



## AGENDA

**MEETING:** Regular Meeting

**TIME:** Wednesday, April 19, 2017, 4:00 p.m.

**LOCATION:** Room 16, Tacoma Municipal Building North, 1<sup>st</sup> Floor  
733 Market Street, Tacoma, WA 98402

### **A. Call to Order and Quorum Call**

### **B. Approval of Agenda and Minutes of April 5, 2017**

**C. Public Comments** (up to three minutes per speaker; must be pertaining to items on the agenda)

### **D. Discussion Items**

#### **1. Application 2018-01: Car Wash Rezone**

Conduct an assessment review of the private application for 2018 Amendment and determine if it should be accepted and moved forward for technical analysis.

(See "Agenda Item D-1"; Stephen Atkinson, 591-5531, [satkinson@cityoftacoma.org](mailto:satkinson@cityoftacoma.org))

#### **2. Application 2018-03: S. 80th Street Rezone (PDB)**

Conduct a preliminary review of the private application for 2018 Amendment.

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

#### **3. Correctional Facilities Interim Regulations**

Review draft Findings of Fact and Recommendations Report and draft Letter of Recommendation in response to Ordinance No. 28417 concerning the Correctional Facilities Interim Regulations.

(See "Agenda Item D-3"; Lihuang Wung, 591-5682, [lwung@cityoftacoma.org](mailto:lwung@cityoftacoma.org))

### **E. Communication Items & Other Business**

- (1) **Public Hearing on Correctional Facilities Interim Regulations** – The City Council will conduct a public hearing on Tuesday, April 25, 2017, at approximately 5:15 p.m., in the Council Chamber, to receive public comments on the interim regulations enacted on March 7, 2017, per Ordinance No. 28417. For more information, please visit [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) and click on "Current Initiatives and Projects" and then "Correctional Facilities Interim Regulations."
- (2) **Planning Commission Vacancies** – Three positions representing District No. 1, Development Community, and Public Transportation will become vacant on June 30, 2017 due to term expiration. The City Clerk's Office is accepting applications through June 11, 2017. To apply, please visit [http://www.cityoftacoma.org/government/committees\\_boards\\_commissions/](http://www.cityoftacoma.org/government/committees_boards_commissions/).
- (3) The next Planning Commission meeting is scheduled for May 3, 2017, at 4:00 p.m., in Room 16; tentative agenda includes: Private Applications for 2018 Amendment, and other items to be determined.
- (4) The next Infrastructure, Planning and Sustainability Committee meeting is scheduled for April 26, 2017, at 4:30 p.m., in Room 16; tentative agenda includes: Environmental Action Plan Update, and Greenhouse Gas Inventory.

### **F. Adjournment**







## **MINUTES** (Draft)

**TIME:** Wednesday, April 5, 2017, 4:00 p.m.

**PLACE:** Room 16, Tacoma Municipal Building North  
733 Market Street, Tacoma, WA 98402

**PRESENT:** Chris Beale (Chair), Stephen Wamback (Vice-Chair), Jeff McInnis, Anna Petersen, Brett Santhuff, Dorian Waller, Scott Winship, Jeremy Woolley

**ABSENT:** Meredith Neal

### **A. CALL TO ORDER AND QUORUM CALL**

Chair Beale called the meeting to order at 4:04 p.m. A quorum was declared.

### **B. APPROVAL OF AGENDA AND MINUTES OF MARCH 1, 2017**

The agenda was approved. The minutes of the regular meeting on March 1, 2017 were reviewed and approved as submitted.

### **C. PUBLIC COMMENTS**

Chair Beale opened the floor for public comments. The following citizens provided comments:

(1) Joan Mell, Attorney:

Ms. Mell reported that she had represented GEO Group as an attorney on a variety of different regulatory issues as well as cases regarding conditions of confinement. She commented that GEO opposed the ordinance enacting the correctional facilities interim regulations and any action to adopt regulatory controls that interfere with the operation of the Northwest Detention Center (NWDC). She reported that they would cite absolute zoning ordinance immunities that apply to federally operated facilities. She commented that GEO was not in the practice of ignoring local jurisdictions, having had worked with them in the past to insure that they were good stewards and neighbors while protecting the safety and security of those detained at the facility. She commented that a litigation challenge on the forefront would be the question of whether NWDC is an essential public facility. She reported having spoken with David Anderson, Washington State Department of Commerce, who wrote the WAC provision on essential public facilities and commented that the detention center would be considered an essential public facility.

(2) Bruce Scott, Tacoma Northwest Detention Center Head of Security:

Mr. Scott asked if changing the definition would change their obligation to meet the regulatory requirements under the NFPA Life Safety Code. He asked if changing the definition for correctional facilities would affect whether they are required to follow local, state, and federal laws. He asked if changing the definition of their facility would impact their accreditations and standards.

### **D. DISCUSSION ITEMS**

#### **1. Correctional Facilities Interim Regulations**

Lihuang Wung, Planning Services Division, facilitated a discussion to review Ordinance No. 28417, adopted by the City Council on March 7, 2017, enacting interim regulations for correctional facilities. He reviewed the legislative process for interim regulations under TMC 13.02.055, noting that the Planning Commission would be required to provide a Findings of Fact and Recommendations report including a work plan for the development of permanent regulations. Mr. Wung reviewed that the ordinance modified

the definition of “correctional facility” to differentiate public and private facilities; prohibited private correctional facilities within the City; prohibited public correction facilities in multifamily and light-industrial zones; and would require a Conditional Use Permit (CUP) for public correctional facilities in zones where they were allowed. He reviewed that the Council had adopted the ordinance to better achieve land use compatibility in the Tideflats area; to enhance the notification and community outreach for proposed large industrial projects; to prevent expansion of existing private facilities; to improve regulations for correctional facilities in general; and to protect public health, safety, property, and peace.

Mr. Wung reviewed information for consideration as the Commission developed their Findings of Fact. The first consideration was acknowledging the City Council’s legislative intent. The second consideration was the existing facilities being affected by the interim regulations including the Northwest Detention Center (NWDC), Pierce County Jail, and Remann Hall. The third consideration was that as a nonconforming use the NWDC would still be allowed to expand, but expansions would be limited and subject to approval.

Commissioner Petersen suggested strengthening the second finding of fact by making a health and safety argument that people should not be living in the PMI zone, since the only people allowed were not there by choice. She recommended that they modify the interim regulations to add that public or private detention facilities should not be allowed in the zone.

Commissioner McInnis asked if there were other uses in the code where they differentiated between public and private facilities. Brian Boudet, Planning Services Division Manager, responded that there were special provisions allowing public facilities in districts where similar private facilities were not allowed.

Vice-Chair Wamback commented that he did not support the interim regulations, noting that he questioned the legitimacy of many decisions coming from Washington DC, including US immigration policy. He commented that there was no establishment of an emergency in the ordinance and that if there was a true emergency there would be a moratorium and they would not be allowing the large number of businesses in the PMI zone that attract people. He reported that he would be voting no to communicate that they were wasting time and money.

Commissioner McInnis concurred that it was a waste of time, regardless of what people think of the current administration, and had postponed work on good issues.

Commissioner Santhuff commented that while he did not see the emergency status, he felt that correctional facilities should not be allowed in the residential and light industrial zones. He asked if they had accounted for the possibility that there might be ways for facilities to expand the number of beds in the space without increasing trips or parking spaces.

Chair Beale commented that he supported the interim regulations based on Homeland Security’s statements expressing a desire to expand detention facilities and carry out an immigration policy that was the opposite of the City’s policies of social justice and equity. He suggested including in the Findings of Fact some of the City’s policies on social justice and equity, some supporting Comprehensive Plan policies, and the Welcoming City status. Chair Beale noted that the local public correctional facilities were also nonconforming and suggested the City consider eventual pathways to permitting their expansion. He commented that they should examine the 10% expansion allowance and that if the Council’s intent was to not allow an expansion of the ICE facility, they might want consider removing that allowance. He added that they should look at amortization as a possible tool if the long term goal was to eliminate the facilities.

Mr. Wung reviewed the timeline for the development of permanent regulations, which depended largely on what issues to be addressed. He noted that they would need to consider issues related to essential public facilities as defined by the GMA, whether the conditional use permit process would be appropriate, and other code clarification issues.

Chair Beale, noting concern from Commissioners about other projects’ progress being affected by the interim regulations, asked if it would help to extend the timeline to allow staff adequate time to address some of their other major work items. Commissioner McInnis commented that he would like to see some of the questions looked at over a longer timeline.

Vice-Chair Wamback noted that the WAC 365-196-550 considered correctional facilities essential public facilities whether they were public or private facilities. He commented that he personally felt that it was an illegitimate land use based on an illegitimate federal policy, but that people had made the decision to allow it there and if people were going to use their personal disagreements with federal policy in their zoning code, he didn't know where it would end. Vice-Chair Wamback commented that extending the timeline to 12 months might help the Commission's work load, but would not be sufficient to gain his support as he felt the proper process was not being followed.

Commissioner Petersen commented that if they were making minor modifications, they should probably no longer allow people to have home occupations in the area in question.

Commissioner McInnis commented that he would vote no on whether to support the interim regulations, but he felt there were some valid questions about the zoning to consider if they could move the item into their normal process.

Commissioner Winship concurred with Commissioner McInnis, noting that he was personally opposed to for-profit prisons, but he was troubled by the process and did not see an emergency. He commented that he would support taking those issues from the interim regulations that would be legitimate topics for the Commission and putting them into the Commission's work program.

Commissioner Petersen concurred with Vice-Chair Wamback, adding that there were problems with the code regarding correctional facilities that they would need to address, but she would prefer that it be included in their work program as part of the update that they are already doing.

Commissioner Woolley commented that he had concerns on what the ultimate limit of changing it to a nonconforming use would be. He commented that there were some changes to the zoning that did have merit and suggested that they could move forward with modifying the ordinance. He commented that he would feel more comfortable voting yes if they made modifications.

Commissioner Santhuff commented that regardless of whether it was considered an essential public facility or not, what they had before them had value in examining what zonings were appropriate for correctional facilities and by requiring CUPs for facilities whether they were private or public. He commented that he was in favor of the interim ordinance as they had it and most of the Findings of Fact.

Mr. Boudet asked for guidance from the Commission on the 6 month versus 12 month timeframe preference. Chair Beale suggested that 12 months might be a compromise that they could concur on. Commissioner McInnis commented that if it was presented the same way he would still vote no.

Chair Beale commented that the Council had limited options for changing the zoning code and there were challenges with fitting it into the process. He commented that in looking at the short term program it was somewhat disrespectful to the Commissioners as volunteers, but they couldn't ignore the social aspect of why it was being done. He reported that while campaigning for City Council he had been told by a distressed resident that unless he was doing something about President Trump and immigration, they didn't care. He commented that the City Council represented over 205,000 people and were probably hearing things that the Commission did not. Chair Beale commented that the Council was clearly trying to respond to the community's concern and that the Commission needed to be responsive to those requests whether or not it actually fits within the given structure.

Mr. Wung noted that staff would compile, based on the Commission's comments and suggestions, a draft Findings of Fact and Recommendations Report and a draft Letter of Recommendation for the Commission's review and approval at the next meeting on April 19, 2017.

## **2. Code Cleanups (an application for 2017–2018 Amendment)**

Mr. Wung reviewed that for every Annual Amendment staff identified a number of code cleanups including updating information, addressing inconsistencies between different sections of the code, correcting errors, and clarifying language. He reported that the issues being reviewed came from staff who worked on the code, from customers, and feedback from community outreach. The expected outcomes were to improve administrative efficiency and enhance customer service.

Mr. Wung reviewed that there were 21 potential issues in four categories: landscaping issues, parking requirements, breweries, and other issues. He noted that when the Code Cleanups application moved forward for technical analysis, some items might be dropped and some might be pulled out and handled separately if they necessitated policy discussions.

Chair Beale commented on the issue relating to off-street parking for efficiency multifamily units and wondered whether 20 stalls was the appropriate exemption, adding that he thought that they had already exempted them from off street parking requirements. Mr. Wung responded that the language in the current code added ambiguity as to whether 20 was the maximum or minimum and that staff had deliberated some alternatives that would be brought forward for the Commission's review at a later date.

Vice-Chair Wamback commented that he was interested in the Reduced Parking Area (RPA) issue and the possible expansion of the RPA boundary. He suggested that it would be good to have an overview of the RPA program to consider how well it had worked and whether it should be considered for a longer term review.

Chair Beale commented that there was a provision in the code about limiting clearing in critical area buffers that he felt should be revisited as part of the cleanup package as it had been an issue for people doing volunteer restoration with Metro Parks.

Mr. Wung suggested that the Code Cleanups application be accepted by the Commission, with its scope of work subject to modifications as staff proceeds with technical analysis of individual issues. The Commission concurred.

### **3. Planning Work Program for 2016–2018 – Mid-Term Adjustment**

Mr. Boudet facilitated a discussion to consider adjustments to the Planning Work Program for 2016–2018 in response to a large number of private applications, Council Requests, and emerging priorities. He reviewed the six private applications that had been received for the 2018 Amendment cycle, including a 6<sup>th</sup> Avenue rezone to allow a car wash in the mixed-use center; a code amendment to allow outdoor tire storage; a rezone for an existing warehouse industrial building on South 80<sup>th</sup> Street; downzoning of properties along the east Hylebos from PMI and M2 to PDB and M1; design review within mixed-use centers in the North End; and a code amendment to modify how building height measurements were done in a view sensitive district. Council requests included the Correctional Facilities interim regulations, Container Port Element implementation, the Port/Tideflats Subarea Plan, Urban Design Studio, and expanded notification for large industrial projects. Ongoing and emerging priorities included open space and steep slopes regulations, homeless encampments, the shoreline master program periodic review, mixed-use center implementation, the residential infill pilot program, sign code update, and historic demolition review.

Chair Beale asked if the City of Lakewood had taken any steps to create a regional planning agency for the south Puget Sound. Mr. Boudet responded that a final decision had been postponed.

Vice-Chair Wamback asked if the Port/Tideflats Subarea Plan concept was a formal request of the City Council. Mr. Boudet responded that the Mayor had put out a news release announcing that the City and the Port would begin negotiations on an interlocal agreement for the subarea plan, but nothing was on the schedule and there was still a funding question.

Vice-Chair Wamback asked if the Container Port Element request was going to be introduced to the Council. Mr. Boudet responded that there was no specific move to adopt something formally.

Mr. Boudet reviewed a potential option for adjustment of the work program including moving some items off cycle, putting some items on the track for the 2018 Annual Amendment, and moving others to the 2019 amendment cycle. The schedule for the mid-term adjustment process was reviewed. Mr. Boudet stated that staff would continue to facilitate the Commission's review of the proposed work program adjustment as well as the review by the Infrastructure, Planning and Sustainability Committee, with the goal of accomplishing the adjustment by June-July 2017.

**E. COMMUNICATION ITEMS & OTHER BUSINESS**

Mr. Wung provided the following updates.

- Commissioners were invited to attend the upcoming Planning and Development Services Public Forum on April 10 at Meeker Middle School.
- Three Commission positions would be expiring in June. Commissioners were encouraged to reapply if they wished to be reappointed.
- The April 19 meeting would include the private amendment application for a rezone from Brown Bear Car Wash as they were required to make a decision within 120 days of submittal.

**F. ADJOURNMENT**

At 6:03 p.m., the meeting of the Planning Commission was concluded.





City of Tacoma  
Planning and Development Services

**Agenda Item  
D-1**

**To:** Planning Commission  
**From:** Stephen Atkinson, Planning Services Division  
**Subject:** **Assessment Report – Car Wash Rezone Application**  
**Meeting Date:** April 19, 2017  
**Memo Date:** April 13, 2017

**Purpose**

At the meeting on April 19, 2017, staff will present an assessment of the “Car Wash Rezone” application submitted by Brown Bear Car Wash on January 4, 2017 for consideration as part of the 2018 Amendment. The applicant will be invited to present a brief description of the application request, desired outcomes, and rationale.

Per the Tacoma Municipal Code the City has 120 days from submittal to determine if the application is complete and will be accepted as part of the Amendment cycle. Therefore, staff will be asking the Commission to complete the initial assessment of the application at the meeting and to accept the application as part of the 2018 Amendment process, with modifications.

**Background**

The Comprehensive Plan and Land Use Regulatory Code Amendment is the primary process through which the City considers changes, additions, and updates to the One Tacoma Comprehensive Plan and Land Use Regulatory Code. Periodic review and evaluation are important in order to ensure that the Comprehensive Plan and the implementing regulations maintain their effectiveness. The intent of the Amendment is to review all of these changes simultaneously so that the cumulative effects can be considered.

Pursuant to the Tacoma Municipal Code, Section 13.02.045 – Adoption and Amendment Procedures applications are submitted to the Planning and Development Services Department, and subsequently forwarded to the Planning Commission for their assessment. There are two primary phases to the assessment and review process. The Planning Commission is currently conducting the Assessment Phase.

The Planning Commission’s initial assessment is based on three criteria pursuant to TMC 13.02.045:

- If the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review;
- If there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into; and
- If the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required,

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Assessment Report – Car Wash Rezone Application  
April 13, 2017  
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the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.

The Planning Commission decides which applications move forward as part of the Amendment package. Those applications that are approved in the Assessment phase then move into the technical analysis phase of the process which includes public input from stakeholders and the community and broader review against the goals and policies of the One Tacoma Plan.

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

Attachments:

1. Assessment Report – Brown Bear Car Wash Rezone
2. Amendment Application

c. Peter Huffman, Director



## **2018 AMENDMENT TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

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### **ASSESSMENT REPORT BROWN BEAR CAR WASH PROPOSED REZONE**

Applications for amendments to the Comprehensive Plan and Land Use Regulatory Code were accepted through March 31, 2017. The application from Brown Bear Car Wash was determined to be complete.

The next step is for the Planning Commission to review and approve of the Assessment Report, pursuant to Tacoma Municipal Code (TMC), Section 13.02.045 Adoption and Amendment Procedures. This Assessment Report, prepared for the Commission's consideration on January 6, 2016, includes three parts:

- A. Summary of Application
- B. Assessment
- C. Recommendation

#### **A. Summary of Application**

The application seeks to rezone two parcels at 6<sup>th</sup> Ave and S. Howard Street in the Narrows Neighborhood Center from Neighborhood Commercial Mixed-use (NCX) to Urban Center Mixed-use (UCX). The purpose of the rezone request is to allow car washing facilities as a permitted use.

Car washing is currently defined as "vehicle service and repair." These uses are currently prohibited in the NCX district and permitted in UCX.

The purpose of the NCX District is:

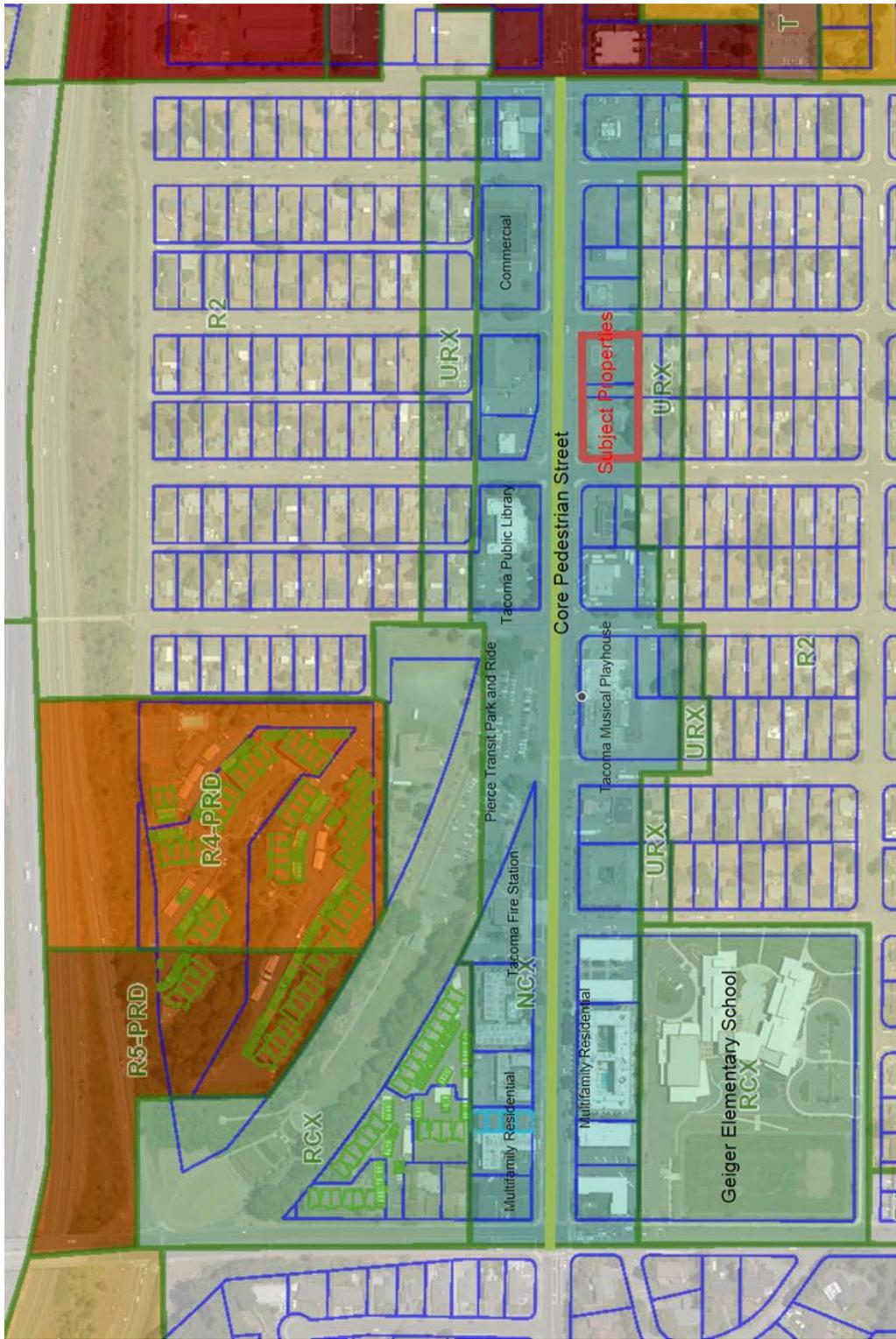
To provide areas primarily for immediate day-to-day convenience shopping and services at a scale that is compatible and in scale with the surrounding neighborhood, including local retail businesses, professional and business offices, and service establishments. This district is intended to enhance, stabilize, and preserve the unique character and scale of neighborhood centers and require, where appropriate, continuous retail frontages largely uninterrupted by driveways and parking facilities with street amenities and direct pedestrian access to the sidewalk and street. Residential uses are encouraged as integrated components in all development.

The purpose of the UCX District is:

To provide for dense concentration of residential, commercial, and institutional development, including regional shopping centers, supporting business and service uses, and other regional attractions. These centers are to hold the highest densities outside the Central Business District. An urban center is a focus for both regional and local transit systems. Walking and transit use is facilitated through designs which decrease walking distances and increase pedestrian safety. Residential uses are encouraged in UCX Districts as integrated development components.

Staff is recommending modifications to the application and final scope of work to evaluate an alternative to an area-wide rezone. The alternative would consider changes to definitions, use allowances in the NCX district, and potential design options.

Map of the Subject Property situated within the Narrows Neighborhood Center with existing zoning.



## B. Assessment

The application was reviewed against the following assessment criteria pursuant to TMC 13.02.045::

1. If the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review;

*Staff Assessment: The request is legislative and properly subject to Planning Commission review.*

2. If there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into; and

*Staff Assessment: In 2015 the City completed a review of the City's Mixed-use Centers. The report is available online at <http://www.cityoftacoma.org/cms/one.aspx?portalId=169&pageId=123324>. This report included an assessment of the City's Mixed-use Center's performance in meeting the goals and policies of the Comprehensive Plan. The Narrows Mixed-use Center was part of this review. Recommendations were focused on implementation measures the City could take to stimulate the types of development activity the City is seeking in the MUCs. In addition, the City is proposing to conduct a commercial zoning update that could entail some evaluation of allowed uses within the existing General Commercial and Neighborhood Commercial zoning districts. This review, however, is not expected to include the Mixed-use Centers. Based on staff review of these other efforts, the application is not appropriate for consideration as part of the Commercial Zoning update or Future Land Use Implementation work program items, and should be evaluated as a stand-alone project. The proposed land use was not directly evaluated as part of the 2015 Mixed-Use Centers Report.*

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

*Staff Assessment: The amount of work to review and evaluate this application is reasonably manageable. Staff does not expect that consultant services will be required. Key issues in this review may include: consistency with Comprehensive Plan policies for Neighborhood Centers; design strategies for car wash facilities; the location of the site on a core pedestrian street; and broader applicability to other mixed-use centers with NCX zoning.*

## C. Recommendation

According to TMC 13.02.045, the Planning Commission will review this assessment and make its decision within 120 days of receiving the applications, as to:

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

*Staff Response: The application is determined to be complete.*

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

*Staff Response: The rezone request, as initially proposed by the applicant, would implement a zoning district (UCX) in the Narrows Neighborhood Center that is inconsistent with the One Tacoma Plan and ineligible for application in a Neighborhood Mixed-use District. Staff recommends a modified scope of work that would address the applicant's underlying concerns through an alternative approach. The alternative approach, if accepted by the Commission, would evaluate the current definition of car wash facilities in TMC 13.06 Zoning, use allowances or*

*conditional use criteria for car wash facilities, and potential use-specific design and development standards. This approach would evaluate whether car washes should be treated as a separate use from “vehicle service and repair” and/or whether design and development could be applied to promote greater compatibility between the specific use and the broader use and design intent of the NCX Zoning District.*

- (c) Whether or not the application will be considered, and if so, in which amendment cycle. The Planning Commission shall make determinations concerning proposed amendments.

