

Members

Jeremy C. Doty, Chair
Donald Erickson, Vice-Chair
Chris Beale
Sean Gaffney
Tina Lee
Ian Morrison
Matthew Nutsch
Erle Thompson
Scott Winship



Agenda

Tacoma Planning Commission

Community and Economic Development Department

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

Public Works and Utilities Representatives

Jim Parvey, City Engineer/Assistant Director, Public Works Department
Heather Pennington, Resource Planning Manager, Tacoma Water
Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power

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

(Agenda also posted at: www.cityoftacoma.org/planning > "Planning Commission" > "Agendas-Minutes-Recordings")

MEETING: Regular Meeting and Public Hearing

TIME: Wednesday, December 7, 2011, 4:00 p.m.
(Public Hearing occurs at approximately 5:00 p.m.)

PLACE: Council Chambers, Tacoma Municipal Building, 1st FL
747 Market Street, Tacoma, WA 98402

Change of Location
(NOT in Room 16)



A. CALL TO ORDER

B. QUORUM CALL

C. APPROVAL OF MINUTES – Regular Meeting of November 2, 2011
Regular Meeting of November 16, 2011

D. GENERAL BUSINESS

(4:05 p.m.) **1. 2012 Annual Amendment: #2012-6 Urban Forestry Code Revisions**

Description: Continue to review proposed changes to the landscaping-related provisions of the Land Use Regulatory Code, focusing on canopy coverage, parking lot landscaping, street trees, and exemptions.

Actions Requested: Discussion; Direction

Support Information: See "Agenda Item GB-1"

Staff Contact: Ramie Pierce, 591-2048, rpierce2@cityoftacoma.org
Elliott Barnett, 591-5389, elliott.barnett@cityoftacoma.org

(4:40 p.m.) **2. 2012 Annual Amendment: #2012-7 Minor Amendments and Refinements**

Description: Review various amendments to the Land Use Regulatory Code and Comprehensive Plan to address inconsistencies, correct minor errors, and provide additional clarity.

Actions Requested: Discussion; Direction

Support Information: See "Agenda Item GB-2"

Staff Contact: Brian Boudet, 573-2389, bboudet@cityoftacoma.org



E. PUBLIC HEARING

(5:00 p.m.) 1. Large Scale Retail Moratorium

Description: Conduct a public hearing on the proposed code revisions concerning the size limitations for large scale retail establishments, in response to the City Council's directives pursuant to Substitute Ordinance 28027 adopted on November 1, 2011.

Actions Requested: Receive testimony; Keep hearing record open until December 9, 2011

Support Information: See "Agenda Item PH-1"

Staff Contact: Brian Boudet, 573-2389, bboudet@cityoftacoma.org

F. COMMUNICATION ITEMS

1. The City Council adopted the proposed Shoreline Master Program and associated supplemental documents on November 29, 2011. For more information, visit www.cityoftacoma.org/Planning > "Shoreline Master Program Update".

G. COMMENTS BY LONG-RANGE PLANNING DIVISION

H. COMMENTS BY PLANNING COMMISSION

I. ADJOURNMENT

Members

Jeremy C. Doty, Chair
 Donald Erickson, Vice-Chair
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Minutes

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(For Review/Approval on 12-7-11)

MEETING: Regular Meeting

TIME: Wednesday, November 2, 2011, 4:00 p.m.

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

Members Present: Donald Erickson (Vice-Chair), Chris Beale, Sean Gaffney, Tina Lee, Ian Morrison, Matthew Nutsch, Erle Thompson, Scott Winship

Members Excused: Jeremy Doty (Chair)

Staff Present: Donna Stenger, Elliott Barnett, Brian Boudet, Shanta Frantz, Charla Heutinck, Karla Kluge, Chelsea Levy, Jana Magoon, Shirley Schultz, Lisa Spadoni, Tony Vasquez, Lihuang Wung (CED); Ramie Pierce, Lorna Mauren, Mike Carey, Josh Diekmann (Public Works)

Vice-Chair Erickson called the meeting to order at 4:01 p.m. The minutes for the regular meeting and public hearing of October 5, 2011 were approved as submitted.

A revised agenda was considered that included the Large Scale Retail Moratorium as an additional discussion item under General Business. The City Council voted on November 1 on Substitute Ordinance No. 28027 to retain the moratorium for 6 months, instead of 12 months as recommended by the Planning Commission. Given the reduced timeframe, this item needed to be added to the Commission's agenda. Discussion ensued. Commissioner Morrison recused himself from the discussion because his employer represents Wal-Mart. The revised agenda was approved as proposed.

GENERAL BUSINESS**1. 2012 Annual Amendment: #2012-6 Urban Forestry Code Revisions**

Ramie Pierce, Urban Forester, led the discussion; she stated that the overall goal is to increase canopy coverage citywide from 19% to 30%. The proposed amendments would integrate new



tools into the existing code framework to accomplish canopy coverage increase; improve the quality of landscaping; increase flexibility for different land uses; support tree quality as well as quantity; protect the intended tree canopy; and include credits and incentives. Additional objectives are to improve organization of the code and to make some other general modifications.

Ms. Pierce stated that staff had been asked to come back with proposals for canopy coverage goals. To accomplish that, staff conducted an analysis of existing landscapes, which informed the recommendations presented at this meeting. The land use canopy goals will inform the development of regulations, though the code requirements don't necessarily have to equal the goals, as the regulations are not the only method being pursued for achieving the goals. She added that achieving the goals may not occur on each and every site — the objective is to achieve them citywide. These goals would be adopted as policy and be housed in the Urban Forestry Manual. The goals would support landscape regulation changes which could be equal to, greater than or less than the goals.

Mike Carey, Urban Forestry Intern, presented slides that demonstrated examples of existing sites and their current canopy cover and examples of proposed site canopy covers. Mr. Carey used actual sites to demonstrate different examples of canopy cover and discussed what types of trees were used as examples. He used actual plans that were proposed by developers as examples, for a range of land uses as well as for public rights-of-way, and showed the canopy coverage percentages for each. Staff discussed what it might take to get to the land use goals proposed for each land use. Mr. Carey summarized that the examples demonstrated that the proposed goals are generally feasible to achieve.

The Commission discussed the recommended goals for each land use, raising several questions and issues. Several Commissioners commented that the right-of-way goal should be increased since it is an area where the City could lead by example. Ms. Pierce responded that staff had already made changes to address this issue by increasing the proposed right-of-way goal from 25% to 30%, and modifying the residential goal from 35% to 30%. Ms. Pierce and Ms. Lorna Mauren said that due to the number of demands in the right-of-way (CPTED, traffic safety, utilities, pedestrian areas, etc) increasing the goal much more could result in further conflicts. The Commission discussed in particular how raising the right-of-way goal could affect CPTED concerns such as lighting. One Commissioner commented that while he understands the conflicts within right-of-way, we should consider pushing the envelope there.

The Commission and staff discussed single-family areas, several commenting that this is the biggest opportunity to make progress on the canopy coverage goal. CPTED issues are also relevant there, as well as for major institutions. One Commissioner questioned whether the examples provided by staff (a 6,000 sq ft lot with a 1,300 sq ft house) is really representative. Commissioner Gaffney stated the policy is fine, but he will be looking at how individual projects would be affected. The Commissioners had questions on triggers, threshold and exemptions. Ms. Pierce indicated that analysis of these issues will be coming back on December 7th.

In response to questions, Ms. Pierce clarified that green roofs would be built into the credits and would count toward canopy coverage. She stated that it wouldn't be required for green roofs to incorporate trees to count in the credits system.

Commissioner Gaffney asked how the canopy requirement will affect the Shoreline Districts, where views can be a significant public access issue. Vice-Chair Erickson stated that canopy is only one determinant that could be looked at. Another is sequestering carbon, which evergreen

trees do more than deciduous. He asked if there is a bias toward deciduous trees. Ms. Pierce clarified that the opposite is true — there is a bias for evergreens in the proposal for those and other reasons. Commissioners asked questions about the benefits of using Evergreen trees and Ms. Pierce briefly went over the beneficial qualities that these trees possess.

Ms. Pierce stated that requiring canopy coverage for all onsite parking lots, in lieu fees and credits are proposed as part of the objective of increasing flexibility. In addition, changes would improve on issues important for the health of the urban forest, such as minimum soil quantity by tree size and tree health and protection. The Urban Forest Manual and the proposed Title 18 would work with the code on these issues. She continued that organization would be improved by moving many of the standards to the Urban Forest Manual.

