

Members

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

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



Agenda

Tacoma Planning Commission

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

TIME: Wednesday, August 3, 2011, 4:00 p.m.

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

A. CALL TO ORDER

B. QUORUM CALL

C. APPROVAL OF MINUTES – Regular Meeting of July 6, 2011

D. GENERAL BUSINESS

(4:05 p.m.) 1. Downtown Parking Requirements

Description: Complete the review of the proposed code revisions regarding the elimination of off-street parking requirements in Downtown and authorize the release of such for the purpose of public review and comment.

Actions Requested: Authorize for Public Distribution; Set Public Hearing on Sep. 7, 2011

Support Information: See "Agenda Item GB-1"

Staff Contact: Chelsea Levy, 591-5393, clevy@cityoftacoma.org

(4:30 p.m.) 2. Critical Areas Preservation Ordinance (CAPO) Update

Description: Complete the review of the proposed revisions to CAPO and authorize the release of such for the purpose of public review and comment.

Actions Requested: Authorize for Public Distribution; Set Public Hearing on Sep. 21, 2011

Support Information: See "Agenda Item GB-2"

Staff Contact: Karla Kluge, 591-5773, kkluge@cityoftacoma.org



(4:45 p.m.) **3. Master Program for Shoreline Development**

Description: Continue to review public comments concerning the Shoreline Master Program Update.

Actions Requested: Review; Discussion; Direction

Support Information: See "Agenda Item GB-3"

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

E. COMMUNICATION ITEMS

1. Planning Commission Opening – The City Council is seeking interested and qualified citizens to fill a vacant position on the Planning Commission, representing Council District No. 1 (West End and North End), for a term to expire June 30, 2014. Applications must be submitted to the Mayor's Office by Friday, August 19, 2011. (www.cityoftacoma.org/Planning > "Planning Commission")
2. 2011 Annual Amendment – The Planning Commission's recommendations for the 2011 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code were adopted by the City Council on June 14, 2011. The Comprehensive Plan and the Tacoma Municipal Code have been updated accordingly, and are available for review online at: (www.cityoftacoma.org/Planning > "Comprehensive Plan" or "Zoning Code")

F. COMMENTS BY LONG-RANGE PLANNING DIVISION

G. COMMENTS BY PLANNING COMMISSION

H. ADJOURNMENT

Members

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



Minutes

Tacoma Planning Commission

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(For Review/Approval on August 3, 2011)

5MEETING: Regular Meeting

TIME: Wednesday, July 6, 2011 4:00 p.m.

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

Members Present: Jeremy Doty (Chair), Donald Erickson (Vice-Chair), Chris Beale, Scott Morris,
 Ian Morrison, Matthew Nutsch, Thomas O'Connor

Members Absent: Peter Elswick, Sean Gaffney

Staff Present: Donna Stenger, Jana Magoon, Steve Atkinson, Karla Kluge, Shirley Schultz,
 Lihuang Wung (Building and Land Use Services);
 Betty Renkor, Kathy Taylor, Kim Van Zwalenburg (DOE);
 Tadas Kisielius (Gordon Derr, LLP)

Chair Doty called the meeting to order at 4:05 p.m. The minutes for the Regular Meeting and Public Hearing on June 1, 2011 and the Regular Meeting on June 15, 2011 were approved as submitted.

GENERAL BUSINESS

1. Master Program for Shoreline Development

Mr. Stephen Atkinson, Long-Range Planning, provided a review of the public comments submitted on the draft Tacoma Shoreline Master Program (TSMP) and presented staff responses to comments on the general public access provisions and those related to critical areas standards. Tadas Kisielius, a Principal in the firm of GordonDerr, was on hand to answer questions as well as staff from the Department of Ecology, including Betty Renkor, Kathy Taylor and Kim Van Zwalenburg.

Mr. Atkinson reiterated the ways in which the draft addresses nexus and proportionality in the permit review process and presented to the Commission a flow chart depicting how the public



access standards would be applied during permit review. He highlighted specific determinations that would need to be made and by whom and explained to the Commission that the City bears the burden of demonstrating nexus while the applicant bears the burden of demonstrating that the permit qualifies for an on-site waiver. Mr. Atkinson also distinguished between public and private properties in the review of public access standards. He recommended only minor revisions to the organization of the public access policies and standards in response to the public comments. The Commission concurred that in the application of the public access standards, access should typically be preferred on-site first and foremost. The Commission discussed one exception and recommended that in the S-10 Port Industrial Area, when public access is required, the use and development should not be subject to on-site preferences, but rather, should have the most flexibility to identify where and how access is most appropriate. Mr. Atkinson provided further discussion about the comments related to the public access fund and fee-in-lieu. He explained that a review of proportionality and an appropriate mitigation fee is contingent upon many factors including the scale and scope of the project, type of use, its location in the shoreline, and its impacts and the established nexus. Therefore, the appropriate off-site mitigation and fee-in-lieu would be a project by project determination.

Mr. Atkinson next went on to summarize comments related to the Bayside Trail and the other identified options for providing public access along Schuster Parkway. The Commissioners were of the opinion it was not feasible to improve the Bayside Trail and that the expansion of the Schuster Parkway walkway would be more feasible. Ms. Donna Stenger explained that the City was looking at several alternatives. A lively discussion occurred. Ms. Stenger explained the public opinion on the Bayside Trail was divided and that there were numerous issues still to be resolved over the long term improvement and maintenance of the trail system and the slopes. Ms. Stenger briefed the Commission on the historic funding of the Bayside Trail and the City's ongoing obligations to the Recreation and Conservation Office for those funds. The Commissioners had questions about how the City could fulfill those obligations and whether other trail improvements would suffice. The Commissioners concluded that more studies would need to be done before the Commission can see clearly whether the Bayside Trail is a viable public access option. The Commission recommended that staff continue to maintain multiple public access options for the area along Schuster Parkway, including the Bayside Trail, a waterfront walkway, and Schuster Parkway right of way improvements.

The discussion next went into the subject of Critical Areas and Shoreline Master Program Updates. Mr. Atkinson provided background information on the State legislation directing local jurisdictions to regulate critical areas within shoreline jurisdiction under the purview of the Shoreline Management Act and the local SMP. Mr. Atkinson explained that the bottom line standards had shifted from achieving equal protection to no net loss for critical areas under the Master Program. Mr. Atkinson explained that the Washington Administrative Code (WAC) guidelines for shoreline master program updates were developed in a mediated process with many local and state-wide interests. The standards for protection of ecological functions have been interwoven throughout the entirety of the Shoreline Master Program versus just the chapter on Critical Areas standards. In addition, the critical area standards have been modified in the TSMP in order to achieve consistency with the preferred uses under the Act and as expressed in the WAC.

Mr. Atkinson presented the comments that were submitted on the critical areas protection standards in the draft TSMP and provided the Commission additional context for those comments as well as the staff responses. He pointed out that there was a broad range of comments requesting very different changes – some requesting more relaxation in the standards and others suggesting that specific standards were already too generous.

Mr. Atkinson provided an overview of the comments from the Department of Ecology on the buffer issues as well as those from Futurewise. Staff discussed options for addressing the various comments and suggested that the Commission consider them in relation to each other. The Commission concurred with staff recommendations and gave direction to modify the draft TSMP. The modifications included designating the S-3 Western Slope South to a 'natural' environment, utilizing a percentage or ratio based marine buffer reduction rather than a minimum buffer width, and basing the marine buffer reduction provisions on the environment designation.

COMMUNICATION ITEMS

Chair Doty acknowledged receipt of the following:

1. Hearing Examiner's Reports and Decisions
2. "Rezoning Urban Retail Strips to Create Neighborhood Centers", Zoning Practice, American Planning Association, Issue No. 4, April 2011

COMMENTS BY LONG-RANGE PLANNING DIVISION

Ms. Donna Stenger explained why the Commissioners received in the Communications Items the Zoning Practice article and that this was because the City of Tacoma was recognized in that particular article on what the City was trying to achieve with its Mixed-Use Center zoning regulations.

Ms. Stenger also reported that June 30th was the deadline for receiving applications for amending the Comprehensive Plan and/or Land Use Regulatory Code for 2012 and no private application was received, and that the 2012 Annual Amendment package will include only applications from various City departments.

COMMENTS BY PLANNING COMMISSION

In response to the Commissioners' inquiry, Ms. Stenger provided that the three Commissioners (O'Connor, Elswick and Morris) whose terms have expired are welcome, but not required, to continue to serve until their successors are appointed. The City Council's Appointments Committee has not moved forward with its process of interviewing the candidates, apparently allowing the current Planning Commission to complete its review of the Shoreline Master Program Update, which is scheduled to occur on August 3, 2011. Ms. Stenger also noted that Chair Doty had previously commented that even after their replacements are appointed, the three Commissioners would be welcome to continue to participate in the Commission's discussion and contribute their experience and knowledge, without the privilege to vote.

ADJOURNMENT

The meeting adjourned at 6:20 p.m.



City of Tacoma
Community and Economic Development Department

Agenda Item
GB-1

TO: Planning Commission

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

SUBJECT: Amendment to the Downtown Parking Regulations

DATE: July 28, 2011

On August 3 the Planning Commission will continue its review and discussion regarding a proposal to amend the off-street parking requirements in an area of downtown that includes the Downtown Commercial Core (DCC) zone, the designated Historic and Conservation overlay districts and the University of Washington Tacoma Campus.

At this meeting staff is seeking the Planning Commission's authorization of the draft code and staff report for public comment in preparation for the public hearing that is tentatively scheduled to occur on September 7, 2011. The Staff Report and draft code revisions are attached along with a map of the proposed Reduced Parking Area (RPA) for the Planning Commission's information and discussion.

The draft code includes changes that would:

- Establish a new Reduced Parking Area (RPA) boundary
- Eliminate minimum parking requirements for new residential and non-residential developments within the RPA boundary
- Reinstigate parking maximums within the IFSA while reducing the parking maximums for non-residential developments within the RPA boundary
- Prohibit commercial surface parking lots and off-site surface parking lots on primary pedestrian streets within the RPA boundary
- Prohibit the expansion of on-site surface parking lots along primary pedestrian streets within the RPA boundary
- Retain the requirement to provide accessible parking for all new developments (including those in the RPA where parking is otherwise not required), while making permanent the expiring provision that allows for flexibility to provide accessible parking in a reasonable off-site alternative
- Improve consistency and readability in the code

At the last meeting Commissioners also requested additional information on conditional use permits. Staff will review conditional use permits in the context of the staff report and draft code at the next meeting. A brief handout regarding Conditional Use Permits is attached.

If you have any questions, please contact Chelsea Levy at (253) 591-5393 or clevy@cityoftacoma.org.

c. Peter Huffman, Assistant Director

Attachments (4)



Proposed Amendments to the Downtown Off-Street Parking Requirements

STAFF REPORT

Applicant:	Community and Economic Development Department
Contact:	Chelsea Levy
Type of Amendment:	Regulatory Code Text Change
Current Land Use Intensity:	High
Current Area Zoning:	Downtown Commercial Core (DCC); Downtown Mixed-Use (DMU); and WR (Warehouse Residential); as well as three overlay historic special review districts: Old City Hall, Union Depot/Warehouse and Union Station Conservation
Size of Area:	Approximately 256 acres (the size of the proposed new RPA)
Location:	Downtown Mixed-Use Center
Neighborhood Council Area:	New Tacoma
Proposed Amendment:	Reducing the off-street parking requirements for new development in downtown

General Description of the Proposed Amendment:

This amendment to Tacoma Municipal Code Chapter 13.06A – Downtown Tacoma proposes to change the off-street parking requirements for new development in the core area of Downtown in an effort to remove barriers to future development by minimizing mandatory parking investments, encouraging compact development and a walkable urban form and maximizing economic development opportunities. More specifically, the proposed amendment would:

- Establish a Reduced Parking Area (RPA) in downtown, which includes the Downtown Commercial Core zone, the designated Historic and Conservation overlay districts (generally between S. 6th Street and S. 23rd Street) and the University of Washington Tacoma Campus (see Figure 1);
- Eliminate minimum off-street parking requirements for new non-residential and residential developments within the proposed boundary;
- Reintroduce the maximum parking requirement within the International Financial Services Area (IFSA) while reducing the existing off-street parking maximum from 3.6 stalls per 1,000 square feet to 2.5 stalls per 1,000 square feet to more accurately reflect actual demand to build parking within the proposed RPA boundary;
- Amend the surface parking lot requirements on designated pedestrian streets within the proposed boundary to (1) prohibit new standalone surface parking areas; (2) require that on-site surface parking areas be located at the rear, side, within or under a structure; (3) prohibit surface parking areas located on corners; (4) limit the maximum width of on-site surface parking areas adjacent to Primary Pedestrian Streets to 60 feet; and (5) prohibit the expansion of surface parking areas along Primary Pedestrian Streets within the RPA boundary;

- Make permanent the provision that allows for accessible parking to be provided in a reasonable off-site alternative location, approved by the Building Official; and
- Reorganize the section to improve consistency and readability of the code and eliminate parking related references to the International Financial Services Area (IFSA).

Figure 1: Proposed Reduced Parking Area



Additional Information:

In 2007, the City Manager began a series of conversations with the public about future downtown transportation and parking needs. This led to the development of the Tacoma City Center Parking and Mobility Strategy, which was adopted in January 2008 by the City Council (Ordinance No. 37375). The goal of the Strategy is to "support a vital downtown and a city-wide multimodal transportation system that reduces downtown automobile congestion, assures access to parking for downtown visitors and residents, and supports the use of alternative forms of transportation." The strategy recommends considering "eliminating parking minimums in zoning requirements" (Recommendation #8).

In late 2007, the City contracted with AngelouEconomics, an Austin-based economic development consulting firm, to develop an economic development strategic plan for downtown Tacoma. AngelouEconomics is the largest independent economic development consulting firm in the U.S. and specializes in creating strategies for communities seeking high impact investment and targeted, managed growth solutions. Among other documents, AngelouEconomics produced the "Downtown Tacoma Economic Development Strategy", a strategic road map to increase private investment in Downtown Tacoma. The Strategy, in part, emphasizes that "development in downtown areas is almost universally more difficult than it is in suburban locations, due to less availability of land, stringent development restrictions, inadequate or deteriorating infrastructure, and limited parking options. In order to make a downtown location as appealing as a suburban location for developers, cities must often support investor interests by providing additional incentives..."

The Strategy's approach is consistent with the July 2008 recommendations of the Green Ribbon Climate Action Task Force, outlined in the Climate Action Plan (CAP). The CAP offers recommendations and strategies for Tacoma to reduce its greenhouse gas emissions. The Plan was developed through a comprehensive "review of other regions' climate action plans, evaluated strategies, projected potential reductions and estimated costs". Among its recommendations and strategies, the Plan suggests "reduc[ing] or eliminat[ing] parking minimums required for residential/ mixed-use developments to encourage transit or non-motorized transportation and thereby making these developments more profitable" (Recommendation #19), and "adopt[ing] parking maximums rather than parking minimums for new developments and major remodels" (Strategy U-59).

During this time the City Council passed Resolution No. 37508 designating the International Financial Services Area (IFSA) in the Downtown Commercial Core (DCC) zoning district (generally between South 8th and 17th, Broadway and I-705). The intent of this designation was to create a special emphasis area, on the recommendation of the AngelouEconomics, to encourage the retention, expansion, and recruitment of employers engaged in international financial services and support services to employees at these firms and to attract developers of high-rise buildings for these firms. The desire is to produce an environment attractive to such firms, their employees, suppliers, and customers. The adopted resolution notes that "the DCC regulations may contain provisions which are a barrier to facilitate desired development and need to be revised." The resolution also requests the Planning Commission to evaluate the DCC zoning regulations, including, but not limited to, maximum allowable building height, floor area ratios, off-street parking requirements and design standards, and recommend changes that would remove any impediments to accomplishing this intent.

Following this designation and the directives of Resolution No. 37508, on August 11, 2009 the City Council adopted Ordinance No. 27825, amending Section 13.06A.060 of the Tacoma Municipal Code, eliminating off-street parking requirements for new construction in the designated International Financial Services Area (IFSA).

On March 8, 2011 at a joint meeting of the Economic Development and Environment & Public Works Committees, Council Members directed staff to (1) assess parking-related barriers to new development in the Tacoma Municipal Code and (2) begin a process with the Planning Commission to evaluate expanding the parking-related benefits in the IFSA, which eliminated minimum and maximum off-street parking requirements for new development, to the area of downtown zoned DCC (Downtown Commercial Core) and within the designated Historic and Conservation overlay districts. Staff provided a project update to the Economic Development and Environment & Public Works Committees at a joint committee meeting in June, at which time Council Members asked the Planning Commission to also consider retaining parking maximums for new non-residential developments and evaluate opportunities to prohibit surface parking lots in the proposed boundary, citing the City's sustainability and urban form goals in addition to economic development priorities to attract investment and remove impediments to development.

Applicable Provisions of the Growth Management Act:

The following Growth Management Act (GMA) goals are addressed by the proposed amendment: urban growth, reduce sprawl, efficient transportation, sustainable economic development, and protection of the environment. The proposed amendment would further these GMA goals by:

- Focusing development within the areas of downtown area where infrastructure already exists and there are a range of amenities and services
- Reducing urban sprawl by eliminating the requirements for parking in Pierce County's most urbanized area, and consequently reducing development costs and making downtown more competitive with suburban communities
- Encouraging the provision of transportation infrastructure investments based on demand principles
- Reducing the cost of and perceived barriers to economic development in downtown
- Promoting environmental sustainability in land use, transportation and development decisions by encouraging balanced transportation investments

The Growth Management Act (GMA) requires that development regulations, such as the parking regulations found in the Municipal Code, be consistent with and serve to implement the Comprehensive Plan. The proposed amendment is designed to remove parking-related barriers to development in the downtown regulatory code and to provide flexibility directed at promoting urban growth, infill development, and reinvestment.

Applicable Provisions of the Comprehensive Plan:

Downtown Tacoma's economic development, transportation and parking-related goals and policies are closely linked. The relationship between these goals and policies as they relate to the proposed amendment is discussed in the *Generalized Land Use Element*, *Downtown Element* and *Transportation Element* of the Comprehensive Plan. In anticipation of future growth, the Plan strives to responsibly balance sustainable planning strategies, particularly in the areas of transportation and land use, with strategies to increase opportunities for economic development.

Generalized Land Use Element

The *Generalized Land Use Element* contains policies for general growth and development, mixed-use centers, and commercial development, among other policies. Two sub-sections within *Section II – Mixed Use Centers* in this element address parking-related policies, *Parking* and *Downtown Tacoma Center*.

The intent of the Parking policies in the *Generalized Land Use Element* is to manage the amount of surface area in the Mixed Use Centers that is developed for parking. The plan warns of the negative attributes of large parking areas; disruption of a cohesive urban form and pedestrian environment, inefficient use of available land, and unattractive design. Parking policies relevant to this proposal include:

LU-MUP-1 Parking: Minimize the amount of land dedicated to parking and encourage alternative transportation by reduced off-street parking requirements, use of compact stalls, joint and cooperative parking between uses, transportation demand management, multilevel parking structures, and other methods.

LU-MUP-2 Minimize Parking Impacts: Discourage surface parking lots and locate parking areas to the rear or side of buildings or within structures.

LU-MUP-9 Flexible Off-Street Parking Requirements for New Development: Allow for more flexibility in the amount of off-street parking provided by new development by eventually eliminating off-street parking requirements within centers by establishing two strategies to ensure adequate parking is supplied:

- *A center-wide parking management plan which includes provisions for residential parking zones*
- *SEPA review of parking for new developments*

The intent of the Downtown Tacoma Center policies in the *Generalized Land Use Element* is for the Downtown Tacoma Center to be the highest concentration of and primary area for urban growth and development found anywhere in the city and within Pierce County. This section of the plan anticipates future population growth and corresponding high density commercial and residential development complemented by multi-modal transportation investments that preserve connections to I-5 and major arterials, while “providing amenities to make walking and bicycling desirable, realistic choices for people.” Specific to parking, this section states, “It is intended that the majority of parking will be accommodated within structures and on street. Joint use of parking facilities is strongly encouraged and new surface lots strongly discouraged.”

The *Generalized Land Use Element of the Comprehensive Plan* includes the following policies related to the goals of the proposed amendment:

LU-MUDTC-1 Maximize Development: Encourage maximum development of the downtown with diverse types of uses and facilities such as major financial, professional, office, cultural, retail and high density residential developments, giving the City of Tacoma a recognizable focal point that has continuous, vigorous use and affords maximum safety and convenience.

LU-MUDTC-3 Parking: Emphasize on-street parking and parking within structures to meet the majority of parking needs in the downtown area.

LU-MUDTC-5 Integrated Downtown: Encourage the development of an integrated transportation system consisting of automobile, transit, cycling, and pedestrian linkages that complements activities in the downtown center.

LU-MUDTC-6 Parking/Transit Relationship: Recognize the availability and cost of parking in downtown substantially influences public transit's viability as a transportation alternative.

Downtown Element

Further policy direction for off-street parking regulations in Downtown is provided in the *Downtown Element* of the *Comprehensive Plan*, updated in 2008. The goals and policies outlined in the *Downtown Element* incorporate the recommendations of the *Downtown Tacoma Economic Development Strategy* prepared by AngelouEconomics and complemented by the work of VIA Architecture who developed long-range planning and zoning strategies for the *Downtown Element* that support Angelou's recommendations and help facilitate their implementation. The *Downtown Element* integrates the land use plan, transportation and parking strategies, and the economic development vision for downtown. The *Downtown Element* of the *Comprehensive Plan* includes the following policies related to the proposal:

Section 2.1E 'Place First' - Optimize on-site parking requirements with transportation access addresses goals and policies for downtown's parking system. This section states that a "key strategy for the downtown will be to reduce dependency on the single occupancy vehicle while maintaining access and mobility through alternative transportation options." The stated goal is for "a flexible parking management strategy [that] should mitigate that amount of capital investment necessary for automobile infrastructure and leverage opportunities for economic development." The policies in this section recognize that within Tacoma's current car-dominated culture, reducing dependency on the single occupancy vehicle requires striking a balance between providing parking for those who need it and providing infrastructure to increase viable alternative transportation options. Relevant policies and actions in this section include:

Policy 2.1E.B: Within Downtown, this parking strategy should be integrated into the transportation system as well as livable urban design policies so that people are encouraged to access multiple stops and destinations without using their cars.

Policy: 2.1E.C: Downtown should move towards the implementation of a shared satellite parking system, and consider steps towards a market based parking approach within certain areas of downtown.

Action 2.1E.b: The Plan should include some or all of the following: ... revised on-site parking requirements within Downtown zones..."

Action 2.1E.6: Consider creating parking maximums in downtown's most walkable neighborhoods to encourage full participation in above programs.

Section 2.2B Livability Criteria to Guide Building and Public Realm Design advises that as downtown continues to develop, a thoughtfulness about design that supports livability and a high quality urban environment is necessary. Policies in this section address details that collectively create a livable urban environment, sunlight, view, connectivity, open space, etcetera. The most relevant policy in this section is:

Policy 2.2B.A: Downtown development should be governed by principles that encourage walkability, transportation alternatives and enhanced livability for all users.

