



ORDINANCE NO. 28511

1 AN ORDINANCE relating to zoning and land use; adopting the proposed Tacoma
2 Mall Neighborhood Subarea Plan; and amending Titles 1 and 13 of the
3 Municipal Code by amending various chapters to protect the viability and
4 effectiveness of the Tacoma Mall neighborhood subarea planning process
5 and its outcomes, and related area-wide land use designation changes and
6 zoning reclassifications, zoning and design standards, streetscape design
7 guidelines, and implementation strategies.

8 WHEREAS the Tacoma Mall Neighborhood (“Neighborhood”), consisting of
9 approximately 575 acres, is a planned hub for jobs and housing growth, and
10 includes regional retail destinations, a broad range of businesses, civic and
11 governmental institutions, and a growing resident population, and

12 WHEREAS the Neighborhood is a Regional Growth Center (“RGC”)
13 designated in VISION 2040, the Puget Sound region’s growth, economic, and
14 transportation strategy, and in One Tacoma, the City of Tacoma’s Comprehensive
15 Plan, and

16 WHEREAS, pursuant to the state Growth Management Act (“GMA”) and
17 VISION 2040, the City must develop a subarea plan for the Neighborhood to set
18 the stage for the necessary federal, state, and regional funding, and
19 implementation actions to anticipate, support, and guide long-term community
20 growth and development within the RGC, and

21 WHEREAS, through a multi-year community involvement and collaborative
22 process, the Planning Commission completed the draft Tacoma Mall
23 Neighborhood Subarea Plan (“Subarea Plan”) and, after conducting a public
24 hearing on September 6, 2017, forwarded the draft Subarea Plan to the City
25 Council for its consideration on October 18, 2017, and
26



1 WHEREAS, on February 28, 2018, the Infrastructure, Planning and
2 Sustainability (“IPS”) Committee completed its review of the draft Subarea Plan,
3 and forwarded it to the City Council with certain modifications, and

4 WHEREAS the Subarea Plan, as recommended by the Planning
5 Commission and IPS Committee, includes the following key aspects:

- 6 • Expansion of the RGC and area-wide rezones to promote mixed-use
7 development;
- 8 • Zoning and design standard changes to enhance urban form, facilitate
9 effective transitions, improve the pedestrian environment and promote
10 affordable housing;
- 11 • Area-wide green stormwater strategy and 25 percent tree canopy target;
- 12 • Area-wide transportation strategy including capital investments, streetscape
13 design guidelines for key corridors, and expanded transit service and
14 connectivity requirements with major development;
- 15 • Parks and open space strategy to support urban form, livability and
16 environmental goals;
- 17 • Coordinated infrastructure and services provision, and streamlined
18 environmental review; and
- 19 • Collaborative implementation steps by public agencies, residents, businesses
20 and the community,

21 and

22 WHEREAS the Subarea Plan incorporates by reference Appendix T-1,
23 Streetscape Corridor Concepts, providing high-level conceptual design guidance
24 for the future design of several key corridors within the Subarea, and

25 WHEREAS, on November 3, 2017, the City issued a non-project Final
26 Environmental Impact Statement (“FEIS”), which concluded that the Subarea Plan
is the preferred alternative due to its environmental and community benefits and
coordinated approach to mitigating development impacts, and



1 WHEREAS, on March 29, 2018, the City issued an Addendum to the FEIS
2 to address modifications made by the IPS Committee in February 2018, and

3 WHEREAS the Environmental Impact Statement was prepared concurrently
4 with the planning process, in accordance with the Washington State Environmental
5 Policy Act ("SEPA"), and is adequate for future SEPA compliance, decision-making
6 and implementation of an upfront SEPA process authorized by RCW 43.21.C.420,
7 including additional SEPA tools authorized by RCW 43.21C.021 (planned action)
8 and RCW 43.21C.229 (infill exemption), and

9 WHEREAS the Subarea Plan, proposed to be adopted as an element of the
10 One Tacoma Comprehensive Plan, will provide innovative planning and policy
11 interventions to help the Neighborhood achieve its potential as a thriving, livable,
12 walkable and transit-ready urban neighborhood, and

13 WHEREAS the Subarea Plan, area-wide land use designation changes and
14 zoning reclassifications, zoning and design standards, and implementation
15 strategies will also serve as effective tools to facilitate the fulfillment of important
16 community goals, including health and safety, human and social needs, economy
17 vibrancy and employment, natural and built environment, and arts and cultural
18 vitality, as set forth in *Tacoma 2025*, the City of Tacoma's Citywide Strategic Plan
19 and Vision, and

20 WHEREAS the Subarea Plan is consistent with state and regional policy
21 direction, including the Growth Management Act, Pierce County Countywide
22 Planning Policies, Vision 2040 and Transportation 2040, and the Regional Centers
23 Framework adopted by the Puget Sound Regional Council in March 2018, and
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WHEREAS adoption of the Subarea Plan would initiate future updates to other chapters of the One Tacoma Comprehensive Plan for consistency with the Subarea Plan land use designations, transportation policies and capital project lists, and other policy direction, and

WHEREAS the Planning Commission and the IPS Committee have recommended the adoption of the proposed Subarea Plan and associated land use designation changes and area-wide zoning reclassifications, zoning and design standards, streetscape design guidelines, and implementation strategies;

Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the Tacoma Mall Neighborhood Subarea Plan, as recommended by the Planning Commission and the Infrastructure, Planning and Sustainability Committee, is hereby adopted, said plan to be substantially in the form of the Tacoma Mall Neighborhood Subarea Plan on file in the office of the City Clerk.

Section 2. That Chapter 1.39 of the Tacoma Municipal Code ("TMC") is hereby amended to read as substantially set forth in the attached Exhibit "A."



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Section 3. That Title 13 of the TMC is hereby amended to read as substantially set forth in the attached Exhibit "B."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

EXHIBIT “A”

Chapter 1.39 AFFORDABLE HOUSING INCENTIVES AND BONUSES ADMINISTRATIVE CODE

Sections:

- 1.39.010 Purpose.
- 1.39.020 Definitions.
- 1.39.030 Applicability.
- 1.39.040 Program Requirements.
- 1.39.050 Financial Incentives.
- 1.39.060 Development Incentives.
- 1.39.070 Residential Upzones.
- 1.39.080 Incorporation of Affordable Housing Units.
- 1.39.090 Procedures.
- 1.39.100 [Affordable Housing Inclusionary Development Requirements.](#)

1.39.010 Purpose.

The purpose of this Chapter is to encourage the development of affordable housing for rental households earning 50 percent or less, and ownership households earning 80 percent or less of the Tacoma median household income, pursuant to the provisions of RCW 36.70A.540. The Growth Management Act (“GMA”) requires Tacoma to make adequate provisions for existing and projected housing needs of all economic segments of the community. The City recognizes that the real estate market provides adequate housing for those households in the upper economic segments; however, a combination of financial and regulatory incentives will be necessary to adequately provide for the needs of households whose incomes are at or below the City's median household income. The City recognizes the public benefits affordable housing contributes to local communities and businesses.

* * *

1.39.030 Applicability.

The affordable housing incentives for low-income households may be utilized within a range of zoning designations throughout the City. The incentives and bonuses offered through the provisions of this Chapter may be utilized to gain an increase in height or density pursuant to the provisions and ratios of the applicable provisions of ~~TMC~~ Title 13 of the Tacoma Municipal Code (“TMC”), as specified in Chapters 13.06 and 13.06A. Additional permitting incentives, including fee reductions and expedited City review, are also authorized through this Chapter. Finally, this Chapter lays out requirements to incorporate housing affordability in certain circumstances, including with the grant of residential upzone requests and for development within areas designated for inclusionary housing.

Areas designated in TMC 13.18, Affordable Housing Inclusionary Development Areas, are subject to the requirements of Section 1.39.100 below, which modifies some of the general provisions of this Chapter.

* * *

1.39.060 Development Incentives.

A. Development incentives are voluntary options intended to promote the incorporation of affordable housing units within private developments by offering sufficient value to offset the cost of the reduced revenue from rents or purchase prices, in order to promote a range of housing unit costs integrated within for-profit housing developments and thus promote a distribution of affordable housing throughout the neighborhoods of the City.

B. Planned Residential Districts. Per the provisions of TMC 13.06.140, PRDs offer a zoning mechanism to develop a site specific proposal on larger sites that can incorporate additional density in exchange for the provision of affordable housing units pursuant to the requirements of this Chapter. PRDs may allow up to two times the number of dwelling units permitted in the underlying residential district. Fifty percent of this bonus development capacity is reserved for the provision of affordable housing pursuant to the requirements of this Chapter.

C. Downtown Tacoma. Per the provisions of TMC 13.06A.080, development proposals within Downtown zoning districts seeking to gain additional Floor Area Ratio may choose from a list of public benefit features including the provision of affordable housing pursuant to the requirements of this Chapter.

D. Mixed-use Centers. Per the provisions of TMC 13.06.300.(E).7 Height Bonus Palette, development proposals within certain mixed-use center zoning districts seeking to gain additional height may choose from a list of public benefit features, including a contribution to the City of Tacoma’s Affordable Housing Trust Fund.

E. Affordable Housing Inclusionary Development Areas. Areas designated in TMC 13.18 as Affordable Housing Inclusionary Development Areas have been granted increased development capacity at the time of their designation to offset the cost of providing affordable housing. In addition, such areas are eligible for incentives in exchange for incorporation of affordable housing, pursuant to Section 1.39.100, below.

* * *

1.39.080 Incorporation of Affordable Housing Units.

A. To obtain the Financial and Development Incentives offered, ~~or~~ to gain approval of a residential upzone, or to meet inclusionary housing requirements, the following provisions must be met. These include the incorporation of affordable housing units within the project or the payment of an in-lieu fee to the City to be utilized for the creation of housing affordability.

B. Incorporation of Affordable Units. To satisfy the provisions of this section the following is required:

1. Density bonuses—Planned Residential Districts and Downtown Floor Area Ratio. For each additional market rate dwelling unit allowed through a density bonus, pursuant to the provisions of this Chapter and of TMC 13.06 and 13.06A, an additional affordable unit shall also be included. The ratio of bonus density market rate to affordable units shall be one to one.

2. Density bonuses—Residential Upzones. For every three additional market rate dwelling units allowed through a privately-initiated upzone request, an additional affordable unit shall also be included per the provisions of this section and of TMC 13.06.650. The ratio of upzone market rate to affordable units shall be three to one.

3. Density bonuses—Affordable Housing Inclusionary Development Areas. Areas designated in TMC 13.18 as Affordable Housing Inclusionary Development Areas shall incorporate the required percentage of total units as affordable, pursuant Section 1.39.100, below.

34. Affordability requirements. To qualify as affordable per the provisions of this section, rental households shall be affordable to households earning up to 50 percent of the Pierce County Area Median Income (AMI), and ownership households shall be affordable to households earning up to 80 percent of AMI, adjusted for household size.

45. A combination of affordable rental and ownership households is acceptable within a qualifying development.

56. Affordable housing units provided pursuant to the provisions of this section shall remain affordable for a 50 year term, pursuant to the requirements of RCW 36.70A.560.

* * *

1.39.100 Affordable Housing Inclusionary Development Requirements.

A. Purpose. This section is intended to address housing needs in priority areas, to reduce involuntary displacement, to meet the City's housing choice and affordability goals, and to support the achievement of the City's Comprehensive Plan and housing policies. This section integrates and modifies the general standards of Chapter 1.39, as specified below.

B. Definitions. The definitions of Section 1.39.020 apply.

C. Applicability. This section applies to areas designated in TMC 13.18, Affordable Housing Inclusionary Development Areas.

D. Program Requirements. The Program Requirements of Section 1.39.040 apply, except as follows, regarding the number of units.

1. Number of units – 15 or more. Developments including 15 units or more shall provide a minimum of 10 percent of the total units in the development as affordable, pursuant to the provisions of this Chapter.

2. Number of units – 25 or more. Developments including 25 units or more shall provide a minimum of 20 percent of the total units in the development as affordable, pursuant to the provisions of this Chapter.

E. Financial Incentives. The provisions of Section 1.39.050 apply, and are modified as follows:

1. Fee reductions. In order to promote and offset the cost of creating affordable housing, developments subject to these requirements shall be eligible for permit fee reductions. The permit fee reductions shall be proportionate to the percentage of affordable units provided through the development. If the fee in-lieu approach is used, the project will not be eligible for this option. Fee reductions will be resource dependent.

F. Development Incentives. The designation of Affordable Housing Inclusionary Development Areas is accompanied by an increase in maximum building height, maximum density, or other regulatory change that increases development capacity and creates an incentive to provide affordable housing.

G. Incorporation of Affordable Housing Units. The provisions of Section 1.39.080 apply, with the following modifications:

1. Developments subject to these provisions shall incorporate at least 10 percent, or at least 20 percent affordable units, as applicable, per the provisions of this Chapter.

2. As an alternative to incorporation of affordable housing units within the development, the project proponent may choose to pay an in-lieu fee as a contribution to the City's Housing Trust Fund. The fee shall be calculated pursuant to the provisions of Section 1.39.080, and shall be the multiplier of the number of affordable units that would have been required in the development.

H. Procedures. The provisions of Section 1.39.090 apply.

EXHIBIT "B"

TITLE 13
LAND USE REGULATORY CODE

Chapters:

- 13.02 Planning Commission
- 13.03 *Repealed*
- 13.04 Platting and Subdivisions
- 13.05 Land Use Permit Procedures
- 13.06 Zoning
- 13.06A Downtown Tacoma
- 13.07 Landmarks and Historic Special Review Districts
- 13.08 Current Use Assessment
- 13.09 South Tacoma Groundwater Protection District
- 13.10 Shoreline Management
- 13.11 Critical Areas Preservation
- 13.12 Environmental Code
- 13.13 *Repealed*
- 13.14 *Repealed*
- 13.15 Commute Trip Reduction
- 13.16 Concurrency Management System
- 13.17 Mixed-Use Center Development
- 13.18 Affordable Housing Inclusionary Development Areas

* * *

Chapter 13.04
PLATTING AND SUBDIVISIONS

* * *

13.04.075 Vacation.

The vacation of any binding site plan, plat, short plat, or portion thereof, is subject to the procedures set forth in RCW 58.17, ~~and~~ applicable sections of the Tacoma Municipal Code, including Chapter 13.05 Land Use Permit Procedures and shall be reviewed for consistency with the Comprehensive Plan.

* * *

13.04.088 Binding site plan approval.

A. Divisions of commercial, mixed-use, or industrial zoned land for sale or lease may be permitted by approval of a binding site plan by the Director or designee; provided, that the property to be divided has had land use actions specifying use and building, parking and driveway layouts.

* * *

13.04.090 Short plat/short subdivision procedures.

* * *

E. Approval. The Director or designee shall review the proposed preliminary short subdivision application. The preliminary short plat shall not be approved unless it is found that:

- 1. Appropriate provisions are made for the public health, safety, and general welfare; and for open spaces; stormwater management; streets or roads; alleys; bike routes; other public ways; transit stops; potable water supplies; sanitary wastes; parks and recreation; playgrounds; schools and school grounds; and all other relevant facilities, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school and for transit patrons who walk to bus stops or commuter rail stations.

2. The public use and interest will be served by the platting and dedication of such subdivision and dedication as set forth by the Comprehensive Plan and other adopted City ordinances, manuals, design specifications, plans, goals, policies, and guidelines.

