

# Comprehensive Plan And Land Use Regulatory Code

## Proposed Amendments for 2016



### Public Review Document

Prepared for  
Planning Commission Public Hearing  
May 4, 2016

City of Tacoma  
Planning & Development Services Department  
Planning Services Division  
747 Market Street, Room 345  
Tacoma, WA 98402-3793  
(253) 591-5030

[www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)



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# I. Executive Summary





City of Tacoma  
Planning and Development Services

***PLANNING MANAGER'S LETTER TO THE COMMUNITY***  
***RE: 2016 ANNUAL AMENDMENT***

April 11, 2016

Dear Community Members:

I would like to invite you to attend and provide comments at the following functions concerning the “2016 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code”:

**Community Informational Sessions**

Wednesday, April 27, 5:00 – 7:00 p.m.  
Council Chambers, Tacoma Municipal Building, 747 Market Street, Tacoma, WA 98402

**Planning Commission Public Hearing**

Wednesday, May 4, 2016, 5:00 p.m.  
Council Chambers, Tacoma Municipal Building, 747 Market Street, Tacoma, WA 98402

As many of you know, every year the City considers amendments to the Comprehensive Plan and the Land Use Regulatory Code through a single, consolidated package, which we refer to as the “Annual Amendment.” The 2016 Annual Amendment Package includes the following five subjects:

1. Future Land Use Implementation
2. Multifamily Design Standards
3. Wireless Communication Facilities
4. Short-Term Rentals
5. Code Cleanup

The Tacoma Planning Commission has recently completed the initial technical analysis of the 2016 Annual Amendment Package and would like you to weigh in on the proposals before they make a recommendation to the City Council. Here are just a few ways how you can get involved:

- Visit the Planning Division’s website at [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning), and click on “2016 Annual Amendment” (or click on any other link to review various exciting projects);
- E-mail us at [planning@cityoftacoma.org](mailto:planning@cityoftacoma.org) or call us at (253) 591-5531;
- Attend the Community Informational Sessions on April 27 to learn more about the 2016 Annual Amendment package and provide comments;
- Testify at the Planning Commission’s public hearing on May 4, 2016;
- Provide written comments by 5:00 p.m., Friday, May 13, 2016, via:
  - ✓ E-mail to [planning@cityoftacoma.org](mailto:planning@cityoftacoma.org);
  - ✓ Fax to (253) 591-5433; or
  - ✓ Letter to Planning Commission, 747 Market Street, Room 345, Tacoma, WA 98402;
- Request a meeting with staff. We can meet you at City Hall, or would be happy to come to your meetings to provide a short briefing and solicit your comments, concerns and suggestions; or

- Get on the Planning Commission’s E-mail Distribution List to receive the Commission’s meeting agendas twice a month and other announcements.

Attached for your review is the **2016 Annual Amendment Summary** that includes an overview of the amendment package, the project timeline, and a summary for each of the five subjects. The complete text of the proposed amendments and the corresponding staff analysis reports, as well as the environmental review are compiled into a larger volume, the Public Review Document, which is posted at [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) (and linked to “2016 Annual Amendment”).

We in the Planning Division appreciate your active involvement in this important work. We look forward to your continued support and shared efforts to realize the City of Tacoma’s vision and our goal to guide community growth and development in a manner that protects environmental resources, enhances quality of life, promotes distinctive neighborhoods and a vibrant downtown, and involves citizens in the decisions that affect us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. Boudet', with a long horizontal flourish extending to the right.

**BRIAN BOUDET, MANAGER**  
Planning Services Division

Enclosure

- c: Peter Huffman, Director, Planning and Development Services Department  
Chris Beale, Chair, Tacoma Planning Commission

## SUMMARY OF PROPOSED AMENDMENTS

April 6, 2016

### Amendment Package

The Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2016 (or the “2016 Annual Amendment Package”) include the following five subjects:

APPLICATION	PLAN / CODE AMENDMENT	DESCRIPTION OF PROPOSED AMENDMENT
<b>1. Future Land Use Implementation-Phase 1</b>	Plan & Code Amendment	Implement phase 1 of a multi-year effort to implement the Future Land Use Map of the Comprehensive Plan by evaluating inconsistencies between the Comprehensive Plan and the Zoning map and to rectify the inconsistencies.
<b>2. Multifamily District Design Standards</b>	Code Amendment	Review and amend the development standards for the multifamily residential zoning districts to ensure consistency with Comprehensive Plan policies pertaining to street and pedestrian orientation, connectivity, building design, site layout, and off-site transitions.
<b>3. Wireless Communication Facilities</b>	Code Amendment	Evaluate the code in response to recent Federal legislation that identified wireless facilities as important basic infrastructure and to make sure local jurisdictions don’t put these facilities through any unnecessary or punitive processes.
<b>4. Short Term Rentals</b>	Code Amendment	Establish development regulations for Short-Term Rentals, which includes bed-and-breakfasts.
<b>5. Code Cleanup</b>	Code Amendment	Minor code amendments to improve consistency with and better implement the intent of the Comprehensive Plan. This year, the code cleanups are proposed for Tacoma Municipal Code, Title 1: Administration and Personnel, Chapter 13.05: Land Use Permit Procedures, Chapter 13.06: Zoning, and Chapter 13.10: Shoreline Master Program.

### **Project Schedule**

The 2015 Annual Amendment process began in July 2014 and is expected to be completed by December 2015. The schedule of the project is as follows (dates after August 19 subject to change):

<b>Date</b>	<b>Actions</b>
November 4, 2015	Planning Commission review of Planning Work Program for 2016-2017, including the 2016 Annual Amendment Package
December 9, 2015	Infrastructure, Planning and Sustainability Committee review of Planning Work Program for 2016-2017
January – June 2016	Public Outreach (including community workshops, meetings with Neighborhood Councils and stakeholders, and correspondence and online communications)
January 6, 2016	Planning Commission review and approval of the Assessment Report that contains scope of work, key issues, and schedule
February – April 2016	Planning Commission review of various proposed amendments
February 24, 2016	Infrastructure, Planning and Sustainability Committee review
April 6, 2016	Planning Commission releasing proposal package for public review and setting a public hearing date
April 26, 2016	City Council Study Session – Review 2016 Annual Amendment Package prior to Planning Commission’s public hearing
April 27, 2016	Community Informational Session
May 4, 2016	Planning Commission Public Hearing (keeping the hearing record open through May 13 to accept written comments)
May 11, 2016	Infrastructure, Planning and Sustainability Committee review
May 18, 2016	Planning Commission review public comments and consideration of modifications to the proposal
June 1, 2016	Planning Commission recommendations to the City Council
June 8, 2016	Infrastructure, Planning and Sustainability Committee review Planning Commission’s recommendations
June 21, 2016	City Council Study Session and Public Hearing
June 22, 2016	Infrastructure, Planning and Sustainability Committee review of Council hearing comments and making a recommendation
June 28, 2016	City Council First Reading of adopting ordinances
July 12, 2016	City Council Final Reading of adopting ordinances
July 31, 2016	Effective Date of adopted amendments

### **Summaries of Proposals**

Summaries of the five subjects are provided on the following pages. The full text and the environmental review associated with the proposals, as well as other pertinent background information are compiled in the Public Review Document, prepared for the Planning Commission’s public hearing on May 4, 2016. The document can be viewed at the office of the Planning and Development Services Department (747 Market Street, Room 345), or online at:

[www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) (and click on “2016 Annual Amendment”).

**1.  
Future Land Use  
Implementation**

The purpose of this amendment is to implement the goals and policies of the One Tacoma Plan through appropriate area-wide rezones consistent with the Future Land Use Map and Land Use Designations; to rectify inconsistencies between the One Tacoma Plan and implementing zoning districts and between zoning districts and existing uses; to support the development of compact, complete and connected neighborhoods with a variety of housing choices in close proximity to schools, parks, transit, and other amenities; to support the continued development of the mixed-use center trade areas to stimulate new customer activity and new economic development opportunities.

**Proposal**

Area-wide rezones are proposed for the following study areas:

1. Nob Hill, South Downtown
2. McKinley Police Substation in the McKinley Neighborhood Center
3. N 33<sup>rd</sup> and Pearl St.
4. North of Tacoma Community College to 6<sup>th</sup> Ave
5. S Alaska and 72<sup>nd</sup> St.
6. South Tacoma Industrial Zones
7. Cheney Stadium and Foss High School

Future Land Use Map Amendments are proposed for the following study areas:

1. Franke Tobey Jones, on N Vassault St.
2. N 33<sup>rd</sup> and Pearl St.

**Outreach**

In January the Planning Division Manager sent a letter to the Neighborhood Councils, the Planning Commission distribution list, and other interested parties regarding the 2016 Annual Amendment and other ongoing Planning Division project.

In early February, staff provided a second round of public notification vis-a-vis pamphlets mailed to approximately 1300 residents within or in close proximity to areas proposed for potential rezone during this Annual Amendment process. The pamphlets also provided information on all of the annual amendments being considered this year. Further notification of the annual amendments and Planning Commission meeting agenda materials are sent to neighborhood councils, business districts and other stakeholders.

**Planning Commission's Review**

The Planning Commission reviewed the subject on March 2 and April 6, 2016. The Commission authorized the distribution of the proposed amendments for public review on April 6, 2016.

<p><b>2. Multi-family Design Standards</b></p>	<p>The intent of the proposed amendments is to implement the broad goals and policies of the One Tacoma Plan and to ensure that new multi-family residential development in all districts supports the following design principles, derived from the goals and policies of the Plan:</p> <ol style="list-style-type: none"> <li>1. Promote high quality and durable materials and design;</li> <li>2. Promote the human scale and orient towards the pedestrian;</li> <li>3. Enhance the legibility of the public and private realms;</li> <li>4. Respect the context of the site and patterns of Tacoma’s neighborhoods;</li> <li>5. Encourage a sense of community through interaction;</li> <li>6. Integrate nature into everyday life and respond to the natural characteristics of the City;</li> <li>7. Promote creative expression through design and the interaction of public and private spaces.</li> </ol>
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**Proposal**

The proposed amendments (Exhibit A) would update building and site design standards of TMC 13.06 for residential zoning districts broadly and for multi-family residential development specifically. This application would establish designated pedestrian streets in all districts and amend requirements for:

- Front lot setbacks;
- Building coverage;
- Usable yard space;
- Tree canopy;
- Pedestrian and bicycle circulation;
- Parking location and design;
- Mass reduction;
- Roofline standards;
- Transparency;
- Façade surface standards;
- Pedestrian standards; and
- Fencing and utility screening.

**Outreach**

In January the Planning Division Manager sent a letter to the Neighborhood Councils, the Planning Commission distribution list, and other interested parties regarding the 2016 Annual Amendment and other ongoing Planning Division project.

In early February, staff provided a second round of public notification vis-a-vis pamphlets mailed to approximately 1300 residents within or in close proximity to areas proposed for potential rezone during this Annual Amendment process. The pamphlets also provided information on all of the annual amendments being considered this year. Further notification of the annual amendments and Planning Commission meeting agenda materials are sent to neighborhood councils, business districts and other stakeholders.

**Planning Commission’s Review**

The Planning Commission reviewed the subject on March 2 and April 6, 2016. The Commission authorized the distribution of the proposed amendments for public review on April 6, 2016.

**3.  
Wireless Communication  
Facilities**

Evaluate the code in response to recent Federal legislation that identified wireless facilities as important basic infrastructure and to make sure local jurisdictions don't put these facilities through any unnecessary or punitive processes.

**Proposal**

The proposal would amend the development regulations pertaining to wireless communication facilities as set forth in the Tacoma Municipal Code (TMC), Section 13.06.545 Wireless Communication Facilities and relevant terms as contained in Section 13.06.700 Definitions and Illustrations. Revisions include incorporating the Federal Communications Commission's (FCC) new rules adopted in October 2014 pertaining to "substantial changes", providing additional measures to further reduce visual impacts, and clarifying and improving code language. The proposal is also intended to meet the community's goals for urban design and aesthetics concerning wireless communication facilities.

**Outreach**

A summary of the 2016 Annual Amendment Package, including a description of this proposal, was included in the *Planning Manager's Letter to the Community* that was distributed to community members in January 2016 to solicit inquiries or early comments from the community.

**Planning Commission's Review**

The Planning Commission reviewed and authorized the distribution of the proposed amendments for public review on March 16, 2016.

#### **4. Short-Term Rentals**

Establish development regulations for Short-Term Rentals, which includes bed-and-breakfasts.

#### **Proposal**

The proposal would establish development regulations pertaining to short-term rentals by amending the Tacoma Municipal Code (TMC), Chapter 13.06 Zoning. Specifically, the proposal would establish a basic regulatory framework that defines “Short-Term Rental” and where it would be allowed; requires a conditional use permit for allowing a short-term rental where it may be otherwise prohibited, for exempting owner-occupancy requirement, and/or for allowing accessory activities on the premise (such as wedding, retirement parties, and corporate events); requires registration and inspections of the rental units; and addresses nonconforming uses.

The goals and intents for the proposal are to acknowledge and track the growing peer-to-peer short-term rental market, proactively address potential impacts (especially concerning life-safety, liability and residential neighborhood character) of this rapidly emerging sharing economy, and set the stage for a boarder policy discussion and a more coordinated regulatory update that includes zoning, tax and licensing, nuisance code, and administration and enforcement program components.

#### **Outreach**

A summary of the 2016 Annual Amendment Package, including a description of this proposal, was included in the *Planning Manager’s Letter to the Community* that was distributed to community members in January 2016 to solicit inquiries or early comments from the community.

#### **Planning Commission’s Review**

The Planning Commission reviewed and authorized the distribution of the proposed amendments for public review on April 6, 2016.

## **5. Code Cleanup**

The intent of the proposed amendment is to improve consistency between the Tacoma Municipal Code and the Comprehensive Plan, fully implement the recommendations of the 2015 Best Available Science review in Tacoma Municipal Code 13.10 Shoreline Master Program, to correct errors in the code, and to implement changes to the nonconforming use standards to better implement policies in the Comprehensive Plan.

### **Proposal**

The proposed amendments involve general text corrections to various sections of the Tacoma Municipal Code. These minor amendments are intended to address inconsistencies, correct minor errors, and improve provisions that, through administration and application of the Land Use Regulatory Code, are found to be unclear or not fully meeting their intent.

Proposed amendments include:

- Amending names and typologies in the zoning code to be consistent with terminology in the Comprehensive Plan;
- Fixing outdated references in the Conditional Use Criteria;
- Updating the definition of mobile home/trailer courts;
- Proposing a conditional use permit and criteria for expansion of non-conforming uses;
- Updating the Shoreline Master Program, TMC 13.10, to address outdated references and to incorporate the new Washington Department of Fish and Wildlife wetland rating system, to be consistent with the Best Available Science.

### **Outreach**

In January the Planning Division Manager sent a letter to the Neighborhood Councils, the Planning Commission distribution list, and other interested parties regarding the 2016 Annual Amendment and other ongoing Planning Division project.

In early February, staff provided a second round of public notification vis-a-vis pamphlets mailed to approximately 1300 residents within or in close proximity to areas proposed for potential rezone during this Annual Amendment process. The pamphlets also provided information on all of the annual amendments being considered this year. Further notification of the annual amendments and Planning Commission meeting agenda materials are sent to neighborhood councils, business districts and other stakeholders.

### **Planning Commission's Review**

The Planning Commission reviewed and authorized the distribution of the proposed amendments for public review on March 16, 2016.



## **II-1. Future Land Use Implementation**





## 2016 Annual Amendment *Staff Analysis Report*

<b>Proposed Amendment:</b>	Future Land Use Implementation – Phase 1
<b>Applicant:</b>	Planning and Development Services Department
<b>Location &amp; Size of Area:</b>	Citywide
<b>Current Land Use &amp; Zoning:</b>	Various
<b>Neighborhood Council Area:</b>	Citywide
<b>Staff Contact:</b>	Stephen Atkinson, Planning Services Division (253) 591-5531, satkinson@cityoftacoma.org
<b>Date of Report: (Planning Commission review date; draft or final)</b>	April 6, 2016

### **I. Description of the Proposed Amendment:**

#### **Proposal**

Area-wide rezones are proposed for the following study areas (see Exhibit A):

1. Nob Hill, South Downtown
2. McKinley Police Substation in the McKinley Neighborhood Center
3. Franke Tobey Jones, on N Vassault St.
4. N 33<sup>rd</sup> and Pearl St.
5. North of Tacoma Community College to 6<sup>th</sup> Ave
6. S Alaska and 72<sup>nd</sup> St.
7. South Tacoma Industrial Zones
8. Cheney Stadium and Foss High School

#### **Intent**

To implement the goals and policies of the One Tacoma Plan through appropriate area-wide rezones consistent with the Future Land Use Map and Land Use Designations; to rectify inconsistencies between the One Tacoma Plan and implementing zoning districts and between zoning districts and existing uses; to support the development of compact, complete and connected neighborhoods with a variety of housing choices in close proximity to schools, parks, transit, and other amenities; to support the continued development of the mixed-use center trade areas to stimulate new customer activity and new economic development opportunities.

#### **Background**

The Future Land Use Map illustrates the City’s intended future land use pattern through the geographic distribution of residential and commercial areas, the designation of mixed-use and manufacturing/industrial centers, as well as shoreline and single-family detached designations. This land use distribution was a result of analysis of the urban form policies, existing land use and zoning, development trends, anticipated land use needs and desirable growth and development goals. Various types of zoning and land use may be permitted within each of the designations.

Historically, the City of Tacoma has had embedded inconsistencies between the Comprehensive Plan and Zoning District boundaries. These inconsistencies were studied and discussed as part of the Comprehensive Plan update in 2015. One of the high priority actions identified in the One Tacoma Plan is to begin a multi-phase effort to rectify these inconsistencies between the land use designations in the Plan and the implementing zoning. Both state law in the Growth Management Act and local ordinances require that the City bring the zoning districts into conformance with the Plan. Ultimately, the Plan and Code must be internally consistent.

In the past, the City has relied on site-specific rezones to bring the zoning into conformity with the Plan. Relying on site specific rezones, however, is problematic: 1. They add time, uncertainty, and cost to development proposals that may be supported by City goals and policies, and 2. They are less transparent for the public insofar as someone may see that they are living in a single-family residential zoning district, but not realize that the Plan supports higher density or intensity uses and development patterns.

The proposed area-wide rezones are the first phase of the City's effort to bring the zoning districts into conformity with the Plan, or vice versa as may be deemed appropriate, and to do so on an area-wide basis to increase the transparency and predictability of the process.

### **Key Revisions**

See the attached maps and proposed area-wide rezone descriptions (Exhibit A).

## **II. Analysis of the Proposed Amendment:**

### **1. How does the proposed amendment conform to applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and development regulations?**

The proposed area-wide rezones support multiple State, Regional and local goals, including:

Growth Management Act RCW 36.70a

Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

VISION 2040 – Multicounty Planning Policies

The City of Tacoma is designated a Metropolitan City within the region and is expected to plan for an additional 127,000 residents and 97,000 new jobs by 2040.

Development Patterns Goal. The region will focus growth within already urbanized areas to create walkable, compact, and transit-oriented communities that maintain unique local character. Centers will continue to be a focus of development. Rural and natural resource lands will continue to be permanent and vital parts of the region.

Housing Goal. The region will preserve, improve, and expand its housing stock to provide a range of affordable, healthy, and safe housing choices to every resident. The region will continue to promote fair and equal access to housing for all people.

#### One Tacoma Comprehensive Plan

Urban Form Goal. Guide development, growth and infrastructure investment to support positive outcomes for all Tacomans.

Urban Form Goal. Establish designated corridors as thriving places that support and connect Tacoma's centers.

Policy UF-1.2: Implement Comprehensive Plan land use designations through zoning designations and target densities shown in Table 3, Comprehensive Plan Land Use Designations and Corresponding Zoning.

Policy UF-1.3: Promote the development of compact, complete and connected neighborhoods

Housing Goal. Ensure adequate access to a range of housing types for a socially and economically diverse population.

Housing Goal. Concentrate new housing in and around centers and corridors near transit and services to reduce the housing/transportation cost burden.

## 2. Would the proposed amendment achieve any of the following objectives?

- **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**
- **Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services;**
- **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or**
- **Enhance the quality of the neighborhood.**

The proposal supports multiple objectives depending on the specific study area. The following is a summary of how each proposed rezone responds to the objectives above.

### 1. Nob Hill, South Downtown

In 2006 the City Council adopted a Resolution officially recognizing Nob Hill as part of the official Downtown. In 2008 the Downtown Element of the Comprehensive Plan was updated to include the expanded Downtown boundaries. Nob Hill was later part of the South Downtown Subarea Plan effort. The Downtown Center is intended to be the highest concentration of residential and commercial activity within the City. This area-wide rezone would rectify an inconsistency between the current policies of the One Tacoma Plan and the existing zoning district for this neighborhood. The zoning change would also bring this neighborhood into conformity with the current design and development standards for the Downtown Center and enhance the compatibility of the area with the planned uses and development patterns of the Downtown.

### 2. McKinley Police Substation in the McKinley Neighborhood Center

The McKinley substation is a publicly-owned surplus property at the heart of the McKinley Neighborhood Center. The station is located on two parcels, with the structure on one parcel and the parking lot on a parcel behind. The parcels are split zoned, hampering City efforts to attract private development and to reutilize the site. The City is currently working on a proposal for

work/live artist units at this site. The rezone would address a longstanding inconsistency in the zoning district boundaries and promote the re-use of the site in a way that will enhance the overall quality of the neighborhood.

3. Franke Tobey Jones, on N. Vassault St.

As part of the One Tacoma Comprehensive Plan update, the City transitioned to a more descriptive Land Use Designation framework, intended to make the long-term land use vision more readily transparent and directive. One of staff's recommendations was to implement designations in accordance with existing Planned Residential Developments zoning districts. However, in this case, the designation of Multi-family (low density) that was applied to the Franke Tobey Jones did not recognize the existing R-4 High Density Multifamily Residential District that exists at the core of the development site. This amendment would modify the land use designation for the site to recognize the existing zoning, consistent with the approach to other Planned Residential Developments.

4. N 33rd and Pearl St.

The area along Pearl St. from N 30<sup>th</sup> to N 39<sup>th</sup> has seen considerable demand for multi-family development. The area consists of multiple Planned Residential Developments that incorporate a variety of housing choices. This area constitutes one of the largest concentrations of dense, multi-family residential housing options north of N 21<sup>st</sup> Street. The development patterns are well established from Pearl St east to N. Shirley St. The parcels proposed for re-zone are in close proximity to the Westgate Crossroads Center, amenities like Vassault Park, transit service on Pearl St. and education facilities like Truman Middle School. The Multi-family (low-density) Land Use Designation identified on the Future Land Use Map of the One Tacoma Plan recognizes these location factors and supports expanding housing options in areas well-served with amenities. The re-zone would follow established land use patterns in the area, correct an inconsistency between the Plan and the Zoning and respond to the housing demands in the area.

5. North of Tacoma Community College to 6th Ave

The area along north of Tacoma Community College, between 12th St. and 6<sup>th</sup> Ave has seen considerable demand for multi-family development. The area consists of multiple Planned Residential Developments that incorporate a variety of housing choices of a similar scale. The current land use patterns consist of very large and incomplete grid systems with new developments that are not well connected to each other. Parcel lines are inconsistent along 6<sup>th</sup> Ave creating irregular lot configurations and multiple properties with split zones. The area is in close proximity to the Narrows Neighborhood Center and the James Crossroads Center as well as a transit hub at Tacoma Community College. Commercial areas are within walking distance though route directness is hindered by the incomplete grid system. The rezone would recognize the changing land use patterns in this area, from a site of civic organizations to more intensive multi-family residential development. The rezone would create potential for significant investment in expanding housing options and to improve the overall quality of the neighborhood.

6. S Alaska and 72nd St.

The proposed area-wide rezone would address a discrepancy between the One Tacoma Plan land use designation and the zoning. The area is currently designated Neighborhood Commercial, transitioning north along Wapato Lake to Multi-family (low density). The current zoning is R-2 single family dwelling district. This area has had a long standing policy to intensify the land uses across from the lake, to allow for either new commercial amenities that would complement the park and recreation area, or to enable more housing options in close proximity to a community amenity and focal point. The area has transitioned in the past to more freeway oriented commercial development and there have been frequent inquiries about rezoning and developing

the single family residences along 72<sup>nd</sup> and Alaska St. The rezone is intended to respond to the changing land use patterns and to rectify the current Plan and Code discrepancies, while seeking to provide additional housing and commercial activity in conjunction with the park and recreation opportunities at Wapato Lake.

7. South Tacoma Industrial Zones

The proposed area-wide rezones would address long standing discrepancies between the One Tacoma Plan and the zoning in this area as well as resolve split zoned parcels. The proposed rezone would not significantly change the intent or character of the area, but would better reflect the current uses and land use patterns of the area. The boundaries of the Manufacturing and Industrial Center would not be impacted.

8. Cheney Stadium and Foss High School

The proposed area-wide rezone would rectify a current inconsistency between the zoning and the existing uses. The area consists of large institutional and park and recreation uses, but is zoned for single family residential development. The area is bounded by Highway 16, 19<sup>th</sup> St, and Snake Lake Park. There are no residential uses immediately abutting the subject sites. Currently, the destination facilities on site, such as Foss High School, Cheney Stadium, and Heidelberg Park are conditional uses. Commercial uses are prohibited. The proposal would establish a zoning district consistent with the scale of the destination facilities, where the existing uses would be permitted by right and not condition.

**3. Assess the proposed amendment with the following measures: economic impact assessment, sustainability impact assessment, health impact assessment, environmental determination, wetland delineation study, traffic study, visual analysis, and other applicable analytical data, research and studies.**

The proposed area-wide rezones would have varying degrees of impacts and potential benefits. In some cases the rezones are intended to rectify inconsistencies between the Plan and Code, or the Code and the existing uses and land use patterns. In these cases staff does not expect a significant impact or change to occur. In some cases, staff expects that the rezones will support new residential infill in areas that are well served by transit, schools, and other amenities. The infill development will, in turn, provide new markets to stimulate economic activity in nearby commercial areas and centers.

Conducting the rezones on an area-wide basis provides more certainty to potential developers, makes the potential development opportunities more transparent for property owners, and reduces the time and costs associate with the site-specific rezone process that would be necessary to support the development trends in these areas.

While traffic volumes are likely to increase as a result of new residential or commercial development, the traffic modeling performed as part of the Transportation Master Plan demonstrates sufficient City-wide capacity to accommodate the City's growth allocations. More specific and detailed traffic impact analyses would be conducted as part of a project specific environmental review.

**4. Describe the community outreach efforts conducted for the proposed amendment, and the public comments, concerns and suggestions received.**

In January the Planning Division Manager sent a letter to the Neighborhood Councils, the Planning Commission distribution list, and other interested parties regarding the 2016 Annual Amendment and other ongoing Planning Division project.

In early February, staff provided a second round of public notification vis-a-vis pamphlets mailed to approximately 1300 residents within or in close proximity to areas proposed for potential rezone. The pamphlets provided information on all of the annual amendments.

Staff has spoken to numerous residents and interested parties regarding the study areas and proposed area-wide rezones. Most of the comments received to this point have been directed to study areas 3, 4, 6, and 8. Comments have ranged from predominantly supportive for study area 3, to a mix of support and concern over the impacts of proposed rezones in study area 4, to predominant concern over the intent and implications for study area 8.

Additional outreach will be conducted and public comments will be solicited during the public review process through the Planning Commission's public hearing in May 2016. Notice of the public hearing and comment period will again be distributed to all taxpayers affected by the proposed area-wide rezones as well as residents within 400' of the subject sites.

**5. Will the proposed amendment benefit the City as a whole? Will it adversely affect the City's public facilities and services? Does it bear a reasonable relationship to the public health, safety, and welfare?**

The proposed area-wide rezones will benefit the City as a whole by expanding opportunities for new housing choices in areas well-served by transit, parks, and other amenities, and by expanding access to commercial amenities in walking distance of residential neighborhoods. The proposed area-wide rezones support the City's goals of maintaining and enhancing the public health, safety and welfare of our community.

**III. Staff Recommendation:**

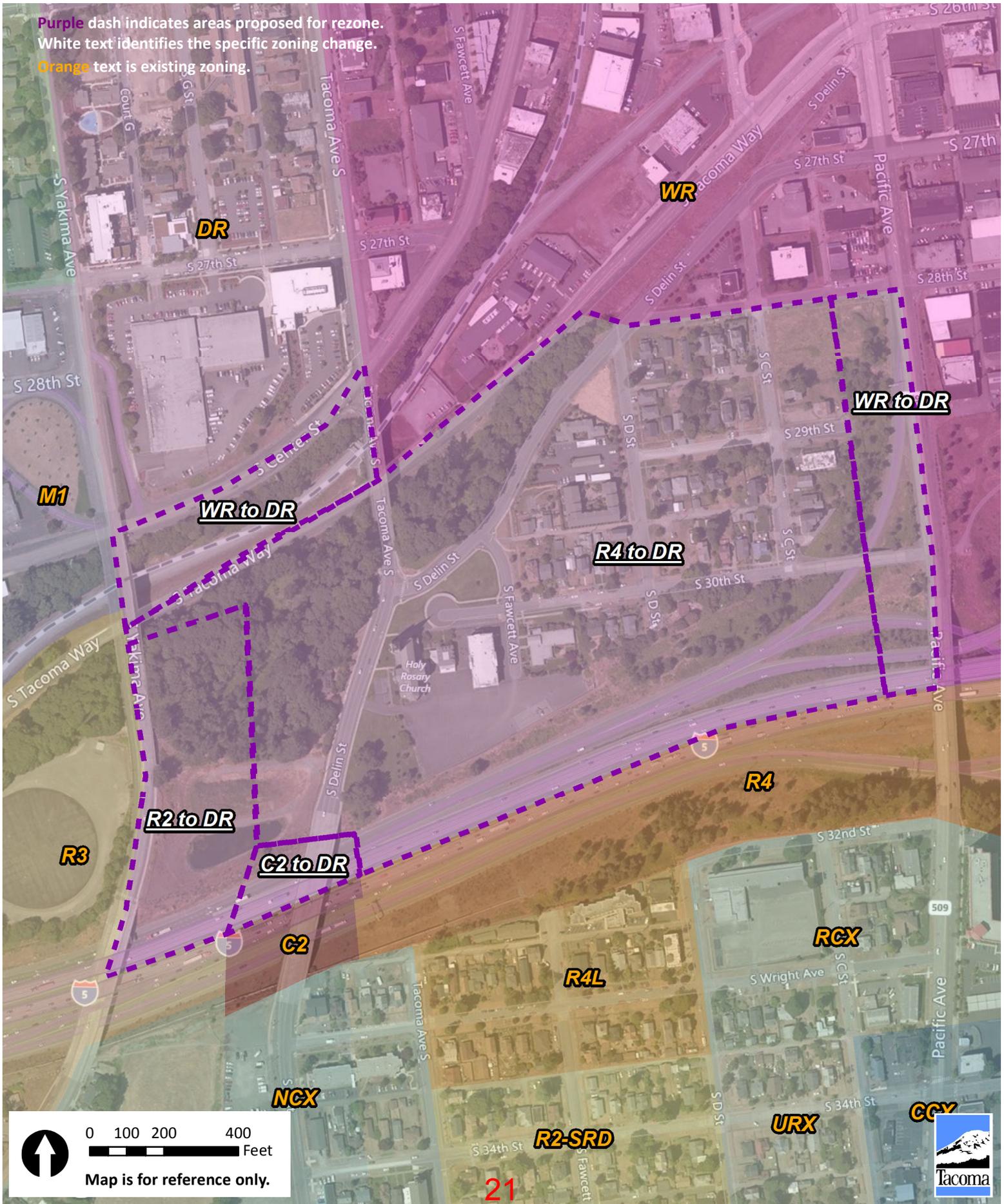
Staff recommends that the proposed area-wide rezones, as depicted in Exhibit A, be distributed for public review prior to the Planning Commission's public hearing tentatively scheduled for May 4, 2016.

**IV. Exhibits:**

A. Proposed Area-wide Rezones

# Study Area 1: Proposed Rezone

Purple dash indicates areas proposed for rezone.  
White text identifies the specific zoning change.  
Orange text is existing zoning.



# Study Area 2: Proposed Rezone



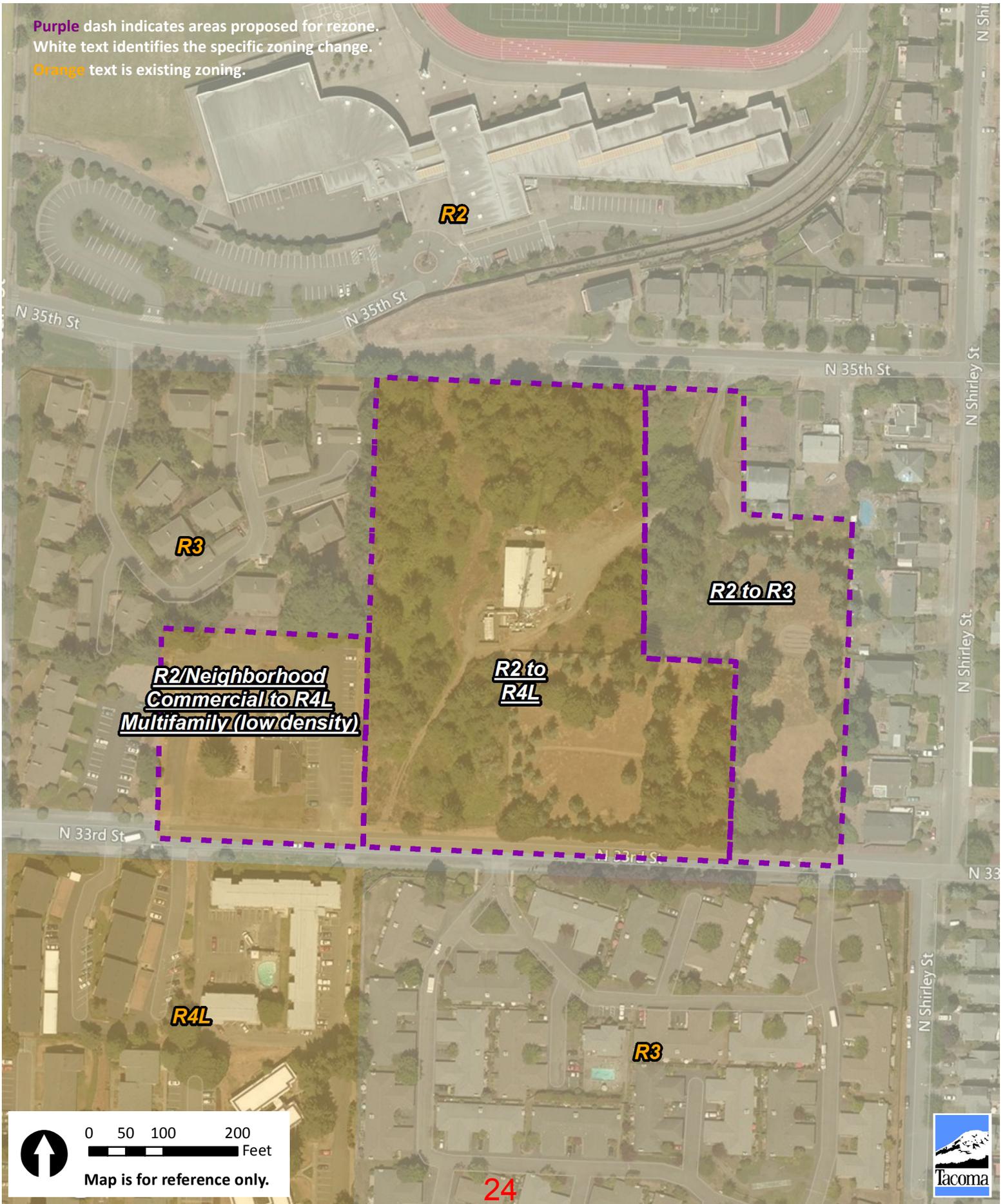
# Study Area 3: Proposed Land Use Designation

Purple dash indicates areas proposed for rezone.  
White text identifies the specific zoning change.  
Orange text is existing zoning.

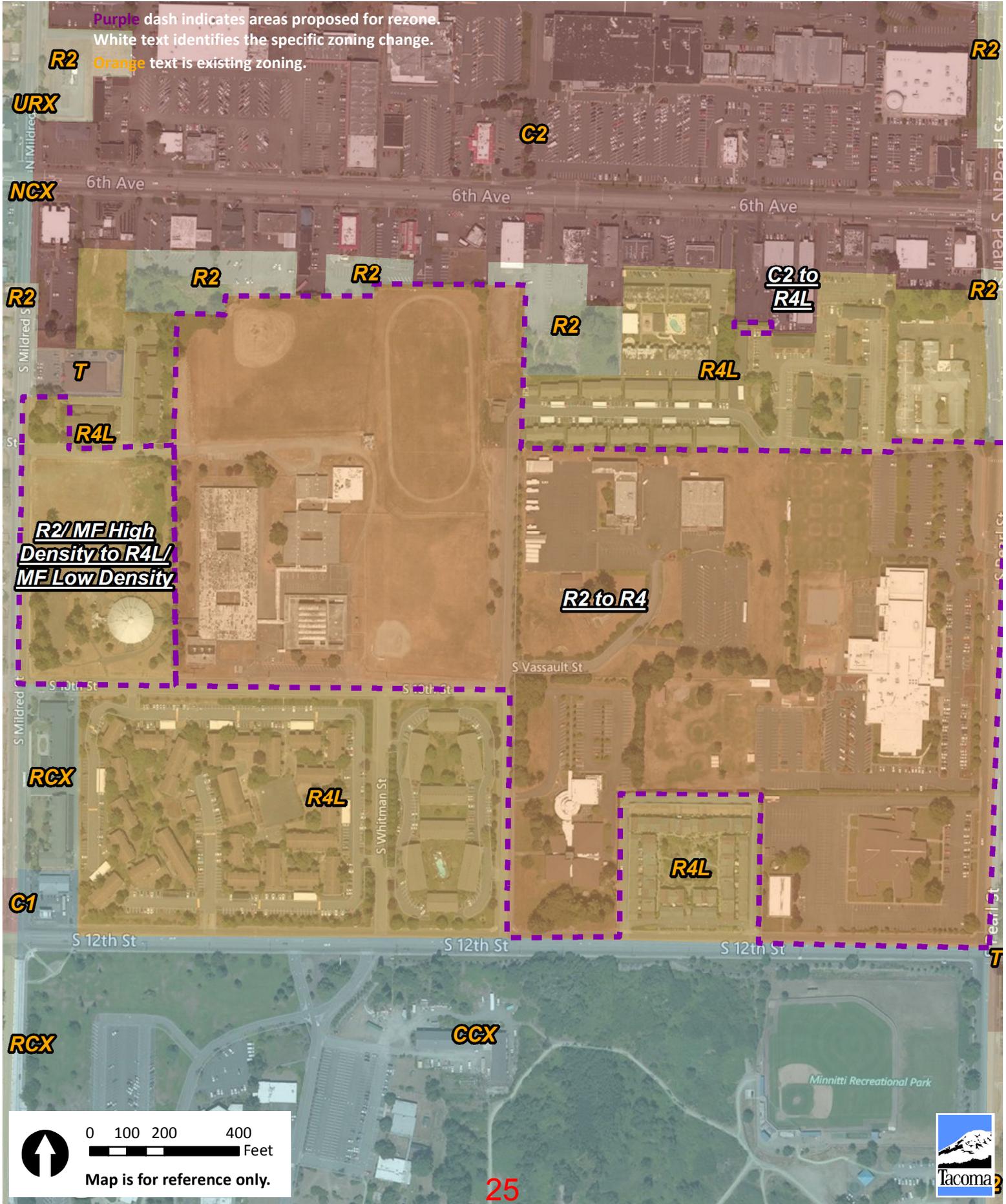


# Study Area 4: Proposed Rezone & Re-Designation

Purple dash indicates areas proposed for rezone.  
White text identifies the specific zoning change.  
Orange text is existing zoning.

