

To: Planning Commission
From: Lihuang Wung, Planning Services Division
Subject: **2022 Annual Amendment**
Memo Date: February 10, 2022
Meeting Date: February 16, 2022

Action Requested:
Comment and Direction.

Discussion:

At the next meeting on February 16, 2022, the Planning Commission will continue to review the 2022 Annual Amendment to the [One Tacoma Comprehensive Plan](#) and [Land Use Regulatory Code](#) (or "[2022 Amendment](#)"), focusing on the following two applications:

- (1) Work Plan for South Tacoma Groundwater Protection District Code Amendments –**
The Commission reviewed a draft staff report (including the Work Plan) on December 15, 2021, and expressed no concerns. Attached ("**Attachment 1**") is a revised staff report for the Commission's consideration for releasing for public review.
- (2) Minor Plan and Code Amendments –** The Commission reviewed this application (including 14 code amendment issues) on January 19, 2022, and requested a follow-up review on 5 of the 14 issues. Attached ("**Attachment 2**") is a staff report with Exhibit "A" that lists out the 5 issues in question. The Commission's comments made on January 19th and the follow-up responses from staff are displayed in the right-most column, and the corresponding modifications to the proposed amendments, where appropriate, are highlighted in the middle column. In addition, a new issue (Issue #15) pertaining to Manitou Annexation Area Land Use is being proposed. Upon the Commission's review and concurrence, the staff report and Exhibit "A" will be finalized and released for public review.

Staff is proposing some modifications to the current schedule for the 2022 Amendment, in order to allow for sufficient time for staff to assemble information and for the Commission to conduct proper review. With the revised schedule, the Commission would approve the 2022 Amendment Package on March 2nd (instead of February 16th) for the purpose of distribution for public review, and conduct a public hearing on April 6th (instead of March 16th). Staff will seek the Commission's concurrence with said modification.

Project Summary:

The [2022 Amendment](#) is an annual process for amending the Comprehensive Plan and/or Land Use Regulatory Code pursuant to Tacoma Municipal Code, Section TMC 13.02.070. The process began with accepting applications during January-March 2021 and is slated for completion in June 2022.



Prior Actions:

- 02/02/22 – Review status of “NewCold” and “South Sound Christian Schools”
- 01/19/22 – Review status of “Minor Plan and Code Amendments”
- 12/15/21 – Review of private applications
- 10/06/21 – Review status of all applications
- 07/21/21 – Determination on Applications (proceeding with technical analysis)
- 06/16/21 – Public Scoping Hearing on the Applications
- 05/19/21 – Assessment of “South Tacoma Economic Green Zone” and “Minor Plan and Code Amendments”
- 05/05/21 – Assessment of “NewCold” and “South Sound Christian Schools”

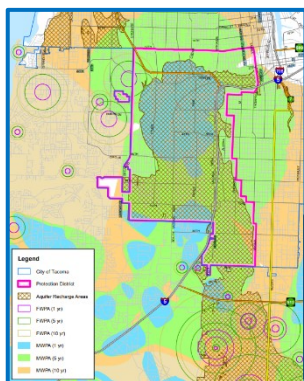
Staff Contacts:

- Larry Harala, lhara@cityoftacoma.org
- Lihuang Wung, lwung@cityoftacoma.org

Attachments:

1. Staff Report (revised) for the Application of “Work Plan for South Tacoma Groundwater Protection District Code Amendments”
2. Staff Report and Exhibit “A” (partial) for the Application of “Minor Plan and Code Amendments”

c. Peter Huffman, Director



Work Plan for Code Amendments

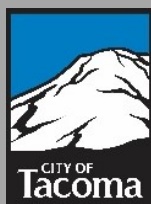
South Tacoma Groundwater Protection District

Staff Analysis Report

February 16, 2022

(Draft for the Planning Commission's Review)

Project Summary	
Project Title	Work Plan for South Tacoma Groundwater Protection District Code Amendments
Applicant:	South Tacoma Neighborhood Council
Location and Size of Area:	South Tacoma Groundwater Protection District Overlay (STGPD); 5000+ acres
Current Land Use and Zoning:	<p>Land Use Designations and Zoning Districts: Various</p> <p>Overlays:</p> <ul style="list-style-type: none"> • STGPD: South Tacoma Groundwater Protection District • ST-M/IC: South Tacoma Manufacturing/Industrial Center • ACD: Airport Compatibility District • PRD: Planned Residential Development
Neighborhood Council Areas:	South Tacoma (entirety), South End (partial) and Central (partial)
Proposal Summary:	<p>The “South Tacoma Economic Green Zone” application seeks to (1) improve current regulations and standards applicable to the STGPD and the aquifer recharge areas, so they are more effective in addressing environmental and health risks; and (2) transform the South Tacoma Manufacturing/Industrial Center into an Economic Green Zone that fosters environmentally sustainable industry specifically within South Tacoma.</p> <p>The City of Tacoma proposes a two-pronged (or two-stage) approach to addressing the application, i.e., (1) STGPD Code Amendments, and (2) Economic Green Zone Designation.</p> <p>This Work Plan for STGPD Code Amendments outlines the approach for addressing the first stage, and upon acceptance by the City Council during the 2022 Amendment cycle, will be carried out during the 2023 Amendment cycle.</p>



Planning and Development Services

City of Tacoma, Washington
Peter Huffman, Director

Project Manager:

Lihuang Wung, Senior Planner
253-591-5682; lwung@cityoftacoma.org

Project Website:

www.cityoftacoma.org/2022Amendmen

A. The “South Tacoma Economic Green Zone” Application

In March 2021, the South Tacoma Neighborhood Council submitted the “South Tacoma Economic Green Zone” application to the City of Tacoma for consideration during the process of Proposed Amendments to the One Tacoma Comprehensive Plan and/or Land Use Regulatory Code for 2022 (“2022 Amendment”).

