



**TACOMA PLANNING COMMISSION  
FINDINGS OF FACT AND RECOMMENDATIONS REPORT**

APRIL 23, 2025

**A. SUBJECT:**

2025 Annual Amendment to the *One Tacoma* Comprehensive Plan and the Land Use Regulatory Code ("2025 Amendment").

**B. SUMMARY OF PROPOSED AMENDMENTS:**

The 2025 Amendment consists of the following items:

No.	Title of Issue and Code Section	Description of Issue	Commission's Recommendation
1.	<b><u>Definition: Development Site</u></b>  TMC 13.01.060.D	The term Development Site is used throughout Title 13. Adding a definition provides greater clarity.	Recommended for adoption, as initially proposed.
2.	<b><u>Repeal of Residential Infill Pilot Program items</u></b>  TMC 13.05.010.A.7 TMC 13.05.010.A.25	The repeal of the main RIPP code sections in TMC 13.05.060 was effective December 2024 as part of the Home in Tacoma code amendment package (November 2024). In January 2025, staff observed some RIPP provisions remained and assumed they were not included in the Home in Tacoma amendments package by mistake and included them with the 2025 Minor Amendment package.  It was then discovered the remaining RIPP-related amendments were included in the Home in Tacoma amendments package but that they took effect February 2025.	Not recommended for adoption.
3.	<b><u>Conditional Use Permit "Conditional uses and height"</u></b>  TMC 13.05.010.A.3.a	The current Code includes an incorrect reference. This error was initially made in a December 2015 Code amendment and retained in the 2020 Code reorganization. This amendment would correct this error.	Recommended for adoption, as initially proposed.

No.	Title of Issue and Code Section	Description of Issue	Commission's Recommendation
4.	<u><b>Land use permit code enforcement</b></u>  TMC 13.05.150	Title 13 currently has an enforcement process outlined that is different than other city enforcement processes. This change would update the Title 13 enforcement process to be consistent with the city's Uniform Enforcement Code.	Recommended for adoption, as initially proposed.
5.	<u><b>Pedestrian Streets: Home in Tacoma Mid-Scale Residential updates</b></u>  TMC 13.06.010.D.1	Home in Tacoma Phase I included amendments to the Future Land Use Map (FLUM) assigning Low-Scale and Mid-Scale Residential land use designations. One of ways the Mid-Scale Residential areas were determined was along designated Pedestrian Streets (aka Corridors) outside of designated Mixed-Use Centers. In the process of designating the Mid-Scale Residential areas, certain street segments were deliberately used instead of segments of designated Pedestrian Street. This amendment would update the Pedestrian Street table to reflect these changes.  Other proposed amendments include corrections or clarifications.	Recommended for adoption, with revisions.
6.	<u><b>Split zoning</b></u>  TMC 13.06.010.J	Suggest necessary clarification on home address signage, with current ADU rules, Infill Pilot Program approvals, a minor adjustment to current code should be considered further clarifying residential address signage.	Recommended for adoption, with revisions.

No.	Title of Issue and Code Section	Description of Issue	Commission's Recommendation
7.	<p><b><u>Tacoma Mall residential use prohibition</u></b></p> <p>TMC 13.06.040.E.3</p>	<p>Residential uses are prohibited within an area adjacent to Interstate 5 within the Tacoma Mall RGC as indicated in Figure 4 in Section 13.06.040.J.6. This prohibition is referenced in the use table referring to it as a “commercial only area” and does not provide more information about where this area is located.</p> <p>The map indicating the area subject to these limitations (Figure 4) is described as “No Residential Uses.” This amendment would provide consistency in the use of terminology and add a footnote reference to Figure 4.</p>	<p>Recommended for adoption, as initially proposed.</p>
8.	<p><b><u>Mixed-Use Center Districts residential building maximum setbacks</u></b></p> <p>TMC 13.06.040.H</p>	<p>The current Code requires a minimum amount of a residential building be located between 5 to 20 feet of a Pedestrian Streets even though these zoning districts do not have a minimum setback. This amendment would revise this requirement to reflect these zoning districts lack of minimum setbacks.</p>	<p>Recommended for adoption, as initially proposed.</p>
9.	<p><b><u>Retail marijuana limits</u></b></p> <p>TMC 13.06.080.J.4.j</p>	<p>The current Code limits the number of retail marijuana stores to sixteen (16). However, this number can now be exceeded per the State's Cannabis Social Equity Program. This amendment addresses this discrepancy.</p>	<p>Not recommended for adoption.</p>
10.	<p><b><u>Shoreline sign regulations</u></b></p> <p>TMC 13.06.090.I.1.d</p>	<p>Signs located in areas subject to Shoreline regulations are subject to both general sign regulations as well as Shoreline District standards in Title 19. This amendment clarifies this applicability.</p>	<p>Recommended for adoption, as initially proposed.</p>

No.	Title of Issue and Code Section	Description of Issue	Commission's Recommendation
11.	<p><b><u>Mass reduction building design standards: MUC and Downtown districts</u></b></p> <p>TMC 13.06.100.B.4.b</p> <p>TMC 13.06.100.D.4.b</p>	<p>Buildings located within Mixed-Use Center (X) and Downtown zoning districts with more than 60 feet of frontage along a street, open space, or parking area are required to meet mass reduction standards. This amendment adds greater clarity to when these requirements apply consistent with the intent of these requirements.</p> <p>This amendment also clarifies that buildings that do not exceed the height at which setbacks would be applied to satisfy horizontal modulation are considered to meet these modulation requirements for the purposes of satisfying mass reduction standards.</p>	Recommended for adoption, as initially proposed.
12.	<p><b><u>Commercial districts maximum setbacks exception</u></b></p> <p>TMC 13.06.030.F.8.d</p>	<p>This amendment adds an exception for meeting maximum building setbacks for Commercial zoning districts where easements preclude compliance. This exception is consistent with an existing exception for Mixed-Use Center zoning districts.</p> <p>This amendment also fixes a formatting error replacing the use of an alphanumeric list with bullet points.</p>	Recommended for adoption, as initially proposed.
13.	<p><b><u>Day Care Allowances in the Residential Use Table</u></b></p>	This amendment corrects an inconsistency within the Residential Use Table regarding Day Care Centers.	Recommended for adoption, as initially proposed.
14.	<p><b><u>Garage Setbacks on Alleys and Parking Stall Sizes</u></b></p>	This amendment addresses an inconsistency between the recently revised minimum size for standard parking stalls and the garage setback requirement in the new residential building design standards (20-feet), specifically along alleys, where new parking is strongly encouraged (if not required in most cases).	Recommended for adoption, as initially proposed.

No.	Title of Issue and Code Section	Description of Issue	Commission's Recommendation
15.	<b><u>Conversion of existing accessory structures to Accessory Dwelling Units</u></b>	This amendment allows the conversion of existing accessory structures, such as a garage, to an ADU even if that existing accessory building doesn't meet certain basic development standards, such as setbacks and height limits to be consistent with State law.	Recommended for adoption, as initially proposed.
16.	<b><u>Density standards in the JBLM Airport Compatibility Overlay District (ACD)</u></b>	This amendment adds a provision in the ACD standards to ensure the density is not significantly increased to be consistent with the ACD intent to limit any significant increases in density in this area.	Recommended for adoption, as initially proposed.
17.	<b><u>Expand Use Limitations in the Port of Tacoma Transition Overlay District</u></b>	This amendment adds the new housing types and terminology created in Home in Tacoma in the Port of Tacoma Transition Overlay District standards to ensure residential density is limited in this area to be consistent with the intent of the overlay district.	Recommended for adoption, as initially proposed.
18.	<b><u>Major Transit Stop Definition</u></b>	This amendment revises two definitions of "major transit stop" to be consistent with State law.	Recommended for adoption, as initially proposed.
19.	<b><u>Middle Housing Definition</u></b>	This amendment revises the definition of "middle housing" to be consistent with State law.	Recommended for adoption, as initially proposed.
20.	<b><u>Minimum Density for Pre-Existing Lots</u></b>	This amendment adds minimum density standards for UR-2 and UR-3 to be consistent with State law.	Recommended for adoption, as initially proposed.
21.	<b><u>"Courtyard Housing" and "Rowhouse" Housing Types Design Standards</u></b>	This amendment revises design standards for "courtyard housing" and "rowhouses" to be the same as "houseplex" and thereby consistent with State law.	Recommended for adoption, as initially proposed.
22.	<b><u>Backyard Building Definition</u></b>	This amendment removes the pedestrian access design standard from the definition for "backyard building" (aka "accessory dwelling unit") to be consistent with State law.	Recommended for adoption, as initially proposed.

No.	Title of Issue and Code Section	Description of Issue	Commission's Recommendation
23.	<b><u>Backyard Building Pedestrian Access Requirement</u></b>	This amendment revises the pedestrian access standards for “backyard building” to be the same as “houseplex” and thereby consistent with State law.	Recommended for adoption, as initially proposed.
24.	<b><u>Backyard Building Setback Requirements Along Alleys</u></b>	There is not a standard allowing ADUs to be sited at a lot line if the side lot line abuts a public alley, which is inconsistent with State Law.	Recommended for adoption, as initially proposed.

### C. FINDINGS OF FACT: BACKGROUND AND PLANNING MANDATES

#### 1. Comprehensive Plan and Land Use Regulatory Code

The *One Tacoma* Comprehensive Plan, updated in 2015 by Ordinance No. 28335, is Tacoma's comprehensive plan as required by the State Growth Management Act (GMA) and consists of several plan and program elements. As the City's official statement concerning future growth and development, the Comprehensive Plan sets forth goals, policies and strategies for the health, welfare and quality of life of Tacoma's residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is the key regulatory mechanism that supports the Comprehensive Plan.

#### 2. Amendment Process

Pursuant to TMC 13.05.030 – Amendments to the land use regulations, the Planning Commission may, from time to time, recommend to the City Council amendments or supplements to the land use regulations in order to implement the goals and policies of the Comprehensive Plan. The Planning Commission decides which applications should move forward as part of that Amendment package. The proposed amendments then receive detailed review and analysis by staff and the Planning Commission and input is solicited from stakeholders and the community.

#### 3. Planning Mandates

GMA requires that any amendments to the Comprehensive Plan and/or development regulations conform to the requirements of the Act, and that all proposed amendments, with certain limited exceptions, shall be considered concurrently so that the cumulative effect of the various changes can be ascertained. Proposed amendments to the Comprehensive Plan and/or development regulations must also be consistent with the following State, regional and local planning mandates and guidelines:

- The State Growth Management Act (GMA);
- The State Environment Policy Act (SEPA);
- The State Shoreline Management Act (SMA);
- The Puget Sound Regional Council's *VISION 2050* Multicounty Planning Policies;
- The Puget Sound Regional Council's *Transportation 2040*;
- The Puget Sound Regional Council's Subarea Planning requirements;
- The Countywide Planning Policies for Pierce County; and
- TMC 13.05.030 – Zoning and Land Use Regulatory Code Amendments.

#### **D. FINDINGS OF FACT: POLICY REVIEW**

##### **1. Minor Code Amendments**

All proposals compiled in the Minor Plan and Code Amendments are non-policy, technical amendments.

#### **E. FINDINGS OF FACT: STAFF ANALYSIS**

##### **1. Minor Code Amendments**

The Public Review document and supplementary Home in Tacoma-related amendments contain the full record of analysis and were provided to the Commission on February 5, 2025, and April 2, 2025, respectively.

