



## ORDINANCE NO. 28797

1 AN ORDINANCE relating to floodplain management; amending Chapters 2.02,  
2 2.19 and 2.22 of the Tacoma Municipal Code, relating to the Building, Site  
3 Development, and Right-of-Way Development Codes, to modify  
4 requirements of the City's floodplain management in order to comply with  
5 the State of Washington's floodplain ordinance, as required by the  
6 Department of Ecology; and to make administrative changes to correct  
7 section numbers and clarify decision-making where there are code conflicts.

8 WHEREAS, in April 2020, the Department of Ecology ("Ecology"),  
9 Floodplain Management Division, performed a Community Assistance Contact  
10 review of the City's floodplain management program for conformance with the  
11 Federal Emergency Management Agency National Floodplain Insurance  
12 Program ("NFIP"), and

13 WHEREAS the review included the City's floodplain management ordinance  
14 related to development permitting, contained within Chapter 2.02 of the Tacoma  
15 Municipal Code ("TMC"), and

16 WHEREAS Ecology's review found that the City's floodplain development  
17 regulations are largely consistent with the State's model flood damage prevention  
18 ordinance, with the exception of restrictions within the floodway related to water  
19 wells and new or substantially remodeled residential homes, and

20 WHEREAS the proposed amendments to TMC Chapter 2.02 incorporate  
21 the model ordinance restrictions, and Ecology has stated that, with these additions  
22 to the TMC, the City's floodplain ordinance will be fully compliant with the NFIP,  
23 and

24 WHEREAS the changes need to be incorporated by December 31, 2021, in  
25 order to be considered in good standing with the NFIP, and  
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1 WHEREAS additional amendments to TMC Chapters 2.02, 2.19, and 2.22  
2 include administrative changes to correct section numbers and clarify decision-  
3 making where there are code conflicts, and

4 WHEREAS Planning and Development Services (“PDS”) staff reviewed the  
5 detailed regulation changes with the City-appointed Board of Building Appeals, and  
6 the Board voted unanimously to recommend approval of the proposed changes to  
7 the City Council, and

8 WHEREAS PDS staff reached out to members of community organizations  
9 and stakeholders, including the Master Builders Association of Pierce County,  
10 Tacoma Permit Advisory Task Force, Chamber of Commerce Industrial Council,  
11 and Port of Tacoma, to notify them of the proposed changes and invite comments  
12 or questions to City staff, and

13  
14 WHEREAS, on November 17, 2021, PDS staff provided a briefing to the  
15 Infrastructure, Planning, and Sustainability Committee, and the Committee  
16 recommended that the proposed TMC amendments be forwarded to the full City  
17 Council for consideration; Now, Therefore,

18  
19 BE IT ORDAINED BY THE CITY OF TACOMA:

20 Section 1. That Chapters 2.02, 2.19 and 2.22 of the Tacoma Municipal  
21 Code, relating to the Building, Site Development, and Right-of-Way Development  
22 Codes, are hereby amended as set forth in the attached Exhibit “A.”

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24 Section 2. That the City Clerk, in consultation with the City Attorney, is  
25 authorized to make necessary corrections to this ordinance, including, but not  
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limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney

# EXHIBIT "A"

## CHAPTER 2.02 BUILDING CODE

Sections:

- 2.02.010 Adoption of International Building Code, International Residential Code, and International Existing Building Code.
- 2.02.015 Administrative Provisions.
- 2.02.020 Purpose.
- 2.02.030 International Plumbing Code.
- 2.02.040 *Repealed.*
- 2.02.050 *Repealed.*
- 2.02.060 *Repealed.*
- 2.02.070 *Repealed.*
- 2.02.080 Amendment to IBC Section 105.1 – Permits by addition of a new Section 105.1.3 – Business Licensing.
- 2.02.090 Amendment to IBC Section 105.2 – Work exempt from permit.
- 2.02.100 Amendment to IBC Section 202 – Definitions – D, L, S, T, and W.
- 2.02.110 Amendment to IBC Section 111.2 – Certificate issued.
- 2.02.120 Amendment to IBC Section 113 – Board of Appeals.
- 2.02.130 Amendment to IBC Section 114 – Violations.
- 2.02.135 Amendment to IBC Section 419 – Live/Work units.
- 2.02.136 Amendment to IBC Chapter 4 – by deletion and replacement of the WA State amendment Section [427-429](#) – Electric Vehicle Charging Infrastructure.
- 2.02.140 Amendment to IBC Section 504.4 – Number of Stories – by amending subsection 504.4.1 WA State amendment to the IBC and by addition of a new Section 504.4.1.1 – Type B occupancies within R-1 and R-2 occupancies.
- 2.02.150 Amendment to IBC Section 510.2 – Horizontal building separation allowance by addition of a new Section 510.2(7).
- 2.02.155 Amendment to IBC Section 1010.1.9.3 – Locks and Latches.
- 2.02.160 Amendment to IBC Section 1503.4 – Roof Drainage.
- 2.02.170 Amendment to IBC Section 1511 Re-roofing – by addition of a new Section 1511.7 – Energy Code Requirements for Re-roofing.
- 2.02.180 Amendment to IBC Section 1608 – Snow loads.
- 2.02.185 Amendment to IBC Section 1612.3 – Establishment of Flood Hazard Areas.
- 2.02.190 Amendment to IBC Section 1613 by addition of a new subsection 1613.7 – Tension-only bracing.
- 2.02.200 Amendment to IBC Section 2405 by addition of a new subsection 2405.6 – Location of sloped glazing and skylights.
- 2.02.201 Amendment to IBC Section 2902.2 – Separate Facilities.
- 2.02.202 Amendment to IBC Section 2902.4 – Signage.
- 2.02.205 Amendment to IBC Section 3108 – Telecommunication and Broadcast Towers by addition of a new Section 3108.1.1 – Amplification Factor for Structures Bracketed to Supporting Structure.
- 2.02.210 Amendment to IBC Section 3202.3 – Encroachments eight feet or more above grade.
- 2.02.220-  
2.02.380 *Repealed.*
- 2.02.390 Amendment to IBC Appendix Section G102.2 – Establishment of Flood Hazard Areas.
- 2.02.400 Amendment to IBC Appendix Section G103 – Powers and Duties by the addition of a new Sections [G103.10](#) – Additional Conditions for Consideration [and G103.11- Restrictions in Floodways.](#)
- 2.02.410 Amendment to IBC Appendix Section G105 – Variances by Addition of a new Section G105.7.1 – Additional Criteria for Issuance.
- \* \* \*
- 2.02.600 Amendment to IRC Section R301.2.3 – Snow loads.
- 2.02.605 Amendment to IRC Section 322 – Flood-Resistant Construction – by addition of a new Section R322.1.11 – Additional Criteria for Development in Flood Hazard Areas [and 322.1.12 Restrictions in Floodways.](#)
- 2.02.610 Amendment to IRC Section R313 – Automatic Fire sprinkler systems.
- \* \* \*

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**2.02.136 Amendment to IBC Chapter 4 – by deletion and replacement of the WA State amendment Section 427.429 – Electric Vehicle Charging Infrastructure.**

**427.429.1** Scope.

The provisions of this section shall apply to the construction of new buildings, and building additions that require 10 or more new or additional parking spaces in accordance with Tacoma Municipal Code (“TMC”) Title 13.

**427.429.2** Required electric vehicle charging stations and infrastructure. Where parking is provided, Table 1 identifies the thresholds that will trigger electric vehicle spaces served by charging stations and/or charging station infrastructure. Table 1 also provides the percentage of parking spaces to be served by an electric vehicle charging station and the percentage of spaces to be provided with electric vehicle charging infrastructure according to the occupancy group and use of the building served. New or additional parking shall comply with Sections 427.429.3, 427.429.4, 427.429.5, and 427.429.6. When the calculation of percent served results in a fractional parking space, the applicant shall round up to the next whole number.

