



AGENDA

MEETING: Regular Meeting

TIME: Wednesday, January 16, 2019, 5:00 p.m.

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

*Note location changed
from Room 16 to
Council Chambers*

A. Call to Order and Quorum Call

B. Approval of Agenda and Minutes

- Minutes – December 5, 2018 and December 19, 2018

C. Public Comments

- Comments are accepted on all discussion items, and are limited to 3 minutes per person.

D. Discussion Items

1. Historic Preservation Code Amendments

- Description: Review recommendations of the Landmarks Preservation Commission regarding historic preservation related code amendments (This is an application of the 2019 Amendment).
- Action: Guidance / Release for Public Review
- Staff Contact: Reuben McKnight, 253-591-5220, reuben.mcknight@cityoftacoma.org

2. JBLM Airport Compatibility Overlay District

- Description: Review and approve the draft Letter of Recommendation and the draft Findings of Fact and Recommendations Report.
- Action: Recommendation to the City Council
- Staff Contact: Larry Harala, 253-591-5640, lharala@cityoftacoma.org

E. Communication Items

- (1) Accessory Dwelling Unit Regulations – Two letters of comments to the Planning Commission (See “Agenda Item E-1”)
- (2) The Planning Commission is accepting applications for the 2020 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code. Application deadline is April 1, 2019. To submit an application, please visit www.cityoftacoma.org/2020Amendment.
- (3) The next meeting of the Planning Commission is on Wednesday, February 6, 2019, at 5:00 p.m., in Room 16; tentative agenda (subject to change) includes: Affordable Housing Amendments; and Future Land Use Map Implementation.
- (4) The next meeting of the Infrastructure, Planning and Sustainability Committee is on Wednesday, January 23, 2019, at 4:30 p.m., in Room 16; tentative agenda (subject to change) includes: Orcas/Salmon; and Detached Accessory Dwelling Unit Regulations Update.

F. Adjournment





MINUTES (Draft)

TIME: Wednesday, December 5, 2018, 5:00 p.m.
PLACE: Council Chambers, Tacoma Municipal Building, 747 Market Street
PRESENT: Stephen Wamback (Chair), Anna Petersen (Vice-Chair), Carolyn Edmonds, Ryan Givens, David Horne, Brett Santhuff, Dorian Waller
ABSENT: Jeff McInnis, Andrew Strobel

A. CALL TO ORDER AND QUORUM CALL

Chair Wamback called the meeting to order at 5:08 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES

The agenda was approved. The minutes for October 17, 2018 and November 7, 2018 were approved as submitted.

C. PUBLIC COMMENTS

The following citizens provided comments:

- Bruce Arneklev – Mr. Arneklev addressed the need for affordable housing. His son was hit by a car, became disabled, could not live on his own, and has had to live with him. He wanted houses to be built for more than two people.
- Oneida Arnold – Ms. Arnold, a teacher, noted that gentrification is happening quickly, and families are being priced out of the area which is disrupting students' learning opportunities, and their lives. She asked what programs are there for people to have an affordable, and livable home. She believed that family sized units need to be built, because families cannot fit in studio apartments.

D. DISCUSSION ITEMS

1. Shoreline Master Program Periodic Review

Elliott Barnett, Planning Services Division, and Teresa Vanderburg from ESA Consultant, reviewed the scope of work and background information relating to the Shoreline Master Program (SMP) Periodic Review. The scope of work addressed classifications for erosion and landslide hazard areas, application of mitigation sequencing, geologically hazardous areas vs. geo setback area, submittal requirements for technical studies, and update resources and maps.

(At 5:35 p.m., Chair Wamback suspended the rules and proceeded to conduct the public hearing on the Open Space Current Use Assessment application. At the conclusion of the public hearing procedures at 5:54 p.m., the review of SMP resumed.)

Stephen Atkinson, Planning Services Division, provided additional context about the topic of Salmon Beach, and reviewed these categories: nonconforming overwater residences, geological hazards such as coastal bluffs, state rules and Tacoma's SMP environmental designation, FEMA floodplain restrictions, and Tacoma's current rules on expansions. He also reviewed the preliminary scoping recommendations,

which included amending policies in S-13 shoreline district to recognize this historic community; providing policy support for continuation of the community; considering 25-foot height allowance with mitigation for habitat and safety, such as up and out away from the hillside; and exploring options for limited flexibility consistent with state rules.

Commissioners provided feedback and comments, indicating that the current plan works well and should stay in place; the flexibility in measuring height based on the flood elevation should be maintained; be mindful of the potential impacts to the height of the platforms of many properties on Salmon Beach; take into account relevant provisions of home ownership associations; and ensure that there is a consistent approach to addressing other communities similar to Salmon Beach, such as the Browns Point or Dash Point that may be incorporated into Tacoma.

Mr. Barnett reviewed additional topics relating to Wapato Lake, Ruston Way, Department of Ecology's Checklist, the legislative changes adopted between 2011 and 2017, the cost threshold for shoreline substantial development and the review process for "non-development" projects (such as vegetation clearing). He indicated that with the Commission's concurrence, staff would proceed with preparing staff's recommendations on the topics presented. Chair Wamback noted that the consensus of the Commission is to go forward.

2. Public Hearing – Open Space Current Use Assessment (811 N. Karl Johan Ave.)

At 5:35 p.m., Chair Wamback called the public hearing to order and reviewed the hearing procedures. Larry Harala, Planning Services Division, reviewed background information and staff's recommendation concerning the subject of the hearing, i.e., the application of the Anderson property at 811 N. Karl Johan Avenue for the Open Space Current Use Assessment.

Chair Wamback called for testimony and the following citizens provided comments:

- Mike Flemming – Mr. Flemming was in agreement with moving the application forward to the City Council for approval. He provided some historic background about how the current owners had acquired the subject property and their intent to preserve the open space.
- Jori Adkins – Ms. Adkins supported the application which would save a lot of hillsides in its native state.

Upon conclusion of the testimony, Mr. Harala summarized three supportive, written comments that had been received. He requested the Commission to consider moving the application forward to the City Council by approving the draft Letter of Recommendation, and the draft Findings of Fact and Recommendations Report as included in the agenda packet. Commissioner Edmonds made a motion to that effect, and Vice-Chair Petersen seconded. The motion passed unanimously. Chair Wamback resumed the review of the Shoreline Master Program at 5:54 p.m.

3. Affordable Housing Action Strategy – Planning Actions

Mr. Barnett reviewed the scope of work for one of the applications of the 2019 Annual Amendment that would amend the Housing Element of the Comprehensive Plan, as part of the planning actions to implement the City's Affordable Housing Action Strategy (AHAS). Daniel Murillo, Housing Manager of the Community and Economic Development Department, provided an overview of the AHAS, including its initiation and goals, the four strategic objectives, and supporting actions.

Commissioners provided feedback and comments, indicating that the current code should be improved to provide more flexibility to address the "missing" middle of the housing stocks; and the data and information provided in the AHAS was extraordinary. Chair Wamback also reflected on the comment he had received from a member of the public concerning the clear and immediate challenge that people are being displaced from their houses today. He commented on the need for preservation and protection actions to provide people a sense of stability.

E. COMMUNICATION ITEMS

The Commission acknowledged receipt of information as included in the agenda. Mr. Atkinson provided the following additional updates:

- The City Council has extended the existing Tideflats Interim Regulations for 6 months.
- The planning process for the proposed Tideflats Subarea Plan is being discussed, negotiated and constructed by participating agencies.
- The 2019-2020 Biennial Budget approved by the City Council on November 20th includes funds for neighborhood planning program and the Pacific Avenue Corridor Plan.
- The Planning Commission may receive an update by Sound Transit in February 2019 concerning the Tacoma Dome Link Extension project which is moving into Level 2 Evaluation of alternative station locations and alignments.
- Staff plans to issue the Planning Manager's Letter to the Community within the next few weeks, reporting on the accomplishments in 2017-2018 and the outlook for 2019.
- Staff plans to conduct five community workshops in February 2019 for the 2019 Annual Amendment.
- Staff proposes setting March 31, 2019 as the deadline for accepting applications for the 2020 Annual Amendment.

F. ADJOURNMENT

The meeting adjourned at 7:05 p.m.

**These minutes are not a direct transcription of the meeting, but rather a brief capture. For full-length audio recording of the meeting, please visit:*

http://www.cityoftacoma.org/government/committees_boards_commissions/planning_commission/agendas_and_minutes/



MINUTES (Draft)

TIME: Wednesday, December 19, 2018, 5:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North, 733 Market Street
PRESENT: Stephen Wamback (Chair), Anna Petersen (Vice-Chair), Carolyn Edmonds, Ryan Givens, David Horne, Jeff McInnis, Brett Santhuff, Andrew Strobel
ABSENT: Dorian Waller

A. CALL TO ORDER AND QUORUM CALL

Chair Wamback called the meeting to order at 5:04 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES

The agenda was approved.

C. PUBLIC COMMENTS

None.

D. DISCUSSION ITEMS

1. JBLM Airport Compatibility Overlay District

The Planning Commission had conducted a public hearing on November 7, 2018, concerning the proposed Airport Compatibility Overlay District (ACOD) that corresponded with the designation of JBLM's Accident Potential Zone II (APZ-II) in South Tacoma and the recommendations of the JBLM's Joint Land Use Study (JLUS) and the U.S. Air Force's Air Installations Compatible Use Zones Program (AICUZ).

Larry Harala, Planning Services Division, reviewed key themes of public comments received during the public hearing process and facilitated the Commission's consideration for potential revisions to the proposed ACOD. He indicated that there was a lot of public support for the proposal, but also concerns, such as negative impacts on the property values, land use and development, insurance, and quality of life. He presented some staff's recommended policy options for the Commission's consideration that were in response to public comments and consistent with the intents of JLUS and AICUZ. Such options included: allowing single-family subdivisions; allowing Accessory Dwelling Units (ADUs); allowing small-scale, neighborhood commercial uses; replacing the Floor Area Ratio (FAR) maximums with square footage maximums; allowing variance or conditional use permit process for development of restricted uses; modifying restrictions on wireless facilities and overhead utility facilities; clarifying review process for expansions of accessory uses; and clarifying and streamlining the development standards as currently proposed in ACOD.

Discussion ensued. The Commission expressed general concurrence with staff's recommended options for revising the proposal and acknowledged that Mr. Harala would prepare a draft final ACOD proposal for the Commission's consideration for approval at the next meeting on January 16, 2019.

2. Future Land Use Map Implementation – Potential Rezones

Stephen Atkinson, Planning Services Division, indicated that on September 19, 2018, the Commission reviewed issues associated with the development of preliminary Future Land Use Map (FLUM) and Zoning Map amendments. Two further issues had emerged since then, relating to Transitional Zoning Districts and Tribal Trust Properties.

Mr. Atkinson reviewed the definition, intent and issues associated with the transitional districts. He proposed two options: (1) rezoning to R-4L Low Density Multifamily, or (2) re-designating to Neighborhood Commercial. Discussion ensued. The consensus of the Commission was for staff to start with option 2 and develop preliminary FLUM amendments for the Commission's review in February 2019.

Mr. Atkinson reviewed Tribal Trust properties that are within the scope of the potential rezones but not subject to City of Tacoma zoning and land use regulations. He indicated that staff's recommended approach to addressing this issue was to identify these properties and continue to consult with the Puyallup Tribe to identify the most appropriate way of recognizing Tribal jurisdiction within the Comprehensive Plan and the FLUM. The Commission expressed general concurrence, but provided some precautions, including: (a) Trust properties owned by individuals (not owned by the tribal government) may be sold and if sold to a non-tribal member would fall out of trust and need to be zoned accordingly; (b) It is not clear if the Commission has the right to have this discussion that may be considered an infringement on tribal sovereignty; and (c) The nature of land use on the Puyallup Reservation is a troubling checker-boarded leveling of jurisdiction, where there are instances that the city may want to protect itself.

