



City of Tacoma  
Planning Commission

August 19, 2015

The Honorable Mayor and City Council  
City of Tacoma  
747 Market Street, Suite-1200  
Tacoma, WA 98402

HONORABLE MAYOR STRICKLAND AND MEMBERS OF THE CITY COUNCIL,

On behalf of the Planning Commission, I am pleased to forward our recommendations regarding the proposed Live/Work and Work/Live Amendments to the Land Use Regulatory Code, as outlined in the *Planning Commission's Findings of Fact and Recommendations Report, August 19, 2015* (attached).

Over the past three months, the Commission has conducted a public process regarding a proposal to amend the existing live/work and work/live provisions within the Land Use Regulatory Code. These provisions were originally adopted in 2012 to recognize live/work and work/live as uses that promote increased local activity, reduced commuting, expanded entrepreneurial opportunities, housing affordability and community interaction, and can facilitate the reuse and rehabilitation of the many older, underutilized buildings in this community. The original amendments included development flexibilities for projects that incorporated live/work and work/live units in the context of adaptive reuse of existing buildings in Downtown Tacoma and the City's other Mixed-Use Centers.

The adoption of these Land Use Regulatory Code amendments prompted a study on code compatibility, with a particular focus on examining the City's Building Code. Recommendations were formulated as part of the study with the goal of implementing code revisions that would reduce regulatory obstacles with respect to live/work and work/live development. The recommendations focused primarily on two general objectives: (1) increasing development flexibilities in the Building Code and (2) reevaluating limitations imposed by the land use provisions adopted in 2012. The Commission's analysis focused on the latter.

The study, which was finalized early this year, served as the Commission's starting point for this effort. Recommendations from the study were reviewed and incorporated into the proposal and a public hearing was conducted on July 15, 2015. The public comments received raised some questions about whether the proposal was still sufficiently promoting this type of use in pre-existing buildings. The Commission recognizes concerns held by some members of our community and generally agrees that it is important to ensure that the proposed incentives focus on the reuse of underutilized existing buildings. In response to those concerns we have incorporated additional code language to better meet that intent. As proposed, we feel that these amendments represent a significant improvement over the existing codes by providing an expanded list of incentives to encourage this type of use and better tying those incentives to the reuse and rehabilitation of older and historic buildings.

**Mayor and City Council**

August 19, 2015

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The Commission acknowledges that land use regulations are only one component of the proposed package of amendments. The amendments to the Land Use Regulatory Code have been developed in coordination with complimentary Building Code amendments, which have undergone their own review process under the purview of the Board of Building Appeals. Minor modifications to the Tax and License Code are another component of the proposal. These amendments are proceeding together with the intent of streamlining live/work and work/live regulations throughout the Tacoma Municipal Code.

It is with that understanding and intent that the Planning Commission respectfully requests the City Council adopt the proposed live/work and work/live amendments to the Land Use Regulatory Code, as recommended.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Beale", with a stylized flourish at the end.

CHRIS BEALE  
Chair

Enclosure



## LIVE/WORK & WORK/LIVE PROPOSED AMENDMENTS TO THE LAND USE REGULATORY CODE

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### TACOMA PLANNING COMMISSION FINDINGS OF FACT AND RECOMMENDATIONS AUGUST 19, 2015

#### **A. SUBJECT:**

Live/Work and Work/Live Code Amendments – Proposed Amendments to the Land Use Regulatory Code

#### **B. SUMMARY OF PROPOSED AMENDMENT:**

The proposed amendments, as shown in Exhibit “A”, would amend the Tacoma Municipal Code, Chapters 13.06 – Zoning and 13.06A – Downtown Tacoma, in which modifications would be made to the live/work and work/live provisions. The existing code provides the following development flexibilities for projects that incorporate live/work and work/live units into existing buildings (those lawfully in existence as of September 25, 2012) within Downtown Tacoma and the City’s other Mixed-Use Centers:

- No additional parking spaces are required;
- Up to 10% of new floor area may be added, either internally or externally, for the purposes of creating living or working space without triggering a change in use; and,
- External additions are exempt from all prescriptive design standards contained within TMC 13.06.300 and TMC 13.06A, but external additions shall be in conformance with the character of the existing building.