The Commission discussed monitoring approaches for required trees, including the length of time that monitoring should be required (1 to 3 years was discussed). They asked questions about potentially differentiating the length of monitoring by land uses, and about monitoring fees.

Commissioner Thompson asked about how overlapping canopy should be viewed – can there be credit for overlap? Ms. Pierce responded that canopy overlap doesn't serve as much purpose environmentally and that it could be difficult to administer such a system. Ms. Mauren added that canopy coverage is the stated goal in the Urban Forest Element.

In response to questions, Ms. Pierce stated that canopy coverage will need to be reassessed on some regular basis – such as every 5 to 10 years. She clarified that the Urban Forest Manual will be an administrative document adopted by reference in Title 13. In regards to irrigation, Ms. Pierce stated that there were three methods proposed for doing this and also explained watering needs of transplanted trees and plants. Ms. Pierce stated that the proposed landscaping maintenance plans will address a host of concerns that the Commissioners brought up. Ms. Mauren added that the major focus is meeting the 30% overall coverage goal citywide, and other concerns such as improvement of air quality is a bonus factor but not the main goal.

Commissioners asked what the City can do to make this something people do voluntarily, such as creating incentives. Given tough budget times and the likelihood that code enforcement funds are going to be limited, if there is a way to make this so people voluntarily do it that would be best. Ms. Pierce and Donna Stenger stated that it is not new to require landscaping, and that in many cases existing landscaping could meet the goals, but that the proposal would add an additional overlay to landscaping requirements to ensure that they also aid in achieving the canopy goal. The most significant area where the requirements would be new is in single-family areas.

2. Downtown Parking Requirements

Chelsea Levy, Long Range Planning, facilitated the Commissioners' review of the draft letter of recommendation, the draft Findings and Recommendations report, and the proposed Land Use Regulatory Code amendments.

Commissioner Morrison referred to the language of “reinstating parking maximums” in the Conclusions section of the draft Findings and Recommendations report and stated that the Code currently recognizes two exemptions for exceeding the parking maximum, if necessary, which help to remove barriers, provide flexibility, and address the concerns of the business and

development community. He suggested that the paragraph be modified to respond to that provision. The Commission concurred.

Ms. Levy reviewed the proposed Land Use Regulatory Code amendments. She highlighted the changes made in response to the Commission's direction at the last meeting, including the revision to the Purpose and Applicability statement for the section of Parking Standards, the addition of an intent statement for the subsection of Surface Parking Lots on Primary Pedestrian Streets, the change in the setback requirement from 60 to 40 feet for new or expanded surface parking lots on Primary Pedestrian Streets, and the changes in the requirements for the setback area in terms of landscaping, public amenities, signage, maintenance and public accessibility from the adjacent sidewalk. Discussion ensued. With respect to the requirement that the setback area shall be clearly and directly connected from the adjacent sidewalk if it is intended to be publicly accessible, the Commission suggested that it be clarified that such connection is ADA accessible.

A motion was made and seconded to approve and forward to the City Council the letter of recommendation as presented, the Findings and Recommendations report as amended, and the proposed Land Use Regulatory Code amendments as amended. The motion passed with a vote of 6 Ayes, 1 Nay (Commissioner Thompson opposing the parking maximum), 1 abstention (Commissioner Winship), and 1 absence (Chair Doty).

3. 2012 Annual Amendment: #2012-4 Sign Code Revisions

Shirley Schultz, Building and Land Use, facilitated the Commissioners' review of current Comprehensive Plan policies and current regulations related to electronic signs. In response to the Commission's request made at the meeting on October 5, Ms. Schultz presented examples of electronic signs currently used in the City. She went over a wealth of information of the various types of signs, including sizes, locations, placement, how the messages are displayed, and the associated zoning requirements. She showcased wall signs, freestanding signs and ground signs in C-2, R-2, NCX, UCX and DMU districts.

The Commissioners commented that the digital signs should meet the same criteria in place for other signs; that lighting for digital signs should not exceed what is currently used with traffic signal lighting; and that animation should not be allowed if visible from the street because this could be a distraction to drivers and is a safety issue for the public. There was also a question about how enforcement will be done when restrictions and requirements are mandated after the sign is up. Ms. Schultz replied that at the time of certification and installation, the applicant would have to provide certification of brightness maximum, which may not be changed by the end owner. Also, upon receiving a complaint, the City would conduct an inspection to determine if there is a violation. The first line of action in case of violation is voluntary compliance and if this is not done then a more formal process is involved where a time limit is imposed for correcting the problem.

Ms. Schultz next discussed what the current sign code entails and what the limitations are. She went over the design standards for signage in commercial and residential districts. The Commissioners had suggestions in regard to allowing digital signage in Commercial zones and some public facilities but limiting them in neighborhood centers because the City is trying to promote pedestrian friendly neighborhoods. The Commissioners ask Ms. Schultz to bring in examples of wall signs that are currently digitalized in neighborhoods to help in making a decision on how to proceed with this section of the Code. The Commissioners asked also if

digital signs and wall signs that are static treated equally now. Ms. Schultz said that they were and that they were only allowed in certain Districts and some allowance is only if Conditional Use is applied for. She also spoke about “trade-off’s” which means as a condition of permitting, you are allowed more leeway for what will be allowed for your signage.

Ms. Schultz also explained that there needs to be an update to the Code pertaining to definition for signage, in order to address indistinct definitions, missing or redundant definitions, and definitions that don’t align with technology; for example, there needs to be a more applicable definition when referring to animation in signs and “message centers”.

Discussion ensued. The Commissioners provided a number of comments, questions and suggestions, such as: videos or animation should not be allowed; a more factual reason should be given for limiting videos; why digital billboards are allowed while public opinion is against them; definition of message center signs should be clarified; “scrolling” and animation should be defined and differentiated in the Code; if digital signs are allowed, their setbacks should be increased; what type of signage would be required in each District; what constitutes temporary signs; and what are the codes for other jurisdictions for “on-premise signs”.

Ms. Schultz indicated that staff will meet with stakeholders in December and will return on December 7, 2011 with responses to the Commissioners’ questions and an update of the proposed code revisions.

4. Large Scale Retail Moratorium

Brian Boudet, Long-Range Planning, stated that the City Council adopted Substitute Ordinance No. 28027 on November 1, 2011. The ordinance retains the moratorium; exempts reuse, minor alterations, minor additions, and boundary line adjustments; maintains the original 6-month timeline; maintains the original citywide geographic scope; and requests the Commission to focus on limiting the size of retail businesses.

The Commissioners expressed some concerns, such as: that the Commission had already taken a comprehensive approach to address all aspects of the issue on a citywide basis; that focusing on size limitation is severely limiting the scope of study; that if the goal is to ban big box retail of a certain size it could have been accomplished by amending the code rather than imposing a moratorium; that the community may not understand why many other issues such as setbacks, pedestrian access and landscaping are not being addressed; that a moratorium may be justifiable if it is based on policy restrictions on certain developments in mixed-use centers, but may not be justifiable if based on size limitation; that the Building Code, not the size limitation, is what governs; and that the current public notification process does not allow adequate time and opportunity for concerned citizens to respond to projects being proposed.

Ms. Stenger stated that the City Council would like the Commission to address the most critical issue (i.e., size) for the time being, while continuing to work on other issues that had been raised by citizens at the public hearings. The Council received different testimony than what the Commission did. The original geographical scope was citywide, but the Commission had recommended it be narrowed down to certain mixed-use centers, to which many citizens responded at the Council’s hearing that they were being left out, Ms. Stenger explained.

Mr. Boudet proceeded to facilitate the Commission’s review and discussion of size limitations. He provided background information about the current size limitations for businesses or

buildings in various zoning districts, districts where large commercial businesses could be located under existing regulations, the approximate sizes of existing large retail establishments in Tacoma, as well as examples of specific size limitations in some benchmarking jurisdictions.

The Commissioners discussed a multitude of aspects relating to development projects, such as size, footprint, height and stories, design features, parking, location of parking, pedestrian amenities, traffic, right-of-way, proximity to freeway, proximity to residential areas, SEPA review process and criteria, and public notification. They felt that these are intertwined and should be considered holistically. Commissioner Gaffney, with the intent of drawing a nexus with Comprehensive Plan policies, proposed a model whereby developments greater than 65,000 sq. ft. would be prohibited in mixed-used centers but allowed outside of mixed-use centers with a Conditional Use Permit (CUP).