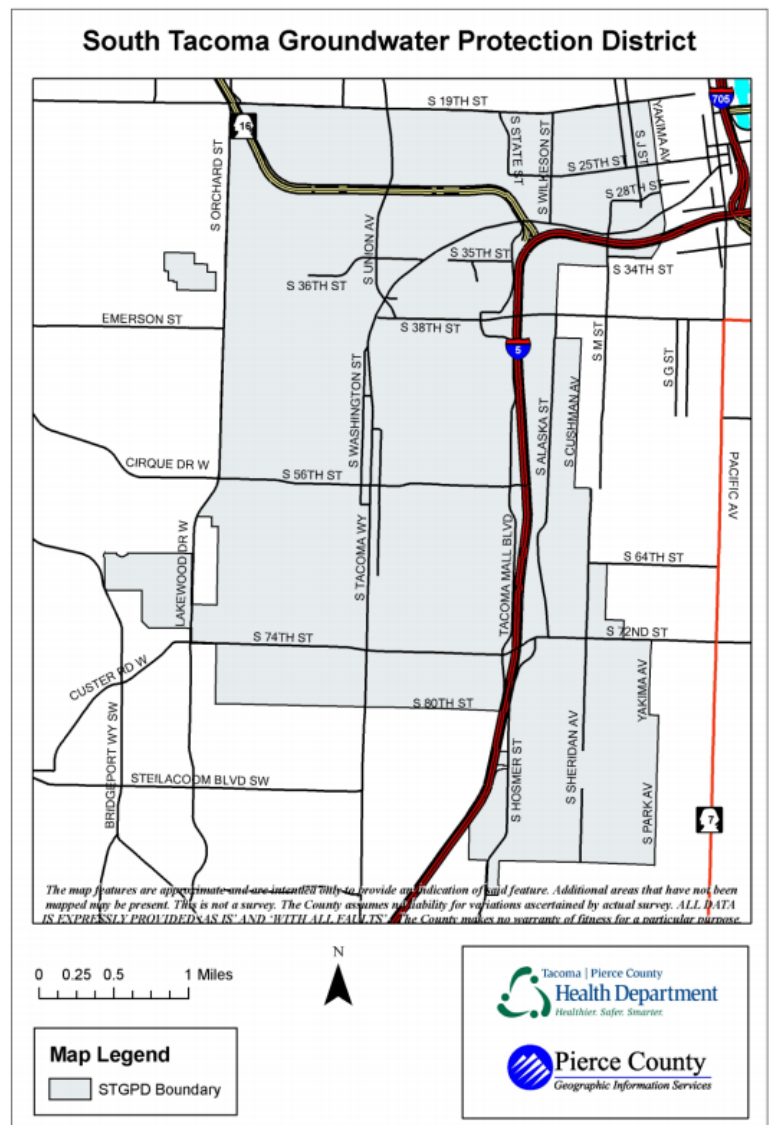
The application provides that the South Tacoma groundwater aquifer system serves as a significant source of drinking water for the City of Tacoma. [Groundwater typically supplies about 5% of Tacoma's water in the summer and supplements the supply from the Green River at other times of the year. Groundwater from this aquifer could supply up to 40% of Tacoma's drinking water. It supplies as much as 40 percent of the City's total water demand during periods of peak summer usage.](#) In 1988 the City of Tacoma adopted Tacoma Municipal Code (TMC) Chapter 13.09 - South Tacoma Groundwater Protection District (STGPD) to protect this important resource. This regulation had a major update in 2006, with minor adjustment during the Tacoma Mall Subarea Plan adoption in 2018 and is currently located in TMC 13.06.070.D. The STGPD program is managed by the Tacoma-Pierce County Health Department (Health Department) who work in close collaboration with the City of Tacoma and Tacoma Water.

The focus of the STGPD program is pollution prevention. Facilities are generally regulated based upon their use or handling of hazardous substances (whether product or waste). Facilities also may be regulated if they have drywells or stormwater infiltration systems on site. Regulated facilities receive a permit and biennial site inspections from the Health Department. Compliance issues or complaints may trigger additional inspections. Whenever possible, inspections are meant to provide educational and technical assistance to businesses to achieve voluntary compliance. [There are likely additional unregulated businesses that also need to come into the program.](#)

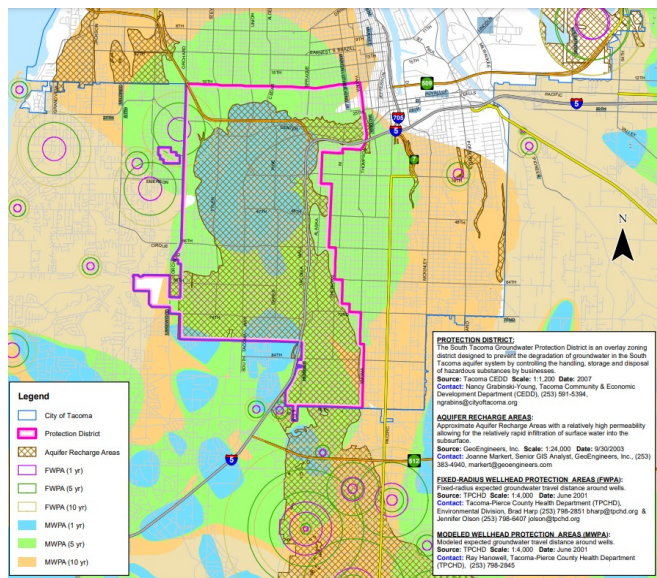
The application seeks to:

- Update the One Tacoma Comprehensive Plan and the TMC applicable to the STGPD and the aquifer recharge areas to address environmental and health risks and further prioritize protection of the STGPD; and
- Transform the South Tacoma Manufacturing/Industrial Center into an Economic Green Zone that fosters environmentally sustainable industry specifically within South Tacoma, [above and near this water source.](#)

(The application is posted on the website: www.cityoftacoma.org/2022Amendment)



Aquifer Recharge Areas and Wellhead Protection Areas



South Tacoma Manufacturing/Industrial Center (gray)



B. Assessment of the Application

The Planning Commission conducted an assessment of the application, in accordance with the requirements of the Tacoma Municipal Code (TMC), Section 13.02.070.E, with feedback provided by interested and concerned citizens through a Public Scoping Hearing in June 2021. On July 21, 2021, the Commission made a determination to move the application forward for technical analysis through the 2022 Amendment cycle and beyond. The Commission approved the following two-pronged (or two-stage) approach to addressing the application as recommended by planning staff:

