



AGENDA

MEETING: Special Meeting

TIME: Wednesday, October 4, 2017, 5:00 p.m.

LOCATION: Council Chambers, Tacoma Municipal Building, 1st Floor
747 Market Street, Tacoma, WA 98402

← Note the changes
in meeting time
and location

A. Call to Order and Quorum Call

B. Approval of Agenda and Minutes of September 6, 2017 and September 13, 2017

C. Public Comments (Comments are accepted on all items on the agenda except the subjects of recent public hearings; comments are limited to 3 minutes per person.)

D. Discussion Items

1. Hilltop Link Expansion – FTA/SGA Technical Assistance Grant

Review the status of the project that is funded with the Federal Transit Administration's Transit Oriented Development Technical Assistance Initiative Grant.

(See "Agenda Item D-1"; Lauren Flemister, 253-905-4146, lflemister@cityoftacoma.org)

2. Tidel flats Interim Regulations

Complete the review of public comments received at the September 13th public hearing and during the comment period through September 15th and consider making a recommendation to the City Council.

(See "Agenda Item D-2"; Stephen Atkinson, 253-591-5531, satkinson@cityoftacoma.org)

E. Communication Items & Other Business

(1) **Tacoma Mall** – Memo from Elliott Barnett providing supplemental information concerning the Tacoma Mall Neighborhood Subarea Plan to prepare the Commission for the continued discussion on October 18, 2017 (See "Agenda Item E-1").

(2) **Emergency Shelters** – The City Council will conduct a public hearing on October 10, 2017 on the proposed modifications to and six-month extension of the Emergency Temporary Shelters Interim Regulations. For more information, please visit: www.cityoftacoma.org/Planning and click on "Current Initiatives and Projects" and then "Emergency Temporary Shelters Regulations."

(3) **Planning Commission Vacancy** – The City Clerk's Office will be accepting applications through October 16, 2017 for filling the vacant position representing District No. 5 for an unexpired term through June 30, 2018. For more information, please visit: http://www.cityoftacoma.org/government/committees_boards_commissions/

(4) The next Planning Commission meeting is scheduled for October 18, 2017, at 4 p.m., in Room 16; tentative agenda (subject to change) includes: Tacoma Mall Neighborhood Subarea Plan; and Emergency Temporary Shelters Interim Regulations.

(5) The next Infrastructure, Planning and Sustainability Committee meeting is scheduled for October 11, 2017, at 4:30 p.m., in Room 16; the agenda includes: 2018 Amendments and Planning Work Program Update; Skip Vaughn Trail Naming; and Biogas Project.

F. Adjournment





MINUTES (Draft)

TIME: Wednesday, September 6, 2017, 5:00 p.m.
PLACE: Asia Pacific Cultural Center - Auditorium
4851 South Tacoma Way, Tacoma, WA 98409
PRESENT: Stephen Wamback (Chair), Anna Petersen (Vice-Chair), Jeff McInnis, Brett Santhuff
Dorian Waller, Jeremy Woolley, Andrew Strobel, Carolyn Edmonds
ABSENT: Chris Beale

A. CALL TO ORDER AND QUORUM CALL

Chair Wamback called the meeting to order at 5:00 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES OF AUGUST 2, 2017 AND AUGUST 16, 2017

The agenda was approved. The minutes of the regular meetings on August 2, 2017 and August 16, 2017 were reviewed and approved as submitted.

C. PUBLIC COMMENTS

The public comment item was skipped as public hearings were the only discussion items on the agenda.

D. DISCUSSION ITEMS

1. Public Hearing - Marijuana Use Buffers Code Amendment

At 5:03 p.m., Chair Wamback called the public hearing to order and reviewed the procedures.

Lihuang Wung, Planning Services Division, reviewed that the proposal would amend the TMC 13.06.565 by adding local definitions for playgrounds and recreational facilities, including sites owned the Metropolitan Parks District. He reported that the amendment was necessary to address the gap between the intent and definitions in the State's law, to alleviate permitting problems, and to provide temporary protective measures until the State corrected the definitions. The proposed amendment would have little to no impact on existing or prospective marijuana businesses as it was only clarifying the code language and not changing the buffering requirements.

Chair Wamback called for testimony. The following citizens testified:

- (1) Venus Dergan, South Tacoma Neighborhood Council:
Ms. Dergan asked that they adopt the amendment. She reviewed how the issue came to their attention when they received notices in the mail that two businesses were seeking permits to build marijuana processing facilities within 1000 feet of two parks in their area. She reported having contacted Metro Parks, who clarified that the two parks in question were defined by them as public parks. She suggested the amendment would ensure that there was no more confusion.

Seeing no one else coming forward, Chair Wamback closed the public hearing at 5:20 p.m.

2. Public Hearing - Tacoma Mall Neighborhood Subarea Plan and EIS

At 5:20 p.m., Chair Wamback called the public hearing to order and reviewed the procedures.

Elliott Barnett, Planning Services Division, reviewed that the package of proposals included the Draft Subarea Plan with the vision, goals, and actions for the neighborhood; the Plan Appendices with the

proposed code revisions, and streetscape designs; and the Draft Environmental Impact Statement (EIS) which would take the place of project level SEPA review for future projects. He reviewed that they were two years into the subarea planning process which had included community engagement, technical studies, and discussion of the draft plan document. He noted that the area was a regional growth center, designated for infrastructure investment to facilitate growth in jobs and housing. He commented that their overall objective was to create the opportunities for change through targeted City investment and other actions to encourage significant change including to the block scale of the neighborhood.

Mr. Barnett reviewed that the Urban Form Chapter of the plan included six design ideas: place based districts, focusing density, a loop road, green infrastructure investment, enhancing the neighborhood transitions, a walkable neighborhood, and supporting the transition to a transit ready community. To support the Urban Form vision the Madison and Lincoln Heights districts would be zoned for residential development with multiple height limits and an industrial zoning transition area.

Mr. Barnett discussed design standards for future residential and commercial development to ensure development was oriented towards pedestrians with buildings towards the streets and improved pedestrian access. The transportation and infrastructure package would include a list of City capital projects to improve pedestrian safety, improve transit access, and create a central transit hub. Mr. Barnett noted that the area had several blocks larger than what was recommended for an urban center and the plan included a proposal to create new street connections with major private development.

Mr. Barnett discussed green stormwater and tree proposals including techniques to allow water to better infiltrate the ground and a proposal to increase tree canopy coverage to 25% by 2040. Parks and Open Space proposals would address the need for attractive safe spaces for people in each of the four quadrants. Mr. Barnett noted that they had proposed prioritization of actions including a funding study that would focus on infrastructure investments and the connectivity proposal.

Chair Wamback called for testimony. The following citizens testified:

(1) Valerie Fyalka-Munoz, Michaels Plaza:

Ms. Fyalka-Munoz commented that the plan encumbered Michaels Plaza with new roads in the medium and long term vision maps that restricted businesses, devalued the property, and limited ability for future development. She added that there was a twenty foot slope making the construction of a road costly. She commented that Michaels Plaza currently had eight entrances for ingress and egress and that City planners would be wiser to improve the existing road system. She commented that the plan was an excessive taking of private property rights and that they would defend their constitutional rights and let the courts decide.

(2) John Brekke and Eleanore Brekke, Cedar Plaza:

Ms. Brekke discussed how their parents had developed Cedar Plaza from raw land in the northwest quadrant of the Tacoma Mall area 35 years ago. She reviewed that they had been participating in the subarea planning process for over a year and discussed the things they liked about the plan including the creation of a transit center, bringing identity to the area, and improvements to existing streets. Mr. Brekke commented that the main overriding concern was connectivity, suggesting that they needed a plan that allowed businesses to operate and did not stifle development. Mr. Brekke commented that the 15% trigger for connectivity requirements was far too low and that the requirement would be dividing their 16 acre parcel into 32 half acre chunks. Ms. Brekke commented that they continued to question the costs and benefit of the proposed 37th Street when there were viable alternatives. She suggested that if it was deemed necessary, then it should be a Tier 1 street which would be City led, funded, and constructed.

(3) Nikki Rohloff:

Ms. Rohloff reported that she lived in the Tacoma Mall neighborhood one block from the mall, but walking there was impossible. She expressed support for the new I-5 ramp going directly to the Mall and bypassing the 38th Street intersection. She commented that a dog park would be a good idea with all of the apartments going in. She encouraged them to require more parking for multifamily to accommodate everyone who lives there.

- (4) Jeffrey Mann, Pierce County Planning and Public Works:
Mr. Mann commented that they had been supportive of key concepts including the loop road, stormwater management approaches, green streets program, increased parks, and zoning changes. They had recommended a transit connection from the Tacoma Dome to the mall area and additional park land closer to the campus. Their primary concern was the connectivity proposal, specifically the bike boulevard that bisected the campus which would impact their ability to develop the site in the future as a significant County facility. Their request was that the road crossing their campus be deleted from the plan.
- (5) Angelia Alexander, Tacoma Friends Meeting:
Ms. Alexander noted that their meeting house location had a proposed bike path going through their building on one of the original maps, but it was not in subsequent drafts. She commented that the area lacked a sense of place or neighborhood.
- (6) Amy Pow, Tacoma Pierce County Health Department:
Ms. Pow noted that residents in the area had a very high health disparity and a shorter life expectancy than the City average. She reviewed that the Health board of directors had adopted a resolution calling for health to be considered in all decision making. She noted several health issues that they were concerned about including displacement of low income residents. They felt that maintaining the current level of affordable housing was critical for the existing residents and new residents as well. She commented that there were many good policies in the plan to encourage walkable urbanism including the loop road and green infrastructure. The Health Department was also concerned that the current targets for the performance measures in the health chapter were too low.
- (7) Venus Dergan, South Tacoma Neighborhood Council:
Ms. Dergan commented that many of the residents in South Tacoma are of median to low income and that when the Area Median Income (AMI) is too high the apartments are not affordable. She noted quality of life issues including front doors on alleys, no open space, no large vehicle parking, and that the height limit was too high. She suggested that they needed a transit station stop at the mall.
- (8) Christian Konopaski:
Mr. Konopaski commented that they owned a multifamily dwelling in the area and that while he liked some concepts in the plan, the City had failed to implement many existing concepts like paving streets and sidewalks. He objected to funding for any new projects until the streets were brought up to modern standards.
- (9) Beverly Bowen-Bennett:
Ms. Bowen-Bennett noting that in the draft subarea plan front doors on alleys would be allowed if the alley looked like a street, which would not make it an alley. She reiterated that not allowing front doors on alleys should be written in clear terms. She expressed concern that the matrix used by Metro Parks Tacoma to decide where to put parks had to do with the geography and not the population of the area. She commented that there were people of all ages who walk in the mall and asked that they be considered.
- (10) Bob Bearden:
Mr. Bearden commented that in the EIS there were concerning issues that the public did not get a chance to provide input on including the tree canopy goals. He commented that deciduous trees won't help air quality while evergreen trees would. He commented that the designers had referred to people spending their afternoons on "stoops" which did not have yards and were right next to the sidewalk. He commented that they needed to make the developers responsible for things like groundwater recycling.
- (11) John Burkhalter, Michaels Plaza:
Mr. Burkhalter commented that some of the things in the plan did not promote growth such as the connectivity requirements. He noted that they were not building to the current height limits for the conceivable future and discussed the costs associated with new roads. He suggested providing

language about who would need to provide consultants and information on how the connectivity would benefit the project and the neighborhood. He commented that in the interim, the triggers shouldn't be too onerous.

(12) JJ McCament, McCament & Rogers:

Ms. McCament commented that her vision for the northwest quadrant included City led improvements that help create a strong neighborhood economy; an overall cool physical setting that encourages property owners to invest in their property; newly surfaced streets with underground utilities, street trees, and sidewalks; landscaped commercial frontages; tasteful signage; South Cedar and 35th extended westerly; expanded bus services and a new station; and a medical campus, restaurants, and entertainment that make it a popular place day or night.

(13) Justin Leighton, Transportation Commission:

Mr. Leighton reported that the Transportation Commission would be discussing the proposed 37th street alignment at a future meeting and be sending a letter to the Planning Commission regarding the overall plan. As a citizen, he felt that they all wanted a shared community that was vibrant and not completely reliant on vehicles. Regarding walkability, he commented that the large parking lots had no sidewalks connecting cars to the front doors of businesses. He commented that it was their jobs to not just hear what was said at the public hearing, but also to represent the people who did not have the privilege to be there today.

Seeing no one else coming forward, Chair Wambach closed the public hearing at 6:31 p.m.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Mr. Wung reviewed that the Commission would be conducting a special meeting Wednesday, September 13 at the Greater Tacoma Convention Center for a public hearing regarding interim regulations proposed for the Tideflats.

Mr. Barnett noted that the Infrastructure, Planning, and Sustainability Committee would be conducting a tour of the Tacoma Mall Neighborhood Area on September 13.

F. ADJOURNMENT

At 6:36 p.m., the meeting of the Planning Commission was concluded.



MINUTES (Draft)

TIME: Wednesday, September 13, 2017, 6:00 p.m.
PLACE: Greater Tacoma Convention Center, Exhibition Hall A
1500 Commerce Street, Tacoma, WA 98402
PRESENT: Anna Petersen (Vice-Chair), Carolyn Edmonds, Jeff McInnis, Brett Santhuff,
Dorian Waller, Andrew Strobel
ABSENT: Stephen Wamback (Chair), Jeremy Woolley

A. CALL TO ORDER AND QUORUM CALL

Vice-Chair Petersen called the special meeting to order at 6:03 p.m. A quorum was declared.

B. APPROVAL OF AGENDA

The agenda was approved.

C. PUBLIC COMMENTS

The public comment item was skipped as a public hearing was the only discussion items on the agenda.

D. DISCUSSION ITEMS

1. Public Hearing – Tideflats Interim Regulations

At 6:03 p.m. Vice-Chair Petersen called the public hearing to order and reviewed the hearing procedures.

Stephen Atkinson, Planning Services Division, reviewed interim regulations were temporary measures that, once enacted, had a limited duration at the end of which reauthorization by the City Council would be required if an extension was deemed necessary. He reviewed the background of the Tideflats interim regulations which began with three applications for the 2017 Comprehensive Plan and Land Use Code Amendments and led to the initiation of the Tideflats Subarea Planning process. Mr. Atkinson reviewed that the Planning Commission had already discussed the need for interim regulations and made the preliminary recommendation that the regulations were needed. He noted that for the notification of the public hearing they had used email contact lists, held an informational meeting, sent out 14,000 notices in the mail, and created Facebook event pages. The key proposals in the interim regulations included expanded notification for heavy industrial uses citywide; prohibition of certain new non-industrial uses in the Tideflats; prohibition of new residential development along Marine View Drive; and prohibition of certain new heavy industrial uses citywide.

Vice-Chair Petersen called for testimony. The following citizens provided comments:

- 1) Steve Garey:
Mr. Garey recommended prohibiting export of crude oil without restricting shipment of finished products that were manufactured in Tacoma to prevent refiners from shutting process units down and using rest of the plant as an export/import facility. He commented that they had an opportunity to strike a balance between the community and the corporations by prohibiting the export of crude oil.
- 2) Jen Adrien:
Ms. Adrien discussed how she recently joined the Economic Development Board of Tacoma-Peirce County to help create good jobs. She commented that true sustainability was more than

electric cars, but required balancing social equity, economic prosperity, and environmental stewardship. She commented that she was proud that the polluted Tacoma of her youth was not the Tacoma her son knows thanks to regulations that mitigated much of the pollution. She commented that the same regulations were regularly met and exceeded by the industries on the Tideflats, keeping them safe. She commented that the interim regulations were not needed and encouraged them to instead focus on the subarea plan.

- 3) Mindy Roberts, Washington Environmental Council:
Ms. Roberts commented that she chose to live in Tacoma because she valued the Tideflats as a manufacturing, shipping, and industrial hub. She commented that the interim regulations were needed because Tacoma was the target for new and expanded fossil fuel facilities. She noted that the draft regulations would pause new fossil fuel facilities but not prevent expansion of existing ones, which could become import/export terminals. She asked that they prohibit new and expanded fossil fuel facilities and commit to a fair and transparent process for the subarea plan.
- 4) Michael Brandstetter, City of Lakewood:
Mr. Brandstetter commented that the Port was a broad countywide entity funded by citizens primarily to be an economic engine for multiple communities. In Lakewood they were concerned about the impact of regulations on Joint Base Lewis-McChord (JBLM) which was reliant on activity in the Port for fuel, transportation, and other logistical support. He noted that there was no finding of fact concerning how the interim regulations would impact national defense or JBLM. He noted that the interim regulations were intended to be an emergency measure, asking if there were real emergencies that would justify them.
- 5) Seth Lundgaard:
Mr. Lundgaard commented that they must be good stewards of the environment for future generations. He commented that the regulations proposed offered no resolution for sustainable development and killed jobs that could actually sustain a person caring for their family. He commented that all Tacoma residents shared the desire to improve their lives and the lives of those around them. The only way to do that was to have the ability to provide for themselves. He asked that the Commission not support the interim regulations.
- 6) Margeret Kitchell, Washington Physicians for Social Responsibility:
Ms. Kitchell thanked the Commission for working to protect the Tideflats and asked that the regulations pause new and expanded fossil fuel facilities. She noted concerns about the health risks fossil fuel facilities created including spills, fires, explosions, derailments, and air pollution. They were also concerned about the contribution to climate change that the expansion of fossil fuel facilities would create. She commented that it was urgent to encourage renewable energy and not enable fossil fuel expansion.
- 7) Melissa Malott, Citizens for a Healthy Bay:
Ms. Malott reported that Citizens for a Healthy Bay had submitted a letter voicing support for a pause on new and expanded fossil fuel projects signed by 13 local groups including environmental advocates, health professionals, and local residents. Interim regulations were a temporary measure designed to address urgent issues in the Tideflats. She reviewed that the Sightline Institute had identified Tacoma as the second most vulnerable community for being targeted for new and expanded fossil fuel uses. She commented that the proposals for new development would keep coming unless interim regulations were in place.
- 8) David McInturff:
Mr. McInturff commented that he was impressed by the work of staff in presenting their recommendations, but found their presentation to be incomplete on the questions of fossil fuels on the Tideflats. He recommended that the regulations be focused only on fossil fuel development and that they reject new projects and limit expansion of existing projects. Other development issues could be handled separately at a later date.
- 9) Ron Morrison:

Mr. Morrison commented that he grew up in the days of Asarco, noting that air pollution had long term effects on the health of young people. He supported interim regulations so that the pollution and hazards be addressed now. He discussed being on Marine View Drive and running into a cloud of gas that was so strong he was worried that a fire might start. He commented that they needed better air pollution monitoring. He suggested that they address whether industrial plants were adequately insured for liability in case of disaster.

10) Rebeca Ponzio, Stand Up to Oil:

Ms. Ponzio commented that it was a regional issue since more oil and gas coming through Tacoma would impact their community and beyond. She commented that the regulations should focus on the imminent threat of fossil fuels and prohibit new and expanded facilities. She noted that there were placeholder permits from US Oil for expansion of their facility. It was an urgent issue, as the longer it took the more likely they would see more proposals.

11) Bruce Kendall, Economic Development Board for Tacoma Pierce County:

Mr. Kendall commented that the proposed regulations would arbitrarily lump businesses into a category of high risk/high impact uses and ban them from the industrial areas of Tacoma. The regulations would create a chilling effect on the manufacturing sector and other industries that would be concerned that they would be targeted next. Mr. Kendall discussed how they already had sufficient regulations in place that allowed for enhanced review of any projects. He commented that they provided jobs for thousands of families and were already regulated heavily. He urged the Commission to reject the recommendations and ensure that the subarea plan is informed by public involvement and economic realities.

12) Chrissy Cooley, Sustainable Tacoma Commission:

Ms. Cooley reported that they had sent a letter, noting three key points: the need for regulations was urgent; fossil fuel proposals could take many forms and the regulations should include expansion of fossil fuel facilities; and that in the City's Environmental Action Plan there were 9 actions aligned with the need for interim regulations.

13) Dan Grimm, Pierce County:

Mr. Grimm commented that he was present on behalf of Bruce Dammeier, the County Executive, who had urged opposition to the proposed interim regulations. He noted that as a former planning commissioner the terms used such as "pause" were euphemisms for moratoria which didn't do well in court and cost a lot of money.

14) Todd Iverson, Port of Tacoma Longshoremen:

Mr. Iverson reviewed that their interests were in how to protect the industrial lands on the Tideflats and ensure that they have family wage jobs in the maritime industry. He noted that Tacoma was a discretionary port and they needed to ensure that they were quickly moving cargo which is why they were opposing any new coal or oil facilities because they tied things up. He commented that the housing moratorium illustrated how they had gotten into the problem because they had housing so close to the Tideflats. He urged them to figure out how they protect all the industrial lands on all of the Tideflats and not just Marine View Drive.

15) Lorrie Nichols:

Ms. Nichols expressed support for pausing new and expanded fossil fuel facilities until a long term plan was established and adopted. She noted that the regulations didn't address existing fossil fuel infrastructure which was a problem given the lifting of the national ban on exports. She expressed concern that existing facilities would expand to become export terminals.

16) Joe Mackay:

Mr. Mackay commented that Commencement Bay was one of the most polluted bodies of water in the country and should not be further endangered by expanded fossil fuel production or transportation which was not a question of if but when. He commented that fossil fuels were an outdated type of energy.

17) Norma Ramirez, Protect Tacoma Tideflats Coalition:

Ms. Ramirez commented that they needed to move forward on clean energy and pause new and expanded fossil fuel facilities. Tacoma could not allow export terminals to develop there as those facilities would bring carcinogenic air pollution and great risks to their water. Tacoma was still cleaning up pollution in their waters and the Tideflats were at risk for earthquakes and other natural disasters. She urged a complete pause on all new fossil fuel development and expanded fossil fuel facilities.

