



Legislation Passed November 3, 2015

The Tacoma City Council, at its regular City Council meeting of November 3, 2015, 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. 39294

A resolution setting Tuesday, November 10, 2015, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed Emergency Medical Services and Ad Valorem tax levies for 2016.

[Tadd Wille, Budget Director]

Resolution No. 39296

A resolution authorizing an increase and extension to the contract with Petrocard, Inc., in the amount of \$3,605,405, plus sales tax, for a cumulative total of \$22,426,295, budgeted from various departmental funds, for fleet fueling services to be used by various General Government departments through January 31, 2017 -

Specification No. UF11-0577F.

[Justin E. Davis, Facilities Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39297

A resolution awarding a contract to Pacific Iron & Metal, to purchase and recycle scrap metals generated by various City departments, for an initial contract term of three years, with the option to renew for three additional one-year periods -

Specification No. CT15-0234F.

[Patsy Best, Procurement and Payables Division Manager; Andy Cherullo, Director, Finance]

Resolution No. 39298

A resolution authorizing the execution of an amendment to the third operating agreement with the Foss Waterway Development Authority to extend the term through December 31, 2020, and align budget submittal with the City's budgeting schedule and requirements.

[Martha Anderson, Assistant Director; Ricardo Noguera, Director, Community and Economic Development]

Resolution No. 39299

A resolution authorizing the execution of an amendment to the purchase and sale agreement with Tacoma Housing Authority, for the property located at 1120 and 1124 Martin Luther King Jr. Way, to extend the buyer's final design and cost estimate delivery date and other financial feasibility dates by approximately one year, and to extend the closing date to June 30, 2017.

[Martha Anderson, Assistant Director; Ricardo Noguera, Director, Community and Economic Development]

Ordinance No. 28315

An ordinance vacating a portion of South 22nd Street lying between the east margin of Interstate 705 and the west margin of Dock Street to facilitate full closure of the rail crossing.

(BNSF Railway Company; File No. 124.1349)

[Phyllis Macleod, Hearing Examiner]

Ordinance No. 28327

An ordinance amending Title 2 of the Municipal Code, entitled "Buildings", Title 6B, entitled "License Code", and Title 13, entitled "Land Use Regulatory Code", by amending various chapters to support mixed-use development related to live/work and work/live units.

[Molly Harris, Senior Planner; Peter Huffman, Director,
Planning and Development Services]



RESOLUTION NO. 39294

1 A RESOLUTION relating to revenue sources; setting November 10, 2015, as the
 2 date for a public hearing on the proposed Emergency Medical
 3 Services ("EMS") tax levy for 2016 and the proposed Ad Valorem tax levy
 4 for 2016.

5 WHEREAS RCW 84.55.120 requires that a taxing district, other than the
 6 state, that collects regular levies shall hold a public hearing on revenue sources for
 7 the district's following year's current expenses budget, and

8 WHEREAS the hearing must include consideration of possible increases in
 9 property tax revenues and shall be held prior to the time the taxing district levies
 10 the taxes or makes the request to have the taxes levied; Now, Therefore,

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

12 Section 1. That the hearing required by RCW 84.55.120 for the purpose of
 13 setting the proposed Emergency Medical Services ("EMS") tax levy for 2016 and
 14 the proposed Ad Valorem tax levy for 2016 shall commence on November 10,
 15 2015, at approximately 5:30 p.m., in the City Council Chambers, First Floor,
 16 Tacoma Municipal Building, 747 Market Street, Tacoma, Washington.

17 Section 2. That the Clerk of the City of Tacoma shall give proper notice of
 18 the time and place of said hearing.

19 Adopted _____

20 _____
 21 Mayor

22 Attest:
 23 _____
 24 City Clerk

25 Approved as to form:
 26 _____
 Deputy City Attorney



RESOLUTION NO. 39296

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the increase and extension of
3 Contract No. FPO 4500307936 with Petrocard, Inc., in the amount of
4 \$3,605,405, plus sales tax, for a cumulative total of \$22,426,295,
5 budgeted from various departmental funds, for fleet fueling services to
6 be used by various General Government departments through
7 January 31, 2017, pursuant to Specification No. UF11-0577F.

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 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
16 Board of Contracts and Awards to adopt the recommendation for award as set
17 forth in the attached Exhibit "A."

18 Section 2. That the proper officers of the City are hereby authorized to
19 increase and extend Contract No. FPO 4500307936 with Petrocard, Inc., in the
20 amount of \$3,605,405, plus sales tax, for a cumulative total of \$22,426,295,
21 budgeted from various departmental funds, for fleet fueling services to be used
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1 by various General Government departments through January 31, 2017,
2 pursuant to Specification No. UF11-0577F, consistent with Exhibit "A."

3
4 Adopted _____

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Mayor

7 Attest:

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City Clerk

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Approved as to form:

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City Attorney

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RESOLUTION NO. 39297

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 Pacific Iron & Metal, Seattle, WA, which will be purchasing and recycling the
4 City's ferrous and non-ferrous scrap metals generated by various City
5 departments, for an initial three-year period, with option to renew for three
6 additional one-year periods, pursuant to Specification No. CT15-0234F.

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

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

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

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

17 Section 2. That the proper officers of the City are hereby authorized to
18 enter into a contract with Pacific Iron & Metal, Seattle, WA, which will be
19 purchasing and recycling the City's ferrous and non-ferrous scrap metals
20 generated by various City departments, for an initial three-year period, with option
21 to renew for three
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1 additional one-year periods, pursuant to Specification No. CT15-0234F, consistent
2 with Exhibit "A."
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4 Adopted _____
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6 _____
7 Mayor

8 Attest:
9 _____
10 City Clerk

11 Approved as to form:
12 _____
13 City Attorney

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RESOLUTION NO. 39298

1 A RESOLUTION relating to the Foss Waterway Development Authority; authorizing
2 a modification to the Third Operating Agreement between the City of Tacoma
3 and Foss Waterway Development Authority (“FWDA”) to extend the term of
4 the agreement through December 31, 2020, and to align the timing of FWDA
5 budget submittal with the City’s budgeting schedule and requirements.

6 WHEREAS the Foss Waterway Development Authority (“FWDA”) is a public
7 corporation chartered by the City, pursuant to chapter 35.21 RCW and Chapter 1.60
8 of the Tacoma Municipal Code, to assist the City in redeveloping properties along
9 and within the Thea Foss Waterway (“Waterway”) for public and private uses to
10 contribute to the economic, cultural, and recreational revitalization and further
11 enhancement of the Waterway, and

12 WHEREAS the FWDA has been operating under the terms and conditions of
13 the Third Operating Agreement between the City and FWDA for approximately four
14 years, and

15 WHEREAS the agreement has an initial term of four years, with an automatic
16 extension of two years, unless the City gives notice of its intent to terminate the
17 agreement, and

18 WHEREAS the FWDA’s work program will extend beyond the initial six-year
19 term, and the parties desire to extend the term of the agreement to align with
20 completion of a substantial portion of the work program, and

21 WHEREAS, additionally, the current agreement requires submittal of the
22 FWDA capital budget request no later than September 15 of each year, and the
23 parties desire to amend this section to state that the FWDA will submit its budget in
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accordance with the City’s budgeting schedule and requirements, as these may change with each budget cycle; Now, Therefore,

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

That the proper officers of the City are hereby authorized to enter into a modification to the Third Operating Agreement between the City of Tacoma and Foss Waterway Development Authority (“FWDA”), to extend the term of the agreement through December 31, 2020, and to align the timing of FWDA budget submittal with the City’s budgeting schedule and requirements, all as more specifically set forth in the proposed document on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 39299

1 A RESOLUTION relating to the Tacoma Housing Authority; authorizing a
2 modification to the Purchase and Sale Agreement with the Tacoma Housing
3 Authority, dated October 16, 2013, for property located at 1120 and
4 1124 Martin Luther King Jr. Way, to extend the buyer's final design and cost
5 estimate delivery date and other financial feasibility dates by approximately
6 one year, and to extend the closing date to June 30, 2017.

