

Minor Plan and Code Amendments

Assessment Report

June 4, 2019



As one of the applications for the 2020 Amendment to the Comprehensive Plan and Land Use Regulatory Code, the “Minor Plan and Code Amendments” involves minor revisions to the *One Tacoma* Comprehensive Plan and various sections of the Tacoma Municipal Code, intended to keep information current, address inconsistencies, correct minor errors, increase clarity, and improve provisions that, through implementation of the Plan and administration of the Code, are found to be unclear or not fully meeting their intent. Proposed revisions are not intended to suggest substantive or policy-level amendments to the *One Tacoma Plan* or the Tacoma Municipal Code.

Project Summary	
Applicant:	Planning and Development Services
Location and Size of Area:	Citywide
Current Land Use and Zoning:	Multiple
Neighborhood Council Area:	Citywide
Staff Recommendation:	Staff recommends that the Planning Commission accept the application and move it forward for technical analysis during the 2020 Amendment process.
Date of Report:	June 4, 2019
Project Proposal:	See Exhibit “A” for the preliminary scope of work.



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Section A. Proposed Scope of Work

1. Area of Applicability

Citywide.

2. Background

The “Minor Plan and Code Amendments” is an annual process used by staff to improve the clarity and effectiveness of the *One Tacoma* Comprehensive Plan and the Tacoma Municipal Code (primarily Title 13 – Land Use Regulatory Code). This is accomplished through keeping information current, incorporating legislative revisions, addressing inconsistencies, correcting minor errors, and improving confusing or ineffective provisions or standards. Proposed amendments included in the “Minor Plan and Code Amendments” address issues that have been identified by staff, customers of the Planning and Development Services Department, the Planning Commission, the City Council, and/or the public. The “Minor Plan and Code Amendments” typically involves amendments that are not substantive enough to rise to the level of a stand-alone annual amendment application.

3. Policy Framework

As individual issues included in the scope for work are analyzed, applicable supporting provisions of State statutes, case law, regional policies, and/or the Comprehensive Plan will be identified.

4. Objectives

Would the proposed amendment achieve any of the following objectives?

- Address inconsistencies or errors in the Comprehensive Plan or development regulations;
- Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City’s capacity to provide adequate services;
- Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or
- Enhance the quality of the neighborhood.

Staff Response: It is part of the scope of the “Minor Plan and Code Amendments” to address inconsistencies or errors in the Comprehensive Plan or development regulations. Some of the proposed amendments may be included in the scope of work specifically to respond to changing circumstances, address compatibility issues, and/or enhance the quality of the neighborhood.

5. Options Analysis

It is expected that many proposed amendments in the “Minor Plan and Code Amendments” are straightforward corrections and clarifications. Alternative approaches to addressing certain issues may be needed and will be considered as appropriate.

6. Proposed Outreach

Outreach for the “Minor Plan and Code Amendments” will include meetings with the Community Council, and depending on the issues, with certain Neighborhood Councils and selected stakeholders. Consultation with the Puyallup Tribe will be conducted.

7. Impacts Assessment

Potential impacts, if any, of individual proposed amendments will be identified and analyzed, as appropriate.

8. Supplemental Information

See Exhibit “A” for the preliminary scope of work for the Minor Plan and Code Amendments.

Section B. Assessment

1. Staff Assessment

TMC 13.02.045.E.1 requires that staff provides an assessment of the application against the following criteria for the Planning Commission’s consideration:

- (a) Whether the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review.

Staff Assessment: Proposed minor amendments to the *One Tacoma Plan* and the Tacoma Municipal Code, primarily Title 13 – Land Use Regulatory Code, are legislative and properly subject to the Planning Commission’s review.

- (b) Whether there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into.

Staff Assessment: The first seven issues included in the preliminary scope of work are carried over from previous years’ amendment processes and the remaining nine issues are recently identified. Some of the issues may be part of a larger project or part of larger discussion, and as the technical analysis proceeds, may be removed from the list, incorporated into other projects, and/or elevated to policy-level discussion. There may be additional issues added to the list. The preliminary scope of work will be adjusted accordingly.

- (c) A preliminary staff review of the application submittal.

Staff Assessment: Issues included in the preliminary scope of work were identified by various staffs from the Planning and Development Services Department. In many cases, issues were identified along with some discussion and proposed amendments or alternatives. Therefore, it is considered that “a preliminary staff review of the application” has been conducted.

- (d) Identification of other amendment options the Planning Commission could consider in addition to the amendment as proposed by the applicant

Staff Assessment: As mentioned above, staff has provided some proposed amendments or alternatives to some of the issues identified in the application. As the technical analysis for the issues proceeds, there may be additional amendment options that can be identified by staff and/or the Planning Commission and will be considered as appropriate.

- (e) Whether the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required, the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.