*Staff Recommendation: Based on the review of the proposal against the assessment criteria, staff concludes that the application, with staff recommended modifications, is ready to proceed to the technical analysis phase of the process. Staff recommends that the Planning Commission accept the application, as modified, for consideration during the 2018 Amendment cycle.*



# Application

## To Amend

### The Comprehensive Plan or Land Use Regulatory Code

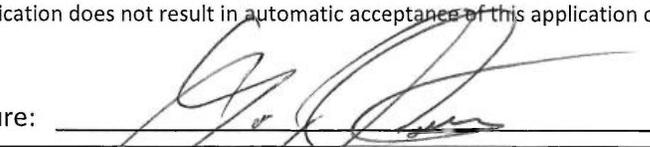
Application No.:

#2017-18 -

Date Received:

Year of Amendment	2017-2018	
Application Deadline	Friday, March 31, 2017, 5:00 p.m.	
Application Fee	\$1,400	
Type of Amendment (Check all that apply)	<input type="checkbox"/> Comprehensive Plan Text Change <input type="checkbox"/> Regulatory Code Text Change <input checked="" type="checkbox"/> Land Use Designation Change <input type="checkbox"/> Area-wide Rezone <input type="checkbox"/> Interim Zoning or Moratorium	
Summary of Proposed Amendment (Limit to 100 words)		
Applicant	Name	CAR WASH ENTERPRISES INC.
	Affiliation / Title	VICE PRESIDENT, GENERAL COUNSEL, OWNER
	Address City, State & Zip Code	3977 LEARY WAY NW SEATTLE WA 98107
	E-mail	lance.odermute@brownbear.com
	Phone / Fax	Phone 206 274 2603 Fax
Contact (if not Applicant)	Name	
	Affiliation / Title	
	Address City, State & Zip Code	
	E-mail	
	Phone / Fax	Phone Fax
	Relationship to Applicant	

I hereby state that I am the applicant listed above and the foregoing statements and answers made, and all the information and evidence submitted are, in all respects and to the best of my knowledge and belief, true and complete. I understand that submitting this application does not result in automatic acceptance of this application or guarantee its final approval.

Signature: 

Date: \_\_\_\_\_

**CITY OF TACOMA**  
**APPLICATION TO AMEND THE COMPREHENSIVE PLAN**  
**OR**  
**LAND USE REGULATORY CODE**

**Applicant:** Car Wash Enterprises, Inc. (“CWE”) d/b/a Brown Bear Car Wash  
3977 Leary Way NW, Seattle WA 98107

**Applicant Representative:** Lance V. Odermat, Vice President, General Counsel, Owner  
Direct Tel. 206-274-2603  
E-mail: [lance.odermat@brownbear.com](mailto:lance.odermat@brownbear.com)

- 1. Description of Proposed Amendment:** Land Use Designation Change. Specifically, the rezoning of the real properties at 6918 6<sup>th</sup> Ave. and 6902 6<sup>th</sup> Ave (Pierce County Parcel Nos. 448500591, 4485000372, and 4485000373—collectively, the “Properties”) located within the City of Tacoma from NCX to UCX.
- 2. Purpose of Proposed Amendment:** To allow car washing facilities as a permitted use at the Properties.
- 3. How the Proposed Amendment is consistent with the *One Tacoma* Comprehensive Plan and how it is consistent with the criteria for amending the Comprehensive Plan/development regulations:**

In *One Tacoma*, the City makes reduction of contaminated stormwater runoff a primary environmental goal.<sup>1</sup> To that point, the Washington State Department of Ecology (“DOE”) has determined that stormwater runoff is the largest contributing source of pollution impacting the quality of Washington’s streams, lakes, and marine urban areas.<sup>2</sup> It is estimated that seventy-five (75%) of all pollution in Puget Sound comes from stormwater runoff that starts in neighborhoods.<sup>3</sup> A common contributing source of such pollution is residential car washing where the wastewater is flows into the storm drain system and empties untreated directly into the nearest natural body of water. As a result, DOE stormwater permits now mandate cities and counties to adopt ordinances that prohibit residents from putting soapy or other polluted water down storm drains.<sup>4</sup>

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<sup>1</sup> *One Tacoma*, Book Four. Policy EN-1.1. Page 4-5.

<sup>2</sup> Publication 08-10-086. 2008. Washington State Department of Ecology.

<sup>3</sup> <http://www.pugetsoundstartshere.org/articles/impacts-on-the-sound#.V2GjL7srLX4>.

<sup>4</sup> Smith, David and Shilley, hollie. 2009. “*Residential Car Washing*” Stormwater Magazine, 1 September 2009 ed. Citing 40 CFR part 122.

There are eight different watersheds located within the city limits of Tacoma. The Properties are situated within the Western Slopes watershed and in close proximity to the Leach Creek watershed. The Western Slopes watershed is a particularly sensitive area because it is the only Tacoma watershed that drains to the Narrows Passage. Several small creeks are present within the Western Slopes watershed. It encompasses a predominantly residential geographic area.<sup>5</sup>

The Properties are also situated near the border of the Leach Creek watershed which comprises both residential and commercial land uses. While that watershed does not contain any saltwater shorelines, it does contain riparian corridors that are important for salmon spawning.<sup>6</sup>

There is a community need to provide residents of these watersheds with an eco-friendly alternative for washing their vehicles where wastewater is captured, treated, and safely discharged to treatment facilities. For this reason, the United States Environmental Protection Agency (“EPA”) and DOE both recommend citizens use commercial car wash facilities instead of washing at home.<sup>7</sup> Applicant’s facility would serve the community in that regard. The Properties are also well situated to be conveniently accessed by the communities comprising the Western Slopes and Leach Creek watersheds.

For the reasons set forth above, granting a land use designation change to allow for construction of a car wash facility at the Properties would be consistent and effective in meeting *One Tacoma’s* goal of reducing contaminated stormwater runoff. It would also serve to assist the City in complying with the DOE mandate of prohibiting soapy and other polluted water from entering the City’s storm drain system.

4. **Geographic Area:** The relevant geographic area for analysis is set forth in Exhibits A-D attached hereto.
5. **The proposed amendment is compatible with the existing and planned land uses and development patterns of the adjacent neighborhood and would serve to enhance the area.**

Currently, there is little economic activity at the Properties. The Properties are situated along a section of 6<sup>th</sup> Ave. that has seen little investment or economic growth for a long period of time. At the 6902 6<sup>th</sup> Ave. property, there is currently a dated, and soon to be vacated, one story building. See Exhibit E-1. At the 6918 6<sup>th</sup> Ave. property (which comprises two tax parcels), there is a long-abandoned gas station in dilapidated condition. See Exhibit E-2 (both Properties shown in Exhibit E-3). In their current state, neither property generates meaningful tax revenue for the City or provides employment opportunities to the community. Applicant’s proposed project would do both.

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<sup>5</sup> *One Tacoma*, Book Four. Page 4-26.

<sup>6</sup> *Ibid.* Page 4-33.

<sup>7</sup> <https://www.epa.gov/nutrientpollution/what-you-can-do-your-home>

Construction of a car wash facility would not represent a departure from the previously allowed automotive uses at the Properties. Similar to its recent project in Puyallup (depicted in Exhibit F), Applicant would build a state-of-the-art facility with attractive aesthetics and landscaping which in addition to being eco-friendly, would serve as an enhancement to the surrounding neighborhood. Applicant is aware that the current zoning encourages pedestrian use and would take steps to create a pedestrian friendly area on the the Properties featuring a bear sculpture(s), water feature, and bench or sitting area.

An additional relevant consideration to this application is the fact Applicant currently owns and operates a car wash facility approximately .5 miles to the east of the Properties at 5950 6<sup>th</sup> Ave. The 5950 6<sup>th</sup> Ave. facility is becoming increasingly obsolete due to its limited building size and is unable to accommodate customer demand. Given the size limitations and age of the building, renovation is not feasible. Applicant's plan would therefore be to close the 5950 6<sup>th</sup> Ave facility upon opening of the proposed new facility. Applicant would then look to redevelop the 5950 6<sup>th</sup> Ave property into a higher and better use. This would generate additional economic activity and revenue for the City.

#### 6. Applicant's Interest in the Property and Plans for Future Activity:

Applicant is currently under contract for the purchase of the Properties with a scheduled closing in April 2017. Applicant's future plans for the Properties have been summarized above.

The current owners of the Properties have been notified, are aware, and approve of this application as evidenced by their signatures below: See Exhibit G

#### Owner/6918 6<sup>th</sup> Ave., Tacoma, WA 98465

Signature	Printed Name(s)	Date

#### Owner/6902 6<sup>th</sup> Ave., Tacoma, WA 98465

Signature	Printed Name(s)	Date

#### 7. Community Outreach

Applicant is a 60-year old, family-owned, Washington-based business that has owned and operated car wash cites in Tacoma since 1970 and is well known to the surrounding

community. Its existing location on 6<sup>th</sup> Ave is .5 miles away from the Properties and has been in operation since 1986.

Applicant has an established history of operating well-maintained sites and providing meaningful employment opportunities.<sup>8</sup> Applicant also has history of significant charitable giving to the communities it does business in. Its charity car wash program has raised over \$4.0 million dollars for local charities since its inception in 2007. The bulk of those funds going to groups and teams associated with local schools.

## 8. Supplemental Information

The environmental benefit of commercial car washing to the City of Tacoma is quantifiable based upon findings from a 2014 scientific study conducted by the City of Bothell concerning residential car washing.<sup>9</sup> The Bothell study found that an average of 2,329,017 gallons of residential car wash water enters that city's storm drain system each year.<sup>10</sup> The study noted that the findings equated to 1.1 bathtubs of residential car wash water being discharged per-resident, per-year into local waters.<sup>11</sup> The City of Bothell has a population of 35,576 residents versus the City of Tacoma with a population of 203,446—5.71 times the population of Bothell. Accordingly, based on the same scientific analysis, it can be assumed that Tacoma residents generate approximately 13,318,787 gallons of residential car wash discharge per year. Even if only half that amount enters Tacoma's local waterways, it still represents a huge source of contamination and adverse environmental impact and underscores why the EPA and DOE recommend that citizens utilize commercial car wash facilities.

An additional environmental benefit of Applicant's proposed facility would be in the area of water conservation. With water demand in Pierce County projected to increase by 63 percent over the next 50 years, water conservation will become an increasingly important consideration.<sup>12</sup> Commercial car washes provide a direct benefit in this area. Today's commercial car washes utilize equipment and technologies designed to maximize cleaning while consuming the least amount of fresh water possible. Research has shown that commercial conveyerized car washes such as Applicant proposes average approximately 34.9 gallons of water per vehicle.<sup>13</sup> However, it is important to realize that not all the consumed water is fresh. Modern conveyerized car wash facilities also treat and recycle varying amounts of water used in the wash process. Conversely, residential car washing has the potential to waste large volumes of water given that standard garden hoses have a flow rate of 10 gallons per minute and consume entirely fresh water. The net result is that

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<sup>8</sup> Applicant voluntarily instituted a \$15 starting wage company-wide in 2016.

<sup>9</sup> City of Bothell Car Washing, Education, & Outreach Program Final Report, December 2014  
<http://www.bothellwa.gov/documentcenter/view/1268>

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> 2009 Regional Municipal Water Outlook. <http://www.watersupplyforum.org/home/regional-water-supply.html>

<sup>13</sup> *Ibid.*

it is nearly impossible for the residential car washer to use less water than a commercial car wash.

9. **Conclusion:** Given the current underutilization and distressed state of the Properties, and with interest rates rising, declining Applicant's request would most certainly guarantee that the Properties would sit idle indefinitely into the future. Conversely, Applicant's proposed project would provide a direct environmental benefit to the surrounding watersheds and ecosystems. It would further provide immediate and sustained economic benefit to the City in the form of increased tax revenue and employment opportunities for the surrounding community. The proposal set forth in this application is entirely consistent with the policy goals set forth in *One Tacoma*. Accordingly, Applicant respectfully requests that the land use designation change be granted.

**Respectfully submitted,**

**Lance Odermat  
Vice President  
Brown Bear Car Wash**





EXHIBIT  
B

W  
S + N  
E

UHAUL

SMOKE  
BEER  
+  
MORE  
6TH AVE  
GROCERY

LIBRARY

PAO'S  
DINUTS

TRUSTED  
PLANS  
SERVICE  
CORP.

SUBJECT PARCELS

IMPERIAL  
DRAGON  
RESTAURANT

FUZION  
CAFE

BISCUITS  
DOGGY  
D'ARCARE

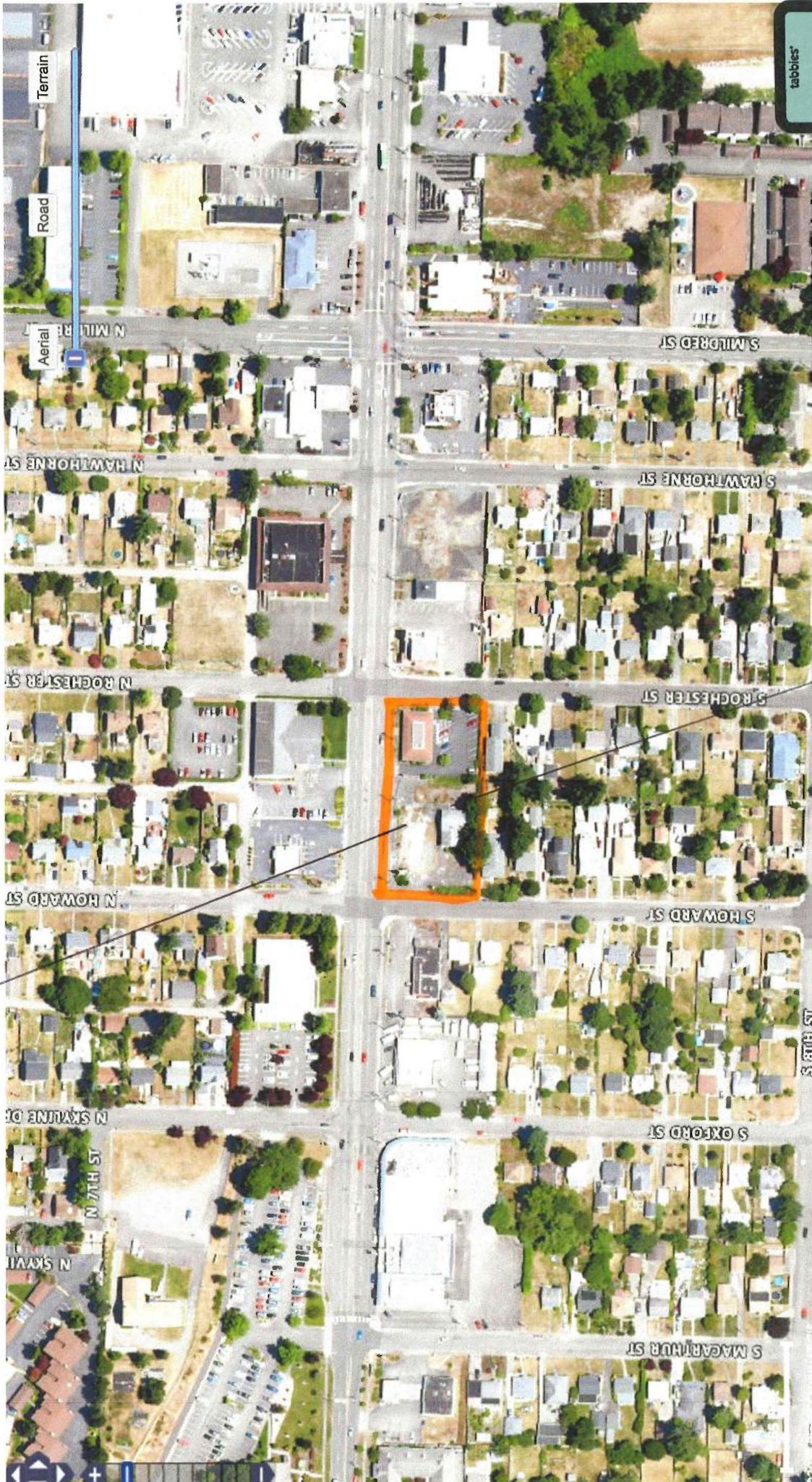
VACANT  
LOT

JALIC  
N  
THE BIX  
RESTAURANT

Aerial  
Road  
Terrain

CHEVRON





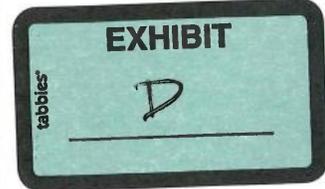
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SUBJECT PARCELS

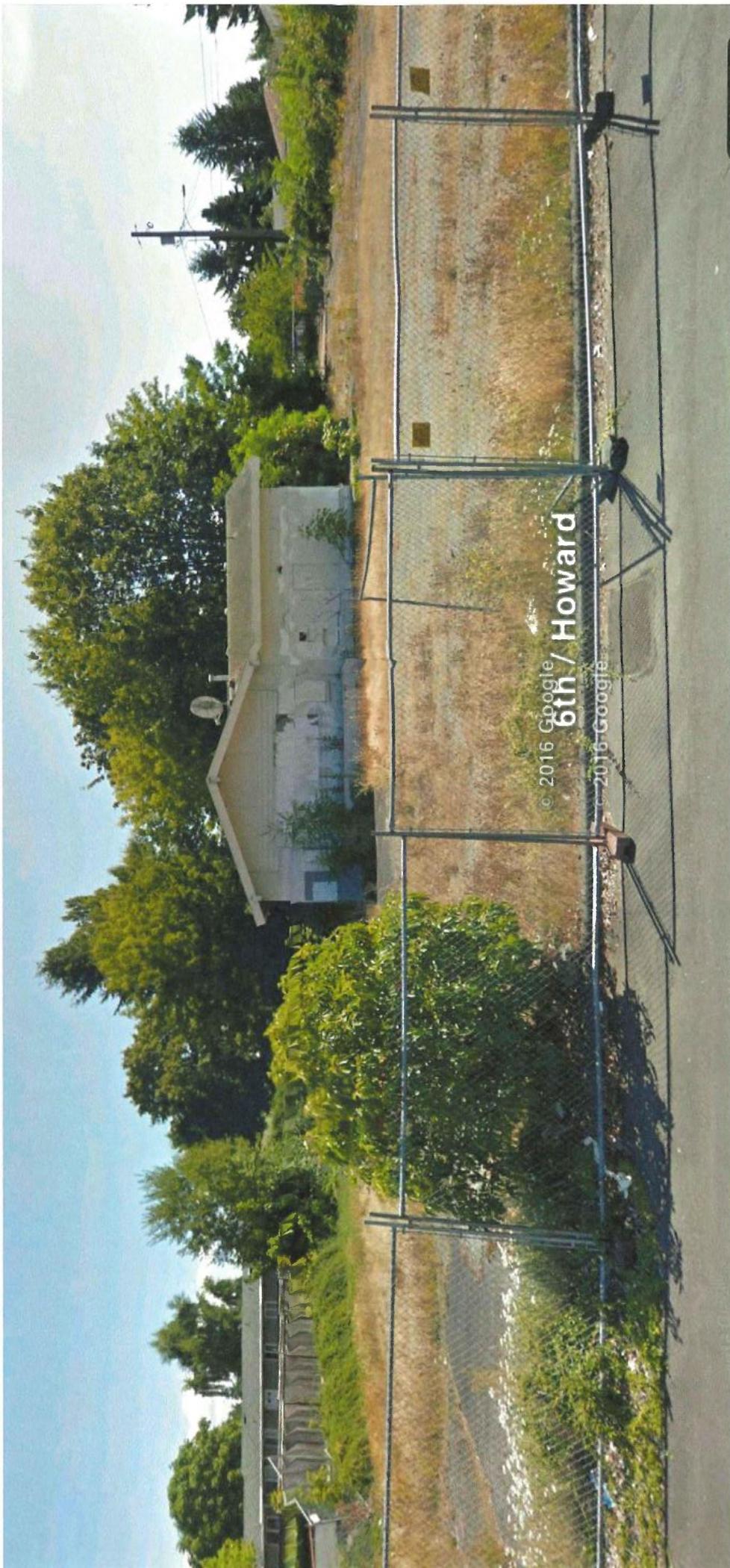


CURRENT APPLICANT / BROWN BEAR CAR WASH LOCATION  
5950 6TH AVE



0.5 MILES BETWEEN

SUBJECT PARCELS & PROPOSED NEW LOCATION FOR BROWN BEAR CAR WASH



© 2016 Google  
**6th / Howard**  
© 2016 Google

tabbles<sup>®</sup>  
**EXHIBIT**  
E-1

EXHIBIT

tabbles

E-2

6902

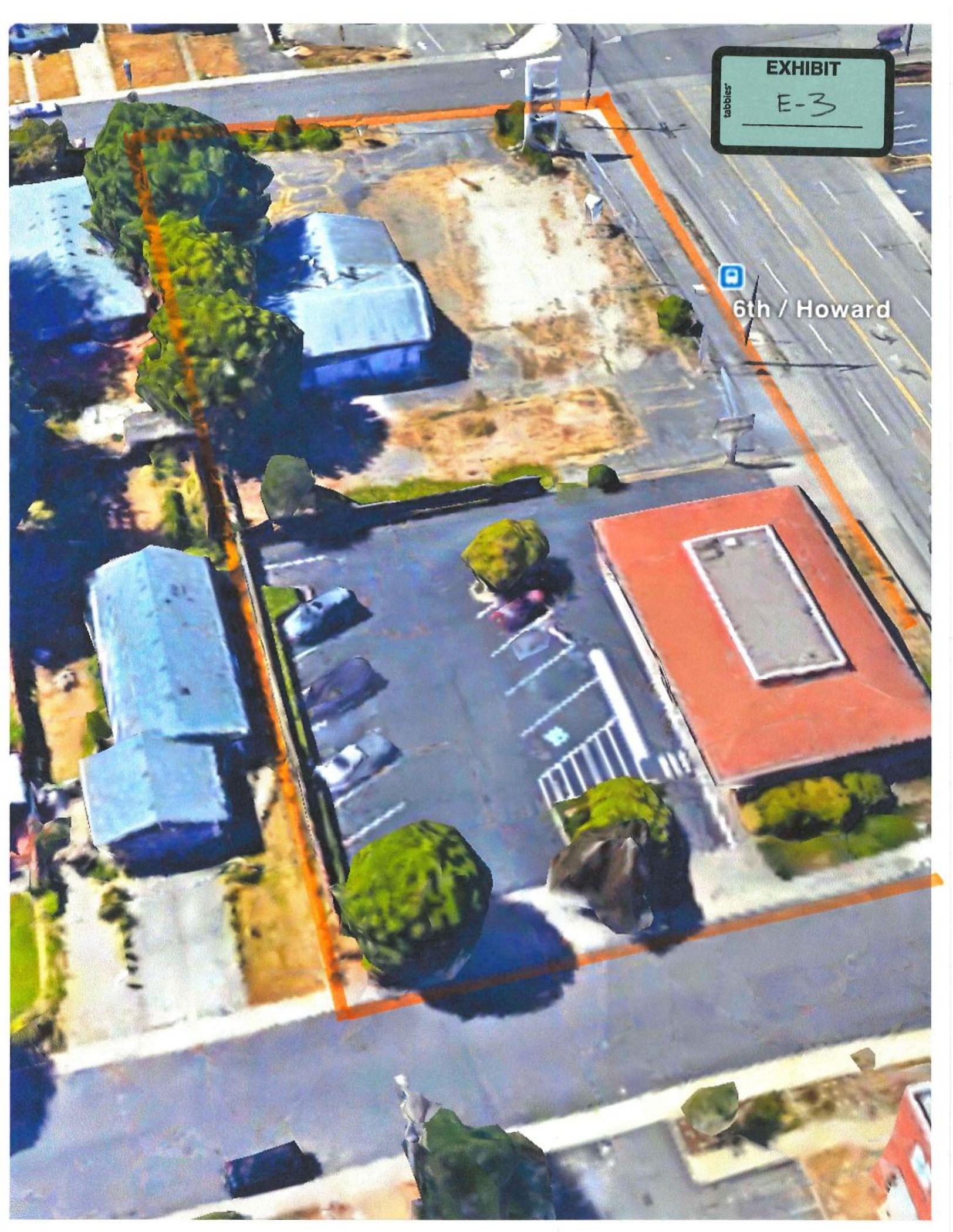
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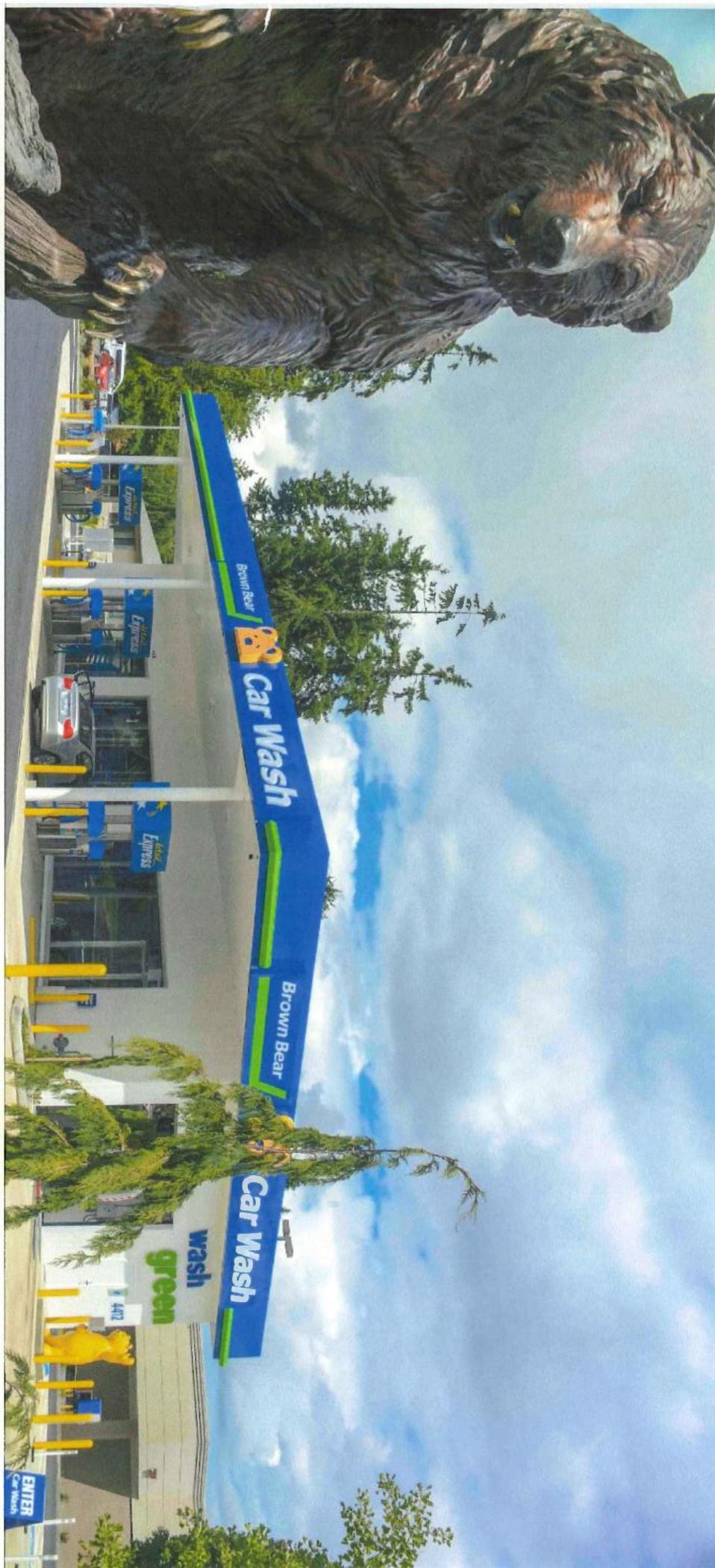
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EXHIBIT  
E-3



