



Preliminary Determination of Environmental Nonsignificance

City of Tacoma Live/Work and Work/Live Regulations Proposed Amendments to the Tacoma Municipal Code

SEPA File Number: SEP2015-40000249187

TO: All Departments and Agencies with Jurisdiction

SUBJECT: Preliminary Determination of Environmental Nonsignificance

In accordance with WAC 197-11-340, a copy of the Preliminary Determination of Environmental Nonsignificance for the project described below is transmitted:

Applicant: City of Tacoma
Planning and Development Services Department
747 Market Street, Room 345
Tacoma, WA 98402

Proposal:

The proposal would amend Tacoma Municipal Code (TMC), Chapters 13.06 – Zoning, and 13.06A – Downtown Tacoma in which modifications would be made to the live/work and work/live provisions within Section 13.06A.050. These provisions currently limit the applicability of such uses to buildings lawfully in existence on September 25, 2012 within downtown districts and mixed-use center districts. Furthermore, the existing code provides the following development flexibilities for these uses:

- No additional parking spaces are required;
- 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; and,
- 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.

The proposal would essentially remove the section from Chapter 13.06A – Downtown, and relocate it to a newly created section within Chapter 13.06 – Zoning. The new section – 13.06.570 – would be specific to live/work and work/live uses and would include a new iteration of the existing provisions so that such uses could be applied to new construction as well as zoning districts outside of Downtown Tacoma and the Mixed-Use Centers.

The proposal would retain the development flexibilities of the existing code, but only for buildings lawfully in existence prior to December 5, 1989 or for historic buildings as defined for the purposes of section 13.06A.050.

Copies of the complete text of the proposed permanent regulations are available from the Planning and Development Services Department at the below address and may also be viewed and downloaded at www.cityoftacoma.org/planning (click on “Live/Work & Work/Live Code Amendments”).

Location: City of Tacoma
Lead Agency: City of Tacoma
City Contact: Elliott Fitzgerald
Planning and Development Services Department
747 Market Street, Room 345
Tacoma, WA 98402
(253) 591-5379

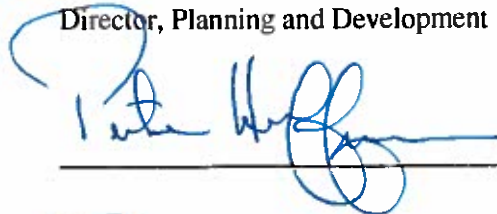
The lead agency for this proposal has made a preliminary determination that this project does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request. This Preliminary Determination of Nonsignificance (DNS) is issued under WAC 197-11-340(2). **Comments must be submitted by 5:00 p.m. on July 22, 2015.** The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the DNS. **Unless modified by the City, this determination will become final on July 29, 2015.**

There is no administrative appeal for this determination. Appeals must be filed in conjunction with appeals of the adopted amendments to the Growth Management Hearings Board; appeals shall be taken in accordance with procedures and limitations set forth in RCW 43.21C.075 and WAC 242-02. In addition to Growth Management Hearings Board requirements, a copy of the appeal shall be filed with the Planning and Development Services Department, 747 Market Street, Room 345, Tacoma, Washington 98402.

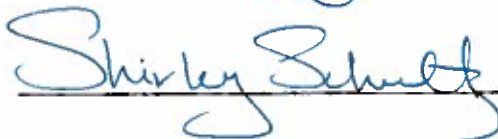
The Puyallup Tribe is notified that this initiates the consultation process.

Responsible Official: Peter Huffman
Position/Title: Director, Planning and Development Services Department

Signature:



SEPA Officer Signature:



Issue Date: June 25, 2015
Comment Deadline: July 22, 2015, 5:00 p.m.

NOTE: The issuance of this Preliminary Determination of Nonsignificance does not constitute project approval. Future project applicants must comply with all other applicable requirements of the City of Tacoma and other agencies with jurisdiction prior to receiving development permits.