* * *

13.04.110 General requirements and minimum standards for subdivisions and short subdivisions.

The general requirements and minimum standards of design and development set forth in Sections 13.04.120 to 13.04.230, inclusive, of these regulations, and the City’s Comprehensive Plan, [Subarea Plans](#), and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120, are hereby adopted as the minimum requirements and standards to which a subdivision plat, including short subdivision, must conform for approval. However, the minimum standards found in Sections 13.04.120 to 13.04.230 may be waived as part of a subdivision/short subdivision decision upon a finding by the Hearing Examiner or Director that unique circumstances exist that make the strict application of the standards unreasonable.

13.04.120 Conformity to the Comprehensive Plan and the Major Street Plan and applicable ordinances, manuals, design specifications, plans and guidelines.

The subdivision/short subdivision shall conform to and be in harmony with the Comprehensive Plan, [Subarea Plans](#), Public Works Design Manual, Stormwater Management Manual, Mobility Master Plan Pedestrian and Bicycle Design Guidelines, Complete Streets Design Guidelines, Americans with Disabilities Act Self-Evaluation and Transition Plan, and other adopted guidelines, manuals, and design specifications as currently enacted or as may be hereafter amended.

* * *

13.04.200 Alleys.

A minimum width of an alley in a residential block, when platted, shall be 20 feet. Alleys may be required in the rear of commercial and industrial districts and, where required, shall be at least 20 feet wide. [If an alley is utilized for pedestrian access, additional width may be required, pursuant to City standards.](#)

* * *

Chapter 13.05
LAND USE PERMIT PROCEDURES

13.05.020 Notice process.

A. Purpose. The purpose of this section is to provide notice requirements for land use applications.

D. Process II – Administrative Decisions Requiring an Environmental Determination and Height Variances, Shoreline Permits, Conditional Use, Special Development Permits, Wetland/Stream/Fish & Wildlife Habitat Conservation Area (FWHCA) Development Permits, [Site Approvals](#).

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit

Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No ¹	No	5 years ⁶
Site approval	Optional Required	400 feet	No	Yes	30 days ⁵	Director	No	No	5 years
Conditional use	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days ⁵	Director	No	No	5 years ⁴

13.05.095 Development Regulation Agreements.

A. Purpose. Pursuant to RCW 36.70B.170-210, the purpose of this section is to create an optional application procedure that could authorize certain major projects in key locations to be reviewed, rated, approved, and conditioned according to the extent to which they advance the Comprehensive Plan’s goals and policies. In addition to demonstrating precisely how it significantly advances the goals and policies of the Comprehensive Plan by achieving the threshold set forth in subsection 13.05.095(D) TMC, a threshold established based on the Comprehensive Plan goals and policies, a project located within the areas described in B(1) or B(2) must document specific compliance with the policies and standards set forth in the Downtown Element of the Comprehensive Plan, [the Tacoma Mall Neighborhood Subarea Plan, and other pertinent Comprehensive Plan goals and policies](#).

It is anticipated that there will be a degree of flexibility in the application of the City’s development regulations so that any conditions are tailored to the specifics of the proposed project and community vision in such a manner as to ensure that significant public benefits are secured. Project approval is embodied in a contract designed to assure that anticipated public benefits are realized according to agreed-upon terms and conditions that may include, but are not limited to, project vesting, timing, and funding of on- and off-site improvements.

The City is authorized, but not required, to accept, review, and/or approve the proposed Development Regulation Agreements. This process is voluntary on the part of both the applicant and the City.

B. Applicability. Development Regulation Agreements shall only be allowed for one of the following project types:

1. Proposed projects located within the International Financial Services Area (IFSA), as defined in the City’s Amended Ordinance No. 27825 and illustrated in Figure 1, with a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;

2. Proposed projects located within the Downtown Regional Growth Center, as set forth in the [Growth Strategy and Development Concept Element Urban Form Chapter](#) of the City Comprehensive Plan, provided that the real property involved is subject to a significant measure of public ownership or control, and provided that the project includes a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;

3. Proposed projects located within the Downtown Regional Growth Center where the City Landmarks Commission formally certifies that the proposed project is either a historic structure or is directly associated with and supports the preservation of an adjacent historic structure;

4. Proposed projects located on a public facility site, as defined in subsection 13.06.700.P TMC, that are at least five acres in size and are not a public utility site;-

5. Proposed projects located within the Tacoma Mall Neighborhood Regional Growth Center, that are located on a development site at least two acres in size and that include an overall project Floor Area Ratio of at least 1.00.

C. Application process. An application for a Development Regulation Agreement may only be made by a person or entity having ownership or control of real property within one of the qualifying areas identified in subsection B above. Applications for a Development Regulation Agreement shall be made with the Planning and Development Services Department, solely and exclusively on the current form approved by said Department, together with the filing fee set forth in the current edition of the City's Fee Schedule, as adopted by resolution of the City Council. The City Council shall be notified once a complete application has been received. The City shall give notice under Sections 13.02.057 and 13.02.045.H TMC as if the application were for a land use designation change.

D. Review criteria. The City Manager, and such designee or designees as may be appointed for the purpose, shall negotiate acceptable terms and conditions of the proposed Development Regulation Agreement based on the following criteria:

1. The Development Regulation Agreement conforms to the existing Comprehensive Plan. Except for projects on a public facility site of at least five acres in size, conformance must be demonstrated by the project, as described in the Development Regulation Agreement, scoring 800 points out of a possible 1,050 points, according to the following scoring system (based [either on the Downtown Element of the City Comprehensive Plan or on the Tacoma Mall Neighborhood Subarea Plan, as applicable](#)):

a. Balanced healthy economy. In any project where more than 30 percent of the floorspace is office, commercial, or retail, one point shall be awarded for every 200 square feet of gross floorspace (excluding parking) up to a maximum of 290 points.

b. Achieving vitality downtown ([applicable within the Downtown Regional Growth Center](#)). Up to 40 points shall be awarded for each of the following categories: (i) CPTED design ("Crime Prevention Through Environmental Design"), (ii) sunlight access to priority public use areas, (iii) view maximization, (iv) connectivity, (v) quality materials and design, (vi) remarkable features, (vii) access to open space, and (viii) street edge activation and building ground orientation.

c. Sustainability. Up to 50 points shall be awarded for each of the following categories: (i) complete streets, (ii) transit connections, (iii) energy conservation design to a L.E.E.D. (Leadership in Energy and Environmental Design) certification to a platinum level or certified under another well-recognized rating system to a level equivalent to certification to a platinum level, and (iv) Low Impact Development Best Management Practices and Principles.

d. Quality Urban Design. Up to 60 points shall be awarded for each of the following categories: (i) walkability, (ii) public environment, (iii) neighborliness, and (iv) support for public art.

e. Achieving vitality in the Tacoma Mall Neighborhood (applicable within the Tacoma Mall Neighborhood Regional Growth Center). Up to 40 points shall be awarded for each of the following categories: (i) enhanced site connectivity above and beyond requirements; (ii) landscaping, pedestrian paving, site features and amenities that demonstrably exceed requirements; (iii) provision of public gathering spaces (e.g., for markets, events, festivals); (iv) provision of publicly accessible recreational amenities; (v) provision of neighborhood-serving amenities or services (such as a grocery store, medical clinic, or community center); (vi) distinctive modern, contemporary signage that contributes to the identity of the subarea; (vii) street edge activation and building ground orientation that demonstrably exceeds requirements; and (viii) green stormwater infrastructure and tree canopy coverage that demonstrably exceeds requirements.

* * *

Chapter 13.06
ZONING

Sections:

* * *

- 13.06.600 Zoning code administration – General purposes.
- 13.06.601 Public Facility Sites – Development Regulation Agreements Authorized.
- 13.06.602 General restrictions.
- 13.06.603 Mineral resource lands.
- 13.06.605 Interpretation and application.
- 13.06.610 *Repealed.*
- 13.06.620 Severability.
- 13.06.625 *Repealed.*
- 13.06.630 Nonconforming parcels/uses/structures.
- 13.06.635 Temporary use.
- 13.06.640 Conditional use permit.
- 13.06.645 Variances.
- 13.06.650 Application for rezone of property.
- 13.06.655 Amendments to the zoning regulations.
- [13.06.660 Site Approvals.](#)

* * *

13.06.300 Mixed-Use Center Districts.

A. District Purposes. The specific purposes of the Mixed-Use Center Districts regulations are to:

1. Increase the variety of development opportunities in Tacoma by encouraging greater integration of land uses within specific districts in a manner consistent with the Growth Management Act, the Regional Plan: Vision ~~2020~~2040, the County-Wide Planning Policies for Pierce County, and the City’s Comprehensive Plan.

* * *

10. To promote and attract dense infill development that may otherwise have resulted in the expansion of the region’s urban footprint into sensitive greenfield areas within the watershed, and to achieve a compact land use pattern that promotes air and water quality, healthy watersheds and the reduction of regional stormwater runoff.

11. To implement the Tacoma Mall Neighborhood Regional Growth Center vision of a thriving center of regional significance and a distinctive, connected, livable and healthy place offering a wide range of opportunities for all people to live, work, invest, and fulfill their potential.

* * *

TABLE C.1: MIXED-USE CENTER PEDESTRIAN STREETS ESTABLISHED

<p>The following pedestrian streets are considered key streets in the development and utilization of Tacoma’s mixed-use centers, due to pedestrian use, traffic volumes, transit connections, and/or visibility. They are designated for use with certain provisions in the mixed-use zoning regulations, including use restrictions and design requirements, such as increased transparency, weather protection and street furniture standards. In some centers, these “pedestrian streets” and/or portions thereof are further designated as “core pedestrian streets” for use with certain additional provisions. The “core pedestrian streets” are a subset of the “pedestrian streets,” and thus, those provisions that apply to designated “pedestrian streets” also apply to designated “core pedestrian streets.”</p> <p>In centers where multiple streets are designated, one street is designated the Primary Pedestrian Street. This is used when applying certain provisions, such as the maximum setback requirements for projects that abut more than one pedestrian street. Primary Pedestrian Streets are denoted with an asterisk*.</p>		
Mixed-Use Center	Designated Pedestrian Streets (All portions of the streets within Mixed-Use Centers, unless otherwise noted.)	Designated Core Pedestrian Streets (All portions of the streets within Mixed-Use Centers, unless otherwise noted)

* * *

Tacoma Central Crossroads Center	Union Avenue*; South 19 th Street between South Lawrence Street and South Union Avenue	Union Avenue south of South 18 th Street; South 19 th Street between South Lawrence Street and South Union Avenue
Tacoma Mall Neighborhood Regional Growth Center	South 47th/48th Transition Street; Steele Street* <u>South 35th Street between Pine Street and Sprague Avenue; South 36th/South California Streets between Lawrence and Steele Streets; South 38th Street between South Tacoma Way and South Lawrence Street; South 45th Street/future Loop Road between South Lawrence and South Steele Streets; South 47th/48th Street; South Lawrence Street between South 36th and South 45th Streets; South Pine Street between South Tacoma Way and South 47th/48th Streets</u>	N/A <u>South 38th Street between South Lawrence and South Steele Streets*; South Steele Street*</u>
James Center Crossroads Center	Mildred Street*; South 19 th Street	Mildred Street south of South 12 th Street; South 19 th Street
Westgate Crossroads Center	Pearl Street*; North 26 th Street	Pearl Street

[2. Tacoma Mall Neighborhood Regional Growth Center. Zoning in the Tacoma Mall Neighborhood Regional Growth Center \(“RGC”\) incorporates the Urban Center Mixed-Use, Urban Residential Mixed-Use and Commercial Industrial Mixed-Use Districts as indicated in Figure 1, below, with specifications indicated in Figures 2 through 5.](#)