3. Planning Commission Year-End Review

Brian Boudet, Planning Division Manager, highlighted major projects accomplished by the Planning Commission and the planning team during 2018 and reviewed some of the upcoming projects to look forward to in 2019. He noted those commissioners who were newly appointed or re-appointed this year. He noted the new staff members on the planning team as well. He also mentioned that Tacoma will be the destination for the American Planning Association (APA) Washington Chapter's Annual Conference in 2019. Mr. Boudet expressed his appreciation to the Commission and the planning team for the quality of work and dedication, putting us at a high caliber level that's recognized by the City Council. Commissioners praised staff for their amazing work and service.

E. COMMUNICATION ITEMS

The Commission acknowledged receipt of information as included in the agenda.

F. ADJOURNMENT

The meeting adjourned at 7:22 p.m.

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City of Tacoma
Planning and Development Services

**Agenda Item
D-1**

To: Planning Commission
From: Reuben McKnight, Historic Preservation Officer
Subject: **Historic Preservation Code Amendments**
Meeting Date: **January 16, 2019**
Memo Date: January 10, 2019

Action Requested: Provide guidance on the draft amendments and release for public review.

Discussion:

At the meeting on January 16, 2019, the Planning Commission will be briefed on the recent recommendations the Landmarks Preservation Commission regarding historic preservation related code amendments, including proposed “clean-up” amendments, such as process improvements and clarifications to the nomination process to the Tacoma Register of Historic Places, potential amendments to the Historic Conditional Use Permit, as well as substantive changes the code that addresses impacts to cultural resources and demolitions that result from development activity, currently housed in TMC 13.12.570.

Project Summary:

The objective of these amendments is to make general process improvements and clarifications to the body of regulations affecting historic preservation activities in Tacoma, as well as to address current gaps in the permit process for addressing impacts to cultural and historic sites resulting from development activities. These amendments are the product of several years of discussion including community stakeholders, the Landmarks Commission, and others.

Prior Actions:

June 6, 2018 – the Planning Commission conducted a public hearing on the 2019 Amendment applications and accepted comments on this item.

June 20, 2018 – the Planning Commission accepted this application into the 2019 Work Program, concluded the scoping process, and directed staff to begin analysis.

August 8, 2018 – the Landmarks Preservation Commission began deliberations and code development.

September 19, 2018 – staff provided a briefing to the Planning Commission.

December 12, 2018 – the Landmarks Preservation Commission issued a recommendation to the Planning Commission.

Staff Contact: If you have any questions

Reuben McKnight, Historic Preservation Officer, reuben.mcknight@cityoftacoma.org, or 253-591-5220.

Attachments:

- Letter from Landmarks Preservation Commission Chair
- Summary of Draft Amendments
- Staff Report and Amendment Exhibits



City of Tacoma
Landmarks Preservation Commission

December 12, 2018

Stephen Wamback, Chair
Tacoma Planning Commission

Dear Chair Wamback:

On behalf of the Landmarks Preservation Commission, I am pleased to present the Commission's recommendations for amendments to Title 13 of the Tacoma Municipal Code, in regard to historic preservation. This set of amendments ranges from minor adjustments to existing language for the purposes of clarity, to a new section covering the review of certain demolition permits in the City, that addresses what the Commission feels is a gap in existing regulations.

Specifically, the enclosed code language includes the following general scope:

1. Establishment of a citywide demolition review process.

Currently the City reviews demolition permits that affect City Landmarks and buildings within locally designated historic districts, as well as development permits within the Downtown and Mall Subareas for adverse effects to cultural and historical resources (TMC 13.12.570). However, outside of the subareas and locally designated historic districts, there is very little review for cultural and historic resources. The efforts to improve demolition review began with the adoption of the Historic Preservation Plan in 2011 and the subsequent discussions that have occurred since then, including the Planning Commission, Landmarks Commission and City Council.

The proposed language would:

- Create a new process that includes enhanced review of demolition permits that involve the demolition of structures 50 years old or older, and 1) involve a cumulative demolition of 4000 sf or more of buildings a parcel, or 2) are located within Mixed Use Centers, or 3) are contributing properties within National Register Historic Districts or are individually listed on National Register of Historic Places. Historically significant structures proposed for demolition would receive additional review, and potentially be recommended to City Council for Landmarks protection.
- Amend the existing demolition review language for subareas, including the Downtown Subarea and the Mall Subarea (TMC 13.12.570 "Cultural Resource Management Plan"), for usability and predictability.

The Commission believes that these proposed additions and amendments to the code will close gaps in the review process and provide for a more transparent assessment of impacts to cultural resources resulting from development activity.

2. Improvements to the nomination and designation of properties to the Tacoma Register of Historic Places, including:
 - Clarification regarding elements that can be included in historic designations
 - Clarification of the role of City Council in its review of nominations (TMC 13.07.050 and others).
 - Ease the process for nominating properties already individually listed on the National Register of Historic Places to the Tacoma Register of Historic Places

3. Increase effectiveness of Historic Conditional Use Permit
 - The Commission recommends further consideration of potential improvements to the Historic Conditional Use Permit language to improve its usability by expanding the table of potential uses to include eating and drinking establishments, Live Work, and potentially other uses that the Planning Commission may wish to consider.
 - Clarify existing language where it is unclear or unnecessarily restrictive.

These recommendations are accompanied by related “clean up” items proposed within TMC 1.42 including general language clean up (removing outdated references and revising language to be gender-neutral), removing the “arts commission liaison” position from the Commission, and other minor changes.

This body of recommendations represents the product of several years of discussion by the Landmarks Preservation Commission, staff, and the community. This year, the proposed amendments have been under review since August at the Landmarks Commission’s regularly scheduled meetings.

We believe that the proposed amendments will result in a significant increase in the effectiveness of the cultural resource management toolkit in Tacoma, while balancing the need to protect our most important historic resources with the need to accommodate future growth and ensure predictable, customer service focused project review.

Sincerely,



Kevin Bartoy,
Chair

Enclosures:

Draft Recommended Amendments to 13.05, 13.07, and 13.12

Attachment 2: Overview of Proposed Amendments:

Major elements of the proposed amendments include:

1. Establishment of a citywide demolition review process that would include review of demolition permits for adverse effects to historically significant properties over 4,000 SF, within Mixed Use Centers, and within National Register Historic Districts or affecting National Register listed buildings, as well as clarifying existing demolition review language in code.
2. Amendments to clarify the nomination and designation process, including improvements to language regarding elements that can be included in historic designations, as well as improvements to the language regarding City Council review of nominations (TMC 13.07.050 and others).
3. Changes to nomination requirements to ease nominations locally for properties already on the National Register of Historic Places.
4. Increase effectiveness of Historic Conditional Use Permit by clarifying elements of listed properties eligible for Conditional Use, as well as potential expansion of use palette.

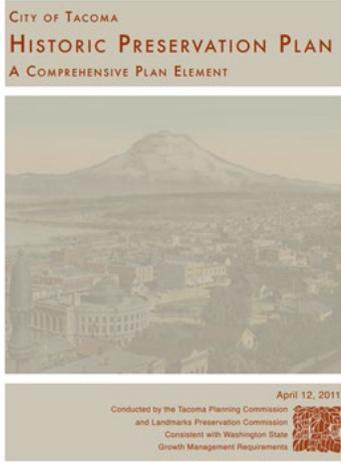
The following is a summary table of potential amendments:

Topic	Code Area	Current Status	Proposed
Administrative	All	Certain areas of the code have outdated language that refers to old organizational structure, outdated processes, etc.	All mentions of BLUS and CEDD, gender neutral language, paper copies for applications
Commission composition	1.42	The Commission composition includes a position for “Arts Commission Liaison.” The corresponding “Landmarks Commission Liaison” on the arts commission was eliminated several years ago, and the “Arts Commission Liaison,” which is appointed by the Arts Commission chair, has been vacant for several years.	Remove Arts Commission Liaison position.
Demolition/cultural resource review	13.12	Currently, there are specific provisions in the code for demolition review for designated City landmarks and buildings within locally designated historic and conservation districts, as well as demolition review within the Downtown Subareas through the “Cultural Resources Management Plan” provision in TMC 13.12.570. However, outside historically designated areas and the Downtown	Create a pilot citywide demolition review that lowers the threshold for environmental review (SEPA) of demolition of structures that are 50 years of age and older to 4,000 SF, and: <ul style="list-style-type: none"> • Exempt SF homes, except houses within NR historic districts

		Subareas, there is no formal provision for demolition review of potentially historic resources other than through SEPA. The SEPA review threshold for demolition permits is 12,000 SF.	<ul style="list-style-type: none"> • Under 4,000 SF exempt, except in NR districts and mixed use centers • Create a checklist process • May refer demolition permits to LPC
Nomination process	13.07.030 and 13.07.050	<p>Currently code definitions include the term <i>significant interior features</i>, which is defined as “architectural features, spaces, and ornamentations which are specifically identified in the landmark nomination and which are located in public areas of buildings such as lobbies, corridors, or other assembly spaces.” This is the only area in code that interiors are specifically defined. Elsewhere, in the nomination section, the term <i>significant interior spaces</i> is used to define interior spaces that may be included in the nomination, and this section further limits this to “publicly owned buildings.”</p> <p>The City’s interpretation of this set of codes is that “significant interior features” and “significant interior spaces” are intended to mean the same thing.</p> <p>Currently, the interior spaces under the authority of the Commission include the lobbies of the municipal building and the auditorium of the Pantages (by convention), and the front rooms of the Pt. Defiance Superintendent’s House (by nomination).</p>	<ul style="list-style-type: none"> • Change the definition “significant interior features” to “significant interior spaces” to match the term elsewhere in the code • Remove restriction of interior spaces that limits eligibility to publicly owned buildings • Provide additional guidance for “public spaces” within buildings
Nomination and designation	13.07.050.D.1	Clarification of City Council review. Currently the code states that council may approve	Clarify the language to distinguish between the designation and the

		<p>a resolution designating a landmark, deny it or refer the nomination back to the Commission as it may deem appropriate. Further, the code states that if the designation is approved, the Council shall include in its resolution the elements which are part of the designation and subject to LPC review.</p> <p>This has been interpreted to mean that the Council may not amend the scope of the recommendation without first referring it back to the Commission. However, it is the City's interpretation that the Council has the discretion to make changes and to include within the designation those elements that the Council deems appropriate for landmarks protection.</p>	controls within the resolution that council passes.
Nomination of NR listed properties	13.07.040 and 13.07.050	Currently, individual properties that are on the historic register must still go through the full local nomination process to be locally designated, including a local nomination form and the "two meeting" process. There has been some discussion regarding individual NR listed properties and whether it should be easier to nominate them to the Tacoma register of historic places.	Revise the code so that NR listed properties are automatically considered eligible for the Tacoma Register, eliminating the need for a "preliminary meeting," and expedite the nomination process for NR listed properties (i.e. use existing nomination forms without further work)
Conditional Use Permit	13.06	The historic conditional use permit was created in 2007 in order to provide a land use tool that expanded potential uses in historic structures beyond what is allowed in the base zone. A prototypical example is an institutional building in a single family neighborhood, such as a school. However, since 2007, there has been only one	Add language to clarify which elements of a historic property are eligible for the CUP, provide additional guidance for reviewers of CUP permits, expand use table, remove unintentionally limiting language.