7 WHEREAS, pursuant to Resolution No. 38718, adopted August 13, 2013,
8 the City Council approved a Purchase and Sale agreement with the Tacoma
9 Housing Authority ("THA") for the sale of two parcels of property located at 1120
10 and 1124 Martin Luther King Jr. Way, for the purpose of constructing apartments,
11 ground floor office/retail, and parking, with closing to occur on June 30, 2016, and

12 WHEREAS the THA completed its initial feasibility study for the project and
13 proceeded with design development, which was completed in December 2014, and

14 WHEREAS, based on a more detailed design, the project cost estimate
15 increased from \$8.3 million to \$11.6 million, and the THA is continuing to evaluate
16 different financing options for the project, and

17 WHEREAS an opportunity has become available to purchase adjacent
18 property and the Alberta Canada/New Look property, which properties are on the
19 same block as the Hilltop Lofts, and

20 WHEREAS, with these additional properties, there is potential to expand the
21 residential development of the site and provide for additional parking necessary for
22 the development, and

23 WHEREAS the buyers have requested additional time to complete a
24 feasibility study, secure financing, and pursue acquisition of the additional property
25 to complete a larger development project, and
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WHEREAS the parties would like to amend the agreement to extend the buyer's final design and cost estimate delivery date and other financial feasibility dates by approximately one year, as outlined in the proposed amendment, and to extend the closing date to June 30, 2017; Now, Therefore,

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

That the proper officers of the City are hereby authorized to enter into a modification to the Purchase and Sale Agreement with the Tacoma Housing Authority, dated October 16, 2013, for property located at 1120 and 1124 Martin Luther King Jr. Way, to extend the buyer's final design and cost estimate delivery date and other financial feasibility dates by approximately one year, and to extend the closing date to June 30, 2017, all as more specifically set forth in the proposed amendment on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



ORDINANCE NO. 28315

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating that
4 portion of South 22nd Street lying between the easterly margin of
5 Interstate 705 and the westerly margin of Dock Street; and adopting
6 the Hearing Examiner's Findings, Conclusions, and Recommendations
7 related thereto.

8 WHEREAS all steps and proceedings required by law and by resolution
9 of the City Council to vacate the portion of the right-of-way hereinafter
10 described have been duly taken and performed; Now, Therefore,

11 BE IT ORDAINED BY THE CITY OF TACOMA:

12 Section 1. That the City Council hereby adopts the Hearing Examiner's
13 Findings, Conclusions, and Recommendations as contained in the Hearing
14 Examiner's Report and Recommendation to the City Council bearing File
15 No. 124.1349 and dated July 15, 2015, which Report is on file in the office of
16 the City Clerk.
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Section 2. That portion of South 22nd Street lying between the easterly margin of Interstate 705 and the westerly margin of Dock Street, described as follows:

All that portion of South 22nd Street lying between the Easterly margin of Interstate 705 and the westerly margin of Dock Street, within the Northeast Quarter of the Northwest Quarter of Section 09, Township 20 North, Range 3 East, W.M., within the City of Tacoma, County of Pierce, State of Washington;

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, as a part thereof, and all right or title of the City in and to the portion of the right-of-way so vacated does hereby vest in the owners of the property abutting thereon, all in the manner provided by law; provided, however, that there is hereby retained and reserved, pursuant to the statutes of the state of Washington, the following easement, to-wit:

An easement is hereby reserved for the operation, maintenance, repair



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and replacement of City of Tacoma utility facilities and Click! Network facilities
over and across the area legally described in Exhibit "A," attached hereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: That portion of South 22nd Street lying between the easterly
margin of Interstate 705 and the westerly margin of Dock Street
Petitioner: City of Tacoma / BNSF Railway Company
Vacation Req. No. 124.1349



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EXHIBIT "A"

Legal Description of Reserved Easement

"A" Street Closure Easement Reservation

A portion of the following described tract of land, hereinafter known as Tract X:

Tract X Description

That portion of the Northeast Quarter of the Northwest Quarter of Section 09, Township 20 North, Range 03 East, W.M, more particularly described as follows:

Commencing at the surface brass monument at the intersection of East 21st and East Dock Street;

Thence South 07°19'58" East along the center line of East Dock Street, a distance of 339.57 feet to the Westerly extension of the South line of Block 2100, Tacoma Land Company's Second Addition to Tacoma, W.T. as recorded in Volume 1 of plats at Page 88, records of Pierce County Auditor and the point of beginning;

Thence North 82°38'01" East along said Westerly extended line a distance of 50.00 feet to the Southwest corner of said Block 2100;

Thence continuing North 82°38'01" East along the south line of said Block 2100, a distance of 7.13 feet;

Thence South 30°01'48" East a distance of 86.69 feet to the North line of Block 2200 of said plat;

Thence South 82°38'01" West along said North line, a distance of 40.55 feet to the Northwest corner of said Block 2200;

Thence continuing South 82°38'01" West a distance of 36.36 feet to the Easterly right-of-way margin for SR-705 at Highway Engineers Station (S-E 3+63.70), 50.68 feet right, per Detail "B" on Sheet 4 of the Washington State Department of Transportation map titled SR 705 Mp 0.02 to Mp 1.49 Tacoma Spur and dated June 20, 1980;



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Thence North 28°01'16" West along said Easterly right-of-way margin, a distance of 85.40 feet to Highway Engineers Station (S-E 4+48.00), 37.00 feet right;

Thence North 82°19'56" East a distance of 16.49 feet to the point of beginning.

Commencing at said Tract X point of beginning;

Thence North 82°38'01" East along said Westerly extended line a distance of 50.00 feet to the Southwest corner of said Block 2100;

Thence continuing North 82°38'01" East along the South line of said Block 2100, a distance of 7.13 feet;

Thence South 30°01'48" East a distance 2.23 feet to a point hereinafter known as Point A;

Thence continuing South 30°01'48" East a distance 8.14 feet to a point hereinafter known as Point B;

Thence continuing South 30°01'48" East a distance 46.45 feet to the point of beginning of a 10.00 foot strip of land lying 5.00 feet of even width on each side of the following described center line;

Thence South 37°38'11" West a distance of 8.68 feet to the terminus of this described center line together with a 15.00 foot strip of land lying 7.50 feet of even width on each side of the following described center line:

Beginning at said Point B;

Thence South 08°04'53" West a distance of 73.03 feet to the Westerly extension of the North line Block 2200, of said Tacoma Land Company's Second Addition to Tacoma, W.T., being the Southerly line of said Tract X and the terminus of this described center line,

Also together with a 10.00 foot strip of land lying 5.00 feet of even width on each side of the following described center line:

Beginning at aforementioned Point A;

Thence South 60°30'59" West a distance of 69.02 feet to the Westerly line of said Tract X and the terminus of this described line.

Sidelines to be extended or shortened to meet at all angle points and at Tract X boundary.



ORDINANCE NO. 28327

1 AN ORDINANCE relating to land use regulations; and amending various chapters
2 of Tacoma Municipal Code (“TMC”) Title 2, Buildings; Title 6B, License
3 Code; and Title 13, Land Use Regulatory Code, to support mixed-use
development related to live/work and work/live units.

4 WHEREAS live/work and work/live units are types of mixed-use
5 development that can contribute to the community goals of eliminating work
6 commutes, providing more affordable work and housing space, and supporting the
7 creation of new businesses by expanding entrepreneurial opportunities, and are
8 currently allowed in the City’s mixed-use districts and downtown, and
9

10 WHEREAS, in 2012, the City Council passed amendments to the Tacoma
11 Municipal Code (“TMC”) to provide increased flexibility for live/work and work/live
12 uses, including no employee restrictions, no additional required parking,
13 exemptions to minor additions from design standards, and exemptions to offsite
14 improvements, and
15

16 WHEREAS, in January 2015, a consultant study of the City’s live/work and
17 work/live regulations was completed, and included the following recommendations
18 for modifications to the City’s Building Code and Land Use Regulatory Code:
19 increased flexibility for said use in the Building Code, removal of certain limitations
20 within the Land Use Regulatory Code, and code compatibility, and
21

22 WHEREAS the recommendations were reviewed by the Infrastructure,
23 Planning and Sustainability (“IPS”) Committee in May and August 2015, and
24

25 WHEREAS the proposed amendments to TMC Title 2, Buildings, create a
26 new work/live use in the City’s adopted version of the International Building Code;



1 amend the City's adopted version of the International Existing Building Code to
2 allow for new work/live uses without triggering a change of occupancy; change the
3 methodology for applying thresholds to add or modify exceptions/exemptions for
4 live/work uses and other situations; and include provisions for low-impact
5 development and permitting of vegetated roofs and dispersion systems for all
6 residential and commercial buildings, and

