of Historic Buildings and applicable Historic Special Review District Design Guidelines. The issuance of a Certificate of Approval for final design by the Landmarks Preservation Commission shall serve as the Commission's findings as required in TMC 13.06A.070B.~~

~~D. Upon adoption of this ordinance, and for successive Historic and Conservation District designations, the Landmarks Preservation Commission shall adopt an official inventory of the historic properties that are within and found to contribute to the historic and architectural character of the respective district, as defined by the criteria and purposes contained within this chapter.~~

~~E. Architectural integrity, as it relates to materials, space, and composition in various periods of architecture, shall be respected and, to the extent possible, maintained in contributing properties. Historic District property inventories shall be maintained and reviewed annually by the Commission and shall be kept on file and available to the public at the Historic Preservation Office. The absence of a property on a historic inventory shall not preclude the Landmarks Preservation Commission's authority to review changes to such a property. If a property is not listed on the historic inventory for the district, the property shall be assumed to be contributing.~~

### **13.07.070 Commission rules of procedure and administrative guidelines**

A. The Commission shall adopt and maintain a Rules of Procedure document that provides for the following:

1. Application submittal requirements for nominations to the historic register.
2. Design guidelines for historic special review and conservation districts.
3. The above shall be amended in accordance with the procedures and standards provided in Section 13.07.120.B.

B. Historic District Inventories. The Commission shall adopt and maintain historic building inventories for buildings within Historic Special Review Districts that identify "Contributing" and "Non Contributing" properties. Architectural integrity, as it relates to materials, space, and composition in various periods of architecture, shall be respected and, to the extent possible, maintained in contributing properties. Historic. The absence of a property on a historic inventory shall not preclude the Landmarks Preservation Commission's authority to review changes to such a property. If a property is not listed on the historic inventory for the district, the property shall be assumed to be contributing.

### **13.07.080 Special tax valuation – Local Review Board.**

Pursuant to TMC 1.42 and authorized pursuant to WAC 254-20 (hereinafter referred to as the "State Act"), the Landmarks Preservation Commission is hereby designated as the Local Review Board to exercise the functions and duties of a local review board as defined and until such time as the City Council may either amend or repeal this provision or designate some other local body or committee as the Local Review Board to carry out such functions and duties.

### **13.07.085 Property eligible for special tax valuation.**

The class of historic property which shall be eligible for special valuation in accordance with the State Act shall be property which is a historic property meeting the criteria or requirements as set forth and defined in the State Act, and which is designated as a City landmark by resolution of the City Council in accordance with the provisions of this chapter, or is a contributing property within a locally administered Historic Special Review District. ~~Landmarks Preservation Commission shall act as the Local Review Board and enter into the The covenants or agreements referred to in Section 3(2) WAC 254-20, of the State Act and amendments thereto shall be subject to approval by resolution of the City Council and may be executed on behalf of the City and the Local Review Board by the appropriate officers of the City and the Local Review Board, as designated by the resolution approving such covenants or agreements.~~

### **~~13.07.090 Certificates of approval.~~**

~~A. Certificate of Approval Required. Except where specifically exempted by this chapter, no person shall carry out or cause to be carried out any alteration of any City landmark, any building, site, structure or object proposed for designation as a City Landmark pursuant to TMC 13.07.050, or alteration or construction of any new or existing structures, buildings, public rights of way, or other public spaces in any Historic Special Review or Conservation District, and no one shall remove or alter any sign or erect or place any new sign, and no permit for such activity shall be issued unless a Certificate of Approval has been issued by the Landmarks Preservation Commission or,~~

~~subject to the limitations imposed by the Landmarks Preservation Commission pursuant to TMC 1.42, administrative approval has been granted by the Historic Preservation Officer.~~

~~B. When a permit application is filed with Building and Land Use Services that requires a Certificate of Approval, the applicant shall be referred to the Historic Preservation Officer.~~

~~C. Application Requirements.~~

~~1. Applications for a Certificate of Approval shall be filed with the Historic Preservation Officer.~~

~~2. The following information must be provided in order for the application to be complete, unless the Historic Preservation Officer indicates in writing that specific information is not necessary for a particular application:~~

~~a. Property name and building address;~~

~~b. Applicant's name and address;~~

~~c. Property owner's name and address;~~

~~d. Applicant's telephone and e-mail address, if available;~~

~~e. The building owner's signature on the application or, if the applicant is not the owner, a signed letter from the owners designating the applicant as the owner's representative;~~

~~f. Confirmation that the fee required by the General Services Fee Schedule has been paid;~~

~~g. Written confirmation that the proposed work has been reviewed by Building and Land Use Services, appears to meet applicable codes and regulations, and will not require a variance;~~

~~h. A detailed description of the proposed work, including:~~

~~(1) Any changes that will be made to the building or the site;~~

~~(2) Any effect that the work would have on the public right of way or public spaces;~~

~~(3) Any new construction;~~

~~i. Twenty sets of scale plans, with all dimensions shown, of:~~

~~(1) A site plan of all existing conditions, showing adjacent streets and buildings, and, if the project includes any work in the public right of way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;~~

~~(2) A floor plan showing the existing features and a floor plan showing proposed new features;~~

~~(3) Elevations and sections of both the proposed new features and the existing features;~~

~~(4) Construction details, where appropriate;~~

~~(5) A landscape plan showing existing features and plantings and a landscape plan showing proposed site features and plantings;~~

~~j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;~~

~~k. If the proposal includes new finishes or paint, one sample of proposed colors and an elevation drawing or photograph showing the proposed location of proposed new finishes or paint;~~

~~l. If the proposal includes new signs, canopies, awnings, or exterior lighting:~~

~~(1) Twenty sets of scale drawings of the proposed signs, awnings, canopies, or lighting showing the overall dimensions, materials, design graphics, typeface, letter size, and colors;~~

~~(2) Twenty copies of details showing the proposed methods of attachment for the new signs, canopies, awnings, or exterior lighting;~~

~~(3) For lighting, detail of the fixture(s) with specifications, including wattage and illumination color(s);~~

~~(4) One sample of the proposed colors and materials;~~

~~m. If the proposal includes the removal or replacement of existing architectural elements, a survey of the existing conditions of the features that would be removed or replaced.~~

#### ~~D. Applications for Preliminary Approval.~~

~~1. An applicant may make a written request to submit an application for a Certificate of Approval for a preliminary design of a project if the applicant waives, in writing, the deadline for a Commission decision on the subsequent design phase or phases of the project and agrees, in writing, that the decision of the Commission is immediately appealable by the applicant or any interested person(s).~~

~~2. The Historic Preservation Officer may reject the request if it appears that the review of a preliminary design would not be an efficient use of staff or Commission time and resources, or would not further the goals and objectives of this chapter.~~

~~3. To be complete, an application for a Certificate of Approval for a preliminary design must include the following:~~

~~a. Building name and building address;~~

~~b. Applicant's name and address;~~

~~c. Building owner's name and address;~~

~~d. Applicant's telephone and e-mail address;~~

~~e. The building owner's signature on the application or a signed letter from the owners designating the applicant as the owner's representative, if the applicant is not the owner;~~

~~f. Confirmation that the fee required by the General Services Fee Schedule has been paid;~~

~~g. Written confirmation that the proposed work has been reviewed by Building and Land Use Services, appears to meet applicable codes and regulations, and will not require a Land Use variance;~~

~~h. A description of the proposed work, including:~~

~~(1) General overview of any changes that will be made to the building or the site;~~

~~(2) General effects that the work would have on the public right of way or public spaces;~~

~~i. Twenty sets of scale plans, as applicable, with all dimensions shown of:~~

~~(1) A conceptual site plan of all existing conditions showing adjacent streets and buildings and, if the project includes any work in the public right of way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;~~

~~(2) Elevations of both the proposed new features and the existing features;~~

~~j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;~~

~~k. If the proposal includes the removal or replacement of existing architectural elements, a survey of the existing conditions of the features that would be removed or replaced.~~

~~4. A Certificate of Approval of a preliminary design shall be conditioned automatically upon the subsequent submittal of the final design and all of the information listed in Subsection C.2. above, and upon Commission approval prior to the issuance of any permits for work affecting the property.~~

### ~~13.07.095—Certificates of Approval—Process and standards for review.~~

~~A. The Landmarks Preservation Commission is the designated body that reviews and approves or denies applications for Certificates of Approval.~~

#### ~~B. Review Process.~~

~~1. When an application for Certificate of Approval is received, the Historic Preservation Officer shall review the application and shall notify the applicant in writing within 28 days whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete.~~

~~2. Within 14 days of receiving the additional information, the Historic Preservation Officer shall notify the applicant in writing whether the application is now complete or what additional information is necessary.~~

- ~~3. An application shall be deemed to be complete if the Historic Preservation Officer does not notify the applicant in writing, by the deadlines provided in this section, that the application is incomplete. A determination that the application is complete is not a determination that an application is vested.~~
- ~~4. The determination that an application is complete does not preclude the Historic Preservation Officer or the Landmarks Preservation Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and any rules adopted by the Commission.~~
- ~~5. Within 30 days after an application for a Certificate of Approval has been determined complete or at its next regularly scheduled meeting, whichever is longer, the Commission shall review the application to consider the application and to receive comments.~~
- ~~6. Notice of the Commission's meeting shall be served to the applicant and distributed to an established mailing list no less than three days prior to the time of the meeting.~~
- ~~7. The absence of the owner or applicant shall not impair the Commission's authority to make a decision regarding the application.~~
- ~~8. Within 45 days after the application for a Certificate of Approval has been determined complete, the Landmarks Preservation Commission shall issue a written decision granting, or granting with conditions, or denying a Certificate of Approval, or if the Commission elects to defer its decision, a written description of any additional information the Commission will need to arrive at a decision, and shall provide a copy of its decision to the applicant and Building and Land Use Services.~~
- ~~9. A Certificate of Approval shall be valid for 18 months from the date of issuance of the Commission's decision granting it unless the Commission grants an extension; provided, however, that a Certificate of Approval for actions subject to a permit issued by Building and Land Use Services shall be valid for the life of the permit, including any extensions granted in writing by Building and Land Use Services.~~

#### **13.07.095 C. Certificates of Approval – Standards for Review.**

~~1A. In addition to any district rules, policies, or design guidelines for Historic Districts described elsewhere in this chapter, the Landmarks Preservation Commission shall use the following as guidelines when evaluating the appropriateness of alterations to properties listed on the Tacoma Register of Historic Places, a City landmark, excepting applications for demolition:~~

- ~~1.-a. For properties listed individually on the Tacoma Register of Historic Places, the the most current version of the Secretary of the Interior's Guidelines for the Treatment of Historic Properties published and maintained by the United States National Park Service, including, but not limited to, Standards for Rehabilitation, Restoration, Preservation, and Reconstruction, as appropriate to the proposed project is the primary resource for evaluating appropriateness of rehabilitation projects. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. The basic standards are:~~
  - ~~a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.~~
  - ~~b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.~~
  - ~~c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.~~
  - ~~d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.~~
  - ~~e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.~~

f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. For specific projects that involve Restoration, Preservation, or Reconstruction, the Secretary of the Interior's Standards for Rehabilitation, Restoration, Preservation, and Reconstruction, may be applied as appropriate to the proposed project.

3. For properties located within a Historic or Conservation District, the Commission shall base decisions on the district rules, policies, or design guidelines for Historic or Conservation Districts as described in this chapter.

b.4. For technical preservation and conservation matters, the Commission may refer to Preservation briefs, and professional technical reports published by the National Park Service on various conservation and preservation practices.

#### B. Intent and Applicability

1. With regard to individually designated City Landmarks, the Standards are to be applied to ensure that any proposed development will neither adversely affect the exterior architectural features of the resource nor adversely affect the character or historical, architectural, or aesthetic interest or value of such resource and its site.

2. With regard to any property located within a historic district, Design Guidelines are to be applied to ensure that the proposed development conforms to the prescriptive standards for the district adopted by the commission and does not adversely affect the character of the district.

#### **~~13.07.100—Demolition of City landmarks—Declaration of purpose.~~**

~~A. Historic resources in the City contribute to the general public welfare by fostering civic identity and pride, promoting a sense of local history and place, by encouraging public and private capital investment in underutilized buildings and infrastructure, and by educating the public about past ways of life, individuals, events, and architectural styles.~~

~~B. Properties that are placed on the Tacoma Register of Historic Places, either as individual properties or as part of districts, have been determined, through a public process, to represent exceptional examples of a type of architecture, design, engineering, as exceptional examples of the environment at a particular point in history, as representative of historical patterns or events, or because of their exceptional educational or scholarly importance.~~

~~C. It is the policy of the City to prevent unnecessary demolition of its City landmarks and to encourage investment in and adaptive reuse of underutilized historic resources. Approval of demolitions of City landmarks shall be granted only in special circumstances where it has been determined by the Landmarks Preservation Commission that the property owner has satisfactorily met the conditions and criteria imposed by this section.~~

#### **~~13.07.110—Demolition of City landmarks—Application process.~~**

~~A. Permitting Timelines. Any City landmark for which a demolition permit application has been received is excluded from City permit timelines imposed by TMC 13.05.010.J.~~

~~B. Certificate of Approval for Demolition of City Landmark Required. No person shall carry out or cause to be carried out demolition of a City landmark, and no demolition permit shall be issued for the same unless a Certificate of Approval for Demolition of a City Landmark has been issued by the Landmarks Preservation Commission, and~~

~~all special and automatic conditions imposed on such approval have been determined satisfied by the Historic Preservation Officer.~~

~~1. An application for a Certificate of Approval for Demolition of a City Landmark shall be filed with the Historic Preservation Officer. When a demolition permit application is filed with Building and Land Use Services, the applicant shall be referred to the Historic Preservation Officer.~~

#### ~~2. Determination of Complete Application:~~

~~a. The Historic Preservation Officer shall determine whether an application for historic building demolition is complete and shall notify the applicant in writing within 30 days of the application being filed, whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete.~~

~~b. Within 14 days of receiving the additional information, the Historic Preservation Officer shall notify the applicant in writing, whether the application is now complete or what additional information is necessary.~~

~~c. An application shall be deemed to be complete if the Historic Preservation Officer does not notify the applicant in writing, by the deadlines in this section, that the application is incomplete. A determination that the application is complete is not a determination that an application is vested.~~

~~d. The determination that an application is complete does not preclude the Historic Preservation Officer or the Landmarks Preservation Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the Commission.~~

#### ~~3. Application Review:~~

##### ~~a. Preliminary Meeting:~~

~~(1) Once the application for historic building demolition has been determined to be complete, excepting the demolition fee, the Historic Preservation Officer shall schedule a preliminary briefing at the next available regularly scheduled meeting of the Landmark Preservation Commission.~~

~~(2) The purpose of this meeting is for the applicant and the Commission to discuss the project background and possible alternative outcomes, and to schedule a hearing date.~~

~~(3) To proceed with the application, the applicant shall request a public hearing, in writing, to consider the demolition application at the preliminary meeting.~~

~~(4) At this meeting, the Landmarks Preservation Commission may grant the request for public hearing, or may request an additional 30 days from this meeting to distribute the application for peer review, especially as the material pertains to the rationale contained in the application that involves professional expertise in, but not limited to, engineering, finance, architecture or architectural history, and law, or, finding that the property in question is not contributing to the Historic District, may conditionally waive the procedural requirements of this section, provided that subparagraphs A and B, of Section 13.07.130, "Demolition of City Landmarks — Automatic conditions," are met.~~

~~(5) If a 30-day peer review is requested, the request for public hearing shall again be considered at the next regular meeting following the conclusion of the peer review period.~~

##### ~~b. Public Hearing:~~

~~(1) Upon receiving such direction from the Landmarks Preservation Commission, and once the application fee has been paid by the applicant, the Historic Preservation Officer shall schedule the application for a public hearing within 90 days.~~

~~(2) The Historic Preservation Officer shall give written notice, by first class mail, of the time, date, place, and subject of the meeting to consider the application for historic building demolition not less than 30 days prior to the meeting to all owners of record of the subject property, as indicated by the records of the Pierce County Assessor, and taxpayers of record of properties within 400 feet of the subject property.~~

~~(3) The Commission shall consider the merits of the application, comments received during peer review, and any public comment received in writing or during public testimony.~~

~~(4) Following the public hearing, there shall be an automatic 60-day comment period during which the Commission may request additional information from the applicant in response to any commentary received.~~

~~(5) At its next meeting following the public comment period, the Landmarks Preservation Commission shall make Findings of Fact regarding the application based on the criteria for consideration contained in this subsection. The Landmarks Preservation Commission may approve, subject to automatic conditions imposed by this subsection, the application or may deny the application based upon its findings of fact. This decision will instruct the Historic Preservation Officer whether or not he or she may issue written approval for a historic building demolition.~~