Where parking spaces serve buildings with multiple occupancies or uses, or serve multiple buildings with different occupancies or uses, the applicant shall use the occupancy or use that provides the greatest number of electric vehicle spaces with charging stations and/or infrastructure in accordance with Table 1.

<b>Table 1: Required Electric Vehicle Parking Quantities</b>			
<b>Occupancy Group and Use</b>	<b>Thresholds applied for electric vehicle stalls served by stations and infrastructure</b>	<b>Parking spaces to be served by an installed electric vehicle charging station</b>	<b>Parking spaces served by electric vehicle charging infrastructure only</b>
Group R-1 - Hotel/Motel Only	Applies to all.	3% of new parking provided	7% raceway AND 20% electrical room capacity
Group R-2 Multi-family	Where 10 or more parking spaces, and/or 10 or more dwelling or sleeping units are provided.	None	20% raceway AND 20% electrical room capacity.
Group B - Adult Education	Where the building area is 12,000 sq. ft. or greater.	3% of new parking provided, up to 6 spaces.	7% raceway AND 20% electrical room capacity.
Group B – Other than Adult Education	Where 6 or more parking spaces are provided.	3% of new parking provided, up to 6 spaces.	7% raceway AND 20% electrical room capacity.
Group I - Institutional	Where the building area is 12,000 sq. ft. or greater.	3% of new parking provided, up to 6 spaces.	7% raceway AND 20% electrical room capacity.
Group M - Mercantile	Where the building area is 15,000 sq. ft. or greater.	1% of new parking provided, up to 8 spaces.	9% raceway AND 20% electrical room capacity.
Group A – Assembly	Where 6 or more parking spaces are provided.	1% of new parking provided, up to 12 spaces.	9% raceway AND 20% electrical room capacity.

**427.429.3** Electrical room(s).

Electrical room(s) serving areas with electric vehicle charging parking spaces shall be designed to accommodate the electrical equipment and distribution required to serve a minimum of 20 percent of the total parking spaces with 208/240 volt 40-ampere electric vehicle charging infrastructure.

**427.429.4** Electric vehicle charging infrastructure.

The electrical service capacity and raceway size shall be designed to accommodate the installed and future electric vehicle charging spaces and required infrastructure for the number of spaces specified in section 427.429.2.

**427.429.4.1** Installed electric vehicle charging spaces. Installed electric vehicle charging spaces shall be provided with a dedicated 40-ampere, 20/240-volt dedicated branch circuit, raceways, and all other electric vehicle charging equipment. The branch circuit shall be identified for electric vehicle service in the service panel or subpanel directory.

Electric vehicle charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

[427429.4.2](#) Future electric vehicle charging spaces. Electric panel capacity and space for future electric vehicle charging spaces shall support a minimum 208/240 volt 40-ampere branch circuit for each future EV parking space. The branch circuit shall be identified as “EV Ready” in the service panel or subpanel directory.

Raceways shall be installed for any portion of the pathway located below slabs, below grade, or within floor, wall, or roof assemblies, and shall terminate at a point in close proximity to the proposed location of the electric vehicle charging spaces. The raceways shall be permanently and visibly marked as “EV Ready.” Where future electric vehicle charging spaces are located within exterior on-grade parking spaces that are more than four feet from a building, the raceways shall be extended either below grade to a pull box, or stubbed out above grade with protection from vehicles by a curb or other device.

Exception: In lieu of a surface-mounted raceway between the electrical panel and the future electric vehicle charging locations, it is permitted to provide permanent markings indicating the pathway for future raceway, and one-inch diameter capped sleeves through each wall and floor assembly that are penetrated along that route. This pathway and the locations of capped sleeves shall also be indicated on the electrical plans. Raceways shall be installed for any portion of the pathway located below slabs, below grade, or within floor, wall, or roof assemblies.

[427429.5](#) Electric vehicle charging infrastructure for accessible parking spaces.

When electric vehicle charging infrastructure is required, a minimum of one accessible parking space shall be served by electric vehicle charging infrastructure. The electric vehicle charging infrastructure may also serve adjacent parking spaces not designated as accessible parking.

[427429.6](#) Electric vehicle charging station signage.