- c: via U.S. Mail:
Tacoma Public School District #10, Steve Murikami, 3223 South Union Ave., Tacoma, WA 98409
Nature and Environment Advisory Council, Terry Larson, 808 North Ainsworth Ave., Tacoma, WA 98403
Puyallup Tribe of Indians, Bill Sullivan, Natural Resources Director, 3009 E. Portland Ave., Tacoma, WA 98404
Puyallup Tribe of Indians, David Duenos, Building Official, 3009 E. Portland Ave., Tacoma, WA 98404
Puyallup Tribe of Indians, Brandon Reynon, Tribal Historian, 3009 E. Portland Ave., Tacoma, WA 98404
Puyallup Tribe of Indians, Jeffrey Thomas, TFW Program Director, 3009 E. Portland Ave., Tacoma, WA 98404
Puyallup Tribe of Indians, Peter Mill, Planning Director, 3009 E. Portland Ave., Tacoma, WA 98404
Puyallup Tribe of Indians, Lisa A. Brautigam, Environmental Attorney, 3009 E. Portland Ave., Tacoma, WA 98404
Puyallup Tribe of Indians, Russ Ladley, Tribal Attorney, 3009 E. Portland Ave., Tacoma, WA 98404
Puyallup Tribe of Indians, Shawn Villegas, 3009 E. Portland Ave., Tacoma, WA 98404
Puyallup Tribe of Indians, Andrew Stroebel, Land Use Manager, 3009 E. Portland Ave., Tacoma, WA 98404
- c: via E-mail:
Tacoma Planning and Development Services Department, Shirley Schultz, Shirley.schultz@cityoftacoma.org
Tacoma Planning and Development Services Department, Reuben McKnight, reuben.mcknight@cityoftacoma.org
Tacoma Pierce County Health Department, SEPA Review Team, sepa@tpchd.org
Port of Tacoma, Jason Jordan, jjordan@portoftacoma.com
Metro Parks, Doug Fraser, dougfr@tacomaparks.com
Puget Sound Clean Air Agency, Steve Van Styke, stevev@pscleanair.org
Department of Ecology, sepaunit@ecy.wa.gov
Department of Natural Resources, SEPA Center, PO Box 47015, Olympia, WA 98504-7015, sepacenter@dnr.wa.gov
Department of Transportation, Olympia Region Development Services Team, OR-SEPA-REVIEW@wsdot.wa.gov

File: Planning and Development Services

SEPA ENVIRONMENTAL CHECKLIST

City of Tacoma

Live/Work and Work/Live Code Amendments

Proposed Amendments to the Tacoma Municipal Code

SEPA File Number: SEP2015-40000249187

June 25, 2015

**City of Tacoma
Planning and Development Services Department
747 Market Street, Room 345
Tacoma, WA 98402-3701
253-591-5030**



A. BACKGROUND

1. Name of proposed project, if applicable:

Live/Work and Work/Live Code Amendments – Proposed Amendments to the Tacoma Municipal Code

2. Proponent/applicant:

City of Tacoma – Planning and Development Services Department

3. Contact:

Elliott Fitzgerald
City of Tacoma
Planning and Development Services Department
747 Market Street, Room 345
Tacoma, WA 98402-3701
Phone: (253) 591-5379
E-mail: efitzgerald@cityoftacoma.org

4. Date checklist prepared:

June 25, 2015

5. Agency requesting checklist:

City of Tacoma – Planning and Development Services Department

6. Proposed timing or schedule (including phasing, if applicable):

September 25, 2012	City Council adopted code amendments to expand the flexibility inherent in a home occupation use to include live/work and work/live uses (Ordinance No. 28088)
May 20, 2015	Planning Commission initial review of key issues and regulatory options
June 17, 2015	Planning Commission review of draft code amendments
July 15, 2015	Planning Commission public hearing
August 5, 2015	Planning Commission review of public comments and final recommendation to City Council
September 2015	City Council public hearing; City Council review of public comments & first reading; City Council final reading; Effective date of the adopted amendments

This schedule may be modified if additional time and/or meetings are indicated through Planning Commission or City Council review.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

This proposal is part of a packaged code amendment project that includes proposed revisions to the Building Code in addition to the Land Use Regulatory Code, all of which are intended to be incremental to the amendments that were originally adopted by Council in September 2012. The City Council will review proposed amendments to the Building Code and Land Use Regulatory Code collectively throughout the legislative process.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

SEP2012-40000183621 Changes to the land use regulations of the Tacoma Municipal Code to allow flexibility in the reuse of existing buildings

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No.

10. List any government approvals or permits that will be needed for your proposal, if known.

The code modifications and additions – proposed amendments to the Tacoma Municipal Code – will be adopted by the City Council by ordinance, i.e. through the legislative process.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site.

The proposal would amend Tacoma Municipal Code (TMC), Chapters 13.06 – Zoning, and 13.06A – Downtown Tacoma in which modifications would be made to the live/work and work/live provisions within Section 13.06A.050. These provisions currently limit the applicability of such uses to buildings lawfully in existence on September 25, 2012 within downtown districts and mixed-use center districts. Furthermore, the existing code provides the following development flexibilities for these uses:

- No additional parking spaces are required;
- 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; and,
- 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.

