

Members

Jeremy C. Doty, Chair
Thomas C. O'Connor, Vice-Chair
Chris Beale
Peter Elswick
Donald Erickson
Sean Gaffney
Scott Morris
Ian Morrison
Matthew Nutsch



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

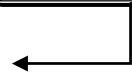
(Agenda also available online at: www.cityoftacoma.org/planning > "Planning Commission" > "Agenda Packets")

MEETING: Regular Meeting and Public Hearings

TIME: Wednesday, June 1, 2011, 4:00 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 – N/A

D. PUBLIC HEARINGS

(4:05 p.m.) **1. Billboard Moratorium**

Description: Conduct a public hearing on the need for and duration of the moratorium adopted by the City Council on May 17, 2011 (Ordinance No. 27982) on the acceptance of applications to install or alter static or digital billboards.

Actions Requested: Receive testimony

Support Information: Written testimony received by the comment deadline (noon on June 1st) will be distributed at the meeting

Contact: Shelley Kerslake, (425) 392-7090

(5:05 p.m.) **2. Master Program for Shoreline Development**

Description: Conduct a public hearing on the update to the Master Program for Shoreline Development, which amends the Comprehensive Plan and Land Use Regulatory Code including shoreline district zoning reclassifications.

Actions Requested: Receive testimony; Keep record open through June 10, 2011

Support Information: See "Agenda Item PH-2"

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



E. GENERAL BUSINESS

(4:45 p.m.) 1. Billboard Moratorium

Description: Review testimony received, develop findings of fact and recommendations accordingly, and forward a recommendation to the City Council.

Actions Requested: Recommendation

Support Information: See "Agenda Item GB-1"

Contact: Shelley Kerslake, (425) 392-7090

(6:05 p.m.) 2. Nomination of Officers for 2011-2012

Description: Nominate candidates for Chair and Vice-Chair of the Planning Commission for July 2011 – June 2012.

Actions Requested: Nominations (election to be held at the next meeting)

Support Information: None

Staff Contact: Lihuang Wung, 591-5682, lwung@cityoftacoma.org

F. COMMUNICATION ITEMS

1. Hearing Examiner's Reports and Decisions – *"Agenda Item C-1"*
2. Resolution No. 38264, adopted on May 17, 2011, concerning the Affordable Housing Policy Principles – *"Agenda Item C-2"*
3. Substitute Ordinance No. 27981, adopted on May 24, 2011, establishing the Wedge Neighborhood Historic and Conservation Districts – *"Agenda Item C-3"*
4. Planning Commission Openings – The City Council is seeking interested and qualified citizens to fill three positions on the Planning Commission, representing Council District No. 1 (West End and North End), Development Community, and Public Transportation, for a 3-year term from July 1, 2011 to June 30, 2014. Applications must be submitted to the Mayor's Office by Friday, June 10, 2011. (www.cityoftacoma.org/planning > "Planning Commission")
5. 2012 Annual Amendment – The Planning Commission is accepting applications for amending the Comprehensive Plan and/or Land Use Regulatory Code for 2012. Applications must be submitted by Thursday, June 30, 2011. (www.cityoftacoma.org/planning > "2012 Annual Amendment")

G. COMMENTS BY LONG-RANGE PLANNING DIVISION

H. COMMENTS BY PLANNING COMMISSION

I. ADJOURNMENT



City of Tacoma
Community and Economic Development Department

TO: Planning Commission

FROM: Shirley Schultz, Principal Planner, Current Planning Division

SUBJECT: Billboard Moratorium

DATE: May 25, 2011

The City Council passed Ordinance No. 27982 on May 17, 2011, declaring an emergency moratorium on the acceptance of applications to install or alter billboards, either digital or standard. A copy of the ordinance is attached for your information. The Council referred the matter to the Planning Commission to develop findings on the need for and the duration of the moratorium and to provide recommendations by June 1, 2011.

At your last meeting, the Commission discussed Ordinance No. 27982, the procedures, and the Commission's responsibilities regarding moratoria. One procedural requirement is for the Commission to conduct a public hearing prior to making any recommendations on the emergency moratorium. Due to the Ordinance's requirement to provide recommendations by June 1, the Commission also set the hearing date for June 1. It is unusual, but not unprecedented, for the Commission to both conduct a public hearing and make a recommendation on the subject matter of the hearing at the same meeting.

To facilitate the Commission's review and discussion, staff has prepared the attached *preliminary draft* letter of recommendation and Findings and Recommendations report. In order to do so, staff made assumptions about the testimony likely to be received and the Commission's response to the testimony based on public comments to the City Council about the moratorium and the Commission's previous discussions about the moratorium and revisions to the City's existing billboard regulations. Please note that it is expected that the Commission will modify the draft letter and findings which are only being provided as a beginning point of discussion.

As is our normal practice, written comments are being accepted prior to the Commission's public hearing and up to noon on June 1 (the end of the written comment period). Staff intends to provide any comments received to the Commission before your meeting to allow you the opportunity to review the comments prior to making your recommendation. Due to the short timeline, you can expect these comments to be provided to you as we receive them, on Friday May 27, Tuesday May 31 and then a final, complete package on June 1 at your meeting.

If you have any questions or requests please contact Shirley Schultz at 591-5121 or shirley.schultz@cityoftacoma.org.

Attachments (3)

c: Peter Huffman, Assistant Director



**City of Tacoma
Planning Commission**

June 1, 2011

Honorable Mayor and Members of the City Council:

On May 17, 2011, the Council adopted Ordinance No. 27982, enacting an emergency six-month moratorium on the acceptance of applications for, or the construction of, any new static or digital billboards within the City. The purpose of the moratorium is to prevent the continued permitting of billboards in the City while the Council reviews and considers proposed billboard regulations.

As required by Tacoma Municipal Code 13.02.055, the Commission conducted a public hearing on June 1, 2011 concerning the moratorium. The hearing was well-attended and those who spoke provided excellent comments. The Commission also received written testimony. The oral and written testimony favored continuing the moratorium. The majority of those who testified felt that it was important to put a temporary hold on the permitting of new billboards while the Council has a chance to review and update the relevant regulations.

The Commission recently concluded a review of the City's billboard regulations. The Commission had significant concerns regarding the introduction of digital technology into certain zones of the City. Moreover, the Commission believes that further evaluation is necessary before any new regulations are adopted. In addition, our review revealed that the sections of the City's current code that do not address performance standards or emerging technology regarding billboards, could result in potential adverse impacts on the health, safety and welfare of the community, confirming the Council's concerns. This emphasizes the need to prevent further vesting under the existing, inadequate, and outdated regulations until this comprehensive review can be completed and revised regulations can be adopted. Although imposition of moratoria should be used infrequently and with caution, in this instance, the moratorium provides an opportunity to improve the City's billboard regulations before any new permits are issued.

Therefore, on behalf of the Planning Commission, it is my privilege to forward our findings and recommendations in response to the emergency moratorium. Enclosed you will find a copy of our Findings and Recommendations report that summarizes the public review process and the Commission's actions, and, a copy of each of the comment letters received, and a summary of comments from the Commission's public hearing. We believe the enclosed documents address the review requested by the Council and required by City Code. We look forward to our continued work in addressing these issues and improving the City's billboard regulations.

Sincerely,

JEREMY C. DOTY
Chair, Planning Commission

Enclosures



BILLBOARD REGULATIONS EMERGENCY MORATORIUM REVIEW

FINDINGS AND RECOMMENDATIONS

TACOMA PLANNING COMMISSION

June 1, 2011

A. SUBJECT:

Emergency moratorium on the acceptance of applications for or construction of new static or digital billboards within the City of Tacoma.

B. BACKGROUND:

On May 17, 2011, the City Council enacted an emergency moratorium on new static or digital billboards (Ordinance No. 27982). The moratorium prohibits the acceptance of applications for the construction of new static or digital billboards or the conversion of static billboards to digital formats. The moratorium applies City-wide and was enacted for a duration of six months (until November 16, 2011).

C. FINDINGS OF FACT:

1. On May 17, 2011, the City Council adopted Ordinance No. 27982, enacting an emergency moratorium on the acceptance of applications for permits to install, erect, construct or replace static or digital billboards. The purpose of the moratorium is to prevent the continued permitting of billboards within the City which ultimately may be inconsistent with the regulations currently under consideration by the City Council, and to allow the City reasonable time to review the associated regulations to ensure that those regulations achieve their intended purpose. It is possible that without a moratorium, significant investment could be made in the installation of new billboards and that those same billboards could be made non-conforming within a matter of months. The moratorium applies City-wide and is in effect for six months.
2. RCW 35.63.200 and Tacoma Municipal Code (TMC) 13.02.055 permit the establishment of moratoria when it is necessary as a protective measure to prevent vesting under current regulations.
3. With regards to the duration of moratoria, the Code provides:

Moratoria or interim zoning may be effective for a period of not longer than six months, but may be effective for up to one year if a work plan is developed for related studies requiring such longer period. [Excerpt from TMC 13.02.055.D.]
4. With the adoption of Ordinance No. 27982, the City Council declared that an emergency existed and that immediate adoption of a moratorium was necessary to prevent the permitting or construction of new static or digital billboards that might be inconsistent with the billboard regulations under review and that could potentially undermine the moratorium's goals.
5. TMC Chapter 13.02 sets forth the procedures and criteria for amending the City's development regulations, including temporary moratoria.

6. TMC 13.02.055 provides that following adoption of an emergency moratorium, the Planning Commission is required to conduct a public hearing and provide findings and recommendations to the City Council before the Council, after further review, takes final action to retain, rescind or modify the emergency moratorium. The Commission's findings and recommendations are required to address the need for and the appropriate duration of the moratorium.
7. The subject emergency moratorium was initially presented to and discussed by the Planning Commission at its May 18, 2011 meeting. The Commission authorized the distribution of the moratorium for public review and comment, and set June 1, 2011 as the date for the Commission's public hearing on the matter.
8. Written and/or electronic notice of the Planning Commission's public hearing was sent to community members who testified on the emergency moratorium to the City Council at its May 17, 2011 meeting and to citizens who provided comment for the Planning Commission's public hearing on March 16, 2011 concerning proposed revisions to existing billboard regulations. The notice also was provided to all recipients of the Planning Commission agenda, the Planning Commission's electronic mailing list, City Council members, Neighborhood Councils, business district associations, adjacent jurisdictions, other governmental agencies, the Puyallup Tribal Nation, City staff, City Commissions, environment, development, civic and social organizations, major institutions and employers, and other interested individuals and groups. In addition, notice was sent to all properties with existing billboards and all properties within 400 feet of an existing billboard. In total, the notice was sent to more than 3,000 addresses. Additionally, the public notice was posted on the bulletin boards on the first and second floors of the Tacoma Municipal Building and on the City's internet website.
9. The notice included general information regarding the time and place of the public hearing, a description of the purpose of the public hearing, where additional information could be obtained and how to submit public comment.
10. A copy of the moratorium ordinance was available for review at the offices of the Community and Economic Development Department, and was also posted for public review on the City's website.
11. The Planning Commission held a public hearing on this moratorium on Wednesday, June 1, 2011. _____ people provided testimony at the hearing. A majority of those who spoke at the hearing were in favor of the continuation of the moratorium.
12. In addition to the testimony received at the June 1, 2011 public hearing, _____ written comments were submitted in response to the public notice.
13. The Planning Commission reviewed all testimony offered at the June 1, 2011 public hearing and all written testimony submitted to the Commission prior to the comment deadline.
14. The testimony at the public hearing and the information contained in the public record indicate that public opinion supports continuation of the moratorium to prevent additional billboard development under existing regulations while the Council reviews and considers changes to those regulations.
15. Based on the moratorium adopted by the City Council and the public testimony provided during this review, the Commission has identified the following emergent items in need of additional review:
 - The existing definitions and regulations associated with billboards – both static and digital – to ensure consistency between those requirements and the intent of the Comprehensive Plan.

- The performance standards for billboards to ensure the protection of the health, safety and welfare of the City's citizens.
16. The City's billboard regulations have not been modified since 1997. The law regarding signage, as well as the technology used for advertising, has significantly evolved since that time.
 17. As noted above, a review of the billboard code is currently underway. As part of its analysis, the Commission has identified several issues of concern related to the introduction of digital billboards to the City, especially concerning their impact on residential areas (see attached Findings and Conclusions).
 18. The moratorium ordinance allows time for the Council to study and review the issues identified by the Commission. In order to make an informed decision, the Council envisions a thorough evaluation of the current issues related to billboard regulation, best practices and policies from other jurisdictions, and the adequacy of the City's existing regulations. Due to the age of these regulations, the changes in the community, policy and law since adoption of those regulations, and the extensive comments received to date, this review will likely result in the drafting and preparation of amendments to the Land Use Regulatory Code. In order to properly consider this issue, Council review will also necessitate input from community stakeholders, including neighborhood groups, internal staff and officials, and the business community.

D. CONCLUSIONS:

On May 17, 2011, the City Council declared an emergency and adopted an immediate, six-month moratorium on the acceptance of permits to install, erect or construct new static or digital billboards within the City. The moratorium is intended to prevent further permitting under the current billboard regulations and to provide the City Council an opportunity to review and discuss whether those regulations appropriately implement the policies of the City as well as meet the needs of the community.