- 1. STGPD Code Amendments** - Update TMC Section 13.06.070.D pertaining to STGPD. This work will be done in the future 2023 Amendment Cycle, with creation of a work plan to occur during the 2022 Amendment cycle, developed in collaboration with the City of Tacoma Environmental Services Department, Tacoma Public Utilities – Tacoma Water, and the Tacoma-Pierce County Health Department. The work plan may include review of allowed land uses, review of the One Tacoma Comprehensive Plan, refinement of allowed uses and boundaries, and periodic update of the STGPD to ensure the regulations fulfill the intent of protecting the district. It is noted that the STGPD encompasses not only the entire South Tacoma Neighborhood Council area, but also part of the South End Neighborhood Council and Central Neighborhood Council areas.
- 2. Creation of an Economic Green Zone** – Further evaluation will be given to formation of a green economic/industrial zone, including what the creation of such a land use designation would mean for the City of Tacoma, what would be required to move forward on this request, what the community engagement strategy should entail, how this request plays into the City’s ongoing economic development activities [and environmental goals](#), what incentives and code adjustments are required to attract Green Industry to the City’s manufacturing/industrial centers, what grant funding opportunities there may be, and how the implementation of the recently adopted 2030 Climate Action Plan and Climate Adaptation Strategy (Resolution No. 40878, November 30, 2021) may be taken into consideration.

(The Assessment Report is available on the website: www.cityoftacoma.org/2022Amendment)

C. The Work Plan for Code Amendments

The following Work Plan for the South Tacoma Groundwater Protection District (STGPD) Code Amendments ~~corresponds to~~ [represents the initial step of](#) the first component of the two-pronged approach [to addressing the original application of “South Tacoma Economic Green Zone.”](#) It has been developed based on the thoughts and suggestions from the applicant (South Tacoma Neighborhood Council) and staff from the City of Tacoma’s Planning and Development Services Department (PDS) and Environmental Services Department (ES), the Tacoma Public Utilities – Tacoma Water, and the Tacoma-Pierce County Health Department (TPCHD).

1. Major Issues:

- (a) General program awareness.
- (b) Enforcement [and monitoring](#).
- (c) Define “periodic update”.
- (d) Review proposal for prohibited uses from application.
- (e) Code [implementation and code](#) location (~~and including~~ [potential relocation](#)).
- (f) Infiltration Policy.
- (g) Program Funding.

2. Examine code amendments needed.

3. Community Engagement and Outreach Strategy:

- Stakeholders:
 - [Staff Team \(representing TPCHD, Tacoma Water, ES and PDS\)](#)
 - Permitted and Non-permitted Businesses
 - Homeowners and Taxpayers
 - Neighborhood Councils (South Tacoma, Central, and South End)
 - Planning Commission and City Council
 - ~~TPCHD, Tacoma Water, ES, PDS~~ [Additional local, regional, state and federal agencies and organizations, as may be identified](#)
- [Community Meetings; Surveys; Targeted Ads.](#)
- [Dissemination of information, data, maps and publicity materials that are user-friendly.](#)
- Focus on Equity.

4. Evaluate need [and funding](#) for consultant services.

5. Implementation:

- The Work Plan is to be carried out during the 2023 Amendment cycle, i.e. from early 2022 to June 2023.
- [To allow the flexibility to address additional issues that may arise during its implementation,](#) ~~The the~~ Work Plan is subject to change, depending on the directives and suggestions from the City Council, the Planning Commission, the applicant, and stakeholders.

D. Staff Analysis and Recommendation

The Work Plan (Section C. above) represents an approach for amending the South Tacoma Groundwater Protection District regulations. No code amendments are being proposed, or being analyzed against the criteria as set forth in TMC 13.02.70.D. Staff recommends that the Planning Commission release this staff report, along with other applications for the 2022 Amendment, for public review, in preparation for the public hearing, for which the date is to be set. After the public hearing, staff will facilitate the Commission’s review of public comments, decision making, and formulation of recommendations to the City Council.

Minor Plan and Code Amendments

Staff Analysis Report

February 16, 2022 (Draft for the Planning Commission's Review)



The “Minor Plan and Code Amendments” is one of the applications for the 2022 Annual Amendment to the *One Tacoma* Comprehensive Plan and Land Use Regulatory Code (or “2022 Amendment”). The application compiles a number of proposed amendments to the *One Tacoma Plan* and the Tacoma Municipal Code (primarily Title 13 – Land Use Regulatory Code) that are under the purview of the Planning Commission.

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

There are 15 issues compiled in this application, as shown in Exhibit “A”, which also documents staff analysis of the issues and the thought process for the corresponding proposed amendments.

Project Summary

Project Title:	Minor Plan and Code Amendments
Applicant:	Planning and Development Services Department
Location and Size of Area:	Citywide
Current Land Use and Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Lihuang Wung, (253) 591-5682, lwung@cityoftacoma.org
Staff Recommendation:	That the Planning Commission accept public comment and begin to develop recommendations to the City Council.
Project Proposal:	See Exhibit “A” – Issues and Proposed Amendments



Planning and Development Services
City of Tacoma, Washington
Peter Huffman, Director

Project Manager:
Lihuang Wung, Senior Planner
253-591-5682; lwung@cityoftacoma.org

Project Website:
www.cityoftacoma.org/2022Amendmen

A. Area of Applicability

Citywide - in various zoning districts and geographical areas.

B. Background

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

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

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

Book I: Goals + Policies

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

Book II: Implementation Programs + Strategies

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

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

“Land Use Regulations –

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

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

C. Analysis

It is imperative that both the Comprehensive Plan and the Code are properly maintained. The overall objective of the Minor Plan and Code Amendments is to keep the Plan and the Code current, respond to the changing circumstances, and enhance customer service. Staff analysis of this application has been conducted in accordance with TMC 13.02.070.F.2, which requires the following four provisions be addressed, as appropriate:

- a. A staff analysis of the application in accordance with the elements described in 13.02.070.D;
- b. An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;
- c. An analysis of the amendment options identified in the assessment report; and
- d. An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

a. A staff analysis of the application in accordance with the elements described in 13.02.070.D;

TMC 13.02.070.D, subsection 5.d.(1), requires that the following objectives shall be met by applications for the annual amendment:

- **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**
There are some issues included in the Minor Plan and Code Amendments, as shown in Exhibit “A”, intended to address inconsistencies and errors. There are also a number of issues intended to provide clarity or clarifications to existing language. For example:
 - #2 Preliminary and Final Plats – This proposal clarifies that an approved preliminary short or long plat is not an assurance that the final plat will be approved.
 - #3 Residential Landscaping Requirements – The proposal addresses the inadvertent error due to code reorganization and clarifies the regulatory intent.
 - #5 Reference to Definition Section – The proposal provides clarity so that code readers know where to look in the definitions section that is cited.
 - #7 Efficiency Unit Parking Exemption – This proposal eliminates redundancy regarding bike parking and clarifies the threshold and limitation on efficiency unit parking exemption.
 - #8 Single-family Detached Dwellings – This proposal improves and clarifies language in the table of Residential District Development Standard – Minimum Lot Area.
 - #9 Public Facility, Public Facility Site, Public Safety Facilities, & Public Service Facilities – This proposal consolidates and clarifies these definitions that are somewhat repetitive, overlapping, and confusing.
 - #12 Special Use Standards – This proposal ensures consistency between HMR-SRD (zoning exclusion and minimum lot size) and TMC 13.05.010.A.7.c (Infill Pilot Program conditional use permits).
 - #13 Two-family and Townhouse Dwelling – This proposal clarifies the number of townhouses permitted and minimum site size pertaining to Infill Pilot Program Two-family and Townhouse dwelling.
- **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;**
 - #4 Homeowners’ Association Owned Open Space & Other Tracts – Current code allows open space and other tracts to be owned by a homeowners’ association or the property owners within the subdivision, or dedicated to the public. Homeowners’ associations often go defunct/bankrupt, resulting in open

spaces not used as intended. This proposal, by removing “homeowners’ association” as an option for owning open spaces and other tracts, responds to changing circumstances and needs and desires of the community, and enhances the City’s capacity to provide adequate services.

- #10 Street Level Uses and Design – Proposed clarification pares the requirement down to just indicate that the spaces on the street level within downtown zoning districts incorporate elements to accommodate commercial uses. By providing more flexibility for prospective developers, this proposal is responding to the needs and desires of the community.
 - There are three proposed amendments associated with the Residential Infill Pilot Program 1.0 and 2.0, i.e., #11 Infill Pilot Program Handbook (adding a reference to the Infill Pilot Program Handbook), #12 Special Use Standards (ensuring consistency between HMR-SRD and Infill Pilot Program), and #13 Two-family and Townhouse Dwelling (clarifying definition and site size pertaining to Infill Pilot Program Two-family and Townhouse dwelling). These proposals are responding to the changing circumstances resulted from the implementation of the Infill Pilot Program.
- **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern;**
 - #6 Cultural Institutions and Public Benefit Use – This proposal not only enhances the definitions of “cultural institutions” and “public benefit use”, but also ensures the compatibility of lands uses allowed within the specified zoning districts.
 - #10 Street Level Uses and Design – By allowing prospective developers more flexibility in ensuring the spaces on the street level within downtown zoning districts are properly designed to accommodate commercial uses, this proposal helps to ensure compatibility of existing land uses.
 - #15 Manitou Annexation Area Land Use – This proposal aligns the previously adopted proposed land use designations for the Manitou Annexation Area with the newly adopted land use destinations for residential districts City-wide as per Home in Tacoma Project Phase 1. This proposal continues to respect the existing land uses in the Manitou Area and maintain the land use compatibility with the adjacent South Tacoma Neighborhood area.
 - **Enhance the quality of the neighborhood.**
 - #4 Homeowners’ Association Owned Open Space & Other Tracts – This proposal helps ensure that open spaces are maintained and utilized in the neighborhood as they are intended for.
 - The three proposed code amendments associated with the Residential Pilot Infill Program, i.e., #11 Infill Pilot Program Handbook, #12 Special Use Standards, and #13 Two-family and Townhouse Dwelling, are intended to support the effective implementation of the pilot program, which in turn would help enhance the quality of the neighborhood.
 - #14 Sign Code Update – This proposal includes a clarification that one sign per candidate, issue, or event may be placed, and that the limit of one sign is not suspended during an election. This provision should help enhance the quality of the neighborhood.

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

- #1 Definition of Family – This proposal modifies the current definition of “family” in the land use code to be consistent with RCW 35.21 and 35A.21, which were amended in July 2021 per SB 5235. This proposal also carries out the Planning Director’s Rule #03-2021 established in July 2021 in response to SB 5235.

- #2 Preliminary and Final Plats – This proposal modifies the current code language to be consistent with RCW 58.17.100 (Review of Preliminary Plats).
- #4 Homeowners’ Association Owned Open Space & Other Tracts – This proposal removes “homeowners’ association” as an option for owning open spaces and other tracts, and maintains consistency with RCW 58 (Boundaries and Plats) that does not require local jurisdictions to include ownership by homeowners’ associations as an option and with Pierce County’s code (Chapter 8.F30.030) that has no allowance for homeowners’ associations.
- #14 Sign Code Update – The proposal brings code into compliance with current laws. Without this change, staff are barred from enforcing clutter created by temporary signs.
- #15 Manitou Annexation Area Land Use – This proposal aligns the proposed land use designations for the Manitou Annexation Area as established by Ordinance No. 28609, adopted by the City Council on September 24, 2019, with the “Low-Scale Residential” and “Mid-Scale Residential” Future Land Use Map designations through the Home In Tacoma Project Phase 1 that was adopted by the City Council on December 7, 2021, per Ordinance No. 28793.

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

An Assessment Report for this application was presented to the Planning Commission on May 19, 2021, and an additional Staff Report presented on July 21, 2021, after the Public Scoping Hearing on June 16, 2021. Both reports indicate that most of the proposed amendments are intended to address inconsistencies, correct errors, and/or provide clarification. The proposals are usually unequivocal and straightforward, requiring no alternative analysis. Some of the proposed amendments require certain level of analysis, in which cases the analysis was conducted based on the feedback and suggestions from internal customers (i.e., staff who use and interpret the Plan and the Code) and external customers (e.g., developers and permit applicants). The thought processes for all of the proposed amendments are documented in Exhibit "A".