6th / Howard





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EXHIBIT

F

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The current owners of the Properties have been notified, are aware, and approve of this application as evidenced by their signatures below:

**Owner/6918 6<sup>th</sup> Ave., Tacoma, WA 98465**

*Owners currently out of country - signatures forthcoming*

Signature Printed Name(s) Date

Signature Printed Name(s) Date

**Owner/6902 6<sup>th</sup> Ave., Tacoma, WA 98465**

*Douglas R. Warner* DOUGLAS R. WARNER 12/29/2016  
*Laura J. Warner* LAURA J. WARNER 12/29/16

Signature Printed Name(s) Date

**7. Community Outreach**

Applicant is a 60-year old, family-owned, Washington-based business that has owned and operated car wash sites in Tacoma since 1970 and is well known to the surrounding



City of Tacoma  
Planning and Development Services

**Agenda Item  
D-2**

**To:** Planning Commission  
**From:** Stephen Atkinson, Planning Services Division  
**Subject:** **Assessment Report – South 80<sup>th</sup> Street Rezone (PDB)**  
**Meeting Date:** April 19, 2017  
**Memo Date:** April 13, 2017

**Purpose**

At the meeting on April 19, 2017, staff will present an initial draft assessment of the “South 80th Street Rezone” application that seeks rezone of the property located at 2615 South 80<sup>th</sup> Street from Planned Development Business District (PDB) to M-1 Light Industrial, pursuant to TMC 13.02.045. The proposal also includes a Comprehensive Plan Land Use Designation change from General Commercial to Light Industrial. The applicant will be invited to present a brief description of the application request, desired outcomes, and rationale.

This presentation will be for information and discussion purposes. A final staff assessment and recommendation is expected on May 17, 2017 as part of the overall work program determination.

**Background**

The Comprehensive Plan and Land Use Regulatory Code Amendment is the primary process through which the City considers changes, additions, and updates to the One Tacoma Comprehensive Plan and Land Use Regulatory Code. Periodic review and evaluation are important in order to ensure that the Comprehensive Plan and the implementing regulations maintain their effectiveness. The intent of the Amendment is to review all of these changes simultaneously so that the cumulative effects can be considered.

Pursuant to the Tacoma Municipal Code, Section 13.02.045 – Adoption and Amendment Procedures applications are submitted to the Planning and Development Services Department, and subsequently forwarded to the Planning Commission for their assessment. There are two primary phases to the assessment and review process. The Planning Commission is currently conducting the Assessment Phase.

The Planning Commission’s initial assessment is based on three criteria pursuant to TMC 13.02.045:

- If the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review;
- If there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into; and
- If the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required,

To: Planning Commission  
Assessment Report – S. 80<sup>th</sup> Street Rezone (PDB)  
April 13, 2017  
Page 2

the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.

The Planning Commission decides which applications move forward as part of the Amendment package. Those applications that are approved in the Assessment phase then move into the technical analysis phase of the process which includes public input from stakeholders and the community.

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

Attachment:

1. Assessment Report – South 80<sup>th</sup> Street Rezone (PDB)
2. Amendment Application

c. Peter Huffman, Director



## 2018 ANNUAL AMENDMENT TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

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### DRAFT ASSESSMENT REPORT SOUTH 80<sup>TH</sup> STREET REZONE (PDB)

Applications for the 2018 Amendment were accepted through March 31, 2017. Upon determination of a complete application, the next step is for the Planning Commission to review and approve of the Assessment Report, pursuant to Tacoma Municipal Code (TMC), Section 13.02.045 Adoption and Amendment Procedures. This Assessment Report, prepared for the Commission's consideration on January 6, 2016, includes three parts:

- A. Summary of Applications
- B. Assessment
- C. Recommendation

#### A. Summary of Application

Proposal is for a rezone of property located at 2615 S 80<sup>th</sup> Street in the City of Tacoma from the Planned Development Business (PDB) District to the M-1 Light Industrial District, and a Comprehensive Plan amendment from the General Commercial land use designation to the Light Industrial land use designation.

#### B. Assessment

The application was reviewed against the following assessment criteria pursuant to TMC 13.02.045, and the review is summarized as follows:

1. If the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review;

*Staff Assessment: The amendment request is legislative and properly subject to Planning Commission review.*

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

*Staff Assessment: The area has not been subject to a recent study, however, staff has proposed a broader commercial zoning review, which would include an assessment of the PDB district. This review could result in area-wide rezones or amendments to the use and development standards associated with the PDB. The study has been proposed as part of the 2018 Amendment, but is contingent on finalization of the work program. The City-initiated study of the PDB zone may be delayed until 2019.*

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

*Staff Assessment: Staff has already begun analysis of this site as a result of two other work program items. First, staff has conducted an initial inventory of uses within the PDB zone and conformity with current zoning. Second, the site proposed in the application is within the Accident Potential Zone. The Commission has received a background presentation on the APZ and implementation of the APZ policies and findings of the Joint Land Use Study have been proposed as part of the 2018 Amendment. The amount of study for this site will include some additional work to the existing work program items, but is reasonable and manageable. The evaluation of the proposed rezone will require close coordination with the APZ implementation and the commercial zoning review.*

### **C. Recommendation**

According to TMC 13.02.045, the Planning Commission will review this assessment and make its decision within 120 days of receiving the applications, as to:

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

*Staff Recommendation: The application is determined to be complete.*

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

*Staff Recommendation: Staff recommends expanding the area of review to include the adjacent properties zoned PDB within the areawide analysis.*

- (c) Whether or not the application will be considered, and if so, in which amendment cycle. The Planning Commission shall make determinations concerning proposed amendments.

*Staff Recommendation: Based on the review of the proposal against the assessment criteria, staff concludes that it is ready for technical analysis. Staff recommends that the Planning Commission accept the application, as modified to include the adjacent properties, for consideration during the 2018 Annual Amendment cycle.*



# Application

## To Amend

### The Comprehensive Plan or Land Use Regulatory Code

Application No.:

#2017-18 -

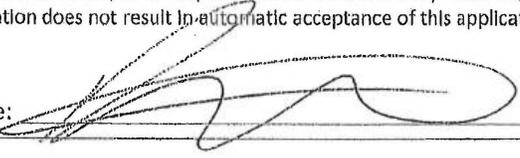
Date Received:

3/28/17

Year of Amendment	2017-2018	
Application Deadline	Friday, March 31, 2017, 5:00 p.m.	
Application Fee	\$1,400	
Type of Amendment (Check all that apply)	<input checked="" type="checkbox"/> Comprehensive Plan Text Change <input type="checkbox"/> Regulatory Code Text Change <input checked="" type="checkbox"/> Land Use Designation Change <input checked="" type="checkbox"/> Area-wide Rezone <input type="checkbox"/> Interim Zoning or Moratorium	
Summary of Proposed Amendment (Limit to 100 words)	<p>Proposal is for a rezone of property located at 2615 S 80<sup>th</sup> Street in the City of Tacoma from the Planned Development Business (PDB) District to the M-1 Light Industrial District, and a Comprehensive Plan amendment from the General Commercial land use designation to the Light Industrial land use designation.</p>	
Applicant	Name	Cabot Properties, Inc., Attn. Robert Gray
	Affiliation / Title	Property Owner / Asset Management
	Address City, State & Zip Code	One Beacon Street, Suite 1700 Boston, MA 02108
	E-mail	rgray@cabotprop.com
	Phone / Fax	Phone (617) 305-6137                      Fax
Contact (if not Applicant)	Name	VanNess Feldman LLP, Attn: Brent R. Carson
	Affiliation / Title	Land Use Attorney / Partner
	Address City, State & Zip Code	719 Second Avenue Suite 1150, Seattle, WA 98104
	E-mail	BRC@VNF.com
	Phone / Fax	Phone (206) 623-9372                      Fax
	Relationship to Applicant	Attorney for Owner

I hereby state that I am the applicant listed above and the foregoing statements and answers made, and all the information and evidence submitted are, in all respects and to the best of my knowledge and belief, true and complete. I understand that submitting this application does not result in automatic acceptance of this application or guarantee its final approval.

Signature: \_\_\_\_\_

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, written over a horizontal line.

Date: \_\_\_\_\_

3/24/17

## REQUIRED QUESTIONNAIRE

1. **Describe the proposed amendment. If submitting text changes to the *One Tacoma Comprehensive Plan or Regulatory Code*, provide the existing and the proposed language. If submitting changes to the *Comprehensive Plan land use designation(s)* or the *zoning classification(s)*, provide the current and the proposed land use designations and/or zoning classifications for the affected/proposed area.**

Current Zoning Classification / Comprehensive Plan Land Use Designation: PDB / General Commercial

Proposed Zoning Classification / Comprehensive Plan Land Use Designation: M-1 / Light Industrial

The subject property is located at 2615 South 80<sup>th</sup> Street in the City of Tacoma, and lies within a Planned Development Business (PDB) zoning district. The Comprehensive Plan Future Land Use Designation for the PDB District is General Commercial. (Ref. Appendix B) The subject property is one of three parcels within this isolated PDB-zoned district.

This request is to amend the Comprehensive Plan Land Use Designation of the subject property to Light Industrial with corresponding zoning to M-1 Light Industrial.

### Adjacent Properties / Uses:

North: R-2 Single Family Dwelling District across South 78<sup>th</sup> Street

West: PDB-zoned parcel (Pacific Sport Center) then R-2 Single Family Dwelling District across Pine Street

East: PDB-zoned parcel (Dental Supply), then R-2 Single Family (Qwest / CenturyLink)

Southeast: C-2 General Community Commercial District (Veterinarian Clinic)

South: City of Lakewood – Airport Corridor 2 (Mini-Storage and Church) across South 80<sup>th</sup> Street

2. **Why is the amendment needed and being proposed?**

Approval of the proposed amendment and concurrent rezone request will accomplish several objectives, including correcting the inappropriateness of the City's Planned Development Business (PDB) District on the site. (Ref. Appendix C, City of Tacoma Memo dated September 28, 2016 – Commercial Zoning Update – PDB Zoning Districts) City staff supports rezoning of properties located within the PDB zone and states "Based on the scant use of the zoning district, the relative ineffectiveness of the district in meeting the intent, as well as feedback and concern from existing businesses and property owners, staff recommends including these areas as a subset of the overall commercial zoning update".

Currently, the City of Tacoma has only three PDB Districts, which are occupied by seven distinct businesses. The subject property lies within one of these isolated PDB-zoned districts. The other PDB-zoned districts lie a fair distance from the subject property. The historic and current uses at this site are better aligned with uses permitted within the M-1 Light Industrial zone (warehouse, storage, and furniture manufacturing).

The current land use designation of the subject property is General Commercial, which is described in *One Tacoma: Urban Form* as:

"This designation encompasses areas for medium to high intensity commercial uses

which serves a larger community base with a broad range of larger scale uses. These areas also allow for a wide variety of residential development, community facilities, institutional uses, and some limited production and storage uses. These areas are generally located along major transportation corridors, often with reasonably direct access to a highway. This designation is characterized by larger-scale buildings, longer operating hours, and moderate to high traffic generation.”

The Light Industrial land use designation is described as:

“This designation allows for a variety of industrial uses that are moderate in scale and impact, with lower noise, odors, and traffic generation than heavy industrial uses. This designation may include various types of light manufacturing and warehousing and newer, clean and high-tech industries, along with commercial and some limited residential uses. These areas are often utilized as a buffer or transition between heavy industrial areas and less intensive commercial and/or residential areas.”

As demonstrated throughout this questionnaire, the subject property, which contains a warehouse distribution use, is better suited for the Light Industrial land use classification and M-1 zoning classification.

While the City may be contemplating an amendment and/or rezone for the PDB-zoned districts to other zoning districts within the General Commercial land use designation, this application is submitted to respectfully request that the City consider a Comprehensive Plan Amendment and concurrent Rezone of the subject property to the Light Industrial land use designation and corresponding M-1 Light Industrial zoning district. This would better align with existing uses on the site and provide continuity of the light industrial district with parcels to the east of the site that are currently zoned M-1.

**3. Please demonstrate how the proposal is consistent with the applicable policies of the *One Tacoma: Comprehensive Plan*, and consistent with the criteria for amending the Comprehensive Plan or development regulations.**

This proposed Comprehensive Plan Amendment and concurrent Rezone is consistent with the following goals, policies, and maps of the City’s *One Tacoma: Comprehensive Plan*.

*Economic Development Goal EC-6 - Create robust, thriving employment centers and strengthen and protect Tacoma’s role as a regional center for industry and commerce.*

*Policy EC-6.19: Provide industrial land and encourage investment in necessary services that support industrial business retention, growth and traded sector competitiveness as a West Coast trade and freight hub, a regional center of diverse manufacturing and a widely accessible base of living wage jobs, particularly for the underserved and underrepresented people.*

*Policy EC-6.20: Strictly limit Comprehensive Plan Map amendments that convert industrial land and consider the potential for amendments to otherwise diminish the economic competitiveness or viability of prime industrial land.*

*Policy EC-6.22: Maintain properties currently developed with industrial users and strive to offset the reduction of development capacity with the addition of prime industrial capacity that includes consideration of comparable site characteristics.*

*Public Facilities & Services Goal PSF-3 – Collaborate with regional partners to site essential public facilities in an equitable and practical manner.*

*Policy PFS-3.8: Protect the viability of existing airports as essential public facilities by encouraging compatible land uses and reducing hazards that may endanger the lives and property of the public and aviation users. Evaluate and implement appropriate policy and code amendments recommended by the Joint Base Lewis-McChord Joint Land Use Study (JLUS).*

The attached exhibits and maps from the One Tacoma: Comprehensive Plan depict the subject property's location relative to current and future City infrastructure improvements, as well as designated land uses. Justification for the proposed amendment and concurrent rezone request is provided below:

**A-1 City of Tacoma Vicinity Map**

The vicinity map shows the subject property's location between South 78<sup>th</sup> Street and South 80<sup>th</sup> Street and west of Pine Street.

**A-2 Aerial Map**

The aerial map shows existing commercial and light industrial uses to the east and northeast of the subject property and its proximity to Interstate 5. Some of these parcels are zoned residential, but have been constructed with non-residential uses. A Comprehensive Plan Amendment to rezone these parcels south of South 78<sup>th</sup> Street to I-5 to be consistent with existing uses would be justified.

**A-3 Planned Employment Areas Map**

This map demonstrates that the City recognizes the area surrounding and including the subject property to I-5 will continue to provide employment opportunities vital to the City of Tacoma. This area is envisioned as a Planned Employment Area with Major Institutional Campus (Bates Technical College), Manufacturing, and Industrial uses.

Because the City recognizes that the PDB zone is problematic (Ref. Appendix C as addressed above) amending the land use designation for the parcels south of South 78<sup>th</sup> Street to Light Industrial would achieve a City goal of supplying adequate land to meet the City's employment needs.

Manufacturing / industrial centers are employment concentrations of local and/or regional importance which are well served by major transportation facilities and are priority locations for future growth and infrastructure investment. The City has designated this area adjacent to the I-5 corridor as an employment hub consistent with existing uses.

The Applicant proposes rezoning the subject property to the M-1 Light Industrial zoning district. Amending the land use designations of parcels within this area to Light Industrial would be consistent with existing uses and fulfill the City's vision for a Planned Employment Area.

**A-4 Transportation Network Map**

This map shows the City's existing and proposed transit routes, light rail and Sounder rail systems. The nearest proposed transit station/bus stop is more than a mile away (northwest) from the subject property.

The General Commercial designation provides for high intensity uses offering goods and services easily accessible to the general public. Public transit service, however, does not currently serve the site, nor is

it planned in the Comprehensive Plan. In fact, the nearest existing/planned bus stop is more than a mile away (northwest), at an intersection where future high capacity transit is proposed to terminate. The City's Vision 2040 does not plan to extend transit to serve the site.

Because the site does not meet the locational criteria for General Commercial, the Applicant proposes amending the subject property's land use designation from General Commercial to Light Industrial.

#### **A-5 Future Land Use Map**

This map shows the City's future land use designations. The subject property and the parcels adjacent to the east are shown as lying within the General Commercial land use designation, though some currently lie within the Single-Family land use designation. This map demonstrates that the City recognizes the need to amend the Comprehensive Plan designations for the parcels south of South 78<sup>th</sup> Street.

The City's Future Land Use Map indicates that the PDB zoning district would extend east to abut the light industrial zone, which is adjacent to a Major Institutional Campus (Bates Technical College). Reclassification of these properties to Light Industrial, however, would provide for continuity of Light Industrial uses in proximity to the I-5 corridor.

The Applicant requests a Comprehensive Plan Amendment for the subject property from General Commercial to Light Industrial because it is more consistent with existing uses (warehouse/storage and furniture manufacturing). Because the City recognizes that the PDB zone is problematic (Ref. Appendix C as addressed above) amending the land use designations for the adjacent parcels to the M-1 Light Industrial zoning district would further the City's goal of creating and maintaining an employment hub at this location.

#### **A-6 and A-7 Potential Rezones Map**

This map shows the City's intent to rezone the parcels that lie between the subject property (existing PDB district) and the Light Industrial zone to the east by extending the PDB zone over parcels that currently lie within the Residential land use designation. Because the City recognizes that the PDB district is problematic (Ref. Appendix C as addressed above), the Applicant requests that the City consider amending the parcels south of South 78<sup>th</sup> Street to Light Industrial, rather than PDB, to be consistent with existing uses.

#### **A-8 Centers of Local Importance Map**

This map demonstrates that the subject site lies outside of the City's walksheds, and is not in close proximity to commercial centers. Therefore, the General Commercial land use designation is not supported in this location because it does not align with the existing uses and lack of public transit.

#### **A-9 City of Lakewood Zoning Map**

The City of Lakewood Zoning Map shows the properties lying adjacent to the south of the subject property are constrained with the Air Corridor 2 (AC2) overlay.

The subject property is located in an area identified in the Joint Base Lewis McChord study as lying within an "Accident Potential Zone" (APZ) for flyover risks associated with the base airport. Specifically, the site lies within the APZ II airport overlay, where the Air Force recommends limiting "the number of people exposed through selective land use planning". Approval of this request would limit density pursuant to the Light Industrial development standards. Whereas, the commercial zoning districts within the General Commercial land use designation encourage higher density and more intensive uses to serve the general public.

The properties to the south of the subject property lie within the City of Lakewood, and are zoned Airport Corridor 2 (AC2), which limits uses to those permitted in the City's Industrial 1 Zoning District. Permitted uses generally include the following: indoor manufacturing and assembly; maintenance and storage facilities; commercial office/warehouse; indoor production operations and associated warehousing; printing press operations; and research and development. Uses permitted within the City's OSR1 and OSR2 (Open Space/Recreation Zoning Districts) are also permitted within the AC2 zone, which generally include cemeteries, bodies of water, passive recreation, and natural open space. Code states that the proposed intensity of uses shall be determined by the City; whether it is compatible with the aircraft operations hazards. Generally, the uses permitted on the properties in the AC2 zone are limited to indoor manufacturing and preserved open space uses.

Because the subject property lies within the APZ II protective overlay zone, it is not suitable for high density and intensity General Commercial uses. Lower density uses associated with manufacturing and light industrial zoning districts would better align with the intent of the APZ II protective overlay.

#### **A-10 Transportation Master Plan Map – Priority Networks (All Modes)**

- A-11 Future Vision – Auto Priority Network Map
- A-12 Future Vision – Pedestrian Priority Network Map
- A-13 Future Vision – Bicycle Priority Network Map
- A-14 Future Vision – Transit Priority Network Map
- A-15 City of Tacoma Transportation Master Plan – Potential Streetcar Corridors Map
- A-16 Future Vision – Potential Sound Transit and Pierce Transit HCT Corridors
- A-17 City of Tacoma Transit Projects Map

These maps indicate that the City has no plans to extend transit, bike paths, pedestrian connectivity, street car service, etc. to serve the subject property or any property south of 56<sup>th</sup> Street approximately one mile north of the site. Therefore, this PDB District does not meet the locational criteria of General Commercial, which is intended to provide access to goods and services by the general public.

The subject property is located less than ½ mile east of Interstate 5 with easy access from Tacoma Mall Blvd and South 80<sup>th</sup> Street. Its proximity to planned light and heavy industrial uses and the Bates Technical College Campus near I-5 meets the City's locational criteria of an Employment Area.

Approval of the proposed Comprehensive Plan Amendment and Rezone:

- 1.) Will not adversely affect the City's public facilities or services, nor cause risk to the health, safety, and welfare of the public;
  - 2.) Will not negatively impact the City's capacity to provide adequate services (water, sewer, transportation, etc.); and
  - 3.) Will not require any studies because the Applicant does not propose redevelopment or changes in use in the short-term.
4. **If the proposed amendment is associated with a geographic area, please provide a more detailed description, along with maps, if applicable, of the affected area and the surrounding areas, showing all parcels (with parcel numbers), ownership of each parcel, current land uses, site characteristics, and natural features.**

The subject property is located along the south boundary of the city limits, adjacent to the City of Lakewood, and lies within the "Accident Potential Zone" (APZ) for flyover risks associated with the McChord AFB airport. The parcels adjacent to the south, in the City of Lakewood, also lie within the

airport protection overlay (AC2) and are developed with mini-storage and church uses. Maps depicting the land uses in the surrounding vicinity are provided.

Because of the safety hazard of the airport protective overlay, limited density associated with light industrial and manufacturing is a better fit for the subject property than high density uses generally associated with General Commercial.

- 5. If the proposed amendment is associated with a geographic area, please describe how it is compatible with the existing and planned land uses and development patterns of the adjacent neighborhood and explain how it may further enhance the adjacent neighborhood.**

As stated above, uses on the properties to the east of the subject property are better aligned with light industrial and/or manufacturing uses. Therefore, the City is planning to amend their land use designation from Residential to PDB. Because the City recognizes that the PDB District is problematic (Ref. Appendix C as addressed above), the Applicant suggests an amendment for these parcels south of South 78<sup>th</sup> Street and the subject property to Light Industrial rather than General Commercial to be consistent with the existing uses and the "Planned Employment Area".