Section 2.3F Sustainable Transportation Choices calls for an integrated transportation approach to downtown. Sustainable transportation means that the public has a range of usable transportation options that help control air pollution, congestion and CO2 emission and improve public health. Sustainable transportation in Tacoma includes an integrated approach that provides "enhanced pedestrian and cycling amenities, pedestrian-oriented, compact urban design, and efficient and well planned transit systems (along with effective automobile access)."

Transportation Element

T-ES-3 Congestion Management – This section of the Comprehensive Plan encourages “the use of alternative modes, and thereby slow the increase in the use of single occupancy vehicles and the increase of environmental degradation associated with their use.”

Applicable Provisions of the Land Use Regulatory Code:

Chapter 13.06A Development standards, of the Land Use Regulatory Code, currently contains the development regulations for downtown off-street parking. The proposed amendment will reorganize this section of the code for consistency with other sections and readability. The amendment will insert a new section, 13.06A.065 Parking Development Standards, which will more clearly define off-street parking regulations in downtown.

Amendment Criteria

Applications for amendments to the Comprehensive Plan and Land Use Regulatory Code are subject to review based on the adoption and amendment procedures and the review criteria contained in the TMC 13.02.045.G. Proposed amendments are required to meet at least one of the ten review criteria to be considered by the Planning Commission. The following section provides a review of each of these criteria with respect to the proposal. Each of the criteria is provided, followed by staff analysis of the criterion as it relates to this proposal.

1. There exists an obvious technical error in the pertinent Comprehensive Plan or regulatory code provisions.

Staff Analysis: The proposed amendment does not seek corrections to any error in the Comprehensive Plan or the Land Use Regulatory Code. However, the proposal does seek to improve the consistency between the Comprehensive Plan goals and policies as they relate to the parking strategies and the associated zoning code provisions addressing off-street parking.

2. Circumstances related to the proposed amendment have significantly changed, or a lack of change in circumstances has occurred since the area or issue was last considered by the Planning Commission.

Staff Analysis: Minimal development has occurred since 2009 when the off-street parking requirements were last amended in downtown through the amendment to the parking requirements in the International Financial Services Area (IFSA), although the desire for more development in the downtown core remains.

3. The needs of the City have changed, which support an amendment.

Staff Analysis: The need and desire of the City to increase density and economic development opportunities in downtown have not changed. However, opportunities to increase density and the City’s obligation to absorb additional long-term regional growth have been clarified as described in the response to Criterion #10.

4. The amendment is compatible with existing or planned land uses and the surrounding development pattern.

Staff Analysis: By eliminating barriers and reducing costs to development the proposed amendment seeks to enhance existing land uses and intensify the downtown development pattern by increasing opportunities for investment, consequently increasing density.

5. Growth and development, as envisioned in the Plan, is occurring faster, slower, or is failing to materialize.

Staff Analysis: Growth and development in downtown, as envisioned in the Plan, is occurring at a slower rate than desired.

6. The capacity to provide adequate services is diminished or increased.

Staff Analysis: This criterion does not apply to the proposed amendment.

7. Plan objectives are not being met as specified, and/or the assumptions upon which the plan is based are found to be invalid.

Staff Analysis: Growth and development objectives for downtown, as envisioned in the Plan, are being achieved at a slower rate than desired.

8. Transportation and and/or other capital improvements are not being made as expected.

Staff Analysis: This proposed amendment is designed to modify the parking requirements as an implementation step of the Downtown Element of the Comprehensive Plan, move forward implementation of the City Manager's Tacoma City Center Parking and Mobility Strategy and Green Ribbon Climate Action Task Force's Climate Action Plan recommendations, and support Angelou Economics' recommendations in the Downtown Tacoma Economic Development Strategy so that new growth within the downtown core will be encouraged and transportation and capital improvements will be made as expected.

9. Substantial similarities of conditions and characteristics can be demonstrated on abutting properties that warrant a change in land use intensity or zoning classification.

Staff Analysis: This criterion does not apply to the proposed amendment.

10. A question of consistency exists between the Comprehensive Plan and its elements and RCW 36.70A, the County-wide Planning Policies for Pierce County, Multi-County Planning Policies, or development regulations.

Staff Analysis: While these proposed amendments are not based on any specific inconsistencies between the City's planning documents and County-wide, regional or state policies, they will improve consistency in multiple ways. The Pierce County Buildable Lands Program, 2008 Consistency Evaluation, Draft Report 11/20/08 (Report), concludes that the City has sufficient land to accommodate its regional allocation of commercial and industrial employment. However, based on recent trends, the City's employment target of 39,000 new jobs by 2022 is projected to fall short by approximately 7,000 jobs. Accordingly, the Report concludes that "...reasonable measures may be appropriate to increase employment capacity..." Action on 'reasonable measures' is mandated by the Growth Management Act (RCW 36.70A.215) and Vision 2040 and the City is taking concerted action

to comply, with a focus on employment retention and recruitment through new policies and encouraging new growth through proposals like this which will remove parking-related barriers to new development and investment in downtown Tacoma.

Public Outreach

To date, City staff have met with representatives from Downtown On the Go, the Hillside Development Council, Landmarks Preservation Commission, Master Builders Association (Legislative Strategy Committee), New Tacoma Neighborhood Council, Sustainable Tacoma Commission (Land Use and Transportation Sub-Committee), Tacoma Area Commission on Disabilities and University of Washington Tacoma. Staff has presented, discussed, and briefed the Planning Commission on the proposal to inform the Commission's recommendation to the Council. 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. Staff has also updated the Economic Development and Environment and Public Works Committees of the Council. Presentation materials and background documents are publically available on the project webpage housed on the Planning Division website (www.cityoftacoma.org/planning > click on "Downtown Code Update - Off-Street Parking Requirements").

Economic Impact Assessment

The impetus of the proposed amendment is to encourage economic development and investment in downtown by eliminating parking-related barriers to development, consequently decreasing development costs. Rick Williams, a consultant to the City's on-street parking system, estimates that the current cost of construction for surface parking in an urban area is between \$25,000 and \$35,000 per stall. The construction cost of a structured parking stall is between \$30,000 and \$45,000 per stall depending on the garage amenities. Removing a large, mandatory cost for downtown redevelopment in the form of off-street parking requirements empowers developers and lenders to determine the what the "right" amount of parking for an individual development is based on market demand. Eliminating mandatory parking requirements for new development will be attractive to those looking to invest in Downtown and should provide Tacoma with a competitive advantage when site selections are being made.

Staff Recommendation

Staff recommends forwarding the draft proposal to amend the parking requirements in downtown for public review and comment.

Exhibits

- A. Proposed Code amendments
- B. Map of the proposed Reduced Parking Area (RPA)



**Proposed Amendments
to the Downtown Off-Street Parking Regulations**

PROPOSED LAND USE REGULATORY CODE AMENDMENTS

Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. However, because of the significant amount of reorganization associated with this amendment, not all of the proposed code language below is presented in the typical strikethrough/underline format. Sections that are simply moved have not been highlighted (but are noted in the callout boxes). Only text that has been deleted is shown in ~~strikethrough~~ and new text is underlined.

**Chapter 13.06A
DOWNTOWN TACOMA**

Sections:

- 13.06A.010 Purpose.
- 13.06A.020 Applicability.
- 13.06A.030 Definitions.
- 13.06A.040 Downtown Districts and uses.
- 13.06A.050 Additional use regulations.
- 13.06A.055 Nonconforming Development.
- 13.06A.060 Development standards.
- 13.06A.065 Parking Standards
- 13.06A.070 Basic design standards.
- 13.06A.080 Design standards for increasing allowable FAR.
- 13.06A.090 Special features required for achieving maximum Floor Area Ratio.
- 13.06A.100 Downtown Master Planned Development (DMPD).
- 13.06A.110 Variances.
- 13.06A.120 *Repealed*.
- 13.06A.130 Severability.

* * *

13.06A.060 Development standards.

A. No variances shall be granted to these development standards unless otherwise indicated.

B. Buildings lawfully in existence on January 10, 2000, the time of reclassification to the above districts, ~~including buildings within the IFSA~~, do not need to conform to these standards; however, additions will need to conform. No addition can increase nonconformity to these standards or create new nonconformity.

C. Development Standards Table.

Districts	Maximum Allowable Floor Area Ratio (FAR)						Height Limits
	“As of Right”		With Design Standards		With Special Features		
	Non-Res	Res	Non-Res	Res	Non-Res	Res	
DCC	3	3	6	6	12	12	400’
DMU	2	3	4	5	6	7	100’
DR	1	2	2	4	4	6	90’
WR	3	4	4	5	6	7	100’

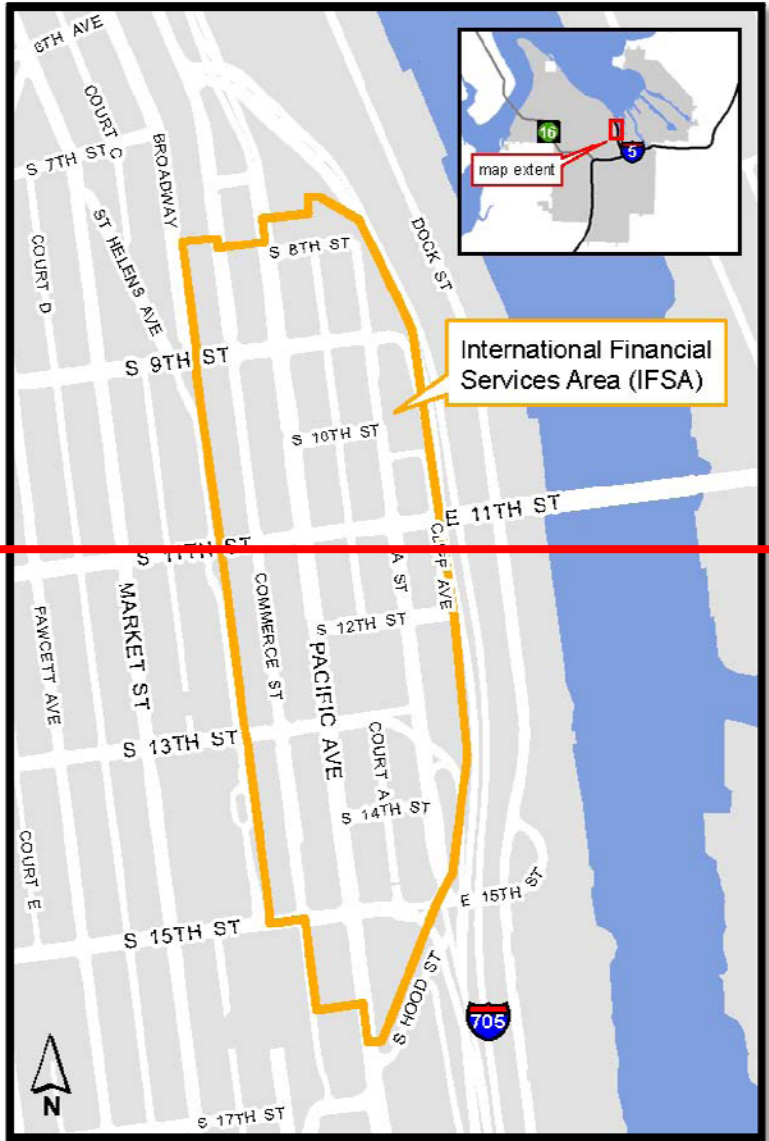
D. Floor Area Ratio – Additional Standards

1. The FAR for non-residential and residential uses within a given development are individually calculated and may be added together for a cumulative total, provided that the respective maximum FAR for each use is not exceeded. For example, in the DCC, an “as-of-right” development may have a total FAR of 6, with a FAR of 3 in non-residential use and a FAR of 3 in residential use in a single development.
2. For the purposes of calculating maximum allowable FAR, hotels shall be considered a residential use.
3. A minimum FAR of 1 shall be achieved for structures within the Downtown Commercial Core district. The gross floor area shall be used to calculate the minimum FAR.
5. The maximum allowable Floor Area Ratio may be exceeded as provided for in Section 13.06A.080.
6. Floor area is determined pursuant to the definition provided in Section 13.06A.030(7).

E. Building Height – Additional Standards

1. Building Height will be measured consistent with the applicable Building Code, Height of Building and excludes parapets, mechanical penthouses, elevator overruns and machine rooms, and decorative architectural features (e.g., spires, towers, pergolas, pyramids, pitched roofs) not intended for residential, office or retail space.
2. Maximum Building Height within 150’ east of the centerline of the right-of-way of Yakima Avenue shall be 60 feet, in order to create a transition to lower-rise residential development to the west.

Figure 1: International Financial Services Area (IFSA)



Note: This figure will be moved to 13.05.095 – Development Regulation Agreements, where the IFSA boundary is still utilized.

13.06A.065 Parking Standards

A. Purpose. Recognizing the City’s responsibility and desire to direct growth into the Downtown Urban Center under the State’s Growth Management Act (Chapter 36.70A RCW) and consistent with the City’s Comprehensive Plan, the following off-street parking standards strive to responsibly balance sustainable planning strategies that acknowledge the relationship between transportation infrastructure and land use with strategies that incentivize economic development-related investments, while ensuring the safe and adequate flow of traffic in the public right-of-way.

B. General Parking Quantity Standards

1. No variances shall be granted to these development standards unless otherwise indicated.
2. Buildings lawfully in existence on January 10, 2000, the time of reclassification to the above districts, ~~including buildings within the IFSA~~, do not need to conform to these standards; however, additions will need to conform. No addition can increase nonconformity to these standards or create new nonconformity.
3. Maximum parking ratios may be exceeded for providing parking available to the public and which is not dedicated to individual owners, tenants and lessees of the building. Ample signage at the facility must be provided to inform users that the excess parking stalls are available for public use at no charge or by fee.
4. For buildings that contain multiple types of uses, the required number of parking spaces shall be equal to the total number of spaces determined by computing each use types separately, except where specifically stated otherwise herein.
5. Development shall also comply with the requirements of 13.06.510. ~~(C)~~ Loading Spaces.

C. Reduced Parking Area (RPA) – Parking Quantity Standards

	<u>Residential Parking</u> (stalls/ unit)		<u>Non-Residential Parking</u> (stalls/ floor area sf)	
	<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
<u>RPA</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>3-6 2.5/1000</u>

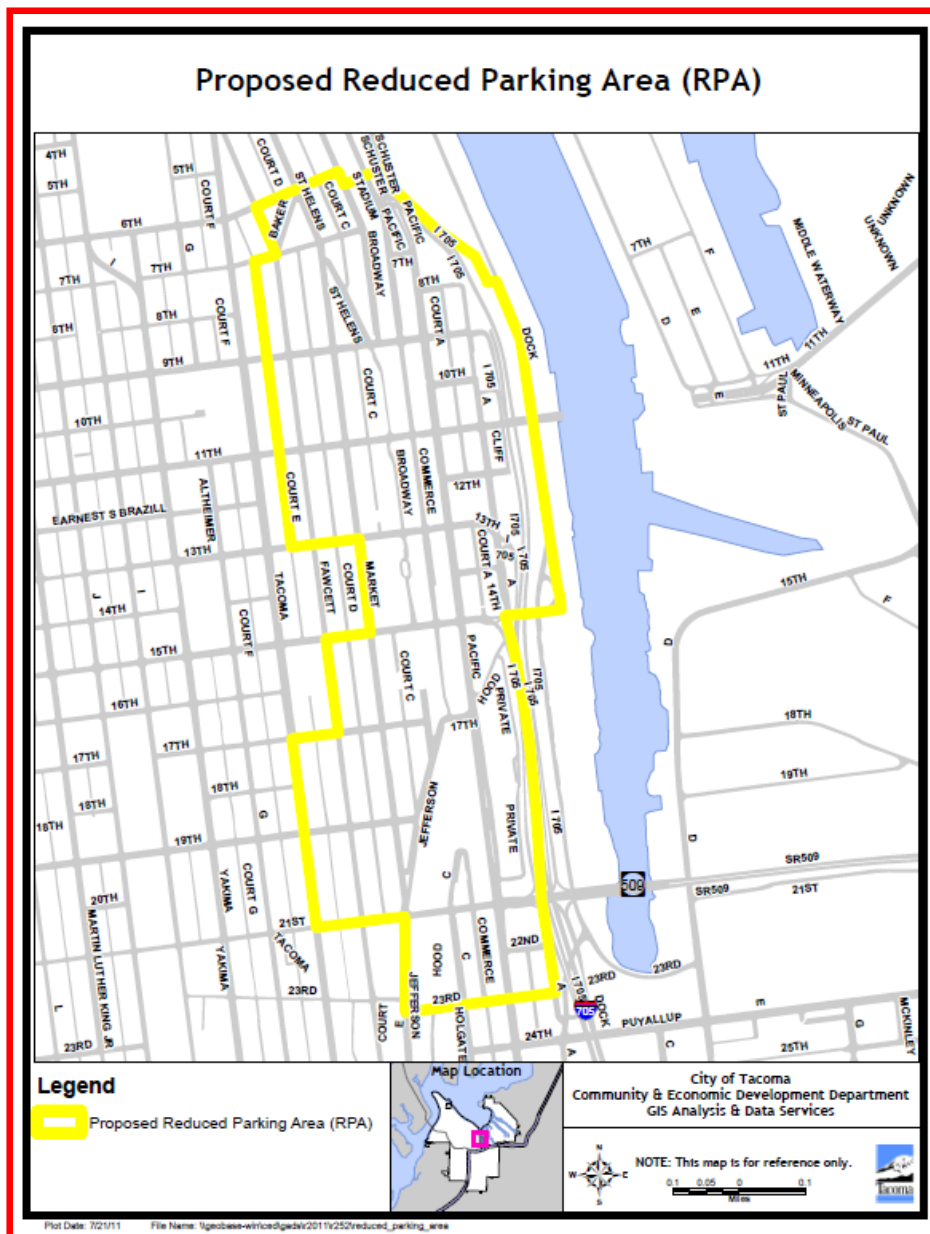
1. Minimum ~~and maximum~~ off-street parking stall quantity requirements do not apply within the ~~IFSA (see Footnote 6 for applicable standards)~~. Reduced Parking Area (RPA), which is located generally between South 6th and South 23rd Streets, and between Dock Street and Tacoma Avenue (the specific boundary of the area is shown in (see Figure 1, below).
2. Accessible parking shall be provided for people with physical disabilities as part of all new buildings and additions to existing buildings in accordance with the standards set forth in the building code as adopted by the City of Tacoma in TMC Chapter 2.02, based on the parking provided, but not less than the following:
 - a. The minimum number of accessible parking stalls to be provided shall be based on the following criteria:
 - (1) For non-residential development, accessible parking shall be calculated as if one general parking space were provided for each 1,000 square-feet of gross floor area of the development, minus the first 3000 square-feet of each street level establishment.

(2) For hotels, accessible parking shall be calculated as if one-half (0.5) a general parking space was provided for each guest room, inclusive of all accessory uses ~~(see Footnote 3).~~

(3) For residential development, accessible parking shall be calculated as if one general parking space was provided for each dwelling unit.

b. After consulting with the City's ADA Coordinator, the Building Official may approve an alternate to providing on-site accessible parking, as outlined in ~~Footnote 6(a) 2(a), above,~~ when it is determined that the alternate ~~provides a~~ is reasonable ~~alternative~~ in light of circumstances associated with the specifics of ~~the~~ an individual site and the needs of people with disabilities; ~~this provision will expire 12/31/2011 unless otherwise extended.~~

Figure 1: Reduced Parking Area (RPA)



D. Parking Quantity Standards Outside of the RPA

	Residential Parking (stalls/unit)		Non-Residential Parking (stalls/ floor area sf)	
	Minimum	Maximum	Minimum	Maximum
DMU	1	Not Applicable	2.4 2/1000	3.6 3/1000
DR	1	Not Applicable	1.2 1/1000	3.6 3/1000
WR	1	Not Applicable	1.2 1/1000	3.6 3/1000

1. Minimum parking ratios for non-residential development located east of ~~Market Street, or located east~~ Jefferson Avenue from South ~~23rd~~ 1st to South 28th streets shall be reduced by 50 percent in recognition of the availability of transit.

2. The first 3,000 square feet of each street level establishment ~~whether inside or outside the IFSA,~~ is exempt from parking requirements.

3. ~~Residential developments shall be required to provide one stall per residential unit, except within the IFSA (see footnote 6 for applicable standards).~~ Special needs housing, including, but not limited to, seniors, assisted living, congregate care, licensed care, or group care homes may provide less than one stall per residence upon a showing that a lesser parking requirement will reasonably provide adequate parking for residents, staff, and visitors, subject to the approval of the ~~City~~ Traffic Engineer.

4. Required parking for hotels shall be .5 stalls per room inclusive of all accessory uses, ~~except within the IFSA (see Footnote 6 for applicable standards).~~

5. Telecommunications exchange facilities may provide less than the required parking stalls upon a showing that a lesser parking requirement will reasonably provide adequate parking for operational, vendor, and transient service staff, subject to approval of the ~~Traffic~~ City Engineer.

E. General Parking Design Standards Applicable to the RPA and All Downtown Zones

1. Unless otherwise specified herein, the off-street parking area development standards contained in TMC 13.06.510, which include minimum stall size and height, aisle width, paving and access requirements, but not including minimum quantity requirements, shall apply to all new off-street parking provided.

2. Tandem parking is permitted only for residential development subject to approval of the Traffic Engineer.

3. Buildings lawfully in existence on January 10, 2000, the time of reclassification to the above districts, ~~including buildings within the IFSA,~~ do not need to conform to these standards; however, additions will need to conform. No addition can increase nonconformity to these standards or create new nonconformity.

4. On Primary Pedestrian Streets within the RPA boundary surface parking lots are restricted as follows:

a. Construction of new surface parking lots to serve as commercial parking facilities is prohibited.

b. Dedicated surface parking areas shall be located on the same site as the principal use.

c. The location of on-site surface parking areas is limited to the rear, side, within or under a structure; and for corner sites surface parking shall not be located at the corner.

d. The maximum width of on-site surface parking areas along the frontage of Primary Pedestrian Streets, including driveways, is limited to 60 feet. Portions of surface parking that are more than 60 feet back from the property line along a Primary Pedestrian Street can exceed this width limitation. If the remaining area between the Primary Pedestrian Street and the surface parking area is vacant, a 10-foot perimeter landscaping strip shall be provided abutting the adjacent sidewalks consistent with subsection E.6, below.

e. The expansion of an existing surface parking area located along the frontage of a Primary Pedestrian Street is prohibited. However, surface parking area can be expanded as long as any such expansion is located at least 60 feet back from the property line along the Primary Pedestrian Street. If the remaining area between the Primary Pedestrian Street and the surface parking area is vacant, a 10-foot perimeter landscaping strip shall be provided abutting the adjacent sidewalks consistent with subsection E.6, below.

5. No variances shall be granted to the following ~~basic~~ design standards within the RPA and DR district. ~~and the additional standards applicable to the DCC and DR districts.~~ A variance to the required standards may be authorized, pursuant to Section 13.06A.110, unless otherwise prohibited.

6. All new surface parking lots, additions to parking lots, parking lots associated with buildings undergoing substantial alteration, parking lots increased in size by 50 percent, and parking lots altered on 50 percent of its surface shall provide a perimeter landscaping strip abutting adjacent sidewalks containing a combination of trees and shrubs.

a. In no case shall fewer than three trees per 100 linear feet of frontage be provided.

b. Masonry walls no lower than 15” and no higher than 30” may be substituted for shrubs.

c. For lots greater than 20 stalls, at least 15 percent of the interior area shall be planted with trees and shrubs.

d. All trees shall have a minimum caliper of 2 1/2- inch at the time of planting.

e. Pedestrian walkways from adjacent sidewalks shall be provided except where topographic constraints make this requirement infeasible.

