



ORDINANCE NO. 28088

1 AN ORDINANCE relating to the Land Use Regulatory Code; amending
2 Chapters 13.06, 13.06A, and 13.12 of the Tacoma Municipal Code to
3 allow greater flexibility for infill development and the reuse of existing
4 buildings, and to streamline the City's building and environmental review
5 processes, as recommended by the Planning Commission.

6 WHEREAS the City wishes to restore vibrancy and increase activity in
7 neglected and underutilized areas in the City's commercial centers by reducing
8 barriers to the reuse of existing buildings and encouraging infill development,
9 thereby encouraging the renovation of blighted areas in the City by allowing
10 buildings that might otherwise remain vacant to be reused and improved, and

11 WHEREAS Chapter 13.02 of the Tacoma Municipal Code ("TMC")
12 details the procedures and criteria for amending the Land Use Regulatory Code
13 ("Code"), including review of potential amendments by the Commission and City
14 staff, and the requirement that potential amendments be subject to a public
15 review process, and

16 WHEREAS the Planning Commission ("Commission") circulated
17 proposed amendments to the Code, drafted by Community and Economic
18 Development staff, related to home occupation standards, parking exemptions,
19 and environmental review thresholds, and then evaluated those proposed
20 amendments for potential benefits and impacts, alternatives, and consistency
21 with existing plans and laws, and

22 WHEREAS the Commission finalized the proposed amendments and
23 recommended them to the City Council on August 1, 2012, after completion of
24



its review process, which included a hearing to receive public testimony on the proposed amendments on July 18, 2012, and

WHEREAS the Commission recommends the following amendments to the Code: (1) amending Chapter 13.06 TMC to create a parking exemption for commercial districts outside of the Downtown and Mixed-Use Districts that allows for a change of use without requiring additional parking to be provided, and to expand the standards for home occupation to include those found in Section 13.06A.050 TMC; (2) amending Chapter 13.06A TMC to create regulations for "live/work" and "work/live" uses in the Downtown and Mixed-Use Districts that will relax requirements related to parking, use permits, and expansion and improvement of living and working spaces; and (3) amending Chapter 13.12 TMC to formally raise the State Environmental Policy Act ("SEPA") review thresholds, as already authorized on an interim basis by Resolution No. 38499, adopted on June 12, 2012, in order to streamline the City's building and SEPA review process, thereby allowing greater attention to a smaller number of projects in need of review and accordingly enhancing economic development, and

WHEREAS the proposed amendments will encourage development by creating flexibility that provides opportunities to fill vacant buildings and change uses in occupied buildings, and



WHEREAS the proposed amendments will encourage economic activity
as small businesses will have more incentive to locate in vacant or underutilized
buildings, and will reduce environmental impacts as more structures are reused
instead of demolished, and

WHEREAS, pursuant to TMC 13.02.045, the City Council held a public
hearing on the proposed amendments on August 28, 2012, and

WHEREAS, on September 11, 2012, the Economic Development
Committee reviewed and considered the public comments provided to Council
at the public hearing, and the proposed amendments received a "do-pass";

Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 13.06 of the Tacoma Municipal Code is hereby
amended, as set forth in the attached Exhibit "A."

Section 2. That Chapter 13.06A of the Tacoma Municipal Code is hereby
amended, as set forth in the attached Exhibit "B."

Section 3. That Chapter 13.12 of the Tacoma Municipal Code is hereby
amended, as set forth in the attached Exhibit "C."



Section 4. That this ordinance shall become effective as provided by law.

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Passed SEP 25 2012


Mayor

Attest:


City Clerk

Approved as to form:

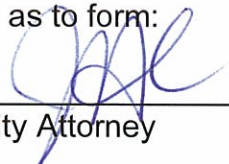

Deputy City Attorney



EXHIBIT "A"
2012 CODE STREAMLINING AMENDMENT

Amendments to the Land Use Regulatory Code – Chapter 13.06

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

Chapter 13.06
ZONING

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13.06.300 Mixed-Use Center Districts.

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D. Land use requirements.

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

2. Use table abbreviations.

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

3. District use table.

Uses	NCX	CCX	UCX	UCX-TD	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
* * *										
Heliport	N	N	N	N	N	CU	CU	N	N	
Home occupation	P	P	P	P	P	P	P	P	P	Home occupations shall be allowed in all X-Districts pursuant to the standards found in Sections <u>13.06.100.E</u> and <u>13.06A.050</u> .
* * *										

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13.06.510 Off-street parking and storage areas.