		<p>successful application for the program that has resulted in an operating conditional use. Moreover, there has been some confusion whether all elements of a historically designated property may utilize the CUP or only the historically “contributing” elements.</p>	
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Historic Preservation Code Improvements

Staff Report

This proposal seeks to improve the effectiveness of the Historic Preservation Program through a series of code amendments, including: enhancement of demolition/cultural resources impact review within TMC 13.12.570; enhancements to TMC 13.07, including clarification of the nomination and designation process and project review, and the Historic Conditional Use Permit at TMC 13.06.640 F. Companion amendments to TMC 1.42 regarding the composition of the Landmarks Commission are also proposed.

Project Summary	
Applicant:	Planning and Development Services
Type of Amendment:	Code
Location and Size of Area:	Citywide
Current Land Use and Zoning:	Multiple
Neighborhood Council Area:	Multiple
Staff Recommendation:	To Release the Staff Report and Draft Exhibits for public r
Date of Report:	January 16, 2019
Project Proposal:	<p>Major elements of the proposed amendments include:</p> <ol style="list-style-type: none"> 1. Establishment of a citywide demolition review process that would include review of demolition permits for adverse effects to historically significant properties over 4,000 SF, within Mixed Use Centers, and within National Register Historic Districts or affecting National Register listed buildings, as well as clarifying existing demolition review language in code. 2. Amendments to clarify the nomination and designation process, including improvements to language regarding elements that can be included in historic designations, as well as improvements to the language regarding City Council review of nominations (TMC 13.07.050 and others). 3. Changes to nomination requirements to ease nominations locally for properties already on the National Register of Historic Places. 4. Increase effectiveness of Historic Conditional Use Permit by clarifying elements of listed properties eligible for Conditional Use, as well as potential expansion of use palette.



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

Project Manager:
 Reuben McKnight
Reuben.mcknight@cityoftacoma.org

www.cityoftacoma.org/historicpreservation

1. Area of Applicability

These amendments are citywide, but would primarily affect properties with institutional, commercial and multifamily structures and those within National Register Historic Districts.

2. Background

This is an outgrowth of several years of community discussion as well as Landmarks Commission direction, in addition to process issues discovered during project review since the last significant code amendment in 2011.

In 2011 a GIS-based predictive model was created with the objective of providing a data-driven approach to determine what properties might be historically significant, without the need or expense of a field survey. However, after much analysis and review, it was determined that due to limitations on data, there were internal and external validity problems with the model output significant enough to limit its use as a permitting threshold tool (i.e. whether it could be used to determine whether a property was significant enough to require demolition review in permitting).

Moreover, the Downtown Subarea Plan implemented a similar requirement for review of impacts to historic and cultural resources resulting from development activities within the downtown area, under its Cultural Resource Management Plan requirement that is codified at TMC 13.12.570.

The remainder of the propose amendments are not expansions of code or program authority as much as they are clean up and clarification of existing language.

3. Policy Framework

The Historic Preservation Element of the Comprehensive Plan anticipates and supports the proposed amendments. Among other observations, the plan notes that demolition review is an administrative function housed within the Historic Preservation Office, and that presently (2011) the existing tools are not sufficient for this task to be fully functional.

Specifically, the Plan states:

Goal: Historic Resources are Protected from Demolition.

Historically significant properties should be protected from demolition whenever possible. This includes properties eligible for, or listed in, local, state or national historic registers.

Policy HP-21

Provide effective demolition review procedures.

Procedures for demolition review should protect both identified and potential historic resources from demolition.

Action HP-21A

Consider expanding a demolition review and consideration period to non-designated properties that may be historically significant.

Consideration should be given to expanding demolition review to include all properties within a historic or conservation district as well as non-single family residential properties that meet a specific age threshold and

appear on a historic register or are likely to be historically significant based on a predictive model. Note that a review period may also allow for public notice and comment.

4. Objectives

The following is a summary of how the proposed amendments respond to the objectives identified in 13.02.045.D.4 for amendments to the Comprehensive Plan and Land Use Regulatory Code:

- Address inconsistencies or errors in the Comprehensive Plan or development regulations;

Demolition review is not currently adequate within the City of Tacoma, and as practiced currently is both falling short of the Comprehensive Plan policy direction and the expectations of the community.

The amendments involving the Landmarks code will clarify processes for nominations that have recently arisen, improving the quality of service to Tacoma's citizens.

- Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services;

With increasing real and anticipated development pressure, this amendment is needed to ensure that adequate public review is conducted for projects that may affect historically significant properties in Tacoma. In addition, it potentially provides an opportunity for better project outcomes to ensure that future development is compatible with the character of the existing built environment.

- Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern;

Demolition review would provide an opportunity to identify and mitigate impacts to Tacoma's historic areas resulting from demolition of historically significant structures. This would encourage a balance between new development activity and the character of the existing context.

- Enhance the quality of the neighborhood.

The Historic Conditional Use Permit is intended to encourage the adaptive reuse of historically significant properties within neighborhoods, in cases where historic structure was constructed prior to the adoption of the zoning code and potential new uses are not allowed by the present day zoning. These structures, such as schools or other institutional buildings, are often character defining to the neighborhood and contribute to the neighborhood identity.

To date, the Historic Conditional Use Permit has not resulted in a successful historic adaptive reuse development project. The enhancements to this program would identify and address inadequacies, such as limitations on potential uses or other barriers.

6. Outreach

The following outreach has been conducted to this point in the process:

- The Planning Commission conducted a public scoping hearing on June 6, 2018 and accepts comment on agenda items at regular meetings.
- The Master Builders Association of Pierce County has been briefed on the demolition review concept. The Historic Preservation Office is conversant with our counterparts at the Puyallup Tribe, and we would also offer these proposals for consultation with the appropriate staff at the Tribal administration.

- The Landmarks Commission is the primary subject matter expert on these policy issues, and has discussed all of these amendment areas in recent years at various meetings.

The following outreach will be conducted prior to a Planning Commission recommendation:

- In February, the City will be conducting a series of neighborhood planning workshops to provide information on proposed amendments, to gather community input on the proposals, and to raise awareness regarding the legislative process.
- The Planning Commission will conduct a public hearing on the proposed amendments.

Attachments:

1. Draft Exhibit: Amendments to the Tacoma Municipal Code



2019 Amendment Application No. 2019-06

Historic Preservation Code Improvements

PROPOSED AMENDMENTS TO THE TACOMA MUNICIPAL CODE TITLE 1 AND 13 – ADMINISTRATIVE CODE AND LAND USE REGULATORY CODE

January 16, 2019

NOTES:

This summary includes the sections that are proposed to be amended for Landmarks Commission review. Each section is an excerpt, in order to cut down on paper usage.

Sections are divided by *** marks, indicating the beginning and end of each amended section. Sections within which language has been omitted for length include ... marks to indicate the omitted language.

Additions are indicated by red underline and deletions are indicated by ~~red strikethrough~~.

The following code sections are included in this draft language:

1.42 Landmarks Preservation Commission

- 1.42.040 Composition of the Landmarks Preservation Commission
- 1.42.090 Powers and Duties of the Commission
- 1.42.100 Meetings and Procedures
- 1.42.110 Historic Preservation Officer

13.06 Zoning

- 13.06.640 Conditional Use Permit

13.07 Landmarks and Historic Special Review Districts

- 13.07.30 Definitions
- 13.07.040 Tacoma Register of Historic Places – Establishment and criteria.
- 13.07.050 Tacoma Register of Historic Places – Nomination and designation process for individual properties.

13.12 Environmental Code

- 13.12.570 Archaeological, Cultural, and Historic Resources.

1.42.040 Composition of the Landmarks Preservation Commission.

All members of the Commission shall have a demonstrated interest and familiarity with basic historic preservation issues, either through professional practice or volunteer work, and shall be residents within the boundaries of the City, except as provided elsewhere in this chapter.

The Landmarks Preservation Commission shall consist of ~~11 members as follows~~ the following:

A. Architect Positions: The Commission shall ~~always~~ include a minimum of three members who are currently or have been in the past professionally certified architects. These positions shall be named Architect Positions 1 through 3.

B. Professional Positions: In addition to the above, the Commission shall ~~always~~ include a minimum of four individuals who have had professional experience or training related to Historic Preservation originating from employment or study within the

following disciplines: Arts or art history, architecture, history, architectural history, planning, prehistoric and/or historic archaeology, conservation, construction or building trades, landscape architecture, urban planning or design, structural engineering, land use or real estate law, real estate, appraisal or real estate finance, project management or contracting, or a related discipline. These positions shall be named Professional Positions 1 through 4.

~~C. Tacoma Arts Commission Liaison Position: One position may be appointed from the membership of the Tacoma Arts Commission upon nomination by the Tacoma Arts Commission Chair. If the Arts Commission Chair declines to make such an appointment, upon request of the Mayor, the position may be appointed by City Council according to the normal appointment procedures described in this chapter.~~

~~DC.~~ At-Large Positions: The remaining positions may be filled at-large. These shall be referred to as At-Large Positions 1 through ~~34~~.

~~ED.~~ Temporary vacancies of one or all of the professional positions shall not render actions by the Commission invalid, unless the Commission action is related to meeting Certified Local Government (“CLG”) responsibilities cited in the Certification Agreement between the Mayor and the State Historic Preservation Officer on behalf of the state.

~~FE.~~ Exception to the residency requirement may be granted by City Council in order to fill vacancies for professional positions.

~~GF.~~ The Appointments Committee may, at its discretion, solicit nominations from neighborhood community associations, business districts, and professional organizations to ensure geographic and professional diversity within the Commission.

~~HG.~~ The provisions of this chapter shall be enforced as vacancies occur following the adoption of this legislation.

1.42.090 Powers and duties of the Commission.

The primary duty of the Landmarks Preservation Commission is to identify and actively encourage the conservation of the City’s historic resources by establishing and maintaining a register of historic landmarks, landmark sites, historic special review districts, and conservation districts; reviewing proposed changes to register properties; raising community awareness of the City’s history and historic resources; and serving as the City’s primary resource in matters of history, historic planning, and preservation, as provided for in this chapter and Chapter 13.07 of the TMC.

In carrying out these responsibilities, the Landmarks Preservation Commission shall engage in the following:

- A. Serve as liaison to the City Council on matters of historic preservation policy.
- B. Establish and maintain the Tacoma Register of Historic Places (“Register”), as provided for in TMC 13.07. The Register shall consist of buildings, structures, sites, objects, and districts identified by the Commission as having historic significance worthy of recognition and protection by the City in accordance with the purposes of this chapter.
- C. Review and advise the City Council regarding nominations to the Tacoma Register of Historic Places for individual listings as well as for potential historic districts, according to criteria and procedures listed in TMC 13.07.
- D. Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register, as provided in TMC 13.05 and 13.07, and adopt standards, design guidelines, and district rules to be used to guide this review and the issuance of a certificate of approval.

1.42.100 Meetings and procedures.

- A. The Commission shall establish a regular time and place for meetings and shall meet a minimum of 12 times per calendar year, or additionally, as necessary, to conduct Commission business. Special meetings may be called by the chairman or by any three members of the Commission upon personal notice being given to all members or written notice being mailed to each member at least 24 hours prior to the date set for such meeting, unless such notice requirement is waived in writing.
- B. A simple majority of appointed filled positions shall constitute a quorum.
- C. All Commission meetings shall be conducted in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation, and the Commission shall adopt standards in its rules to guide this action.
- D. The Commission’s chairman person shall submit an annual report to the City Council, sending a copy thereof to the City Clerk.

1.42.110 Historic Preservation Officer.

To ensure adequate commission and professional staff assistance, the Director of ~~the Community and Economic Development Planning and Development Services~~ Department shall appoint a Historic Preservation Officer for the City. The Historic Preservation Officer shall possess expertise in the field of historic preservation, with professional qualifications in the disciplines of archaeology, architecture, architectural history, history, urban planning, art history, or a closely related field.

