

Members

Jeremy C. Doty, Chair
Thomas C. O'Connor, Vice-Chair
Peter Elswick
Kimberly Freeman
Sean Gaffney
William Hirsh
Scott Morris
(vacant)
(vacant)

Community and Economic Development Department

Ryan Petty, Director
Peter Huffman, Assistant Director
Charles Solverson, P.E., Building Official

Tacoma Public Utilities

Heather Pennington, Water Representative
Cathy Leone-Woods, Power Transmission & Distribution Assistant Manager



Agenda

Tacoma Planning Commission

747 Market Street, Room 1036, Tacoma, WA 98402-3793
Phone (253) 591-5365; FAX (253) 591-2002
www.cityoftacoma.org/planning

(Agenda also available online at: www.cityoftacoma.org/planning > "Planning Commission" > "Agenda Packets")

MEETING: Regular Meeting and Public Hearing

TIME: Wednesday, March 3, 2010, 4:00 p.m.
(Public Hearing begins at approximately 5:00 p.m.)

PLACE: Tacoma Municipal Building, City Council Chambers
First Floor, 747 Market Street, Tacoma, WA 98402

A. CALL TO ORDER

B. QUORUM CALL

C. APPROVAL OF MINUTES – Regular Meeting on February 17, 2010

D. GENERAL BUSINESS

(4:05 p.m.) **1. Shoreline Master Program**

Description: Continue the review of proposed revisions to the Shoreline Master Program, with a focus on items relating to Public Access requirements.

Actions Requested: Review, Discussion, Direction

Support Information: See "Agenda Item GB-1"

Staff Contact: Steve Atkinson, 591-5531, satkinson@cityoftacoma.org

(6:00 p.m.) **2. 2010 Annual Amendment – Review of Testimony and Schedule Options**

Description: At the conclusion of the public hearing for the 2010 Annual Amendment, the Commission will discuss options to review the testimony received and the schedule to formulate recommendations to the City Council.

Actions Requested: Discussion, Direction

Support Information: See "Agenda Item GB-2"

Staff Contact: Donna Stenger, 591-5210, dstenger@cityoftacoma.org



E. PUBLIC HEARING

(5:00 p.m.) **1. 2010 Annual Amendment Package**

Description: Conduct a public hearing on the following five applications for amending the Comprehensive Plan and/or Land Use Regulatory Code for 2010:

- #2010-01 South Tacoma Way Mixed-Use Center Evaluation
- #2010-03 Urban Forestry Element
- #2010-04 Transportation Element- Mobility Master Plan
- #2010-07 Comprehensive Plan and Regulatory Code Refinements
- #2010-08 Electric Vehicle Infrastructure Regulations

Actions Requested: Receive testimony; Keep record open through March 12, 2010

Support Information: See "Agenda Item PH-1"

Staff Contact: Donna Stenger, 591-5210, dstenger@cityoftacoma.org

F. COMMUNICATION ITEMS

N/A

G. COMMENTS BY LONG-RANGE PLANNING DIVISION

H. COMMENTS BY PLANNING COMMISSION

I. ADJOURNMENT

Members

Jeremy C. Doty, Chair
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Minutes

Tacoma Planning Commission

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www.cityoftacoma.org/planning

For Review/Approval 03-03-10

MEETING: Regular Meeting

TIME: Wednesday, February 17, 2010, 4:00 p.m.

PLACE: Tacoma Municipal Building, City Council Chambers
First Floor, 747 Market Street, Tacoma, WA 98402

Members Present: Jeremy Doty (Chair), Thomas O'Connor (Vice-Chair), Peter Elswick,
Kimberly Freeman, Sean Gaffney, William Hirsh, Scott Morris

Staff and Present: Donna Stenger, Brian Boudet, Reuben McKnight, Ian Munce, Lihuang Wung
(Building and Land Use Services); Kell McAboy (Port of Tacoma)

Chair Jeremy Doty called the meeting to order at 4:03 p.m.

The minutes of the regular meeting on January 20, 2010 were reviewed. Commissioner William Hirsh pointed out that, with respect to the discussion of the Wedge Neighborhood Historic Special Review Overlay District, the minutes did not include his comment about seven historic homes along South L Street. He felt that these houses are extremely significant and should be protected, whether they are included in the proposed district or not. He suggested that the minutes be amended to reflect his comment. The minutes of January 20, 2010 meeting were approved as amended.

The minutes of the regular meeting on February 3, 2010 were also reviewed, and approved as submitted.

GENERAL BUSINESS

1. Wedge Neighborhood Historic Special Review Overlay District

Chair Doty disclosed that MultiCare has approached his employer, BCRA, seeking advice on possible impacts of the proposed historic overlay district designation on its properties. To avoid any potential conflict of interest, Chair Doty recused himself from the discussion for this item and asked Vice-Chair Tom O'Connor to preside. Vice-Chair O'Connor also disclosed that he had a phone conversation with Ms. Diane Walkup and received a letter with some historical information from the original formation of the R-2 SRD zoning in this area. Ms. Walkup had



requested to meet with Vice-Chair O'Connor, since he had disclosed that he had a meeting with staff from MultiCare. Commissioner Hirsh also disclosed that he had met with Ms. Andrea Tull of MultiCare on February 16 and visited the area of concern.

Mr. Reuben McKnight, Historic Preservation Officer, presented the final draft of the proposed boundaries for the Historic Special Review District and the Conservation District, as well as the proposed changes to the Tacoma Municipal Code, Chapter 13.07, to add a description of the Wedge Historic District and modifying the North Slope Historic District design guidelines to apply to both the North Slope and the Wedge neighborhoods. He also provided a brief overview of the district boundaries; required regulatory code updates, and review process to date.

Commissioner Scott Morris made a motion to authorize the public distribution of the proposal, as presented, and set March 17, 2010 as the date for a public hearing to receive public testimony. Commissioner Kimberly Freeman seconded the motion. The motion passed with a 6-0 vote, with Chair Doty abstained.