- 6. If the proposed amendment is associated with a geographic area, please describe the applicant's interest in the affected property. Describe any plans for future activity related to or connected with this site. If you are not the owners, submit proof that the property owners have been notified and are aware of the application.**

The Applicant is interested in reclassification of the subject property from General Commercial to Light Industrial in order to bring existing uses on the site into compliance with the underlying zoning district.

- 7. Describe any community outreach you have conducted (i.e., when and how you contacted affected and abutting property owners and neighbors), and any community response received to the proposed amendment. Attach any letter(s) of support or written community response, if applicable.**

N/A

- 8. Please provide any supplemental information, which may include, but is not limited to, completion of an environmental checklist, wetland delineation study, visual analysis, or other studies.**

N/A

**Summary:**

For the reasons outlined above, the Applicant requests a Comprehensive Plan Amendment for the subject property from the General Commercial land use designation to the Light Industrial land use designation and a concurrent rezone to the M-1 Light Industrial zoning district.

We look forward to working with staff through the City's Comprehensive Plan Amendment process. If you have any questions, please feel free to contact Brent Carson at (206) 802-3831 or BRC@VNF.com.

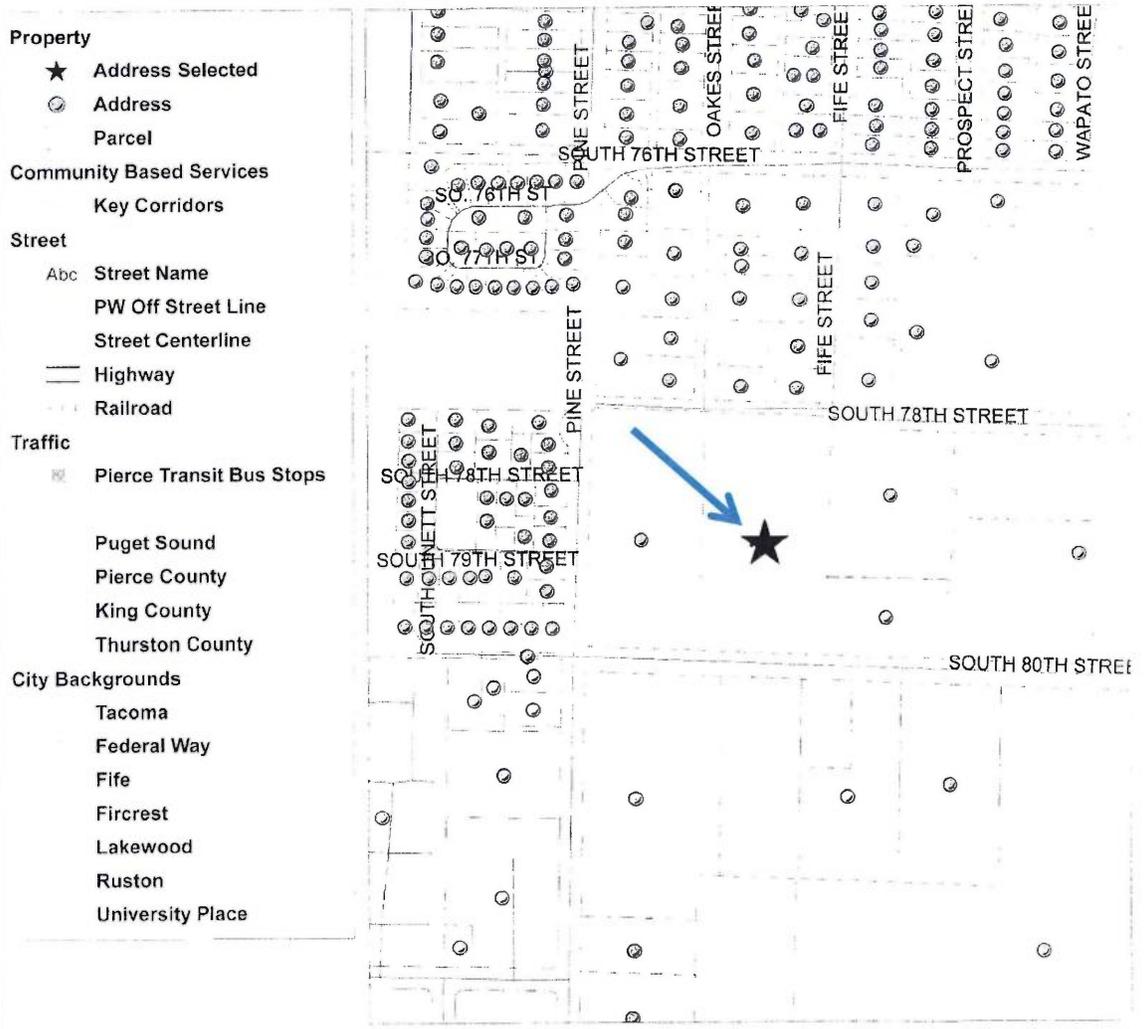
# Comprehensive Plan & Land Use Regulatory Code Amendment

## Cabot Properties, Inc.

### APPENDICES INDEX

<b>No.</b>	<b>Description</b>
<b>A-1</b>	City of Tacoma Vicinity Map
<b>A-2</b>	Aerial Map (area around 2615 80 <sup>th</sup> St S., Tacoma, WA)
<b>A-3</b>	Planned Employment Areas Map
<b>A-4</b>	Transportation Network Map
<b>A-5</b>	Future Land Use Map
<b>A-6</b>	Potential Rezones Map
<b>A-7</b>	Potential Rezone Map
<b>A-8</b>	Centers of Local Importance Map
<b>A-9</b>	City of Lakewood Zoning Map
<b>A-10</b>	Transportation Master Plan Map – Priority Networks (All Modes)
<b>A-11</b>	Future Vision – Auto Priority Network Map
<b>A-12</b>	Future Vision – Pedestrian Priority Network Map
<b>A-13</b>	Future Vision – Bicycle Priority Network Map
<b>A-14</b>	Future Vision – Transit Priority Network Map
<b>A-15</b>	City of Tacoma Transportation Master Plan – Potential City of Tacoma Streetcar Corridors Map
<b>A-16</b>	Future Vision – Potential Sound Transit and Pierce Transit HCT Corridors
<b>A-17</b>	City of Tacoma Transit Projects Map
<b>B</b>	One Tacoma: Comprehensive Plan, One: Urban Form – Table 3. Comprehensive Plan Future Land Use Designations / Corresponding Zoning
<b>C</b>	City of Tacoma Memo dated September 28, 2016 – Commercial Zoning Update – PDB Zoning Districts