7 WHEREAS the proposed amendments to Title 13, Land Use Regulatory
8 Code, are intended to provide flexibility for live/work and work/live uses; strengthen
9 provisions for existing and historically significant buildings to include a provision
10 that allows minor design standard exemptions for historic buildings, if approved by
11 the Historic Preservation Officer, to ensure that existing and older buildings which
12 may have historic significance or other features will be protected; and allow for
13 work/live and live/work uses in new construction, with a limitation of 20 units, and
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15 WHEREAS the proposed amendments to TMC Title 6B, License Code, are
16 designed to ensure conformance with the proposed TMC criteria, and
17

18 WHEREAS the Planning Commission completed its review and analysis of
19 the proposed amendments pertaining to the Land Use Regulatory Code through a
20 public review process, including a public hearing on July 15, 2015, and, on
21 August 19, 2015, recommended that the proposed amendments be forwarded to the
22 City Council for its consideration, and
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24 WHEREAS, on July 15, 2015, the Board of Building Appeals finalized its
25 recommendation regarding the live/work and work/live amendments and broader
26 offsite improvement requirements, and



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WHEREAS, pursuant to TMC 13.02, the City Council held a public hearing on September 29, 2015, to receive testimony on the proposed amendments to the Land Use Regulatory Code, and

WHEREAS, at its meeting of October 14, 2015, the IPS Committee approved the proposed amendments for City Council consideration; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Title 2 of the Tacoma Municipal Code (“TMC”), Buildings, is hereby amended as set forth in the attached Exhibit “A.”

Section 2. That Title 6B of the TMC, License Code, is hereby amended as set forth in the attached Exhibit “B.”

Section 3. That Title 13 of the TMC, Land Use Regulatory Code, is hereby amended as set forth in the attached Exhibit “C.”

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

Chapter 2.02 BUILDING CODE

Sections:

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3 2.02.010 Adoption of International Building, Residential, and Existing Building Codes.
4 2.02.020 Title.
5 2.02.030 International Plumbing Code.
6 2.02.040 Amendment by deletion from the 2012 IBC and deletion of Washington State Building
7 Code Council amendments from City of Tacoma Adoption of the 2012 International
8 Building Code.
9 2.02.050 General amendments.
10 2.02.060 Washington State Building Code Council amendments.
11 2.02.070 Amendment to IBC Section 102.4 – Referenced codes and standards.
12 2.02.080 Amendment to IBC Section 105.1 – Permits by addition of a new Section 105.1.3 –
13 Business Licensing.
14 2.02.090 Amendment to IBC Section 105.2 – Work exempt from permit.
15 2.02.100 Amendment to IBC Section 202 – Definitions – [D, L, and W](#).
16 2.02.110 Amendment to IBC Section 111 – Certificate of occupancy or certificate of completion.
17 2.02.120 Amendment to IBC Section 113 – Board of Appeals.
18 2.02.130 Amendment to IBC Section 114 – Violations.
19 [2.02.135 Amendment to IBC Section 419 – Live/Work units.](#)
20 2.02.140 Amendment to IBC Section 504.2 – Automatic sprinkler system increase.
21 2.02.150 Amendment to IBC Section 510.2 – Horizontal building separation allowance.
22 2.02.160 Amendment to IBC Section 1503.4 0 – Roof Drainage.
23 2.02.170 Amendment to IBC Section 1510.7 – Energy code requirements for re-roofing.
24 2.02.180 Amendment to IBC Section 1608 – Snow loads.
25 2.02.190 Amendment to IBC Section 1613 by addition of a new subsection 1613.8 – Tension-only
26 bracing.
2.02.200 Amendment to IBC Section 2405 by addition of a new subsection 2405.6 – Location of
sloped glazing and skylights.
2.02.210 Amendment to IBC Section 3202.3 – Encroachments eight feet or more above grade.
2.02.220- *Repealed.*
2.02.380
2.02.500 Amendment by deletion from the 2012 International Residential Code.
2.02.510 General amendments.
2.02.520 Chapters and sections of the Code deleted by the Washington State Building Code Council.
2.02.530 Washington State Building Code Council amendments.
2.02.540 Amendment to IRC Section R105.2 – Work Exempt From Permit.
2.02.550 Amendment to IRC Section R105.3.1.1 – Determination of substantially improved or
substantially damaged existing buildings in flood hazard areas.
2.02.560 Amendment to IRC Section 105.3.1 by addition of a new Section R105.3.1.2 – Criteria for
issuance of a variance for flood hazard areas.
2.02.570 Amendment to Section R112 – Board of Appeals.
2.02.580 Amendment to IRC Section R113 – Violations.
2.02.590 Amendment to IRC Table R301.2 (1) – Climatic and geographic design criteria.
2.02.600 Amendment to IRC Section R301.2.3 – Snow loads.
2.02.610 Amendment to IRC Chapter 3 by addition of Section R324 – Fire sprinkler systems.
2.02.620 Manufactured homes.
2.02.700 General amendments.
2.02.710 Washington State Building Code Council amendments deleted from the City of Tacoma
Adoption of the 2012 International Existing Building Code.



- 2.02.720 Washington State Building Code Council amendments.
- 2.02.730 Amendment to IEBC Section 105.2 – Work exempt from permit.
- 1 2.02.740 Amendment to IEBC Section 112 – Board of Appeals.
- 2.02.750 Amendment to IEBC Section 113 – Violations.
- 2 2.02.760 Amendment to IEBC Section 202 – General Definitions – ~~by addition of a definition of substantial renovation or construction~~L, S, and W.
- 3 2.02.770 Amendment to IEBC Section 407.1 – Change of Occupancy.
- 4 2.02.775 Amendment to IEBC Section 405.1 – Alteration – Level 2.
- 4 2.02.776 Amendment to IEBC Section 505.1 – Alteration – Level 3.
- 5 2.02.780 Amendment to IEBC Section 603 – Fire Protection – by addition of a new subsection EB 603.2.
- 6 2.02.790 Amendment to IEBC Section 703 – Fire Protection – by addition of a new subsection EB 703.2.
- 7 2.02.800 Amendment to IEBC Section 1007.1 – Change of occupancy – Structural.
- 7 2.02.805 Amendment to IEBC Section 1001.1 – Change of occupancy – Scope – by addition of an exception to EB1001.1.
- 8 2.02.810 Amendment to IEBC Section 1007 – Change of occupancy – Structural – by addition of a new Table 1007.1.
- 9 2.02.820 Amendment to IEBC Chapter 13 – Relocated or moved buildings.
- 10 2.02.830 Amendment to IEBC Appendix Section A113.9 – Secondary load paths – by addition of a new Section A113.9.1
- 11 2.02.840 *Repealed.*
- 11 2.02.850 *Repealed.*
- 12 2.02.860 *Repealed*
- 12 2.02.1000 Earthquake Recording Instrumentation.

13 * * *

14 **2.02.070 Amendment to IBC Section 102.4 – Referenced codes and standards.**

15 102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered
 16 part of the requirements of this code to the prescribed extent of each such reference. Where differences occur
 17 between the provisions of this code and the referenced standards, the provisions of this code shall apply control.
The edition of each referenced code and standard shall either be the edition listed in IBC Chapter 35 or the
most current published edition if approved by the Building Official.

17 Exception:

18 ~~Referenced National Fire Protection Association (“NFPA”) Standards 13, 13R, 13D, 14, 20, 24, and 25 shall~~
~~be the most current published editions.~~

19 * * *

20 **2.02.100 Amendment to IBC Section 202 – Definitions – D, L, and W.**

21 * * *

22 Design Professional. A Washington State Licensed Architect governed by the Washington State Board of
 23 Registration for Architects, or a Washington State Licensed Engineer governed by the Washington State Board
 of Registration for Professional Engineers and Land Surveyors.

23 * * *

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

25 * * *

26 Work/Live Unit. A commercial business use which includes a dwelling unit in up to 50 percent of the unit’s
space. The business owner lives in the residential space.



* * *

1 **2.02.135 Amendment to IBC Section 419 – Live/Work Units.**

2 Section 419 – Live/Work and Work/Live Units.

3 419.1 Live/Work Units.

4 419.1.1 General A live/work unit shall comply with Sections 419.1.1 through 419.1.9.

5 Exception: Dwelling or sleeping units that include an office that is less than 10 percent of the area of the dwelling unit are permitted to be classified as dwelling units with accessory occupancies in accordance with Section 508.2.

6 419.1.1.1 Limitations. The following shall apply to all live/work areas:

- 7 1. The live/work unit is permitted to be not greater than 3,000 square feet (279 m²) in area; and
8 2. The nonresidential area of a live/work unit is permitted to be not more than 50 percent of the area of each live/work unit; and
9 3. The nonresidential area function shall be limited to the first or main floor only of the live/work.