#### **F. FINDINGS OF FACT: PLANNING COMMISSION REVIEW**

The Planning Commission conducted reviews of the 2023 Amendment Package at the following meetings, listed in reverse chronological order, with key decision points and milestones boldfaced:

- 04/23/25 – Made recommendations to the City Council (tentative)
- 04/02/25 – Debriefing of Public Hearing, present new Home in Tacoma related amendments, and provide direction
- 03/07/25 – Public Hearing Record closed; deadline for submittal of written comments
- 03/05/25 – Public Hearing on 2023 Amendment Package
- 02/05/25 – Present minor amendments and release for public review

#### **G. FINDINGS OF FACT: ENVIRONMENTAL REVIEW**

Pursuant to Washington Administrative Code (WAC) 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) on the 2025 Amendment was issued on April 22, 2025 (SEPA File Number LU25-0084), based upon a review of an environmental checklist. The comment deadline is May 9, 2025. Unless modified by the City, this determination will become final on May 16, 2025.

#### **H. FINDINGS OF FACT: CONSULTATION WITH THE PUYALLUP TRIBE OF INDIANS**

There are no known proposals included in the 2025 Amendment Package that would impact the Puyallup Land Claims Settlement of 1990. A letter of consultation was sent to Chairman Bill Sterud of the Puyallup Tribe of Indians on February 7, 2025, seeking their feedback on the 2025 Amendment Package. No comments were received.

#### **I. FINDINGS OF FACT: PUBLIC NOTIFICATION AND INVOLVEMENT**

##### **1. Planning Commission Public Hearing**

The Planning Commission conducted a public hearing on March 5, 2025, to receive oral testimony, and left the hearing record open through March 7, 2025, to accept additional written comments, concerning the 2025 Amendment Package.

The complete text of the proposed amendments and the associated staff analysis and environmental review were compiled in a Public Review Document, which also included the public hearing notice. The document was posted on the project's website at [www.cityoftacoma.org/codeamendments](http://www.cityoftacoma.org/codeamendments).



Notification for the public hearing was conducted to reach a broad-based audience, through the following efforts:

- (a) **Public Notices** – The notice for the public hearing was e-mailed to individuals on the Planning Commission’s interested parties list that includes the City Council, Neighborhood Councils, area business district associations, the Puyallup Tribal Nation, adjacent jurisdictions, City and State departments, and others.
- (b) **News/Social Media** – An online advertisement was placed in The News Tribune on February 14 and 27, 2025. An event page for the public hearing was posted on the City’s Facebook.
- (c) **60-Day Notices** – A “Notice of Intent to Adopt Amendment 60 Days Prior to Adoption” was filed with the State Department of Commerce (per RCW 36.70A.106) on February 25, 2025. A similar notice was sent to the Joint Base Lewis-McChord (per RCW 36.70A.530(4) on February 7, 2025, asking for comments within 60 days of receipt of the notice.
- (d) **Tribal Consultation** – A letter was sent to the chairman of the Puyallup Tribe of Indians on February 7, 2025, to formally invite the Tribe’s consultation on the 2025 Amendment.

## **J. FINDINGS OF FACT: COMMENTS AND RESPONSES**

Comments and questions received were largely limited to those from Planning Commissioners. Provided below is a summary of the themes of comments and questions received and, where applicable, the Commission’s direction for any revisions to the amendments. These revisions are reflected in this report’s exhibits. More detailed information is documented in the “2025 Minor Amendments Response to Questions (04-02-25)” report reviewed by the Commission on April 2, 2025.

### **1. Pedestrian Streets**

- (a) **Theme of Comments:** Questions about the potential impact the removal of the Pedestrian Street designation along N 26<sup>th</sup> St were raised. Staff’s response was provided in the “2025 Minor Amendments Response to Questions” report. In response to this information, Commission recommends the Pedestrian Street designation along N 26<sup>th</sup> St between the Proctor and Westgate mixed-use centers be retained and is reflected in **Exhibit C**.

### **2. Split Zoning**

- (a) **Theme of Comments:** Some general concern was expressed regarding the potential of the proposed amendment to have unintended consequences, particularly allowing the expansion of high-intensity use zones adjacent to low-intensity use zones (i.e. industrial zones adjacent to residential zones). Staff’s response, which included several revisions that could be made to the amendment to address these concerns, was provided in the “2025 Minor Amendments Response to Questions (04-02-25)” report. In response to this information, Commission recommends the revised amendment, which is reflected in **Exhibit A**.

### **3. Retail marijuana limits**



- (a) **Theme of Comments:** Questions were raised pertaining to how the Social Equity program considers current retail business license holders as it relates to the program's equity qualifications and how local location requirements apply to Social Equity program licensees. While this amendment was introduced with the understanding that it was necessary to comply with the State Cannabis Social Equity program, staff learned that there actually is not a compliance mandate for cities and counties with this program as a result of these questions. This new information was provided in the "2025 Minor Amendments Response to Questions (04-02-25)" report. In response to this information, Commission does not recommend the proposed amendment.

## **K. CONCLUSIONS**

In drawing its conclusions on the 2025 Amendment Package, the Planning Commission considered the following criteria, the first two as set forth in TMC 13.05.030.B.10 per 13.05.030.D and the third based on the Tacoma 2025 Strategic Plan:

- (a) Whether the proposed amendment will benefit the City as a whole, will not adversely affect the City's public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare;
- (b) Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan; and
- (c) 2025 Strategic Priorities: Whether the proposal will reduce racial and other inequities, disparities, or discrimination to under-represented communities, or result in positive impacts on equity, equality, diversity or inclusion.

The Planning Commission concludes that the Minor Code Amendments, as revised, fulfills the intent to keep information current, address inconsistencies, correct minor errors, clarify and improve provisions of the Code and conform to applicable provisions of State statutes and case law.

## **L. RECOMMENDATIONS**

### **1. Minor Plan and Code Amendments:**

The Planning Commission recommends the City Council adopt Minor Amendment items 1, 3-8, and 10-24 as presented in **Exhibits A – E**.

### **2. Not Recommended:**

The Planning Commission does not recommend Minor Amendment items (2) and (9) pertaining to eliminating Residential Infill Pilot Program and raising retail marijuana limits, respectively, for the reasons discussed above and in **Exhibit A**.

## **M. EXHIBITS**

- Exhibit A: 2025 Minor Amendments
- Exhibit B: Code Enforcement
- Exhibit C: Pedestrian Streets
- Exhibit D: Tacoma Mall RGC residential uses
- Exhibit E: Home in Tacoma-related amendments (supplemental)



## 2025 ANNUAL AMENDMENT TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

### Exhibit A: Minor Code Amendments – Planning Commission Recommendation (April 23, 2025)

April 23, 2025

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
1.	<b><u>Definition:</u></b> <b><u>Development</u></b> <b><u>Site</u></b>  TMC 13.01.060.D	The term Development Site is used throughout Title 13. Adding a definition provides greater clarity.	<b>13.01.060 Zoning Definitions.</b> 13.01.060.D “Development site.” A parcel or parcels of land on which proposed development will occur.

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
2.	<p><b><u>Repeal of Residential Infill Pilot Program items</u></b></p> <p>TMC 13.05.010.A.7 TMC 13.05.010.A.25</p>	<p>The repeal of the main RIPP code sections in TMC 13.05.060 was effective December 2024 as part of the Home in Tacoma code amendment package (November 2024). In January 2025, staff observed some RIPP provisions remained and assumed they were not included in the Home in Tacoma amendments package by mistake and included them with the 2025 Minor Amendment package.</p> <p>It was then discovered the remaining RIPP-related amendments were included in the Home in Tacoma amendments package but that they took effect February 2025.</p> <p>For this reason, the <b>Planning Commission does not recommend</b> this amendment.</p>	<p><b>Planning Commission does not recommend this amendment.</b></p>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
3.	<p><b><u>Conditional Use Permit</u></b>  <b><u>“Conditional uses and height”</u></b></p> <p>TMC  13.05.010.A.3.a</p>	<p>The current Code includes an incorrect reference. This error was initially made in a December 2015 Code amendment and retained in the 2020 Code reorganization. This amendment would correct this error.</p>	<p><b>13.05.010 Land Use Permits.</b></p> <p>A. Conditional Use Permits.</p> <p>2. General Criteria.</p> <p>3. Conditional uses and height.</p> <p>a. Since certain conditional uses have intrinsic characteristics related to the function or operation of such uses, which may necessitate buildings or other structures associated with such uses to exceed the height limits of the zoning districts in which the conditional uses may be located, the Director or Hearing Examiner may authorize the height of buildings or other structures associated with the following conditional uses to exceed the height limit set forth in the zoning district in which such uses are located; provided, such height is consistent with the criteria contained in subsection <del>4</del><u>2</u> of this section:</p> <p>(1) Airports;</p> <p>(2) Religious assembly;</p> <p>(3) Schools, public or private;</p> <p>(4) Public service facilities;</p> <p>(5) Hospitals;</p> <p>(6) Wireless communication towers or wireless facilities;</p> <p>(7) Utilities;</p> <p>(8) Park and recreation;</p> <p>(9) Surface Mining.</p> <p>b. In order to ensure that the location and character of these uses will be compatible with the Comprehensive Plan, a review and decision by the Director or Hearing Examiner are required prior to the issuance of any conditional use permit.</p> <p>4. Conditional Use Permits and Historic Properties.</p>

