



Legislation Passed May 15, 2018

The Tacoma City Council, at its regular City Council meeting of May 15, 2018, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 40007

A resolution setting Tuesday, June 5, 2018, at approximately 5:15 p.m., as the date for a public hearing by the City Council on the 2018 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code, as recommended by the Planning Commission.

[Brian Boudet, Planning Division Manager; Peter Huffman, Director, Planning and Development Services]

Resolution No. 40008

A resolution awarding a contract to Carollo Engineers, Inc., in the amount of \$1,954,350, plus applicable sales tax, budgeted from the Wastewater Fund, for design engineering services on the Central Wastewater Treatment Plant Electrical Distribution System Replacement project - Architectural and Engineering Roster.

[Geoffrey M. Smyth, P.E., Science and Engineering Division Manager;
Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 40009

A resolution awarding a contract to Global Contractors, LLC, in the amount of \$1,953,563.00, sales tax not applicable, plus a 20 percent contingency, for a total of \$2,344,275.60, budgeted from the Streets Initiative Fund, for concrete panel replacement and associated curb ramps, striping, and other improvements - Specification No. PW18-0049F.

[Diane Sheesley, P.E., Project Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40010

A resolution awarding a contract to Sound Pacific Construction, LLC, in the amount of \$1,172,862.00, sales tax not applicable, plus a 20 percent contingency, for a total of \$1,407,434.40, budgeted from the Transportation Capital and Engineering Fund, for bike facilities and pedestrian improvements - Specification No. PW18-0063F.

[Diane Sheesley, P.E., Project Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40011

A resolution increasing the contract with Green Earthworks Construction, Inc., in the amount of \$250,000.00, plus applicable sales tax, for a total of \$505,078.35, budgeted from the Building and Land Use Services Fund, for on-call demolition and disposal of buildings/structures across the City - Specification No. NC16-0353F.

[Keith Williams, Code Inspector Supervisor; Linda Stewart, Director, Neighborhood and Community Services]

Resolution No. 40012

A resolution authorizing the execution of an amendment to the agreement with South Sound Outreach Services, in the amount of \$71,123, sales tax not applicable, budgeted from the General Fund, for a total of \$402,999, to provide financial empowerment supportive services for seniors and to add employer engagement activities to the Tacoma Training and Employment Program, for an initial period ending December 31, 2018.

[Pamela Duncan, Human Services Division Manager; Linda Stewart, Director, Neighborhood and Community Services]

Ordinance No. 28510

An ordinance amending Title 1 of the Municipal Code, entitled "Administration and Personnel", by adding two new chapters; Chapter 1.82, to be known and designated as the "Uniform Code Enforcement"; and Chapter 1.84, to be known and designated as the "Hearing Examiner - Appeal of code enforcement actions", to create uniform procedures, establish penalties, and provide for severability.

[Chris Bacha, Chief Deputy City Attorney; Bill Fosbre, City Attorney]

Amended Ordinance No. 28511

An amended ordinance adopting the proposed Tacoma Mall Neighborhood Subarea Plan and amending Titles 1 and 13 of the Municipal Code, by amending various chapters to protect the viability and effectiveness of the Tacoma Mall neighborhood subarea planning process and its outcomes, and related area-wide land use designation changes and zoning reclassifications, zoning and design standards, and implementation strategies.

[Elliott Barnett, Associate Planner; Peter Huffman, Director, Planning and Development Services]



RESOLUTION NO. 40007

1 A RESOLUTION relating to the 2018 Annual Amendment to the Comprehensive
2 Plan and Land Use Regulatory Code; setting Tuesday, June 5, 2018, as the
3 date for a public hearing on proposed amendments recommended by the
Planning Commission for the year 2018.

4 WHEREAS, each year, the City Council considers revisions to the
5 Comprehensive Plan ("Plan") and development regulations contained in the Land
6 Use Regulatory Code ("Code"), pursuant to the Growth Management Act, and

7
8 WHEREAS the Planning Commission ("Commission") generated
9 proposed Plan and Code amendments based on community needs and input
10 from members of the public, City Council, and City staff, and then evaluated
11 those proposed amendments for potential benefits and impacts, alternatives, and
12 consistency with existing plans and laws, and

13
14 WHEREAS the Commission, after completion of its review process,
15 including a hearing to receive public testimony on the proposed amendments
16 on April 4, 2018, finalized the proposed 2018 Annual Amendment and
17 recommended it to the City Council on May 2, 2018, and

18
19 WHEREAS the proposed 2018 Annual Amendment includes potential
20 revisions and/or updates in the following areas: Car Washes in Neighborhood
21 Centers, Vehicle Service and Repair: Outdoor Storage, South 80th Street PDB
22 Rezone, C-2 Commercial View Sensitive District Height Methodology,
23 Transportation Master Plan, Open Space Corridors – Phase I, and
24 Tacoma Municipal Code Cleanup, and
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1 WHEREAS Chapter 13.02 of the TMC requires the City Council to conduct
2 a public hearing before amending the Plan or Code; Now, Therefore,

3 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:
4

5 Section 1. That Tuesday, June 5, 2018, at approximately 5:15 p.m., is
6 hereby fixed as the time, and the City Council Chambers on the First Floor of the
7 Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, as the
8 place when and where a public hearing shall be held on the proposed
9 amendments to the Comprehensive Plan and Land Use Regulatory Code, as
10 contained in the proposed 2018 Annual Amendment.
11

12 Section 2. That the City Clerk shall give proper notice of the time and place
13 of said hearing.
14

15 Adopted _____
16

17 _____
18 Mayor

19 Attest:
20

21 _____
22 City Clerk

23 Approved as to form:
24

25 _____
26 Deputy City Attorney



RESOLUTION NO. 40008

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the execution of a contract with
3 Carollo Engineers, Inc., in the amount of \$1,954,350, plus applicable sales
4 tax, budgeted from the Wastewater Fund, for design engineering services
on the Central Wastewater Treatment Plant Electrical Distribution System
Replacement project, pursuant to the Architectural and Engineering Roster.

5 WHEREAS the City has complied with all applicable laws and processes
6 governing the acquisition of those supplies, and/or the procurement of those
7 services, inclusive of public works, as is shown by the attached Exhibit "A,"
8 incorporated herein as though fully set forth, and
9

10 WHEREAS the Board of Contracts and Awards has concurred with the
11 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

12 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

13 Section 1. That the Council of the City of Tacoma concurs with the Board of
14 Contracts and Awards to adopt the recommendation for award as set forth in the
15 attached Exhibit "A."
16

17 Section 2. That the proper officers of the City are hereby authorized to
18 enter into a contract with Carollo Engineers, Inc., in the amount of \$1,954,350,
19 plus applicable sales tax, budgeted from the Wastewater Fund, for design
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1 engineering services on the Central Wastewater Treatment Plant Electrical
2 Distribution System Replacement project, pursuant to the Architectural and
3 Engineering Roster, consistent with Exhibit "A."
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5 Adopted _____
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7 _____
8 Attest: Mayor

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10 _____
11 City Clerk

12 Approved as to form:
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14 _____
15 City Attorney
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RESOLUTION NO. 40009

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the execution of a contract with Global
3 Contractors, LLC, in the amount of \$1,953,563.00, sales tax not applicable,
4 plus a 20 percent contingency, for a total of \$2,344,275.60, budgeted from
5 the Streets Initiative Fund, for concrete panel replacement and associated
6 curb ramps, striping, and other improvements, pursuant to Specification
7 No. PW18-0049F.

8 WHEREAS the City has complied with all applicable laws and processes
9 governing the acquisition of those supplies, and/or the procurement of those
10 services, inclusive of public works, as is shown by the attached Exhibit "A,"
11 incorporated herein as though fully set forth, and

12 WHEREAS the Board of Contracts and Awards has concurred with the
13 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

14 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

15 Section 1. That the Council of the City of Tacoma concurs with the Board of
16 Contracts and Awards to adopt the recommendation for award as set forth in the
17 attached Exhibit "A."

18 Section 2. That the proper officers of the City are hereby authorized to
19 enter into a contract with Global Contractors, LLC, in the amount of
20 \$1,953,563.00, sales tax not applicable, plus a 20 percent contingency, for a total
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1 of \$2,344,275.60, budgeted from the Streets Initiative Fund, for concrete panel
2 replacement and associated curb ramps, striping, and other improvements,
3 pursuant to Specification No. PW18-0049F, consistent with Exhibit "A."
4

5 Adopted _____
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7 _____
8 Mayor

9 Attest:
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11 _____
12 City Clerk

13 Approved as to form:
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16 City Attorney
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RESOLUTION NO. 40010

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Sound Pacific Construction, LLC, in the amount of \$1,172,862.00,
4 sales tax not applicable, plus a 20 percent contingency, for a total of
5 \$1,407,434.40, budgeted from the Transportation Capital and
6 Engineering Fund, for bike facilities and pedestrian improvements,
7 pursuant to Specification No. PW18-0063F.

8 WHEREAS the City has complied with all applicable laws and processes
9 governing the acquisition of those supplies, and/or the procurement of those
10 services, inclusive of public works, as is shown by the attached Exhibit "A,"
11 incorporated herein as though fully set forth, and

12 WHEREAS the Board of Contracts and Awards has concurred with the
13 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

14 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

15 Section 1. That the Council of the City of Tacoma concurs with the Board of
16 Contracts and Awards to adopt the recommendation for award as set forth in the
17 attached Exhibit "A."

18 Section 2. That the proper officers of the City are hereby authorized to
19 enter into a contract with Sound Pacific Construction, LLC, in the amount of
20 \$1,172,862.00, sales tax not applicable, plus a 20 percent contingency, for a total
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1 of \$1,407,434.40, budgeted from the Transportation Capital and Engineering
2 Fund, for bike facilities and pedestrian improvements, pursuant to Specification
3 No. PW18-0063F, consistent with Exhibit "A."
4

5 Adopted _____
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7 _____
8 Attest: Mayor

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10 _____
11 City Clerk

12 Approved as to form:
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14 _____
15 City Attorney
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RESOLUTION NO. 40011

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the increase of Contract
3 No. 4600012424 with Green Earthworks Construction, Inc., in the amount of
4 \$250,000.00, plus applicable sales tax, for a total of \$505,078.35, budgeted
5 from the Building and Land Use Services Fund, for on-call demolition and
6 disposal of buildings/structures across the City, pursuant to Specification
7 No. NC16-0353F.

8 WHEREAS the City has complied with all applicable laws and processes
9 governing the acquisition of those supplies, and/or the procurement of those
10 services, inclusive of public works, as is shown by the attached Exhibit "A,"
11 incorporated herein as though fully set forth, and

12 WHEREAS the Board of Contracts and Awards has concurred with the
13 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

14 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

15 Section 1. That the Council of the City of Tacoma concurs with the Board of
16 Contracts and Awards to adopt the recommendation for award as set forth in the
17 attached Exhibit "A."

18 Section 2. That the proper officers of the City are hereby authorized to
19 increase Contract No. 4600012424 with Green Earthworks Construction, Inc., in
20 the amount of \$250,000.00, plus applicable sales tax, for a total of \$505,078.35,
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1 budgeted from the Building and Land Use Services Fund, for on-call demolition
2 and disposal of buildings/structures across the City, pursuant to Specification
3 No. NC16-0353F, consistent with Exhibit "A."
4

5 Adopted _____
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8 _____
9 Mayor
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11 Attest:
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13 _____
14 City Clerk
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16 Approved as to form:
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19 _____
20 City Attorney
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RESOLUTION NO. 40012

1 A RESOLUTION relating to the services to the community; authorizing the waiver
2 of competitive procurement procedures as deemed in the best interests of
3 the City, and authorizing the execution of an amendment to the agreement
4 with South Sound Outreach Services, in the amount of \$71,123, sales tax
5 not applicable, budgeted from the General Fund, for a total of \$402,299, to
6 provide financial empowerment supportive services for seniors, and to add
7 employer engagement activities to the Tacoma Training and Employment
8 Program, for an initial period ending December 31, 2018.

9 WHEREAS in 2016, the Community Needs Assessment identified more
10 than 25,000 adults aged 65 or older that live in the City, with 16.5% of these
11 adults living in poverty, and

12 WHEREAS this amendment will allow South Sound Outreach Services
13 ("SSOS") to provide financial empowerment workshops and case management for
14 City residents of 60 years of age and older, and will address financial needs,
15 teach classes on financial topics important to seniors, including fraud prevention,
16 managing benefits, budgeting, and helpful money habits, and

17 WHEREAS the program will form relationships with senior centers, AARP,
18 Pierce County Aging & Disability Resources, church groups, clinics, and hospitals
19 to reach out to members of this age group who are at risk of losing housing, and
20 will partner closely with South Sound Outreach Statewide Health Insurance
21 Advisors staff and volunteers to align financial counseling efforts with Medicare
22 information, counseling, and enrollment opportunities, and

23 WHEREAS the increase in funding will also add employer engagement
24 activities to the existing Tacoma Training and Employment Program ("TTEP"),
25
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1 which focuses resources to provide employment readiness training, case
2 management services, participant support services, participation in a pre-
3 apprenticeship training program, job placement assistance, and third-party
4 evaluation, and

5
6 WHEREAS recruitment efforts focus on, but are not limited to, young
7 adults, ages 18-24, who are residents of the Lincoln District and Community
8 Empowerment Zone, women, minorities, those transitioning from public benefits,
9 those with limited English-speaking abilities, and young adults involved in other
10 City-funded programs or initiatives, and

11
12 WHEREAS Neighborhood and Community Services is recommending
13 approval of a contract amendment with SSOS in the amount of \$50,600, for
14 financial empowerment workshops, case management for City residents of
15 60 years of age, and employer engagement activities in the amount of \$20,523,
16 to the TTEP program for a total of \$71,123, sales tax not applicable, for an initial
17 period through December 31, 2018; Now, Therefore,

18
19 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

20 Section 1. That the Council of the City of Tacoma authorizes the wavier of
21 the competitive procurement procedures as deemed in the best interests of the
22 City.

23
24 Section 2. That the proper officers of the City are hereby authorized to
25 execute a contract amendment with South Sound Outreach Services in the
26 amount of \$71,123, sales tax not applicable, budgeted from the General Fund, for



1 a total of \$402,299, to provide financial empowerment supportive services for
2 seniors, and to add employer engagement activities to the Tacoma Training and
3 Employment Program, for an initial period ending December 31, 2018, said
4 agreement to be substantially in the form of the document on file in the office of
5 the City Clerk.
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7 Adopted _____
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10 _____
Mayor

11 Attest:
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13 _____
City Clerk
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15 Approved as to form:
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17 _____
Deputy City Attorney
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ORDINANCE NO. 28510

1 AN ORDINANCE relating to enforcement of the Tacoma Municipal Code; amending
2 Title 1 of the Tacoma Municipal Code by the addition thereto of a new
3 Chapter 1.82, entitled "Uniform Code Enforcement," and a new
4 Chapter 1.84, entitled "Hearing Examiner – Appeal of code enforcement
actions"; creating uniform procedures; establishing penalties; and providing
for severability.

5 WHEREAS Article XI, Section 11, of the Washington State Constitution
6 ("Constitution") provides that any city may make and enforce within its limits all
7 such local police, sanitary, and other regulations as are not in conflict with general
8 laws, and
9

10 WHEREAS RCW 35.22.195 provides that any city adopting a charter under
11 Article XI, Section 10, of the Constitution shall have all of the powers which are
12 conferred upon incorporated cities and towns, and
13

14 WHEREAS RCW 35.22.280 provides that first-class cities shall have the
15 power to regulate the maintenance and construction of buildings and other
16 structures, and to make and enforce all regulations necessary for the preservation
17 of the public health, safety, and welfare, and
18

19 WHEREAS RCW 36.70B.160 provides that each local government shall
20 adopt procedures to monitor and enforce permit decisions and conditions, and
21

22 WHEREAS set forth in the various titles, chapters, and sections of the
23 Tacoma Municipal Code ("TMC") are provisions for enforcement of land use codes,
24 building codes, fire code, harbor code, public nuisance code, health and sanitation
25 code, animal control code, tax and license code, utilities code, rights-of-way code,
26 public works code, and cable and telecommunications code, and



WHEREAS the code enforcement provisions of the TMC lack uniform procedures and authority to enforce code violations and provide for administrative review of such enforcement actions, and

WHEREAS the City Council desires to create a more consistent, clear, encompassing, and uniform process for code enforcement and administrative review of code enforcement actions, and

WHEREAS the City Council finds that it is in the best interests of the public health, safety, and welfare to adopt the provisions herein; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Title 1 of the Tacoma Municipal Code ("TMC") is hereby amended by the addition thereto of a new chapter, to be known and designated as Chapter 1.82, "Code Enforcement," consisting of nine sections, to read substantially as set forth in the attached Exhibit "A."

Section 2. That Title 1 of the TMC is hereby amended by the addition thereto of new chapter, to be known and designated as Chapter 1.84, "Hearing Examiner – Appeals Of Code Enforcement Actions," consisting of four chapters, to read substantially as set forth in the attached Exhibit "B."

Section 3. That, should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this



1 Ordinance be pre-empted by state or federal law or regulation, such decision or
2 pre-emption shall not affect the validity of the remaining portions of this Ordinance
3 or its application to other persons or circumstances.
4

5 Passed _____
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7 _____
8 Mayor

9 Attest:
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11 _____
12 City Clerk

13 Approved as to form:
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15 _____
16 Chief Deputy City Attorney
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EXHIBIT “A”

Chapter 1.82 UNIFORM ENFORCEMENT CODE

Sections:

- 1.82.010 Definitions.
- 1.82.020 Code enforcement – General.
- 1.82.030 Methods of service.
- 1.82.040 Voluntary correction.
- 1.82.050 Civil violations.
- 1.82.060 Compliance order.
- 1.82.070 Corporate and personal liability.
- 1.82.080 Additional enforcement procedures.
- 1.82.010 Definitions.

1.82.010 Definitions.

As used in this chapter the following words, terms, and phrases shall have the meanings ascribed to them in this section. Words, terms, and phrases not defined herein shall be defined by their plain meaning.

“Abate” or “correct” or “remedy,” or any derivation thereof, means to act to stop an activity, and/or to repair, replace, remove, restore, rehabilitate, or otherwise remedy a condition, where such activity or condition constitutes a violation; provided that, the actions taken must not endanger the general health, safety, and welfare of the community and must resolve the violation by bringing the activity or condition into compliance with the regulation alleged to have been violated, and into compliance with any standards or requirements applicable to the actions taken to repair, replace, remove, restore, rehabilitate, or otherwise remedy the condition.

“Building Official” shall mean and refer to the individual authorized by the Director of Planning and Development Services Department of the City to administer and enforce the Building Code, or a duly authorized representative.

“Business day” shall mean Monday through Friday, excluding all state and national holidays and days that City Administrative Offices are closed due to inclement weather conditions, war, riots, or natural disaster.

“City” means City of Tacoma, Washington.

“Civil infraction” shall mean any act or omission that constitutes a violation of any regulation and which violation is designated in the City code as a civil infraction.

“Compliance officer,” “code enforcement officer,” and “enforcement officer” shall mean and refer to a person authorized by law to enforce the provisions of any regulation a violation of which is made subject to enforcement under the provisions of this chapter.

“Compliance order” shall mean an order or directive that is subject to enforcement under this chapter and issued by a compliance officer directing the responsible person to take corrective action or to cease certain action identified in the order. Compliance orders include, by way of example only and not limitation, an order to take corrective action; a stop-work order; a stop-use order; an emergency order; and an order to vacate, repair, or demolish a non-compliant structure.

“Corporation” means any firm, business, association, partnership, limited liability company, corporation, or other legal entity, public or private, however organized.

“Correction notice” means a verbal or written statement, made or issued by a compliance officer, notifying a responsible person that a violation(s) has occurred or may occur, informing such person of the legal and factual basis for the determination that a violation has occurred or may occur, and informing such person that the violation(s) must be abated or mitigated or that certain action must be taken to prevent a violation(s) from occurring. A correction notice is intended to be a warning and is not the equivalent of a compliance order and is not subject to appeal.



“Corrective action” means action to abate, mitigate, or remediate.

“Costs of abatement” or “costs of remediation” or “costs of mitigation” shall mean the costs of any abatement, remediation, or mitigation action taken by the City to abate, remediate, or mitigate the violation using lawful means in the event that the responsible person fails so to do. The term includes incidental expenses including, but not limited to, personnel costs, both direct and indirect and including attorneys’ fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual costs and expenses of the City in preparing notices, specifications, and contracts, and in accomplishing and/or contracting and inspecting the work; the costs of any required printing and mailing; and other administrative costs.

“Development” means the erection, installation, alteration, enlargement, demolition, maintenance, or use of any building, structure, or associated equipment, or the alteration or use of land above, at, or below ground or water level, and all acts authorized by a City permit, approval, provision of the development code, or other regulation.

“Day” or “days,” as used in this chapter, shall mean calendar days, unless expressly stated otherwise in a given section or subsection. Any portion of a 24-hour day shall constitute a full calendar day.

“Emergency” means a situation that requires immediate action to prevent or eliminate an imminent threat to the health, welfare, or safety of persons or property.

“Hearing Examiner” means the Tacoma Hearing Examiner, and the office thereof established pursuant to Tacoma Municipal Code (“TMC”) 1.23 to hear appeals of civil violations and compliance orders.

“Mailing” or “service by mail” shall mean sending the document by regular, first-class mail, postage prepaid and properly addressed, to the last known address of the person subject to the document. The last known address shall be an address provided to the City by the person to whom the document is directed; if an address has not been provided to the City, the last known address shall be any of the following as they appear at the time the document is mailed: the address of the property where the violation is occurring, or the taxpayer address appearing for the property on the official property tax information website for Pierce County; the address used for the payment of utilities for the property at which the violations are occurring; or the address appearing on the project permit application. Where service of the notice of violation is by mail, service shall be deemed complete upon the third day following the day upon which the notice is placed in the mail, unless the third day falls on a Saturday, Sunday, or federal legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday, or legal holiday following the third day.

“Mitigate” means to take measures, subject to City approval, to minimize the harmful effects of the violation where abatement is either impossible or unreasonably burdensome.

