



# 2013 ANNUAL AMENDMENT TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

## STATUS REPORT February 20, 2013

### Summary of the 2013 Annual Amendment Package\*

<b>1. Drive-Through Regulations</b> (Application #2013-01)	Restricting drive-throughs in Downtown and Mixed-Use Centers (A private application by Jori Adkins, Dome District Development Group).
<b>2. Countywide Planning Policies</b> (Application #2013-02)	Review of the 2012 Updates to the Pierce County Countywide Planning Policies for consistency with the City's Comprehensive Plan.
<b>3. Transportation Element</b> (Application #2013-04)	Updating and reprioritizing unfunded projects and incorporating "Environmental Justice" into relevant policies (per VISION 2040).
<b>4. Shoreline Related Elements</b> (Application #2013-05)	Rescinding the Thea Foss Waterway Design and Development Plan, the Ruston Way Plan, and the Shoreline Trails Plan, but carrying forward the vision and implementation strategies within the proposed Tacoma Waterfront Design Guidelines and an update of the Public Access Alternatives Plan.
<b>5. Land Use Designations</b> (Application #2013-06)	Revising the Comprehensive Plan's land use designation approach from the current Land Use Intensities to a more simplified and easily understood classification system.
<b>6. Adoption and Amendment Procedures</b> (Application #2013-07)	Amending TMC 13.02 to streamline the Planning Commission's processes for the Comprehensive Plan, area-wide rezones, moratoria, and interim zoning.
<b>7. Platting and Subdivision Regulations</b> (Application #2013-08)	Amending TMC 13.04 to increase the maximum short plat size from four to nine lots (per RCW) and address associated regulatory requirements.
<b>8. Sign Regulations</b> (Application #2013-09)	Amending the Sign Code to address on-site digital signage and various sign related issues (per request of the Planning Commission).
<b>9. Regulatory Code Cleanup</b> (Application #2013-12)	Amending various sections of the Land Use Regulatory Code to correct minor errors, provide additional clarity, and improve administrative efficiency.

\* Note: #2013-03 Container Port Element, #2013-10 Affordable Housing, and #2013-11 Trail-Oriented Design Standards have been removed from the package and are being conducted according to their own respective schedules.

### Schedule

July 18, 2012	Planning Commission review of summary of proposals
August 1, 2012	Planning Commission approved of the Assessment Report for the proposals
Sep. 2012 – Feb. 2013	Technical analyses of the proposals
February 20, 2013	Planning Commission authorization of proposed amendments for public review
March 13	Community Information Session (pre-hearing)
March 20	Planning Commission Public Hearing
April 3	Planning Commission review of testimony
April 17	Planning Commission recommendations
April 30	Economic Development Committee review
May 7	City Council Study Session
May 21	City Council Public Hearing
June 4	First reading of ordinances
June 11	Final reading and adoption of ordinances
July 1, 2013	Effective date of amendments

### Website

[www.cityoftacoma.org/Planning](http://www.cityoftacoma.org/Planning) > "2013 Annual Amendment"

**1. Drive-Through Regulations**  
(Application #2013-01)

Restricting drive-throughs in Downtown and Mixed-Use Centers  
(A private application by Jori Adkins, Dome District Development Group)

**Proposal (original)**

- Applicant – Jori Adkins , Dome District Development Group
- As submitted, the application calls for drive-throughs to be prohibited outright in Downtown and the more urban of the X Districts.

**Proposal (modified)**

1. The Zoning Code already contains a range of requirements applicable to drive-throughs in X Districts and Downtown. However, there are currently no requirements applicable specifically to drive-throughs in the other zoning districts where they are permitted.
2. The approach is to build on the existing requirements; extend those which have general applicability beyond the zones where they currently apply; and, add some new requirements to address the issues raised by this application.
3. In X Districts, drive-throughs would have several additional requirements, including requiring stacking lanes to be located behind the main building.
4. In Downtown Districts and the UCX-TD District, drive-throughs would need to be located entirely within a building.
5. The proposal would have the following affects citywide (where drive-throughs are permitted):
  - Reduce impacts to the pedestrian environment on designated pedestrian streets or streetcar/light rail streets;
  - Require visual screening of drive-through service areas and stacking lanes;
  - Minimize the likelihood of vehicular and pedestrian conflicts; and
  - Reduce noise impacts.