10 419.1.2 Occupancies. Live/work units shall be classified as a Group R-2 occupancy. Separation requirements found in Sections 420 and 508 shall not apply within the live/work unit where the live/work unit is in compliance with Section 419.1. Nonresidential uses which would otherwise be classified as either a Group H or S occupancy, or occupancies related to marijuana growing, processing or retail sales shall not be permitted in a live/work unit.

11 Exception: Storage shall be permitted in the live/work unit provided the aggregate area of storage in the nonresidential portion of the live/work unit shall be limited to 10 percent of the space dedicated to nonresidential activities.

12 419.1.3 Means of egress. Except as modified by this section, the means of egress components for a live/work unit shall be designed in accordance with Chapter 10 for the function served.

13 419.1.3.1 Egress capacity. The egress capacity for each element of the live/work unit shall be based on the occupant load for the function served in accordance with Table 1004.1.1.

14 419.1.3.2 Spiral stairways. Spiral stairways that conform to the requirements of Section 1009.12 shall be permitted.

15 419.1.4 Vertical openings. Floor openings between floor levels of a live/work unit are permitted without enclosure.

16 [F] 419.1.5 Fire protection. The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9 and an automatic sprinkler system in accordance with Section 903.2.8.

17 419.1.6 Structural. Floor loading for the areas within a live work unit shall be designed to conform to Table 1607.1 based on the function within the space.

18 419.1.7 Accessibility. Live/work units shall be accessible in accordance with Chapter 11 for the function served. For the residential portion of the live/work unit, accessibility requirements for R-2 occupancies in Chapter 1107.6 shall apply.

19 419.1.8 Ventilation. The applicable ventilation requirements of the International Mechanical Code shall apply to each area within the live/work unit for the function within that space.

20 419.1.9 Plumbing facilities. The nonresidential area of the live/work unit shall be provided with minimum plumbing facilities as specified by Chapter 29, based on the function of the nonresidential area. Where the nonresidential area of the live/work unit is required to be accessible by Section 1103.2.13, the plumbing fixtures specified by Chapter 29 shall be accessible.

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419.2 Work/Live Units

General A work/live unit shall comply with Sections 419.2.1 through 419.2.14.

419.2.1 Limitations. The following shall apply to all work/live areas:

1. A work/live unit shall be located within a building that complies with the provisions of Chapters 5, 9, and 10.

2. A work/live unit is permitted to be not greater than 3,000 square feet (279 m²) in area;

Exception: Work/live units shall not be limited in size for the following:

a. Buildings classified as A, B, F-2, or M occupancy, and

b. Buildings compliant with height and area requirements in Table 503, and

c. Buildings with an approved automatic sprinkler system installed in accordance with 903.3.1.1 throughout, and

d. Where the nonresidential uses are separated from the residential uses in accordance with Section 508.4.4.

3. The residential area of the work/live unit is permitted to be not greater than 50 percent of the total area of the work/live unit and shall not exceed 1,500 square feet (139 m²);

4. A work/live unit shall not be located on a floor that is greater than 75 feet above the lowest level of fire department vehicle access.

Exception: Work/live units located in high-rise buildings complying with Section 403.

5. The nonresidential area function shall be limited to the first or main floor only of the work/live unit.

6. For the purposes of this section, the residential area is considered a Group R occupancy.

419.2.2 Occupancies. Work/live units shall be classified in accordance with Chapter 3 for the type of nonresidential occupancy. Permitted occupancies for work/live units are A, B, F, and M. Nonresidential uses which would otherwise be classified as either a Group H or S occupancy, or occupancies related to marijuana growing, processing or retail sales shall not be permitted in a work/live unit. For the purposes of this section, requirements in the International Building, Mechanical Code, Fuel Gas, Uniform Plumbing Code, or Washington State Energy Code related to residential occupancies shall be applied to the residential portion of the unit where applicable.

Exception: Storage shall be permitted in the work/live unit provided the aggregate area of storage in the nonresidential portion of the work/live unit shall be limited to 10 percent of the space dedicated to nonresidential activities.

419.2.3 Fire and smoke protection features

419.2.3.1 Separations within work/live units. Separations between and within work/live units shall be accordance with Sections 419.2.3.1.1 or 419.2.3.1.2.

419.2.3.1.1 The residential use area within the work/live unit shall be separated from the nonresidential use by 1-hour fire barriers walls and/or horizontal assemblies.

Exception: For work live units of A, B, F-2, and M occupancies, separation between the residential use and the nonresidential use is not required where the building is fully equipped with an automatic sprinkler system installed in accordance with 903.3.1.1.; however, the residential use must be clearly delineated from the nonresidential use.

419.2.3.2 Separations between work/live units and between work/live units and other occupancies. Work/live units shall be separated from other work/live units and other occupancies in accordance with Section 508 or with 1-hour fire partition walls and/or horizontal assemblies, whichever is more restrictive.



1 419.2.4 Hazardous Materials. The maximum allowable quantities per control area for the storage and use of hazardous materials shall be reduced to 25 percent of those values in IFC Tables 5003.1.1(1) and 5003.1.1(2). Additional requirements may be imposed by the Building or Fire Code Official depending on the specific hazardous materials associated with the nonresidential use.

2 419.2.5 Fire Protection Systems

3 419.2.5.1 Automatic Sprinkler Systems. Buildings containing work/live units shall be equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.

4 Exception: Buildings lawfully in existence prior to December 5, 1989 may alternatively comply with Sections 419.2.5.1.1 through 419.2.5.1.3.

5 419.2.5.1.1 Buildings may be partially equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 and the following:

6 1. All stories containing work/live units and all stories below work/live units, including basements, shall be equipped with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

7 2. The means of egress shall be equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.

8 419.2.5.1.2 Buildings may be partially equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.2 and the following:

9 1. The residential use within the work/live unit shall be separated from the nonresidential use in accordance with Section 419.2.3.1.1.

10 2. The residential space within the work/live unit shall not be required to exit through the nonresidential space.

11 3. Work/live units shall be located on a level of exit discharge.

12 4. The means of egress for the residential use area shall be provided with an automatic sprinkler system installed in accordance with Section 903.3.1.2.

13 5. A building shall contain no more than four work/live units.

14 Exception: Work/live units of F-1 occupancy shall be equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.

15 419.2.5.1.3 Buildings may be partially equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.3 and the following:

16 1. The residential use within the work/live unit shall be separated from the nonresidential use in accordance with Section 419.2.3.1.1.

17 2. The residential space within the work/live unit shall not be required to exit through the nonresidential space.

18 3. Buildings containing work/live units shall be single-story without basements.

19 4. The residential use area shall be provided with direct access to an exit and shall not be required to exit through the nonresidential area of the work/live unit.

20 5. A building shall contain no more than one work/live unit.

21 Exception: Work/live units of F-1 occupancy shall be equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.

22 419.2.5.1.4 Water Supply. Automatic sprinkler systems installed in accordance with Sections 419.2.5.1.2 or 419.2.5.1.3 are permitted to be connected to the domestic service. Such combination services shall comply with the following requirements:

23 1. Valves shall not be installed between the domestic water riser control valve and the sprinkler system.

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Exception: An approved indicating control valve supervised in the open position in accordance with Section 903.4.

2. The domestic service shall be capable of supplying the simultaneous domestic demand and the sprinkler demand required to be hydraulically calculated by NFPA 13D or NFPA 13R.

419.2.5.2 Alarm and Detection Systems.

419.2.5.2.1 Manual fire alarm system. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed throughout work/live occupancies.

Exception: Manual fire alarm boxes shall not be required where the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification system or emergency voice/alarm communication system will activate throughout the notification zones upon sprinkler water flow.

419.2.5.2.2 Automatic smoke detection system. In addition to those required by Chapter 9, area smoke detectors shall be provided throughout buildings with a work/live use. The activation of any detector required by this section shall activate the occupant notification system in accordance with Section 907.5.

Exception: Area smoke detection shall not be required in rooms/areas where an approved automatic sprinkler system has been provided and the occupant notification system or emergency voice/alarm communication system will activate throughout the notification zones upon sprinkler water flow.

419.2.5.2.3 Single- and multiple-station smoke alarms. Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 419.2.5.2.3.1 through 419.2.5.2.3.3 and NFPA 72.