4.	<p><b><u>Land use permit code enforcement</u></b></p> <p>TMC 13.05.150</p>	<p>Title 13 currently has an enforcement process outlined that is different than other city enforcement processes. This change would update the Title 13 enforcement process to be consistent with the city's Uniform Enforcement Code.</p>	<p><b>13.05.150 Enforcement.</b></p> <p>A. Purpose.</p> <p>To ensure that the Land Use Regulatory Code, as well as conditions imposed on land use permits granted by the City, are administered, enforced, and upheld to protect the health, safety and welfare of the general public.</p> <p>B. Applicability.</p> <p>A person who undertakes a development or use without first obtaining all required land use permits or other required official authorizations or conducts a use or development in a manner that is inconsistent with the provisions of this title, or who fails to conform to the terms of an approved land use permit or other official land use determination or authorization of the Director, Hearing Examiner, City Council or other authorized official, or who fails to comply with a stop work order issued under these regulations shall be considered in violation of this title and be subject to enforcement actions by the City of Tacoma, as outlined herein.</p> <ol style="list-style-type: none"> <li>1. The Director, and/or their authorized representative, shall have the authority to enforce the land use regulations of the City of Tacoma.</li> <li>2. The Land Use Regulatory Code shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.</li> <li>3. It is the intent of this Land Use Regulatory Code to place the obligation of complying with its requirements upon the owner, occupier, or other person responsible for the condition of the land and buildings within the scope of this title.</li> <li>4. No provision of, or term used in, this code is intended to impose upon the City, or any of its officers or employees, any duty which would subject them to damages in a civil action.</li> <li>5. Any violation of this title is a detriment to the health, safety, and welfare of the public, and is therefore declared to be a public nuisance.</li> <li><del>6. The enforcement provisions outlined in this chapter shall apply to all sections of Title 13 of the Tacoma Municipal Code. However, if a specific chapter or section contains its own set of enforcement</del></li> </ol>
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No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
			<p><del>provisions, then such provisions shall be used for enforcement of that chapter and are exempt from the enforcement provisions outlined herein.</del></p> <p>C. Enforcement Process.</p> <p><u>Any person or entity violating any of the provisions hereof shall be subject to all penalties and enforcement processes defined in the Uniform Enforcement Code, set forth at Chapter 1.82 of the Tacoma Municipal Code.</u></p> <p>See <b>Exhibit B</b></p>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
5.	<p><b><u>Pedestrian Streets: Home in Tacoma Mid-Scale Residential updates</u></b></p> <p>TMC 13.06.010.D.1</p>	<p>Home in Tacoma Phase I included amendments to the Future Land Use Map (FLUM) assigning Low-Scale and Mid-Scale Residential land use designations. One of ways the Mid-Scale Residential areas were determined was along designated Pedestrian Streets (aka Corridors) outside of designated Mixed-Use Centers. In the process of designating the Mid-Scale Residential areas, certain street segments were deliberately used instead of segments of designated Pedestrian Street. This amendment would update the Pedestrian Street table to reflect these changes.</p> <p>Other proposed amendments include corrections or clarifications.</p>	<p>The proposed changes are summarized below:</p> <ul style="list-style-type: none"> <li>• Pedestrian streets designated (TMC 13.06.010.D.1) <ul style="list-style-type: none"> <li>○ S 12<sup>th</sup> St: Eliminate designation west of Jackson Ave.</li> <li>○ N 21<sup>st</sup> St: Eliminate redundancy within Westgate MUC, reflect Home in Tacoma phase I change near Proctor MUC, and correct missing designation description east of Proctor St.</li> <li>○ N 26<sup>th</sup> St: Eliminate designation east of N Washington St and west of N Union Ave per Home in Tacoma phase I change.</li> <li>○ N Proctor St: Eliminate redundancy within Proctor MUC and reflect Home in Tacoma phase I change.</li> <li>○ S Thompson Ave/S Yakima Ave: Add missing designation description and reflect Home in Tacoma phase I change.</li> <li>○ N Union Ave: Reflect Home in Tacoma phase I change.</li> </ul> </li> <li>• Figure 7: Replace map at time of One Tacoma Comprehensive Plan update adoption.</li> <li>• Downtown RGC (TMC 13.06.010.D.2) <ul style="list-style-type: none"> <li>○ Pacific Ave: Extend designation two blocks to meet with designation outside of Downtown RGC.</li> </ul> </li> <li>• Tacoma Mall RGC (TMC 13.06.010.D.3) <ul style="list-style-type: none"> <li>○ Add missing introductory statement and header row in the table.</li> </ul> </li> <li>• Mixed-Use Centers (TMC 13.06.010.D.4) <ul style="list-style-type: none"> <li>○ Lincoln Neighborhood Center: Change designation from S Yakima Ave to S Thompson Ave to reflect Home in Tacoma phase I change.</li> <li>○ Westgate Crossroads Center: Add N 21<sup>st</sup> St for consistency with Corridors map (Figure 7)</li> </ul> </li> </ul>



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6.	<p><b><u>Split zoning</u></b></p> <p>TMC 13.06.010.J</p>	<p>Suggest necessary clarification on home address signage, with current ADU rules, Infill Pilot Program approvals, a minor adjustment to current code should be considered further clarifying residential address signage.</p>	<p><b>13.06.010 General Provisions</b></p> <p>J. Split zoning.</p> <p><u>1. Whenever a zone boundary line passes through a single unified parcel of land as indicated by record of the Pierce County Auditor as of May 18, 1953, and such parcel is of an area equal to the minimum requirements of either zone, the entire parcel may be used in accordance with the provisions of the least restrictive of the two zones; provided, more than 50 percent of the parcel is located within the least restrictive of the two zones.</u></p> <p><u>2. Whenever a zone boundary line passes through a development site, irrespective of the number of parcels, and such site is of an area equal to the minimum requirements of either zone, the entire site may be used in accordance with the provisions of the least restrictive of the two zones; provided following conditions are met:</u></p> <ul style="list-style-type: none"> <li><u>• more than 60 percent of the site is located within the least restrictive of the two zones,</u></li> <li><u>• the least restrictive zone is not an Industrial district (see TMC 13.06.060), and</u></li> <li><u>• all parcels are contiguous and not separated by a public street or alley.</u></li> </ul>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
7.	<p><b><u>Tacoma Mall residential use prohibition</u></b></p> <p>TMC 13.06.040.E.3</p>	<p>Residential uses are prohibited within an area adjacent to Interstate 5 within the Tacoma Mall RGC as indicated in Figure 4 in Section 13.06.040.J.6. This prohibition is referenced in the use table referring to it as a “commercial only area” and does not provide more information about where this area is located.</p> <p>The map indicating the area subject to these limitations (Figure 4) is described as “No Residential Uses.” This amendment would provide consistency in the use of terminology and add a footnote reference to Figure 4.</p>	<p><b>13.06.040 Mixed-Use Center Districts.</b></p> <p>E. District use restrictions.</p> <p>3. District use table – Mixed-Use Center Districts (13.06.040).</p> <p>Additional Regulations (see footnotes 3, 4, and 5 at bottom of table)</p> <p>Prohibited <del>in Commercial only area of the UCX District</del> <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a></p> <p>Footnotes:</p> <p><a href="#">6. See Figure 4: Tacoma Mall Neighborhood RGC – No Residential Uses in Section 13.06.040.J.6.</a></p> <p>See <b>Exhibit D</b></p>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments						
8.	<p><b><u>Mixed-Use Center Districts residential building maximum setbacks</u></b></p> <p>TMC 13.06.040.H</p>	<p>The current Code requires a minimum amount of a residential building be located between 5 to 20 feet of a Pedestrian Streets even though these zoning districts do not have a minimum setback. This amendment would revise this requirement to reflect these zoning districts lack of minimum setbacks.</p>	<p><b>13.06.040 Mixed-Use Center Districts.</b></p> <p><b>H. Maximum setback standards.</b></p> <table><tr><th></th><th>Residential or mixed use buildings that contain a majority of residential uses</th></tr><tr><td>1. NCX and RCX Districts</td><td rowspan="3"><p><del>Occupied</del> <u>At least 50% of an occupied structure's building face must be located between 5 feet and 20 feet from the front lot line</u> abutting a Pedestrian Street <u>must be located within 20 feet of the property line bordering the Pedestrian Street</u> right-of-way <del>for a minimum of 50% of the Pedestrian Street frontage.</del></p></td></tr><tr><td>2. CCX Districts</td></tr><tr><td>3. UCX, HMX and CIX Districts</td></tr></table>		Residential or mixed use buildings that contain a majority of residential uses	1. NCX and RCX Districts	<p><del>Occupied</del> <u>At least 50% of an occupied structure's building face must be located between 5 feet and 20 feet from the front lot line</u> abutting a Pedestrian Street <u>must be located within 20 feet of the property line bordering the Pedestrian Street</u> right-of-way <del>for a minimum of 50% of the Pedestrian Street frontage.</del></p>	2. CCX Districts	3. UCX, HMX and CIX Districts
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No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
9.	<p><b><u>Retail marijuana limits</u></b></p> <p>TMC 13.06.080.J.4.j</p>	<p>The current Code limits the number of retail marijuana stores to sixteen (16).</p> <p>Staff understood this amendment was necessary to comply with the State Cannabis Social Equity program and introduced an amendment to raise this limit. Staff has since learned that there actually is no compliance mandate with this program and the amendment is not necessary to comply with State law.</p> <p>For this reason, the <b>Planning Commission does not recommend</b> this amendment.</p>	<p><b>Planning Commission does not recommend this amendment.</b></p>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
10.	<p><b><u>Shoreline sign regulations</u></b></p> <p>TMC 13.06.090.I.1.d</p>	<p>Signs located in areas subject to Shoreline regulations are subject to both general sign regulations as well as Shoreline District standards in Title 19. This amendment clarifies this applicability.</p>	<p><b>13.06.090 Site Development Standards.</b></p> <p>I. Sign Standards.</p> <p>1. Applicability.</p> <p>a. The provisions and requirements of this section shall apply to signs in all zones as set forth in this chapter. Applicable sign regulations shall be determined by reference to the regulations for the zone in which the sign is to be erected.</p> <p>b. The regulations of this section shall regulate and control the type, size, location, and number of signs. No sign shall hereafter be erected or used for any purpose or in any manner, except as permitted by the regulations of this section.</p> <p>c. The provisions of this code are specifically not for the purpose of regulating the following: traffic and directional signs installed by a governmental entity; signs not readable from a public right-of-way or adjacent property; merchandise displays; point of purchase advertising displays, such as product dispensers; national flags, flags of a political subdivision, and symbolic flags of an institution or business; legal notices required by law; historic site plaques; gravestones; structures intended for a separate use, such as Goodwill containers and phone booths; scoreboards located on athletic fields; lettering painted on or magnetically flush-mounted onto a motor vehicle operating in the normal course of business; and barber poles.</p> <p>d. <del>Additional R</del>egulations pertaining to signs in Shoreline Districts are found in Title 19.</p>

<p>11.</p>	<p><b><u>Mass reduction building design standards: MUC and Downtown districts</u></b></p> <p>TMC 13.06.100.B.4.b</p> <p>TMC 13.06.100.D.4.b</p>	<p>Buildings located within Mixed-Use Center (X) and Downtown zoning districts with more than 60 feet of frontage along a street, open space, or parking area are required to meet mass reduction standards. This amendment adds greater clarity to when these requirements apply consistent with the intent of these requirements.</p> <p>This amendment also clarifies that buildings that do not exceed the height at which stepbacks would be applied to satisfy horizontal modulation are considered to meet these modulation requirements for the purposes of satisfying mass reduction standards.</p>	<p><b>13.06.100 Building design standards.</b></p> <p>B. Mixed-Use District Minimum Design Standards.</p> <p>4. Building Form and Expression</p> <p>b. Mass reduction.</p> <p>Applicability: Buildings that have more than 60 feet of frontage along a <a href="#">public or private</a> street, <a href="#">public</a> open space, or <a href="#">on-site</a> parking area <a href="#">(45 feet or greater average width)</a> must conform to these standards.</p> <p>(1) Building modulation choices: Buildings fronting a designated Pedestrian Street must employ two of the following modulation approaches. Building fronting a street not designated as Pedestrian Street must employ one.</p> <p>(a) Horizontal modulation: Upper floor streetfront stepback (choose one as applicable)</p> <p>Pedestrian Street Facades:</p> <ul style="list-style-type: none"> <li>• 8' minimum stepback along the streetfront façade for 4th floor and above in RCX Districts.</li> <li>• 8' minimum horizontal stepback along for 5th floor and above in X Districts other than RCX, where the ROW width is less than 100'.</li> <li>• 8' minimum horizon stepback for 6th floor and above in X zones other than RCX, where the ROW width is 100' or greater.</li> <li>• Proportional Stepback option for any district other than RCX: A 8' stepback from the building face above the level which corresponds to a 1:2 proportional relationship to the street</li> </ul> <p>✚ Other street facades:</p> <ul style="list-style-type: none"> <li>• 5' minimum stepback along the streetfront façade for 4th floor and above in RCX Districts.</li> <li>• 5' minimum horizontal stepback along for 5th floor and above in X Districts other than RCX, where the ROW width is less than 100'.</li> <li>• 5' minimum horizon stepback for 6th floor and above in X zones other than RCX, where the ROW width is 100' or greater.</li> </ul>
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No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
			<ul style="list-style-type: none"> <li>Proportional Stepback option for any district other than RCX: A 5' stepback from the building face above the level which corresponds to a 1:2 proportional relationship to the street</li> </ul> <p><u>Notes</u></p> <ul style="list-style-type: none"> <li>Encroachments: One distinct design element of no more than 25 feet in width is allowed to encroach vertically into these stepbacks for each façade.</li> <li><u>Buildings that do not exceed the floor at which a stepback would apply are considered to satisfy horizontal modulation for purposes of meeting mass reduction requirements.</u></li> </ul> <p>D. Downtown District Minimum Design Standards.</p> <p>4. Building Form and Expression</p> <p>b. Mass reduction.</p> <p>[Same as above]</p>
12.	<p><b><u>Commercial districts maximum setbacks exception</u></b></p> <p>TMC 13.06.030.F.8.d</p>	<p>This amendment adds an exception for meeting maximum building setbacks for Commercial zoning districts where easements preclude compliance. This exception is consistent with an existing exception for Mixed-Use Center zoning districts.</p> <p>This amendment also fixes a formatting error replacing the use of an alphanumerical list with bullet points.</p>	<p><b>13.06.030 Commercial Districts.</b></p> <p>F. District development standards.</p> <p>8. Maximum setback standards on designated streets.</p> <p>d. Exceptions</p> <ul style="list-style-type: none"> <li><u>When a public easement precludes compliance with this standard, the setback requirement shall be measured from the back edge of the easement.</u></li> </ul>