2. Container Port Element

Mr. Ian Munce provided an overview of a new mandate of the Growth Management Act (GMA) that requires the cities of Tacoma and Seattle to work with their respective ports to develop and adopt a Container Port Element for their Comprehensive Plans. The Container Port Element must establish a framework that will ensure that local land use decisions consider the needs of container ports and ensure that container ports continue to function effectively alongside vibrant city waterfronts and adjacent areas. The City of Tacoma was awarded a grant of \$100,000 from the State Department of Commerce for the project and is working with the Port of Tacoma to retain a consultant to provide professional assistance.

Mr. Munce stated that the general scope of work for the project will include four major tasks, i.e., (1) Review existing reports and documents to reach a full understanding of relevant background data and policy direction; (2) Identify core areas of port and port-related industrial uses within the City, identify key freight corridors to and from the core areas, and identify potential land use conflicts along the edge of the core areas and freight corridors; (3) prepare draft policies to address the issues identified in Task 2 and set forth a policy framework that retains sufficient planning flexibility to secure emerging economic opportunities; and (4) develop programmatic recommendations concerning regulatory changes necessary for successful implementation of the Container Port Element, planned improvements for key freight transportation corridors, and funding strategies for implementation.

Ms. Donna Stenger added that many land use related issues within and around the Port area were addressed through the designation of the PMI Port Maritime Industrial Zone in 2002. She also indicated that concerns remain regarding the edges of the industrial tideflats and adjoining areas including Northeast Tacoma, the Tacoma Dome district, and downtown.

Mr. Munce and Ms. Kell McAboy from the Port of Tacoma responded to the Commissioners' questions, inquiries, and comments, such as the following:

- Continuing to prohibit daycare centers in the Port industrial area could be considered discriminatory to workers who may have the need for these services;

- The word “container” defines the threshold whereby Tacoma and Seattle are the only two jurisdictions that are subject to the legislation; it does not limit the scope of study to container ships and associated facilities;
- The planned growth and development of the Port, the future needs of land for warehousing and distribution, and the environmental concerns (e.g., the air quality non-attainment area) should also be considered;
- It appears the original definition and designation of the PMI Zone was not drawn on the proactive consideration of where the Port is going to grow; such consideration should be factored in the current review of the land use and zoning issues;
- Close coordination with the update of the Shoreline Master Program is expected; and
- Maps will be needed to illustrate the study areas, the current and proposed land uses, and other relevant information.

Also in response to the Commission’s inquiry, Mr. Munce stated that the schedule for the project, as originally established, calls for the Container Port Element to be adopted in 2011, in conjunction with the GMA-mandated “2011 Update” of the Comprehensive Plan and Land Use Regulatory Code. However, the Legislature is considering extending the timeline for the “2011 Update” to alleviate the concerns of many jurisdictions over the limited resources available to fulfill the requirement. If the timeline were extended, the adoption schedule for the Container Port Element could be affected, but the majority of the work still must be substantially completed by December 31, 2010, Mr. Munce indicated.

COMMUNICATION ITEMS

Chair Doty acknowledged receipt of the following:

1. Land Use Administrator’s Reports and Decisions
2. Hearing Examiner’s Reports and Recommendations
3. E-mail from Jim Bozich, February 2, 2010, regarding Annual Amendment Application #2010-08 Electric Vehicle Infrastructure Regulations

COMMENTS BY LONG-RANGE PLANNING DIVISION

Ms. Stenger referred to the last meeting on February 3, 2010 where there was some tension and miscommunication among staff and the Commissioners. She apologized for her remarks and on staff’s behalf for expressing frustration at the meeting. Although not an excuse for the behavior, she noted that staff had made extraordinary efforts and spent many hours revising the draft amendments to address the comments made by the Commissioners and felt that the revisions were what was directed by the Commission. However, it is clear now that staff misunderstood the Commission’s intent. She promised that in the future she will endeavor to make sure that staff is proceeding in the direction that the Commission has requested.

Ms Stenger also clarified that the Commission has some flexibility concerning the review schedule for the annual amendment, as long as the City Council is provided adequate time to consider the Commission’s recommendations, conduct a public hearing with proper notice and

take action in June. Options available to the Commission may include convening special meetings, setting aside other agenda items for discussion at later dates to allow more discussion time at the Commission meeting, and altering the Commission meeting time. She also indicated that the Commission or any member of the Commission always has the option to vote “nay” on any proposal.

Chair Doty commented that as the Chair he takes responsibility for letting the last meeting get somewhat out of order. He shared with the Commissioners his review of the book “Roberts’ Rules of Order” and asked the Commissioners to make the best use of the discussion opportunities as allowed in Roberts’ Rules (such as those called for after a motion is made and seconded and before the vote is taken) to express their opinions, sway their colleague Commissioners, or indicate what their votes would be and why. He vowed to work with the Commissioners to improve how the Commission’s business is conducted.

Discussion ensued. The Commissioners stated they were generally overwhelmed with the huge amount of information to be reviewed and discussed, were concerned that some of the proposals (such as the Urban Forest Policy Element and the Mobility Master Plan) might not be ready to move forward to the public hearing process, and felt that there was a general lack of understanding of how the Commission’s process works. After further discussion and some clarifications provided by staff, it was understood that:

- The Commission can choose to forward or not forward a proposal to the public hearing process depending on the type of amendment. Comprehensive Plan amendments that do not move forward would be delayed to the next amendment cycle. Amendments from private parties once accepted by the Commission should be forwarded for public comment;
- The Commission may make changes to a proposal either before or after the public hearing;
- If significant changes are made after the public hearing, the Commission could choose to conduct another public hearing, as long as the schedule allows the City Council to complete its review and adoption process in time;
- The Commission can choose to forward a proposal to the City Council with a recommendation to adopt, a recommendation not to adopt, or no recommendation (if the Commission could not reach a decision on the proposal);
- Upon review of the Commission’s recommendations, the City Council could adopt as presented, adopt with modifications, deny, or remand to the Commission for further analysis; and
- The Commissioners are encouraged to interact with staff frequently throughout the process and get as many issues addressed as possible before the public hearing.

