



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

**Application:
Minor Plan and Code Amendments**

**Public Review Staff Analysis Report
February 6, 2025**

The “Minor Plan and Code Amendments” is a set of potential amendments to Land Use Regulatory Code being considered along with the 2025 One Tacoma Comprehensive Plan periodic update. These consists of a number of proposed amendments to the Tacoma Municipal Code (TMC) Title 13 – Land Use Regulatory Code that are under the purview of the Planning Commission.

Proposed amendments do not suggest substantive or policy-level changes to the Plan or the Code; they are intended to correct minor errors, address inconsistencies, keep information current, and clarify and improve provisions that, through implementation of the Plan and the Code, are found to be unclear or not fully meeting their intent.

There are 13 issues compiled in this application, as shown in Exhibit “A”, which also documents staff analysis of the issues and the thought process for the corresponding proposed amendments.

Project Summary	
Application ID:	Minor Plan and Code Amendments
Applicant:	Planning and Development Services Department
Staff Contact:	Carl Metz, Senior Planner, cmetz@cityoftacoma.org
Location and Size of Area:	Citywide
Current Land Use and Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Recommendation:	That the Planning Commission accept public comment and begin to develop recommendations to the City Council.
Project Proposal:	See Exhibit A - Issues and Proposed Amendments and supplemental Exhibits B - E



1. Area of Applicability

Citywide - in various zoning districts and geographical areas.

2. Background

The “Minor Plan and Code Amendments” application facilitates an annual process for staff to improve the clarity and effectiveness of the *One Tacoma* Comprehensive Plan and the Tacoma Municipal Code (TMC) – primarily Title 13 Land Use Regulatory Code. These annual applications compile issues identified by staff, customers of the Planning and Development Services Department, the Planning Commission, the Transportation Commission, the City Council, and/or the public. Those issues are generally not substantive enough to rise to the level of a stand-alone application for consideration during the annual amendment process.

The *One Tacoma Plan* is a blueprint for the future character of our City. It guides our community's development over the long term and describes how our community's vision for the future is to be achieved. The plan takes a long-range perspective on such topics as land use, transportation, housing, capital facilities, parks and the environment that address the physical, social, and economic health of the City. It also sets standards for roads and other infrastructure, identifies how they will be paid for, and establishes the basis for zoning and development regulations.

The *One Tacoma Plan* is a compilation of Book I and Book II. Book I contains twelve chapters (or elements), with aspirational goals and policies identified for each element that provide the means for Tacoma to grow and prosper and yet maintain the unique character of the city for current and future generations. Book II includes selected implementation programs and strategies.

Book I: Goals + Policies

1. Introduction + Vision
2. Urban Form
3. Design + Development
4. Environment + Watershed Health
5. Housing
6. Economic Development
7. Transportation
8. Parks + Recreation
9. Public Facilities + Services
10. Container Port
11. Engagement, Administration + Implementation
12. Downtown

Book II: Implementation Programs + Strategies

1. Shoreline Master Program
2. Capital Facilities Program
3. Downtown Regional Growth Center Plans
4. Historic Preservation Plan

The Land Use Regulatory Code is the key regulatory mechanism that implements the Comprehensive Plan, as cited below:

Land Use Regulations

Land use regulations are laws that establish what can or can't be built in a given location. The key regulatory mechanism that implements the Comprehensive Plan is Tacoma's Land Use Regulatory Code. This code contains the development regulations that govern the manner by which land is used, developed, or redeveloped in the City. This code is found in Title 13 of the Tacoma Municipal Code and includes regulations for platting, zoning, shorelines and critical areas.

(One Tacoma Comprehensive Plan, “Engagement, Administration + Implementation” Element, p. 11-10)

3. Analysis

It is imperative that both the Comprehensive Plan and the Code are properly maintained. The overall objective of the Minor Plan and Code Amendments is to keep the Plan and the Code current, respond to the changing circumstances, and enhance customer service. Staff analysis of this application has been conducted in accordance with TMC 13.05.030.D, which requires the following four provisions be addressed, as appropriate:

- A staff analysis of the application in accordance with the elements described in 13.05.030.B.6;
- An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;
- An analysis of the amendment options identified in the assessment report; and
- An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

a. A staff analysis of the application in accordance with the elements described in 13.05.030.B.6;