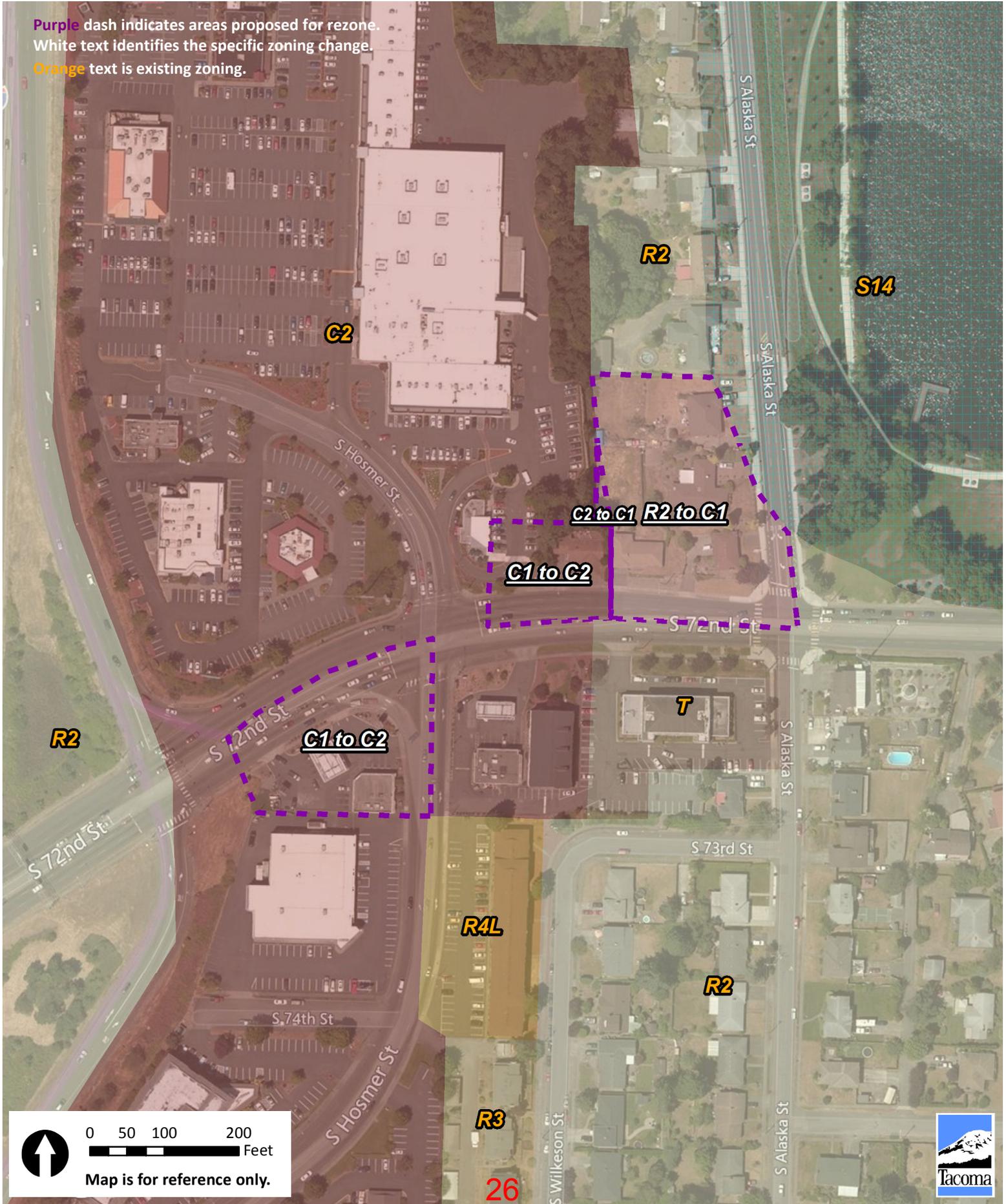


# Study Area 5: Proposed Rezone & Re-Designation



# Study Area 6: Proposed Rezone

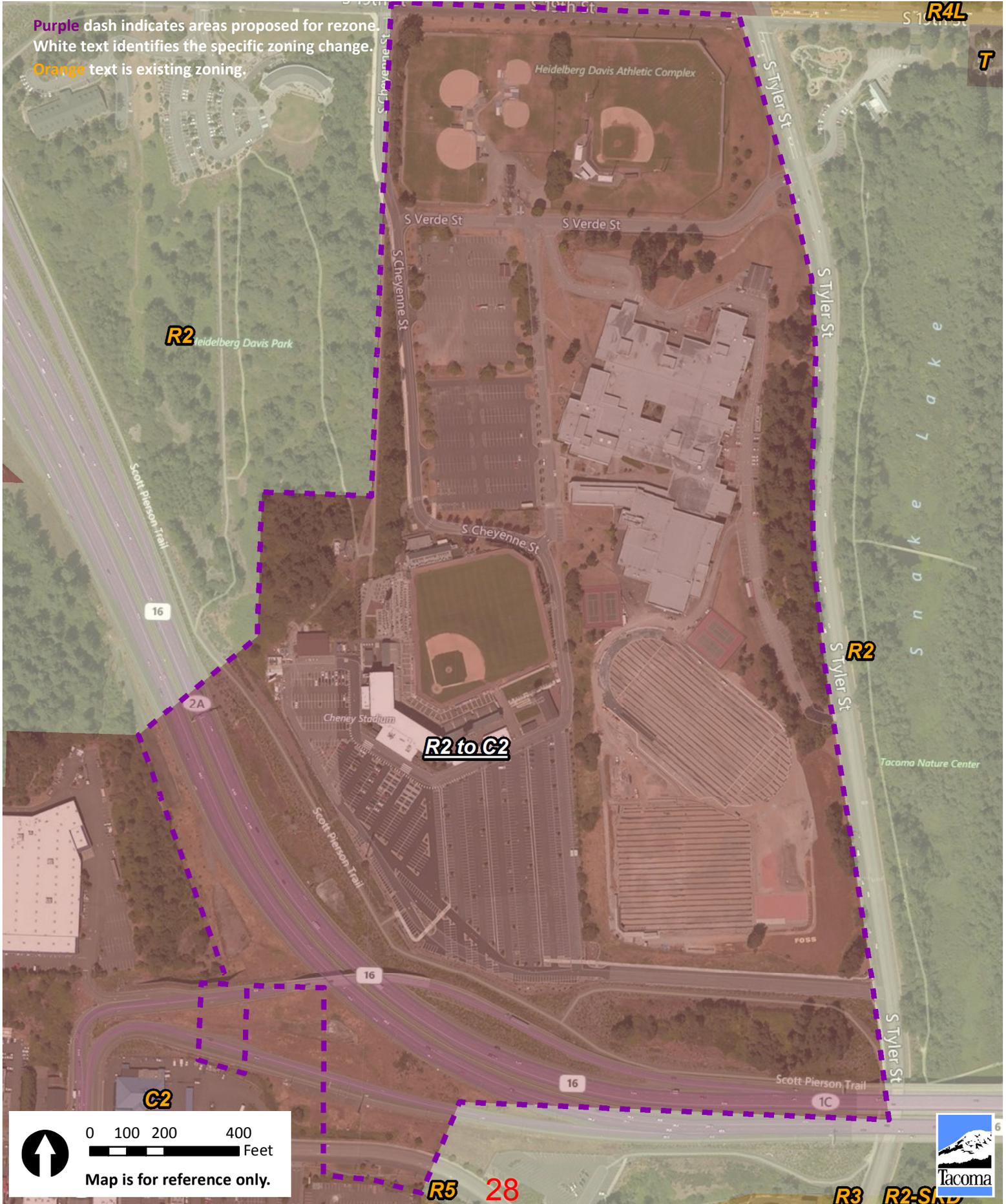
Purple dash indicates areas proposed for rezone.  
White text identifies the specific zoning change.  
Orange text is existing zoning.





# Study Area 8: Proposed Rezone

Purple dash indicates areas proposed for rezone.  
White text identifies the specific zoning change.  
Orange text is existing zoning.



## **II-2. Multi-family Design Standards**





## 2016 Annual Amendment *Staff Analysis Report*

<b>Proposed Amendment:</b>	Multi-family Design Standards
<b>Applicant:</b>	Planning and Development Services Department
<b>Location &amp; Size of Area:</b>	Citywide
<b>Current Land Use &amp; Zoning:</b>	Various
<b>Neighborhood Council Area:</b>	Citywide
<b>Staff Contact:</b>	Stephen Atkinson, Planning Services Division (253) 591-5531, satkinson@cityoftacoma.org
<b>Date of Report: (Planning Commission review date; draft or final)</b>	April 6, 2016

### **I. Description of the Proposed Amendment:**

#### **Proposal**

The proposed amendments (Exhibit A) would update building and site design standards of TMC 13.06 for residential zoning districts broadly and for multi-family residential development specifically. This application would establish designated pedestrian streets in all districts and amend requirements for:

- Front lot setbacks;
- Building coverage;
- Usable yard space;
- Tree canopy;
- Pedestrian and bicycle circulation;
- Parking location and design;
- Mass reduction;
- Roofline standards;
- Transparency;
- Façade surface standards;
- Pedestrian standards; and
- Fencing and utility screening.

#### **Intent**

The intent of the proposed amendments is to implement the broad goals and policies of the Comprehensive Plan and to ensure that new multi-family residential development in all districts supports the following design principles, derived from the goals and policies of the Plan:

1. Promote high quality and durable materials and design;
2. Promote the human scale and orient towards the pedestrian;
3. Enhance the legibility of the public and private realms;
4. Respect the context of the site and patterns of Tacoma’s neighborhoods;

5. Encourage a sense of community through interaction;
6. Integrate nature into everyday life and respond to the natural characteristics of the City;
7. Promote creative expression through design and the interaction of public and private spaces.

### **Background**

Currently, there are significant gaps in the City’s design standards relating to multi-family residential development. The City’s building design standards do not apply to the R-Districts broadly nor to specific multi-family development types. While the City has had strong urban design related goals and policies in past Comprehensive Plans, they have not been fully implemented.

In addition, the proposed design standards are directly related to the implementation of the Comprehensive Plan Future Land Use Map. Currently, the City is undertaking a multi-phased approach to implementing the Future Land Use Map of the One Tacoma Plan. This implementation includes significant area-wide rezones throughout the City, with the first proposed area-wide rezones included as part of the 2016 Annual Amendment package. Typically, the City has relied more prominently on site-specific rezones to implement the Plan. The site-specific approach allows the City to condition projects depending on the specific proposal and context. However, it also adds uncertainty, time, and cost to development. As the City begins to put the appropriate zoning in place to implement the Plan, there is a greater need to have the appropriate development standards in place to ensure that new development is meeting the policies of the Plan. The proposed amendment would ensure that reasonable minimum design standards for multi-family residential development are in place to support the design policies of the One Tacoma Plan.

### **Key Revisions**

**Designated Pedestrian Streets:** See Exhibit B for streets proposed to be designated as pedestrian streets for the purposes of applying design standards.

**Minimum Density:** Varies by residential zoning district.

Purpose: To ensure that service capacity is used efficiently and the City’s housing goals are met.

Applicability: All residential development in the R-3, R-4L, R-4, and R-5 zoning districts.

Code Citations: 13.06.100.D Residential districts lot size and building envelope standards.

**Build-to Area:** 5’ minimum front lot setback, 20’ maximum front lot setback.

Purpose: To create an environment that is inviting to pedestrians and transit users and creates a legible, defined public realm.

Applicability: All development in the R-3, R-4L, R-4 and R-5 Districts with frontage on a designated pedestrian street. Maximum setback only applies to frontages on the designated corridor.

Code citations: 13.06.100 Residential Districts.

**Building Coverage:** Restricts the percent of the lot occupied by a building. Varies by district.

Purpose: Building coverage limits the overall bulk of structures, ensuring that larger buildings will not have a footprint that overwhelms adjacent development

Applicability: All developments in the R-3, R-4L, R-4 and R-5 Districts and residential development in the Commercial Districts where applicable.

Code citations: 13.06.100 Residential Districts, 13.06.200 Commercial Districts.

**Usable yard space:** Varies by residential building type (single, duplex, triplex, townhouse, multi-family).

**Purpose:** The usable yard space standards assure opportunities for outdoor relaxation or recreation. The standards work with the building coverage and tree canopy standards to assure that some of the land not covered by buildings is of adequate size, shape, and location to be usable for outdoor recreation or relaxation. Usable yard spaces are an important aspect in addressing the livability of a residential property by providing outdoor living opportunities, some options for outdoor privacy, and a healthy environment.

**Applicability:** All residential development, except in X-Districts.

**Code citations:** 13.06.100 Residential Districts, 13.06.200 Commercial Districts, 13.06.400 Industrial Districts.

**Tree canopy:** Requires a percentage of tree canopy coverage as percent of lot size.

**Purpose:** The standards for tree canopy areas are intended to enhance the overall appearance of residential developments. The tree canopy improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents, and provides separation from streets. Tree canopy helps cool the air temperature, intercept rainfall and reduce stormwater run-off.

**Applicability:** Residential development in all districts, except X-Districts.

**Code citations:** 13.06.100 Residential Districts, 13.06.200 Commercial Districts, 13.06.400 Industrial Districts.

**Pedestrian and bicycle circulation:** Internal and external connectivity for bicyclists and pedestrians.

**Purpose:** The pedestrian and bicycle standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

**Applicability:** All new development, including residential development.

**Code citation:** 13.06.512 Pedestrian and Bicycle Support Standards.

**Parking location and design:** Limits the location and overall amount of parking on pedestrian streets. No more than 50% of the pedestrian street frontage or more than 150' continuous parking.

**Purpose:** The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods and to break up monotonous street frontages with active uses and to create a defined public realm.

**Applicability:** Multi-family residential development on designated pedestrian streets, except for X-Districts.

**Code citation:** 13.06.510 Off-street Parking.

**Mass reduction:** Design choices include upper story setbacks, plazas, and wall modulation.

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

**Applicability:** Multi-family residential development, depending on building size, except for X-Districts.

**Code citation:** 13.06.501 Building Design.

**Roofline standards:** Provides roofline choices (sloped, modulated, corniced).

**Purpose:** 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.

Applicability: All multi-family residential development, except in X-Districts.

Code citation: 13.06.501 Building Design.

**Transparency:** Requires ground level transparency and overall façade transparency.

Purpose: 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 a visual connection between the living area of the residence and the street.

Applicability: Multi-family residential development, except in X-Districts.

Code citation: 13.06.501 Building Design.

**Façade surface standards:** Addresses blank walls, façade variety and building face orientation.

Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.

Applicability: All multi-family residential development, except in X-Districts.

Code citation: 13.06.501 Building Design.

**Pedestrian Standards:** Addresses entrances, weather protection, and transition areas.

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

Applicability: All multi-family residential development, except in X-Districts.

Code citation: 13.06.501 Building Design.

**Fencing and utility screening.** Addresses specific unsightly features which detract from the appearance of residential areas.

Purpose: Improve the visual quality of neighborhoods and ensure that features along the public-right-of-way do not detract from the public realm.

Applicability: All multi-family residential development, except in X-Districts.

Code citation: 13.06.501 Building Design.

## **II. Analysis of the Proposed Amendment:**

### **1. How does the proposed amendment conform to applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and development regulations?**

The proposed amendment would improve consistency between the One Tacoma Plan and the following VISION 2040 multi-county planning policies:

Goal: The region will use design to shape the physical environment in order to create more livable communities, better integrate land use and transportation systems, and improve efforts to restore the environment.

MPP-DP-43: Design communities to provide an improved environment for walking and bicycling.

MPP-DP-46: Develop and implement design guidelines to encourage construction of healthy buildings and facilities to promote healthy people.

MPP-DP-35: Develop high quality, compact urban communities throughout the region's urban growth area that impart a sense of place, preserve local character, provide for mixed uses and choices in housing types, and encourage walking, bicycling, and transit use.

MPP-DP-37: Support urban design, historic preservation, and arts to enhance quality of life, improve the natural and human-made environments, promote health and well-being, contribute to a prosperous economy, and increase the region's resiliency in adapting to changes or adverse events.

The proposed amendments support numerous goals and policies in the One Tacoma Plan, including: Policy DD-1.2 Promote site and building design that provides for a sense of continuity and order while allowing for creative expression.

Policy DD-1.3 Design buildings and streetscape of a human scale to create a more inviting atmosphere for pedestrians.

Policy DD-1.11 Encourage building and site designs that limit reductions in privacy and solar access for residents and neighbors, while accommodating urban scale development.

Policy DD-4.3 Encourage residential infill development that complements the general scale, character, and natural landscape features of neighborhoods. Consider building forms, scale, street frontage relationships, setbacks, open space patterns, and landscaping. Allow a range of architectural styles and expression, and respect existing entitlements.

Policy DD-4.6 Promote the site layout of residential development where residential buildings face the street and parking and vehicular access is provided to the rear or side of buildings. Where multifamily developments are allowed in established neighborhoods, the layout of such developments should respect the established pattern of development, except where a change in context is desired per the goals and policies of the Comprehensive Plan.

Policy DD-4.7 Emphasize the natural physical qualities of the neighborhood (for example, trees, marine view, and natural features) and the site in locating and developing residential areas, provided such development can be built without adversely impacting the natural areas. Where possible, development should be configured to utilize existing natural features as an amenity to the development.

Policy DD-4.8 Provide on-site open space for all types of residential uses.

Policy DD-4.9 Promote multifamily residential building design that is compatible with the existing patterns of the area. Building design should incorporate:

- a. Façade articulation that reduces the perceived scale of the building and adds visual interest.
- b. For infill residential in established neighborhoods, encourage the use of similar façade articulation and detailing as existing structures.

- c. Covered entries visible from the street and/or common open space.
- d. Utilize building materials that are durable and provide visual interest.

Policy DD–5.3 Promote building and site designs that enhance the pedestrian experience in centers and corridors, with windows, entrances, pathways, and other features that provide connections to the street environment.

Policy DD–5.9 Integrate natural and green infrastructure, such as street trees, native landscaping, green spaces, green roofs, gardens, and vegetated stormwater management systems, into centers and corridors.

Policy DD–5.10 Locate public squares, plazas, and other gathering places in centers and corridors to provide places for community activity and social connections. Encourage location of businesses and services adjacent to these spaces that relate to and promote the use of the space.

Policy DD–5.15 Strengthen the continuity of development and streetscape by using architectural features, street furniture, and other elements that unify and connect individual areas.

- 2. Would the proposed amendment achieve any of the following objectives?**
- **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**
  - **Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City’s capacity to provide adequate services;**
  - **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or**
  - **Enhance the quality of the neighborhood.**

The design amendments have been proposed to directly achieve multiple objectives, including enhancing the design quality of the City’s neighborhoods, enhancing the compatibility of new multi-family residential development with existing and planned land uses, and responding to the needs and desires of the community.

- 3. Assess the proposed amendment with the following measures: economic impact assessment, sustainability impact assessment, health impact assessment, environmental determination, wetland delineation study, traffic study, visual analysis, and other applicable analytical data, research and studies.**

The proposed amendments will likely increase the cost of developing multi-family residential housing in order to incorporate the design standards proposed herein. However, these likely costs will be offset by overall improvements to the design quality, aesthetics, health, and environmental quality of the new development.

- 4. Describe the community outreach efforts conducted for the proposed amendment, and the public comments, concerns and suggestions received.**

In January the Planning Division Manager sent a letter to the Neighborhood Councils, the Planning Commission distribution list, and other interested parties regarding the 2016 Annual Amendment and other ongoing Planning Division project.

In early February, staff provided a second round of public notification vis-a-vis pamphlets mailed to approximately 1300 residents within or in close proximity to areas proposed for potential rezone during this Annual Amendment process. The pamphlets also provided information on all of the annual amendments being considered this year.

Additional outreach will be conducted and public comments will be solicited during the public review process through the Planning Commission's public hearing in May 2016. Notice of the public hearing and comment period will again be distributed to all taxpayers affected by the proposed area-wide rezones as well as residents within 400' of the subject sites.

**5. Will the proposed amendment benefit the City as a whole? Will it adversely affect the City's public facilities and services? Does it bear a reasonable relationship to the public health, safety, and welfare?**

The proposed amendments will benefit the City as a whole, establishing a minimum design standard for multi-family residential development that promotes the public health, safety, and welfare of our community.

**III. Staff Recommendation:**

Staff recommends that the proposed amendments to the Tacoma Municipal Code, as depicted in Exhibit A and B be distributed for public review prior to the Planning Commission's public hearing tentatively scheduled for May 4, 2016.

**IV. Exhibits:**

- A. Proposed Amendments to Tacoma Municipal Code Chapter 13.06
- B. Pedestrian Streets Designated



## Exhibit A

### 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 throughout the City's neighborhoods.
4. Protect and enhance established neighborhoods, and ensure that new development is in harmony with neighborhood scale and character.
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. The following districts are intended primarily for residential land uses, as well as other uses such as daycares, parks, schools, churches and other uses which serve the neighborhood and have been deemed compatible with residential character.
2. 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 areas with steep topography or an established pattern of larger lots.
3. R-2 Single-Family Dwelling District. This district is intended primarily for single-family detached housing but, in addition to the uses listed above, may also allow a limited number of compatible uses including lodging uses, holiday sales for Christmas and Halloween, and two-family dwellings in certain circumstances. The district is characterized by low residential traffic volumes and generally abuts more intense residential and commercial districts.
4. R-2SRD Residential Special Review District. This district is intended primarily for single-family detached housing, but in addition to the uses listed above, 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.
5. 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. Infill development shall be consistent with historic character of the district and shall be predominantly single-family. A limited number of two- and three-family dwellings may be permitted by conditional use permit provided they are consistent with the historic character of the district and are not conversions of historically contributing single-family houses. Conversion of existing multiple-family uses to single-family uses will be encouraged, but not required.
6. 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, in addition to

the uses permitted in less dense zones. The district is characterized by low residential traffic volumes and generally abuts more intense residential and commercial districts.

7. R-4-L Low-Density Multiple-Family Dwelling District. This district is intended primarily 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.

8. R-4 Multiple-Family Dwelling District. This district is intended primarily for medium density multiple-family housing. In addition to uses permitted in less dense zones, 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.

9. 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, in addition to uses permitted in less dense zones. 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. Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as "Pedestrian Streets." The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

3. 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.

43. 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.

54. District use table. (see next page for table)

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<b>Lot Measurements (in feet)</b>								
Minimum Average Lot Width – Standard Lots	50	50	50	50	50	50	50	50
					16 for townhouse dwellings; 32 for two-family dwellings			
Single-family Small Lots – Minimum Average Lot Width	45	35	35	35	30	25	25	25
Minimum Lot Frontage	25	25	25	25	25	25	25	25
Small Lots – Exceptions to Minimum Average Lot Width	Reductions to minimum lot width, as shown above, may be allowed pursuant to Section 13.06.145. Small lot exceptions are not applicable to pipestem lots.							
<b>Lot Building Coverage (percentage)</b>								
Maximum <del>lot</del> -building coverage, percent of lot	-	-	-	-	<u>-50</u>	<u>35</u> <del>50</del>	<u>-65</u>	<u>-85</u>
<b>Minimum Density (units per gross acre)</b>								
	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>10</u>	<u>14</u>	<u>18</u>	<u>22</u>
<b>Max. Height Limits (in feet)</b>								
Main Buildings	35	35	35	35	35	35	60	150
Accessory Buildings	15-feet							
Exceptions	Buildings within a View Sensitive Overlay district are subject to the additional height restrictions contained in 13.06.555. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602. Single-family Small Lot development on lots with an average width between 40 and 50 feet: Maximum height is 30 feet. Single-family Small Lot development on lots with an average width of less than 40 feet: Maximum height is 25 feet.							
Setbacks (in feet)	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. Certain conditional uses may require different minimum setbacks. See Section 13.06.640.							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
Minimum Front Setback <u>(for structures not meeting the “build-to” standards below).</u>	25	20	20	20	20	20	15	10
<u>Build-to area for lots located on a designated pedestrian street.</u>	=	=	=	=	<u>At least 50% of pedestrian street frontages must have structures located between 5 and 20 feet from the lot line abutting the pedestrian street right-of-way.</u>  <u>Exception: porches, entries, landscaping and transition areas may be located within 5’ of the lot line abutting the pedestrian street right-of-way. Maximum setbacks do not apply to structures associated with park and recreation or education facilities.</u>			
Townhouse Dwelling Minimum Front Setback	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 13.06.100.G.							
Vehicular Doors Facing the front property Line	Vehicular 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.							
Pipestem Lot Setback	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.							

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	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
Front Setback Averaging	For residential uses, the minimum front yard setback shall be either the minimum front setback required for the zoning district in which it is located (as noted above) or the average of the front yard setbacks provided by the structures on either side, whichever is less. <u>Averaging does not apply to structures meeting the front yard "build-to area" requirement.</u>							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
	<p>(1) Where a side property line abuts the rear property line of an adjacent corner lot (see example below), the front yard setback for the main building shall be either the average of the adjacent side and front setbacks provided by the structures on either side, or the minimum front yard setback required for the zoning district in which it is located, whichever is less.</p> <p>Front yard averaging allows for this front yard to be the average of the front and corner-side yards provided by the two abutting homes:  <math>5 \text{ ft.} + 10 \text{ ft.} / 2 = 7.5\text{-foot front yard required}</math></p> <p>5-foot Front Setback</p> <p>10-foot Side Setback</p> <p>Sidewalk</p> <p>Street</p> <p>Property Lines</p>							
	<p>(2) For properties where one side abuts an undeveloped lot, a street or an alley, the setback shall be equal to that provided by the one abutting house.</p> <p>(3) In no case shall averaging be construed to require a greater setback than the standard minimum setback required by the regulations of the district.</p>							
Minimum Side Setback (Interior Lots)	7.5	5	5	5	5	5	5	<p>5 ft. for buildings less than 6 stories</p> <p>Each side yard setback shall be increased 1-ft. in width for each story, or part thereof, above 6 stories.</p>

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
Townhouse Dwelling Minimum Side Setback	For townhouse dwellings, the minimum side yard setback shall apply only along the side property lines of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.100.G.							
Minimum Side Setback (Corner Lots)	<p>On corner lots, the side yard setback regulations shall be the same as for interior lots, except where the rear lot line of a corner lot abuts the side lot line of a lot in the rear (see example below). In this case, there shall be a side yard setback on the street-side of such corner lot of not less than one-half of the front yard setback provided on the lot in the rear, but such side yard setback need not exceed half the standard front yard setback requirement for the district. In no case, however shall the side yard setback be less than five feet.</p>							
Minimum Rear Setback	25	25	25	25	25	20	25 20 ft. for mobile home parks	20
Townhouse Dwelling Minimum Rear Setback	For townhouse dwellings, the minimum rear yard setback shall apply only along the rear property line of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.100.G.							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<b>Additional Residential Development Standards</b>								
Minimum Usable Yard Space	<p><u>1. Single family dwellings.</u> All lots shall provide a contiguous rear or side usable 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 structures, parking, alley or driveway spaces or required critical area buffers</li> <li>• Not be located in the front yard</li> </ul>							
	<p><u>2. Duplexes and Triplexes.</u> At least 200 square feet of private 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.</p>							
	<p><u>3. Townhouse Development.</u> At least 200 square feet of private 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.</p>							
	<p><u>4. Multi-Family.</u> At least 150 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. A minimum of 35% of the yard space shall be provided in common. The remainder can be provided as private or common yard space, through any combination of the following types of areas/features:</p> <p>a. <u>Common Yard space.</u> 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. Requirements for common yard spaces include the following:</p> <ol style="list-style-type: none"> <li>(1) <u>No dimension shall be less than fifteen feet in width (except for front porches).</u></li> <li>(2) <u>Spaces shall be visible from multiple dwelling units and positioned near pedestrian activity.</u></li> <li>(3) <u>Spaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable.</u></li> <li>(4) <u>Individual entries shall be provided onto common yard space from adjacent ground floor residential units, where applicable.</u></li> <li>(5) <u>Space should be oriented to receive direct sunlight for part of the day, facing east, west, or (preferably) south, when possible.</u></li> <li>(6) <u>Common yard space shall be open to the sky, except for clear atrium roofs and shared porches. 25% of the common open space may be covered, but not enclosed.</u></li> <li>(7) <u>Shared porches qualify as common yard space provided no dimension is less than eight feet.</u></li> </ol> <p>b. <u>Private balconies, porches, decks, patios or yards.</u> To qualify as yard space, such spaces shall be at least 50 square feet, with no dimension less than five feet.</p> <p>c. <u>Rooftop decks.</u> To qualify, rooftop decks must meet the following standards:</p> <ol style="list-style-type: none"> <li>(1) <u>Must be accessible to all dwelling units.</u></li> <li>(2) <u>Must include amenities such as seating areas and landscaping.</u></li> <li>(3) <u>Must feature hard surfacing appropriate to encourage residential use.</u></li> <li>(4) <u>Must include lighting for residents’ safety.</u></li> <li>(5) <u>No dimension shall be less than 15 feet in width.</u></li> </ol>							
<u>Tree Canopy, percentage of</u>	=	=	=	=	30	30	20	15

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<u>lot</u>					<p><u>Calculations may include the canopy coverage from street trees planted in the the abutting right-of-way that overhang the lot. Tree canopy provided as a result of other landscaping requirements of this Chapter may be used to fulfill this requirement. Tree canopy shall be calculated and provided in accordance with the standards in Section 13.06.502.C General Landscaping Requirements applicable to all required landscaping and the Urban Forest Manual. Trees may be located within private or common usable yard spaces.</u></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. In the case of Small Lots, see the additional provisions of Section 13.06.145.</u></p>							
<u>Main Building Orientation</u>	<p><u>All dwellings shall maintain primary orientation to the adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director. The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance.</u></p>							

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B. Districts established.

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1. T Transitional District. This district is intended as a transition between commercial or institutional areas and residential areas. It may also provide a transition between residential districts and commercial districts on arterial street segments supported by the Comprehensive Plan. It primarily consists of office uses with negligible off-site impacts. It is characterized by lower traffic generation, fewer operating hours, smaller scale buildings, and less signage than general commercial areas. Residential uses are also appropriate. A T Transitional District may, in limited circumstances, also be applied to locations that meet the unique site criteria of the Comprehensive Plan. This classification is not appropriate inside a designated mixed-use center.
2. C-1 General Neighborhood Commercial District. This district is intended to contain low intensity land uses of smaller scale, including office, retail, and service uses. It is characterized by less activity than a community commercial district. Building sizes are limited for compatibility with surrounding residential scale. Residential uses are appropriate. Land uses involving vehicle service or alcohol carry greater restriction. This classification is not appropriate inside a plan designated mixed-use center or single-family intensity area.
3. C-2 General Community Commercial District. This district is intended to allow a broad range of medium- to high-intensity uses of larger scale. Office, retail, and service uses that serve a large market area are appropriate. Residential uses are also appropriate. This classification is not appropriate inside Comprehensive Plan designated mixed-use centers or low-intensity areas.
4. PDB Planned Development Business District. This district is intended to provide limited areas for a mix of land uses that includes warehousing, distribution, light assembly, media, education, research, and limited commercial. The developments in this district are intended to have fewer off-site impacts than would be associated with industrial or community commercial areas. Retail uses are size limited and signage is reduced. These areas should be designed for improved residential compatibility on boundaries by landscaping and other design elements. Sites should have reasonably direct access to a highway or major arterial. This district is not appropriate inside Comprehensive Plan designated mixed-use centers or low-intensity areas.

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.200. All portions of Section 13.06.200 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels, in all districts in Section 13.06.200, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.200.A through Section 13.06.200.C are not eligible for variance. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.
2. Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as “Pedestrian Streets.” The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.
3. 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. Certain street level use restrictions may apply; see Section 13.06.200.C.4 below.

[See next page for table.]

43. 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.

54. District use table.

Uses	T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations <sup>2,3</sup> (also see footnotes at bottom of table)
Adult family home	P	P	P	P	See definition for bed limit.
Adult retail and entertainment	N	N	N	N	Prohibited except as provided for in Section 13.06.525.
Agricultural uses	CU	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. Livestock is not allowed.
Airport	CU	CU	CU	CU	
Ambulance services	N	P	P	P	
Animal sales and service	N	P	P	N	Must be conducted entirely within an enclosed building. See Table 13.06.200.D for setback requirements specific to animal sales and service.
Assembly facility	CU	P	P	P	
Brewpub	N	N	P	N	2,400 barrel annual brewpub production maximum, equivalent volume wine limit.
Building materials and services	N	N	P	N	
Business support services	N	P	P	P	
Carnival	TU	TU	TU	TU	Subject to Section 13.06.635.
Cemetery/internment services	N	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	P	P	P	P	
Commercial recreation and entertainment	N	N	P	P	
Communication facility	N	N	P	P	
Confidential shelter	P	P	P	P	See Section 13.06.535. Limit: 15 residents in T District.
Continuing care retirement community	P	P	P	P	See Section 13.06.535.
Correctional facility	N	N	N	N	

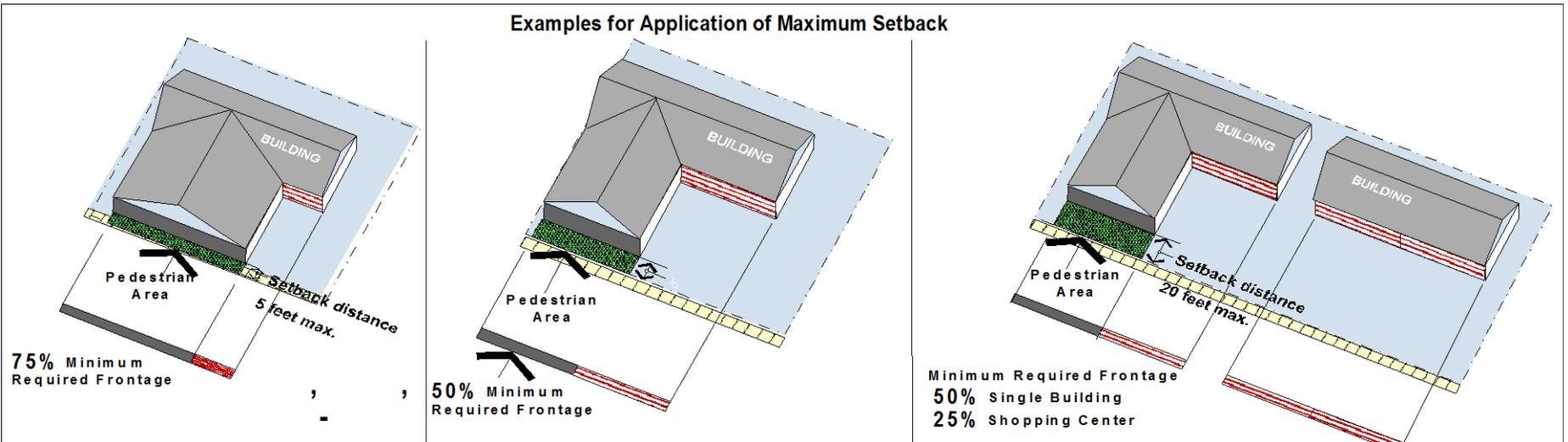
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	<b>T</b>	<b>C-1</b>	<b>C-2</b>	<b>PDB</b>
Minimum Lot Area	0 non-residential; 1,500 square feet per residential unit	0; <u>1,500 square feet per residential unit</u>	0; <u>1,000 square feet per residential unit</u>	0; <u>1,500 square feet per residential unit</u>
Minimum Lot Width	0	0	0	0
Maximum <del>Lot</del> Building Coverage <u>(percent of lot)</u>	None; <u>50 for multi-family residential development.</u>	None; <u>50 for multi-family residential development.</u>	None; <u>65 for multi-family residential development.</u>	None; <u>65 for multi-family residential development.</u>
Minimum Front Setback	In all districts listed above, 0 feet, unless abutting a residential zoning, then equal to the residential zoning district for the first 100 feet from that side. Maximum setbacks (Section 13.06.200.E) supersede this requirement where applicable. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Minimum Side Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Minimum Rear Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Maximum Setback from Designated Streets	See Section 13.06.200.E for application with any district listed above on designated segments of North 30th Street and 6th Avenue. <u>Multi-family residential development on designated pedestrian streets.</u> <u>In addition to the standards in 13.06.200.E, at least 50% of pedestrian street frontages must have residential structures located between 5 and 20 feet from the lot line abutting the pedestrian street right-of-way.</u>  <u>Exception: porches, entries, landscaping and transition areas may be located within 5' of the lot line abutting the pedestrian street right-of-way.</u>			
Maximum Height Limit	35 feet	35 feet	45 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, per Section 13.06.555. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602.			
Maximum Floor Area	20,000 square feet per building	30,000 square feet per building	45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J.	7,000 square feet per business for eating and drinking, retail and personal services uses
<u>Minimum Usable Yard Space – for residential development</u>	<p>1. Single family dwellings. All lots shall provide a contiguous rear or side usable 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>• <u>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</u></li> <li>• <u>Not include structures, parking, alley or driveway spaces or required critical area buffers</u></li> <li>• <u>Not be located in the front yard</u></li> </ul> <p>2. Duplexes and Triplexes. At least 200 square feet of private 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</p>			

	<p>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.</p> <p>3. <u>Townhouse Development.</u> At least 200 square feet of private 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.</p> <p>4. <u>Multi-Family.</u> At least 150 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. A minimum of 35% of the yard space shall be provided in common. The remainder can be provided as private or common yard space, through any combination of the following types of areas/features:</p> <p>a. <u>Common Yard space.</u> 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. Requirements for common yard spaces include the following:</p> <ol style="list-style-type: none"> <li>(1) <u>No dimension shall be less than fifteen feet in width (except for front porches).</u></li> <li>(2) <u>Spaces shall be visible from multiple dwelling units and positioned near pedestrian activity.</u></li> <li>(3) <u>Spaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable.</u></li> <li>(4) <u>Individual entries shall be provided onto common yard space from adjacent ground floor residential units, where applicable.</u></li> <li>(5) <u>Space should be oriented to receive direct sunlight for part of the day, facing east, west, or (preferably) south, when possible.</u></li> <li>(6) <u>Common yard space shall be open to the sky, except for clear atrium roofs and shared porches. 25% of the common open space may be covered, but not enclosed.</u></li> <li>(7) <u>Shared porches qualify as common yard space provided no dimension is less than eight feet.</u></li> </ol> <p>b. <u>Private balconies, porches, decks, patios or yards.</u> To qualify as yard space, such spaces shall be at least 50 square feet, with no dimension less than five feet.</p> <p>c. <u>Rooftop decks.</u> To qualify, rooftop decks must meet the following standards:</p> <ol style="list-style-type: none"> <li>(1) <u>Must be accessible to all dwelling units.</u></li> <li>(2) <u>Must include amenities such as seating areas and landscaping.</u></li> <li>(3) <u>Must feature hard surfacing appropriate to encourage residential use.</u></li> <li>(4) <u>Must include lighting for residents’ safety.</u></li> <li>(5) <u>No dimension shall be less than 15 feet in width.</u></li> </ol>			
<p><u>Tree Canopy Coverage (percent of lot)</u></p>	<p><u>25</u></p>	<p><u>25</u></p>	<p><u>25</u></p>	<p><u>25</u></p>
<p>Lot percentage may be calculated based on the canopy coverage from trees located on the lot or from street trees planted in the the abutting right-of-way. Tree canopy provided as a result of other landscaping requirements of this Chapter may be used to fulfill this requirement. Tree canopy shall be calculated and provided in accordance with the standards in Section 13.06.502.C General Landscaping Requirements applicable to all required landscaping. Trees may be located within private or common usable yard space. Tree retention credits from Section 13.06.502.D may be applied.</p>				

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 façade 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>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.</li> </ul>





Ord. 28157 Ex. F; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28088 Ex. A; passed Sept. 25, 2012: Ord. 28077 Ex. C; passed Jun. 12, 2012: Ord. 28050 Ex. C; passed Feb. 14, 2012: Ord. 27995 Ex. D; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27818 Ex. A; passed Jul. 28, 2009: Ord. 27772 § 3; passed Dec. 9, 2008: Ord. 27665 §§ 4,6,8,12,14, Ex. A; passed Dec. 4, 2007: Ord. 27644 Ex. A; passed Sept. 18, 2007: Ord. 27539 § 14; passed Oct. 31, 2006: Ord. 27407 § 2; passed Nov. 1, 2005: Ord. 27375 § 1; passed Jun. 28, 2005: Ord. 27364 § 2,3; passed Jun. 28, 2005: Ord. 27296 § 18; passed Nov. 16, 2004: Ord. 27245 § 10; passed Jun. 22, 2004: Ord. 27079 § 23; passed Apr. 29, 2003: Ord. 26947 § 51; Ord. 26966 § 10; passed Jul. 16, 2002: Ord. 26947 § 51; passed Apr. 23, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.400 Industrial Districts.**

The 400 series contains regulations for all industrial classifications, including the following:

- M-1 Light Industrial District
- M-2 Heavy Industrial District
- PMI Port Maritime & Industrial District

(Ord. 27574 §§ 2,3; passed Mar. 20, 2007: Ord. 27079 § 24; passed Apr. 29, 2003: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.400.A Industrial district purposes.**

The specific purposes of the Industrial districts are to:

1. Implement goals and policies of the City’s Comprehensive Plan.
2. Implement Growth Management Act goals, county-wide planning policies, and multi-county planning policies.
3. Create a variety of industrial settings matching scale and intensity of use to location.
4. Provide for predictability in the expectations for development projects.

(Ord. 27079 § 25; passed Apr. 29, 2003)

**13.06.400.B Districts established.**

- M-1 Light Industrial District
- M-2 Heavy Industrial District
- PMI Port Maritime & Industrial District

1. M-1 Light Industrial District. This district is intended as a buffer between heavy industrial uses and less intensive commercial and/or residential uses. M-1 districts may be established in new areas of the City. However, this classification is only appropriate inside Comprehensive Plan areas designated for medium and high intensity uses.
2. M-2 Heavy Industrial District. This district is intended to allow most industrial uses. The impacts of these industrial uses include extended operating hours, heavy truck traffic, and higher levels of noise and odors. This classification is only appropriate inside Comprehensive Plan areas designated for medium and high intensity uses.
3. PMI Port Maritime & Industrial District. This district is intended to allow all industrial uses and uses that are not permitted in other districts, barring uses that are prohibited by City Charter. The Port of Tacoma facilities, facilities that support the Port’s operations, and other public and private maritime and industrial activities make up a majority of the uses in this district. This area is characterized by proximity to deepwater berthing; sufficient backup land between the berths and public right-of-ways; 24-hour operations to accommodate regional and international shipping and distribution schedules; raw materials processing and manufacturing; uses which rely on the deep water berthing to transport raw materials for processing or manufacture, or transport of finished products; and freight mobility infrastructure, with the entire area served by road and rail corridors designed for large, heavy truck and rail loads.

The PMI District is further characterized by heavy truck traffic and higher levels of noise and odors than found in other districts. The uses are primarily marine and industrial related, and include shipping terminals, which may often include container marshalling and intermodal yards, chemical manufacturing and distribution, forest product operations (including shipping and wood and paper products manufacturing), warehousing and/or storage of cargo, and boat and/or ship building/repair. Retail and support uses primarily serve the area’s employees.