7. The ground-level facades of new or substantially altered parking garages and additions shall be designed to obscure the view of parked cars. Where commercial or residential space is not provided to accomplish this, features such as planters, decorative grilles, architectural elements, or works of art shall be used. Parking garage openings at the level of and facing a street, alley, courtyard, plaza, or open parking area shall incorporate such elements in a manner that effectively reduces the visibility of vehicles within the garage while still allowing for limited visibility into and out of the garage. Any portion of the screening that is between 3 and 7 feet above the adjacent grade shall be at least 20% percent transparent but not more than 80% percent transparent. Vehicular access openings shall be exempt from this standard. This standard also shall apply when 50 percent or more of the sidewalk level facade is altered.

8. New driveways shall be located from an alley, court, or street which does not have light rail or is not designated as a Primary Pedestrian Street. Use and design of eExisting, new or abandoned driveways ~~may remain and be maintained. Abandoned driveways shall be subject to the reviewed and approval removed when required by of~~ the ~~Traffic-City~~ Engineer.

a. If a driveway is not feasible from a non-designated alley, court, or street, a driveway may be located from a street having light rail or a designation of Primary Pedestrian Street.

b. Maximum driveway width on a street having light rail or on a defined Primary Pedestrian Street is 25 feet.

c. All driveways on a street having light rail or on a defined Primary Pedestrian Street shall be no closer than 150 feet as measured to their respective centerlines, provided that there will be allowed at least one driveway from each development to each abutting street.

- d. All driveways on a street having light rail shall be equipped with a sign to warn exiting vehicles about approaching trains.
 - e. All driveways located on a Primary Pedestrian Street shall be equipped with audible warning signals to announce exiting vehicles.
 - f. No variances shall be granted to this driveway standard.
9. Where trees are provided, they shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards. However, limited flexibility in the placement of trees shall be allowed to address unique circumstances such as unusual topography or where other required or existing features limit the ability to strictly meet this standard.
10. Where pedestrian light standards or parking lot light standards are provided, they shall be placed a minimum of 10 feet from trees. However, limited flexibility in the placement of light standards shall be allowed to address unique circumstances such as unusual topography or where other required or existing features limit the ability to strictly meet this standard.

* * *

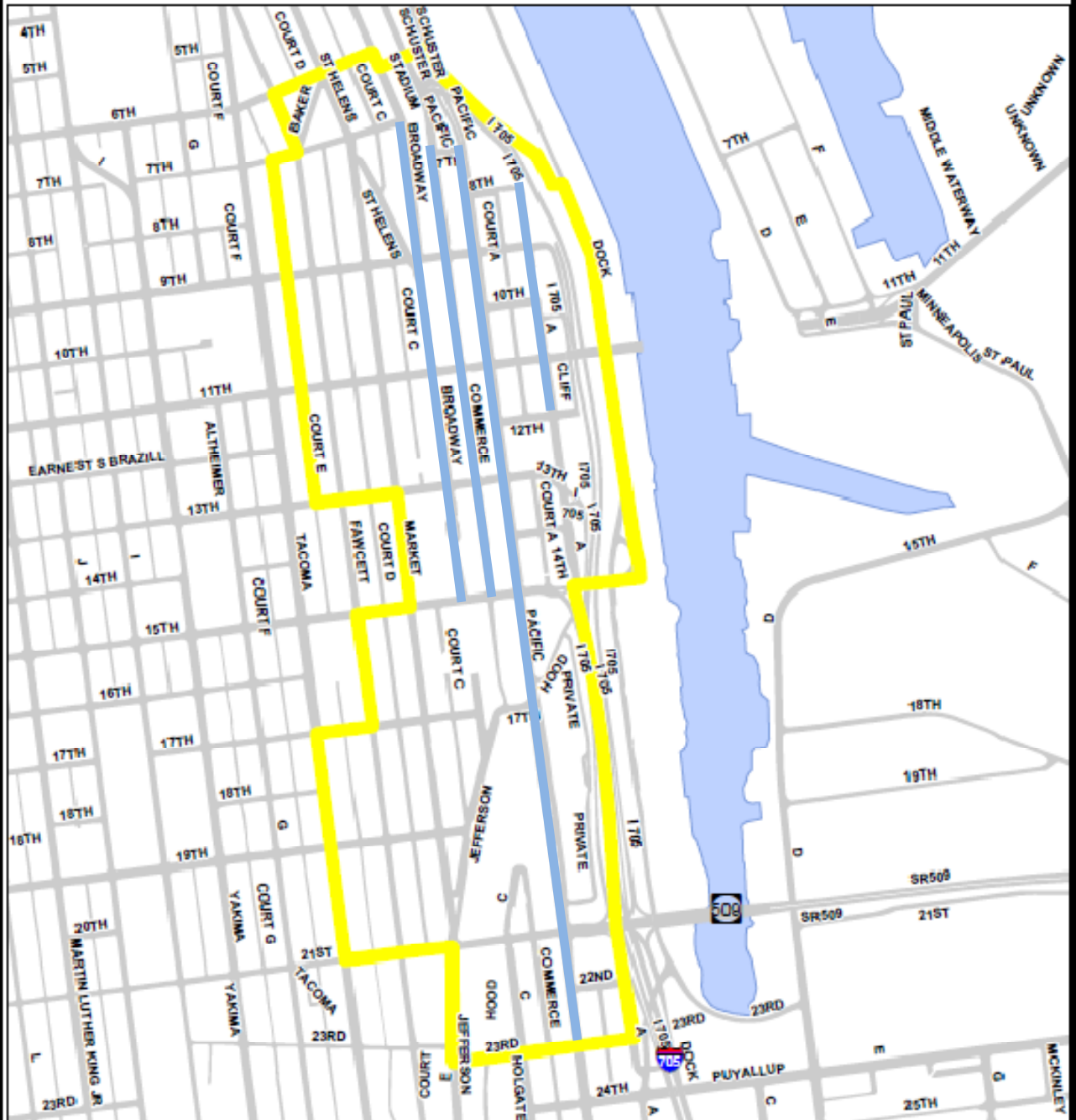
13.06A.110 Variances.

The Land Use Administrator shall not grant a variance by act or interpretation of the regulations contained in Sections 13.06A.060, [13.06A.065](#), 13.06A.080, 13.06A.090, and 13.06A.100, as specified herein, or to change the use of a structure or land.



The Land Use Administrator may grant a variance only for the basic design standards [of TMC 13.06A.070](#) [and the parking standards for the DMU and WR Districts within TMC 13.06A.065](#), upon the finding that the variance meets one of the tests below. Standardized corporate design and/or increased development costs are not cause for a variance. Failure to meet an appropriate test shall result in denial of the variance request. The Land Use Administrator may issue such conditions as necessary to maximize possible compliance with the intent of the regulation from which relief is sought. The applicant carries the burden of proof to demonstrate applicability of the appropriate test.

- 1. Unusual shape of a parcel established prior to the reclassification of property to the downtown districts.
- 2. Preservation of a critical area, unique natural feature, or historic building/feature restricts possible compliance.
- 3. Widely varied topography of the building site restricts possible compliance.
- 4. Documentation of a pending public action such as street widening restricts possible compliance.

Proposed Reduced Parking Area (RPA)



Legend

-  Proposed Reduced Parking Area (RPA)
-  Primary Pedestrian Streets



City of Tacoma
Community & Economic Development Department
GIS Analysis & Data Services



NOTE: This map is for reference only.
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PROPOSED DOWNTOWN OFF-STREET PARKING REGULATIONS

review of conditional use permits

Planning Commission Meeting
August 3, 2011

Overview

The following handout is provided to assist the Planning Commission in their review and discussion of a key issue related to proposed changes to the off-street parking regulations: possible conditional use permits (CUP) for surface parking lots. At the Planning Commission meeting on July 20th Commissioners requested additional information on how CUPs for surface parking lots may be included in the downtown off-street parking lot regulations. The current proposal includes provisions to prohibit surface commercial parking facilities on primary pedestrian streets within the Reduced Parking Area (RPA) boundary and limit the expansion of on-site surface parking lots on primary pedestrian streets in the RPA (See Attachment 1, Exhibit 2, Map).

A conditional use permit is a mechanism by which the City provides for public review and discretionary analysis on the appropriateness of a proposal and, if found to be appropriate, can require special conditions on a development in order to insure that it is compatible with other uses in the same land use district and in the vicinity of the subject property. Chapter 13.06.640 of the Tacoma Municipal Code (TMC) addresses conditional use permits. CUPs are traditionally used to protect single family residential areas from incompatible uses.

Background

Until the early 2000's the TMC included a "Special Property Uses" (now called Conditional Uses) section that, after review by the Land Use Administrator allowed for surface parking lots in residential districts where they would otherwise be prohibited.

A number of criteria were used to evaluate the request including: demonstrated need and consistency with the Comprehensive Plan, plans to limit noise, emissions and other nuisances, adequate support for public services and adequate landscaping. If these criteria were met a special use permit was issued on the condition that substantial construction on the site occurs within five years. Special use permits were discontinued because of neighbor concerns that the permit did not offer proper protections for residential areas.

CUP for Downtown Parking 2011

A CUP for downtown surface parking lots could enable property owners, who meet defined criteria, to build or expand a surface parking lot for a specific period of time in the RPA, where the current off-street parking proposal prohibits the use. A CUP for surface parking would by its nature permit a use that Council Members, Planning Commissioners and the Comprehensive Plan have stated is undesirable at this time in the downtown core.

There are three factors to consider for establishing a CUP: length of time of permit (including possibility for renewal), criteria for determining eligibility, and the City process for issuance. Criteria for determining eligibility may include: demonstrated need for the use and consistency with the Comprehensive Plan, plans to limit noise, emissions and other nuisances, requirement to bring new and existing surface parking lots up to landscaping and lighting standards defined in the code. The current fee for a conditional use permit is \$4,376.26. Requests are processed in no more than 120 days, not including time for appeal, if applicable.



City of Tacoma
Community and Economic Development Department

Agenda Item
GB-2

TO: Planning Commission
FROM: Donna Stenger, Manager, Long Range Planning
SUBJECT: Critical Areas Preservation Ordinance Update
DATE: August 3, 2011

At the meeting on July 20, 2011, staff provided an overview of the proposed changes to the first half of the draft Critical Areas Preservation Ordinance (CAPO). At your next meeting on August 3, staff will complete the overview of the second half of the draft Critical Areas Code, present the staff's analysis of the proposed code and request setting a hearing date of September 21, 2011.

The Draft CAPO includes minor changes needed in the code to clean up and clarify existing code language, as well as new code sections addressing voluntary restoration, small development projects, wetland buffer refinement and additional mitigation options. The changes to 13.05 Land Use Permit Procedures reflect the changes in 13.11 and provide an identified process for the new permit type: programmatic permits.

Attached is a draft staff report, which describes the proposed amendments and provides an analysis on how the amendments address the ten review criteria contained in the Municipal Code. If authorized, the staff report will be disseminated along with the draft code for public review and comment. *Please bring your copy of the draft code that was included in the agenda packet for the July 20, 2011 meeting.*

If you have any questions, please contact Karla Kluge at 591-5773 or kkluge@cityoftacoma.org.

DS:kk

c. Peter Huffman, Assistant Director

Attachment (1)



Critical Areas Preservation Ordinance Proposed Amendments

STAFF REPORT
August 3, 2011

Applicant:	Community and Economic Development Department
Contact:	Karla Kluge, Senior Environmental Specialist (253.591.5773)
Type of Amendment:	Land Use Regulatory Code Change
Current Land Use Intensity:	Various
Current Area Zoning:	Various
Size of Area:	City-wide
Location:	City-wide
Neighborhood Council area:	City-wide
Proposed Amendment:	The proposed code amendment revises existing code and adds new language for voluntary restoration projects, small development projects, wetland buffer tables and buffer modifications, mitigation options.

General Description of the Proposed Amendment:

The proposed amendment modifies the Land Use Regulatory Code (Title 13, Tacoma Municipal Code) by revising Chapter 13.11 - Critical Area Preservation Code (CAPO). Associated changes also are proposed to Chapter 13.05 - Land Use Permit Procedures. The proposed code amendment would revise the code in response to a growing public interest and desire by citizens to voluntarily participate in the preservation and enhancement of public and private natural areas throughout the City. The proposed revisions also will streamline permitting, simplify and clean-up code provisions that have become outdated, are inconsistent and/or create difficulties in administration.

The proposed revision includes the creation of new processes for the voluntary restoration and enhancement, the simplification of permitting for minor projects where compensatory mitigation is not required, simplification of wetland buffer determination methods, and the inclusion of additional wetland mitigation opportunities. General reordering and clean-up of code is also proposed to eliminate duplicity and unnecessary complexities within the code.

Additional Information:

The Critical Areas Preservation Code regulates many types of critical areas including aquifer recharge areas, fish and wildlife habitat conservation areas, flood hazard areas, geologically hazardous areas, streams and wetlands. Buffers, although not critical areas themselves, are required to not only provide a physical separation from the critical area and lessen impacts to the critical areas; they are an integral part of protecting and enhancing the habitat and provide support for additional functions of the critical area. The current CAPO does not contain code provisions for voluntary activities such as enhancement and

restoration of natural vegetated areas. The CAPO is designed to protect and preserve critical areas by providing regulations that result in environmentally sound new development. During the last few years, Tacoma’s citizens have created community groups for various large public open space areas and have expressed a desire to enhance these areas, as well as adjacent private land where appropriate, primarily by removing invasive vegetation and planting native vegetation. The code amendment process was initiated in an effort to support and promote this stewardship activity.

While voluntary restoration and enhancement was the primary initiative in this revision process, other issues requiring clarification or correction were also identified. A Public Focus Group was convened to facilitate discussion and provide feedback. The composition of the Focus Group and its responsibilities are discussed later in this report. The Focus Group primarily addressed four Major Topics as described below:

TOPIC	DESCRIPTION OF CHANGES
<p>Voluntary Restoration and Enhancement Projects</p>	<p>The proposed CAPO revisions include the development of streamlined permitting for voluntary restoration and enhancement projects on public and private land. A 3-tiered approach was developed that allows removal of invasive species and enhancement and restorative plantings through (1) Allowed Activities, (2) Activities Allowed with Staff Review, and (3) Programmatic Permits.</p> <p>Under the “Allowed Activities” and “Activities Allowed with Staff Review” provisions, individuals and community groups are allowed to conduct voluntary restoration and enhancement activities including the removal of invasive plants and replanting in critical areas and their buffers without costly and time consuming permit processes. These provisions even include the installation of minor site amenities that do not require compensatory mitigation. Staff review and approval will provide assurance that protected critical areas are not inappropriately impacted.</p> <p>Voluntary restoration and enhancement projects that contain significant site amenities that require compensatory mitigation may also take advantage of a new permit streamlining process. The Programmatic Permit proposes to allow long term restoration efforts and public facilities to be considered in the same application as a development proposal for a period of 5 years. In order to promote public stewardship in these areas where site amenities such as paved trails will be included over time as funds become available, this permit type may be extended for an additional 5 years, for a total of 10 years.</p>

TOPIC	DESCRIPTION OF CHANGES
<p>Small (Minor) development projects</p>	<p>Small development projects with temporary, minor or de-minimus impacts may be processed through a Minor Development Permit process rather than a complex Development Permit process saving time and expense for both the applicant and the City. Small projects generally include development projects such as a shed, deck, storm water pipe, etc.</p> <p>In addition to separating small projects from larger, complex projects based on project impact, buffer modifications are also proposed to be included under Minor Development Projects. Buffer averaging and buffer reduction are currently processed through a Development Permit. Buffer modifications do not involve direct critical area impacts and do not trigger compensatory mitigation. Thus, changing the permit type, but retaining the review continues to protect the critical area and allow for a streamlined permit process.</p> <p>If a critical area is also impacted that requires compensatory mitigation or if the temporary impacts cover a large area, then the project may be reviewed under a Development Permit, as determined by the Land Use Administrator.</p>
<p>Wetland Buffer Table Refinement</p>	<p>During the last comprehensive CAPO update in 2005-2006, a Citizens Task Force was convened to provide recommendations regarding the application of appropriate buffers for wetlands, among other things. During this earlier update, the Citizens Task Force recommended the temporary use of two wetland buffer determination methods (Alternative 1 and Alternative 3). These two alternatives are both considered Best Available Science and were developed by the Department of Ecology as guidance to local jurisdictions.</p> <p>City staff and the recently convened Focus Group reviewed these buffer determination methods for differences in protection. City staff found little to no differences between the two methods with regard to the applicable buffer that would be applied to common wetland types in Tacoma. The more complex Alternative 3 did not offer additional protection, yet it was significantly more time consuming and added an element of the unknown due to its complexities. Thus, Alternative 1 is proposed to be retained. In order to protect yet provide some flexibility in the larger buffers required for Category I and Category II wetlands, the habitat score for these types of wetlands is used to provide flexibility in the applied buffer distance.</p> <p>As a result of using Alternative 1, the Habitat Corridor map adopted in the Comprehensive Plan will no longer be needed as this map was only used to determine wetland buffers under the Alternative 3 methodology for those development sites that were within a Habitat Corridor. Wetland buffers will be consistent for each type of wetland across the entire City as a result of the proposed change.</p>

TOPIC	DESCRIPTION OF CHANGES
<p>Mitigation Options: Mitigation Banks, In-Lieu Fee (ILF) programs</p>	<p>The current CAPO does not include Mitigation Banking and In-Lieu Fee programs under its wetland mitigation regulations. Mitigation Banking is a widely accepted form of successful mitigation and In-Lieu Fee pilot programs are currently being developed in Water Resource Inventory Areas (WRIA's) serving Tacoma.</p> <p>Guidance from the Department of Ecology concerning successful mitigation techniques directs the use of these mitigation options as watershed-based appropriate methods to achieve successful and meaningful mitigation for wetland impacts. The current CAPO includes on-site and off-site mitigation, but does not include language concerning these specific types of mitigation programs.</p> <p>Formal mitigation banking language is needed that will recognize and allow the use of an approved mitigation bank serving a Tacoma watershed as they are developed. In-Lieu Fee programs allow the collection of fees for future mitigation site development.</p>
<p>Code clean-up and minor changes</p>	<p>The last comprehensive update of the Critical Areas Preservation Ordinance was 2005. Since that time, scrivener's errors and minor adjustments have been noted over time and will be corrected as part of the proposed amendment.</p>

Public Outreach:

City staff convened a citizen Focus Group to review and address the key topics described above. A series of five meetings were held to address each major topic individually. The Focus Group was comprised of representatives from both environmental and development-oriented organizations and other affected government entities. The stakeholders that participated in the Focus Group and the organizations they represented are as follows;

- Tahoma Audubon Society: Krystal Kyer
- Cascade Land Conservancy: Chris Gilliand, Laura Wigren
- Citizens for a Healthy Bay: Leslie Ann Rose
- Metropolitan Park District: Joe Brady, Lois Stark, Kathy Sutalo, Mary Anderson
- Puget Creek Restoration Society: Scott Hansen
- Friends of First Creek: Dan Fear
- Friends of Julia's Gulch: "Don"
- Sierra Club; Bliss Moore, Don Halabisky
- Masters Builders Association: Tiffany Speir, Tres Kirkebo
- Port of Tacoma: Jason Jordan, Tony Warfield
- Tacoma-Pierce County Association of Realtors: Catherine Rudolph
- Association of General Contractors: Tim Attebery
- WSDOT: Alex Berg, Carrie Berry

A second outreach component involved meeting with City personnel from various departments and divisions to discuss existing problems within the current code that may be corrected through this

amendment and to identify ways to address overlapping codes without creating conflicts. City divisions and departments that participated in these discussions are as follows:

- Department of Community and Economic Development: Long Range Planning Division, Private Capital Division, Open Space Program, Building Inspectors, Floodplain management
- Human Rights and Human Services: ADA concerns
- Department of Public Works: Community Based Services, Environmental Science and Engineering Services (storm water, road maintenance program), Construction Division, Special Projects, Real Property Services and Facilities

The third outreach component involved solicitation of comments from consultants that have historically worked within the City on Critical Area permits. Consultants have an important role in guiding customers with development actions through the critical area code requirements. They also have experience working in more than one jurisdiction and are able to provide valuable feedback with regard to which processes and code requirements provide streamlined services.

Following the code adoption process, workshops for City staff and consultants will be offered to provide training on the new code. Detailed information on the revised application submittal requirements and clarification of the new streamlined permit options and processes will be reviewed to promote complete and accurate permit applications.

Applicable Provisions of the Growth Management Act (and other state laws):

The Growth Management Act (GMA) requires that critical areas, including wetlands, streams, flood and geologically hazardous areas, aquifer recharge areas, mineral resource lands, and fish and wildlife habitat conservation areas, be designated and protected utilizing the best available science (BAS) to protect the values and functions of each critical area. The City of Tacoma's CAPO is housed within the Tacoma Municipal Code, Chapter 13.11. In designating and protecting critical areas, special consideration of conservation or protection measures necessary to preserve or enhance anadromous fisheries needs to be included.

These amendments are designed not just to ensure that Tacoma's critical areas regulations continue to comply with the GMA mandates to "protect" critical areas, but take this initiative one step further by encouraging and supporting the enhancement of the environmental, social, educational and aesthetic functions and values of critical and natural areas within the city.

The GMA also mandates that the protection of critical areas within all shoreline jurisdictions, which generally applies to a 200-foot distance landward of the ordinary high water mark. More specifically, the Shoreline Act applies to all "shorelines of the state" which are defined as all marine waters; streams and rivers with greater than 20 cubic feet per second mean annual flow; lakes that are 20 acres or larger; upland areas called shorelands that extend 200 feet landward from the edge of these waters; and associated biological wetlands and river deltas; and some or all of the 100-year floodplain including all wetlands within the 100-year floodplain.

After the *Shoreline Master Program* is updated in compliance with the Department of Ecology (DOE) Guidelines (WAC 173-26) and is approved by DOE, Tacoma is planning to regulate its critical areas within the shoreline jurisdiction as a part of the *Shoreline Master Program*, which is scheduled for local adoption by December 1, 2011. However, Tacoma, like other jurisdictions, will be regulating all critical areas under the GMA until such time as a comprehensive update to the *Shoreline Master Program* is completed and approved by DOE.

Applicable Provisions of the Multi-County Planning Policies (Vision 2040/Transportation 2040):

Vision 2040 is an integrated, long-range vision for maintaining a healthy region and promoting the well-being of people and the communities, economic vitality, and a healthy environment. The proposed code amendment is uniquely suited to provide protection of the environment through the protection of critical areas, while also providing direction for development activities that not only protect sensitive environmental areas, but provides efficient, cost effective, and clear direction through the City’s review and permit process. This in turn, promotes economic development and provides a healthy, fully-functioning environment for both people and the flora and fauna of our region.