Ms. Stenger suggested that the Commissioners could continue the discussion of this matter at the Planning Commission Retreat. She also suggested the date of the retreat be rescheduled from March 26 to March 12, 2010, at 12:00-4:00 p.m., to accommodate Commissioner Hirsh’s schedule. The Commissioners concurred.

Ms. Stenger reported that Chair Doty, Ms. Caroline Haynes-Castro, Acting Manager of the Current Planning Division, and herself would be on the Across the Fence program on TV Tacoma during the month of March to talk about issues relating to planning, permitting, and public participation.

Ms. Stenger distributed to the Commissioners the Public Review Document for the 2010 Annual Amendment to the Comprehensive Plan and Land Regulatory Code, which was compiled in preparation for the Commission's public hearing on March 3, 2010 concerning said subject.

COMMENTS BY PLANNING COMMISSION

Commissioner Freeman continued the discussion regarding the conduct of business at the last meeting. She also rendered her apology for not being professional; she was trying to keep up with the huge amount of information, while having some overriding concerns about the Urban Forest Policy Element and the Mobility Master Plan. She indicated her appreciation for the possibility of having special meetings in the future to allow the Commission more time to address significant issues. To improve the communication and mutual understanding among the Commissioners and staff, she suggested that the Chair and/or the presenting staff summarize or reiterate important information or requests, so that everyone is clear on what has been said and what will be done. She also suggested staff be mindful about meeting agendas to have a better balance in the number of agenda items to be discussed.

In anticipation of the considerable amount of public testimony to be received at the public hearing on March 3rd and during the comment period through March 12th concerning the 2010 Annual Amendment, several Commissioners expressed a concern about how the public testimony would be reviewed and analyzed in an effective and timely manner. It was suggested that, immediately after the public hearing, the Commission discuss the review and recommendation process and schedule and subsequently determine how to break down the public testimony for review. Chair Doty requested that such discussion be put on the agenda for March 3rd immediately after the public hearing.

Commissioner Peter Elswick asked if the notice for the public hearing on March 17th concerning the Wedge Neighborhood Historic Special Review Overlay District would be sent to those residents whose properties were added to the proposed district by the Commission. Ms. Stenger responded "yes", and stated that the public hearing notice will be distributed to taxpayers for properties within the area and for properties within 400 feet of the proposed boundaries, as well as interested individuals and groups, such as the Neighborhood Councils, the business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, Puyallup Tribe, major employers and institutions, and City and State departments. In addition, public notice signs will be posted in the affected area.

Commissioner Scott Morris referred to the Land Use Administrator's Report and Decision, as included in the agenda packet, with respect to the denial of the requested average lot width variance on a site located at 4808 N. 25th Street. He applauded staff's decision on the variance request, which would have resulted in a lot width and lot size lower than the minimum thresholds as codified.

ADJOURNMENT

The meeting adjourned at 5:32 p.m.



City of Tacoma
Community and Economic Development Department

Agenda Item
GB-1

TO: Planning Commission

FROM: Donna Stenger, Acting Manager, Long-Range Planning Division

SUBJECT: Shoreline Master Program

DATE: February 25, 2010

At the Planning Commission's meeting on March 3rd, staff will present draft shoreline public access policies and regulations. Public access and enjoyment of the shorelines of statewide significance is one of the three primary policies of the Shoreline Management Act. The WAC Guidelines define public access as "... the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations." Public access sites can include trails or promenades, beach parks, viewing platforms, picnic areas, transient moorage, fishing platforms and even sites for hand launch water craft. The WAC Guidelines require jurisdictions to plan for the future demand for public access and recreation and to "seek to increase the amount and diversity of public access to the state's shorelines consistent with the natural shoreline character, property rights, public rights under the Public Trust Doctrine, and public safety (WAC 173-26-221(4)(d)(i))."

The existing City of Tacoma Shoreline Master Program requires public access for all shoreline development and uses and establishes standards for achieving this access. Projects are reviewed on a case-by-case basis to determine compliance with the access requirements. However, the existing code identifies certain circumstances where a development or use can have the requirement waived. These circumstances include:

1. Unavoidable health or safety hazards
2. Inherent security requirements of the use
3. Unacceptable environmental harm
4. Significant undue and unavoidable conflict between the proposed access and adjacent uses

In practice, the waiver criteria has resulted in less on the ground public access than would otherwise have been achieved, as well as an unevenly applied requirement, where some uses are able to have the requirements waived in their entirety while others are not.

One of the primary updates to the public access policies and regulations is to change these criteria from an outright waiver from the public access requirement, to a waiver from having to provide the required access on-site. This approach recognizes that public access is not always compatible with site specific conditions, while reserving the ability to review these conditions on a permit by permit basis. Furthermore, this approach recognizes a shared responsibility among public and private parties to implement the public access policies of the Shoreline Management Act and the Tacoma Shoreline Master Program, while ensuring flexibility to respond to site specific conditions, balance competing uses, and provide additional options for meeting that requirement. In addition, the updated draft of public access policies and regulations will accomplish the following:

1. Provide additional options for the provision of public access off-site, through a fee-in-lieu program and/or public access "banking";

2. Enable public access within the marine buffer so long as the provision of access achieves no-net-loss of ecological function;
3. Require the provision of public access to be consistent with all relevant constitutional and other limitations that apply to public requirements placed upon private property; and
4. Require that public access not compromise the rights of navigation and space necessary for water-dependent uses.

Providing flexibility for the provision of public access at off-site locations is intended to provide better access for the public, by locating it in appropriate areas and by developing an integrated access system, and as a means for minimizing conflicts between public access and water-dependent uses.

Attached are the draft shoreline public access policies and regulations. If you have any questions, please contact Stephen Atkinson at 591-5531, or satkinson@cityoftacoma.org.