Staff Assessment: The amount of analysis for the issues included in the preliminary scope of work is expected to be reasonably manageable. As the technical analysis proceeds, some issues may be removed from the list, incorporated into other projects, and/or elevated to policy-level discussion. There may be additional issues added to the list. The preliminary scope of work will be adjusted accordingly.

2. Planning Commission Decision

TMC 13.02.045.E.2 requires that the Planning Commission, upon review of the assessment, make a decision on the application, as to:

- (a) Whether or not the application is complete, and if not, what information is needed to make it complete.

Staff Recommendation: The application, i.e., the preliminary scope for work for the Minor Plan and Code Amendments as depicted in Exhibit “A”, is considered complete.

- (b) Whether or not the scope of the application should be modified, and if so, what alternatives should be considered.

Staff Recommendation: No modification to the application is recommended. However, the preliminary scope of work is expected to be modified as the technical analysis proceeds, since some issues may be removed from the list, incorporated into other projects, and/or elevated to policy-level discussion, and there may be additional issues added to the list.

- (c) Whether or not the application will be considered, and if so, in which amendment cycle.

Staff Recommendation: The application should be considered in the 2020 Amendment cycle.



**2020 AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

EXHIBIT “A”

Minor Plan and Code Amendments – Preliminary Scope of Work

June 4, 2019

No.	Subject	Code Section	Issues, Discussion and Proposed Amendments or Alternatives	Staff Comments
1.	Flexibility for nonconforming commercial buildings in residential districts	13.06.630	There are quite a few older buildings in residential neighborhoods that were built as commercial or multi-family buildings. It is not uncommon that over the years they have lost much of their nonconforming rights either through subsequent use changes or sitting vacant. In some cases these buildings end up with few reasonable options for reuse, but they are often part of the historic character and allowing some more flexibility on reuse could help meet the community's goals regarding 20-min. neighborhoods.	<ul style="list-style-type: none">• Requested by Brian Boudet on 08/02/17• Staff team held this off until 2020 Amendment cycle (11/19/18).
2.	Light Trespass into Any Residential Use	13.06.503 Residential Transition Standards	Needs intensity standards and cut off shields. Need to define the issue and develop code revisions accordingly.	<ul style="list-style-type: none">• Issue was reviewed to some extent as part of the JLUS-ACOD project.
3.	Rezone Modification	13.05	The process for site-specific rezone modifications needs to be made less onerous than that for the original rezone, especially when there are supporting land use designations. Need to explore a “medium” modification standard for rezone modifications when site-specific rezone is supported by land use designation.	<ul style="list-style-type: none">• This is a much larger discussion that really needs more time. (Shirley)
4.	Emergency and Transitional Housing	13.06.700	Separate definitions of emergency and transitional housing. Better definitions are needed for special needs housing. Need to review definitions of “emergency and transitional housing”, “special needs housing”, “group housing”, and related uses and modify the code language accordingly.	<ul style="list-style-type: none">• This is a much larger discussion that really needs more time. We should align our definitions with the “industry” definitions. On the other hand, transitional housing is really just apartments (unless there are enhanced services) and not special needs housing. (Shirley)

No.	Subject	Code Section	Issues, Discussion and Proposed Amendments or Alternatives	Staff Comments
5.	Street Trees Applicability Section not consistent with Street Trees in Development Standards section	13.06.502.B.2 and 13.06.502.E.6	<p>LU has been advised that there are triggers for Street Trees within the Landscape Code applicability section (13.06.502.B.2) that trump exemptions in the development standards under 13.06.502.E.6. Please move the applicability thresholds for street trees into the 13.06.502.E.6., so future staff and customers do not miss them. (Issue came up with a Lisa project (that's when Mike Carey came to a LU Staff Meeting to clarify this) - and more recently with revised Fire Station PRE in the Port (PRE17-0011).</p> <p>Need to clarify whether exceptions/exemptions in development standards table would trump applicability section. If so, add language to the applicability section.</p>	<ul style="list-style-type: none"> Requested by Shanta Frantz on 08/23/18 Staff team commented that this is possibly more of a policy discussion and not cleanup. (1/4/19)
6.	TMC 13.06.645 Variances	13.06.645	The descriptions of which sections of code are subject to which variance standards are incomplete. For instance, it's not clear where a variance to TMC13.06.503 Residential Transition Standards would be. Or what criterion one would use for an FAR variance. The references should be updated in the variance section and/or stated in the section containing the standard (e.g., "a variance to this standard may be requested and will be reviewed according to the criteria in xxxx").	<ul style="list-style-type: none"> Requested by Shirley Schultz on 11/01/18 Probably needs more discussion as part of a larger amendment, and can wait. (Shirley) Staff team commented that this is likely a policy level issue. (1/4/19)
7.	Comprehensive Plan Preamble	Introduction Chapter (and else?)	Per Andrew Strobel's suggestion, add a preamble regarding the Puyallup Tribe of Indians.	<ul style="list-style-type: none"> Requested by Steve Atkinson in February 2019
8.	Bicycle Parking for Schools	TMC 13.06.512.D.	Please assess whether our long-term bicycle parking requirement for elementary and middle schools. We issued a variance for Mary Lyons Elementary School to allow for double the short-term spaces in exchange for 1/2 the long-term spaces (LU16-0189). Hunt Middle School is currently debating whether to apply for a similar variance (PRE18-0441).	<ul style="list-style-type: none"> Requested by Shanta Frantz on 03/11/19
9.	Commercial Districts adjacent to Residential Districts		For the Commercial updates, please consider looking at the entire City for incompatible commercial districts directly adjacent or across the alley from an R-District neighborhood. It appears that some of this may be trying to be addressed on the Residential FLUM Updates in 2019 - although if it doesn't go thru, please keep this as an example: 1) Tacoma Shopping Center (C-2 District); and 2) 117 South 37th Street (CCX).	<ul style="list-style-type: none"> Requested by Shanta Frantz on 03/07/19
10.	Egress Windows		There is a conflict between minimum building code and current building code. Egress windows.	<ul style="list-style-type: none"> Requested by Chris Seaman on 02/13/19
11.	Option E Tap		Fix amendment to allow option E tap ahead of the main.	<ul style="list-style-type: none"> Requested by Chris Seaman on 02/13/19
12.	Elevator Lobbies		Amendment to allow elevator lobbies to be secured under certain circumstances. See SBC code sections.	<ul style="list-style-type: none"> Requested by Chris Seaman on 02/13/19