After a review of the current regulations, and consideration of digital technology and the public comments provided, the Commission concurs with the Council's conclusion that additional time is needed to consider potentially significant changes to the existing billboard regulations. The Commission also concurs with the Council's initial finding that the status quo should be preserved to prevent substantial investment in new billboards, pending the outcome of the Council's consideration of changes to the City's billboard regulations. The Commission is in agreement with the Council that a moratorium is warranted as a protective measure to prevent vesting and continued permitting under the current regulations.

The Commission concurs with the initial moratorium duration of six months; however, should the Council desire to send all or a portion of the sign code back to the Commission for further study, more time will be needed in order for the Commission to complete its review.

E. RECOMMENDATIONS:

The Planning Commission recommends that the City Council continue the emergency moratorium on the issuance of billboard permits adopted under Ordinance No. 27982.

F. ATTACHMENTS:

- A. Billboard Code Revisions, Tacoma Planning Commission, Findings and Recommendations, May 18, 2011



BILLBOARD CODE REVISIONS

TACOMA PLANNING COMMISSION
 FINDINGS AND RECOMMENDATIONS
 May 18, 2011

A. SUBJECT

Amendments to the sign code to explicitly prohibit digital billboards and make minor revisions for clarity and consistency.

B. SUMMARY OF PROPOSED AMENDMENTS

The attached amendments address several sections of *Tacoma Municipal Code (TMC)* 13.06.520 and 13.06.521, as follows:

1. Definitions are revised. The term “billboard” is defined in relation to size and location, rather than content. The term for “off-premises sign” has been revised to pertain to location rather than commercial content, and the definition of “sign” has been slightly revised to adopt a widely-accepted definition.
2. New billboards are listed as prohibited signs except that existing nonconforming signs in certain circumstances may be relocated; the restriction on billboards has been clarified to list digital billboards as prohibited entirely.
3. Language related to the Highway Beautification Act and Scenic Vistas Act has been strengthened to reflect that additional regulations beyond the *TMC* apply to billboards.
4. Language regarding billboards has been “cleaned up” to refer to faces rather than faces and structures.
5. Additional requirements for aesthetics and landscaping for standard billboards have been included.
6. The section regarding dispersal (how far apart billboards must be from each other) has been simplified.
7. The section regarding removal of nonconforming billboards when a site or building is modified has been changed significantly. Thresholds for removal have been aligned with other sections of the code which address nonconforming sites and structures. The requirement for a concomitant agreement has been deleted.

The full text of the proposed code amendments are attached as Exhibit A.

C. FINDINGS OF FACT

1. The *Comprehensive Plan*, adopted in 1993 by Ordinance No. 25360 and amended by ordinance once every year thereafter, is Tacoma's *Comprehensive Plan* as required by the Growth Management Act (GMA) and consists of several plan and program elements.
2. The Growth Management Act (GMA) requires any amendments to the *Comprehensive Plan* and development regulations conform to the requirements of the Act.

3. The GMA allows counties and cities to amend their comprehensive land use plans generally only once each year, except that amendments may be considered more frequently for a limited set of circumstances.
4. The GMA further requires that any change to development regulations shall be consistent with and implement the *Comprehensive Plan*. Development regulations include, but are not limited to, zoning controls, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances. The proposed amendments fit within this definition of ‘development regulations’.
5. Chapter 13.02 of the *Tacoma Municipal Code (TMC)* sets forth the procedures and criteria for amending the *Comprehensive Plan* and development regulations and for area-wide zoning reclassifications.
6. Pursuant to *TMC* 13.02.040, the Planning Commission may review and make recommendations to formulate effective and efficient land use and development regulations and processes in order to implement the goals and policies of the *Comprehensive Plan*.
7. The City Council adopted Resolution No. 37070 on December 19, 2006, approving the four guiding principles for planning the future growth of the City of Tacoma: (1) to protect neighborhoods; (2) to protect critical areas; (3) to protect port, industrial and manufacturing uses; and (4) to increase densities in the downtown and neighborhood business districts.
8. In July 2010, the City Council accepted a settlement agreement with Clear Channel Outdoor, designed to put an end to ongoing litigation regarding billboards. The settlement agreement would allow new digital billboards in exchange for the removal of a significant number of nonconforming standard billboards.
9. Changes to the City’s sign regulations would be necessary to implement the terms of the settlement agreement. The sign regulations are part of the Land Use Regulatory Code and under the purview of the Tacoma Planning Commission.
10. The Planning Commission was asked to formulate code amendments using the settlement agreement as an initial framework, develop additional performance standards for digital billboards (size, height, image time, etc.), receive public comment on the framework and additional standards, and provide a recommendation to the Council.
11. The key terms of the agreement set forth the intent to reduce the number of existing billboards by establishing an exchange program. There are two parts to the exchange program for billboards under the agreement: (1) the first ten digital billboard faces and (2) subsequent digital billboard faces.
12. The Planning Commission began its review on December 15, 2010, when it established a draft schedule for review of the proposal and an overall scope for the project.
13. The general scope included development of regulations to address allowing digital billboards in certain specified areas of the city, as well as development of performance standards for digital billboards and a public review process of those proposed changes. The overall goal was to achieve a substantial reduction in the number of nonconforming standard billboards in exchange for the allowance of a limited number of digital billboards.
14. The City of Tacoma made major amendments to its sign code for billboards in 1988. The number of billboards and their total square footage were capped at the amount in existence on April 12, 1988 including those for which permit applications were filed prior to April 13, 1988. No additional billboards are permitted, however, an existing billboard can be relocated to a location that meets zoning, buffer and dispersal requirements as long as the total number and square footage of billboard signs is not exceeded.

15. Regulations regarding billboards were last changed in 1997. These changes required that all nonconforming billboards be discontinued and removed by August 1, 2007 or made conforming, in effect establishing a 10-year amortization program for nonconforming billboards.
16. Billboards are currently allowed to be relocated in four zoning districts: C-2, General Commercial, M-1 Light Industrial, M-2 Heavy Industrial, and PMI Port Maritime Industrial, subject to buffer and dispersal requirements.
17. Billboards are limited to 300 square feet per face, and 30 feet in height (45 feet in the PMI district).
18. Billboards which are relocated to conforming sites must be located 250 feet from a sensitive use (school, residential district, open space, etc.) and 375 feet from a shoreline district.
19. Billboards are required to meet dispersal standards relating to distance from other billboard faces or structures, minimal amount of appropriately zoned street frontage, and zoning across the street from a proposed billboard.
20. There are currently about 253 billboard faces in the City; approximately 245 are owned by Clear Channel Outdoor. Clear Channel Outdoor also possesses the rights to locate an additional 169 faces.
21. Of the existing faces, about 193 are nonconforming. The majority of these signs are nonconforming because they are located in zones which do not allow billboards. A number of billboards are nonconforming solely because they are located too close to other billboards and violate the dispersal requirements. Others are nonconforming because they exceed the maximum size or height.
22. Draft amendments were prepared under the auspices of the Planning Commission with public participation consistent with GMA requirements and the procedures of *TMC* Chapter 13.02. The proposed amendments were presented to and discussed by the Planning Commission during their regular meetings, all of which are open to the public.
23. The Planning Commission discussed the proposed amendments at nine of their ten meetings between December 15, 2010 and May 18, 2011. Specific topics included:
 - current billboards
 - current regulations
 - proposed special receiving areas
 - highway advertising control
 - buffering and dispersal
 - size
 - lighting and static image time
 - driver safety and distraction
24. Benchmarking information for each of the subject areas was researched from the cities of Bellevue, Bellingham, Federal Way, Kent, Olympia, Seattle, Spokane, Tukwila, and Vancouver, and in some cases Portland.
25. Studies reviewed included “The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update”, Federal Highway Administration (February, 2009); “Illuminating the Issues: Digital Signage and Philadelphia’s Green Future” by Gregory Young, (December, 2010); and “Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs” prepared by Jerry Wachtel, CPE (April, 2009). Industry information was also reviewed.
26. In March 2011, *Planning*, the magazine of the American Planning Association, published an article entitled “Digital Billboards, Distracted Drivers” by Jerry Wachtel. That article set forth some of the ways digital billboards could be made less distracting: keeping the sign from being too bright, lengthening the static image time, and keeping messages simple. Another article was

published in the *Planning Commissioners Journal*, Winter 2011, entitled “Billboards: The Case for Control,” by Edward T. McMahon. This article described the reasons all billboards (digital and standard) are contrary to good planning practice.

27. A public informational meeting regarding potential code changes was held on January 31, 2011. Approximately 35 people attended the meeting to learn more about the proposal and to voice their concerns and/or support for allowing digital billboards. General comments received at the meeting included the following:

- Concern about light emissions, especially during the darker hours
- Traffic impacts and safety issues
- The allowed height of new billboards
- The perceived negative aesthetic qualities of billboards
- The likelihood of eliminating all billboards within the city
- If the City can determine which of the billboards can come down
- How to regulate the billboards going forward

Additional comments received from meeting attendees were:

- That priority should be given to removal of billboards in or near residential areas
- Impact of light and glare of existing billboards in residential area is significant
- Urged to continue with only allowing currently allowed square footage of billboard faces

28. A draft of proposed code amendments was prepared for public review. The proposed draft was designed to incorporate the intent and conditions of the settlement agreement, as well as “fill in the blanks” for necessary development and performance standards. The key components of the public review draft were:

- Changing definitions of billboard, off-premises sign, and sign, and establishing a definition for digital billboard
- Establishing an exchange ratio for digital billboards
- Setting a maximum brightness level
- Limiting sign hours to be off between 10 p.m. and 5 a.m.
- Setting a minimum static image time of 8 seconds;
- Allowing digital billboards within the same zoning districts as standard billboards
- Designating 18 “special receiving areas” as defined in the settlement agreement, where up to 10 digital faces could be allowed
- Setting maximum sign size for these special receiving areas at 672 square feet for the first 10 faces, and 300 square feet elsewhere
- Simplifying dispersal regulations for both standard and digital billboards
- Removing amortization language
- Simplifying and clarifying regulations for non-conforming signs

29. A staff analysis report was prepared by the Community and Economic Development Department which provided a general description of the proposed changes and discussed applicable provisions of the State Growth Management Act, the City *Comprehensive Plan*, and the City’s Land Use Regulatory Code. The proposed amendments were analyzed using the ten criteria found in Chapter 13.02 of the *Tacoma Municipal Code* pertaining to proposed amendments to the *Comprehensive Plan* or Development Regulations. The staff report was presented to and discussed by the Planning Commission at their February 16, 2011 meeting.

30. The staff analysis found that individual signs proposed for some of the special receiving areas would be inconsistent with the *Comprehensive Plan's* goals and policies for pedestrian-oriented development, particularly in mixed-use centers. The Plan discusses signage in the context of urban design, aesthetics, and pedestrian-orientation in several sections. In most cases, it sets forth goals and policies for integrating signage plans into sub-area development plans, ensuring high quality signage, and encouraging pedestrian-scaled signs in mixed-use districts. Commercial district design goals are to integrate signage into the overall design and scale of the district, and ensure that commercial district development does not act as a detriment to surrounding neighborhoods. The Plan states outright that billboards should be prohibited in the Shoreline districts and freestanding signs should be prohibited in the UCX-TD district (Tacoma Dome Urban Center Mixed-Use). The *Comprehensive Plan* does not mention billboards specifically for other districts because in most districts they are and have been prohibited for many years.
31. After completing its initial review of the proposed changes and the associated staff analysis the Planning Commission, on February 16, 2011, authorized the release of the draft code amendments for public review and comment and set a public hearing date for March 16, 2011.
32. Written and/or electronic notice of the Planning Commission's public hearing was provided to all recipients of the Planning Commission agenda, the Planning Commission's electronic mailing list, City Council members, Neighborhood Councils, business district associations, adjacent jurisdictions, other governmental agencies, the Puyallup Tribal Nation, City staff, City Commissions, environment, development, civic and social organizations, major institutions and employers, potentially affected property owners, and other interested individuals and groups. This notification included the distribution of more than 3,000 postcard mailers and e-mail notifications. Notice was sent to all properties with existing billboards, all properties within 400 feet of an existing billboard, all properties within or within 400 feet of special receiving areas, billboard owners, business districts, neighborhood councils, and non-profits. Additionally, the public notice was posted on the bulletin boards on the first and second floors of the Tacoma Municipal Building.
33. The provided notice stated the time and place of the public hearing, the purpose of the hearing, information pertaining to the preliminary environmental determination, where and how additional information could be obtained, and how to provide comments.
34. Copies of the public review draft code amendments and staff report were forwarded to all branches of the Tacoma Public Library. In addition, an informational page was established on the City of Tacoma website (www.cityoftacoma.org/planning).
35. The Planning Commission's public hearing was advertised in The News Tribune on March 11, 2011.
36. Pursuant to RCW 36.70A.530(4), the Community and Economic Development Department notified the commander of Joint Base Lewis-McChord on February 23, 2011 of the City's intent to amend the Land Use Regulatory Code. A response was received from the Commander indicating no objections to the proposed amendments, but with recommendations relating to avoiding light projecting skyward.
37. In accordance with RCW 36.70A.106, the City of Tacoma, on February 23, 2011, notified the State Department of Commerce and other required State agencies of its intent to amend the Land Use Regulatory Code. This notice included transmittal of the proposed amendments. On February 24, 2011 the Department of Commerce confirmed that the City had met the requirement of RCW 36.70A.106 as to notice to State agencies. No comments were received from the Department of Commerce or other State agencies.