Electric vehicle signage must meet the requirements of RCW 46.08.185. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced. Way-finding signage shall also be provided where electric vehicle parking is provided in multi-level parking garages.

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**2.02.400 Amendment to IBC Appendix Section G103 – Powers and Duties by the addition of a new Sections [G103.10 – Additional Conditions for Consideration](#) and [G103.11- Restrictions in Floodways](#).**

G103.10 – Additional Conditions for Consideration. The Building Official shall also review the project for compliance with the Endangered Species Act.

[G103.11 –Restrictions in Floodways. The following restrictions shall be applied to development proposed in the floodway:](#)

- [1. Water wells shall be located on high ground that is not in the floodway.](#)
- [2. Construction or reconstruction of residential structures is prohibited within the designated floodway.](#)

\* \* \*

**2.02.605 Amendment to IRC Section 322 – Flood-Resistant Construction – by addition of a new Sections [R322.1.11 – Additional Criteria for Development in Flood Hazard Areas](#) and [322.1.12 Restrictions in Floodways](#).**

R322.1.11 Additional Criteria for Development in Flood Hazard Areas. In addition to the requirements established in R322, the Building Official shall review projects in flood hazard areas for compliance with the Endangered Species Act.

[R322.1.12 –Restrictions in Floodways. The following restrictions shall be applied to development proposed in the floodway:](#)

- [1. Water wells shall be located on high ground that is not in the floodway.](#)
- [2. Construction or reconstruction of residential structures is prohibited within the designated floodway.](#)

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**CHAPTER 2.19**  
**SITE DEVELOPMENT CODE**

Sections:

- 2.19.010 General.
- 2.19.015 Administrative Provisions.
- 2.19.020 Definitions.
- 2.19.030 Site Development Standards and Permit Requirements.
- 2.19.040 *Repealed.*
- 2.19.050 Clearing and Grading Requirements.
- 2.19.060 Surface Water Drainage and Erosion Control Requirements.
- 2.19.070 Inspection Requirements.

**2.19.010 General.**

A. Scope and Intent:

This chapter provides requirements for the development and maintenance of building and building sites to minimize negative impacts to the environment and improvements to protect restore and enhance features and environmental quality of the site, including off-site improvements.

B. Referenced codes and standards:

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. To the extent any differences exist between the provisions of this code and the referenced standards, the [provisions of this code shall apply, most restrictive shall apply as determined by the Director of Planning and Development Services, or their designees.](#)

**2.19.015 Administrative Provisions.**

The Director of Planning and Development Services shall have the authority to develop rules, policies, and administrative procedures for, but not limited to, the following items:

A. Public notifications.

Notices may be required for any permits issued under this chapter. When required, the notices shall be completed prior to the start of construction.

B. Project Meetings.

Permittees, contractors, and others associated with a permit may be required to attend Project Meetings related to permit requirements, to address neighborhood impacts such as dust and construction noise or other neighborly issues that arise from the contractor's activities.

C. Construction Nuisances.

Additional requirements may be imposed on project construction activities that impact the surrounding neighborhood, such as public safety, dust and construction noises. Identification of these issues may be by a complaint, City and/or other regulatory inspection. A project meeting may be called to address the impacts.

Violations of TMC 2.1907 or any provision as required by the Director of Planning and Development Services under TMC 2.0719.015 shall be administered as outlined in TMC 1.82 - Uniform Enforcement Code, and/or Chapter 2.02.130 of this code.

**2.19.020 Definitions.**

\* \* \*

2.19.020.B

BENCH is a relatively level step excavated into earth material on which fill is to be placed.

BUILDING SITE ([also SITE](#)) shall be a platted or unplatted parcel of land unified as a single property for the purpose of constructing a single building or a group of buildings being constructed as a unified project.