18) Steve Brannon:

Mr. Brannon noted that he owned a construction company on the Hylebos Waterway specializing in marine construction. He urged them to be careful of regulations that inhibit existing businesses. He commented that his company was in Tacoma because similar things had happened in Everett, where they were squeezed by people who wanted to do other things with the waterfront. He expressed opposition to anything that would inhibit many of the small, family owned businesses on the Tideflats.

19) Kat Holmes, Washington Conservation Voters:

Ms. Holmes commented that they supported interim regulations that focused on fossil fuels only and that they should also include a pause on expansion of existing fossil fuel infrastructure. She reported that as a community organizer, she had personally collected 500 signatures in support of the regulations. She commented that it was an issue that voters cared about and they want to save the Tideflats for a clean green energy economy.

20) Todd Hay:

Mr. Hay commented that he was there to support the Tideflats interim regulations and the subarea planning process. He commented that he would like to see more urgency to get the recommendations to Council sooner. He suggested that the regulations should cover expansion of existing facilities and that notification should be expanded citywide for heavy industrial uses.

21) Rick Semple:

Mr. Semple reported that he was landlord to 14 businesses in the Tideflats. He commented that they looked forward to seeing Tacoma grow and attract more employers, but allowing fossil fuel growth would not reward Tacoma and would keep away employers from relocating to Downtown. He commented that they were at a crossroads where they could move towards a new renewable future or let bad decisions stifle sustainable growth. He asked them not to allow fossil fuel facilities to grow without limitation.

22) Yvonne McCarty, Northeast Tacoma Neighborhood Council:

Ms. McCarty commented that she loved Tacoma, but wanted it to leave its dirty and dangerous past behind them. She commented that she was there as Co-Chair of the Northeast Tacoma Neighborhood Council, which was currently being threatened and was at risk. She noted that one of the Planning Commissioners had, at a previous meeting, referenced them as white, wealthy people concerned about their property values and views. She reported that they were a broadly diverse community and should not be painted with a broad brush. They were all being exposed to high impact/high risk heavy industrial uses beyond fossil fuels. She urged them to support the interim regulations and to reverse the narrowing of the list of prohibited uses.

23) Jori Adkins:

Ms. Adkins commented regarding the conclusions at the end of the Findings of Fact section. She asked why non-industrial uses were even in there, what was wrong with having them in that zone, and who was against them. She commented that the decision to limit some and not others was very curious and not justified or explained. She asked if it was a smokescreen to help protect existing businesses. She commented that expansion of heavy industrial uses should be prohibited.

24) Marty Lough:

Mr. Lough commented that the moratorium would deny the things they had developed that had made their environment more safe and morally sound. He commented that by being able to expand or develop with common sense environmental planning, the opportunity to make the

community more economically viable did exist. He commented that they needed to focus on the benefit that they derive rather than negating the things they had learned. He commented that a moratorium stopped the process that made them healthier.

25) Dorothy Walker, Pierce County Group of the Sierra Club:

Ms. Walker commented that expansion of fossil fuel facilities was driven by the availability of cheap natural gas made available by unsafe extraction techniques. She commented that increase in the export of petroleum products was unhealthy and drives increased demand. She expressed support for the subarea planning process and the interim regulations to maintain the status quo during the process. She commented that the regulations should prohibit new fossil fuel uses and expansion of existing facilities. She commented that Tacoma had become the target of expansion and deserved better than to be the pollution pit of the west coast.

26) Bruce Hoeft:

Mr. Hoeft commented that he remembered how the Tideflats looked 30 years ago, noting relatives who had suffered health consequences from exposure to toxic chemicals in the port. He looked forward to the subarea planning process to help develop a vision for a clean and prosperous future. He commented that the future would not be prosperous if the water levels rose and threatened the Tideflats. He asked that they adopt regulations that seriously limit expansion of oil and gas operations until the subarea plan is completed. He commented that the oil industrial had a history of avoiding regulations that inhibit profits. He commented that it was their town and they should be able to decide what activities are appropriate in it.

At 7:26 p.m. Vice-Chair Peterson recessed the meeting. The meeting resumed at 7:36 p.m.

27) Skyler McVaugh, Surfrider South Sound Chapter:

Mr. McVaugh reported that they were a grassroots organization dedicated to protection of the world's oceans and beaches. They agreed with the interim regulations with the addition of an immediate pause on new and expanded fossil fuel facilities which would help protect coastal beaches for future generations to enjoy.

28) Lynn Lloyd:

Ms. Lloyd commented that the businesses on the already heavily polluted waterways needed to change their industry to change with time. She supported a pause on everything in the Tideflats that was polluting because it was the moral and ethical thing to do. She noted recent issues like a train headed to Tacoma that derailed demonstrating that all fossil fuels need to be halted as soon as possible. She expressed concern that amendments to the interim regulations would limit residential development but allow fossil fuel facilities to expand. She commented that the PSE facility was building illegally according to multiple jurisdictions.

29) Wendy Pantoja:

Ms. Pantoja reviewed that Tacoma was still dealing with the consequences of Asarco. She noted that they were close to the Cascade subduction zone which put them at risk for earthquakes. She commented that there was nothing in the proposal about industrial waste management or a charge for environmental damage. With regards to the Tacoma Northwest Detention Center, she noted that it was a residential use in an industrial area at high risk in the event of a disaster.

30) Tim O'Donnell, IBEW Local 76:

Mr. O'Donnell commented that their 1,200 members had had a lot of work down on the Tideflats over the years and understood the science being debated. He noted that he hadn't heard any comments about bringing jobs to Tacoma. He commented that the tax base in the Port funded pensions and education and that he didn't hear any support coming back to the building or metal trades. He commented that they represented a lot of people and he hadn't been hearing anything about good jobs. The IBEW Local 76 was opposed to the interim regulations and the moratorium.

31) Kat Wood:

Ms. Wood asked them to pass interim regulations that place a pause on fossil fuel facilities and expansion in the Tideflats. She commented that as a growing region, Tacoma needed to look to the future and not dwell in the past. Fossil fuel facilities were the industry of the past and

belonged to an age of pollution and inequality. Ms. Wood commented that they should instead look to build clean living wage jobs to their community. She commented that they see the impacts of climate change and needed to decide if Tacoma will be part of the solution.

32) Tracy Wiegman:

Ms. Wiegman commented that the Tideflats were once rich with life that fed people, which they had forgotten as they lived in the age of industry. She commented that things were changing and they might as well bring it into their hearts while they are making these decisions. She commented that they could learn and come back around to how things were. She commented that the moratorium on heavy industry was very important, but not the whole picture.

33) Toby Joseph, Senior:

Mr. Joseph commented that he had lived there most of his life since Indian relocation had sent his family to Tacoma. He commented that when they came to Tacoma there was economic development, but he lost hope because he realized that the City of Destiny hadn't considered including native people in that destiny. He commented that it frustrated him seeing relationships with the City that continually eroded tribal sovereignty. He commented that as he hears about jobs, he is more concerned about the people doing the jobs and whether they are safe. He asked them to think not just about the people who have money but also those who rarely have a voice.

34) James Marshall:

Mr. Marshall commented that he started at a Tacoma shipyard as a boilermaker's helper 30 years ago and was now the general manager of that yard. He commented that he was happy about the progress that they had made with the environment, noting that the businesses followed the rules which were more stringent each day. He reported that he employed about 100 people when they were busy and that many of the people who worked there brought money into Tacoma. He commented that the regulations wouldn't affect him specifically, but would impact the people around him. He commented that if they limited the petrol products they would eliminate jobs in the industries around it and the industries it supports.

35) John Carlton:

Mr. Carlton commented that he thought it would be in the best interest of everyone to block new fossil fuel facilities and put a stop on expansion of those existing industries. He noted Tacoma was at increased risk of getting new fossil fuel developments since the 30 year export ban on fossil fuels had been lifted. He noted industries that were seeking expansion and asked if they wanted to allow them to expand further. He commented that the federal government was looking for the opportunity to push fossil fuels on the northwest and that it was a crucial moment for Tacoma to realize its position within the world.

36) Jeff Nichols:

Mr. Nichols commented that the Port of Tacoma had been developed as an economic engine for the County. He discussed how his father had developed sites on the Tideflats that had provided family wage jobs for decades. He commented that the fossil fuel issue was best handled at a national level, otherwise jobs were being only sent to the next community down the road. He commented that existing environmental regulations had cleaned up who they were and changed how they operate. He commented that they needed the subarea plan, not the interim regulations.

37) Jean Ray:

Ms. Ray commented that she was concerned about the Puget Sound Energy facility that had been proposed. She commented that the significant fire and explosion potential was a big concern. She requested that if it was built, that rigorous safety standards be put on the plant. She noted 19 incidents at similar facilities with significant damage and loss of life. She commented that there was no mention of a vapor exclusion zone around the plant, while other similar facilities have safety zones around them.

38) Kyle Jolibois:

Mr. Jolibois commented that he had been fighting fossil fuel development in Tacoma since 2011. He discussed the proposed methanol plant and his involvement in 2014, noting that they killed it.

He expressed opposition to the LNG facility and his concerns that it was not a case of if but when it would explode. He asked what they were leaving to future generations.

39) Greg Biersack:

Mr. Biersack commented that he understood the need to protect the environment, which is why he supported the already stringent existing regulations. He asked how they would use their geographic advantages to retain and grow jobs in their region with their current regulations. He expressed concern that interim regulations would scare away companies that bring jobs that support the middle class. He commented that the interim regulations would hurt the middle class.

40) Marlene Crumpton:

Ms. Crumpton thanked the Commission for putting a balanced approach in place for interim regulations for protection of the Tideflats. She commented that the interim regulations would be important to protect Tacoma's water. She noted that there had been a great effort to clean up the bay, which was essential to health of residents in Tacoma and beyond. She asked that the Commission put a fossil fuel only regulation in place and place a pause on fossil fuel facilities in the Tideflats. She noted the likelihood of expansion of fossil fuel facilities into export terminals and asked that they move the pause to the City Council quickly.

41) Diane Martin:

Ms. Martin noted that in the Puget Sound Regional Council's Vision 2040 climate change was considered in evaluating the long term vision for the City and region. She commented that she supported the interim regulations as an important step forward before the subarea planning.

42) Ann Locsin, Northeast Tacoma Neighborhood Council:

Ms. Locsin reviewed that the Northeast Tacoma Neighborhood Council had submitted a proposal to address poor planning by the City that created a situation where residences are close to heavy industry. The City Council had folded that proposal into the subarea planning process. She commented that at some point in the politicization of what they were discussing, those issues of Northeast Tacoma seemed to be forgotten. She reviewed that the buffer zone proposal was one of the reasons presented by staff as to why they were there. She commented that the interim regulations now prohibited residential development and did not address the emergency issues that they were facing in Northeast Tacoma.

43) Mojgan Holm:

Ms. Holm asked them to include the concept of a buffer zone as proposed originally in the interim regulations. She reviewed that the proposed buffer zone would rezone an area to light industrial to create a buffer between heavy industrial and residential uses. She discussed how Northeast Tacoma had been exposed to pollutants that caused a significant health impact. She commented that that the request was not for an outright ban but only to rezone along Marine View Drive. She asked that the list of prohibited uses be expanded for the buffer area to include metal recycling, pulp mills, grain terminals, and animal slaughter facilities.

44) Sara Wood:

Ms. Wood commented that they felt the effects of the Port in Northeast Tacoma day and night. She noted issues with noise, air quality, and odors. She commented that she hoped the City would protect their health and safety. She asked that they support the interim regulations with the addition of limiting existing fossil fuel businesses to 10% growth and expanding the list of prohibited uses to include metal recycling, pulp mills, grain terminals, and animal slaughter facilities.

45) Kathy Lohan:

Ms. Lohan commented that PSE was not local, safe, or clean. She commented that it was dangerous if the mountain went off or if there was an earthquake. She reported that the Sightline Institute had written several articles about the dangers of the plant. She commented that they were working without all of the permits. She reported that methane was 80 times worse for the atmosphere than CO2.

46) Mary Jane Long:

Ms. Long commented that where she lived no new residences could be built in the surrounding area per the new restrictions. She commented that since she had lived there, she had lung nodes and had to wear a mask to work in her yard. She commented that it needed to stop, not just in Tacoma, but everywhere. She commented that there were young people in her neighborhood who were breathing the same thing that had ruined her.

47) Susan Patel

Ms. Patel commented that she lived in Northeast Tacoma and that it needed their help. She commented that she was worried about their health, safety, and wellbeing. She commented that they often wake up to thick stinky air and that her mother calls before visiting because she will have an asthma attack if she visits when the air is bad. She expressed support for the interim regulations because it would give them time to think. She commented that the Marine View Drive development restrictions were an obvious thing that should have already happened as it was the only green space in the area, providing a filter from the noise and smells.

48) Noah Davis:

Mr. Davis commented that they lived one mile from the Port and were constantly covering their mouths out of concern about the pollutants coming from the port. He expressed concern about the Targa Facility expansion and the new LNG Facility that was one mile from the 20,000 residents of Northeast Tacoma, not giving them enough time to escape in the event of a disaster. He commented that they needed to take action for regulations that stop new fossil fuel facilities and expansion of existing fossil fuel facilities. He commented that they knew that the Port was not going to take action, demonstrated by their support for the methanol facility. They needed the City of Tacoma to take action to protect their environment, people, and future.

49) Claudia Riedener:

Ms. Riedener expressed support for the subarea plan and the moratorium on new or expanded fossil fuel uses. She commented that they had a Port Commission that could sign multi decade leases without involving the public in the conversation and that they have a City that is allowed to lead on SEPA, though it should be the state. She commented that the generations to come were against fossil fuel uses. She commented that there were air emissions that were not monitored so they didn't know what was going on. She commented that the responsibility of government was to keep people safe from negative health impacts.

50) Jim Endicott:

Mr. Endicott commented that with the expansion of sustainable energy sources and the risks involved in fossil fuels, the era of burning fossil fuels for energy was over. Tacoma could lead that transition or be dragged from the back. He commented that change is always difficult and if they resisted change, people would still be using horse drawn carriages. He suggested that they decrease the activities that take a heavy toll on the earth and increase reliance on clean fuels.

51) Barbara Church:

Ms. Church reviewed that her brother in law worked at the smelter and had cancer, which is why she supported the interim regulations on fossil fuels. She commented that she lived downhill from the site of the LNG facility and none of her neighbors had been notified that the plant was being constructed. She commented that she supported jobs, but they should not be in the fossil fuel industry.

52) Carolyn DeFord-Eden

Ms. DeFord-Eden commented that her ancestors resided along the Puyallup River since time immemorial. She commented that she was representing the people and living creatures that would be put at risk by the expansion of the fossil fuel industry. She urged them to consider the voices of the people who had shared concerns and requested support of the interim regulations, especially those who had expressed concern about high risk/high impact uses. She urged them to pause the expansion of new and existing fossil fuel infrastructure on the Tideflats. She commented that fossil fuels and liquefied natural gas were very combustible and an explosion would displace the dirt from the superfund site. She commented that allowing the risks and placing so many people in jeopardy was an absence of morality.

53) Alyssa Barton, Puget Sound Keeper Alliance:

Ms. Barton expressed support for an interim pause on new and expanded fossil fuel facilities, which posed risks to their environment. She noted that oil transported by rail included the risk of derailments and explosions. She commented that the pause could help address the dangers and asked that their definition of terminals be expanded to include railyards for that reason. She commented that an oil spill in the bay could have disastrous impact on the marine life. She asked that they act quickly on the pause for all new and expanded fossil fuel uses.

54) Kenra Brewer:

Ms. Brewer commented that while she agreed that they needed solid interim regulations that prevented new fossil fuels from coming to the port, they also needed a ban on expansion of existing uses. She commented that interim regulations should be implemented quickly, as oil companies exploited loop holes and would cause damage to the environment. She commented that they were a contributor to the global problem of climate change and that allowing fossil fuel projects would be part of the problem, not the solution.

55) Taneashea Sudds:

Ms. Sudds expressed support for the interim regulations. She expressed concern that if the interim regulations were not in place, they would be exposing vulnerable communities like Hilltop to danger. She commented that they needed to give community members more time to reach out to vulnerable communities so that people who live there can become involved. She commented that they needed to avoid exposing those communities to hazards or the money they put into those communities would be wasted.

56) Marilyn Kimmerling:

Ms. Kimmerling commented that when they have polluting industries such as large oil facilities they ran the risk of having the newly created jobs make the community unlivable, which was not justice. She commented that she was in favor of the interim regulations, but was unclear as to whether the proposed LNG facility would be included in existing businesses, which would be a huge mistake. She commented that they had rising tides, were in a lahar zone, and also needed to take climate change into account.

57) Stephen Neshyba:

Mr. Neshyba expressed support for an interim plan that blocked fossil fuel infrastructure. He commented that the landscape was changing and that a new consensus was emerging. He commented that when a fossil fuel tax happens industries that have invested in fossil fuels will be exposed as poor investments. He suggested that they need to invest in the new energy economy.

58) Penny Rowe:

Ms. Rowe reported that she was a climate scientist with a PhD in Physical Chemistry. She expressed support for interim regulations, asking that they focus on a pause for new and existing fossil fuel infrastructure and include rail terminals in the definition of terminal. She commented that the fossil fuel industry often has fewer jobs per site than other industries and costs their community jobs. She commented that they needed to think about industries that protect their environment, health, and generate jobs. She noted that Tacoma had made a commitment to decrease greenhouse gases. She asked if the infrastructure was worth it in the long term.

59) Ozgu Tokgoz:

Mr. Tokgoz commented that existing fossil fuels should be included in the moratorium. He commented that expanded notification was a good start, but the entire City should be notified for heavy industrial uses. He commented that he would like to see the hazardous air pollutants excluded from the area. Regarding jobs, he commented that he had never seen the City reach out to high tech industries to locate offices in Tacoma.

60) Michael Garrity:

Mr. Garrity commented that he supported a pause on the expansion of existing fossil fuel facilities as well as new ones. He thought that it was overdue as evidenced by the tension in the

community over the methanol plant and the LNG plant. He commented that the opportunity cost of polluting industries versus clean industries should be considered.

At 9:12 p.m. Vice-Chair Peterson recessed the meeting. The meeting resumed at 9:22 p.m.

61) Daniel Villa:

Mr. Villa commented that he was in support of interim regulations banning development or expansion of fossil fuel projects as soon as possible since US Oil had already applied for permits to expand their operations. He commented that it was a good opportunity to transition to a carbon free economy and ensure that Tacoma has a place in the world of tomorrow. He commented that green energy was one of the fastest growing sectors of the US economy with 400,000 jobs in solar alone. He commented that the US was already preparing to transition to a green economy and anticipating the effects of climate change. He commented that since the City and Port had already pledged to fight climate change, the interim regulations were an obvious step forward.

62) Jeff Silverman:

Mr. Silverman commented that the property owners on Marine View Drive had their own view on a cleaner energy future. He reviewed that they clean their property once or twice a month so that other people can enjoy it. He commented that the proposed moratorium would alter their plans. He commented they were looking at something driven by the concern for fossil fuels and the impact of industry on nearby residents, but they were also talking about prohibition of non-industrial uses and residential development. He commented that it was important that they think about the dialogue that generates growth and creates a positive outcome.

63) David Bluhm:

Mr. Bluhm discussed working as a massage therapist with one of the 12 dock workers who were paralyzed by a chemical leak in 2006. He commented that he wanted to have jobs but not dangerous jobs. He commented that everyone was addicted to fossil fuels because they had been using them since birth and it was their only option. He commented that they should take things in a direction away from fossil fuels.

64) Mark Martinez, Washington State Building and Construction Trades Council:

Mr. Martinez reported that the 60,000 skilled people of the Trades Council build roads, bridges, schools, hospitals, warehouses, grain elevators, infrastructure, and paper mills. He asked that the Commission reject proposed interim regulations which were a threat to the family wage jobs that had powered the middle class for generations. He commented that the regulations were being rushed through without credible scientific evidence to target a specific commodity. He commented that the City already has laws and ordinances requiring enhanced review. He suggested they listen to all sides, rather than a shrill minority to maintain and grow the middle class of Tacoma.

65) Tom Pierson, Tacoma-Pierce County Chamber of Commerce:

Mr. Pierson commented that he was in opposition to the proposed interim regulations because they were a threat to family wage jobs and the strength of the Tideflats as an economic driver. He commented that the businesses were full of people who live in Tacoma's neighborhoods and work in the community. He commented that the interim regulations arbitrarily lump businesses into a list of high impact/ high risk uses undermining the retention of jobs in Tacoma. He commented that they should not be driven by fear or listen to extreme voices without solutions.

66) John Ostrowski:

Mr. Ostrowski commented that his company employs eight people that develop assets for all industries in the port, including the fossil fuel industry. He suggested that they should be allowed to expand and improve as growth was good for the economy. He asked that they work to bridge the gaps between support and opposition and find a balance that benefits everyone. He understood the dangers of the industry and the Asarco story, but that was the past they were moving forward from. There were already laws and regulations surrounding how they operate to help protect the environment. He commented that they needed to deal with petroleum as responsibly as possible and try to get a balance in place.

67) James Rideout, Puyallup Tribal Council:

Mr. Rideout commented that they had been fighting environmental issues for generations. He commented that it was a sad day to see that they weren't consulted in any of the processes leading up to that point. He noted that they were talking about working with the City on future planning, but it didn't stop the existing projects. He reported that the Puyallup Tribe was opposed to the project, asking if they had considered the impacts on nearby schools in the incineration zone or the properties that were having their value depreciate. He commented that he hoped they would provide more information to the community. He reviewed that they had an obligation to work with each other. He noted that he had been a commercial diver for 20 years and had watched the environment change.

68) Dakota Case, Puyallup Tribe of Indians:

Mr. Case commented that he grew up looking at the Port of Tacoma his whole life and that his grandfather had told him stories of catching fish in the creek in front of his house, but now they didn't see any due to pollution from the port. He asked that they put a stop to fossil fuel projects and limit their growth and expansion. He commented that he supported the economic growth of Tacoma with sustainable renewable energies. He commented that their treaty rights were being trampled due to the impacts of the port on the salmon population. He commented that they saw the destruction of capitalism every day and that if they allowed the fossil fuel industry to keep growing their future was destruction and the money would mean nothing.

