



Live/Work and Work/Live Code Amendments Staff Analysis Report

Application No.:	N/A
Proposed Amendment:	Amending Tacoma Municipal Code, Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, 13.06.570 (new section), 13.06.700, 13.06A.050
Applicant:	Planning and Development Services
Location & Size of Area:	Citywide
Current Land Use & Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Elliott Fitzgerald, Planning Services Division (253) 591-5379, efitzgerald@cityoftacoma.org
Date of Report: (Planning Commission review date; draft or final)	June 17, 2015 (draft)

I. Description of the Proposed Amendment:

1. Describe the proposed amendment, including the existing and proposed amendatory language, if applicable.

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

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

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

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

3. *Exemptions from development standards.*

- a. *No additional parking shall be required for live/work or work/live developments 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 are exempt from all prescriptive design standards contained within TMC 13.06.500 and TMC 13.06A, but external additions shall be in conformance with the character of the existing building 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.*

To address the proposed expansion of applicable zoning districts in which live/work and work/live shall be permitted, the district use tables within Chapter 13.06 would be updated as part of the proposal. Additionally, the following provision would be included in the new section (13.06.570):

1. *Applicability. Live/work and work/live units shall be permitted in accordance with 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 and work/live units, provided that a Conditional Use Permit is authorized.*

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

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

“A unit that is intended to function predominantly as living space with incidental accommodations for work-related activities that are beyond the scope of a home occupation.”

2. Describe the intent of the proposed amendment and/or the reason why it is needed.

Live/work and work/live units are types of mixed-use developments that 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 Planning Commission and Planning &

Development Services developed live/work and work/live code amendments in 2012 to promote these community goals, with a particular emphasis on the adaptive reuse of existing buildings in Downtown Tacoma and the City's other Mixed-Use Centers. Prior to their adoption in 2012, there were no specific land use code provisions for live/work and work/live development in Tacoma. The amendments provided a basic framework for where and how these uses would be allowed.

The adoption of these Land Use Regulatory Code amendments instigated a study on code compatibility with the existing provisions in the City's Building Code. Consultants produced a report that includes code precedents from other jurisdictions as well as case studies of three existing buildings within Downtown Tacoma. Recommendations were developed with the goal of implementing code revisions that will address roadblocks to the renovation and reuse of existing buildings. These recommendations focus primarily on amendments to Building and Fire Codes. However, the consultants have identified several existing provisions for live/work and work/live development within the Land Use Regulatory Code that should be reevaluated. The following recommendations pertain to the existing live/work and work/live provisions within the Land Use Regulatory Code:

- Allow the living space to be separated from the work space
- Remove the limitations for existing buildings
- Increase the allowable ratio of residential space to work space
- Remove the unnecessary mezzanine provision
- Eliminate the restriction on projects greater than 20 dwelling units

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

3. Describe the geographical areas associated with the proposed amendment. Include such information as: location, size, parcel number(s), ownership(s), site map, site characteristics, natural features, current and proposed Comprehensive Plan land use designations, current and proposed zoning classifications, and other appropriate and applicable information for the affected area and the surrounding areas.

The existing code permits live/work and work/live uses in the downtown districts and mixed-use center districts. However, the district use tables within Chapter 13.06 list live/work as a permitted use in the M-1: Light Industrial District as well as all commercial districts except for the T: Transitional District.

The proposed amendments would allow live/work and work/live uses in the in any other districts that allow for a mix of residential and commercial uses, provided that the work component of the unit is a permitted use in the underlying zoning district.

4. Provide any additional background information associated with the proposed amendment.

This proposal is part of a packaged code amendment project with the intent of streamlining live/work and work/live regulations throughout the Tacoma Municipal Code. Other titles would require amendments as part of this proposal. Therefore, Planning Services has developed the proposed amendments in close coordination with Development Services, the Fire Department, and has had discussions with the Tax & License Division to address business license concerns associated with live/work and work/live uses.