FIGURE 3: Tacoma Mall Neighborhood
RGC—Inclusionary Zoning Pilot Area

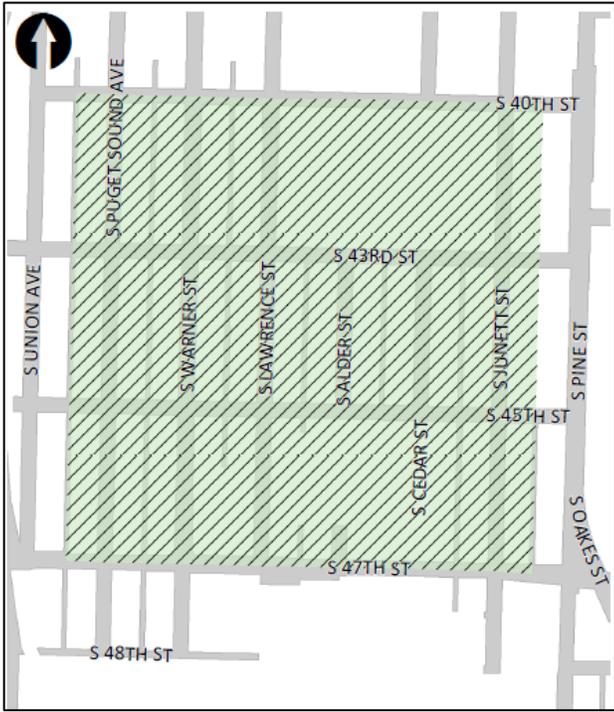


FIGURE 4: Tacoma Mall Neighborhood
RGC—No Residential Uses

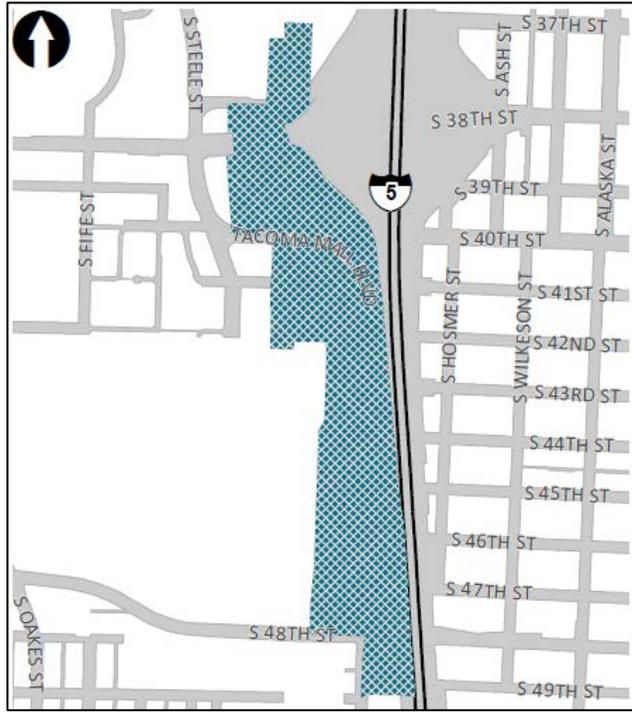
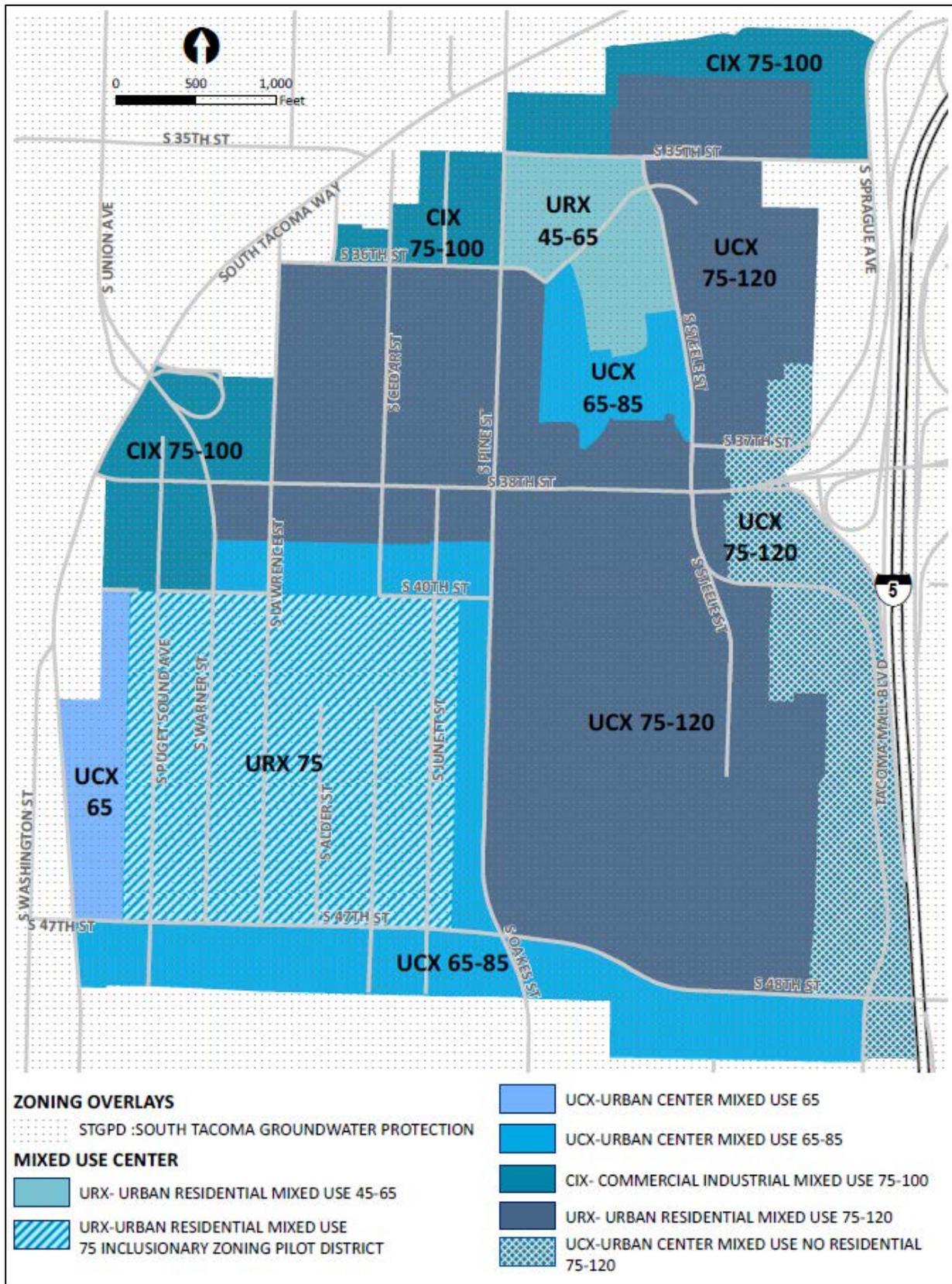


FIGURE 5. Tacoma Mall Neighborhood RGC—Zoning, heights and land use specifications



D. Land use requirements.

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

2. Use table abbreviations.

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

3. District use table.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535. See definition for bed limit. Prohibited at street level along designated pedestrian streets in NCX. ² Not subject to minimum densities found in Section 13.06.300.E. Prohibited in Commercial-only area of the UCX District.
* * *									
Building materials and services	N	P	PCU	N	P	N	N	N	Prohibited at street level along frontage of designated core pedestrian streets. ²
* * *									
Commercial parking facility	P	P	P	N	P	P	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. ² Stand-alone surface commercial parking lots are prohibited in the UCX District.
Commercial recreation and entertainment	P	P	P	N	P	N	N	N	
Communication facility	CU	CU	P	N	P	N	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. ²
Confidential shelter	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in UCX, CIX, CCX, HMX and NCX. ² Not subject to minimum densities founding Section 13.06.300.E. Prohibited in Commercial-only area of the UCX District.
Continuing care retirement community	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in UCX, CIX, CCX, HMX and NCX. ² Prohibited in Commercial-only area of the UCX District.
* * *									
Dwelling, single-family detached	P	P	P	P	P	P	P	P	In NCX and CCX Districts, p Prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.300.E for minimum densities. Prohibited in Commercial-only area of the UCX District.
Dwelling, two-family	P	P	P	P	P	P	P	CU	In NCX and CCX Districts, p Prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.300.E for minimum densities. Prohibited in Commercial-only area of the UCX District.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Dwelling, three-family	P	P	P	P	P	P	P	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.300.E for minimum densities. Prohibited in Commercial-only area of the UCX District.
Dwelling, multiple-family	P	P	P	P	P	P	P	N	In NCX, and CCX, UCX, CIX and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.300.E for minimum densities. In the NRX District, multiple-family dwellings lawfully in existence on August 31, 2009, the time of reclassification to this district, shall be considered permitted uses; said multiple-family dwellings may continue and may be changed, repaired, replaced or otherwise modified, provided, however that the use may not be expanded beyond property boundaries owned, leased, or operated as a multiple-family dwelling at the time of reclassification to this district. Prohibited in Commercial-only area of the UCX District.
Dwelling, townhouse	P	P	P	P	P	P	P	CU	In NCX, and CCX, UCX, CIX and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.300.E for minimum densities. Prohibited in Commercial-only area of the UCX District.
Dwelling, accessory (ADU)	P	P	P	P	P	P	P	P	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.150 for specific Accessory Dwelling Unit (ADU) Standards. Prohibited in Commercial-only area of the UCX District.
* * *									
Emergency and transitional housing	CU	P	P	CU	N	CU	CU	CU	See Section 13.06.535. In NCX and CCX, UCX, CIX and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
Extended 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 Prohibited in Commercial-only area of the UCX District.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Foster home	P	P	P	P	P	P	P	P	In NCX, and CCX, UCX, CIX and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
* * *									
Group housing	P	P	P	P	P	P	P	P	In NCX, and CCX, UCX, CIX and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
* * *									
Intermediate care facility	P	P	P	P	P	P	P	P	See Section 13.06.535. In NCX, and CCX, UCX, CIX and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX, and CCX, UCX, CIX and HMX 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. Prohibited in Commercial-only area of the UCX District.
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. Prohibited in Commercial-only area of the UCX District.
* * *									
Microbrewery/ winery	N	N	NCU	N	P	N	N	N	Microbreweries shall be limited to 15,000 barrels per year of beer, ale, or other malt beverages, as determined by the filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
* * *									
Research and development industry	N	N	NCU	N	P	N	N	N	

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Residential care facility for youth	P	P	P	P	P	P	P	P	See Section 13.06.535. See definition for bed limit. In NCX, and CCX, UCX, CIX and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Not subject to minimum densities found in Section 13.06.300.E. Prohibited in Commercial-only area of the UCX District.
Residential chemical dependency treatment facility	P	P	P	P	P	P	P	P	See Section 13.06.535. In CCX, and NCX, UCX, CIX and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
Retail	P	P/CU~	P/CU~	P	P/CU~	P*	N	N	~ A conditional use permit is required for retail uses exceeding 45,000 square feet. See Section 13.06.640.J. *Limited to 7,000 square feet of floor area, per business, in the HMX District.
Retirement home	P	P	P	P	P	P	P	P	See Section 13.06.535. In NCX, and CCX, UCX, CIX and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Prohibited in Commercial-only area of the UCX District.
* * *									
Self-storage	N	P	P	N	P	N	N	N	See specific requirements in Section 13.06.503.B. In NCX and CCX Districts, p Prohibited at street level along frontage of designated core pedestrian streets. ²
Short-term rental (1-2 guest rooms)	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets in NCX, and CCX, UCX, CIX and HMX Districts. ² Subject to additional requirements contained in Section 13.06.575 and 13.06.150. Prohibited in Commercial-only area of the UCX District.
Short-term rental (3-9 guest rooms)	P	P	P	CU	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX, and CCX, UCX, CIX and HMX Districts. ² Subject to additional requirements contained in Section 13.06.575 and 13.06.150. Prohibited in Commercial-only area of the UCX District.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Short-term rental (entire dwelling)	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets in NCX, and CCX, UCX, CIX and HMX Districts. ² Subject to additional requirements contained in Section 13.06.575 and 13.06.150. Prohibited in Commercial-only area of the UCX District.
Staffed residential home	P	P	P	P	P	P	P	P	See Section 13.06.535. See definition for bed limit. Prohibited at street level along designated core pedestrian streets in NCX, and CCX, UCX, CIX and HMX Districts. ² Not subject to minimum densities found in Section 13.06.300.E. Prohibited in Commercial-only area of the UCX District.
Student housing	P	P	P	P	P	P	P	N	Prohibited at street level along frontage of designated core pedestrian streets in NCX, and CCX, UCX, CIX and HMX Districts. ² Prohibited in Commercial-only area of the UCX District.
* * *									
Transportation/ freight terminal	P	P	PCU	N	P	P	N	N	Prohibited at street level along frontage of designated core pedestrian streets. ²
Urban Horticulture	N	N	N	N	P	N	N	N	
Utilities	CU	CU	CU	CU	CU	CU	CU	CU	In NCX and CCX Districts, p Prohibited at street level along frontage of designated core pedestrian streets. ² Not subject to RCX residential requirement. ¹
Vehicle rental and sales	N*	P	P	N	P	N	N	N	In CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² *Use permitted in the South Tacoma Way Neighborhood Center NCX only, if all activities occur within buildings; outdoor storage repair, and sales are prohibited.
Vehicle service and repair	N*	P	PCU	N	P	N	N	N	All activities must occur within buildings; outdoor storage and/or repair is prohibited. Subject to development standards contained in Section 13.06.510.E. In CCX Districts, p Prohibited along frontage of designated core pedestrian streets. ² *Use permitted in the South Tacoma Way Neighborhood Center NCX only, provided all activities occur entirely within buildings; outdoor storage and/or repair is prohibited.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Vehicle service and repair, industrial	N	N	PCU	N	P	N	N	N	Subject to additional development standards contained in Section 13.06.510.E. Prohibited at street level along frontage of designated core pedestrian streets.²
Vehicle storage	N	N	N	N	P	N	N	N	Subject to development standards contained in Section 13.06.510.D. Prohibited at street level along frontage of designated pedestrian streets.²
Warehouse, storage	N	N	NCU	N	P	N	N	N	In the UCX, prohibited at street level along frontage of designated core pedestrian streets.²
Wholesale or distribution	N	N	NCU	N	P	N	N	N	In the UCX, prohibited at street level along frontage of designated core pedestrian streets.²
Work/Live	P	P	P	P	P	P	P	P	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. Prohibited in Commercial-only area of the UCX District.
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E. Building envelope standards.

1. The following table contains the primary building envelope requirements. See Section 13.06.501 for additional requirements:

	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Requirements
* * *									
Maximum height of structures (feet)	45 feet ¹ ; 65 feet in the Stadium District of the DRGC. ¹	60 feet ¹ ; 75 feet, if at least 25 percent of floor area is residential or through use of TDRs from an identified TDR sending area⁴.	75 feet ^{1,3} ; 120 feet, if at least 25 percent of floor area is residential or through use of TDRs from an identified TDR sending area⁴.	60 feet ¹	75 feet ^{1,3}	150 feet	45 feet ^{1,2, 3} ; <u>75 feet in the Tacoma Mall RGC – Madison District Inclusionary Zoning Pilot Area</u>	35 feet	Height will be measured consistent with Building Code, Height of Building. Maximum heights, shall be superseded by the provisions of Section 13.06.503.A. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602.
	¹ In <u>designated NCX, RCX, and CIX X</u> Districts, additional height above these standard height limits may be allowed <u>is in</u> certain areas through the X-District Height Bonus Program – see Section 13.06.300.E.2.								
	² In the McKinley Neighborhood Center, the portion of the URX District that is north of the alley between East Wright Avenue and East 34th Street has a height limit of 35 feet instead of 45 feet.								
	³ <u>In the Tacoma Mall Neighborhood Regional Growth Center, height bonuses are available in designated UCX, CIX and URX Districts (Lincoln Heights District) as shown on the Tacoma Mall Neighborhood Subarea Plan Zoning Map and in Table 13.06.300.E.2, below.</u>								

	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Requirements
* * *									
Minimum density (units/acre)	30; 40 on designated pedestrian streets. See Section 13.06.300.C	30; 40 on designated pedestrian streets. See Section 13.06.300.C	40	30; 40 on designated pedestrian streets. See Section 13.06.300.C	None	None	25; 35 in the Tacoma Mall RGC – Madison District Inclusionary Zoning Pilot Area	None	Projects that do not include residential uses, and -mixed-use projects (such as residential & commercial, residential & industrial, or residential & institutional), ADU's, conversion of existing single-family to more than one unit, and one infill single-family house on sites currently developed with one , are exempt from minimum-density requirements.
For purposes of this provision, density shall be calculated by dividing the total number of dwelling units in a development by the area, in acres, of the development site, excluding any accessory dwelling units or areas dedicated or reserved for public rights-of-way or full private streets. In the same manner, to determine the minimum number of units required to meet this standard, multiply the size of the property, in acres, by the required minimum density, then round up to the nearest whole number. For example, the minimum number of units required on a 7,000 square foot (.16-acre) property located in the UCX District would be 7 units (.16 x 40 = 6.4, which rounds up to 7 units).									