**Outreach**

- General outreach to the community - presented the Annual Amendment Package to Master Builders Association (MBA), Sustainability Commission, Neighborhood Councils (New Tacoma, West End, and South End), and South Tacoma Business District Association. Additional outreach will occur through and during the Planning Commission and City Council's public hearing and notice processes.
- Staff also met with Jori Adkins, the applicant, as well as with a representative of the Chamber of Commerce, with City staff responsible for traffic, and for economic development and business districts, and with commercial real estate brokers employed by a firm which assists corporate clients to find appropriate locations for commercial development (including drive-throughs).

**Planning Commission's Review**

Reviewed on November 7, 2012, and February 6 and 20, 2013; concurred with staff's analysis; and authorized the distribution of the proposed amendments for public review.

**2. Countywide Planning Policies**  
(Application #2013-02)

Review of the 2012 Updates to the Pierce County Countywide Planning Policies for consistency with the City's Comprehensive Plan.

**Proposal**

Review the recently amended Countywide Planning Policies (CPPs) for Pierce County to ensure that the City's Comprehensive Plan continues to be consistent with the CPPs and the regional growth plan, VISION 2040. Amend the Comprehensive Plan if necessary.

Staff has reviewed the CPPs and concluded that:

1. The Comprehensive Plan is consistent with the CPPs; it contains appropriate policy provisions that correspond to the recent amendments to the CPPs;
2. There are opportunities to strengthen the Comprehensive Plan's language pertaining to such policy issues as growth targets, affordable housing allocations, urban design, health, climate change, air quality, and sustainable transportation (where there could potentially be new elements of the Comprehensive Plan to address urban design and health, respectively); and
3. These issues should be incorporated in the scope work for the "2015 Comprehensive Plan Update", which is the next all-encompassing review of the Comprehensive Plan and development regulations mandated by the Growth Management Act for completion by June 30, 2015, so that these issues and other proposed amendments are considered in a coordinated and effective manner.

**Outreach**

General outreach to the community - presented the Annual Amendment Package to Master Builders Association (MBA), Sustainability Commission, Neighborhood Councils (New Tacoma, West End, and South End), and South Tacoma Business District Association. Additional outreach will occur through and during the Planning Commission and City Council's public hearing and notice processes.

**Planning Commission's Review**

Reviewed on December 5, 2012; concurred with staff's analysis; and authorized the distribution of the staff report for public review.

### **Proposal**

1. Incorporate “Environmental Justice” to be consistent with VISION 2040 and to align with current community standards and most regional and federal grant funding requirements:
  - Incorporating “Environmental Justice” into the Policy Intent for Multimodal System.
  - Adding “Environmental Justice” to the Project Selection and Evaluation Criteria section for certain transportation programs/projects.
2. Update, reprioritize and consolidate projects contained in the Mobility Master Plan (MoMaP).
3. Remove the table for prioritizing classes of bikeway projects, which has been updated with current industry standards.
4. Update the Unfunded Project List by:
  - Adding “Pacific Avenue between S. 43rd and 56th” to the Arterial Street Projects.
  - Revising “6th Avenue from Sprague to Alder” under Neighborhood Action Strategies.
  - Relocating projects from the “Bike Facilities and Trails (1140 Fund) – New” section to the MoMaP section.
5. Update the text to address the following matters:
  - “Active transportation” vs. “non-motorized transportation”
  - “Transportation demand forecasting” vs. “travel demand forecasting”
  - Growth and Transportation Efficiency Center (GTEC)
  - Downtown on the Go (DTOG).
  - Bicycle Friendly Community designation by the League of American Bicyclists.
  - “Safe Routes to School” and “Safe Routes to Transit, Parks and Employment” programs.

### **Outreach**

- General outreach to the community - presented the Annual Amendment Package to Master Builders Association (MBA), Sustainability Commission, Neighborhood Councils (New Tacoma, West End, and South End), and South Tacoma Business District Association. Additional outreach will occur through and during the Planning Commission and City Council's public hearing and notice processes.
- The proposed amendments to the Mobility Master Plan section are from staff observation and expertise, requests from the public and with the oversight of the Bicycle and Pedestrian Action Committee (BPAC).
- The changes to the Unfunded Project List were generated from the project ideas submitted by Neighborhood Business Districts in the summer of 2012, in response to the Public Works Department's community outreach efforts for the annual update of the 2012-2018 Six-Year Program.