### **13.07.120—Demolition of City landmarks—Application requirements.**

~~A. The following information must be provided in order for the application to be complete, unless the Historic Preservation Officer indicates in writing that specific information is not necessary for a particular application:~~

- ~~1. Building name and building address;~~
- ~~2. Applicant's name and address;~~
- ~~3. Building owner's name and address;~~
- ~~4. Applicant's telephone and e-mail address, if available;~~
- ~~5. The building owner's signature on the application, or a signed letter from the owners designating the applicant as the owner's representative if the applicant is not the owner;~~
- ~~6. Confirmation that the fee required by the City of Tacoma Fee Schedule has been paid;~~
- ~~7. Written confirmation that the demolition has been reviewed by Building and Land Use Services, appears to meet applicable codes and regulations, and will not require a land-use variance or code waiver;~~
- ~~8. A detailed, professional architectural and physical description of the property in the form of a narrative report, to cover the following:
  - ~~a. Physical description of all significant architectural elements of the building;~~
  - ~~b. A historical overview;~~
  - ~~c. Elevation drawings of all sides;~~
  - ~~d. Site plan of all existing conditions showing adjacent streets and buildings and, if the project includes any work in the public right of way, the existing street uses, such as street trees and sidewalk displays;~~
  - ~~e. Photographs of all significant architectural elements of the building; and~~
  - ~~f. Context photographs, including surrounding streetscape and major sightlines.~~~~
- ~~9. A narrative statement addressing the criteria in this subsection for Applications for Historic Building Demolitions, to include the following areas, as applicable:
  - ~~a. Architectural/historical/cultural significance of the building;~~
  - ~~b. Physical condition of the building;~~
  - ~~c. Future development plans for the site, including conceptual drawings, sketches, renderings, and plans.~~~~
- ~~10. Written proof, acceptable to the Landmarks Preservation Commission, of valid and binding financial commitments for the replacement structure is required before the permit can be issued, and should be submitted with the demolition request. This may include project budgets, funding sources, and written letters of credit.~~
- ~~11. A complete construction timeline for the replacement structure to be completed within two years, or a written explanation of why this is not possible.~~
- ~~12. Reports by professionally qualified experts in the fields of engineering, architecture, and architectural history or real estate finance, as applicable, addressing the arguments made by the applicant.~~

### ~~13.07.130—Demolition of City landmarks—Automatic conditions.~~

~~Following a demolition approval pursuant to this section, the following conditions are automatically imposed, except where exempted per TMC 13.07.110.B.3.a(4) and 13.07.150.C, and must be satisfied before the Historic Preservation Officer shall issue a written decision:~~

~~A. For properties within a Historic Special Review or Conservation District, the design for a replacement structure is presented to and approved by the Landmarks Preservation Commission pursuant to the regular design review process as defined in this chapter; or, if no replacement structure is proposed for a noncontributing structure, the Commission may, at its discretion, waive this condition and 13.07.130.B and D;~~

~~B. Acceptable proof of financing commitments and construction timeline is submitted to the Historic Preservation Officer;~~

~~C. Documentation of the building proposed for demolition that meets Historic American Building Survey (“HABS”) standards or mitigation requirements of the Washington State Department of Archaeology and Historic Preservation (“DAHP”), as appropriate, is submitted to the Historic Preservation Office and the Northwest Room of the Tacoma Public Library;~~

~~D. Building and Land Use Service permits for the replacement are ready for issue by Building and Land Use Services, and there are no variance or conditional use permit applications outstanding;~~

~~E. Any mitigation agreement proposed by the applicant is signed and binding by City representatives and the applicant, and approved, if necessary, by the City Council; and~~

~~F. Any conditions imposed on the demolition have been accepted in writing (such as salvage requirements or archaeological requirements).-~~

### **13.07. 140110 Demolition of City landmarks – Standards and criteria for review.**

In addition to the stated purposes and findings located in this chapter, the Landmarks Preservation Commission shall address the following issues when considering an application for historic building demolition:

A. The reasonableness of any alternatives to demolition that have been considered and rejected, that may meet the stated objectives of the applicant;

B. The physical, architectural, or historic integrity of the structure in terms of its ability to convey its significance, but not including any damage or loss of integrity that may be attributable to willful neglect;

C. The importance of the building to the character and integrity of the surrounding district; and

D. Any public or expert commentary received during the course of the public comment and peer review periods.

E. Economic Hardship: A City Landmark may be demolished if the Landmarks Preservation Commission finds, pursuant to the Criteria for Economic Hardship located in Chapter 13.05.046, that maintenance, use and/or alteration of the resource in accordance with the requirements of this chapter would cause immediate and substantial hardship on the property owner(s) because of rehabilitation in a manner which preserves the historic integrity of the resource:

1. Is infeasible from a technical, mechanical, or structural standpoint, and/or

2. Would leave the property with no reasonable economic value because it would require an unreasonable expenditure taking into account such factors as current market value, permitted uses of the property, the value of transferable development rights and the cost of compliance with applicable local, state, and federal codes.

### ~~13.07.150—Demolition of City Landmarks—Specific exemptions.~~

~~The following are excluded from the requirements imposed by this chapter but are still subject to Landmarks Preservation Commission approval for exterior changes as outlined elsewhere in this chapter.~~

~~A. Demolition of accessory structures, including garages and other outbuildings, and noncontributing later additions to historic buildings, where the primary structure will not be affected materially or physically by the demolition and where the accessory or addition is not specifically designated as a historic structure of its own merit;~~

~~B. Demolition work on the interior of a City landmark or object, site, or improvement within a Historic Special Review or Conservation District, where the proposed demolition will not affect the exterior of the building and~~

where no character-defining architectural elements specifically defined by the nomination will be removed or altered; and

~~C. Objects, sites, and improvements that have been identified by the Landmarks Preservation Commission specifically as noncontributing within their respective Historic Special Review or Conservation District buildings-inventory at the preliminary meeting, provided that a timeline, financing, and design for a suitable replacement structure have been approved by the Landmarks Preservation Commission pursuant to Section 13.07.095 of this chapter, or such requirements have been waived pursuant to TMC 13.07.130.A.~~

### **13.07.160—Appeals to the Hearing Examiner.**

~~A. Referral to the Hearing Examiner.—The Landmarks Preservation Commission shall refer to the Hearing Examiner for public hearing all final decisions regarding applications for certificates of approval where the property owners, any interested parties of record, or applicants file with the Landmarks Preservation Commission, within 10 days of the date on the decision, written notice of appeal of the decision or attached conditions.~~

~~B. Form of Appeal.—An appeal of the Landmarks Preservation Commission 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 shall be submitted:~~

- ~~1. An indication of facts that establish the appellant's standing;~~
- ~~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 appeal.~~

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

~~C. The Hearing Examiner shall conduct a hearing in the same manner and subject to the same rules as set forth in TMC 1.23.~~

~~D. The Hearing Examiner's decision shall be final. Any petition for judicial review must be commenced within 21 days of issuance of the Hearing Examiner's Decision, as provided for by TMC 1.23.060 and RCW 36.70C.040.~~

### **13.07.165—Appeals to the Hearing Examiner—Factors to be considered.**

~~A. The Hearing Examiner, in considering the appropriateness of any exterior alteration of any City landmark, shall give weight to the determination and testimony of the consensus of the Landmarks Preservation Commission and shall consider:~~

- ~~1. The purposes, guidelines, and standards for the treatment of historic properties contained in this chapter, and the goals and policies contained in the Culture and History Element of the Comprehensive Plan;~~
- ~~2. The purpose of the ordinance under which each Historic Special Review or Conservation District is created;~~
- ~~3. For individual City landmarks, the extent to which the proposal contained in the application for Certificate of Approval would adversely affect the specific features or characteristics specified in the nomination to the Tacoma Register of Historic Places;~~
- ~~4. The reasonableness, or lack thereof, of the proposal contained in the application in light of other alternatives available to achieve the objectives of the owner and the applicant; and~~
- ~~5. The extent to which the proposal contained in the application may be necessary to meet the requirements of any other law, statute, regulation, code, or ordinance.~~

~~B. When considering appeals of applications for demolition decisions, in addition to the above, the Hearing Examiner shall refer to the Findings of Fact made by the Landmarks Preservation Commission in addition to the demolition criteria for review and other pertinent statements of purpose and findings in this chapter.~~

~~C. The Examiner may attach any reasonable conditions necessary to make the application compatible and consistent with the purposes and standards contained in this chapter.—~~

### **~~13.07.170—Ordinary maintenance or repairs.~~**

~~Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any City landmark, which maintenance or repair does not involve a change in design, material, or the outward appearance thereof.~~

### **~~13.07.180—Minimum buildings standards.~~**

~~A. Prevention of Demolition by Neglect. The Landmarks Preservation Commission shall make a reasonable effort to notify the Building Official of historic properties that appear to meet the criteria for substandard buildings or property under TMC 2.01.060.~~

~~B. For buildings listed on the Tacoma Register of Historic Places which are found to be Substandard, Derelict, or Dangerous according to the Building Official, under the Minimum Building provisions of TMC 2.01, the following shall apply:~~

~~1. Because City landmarks are culturally, architecturally, and historically significant to the City and community, the historic status of a Substandard, Derelict, or Dangerous Building may constitute a “sufficient reason” for acceptance of alternate timelines and extensions upon agreed timelines; and,~~

~~2. Any timelines and plans for the remediation of a dangerous City landmark, including for repair or demolition, shall not be accepted by the Building Official until the applicable procedures as set forth in this chapter for review of design or demolition by the Landmarks Preservation Commission have been satisfied, pursuant to TMC 2.01.040.F.~~

~~3. The Building Official may consider the Landmarks Preservation Commission to be an interested party as defined in TMC 2.01, and shall make a reasonable effort to keep the Commission notified of enforcement complaints and proceedings involving City Landmarks.~~

~~C. Nothing in this chapter shall be construed to prevent the alteration of any feature which the Building Official shall certify represents an immediate and urgent threat to life safety. The Building Official shall make a reasonable effort to keep the Historic Preservation Officer informed of alterations required to remove an unsafe condition involving a City Landmark.~~

~~D. The Historic Preservation Officer shall have the authority to administratively approve changes without prior Landmarks Preservation Commission review per TMC 13.07.095, if, upon consultation with the Building Official and appropriate City Engineering staff, it is determined such changes are necessary to mitigate an immediate and urgent threat of structural failure or significant damage to a City landmark. The circumstances and rationale for such an alteration shall be provided in a report to the Commission at its next regular meeting.~~

### **13.07.120 Historic Special Review and Conservation Districts – Generally**

#### **A. Design Guidelines.**

1. The Landmarks Preservation Commission shall adopt and maintain Guidelines for Building Design and Streetscape Review for historic special review districts and conservation districts, to be used as the basis for design review for rehabilitation, new development, and public amenities within the districts. Such guidelines are intended to ensure a certainty of design quality within each district, protect the historic fabric of the districts, enhance the economic viability of the districts through the promotion of their architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies.

2. Guidelines at a minimum should address the following subjects: height, scale, massing, exterior cladding and materials, building form and shape, roof shape, fenestration patterns and window materials, architectural details, storefronts (within commercial areas), awnings and signs, additions, parking, main entrances, rhythm of openings, accessory structures, mechanical equipment, streetscape and sustainable design.

3. In instances where design guidelines have not yet been adopted for historic special review or conservation districts, the Secretary of the Interior’s Standards for Rehabilitation may be used.

4. For certain common types of City-managed projects, and for certain projects within the City right-of-way, including streetlighting, sidewalk repair and similar alterations within the right-of-way, the City Public Works Department may propose “standard specifications” for programmatic review and adoption by the Commission, in lieu of case-by-case reviews. Any such standards, rules or policies shall be adopted by quorum vote and, once adopted, shall be made available to the public in electronic and printed formats.

5. Design guidelines as adopted and maintained by the Commission shall not supersede the scope of authority defined by this chapter, TMC 1.42 and Sections 13.05.047 and 13.07.048.

B. Amending the Design Guidelines.

1. The Landmarks Preservation Commission shall possess the authority to review and approve changes to historic district design guidelines.

2. District design guidelines shall be amended not more than once annually, concurrent with the Commission's review of its Administrative Bylaws.

3. When proposed changes have been drafted, the Commission shall approve the draft and conduct a public hearing to receive comment on the proposed changes.

4. The Commission shall notify property owners within 400' of the historic district for which the guidelines are being amended, not less than 14 days prior to the date of the hearing. The notice shall indicate the date, time and location of the hearing.

5. Following the close of the Public Hearing, the Commission shall review public testimony and take action to approve, amend, or deny the proposed changes no sooner than its next regularly scheduled meeting.

C. District exemptions. The following actions within historic districts are exempt from the requirements imposed pursuant to this chapter:

1. Any alterations to non-contributing properties as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office; provided, that the demolition of such structures is not exempt from the provisions of this Chapter; and

2. Interior alterations to existing properties, unless those modifications affect the exterior appearance of the property.

**13.07. ~~190130~~ Designation of Old City Hall Historic Special Review District – Declaration of purpose.**

A. In order that the Old City Hall area and buildings within the area may not be injuriously affected; to promote the public welfare; and to provide for the enhancement of this area and its structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of its historic heritage, returning unproductive structures to useful purposes, and attracting visitors to the City; and in order that a reasonable degree of control may be exercised over the site, development, and architecture of the private and public buildings erected therein, there is hereby created the Old City Hall Historic Special Review District, the boundaries of which are more particularly described in Section 13.07.120 hereof.

B. Said district and the buildings and structures therein possess significant aspects of early Tacoma history, architecture, and culture. Historic, cultural, and architectural significance is reflected in the architectural cohesiveness of the area. For the foregoing reasons, many of the features contained in the buildings and structures in said district should be maintained and preserved.

**13.07. ~~200140~~ Designation of Old City Hall Historic Special Review District – Findings.**

A. The area encompassed by the Old City Hall Historic Special Review District has played a significant role in the development of the City of Tacoma, the Puget Sound region, and the state of Washington. The district was the location of the early governmental and commercial center of the City. The focus of commerce and transportation was located in this district.

B. The Old City Hall Historic Special Review District is associated with the lives of many Tacoma pioneers through property, business, and commercial activities which were concentrated in the area.

C. Many buildings within the Old City Hall Historic Special Review District embody distinctive characteristics of late 19th Century Eclectic architecture, which reflects Greco-Roman and Renaissance architectural influences. For these and other reasons, the buildings and structures combine to create an outstanding example of an area of Tacoma which is significant and distinguishable in style, form, character, and construction representative of its era.

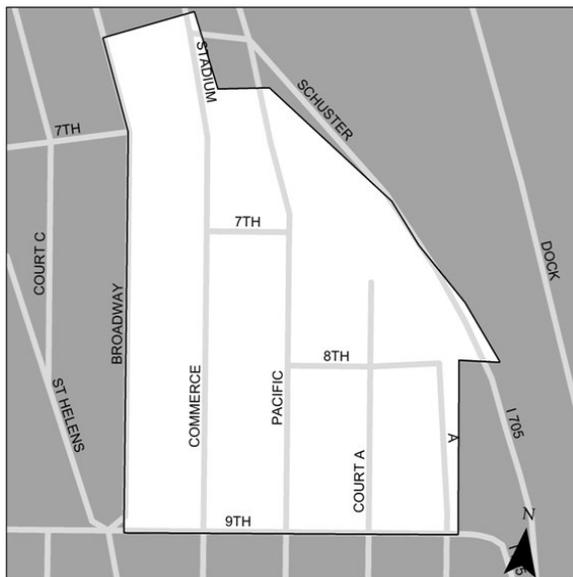
D. The restoration and preservation of objects, sites, buildings, and structures within the Old City Hall Historic Special Review District will yield information of educational significance regarding the way of life and the architecture of the late 19th century, as well as add interest and color to the City. Restoration of the Old City Hall

Historic Special Review District will preserve the environment which was characteristic of an important era of Tacoma's history, and will be considerably more meaningful and significant educationally than if done on the basis of individual isolated buildings and structures.

**13.07.210150 Old City Hall Historic Special Review District – Boundary description.**

The legal description for the Old City Hall Historic Special Review District is described in Ordinance No. 24877, and shall be kept on file in the City Clerk's Office. The approximate boundaries are described in Map A below.

**Map A: Approximate Boundaries of the Old City Hall Historic Special Review District**



**13.07.155 Guidelines for building design and streetscape improvement review of the Old City Hall Historic District.**

Pursuant to Section 13.07.120, the Landmarks Preservation Commission shall adopt and maintain Guidelines for building design and streetscape improvement to ensure a certainty of design quality within the Old City Hall Historic District, protect the historic fabric of the district, enhance the economic vitality of the district through promotion of its architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies. These guidelines shall be made available to the public in electronic and printed formats.