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

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

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

1. Off-street parking spaces - quantity. The quantity of off-street parking shall be provided in accordance with the standards of the tables below.

a. Fractions. Fractions resulting from required parking calculations will be rounded up or down to the nearest whole number.

b. Multiple uses. Where an establishment on a lot contains multiple types of uses, the required parking spaces shall be equal to the total spaces determined by computing each use type separately, except where specifically stated otherwise herein.

c. Use not listed. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the City Traffic Engineer. Such determination shall be based upon the requirements for the use specified in this section that is most nearly comparable to the unspecified use and traffic engineering principles and studies.

d. Historic buildings and sites. Structures and sites that are individually listed on the Tacoma Register of Historic Places shall be exempt from all parking quantity requirements. This provision does not apply to Historic Special Review District overlay zones.

e. For buildings in existence prior to the adoption of the Tacoma Municipal Code on May 18, 1953, no additional parking shall be required for changes in use. Existing parking that is above and beyond the current requirements may be removed, provided that the quantity of parking is not reduced below the current requirements for the use on the site. New development, including additions, shall provide parking as required.

f. In Commercial Districts (T, C-1, C-2, HM, and PDB), no additional parking shall be required for a change of use in a structure that existed prior to September 25, 2012. Existing parking that is above and beyond the current requirements may be removed, provided that the quantity of parking is not reduced below the current requirements for the use on the site. New development, including additions, shall provide parking as required.

g. If a new use would have required more parking before October 8, 2012, the accessible parking requirements shall be based on the standards in place before October 8, 2012, except in cases where, after consulting with the City's ADA coordinator, the Building Official approves an alternative to providing on-site accessible parking upon a determination that the alternative is reasonable in light of circumstances associated with the specifics of an individual site and the needs of people with disabilities.



EXHIBIT "B"

2012 CODE STREAMLINING AMENDMENT

Amendments to the Land Use Regulatory Code – Chapter 13.06A

These amendments show all of the changes to the *existing* text of the Downtown Tacoma Code. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

Chapter 13.06A

DOWNTOWN TACOMA

* * *

13.06A.050 Additional use regulations.

* * *

D. Live-Work.

1. Purpose and Intent: The purpose of this Section is to assist with the revitalization of Downtown Tacoma and the City's other Mixed-Use Centers and with the implementation of the City's Comprehensive Plan by facilitating additional economic activity in conjunction with residential uses. This will help to reduce vacant space as well as preserve Downtown's architectural and cultural past and encourage the development of a live-work and residential community Downtown, thus creating a more balanced ratio between housing and jobs in the region's primary employment center. This revitalization will also facilitate the development of a "24-hour city" and encourage mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels and transit services near each other. Adding a home occupation does not trigger change of use requirements under the City's land-use codes.

a. All legal residential uses within buildings lawfully in existence on September 25, 2012 in Downtown and the other mixed-use centers may, as a matter of right, add a home occupation pursuant to TMC 13.06.100 E without being subject to the limitation in TMC 13.06.100 E(6) that no employees outside the members of the family residing on the premises be involved in the home occupation.

b. No additional parking spaces are required.

c. Up to 10% of new floor area may be added, either internally or externally, for the purposes of creating living or working space without triggering a change in use.

d. External additions are exempt from all prescriptive design standards contained within TMC 13.06.300 and TMC 13.06A, but external additions shall be in conformance with the character of the existing building.

e. Non-conforming floor area, Floor Area Ratio (FAR), setbacks, height, and site landscaping are "grandparented in", meaning that a variance is not required for development that does not increase the degree of non-conformity.

f. Mezzanine spaces may be added so long as they do not exceed a 10% increase in floor area or one third the area of the floor below.

g. These provisions do not extend to adaptive reuses that involve more than 20 dwelling units or more than 12,000 square feet of commercial space in a particular building.

E. Work-Live.

1. Purpose and Intent: The purpose of this Section is to assist with the revitalization of Downtown Tacoma and the City's other Mixed-Use Centers and with the implementation of the City's Comprehensive Plan by facilitating the conversion of older, economically distressed, or historically significant buildings to work-live units. This will help to reduce vacant space as well as preserve Downtown's architectural and cultural past and encourage the development of a work-live and residential community Downtown, thus creating a more balanced ratio between housing and jobs in the region's primary employment center. This revitalization will also facilitate the development of a "24-hour city" and encourage mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels and transit services near each other. Adding a minor residential component to an existing or historic building does not trigger change of use requirements under the City's Land-use codes.

a. A work-live unit is a combined living and work unit that includes a kitchen and a bathroom. The residential portion of the unit, including the sleeping area, kitchen, bathroom, and closet areas, occupies no more than 33 percent of the total floor area of the legal non-residential use, and the living space is not separated from the work space. It must be located within buildings lawfully in existence on September 25, 2012 in Downtown or the other mixed-use centers.