The proposal would essentially remove the section from Chapter 13.06A – Downtown, and relocate it to a newly created section within Chapter 13.06 – Zoning. The new section – 13.06.570 – would be specific to live/work and work/live uses and would include a new iteration of the existing provisions so that such uses could be applied to new construction as well as zoning districts outside of Downtown Tacoma and the Mixed-Use Centers. The proposal would retain the development flexibilities of the existing code, but only for buildings lawfully in existence prior to December 5, 1989 or for historic buildings as defined for the purposes of section 13.06A.050.

The existing code also contains specific provisions that are generally not in the purview of the Land Use Code Regulatory Code but more typical of considerations within the Building Code (i.e., mezzanines, separation requirements, ratio of residential space to work space, scope of adaptive reuse projects). Such provisions are addressed in the proposed amendments to the Building Code, which have been developed in coordination with this proposal. To avoid unnecessary redundancies between the two codes, these provisions would be rescinded from the Land Use Regulatory Code and integrated into the Building Code as part of a packaged code amendment project.

As part of this proposal, definitions within Section 13.06.700 would be amended to define live/work as a use in order to distinguish it from a home occupation. The recommended language for a definition

of a live/work unit would read as: "A unit that is intended to function predominantly as living space with incidental accommodations for work-related activities that are beyond the scope of a home occupation."

- 12. Location of the Proposal: (Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any. If a proposal would occur over a range of area, provide the range or boundaries of the site(s).)**

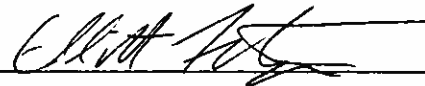
The proposed amendment is not site-specific and will apply city-wide.

- 13. Assessor Parcel Number:**

Affected parcels are located throughout the city and are too numerous to list.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  _____

Name of signee: Elliott Fitzgerald
Position and Agency/Organization: Associate Planner, City of Tacoma
Date Submitted: June 25, 2015

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The proposed Land Use Regulatory Code amendment is not likely to result in increases in such discharges, emissions, or hazardous substances. Commercial and/or manufacturing uses in conjunction with residential uses may result in additional noise. However, because the work component of live/work and work/live uses must be a permitted use in the underlying zoning district and is subject to other limitations and standards applicable to that use, buildings containing live/work and work/live uses will not generate additional impacts to any greater extent than what is usually experienced in the surrounding area. The amendment will ensure overall compliance with regulations that are already incorporated into the Tacoma Municipal Code.

Allowing residents to live and work on a single premise will reduce the number and length of work-related vehicle trips that contribute to traffic congestion, generate greenhouse gas emissions, and degrade air quality.

Proposed measures to avoid or reduce such increases are:

None.

- 2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

The proposed changes to live/work and work/live standards are not likely to affect plants, animals, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Regardless of SEPA procedural requirements, all projects within critical areas, critical area buffers, or shorelines must be reviewed according to the City's Critical Area Ordinance and/or Shoreline Master Program. These regulations include review for habitat and species protection, including mitigation and habitat management plans where appropriate.

3. How would the proposal be likely to deplete energy or natural resources?

The proposed amendment to the Land Use Regulatory Code is unlikely to significantly impact energy and natural resources.

Proposed measures to protect or conserve energy and natural resources are:

None proposed.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The live/work and work/live provisions currently in effect limit the applicability of such uses to buildings lawfully in existence on September 25, 2012 within downtown districts and mixed-use center districts. The proposed amendment would remove this limitation, but would retain certain development flexibilities for existing and historic properties in order to incentivize the conversion of older, economically distressed, or historically significant buildings to live/work or work/live units. The flexibilities proposed will facilitate the renovation, reactivation and incremental improvement of the many underutilized existing buildings within Tacoma.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Wildlife habitat, wetlands, and flood plains are regulated under specific sections of Tacoma Municipal Code regardless of SEPA procedural requirements. Historic sites of note are listed and regulated per the City's Historic Preservation Ordinance.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed amendment would not directly affect existing land use and/or shoreline use.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Specific impacts will be evaluated at the time of review of development proposals. Consistency with the City's Comprehensive Plan and development regulations will be determined during the project-specific proposal review.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is not anticipated to significantly increase demands on transportation or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

Concurrency review and normal evaluation of development proposals for compliance with City requirements are required for transportation and utility impacts.

- 7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The amendment will not conflict with local, state, or federal laws or requirements.