Transportation 2040 is an action plan for transportation improvements in the central Puget Sound region for the next 30 years. Protection and restoration and enhancement of critical areas are important components of the overall plan. Transportation corridors often run along large, linear open space areas that may or may not contain critical areas. For those areas that do contain critical areas, voluntary restoration and enhancement will provide complementary healthy systems bordering any enhancement or restoration completed as part of transportation projects. Also, it is recognized that transportation entities including Washington Department of Transportation and Sound Transit intercept critical areas during expansion projects. WSDOT has previously discussed the need for mitigation banks to meet their needs. Mitigation on site is not always feasible or desirable, and the use of mitigation banks and in-lieu-fee programs would likely provide successful mitigation in a more appropriate environmental setting.

Applicable Provisions of the County-wide Planning Policies for Pierce County:

The GMA includes a provision to establish planning policies to ensure consistency among the Comprehensive Plans developed by the county and the cities and towns within the county. The policies address a variety of topics required by GMA including transportation, economic development, capital facilities, and affordable housing.

Furthermore, although the GMA does not expressly require a countywide planning policy on natural resources, open space and protection of environmentally sensitive lands, the addition of such a policy was specifically developed for Pierce County. Specifically, the Countywide planning policies include policies to encourage the removal of invasive species, replanting with natural vegetation, encouraging local community groups to participate in habitat restoration and enhancement, and use incentives to encourage landowners to retain, enhance or restore critical area habitat. The proposed amendments are designed to promote enhancement and restoration activities on public and private land and provide additional mitigation opportunities for more successful and meaningful mitigation projects. The reordering and process changes within the code streamline review and permit processes and provide an incentive to comply, thus fulfilling the protection requirements.

Applicable Provisions of the Comprehensive Plan:

The Comprehensive Plan includes the following goals and policies, which are supported by the draft CAPO amendment:

Introduction – Overarching Goals of the Comprehensive Plan:

7. Offer a pleasing, esthetic and healthful environment in which to live, work, and play and possesses an image, which instills a sense of community pride in its citizens.

8. Ensure conservation, protection, enhancement, and proper management of natural resources and shoreline, while providing for a balanced pattern of development and the needs of its citizens.
10. Encourage citizen participation and involvement in the policy formulation and decision-making process, and encourage a high degree of communication and cooperation between individuals, ethnic groups, organizations, and the city government.

Generalized Land Use Element (GLUE):

LU-UAD-14 Beautification Efforts

Encourage the enhancement of residential, commercial and industrial areas through tree planting, underground wiring programs, clean up, maintenance improvements and other methods.

Voluntary restoration and enhancement projects will include all or much of the above. The “greening” of Tacoma will be accomplished through the cooperative efforts of individuals and community groups and the removal of refuse and invasive vegetation and the beautification of natural areas through the installation of native vegetation.

Transportation Element

T-ES-1 Minimum Environmental Disruption

Ensure environmentally sensitive design and management of the transportation system to minimize the disruption of natural and desirable manmade elements of our environment.

The CAPO protects sensitive natural areas from inappropriate development. Compliance and successful mitigation for unavoidable impacts are increased in the proposed amendment by including additional mitigation methodologies including mitigation banks and In-Lieu-Fee programs that promote mitigation in more appropriate natural settings.

Environmental Policy Element

The Environmental Policy Element of the Comprehensive Plan consists of goals and policies that provide a basis for evaluating development based on environmental considerations with particular emphasis on development in critical areas and potentially hazardous areas.

It is intended that the Environmental Policy Element be a comprehensive, single source of the City’s environmental policies. Below are the most pertinent policies to the changes proposed in the draft code.

E-GG-1 Regulatory System

Maintain a system of codes and regulations intended to improve design and development standards, insure a livable environment and protect the natural resources of the community.

E-GG-2 Public Support

Recognize that the interest and concern of the public is essential to the improvement of the environment and sponsor and support public information programs to that end.

E-FW-16 Sustainable Habitat

Encourage acquisition, preservation, and restoration of remaining sustainable habitat and improvement of existing habitat corridors.

E-FW-20 Habitat Improvement Actions

Encourage new development to provide or incorporate habitat improvement actions as appropriate.

E-FW-22 Public Access

Encourage public access provisions in all habitat improvement projects where such access will complement, not disrupt, the habitat improvement action.

E-FW-24 Private Conservation Efforts

Encourage community based or nonprofit local and regional trusts and private conservation efforts.

E-FW-27 Habitat Zones

Adopt a habitat zones map to identify locally important habitat areas in order to provide greater scrutiny and review of development proposals and to identify priority areas for restoration and enhancement programs and activities.

E-WS-1 Preservation of Wetlands

Strive to preserve and maintain desirable small bodies of water or wetlands such as holding ponds, basins, creeks, stream corridors and marshes for open space, flood control, drainage, water quality, aquifer recharge and habitat purposes.

E-WS-2 No Net Loss of Wetlands

Ensure that in the short term there is no net loss of wetland, stream and aquatic habitat functions and acreage, and in the long term, there is a measurable gain of wetland, stream and aquatic habitat function and acreage.

ES-WS-3 Wetland Protection

Ensure that new development adjacent to a wetland preserve, protect and improve the wetland and provide vegetated habitat or buffer adjacent to the wetland adequate to protect its natural functions.

E-WS-4 Wetland Development

Allow development in wetlands only if impacts are unavoidable and such development can successfully mitigate potential hazards and compensate for wetland loss.

All of the policy statements within this element generally relate either directly or indirectly to the critical areas code, with special emphasis given to wetlands and protection of habitats associated with wetlands. The proposed code amendment provides additional support for the application of protective regulations by streamlining and reducing complexity to provide consistent, appropriate review and approval for more projects dependent upon impact intensity and required mitigation, rather than impact type. This approach is also intended to promote stewardship and provide incentives for community members by supporting their interest and energy to enhance and restore the natural environment within open spaces in order to provide a healthier living environment for everyone. In time, the natural areas within the City are expected to improve and be sustained on a higher functioning level through the continued interest and stewardship activities of the community.

The Habitat Corridor Map with defined Habitat Zones will no longer be needed as a result of adopting the proposed Alternative 1 wetland buffer determination method. The Habitat Corridor map adopted in the Comprehensive Plan was initially developed for two reasons; (1) to provide a place holder for a more detailed habitat corridor map that was developed later as part of the Open Space Habitat and Recreation Plan and Program, and (2) to provide guidance on where to use the Alternative 3 wetland buffer determination methodology. With a new, more detailed map available and the use of a buffer determination method that is no longer dependent upon the map, (Alternative 1), this map and associated language within the Comprehensive Plan Environmental Element will no longer be needed and will be scheduled for removal during the next Comprehensive Plan Annual Amendment process.

Open Space Habitat and Recreation Element

Vision: To create an integrated system of habitat and recreation lands and facilities in Tacoma that defines and enhances the built and natural environment, supports, and nurtures plants and wildlife habitat, offers a well-balanced range of recreation opportunities and enriches the lives of Tacoma's current and future citizens.

Policies:

OS-R-6 Scenic Sites and Vistas

Develop and maintain a system of scenic view site and vistas in order to take advantage of the natural beauty of Tacoma and its siting in the Puget Sound Region, while respecting and conserving natural features and habitat area.

OS-T-1 Trail Corridors

Develop or partner with others to provide trails and trail corridors both within open space lands and connecting destinations across the City, and create trail linkages with regional trail systems. Coordinate trail planning efforts with public agencies to ensure that city and regional trails connect with major destinations, such as community and regional parks, habitat areas, schools, libraries, business districts and Mixed-use centers.

OS-T-3 Trail Design

Design specific trails according to the purposes served and the location. Trails developed primarily for low-impact access to or through habitat areas should be developed to minimize their impact to the environment through location choices, narrower width, and the use of pervious surfaces. Pervious pavement and low impact development techniques are preferred, especially within habitat areas. Trails developed as non-motorized transportation corridors should be wide enough for the projected use and developed with a durable hard surface.

OS-GI-3 Green Corridors

"Green" Tacoma through citizen mobilization, outreach, an education working to identify, designate and green corridors throughout the city. Provide connections between habitat areas and recreational opportunities through neighborhood green corridors. Use incentives and innovation to achieve canopy cover goals. Partner with local farms and nurseries to offer options for local residents to increase tree planting in yards.

OS-GI-4 City Leadership

The city will lead by example and seek opportunities for pilot projects and innovative designs that reduce the footprint of construction or infrastructure projects and/or green the city.

OS-GI-5 Tree Planting and Maintenance

Actively engage in tree planting, maintenance of native and climate-adapted trees and plants, and preservation of large trees city wide. Encourage and work with partners to conserve, plant and maintain trees and landscaping.

OS-GI-6 Encourage Voluntary Plantings

Develop an incentive and/or outreach program to encourage voluntary plantings of native and climate-adapted trees and plants on private property.

OS-CAPO-1 Advanced Mitigation of Wetland/Stream Impacts

Develop regulations to allow the use of advanced mitigation techniques, including off site mitigation accomplished within pre-identified mitigation sites and mitigation banks.

The new Wetland Mitigation Bank code language allows the use of wetland mitigation banks when certified under state rules. Specific service areas and use of the banks are established as each bank is

established. This new provision supports development of these banks and the inclusion of Tacoma in the service area of the bank.

OS-CAPO-2 Fee in Lieu Program

Develop a fee in lieu program, to include wetland and their buffers, and riparian corridor areas of streams, that directs required mitigation eligible for fee in lieu to appropriate high value habitat areas within the Habitat Corridors. Funds collected shall be adequate to mitigate permitted impacts, and commensurate with those impacts.

The proposed draft includes guidance for an In-Lieu Fee program for sites within the City as well as sites located within an appropriate service area. Sites developed within the City would be prioritized according to restoration priorities within the City’s Open Space Habitat Corridors. A watershed approach is desired and the language recognizes that some appropriate sites may be developed within the watershed, yet outside the City limits.

OS-CAPO-3 Streamlined Permitting Process for Restoration

Review regulations to identify opportunities to streamline permitting for restoration projects, including invasive species control, hazard tree removal, and other standard restoration activities, while ensuring those impacts to critical areas and their buffers are avoided. Update regulations, if appropriate.

Public interest in voluntary restoration and enhancement within public and private properties has increased significantly and the proposed draft amendment includes an approach based upon activity impact instead of activity type. Restoration and enhancement activities may now proceed under Allowed Activities, Activities Allowed with Staff Review or a permit, dependent upon the intensity of impacts to the critical area or its buffer. Complementary programs such as the Open Space Habitat and Restoration Plan and Program and the Green Tacoma Partnership have enabled local citizen volunteers to form groups, receive training in restoration and enhancement, and pursue the “greening” of Tacoma.

OS-CAPO-4 Habitat Management Plans

Develop regulations and a supporting review criteria and framework for Habitat Management Plans that support and streamline habitat restoration activities.

The Open Space Habitat and Recreation Plan and program includes the use of “template” habitat management plans that were designed to support individual or community voluntary restoration and enhancement on public or private lands.

Urban Forestry Policy Element

UF-PR-2 Flexible Regulatory Approaches

Recognizing differing land use needs and characteristics, structure regulatory approaches in a manner that provides flexibility and various options to support the preservation of trees. Examine regulations to remove disincentives for tree planting, care and maintenance.

UF-PR-6 Native Remnant Forests

Contribute to, and preserve the integrity of, the native remnant forest both within and adjacent to the right-of-way. Encourage the planting of native species, or compatible trees and plants that are found not to be a threat to the ecology of the native forest remnant in adjacent area.

UF-PCM-4 Planting native Species

Encourage the planting of native species, especially trees, where appropriate.

UF-PCM-7 Invasive Species Removal

Help identify and encourage removal of invasive species and noxious weeds to protect native plant

and animal habitat. Provide public education about the detriment of invasive and noxious weed species to the urban forest.

All of the Urban Forestry policies referenced above overlap with the preservation, enhancement and restoration activities associated with voluntary restoration. The importance of removal of invasive species that outcompete with our native species, and the planting of appropriate native plants is supported through the new proposed Voluntary Restoration and Enhancement provisions in the draft code.

Applicable Provisions of the Land Use Regulatory Code:

The *TMC* Chapter 13.11 proposed draft code amendment is consistent with the existing provisions of the code and will provide necessary improvements to streamline the CAPO regulations review and permit processes without sacrificing protection of critical areas. In addition, the general reordering, clean-up and combination of related code sections provide a more logical sequence of code requirements, and a reduction in complexity and redundancy.

The new voluntary restoration and enhancement provisions will allow public and private properties to achieve higher functioning natural systems through the improvements provided by community habitat stewards as they help meet goals of the Open Space Recreation and Habitat Plan. In addition, the draft code provides various processes for voluntary restoration that are dependent upon the impacts of the activities for each project. This further streamlines and provides an incentive for voluntary actions by reducing the need for complex permits and greater fees associated with those permits. The proposed code also provides a unique opportunity for more complex voluntary actions through the programmatic permit covering activities for a five year period. This type of permit also includes a provision for an extension of the permit timeline for an additional five years following a review and extension procedure.

The City's CAPO code currently requires a Wetland Development Permit when a project involves modifying a buffer to accommodate reasonable development, or for any impact within a buffer or critical area, even if the impact is very small, temporary or de-minimus. A Wetland Development Permit is required and intended for projects where compensatory mitigation is required. Compensatory mitigation is a replacement for wetland loss or functional loss. Other types of mitigation or "corrective actions" such as replanting for temporary impacts, or providing erosion control are not suited for this complex and intricate permit process. The proposed Minor Development Permit that replaces the Wetland Assessment permit allows small projects to undergo review and approval within a permit process that is better suited for the anticipated type of impacts associated with small projects. In addition, minor wetland buffer alteration is also proposed to be allowed under a Minor Development Permit where no critical area impacts occur.

The wetland buffer determination method is proposed to be reduced from two methods to one method. The simplification of the wetland buffer determination method will provide a more predictable development scenario regarding the development potential of properties with wetlands. Alternative 3 is removed, along with the Habitat Corridor reference, and a modified Alternative 1 wetland buffer method is proposed. Alternative I contains adjusted buffers for Category I and Category II wetlands when the functions are lower. This is included in response to Focus Group comments regarding the urban nature of our wetlands and the functions associated with them in the urban environment. Both Alternatives are considered Best Available Science as defined by the Department of Ecology.

The code amendment also includes proposed language for additional mitigation options including Mitigation Banks and In-Lieu Fee programs. Current mitigation guidance from the Department of Ecology recognizes that while wetland mitigation success has increased somewhat over the last few decades, it rarely is successful enough to provide the mitigation intended. Reported mitigation success

can be as low as 30% when completed on-site. Frequently, these wetlands are stand-alone wetlands, or are overseen by a landowner who may find it difficult to oversee the mitigation site to the degree necessary to achieve successful mitigation. Mitigation banks have long been considered the most successful type of mitigation as they are built prior to releasing credit for the impacts of development projects. In-lieu fee programs are being developed that allow more flexibility for when and how the mitigation sites are developed, but they share the same sort of combined mitigation area concept as a mitigation bank. The City's current code does not have language that recognizes or allows the use of these types of programs. The proposed code amendment allows the use of these mitigation types as they are developed and where appropriate for the City of Tacoma.

The current *TMC* Section 13.05 includes the existing types of critical area permits, including Wetland Assessments. The proposed code amendment changes the Wetland Assessment permit type to a Minor Wetland Development permit, and adds the Programmatic Permit as described in the proposed code amendment *TMC* 13.11. In addition, the Minor Development permit and Verifications have been changed to a Process I, rather than being processed as a Process II. This is consistent with the intention of the proposed code amendment in that verifications are technical determinations that are analyzed by the wetland specialists in the City, and the Minor Development Permits are proposed for small scale, minor, or temporary project impacts that are not expected or intended to be complicated or create negative impacts. This sensitivity to the impacts of project activities, rather than the project activity type alone is consistent with the City goal of streamlining and simplifying the critical area code.

Amendment Criteria:

Applications for amendments to the Comprehensive Plan and Land Use Regulatory Code are subject to review based on the adoption and amendment procedures and the review criteria contained in the TMC 13.02.045.G. Proposed amendments are required to meet at least one of the ten review criteria to be considered by the Planning Commission. The following section provides a review of each of these criteria with respect to the proposal. Each of the criteria is provided, followed by staff analysis of the criterion as it relates to this proposal.

1. There exists an obvious technical error in the pertinent Comprehensive Plan or regulatory code provisions.

Staff Analysis: Not applicable.

2. Circumstances related to the proposed amendment have significantly changed, or a lack of change in circumstances has occurred since the area or issue was last considered by the Planning Commission.

Staff Analysis: Not applicable.

3. The needs of the City have changed, which support an amendment.

Staff Analysis: The City has become aware of growing interest in restoring and enhancing the public and private natural areas, whether those areas are open space, undeveloped right-of-way, or other similar areas. The City has already taken steps to promote community stewardship through the Open Space Recreation and Habitat Plan and Program. The proposed code amendments further the goal of providing support to community stewards by allowing review and approval through informal means where appropriate.

4. The amendment is compatible with existing or planned land uses and the surrounding development pattern.

Staff Analysis: Not applicable.

5. Growth and development, as envisioned in the Plan, is occurring faster, slower, or is failing to materialize.

Staff Analysis: The proposed amendment to allow buffer modifications under the Minor Development Permit process will reduce unnecessary costs and time loss which may result in a desire to develop within parcels containing wetlands.

6. The capacity to provide adequate services is diminished or increased.

Staff Analysis: Services regarding customer support will be increased. Staff support and application of professional review and analysis by City Staff will not only reduce unnecessary costs that have historically been passed on to customers even when they wish to conduct restoration, enhancement or clean-up of city owned or public properties to improve ecosystem health, but it will also provide environmentally sound restoration and enhancement projects and oversight by qualified city staff.

7. Plan objectives are not being met as specified, and/or the assumptions upon which the plan is based are found to be invalid.

Staff Analysis: Not applicable.

8. Transportation and and/or other capital improvements are not being made as expected.

Staff Analysis: Not applicable.

9. For proposed amendments to land use intensity or zoning classification, substantial similarities of conditions and characteristics can be demonstrated on abutting properties that warrant a change in land use intensity or zoning classification.

Staff Analysis: Not applicable.

10. A question of consistency exists between the Comprehensive Plan and its elements and RCW 36.70A, the County-wide Planning Policies for Pierce County, Multi-County Planning Policies, or development regulations.

Staff Analysis: Not applicable. However, as indicated in the analysis provided above, the proposed amendment is consistent with the GMA and the county-wide and regional planning policies.

Economic Impact Assessment:

The proposed draft amendment addresses activities that are defined under less complex and costly permits. The proposed draft amendment review and permit processes are based on activity impacts rather than activity type. Activities that have no impact are allowed under “Allowed Activities.” Activities that may have an impact are evaluated under “Activities Allowed with Staff Review.” Activities that are minor or only involve buffer modifications are now proposed to be evaluated under a Minor Development Permit, as well as any verification decisions. Utilizing these less costly, less complex process while

continuing to provide professional qualified review and protection of critical areas saves cost and time for both the customer and the City. Regulation and protection remain consistent; only the method of evaluation changes.

Providing the customer with an efficient, timely, and less costly approval or permit will benefit the economic conditions of Tacoma by providing a desirable predictable development climate that is intended to compete with outside jurisdictions.

Staff Recommendation:

Staff recommends that the draft code amendments be forwarded for public review and comment.

Exhibits:

- A. Draft Code Amendments – Chapter 13.11
- B. Draft Code Amendments – Chapter 13.05



City of Tacoma
Community and Economic Development Department

Agenda Item
GB-3

TO: Planning Commission
FROM: Donna Stenger, Manager, Long Range Planning
SUBJECT: Shoreline Master Program Update
DATE: July 29, 2011

At the meeting on July 20, 2011, staff presented public comments and staff responses on the S-7 Schuster Parkway Shoreline District, the S-8 Thea Foss Waterway Shoreline District, and on comments submitted by Kim Van Zwalenburg of the Department of Ecology.

On August 3, staff will provide the Commission with a staff draft *Responsiveness Summary* (attached) for all comments received on the draft Shoreline Master Program. Staff will highlight several outstanding issues and several staff initiated revisions to modify the draft Program and related documents. In addition, a draft of the Commission's "Findings, Conclusions, and Recommendations (attached) is provided for review in preparation of the Commission making a final recommendation on August 17, 2011.

If you have any questions, please contact Stephen Atkinson at 591-5531 or at satkinson@cityoftacoma.org.