After further discussion on the framework and intent of the proposed model, the Commissioners reached a conclusion, and a direction for staff, that a hierarchy of size thresholds for various zoning districts should be established along with appropriate CUP decision criteria to go beyond those size thresholds, in accordance with the intensity of development and compatible with Comprehensive Plan policies.

COMMUNICATION ITEMS

None.

COMMENTS BY LONG-RANGE PLANNING DIVISION

Ms. Stenger informed the Commissioners of the status of the Critical Areas Preservation Code (CAPO) Update, for which the Commission had conducted a public hearing on September 21. Due to significant issues raised in the public testimony, primarily concerning the proposed programmatic permit and buffer modifications, staff has had follow-up meetings with the various commenters. From these discussions, it became clear that the proposed programmatic permit approach was not going to meet the needs of those stakeholders wanting to do voluntary restoration and a new approach is needed. In response, staff has developed a draft proposal. Since it is a departure from what the stakeholder Focus Group had reviewed earlier this year, staff has scheduled a meeting with the Focus Group on November 15, 2-4 p.m., at Tacoma Nature Center, to review the draft proposal. Staff intends to return to the Commission to discuss the proposed changes and any comments that the Focus Group may have.

Ms. Stenger also reported on the status of the Shoreline Master Program Update. The City Council's Environment and Public Works (EPW) and Economic Development (ED) Committees met again on October 26 to review public comments. The Council is considering some modifications to the Planning Commission's recommendations, such as removing the 75% threshold concerning the reconstruction of damaged/destroyed nonconforming structure; clarifying the applicability of public access requirements to single-family uses; providing further clarifications between water enjoyment uses, non-water-oriented uses, water-dependent uses and water-oriented uses; removing the specific standards for access in S-7; i.e. the requirement for a 15-ft walkway on the shoreline edge; clarifying access in S-10 is not subject to the on-site preference or waiver criteria; adding a description of lay berthing and where it applies and a number of definition changes and additions. The EPW/ED Committees have scheduled an

additional meeting on November 9, at 4:30 p.m., in Room 16, and the City Council is scheduled to conduct the first reading of ordinance on November 15, Ms. Stenger said.

COMMENTS BY PLANNING COMMISSION

Commissioner Morrison commented that the Planning Commission is established by the City Charter and the Tacoma Municipal Code with the goals and rights to make recommendations to the City Council on land use issues including the Large Scale Retail Moratorium which he had recused himself from the discussion of. He stated that the Commission is an advisory body that is not constrained by what the legislative body has said, and that he would encourage the Commissioners as a whole to be broad thinking on this issue.

ADJOURNMENT

The meeting adjourned at 7:15 p.m.

Members

Jeremy C. Doty, Chair
 Donald Erickson, Vice-Chair
 Chris Beale
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Minutes

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(For Review/Approval on 12-7-11)

MEETING: Regular Meeting

TIME: Wednesday, November 16, 2011, 4:00 p.m.

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

Members Present: Jeremy Doty (Chair), Donald Erickson (Vice-Chair), Tina Lee, Matthew Nutsch, Erle Thompson, Scott Winship

Members Excused: Chris Beale, Sean Gaffney, Ian Morrison

Staff Present: Brian Boudet, Liz Kaster, Jana Magoon, Diane Wiatr, Lihuang Wung (CED); Josh Diekmann (Public Works)

Chair Doty called the meeting to order at 4:02 p.m. The minutes for the regular meeting of October 19, 2011 were reviewed. Commissioner Thompson suggested and the Commission concurred that, in the last paragraph of Downtown Parking Requirements, the statement of “the Commissioners reached a consensus to reduce parking maximum” be changed to “the majority of the Commissioners agreed to reduce parking maximum”, to more accurately reflect what had been discussed at the meeting. The minutes were approved as amended.

GENERAL BUSINESS**1. 2012 Annual Amendment: #2012-3 Transportation Element**

The proposed amendments to the Transportation Element of the Comprehensive Plan includes two sets of changes, i.e., updates to the Mobility Master Plan (“MoMaP”) section and updates to the Unfunded Project List.

Diane Wiatr, Mobility Coordinator, provided background information about the MoMaP, which was developed through an extensive public process and adopted into the Transportation Element in June 2010. The MoMaP outlines a network to build bicycle and pedestrian facilities that are connected to transit, parks and all areas of Tacoma. The MoMaP incorporates the



Complete Streets concept and responds to climate change issues. Ms. Wiatr briefly mapped out the implementation of the MoMaP, including the development of the bike network, bike lanes and bike boulevards, trails, storage and the like. The City also works in strategic partnerships with other agencies, such as the Chamber of Commerce, Health Department and Pierce Transit, in an effort to promote the use of alternate forms of transportation.

Ms. Wiatr indicated that the proposed amendments to the MoMaP include text and map changes to keep the information current, and reprioritization of pedestrian and bicycle improvement lists. The amendments are being proposed at the request of the Bicycle and Pedestrian Action Committee (BPAC), a citizen-based group established to assist the City in implementing the MoMaP.

Liz Kaster, Commute Trip Reduction Coordinator, reviewed the proposed changes to the MoMaP. She briefly reviewed the bicycle priority list and the proposed changes, the general conditions of the City's pedestrian network, the proposed prioritization of sidewalk improvements, and the proposed prioritization of intersection improvements. She also reviewed the criteria used for prioritizing sidewalk and intersection improvements. In general, priorities are given to projects that are near schools, major transit centers and major arterial streets and that are safety warranted and cost effective. The BPAC was instrumental in the development of the criteria, Ms. Kaster indicated.

Josh Diekmann, Acting Assistant Manager of Public Works Engineering, reviewed the list of projects proposed for inclusion in the Unfunded Project List. These projects were generated based on the feedback and requests of various Neighborhood Councils earlier in the year. Public Works staff has reviewed these projects and recommended that they be incorporated in the Transportation Element. Mr. Wung added that the Unfunded Project List reflects the desires of the community and exemplifies the City's intent to maintain the service level of the transportation system citywide and meet the concurrency requirements of the Growth Management Act. Projects contained in the Unfunded Project List are consistent with the Comprehensive Plan policies, hence eligible for competing for City funds or outside grants. Once funded, projects will be moved to the Six-Year Transportation Program for implementation within a certain timeframe.

The Commissioners raised a number of questions and comments, such as:

- What is a "Road Diet"?
- How are sidewalk improvements paid for?
- Lack of coordination, e.g., newly improved streets being torn up again.
- Sidewalk improvement in coordination with Pierce Transit incorporating accessible boarding areas.
- How is funding determined for the Unfunded projects and were cost estimates done?
- Do Business Districts submit projects directly to the City, or do they go through the Neighborhood Councils?
- To what extent are the projects in the Unfunded List linked to the neighborhood grant program?

Staff responded to some of the questions and will provide additional information at a future meeting regarding others, at which time a complete package of the proposed amendments to the Transportation Element will also be presented for the Commission's consideration.

2. Large Scale Retail Moratorium

Chair Doty declared that since Walmart is no longer a concern of this moratorium and there is no conflict of interest per se, he would no longer be recusing himself from the discussion.

Brian Boudet, Long-Range Planning, presented the proposed changes to the zoning regulations relative to large scale retail uses. Based on the Commission's direction provided at the last meeting, the proposal would amend the code to require a discretionary land use review, or Conditional Use Permit (CUP), for all retail businesses located within specific zoning districts that exceed a specific size threshold. The proposed process would provide an opportunity to conduct community outreach and review of new large scale retail projects and better ensure that they are developed consistent with Comprehensive Plan policies. Specifically, the proposed code amendments would:

- Require a CUP for retail uses exceeding 45,000 sq. ft. in C-2, CCX, UCX, UCX-TD, CIX and RCX zoning districts;
- Require a CUP for retail uses exceeding 65,000 sq. ft. in the portions of M-1 and M-2 where these uses are allowed;
- Create CUP decision criteria for large scale retail uses to ensure they are compatible with Comprehensive Plan policies and their impacts properly mitigated, and to ensure the feasibility of future building reuse; and
- The CUP for large scale retail uses would require a pre-application community meeting, a public hearing, and be subject to approval by the Hearing Examiner.