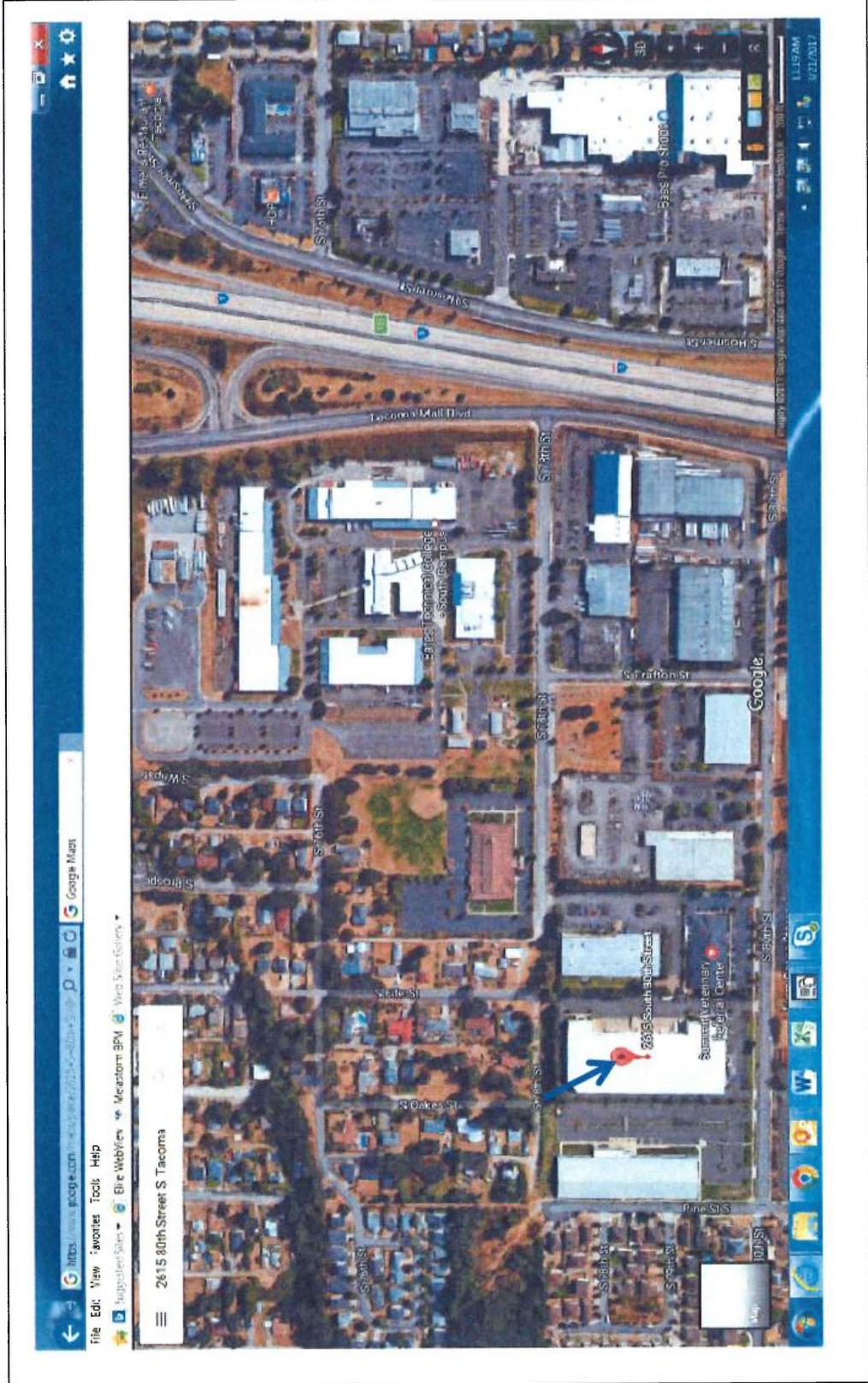
# City of Tacoma



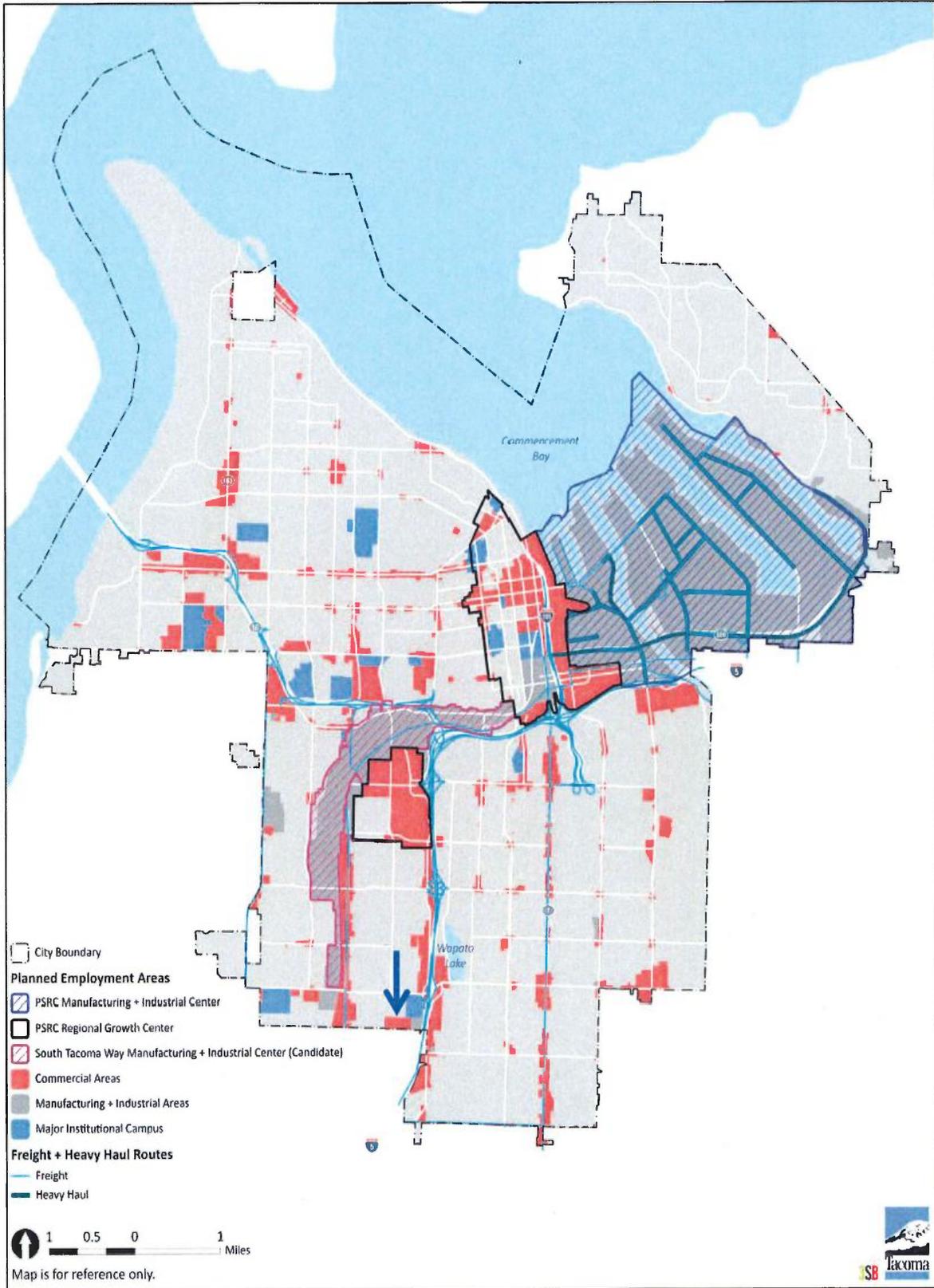
SCALE 1 : 4,437



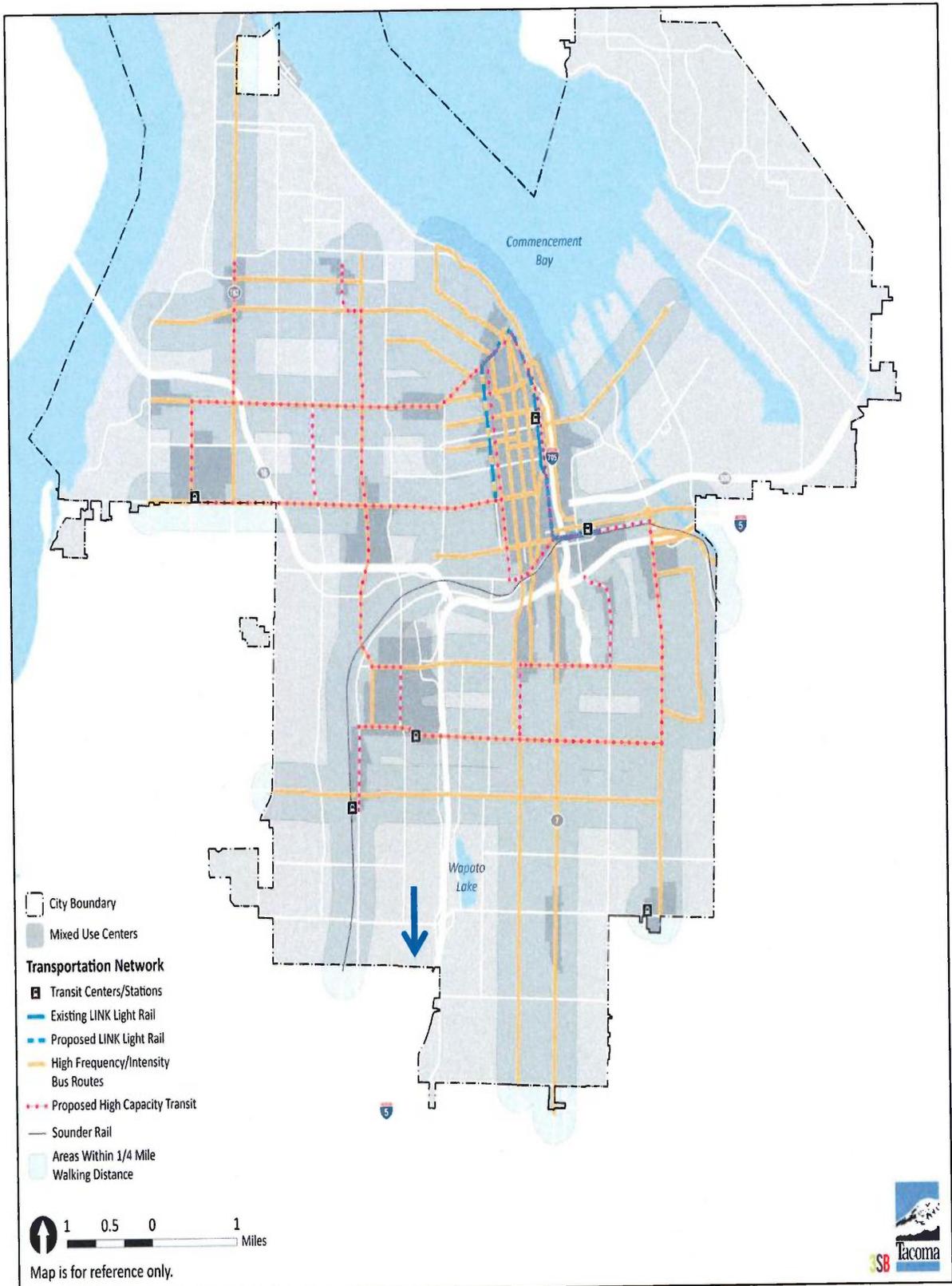
Tuesday, March 21, 2017 10:51 AM



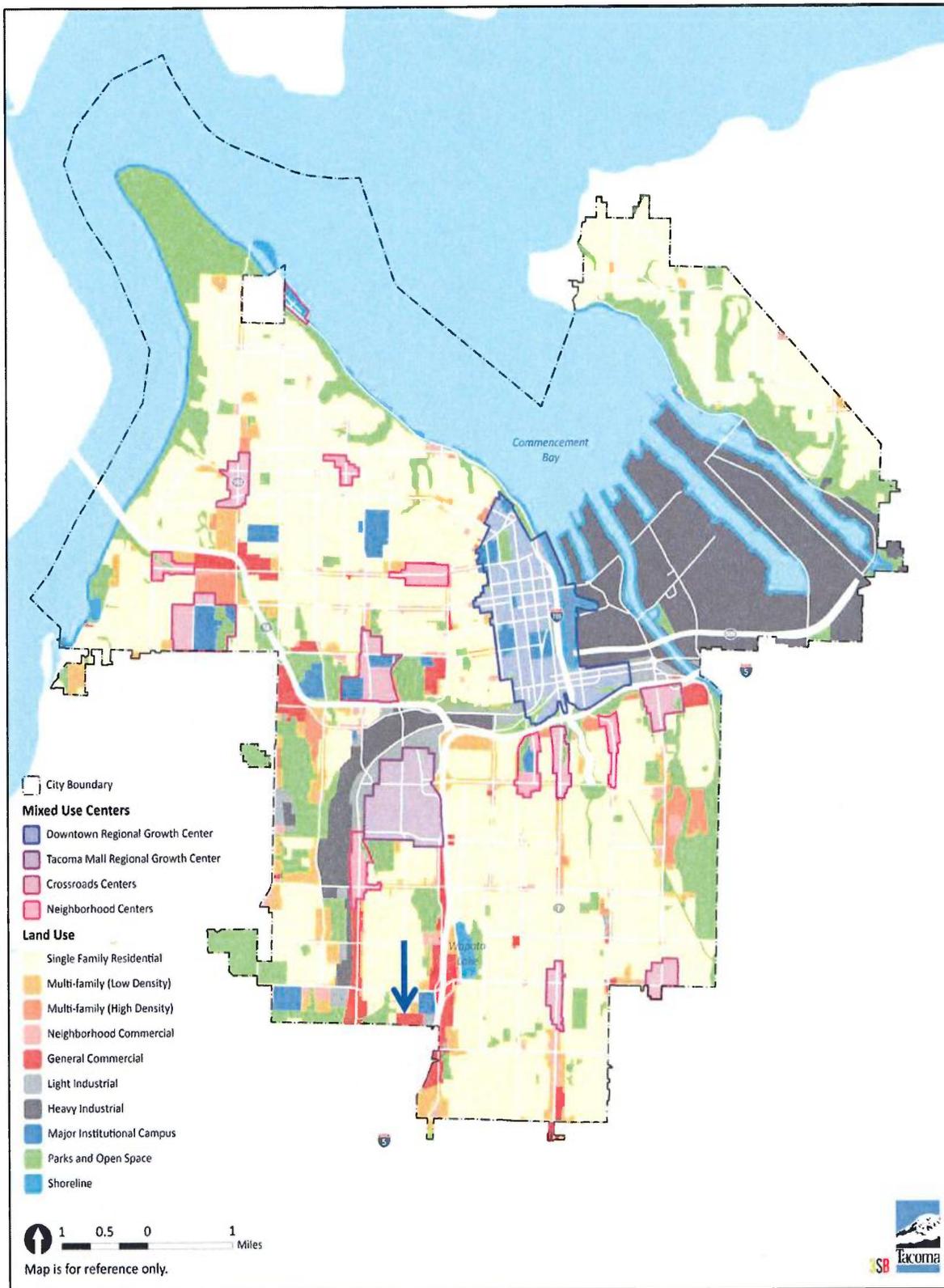
APPENDIX A-2



**APPENDIX A-3**



**APPENDIX A-4**



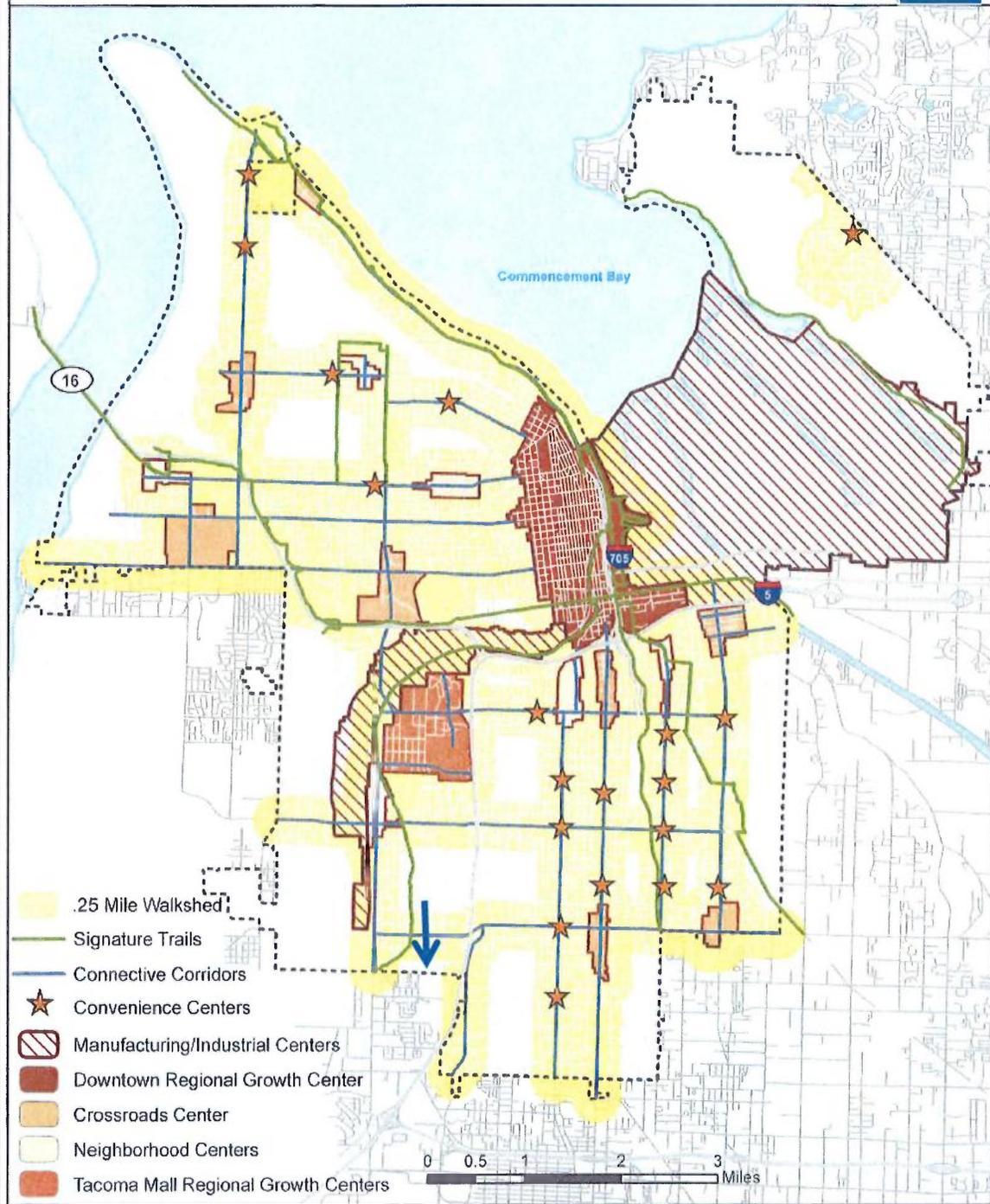
**APPENDIX A-5**



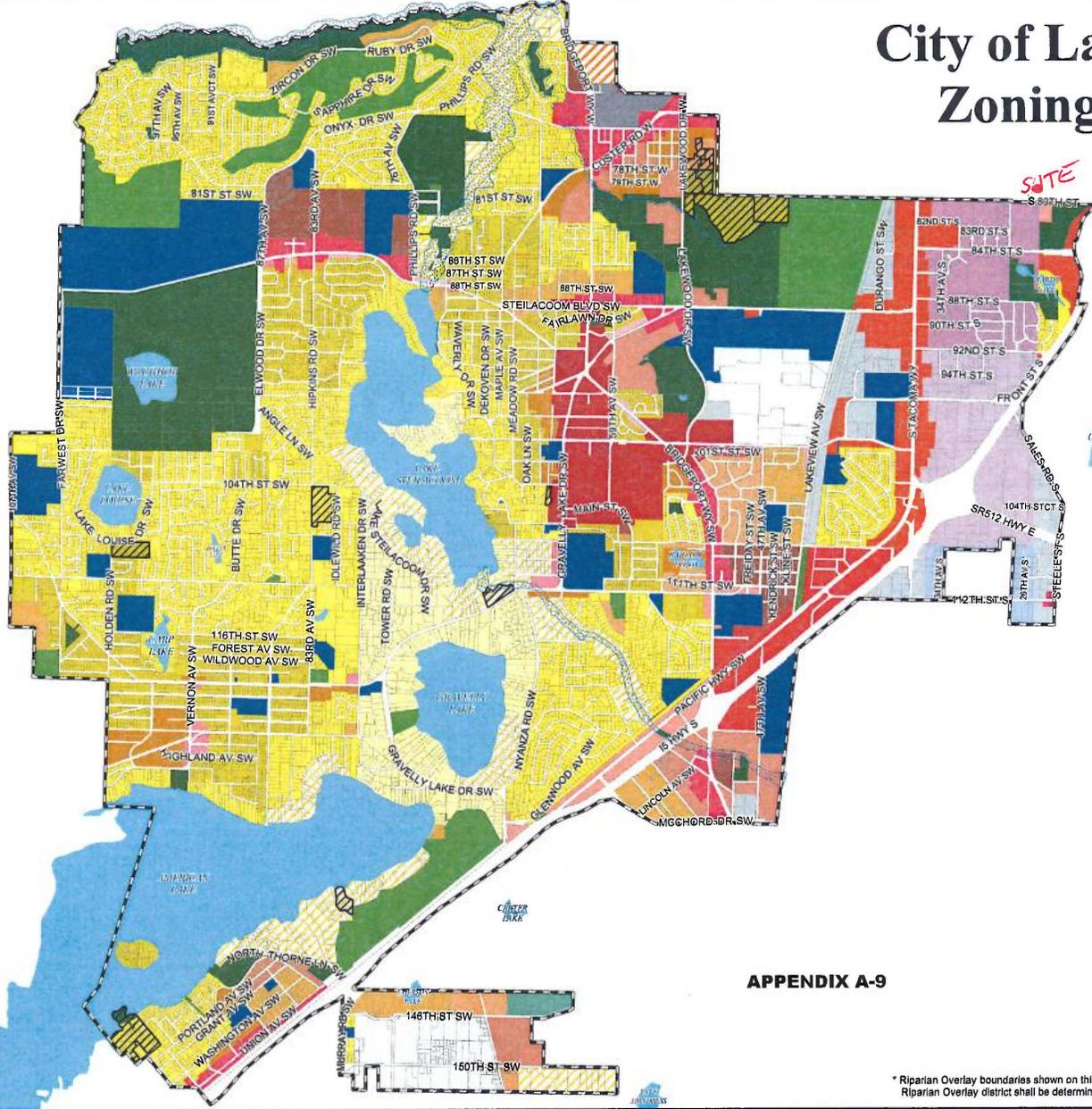
# ArcGIS Web Map



# Centers Of Local Importance



# City of Lakewood Zoning Map



- Air Corridor 1 (AC1)
- Air Corridor 2 (AC2)
- Arterial Residential/Commercial (ARC)
- Commercial One (C1)
- Commercial Two (C2)
- Commercial Three (C3)
- Central Business District (CBD)
- Clear Zone (CZ)
- Industrial One (I1)
- Industrial Two (I2)
- Industrial Business Park (IBP)
- Multi Family One (MF1)
- Multi Family Two (MF2)
- Multi Family Three (MF3)
- Military Lands (ML)
- Mixed Residential One (MR1)
- Mixed Residential Two (MR2)
- Neighborhood Commercial (NC1)
- Neighborhood Commercial (NC2)
- Open Space & Recreation One (OSR1)
- Open Space & Recreation Two (OSR2)
- Public / Institutional (PI)
- Residential One (R1)
- Residential Two (R2)
- Residential Three (R3)
- Residential Four (R4)
- Transit Oriented Commercial (TOC)
- Water/OSR1
- Lakewood City Limit
- Tax Parcel
- Riparian Buffer\*
- Planned Development District

Map Date: January 07, 2016  
 0 0.5 1 Mile

This product was prepared with care by City of Lakewood GIS. City of Lakewood expressly disclaims any liability for any inaccuracies which may yet be present. This is not a survey. Datasets were collected at different accuracy levels by various sources. Data on this map may be shown at scales larger than its original compilation. Call 253-586-2469 for further information.

## APPENDIX A-9

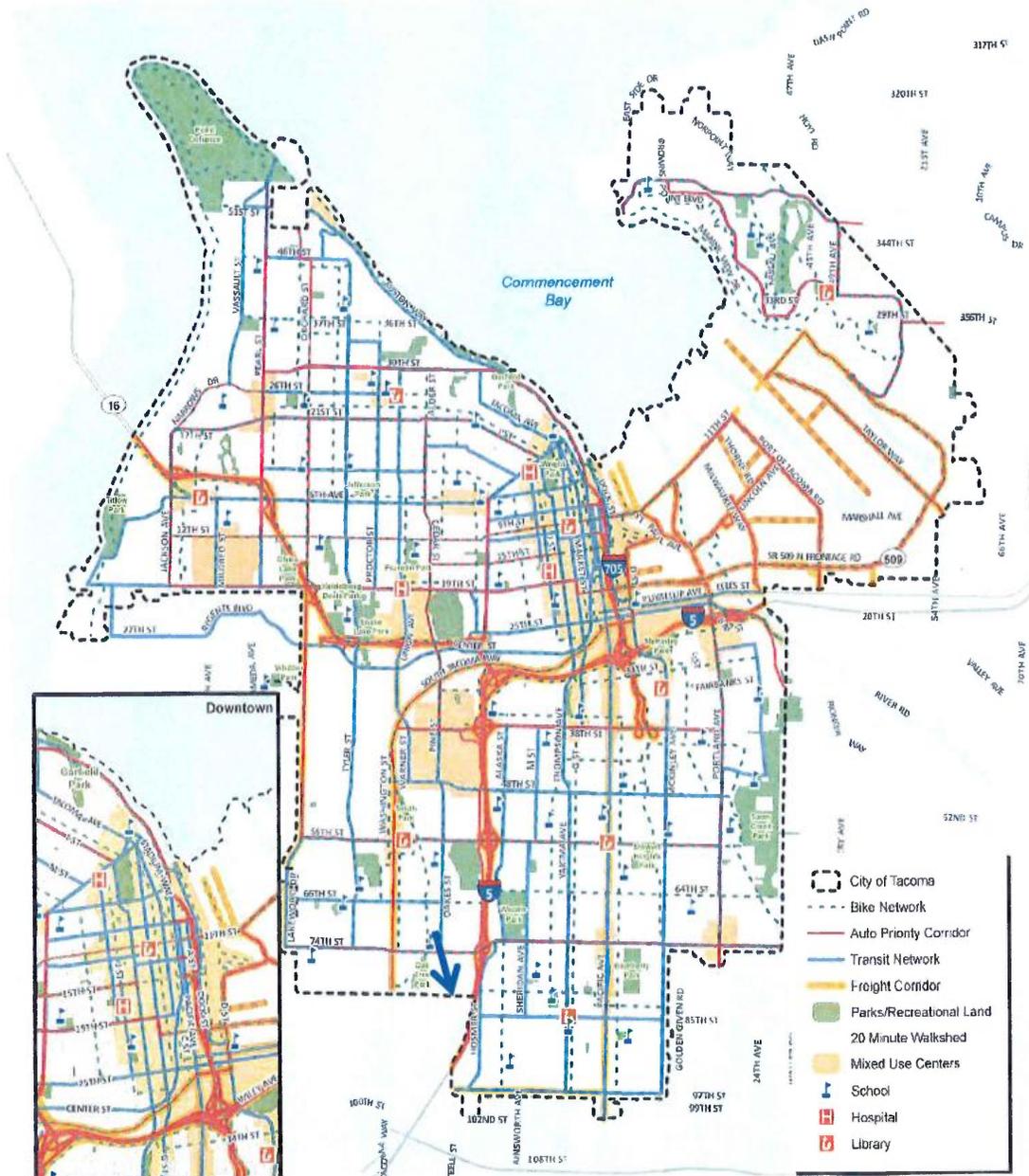
\* Riparian Overlay boundaries shown on this map are for reference purposes only. The specific limits of the Riparian Overlay district shall be determined through site specific analysis of slope and environmental conditions.



# City of Tacoma TRANSPORTATION MASTER PLAN



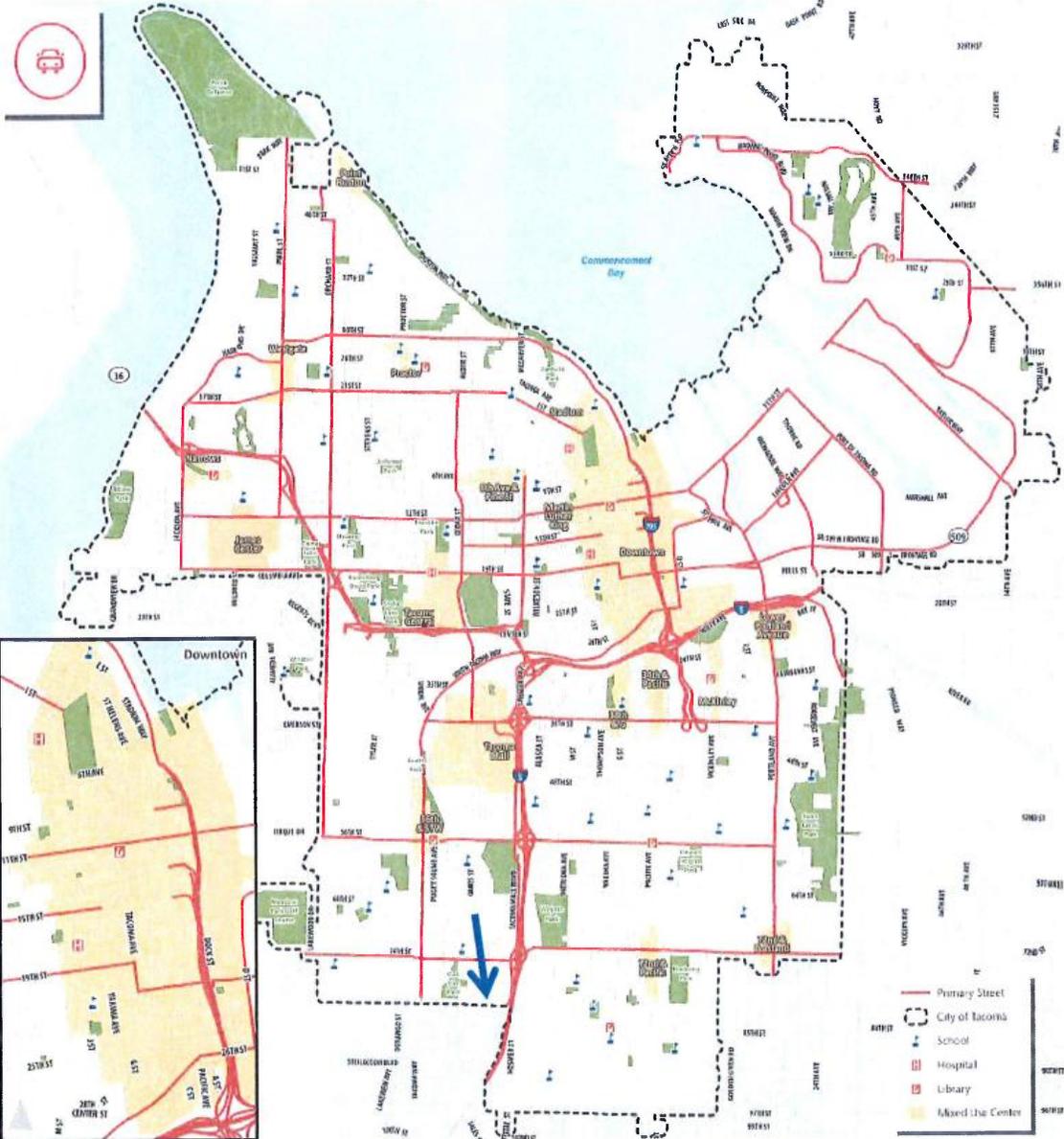
## PRIORITY NETWORKS (ALL MODES)



# FUTURE VISION



## AUTO PRIORITY NETWORK

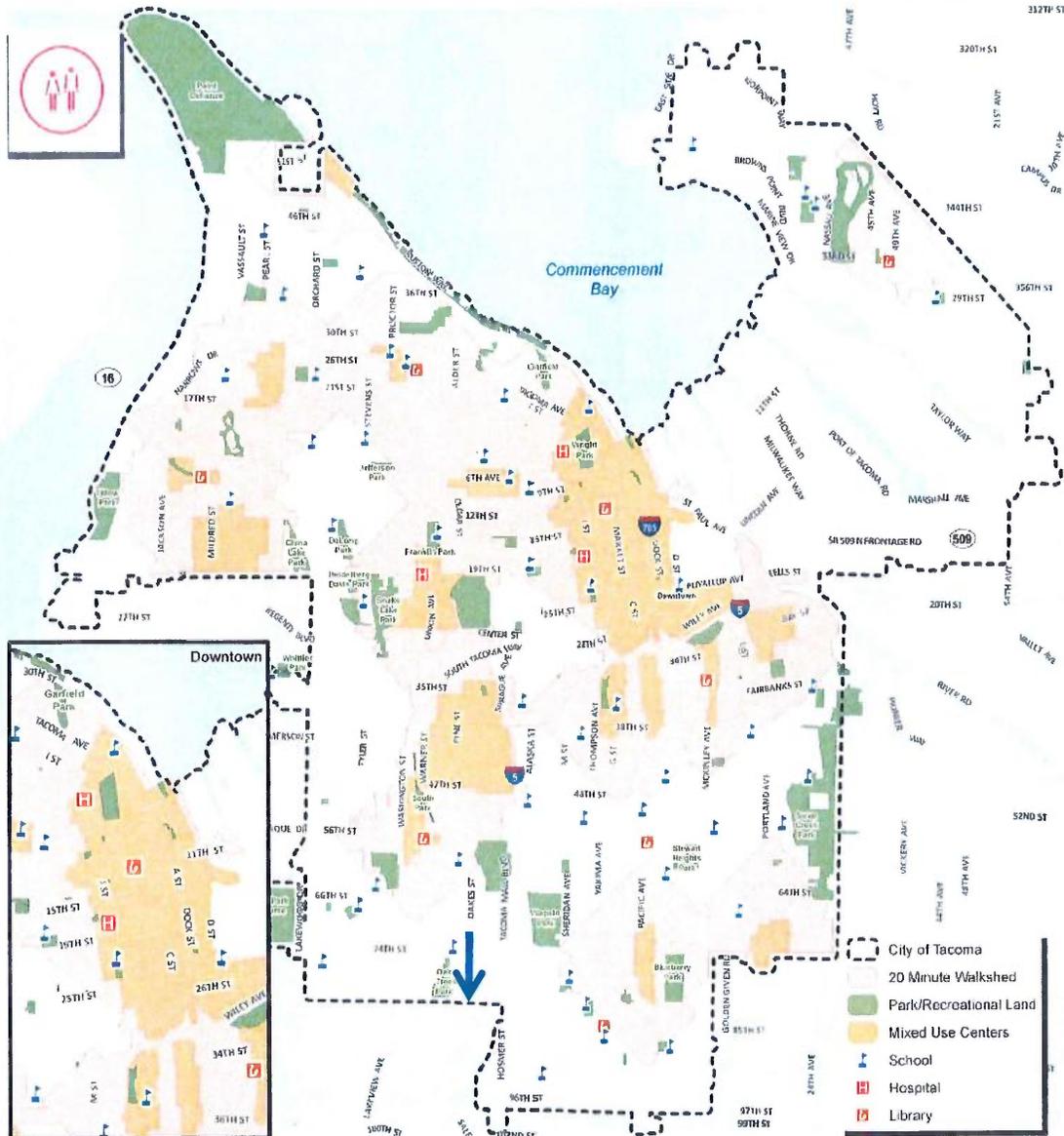


FUTURE VISION IMPLEMENTATION FUTURE CONDITIONS November 2015 | 93

# FUTURE VISION



## PEDESTRIAN PRIORITY NETWORK



- City of Tacoma
- 20 Minute Walkshed
- Park/Recreational Land
- Mixed Use Centers
- School
- Hospital
- Library

FUTURE VISION IMPLEMENTATION FUTURE CONDITIONS November 2015 | 71

# FUTURE VISION



## BICYCLE PRIORITY NETWORK



Note: The specific bicycle treatment to be provided on SR 509 has not yet been determined. This map identifies the desire to provide a dedicated non-motorized facility.



FUTURE VISION IMPLEMENTATION FUTURE CONDITIONS November 2015 | 77

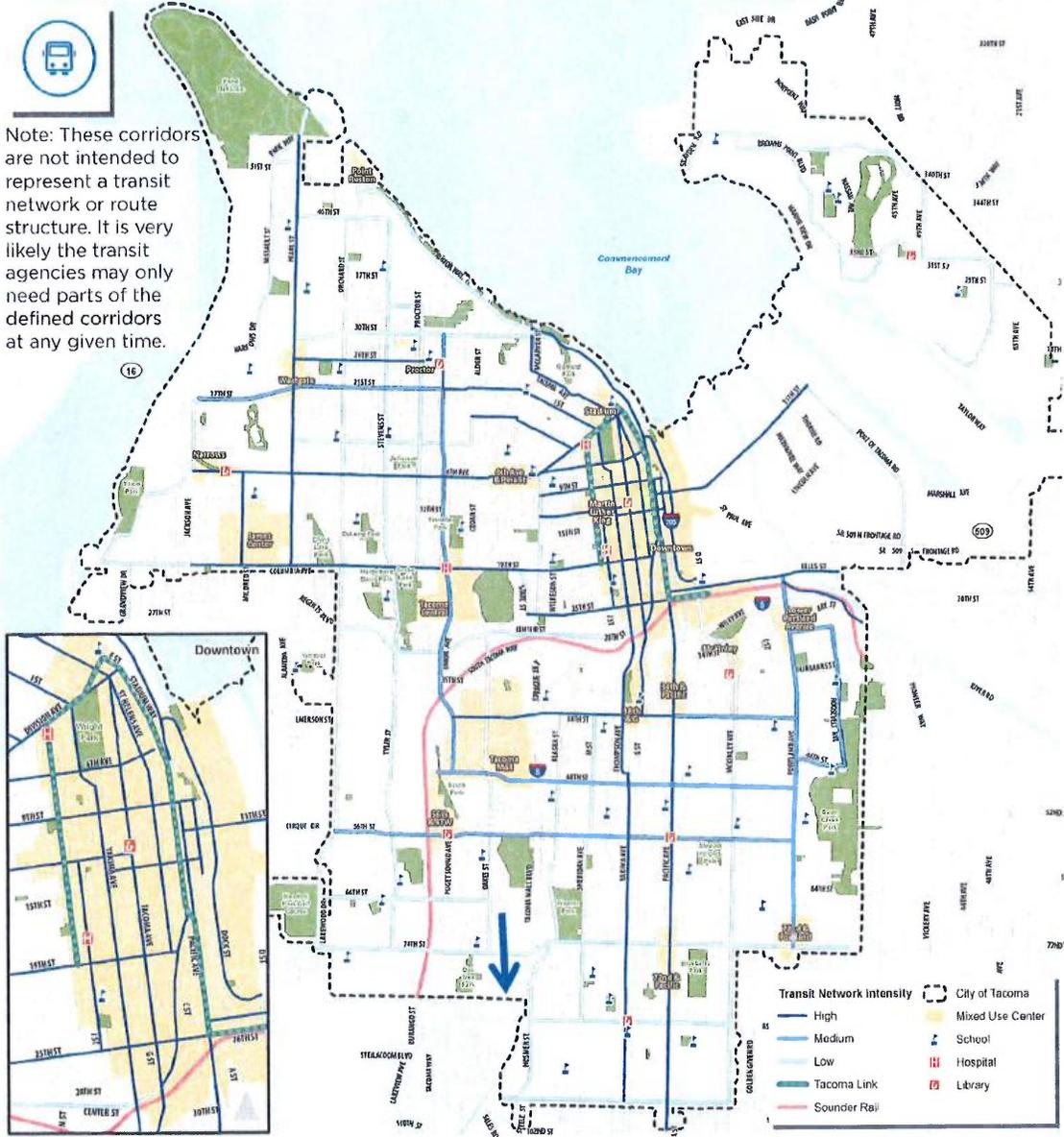
# FUTURE VISION



## TRANSIT PRIORITY NETWORK



Note: These corridors are not intended to represent a transit network or route structure. It is very likely the transit agencies may only need parts of the defined corridors at any given time.