Under the direction of the Commission, the Historic Preservation Officer shall act as ex officio secretary and shall keep accurate records of the Commission’s proceedings and transactions, conduct official correspondence, assist in organizing and supervising the Landmarks Preservation Commission, and organize and supervise clerical and technical work of the Commission to the extent required to administer this chapter.

13.07.030 Definitions.

...

“Significant interior ~~features~~spaces” means architectural features, spaces, and ornamentations which are specifically identified in the landmark nomination and which are located in public ~~or common~~ areas of buildings such as lobbies, corridors, or other assembly spaces, ~~or that are of exceptional historic significance due to integrity or association with historic events.~~

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

1. The use shall be consistent with the goals and policies of the Comprehensive Plan, any adopted neighborhood or community plans, and applicable ordinances of the City of Tacoma.
2. The use shall be located, planned, and developed in such a manner that it is not inconsistent with the health, safety, convenience, or general welfare of persons residing or working in the community. The following shall be considered in making a decision on a conditional use permit:
 - a. The generation of noise, noxious or offensive emissions, light, glare, traffic, or other nuisances which may be injurious or to the detriment of a significant portion of the community.
 - b. Availability of public services which may be necessary or desirable for the support of the use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian, and public transportation systems), education, police and fire facilities, and social and health services.
 - c. The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties.
3. The proposed re-use shall promote the preservation and/or restoration of the designated historic structure(s) on the site.
4. Whether the proposed re-use is necessary to maintain and preserve the historic property due to unique circumstances of the property.
5. The proposed reuse and design of any modifications to the historic structure(s) and site shall be approved by the Landmarks Preservation Commission.
6. The proposed use(s) shall be limited to ~~one of~~ the following:

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

13.07.040 Tacoma Register of Historic Places – Establishment and criteria.

A. Tacoma Register of Historic Places is Established. In order to meet the purposes of this chapter and Chapter 1.42 of the TMC, there is hereby established the Tacoma Register of Historic Places. Historic resources and districts designated to this Register pursuant to the procedures and criteria listed in this chapter are subject to the controls and protections of the Landmarks Preservation Commission established by TMC 1.42 and pursuant to the design review provisions of this chapter.

B. Criteria for the Designation to the Tacoma Register of Historic Places.

1. Threshold Criteria: The Commission may determine that a property is eligible for consideration for listing on the Tacoma Register of Historic Places if it:

- a. Is at least 50 years old at the time of nomination; and
- b. Retains integrity of location, design, setting, materials, workmanship, feeling, and association such that it is able to convey its historical, cultural, or architectural significance

2. Designation Criteria: In addition to the above, a property may be designated to the Tacoma Register of Historic Places if it:

- a. Is associated with events that have made a significant contribution to the broad patterns of our history; or
- b. Is associated with the lives of persons significant in our past; or
- c. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- d. Has yielded or may be likely to yield, information important in prehistory or history; or
- e. Abuts a property that is already listed on the Tacoma Register of Historic Places and was constructed within the period of significance of the adjacent structure; or
- f. Is already individually listed on the National Register of Historic Places; or
- g. f. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood or City.

3. Additional criteria for considering designation of interior spaces. The Commission may include interior spaces in its designation recommendation if the Commission determines:

- a. The interior space meets the definition of “significant interior spaces” as described in this chapter and contributes to the historic character of the property, and
- b. That the protection of the interior space would provide broad public benefit.

13.07.050 Tacoma Register of Historic Places – Nomination and designation process for individual properties.

A. Process for the nomination of individual properties, generally:

1. Any resident of Tacoma or City official, including members of the City Council, City staff, or members of the Planning Commission, may request consideration by the Landmarks Preservation Commission of any particular property for placement on the Tacoma Register of Historical Places.

2. A written request, which shall be in the form of a completed nomination to the Tacoma Register of Historic Places, shall be made to the Historic Preservation Officer. For properties that are individually listed on the National Register of Historic Places, the National Register nomination form may be submitted in lieu of a Tacoma Register form. At a minimum, the nomination form shall contain the following:

- a. A narrative statement which addresses the historical or cultural significance of the property, in terms of the Designation Criteria listed in this chapter; and
- b. A narrative statement which addresses the physical condition assessment and architectural description; and
- c. Specific language indicating which improvements on the site are included in the nomination, including any significant interior spaces ~~within publicly owned buildings~~; and

...

B. Landmarks Preservation Commission Preliminary Meeting on Nomination.

1. When a nomination form is found by the Historic Preservation Officer to be complete as indicated in this section, the Historic Preservation Officer shall:

a. Schedule the nomination for preliminary consideration at the next available regularly scheduled meeting of the Landmarks Preservation Commission and shall serve the taxpayer(s) of record written notice 14 days in advance of the time and place of the meeting. If the taxpayer of record is not the sponsor of the nomination, the taxpayer of record may request an additional 30 days to respond to the nomination.

b. Notify other City Departments and Divisions, as appropriate, of receipt of the nomination.

2. No person shall carry out or cause to be carried out any alteration of any building, site, structure, or object under consideration by the Landmarks Preservation Commission for designation as a City Landmark, without a Certificate of Approval pursuant to TMC 13.05.047.

3. At this meeting, the Landmarks Preservation Commission shall, by quorum vote, find that the application meets the threshold criteria for designation contained in this chapter, that it does not meet the threshold criteria, or the Commission may defer the decision if additional information is required. The Commission may also, by quorum vote, amend or edit a nomination that is under review at the preliminary meeting.

...

D. City Council Review of Designation.

1. Upon receipt of a recommendation from the Commission, the City Council may place the nominated property on the Tacoma Register of Historic Places ~~approve the same~~ by adoption of a resolution designating the structure property as a historic landmark or building, ~~may reject the same, or may refer it back to the Commission for further consideration~~, as the Council may deem appropriate.

2. If the City Council approves the designation, the designating resolution shall contain the following:

- a. Location description, including legal description, parcel number, and street address of the City landmark;
- b. Criteria under which the property is considered historic and therefore designated as a landmark;
- c. Elements of the property, including any significant interior spaces if so nominated, that the Council determines shall be subject to Landmarks Preservation Commission regulation.

3. Upon adoption of a resolution approving the designation of a historic building as a City landmark, the City ~~Clerk shall transmit a copy of said resolution to Building and Land Use Services, which~~ shall place the City landmark designation on the subject property's records under ~~his or her~~ its jurisdiction.

13.12.570 Archaeological, Cultural, and Historic Resources.

A. Regional Growth Centers.

1. This section sets forth provisions for addressing archaeological, cultural, and historic resources for projects located within the Downtown Tacoma Regional Growth Center and within the Tacoma Mall Neighborhood Regional Growth Center in areas where a Subarea Plan and a companion area-wide, non-project Environmental Impact Statement (“EIS”) have been completed. The Planning and Development Services Department will use this process and any required assessments to evaluate potential impacts and assist in identifying and establishing appropriate mitigation measures.

2. Cultural Site Assessment Requirements B. Known Archaeological, Cultural and Historic Resources.

a. 1. All applications for a permit shall ~~indicate~~ identify whether the property is within 500 feet of a site known to contain an historic, cultural or archaeological resource(s) based upon historic registers and records. Locations Records of known archaeological sites are restricted and c. Consultation with the Washington Department of Archaeology and Historic Preservation or a certified archaeologist will be required.

(1) If there are no known historically designated or significant sites within 500 feet of the subject property, a letter to the Historic Preservation Officer should be submitted with the development stating so, along with the research methods used and resources consulted.

(2) If the property is determined to be within 500 feet of a site known to contain historic, cultural, or archaeological resources, the City shall require a cultural resource site assessment; provided that, the provisions of this section may be waived if the Director determines that the proposed development activities do not include any ground disturbing activities and will not impact a known historic, cultural or archaeological site. The intent of the site assessment is to identify potentially affected historic or cultural significant properties near the project area, and to provide a general assessment of the potential impacts to these properties. The site assessment shall be conducted in accordance with Washington State Department of Archaeology and Historic Preservation guidelines for survey and site reporting to determine the presence of significant historic or archaeological resources. The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party. The site assessment shall contain the following elements:

(a) The Cultural Resource Assessment shall catalog known significant historic or cultural sites in the vicinity (500 feet) of the proposed project, and assess whether there are any probable impacts to those sites resulting from the development activity. This assessment shall include photographs and a brief description of significant sites, a description of anticipated impacts (if any) and a map showing locations relative to the proposed development.

(b) Where there is a large planned development that may affect numerous historically significant properties, and for any project that includes demolitions of structures 50 years of age or older, the documentation of buildings must be conducted in accordance with Washington State Department of Archaeology and Historic Preservation guidelines for survey and site reporting. Such documentation must include an assessment of the historic significance or lack thereof, and the basis for this assessment.

(c) Demolition of historically significant structures or the disturbance of documented archaeological sites will automatically require the preparation of a Cultural Resource Management Plan (see below).

(d) Waivers of the Cultural Site Assessment. Applicants may request that the provisions of this section be waived by submittal of a written request stating the basis for such a waiver, including the resources consulted and research conducted.

(e) The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party, if needed.

(3) From the date of receipt of the Cultural Resource Assessment, the Historic Preservation Officer shall have thirty (30) days to review the document. The Historic Preservation Officer may accept the assessment as presented, request additional information or clarification, or find that, due to likely adverse effects upon historically or culturally significant properties resulting from the development project, a Cultural Resource Management Plan should be completed.

3. Cultural Resource Management Plan

a. 2. If the cultural resource site assessment identifies the presence of significant historic or archaeological resources, for which there is an anticipated adverse effect resulting from the proposed development activity, a Cultural Resource Management Plan (“CRMP”) shall be prepared by a professional archaeologist or historic preservation professional paid by the landowner or responsible party. In the preparation of such plans, the professional archaeologist or historic preservation professional shall solicit comments from the Washington State Department of Archaeology and Historic Preservation and the Puyallup Tribe. Comments received shall be incorporated into the conclusions and recommended conditions of the CRMP to the maximum extent practicable.

b. The CRMP is intended to provide documentation that allows a thorough assessment of the anticipated adverse impacts to historic and culturally significant properties resulting from development activities within the regional growth center or subarea. The CRMP shall be prepared by a qualified cultural resources consultant, as defined by the Washington State Department of Archaeology and Historic Preservation, and 3. A CRMP shall contain the following minimum elements and information:

a. The CRMP shall be prepared by a qualified cultural resources consultant, as defined by the Washington State Department of Archaeology and Historic Preservation;

(1) b. A Description of the Area of Potential Effect (“APE”) for the project, defined as geographic area or areas within which the development project may directly or indirectly cause changes in the character or use of historic or culturally significant

properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of the project and may be different for different kinds of effects caused by the project. including-The justification for the APE shall include a general description of the scope of work for the project and the extent and locations of ground disturbing activities (ground disturbing activities include excavations for footings, pilings, utilities, environmental testing or sampling, areas to be cleared and/or graded, demolition, removal or relocation of any existing structures, and any other ground disturbances that may occur as a result of construction activities);

(2) An inventory and assessment of all historically and culturally significant/designated properties within the APE, including citations, with dates, of any previous written documentation on listed or known culturally significant sites. In compiling this information consultations with the following agencies shall be necessary, and a list of the agency officials that were consulted with shall be included, such as the Washington State Department of Archaeology and Historic Preservation, the City of Tacoma Historic Preservation Office, and the Puyallup Tribe of Indians;

(3)e. Photographs of the APE, including existing structures and areas of construction activities; An assessment of probable direct and indirect impacts within the APE resulting from development activities, including:

(a) Demolition of any buildings or structures over 50 years of age.