Expansion beyond current PMI District boundaries should be considered carefully, as such expansion may decrease the distance between incompatible uses.

Expansion should only be considered contiguous to the existing PMI District. This classification is only appropriate inside Comprehensive Plan areas designated for high intensity uses.

4. ST-M/IC South Tacoma Manufacturing/Industrial Overlay District. This overlay district is intended to provide additional protection to industrial and manufacturing uses within the designated boundary of the South Tacoma M/IC by placing further restrictions on incompatible uses within this defined area. Standards established through the overlay zone are in addition to the requirements of the underlying zone. In all cases, where the overlay district imposes more restrictive standards than the underlying zone, these shall apply. The additional requirements imposed through the South Tacoma M/IC Overlay District are intended to preserve this area for long term urban industrial and manufacturing use consistent with policy direction in the Comprehensive Plan. Expansion of the overlay district beyond the current boundaries can only be done in conjunction with an expansion of the designated South Tacoma M/IC Center in the Comprehensive Plan. Expansion beyond current boundaries should be carefully considered, as such expansion may decrease the distance between incompatible uses and will impose additional restrictions on the development of residential and commercial uses in affected areas.

(Ord. 27772 §§ 2,3,5-18; passed Dec. 9, 2008: Ord. 27771 Ex. C; passed Dec. 9, 2008: Ord. 27680 § 2; passed May 13, 2008: Ord. 27665 §§ 11,13; passed Dec. 4, 2007: Ord. 27362 § 3; passed Jun. 7, 2005: Ord. 27079 § 26; passed Apr. 29, 2003)

**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. Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as “Pedestrian Streets.” The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

3. 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.

4. 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.

5. District use table.

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
Adult family 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.
Adult retail and entertainment	P	P	P	Subject to development standards contained in Section 13.06.525.
Agricultural uses	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area.
Airport	CU	CU	CU	
Ambulance services	P	P	P	
Animal sales and service	P	P	N	
Assembly facility	P	P	N	
Brewpub	P	P	P	

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
Warehouse/storage	P	P	P	Storage and treatment facilities for hazardous wastes are subject to the state locational standards adopted pursuant to the requirements of Chapter 70.105 RCW and the provisions of any groundwater protection ordinance of the City of Tacoma, as applicable.
Wholesale or distribution	P	P	P	
Wireless communication facility	P*/CU**	P*/CU**	P*/CU**	*Wireless communication facilities are also subject to Section 13.06.545.D.1. **Wireless communication facilities are also subject to Section 13.06.545.D.2.
Work/Live	P	N	N	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570.
Work release center	CU	CU	P	Subject to development standards contained in Section 13.06.550.
Uses not prohibited by City Charter and not prohibited herein	N	N	P	
<b>Footnotes:</b>				
1. 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.				

E. Multi-family Residential Development

1. Minimum Usable Yard Space. Multi-family residential development shall provide usable yard space in accordance with the provisions of 13.06.200.

2. Tree canopy coverage. Multi-family residential development shall meet the tree canopy coverage requirements in 13.06.200.

F. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. 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 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)

(Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28327 Ex. C; passed Nov. 3, 2015; Ord. 28281 Ex. A; passed Feb. 17, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28182 Ex. A; passed Nov. 5, 2013; Ord. 28157 Ex. F; passed Jun. 25, 2013; Ord. 28050 Ex. C; passed Feb. 14, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. D; passed Jun. 30, 2009; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27644 Ex. A; passed Sept. 18, 2007; Ord. 27539 § 15; passed Oct. 31, 2006; Ord. 27245 § 11; passed Jun. 22, 2004; Ord. 27079 § 27; passed Apr. 29, 2003)

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**13.06.410 M-1 Light Industrial District. *Repealed by Ord. 27079.***

(Ord. 27079 § 29; passed Apr. 29, 2003; Ord. 26966 § 11; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.420 M-2 Heavy Industrial District. *Repealed by Ord. 27079.***

(Ord. 27079 § 30; passed Apr. 29, 2003; Ord. 26966 § 12; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.430 M-3 Heavy Industrial District. *Repealed by Ord. 27079.***

(Ord. 27079 § 31; passed Apr. 29, 2003; Ord. 26966 § 13; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.500 Requirements in all preceding districts.**

Applicability. The regulations of this section are applicable in all zoning districts, with exceptions only as noted. Regulations may refer to districts by class of districts, for example Districts or Industrial Districts, this means that all districts carrying the designated prefix or suffix are required to meet the given regulation. Overlay districts are combined with an underlying zoning district and supplement the regulations of that district. Overlay districts only apply to land carrying the overlay district designation.

(Ord. 26933 § 1; passed Mar. 5, 2002)

**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, and, as well as to townhouses in R districts,~~ as outlined below and, 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. Three thresholds are used to gauge the extent of design standard compliance on alterations to existing development:
  - a. Level I alterations include all remodels and/or additions within a two year period whose cumulative value is less than 50% of the value of existing development or structures, as determined by the applicable Building Code. The requirement for such alterations is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building façade's siding, then the siding shall meet the applicable exterior building material standards, but elements such as building modulation would not be required.
  - b. Level II alterations include all remodels and/or additions within a two year period whose cumulative value ranges from 50% to 200% of the value of the existing development or structure, as determined by the applicable Building Code. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II alterations.
  - c. Level III alterations include all remodels and/or additions within a two year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the applicable Building Code. Such alterations shall conform to ALL standards.
  - 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.

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.

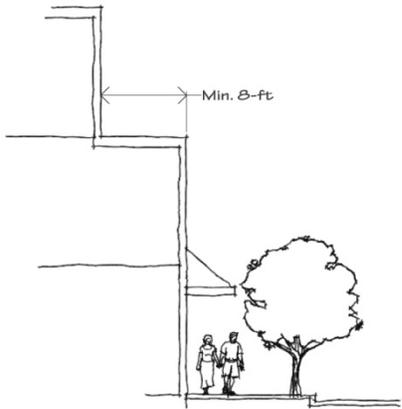
8. Floor area. For purposes of this section of the code (Section 13.06.501), “floor area” shall not include spaces below grade.

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.

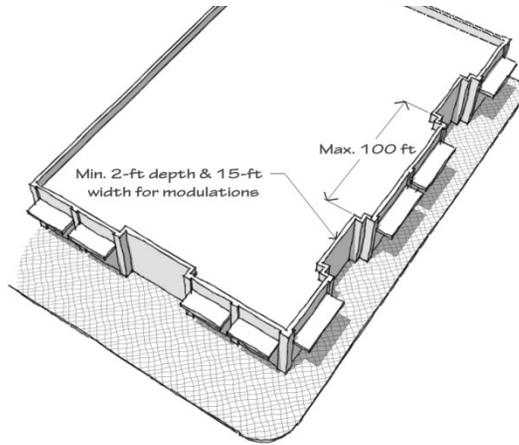
**B. Commercial District Minimum Design Standards**

1. Applicability. The following requirements apply to the C1, C2, T, and PDB zoning districts. See Section 13.06.501.H, below, for X-District requirements. Single-use multi-family residential developments in the C1, C2, T, and PDB zoning districts are subject to the requirements in Section 13.06.501.D Multi-family Residential Minimum Design Standards.

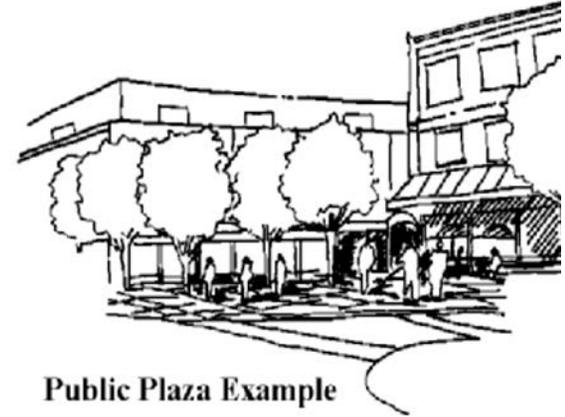
<b><u>1B. General Mass Reduction Standards.</u></b> <del>The following requirements apply to the C1, C2, T, and PDB zoning districts. See Section 13.06.501.H, below, for X-District requirements.</del>	
<del>Purpose:</del> The <del>design choices of this item</del> following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.	
<u>a1.</u> Size to choice ratio for 2 below	<p>(1)a. Buildings under 7,000 square feet of floor area are not required to provide mass reduction.</p> <p>(2)b. Buildings from 7,000 square feet of floor area to 30,000 square feet of floor area shall provide at least one mass reduction feature.</p> <p>(3)e. Buildings over 30,000 square feet of floor area shall provide at least two mass reduction features.</p>
<u>b2.</u> Mass reduction choices	<p>(1)a. Upper story. Buildings with a maximum footprint of 7,000 square feet of floor area, that do not exceed 14,000 square feet of floor area, may count use of a second story as a mass reduction feature.</p> <p>(2)b. Upper story setback. An 8 feet minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of 2 elevations.</p> <p>(3)e. Wall modulation. Maximum 100 feet of wall without modulation, then a minimum 2 feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential uses.</p> <p>(4)d. Public plaza. A public plaza of at least 800 square feet or 5 percent of building floor area, whichever is greater. The plaza shall be located within 50 feet of and visible to the primary public entrance; and contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bike rack, or art work for each 200 square feet of plaza area. Plaza contents may count toward other requirements when meeting the required criteria. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza. Where public seating is provided, it shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. Plazas may be permeable pavement or pavers where feasible. Low Impact Development vegetated stormwater features may be used for up to 30% of the plaza requirement where feasible.</p> <p>(5)e. Housing. The provision of upper story residential dwelling units at a site density consistent with the applicable land use intensity designation of the Comprehensive Plan.</p>



Upper Story Setback



Wall Modulation Example



Public Plaza Example

**2C. General Roofline Standards.** The following requirements apply to the C-1, C-2, T, and PDB zoning districts. See Section 13.06.501.I, below, for X-District requirements.

**Purpose:** These requirements following standards 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.

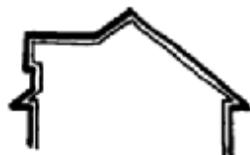
**a. Roofline Choices** (All buildings shall use one or more of the roofline options)

- (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**



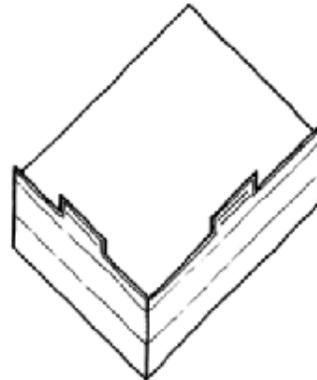
**Sloped Roof**



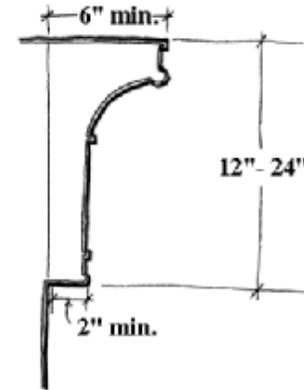
**Sloped Roof**



**Sloped Roof**



**Modulated Roof Example**



**Cornice Example**

**Roofline Examples**

**3D. General Windows and openings.** ~~The following requirements apply to the C-1, C-2, T, and PDB zoning districts. See Section 13.06.501-J, below, for X-District requirements.~~

Purpose: The ~~following standards~~ 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.

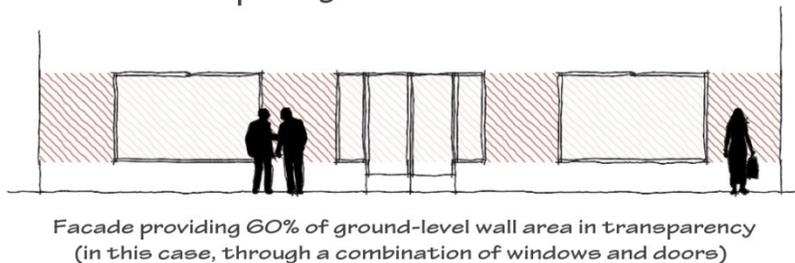
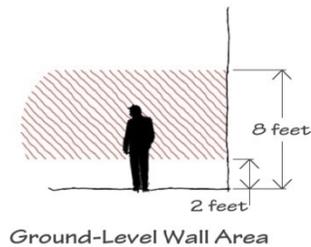
<p><u>a+</u>. Street level</p>	<p>(1)a. Front, side, or corner side exterior walls facing streets or that contain customer entrances and face customer parking lots of 20 stalls or greater shall have transparent window or openings for at least 50 percent of the ground level wall area. This standard shall apply on a maximum of 2 such building elevations. The window and opening requirements shall be reduced to 30 percent of the ground level wall area for portions of façades 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. 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>(2)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>(3)e. The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</p> <p>(4)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.</p>
<p><u>b2</u>. Upper levels</p>	<p>(1)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>(2)b. Upper level windows shall be a different type than the ground level windows on the same elevation.</p> <p>(3)e. For purposes of this requirement, a window type is either a grouping of windows, a window size, or a window shape.</p>

c4. Exemptions.

~~a.~~ Residential privacy. On sides where C, T, or PDB District boundaries adjoin R-1, R-2, R-2SRD, or R-3 District boundaries, structures within the C, 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.

- ~~b.~~ Residential buildings. Residential buildings or residential portions of mixed-use buildings are exempt from street level windows or openings.

### Development Requirements for Facades Windows/Openings



**~~4E. General Façade Surface Standards.~~ The following requirements apply to the C-1, C-2, T, and PDB zoning districts. See Section 13.06.501.K, below, for X-District requirements.**

**~~Purpose:~~** These requirements following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.

<del>a1.</del> Blank wall limitation	<del>(1)a.</del> Unscreened, flat, blank walls on the first story more than 25 feet in width are prohibited facing a public street and/or highway right-of-way, residential zone, or customer parking lot. These walls shall use modulation, windows, openings, landscaping, or architectural relief such as visibly different textured material to achieve the required visual break. The visual break shall be at least 1 foot in width. Items provided for other requirements may satisfy this requirement as appropriate. Stored or displayed merchandise, pipes, conduit, utility boxes, air vents, and/or similar equipment do not count toward this requirement.
<del>b2.</del> Façade variety	<del>(1)a.</del> Buildings with under 2,000 square feet of floor area are exempt from the variety requirement. <del>(2)b.</del> Buildings with 2,000 square feet of floor area to 30,000 square feet of floor area shall use at least 2 different materials, textures, or patterns on each building elevation. <del>(3)e.</del> Buildings with over 30,000 square feet of floor area shall use at least 3 different materials, textures, or patterns on each building elevation. <del>(4)d.</del> For purposes of this requirement, each material, texture, or pattern must cover a minimum of 10 percent of each building elevation. Glass does not count toward this requirement. Different texture or pattern shall be visibly different from adjacent public right-of-way or parking area.
<del>c3.</del> Building face orientation	<del>(1)a.</del> The building elevation(s) facing street or highway public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters. <del>(2)b.</del> This requirement applies to a maximum of 2 building elevations on any given building.

**~~5F. General Pedestrian Standards.~~ The following requirements apply to all development in the C-1, C-2, T, and PDB districts, except where noted or specifically exempted. See Section 13.06.501.L, below, for X-District requirements**

**~~Purpose:~~** These requirements following standards 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.

<del>a1.</del> Customer entrances	<del>(1)a.</del> 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. <del>(2)b.</del> 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.
<del>b2.</del> Street level weather protection	<del>(1)a.</del> 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 façades containing customer and/or public building entries or facing public street frontage. <del>(2)b.</del> 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. <del>(3)e.</del> 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.

**6G. General Fencing and Utilities.** ~~The following requirements apply to the C-1, C-2, T, and PDB zoning districts. See Section 13.06.501.M, below, for X-District requirements.~~

Purpose: ~~These requirements following standards~~ are intended to minimize visibility of utilities, mechanical equipment, and service areas to mitigate visual impact on residential privacy, public views, and general community aesthetics.

<p><u>a1.</u> Utility screening</p>	<p><u>a(1).</u> Rooftop. All rooftop mechanical equipment 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><u>(2)b.</u> All ground level. Mechanical or utility equipment, loading areas, and dumpsters shall be screened from adjacent public street right-of-way, including highways, or residential uses. Items that exceed 4 feet in height must use fencing, structure, or other form of screening, except landscaping. Items that do not exceed 4 feet above ground level may be screened with landscaped screening. All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting. 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><u>(3)e.</u> Chain link fencing, with or without slats, is prohibited for required screening.</p>
<p><u>b2.</u> Fencing type limitation</p>	<p>a. 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>b. 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>c. Electrified. The use of electrified fencing is prohibited in all zoning districts.</p>

**C. Mixed-Use District Minimum Design Standards**

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



	
<p>b. All non-residential façades fronting on a non-Pedestrian Designated Street or containing a pedestrian entrance must include at least three of the following articulation features at intervals no greater than 60 feet. Buildings that have 120 feet or less of frontage on the non-designated street are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.</p>	<ol style="list-style-type: none"> <li>(1) Use of window configurations and/or entries that reinforce the pattern of storefront spaces.</li> <li>(2) Vertical building modulation. The minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation as defined in Section 13.06.501.I. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.</li> <li>(3) Use of separate weather protection features that reinforce the pattern of storefront spaces.</li> <li>(4) Roofline modulation as defined in Section 13.06.501.I</li> <li>(5) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 feet of the façade.</li> <li>(6) Change in building material or siding style.</li> <li>(7) Use of vertical piers. Such piers must project at least 2 inches from the façade and extend from the ground floor to the roofline.</li> <li>(8) Providing a trellis, tree, or other landscape feature within each interval. Such feature must be at least one-half the height of the building (at planting time for any landscaping element).</li> </ol>

c. All residential buildings and residential portions of mixed-use buildings shall include at least three of the following articulation features at intervals of no more than 30 feet along all façades facing a street, common open space, or common parking areas. Buildings that have 60 feet or less of frontage on the street or façade width facing the common open space or common parking area are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.

- (1) Repeating distinctive window patterns at intervals less than the required interval.
- (2) Vertical building modulation. Minimum depth and width of modulation is 2 feet and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation as defined in Section 13.06.501.I Otherwise, minimum depth and width of modulation is 10 and 15 feet, respectively. Balconies may not be used to meet modulation option unless they are recessed or projected from the façade at least 18 inches.
- (3) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 percent of the façade
- (4) Roofline modulation as defined in Section 13.06.501.I
- (5) Vertical articulation of the façade. This refers to design treatments that provide a clear delineation of the building’s top, middle and bottom.
  - (a) Top features may include a sloped roofline or strong cornice line as defined in Section 13.06.501.I. For façades utilizing upper level stepbacks, the “top” design treatment may be applied to the top of the front vertical plane of the building or the top of the building where it is set back from the building’s front vertical wall (provided the top of the building is visible from the centerline of the adjacent street).
  - (b) Middle features: provide consistent articulation of middle floors with windows, balconies, exterior materials, modulation, and detailing
  - (c) Bottom: provide a distinctive ground floor or lower floors design that contrasts with other floors through the use of both contrasting window design/configuration and contrasting exterior materials
  - (d) Façade reduction elements including balconies and bay windows may project into street rights-of-way, where allowed by the Public Works Department, but not into alley rights-of-way



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



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

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

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

**43. ~~Mass Reduction~~: Maximum Façade Widths.**

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

- a. Provide vertical building modulation at least 20 feet deep and 30 feet wide. For multi-story buildings the modulation must extend through more than one-half of the building floors.
- b. Use of a contrasting vertical modulated design component that extends through all floors above the first floor fronting on the street (upper floors that are stepped back more than 10 feet from the façade are exempt) and featuring at least two of the following:
  - (1) Utilizes a change in building materials that effectively contrast from the rest of the façade.
  - (2) Component is modulated vertically from the rest of the façade by an average of 6 inches.
  - (3) Component is designed to provide roofline modulation per 13.06.501.I, below.
- c. Façade employs building walls with contrasting articulation that make it appear like two distinct buildings. To qualify for this option, these contrasting façades must employ the following:
  - (1) Different building materials and/or configuration of building materials.
  - (2) Contrasting window design (sizes or configurations).

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

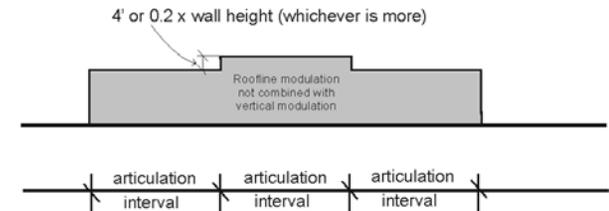
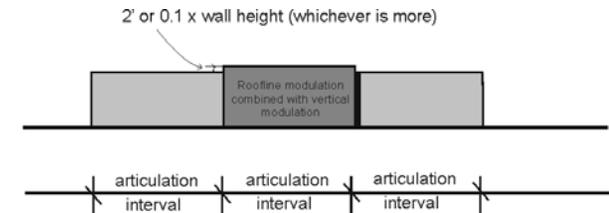
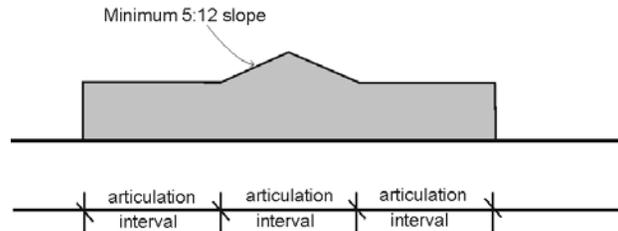
**5I. X-District Roofline Standards.** ~~The following requirements apply to all development located in any X-District, unless specifically exempted.~~

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

**a1.** Roofline modulation. Roofline modulation is not required of all buildings. However, in order to qualify as a façade articulation element in other mass reduction standards herein, the roofline shall meet the following modulation requirements along façades facing a street:

**(1)a.** For flat roofs or façades with horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of 2 feet or 0.1 multiplied by the wall height (finish grade to top of the wall) when combined with vertical building modulation techniques. Otherwise, the minimum vertical dimension of roofline modulation is the greater of 4 feet or 0.2 multiplied by the wall height.

**(2)b.** Buildings with pitched roofs must include a minimum slope of 5:12 and feature modulated roofline components (such as gabled, hipped, shed, or other similar roof forms) at the interval required per the applicable standard in Section H, above. Rounded, gambrel, and/or mansard forms may be averaged.



**b2.** Flat roof standards. Buildings or portions thereof featuring flat roofs (horizontal roofs with either no slope or only a slope sufficient to effect drainage, often which incorporate surrounding parapets) that do not incorporate roofline modulation, as described above, shall employ decorative roofline treatments incorporating one or more of the following design elements along façades facing a street:

**(1)a.** A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. See graphic at right. The height of the cornice shall be at least 12-inches high for buildings 10 feet or less in height; 18-inches for buildings greater than 10 feet and less than 30 feet in height; and 24-inches for buildings 30 feet and greater in height. The cornice must extend along at least 75 percent of the façade.

**(2)b.** A one-piece cornice element that projects at least 18 inches from the façade for buildings four stories or less or at least 2 feet from the façade for buildings taller than 4 stories. The cornice line must extend along at least 75 percent of the façade.

**(3)c.** Use of balcony/deck railings that function as a visual roofline element. Such railings must be at least 2 feet in height and extend along at least 75 percent of the façade and shall be visible from the adjacent street centerline.

**(4)d.** Use of contrasting building materials on the top floor or top two floors for buildings five stories or taller, for at least 75 percent of the façade.

**c3.** Roofline elements shall not project over property lines, except where permitted on property lines abutting public right-of-way.

**d4.** Canopy Exemption. Fueling station canopies, drive through canopies, or similar canopies are exempt from roofline requirements.

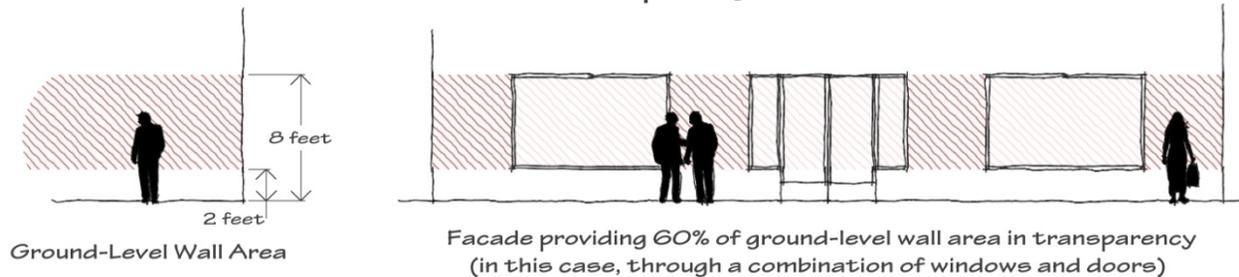
**6J. X-District Windows and Openings: Façade Transparency and Solar Access.**

~~Purpose: The following requirements apply all development in any X-District, unless specifically exempted.~~ These requirements following standards are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, to provide for natural lighting to buildings interiors to conserve energy, and to provide architectural detailing and variety to building elevations on each story.

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

- (1)a. Façades facing a designated Core Pedestrian Street shall have transparent windows or openings for at least 60 percent of the ground level wall area.
- (2)b. Façades facing a designated Pedestrian Street shall have transparent windows or openings for at least 50 percent of the ground level wall area.
- (3)e. Façades facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater shall have transparent windows or openings for at least 40 percent of the ground level wall area.
- (4)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.
- (5)e. Flexibility for industrial uses. The window and opening requirements shall be reduced to 30 percent of the ground level wall area for the façades of industrial uses located along designated Pedestrian Streets and reduced to 20 percent of the ground level wall area for the façades of industrial uses facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater.
- (6)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 façades facing designated Pedestrian Streets and 20 percent along façades facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater. Additionally, alternatives such as decorative grilles, art work, display windows, or similar features can be substituted for the transparency required in that portion of the ground-level façade.
- (7)g. Required view. Required windows or openings must provide either views into building work areas, sales areas or lobbies. Art or display windows may substitute for transparent elements for up to 25% of the requirement on façades facing designated Pedestrian Streets and up to 50% on all other applicable façades. 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).
- (8)h. The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.
- (9)i. This standard shall apply on a maximum of 2 such building elevations, and shall apply in the order provided above. As an example, for a building that faces a Core Pedestrian Street, a non-pedestrian street, and a qualifying parking lot, the requirements would apply to the façade facing the Core Pedestrian and either the façade facing the non-designated street or the façade facing the parking lot.
- (10)j. Rough openings are used to calculate this requirement.

**Development Requirements for Facades Windows/Openings**



**b2.** Upper level transparency standards for non-residential uses:

**(1)a.** Exterior walls facing streets or containing a customer entrance and facing customer parking lots of 20 stalls or greater shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor.

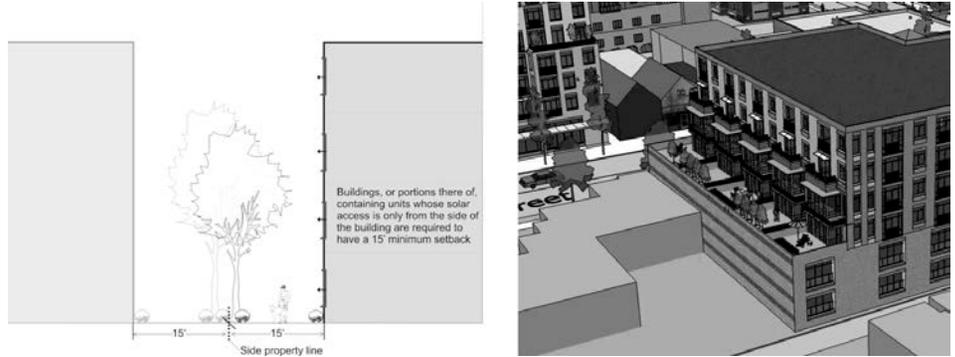
**(2)b.** Upper level windows shall be a different type than the ground level windows on the same elevation.

**(3)e.** For purposes of this requirement, a window type is either a grouping of windows, a window size, or a window shape.

**c3.** Residential buildings and residential portions of mixed-use buildings shall incorporate transparent windows and doors equal to at least 15% of all vertical façade surfaces facing the street and equal to at least 10% of all vertical surfaces facing alleys, courtyards, plazas and surface parking lots.

**d4.** Solar access for residential units.

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



**e5.** Window/Trim Detailing. Building façades shall employ techniques to recess or project individual windows or groupings of windows above the ground floor at least two inches from the surrounding façade or incorporate window trim at least four inches wide surrounding the windows. Windows on façades that face the rear property line or alleys are exempt from this standard.

Examples:

Recessed window OK

Projected window OK

Window with trim OK

Unacceptable



**7K. X-District Façade Surface Standards.** ~~The following requirements apply to all development in any X-Districts, unless specifically exempted.~~

Purpose: The ~~following se standardsrequirements~~ are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.

<p><del>a1.</del> Blank walls limitation</p>	<p><del>(1)a.</del> Blank wall definition: A ground floor wall or portion of a ground floor wall that is over 4 feet in height and has a horizontal length greater than 15 feet without a transparent window or door</p> <p><del>(2)b.</del> Blank walls facing a street, internal pathway, or customer parking lot of 20 stalls or greater must be treated in one or more of the following ways:</p> <p><del>(a+)</del> Transparent windows or doors.</p> <p><del>(b2)</del> Display windows at least 2 feet in depth and integrated into the façade (tack-on display cases do not qualify).</p> <p><del>(c3)</del> Landscape planting bed at least 5 feet wide or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall. Such planting areas shall include planting materials that are sufficient to obscure or screen at least 60 percent of the wall’s surface within 3 years.</p> <p><del>(d4)</del> Installing a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least 60 percent of the wall’s surface within 3 years. For large areas, trellises should be used in conjunction with other blank wall treatments.</p>
<p><del>b2.</del> Building face orientation</p>	<p><del>(1)a.</del> The building elevation(s) facing street public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.</p> <p><del>(2)b.</del> For buildings that have more than 2 qualifying elevations, this requirement shall only be applied to two of them.</p>

c3. Building Details for Core Pedestrian Streets

(1) All façades facing designated Core Pedestrian Streets shall be enhanced with appropriate details. All new buildings shall employ at least one detail element from each of the three categories below. To qualify as an element, features must be used continuously along the façade or at 30-foot intervals.

(a)a. Window and/or entry treatment:

- ~~(1)~~ Display windows divided into a grid of multiple panes.
- ~~(2)~~ Transom windows.
- ~~(3)~~ Roll-up windows/doors.
- ~~(4)~~ Recessed entry.
- ~~(5)~~ Decorative door.
- ~~(6)~~ Arcade.
- ~~(7)~~ Landscaped trellises or other permanent decorative elements that incorporate landscaping near the building entry.

(b)b. Decorative façade attachments:

- ~~(1)~~ Decorative weather protection element(s) such as a steel canopy or glass, fixed-fabric, or retractable awning.
- ~~(2)~~ Decorative building-mounted light fixtures.

(c)c. Decorative building materials and other façade elements:

- ~~(1)~~ Use of brick, stonework, and architectural pre-cast concrete for at least 10 percent of siding material on the façade.
- ~~(2)~~ Incorporating a decorative mix of building materials.
- ~~(3)~~ Decorative kick-plate, pier, or belt course.

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



~~**8L. X-District Pedestrian Standards.** The following requirements apply to all development in any X District, except where noted or specifically exempted.~~

~~Purpose: These The following requirements standards 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><del>a1.</del> Customer entrances</p>	<p><del>(1)a.</del> 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><del>(2)b.</del> 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><del>b2.</del> Street level weather protection</p>	<p><del>(1)a.</del> 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><del>(2)b.</del> 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><del>(3)e.</del> 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><del>(4)d.</del> 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><del>(5)e.</del> 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>

**~~9M. X-District Fencing, Retaining Wall and Utility Standards.~~ The following requirements apply to all development in any X-District, unless specifically exempted.**

**~~Purpose:~~ They are following standards are** intended to provide for thoughtful placement and design of utilities, mechanical equipment, service areas and fences to mitigate visual impact on public views, general community aesthetics and residential privacy.

<p><b>a4.</b> Utility screening</p>	<p><b>(1)a.</b> 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>(2)b.</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><b>(3)e.</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. 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><b>b2.</b> Fencing type limitation</p>	<p><b>(1)a.</b> Chain link fencing, with or without slats, is prohibited for required screening.</p> <p><b>(2)b.</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><b>(3)e.</b> 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><b>(4)d.</b> Electrified. The use of electrified fencing is prohibited in all zoning districts.</p> <p><b>(5)e.</b> 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. 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.</p> <p><b>(6)f.</b> Fences along alleys are allowed provided fences greater than 3 feet in height are at least 20% transparent between 3 and 7 feet above grade. If no transparency is provided, the maximum height of such fence shall be 3 feet.</p>
<p><b>c3.</b> Retaining Walls</p> <p><b>a—</b>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>	

**D. Multi-family Residential Minimum Design Standards**

**1. Applicability: The following requirements apply to multi-family residential developments in all districts, except, see Section 13.06.501.C Mixed-Use District Minimum Design Standards for X-District requirements. Multi-family residential development with commercial ground floor uses are subject to the requirements of 13.06.501.B Commercial District Minimum Design Standards.**

**2. Mass Reduction Standards.**

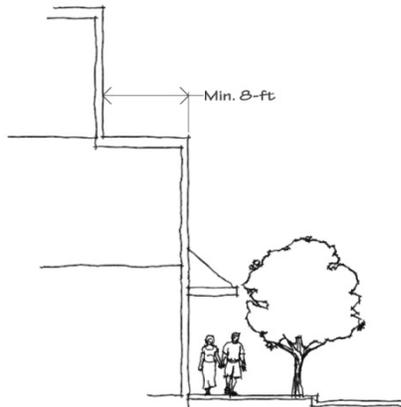
Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.

a. Size to choice ratio for 2 below

- (1). Buildings under 7,000 square feet of floor area are not required to provide mass reduction.
- (2). Buildings from 7,000 square feet of floor area to 30,000 square feet of floor area shall provide at least one mass reduction feature.
- (3). Buildings over 30,000 square feet of floor area shall provide at least two mass reduction features.

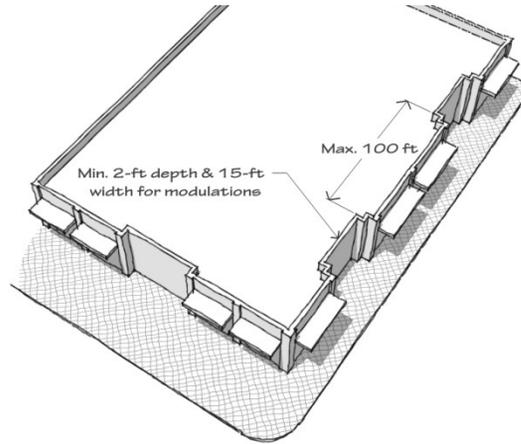
b. Mass reduction choices

- (1). Upper story setback. An 8 feet minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of 2 elevations.
- (2). Wall modulation. Maximum 100 feet of wall without modulation, then a minimum 2 feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential uses.
- (3). Plaza. A plaza of at least 800 square feet or 5 percent of building floor area, whichever is greater shall be located within 50 feet of and visible to the primary public entrance; and contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bike rack, or art work for each 200 square feet of plaza area. Plaza contents may count toward other requirements when meeting the required criteria. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza. Where public seating is provided, it shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. Plazas may be permeable pavement or pavers where feasible. Low Impact Development vegetated stormwater features may be used for up to 30% of the plaza requirement where feasible.



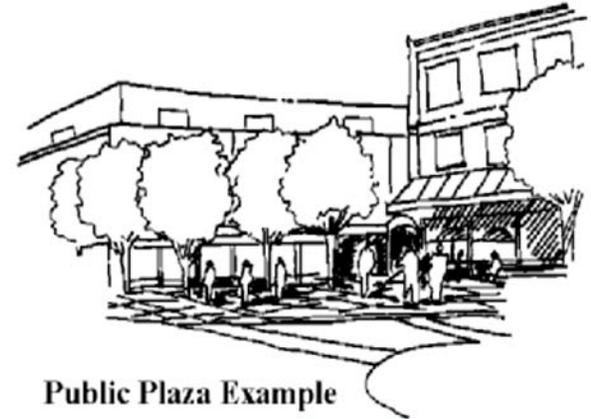
Upper Story Setback

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Wall Modulation Example

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Public Plaza Example

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### 3. Roofline Standards.

Purpose: These following standards 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.

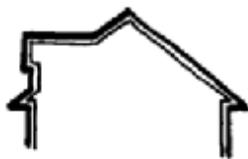
a. Roofline Choices (All buildings shall use one or more of the roofline options)

- (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**



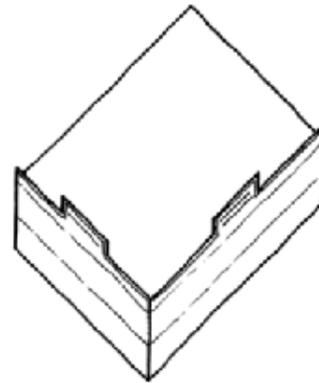
**Sloped Roof**



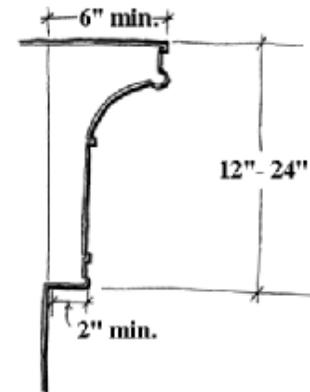
**Sloped Roof**



**Sloped Roof**



**Modulated Roof Example**



**Cornice Example**

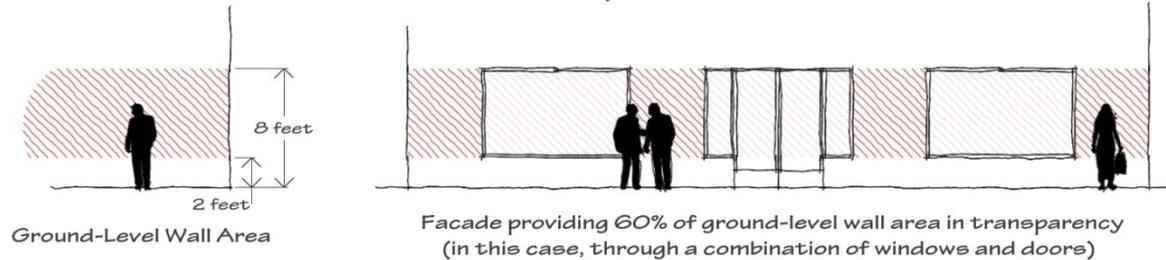
**Roofline Examples**

#### 4. Transparency.

**Purpose:** These requirements are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps to encourage pedestrian mobility and to provide a visual connection between the living area of the residence and the street.