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

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

D. Public Outreach

Public outreach for the “Minor Plan and Code Amendments” application has been conducted as part of the Planning Commission’s meetings when this application was on the agenda – on May 19, 2021 (reviewing scope of work), June 16, 2021 (Public Scoping Hearing), and July 21, 2021 (approval of scope of work). The first report of issues, analysis and proposed amendments for this application (i.e., the earlier version of Exhibit “A”) was reviewed by the Commission on January 19, 2022. The Commission’s comments and suggestions have been incorporated into the current Exhibit “A” (attached). The Commission is scheduled to conduct a public hearing on the 2022 Amendment on March 16, 2022 (tentatively). Additional public outreach for all the applications for the 2022 Amendment will be conducted prior to and during the public hearing process.

E. Recommendation

Staff recommends that the Planning Commission release this staff report and Exhibit “A”, along with other applications for the 2022 Amendment, for public review, in preparation for the public hearing, for which the date is to be set. After the public hearing, staff will facilitate the Commission’s review of public comments, decision making, and formulation of recommendations to the City Council, pursuant to TMC 13.02.070.H, as cited below:

H. Findings and recommendations.

1. Upon completion of the public comment period and review of the public testimony, the Planning Commission will make a determination as to whether the proposed amendments are consistent with the following criteria:
 - a. Whether the proposed amendment will benefit the City as a whole, will not adversely affect the City’s public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare; and
 - b. Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan.
2. The Commission will prepare a recommendation and supportive findings to forward to the City Council for consideration.

F. Exhibit

- Exhibit “A” – Minor Plan and Code Amendments – Issues and Proposed Amendments (February 16, 2022 Draft)

(Staff Note: The Commission reviewed this application on 1/19/22, and requested a follow-up review on 5 of the 14 issues, i.e., Issues #1, #6, #9, #10, and #14. This Exhibit “A” includes these 5 issues, as well as a new issue, #15 – Manitou Annexation Area Land Use. Upon the Commission’s review and concurrence, this staff report and Exhibit “A” will be finalized and released for public review.)

#



2022 ANNUAL AMENDMENT TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

Attachment #2 – Exhibit A
Agenda Item F-1
Planning Commission Meeting
February 16, 2022

Minor Plan and Code Amendments – Issues and Proposed Amendments (Draft for Planning Commission’s Review, February 16, 2022) (Follow-up from the 1-19-22 meeting)

No.	Issues and Assessments	Proposed Amendments	Planning Commission Comments and Staff Response
1.	<p>Definition of Family (Director Rule 03-2021)</p> <ul style="list-style-type: none"> TMC 13.01.060.F Zoning Definitions <p>Senate Bill 5235 (SB 5235), signed into law by the Governor, effective July 25, 2021, includes a key restriction on how local governments define and regulate residential unit occupancies. For the City of Tacoma, currently, “Family” is defined in TMC 13.01.060.F as follows: <i>“Family.” One or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students, or a group of not more than six unrelated persons, living together as a single nonprofit housekeeping unit; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b).</i></p> <p>Per the new State law, these types of broad zoning limitations on the number of unrelated individuals that can live in a dwelling unit are no longer allowed. Per the PDS Director’s Rule 03-2021, effective July 25, 2021, the City will no longer use this definition to limit residential occupancy. This issue and potential permanent corrective code amendments should be included in the scope of work for the 2022 Amendment.</p>	<ul style="list-style-type: none"> Replace the current definition of “Family” in the Land Use Code with the following: <i>“Family.” One or more persons, related or unrelated, living together as a single household where all members have common access to and use of living, kitchen and other shared spaces.</i> <p>(Note: This definition change achieves basic consistency with the new state law. However, the state law, as well as policy adopted through Home In Tacoma Phase 1 call for a more holistic review of the use of the term “family” and of other standards that limit the number of people who can live in a dwelling unit.)</p>	<p>PC (1/19/22):</p> <ul style="list-style-type: none"> Governor vetoed some parts of SB5235 when signing it into law, affecting the “must”, “shall”, “should”, etc., in certain provisions. Make sure those are factored in, so PC is acting upon all correct information. Consider using “household”, instead of “family.” <p>Staff (2/2/22): While the Governor did veto portions of SB 5235, RCW 35.21 and 35A.21 were amended as follows: <i>Except for occupant limits on group living arrangements regulated under state law or on short term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a code city may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.</i></p> <p>Staff concur that the proposed “family” definition is essentially the same as “household”. However, while changing the “family” definition achieves consistency with the state law, it is an interim step. Because the term “family” is currently used widely in the TMC, staff recommend taking more time as part of the Home In Tacoma Phase 2 analysis before potentially replacing it.</p>

No.	Issues and Assessments	Proposed Amendments	Planning Commission Comments and Staff Response
6.	<p><u>Cultural Institutions and Public Benefit Use</u></p> <ul style="list-style-type: none"> TMC 13.01.060.C and .P Zoning Definitions <p>Suggest clarifying the definition of “Cultural Institutions” to indicate that such uses are not limited to museums, as the current language might suggest. Also, this definition is listed twice in the section, where the 2nd occurrence should be deleted.</p> <p>The “art gallery or museum” currently included in the definition of “Public Benefit Use” should be replaced with “cultural institutions.”</p> <p>It is also suggested that the “community meeting rooms” option be deleted from the definition of “Public Benefit Use.” We have found applicants are inclined to use this as a sort of “loophole”, to basically circumvent having to do any actual commercial space option on the ground floor where required. With this change, they will be designing to commercial standards regardless in the downtown areas.</p> <p>Also, “Public benefit use” should be added as a use category to these use charts of TMC 13.06.030, TMC 13.06.040, and TMC 13.06.060. Indicate which districts allow, prohibit, and required conditional use permits for this use in these districts.</p>	<ul style="list-style-type: none"> Amend TMC 13.01.060.C as follows: “Cultural institutions.” Institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes museums, such as a museum, or cultural center, operated by a non-profit organization, offering services to the community. “Cultural institutions.” Institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes museums. Amend TMC 13.01.060.P as follows: “Public benefit use.” As used in Section 13.06.050 — Downtown, public Public benefit uses shall include any of the following uses: <ol style="list-style-type: none"> Day care available to the general public Human services, such as employment counseling and walk-in clinics Recreation, such as health clubs Community meeting rooms Art gallery or museum <u>Cultural institutions</u> Drop-in centers for youth or seniors Amend use charts of TMC 13.06.030, 13.06.040, and 13.06.060 as follows: Add “Public benefit use” as a use category to these use charts and indicate which districts allow, prohibit, and required conditional use permits for this use in these districts. 	<p>PC (1/19/22):</p> <ul style="list-style-type: none"> Why is “community meeting rooms” deleted? Any impacts? <p>Staff (1/20/22): Item 10 of this list, as proposed, ensures that if a Community Meeting Room is proposed in a downtown district along a Primary Pedestrian Street, it will be designed and built to standards to support a commercial use. Staff suggests leaving in the Community meeting rooms (i.e., no change, as highlighted in yellow), with the understanding and presumption that Item 10 would be adopted.</p>

