

Comprehensive Plan And Land Use Regulatory Code

Proposed Amendments for 2016



Planning Commission Recommendation

June 15, 2016

City of Tacoma
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I.
Planning Commission's
Recommendation



City of Tacoma
Planning Commission

Chris Beale, Chair
Stephen Wamback, Vice-
Chair
Meredith Neal
Anna Petersen
Brett Santhuff
Dorian Waller
Scott Winship
Jeff McInnis

June 15, 2016

The Honorable Mayor and City Council
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402

RE: 2016 Annual Amendment

Honorable Mayor and Members of the City Council,

On behalf of the Tacoma Planning Commission, I am forwarding our recommendations on the Proposed Amendments to the Comprehensive Plan and the Land Use Regulatory Code for 2016 (the "2016 Annual Amendment"). Enclosed is the "*Planning Commission's Findings and Recommendations Report, June 15, 2016*" that summarizes the proposed amendments, the public review process, and the Planning Commission's deliberations.

Specifically, we recommend that the City Council:

- Adopt the proposed area-wide rezones as described herein;
- Adopt the Future Land Use Map amendment for the Franke Tobey Jones site;
- Postpone the adoption of the proposed area-wide rezone for Alaska and S 72nd St. and to continue with further community dialogue to develop a land use and design strategy for this area;
- Postpone the adoption of the proposed area-wide rezone for Cheney Stadium, Foss High School and Heidelberg Park and instead partner with Metro Parks Tacoma, the Tacoma School District, the Tacoma Rainiers, and the Central Neighborhood Council to explore the development of a Master Plan for this area and an institutional zone or overlay zone;
- Adopt the proposed multi-family residential design and development standards to ensure new development is better implementing the policies of the Comprehensive Plan;
- Adopt the proposed code amendments and design standards to achieve consistency with recent FCC rule changes pertaining to wireless communication facilities;
- Adopt the proposed code amendments for short-term rentals to establish a clear, predictable, and reasonable regulatory approach for these uses; and
- Adopt various clean-up amendments to the Land Use Regulatory Code.

The Planning Commission believes the proposed 2016 Annual Amendment will help achieve the City's strategic goals for a safe, clean and attractive community and a diverse, productive and sustainable economy.

Sincerely,

CHRIS BEALE, Chair
Tacoma Planning Commission

Enclosure



**2016 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

TACOMA PLANNING COMMISSION
FINDINGS OF FACT AND RECOMMENDATIONS
June 15, 2016

A. SUBJECT:

“2016 Annual Amendment” – Proposed Amendments to the Comprehensive Plan and the Land Use Regulatory Code for 2016.

B. SUMMARY OF PROPOSED AMENDMENTS:

The 2016 Annual Amendment package includes the following five (5) subjects:

APPLICATION	PLAN / CODE AMENDMENT	DESCRIPTION OF PROPOSED AMENDMENT
1. Future Land Use Implementation – Phase 1	Plan & Code Amendment	Implement phase 1 of a multi-year effort to implement the Future Land Use Map of the Comprehensive Plan by evaluating inconsistencies between the Comprehensive Plan and the Zoning map and to rectify the inconsistencies.
2. Multifamily District Design Standards	Code Amendment	Review and amend the development standards for the multifamily residential zoning districts to ensure consistency with Comprehensive Plan policies pertaining to street and pedestrian orientation, connectivity, building design, site layout, and off-site transitions.
3. Wireless Communication Facilities	Code Amendment	Evaluate the code in response to recent Federal legislation that identified wireless facilities as important basic infrastructure and to make sure local jurisdictions don't put these facilities through any unnecessary or punitive processes.
4. Short Term Rentals	Code Amendment	Amend the Tacoma Municipal Code to clarify regulations in support of short term rentals. The goal is to clearly delineate regulations specific to the growing short term rental market. Specifically, the regulations will address concerns related to life-safety and residential compatibility.
5. Plan and Code Cleanup	Plan & Code Amendment	Minor code amendments to improve consistency with and better implement the intent of the Comprehensive Plan. This year, the code cleanups are proposed for Tacoma Municipal Code, Title 1: Administration and Personnel, Chapter 13.05: Land Use Permit Procedures, Chapter 13.06: Zoning, and Chapter 13.10: Shoreline Master Program.

C. FINDINGS OF FACT:

1. Comprehensive Plan and Development Regulations – The Comprehensive Plan, adopted in 1993 by Ordinance No. 25360 and amended by ordinance once every year thereafter, is Tacoma's comprehensive plan as required by the State Growth Management Act (GMA) and consists of several plan and program elements. As the City's official statement concerning future growth and development, the Comprehensive Plan sets forth goals, policies and strategies for the health, welfare

and quality of life of Tacoma’s residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is the key regulatory mechanism that supports the Comprehensive Plan.

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

- The State Growth Management Act (GMA);
- The State Environment Policy Act (SEPA);
- VISION 2040, the Growth Management, Environmental, Economic, and Transportation Strategy for the Central Puget Sound Region;
- Transportation 2040, the action plan for transportation in the Central Puget Sound Region;
- The Countywide Planning Policies for Pierce County;
- The City Council’s guiding principles for planning the future growth: (1) to protect neighborhoods, (2) to protect critical areas, (3) to protect port, industrial and manufacturing uses, and (4) to increase densities in the downtown and neighborhood business districts (Resolution No. 37070, December 19, 2006); and
- TMC 13.02 concerning the procedures and criteria for amending the Comprehensive Plan and development regulations and for area-wide zoning reclassifications.

3. Receipt and Review of Applications – Based on the Planning Work Program for 2015-2016, Planning staff compiled and submitted five applications to the Planning Commission for consideration as part of the 2016 Annual Amendment. The Commission conducted an assessment of the applications in December – January 2016, pursuant to TMC 13.02.045.E, and approved the Assessment Report on January 6, 2016. Technical analyses of the applications were conducted in the subsequent months.

The table below depicts the schedule and timeline for the review of the applications:

Date	Actions
November 4, 2015	Planning Commission review of Planning Work Program for 2016-2017, including the 2016 Annual Amendment Package
December 9, 2015	Infrastructure, Planning and Sustainability Committee review of Planning Work Program for 2016-2017
January – June 2016	Public Outreach (including community workshops, meetings with Neighborhood Councils and stakeholders, and correspondence and online communications)
January 6, 2016	Planning Commission review and approval of the Assessment Report that contains scope of work, key issues, and schedule
February – April 2016	Planning Commission review of various proposed amendments
February 24, 2016	Infrastructure, Planning and Sustainability Committee review
April 6, 2016	Planning Commission releasing proposal package for public review and setting a public hearing date
April 26, 2016	City Council Study Session – Review 2016 Annual Amendment Package prior to Planning Commission’s public hearing
April 27, 2016	Community Informational Session

May 4, 2016	Planning Commission's 1 st Public Hearing (keeping the hearing record open through May 25 to accept written comments)
May 11, 2016	Infrastructure, Planning and Sustainability Committee review
May 18, 2016	Planning Commission's 2 nd Public Hearing (keeping the hearing record open through May 25 to accept written comments)
June 1, 2016	Planning Commission review public comments and consideration of modifications to the proposal
June 15, 2016	Planning Commission recommendations to the City Council

4. Public Notification and Outreach Process:

- (a) A Planning Manager's Letter to the Community was widely distributed to various interested entities on January 11, 2016, informing the community of the status and schedule of the 2016 Annual Amendment, a summary of the applications being considered by the Planning Commission, and how to obtain more information, make inquiries or provide comments and feedback.
- (b) In mid-February a public notice was sent to all taxpayers within one of 8 designated area-wide rezone study areas and to those taxpayers within 400' to 800' of the area boundary. This noticed identified specific areas under review and the potential area-wide rezone options being considered. Notice was sent to approximately 1300 residents.
- (c) Public hearings were set for May 4 and May 18, 2016, and the record was kept open through May 25, 2016 to receive written comments. Staff also held an informational session on April 27, 2016 for citizens to learn more about the proposed amendments and to ask questions.
- (d) The notice of the Public Hearing and the Informational Session was disseminated widely in April and May as described below:
 - Public Hearing Notice/Pamphlet – A notice and informational pamphlet announcing the public hearing on May 4 and the community informational session on April 27 was distributed to the City Council, Neighborhood Councils, business district associations, civic organizations, environmental groups, the development community, the Puyallup Tribal Nation, adjacent jurisdictions, major employers and institutions, City and State departments, the Tacoma Public Library, and other known stakeholders and interested entities. The notice was also mailed to property owners within and within 800 – 1200 feet of a proposed area-wide rezone. Notices were sent to approximately 2400 taxpayers.
 - Public Hearing Notice/Postcard – A postcard notice announcing a second public hearing on May 18 was distributed to the City Council, Neighborhood Councils, business district associations, civic organizations, environmental groups, the development community, the Puyallup Tribal Nation, adjacent jurisdictions, major employers and institutions, City and State departments, the Tacoma Public Library, and other known stakeholders and interested entities. The notice was also mailed to property owners within and within 800 – 1200 feet of a proposed area-wide rezone. Notices were sent to approximately 2400 taxpayers.
 - Public Notice Signs – Pursuant to TMC 13.02.057, public notice signs were installed in the areas associated with the proposed area-wide rezones.
 - Library – The public hearing notice and the Executive Summary Packet of the Public Review Document were forwarded to the Tacoma Public Library to be available for patrons' review at all eight branches.
 - News Media – An advertisement was placed in The News Tribune on April 18, 2016; a legal notice regarding the environmental determination was placed in the Tacoma Dailey Index on April 18, 2016; a public announcement was broadcast on TV Tacoma from April 25 to May 18,

2016; and an e-mail news release, “Tacoma News”, was issued through the City’s Media and Communications Office on April 25, 2016 and again on May 11, 2016.

- 60-Day Notices – A “Notice of Intent to Adopt Amendment 60 Days Prior to Adoption” was sent to the State Department of Commerce (per RCW 36.70A.106), and Joint Base Lewis-McChord (per RCW 36.70A.530(4)). A similar notice was also sent to the City of Tacoma Attorney’s Office, requesting legal review on whether the City Council’s adoption of the proposed amendments might result in an unconstitutional taking of private property (per RCW 36.70A.370).
 - Website – The public hearing notice and all information associated with the 2016 Annual Amendment are posted on the Planning Services Division’s website at www.cityoftacoma.org/Planning, and linked to either “2016 Annual Amendment”.
- (e) **Environmental Review** – Pursuant to Washington Administrative Code (WAC) 197-11 and Tacoma’s SEPA procedures, a Preliminary Determination of Environmental Nonsignificance was issued on April 8, 2016 (SEPA File Number LU16-0076), based upon a review of an environmental checklist. One comment, from the Department of Ecology, was received on the environmental determination suggesting the City develop future policies for the Comprehensive Plan pertaining to the Smelter Plume and to consider project-level conditions related to soil conditions from the Smelter Plume. Staff is taking the comments under advisement but no changes were made to the proposed amendments as a result of the comments. The preliminary determination became final on June 1, 2016.
- (a) **Public Review Document** – The complete text of the proposed amendments, the associated staff analyses, the DNS and the environmental checklist, and relevant background information were compiled into the “*Comprehensive Plan and Land Use Regulatory Code – Proposed Amendments for 2016 / Public Review Document / Prepared for Planning Commission Public Hearing, May 4, 2016*” document (hereinafter referred to as the “Public Review Document”). The Public Review Document was made available for public review on the Planning Division website and at the office of the Planning and Development Services Department. Its availability was also announced to appropriate entities that had received the public hearing notice.

5. Public Hearing Comments and Responses:

- (a) At the public hearings on May 4 and May 18, 17 people testified. By the close of the comment period on May 25, 2016, 38 letters and e-mails were received.
- (b) Staff provided the Commission with the public comments received and initial staff responses and recommendations. The Commission reviewed the comments and staff recommendations on June 1, 2016 and concurred with most of staff’s suggested revisions, and provided additional modifications. The Commission provided final modifications to the 2016 Annual Amendment Package on June 15, 2016. In summary, the Commission determined that additional modifications be made to the 2016 Annual Amendment Package, as described in the subsequent sections below, i.e., sections (c) through (g).
- (c) Concerning the Future Land Use Map Implementation: Staff provided the Commission with a summary of community concerns over the notification process, concerns over the impacts of the proposed rezones on property values, concerns over the impacts on habitat, tree canopy, traffic, air quality, and safety, concerns with the concentration of multi-family residential development, and concerns over the rate of neighborhood change. Staff provided responses to these general concerns and recommended modifications to the proposed rezones which the Planning Commission accepted. Staff also noted comments in support of the proposed rezones where applicable and requests from property owners to be included in the proposal. The modifications are noted as applicable below.
- Nob Hill, South Downtown.
 - One comment received. Staff recommended no modifications to the proposed rezone as contained in the Public Review Document. The Planning Commission concurred.

- McKinley Police Substation in the McKinley Neighborhood Center.
 - No comments received. Staff recommended no modifications to the proposed rezone as contained in the Public Review Document. The Planning Commission concurred.
 - N 33rd and Pearl St.
 - Multiple comments received, primarily in opposition to the proposed rezone, but with several property owners in support. Staff recommended several modifications to the proposed rezone to ensure greater compatibility with the overall neighborhood and adjacent single family residential streets and to limit the overall allowed density. The Commission further modified staff's proposal and elected to propose an R-3 Two-family Dwelling District for the entire site.
 - North of Tacoma Community College to 6th Ave.
 - No comments received. Staff recommended no modifications to the rezone and Future Land Use Map amendments as contained in the Public Review Document. The Planning Commission concurred.
 - S Alaska and 72nd St.
 - Multiple comments received, primarily in opposition to the proposed rezone, but with several property owners in support. Staff recommended postponing the proposed area-wide rezone with a supplemental recommendation to continue a community conversation on the future land use and zoning from S 72nd Street, along Alaska St. to the driveway into the Winco parking lot, and to bring back a new proposal as part of the next annual amendment process. The Commission accepted staff's recommendation to postpone the rezone and continue evaluating potential long-term land use and design strategies for the area.
 - South Tacoma Industrial Zones
 - No comments received. Staff recommended no modifications to the proposed rezone as contained in the Public Review Document. The Planning Commission concurred.
 - Cheney Stadium and Foss High School
 - Public comments expressed concern over the types of uses that are allowed in the C-2 General Commercial Zoning District and also over the impact of the rezone on public notification requirements for the uses in the area. Staff concurred with the comments and recommended postponement of the proposed area-wide rezone as currently constituted with a supplemental recommendation to explore an institutional zoning district or overlay to better address the use, development and notification issues unique to large public facilities. The Commission concurred with staff's recommendations but further added a recommendation that the public agencies which jointly own and manage the properties in this area work jointly with the Central Neighborhood Council to develop a long term master plan for the area.
- (d) Concerning the Multi-family Design Standard Amendments: One comment was received in support of the amendments. Staff recommended and the Commission accepted several minor amendments, such as an inclusion of window design standards and adjustments to façade transparency requirements and building coverage. Staff proposed further modifications to the usable yard space requirements to both increase the amount of usable space provided, while also providing greater flexibility to meet the requirements. These modifications included:
- a. Shifting from a per unit usable yard space requirement for multi-family to an amount equal to 20 percent of the lot area;
 - b. Requiring a minimum amount of common yard space;
 - c. Allowing for an overall reduction in yard space provided for projects within ¼ mile walk distance of an active park; and
 - d. Allowing a share of the yard space to be accommodated as indoor recreation space.

The Planning Commission requested further modification of staff's proposals, to allow front porches to be included in the usable yard space calculation for single family residences, to amend the transparency requirement to set a minimum standard, and to add a statement pertaining to the enforcement of the tree canopy requirement.

- (e) Concerning the Wireless Communication Facility Amendments: No comments received. Staff recommended no further modifications to the proposed code amendments as contained in the Public Review Document. The Planning Commission concurred.
- (f) Concerning the Short Term Rental Amendments: No public comments were received. However, based on additional input from other departments, staff recommended some modifications to the proposal as contained in the Public Review Document. Upon further discussion, the Planning Commission decided to put forth minimum regulations that would recognize the emerging market of short-term rentals, set forth minimum standards related to life safety and provide clarity in regulations and enforcement. The proposed regulations would allow rentals of up to 9 guest rooms within an owner occupied dwelling, or rentals of an entire dwelling to a family, for up to 30 days at a time; would require safety signs be posted in guest rooms; would require the rented dwelling units be equipped with smoke and carbon monoxide detectors; and would require the maximum occupancy in guest rooms be dictated by the Minimum Building and Structures Code. Generally, short term rentals with less than 3 guest rooms and rentals of the entire dwelling would be permitted in all districts, except industrial districts, while rentals with 3-9 guest rooms would be prohibited in single-family residential districts and allowed in other districts subject to a conditional use permit.
- (g) Concerning the Code Cleanup Amendments: No comments received. Staff recommended and Commission accepted, several further modifications to the proposal as contained in the Public Review Document:
 - Revising public notification requirements to increase the minimum notification area associated with area-wide rezones, conditional use permits for large projects and public facility sites. The Commission further directed staff to include a map of the area of notice as part of future land use designation and area-wide rezone applications;
 - Revising reasonable accommodation standards to require an Accommodation Agreement, instead of a Concomitant Zoning Agreement, and to require an ADU Agreement to be recorded with the Auditor's office, instead of requiring notice on title;
 - Rectifying a conflict between land use buffering requirements and driveway access requirements; and
 - Revising the usable yard space calculation to exclude areas that are within a critical area and/or buffer.

D. CONCLUSIONS:

1. Concerning the Future Land Use Map Implementation, the Planning Commission concludes that the proposed amendments are consistent with the goals and policies of the Growth Management Act, advances the regional growth strategy established in VISION 2040, and are consistent with Pierce County Countywide Planning Policies.

The following is a summary of the Commission's conclusions pertaining to each proposed area-wide rezone:

- Nob Hill, South Downtown – The Planning Commission concludes that the area-wide rezone would rectify an inconsistency between the current policies of the One Tacoma Plan and the existing zoning district for this neighborhood. The zoning change would also bring this neighborhood into conformity with the current design and development standards for the Downtown Center and enhance the compatibility of the area with the planned uses and development patterns of the Downtown.

- McKinley Police Substation in the McKinley Neighborhood Center – The Planning Commission concludes that the area-wide rezone would address a longstanding inconsistency in the zoning district boundaries and promote the re-use of the site in a way that will enhance the overall quality of the neighborhood.
 - Franke Tobey Jones, on N. Vassault St. – The Planning Commission concludes that the land use designation change is consistent with the way other Planned Residential Developments were represented in the Comprehensive Plan and that the amendment will appropriately resolve a conflict between the Future Land Use map and the zoning districts.
 - N 33rd and Pearl St. – The Planning Commission concludes that the area-wide rezone would follow established land use patterns in the area, provide for additional housing supply and options, correct an inconsistency between the Plan and the Zoning, respond to the housing demands in the area, and create an appropriately scaled transition between the more intense uses along Pearl Street and the single family residential areas to the east.
 - North of Tacoma Community College to 6th Ave. – The Planning Commission concludes that the area-wide rezone would follow the changing land use patterns in this area, from a site of civic organizations to more intensive multi-family residential neighborhood, and create potential for significant investment in expanding housing options in an area in close proximity to two mixed-use centers and transit service. The Commission concludes that the proposed Future Land Use Map Amendment to Multi-family (low density) and an R-4L Low Density Multiple-Family Dwelling District along S. Mildred Street provides for an appropriate transition from single family to higher density land uses.
 - S Alaska and 72nd St. – The Planning Commission concludes that the specific proposals for the existing lots zoned R-2 Single Family Dwelling District at the corner of 72nd and Alaska warrant greater study and community outreach and should not proceed until the commercial zoning districts have been re-evaluated and updated to better reflect the City's adopted policies.
 - South Tacoma Industrial Zones – The Planning Commission concludes that the area-wide rezones would address long standing discrepancies between the One Tacoma Plan and the zoning in this area as well as resolve split zoned parcels. Further, the proposed rezone would not significantly change the intent or character of the area, but would better reflect the current uses and land use patterns of the area. The boundaries of the Manufacturing and Industrial Center would not be impacted.
 - Cheney Stadium and Foss High School – The Planning Commission concludes that the area-wide rezone would establish a zoning district consistent with the scale of the destination facilities and the existing uses. However, the Commission further concludes that the proposed C-2 General Commercial Zoning district would allow commercial uses that are inappropriate for the site and that the current public notice requirements are appropriate and should be retained, given the public nature of the site. The Commission concludes that the area warrants further study for a potential institutional overlay or zoning district and that, given the public ownership of the properties, a public agency master plan for the area should be considered and coordinated among the City of Tacoma, Metro Parks Tacoma, the Tacoma School District, and other stakeholders, including the Central Neighborhood Council.
2. Concerning the Multi-family Design Standards, the Planning Commission concludes that the amendments address gaps within the current land use regulations, improve the design outcomes for multi-family residential development, and strike a balance between facilitating dense urban infill development with neighborhood concerns with tree canopy loss, compatibility, and quality of development.

3. Concerning Wireless Communication Facilities, the Planning Commission concludes that the proposal will comply with rules adopted by the Federal Communications Commission in October 2014 and meet the community's goals for urban design and aesthetics concerning wireless communication facilities.
4. Concerning Short Term Rentals, the Planning Commission concludes that the proposed amendments will ensure that a clear and predictable regulatory structure is in place to reasonably accommodate short-term rentals in a manner sensitive to the context of the City's residential neighborhoods.
5. Concerning the Code Cleanup amendments, the Planning Commission concludes that the proposal to amend various sections of the Land Use Regulatory Code will make necessary changes to address inconsistencies, correct minor errors, and provide additional clarity to support the effective administration of the Land Use Regulatory Code and the policies of the Comprehensive Plan.
6. The Planning Commission further concludes that the 2016 Annual Amendment Package is consistent with the State Growth Management Act and the regional VISION 2040, will benefit the City as a whole, will not adversely affect the City's public facilities and services, and is in the best interests of the public health, safety and welfare of the citizens of Tacoma.

E. RECOMMENDATIONS:

The Planning Commission recommends that the City Council adopt or accept the Commission's recommendations on the Proposed Amendments to the Comprehensive Plan and the Land Use Regulatory Code for 2016, as described below:

1. Future Land Use Map Implementation:

The Planning Commission makes the following recommendations pertaining to area-wide rezones and amendments to the Future Land Use Map of the Comprehensive Plan ("One Tacoma"), as documented in Exhibit A:

- Exhibit A-1: Nob Hill, South Downtown – The Planning Commission recommends that the City Council ADOPT the proposed area-wide rezone.
- Exhibit A-2: McKinley Police Substation – The Planning Commission recommends that the City Council ADOPT the proposed area-wide rezone.
- Exhibit A-3: Franke Tobey Jones – The Planning Commission recommends that the City Council ADOPT the proposed amendment to the Future Land Use Map of the Comprehensive Plan.
- Exhibit A-4: N 33rd and Pearl Street – The Planning Commission recommends that the City Council ADOPT the proposed area-wide rezone and amendment to the Future Land Use Map of the Comprehensive Plan.
- Exhibit A-5: North of Tacoma Community College to 6th Avenue – The Planning Commission recommends that the City Council ADOPT the area-wide rezone and amendments to the Future Land Use Map of the Comprehensive Plan, and further recommends that the City Council and the Transportation Commission evaluate strategies for establishing a connective street grid within this area to ensure walkable access from the residential areas to the commercial amenities along 6th Avenue. In addition, while the Commission is recommending an R-4L and R-4 zoning district for this area at this time, the Commission believes that with further study and amendments, a higher density zoning district may be appropriate in this area in the future. Finally, the Commission recommends that City staff evaluate the commercial zoning districts along 6th Avenue and propose an appropriate area-wide rezone to resolve lingering inconsistencies and split zoned parcels along 6th Avenue.

- Exhibit A-6: S Alaska and 72nd Street – The Planning Commission recommends that the City Council ADOPT the proposed C-1 to C-2 rezones and POSTPONE the area-wide rezone from R-2 to C-1, and further recommends that staff continue to conduct outreach with the community around Wapato Lake and to develop an alternative area-wide rezone proposal concomitant with updates to the Commercial Zoning Districts as part of the next Planning Commission work program and to evaluate both the Land Use Designations in the Future Land Use Map and the implementing zoning for S Alaska Street from S 72nd Street to the north end of Wapato Park. The Commission further recommends that in areas where the Planning Commission or City Council are currently studying a proposed area-wide rezone or land use designation amendment, that a related site specific rezone application should primarily be evaluated as part of the area-wide process.
- Exhibit A-7: South Tacoma Industrial Zones – The Planning Commission recommends that the City Council ADOPT the proposed area-wide rezone.
- Exhibit A-8: Cheney Stadium and Foss High School – The Planning Commission recommend that the City Council POSTPONE the area-wide rezone and further recommends that staff evaluate the efficacy of an Institutional Zone or Overlay as a means of providing for enhanced notification and appropriate use flexibility for large public uses and development sites.

2. Multi-family Design Standards:

The Commission recommends that the City Council adopt proposed amendments to TMC 13.06, as shown in Exhibit B.

3. Wireless Communication Facilities:

The Planning Commission recommends that the City Council adopt proposed amendments to TMC 13.06, as shown in Exhibit C.

4. Short-term Rentals:

The Planning Commission Recommends that the City Council adopt proposed amendments to TMC 13.06, as shown in Exhibit D.

5. Plan and Code Cleanups:

The Planning Commission recommends that the City Council adopt proposed amendments to TMC Title 1 – Administration and Personnel, Title 13 – Land Use Regulatory Code, and the Comprehensive Plan, as shown in Exhibit E.

In addition, the Planning Commission would like to highlight three overall recommendations for the City Council's consideration:

- The Planning Commission recommends that the City Council consider future evaluation and prioritization of Open Space Corridors for acquisition and preservation in areas likely at risk from development. The Commission recognizes that the Comprehensive Plan includes general prioritization criteria for acquiring open space lands, but further discussion and strategies could balance these existing criteria with some weight given to areas likely to see development pressure, either from proposed area-wide rezones, or because the existing zoning encourages development.
- The Commission further recommends that the City Council engage with Metro Parks Tacoma, the Tacoma School district, the Tacoma Rainiers, and the Central Neighborhood Council to discuss the long term future of the Cheney Stadium, Foss High School campus area, including Heidelberg Park, and to explore the development of a guiding Master Plan for these public uses. The Commission recognizes that the existing zoning does not adequately reflect or accommodate the

current uses, but with the potential of a street car on 19th, this campus area could grow to become an even more dynamic destination for public use, entertainment and recreation.

- Further, the Planning Commission recommends that the City Council adopt an amendment to the Engagement, Administration + Implementation Element of the Comprehensive Plan to add a policy that would limit site-specific rezone applications in areas where the staff or the Commission is currently evaluating an area-wide rezone proposal. As the City continues to proceed with implementation of the Future Land Use Map, through area-wide rezone studies, site specific zoning proposals should primarily be considered as part of these larger discussions. A proposed text amendment has been included in Exhibit E Plan and Code Cleanups.

F. EXHIBITS:

Exhibits are organized in the following sections:

Section A. Future Land Use Implementation

- Planning Commission Recommendation Summary
- Exhibit A: Proposed Area-wide Rezones and Future Land Use Map Amendments

Section B. Multi-family Design Standards

- Planning Commission Recommendation Summary
- Exhibit B: Proposed Amendments to TMC 13.06

Section C. Wireless Communication Facilities

- Planning Commission Recommendation Summary
- Exhibit C: Proposed Amendments to TMC 13.06

Section D. Short-Term Rentals

- Planning Commission Recommendation Summary
- Exhibit D: Proposed Amendments to TMC 13.06

Section E. Plan and Code Cleanups

- Planning Commission Recommendation Summary
- Exhibit E: Proposed Amendments to TMC Title 1 and Title 13 and the Comprehensive Plan

II-1. Future Land Use Implementation



2016 Annual Amendment
Future Land Use Map Implementation

PLANNING COMMISSION RECOMMENDATION SUMMARY
June 15, 2016

Proposed Amendment:	Future Land Use Map Implementation
Applicant:	Planning and Development Services Department
Location & Size of Area:	Citywide
Current Land Use & Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Stephen Atkinson, Planning Services Division (253) 591-5531, satkinson@cityoftacoma.org

Planning Commission Recommendations:

The Future Land Use Map illustrates the City’s intended future land use pattern through the geographic distribution of residential and commercial areas, the designation of mixed-use and manufacturing/industrial centers, as well as shoreline and single-family detached designations. This land use distribution was a result of analysis of the urban form policies, existing land use and zoning, development trends, anticipated land use needs and desirable growth and development goals. The intent of the amendments are to implement the goals and policies of the One Tacoma Plan through appropriate area-wide rezones consistent with the Future Land Use Map and Land Use Designations.

The Planning Commission recommends the following, in relation to the study areas:

1. Nob Hill, South Downtown: **ADOPT** area-wide rezone to Downtown Residential;
2. McKinley Police Substation: **ADOPT** area-wide rezone to NCX;
3. Franke Tobey Jones: **ADOPT** Future Land Use Map amendment to Multi-family (low-density);
4. N 33rd and Pearl Street: **ADOPT** Future Land Use Map amendment to Multi-family (low density) and area-wide rezone to R-3 Two Family Dwelling District;
5. North of Tacoma Community College to 6th Ave: **ADOPT** Future Land Use Map amendment to Multi-family (low density) and area-wide rezones to R-4L and R-4 multi-family districts;
6. S Alaska and 72nd Street: **ADOPT** cleanup rezones, but **POSTPONE** the area-wide rezone of 72nd and Alaska Street R-2 Single Family Dwelling District for further study;
7. South Tacoma Industrial Zones: **ADOPT** the area-wide rezones to the M-1 and M-2 Industrial districts.
8. Cheney Stadium and Foss High School: **POSTPONE** the area-wide rezones and consider a master plan for the campus and the development of an Institutional Zone or Overlay.

The Planning Commission conducted two public hearings on May 4 and 18, 2016, concerning the 2016 Annual Amendment proposal package, which included the Plan and Code Cleanup Amendments. The hearing record was kept open through May 25, 2016 to receive additional written comments. The Commission modified the proposal for N 33rd and Pearl Street and recommended postponing two of the proposals in response to public comments.

The Planning Commission recommends that the City Council adopt the proposed amendments to the Tacoma Municipal Code as set forth in **Exhibit A**.

Exhibit A-1: Nob Hill, South Downtown

Planning Commission Recommendation:
ADOPT proposed area-wide rezone to Downtown Residential



Exhibit A-2: McKinley Police Substation

Planning Commission Recommendation: ADOPT proposed area-wide rezone to Neighborhood Commercial Mixed-Use



Exhibit A-3: Franke Tobey Jones

Planning Commission Recommendation: ADOPT proposed Future Land Use Map amendment to Multi-family (High Density)



Exhibit A-4: N. 33rd and Pearl Street (1 of 2)

Planning Commission Recommendation: ADOPT proposed Future Land Use Map amendment to Multi-family (Low Density)



Exhibit A-4: N. 33rd and Pearl Street (2 of 2)

Planning Commission Recommendation: ADOPT proposed area-wide rezone to R-3 Two-Dwelling District



Exhibit A-5: N. of TCC to 6th Avenue (1 of 2)

Planning Commission Recommendation: ADOPT proposed Future Land Use Map amendment to Multi-Family (Low-Density)

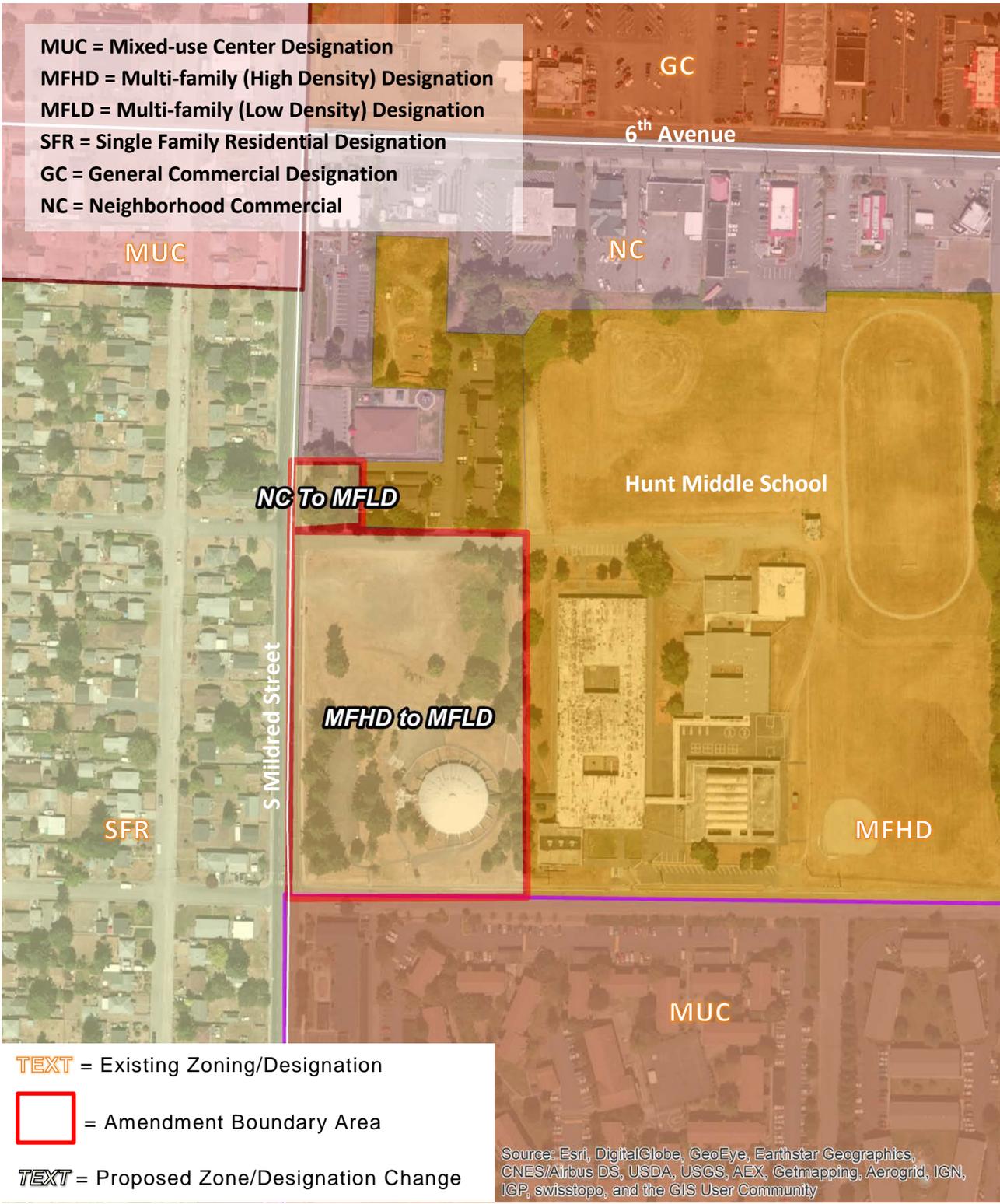


Exhibit A-5: N. of TCC to 6th Avenue (2 of 2)

Planning Commission Recommendation: ADOPT proposed area-wide rezone to R-4L Multi-Family Low Density District and R-4 Multi-Family High Density District

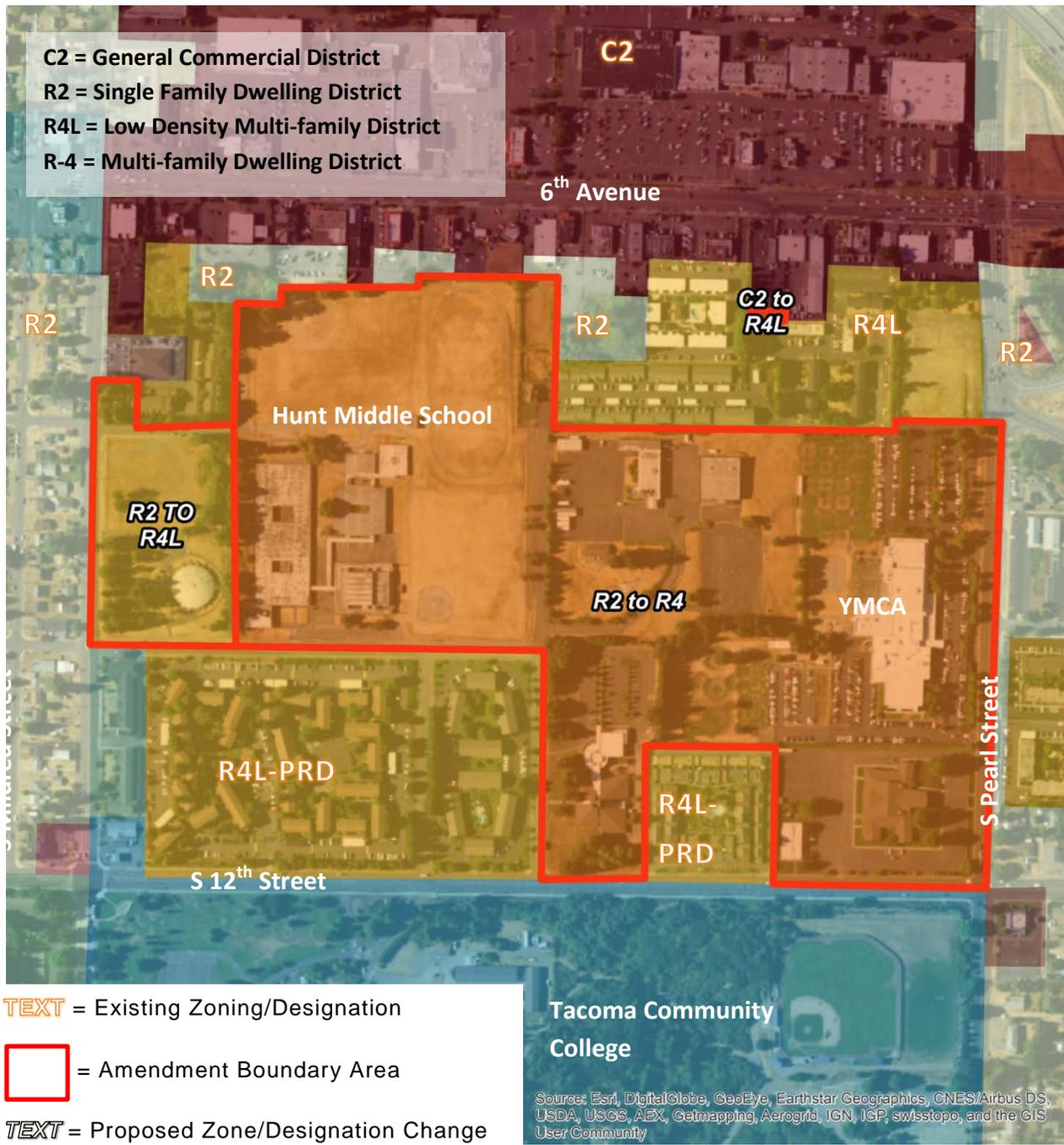


Exhibit A-6: S. Alaska and 72nd Street (1 of 3)

Planning Commission Recommendation: ADOPT proposed area-wide rezone to C-2 General Commercial District

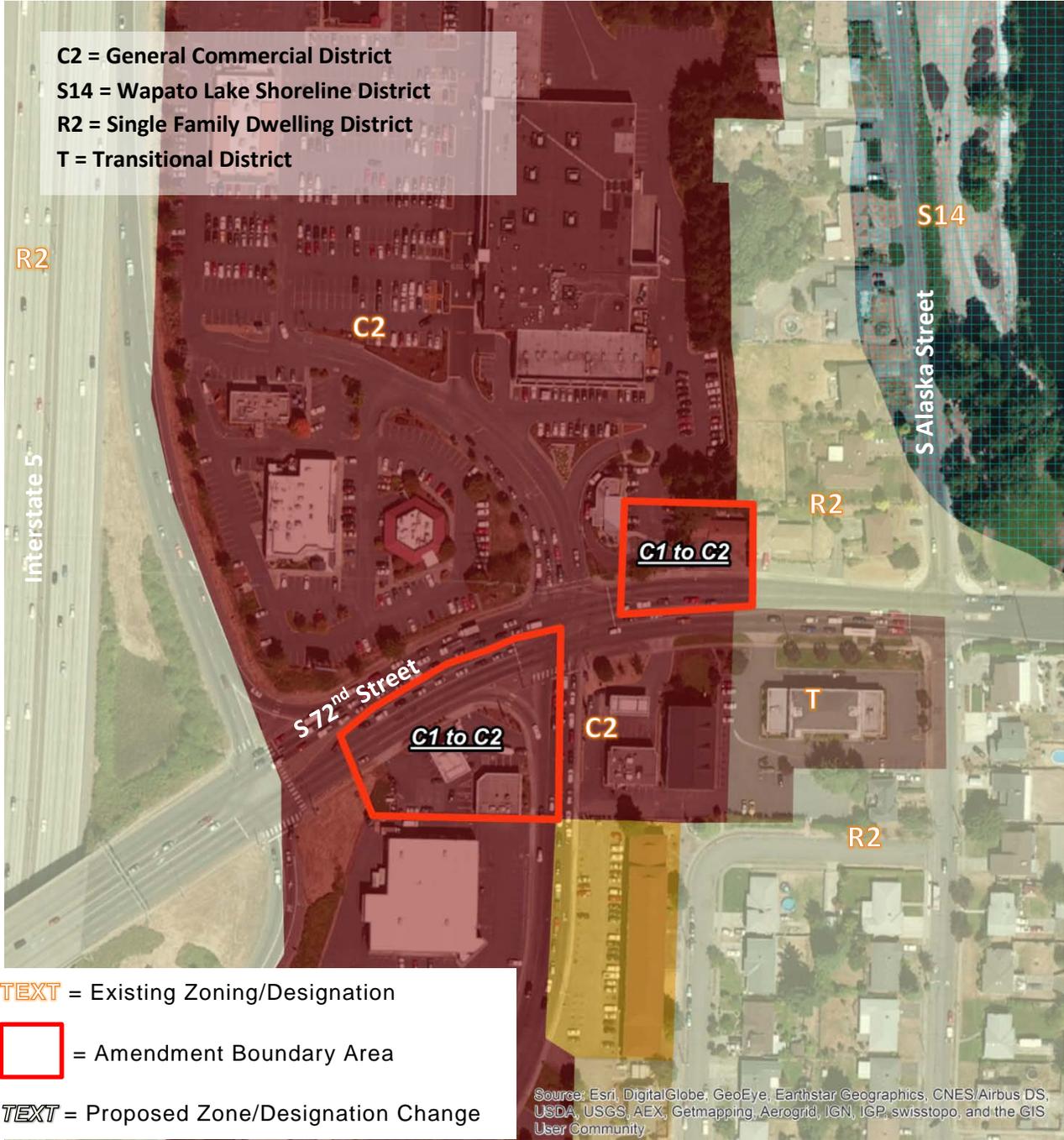


Exhibit A-6: S. Alaska and 72nd Street (2 of 3)

Planning Commission Recommendation: POSTPONE proposed area-wide rezone to C-1 Neighborhood Commercial District

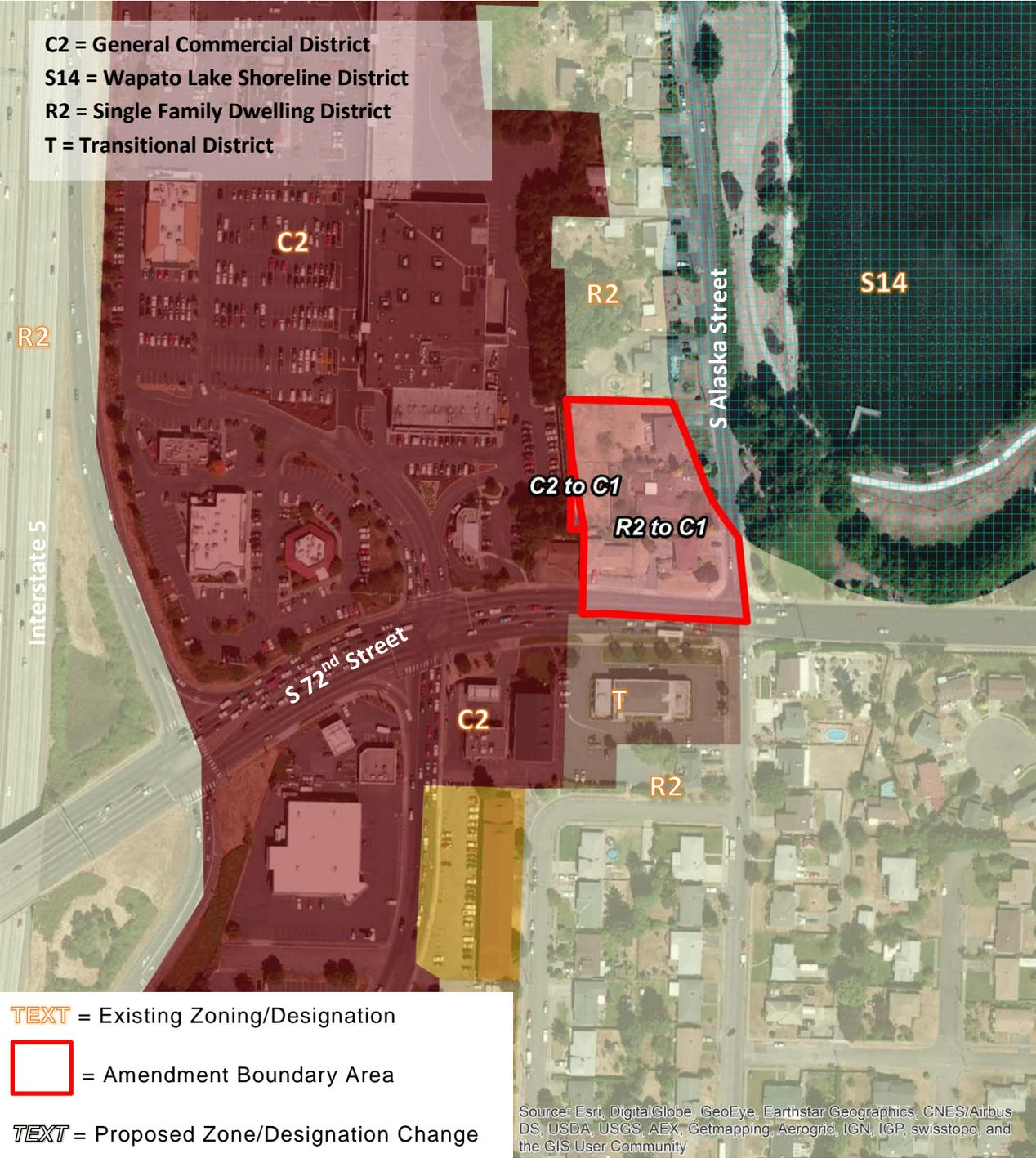


Exhibit A-6: S. Alaska and 72nd Street (3 of 3)

Planning Commission Recommendation: ADOPT proposed Comprehensive Plan text amendment pertaining to site specific rezones

ONE TACOMA
Engagement, Administration + Implementation

Amendments

.....

GOAL AD-6 Maintain Tacoma’s Comprehensive Plan in order to ensure that it remains relevant and is consistent with current regulatory and policy frameworks.

Policy AD-6.1 Maintain the Comprehensive Plan to ensure that current community conditions, information, and regional, state and federal policies and regulation are reflected in the Plan.

Policy AD-6.2 Consider proposed Comprehensive Plan amendments concurrently so that the cumulative effect of the proposals can be determined. Similarly, where the City is evaluating an area-wide rezone to implement the Future Land Use Map land use designations, site specific rezones within the study area should primarily be evaluated as part of the area-wide proposal.

Policy AD-6.3 All proposed Comprehensive Plan amendments should include adequate information upon which to base a decision, such as a description of the proposed amendment, statement of need, description of how the proposed amendment enhances the community, demonstration of consistency with the current Comprehensive Plan, community outreach conducted, and response to public review and comment on the proposed change.

Policy AD-6.4 Ensure proposed Comprehensive Plan policy amendments are accompanied by any related and required implementation actions.

Policy AD-6.5 Ensure proposed Comprehensive Plan policy amendments are accompanied by any related and required implementation actions.

11-17

Exhibit A-7: South Tacoma Industrial Zones (1 of 2)

Planning Commission Recommendation: ADOPT proposed area-wide rezones to reconcile split zoned lots, including area-wide rezones for STAR and SERA and area-wide rezones to M-1 and M-2 Industrial Districts.

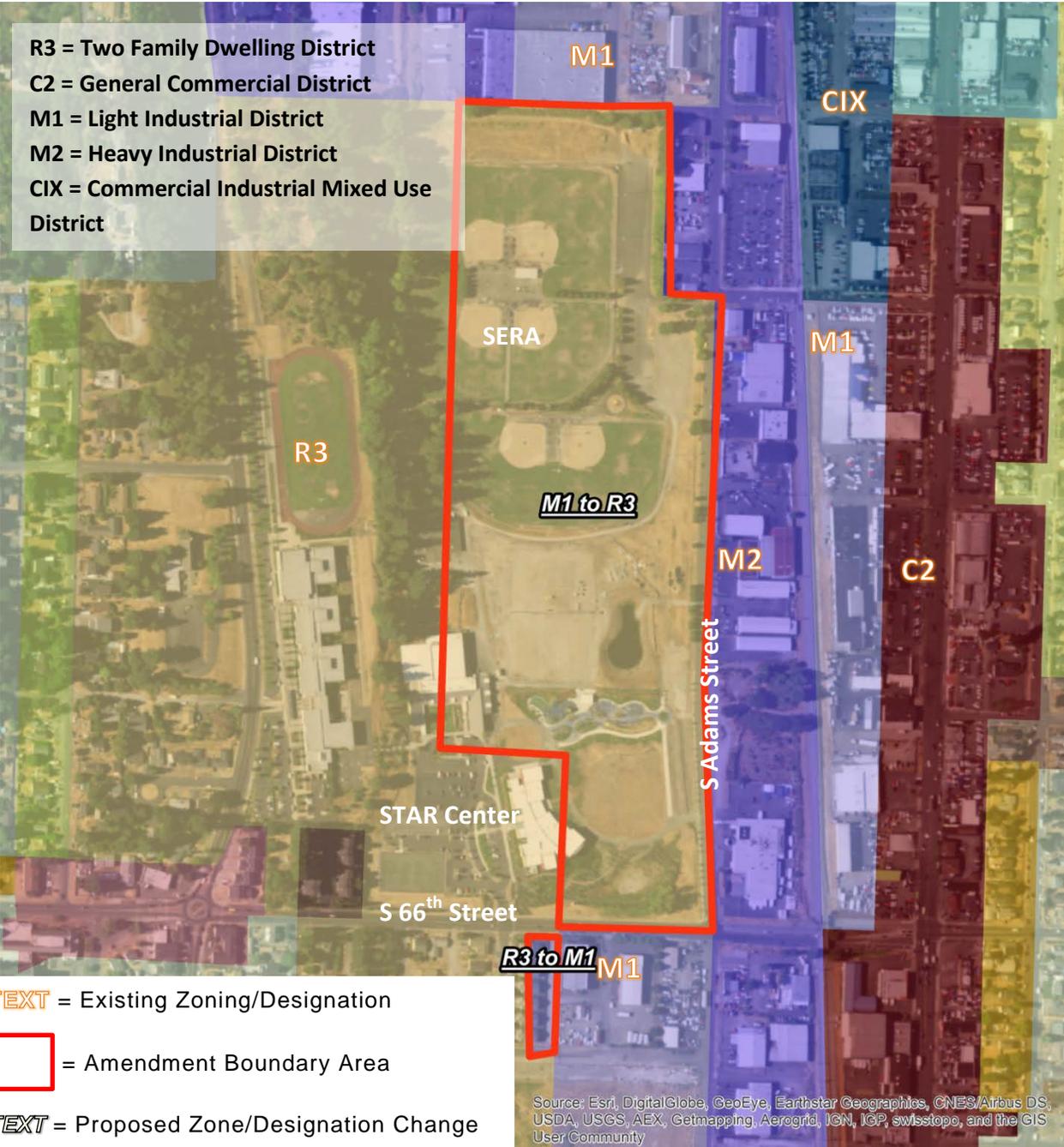


Exhibit A-7: South Tacoma Industrial Zones (2 of 2)

Planning Commission Recommendation: ADOPT proposed area-wide rezone to reconcile split zoned lots, including area-wide rezones for STAR and SERA and area-wide rezones to M-1 and M-2 Industrial Districts.

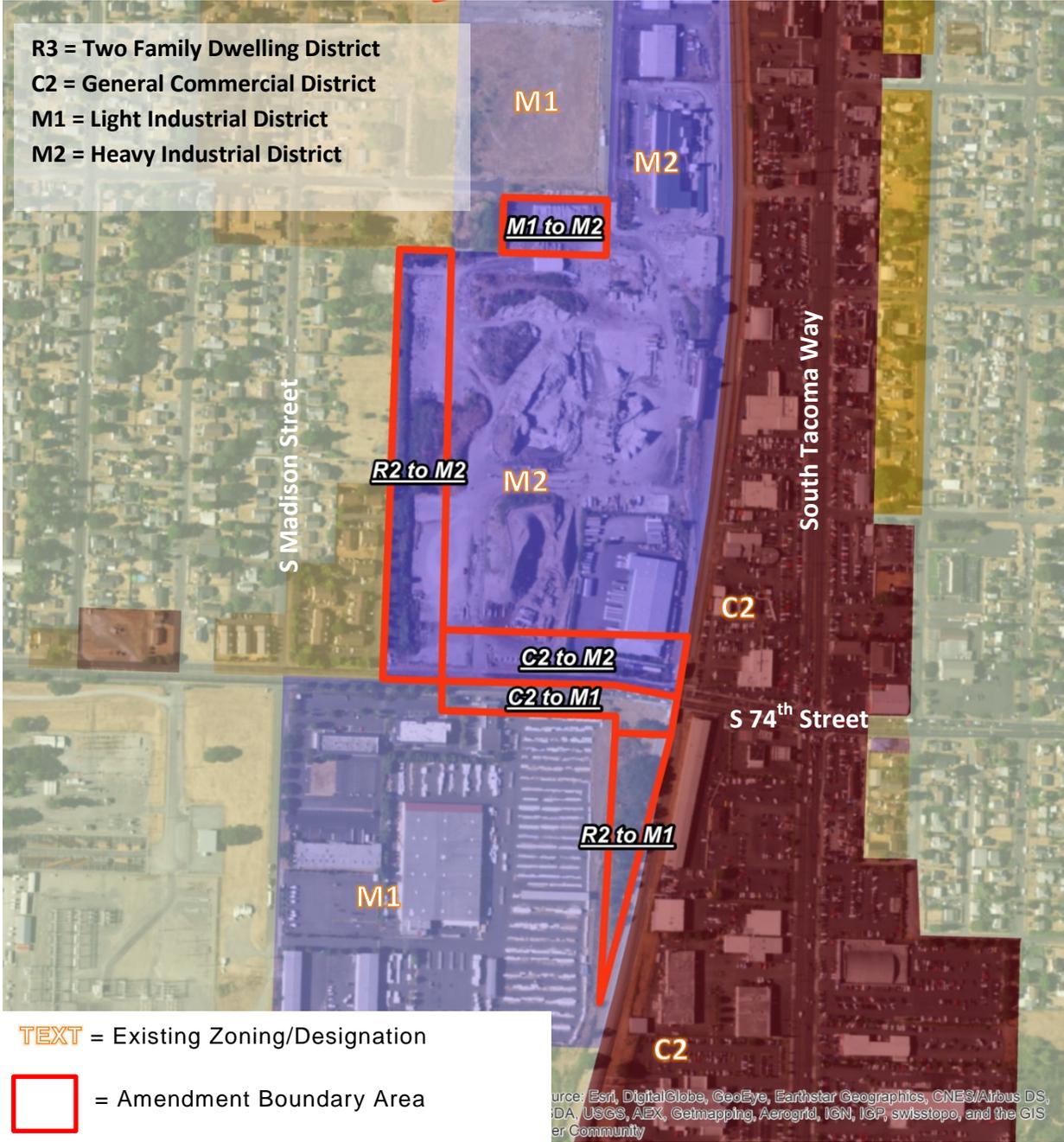


Exhibit A-8: Cheney Stadium and Foss HS

Planning Commission Recommendation: POSTPONE proposed area-wide rezone to C-2 General Commercial.



II-2. Multi-family Design Standards



2016 Annual Amendment
Multi-family Residential Design Standards

PLANNING COMMISSION RECOMMENDATION SUMMARY
June 15, 2016

Proposed Amendment:	Multi-family Residential Design Standards
Applicant:	Planning and Development Services Department
Location & Size of Area:	Citywide
Current Land Use & Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Stephen Atkinson, Planning Services Division (253) 591-5531, satkinson@cityoftacoma.org

Planning Commission Recommendations:

The proposed amendments would update building and site design standards of TMC 13.06 for residential zoning districts broadly and for multi-family residential development specifically. This application would establish designated pedestrian streets in all districts and amend requirements for:

- Front lot setbacks;
- Building coverage;
- Usable yard space;
- Tree canopy;
- Pedestrian and bicycle circulation;
- Parking location and design;
- Mass reduction;
- Roofline standards;
- Transparency;
- Façade surface standards;
- Pedestrian standards; and
- Fencing and utility screening.

The Planning Commission conducted two public hearings on May 4 and 18, 2016, concerning the 2016 Annual Amendment proposal package, which included the Plan and Code Cleanup Amendments. The hearing record was kept open through May 25, 2016 to receive additional written comments. No public comments were received concerning the amendments. However, the Commission made minor additions to the proposal, upon reviewing additional suggestions from staff.

The Planning Commission recommends that the City Council adopt the proposed amendments to the Tacoma Municipal Code as set forth in **Exhibit B**.



**2016 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

Chapter 13.06

ZONING

* * *

13.06.100 Residential Districts.

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.100. All portions of 13.06.100 and applicable portions of 13.06.500 apply to all new development of any land use variety, including additions, and remodels, in all districts in Section 13.06.100, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.100.A through Section 13.06.100.C are not eligible for variances. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply. For individually designated properties listed on the Tacoma Register of Historic Places, and for contributing buildings within Historic Special Review Districts, where there is a conflict between the regulations of this chapter and historic guidelines and standards, the historic guidelines and standards shall prevail pursuant to TMC 13.05.046.

2. Pedestrian streets designated. Figure 7 of the Comprehensive Plan 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.

3. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

43. Use table abbreviations.

P = Permitted use in this district.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
N = Prohibited use in this district.