DS:sa

c. Peter Huffman, Assistant Director

Attachment

1.1 Public Access

Policies

1. Public access to shorelines is required, where feasible, to the fullest extent allowed by law, provided that the provision of the public access results in no net loss of ecological function.
2. Public access should be provided to the shoreline as a primary use in its own right or as a secondary use provided as development or redevelopment occurs, provided that private property rights and public safety are protected.
3. Publicly funded development projects should be required to incorporate public access features except where access is incompatible with safety, security, or environmental protection.
4. Where public access cannot be provided on-site, the City should consider innovative measures to allow proponents to provide public access off-site, including; off-site mitigation, contributing funds to develop planned shoreline access projects, and advance mitigation or access “banking.”
5. Public access provisions should be consistent with all relevant constitutional and other limitations that apply to public requirements that are placed on private property, including the constitutional nexus and proportionality requirements.
6. Public access should not compromise, in any significant manner, the rights of navigation and space necessary for water-dependent uses.
7. To the extent feasible and consistent with the overall best interest of the state and the people generally, the public's opportunity to enjoy the aesthetic qualities of shorelines of the state, including views of the water, should be advanced.
8. The City should use a variety of techniques, including acquisition, leases, easements and design and development innovations, in order to achieve its public access goals and to provide diverse public access opportunities.
9. Preference should be given to provision of on-site public access. Off-site public access is appropriate where it would provide more meaningful public access or where off-site public access is consistent with an approved public access plan.
10. Water-enjoyment and non-water-oriented uses that front on the shoreline should provide continuous public access along the water's edge.
11. Public access should be provided as close as possible to the water's edge without significantly adversely affecting a sensitive environment or resulting in significant safety hazards. Improvements should allow physical contact with the water where feasible.
12. Public access improvements should be allowed in shoreline buffers, but shall be designed to fully mitigate any significant impacts to environmentally sensitive areas.

13. Public access improvements should be generally consistent with adopted public access plans, the Open Space Habitat and Recreation Plan and the non-motorized transportation (trail) plan if the project area is covered by these plans. However, an alternative proposed by the Applicant may be approved if it is consistent with the goals, objectives, and policies in this SMP.
14. Developments within shoreline jurisdiction that do not have shoreline frontage should provide public access by providing trails or access corridors through or from their sites.
15. Public access provided by street-ends, utility corridors, and public rights-of-way should be addressed in public access plans and should be preserved, maintained and improved.
16. An applicant may construct public access improvements before site development as a part of an overall site master plan, which may be phased. The applicant would receive credit for those improvements at time of development.
17. Signs identifying publicly accessible shorelines should be required at such locations.

Regulations

18. When public access is provided it shall not result in a net loss of existing shoreline ecological functions.
19. Public access shall be required to the extent allowed by law in the review of all shoreline substantial development, conditional use permits (including land division), and exempt activities where a letter of exemption is required, except for projects which meet the following criteria:
 - a. Environmental remediation projects involving no proposed use of the property,
 - b. Projects involving only ecological enhancement and restoration,
 - c. Projects in shoreline jurisdiction with no waterfront and no possible trail connections to existing or potential public access sites,
 - d. A subdivision of land into four or fewer parcels for future single-family development, or development of individual single-family residences,
 - e. The development consists solely of dredging, clearing and grading, the construction of a private dock serving four or fewer dwelling units, flood control measures, stabilization measures, signage, or lighting, except that new dikes shall incorporate public access per regulation 4.1.5.2(2).
20. The City shall require public access, physical or visual, for uses and developments that occur on public land or by any public entity, including public parks and public utility districts. Public access elements may include, but should not be limited to the following:
 - a. Trails, promenades, or other pedestrian ways along or adjacent to the shoreline edge;

- b. Bicycle paths along or adjacent to the shoreline;
 - c. Shoreline parks;
 - d. Beach areas;
 - e. Piers, wharves, docks or floats;
 - f. Transient moorage;
 - g. Viewing platforms;
 - h. Hand launch sites for water craft.
21. Public access shall be provided on-site, except for projects which meet the following criteria as determined by the Land Use Administrator:
- a. The provision of public access would result in an unavoidable health or safety hazard to the public that cannot be prevented by any practical means. The applicant must demonstrate that the health or safety hazards cannot be mitigated through the application of alternative design features or other solutions, such as regulating access by such means as maintaining a gate and/or limiting hours of use and designing separation of uses and activities (e.g. bridges, pedestrian overpasses or underpasses, fences, terracing, use of one-way glazing, hedges, landscaping, etc.); or
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features. The applicant must demonstrate that security requirements cannot be mitigated through the application of alternative design features or other solutions, such as regulating access by such means as maintaining a gate and/or limiting hours of use and designing separation of uses and activities (e.g. bridges, pedestrian overpasses or underpasses, fences, terracing, use of one-way glazing, hedges, landscaping, etc.); or
 - c. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated; and provided, further, that the applicant has first demonstrated and it has been determined that all reasonable alternatives have been exhausted, such as, regulating access by such means as limiting hours of use to daylight hours, designing separation of uses and activities; i.e., fences, terracing, hedges, landscaping, etc.
 - d. The provision of public access would result in significant environmental harm and the impact cannot be mitigated; or
 - e. More meaningful access that is better than that provided by the application of the goals, objectives and policies of this plan can be provided off-site.
22. Projects which meet the criteria in Regulation 4 above must either construct off-site improvements or, if approved by the Land Use Administrator, contribute to a public access fund established by the City to construct off-site public access improvements of comparable value.