FUTURE VISION

IMPLEMENTATION

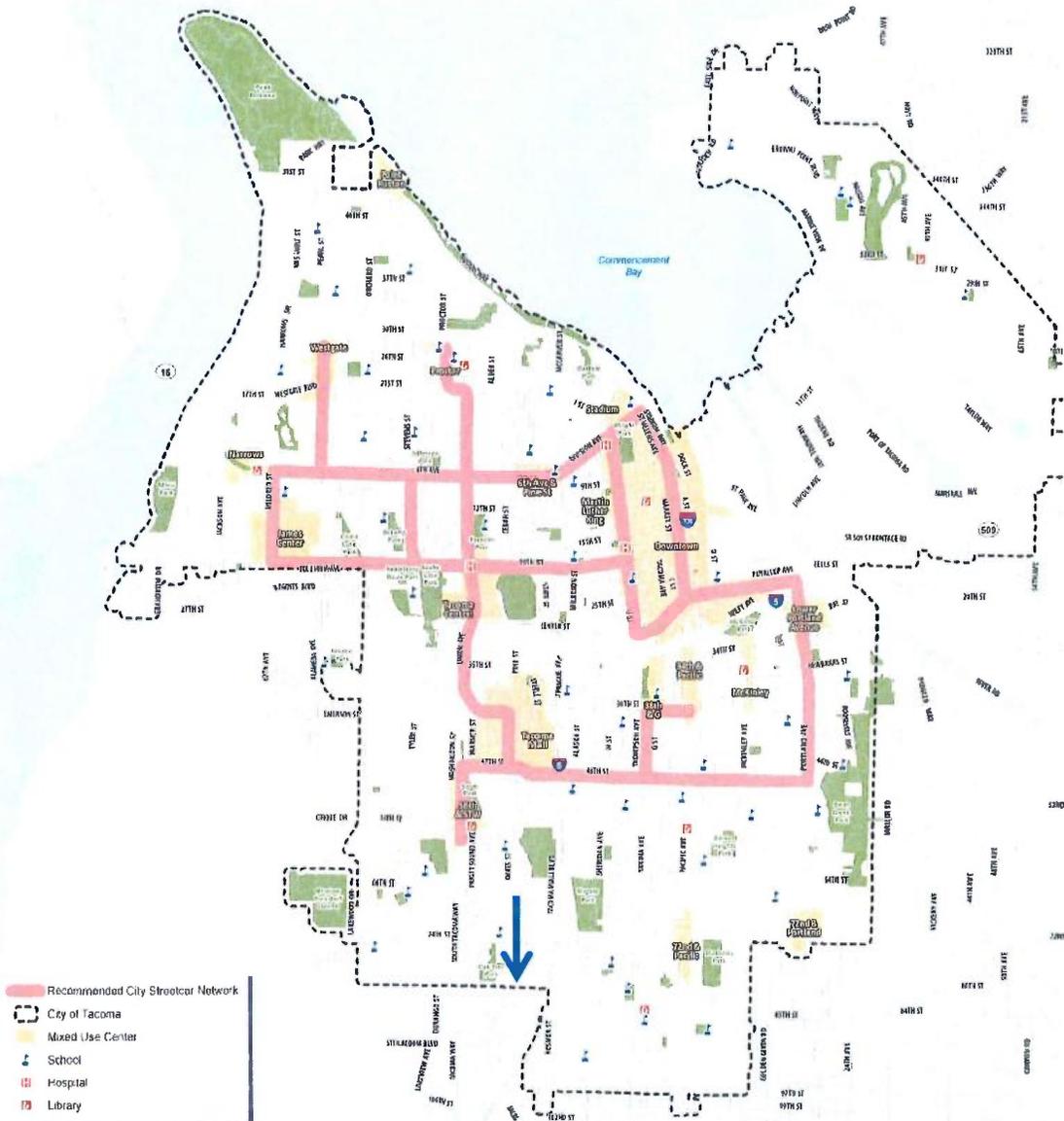
FUTURE CONDITIONS

November 2015 | 81



# City of Tacoma TRANSPORTATION MASTER PLAN

## POTENTIAL CITY OF TACOMA STREETCAR CORRIDORS

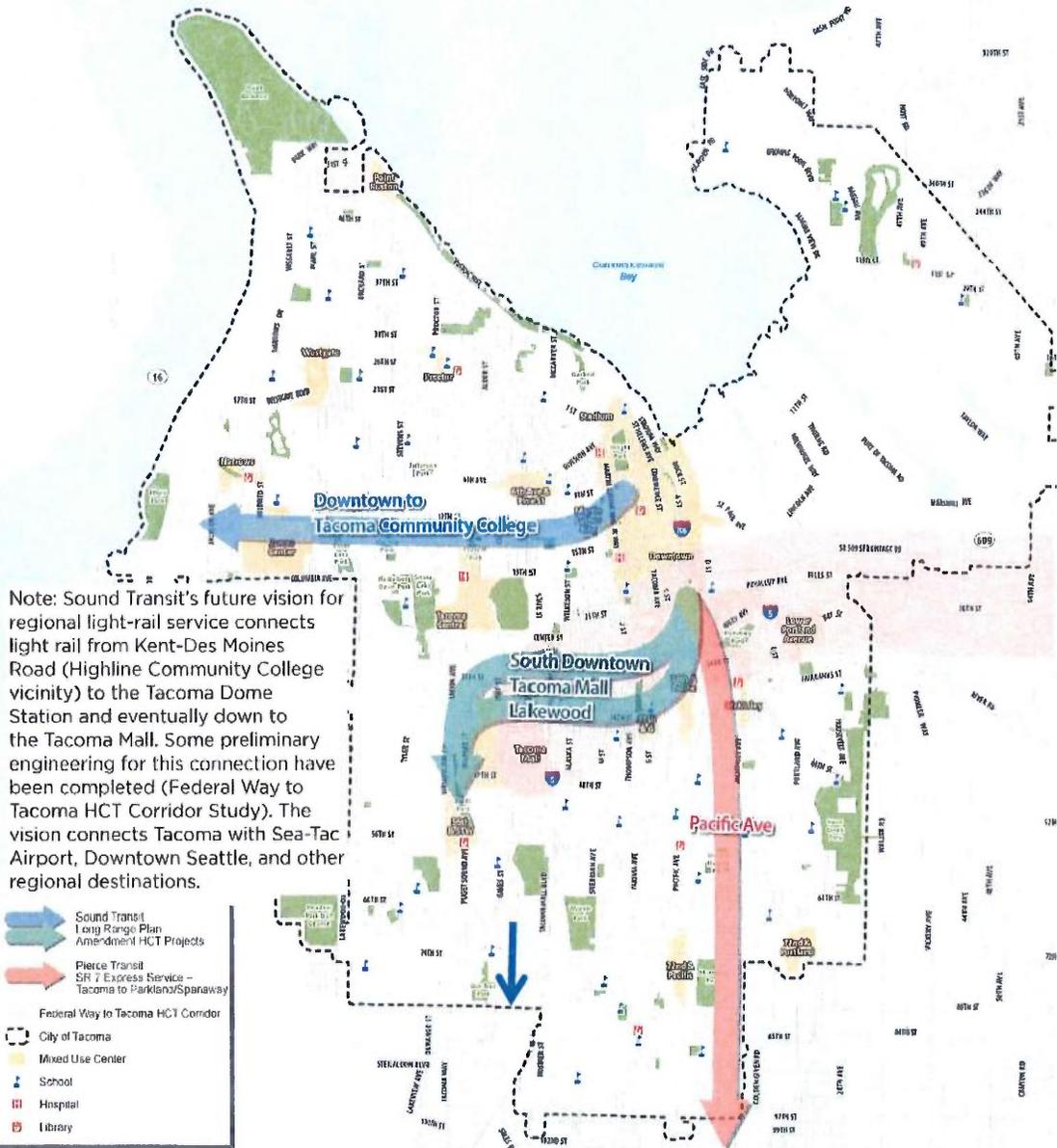


- Recommended City Streetcar Network
- City of Tacoma
- Mixed Use Center
- School
- Hospital
- Library

# FUTURE VISION



## POTENTIAL SOUND TRANSIT AND PIERCE TRANSIT HCT CORRIDORS



FUTURE VISION

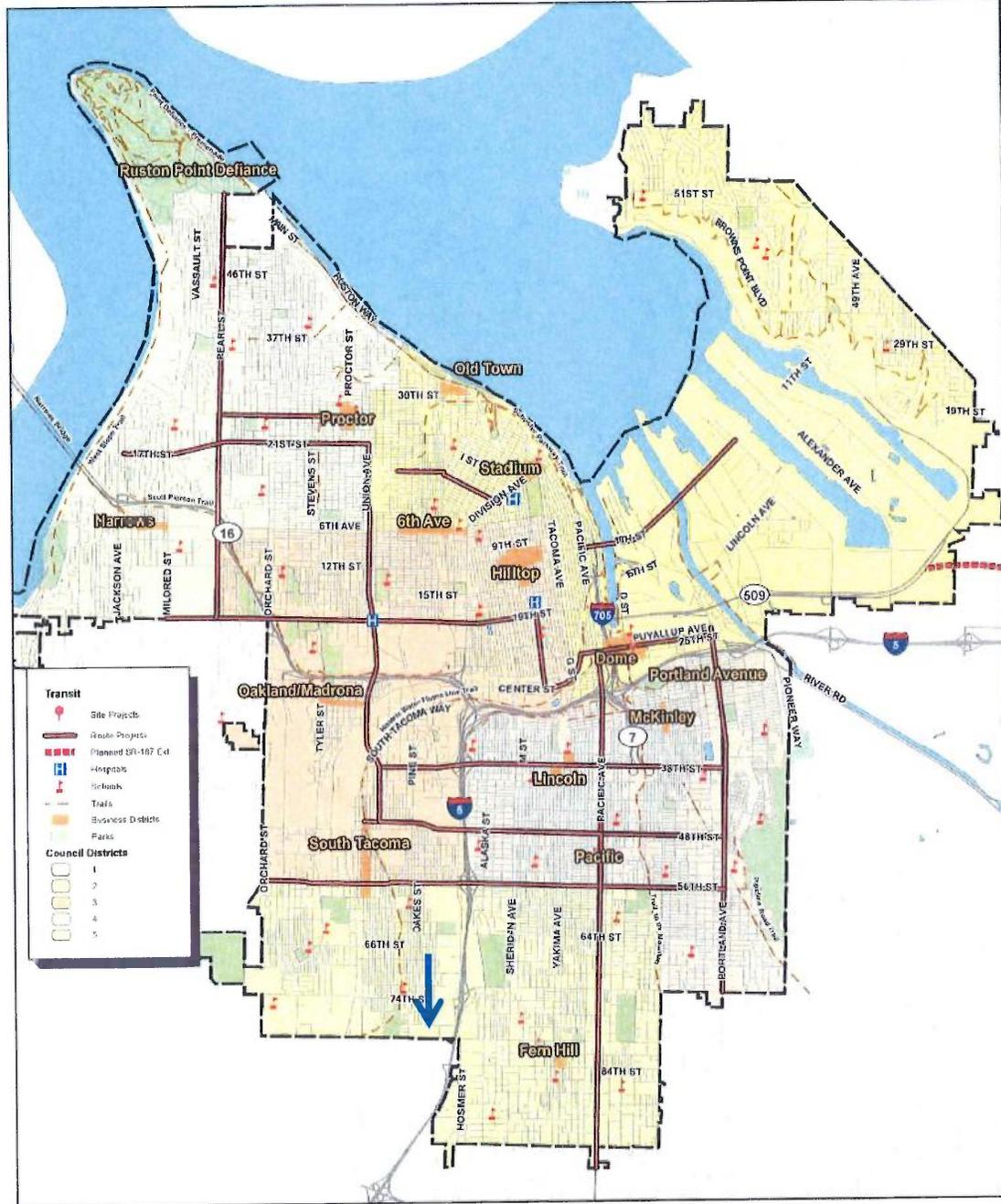
IMPLEMENTATION

FUTURE CONDITIONS

November 2015 | 85

# City of Tacoma

## Transit Projects



City of Tacoma

Transportation Master Plan

Author: City of Tacoma  
Date: 10/2/2015



**COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATIONS**

**Neighborhood Commercial**

This designation is characterized primarily by small-scale neighborhood businesses with some residential and institutional uses. Uses within these areas have low to moderate traffic generation, shorter operating hours, smaller buildings and sites, and less signage than general commercial or mixed-use areas. There is a greater emphasis on small businesses and development that is compatible with nearby, lower intensity residential areas.

*Target Development Density: 14–36 dwelling units/net acre*

**General Commercial**

This designation encompasses areas for medium to high intensity commercial uses which serves a large community base with a broad range of larger scale uses. These areas also allow for a wide variety of residential development, community facilities, institutional uses, and some limited production and storage uses. These areas are generally located along major transportation corridors, often with reasonably direct access to a highway. This designation is characterized by larger-scale buildings, longer operating hours, and moderate to high traffic generation.

*Target Development Density: 45–75 dwelling units/net acre*

**Downtown Regional Growth Center**

The downtown center is the highest concentration of urban growth found anywhere in the city. It is the focal point for the city, the center of government, cultural, office, financial, transportation and other activities. This variety of day and night activities attracts visitors from throughout the city and region. The interstate freeway, major arterials, provides access and the center has both local and regional transit connections. Larger, often historic, buildings fronting on the sidewalk characterize the area. Pedestrian orientation is high. Parking is found along the street and within structures.

**Tacoma Mall Regional Growth Center**

The Tacoma Mall is a highly dense self-sufficient concentration of urban development. Buildings can range from one to twelve stories and activity is greater than in most areas of the city. It is an area of regional attraction and a focus for both the local and regional transit systems. Many major city arterials connect to the Tacoma Mall Regional Growth Center and nearby freeway access is present. Parking is provided both in surface lots and within structures. Internal streets and pathways provide connections among the developments within the center.

*Minimum Allowable Site Density: 25 dwelling units/net acre*

**CORRESPONDING ZONING**

**C-1** General Neighborhood Commercial District  
**T** Transitional District

**PDB** Planned Development Business District  
**HM** Hospital Medical District  
**C-2** General Community Commercial District

**DR** Downtown Residential District  
**DMU** Downtown Mixed-Use District  
**WR** Warehouse/Residential District  
**DCC** Downtown Commercial Core District  
**UCX-TD** Downtown Mixed-Use District

**UCX** Urban Center Mixed-Use District  
**RCX** Residential Commercial Mixed-Use District  
**URX** Urban Residential Mixed-Use District

**COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATIONS**

**CORRESPONDING ZONING**

**Crossroads Center**

The crossroads center is a concentration of commercial and/or institutional development that serves many nearby neighborhoods and generally includes a unique attraction that draws people from throughout the city. Some residential development may already be present, and there is a goal to have more residential development. It is directly accessible by arterials and local transit. Pedestrian accessibility is important within the center, but because of its focus on larger scale commercial development, the crossroads center continues to provide for automobile parking, preferably within structures.

*Minimum Allowable Development Density: 25 dwelling units/net acre*

**Neighborhood Center**

The neighborhood center is a concentrated mix of small- to medium-scale development that serves the daily needs of center residents, the immediate neighborhood, and areas beyond. Development contains a mix of residential and commercial uses, and the majority of parking is provided within structures. Buildings are generally up to six stories along the commercial corridors, up to three stories at the periphery of the centers near single-family districts, and up to four stories in areas between the core and the periphery. They are designed with a compatible character to adjacent residential neighborhoods. The design of the neighborhood center encourages pedestrians and bicyclists and its location on a major arterial makes it a convenient and frequent stop for local transit. The regional transit network also may directly serve some neighborhood centers.

*Minimum Allowable Development Density: 25 dwelling units/net acre*

**Light Industrial**

This designation allows for a variety of industrial uses that are moderate in scale and impact, with lower noise, odors and traffic generation than heavy industrial uses.

This designation may include various types of light manufacturing and warehousing and newer, clean and high-tech industries, along with commercial and some limited residential uses. These areas are often utilized as a buffer or transition between heavy industrial areas and less intensive commercial and/or residential areas.

**Heavy Industrial**

This designation is characterized by higher levels of noise and odors, large-scale production, large buildings and sites, extended operating hours, and heavy truck traffic. This designation requires access to major transportation corridors, often including heavy-haul truck routes and rail facilities. Commercial and institutional uses are limited and residential uses are generally prohibited.

**CCX** Community Commercial Mixed-Use District  
**RCX** Residential Commercial Mixed-Use District  
**HMX** Hospital Medical Mixed-Use District  
**URX** Urban Residential Mixed-Use District

**NCX** Neighborhood Commercial Mixed-Use District  
**RCX** Residential Commercial Mixed-Use District  
**CIX** Commercial Industrial Mixed-Use District  
**HMX** Hospital Medical Mixed-Use District  
**URX** Urban Residential Mixed-Use District  
**NRX** Neighborhood Residential Mixed-Use District

**M-1** Light Industrial District

**M-2** Heavy Industrial District  
**PMI** Port Maritime & Industrial District



City of Tacoma  
Planning and Development Services

Agenda Item  
D-3

**To:** Planning Commission  
**From:** Stephen Atkinson, Planning Services Division  
**Subject:** **Commercial Zoning Update – PDB Zoning Districts**  
**Date of Meeting:** October 5, 2016  
**Date of Memo:** September 28, 2016

At the October 5, 2016 Planning Commission meeting staff will be presenting an assessment of the City's Planned Development Business Districts for inclusion in the 2018 amendment cycle as part of the overall Commercial Zoning Update.

The Commercial Zoning Update seeks to better align the City's T, C-1, C-2, and PDB districts with both the existing and planned use and development patterns within the City's commercial districts. The zoning update will not include areas zoned as part of designated center. The initial phase of the update will focus on analyzing the existing characteristics of the areas zoned for, or planned for, commercial uses. Likely characteristics to be evaluated include: Floor-area-ratio, building coverage, lot sizes, intersection density and block sizes, proximity to residential areas, and front setbacks.

Within this scope of work, the staff recommendation is to review the Planned Development Business Districts as a distinct sub-element. The staff presentation will introduce these areas and some of the particular use and development issues that need to be resolved through the process. The ultimate outcomes of this review will also be dependent on the ultimate recommendations for the C-2 districts.

The intent of the PDB district is as follows:

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

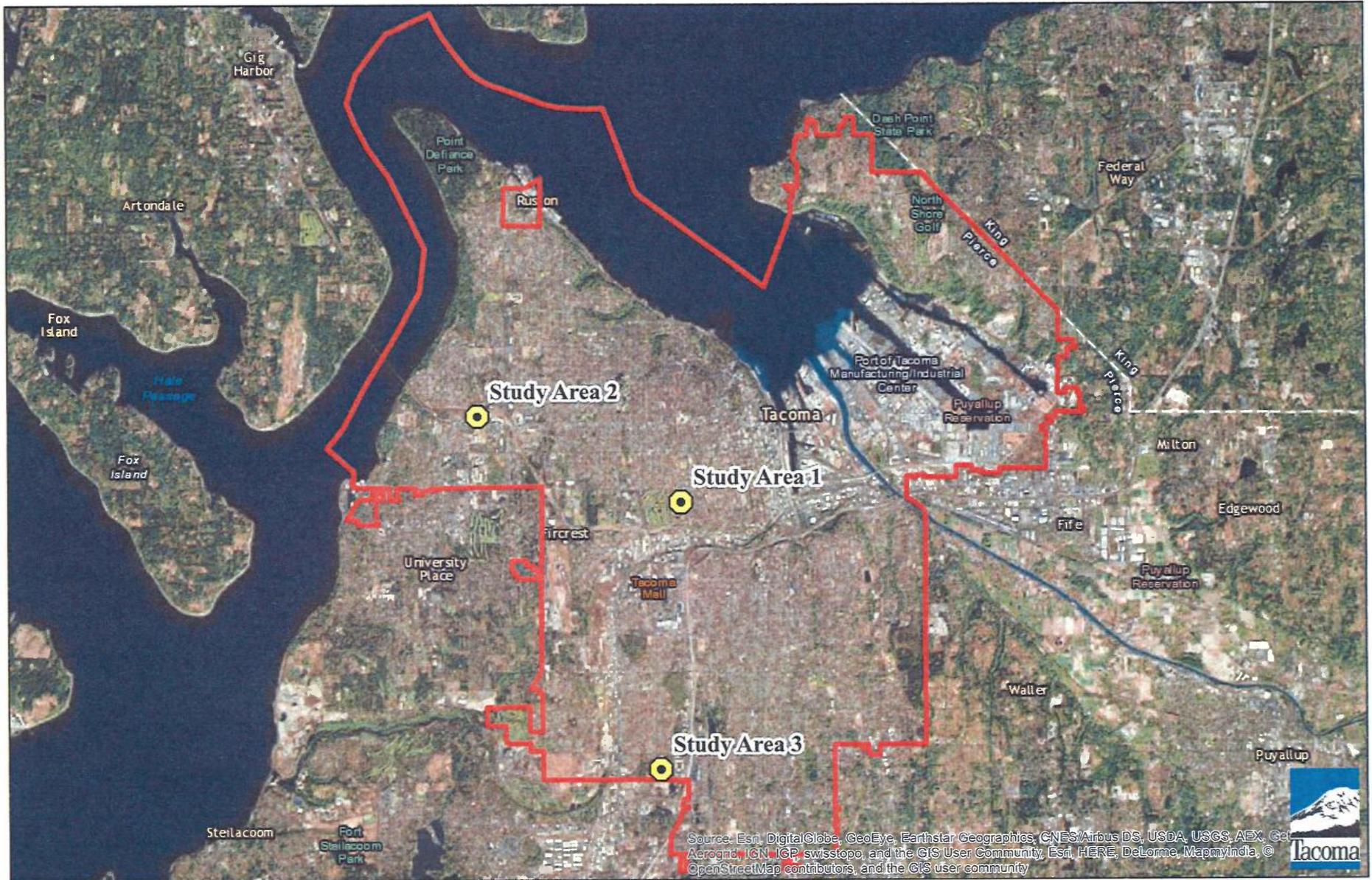
Currently, there are only three locations within the City zoned as PDB and only seven distinct businesses. Based on the scant use of the zoning district, the relative ineffectiveness of the district in meeting the intent, as well as feedback and concern from existing businesses and property owners, staff recommends including these areas as a subset of the overall commercial zoning update. The map on the following page depicts the study areas.

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

c: Peter Huffman, Director

# City of Tacoma | Planning and Development Services

## PDB Study Areas



↑ Map is for reference only.

0 3 6 12 Miles

### Study Area 1: PDB Future Land Use



Map is for reference only.



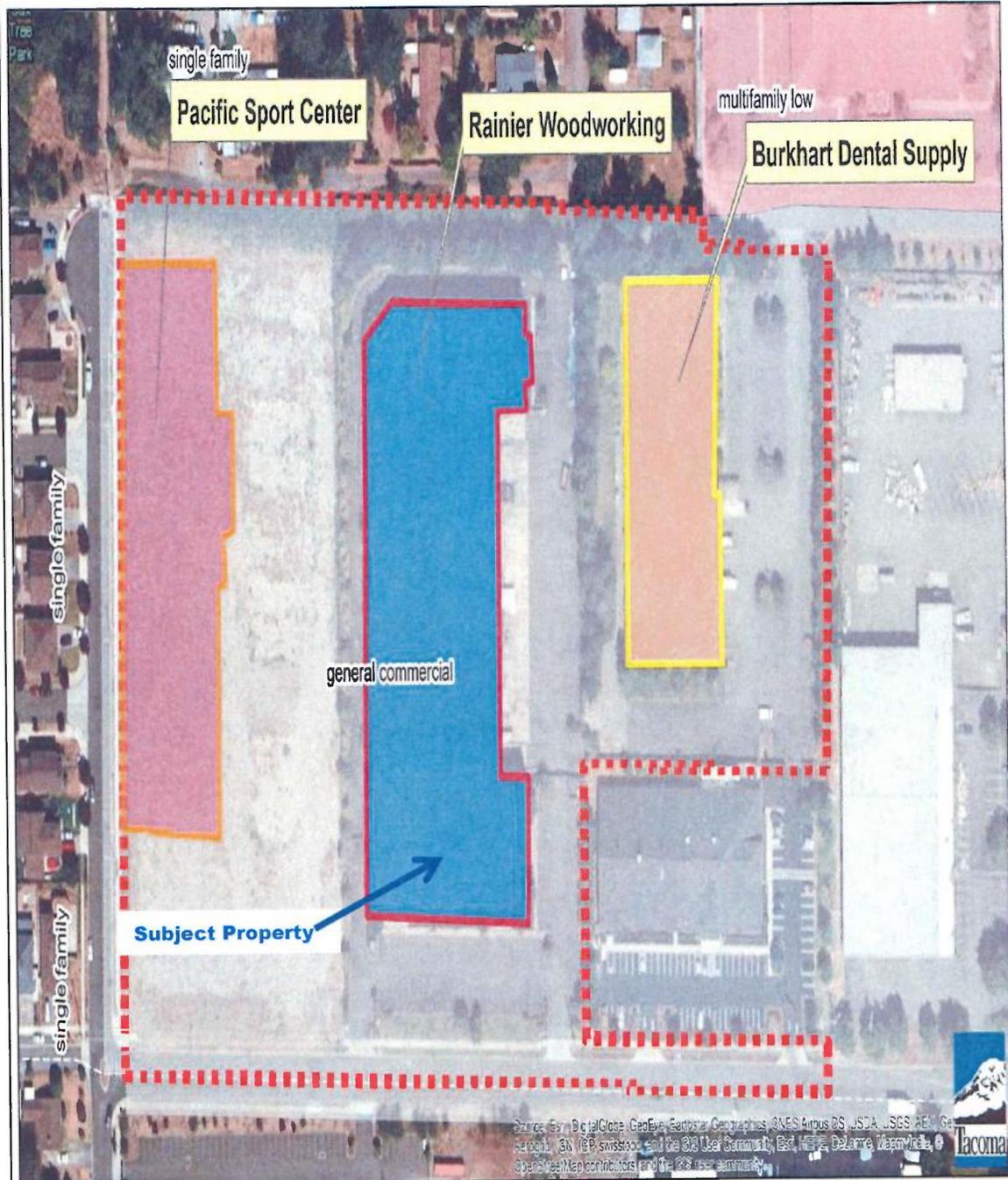
## Study Area 2: PDB Future Land Use



↑ Map is for reference only.

0 175 350 700 Feet

### Study Area 3: PDB Future Land Use



Map is for reference only.







City of Tacoma  
Planning and Development Services

**Agenda Item  
D-3**

**To:** Planning Commission  
**From:** Lihuang Wung, Planning Services Division  
**Subject:** **Correctional Facilities Interim Regulations**  
**Meeting Date:** April 19, 2017  
**Memo Date:** April 13, 2017

At the next meeting on April 19, 2017, the Planning Commission will continue its discussion on the Correctional Facilities Interim Regulations enacted by the City Council on March 7, 2017, per Ordinance No. 28417. The Commission is expected to finalize its findings of fact and recommendations on the matter, in response to the Council's request and in accordance with the Tacoma Municipal Code, Section 13.02.055.

Attached for the Commission's review and consideration for approval are the draft Findings of Fact and Recommendations Report and the draft Letter of Recommendation, prepared based on the Commission's review, discussion and deliberations on the matter at the last meeting on April 5<sup>th</sup>.

If you have any questions, please contact me at (253) 591-5682 or [lwung@cityoftacoma.org](mailto:lwung@cityoftacoma.org).

Attachment

c. Peter Huffman, Director





**City of Tacoma  
Planning Commission**

Draft Letter of Recommendation  
For Planning Commission's Review  
April 19, 2017

April 19, 2017

Honorable Mayor and Members of the City Council:

On behalf of the Planning Commission, and in accordance with the Tacoma Municipal Code, Section 13.02.055, I am forwarding our findings of fact and recommendations regarding the Correctional Facilities Interim Regulations enacted by the City Council on March 7, 2017, per Ordinance No. 28417.