“Notice of violation” or “notice of civil violation” means a written statement, issued by a compliance officer, which contains the information required under TMC 1.82.050.B, and which notifies a person that the person is responsible for one or more violations.

“Notice of infraction” or “notice of civil infraction” means a written statement compliant with the rules of the Washington Supreme Court, representing a determination that a civil infraction has been committed, and issued under authority of Chapter 7.80 RCW or a civil infraction system approved by ordinance adopting a civil infraction system under authority of Chapter 7.80 RCW.

“Owner” means any person, including any person, agent, operator, or corporation having a legal or equitable interest in the property; or recorded in the official records of the Pierce County Assessor as holding title to the property; or otherwise having control of the property, including tenants, the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, as well as a bankruptcy trustee.

“Person” means any individual or corporation. Because “person” shall include both human and non-human entities, any of the following pronouns may be used to describe a person: he, she, or it.

“Personal service” shall mean handing the document to the person subject to the document or leaving it at the person’s dwelling or usual place of abode with some person of suitable age and discretion then residing therein, or leaving it at the person’s office or place of employment with a person in charge thereof.

“Posting” shall mean affixing a copy of the document in a conspicuous place on the property(ies) where the violation occurred, with at least one copy of such document placed at an entryway to the property or structure



if an entryway exists. Service by posting shall be accomplished on the date of the posting in compliance with this section.

1 “Project permit” or “project permit application” means any land use or environmental permit, approval, or
2 license required from the City for a project action, including, by way of example and not limitation, building
3 permits, street cut permits, clearing and grading permits, street excavation permits, sign permits, subdivisions,
4 short subdivisions, re-plats, re-divisions, boundary line adjustments, lot combinations, binding site plans,
5 planned unit developments, development permits, conditional use permits, shoreline substantial development
6 permits, site plan reviews, permits or approvals required by critical area ordinances or flood control
7 ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the
8 adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as
9 otherwise specifically included in this subsection.

10 “Public official” means the City Manager or designee, the Building Official, and any Director, or other City
11 official, vested with authority under the TMC for the interpretation or enforcement of any regulation subject
12 to enforcement under the provisions of this chapter.

13 “Publication” shall mean publication as set forth in RCW 4.28.100 and 4.28.110 as now, or may be hereafter
14 amended.

15 “Regulation” or “City regulation” means and includes any of the following:

16 A. Any title, chapter, section, or subsection of the TMC, as now or may be hereafter amended, renumbered,
17 or recodified, that is by law made subject to enforcement under the provisions of this chapter;

18 B. All standards, regulations, rules, requirements, and procedures, and any amendments thereto, adopted or
19 promulgated by the City Council, or by a City officer pursuant to or under authority of the TMC or state law,
20 that are by law made subject to enforcement under the provisions of this chapter;

21 C. The terms and conditions of any project permit or approval issued or granted by the City pursuant to or
22 under authority of the TMC or state law, that are by law made subject to enforcement under the provisions of
23 this chapter;

24 D. The terms and conditions of any order, compliance order, permit, or license issued or granted by a City
25 official pursuant to or under authority of the TMC or state law, that are by law made subject to enforcement
26 under the provisions of this chapter; and

E. The terms and conditions of any concomitant or development agreement, with the City, and any
amendments thereto, which has been issued, granted or authorized by the City pursuant to provisions of the
TMC or state law, that are by law made subject to enforcement under the provisions of this chapter.

“Remediate” means to restore to a condition that complies with the development code or, for sites that have
been degraded upon prior ownerships, to restore to a condition that does not pose a probable threat to the
environment or to the public health, safety, or welfare.

“Repeat violation” means, as evidenced by the prior issuance of a correction notice, compliance order, a
notice of violation or a notice of civil infraction, that a violation has occurred on the same development site,
property, premises, or structure within a two-year period, or the responsible person has committed a violation
elsewhere within the City of Tacoma within a two-year period. To constitute a repeat violation, the violation
need not be the same type of violation as the prior violation. Policies and procedures promulgated pursuant to
Section 1.82.020.D may provide that evidence of a prior violation shall be limited to a time period less than
two years.

“Responsible person” means any of the following: the owner of the building, premises, structure, or land that
is subject to the regulation alleged to have been violated; an occupant, or other person, in control of the
building, premises, structure, or land that is subject to the regulation alleged to have been violated; a
developer, builder, business operator, or owner who is developing, building, or operating a business on the
building, premises, structure, or land that is subject to the regulation alleged to have been violated; any person
who created, caused, or has allowed the violation to occur; or any person causing, allowing, or knowingly
participating in the violation.

“Stop-Use Order” means a compliance order, or that part of a compliance order, directing the responsible
person to immediately cease and desist a use identified in the order.



1 “Stop-Work Order” means a compliance order, or that part of a compliance order, directing the responsible
2 person to immediately cease and desist, and/or to take, certain action identified in the order.

3 “Violation” means an act or omission proscribed by a provision of a regulation, which act or omission is by
4 law made subject to enforcement under the provisions of this chapter.

5 **1.82.020 Code enforcement – General.**

6 A. Application; Purpose. The policies, procedures, and remedies provided herein shall apply to any violation.
7 The purpose of this chapter is to establish a uniform and consistent administrative system for the enforcement
8 of City regulations, and to ensure the health, safety, and welfare of the citizens of Tacoma. Nothing in this
9 chapter is intended to create a duty on the part of the City to any particular person or class of persons, or form
10 the basis of any liability on the part of the City, its officials, officers, employees, or agents, for any injury or
11 damage resulting from any act or omission on the part of the City, its officials, officers, employees, or agents.
12 The provisions of this chapter, including the provision for monetary penalties, are not intended to affect a
13 substantive or vested right and are remedial in nature and intent. Compliance orders issued under authority of
14 this chapter are intended to bring the activity, use, property, or structure into compliance with applicable
15 standards and legal requirements.

16 B. Responsibility for Compliance. It is the intent of this chapter to place the obligation of complying with
17 regulatory requirements that are made subject to enforcement under the provisions of this chapter upon the
18 owner, occupier, or other person responsible for the condition of the land and/or structures, and upon persons
19 otherwise responsible for actions regulated pursuant to such regulations.

20 C. Policy. It is the general policy of the City of Tacoma to emphasize code compliance by education and
21 prevention and to pursue abatement, correction, remediation, or mitigation, when appropriate and feasible.

22 D. Policies and Procedures. The director of each department of the City and the superintendents of each
23 operating division of Tacoma Public Utilities having responsibility for enforcement of a regulation are
24 authorized to develop, promulgate, revise, and implement policies and procedures governing enforcement
25 actions under this chapter over which such department or division has responsibility, authority, and control.
26 Such policies and procedures are intended to supplement the provisions of this chapter, and are not intended
to replace, modify, or supersede any of the provisions of this chapter. Such policies and procedures may
include provisions for suspension, reduction, or waiver of the monetary penalties imposed pursuant to a
notice of civil violation upon a showing of hardship, substantial completion of the necessary correction,
unforeseeable circumstances beyond the control of the responsible person which renders completion
impossible by the date established as a good cause, or other factors or considerations establishing a basis for
mitigation of the monetary penalty.

E. Choice of Action. The choice of enforcement action to be taken under this chapter and the severity of any
penalty to be imposed should be guided by the nature of the violation, the damage or risk to the public or to
public resources, and/or the existence or degree of bad faith of the person or persons subject to the
enforcement action, the economic benefit that the violator derives from the violation, as measured by the
greater of the resulting increase in market value of the property or the value received by the violator, the
savings of construction costs realized by the violator, the reasonable value of property damaged, and such
other factors related to the remedial purposes of enforcement action under this chapter and the enforcement
policies authorized herein.

F. Joint and Several Responsibility and Liability. Responsibility for violations subject to enforcement under
this chapter is joint and several, and the City is not prohibited from taking action against a person where other
persons may also be potentially responsible persons, nor is the City required to take action against all
potentially responsible persons.

G. Presumption. Except as may be otherwise provided by law, proof that a violation exists or existed on
privately owned (non-governmental) property shall constitute prima facie evidence that each owner of the
property is a responsible person. However, this presumption shall not relieve or prevent enforcement against
any other person who may also be a responsible person. Proof that a violation occurred on property subject to
a project permit shall constitute prima facie evidence that the applicant for the project permit is a responsible
person. However, this presumption shall not relieve or prevent enforcement against any other person who
may also be a responsible person.



H. Prohibited Acts Include Causing and Permitting. Whenever in a regulation any act or omission constitutes a violation, such act or omission includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

I. Separate and Continuing Offense. Every act or omission which constitutes a violation shall constitute a separate violation for each and every day during any portion of which the act or omission constituting the violation is committed, continued, allowed, abetted, suffered, or permitted. A violation continues to exist until abated, corrected, or remedied.

J. Non-Exclusive. The provisions of this chapter are not exclusive and may be used in addition to other enforcement provisions authorized by the TMC, state or federal law or regulation.

K. Conflicts. In the event of a conflict between a provision of a regulation made subject to enforcement under this chapter and a provision of this chapter, such conflicting provisions of the regulation shall control to the extent of the conflict.

L. Reference to Laws and Regulations. All references in this chapter to any title, chapter, section, or subsection of the TMC, state law, or federal law, or any city, state, or federal rule or regulation, shall mean and refer to such title, chapter, section or subsection, rule, or regulation as it exists on the effective date of the ordinance enacting this chapter, or as it, or any part thereof, may thereafter be amended, renumbered, retitled or recodified.

M. Title. The provisions of this chapter, as now or may hereafter be amended, may be referred to throughout the TMC as the "Uniform Enforcement Code" or "UEC."

1.82.030 Methods of service.

A. Methods of Service. For purposes of this chapter, the methods of service of any documents related to enforcement, such as notices of civil violation and compliance orders (hereinafter "document") shall be by mailing, personal service, posting, or publication.

B. When First-Class Mail Deemed Service. Any correction notice, notice of civil violation, notice of hearing, compliance order, or other code enforcement document shall be deemed legally served upon a party by mailing, unless another method of service is expressly required in a particular subsection of this chapter, TMC, state law, or court rule.

1.82.040 Voluntary correction.

A. General. A compliance officer may attempt to secure the voluntary correction of a violation by contacting the responsible person and providing a correction notice.

B. Voluntary Correction Agreement - General. At the sole and reasonable discretion of the compliance officer, a written voluntary correction agreement may be entered into between the responsible person and the City. A voluntary correction agreement may be implemented following an oral or written notice of correction, service of a compliance order, issuance of a notice of violation or notice of infraction, or filing of a criminal complaint.

C. Effect of Agreement. Execution of a voluntary correction agreement represents acknowledgement and agreement by the responsible person that (1) the person is, as to each of the violations set forth in the voluntary correction agreement, the responsible person; (2) the voluntary correction agreement represents a determination that the violation or violations as set forth in the voluntary correction agreement have been committed; and (3) this determination is final and conclusive.

D. Contents of Voluntary Correction Agreement. The voluntary correction agreement is a contract between the City and the responsible person under which that person agrees to take corrective action within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

1. A statement identifying the necessary corrective action to be taken, the date or time by which the corrective action must be completed, and an acknowledgement by the responsible person that the person will correct the violation within the time specified in the voluntary correction agreement;

2. An acknowledgement by the responsible person that if the violation is not corrected in compliance with the terms and conditions of the voluntary correction agreement, the City may issue a notice of civil violation and impose monetary penalties for the time period for the violation or violations described in the voluntary correction agreement;



3. The name and last known address of the responsible person;

4. The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

5. A description of the nature, extent, and time of the violation and a reference to the regulation or provision of the TMC that has been violated;

6. An acknowledgement by the responsible person that each violation described in the voluntary correction agreement exists, that the person is the responsible person for the violations set forth in the voluntary correction agreement, that the agreement represents a determination that the violation or violations as set forth in the voluntary correction agreement have been committed, and that this determination is final and conclusive;

7. Acknowledgement by the responsible person that the City may enter the building, structure, premises, or land and inspect the building, structure, premises, or land as may be necessary to determine compliance with the voluntary correction agreement;

8. Acknowledgement by the responsible person that the compliance officer shall have the decision-making authority to determine if corrective action has been taken in compliance with the terms and conditions of the voluntary correction agreement;

9. The signature or official mark of the responsible person and the signature or official mark of the compliance officer; and

10. Any additional information that may be required under the regulation alleged to have been violated.

1.82.050 Civil violations.

A. Civil Violation. A compliance officer may issue a notice of civil violation when there is reasonable cause to believe that there is or has been a violation.

B. Content of Notice of Civil Violation. The notice of civil violation shall set forth and contain:

1. The name and last known address of the responsible person;

2. The name and business address and telephone number of the compliance officer issuing the notice of civil violation;

3. The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

4. A description of the nature, extent, and time of the violation and a reference to the regulation that has been violated;

5. If a monetary penalty is imposed, a statement setting forth the monetary penalty(ies) imposed and each violation or violations that are subject to such monetary penalty(ies);

6. If the notice of civil violation is issued in conjunction or combined with a compliance order, and the violation is continuing in nature and will accrue daily monetary penalties until the violation is corrected, a statement (a) setting forth the amount of the daily monetary penalty for each such continuing violation, (b) that the violation is continuing in nature, and (c) that daily monetary penalties will accrue until the violation is corrected as set forth in the compliance order;

7. If the notice of civil violation is combined with a compliance order, the notice of violation shall include the content required pursuant to TMC 1.82.060.B for issuance of a compliance order;

8. A statement that the person to whom the notice of civil violation is issued may appeal the notice of civil violation as provided in TMC 1.82.050.J;

9. A statement that a notice of civil violation issued pursuant to this section represents a determination that the violation/violations identified in the notice has/have been committed and that this determination is final and conclusive unless appealed as provided in TMC 1.82.050.J; and

10. Any additional information that may be required under the regulation that is alleged to have been violated.

C. Service. Except as provided herein, service of a notice of civil violation shall be by personal service or by mailing. If personal service is not accomplished after reasonable effort and if an address for mailed service cannot be ascertained, service shall be accomplished by posting a copy of the order conspicuously on the



affected building, structure, premises, or land. If service by posting is ineffective or cannot be lawfully accomplished, service shall be accomplished by publication.

D. Effect of Notice of Civil Violation. A notice of civil violation issued pursuant to this section represents a determination that the violation/violations identified in the notice of civil violation has/have been committed. This determination is final and conclusive as to the violation or violations set forth in the notice of violation, unless a timely appeal is filed as provided in TMC 1.82.050.J. Nothing herein is intended to preclude timely appeal of a separate or subsequent compliance order, notice of civil violation, notice of infraction, or imposition of criminal penalties related to the same or continuing violation or violations, to the extent an appeal may be available.

E. Continued Duty to Correct. Payment of a monetary penalty imposed pursuant to this chapter does not relieve a person of the duty to correct the violation as ordered by the compliance officer.

F. Monetary Penalty. Unless a different monetary penalty is specified in the TMC or state or federal law for a particular violation, the maximum monetary penalty for each violation per day or portion thereof, and each continuing day or portion thereof, shall be as follows:

1. First day of each violation, \$100;

2. Second day of each violation, \$200;

3. Third day of each violation, \$300;

4. Fourth day of each violation, \$400;

5. Each additional day of each violation continuing beyond four days, \$500 per day;

6. For each repeat violation, \$500 per day; and

7. The monetary penalty for a violation may alternatively be assessed in an amount up to \$10,000 per day, upon consideration of the criteria set forth at TMC 1.82.020.E.

G. Other Action. In addition to the issuance of the notice of civil violation, the City may take other enforcement action available at law or in equity, including, by way of example and not limitation, issuance of a notice of civil infraction, seeking injunctive or declaratory relief, seeking an order of abatement, taking action to seek imposition of criminal penalties, and where applicable, rescission as set forth in RCW 90.58.140. The City may also issue a notice of civil violation in conjunction with a compliance order.

H. Collection of Monetary Penalty. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil violation is directed. Any monetary penalty assessed shall be immediately due and payable and must be paid to the City within ten calendar days from the date the notice of civil violation becomes final and non-appealable. Any monetary penalties that accrue for ongoing violations after the date the notice of civil violation becomes final and non-appealable must be paid within ten calendar days from the date the penalty(ies) have accrued. The City Attorney is authorized to take appropriate action to collect the monetary penalty when past due and owing.

I. Application for Remission or Mitigation. When remission or mitigation of the monetary penalty is authorized under the TMC or state or federal law, any person incurring a monetary penalty for a civil violation may, within ten days of service of the notice of violation, apply in writing to the responsible public official for remission or mitigation of the monetary penalty. The responsible public official shall issue a decision on the application within 15 business days following receipt of such application. Upon timely receipt of a complete application for remission or mitigation, the responsible public official, or designee, shall consider the application, together with any information the responsible public official, or designee, determines is relevant, and may remit or mitigate the penalty only upon a finding by a preponderance of the evidence that applicant has demonstrated extraordinary circumstances, such as the presence of information or factors not considered in setting the original monetary penalty. When a monetary penalty is imposed jointly by the Department of Ecology and the City, the penalty may be remitted or mitigated only upon such terms as both the Department of Ecology and the City agree.

J. Appeal. A notice of civil violation may be appealed to the Hearing Examiner pursuant to the procedures set forth in TMC 1.82 for appeal of a notice of civil violation; provided that, an appeal of an enforcement action under the provisions of TMC 13.11, Shoreline Management, shall be governed by TMC 13.11. In the event that a notice of civil violation is combined with a compliance order, the compliance order is subject to appeal



pursuant to TMC 1.82.060.M and may be subject to expedited informal review pursuant to TMC 1.82.060.H. Accrual and payment of the monetary penalty imposed shall be stayed during the pendency of any administrative appeal of the violation for which such monetary penalties have been imposed.

1.82.060 Compliance orders.

A. General. A compliance officer may issue a compliance order when there is reasonable cause to believe that there is or has been a violation or that failure to take action or to refrain from taking action will result in a violation. The compliance order is remedial in nature and intended to prevent future violations, protect persons and property from injury or the imminent threat of injury, terminate ongoing violations, and bring the activities, omissions, use, property, and structures that are the subject of the order into compliance, as nearly as practicable, within applicable standards and requirements of the applicable regulation(s).

B. Content of Compliance Order. The order shall set forth and contain:

1. The name and last known address of the responsible person(s);

2. The name and business address and telephone number of the compliance officer issuing the compliance order;

3. The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the violation will occur, has occurred, or is occurring;

4. A description of the nature, extent, and time of the violation and a reference to the regulation that has been or may be violated;

5. An order that the act or omission or use causing or leading to a violation or a potential violation shall immediately cease and desist, and/or, in appropriate cases, an order to take specific corrective action in compliance with the TMC immediately or within a specific and reasonable time, which corrective action may include, but is not limited to, abatement, remediation, correction, and/or mitigation of the site and other property damaged;

6. A statement that any act or omission contrary to a provision of the compliance order constitutes a civil violation and is subject to enforcement under TMC 1.82;

7. A statement that the person to whom the compliance order is issued may appeal the compliance order as provided at TMC 1.82.060.M;

8. If a stop-work or stop-use order is issued, a statement that the person to whom the compliance order is issued may, in addition to the right to appeal the order, seek expedited informal review as provided at TMC 1.82.060.H. The statement shall identify the public official vested with authority to review the stop-work or stop-use order and the phone number, name, and title of the person authorized to initiate the process for informal expedited review;

9. A statement that the compliance order is final and conclusive unless appealed;

10. If the compliance order is combined with a notice of civil violation, the compliance order shall include the content required pursuant to TMC 1.82.050.B for issuance of a notice of violation; and

11. Any additional information that may be required to be included in the compliance order under the regulation that is alleged to have been violated.

C. Service. Except as provided herein, service of a compliance order shall be by personal service or by mailing. If personal service is not accomplished after reasonable efforts and if an address for mailed service cannot be ascertained, service shall be accomplished by posting a copy of the order conspicuously on the affected building, structure, premises, or land. If service by posting is ineffective or cannot be lawfully accomplished, service shall be accomplished by publication.

D. Effective Date. A compliance order issued under this section shall become effective immediately upon service of the order upon the person to whom it is directed.

E. Effect of Compliance Order. A compliance order represents notice to the responsible person of a determination that the violation/violations identified in the compliance order has/have been committed, or that there is reasonable cause to believe that a violation will occur, and represents a determination that corrective action as described in the compliance order, or cessation of certain action identified in the order, is required to abate, correct, mitigate, remedy, or prevent the violation. These determinations are final and conclusive unless appealed as provided in this chapter; provided that, nothing herein is intended to preclude timely



1 appeal of a separate or subsequent order, notice of civil violation, notice of infraction, or imposition of
2 criminal penalties related to the same or continuing violation or violations, to the extent an appeal may be
3 available.

4 F. Extension. Upon written request received prior to the expiration of the correction date or time, the
5 compliance officer may extend the date set for correction for good cause or in order to accommodate a
6 voluntary correction agreement. The compliance officer may consider substantial completion of the necessary
7 correction or unforeseeable circumstances which render completion impossible or impracticable by the
8 completion date established as a good cause.

9 G. Stop-work order; Stop-use order. Whenever a compliance officer finds reasonable cause to believe that a
10 violation would, if the violation continued, (1) result in irreparable harm, (2) exacerbate injury already caused
11 to any person or property, (3) result in damage or injury to wetlands or critical areas, (4) materially impair the
12 code enforcement officer's ability to secure compliance, (5) materially impair the responsible persons' ability
13 to correct the violation, or (6) cause or contribute to an emergency, the compliance officer may issue a stop-
14 work or stop-use order, or issue a compliance order that includes a stop-work or stop-use order. The stop-
15 work and stop-use order shall be deemed served and effective upon posting of the order; provided that,
16 nothing herein shall preclude service in person, by mail, or by publication.

17 H. Expedited Informal Review.

18 1. Purpose. Expedited informal review is an informal process that is intended to provide an opportunity for
19 the person to whom the stop-work or stop-use order is issued to seek immediate review to address any
20 claimed errors in the determination by the compliance officer to issue such an order.

21 2. Who May Seek Review. The person to whom the stop-work or stop-use order is directed, or an authorized
22 representative of that person, may seek expedited informal review of the order by a public official vested with
23 authority to review and uphold or terminate the stop-work or stop-use order.