<p>a. Street level</p>	<p>(1). <u>Front, side, or corner side exterior walls facing designated pedestrian streets shall have transparent windows or openings equal to at least 35 percent of the ground level wall area. Rough openings are used to calculate this requirement. This standard shall apply on a maximum of 2 such building elevations. The requirement shall be reduced to 15 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades and the correlating location of the floor plates of the building. Rough openings are used to calculate this requirement. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be facing the street property line.</u></p> <p>(2). <u>The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</u></p>
<p>b. Transparency</p>	<p>(1). <u>Vertical façade surfaces facing a street shall incorporate transparent doors and windows equal to at least 15% of all vertical façade surfaces. Vertical façade surfaces facing alleys, courtyards, plazas, and surface parking lots shall incorporate transparent doors and windows equal to at least 10% of all vertical façade surfaces. Rough openings are used to calculate this requirement. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard.</u></p>

#### Development Requirements for Facades Windows/Openings



## **5. Façade Surface Standards.**

**Purpose:** The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.

a. <u>Blank wall limitation</u>	<u>(1). Unscreened, flat, blank walls on the first story more than 25 feet in width are prohibited facing a public street and/or highway right-of-way, residential zone, or parking lot. These walls shall use modulation, windows, openings, landscaping, or architectural relief such as visibly different textured material to achieve the required visual break. The visual break shall be at least 1 foot in width. Items provided for other requirements may satisfy this requirement as appropriate. Stored or displayed merchandise, pipes, conduit, utility boxes, air vents, and/or similar equipment do not count toward this requirement.</u>
b. <u>Façade variety</u>	<u>(2). Buildings with under 2,000 square feet of floor area are exempt from the variety requirement.</u> <u>(3). Buildings with 2,000 square feet of floor area to 30,000 square feet of floor area shall use at least 2 different materials, textures, or patterns on each building elevation.</u> <u>(4). Buildings with over 30,000 square feet of floor area shall use at least 3 different materials, textures, or patterns on each building elevation.</u> <u>(5). For purposes of this requirement, each material, texture, or pattern must cover a minimum of 10 percent of each building elevation. Glass does not count toward this requirement. Different texture or pattern shall be visibly different from adjacent public right-of-way or parking area.</u>
c. <u>Building face orientation</u>	<u>(1). The building elevation(s) facing street or highway public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.</u> <u>(2). This requirement applies to a maximum of 2 building elevations on any given building.</u>

## **6. Pedestrian Standards.**

**Purpose:** 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.

a. <u>Entrances</u>	<u>(1). Buildings meeting the “build-to area” for designated pedestrian streets shall provide at least 1 entrance within 8 feet of the longest street-facing wall of the building.</u> <ul style="list-style-type: none"><li>• <u>(a) The entrance must face the street or be at an angle of up to 45 degrees from the street.</u></li><li>• <u>(b) The entrance may open onto a porch. The porch must have a minimum dimension of 4 feet by 6 feet; have a roof that is no more than 12 feet above the floor of the porch; and be at least 30 percent solid. If at least 30 percent of the porch is covered with a solid roof, the rest may be covered with an open material, such as a trellis.</u></li><li>• <u>(c) Buildings that have a shared main entrance must use the shared entrance to fulfill the requirements of this standard.</u></li></ul>
b. <u>Weather Protection</u>	<u>(1). Buildings meeting the maximum setback for designated pedestrian streets shall provide weather protection above a minimum of 25 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing building entries or facing public street frontage.</u> <ul style="list-style-type: none"><li>• <u>(a) Weather protection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.</u></li><li>• <u>(a) 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.</u></li></ul>

c. Transition areas	<p>(1). Residential buildings meeting the “build-to” requirements along designated pedestrian streets shall provide a transition area between the public right-of-way and the ground floor dwelling units.</p> <p>(a) Transitions can be accomplished through grade changes that elevate the ground floor units and main entry or through landscaping and other design elements, such as plazas, artwork, fountains, bioswales, or other amenities.</p> <p>(b) Fences, walls, and gateways may be used to provide some visual separation of private residences, but not to hide the transition area.</p> <p>(c) Fences over 3’ in height must be transparent and cannot exceed 5’ in height.</p> <p>(d) The transition area may be used to meet usable yard space requirements.</p> <p>(e) Parking may not be used as a feature of the transition area.</p>
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**8. Fencing and Utilities.**  
 Purpose: The following standards are intended to minimize visibility of utilities, mechanical equipment, and service areas to mitigate visual impact on residential privacy, public views, and general community aesthetics.

a. Utility screening	<p>(1). Rooftop. All rooftop mechanical equipment 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>(2). All ground level. Mechanical or utility equipment, loading areas, and dumpsters shall be screened from adjacent public street right-of-way, including highways, or residential uses. Items that exceed 4 feet in height must use fencing, structure, or other form of screening, except landscaping. Items that do not exceed 4 feet above ground level may be screened with landscaped screening. All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting. Limited flexibility in this standard is allowed to ensure that the function of the utility equipment in not compromised by the screening requirement.</p> <p>(3). Chain link fencing, with or without slats, is prohibited for required screening.</p>	<p>The diagram, titled 'Utility Storage', shows two options for screening. Option 1 shows a building with 'rooftop utilities' on top, which are 'Screened' by a parapet. Below the building, a 'trash enclosure' is shown with a 'gate' and 'fence treatment'. Option 2 shows a building with 'rooftop utilities' on top, which are 'Screened' by a 'full parapet screening'. Below the building, a 'trash enclosure' is shown with 'landscape treatment'.</p>
b. Fencing type limitation	<p>(1). 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>(2). 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>(3). Electrified. The use of electrified fencing is prohibited in all zoning districts.</p>	

**E. Single, Two and Three-Family Dwelling Design Standards**

1. Applicability: The following requirements apply to all single, two, and three-family dwellings in X-Districts, and to all two and three-family dwellings in all districts.
2. Purpose: The following standards are intended to promote pedestrian access, compatibility with residential neighborhoods, building orientation to the street, and to minimize the impacts of vehicular access.

~~**N. Single, Two, and Three-Family Dwelling Standards.** The following requirements apply to all single, two, and three-family dwellings in X Districts, and to all two and three-family dwellings in all districts. They are intended to emphasize pedestrian access, compatibility with residential neighborhoods, building orientation to the street, and to minimize impacts of vehicular access.~~

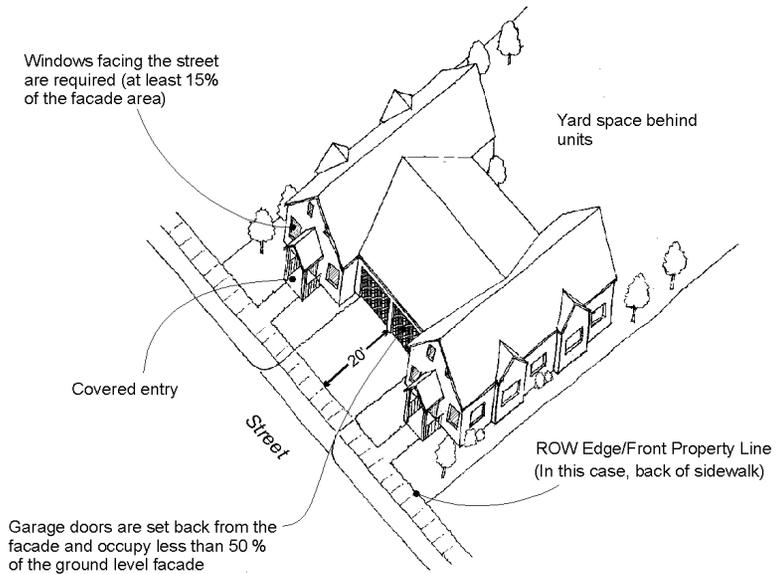
~~3. All dwellings shall maintain primary orientation to the adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director. The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance.~~

~~434. Covered entries are required for each common entry or individual dwelling unit entry with minimum dimensions of 4 feet by 6 feet.~~

~~52. Windows on the street. At least 15 percent of the street-facing façades (all vertical surfaces facing the street) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.~~

~~63. Garage design standards.~~

- a. Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as an abutting right-of-way that is or can be developed, is available.
- b. For garages that include vehicular doors facing the front property line, the building or portion of the building with such doors shall be setback at least 20 feet from the property line or private road easement.
- c. The garage face or side wall shall occupy no more than 50 percent of the length of a ground-level façade facing a street.
- d. Where the garage faces the side, but is visible from the frontage, the garage shall incorporate a window on the front-facing façade so that it appears to be a habitable portion of the building. The window size and design must be compatible with the windows on habitable portions of the dwelling.
- e. Driveway approaches shall also be consistent with the standards in Section 13.06.510.



~~74. Corner duplexes. Duplexes located on corner lots shall be designed with pedestrian entries located on opposite street frontages so that the structure appears to be a single-family dwelling from each street, or with a single shared entrance that presents the appearance of one single-family house. Where no alley is available for vehicular access, separate driveways for each unit may be placed on opposite streets.~~

~~85. **Building design, duplexes and triplexes**Articulation. Duplexes and triplexes shall be articulated to either look like two or three distinct dwelling units from the street or to look like one single-family dwelling. Specifically:~~

- a. Buildings articulated to look like distinct dwelling units shall include individual covered entries plus one of the following:
  - (1) Roofline modulation consistent with Section 13.06.501.I.1 to distinguish one unit from another (or the appearance of separate units) as viewed from the street; or
  - (2) Vertical building modulation to help distinguish between the different units in the building. 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.
- b. Buildings designed to look like one large single-family dwelling shall feature only one entrance visible from the street. This could be a common entrance for all units, or the entrances for additional units could be provided at the side or rear of the building.

~~96. Building design, single-family detached~~**Facade variety.** Single-family detached dwellings shall not use front façades that are duplicative with adjacent single-family detached dwellings. In order to qualify as a different façade elevation, dwellings shall have different roofline configurations and different entry/porch designs. Simple reverse configurations of the same façade elevation on adjacent lots are not sufficient to meet this requirement. In addition, a minimum of two of the following alternatives shall be utilized:

- a. Different window opening locations and designs,
- b. One and two-story dwellings,
- c. Different exterior finish materials and finishes, or
- d. Different garage location, configuration and design.

~~107.~~ 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.

~~118.~~ 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.

**F. Townhouse Design Standards.**

1. Applicability. The following requirements apply to all townhouse dwellings in all districts.
2. Purpose. The following standards 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.

~~**O. Townhouse Standards.** The following requirements apply to all townhouse dwellings in all 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.~~

~~3. All dwellings shall maintain primary orientation to the adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director. The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance.~~

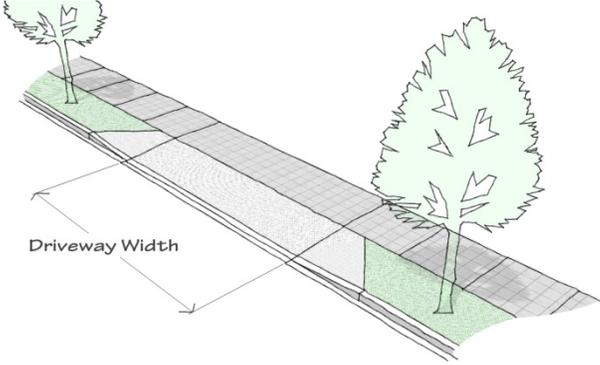
~~44. Building Mass:~~

- a. The maximum number of units in one building is six, with minimum spacing between buildings of 10 feet.
- b. Unit articulation. Façades 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.

<p><u>52.</u> Garage Orientation &amp; Vehicular Access:</p> <ul style="list-style-type: none"> <li>a. Garages shall not face any street</li> <li>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.</li> <li>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.</li> <li>d. Driveway approaches shall also be consistent with the standards in Section 13.06.510.</li> </ul>	
<p><u>63.</u> Pedestrian Orientation:</p> <ul style="list-style-type: none"> <li>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.</li> <li><del>b.</del> <u>b.</u> 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.</li> </ul>	
<p><u>74.</u> Windows on the street. At least 15 percent of the façade (all vertical surfaces facing the street) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.</p>	
<p><u>85.</u> Utilities:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	
<p><u>96.</u> Fencing.</p> <ul style="list-style-type: none"> <li>a. Chain link fencing, with or without slats, is prohibited for required screening.</li> <li>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.</li> <li>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.</li> <li>d. Electrified. The use of electrified fencing is prohibited in all zoning districts.</li> <li>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.</li> </ul>	

(Ord. 28336 Exs. B,C; passed Dec. 1, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28157 Ex. F; passed Jun. 25, 2013; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27813 Ex. D; passed Jun. 30, 2009; Ord. 27278 § 1; passed Oct. 26, 2004; Ord. 27079 § 32; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002)

<b><u>C. Off-street parking development standards</u> <del>Development Standards—Location.</del></b>	
<b><u>1. Applicability:</u> The following standards apply to all X-Districts and multi-family residential development in all districts, except where otherwise noted.</b>	
<b><u>2. Purpose:</u> The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods and to break up monotonous street frontages with active uses and to create a defined public realm.</b>	
<b><u>3. Off-Street Parking Location</u></b>	
<b><u>a.</u></b> NCX, RCX, NRX, and URX Districts	Parking shall be located to the rear, side, within, or under a structure, or on a separate lot. Surface 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.
<b><u>b.</u></b> CCX, UCX, HMX and CIX Districts	Parking may be located on any side provided maximum setback requirements are met.
<b><u>c.</u></b> Multi-Family Development Parking	<b><u>In all X-Districts:</u></b> <ul style="list-style-type: none"> <li>• <u>In multi-family residential developments with multiple buildings, off-street surface parking and circulation areas shall, to the extent practicable, be located on the sides and rear portions of the development site.</u></li> <li>• <u>Areas between buildings and along street frontages shall be used to fulfill yard space requirements (see Section 13.06.501.N).</u></li> </ul> <b><u>Non-X-Districts, on all designated pedestrian streets:</u></b> <ul style="list-style-type: none"> <li>• <u>Surface parking shall not occupy more than 50% of the street level frontage more than 80' in continuous street level frontage.</u></li> <li>• <u>Surface parking located to the side of a structure meeting the maximum setback shall not exceed a maximum of 60 feet in width for paved vehicular area.</u></li> <li>• <u>Surface parking shall not be located between a structure meeting the maximum setbacks and the pedestrian street lot line.</u></li> </ul>
<b><u>d.</u></b> Loading Spaces	In NCX and RCX Districts, off-street loading spaces for retail sales and service uses shall only be required in shopping centers.
<b><u>4. Development Standards—Compact Stalls.</u></b>	
<b><u>a.</u></b> Compact Stalls	A maximum 30 percent of the parking spaces provided may be composed of compact stalls, except that for any parking provided in excess of the minimum quantity requirements, up to 50% of those excess stalls may be composed of compact stalls.
<b><u>5. Development Standards—Driveways.</u></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:	
<b><u>a.</u></b> Driveway location	Driveways shall meet the location requirements of TMC 10.14.050.

<p><u>b.</u> Driveway size, <u>X-Districts only</u></p>	<p>The maximum driveway approach width shall be 25 feet on designated pedestrian streets and 30 feet on all other streets.</p> <p>For two and three-family and townhouse dwellings, driveway approach widths on streets are limited to 14 feet when serving one unit and 20 feet in width when serving multiple units.</p> <p>In all cases, the driveway approach width limitations indicated are exclusive of the radii of the returns (see graphic below).</p>  <p style="text-align: center;">Measuring Driveway Width</p>
<p><u>c.</u> Pedestrian street driveway frequency</p>	<p>Driveways shall be no closer than 150 feet to another driveway as measured from centerlines on designated pedestrian streets.</p> <p>The centerline of a driveway shall be no closer than 50 feet to a designated pedestrian street corner.</p>
<p><u>d.</u> Review of new driveways</p>	<p>New driveways in Mixed-Use Center Districts are subject to review and approval by the City Engineer pursuant to Chapter 10.14, taking into account safe traffic flow, existing and planned transit operations, the objectives and requirements of this chapter, and the efficient functioning of the development.</p> <p>In addition to these standards, the driveway standards contained in Chapter 10.14 shall apply. When portions of Chapter 10.14 or this chapter are in conflict, the more restrictive shall apply.</p> <p>Exceptions may be allowed by the City Traffic Engineer for public safety or if strict application of these standards would prohibit vehicular access to a development, pursuant to Chapter 10.14.</p> <p>Any proposed exception to the standards and/or requirements for driveways in Chapter 10.14 or this chapter shall be forwarded to Pierce Transit for review and comment.</p>
<p><b>6. 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.</p>	
<p><u>a.</u> Core Pedestrian Streets</p>	<p>Parking garages are prohibited at street level along the frontage of designated core pedestrian streets. These areas are intended to include uses and portions of uses that encourage pedestrian activity and interaction between adjacent uses and the streetscape.</p> <p>To support pedestrian activity and urban vibrancy along these key streets, parking garage space shall not occupy more than 60% of a building elevation facing a designated core pedestrian street.</p>
<p><u>b.</u> Pedestrian Streets</p>	<p>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.</p> <p>To support pedestrian activity and urban vibrancy along these key streets, parking garage space shall not occupy more than 60% of a building elevation facing a designated core pedestrian street.</p>

<p><u>c.</u> Parking Garage Design Standards</p>	<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>For structured parking located within upper floors along designated pedestrian and core pedestrian streets, openings shall be designed to follow the rhythm and scale of the prevailing window pattern for the occupied spaces along the same elevation.</p> <p>Sloped parking decks and ramps should not be located along designated pedestrian or core pedestrian street elevations or, where such design is infeasible, shall be concealed from public view.</p>
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D2. 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:

- 1.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.
  - 2.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.e. Availability confirmation. Required parking spaces within such an off-site parking area are owned or under legal contract by the owner(s) or lease holder(s) of the property intended to be served.
  - 4d. Sign. A sign with a maximum area of 1.5 square feet shall be posted on the principal site providing notice of the availability and location of the additional parking. Said sign area will not be subtracted from any sign allowance in Section 13.06.520.
  - 5e. Pedestrians. Upon review, the Traffic Engineer, or designee, may require sidewalk or pedestrian crossing improvements or fence openings to enhance pedestrian safety and mobility from the off-site parking to the use it serves when conditions warrant such improvements.
- E3. 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:
- 1a. Off-site. The shared parking site shall comply with the provisions of off-site parking (subsection 2 above).
  - 2b. 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.
  - 3e. 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.
  - 4d. 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.
- (a+) 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.
- (b2) 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.
- (c3) 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.

(d4) 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.

(e5) 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.

5e. Pedestrians. Upon review, the Traffic Engineer, or designee, may require sidewalk and pedestrian crossing improvements or fence openings to enhance pedestrian safety and mobility between the uses sharing parking and the parking area shared when conditions warrant such improvements.

F4. Other limitations on parking areas.

1a. Where the principal use is changed and additional parking space is required as a result, it is unlawful and a violation of this chapter to begin or maintain such altered use until such time as the required off-street parking provisions of this chapter are complied with.

2b. Where the minimum number of required off-street parking spaces has been provided to serve a use, such parking area shall not be subsequently reduced in the number of parking spaces provided.

3e. Where off-street parking areas are developed and operated as a business and where a parking fee is charged, the parking area shall be located only in a commercial or industrial district.

G5. 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:

4a. 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;

5b. 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;

6e. 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;

7d. The total width of all driveways on a street for any one parcel shall not exceed 50 percent of the frontage of that parcel along the street, and shall not be more than two in number except as allowed under TMC 10.14.050.B.6.e.

H6. Vehicle access and parking for single, two and three dwelling residential uses, except, see Section 13.06.510.C for applicable standards in X-Districts, in R-Districts. 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. In the case of Small Lots, see the additional provisions of Section 13.06.145. Additional limitations on vehicular access and parking in R-Districts are contained in Section 13.06.100.D.

IB. Off-street parking area development standards.

1. Intent. In order to assure proper and uniform development of safe parking areas, protect adjoining property from undue invasion of privacy and peace, provide for pedestrian circulation, minimize nuisance factors, and maintain in appropriate locations a landscaped setting in keeping with accepted, sound standards of residential landscaping practice, every parcel of land hereafter used as an off-street parking area, as defined in this chapter, shall be developed in accordance with the following minimum standards.

2. Minimum standards. A parking area for five or more motorized vehicles, trailers, or a combination thereof, shall be developed in accordance with the following requirements:

a. Entrances and exit. The location and design of all entrances and exits shall be subject to the review and approval of the City Engineer, taking into consideration factors including, but not limited to, emergency vehicle mobility, safe turn movements, right-of-way width, speed limits, proximity to street intersections and/or other entrances or exits, street classification for

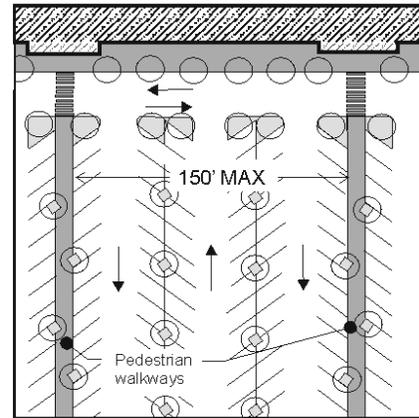
### 13.06.512 Pedestrian and bicycle support standards.

<b>A. General Applicability.</b>
1. Application. The pedestrian and bicycle support standards apply to all new development and alterations 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.
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. 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.
4. Temporary. Temporary structures are exempt from the standards of this section.
5. 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.
7. Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.
8. Fractions. Any requirement resulting in a fraction when applied shall be rounded up or down to the nearest whole number.
<b><u>B. Walkways Bicycle and Pedestrian Connections (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. The pedestrian and bicycle standards encourage a safe, direct, attractive, and usable multimodal circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the development site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.</u></b>
<del>1. <u>Direct Connection between streets and entrances. 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.</u></del>
<del>    a. <u>Generally there must be a connection between one main entrance of each building on the site and the adjacent street. The route may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.</u></del>
<del>    b. <u>Where there is more than one street frontage, an additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance of each building.</u></del>

3. Minimum connection frequency.

a. 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.

b. 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).



c. Route directness. Connections to streets shall be designed and located to facilitate direct travel to all bus stops, transit stations/centers, schools, public bicycle facilities, trails, or shared-use paths in proximity of the development site.

d. Internal system. On sites larger than 10,000 square feet, an internal pedestrian connection system must be provided. The system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities

2. Multiple use sites. Shopping centers and sites with multiple uses shall provide a walkway network along building façades 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. Facility Design.

a. Lighting and landscaping. 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.

b. Size and materials.

(1) Required walkways must be hard-surfaced and at least 5 feet wide, excluding vehicular overhang, except for walkways accessing less than 4 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. Permeable pavement surfaces are encouraged where feasible.

(2) Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.

(3) Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

c. Bicycle facilities. At least one driveway and travel lane on site shall be designed to accommodate bicycles in accordance with the Public Works Design Manual. Where a 10' walkway is provided, it may be used as a shared-use path for both pedestrians and bicyclists. The route shall include signage to direct bicyclists to on-site bicycle parking facilities.

d. Weather protection.

(1) Weather protection shall be provided for at least one main entrance for each building for a minimum of 25 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.

(2) 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.

(3) 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.

~~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.~~

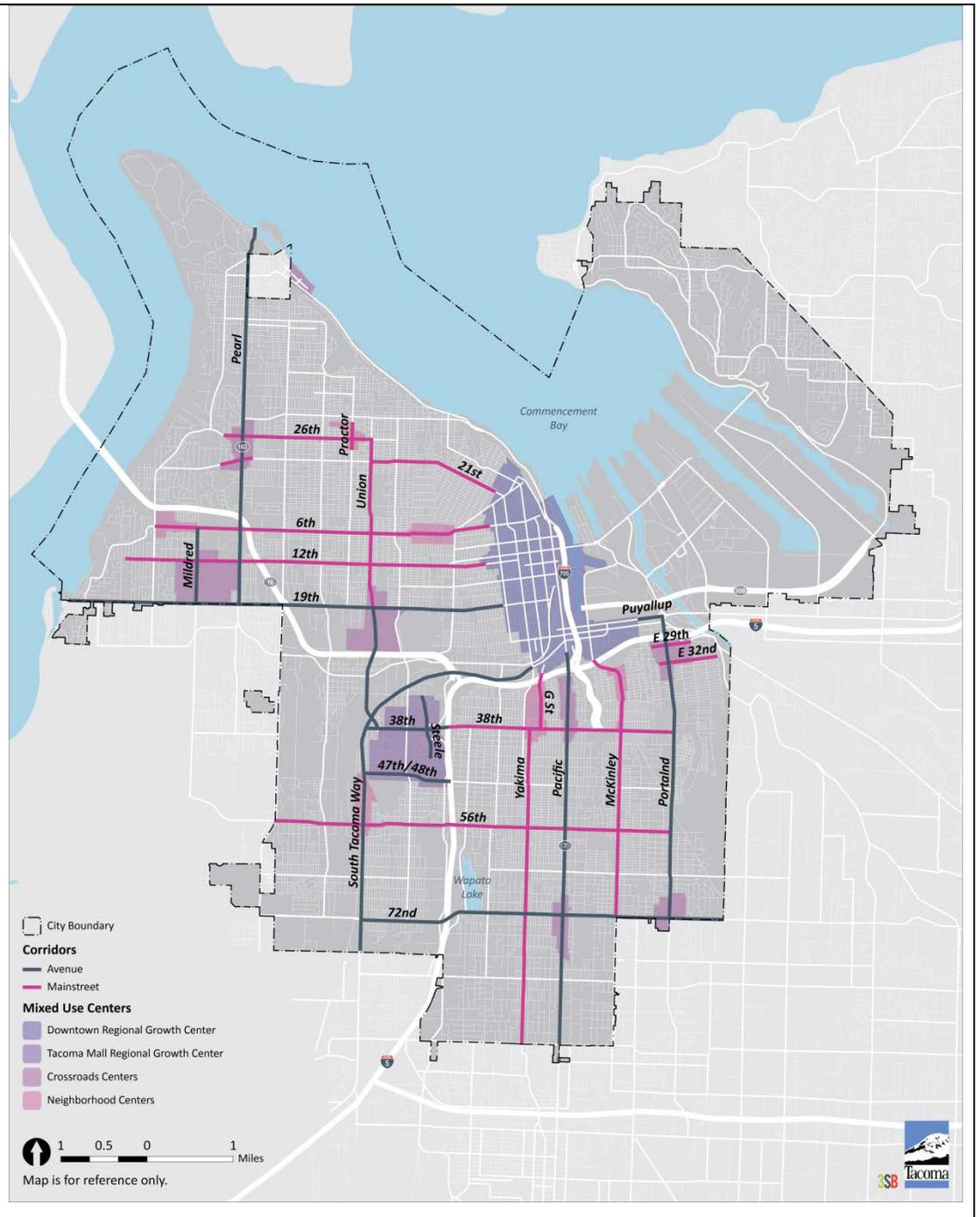
~~— Parks and recreation uses (excluding passive open space), or portions thereof, which are undeveloped with buildings, shall provide a minimum of one walkway, and an additional walkway for each additional improved street frontage greater than 500 feet in length (unless topography, critical areas or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

~~5.4. 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. Permeable pavement surfaces are encouraged where feasible.~~

~~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.~~

## Exhibit B: Pedestrian Streets Designated

Street	Corridor Type
Pearl	Avenue
N 26th	Main Street
N 21st	Main Street
Mildred	Avenue
6 <sup>th</sup> Ave	Main Street
12 <sup>th</sup>	Main Street
19 <sup>th</sup>	Avenue
Union	Avenue Main Street
S 38 <sup>th</sup> Street	Main Street
South Tacoma Way	Avenue
56 <sup>th</sup>	Main Street
72nd	Avenue
Yakima Ave	Main Street
Pacific Ave	Avenue
McKinley Ave	Main Street
Portland Ave	Avenue
Puyallup Ave	Avenue



## **II-3. Wireless Communication Facilities**



### *Staff Analysis Report*

<b>Proposed Amendment:</b>	Wireless Communication Facilities Code Revisions
<b>Applicant:</b>	Planning and Development Services Department
<b>Location &amp; Size of Area:</b>	Citywide
<b>Current Land Use &amp; Zoning:</b>	Various
<b>Neighborhood Council Area:</b>	Citywide
<b>Staff Contact:</b>	Lihuang Wung, Planning Services Division (253) 591-5682, <a href="mailto:lwung@cityoftacoma.org">lwung@cityoftacoma.org</a>
<b>Date of Report: (Planning Commission review date; draft or final)</b>	April 6, 2016 (for Public Review)

#### **I. Description of the Proposed Amendment:**

##### **Proposal**

The proposal would amend the development regulations pertaining to wireless communication facilities as set forth in the Tacoma Municipal Code (TMC), Section 13.06.545 Wireless Communication Facilities and relevant terms as contained in Section 13.06.700 Definitions and Illustrations. (See Exhibit A) The intent of the proposal is to comply with the new wireless communication regulations and rules adopted by the Federal Communications Commission in October 2014 and meet the community’s goals for urban design and aesthetics concerning wireless communication facilities.

##### **Background**

In 2012 Congress passed the “Middle Class Tax Relief and Job Creation Act of 2012” (codified at 47 U.S.C. § 1455(a)). Section 6409 of the Act requires that “a State or local government may not deny, and shall approve, any eligible facilities request for a modification [i.e., collocation, removal or replacement of transmission equipment] of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.” (See Exhibit B)

The Federal Communications Commission (FCC), pursuant to its rule making authority as empowered by the Telecommunication Act of 1996, issued a Report and Order (FCC 14-153) on October 21, 2014 (which became effective on April 8, 2015), establishing rules for implementing Section 6409. The Order, among other things, defines when a proposed modification constitutes a substantial change to the physical dimensions of the antenna support structure and establishes application requirements limiting the information that can be required from an applicant. The FCC’s rules also establish a 60-day “shot clock” whereby a decision to approve or deny an application must be made within 60 days of receipt of the application and if the local jurisdiction fails to take action within 60 days, the application will be deemed approved. (See Exhibit C)

The FCC’s rules are intended to spur wireless broadband deployment, in part, by facilitating the sharing of infrastructure that supports wireless communications through incentives to collocate on structures that already support wireless facilities. The Order is subject to appeal, however, even if an appeal is filed, the appeal will not automatically result in delay of implementation of the rules.

## **Key Revisions**

As shown in Exhibit A, revisions are proposed to various subsections of TMC 13.06.545 and 13.06.700 intended to incorporate the FCC's rules pertaining to "substantial changes", provide additional measures to further reduce visual impacts, and clarify and improve code language. Key revisions are highlighted below. Note that the proposed amendment does not include the 60-day "shot clock", which will be incorporated in the City's administration policy and business practice, since the City currently maintains a better level of service (of approximately 42 days) for wireless communication facility permits.

- 13.06.545.A – Add to the purpose statement a reference to the Federal legislation and the associated FCC rules.
- 13.06.545.D.1 – Consolidate items "h" and "i" to improve the code language concerning permit applicants and FCC-licensed providers.
- 13.06.545.E.1 – Require that the wireless communication facility use category of "Level 1", i.e., modifications of an existing tower, be limited to a cumulative increase in height and/or width from the originally permitted facility as set forth in the "substantial changes" criteria.
- 13.06.545.E.1 – Prohibit attaching an antenna to the roof of a building under Level 1.
- 13.06.545.E.1 – Clarify that Level 2 also includes building or structure-mounted antennae that exceed the associated limitations of Level 1 facilities.
- 13.06.545.E.1 – Reorganize the use table to group the zoning districts into, generally, residential, commercial, light industrial and heavy industrial, and remove footnote #3 which is redundant to the text above.
- 13.06.545.F – Provisions in this subsection are either applicable to all wireless facilities or redundant; the subsection is being deleted and some of the provisions relocated elsewhere.
- 13.06.545.F.1.g.(2)(a) – Change "structures in excess of the permitted height of the applicable district" to "structures that are at least the height of the proposed facility", necessitating the applicant to contact the owner of the tallest building in the area which may not be exceeding the permitted height.
- 13.06.545.F.3.a – Modify (1), (2) and (3) of this subsection and add a (4) to clarify that concealed/camouflaged freestanding facilities have a higher preference over attached, non-concealed, non-camouflaged facilities.
- 13.06.545.F – Add a new subsection "4.", which is taken from part of the removed subsection 13.06.545.F.
- 13.06.545.G.1 – Strengthen the intent statement concerning "visual impacts" by adding a facility siting criterion taken from the removed subsection 13.06.545.F and by adding a notion that the View Sensitive, Historic and Conservation Overlay Districts are also in the same category of residential districts where visual impacts shall be properly addressed.
- 13.06.545.G.1.a – Add two provisions pertaining to "location of antennas on the side of parapet/wall and painted to match" and "alternative designs" to the existing seven measures for consideration for site location and development, and reorganize the list of these measures to better illustrate the general priority of their application.
- 13.06.545.G.1.a – Add two photos to illustrate examples of flush-mounting and color-matching wireless facilities.
- 13.06.545.G.1.c – Add a requirement for using durable, low maintenance materials for screening.

- 13.06.545.G.2.a & b – Clarify that the setback requirements apply to towers as well as other support structures.
- 13.06.545.G.8 – Incorporate the criteria for “substantial changes” as set forth in the FCC’s rules.
- 13.06.545.G.9 – Change the waiver process to variances, because there is no longer a waiver process in TMC 13.05.
- 13.06.700 – Revise the definition of "Camouflaged (wireless communication facility)" to improve the code language and better clarify its intent.
- 13.06.700 – Modify the definition of "Facility location (wireless communication facility)" because the current language may be misinterpreted as the sole purpose of the facility is to hold antennas and having multiple support structures on the roof of one building would be collocation.
- 13.06.700 – Modify the definition of "Wireless communication tower" to include building-mounted support structures where equipment is mounted directly to the building's structure.

## II. Analysis of the Proposed Amendment:

### 1. How does the proposed amendment conform to applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and development regulations?

The proposed amendment would align the City’s development regulations concerning wireless communication facilities with the latest changes to the relevant Federal legislation and rules. In addition, the proposed amendment is intended to further reduce the visual and aesthetic impacts of wireless communication facilities, which is consistent with the following policies as set forth in the Design + Development (“DD”) and the Public Facilities + Services (“PFS”) elements of *One Tacoma: Comprehensive Plan*:

**Policy DD-6.5** Reduce and minimize visual clutter related to billboards, signs, utility infrastructure and other similar elements.

**Policy DD-1.6** Encourage the development of aesthetically sensitive and character-giving design features that are responsive to place and the cultures of communities.

**Policy DD-4.10** Utilize landscaping elements to improve the livability of residential developments, block unwanted views, enhance environmental conditions, provide compatibility with existing and/or desired character of the area, and upgrade the overall visual appearance of the development.

**Policy PFS-7.9** Promote the co-location of public facilities, when feasible, to enhance efficient use of land, reduce public costs, reduce travel demand, and minimize disruption to the community.

**Policy PFS-7.14** Encourage public facilities visible to the public or used by the public to be of the highest design quality by implementing a City-sponsored design review process.

### 2. Would the proposed amendment achieve any of the following objectives?

- Address inconsistencies or errors in the Comprehensive Plan or development regulations;
- Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City’s capacity to provide adequate services;
- Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or
- Enhance the quality of the neighborhood.

The proposal responds to and would maintain the City's compliance with the latest updates of Federal legislation and rules pertaining to wireless communication facilities. The proposal would also enhance the quality of the neighborhood by modifying certain provisions of the code intended to minimize the visual impacts of wireless communication facilities.

- 3. Assess the proposed amendment with the following measures: economic impact assessment, sustainability impact assessment, health impact assessment, environmental determination, wetland delineation study, traffic study, visual analysis, and other applicable analytical data, research and studies.**

The FCC's rules are intended to incentivize collocation of wireless facilities and equipment on structures that already support such facilities, thus spurring wireless broadband deployment and minimizing visual impacts of such facilities. The proposal would align the City's code with the FCC's rules and is expected to achieve the same objectives.

- 4. Describe the community outreach efforts conducted for the proposed amendment, and the public comments, concerns and suggestions received.**

A summary of the 2016 Annual Amendment Package, including a description of this proposal, was included in the *Planning Manager's Letter to the Community* that was distributed to community members in January 2016 to solicit inquiries or early comments from the community. Additional public comments will be solicited during the public review process through the Planning Commission's public hearing in May 2016.

- 5. Will the proposed amendment benefit the City as a whole? Will it adversely affect the City's public facilities and services? Does it bear a reasonable relationship to the public health, safety, and welfare?**

This proposal would benefit the City as a whole by encouraging collocation of wireless communication facilities, minimizing potential proliferation and visual impacts of such facilities, and stimulating economic development. This proposal does not make any significant changes to the requirements applicable to public or quasi-public facilities, thus is not expected to adversely affect such facilities. By discouraging potential proliferation of wireless facilities, this proposal also bears a reasonable relationship to the public health by not amplifying potential health hazards caused by the microwaves from cell towers.

### **III. Staff Recommendation:**

Staff recommends that the proposed amendments to the Tacoma Municipal Code, Section 13.06.545 Wireless Communication Facilities and Section 13.06.700 Definitions, as depicted in Exhibit A, be distributed for public review prior to the Planning Commission's public hearing tentatively scheduled for May 4, 2016.

### **IV. Exhibits:**

- A. Proposed Amendments to Tacoma Municipal Code, Section 13.06.545 Wireless Communication Facilities and Section 13.06.700 Definitions.
- B. Middle Class Tax Relief and Job Creation Act of 2012, Section 6409 Wireless Facilities Deployment (47 U.S.C. § 1455(a)), February 22, 2012.
- C. Federal Communications Commission's Report and Order, FCC 14-153, Subpart CC, §1.40001 Wireless Facility Modifications, released October 21, 2014 and effective April 8, 2015.



# Wireless Communication Facilities Code Amendments

DRAFT LAND USE REGULATORY CODE CHANGES  
April 6, 2016

Note:  
These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the Tacoma Municipal Code (TMC) that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.  
Amendments are proposed to the following two sections of the TMC’s Chapter 13.06 ZONING:

- TMC 13.06.545 Wireless communication facilities
- TMC 13.06.700 Definitions and illustrations

## Chapter 13.06 ZONING

\* \* \*

### 13.06.545 Wireless communication facilities.

A. Purpose. These standards were developed to protect the public health, safety, and welfare, and minimize visual impacts on residential areas and Mixed-Use Center Districts, while furthering the development of wireless communication services in the City. These standards were designed to comply with the Telecommunication Act of 1996, as well as the relevant provisions of the Middle Class Tax Relief and Job Creation Act of 2012 and the associated Federal Communications Commission’s Report and Order, FCC 14-153. The provisions of this section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting wireless communication services. This section shall not be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent wireless communication services. This section shall not be used to regulate uses and development activity located within street rights-of-way.

To the extent that any provision of this section is inconsistent or conflicts with any other City ordinance, this title shall control. Otherwise, this section shall be construed consistently with the other provisions and regulations of the City.

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 the provisions of Section 13.06.640. Modification or use of such towers for commercial use shall require full compliance with this section.
4. Satellite dish antennas less than seven feet in diameter, including direct to home satellite services, when used as an accessory use of the property.
5. Routine maintenance or repair of a wireless communication facility and related equipment (excluding structural work or changes in height or dimensions of antenna, tower, or buildings), provided that compliance with the standards of this regulation are maintained.

6. A COW or other temporary wireless communication facility shall be permitted for a maximum of 90 days during the construction of a permitted, permanent facility or during an emergency.

7. Residential television antennas as an accessory installation on a residential dwelling unit.

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.HG. 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. The table in Section 13.06.545.E~~ specifies the permits required for the various types of wireless service facilities that meet the standards of this ordinance.

D. Required submittals.

1. Administrative review-building permit. Application for administrative review and building permit shall include the following:

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

b. A signed statement indicating that:

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

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

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

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

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

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

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

h. Where applicable, proof that the applicant is an FCC-licensed wireless communication provider or that it has agreements with an FCC-licensed wireless communication provider for use or lease of the proposed facility. The wireless communication service provider must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations.

~~i. The applicant, if not the wireless communication service provider, shall submit proof of lease agreements with an FCC licensed wireless communication provider, if such wireless communication provider is required to be licensed by the FCC.~~

2. Conditional use permit-building permit. Application for conditional use permit and building permit shall include the following:

a. All the required submittals set forth in Section 13.06.545.D.1 above.

b. Photo-simulations of the proposed facility. The required photo-simulations shall be taken from at least four line-of-site views. The photo-simulations shall be labeled as to the view depicted, the maximum height and elevation of the structure, including antennas, the elevation from which the photo-simulation was taken, proposed color scheme, and method of screening.

c. A current map showing the location of the proposed tower and associated wireless service facilities, the locations of other wireless service facilities operated by the applicant, and those proposed by the applicant that are within the City or outside of the City, but within one-half mile of the City boundary.

d. The approximate distance between the proposed tower or antenna and the nearest residentially-zoned property.

e. At the time of site selection, the applicant should demonstrate how the proposed site fits into its existing overall network within the City.

f. Confirmation from the applicant and/or the applicable Neighborhood Council Board (“NCB”) that a pre-application public meeting has been held, or is scheduled to occur (unless the requirement for the meeting has been waived by the NCB), with the applicant to discuss the siting of the proposed wireless communication tower or antenna and any issues related to such siting.

E. Wireless communication towers and facilities use category.

1. Wireless communication towers or wireless communication facilities. Wireless communication towers or wireless communication facilities use type refers to facilities used in the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. These types of facilities also include central office switching units, remote switching units, telecommunications radio relay stations, and ground level equipment structures.

Level 1: Modification ~~of an existing wireless tower, including~~This may include the complete replacement of an existing wireless communication tower or antenna support structure to its existing height, ~~or modifications~~ to accommodate collocation, or the installation of a concealed antenna. Such modifications are limited to a cumulative increase in height and/or width from the originally permitted facility, as specified in the criteria pertaining to substantial changes as set forth in subsection 13.06.545.G.8. Also, Level 1 also includes an antenna attached to the ~~roof or~~ sides of a building, an existing tower, water tank, or a similar structure. This level is limited to the following types of antenna(s): an omni-directional or whip antenna no more than seven inches in diameter and extending no more than 16 feet above the structure to which it is attached; a panel antenna no more than 16 square feet in total area per panel and extending above the structure to which it is attached by no more than 16 feet; or a parabolic dish no greater than three feet in diameter per dish and extending no more than 16 feet above the structure to which it is attached.

Level 2: Wireless communication towers with associated antennas or dishes to a height of 60 feet, as well as building or structure-mounted antennae that exceed the associated limitations of Level 1 facilities outlined above.

Level 3: Wireless communication towers with associated antennas or dishes over 60 feet in height and not exceeding 140 feet in height.

Level 4: Wireless communication towers with associated antennas or dishes over 140 feet in height.

Wireless Communication Tower or Wireless Facility Use Category	Zoning District Classifications - Table A					
	R-1; R-2; R-2SRD; R-3; R-4; R-4-L; R-5; PRD; T; HM; HMX; DR; NRX	PDB	C-1; C-2	NCX; CCX; RCX; URX	UCX; CIX; M-1; M-2; PMI	DCC; DMU; WR
<i>Level 1</i>	A <sup>1, 3, 4</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A	A
<i>Level 2</i>	S <sup>4</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	A	A
<i>Level 3</i>	S <sup>4</sup>	S	S	S	A	S
<i>Level 4</i>	S <sup>4</sup>	S	S	S	S	S

~~Notes—Symbols~~

~~A—Administrative review—Subject to building permit.~~

~~S—Requires conditional use permit and building permit.~~

~~1—Permitted on public facility sites, subject to administrative review and building permit.~~

~~2—Allowed 16 feet above underlying zoning district height limit, except in the C-1, C-2, and NCX Districts.~~

~~3—Attached, rooftop antennas are permitted outright, a maximum of 16 feet over the height of an existing building or water tank, regardless of the height of the structure~~

~~4—New wireless communication towers and antennas prohibited in R-1, R-2, R-2SRD, and R-3 Districts, except on public or quasi-public property developed with existing public or quasi-public facilities and properties developed with existing wireless communication facilities.~~

<u>Wireless Facility Use Category</u>	<u>Zoning District Classifications</u>			
	<u>R-1; R-2; R-2SRD; R-3; R-4; R-4L; R-5; T; HMX; DR; NRX</u>	<u>PDB; C-1; C-2, NCX; CCX; RCX; URX; UCX; DCC; DMU; WR</u>	<u>CIX; M-1</u>	<u>M-2; PMI</u>
<u>Level 1</u>	<u>A<sup>1, 3</sup></u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Level 2</u>	<u>C<sup>3</sup></u>	<u>C<sup>2</sup></u>	<u>A</u>	<u>A</u>
<u>Level 3</u>	<u>C<sup>3</sup></u>	<u>C</u>	<u>C</u>	<u>A</u>
<u>Level 4</u>	<u>C<sup>3</sup></u>	<u>C</u>	<u>C</u>	<u>C</u>

Symbols:

A - Allowed with administrative review

C - Allowed only with approval of a Conditional Use Permit

Footnotes:

1 - Permitted on public facility sites, subject to administrative review and building permit.