23. When public access is required it shall be provided between the development and the shoreline and may be provided within a required buffer area subject to the requirements and exceptions below.
24. Water-enjoyment uses and non-water-oriented uses that front on the shoreline shall provide continuous public access along the entire site's shoreline.
25. Where the required public access improvements are part of an integrated system to be accomplished through a public/private effort, the City may permit the applicant to pay an amount equal to the construction cost of the required improvements in lieu of developing the improvements at the time of development. The intent of this provision is to allow greater flexibility and cost effectiveness in creating a public access system than could be achieved if elements of the system were constructed individually.
26. Where a project is located within an area covered by an adopted public access plan, public access improvements shall be generally consistent with the adopted plan. However, the City may approve an alternative proposed by the Applicant that meets the goals, objectives, and policies in this SMP.
27. Except where clearly not feasible, public access improvements shall include construction of trails to implement the Non-Motorized Transportation Plan currently in effect.
28. When public access is provided within a required buffer, said access shall demonstrate compliance with mitigation sequencing in 4.1.4.2.
29. Public access improvements shall be designed to minimize impacts to critical areas, ecological functions, or ecosystem-wide processes. A biological assessment or a habitat management plan (4.1.4.X), may be required for public access developments in shoreline jurisdiction. The City may require that buffers be increased based upon the results of that assessment. Full mitigation of impacts shall be required.
30. In instances where public access is proposed in conjunction with a restoration project that includes work within a critical area or its buffer, the public access element may be provided within a critical area or its buffer provided it is the minimum necessary to provide an access function appropriate to the site and is consistent with applicable requirements in this Program. The design and location of said access feature shall not compromise the ability of the restoration project's ability to achieve its intended objectives.
31. A project proponent may participate in "public access banking" by providing public access improvements prior to the time a project is constructed.
32. Where feasible, development uses and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's physical access to the water and shorelines.
33. Public access provided by street ends, public utilities, and public rights-of-way shall not be diminished.
34. Public access sites shall be connected directly to adjacent public streets and trails.

35. Roads and railroads along public shoreline areas shall provide for safe pedestrian and bicycle circulation through the shoreline area. Pedestrian circulation shall be provided to the shoreline unless the access meets the criteria in Regulation 4.
36. Public access improvements shall include provisions for persons with disabilities, where reasonably feasible.
37. Required public access improvements shall be fully developed and available for public use at the time of occupancy of the use or activity unless there are mitigating circumstances and an agreement setting forth an alternative schedule acceptable to the Land Use Administrator is in place.
38. Public access easements and shoreline permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition. Said recording with the County Auditor's Office shall occur at the time of shoreline permit approval. Future actions by the applicant and/or successors in interest or other parties shall not diminish the usefulness or value of the public access provided, unless a new shoreline permit is secured.
39. The standard state approved logo or other signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant. Signs may control or restrict public access as a condition of permit approval.
40. Pedestrian access shall be required along new and reconstructed dikes, jetties, and groins, except where: the access would cause unavoidable health or safety hazards to the public; inherent and unavoidable security problems; unacceptable and unmitigable significant ecological impacts; significant unavoidable conflict with the proposed use; or, a cost that is disproportionate and unreasonable to the total long-term cost of the development.
41. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, or security. Public access improvements shall be incorporated into such projects except when exempted by 4.1.5.x [Regulations 2 and 4 above].
42. Existing public access shall not be eliminated unless the Applicant shows that there is no feasible alternative and replaces the public access at another location.
43. Public access requirements shall be completed in a timely manner.
44. All proposed developments in the "S-8" Thea Foss Waterway Shoreline District shall incorporate public access to and along the water's edge as follows:
 - a. On the west side of the Thea Foss Waterway, a continuous, unobstructed, publicly accessible esplanade or boardwalk fronting on the shoreline edge where the minimum improved surface shall be 20 feet wide. Connections between Dock Street and the esplanade or boardwalk shall be provided through designated public access/view corridors, and possibly additional public access corridors.

- b. On the east side of the Thea Foss Waterway, public access shall be provided based upon the following order of priority:
 - i. A continuous, unobstructed, publicly accessible walkway or boardwalk fronting on the shoreline edge where the improved surface shall be a minimum of 15 feet wide, together with a public access/view corridor which connects the street right-of-way to the esplanade or boardwalk, and where the minimum improved surface shall be a minimum of 10 feet wide. The public access/view corridor shall be located within the required side yard/view corridor and be counted toward the side yard/view corridor requirement.
 - ii. A public access/view corridor which terminates in a shoreline outlook and street improvements as needed to provide a continuous, unobstructed, publicly accessible route for a multi-use walkway.
 - iii. An in lieu fee for identified projects consistent with an approved public access plan.
- c. On both the west and east sides of the Thea Foss Waterway, site amenities, such as benches, lights, and landscaping, shall be included as part of the esplanade or boardwalk construction consistent with the Thea Foss Design Guidelines.
- d. A public access/view corridor from the street right-of-way to the public esplanade or boardwalk shall be provided for each development, and shall be a minimum of 10 feet wide and ADA accessible. The required pedestrian circulation link shall be located within the required side yard/view corridor and be counted toward said side yard/view corridor requirement. Provision shall be made to provide access from the parking lot to the main building entrance.
- e. On the western side of the Thea Foss Waterway, new permanent buildings are not allowed in any designated waterfront esplanade, boardwalk, or public access/view corridor unless otherwise specified, except that pedestrian bridges connecting development site buildings, weather protection features, public art or structures provided primarily as public access or a public amenity such as viewing towers, decks, and public restrooms may be located in or over these areas.



City of Tacoma
Community and Economic Development Department

Agenda Item
GB-2

TO: Planning Commission

FROM: Donna Stenger, Acting Manager, Long-Range Planning Division

SUBJECT: 2010 Annual Amendment – Review of Testimony and Schedule Options

DATE: February 25, 2010

The Planning Commission requested an opportunity after the public hearing on March 3, 2010 to discuss the public testimony received and options for scheduling meetings to evaluate the public comments. At the conclusion of the public hearing, the Commission may have an incomplete picture of public sentiment since the record remains open for 10 days following the hearing; however, the Commission is encouraged to ask questions, request information, or provide direction to staff that will assist you in formulating a final recommendation.

Currently, the tentative schedule for review of the 2010 amendments which was developed in July 2009 follows the Commission's past practice. This practice includes discussion at three meetings following the public hearing with the third meeting also including approval of recommendations to the City Council.

Following this schedule would mean that on March 17, staff would distribute a copy of all written testimony received during the public comment period, which ends on March 12. Staff also will provide a brief summary of key issues and concerns expressed for each amendment. Once the full extent of comments are known, the Commission will be better able to determine how to proceed with the review of the testimony and Commission discussion of the proposed amendments. At this meeting, the Commission could establish a preference for how to sequence discussion of the issues in subsequent meetings.