24 3. Request For Review. The person seeking expedited informal review may request review within ten days of
25 service of the order by contacting, during normal City business hours, the person identified in the order as the
26 person authorized to initiate the review, requesting initiation of expedited informal review and providing a
phone number at which the requesting person can be reached during business hours.

4. Review. The public official designated to conduct the review, or designee, shall provide a reasonable
opportunity for the person requesting review to submit in writing or orally, or both, a statement describing the
error(s) of law and error(s) of fact, and any other supporting records or documents or information in any form,
establishing why the stop-work or stop-use order was issued in error. The public official may consult with
any person(s) who the public official determines may have relevant information, and take into consideration
any relevant records or documents or information in any form.

5. Decision. The public official shall, within three business days following the date of the request for review,
notify the person requesting review of the public official's decision to either terminate or uphold the issuance
of the order; provided that, the public official may extend this time period for good cause.

6. Decision Not Subject to Administrative Appeal. The decision of the public official shall not be subject to
appeal to the Hearing Examiner.

7. Effect of Filing an Appeal. Submitting a request for expedited informal review will not impair the right to
appeal the stop-work or stop-use order pursuant to TMC 1.82.060.M, and will not operate to toll the time
period for filing such an appeal. A person appealing a stop-work or stop-use order is not required to request
expedited informal review as a condition of filing an appeal. The filing of an appeal shall not operate to
deprive the public official of jurisdiction to conduct an expedited informal review that has been timely
requested.

I. Violation – Unlawful. When a compliance order has been issued, posted, and/or served pursuant to this
section, it is unlawful for any person to whom the order is directed or any person with actual or constructive
knowledge of the order to conduct any activity or perform any work prohibited by the terms of the order, even
if the order has been appealed, until the enforcement officer has removed the copy of the order, if posted, and
issued written authorization for the activity or work to be resumed.

J. Removal of Compliance Order – Violation. It shall be unlawful to remove a compliance order posted in
conformity with the requirements of this chapter without the prior authorization of a compliance officer,



responsible public official of the City, the City Hearing Examiner, or an order of a court with jurisdiction. A violation of the provisions of this subsection shall constitute a misdemeanor.

K. Compliance – Violation. It is unlawful to fail to comply with the terms and conditions of the compliance order. Failure to comply with a compliance order can result in enforcement actions, including, but not limited to, the issuance of a notice of civil violation, issuance of a civil infraction, and imposition of criminal penalties.

L. Other Action. In addition to the issuance of the compliance order, the City may take other enforcement action available at law or in equity including, by way of example and not limitation, issuance of a notice of civil violation and penalties, issuance of a civil infraction, seeking injunctive or declaratory relief, imposition of criminal penalties, modification or revocation of the project permit or approval, seeking an order of abatement, and rescission as set forth in RCW 90.58.140. The City may also issue a notice of civil violation concurrent with a compliance order.

M. Appeal; Exhaustion. A compliance order may be appealed to the Hearing Examiner pursuant to the procedures set forth in TMC 1.82, Hearing Examiner – Appeal of Code Enforcement Actions, for appeal of a compliance order; provided that, an appeal of an enforcement action under the provisions of TMC 13.11, Shoreline Management, shall be governed by TMC 13.11. In the event that the TMC provides that the applicant may request administrative review, remission, or mitigation of the compliance order by a public official, applicant shall exhaust such administrative remedies prior to filing an appeal to the Hearing Examiner; provided that, expedited informal review pursuant to TMC 1.82.060.H is not considered an administrative remedy for purposes of this exhaustion requirement. In the event that a notice of civil violation is combined with the compliance order, payment of the monetary penalty imposed shall be stayed during the pendency of any administrative appeal. In the event of a notice of appeal of an order revoking or rescinding a project permit or approval, the order shall be stayed during the pendency of any administrative appeal.

1.82.070 Corporate and personal liability.

A. As used in this section:

“Agent” means any director, officer, or employee of a corporation, or any other person who is authorized to act on behalf of the corporation.

“High managerial agent” means an officer or director of a corporation or any other agent in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees.

B. A corporation is strictly liable for the acts or omissions of its agents that constitute a civil violation.

C. A corporation is guilty of a criminal offense when:

1. The act or omission constituting the offense consists of an omission to discharge a specific duty of performance imposed on corporations by law; or

2. The act or omission constituting the offense is engaged in, authorized, solicited, requested, commanded, or tolerated by the board of directors or by a high managerial agent acting within the scope of the agent’s employment and on behalf of the corporation; or

3. The act or omission constituting the offense is engaged in by an agent of the corporation, other than a high managerial agent, while acting within the scope of the agent’s employment and on behalf of the corporation and (i) the offense is a gross misdemeanor or misdemeanor, or (ii) the offense is one defined by the TMC which clearly indicates an intent to impose such criminal liability on a corporation.

D. A person is civilly liable for an act or omission constituting a violation which the person performs or causes to be performed in the name of or on behalf of a corporation to the same extent as if such conduct were performed in the person’s own name or behalf.

E. A person is criminally liable for an act or omission constituting a criminal offense which the person performs or causes to be performed in the name of or on behalf of a corporation to the same extent as if such conduct were performed in the person’s own name or behalf.

F. Whenever a duty to act is imposed by law upon a corporation, any agent of the corporation who knows the agent has or shares primary responsibility for the discharge of the duty is criminally liable for a reckless or, if



a high managerial agent, criminally negligent omission to perform the required act to the same extent as if the duty were by law imposed directly upon such agent.

1.82.080 Additional enforcement procedures.

The provisions of this chapter are not exclusive and may be used in addition to other enforcement provisions authorized by regulation or state law.

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EXHIBIT “B”

Chapter 1.84

HEARING EXAMINER – APPEALS OF CODE ENFORCEMENT ACTIONS

Sections:

1.84.010 Purpose.

1.84.020 Appeal - Request for hearing.

1.84.030 Hearing procedure.

1.84.040 Decision of the Hearing Examiner.

1.84.010 Purpose.

The purpose of this chapter is to provide an opportunity for a prompt hearing and decision on all enforcement actions for which an appeal to the Hearing Examiner is provided pursuant to Tacoma Municipal Code (“TMC”) 1.82, Uniform Code Enforcement. The Office of the Hearing Examiner, created pursuant to TMC 1.23, shall have jurisdiction to hear all appeals filed pursuant to TMC 1.82 and exercise such authority as provided pursuant to this chapter. The provisions of this chapter are not intended to apply to or replace appeals of administrative land use decisions including, by way of example and not limitation, any administrative order, requirement, permit, decision, or determination on land use proposals made by the Planning Director, or shoreline permit decisions or exemptions or any other action or land use decision.

1.84.020. Appeal – Request for hearing.

A. Appeal – Request for Hearing.

1. Review of Civil Violation. A person to whom a notice of civil violation is issued pursuant to TMC 1.82 (“appellant”) may appeal such notice to the Hearing Examiner within ten calendar days after the date the notice of civil violation is served as determined in accordance with TMC 1.82; provided that, a notice of civil violation issued for a violation of TMC 13.11, Shoreline Management, or any rule or regulation adopted pursuant to TMC 13.11, Shoreline Management, or any project permit or approval issued or granted pursuant to TMC 13.11, Shoreline Management, may be appealed in accordance with the time period and procedures set forth in Chapter 90.58 RCW and Chapter 173-27 WAC, as now or may hereafter be amended.

2. Review of Compliance Order. A person to whom a compliance order is issued pursuant to TMC 1.82 (“appellant”) may appeal such order to the Hearing Examiner within ten calendar days after the date the notice of compliance order is served as determined in accordance with TMC 1.82; provided that, a compliance order pursuant to TMC 13.11, Shoreline Management, or any rule or regulation adopted pursuant to TMC 13.11, Shoreline Management, or any project permit or approval issued or granted pursuant to TMC 13.11, Shoreline Management, may be appealed in accordance with the time period and procedures set forth in Chapter 90.58 RCW and Chapter 173-27 WAC, as now or may hereafter be amended. A request for expedited informal review shall not operate to toll the time period for filing an appeal of a stop-work or stop-use order.

B. Appeal – Filing.

1. Filing; Where. A notice of appeal shall be filed in writing with the Office of the City Hearing Examiner during regular business hours by the appellant, or, in the case of a corporation, a duly authorized agent of the appellant. The Hearing Examiner may adopt rules consistent with this chapter allowing electronic filing of a notice of appeal.

2. Weekends; Holidays. If the final day to file a notice of appeal is on a weekend or holiday, the appeal will be timely if filed before the close of business on the next business day following the holiday or weekend. For purposes of this section, holiday shall mean those weekdays during which the City offices are closed for established holidays.

3. Jurisdiction of Hearing Examiner. The Hearing Examiner shall not have jurisdiction to hear an appeal for which the notice of appeal is not filed within the time periods set forth in this chapter.



4. Remission; Mitigation. A person to whom a notice of civil violation or compliance order has been issued, which civil violation or compliance order is subject to an application for mitigation or remission which application has been timely filed under the applicable provisions of the TMC, may appeal the underlying notice of violation and/or compliance order, and the decision on the application for mitigation or remission, by filing an appeal within ten calendar days after the date of service of the decision on the application for mitigation or remission.

C. Content of Notice – Filing.

1. Notice of Appeal of Civil Violation. The written notice of appeal of a civil violation and request for hearing shall identify with specificity, (a) the name of the appellant, (b) the mailing address at which the appellant may receive notices related to the hearing, (c) the notice of civil violation sought to be appealed, (d) the violation or violations being appealed, and (e) a statement identifying the relief the appellant is seeking from the Hearing Examiner. If the notice of civil violation is issued in conjunction with a compliance order and the appellant intends to appeal the compliance order, the notice of appeal and request for hearing must also comply with TMC 1.84.020.C.2 below. The notice of appeal shall be signed by the appellant or a duly authorized representative of the appellant, and in the case of a corporation, a duly authorized agent of the appellant.

2. Compliance Order. The written notice of appeal of a compliance order and request for hearing shall identify with specificity, (a) the name of the appellant, (b) the mailing address at which the appellant may receive notices related to the hearing, (c) the compliance order sought to be appealed, (d) the parts of the order that the appellant alleges are in error, (e) a concise statement of each alleged error(s) of law and/or error(s) of fact that form the basis for the appeal, (f) a concise statement of facts upon which the appellant relies to sustain the statement of error, and (g) a statement identifying the relief the appellant is seeking from the Hearing Examiner. If the compliance order is issued in conjunction with a notice of civil violation and the appellant intends to appeal the notice of violation, the notice of appeal and request for hearing must also comply with TMC 1.84.020.C.1 above. The notice of appeal shall be signed by the appellant, or a duly authorized representative of the appellant, and in the case of a corporation, a duly authorized agent of the appellant. The filing of such an appeal shall not alter the time for compliance with the compliance order unless modified by the Hearing Examiner following a hearing.

D. Hearing To Be Scheduled. The Office of the Hearing Examiner will determine and schedule the time and date for a hearing before the Hearing Examiner. Extensions may be granted by the Hearing Examiner for good cause shown or when there is mutual agreement of the parties or to accommodate the schedule of the Hearing Examiner.

1.84.030 Hearing; procedure.

A. Hearing – Procedure. The Hearing Examiner shall conduct an adjudicative hearing on the appeal pursuant to the rules of procedure of the Hearing Examiner. The City and the appellant shall be the parties in the hearing and each party may call witnesses and may be represented by legal counsel, may present testimony, confront and cross-examine adverse witnesses, and submit evidence and information in accordance with procedures prescribed by the Hearing Examiner. The Hearing Examiner shall give substantial weight to any discretionary decision, or any construction of the TMC or related regulation, rendered by the compliance officer or responsible public official. The written administrative record underlying the contested action or determination may be submitted to the Hearing Examiner and made a part of the record on appeal.

B. Burden of Proof. The City shall have the burden of proof to demonstrate by a preponderance of the evidence that the violation or violations that are the subject of the appeal was or were committed and that the appellant is the responsible person. In the case of an appeal of a compliance order, the appellant shall have the burden of proof to demonstrate by a preponderance of the evidence that the compliance order was imposed, issued or determined in error.

C. Proceedings.

1. Prehearing Conference. A prehearing conference may be required by the Hearing Examiner in accordance with TMC 1.23.080, Prehearing conference.

2. Conduct of proceedings. All hearings shall be conducted in accordance with TMC 1.23.100, Conduct of proceedings.



3. Subpoenas. The Hearing Examiner shall have authority to issue and enforce subpoenas as provided in TMC 1.23.105, Hearing Examiner Subpoenas.

D. Stay of Action Pending Appeal. An appellant may request the Hearing Examiner to stay or suspend an action by the City to implement the decision under review pending the outcome of the administrative appeal. The request must set forth a statement of grounds for the stay and the factual basis for the request. The Hearing Examiner may grant a stay only if the Hearing Examiner finds that:

1. The party requesting the stay is likely to prevail on the merits;
2. Without the stay, the party requesting it will suffer irreparable harm;
3. The grant of a stay will not substantially harm other parties to the proceedings;
4. The grant of a stay will not cause or contribute to an imminent threat of harm to persons or property; and
5. The request for the stay is timely in light of the circumstances of the case.

The Hearing Examiner may grant the request for a stay upon such terms and conditions, including the filing of security, as are necessary to prevent harm to other parties by the stay.

1.84.040 Decision of the Hearing Examiner.

A. Determination. The Hearing Examiner shall, as to each violation subject to appeal, determine whether the City has established by a preponderance of the evidence that the violation was committed and that the appellant is the responsible person, and shall affirm or vacate the City's decision regarding such violation or violations.

The Hearing Examiner shall, as to each compliance order subject to appeal, determine whether the appellant has established by a preponderance of the evidence that the order was imposed, issued, or determined in error based upon one or more of the following:

1. The order was imposed, issued, or determined in excess of the authority or jurisdiction of the City or compliance officer; or
2. The order was imposed, issued, or determined upon unlawful procedure; or
3. The order was affected by material error of law or fact; or
4. The order was clearly erroneous in view of the entire record as submitted; or
5. The order was arbitrary or capricious.

The Hearing Examiner may, as to each compliance order subject to appeal, (a) affirm the decision of the compliance officer, (b) remand the matter back to the compliance officer for further action consistent with the decision of the Hearing Examiner, (c) reverse the order or determination if the substantial rights of the appellant may have been prejudiced because the order or determination was in violation of one or more factors set forth above, or (d) modify the order or decision to the extent necessary to correct the error.

B. Issue Order. The Hearing Examiner shall issue an order to the parties, which order shall contain the following information:

1. The decision regarding the matter being appealed, including findings of fact and conclusions based thereon in support of the decision; and/or
2. The required corrective action; and/or
3. The date and time by which the correction must be completed; and/or
4. The monetary penalties assessed; and/or
5. A remand and order for further action.

C. Notice of Decision. The Hearing Examiner shall give notice of the decision to the appellant and the applicable City official within a reasonable period of time following the hearing. This decision shall be considered the final decision in the absence of a motion for reconsideration as provided at TMC 1.84.040.F.

D. Failure to Appear. If the appellant fails to appear at the scheduled hearing, the Hearing Examiner shall enter an order of dismissal of the appeal, unless good cause is found to extend the hearing date or the City agrees to extend the hearing date, or the Hearing Examiner finds that notice of the hearing was not provided to the appellant.



1 E. Failure to Comply. It shall be unlawful to fail to comply with a final non-appealable decision of the
2 Hearing Examiner. For purposes of this section, non-appealable means that all administrative and judicial
3 appeals have been exhausted. Violations of a final non-appealable decision of the Hearing Examiner are
4 subject to enforcement pursuant to TMC 1.82. Willful noncompliance with a final non-appealable decision of
5 the Hearing Examiner shall constitute a misdemeanor and shall be punished by a fine of up to \$1,000 or
6 90 days in jail, or by both such fine and imprisonment. Each day that a violation continues shall constitute a
7 separate and continuing offense.

8 F. Reconsideration. An appellant may seek reconsideration of the decision of the Hearing Examiner in
9 conformance with the provisions of TMC 1.23.140. If a timely motion is filed meeting the jurisdictional
10 requirements for reconsideration of the decision of the Hearing Examiner, the decision of the Hearing
11 Examiner shall not be final until the decision of the Hearing Examiner upon the motion for reconsideration is
12 served personally or by mailing.

13 G. Final Decision. A party aggrieved by a final decision of the Hearing Examiner may appeal or seek review
14 of the decision in accordance with applicable law. Unless another period of time applies under applicable law
15 or court rule, any appeal of the decision of the Hearing Examiner must be filed within 21 calendar days from
16 the date the Hearing Examiner's final decision was served, personally or by mailing.

17 H. Subsequent Repeat Violation – Failure to Abate – Misdemeanor. The commission of a subsequent
18 violation or the failure or refusal to take corrective action pursuant to a decision of the Hearing Examiner
19 after receipt of written notice of such decision shall constitute a misdemeanor. The City Attorney, or
20 designee, shall have discretionary authority to file a subsequent violation as either a civil violation pursuant to
21 this chapter, or a civil infraction, or a misdemeanor.



ORDINANCE NO. 28511

1 AN ORDINANCE relating to zoning and land use; adopting the proposed Tacoma
2 Mall Neighborhood Subarea Plan; and amending Titles 1 and 13 of the
3 Municipal Code by amending various chapters to protect the viability and
4 effectiveness of the Tacoma Mall neighborhood subarea planning process
5 and its outcomes, and related area-wide land use designation changes and
6 zoning reclassifications, zoning and design standards, streetscape design
7 guidelines, and implementation strategies.

8 WHEREAS the Tacoma Mall Neighborhood ("Neighborhood"), consisting of
9 approximately 575 acres, is a planned hub for jobs and housing growth, and
10 includes regional retail destinations, a broad range of businesses, civic and
11 governmental institutions, and a growing resident population, and

12 WHEREAS the Neighborhood is a Regional Growth Center ("RGC")
13 designated in VISION 2040, the Puget Sound region's growth, economic, and
14 transportation strategy, and in One Tacoma, the City of Tacoma's Comprehensive
15 Plan, and

16 WHEREAS, pursuant to the state Growth Management Act ("GMA") and
17 VISION 2040, the City must develop a subarea plan for the Neighborhood to set
18 the stage for the necessary federal, state, and regional funding, and
19 implementation actions to anticipate, support, and guide long-term community
20 growth and development within the RGC, and

21 WHEREAS, through a multi-year community involvement and collaborative
22 process, the Planning Commission completed the draft Tacoma Mall
23 Neighborhood Subarea Plan ("Subarea Plan") and, after conducting a public
24 hearing on September 6, 2017, forwarded the draft Subarea Plan to the City
25 Council for its consideration on October 18, 2017, and
26



WHEREAS, on February 28, 2018, the Infrastructure, Planning and Sustainability (“IPS”) Committee completed its review of the draft Subarea Plan, and forwarded it to the City Council with certain modifications, and

WHEREAS the Subarea Plan, as recommended by the Planning Commission and IPS Committee, includes the following key aspects:

- Expansion of the RGC and area-wide rezones to promote mixed-use development;
- Zoning and design standard changes to enhance urban form, facilitate effective transitions, improve the pedestrian environment and promote affordable housing;
- Area-wide green stormwater strategy and 25 percent tree canopy target;
- Area-wide transportation strategy including capital investments, streetscape design guidelines for key corridors, and expanded transit service and connectivity requirements with major development;
- Parks and open space strategy to support urban form, livability and environmental goals;
- Coordinated infrastructure and services provision, and streamlined environmental review; and
- Collaborative implementation steps by public agencies, residents, businesses and the community,

and

WHEREAS the Subarea Plan incorporates by reference Appendix T-1, Streetscape Corridor Concepts, providing high-level conceptual design guidance for the future design of several key corridors within the Subarea, and

WHEREAS, on November 3, 2017, the City issued a non-project Final Environmental Impact Statement (“FEIS”), which concluded that the Subarea Plan is the preferred alternative due to its environmental and community benefits and coordinated approach to mitigating development impacts, and



WHEREAS, on March 29, 2018, the City issued an Addendum to the FEIS
1 to address modifications made by the IPS Committee in February 2018, and

2 WHEREAS the Environmental Impact Statement was prepared concurrently
3 with the planning process, in accordance with the Washington State Environmental
4 Policy Act ("SEPA"), and is adequate for future SEPA compliance, decision-making
5 and implementation of an upfront SEPA process authorized by RCW 43.21.C.420,
6 including additional SEPA tools authorized by RCW 43.21C.021 (planned action)
7 and RCW 43.21C.229 (infill exemption), and

8
9 WHEREAS the Subarea Plan, proposed to be adopted as an element of the
10 One Tacoma Comprehensive Plan, will provide innovative planning and policy
11 interventions to help the Neighborhood achieve its potential as a thriving, livable,
12 walkable and transit-ready urban neighborhood, and

13
14 WHEREAS the Subarea Plan, area-wide land use designation changes and
15 zoning reclassifications, zoning and design standards, and implementation
16 strategies will also serve as effective tools to facilitate the fulfillment of important
17 community goals, including health and safety, human and social needs, economy
18 vibrancy and employment, natural and built environment, and arts and cultural
19 vitality, as set forth in *Tacoma 2025*, the City of Tacoma's Citywide Strategic Plan
20 and Vision, and

21
22
23 WHEREAS the Subarea Plan is consistent with state and regional policy
24 direction, including the Growth Management Act, Pierce County Countywide
25 Planning Policies, Vision 2040 and Transportation 2040, and the Regional Centers
26 Framework adopted by the Puget Sound Regional Council in March 2018, and



WHEREAS adoption of the Subarea Plan would initiate future updates to other chapters of the One Tacoma Comprehensive Plan for consistency with the Subarea Plan land use designations, transportation policies and capital project lists, and other policy direction, and

WHEREAS the Planning Commission and the IPS Committee have recommended the adoption of the proposed Subarea Plan and associated land use designation changes and area-wide zoning reclassifications, zoning and design standards, streetscape design guidelines, and implementation strategies, and

WHEREAS, on May 8, 2018 the City Council heard a first reading of this ordinance and in response to public input and further reflection, adopted three motions amending the proposals as follows:

Amendment 1 – Map Clean-up

- Replacing the Pedestrian Streets map in Appendix LU-1 with an updated version correcting a mislabeled street and depicting the existing street network as its background;

Amendment 2 – Inclusionary Zoning Modification

- Modifying the proposed Inclusionary Zoning requirements such that all residential projects 15-units and larger would be required to provide 10% of their units as affordable units, and removing the proposed requirement that projects 25-units or larger provide 20% of their units as affordable units
- Deferring the fee in-lieu option pending a fee study

Amendment 3 – Parking Requirement Reductions

- Reducing the minimum parking requirement for residential uses from 1.0 to 0.5 stalls per unit in the subarea
- Eliminating parking requirements for affordable housing units created per the Inclusionary Zoning program
- Eliminating parking requirements for all non-residential uses in the subarea;

Now, Therefore,



BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the Tacoma Mall Neighborhood Subarea Plan, as recommended by the Planning Commission and the Infrastructure, Planning and Sustainability Committee, is hereby adopted, said plan to be substantially in the form of the Tacoma Mall Neighborhood Subarea Plan on file in the office of the City Clerk.