DS:kk

c. Peter Huffman, Assistant Director

Attachments (2)



Shoreline Master Program Update

Planning Commission Public Hearing and Comments

Responsiveness Summary *(July 27, 2011 Draft)*

Please Note: This report summarizes all of the comments received in response to the draft Shoreline Master Program (SMP) released by the Planning Commission on April 20, 2011. This includes both oral testimony provided at the public hearing on June 1, 2011 and written testimony received prior to the comment deadline on June 10, 2011. The responses provided are staff responses to these public comments and for certain key policy issues the Planning Commission's response and recommendation is also provided (noted in *italics*). The source key (left hand column of the table) refers to the table of contents in the *Public Testimony* book, dated June 15, 2011. A refers to oral testimony and B refers to written comments.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
1 – Introduction						
B.50	61	1.5.A (2)	DOE	Van Zwalenburg	Requires environment designation and map changes to be consistent with the criteria in WAC 173-22-040.	Proposed draft will be revised.
B.50			DOE	Van Zwalenburg	Include language, either here or in Chapter 5, to clarify what happens in the event of a mapping error.	Text will be amended.
B.50	61	1.5.D (1)(b)	DOE	Van Zwalenburg	Is oddly placed as it relates to permit decisions and not SMP amendments.	Staff concurs. This provision should only pertain to DOE's responsibility to approve program amendments. Approval of Shoreline Substantial Development Permits (SSDP) and Conditional Use Permits (CUP) should be relocated to 2.3.7.
B.50	62	1.7.6	DOE	Van Zwalenburg	Point to provisions of WAC 173-27-060	Text will be amended.
B.50			DOE	Van Zwalenburg	Page 63, 1.11, line 2 "date" should be "data". ok	Text will be amended.
B.29			Citizen	Joy Keniston-Longrie	Would like a planning framework developed that addresses climate change.	Addressing climate change is not currently a requirement of the State's shoreline guidelines. Climate change and sea level rise were considered in the development of the current draft and are being addressed in other state and city plans and policies. Staff does not recommend a change at this time.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
2 – Administration						
A.12			Port of Tacoma	Jordan	Exemption requirements are unclear – should rely on JARPA	Staff concurs and recommends revisions to the submittal requirements.
A.36			People for Puget Sound and Futurewise	Trim	Exemption process is not clearly defined – A letter of exemption should be clearly required	According to Section 2.3.4, a letter of exemption is required for any activities that meet the exemption criteria and involve dredging, flood control works, in-water structures, archaeological or historic site alteration, clearing and ground disturbing activities such as filling and excavation, docks, shore stabilization, or activities determined to be located within a critical area or buffer. Other activities would continue to be subject to the standards of the SMA and the SMP, but would not require a letter of exemption. Staff recommends text changes to clarify when a letter of exemption is required and when it is not.
A.40			Narrows Marina	Wagner	Opposes the 75% damage threshold for requiring conformance to current codes when re-building	Opposition noted.
B.24			Master Builders Association of Pierce County	Hoey	Would like the term “normal appurtenance” to be redefined/clarified (reference 2.3.3).	Refer to the definition provided in Chapter 10 No. 6 for complete definition of appurtenance. The definition is consistent with its use in the State’s guidelines - WAC 173-26.
B.28		2.3.3	Port of Tacoma	Jordan	Include removal of noxious weeds, maintenance dredging, utilities and demolition of existing structures.	Removal of noxious weeds is exempt per 2.3.3(13); Maintenance, utilities and demolition of existing structures are not exempt outright, but specific proposals may be exempt under existing provisions of 2.3.3.
B.28			Port of Tacoma	Jordan	Clarify “Washington” department of fish and wildlife	Text will be amended.
B.28		2.3.3.4	Port of Tacoma	Jordan	Exemption provision is unclear	Comment noted. Staff recommends text changes for clarity.
B.28		2.3.4.7	Port of Tacoma	Jordan	Include some form of appeal for denials of shoreline exemptions	Staff does not concur. Decisions on exemptions are administrative and differ from the SSDP process. A

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.29			Citizen	Joy Keniston-Longrie	The public should be given the opportunity to view and comment on exemptions	finding that a proposal does not meet the criteria for an exemption is not a denial of the proposal, but will indicate that the proposal requires a SSDP. Staff does not recommend a change.
B.28		2.4.1	Port of Tacoma	Jordan	Clarify submittal requirements do not need to include information already supplied through JARPA and allow LUA to waive unnecessary submittal requirements.	Staff concurs. Text will be amended.
B.28		2.4.2 B.1.c.i	Port of Tacoma	Jordan	Submittal requirements for critical areas do not need a surveyed site plan.	This requirement is consistent with the submittal requirements in the Critical Areas Preservation Ordinance – TMC 13.11.250.
B.28		2.4.2.B.1. c.iv	Port of Tacoma	Jordan	Do not require “2-foot contours”; revise for consistency with 2.4.1	This requirement is consistent with 13.11.250. To ensure no net loss of resources, submittal requirements for projects located near critical areas are different and generally are greater than the general submittal requirements in 2.4.1.
B.28		2.4.4	Port of Tacoma	Jordan	Differentiate moorage facilities and terminal facilities	Terminal facilities are not, by definition, a moorage facility, but a terminal facility may have a moorage facility associated with it and would be subject to the requirements in 2.4.4
B.40		2.3.4	Futurewise	Patterson	Move the review and conditioning authority from the letter of exemption section to the general exemption section	Text will be amended.
B.40			Futurewise	Patterson	Add to submittal requirement “materials shall be provided that are sufficient for the administrator to determine that the development will comply with the requirements of the SMP.	Text will be amended.
B.40, B.50			Futurewise, DOE	Patterson, Van Zwalenburg	Delete new exemption for signs and art. New exemptions are not allowed.	Staff concurs.
B.50	70	2.3.4 (5)	DOE	Van Zwalenburg	References WAC 173-14. This rule was repealed and the proper reference is WAC 173-27-040(2)(d).	Staff concurs and will fix reference.
B.50	71	2.3.4 (7)	DOE	Van Zwalenburg	SHB does not have jurisdiction to hear appeals of shoreline exemption. Please clarify.	Staff concurs. Text will be amended.
B.50	86	2.7	DOE	Van Zwalenburg	The 21-day appeal period is now triggered by the <u>date of filing</u> rather than the date of receipt.	Text will be amended.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.50	72-73	2.3.6	DOE	Van Zwalenburg	Recommend this be rewritten to better reflect the original language in WAC 173-27-160 (2).	Staff concurs. Text will be amended.
B.50	71	2.3.5	DOE	Van Zwalenburg	Add language that DOE has final approval authority as you have done in Section 2.3.6 (2) for shoreline conditional use permits.	Staff concurs. Text will be amended.
B.50	73	2.3.7	DOE	Van Zwalenburg	Consider adding language indicating that there is an appeal period triggered by the filing of all permits	Staff concurs. Text will be amended.
B.50	78	2.4.2 (B)(c)(iv)	DOE	Van Zwalenburg	Line 2 “dominate” should be “dominant”	Staff concurs. Text will be amended.
B.50	81	2.4.6 (A)(2)	DOE	Van Zwalenburg	Line 3 appears to contain extra words “shall be” making the overall sentence a bit confusing	Staff concurs. Text will be amended.
B.50			DOE	Van Zwalenburg	Clarify the relationship between 2.5, 5.5.2, and 9.14	Chapters 5.5.2 and 9.14 apply to all uses and development in-water. Not all uses in or over-water are non-conforming. Chapter 2.5 applies only to nonconforming uses. For nonconforming uses over or in-water, Chapter 2.5 would apply in addition to the general policies and standards in 5.5.2 and 9.14. The text will be amended to clarify this difference.
B.29		2.4.6	Citizen	Joy Keniston-Longrie	All projects should prepare a cultural resource management assessment	All projects are required to determine if there are cultural, historic or archeological resources within 500 feet. A Cultural Resource Management Plan is only required if resources are found to be present and at risk.
B.29		2.5.1.b	Citizen	Joy Keniston-Longrie	Review allowances under re-development and repair to ensure No Net Loss	Comment noted
3 – Goals and Objectives						
A.7, A.8			NuStar, VSI Law Group	Roller, Combs	SMP does not provide certainty that businesses can grow over time.	Comment noted.
A.24			Citizen	Lucas	Does not feel that industry detracts from her enjoyment of the shoreline	Comment noted.
A.34			IUPAT Local 1964	Winters	Supports industrial activities	Comment noted.
A.41			Citizen	Rose (Judy)	Give the City a waterfront it can be proud of.	Comment noted.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
A.2, A.3, A.4, A.6, A.10, A.13, A.14, A.18, A.24,			Tacoma-Pierce County Chamber, QVAKM Real Estate, Brotherhood of Locomotive Engineers, Sperry Ocean Dock, Grette Associates, International Longshore and Warehouse Union Local 23, Tacoma Fire Fighters IAFF Local 31, Youth Marine Foundation, Citizen.	Murray, Fox, Elliot, Coy, Boyle, Mason, Baurichter, Lonergan, Lucas	The draft SMP favors access over other SMA objectives	<p>Comment noted.</p> <p>The overarching policies of the Act seek to accomplish the following:</p> <ol style="list-style-type: none"> 1. The utilization of shorelines for economically productive uses dependent on a shoreline location 2. The utilization of shorelines and the waters they encompass for public access and recreation 3. Protection and restoration of the ecological functions of shoreline natural resources <p>The Draft SMP seeks to balance the preferred uses and overarching policies of the Act.</p>
B.11			Citizen	Coleman	Consider defining unique objectives for each shoreline district that would include use preferences. Consider new objectives for S-6, S-7 and S-8 that would prioritize water-oriented commercial uses and public access along Ruston Way and Schuster Pkwy.	Comment noted.
B.28		3.8.2.1	Port of Tacoma	Jordan	Exchange "feasible" to "practicable"	Staff concurs that the language is too specific for a policy objective. Text will be amended.
B.33		3.8.2	Schnitzer Steel	Mackie	Amend goal to provide that "maximum extent feasible where both safe and does not interfere with water-dependent industrial and commercial activities."	Goal #4 addresses public health and safety and Goal #5 addresses compatibility with water-oriented uses. No change recommended.
B.28		3.8.2.2	Port of Tacoma	Jordan	Delete "continuous"	Staff concurs.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.28		3.8.2.3	Port of Tacoma	Jordan	Add "...activity on the east side of Thea Foss Waterway, south of 15 th Street"	Section 3.8.2(3) is a general policy objective for public access. Specific policies, implementing regulations and development standards are located in subsequent chapters of the TSMP. Staff does not recommend a change.
B.44		3.8.2	CHB	Rose	Recommend that the City "take full advantage of public access opportunities" in the S-1, S-2, S-9, S-11, S-12 and S-14	Staff concurs.
B.51			Tacoma Audubon	Veek	Emphasize beach restoration and reduction of shoreline armoring	Staff concurs.

4 – Shorelines of the State

No Comments Submitted

5 – Shoreline Environment Designations

A.10, B.13			Grette Associates, Sperry Ocean Dock	Boyle, Coy	Sperry Ocean Dock site and area do not meet DOE designation criteria for Urban Conservancy	<p>Comment noted. The Sperry Ocean Dock site may not be consistent with the character of the Ruston Way shoreline and its existing land uses. However, it is within the City’s authority to designate areas based upon the goals and aspirations of the community.</p> <p>WAC 173-26-211 outlines the process for designating shoreline areas. WAC 173-26-211(2)(a) states that the classification system should be based on the following:</p> <ul style="list-style-type: none"> • The existing use pattern; • The biological and physical characteristics of the shoreline; and • The goals and aspirations of the community. <p>The above information was reviewed and considered when developing the designation classification system. The Planning Commission has the authority to make a recommendation based upon the goals and aspirations of the community and not solely on the existing use pattern or any one individual criterion.</p> <p>In addition, Tacoma has the authority to utilize</p>
B.13, B.28, B.44			Sperry Ocean Dock, Port of Tacoma, CHB	Coy, Jordan, Rose	Inclusion of Sperry Ocean dock in S-6 is inconsistent with designation criteria in WAC 173-26-110(3). – Should be High Intensity based on WAC 173-26-211(5)(D).	
B.22			Walk the Waterfront	Herrmann	Move S-7 from High Intensity to Urban Conservancy	
B.13			Sperry Ocean Dock	Coy	Sperry Ocean Dock is consistent with the High Intensity Designation and should remain High Intensity.	

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
						<p>alternative systems under WAC 173-26-221(4)(c). The State recommends a classification system, management policies and designation criteria, but the City is not bound to adhere only to those recommendations. The City may develop an alternative designation and develop its own designation criteria, as it has proposed with the Downtown Waterfront Designation.</p> <p>In this case, the City proposed using designation criteria for the Urban Conservancy environment consistent with State recommendations and has utilized the information specified above. The Planning Commission received testimony on the proposed designation and may make a recommendation to the City Council that considers that testimony and the community goals and aspirations expressed in that testimony.</p> <p><i>The Planning Commission reviewed the public comment on July 20, 2011 and directed staff to include within the recommendation to the City Council an extension of the Urban Conservancy designation south along the Schuster Parkway shoreline to include Jack Hyde Park, Chinese Reconciliation Park, Tahoma Salt Marsh, and the Sperry Ocean Dock properties.</i></p>
A.23			Citizens for a Healthy Bay	Rose (Leslie)	SMP designations and districts need to realistically reflect Tacoma’s shorelines	Comment noted. The draft TSMP proposed the use of 6 environment designations and 15 shoreline districts in order to reflect the diversity of shoreline land use patterns, existing biological and physical characteristics, and community goals and aspirations. The designations have been proposed utilizing the methodology in WAC 173-26-211.
B.19			Puget Creek Restoration Society	Hanson	Restoration sites should be designated Natural	The purpose of the Natural designation is to protect and preserve those areas that are “relatively free” of human influence. Staff does not concur that habitat sites within and adjacent to developed shorelines can be considered relatively free of human influence and therefore, meet the criteria. Staff instead recommends modifying the TSMP to add protective measures as necessary in the Urban Conservancy Environment designation.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.12		5.5.6(A)(6)	NuStar, VSI Law Group,	Combs	Amend to read “Promote the east side of the Foss Waterway as a center for industries and firms specializing in the design, research development, and implementation of clean technology while supporting the existing industrial and terminal uses north of 11 th Street.”	Staff concurs that language should be added to adequately recognize the existing industrial uses north of East 11 th and will prepare text revisions.
B.12		5.5.6(D)(1)(b)(i)	NuStar, VSI Law Group,	Combs	Amend to read “Retain the “working waterfront” by supporting and encouraging existing water related industrial and terminal operations north of 11 th Street and by encouraging a mix of water-oriented commercial, industrial, retail and office uses, and industries specializing in the design and development of clean technology.”	
B.26			Citizen	Jacobs	Why is water-oriented commercial uses allowed in Shoreline Residential areas?	WAC 173-26-211 (5) (f) (ii) allows commercial development within Shoreline Residential designated areas, but limits it to water-oriented uses only, so that a small-scale retail or restaurant could locate within the district, serving the residential neighborhood.
B.28		5.5.6.D.2.d:	Port of Tacoma	Jordan	Area north of 15 th should be exempt from design standards – design standards should be encouraged through incentives.	<p>The Foss Plan, as incorporated into the draft TSMP, requires new development to implement design elements that improve the pedestrian orientation of the Waterway, creating a more unified Waterway while still recognizing distinct sub-areas. While the majority of these guidelines apply to the design and amenities associated with public access, they also address issues related to building sites, including view and shading considerations. These guidelines do not apply retroactively and would only be triggered as part of new substantial development, and even then, many of the guidelines would not apply to industrial uses. The design review would occur as part of the shoreline permit review process.</p> <p><i>The Planning Commission reviewed the public testimony on July 20, 2011 and did not direct any changes to the Thea Foss Waterway Design Guidelines applicability to the entirety of the S-8 Shoreline District.</i></p>

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.26			Citizen	Jacobs	What does “supports water-oriented uses” mean? Pg 48, 49, 50 and 53	This terminology is defined under “Mixed-use development” in the definitions Chapter and generally means that the more marketable aspects of the mixed-use effectively subsidize the non-revenue generating enjoyment or recreation features.
B.40, B.51			Futurewise, Tacoma Audobon	Patterson, Veek	Areas of intact shoreline vegetation should be designated Natural	Comment noted. <i>The Planning Commission directed staff to revise the intent language for shoreline districts designated Urban-Conservancy to provide greater protection for existing habitat sites.</i>
A.36, B.40			Futurewise, People for Puget Sound and	Patterson, Trim	Marine View Drive and the West Slope should be broken in to smaller segments – separating intact vegetated areas from developed areas. Vegetated areas should be designated Natural	In addition, staff proposed re-designating the S-3 Western Slope North District from Urban-Conservancy to Natural. This shoreline district includes significant riparian vegetation along the OHWM, vegetated steep slopes, active feeder bluffs, and geologically hazardous critical areas. Potential for new development is extremely limited due to the presence of these critical areas and the topography of the shoreline. Existing overwater structures would be allowed to perform their normal maintenance and repair and would be vested to their use under the nonconforming use and structure provisions. <i>The Planning Commission concurs with the staff proposal and directed staff to include the designation change in the final recommendation to the City Council.</i>
B.40			Futurewise	Patterson	UC Policy 5 directing that public access be continuous across the UC environment may have impacts on nearby natural areas	Staff recommends deleting the term ‘continuous’.
B.40			Futurewise	Patterson	Consider splitting S-13 into higher and lower functioning districts.	The assignment of the Aquatic designation to all waters of the state is consistent with the designation criteria of

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.40			Futurewise	Patterson	Divide the aquatic environment into different functional types, e.g. estuaries, lagoons, spits, etc.	the guidelines. In addition, many of the organisms and habitat communities in question are not static and may be present in locations they are not currently mapped or identified. The Fish and Wildlife Habitat Conservation Areas (FWHCA) provides standards specific to priority species and habitats where present.
B.50	101	5.4.4(B)(2)	DOE	Van Zwalenburg	Clarify to ensure that SMP regulations are not applied to property outside of shoreline jurisdiction.	<p>Rather than utilizing a shoreline overlay, Tacoma uses Shoreline Zoning Districts to implement the goals and policies of the Master Program. In several instances, shoreline district zoning boundaries in the existing and proposed Master Program have been expanded outside shoreline jurisdiction in order to establish consistent use and development standards in a defined area. As the shoreline jurisdiction line follows the ordinary high water mark, it is possible to have a circumstance where the jurisdiction line weaves along a roadway or a parcel so that it is periodically within and periodically outside of the shoreline jurisdiction. In these cases, the City has proposed establishing the zoning district to a defined boundary, in this case Ruston Way, to add predictability and consistency to the permit process. It should be noted that in these cases shoreline <i>jurisdiction</i> does not apply outside 200' of OHWM, but only the use and development standards of the shoreline zoning do apply. This means that some SMA objectives, such as public access and no net loss standards, do not apply in the areas outside shoreline jurisdiction.</p> <p>Staff proposes clarifying this issue in the applicability section of the TSMP as well as in Chapter 13.06 of the Land Use Regulatory Code, which covers zoning and development regulations for the City including areas within and outside of shoreline jurisdiction.</p>
B.50	100	5.4.2	DOE	Van Zwalenburg	Official shoreline maps do not need to be sent to the Code Reviser. This is an old requirement, likely dating back to when all SMPs and SMP amendments were adopted by rule.	Staff concurs and will revise.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.50	101	5.4.4 (A)(2)	DOE	Van Zwalenburg	Discusses map interpretations and references the reader to Chapter 2 for appeals of these interpretations. However, there are no procedures listed there for this process.	Will add correct reference.
B.50	101	5.4.4 (B)(1)	DOE	Van Zwalenburg	Replace “zone” with the appropriate language	Zoning is correct. This refers to the zoning boundary. In the shoreline, these would be shoreline districts.
B.50	102	5.5.2 (B)	DOE	Van Zwalenburg	Consider renaming District S-13 as Marine Waters of the State	Staff concurs.
B.50	103	5.5.2 (D)(2) and (D)(3)	DOE	Van Zwalenburg	Are framed as policies but some seem to be a bit out of sync with regulatory language elsewhere in the SMP. Specifically, see (3)(a) which would allow a 10% expansion of the structure for limited purposes (public access, environmental restoration, and safety) but these provisions are not reflected in the allowance on page 85 (2.5 (B)(2)(a)) in the nonconforming structure section.	Staff concurs and will revise text for consistency.
B.44		5.5.2.D.2 .b	CHB	Rose (Leslie)	Combine 5.5.2.D.2.b and .c and amend as follows “New overwater structures including residential restaurants, hotels and office buildings that are not explicitly water-dependent are strictly prohibited”	Staff concurs.
B.44		5.5.2.D.5 .b	CHB	Rose (Leslie)	Require removal of all creosote oiling left in place where no over-water structure remains	Such a requirement would have to be mitigation tied to some proposed action. Removal of pilings is identified as a restoration objective.
B.44		5.5.3	CHB	Rose (Leslie)	Rename S-1a to S-16	Comment noted. The S-1a and S-1b Shoreline Districts are effectively separate districts. Staff does not recommend a change at this time.
		5.5.5.A			Amend purpose as follows “...is to provide for high-intensity water-dependent and water-oriented mixed-use, commercial, transportation and industrial uses...”	Staff concurs.
B.29		5.5.2.D.2	Citizen	Joy Keniston-Longrie	Add new section addressing re-development	Section 5.5.2(D) (3) addresses re-development as re-use of existing overwater structures.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
6 – General Policies and Regulations						
6.1 Shoreline Use						
B.26		6.1.1(2)	Citizen	Jacobs	Clarify. This should require a conditional use.	This language is derived from WAC 173-26-241 (3) (d). This provision gives the City permit staff the ability to determine if allowing a non-water-oriented use would displace a preferred use and to consider the cumulative impact of allowing displacement to continue and to condition the permit as necessary. If conversion from preferred to non-preferred uses occurs, it could, over time, jeopardize the land supply necessary for water-oriented uses. Staff will refine the text to add clarity.
B.26		6.1.2.10.d	Citizen	Jacobs	Change from “rear” to “street side”	Staff concurs that more complicated circumstances may exist. For structures adjacent to the water’s edge, parking should be restricted to the landward side of the structure. Staff agrees that the term ‘landward’ may not be appropriate when the entire structure is separated from the shoreline by another substantial improvement, such as a road or other primary use.
B.50	111	6.1.1 (5)	DOE	Van Zwalenburg	The last sentence on the rights of treaty tribes should be listed separately and include the citation to RCW 90.58.350. Move to Chapter 1.	Staff concurs.
B.50	112	6.1.2 (9)	DOE	Van Zwalenburg	References requirements “below”. Specifically referenced requirements.	Staff concurs.
B.44		6.1.1.6	CHB	Rose (Leslie)	Clarify that mixed-use is not appropriate in the High Intensity S-7 and S-10 districts	Mixed-use development may include some combination of uses that are allowed in the S-10 and S-7 (per table 9-2), such as a port terminal and an office structure. Prohibited uses in the S-7 and S-10, such as residential, would not be permitted in a mixed-use development. Staff does not recommend a change.
B.44		6.1.2.1	CHB	Rose (Leslie)	Note that habitat restoration will not result in a change to the SED	Staff concurs and will review the most appropriate location for this notation.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.29		6.1.2.8	Citizen	Joy Keniston-Longrie	State that this applies to parking, which is not a water-dependent use	Parking as a primary use is not permitted in the shoreline. Parking associated with a primary use is permitted in conjunction with that use and is considered accessory to that use and is therefore not subject to the requirements in 6.1.2(8). However, parking remains subject to the site planning policies and standards in 6.2 and the parking policies and regulations in 7.9.
6.2 Site Planning						
B.50	114	6.2.2	DOE	Van Zwalenburg	How do setback reductions get implemented in conjunction with 6.4.5(D) and 6.4.6(E)?	Reduction is only allowed to side and front setbacks. These setback reductions would be processed independently from buffer reductions. In some circumstances, setback reductions may be allowed in order to accommodate on-site buffer standards. These situations are addressed for wetlands and streams in 6.4.5(D) and 6.4.6(E). Staff will reference these additional setback reduction standards in 6.2.2.
B.19			Puget Creek Restoration Society	Hansen	Supports design details that promote shoreline habitat restoration, including fish-mix gravel, native evergreen tree species, and no overwater structures.	Restoration efforts are described in the Restoration Plan. Text will be added to specify example elements for voluntary restoration, but design specifics are more appropriate for individual proposals. All restoration projects will be reviewed for their ability to restore shoreline functions consistent with the Program.
6.3 Archaeological, Cultural and Historic Resources						
B.28		6.3.2.B.1	Port of Tacoma	Jordan	Delete; "or request for a statement of exemption"	Staff concurs. This is consistent with the permit submittal requirements in Chapter 2.
B.28		6.3.2.B.2	Port of Tacoma	Jordan	Do not require Administrator site investigation, replace with inter-agency coordination	This is a current requirement through SEPA. However, WAC 173-26-221 (1) requires that the City implement shoreline policies and development standards to protect historic, cultural and archaeological resources, including requirements for unanticipated discovery, notification, and for site evaluations.
B.28		6.3.2.B.4	Port of Tacoma	Jordan	Administrator should not invoke CRMP – this should be left to Puyallup Tribe or WSDAHP.	