The Commission's April meetings will include discussion that is more detailed. Staff will facilitate the Commission's review of public comment by preparing a response matrix that will summarize all comments (oral and written) and a staff response to questions and concerns, which may include staff recommendations to change the proposed amendments. Depending on the Commission's direction, the discussion could focus on one, two, or all amendments. At the second meeting in April, the Commission can continue its review. The current schedule indicates that the Commission also would make a recommendation to the City Council at this meeting; however, in reviewing the schedule, there is some flexibility available to the Commission.

Attached is the current schedule that has been revised to indicate some possible scheduling options for the Commission's consideration. As discussed at the last meeting, the Commission needs to provide a timely recommendation that allows the City Council to conduct its public review process and take final action in June. If the Commission desires more time to review the proposed amendments, this can be accomplished by scheduling a special meeting(s), by extending the time for discussion at the regular meetings or delaying the recommendation to the City Council to the May 5, 2010 regular meeting. Delaying action to May 5 would necessitate a change in the City Council study session from May 18 to May 25 but preserves the remainder of

the schedule as currently drafted.

If you have any questions, please contact Donna Stenger at 591-5210 or dstenger@cityoftacoma.org.

DS:ds

c. Peter Huffman, Assistant Director

Attachment

COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

ANNUAL AMENDMENTS 2010 TENTATIVE SCHEDULE

July 29, 2009

Revised February 25, 2010

The schedule below reflects the activities and key dates for the 2010 amendments. Of note, this schedule does provide some additional detail and the Commission and Council process but is generally consistent with the draft schedule that was published in July 2009.

Additions marked in **blue type** are options that the Commission can consider in their review schedule to formulate recommendations to the City Council while still providing adequate time for the City Council to review and act upon the Commission's recommendations.

Date	Event
June 30, 2009	Deadline for submittal of plan and code amendment applications
August 5	Inform Planning Commission of private/other applications received, staff initiatives and proposed schedule
August - September	Provide notice to Neighborhood Councils and affected taxpayers of submitted applications, as applicable and conduct community meeting(s)
August - September	Commission discussion and acceptance of 2009 application assessment reports
October 2009 – February 2010	Commission review of individual amendments
February 3, 2010	Commission authorization for public distribution of all draft amendments
February 10	Distribution of public hearing notice and draft amendments for public review and comment
March 3	Planning Commission public hearing on draft amendments
March 12	Last date to submit written comments on draft amendments
March 17	Copies of written testimony distributed to Commission and key issues identified. <i>Commission direction on the sequencing of discussion of the issues at future Commission meetings</i>
April 7	Planning Commission discussion of hearing testimony and staff responses
April 19	Due date for resolution request to set the City Council's public hearing date
April 21	Planning Commission continues discussion of hearing testimony and draft amendments <i>Possible Commission recommendation on draft amendments</i>
<i>April 28</i>	<i>Optional Special Commission meeting to continue discussion</i>

	Possible Commission recommendation on draft amendments
May 5	Optional additional discussion (<i>as part of regular meeting</i>) Final Deadline for Commission recommendation on draft amendments (<i>if not completed at previous meetings</i>)
May 10/ May 17	Planning Commission recommendations, revised amendments and public record forwarded to City Council
May 11	City Council sets public hearing date
May 13	City Council notice for public hearing distributed; recommended amendments available for public review
May 14	Due date to submit ordinance request for City Council agenda
May 18/ May 25	City Council study session on recommended amendments
May 25	City Council public hearing on draft amendments
June 1	Staff provides response to City Council questions concerning public testimony and recommended amendments
June 8	City Council - first reading of ordinance(s) to adopt amendments
June 15	City Council - second reading and adoption of draft amendments
June 25	Submit final amendments to State
August 1	Effective date of amendments



City of Tacoma
Community and Economic Development Department

**Agenda Item
PH-1**

TO: Planning Commission
FROM: Donna Stenger, Acting Manager, Long-Range Planning Division
SUBJECT: Public Hearing on 2010 Annual Amendment Package
DATE: February 25, 2010

The Planning Commission is scheduled to conduct a public hearing on March 3, 2010, on the draft *Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2010* (the "Annual Amendment Package"). The Annual Amendment Package consists of the following applications:

- #2010-01 South Tacoma Way Mixed-Use Center Evaluation
- #2010-03 Urban Forestry Element
- #2010-04 Transportation Element- Mobility Master Plan
- #2010-07 Comprehensive Plan and Regulatory Code Refinements
- #2010-08 Electric Vehicle Infrastructure Regulations

Notice of the public hearing has been widely distributed and posted on the City's website (www.cityoftacoma.org/planning). A public review document has been compiled, containing information and staff analyses associated with each of the applications as well as the preliminary environmental determination for the proposed amendments. The public review document (a.k.a., the "Ivory Book"), has also been disseminated for required review, posted on the City's website, and made available at all branches of the Tacoma Public Library. Copies of the Ivory Book were provided to the Commission at your last meeting for your use and reference at the public hearing and future meetings concerning the proposed amendments. Please bring your copy with you to next week's meeting.

Attached is a supplemental staff report which summarizes the proposed amendments, the City's adopted review criteria and evaluation process, public participation and the notice provided for the public hearing. If you have any questions, please contact Donna Stenger at 591-5210 or dstenger@cityoftacoma.org.

DS:ds

c. Peter Huffman, Assistant Director

Attachment



2010 PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

SUPPLEMENTAL STAFF REPORT TACOMA PLANNING COMMISSION PUBLIC HEARING MARCH 3, 2010

A. SUBJECT:

Adoption of amendments to the City of Tacoma's Comprehensive Plan and modifications to the Land Use Regulatory Code, including area-wide zoning reclassifications.