Mr. Boudet elaborated on these key points. He noted that there were exceptions, in that a CUP process is not proposed for the Downtown or the shorelines. The shorelines are exempted because there is already an extensive permit review process in place for development proposals. For Downtown, the current design requirements, general street and block layout, and parking restrictions are also prohibitive for the kind of large sale retail development that is of concern – a sprawling one-story building surrounded by a sea of parking. Mr. Boudet also explained that the proposed code amendments would enhance the public involvement by adding a public hearing to this CUP process, which is commonly a Land Use Administrative type review, by requiring a pre-application meeting to allow adequate opportunity for citizen feedback, and by providing additional criteria for the Hearing Examiner to use in reviewing the application. Mr. Boudet mentioned that the draft code amendments also addressed many other issues, such as vacant large buildings, parking, hours of use for business, and traffic concerns.

The Commissioners were in favor of the concept of thresholds/trigger points. After further discussion, the Commissioners provided several suggestions for modifying the proposed code amendments, including:

- Revise the provisions in RCX to limit large scale retail development to 30,000 sq. ft. in size per business and 45,000 sq. ft. in size for full service grocery stores
- Expand the notice distance for the pre-application community meeting from the proposed 400 ft to 1,000 ft., and specify that the pre-application meetings be held at hours and location of convenience to the general public.
- Add a note clarifying that the Hearing Examiner's decision is appealable.
- Add to the CUP decision criteria a provision that further emphasizes and encourages pedestrian-orientation for the site and building design when projects are located along designated pedestrian streets.

The Commission voted unanimously to approve the proposed code changes, as amended, for public distribution and review and set the date for the public hearing on December 7, 2011.

COMMUNICATION ITEMS

None.

COMMENTS BY LONG-RANGE PLANNING DIVISION

Mr. Wung reported that last night (November 15) the City Council conducted the first reading of ordinance adopting the proposed update to the Shoreline Master Program. The ordinance would adopt the Planning Commission's recommendations with various modifications brought forward by the Council's Environment and Public Works and Economic Development Committees. Those modifications had been reported to the Commission at previous meetings, Mr. Wung indicated. In addition, 8 amendments were introduced last night to amend the ordinance. The amendments would, respectively, (1) set the maximum number of townhouses permitted in S-15; (2) evaluate the feasibility of trail improvements in S-6 and S-7; (3) give priority to walkway projects between Foss Waterway and Pt. Defiance; (4) recognize the City's intent to support and retain TEMCO; (5) create a new S-6/7 Schuster Parkway Transition Shoreline District that includes the Tahoma Salt Marsh and the Sperry Ocean Dock; (6) extend the S-10 boundary to either E. 7th Street or E. 11th Street; (7) require a 15-ft esplanade from new development on the eastside of the Foss Waterway; and (8) require residential development on the eastside of the Foss Waterway south of Murray Morgan Bridge to be built in such a way as not to adversely affect the adjacent industrial use. Mr. Wung indicated that these proposed amendments have been posted on line at www.cityoftacoma.org/Planning (and click on "Shoreline Master Program Update"), and that the Council is scheduled to conduct the final reading of the ordinance, as may be amended, on November 29, 2011.

Mr. Wung informed the Commission that the City Council has scheduled its public hearing for January 17, 2012 on the Downtown Parking Requirements as recommended by the Commission on November 2, 2011.

Mr. Wung announced that a community meeting has been scheduled for December 1, 2011, at 4:00-7:00 p.m., in the Carwein Auditorium at the University of Washington Tacoma, concerning the South Downtown (Dome/Brewery District) Subarea Plan.

COMMENTS BY PLANNING COMMISSION

None.

ADJOURNMENT

The meeting adjourned at 5:40 p.m.



City of Tacoma
Community and Economic Development Department

Agenda Item
GB-1

TO: Planning Commission
FROM: Elliott Barnett, Associate Planner
SUBJECT: Annual Amendment # 2012-6: Urban Forestry Code Revisions
DATE: November 30, 2011

On December 7th, the Planning Commission will continue its discussion of proposed changes to the landscaping-related provisions of the Land Use Regulatory Code, intended to implement recent policy direction on Tacoma's urban forest. At this meeting, Planning Division staff will present additional code update recommendations, building on those discussed at the last meeting. Staff will also provide information in response to Commission questions. It is our intent to seek the Commission's direction on what we view as the remaining substantive issues, which we will incorporate into a code draft to be presented at the Commission's first meeting in January.

Over the course of the three meetings to date, the Commission has provided high level direction on the majority of the substantial policy changes proposed. In summary, the key policy direction is to improve code outcomes in terms of urban forest health and canopy, while balancing other policy intents such as urban design, streetscapes, and safety. The recommended proposal, in overview, is to incorporate canopy coverage into zoning requirements based upon the canopy goals by land use; increase flexibility of some existing requirements and provide options to meet the canopy requirement; and, incorporate requirements and standards addressing tree quality, health, maintenance and replacement. Also proposed is a reorganization of the landscaping code for better clarity and ease of use, and to utilize the Urban Forestry Manual as the repository of more detailed standards and technical guidance. These policy proposals, as well as staff's recommended canopy coverage goals by land use, are laid out primarily in the Commission's November 2, 2011 packet (available online at www.cityoftacoma.org/planning, select Urban Forestry Code Update).

In staff's view, the crux of the work yet to be done (prior to drafting the actual code) consists of determining how to translate those policy objectives into code requirements and how to integrate them into the code structure. While more detailed and technical than discussions to date, these "code mechanics" issues are indeed significant in terms of how the code would apply. Furthermore, they shed light on many of the issues brought up by the Planning Commission. It should be noted that through previous discussions the Commission has already provided ample guidance on many aspects of this proposal. We have focused this discussion on what staff view as the bulk of the outstanding substantive issues requiring direction prior to developing the draft code. We certainly welcome discussion and guidance on any aspect of the project.

At this meeting, staff will lay out recommendations for incorporating the canopy coverage methodology and land use goals into the scheme and framework of the zoning code. Changes

proposed include creating a canopy coverage requirement for new development and substantial alterations, based on the canopy coverage land use goals discussed previously. The proposal is to utilize the major zoning district categories (e.g., residential, industrial, commercial) as a close proxy for the land uses as laid out in the canopy coverage goals. As part of that approach, staff are recommending to replace the current "overall site coverage requirement" with the canopy coverage approach. The canopy coverage methodology would also modify the current surface parking lot standards and street tree quantity requirements. In addition, modifications to current exemptions to the landscaping code are recommended pertaining to residential and industrial zones.

Staff also wish to acknowledge two issues raised by the Commission on November 2nd which, for the following reasons, we are not proposing to address at the next meeting. The first is the relationship between this proposal and the Shoreline Districts. As part of the Shoreline Master Program (SMP) update, the landscaping requirements in Shoreline Districts are proposed to be moved from the SMP to the landscaping section of Title 13. The timing of the SMP update makes this a moving target which might or might not be adopted during the scope of this project. Therefore, staff are proposing to defer consideration of changes within the Shoreline Districts until after the adoption of the SMP. The second issue is monitoring and enforcement requirements. By their nature, such requirements would have substantial implications in terms of staff time and permit costs for applicants. Therefore, staff are initiating internal discussions with affected departments, and intend to bring forward a monitoring and enforcement proposal at the first meeting in January.

Attached is the Powerpoint presentation for the December 7th meeting. If you have any questions or requests, please contact Ramie Pierce at 591-2048 or trees@cityoftacoma.org, or Elliott Barnett at 591-5389 or elliott.barnett@cityoftacoma.org.