### **Planning Commission's Review**

Reviewed on September 19, 2012; concurred with staff's analysis; and authorized the distribution of the proposed amendments for public review.

#### **4. Shoreline Related Elements** (Application #2013-05)

Rescinding the Thea Foss Waterway Design and Development Plan, the Ruston Way Plan, and the Shoreline Trails Plan, but carrying forward the vision and implementation strategies within the proposed Tacoma Waterfront Design Guidelines and an update of the Public Access Alternatives Plan.

#### **Proposal**

1. Rescind the Thea Foss Waterway Design and Development Plan, Ruston Way Plan, and the Shoreline Trails Plan as elements of the Comprehensive Plan;
2. Update the Public Access Alternatives Plan to further integrate the vision, plan area, and implementation strategies for these subarea plan elements;
3. Develop a set of Tacoma Waterfront Design Guidelines to enhance the shoreline's positive and distinct features, improve the aesthetic qualities of the shoreline, and to ensure that new public access is designed for a variety of users and to promote accessibility for all of Tacoma's residents, consistent with the adopted Shoreline Master Program;
4. Incorporate the Public Access Alternatives Plan and Tacoma Waterfront Design Guidelines by reference into the Open Space Element of the Comprehensive Plan.

#### **Outreach**

- General outreach to the community - presented the Annual Amendment Package to Master Builders Association (MBA), Sustainability Commission, Neighborhood Councils (New Tacoma, West End, and South End), and South Tacoma Business District Association. Additional outreach will occur through and during the Planning Commission and City Council's public hearing and notice processes.
- The proposed amendments are in response to public comments provided to City Staff, Planning Commission and City Council as part of the Shoreline Master Program update in 2011.
- City staff has met with and solicited comments from Metro Parks Tacoma staff, Port of Tacoma staff and Foss Waterway Development Authority staff.

#### **Planning Commission's Review**

- The Commission reviewed the application staff report on November 7, 2012 and concurred with staff's project approach.
- The Commission reviewed the draft Public Access Alternatives Plan on December 5th and 19th, 2012 and provided comments.
- The Commission reviewed the draft Tacoma Waterfront Design Guidelines on January 16, 2013 and provided comments.

## **5. Land Use Designations**

(Application #2013-06)

Revising the Comprehensive Plan's land use designation approach from the current Land Use Intensities to a more simplified and easily understood classification system.

### **Proposal**

1. The overall project has multiple phases. Phase 1 involves review of the existing land use designations ("intensities") and the creation of a new land use designation framework, the adoption of portions of this new framework into the Comprehensive Plan, and some limited redesignations based on the new framework.
2. The specific amendments proposed as part of this application include:
  - Creating separate land use designations for the four different types of mixed-use centers (neighborhood, community, urban and downtown)
  - Adding a new land use designation for Shoreline areas
  - Modifying the land use designation for properties within the mixed-use centers and shoreline areas based on these new designations.
3. Proposed Land Use Designations:
  - Single-Family Residential
  - Multi-Family (low-density)
  - Multi-Family (high-density)
  - Neighborhood Commercial
  - General Commercial
  - Downtown Mixed-Use Center
  - Urban Mixed-Use Center
  - Community Mixed-Use Center
  - Neighborhood Mixed-Use Center
  - Light Industrial
  - Heavy Industrial
  - Parks and Open Space
  - Shoreline
4. The second phase, to be completed next year, would involve complete incorporation of the new framework into the Plan. This will necessitate a comprehensive review of the existing and proposed land use patterns against the new designation framework, as well as substantial redesignation of properties in the City based on the new framework.

### **Outreach**

General outreach to the community - presented the Annual Amendment Package to Master Builders Association (MBA), Sustainability Commission, Neighborhood Councils (New Tacoma, West End, and South End), and South Tacoma Business District Association. Additional outreach will occur through and during the Planning Commission and City Council's public hearing and notice processes.

### **Planning Commission's Review**

Reviewed on January 16 and February 6, 2013; concurred with staff's approach and analysis; and authorized the distribution of the proposed amendments for public review.

**6. Adoption and Amendment Procedures**  
(Application #2013-07)

Amending TMC 13.02 to streamline the Planning Commission's processes for the Comprehensive Plan, area-wide rezones, moratoria, and interim zoning.

**Proposal**

**1. TMC 13.02.040 – Duties and responsibilities**

- Require the Planning Commission to “develop the work program for the coming year in consultation with the City Council.” Currently, the Commission approves its work program that is prepared by staff.