Section 2. That Chapter 1.39 of the Tacoma Municipal Code ("TMC") is hereby amended to read as substantially set forth in the attached Exhibit "A."

Section 3. That Title 13 of the TMC is hereby amended to read as substantially set forth in the attached Exhibit "B."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

EXHIBIT “A”

Chapter 1.39

AFFORDABLE HOUSING INCENTIVES AND BONUSES ADMINISTRATIVE CODE

Sections:

- 1.39.010 Purpose.
- 1.39.020 Definitions.
- 1.39.030 Applicability.
- 1.39.040 Program Requirements.
- 1.39.050 Financial Incentives.
- 1.39.060 Development Incentives.
- 1.39.070 Residential Upzones.
- 1.39.080 Incorporation of Affordable Housing Units.
- 1.39.090 Procedures.
- 1.39.100 Affordable Housing Inclusionary Development Requirements.

1.39.010 Purpose.

The purpose of this Chapter is to encourage the development of affordable housing for rental households earning 50 percent or less, and ownership households earning 80 percent or less of the Tacoma median household income, pursuant to the provisions of RCW 36.70A.540. The Growth Management Act (“GMA”) requires Tacoma to make adequate provisions for existing and projected housing needs of all economic segments of the community. The City recognizes that the real estate market provides adequate housing for those households in the upper economic segments; however, a combination of financial and regulatory incentives will be necessary to adequately provide for the needs of households whose incomes are at or below the City's median household income. The City recognizes the public benefits affordable housing contributes to local communities and businesses.

* * *

1.39.030 Applicability.

The affordable housing incentives for low-income households may be utilized within a range of zoning designations throughout the City. The incentives and bonuses offered through the provisions of this Chapter may be utilized to gain an increase in height or density pursuant to the provisions and ratios of the applicable provisions of ~~TMC~~ Title 13 of the Tacoma Municipal Code (“TMC”), as specified in Chapters 13.06 and 13.06A. Additional permitting incentives, including fee reductions and expedited City review, are also authorized through this Chapter. Finally, this Chapter lays out requirements to incorporate housing affordability in certain circumstances, including with the grant of residential upzone requests and for development within areas designated for inclusionary housing.

Areas designated in TMC 13.18, Affordable Housing Inclusionary Development Areas, are subject to the requirements of Section 1.39.100 below, which modifies some of the general provisions of this Chapter.

* * *

1.39.060 Development Incentives.

A. Development incentives are voluntary options intended to promote the incorporation of affordable housing units within private developments by offering sufficient value to offset the cost of the reduced revenue from rents or purchase prices, in order to promote a range of housing unit costs integrated within for-profit housing developments and thus promote a distribution of affordable housing throughout the neighborhoods of the City.

B. Planned Residential Districts. Per the provisions of TMC 13.06.140, PRDs offer a zoning mechanism to develop a site specific proposal on larger sites that can incorporate additional density in exchange for the provision of affordable housing units pursuant to the requirements of this Chapter. PRDs may allow up to two times the number of dwelling units permitted in the underlying residential district. Fifty percent of this bonus development capacity is reserved for the provision of affordable housing pursuant to the requirements of this Chapter.

C. Downtown Tacoma. Per the provisions of TMC 13.06A.080, development proposals within Downtown zoning districts seeking to gain additional Floor Area Ratio may choose from a list of public benefit features including the provision of affordable housing pursuant to the requirements of this Chapter.

D. Mixed-use Centers. Per the provisions of TMC 13.06.300.(E).7 Height Bonus Palette, development proposals within certain mixed-use center zoning districts seeking to gain additional height may choose from a list of public benefit features, including a contribution to the City of Tacoma’s Affordable Housing Trust Fund.

E. Affordable Housing Inclusionary Development Areas. Areas designated in TMC 13.18 as Affordable Housing Inclusionary Development Areas have been granted increased development capacity at the time of their designation to offset the cost of providing affordable housing. In addition, such areas are eligible for incentives in exchange for incorporation of affordable housing, pursuant to Section 1.39.100, below.

* * *

1.39.080 Incorporation of Affordable Housing Units.

A. To obtain the Financial and Development Incentives offered, ~~or~~ to gain approval of a residential upzone, or to meet inclusionary housing requirements, the following provisions must be met. These include the incorporation of affordable housing units within the project or the payment of an in-lieu fee to the City to be utilized for the creation of housing affordability.

B. Incorporation of Affordable Units. To satisfy the provisions of this section the following is required:

1. Density bonuses—Planned Residential Districts and Downtown Floor Area Ratio. For each additional market rate dwelling unit allowed through a density bonus, pursuant to the provisions of this Chapter and of TMC 13.06 and 13.06A, an additional affordable unit shall also be included. The ratio of bonus density market rate to affordable units shall be one to one.

2. Density bonuses—Residential Upzones. For every three additional market rate dwelling units allowed through a privately-initiated upzone request, an additional affordable unit shall also be included per the provisions of this section and of TMC 13.06.650. The ratio of upzone market rate to affordable units shall be three to one.

3. Density bonuses—Affordable Housing Inclusionary Development Areas. Areas designated in TMC 13.18 as Affordable Housing Inclusionary Development Areas shall incorporate the required percentage of total units as affordable, pursuant Section 1.39.100, below.

~~34.~~ Affordability requirements. To qualify as affordable per the provisions of this section, rental households shall be affordable to households earning up to 50 percent of the Pierce County Area Median Income (AMI), and ownership households shall be affordable to households earning up to 80 percent of AMI, adjusted for household size.

~~45.~~ A combination of affordable rental and ownership households is acceptable within a qualifying development.

~~56.~~ Affordable housing units provided pursuant to the provisions of this section shall remain affordable for a 50 year term, pursuant to the requirements of RCW 36.70A.560.

* * *

1.39.100 Affordable Housing Inclusionary Development Requirements.

A. Purpose. This section is intended to address housing needs in priority areas, to reduce involuntary displacement, to meet the City's housing choice and affordability goals, and to support the achievement of the City's Comprehensive Plan and housing policies. This section integrates and modifies the general standards of Chapter 1.39, as specified below.

B. Definitions. The definitions of Section 1.39.020 apply.

C. Applicability. This section applies to areas designated in TMC 13.18, Affordable Housing Inclusionary Development Areas.

D. Program Requirements. The Program Requirements of Section 1.39.040 apply, except as follows, regarding the number of units.

1. Number of units – 15 or more. Developments including 15 units or more shall provide a minimum of 10 percent of the total units in the development as affordable, pursuant to the provisions of this Chapter.

E. Financial Incentives. The provisions of Section 1.39.050 apply, and are modified as follows:

1. Fee reductions. In order to promote and offset the cost of creating affordable housing, developments subject to these requirements shall be eligible for permit fee reductions. The permit fee reductions shall be proportionate to the percentage of affordable units provided through the development. If the fee in-lieu approach is used, the project will not be eligible for this option. Fee reductions will be resource dependent.

F. Development Incentives. The designation of Affordable Housing Inclusionary Development Areas is accompanied by an increase in maximum building height, maximum density, or other regulatory change that increases development capacity and creates an incentive to provide affordable housing.

G. Incorporation of Affordable Housing Units. The provisions of Section 1.39.080 apply, with the following modifications:

1. Developments subject to these provisions shall incorporate at least 10 percent affordable units, per the provisions of this Chapter.

2. As an alternative to incorporation of affordable housing units within the development, the project proponent may choose to pay an in-lieu fee as a contribution to the City's Housing Trust Fund. This option shall become available at such time as the City establishes an Inclusionary Zoning fee in lieu amount.

H. Procedures. The provisions of Section 1.39.090 apply.

EXHIBIT “B”

TITLE 13 LAND USE REGULATORY CODE

Chapters:

- 13.02 Planning Commission
- 13.03 *Repealed*
- 13.04 Platting and Subdivisions
- 13.05 Land Use Permit Procedures
- 13.06 Zoning
- 13.06A Downtown Tacoma
- 13.07 Landmarks and Historic Special Review Districts
- 13.08 Current Use Assessment
- 13.09 South Tacoma Groundwater Protection District
- 13.10 Shoreline Management
- 13.11 Critical Areas Preservation
- 13.12 Environmental Code
- 13.13 *Repealed*
- 13.14 *Repealed*
- 13.15 Commute Trip Reduction
- 13.16 Concurrency Management System
- 13.17 Mixed-Use Center Development
- 13.18 Affordable Housing Inclusionary Development Areas

* * *

Chapter 13.04 PLATTING AND SUBDIVISIONS

* * *

13.04.075 Vacation.

The vacation of any binding site plan, plat, short plat, or portion thereof, is subject to the procedures set forth in RCW 58.17, ~~and~~ applicable sections of the Tacoma Municipal Code, including Chapter 13.05 Land Use Permit Procedures and shall be reviewed for consistency with the Comprehensive Plan.

* * *

13.04.088 Binding site plan approval.

A. Divisions of commercial, mixed-use, or industrial zoned land for sale or lease may be permitted by approval of a binding site plan by the Director or designee; provided, that the property to be divided has had land use actions specifying use and building, parking and driveway layouts.

* * *

13.04.090 Short plat/short subdivision procedures.

* * *

E. Approval. The Director or designee shall review the proposed preliminary short subdivision application. The preliminary short plat shall not be approved unless it is found that:

1. Appropriate provisions are made for the public health, safety, and general welfare; and for open spaces; stormwater management; streets or roads; alleys; bike routes; other public ways; transit stops; potable water supplies; sanitary wastes; parks and recreation; playgrounds; schools and school grounds; and all other relevant facilities, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school and for transit patrons who walk to bus stops or commuter rail stations.

2. The public use and interest will be served by the platting and dedication of such subdivision and dedication as set forth by the Comprehensive Plan and other adopted City ordinances, manuals, design specifications, plans, goals, policies, and guidelines.

* * *

13.04.110 General requirements and minimum standards for subdivisions and short subdivisions.

The general requirements and minimum standards of design and development set forth in Sections 13.04.120 to 13.04.230, inclusive, of these regulations, and the City's Comprehensive Plan, [Subarea Plans](#), and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120, are hereby adopted as the minimum requirements and standards to which a subdivision plat, including short subdivision, must conform for approval. However, the minimum standards found in Sections 13.04.120 to 13.04.230 may be waived as part of a subdivision/short subdivision decision upon a finding by the Hearing Examiner or Director that unique circumstances exist that make the strict application of the standards unreasonable.

13.04.120 Conformity to the Comprehensive Plan and the Major Street Plan and applicable ordinances, manuals, design specifications, plans and guidelines.

The subdivision/short subdivision shall conform to and be in harmony with the Comprehensive Plan, [Subarea Plans](#), Public Works Design Manual, Stormwater Management Manual, Mobility Master Plan Pedestrian and Bicycle Design Guidelines, Complete Streets Design Guidelines, Americans with Disabilities Act Self-Evaluation and Transition Plan, and other adopted guidelines, manuals, and design specifications as currently enacted or as may be hereafter amended.

* * *

13.04.200 Alleys.

A minimum width of an alley in a residential block, when platted, shall be 20 feet. Alleys may be required in the rear of commercial and industrial districts and, where required, shall be at least 20 feet wide. [If an alley is utilized for pedestrian access, additional width may be required, pursuant to City standards.](#)

* * *

Chapter 13.05

LAND USE PERMIT PROCEDURES

* * *

13.05.020 Notice process.

A. Purpose. The purpose of this section is to provide notice requirements for land use applications.

* * *

D. Process II – Administrative Decisions Requiring an Environmental Determination and Height Variances, Shoreline Permits, Conditional Use, Special Development Permits, Wetland/Stream/Fish & Wildlife Habitat Conservation Area (FWHCA) Development Permits, [Site Approvals](#).

* * *

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
* * *									
Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No ¹	No	5 years ⁶
Site approval	Optional Required	400 feet	No	Yes	30 days ⁵	Director	No	No	5 years
Conditional use	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days ⁵	Director	No	No	5 years ⁴
* * *									

13.05.095 Development Regulation Agreements.

A. Purpose. Pursuant to RCW 36.70B.170-210, the purpose of this section is to create an optional application procedure that could authorize certain major projects in key locations to be reviewed, rated, approved, and conditioned according to the extent to which they advance the Comprehensive Plan's goals and policies. In addition to demonstrating precisely how it significantly advances the goals and policies of the Comprehensive Plan by achieving the threshold set forth in subsection 13.05.095(D) TMC, a threshold established based on the Comprehensive Plan goals and policies, a project located within the areas described in B(1) or B(2) must document specific compliance with the policies and standards set forth in the Downtown Element of the Comprehensive Plan, [the Tacoma Mall Neighborhood Subarea Plan, and other pertinent Comprehensive Plan goals and policies](#).

It is anticipated that there will be a degree of flexibility in the application of the City's development regulations so that any conditions are tailored to the specifics of the proposed project and community vision in such a manner as to ensure that significant public benefits are secured. Project approval is embodied in a contract designed to assure that anticipated public benefits are realized according to agreed-upon terms and conditions that may include, but are not limited to, project vesting, timing, and funding of on- and off-site improvements.

The City is authorized, but not required, to accept, review, and/or approve the proposed Development Regulation Agreements. This process is voluntary on the part of both the applicant and the City.

B. Applicability. Development Regulation Agreements shall only be allowed for one of the following project types:

1. Proposed projects located within the International Financial Services Area (IFSA), as defined in the City's Amended Ordinance No. 27825 and illustrated in Figure 1, with a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;

* * *

2. Proposed projects located within the Downtown Regional Growth Center, as set forth in the [Growth Strategy and Development Concept Element Urban Form Chapter](#) 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;

5. Proposed projects located within the Tacoma Mall Neighborhood Regional Growth Center, that are located on a development site at least two acres in size and that include an overall project Floor Area Ratio of at least 1.00.

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 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 [either on the Downtown Element of the City Comprehensive Plan or on the Tacoma Mall Neighborhood Subarea Plan, as applicable](#)):

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 ([applicable within the Downtown Regional Growth Center](#)). 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.

e. Achieving vitality in the Tacoma Mall Neighborhood (applicable within the Tacoma Mall Neighborhood Regional Growth Center). Up to 40 points shall be awarded for each of the following categories: (i) enhanced site connectivity above and beyond requirements; (ii) landscaping, pedestrian paving, site features and amenities that demonstrably exceed requirements; (iii) provision of public gathering spaces (e.g., for markets, events, festivals); (iv) provision of publicly accessible recreational amenities; (v) provision of neighborhood-serving amenities or services (such as a grocery store, medical clinic, or community center); (vi) distinctive modern, contemporary signage that contributes to the identity of the subarea; (vii) street edge activation and building ground orientation that demonstrably exceeds requirements; and (viii) green stormwater infrastructure and tree canopy coverage that demonstrably exceeds requirements.

* * *

Chapter 13.06 ZONING

Sections:

* * *

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	<i>Repealed.</i>
13.06.620	Severability.
13.06.625	<i>Repealed.</i>
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.
13.06.660	Site Approvals.

* * *

13.06.300 Mixed-Use Center Districts.

A. District Purposes. The specific purposes of the Mixed-Use Center Districts regulations are to:

1. Increase the variety of development opportunities in Tacoma by encouraging greater integration of land uses within specific districts in a manner consistent with the Growth Management Act, the Regional Plan: Vision ~~2020~~[2040](#), the County-Wide Planning Policies for Pierce County, and the City’s Comprehensive Plan.

* * *

10. To promote and attract dense infill development that may otherwise have resulted in the expansion of the region’s urban footprint into sensitive greenfield areas within the watershed, and to achieve a compact land use pattern that promotes air and water quality, healthy watersheds and the reduction of regional stormwater runoff.

11. To implement the Tacoma Mall Neighborhood Regional Growth Center vision of a thriving center of regional significance and a distinctive, connected, livable and healthy place offering a wide range of opportunities for all people to live, work, invest, and fulfill their potential.

* * *

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)
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* * *

Tacoma Central Crossroads Center	Union Avenue*; South 19 th Street between South Lawrence Street and South Union Avenue	Union Avenue south of South 18 th Street; South 19 th Street between South Lawrence Street and South Union Avenue
Tacoma Mall Neighborhood Regional Growth Center	South 47th/48th Transition Street; Steele Street* South 35th Street between Pine Street and Sprague Avenue; South 36th/South California Streets between Lawrence and Steele Streets; South 38th Street between South Tacoma Way and South Lawrence Street; South 45th Street/future Loop Road between South Lawrence and South Steele Streets; South 47th/48th Street; South Lawrence Street between South 36th and South 45th Streets; South Pine Street between South Tacoma Way and South 47th/48th Streets	N/A South 38th Street between South Lawrence and South Steele Streets*; South Steele Street*
James Center Crossroads Center	Mildred Street*; South 19 th Street	Mildred Street south of South 12 th Street; South 19 th Street
Westgate Crossroads Center	Pearl Street*; North 26 th Street	Pearl Street

[2. Tacoma Mall Neighborhood Regional Growth Center. Zoning in the Tacoma Mall Neighborhood Regional Growth Center \(“RGC”\) incorporates the Urban Center Mixed-Use, Urban Residential Mixed-Use and Commercial Industrial Mixed-Use Districts as indicated in Figure 1, below, with specifications indicated in Figures 2 through 5.](#)

FIGURE 1. Tacoma Mall Neighborhood RGC Zoning Districts

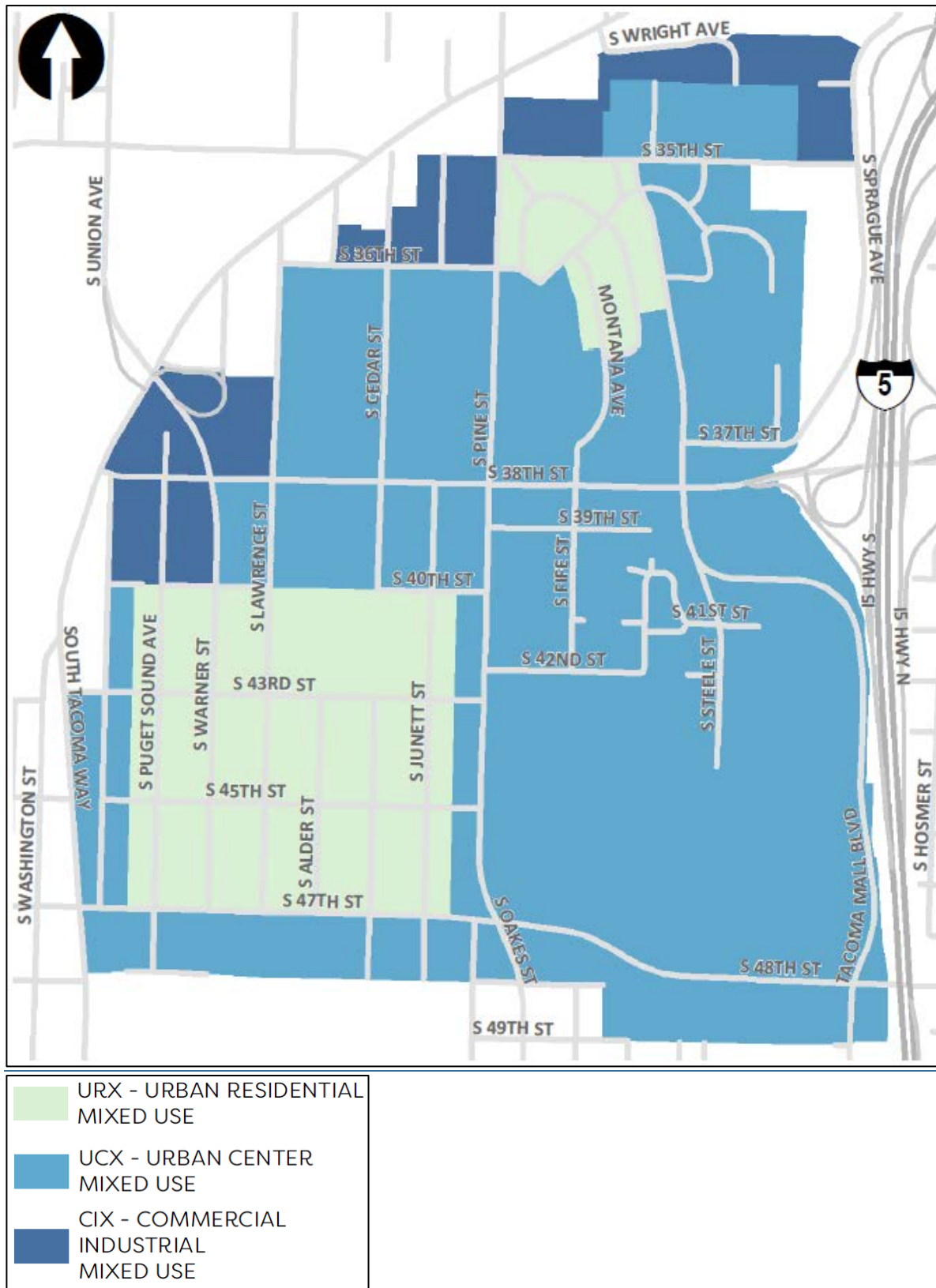


FIGURE 2. Tacoma Mall Neighborhood RGC—by right and bonus maximum heights.