419.2.5.2.3.1 Location. Single- or multiple-station smoke alarms shall be installed in the following locations:

1. In each room used for sleeping purposes.

2. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

419.2.5.2.3.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon the activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

419.2.5.2.3.3 Power Source. Smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery back-up shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are not required to be equipped with battery backup where they are connected to an emergency electrical system.

419.2.5.2.4 Carbon monoxide alarms. Work/live occupancies shall be provided with single station carbon monoxide alarms installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units and on each level of the dwelling. The carbon monoxide alarms shall be listed as complying with UL 2034 and installed and maintained in accordance with NFPA 720-2012 and the manufacturer's instructions.



1 [419.2.5.2.4.1 Carbon monoxide detection systems. Carbon monoxide detection systems, that include carbon monoxide detectors and audible notification appliances, installed and maintained in accordance with this section for carbon monoxide alarms and NFPA 720-2012 shall be permitted. The carbon monoxide detectors shall be listed as complying with UL 2075.](#)

2 [419.2.6 Means of egress. Except as modified by this section, the means of egress components for a work/live unit shall be designed in accordance with Chapter 10 for the function served.](#)

3 [419.2.6.1 Egress capacity. The egress capacity for each element of the work/live unit shall be based on the occupant load for the function served in accordance with Table 1004.1.1.](#)

4 [419.2.6.2 Spiral stairways. Spiral stairways that conform to the requirements of Section 1009.12 shall be permitted only for the residential portion of the work/live unit.](#)

5 [419.2.7 Vertical openings. Floor openings between floor levels of a work/live unit are permitted without enclosure where the residential and nonresidential uses are permitted to be nonseparated.](#)

6 [419.2.8 Structural. Floor loading for the areas within a work live unit shall be designed to conform to Table 1607.1 based on the function within the space.](#)

7 [419.2.9 Accessibility. Work/live unit shall be accessible in accordance with Chapter 11 for the function served. For the residential portion of the work/live unit, accessibility requirements for R occupancies in Chapter 1107.6 shall apply. Where there are other R occupancy units within the building, work/live units shall be considered R-2 occupancy and shall be combined with other R-2 occupancy units in determining accessibility requirements for the residential units within the building.](#)

8 [419.2.10 Ventilation. The applicable ventilation requirements of the International Mechanical Code and Section 1203 shall apply to each area within the work/live unit for the function within that space. Mechanical ventilation systems shall be separate for the residential and commercial portions where separated by a fire barrier wall.](#)

9 [419.2.11 Plumbing facilities. The nonresidential area of the work/live unit shall be provided with minimum plumbing facilities as specified by Chapter 29, based on the function of the nonresidential area. Where the nonresidential or residential area of the work/live unit is required to be accessible by Section 1103.2.13, the plumbing fixtures specified by Chapter 29 shall be accessible. Toilets and bathrooms shall also meet requirements in Section 1210.](#)

10 [419.2.12 Sound insulation. Common interior walls and floor/ceiling assemblies between adjacent work/live units or between work/live units and other occupancies shall have sound transmission in accordance with Chapter 1207.](#)

11 [419.2.13 Interior Space Dimensions. Habitable and occupiable spaces within work/live units shall meet the minimum requirements for interior space dimensions in Section 1208.](#)

12 [419.2.14 Certificate of Occupancy. A new certificate of occupancy shall be issued for any work/live use.](#)

13 * * *

14 **2.02.160 Amendment to IBC Section 1503.4 – Roof Drainage.**

15 1503.4.1 General. Roofs shall be sloped a minimum of 1 unit vertical in 48 units horizontal (2% slope) for drainage unless designed for water accumulation in accordance with Chapter 16, and approved by the Building Official. [Vegetated roofs may be approved as an alternate design.](#)

16 1503.4.2 Roof Drains. Unless roofs are sloped to drain over roof edges, roof drains shall be installed at each low point of the roof. [Vegetated roofs may be designed with alternate drainage systems as approved by the Building Official.](#)

17 Roof drains shall be sized and discharged in accordance with the Uniform Plumbing Code. Roof drainage shall be directed away from the building and discharged to the storm sewer or to other approved disposal systems. Roof drainage shall not be connected to, or allowed to infiltrate into, the footing drain system.



1503.4.3 Overflow Drains and Scuppers. Where roof drains are required, overflow drains having the same size as the roof drains shall be installed with the inlet flow line located two inches above the low point of the roof, or overflow scuppers having three times the size of the roof drains and having a minimum opening height of four inches may be installed in adjacent parapet walls with the inlet flow line located not more than two inches above the low point of the adjacent roof.

Overflow drains shall discharge to an approved location and shall discharge at a point above the ground, which can be readily observed. Overflow drains shall not be connected to roof drain lines.

1503.4.4 Concealed Piping. Roof drains and overflow drains, where concealed within the construction of the building, shall be installed in accordance with the Uniform Plumbing Code.

1503.4.5 Over Public Property. Roof drainage water from a building shall not be permitted to flow over public property unless part of a City approved dispersion system and where an easement has been obtained.

Exception:

Group R-3 and Group U Occupancies.

1503.4.6 Gutters. Gutters and leaders placed on the outside of buildings other than Group R-3, private garages, and buildings of type V construction shall be of noncombustible material or a minimum of Schedule 40 plastic pipe.

2.02.540 Amendment to IRC Section R105.2 – Work Exempt From Permit.

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²).

2. Reroofing of single family or duplex residential buildings, provided the existing roof coverings are removed prior to reroofing and ~~that~~the following conditions are met:

a. The new roofing material does not exceed five (5) pounds per square foot, or

b. For a vegetated roof, where it is the same weight as the previous roof and a vegetated roof was previously approved thorough a building permit..

3. Fences not over seven feet (1829 mm) high.

4. Retaining walls that are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

6. Sidewalks, driveways, and on grade concrete patios with an aggregate area not exceeding 2,000 Sq. Ft. (185.81 sq-M).

7. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.

8. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

9. Swings and other playground equipment.

10. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.



11. Decks not exceeding 200 square-feet (18.58 m²) in area that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling, and do not serve the exit door required by Section R311.4.

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Gas:

- 1. Portable heating, cooking, or clothes drying appliances.
- 2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- 3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

- 1. Portable heating appliance.
- 2. Portable ventilation appliances.
- 3. Portable cooling unit.
- 4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
- 5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- 6. Portable evaporative cooler.
- 7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
- 8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- 9. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- 10. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

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2.02.760 Amendment to IEBC Section 202 – General Definitions – ~~by addition of a definition of substantial renovation or construction.~~ L, S, and W.

* * *

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

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Substantial ~~R~~renovation or ~~C~~onstruction. ~~shall be defined as meaning R~~remodeling, alteration, or reconstruction of, and/or addition to, an existing building within a two-year period, the cost of which exceeds 50 percent of the value of the building as calculated using the latest Building Valuation Data published by the International Code Council. The two-year period shall be measured from the issuance date of the initial building permit for the project.

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Work/Live Unit. A commercial business use which includes a dwelling unit in up to 50 percent of the unit’s space. The business owner lives in the residential space.

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2.02.770 Amendment to IEBC Section 407.1 – Change of Occupancy.

1 EB407.1 Conformance. No change shall be made in the use or occupancy of any building that would place the
2 building in a different division of the same group of occupancy or in a different group of occupancies, unless
3 such building is made to comply with the requirements of the *International Building Code* for such division
4 or group of occupancy. Subject to the approval of the Building Official, the use or occupancy of existing
5 buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other
6 groups without conforming to all the requirements of the *International Building Code* for those groups,
7 provided the new or proposed use is less hazardous, based on life, fire risk, and seismic risk, than the existing
8 use. Minimum standards for fire, life, and seismic safety requirements required for the new occupancy, but
9 not required for the old occupancy, under TMC 2.01, Minimum Building and Structures Code, shall be
10 provided regardless of whether the new occupancy or new use is considered less hazardous than the old
11 occupancy. The relative hazard of occupancies shall be determined using IEBC Chapter 10, as amended in this
12 chapter.

13 407.1.1 Work/Live Use. A change to a work/live use is not a change of occupancy for the building or space
14 provided the following conditions are met:

- 15 1. The buildings containing work/live units shall comply with IBC Section 419.2; and
- 16 2. The occupancy classification of the work/live unit conforms to the existing permitted use; and
- 17 3. All buildings with work/live uses shall comply with the standards for fire, life, and seismic safety in
18 TMC 2.01, Minimum Building and Structures Code; and
- 19 4. A certificate of occupancy is issued for any new or altered work/live use.