69) Suzanne Williams:

Ms. Williams expressed support for the pause on interim regulations due to the real safety risk in their community. She commented that their numbers were far beyond the people present, noting that the Fife community was less than a mile away. She commented that Tacoma had done a massive revitalization Downtown, but was going backwards. She commented that the health risks were real, but happened over 20 years. She urged them to make the right choice because they had options. They could bring more jobs and the right kind of jobs.

70) Jessica Zimmerle, Earth Ministry:

Ms. Zimmerle discussed when the Methanol proposal came to Tacoma a hearing had been proposed on Ash Wednesday and their congregation had attended the meeting and testified with ash crosses on their forehead. She commented that people of faith cared about the land use code and were bringing their values to the conversation. They valued responsibility, integrity, and justice for all. Investing in fossil fuel was not aligned with those values nor was it wise to increase the amount of crude oil or fracked gas moving through their region. She asked them to advise the City Council to adopt strong interim regulations to protect the Tidelands and their communities.

71) Cary Bridgeford:

Ms. Bridgeford commented that her home was in the blast zone of the LNG plant and her business was within a half mile. She asked where notification was at the beginning of that project. She commented that if they had been notified there would have been a far larger audience that evening. She commented that she had a responsibility to have a voice in things she did not think were right.

72) Michael Lafreniere, North End Neighborhood Council:

Mr. Lafreniere reported that the North End Neighborhood Council had voted to endorse the letter from the Protect Tacoma Tidelands Coalition which endorsed the interim regulations. He noted that there had been news reports about the City trying to attract Amazon to the community. He commented that companies like Amazon would not be interested in a community of fossil fuel industries, so they should think about the message they were sending about their vision for the future. He commented that they supported temporary restrictions on new and expanded fossil fuel projects. He reviewed that they were there because of community uproar over certain kinds of pending development.

73) Victoria Leistman:

Ms. Leistman commented the current draft of the interim regulations did not address the expansion of existing fossil fuel infrastructure and that it should be included. She noted that US Oil had applied for a permit to expand its facility, clearly to beat the implementation of the

regulations. She noted that the Sightline Institute had ranked Tacoma as the second most vulnerable place in the region for oil and gas expansion. She asked for language to be included in the regulations requiring that any application submitted during the process of creating regulations be resubmitted after they are approved. She commented that people had been clear that they do not want more dirty energy polluting the community.

74) Darren Moore:

Mr. Moore commented that they weren't against jobs and they weren't the enemy of the people who worked at the Port. He commented that continuing on the same trajectory was not progress. He commented that they needed to protect the future and work towards it by replacing what they have and working to clean up the damage already done. They should protect the City and the people so that his granddaughter can work in the Port when she grows up.

75) Seamus Mahoney:

Mr. Mahoney commented that he wanted Tacoma to continue to be a wonderful place to work and live. He supported Protect Tacoma's Tidelands and the effort to pause construction and expansion of fossil fuel facilities. He commented that the port was a precious resource that they should use wisely for future generations. He commented that plans to properly manage the port were long overdue and should be presented to City Council as soon as possible. He commented that the risk of their port becoming an export terminal was very real and very urgent.

76) Benita Moore, Standing Rock Sioux Tribe:

Ms. Moore commented that they had been telling everyone about how they wanted fossil fuel importation from fracked lands to stop. She expressed support for the interim regulations, but thought some things should be added and that they should look at the permitting process too because no one had been notified. Her granddaughter Mariah asked for the LNG project to stop.

77) Steven Kelly, Fuse Washington:

Mr. Kelly commented that investing in clean energy was several times more efficient in creating jobs. He reviewed that the interim regulations would not affect current permits, adding that failure to put a pause on new or expanded fossil fuel projects would leave the door open during the whole subarea planning process. He noted that the current draft of interim regulations did not address existing fossil fuel infrastructure and there was a real risk of existing facilities expanding to become oil terminals. He suggested that the interim regulations focus solely on current and new fossil fuel facilities and be passed as soon as possible.

78) Alexandra Brewer, Sustainable Tacoma Commission:

Ms. Brewer reviewed that the Sustainable Tacoma Commission had submitted a letter that addressed two concerning omissions in the draft interim regulations: covering expansion of existing fossil fuel infrastructure and including rail in the definition of a terminal. She commented that it was clear that the current code was insufficient and that interim regulations should stop inappropriate uses from sneaking into the port under the wire and being grandfathered in. She encouraged the Commission to include language pausing expansion of existing fossil fuel uses and including rail in the definition of terminals.

79) Carolyn Lake, Port of Tacoma:

Ms. Lake expressed concern that the interim regulations were contrary to State, City, and regional policies and laws. She added that some of the suggested revisions heard that evening would go against the Federal Constitution. She reviewed that the State Growth Management Act required a Port Container Element for cities including Tacoma which was unique in that it was prescriptive and had mandatory elements because the State legislature understood the critical roles that ports play in statewide economic vitality. She commented that the State mandate was there to protect the port from local actions that would harm the State's economy. She reported that the Port also disagreed with the choice of the City to skip a SEPA review of the interim regulations. She asked that they focus the City's resources on the subarea planning effort.

80) Joanne Moore:

Ms. Moore commented that she was concerned because, for the first time in her life, the Dash Point fishing dock was always empty and there were signs warning people not to eat the fish, which said a lot about the quality of her life and her children's life. She discussed the difficulty of driving from Dash Point to Downtown Tacoma. She expressed concern about the mining quarry and the potential for noise if it were reopened and the increase in traffic.

81) Julia Minu, Puyallup Tribe:

Ms. Minu reviewed that in the draft document there were notes about consultation with the Puyallup Tribe of Indians, asking what had been discussed in that consultation. She asked how the proposal to limit expansion of existing businesses would affect land owned by the Tribe. She commented that they were trying to move forward into green energy, but it felt like they were going backwards.

E. COMMUNICATION ITEMS & OTHER BUSINESS

There were no communication items.

F. ADJOURNMENT

At 10:27 p.m. Vice-Chair Petersen closed the public hearing and adjourned the meeting.



City of Tacoma
Planning and Development Services

**Agenda Item
D-1**

To: Planning Commission
From: Lauren Flemister, Planning Services Division
Subject: **Hilltop Link Expansion – FTA/SGA Technical Assistance Grant**
Meeting Date: October 4, 2017
Memo Date: September 29, 2017

At the next meeting on October 4, 2017, the Planning Commission will receive an update of the Links to Opportunity Project, with a focus on the “Transit-Oriented Development Technical Assistance” aspect of the project.

Background – Links to Opportunity

In response to the Sound Transit Tacoma Link Expansion project, the City’s Links to Opportunity Project was established in 2016 to involve the local community in both streetscape planning and expanding employment opportunities for residents along the Tacoma Link Expansion corridor.

Broadly, there are three components to the Project and each of these components will be carried out by separate consultants:

1. Develop conceptual design and engineering plans for streetscape improvements along the Tacoma Link Expansion corridor.
2. Conduct public outreach and analysis of community characteristics along the Link Expansion corridor. The feedback and information gathered will be incorporated into the conceptual design and engineering plans of the streetscape.
3. Facilitate the sharing of economic development, jobs and prosperity created by the Link Expansion with Hilltop and other residents along the corridor.

The Links to Opportunity Project is separate scope from Sound Transit’s Tacoma Link Expansion project, though the City and Sound Transit are collaborating to align these related efforts. The Project is funded by a \$2 million Federal Transit Administration grant and a \$500,000 match from the City.

Technical Assistance Grant

As a complementary effort to the Links to Opportunity Project, the City of Tacoma was awarded a grant as part of the Federal Transit Administration’s (FTA) Transit Oriented Development Technical Assistance Initiative, which is being administered by Smart Growth America in partnership with Enterprise Community Partners. The technical assistance is focused on the issues around gentrification and displacement and how this impacts the housing market, affordable housing initiatives, and efforts to limit displacement of existing community members. The technical assistance team will update us on the scope of work, community outreach, and preliminary findings.

Attachments:

1. Scope of Work for Transit-Oriented Development Technical Assistance
2. Initial Assessment Findings Report by the Technical Assistance Consultant Team

c. Peter Huffman, Director

Scope of Work for Transit-Oriented Development Technical Assistance City of Tacoma, Washington

Scope of work for technical assistance

The goal of the technical assistance is to support the City of Tacoma in better understanding the existing and future housing market conditions and needs of the Hilltop community in anticipation for the light rail expansion into the neighborhood. Having a clear understanding of the housing needs and conditions would put the City in a stronger position to implement policies to support existing affordability in Hilltop and stem the impact of displacement resulting from development and light rail investment. The TA would leverage the various existing planning and organizing efforts as well as studies to set a short-term vision and housing goals for the future of Hilltop.

The technical assistance would deliver a housing market study and support the City in establishing housing goals for the next 5 years. The TA team will also deliver accompanying recommendations tailored to the Tacoma context to support meeting these housing goals. The housing market study, housing goals, and recommendations will be developed through an iterative and collaborative process with the City and key stakeholders identified by the City. A formal presentation of the housing market study will be presented to the City and public during a site visit in Fall 2017. During the same site visit, the TA team will conduct a workshop to refine the overall vision for the Hilltop community set forth in the Hilltop Subarea Plan and establish goals to guide housing work in the Hilltop for the next 5 years.

The TA process and deliverables generated will help the City gain a better understanding of housing needs for all income spectrums in Hilltop, especially low-and moderate income households, which would put the City in a stronger position to engage with major community assets and anchor institutions to explore potential incentive programs and partnerships to benefit Hilltop residents.

Task #1: Existing Conditions Analysis

Goal: Synthesize prior planning efforts and studies to identify opportunities as well as gaps to support housing affordability and better understand the housing market conditions and needs in Hilltop.

Description:

This task will conduct in-depth review and crosswalk of existing planning documents, efforts and studies that focuses on and informs housing conditions and needs in Hilltop. The TA team will synthesize strategies, goals and activities identified in these existing efforts, highlight opportunities to pursue and identify gaps to be addressed. The TA team will also conduct an inventory of the existing pipeline of projects and quantify existing subsidized housing supplying, including public housing. The document review will be supported by additional phone interviews with key stakeholders as necessary.

The TOD team will conduct a housing market study for the Hilltop neighborhood, highlighting specific conditions related to the 4 new light rail station areas. The market study will assess existing housing market conditions and provide estimates of the likely impact of the introduction of light rail service on housing affordability for households at different income levels. The analysis will be used to determine how housing affordability has changed in Hilltop and identify gaps that can be expected in future supply (e.g., types and quantity of housing units for different income levels and populations such as seniors and persons with disabilities), and will thereby serve to inform subsequent policy tool recommendations (see Task #3).

The findings from the review of the existing work as well as the housing market study will be synthesized and summarized in a report for review by the City. The findings will be used to inform Task #2 to establish housing goals and targets.

Deliverables:

- Analysis of existing planning efforts and studies
- Housing Market Study for Hilltop

Timeline: July to September 2017

Task #2: Establish a Vision and Housing Goals

Goal: Establish a cohesive, short-term vision for the Hilltop Community and realistic goals to guide Hilltop' s housing work for the next 5 years.

Description: This task builds upon the work in Task #1, Existing Conditions Analysis, to develop a short-term, cohesive vision for the Hilltop community, drawing upon existing planning efforts. The TA team will also work with the City and key community partners to establish overarching goals to guide housing work in the Hilltop for the next 5 years, with a focus on supporting existing low income residents.

Site Visit: Review of Existing Conditions Analysis and Goal Setting

The goal of this site visit is to present the key findings of the housing market study to the City and key community stakeholders and to develop a short-term vision and realistic housing goals to guide housing work in Hilltop based on the information presented. In addition to the presentation, the TA team will facilitate a two-part workshop with the City and key community stakeholders. Part one of the workshop will be to develop an overall short-term vision for the Hilltop Community. Part two of the workshop will be to establish and prioritize Hilltop housing goals for the next 5 years.

The housing goals established under this Task will help to inform Task #3 to develop recommendations.

Deliverables:

- Two-day workshop
- Short-term visions and goals that articulate overarching outcomes for Hilltop' s housing related work for the next 5 years.

Timeline: October 2017

Task #3: Develop Recommendations

Goal: Based on existing conditions analysis and the housing goals established, develop recommendations for strategies, including policy and other tools that can be used to supporting the achievement of the housing goals established.

Description: The TA team will develop recommendations based on the existing conditions analysis and housing goals established. The policy recommendations will draw upon promising practices and strategies from other communities around the nation that are facing similar issues of affordability and displacement. They will be tailored to the Tacoma context and detail tools that can be implemented by the City. Recommendations may cover the following topics and their applicability in Hilltop:

- Producing new affordable housing through various tools and tactics (e.g., value capture strategies, leveraging publicly-owned land for affordable housing, density transfers and bonuses, etc.).
- Preserving existing affordable housing through various tools and tactics
- Cultivating new or more effectively using existing resources for affordable housing development
- Protecting existing renters and homeowners, including seniors
- Supporting access to affordable rental and for-sale homes
- Understanding the nexus between neighborhood employment and neighborhood stability

Deliverables:

- Short-term (2-5 year) housing strategy that summarizes existing conditions and proposes recommendations to address housing affordability in Hilltop

Timeline: October to November 2017

Post-Technical Assistance Follow-up

Tacoma will provide the Smart Growth America TA team with progress reports in memorandum format describing the implementation of any strategies or programs arising from the technical assistance. Two progress reports will be provided: one six months after the conclusion of the engagement, and one twelve months after the conclusion of the engagement.

NATIONAL RESOURCES & TECHNICAL ASSISTANCE FOR TRANSIT-ORIENTED DEVELOPMENT

FROM: Frances Wang, Program Director, Enterprise Advisors; and James Madden, Senior Program Director Pacific Northwest, Enterprise Community Partners. Alex Hutchinson, Economic Development Specialist, Smart Growth America; Sarah Kline, SK Solutions.

TO: Lauren Flemister, Ian Munce, City of Tacoma

RE: Initial Assessment Findings and Proposed Technical Assistance

DATE: May 17th, 2017

INTRODUCTION

This memorandum summarizes the initial assessment findings and recommends technical assistance activities for the City of Tacoma. The findings and proposed assistance are based on the assessment team's three-pronged assessment process, including a two-day assessment visit on May 1st and 2nd.

Based on this process, the TOD Technical Assistance team proposes to assist the City of Tacoma to be proactive in the Hilltop neighborhood by better understanding the housing market and conditions and the housing needs of its residents, leveraging the planning and organizing efforts as well as studies that have already taken place to set longer-term vision and housing goals for the future Hilltop as it welcomes the light rail expansion and the accompanying development and growth.

OVERVIEW OF TOD TA INITIATIVE

The Federal Transit Administration's Transit Oriented Development Technical Assistance Initiative (TOD TA Initiative), a project in partnership with Smart Growth America, is intended to help elected leaders, municipal and transit agency staff, developers, and community members work together to maximize economic development return on transit investments by advancing TOD. This technical assistance seeks to support projects that are both economically successful and socially equitable, meaning these projects promote access to housing, jobs, and transportation for low- and moderate-income residents.

Communities receiving technical assistance were selected through a competitive process, which included a request for technical assistance from the TOD TA Initiative. To be eligible to apply, a community must have an active federally funded capital transit project.

Overview of Local Project

Tacoma Link light rail is currently a 1.6-mile LRT serving six stations between the Theater District and Tacoma Dome Station. The Tacoma Link expansion will extend the existing service by 2.4 miles and six stations to connect downtown to the Hilltop Neighborhood. The total project cost is estimate at \$165 million, \$75 million of which was funded by a Small Starts Grant and \$15 by TIGER VII in 2015. The Link Light Rail expansion is funded through a partnership between Sound Transit and the City of Tacoma, with Sound Transit serving as the lead agency on the project. Federal and state funding sources include the following: Small Starts Grant (\$75 million), a TIGER grant (\$15 million), the State of Washington Regional Mobility Grant (\$5 million), in addition to \$13 million in grants previously received and matching funds by the City of Tacoma. Streetscape design and utility relocation planning are funded through the Hilltop Links

to Opportunity Program, a two-part effort to improve social and economic opportunity through planning for multimodal mobility and economic development in communities along the the Tacoma Link Light Rail expansion corridor. The total project budget for Links to Opportunity is 2.5 million, including a \$2 million grant from FTA's TOD Planning Pilot Project, and a \$500,000 match from the City of Tacoma.

Summary of Initial Technical Assistance Request

The City of Tacoma seeks to understand how to allow Hilltop residents to be beneficiaries of economic opportunity, and to be able to maintain existing housing options while providing new housing choices. The City requested TA to provide an economic and housing market study to understand real-estate development prospects, job opportunities, and housing needs, which would ultimately provide a stronger basis to reach out to specific businesses and to create the proper incentives to spur development.

ASSESSMENT PROCESS & ACTIVITIES

On May 1st and 2nd an assessment team conducted a site visit in the City of Tacoma. The assessment team included representatives from the following organizations:

Smart Growth America. Smart Growth America is a national organization dedicated to advocating for people who want to live in great communities. SGA works with clients on economic revitalization, community development, policy analysis, and public-private partnerships to inform public sector decision-making. SGA works across sectors and stakeholders to produce long-term visions to revitalize downtowns, neighborhoods, districts, cities, and regions into job-producing, community-strengthening assets.

Enterprise Community Partners. Enterprise is a national organization that provides expertise to governments, developers, and affordable housing advocates; operates national programs in such areas as equitable TOD, green building, and affordable housing design; and leads policy and research work nationally and at the state and local levels. Collectively, Enterprise advances our vision that one day, every person will have an affordable home in a vibrant community, filled with promise and the opportunity for a good life.

SK Solutions. SK Solutions LLC is an independent consulting firm based in Fairfax, Virginia, specializing in innovative transportation policy and practice. SK Solutions delivers policy analysis, technical assistance, research, strategic advice, and proven project management. Areas of expertise include public transportation, transit-oriented development, public-private partnerships, project financing, and the federal legislative process.

The TOD TA Initiative uses a three-pronged approach to assess local capacity to support TOD and integrate equity into this work: 1) background research and data analysis; 2) onsite assessment; and 3) proposed assistance:

Background Research and Data Analysis

The first stage of the assessment synthesizes land use, market conditions, housing needs, and other information provided by the City and transit agency, and other publicly available data sources. The background research and analysis were compiled into a briefing book that discusses existing conditions within a proposed target area along the transit project and citywide.

Onsite Assessment

The second stage of the assessment is an onsite visit, including stakeholder interviews and a tour of the local subject area, transit project, and adjacent neighborhoods and developments.

Over two days, the assessment team meets with elected leaders, City department staff, transit agency staff, and representatives from local institutions. This trip seeks to better understand alignment between existing initiatives and the transit project; capacity to implement new or existing TOD policies, programming, and projects; and how the interests of low- and moderate-income residents are represented in these efforts. See Appendix A for a list of all individuals who participated in the onsite interviews.

Proposed Assistance

The third and final stage of the assessment involves developing this memo, which provides recommendations for technical assistance from the TOD TA Initiative. The proposed assistance draws on background research, data analysis, and onsite observations, among other information, to tailor the recommended assistance to local priorities and on-the-ground realities.

KEY ASSESSMENT FINDINGS

The following summarizes the assessment team's findings and recommended technical assistance. These findings and recommendations are based on the team's background research, onsite assessment visit, and knowledge of equitable TOD best practices across the country.

The Tacoma and Hilltop Appeal

The City of Tacoma is poised to experience growth and development in the coming years, largely benefiting from a booming regional economy driven by Seattle. The City as a whole has experienced a 3% increase in population from 2010 to 2016 and is expected to attract more residents and businesses. Tacoma is becoming an attractive destination for those looking for alternatives from the real estate market of Seattle, especially its high-cost housing. Tacoma's success is driven by relatively affordable housing prices and rents, a light rail system that connects with regional transportation networks (Sounder Commuter Rail and buses), a walkable downtown with entertainment and cultural institutions, and a variety of historic buildings and single-family homes.

The Hilltop neighborhood, located directly adjacent to Tacoma's downtown core, is a historic neighborhood that has long been home to a large share of the City's African-American population. Hilltop's Martin Luther King Jr. Way possesses the design of a traditional main street with its mix of retail, services and public facilities, flanked by low-density residential neighborhoods that are rapidly increasing in home sale price. Recent developments within the Stadium District, adjacent to the Hilltop neighborhood, will become more accessible via its own stop on the future link expansion. The Stadium District is already undergoing a transformation in its own right and benefiting from the upcoming transit investment with new construction in the form of both retail and residential development. While the Stadium District is one of the most established neighborhoods in Tacoma, there is optimism that the light rail Link expansion will also spur transit-oriented development in Hilltop.

Down the hill from Hilltop, the campus of University of Washington, Tacoma, (UWT) is a key asset in downtown and through a successful series of partnerships has catalyzed much of the area's growth through historic rehabilitation, and the development of commercial retail, and more recently housing. The UWT campus blends into the surrounding urban environment and views itself as integral to downtown's revitalization. UWT currently owns property on the west side of its campus abutting the Hilltop neighborhood. Opportunities for development and strengthening connections to the Hilltop neighborhood may be available as the University explores its own future, growth, and relationship to the City.

Hilltop Anchors and Engagement

Hilltop boasts several major Health Care anchor institutions including Multi-Care Health System's Mary Bridge Children's and Tacoma General Hospitals, and the Franciscan Health System's St. Joseph Medical Center. Other important facilities include Community Health Care's offices and recently completed regional clinic, and the Group Health Tacoma Medical Center (now Kaiser Permanente), as well as the recently constructed People's Community Center and Pool. There are also educational anchors directly in the Hilltop that include Bates Technical College and Evergreen State College (in addition to UW-Tacoma which abuts the neighborhood).