No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
13.	<u><b>Day Care Allowances in the Residential Use Table</b></u>  TMC 13.06.020.E.4	There is an inconsistency within the Residential Use Table regarding Day Care Centers, where the use allowances in the UR-3 District does not agree with the special notes for Day Care Centers. The special notes reflect the intent and the use table needs to be corrected to be consistent.	<b>See Exhibit E</b>
14.	<u><b>Garage Setbacks on Alleys and Parking Stall Sizes</b></u>  TMC 13.06.100.F.3.b	The Code indicates that the minimum size for standard parking stalls is 8-feet by 16.5-feet (these dimensions were recently reduced as part of the Home in Tacoma Ordinance, to ensure consistency with new State law). However, an inconsistency has been identified between this maximum stall size requirement (16.5-feet deep) and the garage setback requirement in the new residential building design standards (20-feet), specifically along alleys, where new parking is strongly encouraged (if not required in most cases).	<b>TMC 13.06.100.F. Urban Residential (UR) Minimum Design Standards</b> 3.b. Housing Type Standards – Backyard Building (5) Access and Parking. (D) Pedestrian Access: Sidewalk or pedestrian path required from street. (E) Parking: Limited to access from an alley or existing driveway if exists. Prohibited between building and street. Prohibited within front setback. Garage <u>doors</u> must be setback 20’ from lot lines <u>abutting streets</u> . Refer to Site Development Standards (TMC 13.06.090.C for vehicle and TMC 13.06.090.G for bike parking ratios). (F) Driveway: Max number: 1 per 12,000 SF of lot area shared with street-facing buildings. Required to be shared with driveways serving street-facing buildings, or must occur from alley if one exists. Refer to Site Development Standards TMC 13.06.090.C.

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
15.	<p><b><u>Conversion of existing accessory structures to Accessory Dwelling Units</u></b></p> <p>TMC 13.06.080.A.4</p>	<p>State Law (HB 1337, RCW 36.70A.681(1)(j)) requires that the City allow for the conversion of existing accessory structures, such as a garage, to an ADU even if that existing accessory building doesn't meet certain basic development standards, such as setbacks and height limits. This exception was inadvertently left out of the Home in Tacoma Ordinance.</p>	<p><b>TMC 13.06.080.A – Special Use Standards - Accessory Dwelling Units</b></p> <p>4. Use Standards, not subject to variance.</p> <p><a href="#"><u>i. Conversion of existing accessory structures to residential use Permitted or legally nonconforming accessory structures, existing as of February 1, 2025, in a UR or an R district may be converted to a dwelling unit regardless of conformance to setback, location, maximum height, or other development regulation. The building must be brought into compliance with current Building Code requirements and required pedestrian access shall be provided.</u></a></p>
16.	<p><b><u>Density standards in the JBLM Airport Compatibility Overlay District (ACD)</u></b></p> <p>TMC 13.06.020.F.1</p>	<p>One of the primary intents of the ACD is to limit any significant increases in density in this area. While Home in Tacoma did not modify the underlying residential limitation in the ACD (only allows single-unit dwellings and accessory dwelling units) the fact that Home in Tacoma significantly reduced minimum lot sizes throughout the UR zones could inadvertently allow for a significant increase in density in the ACOD. This proposal would add a provision in the ACD standards to ensure the density is not significantly increased. The note about the ACD provisions superseding the general allowances is already provided in the use table but should be repeated in the development standards table for clarity.</p>	<p><b>See Exhibit E</b></p>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
17.	<u><b>Expand Use Limitations in the Port of Tacoma Transition Overlay District</b></u>  TMC 13.06.070.G.3	The Port of Tacoma Transition Overlay District (PTD) is designed to limit residential density in this transition area. To meet that goal, one thing the overlay does is limit the types of residential uses allowed. However, the existing provision does not reflect the new housing types (and terminology) created in Home in Tacoma and needs to be modified to ensure clarity.	<b>TMC 13.06.070.G – Overlay Districts – Port of Tacoma Transition Overlay District (PTD)</b>  3. District Development Standards. a. Prohibited uses. Multi-unit dwellings <del>units, including</del> duplex, triplex, cottage housing, <del>and fourplex</del> , <u>townhouse, houseplexes with more than one unit (except an ADU), rowhouses, courtyard housing, and multiplexes</u> are prohibited as stand-alone primary uses or as part of a mixed-use development.

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
18.	<b><u>Major Transit Stop Definition</u></b>  TMC 13.01.060.M, 13.01.120.M	State Law provides two different definitions of “major transit stops” (in RCW 36.70A.696(8) and RCW 36.70A.030(25)), which are slightly different. The primary use of this concept in the City’s Code was in the expansion of the Reduce Parking Area (RPA), which was done as part of the recent Home in Tacoma Ordinance and applies to an area well beyond either State definition. While this will have no substantive effect, to ensure consistency between the City’s definition and the State’s it is appropriate to expand our definitions to the most expansive of the State’s definitions.	<p><b>TMC 13.01.060.M – Zoning Definitions</b></p> <p>“Major transit stop.”</p> <p>(a) A stop on a high capacity transportation <del>service</del>-<u>system</u> funded or expanded under the provisions of chapter 81.104 RCW;</p> <p>(b) Commuter rail stops;</p> <p>(c) Stops on rail or fixed guideway systems, including transitways;</p> <p>(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes;</p> <p><u>(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays; or</u></p> <p><u>(f) Stops on Transit Streets designated in TMC 11.05.492.</u></p> <p><b>TMC 13.01.120.M – Environmental Code Definitions</b></p> <p>“Major transit stop.”</p> <p>(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;</p> <p>(b) Commuter rail stops;</p> <p>(c) Stops on rail or fixed guideway systems, <u>including trasitways;</u> <del>or,</del></p> <p>(d) Stops on bus rapid transit routes <u>or routes that run on high occupancy vehicle lanes;</u></p> <p><u>(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays; or</u></p> <p><u>(f) Stops on Transit Streets designated in TMC 11.05.492.</u></p>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
19.	<b><u>Middle Housing Definition</u></b>  TMC 13.01.060.M	State Law uses different terminology for certain middle housing types than Tacoma uses in our Code for our housing types. For example, the State uses the term “townhouses” where that same type of development is generally considered a “rowhouse” in Tacoma’s Code. While this will have no substantive effect, expanding the definition for “middle housing” to include the relative terms in our Code will more clearly demonstrate that our Code includes the middle housing types required by State Law.	<b>TMC 13.01.060.M – Zoning Definitions</b> “Middle housing.” Buildings that contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. Within Urban Residential Districts, middle housing types <a href="#">also include houseplexes, backyard buildings, courtyard housing, rowhouses and multiplexes</a> <del>have been further refined</del> – see TMC 13.06.020.F.
20.	<b><u>Minimum Density for Pre-Existing Lots</u></b>  TMC 13.06.020.F.1	State Law (HB 1110, RCW 36.70A.635(1)(b)) requires that the City, at a minimum, allow at least four units on existing lots and six units if that lot is near major transit stops or if the development includes at least two affordable units. The City’s Code addresses this minimum in part by exempting pre-existing lots from the standard density limitations. However, while this exception allows for the required four units in the UR-1 District, it inadvertently didn’t include language regarding the additional allowed units required for areas near major transit (the UR-2 and UR-3 Districts).	<b>See Exhibit E</b>

21.	<p><b><u>“Courtyard Housing” and “Rowhouse” Housing Types Design Standards</u></b></p> <p>TMC 13.06.100.F.3</p>	<p>State Law (HB 1110, RCW 36.70A.635(6)(b)) requires that development regulations for middle housing cannot be more restrictive than the standards for single-family residences. This is generally addressed in Tacoma’s Code because single-family residences are grouped with many other housing types under the umbrella term “houseplex”. However, one location where the various middle housing types have a slightly different standard is in the habitable space requirement – 75% of the street-facing façade for houseplexes and multiplexes, while it is 100% for courtyard housing and rowhouses. While it will likely not result in much change in effect, making them the same will help ensure consistency with the State requirements.</p>	<p><b>TMC 13.06.100.F.3. – Building Design Standards – Urban Residential (UR) Minimum Design Standards – Housing Type Standards</b></p> <p>c. Courtyard Housing</p> <p>(5) Access and Parking.</p> <p>(D) Pedestrian Access. Entry from common courtyard to each building and/or unit; entry from street ok at front units.</p> <p>(E) Parking. Required access from an alley if exists. Prohibited between building and street. Prohibited within front setback. Garages must be setback 20’ from lot line. Refer to Site Development Standards, TMC 13.06.090.C for vehicle and TMC 13.06.090.G for bike parking ratios.</p> <p>(F) Driveway. Max number: 1 per 12,000 SF of lot area. Limited to access from alley if exists. Refer to Site Development Standards, TMC 13.06.090.C.</p> <p>(G) Habitable Space*: 10’ deep along <del>100</del>75% of street-facing facades.</p> <p>d. Rowhouse</p> <p>(5) Access and Parking.</p> <p>(D) Pedestrian Access: Individual access via a sidewalk or pedestrian path is required to each Rowhouse from the street. Rowhouses on corner lots may select which street to orient to.</p> <p>(E) Parking: Required access from an alley if exists. Prohibited between building and street. Prohibited within front setback. Garages prohibited on front facades. Garages must be setback 20’ from lot line. Refer to Site Development Standards, TMC 13.06.090.C for vehicle and TMC 13.06.090.G for bike parking ratios.</p> <p>(F) Driveway: Max number: 1 per 12,000 SF of lot area. Rowhouse Clusters must share a driveway if parking from alley is not available. Limited to access from alley if exists. Refer to Site Development Standards, TMC 13.06.090.C.</p>
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No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
			(G) Habitable Space*: 10' deep along <del>100</del> 75% of street-facing facades.
22.	<b><u>Backyard Building Definition</u></b>  TMC 13.01.060.B	The definition for “accessory dwelling unit” 13.01.060.A is consistent with the State Law. However, the addition of a definition for “backyard building” (13.01.060.B), which includes standards for pedestrian access not included in statute, is not consistent. The removal of pedestrian access standards would have no substantive effect since these are addressed by building design standards in 13.06.100.F.3.b. definitions.	<b>TMC 13.01.060.B – Zoning Definitions</b>  “Backyard Building.” A Housing Type consisting of a building located behind another structure at the rear of a lot. <del>The building may contain a garage. Pedestrian access may be provided from a shared or private path from the front sidewalk or from a secondary street on a corner lot.</del> This housing type includes any structure in a backyard containing no more than six units, including detached accessory dwelling units (DADU).
23.	<b><u>Backyard Building Pedestrian Access Requirement</u></b>  TMC 13.06.100.F.4	Some building design standards are imposed on backyard buildings that are more restrictive than those imposed on principal dwelling units, such as the corner lot access requirement in 13.06.100(F)(4)(h)(3). These are inconsistent with State Law. A small typo is also included.	<b>TMC 13.06.100.F – Urban Residential Minimum Design Standards</b>  4. Additional Building Design Standards. h. Corner Sites.  (3) Backyard Buildings and Courtyard Housing on corner lots <del>must</del> <u>may</u> have primary or secondary pedestrian entries accessed from the secondary street. Secondary pedestrian entries are also encouraged in other Housing <del>Hypes</del> <u>Types</u> .
24.	<b><u>Backyard Building Setback Requirements Along Alleys</u></b>  TMC 13.06.100.F.3	There is not a standard allowing ADUs to be sited at a lot line if the side lot line abuts a public alley, which is inconsistent with State Law.	<b>TMC 13.06.100.F – Urban Residential Minimum Design Standards</b>  3. Housing Type Standards. b. Backyard Building.  (4) Building Placement.  (B) Setbacks: 0' rear <u>and side</u> setback from alley. Refer to District Standards, TMC 13.06.020.F.