**2. TMC 13.02.044 – Comprehensive Plan**

- Condense the description of the Comprehensive Plan elements mandated by the GMA and make reference to the relevant legislation pertaining to each element.

**3. TMC 13.02.045 – Adoption and amendment procedures**

- Consolidate the 12 questions into 8 and simplify the form for the application for amendment.
- Consolidate the 7 criteria into 3 for the assessment of proposed amendments.
- Consolidate the 10 criteria into 2 fundamental categories (i.e., benefiting the City and conforming to applicable laws) for the analysis of proposed amendments, and add a requirement to address such additional aspects as public outreach, economic impacts, sustainability impacts, and environmental determination.

**4. TMC 13.02.055 – Moratoria and interim zoning**

- Streamline the process for Council-initiated moratoria or interim zoning. Currently, the Council's imposition of moratoria or interim zoning shall be referred to the Planning Commission for findings of fact and a recommendation to help justify the Council's action. The Commission must formulate its recommendations, including conducting a public hearing, within 30 days of the time when it was first informed of the Council's referral. The Council must hold a public hearing within 60 days of the adoption of a moratorium or interim zoning to justify its action. The proposed amendment would remove the public hearing requirement and the 30-day timeframe for the Commission.

**Outreach**

General outreach to the community - presented the Annual Amendment Package to Master Builders Association (MBA), Sustainability Commission, Neighborhood Councils (New Tacoma, West End, and South End), and South Tacoma Business District Association. Additional outreach will occur through and during the Planning Commission and City Council's public hearing and notice processes.

**Planning Commission's Review**

Reviewed on September 19 and October 3, 2012; concurred with staff's approach and analysis; and authorized the distribution of the proposed amendments for public review.

**7. Platting and Subdivision Regulations**  
(Application #2013-08)

Amending TMC 13.04 to increase the maximum short plat size from four to nine lots (per RCW) and address associated regulatory requirements.

**Proposal**

1. Amend TMC 13.04 Platting and Subdivisions (the “Platting Code”) to increase the maximum number of lots, tracts or parcels from 4 to 9 under a short subdivision to be consistent with RCW 58.17.020.
2. Require a 14-day, 400-foot public notice for five to nine lot short subdivisions.
3. Require off-site/on-site improvements or bonding prior to recording of all short subdivisions. (Short subdivisions currently do not have this requirement; only applicable to 5 or more lots).
4. Require street lighting and pedestrian-scale lighting for both short subdivisions and subdivisions as deemed appropriate by the appropriate decision makers. (Under the current code, street lighting is currently required for subdivisions but not for short subdivisions.)
5. Require the applicant to demonstrate why public or private accessways cannot be aligned with the surrounding street system for pedestrian, bicycle and vehicular connectivity.
6. Eliminate in-lieu fee for open space dedication.
7. Revise the definitions for “short subdivision” and “subdivision” so that it is clear that critical areas and their buffers are not automatically required to be located within separate, dedicated tracts.
8. Unbuildable Lots will not be counted towards a subdivision/short subdivision determination.

**Outreach**

- General outreach to the community - presented the Annual Amendment Package to Master Builders Association (MBA), Sustainability Commission, Neighborhood Councils (New Tacoma, West End, and South End), and South Tacoma Business District Association. Additional outreach will occur through and during the Planning Commission and City Council’s public hearing and notice processes.
- Staff will continue to meet with representatives from the Public Works Department, City Surveyor, Legal Department, Tacoma Public Utilities, Tacoma Police Department and current planning to work on the recommendations and revised code language under this application.
- Staff will provide illustrative examples, benchmarking, City permit data, and responses from our public outreach at one of the early 2013 Planning Commission meetings. Of particular interest will be feedback from the MBA on the off-site/on-site improvement proposal for all short plats.

**Planning Commission’s Review**

Reviewed on December 5 and December 19, 2012; concurred with staff’s approach and analysis; and authorized the distribution of the proposed amendments for public review.

**8. Sign Regulations**  
(Application #2013-09)

Amending the Sign Code to address on-site digital signage and various sign related issues (per request of the Planning Commission).