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**2.19.050 Clearing and Grading Requirements.**

\* \* \*

B. Earthwork.

\* \* \*

2. Fills.

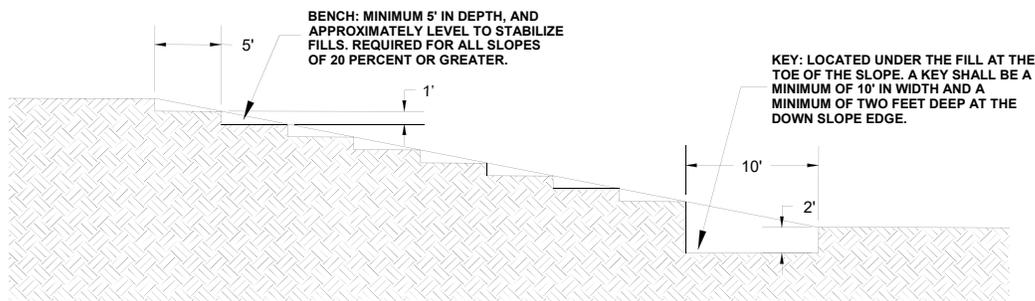
a. General. Unless otherwise recommended in an approved soils engineering report, fills shall conform to the provisions of this section.

EXCEPTION: These provisions may be waived by the Building Official for minor fills not intended to support structures, sanitary or storm sewers, sidewalks, and private or public roads.

b. Surface Preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil, and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

c. Benches and Keys. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20 percent) and the depth of the fill exceeds 5 feet, benching and keying shall be provided. Benches shall be essentially level and a minimum of 5 feet in width. Keys shall be at the toe of the fill slope in undisturbed native soil and be placed beneath the fill. They shall be at least 10 feet in width and 2 feet in depth.(See Figure 2.19.1)

d. Fill Material. Fill material shall not include organic, frozen, or other deleterious materials. Except as approved by the Building Official, no rock, broken concrete, or similar irreducible material greater than 12 inches in any dimension shall be included in fills.



**FIGURE 2.19.1**

e. Compaction. All fills supporting buildings and other structures shall be compacted to a minimum of 90 percent Modified Proctor in accordance with ASTM D1557, or as specified by the civil engineer of record. Lifts shall not exceed 12 inches in depth. Special inspection to verify compaction is required for fills supporting buildings or other structures. The number and frequency of field tests shall be specified by the civil engineer of record. Compaction in existing or future City rights of way shall be in accordance with the requirements of the City of Tacoma Public Works Department [Standards and the most current City of Tacoma Design Manual](#). , ~~Construction Division~~.

f. Maximum Slope. The slope of fills shall be no steeper than is safe for the intended use. Fill slopes shall not be steeper than two horizontal to one vertical, unless justified by a soils engineering report.

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**2.19.060 Surface Water Drainage and Temporary Erosion Control Requirements.**

A. Surface Water Drainage.

1. General. All drainage facilities shall be designed per the requirements of the COTSWMM. Site drainage shall not be directed onto/across adjacent properties without first obtaining necessary easements from the property owner and approval of the Public Works Department. All existing and proposed drainage courses shall be identified on the plans. Existing drainage shall be maintained unless an alternative drainage system is provided that is approved by the Building Official. When approved by the Building Official, site drainage may be discharged into public streets, but may not drain directly over the public sidewalks and driveways. Recorded [drainage facility easements across adjacent properties](#) are required prior to issuance of the grading permit. Connections to the City storm drainage system require a separate permit.

2. Swales and Ditches. Swales or ditches, where provided, shall have a minimum gradient of 50 horizontal to 1 vertical (two percent) where paved and a minimum gradient of 20 horizontal to 1 vertical (five percent) otherwise. Paving for swales and ditches shall be with reinforced concrete not less than three inches in thickness, or other material approved by the Building Official. Unpaved swales and ditches shall be grass or rock lined. They shall have a minimum depth at the deepest point of 12 inches where paved and 24 inches where unpaved, and a minimum width of 5 feet. A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet of horizontal projected area without discharging to a private or public storm sewer pipeline.