TMC 13.05.030.B.6, subsection 6.e.(4)(a), requires that the following objectives shall be met by applications for the annual amendment:

- Address inconsistencies or errors in the Comprehensive Plan or development regulations;

There are some issues included in the Minor Plan and Code Amendments, as shown in Exhibit “A”, intended to address inconsistencies and errors. There are also a number of issues intended to provide clarity or clarifications to existing language. For example:

- #1 Definition: Development site – This is a term that is used throughout the Code and adding a definition provides clarity.
- #2 Repeal of Residential Infill Pilot Program – This would repeal the remaining Residential Infill Pilot Program (RIPP) items that were not included with the recent Home in Tacoma Code amendments.
- #3 Conditional Use Permit: Conditional uses and height – This corrects a Code reference error.
- #4 Land use permit code enforcement – This would replace existing Title 13 enforcement provisions with the city’s Uniform Enforcement Code for greater consistency citywide.
- #5 Pedestrian Streets – These amendments would update Pedestrian Street tables to reflect changes made with Home in Tacoma phase I related to the locations of Mid-Scale Residential land use designations along with corrections and clarifications.
- #6 Split zoning – This would clarify the applicability of split zoning provisions for development sites consisting of more than one parcel of land.

- #7 Tacoma Mall residential use prohibition – This amendment clarifies the applicability of the existing prohibition of residential uses along I-5 within the Tacoma Mall RGC by correcting inconsistent terminology and adding specific Code citations.
- #8 Mixed-Use Center districts residential use maximum building setback – This corrects an inconsistency between the maximum setback requirements and the districts’ minimum setbacks.
- #9 Retail marijuana limits – This amendment expands the maximum number of retail marijuana stores for consistency with State law.
- #10 Shoreline sign regulation – This amendment clarifies that signs located in areas subject to Shoreline regulations are subject to both general sign regulations as well as Shoreline District standards.
- #12 Commercial districts maximum setbacks exception – This amendment adds an exception to maximum building setbacks where they conflict with public easements consistent with similar exceptions found elsewhere in the Code.

- Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City’s capacity to provide adequate services;

The overall objective of the Minor Plan and Code Amendments is to keep the Plan and the Code current. This includes responding to the changing circumstances, including those necessitated by growth and development patterns, and enhancing the City’s capacity to provide adequate and consistent services to residents and customers.

- Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or
 - #11 Mass reduction building design standards: MUC and Downtown districts - This amendment adds clarity to when mass reduction requirements apply consistent with the intent of these requirements.
- Enhance the quality of the neighborhood.

b. An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;

- #2 Repeal of Residential Infill Pilot Program – The desire to repeal the Residential Infill Pilot Program was indicated with the City Council’s adoption of Home in Tacoma Code amendments in November 2024. However, those Code amendments did not include all relevant RIPP Code provisions. This amendment would complete the program’s elimination consistent with the City Council’s previous action.
- #5 Pedestrian Streets – These would update Pedestrian Street tables to reflect amendments made to the locations of Mid-Scale Residential land use designations along designated Pedestrian Streets/Corridors as part of the Home in Tacoma phase I project.

- #9 Retail marijuana limits – This amendment expands the maximum number of retail marijuana stores per the State’s Cannabis Social Equity Program.

c. An analysis of the amendment options identified in the assessment report;

An Assessment for this application was presented below. Minor Code amendments proposals are usually clear and straightforward, generally not requiring alternative analysis.

TMC 13.05.030.B.7 requires that staff provides an assessment of the application against the following criteria for the Planning Commission’s consideration:

- (a) Whether the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review.
Staff Assessment: Proposed minor amendments to the Tacoma Municipal Code, primarily Title 13 – Land Use Regulatory Code, are legislative and properly subject to the Commission’s review.
- (b) Whether there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into.
Staff Assessment: Most issues included in the Issues and Proposed Amendments document (Exhibit “A”) have not been extensively studied, which is reflective of their limited scope, and there may be additional issues added later. As technical analysis proceeds, some of the issues may be removed from the list, incorporated into other projects, and/or elevated to policy-level discussion.
- (c) A preliminary staff review of the application submittal.
Staff Assessment: Some initial staff review had already been conducted on all issues included in the Issues and Proposed Amendments document in order to suggest what potential amendments should be considered.
- (d) Identification of other amendment options the Planning Commission could consider in addition to the amendment as proposed by the applicant.
Staff Assessment: Through the public review process, various amendment options may be identified.
- (e) Whether the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required, the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.
Staff Assessment: The amount of analysis presented in the Issues and Proposed Amendments document is manageable.