b. The requirements for the "work-live" units are as follows:

i. The residential use must be clearly incidental and subordinate to the work space.

ii. Buildings containing "work-live" units shall not generate additional impacts to any greater extent than what is usually experienced in the surrounding area.

iii. The Land Use Administrator may attach additional conditions to permits that are required for "work-live" units to ensure that the criteria set forth above are met.

c. For the purposes of this chapter, a historic building is defined as follows:

Any building or structure that is listed in the State or National Register of Historic Places; or designated as a City Landmark under Chapter 13.07 of the Tacoma Municipal Code; or certified as a contributing resource within a National Register or Tacoma Register historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer, or with an opinion from the Tacoma Historic Preservation Officer that the property appears to meet the criteria for designation as a local landmark listed in Chapter 13.07 of the Tacoma Municipal Code.

d. No additional parking spaces are required.

e. Up to 10% of new floor area may be added, either internally or externally, for the purposes of creating living or working space without triggering a change in use.

f. External additions are exempt from all prescriptive design standards contained within TMC 13.06.300 and TMC 13.06A, but external additions shall be in conformance with the character of the existing building.

g. Non-conforming floor area, Floor Area Ratio (FAR), setbacks, height, and site landscaping are "grandparented in", meaning that a variance is not required for development that does not increase the degree of non-conformity.

h. Mezzanine spaces may be added so long as they do not exceed a 10% increase in floor area or one third the area of the floor below.

i. New roof structures shall not be considered as adding new floor area or trigger change of use requirements provided that: such structures are not used for living or working quarters; and, such structures are used solely for accessory uses or in conjunction with open space amenities.

j. Adding a "work-live" unit is not subject to density requirements in the underlying zone.

k. These provisions do not extend to adaptive reuses that involve more than 20 dwelling units or more than 12,000 square feet of commercial space in a particular building.

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EXHIBIT "C"

2012 CODE STREAMLINING AMENDMENT

Amendments to the Land Use Regulatory Code – Chapter 13.12

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

Chapter 13.12

ENVIRONMENTAL CODE

* * *

13.12.300 Purpose of this part and adoption by reference.

This section sets forth the proposed actions which are exempt from SEPA threshold determination and EIS requirements. Certain exemptions apply only to certain state agencies. In addition, the City has the authority to adopt certain flexible thresholds for proposals. This section describes those thresholds. It also incorporates the following sections of the *Washington Administrative Code* by reference:

- 197-11-800 Categorical exemptions.
- 197-11-810 Exemptions and ~~non~~e-exemptions applicable to specific state agencies.
- 197-11-820 Department of licensing.
- 197-11-825 Department of labor and industries.
- 197-11-830 Department of natural resources.
- 197-11-835 Department of fisheries.
- 197-11-840 Department of game.
- 197-11-845 Department of social and health services.
- 197-11-850 Department of agriculture.
- 197-11-855 Department of ecology.
- 197-11-860 Department of transportation.
- 197-11-865 Utilities and transportation commission.
- 197-11-870 Department of commerce and economic development.
- 197-11-875 Other agencies.
- 197-11-890 Petitioning DOE to change exemptions.

* * *

13.12.310 Flexible thresholds for categorical exemptions.

The City of Tacoma establishes the following exempt levels for minor new construction as allowed under WAC 197-11-800(1)(c), and RCW 43.21C.410 except when the action is undertaken wholly or partly on lands covered by water and the action requires a development permit under Chapter 13.11 of this title.

- A. The construction or location of any residential structure of ~~four or less~~ twenty or fewer dwelling units;
- B. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ~~10,000-30,000~~ square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;
- C. The construction of an office, school, commercial, recreational, service, or storage building with 12,000 square feet or less of gross floor area, and with associated parking facilities designed for no more than ~~20-40~~ automobiles;

D. The demolition of an office, school, commercial, recreational, service, or storage building with 12,000 square feet or less of gross floor area;

E. The construction of a parking lot designed for no more than ~~20~~40 automobiles;

F. Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

G. The construction of an individual battery charging station or an individual battery exchange station, that is otherwise categorically exempt shall continue to be categorically exempt even if part of a larger proposal that includes other battery charging stations, other battery exchange stations, or other related utility networks.