2 - Allowed 16 feet above underlying zoning district height limit, except in the C-1, C-2, and NCX Districts.

3 - New wireless communication towers and antennas prohibited in R-1, R-2, R-2SRD, and R-3 Districts, except on public or quasi-public property developed with existing public or quasi-public facilities and properties developed with existing wireless communication facilities.

~~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 Director 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.~~

~~GF. Priority for siting and type of facility. The order of priority for the siting of new wireless communication towers and facilities is intended as guidance to applicants for the development of sites with wireless communication towers, antennas, and associated facilities. The priority for the type of facility shall be subject to the provisions set forth in Section 13.06.545.GF.3.a(4).~~

~~1. Priority for siting.~~

~~a. Place antennas on appropriate rights-of-ways and existing public and private structures, such as buildings, towers, water towers, and smokestacks.~~

~~b. Place antennas and any necessary support structures, on public property developed with existing public facilities and properties developed with existing telecommunication facilities and, if practical, on non-residentially-zoned sites.~~

~~c. Place antennas and any necessary support structures, in ~~M-1, M-2,~~ and PMI Industrial Districts.~~

~~d. Place antennas and any necessary support structures in ~~UCX-M-1~~ and CIX Mixed-Use Center Districts.~~

~~e. Place antennas and any necessary support structures in other non-residentially-zoned property.~~

~~f. Place antennas and any necessary support structures on public property developed with existing public facilities and, if practical, on multiple-family structures in residentially-zoned sites.~~

~~g. Place antennas and any necessary support structures in R-4-L, R-4, R-5, NCX, URX, RCX, CCX, T, ~~and HMX, and HM~~ Districts. Such placement shall be subject to the following criteria:~~

~~(1) An applicant that proposes to locate a new antenna support structure in a residential, mixed commercial, or transitional zone shall demonstrate that a diligent effort has been made to locate the proposed wireless communications facility on a public facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic, or technological feasibility, no appropriate location is available.~~

~~(2) Applicants are required to demonstrate:~~

~~(a) That in the R-4-L, R-4, R-5, NCX, URX, RCX, CCX, T, ~~and HMX, and HM~~ Districts, they have contacted the owners of structures ~~that are at least the height of the proposed facility in excess of the permitted height of the applicable district~~ within a one-quarter mile radius of the site proposed and which, from a location and height standpoint, could provide part of a network for transmission of signals; and~~

~~(b) After proposing a lease agreement for the site consistent with the documented average market rate for similar properties, were denied permission to use such property or, due to other onerous lease-related terms, chose not to pursue the lease.~~

(3) The information submitted by the applicant shall include:

(a) a map of the area served by the tower or antenna;

(b) its relationship to other cell sites in the applicant's network; and

(c) an evaluation of existing buildings as addressed by Section 13.06.545.GF.1.g(2)(a) within one-quarter mile of the proposed tower or antenna, which, from a location and height standpoint, could provide part of a network to provide transmission of signals.

h. Place antennas and any necessary support structures on public property developed with existing public facilities and properties developed with existing wireless communication facilities in R-1, R-2, R-2SRD, NRX, and R-3 Districts.

i. New antennas and necessary support structures shall be prohibited in R-1, R-2, R-2SRD, NRX, and R-3 Districts, except as noted above.

2. Siting priority on public property. Where public property is sought to be utilized by an applicant, priority for the use of City-owned land for wireless communication facilities shall be given to the following entities in descending order:

a. City of Tacoma, General Government and Public Utilities; and

b. Other governmental agencies.

3. Priority for type of facilities.

a. Facility preference. Proposed antennas, associated structures, and placement shall be evaluated, based on available technologies, for approval and use in the following order of preference:

(1) Collocation of facilities and the installation of concealed and/or flush mounted antennas ~~es and attached facilities~~;

(2) Concealed/camouflaged ~~f~~Free-standing facilities, which extend no more than 16 feet above adjacent existing vegetation or structures, only when subsection (1) cannot be reasonably accomplished;

(3) Concealed/camouflaged ~~f~~Free-standing facilities, which extend more than 16 feet above adjacent existing vegetation or structures, only when subsections (1) and (2) cannot be reasonably accomplished; or

(4) New building/structure-mounted facilities that are not concealed within a new or existing building feature or are not flush-mounted to the side of the building/structure; or

(5) If the applicant chooses to construct new free-standing facilities, the burden of proof shall be on the applicant to show a facility of a higher order of preference cannot reasonably be accommodated on the same or other properties. The City reserves the right to retain a qualified consultant, at the applicant's expense, to review the supporting documentation for accuracy.

4. For Conditional Use Permits, in addition to the criteria set forth in Section 13.06.640.C, 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 Director 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.

HG. 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.

Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening. The use of attached antennas, concealed facilities, or the camouflaging of towers, antennas, and associated equipment shall be used, to the greatest degree technically feasible, in and adjacent to all residential districts, in and adjacent to the View Sensitive, Historic and Conservation Overlay Districts, and in the URX, NRX, RCX, NCX, UCX, 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 provided 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;~~

~~(6) Incorporation of the antenna, associated support structure, and equipment shelter as a building element or architectural feature; and~~

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

(1) Provide required setbacks;

(2) Incorporate the antenna, associated support structure, and equipment shelter as a building element or architectural feature;

(3) Locate facilities toward the center of the site, and locate roof-mounted facilities toward the interior area of the roof;

(4) Flush mount the antenna to the side of an existing building or structure and paint to match;

(5) Use screening of building-mounted support structures and antennas in order to minimize view from adjacent properties and rights-of-way;

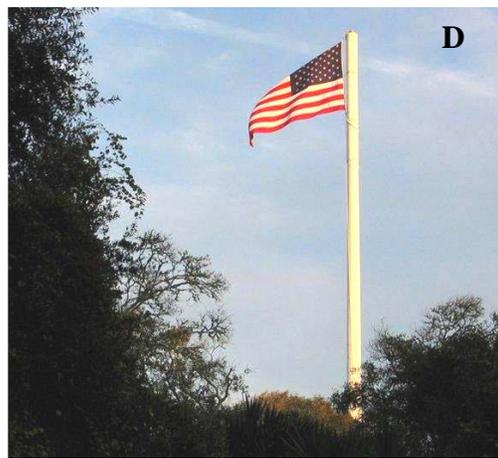
(6) Preserve and improve existing on-site vegetation insofar as possible, and minimize disturbance of the existing topography, unless such disturbance would result in less visual impact of the site to the surrounding area;

(7) Screen towers or mounts 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;

(8) Locate facilities close to structures of a similar height;

(9) Design freestanding towers to appear as another structure or object that would be common in the area, such as a flagpole or tree; and

(10) Alternative designs which meet the same intent may be considered.



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 (examples B, F and G), 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; example F, top left looking like a brick parapet; and example G).

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 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. For such screening, including the screening for structure-mounted facilities, the applicant should use recognized durable, low maintenance materials that are similar to those used on the adjacent buildings or on the structure the facilities are being mounted on. Wooden poles are not required to be painted.

## 2. Setbacks.

a. Towers and other support structures up to 60 feet in height shall provide the setbacks required for the underlying zone. Where a conditional use permit is required, minimum setbacks of 20 feet from all property lines or the setbacks of the underlying zone, whichever are greater, shall be required. Towers over 60 feet shall provide one additional foot of setback for every foot over 60 feet of height.

b. Towers and other support structures located in M-1, M-2, and PMI Districts, which meet the height limit of the underlying zone and abut residential zones, shall provide the required setback of the underlying zone. Towers located in M-1, M-2, and PMI Districts, which exceed the height of the underlying zone, shall be setback from the abutting residential district one additional foot for each foot of height over the maximum height permitted by the zone.

c. All setbacks shall be measured from the property lines of the site to the base of a monopole, lattice tower, or equipment mount, or in the case of a guyed tower, from the property lines of the site to the base of the guy wires which support it.

d. Attached facilities located on existing structures, which are nonconforming as to setback requirements, shall be allowed no closer to a property line than the nonconforming structure.

e. Equipment structures shall comply with the setback requirements of the underlying zone, except in the R-1, R-2, R-2SRD, NRX, and R-3 Districts, in which case a minimum setback of 20 feet from all property lines shall be provided, or the minimum setback of the underlying zone, whichever is greater.

3. Tower separation. An applicant will be required to demonstrate why it is necessary, from a technical standpoint, to have a tower within one-half mile of a tower, whether it is owned or utilized by the applicant or another provider, as well as why collocation is not feasible. The distance shall be measured tower-to-tower regardless of property lines and rights-of-way. If a technical dispute arises, the Director 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.

4. Security fencing. Security fencing a minimum of six feet in height shall be required around the perimeter of any tower site. The required fencing shall be colored or should be of a design which blends into the character of the existing environment. No razor or ribbon wire may be utilized in conjunction with the fence installation.

5. Signage. No signs shall be permitted on towers. One non-illuminated identification sign, with a maximum area of six square feet for all faces, shall be required per development site. The design of the sign and its location on the site shall be subject to the approval of the Director and shall include the name and telephone number of the provider(s).

6. Lights and signals. No lights or signals shall be permitted on towers unless required by the FCC or the FAA. Building-mounted lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Ground-mounted floodlighting or light projecting above the horizontal plane is prohibited. All lighting, unless required by the FAA, or other federal or state authority, shall be shielded so that the direct illumination is confined to the property boundaries of the light source.

7. Noise. No equipment shall be operated so as to produce noise in violation of Section 13.06.545.HG.1.b and the maximum noise levels set forth in WAC 173-60.

8. Minor modifications. Minor modifications to existing wireless communication facilities, including the installation of additional antenna and associated equipment, for which a valid conditional use permit exists, may be approved by Planning and Development Services, provided it is determined there is ~~minimal~~ or no substantial change in the

visual appearance or the physical dimensions of the facilities and said modifications comply with the performance standards set forth in this section. A modification substantially changes the physical dimensions of a facility if it meets any of the following criteria, as set forth in the FCC's Report and Order, FCC 14-153:

a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(1) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current site;

e. It would defeat the concealment elements of the eligible support structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

9. Variance to Waiver of development standards requirements. The Director may, in such cases as deemed appropriate, ~~modify~~waive any of the aforementioned development standards upon a finding that: (a) reasonable alternatives are to be provided to said standards which are in the spirit and intent of this section; or (b) strict enforcement of the standards would cause undue or unnecessary hardship due to the unique character or use of the property. Applications for ~~variances~~waivers shall be processed in accordance with the provisions of Chapter 13.05. ~~In the case where a conditional use permit is required, the waiver's consistency with the criteria necessary to be met for the authorization shall be addressed under the conditional use permit and shall not require a separate application and fee.~~

H. Non-Use/Abandonment. Not less than 30 days prior to the date that a wireless communication provider plans to abandon the operation of a facility, the provider must notify the City, by certified mail, of the proposed date of abandonment. In the event that such notice is not provided, the records of the City of Tacoma, Department of Public Utilities, shall be utilized to determine the date of abandonment. Upon such abandonment, the provider shall have one year to reactive the use of the facility or dismantle and remove it. If the tower, antenna, foundation, and/or associated facility are not removed within one year, the City may remove them at the expense of the wireless communication providers.

Nothing in this subsection shall be construed to require the removal of architectural elements, including, but not limited to, false church steeples or flag poles that have been installed, pursuant to a valid building or conditional use permit, to conceal wireless communication facilities.

I. Enforcement. Enforcement of the provisions set forth in this section shall be in accordance with the provisions set forth in Section 13.05.100.

\* \* \*

### 13.06.700 Definitions and illustrations.

\* \* \*

Abandonment of wireless facility. The termination or shutting-off of electrical power to a wireless communication tower and/or associated antenna and equipment facility for a period of one calendar year or more. The records of the City of Tacoma, Department of Public Utilities, shall be utilized to determine the date of power termination.

\* \* \*

Antenna. Any system of poles, panels, rods, reflecting discs, or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

1. Directional antenna (also known as “panel” antenna). An antenna which transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
2. Omni-directional antenna (also known as a “whip” antenna). An antenna that transmits and receives radio frequency signals in a 360 degree radial pattern.
3. Parabolic antenna (also known as a dish antenna). An antenna that is a bowl-shaped device for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.
4. Concealed antenna. An antenna and associated equipment enclosure, installed inside a non-antenna structure or camouflaged to appear as a non-antenna structure.

Antenna height. The vertical distance measured from the base of the antenna support structure at a grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances, and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna support structure. Any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

\* \* \*

Camouflaged (wireless communication facility). A wireless communication facility that is integrated with a building or the landscape in terms of design, colors, materials and height, so as to be disguised, hidden, concealed, masked, or ~~integrated with an existing structure that is not a monopole or tower, or a wireless communication facility that is placed within an existing or proposed structure, or new structure, tower, or mount within trees so as to be significantly~~ screened from view.

\* \* \*

Facility location (wireless communication facility). Location may include placement of facilities in one or more of the following manners:

1. Attached Facility is a facility that is affixed to an existing structure, such as a building or water tower, and is not considered a component of the attached wireless communication facility.
2. Collocation Facility is a ~~single~~-support structure, such as a ~~building~~-monopole, or lattice tower to which more than one wireless communications provider mounts equipment.
3. Free-standing Facility is a facility that includes a separate support structure including, but not limited to, monopoles, lattice towers, wood poles, or guyed towers.

\* \* \*

Wireless communication tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term encompasses wireless communication facilities, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, wireless communication towers, building-mounted structural supports and/or the building where equipment is mounted directly to the building’s structure, and alternative tower structures, and the like.

**SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.**

**(a) FACILITY MODIFICATIONS.**

(1) **IN GENERAL.** Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) **ELIGIBLE FACILITIES REQUEST.** For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves —

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

(3) **APPLICABILITY OF ENVIRONMENTAL LAWS.** Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.





**Subpart CC—State and Local Review of Applications for Wireless Service Facility Modification**

**§ 1.40001 Wireless Facility Modifications**

(a) *Purpose.* These rules implement § 6409 of the Spectrum Act (codified at 47 U.S.C. 1455), which requires a State or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.

(b) *Definitions.* Terms used in this section have the following meanings.

(1) *Base Station.* A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiberoptic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i)-(ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.

(2) *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(3) *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (i) collocation of new transmission equipment;
- (ii) removal of transmission equipment; or
- (iii) replacement of transmission equipment.

(4) *Eligible Support Structure.* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.

(5) *Existing.* A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

(6) *Site.* For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

(7) *Substantial Change.* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) for towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated

with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) it entails any excavation or deployment outside the current site; (v) it would defeat the concealment elements of the eligible support structure; or

(vi) it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i)-(iv).

(8) *Transmission Equipment.* Equipment that facilitates transmission for any commission licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(9) *Tower.* Any structure built for the sole or primary purpose of supporting any Commissionlicensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(c) *Review of Applications.* A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.

(1) *Documentation Requirement for Review.* When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

(2) *Timeframe for Review.* Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.

(3) *Tolling of the Timeframe for Review.* The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

(i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section.

(ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.

(iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(4) *Failure to Act.* In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(5) *Remedies.* Applicants and reviewing authorities may bring claims related to Section 6409(a) to any court of competent jurisdiction.

## **II-4. Short-Term Rentals**



### *Staff Analysis Report*

<b>Proposed Amendment:</b>	Short-Term Rentals Development Regulations
<b>Applicant:</b>	Planning and Development Services Department
<b>Location &amp; Size of Area:</b>	Citywide
<b>Current Land Use &amp; Zoning:</b>	Various
<b>Neighborhood Council Area:</b>	Citywide
<b>Staff Contact:</b>	Lihuang Wung, Planning Services Division (253) 591-5682, <a href="mailto:lwung@cityoftacoma.org">lwung@cityoftacoma.org</a>
<b>Date of Report: (Planning Commission review date; draft or final)</b>	April 6, 2016

#### **I. Description of the Proposed Amendment:**

##### **Proposal**

The proposal would establish development regulations pertaining to short-term rentals by amending the Tacoma Municipal Code (TMC), Chapter 13.06 Zoning. (See Exhibit A)

The goals and intents for the proposal are to acknowledge and track the growing peer-to-peer short-term rental market, proactively address potential impacts (especially concerning life-safety, liability and residential neighborhood character) of this rapidly emerging sharing economy, and set the stage for a boarder policy discussion and a more coordinated regulatory update that includes zoning, tax and licensing, nuisance code, and administration and enforcement program components.

##### **Background**

The relatively new industry of short-term rentals of homes and rooms (generally less than 30 days) has been facilitated by on-line “sharing” sites such as Airbnb, VRBO and HomeAway. It is positioned somewhere between traditional residential rentals and traditional hotels, and thus does not fit cleanly into current regulatory or licensing structures.

Currently (as of February 2016), there are approximately 53 units listed on VRBO and 245 units listed on Airbnb within the City limits. A majority of the VRBO listings are rentals of entire houses or apartment/condo units. A majority of the Airbnb units are either bedrooms or mother-in-law style units within a house. In both cases, most of the units are in the North End.

While short-term rentals have some potential benefits, such as being an alternative form of lodging, making efficient use of structures, supporting tourism, and providing supplemental income and entrepreneurial opportunity for owners, they bring about a number of real and potential concerns, such as being a non-residential/commercial use in residential areas, making it challenging to maintain the “residential character, increased safety concerns due to transient nature of short term renters, concerns about tenant behavior and the associated accountability, and owner oversight (or the lack of).

Many jurisdictions around the country regulate short-term rentals, such as Portland, OR, San Francisco, CA, New York, NY, Austin, TX, and Durango, CO, while many do not. Some jurisdictions include zoning limitations and some require special licensing. There seems to be greater focus of short-term rentals in vacation destinations.

The Tacoma City Council initiated a policy discussion in November 2014, followed by another review in September 2015, and has requested staff to continue to explore the need for a legislative change to the Tacoma Municipal Code that would create a definition and regulatory and licensing construct for short-term rentals.

**Existing Regulations**

When renting a bedroom, the activity meets the definition of “lodging house” – a building with not more than nine guest rooms where lodging or lodging and boarding is provided for compensation. This use, which includes bed and breakfasts, is often operated in conjunction with and within a single-family detached dwelling. When renting an entire house/apartment/condo, the definition of “family” applies – one or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students, or a group of not more than six unrelated persons, living together as a single nonprofit housekeeping unit. The code does not specifically address duration of rentals in this scenario. The following table provides a snapshot of the applicability of “lodging house” in various zoning districts.

Table 1. Current Use Table for “Lodging House”				
<i><b>Lodging house.</b></i> A building with not more than nine guest rooms where lodging or lodging and boarding is provided for compensation. This use, which includes bed and breakfasts, is often operated in conjunction with, and within a single-family detached dwelling.				
Zoning District \ Rental Unit	1 room	2 rooms	3-9 rooms	Dwelling*
R-1	N	N	N	
R-2	P	N	N	
R-2SRD	P	N	N	
HMR-SRD	P	N	N	
R-3	P	P	N	
R-4L	P	P	N	
R-4	P	P	CU	
R-5	P	P	CU	
T	P	P	P	
C-1	P	P	P	
C-2	P	P	P	
PDB	P	P	P	
NCX	P	P	P	
CCX	P	P	P	
UCX	P	P	P	
RCX	P	P	P	
CIX	P	P	P	
HMX	P	P	P	
URX	P	P	P	
NRX	CU	CU	CU	
M1	P/N	P/N	P/N	
M2	N	N	N	
PMI	N	N	N	
N = Not Allowed; P = Permitted; CU = Conditional Use Permit				
*Code is silent related to short term rental of entire dwellings				

**Key Revisions**

The proposal would establish a basic regulatory framework that defines “Short-Term Rental” and where it would be allowed; requires a conditional use permit for allowing a short-term rental where it may be otherwise prohibited, for exempting owner-occupancy requirement, and/or for allowing accessory activities on the premise (such as wedding, retirement parties, and corporate events); requires registration and inspections of the rental units; and addresses nonconforming uses. Such a regulatory framework is intended to set the stage for a broader policy discussion of the matter and the continued regulatory updates. The following table illustrates the general approach for regulating short-term rentals.

Table 2. Proposed Use Table for “Short-Term Rental”				
<i>Short-Term Rental.</i> The rental of not more than nine guest rooms within a dwelling, or the rental of an entire dwelling, for less than thirty days, where lodging or lodging and boarding is provided for compensation. This use includes bed and breakfast, but does not include home exchange (“home swapping”) or units in a multifamily development reserved for guest(s) of the residents.				
Zoning District	Rental Unit	1-2 guest rooms*	3-9 guest rooms*	Dwelling*
R-1		P/CU	N	P/CU
R-2		P/CU	N	P/CU
R-2SRD		P/CU	N	P/CU
HMR-SRD		P/CU	N	P/CU
R-3		P/CU	CU	P/CU
R-4L		P/CU	CU	P/CU
R-4		P/CU	CU	P/CU
R-5		P/CU	CU	P/CU
T		P	P	P/CU
C-1		P	P	P/CU
C-2		P	P	P/CU
PDB		P	P	P/CU
NCX		P	P	P/CU
CCX		P	P	P/CU
UCX		P	P	P/CU
RCX		P/CU	CU	P/CU
CIX		P	P	P/CU
HMX		P	P	P/CU
URX		P	P	P/CU
NRX		P/CU	CU	P/CU
M1		N	N	N
M2		N	N	N
PMI		N	N	N
N = Not Allowed; P = Permitted; CU = Conditional Use Permit; P/CU = Permitted with Conditional Use Permit required for accessory activities				
*Subject to standards				

Specifically, as shown in Exhibit A, revisions are being proposed to the TMC Sections 13.06.100 Residential Districts, 13.06.150 Accessory Dwelling Units, 13.06.200 Commercial Districts, 13.06.300 Mixed-Use Center Districts, 13.06.400 Industrial Districts, 13.06.575 Short-Term Rentals (new section), 13.06.640 Conditional Use Permit, and 13.06.700 Definitions and Illustrations:

- 13.06.100.C.4 – In the residential district use table, replace “Lodging house” with “Short-term rental” and revise the use requirements and the notes for additional regulations based on the information as referenced in Table 2 above.
- 13.06.100.H – Add “13.06.575 Short-term rental” to the list of common requirements applicable to residential districts.
- 13.06.150.C – Add a provision to allow the use of an accessory dwelling unit as a short-term rental.
- 13.06.200.C.4 – In the commercial district use table, replace “Lodging house” with “Short-term rental” and revise the use requirements and the notes for additional regulations based on the information as referenced in Table 2 above.
- 13.06.200.F – Add “13.06.575 Short-term rental” to the list of common requirements applicable to commercial districts.
- 13.06.300.D.3 – In the mixed-use center district use table, replace “Lodging house” with “Short-term rental” and revise the use requirements and the notes for additional regulations based on the information as referenced in Table 2 above.
- 13.06.300.H – Add “13.06.575 Short-term rental” to the list of common requirements applicable to mixed-use center districts.
- 13.06.400.C.4 – In the industrial district use table, replace “Lodging house” with “Short-term rental” and revise the use requirements and the notes for additional regulations based on the information as referenced in Table 2 above.
- 13.06.575 – Add a new section of “Short-Term Rental” providing a purpose statement and the specific criteria, standards and requirements based on the information as referenced in Table 2 above.
- 13.06.640.I – Replace “Lodging house” with “Short-term rental”.
- 13.06.700 – Delete the definition for “Lodging house” and add one for “Short-term rental” based on the information as referenced in Table 2 above.

## **II. Analysis of the Proposed Amendment:**

### **1. How does the proposed amendment conform to applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and development regulations?**

The proposed amendment would establish development regulations concerning the emerging industry of short-term rentals, which provides supplemental income and entrepreneurial opportunity to the hosts, offers visitors an alternative form of lodging, and supports tourism. The proposal conforms to the following policies as set forth in the Economic Development (“EC”) element of *One Tacoma: Comprehensive Plan*:

***Policy EC-1.12*** Actively seek investments to grow Tacoma’s presence in the following target industries: (a) bio-medical and medical, (b) information technology and cyber security, (c) professional services, (d) industrial and manufacturing, (e) tourism and hospitality, (f) creative economy, (g) international trade, and (h) finance and insurance.

**Policy EC-4.4** Review development regulations periodically to ensure that new user types that are consistent with the intent of the Comprehensive Plan can locate within the city.

Also, allowing and encouraging short-term rentals would stimulate repair and rehabilitation of existing residential structures owned by those interested in short-term rentals. The proposed regulations also are intended to protect established neighborhoods. From these perspectives, the proposal conforms to and fulfills the following provisions of the Tacoma Municipal Code (TMC):

**“TMC 13.06.100.A District purposes.** The specific purposes of the Residential Districts are to:

.....

4. Protect and enhance established neighborhoods, and ensure that new development is in harmony with neighborhood scale and character.

.....

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.”

2. **Would the proposed amendment achieve any of the following objectives?**
- **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**
  - **Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City’s capacity to provide adequate services;**
  - **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or**
  - **Enhance the quality of the neighborhood.**

The proposal responds to changing circumstances with respect to the growing peer-to-peer short-term rental market, intends to maintain the compatibility of short-term rentals with existing land uses and surrounding development patterns, and should help maintain and enhance the quality of neighborhoods.

3. **Assess the proposed amendment with the following measures: economic impact assessment, sustainability impact assessment, health impact assessment, environmental determination, wetland delineation study, traffic study, visual analysis, and other applicable analytical data, research and studies.**

The proposed amendment acknowledges and supports short-term rentals, which generate positive economic impacts by providing visitors an alternative form of lodging, supporting tourism, making efficient use of structures, and providing supplemental income and entrepreneurial opportunity to the hosts.

4. **Describe the community outreach efforts conducted for the proposed amendment, and the public comments, concerns and suggestions received.**

A summary of the 2016 Annual Amendment Package, including a description of this proposal, was included in the *Planning Manager’s Letter to the Community* that was distributed to community members in January 2016 to solicit inquiries or early comments from the community. Additional public comments will be solicited during the public review process through the Planning Commission’s public hearing in May 2016.

**5. Will the proposed amendment benefit the City as a whole? Will it adversely affect the City's public facilities and services? Does it bear a reasonable relationship to the public health, safety, and welfare?**

This proposal would benefit the City as a whole by stimulating economic development, as mentioned above. This proposal does not adversely affect the City's public facilities or services. By requiring inspections of the properties for short-term rentals and posting of safety signs on the doors of the rental guest rooms, this proposal also bears a reasonable relationship to the public health and safety.

**III. Staff Recommendation:**

Staff recommends that the proposed amendments to the Tacoma Municipal Code, Sections 13.06.100 Residential Districts, 13.06.150 Accessory Dwelling Units, 13.06.200 Commercial Districts, 13.06.300 Mixed-Use Center Districts, 13.06.400 Industrial Districts, 13.06.575 Short-Term Rentals (new section), 13.06.640 Conditional Use Permit, and 13.06.700 Definitions and Illustrations, as depicted in Exhibit A, be distributed for public review prior to the Planning Commission's public hearing tentatively scheduled for May 4, 2016.

**IV. Exhibit:**

- A. Proposed Amendments to the Tacoma Municipal Code, Chapter 13.06 Zoning, concerning Short-Term Rentals.



**Short-Term Rentals Code Amendments**

DRAFT LAND USE REGULATORY CODE CHANGES

April 6, 2016

Note: These amendments show all of the changes to 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 has been deleted is shown as ~~strikethrough~~.

**Chapter 13.06**

**ZONING**

**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.
- 13.06.160 Cottage Housing.

**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 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 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.
- 13.06.513 Drive-throughs.
- 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.
- 13.06.565 Marijuana Businesses.
- 13.06.570 Live/Work and Work/Live.
- 13.06.575 *Shor-term rental.*
- 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.**

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. (see next page for table)

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
Accessory uses and buildings	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.F
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535
* * *									
Juvenile community facility	CU	CU	Subject to additional requirements contained in Section 13.06.530.						
Live/Work	N	N	N	N	N	N	N	N	
Lodging house	<del>N</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P/CU</del>	<del>P/CU</del>	<del>For R-2, R-2SRD, and HMR-SRD lodging is limited to one guest room only, provided such use shall not be in connection with a foster home for children or foster home for adults which may otherwise be authorized. For R-3 and R-4-L, lodging is limited to two guest rooms, provided such use shall not be in connection with a foster home for children, a foster home for adults, or lodging which may otherwise be authorized. For R-4 and R-5, lodging is limited to two guest rooms, provided that lodging with for more than two guest rooms may be allowed subject to the approval of a conditional use permit.</del>
Marijuana processor	N	N	N	N	N	N	N	N	
Marijuana producer	N	N	N	N	N	N	N	N	
* * *									
Seasonal sales	TU	TU	Subject to additional requirements contained in Section 13.06.635.						
Self-storage	N	N	N	N	N	N	N	N	
<u>Short-term rental (1-2 guest rooms)</u>	<u>P/CU</u>	<u>P/CU</u>	<u>Subject to additional requirements contained in Sections 13.06.575 and 13.06.150. A Conditional Use Permit is required if the short-term rental is proposed to include accessory activities such as wedding, retirement parties, corporate events, etc.</u>						

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
<u>Short-term rental (3-9 guest rooms)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>Subject to additional requirements contained in Sections 13.06.575 and 13.06.150. For R-3, R-4-L, R-4 and R-5, a Conditional Use Permit is required.</u>
<u>Short-term rental (entire dwelling)</u>	<u>P/CU</u>	<u>Subject to additional requirements contained in Section 13.06.575 and 13.06.150. A Conditional Use Permit is required if the short-term rental is proposed to include accessory activities such as wedding, retirement parties, corporate events, etc., or if the short-term rental is not owner occupied.</u>							
Staffed residential home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Student housing	CU								
* * *									

**Footnotes:**

- <sup>1</sup> 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.
- <sup>2</sup> Certain land uses, including two-family, townhouse, cottage housing, and Detached Accessory Dwelling Units in certain districts, are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.115.

\* \* \*

H. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. These requirements apply to Section 13.06.100 by reference:

- 13.06.501 Building design standards.
- 13.06.502 Landscaping and 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.
- 13.06.575 Short-term rental.
- 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).

\* \* \*

### **13.06.150 Accessory dwelling units.**

C. Requirements. The creation of an ADU shall be subject to the following requirements, which shall not be subject to variance.

1. Number. One ADU shall be allowed per residential lot as a subordinate use in conjunction with any new or existing single-family detached dwelling in the City of Tacoma.
2. Occupancy. The maximum number of occupants in an ADU shall be 4 persons. Maximum occupancy may be further limited by the Minimum Building and Structures Code in Title 2.
3. Composition. The ADU shall include facilities for cooking, living, sanitation, and sleeping.
4. Ownership. The property owner (i.e., title holder or contract purchaser) must maintain his or her occupancy in the main building or the ADU. Owners shall record a notice on title which attests to their occupancy and attests that, at no time, shall they receive rent for the owner-occupied unit. Falsely attesting owner-residency shall be a misdemeanor subject to a fine not to exceed \$5,000, including all statutory costs, assessments, and fees. In addition, ADUs shall not be subdivided or otherwise segregated in ownership from the main building.
5. Parking. No off-street parking is required for the ADU. If additional ADU parking is provided, such parking 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 subject to the limitations in Section 13.06.510.A.6.
6. Home occupations. Home occupations shall be allowed, subject to existing regulations. However, if both the main building and the ADU contain home occupations, only one of the two is permitted to receive customers on the premises.
7. Short-term rental. The use of an ADU as a short-term rental shall be allowed, subject to compliance with Sections 13.06.150 and 13.06.575.
78. Legalization of Nonconforming ADUs. Nonconforming ADUs existing prior to the enactment of these requirements may be found to be legal if the property owner applied for an ADU permit prior to December 31, 1995, and brings the unit up to Minimum Housing Code standards. After January 1, 1996, owners of illegal ADUs shall be guilty of a misdemeanor and, upon conviction thereof, subject to a fine not to exceed \$1,000, including all statutory costs, assessments, and fees, plus \$75 per day after notice of the violation has been made. All owners of illegal ADUs shall also be required to either legalize the unit or remove it.

\* \* \*

### **13.06.200 Commercial Districts.**

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.200. All portions of Section 13.06.200 and applicable portions of Section 13.06.500 apply to all new development of any land use variety,

including additions and remodels, in all districts in Section 13.06.200, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.200.A through Section 13.06.200.C are not eligible for variance. 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. Certain street level use restrictions may apply; see Section 13.06.200.C.4 below.

[See next page for table.]

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	T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations <sup>2,3</sup> (also see footnotes at bottom of table)
Adult family home	P	P	P	P	See definition for bed limit.
Adult retail and entertainment	N	N	N	N	Prohibited except as provided for in Section 13.06.525.
* * *					
Juvenile community facility	N	N	N	N	Prohibited except as provided for in Section 13.06.530.
Live/Work	P	P	P	P	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.
<del>Lodging house</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
Marijuana processor	N	N	N	N	
Marijuana producer	N	N	N	N	
* * *					
Seasonal sales	TU	TU	TU	TU	Subject to Section 13.06.635.
Self-storage	N	N	P	P	Any other use of the facility shall be consistent with this section. See specific requirements in Section 13.06.503.B.
<u>Short-term rental (1-2 guest rooms)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Subject to additional requirements contained in Section 13.06.575 and 13.06.150.</u>
<u>Short-term rental (3-9 guest rooms)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Subject to additional requirements contained in Section 13.06.575 and 13.06.150.</u>
<u>Short-term rental (entire dwelling)</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>Subject to additional requirements contained in Section 13.06.575 and 13.06.150.</u> <u>A Conditional Use Permit is required for the rental of an entire dwelling that is not owner occupied.</u>
Staffed residential home	P	P	P	P	See Section 13.06.535. See definition for bed limit.
Student housing	P	P	P	P	
* * *					

Uses	T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations <sup>2, 3</sup> (also see footnotes at bottom of table)
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**Footnotes:**

1. Designated Pedestrian Streets – For segments here noted, additional use limitations apply to areas within C-2 Commercial District zoning to ensure continuation of development patterns in certain areas that enhance opportunities for pedestrian-based commerce.  
North 30<sup>th</sup> Street from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline: street level uses are limited to retail, personal services, eating and drinking, and customer service offices.
2. 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.
3. Commercial shipping containers shall not be an allowed type of accessory building in any commercial zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.635.

\* \* \*

F. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. 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 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.
- 13.06.575 Short-term rental.
- 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.**

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	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535. See definition for bed limit. Prohibited at street level along designated pedestrian streets in NCX. <sup>2</sup> Not subject to minimum densities found in Section 13.06.300.E.
Adult retail and entertainment	N	N	N	N	N	N	N	N	Prohibited, except as provided for in Section 13.06.525.
* * *									
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.530 for additional information about size limitations and permitting requirements.
Live/Work	P	P	P	P	P	P	P	P	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.
Lodging house	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup>
Marijuana processor	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
Marijuana producer	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
* * *									
Seasonal sales	TU	TU	TU	TU	TU	TU	TU	TU	Subject to Section 13.06.635.
Self-storage	N	P	P	N	P	N	N	N	See specific requirements in Section 13.06.503.B. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Short-term rental (1-2 guest rooms)	P	P	P	P/CU	P	P	P	P/CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup> Subject to additional requirements contained in Section 13.06.575 and 13.06.150. For RCX and NRX, a Conditional Use Permit is required if the short-term rental is proposed to include accessory activities such as wedding, retirement parties, corporate events, etc.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
<u>Short-term rental (3-9 guest rooms)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts.<sup>2</sup> Subject to additional requirements contained in Section 13.06.575 and 13.06.150. For RCX and NRX, short-term rental of three to nine guest rooms is subject to the approval of a conditional use permit.</u>
<u>Short-term rental (entire dwelling)</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts.<sup>2</sup> Subject to additional requirements contained in Section 13.06.575 and 13.06.150. A Conditional Use Permit is required if the short-term rental is not owner occupied. For RCX and NRX, a Conditional Use Permit is also required if the short-term rental is proposed to include accessory activities such as wedding, retirement parties, corporate events, etc.</u>
Staffed residential home	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.
Student housing	P	P	P	P	P	P	P	N	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup>
* * *									

**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

\* \* \*

H. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. 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 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.
- 13.06.575 Short-term rental.
- 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>
Adult family 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.
Adult retail and entertainment	P	P	P	Subject to development standards contained in Section 13.06.525.

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
* * *				
Juvenile community facility	P/N*	P/N*	P	See Section 13.06.530 for resident limits and additional regulations. *Not permitted within the South Tacoma M/IC Overlay District.
Live/Work	P	N	N	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.
<del>Lodging house</del>	<del>P/N*</del>	<del>N</del>	<del>N</del>	<del>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>
Marijuana processor	P	P	P	See additional requirements contained in Section 13.06.565
Marijuana producer	P	P	P	See additional requirements contained in Section 13.06.565
* * *				
Seasonal sales	TU	TU	TU	Subject to development standards contained in Section 13.06.635.
Self-storage	P	P	P	See specific requirements in Section 13.06.503.B.
<del>Short-term rental</del>	<del>N</del>	<del>N</del>	<del>N</del>	
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.
Student housing	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.
* * *				

**Footnotes:**

1. 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.

\* \* \*

### **13.06.500 Requirements in all preceding districts.**

Applicability. The regulations of this section are applicable in all zoning districts, with exceptions only as noted. Regulations may refer to districts by class of districts, for example Districts or Industrial Districts, this means that all districts carrying the designated prefix or suffix are required to meet the given regulation. Overlay districts are combined with an underlying zoning district and supplement the regulations of that district. Overlay districts only apply to land carrying the overlay district designation.

\* \* \*

### **13.06.575 Short-term rental.**

A. Purpose. The purpose of this section is to support entrepreneurship by providing residents with an opportunity to use their homes to engage in small-scale business activities; to support tourism; to make efficient use of structures and provide alternative form of lodging; and to protect neighborhood character. This is accomplished by establishing criteria and standards to ensure that short-term rentals are conducted in a manner that is clearly secondary and incidental to the primary use of the property as residential, with proper oversight by the owner, and do not significantly alter the exterior of the property or affect the residential character of the neighborhood.

#### B. Criteria and standards.

1. Registration and inspections. The owner of the property for short-term rentals must register with the City of Tacoma's Tax and License Department and is subject to a \$100.00 one-time registration fee. Upon registration, the owner must demonstrate that a mandatory inspection has been completed. The fee for the inspection is \$150.00. In addition, the owner must pay an annual fee of \$150.00 to cover an annual mandatory inspection.

2. Owner occupancy. For short-term rentals that involve rental of individual guest rooms within a dwelling, the property must be owner occupied during rental. For short-term rentals that include rental of the entire dwelling, the dwelling must be owner occupied a minimum of six months a year, unless allowed by a Conditional Use Permit.

3. Safety sign. There must be a clearly printed sign inside the door of each rental guest room with the locations of fire extinguishers, gas shut-off valves, fire exits, and/or pull fire alarm.

E. Nonconforming short-term rentals. Existing short-term rentals have six months from date of ordinance to register (including paying applicable fees). Continuation of the short-term rental will be subject to compliance with minimum life safety codes. Except for life safety standards, if an existing short-term rental is determined to be nonconforming to any of the above standards, and provided the short-term rental is registered within six months, the short-term rental will be designated nonconforming. To demonstrate an existing short-term rental, owner must provide documentation such as rental records. There will be a \$300.00 one-time fee for a nonconforming letter (to cover research and administration time).

\* \* \*

### **13.06.640 Conditional use permit.**

\* \* \*

I. 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 Director 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.

1. The use shall be consistent with the goals and policies of the Comprehensive Plan, any adopted neighborhood or community plans, and applicable ordinances of the City of Tacoma.

2. The use shall be located, planned, and developed in such a manner that it is not inconsistent with the health, safety, convenience, or general welfare of persons residing or working in the community. The following shall be considered in making a decision on a conditional use permit:

a. The generation of noise, noxious or offensive emissions, light, glare, traffic, or other nuisances which may be injurious or to the detriment of a significant portion of the community.

b. Availability of public services which may be necessary or desirable for the support of the use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian, and public transportation systems), education, police and fire facilities, and social and health services.

c. The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties.

3. The proposed re-use shall promote the preservation and/or restoration of the designated historic structure(s) on the site.

4. The proposed reuse and design of any modifications to the historic structure(s) and site shall be approved by the Landmarks Preservation Commission.

5. The proposed use shall be limited to one of the following:

Art/craft production	Assembly facilities	Continuing care retirement community
Cultural institutions	Extended care facility	Group housing
Intermediate care facility	<del>Lodging house</del> Short-term rental	Multi-family dwellings
Offices offering professional dental, medical, legal or design services	Offices for charitable, philanthropic or community service organizations where it can be shown that there is limited contact with the general public	Personal services
Retirement home	Retail, only as an incidental use to one or more of the other listed uses	

\* \* \*

### 13.06.700 Definitions and illustrations.

\* \* \*

Live/work. A dwelling or sleeping unit in which up to 50 percent of the space includes a commercial business use. The business owner lives in the residential space.

Loading space. An off-street space, having a paved surface, within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which has direct access to a street or alley.