d. An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

Since all proposed amendments are intended to address inconsistencies, correct errors, maintain compliance with State and local laws, respond to changing circumstances, and maintain or enhance compatibility with existing/planned land uses and the surrounding development pattern, their impacts are expected to be positive.

5. Recommendation

Staff recommends that the Planning Commission release this staff report and Exhibits A - E for public review and comment and schedule a public hearing on March 5, 2025.

Following the public hearing, staff will facilitate the Commission's review of public comments, decision making, and formulation of recommendations to the City Council, pursuant to TMC 13.05.030.B.10, as cited below:

10. Planning Commission findings and recommendations.

a. Upon completion of the public comment period and review of the public testimony, the Planning Commission will make a determination as to whether the proposed amendments are consistent with the following criteria:

- 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; and
- Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan.

b. The Commission will prepare a recommendation and supportive findings to forward to the City Council for consideration.

6. Exhibit

- Exhibit A: Minor Plan and Code Amendments – Issues and Proposed Amendments (February 5, 2025)
- Exhibit B: Minor Plan and Code Amendments – Residential Infill Pilot Program
- Exhibit C: Minor Plan and Code Amendments – Code enforcement
- Exhibit D: Minor Plan and Code Amendments – Pedestrian Streets
- Exhibit E: Minor Plan and Code Amendments – Tacoma Mall RGC residential uses



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

Minor Plan and Code Amendments – Issues and Proposed Amendments

February 5, 2025

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
1.	<p><u>Definition: Development Site</u> TMC 13.01.060.D</p>	<p>The term Development Site is used throughout Title 13. Adding a definition provides greater clarity.</p>	<p>13.01.060 Zoning Definitions. 13.01.060.D “Development site.” A parcel or parcels of land on which proposed development will occur.</p>
2.	<p><u>Repeal of Residential Infill Pilot Program items</u> TMC 13.05.010.A.7 TMC 13.05.010.A.25</p>	<p>The main Residential Infill Pilot Program (RIPP) code section TMC 13.05.060 was repealed with the Home in Tacoma Code amendments on November 19, 2024. However, a couple of Code sections related to RIPP remain and should be removed.</p>	<p>13.05.010 Land Use Permits. A. Conditional Use Permits. 25. Affordable housing bonus. The intent of this section is to provide an optional incentive to religious organizations and/or nonprofits seeking to develop and manage multifamily projects integrating significant affordable housing, while ensuring reasonable compatibility with neighborhood scale and character and limiting negative impacts to the neighborhood. Applications for conditional use permits for Bonus Density for Affordable Housing on land owned by religious organizations or by nonprofit affordable housing providers shall be processed in accordance with the standard procedures for conditional use permits, with the following additional requirements. See Exhibit B</p>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
3.	<p><u>Conditional Use Permit</u> <u>“Conditional uses and height”</u></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>13.05.010 Land Use Permits.</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 2 of this section:</p> <ul style="list-style-type: none"> (1) Airports; (2) Religious assembly; (3) Schools, public or private; (4) Public service facilities; (5) Hospitals; (6) Wireless communication towers or wireless facilities; (7) Utilities; (8) Park and recreation; (9) Surface Mining. <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>