EB

Attachment

c: Peter Huffman, Assistant Director



Planning Commission

December 7, 2011

URBAN FORESTRY TITLE 13

STAFF RECOMMENDATIONS

CODE CHANGES OVERVIEW

- ✘ Add canopy coverage requirement
 - + Percentages by zoning categories/land use
 - + On site parking lot canopy percentage
 - + Right-of-Way percentage replaces street tree quantity requirement
 - + Remove Overall Site Coverage requirement
- ✘ Changes to exemptions



CANOPY COVERAGE

STAFF RECOMMENDATIONS

- ✘ Set canopy requirements at land use goals
 - + Zoning district categories as proxy for land uses
- ✘ Parks and major institutions – requirement stays the same in most districts
 - + Agencies with their own Urban Forestry Program given more flexibility
 - + Downtown would be the exception



CANOPY COVERAGE

STAFF RECOMMENDATIONS

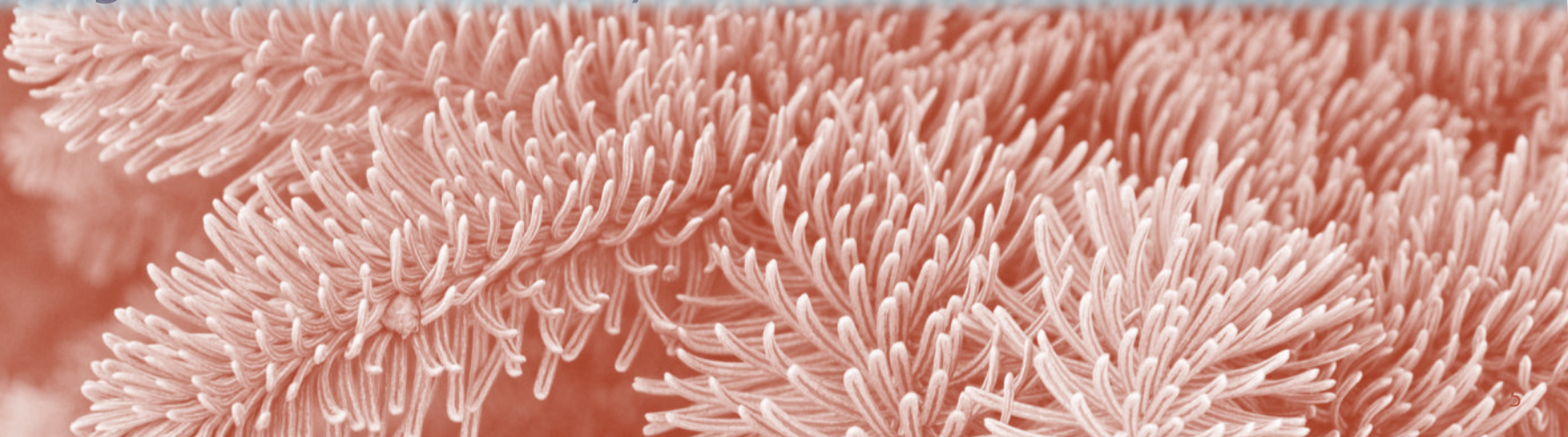


- ✘ 30% canopy requirement on surface parking lots
 - + Overlays current parking lot standards

- ✘ 30% canopy requirement within rights-of-way
 - + Replaces current street tree quantity requirements
 - + Applies in all zones

FLEXIBILITY

- ✘ Canopy requirement flexibility
 - + Credits
 - + In-lieu fee
 - ✘ Must demonstrate reasonable effort to provide canopy cover onsite
 - + Agencies with their own Urban Forestry Program given more flexibility



APPLICABILITY & THRESHOLDS

- ✘ Applicability

 - + All new development and alterations

- ✘ Alteration Thresholds:

 - + Level I: < 50% of building value

 - + Level II: 50-200% of building value

 - + Level III: > 200% of building value

EXEMPTIONS- RESIDENTIAL

STAFF RECOMMENDATIONS

CURRENT

- ✘ 1, 2 and 3-family development
 - + Exempt from landscaping

PROPOSED

- ✘ 1, 2 and 3-family development
 - + Canopy requirement applies to new or Level III alterations



EXEMPTIONS-INDUSTRIAL

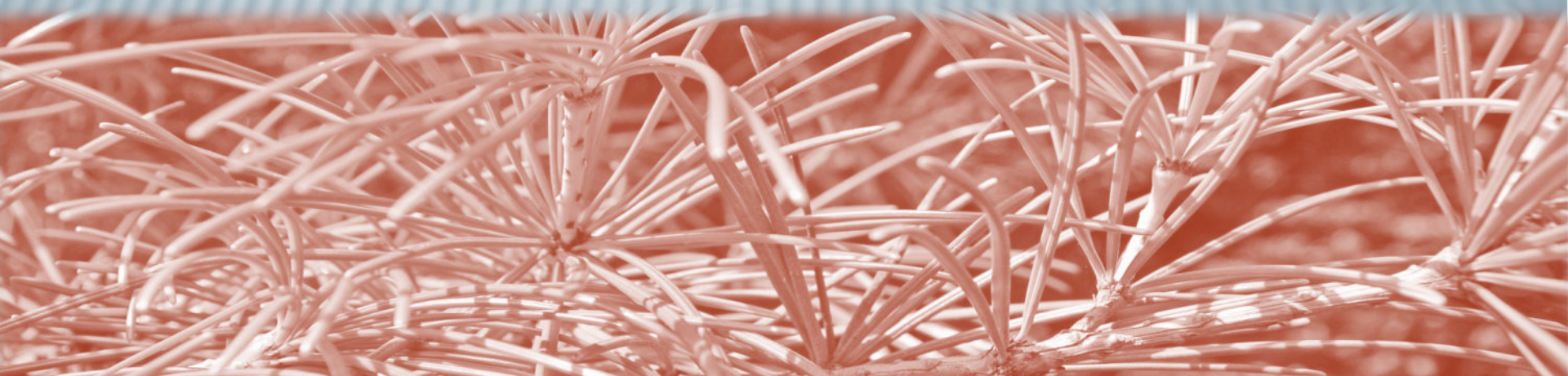
STAFF RECOMMENDATIONS

✘ CURRENT

- + < 20,000 square feet parking lots exempt from overall site requirement

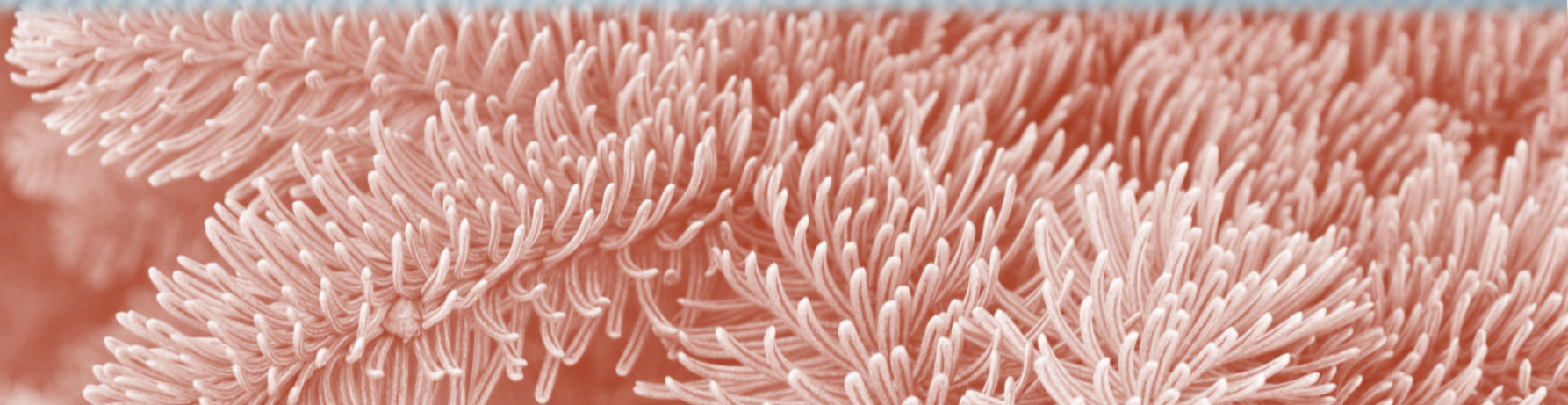
✘ PROPOSED

- + Canopy coverage would apply



REORGANIZATION/STREAMLINE CODE

- ✘ Detailed standards move to Urban Forest Manual
- ✘ Consolidate requirements into one table
- ✘ Consolidate general requirements and exemptions in one section
- ✘ Change submittal requirements



SUMMARY OF PROPOSED CHANGES

- ✘ Add canopy coverage requirement
 - + Overall site coverage: remove
- ✘ Parking lot landscaping: modify with canopy %
- ✘ Street trees: replace with ROW canopy %
 - + Applies in all zones
- ✘ Exemptions: modify for Residential/Industrial
- ✘ Code reorganization

QUESTIONS / DIRECTION?



City of Tacoma
Community and Economic Development Department

Agenda Item
GB-2

TO: Planning Commission

FROM: Brian Boudet, Urban Planner, Long-Range Planning Division

SUBJECT: 2012 Annual Amendment – Application #2012-7
Minor Amendments and Refinements

DATE: November 30, 2011

On December 7 the Planning Commission will continue its review and discussion regarding the proposed minor and “clean-up” amendments staff has compiled for inclusion in this year’s annual amendment process. These amendments are generally designed to address inconsistencies, correct minor errors, and improve provisions that, through administration and applications of the Zoning Code and Comprehensive Plan, are found to be unclear or not fully meeting their intent.