20 Additional conditions may be imposed by the Building Official or Fire Code Official where deemed necessary
21 for the general safety and welfare of the occupants and the public depending on the specific hazards and
22 hazardous materials associated with the work/live use.

23 **2.02.775 Amendment to IEBC Section 504.1 – Alteration – Level 2.**

24 EB504.1. Scope. Level 2 alterations include the reconfiguration of space, the addition or elimination of any
25 door or window, the reconfiguration or extension of any system, or the installation of any additional equipment
26 below the threshold of a Level 3 alteration.

2.02.776 Amendment to IEBC Section 505.1 – Alteration – Level 3.

EB505.1. Scope. Level 3 alterations apply where the work is Substantial Renovation or Construction as
defined in 2.02.760.

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**2.02.805 Amendment to IEBC Section 1001.1 – Change of Occupancy - Scope. – by addition of an
exception to EB1001.1.**

EB1001.1 Scope. The provisions of this chapter shall apply where a change of occupancy occurs, as defined
in Section 202, including:

- 1. Where the occupancy classification is not changed; or
- 2. Where there is a change in occupancy classification or the occupancy group designation changes.

Exception: The addition of work/live units complying with IBC Section 419.2 where the occupancy
classification of the work/live unit conforms to the existing permitted use and the building complies with
TMC 2.01, Minimum Building and Structures Code.

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Chapter 2.19
SITE DEVELOPMENT AND OFF-SITE IMPROVEMENTS

2.19.040 Off-site improvements.

A. Authority. The authority for this section is held by the Planning and Development Services Director or designee.

B. Scope and Intent.

1. The intent of this code is to consider the health, safety and general welfare of the public. Development shall not impact adjacent and/or downstream property owners in a detrimental manner compared to the pre-developed condition.

2. This code is intended to assist, but not to substitute, competent work by professional engineers. It is expected that the professional engineers will bring to each project the best of their skills and abilities to see that the project is thoroughly analyzed and designed correctly, accurately, and in compliance with generally accepted engineering practices. This code is not intended to address all situations or to unreasonably limit any innovative or creative effort in design and construction which may result in better quality, cost savings, or improved performance.

AC. Off-site Improvements and Development Standards.

1. Off-site improvements and corresponding development standards (2.19.040.C.2) shall be required for all new building construction, site uses, change of occupancies, moved buildings, and alterations/additions New Construction, Additions, Site Uses, Change of Occupancies as defined in Chapter 3 of the International Existing Building Code, Moved Buildings, and Remodels/Alterations to existing buildings. with the exception of the following: Off-site improvements, as defined in TMC 2.19.020, shall conform to the City of Tacoma Standards and be constructed in accordance with the Design Manual, Right of Way Restoration Policy, and the City of Tacoma Stormwater Management Manual.

The maximum level of off-site improvements that may be imposed by project type is shown in Table 2.19.1, however, this limit shall not apply to projects that have requirements imposed by a SEPA, CUP, or other conditioning documents. The City shall determine the order of preference when determining off-site improvement requirements, considering general health, safety, and welfare as the primary objectives.

Projects involving more than one project type (New Construction, Additions, Change of Occupancy, and Remodel/Alteration), shall apply the most restrictive criteria in Table 2.19.1. The Planning and Development Services Director, or designee, is authorized to establish, and modify or eliminate the off-site improvement requirements shown in Table 2.19.1 for individual cases where there are practicable difficulties involved in implementation of the requirements of this code.

Table 2.19.1 Off-site Improvement Determinations⁽¹⁾

<u>Project Type</u>	<u>Threshold</u>	<u>Off-site Improvement Requirement⁽²⁾</u>
<u>New Construction</u>		
<u>Commercial⁽³⁾</u>	<u>All new and moved buildings</u>	<u>No limit defined. Off-site improvements pursuant to Section 2.19.040.C.2 and as determined by the Planning and Development Services Director, plus all utility construction or relocation and installation of safety mitigation measures.</u>
<u>Single family and two family dwellings</u>	<u>All new and moved buildings</u>	<u>No limit defined. Offsite improvements as determined by the Planning and Development Services Director. Fee In-lieu available pursuant to Section 2.19.040.D.</u>



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Single family and two family accessory structures and garages		None required; Access to property shall be in accordance with Section 2.19.C.2(c).
Additions		
Commercial - Large⁽³⁾	50% or greater than building area	No limit defined. Off-site improvements pursuant to Section 2.19.040.C.2, and as determined by the Planning and Development Services Director, plus all utility construction or relocation and installation of safety mitigation measures.
Commercial - Small⁽³⁾	Less than 50% of building area	Off-site Improvement Requirements up to approximately 10% of Addition Valuation.
Single family and two family dwelling	Additions	None required; Access to property shall be in accordance with Section 2.19.040.C.2(c), and compliance with Section 2.19.040.C.2(d).
Change of Occupancy		
Large⁽³⁾	Change of Occupancy to 50% or greater of the building area	Off-site Improvement Requirements up to the greatest of either: <ul style="list-style-type: none"> • 10% of Remodel Valuation⁽⁴⁾ • 10% of the change to the building valuation based on the most current ICC Building Valuation table. Fee In-lieu available pursuant to Section 2.19.040.D.
Small⁽³⁾	Change of Occupancy to greater than 10% but less than 50% of the building area	Off-site Improvement Requirements up to the greatest of either: <ul style="list-style-type: none"> • 5% of Remodel Valuation⁽⁴⁾ • 5% of the change to the building valuation based on the ICC Building Valuation. Fee In-lieu available pursuant to Section 2.19.040.D.
Exceptions	Change of use to: <ul style="list-style-type: none"> • Live/work occupancy for up to 10 dwelling units; • Work/live use for buildings less than 30,000 square feet (2787 m2) 	None required
Remodel/Alterations		
Large⁽³⁾	Remodel Valuation 50% or greater than ICC Building Valuation	Off-site Improvement Requirements up to approximately 10% of Remodel Valuation⁽⁴⁾ Fee In-lieu available pursuant to Section 2.19.040.D.
Small⁽³⁾	Remodel Valuation greater than 10% but less than 50% of ICC Building Valuation	Off-site Improvement Requirements up to approximately 5% of Remodel Valuation⁽⁴⁾ Fee In-lieu available pursuant to Section 2.19.040.D.
Exception	Remodel Valuation less than 10% of ICC Building Valuation	Off-site improvements may be required at the discretion of the Planning and Development Services Director.



<u>Exception</u>	<u>Water or Fire Damages repairs that are valued at less than 50% of the ICC Building Valuation</u>	<u>None required</u>
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- (1) Limits listed are approximate, and the Planning and Development Services Director, or designee, may impose additional requirements as needed to protect the health, safety, and general welfare of the public.
- (2) Costs for utility construction or relocation and safety mitigation measures shall not be included in the owner's/developer's percentage of off-site improvement requirements. Off-site improvement requirements contributing to the percentage shall include, but not be limited to: street paving, concrete curbs and gutters, asphalt wedge curb, sidewalks, driveways, and curb ramps.
- (3) For Campus sites, the City Engineer, or designee, shall determine the required frontage improvements.
- (4) The Remodel Valuation limit shall be defined as the estimated construction cost of the project submitted by the contractor or owner at time of permit submittal as a percentage of the most recent version of the International Code Council Building Valuation Data. The estimate shall detail all major cost elements of the project. The remodel valuation limit shall not apply to projects that have requirements imposed by a SEPA, CUP, or other conditioning document.
- ~~1. Change of use to Group R for Live/Work or Work/Live units which are exempt from land use regulatory requirements under TMC 13.06A.050.~~
- ~~2. Alterations to buildings presently existing on the building site for Live/Work or Work/Live uses exempt from land use regulatory requirements under TMC 13.06A.050.~~
- ~~3. Alterations and additions to buildings presently existing on the building site for:~~
- ~~a. Buildings undergoing alterations/additions less than 50 percent of the existing aggregate floor area.~~
- ~~b. Single family and two family dwellings.~~
- ~~c. Garage and Utility buildings (Group U occupancy).~~
- ~~B. Access to Property. Driveway approaches shall be in accordance with TMC 10.14 (Driveway Ordinance).~~
- ~~C. Existing Off site Improvements: Where a site has existing improvements such as sidewalks, curbs, gutters, and paving, these improvements shall be replaced if they are broken, damaged or hazardous. Pavement shall also be required to be replaced when it does not meet the current standard pavement section for residential or arterial streets contained in the Public Works Department Design Manual. Live/Work and Work/Live exempt from offsite improvements per Section 2.19.040.A are only required to replace unsafe sidewalks along the street frontage.~~
- ~~D. Development Standards: All new off site Improvements, where required, shall conform to the Public Works Department Standards and be constructed in accordance with the Public Works Department Design Manual and the City of Tacoma Surface Water Management Manual (COTSWMM). When a lot adjoins an alley or street intersection, improvements shall also be installed at the alley or street intersection. Alleys shall be improved to City of Tacoma standards when any access to the site is provided from the alley.~~
- ~~1. Single Family and Two Family dwellings: New Single Family or Two Family Dwelling buildings require the development of cement concrete curb and gutter, paving, and drainage of all dedicated streets along the lot frontages, except, in cases where the topography or other conditions make it impractical. Sidewalks shall be required when any of the following criteria applies:~~
- ~~a. Sidewalks exist on the site, or sites, adjacent to the site to be built on, or~~
- ~~b. Sidewalks exist on the majority of the developed sites in the area, or~~
- ~~e. There is sufficient undeveloped property in the street frontages on both sides of the street that, when developed either by itself or when added to lot frontages already containing sidewalks, the majority of the street frontages on both sides of the street will have sidewalks, or~~
- ~~d. The development involves more than one site and warrants sidewalks as part of the overall development.~~