38. Pursuant to WAC 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) was issued on February 23, 2011. This preliminary determination (SEPA File Number: SEP2011-40000158817) was made based upon review of a completed environmental checklist.
39. The environmental checklist and Preliminary DNS were provided to the Planning Commission, Department of Ecology, Tacoma's Neighborhood Councils, City departments, adjacent jurisdictions, State and federal agencies, the Puyallup Tribal Nation, and other appropriate entities. A legal notice concerning this environmental determination was advertised in the City of Tacoma's official newspaper, the Tacoma Daily Index, on February 23, 2011.
40. No comments were received on this preliminary determination. The preliminary determination became final on April 1, 2011.
41. An informational question and answer session was held on March 9, 2011. The purpose of this meeting was to provide a more detailed explanation of the proposed amendments and to answer questions about the proposed changes. Notice of this meeting was included in the public hearing notice and advertised in *The News Tribune*.
42. The Planning Commission conducted a public hearing on March 16, 2011, with the public comment period left open until March 25, 2011.
43. Thirty-three individuals testified at the public hearing and 245 written comments were submitted during the public comment period. In addition, three petitions in opposition to digital billboards were received, with a total of 103 signatures.
44. Nearly all of the public testimony was in opposition to the public review draft code amendments. Of the 343 commenters, about 95% were opposed to digital billboards. In addition to this general opposition, the following specific concerns, questions and issues were commonly expressed:
 - Aesthetic concerns were noted, that all billboards are unattractive; digital billboards, in particular, are garish and an eyesore and are contrary to livable communities and pedestrian-orientation. In addition, the proposed digital billboard size of 672 square feet for the first 10 faces is too large.
 - Safety concerns were noted, with concern about driver distraction and safety hazards created and/or exacerbated by digital billboards. It was noted that the timing and frequency of image change is distracting.
 - Several comments were made in opposition to the proposed special receiving areas, noting they should not include locations close to residential, historic, or mixed-use districts, and, in general, that they should be eliminated.
 - Many comments expressed concerns related to light pollution, brightness, hours of operation and energy use.
 - A great deal of testimony about the settlement agreement was submitted. The opinion was that the reasoning behind the settlement is not clear and potentially not valid, that the proposed exchange is inadequate and favors Clear Channel, and that there has been insufficient public discussion to decide this important issue.
45. About 5% of the public testimony was in support of billboards or Clear Channel Outdoor. This public testimony related to several issues.
 - Billboard operators provide discounted or pro bono advertising to community organizations, as well as marketing and outreach assistance. Clear Channel, in particular, is committed to giving back to the community.

- Digital billboards provide the ability to effectively communicate public service announcements, such as Amber Alerts, as well as communication for community events, volunteer recruitment, or issue awareness.
 - Billboards provide an income stream for the underlying property owner.
 - The proposal would result in a significant reduction in the number of billboards.
46. On April 6, 2011 a copy of all letters and e-mails submitted during the comment period were provided to the Planning Commission for their consideration, together with a summary of the oral testimony received during the public hearing.
47. Planning staff prepared a Comments and Responses Report, which summarized the key issues that were raised in public testimony and provided staff responses for consideration by the Commission. This report was presented to the Commission at their regular meeting on April 20, 2011.
48. The Planning Commission reviewed all of the written and oral testimony, at their meetings on April 6, April 20, and May 4, 2011.
49. In addition, the Commission reviewed supplemental information about lighting and brightness standards, static image time, and other implications of the proposed amendments. The Commission discussed these topics in depth, and discussed changes that would need to be made to the public review draft to make it more consistent with the *Comprehensive Plan*.
50. A second draft was developed to respond to public testimony and incorporated many changes. The revised draft is attached as Exhibit B. Those changes include:
- Eliminating the special receiving areas
 - Making digital billboards subject to buffering and dispersal standards
 - Clarifying removal priorities
 - Adding an incentive to remove largest nonconforming billboards first
 - Limiting all billboards to 300 square feet
 - Further limiting brightness
 - Increasing minimum static image time to 60 seconds
 - Increasing buffers from residential districts and other sensitive uses to 300 feet
 - Adding mixed-use centers to the list of sensitive uses/areas
 - Retaining amortization language
51. The Commission found that the proposed amendments, even with the additional changes in response to public testimony, were inconsistent with the goals and policies of the *Comprehensive Plan* in several measures.
52. Amortization has been upheld by courts in Washington and elsewhere as an appropriate method of ending non-conforming signs while allowing adequate return on investment.
53. A primary goal of the *Comprehensive Plan* is the protection of neighborhoods. Allowing digital billboards, particularly as contemplated in the Settlement Agreement, could be construed as contrary to this goal because of the size, location, and brightness of the proposed billboards, which in many cases would represent an unreasonable impact on adjacent neighborhoods, even considering controls on lighting levels and buffering from sensitive uses.
54. Mixed-Use Centers are addressed in the *Comprehensive Plan* as the focus area for the city's growth, where development is desired to be pedestrian-oriented. A strong desire is expressed for

improved design, complete streets, and support of transit-oriented development. The proposal to allow digital billboards in several mixed-use districts is the most obvious conflict with the stated policy intent of the *Comprehensive Plan*.

55. Based on these findings, the Commission also finds that allowing digital billboards, as outlined in the Settlement Agreement, would be inconsistent with the policy and procedural requirements of GMA whereby development regulations must be consistent with and implement the *Comprehensive Plan*. Either the proposed regulations or Plan would need to be significantly revised to achieve the required consistency.
56. There is no conclusive evidence that digital billboards do not present safety hazards for drivers. Safety studies and recommendations are inconsistent and inconclusive. Without a great deal more time, expert testimony (expertise which may not be available), and study, the Planning Commission does not feel able to make a sufficiently-informed decision about performance standards for digital billboards regarding lighting levels and static image time. The Federal Highway Administration is in the midst of a study regarding the safety of Commercial Electronic Variable Message Signs (CEVMS) but the release date of that study is undetermined.
57. There is little expert direction about appropriate levels of lighting in regards to both driver safety and neighborhood impacts.
58. Changing message signs are distracting and aesthetically displeasing. To minimize distraction and aesthetic impacts, any static image time should be set at a minimum of 60 seconds per image, and flashing, animation, etc. should be prohibited.
59. Digital billboards use a disproportionate amount of energy, ten times or more than standard illuminated billboards, which is not desirable in a city committed to sustainability.
60. The goal of removing a large number of nonconforming standard billboards in exchange for allowing digital billboards is an idea that needs more study. The claim that the ultimate result will be 38 digital billboards and no standard billboards located within the city is highly unlikely. A more likely scenario in five years would be a city with 10 digital billboard faces and 174 existing nonconforming standard billboards. The Commission is not convinced that this is a desirable result.
61. The billboards proposed for removal bear no relationship to the special receiving areas where new digital billboards could be located; thus some neighborhoods would be inequitably overburdened by the proposal.
62. Public opinion is clear and overwhelmingly opposed to digital billboards in the city. The Planning Commission received a large amount of testimony regarding the issue, nearly universal in opposition to the proposed amendments. It is clear to the Planning Commission that community members do not support allowing digital billboards.
63. In 1997 the City made a strong policy and regulatory statement that billboards which are too big, too close to each other, or too close to sensitive uses should not be allowed to remain. The City determined that existing nonconforming billboards at these locations should be removed, after a reasonable amount of time to recoup investment. The framework presented by the City Council in the settlement agreement represents a dramatic shift in direction from that policy and regulatory statement – not just to eliminate the concept that the removal of nonconforming billboards would be ensured, but to also allow digital billboards (which are more distracting, more profitable, and likely more difficult to ever remove). Furthermore, digital billboards would be allowed in areas where billboards are strictly prohibited – areas which had been expecting that all nonconforming billboards would be removed. The Commission remains unclear on the reasons for such a dramatic shift and is uncomfortable with instituting such a shift without a full and extensive community discussion.

64. While the Commission is unclear on the reasoning behind the Council's desire to consider moving away from the existing regulations and the amortization concept, it has now been 14 years since amortization was instituted. The Commission feels that most of the investment in the standard billboards has been recouped. If the length of time for amortization was a major reason for the Council to reconsider amortization, the Commission feels that it may be more appropriate to explore extending the amortization time period beyond 10 years, possibly to 15 or 20 years. If such an extended time period were sufficient, it would be better to wait another few years and get the results originally intended: no billboards in sensitive areas.
65. A clear relationship needs to be established between any new digital billboard installed and the billboards removed. That is, the proposal to add digital billboards into areas with existing billboards, while not requiring removal of nearby billboards (that is, exempting the digital billboard from dispersal standards) is simply not fair to the receiving neighborhood.
66. It is apparent from industry materials that the size proposed for the first 10 digital billboards is inconsistent with the proposed locations. The 672 sq. ft. size is generally designed for use along highways and other high-speed routes whereas the special receiving areas are all along City streets, mostly 30-35 mph arterials, and mostly at intersections. Just as was found in 1997, this large size is inconsistent with urban locations and is an aesthetic imposition on the surrounding neighborhood.
67. Consistent with policy decisions made in 1997, the maximum size of all billboards, digital or otherwise, should be 300 square feet.
68. In no case should digital billboards be allowed within or within sightlines of residential areas.
69. Billboards are – in size, scale, and purpose – oriented toward automobile traffic. Therefore all billboards belong in more intensely-designated, high-traffic areas: C-2, M-1, M-2, and PMI districts.
70. The Planning Commission revised the public review draft based upon testimony, but ultimately decided that a prohibition of digital billboards was the correct course of action due to uncertainties about the safety of digital signs, other performance standards, inconsistencies with the *Comprehensive Plan*, and disapproval of the community.
71. Based on these findings, the Commission is recommending code amendments to more explicitly prohibit digital billboards. In addition, other changes to the existing sign code are necessary (see Exhibit A), including:
 - The current definition of “billboard” is based upon a commercial message. The definitions of billboard, off-premises sign, and sign should be changed to more workable, widely accepted definitions.
 - Mixed-use districts, because they are proposed to contain residential uses, and because they are to be pedestrian-oriented, should also be buffered from billboard placement (i.e., 300 feet).
72. Pursuant to *RCW 36.70A.370* and following the guidelines prepared by the Washington State Attorney General pursuant to *RCW 36.70A.370*, the proposed amendments were reviewed by the City Attorney to assure that adoption of the changes will not result in an unconstitutional taking of property. The current code contains amortization language which is not proposed to change. It has not been conclusively shown that this clause results in an unconstitutional taking of property.
73. Further, it became clear through the review of the billboard regulations that the City does not have adequate regulations for on-premise digital signage. Many of the same concerns and technical issues exist with them as well including brightness, driver distraction, and size. A review of on-premises digital signage should be a high priority.

D. CONCLUSIONS

The Planning Commission concludes that digital billboards should be prohibited and that the recommended land use code amendments are consistent with the Growth Management Act and other applicable state statutes, the County-wide Planning Policies for Pierce County and the multicounty policies for the Central Puget Sound region, and are consistent with and implement the City's *Comprehensive Plan*. The Commission further concludes that the proposed amendments will benefit the City as a whole and are in the best interests of the citizens of Tacoma.

E. RECOMMENDATIONS

The Planning Commission recommends that the City of Tacoma prohibit new digital billboards and that the City Council adopt the proposed Land Use Regulatory Code amendments regarding the Tacoma sign code, as set forth in the enclosed Exhibit A.

The Commission further recommends that the existing regulatory provisions for digital on-premises signs be reviewed and modified to address similar concerns expressed by citizens including brightness, driver distraction, size and changing images.

F. EXHIBITS

- A. Recommended Code Amendments
- B. Revised Public Review Draft –*NOT RECOMMENDED*



ORDINANCE NO. 27982

1 AN ORDINANCE relating to land use and zoning; adopting an immediate
2 moratorium on the acceptance of applications for the installation,
3 erection, construction, replacement, modification, or improvement of
4 static or changing electronic, digital, or changeable message billboards
5 in all zoning districts, such moratorium to be effective for a period of
6 six months; referring the moratorium to the Planning Commission to
7 develop findings of fact and recommendations by June 1, 2011, on the
8 need for and duration of the moratorium; setting July 12, 2011, as the
9 date for the public hearing on the moratorium; declaring an emergency in
10 the passage of this ordinance to become effective immediately upon
11 publication; and providing for severability.