Proposed amendments to the Building Code address issues concerning occupancy designations, separation requirements, means of egress, fire alarm requirements, and include significant discussion pertaining to standards and flexibilities associated with fire sprinkler systems. In summary, the proposed Building Code amendments would:

- Create a work/live as a recognized use within the Building Code
- Not require a change of occupancy of the building
- Provide options for requirements pertaining to separation of space
- Provide development flexibilities for live/work and work/live uses in buildings lawfully in existence prior to December 5, 1989 (these flexibilities pertain to fire sprinkler standards and off-site improvements)

Aside from addressing separation requirements, the proposed Building Code amendments include other provisions related to size and site configuration, some of which would be rescinded from the existing provisions within the Land Use Regulatory Code:

Live/work units

- Shall not be greater than 3,000 sq. ft. in area
- The nonresidential area shall not be more than 50 percent of the area of each unit
- The nonresidential area shall be limited to the first or main floor

Work/live units

- Shall not be greater than 3,000 sq. ft. in area
 - They shall not be limited in size if an approved automatic sprinkler system is installed throughout and where the work space is separated from the live space
- The residential area shall not be more than 50 percent of the area of each unit and shall not exceed 1,500 sq. ft.
- The nonresidential area shall be limited to the first or main floor

Furthermore, a special business license would be developed as part of the proposal. The license would require applicants to reaffirm that no more than one family will inhabit the residential area of a live/work or work/live unit and that the family will not inhabit the non-residential area for living purposes.

II. Analysis of the Proposed Amendment:

1. How does the proposed amendment conform to applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and development regulations?

The following policies of the Generalized Land Use and Housing elements of the Comprehensive Plan provide general support for appropriately regulated live/work and work/live uses within the City of Tacoma:

Generalized Land Use Element:

Mixed-use Centers Goal

To achieve concentrated centers of development with appropriate multimodal transportation facilities, services, and linkages that promote a balanced pattern of growth and development, reduce sprawl, foster economies in the provision of public utilities and services and yield energy savings.

Policy LU-MU-3 Mixed-use Development

Encourage integration of different land uses within the same building or site in order to maximize efficient land use, foster a variety of developments, and support multimodal mobility.

Policy LU-MU-4 Development Bonuses and Incentives

Provide a range of development incentives and bonuses in order to encourage specific types of development as well as public benefits. Incentives may include reduced parking requirements, fee waivers, height increases, density bonuses, property tax exemptions, capital improvements, and other techniques.

Policy LU-MUD-8 Housing

Recognize the necessity of and provide for quality affordable housing and innovative building types to use land more efficiently while also providing for greater densities.

Policy LU-MUDTC-2 Preservation of Historical, Cultural and Scenic Resources

Recognize the abundance and prominence of historical, cultural, and scenic resources within downtown and preserve these unique assets.

Residential Development Goal:

To provide fair and equitable distribution of a variety of housing types and living areas as well as protect and enhance already established neighborhoods.

Policy LU-RDG-3 Housing Opportunities

Encourage the development of residential areas that offer a variety of housing opportunities for all segments of the population within all areas of the city.

Commercial Development Goal:

To achieve an attractive, convenient and well-balanced system of commercial facilities, which serve the needs of the citizens, are appropriate to their relative service areas and are compatible with adjacent land use.

Housing Element:

Overall Housing Goal:

To maintain and support vibrant and stable residential neighborhoods while promoting a variety of housing opportunities to meet the needs of all residents.

H-NQ-3 Historic/Cultural Amenities

Identify, protect and enhance cultural, architectural, historic and scenic resources within residential areas. Support the rehabilitation of architecturally or historically significant homes as well as other landmark residential and mixed-use buildings while maintaining public safety and historic character.

H-HC-4 Adaptive Reuse for Housing

Support the conversion of nonresidential buildings (e.g. schools, hotels, storage buildings) to residential uses.