\* \* \*

C. Soils Engineering Report.

1. Soils Engineering Report Conditions. A soils engineering report will be required for the following conditions:

- a. Clearing or grading in an area with moderate to steep slopes (greater than 25 percent slopes).
- b. Grading that will require a cut or fill greater than 10 feet in height vertically.
- c. Grading in excess of 5,000 cubic yards, except where grading consists of fills less than 2 feet in depth on level to shallow slopes.
- d. Grading that may impact support or stability of public right-of-way, existing building foundations or adjacent property.
- e. Grading work that will include installing retaining walls greater than 8 feet in height, or walls supported by soil nailing or tiebacks.
- f. Grading in areas where previous grading or uncontrolled filling has been conducted without a grading permit.
- g. Where groundwater seepage has been identified on the site.
- h. As required by the Building Official.

2. Soils Engineering Report Contents. The soils engineering report shall include, but not be limited to:

- a. Data regarding a description of geology of the site, the nature, distribution, and strength of existing soils.
- b. Design criteria for retaining walls or similar structures.
- c. Conclusions and recommendations for filling and grading procedures.
- d. Design criteria for corrective measures, including buttress fills, when necessary.
- e. Stability analysis of moderate and steep slopes.
- f. Opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by geotechnical engineering and geologic factors.
- g. Design parameters for and evaluation of the geologic impact of proposed retaining wall structures and soil nails and tiebacks on adjacent properties and City rights-of-way. Soil nails or tiebacks extending into public right-of-way are required to obtain a street occupancy permit from the City of Tacoma, and shall be temporary in nature. ~~and where~~ retaining wall structures, soil nails or tiebacks extending into private property, a recorded easement is required prior to issuing said permits. Soil nailing and tiebacks shall be required to comply with the City of Tacoma Soil Nail Policy.

3. Liquefaction Study. For sites with mapped maximum considered spectral response accelerations at short periods (Ss) greater than 0.5g as determined by IBC Section 1613, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

EXCEPTION: A liquefaction study is not required where the Building Official determines from established local data that liquefaction potential is low.

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**CHAPTER 2.22**  
**RIGHT-OF-WAY DEVELOPMENT CODE**

Sections:

- 2.22.010 General Provisions.
- 2.22.015 Administrative Provisions.
- 2.22.020 Definitions.
- 2.22.030 Permit Requirements.
- 2.22.040 Off-site Improvement Requirements.

**2.22.010 General Provisions.**

A. Scope and Intent.

This chapter is intended to supplement the requirements of TMC 10.22 and provide guidance for permitting construction and maintenance activities within the City right-of-way.

B. Authority.

The provisions of this chapter are under the authority of the Director of Planning and Development Services, or designee.

C. Referenced codes, reports, and standards.

This code may reference separate codes or standards, and the provisions of those reference codes or standards shall apply unless they conflict with the provisions in this code. [Where there are conflicts, the most restrictive code shall apply as determined by the Director of Planning and Development Services, or their designees.](#)

~~Where there are conflicts between the technical requirements in this Chapter and a site specific report (such as a geotechnical report) prepared by an approved design professional, the site specific report shall govern.~~

**2.22.015 Administrative Provisions.**

The Director of Planning and Development Services shall have the authority to develop rules, policies, and administrative procedures for, but not limited to, the following items:

A. Public notifications.

Notices may be required for any permits issued under this chapter. When required, the notices shall be completed prior to the start of construction.

B. Project Meetings.

Permittees, contractors, and others associated with a permit may be required to attend Project Meetings related to permit requirements, to address neighborhood impacts such as dust and construction noise or other neighborly issues that arise from the contractor's activities.

C. Construction Nuisances.

Additional requirements may be imposed on project construction activities that impact the surrounding neighborhood, such as public safety, dust and construction noises. Identification of these issues may be by a complaint, City and/or other regulatory inspection. A project meeting may be called to address the impacts.

Violations of TMC 2.07 or any provision as required by the Director of Planning and Development Services under TMC ~~2.07~~2.015 shall be administered as outlined in TMC 1.82 – Uniform Enforcement Code, and/or Chapter 2.02.130 of this code.

**2.22.020 Definitions.**

ADMINISTRATIVE PROCEDURES: The written process followed to implement a policy.