* * *



RECEIVED

SEP 12 2012

CITY CLERK USE ONLY

REQUEST FOR

☒ ORDINANCE ☐ RESOLUTION

Request #:


13329

Ord./Res. #:

28088

1. DATE: September 12, 2012

2. SPONSORED BY: COUNCIL MEMBER(S) N/A (If no sponsor, enter "N/A")

3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM Community and Economic Development Department	4a. CONTACT (for questions): Ian Munce	PHONE: 253-573-2478
3b. "DO PASS" FROM Economic Development Committee <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input type="checkbox"/> Did not go before a Committee	4b. Person Presenting: Peter Huffman	PHONE: 253-591-5373
3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD? <input type="checkbox"/> Yes, on <input checked="" type="checkbox"/> Not required	4c. ATTORNEY: Jeff Capell	PHONE: 253-591-5638
 Department Director/Utility Division	Budget Officer/Finance Director	City Manager/Director Utilities

5. REQUESTED COUNCIL DATE: September 18, 2012

(If a specific council meeting date is required, explain why; i.e., grant application deadline, contract expiration date, required contract execution date, public notice or hearing required, etc.)

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Adopting proposed revisions to Title 13 of the Tacoma Municipal Code (Land Use Regulatory Code) concerning Code Streamlining 2012, which includes: raising SEPA thresholds; expanding the flexibility inherent in a "home occupation" type of use to include "live-work" and "work-live"; and, a parking exemption for existing buildings in commercial districts.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

This is part of an effort to streamline the Land Use Regulatory Code to reduce barriers to infill development and the reuse of existing buildings. This includes three proposed code changes: raising SEPA thresholds; expanding the "home occupation" use to include "live/work" and "work/live"; and, a parking exemption for existing buildings. The proposed changes to the SEPA thresholds are in accordance with Resolution Number 38499, adopted by the City Council on June 12, 2012, which allowed the use of the higher thresholds for the period that this amendment is under public review. The proposed "live/work" and "work/live" uses would provide added flexibility in the Downtown and Mixed-Use Districts by relaxing requirements such as parking and limitations on employees when a residential use is added to a commercial space or vice versa. The proposed parking exemption would apply to changes of use within existing buildings that are located in commercial districts outside of the downtown and mixed-use districts. The exemption would allow a change of use without requiring additional parking to be provided.

The Planning Commission has completed its review through a public process, including a public hearing on July 18, 2012, and made its final recommendation regarding the proposed changes to the Land Use Regulatory Code on August 1, 2012. This topic will be on the agenda Economic Development Committee on September 11, 2012 at which time staff will request a "do-pass."

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REQUEST (CONT)

CITY CLERK USE ONLY

Request #:

13329

Ord/Res #:

28088

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material

All relevant documents, including the Planning Commission's findings and recommendation, the staff report and environmental review, and other associated documents, are available on the project website.

Location of Document

Community and Economic Development Department, see also:

www.cityoftacoma.org/planning (click on "Code Streamlining 2012")

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A. ☐ A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B. ☒ A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C. ☐ A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. SUSTAINABILITY: Does this request meet the City's Sustainability Priorities? (check all that apply)

- ☒ *Environment*: improve regional and local ecological well-being.
- ☒ *Equity*: promote meeting basic needs and equitable access to opportunities for all city residents.
- ☒ *Culture*: improve the cultural and quality of life for all citizens.
- ☒ *Economy*: contribute to economic development and serve as a responsible steward of public resources.

Describe how this request supports the above sustainability priorities.

The proposed changes to the Land Use Regulatory Code are intended to promote the adaptive reuse and retention of existing and historic structures by introducing new flexibilities and incentives into the code. The more existing buildings that are reused rather than demolished will equate to reduced environmental impacts. The proposed code changes will also encourage economic activities as small businesses would have more incentive to locate in buildings that are currently vacant or underutilized. In addition, the public hearing will provide more opportunity for community input and engagement regarding the proposed code changes.

11. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

12. FINANCIAL IMPACT: ☐ EXPENDITURE ☐ REVENUE

- A. ☒ NO IMPACT (NO FISCAL NOTE)
- B. ☐ YES, OVER \$100,000, Fiscal Note Attached
- C. ☐ YES, UNDER \$100,000, (NO FISCAL NOTE)

Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
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If an expenditure, is it budgeted? ☐ Yes ☐ No **Where? Cost Center:**

Acct #:

Ordinance No. 28088

First Reading of Ordinance: SEP 18 2012

Final Reading of Ordinance: SEP 25 2012

Passed: SEP 25 2012

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe	✓			
Mr. Campbell	✓			
Mr. Fey	✓			
Mr. Ibsen	✓			
Mr. Lonergan				✓
Mr. Mello	✓			
Ms. Walker	✓			
Ms. Woodards	✓			
Mayor Strickland	✓			

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe				
Mr. Campbell				
Mr. Fey				
Mr. Ibsen				
Mr. Lonergan				
Mr. Mello				
Ms. Walker				
Ms. Woodards				
Mayor Strickland				