Although these anchors have a large physical presence in Hilltop and are large drivers of employment, existing residents currently do not fully benefit from their presence. Out of the 3,998 jobs available in Hilltop, only 362 Hilltop residents both work and reside in the neighborhood. Currently there are no community benefits agreements in place with any of the major anchor institutions located in Hilltop and the anchors do not participate in any local hiring or procurement practices.

Group Health Tacoma Medical Center was recently purchased by Kaiser Permanente, which has a strong focus on social determinants of health and a long track record of community engagement and benefits. New ownership by Kaiser Permanente presents an opportunity for the City to engage with an anchor institution for the benefit of the community, which could serve as a model for future engagement.

Overall, stronger community outreach and engagement with and by Hilltop anchors, including the provision of additional linkages to training and employment opportunities, should be explored as part of the conversation for Hilltop's revitalization. The City of Tacoma is currently in the early stages of developing an anchor engagement plan modeled after Cleveland, OH that focuses on community procurement, workforce, transportation, housing and economic development. The assessment team would recommend that the City work to convene and facilitate discussions among existing anchors, community partners, and to identify near-term actions that anchors could take to employ Hilltop residents and/or support local businesses, as well as longer-term strategies for anchor engagement in community development and workforce training.

Light Rail Expansion into Hilltop – Benefits and Uncertainties

In general, the City and the Hilltop community have a good understanding of transit-oriented development and its potential for long-term benefits, but there is concern on the part of Hilltop residents regarding whether the most vulnerable citizens will be able to share in the wealth and benefits generated.

Downtown Tacoma has undergone significant revitalization over the past few decades. The Greater Tacoma Convention Center, restaurants and museums, UWT, the Theater District, and the businesses and offices around Commerce Street Station draw large numbers of visitors and workers to downtown via the regional transportation networks and the reliable light rail service each day. Although Hilltop is adjacent to downtown, it has not benefited from the development and activities taking place there.

In Hilltop, historic disinvestment and lower levels of economic development activity have had negative impacts on the community, including underutilized property along MLK, buildings in disrepair, loss of historic structures, and limited economic opportunity for its residents. However, some notable developments have come to Hilltop in the form of both market rate mixed-use multifamily (Vue25 Apartments and Chelsea Heights Apartments) and affordable redevelopment (Bay Terrace) led by the Tacoma Housing Authority, a high-capacity, engaged service provider and housing developer. It is also important to note that though rents and housing prices in Tacoma have not caught up with the rest of the region, construction costs are comparable to that of Seattle, making development and rehabilitation of older buildings and housing stock more difficult to undertake. Tacoma Housing Authority owns several key parcels along the MLK corridor but has had difficulty securing funding (one LIHTC application was denied) to start developing the sites. However, the Hilltop has already seen housing “flippers” and home prices escalating out of reach for existing residents. In addition, there are concerns regarding TOD as the light rail expands into Hilltop, and opportunities for development increase around station areas. Concerns center on the potential for light rail investment to cause increases in land speculation along the corridor, pose major parking issues, drive up rents and housing costs, and displace existing local small business during the construction phases and beyond.

Community reaction to the light rail extension into Hilltop ranges from mild support to apprehension. Some long-time residents and local non-profits believe that the light rail will not benefit existing residents and that its real purpose is not that of transportation but of economic development, namely to serve tourists and employees of the neighborhood’s anchor institutions. Residents and representatives from local nonprofits voiced that although the light rail will offer a connection to downtown and the region, where additional employment opportunities may be accessed, it does not address immediate needs of residents to access quality and affordable grocery stores, social services, and shopping. There is real concern among residents and small businesses that the City has traditionally been eager to court development and economic activity without controls or limits in place to guide them and to ensure the benefits of investment will be shared. For example, though the community sees development as an overall positive for the neighborhood, they expressed concern with a 250-unit city-subsidized market rate apartment which has no affordable provisions.

The City’s economic development and planning staff have a strong and active relationship with the Hilltop community; however, some small businesses expressed the City’s current permitting and licensing process is too cumbersome to allow local entrepreneurs to thrive. Furthermore, there is sentiment that businesses from outside the community, with required resources and sophistication to navigate the complex permitting and licensing channels, are better able to establish themselves along the corridor and take advantage of the light rail investment as opposed to long-standing residents.

Access to capital and startup funds is also a barrier to local small business success in Hilltop. The community perceives the lack of support from the City’s Economic Development Department as an indicator that supporting small businesses in Hilltop is not a priority for the City. Overall, the community views the Economic Development Department’s approach as chasing larger scale employers and not as engaged with smaller-scale economic development efforts. They would like to see increased efforts to support more access to capital, networking opportunities among businesses, the community and the City, and performance accountability on the part of the City’s Economic Development Department.

Planning Fatigue and the Need for a Vision

Solid efforts have been undertaken in the recent years to plan for Tacoma's growth and its place in the regional economy. Efforts include *Tacoma Housing Authority's Housing Hilltop Discovery Report*, The Tacoma Housing Authority's real estate market analysis conducted by Heartland, the Hilltop Subarea Plan, the MLK Subarea Plan, ULI Technical Assistance Panel report...etc. As such, Hilltop has been the subject of multiple planning reports, real estate studies and community outreach efforts and has begun to feel the effects of planning fatigue and distrust when elements of the engagement are not incorporated into plans and revisions. For example, residents voiced during meetings that their concerns regarding the light rail's impact on parking in the neighborhood and its impact on local business during construction were not fully addressed. Effective outreach in Hilltop is likely only to occur at a grassroots level, and is likely to require a labor-intensive effort due to lack of effectiveness of social media and other means of outreach. The Links to Opportunity initiative, which addresses design and streetscape elements of the Link light rail, presents a great opportunity for the City to engage deeper and make additional connections with the community. Strong partners, such as the various faith-based organizations, Hilltop Action Coalition, Spaceworks, Sound Outreach and other non-profit organizations based in Hilltop, are committed to working with the City to support and address the needs of the community. It is clear that despite all the planning and engagement efforts, Hilltop lacks a clearly articulated, agreed-upon, and cohesive vision for what its future should look like in light of the light rail investment.

Displacement and the Need for Housing Affordability

Hilltop has indicators of a neighborhood that is at risk for displacement – high percentage of renters, lower education attainment levels, and lower incomes as compared to the rest of the City in an area where home sale prices have rapidly increased. Housing affordability is becoming a main concern and driver of displacement. Hilltop, a historically Black neighborhood, has experienced a decline in its Black population. The shortage of social services for young children and aging minority residents (especially support for aging in place) has driven the faith-based community in the neighborhood to step in and fill some of the gaps. The neighborhood lacks affirmative policies and programs that encourage investment and help residents build equity in their homes or businesses to take advantage of neighborhood revitalization.

Tacoma Housing Authority (THA) has a strong presence in Hilltop and there are more than 25 properties totaling more than 750 units of affordable housing. However, the wait list is long and the lottery is open only once a year. The city is also exploring an infill housing pilot program to allow accessory dwelling units (ADUs) to be built on properties in Hilltop. Though the program could help residents maintain property ownership and intergenerational assets, the lack of access to capital among owners or other funding sources for construction of ADUs is a barrier to the program's success. Anecdotally, the assessment team was told that there is significant mismatch between the type of housing that residents need (i.e. affordable, 3-bedroom units) and the types of market rate, studio and one bedroom apartments that are currently being built.

RECOMMENDED TECHNICAL ASSISTANCE

Technical Assistance Goals

The TOD Technical Assistance team proposes to assist the City of Tacoma to be proactive in the Hilltop neighborhood by better understanding the housing market and conditions and the housing needs of its residents, leveraging the planning and organizing efforts as well as studies

that have already taken place to set longer-term vision and goals for the future of Hilltop as it welcomes the light rail expansion and the accompanying development and growth.

The primary objective of the technical assistance would be deliver a Housing Market Study and accompanying policy recommendations or case studies to support the City in understanding the major existing and future affordable housing challenges and needs in Hilltop, and provide the City with policy tools and recommendations to address housing affordability and displacement pressures so that both existing and new residents can benefit from economic growth and development. Gaining a better understanding of the continuum of housing needs for all income spectrums in Hilltop, especially low-and moderate income households, will also benefit the City in engaging with major community assets and anchor institutions to explore potential incentive programs and partnerships to benefit the residents of the Hilltop community.

Technical Assistance Activities

Using this approach, the TOD Technical Assistance Team could support Tacoma through the following activities

- Existing Conditions Analysis
 - Conduct in-depth review and crosswalk of existing planning documents, efforts and studies that focuses on and informs housing needs in Hilltop, synthesize strategies, goals and activities, and identify gaps.
 - Housing market analysis
 - Assess existing housing market conditions and needs and projected housing needs of both owners and renters; determine housing demand for the future (number and types of housing units needed by Area Median Income); recommend where future demand should be accommodated to preserve existing affordability while also allowing for new residents with a range of incomes.
- Establish Vision and Housing Goals
 - Based on existing conditions analysis, work with the City and key community partners to establish a Hilltop vision for housing, as well as housing preservation and production goals for specific income levels
- Develop Recommendations
 - Based on existing conditions and the housing goals established, develop recommendations for policies and tools that can be used to achieve the goals established for preserving housing affordability and stemming displacement in Hilltop. Policy recommendations or case studies could take a more in-depth look at a selection of the following areas and its applicability in the Hilltop.
 - Producing new affordable housing through various tools and tactics (e.g., value capture strategies, leveraging publicly-owned land for affordable housing, density transfers and bonuses, etc.).
 - Preserving existing affordable housing through various tools and tactics
 - Cultivating new or more effectively using existing resources for affordable housing development
 - Protecting existing renters and homeowners, including seniors
 - Supporting access to affordable rental and for-sale homes

NEXT STEPS

Based on your feedback, the TOD TA Initiative team will develop a complete project

management plan to carry out the agreed upon scope of work, including a workplan with project tasks, schedule, and personnel to support technical assistance delivery.

APPENDIX A. STAKEHOLDERS PARTICIPATING IN MAY 2017 SITE VISIT

Smart Growth America/ Enterprise Visit to Tacoma May 1-2		
	Name	Affiliation
Morning Tour	Ali Modarres	UWT
	Allison Gregg	Sound Transit
	Brian Boudet	Planning, City of Tacoma
	Seth Kirby	Oasis
	Kristina Walker	Downtown on the Go
	Ian Munce	Planning, Links to Opportunity, City of Tacoma
	Carol Wolfe	Community and Economic Development, City of Tacoma
Bus Tour	Lauren Walker Lee	Tacoma City Council, Fair Housing Center of Washington
	Carol Wolfe	Community and Economic Development, City of Tacoma
	Josh Jorgensen	Project Manager, Real Estate Development
	Pastor Anthony Steele	Allen AME Church Tacoma
	Olga Inglebritson	Managing Director, The Evergreen State College-Tacoma
	Dean Jackson	Hilltop Urban Gardens
	Ian Munce	Planning, Links to Opportunity, City of Tacoma
	Hally Bert	Coordinator, Downtown on the Go
	Marty Mattes	Director of Facilities and Operations
Focus Group 1.1 Mayor and Transit Partners	Marilyn Strickland	Mayor of Tacoma, City of Tacoma
	Alexandra Fastle	Government Relations, Pierce Transit
Group 1.2 Arts, business and economic development and housing and preservation	Carol Wolfe	Community and Economic Development, City of Tacoma
	Reuben McKnight	Historic Preservation Officer, City of Tacoma
	Shannon Johnson	Housing Office, City of Tacoma

	Patricia Beard	Community and Economic Development, City of Tacoma
	Amy McBride	Arts Administrator, City of Tacoma
Group 2.1 Universities, colleges and City staff	Marty Mattes	Bates Technical College
	Olga Inglebritson	Evergreen State College
	Linda Ishem	University of Washington
	Tanisha Jumper	Tacoma 2025 Program Manager, City of Tacoma
Group 2.2 Health, Human Services	Amy Pow	Principal Planner, Tacoma Pierce County Health Department
	Marianne Seifert	Community Liaison, Environment Health, Health Department
	Jeff Klein	Executive Director, Sound Outreach
Group 3. Community Business	David Olson	US Bank and Hilltop Business Association
	Jessica DeVisser	Grit City Baking
	Pieter DeVisser	Grit City Baking
	Daniel Regelbrugge	Grit City Baking
	Eric Alozie	NEW Construction Co.
Group 4. Housing	Cathy Reines	Koz Development
	Brittani Flowers	Tacoma Housing Authority
	Josh Jorgensen	Tacoma Housing Authority
	Jordan Rash	Forterra
	Carol Wolfe	Community and Economic Development, City of Tacoma
	Shannon Johnson	Housing Office City of Tacoma
Group 5. Non Profit and Community Partners	Liz Dunbar	Tacoma Community House
	Sally Perkins	Hilltop Resident
	Dr. Judith Nielsen	Kaiser Permanente
	Corey Mosesly	United Way of Pierce County
	Kim Morrison	Education Director, Metropolitan Development Council
Group 6. Faith Based Community	Pastor Anthony Steele	Allen AME Church Tacoma
	Pastor John Stroeh	Peace Lutheran Church



City of Tacoma
Planning and Development Services

Agenda Item
D-2

To: Planning Commission
From: Stephen Atkinson, Planning Services Division
Subject: **Tideflats Interim Regulations**
Meeting Date: October 4, 2017
Memo Date: September 28, 2017

On October 4, 2017 the Planning Commission will complete the review of public comments regarding the Tideflats Interim Regulations received at the public hearing on September 13 and through the comment period ending on September 15, and consider making a recommendation to the City Council.

Staff has attached the following documents to support the Commission's deliberations:

Alternative Draft of the Tideflats Interim Regulations: This draft version is intended to present the Commission with a second option for consideration, but is not intended to limit the options the Commission may consider. This draft modifies the Planning Commission Public Review Document in the following ways:

- It would allow residential development on existing legal lots while pausing new platting and subdivision;
- It would narrow the list of non-industrial uses temporarily prohibited in the M-1 and allow limited expansion of existing uses;
- It would place a limitation on expansion of existing specified heavy industrial uses consistent with the staff recommendation from August 16;
- It expands the list of potential heavy industrial uses to be paused on an interim basis to the full list as presented to the Commission on August 16.

Draft Letter of Recommendation: This is a draft letter addressed to the City Council that accompanies the findings and recommendations. This letter can be used to highlight key issues that the Commission would like to communicate to the Council.

Draft Findings and Recommendations: The findings and recommendations have been updated to document the public notification, Planning Commission review, consultation with the Puyallup Tribe of Indians, SEPA, and public comments provided to the Planning Commission, as well as to include several additional legislative citations.

Code Excerpts from Nonconforming Uses and Conditional Use Permits: These two sections are relevant to the staff recommendations to allow expansions of non-industrial uses via the nonconforming use code and to allow expansions of certain heavy industrial uses subject to conditional use permit approval.

RCW 36.70A.370 Takings Review: This is a memorandum from Deputy City Attorney Steve Victor containing a legal review of the draft Tideflats

interim regulations in the context of RCW 36.70A.370 which requires local governments to implement a process to prevent proposed regulatory or administrative actions from resulting in an unconstitutional taking of private property.

To support the Commission's discussion, Steve Victor, Deputy City Attorney, will be present to advise the Commission on legal issues raised in the public testimony as well as on questions the Commission may have relating to potential modifications to the Proposed Interim Regulations.

If you have any questions, please contact me at (253) 591-5531 or satkinson@cityoftacoma.org.

Attachments:

1. Alternative Draft of the Tidelands Interim Regulations
2. Draft Letter of Recommendation
3. Draft Findings and Recommendations
4. Code Excerpts: Nonconforming Uses and Conditional Use Permits
5. RCW 36.70A.370 Takings Review

c. Peter Huffman, Director

TMC 13.04 Platting and Subdivisions

Sections:

13.04.010	Title.
13.04.020	Intent and authority.
13.04.030	Policy.
13.04.040	Definitions.
13.04.050	Jurisdiction.
13.04.055	Platting on shorelines.
13.04.060	Exclusions.
13.04.070	Alteration.
13.04.075	Vacation.
13.04.085	Boundary line adjustment.
13.04.088	Binding site plan approval.
13.04.090	Short plat/short subdivisions procedures.
13.04.095	Appeals.
13.04.100	Plat/subdivision procedures.
13.04.105	Replat or redivision of platted lots.
13.04.110	General requirements and minimum standards for subdivisions and short subdivisions.
13.04.120	Conformity to the Comprehensive Plan and applicable ordinances, manuals, design specifications, plans, and guidelines.
13.04.130	Relation to adjoining street system.
13.04.140	Access.
13.04.150	Conformity to topography.
13.04.160	Public or private streets or ways, or permanent access easement widths.
13.04.165	Streetlights.
13.04.170	Roadways.
13.04.180	Public or private streets or ways, or permanent access easement design.
13.04.190	Dead-end/cul-de-sac public or private streets or ways, or permanent access easements.
13.04.200	Alleys.
13.04.210	Easements.
13.04.220	Blocks.
13.04.230	Lots.
13.04.240	Plats within Planned Residential Development Districts (PRD Districts).
13.04.250	Duplication of names.
13.04.260	Public open space.
13.04.270	Checking by the City Engineer – Charges.
13.04.280	Development of illegally divided land.
13.04.290	<i>Repealed.</i>
13.04.300	Model home.
13.04.305	Temporary rental or sales offices, contractors' offices, and signs.
13.04.310	Subdivisions and Critical Areas.
13.04.315	<i>Repealed.</i>

13.04.010 Title.

These regulations shall hereafter be known, cited and referred to as the plat and subdivision regulations of the City of Tacoma.

(Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.020 Intent and authority.

These regulations are being adopted in accordance with the goals and authority of the Washington State Growth Management Act of 1990, as amended, and Chapter 58.17 of the Revised Code of Washington, concerning plats and

subdivisions. It is intended that these regulations provide an efficient, effective, fair and timely method for the submission, review and approval of plats, short plats, boundary line adjustments and binding site plan approvals.

(Ord. 25532 § 1; passed Jun. 28, 1994)

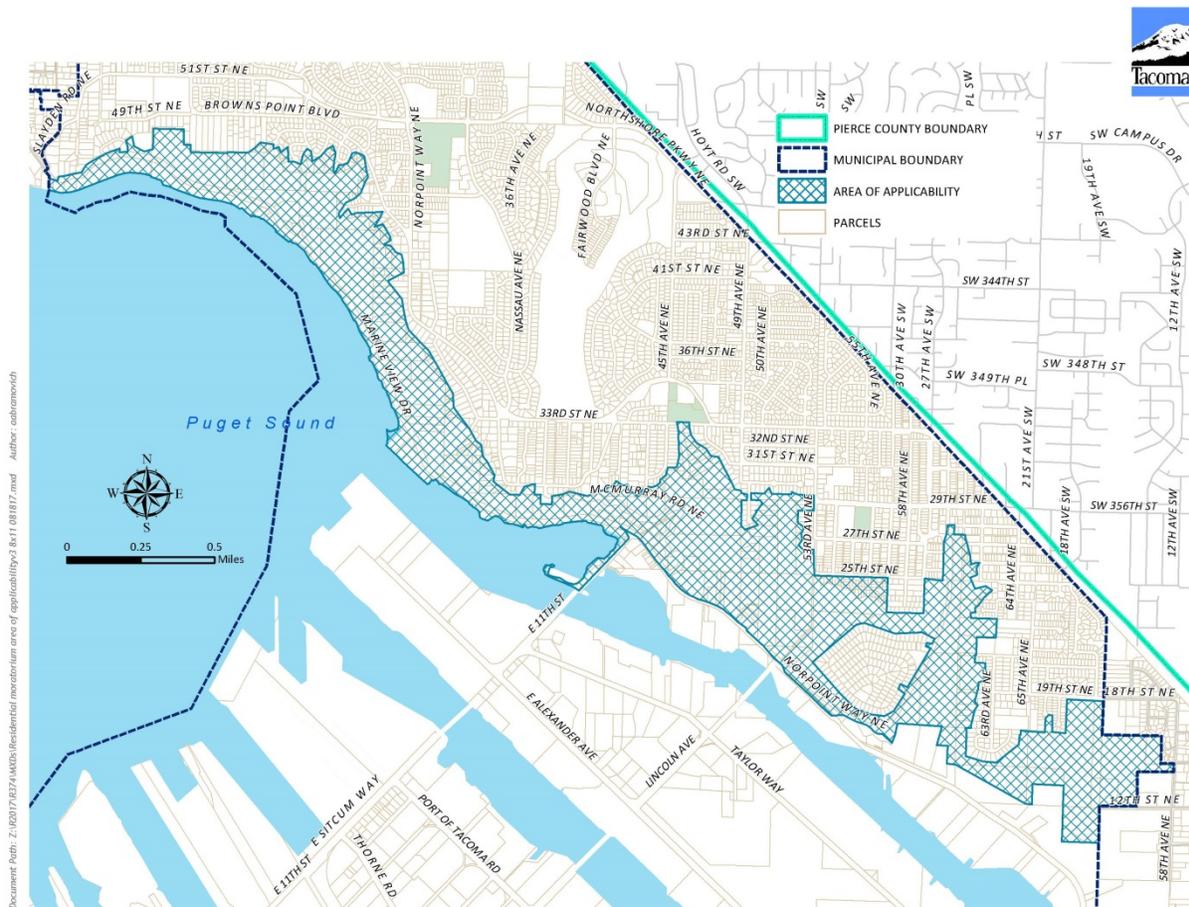
13.04.030 Policy.

A. It is hereby declared to be the policy of the City of Tacoma to consider the subdivision of land and the subsequent development of the subdivision as subject to the control of the City of Tacoma pursuant to the City's land use codes for the orderly, planned, efficient, and economical development of the community.

B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist or proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, and active transportation facilities. While planning public facilities and improvements for proposed subdivisions of land, consideration shall be given to adopted City policies relating to sustainability, smart growth, urban forestry, complete streets, connectivity, and green infrastructure practices.

C. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions, standards and policies contained in building and housing codes, zoning ordinances, the City of Tacoma's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines, and elements thereof.