No.	Issues and Assessments	Proposed Amendments	Planning Commission Comments and Staff Response						
9.	<p><u>Public Facility/Site and Public Safety/Services Facilities</u></p> <ul style="list-style-type: none">TMC 13.01.060.P Zoning Definitions <p>Currently, there are definitions for “Public facility”, “Public facility site”, “Public safety facilities”, and “Public service facilities” included in this section. These definitions are somewhat repetitive, overlapping, and confusing. It is suggested that these be consolidated into two categories: “Public Facility Site” and “Public Service Facilities”, in order to improve the clarity and implementation effectiveness of the code.</p> <p>“Public safety” and “public service facilities” are currently already bundled together in all use tables. This change will not affect allowed uses.</p> <p>Along with the suggested consolidation of definitions, the land use charts of TMC 13.06.020.D.4, 13.06.030.D.4, 13.06.040.E.3, and 13.06.060.E.4 should be updated to remove “public safety” as separate use.</p>	<ul style="list-style-type: none">Amend TMC 13.01.060.P as follows: “Public facility.” Any facility funded in whole or part with public funds, which provides service to the general public, including, but not limited to, public schools, public libraries, community centers, public parks, government facilities, or similar uses. “Public facility site.” An existing public or quasi-public site developed with an existing public or quasi-public facility, including, but not limited to, substations, water reservoirs, or standpipes; police or fire stations; sewer or refuse utility facilities; other governmental facilities, parks, or open space areas; hospitals; public or private schools; and churches. <u>“Public facility site.” A public or quasi-public site developed with a facility that provides service to the general public, and is funded in whole or part with public funds. This definition may include, but is not limited to schools, public libraries, community centers, public parks, government facilities, substations, water reservoirs, or standpipes; police or fire stations; sewer or refuse utility. This general classification does not include other government facility sites that are more specifically defined and regulated, such as correctional and detention facilities, parks, schools, and utilities.</u> “Public safety facilities.” Facilities for public safety and emergency services, including facilities that provide police and fire protection and ambulance services. “Public service facilities.” Facilities owned, operated, or occupied by a government agency that provide a governmental service to the public, such as public libraries, courthouses, post offices, community centers, and government offices, <u>police and fire protection, and ambulance services</u>. This general classification does not include other government facilities that are more specifically defined and regulated, such as correctional and detention facilities, parks, schools, public safety facilities, and utilities.Amend land use charts of TMC 13.06.020.D.4, 13.06.030.D.4, 13.06.040.E.3, and 13.06.060.E.4 as follows: Remove “public safety” as separate use. Example: <table border="1"><tr><td>Public safety and public service facilities</td><td>P</td><td>P</td><td>P</td><td>P</td><td></td></tr></table>	Public safety and public service facilities	P	P	P	P		<p>PC (1/19/22):</p> <ul style="list-style-type: none">Make sure we didn’t lose anything during the process of consolidating the definitions and we can operate on the revised definitions. <p>Staff (1/20/22): Upon further review, staff suggests that the proposed language is appropriate.</p>
Public safety and public service facilities	P	P	P	P					