12 WHEREAS the City regulates signs and displays on signs in all zoning
13 districts to reduce potential traffic safety hazards and visual blight, and

14 WHEREAS billboards are currently permitted in several zoning districts
15 in the City, and

16 WHEREAS digital signs and billboards or electronic variable message
17 signs are being installed throughout the United States that include digital
18 technology, light-emitting diodes ("LEDs"), and electronic graphic displays that
19 permit signs to display an electronic image similar to a color television set and
20 that permit a displayed image to quickly change from one image to another,
21 and

22 WHEREAS changeable electronic variable message signs, which allow
23 operators to change content from remote locations in a matter of seconds, are
24 erected for the purpose of trying to get the attention of pedestrians and
25 motorists by changing messages and pictures for short durations using a series
26 of contrasting images produced mainly via LED technologies, and



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WHEREAS the City is currently engaged in an extensive process to study and evaluate modifications to its billboard regulations for both static and digital billboards, and

WHEREAS, at the direction of the City Council, the City's Planning Commission has spent significant time considering proposed billboard regulations and receiving public comment, and

WHEREAS, through the public process for the proposed billboard regulations, the City has received citizen, business interest, and sign industry input regarding the proposed changes, and

WHEREAS, based upon the Planning Commission's work and public input, the City Council desires to study the issues further and engage stakeholders in order to fully explore the impacts of the proposed regulations, and

WHEREAS it is necessary to adopt a moratorium ordinance for all zoning districts within the City to preserve the status quo and prevent significant investment pending the outcome of the above work, and

WHEREAS, pursuant to RCW 35.63.200 and RCW 36.70A.390, the City may adopt an immediate moratorium for a period of up to six months, provided that the City holds a public hearing on and adopts findings of fact related to the proposed moratorium within 60 days after its adoption; Now, Therefore,



BE IT ORDAINED BY THE CITY OF TACOMA:

1
2 Section 1. That the "WHEREAS" clauses above are hereby adopted by
3 reference as the City Council's findings of fact, as if fully set forth herein.

4 Section 2. That a moratorium is hereby adopted on the permitting,
5 installation, erection, or construction of any new billboard or digital billboard or
6 the alteration, modification, or replacement of any existing billboard, so that the
7 new or existing billboard (as altered or modified) uses static or changing
8 electronic, digital, or video display or flashing, motion, animated, or changeable
9 electronic variable message copy. The moratorium applies in all zoning
10 districts. Static copy on existing billboards may continue to be changed.
11

12 Section 3. For purposes of this moratorium, "billboard" means an
13 off-premises sign greater than 72 square feet in size. This type of sign is
14 generally composed of poster panels or bulletins mounted on a building wall or
15 free-standing structure, or painted directly on the wall or free-standing structure,
16 and is also referred to as a static billboard.
17

18 Section 4. That for purposes of this moratorium, "digital billboard"
19 means an off-premises sign greater than 72 square feet in size, utilizing digital
20 message technology capable of changing the message or copy on the sign
21 electronically.
22

23 Section 5. That an off-premises sign is a permanent sign not located on
24 the premises of the use or activity to which the sign pertains.
25
26



1 Section 6. That, pursuant to Section 13.02.055 of the Tacoma Municipal
2 Code, the City Council hereby refers the interim moratorium to the Planning
3 Commission to develop findings of fact and recommendations by June 1, 2011,
4 on the need for and duration of the moratorium.

5 Section 7. That notice of and hearing on this ordinance, in the normal
6 course, would undermine effective City planning by allowing the establishment
7 of or the submittal of permit applications between the time notice was published
8 and the time the ordinance was passed to vest to City regulations which may be
9 inadequate to protect the public health, safety, and general welfare. Therefore,
10 for this reason, the City Council hereby finds and declares that an emergency
11 exists and that the 180-day interim moratorium imposed by this ordinance shall
12 become effective immediately upon passage of this ordinance and its
13 publication, unless repealed, extended, or modified by the City Council after
14 subsequent public hearings and entry of appropriate findings of fact pursuant to
15 RCW 35.63.200. Pursuant to Matson v. Clark County Board of Commissioners,
16 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support
17 this emergency declaration are included in the "WHEREAS" clauses, above, all of
18 which are adopted by reference as findings of fact, as if fully set forth herein.
19
20

21 Section 8. That, pursuant to RCW 35.63.200, the City Council will hold a
22 public hearing on this moratorium on July 12, 2011.

23 Section 9. That, if any section, subsection, paragraph, sentence, clause,
24 or phrase of this ordinance or its application to any person or situation should
25 be held to be invalid or unconstitutional for any reason by a court of competent
26



1 jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
2 constitutionality of the remaining portions of this ordinance or its application to
3 any other person or situation.

4 Passed MAY 17 2011
5

6 
7 Mayor

8 Attest:

9 
10 City Clerk

11 Approved as to Form:

12 
13 Deputy City Attorney
14
15
16
17
18
19
20
21
22
23
24
25
26



City of Tacoma
Community and Economic Development Department

**Agenda Item
PH-2**

TO: Planning Commission
FROM: Donna Stenger, Manager, Long-Range Planning Division
SUBJECT: Public Hearing on Shoreline Master Program Update
DATE: May 25, 2011

The Planning Commission will conduct a public hearing on June 1, 2011, on the draft *Tacoma Shoreline Master Program Update* (the "TSMP Package"). The TSMP Package consists of the following documents:

- Shoreline Master Program (Plan and Regulations)
 - Appendix A – Shoreline Environment Designation Map
 - Appendix B – Shoreline Restoration Plan
- Public Access Alternatives Plan
- Thea Foss Waterway Design Guidelines
- TMC 13.11 – Critical Areas Preservation
- TMC 13.06 – Zoning
- TMC 13.05 – Land Use Permit Procedures
- Cumulative Impacts Analysis
- Preliminary Determination of Environmental Nonsignificance and Environmental Checklist

Notice of the public hearing has been widely distributed and posted on the City's website (www.cityoftacoma.org/shorelineupdate). A public review document containing information and staff analyses for the proposed update as well as the preliminary environmental determination (a.k.a., the "Blue Book"), has 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 Blue 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 update. Please bring your copy with you to next week's meeting.

Attached is a public hearing 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 Steve Atkinson at 591-5531 or satkinson@cityoftacoma.org.

DS:sa

c. Peter Huffman, Assistant Director

Attachment



**PROPOSED UPDATE
TO THE
MASTER PROGRAM FOR SHORELINE DEVELOPMENT**

PUBLIC HEARING REPORT
Tacoma Planning Commission Public Hearing
June 1, 2011

A. SUBJECT:

Adoption of an update to the City of Tacoma Master Program for Shoreline Development amending the Tacoma Comprehensive Plan and the Land Use Regulatory Code, including shoreline district zoning reclassifications.

B. BACKGROUND:

Most jurisdictions have not conducted comprehensive updates of their Shoreline Master Programs (SMPs) since their original adoption in the mid 1970s. This prompted state legislation in 2003 to require updates of local SMPs by specific dates. Tacoma last amended its Master Program in 1996 and is now required to complete a comprehensive update by December 1, 2011.

The Shoreline Management Act of 1971 (SMA) and subsequent Department of Ecology guidelines (2003) require SMPs to meet three basic policies: a) give priority to uses that require a shoreline location; b) promote public access and enjoyment opportunities; and c) protect the environmental resources of state shorelines. Because the update needs to be based on scientific and technical information to assure no net loss of shoreline ecological functions, the City initiated its Master Program update process with an inventory and characterization of the 46 miles of shoreline concurrently with development of updates to the Critical Areas Preservation Ordinance (CAPO) in 2006. Subsequently, a waterfront land use analysis to determine needs for water-dependent activities was prepared to guide the Master Program re-evaluation process.

The proposed update would replace the City's existing Master Program for Shoreline Development, which guides activities and development along the City's shorelines. The proposed Draft Tacoma Shoreline Master Program (TSMP) would replace the Master Program for Shoreline Development in the City of Tacoma Comprehensive Plan and Chapter 13.10 Shoreline Management of the Land Use Regulatory Code, the part of the Tacoma Municipal Code which contains the administrative and regulatory provisions for areas within shoreline jurisdiction. The draft TSMP also replaces the Thea Foss Waterway Design and Development Plan (last amended in 2005), the Ruston Way Plan (1981) and the Shoreline Trails Plan (1989). Relevant portions of these plans have been integrated into the draft TSMP.

The update includes amendments to goals, policies, environment designations, shoreline district boundaries, and development regulations for the following shorelines of the state located within the city limits: Commencement Bay and its waterways, the Narrows, the Puyallup River, Hylebos Creek and Wapato Lake. The Puyallup River and marine areas waterward of extreme low tide are designated as "shorelines of statewide significance", requiring additional attention.

C. SHORELINE MASTER PROGRAM UPDATE PROCESS:

The draft Tacoma Shoreline Master Program was developed pursuant to the authority conferred by the Washington State Constitution, the Revised Code of Washington (RCW) Title 90.58; and Title 36.70A, the Washington Administrative Code (WAC) Title 173.26; and Title 13 of the Tacoma Municipal Code. The City is required to prepare and update its Master Program for the regulation of

uses of the shoreline within the City's jurisdiction in accordance with guidelines established by the Department of Ecology (Ecology) and to include substantial public input.

According to Title 13 of the Tacoma Municipal Code, the Planning Commission is charged with developing a shoreline management element for the Comprehensive Plan, setting forth policies concerning economic development, public access, circulation; recreation, urban design, conservation, restoration, natural environment; and historical, cultural, scientific, and educational values.

Periodic review and evaluation are important in order that the Master Program policy and implementing development regulations maintain their effectiveness through changing conditions. The proposed draft TSMP reflects unique shoreline conditions and development requirements that exist and are projected to be needed into the next twenty (20) years. Through outreach to the community, goals were established as the foundation for the draft TSMP, based on the three state overarching policies. Shoreline resources were inventoried and an analysis was made of levels of alteration of shoreline functions and processes, as well as documentation of the existing land use pattern. The shoreline land supply was documented for existing uses and projections were developed for water-dependent uses in the shoreline to determine if there was an adequate supply of land to meet future demands. Policies and regulations were developed from those goals and analyses and were designed to be generally applicable to all shorelines. The proposed draft TSMP is directed to all land and water uses, their potential impact on the environment, and estimates of future growth. It recognizes plans and programs of other governmental entities, adjacent jurisdictions, and private development.

The proposed draft TSMP modifies or deletes existing goals and policies of the existing Master Program and adds new goals and policies. It also proposes changes to development regulations including text revisions, additions and deletions and minor changes to shoreline district classifications, adding three new shoreline districts and combining two existing districts into one, mostly for consistency with uses and development on the ground. Generally, the proposed draft TSMP emphasizes:

- The importance of preserving existing industrial lands to the City's economy;
- Mixed uses along Marine View Drive, Ruston Way; the Thea Foss Waterway and from Titlow Beach south to the city limits with increased public access to the shorelines;
- Preserving park uses along Point Defiance and Titlow Beach as well as other natural areas in and around Wapato Lake and Hylebos Creek.

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. 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, the Growth Management Act and the Shoreline 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.

Once approved by the City Council, the amendments will be forwarded to the Department of Ecology for review and approval, including an additional public comment period, pursuant to WAC 173-26-120 for jurisdictions planning under the Growth Management Act.

D. SUMMARY OF PROPOSED AMENDMENTS:

The proposed changes are a result of analysis of existing conditions, assessment of future demands, and community feedback on draft work products in compliance with 2003 changes to the Shoreline Master Program Guidelines (WAC 173.26). These guidelines focus on development of local government master programs that achieve no net loss of shoreline ecological function.

The following chart provides a brief summary of the proposed revisions incorporated into the TSMP:

TOPIC	DESCRIPTION OF CHANGES
Administrative Provisions	The draft TSMP will include compliance requirements for non-conforming uses, shoreline substantial development permits and exemptions, shoreline conditional use permits, and shoreline variances, consistent with State requirements.
Shoreline Environment Designations	The draft TSMP includes a revised Shoreline Environment Designation system based on the recommended classifications in State guidelines. Designation criteria, purpose statements, and management policies have been drafted for each designation. The draft also proposes a unique designation of “Downtown Waterfront” for the Thea Foss Waterway.
Shorelines of Statewide Significance	New policies for Shorelines of Statewide Significance have been included. Tacoma’s Shorelines of Statewide Significance include marine waters seaward from the line of extreme low tide, as well as the Puyallup River and its associated shorelands.
Shoreline Districts	<p>Minor modifications are proposed to shoreline district boundaries (S-1 through S-14) for consistency with the State shoreline environment designation system. Modifications include adding three new districts and combining two existing districts into one. The use and development standards for each district have been updated to implement the shoreline environment designation and the policies for that designation, as well as to achieve consistency with the intent for the district.</p> <p>The S-6 Ruston Way district is proposed to expand southward to include the Sperry Ocean Dock properties. The S-8 Thea Foss District is proposed to expand northeasterly to include Nustar properties.</p>
Shoreline Uses & Development	A Use and Development Table is proposed as a new feature to facilitate a quick overview of the uses and development allowed, not allowed or allowed through a shoreline conditional use permit in each shoreline district. The table also identifies general dimensional standards. Development standards for shoreline uses have been revised to meet requirements for no net loss of ecological functions. Shoreline use categories have been updated to reflect the classifications in the State guidelines.
Shoreline Modifications	The Draft TSMP increases the protection of nearshore habitats and encourages non-structural and softshore shoreline protection measures while allowing for protection of existing structures and uses.