The amendments for this year include numerous changes to the code and one change to the Comprehensive Plan. Attached is a summary of the code and plan issues that have been identified, some background information, and a description of the significant changes being proposed.

Staff is seeking the Commission’s general concurrence with the preliminary recommendations. If the Commission concurs with the proposed amendments, a staff report and proposed code and plan text will be presented at the January 18, 2012 meeting for the Commission’s authorization for public review.

If you have any questions, please contact me at 573-2389 or bboudet@cityoftacoma.org.

Attachments

c: Peter Huffman, Assistant Director



2012 Annual Amendment Application No. 2012-07 *Minor Amendments and Refinements*

SUMMARY OF KEY POTENTIAL AMENDMENTS

The proposed amendments involve general text corrections and minor amendments to the Land Use Regulatory Code as well as technical text and map corrections to the Comprehensive Plan. These minor amendments are intended to address inconsistencies, correct errors, and improve provisions that, through administration and application of the Zoning Code and Comprehensive Plan, are found to be unclear or not fully meeting their intent.

A preliminary summary of the proposed amendments is provided below. Please note, this list is somewhat different from the preliminary list provided during the project assessment phase in August. New projects have reduced the time available for this project, necessitating a reduced scope, and certain items have been integrated that were originally part of other projects that have been delayed (i.e. the Platting Code changes).

The key issues and most notable proposed changes, which are further discussed on the following pages, are **highlighted** in the list.

Modifications to Chapter 13.06 – Zoning, including:

- Improve and clarify the nonconforming section, including how it addresses rebuilding nonconforming uses that are destroyed, changes to existing nonconforming uses, verification of nonconforming rights, and pre-existing conditional uses.
- Improve the consistency of development standards for drive-throughs in mixed-use districts
- Clarify the provisions applicable to massage services
- Rectify the parking requirement for eating and drinking establishments with the calculation methodology and the different circumstances in which they exist (such as in shopping centers)
- Incorporate additional references and citations and improve internal consistency in tables
- Continue the ongoing consolidation of definitions into one section of the code

Modifications to Chapter 13.05 – Land Use Permit Procedures, including:

- Clarify the review process and criteria for providing reasonable accommodations
- Clarify and process and qualification criteria for Development Regulation Agreements

Modifications to Chapter 13.04 – Platting and Subdivisions, including:

- Clarifying the process and procedures for plat alterations, vacations, and replats to ensure consistency with State Law and administrative practices

Modifications to the Comprehensive Plan, including:

- Removing the map and references to the Habitat Zones (these have subsequently been replaced by “Habitat Corridors”)

NONCONFORMING USES AND STRUCTURES

Existing:

Nonconforming use/structure – Allowed to be restored if damaged by fire, earthquake, or other natural calamity provided the extent of such damage to the building is less than 75% of the current replacement cost, as set forth in the Building Code. Consideration of adjusting the percentage to 100% (total replacement) is recommended.

Nonconforming use – The code eludes to the notion that the applicant should demonstrate proof and request a determination for nonconforming rights but does not specify procedure or criteria for review. Consideration of codifying specific requirements for an application of a determination of nonconforming rights is recommended.

Benchmarking:

Seattle

- 100% burn-down
- Applicant must demonstrate/establish nonconforming status.

Portland

- 75% for burn-downs (essentially), less strict for single-family dwellings, if over 75% some development standards must be met
- Applicant must demonstrate/establish nonconforming status. Applicant must provide evidence to show that the situation was allowed when the established and was maintained over time. A determination is made at the Director level.

Spokane

- 100% burn-down for residential, 60% for non-residential
- The owner of such use, in order to claim the privilege of continuation, must have established the existence of the nonconforming use situation by a certificate of occupancy.

Everett

- 100% burn-down
- Nonconformity must be certified by the planning department.

Vancouver

- 100% Burn-down
- The Planning Official shall make a determination regarding the legal status of a nonconforming subject to review criteria.

Proposed:

100% Burn-down – Consideration of adjusting the percentage to 100% (total replacement), which would be in-line with most jurisdictions, consistent with recent changes recommended under the Shoreline Master Program Update, would afford more flexibility to the property owner, and is more easily administered.

Nonconforming Status – Clearly identify that the applicant/property owner must demonstrate/establish nonconforming status. Consideration of codifying specific requirements for an application of a

determination of nonconforming rights would establish submittal requirements, review criteria, identify the decision maker (LUA for example), and record the issued determination. Note: many of these examples currently occur informally but predictability and consistency cannot be measured against criteria.

Future Considerations

During its review of the Nonconforming Section, staff has identified potential code revisions that may go beyond the scope of this code clean-up. Consideration of these potential revisions for future code amendments is recommended in order to respond to contemporary land use issues and further the enhancement of this section which was last updated comprehensively in 2002. Listed below are examples of potential code revisions that would result in possible policy shifts that may warrant consideration under future code amendments where further analysis and discussion could occur:

- Nonconforming use - currently the Code states that if a change of use is proposed and a prior determination of nonconforming rights has not been made, the proposed nonconforming use shall be allowed if it is a permitted use in the lowest intensity zoning district where the current nonconforming use is permitted outright, and subject to standards.
 - One option to consider may be to allow Nonconforming uses to continue as code allows but not to be changed to another Nonconforming use.
 - Another option to consider may be to codify a process for which you review a proposed change of use with criteria for review and public notice similar to the conditional use permit.

PRE-EXISTING CONDITIONAL USES

Existing:

While the zoning code outlines what types of uses are permitting and not permitting in every zoning classification, it also provides that some uses may be allowed in certain zoning districts with the approval of a conditional use permit. These “conditional uses” are primarily found in residential districts and include uses such as schools, churches, large parks, and day care centers. However, it is not unusual to have sites where the conditional use has been in existence since before that requirement existed and thus no conditional use permit was ever applied for or approved. In these instances, if the use on the site is proposed to be enlarged or altered, the code is unclear on whether the modification requires a conditional use permit and/or whether they would be required to obtain a conditional use permit to authorize the long standing use.

Benchmarking:

Spokane

Amendments to zoning (standards or district) that changes a use that was previously allowed outright or was a conforming use to a conditional use under the amendment is considered to have an approved conditional use. The use is allowed to continue to operate and is subject to applicable regulations and standards.

Seattle

A legally established use that is now permitted only as a conditional use is regulated as if a conditional use approval has been previously granted. The use is not considered a nonconforming use.

Portland

If an existing use was allowed by right or was a nonconforming use, and is now listed as a conditional use, the use is considered an approved conditional use and may continue to operate. Any changes to the use are subject to the applicable procedures and regulations.

Proposed:

Allow long standing uses that are now listed as a conditional use to be treated as if they had been granted a conditional use permit. Any alteration to the site or use would be subject to the modification thresholds and criteria in *TMC* 13.05.080 and alterations that exceed the minor modification threshold would require a conditional use permit. By treating the use as an approved conditional use, the use would more clearly not be considered a “nonconforming use” since these types of uses often provides a service within the community. Eliminating the potential nonconforming status would also restrict the amount of flexibility to change a “conditional use” to a use that would otherwise be not permitted.

DRIVE-THROUGHS IN MIXED-USE DISTRICTS

Within the zoning code, drive-throughs are identified as a separate use and specifically allowed or not allowed in each of the zoning districts. Considering that drive-throughs are actually a component of a use and drive-throughs are being incorporated into an expanding list of uses (such as pharmacies, banks, dry cleaners), is it necessary to prohibit drive-throughs within the HMX District? Many of these uses are currently permitted in the HMX District and associated drive-throughs may be appropriate as long as they are adequately located and designed.

Existing:

Mixed-Use Districts

Drive-throughs with any use are permitted within most mixed-use districts, but not within the HMX District. Additionally, drive-throughs are subject to a number of specific design standards to ensure that they are developed in a manner that does not unreasonably detract from the overall design intent for mixed-use centers (the standards are listed below).

Proposed:

Revise the Use Table to permit drive-throughs within the HMX and subject to the current development standards under 13.06.510, Table 2.

Section 13.06.300.D

Uses	NCX	CCX	UCX	UCX-TD	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Drive-through with any use	P	P	P	P	N	P	NP	N	N	See Section 13.06.510 Table 2 for driveway standards.