No.	Subject	Code Section	Issues, Discussion and Proposed Amendments or Alternatives	Staff Comments
13.	Highland Hills Golf Course Zoning	TMC 13.06.650.C.2.	Consider fixing the zoning and LU designation for 1238 N Highlands Pkwy and 1230 N Newton to R-2-PRD District/SF Residential designation. It appears there may have been a legal description oversight when the R-5-PRD District was created under Ord No 18283 in 1967, where the district boundary did not follow the center line of N Highlands Pkwy. See PRE Notes and discussion with Steve A for TLRC under PRE18-0212.	<ul style="list-style-type: none"> Requested by Shanta Frantz on 12/26/18
14.	Accessible Parking Requirement		<p>The question is in regards to the exemption for Small, affordable housing types (Table 2): Group housing; student housing; and, efficiency multifamily dwellings (250-450 sf in size) are exempt from vehicular parking requirements (with the exception of required accessible parking), provided that within a single building, no more than 20 dwelling units, or 50 percent of the total dwelling units (whichever is greater), may utilize this exemption.</p> <p>Looking at Table 1106.1 of the IBC, it looks like accessible parking is only required when there is parking proposed as part of the development, so if someone wanted to do all efficiency units with 0 total parking spaces provided, then the requirement for accessible parking is not triggered. Is this a correct interpretation?</p>	<ul style="list-style-type: none"> Requested by Charla Kinlow 4/5/19 (See e-mail thread Brian 4/8/19)
15.	Code Section Reorganization	13.05, 13.06, 13.06A, and 13.09	The proposed code section reorganization, adopted by the City Council as part of the application of “Minor Plan and Code Amendments” of the 2019 Amendment, was an effort to consolidate and organize code sections to be more intuitive and user friendly. The subsequent code updates based on the reorganized framework will be incorporated into each year’s “Minor Plan and Code Amendments”, as appropriate, starting with the 2020 Amendment process.	<ul style="list-style-type: none"> Requested by Steve Atkinson on 6/3/19

No.	Subject	Code Section	Issues, Discussion and Proposed Amendments or Alternatives	Staff Comments
16.	Compliance with RCW 58.17		<p>RCW 58.17.040, related to short plats and plats, does NOT APPLY when action is: “A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site”</p> <p>RCW 58.17.020 defines “lot” as: “Lot” is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.</p> <p>TMC 13.04.085 defines BLA as: “...a minor alteration in the location of lot boundaries of an existing lot. Such alteration shall not increase the number of lots nor diminish in size open space or other protected environments.”</p> <p>TMC 133.06.700.L defines “lot” as: “A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise created by legal action.”</p> <p>You will note that the TMC definition of “lot” is different from the State and results in a dramatic difference in application of projects exempt from platting. For projects to be exempt from platting in the RCW, they must meet the definition of “lot” as defined in the RCW. Hence, our code is not compliant with RCW 58.17. Doug Schafer provided a case (Chelan County v Nykreim) which reinforces the applicability of the RCW. Steve Victor has reviewed the case and the applicable codes and agrees that the City currently operates in a manner inconsistent with both RCW and the reference case. However, the method to resolve this discrepancy is to change our code. (Steve, please correct me if I am not representing correctly). The resolution is, in my mind, the change of our definition of “lot” to be same as that in RCW. I would consider compliance with State law a “clean-up”. Please advise if we can add this to current code changes or if we should proceed as a stand-alone code change.</p>	<ul style="list-style-type: none"> • Requested by Jana Magoon on 4/11/19