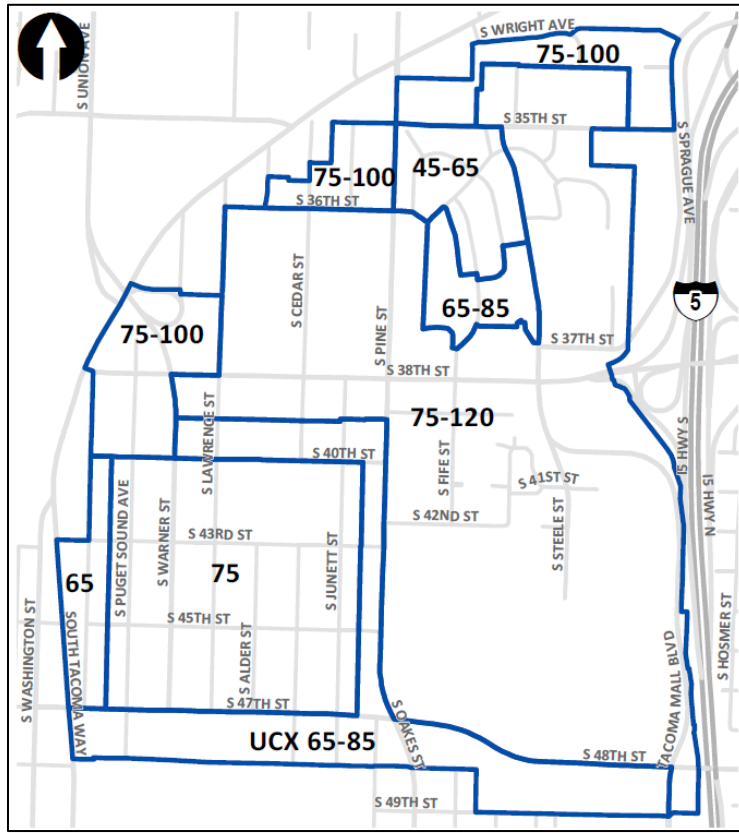


FIGURE 3: Tacoma Mall Neighborhood
RGC—Inclusionary Zoning Pilot Area

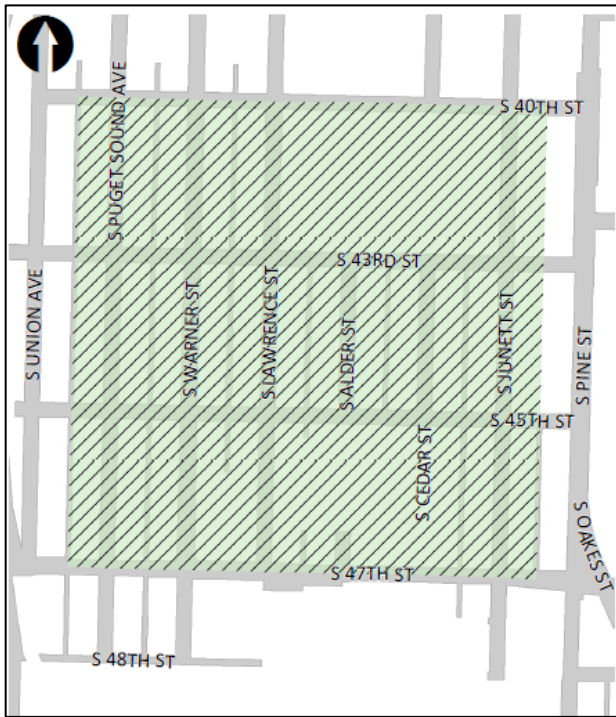


FIGURE 4: Tacoma Mall Neighborhood
RGC—No Residential Uses

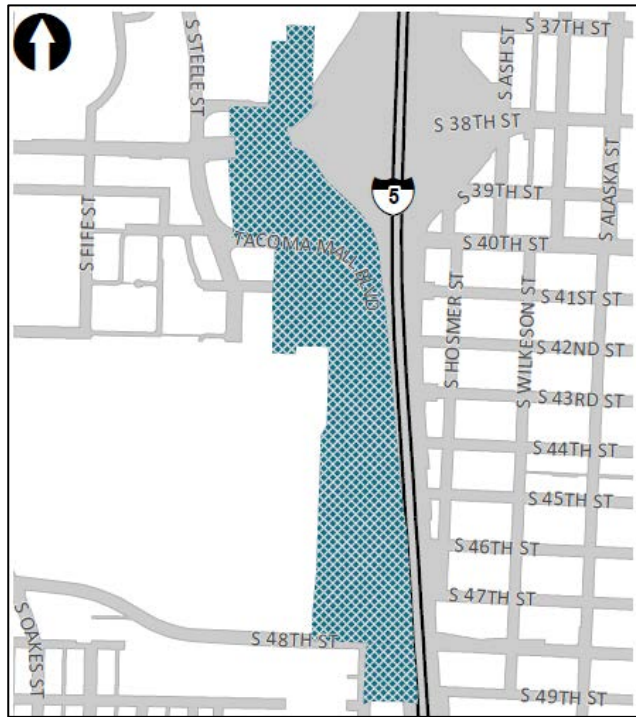
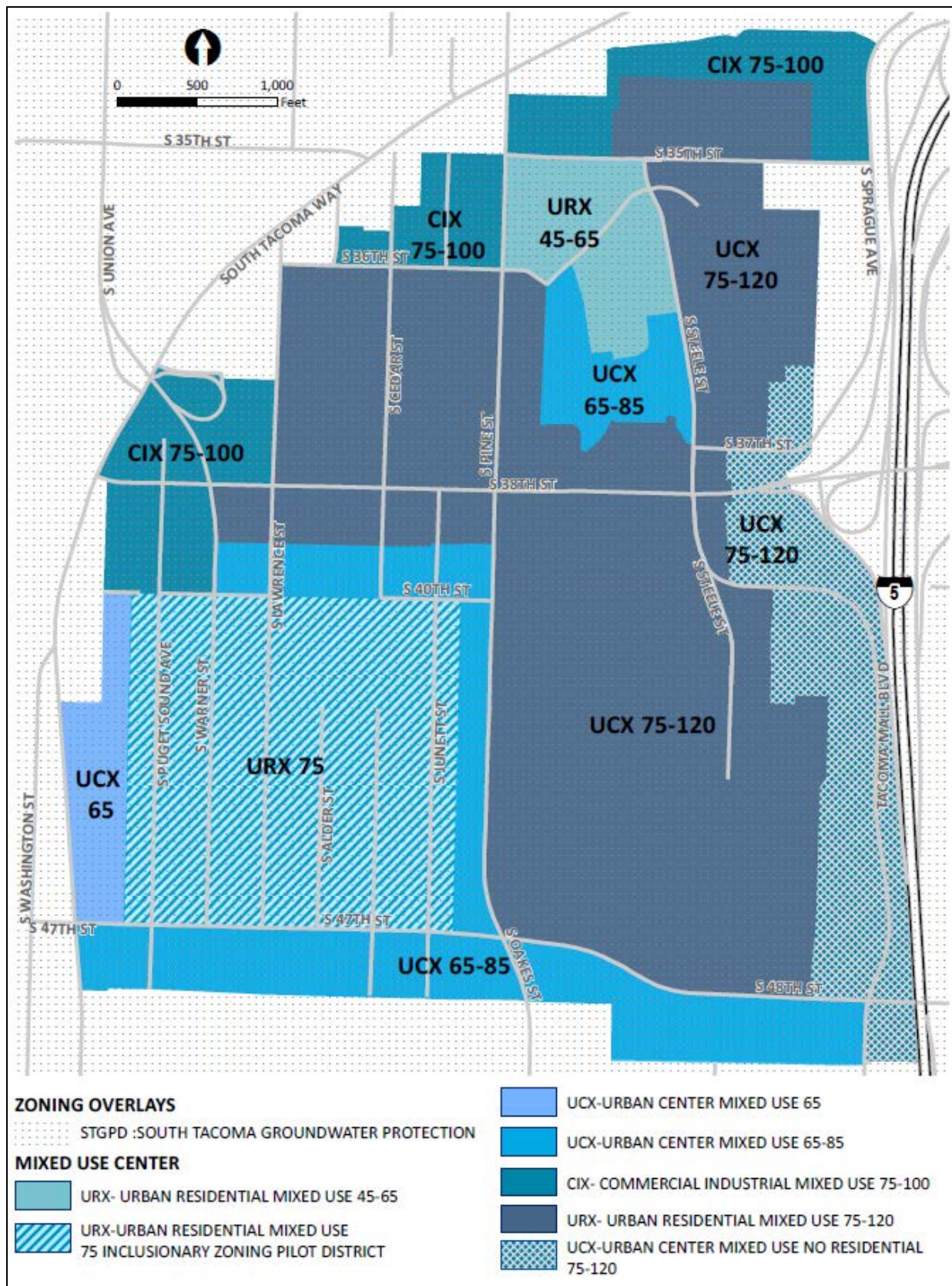


FIGURE 5. Tacoma Mall Neighborhood RGC—Zoning, heights and land use specifications



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 ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (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. ² Not subject to minimum densities found in Section 13.06.300.E. Prohibited in Commercial-only area of the UCX District.
* * *									
Building materials and services	N	P	PCU	N	P	N	N	N	Prohibited at street level along frontage of designated core pedestrian streets. ²
* * *									
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. ² Stand-alone surface commercial parking lots are prohibited in the UCX District.
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. ²
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 UCX, CIX, CCX, HMX and NCX. ² Not subject to minimum densities founding Section 13.06.300.E. Prohibited in Commercial-only area of the UCX District.
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 UCX, CIX, CCX, HMX and NCX. ² Prohibited in Commercial-only area of the UCX District.
* * *									
Dwelling, single-family detached	P	P	P	P	P	P	P	P	In NCX and CCX Districts, p Prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.300.E for minimum densities. Prohibited in Commercial-only area of the UCX District.
Dwelling, two-family	P	P	P	P	P	P	P	CU	In NCX and CCX Districts, p Prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.300.E for minimum densities. Prohibited in Commercial-only area of the UCX District.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
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.² See Section 13.06.300.E for minimum densities. <u>Prohibited in Commercial-only area of the UCX District.</u>
Dwelling, multiple-family	P	P	P	P	P	P	P	N	In NCX, and CCX, UCX, CIX and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² 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. <u>Prohibited in Commercial-only area of the UCX District.</u>
Dwelling, townhouse	P	P	P	P	P	P	P	CU	In NCX, and CCX, UCX, CIX and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.300.E for minimum densities. <u>Prohibited in Commercial-only area of the UCX District.</u>
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.² See Section 13.06.150 for specific Accessory Dwelling Unit (ADU) Standards. <u>Prohibited in Commercial-only area of the UCX District.</u>
* * *									
Emergency and transitional housing	CU	P	P	CU	N	CU	CU	CU	See Section 13.06.535. In NCX and CCX, UCX, CIX and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² <u>Prohibited in Commercial-only area of the UCX District.</u>
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.² <u>Prohibited in Commercial-only area of the UCX District.</u>

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Foster home	P	P	P	P	P	P	P	P	In NCX, and CCX, <u>UCX, CIX and HMX</u> Districts, prohibited at street level along frontage of designated core pedestrian streets. ² <u>Prohibited in Commercial-only area of the UCX District.</u>
* * *									
Group housing	P	P	P	P	P	P	P	P	In NCX, and CCX, <u>UCX, CIX and HMX</u> Districts, prohibited at street level along frontage of designated core pedestrian streets. ² <u>Prohibited in Commercial-only area of the UCX District.</u>
* * *									
Intermediate care facility	P	P	P	P	P	P	P	P	See Section 13.06.535. In NCX, and CCX, <u>UCX, CIX and HMX</u> Districts, prohibited at street level along frontage of designated core pedestrian streets. ² <u>Prohibited in Commercial-only area of the UCX District.</u>
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX, and CCX, <u>UCX, CIX and HMX</u> Districts, prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.530 for additional information about size limitations and permitting requirements. <u>Prohibited in Commercial-only area of the UCX District.</u>
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. <u>Prohibited in Commercial-only area of the UCX District.</u>
* * *									
Microbrewery/ winery	N	N	<u>NCU</u>	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.
* * *									
Research and development industry	N	N	<u>NCU</u>	N	P	N	N	N	

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
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, <u>UCX, CIX and HMX</u> Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Not subject to minimum densities found in Section 13.06.300.E. <u>Prohibited in Commercial-only area of the UCX District.</u>
Residential chemical dependency treatment facility	P	P	P	P	P	P	P	P	See Section 13.06.535. In CCX, and NCX, <u>UCX, CIX and HMX</u> Districts, prohibited at street level along frontage of designated core pedestrian streets. ² <u>Prohibited in Commercial-only area of the UCX District.</u>
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, <u>UCX, CIX and HMX</u> Districts, prohibited at street level along frontage of designated core pedestrian streets. ² <u>Prohibited in Commercial-only area of the UCX District.</u>
* * *									
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.²
Short-term rental (1-2 guest rooms)	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets in NCX, and CCX, <u>UCX, CIX and HMX</u> Districts. ² Subject to additional requirements contained in Section 13.06.575 and 13.06.150. <u>Prohibited in Commercial-only area of the UCX District.</u>
Short-term rental (3-9 guest rooms)	P	P	P	CU	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX, and CCX, <u>UCX, CIX and HMX</u> Districts. ² Subject to additional requirements contained in Section 13.06.575 and 13.06.150. <u>Prohibited in Commercial-only area of the UCX District.</u>

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Short-term rental (entire dwelling)	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets in NCX, and CCX , <u>UCX, CIX and HMX</u> Districts. ² Subject to additional requirements contained in Section 13.06.575 and 13.06.150. <u>Prohibited in Commercial-only area of the UCX District.</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 , <u>UCX, CIX and HMX</u> Districts. ² Not subject to minimum densities found in Section 13.06.300.E. <u>Prohibited in Commercial-only area of the UCX District.</u>
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 , <u>UCX, CIX and HMX</u> Districts. ² <u>Prohibited in Commercial-only area of the UCX District.</u>
* * *									
Transportation/ freight terminal	P	P	<u>PCU</u>	N	P	P	N	N	<u>Prohibited at street level along frontage of designated core pedestrian streets.</u> ²
Urban Horticulture	N	N	N	N	P	N	N	N	
Utilities	CU	CU	CU	CU	CU	CU	CU	CU	In NCX and CCX Districts, p Prohibited at street level along frontage of designated core pedestrian streets. ² Not subject to RCX residential requirement. ¹
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. ² *Use permitted in the South Tacoma Way Neighborhood Center NCX only, if all activities occur within buildings; outdoor storage repair, and sales are prohibited.
Vehicle service and repair	N*	P	<u>PCU</u>	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, p Prohibited along frontage of designated core pedestrian streets. ² *Use permitted in the South Tacoma Way Neighborhood Center NCX only, provided all activities occur entirely within buildings; outdoor storage and/or repair is prohibited.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Vehicle service and repair, industrial	N	N	PCU	N	P	N	N	N	Subject to additional development standards contained in Section 13.06.510.E. Prohibited at street level along frontage of designated core pedestrian streets.²
Vehicle storage	N	N	N	N	P	N	N	N	Subject to development standards contained in Section 13.06.510.D. Prohibited at street level along frontage of designated pedestrian streets.²
Warehouse, storage	N	N	NCU	N	P	N	N	N	In the UCX, prohibited at street level along frontage of designated core pedestrian streets.²
Wholesale or distribution	N	N	NCU	N	P	N	N	N	In the UCX, prohibited at street level along frontage of designated core pedestrian streets.²
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. Prohibited in Commercial-only area of the UCX District.
* * *									

* * *

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
* * *									
Maximum height of structures (feet)	45 feet ¹ ; 65 feet in the Stadium District of the DRGC. ¹	60 feet ¹ ; 75 feet, if at least 25 percent of floor area is residential or through use of TDRs from an identified TDR sending area⁴.	75 feet ^{1,3} ; 120 feet, if at least 25 percent of floor area is residential or through use of TDRs from an identified TDR sending area⁴.	60 feet ¹	75 feet ^{1,3}	150 feet	45 feet ^{1,2,3} ; <u>75 feet in the Tacoma Mall RGC – Madison District Inclusionary Zoning Pilot Area</u>	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.
	¹ In designated NCX, RCX, and CIX <u>X</u> Districts, additional height above these standard height limits may be allowed is in certain areas through the X-District Height Bonus Program – see Section 13.06.300.E.2.								
	² In the McKinley Neighborhood 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.								
	³ <u>In the Tacoma Mall Neighborhood Regional Growth Center, height bonuses are available in designated UCX, CIX and URX Districts (Lincoln Heights District) as shown on the Tacoma Mall Neighborhood Subarea Plan Zoning Map and in Table 13.06.300.E.2, below.</u>								

	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Requirements
* * *									
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; 35 in the Tacoma Mall RGC – Madison District Inclusionary Zoning Pilot Area	None	Projects that do not include residential uses, and mixed-use projects (such as residential & commercial, residential & industrial, or residential & institutional), ADU's, conversion of existing single-family to more than one unit, and one infill single-family house on sites currently developed with one , are exempt from minimum-density requirements.
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).									

* * *

2. X-District Height Bonuses. The Height Bonus program provides a mechanism to allow for additional height for projects within certain portions of the 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.

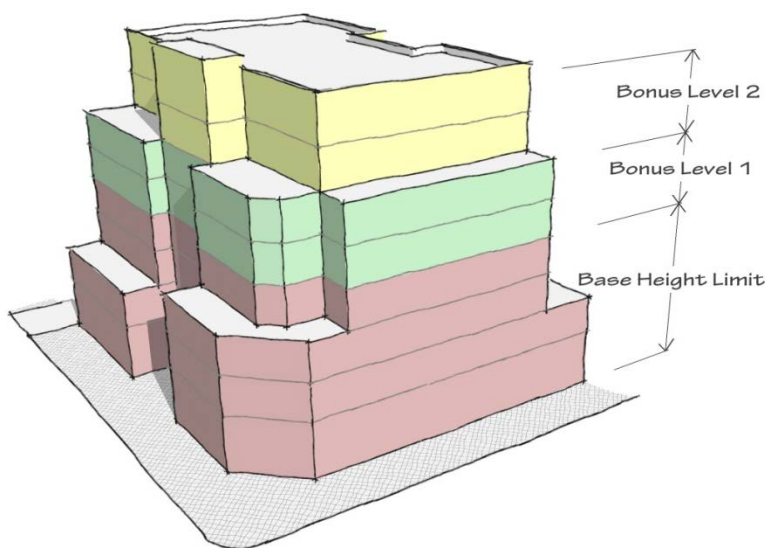
a. Applicability. Where applicable in the Mixed-Use Centers, the height bonus provision allows for projects to be eligible to increase the standard maximum height limit through the incorporation of one or more public benefit features into the development of the project. These public benefit features 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 1³	Maximum Height Allowed Through Level 2³
NCX – Neighborhood Commercial Mixed-Use District (Proctor, Lincoln, 6 th Ave, McKinley, and Narrows)	45 feet	65 feet	Not Available
NCX – Neighborhood Commercial Mixed-Use District (Stadium District, DRGC)	65 feet	75 feet	85 feet
NCX – Neighborhood Commercial Mixed-Use District (South Tacoma Way)	45 feet	65 feet	85 feet
NCX – Neighborhood Commercial Mixed-Use District (Hilltop Neighborhood, DRGC – property within 200 ft of Core Pedestrian Street) ¹	45 feet	65 feet	85 feet
NCX – Neighborhood Commercial Mixed-Use District (Hilltop Neighborhood, DRGC – property not within 200 ft of core pedestrian street) ¹	45 feet	65 feet	Not Available
RCX – Residential Commercial Mixed-Use District (Hilltop Neighborhood, DRGC – east of MLK Jr. Way and between 9th and 13th Streets)	60 feet	70 feet ²	80 feet
CIX – Commercial-Industrial Mixed-Use District (South Tacoma Way, Tacoma Mall Neighborhood RGC)	75 feet	90 feet	100 feet
CCX – Community Commercial Mixed- Use District	60 feet	75 feet	Not Available
UCX – Urban Center Mixed-Use District (where applicable per TMC 13.06.C.2 FIGURE 2)	75 feet	100 feet	120 feet

<u>UCX – Urban Center Mixed-Use District: (where applicable per TMC 13.06.C.2 FIGURE 2)</u>	<u>65 feet</u>	<u>85 feet</u>	<u>Not Available</u>
<u>URX – Urban Residential Mixed-Use District: (where applicable per TMC 13.06.C.2 FIGURE 2)</u>	<u>45 feet</u>	<u>65 feet</u>	<u>Not Available</u>
Footnotes: <ol style="list-style-type: none"> 1. The 200-foot depth used to define some of the areas eligible for the height bonus program shall be extended to encompass an entire development site when at least 60% of the development site is within the standard 200-foot deep bonus area. For purposes of this provision, the “development site” can include multiple parcels as long as they are part of the same project proposal and are abutting or separated by no more than an alley right-of-way. 2. Within the RCX-zoned area, the “Residential Use” item that is provided within the Level 1 bonus palette is not available. 3. Projects that qualify for this program are still subject to the upper-story stepback restrictions found in Section 13.06.503.A. 			

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

* * *



X-District Height Bonus Program

* * *

(8) Height Bonus Palette – Level 2:

Height Bonus Palette – Level 2		
BONUS FEATURE	DEFINITION	BONUS HEIGHT
Quality of Life		
Transfer of Development Rights (TDR)	Use of TDRs from an identified TDR sending area.	10 feet (Stadium Center and MLK Center RCX-zoned area); 20 feet (MLK and 56th & South Tacoma Way Centers); 20 feet (Tacoma Mall Neighborhood Regional Growth Center)

* * *

TABLE 13.06.300.G: X-District Residential Yard Space Standards

Required yard space is intended to provide access to fresh air, light, and green features and to be functional and attractive as an outdoor extension of the dwelling or a shared space for living, relaxation, and social interaction.