The proposal would remove the section from Chapter 13.06A – Downtown, and relocate it to a newly created section within Chapter 13.06 – Zoning. The new section – 13.06.570 – would be specific to live/work and work/live uses and would include improvements to the existing provisions. The new iteration would retain the development flexibilities of the existing code, but the applicability of certain flexibilities would be reserved for buildings lawfully in existence prior to December 5, 1989, while others would be reserved only for historic buildings. Additionally, the proposal would incorporate the following modifications:

- Clarify that live/work and work/live uses are subject to business license requirements and that the residential portions of these units must be inhabited by the operator or an employee of the commercial or manufacturing activities within the unit;
- Clarify that the residential portion of the unit is limited in occupancy to one family;
- Clarify the areas where live/work and work/live uses are permitted – to include all zoning districts that allow for the associated mix of uses;

- Remove the restriction on live/work and work/live projects with more than 20 dwelling units or 12,000 square feet of commercial space, while retaining the 20 dwelling unit limitation for projects involving new construction.
- Expand the definition of “historic buildings” for the purposes of these flexibilities to include both buildings listed on historic registers and buildings that retain sufficient historic character such that they could be listed on historic registers.

The existing code also contains specific provisions that are generally not under the purview of the Land Use Regulatory Code but are more typical of Building Code considerations. Some of these provisions are already addressed in the International Building Code (IBC) while others are being incorporated into local Building Code amendments being proposed concurrently. The following provisions would be rescinded from the Land Use Regulatory Code and modified in the proposed Building Code amendments:

- Limiting the residential portion of work/live units to 33 percent of the unit (this ratio is more restrictive than the current IBC for live/work units – a 50 percent maximum residential use area is being proposed in the Building Code amendments);
- Requiring unseparated living and working quarters (the proposed Building Code amendments would provide options for separation of space).

### **C. FINDINGS OF FACT:**

1. In 2012, the City Council adopted Ordinance No. 28088, which created regulations to incentivize the development of live/work and work/live uses in the City’s commercial centers. The amendments provided development flexibilities related to parking, design standards, and off-site improvement requirements to promote the expansion and improvement of these types of joint living/working units when incorporated into existing buildings within the Downtown and other Mixed-Use Districts. The intent was to provide new tools to help restore vibrancy in neglected and underutilized areas by allowing greater flexibility for infill development and the reuse of existing buildings.
2. Subsequently, a consultant study on code compatibility was conducted with the goal of implementing code revisions to both the Building Code and Land Use Regulatory Code that would further reduce regulatory obstacles with respect to live/work and work/live development.
3. A report, prepared by BLRB Architects, was finalized in early 2015, which included analysis of the City’s existing efforts on live/work and work/live codes, benchmarked studies in jurisdictions similar to Tacoma, case studies for a few potential buildings in Tacoma, and recommendations for further code changes.
4. Recommendations from the report were reviewed by Staff and the Planning Commission. The following City departments provided expertise and comment to the process and proposal: Planning & Development Services, Community & Economic Development, Finance, and Tacoma Fire.