2. The following development standards and related off-site improvements shall apply to all applicable project types listed in Table 2.19.1.

1 (a) Alleys: When a lot adjoins an alley or street intersection, improvements shall also be installed at the alley or street intersection. Alleys shall be improved to City of Tacoma Standards when any access to the site is provided from the alley.

3 (b) Off-site improvements are dependent on the project type and threshold listed in Table 2.19.1, and shall require the development of cement concrete curb and gutter, sidewalks, curb ramps, paving, safety measures, other right-of-way elements and drainage of all dedicated streets along the lot frontages, except, in cases where the topography or other conditions make it impractical.

5 (c) Access to Property. Driveway approaches shall be in accordance with TMC 10.14 (Driveway Ordinance). Public roads fronting the property shall be comprised of an all-weather surface, or will need to be paved to provide an all-weather surface.

7 (d) Where a site has existing improvements such as sidewalks, curbs, gutters, and paving, these improvements shall be replaced if they are broken, damaged or hazardous. Pavement shall also be required to be replaced when it does not meet the current standard pavement section for residential or arterial streets contained in the City of Tacoma Standards. Live/Work and Work/Live developments which are exempt from off-site improvements per Table 2.19.1 are only required to replace broken, damaged, or hazardous sidewalks along the street frontage.

10 D. Fee In Lieu of. Upon approval of the Planning and Development Services Director, or designee, a fee may be paid in lieu of construction of the required off-site improvements. In addition, the Director, or designee, shall determine the eligible off-site improvements and fee in lieu amount. The fees shall be paid at the time of permit issuance and deposited in the Fee In Lieu of Off-site Improvements Fund.

13 FE. Covenant and Easement Agreement: Where development has been exempted from off-site improvement requirements for Live/Work or Work/Live uses, a covenant/use restriction shall be recorded on title of the exempt property as a covenant running with the land that the use giving rise to the exemption must be maintained for a minimum of 10 years. If Live/Work or Work/Live use changes within the 10 year covenant/restriction period, off-site improvement requirements may be imposed at the time of change of use.



EXHIBIT "B"

**SUBTITLE 6B
LICENSE CODE**

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Chapters:

- 6B.10 General License Provisions
- 6B.20 Annual Business License
- 6B.30 Adult Entertainment
- 6B.40 Alarm Devices
- 6B.50 Ambulances
- 6B.60 Boilers – Engineer and Fireman Certificates
- 6B.70 Entertainment/Dancing – Alcohol Served
- 6B.80 Entertainment/Dancing or Skating Rinks – All Ages
- 6B.90 Fire Alarms and Fire Suppression Systems
- 6B.100 *Repealed*
- 6B.110 Garages, Fuel Stations and Marine Repair Facilities
- 6B.120 Gas Fitters and Appliance Installers
- 6B.125 Hazardous Materials
- 6B.130 Home Occupations
- 6B.140 Hotels
- 6B.145 Live/Work and Work/Live
- 6B.150 Oil and Gas Delivery Vehicles
- 6B.160 Pawnbrokers, Secondhand Dealers, and Garage Sales
- 6B.165 Provisional Rental Property License
- 6B.170 Sales – Door-to-Door Soliciting
- 6B.180 Sales – Sidewalk Vendors
- 6B.190 *Repealed*
- 6B.200 Septic and Side Sewer Contractors
- 6B.210 Sign Erectors
- 6B.220 For-Hire Regulations
- 6B.230 Temporary Licenses – Sales or shows

Chapter 6B.145

LIVE/WORK AND WORK/LIVE

Sections:

- 6B.145.010 License Required – Special agreement.
- 6B.145.020 License Fee.
- 6B.145.030 Exemptions.

6B.145.010 License Required – Special agreement.

A. It is unlawful for any person to operate or engage in business activities within live/work or work/live units, as defined in TMC 13.06.700, without first obtaining a license pursuant to the provisions of this chapter. Prior to the issuance of said license, the Director must be satisfied that the applicant will be in conformance with applicable laws, including, but not limited to, the criteria set out in TMC 13.06.570 and TMC 2.02, and the applicant must also manifest his or her assent to comply with all applicable laws and regulations by entering into a Conditional Live/Work and Work/Live Agreement.

B. Both the license and the Conditional Live/Work and Work/Live Agreement are personal to the original applicant, and may not be assigned. If there is a change of location of the licensed business to another



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live/work or work/live unit, the license holder need not obtain a new license, but is required to enter into a new Conditional Live/Work and Work/Live Agreement. Should the nature of the business change, the license holder must obtain a new license and enter into a new Conditional Live/Work and Work/Live Agreement.

6B.145.020 License Fee.

The license fee for a live/work or work/live is a one-time fee and is hereby fixed as follows:

<u>Live/Work or Work/Live license</u>	<u>\$75</u>
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6B.145.030 Exemptions.

The fee assessed by the provisions of this chapter shall not apply to:

- A. Any charitable organization.
- B. Day cares, bed and breakfasts, and boarding homes.
- C. Business of renting or leasing real property.
- D. Persons whose gross business income is derived from service activity in or with the City generating annual gross income of less than \$1,000.



EXHIBIT "C"

**Chapter 13.06
ZONING**

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- ***
- 13.06.500 Requirements in all preceding districts.**
- 13.06.501 Building design standards.
 - 13.06.502 Landscaping and buffering standards.
 - 13.06.503 Residential transition standards.
 - 13.06.510 Off-street parking and storage areas.
 - 13.06.511 Transit support facilities.
 - 13.06.512 Pedestrian and bicycle support standards.
 - 13.06.513 Drive-throughs.
 - 13.06.520 Signs.
 - 13.06.521 General sign regulations.
 - 13.06.522 District sign regulations.
 - 13.06.525 Adult uses.
 - 13.06.530 Juvenile community facilities.
 - 13.06.535 Special needs housing.
 - 13.06.540 Surface mining.
 - 13.06.545 Wireless communication facilities.
 - 13.06.550 Work release centers.
 - 13.06.555 View-Sensitive Overlay District.
 - 13.06.560 Parks, recreation and open space.
 - 13.06.565 Marijuana Businesses.
 - 13.06.570 Live/Work and Work/Live.

13.06.100 Residential Districts.

3. Use table abbreviations.

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

4. District use table.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹

Home occupation	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.E.



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Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
Hospital	N	N	N	N	N	CU	CU	CU	
Hotel/motel	N	N	N	N	N	N	N	N	
Industry, heavy	N	N	N	N	N	N	N	N	
Industry, light	N	N	N	N	N	N	N	N	
Intermediate care facility	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Juvenile community facility	CU	CU	CU	CU	CU	CU	CU	CU	Subject to additional requirements contained in Section 13.06.530.
Live/Work	N	N	N	N	N	N	N	N	
* * *									
Work/Live	N	N	N	N	N	N	N	N	
Work release center	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.550.
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	N	N	N	N	

Footnotes:
¹ For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.

* * *
13.06.200 Commercial Districts.
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3. Use table abbreviations.