~~Lodging house. A building with not more than nine guest rooms where lodging or lodging and boarding is provided for compensation. This use, which includes bed and breakfasts, is often operated in conjunction with and within a single family detached dwelling.~~

Lot. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise created by legal action.

Lot, corner. A lot abutting upon two or more streets at their intersection.

\* \* \*

Setback line. A line within a lot parallel to a corresponding lot property line, which is established to govern the location of buildings, structures, or uses. Where no minimum front, side, corner side, or rear yard setbacks are specified, the setback line shall be coterminous with the corresponding lot line.

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 shopping center may include pads for future buildings.

Short-term rental. The rental of not more than nine guest rooms within a dwelling, or the rental of an entire dwelling, for less than thirty days, where lodging or lodging and boarding is provided for compensation. This use includes bed and breakfast, but does not include home exchange (“home swapping”) or units in a multifamily development reserved for guest(s) of the residents.

Shrub. Any woody perennial plant that is generally less than fifteen feet in height at maturity.

Sign. Any materials placed or constructed, or light projected, that (a) convey a message or image, and (b) are used to inform or attract the attention of the public, but not including any lawful display of merchandise. Some examples of “signs” include placards, A-boards, posters, murals, diagrams, banners, flags, billboards, or projected slides, images or holograms. The applicability of the term “sign” does not depend on the content of the message or image conveyed.

\* \* \*



## **II-5. Code Cleanup**





## 2016 Annual Amendment *Staff Analysis Report*

<b>Proposed Amendment:</b>	Code Cleanups
<b>Applicant:</b>	Planning and Development Services Department
<b>Location &amp; Size of Area:</b>	Citywide
<b>Current Land Use &amp; Zoning:</b>	Various
<b>Neighborhood Council Area:</b>	Citywide
<b>Staff Contact:</b>	Stephen Atkinson, Planning Services Division (253) 591-5531, satkinson@cityoftacoma.org
<b>Date of Report: (Planning Commission review date; draft or final)</b>	March 16, 2016

### **I. Description of the Proposed Amendment:**

#### **Proposal**

The proposed amendments involve general text corrections to various sections of the Tacoma Municipal Code. These minor amendments are intended to address inconsistencies, correct minor errors, and improve provisions that, through administration and application of the Land Use Regulatory Code, are found to be unclear or not fully meeting their intent. (Exhibit A)

#### **Intent**

The intent of the proposed amendment is to improve consistency between the Tacoma Municipal Code and the Comprehensive Plan, fully implement the recommendations of the 2015 Best Available Science review in Tacoma Municipal Code 13.10 Shoreline Master Program, to correct errors in the code, and to implement changes to the nonconforming use standards to better implement policies in the Comprehensive Plan.

#### **Background**

The code cleanup is an annual process used by staff to improve the clarity and effectiveness of the Land Use Regulatory Code by addressing inconsistencies, incorporating legislative revisions, correcting minor errors, and improving confusing or ineffective standards. The proposed amendments include issues that have been identified by staff as well as issues identified by the public and Planning and Development Services Department's customers. The code cleanup is typically used for amendments that are not substantive enough to rise to the level of a stand-alone code amendment application. Most of the proposed amendments have been included as a high priority for ensuring consistency between the One Tacoma Comprehensive Plan adopted on December 1, 2015 and the implementing Municipal Code.

#### **Key Revisions**

**Comprehensive Plan Consistency:** During the Comprehensive Plan update, there were terminology changes made that are not currently reflected in the Municipal Code. This cleanup action would bring the Municipal Code into consistency with the changes made to the following terms.

- **Mixed-use Centers:** The names of the center “types” as well as of the specific mixed-use centers were changed during the update. In addition, Stadium and Hilltop Neighborhood Centers were recognized more fully as integrated subareas within the Downtown Regional Growth Center.
- **Open Space Corridors:** These areas were previously identified as Habitat Corridors. The change was made to reflect the broad and multiple benefits associated with these areas, as identified in the Environment and Watershed Health Element, including habitat functions, stormwater, urban heat island mitigation, aesthetic qualities, and passive recreation.
- **Land Use Designations:** The Land Use Designations described in the Urban Form Element and associated with the Future Land Use Map have replaced the “Land Use Intensities.” The code changes specifically replace the term “intensities” with “designations.”
- **Public Facilities and Services Element:** Previously, the Comprehensive Plan included a utilities and capital facilities element, in addition to the Capital Facilities Program. This amendment reflects that these two elements have been combined into a new Public Facilities and Services Element.

#### **Definitions and References:**

- **Mobile Home/Trailer Court:** Mobile Home/Trailer Courts are identified as uses in the use tables of TMC 13.06 Zoning. However, the definition was for a single mobile home. The amendment replaces this definition of a single unit with a definition of the “court”.
- Several references in the Conditional Use Criteria are outdated. The amendment will update these references.

**Nonconforming Uses:** As part of the Comprehensive Plan update staff and the Planning Commission had discussions around appropriate zoning and land use designations for small commercial and residential uses currently nonconforming to the current zoning. Since not all of these particular uses are inventoried at this time, staff has proposed to address the question of how to accommodate these uses by amending the nonconforming use section of the Municipal Code. The amendment would allow expansion or change of use that exceed current limitations in the nonconforming use code through a conditional use permit and meeting additional conditional use criteria.

**Shoreline Critical Areas:** In 2015, as part of the Comprehensive Plan update, the City of Tacoma updated TMC 13.11 Critical Areas Preservation in accordance with the requirements of the Growth Management Act (GMA) (RCW 36.70A). The GMA requires jurisdictions to consider best available science in the development of critical areas policies and regulations. ESA reviewed the best available science literature and prepared a memo for City of Tacoma staff summarizing the compilation of information and recommendations for policy and code updates. The City’s critical areas within shoreline jurisdiction are regulated solely under TMC 13.10 and the Shoreline Master Program. These amendments would implement the recommendations from the 2015 Best Available Science Review for areas within shoreline jurisdiction.

## **II. Analysis of the Proposed Amendment:**

### **1. How does the proposed amendment conform to applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and development regulations?**

The proposed amendment would improve consistency between the Comprehensive Plan and the Tacoma Municipal Code as well as ensure a consistent application of the best available science in critical areas review and preservation.

2. **Would the proposed amendment achieve any of the following objectives?**
  - **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**
  - **Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City’s capacity to provide adequate services;**
  - **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or**
  - **Enhance the quality of the neighborhood.**

The proposal would fix several errors within the Land Use Regulatory Code, including outdated references and definitions. Changes to the nonconforming use code may result in new development activity that demonstrates a positive contribution to the surrounding neighborhoods.

3. **Assess the proposed amendment with the following measures: economic impact assessment, sustainability impact assessment, health impact assessment, environmental determination, wetland delineation study, traffic study, visual analysis, and other applicable analytical data, research and studies.**

Exhibit B is a Memorandum dated June 29, 2015 from Environmental Science Associates (ESA) pertaining to the City of Tacoma Comprehensive Plan Update: Best Available Science Review. The amendments to TMC 13.10 in association with these recommendations will ensure the application of the best available science in the review and application of critical areas standards in shoreline permits. Other amendments will ensure that the code is effectively implementing the policies of the Comprehensive Plan, in support of the broad goals of that plan to improve overall public and environmental health and economic opportunity.

4. **Describe the community outreach efforts conducted for the proposed amendment, and the public comments, concerns and suggestions received.**

Staff provided an initial round of public notification vis-a-vis pamphlets mailed to approximately 1300 residents within or in close proximity to areas proposed for potential rezone. The pamphlets provided information on all of the annual amendments. Additional outreach will be conducted and public comments will be solicited during the public review process through the Planning Commission’s public hearing in May 2016.

5. **Will the proposed amendment benefit the City as a whole? Will it adversely affect the City’s public facilities and services? Does it bear a reasonable relationship to the public health, safety, and welfare?**

While the code cleanups are minor in nature, they will ensure the proper application of the City’s Comprehensive Plan policies and development regulations, consistent with the general welfare of the City as a whole.

### **III. Staff Recommendation:**

Staff recommends that the proposed amendments to the Tacoma Municipal Code, as depicted in Exhibit A, be distributed for public review prior to the Planning Commission’s public hearing tentatively scheduled for May 4, 2016.

### **IV. Exhibits:**

- A. Proposed Amendments to Tacoma Municipal Code
- B. Memorandum from Environmental Science Associates (ESA) dated June 29, 2015



**Exhibit A: Mixed-use Centers**  
**From TMC 13.17 Mixed-use Center Development, pertaining to residential target areas for the multi-family tax exemption.**

2. Building requirements that may include elements addressing parking, height, density, environmental impact, public benefit features, compatibility with the surrounding property, and such other amenities as will attract and keep permanent residents and will properly enhance the livability of the residential target area.

The required amenities shall be relative to the size of the proposed project and the tax benefit to be obtained.

C. Designated Target Areas. The proposed boundaries of the “residential target areas” are the boundaries of the ~~18~~ mixed-use centers listed below and as indicated ~~on the Generalized Land Use Plan in the Comprehensive Plan~~ and in the Comprehensive Plan legal descriptions which are incorporated herein by reference and on file in the City Clerk’s Office.

The designated target areas do not include those areas within the boundary of the University of Washington Tacoma campus facilities master plan (per RCW 84.14.060).

MIXED-USE CENTER	CENTER TYPE	ORIGINALLY ADOPTED
<del>South 56th and</del> South Tacoma Way	Neighborhood	November 21, 1995
Downtown <del>Tacoma</del>	Downtown <u>Regional Growth Center</u>	November 21, 1995
Proctor ( <del>North 26th and Proctor</del> )	Neighborhood	November 21, 1995
Tacoma Mall <del>Area</del>	<del>Urban</del> <u>Regional Growth Center</u>	November 21, 1995
Hilltop	<del>Neighborhood</del> <u>Downtown Regional Growth Center</u>	November 21, 1995
Westgate	<u>Community Crossroads</u>	November 21, 1995
Lincoln ( <del>South 38th and “G” Street</del> )	Neighborhood	November 21, 1995
6th Avenue <del>and Pine Street</del>	Neighborhood	November 21, 1995
Tacoma Central <del>Plaza/Allenmore</del>	<u>Community Crossroads</u>	November 21, 1995
<del>South 72nd and Pacific Avenue</del> <u>Upper Pacific</u>	<u>Community Crossroads</u>	November 21, 1995
<del>East 72nd and Upper</del> Portland Avenue	<u>Community Crossroads</u>	November 21, 1995
Stadium ( <del>North 1st and Tacoma</del> )	<del>Neighborhood</del> <u>Downtown Regional Growth Center</u>	November 21, 1995
James Center <del>FCC</del>	<u>Community Crossroads</u>	November 21, 1995
Lower Portland Avenue	<u>Community Crossroads</u>	January 16, 1996
<del>South 34th and Pacific Avenue</del> <u>Lower Pacific</u>	<u>Community Crossroads</u>	December 11, 2007
McKinley ( <del>E. 34th and McKinley</del> )	Neighborhood	December 11, 2007
Narrows ( <del>6th Avenue and Jackson</del> )	Neighborhood	December 11, 2007
Point Ruston	<u>Community Crossroads</u>	July 1, 2014

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(Ord. 28230 Ex. H; passed Jul. 22, 2014; Ord. 28222 Ex. D; passed May 13, 2014; Ord. 27818 Ex. B; passed Jul. 28, 2009; Ord. 27813 Ex. J; passed Jun. 30, 2009 (South Tacoma Mixed Use Center amended, Ex. J is for illustrative purposes ); Ord. 27710 Ex. A; passed Apr. 29, 2008; Ord. 27663 Ex. A; passed Dec. 11, 2007; Ord. 25823 § 1; passed Jan 16, 1996; Ord. 25789 § 3; passed Nov. 21, 1995)

**13.17.030 Tax exemptions for multi-family housing in residential target areas.**

A. The application, review, and decision guidelines and procedures for multi-family housing property tax exemptions are contained in TMC Title 6, Tax and License Code, Section 6A.110.

(Reenacted by Ord. 27818 Ex. B; passed Jul. 28, 2009; Ord. 27710 Ex. A; passed Apr. 29, 2008; Ord. 27466 § 44; passed Jan. 17, 2006; Ord. 27321 § 1; passed Mar. 1, 2005; Ord. 26492 § 1; passed Aug. 10, 1999; Ord. 26386 § 40; passed Mar. 23, 1999; Ord. 25789 § 3; passed Nov. 21, 1995)

## Exhibit A: Mixed-use Centers From TMC 13.06.300 Mixed-Use Center Districts.

which decrease walking distances and increase pedestrian safety. This classification is not appropriate inside Comprehensive Plan designated low-intensity areas.

### C. Applicability and pedestrian streets designated.

Applicability. The following tables compose the land use regulations for all Mixed-Use Center Districts. All portions of Section 13.06.300 and applicable portions of Section 13.06.500, apply to all new development of any land use variety, including additions and remodels, in all Mixed-Use Center Districts, unless explicit exceptions or modifications are noted. The requirements of Sections 13.06.300.A through 13.06.300.D are not eligible for variance. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply. Refer to 13.06A.052 for Pedestrian Streets within Downtown Tacoma.

**TABLE C.1: MIXED-USE CENTER PEDESTRIAN STREETS ESTABLISHED**

The following pedestrian streets are considered key streets in the development and utilization of Tacoma’s mixed-use centers, due to pedestrian use, traffic volumes, transit connections, and/or visibility. They are designated for use with certain provisions in the mixed-use zoning regulations, including use restrictions and design requirements, such as increased transparency, weather protection and street furniture standards. In some centers, these “pedestrian streets” and/or portions thereof are further designated as “core pedestrian streets” for use with certain additional provisions. The “core pedestrian streets” are a subset of the “pedestrian streets,” and thus, those provisions that apply to designated “pedestrian streets” also apply to designated “core pedestrian streets.”

In centers where multiple streets are designated, one street is designated the Primary Pedestrian Street. This is used when applying certain provisions, such as the maximum setback requirements for projects that abut more than one pedestrian street. Primary Pedestrian Streets are denoted with an asterisk\*.

Mixed-Use Center	Designated Pedestrian Streets (All portions of the streets within Mixed-Use Centers, unless otherwise noted.)	Designated Core Pedestrian Streets (All portions of the streets within Mixed-Use Centers, unless otherwise noted)
6th Avenue <del>and Pine Street</del> Neighborhood Center	6th Avenue	6 <sup>th</sup> Avenue
Narrows ( <del>6<sup>th</sup> Avenue and Jackson</del> ) Neighborhood Center	6 <sup>th</sup> Avenue	6 <sup>th</sup> Avenue
McKinley Neighborhood Center ( <del>East 34<sup>th</sup> and McKinley</del> )	McKinley Avenue from Wright Avenue to East 39 <sup>th</sup> Street*	McKinley Avenue from Wright Avenue to East 36 <sup>th</sup> Street
Lower Portland Avenue Crossroads Center	Portland Avenue*, East 32 <sup>nd</sup> Street, East 29 <sup>th</sup> Street	Portland Avenue
Proctor Neighborhood Center ( <del>North 26<sup>th</sup> Street and Proctor Street</del> )	North 26 <sup>th</sup> Street; North Proctor Street*	North 26 <sup>th</sup> Street; North Proctor Street
Stadium ( <del>North 1st Street and Tacoma Avenue</del> ) District – Downtown Regional Growth Center (DRGC)	Division Avenue from North 2nd Street to Tacoma Avenue; Tacoma Avenue*; North 1st Street; North I Street	Division Avenue from North 2nd Street to Tacoma Avenue; Tacoma Avenue; North 1st Street
Hilltop Neighborhood – Downtown Regional Growth Center (DRGC)	Martin Luther King Jr. Way*; South 11th Street; Earnest S. Brazill Street; 6th Avenue, South 19th Street	Martin Luther King Jr. Way from S. 9th to S. 15th, South 11th Street; Earnest S. Brazill Street
Lincoln Neighborhood Center ( <del>South 38th Street and G Street</del> )	South 38th Street*; Yakima Avenue from South 37th Street to South 39th Street; and South G Street south of 36th Street	South 38th Street
South 34th and Pacific Lower Pacific Crossroads Center	Pacific Avenue	Pacific Avenue
South 56th Street and South Tacoma Way Neighborhood Center	South Tacoma Way*; South 56th Street	South Tacoma Way
East 72nd Street and Portland Avenue Upper Portland Crossroads Center	East 72nd Street*; Portland Avenue	East 72nd Street, Portland Avenue
South 72nd Street and Pacific Avenue Upper Pacific Crossroads Center	South 72nd Street; Pacific Avenue*	Pacific Avenue

Tacoma Central <u>Crossroads Center</u> <del>Allenmore</del>	Union Avenue*; South 19th Street between South Lawrence Street and South Union Avenue	Union Avenue south of South 18th Street; South 19th Street between South Lawrence Street and South Union Avenue
Tacoma Mall <u>Regional Growth Center Area</u>	South 47th/48th Transition Street; Steele Street*	N/A
<del>TCC</del> James Center <u>Crossroads Center</u>	Mildred Street*; South 19th Street	Mildred Street south of South 12th Street; South 19th Street
Westgate <u>Crossroads Center</u>	Pearl Street*; North 26th Street	Pearl Street
<i>* Indicates primary designated pedestrian streets. In centers where multiple streets are designated, one street is designated the Primary Pedestrian Street. This is used when applying certain provisions, such as the maximum setback requirements for projects that abut more than one pedestrian street.</i>		

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.

Exhibit A: Mixed-use Centers  
From TMC 13.06.300 Mixed-Use Centers

3. District use table.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535. See definition for bed limit. Prohibited at street level along designated pedestrian streets in NCX. <sup>2</sup> Not subject to minimum densities found in Section 13.06.300.E.
Adult retail and entertainment	N	N	N	N	N	N	N	N	Prohibited, except as provided for in Section 13.06.525.
Agricultural uses	N	N	N	N	N	N	N	N	
Airport	CU	CU	CU	CU	CU	CU	CU	CU	
Ambulance services	N	CU	CU	N	P	P	N	N	
Animal sales and service	P	P	P	N	P	N	N	N	Except in the CIX District, must be conducted entirely within an enclosed structure. Must be set back 20 feet from any adjacent residential district or use.
Assembly facility	P	P	P	CU	P	N	N	N	Prohibited at street level along designated pedestrian streets in NCX. <sup>2</sup>
Brewpub	P	P	P	P	P	N	N	N	Brewpubs located in NCX, CCX, UCX, and RCX shall be limited to producing, on-premises, a maximum of 2,400 barrels per year of beer, ale, or other malt beverages, as determined by the annual filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
Building materials and services	N	P	P	N	P	N	N	N	Prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Business support services	P	P	P	N	P	N	N	N	In NCX, all activities must occur within buildings; outdoor storage/repair is prohibited. Customer service offices must be located at building fronts on designated pedestrian streets in NCX.
Carnival	TU	TU	P	N	TU	TU	TU	N	Subject to Section 13.06.635.
Cemetery/internment services	N	N	N	N	N	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	P	P	P	N	P	P	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. <sup>2</sup>
Commercial recreation and entertainment	P	P	P	N	P	N	N	N	
Communication facility	CU	CU	P	N	P	N	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. <sup>2</sup>

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Confidential shelter	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. <sup>2</sup> Not subject to minimum densities founding Section 13.06.300.E.
Continuing care retirement community	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. <sup>2</sup>
Correctional facility	N	N	N	N	N	N	N	N	
Craft Production	P	P	P	P	P	N	N	N	Must include a retail/eating/drinking/tasting component that occupies a minimum of 10 percent 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. Outside storage is allowed provided screening and/or buffer planting areas are provided in accordance with Section 13.06.502.D. All production, processing and distribution activities are to be conducted within an enclosed building.
Cultural institution	P	P	P	N	P	N	N	N	
Day care, family	P	P	P	P	N	P	P	P	
Day care center	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement. <sup>1</sup>
Detoxification center	N	N	N	N	CU	CU	N	N	
Drive-through with any use	P	P	P	N	P	P*	N	N	* In the HMX District, drive-throughs are only allowed for hospitals and associated medical uses. All drive-throughs are subject to the requirements of TMC 13.06.513.
Dwelling, single-family detached	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> See Section 13.06.300.E for minimum densities.
Dwelling, two-family	P	P	P	P	P	P	P	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.300.E for minimum densities.
Dwelling, three-family	P	P	P	P	P	P	P	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.300.E for minimum densities.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Dwelling, multiple-family	P	P	P	P	P	P	P	N	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.300.E for minimum densities. In the NRX District, multiple-family dwellings lawfully in existence on August 31, 2009, the time of reclassification to this district, shall be considered permitted uses; said multiple-family dwellings may continue and may be changed, repaired, 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 at the time of reclassification to this district.
Dwelling, townhouse	P	P	P	P	P	P	P	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.300.E for minimum densities.
Dwelling, accessory (ADU)	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> See Section 13.06.150 for specific Accessory Dwelling Unit (ADU) Standards.
Eating and drinking	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 business, in the HMX District.
Emergency and transitional housing	CU	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	See Section 13.06.535. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Foster home	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>
Fueling station	N	P	P	N	P	N	N	N	Prohibited along frontage of designated pedestrian streets within the UCX and CCX Districts. <sup>2</sup> Fueling station pump islands, stacking lanes and parking areas shall be located at the side or rear of the building.
Funeral home	P	P	P	N	P	P	N	N	
Golf course	N	N	N	N	N	N	N	N	
Group housing	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>
Heliport	N	N	N	N	CU	CU	N	N	

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Home occupation	P	P	P	P	P	P	P	P	Home occupations shall be allowed in all X-Districts pursuant to the standards found in Section 13.06.100.E.
Hospital	N	CU	CU	N	P	P	N	N	
Hotel/motel	P	P	P	N	P	P	N	N	
Industry, heavy	N	N	N	N	N	N	N	N	
Industry, light	N	N	N	N	P	N	N	N	
Intermediate care facility	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>
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.530 for additional information about size limitations and permitting requirements.
Live/Work	P	P	P	P	P	P	P	P	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.
Lodging house	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup>
Marijuana processor	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
Marijuana producer	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
Marijuana retailer	P	P	P	N	P	P*	N	N	*Limited to 7,000 square feet of floor area, per business, in the HMX District. See additional requirements contained in Section 13.06.565
Microbrewery/winery	N	N	N	N	P	N	N	N	Microbreweries shall be limited to 15,000 barrels per year of beer, ale, or other malt beverages, as determined by the filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
Mobile home/trailer court	N	N	N	N	N	N	N	N	
Nursery	P	P	P	N	P	N	N	N	
Office	P	P	P	P	P	P	N	N	Not subject to RCX residential requirement for properties fronting the west side of South Pine Street between South 40th Street and South 47th Street. <sup>1</sup>
Parks, recreation and open space	P	P	P	P	P	P	P	P	Not subject to RCX residential requirement. <sup>1</sup> Subject to the requirements of Section 13.06.560.D.
Passenger terminal	P	P	P	N	P	N	N	N	
Personal services	P	P	P	P	P	P*	N	N	*Limited to 7,000 square feet of floor area, per business, in the HMX District.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	N	N	N	N	N	N	N	N	
Public safety and public service facilities	P	P	P	P	P	P	P	CU	In the NRX District, unless the specific use is otherwise allowed outright, public service facilities are permitted only upon issuance of a conditional use permit. See Section 13.06.640. Not subject to RCX residential requirement. <sup>1</sup>
Religious assembly	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement. <sup>1</sup>
Repair services	P	P	P	N	P	N	N	N	In NCX, all activities must occur within buildings; outdoor storage/repair is prohibited.
Research and development industry	N	N	N	N	P	N	N	N	
Residential care facility for youth	P	P	P	P	P	P	P	P	See Section 13.06.535. See definition for bed limit. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> Not subject to minimum densities found in Section 13.06.300.E.
Residential chemical dependency treatment facility	P	P	P	P	P	P	P	P	See Section 13.06.535. In CCX and NCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Retail	P	P/CU~	P/CU~	P	P/CU~	P*	N	N	~ A conditional use permit is required for retail uses exceeding 45,000 square feet. See Section 13.06.640.J. *Limited to 7,000 square feet of floor area, per business, in the HMX District.
Retirement home	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>
School, public or private	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement. <sup>1</sup>
Seasonal sales	TU	TU	TU	TU	TU	TU	TU	TU	Subject to Section 13.06.635.
Self-storage	N	P	P	N	P	N	N	N	See specific requirements in Section 13.06.503.B. 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	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.

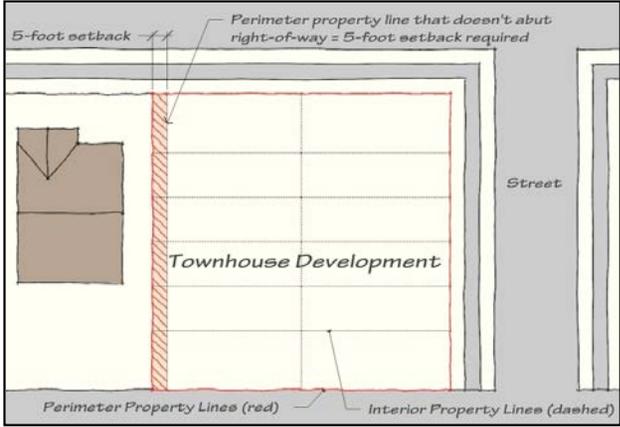
Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Student housing	P	P	P	P	P	P	P	N	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup>
Surface mining	CU	CU	CU	CU	CU	CU	CU	N	
Temporary uses	TU	TU	TU	TU	TU	TU	TU	TU	See Section 13.06.635
Theater	P	P	P	N	P	N	N	N	Theaters only permitted up to 4 screens in NCX and CCX. Theaters only permitted up to 6 screens in CIX.
Transportation/ freight terminal	P	P	P	N	P	P	N	N	
Urban Horticulture	N	N	N	N	P	N	N	N	
Utilities	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	N	P	N	N	N	In CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> *Use permitted in the <del>56th Street and</del> South Tacoma Way <del>Mixed-Use</del> <u>Neighborhood</u> Center NCX only, if all activities occur within buildings; outdoor storage repair, and sales are prohibited.
Vehicle service and repair	N*	P	P	N	P	N	N	N	All activities must occur within buildings; outdoor storage and/or repair is prohibited. Subject to development standards contained in Section 13.06.510.E. In CCX Districts, prohibited along frontage of designated core pedestrian streets. <sup>2</sup> *Use permitted in the <del>56th Street and</del> South Tacoma Way <del>Mixed-Use</del> <u>Neighborhood</u> Center NCX only, provided all activities occur entirely within buildings; outdoor storage and/or repair is prohibited.
Vehicle service and repair, industrial	N	N	P	N	P	N	N	N	Subject to additional development standards contained in Section 13.06.510.E.
Vehicle storage	N	N	N	N	P	N	N	N	Subject to development standards contained in Section 13.06.510.D.
Warehouse, storage	N	N	N	N	P	N	N	N	
Wholesale or distribution	N	N	N	N	P	N	N	N	
Work/Live	P	P	P	P	P	P	P	P	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Wireless communication facility	P*/CU**	P*/CU**	P*/CU**	P*/CU**	P*/CU**	P*/CU**	P*/CU**	P*/CU**	*Wireless communication facilities are also subject to Section 13.06.545.D.1. **Wireless communication facilities are also subject to Section 13.06.545.D.2.
Work release center	N	N	CU	N	CU	N	N	N	Permitted with no more than 15 residents in the UCX and no more than 25 residents in the CIX, subject to a Conditional Use Permit and the development regulations found in Section 13.06.550.
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	N	N	N	N	
<b>Footnotes:</b>									
<ol style="list-style-type: none"> <li>The floor area of any development in RCX must be at least 75 percent residential, unless otherwise noted.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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</li> </ol>									

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	RCX	CIX	HMX	URX	NRX	Additional Requirements
Minimum lot area	0 square feet	3,500 square feet for single-family dwellings; 2,500 square feet per unit for duplexes; 6,000 square feet for triplexes and multi-family dwellings; 5,000 square feet total per townhouse development							
Minimum lot width	0 feet	25 feet for single-family dwellings, duplexes and triplexes; 14 feet for townhouses							

	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Requirements
Minimum setbacks:	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	For single, two- and three-family dwellings and townhouses: 10-foot front, 5-foot sides, 15-foot rear  For other uses: 10-foot front, 7.5-foot sides, 20-foot rear	Maximum setbacks may apply (see Section 13.06.300.F).  If a buffer is required, a minimum setback is created (see Section 13.06.503).  Townhouse setback standards apply to the perimeter property lines of the development and not to individual internal property lines between townhouses in the same development.  See 13.06.501.N for additional requirements applicable to duplex, triplex and townhouse developments.
	<p>For townhouse developments, a setback of at least 5 feet shall be provided along the perimeter of the development on all sides that do not abut public street or alley right-of-way.</p> 								
	<p>For X District property across a non-designated Pedestrian Street from R-1, R-2 or R-2SRD District property, the following front yard setback shall be provided:</p> <ul style="list-style-type: none"> <li>• Minimum 10-foot front yard setbacks are required along non-designated Pedestrian Streets.</li> <li>• Limited exception: For corner lots that also front on a designated Pedestrian Street, this setback shall not apply for the first 130 feet from the corner, as measured along the edge of the right-of-way.</li> <li>• Covered porches and entry features may project up to 6 feet into the setback.</li> <li>• The setback area may include landscaping, walkways, pedestrian plazas, private patios, porches, or vehicular access crossings (where allowed), but not include parking.</li> </ul>								

	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Requirements
Maximum height of structures (feet)	45 feet <sup>1</sup> ; 65 feet in the <del>Stadium</del> <del>Mixed-Use Center</del> <u>Stadium District of the DRGC</u> . <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> .	60 feet <sup>1</sup>	75 feet	150 feet	45 feet <sup>2</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.  Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602.
	<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 the McKinley <del>Mixed-Use Neighborhood</del> Center, the portion of the URX District that is north of the alley between East Wright Avenue and East 34th Street has a height limit of 35 feet instead of 45 feet.								
Upper story setback	See Section 501.C.2 for stepback standards along pedestrian streets.	See Section 501.C.2 for stepback standards along pedestrian streets.	None	None	None	None	None	None	See Section 13.06.503; residential transition standards may also apply.

	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Requirements
Maximum 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.	45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J	45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J	30,000 square feet per business; 45,000 square feet for full service grocery stores only.	45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J	7,000 SF per business for eating and 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; 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. 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 7,000 square foot (.16-acre) property located in the UCX District would be 7 units (.16 x 40 = 6.4, which rounds up to 7 units).</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 designated in the Comprehensive Plan. 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:

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

## Exhibit A: Open Space Corridors

### From TMC 13.06.502 Landscaping and buffering standards.

(1) Habitat-Open Space Corridors. A minimum of 50 percent of required landscaping located within Comprehensive Plan designated Habitat-Open Space Corridors, and a minimum of 25 percent in adjacent areas within 20 feet of Habitat-Open Space Corridors, must be native plant species. Reductions are permitted when necessary to follow coordinated plans to address slope stability, habitat health, streetscape or area-wide plans.

c. Required landscaping areas are encouraged to incorporate vegetated LID BMPs, as defined in the City of Tacoma Stormwater Management Manual. A vegetated LID BMP may be used to meet landscaping requirements. Limited flexibility shall be granted to specific landscaping standards as applicable to accommodate LID BMPs.

d. Visibility and safety. Except in cases where required landscaping is intended to provide dense visual buffers or to enhance natural conditions, trees and shrubs shall be selected and maintained to maximize visibility at eye level for safety. To meet this requirement, shrubs shall be chosen that will readily remain under 3 feet in height. Trees shall be selected and pruned (once tall enough) to maximize views below 7 feet in height.

e. Trees.

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

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

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

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

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

f. Shrubs and Groundcover.

(1) Turf lawn and mulch are not considered groundcover for the purposes of complying with this section.

(2) Vegetated LID BMPs that incorporate trees, shrubs and/or groundcover may count as meeting tree, shrub and groundcover requirements.

(3) Shrub variety. If there are more than 25 required shrubs, no more than 20 percent of them can be of one species.

(4) Groundcover and shrub plants must be planted at a density that will cover the entire area within three years.

(5) Unless specified otherwise, shrubs provided to meet these requirements shall be from a minimum 2-gallon container.

3. Installation and Maintenance.

a. Landscaping shall be installed and maintained in a healthy, thriving, and safe condition, and replaced as necessary, during the plant establishment period and for the life of the project, consistent with the requirements, standards and specifications of this Section and the UFM.

## Exhibit A: Open Space Corridors

### From TMC 13.11 Critical Areas Preservation, section 13.11.210 Activities allowed with Staff Review.

(3) A planting plan containing information on vegetation species, quantities, and general location of planting areas including the identification of wetlands, streams, and their buffers, is required for review.

(4) Proper erosion control measures are provided.

(5) If equipment, other than hand-held equipment is utilized, list the type of equipment, methods and best management practices to prevent unnecessary impacts.

#### b. Community Projects

Multi-party projects within designated Open Space Corridors, ~~Habitat Corridors or Open Space Areas~~, or adjacent vegetated areas that form expanded corridors are encouraged. These projects shall not include new destination facilities or high-intensity recreation facilities as described in 13.06.560. A City approved habitat management template or equivalent must be provided that has been reviewed and approved by all property owners. In addition, the project is subject to the following:

(1) The primary focus is preservation and increase in biological functions through the preservation and improvement of habitat, species diversity and natural features.

(2) Preserves and connects ~~habitat~~ Open Space Corridors.

(3) Includes goals, objectives, and measureable performance standards.

(4) Includes a monitoring plan and contingency plan.

(5) Trails shall comply with the provisions in Section 13.11.200.B.9.

(6) Buildings and paved surfaces shall be located outside of the critical area and buffer.

(7) Picnic Tables, benches, and signage are allowed when they are located to avoid and minimize impacts.

(8) A maintenance plan that describes the proper techniques and methods used for on-going maintenance and preservation.

(9) The identification of a trained habitat steward who will be responsible for overseeing volunteers, employees, and/or contractors for all aspects of the project.

11. Hazard trees. The removal of hazard trees from the critical area or critical area buffer that are posing a threat to public safety, or posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement, may be allowed following City staff review, or provided that a report from a certified arborist, landscape architect or professional forester is submitted to the City for review and approval. The report must include an evaluation for tree stabilization potential and removal techniques for the hazard tree and procedures for protecting the surrounding critical area and replacement of native trees. Where possible, the hazard tree shall be left as a standing snag and the cut portions shall be left within the critical area as habitat unless removal is warranted due to fire hazard, disease, or pest control.

12. Tree Pruning. Tree pruning may be allowed provided a report from a certified arborist, landscape architect or professional forester regarding the health of the tree is submitted, and a functional impact analysis from a qualified professional evaluating the functions of the critical area as a result of the pruning, is also submitted to the City for review and approval. No topping, complete removal or impacts to the health of the tree shall be allowed.

13. Watershed restoration projects that conform to the provisions of RCW 89.08.460 shall be reviewed without fee and approved within 45 days per RCW 89.08.490.

14. Fish habitat enhancement projects that conform to the provision of RCW 77.55.181 shall be reviewed without fee and comments provided as specified in RCW 77.55.181.

15. Demolition of structures.

(Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28335 Ex. A; passed Dec. 1, 2015; Ord. 28230 Ex. F; passed Jul. 22, 2014; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 23; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

#### 13.11.220 Application Types.

A. This chapter allows three types of Critical Area applications, which result in the issuance of an administratively appealable decision consistent with Chapter 13.05. After the appeal period expires, the Director's approved decision becomes the official permit. Programmatic Restoration Projects processed under either the Minor Development Permit or the Development Permit may qualify for additional time extensions according to 13.05.070.

B. The three types of permits are as follows:

Chapter 1.37

TRANSFER OF DEVELOPMENT RIGHTS PROGRAM ADMINISTRATIVE CODE

Sections:

- 1.37.010 Purpose.
- 1.37.020 Definitions.
- 1.37.030 Sending Areas.
- 1.37.040 Sending Area Development Limitations.
- 1.37.050 Sending Area TDR Allocation.
- 1.37.060 Receiving Area Baselines, Maximum Development and Exchange Ratios for Receiving Areas Where Bonus Development Is Allowed By TDR.
- 1.37.070 Sending Area Process / TDR Certification.
- 1.37.080 Receiving Area Process.
- 1.37.090 TDR Manager Responsibilities.

**1.37.010 Purpose.**

The Transfer of Development Rights (TDR) Administrative Code establishes procedures for the operation of the City’s TDR Program. The TDR Program is designed to advance the goals of the State’s Growth Management Act by providing a tool to advance the City’s conservation goals, historical preservation goals, and built environment goals by encouraging the voluntary redirection of development potential away from areas where the City wants less or no development potential, called sending areas, toward areas that the City has designated as suitable for bonus development potential, called receiving areas.

(Ord. 28087 Ex. A; passed Sept. 25, 2012)

**1.37.020 Definitions.**

“Baseline development potential” is the maximum development density or intensity allowed in TDR receiving areas when property owners choose not to use the bonus palette in Title 13 TMC to achieve bonus height.

“Bonus development” is development that exceeds baseline development potential in accordance with this chapter and the TDR provisions in Title 13 TMC.

“Receiving areas” are lands designated by this chapter which TDRs can be used in compliance with this chapter and Title 13 TMC.

“Sending areas” are lands or structures qualified to generate TDRs for use within receiving areas in compliance with this chapter.

“Sending area TDR allocation” means the number of TDRs that a sending area owner is issued per acre or lot conserved, or per landmark structure preserved.

“TDR Administrative Procedures” are procedures in Title 1 TMC that implement this chapter and the TDR bonus provisions in Title 13 TMC.

“TDR Manager” is an employee of the Tacoma Planning and Development Services Department tasked with accomplishing the duties specified by this chapter.

“Transferable development rights (TDR or TDRs)” are whole or fractional units of development potential transferred from sending areas that can be used in receiving areas to increase development density or intensity in compliance with this chapter.

(Ord. 28230 Ex. A; passed Jul. 22, 2014; Ord. 28087 Ex. A; passed Sept. 25, 2012)

**1.37.030 Sending Areas.**

The following five categories of land or structures qualify as sending areas:

- A. Pierce County Farm Land: Farm land designated as Agriculture Resource Land (ARL) in unincorporated Pierce County situated in Pierce County’s Puyallup Valley (Alderton-McMillin or Mid County Community Planning Areas).
- B. Pierce County Forest Land: Forest land designated as Forest Land (FL) situated in unincorporated Pierce County.
- C. Resource lands in King County and Snohomish County.
- D. Tacoma Habitat: Lands providing high habitat and natural value located within, or in proximity to, designated ~~Habitat Corridors~~ Open Space Corridors in the Comprehensive Plan, and lands providing exceptional habitat and natural value located within the City and outside of the designated ~~Habitat~~ Open Space Corridors.

## Exhibit A: Land Use Designations From TMC 13.02 Planning Commission

### 13.02.041 Quorum.

A simple majority of appointed, filled positions shall constitute a quorum for the transaction of official business.

(Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27172 § 5; passed Dec. 16, 2003)

### 13.02.043 Definitions.

For the purpose of this chapter, certain words and terms used herein are defined as follows:

A. An “area-wide zoning reclassification” is a legislative action to change the zoning classification(s) on an area-wide basis in order to implement and maintain the consistency of the Comprehensive Plan. It is comprehensive in nature and deals with homogenous communities, distinctive geographic areas, and other types of districts having unified interests within the City, including those associated with annexation and overlay special review zoning districts. Area-wide zoning reclassifications, unlike parcel zoning reclassifications, are generally of area-wide significance, usually involving many separate properties under various ownerships, and often utilize several of the City’s zoning classifications to implement the City’s Comprehensive Plan. An area-wide zoning reclassification consisting of a single ownership but having a broader impact of significance on the community may be considered to be an area-wide reclassification if it is being undertaken in order to maintain consistency of the City’s Comprehensive Plan.

B. “Department,” as used in this chapter, refers to the Planning and Development Services Department.

C. “Development regulations” are any regulations and regulatory procedures placed on or involving development or land use activities of the City, including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances (RCW 36.70A).

D. An “emergency” situation is one in which human health or safety is jeopardized and/or public or private property is imminently endangered. For the purposes of this section, an “emergency” situation shall also include one demanding the immediate amendment of the Comprehensive Plan outside of the annual amendment cycle, without which capital facilities concurrency is likely to be compromised and/or levels of service are expected to drop below an acceptable level.

E. “Interim zoning” is an immediate change in existing zoning classifications or regulations where new zoning classifications or regulations are temporarily imposed. Such temporary zoning controls are designed to regulate specific types of development so that, when new plans and/or zoning are adopted, they will not have been rendered moot by intervening development; or are necessary to prevent harm or to preserve the status quo. Interim zoning can be an area-wide reclassification of a temporary nature or modification to specific requirements of a zoning classification.

F. “Comprehensive Plan land use designation” ~~indicates the intended is a designation for all property that indicates the future land use pattern for all properties in the City, as depicted on the Future Land Use Map of the Comprehensive Plan. development influence based on factors such as size, scale, bulk, nuisance level, density, activity level, amount of open space, and traffic generation. Such designations are depicted on the Generalized Land Use Plan map which illustrates the future land use pattern for the City. This land use pattern was a result of analysis of the urban form policies, existing land use and zoning, development trends, anticipated land use needs and desirable growth and development goals. The Future Land Use Map and the designations provide a basis for applying zoning districts and for making land use decisions. The map is to be used in conjunction with the adopted policies of the Comprehensive Plan for any land use decision.~~

G. “Moratorium” (or collectively, “moratoria”) is the suspension of accepting or processing new applications for building, zoning, subdivision (platting), or other types of development in order to preclude development from occurring for a specified period of time. A moratorium on development may be imposed on all development, on all permit applications, or on specific types of development or permit applications.