<p>10. <u>Street Level Uses and Design</u></p> <ul style="list-style-type: none"> TMC 13.06.100.D.3.b Downtown District Minimum Building Design Standards – Street Level Uses and Design – Primary Pedestrian Streets <p>In implementing the downtown design standards, currently we offer the option of having a store and not meeting the standards, which results in situations that are hard to monitor or enforce. If the idea is conversion/ability to use for commercial purposes, then we should have everything built that way.</p> <p>The proposal is to take use requirements out of the development standards – which is especially important with new tenants because nearly all of the time we don't know who tenants will be. Also, the current sentences pertaining to nonconforming are extremely confusing and should be removed.</p>	<ul style="list-style-type: none"> Amend TMC 13.06.100.D.3.b as follows: <ul style="list-style-type: none"> Primary Pedestrian Streets. <p><u>To support pedestrian-oriented/street-activating commercial uses such as retail, restaurants, cultural or entertainment uses, hotel lobbies, personal service uses, parcel and mail services, the customer service portion of banks, credit unions, savings and loan associations, or Public Benefit Uses, any</u>Any new building, the addition to any building, or any substantially altered building fronting on a Primary Pedestrian Street shall comply with either subparagraphs a. or b. the design requirements below:</p> <ol style="list-style-type: none"> At The floor area abutting at least 25 percent of the linear sidewalk level frontage shall incorporate these elements, along with any other required basic or additional design standards. consist of any of the following uses: retail; restaurants; cultural or entertainment uses, hotel lobbies; travel agencies; personal service uses; parcel and mail services; copy centers; check-cashing facilities; the customer service portion of banks, credit unions, and savings and loan associations; or Public Benefit Uses. Uses at the sidewalk level frontage lawfully in existence on January 10, 2000, the time of reclassification to the above districts, shall be considered legal nonconforming uses and may continue, although such uses do not conform to this standard. The floor area abutting at least 25 percent of the linear sidewalk level frontage shall be designed and constructed to accommodate future conversion to the uses listed in subparagraph a. above, and may be occupied by any use allowed in the zoning district. The area designed and constructed to accommodate future conversion shall meet the following standards, in addition to any other required basic or additional design standards. <ol style="list-style-type: none"> The distance from the finished floor to the finished ceiling above shall be at least 12 feet. The area must have a minimum average depth of 25 feet measured from the sidewalk level façade. The sidewalk level façade must include a pedestrian entrance or entrances to accommodate a single or multiple tenants or be structurally designed so entrances can be added when converted to the building uses listed in subparagraph a. above. At least 25 percent of the sidewalk level façade of the portion of the building designed and constructed to accommodate future conversion to listed uses shall provide transparency through the use of windows and doors for the area located between 2 feet above grade and 12 feet above grade. 	<p>PC (1/19/22):</p> <ul style="list-style-type: none"> Make sure we didn't miss anything important while stripping quite some provisions. <p>Staff (2/10/22):</p> <p>The intent of the proposed amendment is to streamline the code by deferring to the more flexible of the two existing options, allowing developers to just meet the design standards so that future commercial uses can be accommodated. In other words, the proposed language would change the effect of the code such that there is technically only one option (the build-to commercial standards option).</p> <p>To maintain the intent and be responsive to the Commission's concern, staff would modify the proposed language by adding a lead-in statement (as highlighted in yellow) that clarifies the intent of the requirement, which is to support pedestrian-oriented/street-activating commercial uses.</p>
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<p>14. <u>Sign Code Update</u></p> <ul style="list-style-type: none"> • TMC 13.01.060.S Zoning Definitions • TMC 13.06.090.I.3.b Sign Standards – General Sign Regulations – Exempt Signs • TMC 13.06.090.I.3.k Sign Standards – General Sign Regulations – Temporary Signs <p>Signs regulated based on content have been found to be illegal and unenforceable. We have two types of signs that are clearly regulated based on content – political signs and real estate signs. These proposed changes “fix” the temporary sign sections in such a way to bring into compliance with current laws. In making changes, staff have researched legal cases and benchmarked jurisdictions that have undergone similar exercises. For the last 18 months, the City has informally been administering the sign code as proposed here-in. Without this change, staff are barred from enforcing clutter created by temporary signs.</p> <p>This effort includes a code change to TMC Title 2 related to Political Signs.</p>	<ul style="list-style-type: none"> • Amend 13.01.060.S as follows: “Sign, off-premises open house or directional sign.” A sign advertising a transaction involving: 1. A product sold in a residential zone; 2. A product that cannot be moved without a permit; and/or 3. A product with a size of at least 3,200 cubic feet. “Sign, real estate.” Any sign which is only used for advertising the sale or lease of ground upon which it is located or of a building located on the same parcel of ground. “Sign, temporary.” An on-premises sign, banner, balloon, feather sign, pennant, valance, A-board, or advertising display constructed of cloth, canvas, fabric, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or other similar light material, with or without a frame, which is not permanently affixed to any sign structure and which is intended to be displayed for a limited time only. • Amend TMC 13.06.090.I.3.b as follows: (13) Political signs, as set forth in Title 2. (14) Real estate signs, 12 square feet or less, located on the site. Condominiums or apartment complexes shall be permitted one real estate sign with up to 12 square feet per street frontage. Such sign(s) may be used as a directory sign that advertises more than one unit in the complex. (15) Off-premises open house or directional signs <u>Temporary on-premise or off-premise signs</u>, subject to the following regulations <u>in TMC 13.06.090.I.3.k</u> (a) The signs may be placed on private property or on the right-of way adjacent to said private property, with the permission of the abutting property owner. The signs shall be displayed in such a manner as to not constitute a traffic hazard or impair or impede pedestrians, bicycles, or disabled persons. If either condition is not met, the abutting property owner or the City may remove the sign. (b) Signs shall not be fastened to any utility pole, street light, traffic control device, public structure, fence, tree, shrub, or regulatory municipal sign. (c) A maximum of three off-premises open house or directional signs will be permitted per single family home. One additional open house or directional sign identifying the open house shall be permitted at the house being sold. 	<p>PC (1/19/22):</p> <ul style="list-style-type: none"> • Definition of political/election signs, and duration of such signs? <p>Staff (1/26/22): Clarify that one sign per candidate, issue, or event may be placed, and that the limit of one sign is not suspended during an election. (See changes highlighted in yellow)</p>
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		<p>(d) Signage shall not exceed four square feet in area per side (eight square feet total) and three feet in height. Off premises open house or directional signs shall not be decorated with balloons, ribbons, or other decorative devices.</p> <p>(e) Signage shall only be in place between the hours of 11:00 a.m. and 6:00 p.m., when the seller of the product, or the seller's agent, is physically present at the location of the product.</p> <ul style="list-style-type: none"> • Amend TMC 13.060.090.I.3.k as follows: Special regulations governing temporary signs are as follows: <p>(1) Unless otherwise regulated in TMC 13.06.090.4, the one signs per candidate, issue, or event may be placed on private property or on the right-of-way adjacent to said private property, with the permission of the abutting property owner. The signs shall be displayed in such a manner as to not constitute a traffic hazard or impair or impede pedestrians, bicycles, or disabled persons. If either condition is not met, the abutting property owner or the City may remove the sign. During an election, the limit of one sign is suspended.</p> <p>(2) Signs shall not be fastened to any utility pole, street light, traffic control device, public structure, fence, tree, shrub, or regulatory municipal sign.</p> <p>(3) All temporary signs must be authorized by the public or private property owner.</p> <p>(43) All temporary signs shall be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists.</p> <p>(64) All temporary signs shall meet vehicular sight distance requirements established by the Traffic Engineer.</p> <p>(5) No temporary sign shall project over or into a public right-of-way or property except properly authorized banners over streets (see Title 9).</p> <p>(6) Temporary signs are prohibited in a medium, traffic circle, or the roadway itself.</p> <p>(27) No flashing temporary signs of any type shall be permitted.</p> <p>(8) Unless otherwise regulated in TMC 13.06.090.4, signage shall not exceed 4 square feet in area per side (eight square feet total) and three feet in height.</p> 	
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No.	Issues and Assessments	Proposed Amendments	Planning Commission Comments and Staff Response
		<p>(49) The duration of display of a temporary sign shall not exceed six months in any 12-month period, unless otherwise noted OR the temporary sign(s) must be removed within 14 days of the issue or event for which it is intended, whichever is less.</p> <p>(7) The regulations governing the size, number, and type of temporary signs are located in Section 13.06.090.I.4.</p> <p>(10) See TMC 13.06.090.I.3.c for additional prohibitions related to temporary signs.</p>	

15. **Manitou Annexation Area Land Use**

- Future Land Use Map and other relevant maps and text in the Comprehensive Plan

The City Council adopted Ordinance No. 28609 on September 24, 2019, setting forth the Proposed Land Use Designations and Zoning Districts for the Manitou Potential Annexation Area ("Proposed Manitou Land Use") to be effective upon the area's annexation to the City.