54. District use table. (see next page for table)

D. Lot size and building envelope standards.

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
1. Minimum Lot Area (in square feet, unless otherwise noted)								
Single-family detached dwellings – Standard Lots	7,500	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Single-family detached dwellings – Small Lots (Level 1)	6,750	4,500	4,500	4,500	2,500	2,500	2,500	2,500
Two-family dwellings		6,000	6,000	6,000	6,000	4,250	3,750	3,500
Three-family dwellings			9,000	9,000	9,000	5,500	5,000	4,500
Multiple-family dwellings					9,000	6,000 sq. ft. plus 1,500 sq. ft. for each unit in excess of four	6,000	6,000
Townhouse dwellings		3,000	3,000	3,000	3,000	1,500	1,000	1,000
Mobile home/trailer court						3.5 acres, provided at least 3,500 sq. ft. is provided for each mobile home		
Pre-existing lots	A lot which was a single unified parcel of land as indicated by the records of the Pierce County Auditor as of May 18, 1953 or a lot which was configured legally to conform to the applicable requirements but which became nonconforming as a result of subsequent changes to this chapter or other official action by the City, and which has been maintained in that configuration since, having an average width, frontage, or area that is smaller than the applicable minimum requirements may be occupied by a single-family dwelling; provided all other applicable requirements are complied with, including required setbacks, yards and design standards (see Sections 13.06.145 and 13.06.630).							
Single-family Small Lots – Exceptions to Standard Minimum Lot Area Requirements	Reductions to minimum detached single-family dwelling lot area requirements, as shown above, may be allowed pursuant to Section 13.06.145. Lots smaller than the Minimum Lot Area for Standard Lots must meet the applicable Design Standards of Section 13.06.145. Single-family Small lot development must be oriented such that the lot frontage and the front façade of the house face the street. Small lot exceptions are not applicable to pipestem lots.							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
Single-family detached dwellings – Small Lots (Level 2): Additional exceptions to Minimum Lot Area Requirements	<p>One of the following exceptions may be applied per parcel to allow for reductions in minimum lot area below the Single-family Level 1 Small Lot minimum size. In no case shall a new lot be smaller than the following without grant of a variance: R-1: 4,500 sq. ft.; R-2, R-2SRD, HMR-SRD: 3,000 sq. ft.; R-3 and above: 2,500 sq. ft.</p> <p>Lot Size Averaging – Infill: To provide for consistency with pre-existing development patterns, the average size of lots along the street frontage and block (excluding the site) may be substituted for the zoning district minimum lot size.</p> <p>Lot Size Averaging – Subdivisions: Within proposed Short and Full Plats, lots are permitted to a minimum size of 4,500 square feet in the R-1 District and 3,000 square feet in other districts, provided that the overall average lot size within the Short or Full Plat meets the Standard Lots minimum lot size of the zoning district. Critical areas and buffers may not be counted toward lot size averaging.</p> <p>Alley lot area credit: In R-1, R-2, and R2-SRD and HMR-SRD Districts, half of the width of abutting alleys which are utilized for vehicular access to the lot may be counted toward the required minimum lot area, up to an additional reduction equivalent to 10 percent of the Standard Minimum Lot Size.</p> <p>Level 2 Small Lots must meet the Level 2 Small Lot Design Standards of Section 13.06.145.F.</p> <p>Small lot exceptions are not applicable to pipestem lots.</p>							
Critical Areas Density Bonus	Critical Areas Protection Ordinance Residential Density Bonus: Per Section 13.11.260, in order to provide flexibility to avoid critical area impacts, minimum lot sizes and setbacks may be reduced in association with Critical Areas approvals.							
Planned Residential Districts	Planned Residential Districts: Exceptions to the standard and small lot provisions of this section may be permitted through the provisions of Section 13.06.140.							
<u>2. Lot Measurements (in feet)</u>								
Minimum Average Lot Width – Standard Lots	50	50	50	50	50	50	50	50
	16 for townhouse dwellings; 32 for two-family dwellings							
Single-family Small Lots – Minimum Average Lot Width	45	35	35	35	30	25	25	25
Minimum Lot Frontage	25	25	25	25	25	25	25	25
	The minimum lot frontage requirement does not apply to townhouse dwellings. Pipestem lots which only serve one single-family dwelling are not required to meet the minimum lot frontage requirements, provided the access easement or lot extension to such pipestem lot has a minimum width of 10 feet.							
Small Lots – Exceptions to Minimum Average Lot Width	Reductions to minimum lot width, as shown above, may be allowed pursuant to Section 13.06.145. Small lot exceptions are not applicable to pipestem lots.							
<u>Lot 3. Building Coverage (Building Coverage = building ground floor area in square feet divided by lot area in square feet)</u>								
Maximum lot-building coverage, percent of lot	-	-	-	-	<u>50</u>	<u>50</u>	<u>65</u>	<u>65</u>

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
Building Coverage Bonus	-	-	-	-	<u>Corner Lot: May add an additional 10% of the lot area to the total lot area for the purpose of calculating the maximum building coverage allowance.</u> <u>Alley: Lots with an alley may count 50% of the abutting alley as lot area for calculating the maximum allowable building coverage.</u>			
Exception:	-	-	-	-	<u>Usable Yard Space that is covered, but not enclosed, shall not count towards the maximum building coverage.</u> <u>Detached Accessory Dwelling units and small-lot single family: Building coverage limitations do not apply to Detached ADUs, small-lot single family, or cottage housing that meet the standards in 13.06.145, 13.06.150 and 13.06.160.</u>			
<u>4. Minimum Density (units per gross acre)</u>								
	=	=	=	=	<u>10</u>	<u>14</u>	<u>18</u>	<u>22</u>
<u>5. Max. Height Limits (in feet)</u>								
Main Buildings	35	35	35	35	35	35	60	150
Accessory Buildings	15-feet							
Exceptions	Buildings within a View Sensitive Overlay district are subject to the additional height restrictions contained in 13.06.555. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602. Single-family Small Lot development on lots with an average width between 40 and 50 feet: Maximum height is 30 feet. Single-family Small Lot development on lots with an average width of less than 40 feet: Maximum height is 25 feet.							
<u>6. Setbacks (in feet)</u>								
	These residential setback requirements are designed to provide yard areas that help to minimize impacts between neighboring uses, allow space for recreational activities, allow access to light and air, serve as filtration areas for storm water run-off, provide a level of privacy and comfort, provide emergency and utility access around and into buildings, provide public view corridors, create a pleasing, rhythmic streetscape, promote consistency with existing development patterns, and promote the desired character of residential neighborhoods. Certain conditional uses may require different minimum setbacks. See Section 13.06.640.							
Minimum Front Setback, <u>except where Build-to Area is required</u>	25	20	20	20	20	20	15	10

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<u>Build-to Area for lots located on a designated pedestrian street.</u>	-	-	-	-	<p><u>Occupied structures must be located between 5 feet and 20 feet from the front lot line abutting the pedestrian street right-of-way for a minimum of 50% of the pedestrian street frontage.</u></p> <p><u>Exception: porches, entries, landscaping and transition areas may be located within 5’ of the lot line abutting the pedestrian street right-of-way.</u></p> <p><u>Exemptions:</u></p> <ul style="list-style-type: none"> • <u>Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided, the addition reduces the level of nonconformity as to maximum setback.</u> • <u>When a public easement precludes compliance with this standard, the setback requirement shall be measured from the back edge of the easement.</u> • <u>Public facilities on sites greater than 5 acres shall be exempt from Build-to Area requirements. This exemption shall expire upon the establishment of a new Institutional Zoning designation, an Institutional Master Plan process, or similar zoning process for reviewing, evaluating and approving large, public, campus-like facilities.</u> • <u>Within parks, recreation and open space uses, accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the maximum setback standards.</u> 			
Townhouse Dwelling Minimum Front Setback	For townhouse dwellings, the minimum front yard setback shall apply only along the front property line of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.100.G.							
Vehicular Doors Facing the front property Line	Vehicular doors that face the front property line, where such property line abuts a public street or private road, shall be setback a minimum of 20 feet from the front property line or private road easement.							
Pipestem Lot Setback	Pipestem lots shall provide the required front setback along one of the property lines that abut or are nearest to the accessway/lot extension. The accessway/lot extension shall not be included when measuring the setback. The front yard setback will determine the orientation of the other required setbacks.							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
Front Setback Averaging	<p>For residential uses, the minimum front yard setback shall be either the minimum front setback required for the zoning district in which it is located (as noted above) or the average of the front yard setbacks provided by the structures on either side, whichever is less.</p>							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
	<p>(1) Where a side property line abuts the rear property line of an adjacent corner lot (see example below), the front yard setback for the main building shall be either the average of the adjacent side and front setbacks provided by the structures on either side, or the minimum front yard setback required for the zoning district in which it is located, whichever is less.</p> <p>Front yard averaging allows for this front yard to be the average of the front and corner-side yards provided by the two abutting homes: $5 \text{ ft.} + 10 \text{ ft.} / 2 = 7.5\text{-foot front yard required}$</p> <p>5-foot Front Setback</p> <p>10-foot Side Setback</p> <p>Sidewalk</p> <p>Street</p> <p>Property Lines</p> <p>(2) For properties where one side abuts an undeveloped lot, a street or an alley, the setback shall be equal to that provided by the one abutting house.</p> <p>(3) In no case shall averaging be construed to require a greater setback than the standard minimum setback required by the regulations of the district.</p>							
Minimum Side Setback (Interior Lots)	7.5	5	5	5	5	5	5	5 ft. for buildings less than 6 stories Each side yard setback shall be increased 1-ft. in width for each story, or part thereof, above 6 stories.
Townhouse Dwelling Minimum Side Setback	For townhouse dwellings, the minimum side yard setback shall apply only along the side property lines of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.100.G.							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<p>Minimum Side Setback (Corner Lots)</p> <p>On corner lots, the side yard setback regulations shall be the same as for interior lots, except where the rear lot line of a corner lot abuts the side lot line of a lot in the rear (see example below). In this case, there shall be a side yard setback on the street-side of such corner lot of not less than one-half of the front yard setback provided on the lot in the rear, but such side yard setback need not exceed half the standard front yard setback requirement for the district. In no case, however shall the side yard setback be less than five feet.</p>								
Minimum Rear Setback	25	25	25	25	25	20	25 20 ft. for mobile home parks	20
Townhouse Dwelling Minimum Rear Setback	For townhouse dwellings, the minimum rear yard setback shall apply only along the rear property line of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.100.G.							
7. Minimum Usable Yard Space								
<u>a. Single Family</u>	<p>All lots shall provide a contiguous rear or side usable yard space equivalent to at least 10% of the lot size. This usable yard space shall meet all of the following standards:</p> <ul style="list-style-type: none"> • <u>Not include structures, parking, alley or driveway spaces or required critical area buffers</u> • <u>Not be located in the front yard, with the exception of front porches that meet the standards in 13.06.100.D.7.e.</u> 							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<u>b. Duplex/Triplex</u>	<u>At least 400 square feet of yard space is required for each dwelling unit. Required yard space can include a combination of front porches, private or shared yards, balconies, or rooftop decks. Vehicular access areas shall not count as yard space.</u>							
<u>c. Townhouse</u>	<u>At least 300 square feet of private yard space and 100 square feet of common yard space is required for each townhouse. Private yard space can include a combination of front or rear yard space, porches, balconies, rooftop decks. Vehicular access areas shall not count as yard space. Common yard space may be provided as described for multi-family residential development in 4. below.</u>							
<u>d. Multi-family</u>	<u>At least 20% of the lot area shall be required as usable yard space. Vehicular access areas shall not count towards the yard space requirement. A minimum of 35% of the yard space shall be provided in common. The remainder can be provided as private or common yard space.</u>							
<u>e. Usable Open Space Design</u>	<p><u>(1) Private Yard Space. To qualify, private yard space must meet the following standards:</u></p> <ul style="list-style-type: none"> • <u>Have no dimension less than 15-feet. For lots that are less than 3500 SF, the minimum dimension of outdoor usable yard space shall be no less than 12 feet.</u> • <u>Private usable yard space shall be direct and immediately accessible from such dwelling unit or bedroom.</u> • <u>Private usable yard space may be provided as balconies, porches, decks, patios or yards. To qualify as yard space, such spaces shall be at least 50 square feet, with no dimension less than five feet.</u> <p><u>(2) Common Yard Space. This includes landscaped courtyards or decks, front porches, community gardens with pathways, children’s play areas, or other multi-purpose outdoor recreational and/or green spaces. Requirements for common yard spaces include the following:</u></p> <ul style="list-style-type: none"> • <u>No dimension shall be less than fifteen feet in width.</u> • <u>Spaces shall be visible from multiple dwelling units and positioned near pedestrian activity.</u> • <u>Spaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable.</u> • <u>Individual entries shall be provided onto common yard space from adjacent ground floor residential units, where applicable.</u> • <u>Space should be oriented to receive direct sunlight for part of the day, facing east, west, or (preferably) south, when possible.</u> • <u>Common yard space shall be open to the sky, except for clear atrium roofs and shared porches. A maximum of 25% of the common yard space may be covered but not enclosed.</u> • <u>Shared porches qualify as common yard space provided no dimension is less than eight feet.</u> <p><u>(3) Interior recreational space (for multi-family development only). Interior recreational space includes swimming pools, fitness centers, and other recreation spaces that are located within the primary structure or as an accessory structure. Interior recreational spaces may be used to meet up to 35% of the overall yard space requirement.</u></p> <p><u>(4) Rooftop decks may be used to meet the yard space requirements. To qualify, rooftop decks must meet the following standards:</u></p> <ul style="list-style-type: none"> • <u>No more than 50% of the rooftop deck may be used to meet private yard space requirements.</u> • <u>Must include amenities such as seating areas and landscaping.</u> • <u>Must feature hard surfacing appropriate to encourage residential use.</u> • <u>Must include lighting for residents’ safety.</u> • <u>No dimension shall be less than 15 feet in width.</u> <p><u>(5) Landscaping. Up to 35% of the usable yard space may be comprised of landscaping, including groundcovers and shrubs.</u></p>							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<u>f. Exceptions</u>	<p>(1) <u>Critical Area Exception:</u></p> <ul style="list-style-type: none"> • <u>When the lot contains identified critical areas and/or buffers, said critical areas and/or buffer area shall be excluded from the lot size calculation for determining the required usable yard space required on site.</u> • <u>For usable yard space required on a per unit basis, critical areas and/or buffer areas may be counted towards the landscaping allowance.</u> <p>(2) <u>Proximity to Active Public Recreation:</u></p> <ul style="list-style-type: none"> • <u>When the site is located within a quarter mile, using the shortest route, of a public park or school that has accessible outdoor recreation facilities, the common yard space requirement may be waived, reducing the overall required usable yard space to 13 percent of the lot area for multi-family development and 300 total square feet for townhouses.</u> <p>(3) <u>Cottage Housing: See 13.06.160.</u></p>							
<u>g. Acceptable Yard Space Examples</u>	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p><u>Balconies are a good source of private open space.</u></p> </div> <div style="text-align: center;">  </div> <div style="text-align: center;">  <p><u>Shared rooftop deck example.</u></p> </div> </div> <div style="text-align: center; margin-top: 10px;">  <p><u>Above: Common open space examples</u></p> </div>							
<u>8. Tree Canopy Requirements</u>								
<u>Tree Canopy, percentage of lot</u>	-	-	-	-	<u>30</u>	<u>30</u>	<u>20</u>	<u>15</u>

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<u>Calculation</u>	<p><u>Tree Canopy is measured as a percentage of the overall lot area. Example: A 6,000 square foot lot in the R-3 District would require a tree canopy of 1800 square feet (6000 x .3 = 1800). The Urban Forest Manual classifies trees as small, medium, and large based on the overall tree factor, which also weighs growth rate. In meeting the tree canopy requirement planted trees will receive the following canopy credit:</u></p> <ul style="list-style-type: none"> • <u>Small Trees: 300 sq. ft.</u> • <u>Medium Trees: 500 Sq. ft.</u> • <u>Large Trees: 1000 sq. ft.</u> <p><u>1800 square feet of tree canopy could be met as a combination of one large, one medium, and one small tree, or any other combination that meets or exceeds the overall canopy requirement.</u></p> <p><u>The canopy requirement may include the trees located on the lot or from street trees planted in the abutting right-of-way that overhang the lot. Tree canopy provided on the lot as a result of other landscaping requirements of this Chapter may be used to fulfill this requirement.</u></p>							
<u>Other Standards and Flexibility</u>	<p><u>Trees planted to meet this requirement are subject to the standards in Section 13.06.502.C General Landscaping Requirements applicable to all required landscaping. Trees may be located within private or common usable yard space. Tree retention credits from Section 13.06.502.D may be applied.</u></p>							
<u>Enforcement</u>	<p><u>Violations of the provisions of this section are subject to Code Enforcement, per TMC 13.05.100.</u></p>							
<u>Vehicular Access and Parking</u>	<p><u>All on-site parking for dwellings and buildings other than dwellings shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right of way that is or can practicably be developed. If access is not practicably available to the rear yard or not practicably limited only to the rear and sides (such as for institutional and other large uses), subject to determination by the City Engineer, then vehicular access to the front may be developed. However, in all cases such access and parking shall be limited to the minimum necessary and in no case shall driveway and/or parking areas exceed a total of 50 percent of the front yard or 50 percent of a corner street side yard. In the case of Small Lots, see the additional provisions of Section 13.06.145.</u></p>							
<u>Main Building Orientation</u>	<p><u>All dwellings shall maintain primary orientation to the adjacent street or right of way and not toward the alley or rear of the site, unless otherwise determined by the Director. The building elevation facing the street or right of way shall not contain elements commonly associated with a rear elevation appearance.</u></p>							

13.06.200 Commercial Districts.

A. District purposes. The specific purposes of the Commercial Districts are to:

1. Implement goals and policies of the City's Comprehensive Plan.
2. Implement Growth Management Act goals, county-wide, and multi-county planning policies.
3. Create a variety of commercial settings matching scale and intensity of use to location.
4. Attract private investment in commercial and residential development.
5. Provide for predictability in the expectations for development projects.
6. Allow for creative designs while ensuring desired community design objectives.

B. Districts established.

1. T Transitional District. This district is intended as a transition between commercial or institutional areas and residential areas. It may also provide a transition between residential districts and commercial districts on arterial street segments supported by the Comprehensive Plan. It primarily consists of office uses with negligible off-site impacts. It is characterized by lower traffic generation, fewer operating hours, smaller scale buildings, and less signage than general commercial areas. Residential uses are also appropriate. A T Transitional District may, in limited circumstances, also be applied to locations that meet the unique site criteria of the Comprehensive Plan. This classification is not appropriate inside a designated mixed-use center.

2. C-1 General Neighborhood Commercial District. This district is intended to contain low intensity land uses of smaller scale, including office, retail, and service uses. It is characterized by less activity than a community commercial district. Building sizes are limited for compatibility with surrounding residential scale. Residential uses are appropriate. Land uses involving vehicle service or alcohol carry greater restriction. This classification is not appropriate inside a plan designated mixed-use center or single-family intensity area.

3. C-2 General Community Commercial District. This district is intended to allow a broad range of medium- to high-intensity uses of larger scale. Office, retail, and service uses that serve a large market area are appropriate. Residential uses are also appropriate. This classification is not appropriate inside Comprehensive Plan designated mixed-use centers or low-intensity areas.

4. PDB Planned Development Business District. This district is intended to provide limited areas for a mix of land uses that includes warehousing, distribution, light assembly, media, education, research, and limited commercial. The developments in this district are intended to have fewer off-site impacts than would be associated with industrial or community commercial areas. Retail uses are size limited and signage is reduced. These areas should be designed for improved residential compatibility on boundaries by landscaping and other design elements. Sites should have reasonably direct access to a highway or major arterial. This district is not appropriate inside Comprehensive Plan designated mixed-use centers or low-intensity areas.

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.200. All portions of Section 13.06.200 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels, in all districts in Section 13.06.200, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.200.A through Section 13.06.200.C are not eligible for variance. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. [Pedestrian streets designated. Figure 7 of the Comprehensive Plan 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.](#)

3. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E. Certain street level use restrictions may apply; see Section 13.06.200.C.4 below.

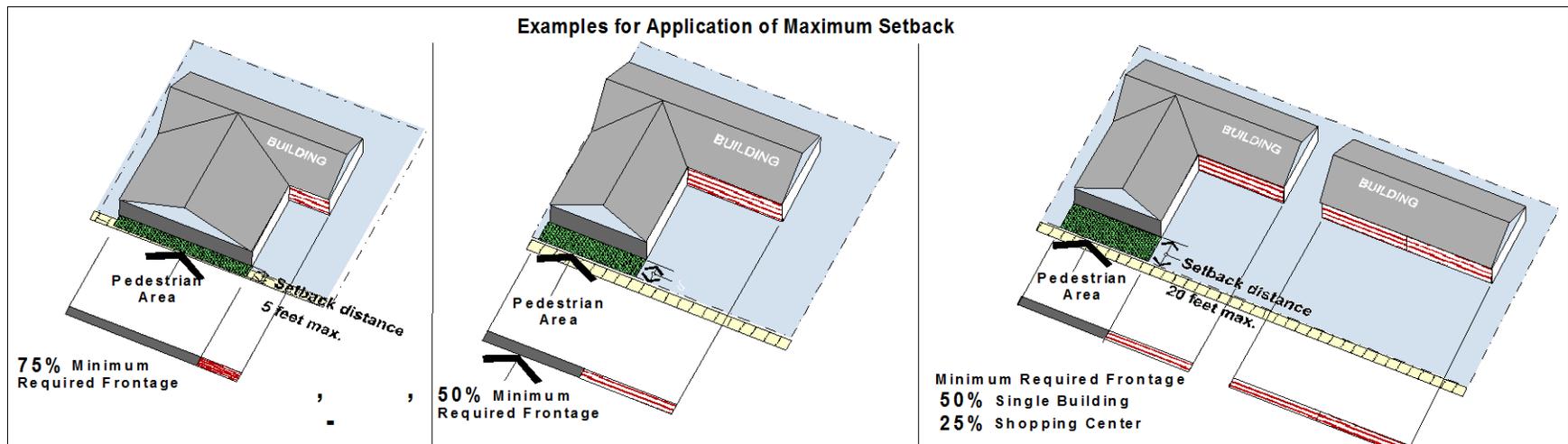
D. Building envelope standards.

	T	C-1	C-2	PDB
Minimum Lot Area	0 non-residential; 1,500 square feet per residential unit <u>Minimum residential lot size in accordance with the R-4L District</u>	0 <u>non-residential; Minimum residential lot size in accordance with the R-4L District</u>	0 <u>non-residential; Minimum residential lot size in accordance with the R-4 District</u>	0 <u>non-residential; Minimum residential lot size in accordance with the R-4 District</u>
Minimum Lot Width	0	0	0	0
Maximum Lot <u>Building Coverage (percent of lot)</u>	None <u>non-residential; Residential maximum building coverage in accordance with the R-4L District</u>	None <u>non-residential; Residential maximum building coverage in accordance with the R-4L District</u>	None <u>non-residential; Residential maximum building coverage in accordance with the R-4 District</u>	None <u>non-residential; Residential maximum building coverage in accordance with the R-4 District</u>
Minimum Front Setback	In all districts listed above, 0 feet, unless abutting a residential zoning, then equal to the residential zoning district for the first 100 feet from that side. Maximum setbacks (Section 13.06.200.E) supersede this requirement where applicable. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Minimum Side Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Minimum Rear Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Maximum Setback from Designated Streets	See Section 13.06.200.E for application with any district listed above on designated segments of North 30th Street and 6th Avenue. <u>Residential development shall meet the Build-to Area standard in 13.06.100.D.6.</u>			
Maximum Height Limit	35 feet	35 feet	45 feet	45 feet
	Height will be measured consistent with Building Code, Height of Building, unless a View Sensitive Overlay District applies. Height may be further restricted in View-Sensitive Overlay Districts, per Section 13.06.555. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602.			
Maximum Floor Area	20,000 square feet per building	30,000 square feet per building	45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J.	7,000 square feet per business for eating and drinking, retail and personal services uses
<u>Minimum Usable Yard Space – for residential development</u>	<u>Minimum usable yard space shall be provided in accordance with the residential building type requirements in 13.06.100.D.7.</u>			
<u>Tree Canopy Coverage for residential uses (percent of</u>	<u>30</u>	<u>30</u>	<u>20</u>	<u>20</u>
	<u>Tree canopy shall be provided in accordance with the standards in 13.06.100.D.8.</u>			

lot)

E. Maximum setback standards on designated streets. To achieve a pedestrian supportive environment, where buildings are located in close proximity to the street and designed with areas free of pedestrian and vehicle movement conflicts, maximum building setbacks are required as follows:

Designated Pedestrian Streets in Commercial Districts	Requirements
1. Designated Pedestrian Streets Requiring Maximum Setback	a. 6th Avenue (Madison Street to Alder Street). b. 6th Avenue (Sprague Avenue to I Street). c. North 30th Street (from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline).
2. Maximum Setback Applied	a. 10 feet maximum front and/or corner side setback from property lines at the public right-of-way shall be provided for at least 75 percent of building facing the designated street frontage. b. When the site is adjacent to a designated pedestrian street, that street frontage shall be utilized to meet the maximum setback requirement with the front, side, and/or corner side of the façade as indicated above. c. This requirement supersedes any stated minimum setback. d. Maximum setback areas shall be designed to be sidewalk, pedestrian plaza, public open space, landscaping, and/or courtyard and to be free of motor vehicles at all times.
3. Exceptions	a. Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided the addition does not increase the level of nonconformity as to maximum setback.. b. Buildings that are 100 percent residential do not have a maximum setback.. c. The primary building of a gas station, where gas stations are allowed, is subject to the maximum setback on only one side of the building on corner parcels. Kiosks without retail and intended for fuel payment only are exempt. d. Within parks, recreation and open space uses, accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the maximum setback standards.



13.06.400 Industrial Districts.**C Land use requirements.**

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.400. All portions of Section 13.06.400 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. Pedestrian streets designated. Figure 7 of the Comprehensive Plan 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.

E. Residential Development

1. Minimum Usable Yard Space. Residential development shall provide usable yard space in accordance with the provisions of 13.06.100.D.7 based on the building type.

2. Tree canopy coverage. Residential uses shall meet the tree canopy coverage requirements in 13.06.100.D.8 in accordance with the R-4 District.

F. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. These requirements apply to Section 13.06.400 by reference.

Refer to Section 13.06.500 for the following requirements for development in Industrial Districts:

- 13.06.502 Landscaping and buffering standards.
- 13.06.503 Residential transition standards.
- 13.06.510 Off-street parking and storage areas.
- 13.06.511 Transit support facilities.
- 13.06.512 Pedestrian and bicycle support standards.
- 13.06.520 Signs.
- 13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area)

(Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28327 Ex. C; passed Nov. 3, 2015; Ord. 28281 Ex. A; passed Feb. 17, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28182 Ex. A; passed Nov. 5, 2013; Ord. 28157 Ex. F; passed Jun. 25, 2013; Ord. 28050 Ex. C; passed Feb. 14, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. D; passed Jun. 30, 2009; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27644 Ex. A; passed Sept. 18, 2007; Ord. 27539 § 15; passed Oct. 31, 2006; Ord. 27245 § 11; passed Jun. 22, 2004; Ord. 27079 § 27; passed Apr. 29, 2003)

13.06.501 Building design standards.

A. General applicability. The design standards of this section are required to implement the urban design goals of the Comprehensive Plan of the City of Tacoma. The building design standards apply to all new development ~~in C-1, C-2, HM, T, PDB, and Mixed-Use Center Districts and alterations,~~ as outlined below and ~~,as well as to townhouses in R-districts,~~ except as follows:

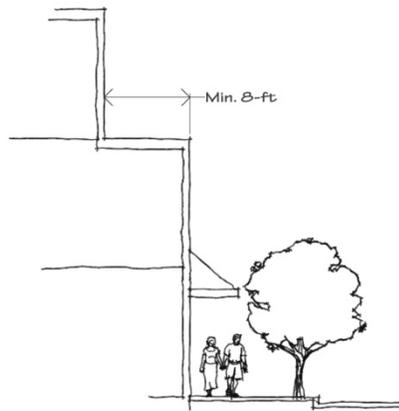
1. Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.
2. Alterations. Three thresholds are used to gauge the extent of design standard compliance on alterations to existing development:
 - a. Level I alterations include all remodels and/or additions within a two year period whose cumulative value is less than 50% of the value of existing development or structures, as determined by the applicable Building Code. The requirement for such alterations is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building façade's siding, then the siding shall meet the applicable exterior building material standards, but elements such as building modulation would not be required.
 - b. Level II alterations include all remodels and/or additions within a two year period whose cumulative value ranges from 50% to 200% of the value of the existing development or structure, as determined by the applicable Building Code. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II alterations.
 - c. Level III alterations include all remodels and/or additions within a two year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the applicable Building Code. Such alterations shall conform to ALL standards.
 - d. The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.
 - e. No addition or remodel shall increase the level of nonconformity or create new nonconformities to the development or design standards.
3. Super regional malls. Additions to super regional malls of less than 10,000 square feet of floor area are exempt from the design standards of this section.
4. Temporary. Temporary structures are exempt from the design standards of this section.
5. Residential and/or mixed-use. Single, two, and three-family dwellings are subject only to the design standards in Subsection N. Townhouses are subject only to the design standards in Subsection O. For other residential uses, such as mixed-use buildings and multi-family dwellings of 4 units or more, the standards herein apply unless otherwise noted.
 - a. Single-family dwellings legally established prior to August 1, 2011 are exempt from these standards. However, remodels and additions to such single-family dwellings shall not increase the level of nonconformity.
6. Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.
7. Religious assembly facilities which can demonstrate that the design standards impose a substantial burden, administratively or financially, on their free exercise of religion, shall be exempt from compliance.
8. Floor area. For purposes of this section of the code (Section 13.06.501), "floor area" shall not include spaces below grade.
9. Parks, recreation and open space uses. Accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the design standards of this section.

B. Commercial District Minimum Design Standards

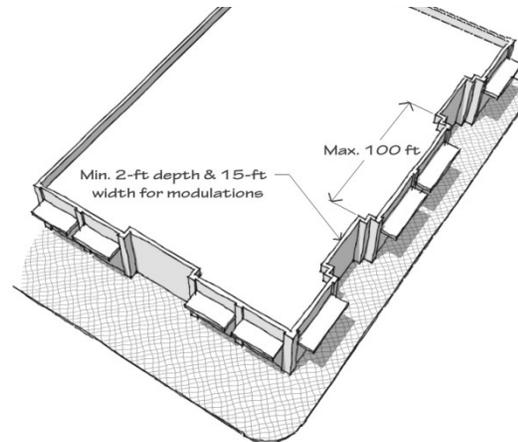
1. Applicability. The following requirements apply to the C1, C2, T, and PDB zoning districts. See Section 13.06.501.H, below, for X-District requirements. Single-use multi-family residential developments in the C1, C2, T,

and PDB zoning districts are subject to the requirements in Section 13.06.501.D Multi-family Residential Minimum Design Standards.

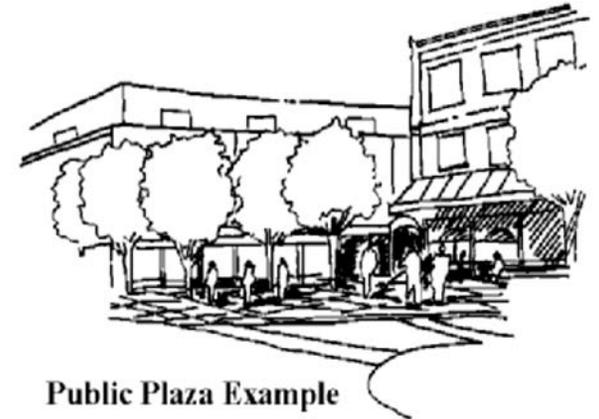
<p>1B. General Mass Reduction Standards. The following requirements apply to the C1, C2, T, and PDB zoning districts. See Section 13.06.501.H, below, for X-District requirements.</p> <p>Purpose: The design choices of this item <u>following standards</u> are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.</p>	
<p>a1. Size to choice ratio for 2 below</p>	<p>(1)a. Buildings under 7,000 square feet of floor area are not required to provide mass reduction.</p> <p>(2)b. Buildings from 7,000 square feet of floor area to 30,000 square feet of floor area shall provide at least one mass reduction feature.</p> <p>(3)e. Buildings over 30,000 square feet of floor area shall provide at least two mass reduction features.</p>
<p>b2. Mass reduction choices</p>	<p>(1)a. Upper story. Buildings with a maximum footprint of 7,000 square feet of floor area, that do not exceed 14,000 square feet of floor area, may count use of a second story as a mass reduction feature.</p> <p>(2)b. Upper story setback. An 8 feet minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of 2 elevations.</p> <p>(3)e. Wall modulation. Maximum 100 feet of wall without modulation, then a minimum 2 feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential uses.</p> <p>(4)d. Public plaza. A public plaza of at least 800 square feet or 5 percent of building floor area, whichever is greater. The plaza shall be located within 50 feet of and visible to the primary public entrance; and contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bike rack, or art work for each 200 square feet of plaza area. Plaza contents may count toward other requirements when meeting the required criteria. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza. Where public seating is provided, it shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. Plazas may be permeable pavement or pavers where feasible. Low Impact Development vegetated stormwater features may be used for up to 30% of the plaza requirement where feasible.</p> <p>e.— Housing. The provision of upper story residential dwelling units at a site density consistent with the applicable land use intensity designation of the Comprehensive Plan.</p>



Upper Story Setback



Wall Modulation Example



Public Plaza Example

2C. General Roofline Standards. The following requirements apply to the C-1, C-2, T, and PDB zoning districts. See Section 13.06.501.I, below, for X-District requirements.

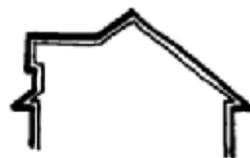
Purpose: These requirements following standards are intended to ensure that roofline is addressed as an integral part of building design to avoid flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with residential and human scale development.

<p>a. Roofline Choices (All buildings shall use one or more of the roofline options)</p>	<p>(1). Sloped roof. Use of a roof form with a pitch no flatter than 5/12. Rounded, gambrel, and/or mansard forms may be averaged.</p> <p>(2). Modulated roof. Use of features, which are a minimum of 2 feet in height, such as a terracing parapet, multiple peaks, jogged ridge lines, dormers, etc., with a maximum of 100 feet uninterrupted roofline between roof modulation elements. Modulation elements shall equal a minimum of at least 15 percent of the roofline on each elevation. The maximum shall be 50 feet of uninterrupted roofline along the eave between roof modulation elements in C-1 Districts and on sides facing residential uses or districts. Roof forms with a pitch flatter than 5/12 are permitted with this option; provided, the appropriate modulation is incorporated.</p> <p>(3). Corniced roof*. A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. The height of the cornice shall be at least 12 inches high for buildings 10 feet or less in height; 18 inches for buildings greater than 10 feet and less than 30 feet in height; and 24 inches for buildings 30 feet and greater in height. Cornices shall not project over property lines, except where permitted on property lines abutting public right-of-way.</p> <p>(4). Canopy Exemption. Fueling station canopies, drive-through canopies, or similar canopies are exempt from roofline requirements.</p>
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Modulated Roof



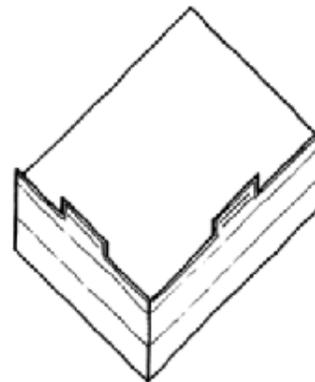
Sloped Roof



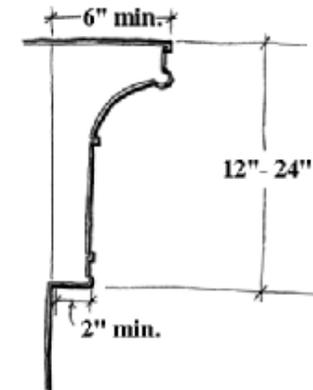
Sloped Roof



Sloped Roof



Modulated Roof Example

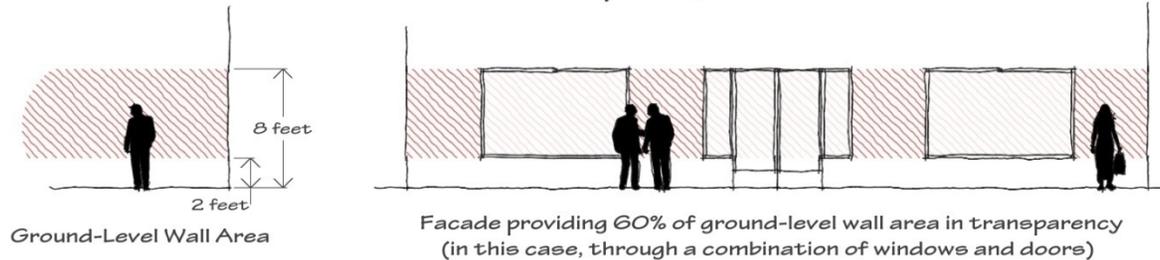


Cornice Example

Roofline Examples

<p>3D. General Windows and openings. The following requirements apply to the C-1, C-2, T, and PDB zoning districts. See Section 13.06.501.J, below, for X-District requirements.</p> <p>Purpose: The following standards requirements are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, and to provide architectural detailing and variety to building elevations on each story.</p>	
<p>a1. Street level</p>	<p>(1)a. Front, side, or corner side exterior walls facing streets or that contain customer entrances and face customer parking lots of 20 stalls or greater shall have transparent window or openings for at least 50 percent of the ground level wall area. This standard shall apply on a maximum of 2 such building elevations. The window and opening requirements shall be reduced to 30 percent of the ground level wall area for portions of façades where the grade level of the sidewalk of the abutting street is 4 feet or more above or below the adjacent floor level of the building. The requirement shall be further reduced to 20 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades and the correlating location of the floor plates of the building. Rough openings are used to calculate this requirement.</p> <p>(2)b. Required view. Required windows or openings must provide either views into building work areas, sales areas, lobbies, merchandise displays, or artworks. Art and display windows shall be at least 2 feet deep, recessed and integrated into the façade of the building (tack on display cases do not qualify).</p> <p>(3)e. The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</p> <p>(4)d. Limited alternatives. Alternatives of decorative grilles, art work, or similar features can be substituted for those portions of uses where the provision of natural light can be demonstrated to nullify the intended use (examples include movie theater viewing areas and light sensitive laboratories) and for parking structures, provided an equivalent wall area is covered.</p>
<p>b2. Upper levels</p>	<p>(1)a. Front, side, or corner side exterior walls facing streets or walls that contain customer entrances and face customer parking lots of 20 stalls or greater shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor on a minimum of 2 such building elevations.</p> <p>(2)b. Upper level windows shall be a different type than the ground level windows on the same elevation.</p> <p>(3)e. For purposes of this requirement, a window type is either a grouping of windows, a window size, or a window shape.</p>
<p>c4. Exemptions:</p> <p>a.—Residential privacy. On sides where C, T, or PDB District boundaries adjoin R-1, R-2, R-2SRD, or R-3 District boundaries, structures within the C, T, or PDB District that are set back at least 7 feet from the property line and screened by landscaping to a minimum height of 6 feet are exempt from the window and opening requirements on the effected side.</p> <ul style="list-style-type: none"> • b.—Residential buildings. Residential buildings or residential portions of mixed-use buildings are exempt from street level windows or openings. 	

Development Requirements for Facades
Windows/Openings



4E. General Façade Surface Standards. ~~The following requirements apply to the C-1, C-2, T, and PDB zoning districts. See Section 13.06.501.K, below, for X-District requirements.~~

~~Purpose:~~ ~~These requirements-~~ ~~following standards~~ are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.

<p>a+. Blank wall limitation</p>	<p>(1)a. Unscreened, flat, blank walls on the first story more than 25 feet in width are prohibited facing a public street and/or highway right-of-way, residential zone, or customer parking lot. These walls shall use modulation, windows, openings, landscaping, or architectural relief such as visibly different textured material to achieve the required visual break. The visual break shall be at least 1 foot in width. Items provided for other requirements may satisfy this requirement as appropriate. Stored or displayed merchandise, pipes, conduit, utility boxes, air vents, and/or similar equipment do not count toward this requirement.</p>
<p>b2. Façade variety</p>	<p>(1)a. Buildings with under 2,000 square feet of floor area are exempt from the variety requirement.</p> <p>(2)b. Buildings with 2,000 square feet of floor area to 30,000 square feet of floor area shall use at least 2 different materials, textures, or patterns on each building elevation.</p> <p>(3)e. Buildings with over 30,000 square feet of floor area shall use at least 3 different materials, textures, or patterns on each building elevation.</p> <p>(4)d. For purposes of this requirement, each material, texture, or pattern must cover a minimum of 10 percent of each building elevation. Glass does not count toward this requirement. Different texture or pattern shall be visibly different from adjacent public right-of-way or parking area.</p>
<p>c3. Building face orientation</p>	<p>(1)a. The building elevation(s) facing street or highway public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.</p> <p>(2)b. This requirement applies to a maximum of 2 building elevations on any given building.</p>

<p><u>5F. General Pedestrian Standards.</u> The following requirements apply to all development in the C-1, C-2, T, and PDB districts, except where noted or specifically exempted. See Section 13.06.501.L, below, for X-District requirements</p> <p>Purpose: <u>These requirements- following standards</u> are intended to enhance pedestrian mobility and safety in commercial areas by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.</p>	
<p>a1. Customer entrances</p>	<p><u>(1)a.</u> Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only 1 elevation.</p> <p><u>(2)b.</u> Designated streets. Non-residential or mixed-use buildings on designated pedestrian streets noted in Section 13.06.200.E or Section 13.06.300.C shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facing, and visible to the designated street. For such buildings over 30,000 square feet of floor area, the maximum distance is increased to 60 feet.</p>
<p>b2. Street level weather protection</p>	<p><u>(1)a.</u> Weather protection shall be provided above a minimum of 25 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage.</p> <p><u>(2)b.</u> Weather protection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.</p> <p><u>(3)e.</u> Weather protection must cover at least 5 feet of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar building accessories to not less than 3 feet in width.</p>

6G. General Fencing and Utilities. ~~The following requirements apply to the C-1, C-2, T, and PDB zoning districts. See Section 13.06.501.M, below, for X-District requirements.~~

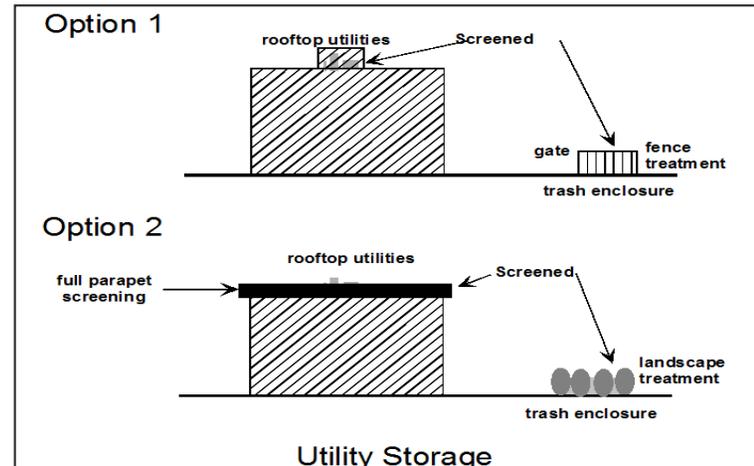
~~Purpose:~~ These requirements following standards are intended to minimize visibility of utilities, mechanical equipment, and service areas to mitigate visual impact on residential privacy, public views, and general community aesthetics.

a1. Utility screening

a(1). Rooftop. All rooftop mechanical equipment for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form or an equivalent architectural feature which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. Limited flexibility in this standard is allowed to ensure that the function of the HVAC equipment is not compromised by the screening requirement.

(2)b. All ground level. Mechanical or utility equipment, loading areas, and dumpsters shall be screened from adjacent public street right-of-way, including highways, or residential uses. Items that exceed 4 feet in height must use fencing, structure, or other form of screening, except landscaping. Items that do not exceed 4 feet above ground level may be screened with landscaped screening. All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting. Limited flexibility in this standard is allowed to ensure that the function of the utility equipment is not compromised by the screening requirement.

(3)e. Chain link fencing, with or without slats, is prohibited for required screening.



b2. Fencing type limitation

- a. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.
- b. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.
- c. Electrified. The use of electrified fencing is prohibited in all zoning districts.

C. Mixed-Use District Minimum Design Standards

1. Applicability: The following requirements apply to all development located in any X-District, except where noted or unless specifically exempted.

2H. Façade Articulation.

Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation. ~~X-District Mass Reduction Standards. The following requirements apply to all development located in any X-District, unless specifically exempted.~~

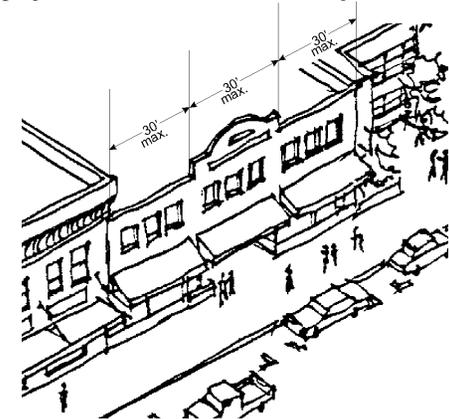
~~1. Façade Articulation: The following design choices are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.~~

a. All building façades fronting directly on a Designated Pedestrian Street must include at least two of the following articulation features at intervals no greater than 40 feet to reinforce the desired pattern of small storefronts adjacent to the sidewalk. Buildings that have 60 feet or less of frontage on the designated pedestrian street are exempt from this standard.

- (1) Use of window and/or entries that reinforce the pattern of small storefront spaces.
- (2) Use of vertical piers to reinforce the pattern of small storefront spaces. Such piers must project at least 2 inches from the façade and extend from the ground floor to the roofline.
- (3) Use of weather protection features that reinforce the pattern of small storefronts. For example, for a business that occupies three lots, use three separate awnings to break down the scale of the storefronts. Alternating colors of the awnings may be useful as well.
- (4) Roofline modulation as defined in Section ~~13.06.501.F-13.06.501.C.5~~
- (5) Change in building material or siding style.

Example Figures

Right: This building uses roofline modulation, window configurations, and weather protection elements to reinforce the pattern of small storefronts.
 Below: Other acceptable façade articulation examples. All use window configurations to reinforce the desired small storefront pattern. Other features used in these examples to meet the standards include:



	<p>Vertical piersRoofline modulation</p> <p>Different weather protection elements</p> 
<p>b. All non-residential façades fronting on a non-Pedestrian Designated Street or containing a pedestrian entrance must include at least three of the following articulation features at intervals no greater than 60 feet. Buildings that have 120 feet or less of frontage on the non-designated street are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.</p>	<ol style="list-style-type: none"> (1) Use of window configurations and/or entries that reinforce the pattern of storefront spaces. (2) Vertical building modulation. The minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation as defined in Section 13.06.501<u>13.06.501.C.5</u>. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively. (3) Use of separate weather protection features that reinforce the pattern of storefront spaces. (4) Roofline modulation as defined in Section 13.06.501<u>13.06.501.C.5</u> (5) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 feet of the façade. (6) Change in building material or siding style. (7) Use of vertical piers. Such piers must project at least 2 inches from the façade and extend from the ground floor to the roofline. (8) Providing a trellis, tree, or other landscape feature within each interval. Such feature must be at least one-half the height of the building (at planting time for any landscaping element).

<p>c. All residential buildings and residential portions of mixed-use buildings shall include at least three of the following articulation features at intervals of no more than 30 feet along all façades facing a street, common open space, or common parking areas. Buildings that have 60 feet or less of frontage on the street or façade width facing the common open space or common parking area are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.</p>	<ol style="list-style-type: none"> (1) Repeating distinctive window patterns at intervals less than the required interval. (2) Vertical building modulation. Minimum depth and width of modulation is 2 feet and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation as defined in Section 13.06.501<u>13.06.501.C.5</u>. Otherwise, minimum depth and width of modulation is 10 and 15 feet, respectively. Balconies may not be used to meet modulation option unless they are recessed or projected from the façade at least 18 inches. (3) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 percent of the façade (4) Roofline modulation as defined in Section 13.06.501<u>13.06.501.C.5</u> (5) Vertical articulation of the façade. This refers to design treatments that provide a clear delineation of the building’s top, middle and bottom. <ol style="list-style-type: none"> (a) Top features may include a sloped roofline or strong cornice line as defined in Section 13.06.501<u>13.06.501.C.5</u>. For façades utilizing upper level stepbacks, the “top” design treatment may be applied to the top of the front vertical plane of the building or the top of the building where it is set back from the building’s front vertical wall (provided the top of the building is visible from the centerline of the adjacent street). (b) Middle features: provide consistent articulation of middle floors with windows, balconies, exterior materials, modulation, and detailing (c) Bottom: provide a distinctive ground floor or lower floors design that contrasts with other floors through the use of both contrasting window design/configuration and contrasting exterior materials (d) Façade reduction elements including balconies and bay windows may project into street rights-of-way, where allowed by the Public Works Department, but not into alley rights-of-way <div style="text-align: center;">  <p>The diagram shows a three-unit residential building facade. Above the building, a horizontal line is divided into three equal segments, each labeled '30' max.'. The building below has three distinct units, each with a gabled roof, a front door, and windows. The units are separated by vertical lines, and there are small trees in front of each unit.</p> </div>
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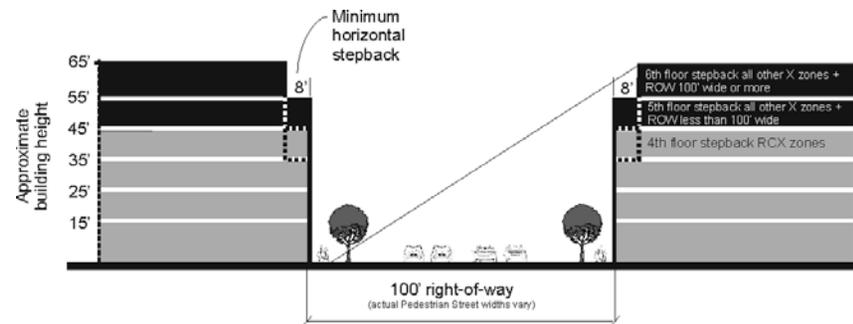
Above: Residential building articulation at 30-foot or less intervals. Below: Articulation examples of mixed-use buildings containing residential uses on upper floors. These examples include vertical and horizontal modulation and changes in building materials at no more than 30-foot articulation intervals.



32. Mass Reduction: Upper Floor Streetfront Stepbacks.

Purpose: The following standards are intended to reduce the appearance of bulk and reduce the potential for shade and shadow impacts on pedestrian streets. They apply to all development along designated pedestrian streets, unless specifically exempted.

- a. 8’ minimum setback along the streetfront façade for 4th floor and above in RCX Districts.
- b. 8’ minimum horizontal setback along for 5th floor and above in X Districts other than RCX, where the ROW width is less than 100’.
- c. 8’ minimum horizon setback for 6th floor and above in X zones other than RCX, where the ROW width is 100’ or greater.
- d. Exceptions to b and c above: One distinctive design element of no more than 25 feet in width is allowed to extend vertically without these required setbacks for each façade along a designated pedestrian street.



43. Mass Reduction: Maximum Façade Widths.

Purpose: The following standards are intended to incorporate a significant modulation of the exterior wall through all floors except the ground floor. They apply to the upper story façades of multi-story buildings that are greater than 120 feet in width. Such buildings shall include at least one of the following features to break up the massing of the building and add visual interest:

- a. Provide vertical building modulation at least 20 feet deep and 30 feet wide. For multi-story buildings the modulation must extend through more than one-half of the building floors.

- b. Use of a contrasting vertical modulated design component that extends through all floors above the first floor fronting on the street (upper floors that are stepped back more than 10 feet from the façade are exempt) and featuring at least two of the following:
- (1) Utilizes a change in building materials that effectively contrast from the rest of the façade.
 - (2) Component is modulated vertically from the rest of the façade by an average of 6 inches.
 - (3) Component is designed to provide roofline modulation per ~~13.06.501-I~~ [13.06.501.C.5](#), below.

- c. Façade employs building walls with contrasting articulation that make it appear like two distinct buildings. To qualify for this option, these contrasting façades must employ the following:
- (1) Different building materials and/or configuration of building materials.
 - (2) Contrasting window design (sizes or configurations).



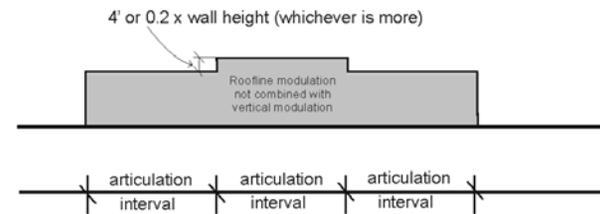
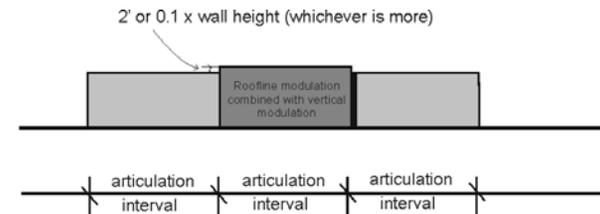
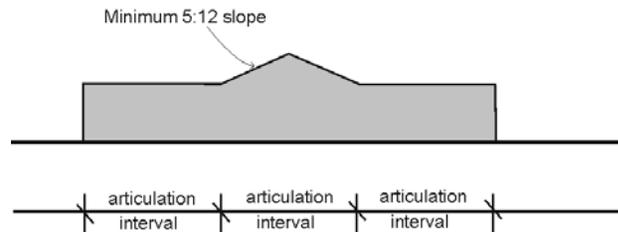
Examples of façades wider than 120 feet that effectively use techniques to reduce the apparent bulk and scale of the structure. The image on the left uses street and upper level courtyards whereas the right image uses both vertical building modulation and the use of contrasting building materials and articulation.

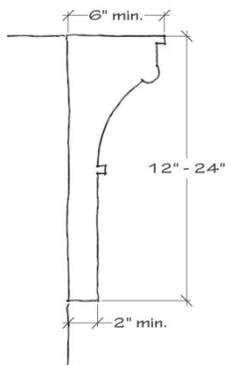
5I. X-District Roofline Standards. The following requirements apply to all development located in any X-District, unless specifically exempted.

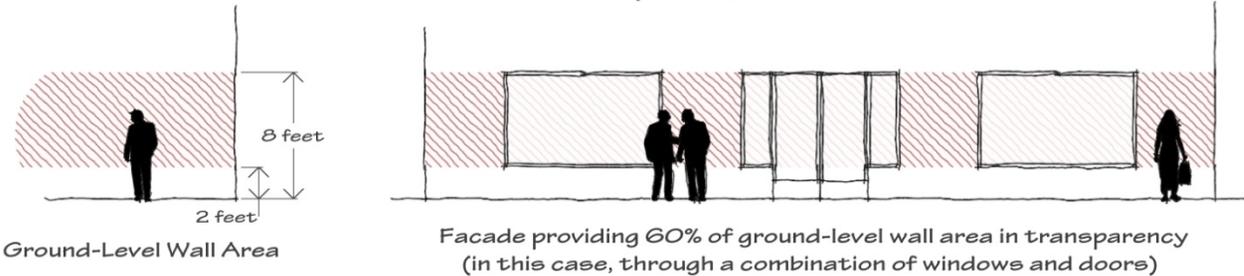
Purpose: They are following standards are intended to ensure that roofline is addressed as an integral part of building design to discourage flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with human scale development.

a+. Roofline modulation. Roofline modulation is not required of all buildings. However, in order to qualify as a façade articulation element in other mass reduction standards herein, the roofline shall meet the following modulation requirements along façades facing a street:

- (1)a. For flat roofs or façades with horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of 2 feet or 0.1 multiplied by the wall height (finish grade to top of the wall) when combined with vertical building modulation techniques. Otherwise, the minimum vertical dimension of roofline modulation is the greater of 4 feet or 0.2 multiplied by the wall height.
- (2)b. Buildings with pitched roofs must include a minimum slope of 5:12 and feature modulated roofline components (such as gabled, hipped, shed, or other similar roof forms) at the interval required per the applicable standard in Section H, above. Rounded, gambrel, and/or mansard forms may be averaged.