**13.07.220160 Old City Hall Special Review District – Specific Exemptions.**

The following actions are exempt from the requirements imposed pursuant to this chapter:

- A. Any alterations to non-contributing properties as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office; provided, that the demolition of such structures is not exempt from the provisions of this chapter; and
- B. Interior alterations to existing properties, unless those modifications affect the exterior appearance of the property.

**13.07.230170 Designation of Union Depot/Warehouse Historic Special Review District – Declaration of purpose.**

In order that the area and buildings within the area may not be injuriously affected, to promote the public welfare, and to provide for the enhancement of the area and its structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of its historic and architectural heritage, returning unproductive structures to useful purposes, and attracting visitors to the City, and in order that a

reasonable degree of control may be exercised over the site, development, and architecture of the private and public buildings erected therein, including certain infrastructure, there is hereby created the Union Depot/Warehouse Historic Special Review District.

**13.07.240180 Designation of the Union Depot/Warehouse Historic Special Review District – Findings.**

A. The area encompassed by the Union Depot/Warehouse Historic Special Review District has played a significant role in the development of the City of Tacoma, the Puget Sound region, and the state of Washington. The district was the location of the early railroad, industrial, and commercial center of the City. The focus of early manufacture and commerce was identified with this district.

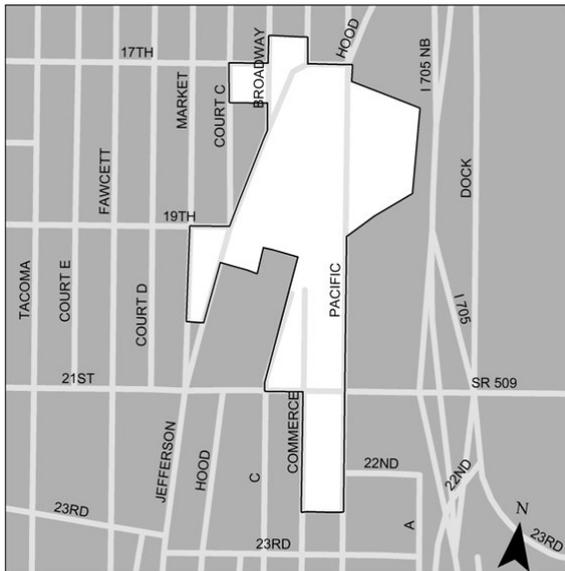
B. The Union Depot/Warehouse Historic Special Review District is associated with the lives of many Tacoma pioneers through property, railroad, and commercial activities which were concentrated in the area. Many of the buildings within the Union Depot/Warehouse Historic Special Review District embody the distinctive characteristics of the late 19th and early 20th century Eclectic architecture, which reflects Greco-Roman, Renaissance, and Baroque architectural influences. For these and other reasons, the buildings and structures combine to create an outstanding example of a historic district in Tacoma dating from circa 1887–1930, which is significant and distinguishable in style, form, character, and construction representative of its era.

C. Restoration and preservation of objects, sites, buildings, and structures within the Union Depot/Warehouse Historic Special Review District will yield information of educational significance regarding the way of life and the architecture of the late 19th and early 20th centuries, as well as add interest and color to the City. Restoration of the Union Depot/Warehouse Historic Special Review District will preserve the sense of place and time and the environment which was characteristic of an important era of Tacoma’s history, and such district planning will be considerably more meaningful and significant educationally than if done on the basis of individual isolated buildings and structures.

**13.07.250190 Union Depot/Warehouse Historic Special Review District – Boundary description.**

The legal description for the Union Depot/Warehouse Historic Special Review District is described in Ordinance No. 24505, and shall be kept on file in the City Clerk’s Office. The approximate boundaries are described in Map B below.

**Map B: Approximate Boundaries of the Union Depot/Warehouse Historic Special Review District**



### **13.07.260200 Designation of Union Station Conservation District.**

There is hereby created the Union Station Conservation District, the physical boundaries of which are described in Ordinance No. 24877, and kept on file in the City Clerk's Office. The approximate boundaries are described in Map C below.

**Map C: Approximate Boundaries of the Union Station Conservation District**



### **13.07.210 Guidelines for building design and streetscape improvement review of the Union Depot/Warehouse Historic District and Union Station Conservation District.**

Pursuant to Section 13.07.120, the Landmarks Preservation Commission shall adopt and maintain Guidelines for building design and streetscape improvement to ensure a certainty of design quality within the Union Depot/Warehouse Historic District and Union Station Conservation District, protect the historic fabric of the district, enhance the economic vitality of the district through promotion of its architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies. These guidelines shall be made available to the public in electronic and printed formats.

#### **13.07.270—Guidelines for building design and streetscape improvement review.**

A. Intent. The following are hereby established as the design review guidelines for rehabilitation, new construction, and public amenities. These guidelines are intended to ensure a certainty of design quality within the Historic Special Review District and Union Station Conservation District, protect the historic fabric of the districts, enhance the economic viability of the districts through the promotion of their architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies.

B. The following guidelines are intended to provide a set of basic standards for architectural and physical design within the Union Station districts. The guidelines will be used by the Landmarks Preservation Commission as a baseline for the design review process, but will not supersede the authority of the Commission to exercise its judgment and discretion on a case-by-case basis. The guidelines are also set forth to provide assistance to owners, developers, and designers involved in project planning by providing general design and technical recommendations.

C. From time to time, the Landmarks Preservation Commission may adopt policies and administrative rules for the purpose of clarifying and assisting property owners in interpreting these guidelines. Any such rules or policies shall be adopted by quorum vote and, once adopted, shall be made available to the public in electronic and printed formats.

~~D. Design Guidelines. The following predominant historic building elements shall be recognized as essential to the districts' historic image and used as the basis for design review of proposals for rehabilitation of existing buildings and review of new construction within the districts:~~

~~1. Height. The centerpiece and height benchmark for the districts is the Union Station, with its dome cap height of approximately 96 feet above Pacific Avenue. Wing parapet walls are 30 feet in height above Pacific Avenue. No new buildings constructed in the districts shall exceed 85 feet in height.~~

~~In the rehabilitation of existing buildings, their existing height should be maintained and the parapets and cornices should be kept intact. Any rooftop additions, penthouses, building systems equipment, or roof-mounted structures should be set back from existing parapet walls sufficiently to conceal them from view from street level.~~

~~2. Scale. Scale refers to a building's comparative relationship to neighboring buildings and its fit within the districts. The typical four-story building in the districts is 50 feet wide and 100 feet deep. Two such "basic blocks" side by side are proportionally similar to the main section of Union Station and illustrate the scale and size of structural components in the districts.~~

~~Scale is also determined by the proportions of the architectural elements within the composition of the individual building facades. Exterior building facades shall be of a scale compatible with surrounding buildings and shall maintain a zero setback from the sidewalk. Window and door proportions, including the size and design of the wood sash and frame floor height, floor shapes, street elevations, and other elements of the building facades, shall relate to the scale of the surrounding buildings.~~

~~3. Materials. The predominant building material within the districts is masonry, including brick, granite, and terra cotta. Rehabilitation of existing buildings and construction of infill buildings shall utilize masonry as the predominant building material.~~

~~4. Minimum Maintenance. All contributing historic buildings in the districts shall be maintained against decay and deterioration caused by neglect or defective or inadequate weather protection.~~

~~5. Storefront Design. A major character-defining feature of the buildings within the districts is the storefront. The composition of the storefronts is consistent from one building to the next, and serves as a unifying feature of the districts by forming a continuity along the street. Preservation of the storefront is essential to the maintenance of the districts' image and character. Rehabilitation of an existing building shall include preservation of the existing storefront or reconstruction of a new storefront which is compatible with the original in scale, size, and material. New construction shall also include storefronts. Street-level retail sales and service uses, as described and defined in TMC 13.06, should be strongly considered for ground floor use along Pacific Avenue in order to more effectively implement storefront design.~~

~~6. Awnings. Awnings have been a traditional addition to the facades of buildings within the districts and shall be encouraged within the districts as a functional exterior feature. All awnings shall be compatible with the historic character of the buildings and shall be based in design upon historic counterparts. They shall also:~~

- ~~a. Reflect the shape and character of the window openings;~~
- ~~b. Be, or appear to be, retractable in the form of historic awnings;~~
- ~~c. Constructed with canvas-like fabric rather than high gloss in texture;~~
- ~~d. Not be back-lit or translucent;~~
- ~~e. Be in colors and/or patterns which complement the building and have basis in the historic record;~~
- ~~f. Be attached to the buildings in a manner which does not permanently damage the structure or obscure significant architectural features.~~

~~7. Signs.~~

~~a. General.~~

~~(1) All new exterior signs and all changes in the appearance of existing exterior signs require Landmarks Preservation Commission approval. This includes changes in message or colors on pre-existing signs.~~

~~(2) If there is a conflict between these standards and the requirements in the City's Sign Code, the more strict requirement shall apply.~~

~~b. Location and Size of Signs.~~

~~(1) Signs shall not dominate the building facades or obscure their architectural features (arches, transom panels, sills, moldings, cornices, windows, etc.);~~

~~(2) The size of signs and individual letters shall be of appropriate scale for pedestrians and slow moving traffic. Projecting signs shall generally not exceed nine square feet on first floor level.~~

~~(3) Signs on adjacent storefronts shall be coordinated in height and proportion. Use of a continuous sign band extending over adjacent shops within the same building is encouraged as a unifying element.~~

~~(4) Portable reader board signs located on sidewalks, driveways, or in parking lots are prohibited.~~

~~(5) Existing historic wall signs are a contributing element within the district and should be restored or preserved in place. New wall signs shall generally be discouraged.~~

#### ~~e. Messages and Lettering Signs.~~

~~(1) Messages shall be simple and brief. The use of pictorial symbols or logos is encouraged.~~

~~(2) Lettering should be of a traditional block or curvilinear style which is easy to read and compatible with the style of the building. No more than two different styles should be used on the same sign.~~

~~(3) Letters shall be carefully formed and properly spaced so as to be neat and uncluttered. Generally, no more than 60 percent of the total sign area shall be occupied by lettering.~~

~~(4) Lettering shall be generally flat or raised.~~

#### ~~d. Color.~~

~~(1) Light colored letters on a dark colored background are generally required as being more traditional and visually less intrusive in the context of the Union Station District's predominantly red brick streetscapes.~~

~~(2) Colors shall be chosen to complement, not clash with, the facade color of the building. Signs should normally contain not more than three different colors.~~

#### ~~e. Materials and Illumination~~

~~(1) Use of durable and traditional materials (metal and wood) is strongly encouraged. All new signs shall be prepared in a professional manner.~~

~~(2) In general, illumination shall be external, non flashing, and non glare.~~

~~(3) Internal illumination is generally discouraged, but may be appropriate in certain circumstances, such as:~~

~~(i) Individual back lit letters silhouetted against a softly illuminated wall.~~

~~(ii) Individual letters with translucent faces, containing soft lighting elements inside each letter.~~

~~(iii) Metal faced box signs with cut out letters and soft glow fluorescent tubes.~~

~~However, such signs are generally suitable only on contemporary buildings.~~

~~(4) Neon signs may be permitted in exceptional cases where they are custom designed to be compatible with the building's historic and architectural character.~~

#### ~~f. Other Stylistic Points~~

~~(1) The shape of a projecting sign shall be compatible with the period of the building to which it is affixed, and shall harmonize with the lettering and symbols chosen for it.~~

~~(2) Supporting brackets for projecting signs should complement the sign design, and not overwhelm or clash with it. They must be adequately engineered to support the intended load, and generally should conform to a 2:3 vertical-horizontal proportion. Screw holes must be drilled at points where the fasteners will enter masonry joints to avoid damaging bricks, etc.~~

~~8. Color. Building colors should contribute to the distinct character of the historic building. Original building colors should be researched and considered in any new color scheme. Whether contrasting or complementary, the colors should reflect the design of the building. Building colors should utilize a limited palette. Colors should be selected to emphasize building form and highlight major features of the building. Color schemes using several colors should be avoided and surfaces which are not historically painted should not be painted.~~

~~9. Views. All new construction in the Union Station District should be designed to preserve existing views and vistas. Of particular importance are views of Commencement Bay, Mount Rainier, and Union Station.~~

~~E. Streetscape Guidelines. Streetscaping is essential in the development of the districts in order to create value and enhance private development efforts. Proper design of streetscapes and public open spaces provides a unifying theme and unique identity for the districts, complements and extends the presence of Union Station, encourages pedestrian circulation, and creates a gateway to downtown and the waterway. The pattern of traffic routes and open space is based upon the historic function of the district and has a direct relation to such physical features as views from the upper floors of the building, sunlight, facade visibility, and streetscape appearance. Any significant loss or reconfiguration of existing open space and street corridors is discouraged.~~

~~The following improvements are to be encouraged:~~

- ~~1. Sidewalk paving. Paving should be of brick or brick and brushed concrete. Existing granite curbs should be maintained or reconstructed, where possible.~~
- ~~2. Street paving. Where feasible, historic street paving and gutters, either brick or cobblestone, should be preserved and restored.~~

~~Where feasible, existing railroad or streetcar rails should be preserved in place.~~

- ~~3. Streetlights. Historic streetlights should be used throughout the district as unifying elements.~~

~~G. The Landmarks Preservation Commission may, at its discretion, waive mandatory requirements imposed by Section 13.07.290 of this chapter. In determining whether a waiver is appropriate, the Landmarks Preservation Commission shall require an applicant to demonstrate by clear and convincing evidence that, because of special circumstances not generally applicable to other property or facilities, including size, shape, design, topography, location, or surroundings, the strict application of those mandatory requirements of Section 13.07.290 would be unnecessary to further the purposes of this chapter. Such waiver shall not exceed the requirements set forth in the underlying zoning district, except where specifically provided for in TMC 13.06A.070.B.~~

### ~~13.07.280 — Union Depot/Warehouse Historic Special Review and Union Station Conservation Districts — Specific exemptions.~~

~~The following actions are exempt from the requirements imposed pursuant to this chapter:~~

~~A. Any alterations to non-contributing properties, as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office; provided, that the demolition of such structures is not exempt from the provisions of this chapter; and~~

~~B. Interior alterations to existing properties, unless those modifications affect the exterior appearance of the structure.~~

### **13.07.290-220 Designation of the North Slope Historic Special Review District – Purpose.**

A. In order that the North Slope Neighborhood and buildings within the Neighborhood may not be injuriously affected; to promote the public welfare; to provide for the enhancement of the North Slope Neighborhood and its structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of Tacoma's historic heritage, maintaining productive and useful structures, and attracting visitors to the City; and in order that a reasonable degree of control may be exercised over the siting, development and architecture of public and private buildings erected in the North Slope Neighborhood so that the goals set forth in this section and in this chapter may be realized, there is hereby created the North Slope Historic Special Review District, the boundaries of which are more particularly described in Section 13.07.~~340-240~~ hereof.

B. The North Slope Neighborhood and the buildings therein reflect significant aspects of Tacoma's early history, architecture, and culture. Such historic, architectural, and cultural significance is also reflected in the architectural cohesiveness of the neighborhood. For the foregoing reasons, many of the features contained in the buildings and structures in the Neighborhood should be maintained and preserved.

C. Except where specifically exempted by TMC 13.07.095 and TMC 13.07.~~320-250~~, all visible alterations and construction within the historic district boundaries, including alterations to elements and spaces within the public right of way, are subject to the review and approval of the Landmarks Preservation Commission prior to the initiation of work.

**13.07.300230 Designation of the North Slope Historic Special Review District – Findings.**

The architectural, cultural, historical, and educational value of the North Slope Neighborhood is such that the protection and enhancement of its built environment and streetscape is important to the public welfare. In particular, the District is important for its association with the follow themes:

A. Role in the Development of Tacoma. The area north of Division Avenue from the bluff to Sprague Street was one of several residential neighborhoods that developed after Tacoma was selected to be the terminus of the Northern Pacific Railroad. New Tacoma and the North End were considered to be a desirable place to live, near downtown Tacoma. The community was settled irregularly over its history in a fairly dense residential pattern, and it is common to find structures from the late 1800s next to houses built in the 1930s.

B. Association with Tacoma Pioneers, Property, Business and Commercial Activities. The New Tacoma and North End community is predominantly residential, although there are scattered pockets of small commercial buildings that served the community. These commercial buildings are concentrated mostly along Division Avenue and K Street. The residents of the community represented a complete cross-section of different classes and occupations, from a United States ambassador to France to a Slovakian boat builder.