H. “Plan amendment” is a proposed change to the Comprehensive Plan that may include adoption of a new plan element; a change to an existing plan element, including goals, policies and narrative text; a change to the objectives, principles, or standards used to develop the Comprehensive Plan; a revision to the land use designation as shown on the ~~Generalized-Future Land Use Plan Map~~; or a change to implementation strategies or programs adopted as part of the Comprehensive Plan, including updates to inventories and financial plans.

(Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27466 § 34; passed Jan. 17, 2006; Ord. 27172 § 6; passed Dec. 16, 2003)

### 13.02.044 Comprehensive Plan.

A. The Comprehensive Plan is the City’s official statement concerning future growth and development. It sets forth goals, policies, and strategies to protect the health, welfare, safety, and quality of life of Tacoma’s residents. The Comprehensive Plan must be consistent with and advance the goals of RCW 36.70A (“Growth Management Act”), the Multicounty Planning

## Exhibit A: Land Use Designations

### From TMC 13.05.095 Development Regulation Agreements

2. Proposed projects located within the Downtown Regional Growth Center, as set forth in the Growth Strategy and Development Concept Element of the City Comprehensive Plan, provided that the real property involved is subject to a significant measure of public ownership or control, and provided that the project includes a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;
  3. Proposed projects located within the Downtown Regional Growth Center where the City Landmarks Commission formally certifies that the proposed project is either a historic structure or is directly associated with and supports the preservation of an adjacent historic structure;
  4. Proposed projects located on a public facility site, as defined in subsection 13.06.700.P TMC, that are at least five acres in size and are not a public utility site.
- C. Application process. An application for a Development Regulation Agreement may only be made by a person or entity having ownership or control of real property within one of the qualifying areas identified in subsection B above. Applications for a Development Regulation Agreement shall be made with the Planning and Development Services Department, solely and exclusively on the current form approved by said Department, together with the filing fee set forth in the current edition of the City's Fee Schedule, as adopted by resolution of the City Council. The City Council shall be notified once a complete application has been received. The City shall give notice under Sections 13.02.057 and 13.02.045.H TMC as if the application were for a land use ~~intensity-designation~~ change.
- D. Review criteria. The City Manager, and such designee or designees as may be appointed for the purpose, shall negotiate acceptable terms and conditions of the proposed Development Regulation Agreement based on the following criteria:
1. The Development Regulation Agreement conforms to the existing Comprehensive Plan. Except for projects on a public facility site of at least five acres in size, conformance must be demonstrated by the project, as described in the Development Regulation Agreement, scoring 800 points out of a possible 1,050 points, according to the following scoring system (based on the Downtown Element of the City Comprehensive Plan):
    - a. Balanced healthy economy. In any project where more than 30 percent of the floorspace is office, commercial, or retail, one point shall be awarded for every 200 square feet of gross floorspace (excluding parking) up to a maximum of 290 points.
    - b. Achieving vitality downtown. Up to 40 points shall be awarded for each of the following categories: (i) CPTED design ("Crime Prevention Through Environmental Design"), (ii) sunlight access to priority public use areas, (iii) view maximization, (iv) connectivity, (v) quality materials and design, (vi) remarkable features, (vii) access to open space, and (viii) street edge activation and building ground orientation.
    - c. Sustainability. Up to 50 points shall be awarded for each of the following categories: (i) complete streets, (ii) transit connections, (iii) energy conservation design to a L.E.E.D. (Leadership in Energy and Environmental Design) certification to a platinum level or certified under another well-recognized rating system to a level equivalent to certification to a platinum level, and (iv) Low Impact Development Best Management Practices and Principles.
    - d. Quality Urban Design. Up to 60 points shall be awarded for each of the following categories: (i) walkability, (ii) public environment, (iii) neighborliness, and (iv) support for public art.
  2. Appropriate project or proposal elements, such as permitted uses, residential densities, nonresidential densities and intensities, or structure sizes, are adequately provided to include evidence that the site is adequate in size and shape for the proposed project or use, conforms to the general character of the neighborhood, and would be compatible with adjacent land uses.
  3. Appropriate provisions are made for the amount and payment of fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, and other financial contributions by the property owner, inspection fees, or dedications.
  4. Adequate mitigation measures including development conditions under chapter 43.21C RCW are provided. The City shall be the lead agency in the SEPA process for all projects.
  5. Adequate and appropriate development standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features are provided.
  6. If applicable, targets and requirements regarding affordable housing are addressed.
  7. Provisions are sufficient to assure requirements of parks and open space preservation.
  8. Best available science and best management practices shall be used to address critical areas within the property covered by a Development Regulation Agreement adopted pursuant to this section. Review of a development activity's critical area impacts that go beyond those exempted activities identified in Section 13.11.140 TMC shall occur during the Development Regulation Agreement review process, and a separate critical areas permit is not required. Any Development Regulation

**Exhibit A: Land Use Designations**  
**From TMC 13.06.501 Building Design Standards**

- 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.

<p><b>B. General Mass Reduction Standards.</b> The following requirements apply to the C1, C2, T, and PDB zoning districts. See Section 13.06.501.H, below, for X-District requirements. The design choices of this item are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.</p>	
1. Size to choice ratio for 2 below	<ul style="list-style-type: none"> <li>a. Buildings under 7,000 square feet of floor area are not required to provide mass reduction.</li> <li>b. Buildings from 7,000 square feet of floor area to 30,000 square feet of floor area shall provide at least one mass reduction feature.</li> <li>c. Buildings over 30,000 square feet of floor area shall provide at least two mass reduction features.</li> </ul>
2. Mass reduction choices	<ul style="list-style-type: none"> <li>a. Upper story. Buildings with a maximum footprint of 7,000 square feet of floor area, that do not exceed 14,000 square feet of floor area, may count use of a second story as a mass reduction feature.</li> <li>b. Upper story setback. An 8 feet minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of 2 elevations.</li> <li>c. Wall modulation. Maximum 100 feet of wall without modulation, then a minimum 2 feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential uses.</li> <li>d. Public plaza. A public plaza of at least 800 square feet or 5 percent of building floor area, whichever is greater. The plaza shall be located within 50 feet of and visible to the primary public entrance; and contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bike rack, or art work for each 200 square feet of plaza area. Plaza contents may count toward other requirements when meeting the required criteria. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza. Where public seating is provided, it shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. Plazas may be permeable pavement or pavers where feasible. Low Impact Development vegetated stormwater features may be used for up to 30% of the plaza requirement where feasible.</li> <li>e. Housing. The provision of upper story residential dwelling units at a site density consistent with the applicable land use <del>intensity</del> designation of the Comprehensive Plan.</li> </ul>

## Exhibit A: Land Use Designations

### 13.06.650 Application for rezone of property.

A. Application submittal. Application for rezone of property shall be submitted to Planning and Development Services. The application shall be processed in accordance with the provisions of Chapter 13.05. Final action on the application shall take place within 180 days of submission.

B. Criteria for rezone of property. An applicant seeking a change in zoning classification must demonstrate consistency with all of the following criteria:

1. That the change of zoning classification is generally consistent with the applicable land use ~~intensity~~ designation of the property, policies, and other pertinent provisions of the Comprehensive Plan.
2. That substantial changes in conditions have occurred affecting the use and development of the property that would indicate the requested change of zoning is appropriate. If it is established that a rezone is required to directly implement an express provision or recommendation set forth in the Comprehensive Plan, it is unnecessary to demonstrate changed conditions supporting the requested rezone.
3. That the change of the zoning classification is consistent with the district establishment statement for the zoning classification being requested, as set forth in this chapter.
4. That the change of the zoning classification will not result in a substantial change to an area-wide rezone action taken by the City Council in the two years preceding the filing of the rezone application. Any application for rezone that was pending, and for which the Hearing Examiner's hearing was held prior to the adoption date of an area-wide rezone, is vested as of the date the application was filed and is exempt from meeting this criteria.
5. That the change of zoning classification bears a substantial relationship to the public health, safety, morals, or general welfare.

C. Amendment of boundaries of districts.

1. Whenever this chapter has been, or is hereafter, amended to include in a different district, property formerly included within classified district boundaries of another district, such property shall be deemed to thereupon be deleted from such former district boundaries.
2. Unless specifically classified otherwise, zoning district boundaries shall be considered to extend to the centerline of rights-of-way. Right-of-way, which has had prior approval for vacation pursuant to Chapter 9.22 or which is hereafter approved for vacation, shall be deemed to be added to the district boundaries of the property which the vacated right-of-way abuts. In instances where a vacated right-of-way is bordered on one side by a district which is different from the district on the other side, the right-of-way shall be deemed to be added apportionately to the respective districts.

D. Limitation on rezones in downtown districts. After the area-wide reclassification establishing the downtown district boundaries has occurred, no property shall be reclassified to a downtown district, except through a subsequent area-wide reclassification.

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.

H. Affordable housing – privately initiated upzones. Privately initiated residential upzones shall be conditioned to provide for inclusion of affordable housing. For development proposals meeting the thresholds and criteria of TMC 1.39, a certain number of the dwelling units shall be entered by the project proponent into the City's Affordable Housing Incentives Program. That number may be designated at the time of the upzone, or alternatively the upzone shall be conditioned to provide that designated percentage of affordable units at such time as a specific residential development proposal is submitted to the City.

I. Affordable housing – City-initiated upzones. In order to ensure consistency with the housing policies of the Comprehensive Plan which promote mixed-income neighborhoods citywide, the City shall analyze the supply of affordable housing in the vicinity of the proposed upzone, and assess whether the upzone would substantially exacerbate affordability challenges. If there are affordability issues associated with the proposed upzone, the City shall consider actions to address them, potentially including placing special conditions on the upzone, targeting City programs or funding to increase the affordable housing supply, or other methods.

## Exhibit A: Public Facilities and Services

(Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 7; passed Dec. 16, 2003)

### 13.02.045 Adoption and amendment procedures.

A. Adoption and amendment. The Comprehensive Plan and its elements, as well as development regulations and regulatory procedures that implement the Comprehensive Plan shall be adopted and amended by ordinance of the City Council, following the procedures identified in this section. Adoption and amendment of the Comprehensive Plan and development regulations must be consistent with the procedural requirements of RCW 36.70A and in compliance with applicable case law.

B. Timing for proposed amendments. Amendments to the Comprehensive Plan shall be considered no more frequently than once each year except that amendments may be considered more frequently under the following circumstances:

1. An emergency exists;
2. The initial adoption of a sub-area plan;
3. The adoption or amendment of a shoreline master program under the procedures set forth in RCW 90.58;
4. The amendment of the ~~capital facilities element~~ **Public Facilities and Services element and Capital Facilities Program** of the Comprehensive Plan that occurs concurrently with the adoption or amendment of the City's biennial budget; or
5. To resolve an appeal of the Comprehensive Plan decided by the Growth Management Hearings Board or a decision of the state or federal courts.

All proposed plan amendments shall be considered concurrently and, as appropriate, along with proposed amendments to development regulations, so that the cumulative effect of the various proposals can be ascertained. Proposed amendments may be considered annually, for which the annual amendment process shall begin in July of any given year and be completed, with appropriate actions taken by the City Council in accordance with Sections 13.02.045.G and H, by the end of June of the following year. Amendments proposed to comply with the update requirements of RCW 36.70.A.130 will occur according to the time frames established therein.

C. Applicants of proposed amendments. A proposed amendment to the Comprehensive Plan or development regulations may be submitted by any private individual, organization, corporation, partnership, or entity of any kind, including any member(s) of the City Council or the Planning Commission or other governmental Commission or Committee, the City Manager, any neighborhood or community council or other neighborhood or special purpose group, a department or office, agency, or official of the City of Tacoma, or of any other general or special purpose government.

D. Application for proposed amendments. Items initiated by the City Council, the Planning Commission, or the Department do not require an application. For all other items, the Department shall prescribe the form and content for applications for amendments to the Comprehensive Plan and development regulations. Application fees shall be as established by City Council action. The application deadline for any given annual amendment cycle shall be established by the Department no later than the last day of May. Those applications for amending the Comprehensive Plan received after the established deadline are less likely to be considered in the current annual amendment cycle and are more likely to be considered in a subsequent amendment cycle, unless determined otherwise by the Planning Commission. Applications for changing development regulations or area-wide zoning classifications which are consistent with the Comprehensive Plan and do not require an amendment to the Comprehensive Plan can be submitted at any time. The application shall include, but not be limited to, the following:

1. A description of the proposed amendment, including the existing and proposed amendatory language, if applicable;
2. The current and proposed Comprehensive Plan land use designation and zoning classification for the affected area;
3. A statement regarding the reason the amendment is needed;
4. A description, along with maps if applicable, of the affected area and the surrounding areas, including identification of affected parcels, ownership, current land uses, site characteristics, and natural features;
5. A description of how the proposed amendment enhances the applicable neighborhood;
6. A description of any community outreach and response to the proposed amendment;
7. A demonstration of consistency with the applicable policies of the Comprehensive Plan, and the criteria for amending the Comprehensive Plan or development regulations;
8. Additional information as requested by the Department, which may include, but is not limited to, completion of an environmental checklist, wetland delineation study, visual analysis, or other studies.

## Exhibit A: Nonconforming Uses

### 13.06.620 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.

(Ord. 26933 § 1; passed Mar. 5, 2002)

### 13.06.625 Violations – Penalties. *Repealed by Ord. 27912.*

(Ord. 27912 Ex. A; passed Aug. 10, 2010; Ord. 26933 § 1; passed Mar. 5, 2002)

### 13.06.630 Nonconforming parcels/uses/structures.

A. Scope and purpose. Within the zones established by this title there exist parcels, uses, and structures which were lawful when established, but whose establishment would be prohibited under the requirements of this title. The intent of this section is to allow the beneficial development of such nonconforming parcel, to allow the continuation of such nonconforming uses, to allow the continued use of such nonconforming structures, and to allow maintenance and repair of nonconforming structures. It is also the intent of this section, under certain circumstances and controls, to allow the enlargement, intensification, or other modification of nonconforming uses and structures, consistent with the objectives of maintaining the economic viability of such uses and structures, and protecting the rights of other property owners to use and enjoy their properties. However, relief for nonconforming uses shall be narrowly construed, recognizing that nonconforming uses are disfavored by state law.

Parcels, uses, and/or structures shall be considered legally nonconforming if such parcel, uses, and/or structure were legally created prior to May 18, 1953, or if such legally created parcel, use, and/or structure became nonconforming by reason of subsequent changes in this chapter.

Pre-existing uses or structures located within a wetland, stream or their associated buffers that were lawfully permitted prior to adoption of the Tacoma Municipal Code (TMC) Chapter 13.11, Critical Areas Preservation Ordinance (CAPO), but were not in compliance with the CAPO, shall be subject to the applicable provisions of this section and shall comply with the requirements of TMC Chapter 13.11.

B. Nonconforming parcels. Except as otherwise required by law, a legal nonconforming parcel, which does not conform to the minimum lot area, minimum lot width, and/or minimum lot depth requirements of this title, nevertheless, may be developed subject to all other development standards, use restrictions, and other applicable requirements established by this title.

Parcel modifications, such as boundary line adjustments, property combinations, segregations, and short and long plats shall be allowed, without need for a variance, to modify existing parcels that are nonconforming to minimum lot size requirements, such as minimum area, width or frontage, and minimum dimensional requirements, such as setbacks, yard area, and lot coverage, as long as such actions would make the nonconforming parcel(s) more conforming to the existing requirements and would not create any new or make greater any existing nonconformities.

C. Nonconforming use.

1. Continuation of nonconforming use. Except as otherwise required by law, a legal nonconforming use, within a building or on unimproved land, may continue unchanged. In the event that a building, which contains a nonconforming use, is damaged by fire, earthquake, or other natural calamity, such use may be resumed at the time the building is restored; provided that the restoration is commenced in accordance with applicable codes and regulations and that any degree of nonconformity to the land use regulations is not increased. Further, such restoration shall be undertaken only under a valid building permit for which a complete application was submitted within 18 months following said damage, which permit must be actively pursued to completion.

The use of unimproved land which does not conform to the provisions of this chapter shall be discontinued one year from the adoption date of the change to this chapter that creates the nonconformity; provided, however, exception may be made for the nonconforming use of unimproved land abutting a lot occupied by a building containing a nonconforming use and which nonconforming use is continuous and entire in the building and over said abutting land, all being in one ownership, and such use shall have been legally established prior to the adoption date of the change to the chapter that creates the nonconformity.

2. Allowed changes to and expansions of nonconforming use. Changes to a nonconforming use shall be allowed only under the following circumstances:

a. A nonconforming use, or a portion of a nonconforming use, may be changed to a use that is allowed in the zoning district in which it is located.

b. A nonconforming use, or a portion of a nonconforming use, may be expanded or changed to another nonconforming use when nonconforming rights for the subject use have been verified by the City of Tacoma. The applicant must provide

evidence to show that the subject use was lawfully permitted prior to May 18, 1953, or if such legal use became nonconforming by reason of subsequent changes in this Chapter, prior to the date of the code change that made the use nonconforming. An application for a review of nonconforming rights shall include the following:

- (1) The name, address and phone number of the applicant(s) or applicant's representative.
- (2) The name address and phone number of the property owner, if other than the applicant.
- (3) Location of the property. This shall, at a minimum, include the property address and/or parcel number(s).
- (4) A general description of any proposed change of use and/or proposed expansion.
- (5) A general description of the property as it now exists including its physical characteristics and improvements and structures.
- (6) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to clearly depict all required information.
- (7) Documenting evidence to prove that the nonconforming use was allowed when established and maintained over time, which may include: photographs, permit documentation, zoning codes or maps, tax/license/utility records, insurance maps, directories, inventories or data prepared by a government agency.

c. If a determination of nonconforming rights concludes that a use is lawfully in existence, then it may be expanded or changed to another nonconforming use, subject to the limitations and standards provided herein.

- (1) Changes in use shall be limited to those uses allowed in the lowest intensity zoning district where the existing nonconforming use is currently permitted outright.
- (2) The proposed change or expansion will not increase the cumulative generation of vehicle trips by more than 10 percent, as estimated by the City Traffic Engineer; nor will the change or expansion result in an increase in the number of parking spaces that would be required by this chapter by more than 10 percent. In no event shall multiple changes or expansions be approved that would, in the aggregate, exceed the 10 percent requirement as calculated for the initial request for a change or expansion in use;
- (3) The proposed change or expansion will not result in an increase in noise such that it exceeds maximum noise levels identified in ~~TMC 8.122~~~~WAC 173-60~~;
- (4) The proposed change or expansion will not result in substantial additional light or glare perceptible at the boundary lines of the subject property;
- (5) The proposed change or expansion will not result in an increase in the outdoor storage of goods or materials; and
- (6) The proposed change or expansion will not result in an increase in the hours of operation.

d. Any change from one nonconforming use to another nonconforming use, as allowed herein, shall not be considered converting such nonconforming use to a permitted use.

[e. Changes in use that would exceed the standards herein may be approved through the issuance of a conditional use permit subject to the criteria in 13.06.640.P.](#)

3. Abandonment or vacation of nonconforming use. When a nonconforming use is vacated or abandoned for 12 consecutive months or for 18 months during any three-year period, the nonconforming use rights shall be deemed extinguished and the use shall, thereafter, be required to be in accordance with the regulations of the zoning district in which it is located.

D. Continued occupancy of nonconforming structure. Except as otherwise required by law and consistent with all other requirements of this chapter, a legal nonconforming structure may continue unchanged.

E. Nonconforming structure and nonconforming commercial, industrial, and institutional uses. A legal nonconforming structure, that is also nonconforming as to use, may only be expanded and/or modified in the following cases:

1. Ordinary repairs and maintenance, including painting, repair, or replacement of wall surfacing materials and the repair or replacement of fixtures, wiring, and plumbing are permitted; provided, such repair or maintenance will not result in noise exceeding levels identified in ~~WAC 173-60~~~~TMC 8.122~~, light, or glare at the boundary lines of the subject property.
2. The enlargement or modification is required for safety upon order of the City, or otherwise required by law to make the structure conform to any applicable provisions of law.
3. Such enlargement and/or modification does not result in an intensification of the use as addressed by Section 13.06.630.C.2.~~b~~.

4. Such enlargement and/or modification complies with the requirements of TMC Chapter 13.11.

5. Changes in use or expansion that would exceed the limitations of 13.06.630.C.2. may be approved through the issuance of a conditional use permit subject to the criteria in 13.06.640.P.

F. Nonconforming structure and conforming commercial, industrial, and institutional uses.



A legal conforming use located in a structure that is nonconforming as to setback, location, maximum height, lot coverage, or other development regulations may be replaced, enlarged, moved, or modified in volume, area, or space; provided, such replacement, enlargement, movement, or modification does not increase the degree of nonconformity. Any structure's replacement, enlargement, movement, or modification of volume, area, or space must comply with all other current applicable regulations as provided by this chapter, and with the requirements of TMC Chapter 13.11.

G. Nonconforming structure and nonconforming residential use. Nothing in this chapter shall prohibit the enlargement of a residential structure, which is nonconforming as to use and development regulations, if such expansion does not increase the number of dwelling units or reduce existing lot area or off-street parking. Such expansion, including the construction of accessory buildings, shall be limited to compliance with the setback, height, and location requirements of the zoning district in which the subject site is located, and with the requirements of TMC Chapter 13.11.

H. Nonconforming residential structures and conforming residential uses.

1. A legal nonconforming structure which is nonconforming as to setback, location, maximum height, lot area, lot coverage, or other development regulation may be replaced, enlarged, moved, or modified in volume, area, or space; provided, such replacement, enlargement, movement, or modification complies with the setback, height, and location requirements of the zoning district in which the subject site is located, and with the requirements of TMC Chapter 13.11.

2. Certain additions to existing, nonconforming single-, two-, three-, or multi-family or townhouse dwellings may extend into a required front, side, or rear yard setback when the existing dwelling is already legally nonconforming with respect to that setback. The nonconforming portion shall be at least 60 percent of the total width of the respective wall of the structure prior to the addition and any other additions added since May 18, 1953. Additions may extend up to the height limit of the zoning district and extend into the required front, side and/or rear yard setback as follows:

a. Front and rear yard setbacks: The addition may extend five feet into the required front or rear yard setback or to the extent of the setback line formed by the nonconforming portion, whichever is less.

b. Side yard setbacks: The addition may extend into the required side yard setback up to the setback line formed by the nonconforming wall, except in no case shall the addition be closer than 3 feet from the side property line. Furthermore, the size of the addition shall be limited to an additional wall surface area within the required side setback area of no more than 200 square feet. (See example on following page.) For purposes of this provision, "wall surface area" is defined as the length (measured parallel to the side property line) multiplied by the height of the vertical wall surface of any building addition within the required side yard setback area. Any windows, doors or architectural features present are counted toward the total permissible wall surface area. Additions below the current ground level finished floor will not be counted toward the maximum permissible wall surface area.

## Exhibit A: Conditional Use Permits

### Cleanups and new criteria for nonconforming uses

#### From TMC 13.06.640 Conditional use permit.

- b. Availability of public services which may be necessary or desirable for the support of the use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian, and public transportation systems), education, police and fire facilities, and social and health services.
- c. The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties.
- 4. Freight movement will not be negatively impacted by the proposed use and related traffic generation.
- 5. The proposed use is not located adjacent to or within 500 feet of a primary rail or truck access for an industrial or manufacturing use.
- 6. The proposed use is not likely to negatively impact adjacent industrial and manufacturing uses or displace an existing industrial or manufacturing user.

An application for a conditional use permit shall be processed in accordance with the provisions of Chapter 13.05.

K. Duplex, Triplex and Townhouse Development in NRX Districts. In addition to the standard decision criteria for conditional use permits, as outlined above under subsection C, a conditional use permit for a duplex, triplex or townhouse in the NRX District shall only be approved upon a finding that such development is consistent with all of the following additional criteria:

- 1. The intent and regulations of the NRX district.
- 2. The proposed use and development shall be compatible with the quality and character of surrounding residential development, shall be designed in a manner consistent with existing neighboring structures, and shall not be materially detrimental to the overall residential environment and character of the general area. In the case of conversion of an existing single-family dwelling to a two- or three-family dwelling, the existing architectural features shall be maintained to the maximum extent practicable.

An application for a conditional use permit shall be processed in accordance with the provisions of Chapter 13.05.

L. Pre-existing 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.

#### M. Large Scale Retail

1. Purpose. The purpose of the conditional use permit review process for large scale retail uses is to determine if the proposal is appropriate in the location and manner proposed and, recognizing the size and scale of such developments and their significant impact on the ability for the community to achieve its long-term vision and goals, to ensure that such developments represent an exceptional effort to support the intent and policies of the Comprehensive Plan and respond to the vision, issues, and concerns of the specific neighborhood. It is critical to ensure that such proposals incorporate design strategies, beyond the typical design and development standards, that will ensure such projects represent a positive contribution to the community and mitigate their size, scale, traffic volumes, and other potential impacts that are typically associated with large scale retail developments.

2. Applicability. This section shall apply to the development of large scale retail uses that exceed the applicable size thresholds for the zoning district in which the proposal is located (as noted in the use tables found in Sections 13.06.200, 13.06.300, and 13.06.400). This section shall not apply to existing large scale retail uses or the reuse of existing buildings, unless such projects involve additions to the existing building(s) that exceed the minor modification thresholds in Section 13.05.080 or expansions within buildings permitted after February 16, 2012, that exceed 50 percent of the previously permitted use area.

3. Criteria. Where allowed, a conditional use permit for a large scale retail use shall only be approved upon a finding that such development is consistent with all of the standard decision criteria for conditional use permits, as outlined above under Subsection ~~D~~E, and all of the following additional decision criteria at subsections a. through f. below. For projects that involve expansions to an existing large retail use but do not involve significant building expansion (as outlined above under Subsection ~~M~~2) these additional decision criteria shall be applied as deemed appropriate by the Hearing Examiner, recognizing the limitations of incorporating significant site design modifications as part of such a remodel/expansion project.

a. The proposed development is designed in a manner that allows for future reuse of the building(s) by multiple tenants. This may be accomplished by incorporating a variety of different design elements, including provision of several tenant spaces of

varying sizes within the building(s) or the ability to practicably modify the building(s) in the future with building separations and modifications to access, mechanical systems, and other components that would accommodate multi-tenant reuse.

b. The design of off-street parking areas represent a substantial effort to ensure enhanced pedestrian safety and comfort. Appropriate parking lot design strategies include segmenting surface parking areas into smaller groupings with interspersed buildings, pedestrian features, frequent pedestrian pathways, landscaping, and other focal points, limiting the quantity of off-street parking provided, and/or provision of structured parking for a portion of the on-site parking provided.

c. The type and volume of traffic and existing and proposed traffic pattern allows for accessibility for persons and various modes of transportation. Adequate landscaping, screening, open spaces, and/or other development components are provided as necessary to mitigate the traffic impact upon neighboring properties. In addition, pedestrian-oriented design is further emphasized within Mixed-Use Centers to maintain connectivity between uses and all modes of transportation, including bicycle, pedestrian, and mass transit options.

d. Business activity, including delivery and hours of operation, is limited to avoid unnecessary noise and light impacts to surrounding residential uses. Outdoor storage or garden areas are appropriately screened from view or contained within a structure.

e. In Mixed-Use Centers, the design of the overall development represents an exceptional effort to positively contribute to the desired and planned character of the district, as outlined in the Comprehensive Plan. This may be accomplished through incorporation of enhanced development features, such as providing a variety of uses, structured parking, multiple floors to allow for smaller building footprints, incorporation of residential units within the building or overall development site, smaller-scale storefront design along the street level, Low-Impact Development BMPs and Principles, and a diverse array of public spaces, including indoor and outdoor spaces, active and passive spaces, and plazas and garden spaces.

f. For projects on sites along a designated pedestrian street or core pedestrian street (see Sections 13.06.200.E and 13.06.300.C) the site and building design provides a significant emphasis on pedestrian-orientation over vehicular-orientation. This may be accomplished through encouraging direct, continuous, and regular pedestrian access, incorporating an internal pedestrian circulation system that provides connections between buildings, through parking areas, to the street and transit linkages, and to surrounding properties and neighborhoods, incorporating continuous and active uses and spaces along pedestrian street frontages and internal pedestrian pathways, and limiting conflicts between pedestrians and vehicles, particularly along the designated street.

4. An application for a conditional use permit for large scale retail use shall be processed in accordance with the provisions of Chapter 13.05, except with the following additional requirement:

Pre-application community meeting. Prior to submitting an application to the City for a conditional use permit for a large scale retail use, it is recommended that the applicant hold a public informational meeting with adjacent community members. The purpose of the meeting is to provide an early, open dialogue between the applicant and the neighborhood surrounding the proposed development. The meeting should acquaint the neighbors of the proposed development with the applicant and/or developers and provide for an exchange of information about the proposal and the community, including the characteristics of the proposed development and of the surrounding area and any particular issues or concerns of which the applicant should be made aware. It is recommended that the applicant provide written notification of the meeting, at least 30 calendar days prior to the meeting date, to the appropriate neighborhood council pursuant to TMC 1.45 and neighborhood business district pursuant to TMC 1.47, qualified neighborhood and community organizations, and to the owners of property located within 1,000 feet of the project site.

5. Upon issuance, the Hearing Examiner's decision may be appealed subject to procedures contained in Chapter 1.23.

N. Discontinued conditional uses. Any authorized conditional use that has been discontinued for a period of three or more years may not be reestablished or recommenced except pursuant to a new conditional use permit. The Director may, in specific cases, authorize an extension of up to one year. In reviewing requests for this extension, the Director shall consider the following:

1. Impacts to the community that may result from the reestablishment of the use; and
2. Whether a reasonable effort has been made by the owner/applicant to maintain the property and use.

O. Master plan process for conditional uses. Master plans provide conditional uses the flexibility to receive overall approval of long-term development plans which may occur in phases and extend beyond the standard timeframe for conditional use permits. This process is especially appropriate for large, campus-like facilities with multiple uses and/or buildings that may undergo continuous expansion/improvement. The master plan serves as an overall review in which general development intentions are outlined, implementation phasing is determined and conditions, improvements, and mitigations are outlined consistent with the project phases. The decision shall identify the duration of the master plan approval, any required periodic

reviews, and any additional future notification and review requirements, which may be appropriate for future phases that may not have complete detail in the initial master plan approval.

P. Change of Use or Expansion of Nonconforming Uses and Structures. A conditional use permit for a change of use or expansion of a nonconforming use or structure that exceeds the standards of 13.06.630.C or E shall only be approved upon a finding that such development is consistent with all of the standard decision criteria for conditional use permits, as outlined above under Subsection D, and all of the following additional decision criteria at subsections 1. through 3. below:

1. A rezone of the site would be inappropriate:

2. The change or expansion of the nonconforming use will have a positive impact on the surrounding uses and the area overall:

3. To the extent practicable, the nonconforming use or structure comes into compliance with the following development standards that apply to the site per the least intensive zoning district in which the use is allowed:

a. Landscaping and buffering:

b. Pedestrian and bicycle support standards:

e. Off-street parking and storage areas.

(Ord. 28336 Exs. B,C; passed Dec. 1, 2015; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28077 Ex. C; passed Jun. 12, 2012; Ord. 28050 Ex. C; passed Feb. 14, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27539 § 19; passed Oct. 31, 2006; Ord. 27432 § 17; passed Nov. 15, 2005; Ord. 27296 § 28; passed Nov. 16, 2004; Ord. 27245 § 21; passed Jun. 22, 2004; Ord. 27079 § 49; passed Apr. 29, 2003; Ord. 26966 § 22; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002)

### **13.06.645 Variances.**

#### **A. Administration.**

1. All variances shall be processed in accordance with provisions of Chapter 13.05. Certain regulatory relief may be sought consistent with sections below that provide for potential variances in specified development situations.
2. A minor variance is one in which the code relief requested is within 10 percent of the quantified standard contained in the code and shall be processed in accordance with 13.05.020.B. Minor variances may be granted for quantitative development regulations other than height, accessory building height, design, sign regulations, and off street quantity standards. Examples of quantitative standards are building setback, parking quantity, lot size, and minimum density requirements.
3. A variance is one in which the code relief requested is beyond the threshold outlined above for minor variances and shall be processed in accordance with 13.05.020.C.
4. Both types of variances shall be subject to the same decision criteria found in this section. Minor variances shall not be granted for height in the View Sensitive Overlay District and for qualitative standards to which a 10 percent threshold would not apply.
5. In the exercise of his or her powers to grant variances to, or interpret, the regulations contained in this chapter, the Director and Hearing Examiner may not, by any act or interpretation, change the allowed use of a structure or land, change the boundaries of a zoning district, or change the zoning requirements regulating the use of land.

#### **B. Specified variances.**

##### **1. Variance to development regulations (bulk, area).**

a. Applicability. These shall include variances to building setbacks, building location, building height, lot coverage, lot area, lot width, lot frontage, yard space, and minimum-density requirements. These shall not include variance to sign development standards, to design standards, parking lot development standards, or off-street parking quantity standards.

b. Criteria. The Director may, in specific cases, authorize a variance to the development regulations, subject to the criteria set forth below. In granting a variance, the Director or Hearing Examiner may attach thereto such conditions regarding the location, character and other features of the proposed structure as may be deemed necessary to ensure consistency with the intent of the Code and Comprehensive Plan and to ensure that the use of the site will be as compatible as practicable with the existing development on the site and surrounding uses. In instances in which a variance to building height is approved, no occupiable space above the district height limit shall be added.

## Exhibit A: Shoreline Critical Areas Updates From TMC 13.10 Section 6.4.2 General Regulations

- c. Construction of trails, roadways, and parking;
- d. New utility lines and facilities; and
- e. Stormwater conveyance facilities.

C. Modification of a shoreline or critical area buffer is subject to the site review requirements in TSMP Section 2.4.2 General Mitigation Requirements

1. If modification to a ~~critical area or marine shoreline, wetland, stream, FWHCA, or~~ buffer is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated so as to result in no net loss of shoreline and/or critical area functions or processes.

2. Mitigation shall occur in the following prioritized order:

- a. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action;
- b. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts;
- c. Rectifying the adverse impact by repairing, rehabilitating or restoring the affected environment;
- d. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of action;
- e. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and the mitigation project and taking appropriate corrective measures;
- f. Monitoring the impact and compensation projects and taking appropriate corrective measures.

3. Type and Location of Mitigation

a. Preference shall be given to mitigation projects that are located within the City of Tacoma. Prior to mitigating for impacts outside City of Tacoma jurisdiction, applicants must demonstrate that the preferences herein cannot be met within City boundaries.

b. Natural, Shoreline Residential and Urban Conservancy Environments:

i. Compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same reach, subbasin, or drift cell, except when all of the following apply:

- There are no reasonable on-site or in subbasin opportunities (e.g. on-site options would require elimination of high functioning upland habitat), or on-site and in subbasin opportunities do not have a high likelihood of success based on a determination of the natural capacity of the site to compensate for impacts. Considerations should include: anticipated marine shoreline/wetland/stream mitigation ratios, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands, or streams when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity); and
- Off-site mitigation has a greater likelihood of providing equal or improved critical area functions than the impacted critical area.

c. High-Intensity and Downtown Waterfront Environments:

i. The preference for compensatory mitigation is for innovative approaches that would enable the concentration of mitigation into larger habitat sites in areas that will provide greater critical area or shoreline function.

ii. The Director may approve innovative mitigation projects including but not limited to activities such as advance mitigation, mitigation banking and preferred environmental alternatives. Innovative mitigation proposals must offer an equivalent or better level of protection of critical area functions and values than would be provided by a strict application of on-site and in-kind mitigation. The Director shall consider the following for approval of an innovative mitigation proposal:

- Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
- Consistency with Goals and Objectives of the Shoreline Restoration Plan and the Goals and Objectives of this Program;
- The applicant demonstrates that long-term management and protection of the habitat area will be provided;
- There is clear potential for success of the proposed mitigation at the proposed mitigation site;

## Exhibit A: Shoreline Critical Areas Updates

- l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
  - m. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
10. The Director may accept a JARPA in lieu of these submittal requirements where applicable.
11. The Director may waive permit submittal requirements on a case by case basis and may request additional information as necessary.

### 2.4.2 Critical Areas

#### A. Shoreline Critical Areas Review

1. City staff will provide an initial site review based on existing information, maps and a potential site visit to identify ~~marine buffers, wetlands, streams, FWHCA, all critical areas~~ and their associated buffers within 300 feet of a proposed project. The review distance for FWHCA management areas will be based on the type of priority habitat or species and WDFW recommendations. Site reviews are completed on a site by site basis and the City may provide preliminary information or require an applicant provide information regarding the ordinary high water mark location, wetland delineation, wetland categorization, stream type, hydrology report, or priority fish and wildlife species and habitat presence information. Formal Priority Habitats and Species (PHS) information is available from WDFW.
2. The Planning and Development Services Department may utilize information from the United States Department of Agriculture Natural Resource Conservation Service, the United States Geological Survey, the Washington Department of Ecology, the Coastal Zone Atlas, the Washington Department of Fish and Wildlife stream maps and Priority Habitat and Species maps, Washington DNR Aquatic Lands maps, the National Wetlands Inventory maps, Tacoma topography maps, the City's Generalized Wetland and Critical Areas Inventory maps, and Pierce County Assessor's maps to establish general locations and/or verify the location of any wetland, or stream, or FWHCA site. The City's Generalized Wetland and Critical Area Inventory maps and other above-listed sources are only guidelines available for reference. The actual location of critical areas must be determined on a site by site basis according to the classification criteria.
3. The Director shall determine whether application for a shoreline permit or exemption will be required to include the marine shoreline and critical areas information specified in 2.4.2(B), below.
4. The Director may require additional information on the physical, biological, and anthropogenic features that contribute to the existing ecological conditions and functions to make this determination.

#### B. Application Requirements

1. Application for any shoreline development permit for a project or use which includes activities within a marine shoreline buffer, wetland, stream, fish and wildlife habitat conservation area (FWHCA) or their associated buffer shall comply with the provisions of this section and shall contain the following information:
  - a. A Joint Aquatic Resources Permit Application and vicinity map for the project.
  - b. A surveyed site plan that includes the following:
    - i. Parcel line(s), north arrow, scale and two foot contours.
    - ii. Location and square footage for existing and proposed site improvements including, utilities, stormwater and drainage facilities, construction and clearing limits, and off-site improvements. Include the amounts and specifications for all draining, excavation, filling, grading or dredging.
    - iii. The location and specifications of barrier fencing, silt fencing and other erosion control measures.
    - iv. Base flood elevation, floodplain type and boundary and floodways, if site is within a floodplain.
    - v. Critical Areas including all surveyed, delineated wetland boundaries, and the ordinary high water mark of any stream and their buffers, and all Fish and Wildlife Conservation Areas (FWHCA), marine buffers, ~~and any~~ FWHCA Management Areas, floodplain boundaries, and top and toe of slopes related to geologically hazardous areas.
    - vi. The square footage of the existing critical areas and buffers located on-site and the location and square footage of any impacted areas.
    - vii. Locations of all data collection points used for the field delineation and general location of off-site critical areas and any buffer that extends onto the project site. Location and dominant species for significantly vegetated areas.

viii. The location and square footage of impact areas, mitigation areas and remaining critical areas and buffers; including areas proposed for buffer modification.

c. A Critical Area report prepared by a qualified professional. The report must include the following where appropriate:

i. Delineation, characterization and square footage for critical areas on or within 300 feet of the project area and proposed buffer(s). Delineation and characterization is based on the entire critical area. When a critical area is located or extends off-site and cannot be accessed, estimate off-site conditions using the best available information and appropriate methodologies.

- Wetland Delineations will be conducted in accordance with the ~~current manual designated by the Department of Ecology, including federally~~ approved federal manuals and applicable regional supplements.
- The wetland characterization shall include physical, chemical, and biological processes performed as well as aesthetic, and economic values and must use a method recognized by local or state agencies. Include hydrogeomorphic and Cowardin wetland type.
- Ordinary high water mark determination shall be in accordance with methodology from the Department of Ecology.
- Priority species and habitat identification shall be prepared according to professional standards and guidance from the Washington Department of Fish and Wildlife. Depending on the type of priority species, the review area may extend beyond 300 feet.

ii. Field data sheets for all fieldwork performed on the site. The field assessment shall identify habitat elements, rare plant species, hydrologic information including inlet/outlets, water depths, and hydro-period patterns based on visual cues, and/or staff/crest gage data.

iii. Provide a detailed description of the project proposal including off-site improvements. Include alterations of ground or surface water flow, clearing and grading, construction techniques, materials and equipment, and best management practices to reduce temporary impacts.

iv. Assess potential direct and indirect physical, biological, and chemical impacts as a result of the proposal. Provide the square footage for the area of impact with the analysis. The evaluation must consider cumulative impacts.

v. Identification of priority species/habitats and any potential impacts. Incorporate Washington State Department of Fish and Wildlife and/or US Department of Fish and Wildlife management recommendations where applicable. When required, plan shall include at a minimum the following:

- Special management recommendations which have been incorporated and any other mitigation measures to minimize or avoid impacts, including design considerations such as reducing impacts from noise and light.
- Ongoing management practices which will protect the priority species and/or habitat after development, including monitoring and maintenance programs.

vi. A hydrologic report or narrative demonstrating that pre and post development flows to wetlands and streams will be maintained.

vii. Runoff from pollution generating surfaces proposed to be discharged to a critical area shall receive water quality treatment in accordance with the current City's Surface Water Management Manual, where applicable. Water quality treatment and monitoring may be required irrespective of the thresholds established in the manual. Water quality treatment shall be required for pollution generating surfaces using all known, available and reasonable methods of prevention, control and treatment.

viii. Studies of potential flood, erosion, geological or any other hazards on the site and measures to eliminate or reduce the hazard.

ix. Documentation of the presence of contaminated sediments or soils if publically available and a description of planned management actions.

d. For shoreline permits that will have impacts to ~~Wetland/Stream/FWHCA or marine buffers~~ critical areas or buffers defined in Section 6.4.2, the additional following information is required;

i. A description of reasonable efforts made to apply mitigation sequencing pursuant to TSMP Section 6.4.2(C);

ii. An analysis of site development alternatives including a no development alternative that demonstrates why the use or development requires a buffer reduction and the minimum reduction necessary to support the use or development;

iii. An assessment and documentation of the shoreline and/or critical areas functional characteristics, along with its ecological, aesthetic, economic, and other values. Functional analysis must be done using a functional assessment method recognized by local or state agency staff and shall include a reference for the method and all data sheets.