2. Would the proposed amendment achieve any of the following objectives?

- **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**
- **Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City’s capacity to provide adequate services;**

- **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or**
- **Enhance the quality of the neighborhood.**

The proposal would address inconsistencies within the Land Use Regulatory Code and compliment recent amendments to the Building Code.

- 3. Assess the proposed amendment with the following measures: economic impact assessment, sustainability impact assessment, health impact assessment, environmental determination, wetland delineation study, traffic study, visual analysis, and other applicable analytical data, research and studies.**

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

- 4. Describe the community outreach efforts conducted for the proposed amendment, and the public comments, concerns and suggestions received.**

The proposed amendments are intended to be incremental to the live/work and work/live code amendments that were originally adopted in 2012, in which public hearings were held to receive public testimony. It is recommended that the Planning Commission conducts a public hearing on July 15, 2015 to receive public testimony on the proposed amendments to the Land Use Regulatory Code, and keep the public hearing record open through July 22, 2015 to accept written comments.

The proposed amendments were formulated after reviewing a study on code compatibility, in which consultants referenced code precedents from other jurisdictions and conducted case studies of existing buildings within Downtown Tacoma. The consultants also incorporated feedback and suggestions from subject matter experts within the architectural and planning profession.

Furthermore, the packed code amendment project will continue be reviewed by the Board of Building Appeals and the Infrastructure, Planning and Sustainability Committee until the City Council study session in September or this year.

- 5. Will the proposed amendment benefit the City as a whole? Will it adversely affect the City's public facilities and services? Does it bear a reasonable relationship to the public health, safety, and welfare?**

These amendments are intended to enhance the City's capacity to appropriately regulate live/work and work/live uses in a manner that is consistent with our community's priorities and expectations.

III. Staff Recommendation:

Staff recommends that the Planning Commission conduct a public hearing on July 15, 2015 to receive public testimony on the proposed amendments to the Land Use Regulatory Code, and keep the public hearing record open through July 22, 2015 to accept written comments.

IV. Exhibits:

- A. Proposed Amendments to the Tacoma Municipal Code, Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, 13.06.570 (new section), 13.06.700, and 13.06A.050.



Live/Work and Work/Live Code Amendments

DRAFT LAND USE REGULATORY CODE AMENDMENTS

June 9, 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~~.

Chapter 13.06

ZONING

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.
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 ¹
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.

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	NP	P	P	P	P	See Section 13.06.570

Uses	T	C-1	C-2 ¹	HM	PDB	Additional Regulations ^{2, 3} (also see footnotes at bottom of table)
<u>Work/Live</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 13.06.570</u>
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.

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

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
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.
<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>See Section 13.06.570.</u>

Wholesale or distribution	N	N	N	N	P	N	N	N	
<u>Work-Live</u>	P	P	P	P	P	P	P	NP	<u>See Section 13.06.570. Not subject to minimum density requirements.</u>

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	

Uses	M-1	M-2	PMI	Additional Regulations ¹
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	See Section 13.06.570

Work/Live	P	N	N	See Section 13.06.570
Work release center	CU	CU	P	Subject to development standards contained in Section 13.06.550.
Uses not prohibited by City Charter and not prohibited herein	N	N	P	

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 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. 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 promote live/work and work/live development as means to conserve and reuse such 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 employee of the commercial or manufacturing activities performed. The work portion shall not be leased separately from the live portion; conversely, the live portion shall not be leased separately from the work portion;

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 developments 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 are exempt from all prescriptive design standards contained within TMC 13.06.500 and TMC 13.06A, but external additions shall be in conformance with the character of the existing building 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.

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 employee of the commercial or manufacturing activities performed. The work portion shall not be leased separately from the live portion; conversely, the live portion shall not be leased separately from the work portion;

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 developments 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 are exempt from all prescriptive design standards contained within TMC 13.06.500 and TMC 13.06A, but external additions shall be in conformance with the character of the existing building as determined by the Historic Preservation Officer. 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.

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 unit. A 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 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.~~

~~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.~~
- ~~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.