B. BACKGROUND:

Each year proposed amendments to the Comprehensive Plan and/or Land Use Regulatory Code are considered by the Planning Commission and City Council. Tacoma's Comprehensive Plan is the City's official statement concerning future growth and development. The Growth Management Act (GMA), with few exceptions, requires that all proposed Plan amendments be reviewed concurrently and no more frequently than once each year. This is usually referred to as the "annual amendment" whereby individual Plan amendments are considered together.

GMA also requires development regulations, which are largely found in the Land Use Regulatory Code, to be consistent with and implement the Comprehensive Plan. Proposed amendments to the Plan often require companion amendments to the Regulatory Code to achieve this consistency. In some instances, changes to the Regulatory Code, including revisions to the regulations (text changes) and/or changes to the zoning classification of certain properties (area-wide rezones), may be proposed which are consistent with the Comprehensive Plan, and can be processed independently of the annual amendment. However, for ease of review and adoption, these amendments may be included with the annual amendment.

C. COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE AMENDMENT PROCESS:

Periodic review and evaluation are important in order that the Comprehensive Plan and the implementing development regulations maintain their effectiveness. Changing conditions and community needs may necessitate amendments. Amendments can include modification to the existing policies of the Plan, the addition of new policies or the deletion of policies within the Plan as well as changes to the narrative text. Changes to development regulations can include text revisions, the addition or deletion of regulations, and changes to zoning classifications for certain properties on an area-wide basis. As new Plan elements are developed, amendments to previously adopted plan elements also may be necessary. All amendments to the Comprehensive Plan are reviewed simultaneously so that the cumulative effect can be considered.

Amendments may be proposed by the City Council, the Planning Commission, private individuals, Neighborhood Councils, City staff, and other organizations or entities. The deadline for submitting an application for amendment is June 30 of each year for consideration in the following twelve months; however, applications are accepted at any time.

The Planning Commission is considering five separate applications, all of which were initiated by City departments in response to community concerns or requests, City Council direction, or revisions to State planning requirements.

In accordance with the adoption and amendment procedures in the Tacoma Municipal Code (Chapter 13.02.045), the following criteria are used by the Planning Commission in determining if a Plan amendment or a change in development regulations is warranted:

- An obvious technical error exists in the pertinent Comprehensive Plan or regulatory code provisions;
- Circumstances related to the proposed amendment have significantly changed, or a lack of change in circumstances, has occurred since the area or issue was last considered by the Planning Commission;
- The needs of the City have changed which support an amendment;
- The amendment is compatible with existing or planned land uses and the surrounding development pattern;
- Growth and development, as envisioned in the Comprehensive Plan, is occurring faster, slower or is failing to materialize;
- The capacity to provide adequate services is diminished or increased;
- Plan objectives are not being met as specified, and/or the assumptions upon which the Plan is based are found to be invalid;
- Transportation and/or other capital improvements are not being made as expected;
- Substantial similarities of conditions and characteristics can be demonstrated on abutting properties that warrant a change in land use intensity or zoning classification; or
- A question of consistency exists among the elements of the Comprehensive Plan or between the Comprehensive Plan and RCW 36.70A (Growth Management Act), the *County-wide Planning Policies for Pierce County* or multicounty planning policies, or the development regulations of the City.

The Planning Commission may also consider other factors including if additional information has become available since the Plan element or development regulation was last adopted or amended.

An area-wide zoning reclassification that is inconsistent with the Comprehensive Plan may be proposed for adoption at the same time as, and in conjunction with, the Plan's amendment. Proposed area-wide reclassifications which are consistent with the Comprehensive Plan and do not require a Plan modification may be considered at any time. If an area-wide zoning reclassification is recommended it shall be based on, but not limited to, the following circumstances:

- Substantial evidence is presented demonstrating that growth and development is occurring in a different manner than presented in the Comprehensive Plan;
- The proposed area-wide reclassification is consistent with the Comprehensive Plan and the Generalized Land Use Plan map;
- The reclassification is needed to further implement the Comprehensive Plan;
- The proposed reclassification is needed to maintain consistency with the proposed amendments to the Comprehensive Plan;
- There is substantial evidence presented showing inconsistency between the designated land use intensity in the subject area and the existing zoning; or
- The subject property is suitable for development in general conformance with the zoning standards under the recommended rezone classification.

Proposed amendments to the Comprehensive Plan, development regulations, and area-wide zoning reclassifications are developed pursuant to the procedures of Chapter 13.02 of the Tacoma Municipal

Code as described above. Staff, under direction of the Commission, conducts needed analysis and prepares the draft amendments for public review and comment.

Proposed amendments are subject to the requirements of the State Environmental Policy Act and the Growth Management Act. The amendments to the Comprehensive Plan and Land Use Regulatory Code and proposed area-wide zoning reclassifications receive detailed review by the Planning Commission and public hearing(s) are held to receive citizen comment. After further review, the Commission makes a recommendation to the City Council, which may include modifications to the draft amendments in response to public testimony, staff recommendations, and/or further review by the Commission. The Council will review the proposed amendments, as recommended by the Planning Commission, and hold a public hearing. The Council may adopt, or decline to adopt, the proposed amendments and/or make modifications as may be necessary.

D. SUMMARY OF PROPOSED AMENDMENTS:

Following is a brief summary of the proposed revisions for 2010.

APPLICATION	DESCRIPTION OF AMENDMENT
<p>#2010-01: South Tacoma Mixed-Use Center Evaluation</p>	<p>This amendment proposes (1) an area-wide downzone for a portion of the center that, although historically zoned for multifamily uses, is developed with many single-family homes; (2) expansion of the center boundary to the south; and (3) increasing the height limit from 75 feet to 100 ft with the use of a height bonus provision in the commercial/industrial (CIX) zoned area along South Washington Street.</p>
<p>#2010-03: Urban Forest Policy Element</p>	<p>This amendment adds a new element to the Comprehensive Plan to provide guidance for promoting the public benefits of planting, saving, maintaining, and managing trees and other vegetation. The policies will provide direction for establishing programs, revising regulations, and developing standards and guidelines using best available science and best management practices to attain a safe and healthy urban forest.</p>
<p>#2010-04: Transportation Element and Mobility Master Plan</p>	<p>This amendment modifies the Transportation Element to provide planning and policy guidance to achieve a safe, comfortable, and desirable pedestrian, bicycle and transit environment.</p>
<p>#2010-07: Comprehensive Plan and Regulatory Code Refinements</p>	<p>This amendment proposes minor adjustments to correct errors, improve consistency, assist in permitting and administration of the code, clarify intent, or address amendments to state law or other planning mandates.</p>
<p>#2010-08: Electric Vehicle Infrastructure Regulations</p>	<p>This amendment fulfills a GMA requirement for cities located along the I-5, I-90, I-405 and SR-520 corridors to revise their development regulations to allow electric vehicle recharging and battery exchange stations in all commercial and industrial zones.</p>