<p>b2. Flat roof standards. Buildings or portions thereof featuring flat roofs (horizontal roofs with either no slope or only a slope sufficient to effect drainage, often which incorporate surrounding parapets) that do not incorporate roofline modulation, as described above, shall employ decorative roofline treatments incorporating one or more of the following design elements along façades facing a street:</p>	<p>(1)a. A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. See graphic at right. The height of the cornice shall be at least 12-inches high for buildings 10 feet or less in height; 18-inches for buildings greater than 10 feet and less than 30 feet in height; and 24-inches for buildings 30 feet and greater in height. The cornice must extend along at least 75 percent of the façade.</p> <p>(2)b. A one-piece cornice element that projects at least 18 inches from the façade for buildings four stories or less or at least 2 feet from the façade for buildings taller than 4 stories. The cornice line must extend along at least 75 percent of the façade.</p> <p>(3)e. Use of balcony/deck railings that function as a visual roofline element. Such railings must be at least 2 feet in height and extend along at least 75 percent of the façade and shall be visible from the adjacent street centerline.</p> <p>(4)d. Use of contrasting building materials on the top floor or top two floors for buildings five stories or taller, for at least 75 percent of the façade.</p>	 <p>Cornice Example</p>
<p>c3. Roofline elements shall not project over property lines, except where permitted on property lines abutting public right-of-way.</p>		
<p>d4. Canopy Exemption. Fueling station canopies, drive through canopies, or similar canopies are exempt from roofline requirements.</p>		
<p>6J. X-District Windows and Openings: Façade Transparency and Solar Access. Purpose: The following requirements apply all development in any X-District, unless specifically exempted. <u>The se requirements following standards</u> are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, to provide for natural lighting to buildings interiors to conserve energy, and to provide architectural detailing and variety to building elevations on each story.</p>		

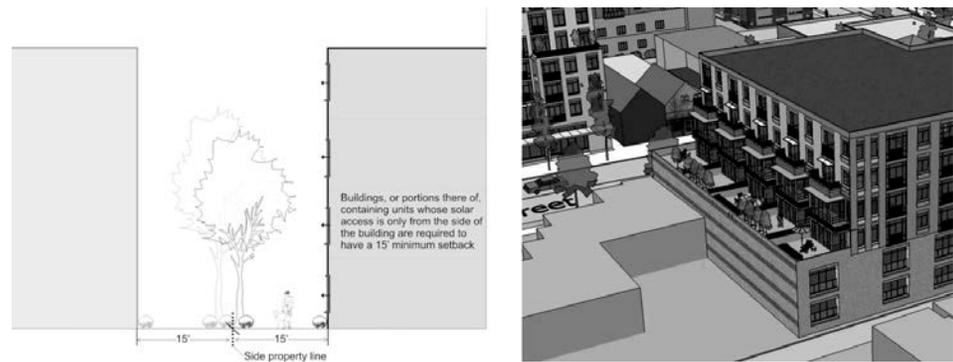
<p>a+. Street level transparency standards for non-residential uses:</p>	<p>(1)a. Façades facing a designated Core Pedestrian Street shall have transparent windows or openings for at least 60 percent of the ground level wall area.</p> <p>(2)b. Façades facing a designated Pedestrian Street shall have transparent windows or openings for at least 50 percent of the ground level wall area.</p> <p>(3)e. Façades facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater shall have transparent windows or openings for at least 40 percent of the ground level wall area.</p> <p>(4)d. Flexibility for sloping properties. The window and opening requirements shall be reduced to 30 percent of the ground level wall area for building elevations where the finished grade level adjacent to the building is four feet above or below the level of the sidewalk. The requirement shall be further reduced to 20 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades running parallel to the elevation and crossing the floor plates of the building.</p> <p>(5)e. Flexibility for industrial uses. The window and opening requirements shall be reduced to 30 percent of the ground level wall area for the façades of industrial uses located along designated Pedestrian Streets and reduced to 20 percent of the ground level wall area for the façades of industrial uses facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater.</p> <p>(6)f. Flexibility for structured parking. For structured parking or portions of a building containing structured parking that is located at the ground level and subject to these requirements, the window and opening requirement for that portion of the ground-level wall area shall be reduced to 30 percent along façades facing designated Pedestrian Streets and 20 percent along façades facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater. Additionally, alternatives such as decorative grilles, art work, display windows, or similar features can be substituted for the transparency required in that portion of the ground-level façade.</p> <p>(7)g. Required view. Required windows or openings must provide either views into building work areas, sales areas or lobbies. Art or display windows may substitute for transparent elements for up to 25% of the requirement on façades facing designated Pedestrian Streets and up to 50% on all other applicable façades. Art and display windows shall be at least 2 feet deep, recessed and integrated into the façade of the building (tack on display cases do not qualify).</p> <p>(8)h. The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</p> <p>(9)i. This standard shall apply on a maximum of 2 such building elevations, and shall apply in the order provided above. As an example, for a building that faces a Core Pedestrian Street, a non-pedestrian street, and a qualifying parking lot, the requirements would apply to the façade facing the Core Pedestrian and either the façade facing the non-designated street or the façade facing the parking lot.</p> <p>(10)j. Rough openings are used to calculate this requirement.</p> <div style="text-align: center;"> <p>Development Requirements for Façades Windows/Openings</p>  <p>The diagram consists of two parts. The left part shows a vertical line representing a wall. A horizontal line is drawn 2 feet above the ground, and another is drawn 8 feet above the ground. The area between these two lines is shaded with diagonal lines and labeled 'Ground-Level Wall Area'. A silhouette of a person is shown next to the wall for scale. The right part shows a similar wall with several rectangular openings (windows and doors) cut out. The remaining shaded area represents the non-transparent portion of the wall. Below this diagram is the text: 'Façade providing 60% of ground-level wall area in transparency (in this case, through a combination of windows and doors)'. Silhouettes of people are shown in front of the openings.</p> </div>
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<p>b2. Upper level transparency standards for non-residential uses:</p>	<p>(1)a. Exterior walls facing streets or containing a customer entrance and facing customer parking lots of 20 stalls or greater shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor.</p> <p>(2)b. Upper level windows shall be a different type than the ground level windows on the same elevation.</p> <p>(3)e. For purposes of this requirement, a window type is either a grouping of windows, a window size, or a window shape.</p>
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c3. Residential buildings and residential portions of mixed-use buildings shall incorporate transparent windows and doors equal to at least 15% of all vertical façade surfaces facing the street and equal to at least 10% of all vertical surfaces facing alleys, courtyards, plazas and surface parking lots.

d4. Solar access for residential units.

a. Buildings or portions thereof containing dwelling units whose solar access is only from the side or rear of the building (facing towards the side or rear property line) shall be set back from the applicable side or rear property lines at least 15 feet. This standard shall not apply in cases where the rear or side property line abuts an alley. Examples are provided below.



e5. Window/Trim Detailing. Building façades shall employ techniques to recess or project individual windows or groupings of windows above the ground floor at least two inches from the surrounding façade or incorporate window trim at least four inches wide surrounding the windows. Windows on façades that face the rear property line or alleys are exempt from this standard.

Examples:

Recessed window OK Projected window OK Window with trim OK Unacceptable



<p>7K. X-District Façade Surface Standards. The following requirements apply to all development in any X Districts, unless specifically exempted.</p> <p><u>Purpose:</u> The following se standards requirements are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.</p>	
<p><u>a1.</u> Blank walls limitation</p>	<p><u>(1)a.</u> Blank wall definition: A ground floor wall or portion of a ground floor wall that is over 4 feet in height and has a horizontal length greater than 15 feet without a transparent window or door</p> <p><u>(2)b.</u> Blank walls facing a street, internal pathway, or customer parking lot of 20 stalls or greater must be treated in one or more of the following ways:</p> <p><u>(a1)</u> Transparent windows or doors.</p> <p><u>(b2)</u> Display windows at least 2 feet in depth and integrated into the façade (tack-on display cases do not qualify).</p> <p><u>(c3)</u> Landscape planting bed at least 5 feet wide or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall. Such planting areas shall include planting materials that are sufficient to obscure or screen at least 60 percent of the wall’s surface within 3 years.</p> <p><u>(d4)</u> Installing a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least 60 percent of the wall’s surface within 3 years. For large areas, trellises should be used in conjunction with other blank wall treatments.</p>
<p><u>b2.</u> Building face orientation</p>	<p><u>(1)a.</u> The building elevation(s) facing street public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.</p> <p><u>(2)b.</u> For buildings that have more than 2 qualifying elevations, this requirement shall only be applied to two of them.</p>

<p>c3. Building Details for Core Pedestrian Streets</p>	<p>(1) All façades facing designated Core Pedestrian Streets shall be enhanced with appropriate details. All new buildings shall employ at least one detail element from each of the three categories below. To qualify as an element, features must be used continuously along the façade or at 30-foot intervals.</p> <p>(a) Window and/or entry treatment:</p> <ul style="list-style-type: none"> • (1) Display windows divided into a grid of multiple panes. • (2) Transom windows. • (3) Roll-up windows/doors. • (4) Recessed entry. • (5) Decorative door. • (6) Arcade. • (7) Landscaped trellises or other permanent decorative elements that incorporate landscaping near the building entry. <p>(b) Decorative façade attachments:</p> <ul style="list-style-type: none"> • (1) Decorative weather protection element(s) such as a steel canopy or glass, fixed-fabric, or retractable awning. • (2) Decorative building-mounted light fixtures. <p>(c) Decorative building materials and other façade elements:</p> <ul style="list-style-type: none"> • (1) Use of brick, stonework, and architectural pre-cast concrete for at least 10 percent of siding material on the façade. • (2) Incorporating a decorative mix of building materials. • (3) Decorative kick-plate, pier, or belt course. <p>(2) Decorative elements referenced above must be distinct and unique elements or unusual designs that require a high level of craftsmanship. The examples below include a decorative door, use of materials, transom windows, and a retractable awning (left image), decorative lights, arcade, use of brick, and decorative planters near the entry (center image), and decorative canopies, decorative windows, and use of brick (right image).</p> <div style="display: flex; justify-content: space-around;">  </div>
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<p>8L. X-District Pedestrian Standards. The following requirements apply to all development in any X-District, except where noted or specifically exempted.</p> <p>Purpose: These The following requirements standards are intended to enhance pedestrian mobility and safety in commercial areas by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.</p>	
<p>a. Customer entrances</p>	<p>(1)a. Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only 1 elevation.</p> <p>(2)b. Designated streets. Non-residential or mixed-use buildings on designated pedestrian streets noted in Section 13.06.200.E or Section 13.06.300.C shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facing, and visible to the designated street. For such buildings over 30,000 square feet of floor area, the maximum distance is increased to 60 feet.</p>
<p>b. Street level weather protection</p>	<p>(1)a. Weather protection shall be provided above a minimum of 50 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage. Façades or portions of façades where planting strips of more than 5 feet in width separate the walkway from the building wall are exempt from these standards.</p> <p>(2)b. Mixed-Use Center District designated pedestrian streets. Weather protection shall be provided above a minimum of 80 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage.</p> <p>(3)e. Weather protection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.</p> <p>(4)d. Weather protection must cover at least 5 feet of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar accessories to not less than 3 feet in width.</p> <p>(5)e. Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.</p>

<p>9M. X-District Fencing, Retaining Wall and Utility Standards. The following requirements apply to all development in any X-District, unless specifically exempted.</p> <p>Purpose: They are following standards are intended to provide for thoughtful placement and design of utilities, mechanical equipment, service areas and fences to mitigate visual impact on public views, general community aesthetics and residential privacy.</p>	
<p>a1. Utility screening</p>	<p>(1)a. Rooftop. All rooftop mechanical for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form or an equivalent architectural feature which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. Limited flexibility in this standard is allowed to ensure that the function of the HVAC equipment is not compromised by the screening requirement.</p> <p>(2)b. All ground level. Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street and other pedestrian areas. If such elements are mounted in a location visible from the street, common open space or pedestrian plaza, internal pedestrian pathway, customer parking lots (alleys are excluded), or shared internal access roads for residential uses, they shall be screened with vegetation or by architectural features. All landscape screening shall provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting. Items that exceed 4 feet in height must use an opaque fence or structure to screen the element. Limited flexibility in this standard is allowed to ensure that the function of the utility equipment is not compromised by the screening requirement.</p> <p>(3)e. Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Where there is no alley available, service elements shall be located and/or screened to minimize the negative visual, noise, odor, and physical impacts.</p>
<p>b2. Fencing type limitation</p>	<p>(1)a. Chain link fencing, with or without slats, is prohibited for required screening.</p> <p>(2)b. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.</p> <p>(3)e. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.</p> <p>(4)d. Electrified. The use of electrified fencing is prohibited in all zoning districts.</p> <p>(5)e. The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided the portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment. Fences required by the Washington State Liquor Control Board shall also be exempt from the maximum height limitation, provided any portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent.</p> <p>(6)f. Fences along alleys are allowed provided fences greater than 3 feet in height are at least 20% transparent between 3 and 7 feet above grade. If no transparency is provided, the maximum height of such fence shall be 3 feet.</p>
<p>c3. Retaining Walls.</p> <p>a— Retaining walls located adjacent to public street rights-of-way shall be terraced such that individual sections are no greater than 4 feet in height. Bench areas between retaining wall sections shall be planted with Type C or D landscaping to soften the view of the wall and contribute to the pedestrian environment.</p>	

D. Multi-family Residential Minimum Design Standards

1. Applicability: The following requirements apply to multi-family residential developments in all districts, except, see Section 13.06.501.C Mixed-Use District Minimum Design Standards for X-District requirements. Multi-family residential development with commercial ground floor uses are subject to the requirements of 13.06.501.B Commercial District Minimum Design Standards.

2. Pedestrian Orientation Standards.

Purpose: These requirements are intended to enhance pedestrian mobility and safety by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.

a. Entrances

(1). Buildings meeting the “build-to area” for designated pedestrian streets shall provide at least 1 entrance within 8 feet of the longest street-facing wall of the building. Buildings that have a shared main entrance must use the shared entrance to fulfill the requirements of this standard.
(a) The entrance must face the street or be at an angle of up to 45 degrees from the street.
(b) The entrance may open onto a porch. The porch must have a minimum dimension of 4 feet by 6 feet; have a roof that is no more than 12 feet above the floor of the porch; and be at least 30 percent solid. If at least 30 percent of the porch is covered with a solid roof, the rest may be covered with an open material, such as a trellis.
(2) Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.

b. Transition areas

(1). Residential buildings meeting the “build-to” requirements along designated pedestrian streets shall provide a transition area between the public right-of-way and the ground floor dwelling units.
(a) Transitions can be accomplished through grade changes that elevate the ground floor units and main entry or through landscaping and other design elements, such as plazas, artwork, fountains, bioswales, or other amenities.
(b) Fences, walls, and gateways may be used to provide some visual separation of private residences, but not to hide the transition area.
(c) Fences over 3’ in height must be transparent and cannot exceed 5’ in height.
(d) The transition area may be used to meet usable yard space requirements.
(e) Parking may not be used as a feature of the transition area.



Examples: The above examples use trees and landscaping, elevation changes, transparent fencing, and arbors to create an effective transition between public and private spaces.

3. Mass Reduction Standards.

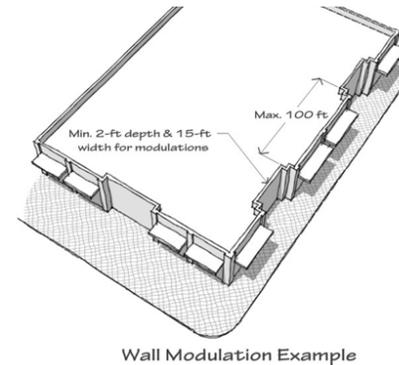
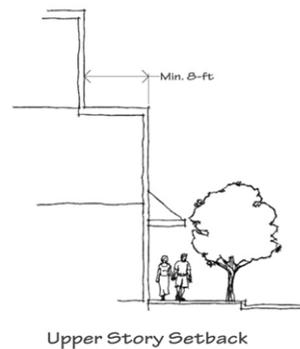
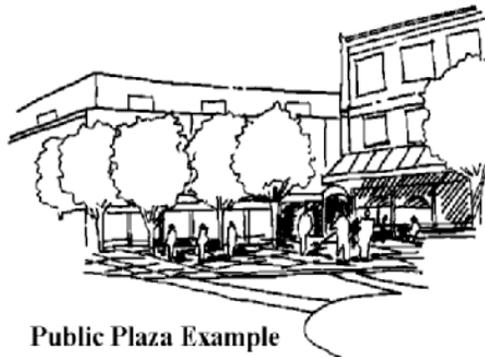
Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.

a. Size to choice ratio for 2 below

- (1). Buildings under 7,000 square feet of floor area are not required to provide mass reduction.
- (2). Buildings from 7,000 square feet of floor area to 30,000 square feet of floor area shall provide at least one mass reduction feature.
- (3). Buildings over 30,000 square feet of floor area shall provide at least two mass reduction features.

b. Mass reduction choices

- (1). Upper story setback. An 8 feet minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of 2 elevations.
- (2). Wall modulation. Maximum 100 feet of wall without modulation, then a minimum 2 feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential uses.
- (3). Plaza. A plaza of at least 800 square feet or 5 percent of building floor area, whichever is greater shall be located within 50 feet of and visible to the primary public entrance; and contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bike rack, or art work for each 200 square feet of plaza area. Plaza contents may count toward other requirements when meeting the required criteria. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza. Where public seating is provided, it shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. Plazas may be permeable pavement or pavers where feasible. Low Impact Development vegetated stormwater features may be used for up to 30% of the plaza requirement where feasible.



4. Roofline Standards.

Purpose: These following standards are intended to ensure that roofline is addressed as an integral part of building design to avoid flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with residential and human scale development.

a. Roofline Choices (All buildings shall use one or more of the roofline options)

- (1). Sloped roof. Use of a roof form with a pitch no flatter than 5/12. Rounded, gambrel, and/or mansard forms may be averaged.
- (2). Modulated roof. Use of features, which are a minimum of 2 feet in height, such as a terracing parapet, multiple peaks, jogged ridge lines, dormers, etc., with a maximum of 100 feet uninterrupted roofline between roof modulation elements. Modulation elements shall equal a minimum of at least 15 percent of the roofline on each elevation. The maximum shall be 50 feet of uninterrupted roofline along the eave between roof modulation elements in C-1 Districts and on sides facing residential uses or districts. Roof forms with a pitch flatter than 5/12 are permitted with this option; provided, the appropriate modulation is incorporated.
- (3). Corniced roof. A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. The height of the cornice shall be at least 12 inches high for buildings 10 feet or less in height; 18 inches for buildings greater than 10 feet and less than 30 feet in height; and 24 inches for buildings 30 feet and greater in height. Cornices shall not project over property lines, except where permitted on property lines abutting public right-of-way.

Modulated Roof



Sloped Roof



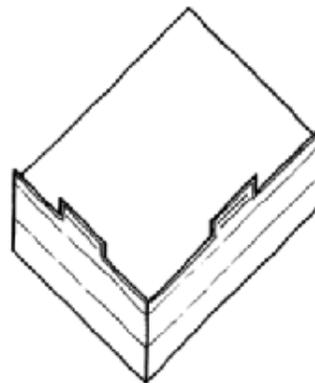
Sloped Roof



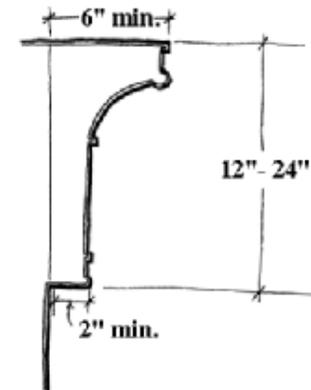
Sloped Roof



Roofline Examples



Modulated Roof Example



Cornice Example

5. Windows and Openings

Purpose: These requirements are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps to encourage pedestrian mobility, to provide a visual connection between the living area of the residence and the street, and to provide architectural detailing and variety to building elevations on each story.

a. Street level

(1). Front, side, or corner side exterior walls facing designated pedestrian streets shall have transparent windows or openings equal to at least 35 percent of the ground level wall area. Rough openings are used to calculate this requirement. This standard shall apply on a maximum of 2 such building elevations. The requirement shall be reduced to 15 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades and the correlating location of the floor plates of the building. Rough openings are used to calculate this requirement. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be facing the street property line.
(2). The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.

b. Transparency

Vertical façade surfaces facing a street shall incorporate transparent doors and windows equal to at least 15% of all vertical façade surfaces. Vertical façade surfaces facing alleys, courtyards, plazas, and surface parking lots shall incorporate transparent doors and windows equal to at least 10% of all vertical façade surfaces. Rough openings are used to calculate this requirement. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard.

c. Window/Trim Detailing.

Building façades shall employ techniques to recess or project individual windows or groupings of windows above the ground floor at least two inches from the surrounding façade or incorporate window trim at least four inches wide surrounding the windows. Windows on façades that face the rear property line or alleys are exempt from this standard.



Unacceptable



Recessed window OK



Projected window OK



Window with trim OK

6. Façade Surface Standards.

Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.

a. Building face orientation

All dwellings shall maintain primary orientation to an adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director. The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.

b. All residential buildings shall include at least three of the following articulation features at intervals of no more than 30 feet along all façades facing a street, common open space, or common parking areas. Buildings that have 60 feet or less of frontage on the street or façade width facing the common open space or common parking area are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.

- (1) Repeating distinctive window patterns at intervals less than the required interval.
- (2) Vertical building modulation. Minimum depth and width of modulation is 2 feet and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation as defined in Section 13.06.501.D.3. Otherwise, minimum depth and width of modulation is 2 and 15 feet, respectively. Balconies may not be used to meet modulation option unless they are recessed or projected from the façade at least 18 inches.
- (3) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 percent of the façade
- (4) Roofline modulation as defined in Section 13.06.501.D.3.
- (5) Vertical articulation of the façade. This refers to design treatments that provide a clear delineation of the building’s top, middle and bottom.
 - (a) Top features may include a sloped roofline or strong cornice line as defined in Section 13.06.501.D.3. For façades utilizing upper level stepbacks, the “top” design treatment may be applied to the top of the front vertical plane of the building or the top of the building where it is set back from the building’s front vertical wall (provided the top of the building is visible from the centerline of the adjacent street).
 - (b) Middle features: provide consistent articulation of middle floors with windows, balconies, exterior materials, modulation, and detailing
 - (c) Bottom: provide a distinctive ground floor or lower floors design that contrasts with other floors through the use of both contrasting window design/configuration and contrasting exterior materials
 - (d) Façade reduction elements including balconies and bay windows may project into street rights-of-way, where allowed by the Public Works Department, but not into alley rights-of-way



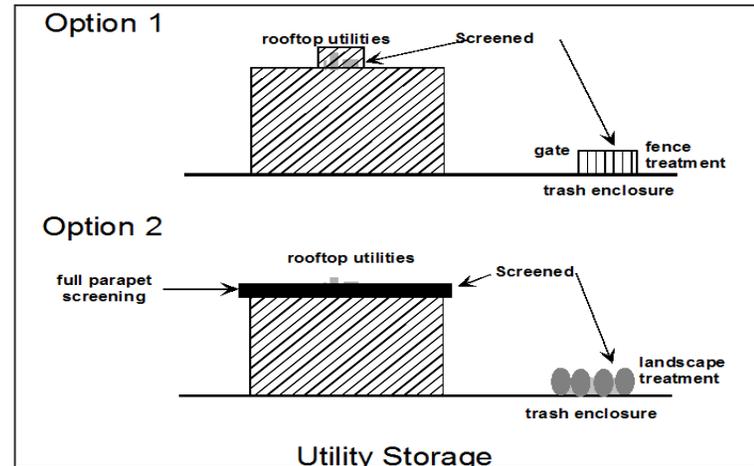
	<p><u>Above: Residential building articulation at 30-foot or less intervals. Below: Articulation examples of mixed-use buildings containing residential uses on upper floors. These examples include vertical and horizontal modulation and changes in building materials at no more than 30-foot articulation intervals.</u></p>
<p><u>c. Blank wall limitation</u></p>	<p><u>(1). Unscreened, flat, blank walls on the first story more than 25 feet in width are prohibited facing a public street and/or highway right-of-way, residential zone, or parking lot. These walls shall use modulation, windows, openings, landscaping, or architectural relief such as visibly different textured material to achieve the required visual break. The visual break shall be at least 1 foot in width. Items provided for other requirements may satisfy this requirement as appropriate. Stored or displayed merchandise, pipes, conduit, utility boxes, air vents, and/or similar equipment do not count toward this requirement.</u></p>

7. Fencing and Utilities.

Purpose: The following standards are intended to minimize visibility of utilities, mechanical equipment, and service areas to mitigate visual impact on residential privacy, public views, and general community aesthetics.

a. Utility screening

- (1).Rooftop. All rooftop mechanical equipment for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form or an equivalent architectural feature which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. Limited flexibility in this standard is allowed to ensure that the function of the HVAC equipment is not compromised by the screening requirement.
- (2).All ground level. Mechanical or utility equipment, loading areas, dumpsters and other utility apparatus shall be located and/or designed to minimize their visibility from the street, including highways, and other pedestrian areas and residences. If such elements are mounted in a location visible from the street, common open space or pedestrian plaza, internal pedestrian pathway, or shared internal access roads for residential uses, they shall be screened with vegetation or by architectural features. Items that exceed 4 feet in height must use fencing, structure, or other form of screening, except landscaping. Items that do not exceed 4 feet above ground level may be screened with landscaped screening. All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting. Limited flexibility in this standard is allowed to ensure that the function of the utility equipment is not compromised by the screening requirement.
- (3).Chain link fencing, with or without slats, is prohibited for required screening.



Well-designed service enclosure example.



Landscaping helps to minimize the negative visual impacts of utility meters.



Exposed utility meters like this will not be allowed where visible from common open spaces, streets or pedestrian areas.

<p><u>b. Fencing type limitation</u></p>	<p>(1).<u>Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.</u></p> <p>(2).<u>Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.</u></p> <p>(3).<u>Electrified. The use of electrified fencing is prohibited in all zoning districts.</u></p>
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E. Single, Two and Three-Family Dwelling Minimum Design Standards

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

2. Purpose: The following standards are intended to promote pedestrian access, compatibility with residential neighborhoods, building orientation to the street, and to minimize the impacts of vehicular access.

N. Single, Two, and Three Family Dwelling Standards. The following requirements apply to all single, two, and three family dwellings in X Districts, and to all two and three family dwellings in all districts. They are intended to emphasize pedestrian access, compatibility with residential neighborhoods, building orientation to the street, and to minimize impacts of vehicular access.

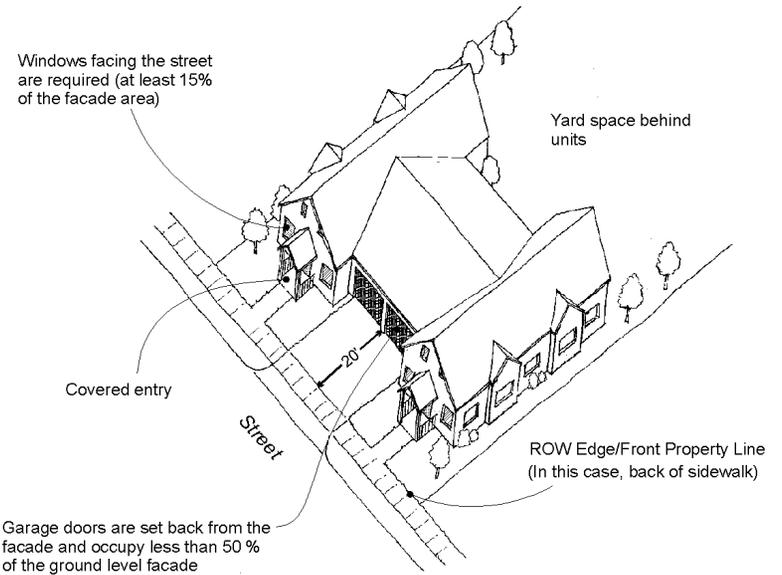
3. Main Building Orientation. All dwellings shall maintain primary orientation to the adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director. The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance.

4. Entries. Covered entries are required for each common entry or individual dwelling unit entry with minimum dimensions of 4 feet by 6 feet.

5. Windows and Openings on the street. At least 15 percent of the street-facing façades (all vertical surfaces facing the street) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.

- 6. Garage design standards.**
- a. Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as an abutting right-of-way that is or can be developed, is available.
 - b. For garages that include vehicular doors facing the front property line, the building or portion of the building with such doors shall be setback at least 20 feet from the property line or private road easement.
 - c. The garage face or side wall shall occupy no more than 50 percent of the length of a ground-level façade facing a street.
 - d. Where the garage faces the side, but is visible from the frontage, the garage shall incorporate a window on the front-facing façade so that it appears to be a habitable portion of the building. The window size and design must be compatible with the windows on habitable portions of the dwelling.
 - e. Driveway approaches shall also be consistent with the standards in Section 13.06.510.

7. Corner duplexes. Duplexes located on corner lots shall be designed with pedestrian entries located on opposite street frontages so that the structure appears to be a single-family dwelling from each street, or with a single shared entrance that presents the appearance of one single-family house. Where no alley is available for vehicular access, separate driveways for each unit may be placed on opposite streets.



<p><u>85. Building design, duplexes and triplexesArticulation.</u> Duplexes and triplexes shall be articulated to either look like two or three distinct dwelling units from the street or to look like one single-family dwelling. Specifically:</p> <ul style="list-style-type: none"> a. Buildings articulated to look like distinct dwelling units shall include individual covered entries plus one of the following: <ul style="list-style-type: none"> (1) Roofline modulation consistent with Section 13.06.501.I.1 to distinguish one unit from another (or the appearance of separate units) as viewed from the street; or (2) Vertical building modulation to help distinguish between the different units in the building. The minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively. b. Buildings designed to look like one large single-family dwelling shall feature only one entrance visible from the street. This could be a common entrance for all units, or the entrances for additional units could be provided at the side or rear of the building.
<p><u>96. Building design, single family detachedFacade variety.</u> Single-family detached dwellings shall not use front façades that are duplicative with adjacent single-family detached dwellings. In order to qualify as a different façade elevation, dwellings shall have different roofline configurations and different entry/porch designs. Simple reverse configurations of the same façade elevation on adjacent lots are not sufficient to meet this requirement. In addition, a minimum of two of the following alternatives shall be utilized:</p> <ul style="list-style-type: none"> a. Different window opening locations and designs, b. One and two-story dwellings, c. Different exterior finish materials and finishes, or d. Different garage location, configuration and design.
<p><u>107.</u> Utilities.</p> <ul style="list-style-type: none"> a. Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features. b. Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Such elements shall not be located along the street frontage. Where there is no alley available, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts and shall be screened from view from the street and sidewalk.
<p><u>118.</u> Fencing.</p> <ul style="list-style-type: none"> a. Chain link fencing, with or without slats, is prohibited for required screening. b. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use. c. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses. d. Electrified. The use of electrified fencing is prohibited in all zoning districts. e. The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided such fence is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment.

F. Townhouse Minimum Design Standards.

- 1. Applicability. The following requirements apply to all townhouse dwellings in all districts.
- 2. Purpose. The following standards are intended to provide façade articulation that emphasizes individual units and reduces the apparent mass of structures, minimize impacts of vehicular access and service elements, and emphasize pedestrian access and building orientation to the street.

O. Townhouse Standards. The following requirements apply to all townhouse dwellings in all districts. These requirements are intended to provide façade articulation that emphasizes individual units and reduces the apparent mass of structures, minimize impacts of vehicular access and service elements, and emphasize pedestrian access and building orientation to the street.

- 31.** Building Mass:
- a. The maximum number of units in one building is six, with minimum spacing between buildings of 10 feet.
 - b. Unit articulation. Façades with more than two townhouses facing a street, alley, common open space or common parking area shall be articulated to emphasize individual units. This can be accomplished by either roofline modulation consistent with Section 13.06.501.I.1 and/or vertical building modulation. To qualify for vertical building modulation, the minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.

- 42.** Garage Orientation & Vehicular Access:
- a. Garages shall not face any street
 - b. Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as abutting right-of-way that is or can be developed, is available.
 - c. Where street-front vehicular access is necessary, driveway approaches shall be limited to no more than one for every 9 units in the development.
 - d. Driveway approaches shall also be consistent with the standards in Section 13.06.510.



- 53.** Pedestrian Orientation:
- a. Non X-Districts:
 - (1) All dwellings shall maintain primary orientation to the adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director.
 - (2) Townhouses must have an individual entry that faces and is accessible from the street/sidewalk. Townhouses on corner lots only need to provide such an entry to one of the two adjacent streets/sidewalks.
 - (3) The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.
 - b. In designated centers:
 - (1) Only All townhouses on lots with street frontage must have an individual entry that faces and is accessible from the street/sidewalk. Townhouses on corner lots only need to provide such an entry to one of the two adjacent streets/sidewalks.
 - (2) A continuous pedestrian walkway, which can be a shared walkway, must be provided between the front entrance of each unit and the nearest public sidewalk. Walkways shall be either a raised sidewalk or composed of materials different from any adjacent vehicle driving or parking surfaces. Walkways accessing individual units shall be a minimum of 4 feet wide and walkways accessing multiple units shall be a minimum of 5 feet wide.

<p><u>64.</u> Windows and Openings on the street. At least 15 percent of the façade (all vertical surfaces facing the street) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.</p>
<p><u>75.</u> Utilities:</p> <ul style="list-style-type: none"> a. Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features. b. Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Such elements shall not be located along the street frontage. Where there is no alley available, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts and shall be screened from view from the street and sidewalk.
<p><u>86.</u> Fencing.</p> <ul style="list-style-type: none"> a. Chain link fencing, with or without slats, is prohibited for required screening. b. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use. c. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses. d. Electrified. The use of electrified fencing is prohibited in all zoning districts. e. The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided such fence is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment.

(Ord. 28336 Exs. B,C; passed Dec. 1, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28157 Ex. F; passed Jun. 25, 2013; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27813 Ex. D; passed Jun. 30, 2009; Ord. 27278 § 1; passed Oct. 26, 2004; Ord. 27079 § 32; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002)

13.06.502 Landscaping and buffering standards.

TMC 13.06.502.E Landscaping requirements applicable to Residential, Commercial, Industrial and Mixed-Use Districts.

The standards of this section are intended to implement the goals of the Comprehensive Plan and the intent of this section. The landscaping standards of this table apply to new development and substantial alterations, as stipulated above, in Residential, Commercial, Industrial and Mixed-Use Centers (X) Districts. LID BMPs may be used to fulfill all or a portion of landscaping requirements, where the vegetation within the LID BMP is compatible to the requirements.

[Residential development standards in 13.06.100, 200 and 400 allow the landscaping requirements herein to qualify as a design element of the Usable Yard Space requirements, subject to the specific restrictions of those sections.](#)

2009:

Ord. 27771 Ex. C; passed Dec. 9, 2008: Ord. 27296 § 21; passed Nov. 16, 2004: Ord. 27278 § 2; passed Oct. 26, 2004: Ord. 27079 § 33; passed Apr. 29, 2003: Ord. 26947 § 52; passed Apr. 23, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

13.06.510 Off-street parking and storage areas.

C. Off-street parking development standards Development Standards—Location.	
1. <u>Applicability: The following standards apply to all X-Districts and multi-family residential development in all districts, except where otherwise noted.</u>	
2. <u>Purpose: The size and placement of vehicle parking areas and access are regulated in order to enhance the appearance of neighborhoods and to break up monotonous street frontages with active uses, and to create a well-defined public realm.</u>	
3. <u>Off-street Parking Location</u>	
a. NCX, RCX, NRX, and URX Districts	Parking shall be located to the rear, side, within, or under a structure, or on a separate lot. Surface parking located to the side of a structure shall not exceed a maximum of 60 feet in width for paved vehicular area along designated pedestrian street frontages.
b. CCX, UCX, HMX and CIX Districts	Parking may be located on any side provided maximum setback requirements are met.
c. Multi-Family Development Parking	In multi-family residential developments with multiple buildings , off-street surface parking and circulation areas shall, to the extent practicable, be located on the sides and rear portions of the development site <u>and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can be practicably developed.</u> <u>On designated pedestrian streets, if access is not practicably available to the rear yard or not practicably limited to the rear or side yards, then vehicular access to the front may be permitted. However, in all cases such access and parking shall be limited to the minimum necessary and in no case shall driveway and/or parking areas exceed the following:</u> <ul style="list-style-type: none"> • <u>Surface parking and access shall not occupy more than 50% of the street level frontage and more than 80 feet in continuous street level frontage.</u> • <u>Surface parking located to the side of a structure meeting the maximum setback shall not exceed a maximum of 60 feet in width for paved vehicular area.</u> • <u>Surface parking shall not be located between a structure meeting the “build-to area” maximum setbacks and the pedestrian street lot line.</u> <p><u>In X-Districts, a</u>Areas between buildings and along street frontages shall be used to fulfill yard space requirements. (see Section 13.06.501.N).</p>
d. Loading Spaces	In NCX and RCX Districts, off-street loading spaces for retail sales and service uses shall only be required in shopping centers.

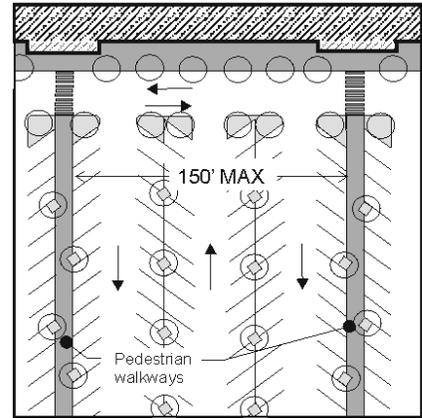
H6. Vehicle access and parking for single, two and three dwelling residential uses and townhouses, except see Section 13.06.510.C for applicable standards in X-Districts, in R-Districts. All on-site parking for dwellings and buildings other than dwellings shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard or not practicably limited only to the rear and sides (such as for institutional and other large uses), subject to determination by the City Engineer, then vehicular access to the front may be developed. However, in all cases such access and parking shall be limited to the minimum necessary and in no case shall driveway and/or parking areas exceed a total of 50 percent of the front yard or 50 percent of a corner street side yard. In the case of Small Lots, see the additional provisions of Section 13.06.145. Additional limitations on vehicular access and parking in R-Districts are contained in Section 13.06.100.D.

13.06.512 Pedestrian and bicycle support standards.

<p>A. General Applicability.</p>
<p>1. Application. The pedestrian and bicycle support standards apply to all new development and alterations that, within a two-year period, exceed 50 percent of the value of existing development or structures, as determined by the Building Code, unless specifically exempted herein. The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements. No alteration shall increase the level of nonconformity or create new nonconformities to these standards.</p>
<p>2. Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.</p>
<p>3. Super regional malls. Additions to super regional malls which add less than 10,000 square feet of floor area shall be exempt from these standards. Larger additions shall meet the requirements of this table at a ratio of at least 1 to 3 for the entire mall site (in the same manner described above, under subsection 3), except that additions of an anchor tenant or 140,000 or more square ft. shall require full provision of these requirements for the entire mall site.</p>
<p>4. Temporary. Temporary structures are exempt from the standards of this section.</p>
<p>5. Residential or Mixed-Use. Residential structures of 4 dwelling units or fewer only need to comply with the standards of subsection B, below. Mixed-use structures shall comply with all of the standards.</p>
<p>6. Parks, recreation and open space uses shall meet the standards of this table, except as specifically exempted below.</p>
<p>7. Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.</p>
<p>8. Fractions. Any requirement resulting in a fraction when applied shall be rounded up or down to the nearest whole number.</p>
<p><u>B. Walkways Bicycle and Pedestrian Connections (Illustrated). To support transportation choices, including walking, the following standards shall be met to assist pedestrian safety, comfort, and mobility, including access to uses from public ways and access from parking areas. The pedestrian and bicycle standards encourage a safe, direct, attractive, and usable multimodal circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the development site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.</u></p>
<p><u>1. Interior Access Roads. Interior access roads in multi-building developments shall be designed to look and function like public streets. This includes planting strips and street trees on both sides, sidewalks on one or both sides, and perpendicular or parallel parking on one or both sides.</u></p>
<p><u>2. Direct Connection between streets and entrances. A direct walkway shall be provided between all customer and/or public entrances and the nearest public sidewalk. For residential dwellings, the required walkway shall be provided between the front entrance and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right of way. Generally there must be a connection between one main entrance of each building on the site and the adjacent street. The route may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.</u></p> <p><u>Where there is more than one street frontage, an additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance of each building.</u></p>

3. Minimum connection frequency. Additional walkways are required when needed to provide at least one connection to the public sidewalk for each 150 feet of street frontage or every three parking aisles, whichever is less. Walkways shall be located to provide the shortest practical route from the public sidewalk or walkway network to customer and/or public building entrances. This standard does not apply to residential uses containing 4 or fewer dwelling units.

Parks and recreation uses (excluding passive open space), or portions thereof, which are undeveloped with buildings, shall provide a minimum of one walkway, and an additional walkway for each additional improved street frontage greater than 500 feet in length (unless topography, critical areas or public safety issues preclude reasonable provision of such additional accesses).



2.3. Route directness. Connections to streets shall be designed and located to facilitate direct travel to all bus stops, transit stations/centers, schools, public bicycle facilities, trails, or shared-use paths in proximity of the development site.

3.4. Internal pedestrian system. On sites larger than 10,000 square feet, and with multiple buildings or uses, an internal pedestrian connection system must be provided. The system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities

5. ~~Multiple use sites. Shopping centers and sites with multiple uses shall provide a walkway network along building façades and through the parking lot that provides pedestrian circulation within the development and that links all customer and/or public building entrances to the public sidewalk. Facility Design.~~

~~a. Lighting and landscaping. For walkways that are longer than 25 feet, trees shall be provided adjacent to the walkways at a rate equivalent to the linear requirements for street trees in 13.06.502.C, ~~is of 3 per 100 feet~~ and pedestrian-scaled lighting shall be provided at a ratio of 2 per 100 feet. ~~For example, a 50-foot long walkway would require 2 trees and 1 pedestrian-scaled light while a 90-foot long walkway would require 3 trees and 2 pedestrian-scaled lights.~~ Trees shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards.~~

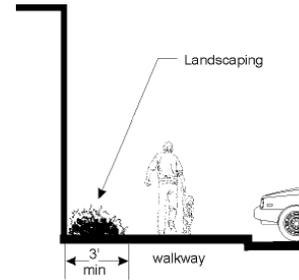
~~b. Size and materials.~~

~~(1) Required walkways must be hard-surfaced and at least 5 feet wide, excluding vehicular overhang, except for walkways accessing less than 4 residential dwelling units, where the minimum width shall be 4 feet. When more than one walkway is required, at least one walkway must be 10 feet wide. Permeable pavement surfaces are encouraged where feasible.~~

~~(2) Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.~~

~~(3) Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.~~

~~(4) Internal pathways in multi-building residential developments shall be separated from structures at least 3 feet by landscaping, except where adjacent to usable yard spaces or other design treatments are included on or adjacent to the wall that add visual interest at the pedestrian scale. Examples include the use of a trellis with vine plants, sculptural, mosaic, bas-relief artwork, or other decorative wall treatments.~~

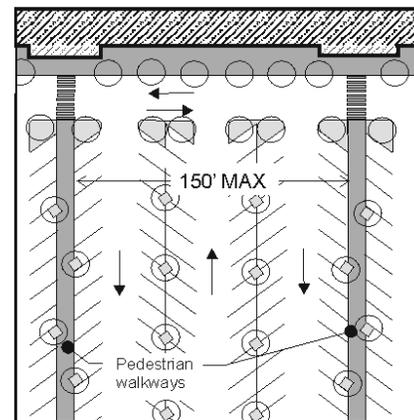


~~Above left and center: Parking lot pathway examples. Above right: Separate walkway from structures with at least 3' of landscaping.~~

~~c. Bicycle facilities. At least one driveway and travel lane on site shall be designed to accommodate bicycles in accordance with the Public Works Design Manual. Where a 10' walkway is provided, it may be used as a shared-use path for both pedestrians and bicyclists. The route shall include signage to direct bicyclists to on-site bicycle parking facilities.~~

~~3. Minimum connection frequency. Additional walkways are required when needed to provide at least one connection to the public sidewalk for each 150 street frontage or every three parking aisles, whichever is less. Walkways shall located to provide the shortest practical route from the public sidewalk or walkway network to customer and/or public building entrances. This standard not apply to residential uses containing 4 or fewer dwelling units.~~

~~—Parks and recreation uses (excluding passive open space), or portions thereof, are undeveloped with buildings, shall provide a minimum of one walkway, additional walkway for each additional improved street frontage greater than feet in length (unless topography, critical areas or public safety issues preclude reasonable provision of such additional accesses).~~



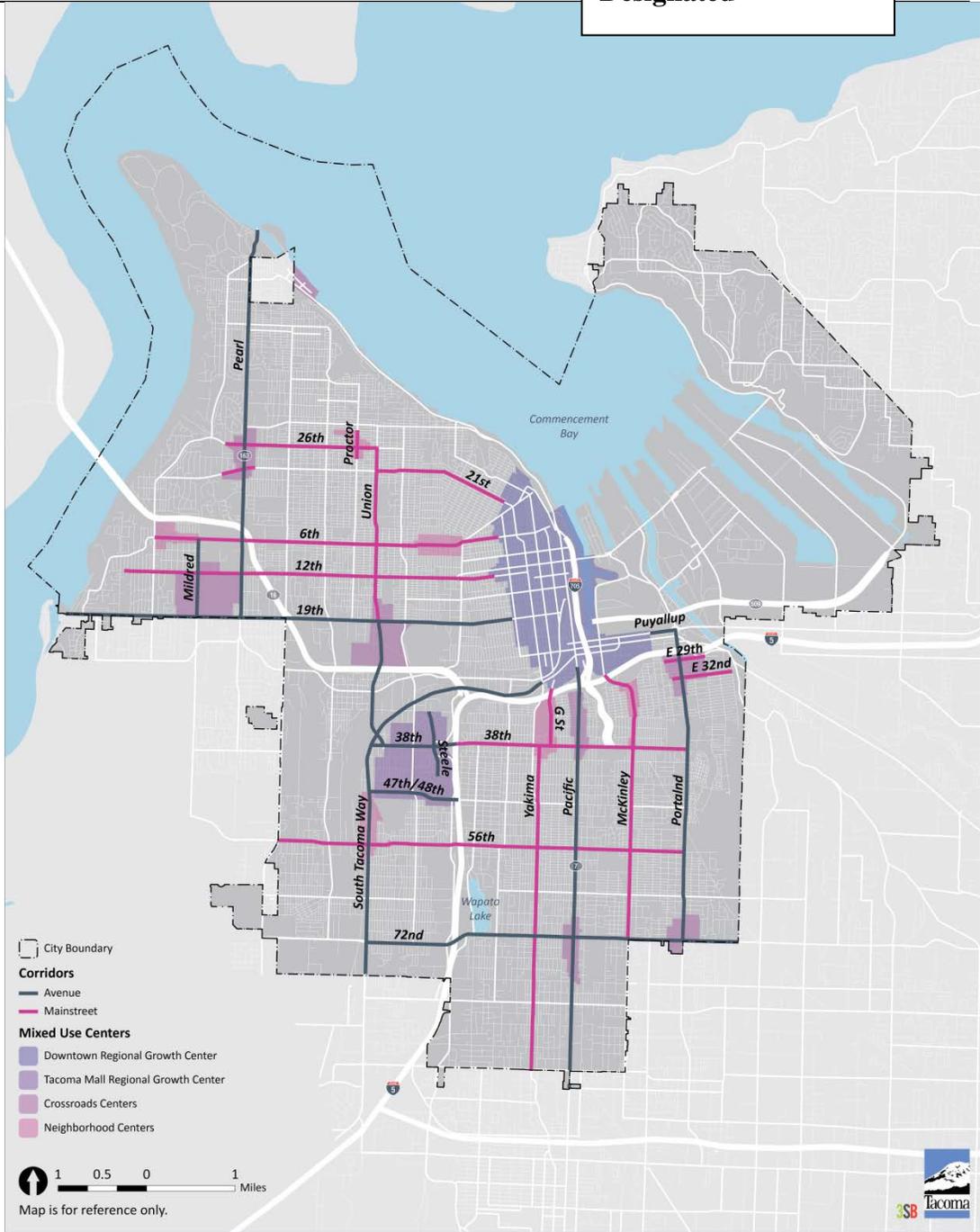
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~~6.4. Size and materials. All walkways must either be a raised sidewalk or composed of materials different from parking lot and vehicle access areas. Required walkways must be at least 5 feet wide, excluding vehicular overhang, except for walkways accessing individual residential dwelling units, where the minimum width shall be 4 feet. When more than one walkway is required, at least one walkway must be 10 feet wide. Permeable pavement surfaces are encouraged where feasible.~~

~~7. Transit access. A direct walkway shall be provided between the principal customer and/or public building entry and any bus stop adjacent to the site. This may be the same as the walkways above. A separate walkway is required if the bus stop is not within 100 feet of a walkway connection to the sidewalk. This standard does not apply to residential structures of 4 dwelling units or fewer, or to parks, recreation and open space uses without buildings adjacent to the street.~~

**Exhibit B – 2
Pedestrian Streets
Designated**

Street	Corridor Type
Pearl	Avenue
N 26th	Main Street
N 21st	Main Street
Mildred	Avenue
6 th Ave	Main Street
12 th	Main Street
19 th	Avenue
Union	Avenue/ Main Street
S 38 th Street	Main Street/ Avenue
South Tacoma Way	Avenue
56 th	Main Street
72nd	Avenue
Yakima Ave	Main Street
Pacific Ave	Avenue
McKinley Ave	Main Street
Portland Ave	Avenue
47 th /48 th	Avenue
E 29 th / E 32nd	Main Street
Puyallup Ave	Avenue



II-3. Wireless Communication Facilities



2016 Annual Amendment
Wireless Communication Facilities Code Amendments

PLANNING COMMISSION RECOMMENDATION SUMMARY
 June 15, 2016

Proposed Amendment:	Wireless Communication Facilities Code Amendments
Applicant:	Planning and Development Services Department
Location & Size of Area:	Citywide
Current Land Use & Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Lihuang Wung, Planning Services Division (253) 591-5682, lwung@cityoftacoma.org

Planning Commission Recommendations:

The proposal would amend the development regulations pertaining to wireless communication facilities as set forth in the Tacoma Municipal Code, Section 13.06.545 Wireless Communication Facilities and relevant terms as contained in Section 13.06.700 Definitions and Illustrations, as depicted in Exhibit C.

The intent of the proposal is to comply with the recent regulations and rules adopted by the Federal Communications Commission (FCC). The FCC’s Report and Order #FCC 14-153, issued on October 21, 2014 (effective on April 8, 2015), establishes rules for implementing Section 6409 of the “Middle Class Tax Relief and Job Creation Act of 2012” (47 U.S.C. § 1455(a)). Section 6409 requires that “a State or local government may not deny, and shall approve, any eligible facilities request for a modification [i.e., collocation, removal or replacement of transmission equipment] of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”

In addition to complying with Federal regulations, the proposed code amendments would benefit the City as a whole by encouraging collocation of wireless communication facilities, minimizing potential proliferation and visual impacts of such facilities, and stimulating economic development. It is noted that the proposal does not make any significant changes to the requirements applicable to public or quasi-public facilities.

The Planning Commission conducted two public hearings on May 4 and 18, 2016, concerning the 2016 Annual Amendment proposal package, which included the Wireless Communication Facilities Code Amendments. The hearing record was kept open through May 25, 2016 to receive additional written comments. No public comments were received concerning Wireless Communication Facilities.

The Planning Commission recommends that the City Council adopt the proposed amendments to the Tacoma Municipal Code, concerning Wireless Communication Facilities, as set forth in **Exhibit C**.



**2016 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

Chapter 13.06

ZONING

* * *

13.06.545 Wireless communication facilities.

A. Purpose. These standards were developed to protect the public health, safety, and welfare, and minimize visual impacts on residential areas and Mixed-Use Center Districts, while furthering the development of wireless communication services in the City. These standards were designed to comply with the Telecommunication Act of 1996, [as well as the relevant provisions of the Middle Class Tax Relief and Job Creation Act of 2012 and the associated Federal Communications Commission’s Report and Order, FCC 14-153](#). The provisions of this section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting wireless communication services. This section shall not be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent wireless communication services. This section shall not be used to regulate uses and development activity located within street rights-of-way.

To the extent that any provision of this section is inconsistent or conflicts with any other City ordinance, this title shall control. Otherwise, this section shall be construed consistently with the other provisions and regulations of the City.

B. Exemptions. The following are exempt from the provisions of this section and shall be permitted in all zones:

1. Antennas and related equipment no more than three feet in height.
2. Wireless radio utilized for temporary emergency communications in the event of a disaster.
3. Licensed amateur (ham) radio stations not exceeding the permitted height requirements of the underlying zone. Amateur radio towers or antenna support structures exceeding the height limit shall be allowed only with approval of a Conditional Use Permit, in accordance with the provisions of Section 13.06.640. Modification or use of such towers for commercial use shall require full compliance with this section.
4. Satellite dish antennas less than seven feet in diameter, including direct to home satellite services, when used as an accessory use of the property.
5. Routine maintenance or repair of a wireless communication facility and related equipment (excluding structural work or changes in height or dimensions of antenna, tower, or buildings), provided that compliance with the standards of this regulation are maintained.
6. A COW or other temporary wireless communication facility shall be permitted for a maximum of 90 days during the construction of a permitted, permanent facility or during an emergency.
7. Residential television antennas as an accessory installation on a residential dwelling unit.

C. Permits required.

1. Where a transmission tower or antenna support structure is located in a zoning district, which allows such use as a permitted use activity, administrative review, and a building permit shall be required, subject to the project’s consistency with the development standards set forth in Section 13.06.545.HG. In instances where the antenna height exceeds the height limit of the zoning district or is not allowed as a permitted use activity, a conditional use permit and building permit shall be required in addition to a demonstration of consistency with all required development standards. ~~Table A, below;~~ [The table in Section 13.06.545.E](#) specifies the permits required for the various types of wireless service facilities that meet the standards of this ordinance.

D. Required submittals.

1. Administrative review-building permit. Application for administrative review and building permit shall include the following:

a. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, including the related equipment facilities, and the proposed color(s) of the facility. The landscape plan shall address the required method of fencing, finished color, and, if applicable, the method of camouflage and illumination.

b. A signed statement indicating that:

(i) the applicant for a new tower has provided notice to all other area wireless service providers of its application to encourage the collocation of additional antennas on the structure. Notice shall be published in a newspaper of general circulation once per week, for a minimum period of 30 days, and an affidavit of publication shall be provided at the time of application as proof that the required notice has occurred. This requirement shall not apply to the development of concealed or camouflaged towers; and

(ii) the applicant and/or landlord agree to remove the facility within one year after abandonment.

c. Copies of any environmental documents required, pursuant to the State Environmental Policy Act ("SEPA") (WAC 197-11). Project actions which are categorically exempt from SEPA shall also be exempt from this requirement. Copies of any environmental documents required by a federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.

d. An engineered and stamped site plan clearly indicating the location, type, and height of the proposed tower and antenna, the anticipated antenna capacity of the tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures.

e. Legal description of the parcel and Pierce County Assessor's Parcel Number.

f. A letter signed by the applicant stating the tower will comply with all FAA regulations and applicable standards, and all other applicable federal, state, and local laws and regulations.

g. A signed statement indicating that such installation, repair, operation, upgrading, maintenance, and removal of antenna(s) by the wireless communication provider shall be lawful and in compliance with all applicable laws, orders, ordinances, and regulations of federal, state, and local authorities having jurisdiction.

h. Where applicable, proof that the applicant is an FCC-licensed wireless communication provider or that it has agreements with an FCC-licensed wireless communication provider for use or lease of the proposed facility.~~The wireless communication service provider must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations.~~

~~i. The applicant, if not the wireless communication service provider, shall submit proof of lease agreements with an FCC licensed wireless communication provider, if such wireless communication provider is required to be licensed by the FCC.~~

2. Conditional use permit-building permit. Application for conditional use permit and building permit shall include the following:

a. All the required submittals set forth in Section 13.06.545.D.1 above.

b. Photo-simulations of the proposed facility. The required photo-simulations shall be taken from at least four line-of-site views. The photo-simulations shall be labeled as to the view depicted, the maximum height and elevation of the structure, including antennas, the elevation from which the photo-simulation was taken, proposed color scheme, and method of screening.

c. A current map showing the location of the proposed tower and associated wireless service facilities, the locations of other wireless service facilities operated by the applicant, and those proposed by the applicant that are within the City or outside of the City, but within one-half mile of the City boundary.

d. The approximate distance between the proposed tower or antenna and the nearest residentially-zoned property.

e. At the time of site selection, the applicant should demonstrate how the proposed site fits into its existing overall network within the City.

f. Confirmation from the applicant and/or the applicable Neighborhood Council Board (“NCB”) that a pre-application public meeting has been held, or is scheduled to occur (unless the requirement for the meeting has been waived by the NCB), with the applicant to discuss the siting of the proposed wireless communication tower or antenna and any issues related to such siting.

E. Wireless communication towers and facilities use category.

1. Wireless communication towers or wireless communication facilities. Wireless communication towers or wireless communication facilities use type refers to facilities used in the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. These types of facilities also include central office switching units, remote switching units, telecommunications radio relay stations, and ground level equipment structures.

Level 1: Modification ~~of an existing wireless tower, including~~ This may include the complete replacement of an existing wireless communication tower or antenna support structure to its existing height, ~~or modifications~~ to accommodate collocation, or the installation of a concealed antenna. Such modifications are limited to a cumulative increase in height and/or width from the originally permitted facility, as specified in the criteria pertaining to substantial changes as set forth in subsection 13.06.545.G.8. Also, Level 1 also includes an antenna attached to the ~~roof or~~ sides of a building, an existing tower, water tank, or a similar structure. This level is limited to the following types of antenna(s): an omni-directional or whip antenna no more than seven inches in diameter and extending no more than 16 feet above the structure to which it is attached; a panel antenna no more than 16 square feet in total area per panel and extending above the structure to which it is attached by no more than 16 feet; or a parabolic dish no greater than three feet in diameter per dish and extending no more than 16 feet above the structure to which it is attached.

Level 2: Wireless communication towers with associated antennas or dishes to a height of 60 feet, as well as building or structure-mounted antennae that exceed the associated limitations of Level 1 facilities outlined above.

Level 3: Wireless communication towers with associated antennas or dishes over 60 feet in height and not exceeding 140 feet in height.

Level 4: Wireless communication towers with associated antennas or dishes over 140 feet in height.

Wireless Communication Tower or Wireless Facility Use Category	Zoning District Classifications - Table A					
	R-1; R-2; R-2SRD; R-3; R-4; R-4-L; R-5; PRD; T; HM; HMX; DR; NRX	PDB	C-1; C-2	NCX; CCX; RCX; URX	UCX; CIX; M-1; M-2; PMI	DCC; DMU; WR
<i>Level 1</i>	A ^{1, 3, 4}	A ³	A ³	A ³	A	A
<i>Level 2</i>	S ⁴	S ²	S ²	S ²	A	A
<i>Level 3</i>	S ⁴	S	S	S	A	S
<i>Level 4</i>	S ⁴	S	S	S	S	S

~~Notes—Symbols~~

~~A—Administrative review—Subject to building permit.~~

~~S—Requires conditional use permit and building permit.~~

~~1—Permitted on public facility sites, subject to administrative review and building permit.~~

~~2—Allowed 16 feet above underlying zoning district height limit, except in the C-1, C-2, and NCX Districts.~~

- ~~3—Attached, rooftop antennas are permitted outright, a maximum of 16 feet over the height of an existing building or water tank, regardless of the height of the structure~~
- ~~4—New wireless communication towers and antennas prohibited in R-1, R-2, R-2SRD, and R-3 Districts, except on public or quasi-public property developed with existing public or quasi-public facilities and properties developed with existing wireless communication facilities.~~

<u>Wireless Facility Use Category</u>	<u>Zoning District Classifications</u>			
	<u>R-1; R-2; R-2SRD; R-3; R-4; R-4L; R-5; T; HMX; DR; NRX</u>	<u>PDB; C-1; C-2, NCX; CCX; RCX; URX; UCX; DCC; DMU; WR</u>	<u>CIX; M-1</u>	<u>M-2; PMI</u>
<u>Level 1</u>	<u>A^{1, 3}</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Level 2</u>	<u>C³</u>	<u>C²</u>	<u>A</u>	<u>A</u>
<u>Level 3</u>	<u>C³</u>	<u>C</u>	<u>C</u>	<u>A</u>
<u>Level 4</u>	<u>C³</u>	<u>C</u>	<u>C</u>	<u>C</u>
<p><u>Symbols:</u> <u>A - Allowed with administrative review</u> <u>C - Allowed only with approval of a Conditional Use Permit</u></p> <p><u>Footnotes:</u> <u>1 - Permitted on public facility sites, subject to administrative review and building permit.</u> <u>2 - Allowed 16 feet above underlying zoning district height limit, except in the C-1, C-2, and NCX Districts.</u> <u>3 - New wireless communication towers and antennas prohibited in R-1, R-2, R-2SRD, and R-3 Districts, except on public or quasi-public property developed with existing public or quasi-public facilities and properties developed with existing wireless communication facilities.</u></p>				

~~F. Site selection criteria. The following criteria shall be utilized to evaluate all conditional use permits, in addition to the criteria set forth in Section 13.06.640.C:~~

- ~~1. Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant's grid system. Further, the applicant must demonstrate, by engineering evidence, that the height requested is the minimum height necessary to fulfill the site's function within the grid system, and that collocation is not feasible. If a technical dispute arises, the Director may require a third-party technical study to resolve the dispute. The cost of the technical study shall be borne by the applicant or wireless service provider.~~
- ~~2. Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed wireless communication provider or that it has agreements with an FCC-licensed wireless communication provider for use or lease of the support structure.~~
- ~~3. Wireless service facilities shall be located and designed to minimize any significant adverse impact on residential uses. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.~~
- ~~4. In all zones, location and design of facilities shall consider the impact of the facility on the surrounding neighborhood and the visual impact within the zoning district.~~

~~GF. Priority for siting and type of facility. The order of priority for the siting of new wireless communication towers and facilities is intended as guidance to applicants for the development of sites with wireless communication towers, antennas, and associated facilities. The priority for the type of facility shall be subject to the provisions set forth in Section 13.06.545.GF.3.a(4).~~

- ~~1. Priority for siting.~~

a. Place antennas on appropriate rights-of-ways and existing public and private structures, such as buildings, towers, water towers, and smokestacks.

b. Place antennas and any necessary support structures, on public property developed with existing public facilities and properties developed with existing telecommunication facilities and, if practical, on non-residentially-zoned sites.

c. Place antennas and any necessary support structures, in ~~M-1, M-2~~; and PMI Industrial Districts.

d. Place antennas and any necessary support structures in ~~UCX-M-1~~ and CIX Mixed-Use Center Districts.

e. Place antennas and any necessary support structures in other non-residentially-zoned property.

f. Place antennas and any necessary support structures on public property developed with existing public facilities and, if practical, on multiple-family structures in residentially-zoned sites.

g. Place antennas and any necessary support structures in R-4-L, R-4, R-5, NCX, URX, RCX, CCX, T, ~~and HMX; and HM~~ Districts. Such placement shall be subject to the following criteria:

(1) An applicant that proposes to locate a new antenna support structure in a residential, mixed commercial, or transitional zone shall demonstrate that a diligent effort has been made to locate the proposed wireless communications facility on a public facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic, or technological feasibility, no appropriate location is available.