D. Per Ordinance No. XXXXX, on an interim basis, new residential platting and subdivision of land is prohibited along Marine View Drive and the adjacent slopes, as identified in the following map:



TMC 13.05.020 Notice Process

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* (see TMC 13.05.020.I)	Optional	Same as case type	Yes if no hearing required	No	Same as case type	Director	No	No	None
Environmental Impact Statement (EIS) * (see TMC 13.05.020.I)	Required for scoping, DEIS and FEIS	1000 feet	Yes	Yes	Minimum 30 days	Director	No, unless part of associated action. Public scoping meeting(s) required	No	None
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	1000 feet	Yes	Yes	21 days SEPA ²	Hearing Examiner	Yes	Final Plat	5 years ⁶
Rezones	Required	400 feet; 1000 feet for public facility site	No; Yes for public facility site	Yes	21 days SEPA ²	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance* (see TMC 13.05.020.I)	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

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Conditional use* (see TMC 13.05.020.I)	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days ⁵	Director	No	No	5 years ⁴
Conditional use, correctional facility (new or major modification)	Required	1,000 feet	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, master plan	Required	1000 feet	Yes	Yes	30 days ²	Director	Yes	No	10 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; 1000 feet for public facility sites and master plans	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

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

* Programmatic Restoration Projects can request 5 year renewals to a maximum of 20 years total.

When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).

- 1 Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director's decision and are not eligible for a one-year extension.
- 2 Comment on land use permit proposal allowed from date of notice to hearing.
- 3 Must be recorded with the Pierce County Auditor within five years.
- 4 Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director's decision.
- 5 If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.
- 6 Refer to Section 13.05.070 for preliminary plat expiration dates.
- 7 Public Notification of Minor Variances may be sent at the discretion of the Director. There is no notice of application for Minor Variances.

TMC 13.05.020.I. Interim Expanded Notification for Heavy Industrial Projects, Per Ordinance No. XXXXX

1. Per Ordinance No. XXXXX, on an interim basis, the following applies to all heavy industrial projects (as defined in TMC 13.06.700.I) and industrial uses identified in TMC 13.06.580, which require a discretionary permit ("designated projects") or SEPA determination.

2. Notice for designated projects will be emailed to all Neighborhood Councils and Business Districts, as well as the Community Council. In addition, notice will be sent to the SEPA contact for all adjacent jurisdictions (Federal Way, Fife, Fircrest, Lakewood, Pierce County, and University Place). This is in addition to all typically-notified parties and the Puyallup Tribe of Indians.

3. Notification of designated projects will be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils and business districts; qualified neighborhood or community organizations; the Puyallup Tribe of Indians; Local Governments in Pierce County; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer.

4. Notification distance.

(a) The notification distance for a project within the Port of Tacoma Manufacturing/Industrial Center (M/IC) will be 2,500 feet from the boundaries of that center.

(b) Notification distance for a project within the South Tacoma Manufacturing/Industrial Overlay District, as set forth in TMC 13.06.400, will be 2,500 feet from the boundaries of the Overlay District.

(c) Notification distance for a qualifying industrial project in any other zoning district, outside either of the above areas, will be 2,500 feet from the boundaries of the project site.

5. Upon determination of a Complete Application, the City will hold a community meeting to provide notification to the community that a significant project has been applied for. Further, the meeting will provide clarity on the public process (from all permitting agencies) and opportunities for public review and comment.

(a) For projects with an associated land use permit and public notice, this meeting will take place approximately two weeks after the start of the public notice period. Public notice will be extended to 30 days in the rare case that the TMC-required notice period is not already 30 days.

(b) For projects not associated with a land use permit, the meeting will take place after determination that a SEPA application is complete, but prior to issuance of a preliminary SEPA determination. The meeting will include a proposed SEPA timeline, including issuance of the preliminary determination, opportunity for comment, and the appeal process for this type of SEPA determination.

6. Upon determination of a Complete Application, the City will post the permit package and all relevant studies under "public notices" on www.tacomapermits.org.

7. Additional notification may be done as necessary (i.e., social media posts or separate project web pages) or as appropriate for the project type.

TMC 13.06.200 Commercial Districts

5. District Use Table

Uses	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2,3} (also see footnotes at bottom of table)
Craft Production	CU	P	P	P	Must include a retail/eating/drinking/tasting component that occupies a minimum of 10 percent of usable space, fronts the street at sidewalk level or has a well-marked and visible entrance at sidewalk level, and is open to the public. Outside storage is allowed provided screening and/or buffer planting areas are provided in accordance with Section 13.06.502.C. All production, processing and distribution activities are to be conducted within an enclosed building.
Cultural institution	P	P	P	N	
Day care, family	P	P	P	P	
Day care center	P	P	P	P	Subject to regulations set forth in Section 13.06.155.
Detoxification center	N	N	N	N	
Drive-through with any use	N	N	P	N	Prohibited in any commercial district combined with a VSD View-Sensitive Overlay District and adjacent to a Shoreline District (i.e., Old Town Area). Subject to the requirements of TMC 13.06.513.
Dwelling, single-family detached	P	P	P	P	<u>Per Ordinance No. XXXXX, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.</u>
Dwelling, two-family	P	P	P	P	<u>Per Ordinance No. XXXXX, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.</u>
Dwelling, three-family	P	P	P	P	<u>Per Ordinance No. XXXXX, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.</u>
Dwelling, multiple-family	P	P	P	P	<u>Per Ordinance No. XXXXX, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.</u>
Dwelling, townhouse	P	P	P	P	<u>Per Ordinance No. XXXXX, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.</u>
Dwelling, accessory (ADU)	P	P	P	P	Subject to additional requirements contained in 13.06.150. <u>Per Ordinance No. XXXXX, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.</u>

Uses	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2,3} (also see footnotes at bottom of table)
Eating and drinking	N	P/CU	P	P*/CU*	<p>In the C-1 and PDB districts, restaurants are permitted outright while drinking establishments require a conditional use permit. See Section 13.06.700.E for the definitions of restaurants and drinking establishments.</p> <p>In the C-2 district, live entertainment is limited to that consistent with either a Class "B" or Class "C" Cabaret license as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with a Class "C" cabaret license as designated in Section 6B.70.</p> <p>*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts</p>

TMC 13.06.400 Industrial Districts

The 400 series contains regulations for all industrial classifications, including the following:

- M-1 Light Industrial District
- M-2 Heavy Industrial District
- PMI Port Maritime & Industrial District

A. Industrial district purposes.

The specific purposes of the Industrial districts are to:

1. Implement goals and policies of the City's Comprehensive Plan.
2. Implement Growth Management Act goals, county-wide planning policies, and multi-county planning policies.
3. Create a variety of industrial settings matching scale and intensity of use to location.
4. Provide for predictability in the expectations for development projects.

B. Districts established.

- M-1 Light Industrial District
- M-2 Heavy Industrial District
- PMI Port Maritime & Industrial District

1. M-1 Light Industrial District. This district is intended as a buffer between heavy industrial uses and less intensive commercial and/or residential uses. M-1 districts may be established in new areas of the City. However, this classification is only appropriate inside Comprehensive Plan areas designated for medium and high intensity uses.
2. M-2 Heavy Industrial District. This district is intended to allow most industrial uses. The impacts of these industrial uses include extended operating hours, heavy truck traffic, and higher levels of noise and odors. This classification is only appropriate inside Comprehensive Plan areas designated for medium and high intensity uses.
3. PMI Port Maritime & Industrial District. This district is intended to allow all industrial uses and uses that are not permitted in other districts, barring uses that are prohibited by City Charter. The Port of Tacoma facilities, facilities that support the Port's operations, and other public and private maritime and industrial activities make up a majority of the uses in this district. This area is characterized by proximity to deepwater berthing; sufficient backup land between the berths and public right-of-ways; 24-hour operations to accommodate regional and international shipping and distribution schedules; raw materials processing and manufacturing; uses which rely on the deep water berthing to transport raw materials for processing or manufacture, or transport of finished products; and freight mobility infrastructure, with the entire area served by road and rail corridors designed for large, heavy truck and rail loads.

The PMI District is further characterized by heavy truck traffic and higher levels of noise and odors than found in other districts. The uses are primarily marine and industrial related, and include shipping terminals, which may often include container marshalling and intermodal yards, chemical manufacturing and distribution, forest product operations (including shipping and wood and paper products manufacturing), warehousing and/or storage of cargo, and boat and/or ship building/repair. Retail and support uses primarily serve the area's employees.

Expansion beyond current PMI District boundaries should be considered carefully, as such expansion may decrease the distance between incompatible uses.

Expansion should only be considered contiguous to the existing PMI District. This classification is only appropriate inside Comprehensive Plan areas designated for high intensity uses.

4. ST-M/IC South Tacoma Manufacturing/Industrial Overlay District. This overlay district is intended to provide additional protection to industrial and manufacturing uses within the designated boundary of the South Tacoma M/IC by placing further restrictions on incompatible uses within this defined area. Standards established through the overlay zone are in addition to the requirements of the underlying zone. In all cases, where the overlay district imposes more restrictive standards than the underlying zone, these shall apply. The additional requirements imposed through the South Tacoma M/IC Overlay District are intended to preserve this area for long term urban industrial and manufacturing use consistent with policy direction in the Comprehensive Plan. Expansion of the overlay district

beyond the current boundaries can only be done in conjunction with an expansion of the designated South Tacoma M/IC Center in the Comprehensive Plan. Expansion beyond current boundaries should be carefully considered, as such expansion may decrease the distance between incompatible uses and will impose additional restrictions on the development of residential and commercial uses in affected areas.

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.

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.

4. 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.

5. 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.
Agricultural uses	CU/N*	CU/N*	CU/N*	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. <u>*Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
Airport	CU/N*	CU/N*	CU/N*	<u>*Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
Ambulance services	P	P	P	
Animal sales and service	P	P	N	

Uses	M-1	M-2	PMI	Additional Regulations ¹
Assembly facility	P	P	N	
Brewpub	P	P	P	
Building material and services	P	P	P	
Business support services	P	P	P	
Carnival	P/TU*	N	N	*Temporary use only within the South Tacoma M/IC Overlay District <u>*Per Ordinance No. XXXXX, on an interim basis, temporary use only within the Port of Tacoma M/IC. See 13.06.400.G.</u>
Cemetery/internment services	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	P	P	P	
Commercial recreation and entertainment	P/CU*	P/CU*	N	*Within the South Tacoma M/IC Overlay District, a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district. <u>*Per Ordinance No. XXXXX, on an interim basis, within the Port of Tacoma M/IC, a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district. Existing uses in the PMI are permitted, subject to the special use restrictions in section 13.06.400.G.</u>
Communication facility	P	P	P	
Confidential shelter	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.
Continuing care retirement community	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.
Correctional facility	N	CU	CU	Modifications or expansions to existing facilities that increase the inmate capacity shall be processed as a major modification (see Section 13.05.080). A pre-application community meeting is also required (see Section 13.06.640.Q).
Craft Production	P	P	P	

Uses	M-1	M-2	PMI	Additional Regulations ¹
Cultural institution	P/CU*/ <u>N~</u>	P/CU*/ <u>N~</u>	N	*Conditional use within the South Tacoma M/IC Overlay District, unless an accessory use. <u>~Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
Day care, family	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Day care center	P	P	N	Subject to development standards contained in Section 13.06.155.
Detoxification center	CU	CU	N	
Drive-through with any permitted use	P	P	P	Subject to the requirements of TMC 13.06.513.
Dwelling, single-family detached	P/N*~	N*	N*	<p>In M-1 districts, single-, two- and three-family and townhouse dwellings are prohibited, except for residential uses in existence on December 31, 2008, the effective date of adoption of this provision.</p> <p>In M-1 districts, new multi-family residential dwellings are permitted only within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.</p> <p>*In all districts, quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts.</p> <p>~Not permitted within the South Tacoma M/IC Overlay District except for quarters for caretakers and watchpersons and temporary worker housing, as noted above.</p> <p><u>~Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC except for quarters for caretakers and watchpersons and temporary worker housing to support uses located in these districts. See 13.06.400.G.</u></p>
Dwelling, two-family	P/N*~	N*~	N*~	
Dwelling, three-family	P/N*~	N*~	N*~	
Dwelling, multiple-family	P/N*~	N*~	N*~	
Dwelling, townhouse	P/N*~	N*~	N*~	
Dwelling, accessory (ADU)	P/N~	N	N	<p>Subject to additional requirements contained in 13.06.150.</p> <p>~Not permitted within the South Tacoma M/IC Overlay District.</p> <p><u>*Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u></p>
Eating and drinking	P	P	P	
Emergency and transitional housing	P/N*	N	N	<p>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.</p> <p>*Not permitted within the South Tacoma M/IC Overlay District.</p> <p>See Section 13.06.535.</p>

Uses	M-1	M-2	PMI	Additional Regulations ¹
Extended care facility	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.
Foster 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.
Fueling station	P	P	P	
Funeral home	P	P	N	
Golf course	P/N*	P/N*	N	*Not permitted within the South Tacoma M/IC Overlay District. Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.
Group 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.
Heliport	CU	CU	CU	
Home occupation	P	P	P	Subject to additional requirements contained in Section 13.06.100.E
Hospital	P/CU*	P/N~	N	*Conditional use within the South Tacoma M/IC Overlay District. ~Not permitted within the South Tacoma M/IC Overlay District. ~Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.
Hotel/motel	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Industry, heavy	N	<u>P/N*</u>	<u>P/N*</u>	Animal slaughter, fat rendering, acid manufacture, smelters, and blast furnaces allowed in the PMI District only. *See section 13.06.580 Interim Industrial Use Restrictions for interim regulations.
Industry, light	P	P	P	

Uses	M-1	M-2	PMI	Additional Regulations ¹
Intermediate care facility	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.
Juvenile community facility	P/N*	P/N*	P/N*	See Section 13.06.530 for resident limits and additional regulations. *Not permitted within the South Tacoma M/IC Overlay District. <u>Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
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.
Marijuana processor, producer, and researcher	P	P	P	See additional requirements contained in Section 13.06.565
Marijuana retailer	P~	P~	N	~Within the South Tacoma M/IC Overlay District, <u>and within the Port of Tacoma M/IC on an interim basis per Ordinance No. XXXXX (See 13.06.400.G.)</u> , limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. See additional requirements contained in Section 13.06.565.
Microbrewery/winery	P	P	P	
Mobile home/trailer court	N	N	N	
Nursery	P	P	N	
Office	P*	P*	P	*Within the South Tacoma M/IC Overlay District, unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district.
Parks, recreation and open space	P/N*	P/N*	P/N*	Subject to the requirements of Section 13.06.560.D. <u>*Per Ordinance No. XXXXX, on an interim basis, High Intensity/Destination facilities (see 13.06.560) are not permitted in the Port of Tacoma M/IC. See 13.06.400.G.</u>
Passenger terminal	P	P	P	
Personal services	P	P	P	
Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	N	N	P*/N~	*Preferred use. <u>~See section 13.06.580 Interim Industrial Use Restrictions for interim regulations.</u>

Uses	M-1	M-2	PMI	Additional Regulations ¹
Public safety and public service facilities	P	P	P	
Religious assembly	P	P	P	
Repair services	P	P	P	
Research and development industry	P	P	N	
Residential care facility for youth	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.
Residential chemical dependency treatment facility	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.
Retail	P~	P~	P*	*Limited to 7,000 square feet of floor area, per development site, in the PMI District. ~Within the South Tacoma M/IC Overlay District, <u>and within the Port of Tacoma M/IC on an interim basis per Ordinance No. XXXXX (see 13.06.400.G.)</u> , unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. Outside of the South Tacoma M/IC Overlay District <u>and Port of Tacoma M/IC</u> , limited to 65,000 square feet per use, unless approved with a conditional use permit. See Section 13.06.640.J.
Retirement 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.
School, public or private	P/N*	P/N*	P/N*	*General K through 12 education not permitted in the PMI District or in the South Tacoma M/IC Overlay District. <u>*Per Ordinance No. XXXXX, on an interim basis, General K through 12 education is not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
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	

Uses	M-1	M-2	PMI	Additional Regulations ¹
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.
Surface mining	CU	CU	CU	
Temporary uses	P	P	P	Subject to development standards contained in Section 13.06.635.
Theater	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Transportation/freight terminal	P	P	P	
Urban Horticulture	P	P	P	
Utilities	P	P	P	
Vehicle rental and sales	P	P	P	Subject to development standards contained in Section 13.06.510.
Vehicle service and repair	P	P	P	Subject to development standards contained in Section 13.06.510.
Vehicle service and repair, industrial	P	P	P	Subject to development standards contained in Section 13.06.510.
Vehicle storage	P	P	P	Subject to development standards contained in Section 13.06.510.
Warehouse/storage	<u>P/N*</u>	<u>P/N*</u>	<u>P/N*</u>	Storage and treatment facilities for hazardous wastes are subject to the state locational standards adopted pursuant to the requirements of Chapter 70.105 RCW and the provisions of any groundwater protection ordinance of the City of Tacoma, as applicable. *See section 13.06.580 Interim Industrial Use Restrictions for interim regulations.
Wholesale or distribution	<u>P/N*</u>	<u>P/N*</u>	<u>P/N*</u>	*See section 13.06.580 Interim Industrial Use Restrictions for interim regulations.
Wireless communication facility	P*/ CU**	P*/ CU**	P*/ CU**	*Wireless communication facilities are also subject to Section 13.06.545.D.1. **Wireless communication facilities are also subject to Section 13.06.545.D.2.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Work/Live	<u>P/N*</u>	N	N	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. <u>*Per Ordinance No. XXXXX, on an interim basis, the use is not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
Work release center	<u>CU/N*</u>	<u>CU/N*</u>	<u>P/N*</u>	Subject to development standards contained in Section 13.06.550. <u>*Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
Uses not prohibited by City Charter and not prohibited herein	N	N	<u>NP</u>	
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.				

13.06.400.G Interim Special Use Restrictions for Non-industrial Uses in the Port of Tacoma M/IC

1. Per Ordinance No. XXXXX, on an interim basis, the intent of these special use restrictions is to place a pause on new or expansion of existing non-industrial uses within the Port of Tacoma M/IC until such time as the Tideflats subarea plan is complete.

2. The establishment of certain new non-industrial uses, specified in Table 13.06.400.C.5, is prohibited on an interim basis.

3. Existing uses, legally permitted at the time of adoption of this code, are allowed, subject to limitations on expansion as described in 13.06.400.G.4 below.

4. Expansion of existing identified non-industrial uses is allowed subject to the limitations and procedural requirements of TMC 13.06.630 Nonconforming parcels/uses/structures.

NEW SECTION TMC 13.06.580

13.06.580 Interim Industrial Use Restriction

A. Purpose: Per Ordinance No. XXXXX, on an interim basis, the purpose of this section is to pause the establishment of certain new industrial uses, and to temporarily limit the expansion of existing such uses, on an interim basis until such time as the Tideflats Subarea Plan is complete.

B. Applicability. These special use restrictions apply to the following uses in all zoning districts:

- Coal terminals or bulk storage facilities;
- Oil, or other liquefied or gaseous fossil fuel terminals, bulk storage, manufacturing, production, processing or refining of oil or other liquefied or gaseous fossil fuels;
- Chemical production, processing, or bulk storage;
- Smelting;
- Mining and quarrying;
- Animal slaughter;
- Rendering;
- Iron and steel works ;
- Metal recycling;
- Pulp, paper and paperboard mills;
- Grain terminals and bulk storage.

C. Use Restrictions.

1. New uses. The establishment of new uses as specified in 13.06.580.B are prohibited on an interim basis.

2. Existing uses. Legally permitted uses, listed in 13.06.580.B, at the time of adoption of this code are allowed and may continue existing operations.

3. Expansion of existing uses. Existing uses may expand storage, production, or distribution capacity by no more than 10% beyond that which exists at time of adoption of Ordinance No. XXXXX, subject to approval of a conditional use permit. The 10% limitation shall be measured cumulatively for the duration of the interim regulations when there are multiple applications.

4. Exceptions. Limitations on expansion do not apply to the following uses and activities.

a. Normal Maintenance and Repair. Activities commonly associated with normal maintenance and repair or development activities exempt from shoreline substantial development permits per TMC 13.10 section 2.3.3. Normal maintenance and repair is defined as follows:

Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

b. Building codes and environmental regulations. Alteration, expansion or replacement of structures or facilities in order to comply with building code requirements and/or environmental regulations.

c. Accessory uses. A subordinate building or use that is incidental to the use of the main building or use.

d. Accessory utilities. Distribution services directly serving a permitted use. For example, power, telephone, cable, communication antennas, water, sewer lines, and stormwater systems.

5. Risk assessment. As part of any applicable SEPA and/or Conditional Use Permit process, a risk analysis will be conducted proportionate to the size and scale of the project and of the particular industrial process being proposed.

6. Definitions. For the purpose of applying these special use restrictions, applicable North American Industrial Classification System (NAICS) codes and descriptions are cited and shall be interpreted broadly in accordance with the intent of the interim regulations.

a. Coal terminals and bulk storage facilities. The bulk storage or wholesale distribution of coal and coal products or transfer of coal products via shipping terminal.

b. Oil or other liquefied or gaseous fossil fuel terminals, bulk storage, manufacturing, production, processing or refining.

(1) Petroleum bulk stations and terminals. This industry comprises establishments with bulk liquid storage facilities primarily engaged in the merchant wholesale distribution of crude petroleum and petroleum products. NAICS Code 424710.

(2) Petroleum refineries. This industry comprises establishments primarily engaged in refining crude petroleum into refined petroleum. Petroleum refining involves one or more of the following activities: (1) fractionation; (2) straight distillation of crude oil; and (3) cracking. NAICS Code 324110.

(3) Natural gas liquid extraction. This industry comprises establishments primarily engaged in the recovery of liquid hydrocarbons from oil and gas field gases. Establishments primarily engaged in sulfur recovery from natural gas are included in this industry. NAICS Code 211112.