<p>4.</p>	<p><u>Land use permit code enforcement</u></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>13.05.150 Enforcement.</p> <p>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.</p> <p>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.</p> <ol style="list-style-type: none"> 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. <p>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.</p>
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No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
			See Exhibit C
5.	<p><u>Pedestrian Streets: Home in Tacoma Mid-Scale Residential updates</u></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"> • Pedestrian streets designated (TMC 13.06.010.D.1) <ul style="list-style-type: none"> ○ S 12th St: Eliminate designation west of Jackson Ave. ○ N 21st 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. ○ N 26th St: Eliminate designation per Home in Tacoma phase I change. ○ N Proctor St: Eliminate redundancy within Proctor MUC and reflect Home in Tacoma phase I change. ○ S Thompson Ave/S Yakima Ave: Add missing designation description and reflect Home in Tacoma phase I change. ○ N Union Ave: Reflect Home in Tacoma phase I change. • Figure 7: Replace map at time of One Tacoma Comprehensive Plan update adoption. • Downtown RGC (TMC 13.06.010.D.2) <ul style="list-style-type: none"> ○ Pacific Ave: Extend designation two blocks to meet with designation outside of Downtown RGC. • Tacoma Mall RGC (TMC 13.06.010.D.3) <ul style="list-style-type: none"> ○ Add missing introductory statement and header row in the table. • Mixed-Use Centers (TMC 13.06.010.D.4) <ul style="list-style-type: none"> ○ Lincoln Neighborhood Center: Change designation from S Yakima Ave to S Thompson Ave to reflect Home in Tacoma phase I change. <p>See Exhibit D</p>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
6.	<p><u>Split zoning</u></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>13.06.010 General Provisions</p> <p>J. Split zoning.</p> <p>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.</p> <p>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 more than 50 percent of the site is located within the least restrictive of the two zones.</p>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
7.	<p><u>Tacoma Mall residential use prohibition</u></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>13.06.040 Mixed-Use Center Districts.</p> <p>E. District use restrictions.</p> <p>3. District use table – Mixed-Use Center Districts (13.06.040). Additional Regulations (see footnotes 3, 4, and 5 at bottom of table) Prohibited within the area indicated in Figure 4 in Section 13.06.040.J.6.</p> <p>Footnotes: 6. See Figure 4: Tacoma Mall Neighborhood RGC – No Residential Uses in Section 13.06.040.J.6.</p> <p>See Exhibit E</p>

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments						
8.	<p><u>Mixed-Use Center Districts residential building maximum setbacks</u></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>13.06.040 Mixed-Use Center Districts.</p> <p>H. Maximum setback standards.</p> <table border="1" data-bbox="1075 397 1677 876"> <thead> <tr> <th data-bbox="1075 397 1272 516"></th> <th data-bbox="1272 397 1677 516">Residential or mixed use buildings that contain a majority of residential uses</th> </tr> </thead> <tbody> <tr> <td data-bbox="1075 516 1272 634">1. NCX and RCX Districts</td> <td data-bbox="1272 516 1677 876" rowspan="3">At least 50% of an occupied structure's building face abutting a Pedestrian Street must be located within 20 feet of the property line bordering the Pedestrian Street right-of-way.</td> </tr> <tr> <td data-bbox="1075 634 1272 721">2. CCX Districts</td> </tr> <tr> <td data-bbox="1075 721 1272 876">3. UCX, HMX and CIX Districts</td> </tr> </tbody> </table>		Residential or mixed use buildings that contain a majority of residential uses	1. NCX and RCX Districts	At least 50% of an occupied structure's building face abutting a Pedestrian Street must be located within 20 feet of the property line bordering the Pedestrian Street right-of-way.	2. CCX Districts	3. UCX, HMX and CIX Districts
	Residential or mixed use buildings that contain a majority of residential uses								
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3. UCX, HMX and CIX Districts									
9.	<p><u>Retail marijuana limits</u></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>13.06.080 Special Use Standards</p> <p>J. Marijuana Uses.</p> <p>4. Location requirements.</p> <p>j. A maximum of sixteen (16) retail marijuana stores are allowed to operate in the City of Tacoma, except that this number may be exceeded when necessary to comply with the State's Cannabis Social Equity Program (see RCW 69.50.335).</p>						

No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
10.	<p><u>Shoreline sign regulations</u></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>13.06.090 Site Development Standards.</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. Additional regulations pertaining to signs in Shoreline Districts are found in Title 19.</p>