(2) Applicants are required to demonstrate:

(a) That in the R-4-L, R-4, R-5, NCX, URX, RCX, CCX, T, ~~and HMX; and HM~~ Districts, they have contacted the owners of structures ~~that are at least the height of the proposed facility in excess of the permitted height of the applicable district~~ within a one-quarter mile radius of the site proposed and which, from a location and height standpoint, could provide part of a network for transmission of signals; and

(b) After proposing a lease agreement for the site consistent with the documented average market rate for similar properties, were denied permission to use such property or, due to other onerous lease-related terms, chose not to pursue the lease.

(3) The information submitted by the applicant shall include:

(a) a map of the area served by the tower or antenna;

(b) its relationship to other cell sites in the applicant's network; and

(c) an evaluation of existing buildings as addressed by Section 13.06.545. ~~CF~~.1.g(2)(a) within one-quarter mile of the proposed tower or antenna, which, from a location and height standpoint, could provide part of a network to provide transmission of signals.

h. Place antennas and any necessary support structures on public property developed with existing public facilities and properties developed with existing wireless communication facilities in R-1, R-2, R-2SRD, NRX, and R-3 Districts.

i. New antennas and necessary support structures shall be prohibited in R-1, R-2, R-2SRD, NRX, and R-3 Districts, except as noted above.

2. Siting priority on public property. Where public property is sought to be utilized by an applicant, priority for the use of City-owned land for wireless communication facilities shall be given to the following entities in descending order:

a. City of Tacoma, General Government and Public Utilities; and

b. Other governmental agencies.

3. Priority for type of facilities.

a. Facility preference. Proposed antennas, associated structures, and placement shall be evaluated, based on available technologies, for approval and use in the following order of preference:

(1) Collocation of facilities and the installation of concealed and/or flush mounted antennae ~~es and attached facilities~~;

(2) Concealed/camouflaged Free-standing facilities, which extend no more than 16 feet above adjacent existing vegetation or structures, only when subsection (1) cannot be reasonably accomplished;

(3) Concealed/camouflaged Free-standing facilities, which extend more than 16 feet above adjacent existing vegetation or structures, only when subsections (1) and (2) cannot be reasonably accomplished; or

(4) New building/structure-mounted facilities that are not concealed within a new or existing building feature or are not flush-mounted to the side of the building/structure; or

(5) If the applicant chooses to construct new free-standing facilities, the burden of proof shall be on the applicant to show a facility of a higher order of preference cannot reasonably be accommodated on the same or other properties. The City reserves the right to retain a qualified consultant, at the applicant's expense, to review the supporting documentation for accuracy.

4. For Conditional Use Permits, in addition to the criteria set forth in Section 13.06.640.C, any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant's grid system. Further, the applicant must demonstrate, by engineering evidence, that the height requested is the minimum height necessary to fulfill the site's function within the grid system, and that collocation is not feasible. If a technical dispute arises, the Director may require a third-party technical study to resolve the dispute. The cost of the technical study shall be borne by the applicant or wireless service provider.

H.G. Development standards. The following special requirements and performance standards shall apply to any wireless communication tower or wireless facility:

1. Visual impacts. Wireless communication towers or antenna support structures and related facilities shall be located and installed in such a manner so as to minimize the visual impact on the skyline and surrounding area. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening. The use of attached antennas, concealed facilities, or the camouflaging of towers, antennas, and associated equipment shall be used, to the greatest degree technically feasible, in and adjacent to all residential districts, in and adjacent to the View Sensitive, Historic and Conservation Overlay Districts, and in the URX, NRX, RCX, NCX, UCX, and CCX Mixed-Use Center Districts. Visual impacts shall be addressed in the following manner:

a. Site location and development shall preserve the pre-existing character of the surrounding buildings, land use, and the zoning district to the extent possible, while maintaining the function of the communications equipment. Wireless communication facilities shall be integrated through location, siting, and design to blend in with the existing characteristics of the site through application of as many of the following measures as possible (examples are also provided below):

~~(1) Existing on-site vegetation shall be preserved, insofar as possible, or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area;~~

~~(2) Towers or mounts shall be screened by placement of the structure among and adjacent to, within 20 feet, of three or more trees at least 50 percent of the height of the facility;~~

~~(3) Location of facilities close to structures of a similar height;~~

~~(4) Location of facilities toward the center of the site, and location of roof-mounted facilities toward the interior area of the roof and the use of screening, in order to minimize view from adjacent properties and rights-of-way;~~

~~(5) Provision of required setbacks;~~

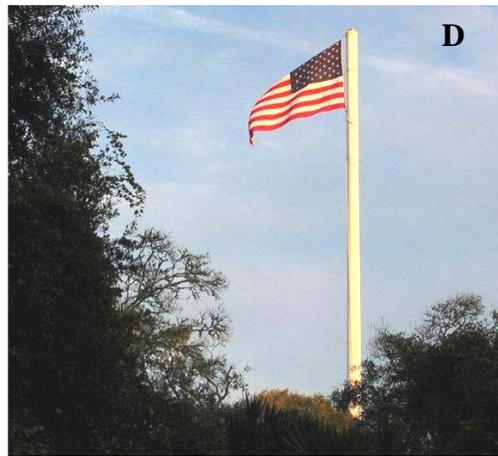
~~(6) Incorporation of the antenna, associated support structure, and equipment shelter as a building element or architectural feature; and~~

~~(7) Designing freestanding towers to appear as another structure or object that would be common in the area, such as a flagpole or tree.~~

(1) Provide required setbacks;

(2) Incorporate the antenna, associated support structure, and equipment shelter as a building element or architectural feature;

- (3) Locate facilities toward the center of the site, and locate roof-mounted facilities toward the interior area of the roof;
- (4) Flush mount the antenna to the side of an existing building or structure and paint to match;
- (5) Use screening of building-mounted support structures and antennas in order to minimize view from adjacent properties and rights-of-way;
- (6) Preserve and improve existing on-site vegetation insofar as possible, and minimize disturbance of the existing topography, unless such disturbance would result in less visual impact of the site to the surrounding area;
- (7) Screen towers or mounts by placement of the structure among and adjacent to, within 20 feet, of three or more trees at least 50 percent of the height of the facility;
- (8) Locate facilities close to structures of a similar height;
- (9) Design freestanding towers to appear as another structure or object that would be common in the area, such as a flagpole or tree; and
- (10) Alternative designs which meet the same intent may be considered.



The examples of methods used to minimize the visual impacts of wireless facilities shown above include the preservation and use of existing vegetation (examples A and C), flush mounting and color-matching wireless facilities (examples B, F and G), screening above-ground equipment (example C), disguising a wireless facility as another freestanding structure, (example D, as a flagpole; examples A and C, as a tree), and incorporation of wireless facilities into a building feature (example E, inside the cupola; example F, top left looking like a brick parapet; and example G).

b. Related equipment facilities used to house wireless communications equipment shall be located within buildings or placed underground when possible. When they cannot be located in existing buildings or placed underground, equipment shelters or cabinets shall be limited to a maximum floor area of 400 square feet and a maximum height of 12 feet, shall be screened, and shall be insulated to ensure noise levels do not exceed the ambient pre-development noise level at any residential receiving property abutting the site with a maximum sound pressure level of 40 dB, pursuant to the 1993 ASHRAE [Handbook](#). Alternate methods for screening may include the use of

building or parapet walls, sight-obscuring fencing and/or landscaping, screen walls, or equipment enclosures or camouflaging; and

c. Wireless communication facilities and related equipment facilities shall be of neutral colors such as white, gray, blue, black, or green, or other appropriate color designed to disguise, conceal, or camouflage the facility or equipment, or similar in building color in the case of facilities incorporated as part of the features of a building, unless specifically required to be painted another color by a federal or state authority. Other screening methods, such as the use of siding which is architecturally compatible with adjacent buildings, or site-obscuring fencing materials may also be utilized. [For such screening, including the screening for structure-mounted facilities, the applicant should use recognized durable, low maintenance materials that are similar to those used on the adjacent buildings or on the structure the facilities are being mounted on.](#) Wooden poles are not required to be painted.

2. Setbacks.

a. Towers [and other support structures](#) up to 60 feet in height shall provide the setbacks required for the underlying zone. Where a conditional use permit is required, minimum setbacks of 20 feet from all property lines or the setbacks of the underlying zone, whichever are greater, shall be required. Towers over 60 feet shall provide one additional foot of setback for every foot over 60 feet of height.

b. Towers [and other support structures](#) located in M-1, M-2, and PMI Districts, which meet the height limit of the underlying zone and abut residential zones, shall provide the required setback of the underlying zone. Towers located in M-1, M-2, and PMI Districts, which exceed the height of the underlying zone, shall be setback from the abutting residential district one additional foot for each foot of height over the maximum height permitted by the zone.

c. All setbacks shall be measured from the property lines of the site to the base of a monopole, lattice tower, or equipment mount, or in the case of a guyed tower, from the property lines of the site to the base of the guy wires which support it.

d. Attached facilities located on existing structures, which are nonconforming as to setback requirements, shall be allowed no closer to a property line than the nonconforming structure.

e. Equipment structures shall comply with the setback requirements of the underlying zone, except in the R-1, R-2, R-2SRD, NRX, and R-3 Districts, in which case a minimum setback of 20 feet from all property lines shall be provided, or the minimum setback of the underlying zone, whichever is greater.

3. Tower separation. An applicant will be required to demonstrate why it is necessary, from a technical standpoint, to have a tower within one-half mile of a tower, whether it is owned or utilized by the applicant or another provider, as well as why collocation is not feasible. The distance shall be measured tower-to-tower regardless of property lines and rights-of-way. If a technical dispute arises, the Director may require a third-party technical study to resolve the dispute. The cost of the technical study shall be borne by the applicant or wireless service provider.

4. Security fencing. Security fencing a minimum of six feet in height shall be required around the perimeter of any tower site. The required fencing shall be colored or should be of a design which blends into the character of the existing environment. No razor or ribbon wire may be utilized in conjunction with the fence installation.

5. Signage. No signs shall be permitted on towers. One non-illuminated identification sign, with a maximum area of six square feet for all faces, shall be required per development site. The design of the sign and its location on the site shall be subject to the approval of the Director and shall include the name and telephone number of the provider(s).

6. Lights and signals. No lights or signals shall be permitted on towers unless required by the FCC or the FAA. Building-mounted lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Ground-mounted floodlighting or light projecting above the horizontal plane is prohibited. All lighting, unless required by the FAA, or other federal or state authority, shall be shielded so that the direct illumination is confined to the property boundaries of the light source.

7. Noise. No equipment shall be operated so as to produce noise in violation of Section 13.06.545.HG.1.b and the maximum noise levels set forth in WAC 173-60.

8. Minor modifications. Minor modifications to existing wireless communication facilities, including the installation of additional antenna and associated equipment, for which a valid conditional use permit exists, may be approved by Planning and Development Services, provided it is determined there is ~~minimal~~ or no [substantial](#) change in the

visual appearance or the physical dimensions of the facilities and said modifications comply with the performance standards set forth in this section. A modification substantially changes the physical dimensions of a facility if it meets any of the following criteria, as set forth in the FCC's Report and Order, FCC 14-153:

a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(1) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current site;

e. It would defeat the concealment elements of the eligible support structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

9. Variance to~~Waiver of~~ development standards~~s~~requirements. The Director may, in such cases as deemed appropriate, ~~modify~~waive any of the aforementioned development standards upon a finding that: (a) reasonable alternatives are to be provided to said standards which are in the spirit and intent of this section; or (b) strict enforcement of the standards would cause undue or unnecessary hardship due to the unique character or use of the property. Applications for ~~variances~~waivers shall be processed in accordance with the provisions of Chapter 13.05. ~~In the case where a conditional use permit is required, the waiver's consistency with the criteria necessary to be met for the authorization shall be addressed under the conditional use permit and shall not require a separate application and fee.~~

~~H~~H. Non-Use/Abandonment. Not less than 30 days prior to the date that a wireless communication provider plans to abandon the operation of a facility, the provider must notify the City, by certified mail, of the proposed date of abandonment. In the event that such notice is not provided, the records of the City of Tacoma, Department of Public Utilities, shall be utilized to determine the date of abandonment. Upon such abandonment, the provider shall have one year to reactive the use of the facility or dismantle and remove it. If the tower, antenna, foundation, and/or associated facility are not removed within one year, the City may remove them at the expense of the wireless communication providers.

Nothing in this subsection shall be construed to require the removal of architectural elements, including, but not limited to, false church steeples or flag poles that have been installed, pursuant to a valid building or conditional use permit, to conceal wireless communication facilities.

~~I~~I. Enforcement. Enforcement of the provisions set forth in this section shall be in accordance with the provisions set forth in Section 13.05.100.

* * *

13.06.700 Definitions and illustrations.

* * *

Abandonment of wireless facility. The termination or shutting-off of electrical power to a wireless communication tower and/or associated antenna and equipment facility for a period of one calendar year or more. The records of the City of Tacoma, Department of Public Utilities, shall be utilized to determine the date of power termination.

* * *

Antenna. Any system of poles, panels, rods, reflecting discs, or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

1. Directional antenna (also known as “panel” antenna). An antenna which transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
2. Omni-directional antenna (also known as a “whip” antenna). An antenna that transmits and receives radio frequency signals in a 360 degree radial pattern.
3. Parabolic antenna (also known as a dish antenna). An antenna that is a bowl-shaped device for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.
4. Concealed antenna. An antenna and associated equipment enclosure, installed inside a non-antenna structure or camouflaged to appear as a non-antenna structure.

Antenna height. The vertical distance measured from the base of the antenna support structure at a grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances, and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna support structure. Any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

* * *

Camouflaged (wireless communication facility). A wireless communication facility that is [integrated with a building or the landscape in terms of design, colors, materials and height, so as to be](#) disguised, hidden, [concealed, masked,](#) or ~~integrated with an existing structure that is not a monopole or tower, or a wireless communication facility that is placed within an existing or proposed structure, or new structure, tower, or mount within trees so as to be significantly~~ screened from view.

* * *

Facility location (wireless communication facility). Location may include placement of facilities in one or more of the following manners:

1. Attached Facility is a facility that is affixed to an existing structure, such as a building or water tower, and is not considered a component of the attached wireless communication facility.
2. Collocation Facility is a ~~single~~-support structure, such as a ~~building~~-monopole, or lattice tower to which more than one wireless communications provider mounts equipment.
3. Free-standing Facility is a facility that includes a separate support structure including, but not limited to, monopoles, lattice towers, wood poles, or guyed towers.

* * *

Wireless communication tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term encompasses wireless communication facilities, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, wireless communication towers, [building-mounted structural supports and/or the building where equipment is mounted directly to the building’s structure,](#) and alternative tower structures, and the like.

II-4. Short-Term Rentals



2016 Annual Amendment
Short-Term Rentals Code Amendments

PLANNING COMMISSION RECOMMENDATION SUMMARY
June 15, 2016

Proposed Amendment:	Short-Term Rentals Development Regulations
Applicant:	Planning and Development Services Department
Location & Size of Area:	Citywide
Current Land Use & Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Lihuang Wung, Planning Services Division (253) 591-5682, lwung@cityoftacoma.org

Planning Commission Recommendations:

The proposal would establish development regulations pertaining to Short-Term Rentals by amending various sections of the Tacoma Municipal Code, Chapter 13.06 Zoning, including adding a new section of 13.06.575 Short-Term Rentals, as depicted in Exhibit D.

The proposed regulations would allow rentals of up to 9 guest rooms within an owner occupied dwelling, or rentals of an entire dwelling to a family, for up to 30 days at a time; would require safety signs be posted in guest rooms; would require the rented dwelling units be equipped with smoke and carbon monoxide detectors; and would require the maximum occupancy in guest rooms be dictated by the Minimum Building and Structures Code. Generally, rentals with less than 3 guest rooms and rentals of the entire dwelling would be permitted in all districts, except industrial districts, while rentals with 3-9 guest rooms would be prohibited in single-family residential districts and allowed in other districts subject to a conditional use permit.

The proposal is intended to ensure that a clear and predictable regulatory structure is in place to reasonably accommodate short-term rentals in a manner sensitive to the context of the City’s residential neighborhoods; to proactively address potential impacts (especially concerning life-safety) of this emerging industry; and to set the stage for a boarder policy discussion and a more coordinated regulatory update that includes zoning, tax and licensing, nuisance code, and administration and enforcement program components.

The Planning Commission conducted two public hearings on May 4 and 18, 2016, concerning the 2016 Annual Amendment proposal package, which included the Short-Term Rentals Code Amendments. The hearing record was kept open through May 25, 2016 to receive additional written comments. No public comments were received concerning Short-Term Rentals. However, the Commission made minor modifications to the proposal, upon reviewing additional suggestions from staff.

The Planning Commission recommends that the City Council adopt the proposed amendments to the Tacoma Municipal Code, concerning Short-Term Rentals, as set forth in **Exhibit D**.



**2016 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

Chapter 13.06

ZONING

13.06.100 Residential Districts.

- 13.06.100.B.1 R-1 Single-Family Dwelling District.
- 13.06.100.B.2 R-2 Single-Family Dwelling District.
- 13.06.100.B.3 R-2 SRD Residential Special Review District.
- 13.06.100.B.4 HMR-SRD Historic Mixed Residential Special Review District.
- 13.06.100.B.5 R-3 Two-Family Dwelling District.
- 13.06.100.B.6 R-4-L Low-Density Multiple Family Dwelling District.
- 13.06.100.B.7 R-4 Multiple-Family Dwelling District.
- 13.06.100.B.8 R-5 Multiple-Family Dwelling District.
- 13.06.105 *Repealed.*
- 13.06.110 *Repealed.*
- 13.06.115 *Repealed.*
- 13.06.118 *Repealed.*
- 13.06.120 *Repealed.*
- 13.06.125 *Repealed.*
- 13.06.130 *Repealed.*
- 13.06.135 *Repealed.*
- 13.06.140 PRD Planned Residential Development District.
- 13.06.145 Small-lot single-family residential development.
- 13.06.150 Accessory dwelling units.
- 13.06.155 Day care centers.
- 13.06.160 Cottage Housing.

13.06.200 Commercial Districts.

- 13.06.200.A District purposes.
- 13.06.200.B Districts established.
- 13.06.200.B.1 T Transitional District.
- 13.06.200.B.2 C-1 General Neighborhood Commercial District.
- 13.06.200.B.3 C-2 General Community Commercial District.
- 13.06.200.B.4 HM Hospital Medical District.
- 13.06.200.B.5 PDB Planned Development Business District.
- 13.06.200.C Land use requirements.
- 13.06.200.D Building envelope standards.
- 13.06.200.E Maximum setback standards on designated streets.
- 13.06.200.F Common requirements.

13.06.300 Mixed-Use Center Districts.

- 13.06.300.A District purposes.
- 13.06.300.B Districts established.
- 13.06.300.B.1 NCX Neighborhood Commercial Mixed-Use District.
- 13.06.300.B.2 CCX Community Commercial Mixed-Use District.
- 13.06.300.B.3 UCX Urban Center Mixed-Use District.
- 13.06.300.B.4 RCX Residential Commercial Mixed-Use District.
- 13.06.300.B.5 CIX Commercial Industrial Mixed Use District.
- 13.06.300.B.6 NRX Neighborhood Residential Mixed-Use District.
- 13.06.300.B.7 URX Urban Residential Mixed-Use District
- 13.06.300.B.8 HMX Hospital Medical Mixed-Use District
- 13.06.300.C Applicability and pedestrian streets designated.
- 13.06.300.D Land use requirements.

- 13.06.300.E Building envelope standards.
- 13.06.300.F Maximum setback standards.
- 13.06.300.G Residential X-District Yard Space Standards.
- 13.06.300.H Common requirements.
- 13.06.400 Industrial Districts.**
- 13.06.400.A Industrial district purposes.
- 13.06.400.B Districts established.
- 13.06.400.B.1 M-1 Light Industrial District.
- 13.06.400.B.2 M-2 Heavy Industrial District.
- 13.06.400.B.3 PMI Port Maritime & Industrial District.
- 13.06.400.B.4 ST-M/IC South Tacoma Manufacturing/Industrial Overlay District.
- 13.06.400.C Land use requirements.
- 13.06.400.D Building envelope standards.
- 13.06.410 *Repealed.*
- 13.06.420 *Repealed.*
- 13.06.430 *Repealed.*
- 13.06.500 Requirements in all preceding districts.**
- 13.06.501 Building design standards.
- 13.06.502 Landscaping and buffering standards.
- 13.06.503 Residential transition standards.
- 13.06.510 Off-street parking and storage areas.
- 13.06.511 Transit support facilities.
- 13.06.512 Pedestrian and bicycle support standards.
- 13.06.513 Drive-throughs.
- 13.06.520 Signs.
- 13.06.521 General sign regulations.
- 13.06.522 District sign regulations.
- 13.06.525 Adult uses.
- 13.06.530 Juvenile community facilities.
- 13.06.535 Special needs housing.
- 13.06.540 Surface mining.
- 13.06.545 Wireless communication facilities.
- 13.06.550 Work release centers.
- 13.06.555 View-Sensitive Overlay District.
- 13.06.560 Parks, recreation and open space.
- 13.06.565 Marijuana Businesses.
- 13.06.570 Live/Work and Work/Live.
- [13.06.575 Shor-term rental.](#)
- 13.06.600 Zoning code administration – General purposes.**
- 13.06.601 Public Facility Sites – Development Regulation Agreements Authorized.
- 13.06.602 General restrictions.
- 13.06.603 Mineral resource lands.
- 13.06.605 Interpretation and application.
- 13.06.610 *Repealed.*
- 13.06.620 Severability.
- 13.06.625 *Repealed.*
- 13.06.630 Nonconforming parcels/uses/structures.
- 13.06.635 Temporary use.
- 13.06.640 Conditional use permit.
- 13.06.645 Variances.
- 13.06.650 Application for rezone of property.
- 13.06.655 Amendments to the zoning regulations.
- 13.06.700 Definitions and illustrations.**

* * *

13.06.100 Residential Districts.

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.100. All portions of 13.06.100 and applicable portions of 13.06.500 apply to all new development of any land use variety, including additions, and remodels, in all districts in Section 13.06.100, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.100.A through Section 13.06.100.C are not eligible for variances. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply. For individually designated properties listed on the Tacoma Register of Historic Places, and for contributing buildings within Historic Special Review Districts, where there is a conflict between the regulations of this chapter and historic guidelines and standards, the historic guidelines and standards shall prevail pursuant to TMC 13.05.046.

2. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

3. Use table abbreviations.

P = Permitted use in this district.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
N = Prohibited use in this district.

4. District use table. (see next page for table)

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
Accessory uses and buildings	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.F
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535
* * *									
Juvenile community facility	CU	CU	CU	CU	CU	CU	CU	CU	Subject to additional requirements contained in Section 13.06.530.
Live/Work	N	N	N	N	N	N	N	N	
Lodging house	N	P	P	P	P	P	P/CU	P/CU	For R-2, R-2SRD, and HMR-SRD lodging is limited to one guest room only, provided such use shall not be in connection with a foster home for children or foster home for adults which may otherwise be authorized. For R-3 and R-4-L, lodging is limited to two guest rooms, provided such use shall not be in connection with a foster home for children, a foster home for adults, or lodging which may otherwise be authorized. For R-4 and R-5, lodging is limited to two guest rooms, provided that lodging with for more than two guest rooms may be allowed subject to the approval of a conditional use permit.
Marijuana processor	N	N	N	N	N	N	N	N	
Marijuana producer	N	N	N	N	N	N	N	N	
* * *									
Seasonal sales	TU	TU	TU	TU	TU	TU	TU	TU	Subject to additional requirements contained in Section 13.06.635.
Self-storage	N	N	N	N	N	N	N	N	
Short-term rental (1-2 guest rooms)	P	P	P	P	Subject to additional requirements contained in Sections 13.06.575 and 13.06.150.				
Short-term rental (3-9 guest rooms)	N	N	N	N	CU	CU	CU	CU	Subject to additional requirements contained in Sections 13.06.575 and 13.06.150.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
Short-term rental (entire dwelling)	P	Subject to additional requirements contained in Section 13.06.575 and 13.06.150.							
Staffed residential home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Student housing	CU								
* * *									

Footnotes:

- ¹ For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.
- ² Certain land uses, including two-family, townhouse, cottage housing, and Detached Accessory Dwelling Units in certain districts, are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.115.

* * *

H. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. These requirements apply to Section 13.06.100 by reference:

- 13.06.501 Building design standards.
- 13.06.502 Landscaping and buffering standards.
- 13.06.510 Off-street parking and storage areas.
- 13.06.511 Transit support facilities.
- 13.06.512 Pedestrian and bicycle support standards.
- 13.06.520 Signs.
- [13.06.575 Short-term rental.](#)
- 13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area).

* * *

13.06.150 Accessory dwelling units.

C. Requirements. The creation of an ADU shall be subject to the following requirements, which shall not be subject to variance.

1. Number. One ADU shall be allowed per residential lot as a subordinate use in conjunction with any new or existing single-family detached dwelling in the City of Tacoma.
2. Occupancy. The maximum number of occupants in an ADU shall be 4 persons. Maximum occupancy may be further limited by the Minimum Building and Structures Code in Title 2.
3. Composition. The ADU shall include facilities for cooking, living, sanitation, and sleeping.
4. Ownership. The property owner (i.e., title holder or contract purchaser) must maintain his or her occupancy in the main building or the ADU. Owners shall record a notice on title which attests to their occupancy and attests that, at no time, shall they receive rent for the owner-occupied unit. Falsely attesting owner-residency shall be a misdemeanor subject to a fine not to exceed \$5,000, including all statutory costs, assessments, and fees. In addition, ADUs shall not be subdivided or otherwise segregated in ownership from the main building.
5. Parking. No off-street parking is required for the ADU. If additional ADU parking is provided, such parking shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard, subject to determination by the City Engineer, then vehicular access to the front may be developed subject to the limitations in Section 13.06.510.A.6.
6. Home occupations. Home occupations shall be allowed, subject to existing regulations. However, if both the main building and the ADU contain home occupations, only one of the two is permitted to receive customers on the premises.
- [7. Short-term rental. The use of an ADU as a short-term rental shall be allowed, subject to compliance with Sections 13.06.150 and 13.06.575.](#)
- ~~7~~8. Legalization of Nonconforming ADUs. Nonconforming ADUs existing prior to the enactment of these requirements may be found to be legal if the property owner applied for an ADU permit prior to December 31, 1995, and brings the unit up to Minimum Housing Code standards. After January 1, 1996, owners of illegal ADUs shall be guilty of a misdemeanor and, upon conviction thereof, subject to a fine not to exceed \$1,000, including all statutory costs, assessments, and fees, plus \$75 per day after notice of the violation has been made. All owners of illegal ADUs shall also be required to either legalize the unit or remove it.

* * *

13.06.200 Commercial Districts.

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.200. All portions of Section 13.06.200 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels, in all districts in Section 13.06.200, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.200.A through Section 13.06.200.C are not eligible for variance. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E. Certain street level use restrictions may apply; see Section 13.06.200.C.4 below.

[See next page for table.]

3. 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 13.06.640.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N = Prohibited use in this district.

4. District use table.

Uses	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2,3} (also see footnotes at bottom of table)
Adult family home	P	P	P	P	See definition for bed limit.
Adult retail and entertainment	N	N	N	N	Prohibited except as provided for in Section 13.06.525.
* * *					
Juvenile community facility	N	N	N	N	Prohibited except as provided for in Section 13.06.530.
Live/Work	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 13.06.570.
Lodging house	P	P	P	P	
Marijuana processor	N	N	N	N	
Marijuana producer	N	N	N	N	
* * *					
Seasonal sales	TU	TU	TU	TU	Subject to Section 13.06.635.
Self-storage	N	N	P	P	Any other use of the facility shall be consistent with this section. See specific requirements in Section 13.06.503.B.
Short-term rental (1-2 guest rooms)	P	P	P	P	Subject to additional requirements contained in Section 13.06.575 and 13.06.150.
Short-term rental (3-9 guest rooms)	P	P	P	P	Subject to additional requirements contained in Section 13.06.575 and 13.06.150.
Short-term rental (entire dwelling)	P	P	P	P	Subject to additional requirements contained in Section 13.06.575 and 13.06.150.
Staffed residential home	P	P	P	P	See Section 13.06.535. See definition for bed limit.
Student housing	P	P	P	P	
* * *					

Uses	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2, 3} (also see footnotes at bottom of table)
<p>Footnotes:</p> <ol style="list-style-type: none"> 1. Designated Pedestrian Streets – For segments here noted, additional use limitations apply to areas within C-2 Commercial District zoning to ensure continuation of development patterns in certain areas that enhance opportunities for pedestrian-based commerce. North 30th Street from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline: street level uses are limited to retail, personal services, eating and drinking, and customer service offices. 2. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements. 3. Commercial shipping containers shall not be an allowed type of accessory building in any commercial zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.635. 					

* * *

F. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. These requirements apply to Section 13.06.200 by reference.

Refer to Section 13.06.500 for the following requirements in Section 13.06.200 districts:

- 13.06.501 Building design standards.
- 13.06.502 Landscaping and buffering standards.
- 13.06.503 Residential transition standards.
- 13.06.510 Off-street parking and storage areas.
- 13.06.511 Transit support facilities.
- 13.06.512 Pedestrian and bicycle support standards.
- 13.06.520 Signs.
- [13.06.575 Short-term rental.](#)
- 13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area)

* * *

13.06.300 Mixed-Use Center Districts.

D. Land use requirements.

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 or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

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 13.06.640.
TU	=	Temporary use consistent with Section 13.06.635.
N	=	Prohibited use in this district.

3. District use table.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (also see footnotes at bottom of table)
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535. See definition for bed limit. Prohibited at street level along designated pedestrian streets in NCX. ² Not subject to minimum densities found in Section 13.06.300.E.
Adult retail and entertainment	N	N	N	N	N	N	N	N	Prohibited, except as provided for in Section 13.06.525.
* * *									
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² See Section 13.06.530 for additional information about size limitations and permitting requirements.
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 13.06.570.
Lodging house	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts.²
Marijuana processor	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
Marijuana producer	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
* * *									
Seasonal sales	TU	TU	TU	TU	TU	TU	TU	TU	Subject to Section 13.06.635.
Self-storage	N	P	P	N	P	N	N	N	See specific requirements in Section 13.06.503.B. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ²
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 and CCX Districts.² Subject to additional requirements contained in Section 13.06.575 and 13.06.150.
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 and CCX Districts.² Subject to additional requirements contained in Section 13.06.575 and 13.06.150.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (also see footnotes at bottom of table)
Short-term rental (entire dwelling)	P	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts.² Subject to additional requirements contained in Section 13.06.575 and 13.06.150.							
Staffed residential home	P	P	P	P	P	P	P	P	See Section 13.06.535. See definition for bed limit. Prohibited at street level along designated core pedestrian streets in NCX and CCX Districts. ² Not subject to minimum densities found in Section 13.06.300.E.
Student housing	P	P	P	P	P	P	P	N	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. ²
* * *									

Footnotes:

1. The floor area of any development in RCX must be at least 75 percent residential, unless otherwise noted.
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 13.06.300.C. for the list of designated pedestrian and core pedestrian streets.
3. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.
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 13.06.635.
5. Additional restrictions on the location of parking in mixed-use zoning districts are contained in the parking regulations – see Section 13.06.510.A.1 Table 2

* * *

H. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. These requirements apply to Section 13.06.300 by reference.

Refer to Section 13.06.500 for the following requirements for development in Mixed-Use Center Districts:

- 13.06.501 Building design standards.
- 13.06.502 Landscaping and buffering standards.
- 13.06.503 Residential transition standards.
- 13.06.510 Off-street parking and storage areas.
- 13.06.511 Transit support facilities.
- 13.06.512 Pedestrian and bicycle support standards.
- 13.06.520 Signs.
- [13.06.575 Short-term rental.](#)
- 13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area)

* * *

13.06.400 Industrial Districts.

13.06.400.C Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.400. All portions of Section 13.06.400 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. Use Requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed.

Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

3. 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 13.06.640.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N	=	Prohibited use in this district.

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Adult family home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District See Section 13.06.535.
Adult retail and entertainment	P	P	P	Subject to development standards contained in Section 13.06.525.
* * *				

Uses	M-1	M-2	PMI	Additional Regulations ¹
Juvenile community facility	P/N*	P/N*	P	See Section 13.06.530 for resident limits and additional regulations. *Not permitted within the South Tacoma M/IC Overlay District.
Live/Work	P	N	N	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.
Lodging house	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District.
Marijuana processor	P	P	P	See additional requirements contained in Section 13.06.565
Marijuana producer	P	P	P	See additional requirements contained in Section 13.06.565
* * *				
Seasonal sales	TU	TU	TU	Subject to development standards contained in Section 13.06.635.
Self-storage	P	P	P	See specific requirements in Section 13.06.503.B.
Short-term rental	N	N	N	
Staffed residential home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Student housing	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District.
* * *				
Footnotes:				
1. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.				

* * *

13.06.500 Requirements in all preceding districts.

Applicability. The regulations of this section are applicable in all zoning districts, with exceptions only as noted. Regulations may refer to districts by class of districts, for example Districts or Industrial Districts, this means that all districts carrying the designated prefix or suffix are required to meet the given regulation. Overlay districts are combined with an underlying zoning district and supplement the regulations of that district. Overlay districts only apply to land carrying the overlay district designation.

* * *

13.06.575 Short-term rental.

A. Purpose. The purpose of this section is to support entrepreneurship by providing residents with an opportunity to use their homes to engage in small-scale business activities; to support tourism; to make efficient use of structures; to provide safe alternative forms of lodging; and to protect neighborhood character. This is accomplished by establishing standards to ensure that short-term rentals are operated in a safe manner, and do not significantly affect the residential character of the neighborhood.

B. Standards.

1. Owner occupancy. For short-term rentals that involve rental of individual guest rooms within a dwelling, the property must be owner occupied during rental.

2. Safety sign. There must be a clearly printed sign inside the door of each rental guest room with the locations of fire extinguishers, gas shut-off valves, fire exits, and/or pull fire alarm.

3. The home shall be equipped with functioning smoke detectors and carbon monoxide detectors.

4. Occupancy. Maximum occupancy shall be dictated by the Minimum Building and Structures Code.

* * *

13.06.640 Conditional use permit.

* * *

I. Uses in Historic Structures. A conditional use permit for the reuse of a historic structure and/or site for one of the below listed uses (where not otherwise allowed by the underlying zoning) shall be authorized only if it can be found to be consistent with all of the following criteria. This provision shall be limited to only those structures and sites that are individually-listed on the Tacoma Register of Historic Places. In granting such a conditional use permit the Director or Hearing Examiner may attach thereto such conditions regarding the location, character, orientation, layout, access and other features of the proposed development as may be deemed necessary to ensure consistency with the intent of the TMC and Comprehensive Plan and ensure that use of the building and site will be compatible with the existing, historic attributes of the building and site and surrounding uses.

1. The use shall be consistent with the goals and policies of the Comprehensive Plan, any adopted neighborhood or community plans, and applicable ordinances of the City of Tacoma.

2. The use shall be located, planned, and developed in such a manner that it is not inconsistent with the health, safety, convenience, or general welfare of persons residing or working in the community. The following shall be considered in making a decision on a conditional use permit:

a. The generation of noise, noxious or offensive emissions, light, glare, traffic, or other nuisances which may be injurious or to the detriment of a significant portion of the community.

b. Availability of public services which may be necessary or desirable for the support of the use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian, and public transportation systems), education, police and fire facilities, and social and health services.

c. The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties.

3. The proposed re-use shall promote the preservation and/or restoration of the designated historic structure(s) on the site.

4. The proposed reuse and design of any modifications to the historic structure(s) and site shall be approved by the Landmarks Preservation Commission.

5. The proposed use shall be limited to one of the following:

Art/craft production	Assembly facilities	Continuing care retirement community
Cultural institutions	Extended care facility	Group housing
Intermediate care facility	Lodging house <u>Short-term rental</u>	Multi-family dwellings
Offices offering professional dental, medical, legal or design services	Offices for charitable, philanthropic or community service organizations where it can be shown that there is limited contact with the general public	Personal services
Retirement home	Retail, only as an incidental use to one or more of the other listed uses	

* * *

13.06.700 Definitions and illustrations.

* * *

Live/work. A dwelling or sleeping unit in which up to 50 percent of the space includes a commercial business use. The business owner lives in the residential space.

Loading space. An off-street space, having a paved surface, within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which has direct access to a street or alley.

~~Lodging house. A building with not more than nine guest rooms where lodging or lodging and boarding is provided for compensation. This use, which includes bed and breakfasts, is often operated in conjunction with and within a single-family detached dwelling.~~

Lot. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise created by legal action.

Lot, corner. A lot abutting upon two or more streets at their intersection.

* * *

Setback line. A line within a lot parallel to a corresponding lot property line, which is established to govern the location of buildings, structures, or uses. Where no minimum front, side, corner side, or rear yard setbacks are specified, the setback line shall be coterminous with the corresponding lot line.

Shopping center. A unified grouping of two or more commercial establishments, such as retail, eating and drinking, office, and personal service uses, which are located on a single site with common/shared parking facilities. Shopping centers may occupy a single structure or separate structures that are physically or functionally related, but establishments with accessory uses, such as a grocery store with an accessory coffee shop, are not, by themselves, considered a shopping center. A shopping center may include pads for future buildings.

Short-term rental. The rental of not more than nine guest rooms within an owner occupied dwelling, or the rental of an entire dwelling to a family, as defined in TMC 13.06.700, for less than thirty days at a time. This use includes bed and breakfast, but does not include home exchange (“home swapping”) or units in a multifamily development reserved for guest(s) of the residents.

Shrub. Any woody perennial plant that is generally less than fifteen feet in height at maturity.

Sign. Any materials placed or constructed, or light projected, that (a) convey a message or image, and (b) are used to inform or attract the attention of the public, but not including any lawful display of merchandise. Some examples of “signs” include placards, A-boards, posters, murals, diagrams, banners, flags, billboards, or projected slides, images or holograms. The applicability of the term “sign” does not depend on the content of the message or image conveyed.

* * *

II-5. Code Cleanup



**2016 Annual Amendment
Plan and Code Cleanup Amendments**

PLANNING COMMISSION RECOMMENDATION SUMMARY
June 15, 2016

Proposed Amendment:	Plan and Code Cleanup Amendments
Applicant:	Planning and Development Services Department
Location & Size of Area:	Citywide
Current Land Use & Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Stephen Atkinson, Planning Services Division (253) 591-5531, satkinson@cityoftacoma.org

Planning Commission Recommendations:

The proposed amendments involve general text corrections to various sections of the Tacoma Municipal Code. These minor amendments are intended to address inconsistencies, correct minor errors, and improve provisions that, through administration and application of the Land Use Regulatory Code, are found to be unclear or not fully meeting their intent.

The code cleanup is an annual process used by staff to improve the clarity and effectiveness of the Land Use Regulatory Code by addressing inconsistencies, incorporating legislative revisions, correcting minor errors, and improving confusing or ineffective standards. The proposed amendments include issues that have been identified by staff as well as issues identified by the public and Planning and Development Services Department’s customers.

Specific proposals include:

- Correcting references in the code to specific Comprehensive Plan topics, such as new typologies for the City’s mixed-use centers;
- Creating a permit path and review criteria for non-conforming uses;
- Resolving a conflict between drive-way access requirements and landscape buffers;
- Creating an appropriate process for reasonable accommodation in housing;
- Expanding the minimum notification requirements for specific types of land use actions;
- Amending the Comprehensive Plan to recognize the Environmental Action Plan;
- Correcting an error in the definition for mobile home courts;
- Updating the wetland rating system in the Shoreline Master Program and correcting references;
- Correcting several references and errors in Title 1 pertaining to TDR and affordable housing.

The Planning Commission conducted two public hearings on May 4 and 18, 2016, concerning the 2016 Annual Amendment proposal package, which included the Plan and Code Cleanup Amendments. The hearing record was kept open through May 25, 2016 to receive additional written comments. No public comments were received concerning the amendments. However, the Commission made minor additions to the proposal, upon reviewing additional suggestions from staff.

The Planning Commission recommends that the City Council adopt the proposed amendments to the Tacoma Municipal Code as set forth in **Exhibit E**.



2016 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

* * *

13.02.043 Definitions.

For the purpose of this chapter, certain words and terms used herein are defined as follows:

A. An “area-wide zoning reclassification” is a legislative action to change the zoning classification(s) on an area-wide basis in order to implement and maintain the consistency of the Comprehensive Plan. It is comprehensive in nature and deals with homogenous communities, distinctive geographic areas, and other types of districts having unified interests within the City, including those associated with annexation and overlay special review zoning districts. Area-wide zoning reclassifications, unlike parcel zoning reclassifications, are generally of area-wide significance, usually involving many separate properties under various ownerships, and often utilize several of the City’s zoning classifications to implement the City’s Comprehensive Plan. An area-wide zoning reclassification consisting of a single ownership but having a broader impact of significance on the community may be considered to be an area-wide reclassification if it is being undertaken in order to maintain consistency of the City’s Comprehensive Plan.

* * *

F. “Comprehensive Plan land use designation” ~~indicates the intended is a designation for all property that indicates the future land use pattern for all properties in the City, as depicted on the Future Land Use Map of the Comprehensive Plan. development influence based on factors such as size, scale, bulk, nuisance level, density, activity level, amount of open space, and traffic generation. Such designations are depicted on the Generalized Land Use Plan map which illustrates the future land use pattern for the City. This land use pattern was a result of analysis of the urban form policies, existing land use and zoning, development trends, anticipated land use needs and desirable growth and development goals. The Future Land Use Map and the designations provide a basis for applying zoning districts and for making land use decisions. The map is to be used in conjunction with the adopted policies of the Comprehensive Plan for any land use decision.~~

G. “Moratorium” (or collectively, “moratoria”) is the suspension of accepting or processing new applications for building, zoning, subdivision (platting), or other types of development in order to preclude development from occurring for a specified period of time. A moratorium on development may be imposed on all development, on all permit applications, or on specific types of development or permit applications.

H. “Plan amendment” is a proposed change to the Comprehensive Plan that may include adoption of a new plan element; a change to an existing plan element, including goals, policies and narrative text; a change to the objectives, principles, or standards used to develop the Comprehensive Plan; a revision to the land use designation as shown on the ~~Generalized Future Land Use Plan-M~~map; or a change to implementation strategies or programs adopted as part of the Comprehensive Plan, including updates to inventories and financial plans.

Policies for the Puget Sound Region (“VISION 2040”), the Regional Transportation Plan for the Puget Sound Region (“Transportation 2040”), the Countywide Planning Policies for Pierce County, and relevant Washington State statutes. The City shall carry out its programs, perform its activities, and make capital budget decisions in conformance with the Comprehensive Plan.

B. The Comprehensive Plan shall include the following planning elements:

1. A land use element, as required by RCW 36.70A.070, indicating the proposed generalized land use, including the suitability, capability, location, and number of acres of land devoted to such uses as residential, commercial, industrial, recreation, open space, and other uses.
2. A housing element, as required by RCW 36.70A.070, providing policies for the preservation, improvement, and development of housing, and including an inventory and analysis of existing and projected housing needs.
3. A capital facilities element, as required by RCW 36.70A.070, providing an inventory of the location and capacity of existing publicly-owned capital facilities, and a forecast of the future needs for such capital facilities, including the expansion of capital facilities, the construction of new facilities, and the maintenance requirements of existing facilities.
4. A utilities element, as required by RCW 36.70A.070, identifying the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.
5. A transportation element, as required by RCW 36.70A.070, that implements and is consistent with the land use element, is regionally coordinated, and identifies the need for future transportation facilities and services, including system expansion and management needs.
6. An economic element, as required by RCW 36.70A.070, establishing goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life.
7. A recreation and open space element, as required by RCW 36.70A.070, that implements and is consistent with the capital facilities element as it relates to park and recreation facilities. This element should indicate the location and development of areas and public sites for recreation, natural conservations, parks, parkways, beaches, playgrounds, and other recreational and open space areas.
8. A process, pursuant to RCW 36.70A.200, for identifying and siting essential public facilities which are typically difficult to site.
9. A shoreline element, pursuant to RCW 90.58, setting forth policies concerning economic development; public access and circulation; recreation; urban design, conservation, restoration, and natural environment; and historical, cultural, scientific, and educational values.
10. A container port element developed collaboratively with the Port of Tacoma, as required by RCW 36.70A.085, establishing policies and programs that (a) define and protect the core areas of port and port-related industrial uses; (b) provide reasonably efficient access to the core area through freight corridors within the city limits; and (c) identify and resolve key land use conflicts along the edge of the core area, and minimize and mitigate, to the extent practicable, incompatible uses along the edge of the core area.

C. Subject to the provisions of Section 13.02.044, the Comprehensive Plan may include the following planning elements and any additional planning elements which the Commission or Council considers pertinent:

1. A community services and facilities element indicating the general location of all community services and facilities, and indicating the need and appropriate location for such services and facilities.
2. An environmental element indicating environmental conditions and natural processes, including climate, air quality, geology, hydrology, vegetation, wildlife, fisheries, critical areas, mineral resource lands, solar energy, and other natural factors and hazards that affect, or would be affected by, development.
3. A historic and conservation element identifying objects, areas, sites, or structures of historical, archaeological, architectural, or cultural significance.
4. An annexation element setting forth policies to guide orderly urban growth and designating areas for potential annexation for at least 20 years. The annexation element shall identify future land uses and consider development patterns, density, projected population growth, timing, and the provision of capital facilities and services, including capacity, financing, and expansion.
5. An urban design element addressing the design of development through the application of standards, guidelines, and recommendations for project review.
6. Sub-area elements setting forth policies concerning specific geographic areas of the City or concerning specific issues.

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(Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 7; passed Dec. 16, 2003)

13.02.045 Adoption and amendment procedures.

A. Adoption and amendment. The Comprehensive Plan and its elements, as well as development regulations and regulatory procedures that implement the Comprehensive Plan shall be adopted and amended by ordinance of the City Council, following the procedures identified in this section. Adoption and amendment of the Comprehensive Plan and development regulations must be consistent with the procedural requirements of RCW 36.70A and in compliance with applicable case law.

B. Timing for proposed amendments. Amendments to the Comprehensive Plan shall be considered no more frequently than once each year except that amendments may be considered more frequently under the following circumstances:

1. An emergency exists;
2. The initial adoption of a sub-area plan;
3. The adoption or amendment of a shoreline master program under the procedures set forth in RCW 90.58;
4. The amendment of the ~~capital facilities element~~ **Public Facilities and Services element and Capital Facilities Program** of the Comprehensive Plan that occurs concurrently with the adoption or amendment of the City's biennial budget; or
5. To resolve an appeal of the Comprehensive Plan decided by the Growth Management Hearings Board or a decision of the state or federal courts.

All proposed plan amendments shall be considered concurrently and, as appropriate, along with proposed amendments to development regulations, so that the cumulative effect of the various proposals can be ascertained. Proposed amendments may be considered annually, for which the annual amendment process shall begin in July of any given year and be completed, with appropriate actions taken by the City Council in accordance with Sections 13.02.045.G and H, by the end of June of the following year. Amendments proposed to comply with the update requirements of RCW 36.70.A.130 will occur according to the time frames established therein.

C. Applicants of proposed amendments. A proposed amendment to the Comprehensive Plan or development regulations may be submitted by any private individual, organization, corporation, partnership, or entity of any kind, including any member(s) of the City Council or the Planning Commission or other governmental Commission or Committee, the City Manager, any neighborhood or community council or other neighborhood or special purpose group, a department or office, agency, or official of the City of Tacoma, or of any other general or special purpose government.

D. Application for proposed amendments. Items initiated by the City Council, the Planning Commission, or the Department do not require an application. For all other items, the Department shall prescribe the form and content for applications for amendments to the Comprehensive Plan and development regulations. Application fees shall be as established by City Council action. The application deadline for any given annual amendment cycle shall be established by the Department no later than the last day of May. Those applications for amending the Comprehensive Plan received after the established deadline are less likely to be considered in the current annual amendment cycle and are more likely to be considered in a subsequent amendment cycle, unless determined otherwise by the Planning Commission. Applications for changing development regulations or area-wide zoning classifications which are consistent with the Comprehensive Plan and do not require an amendment to the Comprehensive Plan can be submitted at any time. The application shall include, but not be limited to, the following:

1. A description of the proposed amendment, including the existing and proposed amendatory language, if applicable;
2. The current and proposed Comprehensive Plan land use designation and zoning classification for the affected area;
3. A statement regarding the reason the amendment is needed;
4. A description, along with maps if applicable, of the affected area and the surrounding areas, including identification of affected parcels, ownership, current land uses, site characteristics, and natural features;
5. A description of how the proposed amendment enhances the applicable neighborhood;
6. A description of any community outreach and response to the proposed amendment;
7. A demonstration of consistency with the applicable policies of the Comprehensive Plan, and the criteria for amending the Comprehensive Plan or development regulations;
8. Additional information as requested by the Department, which may include, but is not limited to, completion of an environmental checklist, wetland delineation study, visual analysis, or other studies.

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Figure 1: International Financial Services Area (IFSA)



2. Proposed projects located within the Downtown Regional Growth Center, as set forth in the Growth Strategy and Development Concept Element of the City Comprehensive Plan, provided that the real property involved is subject to a significant measure of public ownership or control, and provided that the project includes a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;

3. Proposed projects located within the Downtown Regional Growth Center where the City Landmarks Commission formally certifies that the proposed project is either a historic structure or is directly associated with and supports the preservation of an adjacent historic structure;

4. Proposed projects located on a public facility site, as defined in subsection 13.06.700.P TMC, that are at least five acres in size and are not a public utility site.

C. Application process. An application for a Development Regulation Agreement may only be made by a person or entity having ownership or control of real property within one of the qualifying areas identified in subsection B above. Applications for a Development Regulation Agreement shall be made with the Planning and Development Services Department, solely and exclusively on the current form approved by said Department, together with the filing fee set forth in the current edition of the City's Fee Schedule, as adopted by resolution of the City Council. The City Council shall be notified once a complete application has been received. The City shall give notice under Sections 13.02.057 and 13.02.045.H TMC as if the application were for a land use ~~intensity-designation~~ change.

D. Review criteria. The City Manager, and such designee or designees as may be appointed for the purpose, shall negotiate acceptable terms and conditions of the proposed Development Regulation Agreement based on the following criteria:

1. The Development Regulation Agreement conforms to the existing Comprehensive Plan. Except for projects on a public facility site of at least five acres in size, conformance must be demonstrated by the project, as described in the Development Regulation Agreement, scoring 800 points out of a possible 1,050 points, according to the following scoring system (based on the Downtown Element of the City Comprehensive Plan):

a. Balanced healthy economy. In any project where more than 30 percent of the floorspace is office, commercial, or retail, one point shall be awarded for every 200 square feet of gross floorspace (excluding parking) up to a maximum of 290 points.

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which decrease walking distances and increase pedestrian safety. This classification is not appropriate inside Comprehensive Plan designated low-intensity areas.

C. Applicability and pedestrian streets designated.

Applicability. The following tables compose the land use regulations for all Mixed-Use Center Districts. All portions of Section 13.06.300 and applicable portions of Section 13.06.500, apply to all new development of any land use variety, including additions and remodels, in all Mixed-Use Center Districts, unless explicit exceptions or modifications are noted. The requirements of Sections 13.06.300.A through 13.06.300.D are not eligible for variance. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply. Refer to 13.06A.052 for Pedestrian Streets within Downtown Tacoma.

TABLE C.1: MIXED-USE CENTER PEDESTRIAN STREETS ESTABLISHED

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)
6th Avenue and Pine Street <u>Neighborhood Center</u>	6th Avenue	6 th Avenue
Narrows (6th Avenue and Jackson) <u>Neighborhood Center</u>	6 th Avenue	6 th Avenue
McKinley <u>Neighborhood Center</u> (East 34th and McKinley)	McKinley Avenue from Wright Avenue to East 39 th Street*	McKinley Avenue from Wright Avenue to East 36 th Street
Lower Portland <u>Avenue Crossroads Center</u>	Portland Avenue*, East 32 nd Street, East 29 th Street	Portland Avenue
Proctor <u>Neighborhood Center</u> (North 26th Street and Proctor Street)	North 26 th Street; North Proctor Street*	North 26 th Street; North Proctor Street
Stadium (North 1st Street and Tacoma Avenue) District – Downtown Regional Growth Center (DRGC)	Division Avenue from North 2nd Street to Tacoma Avenue; Tacoma Avenue*; North 1st Street; North I Street	Division Avenue from North 2nd Street to Tacoma Avenue; Tacoma Avenue; North 1st Street
Hilltop <u>Neighborhood – Downtown Regional Growth Center (DRGC)</u>	Martin Luther King Jr. Way*; South 11th Street; Earnest S. Brazill Street; 6th Avenue, South 19th Street	Martin Luther King Jr. Way from S. 9th to S. 15th, South 11th Street; Earnest S. Brazill Street
Lincoln <u>Neighborhood Center</u> (South 38th Street and G Street)	South 38th Street*; Yakima Avenue from South 37th Street to South 39th Street; and South G Street south of 36th Street	South 38th Street
<u>South 34th and Pacific Lower Pacific Crossroads Center</u>	Pacific Avenue	Pacific Avenue
<u>South 56th Street and South Tacoma Way</u>	South Tacoma Way*; South 56th Street	South Tacoma Way
<u>East 72nd Street and Portland Avenue Upper Portland Crossroads Center</u>	East 72nd Street*; Portland Avenue	East 72nd Street, Portland Avenue
<u>South 72nd Street and Pacific Avenue Upper Pacific Crossroads Center</u>	South 72nd Street; Pacific Avenue*	Pacific Avenue

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Tacoma Central <u>Crossroads Center</u> Allenmore	Union Avenue*; South 19th Street between South Lawrence Street and South Union Avenue	Union Avenue south of South 18th Street; South 19th Street between South Lawrence Street and South Union Avenue
Tacoma Mall <u>Regional Growth Center Area</u>	South 47th/48th Transition Street; Steele Street*	N/A
FCC James Center <u>Crossroads Center</u>	Mildred Street*; South 19th Street	Mildred Street south of South 12th Street; South 19th Street
Westgate <u>Crossroads Center</u>	Pearl Street*; North 26th Street	Pearl Street
<i>* Indicates primary designated 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.</i>		

D. Land use requirements.

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 or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

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 13.06.640.
TU	= Temporary use consistent with Section 13.06.635.
N	= Prohibited use in this district.

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Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (also see footnotes 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 and CCX Districts. ²
Surface mining	CU	CU	CU	CU	CU	CU	CU	N	
Temporary uses	TU	TU	TU	TU	TU	TU	TU	TU	See Section 13.06.635
Theater	P	P	P	N	P	N	N	N	Theaters only permitted up to 4 screens in NCX and CCX. Theaters only permitted up to 6 screens in CIX.
Transportation/ freight terminal	P	P	P	N	P	P	N	N	
Urban Horticulture	N	N	N	N	P	N	N	N	
Utilities	CU	CU	CU	CU	CU	CU	CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² Not subject to RCX residential requirement. ¹
Vehicle rental and sales	N*	P	P	N	P	N	N	N	In CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ² *Use permitted in the 56th Street and South Tacoma Way Mixed-Use Neighborhood Center NCX only, if all activities occur within buildings; outdoor storage repair, and sales are prohibited.
Vehicle service and repair	N*	P	P	N	P	N	N	N	All activities must occur within buildings; outdoor storage and/or repair is prohibited. Subject to development standards contained in Section 13.06.510.E. In CCX Districts, prohibited along frontage of designated core pedestrian streets. ² *Use permitted in the 56th Street and South Tacoma Way Mixed-Use Neighborhood Center NCX only, provided all activities occur entirely within buildings; outdoor storage and/or repair is prohibited.
Vehicle service and repair, industrial	N	N	P	N	P	N	N	N	Subject to additional development standards contained in Section 13.06.510.E.
Vehicle storage	N	N	N	N	P	N	N	N	Subject to development standards contained in Section 13.06.510.D.
Warehouse, storage	N	N	N	N	P	N	N	N	
Wholesale or distribution	N	N	N	N	P	N	N	N	
Work/Live	P	P	P	P	P	P	P	P	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570.