E. GENERAL INFORMATION:

1. Evaluation of Plan and Development Regulation Amendments

The proposed changes to the Comprehensive Plan and Land Use Regulatory Code and the proposed area-wide zoning reclassifications were reviewed using factors contained in the Tacoma Municipal Code and as set forth in summary in Section C herein. Other information was also used in the evaluation including state laws, city ordinances, comparison with other cities' plans and ordinances and City Council direction.

2. Environmental Evaluation

Pursuant to WAC 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance was issued on February 12, 2010. This preliminary determination (SEPA File Number: SEP2010-40000140630) was made based upon a review of a completed environmental checklist. The City will reconsider the preliminary determination based on timely public comments regarding the checklist and determination that are received by March 12, 2010 and unless modified, the preliminary determination will become final on March 19, 2010. A legal notice concerning this environmental evaluation was advertised in the *Tacoma Index* on February 16, 2010.

3. Public Review Process

The proposed amendments to the Comprehensive Plan and Regulatory Code and the proposed area-wide zoning reclassifications were presented to and discussed by the Planning Commission at their meetings, which are open to the public. The Commission reviewed all of the proposed changes and authorized the distribution of the proposed amendments for public review and comment on February 3, 2010. The proposed amendments, including the complete text of proposed changes (in strikeout and underscored format), maps depicting boundary, land use intensity and zoning changes and staff reports, which analyze the proposed amendments for consistency with the amendment criteria, were compiled into a single document. The document also included a copy of the environmental determination and completed checklist. This document was made available for public review at all branches of the public library and at the office of the Community and Economic Development Department. The document was also posted on the City's website and made available on CD-ROM upon request.

An informational public meeting was held on February 24, 2010. The purpose of this meeting was to provide a more detailed explanation of the proposed amendments and to answer questions about the proposed changes, public review process, and schedule. Notice of this meeting was included in the public hearing notice and advertised in *The News Tribune*.

In addition, staff provided additional public outreach concerning Application #2010-01 South Tacoma Mixed Use Center Evaluation. A community meeting was held on October 1, 2010 to explain the three proposals that would be reviewed by the Planning Commission. The meeting was an opportunity to let interested individuals become aware of potential changes to zoning and height limits that would be studied and to provide early comments. Staff also made presentations to the South Tacoma Neighborhood Council and the South Tacoma Business District Association.

The proposed amendment to add new policy guidance to the Transportation Element regarding the Mobility Master Plan (Application # 2010-04) also included extensive public outreach and participation. A Steering Committee was created with representatives from other public agencies, public health advocates, cycling organizations and others to guide the formulation of the Plan, policies, and recommendations for future actions. Public workshops were held on September 23, 24 and 28, 2009, and February 11, 2010.

The Urban Forest Element, Application No. 2010-03, was developed with input from a variety of stakeholders. Community interest in this policy initiative, which has been led by the City's Urban Forester, has been considerable. Prior to the official submittal as a proposed Comprehensive Plan amendment in June 2009, an inclusive process built around two policy review groups—a City (internal) stakeholders group, and an community (external) stakeholders group—took place. The draft was developed collaboratively with input from those groups and went through several draft versions. Throughout the process, active communication with stakeholders has occurred through regular e-mail and website updates (www.cityoftacoma.org/evergreentacoma), public meetings and presentations, and distribution of an informational flyer. Staff have met with and received correspondence from numerous stakeholders, including the Master Builders Association, Port of Tacoma, Tacoma School District, Metro Parks Tacoma and the Tacoma Police Department. In addition, staff presented the draft and received public input at numerous public meetings, including the Community Council, Cross District Association, City Council – Environment and Public Works Committee, Green Tacoma Partnership, Landmarks Preservation Commission, Sustainable Tacoma Commission, Eastside Neighborhood Advisory Council of Tacoma (ENACT), West End Neighborhood Council, Central Neighborhood Council, Northeast Neighborhood Council, South Tacoma Neighborhood Council, Upper Tacoma Business Association, and City and Community Green Team meetings.

4. Notification

Notice of the Planning Commission's public hearing was distributed to Neighborhood Council board members, other neighborhood groups, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, the Puyallup Tribal Nation, major employers and institutions, City and State departments, and other known interested individuals or groups. In addition, the notice could also be viewed and downloaded at the Planning Division's website (www.cityoftacoma.org/planning). The notice was posted on the public information bulletin boards on the first and second floors of the Tacoma Municipal Building.

The notice stated the time and place of the hearing, the purpose of the public hearing, information pertaining to the environmental determination, where and how additional information could be obtained and how to provide comments. Advertisement of the public hearing and community informational session was published in *The News Tribune* on February 17, 2010.

Notice was also provided to taxpayers, as listed in the records of the Pierce County Assessor, for properties within the area proposed for a change in zoning within and in the vicinity of the South Tacoma Mixed-Use Center and for properties within 400 feet of the boundaries of the proposed zoning, center and land use intensity changes. In addition, four public notice signs were posted in the South Tacoma Mixed-Use Center to alert residents, businesses and others of the proposed changes.

F. COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT RECOMMENDATION:

Staff recommends that the Planning Commission accept all oral and written testimony and hold the record open until **5:00 p.m. on Friday, March 12, 2010** and that the Commission evaluate all testimony given at the public hearing and any written comments received as part of the record prior to making a recommendation to the City Council.