<p>11.</p>	<p><u>Mass reduction building design standards: MUC and Downtown districts</u></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>13.06.100 Building design standards.</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 public or private street, public open space, or on-site parking area (45 feet or greater average width) 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"> • 8’ minimum stepback along the streetfront façade for 4th floor and above in RCX Districts. • 8’ minimum horizontal stepback along for 5th floor and above in X Districts other than RCX, where the ROW width is less than 100’. • 8’ minimum horizon stepback for 6th floor and above in X zones other than RCX, where the ROW width is 100’ or greater. • 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 <p>Other street facades:</p> <ul style="list-style-type: none"> • 5’ minimum stepback along the streetfront façade for 4th floor and above in RCX Districts. • 5’ minimum horizontal stepback along for 5th floor and above in X Districts other than RCX, where the ROW width is less than 100’. • 5’ minimum horizon stepback for 6th floor and above in X zones other than RCX, where the ROW width is 100’ or greater.
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No.	Title of Issue and Code Section	Description of Issue	Proposed Amendments
			<ul style="list-style-type: none"> • 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 <p><u>Notes</u></p> <ul style="list-style-type: none"> • Encroachments: One distinct design element of no more than 25 feet in width is allowed to encroach vertically into these stepbacks for each façade. • 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. <p>D. Downtown District Minimum Design Standards. 4. Building Form and Expression b. Mass reduction.</p> <p>[Same as above]</p>
12.	<p><u>Commercial districts maximum setbacks exception</u> 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>13.06.030 Commercial Districts. F. District development standards. 8. Maximum setback standards on designated streets. d. Exceptions</p> <ul style="list-style-type: none"> • When a public easement precludes compliance with this standard, the setback requirement shall be measured from the back edge of the easement.

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Exhibit B: Residential Infill Pilot Program

13.05.010 Land Use Permits.

A. Conditional Use Permits.

~~7. Infill Pilot Program.~~

~~a. Two-family development may be allowed by conditional use permit in R-2 Districts. In addition to the General Criteria, a conditional use permit for a two-family dwelling or two townhouse dwelling units in R-2 Districts shall only be approved upon a finding that such use is consistent with all of the following criteria:~~

~~(1) The proposed development site has a minimum lot size of 6,000 square feet in size.~~

~~(2) The proposal is consistent with the Residential Infill Pilot Program criteria contained in TMC 13.05.060.~~

~~(3) The proposed two-family or townhouse development is consistent with the following:~~

~~(a) Development must respond to the context and neighborhood and single-family structures through massing, bulk, materials, landscaping, and building placement.~~

~~(b) Each unit must have a primary entrance directly accessed from adjacent street.~~

~~(4) In the case of conversion of an existing single-family dwelling to a two-family dwelling, the existing architectural features shall be maintained to the maximum extent practicable.~~

~~(5) Applications for two-family and townhouse dwelling units in R-2 Districts shall be processed in accordance with the provisions of TMC 13.05.060 and TMC 13.05.010.A. Pursuant to those requirements, the applicant shall submit, in conjunction with the application, site plan drawings and drawings of building elevations, information on building materials, and complete information indicating how the property will meet the above criteria.~~

~~b. Multi-family development up to a maximum of six dwelling units may be allowed by conditional use permit in the R-3 District and in the R-2 District if the development is a renovation of an existing structure that does not increase building footprint. A conditional use permit for a multi-family dwelling unit in R-2 or R-3 Districts shall only be approved upon a finding that such use is consistent with all of the following criteria:~~

~~(1) The proposed lot is a minimum of 7,000 square feet in size.~~

~~(2) The proposal is consistent with the Residential Infill Pilot Program criteria contained in TMC 13.05.060.~~

~~(3) The proposed structure is designed to minimize the overall impression of density and bulk and to fit with established neighborhood patterns. Access to dwellings shall be through a shared primary entrance. Parking shall be located to the rear of the site in a manner that obscures it from view from the street frontage.~~

~~(4) Applications for multi-family dwellings in R-2 or R-3 Districts shall be processed in accordance with the provisions of the Residential Infill Pilot Program provisions of TMC 13.05.060. Pursuant to those requirements, the applicant shall submit, in conjunction with the application, site plan drawings and drawings of building elevations, information on building materials, and complete information indicating how the property will meet the above criteria.~~

~~c. Between four and 24 Cottage Housing units may be allowed by conditional use permit in any residential district except HMR-SRD. A conditional use permit for a Cottage Housing unit shall only be approved upon a finding that such a use is consistent with all of the following criteria:~~