5. Updates regarding the progress of the proposed amendments were presented to, and feedback solicited from, the City Council's Infrastructure, Planning, and Sustainability Committee on May 27<sup>th</sup> and August 12<sup>th</sup> in 2015.
6. The Planning Commission reviewed findings from the consultant study and the proposed Land Use Regulatory Code amendments at their meetings on May 20<sup>th</sup>, June 17<sup>th</sup>, and August 5<sup>th</sup> in 2015. All meetings were open to the public.
7. The Planning Commission conducted a public hearing on July 15, 2015 on the proposed amendments to the Land Use Regulatory Code. Notice of the public hearing was distributed to the City Council, Neighborhood Councils, business district associations, civic organizations, environmental groups, the development community, the Puyallup Tribal Nation, adjacent jurisdictions, major employers and institutions, City and State departments, the Tacoma Public Library, and other known stakeholders and interested entities. An advertisement was placed in the News Tribune on July 6, 2015; and a legal notice regarding the environmental determination was placed in the Tacoma Daily Index on July 6, 2015.
8. Environmental Review – Pursuant to WAC 197-11-340(2) and the City's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) for the proposed regulations was issued on June 25, 2015 (SEPA File Number: SEP2015-40000249187), based upon a review of an environmental checklist. The DNS and the environmental checklist was provided or made available to appropriate entities that received the Planning Commission's public hearing notice. The City did not receive any comments on the preliminary determination. The determination was not modified by the City, and became final on July 29, 2015.
9. A "Notice of Intent to Adopt Amendment 60 Days Prior to Adoption" was filed with the State Department of Commerce on July 1, 2015 (per RCW 36.70A.106). A notification was sent to Joint Base Lewis-McChord on July 7, 2015 (per RCW 36.70A.530(4)). A similar notice was also sent to the City of Tacoma Attorney's Office, requesting legal review to help ensure that the proposed amendments will not result in an unconstitutional taking of private property (per RCW 36.70A.370). No concerns have been raised in response to these notices.
10. One citizen testified at the Planning Commission's public hearing on July 15, 2015, and three written comments were received by the record closing date of July 22, 2015. The public comments generally addressed the following concerns:
  - Removing the 20+ dwelling restriction may result in more live/work and work/live developments within larger, less affordable buildings, which may detract from the goal of incentivizing the reuse of older small buildings.
  - Allowing these uses in new buildings and outside of mixed-use centers and Downtown could potentially dilute the original intent, which was to incentivize this in those areas.
11. The Planning Commission reviewed oral and written comments at its meeting on August 5, 2015, and provided direction on changes to the proposal to reflect additional Commission deliberations and address some of the community concerns raised through the public process.

#### **D. CONCLUSIONS:**

The Planning Commission concludes that:

1. The proposed live/work and work/live code amendments to the Land Use Regulatory Code are designed to streamline the City's regulatory code to support this type of mixed-use development, particularly within the context of the reuse and renovation of existing and historic buildings. These proposed amendments will facilitate people living and working in one place and expand entrepreneurial opportunities, while at the same time supporting the safe occupation of structures;
2. As proposed, these amendments represent a significant improvement over the existing codes by providing an expanded list of incentives to encourage this type of use and better ties those incentives to the reuse and rehabilitation of older and historic buildings.
3. The proposed live/work and work/live code amendments to the Land Use Regulatory Code will work in conjunction with companion Building Code amendments to support the City's strategic goals for a safe, clean, attractive, and environmentally sustainable city while fostering economic diversity;
4. The proposed live/work and work/live code amendments to the Land Use Regulatory Code are consistent with the Growth Management Act, will benefit the City as a whole, will not adversely affect the City's public facilities and services, and are in the best interests of the public health, safety and welfare of the citizens of Tacoma.

#### **E. RECOMMENDATION:**

The Planning Commission recommends that the City Council adopt the proposed live/work and work/live code amendments as set forth in Exhibit "A", along with the companion amendments to the Building Code.

#### **F. EXHIBITS:**

"A": Live/Work and Work/Live Code – Proposed Amendments to the Land Use Regulatory Code



## Live/Work and Work/Live Code Amendments

### PROPOSED LAND USE REGULATORY CODE AMENDMENTS

*August 12, 2015*

These proposed amendments include modifications to the following Sections of TMC Title 13, the Land Use Regulatory Code:

#### **13.06 – Zoning**

- 13.06.100 – Residential Districts.
- 13.06.200 – Commercial Districts.
- 13.06.300 – Mixed-Use Center Districts.
- 13.06.400 – Industrial Districts.
- 13.06.570 – Live/Work and Work/Live. (new section)
- 13.06.700 – Definitions and illustrations.