(4) Bulk storage, production, and wholesale distribution of natural gas liquids, liquefied natural gas, and liquefied petroleum gas.

c. Bulk chemical storage, production or processing. The Chemical Manufacturing subsector is based on the transformation of organic and inorganic raw materials by a chemical process and the formulation of products. This subsector distinguishes the production of basic chemicals that comprise the first industry group from the production of intermediate and end products produced by further processing of basic chemicals that make up the remaining industry groups. For the purposes of these special use restrictions, this definition will apply to all industries classified as subcategories of NAICS Code 325 Chemical Manufacturing.

d. Animal slaughter. This industry comprises establishments primarily engaged in slaughtering animals. This industry includes establishments that slaughter and prepare meats, slaughtering poultry and small game, and/or preparing processed poultry and small game meat and meat byproducts. NAICS Codes 311611 and 311615.

e. Rendering plants. This industry comprises establishments primarily engaged in rendering animal fat, bones, and meat scraps. NAICS Code 311613.

f. Smelters

(1) Primary smelting and refining of copper. This industry comprises establishments primarily engaged in (1) smelting copper ore and/or (2) the primary refining of copper by electrolytic methods or other processes. Establishments in this industry make primary copper and copper-based alloys, such as brass and bronze, from ore or concentrates. NAICS Code 331411.

(2) Alumina refining and primary aluminum production. This industry comprises establishments primarily engaged in one or more of the following: (1) refining alumina (i.e., aluminum oxide) generally from bauxite; (2) making aluminum from alumina; and/or (3) making aluminum from alumina and rolling, drawing, extruding, or casting the aluminum they make into primary forms. Establishments in this industry may make primary aluminum or aluminum-based alloys from alumina. NAICS Code 331313

(3) Nonferrous metal (except aluminum) smelting and refining. This industry comprises establishments primarily engaged in (1) smelting ores into nonferrous metals and/or (2) the primary refining of nonferrous metals (except aluminum) by electrolytic methods or other processes. NAICS Code 331410.

(4) Secondary smelting, refining, and alloying of nonferrous metal (except copper and aluminum). This industry comprises establishments primarily engaged in (1) alloying purchased nonferrous metals and/or (2) recovering nonferrous metals from scrap. Establishments in this industry make primary forms (e.g., bar, billet, bloom, cake, ingot, slab, slug, wire) using smelting or refining processes. NAICS Code 331492.

g. Iron and steel works. This industry comprises establishments primarily engaged in one or more of the following: (1) direct reduction of iron ore; (2) manufacturing pig iron in molten or solid form; (3) converting pig iron into steel; (4) making steel; (5) making steel and manufacturing shapes (e.g., bar, plate, rod, sheet, strip, wire); (6) making steel and forming pipe and tube; and (7) manufacturing electrometallurgical ferroalloys. Ferroalloys add critical elements, such as silicon and manganese for carbon steel and chromium, vanadium, tungsten, titanium, and molybdenum for low- and highalloy metals. Ferroalloys include iron-rich alloys and more pure forms of elements added during the steel manufacturing process that alter or improve the characteristics of the metal being made. NAICS Code 331110.

h. Metal recycling. This industry comprises establishments primarily engaged in the merchant wholesale distribution of automotive scrap, industrial scrap, and other recyclable materials. Included in this industry are auto wreckers primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap. NAICS Code 423930.

i. Mining and quarrying. This use category includes all industry sectors identified under NAICS Code 21 Mining, Quarrying, and Oil and Gas Extraction. The Mining, Quarrying, and Oil and Gas Extraction sector comprises establishments that extract naturally occurring mineral solids, such as coal and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas. The term mining is used in the broad sense to include quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparation customarily performed at the mine site, or as a part of mining activity.

j. Pulp, paper, and paperboard mills. This industry group comprises establishments primarily engaged in manufacturing pulp, paper, or paperboard. NAICS Code 3221

k. Grain terminals and bulk storage. This industry comprises establishments primarily engaged in operating bulk farm product warehousing and storage facilities (except refrigerated). Grain elevators primarily engaged in storage are included in this industry. NAICS Code 493130.

l. Terminal. A “terminal” is a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers.

TMC 13.10 Shoreline Management

Table 9-2

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE																	
District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway Transition	Schuster Parkway	The Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylbos Creek	Marine Waters of the State ²¹	Wapato Lake	Point Ruston/Slag Pen.
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI
Shoreline Uses																	
Residential Development																	
Single-family ¹²	N	P	P	N	N	N	N	N	N	N	N	N	PN ¹ ₃	N	N	P	N ¹⁴
Multifamily – stand alone	N/C U ¹⁵	N	N	N	N	N	N	N	N	N/C U ¹⁶	N	N	N/C U ¹³⁺ ₅	N	N	N	P ¹⁷ , 18/ CU 18
Multifamily as part of a mixed-use development	P	N	N	N	N	N	N	N	N	P ¹⁶	N	N	PN ¹ ₃	N	N	N	P ¹⁷
Home Occupation	P	P	P	P	N	N	N	N	N	P	N	N	NP ¹ ₃	N	N	N	P

- Expansion of an existing marina shall be permitted consistent with the provisions of this Program, new marina development shall be a conditional use.
- Boat ramps shall be permitted only in that area on the east side of the Foss Waterway north of the Centerline of 15th Street.
- Water-enjoyment and -related commercial uses shall be permitted over-water only as a reuse of an existing structure or when located within a mixed-use structure.
- Non-water-oriented commercial uses shall only be permitted in accordance with the regulations in TSMP Section 7.5.2 and only as a conditional use except where otherwise specified for the S-8 and S-15 Shoreline Districts.
- New commercial development shall be limited to upland locations only. Existing water-oriented commercial uses at the Point Defiance Marina Complex may be continued and be modified provided modifications do not adversely affect ecological conditions and comply with all other provisions of this Program.
- Non-water-oriented commercial uses shall be permitted as part of a mixed-use development with a water-oriented component; Non-water-oriented commercial uses in a mixed use development without a water-oriented component shall be permitted as a conditional use consistent with TSMP 9.10(D). In all other circumstances, non-water-oriented uses shall be processed as a conditional use

- 7 Non-water-oriented commercial uses shall be permitted outside 150' of OHWM only, except as specified in note 18. Commercial uses that are located outside shoreline jurisdiction and are consistent with the EIS for the Point Ruston development are allowed, those uses that are not consistent with the EIS shall be processed as a conditional use permit in accordance with the procedures in TMC 13.06.
- 8 New educational, historic, and scientific uses are permitted over-water or in the S-13 Shoreline District (Marine Waters of the State) only when water-dependent or as a reuse of an existing structure.
- 9 Water-dependent and -related port/industrial uses shall be permitted only in existing structures.
- 10 Port and industrial development shall be permitted on the easterly side of the Thea Foss Waterway, north of the centerline of East 15th Street and in addition, in that area to the east of East D Street.
- 11 Non-water-oriented industrial uses shall only be permitted in accordance with the regulations in TSMP Section 7.6.2.
- 12 New single-family residential development shall only be permitted in upland locations.
- 13 In the "S-11" Shoreline District, ~~new single family and multi-family residential development is permitted only in that area north of 5410 Marine View Drive. Per Ordinance No. XXXXX, on an interim basis, new residential uses are prohibited. Existing residential uses may expand so long as the expansion is consistent with the requirements of TMC 13.10.~~
- 14 Detached single-family residential use and development is allowed in the S-15 shoreline district outside of shoreline jurisdiction.
- 15 New stand alone multi-family residential uses may be permitted as a conditional use in accordance with the regulations in TSMP Section 7.8.2.
- 16 Residential development shall be permitted in upland locations on the west side of the waterway and on the east side only south of the East 11th Street right of way, and shall be designed for multiple-family development only, excluding duplex and/or triplex development. Hotel/Motel uses are permitted on the west side of the Foss Waterway, and on the east side of the Foss Waterway only south of the centerline of 11th Street. Residential and Hotel/Motel uses are prohibited to the east of East D Street.
- 17 Multifamily residential uses shall be permitted in upland locations, outside 150' of OHWM.
- 18 No more than 24 total townhouse units may be permitted in upland locations up to 100' from OHWM as an outright permitted use so long as such townhouses are constructed on the southeasterly shoreline of the Point Ruston site. Townhouses may be permitted in upland locations up to 100' from OHWM as a conditional use in all other locations. Townhouses in the S-15 may include an office use on the ground floor.
- 19 Helicopter landing pads are only allowed outside of shoreline jurisdiction as a conditional use and only as part of an approved structure.
- 20 Above ground utilities are only allowed consistent with TSMP 7.13.2.
- 21 New uses and development in the S-13 Shoreline District that are associated with an upland shoreline district shall only be permitted where the use or development is consistent with the permitted uses in the upland Shoreline District. Please see Section 9.15(D)(1)(a).
- 22 Structural shoreline stabilization shall be permitted only when necessity has been demonstrated as described in TSMP Section 8.2.2.
- 23 See application requirements in Section 2.4.4.
- 24 With the exception of the S-7, S-10 and S-11 Shoreline Districts, mooring buoys shall be designed, located and installed only for transient recreational boating, or in association with a single family residential development or a permitted marina. In the S-7, S-10 and S-11 Shoreline Districts mooring buoys may be designed, located and installed to accommodate port and industrial uses including the remote storage of oceangoing vessels and barges.
- 25 Buffer reductions allowed for water-dependent uses per TSMP 6.4.3(C).
- 26 Except that the buffer shall not extend beyond the centerline of Alaska street.
- 27 District specific height limitations shall not apply to bridges in the shoreline. Bridges should be kept to the minimum height necessary and shall provide a view study to determine whether the structure will cause any significant impacts to public views of the shoreline.
- 28 The maximum height standard excludes equipment used for the movement of waterborne cargo between storage and vessel or vessel and storage.
- 29 Any building, structure, or portion thereof hereafter erected (excluding equipment for the movement of waterborne cargo between storage and vessel, vessel and storage) shall not exceed a height of 100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.
- 30 Maximum heights on Slag Peninsula are limited to 35 feet.
- 31 The side/yard corridor may be distributed between the two sides at the discretion of the proponent, provided a minimum 5 foot set back is maintained from either lot line.
- 32 New and/or expansion of an existing railroad siding is permitted when necessary to service a water-dependent port or industrial facility.



City of Tacoma
Planning Commission

Stephen Wamback, Chair
Anna Petersen, Vice-Chair
Carolyn Edmonds
Jeff McInnis
Brett Santhuff
Andrew Strobel
Dorian Waller
Jeremy Woolley
(vacant)

October 4, 2017

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

RE: Tideflats Interim Regulations

Honorable Mayor and Members of the City Council,

On behalf of the Tacoma Planning Commission, I am forwarding our recommendations on the Proposed Tideflats Interim Regulation, in response to Resolution No. 39723 from May 9, 2017. Enclosed is the *"Planning Commission's Findings and Recommendations Report, October 4, 2017"* that summarizes the proposed interim regulations, the public review process, and the Planning Commission's deliberations.

Specifically, the Commission finds that interim regulations are warranted and we recommend that the City Council adopt the following proposals for the duration of the Tideflats Subarea Planning process:

1. Expand notification for heavy industrial uses city-wide that require a SEPA determination or discretionary permit;
2. Pause certain new non-industrial uses within the Port of Tacoma MIC and place limitations on expansion of existing uses during the interim period;
3. Pause new residential platting and subdivision of land along Marine View Drive and pause new residential development in the S-11 Shoreline District and C-1 and C-2 Commercial districts along Marine View Drive during the interim period;
4. Pause certain new heavy industrial uses city-wide and place limitations on expansion of existing uses during the interim period.

While the Commission was not specifically required under TMC 13.02.055 to conduct a public hearing, the Commission elected to hold a public hearing and accept comments on the draft documents in response to the significant and diverse interest and concerns expressed to the Commission early in the process. As a result, the Commission received a virtually unprecedented level of participation in the public hearing, with over 300 people in attendance, 81 people who provided testimony, and more than 200 pieces of written comments submitted for Commission consideration.

Ultimately, the interim regulations constitute a general pause while the City undertakes the subarea planning process as called for in Resolution No. 39723. The Commission believes that the subarea plan is the best course of action to comprehensively address land use issues associated with the future of the Port/Tideflats area. We ask that the City Council prioritize the resources to conduct the subarea planning process in the most effective and expeditious way possible.

Sincerely,

STEPHEN WAMBACK, Chair
Tacoma Planning Commission

Enclosure



TIDEFLATS INTERIM REGULATIONS

TACOMA PLANNING COMMISSION
DRAFT FINDINGS OF FACT AND RECOMMENDATIONS
OCTOBER 4, 2017

The findings and recommendations have been updated to document the public notification, Planning Commission review, consultation with the Puyallup Tribe of Indians, SEPA, and public comments provided to the Planning Commission, as well as to include several additional legislative citations. Findings highlighted in yellow have been added or modified.

A. SUBJECT:

Tideflats Interim Regulations

B. SUMMARY OF PROPOSED AMENDMENTS:

The public review draft of the Tideflats Interim Regulations includes four general categories of potential amendments:

Category 1: Expanded Notification for Heavy Industrial Uses

- These amendments would expand notification of heavy industrial use permits to taxpayers and interested parties.
- The notification distances are expanded to 2500' from the subject parcel. For projects located within a designated manufacturing and industrial center, the 2500' notification distance is measured from the boundary of the applicable M/IC boundary.
- This expanded notification applies to all heavy industrial projects city-wide that require a discretionary permit or SEPA determination.
- The amendments are proposed to TMC 13.05.020 Notice process

Category 2: Non-industrial Uses in the Port of Tacoma M/IC

- These amendments would pause certain new non-industrial uses within the Port of Tacoma M/IC.
- The specific uses identified include, but are not limited to:
 - Destination/high intensity parks and recreation,
 - Agriculture,
 - Residential uses,
 - Hospitals,
 - Airports,
 - Schools (K-12),
 - Retail,
 - Cultural institutions, and
 - Care facilities.
- Existing non-industrial uses would be considered allowed uses subject to limitations on expansion per TMC 13.06.630 Nonconforming uses.
- These amendments are proposed to Tacoma Municipal Code 13.06.400 Industrial Districts and includes a new section 13.06.400.G Interim Special Use Restrictions for Non-industrial Uses within the Port of Tacoma M/IC.

Category 3: Marine View Drive Residential Development Restrictions

- These amendments would pause all new residential platting and subdivision of land along Marine View Drive.
- Residential development within the S-11 Shoreline District and applicable commercial districts would be paused for the interim period.
- These amendments are proposed to TMC 13.10 Shoreline Master Program, TMC 13.04 Platting and Subdivisions, as well as TMC 13.06.200 Commercial Districts.

Category 4: Potential High Impact/High Risk Uses

- These amendments would pause new potential high risk/high impact industrial uses.
- Potential high risk/high impact uses include the following. Where possible the use definitions cite appropriate NAICS codes.
 - Coal terminals and bulk storage facilities
 - Oil or other liquefied fossil fuel terminals, bulk storage, manufacturing, production, processing or refining
 - Bulk chemical storage, production or processing, including acid manufacture
 - Smelting
 - Mining and quarrying
- Existing uses are considered allowed, subject to certain limitations on expansion.
- Unlisted uses would be prohibited and subject to TMC 13.05.030 Director Decision Making Authority.
- The changes would be made to Tacoma Municipal Code 13.06.400 and create a new Section 13.06.580 Interim Industrial Use Restrictions that applies to all industrial zoning districts.

C. FINDINGS OF FACT PART 1: BACKGROUND

1. Comprehensive Plan and Land Use Regulatory Code

The *One Tacoma* Comprehensive Plan, updated in 2015 by Ordinance No. 28335, 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. Comprehensive Plan and Land Use Regulatory Code Amendments

The City of Tacoma periodically accepts applications to amend the Comprehensive Plan and Land Use Regulatory Code. As part of the 2017-2018 Comprehensive Plan and Land Use Regulatory Code Amendment Application period, the City received multiple applications/requests for zoning and land use process changes in the Tideflats Area, including the Northeast Tacoma Buffer Zone application, the implementation of the Container Port Element of the City's Comprehensive Plan, and the Director's Rule relating to Expanded Notification for Large Industrial Projects.

3. Consolidation of Applications

In response to the multiple amendment applications, on May 9, 2017, the Tacoma City Council adopted Resolution No. 39723 initiating a subarea planning process for the Port Tideflats. In addition, the Resolution requested that the Planning Commission consolidate the various applications/requests into the scope of work for the Tideflats Subarea planning process and to hereby consider the need for interim regulations in the Tideflats subarea while the subarea planning process is under way.

4. Subarea Planning

Subarea planning allows for the establishment of a shared, long-term vision, and a more coordinated approach to development, environmental review, and strategic capital investments in a focused area. Subarea Plans typically include:

Plan Concept or Vision

- Preservation of industrial land base
- Economic role of the Center
- Relationship to Comprehensive Plan
- Market analysis

Environment

- Protection of sensitive areas
- Stormwater management
- Air pollution and greenhouse gas emissions

Land Use

- Employment growth targets
- Description of industrial and manufacturing uses
- Incompatible land uses
- Mitigation of aesthetic impacts

Economy

- Economic development strategies
- Key sectors and industry clusters

Public Services and Facilities

- Capital plans and investments to meet targeted growth

Transportation

- Freight movement
- Employee commuting
- Transit and mode splits

5. Interim Regulations Procedures

Tacoma Municipal Code 13.02.055 describes the procedural requirements for establishing interim regulations. The code requires the following procedural elements:

- Interim regulations must be initiated by the City Council or Planning Commission at a public meeting;
- The Council or Commission must determine, through findings of fact, that interim regulations are warranted;
- The ordinance must address the scope and duration of the interim regulations;
- The ordinance must include a work plan to develop permanent regulations;
- The Interim regulations may be effective for up to 1-year, and may be renewed every 6 months thereafter.

City Council Resolution No. 39723 initiated interim regulation review in accordance with the non-emergency procedures within 13.02.055.

D. Findings of Fact Part 3: Assessment of Need for Interim Regulations

6. VISION 2040 Manufacturing and Industrial Centers

The Puget Sound Regional Council's VISION 2040 Multicounty Planning Policies and the City's One Tacoma Comprehensive Plan designate the Port/Tideflats as a Manufacturing/Industrial Center (MIC).

These areas are focal points for targeted regional employment growth. The designation provides regional funding priority for major transportation projects (e.g., Port of Tacoma Road, Taylor Way, SR 167, and freight projects). Regional planning policies protect MICs from encroachment of non-industrial uses.

7. Regional Industrial Employment Forecasts

Puget Sound Regional Council forecasts show industrial jobs region-wide increasing from 305,100 jobs in 2012 to 389,000 jobs in 2040, an increase in 83,900 total jobs (<https://www.psrc.org/sites/default/files/industriallandsanalysisreport.pdf>).

8. Regional Industrial Land Supply

PSRC forecasts employment and land supply for the Tacoma-Puyallup industrial area. Exhibit 6.18 to the Industrial Lands Analysis identifies the total land area, vacant land area, and underutilized land area for each sub-regional industrial area. The analysis indicates that the Tacoma-Puyallup industrial area includes approximately 13% of the regional vacant industrial land supply and 15% of the underutilized land supply.

9. Regional Economic Contribution of Industrial Land

According to PSRC's Industrial Lands Analysis Report "(i)n 2012, total wages paid out by industrial activities on industrial lands summed to \$24.4 billion. Overall, the annual earnings from industrial jobs on industrial lands averaged \$80,000 in 2012. Wages associated with industrial jobs on industrial lands equaled 23.2% of all wages paid out across the region in 2012. By comparison, the average wage across the four-county central Puget Sound region in 2012 was \$59,700. Retail Trade, one of the largest segments of the regional work force, supported an average wage of \$36,300, while Finance and Insurance paid an average wage of \$86,900 (page E-9)."

10. Conversion of Industrial Lands

PSRC estimates that non-industrial employment on industrial lands will grow from 36% of total jobs on industrial lands in 2012 to 45% by 2040 (page E-10, Industrial Lands Analysis Report). PSRC forecasts for the Tacoma-Puyallup subarea show "higher growth in non-industrial jobs, with such jobs representing 70% of all jobs in the subarea (page 6-16)." The employment forecasts for 2040 suggest the existing land supply is sufficient to accommodate both the industrial and non-industrial employment forecasts, but that rising land values, proximity to nearby commercial centers, and other factors, will require some shift in management strategies due these non-industrial trends.

11. Employment Allocation

VISION 2040 allocates an additional 97,000 jobs to Tacoma by 2040.

12. 2014 Pierce County Buildable Lands Analysis

The Pierce County Buildable Lands Analysis assesses the land capacity to absorb the VISION 2040 employment allocations. Appendix D to the report allocates 8% of the City's overall employment allocation to the Tideflats MIC, an estimate of 7,555 new jobs by 2040. The report identifies a total land area of 3,912 acres within the Tideflats MIC and sufficient land capacity to absorb the allocated employment.

13. Non-industrial Uses in the Port/Tideflats

The Port Tideflats are predominantly zoned Port Maritime Industrial (PMI) and Heavy Industrial (M-2) zoning districts. Some areas to the periphery are zoned Light Industrial (M-1). Current policies support the retention and protection of manufacturing and industrial lands for manufacturing and industrial use, and to expand a diversified employment base in these areas. However, the City's current zoning districts allow expansive uses, including certain non-industrial uses that typically require a large land area to accommodate. These uses include:

- Golf Courses
- Schools (K-12)
- Juvenile Community Facilities
- Airports

- Agricultural uses (excluding marijuana production and processing)
- Destination Parks and Recreation (such as stadiums, arenas, museums, zoos, and aquariums).

14. Likelihood of Industrial Development in Tacoma's Port/Tideflats

In addition to the regional industrial employment growth forecasts and availability of developable land within the Port/Tideflats, two major fossil fuel projects have recently been proposed in the Port Tideflats: 1. A liquefied natural gas facility that was permitted and is now under construction, 2. A gas to methanol plant that was proposed for the Tideflats but later withdrawn. Multiple oil, gas and petrochemical refineries, terminals, and bulk storage sites currently operate in the Port Tideflats.