(b) The potential for the site to contain historic or prehistoric archaeological materials, based on the topography of the property, historical literature, geological data, geographical context, or proximity to areas of known cultural significance.

(4) d. An examination of project on-site design alternatives, including an explanation of why the proposed activity requires a location on, or access across and/or through, a significant historic or archaeological resource; and

e. An explanation of why the proposed activity requires a location on, or access across and/or through, a significant historic or archaeological resource; and

f. Citations, with dates, of any previous written documentation on listed or known culturally significant sites. In compiling this information consultations with the following agencies shall be necessary, and a list of the agency officials that were consulted with shall be included:

(1) State Department of Archaeology and Historic Preservation to identify buildings, sites, or objects within the APE that are listed on the National Register of Historic Places or the Washington State Heritage Register.

(2) City of Tacoma Historic Preservation Office to identify any buildings, sites, or objects within the APE listed on the Tacoma Register of Historic Places.

(3) The Puyallup Tribe of Indians Historic Preservation Section to identify any buildings, sites, or objects within the APE within the 1873 Land Claims Settlement Survey Area.

g. An assessment of probable adverse impacts to culturally significant buildings, sites, or objects, resulting from:

(1) Demolition of any buildings or structures over 50 years of age.

(2) The potential for the site to contain historic or prehistoric archaeological materials, based on the topography of the property, historical literature, geological data, geographical context, or proximity to areas of known cultural significance.

(5) h. A description of how potential adverse effects to cultural resources as a result of construction activities will be mitigated or minimized. Subject to review and approval of the City's Historic Preservation Officer, appropriate mitigation may include, but is not limited to:

(a) (1) Additional consultation with federal, state, local and tribal officials or the Tacoma Landmarks Commission.

(b) (2) Additional studies such as pedestrian surveys, subsurface testing, remote sensing, phased or periodic testing as a part of any geotechnical assessment or soil testing required for the project, or monitoring during construction.

(c) (3) Avoidance of historic/cultural resources;

(d) (4) Retention of all or some of a historic structure into a new development;

(e) (5) Interpretive/educational measures;

(f) (6) Off-site/on site preservation of another historic resource;

(g) (7) Recording the site with the Washington State Department of Archaeology and Historic Preservation, or listing the site in the National Register of Historic Places, Washington Heritage Register, as applicable, or any locally developed historic register registry formally adopted by the City of Tacoma;

(h) (8) Preservation in place;

(i) (9) Reinternment in the case of grave sites;

(j) (10) Covering an archaeological site with a nonstructural surface to discourage pilferage (e.g., maintained grass or pavement);

(k) (11) Excavation and recovery of archaeological resources;

(l) (12) Inventorying prior to covering of archaeological resources with structures or development; and

(m) (13) Monitoring of construction excavation.

c. 4. Upon receipt of a complete permit application in an area of known historic/archaeological resources, the City shall notify and request a recommendation from appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation and the Puyallup Tribe. Recommendations of such agencies and other affected persons shall be duly considered and adhered to whenever possible and reasonable.

d. 5. The recommendations and conclusions of the CRMP shall be used to assist the Director in making final administrative decisions concerning the presence and extent of historic/archaeological resources and appropriate mitigating measures. The Director shall consult with the Washington State Department of Archaeology and Historic Preservation and the Puyallup Tribe prior to approval of the CRMP.

e. 6. The Director may reject or request revision of the conclusions reached in a CRMP when the Director can demonstrate that the assessment is inaccurate or does not fully address the historic/archaeological resource management concerns involved.

B. Demolition of Historic Resources - Citywide

1. Scope and Applicability. This section sets forth provisions for review of demolition permits that affect structures that are 50 years of age or greater at the time of permit application, and that involve demolition of 4000 gross square feet or more on a parcel, or are located within designated Mixed Use Centers, or are properties listed on the National Register of Historic Places either as part of a district or individually listed. The following project types are exempt from this section:

a. Demolition of single family homes that are not located within National Register Historic Districts or listed on the National Register of Historic Places;

b. Demolitions of buildings that are less than 4,000 square feet in size that are not located within National Register Historic Districts or listed on the National Register of Historic Places, or located within Mixed Use Centers;

2. Demolitions affecting designated City Landmarks. All demolition permits affecting City Landmarks (either individually listed or within local historic special review districts) shall be reviewed pursuant to procedures outlined in TMC 13.05.048 and TMC 13.07.110.

3. Requirements. Applications for a demolition permit shall include a summary report that identifies all affected structures that are fifty years of age or greater, and shall note any such structures that are listed on the National Register of Historic Places either individually or as part of a district. Submittal materials shall include at minimum:

a. Current photographs of all elevations of all affected structures

b. Historical photographs of the affected structures, if available from public sources

c. Narrative of any known history of affected structures (construction date, architect, builder, occupants, associated events)

4. The summary demolition report shall be reviewed by the Historic Preservation Officer to determine whether the affected structures appear to be historically significant and should be referred to the Landmarks Preservation Commission for consideration of designation to the Tacoma Register of Historic Places. The Historic Preservation Officer may consider the summary demolition report for up to 30 days.

a. Demolition affecting properties that are listed on the National Register of Historic Places, either individually or as a contributing structure within a historic district, shall be referred to the Landmarks Commission for consideration of designation to the Tacoma Register of Historic Places, unless it is determined by the Historic Preservation Officer that such properties lack historic integrity of location, place, setting, materials, association or feeling to the extent that such properties would be unlikely to be eligible for designation to the Tacoma Register.

b. Demolition of all other properties shall be preliminarily assessed by the Historic Preservation Officer based upon the criteria for designation of a landmarks TMC 13.07.040.

5. If the Historic Preservation Officer determines that the affected structures possess historic integrity of location, design, setting, materials, workmanship, feeling, and association and are likely eligible for listing on the Tacoma Register of Historic Places, or if the affected properties are already listed on the National Register of Historic Places, the applicant will be directed to prepare a Historic Property Assessment Report, which shall be prepared at the expense of the applicant by a qualified historic preservation consultant, and which shall contain:

a. A narrative statement which assesses the historical or cultural significance of the property, in terms of the Designation Criteria listed in TMC 13.07.050; and

b. A narrative statement which assesses the physical condition of the property and includes an architectural description; and

c. Specific language indicating which improvements on the site are eligible for historic designation according to the Designation Criteria, including any significant interior features within publicly owned buildings; and

d. A complete legal description; and

e. A description of the character-defining features and architectural elements that contribute to the historic character of the property.

6. The Historic Property Assessment Report shall be forwarded to the Landmarks Preservation Commission for its review. If the Commission finds that the affected properties should be included in the Tacoma Register of Historic Places, it shall transmit such a recommendation to the appropriate Council Committee for concurrence.

7. If no concurrence from the Committee is received with 60 days of the Committee's initial consideration of the recommendation, the Commission's recommendation is rejected. In all cases, the Committee's concurrence by vote shall be required for further consideration by the Commission; however, this does not preclude consideration of the property for designation to the Tacoma Register of Historic Places if a formal nomination for the same property is received from a private individual.

8. Upon receiving concurrence from the Committee, the Landmarks Preservation Commission shall schedule a public hearing as soon as it is practical to solicit public comment on the potential designation, per the procedural requirements at TMC 13.07.050.

9. During the demolition review process, all requirements of TMC 13.05.046 relating to the alteration of historic properties apply to the affected properties. If the demolition permit application is withdrawn, but the Commission or City Council is considering historic designation of the subject property, the historic designation review will continue regardless of the demolition permit status.

C. Unanticipated Discovery of Archaeological, Cultural and Historic Resources.

All permit applications shall prepare a plan for the possible unanticipated discovery of historic, cultural or archaeological resources, including a point of contact, procedure for stop-work notification, and for notification of appropriate agencies



To: Planning Commission
From: Larry Harala, Associate Planner
Subject: JBLM Airport Compatibility Overlay District
Meeting Date: January 16th, 2018
Memo Date: January 10th, 2018

Action Requested:

Staff is seeking Planning Commission approval of the updated JBLM Airport Compatibility Overlay District and will request that the Commission forward this proposal to the City Council along with a recommendation to adopt the proposed code amendments.

Discussion:

On December 19, 2018 the Commission discussed stakeholder input received through the public comment process and provided direction to make several changes to the public review draft proposals. Specifically, the Commission directed staff to develop policy options that would reduce the impact on residential development and property owners, allow for small-scale neighborhood amenities, and simplify the approach, while still achieving the JLUS intent to promote public safety and support JBLM's mission. At the meeting, staff will explain the changes and seek any final direction from the Commission pursuant to forwarding recommendations to the City Council.

Project Summary:

Enact an Airport Compatibility Overlay District corresponding with the JBLM Accident Potential Zone (APZ) II in South Tacoma, and make corresponding changes to land use tables and related sections of the Tacoma Municipal Code. The Overlay District will implement the recommendations of the JLUS and AICUZ, by instituting changes to permitted land uses and development standards that would limit future incompatibility with the risk of aircraft operations.

Prior Actions:

- **June 20th, 2018** – the Commission reviewed this proposal as part of the 2019 Amendments and provided direction to move ahead on a separate, accelerated timeline.
- **September 19th, 2018** – the Commission authorized the distribution of the proposals for public review, and set a Public Hearing for November 7th, 2018.
- **October 24th, 2018** – Staff held a community information meeting at the STAR Center.
- **November 7th, 2018** – the Commission held a public hearing at the STAR Center.
- **December 19th, 2018** – the Commission reviewed public testimony and provided direction for modifications to the draft proposals.

Staff Contact:

Larry Harala, Associate Planner, lharala@cityoftacoma.org, 253-591-5640

Attachments:

1. Findings and Recommendations (draft)
2. Proposed Code Changes (updated)
3. Planning Commission Letter to City Council (draft)

c: Peter Huffman, Director



Attachment 1



AIRPORT COMPATIBILITY OVERLAY DISTRICT

TACOMA PLANNING COMMISSION
FINDINGS OF FACT AND RECOMMENDATIONS
JANUARY 16TH, 2018

A. SUBJECT:

Proposed establishment of the Joint Base Lewis McChord (JBLM) Airport Compatibility Overlay District. A small portion of South Tacoma is located within JBLM's Accident Prevention Zone II (APZ II). Based on the elevated risk around aircraft safety, the JBLM Joint Land Use Study (JLUS) Implementation Plan recommends that the City incorporate considerations in local planning and permitting processes to address the health and safety of residents.

B. SUMMARY OF PROPOSED AMENDMENTS:

This proposal would establish an Airport Compatibility Overlay District corresponding with the JBLM Accident Potential Zone (APZ) II in South Tacoma. The proposal would also include all necessary changes to land use tables and related sections of the Tacoma Municipal Code. The Overlay District will implement the recommendations of the JBLM Joint Land Use Study (JLUS) and the U.S. Air Force's Air Installations Compatible Use Zones (AICUZ) Program, by instituting changes to permitted land uses and development standards.

If approved, the proposed amendments would reduce risk of future loss of life and damage on the ground should an air accident occur by preventing development that would significantly increase density over current levels. The current density of the area is generally in line with the JLUS and AICUZ guidelines. In developing these proposals, the Planning Commission gave substantial consideration to concerns expressed by area residents during the public comment process.