* * *

2. X-District Height Bonuses. The Height Bonus program provides a mechanism to allow for additional height for projects within certain portions of the Mixed-Use Centers designated in the Comprehensive Plan. It is designed to encourage new growth and foster economic vitality within the centers, consistent with the State Growth Management Act and the City’s Comprehensive Plan, while balancing taller buildings and greater density with public amenities that help achieve the community’s vision for the centers, with improved livability, enhanced pedestrian and transit orientation, and a quality built environment, and realize other City-wide goals. Through this program, projects within certain areas may qualify for additional building height, above and beyond the standard maximum height limits outlined above, under Subsection E.1. In order to achieve these increased height limits, projects are required to provide one or more public benefit bonus features.

a. Applicability. Where applicable in the Mixed-Use Centers, the height bonus provision allows for projects to be eligible to increase the standard maximum height limit through the incorporation of one or more public benefit features into the development of the project. These public benefit features are divided into two levels, each of which is outlined below (see graphic on the next page). The following table details the areas within the various neighborhood centers that are eligible for this height bonus program and the maximum additional height allowed through each of the two bonus levels:

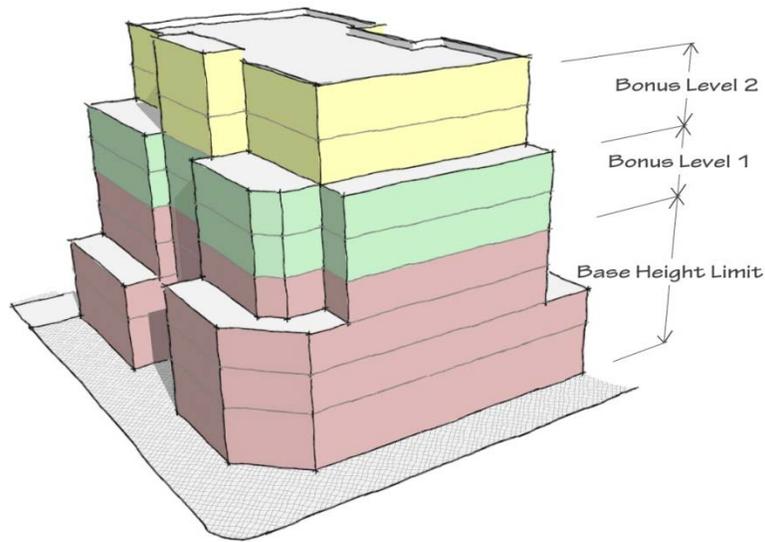
Zoning District & Center	Base Height Limit (allowed without any bonus items)	Maximum Height Allowed Through Level 1³	Maximum Height Allowed Through Level 2³
NCX – Neighborhood Commercial Mixed-Use District (Proctor, Lincoln, 6 th Ave, McKinley, and Narrows)	45 feet	65 feet	Not Available
NCX – Neighborhood Commercial Mixed-Use District (Stadium District, DRGC)	65 feet	75 feet	85 feet
NCX – Neighborhood Commercial Mixed-Use District (South Tacoma Way)	45 feet	65 feet	85 feet
NCX – Neighborhood Commercial Mixed-Use District (Hilltop Neighborhood, DRGC – property within 200 ft of Core Pedestrian Street) ¹	45 feet	65 feet	85 feet
NCX – Neighborhood Commercial Mixed-Use District (Hilltop Neighborhood, DRGC – property not within 200 ft of core pedestrian street) ¹	45 feet	65 feet	Not Available
RCX – Residential Commercial Mixed-Use District (Hilltop Neighborhood, DRGC – east of MLK Jr. Way and between 9th and 13th Streets)	60 feet	70 feet ²	80 feet
CIX – Commercial-Industrial Mixed-Use District (South Tacoma Way, Tacoma Mall Neighborhood RGC)	75 feet	90 feet	100 feet
CCX – Community Commercial Mixed-Use District	60 feet	75 feet	Not Available
UCX – Urban Center Mixed-Use District (where applicable per TMC 13.06.C.2 FIGURE 2)	75 feet	100 feet	120 feet

<u>UCX – Urban Center Mixed-Use District: (where applicable per TMC 13.06.C.2 FIGURE 2)</u>	<u>65 feet</u>	<u>85 feet</u>	<u>Not Available</u>
<u>URX – Urban Residential Mixed-Use District: (where applicable per TMC 13.06.C.2 FIGURE 2)</u>	<u>45 feet</u>	<u>65 feet</u>	<u>Not Available</u>

Footnotes:

1. The 200-foot depth used to define some of the areas eligible for the height bonus program shall be extended to encompass an entire development site when at least 60% of the development site is within the standard 200-foot deep bonus area. For purposes of this provision, the “development site” can include multiple parcels as long as they are part of the same project proposal and are abutting or separated by no more than an alley right-of-way.
2. Within the RCX-zoned area, the “Residential Use” item that is provided within the Level 1 bonus palette is not available.
3. Projects that qualify for this program are still subject to the upper-story stepback restrictions found in Section 13.06.503.A.

b. Height Bonus Palettes. The two tables below outline the various public benefit features available for incorporation as part of a project in order to increase maximum height limits, as described above. The following limitations and guidelines apply to the use of the bonus palettes:



X-District Height Bonus Program

(8) Height Bonus Palette – Level 2:

Height Bonus Palette – Level 2		
BONUS FEATURE	DEFINITION	BONUS HEIGHT
Quality of Life		
Transfer of Development Rights (TDR)	Use of TDRs from an identified TDR sending area.	10 feet (Stadium Center and MLK Center RCX-zoned area); 20 feet (MLK and 56th & South Tacoma Way Centers); 20 feet (Tacoma Mall Neighborhood Regional Growth Center)

* * *

TABLE 13.06.300.G: X-District Residential Yard Space Standards

Required yard space is intended to provide access to fresh air, light, and green features and to be functional and attractive as an outdoor extension of the dwelling or a shared space for living, relaxation, and social interaction.

* * *

3. Multi-Family and Mixed-Use Development. At least 50 square feet of yard space is required for each dwelling unit. Required setback and buffer areas, vehicular access areas and required walkways and buffers shall not count towards the yard space requirement. This required yard space can be provided through any combination of the following types of areas/features:

a. Common Yard space. This includes landscaped courtyards or decks, front porches, community gardens with pathways, children’s play areas, or other multi-purpose recreational and/or green spaces. Requirements for common yard spaces include the following:

* * *

d. Exceptions:

(1) Projects located within a quarter mile of a public park or public school that includes accessible and well-maintained outdoor recreational facilities.

(2) Projects with a minimum floor area ratio (FAR) of 3.

(3) Projects that meet the ground floor retail/restaurant height bonus requirements.

H. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600, as well as in other chapters. These requirements apply to Section 13.06.300 by reference.

Refer to Section 13.06.500, 13.06.600, and Chapters 13.12 and 13.18 for the following requirements for development in Mixed-Use Center 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.

13.06.520 Signs.

13.06.575 Short-term rental.

13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area).

13.06.660 Site Approvals (applicable within the Tacoma Mall Neighborhood Regional Growth Center).

13.12.580 Traffic Impact Assessments (applicable within Tacoma’s Regional Growth Centers).

13.18 Affordable Housing Inclusionary Development Areas.

* * *

13.06.501 Building design standards.

* * *

C. Mixed-Use District Minimum Design Standards.

1. Applicability: The following requirements apply to all development located in any X-District, except where noted or unless specifically exempted.

* * *

8. Pedestrian Standards.

Purpose: The following standards are intended to enhance pedestrian mobility and safety ~~in commercial areas~~ by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.

* * *

b. Transition areas

(1) Residential buildings meeting the “build-to” requirements along designated pedestrian streets shall provide a transition area between the public right-of-way and the ground floor dwelling units.

(a) Transitions can be accomplished through grade changes that elevate the ground floor units and main entry or through landscaping and other design elements, such as plazas, artwork, fountains, bioswales, or other amenities.

(b) Fences, walls, and gateways may be used to provide some visual separation of private residences, but not to hide the transition area.

(c) Fences over 3 feet in height must be transparent and cannot exceed 5 feet in height.

(d) The transition area may be used to meet usable yard space requirements.

(e) Parking may not be used as a feature of the transition area.



Examples: The above examples use trees and landscaping, elevation changes, transparent fencing, and arbors to create an effective transition between public and private spaces.

9. Fencing, Retaining Wall and Utility Standards.

Purpose: The following standards are intended to provide for thoughtful placement and design of utilities, mechanical equipment, service areas and fences to mitigate visual impact on public views, general community aesthetics and residential privacy.

* * *

b. Fencing type limitation	(1) Chain link fencing, with or without slats, is prohibited for required screening. (2) Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use. (3) Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses. (4) Electrified. The use of electrified fencing is prohibited in all zoning districts. (5) The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided the portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping, pursuant to the standards of TMC 13.06.502 , to soften the view of the fence and contribute to the pedestrian environment. Fences required by the Washington State Liquor Control Board shall also be exempt from the maximum height limitation, provided any portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent. (6) Fences along alleys are allowed provided fences greater than 3 feet in height are at least 20% transparent between 3 and 7 feet above grade. If no transparency is provided, the maximum height of such fence shall be 3 feet.
c. Retaining Walls	(1) Retaining walls located adjacent to public street rights-of-way shall be terraced such that individual sections are no greater than 4 feet in height. Bench areas between retaining wall sections shall be planted with Type C or D landscaping, pursuant to the standards of TMC 13.06.502 , to soften the view of the wall and contribute to the pedestrian environment.

E. Single, Two and Three-Family Dwelling Minimum Design Standards.

* * *

e. The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided such fence is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping pursuant to the requirements of TMC 13.05.502 to soften the view of the fence and contribute to the pedestrian environment.

F. Townhouse Minimum Design Standards.

1. Applicability. The following requirements apply to all townhouse dwellings in all districts.
2. Purpose. The following standards are intended to implement the urban form, housing and aesthetic goals of the Comprehensive Plan by providing façade articulation that emphasizes individual units and reduces the apparent mass of structures, minimizings impacts of vehicular access and service elements, and emphasizings pedestrian access and building orientation to the street.
3. Building Mass:
 - a. The maximum number of units in one building is six, with minimum spacing between buildings of 10 feet.
 - b. Unit articulation. Façades with more than two townhouses facing a street, alley, common open space or common parking area shall be articulated to emphasize individual units. This can be accomplished by either roofline modulation consistent with Section 13.06.501.I.1 and/or vertical building modulation. To qualify for vertical building modulation, the minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.



4. Garage Orientation & Vehicular Access:

a. Garages shall not face any street if vehicular access is available from an alley.

* * *

b. In designated centers:

(1) All townhouses on lots with street frontage must maintain primary orientation to the adjacent street or right-of-way and have an individual entry that faces and is accessible from the street/sidewalk. Townhouses on corner lots only need to provide such an entry to one of the two adjacent streets/sidewalks.

(2) In the case of townhouse buildings that include units without street frontage, such as a mid-block site with a building that is perpendicular to the street, the townhouse unit abutting the street must include an individual entry facing the street, a porch or covered entryway, and other architectural features associated with the front elevation appearance.

(3) Building elevations facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance. Any area between the front façade and the sidewalk/right-of-way shall be improved with landscaping, seating or yard space, a front porch, or similar features.

(4) Townhouse units with access exclusively from a drive aisle/court shall provide architectural features typically associated with the front elevation along the elevation facing the drive aisle/court. At least 10 percent of the façade (all vertical surfaces facing the drive aisle/court) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.

(5) Townhouses with front doors facing alleys shall not be permitted unless the following requirements are met: The vehicular surface shall be paved through the entire block length; a continuous sidewalk shall be constructed on one side connecting to abutting public sidewalks; and street trees shall be planted along one side along the entire length of the alley.

(26) A continuous pedestrian walkway, which can be a shared walkway, must be provided between the front entrance of each unit and the nearest public sidewalk. In the case of corner lots, at least one walkway shall connect to both sidewalks/rights-of-way unless infeasible due to topography. Walkways shall be either a raised sidewalk, or composed of materials different from

any adjacent vehicle driving or parking surfaces. Walkways accessing individual units shall be a minimum of 4 feet wide and walkways accessing multiple units shall be a minimum of 5 feet wide. [Pedestrian access may be combined with vehicular travel if designed for safety and comfort as a shared pedestrian/vehicular space. Walkways providing access to two or more townhouse units shall be constructed per ADA standards to increase visitability to the site, unless infeasible due to topography.](#)

6. Windows and openings. At least 15 percent of the façade (all vertical surfaces facing the street) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.

7. Utilities:

a. Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.

b. Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Such elements shall not be located along the street frontage. Where there is no alley available, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts and shall be screened from view from the street and sidewalk. [The City may require a consolidated location for storage of solid waste containers, direct street access pickup, or a shared waste collection service if necessary for efficient solid waste collection.](#)

* * *

13.06.502 Landscaping and buffering standards.

A. Intent. The landscaping requirements, as a whole, are intended to contribute to the aesthetic environment of the City; enhance livability and foster economic development by providing for an attractive urban setting; provide green spaces that can support the urban citywide tree canopy; wildlife, such as birds, in the urban environment; help reduce storm water runoff; filter pollution; buffer visual impacts of development; and, contribute to the planting, maintenance, and preservation of a stable and sustainable urban forest.

B. Applicability. Unless specifically exempted, landscaping shall be provided consistent with this section for all new development, including structures and/or parking lots, as well as alterations to existing development, and street improvements, as outlined below. Vegetated Low Impact Development Best Management Practices (LID BMPs) designed in accordance with the City of Tacoma Stormwater Management Manual may be counted as landscaping. Trees and landscaping provided as required under this section, may also be counted towards compliance with tree canopy and usable yard space standards.

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TMC 13.06.502.E Landscaping requirements applicable to Residential, Commercial, Industrial and Mixed-Use Districts.

The standards of this section are intended to implement the goals of the Comprehensive Plan and the intent of this section. The landscaping standards of this table apply to new development and substantial alterations, as stipulated above, in Residential, Commercial, Industrial and Mixed-Use Centers (X) Districts. LID BMPs may be used to fulfill all or a portion of landscaping requirements, where the vegetation within the LID BMP is compatible to the requirements.

Exemptions:

- (1) Single, two and three-family and townhouse developments, ~~unless in association with a full plat or a short plat with 5-9 lots,~~ are exempt from all landscaping requirements, with the exceptions that street trees are required in X Districts, and in all districts in association with a full plat or short plat with 5-9 lots.
- (2) Passive open space areas are exempt from all landscaping requirements (however development activities on such sites may trigger landscaping requirements).
- (3) Park and recreation uses are exempt from the Overall Site, Site Perimeter and Buffer requirements of this section.

* * *

13.06.512 Pedestrian and bicycle support standards.

A. Applicability. The design standards of this section are required to implement the transportation, urban design, livability and public health goals of the Comprehensive Plan of the City of Tacoma.

1. General Applicability.

a. The pedestrian and bicycle support standards fully apply to all new development and alterations that, within a two-year period, exceed 50 percent of the value of existing development or structures, as determined by the Building Code, unless specifically exempted herein.

b. Through-block connections are required with 60,000 square feet of new construction.

c. Alterations that, within a two year period, exceed 15 percent of the value of existing development or structures, as determined by the Building Code, shall comply with the following requirements of this section:

(1) 13.06.512.B.2 Connection between streets and entrances;

(2) 13.06.512.B.3 Minimum Connection Frequency;

(3) 13.06.512.B.4 Route Directness;

(4) 13.06.512.B.6 Facility Design, as applicable.

d. The standards do not apply to remodels that do not change the exterior form of the building or involve construction of paved areas. However, if a project involves both exterior and interior improvements, with exterior improvements amounting to 50 percent or more of the project valuation, then the project valuation shall include both exterior and interior improvements.

e. No alteration shall increase the level of nonconformity or create new nonconformities to these standards.

f. Fractions. Any requirement resulting in a fraction when applied shall be rounded up or down to the nearest whole number.

g. Site Constraints. In areas with steep topography, limited access points, or other barriers are present, the Director or designee may consider alternate approaches that meet the intent of this section.

h. Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.

2. Exceptions.

a. Super regional malls. Additions to super regional malls which add less than 10,000 square feet of floor area shall be exempt from these standards. Additions larger than 10,000 square feet shall meet the requirements of this section applicable within the vicinity of the addition. Additions of an anchor tenant or 140,000 or more square feet shall require full provision of these requirements for the entire mall site. Larger additions and construction may be subject to the requirements of TMC 13.06.660, Site Approval.

b. Temporary. Temporary structures are exempt from the standards of this section.

c. Residential or Mixed-Use. Residential structures of four dwelling units or fewer only need to comply with the standards of Subsection B, below. Mixed-use structures shall comply with all of the standards.

d. Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the Commission shall prevail.

B. Bicycle and Pedestrian Connections.

Purpose: Pedestrian and bicycle standards encourage a safe, direct, attractive, and usable multimodal circulation system in all developments as well as connections between abutting streets and buildings on the development site, and between buildings and other activities within the site.

1. Interior Access Roads. Interior access roads in multi-building developments shall be designed to provide safe, comfortable, and attractive multi-modal travel and shall include features such as planting strips and street trees, sidewalks on one or both sides, and perpendicular or parallel parking on one or both sides.