15. Likelihood of Residential Development in Close Proximity

The 2014 Pierce County Buildable Lands Report documents significant development capacity along the City's steep slopes overlooking the Port/Tideflats along Marine View Drive. In addition, the City has seen increased development pressure on these sites. Multiple plats have been submitted to develop slope properties. With continued rising demand for housing in the City of Tacoma, there is a significant likelihood that additional developments will occur on the slopes above Marine View Drive in close proximity to the Port/Tideflats and during the subarea planning process. Many of the concerns raised about Port/Tideflats industrial activities originate from residential developments along these hillsides that have less separation from the industrial waterfront. New residential development in these areas will likely introduce new interested parties and potential for nuisance complaints during the subarea planning process.

16. 1975 Energy Policy and Conservation Act

In 2015, as part of an omnibus budget bill, the U.S. Congress lifted the ban on the export of crude oil that had been in place since the 1975 Energy Policy and Conservation Act was adopted. The ban was lifted with the purpose of expanding new markets for the distribution of crude oil resulting from the increased production associated with shale fracking. This ban did not apply to other refined oil products, including gasoline. According to the Washington Post (https://www.washingtonpost.com/news/wonk/wp/2014/01/08/u-s-oil-exports-have-been-banned-for-40-years-is-it-time-for-that-to-change/?utm_term=.b07af10d5a90) gross energy exports in the U.S. have risen significantly since 2003. The result is a likelihood of an increased demand for new bulk storage facilities and terminals located in West Coast ports to tap into these growing markets.

17. Oceanic Resources Management Act

During the 1980's concerns over proposed oil and gas drilling off the coast of Washington resulted in adoption of the Ocean Resources Management Act (ORMA). The ORMA recognizes that "Washington's coastal waters, seabed, and shorelines are among the most valuable and fragile of its natural resources" and that "Some uses may pose unacceptable environmental or social risks at certain times (<http://app.leg.wa.gov/rcw/default.aspx?cite=43.143&full=true>)." Furthermore, "When conflicts arise among uses and activities, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources" and "(i)t is the policy of the state of Washington to actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation." While the City of Tacoma is not required to plan under the ORMA, the State policy intent clearly indicates that oil and liquid fossil fuels pose risks to sensitive and fragile oceanic natural resources upon which multiple other economic sectors rely.

18. Environmental Risks to Critical Areas

The Port/Tideflats is an area with multiple environmentally sensitive areas, including fish and wildlife habitat conservation areas, streams, wetlands, and aquifer recharge areas. The subarea planning process will include an environmental review that will allow the City to conduct a more scientifically rigorous, area-wide review of the potential impacts from development in the Port/Tideflats, the scale of those impacts, and potential mitigation measures.

19. Environmental Hazards to Port/Industrial Uses

The Port/Tideflats is an area with potential risks of geologic, flood, and other natural disasters. The subarea planning process will include an environmental review that will allow the City to conduct a more scientifically rigorous, area-wide review of the potential risks to new and existing uses, development, and infrastructure, as well as the compounding impacts of a natural disaster occurring in an area with potentially hazardous chemicals and other materials.

20. Public Health, Safety, and Nuisance Impacts to Surrounding Neighborhoods and Employees

Some industrial and manufacturing uses carry a higher probability of health and safety concerns, or a higher risk of nuisance impacts to adjacent uses. These risks may vary considerably depending on the type of use, the location, and the building and operational design and management. Certain types of impacts may be minimized and mitigated adequately by existing regulatory structures (such as storm water management). The City has received complaints pertaining to traffic impacts, greenhouse gas emissions, odor, noise, water consumption, and lighting. The Subarea Planning process will provide a mechanism to review these complaints and potential risks and to evaluate alternative methods of minimizing and mitigating these public health, safety and nuisance risks.

21. Climate Policy (2015)

The 2015 update of the City's Comprehensive Plan, *One Tacoma*, included new goals and policies pertaining to the assessment of climate risks, adaptation measures, mitigation of climate causing greenhouse gas emissions, and the promotion of community resilience strategies.

22. Climate Change Resiliency Study (2016)

This study marks the beginning of a process undertaken by the City of Tacoma's Environmental Services and the Planning and Development Services Departments to better understand and proactively manage climate risks in order to protect local residents, make sound investments, and ensure that the City can prosper, even in a changing climate.

Three systems were considered in the study:

- Built infrastructure, with a focus on surface water, wastewater, solid waste, and transportation assets;
- Natural systems, including streams, lakes, wetlands, open spaces, and restoration sites; and
- Social systems, including general health and social services and potentially at-risk populations and neighborhoods.

23. Washington Coastal Resilience Project (2016-2018)

The City of Tacoma is participating as a case study in the Washington Coastal Resilience Project. Washington's Coastal Resilience Project is a three-year effort to rapidly increase the state's capacity to prepare for natural events that threaten the coast. The project will improve risk projections, provide better guidance for land use planners and strengthen capital investment programs for coastal restoration and infrastructure. These are the tools that coastal communities need to become more resilient to disasters.

24. Transportation

Multiple Transportation studies have been conducted for the Port Tideflats that analyze growth forecasts and scenarios, existing conditions, improvement concepts, and recommended projects. However, these studies do not use the same current data or development assumptions and in some cases differ by geographic applicability. These studies include:

- Emergency Response/Intelligent Transportation System Study (2016)
- Transportation Master Plan (2015)
- Tideflats Areas Transportation Study (2011, Port of Tacoma)
- East Thea Foss Waterway Transportation Corridor Study (2008)

25. Emergency Response

The City of Tacoma and the Port of Tacoma partnered with other agencies and private companies to initiate a study of Emergency Response systems in the tideflats area. The team included representatives from Tacoma's Planning and Development Services, Fire, and Public Works departments, as well as Tacoma Rail. In addition to active involvement from the Port of Tacoma, the Puyallup Tribe of Indians, U.S. Oil, Targa Sound Terminals, and Puget Sound Energy all participated in the study.

The Emergency Response/Intelligent Transportation System (ER/ITS) study addresses existing and future traffic congestion as well as infrastructure and operating deficiencies for emergency response in the tideflats.

26. Relationship to Other Emergency Ordinances

In addition to the Resolution directing the Planning Commission to evaluate the need for interim regulations for the Port/Tideflats, the City Council also recently adopted, via emergency ordinances, interim regulations relating to temporary shelters and correctional facilities. Both of these interim regulations geographically coincide with and impact the Port/Tideflats and subarea planning discussions.

E. Findings of Fact Part 2: Planning Mandates

27. 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);
- The State Shoreline Management Act (SMA);
- The Puget Sound Regional Council's *VISION 2040* Multicounty Planning Policies;
- The Puget Sound Regional Council's *Transportation 2040*, the action plan for transportation in the Central Puget Sound Region (adopted on May 20, 2010);
- The Puget Sound Regional Council's Subarea Planning requirements;
- The Countywide Planning Policies for Pierce County;
- TMC 13.02 concerning the procedures and criteria for amending the Comprehensive Plan and development regulations.

F. Findings of Fact Part 4: Public Notification and Involvement

28. Public Hearing Notification Process:

- (a) Public Hearing.** A public hearing was set for September 13th at 6:00 pm at the Greater Tacoma Convention Center. Public comments were accepted through September 15th at 5:00 pm.
- (b) Informational Meeting.** An informational Session was scheduled on September 6th from 5:00 – 7:00 pm for citizens to learn more about the proposed interim regulations and the legislative process.
- (c) Public Hearing Notice:**

- A notice announcing the public hearing on September 13th and the informational meeting on September 6th 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, Tideflats stakeholders and other known stakeholders and interested entities. The notice was also mailed to taxpayers of record within 2500 feet of the boundaries of the South Tacoma and Port of Tacoma Manufacturing and Industrial Districts as well as other zoning districts that allow heavy industrial uses, and within 1000' of the boundary for the proposed residential use restrictions along Marine View Drive.
- **Social Media.** Facebook Event Pages were created and disseminated for both the informational meeting and the public hearing.
- **News Media.** An advertisement was placed on The News Tribune on August 29, 2017 and a press release was issued through the City's Media and Communications Office on August 28, 2017.
- **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)). Finally, the proposal was submitted to the Department of Ecology SEPA Register (per the requirements of RCW 43.21.C and WAC 197-10) on August 29, 2017. A request for consultation was sent to the Puyallup Tribe of Indians on July 26th and again on August 29. These notices were sent more than 60 days prior to the Council's scheduled action in November 2017, so that their comments, if any, can be addressed in a timely manner during the Planning Commission and City Council review process.
- **Website.** Public review documents were posted to the City of Tacoma's website at www.cityoftacoma.org/tideflatsinterim

29. Consultation with the Puyallup Tribe of Indians

- On July 26, 2017 the City of Tacoma sent a letter of request for consultation to Chairman Sterud of the Puyallup Tribe of Indians, inviting early involvement and comments from the Puyallup Tribe throughout the development of the interim regulations.
- On August 16th, staff received a comment letter from Chairman Sterud of the Puyallup Tribal Council in support of staff's initial recommendations as presented to the Commission on August 2nd and August 16th.
- On August 29th, the City of Tacoma sent an additional letter to Chairman Sterud regarding the Planning Commission's public comment period and hearing, and highlighting key changes to staff's recommendations within the Commission's public review draft.

30. Public Comments:

Notification for the public hearing and comment period was sent to approximately 14,000 taxpayers of record as well as other interested parties. Approximately 300 people attended the hearing and 81 people provided testimony to the Commission. In addition, approximately 200 written comments were submitted prior to the close of the public comment period.

The comments received reflect broad and diverse viewpoints and interests among residents, businesses, labor interests, property owners, environmental representatives, adjacent jurisdictions, and Puyallup Tribal members. Staff provided the following summary of public testimony and comments to the Planning Commission as part of the Commission's deliberations on September 20, 2017.

Category 1: Expanded Notification for Heavy Industrial Uses

- Overall, comments have been supportive of expanding notification.
- Some concerns expressed that the notification does not go far enough, that certain uses are of a city-wide import and notification should reflect that.

Category 2: Non-industrial Uses in the Port of Tacoma M/IC

- Some confusion over why these uses are included.

- Concern expressed that these uses cannot expand, but industrial uses can.
- Concern over the scope of uses identified.

Category 3: Marine View Drive Residential Development Restrictions

- Concerns over the immediate and long term impacts of heavy industry on nearby residential areas.
- Some acknowledgement that recent residential developments in this area may not have been appropriate.
- General recognition that a transition area is appropriate.
- Some concern was expressed that these restrictions put greater focus on residences and not on impacts from heavy industry.

Category 4: Heavy Industrial Special Use Restrictions

- The scope of uses identified (should be broader/should be more narrowly focused)
- Expansion of existing uses
- Economic impact of the restrictions
- Environment and health impacts from heavy industry (existing and new)
- Risks and vulnerability to environmental hazard and natural disaster
- Opposition to any restrictions
- General support for the restrictions

Other Themes:

- Support for the Subarea Planning Process
- Timeline for adoption
- Concern over potential impacts to Joint-Base Lewis-McChord and other communities
- Job creation and retention
- Existing regulations are adequate and effective to address community concerns
- Concerns and questions regarding consultation with the Puyallup Tribe of Indians
- Basis for interim regulations:
 - No emergency basis identified
 - Fossil fuel facilities are an emergency issue
 - Existing uses are already impacting residents and workers and causing health impacts
- Legal concerns:
 - Recent cases pertaining to fossil fuel bans and Interstate Commerce;
 - Reasonable use of residential lots along Marine View Drive
 - State Environmental Policy Act (SEPA) review
 - Port Container Element and Growth Management Act requirements
 - Correctional facilities and essential public facilities

G. Findings of Fact Part 5: Planning Commission Review

29. Planning Commission Records.

Planning Commission agendas, minutes, handouts, and presentations are available at www.cityoftacoma.org/tideflatsinterim and at http://www.cityoftacoma.org/government/committees_boards_commissions/planning_commission/agendas_and_minutes/

30. Determination of Need.

On June 21 the Commission began its deliberation as to the need for interim regulations and staff presented findings in support of a determination of need. The Commission preliminarily determined that interim regulations were warranted.

31. Consideration of Options.

On August 2 the Commission discussed initial concepts for a scope of work for the interim regulations and provided staff with guidance to develop an initial draft document.

32. Public Review Document.

On August 16 the Commission reviewed, modified and released a public review draft for comments and set a public hearing.

33. Public Hearing.

On September 13 the Commission conducted a public hearing at the Greater Tacoma Convention Center. Approximately 300 people attended and 81 people provided testimony.

34. Review of Comments.

On September 20, the Commission reviewed public testimony and comments and discussed potential modifications to the draft proposals in response to public testimony received.

35. Recommendation.

On October 4, the Commission reviewed final modifications to the draft Interim Regulations and made a recommendation to the City Council to adopt the Planning Commission's proposal.

H. Findings of Fact Part 6: SEPA Review

Interim regulations are exempt from SEPA review, per WAC 197-11-800(19) as procedural actions and WAC 197-11-880 in circumstances of emergency. Interim regulations are an available procedural step to pause significant intervening projects during development of a subarea plan including long-term policy and development regulations for the Port Tideflats area. In addition, interim regulations are responsive to an emergent situation where a temporary protective measures are necessary while planning efforts are undertaken to address an area or issue of concern.

I. EXHIBITS:

J. CONCLUSIONS:

1. The Commission concludes that interim regulations are warranted for the duration of the Tideflats Subarea Planning process to maintain the status quo until such time as the Subarea Plan is completed:
 - Conversion of industrial lands is a critical regional issue and current codes allow significant non-industrial uses within the Port Tideflats, as well encroachment by potentially incompatible residential land uses. Therefore, limitations on non-industrial uses both within the Port/Tideflats and along the related slopes above Marine View Drive are appropriate until such time as the subarea plan is completed;
 - Significant new heavy industrial development projects are likely to occur during the subarea planning timeframe that could pre-empt the subarea planning process. Therefore, limitations on new certain new heavy industrial uses are appropriate until such time as the subarea plan is completed;
 - A subarea planning process typically takes 2 years to complete. However, the schedule and length of the process is dependent upon the final scope of work developed through a public process, the breadth and depth of issues to be reviewed, and the legislative process. While a shorter subarea planning process would limit the overall risk of projects occurring during the planning timeframe, there is a likelihood that the permanent regulations, developed through the subarea plan, may require more than the typical timeframe to complete which would increase the risks of significant new developments occurring during the plan and code development;

- Beyond the issues relating to incompatible land uses, pre-emption of the planning process, or risks of new development occurring during the planning timeframe, there are also multiple goals, policies, studies, programs, and emergency ordinances that pertain to the Port/Tideflats and which have been adopted in a piecemeal fashion. It is clear at this time that these issues must be addressed through a comprehensive manner through the subarea planning process. It is appropriate, therefore, to place a pause on significant new developments until such time as this planning effort has been completed, to ensure that new uses and development are fully compliant with the City's goals and policies and that plans and strategies are in place to invest in the necessary supportive infrastructure and mitigation measures.
2. The Commission concludes that a subarea planning process is the best course of action to comprehensively address land use issues associated with the future of the Port/Tideflats area, and given the multiple planning mandates and policy objectives for the area, the diverse stakeholder interests, and new scientific information relevant to the area, maintaining the status quo in the Port/Tideflats during the subarea planning process would serve to protect the integrity of that process until such time as these issues may be resolved through an adopted Subarea Plan.
 3. The Commission concludes that the Interim Regulations have been developed consistent with the procedural requirements of the Growth Management Act and Tacoma Municipal Code 13.02.055.
 4. The Commission concludes that these Interim Regulations constitute a broad pause while the Tideflats Subarea Plan is under development and that these proposed regulations do not pre-determine or constrain the outcomes of or the scope of work for the Tideflats Subarea Planning process.
 5. The Commission concludes that the Tideflats Subarea Plan and environmental review are the appropriate work plan to address the issues raised through the public testimony and ultimately to replace these interim regulations.

E. RECOMMENDATIONS:

The Planning Commission recommends that the City Council adopt the proposed interim regulations for the Port of Tacoma Manufacturing and Industrial Center (MIC) and other zoning districts that allow heavy industrial uses city-wide, as described below:

1. Expanded notification for heavy industrial uses city-wide that require a SEPA determination or discretionary permit;
2. Pausing certain new non-industrial uses within the Port of Tacoma MIC and placing limitations on expansion of existing uses during the interim period;
3. Pausing new residential platting and subdivision of land along Marine View Drive and pausing new residential development in the S-11 Shoreline District and C-1 and C-2 Commercial districts along Marine View Drive during the interim period;
4. Pausing certain new heavy industrial uses city-wide and placing limitations on expansion of existing uses during the interim period.

The Commission recommends that the Tideflats Interim Regulations be approved for a 12 month period with subsequent re-authorization every 6 months until the Tideflats Subarea Plan is complete.

Furthermore, the Commission recommends that staff provide a tracking, mapping and reporting mechanism for permit applications subject to these proposed interim regulations to inform the public, the Commission, and the City Council as to the costs and impacts associated with these regulations such that modifications may be evaluated and considered during the re-authorization process.

Finally, the Commission recommends that the City Council prioritize the resources (both budget and staffing) to conduct the subarea planning process in the most effective and expeditious way possible, commensurate with the degree of concern expressed over the future of the Port Tidelands by this community as evidenced by the volume and breadth of comment provided to the Commission.



Tideflats Interim Regulations

D12Attachment C: Nonconforming Uses and Conditional Use Criteria

Planning Commission Review – October 4, 2017

TMC 13.06.630 Nonconforming Uses

A. Scope and purpose. Within the zones established by this title there exist parcels, uses, and structures which were lawful when established, but whose establishment would be prohibited under the requirements of this title. The intent of this section is to allow the beneficial development of such nonconforming parcel, to allow the continuation of such nonconforming uses, to allow the continued use of such nonconforming structures, and to allow maintenance and repair of nonconforming structures. It is also the intent of this section, under certain circumstances and controls, to allow the enlargement, intensification, or other modification of nonconforming uses and structures, consistent with the objectives of maintaining the economic viability of such uses and structures, and protecting the rights of other property owners to use and enjoy their properties. However, relief for nonconforming uses shall be narrowly construed, recognizing that nonconforming uses are disfavored by state law.

* * *

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;

(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.

D1 Attachment A: Nonconforming Uses and Conditional Use Criteria

Planning Commission Review – October 4, 2017

TMC 13.06.640 Conditional Use Permit

A. Purpose. In many zones there are uses that may be compatible but because of their size, operating characteristics, potential off-site impacts and/or other similar reasons warrant special review on a case-by-case basis. The purpose of the conditional use permit review process is to determine if such a use is appropriate at the proposed location and, if appropriate, to identify any additional conditions of approval necessary to mitigate potential adverse impacts and ensure compatibility between the conditional use and other existing and allowed uses in the same zoning district and in the vicinity of the subject property. The zoning district use tables identify which uses require a conditional use permit (see Sections 13.06.100, -.200, -.300, and -.400). These uses may be authorized by the Director or Hearing Examiner in accordance with the procedures established in TMC 13.05 and the applicable criteria outlined below.

* * *

D. Criteria. A conditional use permit shall be subject to the following criteria:

1. There shall be a demonstrated need for the use within the community at large which shall not be contrary to the public interest.
2. The use shall be consistent with the goals and policies of the Comprehensive Plan, any adopted neighborhood or community plan, and applicable ordinances of the City of Tacoma.
3. For proposals that affect properties that are listed individually on the Tacoma Register of Historic Places, or are within historic special review or conservation districts, the use shall be compatible and consistent with applicable historic preservation standards, and goals, objectives and guidelines of the historic or conservation districts. Proposed actions or alterations inconsistent with historic standards or guidelines as determined by the Landmarks Commission are a basis for denial.
4. 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 property use:
 - 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.

**INTEROFFICE MEMORANDUM
CITY OF TACOMA**

TO: Stephen Atkinson, Senior Planner

FROM: Steve Victor, Deputy City Attorney

SUBJECT: Tideflats Interim Regulations – RCW 36.70A.370 Takings Review

DATE: September 28, 2017

Per your request, provided below is a legal review of the draft Tideflats interim regulations in the context of RCW 36.70A.370 which requires local governments to implement a process to prevent proposed regulatory or administrative actions from resulting in an unconstitutional taking of private property. In performing my legal analysis, I follow the guidance of the Washington State Attorney General (“AGO”) set out in the AGO’s 2015 “Avoiding Unconstitutional Takings of Private Property” Memorandum.

In addition, I must emphasize the limitations of the legal review. The law of takings relies primarily on an analysis of three underlying factors: 1. The requirements of planning policies, including mandatory GMA policies and locally adopted policies; 2. Alternatives to proposed or adopted plans that may have less impact on private property, but still achieve the policy goals; 3. Economic impacts of the proposed or adopted plans. The effectiveness of this legal review is wholly dependent on the substantive data on the above-referenced factors that is included in the draft documents.

1. Does the Regulatory Action Result in a Permanent or Temporary Physical Occupation of Private Property?

This review noted no data in the draft regulations that indicated they would result in a permanent physical occupation of all or a portion of private property within the area of effect.

2. Does the Regulatory Action Deprive the Owner of All Economically Viable Uses of the Property?

This review noted no data in the draft regulations that indicated they would result in permanently eliminating all economically viable or beneficial uses of any private property within the area of effect.

3. Does the Regulatory Action Deny or Substantially Diminish a Fundamental Attribute of Property Ownership?

This review noted no data in the draft regulations that indicated they would result in denial of a property owner's ability to exercise a fundamental attribute of property ownership on any private property within the area of effect.

4. Does the Regulatory Action Require a Property Owner to Dedicate a Portion of Property, to Grant an Easement, or to Undertake Some Independent Financial Obligation?