The proposed Overlay District would have the following effects:

- Codify the City's intent to prevent development conditions inconsistent with the APZ II, to reduce risk to life and property, implement the City's policies to collaborate with JBLM Airfield, increase knowledge of aircraft accident risks, and recognize existing uses and avoid undue impacts to residents, property owners, businesses and institutions.
- Prohibit new development of the following land uses considered inconsistent with the APZ II:
 - Airports; Assembly facilities; Brewpubs; Carnivals; Commercial recreation and entertainment; Correctional facilities; Cultural institutions; Day care centers with more than twelve children; Detention facilities; Heliports; Hospitals; Hotels/motels; Heavy Industry; High-intensity parks, recreation and open space uses; Public Assembly; Two-family, Three-family and Multi-family Residential Development; Schools; and, Theaters.
 - Existing land uses within these categories would become non-conforming under the Zoning Code, limiting their future expansion.
- Existing Two-family, Three-family and Multi-family Development would be considered conforming under the Zoning Code, however no increase in the number of dwellings would be permitted.
- Limit the overall size of Eating and Drinking establishments; Retail; and, Office uses to 7,000 square foot maximum.
- Limit Group Home size limit at 6 persons maximum.

- Require proposals for discretionary land use permits to demonstrate consistency with the Overlay District intent.
- Require Notice on Title be recorded acknowledging the Overlay District along with major land use permits and major modifications to such.
- Adopt development standards limiting generation of air pollution, electronic interference or glare that could negatively impact pilots or aircraft.
- Limit manufacturing or processing of chemicals, petroleum, rubber or plastic.

C. FINDINGS OF FACT PART 1: BACKGROUND

1. Military Installations – State Policy

Revised Code of Washington (RCW) 36.70A.530 states that military installations are of particular importance to the economic health of the state of Washington, and it is a priority of the state to protect the land surrounding our military installations from incompatible development; thus, per state law as well as federal guidance, local governments should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements. Similarly, policy guidance published in PSRC's regional growth management plan, VISION 2040, calls for jurisdictions in the region to protect military lands from encroachment by incompatible uses.

2. Accident Potential Zone II

The Accident Potential Zone II is a federal designation based on the U.S. Air Force's Air Installations Compatible Use Zones (AICUZ) Program. The AICUZ provides detailed land use and development standards and recommendations to reduce the long-term risk of plane crashes, and of loss of life should an accident occur. The Department of Defense and Air Force recommendation is focused on limiting the number of people exposed through land use planning. The land use guidelines for APZs are founded on the concept of minimizing density of land use in the vicinity of the installations.

In addition to limiting density, certain types of land use such as residential, educational facilities, and medical facilities are considered incompatible and are strongly discouraged in APZs. The recommendation is that overall density of all uses be below 50 persons per acre, as well as outright restrictions on public assembly and other use types that would generate high per acre density.

3. Joint Land Use Study

The Joint Base Lewis-McChord (JBLM) JLUS is a collaborative process among federal, regional, and local governments and agencies, tribes, the public, and the south Puget Sound region's military installations of JBLM and Camp Murray. The study is designed to create a collective regional dialogue around sometimes complex issues of balancing military operational demands and mission changes with the region's and local communities' land use plans, economic development and infrastructure needs, and goals for environmental sustainability. Initiated in 1992, over time the JLUS effort has produced multiple guidance documents which provide the South Sound community with recommendations on a range of topics related to the proximity of the military installations.

4. Comprehensive Plan and Land Use Regulatory Code

The *One Tacoma* Comprehensive Plan, updated in 2015 by Ordinance No. 28335, is Tacoma's Comprehensive Plan as required by the State Growth Management Act (GMA) and consists of several plan and program elements. As the City's official statement concerning future growth and development, the Comprehensive Plan sets forth goals, policies and strategies for the health, welfare and quality of life of Tacoma's residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is the key regulatory mechanism that supports the Comprehensive Plan.

5. Comprehensive Plan Policies

The following policies in Comprehensive Plan clearly state the City's position regarding compatibility with JBLM and the APZ II.

Policy DD-9.9 - Where uses, densities or intensities adjoining the city differ significantly from planned or existing development patterns inside the city, work in collaboration with adjoining jurisdictions ensure appropriate transitions and compatibility between uses. For example, McChord Field, part of Joint Base Lewis-McChord (JBLM), is located near the city's south border and development patterns in this area of Tacoma should be compatible with airfield activity. The City of Tacoma is working with JBLM to ensure long-term land use compatibility around the airfield.

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).

Policy UF-13.53 Housing densities greater than six units per acre or any concentrations of more than 25 people per hour/per acre in any given 24-hour period are discouraged in the Accident Potential Zone II (APZ II).

Staff notes that the 25 people per hour/per acre goal is contrary to the 2015 JBLM- AICUZ Study Update and AICUZ managers guide which indicates within the APZ II, 50 persons per acre is the basic overriding goal. Staff is recommending that as part of the 2019 Comprehensive Plan cleanup this discrepancy be corrected.

6. Planning Mandates

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

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

D. Findings of Fact Part 2: Public Notification and Involvement

1. Public Hearing

The public comment process has been extensive, there has been a dedicated neighborhood meeting, post card mailing, notice in the Tacoma Daily Index (SEPA notice), and notice to the South Tacoma Neighborhood Council. Approximately 20 stakeholders have taken the time to comment, at the neighborhood meeting, the Public Hearing and/or via email.

At the Planning Commission Public Hearing held on November 7th, 2018 which took place at the STAR Center there were approximately 35 area residents, business owners, church and public

assembly facility representatives in attendance. Thirteen individuals made oral comment at the Public Hearing and 6 written comments were received.

The comments included both support for JBLM's mission and for addressing the risk of aircraft accidents, as well as concerns regarding potential negative impacts of the proposals to property values, increases in property insurance costs, and the loss of important neighborhood amenities such as the school. Joint Base Lewis-McChord, the South Sound Military and Communities Partnership and the City of Lakewood expressed written and verbal support.

2. Community Informational Meeting

An informational meeting was attended by JBLM representatives, area residents, and representative of churches and businesses on October 24th, 2018, 5:30-7:00 p.m., at the STAR Center (3873 S 66th St).

3. Public Notification

(a) Public Hearing Notice

- The Public Hearing notice was mailed to approximately 2,500 individuals and entities within and within 1,000 feet of the area, and mailed and emailed to the Planning Commission's interested parties list that includes the City Council, Neighborhood Councils, area business district associations, the Puyallup Tribal Nation, adjacent jurisdictions, City and State departments, and others.
- Nine public notice signs were posted throughout the area on October 11th, 2018.
- In addition, separate letters were mailed to the owners of properties and uses potentially most affected, including vacant land, uses involving public assembly, and commercial/industrial properties.

(b) News Media

The City of Tacoma issued a News Release on October 18th, 2018. A legal notice was published on the Tacoma Daily Index on October 25th, 2018.

(c) 60-Day Notice

A "Notice of Intent to Adopt Amendment 60 Days Prior to Adoption" was sent to the State Department of Commerce (per RCW 36.70A.106) on October 31st, 2018. Notice has been sent to several offices at Joint Base Lewis-McChord (per RCW 36.70A.530(4)) over the month of October, asking for comments on the proposals. Staff have also had several direct consultations with JBLM and JLUS representatives.

(d) Website – www.cityoftacoma.org/JLUS

E. Findings of Fact Part 3: SEPA Review

4. SEPA Checklist and Determination of Non-Significance

- (a) A SEPA Determination of Non-Significance was issued on October 25th, 2018, and the comment period ended on November 9th, 2018.
- (b) Public notice appeared in the Tacoma Daily Index on October 25th, 2018.
- (c) The Final Decision was issued November 12th, 2018.
- (d) A single response was received from the Pierce County Health District, acknowledging the SEPA notice with no concerns.

F. Findings of Fact Part 4: Planning Commission Review

5. Planning Commission Records.

Planning Commission agendas, minutes, handouts, and presentations are available at www.cityoftacoma.org/JLUS and at

http://www.cityoftacoma.org/government/committees_boards_commissions/planning_commission/agendas_and_minutes/

6. Scoping Process

On June 20th, 2018 the Commission reviewed this proposal as part of the 2019 Amendments scoping process and provided direction to tailor the JLUS recommendations to Tacoma on a separate, accelerated timeline.

7. Public Review Document

On September 19th, 2018 the Commission authorized staff to conduct broad public outreach as well as targeted outreach to the owners of properties that potentially would be most affected, and set a Public Hearing for November 7th, 2018 to be held at the STAR Center (3873 S 66th St). The public review draft proposal is available at www.cityoftacoma.org/JLUS.

8. Public Hearing

On November 7th, the Commission held a Public Hearing at the STAR Center (3873 S 66th St). Public testimony was received expressing concerns and also expressing support for the proposal. During the public comment process a total of 19 oral and written comments were received by the Planning Commission. In response to the public input during the process the Planning Commission expressed concerns about negative impact to the quality of life and property value.

9. Review of Comments

On December 19th, 2018 the Commission reviewed public testimony and comments, discussed potential modifications to the draft proposals in response to public testimony received, and directed staff to prepare policy options to address issues raised. In response, staff prepared modifications to the public review draft proposals that reduce the impact on single-family residential uses and clarify the approach, while still accomplishing the intent of consistency with APZ II intent and guidance.

The specific changes to the public review draft include the following:

- Allow single-family subdivisions per the standards of the underlying zoning district
- Allow Accessory Dwelling Units per standard City requirements
- Allow small-scale, neighborhood commercial uses (e.g., eating and drinking establishments) and simplify the approach by replacing the Floor Area Ratio (FAR) maximums with a 7,000 square foot maximum size
- Remove restrictions on Wireless Facilities and overhead Utility facilities

10. Recommendation

Establish an Airport Compatibility Overlay District corresponding with the JBLM Accident Potential Zone (APZ) II in South Tacoma. The proposal would also include all necessary changes to land use tables and related sections of the Tacoma Municipal Code. The Overlay District will implement the recommendations of the JBLM Joint Land Use Study (JLUS) and the U.S. Air Force's Air Installations Compatible Use Zones (AICUZ) Program, by instituting changes to permitted land uses and development standards.

G. CONCLUSIONS:

These measures will bring the City of Tacoma into greater consistency with the JLUS, AICUZ as well as the Comprehensive Plan and the Growth Management Act, and support the following objectives:

- Prevent development conditions that could interfere with aircraft operations
- Reduce risk to life and property in the incidence of a crash, through the following strategies
- Implement the City's policies calling for collaboration and compatibility with JBLM Airfield
- Increase awareness of aircraft accident risks
- Recognize existing uses and avoid undue impacts to residents, property owners, businesses and institutions

If approved, the result of this action would prevent future development incompatible with the above objectives such as large-scale public assembly uses, multi-family development, and hazardous industrial uses, and general consistency with the underlying objective of holding density below 50 persons per acre.

H. ADDITIONAL ACTION

1. As part of the 2019 Cleanup Amendments, update Comprehensive Plan Urban Form Policy 13.53 to reflect the most recent JLUS and AICUZ guidance.

I. EXHIBITS:

A: RECOMMENDED AMENDMENTS TO THE TACOMA MUNICIPAL CODE

B: SEPA CHECKLIST & DNS (INCLUDED IN CITY RECORDS)



JBLM Airport Compatibility Overlay District

PROPOSED CODE CHANGES

Notes:

These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~. Additional changes made to the public review draft are **highlighted yellow**.

CHANGES ARE PROPOSED TO THE FOLLOWING CHAPTERS AND SECTIONS:

Chapter 13.06 Zoning

13.06.100 Residential Districts.

13.06.200 Commercial Districts.

13.06.400 Industrial Districts.

13.06.535 Special needs housing.

13.06.545 Wireless communication facilities.

THE FOLLOWING NEW SECTION IS PROPOSED TO BE ENACTED:

13.06.585 JBLM Airport Compatibility Overlay District

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.

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

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

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

a. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.585 which shall prevail in the case of any conflict.