## Exhibit B: Code Enforcement

### 13.05.150 Enforcement.

#### A. Purpose.

To ensure that the Land Use Regulatory Code, as well as conditions imposed on land use permits granted by the City, are administered, enforced, and upheld to protect the health, safety and welfare of the general public.

#### B. Applicability.

A person who undertakes a development or use without first obtaining all required land use permits or other required official authorizations or conducts a use or development in a manner that is inconsistent with the provisions of this title, or who fails to conform to the terms of an approved land use permit or other official land use determination or authorization of the Director, Hearing Examiner, City Council or other authorized official, or who fails to comply with a stop work order issued under these regulations shall be considered in violation of this title and be subject to enforcement actions by the City of Tacoma, as outlined herein.

1. The Director, and/or their authorized representative, shall have the authority to enforce the land use regulations of the City of Tacoma.

2. The Land Use Regulatory Code shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

3. It is the intent of this Land Use Regulatory Code to place the obligation of complying with its requirements upon the owner, occupier, or other person responsible for the condition of the land and buildings within the scope of this title.

4. No provision of, or term used in, this code is intended to impose upon the City, or any of its officers or employees, any duty which would subject them to damages in a civil action.

5. Any violation of this title is a detriment to the health, safety, and welfare of the public, and is therefore declared to be a public nuisance.

~~6. The enforcement provisions outlined in this chapter shall apply to all sections of Title 13 of the Tacoma Municipal Code. However, if a specific chapter or section contains its own set of enforcement provisions, then such provisions shall be used for enforcement of that chapter and are exempt from the enforcement provisions outlined herein.~~

#### C. Enforcement Process.

Any person or entity violating any of the provisions hereof shall be subject to all penalties and enforcement processes defined in the Uniform Enforcement Code, set forth at Chapter 1.82 of the Tacoma Municipal Code.

#### ~~1. Violation Review Criteria:~~

~~Each violation requires a review of all relevant facts in order to determine the appropriate enforcement response. When enforcing the provisions of this Chapter, the Director and/or their authorized representative should, as practical, seek to resolve violations without resorting to formal enforcement measures. When formal enforcement measures are necessary, the Director and/or their authorized representative should seek to resolve violations administratively prior to imposing civil penalties or seeking other remedies. The Director and/or their authorized representative should generally seek to gain compliance via civil penalties prior to pursuing abatement or criminal penalties. The Director may consider a variety of factors when determining the appropriate enforcement response, including but not limited to:~~

- a. Severity, duration, and impact of the violation(s), including whether the violation has a probability of placing a person or persons in danger of death or bodily harm, causing significant environmental harm, or causing significant physical damage to the property of another;
- b. Compliance history, including any identical or similar violations or notice of violation at the same site or on a different site but caused by the same party;
- c. Economic benefit gained by the violation(s);
- d. Intent or negligence demonstrated by the person(s) responsible for the violation(s);
- e. Responsiveness in correcting the violation(s); and,
- f. Other circumstances, including any mitigating factors.

## **2. Stop Work Order.**

- a. The Building Official and/or their authorized representative shall have the authority to issue a Stop Work Order whenever any use, activity, work or development is being done without a permit, review or authorization required by this title or is being done contrary to any permit, required review, or authorization which may result in violation of this title. The Stop Work Order shall be posted on the site of the violation and contain the following information:
  - (1) The street address or a description of the building, structure, premises, or land where the violation has occurred, in terms reasonably sufficient to identify its location;
  - (2) A description of the potential violation and a reference to the provisions of the Tacoma Municipal Code which may have been violated;
  - (3) A description of the action required to remedy the potential violation, which may include corrections, repairs, demolition, removal, restoration, or any other appropriate action as determined by the Director and/or their authorized representative;
  - (4) The appropriate department and/or division investigating the case and the contact person.
- b. With the exception of emergency work determined by the Director and/or their authorized representative to be necessary to prevent immediate threats to the public health, safety and welfare or stabilize a site or prevent further property or environmental damage, it is unlawful for any work to be done after the posting or service of a Stop-Work Order until authorization to proceed is provided by the Director and/or their authorized representative.

## **3. Voluntary Compliance.**

The Director and/or their authorized representative may pursue a reasonable attempt to secure voluntary compliance by contacting the owner or other person responsible for any violation of this title, explaining the violation and requesting compliance. This contact may be in person or in writing or both.

## **4. Investigation and Notice of Violation**

- a. The Director and/or their authorized representative, if they have a reasonable belief that a violation of this title exists and the voluntary compliance measures outlined above have already been sought and have been unsuccessful, or are determined to not be appropriate, may issue a Notice of Violation to the owner of the property where the violation has occurred, the person in control of the property, if different, or the person committing the violation, if different, containing the following:
  - (1) The street address or a description of the building, structure, premises, or land where the violation has occurred, in terms reasonably sufficient to identify its location;
  - (2) A description of the violation and a reference to the provisions of the Tacoma Municipal Code which have been violated;
  - (3) A description of the action required to remedy the violation, which may include corrections, repairs, demolition, removal, restoration, submittal of a work plan or any other appropriate action as determined by the Director and/or their authorized representative;
  - (4) A statement that the required action must be taken or work plan submitted within 18 days of receipt of the Notice of Violation, after which the City may impose monetary civil penalties and/or abate the violation in accordance with the provisions of this chapter;
  - (5) The appropriate department and/or division investigating the case and the contact person.
  - (6) A statement that the person to whom a Notice of Violation is directed may appeal the Notice of Violation to the Hearing Examiner, or designee, including the deadline for filing such an appeal.
  - (7) A statement that if the person to whom the Notice of Violation is issued fails to submit a Notice of Appeal within 10 calendar days of issuance or fails to voluntarily abate the violation within 18 calendar days of issuance, the City may assess monetary penalties, as outlined in the Civil Penalties section below, against the owner of the property, and/or the person in control of the property, if different, and/or the person committing the violation, if different and readily identifiable.

b. The Notice of Violation shall be served by any one or any combination of the following methods:

- (1) ~~By first class mail to the last known address of the owner of the property and to the person in control of the property, if different, and/or to the person committing the violation, if different and readily identifiable; or~~
- (2) ~~By posting the Notice of Violation in a prominent location on the premises in a conspicuous manner which is reasonably likely to be discovered; or~~
- (3) ~~By personal service upon the owner of the property and/or the person in control of the property, if different, and/or the person committing the violation, if different and readily identifiable.~~

c. The Director and/or their authorized representative may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by the Land Use Regulatory Code.

d. At the end of the specified timeframe, the site will be re-inspected to see if the condition has been corrected. If the condition has been corrected, the case will be closed. If the condition has not been corrected, Civil Penalties, Abatement, or Criminal Penalties may be imposed against the person and/or persons named in the Notice of Violation, to the discretion of the Director or designee, in accordance with TMC 13.05.150.C.5 through 13.05.150.C.10, below.

#### **5. Civil Penalty.**

a. Any person who fails to remedy a violation or take the corrective action described by the Director and/or their authorized representative in a Notice of Violation within the time period specified in the Notice of Violation may be subject to monetary civil penalties. The Civil Penalty will be either:

- (1) ~~Prepared and sent by first class mail to the owner of the property and/or the person in control of the property, if different, and/or the person committing the violation, if different and readily identifiable; or~~
- (2) ~~Personally served upon the owner of the property, and/or the person in control of the property, if different, and/or the person committing the violation, if different and readily identifiable; or~~
- (3) ~~Posted on the property or premises in a prominent location and in a conspicuous manner which is reasonably likely to be discovered.~~

b. The Civil Penalty shall contain the following:

- (1) ~~A statement indicating that the action outlined by the City in the Notice of Violation must be taken, or further civil penalties may be imposed to the discretion of the Director or designee;~~
- (2) ~~The address of the site and specific details of the violation which is to be corrected;~~
- (3) ~~The appropriate department and/or division investigating the case and the contact person;~~
- (4) ~~A statement that the person to whom the Civil Penalty is directed may appeal the Civil Penalty to the Hearing Examiner, or designee, including the deadline for filing such an appeal. Such Notice of Appeal must be in writing and must be received by the City Clerk's Office, no later than ten days after the Civil Penalty has been issued.~~
- (5) ~~A statement that if the person to whom the Civil Penalty is issued fails to submit a Notice of Appeal within ten calendar days of issuance or fails to voluntarily abate the violation indicated in the Notice of Violation, the City may remedy the violation through abatement, as outlined below, and bill such costs against the person in control of the property, if different, and/or the person committing the violation, if different and readily identifiable.~~

c. The site will be re-inspected to see if the condition has been corrected. If the condition has been corrected, the case will be closed. If the condition has not been corrected, a second Civil Penalty may be sent or delivered in accordance with subsection 13.05.150.C.5 above. The monetary civil penalties for violations of this chapter shall be as follows:

- (1) ~~First, second, and subsequent civil penalties, \$250;~~
- (2) ~~Each day that a property or person is not in compliance with the provisions of this title may constitute a separate violation of this title and be subject to a separate civil penalty.~~

- d. Civil penalties will continue to accumulate until the violation is corrected.
- e. At such time that the assessed civil penalties associated with a violation exceeds \$1,000, a Certificate of Complaint may be filed with the Pierce County Auditor to be attached to the title of the property. A copy of the Certificate of Complaint shall be sent to the property owner and any other identified parties of interest, if different from the property owner.
- f. Any person to whom a civil penalty is issued may appeal the civil penalty, as outlined in Section 13.05.150.C.7

#### ~~6. Abatement.~~

- a. In the event that compliance is not achieved through the measures outlined in 13.05.150.C.1 through 13.05.150.C.5, above, or that said measures are not an appropriate means to remedy a violation, in the discretion of the Director or designee, the City may, in addition to collecting monetary civil penalties, remove or correct the violation through abatement.
- b. Using any lawful means, the City may enter unsecured property and may remove or correct a violation which is subject to abatement. If the person in control of the premises does not consent to entry, the City may seek such judicial process in Pierce County Superior Court as it deems necessary to effect the removal or correction of such condition.
- c. Abatement undertaken on properties regulated under Chapter 13.07 shall be reviewed and approved by the Tacoma Landmarks Preservation Commission, in accordance with the provisions contained in TMC 13.07, prior to abatement.