This review noted no data in the draft regulations that indicated they would result in requiring a property owner to dedicate a portion of the property, to grant an easement, or to undertake some independent financial obligation within the area of effect.

5. Does the Regulatory Action Have a Severe Impact on the Landowner's Economic Interest?

This review noted that all residential building permits within the area of effect for the interim regulations are intended to be paused for the interim period. Such an interim regulation may conflict with Washington State's vested rights doctrine. RCW 58.17.033, the vesting statute that applies to subdivision and short subdivision applications, states that a complete application for preliminary plat or short plat approval is to be considered under the subdivision/short subdivision ordinance and "zoning or other land use control ordinances" in effect at the time that application is submitted.

In Noble Manor v. Pierce County, 133 Wn.2d 269, 943 P.2d 1378 (1997), the Washington State Supreme Court held that submission of a completed plat/short plat application vests the developer with the right to both divide the property, and to develop it in the manner disclosed in the application, in accordance with the land use and zoning laws in effect on the date of submission of the application.

The vested right to develop platted residential property has the potential to be impacted, at least in the interim, by the draft regulations. While an interim residential permitting pause for existing platted lots may not be deemed a taking, it may nevertheless be vulnerable to application of the vested rights doctrine.

Please advise if you have further questions.

cc: Brian Boudet, Planning & Development Services Division Manager



City of Tacoma
Planning and Development Services

**Agenda Item
E-1**

To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: **Tacoma Mall Neighborhood Subarea Plan and EIS**
Meeting Date: October 4, 2017
Memo Date: September 28, 2017

On September 20, 2017 the Commission discussed the public input received during the comment period and provided direction on the substantive changes to be made to the draft Subarea Plan package prior to finalization. The purpose of this informational item is to communicate staff's understanding of that list of changes. Staff intend to return on October 18, 2017 prepared to request final direction on the remaining decision points, along with the Commission's recommendation to City Council on the final package.

On August 2, 2017 the Commission authorized the public release of the draft Subarea Plan, proposed code changes and streetscape design concepts, and Draft Environmental Impact Statement. The City hosted the August 30th Informational Meeting and September 6th Public Hearing, and staff participated in meetings with the Transportation Commission, Bicycle Pedestrian Technical Advisory Group, and City Council Infrastructure, Planning and Sustainability Committee. In addition, staff have spoken with community stakeholders as well as with City to departments which will be involved in implementation.

Attached please find a Recommended Changes Summary reflecting the Commission's direction from the September 20th meeting, as well as further information on the remaining substantive items. In addition, the Issues and Recommendations table provided at the September 20th meeting is attached for easy reference. Our intent is to make sure that staff and the Commission are in concurrence on the remaining tasks. In addition, two comment letters received after the end of the comment period are attached.

Information about the project is available at www.tacomamallneighborhood.com. Please contact Elliott Barnett at (253) 591-5389, or email tacmallneighborhood@cityoftacoma.org with any questions.

Attachments:

1. Recommended Changes Summary (10/04/17)
2. Summary of Key Issues and Recommendations (09/20/17)
3. Additional comment letters

c. Peter Huffman, Director



TACOMA MALL neighborhood

Tacoma Mall Neighborhood Subarea Plan and EIS

RECOMMENDED CHANGES SUMMARY

Planning Commission – October 4, 2017

This table summarizes the Planning Commission’s direction from the September 20, 2017 discussion of the key themes of the public comments, along with some additional information on remaining substantive discussions items. Proposed changes are grouped into general categories according to the chapter structure of the Subarea Plan. Connectivity and pedestrian access standards are each summarized separately.

The intent of this summary is to further focus the remaining staff work and Commission discussion. At the October 18, 2017 Commission meeting, staff will present on the substantive items for which final direction is still required (**identified below with red text**).

Recommended Changes Summary	
GENERAL:	<ol style="list-style-type: none"> 1. Non-substantive edits for clarity and consistency
URBAN FORM:	<ol style="list-style-type: none"> 1. Reaffirm the paramount importance of establishing an urban vision, including the concept of the minimum 600 x 600 foot block scale, which could unfold in different ways
LAND USE:	<ol style="list-style-type: none"> 1. Text and map changes to clarify the relationship between the Subarea, Downtown, and the South Tacoma Manufacturing/Industrial Center 2. Strengthen language calling for enhancements to City design review capacity 3. Update the Comprehensive Plan Urban Form Chapter for consistency with land use proposals 4. Call for future review of Subarea Plan boundaries 5. Clarify language prohibiting front doors facing alleys 6. Madison District zoning approach Staff recommend the alternate zoning proposal, including optional height increases from 45 to 65 feet along Warner St and the Madison School site. At least one Low Impact Development bonus option would be required (two are included as MUC Height Bonus options). This approach balances green stormwater infrastructure, residential character and density goals. 7. Development Regulation Agreements The Commission will discuss the proposed criteria for DRA’s, including: Applicability: 2 acres sites; a minimum Floor Area Ratio of 1.0

Recommended Changes Summary

Public benefits pick list (a minimum number of points are required):
Balanced economy; Sustainability; Quality urban design; Achieving vitality in the Tacoma Mall Neighborhood

HOUSING:

Affordable housing recommendations

1. About 90% of rental units are currently affordable at 80% of Area Median Income (AMI)/50% are affordable at 50% AMI
2. Increase Performance Measure to 50% affordable at 80%/25% affordable at 50% AMI
3. Call for a focused study in the near-term to identify actions to prevent involuntary displacement and maintain housing affordability and choice
4. Strengthen call for citywide housing actions

TRANSPORTATION:

1. Identify strategy to coordinate with transit partners and WSDOT on implementation
2. Reflect WSDOT comments
3. Review proposed Performance Measures for consistency with the TMP
4. Call for near-term development of a neighborhood parking strategy
5. Call for restoring vacated roadways through gated apartment complexes
6. Show future extension of S. 38th Street west from South Tacoma Way
7. Add discussion of future improvements to the Water Flume Trail
8. Identify potential future Sounder Station location in NW District
9. **Revisions to Bike and Pedestrian network map**, including:
 - Remove Wright Ave as Bike Blvd
 - Add Cedar St from 35th to 36th St
 - Connect the Loop Road to 35th and South Tacoma Way
 - Extend 40th St bike route to Union Ave
10. **Revisions to projects prioritization list**, including:
 - Sidewalk Gaps – move to Near-term Project List
 - Move S. 35th St extension project to the Mid-term Projects List

CONNECTIVITY PLANS:

Staff recommend significant changes to the connectivity proposal

1. Modify Connectivity Plan process to accomplish the following:
 - ✓ Change “Connectivity Plan” to “Site Plan Approval” process
 - ✓ Integrate with existing process and appeal options
 - ✓ Increase thresholds to 10,000 sf new building footprint or 5,000 sf building addition
 - ✓ Provide for discretionary City review of project impacts
2. Modify Figure T-9: Priority New Connections Tiers Map including:
 - ✓ Show Tier 2 connection points

Recommended Changes Summary

- ✓ Extend proposed S 37th St to Fife Street
- 3. Update Transportation Choices Chapter and Land Use Appendix to reflect the revised approach

PEDESTRIAN ACCESS STANDARDS:

Staff recommend the following changes

1. Clarify how proposal would apply to sites of varying size
2. Provide exemptions and exceptions for certain land uses
3. Reduce requirements for alterations valued between 15 to 50%
4. Reduce size of proposed through-connections (e.g., 14 feet or two 7 foot sidewalks)

ENVIRONMENT:

1. Highlight significance of protecting the aquifer
2. Reflect final decision on Madison District zoning
3. Call for citywide green building review
4. Reference regulatory process for Gary Oaks

COMMUNITY VITALITY:

1. Call for authentic community engagement on neighborhood name process
2. Clarify that parks principles and map are conceptual and aspirational
3. Call for further review on creating small scale open spaces with development
4. Engage with Metro Parks and Tacoma School Districts to clarify implementation approach

SHARED PROSPERITY:

1. **Consider revisions to Catalyst sites criteria and map**
2. Integrate Community Attributes Inc key findings
3. Add action calling for city or public-private partnership on land assembly and/or redevelopment to catalyze private investment

UTILITIES AND SERVICES:

1. Consult Solid Waste regarding recycling and food waste strategies

IMPLEMENTATION:

1. **Develop an implementation tracking mechanism** in the EIS
2. Highlight the importance of funding actions, including study of an impact fee approach
3. Update Priority Early Implementation List to reflect final changes to Plan



Tacoma Mall Neighborhood Subarea Plan and EIS

Comments and Responses Summary (Discussion draft)

Planning Commission - September 20, 2017

This document updates the Summary of Key Themes provided in the 09/15/17 Planning Commission packet. It includes the key themes of all comments received through the end of the comment period. In addition, staff have provided recommendations for updates and refinements to the draft proposals. The intent is to request the Commission’s concurrence, or further direction, on the next phase of work on the project.

Comments are grouped into general categories according the chapter structure of the Subarea Plan. Since connectivity and pedestrian access standards received a lot of attention, they are each summarized separately.

<p>GENERAL COMMENTS:</p> <ol style="list-style-type: none"> 1. Support for City focus, investment and high level goals of the plan 2. Avoid making anyone feel that they are losing through City actions 3. A plan for thoughtful growth is needed, it must be appropriate to market realities 4. Clarify that this is a long range plan and an ideal vision 5. Be clear regarding requirements vs. options, what is occurring with Plan adoption 6. Edits and clarifications 	<p>RECOMMENDATIONS:</p> <ol style="list-style-type: none"> A. Consider text updates, edits and clarifications reflecting these comments B. Integrate ongoing staff review for clarity, conciseness and consistency
<p>URBAN FORM:</p> <ol style="list-style-type: none"> 1. Support for creating a more positive image and identity, aesthetic improvements, walkable urbanism actions and transit-oriented development 2. Developments should include yard space (rather than front stoops) 3. Different views of the vision for the Northwest District 4. Large blocks can be a benefit to business recruitment efforts 	<p>RECOMMENDATIONS:</p> <ol style="list-style-type: none"> A. Reaffirm minimum 600 x 600 foot block scale vision B. Flexibility for larger scale development with pedestrian connectivity
<p>LAND USE:</p> <ol style="list-style-type: none"> 1. General support for proposed zoning and Regional Growth Center expansion 2. Clarify relationship between the Subarea, Downtown, and the South Tacoma Manufacturing/Industrial Center 3. Strengthen design, landscaping and onsite open space development standards 4. Questions regarding Subarea Plan boundaries (car dealerships not included) 5. More parking is needed in the neighborhood 6. Front doors should not face alleys 7. Permitted building heights are too high 8. Make warehousing a permitted use at the Puget Sound Energy site 	<p>RECOMMENDATIONS:</p> <ol style="list-style-type: none"> A. Reflect comments on planning context B. Finalize Madison District zoning C. Clarify front doors facing alleys approach D. Call for enhancements to City design review E. Update Comp Plan Urban Form Chapter for consistency

<p>9. Limit the number of townhouses and/or make them more attractive/accessible 10. Question on the link between building height and green streets</p>	
<p>HOUSING:</p> <ol style="list-style-type: none"> 1. Concerns about involuntary displacement 2. Proposed affordable housing targets are too low 3. Add more information on current housing costs 4. Target the creation of housing affordable to lower incomes 5. Require and incentivize some units to be affordable 6. Provide senior/inter-generational housing projects in the area 	<p>RECOMMENDATIONS:</p> <ol style="list-style-type: none"> A. Consider affordability targets, reflecting goal of housing choice in all City neighborhoods B. Consider further actions to promote affordability C. Strengthen call for citywide housing actions
<p>TRANSPORTATION:</p> <ol style="list-style-type: none"> 1. Support for overall transportation approach 2. Transit station relocation, high capacity transit, Loop Road, I-5 offramp, and pedestrian improvements are high priorities 3. Proposed revisions to Near and Midterm project priorities 4. Question regarding benefits and alignment of the Loop Road 5. Differing perspectives on where the transit station should be located 6. Add an I-5 off ramp at 47th/48th Street 7. Proposed S. Wright should not be a bike boulevard 8. Better bike/ped link to South Tacoma Way/Water Flume Trail 9. Add a bike route on S. Puget Sound Ave. 10. Add a direct transit route to the Tacoma Dome Station 11. Various comments regarding street design 12. WSDOT clarifications regarding I-5 off ramp 13. Consider making some residential streets one-way 14. Pierce and Sound Transit plans and funding do not currently reflect the proposals 15. Identify a funding source for transportation projects 	<p>RECOMMENDATIONS:</p> <ol style="list-style-type: none"> A. Consider <u>minor</u> revisions to projects prioritization and bike/ped network B. Add a near-term parking strategy action C. Identify strategy to coordinate with transit partners and WSDOT on implementation D. Reflect WSDOT comments
<p>CONNECTIVITY PLANS:</p> <ol style="list-style-type: none"> 1. Increasing connectivity is an important goal for this neighborhood 2. The proposal balances goals of preserving large parcels and increasing connectivity 3. The proposal would be an excessive burden, stifle development, take private property rights, and is too ambitious given current market realities 4. Proposed process is onerous and complex 5. Thresholds proposed are too low 	<p>RECOMMENDATIONS:</p> <ol style="list-style-type: none"> A. Modify Connectivity Plan process to accomplish the following: <ul style="list-style-type: none"> ✓ Increased thresholds based on building footprint size ✓ A clear, predictable process ✓ Discretionary City review of project

<ol style="list-style-type: none"> 6. Opposition to proposed S. 37th Street and S. Wright Avenue 7. Clarify City funding role 8. City should pay for S. 37th Street if it is needed, and extend it eastward to Fife St. 9. Larger blocks should not be required to subdivide beyond 600 x 600 feet 10. Connectivity should be planned at the time of major redevelopment, not before 11. Replace the proposed connectivity plan requirement with internal bike/ped network based on the Tier 3 bicycle/ped connections 12. Sites with restricted access should be exempt 	<p style="text-align: right;">impacts</p> <ol style="list-style-type: none"> B. Consider modifications to Figure T-9: <u>Priority New Connections Tiers Map</u> including: <ul style="list-style-type: none"> ✓ Show Tier 2 connection points ✓ Extend proposed S 37th St to Fife Street C. Provide decision framework for the Planning Commission to finalize recommendations
<p>PEDESTRIAN ACCESS STANDARDS:</p> <ol style="list-style-type: none"> 1. Support for proposed pedestrian access standards 2. Concern that pedestrian connections would reduce safety 3. Frequency and size of connections too high and would divide up properties 4. Threshold should remain 50% not 15%, tenant improvements should be exempt 5. Clarify how standards work with topography, rounding 6. Sites with restricted access should be exempt 	<p>RECOMMENDATIONS:</p> <ol style="list-style-type: none"> A. Clarify how proposal would apply to sites of varying size B. Consider exemptions and exceptions for certain land uses, topography, other circumstances C. Reduce requirements for alterations valued between 15 to 50% D. Reduce size of proposed through-connections (e.g., 14 feet or two 7 foot sidewalks)
<p>ENVIRONMENT:</p> <ol style="list-style-type: none"> 1. Support for stormwater strategy, green streets, and tree canopy actions 2. Prioritize planting evergreen trees 3. Put stronger emphasis on protecting the aquifer 4. City implementation of the stormwater strategy should address maintenance, equity of costs 5. Provide for maintenance of landscaping 6. More emphasis on green building standards 	<p>RECOMMENDATIONS:</p> <ol style="list-style-type: none"> A. Highlight significance of protecting the aquifer B. Reflect final decision on Madison District zoning C. Call for citywide green building review
<p>COMMUNITY VITALITY:</p> <ol style="list-style-type: none"> 1. Support for local serving services and amenities 2. Crime is a big issue in the neighborhood 3. Choosing a new name needs to reflect authentic community engagement 4. Support for parks, open space actions, Madison School as a community hub 5. Metro Parks Tacoma and Tacoma School District should implement the parks vision 6. Clarify what it means to show a proposed park on a map 7. Current proposal does not include enough/the right parks 	<p>RECOMMENDATIONS:</p> <ol style="list-style-type: none"> A. Call for authentic community engagement on neighborhood name B. Clarify that parks principles and map are conceptual and aspirational C. Call for further review on creating small scale open spaces with development D. Engage with MPT and TSD to clarify

<ul style="list-style-type: none"> 8. A large park is not needed, do smaller green areas 9. Remove the park in the Mall District which is privately owned land 10. Specific comments regarding various proposed parks (e.g., dog park, skate park) 11. MPT agency comments – cannot commit to plan without separate action 	<p>implementation approach</p>
<p>SHARED PROSPERITY:</p> <ul style="list-style-type: none"> 1. Support for City investment up front EIS and other catalytic actions 2. The economy of the area is fragile, changes in retail industry could be a concern 3. City should prioritize supporting business expansion, retention and recruitment 4. Prioritize recruiting businesses with a track record of good ethics and good wages 5. Diversify the types of businesses in the Mall 6. Consider actions to prioritize locally owned businesses versus national chains 7. Look for strategic and catalytic city actions to create business opportunities 8. Avoid an over-concentration of improvements in the Lincoln Heights (NE) and Mall (SE) Districts 9. Consider designating vacant/underutilized parcels in the NW District as catalyst sites 10. The Mall should have a movie theater, continuing walkability, events, art displays to turn it into a community resource 11. US Post Office is a major asset and should not be displaced 	<p>STAFF RECOMMENDATIONS:</p> <ul style="list-style-type: none"> A. Carefully review proposed connectivity and pedestrian access standards B. Review proposed Development Regulation Agreement criteria C. Consider revisions to Catalyst sites map in NW District, Post Office site D. Integrate CAI report key findings
<p>UTILITIES AND SERVICES:</p> <ul style="list-style-type: none"> 1. Support for coordinated planning approach to support future growth 2. Add recycling to discussions of solid waste 3. Undergrounding of utilities is a priority 	<p>RECOMMENDATIONS:</p> <ul style="list-style-type: none"> A. Consult Solid Waste regarding recycling and food waste
<p>IMPLEMENTATION:</p> <ul style="list-style-type: none"> 1. Make sure that infrastructure is keeping pace with development 2. Development should pay for the cost of addressing impacts 3. Local Improvement Districts would be challenging for low income households 4. The City must follow through with implementation of non-contentious catalyst projects 	<p>RECOMMENDATIONS:</p> <ul style="list-style-type: none"> A. Develop an implementation tracking mechanism in the EIS B. Highlight the importance of funding actions, including study of an impact fee approach

Attachment 3



City of Tacoma
Transportation Commission

September 20, 2017

Planning Commission
747 Market Street, 3rd Floor
Tacoma, WA 98402

RE: Tacoma Mall Subarea Plan

Dear Chair Wamback,

The Transportation Commission has heard several presentations on the Tacoma Mall Subarea Plan including at a special subcommittee meeting on August 29 which focused on the issue of South 37th Street.

The Transportation Commission finds that the Tacoma Mall Subarea Plan is a great visioning plan. As a whole, it is consistent with the Transportation Master Plan (TMP) goals of developing partnerships, protecting natural assets, providing mobility for all, and reinforcing Tacoma's land use vision. It is also consistent with the region's Vision 2040 and the Growth Management Act. The Subarea Plan provides for networks for all forms of transportation while allowing for expected growth of the Regional Growth Center.

However, the Transportation Commission is divided on the issue of South 37th Street. The Commission agrees that major development should trigger new infrastructure, particularly for bicycling and walking. However, in order to allow greater flexibility in design, the Commission feels that rather than designate the addition of South 37th Street, the plan should require an east-west connection from Pine Street to South Tacoma Way between South 36th and South 38th Streets to create smaller urban blocks with improved bicycle & pedestrian infrastructure. This flexibility could result in the addition of a South 37th Street but might result in more innovative design such as curving roadways. The flexible design would be consistent with the policies of the Transportation Master Plan including providing alternate routes for auto traffic (Policy 3.18), smaller urban blocks to improve pedestrian accessibility (Policy 3.6) and a more complete network in the area (Policy 3.1).

The Transportation Master Plan addresses impact fees in Chapter 5, page 116-117. Impact fees are recognized as a promising potential future revenue option. However, more information is needed to determine the practicality of impact fees. The Transportation Master Plan recommends a feasibility study as a near term action. The Transportation Commission feels that the results of such a study must be reviewed before recommending use of impact fees.

To summarize, the Transportation Commission supports adoption of the Tacoma Mall Subarea Plan with the modifications discussed above.

Sincerely,



Justin D. Leighton
Co-Chair
Transportation Commission

Dr. Jane Moore
Co-Chair
Transportation Commission

cc: Mayor Marilyn Strickland
Infrastructure, Planning & Sustainability Council Committee
Tacoma City Manager
Public Works Director
Bicycle & Pedestrian Technical Advisory Group

September 19, 2017

Elliot Barnett, Planner
City of Tacoma
747 Market Street, Room 345
Tacoma, WA 98402

RE: South Tacoma Ground Water Protection District Updates

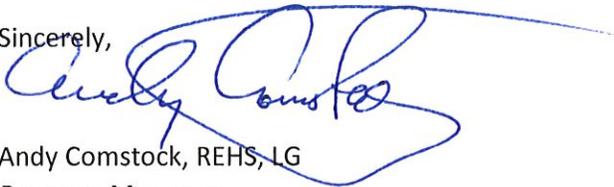
Mr. Barnett,

The Tacoma-Pierce County Health Department is providing this letter of support for the proposed revisions to Tacoma Municipal Code Chapter 13.09 for the South Tacoma Ground Water Protection District (STGPD).

Health Department staff have been working closely with you and Environmental Services staff to review and develop these amendments over the past year. The Health Department is in full agreement with the intent of the proposed changes to TMC Chapter 13.09. Further, these revisions are consistent with our collective agencies' recently updated approach to infiltration within the STGPD.

Thank you for facilitating this revision process and do let us know if there is anything more we can do to support the adoption of these changes.

Sincerely,



Andy Comstock, REHS, LG
Program Manager

AC:sr

CC: Merita Trohimovich, City of Tacoma Environmental Services
Jessica Knickerbocker, City of Tacoma Environmental Services