* * *

3. Multi-Family and Mixed-Use Development. At least 50 square feet of yard space is required for each dwelling unit. Required setback and buffer areas, vehicular access areas and required walkways and buffers shall not count towards the yard space requirement. This required yard space can be provided through any combination of the following types of areas/features:

a. Common Yard space. This includes landscaped courtyards or decks, front porches, community gardens with pathways, children's play areas, or other multi-purpose recreational and/or green spaces. Requirements for common yard spaces include the following:

* * *

d. Exceptions:

(1) Projects located within a quarter mile of a public park or public school that includes accessible and well-maintained outdoor recreational facilities.

(2) Projects with a minimum floor area ratio (FAR) of 3.

(3) Projects that meet the ground floor retail/restaurant height bonus requirements.

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, as well as in other chapters. These requirements apply to Section 13.06.300 by reference.

Refer to Section 13.06.500, 13.06.600, and Chapters 13.12 and 13.18 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).

13.06.660 Site Approvals (applicable within the Tacoma Mall Neighborhood Regional Growth Center).

13.12.580 Traffic Impact Assessments (applicable within Tacoma's Regional Growth Centers).

13.18 Affordable Housing Inclusionary Development Areas.

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13.06.501 Building design standards.

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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.

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8. Pedestrian Standards.

Purpose: The 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.

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b. Transition areas

(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.

(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.

(b) Fences, walls, and gateways may be used to provide some visual separation of private residences, but not to hide the transition area.

(c) Fences over 3 feet in height must be transparent and cannot exceed 5 feet in height.

(d) The transition area may be used to meet usable yard space requirements.

(e) Parking may not be used as a feature of the transition area.



Examples: The above examples use trees and landscaping, elevation changes, transparent fencing, and arbors to create an effective transition between public and private spaces.

9. Fencing, Retaining Wall and Utility Standards.

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

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b. Fencing type limitation	<p>(1) Chain link fencing, with or without slats, is prohibited for required screening.</p> <p>(2) 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>(3) 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>(4) Electrified. The use of electrified fencing is prohibited in all zoning districts.</p> <p>(5) 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, pursuant to the standards of TMC 13.06.502, 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>(6) 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>
c. Retaining Walls	<p>(1) 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, pursuant to the standards of TMC 13.06.502, to soften the view of the wall and contribute to the pedestrian environment.</p>

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

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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 pursuant to the requirements of TMC 13.05.502 to soften the view of the fence and contribute to the pedestrian environment.

F. Townhouse Minimum Design Standards.

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

2. Purpose. The following standards are intended to implement the urban form, housing and aesthetic goals of the Comprehensive Plan by providing façade articulation that emphasizes individual units and reduces the apparent mass of structures, minimizing impacts of vehicular access and service elements, and emphasizing pedestrian access and building orientation to the street.

3. 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.



4. Garage Orientation & Vehicular Access:

a. Garages shall not face any street if vehicular access is available from an alley.

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b. In designated centers:

(1) All townhouses on lots with street frontage must maintain primary orientation to the adjacent street or right-of-way and 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.

(2) In the case of townhouse buildings that include units without street frontage, such as a mid-block site with a building that is perpendicular to the street, the townhouse unit abutting the street must include an individual entry facing the street, a porch or covered entryway, and other architectural features associated with the front elevation appearance.

(3) Building elevations facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance. Any area between the front façade and the sidewalk/right-of-way shall be improved with landscaping, seating or yard space, a front porch, or similar features.

(4) Townhouse units with access exclusively from a drive aisle/court shall provide architectural features typically associated with the front elevation along the elevation facing the drive aisle/court. At least 10 percent of the façade (all vertical surfaces facing the drive aisle/court) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.

(5) Townhouses with front doors facing alleys shall not be permitted unless the following requirements are met: The vehicular surface shall be paved through the entire block length; a continuous sidewalk shall be constructed on one side connecting to abutting public sidewalks; and street trees shall be planted along one side along the entire length of the alley.

(26) 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. In the case of corner lots, at least one walkway shall connect to both sidewalks/rights-of-way unless infeasible due to topography. 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. Pedestrian access may be combined with vehicular travel if designed for safety and comfort as a shared pedestrian/vehicular space. Walkways providing access to two or more townhouse units shall be constructed per ADA standards to increase visitability to the site, unless infeasible due to topography.

6. Windows and openings. 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.

7. 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. The City may require a consolidated location for storage of solid waste containers, direct street access pickup, or a shared waste collection service if necessary for efficient solid waste collection.

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13.06.502 Landscaping and buffering standards.

A. Intent. The landscaping requirements, as a whole, are intended to contribute to the aesthetic environment of the City; enhance livability and foster economic development by providing for an attractive urban setting; provide green spaces that can support the urban citywide tree canopy; wildlife, such as birds, in the urban environment; help reduce storm water runoff; filter pollution; buffer visual impacts of development; and, contribute to the planting, maintenance, and preservation of a stable and sustainable urban forest.

B. Applicability. Unless specifically exempted, landscaping shall be provided consistent with this section for all new development, including structures and/or parking lots, as well as alterations to existing development, and street improvements, as outlined below. Vegetated Low Impact Development Best Management Practices (LID BMPs) designed in accordance with the City of Tacoma Stormwater Management Manual may be counted as landscaping. Trees and landscaping provided as required under this section, may also be counted towards compliance with tree canopy and usable yard space standards.

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TMC 13.06.502.E Landscaping requirements applicable to Residential, Commercial, Industrial and Mixed-Use Districts.

The standards of this section are intended to implement the goals of the Comprehensive Plan and the intent of this section. The landscaping standards of this table apply to new development and substantial alterations, as stipulated above, in Residential, Commercial, Industrial and Mixed-Use Centers (X) Districts. LID BMPs may be used to fulfill all or a portion of landscaping requirements, where the vegetation within the LID BMP is compatible to the requirements.

Exemptions:

- (1) Single, two and three-family and townhouse developments, ~~unless in association with a full plat or a short plat with 5-9 lots,~~ are exempt from all landscaping requirements, with the exceptions that street trees are required in X Districts, and in all districts in association with a full plat or short plat with 5-9 lots.
- (2) Passive open space areas are exempt from all landscaping requirements (however development activities on such sites may trigger landscaping requirements).
- (3) Park and recreation uses are exempt from the Overall Site, Site Perimeter and Buffer requirements of this section.

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13.06.510 Off-street parking and storage areas.

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TABLE 2 – Required Off-Street Parking Spaces in Mixed-Use Center Districts	
Quantity	<p>Residential Uses. Minimum 1.0 stall per unit.</p> <p>Commercial or Office Uses. Minimum 2.5 stalls per 1000 square feet of floor area.</p> <p>Other Uses. For uses not specifically listed above, the parking requirement in the Mixed-Use Center Districts shall be 70% of the parking requirement for that use identified in Table 1.</p> <p>See Section 13.06.510.B.2.f for use of compact stalls.</p> <p>For purposes of calculating parking quantity requirements, “floor area,” when used, shall not include space devoted to parking.</p> <p><u>In the Tacoma Mall Center, the following parking quantities are required:</u></p> <p><u>(1) Residential uses. Minimum 0.5 stalls per unit.</u></p> <p><u>(2) Non-residential uses. Exempt from vehicular parking requirements, except for loading spaces pursuant to TMC 13.06.510.C, and accessible spaces pursuant to the provisions of 13.06A.065.B.2.</u></p>
Exemptions	<p>No parking is required for any structure in existence upon the date the Mixed Use Center was created within which it exists (see Section 13.17.020). New development shall provide parking as required.</p> <p>In NCX and CCX Districts, no parking is required for buildings located within 10 feet of the right-of-way of the designated pedestrian streets (see Section 13.06.300.C).</p> <p>In NCX, CCX, and UCX Districts, no parking is required for the first 3,000 square feet of each ground-level retail or eating and drinking establishment.</p> <p>Small, affordable housing types: Group housing; student housing; and, efficiency multi-family dwellings (250-450 sf in size) are exempt from vehicular parking requirements (with the exception of required accessible parking), provided that within a single building, no more than 20 dwelling units, or 50 percent of the total dwelling units (whichever is greater), may utilize this exemption.</p> <p><u>Affordable housing units required through the Tacoma Mall Center Inclusionary Zoning provisions or certified as affordable through the Multifamily Tax Exemption Program, 12-year option, are exempt from providing vehicular parking.</u></p>

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13.06.512 Pedestrian and bicycle support standards.

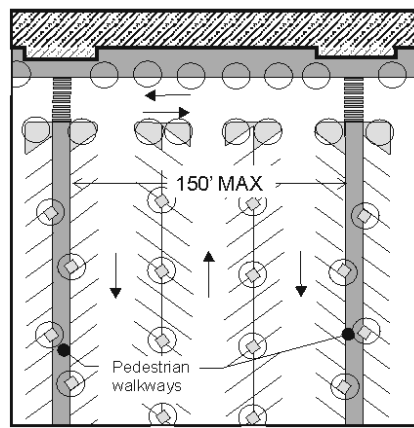
<p><u>A. Applicability.</u> The design standards of this section are required to implement the transportation, urban design, livability and public health goals of the Comprehensive Plan of the City of Tacoma.</p>
<p><u>1. General Applicability.</u></p> <p>a. The pedestrian and bicycle support standards fully 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.</p> <p>b. Through-block connections are required with 60,000 square feet of new construction.</p> <p>c. Alterations that, within a two year period, exceed 15 percent of the value of existing development or structures, as determined by the Building Code, shall comply with the following requirements of this section:</p> <p>(1) 13.06.512.B.2 Connection between streets and entrances;</p> <p>(2) 13.06.512.B.3 Minimum Connection Frequency;</p> <p>(3) 13.06.512.B.4 Route Directness;</p> <p>(4) 13.06.512.B.6 Facility Design, as applicable.</p> <p>d. The standards do not apply to remodels that do not change the exterior form of the building or involve construction of paved areas. However, if a project involves both exterior and interior improvements, with exterior improvements amounting to 50 percent or more of the project valuation, then the project valuation shall include both exterior and interior improvements.</p> <p>e. No alteration shall increase the level of nonconformity or create new nonconformities to these standards.</p> <p>f. Fractions. Any requirement resulting in a fraction when applied shall be rounded up or down to the nearest whole number.</p> <p>g. Site Constraints. In areas with steep topography, limited access points, or other barriers are present, the Director or designee may consider alternate approaches that meet the intent of this section.</p> <p>h. Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.</p>
<p><u>2. Exceptions.</u></p> <p>a. 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. Additions larger than 10,000 square feet shall meet the requirements of this section applicable within the vicinity of the addition. Additions of an anchor tenant or 140,000 or more square feet shall require full provision of these requirements for the entire mall site. Larger additions and construction may be subject to the requirements of TMC 13.06.660, Site Approval.</p> <p>b. Temporary. Temporary structures are exempt from the standards of this section.</p> <p>c. Residential or Mixed-Use. Residential structures of four 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.</p> <p>d. Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the Commission shall prevail.</p>
<p><u>B. Bicycle and Pedestrian Connections.</u></p> <p>Purpose: Pedestrian and bicycle standards encourage a safe, direct, attractive, and usable multimodal circulation system in all developments as well as connections between abutting streets and buildings on the development site, and between buildings and other activities within the site.</p>
<p><u>1. Interior Access Roads.</u> Interior access roads in multi-building developments shall be designed to provide safe, comfortable, and attractive multi-modal travel and shall include features such as planting strips and street trees, sidewalks on one or both sides, and perpendicular or parallel parking on one or both sides.</p>
<p><u>2. Connection between streets and entrances.</u> There must be a connection between one main entrance of each building on the site and the adjacent street. The route may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Where there is more than one street frontage, an additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance of each building.</p>

3. Minimum connection frequency.

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

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

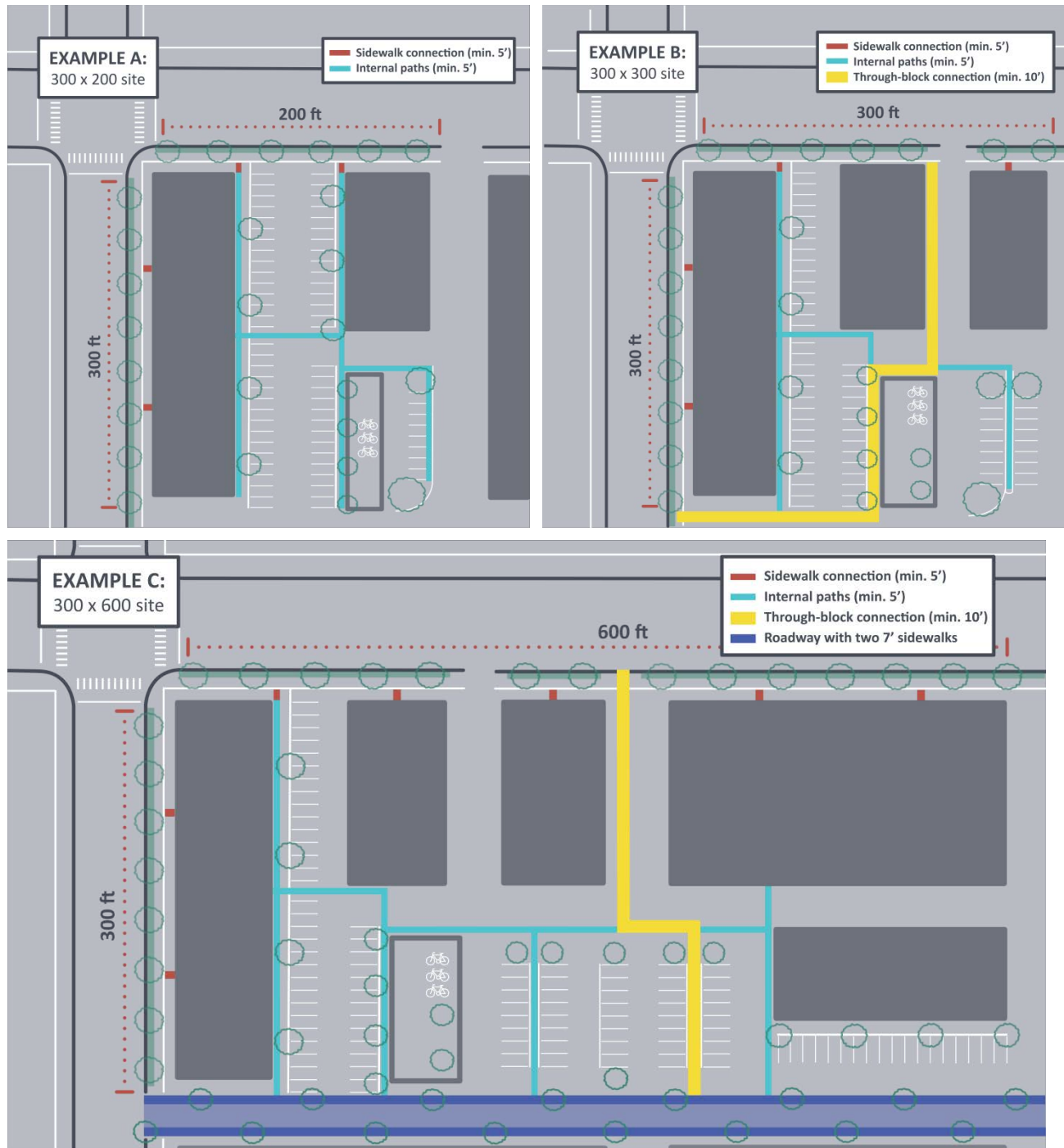
c. Parks and recreation uses (excluding passive open space), or portions thereof, which are undeveloped with buildings, shall provide a minimum of one walkway, and an additional walkway for each additional improved street frontage greater than 500 feet in length (unless topography, critical areas or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



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

5. Internal pedestrian system.

- a. On sites larger than 10,000 square feet, and with multiple buildings or uses, an internal pedestrian connection system must be provided. The system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, pedestrian amenities and adjacent sidewalks.
- b. On sites with two or more street frontages 300 feet or more in length, and with multiple buildings or uses, a through-block connection is required providing a continuous pedestrian pathway between the abutting street frontages.
- c. On sites requiring three or more pedestrians connections pursuant to Section B.2, above, and with multiple buildings or uses, the most centrally located connection shall be an enhanced through-block connection that provides a continuous pedestrian pathway between the abutting street frontages.



6. Facility Design.

a. Lighting and landscaping. For walkways that are longer than 25 feet, trees shall be provided adjacent to the walkways at a rate equivalent to the linear requirements for street trees in 13.06.502.C, and pedestrian-scaled lighting shall be provided at a ratio of 2 per 100 feet. Trees shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards.

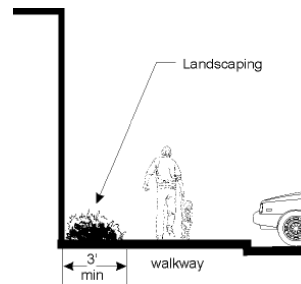
b. Size and materials.

(1) Required walkways must be hard-surfaced and at least five feet wide, excluding vehicular overhang, except for walkways accessing less than four residential dwelling units, where the minimum width shall be four feet. When more than one walkway is required, at least one walkway must be 10 feet wide. Permeable pavement surfaces are encouraged where feasible.

(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 four 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 four inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than five feet on center.

(4) Internal pathways in multi-building residential developments shall be separated from structures at least three feet by landscaping, except where adjacent to usable yard spaces or other design treatments are included on or adjacent to the wall that add visual interest at the pedestrian scale. Examples include the use of a trellis with vine plants, sculptural, mosaic, bas-relief artwork, or other decorative wall treatments.



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

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 ten-foot walkway is provided, it may be used as a shared-use path for both pedestrians and bicyclists. The route shall include signage to direct bicyclists to on-site bicycle parking facilities.

d. Through-block connections.

(1) Through-block connections shall be a minimum of ten feet in width.

(2) Enhanced through-block connections, required for larger sites as described above, shall meet one of the following design options:

(a) Minimum seven-foot wide sidewalks on both sides of a private roadway designed to provide safe, comfortable and attractive multi-modal travel with features such as planting strips, street trees and perpendicular or parallel parking on one or both sides.

(b) A pedestrian pathway a minimum of ten feet in width.

(3) Through-block connection design. Through-block connections shall meet the lighting and landscaping, size and materials standards above, and provide street furniture, per the design specifications below, at a frequency of one seating area every 250 feet. Enhanced through-connections shall provide street furniture at a frequency of one seating area every 150 feet.

C. Street Furniture.

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

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

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

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



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

* * *

A. General Applicability.

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.

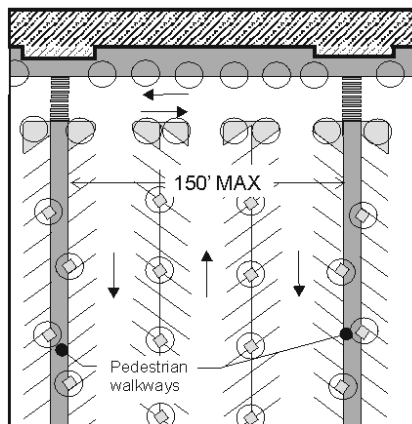
B. Bicycle and Pedestrian Connections.

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

1. **Interior Access Roads.** Interior access roads in multi-building developments shall be designed to look and function like public streets. This includes planting strips and street trees, sidewalks on one or both sides, and perpendicular or parallel parking on one or both sides.

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

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 access points).



4. **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.

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

6. Facility Design.

a. **Lighting and landscaping.** For walkways that are longer than 25 feet, trees shall be provided adjacent to the walkways at a rate equivalent to the linear requirements for street trees in 13.06.502.C, and pedestrian-scaled lighting shall be provided at a ratio of 2 per 100 feet. Trees shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards.

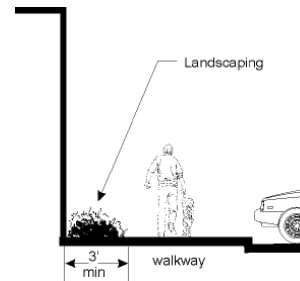
b. **Size and materials.**

(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.

(4) Internal pathways in multi-building residential developments shall be separated from structures at least 3 feet by landscaping, except where adjacent to usable yard spaces or other design treatments are included on or adjacent to the wall that add visual interest at the pedestrian scale. Examples include the use of a trellis with vine plants, sculptural, mosaic, bas-relief artwork, or other decorative wall treatments.



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

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.

C. Street Furniture.

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

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

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

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



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

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13.06.513 Drive-throughs.

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C. Standards. A drive-through facility is composed of two parts - the stacking lanes and the service area. The stacking lanes are the space occupied by vehicles queuing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs.

* * *



Example of a drive-through within a structure

3. The following additional standards apply in X Districts where drive-throughs are permitted:

- a. All exterior vehicle use areas associated with a drive-through shall be located at the side or rear of the building.
- b. Drive-through stacking lanes and service windows shall be fully screened from the view of adjacent properties and the public right-of-way with landscaping and/or structures.
- c. Within NCX Districts, exterior drive-through stacking lanes may be no closer than 25 feet to the property frontage of a designated pedestrian, light rail or streetcar street.
- d. Within UCX Districts, drive-through stacking lanes and service windows shall either be located entirely within buildings, or fully screened from the view of adjacent properties and the public right-of-way with a partially enclosed vegetative wall, decorative grilles, architectural features, artworks, or similar visually attractive features.



Example of partially enclosed vegetative wall

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13.06.660 Site Approval.

A. Purpose. Within the Tacoma Mall Neighborhood Subarea Plan area, as well as other adopted Subarea Plans that call for actions to enable the transportation system to accommodate planned growth and achieve multimodal transportation options, proposed large-scale construction warrants transportation connectivity review on a case-by-case basis to identify conditions of approval necessary to mitigate potential adverse transportation impacts and ensure compatibility with the Subarea Plan.

B. Process.

1. Such a Site Approval for transportation connectivity will be conducted by the Director or designee in accordance with the criteria identified in this chapter, and the procedures established in TMC 13.05 for Type II permits.

2. Prior to submitting an application to the City for Site Approval, it is recommended that the applicant hold a public informational meeting with interested community members and owners of adjacent properties. The purpose of the meeting is to provide an early, open dialogue regarding the connectivity and transportation aspects of the proposed development. The meeting should acquaint the community with the applicant and/or developers and provide for an exchange of information about considerations pertinent to creating attractive, safe, comfortable, and multi-modal transportation choices. If the applicant elects to hold a public meeting, written notification of the meeting should be provided, 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.