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	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Requirements
Maximum height of structures (feet)	45 feet ¹ ; 65 feet in the Stadium Mixed-Use Center <u>Stadium District of the DRGC</u> . ¹	60 feet; 75 feet, if at least 25 percent of floor area is residential or through use of TDRs from an identified TDR sending area ⁴ .	75 feet; 120 feet, if at least 25 percent of floor area is residential or through use of TDRs from an identified TDR sending area ⁴ .	60 feet ¹	75 feet	150 feet	45 feet ²	35 feet	Height will be measured consistent with Building Code, Height of Building. Maximum heights, shall be superseded by the provisions of Section 13.06.503.A. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602.
	¹ In NCX, RCX, and CIX Districts, additional height above these standard height limits may be allowed in certain areas through the X-District Height Bonus Program – see Section 13.06.300.E.2.								
	² In the McKinley Mixed-Use Neighborhood Center, the portion of the URX District that is north of the alley between East Wright Avenue and East 34th Street has a height limit of 35 feet instead of 45 feet.								
Upper story setback	See Section 501.C.2 for setback standards along pedestrian streets.	See Section 501.C.2 for setback standards along pedestrian streets.	None	None	None	None	None	None	See Section 13.06.503; residential transition standards may also apply.

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2. X-District Height Bonuses. The ~~X-District~~ Height Bonus program provides a mechanism to allow for additional height for projects within certain portions of the ~~Neighborhood~~ Mixed-Use Centers designated in the Comprehensive Plan. It is designed to encourage new growth and foster economic vitality within the centers, consistent with the State Growth Management Act and the City’s Comprehensive Plan, while balancing taller buildings and greater density with public amenities that help achieve the community’s vision for the centers, with improved livability, enhanced pedestrian and transit orientation, and a quality built environment, and realize other City-wide goals. Through this program, projects within certain areas may qualify for additional building height, above and beyond the standard maximum height limits outlined above, under Subsection E.1. In order to achieve these increased height limits, projects are required to provide one or more public benefit bonus features.

a. Applicability. Where applicable in the Mixed-Use Centers, the height bonus provision allows for projects to be eligible to increase the standard maximum height limit through the incorporation of one or more public benefit features into the development of the project. These public benefit features are divided into two levels, each of which is outlined below (see graphic on the next page). The following table details the areas within the various neighborhood centers that are eligible for this height bonus program and the maximum additional height allowed through each of the two bonus levels:

Zoning District & Center	Base Height Limit (allowed without any bonus items)	Maximum Height Allowed Through Level 1 ³	Maximum Height Allowed Through Level 2 ³
NCX – Neighborhood Commercial Mixed-Use District (Proctor, Lincoln, 6th & Pine Ave, McKinley, and Narrows Centers)	45 feet	65 feet	Not Available
NCX – Neighborhood Commercial Mixed-Use District (Stadium District , DRGC Center)	65 feet	75 feet	85 feet
NCX – Neighborhood Commercial Mixed-Use District (56th & South Tacoma Way Center)	45 feet	65 feet	85 feet
NCX – Neighborhood Commercial Mixed-Use District (MLK Center Hilltop Neighborhood, DRGC – property within 200 ft of Core Pedestrian Street) ¹	45 feet	65 feet	85 feet
NCX – Neighborhood Commercial Mixed-Use District (MLK Center Hilltop Neighborhood, DRGC – property not within 200 ft of core pedestrian street) ¹	45 feet	65 feet	Not Available
RCX – Residential Commercial Mixed-Use District (Hilltop Neighborhood, DRGC MLK Center – east of MLK Jr. Way and between 9th and 13th Streets)	60 feet	70 feet ²	80 feet
CIX – Commercial-Industrial Mixed-Use District (56th & South Tacoma Way Center)	75 feet	90 feet	100 feet

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(1) Habitat-Open Space Corridors. A minimum of 50 percent of required landscaping located within Comprehensive Plan designated Habitat-Open Space Corridors, and a minimum of 25 percent in adjacent areas within 20 feet of Habitat-Open Space Corridors, must be native plant species. Reductions are permitted when necessary to follow coordinated plans to address slope stability, habitat health, streetscape or area-wide plans.

c. Required landscaping areas are encouraged to incorporate vegetated LID BMPs, as defined in the City of Tacoma Stormwater Management Manual. A vegetated LID BMP may be used to meet landscaping requirements. Limited flexibility shall be granted to specific landscaping standards as applicable to accommodate LID BMPs.

d. Visibility and safety. Except in cases where required landscaping is intended to provide dense visual buffers or to enhance natural conditions, trees and shrubs shall be selected and maintained to maximize visibility at eye level for safety. To meet this requirement, shrubs shall be chosen that will readily remain under 3 feet in height. Trees shall be selected and pruned (once tall enough) to maximize views below 7 feet in height.

e. Trees.

(1) Tree Species Selection – Small, Medium and Large species. Trees are categorized as small, medium or large based on their height and crown spread at maturity and on their growth rate. Trees size categories are determined according to the Canopy Factor, which is calculated using the following formula: (mature height in feet) x (mature crown spread in feet) x (growth rate number) x 0.01 = Canopy Factor. The growth rate number is 1 for slow growing trees, 2 for moderately growing trees, and 3 for fast growing trees. Large Trees have a Canopy Factor greater than 90; Medium Trees have a Canopy Factor from 40 to 90; Small Trees have a Canopy Factor less than 40.

(a) Small, Medium and Large Tree lists are included in the UFM. To determine the size category of a tree not listed in the UFM, the applicant must provide an authoritative source of information about the tree's mature height, crown spread and growth rate. Objective information must come from published sources or from the nursery providing the tree growth information, often called "cut sheets".

(2) Species shall be selected to avoid or minimize potential conflicts with infrastructure and utilities. Trees under power lines shall have a maximum mature height (at 25 years of age) not greater than 25 feet. New tree plantings shall be a minimum of 2 feet from pavement (curb, sidewalk, alley, street), 5 feet from a structure, 5 feet from underground utilities, and 10 feet from light standards. Distances may be reduced, with staff approval, upon a demonstration that the species selected will not cause infrastructure conflicts. The UFM contains additional guidelines on this subject.

(3) Tree variety. For projects that involve the planting of between four and ten trees, at least two different kinds (Genera) of trees shall be included. For projects involving the planting of more than ten trees, at least three different kinds (Genera) of trees, and a mixture of tree types (evergreen and deciduous) shall be included. For projects that involve planting more than twenty-five trees, no more than 25 percent shall be from one Genera and a minimum of 20 percent must be evergreen.

(4) Tree size at planting. Trees provided to meet the landscaping requirements shall be consistent with the following size requirements at the time of planting: For deciduous trees, at least 50 percent of the trees provided shall be a minimum 2-inch caliper at the time of planting, with the remaining deciduous trees a minimum 1½-inch caliper. For evergreen trees, at least 50 percent of the trees provided shall be a minimum of 6 feet tall, with the remaining evergreen trees a minimum of 5 feet tall at the time of planting. Evergreen trees provided to meet these requirements shall also be species with the ability to develop a minimum branching width of 8 feet within 5 years.

f. Shrubs and Groundcover.

(1) Turf lawn and mulch are not considered groundcover for the purposes of complying with this section.

(2) Vegetated LID BMPs that incorporate trees, shrubs and/or groundcover may count as meeting tree, shrub and groundcover requirements.

(3) Shrub variety. If there are more than 25 required shrubs, no more than 20 percent of them can be of one species.

(4) Groundcover and shrub plants must be planted at a density that will cover the entire area within three years.

(5) Unless specified otherwise, shrubs provided to meet these requirements shall be from a minimum 2-gallon container.

3. Installation and Maintenance.

a. Landscaping shall be installed and maintained in a healthy, thriving, and safe condition, and replaced as necessary, during the plant establishment period and for the life of the project, consistent with the requirements, standards and specifications of this Section and the UFM.

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13.06.650 Application for rezone of property.

A. Application submittal. Application for rezone of property shall be submitted to Planning and Development Services. The application shall be processed in accordance with the provisions of Chapter 13.05. Final action on the application shall take place within 180 days of submission.

B. Criteria for rezone of property. An applicant seeking a change in zoning classification must demonstrate consistency with all of the following criteria:

1. That the change of zoning classification is generally consistent with the applicable land use ~~intensity~~ designation of the property, policies, and other pertinent provisions of the Comprehensive Plan.
2. That substantial changes in conditions have occurred affecting the use and development of the property that would indicate the requested change of zoning is appropriate. If it is established that a rezone is required to directly implement an express provision or recommendation set forth in the Comprehensive Plan, it is unnecessary to demonstrate changed conditions supporting the requested rezone.
3. That the change of the zoning classification is consistent with the district establishment statement for the zoning classification being requested, as set forth in this chapter.
4. That the change of the zoning classification will not result in a substantial change to an area-wide rezone action taken by the City Council in the two years preceding the filing of the rezone application. Any application for rezone that was pending, and for which the Hearing Examiner's hearing was held prior to the adoption date of an area-wide rezone, is vested as of the date the application was filed and is exempt from meeting this criteria.
5. That the change of zoning classification bears a substantial relationship to the public health, safety, morals, or general welfare.

C. Amendment of boundaries of districts.

1. Whenever this chapter has been, or is hereafter, amended to include in a different district, property formerly included within classified district boundaries of another district, such property shall be deemed to thereupon be deleted from such former district boundaries.
2. Unless specifically classified otherwise, zoning district boundaries shall be considered to extend to the centerline of rights-of-way. Right-of-way, which has had prior approval for vacation pursuant to Chapter 9.22 or which is hereafter approved for vacation, shall be deemed to be added to the district boundaries of the property which the vacated right-of-way abuts. In instances where a vacated right-of-way is bordered on one side by a district which is different from the district on the other side, the right-of-way shall be deemed to be added apportionately to the respective districts.

D. Limitation on rezones in downtown districts. After the area-wide reclassification establishing the downtown district boundaries has occurred, no property shall be reclassified to a downtown district, except through a subsequent area-wide reclassification.

E. Limitations on rezones in Mixed-Use Centers. After adoption of the area-wide reclassifications establishing and confirming the Mixed-Use Center zoning district boundaries in 2009, no property shall be reclassified to or from a Mixed-Use Center zoning district (X-district) except through a subsequent area-wide reclassification.

F. Limitations on rezones in certain overlay zoning districts. The boundaries of the following area-wide zoning overlay districts can only be amended through another area-wide reclassification: view-sensitive, groundwater protection, manufacturing/industrial center, and historic and conservation overlay districts.

G. Area-wide reclassifications adopted by the City Council supersede any previous reclassifications and any conditions of approval associated with such previous reclassifications.

H. Affordable housing – privately initiated upzones. Privately initiated residential upzones shall be conditioned to provide for inclusion of affordable housing. For development proposals meeting the thresholds and criteria of TMC 1.39, a certain number of the dwelling units shall be entered by the project proponent into the City's Affordable Housing Incentives Program. That number may be designated at the time of the upzone, or alternatively the upzone shall be conditioned to provide that designated percentage of affordable units at such time as a specific residential development proposal is submitted to the City.

I. Affordable housing – City-initiated upzones. In order to ensure consistency with the housing policies of the Comprehensive Plan which promote mixed-income neighborhoods citywide, the City shall analyze the supply of affordable housing in the vicinity of the proposed upzone, and assess whether the upzone would substantially exacerbate affordability challenges. If there are affordability issues associated with the proposed upzone, the City shall consider actions to address them, potentially including placing special conditions on the upzone, targeting City programs or funding to increase the affordable housing supply, or other methods.

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(3) A planting plan containing information on vegetation species, quantities, and general location of planting areas including the identification of wetlands, streams, and their buffers, is required for review.

(4) Proper erosion control measures are provided.

(5) If equipment, other than hand-held equipment is utilized, list the type of equipment, methods and best management practices to prevent unnecessary impacts.

b. Community Projects

Multi-party projects within designated ~~Open Space Corridors, Habitat Corridors or Open Space Areas~~, or adjacent vegetated areas that form expanded corridors are encouraged. These projects shall not include new destination facilities or high-intensity recreation facilities as described in 13.06.560. A City approved habitat management template or equivalent must be provided that has been reviewed and approved by all property owners. In addition, the project is subject to the following:

(1) The primary focus is preservation and increase in biological functions through the preservation and improvement of habitat, species diversity and natural features.

(2) Preserves and connects ~~habitat~~ Open Space Corridors.

(3) Includes goals, objectives, and measureable performance standards.

(4) Includes a monitoring plan and contingency plan.

(5) Trails shall comply with the provisions in Section 13.11.200.B.9.

(6) Buildings and paved surfaces shall be located outside of the critical area and buffer.

(7) Picnic Tables, benches, and signage are allowed when they are located to avoid and minimize impacts.

(8) A maintenance plan that describes the proper techniques and methods used for on-going maintenance and preservation.

(9) The identification of a trained habitat steward who will be responsible for overseeing volunteers, employees, and/or contractors for all aspects of the project.

11. Hazard trees. The removal of hazard trees from the critical area or critical area buffer that are posing a threat to public safety, or posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement, may be allowed following City staff review, or provided that a report from a certified arborist, landscape architect or professional forester is submitted to the City for review and approval. The report must include an evaluation for tree stabilization potential and removal techniques for the hazard tree and procedures for protecting the surrounding critical area and replacement of native trees. Where possible, the hazard tree shall be left as a standing snag and the cut portions shall be left within the critical area as habitat unless removal is warranted due to fire hazard, disease, or pest control.

12. Tree Pruning. Tree pruning may be allowed provided a report from a certified arborist, landscape architect or professional forester regarding the health of the tree is submitted, and a functional impact analysis from a qualified professional evaluating the functions of the critical area as a result of the pruning, is also submitted to the City for review and approval. No topping, complete removal or impacts to the health of the tree shall be allowed.

13. Watershed restoration projects that conform to the provisions of RCW 89.08.460 shall be reviewed without fee and approved within 45 days per RCW 89.08.490.

14. Fish habitat enhancement projects that conform to the provision of RCW 77.55.181 shall be reviewed without fee and comments provided as specified in RCW 77.55.181.

15. Demolition of structures.

(Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28335 Ex. A; passed Dec. 1, 2015; Ord. 28230 Ex. F; passed Jul. 22, 2014; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 23; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

13.11.220 Application Types.

A. This chapter allows three types of Critical Area applications, which result in the issuance of an administratively appealable decision consistent with Chapter 13.05. After the appeal period expires, the Director's approved decision becomes the official permit. Programmatic Restoration Projects processed under either the Minor Development Permit or the Development Permit may qualify for additional time extensions according to 13.05.070.

B. The three types of permits are as follows:

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2. Building requirements that may include elements addressing parking, height, density, environmental impact, public benefit features, compatibility with the surrounding property, and such other amenities as will attract and keep permanent residents and will properly enhance the livability of the residential target area.

The required amenities shall be relative to the size of the proposed project and the tax benefit to be obtained.

C. Designated Target Areas. The proposed boundaries of the “residential target areas” are the boundaries of the ~~18~~-mixed-use centers listed below and as indicated in ~~the One Tacoma Comprehensive Plan Generalized Land Use Plan~~ and in the Comprehensive Plan legal descriptions which are incorporated herein by reference and on file in the City Clerk’s Office.

The designated target areas do not include those areas within the boundary of the University of Washington Tacoma campus facilities master plan (per RCW 84.14.060).

MIXED-USE CENTER	CENTER TYPE	ORIGINALLY ADOPTED
South 56th and South Tacoma Way	Neighborhood	November 21, 1995
Downtown Tacoma	Downtown Regional <u>Growth Center</u>	November 21, 1995
Proctor (North 26th and Proctor)	Neighborhood	November 21, 1995
Tacoma Mall Area	Urban <u>Regional</u> <u>Growth Center</u>	November 21, 1995
Hilltop	Neighborhood <u>Downtown Regional</u> <u>Growth Center</u>	November 21, 1995
Westgate	<u>Community Crossroads</u>	November 21, 1995
Lincoln (South 38th and “G” Street)	Neighborhood	November 21, 1995
6th Avenue and Pine Street	Neighborhood	November 21, 1995
Tacoma Central Plaza/Allenmore	<u>Community Crossroads</u>	November 21, 1995
South 72nd and Pacific Avenue <u>Upper Pacific</u>	<u>Community Crossroads</u>	November 21, 1995
East 72nd and Upper Portland Avenue	<u>Community Crossroads</u>	November 21, 1995
Stadium (North 1st and Tacoma)	Neighborhood <u>Downtown Regional</u> <u>Growth Center</u>	November 21, 1995
James Center/ FCC	<u>Community Crossroads</u>	November 21, 1995
Lower Portland Avenue	<u>Community Crossroads</u>	January 16, 1996
South 34th and Pacific Avenue <u>Lower Pacific</u>	<u>Community Crossroads</u>	December 11, 2007
McKinley (E. 34th and McKinley)	Neighborhood	December 11, 2007
Narrows (6th Avenue and Jackson)	Neighborhood	December 11, 2007
Point Ruston	<u>Community Crossroads</u>	July 1, 2014

(Ord. 28230 Ex. H; passed Jul. 22, 2014; Ord. 28222 Ex. D; passed May 13, 2014; Ord. 27818 Ex. B; passed Jul. 28, 2009; Ord. 27813 Ex. J; passed Jun. 30, 2009 (South Tacoma Mixed Use Center amended, Ex. J is for illustrative purposes); Ord. 27710 Ex. A; passed Apr. 29, 2008; Ord. 27663 Ex. A; passed Dec. 11, 2007; Ord. 25823 § 1; passed Jan 16, 1996; Ord. 25789 § 3; passed Nov. 21, 1995)

13.17.030 Tax exemptions for multi-family housing in residential target areas.

A. The application, review, and decision guidelines and procedures for multi-family housing property tax exemptions are contained in TMC Title 6, Tax and License Code, Section 6A.110.

(Reenacted by Ord. 27818 Ex. B; passed Jul. 28, 2009; Ord. 27710 Ex. A; passed Apr. 29, 2008; Ord. 27466 § 44; passed Jan. 17, 2006; Ord. 27321 § 1; passed Mar. 1, 2005; Ord. 26492 § 1; passed Aug. 10, 1999; Ord. 26386 § 40; passed Mar. 23, 1999; Ord. 25789 § 3; passed Nov. 21, 1995)

Exhibit E-2
TMC 13.06
Nonconforming Uses

* * *

evidence to show that the subject use was lawfully permitted prior to May 18, 1953, or if such legal use became nonconforming by reason of subsequent changes in this Chapter, prior to the date of the code change that made the use nonconforming. An application for a review of nonconforming rights shall include the following:

- (1) The name, address and phone number of the applicant(s) or applicant's representative.
- (2) The name address and phone number of the property owner, if other than the applicant.
- (3) Location of the property. This shall, at a minimum, include the property address and/or parcel number(s).
- (4) A general description of any proposed change of use and/or proposed expansion.
- (5) A general description of the property as it now exists including its physical characteristics and improvements and structures.
- (6) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to clearly depict all required information.
- (7) Documenting evidence to prove that the nonconforming use was allowed when established and maintained over time, which may include: photographs, permit documentation, zoning codes or maps, tax/license/utility records, insurance maps, directories, inventories or data prepared by a government agency.

c. If a determination of nonconforming rights concludes that a use is lawfully in existence, then it may be expanded or changed to another nonconforming use, subject to the limitations and standards provided herein.

- (1) Changes in use shall be limited to those uses allowed in the lowest intensity zoning district where the existing nonconforming use is currently permitted outright.
- (2) The proposed change or expansion will not increase the cumulative generation of vehicle trips by more than 10 percent, as estimated by the City Traffic Engineer; nor will the change or expansion result in an increase in the number of parking spaces that would be required by this chapter by more than 10 percent. In no event shall multiple changes or expansions be approved that would, in the aggregate, exceed the 10 percent requirement as calculated for the initial request for a change or expansion in use;
- (3) The proposed change or expansion will not result in an increase in noise such that it exceeds maximum noise levels identified in ~~TMC 8.122~~~~WAC 173-60~~;
- (4) The proposed change or expansion will not result in substantial additional light or glare perceptible at the boundary lines of the subject property;
- (5) The proposed change or expansion will not result in an increase in the outdoor storage of goods or materials; and
- (6) The proposed change or expansion will not result in an increase in the hours of operation.

d. Any change from one nonconforming use to another nonconforming use, as allowed herein, shall not be considered converting such nonconforming use to a permitted use.

[e. Changes in use that would exceed the standards herein may be approved through the issuance of a conditional use permit subject to the criteria in 13.06.640.P.](#)

3. Abandonment or vacation of nonconforming use. When a nonconforming use is vacated or abandoned for 12 consecutive months or for 18 months during any three-year period, the nonconforming use rights shall be deemed extinguished and the use shall, thereafter, be required to be in accordance with the regulations of the zoning district in which it is located.

D. Continued occupancy of nonconforming structure. Except as otherwise required by law and consistent with all other requirements of this chapter, a legal nonconforming structure may continue unchanged.

E. Nonconforming structure and nonconforming commercial, industrial, and institutional uses. A legal nonconforming structure, that is also nonconforming as to use, may only be expanded and/or modified in the following cases:

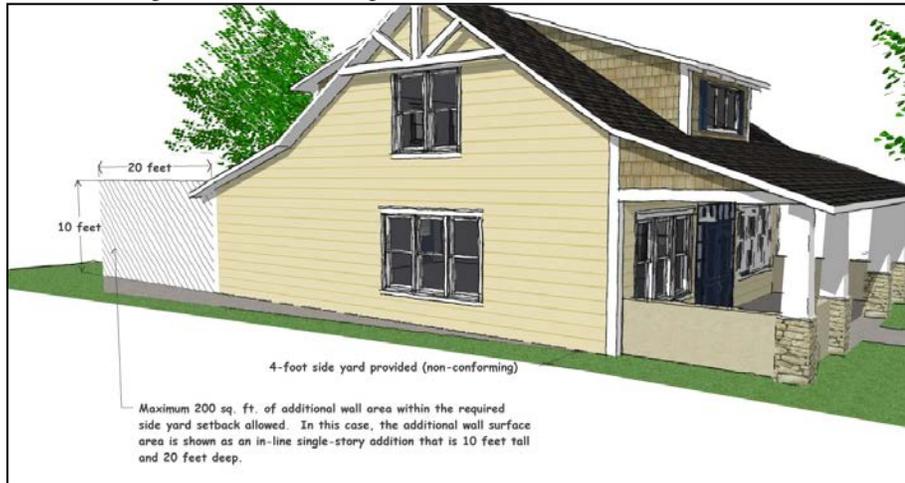
1. Ordinary repairs and maintenance, including painting, repair, or replacement of wall surfacing materials and the repair or replacement of fixtures, wiring, and plumbing are permitted; provided, such repair or maintenance will not result in noise exceeding levels identified in ~~WAC 173-60~~~~TMC 8.122~~, light, or glare at the boundary lines of the subject property.
2. The enlargement or modification is required for safety upon order of the City, or otherwise required by law to make the structure conform to any applicable provisions of law.
3. Such enlargement and/or modification does not result in an intensification of the use as addressed by Section 13.06.630.C.2.b.

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4. Such enlargement and/or modification complies with the requirements of TMC Chapter 13.11.

5. Changes in use or expansion that would exceed the limitations of 13.06.630.C.2.b may be approved through the issuance of a conditional use permit subject to the criteria in 13.06.640.P.

F. Nonconforming structure and conforming commercial, industrial, and institutional uses.



A legal conforming use located in a structure that is nonconforming as to setback, location, maximum height, lot coverage, or other development regulations may be replaced, enlarged, moved, or modified in volume, area, or space; provided, such replacement, enlargement, movement, or modification does not increase the degree of nonconformity. Any structure's replacement, enlargement, movement, or modification of volume, area, or space must comply with all other current applicable regulations as provided by this chapter, and with the requirements of TMC Chapter 13.11.

G. Nonconforming structure and nonconforming residential use. Nothing in this chapter shall prohibit the enlargement of a residential structure, which is nonconforming as to use and development regulations, if such expansion does not increase the number of dwelling units or reduce existing lot area or off-street parking. Such expansion, including the construction of accessory buildings, shall be limited to compliance with the setback, height, and location requirements of the zoning district in which the subject site is located, and with the requirements of TMC Chapter 13.11.

H. Nonconforming residential structures and conforming residential uses.

1. A legal nonconforming structure which is nonconforming as to setback, location, maximum height, lot area, lot coverage, or other development regulation may be replaced, enlarged, moved, or modified in volume, area, or space; provided, such replacement, enlargement, movement, or modification complies with the setback, height, and location requirements of the zoning district in which the subject site is located, and with the requirements of TMC Chapter 13.11.

2. Certain additions to existing, nonconforming single-, two-, three-, or multi-family or townhouse dwellings may extend into a required front, side, or rear yard setback when the existing dwelling is already legally nonconforming with respect to that setback. The nonconforming portion shall be at least 60 percent of the total width of the respective wall of the structure prior to the addition and any other additions added since May 18, 1953. Additions may extend up to the height limit of the zoning district and extend into the required front, side and/or rear yard setback as follows:

a. Front and rear yard setbacks: The addition may extend five feet into the required front or rear yard setback or to the extent of the setback line formed by the nonconforming portion, whichever is less.

b. Side yard setbacks: The addition may extend into the required side yard setback up to the setback line formed by the nonconforming wall, except in no case shall the addition be closer than 3 feet from the side property line. Furthermore, the size of the addition shall be limited to an additional wall surface area within the required side setback area of no more than 200 square feet. (See example on following page.) For purposes of this provision, "wall surface area" is defined as the length (measured parallel to the side property line) multiplied by the height of the vertical wall surface of any building addition within the required side yard setback area. Any windows, doors or architectural features present are counted toward the total permissible wall surface area. Additions below the current ground level finished floor will not be counted toward the maximum permissible wall surface area.

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- b. Availability of public services which may be necessary or desirable for the support of the use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian, and public transportation systems), education, police and fire facilities, and social and health services.
- c. The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties.
- 4. Freight movement will not be negatively impacted by the proposed use and related traffic generation.
- 5. The proposed use is not located adjacent to or within 500 feet of a primary rail or truck access for an industrial or manufacturing use.
- 6. The proposed use is not likely to negatively impact adjacent industrial and manufacturing uses or displace an existing industrial or manufacturing user.

An application for a conditional use permit shall be processed in accordance with the provisions of Chapter 13.05.

K. Duplex, Triplex and Townhouse Development in NRX Districts. In addition to the standard decision criteria for conditional use permits, as outlined above under subsection C, a conditional use permit for a duplex, triplex or townhouse in the NRX District shall only be approved upon a finding that such development is consistent with all of the following additional criteria:

- 1. The intent and regulations of the NRX district.
- 2. The proposed use and development shall be compatible with the quality and character of surrounding residential development, shall be designed in a manner consistent with existing neighboring structures, and shall not be materially detrimental to the overall residential environment and character of the general area. In the case of conversion of an existing single-family dwelling to a two- or three-family dwelling, the existing architectural features shall be maintained to the maximum extent practicable.

An application for a conditional use permit shall be processed in accordance with the provisions of Chapter 13.05.

L. Pre-existing uses which were not required to obtain a Conditional Use Permit at the time they were developed, but which have subsequently become Conditional Uses, shall be viewed for zoning purposes in the same manner as if they had an approved Conditional Use Permit authorizing the extent of development as of August 1, 2011. If proposed modifications or expansions to such uses exceed the Major Modification thresholds of Section 13.05.080, or for park and recreation facilities the expansion/modification thresholds of Section 13.06.560.C.2, a Conditional Use Permit will be required for the new development activities proposed.

M. Large Scale Retail

1. Purpose. The purpose of the conditional use permit review process for large scale retail uses is to determine if the proposal is appropriate in the location and manner proposed and, recognizing the size and scale of such developments and their significant impact on the ability for the community to achieve its long-term vision and goals, to ensure that such developments represent an exceptional effort to support the intent and policies of the Comprehensive Plan and respond to the vision, issues, and concerns of the specific neighborhood. It is critical to ensure that such proposals incorporate design strategies, beyond the typical design and development standards, that will ensure such projects represent a positive contribution to the community and mitigate their size, scale, traffic volumes, and other potential impacts that are typically associated with large scale retail developments.

2. Applicability. This section shall apply to the development of large scale retail uses that exceed the applicable size thresholds for the zoning district in which the proposal is located (as noted in the use tables found in Sections 13.06.200, 13.06.300, and 13.06.400). This section shall not apply to existing large scale retail uses or the reuse of existing buildings, unless such projects involve additions to the existing building(s) that exceed the minor modification thresholds in Section 13.05.080 or expansions within buildings permitted after February 16, 2012, that exceed 50 percent of the previously permitted use area.

3. Criteria. Where allowed, a conditional use permit for a large scale retail use shall only be approved upon a finding that such development is consistent with all of the standard decision criteria for conditional use permits, as outlined above under Subsection ~~D~~E, and all of the following additional decision criteria at subsections a. through f. below. For projects that involve expansions to an existing large retail use but do not involve significant building expansion (as outlined above under Subsection ~~M~~2) these additional decision criteria shall be applied as deemed appropriate by the Hearing Examiner, recognizing the limitations of incorporating significant site design modifications as part of such a remodel/expansion project.

a. The proposed development is designed in a manner that allows for future reuse of the building(s) by multiple tenants. This may be accomplished by incorporating a variety of different design elements, including provision of several tenant spaces of

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reviews, and any additional future notification and review requirements, which may be appropriate for future phases that may not have complete detail in the initial master plan approval.

P. Change of Use or Expansion of Nonconforming Uses and Structures. A conditional use permit for a change of use or expansion of a nonconforming use or structure that exceeds the standards of 13.06.630.C or E shall only be approved upon a finding that such development is consistent with all of the standard decision criteria for conditional use permits, as outlined above under Subsection D, and all of the following additional decision criteria at subsections 1. through 3. below:

1. A rezone of the site would be inappropriate:

2. The change or expansion of the nonconforming use will have a positive impact on the surrounding uses and the area overall:

3. To the extent practicable, the nonconforming use or structure comes into compliance with the following development standards that apply to the site per the least intensive zoning district in which the use is allowed:

a. Landscaping and buffering:

b. Pedestrian and bicycle support standards:

e. Off-street parking and storage areas.

(Ord. 28336 Exs. B,C; passed Dec. 1, 2015; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28077 Ex. C; passed Jun. 12, 2012; Ord. 28050 Ex. C; passed Feb. 14, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27539 § 19; passed Oct. 31, 2006; Ord. 27432 § 17; passed Nov. 15, 2005; Ord. 27296 § 28; passed Nov. 16, 2004; Ord. 27245 § 21; passed Jun. 22, 2004; Ord. 27079 § 49; passed Apr. 29, 2003; Ord. 26966 § 22; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002)

13.06.645 Variances.

A. Administration.

1. All variances shall be processed in accordance with provisions of Chapter 13.05. Certain regulatory relief may be sought consistent with sections below that provide for potential variances in specified development situations.
2. A minor variance is one in which the code relief requested is within 10 percent of the quantified standard contained in the code and shall be processed in accordance with 13.05.020.B. Minor variances may be granted for quantitative development regulations other than height, accessory building height, design, sign regulations, and off street quantity standards. Examples of quantitative standards are building setback, parking quantity, lot size, and minimum density requirements.
3. A variance is one in which the code relief requested is beyond the threshold outlined above for minor variances and shall be processed in accordance with 13.05.020.C.
4. Both types of variances shall be subject to the same decision criteria found in this section. Minor variances shall not be granted for height in the View Sensitive Overlay District and for qualitative standards to which a 10 percent threshold would not apply.
5. In the exercise of his or her powers to grant variances to, or interpret, the regulations contained in this chapter, the Director and Hearing Examiner may not, by any act or interpretation, change the allowed use of a structure or land, change the boundaries of a zoning district, or change the zoning requirements regulating the use of land.

B. Specified variances.

1. Variance to development regulations (bulk, area).

a. Applicability. These shall include variances to building setbacks, building location, building height, lot coverage, lot area, lot width, lot frontage, yard space, and minimum-density requirements. These shall not include variance to sign development standards, to design standards, parking lot development standards, or off-street parking quantity standards.

b. Criteria. The Director may, in specific cases, authorize a variance to the development regulations, subject to the criteria set forth below. In granting a variance, the Director or Hearing Examiner may attach thereto such conditions regarding the location, character and other features of the proposed structure as may be deemed necessary to ensure consistency with the intent of the Code and Comprehensive Plan and to ensure that the use of the site will be as compatible as practicable with the existing development on the site and surrounding uses. In instances in which a variance to building height is approved, no occupiable space above the district height limit shall be added.

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**Exhibit E-3
TMC 13.06
Landscaped Buffer Interruption**

* * *

Landscaping Buffers: Landscaping buffers are intended to function as a substantial vegetative screening providing physical and visual separation between dissimilar districts in order to soften visual and aesthetic impacts. Buffers also provide the aesthetic and environmental benefits of vegetation.

Exceptions:

- (1) When there is a 20 foot vertical grade difference between a development site that is located across the street or alley or is abutting R-District property, no Landscape buffers are required along the affected property line if such grade difference is demonstrated to provide comparable protection.
- (2) When the development site is across an arterial street or highway from the R-District property being screened, it is not required to provide a Landscape buffer along the affected property line abutting the arterial street or highway.
- (3) The Director may waive the requirement for a screening if equivalent screening is provided by existing parks, parkways, recreation areas, or by topography or other natural conditions.
- (4) The Director may waive the requirement for a screening if the R-District property being screened is in long-term use for a purpose other than residential, and which would not be negatively impacted by adjacency to a more intensive use.
- (5) The continuous landscaping buffer may be interrupted to the minimum extent necessary to accommodate driveway and walkway access to and from the property.

More intensive district abutting an R-District property	<ul style="list-style-type: none"> • A continuous planting area that has a minimum width of 15 feet shall be provided on the property, along the boundary with the R-District. • Where the property required to provide a buffer is 150 feet or less in depth, measured perpendicularly from the residential parcel, the buffer can be reduced to the minimum 10-foot wide buffer listed below.
More intensive district across the street or alley from R-District property	<ul style="list-style-type: none"> • A continuous planting area that has a minimum width of 7 feet shall be provided on the property, across from the R-District. • In cases where there is a demonstrated site constraint, the minimum buffer width may be reduced to a minimum 4 feet, with the integration of a continuous site-obscuring vegetated fence or wall.

**Exhibit E-4
TMC 13.05
Accommodation Agreement**

* * *

1. Interpretation, enforcement, and administration of the City's land use regulatory codes as prescribed in this title, including the approval of equivalencies for projects wherein the deviation from code is not substantial and there are alternatives provided that achieve the intent of the code by providing equal or superior results in terms of quantity, quality, location and/or function;
2. Applications for conditional use permits;
3. Applications for site plan approvals;
4. Applications for minor variances and variances;
5. Applications for preliminary and final plats as outlined in Chapter 13.04, Platting;
6. Applications for Wetland/Stream/FWHCA Development Permits, Wetland/Stream/FWHCA Verifications, and Wetland/Stream/FWHCA Minor Development Permits as outlined in Chapter 13.11;
7. Applications for Shoreline Management Substantial Development Permits/conditional use/ variances as outlined in Chapter 13.10;
8. Modifications or revisions to any of the above approvals;
9. Approval of landscape plans;
10. Extension of time limitations;
11. Application for permitted use classification for those uses not specifically classified;
12. Boundary line adjustments, binding site plans, and short plats;
13. Approval of building or development permits requiring Land Use Code and Environmental Code compliance.

B. Interpretation and Application of Land Use Regulatory Code. In interpreting and applying the provisions of the Land Use Regulatory Code, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, morals or general welfare. It is not intended by this code to interfere with or abrogate or annul any easements, covenants or agreements between parties. Where this code imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires larger yards or setbacks and open spaces than are required in other ordinances, codes, regulations, easements, covenants or agreements, the provisions of this code shall govern. An interpretation shall be utilized where the factual basis to make a determination is unusually complex or there is some problem with the veracity of the facts; where the applicable code provision(s) is ambiguous or its application to the facts unclear; or in those instances where a person applying for a license or permit disagrees with a staff determination made on the application. Requests for interpretation of the provisions of the Land Use Regulatory Code shall be processed in accordance with the requirements of Section 13.05.040.

C. Permitted Uses – Uses Not Specifically Classified. In addition to the authorized permitted uses for the districts as set forth in this title, any other use not elsewhere specifically classified may be permitted upon a finding by the Director that such use will be in conformity with the authorized permitted uses of the district in which the use is requested. Notification of the decision shall be made by publication in a newspaper of general circulation.

D. Reasonable Accommodation. Any person claiming to have a handicap, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC § 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Director with verifiable documentation of handicap eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap eligibility and need for accommodation are demonstrated, the Director shall approve an accommodation, which may include granting an exception to the provisions of this Code.

1. Purpose. This section provides a procedure for requests for reasonable accommodations made by persons with disabilities, their representative or any entity, when the application of a land use regulation acts as a barrier to fair housing opportunities.

2. Application. Requests for reasonable accommodation shall be submitted in the form of a letter to the Development Services Division of the Planning and Development Services Department and shall include the following:

- a. The applicant's name, address, and telephone number;
- b. Address of the property for which the request is being made;
- c. The current use of the property;
- d. The basis for the claim that the individual is considered disabled under the fair housing laws: identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and its effects on the person's medical, physical or mental limitations;
- e. The code provision, regulation or policy from which reasonable accommodation is being requested, including all applicable material necessary to reach a decision regarding the need for and reasonableness of the accommodation, such as drawings, pictures, plans, correspondence or any other background information relevant to the request;
- f. The type of accommodation being sought and why the reasonable accommodation is necessary to make the specific property accessible to the individual; and
- g. Other supportive information deemed necessary by the Department to facilitate proper consideration of the request, consistent with the Acts.

3. No application fee shall apply to a request for reasonable accommodation (unless the request is being made concurrently with an application for some other Land Use discretionary permit, in which case the applicant shall pay only the required application fee for that other discretionary permit).

4. Review Authority and Review Procedure.

a. Review Authority. Requests for reasonable accommodation shall be reviewed by the Director, or his/her designee.

b. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another Land Use discretionary application shall be reviewed by the authority reviewing the discretionary land use application; further, a reasonable accommodation cannot waive a requirement for a Conditional Use Permit when otherwise required or result in approval of uses otherwise prohibited by the City's land use and zoning regulations.

c. Review Procedure. The Director, or his/her designee, shall either grant, grant with conditions, or deny a request for reasonable accommodation in accordance with 13.05.030.F.5 (Findings and Decision).

d. The Director may require an Accommodation Agreement ~~Coneomitant Zoning Agreement (CZA)~~ be recorded with the Pierce County Auditor to provide notice and ensure conditions of approval are met. The City will be responsible for creating the ~~CZA~~ Accommodation Agreement and will provide it to the applicant. The ~~CZA~~ Accommodation Agreement must be recorded prior to issuance of Certificate of Occupancy or Certificate of Completion for the associated building permit;

e. A notice of the Director's decision will be mailed to all property owners/taxpayers located within 100 feet of the site where the accommodation is requested.

5. Findings and Decision. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors, with or without conditions:

- a. The requested accommodation is necessary to make specific housing available to a disabled person;
- b. The housing will be used by a disabled person;
- c. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning; and
- d. The requested accommodation would not impose an undue financial or administrative burden on the City;

6. Reasonable Conditions. In granting a request for reasonable accommodation, the reviewing authority may further impose conditions of approval that are deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required under 13.05.030.F.5 above, such as removal of the

improvements, where removal would not constitute an unreasonable financial burden and when the need for which the accommodation was granted no longer exists.

(Ord. 28180 Ex. C; passed Oct. 15, 2013: Ord. 28157 Ex. E; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28077 Ex. B; passed Jun. 12, 2012: Ord. 28070 Ex. A; passed May 8, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27813 Ex. C; passed Jun. 30, 2009: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27539 § 1; passed Oct. 31, 2006: Ord. 27466 § 35; passed Jan. 17, 2006: Ord. 27431 § 7; passed Nov. 15, 2005: Ord. 27245 § 3; passed Jun. 22, 2004: Ord. 27017 § 5; passed Dec. 3, 2002: Ord. 26195 § 2; passed Jan. 27, 1998: Ord. 25852 § 1; passed Feb. 27, 1996)

13.06.150 Accessory dwelling units.

A. Intent. Accessory dwelling units (hereinafter referred to as “ADUs”) are intended to:

1. Provide homeowners with a means of providing for companionship and security.
2. Add affordable units to the existing housing supply.
3. Make housing units within the City available to moderate income people.
4. Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), and modern development technology.
5. Protect neighborhood stability, property values, and the single-family residential appearance by ensuring that ADUs are installed in a compatible manner under the conditions of this section.
6. Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.

B. Procedures. Any property owner seeking to establish an ADU in the City of Tacoma shall apply for approval in accordance with the following procedures:

1. Application. Prior to installation of an ADU, the property owner shall apply for an ADU permit with Planning and Development Services. A complete application shall include a properly completed application form, floor and structural plans for modification, and fees as prescribed in subsection B.2 below.
2. Fees. Fees shall be required in accordance with Section 2.09.020. Upon sale of the property, a new owner shall be required to sign a new affidavit and to register the ADU, paying the applicable fee in accordance with Section 2.09.020.
3. ~~Notice on title~~ Accessory dwelling unit agreement. The owner of any property containing an ADU shall record with the Pierce County Auditor ~~a notice on title an accessory dwelling unit agreement for~~ the ADU. Such ~~notice agreement~~ shall be in a form as specified by Planning and Development Services, and shall include as a minimum: (a) the legal description of the property which has been permitted for the ADU; (b) affirmation that the owner shall occupy either the main building or the ADU, and agrees to all requirements provided in subsection C.; and (c) the conditions necessary to apply the restrictions and limitations contained in this section. The property owner shall submit proof that the ~~notice on title accessory dwelling unit agreement~~ has been recorded prior to issuance of an ADU permit by Planning and Development Services. The ~~notice on title accessory dwelling unit agreement~~ shall run with the land as long as the ADU is maintained on the property. The property owner may, at any time, apply to Planning and Development Services for a termination of the notice on title. Such termination shall be granted upon proof that the ADU no longer exists on the property.
4. Permit. Upon receipt of a complete application, application fees, proof of recorded ~~notice on title an accessory dwelling unit agreement for~~, and approval of any necessary building or other construction permits, an ADU permit shall be issued.

**Exhibit E-5
TMC 13.02 and 13.05
Notification**

* * *

13.02.057 Notice for public hearings.

A. The Department shall give public/legal notice of the subject, time and place of the Planning Commission, or its advisory committee, public hearings in a newspaper of general circulation in the City of Tacoma prior to the hearing date. The Department shall provide notice of Commission public hearings on proposed amendments to the Comprehensive Plan and development regulations to adjacent jurisdictions, other local and state government agencies, Puyallup Tribal Nation, the applicable current neighborhood council board members pursuant to TMC 1.45, neighborhood business districts pursuant to TMC 1.47, and other individuals or organizations identified by the Department as either affected or likely to be interested.

B. For Comprehensive Plan land use designation changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a special notice of public hearing is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, within, and within ~~400~~ 1000 feet of, the subject area.

C. For a proposed amendment to the Comprehensive Plan land use designations or area-wide zoning classifications within a focused geographic area, the Department shall require that a public information sign(s), provided by the Department, is posted in the affected area at least 14 calendar days prior to the Planning Commission public hearing. The sign shall be erected at a location or locations as determined by the Department, and shall remain on site until final decision is made by the City Council on the proposed amendment. The applicant shall check the sign(s) periodically in order to make sure that the sign(s) remains up and in a readable condition. The sign shall contain, at a minimum, the name of the applicant, a description and location of the proposed amendment, and where additional information may be obtained.

D. The City Clerk shall give public notice of the subject, time and place of public hearings for actions by the City Council in a newspaper of general circulation in the City of Tacoma prior to the hearing date.

(Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 12; passed Dec. 16, 2003)

Table H – Notice, Comment and Expiration for Land Use Permits

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation of code	Recommended	100 feet for site specific	For general application	Yes	14 days	Director	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	Director	No	No	None
Boundary line adjustment	Required	No	No	No	No	Director	No	No	5 years ³
Binding site plan	Required	No	No	No	No	Director	No	No	5 years ³
Environmental SEPA DNS/ EIS	Optional	Same as case type	Yes if no hearing required	Yes for EIS No	Same as case type	Director	No	No	None
<u>Environmental Impact Statement (EIS)</u>	<u>Required for scoping, DEIS and FEIS</u>	<u>1000 feet</u>	<u>Yes</u>	<u>Yes for EIS</u>	<u>Minimum 30 days</u>	<u>Director</u>	<u>No, unless part of associated action. Public scoping meeting (s) required</u>	<u>No</u>	<u>None</u>
Variance, height of main structure	Required	400 feet	No	Yes	30 days	Director	No ¹	No	5 years
Open space classification	Required	400 feet	No	Yes	²	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	400-1000 feet	Yes	Yes	21 days SEPA ²	Hearing Examiner	Yes	Final Plat	5 years ⁶
Rezones	Required	400 feet; <u>1000 feet for public facility site</u>	No; <u>Yes for public facility site</u>	Yes	21 days SEPA ²	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance	Required	400 feet	No	Yes	30 days ⁵	Director	No ¹	No	2 years/ maximum 6
Short plat (2-4 lots)	Required	No	No	No	No	Director	No	No	5 years ³
Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No ¹	No	5 years ⁶
Site approval	Optional	400 feet	No	Yes	30 days ⁵	Director	No	No	5 years
Conditional use	Required	400 feet; <u>1000 feet for sites larger than 1 acre</u>	No	Yes	30 days ⁵	Director	No	No	5 years ⁴
<u>Conditional use, master plan</u>	<u>Required</u>	<u>1,000 feet</u>	<u>Yes</u>	<u>Yes</u>	<u>30 days²</u>	<u>Director</u>	<u>Yes</u>	<u>No</u>	<u>10 years</u>
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; <u>1000 feet for public facility sites and master plans</u>	No	Yes	14 days ⁵	Director	No	No	5 years

Temporary Homeless Camp Permit	Required	400 feet	Yes	Yes	14 days	Director	No	No	1 year
Minor Variance	Optional	100 feet ⁷	No	No	14 days	Director	No ¹	No	5 years
Variance	Optional	100 feet	No	Yes	14 days	Director	No ¹	No	5 years
Wetland/Stream/ FWHCA development permits	Required	400 feet	No	Yes	30 days	Director	No ¹	No	5 years*
Wetland/Stream/ FWHCA Minor Development Permits	Required	100 feet	No	Yes	14 days	Director	No ¹	No	5 years*
Wetland/Stream/ FWHCA verification	Required	100 feet	No	Yes	14 days	Director	No ¹	No	5 years

Exhibit E-7
Comprehensive Plan
Environmental Action Plan
Reference

Capital Improvements

All capital improvements undertaken by the City must be consistent with the Comprehensive Plan, including those for public facilities and services. This ensures that the City provides adequate public services and that the City's infrastructure supports the land use pattern envisioned in the Comprehensive Plan.

Functional Plans

Functional plans are detailed plans for facilities and services in the City. Tacoma's Comprehensive Plan provides overarching guidance for the City's many other plans, including the *Economic Development Strategic Framework*, *Human Services Strategic Plan*, [*Environmental Action Plan*](#), *Urban Forest Manual*, *Surface Water Manual*, *Public Works Design Manual*, and Tacoma Public Utilities system plans. These plans must be consistent with the Comprehensive Plan. As such, implementation of functional plans supports implementation of the Comprehensive Plan. Some functional plans, such as the *Shoreline Master Program* and *Capital Facilities Program* are also formal elements of the Comprehensive Plan and subject to the rules and procedures governing that Plan.

The plans of non-City entities that provide services in the City should also be coordinated with the Comprehensive Plan. Such plans include the Tacoma-Pierce County Health Department (TPCHD) *Healthy Community Strategy*, *Tacoma School District's Strategic Plan*, *Metro Parks' Green Vision 2030*, *TPCHD's Community Health Improvement Plan* and *Pierce Transit's Destination 2040*.

Subarea Plans

The Comprehensive Plan provides citywide guidance future land use, transportation and other infrastructure needs. For smaller geographic areas, subarea planning allows for a more detailed consideration of specific goals, needs and interests within a specified area. The adoption and incorporation of subarea plans into the Comprehensive Plan adds greater detail, guidance and predictability to future development. Recent examples of subarea planning in Tacoma includes the South Downtown, Hilltop, and North Downtown subarea plans. Future subarea planning in the City's mixed-use centers would help focus priorities and actions needed to achieve the future vision for each of these areas.

CAPITAL IMPROVEMENTS are the built facilities that help the city function, such as roads, bridges, parks, schools and other similar facilities. Public facilities and services include: electricity, fire, libraries, parks, police, solid waste, stormwater, telecommunications, transportation, wastewater and water.

ENVIRONMENTAL ACTION PLAN is an example of a functional plan that implements the goals and policies of the Comprehensive Plan. The EAP provides a list of high-priority actions that the City of Tacoma will take between 2016 and 2020. It provides a reporting system for tracking progress towards environmental goals and serves as a management tool for the City administration but also as a communication tool for the broader Tacoma community.

**Exhibit E-8
TMC 13.06
Mobile Home Court Definition**

* * *

Tacoma Municipal Code

Mansard roof. A roof with two slopes or pitches on each of the four sides, the lower slopes steeper than the upper.

Marijuana. As defined in RCW 69.50.101 and provided herein for reference. All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana processor. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana producer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers

Marijuana-infused products. As defined in RCW 69.50.101 and provided here for reference. Products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

Marijuana retailer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

Massing study. A massing study is an architectural method to visualize the way that the shape and size of buildings will impact the neighborhood and site character. Massing refers to the general shape and size of buildings. A massing study shall detail the building bulk, height and articulation on the site as well as the site setbacks, yards and open spaces.

Mature or maturity, tree. A tree that has achieved at least 75 percent of its anticipated crown growth or a tree that is over 15 years of age.

Microbrewery/winery. An establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, or wine, and which may include accessory uses such as tours of the microbrewery/winery, retail sales, and/or on-site consumption, e.g., "taproom." This classification allows a microbrewery to sell beer/wine at retail and/or act as wholesaler for beer/wine of its own production for off-site consumption with appropriate state licenses.

Mixed-rate housing. Includes both affordable and market-rate housing units in the same housing or mixed-use development.

~~Mobile home/trailer court. A movable dwelling unit designed for year-round occupancy and including a flush toilet and bath or shower, except that an automobile house trailer located on the same lot with a building providing a private flush toilet and bath or shower shall constitute a mobile home for purposes of this chapter. This shall refer to and include all portable contrivances capable of being moved by their own power, towed, or transported by another vehicle.~~

~~Mobile home/trailer court or mobile home park. Any real property which is rented or held out for rent to others for the placement of two or more mobile homes/trailers for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.~~

Modification (wireless communication facility). The changing of any portion of a wireless communication facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design and the addition of an antenna to the site.

**Exhibit E-9
TMC 13.10
Shoreline Amendments**

* * *

Tacoma Municipal Code

- l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
- m. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
10. The Director may accept a JARPA in lieu of these submittal requirements where applicable.
11. The Director may waive permit submittal requirements on a case by case basis and may request additional information as necessary.

2.4.2 Critical Areas

A. Shoreline Critical Areas Review

1. City staff will provide an initial site review based on existing information, maps and a potential site visit to identify ~~marine buffers, wetlands, streams, FWPCA, all critical areas~~ and their associated buffers within 300 feet of a proposed project. The review distance for FWPCA management areas will be based on the type of priority habitat or species and WDFW recommendations. Site reviews are completed on a site by site basis and the City may provide preliminary information or require an applicant provide information regarding the ordinary high water mark location, wetland delineation, wetland categorization, stream type, hydrology report, or priority fish and wildlife species and habitat presence information. Formal Priority Habitats and Species (PHS) information is available from WDFW.
2. The Planning and Development Services Department may utilize information from the United States Department of Agriculture Natural Resource Conservation Service, the United States Geological Survey, the Washington Department of Ecology, the Coastal Zone Atlas, the Washington Department of Fish and Wildlife stream maps and Priority Habitat and Species maps, Washington DNR Aquatic Lands maps, the National Wetlands Inventory maps, Tacoma topography maps, the City's Generalized Wetland and Critical Areas Inventory maps, and Pierce County Assessor's maps to establish general locations and/or verify the location of any wetland, or stream, or FWPCA site. The City's Generalized Wetland and Critical Area Inventory maps and other above-listed sources are only guidelines available for reference. The actual location of critical areas must be determined on a site by site basis according to the classification criteria.
3. The Director shall determine whether application for a shoreline permit or exemption will be required to include the marine shoreline and critical areas information specified in 2.4.2(B), below.
4. The Director may require additional information on the physical, biological, and anthropogenic features that contribute to the existing ecological conditions and functions to make this determination.

B. Application Requirements

1. Application for any shoreline development permit for a project or use which includes activities within a marine shoreline buffer, wetland, stream, fish and wildlife habitat conservation area (FWHCA) or their associated buffer shall comply with the provisions of this section and shall contain the following information:
 - a. A Joint Aquatic Resources Permit Application and vicinity map for the project.
 - b. A surveyed site plan that includes the following:
 - i. Parcel line(s), north arrow, scale and two foot contours.
 - ii. Location and square footage for existing and proposed site improvements including, utilities, stormwater and drainage facilities, construction and clearing limits, and off-site improvements. Include the amounts and specifications for all draining, excavation, filling, grading or dredging.
 - iii. The location and specifications of barrier fencing, silt fencing and other erosion control measures.
 - iv. Base flood elevation, floodplain type and boundary and floodways, if site is within a floodplain.
 - v. Critical Areas including all surveyed, delineated wetland boundaries, and the ordinary high water mark of any stream and their buffers, and all Fish and Wildlife Conservation Areas (FWHCA), marine buffers, ~~and any~~ FWPCA Management Areas, floodplain boundaries, and top and toe of slopes related to geologically hazardous areas.
 - vi. The square footage of the existing critical areas and buffers located on-site and the location and square footage of any impacted areas.
 - vii. Locations of all data collection points used for the field delineation and general location of off-site critical areas and any buffer that extends onto the project site. Location and dominant species for significantly vegetated areas.

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viii. The location and square footage of impact areas, mitigation areas and remaining critical areas and buffers; including areas proposed for buffer modification.

c. A Critical Area report prepared by a qualified professional. The report must include the following where appropriate:

i. Delineation, characterization and square footage for critical areas on or within 300 feet of the project area and proposed buffer(s). Delineation and characterization is based on the entire critical area. When a critical area is located or extends off-site and cannot be accessed, estimate off-site conditions using the best available information and appropriate methodologies.

- Wetland Delineations will be conducted in accordance with the ~~current manual designated by the Department of Ecology, including federally approved~~ federal manuals and applicable regional supplements.
- The wetland characterization shall include physical, chemical, and biological processes performed as well as aesthetic, and economic values and must use a method recognized by local or state agencies. Include hydrogeomorphic and Cowardin wetland type.
- Ordinary high water mark determination shall be in accordance with methodology from the Department of Ecology.
- Priority species and habitat identification shall be prepared according to professional standards and guidance from the Washington Department of Fish and Wildlife. Depending on the type of priority species, the review area may extend beyond 300 feet.

ii. Field data sheets for all fieldwork performed on the site. The field assessment shall identify habitat elements, rare plant species, hydrologic information including inlet/outlets, water depths, and hydro-period patterns based on visual cues, and/or staff/crest gage data.

iii. Provide a detailed description of the project proposal including off-site improvements. Include alterations of ground or surface water flow, clearing and grading, construction techniques, materials and equipment, and best management practices to reduce temporary impacts.

iv. Assess potential direct and indirect physical, biological, and chemical impacts as a result of the proposal. Provide the square footage for the area of impact with the analysis. The evaluation must consider cumulative impacts.

v. Identification of priority species/habitats and any potential impacts. Incorporate Washington State Department of Fish and Wildlife and/or US Department of Fish and Wildlife management recommendations where applicable. When required, plan shall include at a minimum the following:

- Special management recommendations which have been incorporated and any other mitigation measures to minimize or avoid impacts, including design considerations such as reducing impacts from noise and light.
- Ongoing management practices which will protect the priority species and/or habitat after development, including monitoring and maintenance programs.

vi. A hydrologic report or narrative demonstrating that pre and post development flows to wetlands and streams will be maintained.

vii. Runoff from pollution generating surfaces proposed to be discharged to a critical area shall receive water quality treatment in accordance with the current City's Surface Water Management Manual, where applicable. Water quality treatment and monitoring may be required irrespective of the thresholds established in the manual. Water quality treatment shall be required for pollution generating surfaces using all known, available and reasonable methods of prevention, control and treatment.

viii. Studies of potential flood, erosion, geological or any other hazards on the site and measures to eliminate or reduce the hazard.

ix. Documentation of the presence of contaminated sediments or soils if publically available and a description of planned management actions.

d. For shoreline permits that will have impacts to ~~Wetland/Stream/FWHCA or marine buffers~~ critical areas or buffers defined in Section 6.4.2, the additional following information is required;

i. A description of reasonable efforts made to apply mitigation sequencing pursuant to TSMP Section 6.4.2(C);

ii. An analysis of site development alternatives including a no development alternative that demonstrates why the use or development requires a buffer reduction and the minimum reduction necessary to support the use or development;

iii. An assessment and documentation of the shoreline and/or critical areas functional characteristics, along with its ecological, aesthetic, economic, and other values. Functional analysis must be done using a functional assessment method recognized by local or state agency staff and shall include a reference for the method and all data sheets.

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- c. Construction of trails, roadways, and parking;
- d. New utility lines and facilities; and
- e. Stormwater conveyance facilities.

C. Modification of a shoreline or critical area buffer is subject to the site review requirements in TSMP Section 2.4.2 General Mitigation Requirements

1. If modification to a ~~critical area or marine shoreline, wetland, stream, FWICA, or~~ buffer is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated so as to result in no net loss of shoreline and/or critical area functions or processes.

2. Mitigation shall occur in the following prioritized order:

- a. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action;
- b. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts;
- c. Rectifying the adverse impact by repairing, rehabilitating or restoring the affected environment;
- d. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of action;
- e. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and the mitigation project and taking appropriate corrective measures;
- f. Monitoring the impact and compensation projects and taking appropriate corrective measures.

3. Type and Location of Mitigation

a. Preference shall be given to mitigation projects that are located within the City of Tacoma. Prior to mitigating for impacts outside City of Tacoma jurisdiction, applicants must demonstrate that the preferences herein cannot be met within City boundaries.

b. Natural, Shoreline Residential and Urban Conservancy Environments:

i. Compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same reach, subbasin, or drift cell, except when all of the following apply:

- There are no reasonable on-site or in subbasin opportunities (e.g. on-site options would require elimination of high functioning upland habitat), or on-site and in subbasin opportunities do not have a high likelihood of success based on a determination of the natural capacity of the site to compensate for impacts. Considerations should include: anticipated marine shoreline/wetland/stream mitigation ratios, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands, or streams when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity); and
- Off-site mitigation has a greater likelihood of providing equal or improved critical area functions than the impacted critical area.

c. High-Intensity and Downtown Waterfront Environments:

i. The preference for compensatory mitigation is for innovative approaches that would enable the concentration of mitigation into larger habitat sites in areas that will provide greater critical area or shoreline function.

ii. The Director may approve innovative mitigation projects including but not limited to activities such as advance mitigation, mitigation banking and preferred environmental alternatives. Innovative mitigation proposals must offer an equivalent or better level of protection of critical area functions and values than would be provided by a strict application of on-site and in-kind mitigation. The Director shall consider the following for approval of an innovative mitigation proposal:

- Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
- Consistency with Goals and Objectives of the Shoreline Restoration Plan and the Goals and Objectives of this Program;
- The applicant demonstrates that long-term management and protection of the habitat area will be provided;
- There is clear potential for success of the proposed mitigation at the proposed mitigation site;

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5. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). The City shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the habitat management plan by the Washington Department of Fish and Wildlife.