#### ~~d. Recovery of Costs~~

~~(1) An invoice for abatement costs shall be mailed to the owner of the property over which a Notice of Violation has been directed and/or the party identified in the Notice of Violation, and shall become due and payable to the City of Tacoma within 30 calendar days from the date of said invoice. Provisions for appealing an invoice for abatement costs shall be included on said invoice, as specified in Section 13.05.150.C.8.~~

~~(2) Any debt shall be collectible in the same manner as any other civil debt owed to the City, and the City may pursue collection of the costs of any abatement proceedings under this Chapter by any other lawful means, including, but not limited to, referral to a collection agency.~~

#### ~~7. Appeals of a Notice of Violation or Civil Penalty.~~

- a. A person to whom a Notice of Violation or Civil Penalty is issued may appeal the City's notice or order by filing a request with the City Clerk no later than 10 calendar days after said Notice of Violation or Civil Penalty is issued. Each request for appeal shall contain the address and telephone number of the person requesting the hearing and the name and address of any person who may represent him or her. Each request for appeal shall set out the basis for the appeal.
- b. If an appeal is submitted, the Hearing Examiner, or designee, will conduct a hearing, as required by this Chapter, no more than 18 calendar days after the Hearing Examiner or designee issues a Notice of Hearing.
- c. If an appeal is submitted, the Hearing Examiner or designee shall mail a Hearing Notice giving the time, location, and date of the hearing, by first class mail to person or persons to whom the Notice of Violation or Civil Penalty was directed and any other parties identified in the appeal request.
- d. The Hearing Examiner, or designee, shall conduct a hearing on the violation. The Director and/or their authorized representative, as well as the person to whom the Notice of Violation or Civil Penalty was directed, may participate as parties in the hearing and each party may call witnesses. The City shall have the burden of proof to establish, by a preponderance of the evidence, that a violation has occurred and that the required corrective action is reasonable, or that the Civil Penalty was appropriately assessed for noncompliance with this Title.
- e. The Hearing Examiner shall determine whether the City has established, by a preponderance of the evidence, that a violation has occurred and that the required corrective action is reasonable, or that the Civil Penalty was appropriate and reasonable, and, based on that determination, shall issue a Final Order that affirms, modifies, or vacates the Director's decisions regarding the alleged violation, the required corrective action, and/or Civil Penalty. The Hearing Examiner's Final Order shall contain the following information:
  - (1) The decision regarding the alleged violation including findings of facts and conclusion based thereon;
  - (2) The required corrective action, if any;
  - (3) The date and time by which the correction must be completed;
  - (4) Any additional conditions imposed by the Hearing Examiner regarding the violation and any corrective action;
  - (5) The date and time after which the City may proceed with abatement, as outlined in TMC 13.05.150.C.6, if the required corrective action is not completed;
  - (6) A statement that any associated civil penalties are affirmed, modified, or waived;

~~(7) A statement of any appeal remedies;~~

~~(8) A notice that if the City proceeds with abatement, the costs of said abatement may be assessed against the property owner, person in control of the property, or person committing the violation, if the costs of abatement are not paid in accordance with the provisions of this Chapter.~~

~~f. If the person to whom the Notice of Violation or Civil Penalty was directed fails to appear at the scheduled hearing, the Hearing Examiner will enter a Final Order finding that the violation has occurred, or the Civil Penalty Order was appropriate and reasonable, and that abatement may proceed.~~

~~g. The Final Order shall be served on the person by one of the methods stated in Section 13.05.150.C.4 of this Chapter.~~

~~h. A Final Order of the Hearing Examiner shall be considered the final administrative decision and may be appealed to a court of competent jurisdiction within 21 calendar days of its issuance.~~

#### ~~8. Appeals of Abatement Invoice.~~

~~a. Any person sent an invoice regarding the costs due for the abatement of a violation may appeal the invoice and request a hearing to determine if the costs should be assessed, reduced, or waived.~~

~~b. A request for appeal shall be made in writing and filed with the City Clerk no later than ten calendar days from the date of the invoice specifying the costs due for the abatement.~~

~~c. Each request for hearing shall contain the address and telephone number of the person requesting the hearing and the name and/ address of any person who will be present to represent him or her.~~

~~d. Each request for hearing shall set out the basis for the appeal.~~

~~e. Failure to appeal an abatement invoice within ten days from the date of the invoice shall be a waiver of the right to contest the validity of the costs incurred in abatement of the violation. The costs will be deemed to be valid and the City may pursue collection of the costs by any lawful means, including, but not limited to, referral to a collection agency.~~

~~f. The hearing:~~

~~(1) Shall be scheduled no more than 18 calendar days after the Hearing Examiner or designee issues the Notice of Hearing. The Hearing Examiner or designee shall mail a notice giving the time, location, and date of the hearing by first class mail to person or persons to whom the notice of the costs due for the abatement was directed.~~

~~(2) Shall be held before the Hearing Examiner informally. The department and the person requesting the hearing may be represented by counsel, examine witnesses, and present evidence.~~

~~(3) The Hearing Examiner may uphold the amount billed for the cost of abatement, reduce the amount billed, or waive the costs. Costs shall be collected by any lawful means, including, but not limited to, referral to a collection agency.~~

~~g. The determination of the Hearing Examiner is the final administrative decision and may be appealed to a court of competent jurisdiction within 21 calendar days of its issuance.~~

#### ~~9. Emergency Abatement.~~

~~In certain instances, such as an unanticipated and imminent threat to the health, safety, or general welfare of the public or the environment which requires immediate action within a time too short to allow full compliance with the standard procedures outlined in this chapter, the City may seek emergency abatement in order to gain compliance with this title, in the discretion of the Director or designee. Using any lawful means, the City may enter unsecured property and may remove or correct a violation which is subject to abatement. If the person in control of the premises does not consent to entry, the City may seek such judicial process in Pierce County Superior Court as it deems necessary to effect the removal or correction of such condition.~~

#### ~~10. Criminal Penalty.~~

~~In certain instances, where the aforementioned enforcement and penalty provisions outlined in this Chapter do not result in compliance or are not an appropriate means for achieving compliance, the Director and/or their authorized representative may refer the matter to the City Attorney for criminal prosecution. Upon conviction, the owner of the property upon which the violation has occurred, and/or the person in control of the property where the violation has occurred, if different, and/or the person committing the violation, if different, may be subject to a fine of up to \$1,000, or imprisonment for not more than 90 days in jail, or by both such fine and imprisonment. Upon conviction and pursuant to a prosecution motion, the court shall also order immediate action by the property owner or person in control of the property to correct the condition constituting the violation and to maintain the corrected condition in compliance with this Title. The mandatory minimum fines shall include statutory costs and assessments.~~

#### ~~11. Additional Relief.~~

~~Nothing in this chapter shall preclude the City from seeking any other relief, as authorized in other provisions of the Tacoma Municipal Code. Enforcement of this Chapter is supplemental to all other laws adopted by the City.~~

#### ~~12. Revocation of Permits.~~

~~Any person, firm, corporation, or other legal entity found to have violated the terms and conditions of a discretionary land use permit within the purview of the Director, Hearing Examiner, City Council, or other authorized official, pursuant to this Title, shall be subject to revocation of that permit upon failure to correct the violation. Permits found to have been authorized based on a misrepresentation of the facts that the permit authorization was based upon shall also be subject to revocation. Should a discretionary land use permit be revoked, the use rights attached to the site and/or structure in question shall revert to uses permitted outright in the underlying zoning district, subject to all development standards contained therein. Revocation of a permit does not preclude the assessment of penalties outlined in Section 13.05.150.C, above. Appeals of the revocation order shall be in accordance with Section 13.05.100.~~

## Exhibit C: Pedestrian Streets

### 13.06.010 General Provisions

D. Pedestrian streets designated.

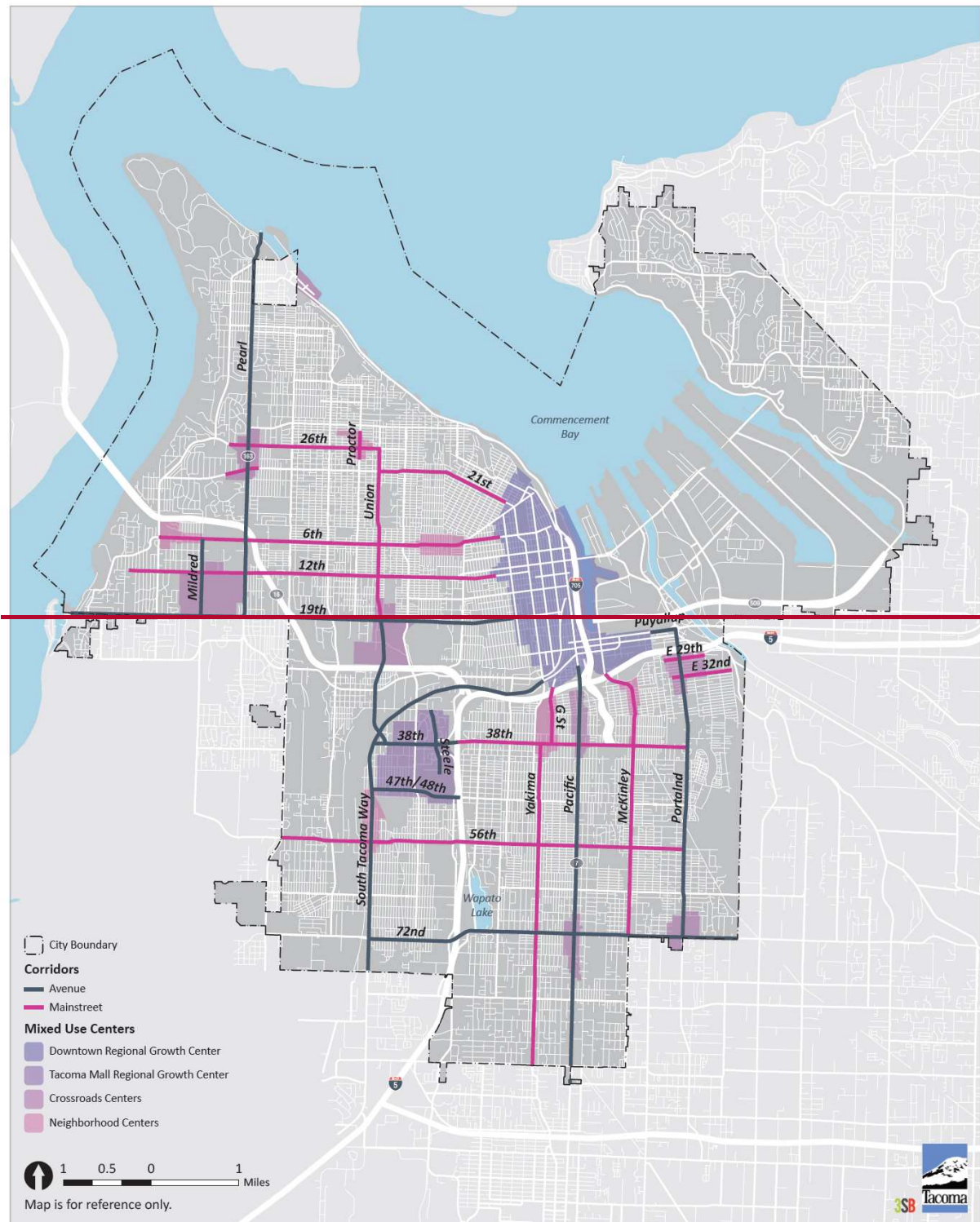
#### 1. Pedestrian streets designated.