Section 13.06.510, Table 2

Development Standards – Drive-throughs in Mixed-Use Centers. The following standards apply to drive-throughs located in Mixed-use Centers. See section 13.06.300.D for permitted zones.
<ol style="list-style-type: none"> 1. Drive-through driveways and stacking lanes must be located at least 150 feet from any bus stop or transit center, as measured along the curb line between the driveway and the bus stop or transit center 2. All vehicle use areas associated with a drive-through shall be located at the side or rear of the building. 3. Drive-through windows shall not face a designated pedestrian street and stacking areas shall not lie between a building and a designated pedestrian street 4. Drive-through stacking lane(s) and service window(s) shall be designed and screened from the view of adjacent properties with landscaping and/or structures 5. Pedestrian paths that cross a drive-through aisle shall use a raised platform and be marked with symbols, signage and/or special painting. 6. Within Mixed Use Centers, drive-throughs shall be limited to 1 stacking lane maximum unless the portion with multiple lanes is fully screened from public view. 7. Drive-through uses that are not located within a building are prohibited from locating within 100 feet of a light rail station or streetcar station 8. Driveways are also subject to the standards contained in Section 13.06.510.

PARKING – EATING AND DRINKING

Existing:

Current parking requirements for eating and drinking establishments located in commercial districts are 10 parking stalls per 1,000 square feet of gross floor area. Prior to 2002, parking requirements for eating and drinking establishments were 1 parking stall per 100 square feet of “patron serving area”. The calculation basis for the parking requirement was subsequently changed from “patron serving area” to “gross floor area” but continued at 1 parking stall per 100 square feet or 10 stalls per 1,000 square feet. The shift in how the parking would be calculated, even though a large portion of these establishments is often comprised of the kitchen, office, or storage, dramatically increased the parking quantity requirements.

Interior remodels that result in a change of use from another use to an eating and drinking establishment are required to meet parking requirements. Existing site conditions and lack of available space to add parking stalls to meet the 10 parking stalls requirement often results in the need to seek and receive a parking variance or establish a valid off-site shared parking agreement, which can be a significant burden and has, in some cases, resulting in unnecessary expenditures and unused parking.

Benchmarking:

Spokane

1 parking stall per 250 square feet of gross floor area (4 per 1,000 square feet)

Seattle

1 parking stall per 250 square feet of gross floor area (4 per 1,000 square feet)

Portland

1 parking stall per 250 square feet of gross floor area (4 per 1,000 square feet) – Minimum

1 parking stall per 63 square feet of gross floor area (15 per 1,000 square feet) – Maximum

Proposed:

The parking requirements would continue to be based upon gross floor area but would be reduced to 4 parking stalls per 1,000 square feet. The lowered amount would align with the benchmarked cities and would also not create unnecessary parking requirements for eating and drinking establishments. Further, the reduced parking requirement would also address one of the primary challenges to converting an existing structure into an eating and drinking establishment and eliminate the need for a parking variance or an off-site parking agreement in some cases.

REASONABLE ACCOMMODATION

Existing:

The ability for the City to provide reasonable accommodations to persons with disabilities in the application of the Land Use Regulatory Code is currently codified without much guidance to the applicant or the City on how such decisions will be made. The existing code provisions do not provide a clear summary on its purpose, administrative requirements and required findings. Although requests for reasonable accommodation are reviewed on a case-by-case basis, there is need to clarify the review process and properly codify regulations.

13.05.030.F - Reasonable Accommodation

Any person claiming to have a handicap, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC § 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Land Use Administrator with verifiable documentation of handicap eligibility and need for accommodation. The Administrator shall act promptly on the request for accommodation. If handicap eligibility and need for accommodation are demonstrated, the Administrator shall approve an accommodation, which may include granting an exception to the provisions of this Code. The City shall not charge any fee for responding to such a request.

Benchmarking:

Edmonds, WA

Their code includes a specific chapter dedicated to the reasonable accommodation process, including purpose, what reasonable accommodations are relevant to Codes, accommodations personal to the applicant and appeal review.

Santa Rosa, CA

Similar to the procedures found under City of Edmonds; with additional summaries, such as review procedure and findings and decision.

Pleasant Hills, CA

Their code includes a chapter on the purpose and definition of reasonable accommodation. This includes approval authority, notice, decision, findings, and other requirements.

Proposed:

Under the direction of the Land Use Administrator and the City's Legal department, the proposal is to more clearly summarize the purpose of reasonable accommodation and organize these regulations in three (3) main categories:

- 1) Application and Requirements (i.e., property address, actual use of the property, site plan) ;
- 2) Findings (i.e., written decision, potential impact(s) to neighborhood, physical attributes of the property and structures); and
- 3) Reasonable Conditions (i.e., decision does not run with the land, removal of the improvements).

Each of these three main categories will include sub-sections that will clarify the process. For example, under *Application and Requirements* the following would be found: summary of application, review authority (Land Use Administrator) and review procedure (i.e., application, staff recommendation, public notice); under *Findings* there will be guidance on how to respond to the criteria (i.e.,

demonstrated need for the request); and under Reasonable Conditions there will be specifics relevant to the decision/determination (i.e., inspection, specifics to the site, usual conditions).

DEVELOPMENT REGULATION AGREEMENTS

Existing:

Development Regulation Agreements (DRAs) provide a mechanism for certain types of significant projects, particularly within the Downtown, to seek flexibility in specific land use regulations while still ensuring consistency with the policies and goals of the Comprehensive Plan through an optional and discretionary process that involves review by the City Manager and approval by the City Council. The City Manager is tasked with applying certain criteria when determining if a DRA shall be approved. The first of eight criteria prescribes a point system. A project must score 800 of a possible 1,000 points. The point system is currently weighted to encourage the development of Class A office space. To encourage a mix of development and allow more flexibility in the use of this tool, the desire is to change the point system to encourage retail and commercial development, in addition to office development.

The current point system is prescribed in *TMC 13.05.095.D.1*. A project scores points in four categories: Creating a balanced healthy economy (up to 290 points); achieving vitality downtown (up to 320 points); sustainable development (up to 150 points); and using quality urban design (up to 240 points).

Further, the current reference to the “working definition of downtown” has been phased out in other sections of the code. Changing this reference in *TMC 13.05.095* would be consistent with previous changes.

Proposed:

The proposed code changes are provided below:

TMC 13.05.095

B. Applicability. Development Regulation Agreements shall only be allowed for one of the following project types:

1. Proposed projects located within the International Financial Services Area (IFSA), as defined in the City’s Amended Ordinance No. 27825, with a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;
2. Proposed projects located within the ~~“Working Definition of Downtown.”~~ Downtown Regional Growth Center as set forth in ~~Figure 1 in the Downtown Element~~ Chapter 3 of the City Comprehensive Plan, provided that the real property involved is subject to a significant measure of public ownership or control, and provided that the project includes a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;

TMC 13.05.095

D. Review criteria. The City Manager, and such designee or designees as may be appointed for the purpose, shall negotiate acceptable terms and conditions of the proposed Development Regulation Agreement based on the following criteria:

1. The Development Regulation Agreement conforms to the existing Comprehensive Plan. Except for projects on a public facility site of at least five acres in size, conformance must be demonstrated by the project, as described in the Development Regulation Agreement, scoring 800 points out of a possible 1000 points, according to the following scoring system (based on the Downtown Element of the City Comprehensive Plan):
 - a. Balanced healthy economy. In any project where more than ~~60-30~~ percent of the floor space is ~~Class A office space~~ office, commercial, or retail, one point shall be awarded for every 200 square feet of gross floorspace (excluding parking) up to a maximum of 290 points.

b. Achieving vitality downtown. Up to 40 points shall be awarded for each of the following categories: (i) CPTED design (“Crime Prevention Through Environmental Design”), (ii) sunlight access to priority public use areas, (iii) view maximization, (iv) connectivity, (v) quality materials and design, (vi) remarkable features, (vii) access to open space, and (viii) street edge activation and building ground orientation.

c. Sustainability. Up to 50 points shall be awarded for each of the following categories: (i) complete streets, (ii) transit connections, and (iii) energy conservation design to a L.E.E.D. (Leadership in Energy and Environmental Design) certification to a platinum level or certified under another well-recognized rating system to a level equivalent to certification to a platinum level.

d. Quality Urban Design. Up to 60 points shall be awarded for each of the following categories: (i) walk ability, (ii) public environment, (iii) neighborly outlook, and (iv) support for public art.