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



4. District use table.

Uses	T	C-1	C-2 ¹	HM	PDB	Additional Regulations ^{2,3} (also see footnotes at bottom of table)

Home occupation	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.E.
Hospital	N	CU	CU	P	N	
Hotel/motel	N	N	P	P	P	
Industry, heavy	N	N	N	N	N	
Industry, light	N	N	N	N	N	
Intermediate care facility	P	P	P	P	P	See Section 13.06.535.
Juvenile community facility	N	N	N	N	N	Prohibited except as provided for in Section 13.06.530.
Live-/Work-unit	<u>NP</u>	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>Work/Live</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570.
Work release center	N	N	N	N	N	Prohibited except as provided for in Section 13.06.550.
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	N	

13.06.300 Mixed-Use Center Districts.

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.



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Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (also see footnotes at bottom of table)

Home occupation	P	P	P	P	P	P	P	P	Home occupations shall be allowed in all X-Districts pursuant to the standards found in Sections 13.06.100.E , and 13.06A.050
Hospital	N	CU	CU	N	P	P	N	N	
Hotel/motel	P	P	P	N	P	P	N	N	
Industry, heavy	N	N	N	N	N	N	N	N	
Industry, light	N	N	N	N	P	N	N	N	
Intermediate care facility	P	P	P	P	P	P	P	P	See Section 13.06.535. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ²
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.530 for additional information about size limitations and permitting requirements.
Live/Work	P	P	P	P	P	P	P	P	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.

Wholesale or distribution	N	N	N	N	P	N	N	N	
Work-Live	P	P	P	P	P	P	P	NP	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. Not subject to minimum density requirements.



13.06.400 Industrial Districts.

3. Use table abbreviations.

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

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹

Home occupation	P	P	P	Subject to additional requirements contained in Section 13.06.100.E
Hospital	P/CU*	P/N~	N	*Conditional use within the South Tacoma M/IC Overlay District. ~Not permitted within the South Tacoma M/IC Overlay District.
Hotel/motel	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Industry, heavy	N	P	P	Animal slaughter, fat rendering, acid manufacture, smelters, and blast furnaces allowed in the PMI District only.
Industry, light	P	P	P	
Intermediate care facility	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Juvenile community facility	P/N*	P/N*	P	See Section 13.06.530 for resident limits and additional regulations. *Not permitted within the South Tacoma M/IC Overlay District.
Live-Work unit	P	N	N	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.

Work/Live	P	N	N	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570.
Work release center	CU	CU	P	Subject to development standards contained in Section 13.06.550.

13.06.500 Requirements in all preceding districts.

13.06.570 Live/Work and Work/Live.

A. Purpose and Intent: Live/work and work/live units are types of mixed-use development that can eliminate the need to commute to work, provide affordable work and housing space, and support the creation of new businesses by expanding entrepreneurial opportunities. The purpose of this section is to recognize live/work



1 and work/live as uses that promote these community goals by facilitating economic activity in conjunction
2 with residential uses, which is particularly appropriate within Downtown Tacoma and the City's other Mixed-
3 Use Centers. Furthermore, this section provides certain flexibilities to development standards in order to
4 incentivize the development of these mixed-use units in the context of adaptive reuse of older, economically
5 distressed, or historically significant buildings. These provisions are intended to operate in conjunction with
6 companion flexibilities provided in the Building Code with the overall goal of promoting live/work and
7 work/live development as a means to conserve and reuse older, smaller, and historically significant buildings
8 to their highest and best use.

9 B. Live/Work.

10 1. Applicability. Live/work units shall be permitted in accordance with Section 13.06A.050 as well as the
11 district use tables in Sections 13.06.100, 13.06.200, 13.06.300, and 13.06.400, provided that the work
12 component of the unit is a permitted use in the underlying zoning district and subject to other limitations and
13 standards applicable to that use. Uses that are permitted conditionally in the associated underlying zoning
14 district may be allowed in live/work units, provided that a Conditional Use Permit is authorized.

15 2. Requirements. The following requirements shall apply to live/work units:

16 a. The commercial or manufacturing activity taking place is subject to a valid business license associated with
17 the premises;

18 b. The residential portion of the unit shall be inhabited by the business owner of the commercial or
19 manufacturing activities performed in the unit. The work space shall not be leased separately from the living
20 space; conversely, the living space shall not be leased separately from the work space;

21 c. The residential portion of the unit shall be limited in occupancy to one family;

22 d. The Director may attach additional conditions to permits that are required for live/work units to ensure that
23 the intent and standards are met as outlined above.

24 e. The live/work use shall be subject to any additional requirements within the Building Code.

25 3. Exemptions from development standards.

26 a. No additional parking shall be required for live/work units within buildings lawfully in existence prior to
27 December 5, 1989.

28 b. For historic buildings, up to 10 % of new floor area may be added in which external additions and
29 alterations are exempt from all prescriptive design standards contained within TMC 13.06.500 and
30 TMC 13.06A, but external additions and alterations shall be in conformance with the character of the existing
31 building and shall not negatively impact or remove important character-defining features as determined by the
32 Historic Preservation Officer. For the purposes of this section, a historic building is defined as follows: Any
33 building or structure that is listed in the State or National Register of Historic Places; or designated as a City
34 Landmark under Chapter 13.07 of the Tacoma Municipal Code; or certified as a contributing resource within a
35 National Register or Tacoma Register historic district; or with an opinion or certification that the property is
36 eligible to be listed on the National or State Register of Historic Places either individually or as a contributing
37 building to a historic district by the State Historic Preservation Officer, or with an opinion from the Tacoma
38 Historic Preservation Officer that the property appears to meet the criteria for designation as a local landmark
39 listed in Chapter 13.07 of the Tacoma Municipal Code. However, such review by the Historic Preservation
40 Officer shall in no case replace the review by the Landmarks Preservation Commission when otherwise
41 required.

42 C. Work/Live.

43 1. Applicability. Work/live units shall be permitted in accordance with Section 13.06A.050 as well as the
44 district use tables in Sections 13.06.100, 13.06.200, 13.06.300, and 13.06.400, provided that the work
45 component of the unit is a permitted use in the underlying zoning district and subject to other limitations and
46 standards applicable to that use. Uses that are permitted conditionally in the associated underlying zoning
47 district may be allowed in work/live units, provided that a Conditional Use Permit is authorized.



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2. Requirements. The following requirements shall apply to work/live units:

a. The commercial or manufacturing activity taking place is subject to a valid business license associated with the premises;

b. The residential portion of the unit shall be inhabited by the business owner of the commercial or manufacturing activities performed in the unit. The work space shall not be leased separately from the living space; conversely, the living space shall not be leased separately from the work space;

c. The residential portion of the unit shall be limited in occupancy to one family.

d. The Director may attach additional conditions to permits that are required for work/live units to ensure that the intent and standards are met as outlined above.

e. The work/live use shall be subject to any additional requirements within the Building Code.

3. Exemptions from development standards.

a. No additional parking shall be required for work/live units within buildings lawfully in existence prior to December 5, 1989.

b. For historic buildings, up to 10 % of new floor area may be added in which external additions and alterations are exempt from all prescriptive design standards contained within TMC 13.06.500 and TMC 13.06A, but external additions and alterations shall be in conformance with the character of the existing building and shall not negatively impact or remove important character-defining features as determined by the Historic Preservation Officer. For the purposes of this section, 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. However, such review by the Historic Preservation Officer shall in no case replace the review by the Landmarks Preservation Commission when otherwise required.

13.06.700 Definitions and illustrations.

Light rail street. A street either containing public light rail transportation or planned for such transportation as evidenced by a public transportation agency.

Live/work. A dwelling or sleeping unit in which up to 50 percent of the space includes a commercial business use. The business owner lives in the residential space. A residential unit that is intended to function predominantly as a living space with incidental accommodations for work related activities that are beyond the scope of a home occupation.

Work release center. An alternative to imprisonment, including work and/or training release programs which are under the supervision of a court or a federal, state, or local agency. This definition excludes at-home electronic surveillance.

Work-/live. A commercial business use which includes a dwelling unit in up to 50 percent of the unit's space. The business owner lives in the residential space. A non-residential use that includes a subordinate residential component consisting of at least a kitchen, bathroom and sleeping quarters.



**Chapter 13.06A
DOWNTOWN TACOMA**

13.06A.050 Additional use regulations.

* * *

D. ~~Live-Work.~~ Live/work and work/live uses shall be allowed in all downtown districts, subject to the requirements contained in Section 13.06.570.

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 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.



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 Director may attach additional conditions to permits that are required for “work live” units to ensure that the criteria set forth above are met.

e. 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.

FE. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer). Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.565. Marijuana producers and marijuana processors shall be prohibited in all downtown districts.