6. All activities, uses and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat.

7. No structures of any kind shall be placed in or constructed over critical saltwater habitats unless they result in no net loss of ecological function, are associated with a water-dependent or public access use, comply with the applicable requirements within this Program and meet all of the following conditions:

- a. The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat;
- b. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;
- c. The project is consistent with the state's interest in resource protection and species recovery;
- d. The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;
- e. Shorelands that are adjacent to critical saltwater habitats shall be regulated per the requirements within this Program;
- f. A qualified professional shall demonstrate compliance with the above criteria in addition to the required elements of a critical area report as specified in this Chapter.

C. FWHCA Mitigation Requirements

1. All FWHCA mitigation shall comply with applicable mitigation requirements specified in TSMP Section 6.4.2 including, but not limited to, mitigation plan requirements, monitoring and bonding.
2. Where a designated FWHCA geographically coincides with a marine shoreline, stream or wetland, mitigation will comply with applicable mitigation requirements for those resources as described within this Program.
3. Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors, in accordance with a mitigation plan that is part of an approved critical area report, to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.
4. Mitigation shall achieve equivalent or greater biological and hydrological functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.

6.4.5 Wetlands

Wetlands are those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland directly impacts water quality and stormwater control by trapping and filtering surface and ground water. Wetlands also provide valuable habitat for fish and wildlife. Because of the difficulty in replacing these rare and valuable areas, these regulations control development adjacent to and within wetlands, and limit the amount of wetlands, which may be altered. The purpose of these regulations is to protect the public from harm by preserving the functions of wetlands as recharge for ground water, flood storage, floodwater conveyance, habitat for fish and wildlife, sediment control, pollution control, surface water supply, aquifer recharge and recreation.

A. Wetland Classification

1. Wetlands shall be classified Category I, II, III, and IV, in accordance with the criteria from the [2014 Washington State Wetlands Rating System for Western Washington, Washington Department of Ecology publication No. 14-06-029, published October 2014, or as amended, August 2004, Revised Annotated Version, August 2006, Publication Number 04-06-025, August 2004.](#)
2. Category I wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of functions. Category I wetlands include the following types of wetlands: Estuarine wetlands, Natural Heritage wetlands, Bogs, Mature and Old-growth Forested wetlands; wetlands that perform many functions very well and that score [23-27 70 or more points.](#) ~~in the 2014 Washington Wetlands Rating System for Western Washington.~~

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3. Category II wetlands are those that are difficult to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include the following types of wetlands: Estuarine wetlands, and wetlands that perform functions well and score between ~~51-69~~20-22 points.

4. Category III wetlands are those that perform functions moderately well and score between ~~30-50~~16-19 points, ~~and~~. These wetlands have generally been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II.

5. Category IV wetlands are those that have the lowest levels of functions, between 9 and 15 points, (less than 30 points) and are often heavily disturbed. These are wetlands that may be replaced, and in some cases may be improved.

6. In addition, wetlands that require special protection and are not included in the general rating system shall be rated according to the guidelines for the specific characteristic being evaluated. The special characteristics that should be taken into consideration are as follows:

- a. The wetland has been documented as a habitat for any Federally -listed Threatened or Endangered plant or animal species. In this case, “documented” means the wetland is on the appropriate state or federal database.
- b. The wetland has been documented as a habitat for State- listed Threatened or Endangered plant or animal species. In this case “documented” means the wetland is on the appropriate state database.
- c. The wetland contains individuals of Priority Species listed by the WDFW for the State.
- d. The wetland has been identified as a Wetland of Local Significance.

B. Wetland Buffers

1. A buffer area shall be provided for all uses and activities adjacent to a wetland area to protect the integrity, function, and value of the wetland. The buffer shall be measured horizontally from the delineated edge of the wetland.

2. Wetland buffer widths shall be established according to the following tables (Tables 6-2 through 6-3):

Table 6-2. Wetland Buffer Widths

Wetland Category	Buffer Width (feet)
Category I	200
Category II	100
Category III	75
Category IV	50
*Best Available Science Review, City of Tacoma, Critical Areas Preservation Ordinance, Tacoma, Washington, June 15, 2004, prepared by GeoEngineers	

Table 6-3. Lakes of Local Significance*

Site	Buffers (feet)
Wapato Lake and associated wetlands	200, but not to exceed the centerline of Alaska Street.
*Best Available Science Review Recommendation from City of Tacoma Critical Areas Task Force June 2004	

C. Wetland Buffer Reductions

1. A wetland buffer may be reduced only for a water-oriented use, per 6.4.2(B) and in accordance with the provisions of this Section, when mitigation sequencing has been applied to the greatest extent practicable. The buffer shall not be reduced to any less than ¾ of the standard buffer width. The remaining buffer on-site shall be enhanced or restored to provide improved wetland function. Any other proposed wetland buffer reduction shall require a shoreline variance.

2. Low impact uses and activities consistent with the wetland buffer function may be permitted within a buffer that has not been reduced depending upon the sensitivity of wetland and intensity of activity or use. These may include pedestrian trails,

Exhibit E-10
Title 1
Affordable Housing and TDR

* * *

1.37.010 Purpose.

The Transfer of Development Rights (TDR) Administrative Code establishes procedures for the operation of the City’s TDR Program. The TDR Program is designed to advance the goals of the State’s Growth Management Act by providing a tool to advance the City’s conservation goals, historical preservation goals, and built environment goals by encouraging the voluntary redirection of development potential away from areas where the City wants less or no development potential, called sending areas, toward areas that the City has designated as suitable for bonus development potential, called receiving areas.

(Ord. 28087 Ex. A; passed Sept. 25, 2012)

1.37.020 Definitions.

“Baseline development potential” is the maximum development density or intensity allowed in TDR receiving areas when property owners choose not to use the bonus palette in Title 13 TMC to achieve bonus height.

“Bonus development” is development that exceeds baseline development potential in accordance with this chapter and the TDR provisions in Title 13 TMC.

“Receiving areas” are lands designated by this chapter which TDRs can be used in compliance with this chapter and Title 13 TMC.

“Sending areas” are lands or structures qualified to generate TDRs for use within receiving areas in compliance with this chapter.

“Sending area TDR allocation” means the number of TDRs that a sending area owner is issued per acre or lot conserved, or per landmark structure preserved.

“TDR Administrative Procedures” are procedures in Title 1 TMC that implement this chapter and the TDR bonus provisions in Title 13 TMC.

“TDR Manager” is an employee of the Tacoma Planning and Development Services Department tasked with accomplishing the duties specified by this chapter.

“Transferable development rights (TDR or TDRs)” are whole or fractional units of development potential transferred from sending areas that can be used in receiving areas to increase development density or intensity in compliance with this chapter.

(Ord. 28230 Ex. A; passed Jul. 22, 2014; Ord. 28087 Ex. A; passed Sept. 25, 2012)

1.37.030 Sending Areas.

The following five categories of land or structures qualify as sending areas:

A. Pierce County Farm Land: Farm land designated as Agriculture Resource Land (ARL) in unincorporated Pierce County situated in Pierce County’s Puyallup Valley (Alderton-McMillin or Mid County Community Planning Areas).

B. Pierce County Forest Land: Forest land designated as Forest Land (FL) situated in unincorporated Pierce County.

C. Resource lands in King County and Snohomish County.

D. Tacoma Habitat: Lands providing high habitat and natural value located within, or in proximity to, designated ~~Habitat Corridors~~ Open Space Corridors in the Comprehensive Plan, and lands providing exceptional habitat and natural value located within the City and outside of the designated ~~Habitat~~ Open Space Corridors.

E. Tacoma Landmarks: Structures designated as a landmark as identified in the Tacoma Register of Historic Places.

Publicly owned lands are not eligible sending areas. Public or privately owned lands that are currently encumbered by a perpetual conservation easement or a similar instrument are not eligible sending areas.

The City may modify eligible sending areas situated in unincorporated Pierce County or unincorporated King County and Snohomish County through an interlocal agreement or resolution that references WAC 365-198. In the event that the City modifies eligible sending areas with an interlocal agreement or resolution, the terms of the interlocal agreement or resolution are controlling.

(Ord. 28230 Ex. A; passed Jul. 22, 2014; Ord. 28087 Ex. A; passed Sept. 25, 2012)

1.37.040 Sending Area Development Limitations.

With the sole exception of Tacoma Landmarks, property owners who participate in the TDR Program shall record a conservation easement on the sending area property that achieves the following standards:

A. For sending areas situated in unincorporated Pierce County, the sending area must be encumbered by a conservation easement approved by Pierce County.

B. For sending areas situated in unincorporated King County, the sending area must be encumbered by a conservation easement approved by King County.

C. For Tacoma Habitat, the sending area must be encumbered by a conservation easement approved by the City.

D. For Tacoma Landmarks, the sending area must continue to be regulated by the landmark development controls and a conservation easement specific to the sending area property.

All conservation easements used to achieve development bonuses encumber real property pursuant to this chapter and Title 13 TMC must be conveyed in a manner consistent with RCW 64.04.130. The grantee of the conservation easement must be the City or a third party with the express right to enforce the terms of the conservation easement.

(Ord. 28087 Ex. A; passed Sept. 25, 2012)

1.37.050 Sending Area TDR Allocation.

Upon recordation of a qualifying easement, TDRs shall be issued to the participating sending area property owners as follows:

A. For sending areas situated in unincorporated Pierce County, Pierce County will establish the sending area allocation ratios for the TDRs that are consistent with Pierce County Code 18G.10.040, or any amendment thereof.

B. For sending areas situated in unincorporated King County, King County will establish the sending area allocation ratios for the TDRs that are consistent with King County Code 21A.37.040, or any amendment thereof.

C. For Tacoma Habitat sending areas:

1. For residential zones: one TDR for each forgone dwelling allowed by the property's current zoning.

2. For nonresidential or multifamily zones: one TDR for each 8,000 square feet of potential but foregone floor area allowed by the property's current zoning.

3. In determining development potential for this purpose, the TDR Manager shall make a reasonable estimate of the number of dwelling units or square feet of floor area buildable on the sending area under its current zoning restrictions and all other applicable land use and environmental controls (e.g. applicable setback or wetland regulations). The net development potential will be used, typically assuming that 25 percent of the total area would be utilized for roads and infrastructure. The TDR Manager may further reduce this estimate, up to an additional 25 percent, if specific site characteristics substantially limit development potential (including steep slopes, critical areas, or the absence of access or utilities in the vicinity).

D. For Tacoma Landmarks sending areas: the transferable floor area from Tacoma-designated landmarks shall be the maximum square feet of floor area achievable within the area's zoning and other applicable codes minus the floor area of the designated landmark.

1. Designated Tacoma landmarks DCC-Downtown and DCC-City Hall: one TDR per 600 square feet of foregone or unused potential floor area allowed by the property's current zoning.

2. Designated Tacoma Landmarks not within DCC-Downtown and DCC-City Hall: one TDR shall be allocated per 1,200 square feet of foregone or unused potential floor area allowed by the property's current zoning.

(Ord. 28230 Ex. A; passed Jul. 22, 2014; Ord. 28087 Ex. A; passed Sept. 25, 2012)

Chapter 1.39

AFFORDABLE HOUSING INCENTIVES AND BONUSES ADMINISTRATIVE CODE

Sections:

- 1.39.010 Purpose.
- 1.39.020 Definitions.
- 1.39.030 Applicability.
- 1.39.040 Program Requirements.
- 1.39.050 Financial Incentives.
- 1.39.060 Development Incentives.
- 1.39.070 Residential Upzones.
- 1.39.080 Incorporation of Affordable Housing Units.
- 1.39.090 Procedures.

1.39.060 Development Incentives.

A. Development incentives are voluntary options intended to promote the incorporation of affordable housing units within private developments by offering sufficient value to offset the cost of the reduced revenue from rents or purchase prices, in order to promote a range of housing unit costs integrated within for-profit housing developments and thus promote a distribution of affordable housing throughout the neighborhoods of the City.

B. Planned Residential Districts. Per the provisions of TMC 13.06.140, PRDs offer a zoning mechanism to develop a site specific proposal on larger sites that can incorporate additional density in exchange for the provision of affordable housing units pursuant to the requirements of this Chapter. PRDs may allow up to two times the number of dwelling units permitted in the underlying residential district. Fifty percent of this bonus development capacity is reserved for the provision of affordable housing pursuant to the requirements of this Chapter.

C. Downtown Tacoma. Per the provisions of TMC 13.06A.080, development proposals within Downtown zoning districts seeking to gain additional Floor Area Ratio may choose from a list of public benefit features including the provision of affordable housing pursuant to the requirements of this Chapter.

D. Mixed-Use Centers. Per the provisions of TMC 13.06.300.(E).7 Height Bonus Palette, development proposals within certain Mixed-Use Centers Zoning Districts seeking to gain additional height may choose from a list of public benefit features including a contribution to the City of Tacoma's Affordable Housing Trust Fund.

1.39.080 Incorporation of Affordable Housing Units.

1.39.080.C. In-lieu Fee option. As an alternative to incorporation of affordable housing units within the development, the project proponent may choose to pay an in-lieu fee as a contribution to the City's Housing Trust Fund. This fee is based on the increased land value as a function of City approval to allow more density, and has

been calibrated to provide equivalent affordable housing benefit to the community as compared to the incorporation of affordable housing units within the development.

1. Density bonus types. The density bonus provisions of this section function either as an increase in the number of dwelling units permitted (in the case of PRDs), or as an increase in over height and bulk (in the case of Floor Area Ratios or height increases). Upzone requests can work in either fashion. The in lieu fee options for each are calculated as follows:

a. Calculation - Dwelling Units bonus. If paid prior to issuance of the Certificate of Occupancy, the in-lieu fee shall be \$10,000 for Planned Residential Districts, Mixed-Use Center Height and Downtown Floor Area Ratio bonuses, and \$5,000 for upzones, as of July 1, 2016, adjusted per the Consumer Price Index annually, for each additional dwelling unit (both market-rate and affordable) permitted through the bonus density or upzones provisions of this Chapter. For density bonuses and upzones which grant additional height or Floor Area Ratio, the additional dwellings shall be calculated as the additional square footage permitted through the density bonus divided by the average dwelling unit size within the development.

III.

Compilation of Public Comments

Lists of Commenters and Tables of Contents

Oral Testimony (received on 5-4-16 and 5-18-16)

No.	Name	Affiliation	Issues	Date of Public Hearing	Page No.
1	Lori Kalac		Rezone - Alaska	5/3/2016	1
2	Troy Christensen		Rezone - Alaska	5/3/2016	1
3	John Landy		Rezone - N 33rd	5/3/2016	1
4	Dr. Bruce Arneklev		Rezone - N 33rd	5/3/2016	1
5	John Kloster		Rezone - N 33rd	5/3/2016	1, 2
6	Susan Ryan		Rezone - Alaska	5/3/2016	2
7	Rodger Carle		Rezone - N 33rd	5/3/2016	2
8	Judith Hinderer		Rezone – Frank Tobey Jones	5/3/2016	2
9	Russell Rodger		Rezone - Alaska	5/18/2016	3
10	Dr. Bruce Arneklev		Rezone - N 33rd	5/18/2016	3
11	Gail Goodman		Rezone - N 33rd	5/18/2016	3
12	Joyce Carle		Rezone - N 33rd	5/18/2016	3
13	Rodger Carle		Rezone - N 33rd	5/18/2016	3
14	Harold Nance		Rezone - Alaska	5/18/2016	4
15	Lori Kalac		Rezone - Alaska	5/18/2016	4
16	Charles Mann	Tacoma Central Neighborhood Council	Rezone - Cheney	5/18/2016	4
17	Melvin Nobles	True Vine Community Church	Rezone - N 33rd	5/18/2016	4

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1	Bill Adamson	South Sound Military and Communities Partnership	McChord Airfield Clear Zone	E (4-15-16)	5
2	Marly Amsbary		Rezone - N 33rd	E (5-18-16)	12
3	Bruce Arneklev		Rezone - N 33rd	L (5-24-16)	13
4	Karol Barkley		ADU	E (4-15-16)	34
5	Bill Barry		Rezone - N 33rd	E (5-18-16)	38
6	Katy Bloom - 1		Rezone - N 33rd	E (5-18-16)	40
7	Katy Bloom - 2		Rezone - N 33rd	E (5-24-16)	41
8	Todd Bloom		Rezone - N 33rd	E (5-23-16)	43
9	Nicholas Bratton	Forterra	Design Standards	L (5-11-16)	45
10	Joyce Carle		Rezone - N 33rd	E (5-23-16)	46

11	Roger Carle		Rezone - N 33rd	E (5-25-16)	48
12	Christine Cooley	Sustainable Tacoma Commission	Environmental Action Plan	L (5-25-16)	50
13	Department of Ecology	Southwest Regional Office	DNS	L (5-13-16)	51
14	Mike Elliott		Rezone - N 33rd	E (5-18-16)	54
15	Vanessa Gallagher	62d Airlift Wing, JBLM	Rezone - N 33rd	E (5-19-16)	55
16	Michael Gardner		Rezone - N 33rd	E (5-3-16)	57
17	Linda Garton - 1		Rezone - N 33rd	E (5-18-16)	58
18	Linda Garton - 2		Rezone - N 33rd	E (5-24-16)	60
19	Doug and Gail Goodman		Rezone - N 33rd	L (5-23-16)	61
20	Andrew Harris		Rezone - N 33rd	E (5-18-16)	63
21	Laura Himes		Rezone - Cheney	E (2-25-16)	65
22	Lori Kalac		Rezone - Alaska	E (5-23-16)	67
23	Sun Kim		Rezone - N 33rd	E (5-25-16)	71
24	Annalise Landy		Rezone - N 33rd	L (5-18-16)	72
25	John Landy - 1		Rezone - N 33rd	E (5-17-16)	73
26	John Landy - 2		Rezone - N 33rd	E (5-23-16)	75
27	Garrett Leque		Rezone - Cheney	E (5-9-16)	77
28	Mark and Nalani Linder		Rezone - N 33rd	E (5-25-16)	78
29	Charles Mann	Tacoma Central Neighborhood Council	Rezone - Cheney	L (4-26-16)	79
30	Harold Nance		Rezone - Alaska	L (5-13-16)	81
31	Ken and Vicki Shaffer		Rezone - N 33rd	L (5-16-16)	83
32	Kerry Taylor		Rezone - N 33rd	E (5-18-16)	84
33	Sandra Turner		Rezone - N 33rd	E (5-6-16)	86
34	Kathryn White		Rezone - N 33rd	E (5-17-16)	87
35	Deborah Young		Rezone - N 33rd	E (5-24-16)	88
36	Esther Zhang & Zaixin Hong		Rezone - N 33rd	E (5-23-16)	89
37	Joe Zinski - 1		Rezone - Alaska	E (5-3-16)	91
38	Joe Zinski - 2		Rezone - Alaska	E (5-5-16)	93



2016 ANNUAL AMENDMENT TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

SUMMARY OF ORAL TESTIMONY

Planning Commission Public Hearings
May 4 and 18, 2016

Oral Testimony Received at the May 4, 2016 Public Hearing:

(1) **Lori Kalac:**

Ms. Kalac reported that she was a resident of Study Area Number 6, South 72nd and Alaska. She asked that before a rezone is considered the City ensure that critical studies have been performed, results have been analyzed, and all aspects had been considered so the decision could be made. She commented that it was an already congested intersection and encouraged an extensive traffic study before any decision was made. She commented that the additional traffic from shoppers and new multifamily would also increase the already polluted air quality. She commented that added congestion would delay rescue vehicles. She commented that they also needed a study on light pollution and noise pollution. She also requested a study on the pollution from garbage created. She commented that the rezone would also risk continued damage to Wapato and its abundant wildlife and plant life. She noted that there was already ample available commercial space in the neighboring commercial zones.

(2) **Troy Christensen:**

Mr. Christensen commented on the Alaska Street area between 72nd and 56th Street. He commented that the air quality at the intersection is the worst in Pierce County and increasing the number of cars by adding additional units would make it worse. He commented that the city should have a goal to decrease the air pollution in the neighborhood, not increase it. He commented that the homeowners on the street are a very diverse group and that it was a very affordable water view property. He added that if they rezoned it to commercial or multifamily, they would be removing the ability for people to afford water view property. He commented that removing the opportunity for future home owners to afford a view was a social justice issue.

(3) **John Landy:**

Mr. Landy reported that he currently lives on North 35th Street and that his neighborhood is tranquil and they often see wildlife in the greenery in front of their house. He commented on traffic congestion, reporting that there were a large number of apartment buildings to the north and south providing high density. He expressed concern that they might reach a tipping point with so many apartments that it will put an undue burden on congestion. He asked them to study it and also expressed concern about the air quality and lack of trees. He commented that they should notify more than residents within 400 feet.

(4) **Bruce Arneklev:**

Mr. Arneklev reported that he had purchased 3 acres behind his home 40 years ago and had enjoyed the ambience of it. He noted that the land was now part of study area 4. Mr. Arneklev commented that though he is one person, he should have equal standing with Bates Technical College, the City of Tacoma, and the US Supreme Court. He commented on having accommodated Bates for 20 years and a proposal to collocate on a tower which he had opposed. He commented that Bates was violating health standards and creating noise. He expressed concern that he had not seen anything in the 2016 Annual Amendment on whether people were being treated according to their civil rights.

(5) **John Kloster:**

Mr. Kloster reported he owned a home on North 35 Street, to the north of one of the proposed zoning changes. He commented that it was disturbing that a person can spend money on a home in a stable, tranquil area and then the zoning changes allow apartments to be built close by. He commented that it did not seem right that they could not count on some stability in housing.

(6) **Susan Ryan:**

Ms. Ryan commented that for the area near South Alaska, it seemed like a developer wanted to build in the area but couldn't get approval. She commented that it seemed too easy for someone to request a zoning change and too hard for the change to be denied by the residents impacted.

(7) **Rodger Carle:**

Mr. Carle reported that he lived on North 35th Street near 33rd and Pearl. He noted concerns on the environment, traffic density, and that there weren't enough trees in Tacoma. He commented that he was in favor of a green belt or a park and that there was a lot of wildlife in the area. He commented that children walk up and down that street to Truman Middle School. He stated that he wanted to know the crime rates and vacancy rates were for high density vs single family. He expressed concern about children's safety. He commented that they would have to provide additional traffic measures that would add to congestion. He reiterated that he wanted to know the crime rate, vacancy rates, and whether there has been a traffic study.

(8) **Judith Hinderer:**

Ms. Hinderer commented on Franke Tobey Jones, asking that they not be granted an upzone until their entire vision had been reviewed. She noted that on their website they provided an ambitious plan that would increase their number of residents significantly, including a new building that she felt was out of scale with the neighborhood. She expressed concern about traffic impacts and increased presence of emergency vehicles. She commented that new signage posted on the property that was not clear. She commented that if the upzone was allowed they would return to ask for an additional 300 units.

(9) **John Kloster:**

Mr. Kloster commented regarding the proposed rezone at North 35th Street. He reported that the previous year he had applied for a permit to build a garage and had been told that there was a possible wetland on the base property. He felt that the possible presence of a wetland should be taken into consideration before the zoning was changed to a higher use.

Oral Testimony Received at the May 18, 2016 Public Hearing:

(1) **Russell Rodger:**

Mr. Rodger reported that he had owned a house on Alaska Street since 2005 and had had a series of renters in the house. He commented that he was in favor of the rezone and that he wanted it to be a C2 rezone instead of C1. He commented that he knew the value of businesses with drive-throughs and that the nearby Starbucks provides a sense of community. He commented that he had a hard time getting renters to stay at the house because of repeated break-ins and car thefts. He commented that forcing it to stay a residential use was not a good use of that property. He commented that there are a variety of different transitional uses that could go in to the north of his property like hotels or multifamily, which would add to the neighborhood and make more use of the park than the existing homes on the street. He commented on the amount of traffic on 72nd Street making it not a good place to live as a single family unit. He commented that it would be a beneficial use for the properties to the north as well.

(2) **Bruce Arneklev:**

Mr. Arneklev commented that he was the only person in study area 4 that paid any property tax. He reviewed that he started paying property tax in 1975 and that he had been assigned an additional drainage tax this year. He commented on how his civil rights had been violated by the City not taking action on noise. He commented that the proposed zoning change would significantly increase his property tax. He commented on how other agencies had collocated on the Bates site, 20 feet from his property, and how he did not know if they were paying property tax. He reviewed that AT&T had gone in during 2001 and that he hadn't found if they had paid any property tax. He requested a reexamination of the decision from 20 years earlier to allow telephone booth sized installations in the area. He commented that he appreciated the need for apartments, but wanted justification and to reexamine the decision from 20 years ago.

(3) **Gail Goodman:**

Ms. Goodman reported that she lived on 35th Street near Bates Technical College. She commented that the existing greenbelt was a significant factor of why they moved there and that the rezoning proposal would eliminate that desirable neighborhood characteristic. She commented that there would be increased noise pollution and traffic congestion, adding that the road was presently in a state of disrepair. She commented that the egress from North 33rd to Pearl is already congested during the summer from people going to Point Defiance. She commented that they would like to see the environmental impact study and the traffic impact study as North 33rd was the only direct egress to North Pearl Street. She commented that Truman Middle School was already at maximum capacity and the action would result in rezoning of the school boundaries in the area. She asked that they clarify where the bicycle circulation area would be. She asked that they reconsider the harmony, scale, and character of their neighborhood and the impact of the proposal to the surrounding area.

(4) **Joyce Carle:**

Ms. Carle reported that she lived on North 35th Street in study area number 4. She commented that the area is already full of apartments and that there are also over 400 apartment units to the North. She commented that Pearl was a busy four lane highway and there was no safe place to merge onto southbound traffic from 33rd Street. She commented that there was a big expanse with no pedestrian crosswalks or merging lanes and that it was an unsafe location for multifamily. She commented that they were surrounded by apartments and that they were the only wetland oasis in the area and that she would not like to see that go away. She encouraged the Commission to reevaluate the situation and visit the area.

(5) **Roger Carle:**

Mr. Carle reported that he lived in study area number 4 on North 35th Street. He commented that if they were looking at Vision 2040, then they also had a goal of developing a comprehensive bike and pedestrian network citywide with specific strategies for high traffic areas. He noted that bicycle boulevards were typically slower residential streets and emphasized safety concerns. He asked where the high density area of apartments would fall within the guidelines of a slow paced, tree lined, residential street which has an emphasis on safety concerns. He discussed the 30 by 30 tree canopy goal and noted the nearby greenspace and the presence of wildlife in study area number 4. He noted that many people were relocating to Tacoma from Seattle and asked why they would be locating apartments to the South which would cause them to drive even further. He commented that he had

read the 205 page report and felt that not enough planning had gone into the area, expressing concern that not enough organizations had been notified. He read a letter from a 7 year old girl expressing concerns about the proposals impact on local wildlife.

(6) **Harold Nance:**

Mr. Nance reported that he had lived on South Alaska Street for the past 53 years. He commented that he had provided them with a letter. He suggested that they should clarify the difference between a C1 and C2 rezone when they send out a notification. He commented that he was in favor of the plan and provided detail as to the reasons in his letter.

(7) **Lori Kalac:**

Ms. Kalac commented that she was a homeowner on South Alaska Street. She reviewed that she had provided testimony at the May 4th public hearing, where she had asked for studies to be done to help determine the right zoning. She commented that it was evident that the City would be moving forward with rezoning the area and the planning office had communicated the need to have diverse urban housing options to accommodate future growth. She commented that the proposed C1 zoning was putting the City in a restrictive position in seeing it's visions come to life, offering only what was already behind Alaska Street. She asked if any other zoning designation had been considered and suggested that NCX would be a more appropriate zoning for the vision. She commented that she would agree that a rezoning would be in the best benefit, but that the new proposal has them being the buffered residential property, which they did not want.

(8) **Charles Mann, Tacoma Central Neighborhood Council:**

Mr. Mann reported that he was the Chair of the Central Neighborhood Council and they had concerns about the Cheney Stadium and Foss High School rezone from R-1 to C-2. He noted that presently under the R-2 zoning a conditional use permit is required for any kind of development, which provides visibility to the community. He commented that a C-2 zoning also enables billboards which would be inappropriate for the area. He commented that they were opposed to the rezone.

(9) **Melvin Nobles:**

Mr. Nobles reported that he was there to represent the True Vine Community Church on North 33rd Street. He commented that they had owned 1.25 acres for 41 years and had only had minor problems with thefts. He commented that to change it to low density multifamily would be nice in a way, but there was already significant traffic congestion on Sundays. He expressed concern that putting apartments close by would impact the available parking space. He noted that they have a number of people who are disabled who have to walk up a hill and that it might be a disservice to them to increase traffic. He commented that it would be best for them to leave the current zoning.

From: Bill Adamson [mailto:badamson@cityoflakewood.us]
Sent: Friday, April 15, 2016 10:17 AM
To: Wung, Lihuang; 'Davids@tacomachamber.org'
Cc: Atkinson, Stephen
Subject: RE: Tacoma 2016 Amendment Notice to JBLM

Lihuang,

From a quick review of the documents you sent, it is not clear to me if this might become an issue but any encroachment into the McChord airfield Clear Zone (CZ) or Accident Potential Zones (APZ) I and II could be a land use incompatibility. I have attached a graphic from our 2015 JBLM Joint Land Use Study indicating where the CZ and APZs are located.

I'm sure JBLM will catch this as part of their review.

Best,
Bill

Land Use Incompatibility Case Study:

The McChord Clear Zone

The Clear Zone is a 3,000 foot square adjacent to the end of the runway.

Why is a CZ important?
The USAF found 28% of all AF accidents occur in CZs.



Legend

- JLUS Study Area
- Joint Base Lewis-McChord
- Military Airfield
- Urban Growth Areas
- Cities
- Counties

Air Accident Zones

- APZ I
- APZ II
- CZ

Land Use Compatibility

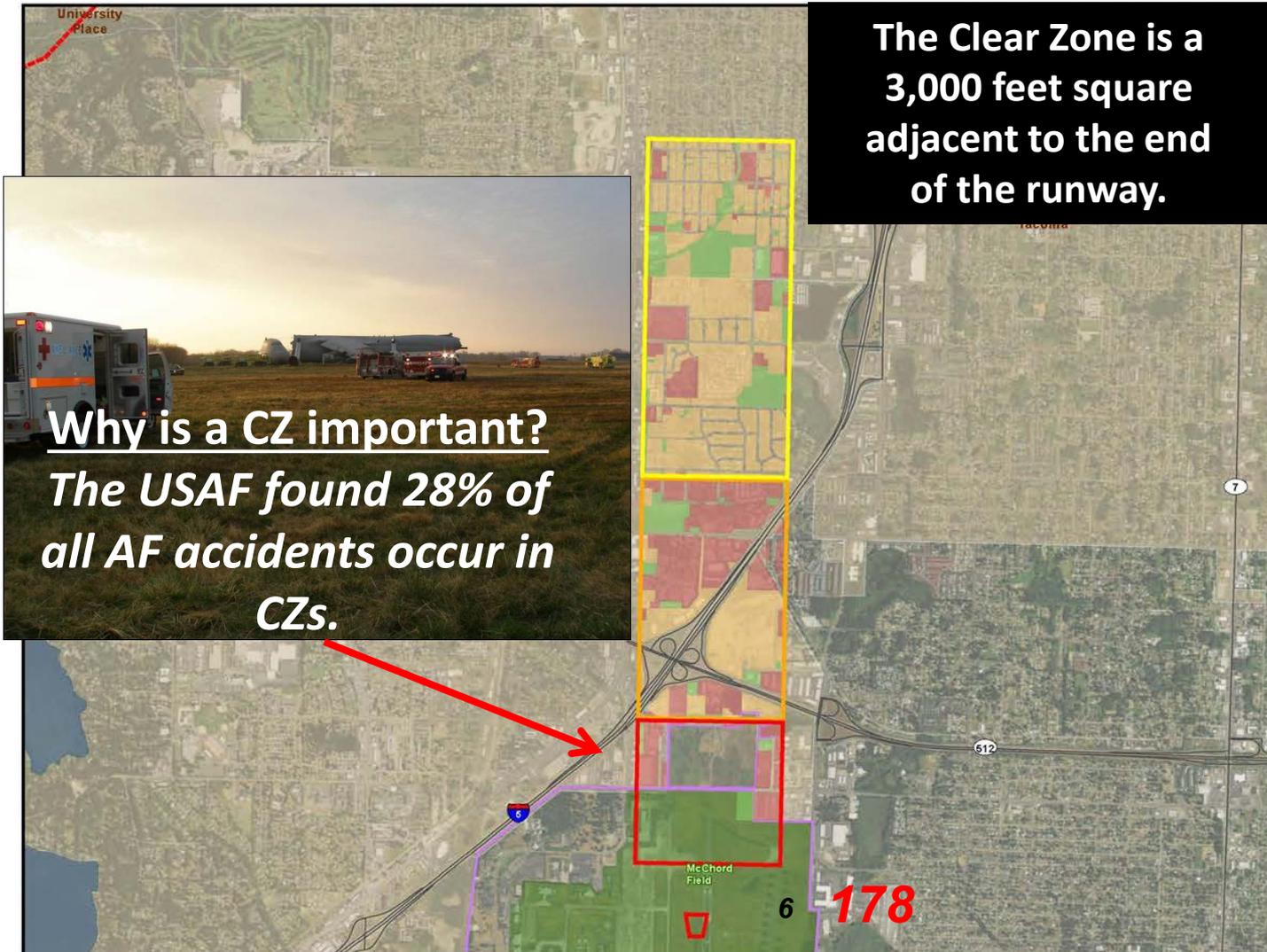
- Compatible
- Conditionally Compatible
- Incompatible

 1 inch = 1,963 feet
 0 500 1,120 1,680 2,240 Feet
AECOM

JBLM JLUS

Figure 3
 Land Use Compatibility in
 McChord Field North Clear Zone
 and Accident Potential Zones

Ver. 01 | October 2015



Of greatest concern is the presence of incompatible land uses in the CZ. There are existing uses on the western and eastern edges of the CZ that are incompatible, including industrial uses and storage condominium units (individual, privately owned storage units). Any land uses other than airfield infrastructure is incompatible in the CZ.

The presence of incompatible land uses within the CZ is the most critical encroachment issue facing JBLM.

In APZ 1, between 108th Street and 92nd Street, four mobile home parks and 260 units.

In APZ 2, from 92nd Street to the city limits, six mobile home parks and 449 units.

Total number of parks, 10.

Total number of mobile home units, 709.

In APZ II, medium and high density residential uses in Tacoma and recreational uses in Lakewood are incompatible.

Arlington Elementary School, located within a single-family residential zone, is an incompatible use in APZ II. Tacoma encourages the use of noise reduction techniques to mitigate impacts of aircraft noise and encourages lower density development in APZs. While existing residential development can be expected to continue, “upzoning” that would increase residential densities should be avoided in both APZs.

All incompatible land uses should be removed from the CZ through zoning and property acquisition from willing sellers.

Options for Resolving CZ Encroachment

1. Acquire land & relocate businesses (>\$50M)
2. Land swap w/JBLM
3. Runway restrictions
4. Runway extension

- JBLM is currently analyzing these four options
- SSMCP leads issue resolution



Land Use	Clear Zone (CZ)	Accident Potential Zone I (APZ I)	Accident Potential Zone II (APZ II)
Single-family Detached	Incompatible	Incompatible	Conditionally Compatible
All Other Residential	Incompatible	Incompatible	Incompatible
Mixed-Use Center	Incompatible	Incompatible	Conditionally Compatible
Light Commercial	Incompatible	Conditionally Compatible	Compatible
Heavy Commercial	Incompatible	Incompatible	Compatible
Light Industrial	Incompatible	Compatible	Compatible
Heavy Industrial	Incompatible	8 180 Incompatible	Compatible
Institutional/Public Use	Incompatible	Incompatible	Incompatible

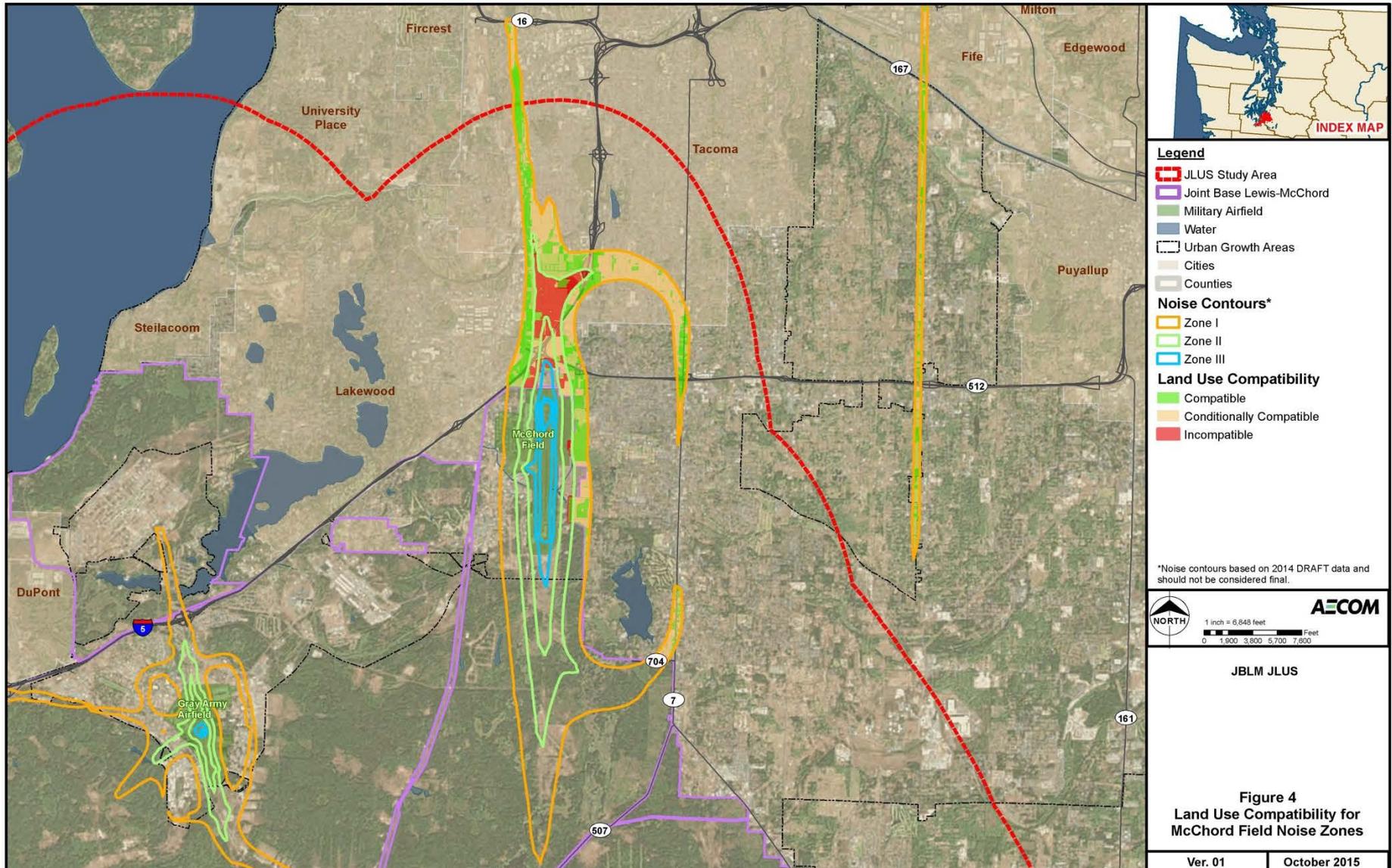
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In APZ 2, from 92nd Street to the city limits, six mobile home parks and 449 units.

Total number of parks, 10.

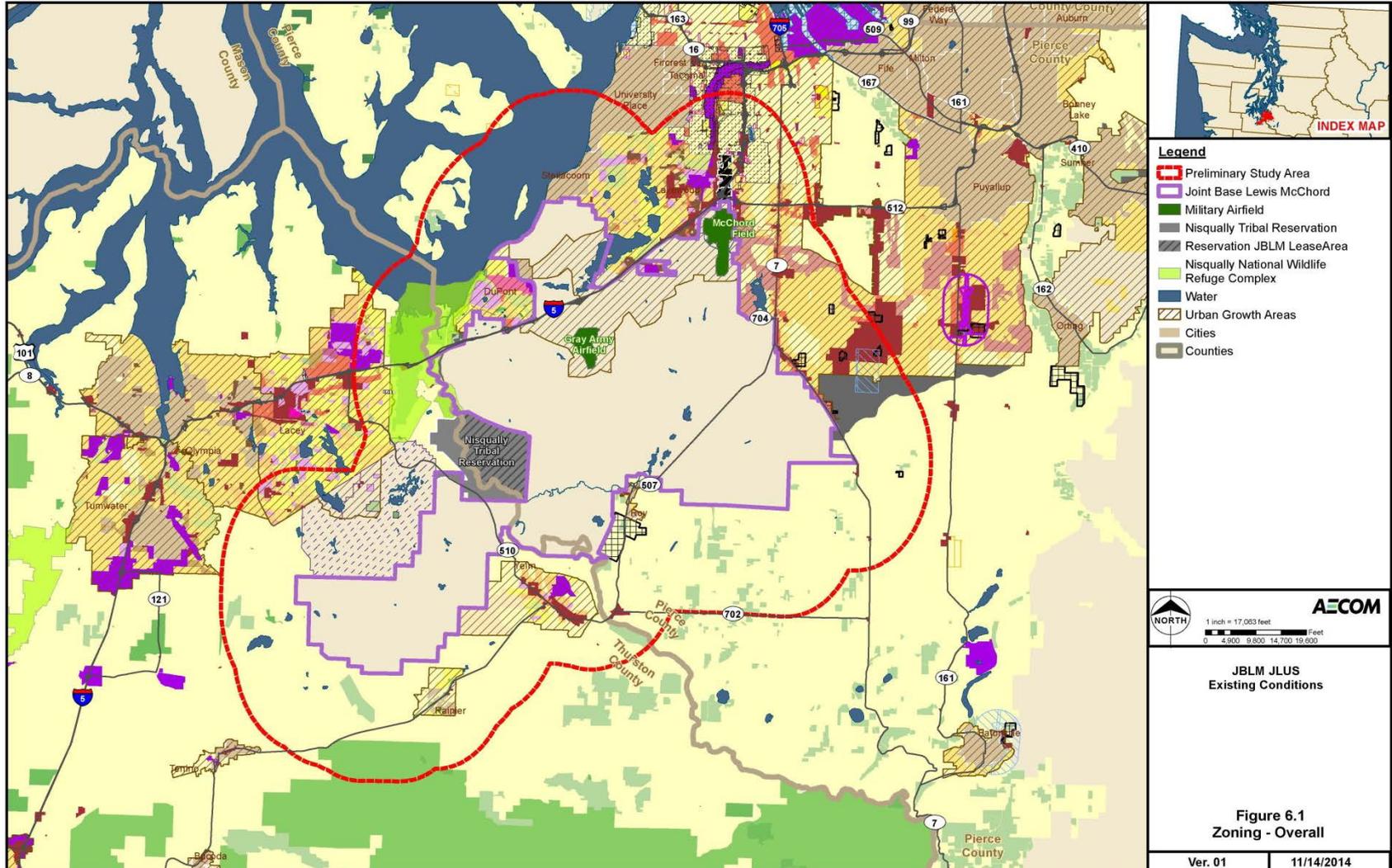
Total number of mobile home units, 709.

Compatibility Issues



7. Community Plans and Policies

Zoning



From: Marly Fawcett [mailto:marlyfawcett@gmail.com]
Sent: Wednesday, May 18, 2016 11:02 AM
To: PDS Land Use and Zoning; Planning
Subject: Proposed Rezone & Re-Designation North 33rd Street Tacoma

Planning and Development Services Department,

I am a home owner on North 35th Street, and as resident of this neighborhood, my family will be negatively affected by the proposed rezoning of North 33rd and Pearl.

Currently, North 35th is the only through road from Pearl to Orchard for a few blocks, therefore we get traffic from both North 33rd and from North 37th. There are no speedbumps to slow anyone down, and unfortunately people use this to their advantage by speeding through the neighborhood at dangerous speeds.

In addition to the speeding, the uncontrolled intersection on 35th and Shirley is incredibly dangerous, I have seen not only car accidents, but also people's pets being hit by cars speeding through the intersection without slowing down.

If you look at the actual street on North 35th, you will see numerous tire marks from people literally racing up and down the street. I have spoken to people who speed and asked them to slow down, the typical answer involves swearing and being called awful names.

As a family, we take walks and are not safe to walk on our own street because of the unsafe conditions. I understand that building will happen and things will change, but in addition to those changes I ask that the city take into consideration the people who love this neighborhood and just want to feel safe.

I suggest that North 33rd be opened up to alleviate traffic on 35th, I ask that the intersection on 35th and Shirley be controlled with stop signs and that speed bumps be placed on 35th.

Marly Amsbary
5407 N. 35th St.
Tacoma, WA 98407

--
Marly

Stephen Atkinson
 Planning Commission
 747 Market Street, Room 345
 Tacoma, WA 98402

May 24th 2016

05-25-16 A09:20 RCVD

This letter and attachments are provided (1) to document selected events during the forty years during which my wife and I have paid property taxes on three acres included in "Study Area 4" and (2) to back up my comments during hearings on April 20th and May 4th 2016. An index and 19 pages of pictures and historical documents follow this cover letter.

My comments here and documentation which follow in this letter are most closely associated with "Wireless Communication Facilities", but are also related to the frustrations and legality of actions taken (or not taken) by the City of Tacoma in relation to my civil rights under Amendment XIV, Section 1 to the U.S. Constitution regarding "...equal protection of the laws."

During the April 20th hearing I quoted John Robert's testimony from September 13, 2005 before becoming Chief Justice of the U. S. Supreme Court, when he said, "Here was the U.S., the most powerful country in the world, aligned against my client. And, yet all I had to do was convince the Court that I was right on the law and the government was wrong and all the power and might recede in defense of the rule of law." Then I outlined how the City had **failed to provide equal protection of State Law** by failure to curtail excessive sound emissions from Bates property for over sixteen years in spite of documentation of on-going violations by (1) an independent study which I paid for, (2) the City's three studies and (3) a study by Bates Technical College.

During the May 4th hearing, I pointed out how it appears that my wife and I are the only taxable entity included in Study Area 4 paying property taxes or storm drainage taxes ("Surface Water Environmental Services") on the ten acres included therein. In spite of contacting a half dozen State and local agents, I have been unable to get creditable information about tax payment history by about a dozen wireless agents that have been co-located on the Bates TV tower / grounds. Anyone can look at the County web site and see the date and amount I have paid in property taxes for each of the last twelve years. **Why are \$200,000,000,000 entities that (according to the News Tribune) are paying hundreds of thousands of dollars to Bates apparently exempt from paying or disclosing property taxes and drainage fees, while they use our taxable property as a buffer to the surrounding residential area?**

After paying property taxes on our three acres of open space for over forty years, my wife and I would appreciate the increased value attributable to rezoning and increased allowable building density. It would seem that with a light rail line (or other reliable public transportation) extending from "down town" to Pearl on North 21st Street and from Tacoma Community College to the Ruston ferry terminal and Point Defiance, increased density in the North and West End would make a very attractive habitat. However, we would also appreciate a moratorium on further increases in property taxes on our ground until someone else takes on that burden when the Arneklev family disposes of their interest in their ground.


 Bruce L. Arneklev, EdD

3306 North Shirley

Tacoma, Washington 98407

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SOUTH SIDE OF CHANNEL 13 TV TOWER/BUILDING
IN 1978 WHEN ARNEKLEV NOBLE FIR WERE
PLANTED. NOTE NEED FOR PAINT FOR 18 YEARS

ARNEKLEV TREES 1978

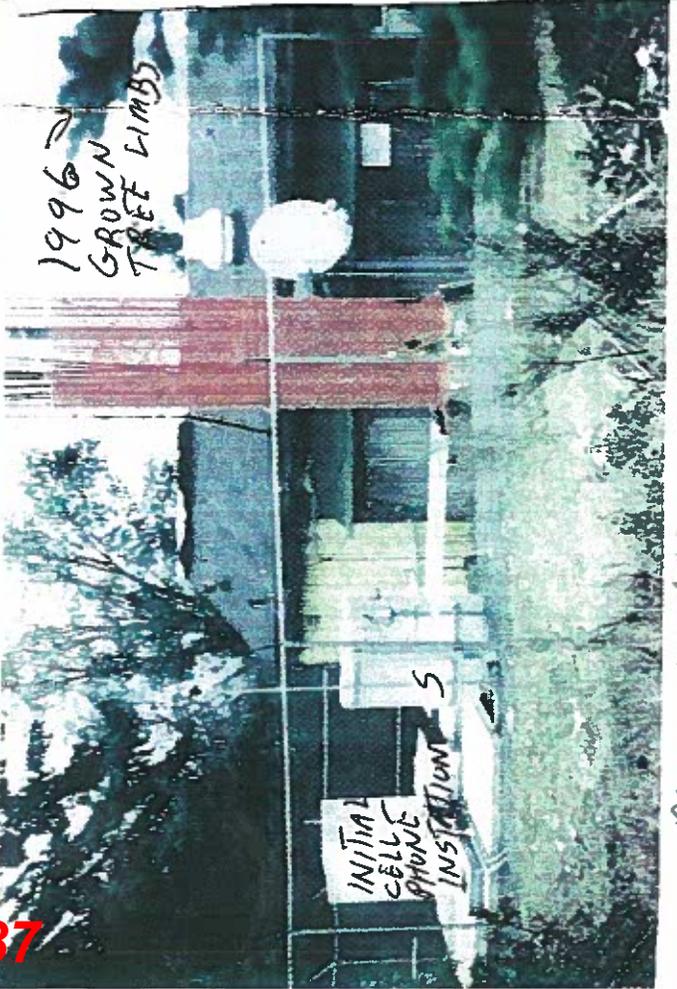


15 187

1996

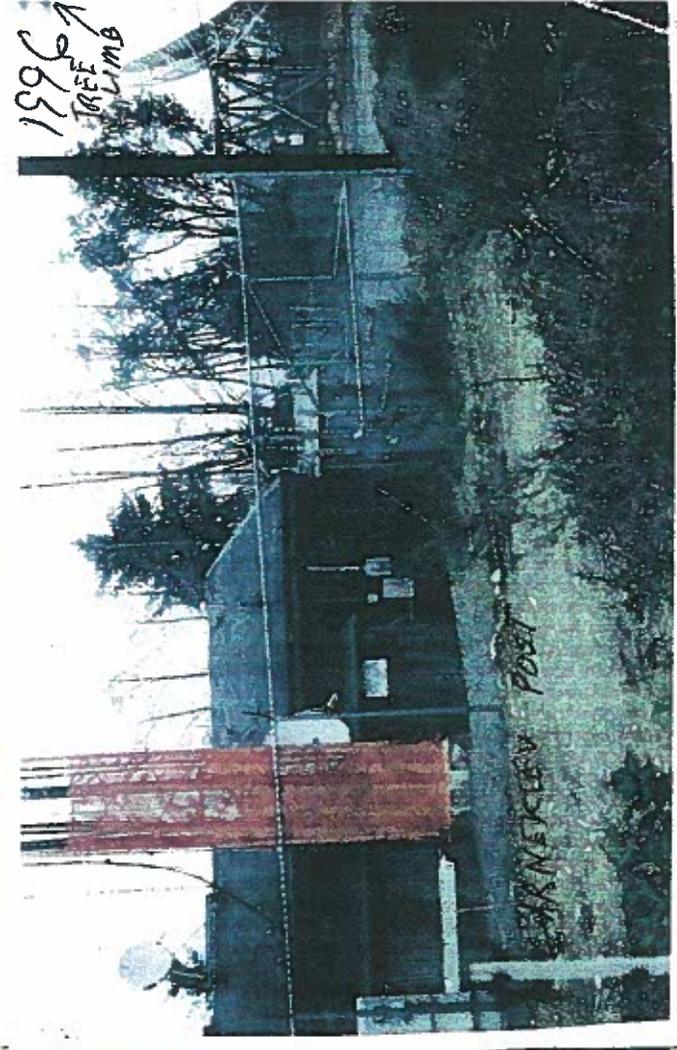


ARNEKLEV
STEEL POST



1996
GROWN
TREE LIMBS

INITIAL
CELL
PHONE
INSTALLATION



1996
TREE
LIMB

ARNEKLEV POST

June 23, 1989

Ronald Lively, Manager
KTPS-Channel 28
Tacoma Public Schools
P.O. Box 1357
Tacoma, WA 98401

This letter is written to document that we have had several conversations regarding the excessive noise generated by equipment at the TV tower site adjacent to my property near North 33rd and Shirley. Most of those discussions occurred over lunch at the Bates Dining Room during the spring of 1987. I also discussed the matter with Don Buck, Director of ~~School Facilities at Delong School on June 18, 1987.~~ You have acknowledged that the noise level was a concern, yet no corrective action has been taken.

Although my property has only trees on it, I have been negotiating to sell it for development. My letters to you dated October 23, 1986 and November 20, 1986 serve to document the seriousness of my intent to sell. Similar letters were sent to Bruce Steel, representing Cleworth Equities Group, Inc. You may recall that Cleworth Equities purchased approximately ten acres adjacent to my property from the Tacoma School District at about that time. The intrusive nature of the T.V. station was one of their reasons for not accepting my offer to sell at a rate similar to what the District received.

I might add that noise from the station is excessive at my home (450 feet from the station), especially when I have my windows open on warm summer evenings. As I have stated several times that a few thousand dollars of acoustical insulation should reduce the noise level and alleviate the noise pollution at my home and the neighborhood.

~~I have enjoyed "good neighbor" relationship with the T.V. personnel and you for several years.~~ However, the imminent departure of Don Buck and prudent management procedures dictate that I document my on-going attempts to resolve the adverse impact of T.V. Station.

Bruce L. Arneklev



3306 N. Shirley
Tacoma WA 98407

cc: Don Buck, Director of Facilities

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Attachment B TO 7/26/96 LETTER TO
from Bruce and Dixie Arneklev LAND USE ADMINISTRATOR
7/26/96 FOR RECONSIDERATION OF SUP 96-00010

On the picture below, the base of the KTPS tower is apparent on the left and the KCPQ micro-wave dish can be seen in the background on the right from the northwest corner of our property. In the foreground, well within the northwest corner of our parcel 02-21-26-4-041, on our steel post, our grandson/son's safety helmet may be seen for reference. It may be seen that only a narrow footpath and a few weeds are between our property and the tower.

Where's the buffer? In fact there are only weeds and low brush for over ninety feet up the hill to the right of this picture. As illustrated by Attachment C, even where there are some trees on the east side of their site, sound emission are in excess of legal standards at points one and two on our property.

It is of note that the special use permit application proposes to place the modules for the installation in the space between the chain link fence and our property. Sound from these modules will only add to the current excess sound emissions from the site to our property.



PAGE 3 of 19

RECEIVED
JUL 26 1996

7/26/96

Land Use Administrator
Building and Land Use Services Div.
Room 345 Third Floor, Municipal Bldg
747 Market Street,
Tacoma WA 98402

Ans'd

Page 1 of 3 pages and
three attachments and *BM*
~~a check for \$200.00~~ from
Bruce & Dixie Arneklev

REF: Request for reconsideration of:
Special Use Permit Sprint Spectrum
File Number SUP96-00010

(A commercial installation on property zoned R-2)

This letter follows our 6/28/96 letter, which specified our reasons for objecting to the granting of the permit noted above. Herein we will critique portions of the report "FINDINGS MADE BY ADMINISTRATOR" as outlined on page 4 of the 7/12/96 report. We specifically respond to the first four of the "Findings..." for being incomplete and / or incorrect in relation to the facts as we know them as neighbors of the site for over twenty years. We then note and provide attachments to document how criteria specified in the 7/12 report are violated.

1. Project Description: The report fails to note that the installation is to be made for the primary benefit of a fully commercial (for profit) agency on property that is zoned R-2. The host (A not-for profit agency, KTPS) continues to enjoy tax advantages and apparently will get paid by Sprint. KTPS has previously contributed to the operation of other commercial agencies, such as Kelly Broadcasting (KCPQ Channel 13) by affording them the opportunity to make commercial installations including a large micro-wave dish. The dish was installed without neighborhood notification, as were at least eight other pieces of hardware currently hanging on the tower. We have not established the total scope of the(se) tax "shell(s)" that commercial agencies are enjoying, but we do know that each installation serves on an incremental basis to reduce the value (See attachment A) of the property on which we have been paying property and other taxes for over twenty years. It's more than ironic that about half of our taxes go to support KTPS staff and other educational agencies (while KTPS doesn't pay any property taxes) and they in turn can gain benefit while lowering the value of our property and apparently providing (tax and other) advantages to commercial enterprises. Thus, we are forced to subsidize commercial enterprises. This violates condition 4B (page 7) of the 7/12 report.

2. Location: The report states that "(T)he site is located on the south side of North 35th Street...", when in fact the tower on which the antennas are to be attached is actually closer to North 33rd street than it is to North 35th. The tower on which the antennas are to be mounted is actually forty (40) feet from our property line on the extreme south side of the KTPS property, over 300 feet from North 35th Street. Our property line is approximately 238 feet from North 33rd street. This places the installation on the border of the southwest corner of the property on which the special use permit is requested. The report goes on to specify that "The Generalized Land Use Plan designates the northwest portion of the site 'medium intensity' and the rest is designated 'low intensity.'" In fact, the installation is proposed for a corner of the property which is at the extreme opposite end of the KTPS property than what is described in the report as the "Location." (Why is the location of the tower never plotted on any of the charts sent to the public?)

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3. Site and Existing Conditions: The report states that: "(T)he site is buffered from the surrounding neighborhood by dense trees and other natural vegetation." When in fact (as can be seen in picture in Attachment B) there is absolutely no buffer between the tower and our residential property, which is forty feet south of the tower. The Land Use Administrator, who reportedly visited the site, must have assumed that our land with trees (which is residential property) was part of KTPS property. In fact it appears that we are paying taxes on our land to provide a buffer between the tower, its noise (which exceeds "Maximum Environmental Noise Levels" specified in Chapter 173-60 of WAC-See Attachment C) and associated commercial ventures. One of the reasons we have been reluctant to develop our adjacent residential property is because we would have to take out some of the trees on our property that now provide us some buffer to the noise currently emitted. Our contribution to the neighborhood by leaving our property undeveloped appears to be working to our disadvantage. The absence of a buffer violates criterion 3c (page 3) specified in the 7/12 report.