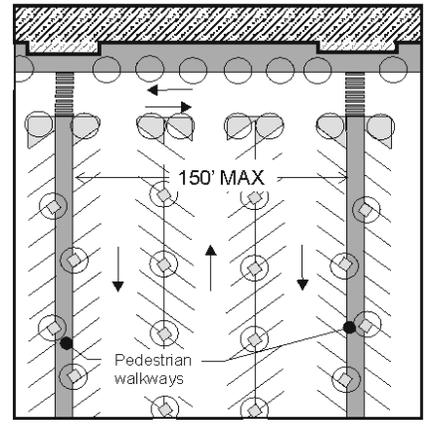
2. Connection between streets and entrances. There must be a connection between one main entrance of each building on the site and the adjacent street. The route may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Where there is more than one street frontage, an additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance of each building.

3. Minimum connection frequency.

a. Commercial, Office, Mixed-Use and Multifamily uses. Additional walkways are required when needed to provide at least one connection to the public sidewalk for each 150 feet of street frontage or every three parking aisles, whichever is less.

b. Industrial uses and uses which require controlled site access for essential operational or public safety reasons. Additional walkways are required when needed to provide at least one connection to the public sidewalk for each 300 feet of street frontage or every six parking aisles, whichever is less.

c. Parks and recreation uses (excluding passive open space), or portions thereof, which are undeveloped with buildings, shall provide a minimum of one walkway, and an additional walkway for each additional improved street frontage greater than 500 feet in length (unless topography, critical areas or public safety issues preclude reasonable provision of such additional access points).



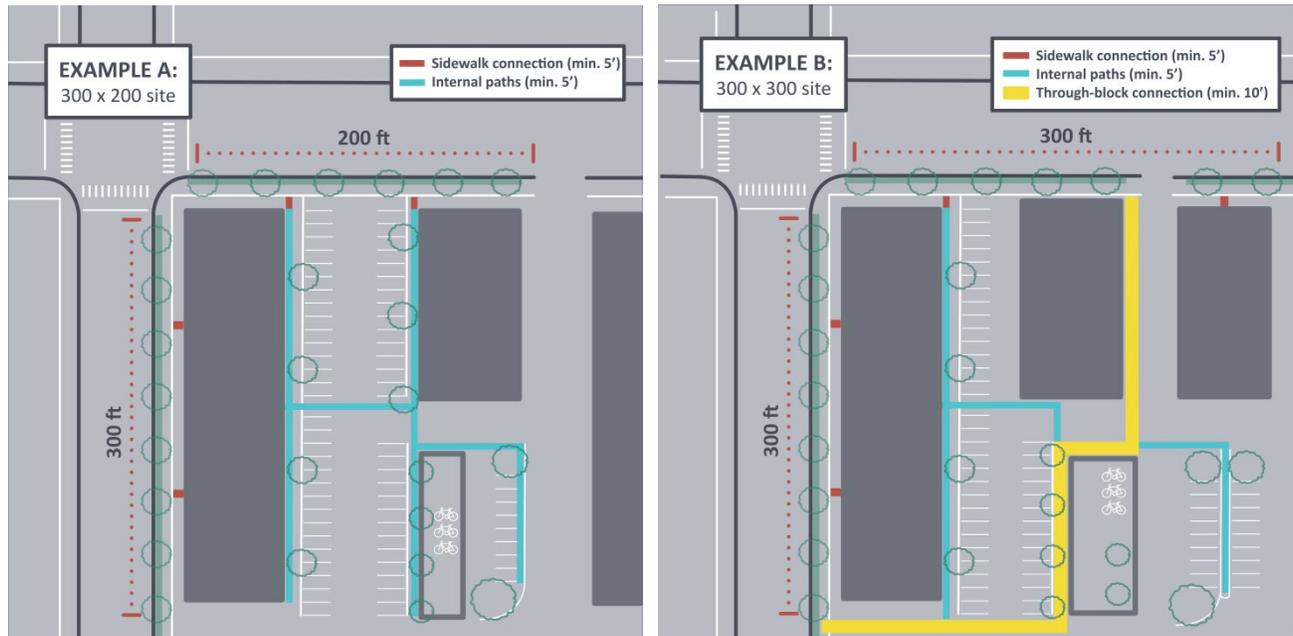
4. Route directness. Connections to streets shall be designed and located to facilitate direct travel to all abutting public sidewalks, bus stops, transit stations/centers, schools, public bicycle facilities, trails, or shared-use paths in proximity of the development site. Walkways shall be located to provide the shortest practical route from the public sidewalk or walkway network to customer and/or public building entrances.

5. Internal pedestrian system.

a. On sites larger than 10,000 square feet, and with multiple buildings or uses, an internal pedestrian connection system must be provided. The system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, pedestrian amenities and adjacent sidewalks.

b. On sites with two or more street frontages 300 feet or more in length, and with multiple buildings or uses, a through-block connection is required providing a continuous pedestrian pathway between the abutting street frontages.

c. On sites requiring three or more pedestrian connections pursuant to Section B.2, above, and with multiple buildings or uses, the most centrally located connection shall be an enhanced through-block connection that provides a continuous pedestrian pathway between the abutting street frontages.



6. Facility Design.

a. Lighting and landscaping. For walkways that are longer than 25 feet, trees shall be provided adjacent to the walkways at a rate equivalent to the linear requirements for street trees in 13.06.502.C, and pedestrian-scaled lighting shall be provided at a ratio of 2 per 100 feet. Trees shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards.

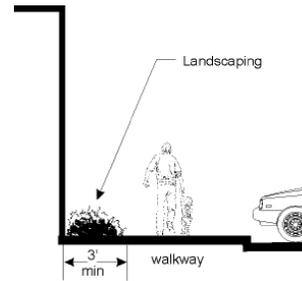
b. Size and materials.

(1) Required walkways must be hard-surfaced and at least five feet wide, excluding vehicular overhang, except for walkways accessing less than four residential dwelling units, where the minimum width shall be four feet. When more than one walkway is required, at least one walkway must be 10 feet wide. Permeable pavement surfaces are encouraged where feasible.

(2) Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least four inches high.

(3) Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least four inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than five feet on center.

(4) Internal pathways in multi-building residential developments shall be separated from structures at least three feet by landscaping, except where adjacent to usable yard spaces or other design treatments are included on or adjacent to the wall that add visual interest at the pedestrian scale. Examples include the use of a trellis with vine plants, sculptural, mosaic, bas-relief artwork, or other decorative wall treatments.



Above left and center: Parking lot pathway examples. Above right: Separate walkway from structures with at least 3' of landscaping.

c. Bicycle facilities. At least one driveway and travel lane on site shall be designed to accommodate bicycles in accordance with the Public Works Design Manual. Where a ten-foot walkway is provided, it may be used as a shared-use path for both pedestrians and bicyclists. The route shall include signage to direct bicyclists to on-site bicycle parking facilities.

d. Through-block connections.

(1) Through-block connections shall be a minimum of ten feet in width.

(2) Enhanced through-block connections, required for larger sites as described above, shall meet one of the following design options:

(a) Minimum seven-foot wide sidewalks on both sides of a private roadway designed to provide safe, comfortable and attractive multi-modal travel with features such as planting strips, street trees and perpendicular or parallel parking on one or both sides.

(b) A pedestrian pathway a minimum of ten feet in width.

(3) Through-block connection design. Through-block connections shall meet the lighting and landscaping, size and materials standards above, and provide street furniture, per the design specifications below, at a frequency of one seating area every 250 feet. Enhanced through-connections shall provide street furniture at a frequency of one seating area every 150 feet.

C. Street Furniture.

Purpose: To support transportation choices, including walking, the following standards shall be met to assist pedestrian safety, comfort, and mobility, including resting places at reasonable intervals.

1. Minimum. A minimum of one fixed bench or equivalent seating area for every 250 feet of street frontage. This requirement determines quantity and not distribution, and is not required if the site has less than 250 feet of street frontage. Projects in the PMI District are exempt from this requirement. Parks, recreation and open space uses are only required to provide street furniture adjacent to buildings fronting on a street.

2. Minimum on designated pedestrian streets in Mixed-Use Center Districts. A minimum of one fixed bench or equivalent seating area for every 150 feet of street frontage. This requirement determines quantity and not distribution, and is not required if the site has less than 150 feet of street frontage. Parks, recreation and open space uses are only required to provide street furniture adjacent to buildings fronting on a street.

3. Design. Furniture shall be consistent with any applicable adopted business area improvement plans and shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. See examples below.



4. Credit. Any adjacent public street furniture can be counted toward this requirement.

* * *

A. General Applicability.

1. Application. The pedestrian and bicycle support standards apply to all new development and alterations that, within a two-year period, exceed 50 percent of the value of existing development or structures, as determined by the Building Code, unless specifically exempted herein. The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements. No alteration shall increase the level of nonconformity or create new nonconformities to these standards.

2. Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.

3. Super regional malls. Additions to super regional malls which add less than 10,000 square feet of floor area shall be exempt from these standards. Larger additions shall meet the requirements of this table at a ratio of at least 1 to 3 for the entire mall site (in the same manner described above, under subsection 3), except that additions of an anchor tenant or 140,000 or more square ft. shall require full provision of these requirements for the entire mall site.

4. Temporary. Temporary structures are exempt from the standards of this section.

5. Residential or Mixed Use. Residential structures of 4 dwelling units or fewer only need to comply with the standards of subsection B, below. Mixed use structures shall comply with all of the standards.

6. Parks, recreation and open space uses shall meet the standards of this table, except as specifically exempted below.

7. Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.

8. Fractions. Any requirement resulting in a fraction when applied shall be rounded up or down to the nearest whole number.

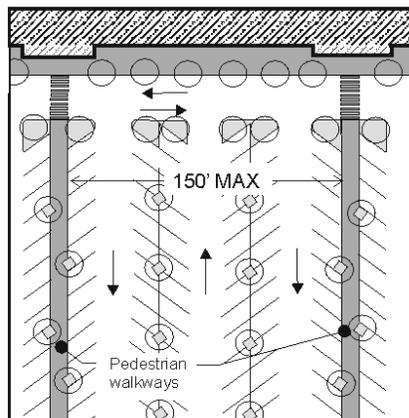
B. Bicycle and Pedestrian Connections.

Purpose: Pedestrian and bicycle standards encourage a safe, direct, attractive, and usable multimodal circulation system in all developments as well as connections between abutting streets and buildings on the development site, and between buildings and other activities within the site.

1. Interior Access Roads. Interior access roads in multi building developments shall be designed to look and function like public streets. This includes planting strips and street trees, sidewalks on one or both sides, and perpendicular or parallel parking on one or both sides.

2. Connection between streets and entrances. There must be a connection between one main entrance of each building on the site and the adjacent street. The route may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Where there is more than one street frontage, an additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance of each building.

3. Minimum connection frequency. Additional walkways are required when needed to provide at least one connection to the public sidewalk for each 150 feet of street frontage or every three parking aisles, whichever is less. Walkways shall be located to provide the shortest practical route from the public sidewalk or walkway network to customer and/or public building entrances. This standard does not apply to residential uses containing 4 or fewer dwelling units. Parks and recreation uses (excluding passive open space), or portions thereof, which are undeveloped with buildings, shall provide a minimum of one walkway, and an additional walkway for each additional improved street frontage greater than 500 feet in length (unless topography, critical areas or public safety issues preclude reasonable provision of such additional access points).



4. Route directness. Connections to streets shall be designed and located to facilitate direct travel to all bus stops, transit stations/centers, schools, public bicycle facilities, trails, or shared use paths in proximity of the development site.

5. Internal pedestrian system. On sites larger than 10,000 square feet, and with multiple buildings or uses, an internal pedestrian connection system must be provided. The system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities

6. Facility Design.

a. **Lighting and landscaping.** For walkways that are longer than 25 feet, trees shall be provided adjacent to the walkways at a rate equivalent to the linear requirements for street trees in 13.06.502.C, and pedestrian scaled lighting shall be provided at a ratio of 2 per 100 feet. Trees shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards.

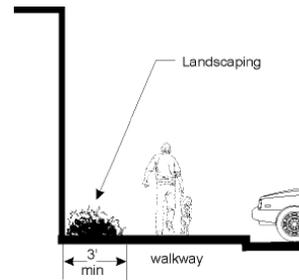
b. **Size and materials.**

(1) Required walkways must be hard surfaced and at least 5 feet wide, excluding vehicular overhang, except for walkways accessing less than 4 residential dwelling units, where the minimum width shall be 4 feet. When more than one walkway is required, at least one walkway must be 10 feet wide. Permeable pavement surfaces are encouraged where feasible.

(2) Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.

(3) Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

(4) Internal pathways in multi-building residential developments shall be separated from structures at least 3 feet by landscaping, except where adjacent to usable yard spaces or other design treatments are included on or adjacent to the wall that add visual interest at the pedestrian scale. Examples include the use of a trellis with vine plants, sculptural, mosaic, bas-relief artwork, or other decorative wall treatments.



Above left and center: Parking lot pathway examples. Above right: Separate walkway from structures with at least 3' of landscaping.

e. **Bicycle facilities.** At least one driveway and travel lane on site shall be designed to accommodate bicycles in accordance with the Public Works Design Manual. Where a 10' walkway is provided, it may be used as a shared-use path for both pedestrians and bicyclists. The route shall include signage to direct bicyclists to on-site bicycle parking facilities.

C. Street Furniture.

Purpose: To support transportation choices, including walking, the following standards shall be met to assist pedestrian safety, comfort, and mobility, including resting places at reasonable intervals.

1. **Minimum.** A minimum of one fixed bench or equivalent seating area for every 250 feet of street frontage. This requirement determines quantity and not distribution, not required if site has less than 250 feet of street frontage. Projects in the PMI District are exempt from this requirement. Parks, recreation and open space uses are only required to provide street furniture adjacent to buildings fronting on a street.

2. **Minimum on designated pedestrian streets in Mixed Use Center Districts.** A minimum of one fixed bench or equivalent seating area for every 150 feet of street frontage. This requirement determines quantity and not distribution, not required if site has less than 150 feet of street frontage. Parks, recreation and open space uses are only required to provide street furniture adjacent to buildings fronting on a street.

3. Design. Furniture shall be consistent with any applicable adopted business area improvement plans and shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. See examples below.



4. Credit. Any adjacent public street furniture can be counted toward this requirement.

* * *

13.06.513 Drive-throughs.

* * *

C. Standards. A drive-through facility is composed of two parts - the stacking lanes and the service area. The stacking lanes are the space occupied by vehicles queuing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs.

* * *



Example of a drive-through within a structure

3. The following additional standards apply in X Districts where drive-throughs are permitted:

- a. All exterior vehicle use areas associated with a drive-through shall be located at the side or rear of the building.
- b. Drive-through stacking lanes and service windows shall be fully screened from the view of adjacent properties and the public right-of-way with landscaping and/or structures.
- c. Within NCX Districts, exterior drive-through stacking lanes may be no closer than 25 feet to the property frontage of a designated pedestrian, light rail or streetcar street.
- d. Within UCX Districts, drive-through stacking lanes and service windows shall either be located entirely within buildings, or fully screened from the view of adjacent properties and the public right-of-way with a partially enclosed vegetative wall, decorative grilles, architectural features, artworks, or similar visually attractive features.