TOPIC	DESCRIPTION OF CHANGES
<p>General Policies and Regulation</p>	<p><i>Critical Areas Protection.</i> Existing regulations for critical areas in the shoreline have been incorporated into the draft TSMP and modified consistent with the City’s shoreline goals and policies. Critical areas in the shoreline will be regulated under the provisions of the proposed draft TSMP as required by State law.</p> <p><i>Overwater Structures.</i> The draft TSMP strengthens the protections of the shoreline environment by limiting the types of uses allowed over water, limiting overwater coverage and introduces new standards for docks and piers.</p> <p><i>Vegetation Conservation.</i> Vegetation conservation policies and standards are proposed, consistent with State guidelines that give priority to the conservation and enhancement of native vegetation and recognize the ecosystem-wide functions that native vegetation provides.</p> <p><i>Water Quality and Quantity.</i> New water quality and quantity policies and standards are proposed, consistent with State guidelines, that will protect against adverse impacts to the public health, to the land and wildlife, and the waters of the state.</p> <p><i>Views and Aesthetics.</i> Policies and development standards are proposed that will ensure that new development takes advantage of the shoreline location in design and orientation and will give protection to public views of the shoreline and waters of the state, as well as other scenic and aesthetic values.</p> <p><i>Public Access.</i> The shoreline public access requirements have been strengthened in the proposed draft TSMP and a draft Public Access Alternatives Plan (PAAL) has been developed to guide development of visual and physical access to the City’s shorelines.</p> <p><i>Archaeological, Cultural, and Historic Resources.</i> Policies and development standards provide protection for known archaeological, cultural, and historic resources and provide standards and notification requirements in the case of an unanticipated discovery.</p>
<p>Restoration Plan</p>	<p>The Shoreline Restoration Plan is an entirely new element of the Master Program to improve shoreline conditions over time, and includes ongoing regional and local efforts and conceptual restoration opportunities.</p>
<p>Public Access Alternatives Plan</p>	<p>The Public Access Alternatives Plan (PAAL) includes an inventory of existing public access sites and integrates planned public access projects from the Shoreline Trails Plan, Ruston Way Plan, and Thea Foss Waterway Design and Development Plan.</p>
<p>Shoreline Trails Plan</p>	<p>Identified shoreline trails have been integrated into the proposed public access system as conceptualized in the Public Access Alternatives Plan. The Shoreline Trails Plan will be rescinded as part of this update.</p>
<p>Ruston Way Plan and Design and Development Plan</p>	<p>Use and development standards for Ruston Way are integrated into the draft TSMP for the S-6 Shoreline District. Public access that was implemented under the Ruston Way Plan has been included in the inventory of existing public access. Proposed access projects are also integrated into the PAAL. The Ruston Way Plan and Design and Development Guidelines will be rescinded as part of this update.</p>

TOPIC	DESCRIPTION OF CHANGES
Thea Foss Waterway Design and Development Plan	The Foss Plan has been revised and incorporated where applicable into the draft TSMP. Policies and development regulations from the Foss Plan have been added to the Draft TSMP. Public access projects identified in the Foss Plan have been incorporated into the PAAL and updated to reflect public comment and testimony. Design standards have been relocated into a standalone Thea Foss Waterway Design Guidelines document. The Foss Plan will be rescinded as part of this update.
TMC 13.11 – Critical Areas	TMC 13.11 has been amended to address consistency with the changes in the proposed draft TSMP, i.e., the integration of critical areas policies and standards within the TSMP and regulation of critical areas within shorelines of the state solely under the TSMP.
TMC 13.06 – Zoning	TMC 13.06 has been amended to include dimensional sign standards for signs within shoreline jurisdiction.
TMC 13.05 – Permitting	TMC 13.05 has been amended to streamline the permit appeal process by moving appeals of Land Use Administrator shoreline decisions directly to the Shoreline Hearings Board.

E. GENERAL INFORMATION:

1. Evaluation of TSMP, Comprehensive Plan and Development Regulation Amendments

The proposed changes to the Tacoma Shoreline Master Program, Comprehensive Plan and Land Use Regulatory Code and the proposed area-wide shoreline district reclassifications were reviewed using factors contained in the Tacoma Municipal Code. Other information was also used in the evaluation including state laws, Washington Administrative Code Guidelines, the Department of Ecology Shoreline Planners Handbook, city ordinances, comparison with other cities’ plans and ordinances, technical and scientific analysis including the Shoreline Inventory and Characterization Report and the Tacoma Waterfront Lands Analysis, and City Council direction.

2. Environmental Evaluation

Pursuant to WAC 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance and Adoption of Existing Environmental Document was issued on May 2, 2011. This preliminary determination, SEPA File Number: SEP2011-40000162367 was made based upon a review of a completed environmental checklist. In addition, the City has determined that the proposed modifications to the Thea Foss Design and Development Plan and S-8 zoning and regulations are consistent with the development alternatives from the Final EIS for the Thea Foss Waterway Development Alternatives Plan and therefore it is appropriate to adopt the environmental impact statement as part of the current environmental review. The City will reconsider the preliminary determination based on timely public comments regarding the checklist and determination that are received by June 10, 2011 and unless modified, the preliminary determination will become final on June 17, 2011.

3. Public Review Process

The update to the TSMP have been widely discussed over several years with the community, Planning Commission and the City Council. Staff prepared a Public Participation Plan to guide outreach efforts. This plan has been available on the Shoreline Master Program Update webpage and provides further detail on interested parties and contact lists. Notification has been broad. All

taxpayers within shoreline jurisdiction and within 400' of the jurisdiction have been sent postcard notifications of public meetings; mailing lists have been compiled which include appropriate federal, state and local agencies and jurisdictions, interested parties, Neighborhood Councils, media, business owners, community groups and others. A Waterfront Conference sponsored by the University of Washington Tacoma was held on January 28, 2010 to promote and discuss shoreline issues relevant to the Master Program update.

Since 2006, approximately five general public workshops and informational meetings have been held; 11 meetings with general stakeholders and technical committees; 20 meetings with various interested parties, including Metro Parks' Nature and Environment Committee, the Community Council, the Sustainable Tacoma Commission, the Board of the Foss Waterway Development Authority and its Urban Design Review Committee, the North End, West End and New Tacoma Neighborhood Councils, East Foss property owners, the Chamber of Commerce's shoreline task force, Walk the Waterfront, Tacoma Waterfront Association, and others. Staff has presented, discussed, and briefed the Planning Commission on 22 occasions since 2006. The Planning Commission's meetings are open to the public and agenda materials have been posted on the City's website and are publicly available. Furthermore, staff has presented to the full City Council or to the Council's standing committees on 11 occasions.

A Question & Answer session with staff was held on May 19, 2011. 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.

4. Notification

The Commission reviewed and authorized the distribution of the proposed amendments for public review and comment on April 20, 2011. The Public Review Document includes the Staff Report, Draft Shoreline Master Program, including a draft Shoreline Environment Designation Map, Restoration Plan and Shoreline Inventory and Characterization Report as appendices. In addition, the Public Review Document includes a Draft Public Access Alternatives Plan, Thea Foss Waterway Design Guidelines, amendments to Tacoma Municipal Code Chapters 13.05, 13.06, and 13.11, as well as a draft Cumulative Impacts Analysis and preliminary 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.

Notice of the public hearing was distributed to Neighborhood Council board members, other neighborhood groups, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, Puyallup Tribal Nation, major employers and institutions, City, State and Federal departments, and other known interested individuals or groups as well as taxpayers of record within shoreline jurisdiction and within 400' of the shoreline districts. In addition, the notice could also be viewed and downloaded at the Long-Range 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 and public notice signs have been located in areas proposed for area-wide rezone.

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 Question & Answer session was published in *The News Tribune* on May 12, 2011, a legal notice for the

environmental review was published in the Daily Index on May 9, 2011. Public notice signs were posted in areas proposed for area-wide rezone including the S-1 Western Slope South Shoreline District, S-2 Western Slope Central Shoreline District, S-5 Point Defiance Conservancy Shoreline District, S-6 Ruston Way Shoreline District, S-7 Schuster Parkway Shoreline District, S-8 Thea Foss Waterway Shoreline District, S-10 Port Industrial Shoreline District, and S-11 and S-12 Marine View Drive Shoreline Districts.

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, June 10, 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.

OFFICE OF THE HEARING EXAMINER

CITY OF TACOMA

REPORT AND RECOMMENDATION

TO THE

TACOMA CITY COUNCIL

FILE NO.: 124.1282

PETITIONER: Point Ruston, LLC

SUMMARY OF REQUEST:

Real Property Services has received a petition to vacate a 40 to 65-foot wide portion of Ruston Way lying northwesterly of North 49th Street within the City of Tacoma.

RECOMMENDATION OF THE HEARING EXAMINER:

The request is recommended for approval, subject to conditions with the appraised value of the portion of Ruston Way right-of-way proposed to be vacated be determined in accordance with the agreement between the City of Tacoma and Point Ruston entitled, "Agreement for Improvements Within the Asarco-Tacoma Smelter Superfund Site Area OU2", excerpts which are set forth in Exhibit 1 at Exhibit G.

PUBLIC HEARING:

After reviewing the report of the Department of Public Works, Real Property Services Division, examining available information on file with the application, and visiting the subject site and the surrounding area, the Hearing Examiner conducted a public hearing on the application on May 19, 2011.

COPY



RESOLUTION NO. 38264

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BY REQUEST OF DEPUTY MAYOR WALKER AND COUNCIL MEMBERS FEY, LONERGAN, AND MANTHOU

A RESOLUTION relating to affordable housing; authorizing the adoption of the Affordable Housing Policy Principles.

WHEREAS, throughout 2009, the Neighborhoods and Housing Committee ("Committee") worked to create an affordable housing policy recommendation for the City Council, and

WHEREAS, prior to recommending its final draft, the Committee recommended that the City Council pursue additional public feedback, and

WHEREAS, on April 27, 2010, the City Council created and appointed an Affordable Housing Policy Advisory Group ("Advisory Group") to perform the following: (1) review the prior work of the Committee's affordable housing policy development process and the work of the Pierce County Housing Affordability Task Force; (2) review demographic data and identify data development needs in order to inform planning efforts; (3) provide input and consultation necessary to refine the Committee's affordable housing policy recommendations; (4) recommend a series of supporting policy actions that are consistent with or complementary to the City's Comprehensive Plan; and (5) build a consensus of Advisory Group members, and

WHEREAS, on December 3, 2010, the Advisory Group provided a final report to the Committee, and



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WHEREAS the Committee is in the process of reviewing the recommendations of the Advisory Group and recommends that the City Council adopt the eight policy principles recommended by the Advisory Group in recommendation 3.1 of the report, and

WHEREAS, in summary, the policy principles include the following:

A. The City's welfare requires an adequate supply of well-built and well-managed affordable housing serving the full range of incomes appearing among its residents. An adequate supply of this housing is vital to the following important civic needs and values:

- The City's prosperity, economic development, and growth of employment opportunities;
- The appropriate amendment of the City's projected population growth and transportation needs;
- The City's fulfillment of its legal obligations under the Growth Management Act to make "adequate provisions for existing and projected (housing) needs of all economic segments of the community" and to comply with the related directives of the Pierce County Countywide Planning Policies;
- The survival of green spaces throughout the City and Pierce County;
- The success of the City's schools;
- The effectiveness of the City's emergency services;
- The City's ability to continue its accommodation of a population that is increasingly diverse by income, race, ethnicity, ability, disability, and age;
- The City's ability to accommodate a population that, in the aggregate, is getting older; and
- The City's values of social justice.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

B. Affordable housing developments by nonprofit developers, public and private, in the City, region, and nation have been among the most attractively designed, most environmentally innovative, and best managed in the market place.

C. Nonprofit developments of affordable housing will never likely be adequate to meet the City's needs. The City also needs a companion strategy to enlist the engine of private market rate developments to include a measure of affordable units. These strategies also provide the added benefit of economic and demographic integration.

D. Affordable housing developments have spurred the revitalization of neighborhoods, encouraging both public and private investment, helping the City attain its desired density, and furthering a neighborhood's economic development.

E. Affordable housing is an asset to be encouraged and not a detriment to be tolerated and controlled.

F. The City should promote the development of affordable housing in every City neighborhood.

G. In seeking the appropriate balance, the City should not have to compromise important neighborhood design standards in order to promote affordable housing. Instead, proper design should allow affordable housing to show the way for all developments servicing all incomes toward a greener,



1 more sustainable urban future that accommodates the appropriate density that
2 the City's planning documents anticipate to be necessary for the City's
3 projected population allocations.

4 H. In a complex community like Tacoma, interests and policies often
5 clash. Good governance is the effort to balance them appropriately. In doing
6 so, the City should give a very high priority to the promotion of affordable
7 housing development, and

8
9 WHEREAS the City Council wishes to include consideration of these
10 policy principles in future updates to the City's Comprehensive Plan,
11 Consolidated Plan, and Human Services Strategic Plan; Now, Therefore,

12 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

13 Section 1. That the City Council hereby adopts the policy principles set
14 out in recommendation 3.1 of the Affordable Housing Policy Advisory Group
15 Final Report, received on December 3, 2010.
16

17 Section 2. That the City Council requests the Planning Commission, the
18 Tacoma Community Redevelopment Authority, the Human Services
19 Commission, and other appropriate City bodies to incorporate the policy
20 principles into the City's Comprehensive Plan, Consolidated Plan, the Human
21 Services Strategic Plan, and other appropriate policy documents.
22

23 Section 3. That the City Manager is directed to make available staff from
24 the Tacoma Community and Economic Development Department, the Human
25
26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Rights and Human Services Department, and other General Government
Departments, as may be necessary, to assist the appropriate boards and
commissions in the incorporation of these policy principles.


Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:



City Attorney



**SUBSTITUTE
ORDINANCE NO. 27981**

BY REQUEST OF COUNCIL MEMBERS BOE AND WOODARDS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

AN ORDINANCE related to Landmarks and Historic Special Review Districts; establishing two overlay zoning districts--the Wedge Neighborhood Historic Special Review District and the Wedge Neighborhood Conservation Special Review District--and rezoning properties within the districts; and amending Chapter 13.07 of the Tacoma Municipal Code to adopt a historic buildings inventory, to establish a requirement and process for design review of projects involving historic properties within the overlay zoning districts, and to add design guidelines.

WHEREAS Chapters 13.02 and 13.07 of the Tacoma Municipal Code provides for the establishment of historic districts and requires review by the Landmarks Commission, the Planning Commission, and the City Council, and

WHEREAS, on June 27, 2008, residents of the Wedge neighborhood submitted a written request for consideration of the neighborhood as a historic special review district overlay zone, and

WHEREAS the Landmarks Preservation Commission ("Landmarks Commission") reviewed the proposal, and on June 24, 2009, held a public hearing to receive public testimony, and

WHEREAS, on July 22, 2009, the Landmarks Commission recommended the establishment of historic and conservation districts to the Planning Commission, and

WHEREAS, on March 17, 2010, the Planning Commission held a public hearing and on June 2, 2010, recommended to the City Council the establishment of the Wedge Neighborhood Historic and Wedge Neighborhood Conservation Special Review Districts with modifications to the conservation district boundaries previously recommended by the Landmarks Commission, and



1 WHEREAS, on July 20, 2010, the City Council conducted a public hearing
2 on the request, and

3 WHEREAS, on June 21, 2010, and November 15, 2010, this item was
4 presented to the Neighborhoods and Housing Committee, as well as at the City
5 Council Study Session on April 5, 2011, and

6 WHEREAS the North Slope Historic District design guidelines will be
7 expanded to apply to the Wedge Neighborhood Historic Special Review District;

8 Now, Therefore,

9
10 BE IT ORDAINED BY THE CITY OF TACOMA:

11 1. That the Wedge Neighborhood Historic Special Review District is hereby
12 established in Chapter 13.07 of the Tacoma Municipal Code with the boundaries
13 generally depicted in Exhibit "A" and as more specifically described in
14 Exhibit "A-1."

15 2. That the Wedge Neighborhood Conversation Special Review District is
16 hereby established in Chapter 13.07 TMC with the boundaries generally depicted
17 in Exhibit "B" and as more specifically described in Exhibit "B-1."



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

3. That Chapter 13.07 of the Tacoma Municipal Code is amended, as set

forth in the attached Exhibit "C."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Debra Caspi

Deputy City Attorney



EXHIBIT "A"

The Wedge Neighborhood Historic Special Review District
Map



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

EXHIBIT "A-1"

The Wedge Neighborhood Historic Special Review District
Legal Description

Portions of the Southwest quarter of Section 32,
Township 21 North, Range 03 East and of the
Northwest quarter of Section 05, Township 20 North,
Range 03 East, W.M., more particularly described as
follows:

Beginning at the center line intersection of 6th
Avenue and South "M" Street;

Thence northerly along the center line of South "M"
Street to its intersection with the easterly extension of
the South line of Lot 9, Block 526 of said Plat;

Thence westerly along said South line and its
westerly extension to the center line of the alley
between Blocks 526 and 527 of said Plat;

Thence northerly along said alley center line and its
northerly extension to its intersection with the westerly
extension of the South line of Lot 10, Block 426 of
THE MAP OF NEW TACOMA, WASHINGTON
TERRITORY as recorded February 3, 1875, records
of the Pierce County Auditor;

Thence easterly along said South line and its easterly
extension to the center line of South "M" Street;

Thence northerly along said center line to its
intersection with the center line of South 4th Street;

Thence westerly along said center line to its
intersection with the center line of South Sheridan
Avenue;

Thence southerly along said center line to the
easterly extension of the South line of the North 7.00
feet of Lot 2, Block 428 of said Plat;



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Thence westerly along said South line a distance of 115 feet to a point lying 75 feet West of the West margin of Sheridan Avenue;

Thence northerly, parallel with and 75 feet westerly of said West margin, to the center line of Division Avenue;

Thence southwesterly along said center line to the northerly extension of the center line of the alley between Blocks 532 and 533 of AMENDATORY PLAT OF THE AINSWORTH ADDITION TO TACOMA, W.T. as recorded in Volume 3 of Plats at Page 59, records of the Pierce County Auditor;

Thence southerly along said alley center line to its intersection with the westerly extension of the South line of Lot 4, said Block 532;

Thence easterly along said South line and its easterly extension to the center line of Ainsworth Avenue;

Thence southerly along said center line to the westerly extension of the South line of Lot 7, Block 531 of said Plat;

Thence easterly along said South line and its easterly extension through Block 530 of said Plat to its intersection with the center line of Cushman Avenue;

Thence northerly along said center line to the westerly extension of the South line of Lot 6, Block 529 of said Plat;

Thence easterly along said South line and its easterly extension to the center line of the alley between Blocks 528 and 529 of said Plat;

Thence southerly along said alley center line and its southerly extension to the center line of 6th Avenue;

Thence easterly along said center line to the Point of Beginning



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

EXHIBIT "B"

The Wedge Neighborhood Conservation Special Review District Map





1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

EXHIBIT "B-1"

The Wedge Neighborhood Conservation Special Review District
Legal Description

Portions of the Southwest quarter of Section 32,
Township 21 North, Range 03 East and of the
Northwest quarter of Section 05, Township 20 North,
Range 03 East, W.M., more particularly described as
follows:

Beginning at the center line intersection of Sheridan
Avenue and Division Avenue;

Thence northeasterly along the center line of Division
Avenue to the northerly extension of the center line of
the alley between Blocks 324 and 325 of THE MAP
OF NEW TACOMA, WASHINGTON TERRITORY as
recorded February 3, 1875, records of the Pierce
County Auditor;

Thence southerly along said alley center line and its
southerly extension between Blocks 424 and 425 of
said Plat and Blocks 524 and 525 of CENTRAL
ADDITION TO TACOMA, W.T. as recorded in
Volume 1 of Plats at Page 74, records of the Pierce
County Auditor, to its intersection with the center line
of 6th Avenue;

Thence westerly along the center line of 6th Avenue
to its intersection with the center line of South "M"
Street;

Thence northerly along the center line of South "M"
Street to its intersection with the easterly extension of
the South line of Lot 9, Block 526 of said Plat;

Thence westerly along said South line and its
westerly extension to the center line of the alley
between Blocks 526 and 527 of said Plat;

Thence northerly along said alley center line and its
northerly extension to its intersection with the westerly



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

extension of the South line of Lot 10, Block 426 of THE MAP OF NEW TACOMA, WASHINGTON TERRITORY as recorded February 3, 1875, records of the Pierce County Auditor;

Thence easterly along said South line and its easterly extension to the center line of South "M" Street;

Thence northerly along said center line to its intersection with the center line of South 4th Street;

Thence westerly along said center line to its intersection with the center line of South Sheridan Avenue;

Thence southerly along said center line to the easterly extension of the South line of the North 7.00 feet of Lot 2, Block 428 of said Plat;

Thence westerly along said South line a distance of 115 feet to a point lying 75 feet West of the West margin of Sheridan Avenue;

Thence northerly, parallel with and 75 feet westerly of said West margin, to the center line of Division Avenue;

Thence northeasterly along said center line to the Point of Beginning.

Together with the following described parcel:

Beginning at the center line intersection of 6th Avenue and Division Avenue;

Thence northeasterly along the center line of Division Avenue to the northerly extension of the center line of the alley between Blocks 532 and 533 of AMENDATORY PLAT OF THE AINSWORTH ADDITION TO TACOMA, W.T. as recorded in Volume 3 of Plats at Page 59, records of the Pierce County Auditor;



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Thence southerly along said alley center line to its intersection with the westerly extension of the South line of Lot 4, said Block 532;
Thence easterly along said South line and its easterly extension to the center line of Ainsworth Avenue;

Thence southerly along said center line to the westerly extension of the South line of Lot 7, Block 531 of said Plat;

Thence easterly along said South line and its easterly extension through Block 530 of said Plat to its intersection with the center line of Cushman Avenue;

Thence northerly along said center line to the westerly extension of the South line of Lot 6, Block 529 of said Plat;

Thence easterly along said South line and its easterly extension to the center line of the alley between Blocks 528 and 529 of said Plat;

Thence southerly along said alley center line and its southerly extension to the center line of 6th Avenue;

Thence westerly along said center line to the Point of Beginning.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

EXHIBIT "C"

Chapter 13.07

LANDMARKS AND HISTORIC SPECIAL REVIEW DISTRICTS

Sections:

- 13.07.010 Short title.
- 13.07.020 Landmarks and Historic Districts —Declaration of purpose and declaration of policy.
- 13.07.030 Definitions.
- 13.07.040 Tacoma Register of Historic Places -- Establishment and criteria.
- 13.07.050 Tacoma Register of Historic Places —Nomination and designation process for individual properties.
- 13.07.060 Tacoma Register of Historic Places —Nomination and designation process for Historic Special Review and Conservation Districts.
- 13.07.070 District and landmarks regulation.
- 13.07.080 Special tax valuation — Local Review Board.
- 13.07.085 Property eligible for special tax valuation.
- 13.07.090 Certificates of approval.
- 13.07.095 Certificates of approval — Process and standards for review.
- 13.07.100 Demolition of City landmarks —Declaration of purpose.
- 13.07.110 Demolition of City landmarks —Application process.
- 13.07.120 Demolition of City landmarks —Application requirements.
- 13.07.130 Demolition of City landmarks —Automatic conditions.
- 13.07.140 Demolition of City landmarks —Standards and criteria for review.
- 13.07.150 Demolition of City landmarks —Specific exemptions.
- 13.07.160 Appeals to the Hearing Examiner.
- 13.07.165 Appeals to the Hearing Examiner —Factors to be considered.
- 13.07.170 Ordinary maintenance or repairs.
- 13.07.180 Minimum buildings standards.
- 13.07.190 Designation of Old City Hall Historic Special Review District – Declaration of purpose.
- 13.07.200 Designation of Old City Hall Historic Special Review District — Findings.
- 13.07.210 Old City Hall Historic Special Review District — Boundary description.
- 13.07.220 Old City Hall Special Review District – Specific Exemptions.
- 13.07.230 Designation of Union Depot/Warehouse Historic Special Review District – Declaration of purpose.
- 13.07.240 Designation of the Union Depot/Warehouse Historic Special Review District — Findings.
- 13.07.250 Union Depot/Warehouse Historic Special Review District — Boundary description.
- 13.07.260 Designation of Union Station Conservation District.
- 13.07.270 Guidelines for building design and streetscape improvement review.
- 13.07.280 Union Depot/Warehouse Historic Special Review and Union Station Conservation Districts -- Specific exemptions.
- 13.07.290 Designation of North Slope Historic Special Review District – Purpose.
- 13.07.300 Designation of North Slope Historic Special Review District – Findings.
- 13.07.310 North Slope Historic Special Review District – Boundary description.
- ~~13.07.320 Guidelines for building design and streetscape improvement review of the North Slope Historic Special Review District.~~
- 13.07. ~~330~~320 North Slope Historic Special Review District – Specific eExemptions.
- ~~13.07.340 Severability.~~
- 13.07.330 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Purpose.
- 13.07.340 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts -- Findings.
- 13.07.350 Wedge Neighborhood Historic Special Review District – Boundary Description.
- 13.07.355 Wedge Neighborhood Conservation Special Review District – Boundary Description.



1 13.07.360 Wedge Neighborhood Historic Special Review District and Wedge Neighborhood Conservation Special Review District – Specific Exemptions.

2 13.07.370 Guidelines for building design and streetscape improvement review for the Wedge Neighborhood and North Slope Historic Special Review Districts and the Wedge Neighborhood Conservation Special Review District.

3 13.07.380 Severability.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

132



* * *

13.07.290 Designation of the North Slope Historic Special Review District –Purpose.

A. In order that the North Slope Neighborhood and buildings within the Neighborhood may not be injuriously affected; to promote the public welfare; to provide for the enhancement of the North Slope Neighborhood and its structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of Tacoma’s historic heritage, maintaining productive and useful structures, and attracting visitors to the City; and in order that a reasonable degree of control may be exercised over the siting, development and architecture of public and private buildings erected in the North Slope Neighborhood so that the goals set forth in this section and in this chapter may be realized, there is hereby created the North Slope Historic Special Review District, the boundaries of which are more particularly described in Section 13.07.310-340 hereof.

B. The North Slope Neighborhood and the buildings therein reflect significant aspects of Tacoma’s early history, architecture, and culture. Such historic, architectural, and cultural significance is also reflected in the architectural cohesiveness of the neighborhood. For the foregoing reasons, many of the features contained in the buildings and structures in the Neighborhood should be maintained and preserved.