The Commission acknowledges and understands the Council's intent and objectives in enacting the interim regulations, which highlight community concerns about correctional facilities generally as well as how they are currently regulated in the City's zoning code. The Commission also feels the sentiment of the community about immigration, social justice and associated issues, due to the current national political environment and the uncertainty it has instigated. However, the Commission has great concerns about using the City's land use regulatory authority to potentially try and address these types of broad-reaching, politically charged, and largely national-level issues.

While the Commission is concerned about the objectives, impact and potential legal issues surrounding the imposition of the interim regulations, the Commission also recognizes that there are a number of legitimate land use issues regarding correctional facilities that deserve further analysis and community discussion. Given the unique circumstances surrounding the interim regulations, which encompass both land use and non-land use perspectives, the Commission recommends the following 3-phased action strategy as the path forward:

1. Immediate Action – Modify the interim regulations, upon the completion of the Council's public hearing on this matter on April 25, 2017, to better align the code language with the Council's intent to prohibit new private correctional facilities *and* the expansion of existing facilities.
2. Short-term Action – Develop permanent regulations for the Council's adoption before the interim regulations expire on September 6, 2017.
3. Long-term Action – Evaluate land uses in the Tideflats area and determine if correctional facilities and other similar "residential" uses and non-industrial uses are appropriate in PMI and M-2 zoning districts. This work can be incorporated into the scope of work for the Tideflats Subarea Plan that is being contemplated by the City of Tacoma and the Port of Tacoma.

Attached is the *Planning Commission's Findings of Fact and Recommendations Report* which documents the Commission's observations, concerns, deliberations, and recommendations. Please be advised that the Commission's decision was not unanimous. Our review and discussion of the matter was robust, vigorous and contentious, with divisive and strong opposing viewpoints. But we look forward to our continued work in addressing land use issues associated with correctional facilities and other similar and relevant uses within the City.

Sincerely,

CHRIS BEALE  
Chair, Planning Commission

Enclosure





# Correctional Facilities Interim Regulations

## (Revisions to TMC 13.06 Zoning)

### Findings of Fact and Recommendations

*(Draft for Planning Commission's Consideration on April 19, 2017)*

#### A. Subject:

Emergency interim zoning regulations pertaining to public and private correctional facilities enacted by the City Council on March 7, 2017, per Ordinance No. 28417 (see Exhibit 1).

#### B. Summary of the Interim Regulations:

The interim regulations are effective for six months (through September 6, 2017) or until the City's zoning regulations for correctional facilities are permanently updated. The interim regulations amend the Tacoma Municipal Code, Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, and 13.06.700, as follows:

- Modify the use definition of "correctional facility" to clearly differentiate between public and private correctional facilities;
- Prohibit the siting of private correctional facilities in all zoning districts;
- Remove public correctional facilities as a permitted use in multi-family and light-industrial zoning districts (i.e., R-4-L, R-4, R-5, and M-1); and
- Modify how public correctional facilities are permitted by requiring approval of a Conditional Use Permit in all districts in which they are allowed (currently, M-2 Heavy Industrial and PMI Port Maritime & Industrial).

#### C. Findings of Fact:

##### Part One – Legislative Intent:

The Planning Commission acknowledges and understands the following recitals as set forth in Ordinance No. 28417 that enunciate the City Council's legislative intent and rationale for imposing the emergency interim regulations:

1. The Port/Tideflats area of Tacoma is regionally and locally designated as (a) an important Manufacturing/Industrial Center ("M/IC"), (b) a location with unique characteristics that should serve as a long-term and growing employment center with a focus on manufacturing and industrial uses, and (c) particularly within the Port Maritime & Industrial ("PMI") District, an area where uses are intended to focus on shoreline-related uses and support services.
2. The PMI area is also subject to numerous unique environmental constraints, some related to its past and ongoing industrial activities, such as noise, safety, and contamination issues, and some related to its physical location within a floodplain and potential liquefaction and volcanic hazard zones.
3. Recent proposals and community discussion have highlighted that the City's existing industrial zoning allows for a wide variety of uses, some of which may no longer be compatible with the policies for this area and others where correctional facilities are currently allowed, and the City as a whole, as well as the changing landscape around it.  
[Note: The words "existing" and "currently" used in this recital denote the conditions before the imposition of the interim regulations.]

4. The existing notification, outreach, and permitting process requirements for certain types of uses, such as correctional facilities, may not appropriately reflect the level of community interest in them and/or their potential scale of impact.
5. The Northwest Detention Center (“NWDC”), which is a privately owned and operated federal immigration detention center, was opened in 2004 and expanded in 2008, and the facility, located at 1623 East J Street in the Port/Tideflats area and in the PMI zoning district, is currently permitted to accommodate up to 1,575 detainees.
6. Recent changes in the national political climate have contributed to uncertainty as to the need for, and potential expansion of correctional facilities in communities such as Tacoma.
7. The federal Department of Homeland Security is on record stating its desire to increase and secure additional detention facilities such as the privately owned and operated NWDC.
8. The use currently engaged in by the NWDC has been referred to as a “correctional facility,” however, the City’s existing correctional facility designation is generally tailored to public correctional facilities and not private facilities. [Note: This recital denotes the conditions before the imposition of the interim regulations.]
9. The City’s existing regulations do not clearly distinguish between public and private facilities, and also do little to ensure sufficient community engagement and discretionary review of any proposals to site such facilities in this heavy industrial area, or any other areas where correctional facilities are currently allowed. [Note: The words “existing” and “currently” used in this recital denote the conditions before the imposition of the interim regulations.]
10. The adoption of the interim zoning regulations regarding public and private correctional facilities, effective for a six-month period, or until the City’s zoning regulations for such facilities are permanently updated, would allow time for the City Council to conduct appropriate research, analyze potential impacts and applicable local, state and regional policies, and determine the appropriate permanent regulatory framework for correctional facilities in Tacoma.
11. Requiring conditional use permits for new or expanded facilities (as part of the interim regulations) will better ensure that the review of any proposal includes significant community outreach and the opportunity for local discretionary review addressing applicable policies and standards, as well as potential impacts and compatibility issues associated with siting these types of facilities.
12. The potential adverse impacts on the public health, public safety, public property, and public peace justify the passage of the interim emergency ordinance.

**Part Two – Additional Facts, Observations, and Concerns:**

In addition to the City Council's legislative intent, the Planning Commission has also identified the following factual information, observations and concerns associated with the interim regulations:

13. There are three facilities that are affected by the interim regulations, i.e., the Northwest Detention Center (NWDC), the Pierce County Jail, and the Pierce County Juvenile Detention Center (Remann Hall) (see Exhibit 2).
14. The NWDC is a privately-run federal immigration detention center that is located in the PMI zoning district. With the interim regulations, this facility becomes a nonconforming use, and as such, is limited in its ability to expand.

15. The Pierce County Jail, located at 910 Tacoma Avenue S., is a public correctional facility run by the Pierce County Sheriff's Department – Corrections Bureau. The jail is comprised of two facilities, i.e., the Main Jail that was built in 1985 and the New Jail that was built in 2003. It has an operational capacity for 1,700 inmates and currently employs approximately 300 correctional staff. The jail is located in the Downtown Mixed-Use (DMU) zoning district, where "jails and correctional facilities" are a prohibited use (per TMC 13.06A.050). The jail was already a nonconforming use before the imposition of the interim regulations and is not significantly impacted by the interim regulations.
16. Remann Hall, located at 5501 6th Avenue, is a public correctional facility run by the Pierce County Juvenile Court. Located in the R2 – Single Family Dwelling District, the facility was already a nonconforming use before the imposition of the interim regulations and is not significantly impacted by the interim regulations.
17. As nonconforming uses, the three facilities mentioned above are not prevented from, but are limited in their ability to expand. Proposed expansions of nonconforming uses, subject to the City's review and approval, generally shall not result in an increase in vehicular trips (more than 10%), parking spaces (more than 10%), noise, light or glare, outdoors storage of goods or materials, and hours of operation.
18. While it is clearly the intent of the City Council to prohibit new and expanded private correctional facilities, the interim regulations only address the siting of new facilities and are silent about the expansion of existing ones. To better align with the Council's intent, consideration could be given to modifying the interim regulations to incorporate some or all of the following potential provisions: (a) prohibiting any planned expansion of private correctional facilities; or (b) allowing limited expansion of private correctional facilities through the conditional use permit review and approval process for nonconforming use, provided that the expansion does not increase the facility's boarding capacity, i.e., the number of detainees.
19. There is a strong connection between the interim regulations and the City's policies and practices in promoting and enhancing important community values associated with human rights, social justice, equity, and the well-being of citizens. The following are some examples of such policies and practices:
  - a) Policies on Public Facilities – The *One Tacoma* Comprehensive Plan's Public Facilities and Services Element provides:
    - Policy PFS-7.2: "Incorporate consideration of physical health and well-being into decisions regarding the location, design, and operation of public facilities."
    - Policy PFS-7.3: "Incorporate community values and goals in decisions on location, design, and operation of facilities."
  - b) Goal on Equity – The *One Tacoma* Comprehensive Plan's Engagement, Administration and Implementation Element states that one of the goals of the City is to "Achieve greater equity in decision-making by intentionally engaging across the different demographic, racial, cultural and economic spectrums that make up our community."
  - c) Equity as a Core Value – *Tacoma 2025*, the Ten-Year Citywide Strategic Plan and Vision, adopted by the City Council on January 27, 2015, per Resolution No. 39016, identifies "Opportunity, Equity, Partnerships and Accountability" as the four core values that inspire the work priorities and focus and support the quality of life in Tacoma. With respect to Equity, *Tacoma 2025* further articulates that "Communities of color and

immigrant communities are fundamental to Tacoma’s entrepreneurial spirit, workforce, and long-term success. In Tacoma, equity and empowerment are top priorities, meaning that all Tacoma residents must have equitable opportunities to reach their full potential and share in the benefits of community progress.”

- d) The Equity and Empowerment Initiative – Adopted by the City Council on September 30, 2014, per Resolution No. 39019, the initiative seeks to have purposeful community outreach and engagement, and supports human rights and opportunities for every person to achieve their full potential.
  - e) Welcoming City – The City Council adopted Resolution No. 39116 on February 17, 2015, authorizing the City's membership in the Welcoming Cities and Counties Initiative, which encourages communities to create more welcoming, immigrant-friendly environments that maximize opportunities for economic growth and cultural vitality. The City Council supports all efforts to make the City more vibrant, inclusive, and welcoming for all people, including its immigrant community.
  - f) The Immigrant and Refugee Task Force – Established by the City Council on January 31, 2017, by Resolution No. 39642, the task force is charged to further the City’s vision as an inclusive and equitable city and to foster a knowledgeable and safe community by including immigrants in conversations.
20. From the perspectives of public health, public safety, and quality of life, the interim regulations raise a legitimate concern of whether residential use, especially “non-typical residential use”, is appropriate in heavy industrial areas. Such “non-typical residential use” may include such uses as correctional facilities, juvenile community facilities, work release centers, special needs housing, and work-live/live-work. Further study on this issue should be considered.
21. Concerning residential use in industrial areas, the *One Tacoma* Comprehensive Plan, Urban Form Element, “Manufacturing + Industrial Areas” section, provides that: “Manufacturing/Industrial areas are in the low, flat areas along the Port/ Tideflats and the Nalley Valley. The manufacturing and distribution sectors concentrate here. Manufacturing/industrial centers are intended to be well-served by major transportation facilities including rail, interstate and transit systems. Many of the industrial uses are land intensive in nature. To preserve land at these centers, large retail, residential or nonrelated office uses are discouraged.”
22. Issues relating to what land uses are appropriate for heavy industrial areas can also be incorporated into the scopes of work of the following initiatives:
- a) Council Consideration Request (CCR) – Council Member Ryan Mello initiated a CCR on March 16, 2017, concurred by the City Council on March 21, concerning implementing the Container Port Element of the *One Tacoma* Comprehensive Plan. The CCR directs staff and the Planning Commission to develop possible modifications to the City's zoning, subdivision, and development regulations to specifically address the incompatibilities of non-industrial uses with the long-term viability of the Tideflats as a heavy industrial and container shipping area, as called for by the Container Port Element.
  - b) The Potential Tideflats Subarea Plan – According to a news release on March 30, 2017, the City of Tacoma and the Port of Tacoma have agreed to begin negotiation for an Interlocal Agreement (ILA) to specify the roles and responsibilities of the agencies in the

joint effort to develop a Tacoma Tidelands subarea plan. The subarea plan will offer a streamlined, comprehensive approach for exploring opportunities and addressing concerns raised by community members, businesses, the City Council, and the Port of Tacoma about activities and future development in the Tacoma Tidelands.

23. Concerning the interim regulations removing correctional facilities as an allowed use in multi-family residential zones, the changes appear to address a potential for incompatible land uses in these areas. This is an issue that should be further evaluated as part of the permanent regulations.
24. Concerning the interim regulations' implementation of a conditional use permit requirement for correctional facilities where they are allowed, this modification will better ensure broader notification and consideration of any new project, which appears both appropriate in the interim as an issue that should be further evaluated as part of the permanent regulations.
25. With the interim regulations, public and private correctional facilities are distinguished and regulated differently, which is uncommon in the City's zoning code. The potential effects of this code provision need to be explored and alternatives developed as appropriate.
26. Not allowing private correctional facilities may be subject to challenge, since the Washington Administrative Code, WAC 365-196-550(1)(b), states that for the purposes of identifying facilities subject to the "essential public facilities" siting process, it is not necessary that the facilities be publicly owned.
27. Developing the permanent regulations would require a significant amount of staffing resources and the Planning Commission's attention, which would affect the progress of some on-going and emerging projects of high priority, such as the Tacoma Mall Neighborhood Subarea Plan, private applications for the 2017-2018 Amendment to the Comprehensive Plan and Land Use Regulatory Code, and other Council, Commission, and community-initiated planning projects.

**D. Work Plan for Permanent Regulations:**

Pursuant to TMC 13.02.055, the Planning Commission should recommend a work plan to the City Council for the development of permanent regulations. The work plan includes two components: (a) scope of work (i.e., issues to be addressed), and (b) schedule (i.e., time needed for carrying out the scope of work).

Scope of Work:

The Commission has identified some issues, as outlined below, that should be addressed, should the City Council decide to pursue the development of permanent regulations.

1. Nonconforming Use – Should correctional facilities (public or private) as a nonconforming use be allowed to expand, and if so, to what extent?
2. Essential Public Facilities – Are the newly defined “private correctional facilities” considered essential public facilities as defined in and regulated by the Growth Management Act (RCW 36.70A)?
3. Conditional Use Permits (CUP) – Is the existing administrative and public process for CUPs appropriate for correctional facilities that are allowed through a CUP in some zoning

districts? Should the CUP process be modified based on the significance of these types of projects?

4. Public vs. Private Facilities – With the interim regulations, public and private correctional facilities are distinguished and regulated differently, which is uncommon in the City’s zoning code. The potential effects of this code provision need to be explored and alternatives developed as appropriate.
5. Code Clarifications – Clarify code language where needed, such as removal of the obsolete footnote regarding side yards for correctional facilities in residential districts (Section 13.02.100.C).
6. Land Use on the Tideflats – Are correctional facilities and other similar non-typical residential uses such as special needs housing and work release centers appropriate for heavy industrial areas? Are other non-industrial uses appropriate for the Tideflats? As noted below, this issue may be more appropriately addressed as part a more comprehensive industrial area land use review, such as the upcoming subarea plan project.

Timeline:

The Commission has developed a tentative timeline to accomplish the City Council’s intent to adopt permanent regulations within six months, i.e., prior to the expiration of the interim regulations on September 6, 2017. As illustrated on the next page, the schedule implies that the work is expected to be done on a relatively fast track and the scope of work (or issues to be studied) would thus necessarily be limited. The schedule also suggests that the 6-month duration for the interim regulations as set forth in Ordinance No. 28417 is considered appropriate.

Date	Event
March 7, 2017	City Council – Enacted interim regulations (Ordinance No. 28417)
April 5	Planning Commission – Review interim regulations.
April 19	Planning Commission – Develop findings of fact and a recommendation and the work plan for permanent regulations.
April 25	City Council – Study Session to review the Commission’s recommendation
April 25	City Council – Public Hearing on the interim regulations
May 3, May 17, and June 7	Planning Commission – Develop draft permanent regulations.
June 13	City Council – Study Session to review the draft permanent regulations.
June 21	Planning Commission – Release draft permanent regulations for public review and set July 19 for a public hearing. (SEPA determination is issued.)
July 19	Planning Commission – Public Hearing on the draft permanent regulations
August 2	Planning Commission – Recommend permanent regulations to the Council.
August 8	City Council – Resolution to set public hearing date for August 22.
August 15	City Council – Study Session to review the recommended permanent regulations.
August 22	City Council – Public Hearing on the recommended permanent regulations.
August 22	City Council – First reading of ordinance adopting permanent regulations.
August 29, 2017	City Council – Final reading of ordinance adopting permanent regulations, effective immediately. Interim regulations expire (scheduled expiration: September 6, 2017).

**E. Conclusions and Recommendations:**

The Planning Commission acknowledges and understands the City Council's intent and objectives in enacting the interim regulations, which highlight community concerns about correctional facilities generally as well as how they are currently regulated in the City’s zoning code. The Commission realizes the uncertainty instigated by the current national political environment on such issues as equity, social justice, and human rights. The Commission feels the sentiment and concerns of the community about these issues. However, the Commission has great concerns about using the City’s land use regulatory authority to potentially try and address these types of broad-reaching, politically charged, and largely national-level issues. The Commission is also concerned that processing the interim regulations and developing permanent regulations would require a significant amount of staffing resources, which would affect the progress of other on-going and emerging projects of high priority.

While the Commission is concerned about the objectives, impact and potential legal issues surrounding the imposition of the interim regulations, the Commission also recognizes that there are a number of legitimate land use issues regarding correctional facilities that deserve further analysis and community discussion. These include issues related to the appropriate zoning districts, development standards and permitting process for correctional facilities. In addition, given the unique circumstances surrounding the interim regulations, which encompass both land use and non-

land use perspectives, and in response to and respecting the City Council's intent, the Planning Commission considers it prudent to focus on the task presented to it and formulate appropriate recommendations for the Council's consideration. The Commission recommends the following 3-phased action strategy as the path forward:

1. Immediate Action – Modify the interim regulations to better align the code language with the City Council's intent to prohibit new private correctional facilities and the expansion of existing facilities. This work can be done immediately upon the completion of the City Council public hearing on April 25, 2017 as scheduled per Ordinance No. 28417.
2. Short-term Action – Develop permanent regulations for adoption before the interim regulations expire on September 6, 2017. Address such issues as essential public facilities, conditional use permit process for correctional facilities, public vs. private facilities, and necessary clarifications of the code language. Assess the need for expansion of the three affected facilities.
3. Long-term Action – Evaluate land uses in the Tideflats area and determine if correctional facilities and other similar residential uses and non-industrial uses are appropriate in PMI and M-2 zoning districts. This work can be incorporated into the scopes of work for the Council Consideration Request concerning the Implementation of the Container Port Element of the Comprehensive Plan and for the potential Tideflats Subarea Plan that is being contemplated by the City of Tacoma and the Port of Tacoma.

**F. Exhibits:**

1. Ordinance No. 28417, March 7, 2017
2. Location and Parcel Maps:
  - a. Northwest Detention Center
  - b. Pierce County Jail
  - c. Pierce County Juvenile Detention Center (Remann Hall)



## ORDINANCE NO. 28417

1 BY REQUEST OF COUNCIL MEMBER CAMPBELL

2 AN INTERIM EMERGENCY ORDINANCE relating to land use regulations,  
3 enacting interim zoning regulations; amending Chapter 13.06 of the  
4 Tacoma Municipal Code (“TMC”) at Sections 13.06.100, 13.06.200,  
5 13.06.300, 13.06.400, and 13.06.700, pertaining to the definition and siting  
6 of public correctional facilities; establishing a work plan for review and  
7 development of permanent regulations relating to siting public correctional  
8 facilities, and setting April 25, 2017 as the date for a public hearing on the  
9 subject matter hereof.

10 WHEREAS, pursuant to RCW 36.70A.390 and TMC 13.02.055, the City  
11 Council has the authority to enact interim zoning ordinances on an emergency  
12 basis, and

13 WHEREAS Section 2.12 of the Tacoma City Charter provides for the  
14 emergency passage of ordinances when the Council declares that a public  
15 emergency exists and states the facts constituting such an emergency, and

16 WHEREAS the Port/Tideflats area of Tacoma is regionally and locally  
17 designated as (a) an important Manufacturing/Industrial Center (“M/IC”), (b) a  
18 location with unique characteristics that should serve as a long-term and growing  
19 employment center with a focus on manufacturing and industrial uses, and (c)  
20 particularly within the Port Maritime & Industrial (“PMI”) District, an area where  
21 uses are intended to focus on shoreline-related uses and support services, and

22 WHEREAS this area (the PMI) is also subject to numerous unique  
23 environmental constraints, some related to its past and ongoing industrial activities,  
24 such as noise, safety, and contamination issues, and some related to its physical  
25

26



location within a floodplain and potential liquefaction and volcanic hazard zones,  
1 and

2 WHEREAS recent proposals and community discussion have highlighted  
3 that the City's existing industrial zoning allows for a wide variety of uses, some of  
4 which may no longer be compatible with the policies for this area and others where  
5 correctional facilities are currently allowed, and the City as a whole, as well as the  
6 changing landscape around it, and  
7

8 WHEREAS the existing notification, outreach, and permitting process  
9 requirements for certain types of uses, such as correctional facilities, may not  
10 appropriately reflect the level of community interest in them and/or their potential  
11 scale of impact, and  
12

13 WHEREAS the Northwest Detention Center ("NDC"), which is a privately  
14 owned and operated federal immigration detention center, was opened in 2004  
15 and expanded in 2008, and the facility, located at 1623 East J Street in the  
16 Port/Tideflats area and in the PMI zoning district, is currently permitted to  
17 accommodate up to 1,575 detainees, and  
18

19 WHEREAS recent changes in the national political climate have contributed  
20 to uncertainty as to the need for, and potential expansion of correctional facilities in  
21 communities such as Tacoma, and  
22

23 WHEREAS, the federal Department of Homeland Security is on record  
24 stating its desire to increase and secure additional detention facilities such as the  
25 privately owned and operated NDC, and  
26



1 WHEREAS the use currently engaged in by the NDC has been referred to  
2 as a “correctional facility,” however, the City’s existing correctional facility  
3 designation is generally tailored to public correctional facilities and not private  
4 facilities, and

5 WHEREAS the City’s existing regulations do not clearly distinguish between  
6 public and private facilities, and also do little to ensure sufficient community  
7 engagement and discretionary review of any proposals to site such facilities in this  
8 heavy industrial area, or any other areas where correctional facilities are currently  
9 allowed, and

10  
11 WHEREAS the City desires to enact interim zoning regulations regarding  
12 public and private correctional facilities, effective for a six-month period, or until the  
13 City’s zoning regulations for such facilities are permanently updated, to allow time  
14 for the City Council to conduct appropriate research, analyze potential impacts and  
15 applicable local, state and regional policies, and determine the appropriate  
16 permanent regulatory framework for correctional facilities in Tacoma, and to hold a  
17 public hearing on the interim, emergency zoning ordinance within 60 days of the  
18 enactment of the same, and

19  
20 WHEREAS the proposed Interim regulations would, on an interim basis,  
21 amend the City’s zoning code, Chapter 13.06 of the Tacoma Municipal Code, as  
22 follows: (1) Modify the use definition of “correctional facilities” to clearly  
23 differentiate between public and private facilities; (2) remove correctional facilities  
24 as a permitted use in the City’s multi-family and light-industrial zoning districts; (3)  
25 modify how public correctional facilities are permitted by requiring approval of a  
26



1 Conditional Use Permit in all districts in which they are allowed; and (4) identify  
2 private correctional facilities as an unpermitted use in all zoning districts, and

3 WHEREAS requiring conditional use permits for new or expanded facilities,  
4 in the interim, will better ensure that the review of any proposal includes significant  
5 community outreach and the opportunity for local discretionary review addressing  
6 applicable policies and standards, as well as potential impacts and compatibility  
7 issues associated with siting these types of facilities, and

8 WHEREAS the potential adverse impacts on the public health, public safety,  
9 public property, and public peace justify the passage of an Interim emergency  
10 ordinance; Now, Therefore,

11  
12 BE IT ORDAINED BY THE CITY OF TACOMA:

13 Section 1. That Chapter 13.06 of the Tacoma Municipal Code ("TMC") is  
14 hereby amended at Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, and  
15 13.06.700, pertaining to the definition and siting of public (and private) correctional  
16 facilities, as set forth in the attached Exhibit "A."

17  
18 Section 2. Duration. That the Interim zoning regulations enacted by this  
19 ordinance shall be in effect for six (6) months following the effective date of this  
20 ordinance, and may be renewed as provided by law.

21  
22 Section 3. Public Hearing Required. That, as required by RCW 36.70A.390  
23 and TMC 13.02.055 B., a public hearing is hereby set for April 25, 2017, at  
24 approximately 5:15 p.m., in the City Council Chambers on the First Floor of the  
25 Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, during which  
26



the City Council will take public comment on the interim zoning regulations and will  
1 adopt the necessary findings required by law.