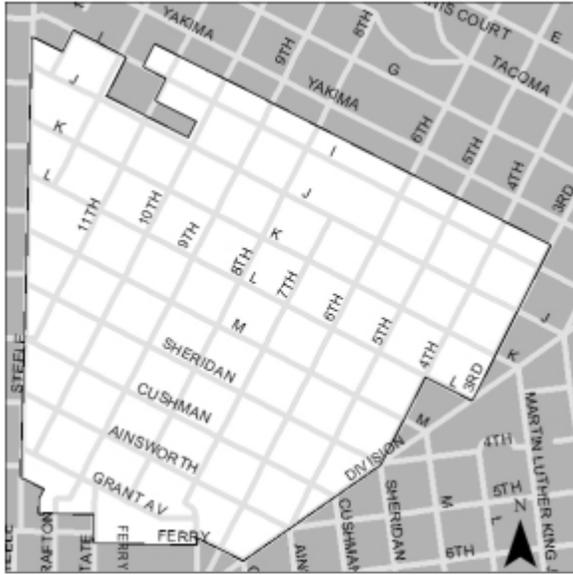
C. Architectural Characteristics. The architectural characteristics of the New Tacoma and North End community are variable, although there is a remarkable number of architect-designed houses in the neighborhood. Most homes built in the earliest period of growth from 1880 to the crash in 1893 were Queen Anne and Stick style houses, of both modest and grand proportions. After the turn of the century, more Craftsman and bungalow-style houses were built, as well as a few Colonial Revival structures. Those homes built after the turn of the century tended to be larger and more impressive, until the late 1920s when many one-story bungalows were built. After the Great Depression, another building boom took place in the neighborhood, with considerably smaller single-family brick residences constructed in simple forms, and two- or three-story multi-family apartment complexes.

D. Educational Uses and Preservation of the Area's Heritage. Restoration and preservation of objects, sites, buildings, and structures within the North Slope Neighborhood will yield information of educational significance about the way of life of Tacoma's citizens, and the architecture of the late 19th and early 20th centuries, and will add interest and color to the City. Maintaining this neighborhood as a whole will preserve the sense of time, place, and the environment which formed an important characteristic of Tacoma's history. District-wide planning will be considerably more meaningful and educationally significant than if done on the basis of individual, isolated buildings

**13.07.310240 North Slope Historic Special Review District – Boundary description.**

The legal description for the North Slope Historic Special Review District is described in Ordinance No. 26611, and shall be kept on file in the City Clerk's Office. The approximate boundaries are described in Map D below.

**Map D: Approximate Boundaries of the North Slope Historic Special Review District**



**13.07. ~~320-250~~ North Slope Historic Special Review District – Specific Exemptions.**

The following actions are exempt from the requirements imposed pursuant to this chapter:

- A. Any alterations to non-contributing properties as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office; provided, that modifications to accessory structures and the demolition of noncontributing or accessory structures are not exempt from the provisions of this chapter;
- B. Interior modifications to existing structures, unless those modifications affect the exterior appearance of the structure;
- C. Any alterations to private residential structures that are specifically exempted from permit requirements in the Residential Building Code as adopted by the City (such as painting and minor repairs such as caulking or weather-stripping);
- D. The installation, alteration, or repair of public and private plumbing, sewer, water, and gas piping systems, where no Right of Way restoration is required;
- E. The installation, alteration, or repair of public and private electrical, telephone, and cable television wiring systems, provided that the installation of solar panels, wind generators, and cellular antenna towers is not exempt;
- F. The landscaping of private residences;
- G. The maintenance of existing parking conditions and configurations, including curb cuts, driveways, alleys, and parking lots (new installations are subject to review by the Commission ~~per TMC 13.07.370.F(9)~~);
- H. Signs not exceeding the limitations for a home occupation permit and those installed by the City for directional and locational purposes.
- I. The following types of projects within the public rights of way: ADA accessibility ramps and installations, in-road work, traffic signaling equipment, utility markers, and equipment required by the United States Postal Service.

**13.07. ~~330260~~ Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Purpose.**

- A. In order that the Wedge neighborhood and residential buildings within the neighborhood may not be injuriously affected; to promote the public welfare; to provide for the enhancement of the Wedge neighborhood and its residential structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of Tacoma’s historic neighborhoods, maintaining productive and useful residential structures, and attracting visitors to the City; and in order that a reasonable degree of control may be exercised over the siting, development and architecture of public and private buildings erected in the Wedge neighborhood so that

the goals set forth in this section and in this chapter may be realized, there is hereby created the Wedge Historic Special Review District and the Wedge Conservation Special Review District, the boundaries of which are more particularly described in Sections 13.07.~~350-280~~ and 13.07.~~360-290~~ TMC hereof.

B. The Wedge neighborhood and the residential buildings therein reflect significant aspects of Tacoma’s early neighborhood history, architecture, and culture. Such historic, architectural, and cultural significance is also reflected in the architectural cohesiveness of the neighborhood. For the foregoing reasons, many of the features contained in the buildings and structures in the neighborhood should be maintained and preserved.

C. The Wedge Conservation District areas are established in order to encourage new development on the boundaries of the Historic District that is aesthetically and architecturally compatible with the character of the Wedge neighborhood. It is acknowledged that these are primarily commercial areas, and it is anticipated that commercial growth will occur in these areas. However, where there are historically significant structures within the Conservation District, this chapter encourages that these buildings be retained.

D. Except where specifically exempted by TMC 13.07.~~360300~~, all exterior alterations and construction within the historic and conservation district boundaries, including alterations to elements and spaces within the public rights-of-way, are subject to the review and approval of the Landmarks Preservation Commission prior to the initiation of work.

### **13.07.~~340-270~~ Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Findings.**

A. The Wedge Historic and Conservation Districts are evocative of the broad patterns of Tacoma’s history. A middle class district that was constructed by some of Tacoma’s most prolific builders, and occupied by famous and anonymous residents alike, the Wedge’s development as a neighborhood mirrors that of Tacoma as a historic city.

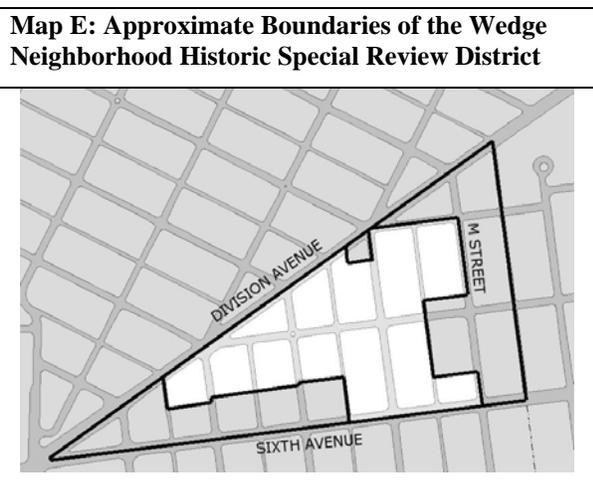
B. Historically significant persons who lived in the Wedge Historic district include Silas Nelsen, Aaron Titlow, and Frank and Ethel Mars. Other notable persons who lived in the Wedge Historic District include doctors, attorneys, architects and contractors, engineers, politicians, jewelers, barbers, school, bank, real estate, and insurance personnel as well as seamen, railroad, and shipping and electric company employees.

C. The Wedge Historic District is an intact middle-class residential district reflecting a period of neighborhood development from Tacoma’s early history until after WWI. Although there are a number of notable homes within the district, most appear to be modest builder interpretations of established architectural styles and forms. Several of these provide good examples of typical residential architects.

D. The Wedge Historic District is adjacent to the North Slope Historic District and is part of a larger section of the City where historic development patterns prevail (including Wright Park, South J Street historic houses).

### **13.07.~~350-280~~ Wedge Neighborhood Historic Special Review District – Boundary Description.**

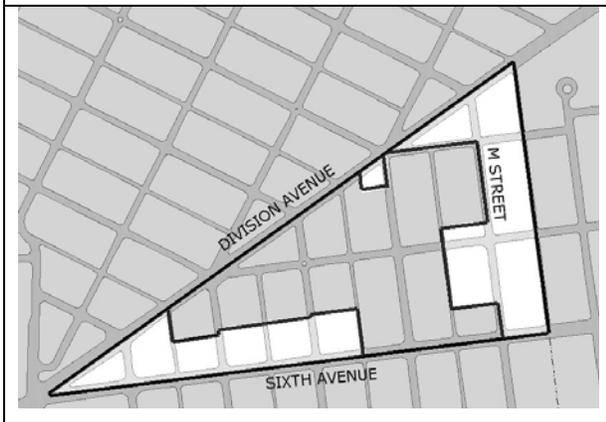
The legal description for the Wedge Neighborhood Historic Special Review District is described in Ordinance No. 27981 and shall be kept on file in the City Clerk’s Office. The approximate boundaries are depicted in Map E below.



**13.07.355290 Wedge Neighborhood Conservation Special Review District – Boundary Description.**

The legal description for the Wedge Conservation Special Review District is described in Ordinance No. 27981 and shall be kept on file in the City Clerk’s Office. The approximate boundaries are depicted in Map F below.

**Map F: Approximate Boundaries of the Wedge Neighborhood Conservation Special Review District**



**13.07.360300 Wedge Neighborhood Historic Special Review District and Wedge Neighborhood Conservation Special Review District – Specific Exemptions.**

The following actions are exempt from the requirements imposed pursuant to this chapter:

- A. Any alterations to noncontributing properties within the Wedge Historic Special Review Districts, as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office and any alterations to properties within the designated Conservation District, are exempt from the provisions of this chapter; provided, that alterations to accessory structures within the Historic District and the demolition of any structures in the Historic District and Conservation District, including noncontributing and accessory structures or the construction of new buildings, are not exempt from the provisions of this chapter;
- B. Historically nonresidential and commercial use structures; provided, that the demolition of noncontributing or accessory structures ~~is~~ are not exempt from the provisions of this chapter;
- C. Interior modifications to existing structures, unless those modifications affect the exterior appearance of the structure;
- D. Changes to the exteriors of contributing structures that are not visible from adjacent public rights-of-way may be granted an administrative Certificate of Approval by the Historic Preservation Officer, provided that staff is able to determine that the proposed project is consistent with the district design guidelines and applicable Secretary of the Interior’s Standards, all without prejudice to the right of the owner at any time to apply directly to the Commission for its consideration and action on such matters;
- E. Any alterations to private residential structures that are specifically exempted from permit requirements in the Residential Building Code as adopted by the City (such as painting and minor repairs such as caulking or weather-stripping);
- F. The installation, alteration, or repair of public and private plumbing, sewer, water, and gas piping systems, where no right-of-way restoration is required;
- G. The installation, alteration, or repair of public and private electrical, telephone, and cable television wiring systems; provided that the installation of solar panels, wind generators, and cellular antenna towers is not exempt;
- H. The landscaping of private residences;
- I. The maintenance of existing parking conditions and configurations, including curb cuts, driveways, alleys, and parking lots (new installations are subject to review by the Commission ~~per Section 13.07.370.F(9) TMC~~);

J. Signs not exceeding the limitations for a home occupation permit and those installed by the City for directional and locational purposes;

K. The following types of projects within the public rights-of-way: ADA accessibility ramps and installations, in-road work, traffic-signaling equipment, utility markers, and equipment required by the United States Postal Service.

### **13.07.370310 Guidelines for building design and streetscape improvement review for the Wedge Neighborhood and North Slope Historic Special Review Districts and the Wedge Neighborhood Conservation Special Review District.**

~~Pursuant to Section 13.07.120, the Landmarks Preservation Commission shall adopt and maintain Guidelines for building design and streetscape improvement A. Intent. These guidelines are intended to ensure a certainty of design quality within the North Slope and the Wedge Historic Special Review Districts and the Wedge Conservation District, protect the historic fabric of the districts, enhance the economic vitality of the districts through promotion of their architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies. These guidelines are hereby established as the design review guidelines for rehabilitation, new construction, and public amenities, including street furniture, streetlighting, paving and sidewalks, and street trees and planting strips. These guidelines shall be made available to the public in electronic and printed formats.~~

~~B. Architectural integrity, as it relates to scale, proportion, texture, color, compatible materials, space, and composition in various periods of architecture, should be respected and, to the extent possible, maintained in contributing properties.~~

~~C. The following guidelines are also intended to provide a basic set of standards for architectural and physical design within the North Slope and the Wedge Historic Special Review Districts and the Wedge Conservation District. These guidelines will be used by the Tacoma Landmarks Preservation Commission as a baseline for the design review process. These guidelines will also assist owners, developers, and designers involved in project planning by providing general design and technical recommendations. When applying the guidelines, the Commission will be considerate of clearly documented cases of economic hardship or deprivation of the owner's reasonable use of the property.~~

~~D. From time to time, the Landmarks Preservation Commission may adopt policies and administrative rules for the purpose of clarifying and assisting property owners in interpreting these guidelines. Any such rules or policies shall be adopted by quorum vote and, once adopted, shall be made available to the public in electronic and printed formats.~~

~~E. For certain common types of City managed projects and for certain projects within the City right of way, including streetlighting, sidewalk repair and similar alterations within the right of way, the City Public Works Department may propose "standard specifications" for programmatic review and adoption by the Commission, in lieu of case-by-case reviews. Any such standards, rules, or policies shall be adopted by quorum vote and, once adopted, shall be made available to the public in electronic and printed formats.~~

~~F. Design Guidelines. The following predominant building elements in the district shall be recognized as essential to the historic image of these neighborhoods and shall, along with the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings, be utilized as the basis for design review of proposals for rehabilitation and new construction within the districts:~~

~~1. Height. Goal: Balance the overall height of new construction with that of nearby structures. In the rehabilitation of existing buildings, the present height of the structure should remain intact. New buildings should step down to be comparable in height to adjacent structures.~~

~~2. Scale. Goal: Relate the size and proportion of new buildings to those of the neighborhood. Scale refers to a building's comparative relationship to neighboring structures and its fit within the district. Building facades should be of a scale compatible with surrounding buildings and maintain a comparable setback from the property line to adjacent buildings, as permitted by applicable zoning regulations.~~

~~Scale is also determined by the proportions of the architectural elements within the composition of the individual building facades. Window and door proportions (including the design of sash and frames), floor heights, floor shapes, roof shapes and pitches, and other elements of the building exterior should relate to the scale of the neighborhood.~~

3. Massing. Goal: Break up the facades of buildings into smaller varied masses comparable to those contributing buildings in the residential historic districts. Variety of forms is a distinguishing characteristic of the North Slope and Wedge residential communities. Smaller massing—the arrangement of facade details, such as projections and recesses—and porches all help to articulate the exterior of the structure and help the structure fit into the neighborhood.

4. Sense of Entry. Goal: Emphasize entrances to structures. Entrances should be located on the front facade of the building and highlighted with architectural details, such as raised platforms, porches, or porticos to draw attention to the entry. Entrances not located on the front facade should be easily recognizable from the street.

5. Roof Shapes and Materials. Goal: Utilize traditional roof shapes, pitches, and compatible finish materials on all new structures, porches, additions, and detached outbuildings wherever such elements are visible from the street. Maintain the present roof pitches of existing contributing buildings where such elements are visible from the street.

Typically, the existing historic buildings in the districts either have gable roofs with the slopes of the roofs between 5:12 to 12:12 or more and with the pitch oriented either parallel to or perpendicular to the public right-of-way or have hipped roofs with roof slopes somewhat lower. Most roofs also have architectural details, such as cross gables, dormers, and/or “widow’s walks” to break up the large sloped planes of the roof. Wide roof overhangs, decorative eaves or brackets, and cornices can be creatively used to enhance the appearance of the roof.

6. Exterior Materials. Goals: Use compatible materials that respect the visual appearance of the surrounding buildings. Buildings in the North Slope and Wedge Neighborhoods were sided with shingles or with lapped, horizontal wood siding of various widths. Subsequently, a few compatible brick or stucco covered structures were constructed, although many later uses of these two materials do not fit the character of the neighborhood. Additions to existing buildings should be sided with a material to match, or be compatible with, the original or existing materials. New structures should utilize exterior materials similar to those typically found in the neighborhood.

7. Rhythm of Openings. Goals: Respect the patterns and orientations of door and window openings, as represented in the neighboring buildings. Typically, older buildings have doors and transoms that matched the head height of the adjacent windows. Doors also tend to be paneled or contain glazed openings. Windows are vertically oriented. Large horizontal expanses of glass are created by ganging two or more windows into a series. Most windows are either single or double hung, with a few casement windows being incorporated into the designs. Many of the buildings had the upper sash articulated into smaller panels, either with muntin bars, leaded glazing, or arches. Most older windows were also surrounded with substantial trim pieces or window head trim.