C. Except where specifically exempted by TMC 13.07.095 and TMC 13.07.320-330, all visible alterations and construction within the historic district boundaries, including alterations to elements and spaces within the public right of way, are subject to the review and approval of the Landmarks Preservation Commission prior to the initiation of work.

* * *

13.07.320 — Guidelines for building design and streetscape improvement review of the North Slope Historic Special Review District.

A. Intent. These guidelines are intended to ensure a certainty of design quality within the North Slope Historic Special Review District, protect the historic fabric of the district, enhance the economic vitality of the district through promotion of its architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies. These guidelines are hereby established as the design review guidelines for rehabilitation, new construction, and public amenities, including street furniture, streetlighting, paving and sidewalks, and street trees and planting strips.

B. Architectural integrity, as it relates to scale, proportion, texture, color, compatible materials, space, and composition in various periods of architecture, should be respected and, to the extent possible, maintained in contributing properties.

C. The following guidelines are also intended to provide a basic set of standards for architectural and physical design within the North Slope Historic Special Review District. These guidelines will be used by the Tacoma Landmarks Preservation Commission as a base-line for the design review process. These guidelines will also assist owners, developers, and designers involved in project planning by providing general design and technical recommendations. When applying the guidelines, the Commission will be considerate of clearly documented cases of economic hardship or deprivation of the owner’s reasonable use of the property.

D. From time to time, the Landmarks Preservation Commission may adopt policies and administrative rules for the purpose of clarifying and assisting property owners in interpreting these guidelines. Any such rules or policies shall be adopted by quorum vote and, once adopted, shall be made available to the public in electronic and printed formats.

E. For certain common types of City-managed projects, and for certain projects within the City right of way, including streetlighting, sidewalk repair and similar alterations within the right of way, the City Public Works Department may propose “standard specifications” for programmatic review and adoption by the Commission, in lieu of case-by-case reviews. Any such standards, rules or policies shall be adopted by quorum vote and, once adopted, shall be made available to the public in electronic and printed formats.

F. Design Guidelines. The following predominant building elements in the district shall be recognized as essential to the historic image of the neighborhood, and shall, along with the Secretary of the Interior’s Standards for the Rehabilitation of Historic Buildings, be utilized as the basis for design review of proposals for rehabilitation and new construction within the district.



1 1. Height. Goal: Balance the overall height of new construction with that of nearby structures. In the rehabilitation of
existing buildings, the present height of the structure should remain intact. New buildings should step down to be
comparable in height to adjacent structures.

2 2. Scale. Goal: Relate the size and proportion of new buildings to those of the neighborhood. Scale refers to a
building's comparative relationship to neighboring structures, and its fit within the district. Building facades should
3 be of a scale compatible with surrounding buildings, and maintain a comparable setback from the property line to
adjacent buildings as permitted by applicable zoning regulations.

4 Scale is also determined by the proportions of the architectural elements within the composition of the individual
building facades. Window and door proportions (including the design of sash and frames), floor heights, floor
5 shapes, roof shapes and pitches, and other elements of the building exterior should relate to the scale of the
neighborhood.

6 3. Massing. Goal: Break up the facades of buildings into smaller varied masses, comparable to those contributing
buildings in the neighborhood. Variety of forms is a distinguishing characteristic of the North Slope residential
7 community. Smaller massing—the arrangement of facade details, such as projections and recesses—and porches all
help to articulate the exterior of the structure and help the structure fit into the neighborhood.

8 4. Sense of Entry. Goal: Emphasize entrances to structures. Entrances should be located on the front facade of the
building and highlighted with architectural details such as raised platforms, porches, or porticos to draw attention to
9 the entry. Entrances not located on the front facade should be easily recognizable from the street.

10 5. Roof Shapes and Materials. Goal: Utilize traditional roof shapes, pitches, and compatible finish materials on all
new structures, porches, additions, and detached outbuildings wherever such elements are visible from the street.
11 Maintain the present roof pitches of existing pivotal, primary, and secondary buildings where such elements are
visible from the street.

12 Typically, the existing historic buildings in the neighborhood either have gable roofs with the slopes of the roofs
between 5:12 to 12:12 or more, and with the pitch oriented either parallel to or perpendicular to the public right of
13 way, or have hipped roofs with roof slopes somewhat lower. Most roofs also have architectural details such as cross
gables, dormers, and/or widow's walks to break up the large sloped planes of the roof. Wide roof overhangs,
decorative eaves or brackets, and cornices can be creatively used to enhance the appearance of the roof.

14 6. Exterior Materials. Goals: Use compatible materials that respect the visual appearance of the surrounding
buildings. Buildings in the North Slope Neighborhood were sided with shingles or with lapped, horizontal wood
15 siding of various widths. Subsequently, a few compatible brick or stucco covered structures were constructed,
although many later uses of these two materials do not fit the character of the neighborhood. Additions to existing
16 buildings should be sided with a material to match, or be compatible with, the original or existing materials. New
structures should utilize exterior materials similar to those typically found in the neighborhood.

17 7. Rhythm of Openings. Goals: Respect the patterns and orientations of door and window openings as represented in
the neighboring buildings. Typically, older buildings have doors and transoms that matched the head height of the
18 adjacent windows. Doors also tend to be paneled or contain glazed openings. Windows are vertically oriented. Large
horizontal expanses of glass are created by ganging two or more windows into a series. Most windows are either
19 single or double hung, with a few casement windows being incorporated into the designs. Many of the buildings had
the upper sash articulated into smaller panels, either with muntin bars, leaded glazing, or arches. Most older windows
20 were also surrounded with substantial trim pieces or window head trim.

21 8. Additional Construction. Goal: Sensitively locate additions, penthouses, buildings systems equipment, or roof
mounted structures to allow the architectural and historical qualities of the contributing building to be dominant.
22 While additions to contributing buildings in historic districts are not discouraged, they should be located to conceal
them from view from the public right of way. Some new additions, such as the reconstruction of missing porches or
23 the addition of dormers in the roof, may need to be located on the front facade of the building. When an addition is
proposed for the front of the building, appropriate and sensitive designs for such modifications should follow the
guidelines for scale, massing, rhythm, and materials.

24 9. Parking. Goal: Minimize views of parking and garages from the public right of way. Most early houses provided
space for storing various means of transportation, from horses and carriages to automobiles; however, these
25 structures were nearly always entered from the alley rather than from the street. Parking lots and banks of garage
doors along the front facade of a building do not conform to the character of the neighborhood. Off-street parking
26 lots have no historic precedent in this neighborhood, and should be located behind the building and away from the
street. Proposed residential driveway approaches requiring curbscuts off a street or arterial are generally prohibited.



1 unless the applicant can demonstrate by clear and convincing evidence that, because of special circumstances not
 2 generally applicable to other property or facilities, including size, shape, design, topography, location, or
 3 surroundings, the strict application of this standard prevents alley-accessed parking. If approved, such curbeuts and
 4 approaches shall be consistent with the standards approved for the historic district and on file in the Public Works
 5 Department. Setting garages and carport structures back from the front of the building reduces their visual
 6 importance.

7 10. Signage. Goal: New signs for existing and new buildings shall complement the architecture and style of the
 8 residential neighborhood. Signs should not dominate the building facades or obscure the structure's architectural
 9 features. Colors, materials, and lettering should be appropriate to the character of the surroundings and be compatible
 10 with the building's period and style. Care should be taken not to damage historic building materials in the installation
 11 process.

12 G. Street Improvements. The architectural character of the district is significantly enhanced by the complementary
 13 residential nature of existing street amenities, including brick and cobblestone street paving, historic streetlights,
 14 planting strips, sidewalks, historic scoring patterns in walks and driveways, healthy trees, and a restrained use of
 15 signage. These elements should be retained or enhanced. Installation, repair, or replacement of streetlights, curbs,
 16 alley approaches, sidewalks, and street surfaces shall be consistent with the standards approved for the historic
 17 district and kept on file with the Public Works Department.

18 **13.07.330320 North Slope Historic Special Review District – Specific Exemptions.**

19 The following actions are exempt from the requirements imposed pursuant to this chapter:

- 20 A. Any alterations to non-contributing properties as defined by the District Inventory adopted by the Commission
 21 and kept on file at the Historic Preservation Office; provided, that modifications to accessory structures and the
 22 demolition of noncontributing or accessory structures are not exempt from the provisions of this chapter;
- 23 B. Interior modifications to existing structures, unless those modifications affect the exterior appearance of the
 24 structure;
- 25 C. Any alterations to private residential structures that are specifically exempted from permit requirements in the
 26 Residential Building Code as adopted by the City (such as painting and minor repairs such as caulking or weather-
 stripping);
- D. The installation, alteration, or repair of public and private plumbing, sewer, water, and gas piping systems, where
 no Right of Way restoration is required;
- E. The installation, alteration, or repair of public and private electrical, telephone, and cable television wiring
 systems, provided that the installation of solar panels, wind generators, and cellular antenna towers is not exempt;
- F. The landscaping of private residences;
- G. The maintenance of existing parking conditions and configurations, including curb cuts, driveways, alleys, and
 parking lots (new installations are subject to review by the Commission per TMC 13.07.370.F(9));
- H. Signs not exceeding the limitations for a home occupation permit and those installed by the City for directional
 and locational purposes.
- I. The following types of projects within the public rights of way: ADA accessibility ramps and installations, in-road
 work, traffic signaling equipment, utility markers, and equipment required by the United States Postal Service.

**13.07.330 Designation of the Wedge Neighborhood Historic Special Review and the Wedge
 Neighborhood Conservation Special Review Districts – Purpose.**

A. In order that the Wedge neighborhood and residential buildings within the neighborhood may not be injuriously
 affected; to promote the public welfare; to provide for the enhancement of the Wedge neighborhood and its
 residential structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by
 developing an awareness of Tacoma's historic neighborhoods, maintaining productive and useful residential
 structures, and attracting visitors to the City; and in order that a reasonable degree of control may be exercised over
 the siting, development and architecture of public and private buildings erected in the Wedge neighborhood so that
 the goals set forth in this section and in this chapter may be realized, there is hereby created the Wedge Historic



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Special Review District and the Wedge Conservation Special Review District, the boundaries of which are more particularly described in Sections 13.07.350 and 13.07.360 TMC hereof.

B. The Wedge neighborhood and the residential buildings therein reflect significant aspects of Tacoma’s early neighborhood history, architecture, and culture. Such historic, architectural, and cultural significance is also reflected in the architectural cohesiveness of the neighborhood. For the foregoing reasons, many of the features contained in the buildings and structures in the neighborhood should be maintained and preserved.

C. The Wedge Conservation District areas are established in order to encourage new development on the boundaries of the Historic District that is aesthetically and architecturally compatible with the character of the Wedge neighborhood. It is acknowledged that these are primarily commercial areas, and it is anticipated that commercial growth will occur in these areas. However, where there are historically significant structures within the Conservation District, this chapter encourages that these buildings be retained.

D. Except where specifically exempted by TMC 13.07.360, all exterior alterations and construction within the historic and conservation district boundaries, including alterations to elements and spaces within the public rights-of-way, are subject to the review and approval of the Landmarks Preservation Commission prior to the initiation of work.

13.07.340 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Findings.

A. The Wedge Historic and Conservation Districts isare evocative of the broad patterns of Tacoma’s history. A middle class district that was constructed by some of Tacoma’s most prolific builders, and occupied by famous and anonymous residents alike, the Wedge’s development as a neighborhood mirrors that of Tacoma as a historic city.

B. Historically significant persons who lived in the Wedge Historic district include Silas Nelsen, Aaron Titlow, and Frank and Ethel Mars. Other notable persons who lived in the Wedge Historic District include doctors, attorneys, architects and contractors, engineers, politicians, jewelers, barbers, school, bank, real estate, and insurance personnel as well as seamen, railroad, and shipping and electric company employees.

C. The Wedge Historic District is an intact middle-class residential district reflecting a period of neighborhood development from Tacoma’s early history until after WWI. Although there are a number of notable homes within the district, most appear to be modest builder interpretations of established architectural styles and forms. Several of these provide good examples of typical residential architects.

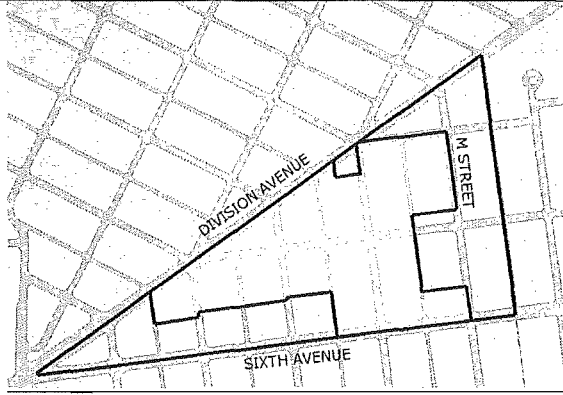
D. The Wedge Historic District is adjacent to the North Slope Historic District and is part of a larger section of the City where historic development patterns prevail (including Wright Park, South J Street historic houses).