Figure 7 of the Comprehensive Plan Urban Form Chapter designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as “Pedestrian Streets.” The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

Pedestrian Streets		
Street	From	To
6 <sup>th</sup> Avenue	North Jackson	South L Street
<a href="#">South 12<sup>th</sup> Street</a>	South <del>Locust Lane</del> <a href="#">Jackson Avenue</a>	South Cushman Ave
19 <sup>th</sup> Street	91 <sup>st</sup> Avenue West	Downtown Regional Growth Center
North 21 <sup>st</sup> Street	<del>North Vassault Street</del> <a href="#">N Proctor Street</a>	<del>North Highland Street</del> <a href="#">N Steele Street</a>
North 26 <sup>th</sup> Street	<del>North Vassault Street</del> <a href="#">N Highland St</a>	<del>North Union Avenue</del> <a href="#">N Madison St</a>
East 29 <sup>th</sup>	Crossroads Mixed Use Center	East T Street
East 32 <sup>nd</sup>	East N Street	East Grandview Avenue
South 38 <sup>th</sup> Street	South Tacoma Way	East Portland Avenue
South 47 <sup>th</sup> /48 <sup>th</sup> Street	South Tacoma Way	Interstate 5
South 56 <sup>th</sup> Street	South Orchard Street	East Portland Avenue
East 72 <sup>nd</sup> Avenue	South Tacoma Way	City Limits
South G Street/Delin Street	Downtown Regional Growth Center	South 38 <sup>th</sup> Street
North I Street	North Steele Street	North 3 <sup>rd</sup> Street
McKinley Avenue	Wiley Avenue	East 72 <sup>nd</sup> Street
North Mildred Street	North 9 <sup>th</sup> Street	South 19 <sup>th</sup> Street
Pacific Avenue	South 27 <sup>th</sup> Street	99 <sup>th</sup> Street South
North Pearl Street	North Terminus of Pearl Street	South 19 <sup>th</sup> Street
North Proctor Street	North <del>28<sup>th</sup></del> <a href="#">24<sup>th</sup></a> Street	North <del>24<sup>th</sup></del> <a href="#">21<sup>st</sup></a> Street
East Portland Avenue	Puyallup Avenue	East 72 <sup>nd</sup> Street
Puyallup Avenue	East L Street	East Portland Avenue
South Tacoma Way	Thompson Avenue	City Limits
<a href="#">South Thompson/Yakima Avenue Corridor (S Thompson Avenue from S 39<sup>th</sup> St to S 46<sup>th</sup> St, Thompson-Yakima transition from S 46<sup>th</sup> St to S 48<sup>th</sup> St, S Yakima Ave from S 48<sup>th</sup> St to city limits)</a>	<a href="#">South 39<sup>th</sup> Street</a>	<a href="#">City Limits</a>
North Union Avenue	North <del>26<sup>th</sup></del> <a href="#">21<sup>st</sup></a> Street	South 38 <sup>th</sup> Street



Comprehensive Plan Figure 7



[Updated Figure to be added at time of One Tacoma Comprehensive Plan update adoption]

2. Downtown primary streets designated.

Within the Downtown, the “primary pedestrian streets” are considered key streets in the intended development and utilization of the area due to pedestrian use, traffic volumes, transit connections, and/or visibility. The streetscape and adjacent development on these streets should be designed to support pedestrian activity throughout the day. They are designated for use with certain provisions in the Downtown zoning regulations, including setbacks and design requirements. Within the Downtown, the primary pedestrian streets are:

- a. Pacific Avenue between S. 7th and S. ~~25th~~ 27th Streets.
- b. Broadway between S. 7th and S. 15th Streets.
- c. Commerce Street between S. 7th and S. 15th Streets.
- d. “A” Street between S. 7th and S. 12th Streets.
- e. Tacoma Avenue between S. 7th and S. 15th Streets.
- f. South Jefferson between South 21st Street and South 25th Street.
- g. South 25th Street between I-705 and South Fawcett Avenue.
- h. South ‘C’ Street.
- i. Puyallup Avenue.
- j. East 25th Street.
- k. East 26th Street.
- l. East ‘D’ Street.

### 3. Tacoma Mall Regional Growth Center.

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.”

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\*.

<u>Mixed-Use Center</u>	<u>Designated Pedestrian Streets</u> <u>(All portions of the streets within Mixed-Use Centers, unless otherwise noted.)</u>	<u>Designated Core Pedestrian Streets</u> <u>(All portions of the streets within Mixed-Use Centers, unless otherwise noted)</u>

Tacoma Mall Neighborhood Regional Growth Center	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	South 38th Street between South Lawrence and South Steele Streets*; South Steele Street*
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#### 4. Mixed-Use Centers.

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.”

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\*.

<b>Mixed-Use Center</b>	<b>Designated Pedestrian Streets</b> (All portions of the streets within Mixed-Use Centers, unless otherwise noted.)	<b>Designated Core Pedestrian Streets</b> (All portions of the streets within Mixed-Use Centers, unless otherwise noted)
6 <sup>th</sup> Avenue Neighborhood Center	6 <sup>th</sup> Avenue	6 <sup>th</sup> Avenue
Narrows Neighborhood Center	6 <sup>th</sup> Avenue	6 <sup>th</sup> Avenue
McKinley Neighborhood Center	McKinley Avenue from Wright Avenue to East 39 <sup>th</sup> Street*	McKinley Avenue from Wright Avenue to East 36 <sup>th</sup> Street

Lower Portland Crossroads Center	Portland Avenue*, East 32 <sup>nd</sup> Street, East 29 <sup>th</sup> Street	Portland Avenue
Proctor Neighborhood Center	North 26 <sup>th</sup> Street; North Proctor Street*	North 26 <sup>th</sup> Street; North Proctor Street
Stadium District – Downtown Regional Growth Center (DRGC)	Division Avenue from North 2 <sup>nd</sup> Street to Tacoma Avenue; Tacoma Avenue*; North 1 <sup>st</sup> Street; North I Street	Division Avenue from North 2 <sup>nd</sup> Street to Tacoma Avenue; Tacoma Avenue; North 1 <sup>st</sup> Street
Hilltop Neighborhood – Downtown Regional Growth Center (DRGC)	Martin Luther King Jr. Way*; South 11 <sup>th</sup> Street; Earnest S. Brazill Street; 6 <sup>th</sup> Avenue, South 19 <sup>th</sup> Street	Martin Luther King Jr. Way from South 9 <sup>th</sup> to South 15 <sup>th</sup> , South 11 <sup>th</sup> Street; Earnest S. Brazill Street
Lincoln Neighborhood Center	South 38 <sup>th</sup> Street*; <del>Yakima</del> <a href="#">South Thompson</a> Avenue from South 37 <sup>th</sup> Street to South 39 <sup>th</sup> Street; and South G Street south of 36 <sup>th</sup> Street	South 38 <sup>th</sup> Street
Lower Pacific Crossroads Center	Pacific Avenue	Pacific Avenue
South Tacoma Way	South Tacoma Way*; South 56 <sup>th</sup> Street	South Tacoma Way
Upper Portland Crossroads Center	East 72 <sup>nd</sup> Street*; Portland Avenue	East 72 <sup>nd</sup> Street, Portland Avenue
Upper Pacific Crossroads Center	South 72 <sup>nd</sup> Street; Pacific Avenue*	Pacific Avenue
Tacoma Central Crossroads Center	Union Avenue*; South 19 <sup>th</sup> Street between South Lawrence Street and South Union Avenue	Union Avenue south of South 18 <sup>th</sup> Street; South 19 <sup>th</sup> Street between South Lawrence Street and South Union Avenue
James Center Crossroads Center	Mildred Street*; South 19 <sup>th</sup> Street	Mildred Street south of South 12 <sup>th</sup> Street; South 19 <sup>th</sup> Street
Westgate Crossroads Center	Pearl Street*; <a href="#">North 21<sup>st</sup> Street</a> ; North 26 <sup>th</sup> Street	Pearl Street

## Exhibit D: Tacoma Mall RGC Residential Uses

### 13.06.040 Mixed-Use Center Districts.

#### E. District use restrictions.

##### 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 are prohibited, unless permitted via Section 13.05.080.

##### 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 13.05.010.A.
TU	=	Temporary use consistent with Section 13.06.080.P.
N	=	Prohibited use in this district.

3. District use table – Mixed-Use Center Districts (13.06.040).

Uses		NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, <del>and 5</del> , and 6 at bottom of table)
<b>Agriculture and Natural Resources</b>										
	Agricultural uses	N	N	N	N	N	N	N	N	
	Mining and quarrying	N	N	N	N	N	N	N	N	
	Urban horticulture	N	N	N	N	P	N	N	N	
<b>Residential Uses</b>										
Dwelling Types										
	Dwelling, accessory (ADU)	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). See Section 13.06.080.A for specific Accessory Dwelling Unit (ADU) Standards. Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial only area of the UCX District.</del>
	Dwelling, single-family detached	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial only area of the UCX District.</del> Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
	Dwelling, two-family	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial only area of the UCX District.</del> Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
	Dwelling, three-family	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial only area of the UCX District.</del> Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.