Example of partially enclosed vegetative wall

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13.06.660 Site Approval.

A. Purpose. Within the Tacoma Mall Neighborhood Subarea Plan area, as well as other adopted Subarea Plans that call for actions to enable the transportation system to accommodate planned growth and achieve multimodal transportation options, proposed large-scale construction warrants transportation connectivity review on a case-by-case basis to identify conditions of approval necessary to mitigate potential adverse transportation impacts and ensure compatibility with the Subarea Plan.

B. Process.

1. Such a Site Approval for transportation connectivity will be conducted by the Director or designee in accordance with the criteria identified in this chapter, and the procedures established in TMC 13.05 for Type II permits.
2. Prior to submitting an application to the City for Site Approval, it is recommended that the applicant hold a public informational meeting with interested community members and owners of adjacent properties. The purpose of the meeting is to provide an early, open dialogue regarding the connectivity and transportation aspects of the proposed development. The meeting should acquaint the community with the applicant and/or developers and provide for an exchange of information about considerations pertinent to creating attractive, safe, comfortable, and multi-modal transportation choices. If the applicant elects to hold a public meeting, written notification of the meeting should be provided, at least 30 calendar days prior to the meeting date, to the appropriate Neighborhood Council pursuant to TMC 1.45 and Neighborhood Business District pursuant to TMC 1.47, qualified neighborhood and community organizations, and to the owners of property located within 1,000 feet of the project site.
3. Project proponents may propose modifications to the strict application of building design, landscaping, pedestrian/bicycle access, sign location, and other building and site standards that relate to or are based on the location of streets, internal accessways, pedestrian and bicycle pathways. A Site Approval may result in significant modifications to the street and connectivity network. Therefore, the project proponent may propose that standards such as maximum building setbacks, transparency, pedestrian access, site perimeter landscaping, and sign orientation be modified to emphasize and orient toward the proposed connectivity pattern.
4. The application shall include the proposed final site plan and project phasing and meet the submittal requirements of TMC 13.05.010.
5. Upon issuance, the Director's decision may be appealed subject to procedures contained in TMC 13.05.

C. Applicability.

1. Site Characteristics. A Site Approval requirement applies under the following circumstances:

a. The proposed development is located in an area subject to an adopted Subarea Plan, including the Tacoma Mall Neighborhood Subarea Plan, with a transportation element that identifies the need for additional street and pedestrian connectivity in order to accommodate planned growth.

b. The development site, defined as land sharing common access, circulation, and improvements as specified in TMC 13.06.700.D, is at least one acre in size.

c. The development site is located within a block that is eight acres or larger in size. Blocks, for this purpose, are defined as assemblages of land circumnavigated by the shortest possible complete loop via the public street network.

2. Development Thresholds. Site Approval for transportation connectivity is required when proposed development exceeds one or more of the following thresholds:

a. Construction of 200 or more dwelling units.

b. Construction of 60,000 or more square feet.

Development activities that exceed these thresholds may generate significant transportation impacts and could also potentially create barriers to circulation and pedestrian connectivity.

3. Project proponents may elect to apply for a Site Approval in association with development below the thresholds above.

D. Criteria.

A Site Approval for transportation connectivity shall address the following criteria:

1. The Site Approval shall demonstrate consistency with the transportation connectivity goals and policies of the Comprehensive Plan, the adopted Subarea Plan, and all applicable ordinances of the City of Tacoma.

2. The Site Approval shall incorporate design strategies which meet or exceed City design and development standards in terms of promoting transportation connectivity, providing multi-modal transportation options, mitigating traffic volumes and impacts to transportation networks, and addressing other transportation impacts.

3. The Site Approval shall include a transportation impact analysis to determine whether the proposed development would generate impacts to the transportation system. If so, the Site Approval shall include mitigating actions determined by the City Engineer or designee. Such mitigation actions may include requirements on the applicant to provide frontage and onsite improvements and if warranted, to establish or participate in the establishment of new public rights-of-way, easements or private transportation connections.

4. The Site Approval shall designate internal circulation alignments, off-street parking, and building pedestrian orientation and access, which meet or exceed City standards in a manner that ensures safe, comfortable, attractive, multi-modal access and circulation through, within, and in proximity to the development site. The internal circulation system shall provide safe, comfortable and attractive connections between buildings, through parking areas, to the street and transit linkages, and to surrounding properties and neighborhoods. When desired, one or more alternatives may be provided that meet the intent while providing greater flexibility to accommodate a range of potential future development proposals.

5. If modifications to City building and site standards are proposed based on the proposed future connectivity pattern, the project proponent shall demonstrate that such flexibility will better achieve the Comprehensive Plan and Subarea Plan intent and result in an attractive, multi-modal pedestrian-oriented development pattern.

6. The Site Approval shall demonstrate consistency with other applicable provisions of the TMC, as appropriate.

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Chapter 13.09

SOUTH TACOMA GROUNDWATER PROTECTION DISTRICT

13.09.010 Background, purpose, and intent.

The South Tacoma groundwater aquifer system serves as a significant source of drinking water for the City of Tacoma. It may supply as much as 40 percent of the City's total water demand during periods of peak summer usage. For future growth, supplemental supply, and emergency response, this resource will continue to be extremely important to the City of Tacoma.

* * *

It is the intent of this chapter to establish orderly procedures that reduce the risks to public health and safety and to the existing groundwater supply. These procedures shall ensure that within the South Tacoma Groundwater Protection District, ~~facilities with on site properties that have~~ stormwater infiltration ~~units facilities~~ and ~~facilities with properties that store~~ hazardous substances meet appropriate performance standards, and ~~that existing storage facilities those properties~~ are properly maintained, inspected, and tested when necessary.

13.09.020 Declaration of policy.

In order ~~that for~~ the City of Tacoma ~~to~~ maintain its groundwater resources within the South Tacoma Groundwater Protection District as near as reasonably possible to their natural condition of purity, it is the policy of the City of Tacoma to establish strict performance standards which will reduce or eliminate threats to this resource from improper handling, storage, and disposal of hazardous substances by businesses. The City of Tacoma shall require use of all practical methods and procedures for protecting groundwater, while encouraging appropriate commercial and industrial uses to locate and conduct business within the South Tacoma Groundwater Protection District. The Tacoma-Pierce County Health Department ("~~Department TPCHD~~") will be responsible for implementing the South Tacoma Groundwater Protection District ~~Ch regulations established in TMC~~ 13.09. The Tacoma-Pierce County Board of Health may adopt regulations consistent with this section. It is recommended that the ~~Department TPCHD~~ work cooperatively through education with owners and operators of regulated facilities to voluntarily reach compliance before initiating penalties or other enforcement action.

13.09.030 Scope and applicability.

A. The mandates of this chapter shall apply to new and existing developments and facilities as defined herein.

B. All property within the South Tacoma Groundwater Protection District, as defined in Section 13.09.050, shall comply with the requirements of this chapter, ~~in addition to~~ the zoning requirements of the South Tacoma Groundwater Protection District, ~~in addition to the zoning and any additional~~ requirements of the ~~zoning~~ district ~~in which where the such~~ property is presently ~~located~~ or may ~~later~~ be located ~~in the future~~. In the event of conflict with ~~the other~~ regulations ~~of the underlying zoning requirements and the mandates of this chapter~~, the provisions of this chapter shall control.

13.09.040 Definitions.

For the purpose of this chapter, certain words and terms are defined as follows:

A. "Abandoned ~~ed~~ tank" means an aboveground storage tank, underground storage tank, or other container used for storage of hazardous substances left unused for more than one year, without being substantially emptied or permanently altered structurally to prevent reuse.

* * *

F. "Contamination" means the degradation of any component of the environment by a release of hazardous substance in sufficient quantity to impair its usefulness as a resource ~~or to be a hazard~~.

G. "Closure" means to cease a facility's operations related to hazardous substances by complying with the closure requirements in this Chapter and the General Guidance and Performance Standards or to take an underground storage tank out of operation permanently, in accordance with ~~Department of Ecology's 173-360-385~~ Washington Administrative Code ("WAC") ~~173-360-385, the Washington State Department of Ecology's as may be amended from time to time and the Department's~~ Underground Storage Tank regulations, ~~and the TPCHD's~~ Board of Health (~~BOH~~)-Resolution 88-1056, ~~all~~ as may be amended from time to time.

~~H. "Department" means the Tacoma Pierce County Health Department.~~

~~H~~. "Development" means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure; any use or change in use of any building or land; any extension of any use of land, or any clearing, grading, or other movement of land for which permission may be required pursuant to this chapter.

~~JI~~. “Director” means the Director of Health of the ~~Tacoma Pierce County Health Department~~TPCHD, or his or her designee(s).

~~KJ~~. “Disposal” means the discharging, discarding, or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned. This includes the discharge of any hazardous wastes into or on any land, air, or water.

~~LK~~. “Ecology” means the Washington State Department of Ecology.

~~ML~~. “Environment” means any air, land, water, or groundwater.

~~NM~~. “Facility” means all structures, contiguous land, appurtenances, and other improvements on or under the land within the South Tacoma Groundwater Protection District used as a stormwater infiltration ~~unit~~facility, or for recycling, reusing, reclaiming, transferring, storing, treating, disposing, or otherwise handling a hazardous substance which is not specifically excluded by the exemptions contained in Section 13.09.090.

~~ON~~. “Final Closure” means the proper permanent removal of an underground storage tank that is no longer in service.

~~PO~~. “General Guidance and Performance Standards” means the ~~Department’s~~TPCHD’s most recent publication of the technical standards document “General Guidance and Performance Standards for the South Tacoma Groundwater Protection District.”

~~QP~~. “Groundwater” means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

~~RQ~~. “Hazardous substance(s)” means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity which may pose a present or potential hazard to human health or to the quality of the drinking water supply in the South Tacoma aquifer system when improperly used, stored, transported, or disposed of or otherwise mismanaged, including without exception:

1. Those materials that exhibit any of the physical, chemical or biological properties described in Department of Ecology’s 173-303-082 WAC, 173-303-090 WAC, or 173-303-100 WAC as may be amended from time to time; and
2. Those materials set forth in the General Guidance and Performance Standards hereinafter referred to;
3. Petroleum products and by-products, including crude oil or any fraction thereof such as gasoline, diesel, and waste oil which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); and
4. Any substance or category of substances meeting the definition of a hazardous substance under Chapter 173-340 WAC as may be amended from time to time.

~~SR~~. “Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof.

~~TS~~. “High-impact use” means a business establishment that is considered to be hazardous and/or noxious due to the probability and/or magnitude of its effects on the environment. For purposes of this chapter, these uses or establishments possess certain characteristics, which pose a substantial or potential threat or risk to the quality of the ground and surface waters within the South Tacoma Groundwater Protection District.

~~UT~~. “Impervious surface” means ~~natural or man-made material on the ground that does not allow surface water or contaminants to penetrate into the soil. Impervious surfaces may consist of buildings, parking areas, driveways, roads, sidewalks, and any other areas of concrete, asphalt, plastic, etc. a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.~~

~~VU~~. “Manifest” means the shipping document, prepared in accordance with the requirements of Department of Ecology’s 173-303-180 WAC as may be amended from time to time, which is used to identify the quantity, composition, origin, routing, and destination of a hazardous waste while it is being transported to a point of transfer, disposal, treatment, or storage.

~~WV~~. “Misdemeanor” means any crime punishable by a fine not exceeding \$1,000, or imprisonment not exceeding 90 days, or both, unless otherwise specifically defined.

~~XW~~. “Omission” means a failure to act.

~~YX~~. “On-site” means the same or geographically contiguous property which may be divided by public or private right of way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed

to going along the right of way. Noncontiguous properties owned by the same person but connected by a right of way, which they control and to which the public does not have access, are also considered on-site property.

ZY. “Operator” means the person responsible for the overall operation of a facility.

~~AAZ~~. “Permeable surfaces” means sand, gravel, and other penetrable deposits or materials on the ground which permit movement of materials, such as groundwater or contaminants, through the pore spaces, or active or abandoned wells which permit the movement of fluid to the groundwater. “Pervious surface” means any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

~~BBAA~~. “Person” means any individual, trust, joint stock company, corporation (including government corporation), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal government, or any department or agency of the federal government.

~~CCBB~~. “Person responsible for the violation” means any person that commits any act or omission which is a violation or causes or permits a violation to occur or remain on the property or regulated facility, and includes but is not limited to owners(s), lessor(s), tenant(s), or other person(s) entitled to control, use, and/or occupy property or the regulated facility where a violation occurs, and any person who aids and abets in a violation.

~~DDCC~~. “Pollution-generating hard surface (PGHS)” means those hard surfaces considered to be a significant source of pollutants in stormwater runoff. PGHS includes permeable pavement subject to vehicular use. See the listing of surfaces under pollution-generating impervious surface.

~~EEDD~~. “Pollution-generating impervious surface (PGIS)” means those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those that are subject to: regular vehicular use; industrial activities (involving material handling, transportation, storage, manufacturing, maintenance, treatment or disposal); or storage of erodible or leachable materials, waste or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall. Metal roofs are also considered to be PGIS unless they are coated with an inert, non-leachable material. Roofs that are subject to venting significant amounts of dusts, mists, or fumes from manufacturing, commercial, or other indoor activities are considered PGIS.

~~FFEE~~. “Pollution-generating pervious surfaces (PGPS)” means any non-impervious surface subject to vehicular use, industrial activities (as further defined in the glossary of the Stormwater Management Manual for Western Washington (SWMMWW) involving material handling, transportation, storage; manufacturing; maintenance; treatment; or disposal); or storage of erodible or leachable materials, wastes, or chemicals, and ~~which that~~ receive direct rainfall or run-on or blow-in of rainfall, use of pesticides and fertilizers, or loss of soil. Typical PGPS include permeable pavement subject to vehicular use, lawns, and landscaped areas, including: golf courses, parks, cemeteries, and sports fields (natural and artificial turf).

~~GGFE~~. “Recharge areas” means areas of permeable deposits exposed at the surface which transmit precipitation and surface water to the aquifer.

~~HHGG~~. “Regulated facility” means any facility with one or more of the following: underground storage tank(s), aboveground storage tank(s), hazardous substances at regulated quantities, or stormwater infiltration ~~unit(s)~~ facility subject to regulation under Section 13.09.080 of this chapter.

~~HHH~~. “Release” means intentional or unintentional entry, spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of a hazardous substance, as defined in this section, into the environment and includes the abandonment or discarding of barrels, containers, and other receptacles containing hazardous substances. Should the definition of “release” in RCW 70.105D.020(20) be amended from time to time, then such amendment is incorporated herein by reference as if set forth at length.

~~HHI~~. “Release detection” means a method or methods of determining whether a release or discharge of a hazardous substance has occurred from a regulated facility into the environment.

~~KKJJ~~. “Retail business use” means a use in which individually packaged products or quantities of hazardous substances are rented or sold at retail to the general public and are intended for personal or household use.

~~LLKK~~. “Solid waste” means all putrescible and non-putrescible solid and semi-solid waste, including, but not limited to, garbage, rubbish, ashes, industrial waste, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

~~MMLL~~. “Stormwater” means ~~water derived from a storm event or conveyed through a storm system~~ that portion of precipitation, including snowmelt, that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a receiving water or stormwater facility.