CIVIL ENGINEER: A professional engineer licensed in the State of Washington and specialized in the design, analysis and supervision of the construction of public and private works, especially roads, excavations, grading, filling, drainage, and erosion control.

[OFF-SITE IMPROVEMENTS: The improvements required beyond the BUILDING SITE, as defined in TMC 2.19.020.B, contained with right-of-way or easement necessary to support public health and safety meeting applicable codes and design standards as required by federal, state or Tacoma Municipal Code. Improvements required may be, but are not limited to,](#)

[street paving, concrete curbs and gutters, surface and subsurface storm water drainage, utility extensions, sidewalks, trees, landscaping, signage, traffic and street lights, vaulted walk, retaining walls, accessible curb ramps, and driveways.](#)

POLICY: A written direction provided to City staff by the Director of any City of Tacoma Department, often providing clarification and interpretation of code or other requirements.

\* \* \*

## **2.22.040 Off-site Improvement Requirements.**

\* \* \*

### **B. Off-site Improvements.**

1. Off-site improvements shall be required for all New Construction, Additions, Site Uses, Change of Occupancies as defined in the International Existing Building Code, Moved Buildings, and Remodels/Alterations to existing buildings. Projects involving more than one project type (New Construction, Additions, Change of Occupancy, and Remodel/Alteration) shall apply the most restrictive criteria in Table 2.22.1.
2. The Director of Planning and Development Services, or designee, is authorized to establish and modify or eliminate the off-site improvement requirements shown in Table 2.22.1 for individual cases where there are practicable difficulties involved in implementation of the requirements of this code. The Director of Planning and Development Services, or designee, shall determine the order of preference when determining off-site improvement requirements, considering health, safety, and welfare, along with environmental protections as the primary objectives. Secondary objectives may include considerations for transportation corridors and proximity to schools and parks. Although a maximum level of off-site improvements that may be imposed by project type is shown in Table 2.22.1, this limitation shall not apply to any additional improvements for projects that have requirements imposed by a SEPA, Conditional Use Permit, or other conditioning documents. Nor does it absolve the property owner of the responsibility to repair any damaged or defective sidewalk.
3. Off-site improvements, as defined in TMC 2.4922.020, shall be constructed to conform to City of Tacoma Standards as defined by, but not limited to, the City of Tacoma's most current: Right-of-Way Design Manual; Right-of-Way Restoration Policy; Stormwater Management Manual; and/or Side Sewer and Sanitary Sewer Availability Manual.
4. The following off-site improvement requirements shall apply to all applicable project types listed in Table 2.22.1.
  - a. Alleys: When a lot adjoins an alley or street intersection, improvements shall also be installed at the alley or street intersection. Alleys shall be improved to City of Tacoma Standards when any access to the site is provided from the alley.
  - b. Off-site improvements are dependent on the project type and threshold listed in Table 2.22.1, and shall require the development of cement concrete curb and gutter, sidewalks, curb ramps, paving, safety measures, other right-of-way elements and drainage of all dedicated streets along the lot frontages, except, in cases where the topography or other conditions make it impractical.
  - c. Access to Property. Driveway approaches shall be in accordance with TMC 10.14 (Driveway Ordinance). Public roads fronting the property shall be comprised of an all-weather surface per the requirements of TMC 13.06, or will need to be paved to provide an all-weather surface.
  - d. Where a site has existing improvements such as sidewalks, curbs, gutters, and paving, these improvements shall be replaced if they are broken, damaged or hazardous. Pavement shall also be required to be replaced when it does not meet the current standard pavement section for residential or arterial streets contained in the City of Tacoma Standards. Live/Work and Work/Live developments which are exempt from off-site improvements per Table 2.22.1 are only required to replace broken, damaged, or hazardous sidewalks along the street frontage.