**Proposal**

1. Create a new subsection in TMC 13.06 Zoning to better define digital signs (Electronic Changing Message Center Signs).
2. Provide new standards/regulations for Electronic Changing Message Center Signs:
  - Brightness Regulation – Requirement of .3 candle above ambient light maximum
  - Size Limitations – Area maximum to 30 square feet; height of 15 feet
  - Hours of Operation – Digital changing message centers shall not operate past the hours of operation of the facility in which it serves; in no case can such sign operate between 10 p.m. and 6 a.m. in residential zoning district; will be required to be equipped with device that will automatically limit such operation.
  - Message Timing – Require digital changing message center signs to have 8 seconds per message minimum. Transitions between messages would be prohibited.
  - Exemptions – Super regional mall sites and regional convention and entertainment sites would be exempt from height limitations and area limitations; Sites include the Tacoma Mall, the Tacoma Dome, TCC, Cheney Stadium, and UWT.
3. Exemption for Pedestrian Friendly Signs in all Mixed-Use Districts:
  - Over sidewalk/under canopy hanging signs up to 8 square feet exempt
4. Create additional standards to address feather signs.
  - Feather signs would be limited to 6 feet in height and 12 square feet in area
  - One per 25 feet of frontage would be allowed, with a maximum of three signs per frontage

**Outreach**

- General outreach to the community - presented the Annual Amendment Package to Master Builders Association (MBA), Sustainability Commission, Neighborhood Councils (New Tacoma, West End, and South End), and South Tacoma Business District Association. Additional outreach will occur through and during the Planning Commission and City Council's public hearing and notice processes.
- Staff will provide illustrative examples, benchmarking, and responses from our public outreach at one of the early 2013 Planning Commission meetings. Of particular interest will be feedback from commercial sign contractors and designers.

**Planning Commission's Review**

Reviewed on November 7, 2012, and February 6 and 20, 2013; concurred with staff's analysis; and authorize the distribution of the proposed amendments for public review.

## 9. Regulatory Code Cleanup (Application #2013-12)

Amending various sections of the Land Use Regulatory Code to correct minor errors, provide additional clarity, and improve administrative efficiency.

### Proposal (key changes)

1. **Administrative Determination Permit Type** – Create an Administrative Determination permit type to provide a more clearly defined process for Determinations of the Director. Notification of an Administrative Determination will be mailed to the property owner and applicant while the discretion to extend the notice to neighbors, community groups, or agencies will be determined on a case-by-case basis by the Director. Examples of Administrative Determinations are reasonable accommodations, review of non-conforming rights, zoning verifications, and minor variances.
2. **Minor Variance Permit Type** – Create a minor variance permit which is a variance in which the relief requested is within 10 percent of the quantified standard contained in the code. These would be processed in accordance with the procedures for the previously mentioned Administrative Determinations.
3. **Authority for Equivalencies** – Provide the Director the discretion to determine that an alternative design proposed by the applicant meets the intent of the regulation and is therefore equivalent. However, the Director may determine that an equivalency has not been proposed and may deny the request, and the applicant may then choose to apply for a variance or redesign the project.
4. **Permit Extensions** – Add provisions for a one-year, one-time permit extension for certain Land Use Permits.
5. **Building Height Measurement** – Through this proposal the height of all buildings that are not located within a View-Sensitive Overlay District will be measured in accordance with the applicable Building Code. Buildings located within a View-Sensitive Overlay District will use the method currently provided in the definition found in TMC 13.06.
6. **Variances in Downtown** – Allow variances in all of the Downtown Districts. Presently, variances are not allowed to certain standards and this change would allow more flexibility in the application of the code in Downtown Tacoma. (TMC 13.06A)
7. **Craft Production** – Create a new use category of “Craft Production” which will replace, and combine the intent and purposes of, “Art/Craft Production,” “Craft food and non alcoholic beverage production,” and “Microwinery, limited.” The new category also would allow for the craft production of alcoholic beverages in quantities of up to 5,000 gallons a year. Craft Production is a commercial use that allows for the production of arts, crafts, foods, and beverages with on-site production of goods using hand tools and small-scale equipment.

### Outreach

General outreach to the community - presented the Annual Amendment Package to Master Builders Association (MBA), Sustainability Commission, Neighborhood Councils (New Tacoma, West End, and South End), and South Tacoma Business District Association. Additional outreach will occur through and during the Planning Commission and City Council’s public hearing and notice processes.

### Planning Commission’s Review

Reviewed on February 6, 2013, and concurred with staff’s approach and analysis; and authorized the distribution of the proposed amendments for public review.