## Exhibit A : Shoreline Critical Areas Update From TMC 13.10 Section 6.4.5 Wetlands

5. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). The City shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the habitat management plan by the Washington Department of Fish and Wildlife.
6. All activities, uses and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat.
7. No structures of any kind shall be placed in or constructed over critical saltwater habitats unless they result in no net loss of ecological function, are associated with a water-dependent or public access use, comply with the applicable requirements within this Program and meet all of the following conditions:
  - a. The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat;
  - b. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;
  - c. The project is consistent with the state's interest in resource protection and species recovery;
  - d. The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;
  - e. Shorelands that are adjacent to critical saltwater habitats shall be regulated per the requirements within this Program;
  - f. A qualified professional shall demonstrate compliance with the above criteria in addition to the required elements of a critical area report as specified in this Chapter.

### C. FWHCA Mitigation Requirements

1. All FWHCA mitigation shall comply with applicable mitigation requirements specified in TSMP Section 6.4.2 including, but not limited to, mitigation plan requirements, monitoring and bonding.
2. Where a designated FWHCA geographically coincides with a marine shoreline, stream or wetland, mitigation will comply with applicable mitigation requirements for those resources as described within this Program.
3. Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors, in accordance with a mitigation plan that is part of an approved critical area report, to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.
4. Mitigation shall achieve equivalent or greater biological and hydrological functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.

### 6.4.5 Wetlands

Wetlands are those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland directly impacts water quality and stormwater control by trapping and filtering surface and ground water. Wetlands also provide valuable habitat for fish and wildlife. Because of the difficulty in replacing these rare and valuable areas, these regulations control development adjacent to and within wetlands, and limit the amount of wetlands, which may be altered. The purpose of these regulations is to protect the public from harm by preserving the functions of wetlands as recharge for ground water, flood storage, floodwater conveyance, habitat for fish and wildlife, sediment control, pollution control, surface water supply, aquifer recharge and recreation.

#### A. Wetland Classification

1. Wetlands shall be classified Category I, II, III, and IV, in accordance with the criteria from the [2014 Washington State Wetlands Rating System for Western Washington, Washington Department of Ecology publication No. 14-06-029, published October 2014. August 2004, Revised Annotated Version, August 2006, Publication Number 04-06-025, August 2004.](#)
2. Category I wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of functions. Category I wetlands include the following types of wetlands: Estuarine wetlands, Natural Heritage wetlands, Bogs, Mature and Old-growth Forested wetlands; wetlands that perform many functions very well and that score ~~23-27, 70 or more~~ points in the [2014 Washington Wetlands Rating System for Western Washington.](#)

3. Category II wetlands are those that are difficult to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include the following types of wetlands: Estuarine wetlands, and wetlands that perform functions well and score between ~~51-69~~20-22 points.

4. Category III wetlands are those that perform functions moderately well and score between ~~30-50~~16-19 points, ~~and~~. These wetlands have generally been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II.

5. Category IV wetlands are those that have the lowest levels of functions, between 9 and 15 points, (less than 30 points) and are often heavily disturbed. These are wetlands that may be replaced, and in some cases may be improved.

6. In addition, wetlands that require special protection and are not included in the general rating system shall be rated according to the guidelines for the specific characteristic being evaluated. The special characteristics that should be taken into consideration are as follows:

- a. The wetland has been documented as a habitat for any Federally -listed Threatened or Endangered plant or animal species. In this case, “documented” means the wetland is on the appropriate state or federal database.
- b. The wetland has been documented as a habitat for State- listed Threatened or Endangered plant or animal species. In this case “documented” means the wetland is on the appropriate state database.
- c. The wetland contains individuals of Priority Species listed by the WDFW for the State.
- d. The wetland has been identified as a Wetland of Local Significance.

**B. Wetland Buffers**

- 1. A buffer area shall be provided for all uses and activities adjacent to a wetland area to protect the integrity, function, and value of the wetland. The buffer shall be measured horizontally from the delineated edge of the wetland.
- 2. Wetland buffer widths shall be established according to the following tables (Tables 6-2 through 6-3):

**Table 6-2. Wetland Buffer Widths**

Wetland Category	Buffer Width (feet)
Category I	200
Category II	100
Category III	75
Category IV	50
*Best Available Science Review, City of Tacoma, Critical Areas Preservation Ordinance, Tacoma, Washington, June 15, 2004, prepared by GeoEngineers	

**Table 6-3. Lakes of Local Significance\***

Site	Buffers (feet)
Wapato Lake and associated wetlands	200, but not to exceed the centerline of Alaska Street.
*Best Available Science Review Recommendation from City of Tacoma Critical Areas Task Force June 2004	

**C. Wetland Buffer Reductions**

- 1. A wetland buffer may be reduced only for a water-oriented use, per 6.4.2(B) and in accordance with the provisions of this Section, when mitigation sequencing has been applied to the greatest extent practicable. The buffer shall not be reduced to any less than ¾ of the standard buffer width. The remaining buffer on-site shall be enhanced or restored to provide improved wetland function. Any other proposed wetland buffer reduction shall require a shoreline variance.
- 2. Low impact uses and activities consistent with the wetland buffer function may be permitted within a buffer that has not been reduced depending upon the sensitivity of wetland and intensity of activity or use. These may include pedestrian trails,

## Exhibit A: Definition of Mobile Home/Trailer Court

### From TMC 13.06.700 Definitions and illustrations.

Mansard roof. A roof with two slopes or pitches on each of the four sides, the lower slopes steeper than the upper.

Marijuana. As defined in RCW 69.50.101 and provided herein for reference. All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana processor. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana producer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers

Marijuana-infused products. As defined in RCW 69.50.101 and provided here for reference. Products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

Marijuana retailer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

Massing study. A massing study is an architectural method to visualize the way that the shape and size of buildings will impact the neighborhood and site character. Massing refers to the general shape and size of buildings. A massing study shall detail the building bulk, height and articulation on the site as well as the site setbacks, yards and open spaces.

Mature or maturity, tree. A tree that has achieved at least 75 percent of its anticipated crown growth or a tree that is over 15 years of age.

Microbrewery/winery. An establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, or wine, and which may include accessory uses such as tours of the microbrewery/winery, retail sales, and/or on-site consumption, e.g., "taproom." This classification allows a microbrewery to sell beer/wine at retail and/or act as wholesaler for beer/wine of its own production for off-site consumption with appropriate state licenses.

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

~~Mobile home/trailer court. A movable dwelling unit designed for year-round occupancy and including a flush toilet and bath or shower, except that an automobile house trailer located on the same lot with a building providing a private flush toilet and bath or shower shall constitute a mobile home for purposes of this chapter. This shall refer to and include all portable contrivances capable of being moved by their own power, towed, or transported by another vehicle.~~

Mobile home/trailer court. Any real property which is rented or held out for rent to others for the placement of two or more mobile homes/trailers for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

Modification (wireless communication facility). The changing of any portion of a wireless communication facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design and the addition of an antenna to the site.



# memorandum

date June 29, 2015

to Steve Atkinson, City of Tacoma

from Ilon Logan and Teresa Vanderburg, Environmental Science Associates (ESA)

subject City of Tacoma Comprehensive Plan Update: Best Available Science Review

The City of Tacoma (City) is in the process of updating its Comprehensive Plan and Critical Areas Preservation Ordinance (CAPO, Tacoma Municipal Code [TMC] Chapter 13.11) in accordance with the requirements of the Growth Management Act (GMA) (RCW 36.70A). The GMA requires jurisdictions to consider best available science in the development of critical areas policies and regulations. In 2005, the City reviewed the best available science and updated the CAPO to comply with the GMA. More recently, the City updated its Shoreline Master Program (SMP), which was approved by the State Department of Ecology (Ecology) in 2013. The City recently completed a minor update to its CAPO in November 2014 to remove marine fish and wildlife habitat conservation areas and their protections which are covered by the newly adopted SMP.

ESA reviewed the best available science literature and data compiled by the City and reviewed the environmental element in the current Comprehensive Plan and the existing CAPO regulations. Our review is specific to wetlands, streams, floodplains, and fish and wildlife habitat areas. This memo summarizes our brief review of the City's compilation of information and our recommendations for policy and code updates.

## **Compilation of Best Available Science Literature and Data**

The City provided a list of best available science references to ESA in March 2015 (see Appendix A). The list was compiled by Misty Blair, an environmental specialist for the City's Planning and Development Services Department, and is attached to this memo for reference. ESA reviewed the list and found that it generally captures most of the relevant sources. Additional sources that could be added to the list and considered during the update of policies and regulations are included in the following sections. The additional references build upon the City's list to support general topic areas as well as more specific areas such as fish and wildlife conservation habitat areas, streams, wetlands, and flood hazard areas. Many of the sources for these references are recent regional and federal guidance documents.

### *Best available science literature related to general critical area topics*

The following two citations are considered essential sources for critical area ordinance updates. Although an older publication, the Community, Trade, and Economic Development (CTED) Handbook is still a key reference that includes primary descriptions of approaches to critical areas protection and regulation. It also contains a sample critical areas ordinance that is commonly used and adapted for use by local municipalities.

Washington State Department of Community, Trade, and Economic Development (CTED). 2007. Critical Areas Assistance Handbook: Protecting Critical Areas within the Framework of the Washington Growth Management Act. <http://www.commerce.wa.gov/Documents/GMS-Critical-Areas-Assist-Handbook.pdf>.

### ***Best available science literature related to fish and wildlife habitat conservation areas (FWHCAs)***

The following citations are regarded as essential for FWHCA updates and guidance. The technical memorandum prepared by ESA Adolfson in 2008 is a key resource for classifying priority habitats and species specific to the City of Tacoma.

ESA Adolfson. 2008. Technical memorandum: Fish and Wildlife Habitat Conservation Areas in the City of Tacoma, Washington. Prepared for the City of Tacoma by ESA Adolfson.

Fischer, J., and D.B. Lindenmayer. 2007. Landscape modification and habitat fragmentation: a synthesis. *Global Ecology and Biogeography*, Vol. 16, pp. 265-280.

Knutson, K. L., and Naef, V. L. 1997. Management recommendations for Washington's priority habitats: Riparian. Washington Department of Fish and Wildlife. 181 pp.

Rodrick, E. and R. Milner, eds. 1991. Management Recommendations for Washington's Priority Habitats and Species. Washington Department of Wildlife, Olympia.

### ***Best available science literature related to streams***

The citations listed below are considered important data sources and guidance for stream protection. As a recent update to water crossings, the guidelines from Washington Department of Fish and Wildlife (WDFW) provide key instructions to help jurisdictions comply with state regulations.

Barnard, R. J., J. Johnson, P. Brooks, K. M. Bates, B. Heiner, J. P. Klavas, D.C. Ponder, P.D. Smith, and P. D. Powers (2013). Water Crossings Design Guidelines. Washington Department of Fish and Wildlife. Olympia, Washington.

Mantua, N.J., I. Tohver, and A. Hamlet. 2009. Impacts of Climate Change on Key Aspects of Freshwater Salmon Habitat in Washington State. Climate Impact Group, 2009, Ch. 6, pp. 217-253; in *The Washington Climate Change Impacts Assessment*. M. McGuire Elsner, J. Little and L. Whitely Binder (eds). Center for Science in the Earth System, Joint Institute for the Study of the Atmosphere and Oceans, University of Washington, Seattle, Washington.

May, C.W. 2003. Stream-riparian ecosystems in Puget Sound lowland eco-region: A review of best available science. Watershed Ecology LLC.

Mayer, P.M., S.K. Reynolds, M.D. McCutchen, and T.J. Canfield. 2006. Riparian buffer width, vegetative cover, and nitrogen removal effectiveness: A review of current science and regulations. EPA/600/R-05/118. Cincinnati, OH, U.S. Environmental Protection Agency, 2006.

### ***Best available science literature related to wetlands***

The following sources are regarded as essential updates, guidance, and data sources for wetlands. The Ecology two-volume publication *Wetlands in Washington State* (Sheldon et al. 2005 and Granger et al., 2005) provides fundamental science and guidance for protecting and managing wetlands that has been incorporated by many local jurisdictions into their regulations. In addition, many of the regional and federal sources listed below

include updates for compliance with federal and state wetland regulations, specifically the identification of wetlands and wetland mitigation.

Granger, T., T. Hraby, A. McMillan, D. Peters, J. Rubey, D. Sheldon, S. Stanley, E. Stockdale. April 2005. Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands. Washington State Department of Ecology. Publication #05-06-008. Olympia, WA.

Hraby, T. 2014. Washington State Wetland Rating System for Western Washington: 2014 Update. Publication #14-06-029. Olympia, WA: Washington Department of Ecology.

Sheldon, D., T. Hraby, P. Johnson, K. Harper, A. McMillan, T. Granger, S. Stanley, and E. Stockdale. March 2005. Wetlands in Washington State - Volume 1: A Synthesis of the Science. Washington State Department of Ecology. Publication #05-06-006. Olympia, WA.  
<http://www.ecy.wa.gov/pubs/0506006.pdf>

U.S. Army Corps of Engineers (Corps and U.S. Environmental Protection Agency (U.S. EPA). 2008. Compensatory Mitigation for Losses of Aquatic Resources. Final Rule. Federal Register 73(70): 19594-19705.

U.S. Army Corps of Engineers (Corps). 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region. Version 2. Wetlands Regulatory Assistance Program. May 2010. ERDC/EL TR-10-3.  
[http://www.usace.army.mil/CECW/Documents/cecwo/reg/west\\_mt\\_finalsupp.pdf](http://www.usace.army.mil/CECW/Documents/cecwo/reg/west_mt_finalsupp.pdf)

Washington State Department of Ecology (Ecology). 2008. Making Mitigation Work: The Report of the Mitigation that Works Forum. Ecology Publication No. 08-06-018.  
<https://fortress.wa.gov/ecy/publications/publications/0806018.pdf>

Washington State Department of Ecology (Ecology), U.S. Army Corps of Engineers (USACE), and US Environmental Protection Agency (U.S. EPA). 2006. Wetland Mitigation in Washington State.  
<http://www.ecy.wa.gov/pubs/0606011a.pdf>

Washington State Department of Ecology (Ecology), U.S. Army Corps of Engineers (USACE), and Washington Department of Fish and Wildlife (WDFW). 2012c. Advance Permittee-Responsible Mitigation. Ecology Publication No. 12-06-015. <https://fortress.wa.gov/ecy/publications/publications/1206015.pdf>

Washington Department of Ecology (Ecology). Isolated Wetlands Information webpage:  
[www.ecy.wa.gov/programs/sea/wetlands/isolated.html](http://www.ecy.wa.gov/programs/sea/wetlands/isolated.html)

### ***Best available science literature related to frequently flooded areas***

The citations listed below are key sources for updates and guidance regarding frequently flooded areas, including flood hazard areas. This includes Ecology's recent guidance document, which is an important source for updating the designation and protection of these critical areas.

Federal Emergency Management Agency (FEMA). 2013. Model Ordinance for Floodplain Management under the National Flood Insurance Program and the Endangered Species Act. FEMA - Region 10. Bothell, WA. April 2011.

Huppert, D.D., A. Moore and K. Dyson. 2009. Impacts of Climate Change on the Coasts of Washington State. Available: <http://cses.washington.edu/db/pdf/wacciach8coasts651.pdf>

Kusler, J.A. 2011. Functions of floodplains: Issues and approaches; future directions. Prepared for the Association of State Wetland Managers, Inc. Berne, NY. October 18, 2011.

U.S. National Archives and Records Administration. Code of Federal Regulations. “National Flood Insurance Program: Criteria for Land Management and Use.” 44 CFR Part 60.

Washington State Department of Ecology (Ecology). 2015. Guidance to Local Governments on Frequently Flooded Area Updates in CAOs. Shorelands and Environmental Assistance Program. Olympia, WA.

## **Comprehensive Plan - Environment Element**

ESA worked directly with the City on our review of the environment policy element of the Comprehensive Plan and this section summarizes those efforts. We met with the Planning Commission on May 20<sup>th</sup>, 2015 to discuss high level changes to the environmental goals and policies. Our review of the City’s environment element found that there were opportunities to reduce redundancies, focus on key issues, address climate change and sustainability, ensure compliance with best available science for critical areas, and reduce narrative text (see ESA memo dated March 24<sup>th</sup>, 2015). Specific to the protection of critical areas, we noted that the element currently includes a policy for ensuring the use of best available science to prevent impacts (existing policy E-ER-6) and provides a set of policies for aquifer recharge areas (i.e., CARAs), fish and wildlife habitats, wetlands and stream corridors, and wetlands and streams of local significance. However, we noted that the element lacked policies for geologic hazard areas or flood hazard areas. We recommended that a policy basis for the protection of these critical areas be added to the element as well as increased emphasis on the avoidance and minimization of impacts to all critical areas to ensure that the City achieves no-net-loss of ecological functions over time. We also noticed that policies to incorporate the consideration of climate science in City decision-making was lacking, and thus suggested a new set of policies specific to climate action.

The element was revised in a comprehensive manner to address these issues and include a new set of goals and policies related to watershed planning. We worked with the City to add watershed planning to the element and provided draft goals and policies for consideration.

## **Critical Areas Protection Ordinance**

ESA reviewed the City’s current CAPO as part of this best available science review and found some areas of consistency and inconsistency with the City’s compilation of literature. In general, we note that the City’s CAPO is consistent with best available science in its general provisions, purpose, and administrative process. As discussed in the following sections, a few of the regulations for the individual critical areas were found to be inconsistent with recent regional updates and new federal guidance. Specifically, regional updates in wetland delineation, and wetland and stream classifications, and buffers.

Many of the provisions we highlighted for review correspond to those found by the City and were in agreement with the recommendations made in a document dated October 13, 2014 by Misty Blair, a former Environmental Specialist with the City (see Appendix A). This document notes several areas that should be revised and includes a strike-through/underline version of Chapter 13.11.

### *Applicability*

To be more consistent with best available science this chapter could include language specifying that critical areas permit approval does not constitute compliance with other federal, state, and local regulations and permit requirements. This specific language is highly suggested by Ecology and they recommend clarifying specific laws that regulate activities in wetlands.

ESA agrees with the City's recommendation that the 'Allowed Activities' and 'Allowed Activities with Staff Review' sections be formatted into one section to improve clarity.

### *Wetlands*

ESA agrees with the City's recommendations for the wetlands chapter, which references the 2004 outdated wetland rating system. The chapter should instead refer to the updated 2014 Washington State Wetland Rating System for Western Washington from Ecology per WAC 365-190-090. The subsequent definitions and buffer requirements in the chapter will need to reflect this update as well.

As with the existing code, the wetland buffers recommended for Tacoma should be based upon wetland category, level of function, and whether or not the wetland is considered locally significant. The City's wetland buffers range between 50 to 300 feet based upon wetland category with larger buffers protecting wetlands designated as locally significant. This is consistent with best available science sources that recommend buffer widths between 40 and 225 feet (Bunten et al. 2012).

### *Streams*

The City uses an adaptation of the Washington Department of Natural Resources (DNR) stream typing system as described in WAC 222-16-030. The state stream typing system is widely used across the region and allows for comparison with other streams to be made more easily. However, we note that the City further classifies Type F streams into F1 and F2 (based upon salmonid presence) and Type Ns streams in Ns1 and Ns2 (based upon connection to downstream waters). Although generally consistent with state recommendations, the additional criteria used in the CAPO could result in confusion or additional work for applicants that need both local and state permits. The City should consider the benefits of these additional criteria during this CAPO update process and whether or not the current system is preferred.

The stream buffer requirements listed in this chapter are consistent with best available science. The City protects the most important streams (shorelines of the state and streams of local significance) with the largest buffers (150 feet). The other buffer widths are generally consistent with state guidance (e.g., Knutson and Naef, 1997) and the National Marine Fisheries Service (NMFS), which recommends a 100-foot minimum buffer for surface water currently or historically accessed by anadromous or listed fish species and a 50-foot minimum buffer for surfaces that do not have current or historic access (Appendix L in Ecology, 2013).

Stream standards for culverts/stream crossing structures could be more consistent with best available science by referencing the 2013 Washington Department of Fish & Wildlife Water Crossing Design Guidelines.

### *Fish and Wildlife Habitat Conservation Areas*

This chapter is consistent with best available science and was the subject of ESA Adolfson's review in 2008. We agree with the City's recommendations for the FWHCAs chapter, which includes lists of priority habitats and species that may be outdated. The City should review WDFW's Priority Habitats and Species database and update the lists if changes have occurred.

### *Flood Hazard Areas*

ESA agrees with the recommendations made by the City for flood hazard areas. This chapter could be more consistent by including additional mitigation measures listed in the 2013 FEMA Habitat Assessment and Floodplain Mitigation guidance document. However, this chapter also needs to define and designate frequently flooded areas, a critical area under the GMA, and describe the relationship to flood hazard areas. The City should consult Ecology's recent publication Guidance to Local Governments on Frequently Flooded Area Updates in CAOs (Ecology, 2015) and the CTED Handbook (CTED, 2007) for guidance on how to revise this section to be consistent with state law.

### *Definitions*

This chapter should to be revised with updated “buffer” and “wetland” definitions according to the GMA (RCW 36.70A.030) and Bunten et al. (2012). The chapter should also be revised to include a definition for “mitigation bank.”

### **Summary and Conclusions**

ESA conducted a brief summary review of the City of Tacoma’s CAPO and the City’s compilation of the best available science literature. We found the compilation of best available science literature and data to be largely complete. There were some sources not included in the compilation, which ESA has provided within this memo. During the best available science review of the City’s CAPO regulations, ESA matched many of the recommendations for inconsistencies from the City’s review. These recommendations included updates to wetland ratings and buffers, flood hazard area mitigation, as well as general formatting suggestions.

### **III.**

## **Determination of Environmental Nonsignificance and Environmental Checklist**



## Preliminary Determination of Environmental Nonsignificance

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### City of Tacoma Comprehensive Plan and Land Use Regulatory Code Proposed Amendments for 2016

SEPA File Number: LU16-0076

**TO:** All Departments and Agencies with Jurisdiction

**SUBJECT:** Preliminary Determination of Environmental Nonsignificance

In accordance with WAC 197-11-340, a copy of the Preliminary Determination of Environmental Nonsignificance for the project described below is transmitted:

**Applicant:** City of Tacoma – Planning and Development Services Department

**Proposal:**

The package of the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2016 (or “2016 Annual Amendment”) includes the following five subjects:

1. Future Land Use Implementation
2. Multifamily Design Standards
3. Wireless Communication Facilities
4. Short-Term Rentals
5. Code Cleanup

The complete text of the proposed amendments and the associated staff analysis reports are available for review at the Planning and Development Services Department at the below address and posted on the Planning Division’s website at [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) (under the link “2016 Annual Amendment”).

**Location:** City of Tacoma

**Lead Agency:** City of Tacoma

**City Contact:** Lihuang Wung  
Planning and Development Services Department  
747 Market Street, Room 345  
Tacoma, WA 98402-3701  
(253) 591-5682

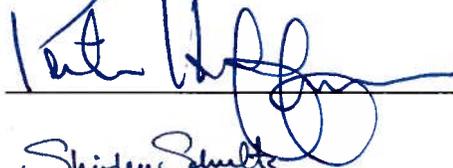
The lead agency for this proposal has made a preliminary determination that this project does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of an environmental checklist and other information on file with the lead agency. This information is available to the public upon request. This Preliminary Determination of Nonsignificance (DNS) is issued under WAC 197-11-340(2). **Comments must be submitted by 5:00 p.m. on Friday, May 13, 2016.** The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the DNS. **Unless modified by the City, this determination will become final on May 20, 2016.** There is no administrative appeal for this determination. Appeals must be filed in conjunction with appeals of the adopted amendments to the Growth Management Hearings

Board; appeals shall be taken in accordance with procedures and limitations set forth in RCW 43.21C.075 and WAC 242-02. In addition to Growth Management Hearings Board requirements, a copy of the appeal shall be filed with the Planning and Development Services Department, 747 Market Street, Room 345, Tacoma, Washington 98402.

The Puyallup Tribe is notified that this initiates the consultation process.

Responsible Official: Peter Huffman  
Position/Title: Director, Planning and Development Services Department

Signature:



SEPA Officer Signature:



Issue Date: April 8, 2016  
Comment Deadline: May 13, 2016, 5:00 p.m.

NOTE: The issuance of this Preliminary Determination of Nonsignificance does not constitute project approval. Future project applicants must comply with all other applicable requirements of the City of Tacoma and other agencies with jurisdiction prior to receiving development permits.

c: via U.S. Mail:

Tacoma Public School District #10, Steve Murikami, 3223 South Union Ave., Tacoma, WA 98409  
Puyallup Tribe of Indians, Bill Sullivan, Natural Resources Director, 3009 E. Portland Ave., Tacoma, WA 98404  
Puyallup Tribe of Indians, David Duenas, Building Official, 3009 E. Portland Ave., Tacoma, WA 98404  
Puyallup Tribe of Indians, Brandon Reynon, Tribal Historian, 3009 E. Portland Ave., Tacoma, WA 98404  
Puyallup Tribe of Indians, Jeffrey Thomas, TFW Program Director, 3009 E. Portland Ave., Tacoma, WA 98404  
Puyallup Tribe of Indians, Peter Mill, Planning Director, 3009 E. Portland Ave., Tacoma, WA 98404  
Puyallup Tribe of Indians, Lisa A. Brautigam, Environmental Attorney, 3009 E. Portland Ave., Tacoma, WA 98404  
Puyallup Tribe of Indians, Russ Ladley, Tribal Attorney, 3009 E. Portland Ave., Tacoma, WA 98404  
Puyallup Tribe of Indians, Shawn Villegas, 3009 E. Portland Ave., Tacoma, WA 98404  
Puyallup Tribe of Indians, Andrew Stroebel, Land Use Manager, 3009 E. Portland Ave., Tacoma, WA 98404

c: via E-mail:

Tacoma Planning and Development Services Department, Shirley Schultz, [Shirley.schultz@cityoftacoma.org](mailto:Shirley.schultz@cityoftacoma.org)  
Tacoma Planning and Development Services Department, Reuben McKnight, [reuben.mcknight@cityoftacoma.org](mailto:reuben.mcknight@cityoftacoma.org)  
Tacoma Pierce County Health Department, SEPA Review Team, [sepa@tpchd.org](mailto:sepa@tpchd.org)  
Port of Tacoma, Jason Jordan, [jjordan@portoftacoma.com](mailto:jjordan@portoftacoma.com)  
Metro Parks, Doug Fraser, [dougfr@tacomaparks.com](mailto:dougfr@tacomaparks.com)  
Metro Parks, Joe Brady, [joeb@tacomaparks.com](mailto:joeb@tacomaparks.com)  
Puget Sound Clean Air Agency, Steve Van Slyke, [stevev@pscleanair.org](mailto:stevev@pscleanair.org)  
Department of Ecology, [sepaunit@ecy.wa.gov](mailto:sepaunit@ecy.wa.gov)  
Department of Natural Resources, SEPA Center, PO Box 47015, Olympia, WA 98504-7015, [sepacenter@dnr.wa.gov](mailto:sepacenter@dnr.wa.gov)  
Department of Transportation, Olympia Region Development Services Team, [OR-SEPA-REVIEW@wsdot.wa.gov](mailto:OR-SEPA-REVIEW@wsdot.wa.gov)

File: Planning and Development Services

# SEPA ENVIRONMENTAL CHECKLIST

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SEPA File Number: LU16-0076

**A. BACKGROUND**

**1. Name of proposed project, if applicable:**

City of Tacoma *Comprehensive Plan* and Land Use Regulatory Code – Proposed Amendments for 2016 (“2016 Annual Amendment”).

**2. Proponent/applicant:**

City of Tacoma  
 Planning and Development Services Department  
 747 Market Street, Room 345  
 Tacoma, WA 98402-3701

**3. Contact:**

Lihuang Wung  
 Planning and Development Services Department  
 747 Market Street, Room 345  
 Tacoma, WA 98402-3701  
 Phone: (253) 591-5682  
 E-mail: [lwung@cityoftacoma.org](mailto:lwung@cityoftacoma.org)

**4. Date checklist prepared:** April 8, 2016

**5. Agency requesting checklist:**

City of Tacoma, Planning and Development Services Department

**6. Proposed timing or schedule (including phasing, if applicable):**

Dates	Events
January – April 2016	Analysis of the proposed amendments
April – May, 2016	Public review of the proposed amendments
May 4, 2016	Planning Commission public hearing
June 1, 2016	Planning Commission makes recommendations to the City Council
May – June, 2016	City Council review of the Commission’s recommendations
June 21, 2016	City Council study session and public hearing
June 28 & July 12, 2016	City Council considers adoption of the proposed amendments
July 31, 2016	Effective date of adopted amendments

**7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

The *Comprehensive Plan* and implementing development regulations are amended on an annual basis consistent with the State Growth Management Act. The proposed changes to text, map and policies of the *Comprehensive Plan* will apply to future land use and development. Proposed changes to the Land Use Regulatory Code and the Official Zoning Map will provide the basis to evaluate and regulate future development proposals.

**8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

SEPA analyses have been prepared for amendments to the *Comprehensive Plan* and Land Use Regulatory Code on an annual basis since 1994. Listed below are those for the last three years, with the rest on file and available for review upon request:

- SEP2015- 40000251556 Adoption of 2015 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code
- SEP2014-40000218532 Adoption of 2014 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code
- SEP2013-40000195799 Adoption of 2013 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

There are no known applications; however, future development applications would be subject to the approved amendments to the *Comprehensive Plan* and the Land Use Regulatory Code.

**10. List any government approvals or permits that will be needed for your proposal, if known.**

The proposed amendments are subject to the following governmental approvals:

- Adoption by Tacoma City Council
- Verification of GMA compliance by WA Department of Commerce
- Plan Certification by Puget Sound Regional Council

Future development applications will be subject to the amended Plan, regulations, and zoning classifications and be approved through issuance of various permits and approvals as required.

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site.**

The 2016 Annual Amendment includes five subjects, as described below. The complete text of the proposed amendments and the associated staff analysis reports are available for review at the Planning and Development Services Department and posted on the Planning Division's website at [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) (and linked to "2016 Annual Amendment"). A summary packet of the amendments is available at all branches of the Tacoma Public Library.

**1) Future Land Use Implementation**

The proposal is intended to implement the goals and policies of the "*One Tacoma*" Comprehensive Plan through appropriate area-wide rezones consistent with the Future Land Use Map and Land Use Designations; to rectify inconsistencies between "*One Tacoma*" and the implementing zoning districts and between zoning districts and existing uses; to support the development of compact, complete and connected neighborhoods with a variety of housing choices in close proximity to schools, parks, transit, and other amenities; and to support the continued development of the mixed-use center trade areas to stimulate new customer activity and new economic development opportunities. Area-wide rezones are proposed for the following eight study areas: (1) Nob Hill, South Downtown; (2) McKinley Police Substation in the McKinley Neighborhood Center; (3) Franke Tobey Jones, on N. Vassault Street; (4) N. 33rd and Pearl Street; (5) North of Tacoma Community College to 6th Avenue; (6) S. Alaska and 72nd Street; (7) South Tacoma Industrial Zones; and (8) Cheney Stadium and Foss High School.

2) **Multifamily Design Standards**

The proposal would update building and site design standards of TMC 13.06 for residential zoning districts broadly and for multi-family residential development specifically, and implement goals and policies of “*One Tacoma*” relative to quality design, human scale, sense of community, context of neighborhoods, integration with nature, and creative expression. The proposal would establish designated pedestrian streets in all districts and amend requirements for: front lot setbacks; building coverage; usable yard space; tree canopy; pedestrian and bicycle circulation; parking location and design; mass reduction; roofline standards; transparency; façade surface standards; pedestrian standards; and fencing and utility screening.

3) **Wireless Communication Facilities**

The proposal would amend the development regulations pertaining to wireless communication facilities as set forth in the Tacoma Municipal Code (TMC), Section 13.06.545 Wireless Communication Facilities and relevant terms as contained in Section 13.06.700 Definitions and Illustrations. The intent of the proposal is to comply with the new wireless communication regulations and rules adopted by the Federal Communications Commission in October 2014 and meet the community’s goals for urban design and aesthetics concerning wireless communication facilities.

4) **Short-Term Rentals**

The proposal would establish development regulations pertaining to short-term rentals by amending the Tacoma Municipal Code (TMC), Chapter 13.06 Zoning. The goals and intents for the proposal are to acknowledge and track the growing peer-to-peer short-term rental market, proactively address potential impacts (especially concerning life-safety, liability and residential neighborhood character) of this rapidly emerging sharing economy, and set the stage for a boarder policy discussion and a more coordinated regulatory update that includes zoning, tax and licensing, nuisance code, and administration and enforcement program components.

5) **Code Cleanup**

The proposal involves minor amendments to the Tacoma Municipal Code intended to improve consistency between the Code and “*One Tacoma*”, correct minor errors, and improve provisions that, through administration and application of the Code, are found to be unclear or not fully meeting their intent. The proposal includes the following key revisions:

- **Consistency between “*One Tacoma*” and the Code** – Clarify the names and geographical association of certain Mixed-use Centers; change “Habitat Corridors” to “Open Space Corridors”; replace “Land Use Intensities” with “Land Use Designations”; and clarify that the utilities and capital facilities elements have been consolidated into the Public Facilities and Services Element.
- **Definitions and References** – Clarify the definition of “Mobile Home/Trailer Court” and update certain references in the Conditional Use Criteria.
- **Nonconforming Uses** – Amend the nonconforming use section of the Code to allow expansion or change of use that exceed current limitations in the nonconforming use code through a conditional use permit, meeting additional conditional use criteria.
- **Shoreline Critical Areas** – Amend TMC 13.10, incorporating the recommendations from the 2015 Best Available Science Review, to ensure the application of the best available science in the review and application of critical areas standards in shoreline permits and to ensure that the code is effectively implementing “*One Tacoma*” goals and policies relating to overall public and environmental health and economic opportunity.

12. **Location of the Proposal: (Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any. If a proposal would occur over a range of area, provide the range or boundaries of the site(s).)**

All proposals are applicable citywide, except the "Future Land Use Implementation" where there are eight study areas, as described below:

- Study Area 1: Nob Hill, South Downtown – Generally bounded by Pacific Ave to the east and S Yakima to the west; I-5 to the south and South Tacoma Way to the north.
- Study Area 2: McKinley Police Substation – 705 E Morton St at the intersection of McKinley Ave and E Morton St. in the McKinley Neighborhood Center.
- Study Area 3: Franke Tobey Jones – 5335 N. Vassault St.
- Study Area 4: N 33rd and Pearl – The parcels are located east of Pearl and north of N 33rd.
- Study Area 5: North of TCC to 6th Ave – Generally that area between S 12th St and 6th Ave, between S Mildred and S Pearl.
- Study Area 6: S Alaska and 72nd – Generally located at the intersection of S Alaska St. and S 72nd, and north along S. Alaska St. to the Winco parking lot access.
- Study Area 7: South Tacoma MIC – Generally an area bounded by S 58th to the north, Mountain View Cemetery to the south, S Adams St. to the east and S Tyler St. to the west.
- Study Area 8: Cheney Stadium and Foss High School – Generally that area bounded by S Tyler St. to the east, HWY 16 to the south and west, and S 19th to the north.



Study Area 1



Study Area 2



Study Area 3



Study Area 4



Study Area 5



Study Area 6



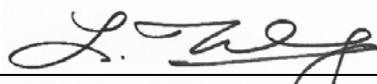
Study Area 7



Study Area 8

### C. SIGNATURE

The above answers are true and complete to the best of my knowledge.  
I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee: Lihuang Wung  
Position and Agency/Organization: Senior Planner, City of Tacoma

Date Submitted: April 8, 2016

## D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

*Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal that would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.*

### 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

All subjects of the 2016 Annual Amendment are non-project actions and as such would not directly impact water, air quality, noise or release of hazardous substances.

The “**Future Land Use Implementation**” proposal involves area-wide rezones and changes in land use designations for eight study areas in the City (as mentioned above). In most cases, upzonings are proposed, which are expected to induce more development and consequently generate more discharge to water, emissions of air, and production of noise.

The “**Multifamily Design Standards**” proposal includes some standards that would mitigate adverse impacts, include limiting building coverage and requiring tree canopy for new multifamily developments.

The “**Short-Term Rentals**” proposal is expected to encourage more short-term rentals on the market, which may slightly increase discharge to water and production of noise by tenants.

#### **Proposed measures to avoid or reduce such increases are:**

Future project-specific development proposals that may result in these impacts would be reviewed, and properly mitigated, at the permitting level consistent with the applicable provisions of the Tacoma Municipal Code and SEPA procedures.

### 2. How would the proposal be likely to affect plants, animals, fish, or marine life?

All subjects of the 2016 Annual Amendment are non-project actions and as such would not directly impact plants, animals, fish, or marine life.

#### **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

Future project-specific development proposals that may result in impacts to plants, animals, fish or marine life would be reviewed, and properly mitigated, at the permitting level consistent with the applicable provisions of the Tacoma Municipal Code and SEPA procedures.

### 3. How would the proposal be likely to deplete energy or natural resources?

All subjects of the 2016 Annual Amendment are non-project actions and as such would not directly impact energy or natural resources.

The “**Future Land Use Implementation**” proposal involves area-wide rezones and changes in land use designations for eight study areas in the City (as mentioned above). In most cases, upzonings are proposed, which are expected to induce more developments, resulting in increased consumption of energy and natural resources.

The “**Short-Term Rentals**” proposal is expected to encourage more short-term rentals on the market, resulting in increased consumption of energy and natural resources.

**Proposed measures to protect or conserve energy and natural resources are:**

Future project-specific development proposals that may result in these impacts would be reviewed, and properly mitigated, at the permitting level consistent with the applicable provisions of the Tacoma Municipal Code and SEPA procedures. The tree canopy requirements of the proposed Multi-family Design Standards may help mitigate energy usage by providing shade during summer months.

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

All subjects of the 2016 Annual Amendment are non-project actions and as such would not directly impact environmentally sensitive areas or areas designated for governmental protection.

The “**Future Land Use Implementation**” proposal involves area-wide rezones and changes in land use designations for eight study areas in the City (as mentioned above). In most cases, upzonings are proposed, which are expected to have some effects on the designation, conservation, and public use parks and open spaces.

**Proposed measures to protect such resources or to avoid or reduce impacts are:**

Future project-specific development proposals that may result in these impacts would be reviewed, and properly mitigated, at the permitting level consistent with the applicable provisions of the Tacoma Municipal Code and SEPA procedures. In particular, any property with wetlands, streams, geologic hazards or fish and wildlife habitat would be subject to the standards of the Critical Areas Preservation Ordinance.

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

All subjects of the 2016 Annual Amendment are non-project actions and as such would not directly impact the compatibility of land or shoreline uses with the Comprehensive Plan.

The “**Future Land Use Implementation**” proposal involves area-wide rezones and changes in land use designations for eight study areas in the City (as mentioned above). These changes are intended to achieve greater compatibility of land or shoreline uses with the Comprehensive Plan.

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

Future project-specific development proposals that may result in these impacts would be reviewed, and properly mitigated, at the permitting level consistent with the applicable provisions of the Tacoma Municipal Code and SEPA procedures.

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

All subjects of the 2016 Annual Amendment are non-project actions and as such would not directly impact the transportation system or public services and utilities.

The “**Future Land Use Implementation**” proposal involves area-wide rezones and changes in land use designations for eight study areas in the City (as mentioned above). In most cases, upzonings are proposed, which are expected to induce more development, resulting in increased demands on the transportation system or public services and utilities.

The “**Short-Term Rentals**” proposal is expected to encourage more short-term rentals on the market, resulting in increased demands on transportation system or public services and utilities.

**Proposed measures to reduce or respond to such demand(s) are:**

Based on the existing zoning and the City's share of the regional growth allocations, the City's transportation network, public services and utilities have the capacity to support and accommodate planned growth. Future project-specific development proposals that may result in these impacts would be reviewed, and properly mitigated, at the permitting level consistent with the applicable provisions of the Tacoma Municipal Code and SEPA procedures.

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

In general, the proposal seeks to protect the natural and built environment, so conflicts with local, state or federal laws for the protection of the environment are not anticipated. The "**Wireless Communication Facilities**" proposal, for example, is in fact intended to keep the City's regulations current with the Federal Communications Commission's recent rules concerning wireless facilities. In addition, the proposal is being reviewed for consistency with the Washington Growth Management Act, the Puget Sound Regional Council Vision 2040 and the Pierce County Countywide Planning Policies. If conflicts with local, state or federal laws for the protection of the environment are identified, they will be rectified prior to adoption.