~~(1) The proposed lot is a minimum of 7,000 square feet in size.~~

~~(2) The proposal is consistent with the Residential Infill Pilot Program criteria contained in TMC 13.05.060.~~

~~(3) The proposed development is designed to provide variety in unit sizes, building and site features, and site design elements. Landscaping shall be designed in an attractive way and according to a coherent design. Residential units are laid out to be oriented to the public right-of-way and shared open space.~~

~~Building massing is designed to have limited impact on neighboring properties and parking is to be off the alley, where possible, and minimized through screening and landscaping.~~

~~(4) Applications for Cottage Housing units in all residential districts except HMR SRD shall be processed in accordance with the provisions of the Residential Infill Pilot Program provisions of TMC 13.05.060, TMC 13.06.080.C, and TMC 13.05.010.A. Pursuant to those requirements, the applicant shall submit, in conjunction with the application, site plan drawings and drawings of building elevations, information on building materials, and complete information indicating how the property will meet the above criteria.~~

~~d. Planned Infill Housing developments may be allowed by conditional use permit in any residential district except HMR SRD. A Conditional Use Permit for Planned Infill Housing shall only be approved upon a finding that such use is consistent with all of the following criteria:~~

~~(1) The proposed lot is a minimum of 3,500 square feet in size in the R-3 Zone and 7,000 square feet in size in all other zones.~~

~~(2) The proposal is consistent with the Residential Infill Pilot Program criteria contained in TMC 13.05.060.~~

~~(3) Development must respond to context and neighboring structures through massing, bulk, materials, landscaping, and building placement.~~

~~(4) Buildings must orient entrances toward the public right of way and parking shall be located to the rear of the site in a manner that obscures it from view from the street frontage.~~

~~(5) Applications for Planned Infill Housing units in all residential districts shall be processed in accordance with the provisions of the Residential Infill Pilot Program provisions of TMC 13.05.060 and TMC 13.05.010.A. Pursuant to those requirements, the applicant shall submit, in conjunction with the application, site plan drawings and drawings of building elevations, information on building materials, and complete information indicating how the property will meet the above criteria.~~

25. Affordable housing bonus.

The intent of this section is to provide an optional incentive to religious organizations and/or nonprofits seeking to develop and manage multifamily projects integrating significant affordable housing, while ensuring reasonable compatibility with neighborhood scale and character and limiting negative impacts to the neighborhood. Applications for conditional use permits for Bonus Density for Affordable Housing on land owned by religious organizations or by nonprofit affordable housing providers shall be processed in accordance with the standard procedures for conditional use permits, with the following additional requirements.

~~a. The application criteria and review process shall be the same as the Infill Pilot Program per TMC 13.05.060.~~

ba. Religious organizations as defined by RCW 26.04.007, as amended, as well as nonprofit affordable housing providers, meeting the requirements of these provisions may utilize the land use and development standards applicable to the R4-L Residential District.

eb. To qualify, applicants must provide a minimum of 20% of the total units affordable for a minimum of 15 years at the following affordability rates:

(1) Rental units must be affordable at the 80% of Area Median Income.

(2) Ownership units must be affordable at 115% of Area Median Income.

(3) The general provisions of TMC 1.39 Affordable Housing Incentives and Bonuses Administrative Code shall apply. The fee in lieu option is not available for this purpose.

ed. 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.

ed. 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.

Exhibit C: 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 D: Pedestrian Streets