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
6.4 Marine Shorelines and Critical Areas Protection						
A.9, B.33			Schnitzer Steel	Mackie	Critical areas standards do not require Best Available Science because SMA test is no net loss.	<p>Staff concurs. While the GMA requires critical area standards to be based on the Best Available Science (BAS), the Shoreline Management Act requires jurisdictions to review scientific and technical information. The WAC guidelines state that the City is to:</p> <p>WAC 173-26-201 (2) (a):</p> <ul style="list-style-type: none"> • “identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern” • “base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available.” <p>The Shoreline Inventory and Characterization Report establishes baseline shoreline conditions and includes documentation of the most “current, accurate and complete” scientific and technical information.</p>
A.9, B.33			Schnitzer Steel	Mackie	Marine waters should not be considered critical areas by virtue of being marine waters, but only when specifically defined critical areas are present as determined by the City.	<p>Staff concurs. Shorelines of the state shall not be considered critical areas except to the extent that specific areas qualify for critical area designation based upon the definition of critical areas in the RCW. The City of Tacoma Shoreline Inventory and Characterization identifies existing and probable critical areas within the City’s shorelines of the state.</p> <p>The draft TSMP provides standards for the following critical areas within the City’s shorelines:</p> <ul style="list-style-type: none"> • Wetlands • Streams and Riparian Habitats • Fish and Wildlife Habitat Conservation Areas • Geologically Hazardous Areas <p>In addition, marine shoreline buffer standards are proposed consistent with the findings and management</p>

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
						<p>recommendations within the Inventory and Characterization Report, and consistent with “the most current, accurate, and complete scientific and technical information that is available that is applicable to the issues of concern,” to protect the ecosystem-wide processes that underpin the shoreline functions necessary to support priority species that are present within the City’s marine shoreline and to assure that new use and development within the shoreline achieves no net loss of ecological functions.</p> <p>It is also important to note that WAC 173-26-201 applies mitigation sequencing to all uses and development within the shoreline. Meeting the buffer standards would be one means to achieve avoidance of impacts. In addition, WAC 173-26-201 (2) (C) requires the City to establish standards that protect ecosystem-wide processes and functions and (d) requires the City to reserve shoreline areas for protecting and restoring functions.</p>
B.36			Simpson	McEntee	Opposed to buffer revisions. Would like section 6.4.3.c.1 to read “the standard buffer is eliminated for water-dependent development to allow direct water access”	This proposal would have a significant impact on the City’s ability to determine whether a proposed use or development is achieving no net loss. Additional analysis and site and project specific evaluation is required when a new use or development locates within a marine buffer, including water-dependent and public access. Stating that water-dependent uses are not subject to the buffer standards, or that the buffer is eliminated, may jeopardize the City’s ability to require this information.
B.28		6.4.2.B1.a	Port of Tacoma	Jordan	State that buffer can be reduced to 0 for water-dependent uses when operationally necessary	Stated in 6.4.2.B.1.a.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
A.36, B.40			People for Puget Sound and Futurewise	Trim	Wetland buffers should be bigger, not protective enough or consistent with science and with Department of Ecology recommendations.	<p>In 2004, GeoEngineers prepared a BAS review for all the city's critical areas (Report, Best Available Science Review, City of Tacoma, Critical Areas Preservation Ordinance, Tacoma, Washington, June 15, 2004). The City proposed wetland buffer standards consistent with the BAS review and in accordance with wetland buffer alternatives guidance from Department of Ecology. On November 15, 2005, the City of Tacoma adopted amendments to Chapter 13.11 Critical Areas Preservation as required by GMA. The City's adopted standards for wetlands were not appealed at that time.</p> <p>The buffer standards under TMC 13.11 have been incorporated into the draft TSMP. At this time, DOE has not expressed concern that the proposed buffer standards are not protective enough or are inconsistent with Department of Ecology guidance.</p> <p>According the City of Tacoma's Inventory and Characterization, there are few existing or probable wetlands within the City's shoreline jurisdiction. Known wetlands include Titlow lagoon and Wapato Lake.</p>
A.36			People for Puget Sound and Futurewise	Trim	Include statement that buffers must be intact in order to serve the avoidance and minimization functions	The draft TSMP does not require that buffers be re-vegetated in order to perform the avoidance and minimization functions. Meeting buffer standards, even when the buffer is degraded, can perform avoidance and minimization functions. However, there may be circumstances where the appropriate mitigation for impacts would be a re-vegetated portion of the buffer area.
B.40			Futurewise	Patterson	West Slope and Marine View Drive should have 200-foot buffers	Staff concurs that S-3 Western Slope South is an appropriate location for a 200-foot marine buffer but does not recommend a change to other shoreline districts on the West Slope or Marine View Drive due to the existing land use pattern and uses.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.50			DOE	Van Zwalenburg	Buffer reductions for water-related and enjoyment uses down to 25' require greater refinement. Are too liberal as currently proposed. A reduction of more than 25% should require a shoreline variance.	<p>The draft TSMP allows water-related and water-enjoyment uses in all of the City's shorelines to reduce the buffer, with mitigation sequencing, to a minimum of 25' from OHWM. In some areas of the shoreline, including the port tideflats, this amounts to a 50% reduction. In other shoreline areas, it could be as great as a 87% reduction. Staff recommends utilizing a reduction method based on a maximum percentage, rather than a minimum width, so that the bottom line buffer would be determined in proportion to the size of the standard buffer width. This would result in areas with greater existing functions having a more protective buffer standard. In addition, further reductions are currently allowed through a shoreline variance.</p> <p><i>The Planning Commission discussed and directed staff to include in the final recommendation to City Council the following:</i></p> <ol style="list-style-type: none"> 1. Utilizing a percentage based buffer reduction; 2. No buffer reductions for non-water-dependent and public access uses in the areas designated 'natural;' 3. A 25% administrative buffer reduction in areas designated 'shoreline residential' and 'urban-conservancy'; 4. A 50% administrative buffer reduction in areas designated 'high-intensity' or 'downtown waterfront.'
B.40			Futurewise	Patterson	Do not allow buffer reduction for water-enjoyment uses.	<p>Water-enjoyment uses are a preferred use and inherently require a location in proximity to the shoreline to meet the definition of water-enjoyment. Disallowing buffer reductions for water-enjoyment uses could potentially result in significant new non-conforming uses and would run contrary to the community's vision for the shoreline. However, staff also recognizes that water-enjoyment uses do not require direct shoreline access and should be set back from the shoreline to protect and preserve ecological functions.</p> <p><i>Planning Commission directed staff to make no changes.</i></p>

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.40		6.4.2.C.1 and 2	Futurewise	Patterson	Remove reference to buffer reduction.	Comment noted. Staff does not recommend a change at this time.
B.50			DOE	Van Zwalenburg	Clarify buffer reduction provisions for marine shorelines, wetlands and streams	Staff recommends providing language that explains how the critical areas chapter is organized so that the relationship between different sections is clearer.
B.19			Puget Creek Restoration Society	Hansen	Ensure that compensatory mitigation from impacts remains in the same location as the impacts	WAC 173-26-201 establishes the hierarchy for mitigation sequencing and requires that preferential consideration be given to compensatory mitigation actions that replace the impacted functions directly and in the immediate vicinity. The WAC does provide some flexibility for alternative strategies. The draft TSMP establishes compensatory mitigation preferences based upon the designation. For example, Urban-Conservancy areas would have a preference for compensatory mitigation that is on-site or within the same reach or sub-basin, whereas High Intensity areas provide greater flexibility for innovative mitigation in areas that would achieve greater functional lift than a strict on-site or in-reach requirement.
B.40			Futurewise	Patterson	Ensure the term “mitigation” includes first avoidance and minimization. Differentiate from compensatory mitigation.	Staff concurs. Section 6.4.2 (C) of the draft TSMP establishes mitigation sequencing that requires that new use and development first avoid and minimize impacts. Compensatory mitigation is the final step in mitigation sequencing.
B.40			Futurewise	Patterson	Intact buffers should not be disturbed. Redevelopment or expansion into buffers should require enhancement as compensatory mitigation.	Chapter 6.6 Vegetation Conservation establishes standards to preserve and protect existing shoreline vegetation. Preferred uses are allowed in some circumstances to locate within an intact buffer but mitigation is required to achieve no net loss of functions. Areas with the most significant intact functions have been designated Natural for the utmost protection.
B.50	130	6.4.5 (C)(4)	DOE	Van Zwalenburg	Fee In Lieu would need to demonstrate No Net Loss	Staff concurs.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.44		6.4.2.C.4	CHB	Rose	Amend the current draft to allow for Fee In Lieu, but implement only a reviewed and adopted formal Fee In Lieu	Fee in lieu sites could be established by either public or private entities. The City, at this time, does not have a formal fee in lieu site. Until a formal site is established, fee in lieu would not be an option for mitigation. Staff will provide clarifying text changes.
B.29			Citizen	Joy Keniston-Longrie	Supports habitat Fee In Lieu	Comment noted.
B.28		6.4.2.B.3 and 6.4.3C	Port of Tacoma	Jordan	Port appreciates amendment to this section	Comment noted.
B.19			Puget Creek Restoration Society	Hansen	Spread habitat restoration throughout nearshore	Comment noted. The location of restoration efforts is addressed in the Restoration Plan.
B.28		6.4.5.H.2 .b	Port of Tacoma	Jordan	Add: "or as otherwise amended" to end of sentence	Staff concurs.
B.28, B.40			Port of Tacoma, Futurewise	Jordan, Patterson	Typo: Table 6-5 "1:5:1"	Comment noted. Staff will correct.
B.50	119	6.4.2(3)	DOE	Van Zwalenburg	Rewrite section to be consistent with RCW 90.58.580 and allow relief from standards and use regulations when a shoreline restoration project results in a landward shift in the OHWM	Staff concurs
B.50	121	6.4.2 (C)(3)(c)	DOE	Van Zwalenburg	How will voluntary restoration projects initiated since 2006 be implemented?	This provision would allow a permit applicant to receive mitigation credit, similar to advance mitigation, for prior restoration work that was undertaken voluntarily and which has not been used as mitigation for a prior permit. Staff would have to determine that the voluntary restoration work performed is adequate to meet no net loss for the impacts identified in the development permit.
B.50	124	6.4.3 (B)(2)(b)	DOE	Van Zwalenburg	replace "modification" with "development" or "shoreline modification"	Staff concurs.
B.50	133	6.4.5 (I)	DOE	Van Zwalenburg	Table labeling error; two tables labeled 6-4, on pages 129-130 and page 134	Will be corrected.
B.50	138	6.4.6 (G) (1)(k)	DOE	Van Zwalenburg	references Section 2.4.1 but should be Section 2.4.2	Will be corrected.

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B.50	141	6.4.7 (C)(1)(d)	DOE	Van Zwalenburg	Required clarification	Text will be amended.
B.50	143	6.4.7 (D)(2)(m)	DOE	Van Zwalenburg	Why include reference to 13.11 instead of directly including language?	The standards for geologically hazardous areas have been incorporated directly into the draft TSMP. These specific citations are to sections of TMC 13.11 that address information and analysis requirements for the erosion and landslide hazard technical report. Text will be amended to incorporate these requirements directly into the TSMP.
B.44		6.4.1.1	CHB	Rose	Add: "...equal or greater than that provided for under the City of Tacoma's Critical Areas Ordinance (CAO), TMC 13.11..."	Staff recommends no change. It should be noted that State law no longer requires equivalency between critical areas standards under GMA and those regulated under SMA. The bottom line standard for shoreline critical areas is no net loss of ecological functions.
B.50			DOE	Van Zwalenburg	Address Aquifer Recharge and Wellhead Protection Areas in shorelines	Staff concurs. Text has been added to draft consistent with 16.11
B.44		6.4.3.B.2	CHB	Rose (Leslie)	Edit to exclude the requirement for native shoreline vegetation in the S-15 because of potential damage to the impermeable cap	6.4.3.B.2 does not mandate that shoreline buffers be restored or re-vegetated as a condition of use.
6.5 Public Access						
A.2, A.3, A.4, A.6, A.10, A.13, A.14, A.18, A.24, A.32, B.7, B.17, B.27, B.36			Tacoma-Pierce County Chamber, QVAKM Real Estate, Brotherhood of Locomotive Engineers, Sperry Ocean Dock, Grette Associates, International Longshore and Warehouse	Murray, Fox, Elliot, Coy, Boyle, Mason, Baurichter, Lonergan, Lucas, Stauffacher, Clair, Finn, Johnson, McEntee	Public access requirement is unclear - opposes requirement	Comment noted. Staff recommends some clarifying text changes and reorganization of the Chapter to better delineate when access is required, and if so, which standards apply. <i>The Planning Commission concurs with the proposed clarifications and did not recommend any additional changes.</i>

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
			Union Local 23, Tacoma Fire Fighters IAFF Local 31, Youth Marine Foundation, Citizen, Temco and BNSF Railway, Brown and Haley, Temco			
B.9			Citizen	Clifford	Supports public access to a continuous waterfront bike/pedestrian path around the east and west sides of Thea Foss Waterway, just south of Murray Morgan bridge.	<p>Comments noted. The draft TSMP would require continuous public access from the Foss Waterway to Point Defiance, adjacent to the shorelines edge. However, these requirements are subject to nexus and proportionality tests and therefore, for private uses in this area, the burden would rest on the City to determine</p> <ol style="list-style-type: none"> 1. that a nexus exists to require access, and 2. that the public walkway is proportional. <p>If the preferred access alternative, a public walkway adjacent to OHWM, is disproportionate or infeasible, other alternatives would be required to be reviewed including off-site mitigation consistent with the PAAL or a contribution to an established public access fund.</p> <p><i>The Planning Commission recommends that the draft retain multiple options for providing public access in the S-7, with an on-site preference. These options would include a waterfront walkway, Bayside Trail improvements, Schuster Parkway multi-modal trail, and pedestrian overpasses.</i></p>
B.3			Bellarmino Preparatory School	Birmingham	Supports continuous walkway/bike path along east and west sides of the Thea Foss Waterway.	
B.3			Bellarmino Preparatory School	Birmingham	Supports a minimum 20-foot wide easement along the east side of Thea Foss Waterway south of Murray Morgan Bridge and along the west side of Thea Foss Waterway south of Dock Street to Point Defiance Park, as well as an elevated walkway through the TEMCO property.	
B.7			Brown and Haley	Clair (Pierson)	Require properties in the Foss, Schuster and Ruston Way shoreline districts provide continuous waterfront walkway linkage with adjacent properties.	
B.22			Walk the Waterfront	Herrmann	Request that all new development in the S-7 provide public access walkway along the entire site's shoreline including water-oriented port and industrial uses	
A.1, A.27, A.21, A.19, A.20, A.31, A.33, B.1,			Citizen, Walk the Waterfront, Greater	Lampson, Herrmann, Teitge, Clair (Sara),	Supports continuous bike path/walkway from Point Defiance to LeMay Museum/Tacoma Dome.	

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.3, B.7, B.9, B.15, B.18, B.20, B.22, B.23, B.29, B.37, B.45, B.46, B.47, B.49, B.51, B.52			Metro Parks Foundation, Citizen, Citizen, Citizen, Citizen, Bellarmine Preparatory School, Citizen, Tacoma Design Collaborative, RE/MAX Professionals, Citizen, Walk the Waterfront, Tacoma Audobon, Citizen	Rietmann, Singh, Schain, Anderson, Birmingham, Clifford, DeDominicis, Grunberg, Heaton, Herrmann, Hillman, Keniston-Longrie, McGovern, Rose (Richard), Schain, Singh, Stirn, Teitge, Veek, Wissmer		
A.21, A.26, A.33, B.7, B.11, B.14, B.42, B.43, B.47, B.49			Citizen, Citizen, Citizen, Brown and Haley, Citizen	Teitge, McGovern, Schain, Clair (Pierson), Coleman, Crowley, Rietmann, Rose (Richard), Stirn, Teitge	Opposes relying on Bayside Trail for public access. Trail is not universally accessible, has sensitive landscape features and safety concerns.	Opposition noted. The draft TSMP and Public Access Alternatives Plan identifies a ‘package’ of public access projects for the S-7 Shoreline District. The Bayside Trail is identified as one of those options, but only when it has been determined that on-site access is infeasible and a waiver has been granted. When access is required, the preference in the draft TSMP is for the installation of a 15’ walkway, ADA compliant, and adjacent to the ordinary high water mark. If this preference is infeasible or disproportionate to the established nexus, then an alternative on-site access feature, such as a view point, is preferred prior to allowing off-site mitigation. When an applicant is required to provide off-site access, the TSMP requires that that access go towards the implementation of one of the identified projects, including Bayside Trail improvements, the Schuster Parkway Multimodal Trail, improved connections between Bayside Trail and Schuster Parkway, or a

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
						<p>pedestrian flyover.</p> <p>The implementation or existence of one access site/project does not outright exempt new uses or development from providing additional access improvements, but may be considered when the Land Use Administrator is evaluating a proposed use or development for nexus and proportionality.</p> <p><i>The Planning Commission directed staff to keep Bayside Trail as an option for off-site public access mitigation; however, the Commission asked for additional review and discussion of the feasibility of this and other options be included in the PAAL.</i></p>
A.9 , B.36			Schnitzer Steel, Simpson	Mackie, McEntee	SMA does not require public access as condition of shoreline permit – requirement not consistent with Guidelines	<p>The SMA does not universally require public access as a condition of a shoreline development permit. However, it does establish the promotion and enhancement of public access and enjoyment of the shorelines as one of the overarching policies of the State. The SMA states that:</p> <p>RCW 90.58.020: “[T]he public’s ability to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.”</p> <p><i>“Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for ...development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state.”</i></p> <p>In addition, the SMA does provide a mandate for public agencies and development that occurs on public lands to provide public access.</p> <p>The implementing WAC Guidelines also mandate that local jurisdictions seek to enhance public access</p>
A.32			Temco and BNSF Railway	Stauffacher	Should not use zoning to force public access	
A.40			Narrows Marina	Wagner	Opposes public access requirements on a permit by permit basis	
B.5			Conoco-Phillips	Callender	Opposes public access requirement because on site access is not possible and operations do not create demand for access.	

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						<p>opportunities and establish standards for public access on a permit-by-permit basis. Local jurisdictions are required to implement specific standards, including:</p> <p>WAC 173-26-221(4): “...The master program should seek to increase the amount and diversity of public access to the state's shorelines consistent with the natural shoreline character, property rights, public rights under the Public Trust Doctrine, and public safety.</p> <p><i>Require that shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts, include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment...</i></p> <p><i>Provide standards for the dedication and improvement of public access in developments for water-enjoyment, water-related, and non-water-dependent uses and for the subdivision of land into more than four parcels...</i></p> <p><i>Adopt provisions, such as maximum height limits, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences...”</i></p>
A.11, B.27			Conoco-Phillips, Temco	Callendar, Johnson	Opposes public access requirements of Draft SMP	Opposition noted.
B.28		6.5.2.A.3.e	Port of Tacoma	Jordan	Exempt water-dependent uses related to terminal development on Port-owned property.	The Shoreline Management Act and WAC Guidelines mandate that projects on public property provide public access unless the project can meet one of the waiver criteria for on-site access. These requirements apply to all uses and development on public properties including water-dependent uses. If a Port project meets a waiver criteria access can be provided off-site or via a public access fund contribution. The Commission could consider the underlying access preference of on-site

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						<p>versus off-site implementation. Staff will discuss this further with the Planning Commission on July 6th.</p> <p><i>After discussion, the Planning Commission did not request a change to the draft proposal.</i></p>
B.24			Master Builders Association of Pierce County	Hoey	Opposes public access requirement for 4 or more lots or units (reference 7.7.1 A-7)	<p>Staff does not recommend a change. WAC 173-26-221 (4) (d) (iii) specifically requires that access be required for developments meeting these criteria.</p> <p><i>After discussion, the Planning Commission did not request a change to the draft proposal.</i></p>
A.22			Citizen	Coleman	No need for public access in S-10	<p>The Public Access Alternatives Plan (PAAL) is a City-wide vision for a public access system that supports a broad variety of access and recreation opportunities. Identified projects are not limited to the S-6 to S-8 shoreline area but also include trail systems in the bluffs adjacent to the Tacoma Narrows and Marine View Drive, a Puyallup River Levy Trail, and recreation improvements at Wapato Lake.</p> <p>The PAAL identifies existing public access in the S-10 Shoreline District but does not identify substantial new public access projects within that area. While some opportunities may exist to provide habitat viewing opportunities, access projects have been prioritized in areas outside the S-10 where potential conflicts between access and port, terminal and industrial operations will be avoided.</p> <p>However, the draft TSMP does apply a universal preference that access first be provided on-site unless there is a substantiated public safety or security risk.</p> <p><i>After discussing public comment, the Planning Commission directed staff to remove the on-site preference for public access in the S-10 district and allow off-site public access without a demonstration that the use or development qualifies for a waiver. Access would still be required subject to an evaluation of nexus and</i></p>
A.20			Citizen	Rietmann	Do not require public access for E Foss and Port/Industrial area	
A.32, B.6			Temco and BNSF Railway	Stauffacher, Christophersen	Opposes on-site public access for industrial uses	
A.23			Citizens for a Healthy Bay	Rose (Leslie)	A diversity of public access should be provided, not just a walkway along the S-6 to S-8 shoreline.	

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						<i>proportionality, but uses in the S-10 would have additional flexibility for providing that access when required.</i>
A.12			Port of Tacoma	Jordan	Foss Esplanade should end at E 15 th St	Staff would support ending the esplanade requirement at E 11 th Street due to the substantial hurdles and potential conflicts in requiring a waterfront esplanade North of 11 th Street, given some of the existing industrial uses. However, in that area between 15 th Street and 11 th Street there are significant redevelopment opportunities that would enable the development of a public esplanade connecting the West Foss, Dome District, and up to the Murray Morgan Bridge and Downtown. If uses North of 11 th Street redevelop, on-site access may still be required and could be provided as a walkway located away from the water's edge if feasible <i>The Planning Commission concurred with ending the esplanade requirement at East 11th Street on the east side of the Foss Waterway.</i>
B.28		6.5.2.D.2	Port of Tacoma	Jordan	Parcel 8950000720 makes boundary E 7 th Street. Port would like Boundary at E 15 street.	
A.16			Citizen	Christophersen,	Do not decrease public access.	New development that obstructs, displaces, or decreases existing public access would be required to mitigate for those impacts and replace the access elsewhere. New development that increases demand for access would also be required to provide access.
A.14			Tacoma Fire Fighters IAFF Local 31	Baurichter	TEMCO and Sperry are not safely compatible with on-site public access	Public access standards include waiver criteria for on-site public access when there is a demonstrable public safety or security concern. Applicants are required to submit substantial, credible evidence to support the waiver request. If granted, access mitigation would be required off-site or through a public access fund contribution. <i>After discussion, the Planning Commission did not request a change to the draft proposal.</i>
A.29, A.32			Martinac Shipbuilding	Martinac, Stauffacher	Concerned with safety of public access in industrial areas	
A.11			Conoco-Phillips	Callendar	Homeland security requirements would not allow public access	
A.22			Walk the Waterfront	Herrmann, Rose	Burden to prove on-site access is not possible should be on applicant	
A.27			Walk the Waterfront	Herrmann	Supports stronger waiver criteria for onsite public access	

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A.29, A.30			Martinac Shipbuilding, Simpson Companies,	Martinac, McEntee	Concerned over impacts from adjacent uses (public access, nonindustrial uses)	Comment noted. Policy 6.5.1(10) requires that new public access be sited and appropriately designed to avoid causing detrimental impacts to the operations of existing water-dependent and water-related uses. Staff recommends adding an implementing regulation.
A.5, A.27, B.16, B.22, B.29, B.30, B.41, B.51			Schroedel Planning Services, Walk the Waterfront, FWDA, citizen, Tacoma Audubon	Schroedel, Herrmann, Dowie, Keniston-Longrie, Lane, Price, Veek	Supports the use of Fee In Lieu for public access when on-site access cannot be accomplished. Continue to refine plan	Support noted <i>The Commission concurs with maintaining the public access fund as an option for meeting public access requirements.</i>
A.5, B.22, B.30, B.41, B.11, B.23, B30			Schroedel Planning Services, Walk the Waterfront, Citizen	Schroedel, Herrmann, Lane, Price, Coleman, Hillman, Lane	Opposes “automatic” exemptions from public access requirements or variances, waivers or other means of disallowing public access on site to the waterfront of S-6, S-7 and S-8 districts (6.5.1.9 and 6.5.2.A.7).	Opposition noted. The Draft TSMP does not allow for an “automatic” exemption. However, the burden would rest with the City to determine that a nexus exists to require public access for new private uses and development. All uses and development will be reviewed for potential impacts to public access or other conditions that would substantiate a nexus.
B.43			Citizen	Rose (Richard)	Require payment equal to 5% of project cost to Fee In Lieu if on site access is not possible.	In order to demonstrate proportionality, the Fee In Lieu contribution would have to be site and project specific and based upon the demonstrated nexus and reasonable mitigation. A flat percentage based fee may in some circumstances be disproportionate.
B.17			BNSF	Finn	Oppose Fee In Lieu. Industrial and exempt uses should not be required to contribute to Fee In Lieu.	Opposition noted. Fee In Lieu is not required but is an option that could be used if public access is required.
B.33, A.9, B.27, B.33, B.38, B.43			Schnitzer Steel, Grette Associates, Tacoma-Pierce County Chamber	Mackie, Johnson, Murray, Rose (Richard)	For Fee In Lieu, City must identify a demonstrated need for additional public access caused by the project and the fee must be commensurate with size and scale of demand. Burden of establishing nexus is on the City	Staff concurs. The burden of establishing nexus is on the City. However, nexus is a protection against the taking of private property and as such is limited to instances where the applicant is a private use on private lands. Nexus does not apply to use and development that occurs on public lands. Staff recommends text changes to differentiate between public and private projects and to clearly articulate that the burden is on the City to establish nexus.