4. Use table abbreviations.

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

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

Uses ³	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ^{1,3}
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

Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	N	N	N	N	
<p>Footnotes:</p> <p>¹ For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640 for additional details, limitations and requirements.</p> <p>² Certain land uses, including two-family, townhouse, cottage housing, and Detached Accessory Dwelling Units in certain districts, are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.115.</p> <p>³ <u>Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.585 which shall prevail in the case of any conflict.</u></p>									

D. Lot size and building envelope standards.

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
1. Minimum Lot Area (in square feet, unless otherwise noted)								
Single-family detached dwellings – Standard Lots	7,500	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Single-family detached dwellings – Small Lots (Level 1)	6,750	4,500	4,500	4,500	2,500	2,500	2,500	2,500
Two-family dwellings		6,000	6,000	6,000	6,000	4,250	3,750	3,500
Three-family dwellings			9,000	9,000	9,000	5,500	5,000	4,500
Multiple-family dwellings					9,000	6,000 sq. ft. plus 1,500 sq. ft. for each unit in excess of four	6,000	6,000
Townhouse dwellings		3,000	3,000	3,000	3,000	1,500	1,000	1,000
Mobile home/trailer court						3.5 acres, provided at least 3,500 sq. ft. is provided for each mobile home		
Pre-existing lots	A lot which was a single unified parcel of land as indicated by the records of the Pierce County Auditor as of May 18, 1953 or a lot which was configured legally to conform to the applicable requirements but which became nonconforming as a result of subsequent changes to this chapter or other official action by the City, and which has been maintained in that configuration since, having an average width, frontage, or area that is smaller than the applicable minimum requirements may be occupied by a single-family dwelling; provided all other applicable requirements are complied with, including required setbacks, yards and design standards (see Sections 13.06.145 and 13.06.630).							
JBLM Airport Compatibility Overlay District	Within the JBLM Airport Compatibility Overlay District, see the provisions of TMC 13.06.585, including the density limitation for new residential platting of 2 dwellings per gross acre.							
Single-family Small Lots – Exceptions to Standard Minimum Lot Area Requirements	Reductions to minimum detached single-family dwelling lot area requirements, as shown above, may be allowed pursuant to Section 13.06.145. Lots smaller than the Minimum Lot Area for Standard Lots must meet the applicable Design Standards of Section 13.06.145. Single-family Small lot development must be oriented such that the lot frontage and the front façade of the house face the street. Small lot exceptions are not applicable to pipestem lots.							

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.

a. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.585 which shall prevail in the case of any conflict.

4. Use table abbreviations.

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

5. District use table.

Uses 4	T	C-1	C-21	PDB	Additional Regulations 2, 3, 4 (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.
Eating and drinking	N	P/CU	P	P*/CU*	In the C-1 and PDB districts, restaurants are permitted outright while drinking establishments require a conditional use permit. See Section 13.06.700.E for the definitions of restaurants and drinking establishments. In the C-2 district, live entertainment is limited to that consistent with either a Class "B" or Class "C" Cabaret license as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with a Class "C" cabaret license as designated in Section 6B.70. *Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District and PDB Districts
Office	P	P	P	P	*Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District and PDB Districts
Retail	N	P	P/CU~	P*	~A conditional use permit is required for retail uses exceeding 45,000 square feet within the C-2 District. See Section 13.06.640. *Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District and PDB Districts

Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	

Uses <u>4</u>	T	C-1	C-21	PDB	Additional Regulations <u>2, 3, 4</u> (also see footnotes at bottom of table)
Footnotes:					
1. Designated Pedestrian Streets – For segments here noted, additional use limitations apply to areas within C-2 Commercial District zoning to ensure continuation of development patterns in certain areas that enhance opportunities for pedestrian-based commerce. North 30th Street from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline: street level uses are limited to retail, personal services, eating and drinking, and customer service offices.					
2. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640 for additional details, limitations and requirements.					
3. Commercial shipping containers shall not be an allowed type of accessory building in any commercial zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.635.					
<u>4. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.585 which shall prevail in the case of any conflict.</u>					

D. Building envelope standards.

	T	C-1	C-2	PDB
Minimum Lot Area	0 non-residential; 1,500 square feet per residential unit	0	0	0
Minimum Lot Width	0	0	0	0
Maximum Building Coverage – applies to single-use multi-family residential development only	None non-residential; Residential maximum building coverage in accordance with the R-4-L District	None non-residential; Residential maximum building coverage in accordance with the R-4-L District	None non-residential; Residential maximum building coverage in accordance with the R-4 District	None non-residential; Residential maximum building coverage in accordance with the R-4 District
Minimum Front Setback	In all districts listed above, 0 feet, unless abutting a residential zoning, then equal to the residential zoning district for the first 100 feet from that side. Maximum setbacks (Section 13.06.200.E) supersede this requirement where applicable. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Minimum Side Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			

	T	C-1	C-2	PDB
Minimum Rear Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Maximum Setback from Designated Streets	See Section 13.06.200.E for application with any district listed above on designated segments of North 30th Street and 6th Avenue. Residential development shall meet the Build-to Area standard in 13.06.100.D.6.			
Maximum Height Limit	35 feet	35 feet	45 feet	45 feet
	Height will be measured consistent with Building Code, Height of Building, unless a View Sensitive Overlay District applies. Height may be further restricted in View-Sensitive Overlay Districts, per Section 13.06.555. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602.			
Maximum Floor Area	20,000 square feet per building	30,000 square feet per building	45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.	7,000 square feet per business for eating and drinking, retail and personal services uses
<u>JBLM Airport Compatibility Overlay District</u>	<u>Within the JBLM Airport Compatibility Overlay District, see the provisions of TMC 13.06.585, including specific Floor Area Ratio standards, square footage limitations for certain uses.</u>			
Minimum Usable Yard Space – applies to single-use residential development only	Minimum usable yard space shall be provided in accordance with the residential building type requirements in 13.06.100.D.7. Duplex/triplex dwellings shall provide usable yard space in accordance with the R-3, R-4-L, R-4 and R-5 Districts.			

13.06.400 Industrial Districts.

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

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

A. Industrial district purposes.

The specific purposes of the Industrial districts are to:

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

B. Districts established.

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

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.400. All portions of Section 13.06.400 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.
2. Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as “Pedestrian Streets.” The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.
3. Use Requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed.

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

[a. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.585 which shall prevail in the case of any conflict.](#)

4. Use table abbreviations.

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

5. District use table.

Uses ²	M-1	M-2	PMI	Additional Regulations ^{1,2}
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/N*	CU/N*	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. *Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.
Eating and drinking	P	P	P	*Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District and PDB Districts.
Office	P*	P*	P	*Within the South Tacoma M/IC Overlay District, unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. *Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District and PDB Districts
Retail	P~	P~	P*	*Limited to 7,000 square feet of floor area, per development site, in the PMI District, and JBLM Airport Compatibility Overlay District . ~Within the South Tacoma M/IC Overlay District, and within the M-2 District of the Port of Tacoma M/IC on an interim basis per Ordinance No. 28470 (see 13.06.400.G.), unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. Outside of the South Tacoma M/IC Overlay District and Port of Tacoma M/IC, limited to 65,000 square feet per use, unless approved with a conditional use permit. See Section 13.06.640.

Uses not prohibited by City Charter and not prohibited herein	N	N	N	

Uses ²	M-1	M-2	PMI	Additional Regulations ^{1,2}
Footnotes:				
1. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640 for additional details, limitations and requirements.				
2. <u>Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.585 which shall prevail in the case of any conflict.</u>				

D. Building envelope standards.

	M-1	M-2	PMI
Minimum Lot Area	N/A	N/A	N/A
Minimum Lot Width	N/A	N/A	N/A
Maximum Lot Coverage	None	None	None
Minimum Front Setback	<p>In all districts listed above, 0 feet, unless:</p> <ul style="list-style-type: none"> Created by requirements in Section 13.06.502; or Abutting a dwelling district, then equal to the dwelling district setback for the first 100 feet from that side. <p>The above setback requirements may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.</p>		
Minimum Side Setback	<p>In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502, which may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.</p>		
Minimum Rear Setback	<p>In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502, which may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.</p>		
Maximum Height Limit	75 feet	100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.	100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.
Maximum Height Exceptions	<p>Certain specified uses and structures are allowed to extend above height limits, per Sections 13.06.602.A.2 and 13.06.545.</p>		
<u>JBLM Airport Compatibility Overlay District</u>	<p><u>Within the JBLM Airport Compatibility Overlay District, see the additional development standards called out in TMC 13.06.585. Including specific Floor Area Ratio standards.</u></p>		

13.06.535 Special needs housing.

A. Intent. It is found and declared that special needs housing facilities are essential public facilities which provide a needed community service. It is also recognized that these types of facilities often need to be located in residential neighborhoods. Thus, in order to protect the established character of existing residential neighborhoods, the public interest dictates that these facilities be subject to certain restrictions. The intent of these regulations is to minimize

concentrations of certain types of facilities, mitigate incompatibilities between dissimilar uses, preserve the intended character and intensity of the City’s residential neighborhoods, and to promote the public health, safety, and general welfare.

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

1. Within the JBLM Airport Compatibility Overlay District, maximum occupancy shall be limited to six residents.

Special Needs Housing – Use Table (P = Permitted Outright, CU = Conditional Use Permit Required, N = Not Permitted)						
*Note: See Subsection C, below, for additional siting restrictions						
**Note: The residency limitations indicated in this use table apply to the number of residents housed at a facility, exclusive of any support or care staff. Where specific residency limitations are provided in the definition of the use, the size information herein is provided for reference only.						
	Size (number of residents)	R-1, R-2, R-2SRD, HMR-SRD, NRX	R-3	R-4-L, R-4, R-5, PRD, URX, RCX, NCX, T, C-1, HM, HMX, PDB	UCX, CCX, CIX, C-2, M-1, DCC, DMU, DR, WR	M-2, PMI
Emergency and Transitional Housing	Limit 6	N	N	CU	P	N
Emergency and Transitional Housing	7-15	N	N	CU	P	N
Emergency and Transitional Housing	16 or more	N	N	CU	P	N
Confidential Shelter, Adult Family Home, Staffed Residential Home	Limit 6	P	P	P	P	N
Confidential Shelter, Extended Care Facility, Intermediate Care Facility, Continuing Care Retirement Community, Retirement Home, Residential Care Facility for Youth	7-15	N	P	P	P	N
Confidential Shelter, Residential Chemical Dependency Treatment Facility, Extended Care Facility, Intermediate Care Facility, Continuing Care Retirement Community, Retirement Home, Residential Care Facility for Youth	16 or more	N	N	P	P	N

13.06.545 Wireless communication facilities.

E. Wireless communication towers and facilities use category.

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

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

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

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

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

Wireless Facility Use Category	Zoning District Classifications ⁴			
	R-1; R-2; R-2SRD; R-3; R-4; R-4-L; R-5; T; HMX; DR; NRX	PDB; C-1; C-2, NCX; CCX; RCX; URX; UCX; DCC; DMU; WR	CIX; M-1	M-2; PMI
Level 1	A ^{1,3}	A	A	A
Level 2	C ³	C ²	A	A
Level 3	C ³	C	C	A
Level 4	C ³	C	C	C

Symbols:
A - Allowed with administrative review
C - Allowed only with approval of a Conditional Use Permit

Footnotes:
1 - Permitted on public facility sites, subject to administrative review and building permit.
2 - Allowed 16 feet above underlying zoning district height limit, except in the C-1, C-2, and NCX Districts.
3 - New wireless communication towers and antennas prohibited in R-1, R-2, R-2SRD, and R-3 Districts, except on public or quasi-public property developed with existing public or quasi-public facilities and properties developed with existing wireless communication facilities.