#### **13.06A – Downtown Tacoma**

- 13.06A.050 – Additional use regulations.

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~. New text that has been added since the June 9, 2015 draft is highlighted.

**Chapter 13.06  
ZONING**

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**13.06.100 Residential Districts.**

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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 <sup>1</sup>
***									
Home occupation	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.E.
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.
<u>Live/Work</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
***									
<u>Work/Live</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	



Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
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	
<b>Footnotes:</b>									
<sup>1</sup> For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.									

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### 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 <sup>1</sup>	HM	PDB	Additional Regulations <sup>2,3</sup> (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.

Uses	T	C-1	C-2 <sup>1</sup>	HM	PDB	Additional Regulations <sup>2, 3</sup> (also see footnotes at bottom of table)
Live- <del>Work-unit</del>	<del>NP</del>	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	

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### 13.06.300 Mixed-Use Center Districts.

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#### 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.

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

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
Industry, light	N	N	N	N	P	N	N	N	
Intermediate care facility	P	P	P	P	P	P	P	P	See Section 13.06.535. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.530 for additional information about size limitations and permitting requirements.
<u>Live/Work</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>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>
***									
Wholesale or distribution	N	N	N	N	P	N	N	N	
Work- <u>Live</u>	P	P	P	P	P	P	P	<del>NP</del>	<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. Not subject to minimum density requirements.</u>

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### 13.06.400 Industrial 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	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
***				
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- <del>Work-unit</del>	P	N	N	<u>Projects incorporating live/work in new construction shall contain no more than 20 live/work units.</u> <u>Subject to additional requirements contained in Section 13.06.570</u>
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<u>Work/Live</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>Projects incorporating work/live in new construction shall contain no more than 20 work/live units.</u> <u>Subject to additional requirements contained in Section 13.06.570</u>
Work release center	CU	CU	P	Subject to development standards contained in Section 13.06.550.

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**13.06.500 Requirements in all preceding districts.**

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

#### B. Live/Work

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

2. Requirements. The following requirements shall apply to live/work 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 operator or an employee 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 live/work units to ensure that the intent and standards are met as outlined above.

e. The live/work 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 live/work 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.

### C. Work/Live

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

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 operator or an employee 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.**

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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 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.

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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 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.

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~~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.~~

~~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.~~

~~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.~~
  - ~~c. For the purposes of this chapter, a historic building is defined as follows: Any building or structure that is listed in the State or National Register of Historic Places; or designated as a City Landmark under Chapter 13.07 of the Tacoma Municipal Code; or certified as a contributing resource within a National Register or Tacoma Register historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer, or with an opinion from the Tacoma Historic Preservation Officer that the property appears to meet the criteria for designation as a local landmark listed in Chapter 13.07 of the Tacoma Municipal Code.~~
  - ~~d. No additional parking spaces are required.~~
  - ~~e. Up to 10% of new floor area may be added, either internally or externally, for the purposes of creating living or working space without triggering a change in use.~~
  - ~~f. External additions are exempt from all prescriptive design standards contained within TMC 13.06.300 and TMC 13.06A, but external additions shall be in conformance with the character of the existing building.~~
  - ~~g. Non-conforming floor area, Floor Area Ratio (FAR), setbacks, height, and site landscaping are "grandparented in", meaning that a variance is not required for development that does not increase the degree of non-conformity.~~
  - ~~h. Mezzanine spaces may be added so long as they do not exceed a 10% increase in floor area or one third the area of the floor below.~~
  - ~~i. New roof structures shall not be considered as adding new floor area or trigger change of use requirements provided that: such structures are not used for living or working quarters; and, such structures are used solely for accessory uses or in conjunction with open space amenities.~~
  - ~~j. Adding a "work live" unit is not subject to density requirements in the underlying zone.~~
  - ~~k. These provisions do not extend to adaptive reuses that involve more than 20 dwelling units or more than 12,000 square feet of commercial space in a particular building.~~
- 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.