13.07.350 Wedge Neighborhood Historic Special Review District – Boundary Description.

The legal description for the Wedge Neighborhood Historic Special Review District is described in Ordinance No. 27981 and shall be kept on file in the City Clerk’s Office. The approximate boundaries are depicted in Map E below.



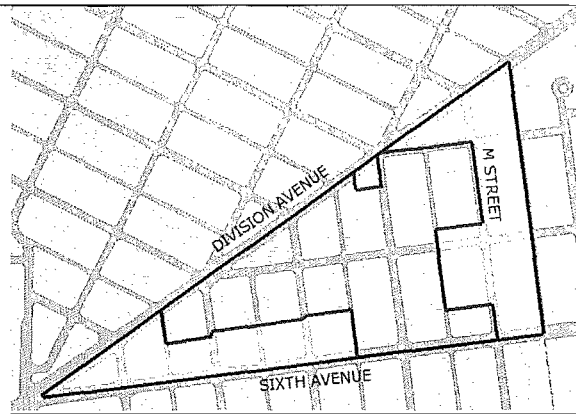
1 **Map E: Approximate Boundaries of the Wedge**
2 **Neighborhood Historic Special Review District**



9
10 **13.07.355 Wedge Neighborhood Conservation Special Review District – Boundary Description.**

11 The legal description for the Wedge Conservation Special Review Districts is described in Ordinance No. 27981 and shall be kept on file in the City Clerk's Office. The approximate boundaries are depicted in Map F below.

12 **Map F: Approximate Boundaries of the Wedge**
13 **Neighborhood Conservation Special Review District**



20
21 **13.07.360 Wedge Neighborhood Historic Special Review District and Wedge Neighborhood**
22 **Conservation Special Review District – Specific Exemptions.**

23 The following actions are exempt from the requirements imposed pursuant to this chapter:

24 A. Any alterations to noncontributing properties within the Wedge Historic Special Review Districts, as defined by
25 the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office and any
26 alterations to properties within the designated Conservation District, are exempt from the provisions of this chapter;
provided, that alterations to accessory structures within the Historic District and the demolition of any structures in
the Historic District and Conservation District, including noncontributing and accessory structures or the
construction of new buildings, are not exempt from the provisions of this chapter;



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

B. Historically nonresidential and commercial use structures; provided, that the demolition of noncontributing or accessory structures are not exempt from the provisions of this chapter;

C. Interior modifications to existing structures, unless those modifications affect the exterior appearance of the structure;

D. Changes to the exteriors of contributing structures that are not visible from adjacent public rights-of-way may be granted an administrative Certificate of Approval by the Historic Preservation Officer, provided that staff is able to determine that the proposed project is consistent with the district design guidelines and applicable Secretary of the Interior's Standards, all without prejudice to the right of the owner at any time to apply directly to the Commission for its consideration and action on such matters;

E. Any alterations to private residential structures that are specifically exempted from permit requirements in the Residential Building Code as adopted by the City (such as painting and minor repairs such as caulking or weather-stripping);

F. The installation, alteration, or repair of public and private plumbing, sewer, water, and gas piping systems, where no right-of-way restoration is required;

G. The installation, alteration, or repair of public and private electrical, telephone, and cable television wiring systems; provided that the installation of solar panels, wind generators, and cellular antenna towers is not exempt;

H. The landscaping of private residences;

I. The maintenance of existing parking conditions and configurations, including curb cuts, driveways, alleys, and parking lots (new installations are subject to review by the Commission per Section 13.07.370.F(9) TMC);

J. Signs not exceeding the limitations for a home occupation permit and those installed by the City for directional and locational purposes;

K. The following types of projects within the public rights-of-way: ADA accessibility ramps and installations, in-road work, traffic-signaling equipment, utility markers, and equipment required by the United States Postal Service.

13.07.370 Guidelines for building design and streetscape improvement review for the Wedge Neighborhood and North Slope Historic Special Review Districts and the Wedge Neighborhood Conservation Special Review District.

A. Intent. These guidelines are intended to ensure a certainty of design quality within the North Slope and the Wedge Historic Special Review Districts and the Wedge Conservation District, protect the historic fabric of the districts, enhance the economic vitality of the districts through promotion of their architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies. These guidelines are hereby established as the design review guidelines for rehabilitation, new construction, and public amenities, including street furniture, streetlighting, paving and sidewalks, and street trees and planting strips.

B. Architectural integrity, as it relates to scale, proportion, texture, color, compatible materials, space, and composition in various periods of architecture, should be respected and, to the extent possible, maintained in contributing properties.

C. The following guidelines are also intended to provide a basic set of standards for architectural and physical design within the North Slope and the Wedge Historic Special Review Districts and the Wedge Conservation District. These guidelines will be used by the Tacoma Landmarks Preservation Commission as a baseline for the design review process. These guidelines will also assist owners, developers, and designers involved in project planning by providing general design and technical recommendations. When applying the guidelines, the Commission will be considerate of clearly documented cases of economic hardship or deprivation of the owner's reasonable use of the property.



1 D. From time to time, the Landmarks Preservation Commission may adopt policies and administrative rules for the
 2 purpose of clarifying and assisting property owners in interpreting these guidelines. Any such rules or policies shall
 3 be adopted by quorum vote and, once adopted, shall be made available to the public in electronic and printed
 4 formats.

5 E. For certain common types of City-managed projects and for certain projects within the City right-of-way,
 6 including streetlighting, sidewalk repair and similar alterations within the right-of-way, the City Public Works
 7 Department may propose “standard specifications” for programmatic review and adoption by the Commission, in lieu
 8 of case-by-case reviews. Any such standards, rules, or policies shall be adopted by quorum vote and, once adopted,
 9 shall be made available to the public in electronic and printed formats.

10 F. Design Guidelines. The following predominant building elements in the district shall be recognized as essential to
 11 the historic image of these neighborhoods and shall, along with the Secretary of the Interior’s Standards for the
 12 Rehabilitation of Historic Buildings, be utilized as the basis for design review of proposals for rehabilitation and new
 13 construction within the districts.

14 1. Height. Goal: Balance the overall height of new construction with that of nearby structures. In the rehabilitation of
 15 existing buildings, the present height of the structure should remain intact. New buildings should step down to be
 16 comparable in height to adjacent structures.

17 2. Scale. Goal: Relate the size and proportion of new buildings to those of the neighborhood. Scale refers to a
 18 building’s comparative relationship to neighboring structures and its fit within the district. Building facades should
 19 be of a scale compatible with surrounding buildings and maintain a comparable setback from the property line to
 20 adjacent buildings, as permitted by applicable zoning regulations.

21 Scale is also determined by the proportions of the architectural elements within the composition of the individual
 22 building facades. Window and door proportions (including the design of sash and frames), floor heights, floor
 23 shapes, roof shapes and pitches, and other elements of the building exterior should relate to the scale of the
 24 neighborhood.

25 3. Massing. Goal: Break up the facades of buildings into smaller varied masses comparable to those contributing
 26 buildings in the residential historic districts. Variety of forms is a distinguishing characteristic of the North Slope and
 27 Wedge residential communities. Smaller massing—the arrangement of facade details, such as projections and
 28 recesses—and porches all help to articulate the exterior of the structure and help the structure fit into the
 29 neighborhood.

30 4. Sense of Entry. Goal: Emphasize entrances to structures. Entrances should be located on the front facade of the
 31 building and highlighted with architectural details, such as raised platforms, porches, or porticos to draw attention to
 32 the entry. Entrances not located on the front facade should be easily recognizable from the street.

33 5. Roof Shapes and Materials. Goal: Utilize traditional roof shapes, pitches, and compatible finish materials on all
 34 new structures, porches, additions, and detached outbuildings wherever such elements are visible from the street.
 35 Maintain the present roof pitches of existing contributing buildings where such elements are visible from the street.

36 Typically, the existing historic buildings in the districts either have gable roofs with the slopes of the roofs between
 37 5:12 to 12:12 or more and with the pitch oriented either parallel to or perpendicular to the public right-of-way or
 38 have hipped roofs with roof slopes somewhat lower. Most roofs also have architectural details, such as cross gables,
 39 dormers, and/or “widow’s walks” to break up the large sloped planes of the roof. Wide roof overhangs, decorative
 40 eaves or brackets, and cornices can be creatively used to enhance the appearance of the roof.

41 6. Exterior Materials. Goals: Use compatible materials that respect the visual appearance of the surrounding
 42 buildings. Buildings in the North Slope and Wedge Neighborhoods were sided with shingles or with lapped,
 43 horizontal wood siding of various widths. Subsequently, a few compatible brick or stucco-covered structures were
 44 constructed, although many later uses of these two materials do not fit the character of the neighborhood. Additions
 45 to existing buildings should be sided with a material to match, or be compatible with, the original or existing
 46 materials. New structures should utilize exterior materials similar to those typically found in the neighborhood.

47 7. Rhythm of Openings. Goals: Respect the patterns and orientations of door and window openings, as represented in
 48 the neighboring buildings. Typically, older buildings have doors and transoms that matched the head height of the



1 adjacent windows. Doors also tend to be paneled or contain glazed openings. Windows are vertically oriented. Large
2 horizontal expanses of glass are created by ganging two or more windows into a series. Most windows are either
3 single or double hung, with a few casement windows being incorporated into the designs. Many of the buildings had
4 the upper sash articulated into smaller panels, either with muntin bars, leaded glazing, or arches. Most older windows
5 were also surrounded with substantial trim pieces or window head trim.

6 8. Additional Construction. Goal: Sensitively locate additions, penthouses, buildings systems equipment, or
7 roof-mounted structures to allow the architectural and historical qualities of the contributing building to be dominant.
8 While additions to contributing buildings in historic districts are not discouraged, they should be located to conceal
9 them from view from the public right-of-way. Some new additions, such as the reconstruction of missing porches or
10 the addition of dormers in the roof, may need to be located on the front facade of the building. When an addition is
11 proposed for the front of the building, appropriate and sensitive designs for such modifications should follow the
12 guidelines for scale, massing, rhythm, and materials.

13 9. Parking. Goal: Minimize views of parking and garages from the public right-of-way. Most early houses provided
14 space for storing various means of transportation, from horses and carriages to automobiles; however, these
15 structures were nearly always entered from the alley rather than from the street. Parking lots and banks of garage
16 doors along the front facade of a building do not conform to the character of the neighborhood. Off-street parking
17 lots have no historic precedent in these neighborhoods and should be located behind the building and away from the
18 street. Proposed residential driveway approaches requiring curb cuts from a street or arterial are generally prohibited,
19 unless the applicant can demonstrate by clear and convincing evidence that because of special circumstances not
20 generally applicable to other property or facilities, including size, shape, design, topography, location, or
21 surroundings, the strict application of this standard prevents alley-accessed parking. If approved, such curb cuts and
22 approaches shall be consistent with the standards approved for the historic districts and on file in the Public Works
23 Department. Setting garages and carport structures back from the front of the building reduces their visual
24 importance.

25 10. Signage. Goal: New signs for existing and new buildings shall complement the architecture and style of the
26 residential neighborhoods. Signs should not dominate the building facades or obscure the structure's architectural
27 features. Colors, materials, and lettering should be appropriate to the character of the surroundings and be compatible
28 with the building's period and style. Care should be taken not to damage historic building materials in the installation
29 process.

30 G. Commercial Buildings and Construction Within Wedge Conservation District. Goal: Minimize visual impacts to
31 the core district from commercial development that occurs on the periphery of the neighborhood. There are several
32 areas within the Wedge Conservation District boundaries where commercial buildings will be constructed. Such
33 construction projects should seek to minimize encroachment and visual impact by:

34 1. Site planning. Design new construction in such a manner that the primary massing of new buildings is directed
35 away from the edges of the district, particularly where the height of the new construction will be substantially higher
36 than the historic apartment buildings also on the edges of the residential area. Locate entrances and exits in such a
37 manner to minimize impacts from vehicular activities on the Wedge Historic District. Maintain and improve
38 historically compatible streetscape and pedestrian amenities. Design buffers and setbacks for new buildings to
39 maintain integrity of siting and availability of light and air. Locate parking to the rear or alley sides of new
40 construction and avoid new curb cuts where alley access is available.

41 2. Materials. Utilize an exterior materials palette that reflects the typical and traditional building materials of the
42 region, including wood and stone, and utilize other durable materials on new buildings. Avoid faux treatments or
43 overtly synthetic materials.

44 3. Scale and Massing. Individual elements on elevations and building units should be designed to break up large
45 planar surfaces and avoid large, monolithic massing. Vertically oriented new construction, as opposed to low
46 single-story commercial construction, is preferred.

47 H. Street Improvements. The architectural character of the North Slope and Wedge Historic Districts is significantly
48 enhanced by the complementary residential nature of existing street amenities, including brick and cobblestone street
49 paving, historic streetlights, planting strips, sidewalks, historic scoring patterns in walks and driveways, healthy trees,
50 and a restrained use of signage. These elements should be retained or enhanced. Installation, repair, or replacement of



streetlights, curbs, alley approaches, sidewalks, and street surfaces shall be consistent with the standards approved for the historic districts and kept on file with the Public Works Department.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

13.07.~~380340~~ Severability.

In the event that any section, paragraph, or part of this chapter is for any reason declared invalid or held unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.