4. Surrounding Area, Uses and Zoning: The last sentence states that "...vacant property abuts to the east and to the south..." (which is our residential property) giving the impression that it's okay to do anything, because it won't currently bother anyone. This ignores our vested right to develop this "vacant" property. The Administrator's "Finding(s)..." appear to make legitimate the practice that KTPS, Sprint, and Kelly broadcasting have exercised toward our residential property. This is a "taking" of our vested right to develop our property and ignores the nuisance and trespass that they have perpetrated. They should not be allowed to perpetuate these unlawful practices. This paragraph specifies violations of the basic paragraph for criterion 3 (page 3) and condition 4B (page 7) of the 7/12 report, i.e., that the request is "inconsistent with health safety, convenience or general welfare of persons who (may) reside in the area (in the future)."

We would like to show the Land Use Administrator and other interested parties property lines and help them to visualize and hear the impact of the proposed development from our property. We would also like to show them orange paint, which fell from the tower when it was painted last year. As we noted in our 6/28/96 letter, icefall and other shadow effects continue to be a concern. (If paint has fallen thirty-five feet on our side of the property line during weather when it is fit to paint on a tower, there will certainly be much greater danger to those residing below during ice and snow storms.)

In this "Request of reconsideration...", we have documented through attachments that granting the proposed special use permit would:

- (A) reduce the value of our property,
- (B) violate requirements for buffers between commercial installations and residential properties and
- (C) increase nuisance and trespass from the site by adding to noise which is already in excess of health standards for sound emissions.

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Page 3 of 3 from Bruce & Dixie Arneklev 7/26/96

We have shown that there is incompleteness and errors of fact in the Land Use administrator's 7/12/96 report. Therefore, we request that the Special Use Permit be denied until those requesting this permit remedy the shortcomings specified.

Please be advised that we have tickets to be out of state with our family from 8/13/96 through 8/27/96. Please arrange for subsequent meetings or hearings before or after that time period.

Sincerely,



Bruce L. & Dixie M. Arneklev
3306 N. Shirley
Tacoma, WA 98407

Phone: (206) 752-2795

PAGE 6 OF 19

RECEIVED
FEB 24 1998
Ans'd 3:43

Theresa Turpin
Building and Land Use Services Division
Public Works Department
747 Market Street, Room 345
Tacoma, WA 98402

2/24/98
Page 1 of 2

Reference File Number SUP97-00040

Your "Meeting Notes, Public Meeting for SUP97-00040, February 12, 1998" summarize a portion of my remarks regarding my request for 1) **"enforcement of the law"** in relation to current violations to the Tort Laws of "Trespass" and "Nuisance", but do not mention my greatest concern regarding **"Conversion."**

You also accurately mention my request for 2) **"equal treatment under the law"**, but do not mention the specifics which I used to clarify what I meant by equal treatment under the law or more technically my estoppel rights.

I will use this letter to elaborate on what I apparently did not emphasize or clarify sufficiently at the 2/12/98 meeting.

1) That multi-million dollar entities (KBTC, KCPQ, Sprint, et. al. and now Western) have or are proposing to implement plans that have and will further destroy or alter (reduce) the value of my personal property while accruing benefit to them. This is a form of Taking and Denies me the Pleasure of property. The guidelines distributed prior to approval of the Sprint proposal clearly stated that compliance with the law was a condition of approval. Now the Western application, like the Sprint application, is clearly violating the Tort Law of Conversion and the laws regarding Taking and Denying a neighbor the Pleasure of personal property without compensation. (The City and Sprint ignored my arguments on this issue in File NO. SUP 96-00010 and chose to respond to a tangential issue.)

Enforcement of these laws are especially important to me, because the last line of your 12/15/97 Public Notice justifies further installations with the statement that "other companies have attached PCS antennas to the structure (SUP96-00010)."

Each installation is on an incremental basis making my property less valuable, as every potential buyer has told me and which is specifically documented on page one of Attachment A to my 7/26/96 objection in File No. SUP96-00010. What really irritates me is that the City did not require Sprint to prove that they were not engaging in a process which in the aggregate would devalue my property and it now appears that the City is about to rubber stamp the Western application, because of the Cities failure to enforce the law in past instances.

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2) Now that the City has allowed several multi-million dollar entities to engage in practices such as those that follow, and are now soliciting input for continuation of those practices, I wish to inform all entities of estoppel rights granted to me as a tax paying entity on adjoining residential property.

A. On line 18 of page 2 of the 8/22/96 "Order Denying Motion for Reconsideration and Affirming Decision" the City has acknowledged that "The Arneklev's correctly state that there is no buffer between the tower and their residential property." Given that ruling, I hereby claim the right to develop without a buffer or setbacks on any part of the 1700 foot perimeter of the following adjacent parcels:*

02-21-26-4-036 @ 5517 N. 33rd

02-21-26-4-017 @ 5519 N. 33rd

02-21-26-4-041 @ 5529 N. 33rd

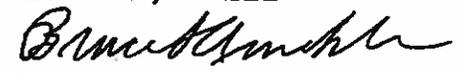
02-21-26-4-060 @ 5539 N. 33rd

B. That the City consistently claims that the Sprint installation and proposed Western installation are on North 35th Street (when they are obviously closer to North 33rd Street). I hereby claim the right to make installations on any part of the parcels listed above as though the installations were physically on North 33rd Street, because all addresses are on North 33rd Street.*

C. That the City has not required commercial entities such as Kelly and Sprint (and is considering allowing an installation by Western) to pay any property, sales or drainage tax on the residential land which they (will) occupy. Therefore, as an adjacent property owner, those taxes will be waived on the parcels described above.*

D. That the City has permitted (and is considering an additional permit for) commercial entities to initiate construction on land which is almost certainly contaminated with arsenic and lead above levels specified for cleanup by the Environmental Protection Agency. (Ten years ago the City required Cleworth Inc. to scrape off the top four inches of ten acres 240 feet to the south.) Documents given to KBTC clearly indicate that contamination is on property juxtaposed to the south and the east boundaries of KBTC property and will be within 20 feet of the proposed installation. (The contamination is therefore known to extend continuously over 800 feet to the south.) Thus, the requirement for cleaning up arsenic and lead on the parcels noted under 2)A will henceforth also be waived.

*If not granted, each of these will confirm that **Conversion Tort Law** has been violated.

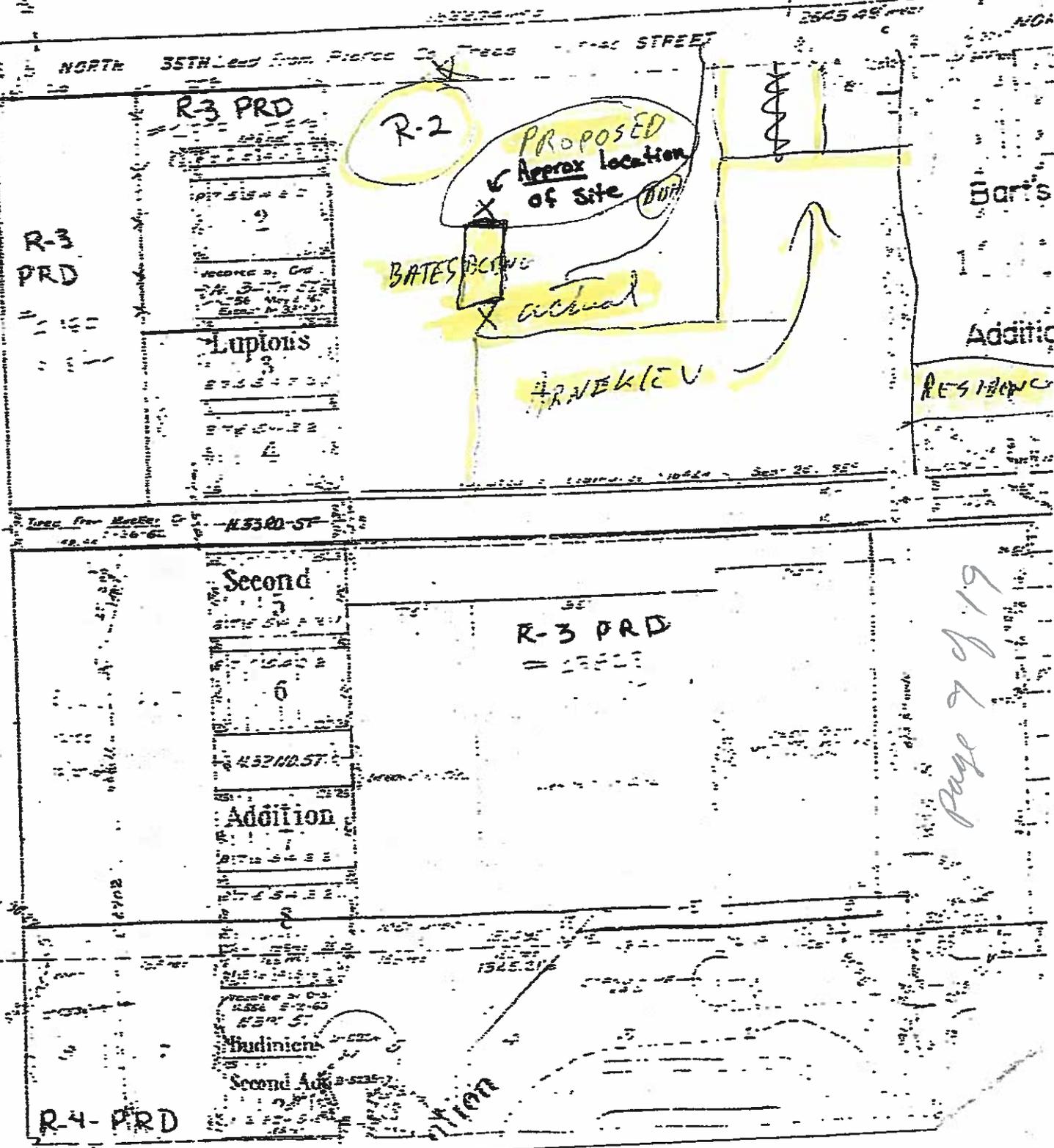

Bruce L. Arneklev
3306 N. Shirley
Tacoma, WA 98407

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2/28/98 materials hearing

CITY BY M... + MIS PLOTTING

ADDED BY BLA



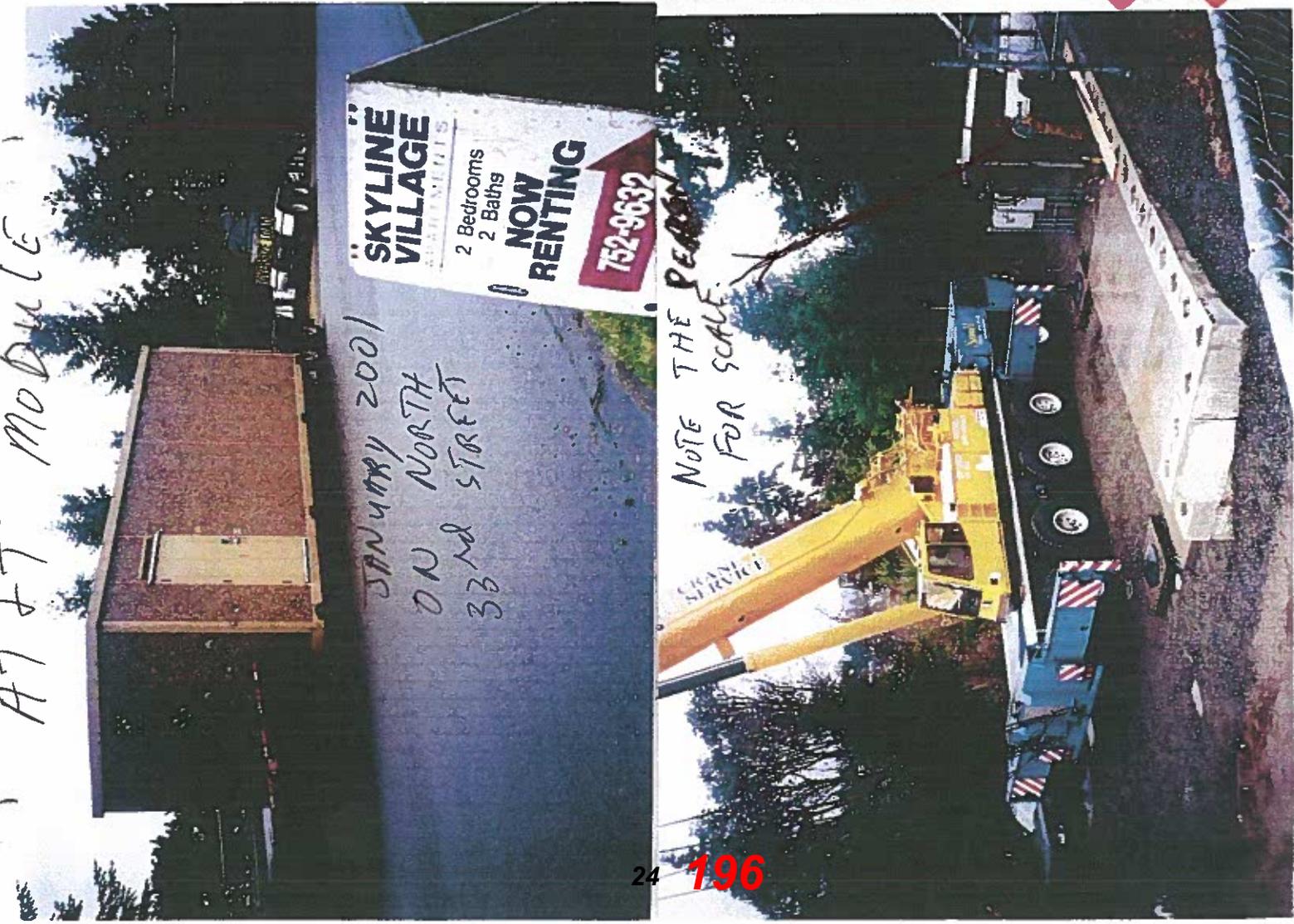
page 9 of 19

AT&T MODULE

JANUARY 2001
ON NORTH
33rd STREET

SKYLINE VILLAGE
2 Bedrooms
2 Baths
NOW RENTING
752-9632

NOTE THE REAR
FOR SCALE



FRONT OF AT&T
MODULE
ABOUT 20'
INSTALLED
FROM ARNEKIA
PROPERTY



↑ AT&T HEAT EXCHANGERS PLACED
ON SOUTH END CONCRETE BLOCKS TOP
← SITE AT PITS WHERE MODULES
ABOVE WERE PLACED ORIGINAL
← FENCE SEPARATING ARNEKIA PITS

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Theresa Turpin
Building and Land Use Services Division
Tacoma Municipal Building, Suite 345
747 Market Street Tacoma, WA 98402

3/16/01

Reference: 1) Commercial installations by AT&T / KBTC / Bates
@ 5544 North 35th Street / Tacoma
In spite of my objections as recorded in Files:
SUP96-00010 and SUP97-00040

You may recall my phone call in late January, when I expressed my concern about an additional AT&T "PCS?" installation at the above site. I stated that the AT&T modular unit was 10' X 12' X 28' & that two (22" X 42" X 8') extended fans were directed down my property line from the modular unit. Although the installation itself is placed in a relatively unobtrusive position, I questioned (1) sound levels that would be generated and added to the levels that are already documented (by an independent agent at my expense-see attachment A) as being above health standard limitations and (2) that I didn't think that a 330 sq. ft. footprint plus extensions and antennae were in keeping with approved permit(s).

The city's representative, Andy Smith, has subsequently taken additional readings of sound levels during the afternoon of February 27th. At his request, I provided him a copy of attachment A, which was completed by Stan Champ. He stated that he had done some work with Mr. Champ and expressed surprize that the city hadn't shown more respect for Mr. Champ's work, which the city had since July 26, 1996 as part of file SUP96-00010. He also questioned whether his equipment was as good as the equipment that Mr. Champ had used and said the criteria used by Mr. Champ were more generous (to KBTC) than current limits.

The readings Mr. Smith made were similar to those that Mr. Champ had recorded almost five years ago, in spite of attempted mitigation by KBTC in the form of a masonry deflecting wall and plastic strips through an eight foot chain link fence. (The fence appeared to reduce noise by two DBA when readings above the fence level were compared to those directly behind the fence.) This was without the AT&T fans being in operation.

Please send a directive to KBTC to cease and desist from violating health standards. Also, make additional measurements when AT&T fans are in operation, if the AT&T installation is allowed to remain in place.

Thank you,
Bruce L. Arneklev
Bruce L. Arneklev
3306 N. Shirley
Tacoma, WA 98407

(253) 752-2795

FOOTNOTE BY
STEVE DAVIE
ATTORNEY FOR
ARNEKLEV'S.

PLEASE NOTE
OF THE ONGOING ISSUE
AND MY PROPERTY
RIGHTS CONTINUED
TO CHANGE ME
DAMAGE. *DAVIE*

page 11 of 19

Brian Ebersole, President
Bates Technical College

5/25/01

Congratulations on your new position.

You may remember me from the sixteen years I spent as a Coordinator in Tacoma Schools' Office of Research and Evaluation, when I used to send you literature on school drop outs, while you were in the State Legislature.

I retired last February, after over forty years of public service. Now I'm trying to look out for my own interests.

I've enclosed copies of material that your staff has chosen to ignore or to take positions that may be politically expedient, but questionable from a legal standpoint.

I hope we can arrive at an equitable resolution to the noise that emanates from the Kelly, KTBC, AT & T, US West, Western, Sprint, etc. broadcasting site on North 35th street in Tacoma, which borders my three (plus) acre parcel that I hope to sell in the next several months.

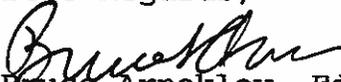
The News Tribune has indicated that KBTC receives over \$100,000 of revenue annually from these multi-million dollar commercial entities.

Having devoted my life to educational ventures and many years of contributions to public television as well a picking up garbage next to KBTC tower a daily basis for over 20 years, I hope I don't have to take legal recourse to collect damages.

As an old counselor, I'm sure you will appreciate a few of the thoughts I have been entertaining after prolonged abuse by bureaucracies that I devoted my life's work to. It would be interesting to see what damages a jury might find for an individual when so many large entities are taking advantage of that individual. Public nuisance, malfeasance, collusion, punitive damages and of course the press would have a field day.

You might want to run this by your risk management office. Our good friend and public servant, Willie Stewart, may also fill you in on my state of mind.

Best Regards,


Bruce Arneklev, Ed.D.
3306 N. Shirley
Tacoma, WA 98407

752-2795

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This attachment is a summary of selected WRITTEN efforts by Bruce L. Arneklev to communicate with Bates Technical College (KBTC) leadership staff and / or City of Tacoma employees in attempts to get relief from daily (365 days a year for 20 years) health standard violations (WAC 173-60-040). [The noise emissions are from their tower SITE (not the tower), which has an address of 4544 North 35th, Tacoma, WA.]

8/24/1989 letter to Ronald Lively, Manager of the TV station with copies to Ben Soria, Business Manager and John Helmlinger, Director of Facilities for Tacoma Public Schools, which were then administratively responsible for the TV station, then called KTPS. This letter was a summary of conversations I had in the spring of 1987 and before with Ronald Lively regarding our mutually agreed upon concerns about "...excessive noise generated by equipment at the TV tower site adjacent to my property near North 33rd and Shirley." This letter also documented a similar conversation with Don Buck, Director of School Facilities, which occurred on June 18, 1987.

6/28/1996 letter to Yvonne R. Barker, Building and Land Use Services, Public Works Department "REF: Special Use Permit Sprint Spectrum File Number SUP96-00010 (A commercial installation on property zoned R-2)" In my letter I state "... We have endured excessive noise generated by their cooling equipment and numerous installations of hardware..." A July 12, 1996 Public Works response included the statement: "The Land Use Administrator concludes from the information provided that the (proposed use) is not inconsistent with the health, safety, convenience or general welfare of persons residing or working in the community." ... "Vacant property (WHICH IS THE ARNEKLEV PROPERTY) abuts the site to the east, south...of the site. The site is buffered from the surrounding neighborhood by trees (ARNEKLEV'S CHRISTMASS TREES) and natural vegetation (small shrubs and some larger trees mostly on Arneklev's land which was zoned R-2)."

7/26/1996 letter to "Land Use Administrator" "REF: Request for reconsideration of : Special Use Permit Sprint Spectrum File Number SUP96-00010 (Commercial installation on Property zoned R-2)" This letter includes documentation contesting four positions supported by the Land Use Administrator. One part of the documentation is a report from an independent study of noise emissions from the TV tower area by a retired Boeing acoustical engineer, Stan Champ. Mr. Champ was recommended by a City of Tacoma employee responsible for health standards compliance, because Mr. Champ had frequently been used by the Tacoma Schools and the City to resolve issues of sound emissions. The attached independent study documented that emissions from KBTC were in excess of health standards on the adjacent Arneklev property. Advocates for the applicant (Sprint) stated: "...Without getting into the merits of the sound study (NOT SPECIFYING ANY SHORTCOMINGS OR SHOWING ANY DATA TO REFUTE) ...The environmental Checklist ... indicates there will be no significant noise emitted by the project." MY DATA REPRESENTED ACTUAL CONDITIONS while his checklist represented intent. How could the Land Use Administrator rule in favor of intent?

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3/14/1997 Tacoma Police Department "INCIDENT NOTIFICATION REPORT" for "Criminal Trespass" in case 970730551 by Reporting Officer Dan Fozzard. The citation was issued for taking down my gate in front of "KEEP OUT" signs, making truck ruts in my garden and grass play field AND placing several survey stakes ten to twenty feet on my side of my fence and property line by subcontractors of KBTC and their tenants.

1/8/1997 letter to Debbie Emond, Station Manager with copies to Bill Mohler, Bates President and Rolin Dewhurst, Chairman to the Bates Board of Trustees outlining my concern about the excess noise with an attached copy of the independent study. Debbie responded 1/21/1998 indicated that: "...we will pursue discussions with the architects to identify ways to implement some type of noise abatement on a temporary basis (until a tentative construction project could be completed by January 1999)."

2/24/1998 letter to Teresa Turpin in Public Works "Reference File Number SUP97000040" This letter outlines what I had said at the 2/12/1998 public meeting in order to emphasize what had been omitted from the official minutes of that public meeting. I outlined the shortcomings in File NO. SUP 96-00010 and how those shortcomings violated the Tort Laws of "Conversion", "Taking" and "Denying (a neighbor) the Pleasure" of personal property, as Western Wireless applied to make additional installations on or near the offending KBTC tower site.

12/6/1998 letter to Yvonne R. Barker in Public Works Department with copies to Debbie Emond, Bill Mohler and Rolan Dewhurst with a copy of the independent sound emission study attached and expressing my distress, which was resulting from an industrial power unit running 24 hours a day for over a week within ten feet of my property line IN ADDITION to ongoing violations, while I was trying to sell U-cut Christmas trees from my property. I also tried to emphasize that applicant depictions of installations omitted my property from illustrations as well as erroneously plotting the location of the offending installations by KBTC and its multi-million dollar tenants.

3/16/2001 letter to Theresa Turpin outlined how City representative, Andy Smith, had replicated the Stan Champ findings, which had demonstrated ongoing emissions from the KBTC site in excess of health standards. The letter specified that the violations were occurring BEFORE the new AT&T installation came on line and requested that another assessment be made AFTER the AT&T installation was functioning. My attorney also added a footnote which stated: "Please note the ongoing abuse of my property and individual rights continues to cause me damage. (Which I ratified with my initials.)"

5/25/2001 letter to William B. Bailey Jr., AICP for the City (with a copy going to Brian Ebersole, President of BVTI) reminding him that I had gone over my 3/16/2001 letter with him and asking him to: "Please send a directive to KBTC to cease and desist from violating health standards. Also, make additional measurements when AT& T fans are in operation, if the AT&T installation is allowed to remain in place."

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Gary L. Pedersen, CBO, Manager of Building and Land Use Services Division, responded with a letter to Debby Emond on 6/15/2001, stating that: ... "These readings (by Andy Smith) exceed the night time noise limits and, therefore, would constitute a violation of maximum permissible noise levels set forth in WAC 173.60." And: "Please advise this office by June 25, 2001 of your assessment of the noise complaint violation as well as that of your tenants and the measures that will remove the violation."

Debbie Emond wrote a letter to the KBTC tenants requesting that they comply with sound emission standards. AT& T did build a small wooden fence around their trailer house size cell phone installation. BUT, nothing was done to reduce the ongoing emissions from the KBTC, and, to my knowledge, nothing has been done to meet Gary L. Petersen's request of follow-up assessment.

Now, in November and December of 2006, several men have been working for several weeks making substantial remodeling and additions: installing power poles and transformers, excavating for connections of additional electrical power and installing two large engine-like (approximately 6' high by 3' wide and over 6' long) units.

Notice that the original TV tower is NOT the issue. Advocates for tenants have apparently tried to obscure the issue by representing all installations as things to be grand-fathered in with the construction of the tower before I purchased my property, when in fact, the source of the noise emission was installed after the Tacoma Public Schools first least the property on 10/14/1982.

THE NOISE IS THE ISSUE. The tower used to be esthetically pleasing, before all the new hardware was installed. The issue is the equipment installed since October 14, 1982 when the Tacoma School District first acquired lease to the property from Kelly Broadcasting Co. I have photos and official records to legally establish these facts.

I have NOT received notification of any change in zoning from R-2 for the KBTC five acre parcel, which has been zoned R-2 since I purchased my property in 1975. KBTC has been violating health standards for 20 years and the City of Tacoma has not followed through on my several requests for law enforcement regarding new installations.

This constitutes unwillingness or inability to comply with Tort Law and in turn violates my Civil Rights for "...equal protection of the laws" as specified in the 14th amendment to the U.S. Constitution. Prompt remediation of these issues would be to the best interest of all parties. (Copies of all documents cited are available on request.)



Bruce L. Arneklev, EdD
3306 N Shirley
Tacoma, WA 98407

61 pgs 51 final

RECEIVED
CITY MANAGER'S OFFICE

JUL 14 2008

Eric Anderson
City Manager
City of Tacoma, WA

July 14, 2008

Amendment XIV, Section 1 (to the U.S. Constitution) indicates: "No state (or governmental entity) shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or PROPERTY, without due process of law, nor deny to any person within its jurisdiction the EQUAL PROTECTION OF THE LAWS."

Since July 26, 1996 the City of Tacoma has had documentation in their possession establishing that the TV station affiliated with Bates Technical College has been violating health standards as outlined in WAC 173-60-040. A letter (see attachment I) from the office of the Attorney General of Washington specifies that: "That law governs throughout the State of Washington (since 1975), except where local authorities have enacted ordinances imposing tougher standards."

On June 15, 2001, Gary L. Pedersen, CBO, Manager, Building and Land Use Services for the City wrote a letter (see attachment II) to Debby Emond, General Manager, KBTC-TV. The last two sentences of the first paragraph in that letter state: "On February 27, 2001 Andy Smith, of our staff, took noise readings at the Bates / Arneklev property line. These readings exceed the night time noise limits and, therefore, would constitute a violation of maximum permissible noise levels set forth in WAC 173.60."

The last full paragraph of Gary L. Pedersen's letter specifies: "Please advise this office by June 25, 2001 of your assessment of the noise compliant/violation as well as that of your tenants and the measures that will remove the violation." This letter documents that the city has confirmed that they agree that there is an ongoing violation. Yet, they have been UNWILLING or UNABLE to follow up and enforce that law.

The TV station did commission a study by The Greenbusch Group, Inc. A June 13, 2007 report from that study again documented excess noise emissions. In spite of documentation from three impartial studies, to date, no material relief has been provided to me. In fact, the TV station has subsequently installed two diesel generators that emit substantially more noise than has been violating the WAC on a daily basis for over twelve years.

I can only conclude that KBTC and the City find it politically expedient to NOT comply with or enforce the law. Chronic lack of compliance and enforcement of the law constitutes an egregious violation of my Property and Civil Rights.


Bruce L. Arneklev, EdD
3306 North Shirley
Tacoma, WA 98407

cc John Briel, City of Tacoma
Human Rights Division

page 16 of 19

PAGE 10 AT&T 10' X 12' X 28' MODULE 20' ON LEFT SIDE OF THIS VIEW.



5/19/16 BATES & WIRELESS ON OTHER SIDE OF FENCE FROM SOUTH SIDE OF ARNEKLEU PROPERTY

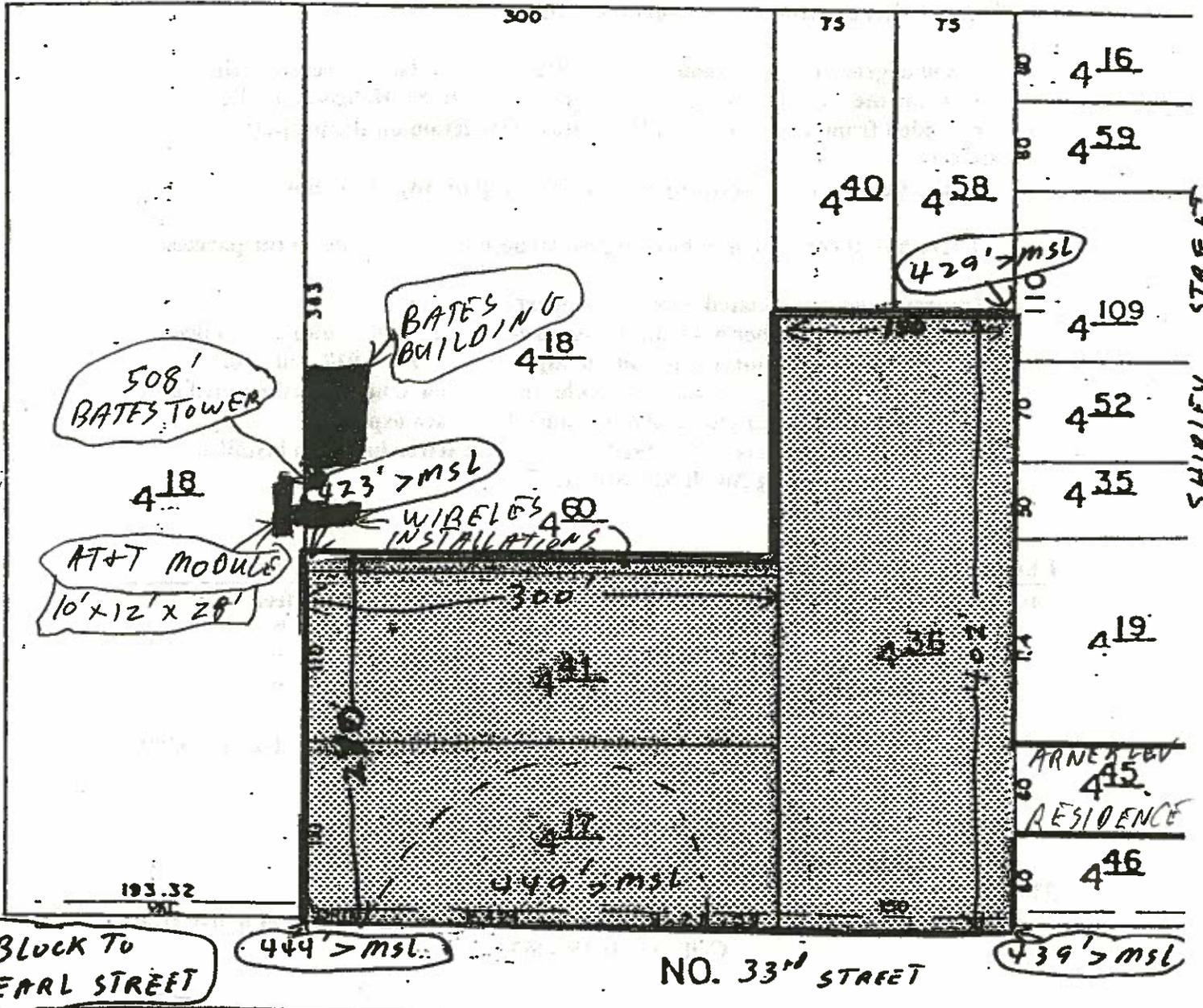
Page 17 of 19

3+ ACRE FORMER TREE FARM

2645 4

S. 1-18-1941

NO. 35th STREET



1 BLOCK TO PEARL STREET

VAC. ORD. 16824 9-28-39

page 18 of 19

**THREE ACRE PARCEL
Highest Ground in Tacoma's
North & West End**

Special features of the 3.03 acre former tree farm (plus half the square footage in the 450 linear feet abutting paved North 33rd Street):

- 1. A 360 degree view of Commencement Bay, Vashon Island, Seattle, Gig Harbor, the Narrows Bridge, Mt. Rainier and Mt. St. Helens could be provided from upper floors of high rise construction on the property.**
- 2. Construction on the property would NOT impair anyone's view.**
- 3. There has never been any building construction or wetlands on the parcels.**
- 4. Improvements associated with the property include:**
 - a. L.I.D. number 5248 under assessment numbers 24 and 25 has been paid in full for a water main adjacent to parcels 017 and 036.**
 - b. Large evergreen (mostly noble fir) trees have been basal pruned and turf has been established for a park like atmosphere.**
 - c. 450 linear feet of frontage is paved and sewer has been installed in the abutting North 33rd Street.**

LEGAL DESCRIPTION @ UTILITY ADDRESS & (APPROXIMATE SIZE):

Parcel # 02-21-26-4-036 @ 5517 N. 33rd (150' X 402') = 60,000 square feet
" 02-21-26-4-017 @ 5519 N. 33rd (120' X 300') = 36,000 " "
" 02-21-26-4-041 @ 5529 N. 33rd (110' X 300') = 33,000 " "
" 02-21-26-4-060 @ 5539 N. 33rd (10' X 300') = 3,000 " "

132,000 sq.ft. (+1/2 of N.33rd)



**Bruce L. Arneklev, EdD
3306 N. Shirley
Tacoma, WA 98407**

**Phone (253) 752-2795 / e-mail = arnekleb@msn.com
Cell (253) 355-4633**

SCHEDULE AN APPOINTMENT AND SEE TACOMA + SEATTLE FROM THE HIGHEST ELEVATION IN THE EAST, NORTH AND WEST SIDE OF TACOMA.

Page 19 of 1

From: Karol Barkley [mailto:toyresq21@gmail.com]
Sent: Friday, April 15, 2016 1:26 PM
To: Wung, Lihuang
Subject: Re: 2016 Annual Amendment Public Hearing on May 4, 2016

Dear Mr. Wung,

I received the enclosed email from you because of my interest in the COT Planning Commission's intent to develop a Pilot Program for Detached ADU's. I have been placed on the email list as a recipient of the on-going meetings, agendas, and discussions surrounding this and related subjects. I have been in fairly regular phone contact with Elliott Barnett and he has encouraged me to become involved in the land-use and rezoning meetings, as well as the ones specifically addressing Detached ADU's.

Unfortunately, I will be unable to attend the next meeting scheduled for April 27th, but sincerely hope to attend the May 4th meeting. In reading over your email, and having attended a meeting last month, I am hoping you will consider reading my attached comments at this meeting if you feel my interest would be in line with Topics #1, Future Land Use Implementation and #4, Short Term Rentals. If you feel these comments would be better addressed at the May 4th meeting, please let me know. I will be glad to personally share them at that time.

Thank you,

Karol Barkley
253-565-6201/ cell: 253-226-8359

When there is nothing left but God, that is when you find out that God is all you need!

On Fri, Apr 15, 2016 at 9:57 AM, Wung, Lihuang <LWUNG@ci.tacoma.wa.us> wrote:

The Tacoma Planning Commission will conduct a public hearing on Wednesday, May 4, 2016, at 5:00 p.m. in the Council Chambers, Tacoma Municipal Building, 747 market Street, concerning the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2016 ("2016 Annual Amendment").

Planning Staff will conduct an Information Session on Wednesday, April 27, 2016, at 5:00-7:00 p.m., also in the Council Chambers, for interested citizens to learn more about the subjects of the hearing and be prepared for the hearing.

The 2016 Annual Amendment package includes the following five subjects:

1. Future Land Use Implementation - Phase 1
2. Multifamily Design Standards
3. Wireless Communication Facilities

4. Short Term Rentals
5. Plan and Code Cleanup

Comments are welcome on any or all of the five subjects, as well as on the preliminary Determination of Environmental Nonsignificance (DNS) for 2016 Annual Amendment. You are welcome to provide oral testimony at the hearing. If you wish to provide written comments, please do so by May 13, 2016, via:

- Email to: planning@cityoftacoma.org;
- Fax to: [\(253\) 591-5433](tel:(253)591-5433); or
- Letter to: Planning Commission, 747 Market Street, Room 345, Tacoma, WA 98402

For more information, please visit www.cityoftacoma.org/planning, and click on “2015 Annual Amendment”.

Regards,

Lihuang Wung

City of Tacoma
Planning and Development Services Department
747 Market Street, Room 345
Tacoma, WA 98402
[\(253\) 591-5682](tel:(253)591-5682)

**CITY OF TACOMA DETACHED DWELLING UNIT
PILOT PROGRAM
STATEMENT OF INTEREST
For Property @ 1116 S. Woodlawn St.
Wesley T. and Karol A. Barkley residence**

My husband and I purchased our home in an R-2 zoning district at 1116 S. Woodlawn St. in December, 2000. The existing structures included a single-family dwelling of 2,108 sq. ft. and a lot size of 14,024 sq. ft. (also containing a detached garage, carport and shop (all one structure). Our long-range plans have been to be able to convert the garage into a Detached ADU in order to provide needed temporary (for as long as is required) housing for those experiencing financial setbacks who are unable to provide for their own housing. Since we occupied our home in 2000, we have not been able to afford to pursue this plan and dream because we have been providing for those needs through the sharing of our primary residence at no cost to the “guest(s)”.

Our desire is to continue to provide these accommodations and help those having temporary housing needs as long as we are able. These aspirations are due primarily because of our personal faith and the conviction that those who have “much” should share with those who have less. We feel (as part of our convictions) that we have been given the gift of hospitality, and enjoy sharing our home with others as they, in turn, share their gifts and talents with us. We have adapted (with no additional construction) our home to accommodate up to three other guests at any given time. We purchased the home with this intention in mind. It is a three-bedroom, two-bath home with an additional large room that was, when we purchased it, being used for an exercise room. We saw the potential of making that room our Master bedroom, leaving the other three bedrooms available for guests. This plan has worked out effectively over the past sixteen years. Our lot size is 0.32 acre and about 1/3 of that is available for additional parking (accommodating up to four vehicles), along with on-street parking in front of the house.

There are only three other single-family dwellings in our adjacent neighborhood, with our home being the only residence on a quiet cul-de-sac. Thus, we live in what was termed a “pocket area”. The remaining structures up and down 12th Street between So. Orchard and So. Mildred are all multiple-family dwellings. Additionally, there are also multiple-family dwellings lining So. Pearl St. between S. 12th and 6th Avenue. Over the past sixteen years, we have maintained friendly and cohesive relationships with our three single-family neighbors and have received no complaints from any of them about the additional guests residing in our home. We foresee there being little-to-no impact to any of the apartment residents living adjacent to our home.

In several conversations I have had with Elliott Barnett about the anticipated Pilot Program, I feel that the provision of a Detached ADU on our property would be consistent and compliant with the City's intent to "promote innovative residential infill while ensuring that such infill demonstrates high quality building and site design that is responsive to and harmonious with neighborhood patterns and character" (COT Residential Infill Pilot Program Update and Overview).

It is our hope that our plans would be considered for this Detached Accessory Dwelling Unit Pilot Program. If we are so granted, we would then, submit the details of the advantages of this proposal, both to us, to our neighborhood, and to the City of Tacoma.

Thank you,

Karol A. Barkley, City of Tacoma homeowner

From: William Barry [<mailto:willbarry5@msn.com>]

Sent: Wednesday, May 18, 2016 8:42 PM

To: Planning

Cc: William Barry

Subject: Rezoning for multifamily/low density apartment building between N. 33rd and N. 35th and Pearl and Shirley

May 18, 2016

Planning and Development Services Department

Planning and Services Division

747 Market Street-Room 345

Tacoma, WA 98402

planning@cityoftacoma.org

To Whom It May Concern,

My name is Bill Barry. I am a Classics and History professor at the University of Puget Sound. I have lived and worked in Tacoma for nearly thirty years. (I began teaching at UPS in 1987.)

I deeply regret that I was unable to attend the public hearing tonight on the proposed rezoning for multifamily/low density apartment buildings between N. 33rd and N. 35th and between Pearl and Shirley. Family commitments prevented me from doing so. Please consider my comments to follow as you move through the decision-process for the rezoning.

I'm strongly opposed to the rezoning proposal. My partner and I along with our three kids have recently moved into a house at N. 33rd and Shirley. We were drawn to this neighborhood because of its friendliness and openness. While considering the house, we met our future neighbors, both across the street and next door. We were impressed by their commitment to maintaining their own property and by the other well-kept yards on our street. We were also impressed that our street was conducive to an easy socializing--though cars occasionally take the corner at 33rd and Shirley too fast, they do so infrequently. Our street is pretty safe, thus allowing for easy interaction with neighbors and also for safe walking of our dogs on a street that has few sidewalks. We felt it a good sign also that just two houses down from us, two new single family homes were being built, and that many houses displayed signs of a neighborhood watch group. There was also an abundance of evidence throughout the neighborhood that this area has been a well-established neighborhood for decades. Finally, we also loved the green space to the north of us that gave the neighborhood a natural aesthetic and whose trees and wildlife stand as a evidence of our Northwest values. In short, we felt this to be a strong and beautiful residential area, safe for kids to grow up in, and one committed to community.

I am very concerned about the proposed rezoning. (1) I lament the loss of greenspace should the area be rezoned and apartments built. (2) I fear that renters will be less committed to their

neighborhood than homeowners. (3) I fear that Truman Middle School, currently one of the largest schools in the district and where my step-son will be attending in the fall, will not be able to accommodate the number of new students. And (4) I fear most of all the traffic that will now increase down Shirley Street, thus threatening the neighborhood feel and making it far more dangerous to walk, especially since there are currently not adequate sidewalks on our street. The effect will be to drive neighbors off the street and thus limit opportunities for what we have most sought in our neighborhood--that friendliness and openness described above.

I urge you to reject the proposed rezoning.

Respectfully,

Bill Barry
3311 N. Shirley St.
Tacoma, WA 98407
(253) 370-1765
willbarry5@msn.com

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: KatyBloom@gmail.com
Cc: [Atkinson, Stephen](#)
Subject: RE: Proposed Rezone and Re-designation for Study Area 4 (North 33rd and Pearl Street)
Date: Wednesday, May 18, 2016 12:43:50 PM

Dear Ms. Bloom,

Thank you for your comments. I am forwarding them to Steve Atkinson, the Planner who is coordinating the analysis on the proposed zoning changes.

Regards,
Elliott Barnett

Elliott Barnett, Planner
City of Tacoma PDS
(253) 591-5389

-----Original Message-----

From: KatyBloom@gmail.com [<mailto:katybloom@gmail.com>]
Sent: Wednesday, May 18, 2016 6:42 AM
To: Planning
Subject: RE: Proposed Rezone and Re-designation for Study Area 4 (North 33rd and Pearl Street)

RE: Proposed Rezone and Re-designation for Study Area 4 (North 33rd and North Pearl Street)

To Whom It May Concern:

I am a homeowner in the affected neighborhood referenced above and I would like to share my concerns regarding the proposed rezoning for the area between North 33rd and North Pearl Street.

I oppose this rezoning project. There are already numerous apartment complexes in the adjacent areas, so I fail to see the need for additional housing of this type. I am concerned that additional high density housing would lead to negative consequences not only for public safety but for the quality of life in this neighborhood. In addition, I have concerns about how this will impact our neighborhood school, Truman Middle School.

Rezoning to higher density would lead to increased traffic and congestion. Our surrounding square mile neighborhood currently has a high ratio of apartment buildings to single-family homes. This population density combined with Truman Middle School, a 7-11 and a Walgreen's on the corners of N. 37th and N. Pearl have contributed to excessive traffic on N. Shirley Street.

The current zoning and land use affords our neighborhood with a church and significant undeveloped land. The trees and fields are home to deer, eagles, owls and other wildlife. The current zoning and land use provides Tacoma's wildlife with a protected ecosystem of undeveloped land amidst the majesty of Tacoma's highest elevation.

Not to generalize about apartment living, but it seems that in our area we have a larger population of sex offenders. Would adding more apartment living increase the percentage of sex offenders? With a middle school close by, is this a good idea? What about the impact on the school enrollment here? My son attends Truman Middle School and they are 'bursting at the seams' with students. How would this impact our school budgets?

As a resident of this neighborhood, I ask that the Planning and Services Division respect our established community which favors pedestrian traffic, values children's safety and cohabitation with wildlife.

Please reconsider and disapprove this land use proposal.

Respectfully yours,
Katy Bloom

From: [President Truman Heights HOA](#)
To: [Planning](#)
Date: Tuesday, May 24, 2016 12:21:46 PM

Dear Sir/Madam:

I am the President of the Truman Heights HOA.

Our small community of 18 homes has seen an uptake in crime in the past year or so. In fact, in January, at the corner of N 37th and Hwy 163 (Walgreen's,) I was seriously injured when I was walking into a Walgreen's. Several young women were shoplifting hard alcohol and were on their way out and battered and assaulted me since I was in their path. I am still recovering and in PT and seriously injured. This happens "all of the time" according to more than one employee at Walgreen's. I am praying I don't have a permanent disability.

There also was a shooting in the same area but across the street at 7-11 in January. We have had several burglaries (one while the homeowner slept), many car break ins and theft. There are too many people already in this one area. Tons of apartments. My son's school is so full (Truman)! I wonder how this will impact the school and the school traffic.

Our HOA owns a multi-million dollar retaining wall and drainage system and we want to make sure that this new construction would not impact our drainage system or retaining wall.

I live on North Shirley St. and We have frequent drag racers coming down N. Shirley St and around to North 37th Streets at high speeds. There are no cross walks nor speed bumps nor traffic lights.

We have tons of Kids on bikes and skateboards that frequent our street /Hill as well.

On behalf of the members of the Truman Heights HOA, we ask that you please say NO to this rezoning.

My signed petition is below for our home address.

Thank you for your consideration.

Katy Bloom 253-219-6428

PETITION ;
May 23, 2016

Planning and Development Services Department
Planning and Services Division
[747 Market Street-Room 345](#)
[Tacoma, WA 98402](#)
planning@cityoftacoma.org

PETITION RE: [North 33rd Street](#) and Highway 163 (North Pearl Street) Rezoning

To Whom It May Concern:

We, the undersigned community and friends of Truman Heights Homeowners Association, oppose the rezoning of North 33rd and Hwy. 163 (N. Pearl Street). We oppose the rezoning because adding multifamily housing would increase vehicle traffic and adversely affect our neighborhood environment. Our neighborhood now consists of more than 800+ rentable units. This density currently presents a strain on existing road capacity which impacts vehicle and

pedestrian safety. Highway 163 (N. Pearl Street) has inadequate turning lanes with no bike lanes and no pedestrian crossings between North 30th and North 37th Streets. Neighborhood and Point Defiance Zoo traffic creates congestion on Highway 163 (N. Pearl St.) which leads to excessive speeding on neighboring residential streets resulting in unsafe conditions.

In addition to pedestrian safety risks, the proposed zoning changes would adversely affect our environment. The existing acreage under consideration currently provides habitat to deer, owls, eagles and other wild life. Building high density units on this area would destroy this habitat and increase neighborhood noise, light and air pollution.

The Truman Heights Homeowners Association consists of 18 families who are invested in promoting safe streets for our community. We strongly oppose the rezoning of [North 33rd Street](#) and Highway 163 (N. Pearl Street) to higher density housing.

Signed:

Homeowner name: Todd & Katherine Bloom

Address: 3526 N. Shirley St Tacoma WA 98407

Date: May 24, 2016

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: [Todd Bloom](#); [Atkinson, Stephen](#)
Cc: presidenttrumanheightshoa@gmail.com
Subject: RE: Public Input to Planning Committee on Proposed Rezoning
Date: Tuesday, May 24, 2016 8:34:51 AM

Dear Mr Bloom,

Thank you for submitting these comments. I am forwarding them to Stephen Atkinson, the Planner reviewing this proposed zoning change.

All the best,
Elliott Barnett

Elliott Barnett, Planner

City of Tacoma PDS
(253) 591-5389

From: Todd Bloom [mailto:bloomta@uw.edu]
Sent: Monday, May 23, 2016 8:33 PM
To: Planning
Cc: presidenttrumanheightshoa@gmail.com
Subject: Public Input to Planning Committee on Proposed Rezoning

Sirs and mes Dames:

I am writing to oppose the rezoning of North 33rd and Pearl Street. Some of our fellow Truman Heights Home Owners Association homeowners attended the meeting on May 18,2016 and expressed some commonly-held thoughts there.

Since that time the surrounding neighborhood was canvassed and our fellow homeowners discovered some startling facts. Between North 37th Street and North 30th Street on State Highway 163, (a.k.a. North Pearl Street,) there are approximately 800+ apartment dwellings. Here is only a partial list of the complexes with the numbers representing rentable units:

Aspen Heights 40, Lanes Landing 18, Tacoma Gardens 45, Olympic View 33, Redwood Park 155, Village at the Point 109 and North Pointe 400+.

We feel this is a more-than-adequate quantity of apartments in our community. It has saturated and over populated this area and we see no benefit in allowing more multi-family dwellings to be constructed in our community. If it is the city's intention to emulate Proctor Station and its community; 33rd and Highway 163 is not suitable.

The nearest arterial to 33rd is a busy 4-lane State Highway with no pedestrian crossings from North 30th to 37th. There are no bike lanes and no turning lanes for safe merging onto Highway 163 from any of the side streets from North 30 to North 37th Street. This is a hilly area and there is a risk to pedestrians trying to cross Highway 163 from the middle or the bottom of the hills, due to poor visibility. Highway 163 is the main thoroughfare to Point Defiance Park and is extremely congested during the late spring through early fall months when the weather is sunny. Has a traffic study been done along this route during peak summer hours?

Another point I would like to address is how this might impact the surrounding school enrollment. Has a study been done addressing Truman Middle School and the elementary schools that send students to Truman? I understand Truman is at or near full capacity now.

Directly across from the Truman Heights HOA houses on North 35th Street is an undeveloped acreage owned by Bates College. We have watched the wildlife inhabiting this area, ranging from deer, raccoons, possums, owls, eagles and rabbits. In this area there are a lot of natural landscaping that include Madrona trees, Fir trees, Birch trees and many other species. This forms a marvelous tree canopy and safe habitat for the above mentioned animals. It is an enjoyable wildlife haven in the city. It would truly be a shame to see this area gone.

We are neighbors vested in making our homes in a calm natural environment without being overrun by more apartments. This is why we chose to purchase our home in a single family development 14 years ago. I sincerely hope the Planning Committee will address my concerns and re-evaluate rezoning of this area.

The substance of this letter has been circulated among the eighteen families that comprise the Truman Height Home Owners Association.

Thank you for your attention to our concerns.

Respectfully,

Todd A. Bloom, homeowner
3526 North Shirley Street Tacoma, WA 98407

May 11, 2016

Dear Chairman Mello and members of the IPS Committee,

Thank you for the opportunity to comment on the proposed code amendments relating to multifamily district design standards (TMC 13.06). Forterra has long been invested in the economic prosperity, growth, and sustainability of Tacoma and Pierce County. From our work protecting farmland to helping cities become attractive and healthy places to live, we support a range of efforts across the county to improve the quality of life in communities.

The development code revisions drafted as part of the 2016 Annual Amendment to the city's comprehensive plan represent an opportunity for Tacoma to create a more attractive community. The city's growth targets call for an additional 79,000 residents moving to the city by 2030. We must consider how we want to shape the city as new development emerges to meet the growing need for housing and commerce.

Design standards are an important tool by which cities articulate a vision for how the built environment should look, feel, and function. Tacoma is characterized by distinctive neighborhoods, historical buildings, and welcoming public spaces. Its vibrant downtown showcases a range of architectural styles. The design of future buildings can enhance the city's sense of place and identity, helping Tacoma to grow with grace as more people move to this region.

Forterra encourages this committee to approach the Annual Amendment in general - and the proposed code amendments to TMC 13.06 in particular - as an opportunity to create more certainty around the future of Tacoma as an attractive, livable city whose buildings and public spaces add texture to the fabric of the community. We support the inclusion of multifamily district design standards in the development code as a step to improve walkability, public space, landscaping, and tree cover across the city.

Sincerely,



Nicholas Bratton

Policy Director

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: [Joyce Carle](#); [Atkinson, Stephen](#)
Subject: RE: Rezone Study Area 4
Date: Tuesday, May 24, 2016 8:31:09 AM

Dear Ms. Carle,

Thank you for submitting these comments. I am forwarding them to Stephen Atkinson, the Planner reviewing this proposed zoning change.

All the best,
Elliott Barnett

Elliott Barnett, Planner

City of Tacoma PDS
(253) 591-5389

From: Joyce Carle [mailto:lpnjam@aol.com]
Sent: Monday, May 23, 2016 4:03 PM
To: Planning
Subject: Rezone Study Area 4

May 23, 2016

I am writing to oppose the rezoning of North 33rd and Pearl Street. I attended the meeting on May 18, 2016 and expressed some of my thoughts there. Since that time I have canvassed my surrounding neighborhood and have found some startling facts. Between North 37th Street and North 30th Street on State Highway 163, (AKA Pearl Street,) there are approximately 800+ apartment dwellings. Here is only a partial list of the complexes with the numbers representing rentable units:

Aspen Heights 40, Lanes Landing 18, Tacoma Gardens 45, Olympic View 33, Redwood Park 155, Village at the Point 109 and North Pointe 400+.

I feel this is an enormous amount of apartments in our little community. It has saturated and over populated this area and I see no benefit in allowing more multi-family dwellings to be put in our community. If it is the city's intention to emulate Proctor Station and its community; 33rd and Highway 163 is not suitable. The nearest arterial to 33rd is a busy 4 lane State Highway with no pedestrian crossings from North 30th to 37th. There are no bike lanes and no turning lanes for safe merging onto Highway 163 from any of the side streets from North 30 to North 37th Street. This is a hilly area and there is a risk of poor visibility if people try to cross Highway 163 from the middle or the bottom of the hills. I feel this is very hazardous area for foot traffic. Highway 163 is the main thoroughfare to Point Defiance Park and is extremely congested during the summer months and any other time

the weather is sunny. Has a traffic study been done along this route during peak summer hours?

Another point I would like to address is how this might impact the surrounding school enrollment. Has a study been done addressing Truman Middle School and the elementary schools that send students to Truman? I understand Truman is at its fullest capacity now.

Directly across from my house on this dead end street (5525 North 35th Street) is an area I refer to as a wetland area which is actually owned by Bates. We have watched the area wild life that resides there ranging from deer families, raccoons, possums, owls, eagles and, bunnies. In this area there are a lot of established landscaping that include Madrona trees, Fir trees, Birch trees and many other species. This forms a marvelous tree canopy and safe habitat for the above mentioned animals. It is our own little paradise and haven in the city. It would truly be a shame to see this area gone.

We are neighbors vested in making our homes in a calm natural environment without being overrun by more apartments. This is why we chose to purchase our home in a single family development 14 years ago. I sincerely hope the Planning Committee will address my concerns and re-evaluate rezoning of this area.

I am forwarding this letter to the entire Truman Height Homeowners Association. We are 18 families strong.

Thank you for your time listening to me.

Respectfully submitted,

Joyce Carle, homeowner

5525 North 35th Street Tacoma, WA 98407

From: roger carle [<mailto:rdcarle@msn.com>]
Sent: Wednesday, May 25, 2016 4:03 PM
To: Planning
Subject: Rezone at north 33rd and Pearl

May 25, 2016

Planning and Development Services Department
Planning and Services Division
747 Market Street-Room 345
Tacoma, WA 98402
planning@cityoftacoma.org

PETITION RE: North 33rd Street and Highway 163 (North Pearl Street) Rezoning

To Whom It May Concern:

We, the undersigned community and friends of Truman Heights Homeowners Association, oppose the rezoning of North 33rd and Hwy. 163 (N. Pearl Street). We oppose the rezoning because adding multifamily housing would increase vehicle traffic and adversely affect our neighborhood environment. Our neighborhood now consists of more than 800+ rentable units. This density currently presents a strain on existing road capacity which impacts vehicle and pedestrian safety. Highway 163 (N. Pearl Street) has inadequate turning lanes with no bike lanes and no pedestrian crossings between North 30th and North 37th Streets. Neighborhood and Point Defiance Zoo traffic creates congestion on Highway 163 (N. Pearl St.) which leads to excessive speeding on neighboring residential streets resulting in unsafe conditions. In addition to pedestrian safety risks, the proposed zoning changes would adversely affect our environment. The existing acreage under consideration currently provides habitat to deer, owls, eagles and other wild life. Building high density units on this area would destroy this habitat and increase neighborhood noise, light and air pollution.

I also feel that not everybody has been involved with the planning of the rezone such as the following!

Tacoma Schools have not been notified or asked about the rezoning affect it may have in the area.

Police or Fire departments been not been notified regarding the rezoning affect.

The Park department been not been notified regarding the rezoning and what effect will it have on them.

The public utilities been not been notified regarding the rezoning and what will the effect of public utilities.

The Green Tacoma Partnership has not been notified regarding the rezoning.

The transportation commission has not been notified regarding the rezoning.

The Community Councils have not been notified.

The Bicycle a Pedestrian Action Committee has not been notified.

The people in the neighborhood have not all been notified. As I stated in my presentation on 18 May 2016 a lot of homeowners in the area had no idea what was happening.

The Truman Heights Homeowners Association consists of 18 families who are invested in promoting safe streets for our community. We strongly oppose the rezoning of North 33rd Street and Highway 163 (N. Pearl Street) to higher density housing.

Signed:

Roger Carle
5525 North 35th St. Tacoma WA 98407
25 May 2016



City of Tacoma
Sustainable Tacoma Commission

May 25, 2016

Planning Commission
747 Market Street, Room 345, Tacoma, WA 98402

Re: 2016 Comprehensive Plan Amendments

Planning Commissioners,

Last month, the City Council adopted a new Environmental Action Plan (EAP). The EAP includes specific, prioritized actions needed to implement the City of Tacoma's existing environmental policies and goals as well as five year measurable targets to track progress. These goals center around environmental quality, including reducing greenhouse gas emissions, while also benefiting public health and the local economy.

On behalf of the Sustainable Tacoma Commission, I am writing to ask that the Planning Commission consider adding the newly adopted Environmental Action Plan as an official implementation document of the Comprehensive Plan. The actions in the EAP were prioritized based on existing City policies and goals contained in a variety of locations such as Tacoma 2025: Shared Vision, Shared Future, Comprehensive Plan, Transportation Master Plan, Climate Action Plan, and a number of resolutions.