8. Additional Construction. Goal: Sensitively locate additions, penthouses, buildings systems equipment, or roof-mounted structures to allow the architectural and historical qualities of the contributing building to be dominant. While additions to contributing buildings in historic districts are not discouraged, they should be located to conceal them from view from the public right-of-way. Some new additions, such as the reconstruction of missing porches or the addition of dormers in the roof, may need to be located on the front facade of the building. When an addition is proposed for the front of the building, appropriate and sensitive designs for such modifications should follow the guidelines for scale, massing, rhythm, and materials.

9. Parking. Goal: Minimize views of parking and garages from the public right-of-way. Most early houses provided space for storing various means of transportation, from horses and carriages to automobiles; however, these structures were nearly always entered from the alley rather than from the street. Parking lots and banks of garage doors along the front facade of a building do not conform to the character of the neighborhood. Off street parking lots have no historic precedent in these neighborhoods and should be located behind the building and away from the street. Proposed residential driveway approaches requiring curb cuts from a street or arterial are generally prohibited, unless the applicant can demonstrate by clear and convincing evidence that because of special circumstances not generally applicable to other property or facilities, including size, shape, design, topography, location, or surroundings, the strict application of this standard prevents alley accessed parking. If approved, such curb cuts and approaches shall be consistent with the standards approved for the historic districts and on file in the Public Works Department. Setting garages and carport structures back from the front of the building reduces their visual importance.

10. Signage. Goal: New signs for existing and new buildings shall complement the architecture and style of the residential neighborhoods. Signs should not dominate the building facades or obscure the structure’s architectural features. Colors, materials, and lettering should be appropriate to the character of the surroundings and be compatible with the building’s period and style. Care should be taken not to damage historic building materials in the installation process.

~~G. Commercial Buildings and Construction Within Wedge Conservation District. Goal: Minimize visual impacts to the core district from commercial development that occurs on the periphery of the neighborhood. There are several areas within the Wedge Conservation District boundaries where commercial buildings will be constructed. Such construction projects should seek to minimize encroachment and visual impact by:~~

~~1. Site planning. Design new construction in such a manner that the primary massing of new buildings is directed away from the edges of the district, particularly where the height of the new construction will be substantially higher than the historic apartment buildings also on the edges of the residential area. Locate entrances and exits in such a manner to minimize impacts from vehicular activities on the Wedge Historic District. Maintain and improve historically compatible streetscape and pedestrian amenities. Design buffers and setbacks for new buildings to maintain integrity of siting and availability of light and air. Locate parking to the rear or alley sides of new construction and avoid new curb cuts where alley access is available.~~

~~2. Materials. Utilize an exterior materials palette that reflects the typical and traditional building materials of the region, including wood and stone, and utilize other durable materials on new buildings. Avoid faux treatments or overtly synthetic materials.~~

~~3. Scale and Massing. Individual elements on elevations and building units should be designed to break up large planar surfaces and avoid large, monolithic massing. Vertically oriented new construction, as opposed to low single-story commercial construction, is preferred.~~

~~H. Street Improvements. The architectural character of the North Slope and Wedge Historic Districts is significantly enhanced by the complementary residential nature of existing street amenities, including brick and cobblestone street paving, historic streetlights, planting strips, sidewalks, historic scoring patterns in walks and driveways, healthy trees, and a restrained use of signage. These elements should be retained or enhanced. Installation, repair, or replacement of streetlights, curbs, alley approaches, sidewalks, and street surfaces shall be consistent with the standards approved for the historic districts and kept on file with the Public Works Department.~~

### **13.07.380320 Severability.**

In the event that any section, paragraph, or part of this chapter is for any reason declared invalid or held unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.



## 2011 ANNUAL AMENDMENT

### Amendments to the Land Use Regulatory Code – Chapter 13.11

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

#### Chapter 13.11

#### CRITICAL AREAS PRESERVATION

\* \* \*

##### 13.11.170 Critical Area Designation and SEPA.

- A. Pursuant to WAC 197-11-908 and Section 13.12~~930.908~~ of the TMC, aquifer recharge areas, fish and wildlife habitat conservation areas (FWHCAs), flood hazard areas, geologically hazard areas, wetlands, and streams are hereby designated as critical areas. These areas are mapped on Tacoma's Generalized Critical Areas Maps available in the Tacoma Community and Economic Development Department or as defined by this chapter. The following SEPA categorical exemptions shall not apply within these areas, unless the changes or alterations are confined to the interior of an existing structure or unless the project does not require a permit under this chapter: Section 13.12.~~31080+~~ of the TMC and the following subsections of WAC 197-11-800(1)(b); (2)(d) excluding landscaping, (e), (f), and (g); (3); 24(a), (b), (c), and (d).
- B. The scope of environmental review of actions within critical areas shall be limited to: (a) documenting whether the proposal is consistent with the requirements of this chapter; and (b) evaluating potentially significant impacts on the critical area resources not adequately addressed by development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.





## 2011 ANNUAL AMENDMENT

### Amendments to the Land Use Regulatory Code – Chapter 13.12

\*Note – Because of the significant amount of reorganization associated with these amendments, the proposed code language below is not presented in the typical strike-through/underline format. Sections where wording has been changed are highlighted in yellow with the previous reference in {brackets}, and new language is underlined.

#### Chapter 13.12

#### ENVIRONMENTAL CODE

##### **Part One: Purpose and Authority**

- 13.12.100 Purpose of this part and adoption by reference.
- 13.12.120 Authority.
- 13.12.130 Purpose, applicability, and intent.
- 13.12.140 Environmental policy.
- 13.12.150 Severability.

##### **Part Two - General Requirements**

- 13.12.200 Purpose of this part and adoption by reference.
- 13.12.210 Lead agency – Responsibilities.
- 13.12.220 Designation of responsible official.
- 13.12.230 Designation and responsibility of the City's SEPA public information center (SEPA PIC).
- 13.12.240 Timing of the SEPA process.

##### **Part Three - Categorical Exemptions**

- 13.12.300 Purpose of this part and adoption by reference.
- 13.12.310 Flexible thresholds for categorical exemptions.
- 13.12.320 Emergencies.

##### **Part Four - Threshold Determination**

- 13.12.400 Purpose of this part and adoption by reference.
- 13.12.410 Categorical exemptions.
- 13.12.420 Environmental checklist.
- 13.12.430 Determination of non-significance (DNS).
- 13.12.440 Mitigated DNS.
- 13.12.450 Optional DNS process.

##### **Part Five - Environmental Impact Statement (EIS)**

- 13.12.500 Purpose of this part and adoption by reference.
- 13.12.510 Scoping.
- 13.12.520 Expanded scoping (optional).
- 13.12.530 EIS preparation.

- 13.12.540 Issuance of final environmental impact statement (FEIS).
- 13.12.550 SEPA Planned Action EIS
- 13.12.560 Optional Plan Elements and Development Regulations

**Part Six - Commenting**

- 13.12.600 Purpose of this part and adoption by reference.
- 13.12.610 Public notice.
- [13.12.620 Responding to SEPA Requests for Comment from Other Lead Agencies](#)

**Part Seven - Using Existing Environmental Documents**

- 13.12.700 Purpose of this part and adoption by reference.

**Part Eight - SEPA and Agency Decisions**

- 13.12.800 Purpose of this part and adoption by reference.
- 13.12.810 Substantive authority and mitigation.
- 13.12.820 Appeals of SEPA threshold determination and adequacy of final environmental impact statement.

**Part Nine - Definitions**

- 13.12.900 Purpose of this part and adoption by reference.
- 13.12.910 Additional definitions.

**Part Ten - Agency Compliance**

- 13.12.920 Purpose of this part and adoption by reference.
- 13.12.930 Critical areas.

**Part Eleven - Forms**

- 13.12.940 Purpose of this part and adoption by reference.

**Part One: Purpose and Authority**

**13.12.100 Purpose of this part and adoption by reference.**

[The purpose of this section is to set forth the purpose of this Chapter, the authority under which the City has adopted this Chapter, and to adopt the following section of the Washington Administrative Code by reference.](#)

197-11-030 Policy.

**13.12.120 Authority.**

The following regulations concerning environmental policies and procedures are hereby established and adopted pursuant to Washington State law, Chapter 109, Laws of 1971, Extraordinary Session (Chapter 43.21C RCW) as amended, entitled the “State Environmental Policy Act of 1971,” (SEPA), and Washington State Administrative Code regulations, Chapter 197-11, entitled “SEPA Rules.”

**13.12.130 Purpose, applicability, and intent.**

- A. The purpose of this chapter is to provide City regulations implementing the State Environmental Policy Act of 1971 (SEPA).
- B. This chapter is applicable to all City departments/divisions, commissions, boards, committees, and City Council.
- C. The intent of this chapter is to govern compliance by all City departments/divisions, commissions, boards, committees, and City Council with the procedural requirements of the State Environmental Policy Act of 1971.
- D. This chapter is not intended to govern compliance by the City with respect to the National Environmental Policy Act of 1969 (NEPA). In those situations in which the City is required by Federal law or regulations to perform some element of compliance with NEPA, such compliance will be governed by the applicable Federal statute and regulations and not by this chapter.

### **13.12.140 Environmental policy.**

The environmental policies of the City of Tacoma are the policies set forth in the following documents and statute: the “comprehensive plan,” including all of its elements, the “Master Program for Shoreline Development,” and Chapter 43.21C RCW.

### **13.12.150 Severability.**

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

## **Part Two - General Requirements**

### **13.12.200 Purpose of this part and adoption by reference.**

The purpose of this part is to set forth general requirements that apply to all environmental determinations and all environmental review responsibilities on the part of the City. The following sections apply to environmental review in general, and to specific regulations for cities planning under the Growth Management Act. They also describe the procedures when environmental review is applied in conjunction with other state environmental laws. It also incorporates the following sections of the Washington Administrative Code by reference:

197-11-050	Lead agency.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-158	GMA project review. Reliance on existing plans, laws, and regulations.
197-11-164	Planned actions. Definition and criteria.
197-11-168	Ordinance or resolution designating planned actions. Procedures for adoption.
197-11-172	Planned actions. Project review.
197-11-210	SEPA/GMA integration.
197-11-220	SEPA/GMA definitions.
197-11-228	Overall SEPA/GMA integration procedures.
197-11-230	Timing of an integrated SEPA/GMA process.
197-11-232	SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
197-11-235	Documents.
197-11-238	Monitoring.
197-11-250	SEPA/Model Toxics Control Act integration.
197-11-253	SEPA lead agency for MCTA actions.
197-11-256	Preliminary evaluation.
197-11-259	Determination of non-significance for MCTA remedial action.
197-11-262	Determination of significance and EIS for MCTA remedial actions.
197-11-265	Early scoping for MCTA remedial actions.
197-11-268	MCTA interim actions.

### **13.12.210 Lead agency – Responsibilities.**

The City, when acting in the capacity of the lead agency, shall be the only agency responsible for complying with the threshold determination procedures of SEPA; and the responsible official of the City, as designated pursuant to Section 13.12.220 of this chapter, shall be responsible for the supervision, or actual preparation, of any draft EIS pursuant to this chapter, including the circulation of such statements and the conduct of any public hearings required by this chapter. The responsible official of the City shall also prepare or supervise preparation of any required final EIS pursuant to WAC 197-11 and this chapter. {13.12.923}

### **13.12.220 Designation of responsible official.**

A. In instances in which the City is the lead agency, the responsible official as designated by subsections B, C, D and E of this section shall carry out such duties and functions assigned the City as a lead agency.

B. The responsible official for General Government shall be the department director for projects initiated by that department or processed by that department. However, a department director may designate an environmental officer to carry out the duties and responsibilities mandated by this chapter, except that all threshold determinations shall only be made with the express consent and approval of the director.

C. The responsible official for the Department of Public Utilities shall be the Director of Utilities or his or her designee for projects initiated or processed by the Department of Public Utilities.

D. For proposals initiated jointly by several departments within General Government, designation of the responsible official shall be by common agreement among the directors of the involved departments. In the event such department directors are unable to agree on who shall be the responsible official for such matter, determination of the responsible official shall be made by the City Manager.

E. For proposals initiated jointly by General Government and Public Utilities, designation of the responsible official shall be by common agreement between the City Manager and the Director of Utilities.

F. City staff carrying out the SEPA procedures shall be different from the staff making the proposal. That is, the responsible official shall not be the staff person responsible for filling out and signing the environmental checklist.

G. The director of the department with appropriate expertise shall be responsible for preparation of written comments responding to a consultation request from another lead agency prior to a threshold determination, participation in scoping, and reviewing a DEIS.

H. The director shall be responsible for the City's compliance with WAC 197-11-550 whenever such department is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City.

### **13.12.230 Designation and responsibility of the City's SEPA public information center (SEPA PIC).**

A. The SEPA PIC shall maintain a DNS register.

B. The SEPA PIC shall maintain an EIS register including for each proposal the location, a brief description of the nature of the proposal, the date first listed on the register, and a contact person or office from which further information may be obtained.

C. The documents are required to be maintained at the information center for seven years, and shall be available for public inspection, and copies thereof shall be provided upon request. The City may charge for copies in the manner provided by Chapter 42.17 RCW (Public Disclosure and Public Records Law) and for the cost of mailing.

D. The SEPA PIC shall be the contact listed on the Department of Ecology's list of SEPA authorities. It shall receive and route consultation requests, information requests, checklists, threshold determinations, and all other SEPA materials to appropriate departments or divisions of the City.

E. The SEPA PIC shall maintain a listing of recommended Federal, State, regional, local and private agencies/organizations and their addresses for use by responsible officials of the City in making scoping requests and circulating draft EISs.

F. The SEPA PIC shall review all threshold determinations and final environmental impact statements submitted to the Information Center by departments of General Government and Tacoma Public Utilities and approve such determinations of nonsignificance as to form at the time of filing.

G. The SEPA PIC shall maintain a general mailing list for the threshold determination distribution.

H. The following location constitutes the SEPA public information center:

Building and Land Use Services  
Tacoma Municipal Building  
747 Market Street  
Tacoma, Washington 98402

### **13.12.240 Timing of the SEPA process.**

A. The SEPA process shall be integrated with City activities to ensure that planning and decisions reflect environmental values, avoid delays later in the process, and seek to resolve potential problems.

B. The responsible official shall prepare the threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decision making process, once the principal features of a proposal and its environmental impacts can be reasonably identified.

1. A proposal exists when:

a. The responsible official is presented with an application; or

b. The responsible official has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal; and

c. The proposal is not otherwise exempt; and

d. The environmental effects can be meaningfully evaluated.

The fact that proposals may require future City approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.

2. The environmental process shall commence when the responsible official receives an environmental document and request for a determination.

3. Appropriate consideration of environmental information shall be completed before the responsible official commits to a particular course of action.

C. At the latest, the responsible official shall begin environmental review, if required, when the application for both SEPA and the underlying action is determined to be complete. The responsible official may initiate review earlier and may have informal conferences with applicants. A final threshold determination or Final Environmental Impact Statement (FEIS) shall precede or accompany the staff report, if any, in a public hearing on an application.

D. When the environmental effects can be meaningfully evaluated on a proposal, the responsible official shall begin the preparation of EIS on private proposals at the conceptual stage rather than the final detailed design stage.

1. If the responsible official's only action is a decision on a building permit or other license that requires detailed project plans and specifications, the responsible official shall provide applicants with the opportunity for environmental review under SEPA prior to requiring applicants to submit such detailed project plans and specifications.

2. The responsible official may specify the amount of detail needed from applicants for such early environmental review, consistent with WAC 197-11-100 and 197-11-335.

3. This subsection does not preclude the responsible official or applicants from preliminary discussions or exploration of ideas and options prior to commencing formal environmental review.

E. An overall decision to proceed with a course of action may involve a series of actions or decisions by one or more agencies. If several agencies have jurisdiction over a proposal, they should coordinate their SEPA processes wherever possible. The responsible official shall comply with lead agency determination requirements in WAC 197-11 and this chapter.

F. To meet the requirement to ensure that environmental values and amenities are given appropriate consideration along with economic and technical considerations, environmental documents and analyses shall be circulated and reviewed with other planning documents to the fullest extent possible.