~~NNMM~~. “Stormwater infiltration ~~unit~~facility” means ~~an impoundment, typically a pond, trench, or bio-infiltration swale which collects stormwater and allows it to percolate into surrounding soil a component of the stormwater system designed to fully or partially infiltrate stormwater runoff into the native underlying soils.~~

~~OO NN~~. “Substantial modifications” means the construction of any additions to an existing facility, or restoration, refurbishment, or renovation which:

1. Increases or decreases the in-place storage capacity of the facility;
2. Alters the physical configuration;
3. Impairs or affects the physical integrity of the facility or its monitoring systems; or
4. Alters or changes the designated use of the facility.

~~PPOO~~. “Surface water” means water that flows across the land surface, in natural channels not considered a stormwater conveyance system, or is contained in depressions in the land surface, including but not limited to wetlands, ponds, lakes, rivers, and streams.

~~QQPP~~. “Tank” means a stationary device designed to contain an accumulation of hazardous substances, and which is constructed primarily of non-earthen materials to provide structural support.

~~RRQQ~~. “Temporary closure” means to take a tank out of service for more than one month and less than one year.

~~SSRR~~. “TMC” means the Tacoma Municipal Code.

~~SS~~. “TPCHD” means the Tacoma-Pierce County Health Department.

TT. “Underground storage tank” means any one or a combination of tanks (including underground pipes connected thereto) which are used to contain or dispense an accumulation of hazardous substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. Specific exemptions to this definition are contained in Section 13.09.090 TMC.

UU. “Violation” means an act or omission contrary to the requirement of the chapter, and includes conditions resulting from such an act or omission.

13.09.050 General provisions.

* * *

C. Development and Adoption of Technical Standards. The ~~Department~~TPCHD shall hereafter maintain a document entitled “General Guidance and Performance Standards for the South Tacoma Groundwater Protection District” (hereinafter referred to as the “General Guidance and Performance Standards”). These standards shall prescribe the minimum acceptable best management practices and design solutions which are consistent with the requirements of this chapter. This document, to the extent that it assists in meeting the purposes and intent of this chapter and the Critical Areas Preservation Ordinance, is incorporated herein as though fully set forth. This document is available from the ~~Department~~TPCHD. Periodically, the ~~Department~~TPCHD shall review these standards to assure that improvements in technology are considered and that the standards are consistent with this chapter.

D. Permits. Applications for permits as required in Section 13.09.080 shall be filed with the ~~Health Department~~TPCHD. Application forms shall contain information prescribed by the ~~Department~~TPCHD.

E. Fees. At the time of filing such application, the applicant shall pay a fee in an amount sufficient to pay the costs of issuing the permits and conducting an initial and one follow-up inspection under this chapter. Fees for permits, permit renewals, and other services rendered under this program shall be included in the Department’s fee schedule, as approved annually by the Tacoma-Pierce County Board of Health. The approved fee schedule is available from the Department.

F. Cost Recovery. In the event that violations of this chapter require the Director to spend more time (Including but not limited to repeat inspections, spill response, remedial action plan review, or other enforcement actions) at a regulated facility than anticipated in the permit fee, permit renewal fee, or other properly established fee, the ~~Department~~TPCHD may bill such additional time to the regulated facility at an hourly rate approved annually by the Tacoma-Pierce County Board of Health. Such a bill shall be accompanied by a detailed description of the time and activities for which the regulated facility is being billed. Failure to pay cost-recovery bills shall be considered a violation of this chapter.

13.09.060 Prohibited uses.

A. The following “high-impact” uses of land shall hereafter be prohibited from locating within the boundaries of the South Tacoma Groundwater Protection District. Exceptions will be considered by Planning and Development Services, in consultation with the ~~Department~~TPCHD, only upon conclusive demonstration that the ~~application of new or improved~~

technology-high-impact use will result in no greater threat to the groundwater resource than that posed by a compliant nonprohibited use.

* * *

The above high impact uses should be periodically revised, updated, and amended, as appropriate, by Planning and Development Services or its successor agency in consultation with the ~~Department~~TPCHD in order to take into account other potential high impact uses or improvements in technology, pollution control, and management.

B. Permanent or temporary storage of hazardous substances on sites with permeable-pervious surfaces, the disposal of hazardous substances, and the disposal of solid waste is prohibited, unless such discharge or disposal is specifically in accordance with a valid discharge permit, is approved for discharge into the City's municipal wastewater system pursuant to Chapter 12.08 of the Tacoma Municipal Code as may be amended from time to time or is conducted in compliance with the requirements of a solid waste handling permit issued by the ~~Department~~TPCHD.

13.09.070 Stormwater infiltration.

~~A. Stormwater infiltration units used to receive storm water from any street, paved parking area or other pollution generating impervious surface are prohibited; however, if a business requests to infiltrate under the Exceptions Process outlined in the City of Tacoma Surface Water Management Manual Volume I, Chapter 3.1 as may be amended from time to time and in the opinion of the City of Tacoma Environmental Services Department, or its successor agency, no other reasonable alternative exists to manage stormwater runoff from the site, then the Environmental Services Department, with concurrence of the Department, may approve such private stormwater management system subject to building permit review and approval of a design by a licensed professional engineer. Stormwater from pollution-generating surfaces may be allowed to infiltrate under specific circumstances and may be subject to additional treatment and monitoring requirements as described in City Policy ESD17-1, "South Tacoma Groundwater Protection District Infiltration Policy," dated January 9, 2017, or as hereafter amended from time to time. If a property owner proposes to infiltrate and in the opinion of the City of Tacoma Environmental Services, or its successor agency, infiltration would be an appropriate and reasonable stormwater management technique for the site, then Environmental Services, with concurrence of the TPCHD, may approve the stormwater management system subject to construction permit review and approval of a design by a licensed professional engineer.~~

~~B. If approved, stormwater infiltration unit design standards shall include sampling ports and assurance that the regulated facility shall allow periodic sampling by the Environmental Services Department and/or Tacoma Public Utilities or their successor agencies. If approved, additional and/or more restrictive design criteria, treatment, monitoring, and permitting requirements may be imposed upon the facilities. A Covenant and Easement Agreement to allow for periodic inspection and/or sampling of a regulated facility will be required for private facilities. Sampling may be performed by Environmental Services, Tacoma Public Utilities, or the TPCHD. The Covenant and Easement Agreement shall be recorded to the property title.~~

C. Facilities with onsite stormwater infiltration ~~units on site~~facilities will be regulated facilities within the South Tacoma Groundwater Protection District. Such regulated facilities will be permitted and receive ~~biennial~~ inspections by the ~~Department~~TPCHD, ~~Environmental Services, or Tacoma Public Utilities~~ to verify maintenance of the ~~unit~~facility, business practices, ~~and/or~~ other requirements outlined in the General Guidance and Performance Standards.

D. Existing stormwater infiltration ~~units~~facilities installed before December 31, 2006, shall be exempt from the requirements of this section, except that a change of use or change of ownership shall trigger review ~~pursuant to TMC 13.09.070(F) and additional requirements, as appropriate.~~

~~E. Facilities with stormwater infiltration units shall have formal notification on their business license of the on-site stormwater infiltration unit.~~

~~FE.~~ If ownership or site operations change at a facility with a stormwater infiltration ~~unit~~facility, the new operations shall be reviewed by ~~the~~Environmental Services ~~Department~~ and the ~~Department~~TPCHD, or their successor agencies, to ensure continued use of the stormwater infiltration ~~unit~~facility does not present a risk to groundwater quality ~~prior to the Tax & License Division of the Finance Department issuing a new business license.~~ If continued use of the stormwater infiltration ~~unit~~facility is not acceptable under the new operations, a new private stormwater management system and/or public storm system extension and connection may be required to be designed and constructed ~~pursuant to~~ city development standards~~the City of Tacoma Stormwater Management Manual~~ to permit new operations on the site.

13.09.080 Permits – Construction, modification, operation, change in use

A. It is a violation of this chapter for any person to construct, install, substantially modify, or change the use of a facility or regulated facility as defined herein, or part thereof, without a valid permit or authorization issued by or acceptable to the ~~Department~~TPCHD. A permit issued for a facility will include appropriate conditions and limitations as may be deemed necessary to implement the requirements of this chapter.

B. It is a violation of this chapter for any person to use, cause to be used, maintain, fill, or cause to be filled any facility with a hazardous substance without having registered the facility on forms provided by the [DepartmentTPCHD](#) and without having obtained or maintaining a valid permit issued by the [DepartmentTPCHD](#) to operate such facility or part thereof.

C. No permit or authorization to operate a regulated facility as required herein shall be issued by the [DepartmentTPCHD](#) or shall be satisfactory to the [DepartmentTPCHD](#) unless and until the prospective permittee, at a minimum:

1. Provides a listing to the [DepartmentTPCHD](#) of all of the hazardous substances and amounts to be stored, used, or handled at the facility; and
2. Demonstrates that the facility complies with all the provisions of this chapter and the standards set forth in the General Guidance and Performance Standards.

D. It is a violation of this chapter for any person in possession of or acting pursuant to a permit or authorization issued to allow or cause another person to act, in any matter contrary to any provision of said permit or authorization.

13.09.090 Exemptions.

The following facilities shall be exempt from all provisions of this chapter:

A. Any handling, storing, disposing, or generating of 220 pounds (100 kilograms) or less of a hazardous substance per month or batch, unless specifically ruled otherwise by the [DepartmentTPCHD](#) on a case-by-case basis. *Note: (Refer to 13.09.040.R for definition of hazardous substances.)*

* * *

K. Any small quantity of hazardous substance intended solely for personal use, unless specifically ruled otherwise by the [DepartmentTPCHD](#) on a case-by-case basis, in accordance with the General Guidance and Performance Standards.

13.09.100 Hazardous substance storage and management.

Owners and operators of regulated facilities shall as applicable:

A. Store hazardous substances in a container that is in good condition.

B. Label containers in a manner that adequately identifies the major risk(s) associated with the contents of the containers. Labels shall not be obscured, removed, or otherwise unreadable.

C. Remove or destroy labels from empty containers that will no longer be used for hazardous substance storage and label containers as “Empty” or otherwise provide clear indication acceptable to the [DepartmentTPCHD](#) that the containers are not useable.

* * *

I. At closure of the facility, all hazardous substances and residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous substances or residues must be decontaminated or removed to the satisfaction of the [DepartmentTPCHD](#).

J. Ensure that business practices and stormwater infiltration ~~unit~~facility maintenance minimizes potential releases of hazardous substances to the environment.

The [DepartmentTPCHD](#) may require additional storage and management requirements on a case-by-case basis as deemed necessary to reduce risks to public health and safety and to the existing groundwater supply.

13.09.110 Underground storage tanks.

* * *

C. Underground Storage Tank Closures.

1. No person shall abandon or close an underground storage tank, temporarily or otherwise, except as provided in this subsection and in compliance with the General Guidance and Performance Standards and the [Department'sTPCHD's](#) UST regulation (BOH Resolution 88-1056, as may be amended from time to time).

2. An underground storage tank that is temporarily closed, but that the operator intends to return to use within one year, shall continue to be subject to all the permit, corrosion protection, and release detection requirements of this chapter and those established pursuant to the General Guidance and Performance Standards. If the underground storage tank is out of service for more than one year the [DepartmentTPCHD](#), in consultation with the regulated facility owner or operator, will determine whether to implement final closure of the tank or grant an additional one-year period of temporary closure. The [DepartmentTPCHD](#) will not allow an underground storage tank at a regulated facility to exist in a temporary closure state for a period greater than two years.

3. No person shall close an underground storage tank unless the person undertakes all of the following actions:

a. Notifies the [DepartmentTPCHD](#) and other appropriate agencies at least 60 days in advance of any closing and obtains the proper authorization or permit according to the Board of Health Resolution 88-1056, as may be amended from time to time.

- b. Demonstrates to the [DepartmentTPCHD](#) that all residual amounts of the hazardous substance which were stored in the tank prior to its closure have been removed and properly disposed.
- c. Permanently removes the tank unless the tank is located under a permanent building and cannot be removed without removing the building.

13.09.120 Aboveground storage tanks.

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B. Existing Aboveground Storage Tanks.

1. It shall be a violation of this chapter to substantially modify or cause the substantial modification of any existing aboveground storage facility or part thereof without obtaining a permit or authorization from the [DepartmentTPCHD](#) and the Fire Department and without complying with the provisions of this section and the General Guidance and Performance Standards.
2. Inspections, release detection, and corrective action requirements for aboveground storage tanks shall be followed as set forth in this chapter and the General Guidance and Performance Standards.

C. Aboveground Storage Tank Closures.

1. No person shall abandon or close an aboveground storage tank, temporarily or otherwise, except as provided in this section and in compliance with the General Guidance and Performance Standards.
2. No person shall close an aboveground storage tank unless the person demonstrates to the [DepartmentTPCHD](#) that all residual amounts of the hazardous substance that were stored in the tank prior to its closure have been removed and properly disposed.

13.09.130 Inspections and testing.

A. Any owner or operator of a regulated facility shall, upon request of any representative of the [DepartmentTPCHD](#), the Environmental Services Department, or the Tax and License Division of the Finance Department, or their successor agencies whose duties entail enforcing the provisions of this chapter, furnish information relating to the regulated facility, conduct monitoring or testing, and permit such representative to have access to and to copy all records relating to the hazardous substances or stormwater infiltration [unit-facility](#) at all reasonable times. For the purpose of implementing this chapter including determining whether a facility is a regulated facility, representatives of the above-referenced departments are hereby authorized to:

1. Enter at reasonable times any [facilityproperty](#), regulated facility, establishment or other place where tank(s) or hazardous substances in regulated quantities, or stormwater infiltration [units-facilities](#) are located;
2. Inspect and obtain samples of any known or suspected hazardous substances at the facility; and
3. Conduct monitoring or testing of the tanks and/or hazardous substances containers, associated equipment, contents, or surrounding soils, air, surface water, stormwater or groundwater.

B. During inspections the [DepartmentTPCHD](#) will, to the degree practical, provide education and technical assistance and work cooperatively to help the regulated facility's owner or operator achieve voluntary compliance before initiating enforcement action, imposing penalties, or seeking other remedies.

C. Each inspection shall be commenced and completed with reasonable promptness. If the above-referenced department representative obtains any samples prior to leaving the premises, he or she shall give to the owner or operator a receipt describing the sample(s) obtained and, if requested, a portion of each sample equal in volume or weight to the portion retained. If any analysis is made of the sample(s), a copy of the results of the analysis shall be furnished promptly to the owner or operator. Copies of [Department-TPCHD](#) inspection forms and reports will be provided to the regulated facility owner or operator upon request.

D. In addition to, or instead of, the inspections specified in subsection A above, the [DepartmentTPCHD](#) may require the owner or operator of an underground storage tank or aboveground storage tank to employ, periodically, a service provider certified by the International Code Council to conduct an audit or assessment of the tank(s) to determine whether the facility complies with the design and construction standards of subsection 13.09.110 (Underground Storage Tanks) and 13.09.120 (Aboveground Storage Tanks), whether the owner or operator has monitored and tested the tank required by his permit, and whether the tank is in a safe operating condition. The inspector shall prepare an inspection report with recommendations concerning the safe storage of hazardous substances at the regulated facility. The report shall contain recommendations consistent with the provisions of this chapter where appropriate. A copy of the report shall be filed with the [DepartmentTPCHD](#) at the same time the inspector submits the report to the owner or operator of the regulated facility. The owner or operator shall file with the [Department-TPCHD](#) a plan to implement all recommendations contained in the report, along with any additional requirements imposed by the [DepartmentTPCHD](#) within 30 days after receiving the report or within 30 days of receiving additional requirements imposed by the [DepartmentTPCHD](#), whichever is later. Alternatively, the owner

or operator may demonstrate within the same period, to the satisfaction of the [DepartmentTPCHD](#), why one or more of these recommendations should not be implemented.