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A.10, B.38				Boyle, Murray	Fee in lieu requirement is unclear.	<p>Comment noted. When an applicant is required to provide public access and it has been determined through the waiver criteria that access cannot be accommodated on-site, the applicant would have the option to make a contribution to a City of Tacoma public access fund for the development of public access projects elsewhere, as opposed to meeting the requirement on-site or off-site. The appropriate contribution would be a site and project specific determination, contingent upon a number of factors, including an assessment of rough proportionality.</p> <p><i>After discussion, the Planning Commission did not request a change to the draft proposal.</i></p>
A.32	102		TEMCO and BNSF Railway	Stauffacher	The term reasonably disproportionate is unclear	<p>Proportionality is a situational and project specific determination. There is not a clear bright line for what constitutes 'rough proportionality.' The test is one of reasonableness.</p> <p><i>After discussion, the Planning Commission did not request a change to the draft proposal.</i></p>
B.4			Chamber of Commerce	Brackett	Note: reference 6.5.2(A)(7) in Shoreline Public Access Plan Revised Draft pages 41-42 does not exist.	Staff will correct.
B.22			Walk the Waterfront	Herrmann	Various wording changes to 6.5.2 including changing "non-water-oriented" to "non-water-dependent" and clarification that access be provided in S-15 in front of new development.	6.5.2 (B) requires that new development within the S-15 provide access along the entire site's shoreline. Staff could clarify that this means adjacent to the OHWM. In addition, 6.5.2 (10) and (11) require water-enjoyment uses and non-water-oriented uses to provide continuous public access between the use and the shoreline edge. Staff will review other suggested word changes.
B.28		6.5.1.2	Port of Tacoma	Jordan	Add exception for water-dependent and water-related uses.	Consistent with WAC 173-26-221(4)(d) all uses and development, even water-dependent uses, are required to minimize impacts to views from public properties and a significant number of residences. However, the WAC is also clear that when there is an irreconcilable conflict between a water-dependent use and adjoining views, the water-dependent use shall have priority.

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B.28		6.5.2.A.2	Port of Tacoma	Jordan	State that where water-dependent use and visual access conflict water-dependent use prevails.	This is stated in 6.7.2 (A) (7). Staff recommends stating this in 6.5 as well.
B.28		6.5.2A.1 6	Port of Tacoma	Jordan	The Port prefers the ILA process and would like TSMP section to be consistent with PAAL.	Comment noted.
B.50	152	6.5.2 (C)(2)	DOE	Van Zwalenburg	Consider rewording to say “off-site improvements shall be accomplished that help implement one of the following...”.	Staff concurs.
B.50	152	6.5.2(D)	DOE	Van Zwalenburg	References TSMP 6.5.2 is reference 6.7.2?	Staff will correct.
6.6 Vegetation Conservation						
B.28		6.6.2.3	Port of Tacoma	Jordan	Define “qualified landscape professional”	Staff concurs. Definition will be added.
B.50	156	6.6.2 (12) and (13)	DOE	Van Zwalenburg	Move near the beginning of the section	Staff concurs.
6.7 Views and Aesthetics						
A.17			FWDA	Dowie	Clarify conflict between landscaping and requirements for public access along the Foss	Staff suggests revising the landscaping requirements so that where shoreline re-vegetation has occurred as mitigation or as voluntary enhancement, that vegetation can fulfill the landscaping requirements. Second, to clarify that this provision applies only to upland development activities, not overwater development, and thirdly, that where there is an irreconcilable conflict with a public access requirement, the landscaping standard can be reduced or met elsewhere.
B.16		6.7.2(B)	FWDA	Dowie	Planting strip and esplanade setbacks should be revised north of 15 th St due to site constraints. Would also like landscape maintenance and restoration terms in case of natural disaster or flood to be more specific.	
B.50	158	6.7.2 (B)	DOE	Van Zwalenburg	How does this landscaping requirement work with buffer requirement and vegetation conservation?	
B.11			Citizen	Coleman	Do not allow modifications to 35 foot height limit as allowed in 6.7.1.8.	Modifications to the 35-foot height limit are only allowed consistent with the provisions of the SMA and only in areas where residences will not be affected. Greater heights are only allowed in the High-Intensity and Downtown Waterfront designations, S-1a, S-7, S-8, S-10 and S-15 districts and associated waters of the S-13 and then only for specific uses, such as industrial/port uses.

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B.19			Puget Creek Restoration Society	Hansen	Develop process to plant tall native trees along Ruston, Schuster shorelines.	Comment noted – Landscaping requirements address the size of plants. The Restoration Plan identifies re-vegetation of shorelines as a restoration opportunity.
B.19			Puget Creek Restoration Society	Hansen	Protect shoreline street ends through conservation easements.	Comment noted.
B.26			Citizen	Jacobs	Supports development of a more specific view impact analysis so that public notice is increased to a radius of 600 feet in the S-8 zone.	Support noted.
B.28		6.7.2.C.1	Port of Tacoma	Jordan	Include exception for water-dependent industrial development north of E 15 th Street	The Foss Plan, as incorporated into the draft TSMP, requires new development to implement design elements that improve the pedestrian orientation of the Waterway, creating a more unified Waterway while still recognizing distinct sub-areas. While the majority of these guidelines apply to the design and amenities associated with public access, they also address issues related to building sites, including view and shading considerations. These guidelines do not apply retroactively and would only be triggered as part of new substantial development, and even then, many of the guidelines would not apply to industrial uses. The design review would occur by city staff as part of the shoreline permit review and approval.
B.50	161	6.8.2 (5) and (6)	DOE	Van Zwalenburg	Typos: “to prevent minimize”	Staff will correct.
B.29			Citizen	Keniston-Longrie	Would like view corridors from Point Defiance to Thea Foss Waterway to be established and preserved	Comment noted. Per section 6.7.2 of the TSMP, new uses and development are required to provide 30% of the shoreline frontage as a view corridor (except S-10).
B.26		9.9.2(1)(c)(i)	Citizen	Jacobs	What number is “a substantial number of residences”?	Comment noted. This language is derived from the SMA statute (90.58.320). It is not defined with a specific threshold. The identification of “substantial” would be made on a case-by-case basis taking into account the specific proposal, expected impacts to views and the surrounding context.

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B.32			Puget Group Holdings LLC	Lund	Protect views in S-1a and S-1b	Heights above 35' require a view analysis to assess impacts to public views and a significant number of residential views. All uses and development are required to minimize view impacts.
6.8 Water Quality and Quantity						
B.19			Puget Creek Restoration Society	Hansen	Supports stormwater management to decrease water pollution from outfalls.	Support noted.
7 – General Use Policies and Regulations						
7.1 Prohibited Uses						
No comments submitted.						
7.2 Aquaculture						
B.50	163	7.2	DOE	Van Zwalenburg	Aquaculture is a water-dependent use and as such, is considered a preferred use. Ensure prohibition is supported with documentation from the Inventory & Characterization	Aquaculture is prohibited due to water quality and human health issues. Because of the water depth and ownership pattern (i.e. the railroad) along the Narrows, shellfish aquaculture is not possible. Fish pens are the only possible aquaculture use. Fish pens are likely not compatible with existing and planned uses and achieving no net loss.
7.3 Boating Facilities						
A.36			People for Puget Sound and Futurewise	Trim	Would like to see 100% control of black water and gray water from live-aboard vessels	TSMP 7.3.2(K) requires the presence of utilities to control sewage. Staff will review language and consider changes.
B.21			Tacoma Yacht Club	Helling	Opposes prohibition of new boathouses and covered moorage in 7.3.1.A.9	Opposition noted.
B.21		7.3.2.K.1	Tacoma Yacht Club	Helling	Is unclear as to whether the marina owners need a permit for live-aboards.	Text will be updated to clarify permit requirements.
B.21			Tacoma Yacht Club	Helling	Allowance for commercial development at Breakwater Marina and Tacoma Yacht Club are unclear.	Commercial uses are allowed in marina's provided they comply with the provisions of 7.3.2(J).
B.25			Citizen	Holt	Tacoma has inadequate fishing boat moorage.	Comment noted.

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B.40			Futurewise	Patterson	Include general regulation to require co-location of facilities as much as possible.	Policy statement will be added encouraging co-location.
B.40			Futurewise	Patterson	Do not allow new marinas if they impact littoral drift	Marina development are adequately limited by Sections: 7.3.2(B)(1), which requires that proposals demonstrate no interference with littoral drift.
B.40			Futurewise	Patterson	Include greater ramp detail – see Pierce County	Ramp detail is sufficient at this time. Staff will review Pierce County’s provisions. Staff does not recommend a change.
B.40			Futurewise	Patterson	Address launch systems other than ramps	Launch systems other than those identified in the TSMP will be considered unlisted uses and would be permitted as a conditional use.
7.4 Commercial Use						
B.7			Brown & Haley	Pierson Clair	Supports increased buffer between residential, small business and industrial uses.	Support noted.
B.28		7.4.2.A.4	Port of Tacoma	Jordan	Change “will” to “should” and provide incentive to meet City’s objective	This provision is a requirement. Staff will consider potential incentives, but no change to text is recommended.
B.40			Futurewise	Patterson	Regulation requiring restoration and public access for water-related and water-dependent uses are needed.	State guidelines require restoration, only as part of mitigation of impacts. Water-related and water-dependent uses are subject to public access requirements if they meet the criteria listed in TSMP 6.5.2(A) and a nexus is established. Staff does not recommend a change
B.40			Futurewise	Patterson	Mixed use should not be allowed unless containing a water-dependent use	Comment noted.
B.40			Futurewise	Patterson	Establish a ratio of water-dependent to non-water-dependent uses for allowed mixed use projects	The shoreline frontage is required to be occupied by water-oriented uses. The remainder of the proposed development will be reviewed on a case-by-case basis to ensure it is consistent with all of the provisions of the TSMP.
B.40			Futurewise	Patterson	Commercial and industrial developments should submit a compensatory restoration plan.	Mitigation plans are required of all proposals where impacts to shoreline functions or critical areas are identified.

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B.44		7.4.2.C.1 and 7.4.2.C.2	CHB	Rose	Clarify for whom and when a shoreline permit is required.	Staff will clarify permit requirements and provide an introduction to the SMP that describes the permit process and when permits are required.
7.5 Port, Terminal and Industrial Use						
A.2, A.3, A.4, A.6, A.10, A.13, A.14, A.18, A.24, A.11, A.12, A.17, B.5, B.44, B.36, B.38			Tacoma-Pierce County Chamber, QVAKM Real Estate, Brotherhood of Locomotive Engineers, Sperry Ocean Dock, Grette Associates, International Longshore and Warehouse Union Local 23, Tacoma Fire Fighters IAFF Local 31, Youth Marine Foundation, Citizen, Conoco Phillips, Port of Tacoma, FWDA, CHB, Simpson	Murray, Fox, Elliot, Coy, Boyle, Mason, Baurichter, Lonergan, Lucas, Callendar, Jordan, Dowie, Rose, McEntee, Murray	Opposes prohibition of expansion of existing industrial uses in S-8 (E Foss)	<p>In 1974, the City adopted the <i>City Waterway Policy Plan</i> (the City Waterway is now known as the Thea Foss Waterway) that provided the foundation to transform the former shipping terminal and industrial waterfront into an urban waterfront with a mix of public and private uses emphasizing public access and enjoyment. The Plan’s vision was echoed in the implementing S-8 shoreline regulations of the time, which applied to the west side of the waterway and wrapped around the east side terminating at the centerline of East 15th Street. The northern edge of the east side of the waterway was included in the S-10 Port Industrial Shoreline District, which allowed and encouraged continued industrial use. The 1974 Plan recommended that the both sides of waterway be included in the S-8 Shoreline District to achieve the vision of redeveloping the overall waterfront area. Studies and plans that followed the 1974 Plan also concluded that both sides of the waterway needed to be planned as a single area and in 1996; the entire waterway area was rezoned to S-8.</p> <p>Because of concerns raised by eastside industrial property owners about the effect of the 1996 S - 8 rezone, the shoreline regulations allow industrial uses that existed in 1996 to continue as permitted uses. The regulations also allow repair, replacement, or modernization of the existing facilities and expansion to the full extent of their property lines but restrict their ability to expand onto adjacent properties within the S-8 district. To further appease concerns, the 1996 existing industrial uses are exempt from public access requirements as well as side yard setbacks that provide view corridors.</p>
B.16			FWDA	Dowie	Would like revisions to section 7.5.3(C) 2 to allow existing industrial businesses in S-8 to expand beyond property boundaries if a new water-dependent, water-related, or water-oriented use is part of the expansion.	

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.12			NuStar, VSI Law Group,	Combs	NuStar would like the language from SMP section 7.5.3(C)(2) to read as follows, "Existing industrial and water related terminal uses may expand, adapt, repair, replace, or otherwise modify, including changes necessitated by technological advancements; provided, however, the use may not be expanded into other S-8 designated properties."	<p>New water-oriented industrial uses are permitted north of East 15th Street; however, new industrial uses need to fully comply with public access and setback requirements. It should be noted that no new industrial use has located to the Foss Waterway since the 1996 rezone.</p> <p>An analysis reveals that some of the 1996 existing industrial uses may have discontinued operations and therefore the restriction no longer applies to these properties. Also, expansion within the S-8 shoreline district is restricted by other conditions including the Urban Waters development and existing rights-of-way, and some existing industrial uses own property in adjacent zoning districts and can expand eastward without restriction. Staff estimates that perhaps 2-4 properties may be affected by the zoning restriction on expansion. It appears reasonable to discontinue this provision because of its limited applicability and its continued inclusion has caused confusion. A map of the affected properties and ownerships will be presented at the July 20 meeting.</p> <p><i>After discussion, the Commission directed staff to remove the restriction on expansion of existing industrial uses.</i></p>
A.12, A.30, B.36			Port of Tacoma, Simpson	Jordan, McEntee	Allow existing log storage as a permitted use in S-11	Staff concurs that log rafting and storage be permitted in the S-11.
B.36			Simpson	McEntee	Remove log rafting standards from the draft	
B.28, B.44		7.5.3.B.1	Port of Tacoma, CHB	Jordan, Rose	Add parcel 8950200404 from S-11 to areas where log rafting is allowed	
A.15			Pierce County Building and Construction Trades Council	Martinez	Draft does not support industry	Comment noted.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
A.37			Citizen	Rose (Rick)	Inadequate buffer between industrial (i.e. Sperry Ocean Dock) and other uses	In the S-6 and S-7 Shoreline Districts, the draft does not require a landscaped (or other) buffer between industrial and non-industrial uses.
A.38			Citizen	Heaton	Industrial uses should not interfere with pedestrian connections	Comment noted. The draft describes potential use conflicts and specific situations in which public access or water-dependent uses take precedence over other use preferences. In general, the draft gives preference to that which is existing. For example, new access can be designed and implemented in a fashion that minimized or avoids impacting existing water-oriented uses and vice versa.
B.22			Walk the Waterfront	Herrmann	Remove shoreline location priority for port, terminal, and industrial uses in S-7 – 7.5.3	At this time, the draft gives shoreline location priority to port, terminal and industrial uses in the S-7 and S-10 shoreline districts. The Commission can consider whether this preference is appropriate in this location.
B.28		7.5.3.A.5.a	Port of Tacoma	Jordan	Change “shall be improved” to ‘achieve no net loss’	Staff concurs and will revise text.
B.40			Futurewise	Patterson	Regulations 7, 8, 9 need to be more specific in how pollution will avoided or minimized and then how impacts will be compensated for.	Staff does not recommend changes at this time.
7.6 Recreational Development						
B.40			Futurewise	Patterson	Reg 3 needs clarification	Non-water oriented recreational development such as a gymnasium should not be located in the shoreline.
B.40			Futurewise	Patterson	Reg 3 Trails are not water-dependent	Reg 3 ensures that only water-oriented recreational uses should be allowed in the shoreline. Water-dependent is not mentioned.
7.7 Residential Development						
A.15			Pierce County Building and Construction Trades Council	Martinez	Do not allow residential gentrification on the E Foss or in industrial areas	<p>Comment noted. Residential uses are prohibited on the East Foss north of 11th Street and in the S-10 and S-7 shoreline districts.</p> <p><i>After discussion, the Planning Commission did not request a change to the draft proposal.</i></p>

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.16, B.26		7.7.2	FWDA, citizen	Dowie, Jacobs	Would like Live/Work units allowed in S-8.	Staff concurs but recommends that the 'work' component locate on the ground level and occupy the building frontage. Staff will provide a definition of live-work.
B.28		7.7.2.C.1	Port of Tacoma	Jordan	Boundary should be E 15 th Street	The existing TMC 13.10 permits residential development south of E 11 th Street. Staff recommends no change. <i>After discussion, the Planning Commission did not request a change to the draft proposal.</i>
B.40			Futurewise	Patterson	Reg 2 needs more detail on prevention of damage.	Comment noted. No change recommended.
B.50	181	7.7.2 (B)(1)	DOE	Van Zwalenburg	Change reference from 2.6 to 2.5.	Text will be amended.
7.8 Signs						
B.16			FWDA	Dowie	Supports more stringent sign regulations for shorelines in S-8.	Support noted.
B.26			Citizen	Jacobs	Prohibit billboards or off premise signs.	Comment noted.
B.50	181	7.8	DOE	Van Zwalenburg	Consider allowing replacement of existing signs when an existing building changes tenants.	Staff concurs. Provision will be amended.
7.9 Parking						
A.36, B.40			People for Puget Sound and Futurewise	Trim, Patterson	Include language that would decrease overwater parking	See Table 9-2. Overwater parking is prohibited.
B.50	183	7.9.2 (5)	DOE	Van Zwalenburg	Is contradictory. Needs clarification.	Staff concurs. Text will be modified.
B.26			Citizen	Jacobs	Supports more specific parking requirements in S-8.	Staff will review the specific suggestions and consider text changes to add clarity to the draft.
B.29			Citizen	Joy Keniston-Longrie	Would like parking and transportation policies clarified for new/re-development projects.	
7.10 Transportation						
B.50	184	7.9.2(11)	DOE	Van Zwalenburg	Unclear reference to parking in Section 6.5.2(D)	Reference will be updated.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.50	185	7.10.1 (B)(3)	DOE	Van Zwalenburg	Define Foss Peninsula or change terminology.	Text will be amended.
B.28		7.10.2.A.5	Port of Tacoma	Jordan	Add "...and on dock rail associated with terminal development." – Port requests that on-dock rail not be considered a conditional use	Staff concurs and will amend text.
B.40			Futurewise	Patterson	Add regulation for EPF stating that they will be reviewed as the closest described use in the Table 9-2	Staff concurs. Provision will be added.

7.11 Solid Waste Disposal

No comments submitted.

7.12 Utilities

No comments submitted.

8 – Shoreline Modification Policies and Regulations

8.1 General Shoreline Modification Policies

B.50	193	8.1(2)	DOE	Van Zwalenburg	States "prevent recontamination..." replace with "contamination"?	Yes – recontamination applies more specifically to sediment contamination, where clean up has been undertaken and now water quality source control is being applied to prevent recontamination.
B.50	193	8.2	DOE	Van Zwalenburg	Consider changing or deleting the term "bulkheads"	Will delete out of title.

8.2 Shoreline Stabilization, Bulkheads, Breakwaters, Jetties, Groins, Weirs, Flood Control Works and In-stream Structures

No comments submitted.

8.3 Fill and Excavation, Dredging and Dredge Material Disposal

B.28		8.3.2.A.1	Port of Tacoma	Jordan	Fill waterward of the OHWM, when associated with a project permitted through a Shoreline Development Permit should not also require a Conditional Use Permit (CUP).	This requirement is consistent with state guidelines that specify that that fills waterward of the OHWM should require a CUP (WAC 173-26-231(3)(c)).
B.28			Port of Tacoma	Jordan	Port objects to being required to obtain CUP under sections 8.3.2.A.1.c and d	

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.28		8.3.2.B.1 and 2	Port of Tacoma	Jordan	Clarify the reason and implications of replacing the term “mitigated” with “compensated for”	Mitigation infers the mitigation sequence in WAC 173-26-201(2)(e). The first two steps of this sequence are avoiding and minimizing. Compensating for impacts is the fifth option in the sequence and should only be employed after the first four have been applied or are not feasible.
B.28		8.3.2.B.5	Port of Tacoma	Jordan	Add “...and shall be allowed as an exemption.”	Maintenance dredging is already an exempt activity per TSMP 2.3.3(8)
B.50	199	8.3.2 (11)	DOE	Van Zwalenburg	Might be better located in the stabilization section 8.2.2.	Change will be made.
8.4 Clearing and Grading						
B.40			Futurewise	Patterson	Reg 3 should include reference to protecting buffers.	Provision will be added.
B.44		8.3.2.B	CHB	Rose	For dredging projects, require an investigation to determine if contaminated materials were left or capped in place	Staff concurs that this should be reported as part of the permit application and for documentation.
8.5 Ecological Restoration and Enhancement						
B.19			Puget Creek Restoration Society	Hansen	Make easy process to allow volunteers to do beach clean-up, educational programs, and monitoring.	These activities are exempt activities as described in Chapter 2.
B.44		8.5.1.3	CHB	Rose	Edit or remove policy. Most sites in Tacoma have been contaminated.	Not all sites have been contaminated and conditions vary. Staff recommends no change.
B.44		8.5.2.1	CHB	Rose	Require project proponent to demonstrate that restoration is scientifically sound and that it will be compatible with functions of adjacent or nearby projects.	This is the goal of 8.5.2(1). Staff will review the language of the policies and regulations and add text where appropriate.
8.6 Moorage Facilities						
B.28		8.6.1.14 and 8.6.2.C.3:	Port of Tacoma	Jordan	The Port requests that the City leave the types of materials allowed to the materials allowed by WDFW in their HPA and provide flexibility as new materials/designs become available	Staff concurs and will amend text.
B.40			Futurewise	Patterson	Change title to dock, piers and boating facilities	Title is defined in the text of the program and in the definitions section. Staff recommends no change.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.40			Futurewise	Patterson	Prohibit moorage accessory to residences without waterfront location	Comment noted. Staff does not believe additional prohibition is necessary and does not recommend a change.
B.40			Futurewise	Patterson	Eliminate allowance of 50% replacement with treated wood.	Staff concurs. Text will be amended.
B.40			Futurewise	Patterson	Include greater specificity regarding dimension of docks and floats	Uniform single-family residential docks are rare in Tacoma. Over-water use is highly variable and includes a diverse mix of commercial and industrial uses. Specific dimensions for these types of overwater structures and uses would not be feasible given the conditions in the City. Staff does not recommend a change.
B.40			Futurewise	Patterson	Clarify that docks accessory to SF home but not used for boat moorage are not water-dependent uses.	Comment noted.
B.50	206	8.6.2(D) (1)	DOE	Van Zwalenburg	Clarify “legally permitted”, “in lawful existence” and “permitted/conforming”	The terms are redundant in this case.
B.50	206	8.6.2(D) (1)	DOE	Van Zwalenburg	Delete the phrase “or subsequent amendment to this Program” as there should be no additional covered moorage allowed.	Staff concurs and will revise the text.