The land use designations for residential areas in the City have recently been replaced with the "Low-Scale Residential" and "Mid-Scale Residential" Future Land Use Map (FLUM) designations through the Home In Tacoma Project – Phase 1 that was adopted by the City Council on December 7, 2021, per Ordinance No. 28793.

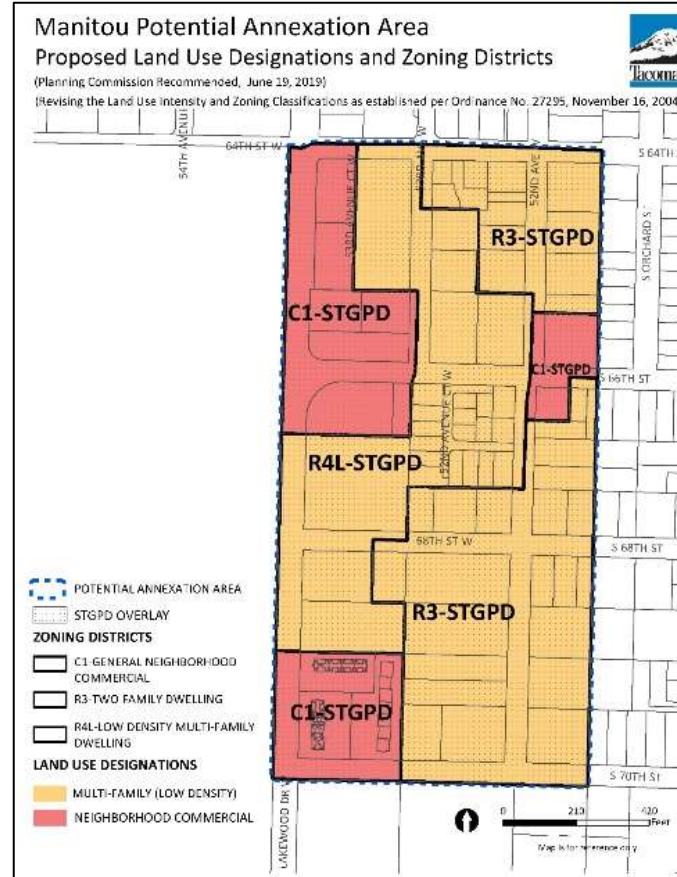
There is a need to update the residential land use designation portion of the Proposed Manitou Land Use in accordance with the new FLUM designations.

The proposed update (shown in the next column) would integrate the new FLUM designations, and continue to adhere to the intent of Ordinance No. 28609 by respecting the existing land uses in the Manitou area. It is appropriate for such update to be considered a minor amendment to the Comprehensive Plan, based on the legal advice from the City Attorney's Office.

Background information about the Manitou Annexation and the Home In Tacoma projects can be viewed at, respectively,
www.cityoftacoma.org/Manitou and
www.cityoftacoma.org/homeintacoma.

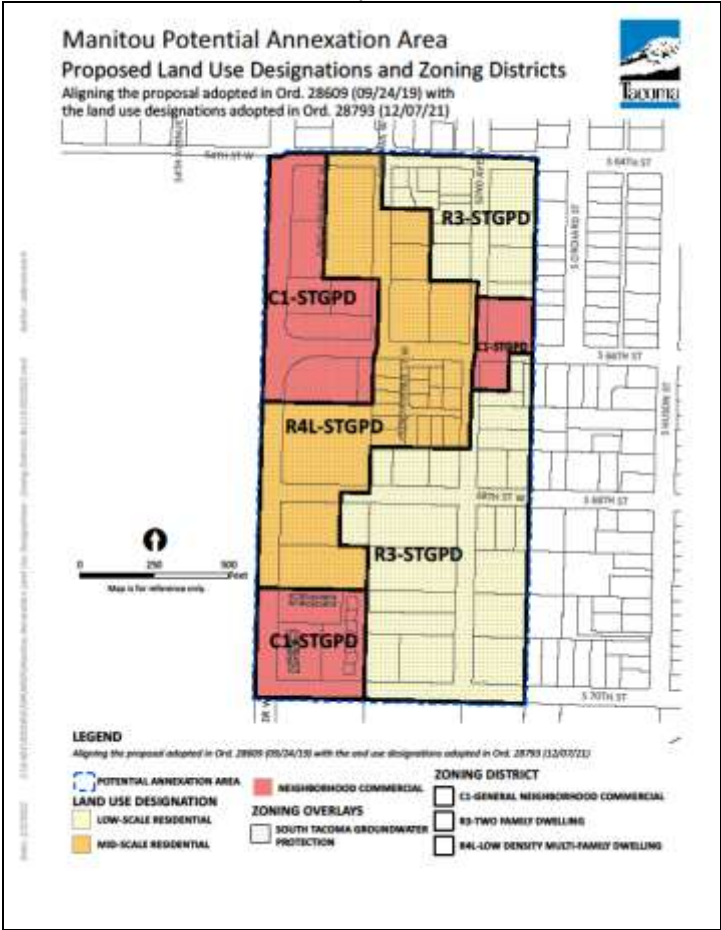
- Replace the "Multifamily (Low Density)" Future Land Use Map (FLUM) designation included in Ordinance 28609 with the "Mid-Scale Residential" designation for those areas with a predominance of existing multi-family and mobile home uses (which are also intended for R4L zoning), and with the "Low-Scale Residential" designation for areas with a predominance of existing single-family uses (intended for R-3 zoning). This distinction reflects the Council's intent in designating different zoning districts along with the FLUM designations.
- No change is recommended to the "Neighborhood Commercial" designation, which would apply to the areas with existing commercial parcels, or to the South Tacoma Groundwater Protection Overlay District.
- To reflect the changes, Map 1 (which was adopted in Ordinance No. 28609) would be replaced with Map 2, as follows:

Map 1.



Staff (1/20/22):

This is a new item proposed for the Commission's consideration.

No.	Issues and Assessments	Proposed Amendments	Planning Commission Comments and Staff Response
		<p style="text-align: center;">Map 2.</p> 	

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