13.09.140 Spill prevention and management.

A. Owners and operators of regulated facilities including businesses, wholesale distributors, processors, and manufacturers must adopt and comply with appropriate spill or leak prevention and management practices in accordance with the General Guidance and Performance Standards. Regulated facilities will be evaluated by the [DepartmentTPCHD](#) during initial and subsequent inspections (not less frequently than biennially) in response to spills or releases to the environment, or as a result of substantial modification or changes in operation to determine if additional requirements are necessary to comply with appropriate spill prevention and management standards.

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13.09.150 Release reporting, investigation, corrective actions.

A. Release Reporting. The owners and operators of a regulated facility shall report within 24 hours, unless otherwise indicated:

1. All belowground releases of a hazardous substance in any quantity, including:

* * *

d. Other conditions as may be established by the [DepartmentTPCHD](#) and incorporated into the General Guidance and Performance Standards.

The [DepartmentTPCHD](#), in administering and enforcing this section, may, if appropriate, take into account types, classes, and ages of underground storage tank(s). In making such distinctions, the [DepartmentTPCHD](#) may take into consideration factors including, but not limited to: location of the tank(s), soil conditions, use of the tank(s), history of maintenance, age of the tank(s), current industry-recommended practices, hydrogeology, water table, size of the tank(s), quantity of hazardous substance periodically deposited in or dispensed from the regulated facility, the technical capability of the owners and operators, the compatibility of the hazardous substance, and the materials of which the tank(s) is fabricated.

2. All above-ground releases of petroleum to land in excess of 25 gallons, or less than 25 gallons if the release reaches a pervious surface or drain or the owners and operators are unable to contain or clean up the release within 24 hours.

3. All above-ground releases which result in a sheen on the surface water or stormwater.

4. All above-ground releases to land or surface waters of hazardous substances other than petroleum in excess of the reportable quantity established under 40 CFR 302 as may be amended from time to time for the released substance shall be reported immediately.

5. Any known or suspected discharge of hazardous substance to a stormwater infiltration ~~unit~~facility.

6 The owners or operators shall provide, within 30 days, any additional information on corrective action as may be required by the [DepartmentTPCHD](#) and referenced in the General Guidance and Performance Standards.

B. Investigation and Confirmation.

Unless corrective action is initiated by the owner or operator or is otherwise directed by the [DepartmentTPCHD](#), all suspected releases requiring reporting, as set forth above, must be immediately investigated by the owner or operator using an appropriate procedure as set forth by the [DepartmentTPCHD](#) in accordance with the General Guidance and Performance Standards. Such procedures may include, but shall not be limited to, the following:

* * *

C. Corrective Action.

All owners or operators of a regulated facility shall, in response to a suspected or confirmed release, comply with the directives and requirements of the [DepartmentTPCHD](#) in accordance with the General Guidance and Performance Standards.

D. A report to the [DepartmentTPCHD](#) shall not be deemed compliance with any reporting requirements of any federal or state law.

13.09.160 Recordkeeping.

A. A regulated facility must maintain written records of the following:

1. Hazardous Waste Disposal Records. Hazardous waste disposal records documenting proper disposal must be retained for at least five years from the date the waste was accepted by the transporter. Records may include but are not limited to manifests, bills of ladings, and receipts. (Note: The [DepartmentTPCHD](#) encourages businesses to retain hazardous waste disposal or recycling records indefinitely.)

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6. Stormwater Infiltration [Unit\(s\)Facility](#) Records. Operation and maintenance inspections by owner or stormwater management professionals.

B. Any other recordkeeping requirement that may be required by a permit issued pursuant to this chapter or as established in the General Guidance and Performance Standards.

1. All records required by this subsection must be maintained:

- a. On-site and be immediately available for inspection; or
- b. At a readily available alternative site and be provided for inspection by the [DepartmentTPCHD](#) within 24 hours; and
- c. Retained for no less than five years, unless otherwise specified.

C. All records and information are subject to public disclosure unless protected from disclosure by RCW 42.17.310 as may be amended from time to time, RCW 19.108 et seq., or other state or federal law.

Excavation operations within the boundaries of this district shall be subject to the permit requirements and standards contained in Section 3.06.040 or 2.02.480 of the City Code as considered appropriate.

13.09.170 Waivers.

Any person may apply to the [DepartmentTPCHD](#) for a waiver of any requirement imposed by this chapter or any regulation, standard, or ruling generated hereunder; provided, that the waiver request does not conflict with any other local, State, or Federal requirement. In determining whether a waiver is appropriate, the [DepartmentTPCHD](#) shall require an applicant to demonstrate by clear and convincing evidence that, because of special circumstances, not generally applicable to other property or facilities, including size, shape, design, topography, location, or surroundings, the application of the standards of this chapter would be unnecessary to adequately protect the soil and groundwaters of the South Tacoma Groundwater Protection District from an unauthorized release, or that strict application would create practical difficulties not generally applicable to other facilities or properties, and that the proposed alternative method or process will still adequately protect the soil and groundwaters of the South Tacoma Groundwater Protection District.

13.09.180 Deferral.

The [DepartmentTPCHD](#) may, at its discretion, elect to defer enforcement of specific South Tacoma Groundwater Protection District requirements if other state, local, or federal regulations or permits provide an equivalent or superior level of environmental protection. Such deferrals shall be subject to periodic review by the [DepartmentTPCHD](#) and may be revoked or modified upon a finding that an equivalent or superior level of environmental protection is no longer provided.

13.09.190 Enforcement Responsibility.

It shall be the duty of the [TPCHD](#) Director to enforce and administer the provisions of this chapter, except that:

- a. It shall be the duty of the Director of the Environmental Services Department, or ~~his/her~~ designee, to enforce the specific provisions of Section 13.09.~~060070~~ of this chapter.
- b. It shall be the duty of the Tax and License Division of the Finance Department of the City or any successor department to suspend or revoke a business license when deemed necessary by the [DepartmentTPCHD](#) and the Tax and License Division pursuant to Section 13.09.260(b) of this chapter.
- c. It shall be the duty of the Legal Department of the City or any successor department to enforce the criminal penalties as set forth in section 13.09.250 of this chapter.

* * *

13.09.210 Administrative Review.

A. Any person to whom a Notice of Violation or civil penalty has been issued may request an administrative review of the Notice of Violation or civil penalty.

B. A request for an Administrative Review shall be filed with the [DepartmentTPCHD](#) no later than 14 days following the date of the Notice of Violation or the first assessed civil penalty. The request shall be in writing and shall state the reasons the Director should review the Notice of Violation or issuance of the civil penalty. Failure to state a basis for the review shall be cause for dismissal of the review.

C. Following review of the information provided the Director shall determine whether a violation occurred. The Director may affirm, vacate, suspend, or modify the Notice of Violation or the amount of any monetary penalty assessed. The Director's written decision shall be delivered to the appellant by first-class mail and by certified mail, return-receipt requested.

13.09.220 Appeals.

A. Procedures for appeals to the Tacoma-Pierce County Board of Health's Hearing Examiner from any ruling or decision of the [DepartmentTPCHD](#) pursuant to this Chapter shall be taken in accordance with Tacoma-Pierce County Board of Health Resolution No. 2002-3411 as may be amended from time to time.

B. Procedures for appeals to the City of Tacoma Hearing Examiner from any ruling or decision by the Director of Planning and Development Services or the Tax and License Division shall be taken in accordance with Chapter 1.23 TMC as may be amended from time to time.

C. Criminal appeals may be taken in accordance with the law.

13.09.230 Penalties.

Any person responsible for a violation shall be subject to civil and/or criminal (misdemeanor) penalties or additional enforcement procedures on each offense. Each day that a violation continues, or that a person responsible for a violation fails to comply with any of the provisions of this Chapter or refuses or neglects to obey any of the orders, rules or regulations issued by the [DepartmentTPCHD](#) or the Tacoma-Pierce County Health Department Board of Health may be considered a separate violation. Imposition of penalties or other enforcement action under this Chapter does not preclude other violations or penalties of law that may be available pursuant to various Federal and State statutes or other laws.

13.09.240 Civil Penalty.

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C. Collection of monetary penalties

1. The monetary penalty constitutes a personal obligation of the person to whom a Notice of Violation is directed. Any monetary penalty assessed must be paid within 10 calendar days from the date of notice from the [DepartmentTPCHD](#) that penalties are due.

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13.09.260 Other Remedies.

The [DepartmentTPCHD](#) reserves the right to pursue other remedies in order to reduce or eliminate threats to the groundwater resource from improper handling, storage, and disposal of hazardous substances by regulated businesses. Pursuit of other remedies shall generally be reserved for instances in which civil penalties have not been or are deemed unlikely to be effective.

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Chapter 13.12
ENVIRONMENTAL CODE

13.12.570 Archaeological, Cultural, and Historic Resources.

A. This section sets forth provisions for addressing archaeological, cultural, and historic resources for projects located within the Downtown Tacoma Regional Growth Center [and within the Tacoma Mall Neighborhood Regional Growth Center](#) in areas where a Subarea Plan and a companion area-wide, non-project Environmental Impact Statement (“EIS”) have been completed. The Planning and Development Services Department will use this process and any required assessments to evaluate potential impacts and assist in identifying and establishing appropriate mitigation measures.

13.12.580 Traffic Impact Assessment.

A. Purpose and Applicability.

1. This section sets forth provisions for Traffic Impact Assessments for projects located within the Downtown Tacoma Regional Growth Center [and within the Tacoma Mall Neighborhood Regional Growth Center](#) in areas where a Subarea Plan and a companion area-wide, non-project Environmental Impact Statement (“EIS”) have been completed. Transportation impacts generally relate to the size of the development, the number of trips generated, and their effect on local and state streets and transportation facilities, transit operations, freight, and pedestrian and bicycling facilities and operations.

C. Traffic Impact Assessments. Transportation information is required to be prepared and submitted to the Public Works Department at the time of permit intake. If such information is not submitted, the Public Works Department may delay completing the application process until such time as the information is made available. After the application is accepted, permit review by Public Works Department staff may result in a request for additional information, which will be detailed in a correction notice. The type and extent of analysis required, which is outlined below, is based on the project size, as follows:

<u>DOWNTOWN TACOMA RGC</u>		
USE	“Level 1” Analysis	“Level 2” Analysis
Residential	100 to 199 dwelling units	Over 199 dwelling units
Commercial	30,000 – 59,999 sq. feet	Over 59,999 sq. feet
If the residential unit count in a mixed-use development is less than the listed size ranges, but the non-residential use exceeds 20,000 square feet:	20,000 – 59,999 sq. feet	Over 59,999 sq. feet

<u>TACOMA MALL NEIGHBORHOOD RGC</u>		
<u>USE</u>	<u>“Level 1” Analysis</u>	<u>“Level 2” Analysis</u>
<u>Residential</u>	<u>Development that exceeds SEPA categorical exemptions as defined in TMC 13.12.310</u>	<u>Over 199 dwelling units</u>
<u>Commercial</u>		<u>Over 59,999 sq. feet</u>
<u>Mixed-use or industrial</u>		<u>Over 59,999 sq. feet</u>
<u>Large block developments as defined in TMC13.06.660 Site Approval.</u>	<u>Optional: Analyze Site Approval connections as part of TIA</u>	<u>Required: Analyze Site Approval connections as part of TIA</u>

1. Level 1: The following information must be provided by a qualified expert in the form of a transportation impacts study:
- a. Number of additional daily vehicle trips generated by the development as calculated using the ITE Trip Generation Manual, 8th Edition or successor edition.
 - b. Number of additional “peak hour” vehicle trips generated by the development in the afternoon peak hours as calculated using the ITE Trip Generation Manual, 8th Edition or successor edition.
 - c. The proposed ingress/egress routes, such as alleys and streets, on which vehicles will enter and leave the site’s parking garage or lot, and whether or not new curb-cuts will be proposed.
 - d. An estimate of what proportion of the development’s traffic is likely to use which streets.
 - e. Identify whether the nearest intersections are controlled by stop signs, traffic lights, or other form of traffic control.
 - f. Describe existing pedestrian and bicycle facilities in the immediate site vicinity, using the City’s [Mobility Master Comprehensive Plan](#).
 - g. Describe any pedestrian or bicycle facility improvements proposed.
 - h. Describe any impacts to state highways.
 - i. Summarize relationships and potential for impacts to transit service, passenger rail, and non-motorized facilities in the site vicinity, and traffic safety, to the extent affected by the proposed development.
 - j. Assessment of existing transportation network conditions, level of service, planned capital improvement projects, and potential effect on mode choice shift in the Subarea.
 - k. Additional information determined by the Public Works Department to be necessary to identify the impacts of the proposal and to determine the appropriate mitigation actions pursuant to City policies and standards.

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Chapter 13.18

AFFORDABLE HOUSING INCLUSIONARY DEVELOPMENT AREAS

Sections:

13.18.010 Purpose.

13.18.020 Incentives and standards.

13.18.030 Target Area designation.

13.18.010 Purpose.

A. The Growth Management Act (“GMA”) requires Tacoma to make adequate provisions for existing and projected housing needs of all economic segments of the community. This chapter designates areas where affordable housing is a high priority due to one or more factors, including a risk of involuntary displacement of current residents, or a deficit in affordable housing supply to adequately meet the community’s or future housing needs, and where the City’s growth vision creates opportunities to meet housing goals. By designating affordable housing target areas, the City can prioritize and target inclusionary zoning and other actions to effectively meet the community’s housing needs.

13.18.020 Incentives and standards.

The following incentives and standards are applicable within designated affordable housing target areas:

1. The inclusionary housing requirement and a range of housing incentives set forth in Tacoma Municipal Code (“TMC”) 1.39, Affordable Housing Incentives and Bonuses Administrative Code.

13.18.030 Target Area designation.

A. Criteria. Following a public hearing, the City Council may, in its sole discretion, designate one or more affordable housing target areas. Each designated area must meet the following criteria, as determined by the City Council:

1. The target area has a demonstrated affordable housing need, such as a current deficiency of affordable housing supply to meet community demand; a risk of involuntary displacement due to increasing housing costs; or projected future need for housing affordability to serve planned residential growth.

2. The target area is designated for substantial residential or mixed-use development, has ample development capacity to accommodate growth, benefits from market conditions conducive to high-density development, and provisions are in place to ensure that growth will be consistent with the community’s vision for the area, will be served by adequate infrastructure and services, and will benefit from transportation options and neighborhood amenities.

3. The City shall provide for increased development capacity and other incentives to promote the construction and offset the cost of affordable housing development, consistent with RCW 36.70A.540, which establishes the legal basis for affordable housing incentives and requirements.

B. Designated Affordable Housing Inclusionary Areas. The proposed “affordable housing target areas” are included herein:

<u>Target Area</u>	<u>Future Land Use Designation</u>	<u>Development incentives</u>	<u>Effective Date</u>
<u>Tacoma Mall Neighborhood Subarea: Madison District Inclusionary Housing Pilot Area</u>	<u>Regional Growth Center</u>	<u>Maximum height increase; Financial incentives</u>	<u>May 27, 2018</u>