13.06.010 General Provisions

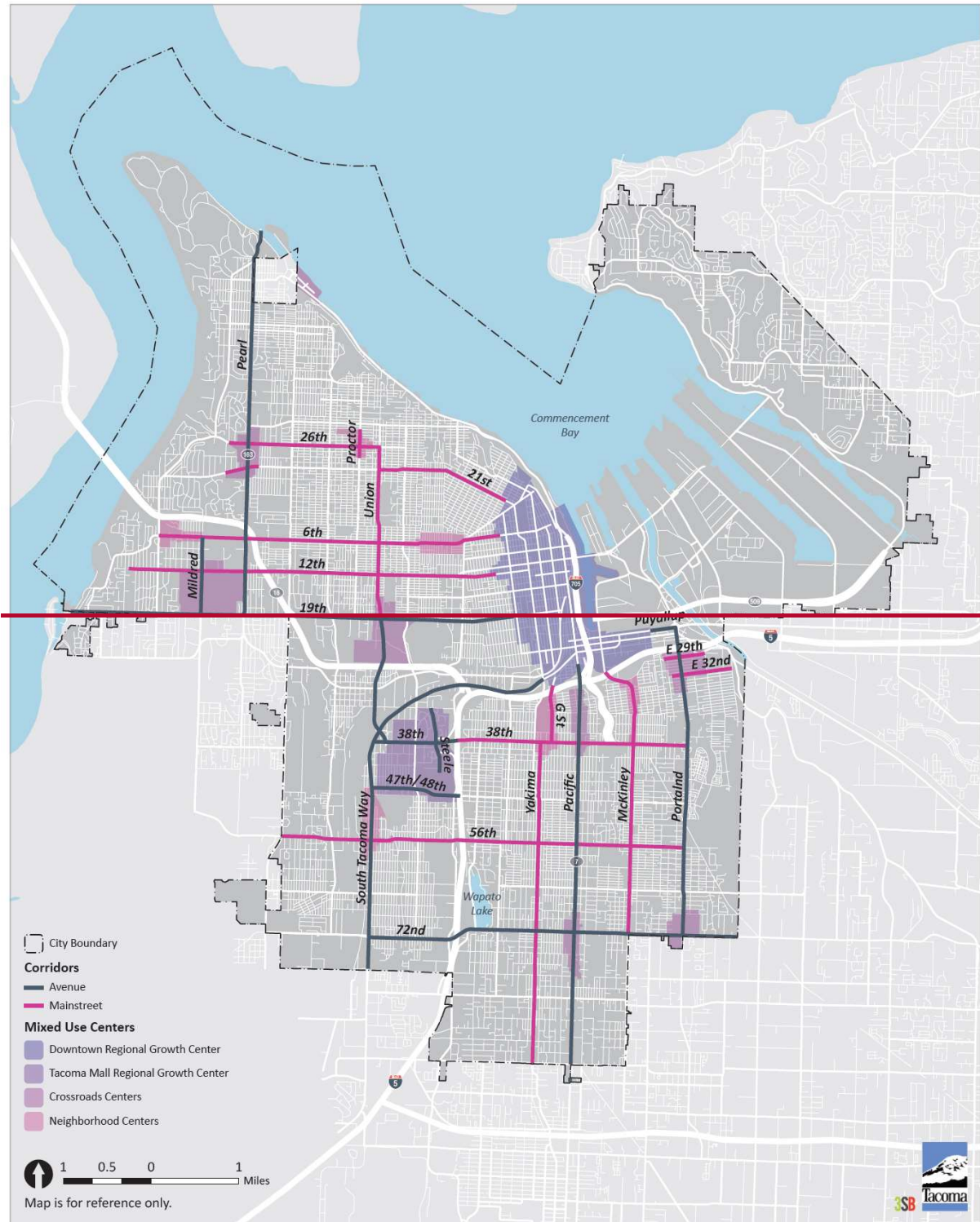
D. Pedestrian streets designated.

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

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

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

Exhibit E: 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 ¹	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5, and 6 at bottom of table)
Agriculture and Natural Resources									
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	
Residential Uses									
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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.
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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District. 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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District. 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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District. Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.

Uses		NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5 , 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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.
	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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.
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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.
	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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.
	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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.
	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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5 , 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 where Residential uses are not permitted within the Tacoma Mall Neighborhood RGC , in Commercial only area of the UCX District.
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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.
Short-term rental (3-9 guest rooms)	P	P	P	CU	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX, 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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.
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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.
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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5, 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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial-only area of the UCX District.
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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial-only area of the UCX District.
Medical and Health Services									
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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial-only area of the UCX District.
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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial-only area of the UCX District.
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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial-only area of the UCX District.
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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial-only area of the UCX District.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5 , 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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.
Community and Civic Facilities									
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. ² Not subject to minimum densities. Prohibited within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.
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 within the area indicated in Figure 4 in Section 13.06.040.J.6. in Commercial only area of the UCX District.
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 ¹	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5, and 6 at bottom of table)
Footnotes:									
<p>1. 1. 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

