



Home in Tacoma Project

PROPOSED NEAR-TERM CODE CHANGES

March 3, 2021

Public Review Document

Prepared for
Planning Commission Public Hearing
April 7, 2021

City of Tacoma
Planning & Development Services Department
Planning Services Division
747 Market Street, Room 345
Tacoma, WA 98402-3793
(253) 591-5030
www.cityoftacoma.org/homeintacoma



The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the City Clerk's Office at (253) 591-5505. TTY or speech to speech users please dial 711 to connect to Washington Relay Services.

Proposed insertions are shown in blue underlined text.

Proposed deletions are shown in ~~blue strike-through text~~.



Home In Tacoma Project:

Recommended Near-term Code Changes

The following minor housing-related code changes implement prior Council direction, clarify implementation, and implement state legislative requirements.

TOPICS:

Accessory Dwelling Unit (ADU) Code

Staff have developed a list of code changes to further clarify and streamline the ADU code based upon the now nearly 200 ADUs the City of Tacoma has permitted about 18 months. The changes range from further clarity on window opacity for privacy purposes, to more clarity on bonus square footage for ADU conversions with a garage. The changes would also clarify size limitations relating to attached ADUs and remove the language related to the amnesty program which ended in December.

Updates to implement State Law

In 2019 and 2020 the state legislature adopted laws related to housing that the City is required to implement. These include parking requirement maximums for senior affordable housing located near high capacity transit. The most significant is a mandate that cities offer religious institutions a density bonus for affordable housing.

Adjustment to plat procedures

Staff recommend refining the platting procedures and policies which require that some platting actions go to the full city council for consideration when state law does not mandate that. Instead, the changes would refer these platting actions to the Hearings Examiner, resulting in a streamlined review process and timeline.

Minor clarifications

Staff have identified a few minor text clarifications, including one related to applicability of design standards Downtown.

Accessory Dwelling Unit (ADU) Code

ISSUE: Allow Detached ADUs to be taller than the main house in cases when the house is less than 18 feet tall.

TMC 13.06.080.A.5.c. Height.

(1) Attached ADUs are subject to the height limitations applicable to the main house.

(2) ~~Detached ADUs shall be no taller than the main house. In addition, height shall be limited to the most restrictive of the following:~~

- The maximum height for detached ADUs shall be 18 feet, measured per the Building Code, or up to 20 feet with incorporation of either parking below or above the DADU structure (not next to), or with certification of the DADU under Built Green criteria with 4 stars, or equivalent environmental certification.
- The conversion of an existing accessory structure taller than 18 feet may be authorized through issuance of a Conditional Use Permit.
- In View Sensitive Districts, the maximum height shall be 15 feet, measured per TMC 13.01.060, and allowance of additional height is subject to TMC 13.05.010.B Variances.

ISSUE: Clarify how the extra 500 sf of accessory structure allotment works with other size limitations.

TMC 13.06.020.G.1

The total square footage of all accessory building footprints shall be no more than 85 percent of the square footage of the main building footprint and no more than 15 percent of the square footage of the lot, not to exceed 1,000 square feet. For lots greater than 10,000 square feet, the total square footage of all accessory building footprints shall be no more than 10 percent of the square footage of the lot (the other limitations applicable to smaller properties outlined above shall not apply). If one of the accessory buildings is a Detached ADU, the total allowed square footage of accessory structure is increased by 500 square feet, provided that the an additional 500 square feet is non-habitable and detached from all other structures may be added to the allowed total square footage of all accessory building footprints.

ISSUE: Remove ADU amnesty language which expired in December 2020.

~~TMC 13.06.010.L~~

~~16. Accessory dwelling units.~~

~~a. Legalization of Nonconforming ADUs. Nonconforming ADUs existing prior to the enactment of these requirements may be found to be legal if the property owner applies for a building permit prior to December 31, 2020, and brings the unit up to Minimum Housing Code standards set forth in Section 2.01 of the Building Code. In addition, all nonconforming ADUs must meet all of the standards within Subsection C Requirements, as well as Subsection D.4 Location. After January 1, 2021, owners of illegal ADUs shall be subject to the enforcement provisions of TMC 13.05.150. The burden of proof falls on property owners in any dispute regarding the legality of the unit. All owners of illegal ADUs shall also be required to either legalize the unit or remove it.~~

ISSUE: Allow Detached ADUs with any housing type (in zones where those housing types are permitted and in instances when they were legally established), so long as they meet DADU standards.