3. Project proponents may propose modifications to the strict application of building design, landscaping, pedestrian/bicycle access, sign location, and other building and site standards that relate to or are based on the location of streets, internal accessways, pedestrian and bicycle pathways. A Site Approval may result in significant modifications to the street and connectivity network. Therefore, the project proponent may propose that standards such as maximum building setbacks, transparency, pedestrian access, site perimeter landscaping, and sign orientation be modified to emphasize and orient toward the proposed connectivity pattern.

4. The application shall include the proposed final site plan and project phasing and meet the submittal requirements of TMC 13.05.010.

5. Upon issuance, the Director's decision may be appealed subject to procedures contained in TMC 13.05.

C. Applicability.

1. Site Characteristics. A Site Approval requirement applies under the following circumstances:

a. The proposed development is located in an area subject to an adopted Subarea Plan, including the Tacoma Mall Neighborhood Subarea Plan, with a transportation element that identifies the need for additional street and pedestrian connectivity in order to accommodate planned growth.

b. The development site, defined as land sharing common access, circulation, and improvements as specified in TMC 13.06.700.D, is at least one acre in size.

c. The development site is located within a block that is eight acres or larger in size. Blocks, for this purpose, are defined as assemblages of land circumnavigated by the shortest possible complete loop via the public street network.

2. Development Thresholds. Site Approval for transportation connectivity is required when proposed development exceeds one or more of the following thresholds:

a. Construction of 200 or more dwelling units.

b. Construction of 60,000 or more square feet.

Development activities that exceed these thresholds may generate significant transportation impacts and could also potentially create barriers to circulation and pedestrian connectivity.

3. Project proponents may elect to apply for a Site Approval in association with development below the thresholds above.

D. Criteria.

A Site Approval for transportation connectivity shall address the following criteria:

1. The Site Approval shall demonstrate consistency with the transportation connectivity goals and policies of the Comprehensive Plan, the adopted Subarea Plan, and all applicable ordinances of the City of Tacoma.

2. The Site Approval shall incorporate design strategies which meet or exceed City design and development standards in terms of promoting transportation connectivity, providing multi-modal transportation options, mitigating traffic volumes and impacts to transportation networks, and addressing other transportation impacts.

3. The Site Approval shall include a transportation impact analysis to determine whether the proposed development would generate impacts to the transportation system. If so, the Site Approval shall include mitigating actions determined by the City Engineer or designee. Such mitigation actions may include requirements on the applicant to provide frontage and onsite improvements and if warranted, to establish or participate in the establishment of new public rights-of-way, easements or private transportation connections.

4. The Site Approval shall designate internal circulation alignments, off-street parking, and building pedestrian orientation and access, which meet or exceed City standards in a manner that ensures safe, comfortable, attractive, multi-modal access and circulation through, within, and in proximity to the development site. The internal circulation system shall provide safe, comfortable and attractive connections between buildings, through parking areas, to the street and transit linkages, and to surrounding properties and neighborhoods. When desired, one or more alternatives may be provided that meet the intent while providing greater flexibility to accommodate a range of potential future development proposals.

5. If modifications to City building and site standards are proposed based on the proposed future connectivity pattern, the project proponent shall demonstrate that such flexibility will better achieve the Comprehensive Plan and Subarea Plan intent and result in an attractive, multi-modal pedestrian-oriented development pattern.

6. The Site Approval shall demonstrate consistency with other applicable provisions of the TMC, as appropriate.

* * *

Chapter 13.09

SOUTH TACOMA GROUNDWATER PROTECTION DISTRICT

13.09.010 Background, purpose, and intent.

The South Tacoma groundwater aquifer system serves as a significant source of drinking water for the City of Tacoma. It may supply as much as 40 percent of the City's total water demand during periods of peak summer usage. For future growth, supplemental supply, and emergency response, this resource will continue to be extremely important to the City of Tacoma.

* * *

It is the intent of this chapter to establish orderly procedures that reduce the risks to public health and safety and to the existing groundwater supply. These procedures shall ensure that within the South Tacoma Groundwater Protection District, ~~facilities with on-site properties that have~~ stormwater infiltration ~~units-facilities~~ and ~~facilities with properties that store~~ hazardous substances meet appropriate performance standards, and ~~that existing storage facilities-those properties~~ are properly maintained, inspected, and tested when necessary.

13.09.020 Declaration of policy.

In order ~~that for~~ the City of Tacoma ~~to~~ maintain its groundwater resources within the South Tacoma Groundwater Protection District as near as reasonably possible to their natural condition of purity, it is the policy of the City of Tacoma to establish strict performance standards which will reduce or eliminate threats to this resource from improper handling, storage, and disposal of hazardous substances by businesses. The City of Tacoma shall require use of all practical methods and procedures for protecting groundwater, while encouraging appropriate commercial and industrial uses to locate and conduct business within the South Tacoma Groundwater Protection District. The Tacoma-Pierce County Health Department (~~Department~~ TPCHD) will be responsible for implementing the South Tacoma Groundwater Protection District ~~Ch-regulations established in TMC~~ 13.09. The Tacoma-Pierce County Board of Health may adopt regulations consistent with this section. It is recommended that the ~~Department~~ TPCHD work cooperatively through education with owners and operators of regulated facilities to voluntarily reach compliance before initiating penalties or other enforcement action.

13.09.030 Scope and applicability.

A. The mandates of this chapter shall apply to new and existing developments and facilities as defined herein.

B. All property within the South Tacoma Groundwater Protection District, as defined in Section 13.09.050, shall comply with the requirements of this chapter, ~~in addition to~~ the zoning requirements of the South Tacoma Groundwater Protection District, ~~in addition to the zoning and any additional~~ requirements of the zoning district ~~in which where the such~~ property is presently located or may ~~later~~ be located in the future. In the event of conflict with ~~the other~~ regulations ~~of the underlying zoning requirements and the mandates of this chapter~~, the provisions of this chapter shall control.

13.09.040 Definitions.

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

A. "Abandoned tank" means an aboveground storage tank, underground storage tank, or other container used for storage of hazardous substances left unused for more than one year, without being substantially emptied or permanently altered structurally to prevent reuse.

* * *

F. "Contamination" means the degradation of any component of the environment by a release of hazardous substance in sufficient quantity to impair its usefulness as a resource or to be a hazard.

G. "Closure" means to cease a facility's operations related to hazardous substances by complying with the closure requirements in this Chapter and the General Guidance and Performance Standards or to take an underground storage tank out of operation permanently, in accordance with ~~Department of Ecology's 173-360-385~~ Washington Administrative Code ("WAC") 173-360-385, the Washington State Department of Ecology's as may be amended from time to time and the Department's Underground Storage Tank regulations, and the TPCHD's Board of Health (~~BOH~~) Resolution 88-1056, all as may be amended from time to time.

~~H. "Department" means the Tacoma Pierce County Health Department.~~

I. "Development" means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure; any use or change in use of any building or land; any extension of any use of land, or any clearing, grading, or other movement of land for which permission may be required pursuant to this chapter.

~~J~~I. “Director” means the Director of Health of the ~~Tacoma Pierce County Health Department~~TPCHD, or ~~his or her~~ designee(s).

~~K~~J. “Disposal” means the discharging, discarding, or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned. This includes the discharge of any hazardous wastes into or on any land, air, or water.

~~L~~K. “Ecology” means the Washington State Department of Ecology.

~~M~~L. “Environment” means any air, land, water, or groundwater.

~~N~~M. “Facility” means all structures, contiguous land, appurtenances, and other improvements on or under the land within the South Tacoma Groundwater Protection District used as a stormwater infiltration ~~unit~~facility, or for recycling, reusing, reclaiming, transferring, storing, treating, disposing, or otherwise handling a hazardous substance which is not specifically excluded by the exemptions contained in Section 13.09.090.

~~O~~N. “Final Closure” means the proper permanent removal of an underground storage tank that is no longer in service.

~~P~~O. “General Guidance and Performance Standards” means the ~~Department’s~~TPCHD’s most recent publication of the technical standards document “General Guidance and Performance Standards for the South Tacoma Groundwater Protection District.”

~~Q~~P. “Groundwater” means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

~~R~~Q. “Hazardous substance(s)” means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity which may pose a present or potential hazard to human health or to the quality of the drinking water supply in the South Tacoma aquifer system when improperly used, stored, transported, or disposed of or otherwise mismanaged, including without exception:

1. Those materials that exhibit any of the physical, chemical or biological properties described in Department of Ecology’s 173-303-082 WAC, 173-303-090 WAC, or 173-303-100 WAC as may be amended from time to time; and
2. Those materials set forth in the General Guidance and Performance Standards hereinafter referred to;
3. Petroleum products and by-products, including crude oil or any faction thereof such as gasoline, diesel, and waste oil which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); and
4. Any substance or category of substances meeting the definition of a hazardous substance under Chapter 173-340 WAC as may be amended from time to time.

~~S~~R. “Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof.

~~T~~S. “High-impact use” means a business establishment that is considered to be hazardous and/or noxious due to the probability and/or magnitude of its effects on the environment. For purposes of this chapter, these uses or establishments possess certain characteristics, which pose a substantial or potential threat or risk to the quality of the ground and surface waters within the South Tacoma Groundwater Protection District.

~~U~~T. “Impervious surface” means ~~natural or man-made material on the ground that does not allow surface water or contaminants to penetrate into the soil. Impervious surfaces may consist of buildings, parking areas, driveways, roads, sidewalks, and any other areas of concrete, asphalt, plastic, etc. a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.~~

~~V~~U. “Manifest” means the shipping document, prepared in accordance with the requirements of Department of Ecology’s 173-303-180 WAC as may be amended from time to time, which is used to identify the quantity, composition, origin, routing, and destination of a hazardous waste while it is being transported to a point of transfer, disposal, treatment, or storage.

~~W~~V. “Misdemeanor” means any crime punishable by a fine not exceeding \$1,000, or imprisonment not exceeding 90 days, or both, unless otherwise specifically defined.

~~X~~W. “Omission” means a failure to act.

~~Y~~X. “On-site” means the same or geographically contiguous property which may be divided by public or private right of way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed

to going along the right of way. Noncontiguous properties owned by the same person but connected by a right of way, which they control and to which the public does not have access, are also considered on-site property.

ZY. “Operator” means the person responsible for the overall operation of a facility.

~~AAZ~~. “Permeable surfaces” means sand, gravel, and other penetrable deposits or materials on the ground which permit movement of materials, such as groundwater or contaminants, through the pore spaces, or active or abandoned wells which permit the movement of fluid to the groundwater. “Pervious surface” means any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

~~BBAA~~. “Person” means any individual, trust, joint stock company, corporation (including government corporation), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal government, or any department or agency of the federal government.

~~CCBB~~. “Person responsible for the violation” means any person that commits any act or omission which is a violation or causes or permits a violation to occur or remain on the property or regulated facility, and includes but is not limited to owners(s), lessor(s), tenant(s), or other person(s) entitled to control, use, and/or occupy property or the regulated facility where a violation occurs, and any person who aids and abets in a violation.

~~DDCC~~. “Pollution-generating hard surface (PGHS)” means those hard surfaces considered to be a significant source of pollutants in stormwater runoff. PGHS includes permeable pavement subject to vehicular use. See the listing of surfaces under pollution-generating impervious surface.

~~EEDD~~. “Pollution-generating impervious surface (PGIS)” means those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those that are subject to: regular vehicular use; industrial activities (involving material handling, transportation, storage, manufacturing, maintenance, treatment or disposal); or storage of erodible or leachable materials, waste or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall. Metal roofs are also considered to be PGIS unless they are coated with an inert, non-leachable material. Roofs that are subject to venting significant amounts of dusts, mists, or fumes from manufacturing, commercial, or other indoor activities are considered PGIS.

~~FFEE~~. “Pollution-generating pervious surfaces (PGPS)” means any non-impervious surface subject to vehicular use, industrial activities (as further defined in the glossary of the Stormwater Management Manual for Western Washington (SWMMWW) involving material handling, transportation, storage; manufacturing; maintenance; treatment; or disposal); or storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or run-on or blow-in of rainfall, use of pesticides and fertilizers, or loss of soil. Typical PGPS include permeable pavement subject to vehicular use, lawns, and landscaped areas, including: golf courses, parks, cemeteries, and sports fields (natural and artificial turf).

~~GGFE~~. “Recharge areas” means areas of permeable deposits exposed at the surface which transmit precipitation and surface water to the aquifer.

~~HHGG~~. “Regulated facility” means any facility with one or more of the following: underground storage tank(s), aboveground storage tank(s), hazardous substances at regulated quantities, or stormwater infiltration ~~unit(s)~~ facility subject to regulation under Section 13.09.080 of this chapter.

~~HHH~~. “Release” means intentional or unintentional entry, spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of a hazardous substance, as defined in this section, into the environment and includes the abandonment or discarding of barrels, containers, and other receptacles containing hazardous substances. Should the definition of “release” in RCW 70.105D.020(20) be amended from time to time, then such amendment is incorporated herein by reference as if set forth at length.

~~HHI~~. “Release detection” means a method or methods of determining whether a release or discharge of a hazardous substance has occurred from a regulated facility into the environment.

~~KKJJ~~. “Retail business use” means a use in which individually packaged products or quantities of hazardous substances are rented or sold at retail to the general public and are intended for personal or household use.

~~LLKK~~. “Solid waste” means all putrescible and non-putrescible solid and semi-solid waste, including, but not limited to, garbage, rubbish, ashes, industrial waste, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

~~MMLL~~. “Stormwater” means water derived from a storm event or conveyed through a storm system that portion of precipitation, including snowmelt, that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a receiving water or stormwater facility.

~~NNMM~~. “Stormwater infiltration ~~unit~~facility” means ~~an impoundment, typically a pond, trench, or bio-infiltration swale which collects stormwater and allows it to percolate into surrounding soil a component of the stormwater system designed to fully or partially infiltrate stormwater runoff into the native underlying soils.~~

~~OO NN~~. “Substantial modifications” means the construction of any additions to an existing facility, or restoration, refurbishment, or renovation which:

1. Increases or decreases the in-place storage capacity of the facility;
2. Alters the physical configuration;
3. Impairs or affects the physical integrity of the facility or its monitoring systems; or
4. Alters or changes the designated use of the facility.

~~PPOO~~. “Surface water” means water that flows across the land surface, in natural channels not considered a stormwater conveyance system, or is contained in depressions in the land surface, including but not limited to wetlands, ponds, lakes, rivers, and streams.

~~QQPP~~. “Tank” means a stationary device designed to contain an accumulation of hazardous substances, and which is constructed primarily of non-earthen materials to provide structural support.

~~RRQQ~~. “Temporary closure” means to take a tank out of service for more than one month and less than one year.

~~SSRR~~. “TMC” means the Tacoma Municipal Code.

~~SS~~. “TPCHD” means the Tacoma-Pierce County Health Department.

TT. “Underground storage tank” means any one or a combination of tanks (including underground pipes connected thereto) which are used to contain or dispense an accumulation of hazardous substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. Specific exemptions to this definition are contained in Section 13.09.090 TMC.

UU. “Violation” means an act or omission contrary to the requirement of the chapter, and includes conditions resulting from such an act or omission.

13.09.050 General provisions.

* * *

C. Development and Adoption of Technical Standards. The ~~Department~~TPCHD shall hereafter maintain a document entitled “General Guidance and Performance Standards for the South Tacoma Groundwater Protection District” (hereinafter referred to as the “General Guidance and Performance Standards”). These standards shall prescribe the minimum acceptable best management practices and design solutions which are consistent with the requirements of this chapter. This document, to the extent that it assists in meeting the purposes and intent of this chapter and the Critical Areas Preservation Ordinance, is incorporated herein as though fully set forth. This document is available from the ~~Department~~TPCHD. Periodically, the ~~Department~~TPCHD shall review these standards to assure that improvements in technology are considered and that the standards are consistent with this chapter.

D. Permits. Applications for permits as required in Section 13.09.080 shall be filed with the ~~Health Department~~TPCHD. Application forms shall contain information prescribed by the ~~Department~~TPCHD.

E. Fees. At the time of filing such application, the applicant shall pay a fee in an amount sufficient to pay the costs of issuing the permits and conducting an initial and one follow-up inspection under this chapter. Fees for permits, permit renewals, and other services rendered under this program shall be included in the Department’s fee schedule, as approved annually by the Tacoma-Pierce County Board of Health. The approved fee schedule is available from the Department.

F. Cost Recovery. In the event that violations of this chapter require the Director to spend more time (Including but not limited to repeat inspections, spill response, remedial action plan review, or other enforcement actions) at a regulated facility than anticipated in the permit fee, permit renewal fee, or other properly established fee, the ~~Department~~TPCHD may bill such additional time to the regulated facility at an hourly rate approved annually by the Tacoma-Pierce County Board of Health. Such a bill shall be accompanied by a detailed description of the time and activities for which the regulated facility is being billed. Failure to pay cost-recovery bills shall be considered a violation of this chapter.

13.09.060 Prohibited uses.

A. The following “high-impact” uses of land shall hereafter be prohibited from locating within the boundaries of the South Tacoma Groundwater Protection District. Exceptions will be considered by Planning and Development Services, in consultation with the ~~Department~~TPCHD, only upon conclusive demonstration that the ~~application of new or improved~~

technology high-impact use will result in no greater threat to the groundwater resource than that posed by a compliant nonprohibited use.

* * *

The above high impact uses should be periodically revised, updated, and amended, as appropriate, by Planning and Development Services or its successor agency in consultation with the DepartmentTPCHD in order to take into account other potential high impact uses or improvements in technology, pollution control, and management.

B. Permanent or temporary storage of hazardous substances on sites with permeable-pervious surfaces, the disposal of hazardous substances, and the disposal of solid waste is prohibited, unless such discharge or disposal is specifically in accordance with a valid discharge permit, is approved for discharge into the City's municipal wastewater system pursuant to Chapter 12.08 of the Tacoma Municipal Code as may be amended from time to time or is conducted in compliance with the requirements of a solid waste handling permit issued by the DepartmentTPCHD.

13.09.070 Stormwater infiltration.

A. ~~Stormwater infiltration units used to receive storm water from any street, paved parking area or other pollution generating impervious surface are prohibited; however, if a business requests to infiltrate under the Exceptions Process outlined in the City of Tacoma Surface Water Management Manual Volume I, Chapter 3.1 as may be amended from time to time and in the opinion of the City of Tacoma Environmental Services Department, or its successor agency, no other reasonable alternative exists to manage stormwater runoff from the site, then the Environmental Services Department, with concurrence of the Department, may approve such private stormwater management system subject to building permit review and approval of a design by a licensed professional engineer.~~ Stormwater from pollution-generating surfaces may be allowed to infiltrate under specific circumstances and may be subject to additional treatment and monitoring requirements as described in City Policy ESD17-1, "South Tacoma Groundwater Protection District Infiltration Policy," dated January 9, 2017, or as hereafter amended from time to time. If a property owner proposes to infiltrate and in the opinion of the City of Tacoma Environmental Services, or its successor agency, infiltration would be an appropriate and reasonable stormwater management technique for the site, then Environmental Services, with concurrence of the TPCHD, may approve the stormwater management system subject to construction permit review and approval of a design by a licensed professional engineer.

B. ~~If approved, stormwater infiltration unit design standards shall include sampling ports and assurance that the regulated facility shall allow periodic sampling by the Environmental Services Department and/or Tacoma Public Utilities or their successor agencies. If approved, additional and/or more restrictive design criteria, treatment, monitoring, and permitting requirements may be imposed upon the facilities. A Covenant and Easement Agreement to allow for periodic inspection and/or sampling of a regulated facility will be required for private facilities. Sampling may be performed by Environmental Services, Tacoma Public Utilities, or the TPCHD. The Covenant and Easement Agreement shall be recorded to the property title.~~

C. Facilities with onsite stormwater infiltration ~~units on site~~facilities will be regulated facilities within the South Tacoma Groundwater Protection District. Such regulated facilities will be permitted and receive ~~biennial~~ inspections by the DepartmentTPCHD, Environmental Services, or Tacoma Public Utilities to verify maintenance of the ~~unit~~facility, business practices, ~~and/or~~ other requirements outlined in the General Guidance and Performance Standards.

D. Existing stormwater infiltration ~~units~~facilities installed before December 31, 2006, shall be exempt from the requirements of this section, except that a change of use or change of ownership shall trigger review ~~pursuant to TMC 13.09.070(F) and additional requirements, as appropriate.~~

~~E. Facilities with stormwater infiltration units shall have formal notification on their business license of the on-site stormwater infiltration unit.~~

~~FE.~~ If ownership or site operations change at a facility with a stormwater infiltration ~~unit~~facility, the new operations shall be reviewed by ~~the~~ Environmental Services ~~Department~~ and the DepartmentTPCHD, or their successor agencies, to ensure continued use of the stormwater infiltration ~~unit~~facility does not present a risk to groundwater quality ~~prior to the Tax & License Division of the Finance Department issuing a new business license.~~ If continued use of the stormwater infiltration ~~unit~~facility is not acceptable under the new operations, a new private stormwater management system and/or public storm system extension and connection may be required to be designed and constructed ~~pursuant to city development standards~~the City of Tacoma Stormwater Management Manual to permit new operations on the site.

13.09.080 Permits – Construction, modification, operation, change in use

A. It is a violation of this chapter for any person to construct, install, substantially modify, or change the use of a facility or regulated facility as defined herein, or part thereof, without a valid permit or authorization issued by or acceptable to the DepartmentTPCHD. A permit issued for a facility will include appropriate conditions and limitations as may be deemed necessary to implement the requirements of this chapter.

B. It is a violation of this chapter for any person to use, cause to be used, maintain, fill, or cause to be filled any facility with a hazardous substance without having registered the facility on forms provided by the [DepartmentTPCHD](#) and without having obtained or maintaining a valid permit issued by the [DepartmentTPCHD](#) to operate such facility or part thereof.