G. For their own public proposals, lead agencies may extend the time limits prescribed in these rules.

### **Part Three - Categorical Exemptions**

#### **13.12.300 Purpose of this part and adoption by reference.**

**This section sets forth the proposed actions which are exempt from SEPA threshold determination and EIS requirements. Certain exemptions apply only to certain state agencies. In addition, the City has the authority to adopt**

certain flexible thresholds for proposals. This section describes those thresholds. It also incorporates the following sections of the *Washington Administrative Code* by reference:

197-11-800	Categorical exemptions.
197-11-810	Exemptions and non-exemptions applicable to specific state agencies.
197-11-820	Department of licensing.
197-11-825	Department of labor and industries.
197-11-830	Department of natural resources.
197-11-835	Department of fisheries.
197-11-840	Department of game.
197-11-845	Department of social and health services.
197-11-850	Department of agriculture.
197-11-855	Department of ecology.
197-11-860	Department of transportation.
197-11-865	Utilities and transportation commission.
197-11-870	Department of commerce and economic development.
197-11-875	Other agencies.
197-11-890	Petitioning DOE to change exemptions.

### **13.12.310 Flexible thresholds for categorical exemptions.**

The City of Tacoma establishes the following exempt levels for minor new construction as allowed under WAC 197-11-800(1)(c), and RCW 43.21C.410 except when the action is undertaken wholly or partly on lands covered by water and the action requires a development permit under Chapter 13.11 of this title.

- A. The construction or location of any residential structure of four or less dwelling units;
- B. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;
- C. The construction of an office, school, commercial, recreational, service, or storage building with 12,000 square feet or less of gross floor area, and with associated parking facilities designed for no more than 20 automobiles;
- D. The demolition of an office, school, commercial, recreational, service, or storage building with 12,000 square feet or less of gross floor area;
- E. The construction of a parking lot designed for no more than 20 automobiles;
- F. Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.
- G. The construction of an individual battery charging station or an individual battery exchange station, that is otherwise categorically exempt shall continue to be categorically exempt even if part of a larger proposal that includes other battery charging stations, other battery exchange stations, or other related utility networks.

### **13.12.320 Emergencies.**

Actions which must be undertaken immediately, or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health and safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. The responsible official shall determine on a case-by-case basis emergency actions which satisfy the general requirements of this section.

## **Part Four - Categorical Exemptions And Threshold Determination**

### **13.12.400 Purpose of this part and adoption by reference.**

This part provides the rules for administering categorical exemptions, deciding on probable significant impacts on the environment, determining if mitigation is available, and integrating SEPA into the project review process. It also incorporates the following sections of the *Washington Administrative Code* by reference:

197-11-300	Purpose of this part.
197-11-310	Threshold determination required.

197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.

### 13.12.410 Categorical exemptions.

A. Those activities excluded from the definition of “action” in WAC 197-11-704, or categorically exempted by WAC 197-11-800, are exempt from the threshold determination. No exemption is allowed for the sole reason that actions are considered to be of a “ministerial” nature or of an environmentally regulatory or beneficial nature.

B. The applicability of the exemptions shall be determined by the responsible official.

C. The responsible official who is determining whether or not a proposal is exempt shall ascertain the total scope of the proposal and the governmental licenses, permits, or approvals required:

1. If a proposal includes a series of actions, physically or functionally related to each other, some of which are exempt and some of which are not, the responsible official shall determine the primary action.

2. If a proposal includes a series of actions, physically or functionally related to each other, some of which are exempt and some of which are not, the proposal is exempt if the action determined to be the primary action by the responsible official is exempt.

3. If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have a significant environmental impact, the proposal is not exempt. {13.12.305(2)-(6)}

D. Pursuant to RCW 36.70B.140(2) Local Project Review, categorically exempt proposals shall be exempt from the procedural requirements for complete application and public notice under SEPA. {13.12.305(7)}

### 13.12.420 Environmental checklist.

Any action or proposal which is not determined to be exempt shall require environmental review under SEPA, which shall commence with the filing of a SEPA checklist. However, a checklist is not needed if the responsible official has decided to prepare an EIS, or the responsible official and applicant agree an EIS is required: see section 13.12.400 for the requirements for an EIS.

A. The Environmental checklist form shall be the same as that on file with the SEPA Public Information Center, titled “Environmental Checklist,” which is incorporated by reference in this chapter.

B. The checklist shall be filed no later than the time an application is filed for a permit, license, certificate, or other approval. {13.12.315(1)}

C. For private proposals, the responsible official shall require the applicant to complete the environmental checklist, providing assistance as necessary. For public proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

D. The items in the environmental checklist are not weighted. The mention of one or many adverse environmental impacts does not necessarily mean that the impacts are significant or that the impacts cannot be mitigated. Conversely, a probable significant adverse impact on the environment identified in the checklist may result in the need for an EIS.

### 13.12.430 Determination of non-significance (DNS).

A. If the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, the responsible official shall prepare and issue a determination of non-significance (DNS). If the City adopts another environmental document in support of a threshold determination as set forth in Part Six of this chapter, the City shall issue a notice of adoption and/or combine the documents.

B. A DNS issued under the provisions of this section shall not become effective until the expiration of the appeal period. The filing of an appeal shall stay the effect of the DNS and no major action in regard to a proposal may be taken during the pendency of an appeal and until all action regarding the appeal is final. A decision to reverse the determination of the responsible official and uphold the appeal shall further stay any decision, proceedings, or actions in regard to the proposal.

C. When a DNS is issued for any of the proposals listed below, the requirements in this subsection shall be met. The requirements of this subsection do not apply to a DNS issued when the optional DNS process is used (Section 13.12.450).

1. The City shall not act upon a proposal for 14 days after the date of issuance of a DNS if the proposal involves:
  - a. Another agency with jurisdiction;
  - b. Non-exempt demolition of any structure or facility;
  - c. Issuance of clearing or grading permits not otherwise exempted; or
  - d. A DNS when the applicant has changed the project in response to early review by the responsible official in order to avoid or withdraw a Determination of Significance; or
  - e. A mitigated DNS.
2. The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the Department of Ecology, and affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice as set forth in this chapter.
3. Any person, affected tribe, or agency may submit comments to the City within 14 days of the date of issuance of the DNS, or as may be extended by the planning and/or public hearing process for non-project actions.
4. The date of issuance for the DNS is the date the DNS is sent to the Department of Ecology and agencies with jurisdiction and is made publicly available.
5. An agency with jurisdiction may assume lead agency status only within this comment period.
6. The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS. When a DNS is modified, the responsible official shall send the modified DNS to agencies with jurisdiction.

D. The responsible official shall withdraw a DNS if:

1. There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;
2. There is significant new information regarding a proposal's probable significant adverse environmental impacts (this section shall not apply when a nonexempt license has been issued on a project); or
3. The DNS was procured by misrepresentation or lack of material disclosure; if the DNS resulted from such actions by an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the responsible official or his or her consultants at the expense of the applicant.

If the responsible official withdraws a DNS, a new threshold determination shall be made and other agencies with jurisdiction shall be notified of the withdrawal and new threshold determination.

#### **13.12.440 Mitigated DNS.**

A. The responsible official may issue a determination of nonsignificance based upon conditions attached to the proposal by the responsible official or upon changes to, or clarifications of, the proposal made by the applicant.

B. If an applicant requests early notice of whether a Mitigated Determination of Nonsignificance (MDNS) or a Determination of Significance (DS) is likely, the request must:

1. Be submitted in writing;
2. Follow submission of a completed environmental checklist for a nonexempt proposal for which the department is lead agency; and
3. Precede the department's actual threshold determination for the proposal.
4. The responsible official shall respond to the request in writing and shall state whether the responsible official is considering issuance of an MDNS or a DS and, if so, indicate the general or specific area(s) of concern that are leading to consideration of an MDNS or DS;

5. The response must also state that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications. {13.12.350.2 and 3}

C. As much as possible, the responsible official should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

D. If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the responsible official will make a threshold determination based on the changed or clarified proposal:

1. If the responsible official indicated specific mitigation measures in a response to the request for early notice that would allow him or her to issue a DNS, and the applicant changed or clarified the proposal to include those specific mitigation measures, the responsible official shall issue a determination of nonsignificance.

2. If the responsible official indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow a DNS to be issued, the responsible official shall make the threshold determination, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific.

4. Mitigation measures which justify issuance of a DNS shall be incorporated in the DNS by inclusion in the determination, or by reference to staff reports, studies or other documents.

E. Mitigation measures incorporated in the DNS or MDNS shall be deemed conditions of approval of the associated building, work order, land use, or other development permit or license, unless revised or changed by the decision maker, and shall be placed as conditions directly upon the permit decision. The conditions shall be incorporated into the permit and shall be enforced in the same manner as any term or condition of the permit. {13.12.350(7)}

F. If the tentative decision for an approval of a permit does not include mitigation measures that were incorporated in the SEPA determination for the proposal, the threshold determination should be evaluated to assure consistency with Section 13.12.430.D of this chapter (withdrawal of DNS).

G. The responsible official's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussions of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the responsible official to a mitigated DNS.

### **13.12.450 Optional DNS process.**

A. The responsible official may use the optional DNS process if they have determined that significant adverse environmental impacts are unlikely, and a single integrated comment period is desired to obtain comments for the application and the likely threshold determination for the proposal. If this process is used, a second comment period will typically not be required when the DNS is issued.

B. If the optional DNS process is used, the following shall apply:

1. The notice shall state on the first page that the City expects to issue a DNS for the proposal, and that:

a. The optional DNS process is being used;

b. This may be the only opportunity to comment on the environmental impacts of the proposal;

c. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and

d. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

2. The notice shall list the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected.

3. The City shall comply with the requirements for a notice of application and public notice in RCW 36.70B.110; and

4. The City shall send the notice and environmental checklist to:

a. Agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and

- b. Anyone requesting a copy of the environmental checklist for the specific proposal.
- C. If the City indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice.
- D. The responsible official shall consider timely comments on the notice and either:
  1. Issue a DNS or mitigated DNS with no comment period using the procedures in subsection (5) of this section;
  2. Issue a DNS, or mitigated DNS with a comment period using the procedures in subsection (5) of this section, if the City determines a comment period is necessary;
  3. Issue a DS, or
  4. Require additional information or studies prior to making a threshold determination.
- E. If a DNS or mitigated DNS is issued under subsection (4)(a) of this section, the City shall send a copy of the DNS or mitigated DNS to the Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be re-circulated.

**Part Five - Environmental Impact Statement (EIS)**

**13.12.500 Purpose of this part and adoption by reference.**

The purpose of this part is to describe the process, content, and format of an EIS, and to set forth the procedures for two specific kinds of non-project EIS reviews. It also incorporates the following sections of the Washington Administrative Code by reference:

197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonprofit proposals.
197-11-443	EIS contents when prior non-project EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.

**13.12.510 Scoping.**

- A. The responsible official shall narrow the scope of every EIS to the probable significant adverse impacts and reasonable alternatives, including mitigation measures. For example, if there are only two or three significant impacts or reasonable alternatives, the EIS shall be focused on those.
- B. To ensure that every EIS is concise and addresses the significant environmental issues, the responsible official shall:
  1. Invite agencies with jurisdiction, if any, affected tribes, and the public to comment on the DS (WAC 197-11-360). The responsible official shall require comments in writing. Agencies with jurisdiction, affected tribes, and the public shall be allowed 21 days from the date of issuance of the DS in which to comment, unless expanded scoping is used. The date of issuance for a DS is the date it is sent to the Department of Ecology and other agencies with jurisdiction, and is publicly available;
  2. Identify reasonable alternatives and probable significant adverse environmental impacts;
  3. Eliminate from detailed study those impacts that are not significant;
  4. Work with other agencies to identify and integrate environmental studies required for other government approvals with the EIS, where feasible.

C. Meetings or scoping documents, including notices that the scope has been revised, may be used but are not required. The responsible official shall integrate the scoping process with the existing planning and decision making process in order to avoid duplication and delay.

D. The responsible official shall revise the scope of an EIS if substantial changes are made later in the proposal, or if significant new circumstances or information arise that bear on the proposal and its significant impacts.

E. DEISs shall be prepared according to the scope decided upon by the responsible official in the scoping process.

F. EIS preparation may begin during scoping.

#### **13.12.520 Expanded scoping (optional).**

The responsible official may expand the scoping process to include any or all of the provisions found in WAC 197-11-410, which may be applied on a proposal-by-proposal basis.

#### **13.12.530 EIS preparation.**

For draft, final, and supplemental EISs:

A. Preparation of the EIS is the responsibility of the City, by or under the direction of its responsible official, as specified by Section 13.12.220 of this chapter. Regardless of who participates in the preparation of the EIS, it is the EIS of the responsible official. The responsible official, prior to distributing an EIS, shall be satisfied that it complies with these rules and the procedures of the City of Tacoma.

B. The responsible official may have an EIS prepared by City staff, an applicant or its agents, or by an outside consultant retained by either an applicant or the responsible official. The responsible official shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

C. If a person other than the responsible official is preparing the EIS, the responsible official or designee shall:

1. Coordinate any scoping procedures so that the individual preparing the EIS receives all substantive information submitted by any agency or person;
2. Assist in obtaining any information on file with another agency that is needed by the person preparing the EIS;
3. Allow any party preparing an EIS access to all public records of the City that relate to the subject of the EIS, under Chapter 42.17 RCW (Public Disclosure and Public Records Law);
4. Review and examine pertinent sections of the EIS to assure the completeness, accuracy, and objectivity of the EIS.

D. Any outside person, firm, or corporation assisting in the preparation of an EIS shall have expertise and experience in preparing environmental impact statements and shall be approved by the responsible official prior to participation in the EIS development process.

E. Field investigation or research by the applicant, reasonably related to determining the environmental impacts associated with the proposal, may be required, with the cost of such field investigation or research to be borne by the applicant.

#### **13.12.540 Issuance of final environmental impact statement (FEIS).**

A. A FEIS shall be issued by the responsible official and sent to the Department of Ecology (two copies), to all agencies with jurisdiction, to all agencies who commented on the DEIS, and to anyone requesting a copy of the FEIS. (Fees may be charged for the FEIS, see WAC 197-11-504)

B. The responsible official shall send the FEIS, or a notice that the FEIS is available, to anyone who commented on the DEIS or scoping notice and to those who received but did not comment on the DEIS. If the responsible official receives petitions from a specific group or organization, a notice or EIS may be sent to the group and not to each petitioner. Failure to notify any individual under this subsection shall not affect the legal validity of the City's SEPA compliance.

C. The responsible official shall make additional copies available for review in his or her office and in the SEPA Public Information Center.

D. The date of issue is the date the FEIS, or notice of availability, is sent to the persons and agencies specified in the preceding subsections and the FEIS is publicly available. Copies sent to the Department of Ecology shall satisfy the statutory requirement of availability to the governor.

E. The City shall not act on a proposal for which an EIS has been required prior to 15 days after issuance of the FEIS. Further, filing of an appeal of the adequacy of a FEIS pursuant to Section 13.12.xxx of this chapter shall stay the effect of such FEIS and no major action in regard to a proposal may be taken during the pendency of an appeal and until the appeal is finally disposed of by the Hearing Examiner. A decision that the FEIS is inadequate and upholding the appeal shall further stay any decision, proceedings, or actions in regard to the proposal.

F. The responsible official shall issue the FEIS within 60 days of the end of the comment period for the DEIS, unless the proposal is unusually large in scope, the environmental impact associated with the proposal is unusually complex, or extensive modifications are required to respond to public comments.

G. The form and content of the FEIS shall be as specified in WAC 197-11-400-460.

### **13.12.550 SEPA Planned Action EIS**

A. The Responsible Official may authorize preparation of a Planned Action for a specific type of development, other than for an essential public facility or facilities as defined in RCW 36.70A.200, or for a specific geographical area that is less extensive than the jurisdictional boundaries of the City. The Planned Action must have the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with a comprehensive plan, a comprehensive plan amendment, a subarea plan or for the phased project.

B. Ordinance. A Planned Action must be designated by ordinance of the City Council. The adopting ordinance must describe the planned action projects and may establish a time period for completion of the planned action projects. .

C. Project actions must be included in the designated ordinance and impacts addressed in an EIS prepared in conjunction with a comprehensive plan, amendment thereto, a subarea plan or a phased project.

D. Planned action project review. Projects developed within a planned action area shall be exempted from further environmental review. However, the project proponent shall describe the environmental mitigation to be provided by subsequent or implementing projects, and must include a checklist (not a SEPA Checklist, but as set forth in the planned action EIS) that is to be filed with the project application and used to verify that:

1. The project meets the description in, and will implement, any such mitigation and

2. The probable significant adverse environmental impacts of the project have been adequately addressed in the EIS.

E. The adopting ordinance will state that if notice is otherwise required for the underlying permit the notice shall state that the project has qualified as a planned action and that if notice is not otherwise required for the underlying permit no special notice is required. The adopting ordinance may limit a planned action to a time period identified in the ordinance.

### **13.12.560 Optional Plan Elements and Development Regulations**

A. The City may adopt optional comprehensive plan elements and optional development regulations that apply within designated centers or for subareas within one-half mile of a major transit stop zoned for higher density housing consistent with RCW 43.21C.240.