TMC 13.06.080.A.4.a, update all use tables.

13.06.100.G.1. Applicability.

The following standards apply to accessory dwelling units in all zoning districts within Residential Zoning Districts in 13.02.020. When a Detached ADU is proposed on a site with housing other than single-family, the larger structure shall be considered the main dwelling for purposes of determining ADU design and other standards.

ISSUE: Clarify ADU parking requirements—ADUs are not required to provide parking, but the code does not allow removal of parking required for the main house.

TMC 13.06.080.A.4.d Parking.

No off-street parking is required for the ADU. However, it is not permitted to remove existing required offstreet parking spaces unless required parking is replaced elsewhere on the property per City standards. If additional ADU parking is provided, such parking shall be located in the rear portion of the lot and shall not be accessed from the front.

ISSUE: Clarify how home occupations are permitted on sites with ADUs

TMC 13.06.080.A.4.f Home occupations.

Home occupations shall be allowed, subject to existing regulations. However, if both the main building and the ADU contain home occupations, only one of the two is permitted to receive customers on the premises. Adult family homes and daycares are only permitted in one unit per site.

ISSUE: Clarify design standards

TMC 13.06.100.G.4.c

Second story windows facing abutting residential properties and within ten feet of the property line shall be constructed in a manner that reduces direct views into the neighboring property through such methods as clerestory windows or semi-opaque semitranslucent glass.

ISSUE: Simplify the process to determine permitted ADU size

TMC 13.06.100

(1) The habitable area of ADUs, excluding any garage area and other non-living areas, shall be limited to the most restrictive of the following standards:

- ~~No more than 15 percent of the lot area.~~
- No more than 85 percent of the living-habitable area of the main building or main dwelling.
- No more than 1,000 square feet for standard lots and no more than 750 square feet for small lots.

(2) If the accessory unit is completely located on a single floor of an existing building, the size may be increased in order to efficiently use all floor area, so long as all other standards set forth in this section are met.

(3) In addition, detached ADUs are considered accessory buildings and thus are also subject to the standards set forth in TMC 13.06.020.F Accessory building standards.

Updates to implement State Law

ISSUE: State law requires that municipalities provide bonuses and flexibility to religious institutions seeking to provide affordable housing

TMC 13.05.010 Land Use Permits.

PROPOSED NEW SECTION:

6. Applications for conditional use permits for Bonus Density for Affordable Housing on Religious Organizations' Land shall be processed in accordance with the standard procedures for conditional use permits, with the following additional requirements.

a. The application criteria, review process, requirements and conditions shall be the same as the Infill Pilot Program 13.05.010.A.7.

b. Religious organizations meeting the requirements of these provisions may utilize the land use and development standards applicable to the R4-L Residential District.

c. To qualify, religious organizations must provide a minimum of 1 affordable housing unit for each 2 market rate housing units as defined in TMC 1.39 Affordable Housing Incentives and Bonuses Administrative Code. The fee in lieu option is not available for this purpose.

d. Pre-application site inspection for conversion of an existing building.

Prior to submitting an application for a conditional use permit, for conversion of an existing building for use as affordable housing, to the City, the applicant shall allow for an inspection by the appropriate Building Inspector and appropriate Fire Marshall to determine if the facility meets the Building and Fire Code standards for the proposed use. The purpose of this inspection is not to ensure that a facility meets the applicable Code requirements or to force an applicant to bring a proposed facility up to applicable standards prior to application for a conditional use permit, but instead, is intended to ensure that the applicant, the City, and the public are aware, prior to making application, of the building modifications, if any, that would be necessary to establish the use.

e. If the proposed development will include any special needs housing or on-site social service uses the conditional use permit will also follow and comply with the special needs housing conditional use permit process, criteria and conditions 13.05.010.A.5.

Religious organizations definition:

"Religious organization" includes, but is not limited to, churches, mosques, synagogues, temples, nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion. For purposes of this chapter "Religious Organization" has the same meaning as in RCW 26.04.007 and RCW 35.21.915.