### **C. Fee In Lieu of.**

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

### **D. Covenant and Easement Agreement.**

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

**Table 2.22.1 Off-site Improvement Determinations<sup>(1)</sup>**

<b>Project Type</b>	<b>Threshold</b>	<b>Off-site Improvement Requirement<sup>(2, 4)</sup></b>
<b>New Construction</b>		
Commercial <sup>(3)</sup>	All new and moved buildings	No limit defined. Off-site improvements pursuant to Section 2.1922.040.BC.2 and as determined by the Director of Planning and Development Services, plus all utility construction or relocation and installation of safety mitigation measures.
Single family and two family dwellings	All new and moved buildings	No limit defined. Offsite improvements as determined by the Director of the Planning and Development Services. Fee In-lieu available pursuant to Section 2.2219.040.DC.
Single family and two family accessory structures and garages		None required; Access to property shall be in accordance with Section 2.1922.BC.24(c).
<b>Additions</b>		
Commercial - Large <sup>(4)</sup>	50% or greater than building area	No limit defined. Off-site improvements pursuant to Section 2.1922.040.C.2B, and as determined by the Director of Planning and Development Services, plus all utility construction or relocation and installation of safety mitigation measures.
Commercial - Small <sup>(4)</sup>	Less than 50% of building area	Off-site Improvement Requirements up to approximately 10% of Addition Valuation.
Single family and two family dwelling	Additions	None required; Access to property shall be in accordance with Section 2.1922.040.BC.2.4(c), and compliance with Section 2.19.040.C.2B.4(d).
<b>Change of Occupancy</b>		
Large <sup>(4)</sup>	Change of Occupancy to 50% or greater of the building area	Off-site Improvement Requirements up to the greatest of either: a. 10% of Remodel Valuation <sup>(3)</sup> b. 10% of the change to the building valuation based on the most current ICC Building Valuation table. Fee In-lieu available pursuant to Section 2.22.040.CD.
Small <sup>(4)</sup>	Change of Occupancy to greater than 10% but less than 50% of the building area	Off-site Improvement Requirements up to the greatest of either: a. 5% of Remodel Valuation <sup>(3)</sup> b. 5% of the change to the building valuation based on the ICC Building Valuation. Fee In-lieu available pursuant to Section 2.22.040.DC.
Exceptions	Change of use to: a. Live/work occupancy for up to 10 dwelling units; b. Work/live use for buildings less than 30,000 square feet (2787 m2)	None required
<b>Remodel/Alterations</b>		
Large <sup>(4)</sup>	Remodel Valuation 50% or greater than ICC Building Valuation	Off-site Improvement Requirements up to approximately 10% of Remodel Valuation <sup>(3)</sup> Fee In-lieu available pursuant to Section 2.22.040.DC.

Project Type	Threshold	Off-site Improvement Requirement <sup>(2, 4)</sup>
Small <sup>(3)</sup>	Remodel Valuation greater than 10% but less than 50% of ICC Building Valuation	Off-site Improvement Requirements up to approximately 5% of Remodel Valuation <sup>(3)</sup> Fee In-lieu available pursuant to Section 2.22.040.C.
Exception	Remodel Valuation less than 10% of ICC Building Valuation	Off-site improvements may be required at the discretion of the Director of Planning and Development Services.
Exception	Water or Fire Damages repairs that are valued at less than 50% of the ICC Building Valuation	None required

- (1) Limits listed are approximate, and the Director of Planning and Development Services, or designee, may impose additional requirements as needed to protect the health, safety, and general welfare of the public.
- (2) Costs for utility construction or relocation and safety mitigation measures shall not be included in the owner's/developer's percentage of off-site improvement requirements. Off-site improvement requirements contributing to the percentage shall include, but not be limited to: street paving, concrete curbs and gutters, asphalt wedge curb, sidewalks, driveways, and curb ramps.
- (3) The Remodel Valuation limit shall be defined as the estimated construction cost of the project submitted by the contractor or owner at time of permit submittal as a percentage of the most recent version of the International Code Council Building Valuation Data. The estimate shall detail all major cost elements of the project. The remodel valuation limit shall not apply to projects that have requirements imposed by a SEPA, Conditional Use Permit, or other conditioning document.
- (4) Determination of the off-site improvement cost maximum limitation shall be for the finished construction costs not including soft costs (Permitting, Engineering, Inspection, etc.).