Uses		NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, <del>and 5</del> , and 6 at bottom of table)
	Dwelling, multiple-family	P	P	P	P	P	P	P	N	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). 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 <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial-only area of the UCX District.</del>
	Dwelling, townhouse	P	P	P	P	P	P	P	CU	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial-only area of the UCX District.</del>
Other Residential										
	Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N. See definition for bed limit. Prohibited at street level along designated pedestrian streets in NCX.2 Not subject to minimum densities. Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial-only area of the UCX District.</del>
	Day care, family	P	P	P	P	N	P	P	P	
	Emergency and transitional housing	CU	P	P	CU	N	CU	CU	CU	See Section 13.06.080.N. In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial-only area of the UCX District.</del>
	Foster home	P	P	P	P	P	P	P	P	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial-only area of the UCX District.</del>
	Group housing	P	P	P	P	P	P	P	P	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial-only area of the UCX District.</del>

Uses		NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, <del>and 5</del> , and 6 at bottom of table)
	Home occupation	P	P	P	P	P	P	P	P	Home occupations shall be allowed in all X-Districts pursuant to the standards found in Section 13.06.080.G.
	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 13.06.080.I. Prohibited <a href="#">where Residential uses are not permitted within the Tacoma Mall Neighborhood RGC</a> <del>in Commercial only area of the UCX District.</del>
	Mobile home/ trailer court	N	N	N	N	N	N	N	N	
	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, CCX, UCX, CIX, and HMX Districts (see table footnote 2). Subject to additional requirements contained in Section 13.06.80.M and 13.06.080.A. Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial only area of the UCX District.</del>
	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, CCX, UCX, CIX and HMX Districts (see table footnote 2). Subject to additional requirements contained in Section 13.06.13.06.080.M and 13.06.080.A. Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial only area of the UCX District.</del>
	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, CCX, UCX, CIX, and HMX Districts (see table footnote 2). Subject to additional requirements contained in Section 13.06.13.06.080.M and 13.06.080.A. Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial only area of the UCX District.</del>
	Staffed residential home	P	P	P	P	P	P	P	P	See Section 13.06.080.N. See definition for bed limit. Prohibited at street level along designated core pedestrian streets in NCX, CCX, UCX, CIX, and HMX Districts (see table footnote 2). Not subject to minimum densities. Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial only area of the UCX District.</del>



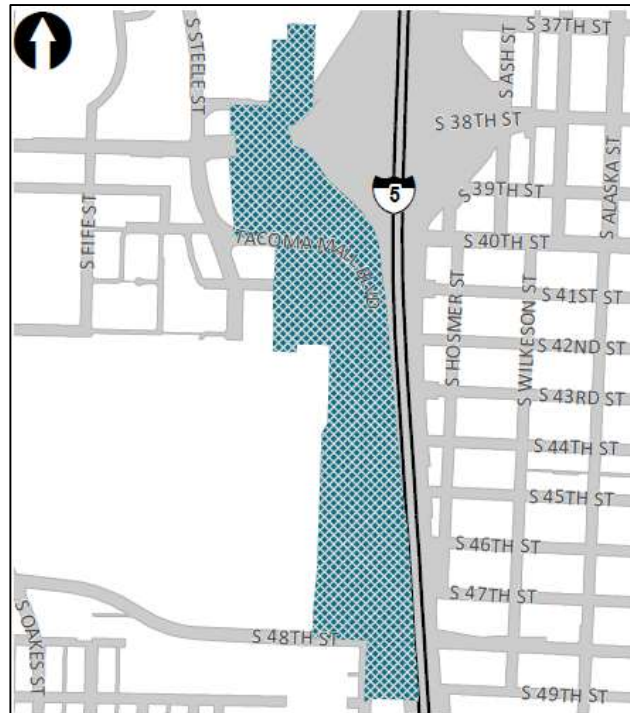
Uses		NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, <del>and 5</del> , and 6 at bottom of table)
	Student housing	P	P	P	P	P	P	P	N	Prohibited at street level along frontage of designated core pedestrian streets in NCX, CCX, UCX, CIX, and HMX Districts (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial-only area of the UCX District.</del>
	Retirement home	P	P	P	P	P	P	P	P	See Section 13.06.080.N. In NCX,CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial-only area of the UCX District.</del>
<b>Medical and Health Services</b>										
	Continuing care retirement community	P	P	P	P	P	P	P	P	See Section 13.06.080.N. Prohibited at street level along frontage of designated core pedestrian streets in UCX, CIX, CCX, HMX, and NCX (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial-only area of the UCX District.</del>
	Detoxification center	N	N	N	N	CU	CU	N	N	
	Extended care facility	P	P	P	P	P	P	P	P	See Section 13.06.080.N. Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial-only area of the UCX District.</del>
	Hospital	N	CU	CU	N	P	P	N	N	
	Intermediate care facility	P	P	P	P	P	P	P	P	See Section 13.06.080.N. In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial-only area of the UCX District.</del>
	Residential care facility for youth	P	P	P	P	P	P	P	P	See Section 13.06.080.N. See definition for bed limit. In NCX,CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Not subject to minimum densities. Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial-only area of the UCX District.</del>

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, <del>and 5</del> , and 6 at bottom of table)
Residential chemical dependency treatment facility	P	P	P	P	P	P	P	P	See Section 13.06.080.N. In CCX, NCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial only area of the UCX District.</del>
<b>Community and Civic Facilities</b>									
Assembly facility	P	P	P	CU	P	N	N	N	Prohibited at street level along designated pedestrian streets in NCX (see table footnote 2).
Cemetery/Internment services	N	N	N	N	N	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit.
Confidential shelter	P	P	P	P	P	P	P	P	See Section 13.06.080.N. Prohibited at street level along frontage of designated core pedestrian streets in UCX, CIX, CCX, HMX, and NCX. <sup>2</sup> Not subject to minimum densities. Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial only area of the UCX District.</del>
Correctional facility	N	N	N	N	N	N	N	N	
Cultural institution	P	P	P	N	P	N	N	N	
Detention facility	N	N	N	N	N	N	N	N	
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). See Section 13.06.080.H for additional information about size limitations and permitting requirements. Prohibited <a href="#">within the area indicated in Figure 4 in Section 13.06.040.J.6.</a> <del>in Commercial only area of the UCX District.</del>
Parks, recreation and open space	P	P	P	P	P	P	P	P	Not subject to RCX residential requirement (see table footnote 1). Subject to the requirements of Section 13.06.080.L.
Public service facilities	P	P	P	P	P	P	P	CU	In the NRX District, unless the specific use is otherwise allowed outright, public service facilities are permitted only upon issuance of a conditional use permit. Not subject to RCX residential requirement (see table footnote 1).
Religious assembly	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement (see table footnote 1).
School, public or private	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement (see table footnote 2).
Work release center	N	N	CU	N	CU	N	N	N	Permitted with no more than 15 residents in the UCX and no more than 25 residents in the CIX, subject to a Conditional Use Permit and the development regulations found in Section 13.06.080.R.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, <del>and 5</del> , and 6 at bottom of table)
<b>Footnotes:</b>									
<p>1. <del>1.</del> The floor area of any development in RCX must be at least 75 percent residential, unless otherwise noted.</p> <p>2. For uses that are restricted from locating at street-level along designated pedestrian or core pedestrian streets, the following limited exception is provided. Entrances, lobbies, management offices, and similar common facilities that provide access to and service a restricted use that is located above and/or behind street-level uses shall be allowed, as long as they occupy no more than 50-percent or 75 feet, whichever is less, of the site's street-level frontage on the designated pedestrian or core pedestrian street. See Section 13.06.010.D. for the list of designated pedestrian and core pedestrian streets.</p> <p>3. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit.</p> <p>4. Commercial shipping containers shall not be an allowed type of accessory building in any mixed-use zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.080.P.</p> <p>5. Additional restrictions on the location of parking in mixed-use zoning districts are contained in the parking regulations – see Section 13.06.090.C.</p> <p>6. See Figure 4: Tacoma Mall Neighborhood RGC – No Residential Uses in Section 13.06.040.J.6.</p>									

6. Residential uses prohibited.

**Figure 4: Tacoma Mall Neighborhood RGC – No Residential Uses**





2025 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

Exhibit E: Home in Tacoma-related Minor Amendments (supplemental)  
April 23, 2025

**(13) Correct Day Care Allowances in the Residential Use Table**

Issue: There is an inconsistency within the Residential Use Table regarding Day Care Centers, where the use allowances in the UR-3 District does not agree with the special notes for Day Care Centers. The special notes reflect the intent and the use table needs to be corrected to be consistent.

Proposed Code Amendment:

**TMC 13.06.020.E.4 – District Use Table – Residential Districts**

Uses (See Footnote 3)	UR-1	UR-2	UR-3	R-4	R-5	Additional Regulations (See Footnotes 1, 2)
<b>Commercial Uses</b>						
Day care center	CU	CU	<u>P/</u> CU	<del>P/</del> CU	P	Subject to additional requirements contained in Section 13.06.080.E. For UR-3, day care centers with an enrollment limited to 50 or fewer children or adults are permitted, while day care centers for more than 50 children or adults may be allowed subject to the approval of a conditional use permit.

**(16) Clarification regarding density allowed in the JBLM Airport Compatibility Overlay District (ACD)**

Issue: One of the primary intents of the ACD is to limit any significant increases in density in this area. While Home in Tacoma did not modify the underlying residential limitation in the ACD (only allows single-unit dwellings and accessory dwelling units) the fact that Home in Tacoma significantly reduced minimum lot sizes throughout the UR zones could inadvertently allow for a significant increase in density in the ACOD. This proposal would add a provision in the ACD standards to ensure the density is not significantly increased. The note about the ACD provisions superseding the general allowances is already provided in the use table but should be repeated in the development standards table for clarity.

Proposed Code Amendment:

**13.06.020.F – Urban Residential Districts (UR-1, 2 and 3) Development Standards**

1. Housing types, densities, scale, and lot standards.

ZONE NAME	Urban Residential 1 (UR-1)	Urban Residential 2 (UR-2)	Urban Residential 3 (UR-3)
<p><u>Footnotes:</u></p> <p><u>1. Within the JBLM Airport Compatibility Overlay District (ACD), the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict. Bonuses are not available in the ACD.</u></p>			

**TMC 13.06.070.F – Overlay Districts – Joint Base Lewis McChord Airport Compatibility Overlay District (ACD)**

4. District development standards.

a. The following characteristics, when proposed as part of any development, are not allowed in the Overlay District:

- (1) Generation of air pollution, electronic interference, or glare that could negatively affect pilots or aircraft.
- (2) Structures taller than permitted outright in the base zoning districts (i.e., no height variances).
- (3) Manufacturing or processing of apparel, chemicals, petroleum, rubber, or plastic.

b. The following standards apply to residential development within the Overlay District:

- (1) Density, maximum units per site area, is limited to one dwelling unit per 5,000 square feet of lot area, regardless of zoning district. For purposes of this provision, accessory dwelling units are not counted toward this density limit.

**(20) Clarify Density Allowance for Pre-Existing Lots to Ensure Consistency with State Law**

Issue: State Law (HB 1110, RCW 36.70A.635(1)(b)) requires that the City, at a minimum, allow at least four units on existing lots and six units if that lot is near major transit stops or if the development includes at least two affordable units. The City's Code addresses this minimum in part by exempting pre-existing lots from the standard density limitations. However, while this exception allows for the required four units in the UR-1 District, it inadvertently didn't include language regarding the additional allowed units required for areas near major transit (the UR-2 and UR-3 Districts).

Proposed Code Amendment:

**TMC 13.06.020.F – Residential Districts – Urban Residential Districts (UR-1, 2 and 3) Development Standards**

1. Housing types, densities, scale and lot standards

ZONE NAME	Urban Residential 1 (UR-1)	Urban Residential 2 (UR-2)	Urban Residential 3 (UR-3)
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Density, maximum units per site area	1/1500 SF	1/1000 SF	1/750 SF
Density with Bonus, maximum units per site area	Bonus 1: 1/1000 SF Bonus 2: 1/750 SF	Bonus 1: 1/750 SF Bonus 2: 1/500 SF	Bonus 1: 1/500 SF Bonus 2: 1/375 SF
Density Notes	<p>All units on the lot count toward the maximum density or maximum bonus density, including those in separate buildings or in any combination of housing types. In no case shall the total number of units on a lot exceed the maximums in this table.</p> <p>Legal lots of record as of February 1, 2025 which do not meet the minimum area, setbacks and/or frontage requirements are allowed a minimum of 4 dwellings <u>in the UR-1, 6 dwelling units in the UR-2 and 8 dwelling units in the UR-3, along with the ability to provide</u> <del>and</del> 2 additional dwellings through use of the Bonus 1 program.</p>		
Critical Areas Density Bonus	Critical Areas Protection Ordinance Residential Density Bonus: Per Section 13.11.260, in order to provide flexibility to avoid critical area impacts, minimum lot sizes and setbacks may be reduced in association with Critical Areas approvals.		