B. Designation of areas: The centers must be designated by the Puget Sound Regional Council as a Regional Growth Center or a Manufacturing-Industrial Center .or be an area within one-half mile of a major transit stop that is zoned to have an average minimum density of fifteen dwelling units or more per gross acre.

C. The City shall prepare a non-project (as defined in WAC 197-11-774) environmental impact statement.

1. The EIS must assess and disclose probable adverse impacts of the optional comprehensive plan element and development regulations and of future development consistent with the plan and regulations.

2. The EIS may have appended to it an analysis of the extent to which the proposed plan may result in the displacement or fragmentation of existing businesses, existing residents, including people living with poverty, families with children, and intergenerational households, or cultural groups; the results of the analysis must be discussed at a community meeting that is separate from the EIS/plan public hearings.

D. Community Meeting.

1. At least one community meeting must be held on the proposed optional plan and development regulations before the scoping notice is issued. Notice of scoping and notice of the community meeting must be mailed to all taxpayers of record within the sub-area to be studied, and within four hundred feet of the boundaries of the subarea, to affected Tribes and to agencies with jurisdiction over the future development within the subarea. See Part Five for notice requirements.

2. Notice must also be mailed to all small businesses as defined in RCW 19.85.020 and to all community preservation and development authorities established under chapter 43.167 RCW. The process for community involvement must have the goal of fair treatment and meaningful involvement of all people with respect to the development and implementation of the subarea plan.

3. The notice of the community meeting must include general illustrations and descriptions of buildings generally representative of the maximum building envelope that will be allowed under the proposed plan and indicate that future appeals of proposed developments that are consistent with the plan will be limited. Notice of the community meeting must include signs located on major travel routes in the sub-area posted within 7 days of the mailing of the meeting notice. If the building envelope increases during the process, another notice complying with the requirements of this section must be issued before the next public involvement opportunity.

E. Appeal. Any person that has standing to appeal the adoption of the sub-area plan or the implementing regulations under RCW .70A.280 has standing to bring an appeal of the non-project EIS as set forth in this chapter.

F. Transfer of Development Rights. As an integral part of preparing a sub-area plan/non-project EIS the City shall consider establishing a transfer of development rights program in consultation with Pierce County, a program that that conserves county-designated agricultural and forest land of long-term commercial significance. If the city decides not to establish a transfer of development rights program, the city must state in the record the reasons for not adopting the program. The city's decision not to establish a transfer of development rights program is not subject to appeal. Nothing in this sub-section may be used as a basis to challenge the sub-area plan.

G. Fees for Environmental Review. The City may recover its reasonable expenses of preparation of a non-project EIS prepared under this section through access to financial assistance under RCW 36.70A.490 or funding from private sources. In addition, the City is authorized to recover a portion of its reasonable expenses of preparation of such a non-project EIS by the assessment of reasonable and proportionate fees upon subsequent development that is consistent with the plan and development regulations adopted under this section as long as the development makes use of and benefits from the non-project EIS prepared by the City. Any assessment fees collected from subsequent development may be used to reimburse funding received from private sources. In order to collect such fees, the city must enact an ordinance that sets forth objective standards for determining how the fees to be imposed upon each development will be proportionate to the impacts of each development and to the benefits accruing to each development from the non-project EIS. Any disagreement about the reasonableness or amount of the fees imposed upon a development may not be the basis for delay in issuance of a project permit for that development. The fee assessed by the city may be paid with the written stipulation "paid under protest" and if the city provides for an administrative appeal of its decision on the project for which the fees are imposed, any dispute about the amount of the fees must be resolved in the same administrative appeal process.

H. Additional Environmental Review. If a proposed development is inconsistent with the subarea plan policies and development regulations, the City shall require additional environmental review in accordance with this chapter.

#### I. Effective Dates.

1. Until July 1, 2018, a proposed development that is consistent with the sub-area plan policies and development regulations adopted under this section and that is environmentally reviewed under this section may not be challenged in administrative or judicial appeals for noncompliance with this chapter as long as a complete application for such a development that vests the application or would later lead to vested status under city or state law is submitted to the City within a time frame established by the City, but not to exceed ten years from the date of issuance of the final EIS.

2. After July 1, 2018, the immunity from appeals under this section of any application that vests or will vest under this subsection or the ability to vest under this subsection is still valid, provided that the final subarea EIS is issued by July 1, 2018. After July 1, 2018, a city may continue to collect reimbursement fees under this section for the proportionate share of a subarea EIS issued prior to July 1, 2018.

## **Part Six - Commenting**

### **13.12.600 Purpose of this part and adoption by reference.**

The purpose of this part of the Chapter is to provide the regulations for public notice and public availability of environmental documents, for circulation of environmental decisions to agencies and members of the public, public hearings and meetings, and response to comments received during the process. This section should be read in conjunction with the applicable administrative provisions in TMC 13.05 as they apply to land use permitting decisions. It also incorporates the following sections of the Washington Administrative Code by reference:

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA Register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

### **13.12.610 Public notice.**

A. When notice is required, the responsible official must use reasonable methods to inform the public and other agencies that an environmental document is being prepared or is available and that public hearing(s), if any, will be held.

#### **B. Notice Requirements, DNS**

1. When a land use decision is required for a proposal, notice of the SEPA pre-threshold determination or the availability of the final environmental impact statement shall be provided in conjunction with notification of the proposed land use action. The notice shall inform recipients where the SEPA records are located and that a final environmental determination shall be made following a comment period.
2. Notice of the SEPA pre-threshold environmental determination for projects which do not require a land use decision shall be published in a newspaper of general circulation within the area in which the project is located, and shall include information as stated above.
3. Notice of the SEPA pre-threshold environmental determination for non-project actions shall be provided in conjunction with notification of the earliest hearing (e.g., Planning Commission). Such notice shall be published in a newspaper of general circulation within the area in which the project is located, and shall include information as stated above.
4. If an appeal is filed, notification of hearing such appeal shall be mailed to parties of record and to all parties who have indicated in writing an interest in the proposed land use action.

#### **C. Notice Requirements, EIS**

1. Notice of determination of significance, scoping, and availability of draft and final EISs shall be published in a newspaper of general circulation within the area in which the project is located.
2. The determination of significance and scoping notice shall be mailed by first class mail to the applicant; property owner (if different from applicant); Neighborhood Councils, and qualified neighborhood or community organizations in the vicinity where the proposal is located; the Puyallup Tribal Nation for substantial actions 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 Property Owners," dated August 27, 1988; and to taxpayers as indicated by the records of the Pierce County Assessor, within 400 feet of the proposed action. Those parties who comment on the project shall receive notice of the draft and final EISs.
3. A public information sign shall be erected on the site by the applicant, in a location determined by the staff responsible for carrying out the SEPA responsibilities, within seven calendar days of the date of issuance of the determination of significance. 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. The sign shall remain on the site until a final decision on the project is made.

D. Documents which are required to be sent to the Department of Ecology will be published in the SEPA register, which will also constitute a form of public notice. However, publication in the SEPA register shall not, in itself, meet the notice requirements.

### **13.12.620 Responding to SEPA Requests for Comment from Other Lead Agencies**

A. The director of the department with appropriate expertise shall be responsible for preparation of written comments responding to a consultation request from another lead agency prior to a threshold determination, participation in scoping, and reviewing a DEIS.

B. The director shall be responsible for the City's compliance with WAC 197-11-550 whenever such department is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City.

## **Part Seven - Using Existing Environmental Documents**

### **13.12.700 Purpose of this part and adoption by reference.**

This part of the Chapter sets forth the rules for using existing environmental documents. It describes the process, noticing procedures, and appeal provisions when existing environmental review is used to fulfill all or part of the City's SEPA responsibilities. It also incorporates the following sections of the *Washington Administrative Code* by reference:

197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement – Procedures.
197-11-625	Addenda – Procedures.
197-11-630	Adoption – Procedures.
197-11-635	Incorporation by reference – Procedures.
197-11-640	Combining documents.

## **Part Eight - SEPA and Agency Decisions**

### **13.12.800 Purpose of this part and adoption by reference.**

This section of the Chapter is intended to ensure that complete, quality information is used in the SEPA process, that SEPA is incorporated with other laws and decisions, and provide a clear, concise, description of the City's substantive authority under SEPA. The section includes appeal provisions for SEPA determinations. It also incorporates the following sections of the *Washington Administrative Code* by reference:

197-11-650	Purpose of this part.
197-11-655	Implementation.

### **13.12.810 Substantive authority and mitigation.**

A. Any action by the City of Tacoma on public or private proposals that is not exempt may be conditioned or denied under SEPA to mitigate the environmental impact subject to the following limitations:

1. Mitigation measures or denials shall be based on the policies, plans, rules, or regulations formally designated by the City as a basis for the exercise of substantive authority and in effect when a complete SEPA checklist is submitted.
2. Mitigation measures shall be related to specific, adverse environmental impacts clearly identified in an environmental document on the proposal and shall be stated in writing by the responsible official. The responsible official shall cite the City's SEPA policy that is the basis of any condition or denial under this chapter. The responsible official shall make available to the public, in his or her office, a document that states the decision. The document shall state the mitigation measures, if any, that will be implemented as part of the decision, including any monitoring of environmental impacts. Such a document may be the permit itself, or may be combined with other City documents, or may reference relevant portions of environmental documents.
3. Mitigation measures shall be reasonable and capable of being accomplished.

4. Responsibility for implementing mitigation measures may be imposed upon an applicant only to the extent attributable to the identified adverse impacts of its proposal. Voluntary additional mitigation may occur.
  5. Before requiring mitigation measures, the responsible official shall consider whether local, State, or Federal requirements and enforcement would mitigate an identified significant impact.
  6. To deny a proposal under SEPA, the decision maker must cause an EIS to be prepared and subsequently find that:
    - a. The proposal would be likely to result in significant adverse environmental impacts identified in a final or supplemental environmental impact statement prepared under this chapter; and
    - b. Reasonable mitigation measures are insufficient to mitigate the identified impact.
  7. If, during project review, the responsible official determines that the requirements for environmental analysis, protection, and mitigation in the City's development regulations, or comprehensive plan, or in other applicable local, state, federal laws, or rules, provide adequate analysis of, and mitigation for the specific adverse environmental impacts of the project action, the responsible official shall not impose additional mitigation under this chapter.
- B. The decision maker should judge whether possible mitigation measures are likely to protect or enhance environmental quality. The EIS should briefly indicate the intended environmental benefits of mitigation measures for significant impacts. An EIS is not required to analyze in detail the environmental impacts of mitigation measures, unless the mitigation measures:
1. Represent substantial changes in the proposal so that the proposal is likely to have significant adverse environmental impacts, or involve significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; and
  2. Will not be analyzed in a subsequent environmental document prior to their implementation.
- C. The City has prepared the comprehensive plan, which contains agency SEPA policies and has further set them forth in this chapter for the information of the public and of other agencies. This document includes by reference the regulations, plans, or codes formally designated under this section and RCW 43.21C.060 as possible bases for conditioning or denying proposals. This document is available to the public in the SEPA PIC and shall be available to applicants prior to preparing a draft EIS.

**13.12.820 Appeals of SEPA threshold determination and adequacy of final environmental impact statement.**

[A. All appeals under this chapter shall be conducted in accordance with RCW 43.21C.075 concerning appeals of Environmental Determinations. Except in the following cases, appeals on Environmental Determinations shall be heard at the same time as appeals on](#) the underlying governmental action:

1. An appeal of a determination of significance;
2. An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under this chapter, including any appeals of its procedural determinations, prior to submitting an application for a project permit;
3. An appeal of a procedural determination made by an agency on a nonproject action; or
4. An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes.

B. Appeal to the Hearing Examiner.

1. Initiating an Appeal

a. Threshold determination or adequacy of a final environmental impact statement for a proposed land use action shall be appealable to the Hearing Examiner. All other appeals under this chapter shall be made as set forth in 13.12.820.B, below.

b. Appeal Procedure/Fee. A notice of appeal, together with a filing fee as set forth in Section 2.09 of the Tacoma Municipal Code, shall be filed with Building and Land Use Services. Building and Land Use Services shall process the appeal in accordance with Chapter 13.05 of this title.

c. Time Requirement. An appeal shall be filed within 14 calendar days after issuance of the determination by the responsible official. If the last day for filing an appeal falls on a weekend day or holiday, the last day for filing shall be the next working day.

d. Content of the Appeal. Appeals shall contain:

- (1) The name and mailing address of the appellant and the name and address of his/her representative, if any;
- (2) The appellant's legal residence or principal place of business;
- (3) A copy of the decision which is appealed;
- (4) The grounds upon which the appellant relies;
- (5) A concise statement of the factual and legal reasons for the appeal;
- (6) The specific nature and intent of the relief sought;
- (7) A statement that the appellant has read the appeal and believes the contents to be true, followed by his/her signature and the signature of his/her representative, if any. If the appealing party is unavailable to sign the appeal, it may be signed by his/her representative.

e. Dismissal of Appeal. The Hearing Examiner may summarily dismiss an appeal without hearing when such appeal is determined by the Examiner to be without merit on its face, frivolous, or brought merely to secure a delay, or that the appellant lacks legal standing to appeal.

f. Effect of Appeal. The filing of an appeal of a threshold determination or adequacy of a final environmental impact statement (FEIS) shall stay the effect of such determination or adequacy of the FEIS and no major action in regard to a proposal may be taken during the pendency of an appeal and until the appeal is finally disposed of by the Hearing Examiner. A decision to reverse the determination of the responsible official and uphold the appeal shall further stay any decision, proceedings, or actions in regard to the proposal.

2. Withdrawal of Appeal. An appeal may be withdrawn, only by the appellant, by written request filed with Building and Land Use Services. Building and Land Use Services shall inform the Hearing Examiner and responsible official of the withdrawal request. If the withdrawal is requested before the response of the responsible official, or before serving notice of the appeal, such request shall be permitted and the appeal shall be dismissed without prejudice by the Hearing Examiner, and the filing fee shall be refunded.

3. Response of responsible official. The responsible official shall respond in writing to the appellant's objections. Such response shall be transmitted to Building and Land Use Services. Building and Land Use Services shall forward all pertinent information to the Hearing Examiner, appellant, and responsible official no later than seven days prior to hearing. The official's response shall contain, when applicable, a description of the property and the nature of the proposed action. Response shall be made to each specific and explicit objection set forth in the appeal, but no response need be made to vague or ambiguous allegations. The response shall be limited to facts available when the threshold determination was made. In the case of a response to an appeal of the adequacy of a final environmental impact statement, the response shall be limited to facts available when the final environmental impact statement is issued. No additional environmental studies or other information shall be allowed.

4. Hearing.

a. The hearing of an appeal of a determination of nonsignificance or adequacy of an environmental impact statement on a proposed land use action which requires a hearing shall be held concurrently with the hearing on the application request.

b. The hearing of an appeal of a determination of nonsignificance or adequacy of the final environmental impact statement for a proposal which requires an administrative land use decision shall be expeditiously scheduled upon receipt of a valid appeal. If the SEPA determination and land use decision are appealed, the SEPA appeal and the land use hearing shall be held concurrently.

c. The hearing of an appeal by a project sponsor of a determination of significance issued by the responsible official shall be expeditiously scheduled upon receipt of a valid appeal.

d. The public hearing shall be conducted in accordance with the provisions of Chapter 1.23 of the Tacoma Municipal Code.

e. The Hearing Examiner may affirm the decision of the responsible official or the adequacy of the environmental impact statement, or remand the case for further information; or the Examiner may reverse the decision if the administrative findings, inferences, conclusions, or decisions are:

- (1) In violation of constitutional provisions as applied; or
- (2) The decision is outside the statutory authority or jurisdiction of the City; or
- (3) The responsible official has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure; or
- (4) In regard to challenges to the appropriateness of the issuance of a DNS clearly erroneous in view of the public policy of SEPA; or
- (5) In regard to challenges to the adequacy of an EIS shown to be inadequate employing the “rule of reason.”

f. Evidence – Burden of Proof. In each particular proceeding, the appellant shall have the burden of proof, and the determination of the responsible official shall be presumed prima facie correct and shall be afforded substantial weight. Appeals shall be limited to the records of the responsible official.

g. Continuation of Hearing.

- (1) Cause. A hearing may be continued by the Hearing Examiner with the concurrence of the applicant for the purpose of obtaining specific pertinent information relating to the project which was unavailable at the time of the original hearing.
- (2) Notification. The Hearing Examiner shall announce the time and place of a continued hearing at the time of the initial hearing or by written notice to all parties of record.