2 Section 4. Work Plan. That a work plan shall be established for the review  
3 and development of permanent regulations relating to siting public correctional  
4 facilities.  
5

6 Section 5. Emergency Declared - Immediate Effect. For the reasons set  
7 forth above, and to promote the objectives stated above, the City Council finds that  
8 a public emergency exists, necessitating that this ordinance take effect  
9 immediately upon its passage by at least six (6) Tacoma City Council Members in  
10 order to protect the public health, safety, property, and general welfare.  
11

12 Passed \_\_\_\_\_  
13

14 \_\_\_\_\_  
15 Mayor

16 Attest:  
17 \_\_\_\_\_  
18 City Clerk

19 Approved as to form:  
20 \_\_\_\_\_  
21 Deputy City Attorney  
22  
23  
24  
25  
26

# EXHIBIT "A"

## Chapter 13.06

### ZONING

\* \* \*

#### **13.06.100 Residential Districts.**

The 100 series will contain regulations for all residential classifications, including the following:

R-1	Single-Family Dwelling District
R-2	Single-Family Dwelling District
R-2SRD	Residential Special Review District
HMR-SRD	Historic Mixed Residential Special Review District
R-3	Two-Family Dwelling District
R-4	Multiple-Family Dwelling District
R-4-L	Low-Density Multiple-Family Dwelling District
R-5	Multiple-Family Dwelling District
PRD	Planned Residential Development District (see Section 13.06.140)

\* \* \*

C. Land use requirements.

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

Tacoma Municipal Code

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
Accessory uses and buildings	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.F
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535
Adult retail and entertainment	N	N	N	N	N	N	N	N	
Agricultural uses	CU	CU	CU	CU	CU	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. Buildings shall not be permitted in connection with such use, except greenhouses having total floor area not in excess of 600 square feet. Livestock is not allowed.
Airports	CU	CU	CU	CU	CU	CU	CU	CU	
Ambulance services	N	N	N	N	N	N	N	N	
Animal sales and service	N	N	N	N	N	N	N	N	
Assembly facility	N	N	N	N	N	CU	CU	CU	
Brewpub	N	N	N	N	N	N	N	N	
Building materials and services	N	N	N	N	N	N	N	N	
Business support services	N	N	N	N	N	N	N	N	
Carnival	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.635.
Cemetery/internment services	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	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	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.510.
Commercial recreation and entertainment	N	N	N	N	N	N	N	N	
Communication facility	CU	CU	CU	CU	CU	CU	CU	CU	Antennas for such facilities are subject to the additional requirements contained in Section 13.06.545.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
Confidential Shelter	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Continuing care retirement community	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Correctional facility, <a href="#">public or private</a>	N	N	N	N	N	<del>CUN</del>	<del>CUN</del>	<del>CUN</del>	Side yards shall be provided as specified in Section 13.06.602.

\* \* \*

**13.06.200 Commercial Districts.**

\* \* \*

C. Land use requirements.

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

2. Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as “Pedestrian Streets.” The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

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

[See next page for table.]

5. District use table.

Uses	T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations <sup>2,3</sup> (also see footnotes at bottom of table)
Adult family home	P	P	P	P	See definition for bed limit.
Adult retail and entertainment	N	N	N	N	Prohibited except as provided for in Section 13.06.525.
Agricultural uses	CU	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. Livestock is not allowed.
Airport	CU	CU	CU	CU	
Ambulance services	N	P	P	P	
Animal sales and service	N	P	P	N	Must be conducted entirely within an enclosed building. See Table 13.06.200.D for setback requirements specific to animal sales and service.
Assembly facility	CU	P	P	P	
Brewpub	N	N	P	N	2,400 barrel annual brewpub production maximum, equivalent volume wine limit.
Building materials and services	N	N	P	N	
Business support services	N	P	P	P	
Carnival	TU	TU	TU	TU	Subject to Section 13.06.635.
Cemetery/internment services	N	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	P	
Commercial recreation and entertainment	N	N	P	P	
Communication facility	N	N	P	P	
Confidential shelter	P	P	P	P	See Section 13.06.535. Limit: 15 residents in T District.
Continuing care retirement community	P	P	P	P	See Section 13.06.535.
Correctional facility, <a href="#">public or private</a>	N	N	N	N	

\* \* \*

**13.06.300 Mixed-Use Center Districts.**

\* \* \*

3. District use table.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535. See definition for bed limit. Prohibited at street level along designated pedestrian streets in NCX. <sup>2</sup> Not subject to minimum densities found in Section 13.06.300.E.
Adult retail and entertainment	N	N	N	N	N	N	N	N	Prohibited, except as provided for in Section 13.06.525.
Agricultural uses	N	N	N	N	N	N	N	N	
Airport	CU	CU	CU	CU	CU	CU	CU	CU	
Ambulance services	N	CU	CU	N	P	P	N	N	
Animal sales and service	P	P	P	N	P	N	N	N	Except in the CIX District, must be conducted entirely within an enclosed structure. Must be set back 20 feet from any adjacent residential district or use.
Assembly facility	P	P	P	CU	P	N	N	N	Prohibited at street level along designated pedestrian streets in NCX. <sup>2</sup>
Brewpub	P	P	P	P	P	N	N	N	Brewpubs located in NCX, CCX, UCX, and RCX shall be limited to producing, on-premises, a maximum of 2,400 barrels per year of beer, ale, or other malt beverages, as determined by the annual filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
Building materials and services	N	P	P	N	P	N	N	N	Prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Business support services	P	P	P	N	P	N	N	N	In NCX, all activities must occur within buildings; outdoor storage/repair is prohibited. Customer service offices must be located at building fronts on designated pedestrian streets in NCX.
Carnival	TU	TU	P	N	TU	TU	TU	N	Subject to Section 13.06.635.
Cemetery/ internment services	N	N	N	N	N	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	N	P	P	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. <sup>2</sup>

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Commercial recreation and entertainment	P	P	P	N	P	N	N	N	
Communication facility	CU	CU	P	N	P	N	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. <sup>2</sup>
Confidential shelter	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. <sup>2</sup> Not subject to minimum densities founding Section 13.06.300.E.
Continuing care retirement community	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. <sup>2</sup>
Correctional facility, <a href="#">public</a> or <a href="#">private</a>	N	N	N	N	N	N	N	N	

\* \* \*

**13.06.400 Industrial Districts.**

\* \* \*

5. District use table.

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
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	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area.
Airport	CU	CU	CU	
Ambulance services	P	P	P	
Animal sales and service	P	P	N	
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
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.
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, <a href="#">public</a>	<a href="#">P</a> <a href="#">N</a>	<a href="#">P</a> <a href="#">CU</a>	<a href="#">P</a> <a href="#">CU</a>	<a href="#">Correctional facility, private is not allowed in M-1, M-2 and PMI</a>

\* \* \*

### **13.06.700 Definitions and illustrations.**

For the purposes of this chapter, certain words and terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. For words that are not defined in this chapter, or that do not incorporate a definition by reference, refer to a Webster’s Dictionary published within the last ten years.

\* \* \*

#### **13.06.700.C**

Caliper: Diameter of a tree’s trunk or stem measured at a point 6 inches above finish grade if the resulting measurement is up to and including 4 inches. If the resulting measurement is more than 4 inches the point of measurement shall be relocated to 12 inches above finish grade.

Camouflaged (wireless communication facility). A wireless communication facility that is integrated with a building or the landscape in terms of design, colors, materials and height, so as to be disguised, hidden, concealed, masked, or screened from view.

Canopy (or marquee). An ornamental roof-like structure unenclosed on one or more sides and normally used for pedestrian protection and convenience and/or signage.

Car washing facility. A building or portion thereof containing facilities for washing automobiles, either manually or using a fully automatic washing process, requiring no personnel for the conduct of the operation except as is necessary for the collection of money and the maintenance of the facility.

Carnival. A temporary and often traveling establishment at which a combination of attractions or exhibitions, such as rides, shows, displays, eating concessions, and gaming booths, are provided for the purpose of amusement and entertainment.

Catering services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

Cell site. A tract or parcel or land that contains wireless communication facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to wireless communication facilities.

Cemetery and internment services. Property used for the interring of the dead. This property may include support facilities, such as funeral homes and/or chapels.

Clean construction/demolition/land-clearing (CDL) wastes. CDL wastes are solid wastes produced from construction, remodeling, demolition, or land-clearing operations that have been source separated so that the material is principally composed of asphalt, concrete, brick, or other forms of masonry; non-chemically treated wood (i.e., creosote, paint, preservatives); land-clearing wastes; or other materials approved by the Tacoma-Pierce County Health Department. Yard wastes (i.e., leaves, grass, prunings, and sod), plaster (sheet rock or plasterboard), or any materials other than wood that are likely to produce gases or a leachate during the decomposition process and asbestos wastes are specifically excluded from this definition of clean CDL wastes, unless otherwise approved by the Tacoma-Pierce County Health Department.

Climate-adapted Plant Species. Climate adapted plants include both native and non-native plant species which are able to thrive in the local climate and soil conditions of the City of Tacoma. The two most authoritative references on climate adaptation for plants are the USDA Plant Hardiness Zones and the Sunset Climate Zones.

Collocation. The use of a wireless communication facility or cell site by more than one wireless communication provider.

Commercial parking facility. Lots offering parking to the public, which are not designed for or directly associated with another use. This is distinguished from parking that is provided as part of and accessory to another use, which shall be considered part of the use it serves. This classification includes commuter parking facilities (park & rides), general public parking lots, and similar facilities.

Commercial recreation and entertainment. Private provision of participant or spectator recreation or entertainment. This classification includes uses such as privately operated sports stadiums and arenas, amusement parks, bingo parlors, bowling alleys, billiard parlors, poolrooms, dance halls, ice/roller skating rinks, miniature golf courses, golf driving ranges, archery ranges, scale-model courses, shooting galleries, tennis/racquetball courts, croquet courts, swim clubs, health/fitness clubs, and pinball arcades or electronic gaming centers having more than five coin-operated game machines. This use does not include public or quasi-public parks, recreation or open space, theaters or golf courses. Communication facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding major

utilities. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices. This classification does not include wireless communication facilities.

Comprehensive Plan. The official statement of the Tacoma City Council which sets forth its major policies concerning desirable future physical development.

Condominium. A multiple-family dwelling, and its accessory uses and grounds, in which each dwelling unit is individually owned, and all or any part of the dwelling structure, accessory uses, and grounds are owned cooperatively by the owners of said dwelling units, and maintenance functions are performed by required subscriptions from said owners.

Confidential shelter. Shelters for victims of domestic violence, as defined and regulated in RCW 70.123 and WAC 388-61A. Such facilities are characterized by a need for confidentiality.

Construction/demolition/land-clearing (CDL) waste recycling. CDL waste recycling is the storage, processing and/or sale of clean CDL wastes to recover usable products or to regenerate the material where the following activities are further defined:

1. Storage includes the holding of CDL wastes prior to processing and stockpiling of the recycled product and by-products.
2. Processing includes the sorting of clean CDL wastes and the mechanical reduction of these materials by means of an initial mechanical processing operation which results in a raw product to be shipped to secondary processors, but does not include composting.
3. Product sales, including retail and wholesale sales of recycled materials.

Container, shipping/storage. A large, prefabricated box or container made of metal, wood, or similar material utilized for the shipping/storage and distribution of various products or commodities.

Continuing care retirement community. An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care. Due to the wide range of services provided, such facilities generally operate under multiple state-licensing programs.

Convalescent home. See "extended care facility."

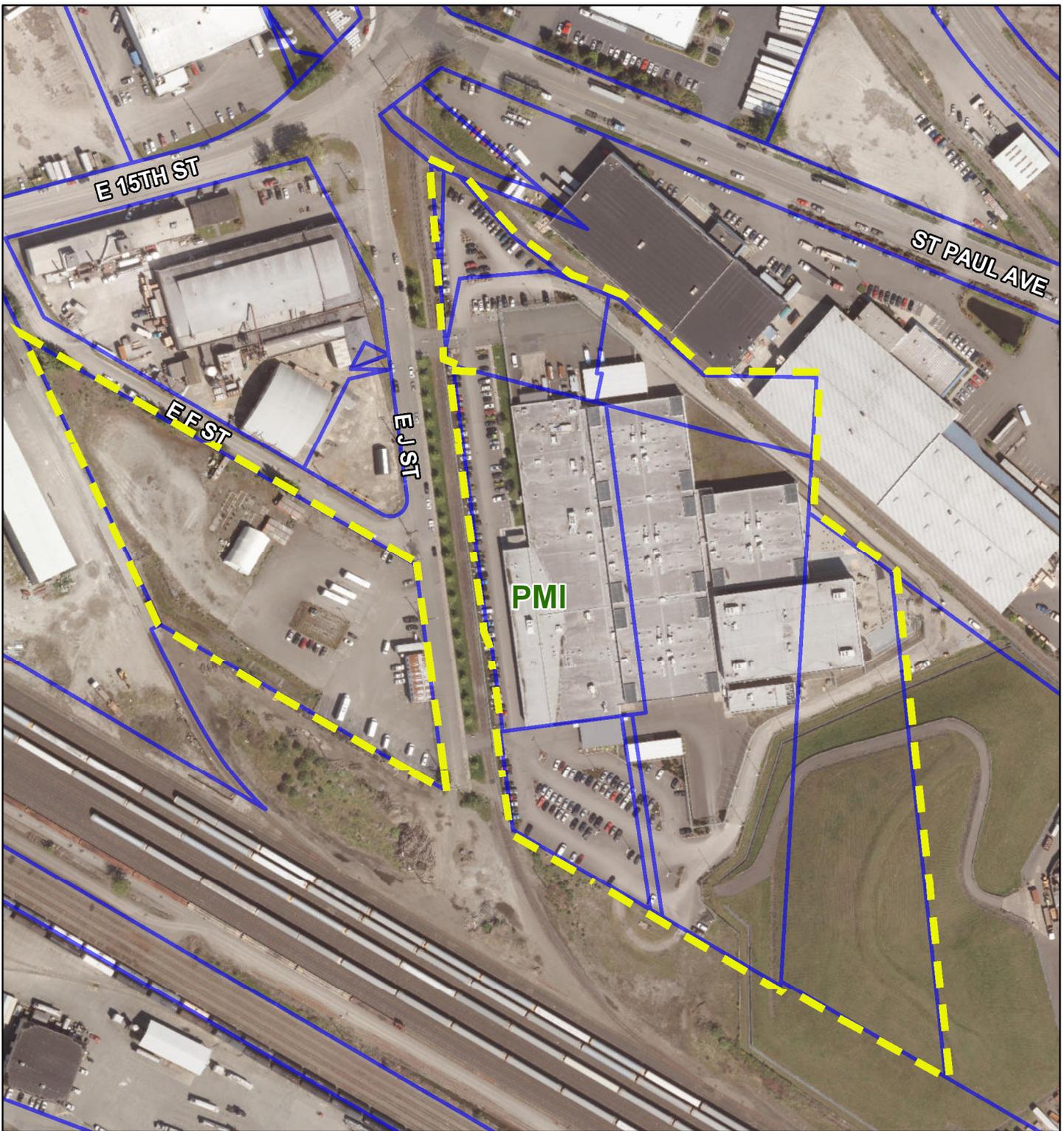
Cornice. Projection at the top of a wall; a term applied to construction where the roof and side walls meet.

Correctional facility, private. A privately owned facility under contract with a government agency to provide incarceration or detention services for the incarceration or detention of persons under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence upon conviction. This definition includes prerelease facilities, but does not include work release centers or juvenile community facilities.

Correctional facility, public. A publicly owned and operated facility for the incarceration of persons under state or local warrant, awaiting trial on state or local felony or misdemeanor charges, convicted of state or local charges, but not yet sentenced, or serving a state or local sentence upon conviction. This definition includes prerelease facilities, but does not include work release centers or juvenile community facilities, nor does it include privately owned, or privately operated facilities regardless of whether any such facility has a contract with any government agency.

\* \* \*

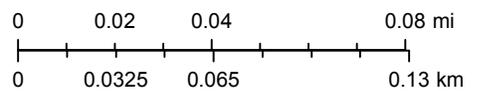
# Northwest Detention Center Parcels



March 10, 2017

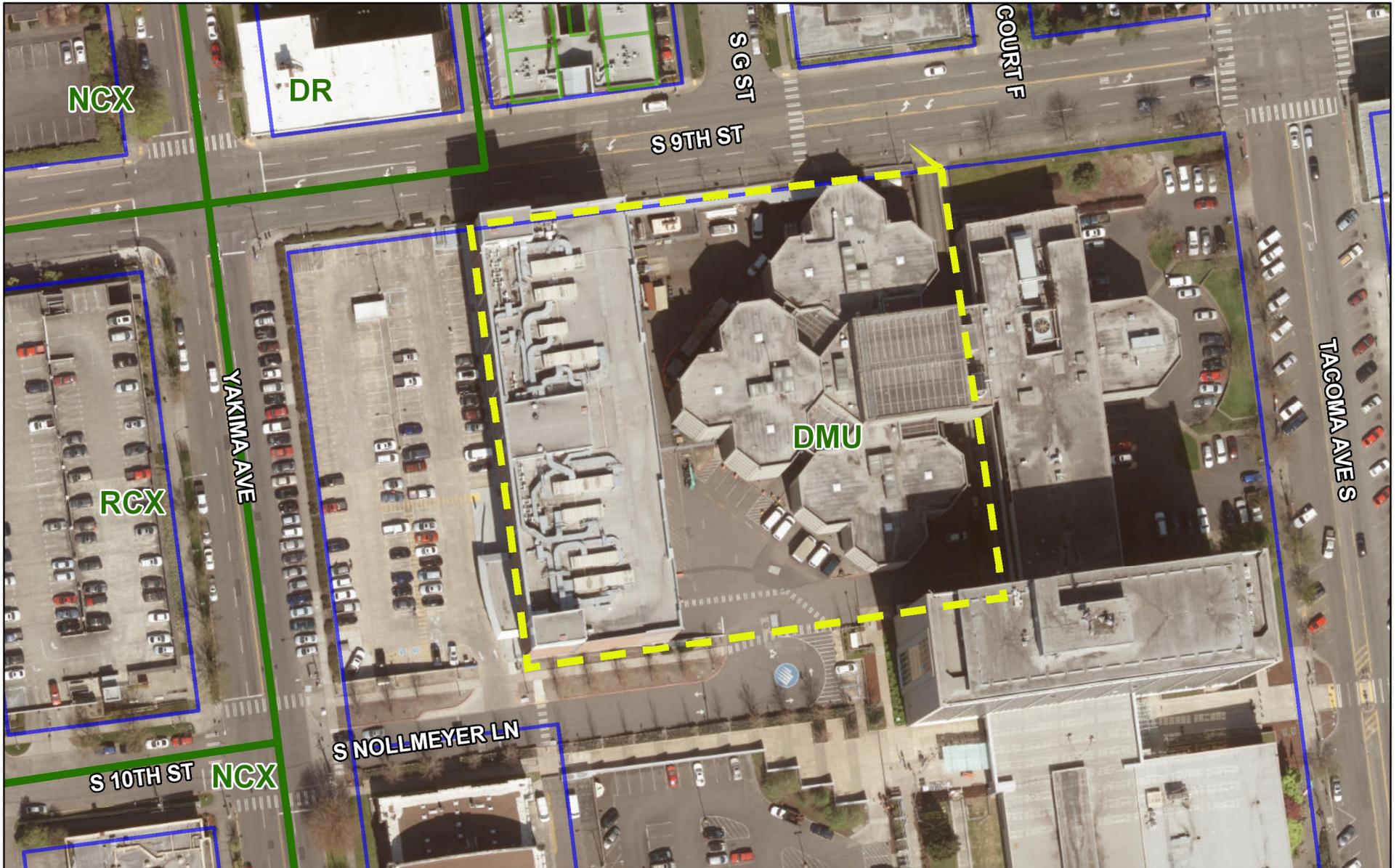
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|---|----------------------|---|--------------------|
|   | Tacoma City Boundary |  | Building Only      |
|  | Street Names         |  | Condominium        |
|  | Zoning               |  | Lease Hold         |
| <b>Parcels (All categories)</b>   |                      |  | Tax Purpose Only   |
|  | Airspace Condominium |  | Undivided Interest |
|  | Base Parcel          |   |                    |

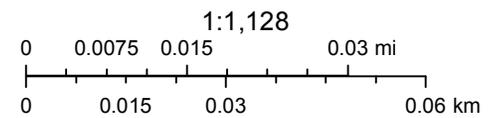


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# Pierce County Jail

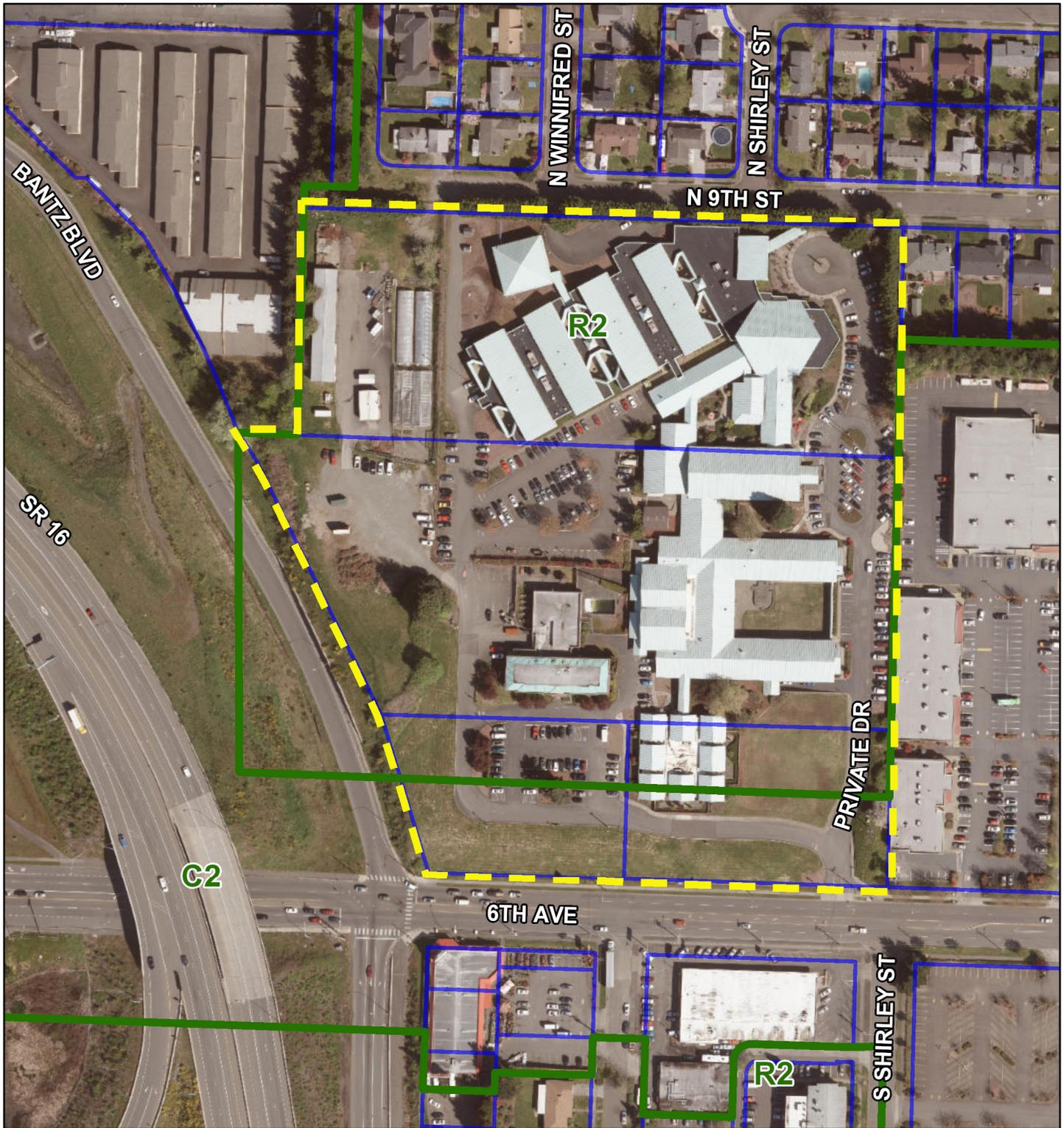


March 23, 2017



Tacoma IT-GIS  
Tacoma Community & Economic Development Department

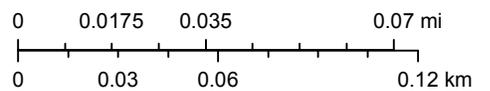
# Remann Hall



March 10, 2017

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|---------------------------------|----------------------|--|--------------------|
|                                 | Tacoma City Boundary |  | Building Only      |
|                                 | Street Names         |  | Condominium        |
|                                 | Zoning               |  | Lease Hold         |
| <b>Parcels (All categories)</b> |                      |  | Tax Purpose Only   |
|                                 | Airspace Condominium |  | Undivided Interest |
|                                 | Base Parcel          |  |                    |



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