Additionally, we request the Planning Commission consider adding performance standards and targets, such as those in the EAP, to the Comprehensive Plan. Establishing SMART (Specific, Measurable, Attainable, Relevant and Timely) targets is crucial for public accountability and transparency and can help ensure that strategies, policies and actions are more than just words on paper. Performance indicators can create a framework for tracking progress and clarifies our City's vision and goals and policies.

Thank you for your service and commitment to a more sustainable, healthy, and equitable Tacoma.

Sincerely,

Christine Cooley
Chair, Sustainable Tacoma Commission

Cc: Kristin Lynett
Jim Parvey,
Michael P. Slevin III, Environmental Services Director
Brian Boudet, Planning Division Manager
Infrastructure, Planning, and Sustainability Committee



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

May 13, 2016

Mr. Lihuang Wung
City of Tacoma
Planning and Development Services
747 Market Street, Room 345
Tacoma, WA 98402-3701

Dear Mr. Wung:

Thank you for the opportunity to comment on the determination of nonsignificance for the Comprehensive Plan and Land Use Regulatory Code Amendments for 2016 proposal (SEPA File No. LU16-0076). The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

TOXICS CLEANUP/TACOMA SMELTER PLUME: Eva Barber (360) 407-7094

Ecology recognizes this is a non-project action.

The City of Tacoma is located in an area that may have been contaminated with heavy metals due to the air emissions originating from the old Asarco smelter in north Tacoma (visit Ecology's Tacoma Smelter Plume map search tool: <https://fortress.wa.gov/ecy/smeltersearch/>).

Soil contamination from the former Asarco smelter poses a risk to human health and the environment. Children are at especially high risk from direct exposure to contaminated soil. Construction workers, landscapers, gardeners, and others who work in the soils are also at risk.

The link below provides a fact sheet that explains more how the arsenic and lead clean-up levels were set and why Ecology sees that they are protective for human health: http://www.ecy.wa.gov/programs/tcp/sites_brochure/tacoma_smelter/2011/ts-hp.htm.

Ecology recommends that the City of Tacoma consider adopting future policies related the Tacoma Smelter Plume.

Ecology also recommends that the City of Tacoma include the following as conditions of approval for future soil disturbance projects located in Tacoma. Sample the soil and analyze

for arsenic and lead. The applicant shall contact Eva Barber with the Southwest Regional Office (SWRO), Toxics Cleanup Program at the phone number given above or via email at eva.barber@ecy.wa.gov for guidance about soil sampling within Tacoma Smelter Plume. The soil sampling results shall be sent to the local land use permitting agency and Ecology for review.

- If lead or arsenic are found at concentrations above the Model Toxics Control Act (MTCA) cleanup levels (Chapter 173-340 WAC); the owners, potential buyers, construction workers, and others shall be notified of their occurrence. The applicant shall also contact the Environmental Report Tracking System Coordinator at Ecology SWRO at (360) 407-6300. The MTCA cleanup level for arsenic is 20 parts per million (ppm) and lead is 250 ppm.
- If lead, arsenic and/or other contaminants are found at concentrations above MTCA cleanup levels, the applicant shall:
 - 1) Enter into the Voluntary Cleanup Program with - Ecology prior to issuance of any site development permits for this proposal and/or the initiation of any grading, filling, or clearing activities. For more information on the Voluntary Cleanup Program, visit Ecology's website at: <http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm>.
 - 2) Obtain an opinion letter from Ecology stating that the proposed soil remediation will likely result in no further action under - MTCA prior to the issuance of any site development permit and/or the initiation of any grading, filling, or clearing activities. The applicant shall provide to the local land use permitting agency the opinion letter from Ecology.
 - 3) Prior to finalizing site development permits, provide to the local land use permitting agency "No Further Action" determination from Ecology indicating that the remediation plans were successfully implemented under MTCA.

If Ecology determines this project should not be part of the Voluntary Cleanup Program, Ecology will contact the lead agency and discuss possible options.

- If soils are found to be contaminated with arsenic, lead, or other contaminants, extra precautions shall be taken to avoid escaping dust, soil erosion, and water pollution during grading and site construction. Site design shall include protective measures to isolate or remove contaminated soils from public spaces, yards, and children's play areas. Contaminated soils generated during site construction shall be managed and disposed of in accordance with state and local regulations, including the Solid Waste Handling Standards regulation (Chapter 173-350 WAC). For information about soil disposal contact the local health department in the jurisdiction where soils will be placed.

For assistance and information about Tacoma Smelter Plume and soils contamination, contact Eva Barber at the phone number given above or via email at eva.barber@ecy.wa.gov.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(SM:16-1935)

cc: Eva Barber, TCP

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: [mike elliot](#)
Cc: [Atkinson, Stephen](#)
Subject: RE: Study Area 4: Proposed Rezone & Re-Designation
Date: Thursday, May 19, 2016 8:58:33 AM

Thank you for your comments. We will include them in the Planning Commission packet and analysis of the proposals.

Elliott Barnett, Planner

City of Tacoma PDS
(253) 591-5389

From: mike elliot [mailto:mike.elliott.wslb@gmail.com]
Sent: Wednesday, May 18, 2016 2:29 PM
To: Planning
Cc: mike elliot
Subject: Study Area 4: Proposed Rezone & Re-Designation

Dear Planning Commission - I would like my property at 3302 N Shirley included in the proposed Study Area 4 Rezone/Re-Designation from R2 to R3. Thank you. Mike Elliott, property owner.

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: [GALLAGHER, VANESSA L GS-12 USAF AMC 62 AW/FSP](#)
Cc: [Vanessa \(vanessabalint@hotmail.com\)](#); [Atkinson, Stephen](#)
Subject: RE: Proposed Zone Change (Tacoma West End/N Shirley St)
Date: Thursday, May 19, 2016 4:37:54 PM

Thank you for these comments, I'm sharing them with the Planner managing this project - Steve Atkinson.

Elliott Barnett, Planner
City of Tacoma PDS
(253) 591-5389

-----Original Message-----

From: GALLAGHER, VANESSA L GS-12 USAF AMC 62 AW/FSP [<mailto:vanessa.gallagher.2@us.af.mil>]
Sent: Thursday, May 19, 2016 11:07 AM
To: Planning
Cc: Vanessa (vanessabalint@hotmail.com); GALLAGHER, VANESSA L GS-12 USAF AMC 62 AW/FSP
Subject: Proposed Zone Change (Tacoma West End/N Shirley St)

Greetings, Planning and Services Division,

I am a proud Tacoma resident and have called the city home for the past ten years. We recently moved from the downtown area to the West End, and currently reside on N Shirley Street. We came to this area because it offered an oasis of sorts within the city limits, fit with quiet streets and easy access to parks and the waterfront. A fine place to raise our young son!

I was recently made aware of the city's proposal for a zone change in a neighboring property to N Shirley Street (vacant field near Bates Technical College radio tower and True Vine Church property). The proposal would change the existing zone from its current R2 rating to R3 and R4 (multiple family/apartment buildings). As a new homeowner in this area, I have significant concerns regarding this proposal.

My first concern is that there already is a disproportionate number of apartment buildings as compared to single family homes in the area between 30th and Pearl and 38th and Pearl. This area of Pearl St. and the adjacent side streets cannot properly manage the increase in traffic that additional apartment complexes would yield. N Shirley Street is already plagued by drivers operating at excessive speeds in an area without stop signs and/or speed bumps. As a mother of a seven year old, I am particularly disturbed by these instances of unsafe driving.

My second concern is the safety of the neighborhood. Creating another apartment complex would increase both car and foot traffic on N Shirley St, and detract from its current, quiet neighborhood setting. The neighborhood residents already deal with stolen mail and packages, and a significant increase to the population in this area would only increase negative actions such as these. I realize that the need for affordable and multifamily homes in Tacoma is of primary importance, and I offer a few alternate courses of actions as a remedy.

One course of action that would still allow the city to develop the land would be to convert it to a Single Family Home zone. This would create a more proportionate balance of single family and multifamily homes in that area, while still adding to the land utilization. Considering that I believe the optimal choice is to leave the area undeveloped and for the continued use of the True Vine Church and Bates Technical College, I propose that other areas of Tacoma be developed for multifamily use. Specifically, there is an open lot in the downtown Tacoma area on 19th Ave, north of Yakima Ave, that is unused and often becomes a camp for homeless individuals. As a rental property owner in that location, I fully support developing urban areas such as that in an effort to improve the city of Tacoma and the living environment for its inhabitants. The current proposal to develop an area already utilized by a church, technical school, and inhabited by wildlife, severely detracts from the living environment of Tacoma residents.

I take great pride in seeing Tacoma develop as a unique and beautiful city. I fully support the development of available space, but ask that it be done with consideration of current neighborhoods and residents, and with an evident desire to uphold the safety and integrity of its communities. I believe there are more sound alternatives to this current proposal and sincerely hope that the concerns of the residents on and around N Shirley Street are considered.

Thank you for your time. Feel free to contact me if you need anything else to support this case.

Respectfully,
Vanessa Gallagher

//Signed//

Vanessa L. Gallagher, Civ, DAF

Human Resources Officer

62d Airlift Wing, Joint Base Lewis-McChord WA DSN 382-2340/Comm: (253)982-2340

From: Michael Gardner [<mailto:rmichaelgardner@hotmail.com>]
Sent: Tuesday, May 03, 2016 3:18 PM
To: Planning
Subject: Plan & Code Amendment 33rd and N Pearl

Michael Gardner, home owner at 3310 N Bennett, just over the hill from the old TV transmitter. A couple of concerns
Increased Traffic due to the density of development. A few years ago a traffic circle was installed on N 35th and Baltimore in an attempt to slow down traffic that comes over the hill from the apartments on N 35th across from the Junior High School. Since that time cars, AND EMPTY SCHOOL BUSES, use N. Bennett to avoid the traffic circle. More density, lack of a signal at N 33rd and Pearl, will further increase the traffic on my residential street.
SO I AM VERY CONCERNED THAT N.33RD NOT BE COMPLETED BETWEEN N. BENNETT AND N. SHIRLEY. AND FURTHER WOULD LIKE TO PROPOSE MAKING N. BENNETT DEAD END AT N 35TH TO FORCE DRIVERS FROM OUTSIDE THE NEIGHBORHOOD TO SLOW DOWN OR TAKE N. PEARL STREET as was intended by the traffic circle. Problem not solved, just moved. This really isn't a zoning issue, but city traffic. But zoning effects traffic. So please pass it on the appropriate department for revue.

Development of higher density housing on the vacant green area at the top of the hill will have adverse effect on the neighborhood wild life, particularly the deer (two 4 point bucks) and coyote, and opossums, and racoons that frequent my yard and those in the area, It is one of the unique charms of living in North Tacoma. The deer crossing sign by the McDonalds at 21st and N Pearl is not a joke!

Another concern is for property values in the area. The home on N Shirley directly behind mine recently sold for \$503K. These are some of the better views in Tacoma, and certainly the crest of the hill has unequalled views in both directions. The city tax base might be better served by high end single residences and their impact on neighboring properties than the 4 plex (R4)zoning which is proposed.

R. Michael Gardner
3310 N. Bennett St.
Tacoma, 98407
253-759-2156

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: [Linda Garton](#)
Cc: [Atkinson, Stephen](#)
Subject: RE: Proposed Rezoning of Study Area 4 (N 33rd St. and N. Pearl St.)
Date: Wednesday, May 18, 2016 12:40:46 PM

Dear Ms. Garton,

Thank you for your comments. I am forwarding them to Steve Atkinson, the Planner who is coordinating the analysis on the proposed zoning changes.

Regards,
Elliott Barnett

Elliott Barnett, Planner

City of Tacoma PDS
(253) 591-5389

From: Linda Garton [mailto:linda.m.garton@gmail.com]
Sent: Wednesday, May 18, 2016 8:59 AM
To: Planning
Subject: Proposed Rezoning of Study Area 4 (N 33rd St. and N. Pearl St.)

To Whom It May Concern:

My husband and I reside at 5529 N 35th Street and moved here just over five years ago. We've also had the pleasure of raising our two daughters (a 3 year old and a 9 month old) in this neighborhood. The reason for my email is a recent rezoning proposal effort to change the N 33rd and Pearl area from an R 2 Single-Dwelling district to a C-1, R-3 and R-4 district. Before this proposal is considered, I ask that the planning commission ensure that adequate studies be performed, results communicated and shared so that the right decision can be made regarding the concerns outlined below.

Traffic

You may or may not have had the pleasure of visiting this neighborhood but we are already experiencing traffic congestion due to the following:

- N. 33rd St. is not a through street so that forces traffic to drive on Shirley St.
- Shirley is not a through street and I've heard residents deal with frequent U-turns by hurried drivers.
- N. 35th St is not a through street. Living at the end of the cul-de-sac I can personally attest to the frequent U-turns by rushed drivers trying to get to Pearl St. As a resident and parent, having cars rush down a cul-de-sac street is a concern for safety as many children play in front of their yards and sometimes in the street. One of my concerns is that adding to the already dense population will increase traffic therefore increase the danger to pedestrian traffic.
- Intersection of N 35th and Shirley is busy with residential and school traffic. I've witnessed many near misses. Again, worsening the congestion will the danger potential for drivers, pedestrians, bikers, students and small children.

The condition of roads due to increased traffic. Maintenance costs will also increase to upkeep the condition of the roads.

Environment

Another concern I have is regarding the environmental impact to the specified area. There is an abundant array of wildlife that includes deer, owls, birds, raccoons and eagles (probably more that I have not seen). The impact to the tree canopy should be considered as well. Is there an idea of what the ecological footprint will be with approving a higher density population?

Pollution

Increased air and noise pollution are other concerns that do not appear to be considered. A decrease in pollution quality will lead to a negative impact on health.

For the aforementioned concerns (traffic, environmental and pollution concerns), I ask that the commission have adequate studies conducted where the right data is collected and shared with the commission and impacted residents so that a more informed decision can be made.

I request that you please consider my concerns by ensuring that expert studies be conducted to fully understand the impact to traffic, the environment and air/noise pollution. I also ask that these results be shared before making a decision on this rezoning proposal. I am available for further questions.

Thank you for your time,
Linda Garton

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: [Linda Garton](#); [Atkinson, Stephen](#)
Cc: [President Truman Heights HOA](#)
Subject: RE: North 33rd Street and Highway 163 (North Pearl Street) Rezoning
Date: Tuesday, May 24, 2016 8:38:09 AM

Dear, Ms. Garton,

Thank you for submitting these comments. I am forwarding them to Stephen Atkinson, the Planner reviewing this proposed zoning change.

All the best,
Elliott Barnett

Elliott Barnett, Planner

City of Tacoma PDS
(253) 591-5389

From: Linda Garton [mailto:linda.m.garton@gmail.com]
Sent: Tuesday, May 24, 2016 6:49 AM
To: Planning
Cc: President Truman Heights HOA
Subject: North 33rd Street and Highway 163 (North Pearl Street) Rezoning

Planning and Development Services Department
Planning and Services Division

747 Market Street-Room 345

Tacoma, WA 98402
planning@cityoftacoma.org

To Whom It May Concern:

We, the undersigned community and friends of Truman Heights Homeowners Association, oppose the rezoning of North 33rd and Hwy. 163 (N. Pearl Street). We oppose the rezoning because adding multifamily housing would increase vehicle traffic and adversely affect our neighborhood environment. Our neighborhood now consists of more than 800+ rentable units. This density currently presents a strain on existing road capacity which impacts vehicle and pedestrian safety. Highway 163 (N. Pearl Street) has inadequate turning lanes with no bike lanes and no pedestrian crossings between North 30th and North 37th Streets. Neighborhood and Point Defiance Zoo traffic creates congestion on Highway 163 (N. Pearl St.) which leads to excessive speeding on neighboring residential streets resulting in unsafe conditions. In addition to pedestrian safety risks, the proposed zoning changes would adversely affect our environment. The existing acreage under consideration currently provides habitat to deer, owls, eagles and other wild life. Building high density units on this area would destroy this habitat and increase neighborhood noise, light and air pollution.

The Truman Heights Homeowners Association consists of 18 families who are invested in promoting safe streets for our community. We strongly oppose the rezoning of North 33rd Street and Highway 163 (N. Pearl Street) to higher density housing.

Signed: Linda Garton
Address: 5529 N 35th St.Tacoma, WA 98407
Date: 5/24/16

Regarding Proposed Re-zone and Re-designation for Study Area 4
(N 33 and N Pearl Street)

May 23, 2016

To Whom It May Concern:

My husband and I live at 5521 N 35th Street. We moved here almost fourteen years ago. The existing undeveloped green belt between 33rd and 35th Street was a significant factor in our decision to move here, as was the quiet dead end street. We are concerned about the proposed zoning change from our present R2 Single Family designation to a R4L and R3 re-designation. Children currently play on this dead end street, students walk to school, and residents in the area enjoy walking their pets on the street.

Environment

The impact of this proposal will adversely affect our quality of living in this section of the city. The tree canopy provided by this area is home to many types of wildlife. We have seen deer, raccoon, eagles, birds and owls. This is a rare gem to have in a city.

- The planners environmental review statement mailed to us stated that this proposal does not have a probable significant adverse impact on the environment. We disagree with this statement .

If many of you have not been to this area we invite you to see the scale and character of this neighborhood. This would give you a chance to see the current traffic congestion.

Traffic

- N 33th Street is not a through street. N Shirley is not a through street. N 35th is not a through street. We have witnessed the confusion this poses for drivers as they navigate the corner of N 35 and Shirley, cutting corners and narrowly missing cars advancing toward them. Without sidewalks this corner is not safe for the current pedestrian traffic and there should be concern for the safety of the many students and walkers already in this area.
- Due to the many dead ends and cul-de-sacs the limited egress from N 33 St. to Pearl St. will have to support this additional traffic. N 33 and Pearl opens to a four lane road which is not designated for bicycles and there is not a stop light or designated crosswalks. In the proposal a designated bicycle circulation area is to be established and is there a definitive placement of this route/circulation area proposed?
- With an increased population there will also be increased congestion, added noise pollution and added vehicle emissions.

- The condition of the roadway on N 33 is already questionable as large potholes appear seasonally and must be navigated for quite a while until these are temporarily repaired. If more traffic is anticipated the road maintenance costs will also be increased. This is a concern to us.

School

The closest school, Truman Middle school, is already at maximum enrollment and would be greatly impacted by this proposal. New school boundaries would likely have to be established. (per our conversation with a school board member).

This proposal is not in harmony with the present neighborhood. We ask that you reconsider the proposed plan and its impact on this neighborhood. We are not in favor of this rezoning, yet would be open to further discussion on the impact of traffic, environment, schools, and pollution. We also request that more communication, timely notices and a broader neighborhood outreach be done.

Thank you,
Doug and Gail Goodman

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: [Andrew Harris](#); [Atkinson, Stephen](#)
Subject: RE: N 33rd and Pearl Study Area
Date: Wednesday, May 18, 2016 12:45:36 PM

Dear Mr. Harris,

Thank you for your comments. I am forwarding them to Steve Atkinson, the Planner who is coordinating the analysis on the proposed zoning changes.

Regards,
Elliott Barnett

Elliott Barnett, Planner

City of Tacoma PDS
(253) 591-5389

From: Andrew Harris [mailto:AHarris@deainc.com]
Sent: Wednesday, May 18, 2016 12:28 PM
To: Planning; Atkinson, Stephen
Subject: FW: N 33rd and Pearl Study Area

Please include my letter below in the public record for the hearing taking place this evening:

May 18, 2016

Planning and Development Services Department
Planning and Services Division
747 Market Street – Room 345
Tacoma, WA 98402
planning@cityoftacoma.org

RE: Proposed Rezone and Re-designation for Study Area (North 33rd and Pearl Street)

To Whom it May Concern:

My residence is at 3127 N Shirley Street, within one block from this study area. My home is currently on a dead-end street in a low-traffic area. My family moved to this address because of the quiet streets, low traffic, and views of Mount Rainier. I am concerned about the nature of the zoning changes proposed at N 33rd and Pearl:

1. **Home Values:** North Shirley is currently lined with single family homes with values from \$300-\$550,000. I believe that increasing the number of apartments and multi-family dwellings in this area will negatively influence my home value. When we purchased our

home, we understood that the undeveloped property may be developed at some time, but knew that the zoning was R-2, so it would likely become high-end single family homes with views of Puget Sound. The proposed change in zoning allows for light commercial or multi-family. If this change is approved we could end up with a Convenience Store, Liquor Store, Drug store, or other late-night service. This would greatly decrease the value of our home, which is currently on a quiet dead-end surrounded by other quiet streets.

- 2. Traffic:** The road network around this area includes two dead-end roads—both N 33rd and North Shirley do not allow for thru traffic to discourage cut-through traffic between Pearl Street and Orchard Street in this residential neighborhood. I am concerned that the changes being proposed—especially the allowance for commercial uses will increase traffic to our area. North 33rd and North Shirley currently have blind corners going south and north from 33rd street on Shirley—the sight distances do not comply with AASHTO regulations. The proposed zoning will lead to higher traffic at an intersection that does not meet current codes. A higher traffic count on 33rd Street will increase the likelihood of accidents at this intersection.

It is my family's preference that the current zoning in this study area remain in force. I appreciate your consideration of this position.

Sincerely,

Andrew Harris

From: [Laura Himes](#)
To: [Atkinson, Stephen](#)
Subject: One Tacoma Public Notice Questions
Date: Thursday, February 25, 2016 11:36:14 AM

Hi Stephen,

On Saturday, I received the One Tacoma Public Notice pamphlet regarding the "2016 Annual Amendments to the Comprehensive Plan and Land Use Regulatory Code".

I live in Delong Park across the street from Study Area 8: Cheney Stadium and Foss High School. From discussions with my neighbors, it appears a limited handful of us received the public notice (due to being within 400 feet) although the entire neighborhood would be affected. We have monthly neighborhood meetings and it was requested I discuss this at our March meeting.

I would like to be informed on what the City is desiring and also the process.

As instructed on the pamphlet, I went to the City of Tacoma site and I have not been able to find any meaningful additional information. I scanned the 733 page One Tacoma Comprehensive plan to see if I could find mention of "Study Area", "Cheney", and "Foss High School" related to this proposed amendment. This search was unsuccessful. I am contacting you to ask the following questions:

- 1) Based on the pamphlet, the City wants to rezone this as C-2 General Commercial District and/or R-2 Single Family Dwelling district. What does the planning commission envision?
- 2) I assume Metro Parks Tacoma HQs, Cheney Stadium, Foss High School and Heidelberg Park are all staying put. There is roughly 13 acres of undeveloped forested land for development. Does the City plan on developing this land? Based on the proposed zoning, is the City planning on selling this land to private developers?
- 3) If the City allowed development of this forested land, would it be handled the same as the development of the 4 acres of forested land that recently occurred at Orchard and the HWY 16 West on-ramp (clear cut)?
- 4) If this 13 acres is developed, how does this impact the City's own EverGreen Tacoma to manage, protect and expand Tacoma's tree canopy cover?
- 5) If this amendment does pass, what would be the process for developing the site? What input would residents have before, for example, a Safeway Grocer was put in there? Once this amendment is passed, is there any legal way to stop development?
- 6) If the land is developed, what would the City do regarding traffic control? South 19th Street is very busy during peak times between Stevens/Tyler and HWY 16. Traffic accidents are frequently a concern between people exiting the Metro Parks driveway heading west and people heading east from Mullen St. Additionally what would be done for traffic control during baseball games? Would proactive traffic control measures be taken prior to development?

7) Regarding the economic factors, what economic benefit is the City foreseeing from this development (broken down into broad categories please)? What is the environmental cost in terms of canopy loss and the impact to replace that canopy? Please explain how you factor that as I am assuming that a 60+ year old tree does not equal a two inch trunk 6 foot tree. What is the estimated cost to the City to study, engineer, and construct new traffic control?

8) The Public Notice indicates that 2016 Annual Amendment is expected to be completed in July 2016 with a public hearing intended for May 4, 2016. Is there formal public comment at this time? Is this the only public hearing?

I am sure there will be additional questions from myself and neighbors based on your responses. Please feel free to send responses over multiple emails/days if that helps.

Thank you for your time,

Laura Himes

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: [Lori Kalac](#); [Atkinson, Stephen](#)
Subject: RE: Study Area 6 72nd and Alaska Wapato Lake
Date: Tuesday, May 24, 2016 8:36:23 AM

Dear Ms. Kalac,

Thank you for submitting these comments. I am forwarding them to Stephen Atkinson, the Planner reviewing this proposed zoning change.

All the best,
Elliott Barnett

Elliott Barnett, Planner

City of Tacoma PDS
(253) 591-5389

From: Lori Kalac [mailto:lbkalac@gmail.com]
Sent: Monday, May 23, 2016 10:22 PM
To: Planning; Atkinson, Stephen
Subject: Study Area 6 72nd and Alaska Wapato Lake

I am Lori Kalac homeowner and resident of 7010 South Alaska. I have provided testimony at each of the offered public comment sessions, providing a glimpse of feedback and suggestions that I hope can be considered in the proposal to the City Counsel in reference to Study Area 6, 72nd and Alaska Wapato Lake.

The 3 minute time limit provided me a chance to plant a seed in the Staff and Commissions head. This unrestricted method will offer me the chance to provide details to that seed and hope that they can grow into ideas that will put my neighborhood in a good position to be awarded the best possible solution to this zoning proposal.

Our family is celebrating over 3 decades and 4 generations as homeowners and residents of this unique South Tacoma residential neighborhood. We remember what it was like prior to the invasion of, 24 hour businesses, 8 lanes of heavy traffic, increased pollution and the promised greenbelt from this invasion slowly disintegrating around us. All of this is the result of commercial zoning and the destruction that occurs from it.

Our preference is to leave the entire original proposed area, and the revised proposed area as R2, a single family residency. Because we've been victim to how the city is able to rezone and allow commercial invasion we realize either of the proposals, the one provided in February and the most current one provided in May puts our home at risk. Should the city decide to re-zone this study area we want our property to be part of the re-zoning, we

do not want to be the buffer property as the current proposal states.

Environmental Studies

As Troy Christensen stated, the intersection at 72nd and Hosmer including the major on and off ramps of I-5 produces the most pollution than any other intersection in Tacoma. Increasing the volume of traffic that will be produced by adding further commercial space will make it even harder to breath.

The current commercial complex produces 24 hour activity which results in noise, light, air and garbage pollution. Offering more space for this kind of business will increase the health issues to the lake and the wild life that make it their home. It will also impair the quality of life the R2 families will have on the other side of the proposed area, along with the R2 residents that live south on Alaska and surrounding areas. And anyone that comes to enjoy the park.

The volume of traffic that is already occurring on Alaska will increase. Currently Alaska is used as a thoroughfare that parallels I-5 and offers a smooth pavement to carry vehicles clear through to 38th Street. The 2 lane road between 72nd and 56th is already carrying more traffic than constructed for; increasing this will result in a potholed surface and putting the shoreline at risk of deterioration.

The existing complex already creates polluted storm water runoff that undoubtedly finds its way to Wapato Lake. Creating more commercial complexes closer to the lake will increase that pollution potentially damaging the natural wildlife and habitat the lake and park offer.

A current traffic study, light and noise pollution study, air quality study and a study with the State Department of Ecology should be performed to help support this proposals decision. The study should run an adequate amount of time to gain an efficient amount of evidence.

This area is in between 2 firehouses, in today's commercial environment the rescue vehicles have difficulty maneuvering through traffic. The increased traffic is putting these vehicles in a more congested environment which can result in life or death to the citizen awaiting their arrival.

R2 to C1, R3 and R4 to the current proposal C1 only

The current proposal is putting the city into a 1 option solution, one that does not support what Staff has been communicating the vision that the city has for future growth. The complex located behind this proposed section has empty commercial space, the complex south of this proposed location has empty space as does the complexes on the opposite side of I-5, why would additional commercial space be needed if existing space cannot be filled?

I have reached out to Steve Atkinson for an explanation to the modified proposal but have not received a response. The modification that is the current proposal removes the possibility of the multi-family housing options and locks the city into a single zone and reduced scope how does that support the vision for our cities future growth, and the goal to offer diverse housing options? This C1 zoning would enable a strip mall, including a gas station to occupy an already congested intersection. How could this type of business enhance one of our cities most unique parks?

If rezoning is necessary for this proposed area I'd like to introduce an alternative solution that would better support the cities vision, along with preserving this residential neighborhood. I'd like the Staff and the Planning Commission to realize the benefit to the city, neighborhood and future generations should the zoning NCX be considered for this study area rather than the current proposal of C1.

I have listed out the many benefits that this type of zoning offers.

- Ideal area to generate the purpose of a mixed use center, live, play, work, shop, and eat
- Promotes a feeling of a neighborhood and attracts a diverse population
- Enhances the unique features that Wapato Lake offers to city living
- Preserves the only unique waterfront residential opportunity within the City of Tacoma
- Offers local small business opportunities
- Business and housing options are accessible by public transportation
- Business and housing options promote a walking neighborhood which extends the activity already generated from the park
- Bicycle lanes are already available for safe biking transportation options
- Offers home ownership when a C1 zoned areas offers no home ownership options
- Maintained landscaping would enhance the neighborhood where C1 zoning would rely on various property management companies to maintain, the current commercial zoned properties do not provide regular maintenance
- Tenants that would occupy NCX properties would have more investment and care into the property than a C1 tenant, which results in a safer, cleaner and better cared for neighborhood
- Promotes positive growth to the South End of Tacoma

This is just to name a few. City planning is your teams expertise, I'm confident you're able to identify even more reasons this zoning makes far more sense than the current proposal of C1.

Should the city decide re-zoning is necessary to this area please be sure to include our property at 7010 South Alaska. The current proposal ends the re-zoning at our property, we do **not** want to be the buffering property that separates a C1 to an R2 zoning.

Thank you for taking our comments and suggestions into consideration, we hope you find them to be as valuable as we do. We look forward to receiving your final proposal to the Counsel and addressing them during the public comment section of their meeting.

Please feel free to reach out to me should you have any questions or need clarity on any of these comments.

Sincerely,

Lori Kalac

From: Tara Shepson [mailto:tarasbfs@gmail.com]
Sent: Wednesday, May 25, 2016 9:13 AM
To: Planning; President Truman Heights HOA
Subject: PETITION RE: North 33rd Street and Highway 163 (North Pearl Street) Rezoning

May 25, 2016

Planning and Development Services Department
Planning and Services Division
747 Market Street-Room 345
Tacoma, WA 98402
planning@cityoftacoma.org

PETITION RE: North 33rd Street and Highway 163 (North Pearl Street) Rezoning

To Whom It May Concern:

We, the undersigned community and friends of Truman Heights Homeowners Association, oppose the rezoning of North 33rd and Hwy. 163 (N. Pearl Street). We oppose the rezoning because adding multifamily housing would increase vehicle traffic and adversely affect our neighborhood environment. Our neighborhood now consists of more than 800+ rentable units. This density currently presents a strain on existing road capacity which impacts vehicle and pedestrian safety. Highway 163 (N. Pearl Street) has inadequate turning lanes with no bike lanes and no pedestrian crossings between North 30th and North 37th Streets. Neighborhood and Point Defiance Zoo traffic creates congestion on Highway 163 (N. Pearl St.) which leads to excessive speeding on neighboring residential streets resulting in unsafe conditions.

In addition to pedestrian safety risks, the proposed zoning changes would adversely affect our environment. The existing acreage under consideration currently provides habitat to deer, owls, eagles and other wild life. Building high density units on this area would destroy this habitat and increase neighborhood noise, light and air pollution.

The Truman Heights Homeowners Association consists of 18 families who are invested in promoting safe streets for our community. We strongly oppose the rezoning of North 33rd Street and Highway 163 (N. Pearl Street) to higher density housing.

Signed:

Sun Kim

Homeowner 3518 North Shirley Street, Tacoma 98407

May 25, 2016

by: Annalise Landy

In our opinion you should not build apartment buildings because it might damage the radio tower and no one knows what's going to happen if you do that.

2.) The animals will have to find another home and they don't know any better than running out into the street and getting ^{scw} crushed by cars and know ^{one}

wants that to happen.

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: [John Landy](#)
Cc: [Atkinson, Stephen](#)
Subject: RE: Proposed Rezone and Re-designation for Study area (North 33rd and Pearl Street)
Date: Wednesday, May 18, 2016 12:44:29 PM

Dear Mr. Landy,

Thank you for your comments. I am forwarding them to Steve Atkinson, the Planner who is coordinating the analysis on the proposed zoning changes.

Regards,
Elliott Barnett

P.S. It was nice to see you the other day!

Elliott Barnett, Planner

City of Tacoma PDS
(253) 591-5389

From: John Landy [mailto:jlandy@harbornet.com]
Sent: Wednesday, May 18, 2016 10:38 AM
To: Planning
Subject: Proposed Rezone and Re-designation for Study area (North 33rd and Pearl Street)

May 17, 2016

Planning and Development Services Department
Planning and Services Division
747 Market Street-Room 345
Tacoma, WA 98402
planning@cityoftacoma.org

RE: Proposed Rezone and Re-designation for Study Area (North 33rd and Pearl Street)

To Whom It May Concern:

As a resident of the affected neighborhood I wish to share my concerns with the proposed rezoning for the area between North 33rd and Pearl Street. Rezoning to increased density would lead to negative consequences for safety and quality of life.

Rezoning to higher density would lead to increased traffic and congestion. Our surrounding square mile neighborhood currently has a high ratio of apartment buildings to single-family homes. This population density combined with a large middle school and corner convenience stores contribute to excessive traffic on N. Shirley Street. The unregulated (without signs) intersection between N. Shirley and N. 35th Street on a hilltop with poor visibility frequently presents a safety hazard for pedestrians due to drivers not exercising caution at the intersection. School drop off and pick-up on N. 35th Street leads to excessive traffic on this dead-end street.

The current zoning and land use affords the neighborhood with a church and significant undeveloped land. The trees and fields are home to deer, eagles, owls and other wildlife. The current zoning and land use provides Tacoma's wildlife with a protected ecosystem of undeveloped land amidst the majesty of Tacoma's highest elevation.

As a resident of this neighborhood, I ask that the Planning and Services Division respect our established community which values pedestrian traffic, children's safety and cohabitation with wildlife. As the proposed zoning changes would result in significant change in our neighborhood's character, environmental ecosystem and safety, please conduct adequate research studies to assess the environmental and safety impact of any rezoning change. Please notify the affected neighborhood residents of any study results prior to submitting further rezoning recommendations.

Thank you.

John Landy
5517 N. 35th St
Tacoma

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: [John Landy](#); [Atkinson, Stephen](#)
Cc: [President Truman Heights HOA](#)
Subject: RE: North 33rd and Pearl Street Rezoning Proposal
Date: Tuesday, May 24, 2016 8:36:48 AM

Dear Mr. Landy,

Thank you for submitting these comments. I am forwarding them to Stephen Atkinson, the Planner reviewing this proposed zoning change.

All the best,
Elliott Barnett

Elliott Barnett, Planner

City of Tacoma PDS
(253) 591-5389

From: John Landy [mailto:landy@harbornet.com]
Sent: Tuesday, May 24, 2016 6:05 AM
To: Planning
Cc: President Truman Heights HOA
Subject: North 33rd and Pearl Street Rezoning Proposal

May 23, 2016

Planning and Development Services Department
Planning and Services Division
747 Market Street-Room 345
Tacoma, WA 98402
planning@cityoftacoma.org

PETITION RE: North 33rd Street and Highway 163 (North Pearl Street)
Rezoning

To Whom It May Concern:

We, the undersigned community and friends of Truman Heights Homeowners Association, oppose the rezoning of North 33rd and Hwy. 163 (N. Pearl Street). We oppose the rezoning because adding multifamily housing would increase vehicle traffic and adversely affect our neighborhood environment. Our neighborhood now consists of more than 800+ rentable units. This density currently presents a strain on existing road capacity which impacts vehicle and pedestrian safety. Highway 163 (N. Pearl Street) has inadequate turning lanes with no bike lanes and no pedestrian crossings between North 30th and North 37th Streets. Neighborhood and Point Defiance Zoo traffic creates congestion on Highway 163 (N. Pearl St.) which leads to excessive speeding on neighboring residential streets resulting in unsafe conditions.

In addition to pedestrian safety risks, the proposed zoning changes would adversely affect our environment. The existing acreage under consideration currently provides habitat to deer, owls, eagles and other wild life. Building high density units on this area would destroy this habitat and increase neighborhood noise, light and air pollution.

The Truman Heights Homeowners Association consists of 18 families who are invested in promoting safe streets for our community. We strongly oppose the rezoning of North 33rd Street and Highway 163 (N. Pearl Street) to higher density housing.

John Landy
5517 N. 35th Street
Tacoma, 98407

From: Garrett R. Leque [mailto:gleque@geoengineers.com]
Sent: Monday, May 09, 2016 2:55 PM
To: Planning
Subject: Comp Plan Study Area 8 Proposed Rezone

Hi,

I have read and understand the reasons for the proposed Study Area 8 rezone (Cheney and environs R2 to C2). While I understand it must be frustrating to have to apply for variances for projects, I would prefer the City continue to do so rather than rezone to C2. Rezoning to C2 seems a slippery slope that opens the door to replacing parks with big box stores. While I understand that seems far fetched now, please consider future leaders of Tacoma and economic uncertainty. Our precious parks and Cheney Stadium are NW landmarks; I fear in the future the lure of Walmart or other big box stores will be too hard for those in charge to resist. Once paved, the big box store will never go away. (It may go bankrupt and move out, but the pavement and abandoned infrastructure will remain.)

Thank you,
Garrett Leque
Central Neighborhood

Confidentiality: This message is confidential and intended solely for use of the individual or entity to whom it is addressed. If you are not the person for whom this message is intended, please delete it and notify me immediately, and please do not copy or send this message to anyone else.

From: nalani@nplinder.com [mailto:nalani@nplinder.com]

Sent: Wednesday, May 25, 2016 8:54 PM

To: Planning

Cc: tacomalinder@aol.com

Subject: proposed rezone and re-designation for study area (North 33rd and Pearl Street)

To Whom it May Concern:

As residents of the affected neighborhood we wish to share our concerns with the proposed rezoning for the area between North 33rd and Pearl Street. Rezoning to increased density would lead to negative consequences for safety and quality of life.

Rezoning to higher density would lead to increased traffic and congestion. Our surrounding square mile neighborhood currently has a high ration of apartment buildings to sing-family homes. This population density combined with a large middle school and corner convenience stores contribute to excessive traffic on N. Shirley Street. The unregulated (without signs) intersection between N Shirley and N 35th street on a hilltop with poor visibility frequently presents a safety hazard for pedestrians due to drivers not exercising caution at the intersection. School drop-off and pick-up on N 35th Street leads to excessive traffic on this dead-end street.

The current zoning and land use affords the neighborhood with a church and significant undeveloped land. The trees and fields are home to deer, owls and other wildlife. The current zoning and land use provides Tacoma's wildlife with a protected ecosystem of undeveloped land amidst the majesty of Tacoma's highest elevation.

As residents of this neighborhood, we ask that the Planning and Services Division respect our established community which values pedestrian traffic, children's safety and cohabitation with wildlife.

Sincerely,

Mark & Nalani Linder
3215 N Shirley Street



Tacoma Central Neighborhood Council

PO Box 5201
TACOMA, WASHINGTON 98415-0201

chair@cnc-tacoma.com

The Heart of Tacoma!

April 26, 2016

Mr. Peter Huffman, Director
Planning and Development Services
City of Tacoma
747 Market Street
Tacoma, Washington 98402

Reference: 2016 Annual Amendment Rezoning Proposal;
Cheney Stadium & Foss High School Area

Dear Mr. Huffman:

At March 2, 2016 and April 6, 2016 meetings, the Planning Commission reviewed area-wide rezoning supporting the 2016 Annual Amendment, Future Land Use Implementation, recommendations from Planning and Development Services staff. Of the eight proposed rezone areas, the Tacoma Central Neighborhood Council is concerned about the Cheney Stadium and Foss High School area rezoning.

Changing the area from R-2 (residential) to C-2 (commercial) changes the way future development planning is shared with the community. The suggested C-2 designation would diminish the visibility and transparency of planned development, eliminating conditional use permitting.

Further, C-2 zoning permits commercial uses including billboards, which this group finds inappropriate on that site.

At our April 7, 2016 forum, at which Planning and Development Services staffer Stephen Atkinson presented the rezoning proposal, a substantial number of attendees expressed reservations for both future land development visibility and potential billboard installations.

Thus, on behalf of the Tacoma Central Neighborhood Council and its constituents, we respectfully oppose the 2016 Annual Amendment proposal to rezone the Cheney Stadium and Foss High School area.

Sincerely yours,



Charles Mann, Chair

cc:

Deborah Sims, Vice-Chair

Claudia Riedener, Secretary

Valentine Smith, Treasurer

Dawn Rodin, Member

Roxie Nichols, Member

Robert Osborn, Member

Tony Powell, Member

Doug Schafer, Member

Lois Stark, Member

Keith Blocker, Tacoma City Council

Stephen Atkinson, Planning and Development Services

Chris Beale, Planning Commission

HAROLD C. NANCE
7028 SOUTH ALASKA STREET
TACOMA, WASHINGTON 98408

Received
5/17/16

MAY 13, 2016

To; Planning Commission
747 Market Street, Room 345
Tacoma, WA. 98402

SubJ: Rezoning

Dear Sir;

I am Harold Nance, home owner of the above property and have lived here since June 1963; the specific location is the second home North of 72nd Street directly across the Street from Wapato Park.

I am in receipt of your proposed rezone plan, and in favor of your plan due to the increase of noise levels, traffic and congestion, since the renovation of Alaska Street and the City's approval of traffic egress into the Tacoma Place Shopping Center and exit out onto Alaska which exacerbated an existing traffic problem.

Most of the time, I cannot get in or out of my driveway due to traffic backup from 72nd Street. Drivers in backup traffic are not courteous enough in allowing me to drive into or out of my driveway.

On my return home one day I made a left turn to the north of 72nd, and discovered a vehicle mishap in front of my driveway, neither of the drivers would move their still mobile vehicles forward so that I could access my driveway, I parked across the street at the park and return to direct traffic for 30 minutes until the police arrival. It gets more frustrating as each day passes.

In addition to shoppers vehicles, there is a steady flow of large Vans, trucks and tractor trailers traffic traversing to and from the Tacoma Shopping Center's egress into and onto Alaska Street, therein by causing vibrations to the residents home alone this corridor

In addition to the above mention problems, we have shoppers leaving their shopping carts/baskets in front of my home and all the way to the corner bus stop, therein by leaving me or others to return the same to the store.

Yours Truly,

Harold Nance
Harold Nance

CONDO

pg. 312

5-16-16

Planning Commission
747 Market Street, Rm 345
Tacoma, WA 98402
Fax (253) 591-5433

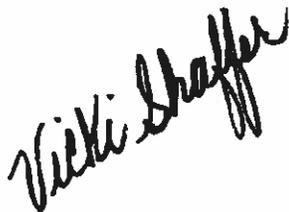
Planning Commission;

We are greatly concerned about the new zoning proposal in our neighborhood 33rd & pearl. Please do not consider any more "density" when it comes to housing, than single family dwellings.

We already are deluged with traffic coming off of Pearl, wait far too long to drive or walk across Pearl with the traffic from current apts., our 109 units of Condos @ Village @ The Pointe, Vashon ferry traffic, Truman Middle School - children walking, parents driving in & out on to Pearl St.as it is!

It would not be safe for all that would be impacted by more concentrated zoning!

Thank You,



Ken & Vicki Shaffer
5720 N 33rd St. 10-C
Tacoma, WA 98407

Phone: 253-752-7842

From: [Magoon, Jana](#)
To: [Wung, Lihuang](#); [Atkinson, Stephen](#)
Cc: [PDS Land Use and Zoning](#)
Subject: FW: Proposed rezone
Date: Wednesday, May 18, 2016 9:54:49 AM

Public Comment related to Comprehensive Rezone

From: Kerry Taylor [mailto:kerrydtaylor@gmail.com]
Sent: Wednesday, May 18, 2016 8:50 AM
To: PDS Land Use and Zoning
Subject: Proposed rezone

To Whom It May Concern;

As a resident of the effected neighborhood, I wish to share concerns with the proposed rezoning for the area between N 33rd and N Pearl St. My home is on N 35th, just E of N Shirley at N Bennett St. I am highly concerned with this rezoning proposal and it's impact.

When I first moved to N 35th St in early 2012, traffic was slow to limited as the road had yet to be resurfaced - crows bathed in rain-stormed potholes. Fast forward to present and resurfaced N 35th St. It has now become a major thoroughfare, connecting apartments, schools and convenience stores from N Pearl to N Orchard or N 30th; and vice-versa. Cars fly past, without restriction of stop signs, round-about or speed bumps. the speeding and traffic has become a common occurrence at all hours, given the newly resurfaced N 35th.

Concern deepens with the advent of the new road project which will extend N Bennett at N 35th through to N 37th St neighborhoods, to be completed by Nov 2016. At present N Bennett St appears to be a gravel and dirt dead end alley with no thru access. This "improvement" alone is going to increase traffic significantly, and at significant cost may I add, to homeowners on N Bennett St.

When I purchased my home, this area was a quiet, family-friendly neighborhood. There are families of all ages bicycling, skate-boarding, walking with pets and young children. We have already seen pets hit by speeding vehicles since the resurface of N 35th. How long before a child (or anyone) is hit, God forbid?

Before you rezone and make any determinations for this area, please do a traffic study. I understand that growth and change is continual but this proposal comes at significant loss to residents of this beautiful area.

Thank you;
Kerry Taylor
5401 N 35th St
(253) 448-2925

From: Sandra Turner [mailto:wolfgohome@gmail.com]

Sent: Friday, May 06, 2016 2:52 PM

To: Planning

Subject: 2016 annual amendments to the comprehensive plan and land use regulatory code

This is in response to Study Area 4: Proposed Rezone & Re-Designation.

Comments on rezones for N 33rd and Pearl St. The rezoning of this area would cause severe traffic problems. The area is now congested. Traffic from Vashon, Pt. Defiance, Ruston and surrounding area all trying to get to the freeway. The already over building of apartments. Jr. High School traffic and children all congested in this area. No side streets on N. 35th and 33rd. This area is now congested and high intensity area. Sandra Turner 253-7790100

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: [Kaycee White](#)
Cc: [Atkinson, Stephen](#)
Subject: RE: Proposed Rezone and Re-designation for Study Area (North 33rd and Pearl Street)
Date: Wednesday, May 18, 2016 12:43:25 PM

Dear Ms. White,

Thank you for your comments. I am forwarding them to Steve Atkinson, the Planner who is coordinating the analysis on the proposed zoning changes.

Regards,
Elliott Barnett

Elliott Barnett, Planner

City of Tacoma PDS
(253) 591-5389

From: Kaycee White [mailto:kayceewhite38@yahoo.com]
Sent: Tuesday, May 17, 2016 9:57 PM
To: Planning
Subject: Proposed Rezone and Re-designation for Study Area (North 33rd and Pearl Street)

To Whom it my concern:

I live with my elderly mother on North 33rd Street. My mom moved here from Fircrest about 35 years ago, We have seen so many changes here!
Crime,traffic,concerned about the children in the neighborhood also my mom!!!!

Please reconcider this rezoning project!!! It would have a very negitive impact on our neighborhood. We have been so lucky to have the wildlife around us! It is going away please help what is left !!!! :)

Sincerly
Kathryn White

From: debbieyoung76@yahoo.com [<mailto:debbieyoung76@yahoo.com>]

Sent: Tuesday, May 24, 2016 8:20 PM

To: Planning

Cc: PresidentTrumanHeightsHOA@gmail.com

Subject: Proposed Rezoning of North 33rd Between Pearl St and Shirley St

To City of Tacoma Planning Commission:

I am writing to oppose the rezoning proposed for the area of North 33rd between Pearl Street and Shirley Street. I hope you will seriously consider this input along with that which has been submitted by many others who live in this neighborhood.

This is primarily a residential area of some single family homes and already too many apartment complexes. While Pearl Street may be a large arterial, North 33rd, North Shirley and surrounding streets are not. They were not built or designed to handle the excessive traffic that already exists due to the large number of apartment complexes and Truman Middle School. These side streets existed long before Truman was built in its existing location. Prior to the construction of Truman, North 37th did not allow access to travel South on Shirley Street. As a result, there simply was not the amount of traffic winding through this area of Shirley, North 35th, North 33rd and surrounding streets all the way to Orchard Street. Since Truman opened,, the traffic has significantly increased on these side streets. The intersections are all unmarked and unfortunately, many drivers don't even pause to look for traffic or pedestrians when driving through the area. The proposed rezoning would only increase traffic where streets are not designed even to handle the current level of traffic.

There are a significant number of pedestrians in this area due to Truman Middle School—not only at the beginning and ending of the school day, but also most evenings and weekends due to the heavy field use at Truman. I am already concerned about the safety of pedestrians and increasing traffic would cause more safety concerns. I would also note that with the growth in Ruston, particularly the new Town Center, Pearl Street traffic is often backed up on weekends especially during special events in the area. When Pearl traffic is heavy, I notice significantly more vehicles driving through the neighborhood to avoid Pearl Street. Adding more high-density housing to this area will only add to this problem.

I am also concerned about the impact to Truman Middle School, which is already over capacity.

I would encourage the Planning Commission to focus high density housing in areas where individuals can walk to many services—such as the Proctor District, Stadium District, Downtown Tacoma, etc., rather than encourage this type of housing where it will increase vehicle traffic without the proper infrastructure to handle it.

I sincerely hope you will re-evaluate the proposed rezoning of this area. Thank you for your time and consideration.

Deborah Young
3542 N Shirley St
Tacoma, WA 98407

Sent from [Mail](#) for Windows 10

From: [Barnett, Elliott](#) on behalf of [Planning](#)
To: [You Ren](#); [Atkinson, Stephen](#)
Cc: PresidentTrumanHeightsHOA@gmail.com
Subject: RE: Petition Re: North 33rd Street and Highway 163 (North Pearl Street)
Date: Tuesday, May 24, 2016 8:35:19 AM

Thank you for submitting these comments. I am forwarding them to Stephen Atkinson, the Planner reviewing this proposed zoning change.

All the best,
Elliott Barnett

Elliott Barnett, Planner

City of Tacoma PDS
(253) 591-5389

From: You Ren [<mailto:xw2000@gmail.com>]
Sent: Monday, May 23, 2016 9:18 PM
To: Planning
Cc: PresidentTrumanHeightsHOA@gmail.com
Subject: Petition Re: North 33rd Street and Highway 163 (North Pearl Street)

Planning and Development Services Department
Planning and Services Division
747 Market Street-Room 345 Tacoma, WA 98402
planning@cityoftacoma.org

PETITION RE: North 33rd Street and Highway 163 (North Pearl Street) Rezoning

To Whom It May Concern:

We, the undersigned community and friends of Truman Heights Homeowners Association, oppose the rezoning of North 33rd and Hwy. 163 (N. Pearl Street). We oppose the rezoning because adding multifamily housing would increase vehicle traffic and adversely affect our neighborhood environment. Our neighborhood now consists of more than 800+ rentable units. This density currently presents a strain on existing road capacity which impacts vehicle and pedestrian safety. Highway 163 (N. Pearl Street) has inadequate turning lanes with no bike lanes and no pedestrian crossings between North 30th and North 37th Streets. Neighborhood and Point Defiance Zoo traffic creates congestion on Highway 163 (N. Pearl St.) which leads to excessive speeding on neighboring residential streets resulting in unsafe conditions.

In addition to pedestrian safety risks, the proposed zoning changes would adversely affect our environment. The existing acreage under consideration currently provides habitat to deer, owls, eagles and other wild life. Building high density units on this area would destroy this habitat and increase neighborhood noise, light and air pollution.

The Truman Heights Homeowners Association consists of 18 families who are invested in promoting safe streets for our community. We strongly oppose the rezoning of North 33rd Street and Highway 163 (N. Pearl Street) to higher density housing.

Signed:

Homeowner name: Esther Zhang and Zaixin Hong

Address: 3538 North Shirley Street, Tacoma, WA 98407

Date: May 23, 2016

From: Joe Zinski [mailto:jzinski@wamail.net]
Sent: Tuesday, May 03, 2016 3:59 PM
To: Planning
Cc: Lonergan, Joe; Atkinson, Stephen; Lori
Subject: One Tacoma Wapato Lake

Attached is suggested changes to the Wapato Lake & Alaska Street land use & shoreline zoning planning changes.

Several of us who have grown up in the area have thought about the changes to the lake & always come back to these concerns as to the root of the lakes issues.

We all believe the fishing and swimming needs to be provided for the kids.

Joe Zinski
6846 South Alaska Street
253-475-2951

One Tacoma Code changes

Tuesday, May 03, 2016

If we want a change we have to ask.

Wapato Lake needs help -- children should be swimming and kids should be fishing.

The City of Tacoma and its Parks Department have invested huge amounts of time and money, yet the lake is still considered too polluted for the fish and the plants. Swimming is an impossibility.

The shoreline boundaries of Wapato Lake need to be modified to encompass the drainage basin of natural water supply into the lake. The I-5 interstate, Tacoma Mall, and the Tacoma Place Shopping Center, including WinCo, all need to provide clean filtered water to the lake. This filtering should occur on the property of the source of the unfiltered water. NOT AT THE NORTH END OF WAPATO LAKE.

The wetland boundary would include the Tacoma Place shopping center and WinCo to the I-5 boundary on the west, then out to Alaska Street, to perhaps Yakima Ave on the east, north to 56th street, and south possibly to 80th Street.

Since the clearing of the properties for the shopping center changed all the natural drainage, both above and below ground, it should be required to place the vacant land, bordering the shopping center's property and Alaska Street into Trust to the city to replace natural water that was supplied to the lake. The Green Belt should be increased by 25 to 30% by constructing Rain Gardens in the asphalt parking to allow for more water to be provided to the lake.

The commercial driveway known as WinCo driveway should be gated & locked. That driveway should be used only for emergency vehicles. The unregulated commercial truck traffic on Alaska Street, Sheridan Street and 72th Street at the north end of the lake must be regulated through the wetland of the lake to protect the shoreline and the natural water supply to the lake.

It should be pointed out that Builders Square store, the original occupant of the now WinCo store, had no problem with the unregulated commercial trucks. Using the drive behind the center and along the green belt provides ample clearance, and keeps any risk of unregulated or hazardous products from leaving the property, endangering the lake's shore line and water.

Density in the wet land boundary should be kept sparse and maintained at single family residence only. No new commercial development creating increased density should be allowed. It is suggested that the Alaska Street arterial updates be continued to 84th street to relieve traffic on Hosmer and 72nd Street.

With this help, surface and underground water should replenish the lakes clean water and improve the number and size of underground springs in the lake.

If we all do our part while working together as partners, Wapato Lake will once again be a unique, beautiful and safe asset to the City of Tacoma, the Parks, and most of all, to the children.

Joseph C Zinske
6846 S ALASKA

From: Joe Zinski [<mailto:jzinski@wamail.net>]
Sent: Thursday, May 05, 2016 8:21 AM
To: planing@cityoftacoma.org; Stephen Atkinson senior planner
Cc: Joe Lonergan councilman; Lori; Mayor tacoma
Subject: FW: WDFW Fishing Rule Change: Northern State Hospital Pond to close for Kids Fishing Derby

Hi Mister & Misses Planner,

See the attached message below.

The kids can fish in Wapato Lake too if you help - while you are doing One Tacoma Public Hearings at your 2016 Annual Amendment of Comprehensive Plan and Land Use Regulatory Code, Keep and even increase the vacant open land, stop addition commercial zoning, keep a low density & safe traffic by increasing the Wapato Lake Shoreline Boundary. The City and Parks have spent time & money working on cleaning the lake, help by allowing Mother Nature to go to work.

Wapato Lake has been encroached on since I-5 was put in and Wapato became a retention pond for freeway water. Looking back that is also when the problems started and have only gotten worse by additional polluted unfiltered water. Then the natural water that did fill the lake has been redirected to everywhere but the lake.

Why can't Wapato lake get some help from you guys and we could have these again "KIDS FISHING DERDIES" again. Help us change Wapato Lake, change the zoning & planning to put the natural waters back into the lake as clean already filtered water, more underground water to help the springs, and low density to allow open space land to help the lake get natural rainwater filtered by the landscaping, Keep the unregulated commercial trucks off surrounds streets to avoid pollution. Have seen the truck driving down the road with liquid running out the trailer, stop them.

Give the lake & kids some help
They need your help

Joe from Tacoma

(I won 2 of those derbies with my father, today none of the fathers or their children have the opportunity to spend quality time on the lake in the park – help the kids & our families, it is one of your duty as a community servant.)

From: WDFW Public Affairs [<mailto:do.not.reply@dfw.wa.gov>]
Sent: Wednesday, May 04, 2016 1:12 PM
To: Joe
Subject: WDFW Fishing Rule Change: Northern State Hospital Pond to close for Kids Fishing Derby

WDFW FISHING RULE CHANGE

Washington Department of Fish and Wildlife
600 Capitol Way North, Olympia, WA 98501-1091
<http://wdfw.wa.gov>

May 4, 2016

Northern State Hospital Pond to close for Kids Fishing Derby

Action: Closes Northern State Hospital Pond to fishing. The Pond will open May 7 from 8 a.m. to 4 p.m. for the Kids Fishing Derby.

Effective dates: May 5 through May 6, 2016.

Species affected: All gamefish.

Location: Northern State Hospital Pond, located outside Sedro-Woolley in Skagit County.

Reasons for action: This rule change is necessary to ensure a successful derby. The fish will be planted in the pond two days prior to the event to better acclimate them.

Other information: The kids fishing derby is sponsored by the Wildcat Steelhead. For information on how you can participate, please contact Mike Rathvon Wildcat Steelhead Club at (360) 708-9284

Information contact: Brett Barkdull, 360-466-4345 ext. 270 barkdbcb@dfw.wa.gov

Fishers must have a current Washington fishing license, appropriate to the fishery. Check the [WDFW "Fishing in Washington" rules pamphlet](#) for details on fishing seasons and regulations. Fishing rules are subject to change. Check the WDFW Fishing hotline for the latest rule information at (360) 902-2500, press 2 for recreational rules. For the Shellfish Rule Change hotline call (360)796-3215 or toll free 1-866-880-5431.

Persons with disabilities who need to receive this information in an alternative format or who need reasonable accommodations to participate in WDFW-sponsored public meetings or other activities may contact Dolores Noyes by phone (360-902-2349), TTY (360-902-2207), or email (dolores.noyes@dfw.wa.gov). For more information, see http://wdfw.wa.gov/accessibility/reasonable_request.html.

This message has been sent to the WDFW Regulatory Information mailing list.
Visit the Emergency Fishing Rule Website at: <https://fortress.wa.gov/dfw/erules/efishrules/>
To **UNSUBSCRIBE** from this mailing list: <http://wdfw.wa.gov/lists/unsubscribe.html>



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