5. The Examiner’s decision for an appeal shall be made in accordance with Chapter 1.23 of the Tacoma Municipal Code.

C. Appeals of non-land use actions.

1. Appeals for environmental determinations which are not related to land use actions (i.e., permits issued pursuant to TMC 13.05), including building permits, shall be made to Superior Court.

a. The SEPA appeal period commences upon issuance of the underlying permit, not with the issuance of the SEPA determination.

b. Appeals shall be made to Superior Court within 21 days of the action.

2. Appeals of non-project actions (e.g., decisions made in the course of planning under the Growth Management Act/GMA or the Shoreline Management Act/SMA) shall be appealable to the Growth Management Hearings Board.

a. Appeals of GMA actions shall be made within 60 days of the City’s publication of the adopting ordinance;

b. Appeals of SMA actions shall be made within 60 days of the City’s publication of the Department of Ecology’s approval of the adopted document.

3. Appeals of other actions shall be processed in accordance with the appeal provisions of the underlying action.

C. Notice of Action

Pursuant to RCW 43.21C.080, notice of any action taken by a governmental agency may be publicized by the applicant for, or proponent of, such action in the form as provided by Building and Land Use Services and WAC 197-11-990.

The publication establishes a time period wherein any action to set aside, enjoin, review, or otherwise challenge any such governmental action on grounds of noncompliance with the provisions of SEPA must be commenced, or be barred. Any subsequent action of the City for which the regulations of the City permit use of the same detailed statement to be utilized and as long as there is not substantial change in the project between the time of the action and any such subsequent action, shall not be set aside, enjoined, reviewed, or thereafter challenged on grounds of noncompliance with RCW 43.21C.030(2)(c).

## **Part Nine - Definitions**

### **13.12.900 Purpose of this part and adoption by reference.**

The terms in this Chapter are primarily adopted from those set forth in WAC 197-11-700 to -700. Except for the definitions below, this terminology is uniform throughout the state as applied to SEPA. These definitions are specific to this Chapter and are meant to clarify the specific terms used in SEPA review in the City. It also incorporates the following sections of the *Washington Administrative Code* by reference:

197-11-040	Definitions.	197-11-752	Impacts.
197-11-700	Definitions.	197-11-754	Incorporation by reference.
197-11-702	Act.	197-11-756	Lands covered by water.
197-11-704	Action.	197-11-758	Lead agency.
197-11-706	Addendum.	197-11-760	License.
197-11-708	Adoption.	197-11-762	Local agency.
197-11-710	Affected tribe.	197-11-764	Major action.
197-11-712	Affecting.	197-11-766	Mitigated DNS.
197-11-714	Agency.	197-11-768	Mitigation.
197-11-716	Applicant.	197-11-770	Natural environment.
197-11-718	Built environment.	197-11-772	NEPA.
197-11-720	Categorical exemption.	197-11-774	Non-project.
197-11-721	Closed record appeal.	197-11-775	Open record hearing.
197-11-722	Consolidated appeal.	197-11-776	Phased review.
197-11-724	Consulted agency.	197-11-778	Preparation.
197-11-726	Cost-benefit analysis.	197-11-780	Private project.
197-11-728	County-city.	197-11-782	Probable.
197-11-730	Decision-maker.	197-11-784	Proposal.
197-11-732	Department.	197-11-786	Reasonable alternative.
197-11-734	Determination of non-significance (DNS).	197-11-788	Responsible official.
197-11-736	Determination of significance (DS).	197-11-790	SEPA.
197-11-738	EIS.	197-11-792	Scope.
197-11-740	Environment.	197-11-793	Scoping.
197-11-742	Environmental checklist.	197-11-794	Significant.
197-11-744	Environmental document.	197-11-796	State agency.
197-11-746	Environmental review.	197-11-797	Threshold determination.
197-11-750	Expanded scoping.	197-11-799	Underlying governmental action.

### **13.12.910 Additional definitions.**

In addition to those definitions contained within WAC 197-11-700 to 197-11-799, the following terms shall have the following meanings, and shall be applicable only to this chapter:

#### **13.12.910.A**

“Applicant” means the party responsible for completing the environmental checklist and requesting the environmental determination, regardless of the nature of the proposal (i.e., project or non-project action).

“Application” means the request for an environmental determination, done in the form of the submission of an environmental checklist.

#### **13.12.910.B**

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated

process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540

#### 13.12.910.C

The “City” means the City of Tacoma, or any department or division thereof acting in a SEPA lead agency capacity. This includes, but is not limited to, Tacoma Public Utilities and the Departments of Public Works and Community & Economic Development.

#### 13.12.910.D

“Department” means any division, subdivision, or organizational unit of the City established by ordinance.

#### 13.12.910.M

“Major Transit Stop” means (a) a stop on a high capacity transportation service funded or expanded under the provisions of chapter 81.104 RCW; (b) commuter rail stops; (c) stops on rail or fixed guide-way systems, including transit-ways; (d) stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or, (e) stops for a bus or other transit mode providing fixed route service at intervals of at least thirty minutes during the peak hours of operation.

#### 13.12.910.R

“Responsible Official” for City Government means the Department Director for projects initiated or processed by that department, and for the Department of Public Utilities means the Superintendent or Division Head of the respective division for projects initiated or processed by that division. Responsible official duties may be delegated to appropriate staff persons, but the respective Director or Superintendent shall approve and is responsible for the determination of Environmental Significance and the adequacy of an Environmental Impact Statement. See additional information in Section 13.12.220.

#### 13.12.910.S

“SEPA Public Information Center” means the section within the Community & Economic Development Department that performs the functions and duties as described in Section 13.12.230 of this chapter.

“SEPA Rules” means WAC Chapter 197-11 as adopted and as may be amended by the Department of Ecology.

### **Part Ten - Agency Compliance**

#### **13.12.920 Purpose of this part and adoption by reference.**

This section responds to the state’s requirement that the City adopt its own SEPA rules and procedures to carry out its environmental responsibilities. It sets forth the responsibilities of staff and officials within the City in fulfilling SEPA duties, identifies agencies with expertise, provides for public availability of SEPA documents, and provides rules for determination of lead agency. It also incorporates the following sections of the *Washington Administrative Code* by reference:

197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-904	Agency SEPA procedures.
197-11-906	Content and consistency of agency procedures.
197-11-912	Procedures on consulted agencies.
197-11-914	SEPA fees and costs.
197-11-916	Application to ongoing actions.
197-11-917	Relationship to Chapter 197-10 WAC.
197-11-918	Lack of agency procedures.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determination of lead agency – Procedures.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.

197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses for more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.
197-11-955	Effective date.

**13.12.930 Critical areas.**

- A. The City may, at its option, designate areas within its jurisdiction which are environmentally sensitive areas pursuant to WAC 197-11-908.
- B. The South Tacoma Groundwater Protection District, as described in Chapter 13.09 of this title, is hereby designated a critical area, subject to the requirements set forth in Chapter 13.09 of this title.
- C. Fish and wildlife habitat conservation areas, erosion hazard areas, landslide hazard areas, steep slopes, wetlands and streams, as described in Chapter 13.11 of this title, are hereby designated critical areas, subject to the requirements set forth in Chapter 13.11 of this title.
- D. The scope of environmental review of actions within these areas shall be limited to:
  - 1. Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and
  - 2. Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

**Part Eleven - Forms**

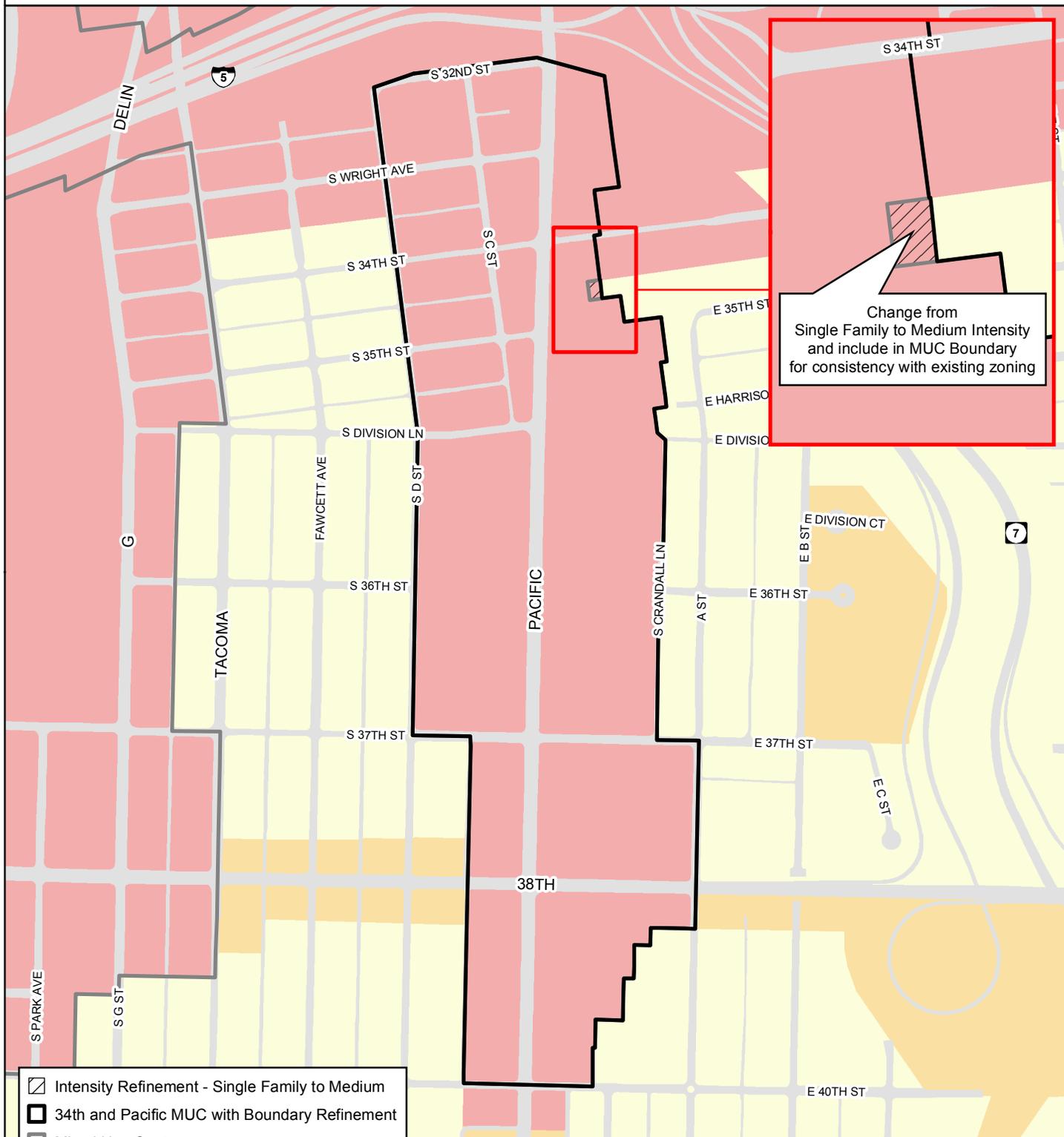
**13.12.940 Purpose of this part and adoption by reference.**

This section adopts the following forms, unchanged except as to formatting, and sets forth the official forms for use with SEPA.

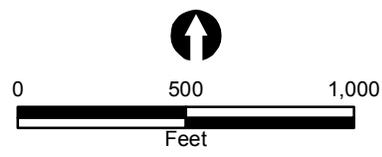
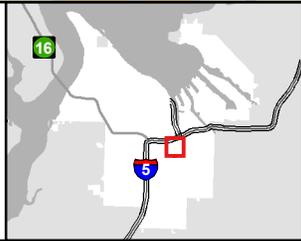
197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of non-significance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.



# 34th and Pacific Mixed Use Center Boundary and Intensity Refinements



Intensity Refinement - Single Family to Medium  
 34th and Pacific MUC with Boundary Refinement  
 Mixed Use Centers  
**Land Use Intensity with Refinements**  
 Single Family  
 Low  
 Medium  
 High



Map is for reference only.





## 2011 ANNUAL AMENDMENT

### Mixed-Use Center Boundary Change – 34<sup>th</sup> & Pacific Mixed-Use Center Revision to Mixed-Use Center Boundary

\*Note – These amendments show all of the changes to the *existing* legal description for the boundary of the 34<sup>th</sup> & Pacific Mixed-Use Center (originally adopted under Ordinance No. 27818). New text is underlined and text that is deleted is shown in ~~strikethrough~~.

Beginning at the intersection of the center line of South “D” Street with the southerly Margin of Interstate Highway No. 5 (I-5);

Thence northeasterly along said southerly margin to the intersection with the East line of Lot 7, Block 8214, in THE TACOMA LAND COMPANY’S FIRST ADDITION TO TACOMA, W.T. as filed for record July 7, 1884;

Thence southerly along said East line and its southerly extension, thence southerly along the East line of Lot 8, Block 8313 and its southerly extension and the East line of Lot 9, Block 8314 and its southerly extension to the center line of the alley between Blocks 8314 and 8413, all in said Plat;

Thence West along said alley center line to the northerly extension of the East line of Lot 6, Block 8413 of said Plat;

Thence South along said East line and its southerly extension to the center line of South 34<sup>th</sup> Street;

Thence West along the center line of South 34<sup>th</sup> Street to the northerly extension of the East line of Lot 6, Block 8414, of said Plat;

Thence South along said East line and the East line of Lot 7, Block 8513~~its southerly extension to the center line of the alley between Blocks 8414 and 8513 of said Plat.~~

~~Thence West along said alley center line to the northerly extension of the East line of Lot 5, Block 8513 of said Plat;~~

~~Thence South along said East line~~ to the east-west center line of said Block 8513;

Thence East along said east-west center line to the East line of Lot 10 in said Block;

Thence South along the East line of Lot 10 to the center line of South 35<sup>th</sup> Street

Thence East along the center line of South 35<sup>th</sup> Street to the northerly extension of the East line of Lot 18, Block 8514 of said Plat;

Thence South along said East line and its southerly extension to the center line of the alley between Blocks 8514 and 8613 of said Plat;

Thence West along said alley center line to the northerly extension of the East line of Lot 18, Block 8613, of said Plat;

Thence South along said East line and its southerly extension to the center line of South Harrison Street;

Thence westerly along the center line of South Harrison Street to the northerly extension of the East line of Lot 17, Block 8614 of said Plat;

Thence southerly along said East line to the south line of said Block 8614;

Then southeasterly to the center line intersections of Division Lane and Crandall Lane, thence southerly along center line of Crandall Lane and its southerly extension to the intersection with the center line of South 36<sup>th</sup> Street;

Thence West along the center line of South 36<sup>th</sup> Street to the center line of Crandall Lane;

Thence South along the center line of Crandall Lane to the center line of South 37<sup>th</sup> Street;

Thence East along the center line of South 37<sup>th</sup> Street to the center line of "A" Street;

Thence South along the center line of "A" Street to a point 165 feet south of the center line of South 38<sup>th</sup> Street;

Thence west, parallel with and 165 feet south of South 38<sup>th</sup> Street to a point 175 feet West of the center line of "A" Street;

Thence South, parallel with and 175 feet West of the center line of "A" Street to a point 235 feet South of the center line of South 38<sup>th</sup> Street;

Thence West, parallel with and 235 feet south of South 38<sup>th</sup> Street to a point 240 feet West of the center line of "A" Street;

Thence South parallel with and 240 feet West of the center line of "A" Street to a point 370 feet South of the center line of South 38<sup>th</sup> Street;

Thence West, parallel with and 370 feet south of South 38<sup>th</sup> Street to a point 280 feet West of the center line of "A" Street;

Thence South parallel with and 280 feet West of the center line of "A" Street to a point on the North line of the property conveyed to the City of Tacoma by City deed number 1385;

Thence West along said North line to the Northwest corner of said deeded property;

Thence South parallel with and 390 feet West of the center line of "A" Street to a point 652 feet South of the center line of South 38<sup>th</sup> Street;

Thence West, parallel with and 652 feet south of South 38<sup>th</sup> Street to a point 398 feet West of the center line of "A" Street;

Thence south to the center line of South 40<sup>th</sup> Street, said point being 406 feet west of the center line of "A" Street;

Thence West along the center line of South 40<sup>th</sup> Street to the southerly extension of the center line of the alley in Block 81 of THE AMENDED MAP OF FIRST SCHOOL LAND ADDITION TO THE CITY OF TACOMA as recorded in Volume 7 of Plats at Page 76-77, records of the Pierce County Auditor;

Thence northerly along said alley center line and its northerly extension and the alley center line in Block 80, with its northerly extension to the center line of South 37<sup>th</sup> Street;

Thence West along said street center line to the center line of South "D" Street;

Thence northerly along the center line of South "D" Street to the South margin of (I-5) and the Point of Beginning.