C. No permit or authorization to operate a regulated facility as required herein shall be issued by the [DepartmentTPCHD](#) or shall be satisfactory to the [DepartmentTPCHD](#) unless and until the prospective permittee, at a minimum:

1. Provides a listing to the [DepartmentTPCHD](#) of all of the hazardous substances and amounts to be stored, used, or handled at the facility; and
2. Demonstrates that the facility complies with all the provisions of this chapter and the standards set forth in the General Guidance and Performance Standards.

D. It is a violation of this chapter for any person in possession of or acting pursuant to a permit or authorization issued to allow or cause another person to act, in any matter contrary to any provision of said permit or authorization.

13.09.090 Exemptions.

The following facilities shall be exempt from all provisions of this chapter:

A. Any handling, storing, disposing, or generating of 220 pounds (100 kilograms) or less of a hazardous substance per month or batch, unless specifically ruled otherwise by the [DepartmentTPCHD](#) on a case-by-case basis. ~~Note: (Refer to 13.09.040.R for definition of hazardous substances.)~~

* * *

K. Any small quantity of hazardous substance intended solely for personal use, unless specifically ruled otherwise by the [DepartmentTPCHD](#) on a case-by-case basis, in accordance with the General Guidance and Performance Standards.

13.09.100 Hazardous substance storage and management.

Owners and operators of regulated facilities shall as applicable:

- A. Store hazardous substances in a container that is in good condition.
- B. Label containers in a manner that adequately identifies the major risk(s) associated with the contents of the containers. Labels shall not be obscured, removed, or otherwise unreadable.
- C. Remove or destroy labels from empty containers that will no longer be used for hazardous substance storage and label containers as "Empty" or otherwise provide clear indication acceptable to the [DepartmentTPCHD](#) that the containers are not useable.

* * *

I. At closure of the facility, all hazardous substances and residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous substances or residues must be decontaminated or removed to the satisfaction of the [DepartmentTPCHD](#).

J. Ensure that business practices and stormwater infiltration ~~unit~~[facility](#) maintenance minimizes potential releases of hazardous substances to the environment.

The [DepartmentTPCHD](#) may require additional storage and management requirements on a case-by-case basis as deemed necessary to reduce risks to public health and safety and to the existing groundwater supply.

13.09.110 Underground storage tanks.

* * *

C. Underground Storage Tank Closures.

1. No person shall abandon or close an underground storage tank, temporarily or otherwise, except as provided in this subsection and in compliance with the General Guidance and Performance Standards and the [Department'sTPCHD's](#) UST regulation (BOH Resolution 88-1056, as may be amended from time to time).
2. An underground storage tank that is temporarily closed, but that the operator intends to return to use within one year, shall continue to be subject to all the permit, corrosion protection, and release detection requirements of this chapter and those established pursuant to the General Guidance and Performance Standards. If the underground storage tank is out of service for more than one year the [DepartmentTPCHD](#), in consultation with the regulated facility owner or operator, will determine whether to implement final closure of the tank or grant an additional one-year period of temporary closure. The [DepartmentTPCHD](#) will not allow an underground storage tank at a regulated facility to exist in a temporary closure state for a period greater than two years.
3. No person shall close an underground storage tank unless the person undertakes all of the following actions:
 - a. Notifies the [DepartmentTPCHD](#) and other appropriate agencies at least 60 days in advance of any closing and obtains the proper authorization or permit according to the Board of Health Resolution 88-1056, as may be amended from time to time.

- b. Demonstrates to the [DepartmentTPCHD](#) that all residual amounts of the hazardous substance which were stored in the tank prior to its closure have been removed and properly disposed.
- c. Permanently removes the tank unless the tank is located under a permanent building and cannot be removed without removing the building.

13.09.120 Aboveground storage tanks.

* * *

B. Existing Aboveground Storage Tanks.

1. It shall be a violation of this chapter to substantially modify or cause the substantial modification of any existing aboveground storage facility or part thereof without obtaining a permit or authorization from the [DepartmentTPCHD](#) and the Fire Department and without complying with the provisions of this section and the General Guidance and Performance Standards.
2. Inspections, release detection, and corrective action requirements for aboveground storage tanks shall be followed as set forth in this chapter and the General Guidance and Performance Standards.

C. Aboveground Storage Tank Closures.

1. No person shall abandon or close an aboveground storage tank, temporarily or otherwise, except as provided in this section and in compliance with the General Guidance and Performance Standards.
2. No person shall close an aboveground storage tank unless the person demonstrates to the [DepartmentTPCHD](#) that all residual amounts of the hazardous substance that were stored in the tank prior to its closure have been removed and properly disposed.

13.09.130 Inspections and testing.

A. Any owner or operator of a regulated facility shall, upon request of any representative of the [DepartmentTPCHD](#), the Environmental Services Department, or the Tax and License Division of the Finance Department, or their successor agencies whose duties entail enforcing the provisions of this chapter, furnish information relating to the regulated facility, conduct monitoring or testing, and permit such representative to have access to and to copy all records relating to the hazardous substances or stormwater infiltration ~~unit-facility~~ at all reasonable times. For the purpose of implementing this chapter including determining whether a facility is a regulated facility, representatives of the above-referenced departments are hereby authorized to:

1. Enter at reasonable times any ~~facilityproperty~~, regulated facility, establishment or other place where tank(s) or hazardous substances in regulated quantities, or stormwater infiltration ~~units-facilities~~ are located;
2. Inspect and obtain samples of any known or suspected hazardous substances at the facility; and
3. Conduct monitoring or testing of the tanks and/or hazardous substances containers, associated equipment, contents, or surrounding soils, air, surface water, stormwater or groundwater.

B. During inspections the [DepartmentTPCHD](#) will, to the degree practical, provide education and technical assistance and work cooperatively to help the regulated facility's owner or operator achieve voluntary compliance before initiating enforcement action, imposing penalties, or seeking other remedies.

C. Each inspection shall be commenced and completed with reasonable promptness. If the above-referenced department representative obtains any samples prior to leaving the premises, he or she shall give to the owner or operator a receipt describing the sample(s) obtained and, if requested, a portion of each sample equal in volume or weight to the portion retained. If any analysis is made of the sample(s), a copy of the results of the analysis shall be furnished promptly to the owner or operator. Copies of [Department-TPCHD](#) inspection forms and reports will be provided to the regulated facility owner or operator upon request.

D. In addition to, or instead of, the inspections specified in subsection A above, the [DepartmentTPCHD](#) may require the owner or operator of an underground storage tank or aboveground storage tank to employ, periodically, a service provider certified by the International Code Council to conduct an audit or assessment of the tank(s) to determine whether the facility complies with the design and construction standards of subsection 13.09.110 (Underground Storage Tanks) and 13.09.120 (Aboveground Storage Tanks), whether the owner or operator has monitored and tested the tank required by his permit, and whether the tank is in a safe operating condition. The inspector shall prepare an inspection report with recommendations concerning the safe storage of hazardous substances at the regulated facility. The report shall contain recommendations consistent with the provisions of this chapter where appropriate. A copy of the report shall be filed with the [DepartmentTPCHD](#) at the same time the inspector submits the report to the owner or operator of the regulated facility. The owner or operator shall file with the [Department-TPCHD](#) a plan to implement all recommendations contained in the report, along with any additional requirements imposed by the [DepartmentTPCHD](#) within 30 days after receiving the report or within 30 days of receiving additional requirements imposed by the [DepartmentTPCHD](#), whichever is later. Alternatively, the owner

or operator may demonstrate within the same period, to the satisfaction of the [DepartmentTPCHD](#), why one or more of these recommendations should not be implemented.

13.09.140 Spill prevention and management.

A. Owners and operators of regulated facilities including businesses, wholesale distributors, processors, and manufacturers must adopt and comply with appropriate spill or leak prevention and management practices in accordance with the General Guidance and Performance Standards. Regulated facilities will be evaluated by the [DepartmentTPCHD](#) during initial and subsequent inspections (not less frequently than biennially) in response to spills or releases to the environment, or as a result of substantial modification or changes in operation to determine if additional requirements are necessary to comply with appropriate spill prevention and management standards.

* * *

13.09.150 Release reporting, investigation, corrective actions.

A. Release Reporting. The owners and operators of a regulated facility shall report within 24 hours, unless otherwise indicated:

1. All belowground releases of a hazardous substance in any quantity, including:

* * *

d. Other conditions as may be established by the [DepartmentTPCHD](#) and incorporated into the General Guidance and Performance Standards.

The [DepartmentTPCHD](#), in administering and enforcing this section, may, if appropriate, take into account types, classes, and ages of underground storage tank(s). In making such distinctions, the [DepartmentTPCHD](#) may take into consideration factors including, but not limited to: location of the tank(s), soil conditions, use of the tank(s), history of maintenance, age of the tank(s), current industry-recommended practices, hydrogeology, water table, size of the tank(s), quantity of hazardous substance periodically deposited in or dispensed from the regulated facility, the technical capability of the owners and operators, the compatibility of the hazardous substance, and the materials of which the tank(s) is fabricated.

2. All above-ground releases of petroleum to land in excess of 25 gallons, or less than 25 gallons if the release reaches a pervious surface or drain or the owners and operators are unable to contain or clean up the release within 24 hours.

3. All above-ground releases which result in a sheen on the surface water or stormwater.

4. All above-ground releases to land or surface waters of hazardous substances other than petroleum in excess of the reportable quantity established under 40 CFR 302 as may be amended from time to time for the released substance shall be reported immediately.

5. Any known or suspected discharge of hazardous substance to a stormwater infiltration ~~unit~~facility.

6 The owners or operators shall provide, within 30 days, any additional information on corrective action as may be required by the [DepartmentTPCHD](#) and referenced in the General Guidance and Performance Standards.

B. Investigation and Confirmation.

Unless corrective action is initiated by the owner or operator or is otherwise directed by the [DepartmentTPCHD](#), all suspected releases requiring reporting, as set forth above, must be immediately investigated by the owner or operator using an appropriate procedure as set forth by the [DepartmentTPCHD](#) in accordance with the General Guidance and Performance Standards. Such procedures may include, but shall not be limited to, the following:

* * *

C. Corrective Action.

All owners or operators of a regulated facility shall, in response to a suspected or confirmed release, comply with the directives and requirements of the [DepartmentTPCHD](#) in accordance with the General Guidance and Performance Standards.

D. A report to the [DepartmentTPCHD](#) shall not be deemed compliance with any reporting requirements of any federal or state law.

13.09.160 Recordkeeping.

A. A regulated facility must maintain written records of the following:

1. Hazardous Waste Disposal Records. Hazardous waste disposal records documenting proper disposal must be retained for at least five years from the date the waste was accepted by the transporter. Records may include but are not limited to manifests, bills of lading, and receipts. (Note: The [DepartmentTPCHD](#) encourages businesses to retain hazardous waste disposal or recycling records indefinitely.)

* * *

6. Stormwater Infiltration [Unit\(s\)Facility](#) Records. Operation and maintenance inspections by owner or stormwater management professionals.

B. Any other recordkeeping requirement that may be required by a permit issued pursuant to this chapter or as established in the General Guidance and Performance Standards.

1. All records required by this subsection must be maintained:

- a. On-site and be immediately available for inspection; or
- b. At a readily available alternative site and be provided for inspection by the [DepartmentTPCHD](#) within 24 hours; and
- c. Retained for no less than five years, unless otherwise specified.

C. All records and information are subject to public disclosure unless protected from disclosure by RCW 42.17.310 as may be amended from time to time, RCW 19.108 et seq., or other state or federal law.

Excavation operations within the boundaries of this district shall be subject to the permit requirements and standards contained in Section 3.06.040 or 2.02.480 of the City Code as considered appropriate.

13.09.170 Waivers.

Any person may apply to the [DepartmentTPCHD](#) for a waiver of any requirement imposed by this chapter or any regulation, standard, or ruling generated hereunder; provided, that the waiver request does not conflict with any other local, State, or Federal requirement. In determining whether a waiver is appropriate, the [DepartmentTPCHD](#) shall require an applicant to demonstrate by clear and convincing evidence that, because of special circumstances, not generally applicable to other property or facilities, including size, shape, design, topography, location, or surroundings, the application of the standards of this chapter would be unnecessary to adequately protect the soil and groundwaters of the South Tacoma Groundwater Protection District from an unauthorized release, or that strict application would create practical difficulties not generally applicable to other facilities or properties, and that the proposed alternative method or process will still adequately protect the soil and groundwaters of the South Tacoma Groundwater Protection District.

13.09.180 Deferral.

The [DepartmentTPCHD](#) may, at its discretion, elect to defer enforcement of specific South Tacoma Groundwater Protection District requirements if other state, local, or federal regulations or permits provide an equivalent or superior level of environmental protection. Such deferrals shall be subject to periodic review by the [DepartmentTPCHD](#) and may be revoked or modified upon a finding that an equivalent or superior level of environmental protection is no longer provided.

13.09.190 Enforcement Responsibility.

It shall be the duty of the [TPCHD](#) Director to enforce and administer the provisions of this chapter, except that:

- a. It shall be the duty of the Director of the Environmental Services Department, or ~~his/her~~ designee, to enforce the specific provisions of Section 13.09.~~060070~~ of this chapter.
- b. It shall be the duty of the Tax and License Division of the Finance Department of the City or any successor department to suspend or revoke a business license when deemed necessary by the [DepartmentTPCHD](#) and the Tax and License Division pursuant to Section 13.09.260(b) of this chapter.
- c. It shall be the duty of the Legal Department of the City or any successor department to enforce the criminal penalties as set forth in section 13.09.250 of this chapter.

* * *

13.09.210 Administrative Review.

A. Any person to whom a Notice of Violation or civil penalty has been issued may request an administrative review of the Notice of Violation or civil penalty.

B. A request for an Administrative Review shall be filed with the [DepartmentTPCHD](#) no later than 14 days following the date of the Notice of Violation or the first assessed civil penalty. The request shall be in writing and shall state the reasons the Director should review the Notice of Violation or issuance of the civil penalty. Failure to state a basis for the review shall be cause for dismissal of the review.

C. Following review of the information provided the Director shall determine whether a violation occurred. The Director may affirm, vacate, suspend, or modify the Notice of Violation or the amount of any monetary penalty assessed. The Director's written decision shall be delivered to the appellant by first-class mail and by certified mail, return-receipt requested.

13.09.220 Appeals.

A. Procedures for appeals to the Tacoma-Pierce County Board of Health's Hearing Examiner from any ruling or decision of the [DepartmentTPCHD](#) pursuant to this Chapter shall be taken in accordance with Tacoma-Pierce County Board of Health Resolution No. 2002-3411 as may be amended from time to time.

B. Procedures for appeals to the City of Tacoma Hearing Examiner from any ruling or decision by the Director of Planning and Development Services or the Tax and License Division shall be taken in accordance with Chapter 1.23 TMC as may be amended from time to time.

C. Criminal appeals may be taken in accordance with the law.

13.09.230 Penalties.

Any person responsible for a violation shall be subject to civil and/or criminal (misdemeanor) penalties or additional enforcement procedures on each offense. Each day that a violation continues, or that a person responsible for a violation fails to comply with any of the provisions of this Chapter or refuses or neglects to obey any of the orders, rules or regulations issued by the ~~Department~~[TPCHD](#) or the Tacoma-Pierce County Health Department Board of Health may be considered a separate violation. Imposition of penalties or other enforcement action under this Chapter does not preclude other violations or penalties of law that may be available pursuant to various Federal and State statutes or other laws.

13.09.240 Civil Penalty.

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C. Collection of monetary penalties

1. The monetary penalty constitutes a personal obligation of the person to whom a Notice of Violation is directed. Any monetary penalty assessed must be paid within 10 calendar days from the date of notice from the ~~Department~~[TPCHD](#) that penalties are due.

* * *

13.09.260 Other Remedies.

The ~~Department~~[TPCHD](#) reserves the right to pursue other remedies in order to reduce or eliminate threats to the groundwater resource from improper handling, storage, and disposal of hazardous substances by regulated businesses. Pursuit of other remedies shall generally be reserved for instances in which civil penalties have not been or are deemed unlikely to be effective.

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Chapter 13.12

ENVIRONMENTAL CODE

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13.12.570 Archaeological, Cultural, and Historic Resources.

A. This section sets forth provisions for addressing archaeological, cultural, and historic resources for projects located within the Downtown Tacoma Regional Growth Center [and within the Tacoma Mall Neighborhood Regional Growth Center](#) in areas where a Subarea Plan and a companion area-wide, non-project Environmental Impact Statement (“EIS”) have been completed. The Planning and Development Services Department will use this process and any required assessments to evaluate potential impacts and assist in identifying and establishing appropriate mitigation measures.

* * *

13.12.580 Traffic Impact Assessment.

A. Purpose and Applicability.

1. This section sets forth provisions for Traffic Impact Assessments for projects located within the Downtown Tacoma Regional Growth Center [and within the Tacoma Mall Neighborhood Regional Growth Center](#) in areas where a Subarea Plan and a companion area-wide, non-project Environmental Impact Statement (“EIS”) have been completed. Transportation impacts generally relate to the size of the development, the number of trips generated, and their effect on local and state streets and transportation facilities, transit operations, freight, and pedestrian and bicycling facilities and operations.

* * *

C. Traffic Impact Assessments. Transportation information is required to be prepared and submitted to the Public Works Department at the time of permit intake. If such information is not submitted, the Public Works Department may delay completing the application process until such time as the information is made available. After the application is accepted, permit review by Public Works Department staff may result in a request for additional information, which will be detailed in a correction notice. The type and extent of analysis required, which is outlined below, is based on the project size, as follows:

<u>DOWNTOWN TACOMA RGC</u>		
<u>USE</u>	<u>“Level 1” Analysis</u>	<u>“Level 2” Analysis</u>
Residential	100 to 199 dwelling units	Over 199 dwelling units
Commercial	30,000 – 59,999 sq. feet	Over 59,999 sq. feet
If the residential unit count in a mixed-use development is less than the listed size ranges, but the non-residential use exceeds 20,000 square feet:	20,000 – 59,999 sq. feet	Over 59,999 sq. feet

<u>TACOMA MALL NEIGHBORHOOD RGC</u>		
<u>USE</u>	<u>“Level 1” Analysis</u>	<u>“Level 2” Analysis</u>
Residential	Development that exceeds SEPA categorical exemptions as defined in TMC 13.12.310	Over 199 dwelling units
Commercial		Over 59,999 sq. feet
Mixed-use or industrial		Over 59,999 sq. feet
Large block developments as defined in TMC13.06.660 Site Approval.	Optional: Analyze Site Approval connections as part of TIA	Required: Analyze Site Approval connections as part of TIA

1. Level 1: The following information must be provided by a qualified expert in the form of a transportation impacts study:
- a. Number of additional daily vehicle trips generated by the development as calculated using the ITE Trip Generation Manual, 8th Edition or successor edition.
 - b. Number of additional “peak hour” vehicle trips generated by the development in the afternoon peak hours as calculated using the ITE Trip Generation Manual, 8th Edition or successor edition.
 - c. The proposed ingress/egress routes, such as alleys and streets, on which vehicles will enter and leave the site’s parking garage or lot, and whether or not new curb-cuts will be proposed.
 - d. An estimate of what proportion of the development’s traffic is likely to use which streets.
 - e. Identify whether the nearest intersections are controlled by stop signs, traffic lights, or other form of traffic control.
 - f. Describe existing pedestrian and bicycle facilities in the immediate site vicinity, using the City’s [Mobility Master Comprehensive Plan](#).
 - g. Describe any pedestrian or bicycle facility improvements proposed.
 - h. Describe any impacts to state highways.
 - i. Summarize relationships and potential for impacts to transit service, passenger rail, and non-motorized facilities in the site vicinity, and traffic safety, to the extent affected by the proposed development.
 - j. Assessment of existing transportation network conditions, level of service, planned capital improvement projects, and potential effect on mode choice shift in the Subarea.
 - k. Additional information determined by the Public Works Department to be necessary to identify the impacts of the proposal and to determine the appropriate mitigation actions pursuant to City policies and standards.

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Chapter 13.18

AFFORDABLE HOUSING INCLUSIONARY DEVELOPMENT AREAS

Sections:

13.18.010 Purpose.

13.18.020 Incentives and standards.

13.18.030 Target Area designation.

13.18.010 Purpose.

A. The Growth Management Act (“GMA”) requires Tacoma to make adequate provisions for existing and projected housing needs of all economic segments of the community. This chapter designates areas where affordable housing is a high priority due to one or more factors, including a risk of involuntary displacement of current residents, or a deficit in affordable housing supply to adequately meet the community’s or future housing needs, and where the City’s growth vision creates opportunities to meet housing goals. By designating affordable housing target areas, the City can prioritize and target inclusionary zoning and other actions to effectively meet the community’s housing needs.

13.18.020 Incentives and standards.

The following incentives and standards are applicable within designated affordable housing target areas:

1. The inclusionary housing requirement and a range of housing incentives set forth in Tacoma Municipal Code (“TMC”) 1.39, Affordable Housing Incentives and Bonuses Administrative Code.

13.18.030 Target Area designation.

A. Criteria. Following a public hearing, the City Council may, in its sole discretion, designate one or more affordable housing target areas. Each designated area must meet the following criteria, as determined by the City Council:

1. The target area has a demonstrated affordable housing need, such as a current deficiency of affordable housing supply to meet community demand; a risk of involuntary displacement due to increasing housing costs; or projected future need for housing affordability to serve planned residential growth.

2. The target area is designated for substantial residential or mixed-use development, has ample development capacity to accommodate growth, benefits from market conditions conducive to high-density development, and provisions are in place to ensure that growth will be consistent with the community’s vision for the area, will be served by adequate infrastructure and services, and will benefit from transportation options and neighborhood amenities.

3. The City shall provide for increased development capacity and other incentives to promote the construction and offset the cost of affordable housing development, consistent with RCW 36.70A.540, which establishes the legal basis for affordable housing incentives and requirements.

B. Designated Affordable Housing Inclusionary Areas. The proposed “affordable housing target areas” are included herein:

<u>Target Area</u>	<u>Future Land Use Designation</u>	<u>Development incentives</u>	<u>Effective Date</u>
<u>Tacoma Mall Neighborhood Subarea: Madison District Inclusionary Housing Pilot Area</u>	<u>Regional Growth Center</u>	<u>Maximum height increase; Financial incentives</u>	<u>May 27, 2018</u>