ISSUE: State law limits the maximum required parking for senior affordable housing within proximity to high capacity transit to 0.75

h. The following parking quantity standards apply to the Zoning Districts established in 13.06.020 Residential Districts, 13.06.030 Commercial Districts, and 13.06.060 Industrial Districts.

TABLE 1 – Required Off-Street Parking Spaces^{9, 14} (All footnotes are in Table 2, below.)		
Use	Unit	Required parking spaces
		Min.
Residential		
Single-family detached dwelling, Adult family home, Staffed residential home ^{1, 2, 12}	Dwelling.	2.00
Two-family dwelling in all districts ^{1, 2, 12}	Dwelling.	2.00
Townhouse dwelling in all districts ^{1, 2, 12}	Dwelling.	1.00
Three-family dwelling in all districts ^{1, 2, 12}	Dwelling.	2.00
Two- or Three-family dwelling via Conditional Use Permit	Dwelling.	1.00
Group housing – up to 6 residents		2.00
Group housing – 7 or more residents ^{1, 16}	Room, suite or dwelling.	1.00
Small Lots, Cottage Housing and lots not conforming to area/width ³	Dwelling.	1.00
Mobile home park ^{1, 2, 12}		
Multiple-family dwelling ^{1, 2, 12, 16}		
Located in R-3, R-4-L, T, HMR-SRD, and PRD Districts ¹²	Dwelling.	1.50
Located in R-4, C-1, C-2, HM, and M-1 Districts ¹²	Dwelling.	1.25
Located in R-5 District ¹²	Dwelling.	1.00
Mixed-Use Center District	See TABLE 2 (next table).	
Retirement homes, apartment hotels, residential hotels, residential clubs, fraternities, sororities, and group living quarters of a university or private club ¹	Guest room, suite, or dwelling.	Same as for multiple-family.
Residential in DR, DCC, DMU, and WR Districts	See Section 13.06.050 Downtown.	
Senior housing	Guest room, suite or dwelling unit.	0.75

Adjustment to plat procedures

ISSUE: Streamline platting approvals by removing the requirement for City Council approval

TMC 13.04.100.E

Planning and Development Services shall prepare a report summarizing the findings and recommendations of the reviewing departments and agencies and shall file said report and request with the Director. The Director or designee shall review the final plat. The Director's review shall be limited to ensuring that the final plat conforms to all requirements of this chapter and that all required improvements have been constructed or bonded. The Director shall issue a report approving or denying the final plat and shall transmit a copy of the report to the applicant and parties of record. The ~~Director's decision shall be forwarded, by resolution, to the City Council for approval~~decision shall be final, unless ~~the decision is~~ appealed to the Hearing Examiner within 14 days of the date of the Director's decision.

TMC 13.04.100.J Approval of Final Plat.

Approval of the final plat shall be indicated by the signatures of the City Engineer, the Director, the City Treasurer, and the City Attorney, ~~the Mayor, and the City Clerk~~ on the original reproducible final plat.

The approval of the final plat by the Director shall be deemed to constitute acceptance by the public of the dedication of any street or other proposed public way or space, but only after such final plat has been recorded by the Pierce County Auditor.

Approval of the final plat by the Director shall be null and void if the plat is not recorded within 90 days after the date of approval, unless, during said 90-day period, written application to the Director for an extension of time is made and granted.

Minor clarifications

ISSUE: Clarify applicability of design standards within Downtown zoning districts

TMC 13.06.100.D.1

~~The basic design standards and additional standards applicable to the DCC and DR districts, except as otherwise noted, shall apply to all new construction, additions, and substantial alterations. The basic design standards, except as otherwise noted, shall apply to all new construction, additions, and substantial alterations. Additional standards are applicable to the DCC and DR Districts, see below.~~
The basic design standards, except as otherwise noted, shall apply to all new construction, additions, and substantial alterations. Additional standards are applicable to the DCC and DR Districts, see below.

TMC 13.06.100.E. Single, Two and Three-Family Dwelling Minimum Design Standards.

1. Applicability.

The following requirements apply to all single, two, and three-family dwellings in ~~X-Districts, and~~
~~to all two and three family dwellings in~~ all districts.

ISSUE: Update code references to reflect the recent code reorganization

PDS and the City Clerk's Office will update outdated references as appropriate.

END