~~4 - Within the South JBLM Airport Compatibility Overlay District, Levels 3 and 4 are prohibited.~~

13.06.585 Airport Compatibility Overlay District

A. Purpose: The purpose and intent of the Airport Compatibility Overlay District is to increase safety within the Joint Base Lewis McChord (JBLM) Accident Potential Zone II (APZ II), specifically as follows.

1. Prevent development conditions that could interfere with aircraft operations or increase the likelihood of an accident.

2. Reduce risk to life and property in the incidence of a crash, through the following strategies.

a. Prevent increases in densities and congregations of people which are incompatible with the APZ II designation, including the specific density threshold goal is 50 persons per acre maximum.

b. Prevent development that presents a higher risk in the incidence of a crash due to explosive or flammable characteristics.

3. Implement the City's policies calling for collaboration and compatibility with JBLM Airfield.

4. Increase knowledge of aircraft accident risks in order to inform public and private decision-making.

5. Recognize existing uses and avoid undue impacts to residents, property owners, businesses and institutions.

B. Scope and Applicability: The Overlay District applies to an approximately 200-acre area located in South Tacoma corresponding with the JBLM Accident Potential Zone II (APZ II).

C. Definitions.

1. Joint Base Lewis McChord (JBLM) Joint Land Use Study: A collaborative process among local, state, and regional jurisdictions; the public; federal, state, and regional agencies; and military installations within the South Puget Sound region that presents recommendations for consideration by local and state governments that promote development compatible with military presence and protecting public health, safety, and welfare while also protecting the ability of the military to accomplish its vital training and operational missions presently and over the long-term.

2. JBLM Accident Potential Zone II (APZ II): Clear Zones and Accident Potential Zones (APZs) are areas where the potential for aircraft accidents has been identified through the Air Installation Compatible Use Zone (AICUZ) program of the U.S. Air Force. The APZ II designation has a lower accident potential than either the Clear Zone or APZ I, but still is considered high enough to warrant land use restrictions to promote public safety.

D. General provisions

1. Notice on Title regarding the Overlay District shall be required for any land use action or Major Modification to a land use permit, for new construction and for substantial alterations to existing structures, as defined in the TMC.

2. Discretionary land use proposals shall not be approved unless they are consistent with the Overlay District intent.

1. Proposed zoning changes and Conditional Use Permit applications, or major modifications to previously approved rezones and CUPs, shall demonstrate consistency with the intent of the Overlay District. If approved, such applications shall be conditioned to record Notice on Title acknowledging the presence and restrictions of the Overlay District.

3 2. For parcels located partially within the Airport Compatibility Overlay District, only that portion within the Overlay District shall be subject to these provisions.

E. Land Uses

1. The land use standards of the underlying zoning districts apply within the Overlay District, except that the following land uses are Prohibited.

PROHIBITED LAND USES WITHIN THE JBLM AIRPORT COMPATIBILITY OVERLAY DISTRICT

a. Residential uses: The following residential uses are prohibited.

Single family development at a density greater than 2 dwelling units per gross acre

Accessory Dwelling Units

Special Needs Housing with more than six residents

Two-family, three-family, townhouse, group housing, multifamily, mobile home, student housing, mixed-use, or other development incorporating more than one dwelling unit

b. Non-residential uses: The following non-residential uses are prohibited.

Airports

Assembly facilities

Brewpubs

Carnivals

Commercial recreation and entertainment

Correctional facilities

Cultural institutions

Day care centers with more than twelve children

Detention facilities

Eating and drinking

Heliports

Hospitals

Hotels/motels

Industry, heavy

Medical offices

Parks, recreation and open space uses identified in TMC 13.06.560.C.1 as requiring a Conditional Use Permit

Public assembly

Religious assembly

Shopping centers

Schools

Theaters

Utilities (overhead transmission or distribution lines)

Wireless Facilities – Levels 3 and 4

2. Existing residential uses. Lawfully existing residential uses (at the time of Overlay District adoption) which do not meet the provisions of the Overlay District are Permitted, and may be modified or expanded provided there is no increase in the number of dwellings.

3. Existing non-residential uses. Non-residential lawfully existing uses (at the time of Overlay District adoption) which are Prohibited under the Overlay District are Non-conforming, and subject to the following limitations.

a. In addition to provisions of the City's Nonconforming code, no increase in occupancy capacity (e.g., students, occupants, congregants) shall be allowed.

b a. Minor modifications under TMC 13.05.080 are allowed to existing discretionary land uses; however, Major Modifications must come into compliance with the Overlay District for approval.

F. Development Standards

1. The following characteristics, when proposed as part of any development, are not allowed in the Overlay District.

a. Generation of air pollution, electronic interference or glare that could negatively affect pilots or aircraft.

b. Structures taller than permitted outright in the base zoning districts (i.e., no height variances).

c. Manufacturing or processing of apparel, chemicals, petroleum, rubber or plastic.

b. The following land use categories shall be subject to Floor Area Ratio (FAR) limitations as specified:

~~(1.) Commercial: 0.28 FAR maximum.~~

~~(2.) Office and Personal services: 0.22 FAR maximum.~~

~~(3.) Industrial (except Warehouse/storage): 0.56 FAR maximum.~~

~~(4.) Warehouse/storage: 2.0 FAR maximum.~~

~~(5.) For purposes of calculating FAR maximums for parcels partially within the Overlay District, the portion of the site located outside the Overlay District shall be excluded from the calculation.~~



City of Tacoma
Planning Commission

Attachment 3

Stephen Wamback, Chair
Anna Petersen, Vice-Chair
Carolyn Edmonds
Ryan Givens
David Horne
Jeff McInnis
Brett Santhuff
Andrew Strobel
Dorian Waller

January 16, 2019

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

RE: JBLM Airport Compatibility Overlay District (ACOD)

DRAFT

Honorable Mayor and Members of the City Council,

On behalf of the Tacoma Planning Commission, I am pleased to forward our recommendation for the establishment of an Airport Compatibility Overlay District corresponding with the Joint Base Lewis McChord (JBLM) Accident Potential Zone (APZ) II in South Tacoma. The proposal would enact a new zoning overlay district, along with associated changes to related sections of the Tacoma Municipal Code that will promote long-term compatibility between the base and the area of South Tacoma most affected by the base's flight operations. The primary affect is that development of land uses most likely result in large gatherings of people will be limited in the future, while residential and small-scale commercial and industrial development could continue under the area's established zoning.

JBLM is important to the City of Tacoma and the region, and the Planning Commission is pleased to take steps that will support the base's ongoing mission. The City of Tacoma has been a partner to the JLUS since 1992, and there is strong support from the Growth Management Act and Tacoma's Comprehensive Plan for taking steps to maintain compatibility between JBLM and the development patterns of neighboring communities. In 2015, the JBLM JLUS was updated, initiating a round of policy development and community engagement which has culminated with these proposals. The proposed Overlay District implements a primary recommendation of the JBLM Joint Land Use Study (JLUS) and the U.S. Air Force's Air Installations Compatible Use Zones (AICUZ) Program.

The Commission is also very cognizant of the needs of the South Tacoma neighborhood which lies within JBLM's APZ II designation. This long-established, mature neighborhood is home to many people, businesses and institutions. Given the proximity of the base, there is no action the City could take which would address the risk of aircraft operations without some limitation of future development potential in the neighborhood. The Commission took great care to consider the neighborhood's long-term interests both in terms of safety and of the impacts of new regulations.

The Commission encouraged staff to go above and beyond with outreach for this proposal, including an area-wide mailing, signs, web and media outreach, engagement with JLUS partners, and focused outreach to land uses potentially most affected. The City also held a neighborhood meeting in advance of the Public Hearing so that all interested stakeholders could find out about the proposal and provide their input. As part of those conversations, community members expressed concerns about possible impacts to property value and quality of life, as well as recognition of the need to take some action.

Mayor and City Council
January 16th, 2019
Page 2 of 2

In consideration of the important issues and trade-offs, and with substantial stakeholder input, the Commission developed what we feel is a well-balanced approach that will promote safety, support JBLM's mission, and allow residents, businesses and institutions flexible use of their property and access to important neighborhood amenities.

Sincerely,

STEPHEN WAMBACK, Chair
Tacoma Planning Commission

Enclosure



Tacoma Planning Commission
747 Market Street
Tacoma, WA 98402

November 16, 2018

Dear Planning Commission Commissioners:

At our November 14, 2018, meeting the West End Neighborhood Council members voted unanimously to send this letter and express our position regarding the DADU program for the City of Tacoma. Knowing that DADUs can and have been used successfully in other cities as a positive housing option, we strongly feel that some regulations are not only necessary, but essential to the success of DADUs in Tacoma.

In order for property/homeowners to truly care about their community, they must live in their community. If the City allows non-resident property owners to build DADUs there will be no incentive for those properties to ever be owner occupied. These properties would be rented out on a for-profit business basis and not because an owner occupied house wants to have family or individuals come in and be a part of their community. Homes would more likely than not become problem areas in our neighborhoods and never become owner occupied in the future. Therefore, we feel that the property owner must reside in either the original/primary residence or in the DADU.

Secondly, design standards are crucial to ensure DADUs assimilate with existing structures and their surrounding neighborhood. Standards are needed to prevent inconsistent or obtrusive structures that would prove to the neighborhood that they do not care. Therefore, we feel that the exterior design of DADUs should match the primary residence's style or that of the surrounding neighborhood. Also, to avoid the addition of DADUs from being the predominate residential form; there should be a limit to the number of DADUs on any given block.

DADUs should not be a means for quick income and lack of concern for our residential neighborhoods. We need sensible regulations so that DADUs will not only fit into our neighborhoods, but will also positively impact them and be a welcome part of the City of Tacoma.

Thank you for taking our thoughts and concerns into consideration.

Sincerely,

Connie Hardy

Connie Hardy, Chair
West End Neighborhood Council

CC: Mayor Woodards and City Council Members
Elizabeth Pauli, City Manager



WEST SLOPE NEIGHBORHOOD COALITION

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<http://www.westslopeWSNC.com>

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Trustee At-Large & Leader of area's CERT (Citizen Emergency Response Team)

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Sunset & Titlow (West of S. Mt. View)

Joy Johnson ron@talcott.org
564-9779 1320 S. Sunset Drive

December 11, 2018

Chairman
Tacoma Planning Commission
747 Market Street
Tacoma, WA 98402

RE: Accessory Dwelling Unit (ADU) Regulations

Dear Planning Commission Members,

At our November 15, 2018, board meeting the West Slope Neighborhood Coalition¹ (WSNC) discussed the City's intent to adopt permanent regulations regarding Accessory Dwelling Units (ADUs). We understand that ADUs have been used successfully in other cities as a housing option but we feel some regulations are essential to the success of ADUs in the City of Tacoma. We support the City's effort to provide housing options in this community through the development of these regulations.

We believe property/homeowners must live in their community to care about it and should reside in the main house or the ADU. The City should not allow non-resident property owners to build ADUs. There will not be incentive for these properties to be owner occupied.

Design standards are crucial to ensure ADUs assimilate with existing structures and their surrounding neighborhood. Standards are needed to prevent inconsistent or incompatible structures in the City's existing built environment. We recommend that the exterior design of ADUs/DADUs match the primary residence's style or that of the surrounding neighborhood.

Thank you for taking our comments into consideration.

Sincerely,

Jane Evancho & Dean Wilson
Co-Chairs, West Slope Neighborhood Coalition

cc: Deputy Mayor Anders Ibsen

¹The WSNC was formed in 1987 as a volunteer organization to preserve the character and improving our quality of life in the west slope area of Tacoma. This area generally is bounded by Jackson Ave(e) to the shoreline(w) and goes from S. 19th Ave(s) to SR 16(n).