13.04 PLATTING AND SUBDIVISIONS CODE AMENDMENTS

Existing:

The Revised Code of Washington (RCW) requires the City of Tacoma adopt regulations and procedures for the alteration and vacation of binding site plans, plats, and short plats. Chapter 13.04 of the Tacoma Municipal Code, Platting and Subdivisions, has not been updated since 1994 and is currently not consistent with the required state provisions found in RCW 58.17. As such, changes are needed to ensure that Chapter 13.04 is consistent with the requirements.

Proposed:

Minor additions/changes to Chapter 13.04 -Platting and Subdivisions will include provisions which will bring the chapter into compliance with the applicable RCWs for binding site plans, plats, and short plats as they relate to alterations, vacations, and other applicable sections of the *Tacoma Municipal Code*. Below is a summary of each.

Alteration

An alteration is a change to a finalized binding site plan, plat, short plat, or portion thereof, that results in a modification to its exterior boundaries, rights-of-way and/or utility (water, sewer, storm drainage, power, etc.) alignments, rights-of-way or utility improvements, required open space or amenities such as a park. An alteration does not include boundary line adjustments, replats, or an allowable increase in short plat lots.

Proposed code language ensures consistency with state code and current processes: The alteration of any binding site plan, plat, short plat, or portion thereof, is subject to the procedures set forth in RCW 58.17 and applicable sections of the *Tacoma Municipal Code*.

Replat or Redivision

A replat or redivision is an action resulting in the division or dividing of a lot located within a previously recorded binding site plan, plat, or short plat.

Proposed code language ensures consistency with state code and current processes: The division of a lot located within a recorded binding site plan, plat or short plat shall be processed as a new application in accordance with this chapter and other applicable sections of the Tacoma Municipal Code. Minor adjustments to existing lot lines within a recorded subdivision may be allowed in accordance with the procedures set forth in *TMC 13.04.085* boundary line adjustment, provided no new lots are created.

Vacation

A vacation is an action resulting in a binding site plan, plat, short plat, or portion thereof, reverting to their pre-subdivision parent parcel configuration.

Proposed code language ensures consistency with state code and current processes: The vacation of any binding site plan, plat, short plat, or portion thereof, is subject to the procedures set forth in RCW 58.17 and applicable sections of the *Tacoma Municipal Code*.



City of Tacoma
Community and Economic Development Department

Agenda Item
PH-1

TO: Planning Commission

FROM: Brian Boudet, Urban Planner, Long-Range Planning Division

SUBJECT: Large Scale Retail – Proposed Code Amendments

DATE: November 30, 2011

At your next meeting on December 7, 2011, the Planning Commission will hold a public hearing beginning at 5:00 p.m. The subject of the public hearing is a proposal to amend the zoning code provisions relative to large scale retail uses. The proposal under consideration would create a discretionary permit review process for new large retail uses in most areas of the city where they are allowed, and provide size limitations in some areas.

Notice of the hearing and these proposed amendments has been widely distributed for public review and comment and posted on the City's website (www.cityoftacoma.org/planning). A public review document has been compiled, which contains the complete text of the proposed changes (in strikeout and underlined format), a map depicting the areas affected by the proposed changes, the staff report which analyzes the proposed amendments for consistency with the amendment criteria, and the preliminary environmental determination and environmental checklist for the proposed amendments. The public review document 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 public review document will also be provided to the Commission for your use and reference at the public hearing and future meetings concerning the proposed amendments.

The attached Public Hearing Report summarizes the proposal and the public notice process. At the public hearing staff will provide an overview of the public hearing report and the draft amendments prior to the testimony.

If you have any questions, please contact me at (253) 573-2389 or bboudet@cityoftacoma.org.

c. Peter Huffman, Assistant Director

Attachment



LARGE SCALE RETAIL – PROPOSED CODE AMENDMENTS

PUBLIC HEARING REPORT

Tacoma Planning Commission Public Hearing
December 7, 2011

A. SUBJECT:

Proposed amendments to the City's zoning regulations relative to large scale retail uses, to create a discretionary permit review process for new large retail uses in most areas of the city where they are allowed and provide size limitations in some areas. Of note, the proposed regulations would be in effect throughout the City and are not specifically related to any one property, project, or site.

B. BACKGROUND:

This amendment is being proposed to better align Comprehensive Plan policy guidance with the Land Use Regulatory Code with respect to how the City regulates large scale retail businesses. This effort is the result of the Planning Commission and City Council's review under a six-month City-wide moratorium on large scale retail establishments enacted on August 30, 2011 (Ordinance No. 28014).

The City Council's direction through the moratorium process was to address the Comprehensive Plan policies and the concerns that were brought forward from the community during the first two months of the moratorium by identifying an appropriate regulatory path based on size limitations for retail uses. The City Council found that this narrow scope could be achieved by the moratorium expiration date of February 29, 2012.

C. LAND USE REGULATORY CODE AMENDMENT PROCESS:

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

1. An obvious technical error exists in the pertinent Comprehensive Plan or regulatory code provisions;
2. 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;
3. The needs of the City have changed which support an amendment;
4. The amendment is compatible with existing or planned land uses and the surrounding development pattern;
5. Growth and development, as envisioned in the Comprehensive Plan, is occurring faster, slower or is failing to materialize;
6. The capacity to provide adequate services is diminished or increased;
7. Plan objectives are not being met as specified, and/or the assumptions upon which the Plan is based are found to be invalid;
8. Transportation and/or other capital improvements are not being made as expected;
9. Substantial similarities of conditions and characteristics can be demonstrated on abutting properties that warrant a change in land use intensity or zoning classification; or
10. 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 development regulation was last adopted or amended.

Proposed amendments to development regulations 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 Land Use Regulatory Code 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, decline to adopt, and/or make modifications to the recommended amendments.

D. SUMMARY OF PROPOSED AMENDMENTS:

Under the proposed revisions, retail uses larger than 45,000 square feet in the commercial and mixed-use districts and larger than 65,000 square feet in the industrial districts would only be allowed with approval of a Conditional Use Permit. The proposed conditional use permit process would include requirements for public notice, a pre-application community meeting, and a public hearing before a decision is made by the Hearing Examiner on the request. The purpose of this new permit requirement would be to provide opportunities for community input on future large-scale retail projects and to better ensure that these types of projects minimize their impact on surrounding areas and are developed consistent with the Comprehensive Plan.

The RCX – Residential-Commercial Mixed-Use District would also be revised to limit large scale retail development to 30,000 square feet in size per business and 45,000 square feet in size for full service grocery stores.

Copies of the complete text of the draft revisions, including maps where applicable, are available from the Community & Economic Development Department and at all branches of the Tacoma Public Library. The proposed revisions may also be viewed or downloaded from the Long-Range Planning Division website at www.cityoftacoma.org/planning (Click on “Large Scale Retail Moratorium”).

E. GENERAL INFORMATION:

1. Evaluation of Development Regulation Amendments

The proposed changes to the Land Use Regulatory Code were reviewed using factors contained in the Tacoma Municipal Code and as set forth in summary in Section C herein (see the project staff report, dated November 17, 2011). 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 November 17, 2011 (SEPA File Number SEP2011-

40000172738). This preliminary determination 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 December 9, 2011 and unless modified, the preliminary determination will become final on December 12, 2011.

3. Public Review Process

The proposed amendments to the Regulatory Code were presented to and discussed by the Planning Commission at their meetings, which are open to the public. The Commission reviewed the proposed changes and authorized the distribution of the proposed amendments for public review and comment on November 16, 2011.

The proposed amendment, including the complete text of the proposed changes (in strikeout and underlined format), a map depicting the areas of the city affected by the proposed regulations, and the staff report which analyzes the proposed amendments for consistency with the amendment criteria, were compiled into a single document (the "Public Review 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 for review and download on the City's website (www.cityoftacoma.org/planning) and available in printed form upon request.

4. Notification

The notice of the Planning Commission's public hearing 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 was published in *The News Tribune* on November 30, 2011.

The notice was distributed to approximately 6,500 stakeholders including taxpayers, as listed in the records of the Pierce County Assessor-Treasurer, located within and within 100 feet of the areas affected by the proposed changes, 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, Joint Base Lewis-McChord, individuals who testified during the moratorium process, and other known interested individuals or groups.

The notice was posted on the Planning Division's website (www.cityoftacoma.org/planning), at all branches of the Tacoma Library, at the office of the Community and Economic Development Department, and on the public information bulletin boards on the first and second floors of the Tacoma Municipal Building.

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, December 9, 2011** 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.