9 – District-Specific Regulations

9.1 S-1a Western Slope South (High Intensity)

No comments submitted.

9.2 S-1b Western Slope South (Shoreline Residential)

No comments submitted.

9.3 S-2 Western Slope Central (Urban Conservancy)

No comments submitted.

9.4 S-3 Western Slope North (Urban Conservancy)

No comments submitted.

9.5 S-4 Point Defiance Natural (Natural)

No comments submitted.



Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
9.6 S-5 Point Defiance Conservancy (Urban Conservancy)						
No comments submitted.						
9.7 S-6 Ruston Way (Urban Conservancy)						
A.1, A.5, A.20, A.28, A.31, A.33, A.39, B.2, B.7, B.8, B.11, B.20, B.22, B.29, B.30, B.31, B.36, B.41, B.42, B.45, B.46			Citizen, Schroedel Planning Services, Citizen, Citizen, Citizen, Citizen, NENC, Citizen, Brown and Haley, Citizen, Citizen	Lampson, Schroedel, Rietmann, Wiegman, Singh, Schain, Price, Barker, Clair (Peirson), Clair (Sara), Coleman, Heaton, Herrmann, Keniston-Longrie, Lane, Lehrer, McGovern, Price, Rietmann, Schain, Singh,	Supports proposed extension of S-6.	<p>The Commission has received multiple suggestions as to where the appropriate S-6 and S-7 boundary should be. Generally, the comments fall into one of three categories:</p> <ol style="list-style-type: none"> 1. Maintain the boundary as proposed, extending the S-6 to include Jack Hyde Park, Chinese Reconciliation Park and Sperry Ocean Dock; 2. Extend the S-6 to include the parks, but maintain the Tahoma Salt Marsh and Sperry Ocean Dock as S-7; and 3. Extinguish the S-7 altogether and rezone the entirety of the Schuster Parkway shoreline as S-7. <p>The most significant changes that would result from rezoning any portion of S-7 to S-6 would be the reduction of height allowances from 100 feet down to 35 feet and the prohibition of Port, Terminal and Industrial Uses, resulting in nonconforming status for the existing uses in the S-7.</p> <p>Other differences between the two districts includes:</p> <ul style="list-style-type: none"> • Marinas area permitted in S-7 but not S-6; • Seaplane floats are permitted in the S-6 but prohibited in the S-7. <p>Other permitted uses and modifications are generally consistent between the two districts.</p> <p>The two districts have distinctly different intent statements, S-6 being focused on low-intensity uses, especially public access and water-enjoyment uses, whereas, the S-7 provides for the development of deep</p>
A.19, A.37, B.5, B.7, B.9, B.18, B.29, B.30, B.41, B.47, B.49, B.52			Greater Metro Parks, Bellarmine Preparatory School Foundation, Brown and Haley, Citizen, RE/MAX Professionals, Citizen	Clair (Sara), Rose (Rick), Birmingham, Clair (Pierson), Clifford, Grunberg, Keniston-Longrie, Lane, Price, Stirn, Teitge, Wissmer	Extend S-6 zoning from edge of Point Ruston to Thea's Park	<p>Other permitted uses and modifications are generally consistent between the two districts.</p>
A.2, A.3, A.4, A.6, A.10, A.13, A.14, A.18, A.24, A.12, B.4, B.6,			Tacoma-Pierce County Chamber, QVAKM Real Estate, Brotherhood	Murray, Fox, Elliot, Coy, Boyle, Mason, Baurichter, Lonergan, Lucas, Jordan, Brackett,	Opposes extension of S-6 through Tahoma Salt Marsh and Sperry Ocean Dock	<p>The two districts have distinctly different intent statements, S-6 being focused on low-intensity uses, especially public access and water-enjoyment uses, whereas, the S-7 provides for the development of deep</p>

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.17, B.19, B.27, B.28, B.44, B.34, B.38			of Locomotive Engineers, Sperry Ocean Dock, Grette Associates, International Longshore and Warehouse Union Local 23, Tacoma Fire Fighters IAFF Local 31, Youth Marine Foundation, Citizen, Port of Tacoma, Christopherse n, BNFS, Puget Creek Restoration Society, Temco, Port of Tacoma, ILWU Local 23	Finn, Hansen, Johnson, Jordan, Rose, Mason, Murray		<p>water terminal facilities and light industrial uses.</p> <p>In addition to the proposed rezone, the Commission could consider the types of uses permitted in the S-6 and S-7 more broadly. For example, the S-6 could still give priority to water-dependent uses or uses that utilize deep water access, as deep water is available throughout the Ruston Way shoreline.</p> <p><i>After discussion of public comments, the Commission directed staff to include in the recommendation to the City Council, extending the S-6 boundary southward to include Jack Hyde Park, Chinese Reconciliation Park, Tahoma Salt Marsh, and Sperry Ocean Dock.</i></p>
A.6, A.12			Sperry Ocean Dock, Port of Tacoma	Coy, Jordan	Supports expansion of S-6 to the westward edge of Tahoma Salt Marsh – leaving the salt marsh in S-7	
A.14, A.30			Tacoma Fire Fighters IAFF Local 31, Simpson Companies	Baurichter, McEntee	Maintain existing S-6/S-7 boundary	
B.11			Citizen	Coleman	Encourages extension of S-6 all the way to Thea Foss, but supports keeping Temco property S-7.	

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
A.25, A.26, A.38.43			Citizen, Citizen, Citizen	Clair (Pierson), McGovern, Heaton, Rose (Richard)	Extend S-6 to TEMCO	
B.13, B.28, B.44			Sperry Ocean Dock, Port of Tacoma, CHB	Coy, Jordan, Rose	Inclusion of Sperry Ocean dock in S-6 is inconsistent with designation criteria in WAC 173-26-110(3). – Should be HI based on WAC 173-26-211(5)(D).	Comment noted. The Sperry Ocean Dock site may not be consistent with the character of the Ruston Way shoreline and the existing land uses. However, it is within the City’s authority to designate areas based upon the goals and aspirations of the community.
A.10, B.13			Grette Associates	Boyle, Coy	Sperry Ocean Dock is inconsistent with the Intent of the S-6 District.	<p>WAC 173-26-211 outlines the process for designating shoreline areas. WAC 173-26-211(2)(a) states that the classification system should be based on the following:</p> <ul style="list-style-type: none"> • The existing use pattern; • The biological and physical characteristics of the shoreline; and • The goals and aspirations of the community. <p>The above information was reviewed in developing the designation classification system consistent with State recommendations and criteria. However, the Planning Commission has the authority to make a recommendation to the City Council based upon the goals and aspirations of the community and not solely on the existing use pattern or any one individual criterion.</p> <p>In addition, Tacoma has the authority to utilize alternative systems under WAC 173-26-221(4)(c). The State recommends a classification system, management policies and designation criteria, but the City is not bound to adhere only to those recommendations. The City may develop an alternative designation and develop its own designation criteria, as it has proposed with the Downtown Waterfront Designation.</p> <p>In this case, the City has proposed using the designation criteria for the Urban Conservancy environment consistent with State recommendations and has utilized</p>

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						<p>the information specified above. The Planning Commission has received testimony on the proposal and may make a recommendation that considers that testimony and the community goals and aspirations expressed in that testimony.</p> <p>Likewise, the intent for each district is not required to reflect only what is present at this time, but can be aspirational – by promoting a change of use and development patterns over time. In addition, the Commission can maintain the existing district intent or modify it to reflect the proposed boundary change. Likewise, the Commission can revise the designation criteria and proposed management policies or maintain the current proposal.</p> <p><i>After discussion of public comments, the Commission directed staff to include in the recommendation to the City Council, extending the S-6 boundary southward to include Jack Hyde Park, Chinese Reconciliation Park and Sperry Ocean Dock. No other revisions were requested.</i></p>
B.28			Port of Tacoma	Jordan	The Port requests written findings as to how the S-6/7 change is consistent with the Guidelines	The Planning Commission’s recommendation to the City Council will include findings of fact in support of its recommendations.
B.50	214	9.7 (B)	DOE	Van Zwalenburg	Describes the boundary as extending to the westernmost extent of the Ruston Way right-of-way which is greater than 200’ from the OHWM. How do you propose to implement this? Will there be complementary regulations in your zoning code to address this issue?	Rather than utilizing a shoreline overlay, the City of Tacoma uses Shoreline Zoning Districts to implement the goals and policies of the Master Program. In several instances, shoreline zoning district boundaries in the existing and proposed Master Program have been expanded outside shoreline jurisdiction in order to establish consistent use and development standards in a defined area. As the shoreline jurisdiction line follows the ordinary high water mark, it is possible to have a circumstance where the jurisdiction line weaves along a roadway or a parcel so that it is periodically within and periodically outside of the shoreline jurisdiction. In these cases, the City has proposed extending the zoning district to a defined point, in this case Ruston Way, to add predictability and consistency. It should be noted

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
						that in these cases shoreline <i>jurisdiction</i> does not apply outside 200' of OHWM, but only the use and development standards. This means that some SMA objectives, such as public access and no net loss standards, do not apply in the areas outside shoreline jurisdiction. Staff proposes clarifying this issue in the applicability section of the TSMP as well as in TMC 13.06.
9.8 S-7 Schuster Parkway (High Intensity)						
A.4			Brotherhood of Locomotive Engineers	Elliot	S-7 should extend from McCarver Street to TEMCO	Please see the staff responses for the S-6 Shoreline District.
A.5, A.22, A.27, A.37, B.8, B.11, B.22, B.41, B.47			Schroedel Planning Services, Citizen, Walk the Waterfront, Citizen, Sternco	Schroedel, Coleman, Herrmann, Rose (Rick), Clair (Sara), Coleman, Price, Stirn	Confine industrial/Port uses to S-10. Extinguish S-7 along Ruston Way/Schuster Prkwy. Allow non-conforming uses to continue.	
A.12, A.16, A.32			Port of Tacoma, Citizen, Temco and BNSF Railway	Jordan, Christophersen, Stauffacher	S-7 should include Tahoma Salt Marsh and south.	
B.13			Sperry Ocean Dock	Coy	Sperry Ocean Dock is consistent with the Intent of the S-7 Shoreline District.	Staff agrees that the Sperry Ocean Dock site is consistent with the intent for the S-7 District; however, it is within the City's discretion to rezone shoreline districts to respond to community goals and aspirations or to further implement other goals and objectives of the SMA.
B.4			Chamber of Commerce	Brackett	Change of S-7 to S-6 is counter to preference for water-dependent uses	Regardless of the specific zoning district, the SMP can continue to give preference to water-dependent uses. Many water-dependent uses are recreation or

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
						<p>commercial oriented. Giving preference to water-dependent uses does not necessarily lead to a preference for port, terminal or industrial related uses. In addition, not all water-dependent uses require deep water. However, different types of uses may require different water depths. The Waterfront Lands Analysis indicates that:</p> <p>Recreational boats typically require depths of 6 to 12 feet</p> <p>Tugs, barges, larger commercial fishing boats, small freighters, and ferries need 10 to 30 feet of water depth</p> <p>Larger commercial vessels (e.g. tankers and breakbulk vessels) usually need more than 30 feet of water depth</p> <p>Larger container vessels (8,000 TEU+) have drafts of more than 45 feet and require a depth of 50+ feet.</p> <p>The Ready Reserve fleet has a draft of 32 to 34 feet when loaded, needs channel and berth depth of 35 feet or more.</p> <p>The BST report characterized shoreline areas by the available water depth. These maps have been provided to the Planning Commission for reference.</p>
			Chamber of Commerce	Brackett	Change of S-7 to S-6 and S-10 to S-8 do not conform to PSRC Vision 2040 MPP-Ec-19.	<p>MPP-Ec-19 states: "Maximize the use of existing designated manufacturing and industrial centers by focusing appropriate types and amounts of employment growth in these areas and by protecting them from incompatible adjacent uses."</p> <p>According to the City of Tacoma Comprehensive Plan, the S-7 Shoreline District is not included within the manufacturing and industrial center. A change to this zoning, therefore, does not create a conflict with Vision 2040.</p>

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
						The S-8 and S-10 as they currently exist are the approximate boundaries for the Downtown Regional Growth Center (S-8) and the Manufacturing and Industrial Center (S-10). The division between these two centers runs along the eastern boundary of the S-8 Shoreline District. To the east of E. D. Street is the M-2 zoning district, which is also a part of the MI Center. However, the proposed rezone only affects that portion at the NE corner of the Foss Waterway. The NuStar property is currently divided between S-8 and S-10 and therefore, it is partially within the DRGC and in part, in the MI Center. Leaving the site as it is currently zoned, split between the S-8 and S-10 would maintain consistency with the center boundaries.
B.4			Chamber of Commerce	Gary Brackett	Change of S-7 to S-6 and S-10 to S-8 are not consistent with SMP pg 25: for amendment of zoning classifications, substantial similarities of conditions and characteristics on abutting properties must be present.	The Commission has broad discretion to recommend Comprehensive Plan Amendments that support planned land uses. In making a recommendation to amend the Comprehensive Plan or for an area-wide rezone, the Commission can consider both existing and planned land uses. The proposed amendment need only meet one of the 10 criteria and the staff report indicates that the proposed amendments meet more than one of the required criteria.
B.22			Walk the Waterfront	Herrmann	Change district intent (9.8) from focus on deep water port, terminal, industrial facilities to recreation and transport	Comment noted. This is one option the Commission could weigh for the S-7 district intent statement and use allowances. The intent statement could give priority to transportation and recreation facilities that require deep water, such as a ferry terminal or a moorage for a cruise vessel. While there are a number of uses that require deep water access, the primary limiting factor along the S-7 District is the constrained upland land supply. Due to the BNSF rail and Schuster Parkway alignments, there is a lack of land for the upland facilities necessary to support many of the uses that could otherwise utilize the deep water.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
9.9 S-8 Thea Foss Waterway (Downtown Waterfront)						
A.7, A.8, A.30, B.4, B.12, B.44, B.38, B.42, B.46			NuStar, VSI Law Group, Simpson Companies, Tacoma-Pierce County Chamber, CHB, Ciitizen	Roller, Combs, McEntee, Brackett, Rose, Murray, Rietmann, Singh	Opposes changes to S-8/S-10 on E Foss	<p>The entire waterway was rezoned to S-8 in 1996. The rezoning was the last step in acting upon a long-standing recommendation to plan both sides of the waterway as a cohesive whole. The Plan and zoning acknowledge that the northeast section has existing industrial uses and a different character found in other parts of the Foss Waterway. New industrial development is permitted north of East 15th Street, subject to design, access and other development standards as applicable. The development of Urban Waters, a \$35 million investment, houses the headquarters of the Puget Sound Partnership, UWT research labs and the City's Environmental Services Division of the Public Works Department. This public investment is well-regarded as an indicator of the type of uses that are expected in the future. The City and others are actively seeking complementary uses that involve design, research and technology to address urban water pollution. Changing the zoning to S-10 would undermine these efforts and isolate Urban Waters from the rest of the Waterway. The City and its partners in the development, the state of Washington and UWT, have relied on the zoning remaining intact in order to leverage future private investment building on the success of the model sustainable office and research facility.</p> <p>In addition, other developments on the E Foss signal that there is an ongoing transition to a mix of industrial and non-industrial uses, including the location of the Youth Marine Center on the E Foss north of 11th Street. Several other sites in this area appear to be inactive at this time.</p> <p><i>After discussion of public comments, the Commission directed staff to include in the recommendation to the City Council, extending the S-10 boundary southward to the E 3rd Street right of way on the northeast corner of</i></p>
A.3			QVAKM Real Estate	Fox	Supports rezoning industrial uses on E. Foss from to S-8 to S-10	
B.7			Brown & Haley	Clair (Pierson)	E and W Foss and the south side of Commencement should not be zoned high-intensity or port/industrial.	
B.5			Conoco-Phillips	Callender	Requests that Conoco facility be zoned S-10 and requests that the City consider rezoning entire E Foss, north of 11th Street S-10.	
A.11			Conoco-Phillips	Callendar	Would prefer to be zoned S-10	
B.6			Bellarmine Preparatory School	Birmingham	Supports proposed changes to the S-8/S-10 boundary on the E Foss	

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
						<i>the Foss Waterway to shift the NuStar property into the S-10. No other revisions were requested.</i>
B.12, B.28			NuStar, VSI Law Group, Port of Tacoma	Combs, Jordan	NuStar Property should be zoned S-10 because its uplands are zoned for industrial use.	The M-2 Zoning District also allows non-industrial uses that are consistent with the use allowances of the S-8, including taverns, commercial recreation and entertainment, cultural institutions, parks and recreation and office development. In addition, industrial uses are permitted on the eastside of the Foss Waterway north of 15 th Street.
A.2, A.3, A.4, A.6, A.10, A.13, A.14, A.18, A.24,			Tacoma-Pierce County Chamber, QVAKM Real Estate, Brotherhood of Locomotive Engineers, Sperry Ocean Dock, Grette Associates, International Longshore and Warehouse Union Local 23, Tacoma Fire Fighters IAFF Local 31, Youth Marine Foundation, Citizen.	Murray, Fox, Elliot, Coy, Boyle, Mason, Baurichter, Lonergan, Lucas	SMP does not follow Council Resolution 36702, mandating design standards along E D Street to create a barrier between industrial and mixed uses	In 2005, the Chamber of Commerce submitted an application to amend the Thea Foss shoreline regulations. The proposed amendment, as originally submitted, requested the prohibition of residential and hotel/motel uses on the eastside of the Thea Foss Waterway, allowing non-water related or non-water dependent industrial uses as permitted uses rather than as conditional uses, and modifying the maximum allowed height in the portion of the eastside south of 15 th Street to allow an additional four feet of height above the current 100-foot limit for every one foot a structure is set back. Ultimately the Chamber modified their application to request only the proposal to ban residential and hotel/motel uses citing incompatibility of these uses with industrial development. A project application to build an office/condo project on the current site of Urban Waters had sparked their application submittal. The Chamber, Port of Tacoma and industrial property owners all expressed concern that “gentrification” would spread from the Foss shoreline toward the Puyallup River making it more difficult for existing and future industrial uses to co-exist. Although the Planning Commission denied the amendment application, the City Council voted to prohibit residential and hotel/motel uses but only in the eastside segment north of East 11 th Street on November 15, 2005. The same evening the Council also adopted
B.36, B.38			Simpson, Tacoma-Pierce County Chamber	McEntee, Murray	The City Resolution 36702 must be incorporated into the TSMP	

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.5			Conoco-Phillips	Callender	Opposes changes of traffic designation and rebuilding the roadway on East D St to include sidewalks, parking, and a waterfront walkway – noted in the draft East Thea Foss Waterway Transportation Corridor Study.	Resolution No. 36702, expressing the intent for future planning and development on the eastside of the Foss. The Resolution was the result of a negotiated agreement among many parties. Among other things, the resolution outlines actions that the City would take in cooperation with the Port of Tacoma and Pierce County to discourage future encroachment of non-industrial uses eastward of the Waterway. The Resolution directed the development of standards for shoreline uses as one action to accomplish this purpose. The update to the Foss Plan and regulations includes new and revised guidelines and standards that apply to the entire waterway as well as those that apply to the eastside of the Foss. These standards support the resolution by emphasizing that new development will be oriented to the shoreline. Attached is a recent memorandum to the City Manager from the directors of the Community and Economic Development Department and the Public Works Department detailing the status of the actions outlined in the Resolution. <i>After discussion, the Planning Commission did not request a change to the draft proposal.</i>
B.12			NuStar, VSI Law Group,	Combs	If NuStar is in S-8, add language from existing 13.10.110(A) back to district intent.	Staff concurs. This addition would encourage existing industrial uses to continue their operations and their leases to industrial tenants.
B.12			NuStar, VSI Law Group,	Combs	If NuStar is in S-8, add language to 7.5(B)(1): “Existing industrial and terminal uses be allowed to continue their current operations.”	Staff concurs. Please see response to comments on this issue under 7.5 Port, Terminal and Industrial Uses
B.16		9.9.D.1	FWDA	Dowie	Supports Section 9.9.D.1, allowing 10 years of interim use, and conditional use permits	The existing Thea Foss Waterway Design and Development Plan envisions the Westside of the Foss Waterway as an area for retail commercial, office, hotel and residential use in a mixed-use configuration, with a strong emphasis on residential development between South 15 th and South 21 st Street. The Shoreline Master Program included development standards to implement this vision. Some of the relevant standards include:
B.26		9.9.D.1	Citizen	Jacobs	Opposes Section 9.9.D.1, allowing 10 years of interim use – should require CUP.	
B.50	217	9.9 (D)	DOE	Van Zwalenburg	Is there a way to turn this in to an incentive? This language also merits specific documentation and findings to support the need for flexibility.	

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
						<p>Policies that the ground level of new buildings should be designed and occupied to create an exciting pedestrian environment and to promote the enjoyment of the water.</p> <p>Policies discouraging residential uses, non-water-oriented uses, and uses that are not pedestrian friendly from occupying the frontage along the esplanade and view/access corridors.</p> <p>Requirements for pedestrian oriented uses to occupy a minimum of 50% of the esplanade frontage and 20% of the frontage along the view/access corridors and Dock Street.</p> <p>In addition, pedestrian oriented uses are required to locate at or near the corners where possible.</p> <p>Lastly, a majority of the ground level floor must be occupied by water-oriented uses.</p> <p>Non-water-oriented commercial uses are allowed through a CUP.</p> <p>Since 1996, the mixed-use structures that have been built along the Westside of the Foss Waterway have struggled to sustain the preferred uses on the ground level and the expectations for build-out of the Westside have changed significantly.</p> <p>Currently, only the Glass Museum, Albers Mill (a small residential mixed-use building) Thea’s Landing (a mixed-use residential building with 486 units of apartments and condominiums) and The Esplanade (a largely vacant mixed-use building) have been constructed between South 15th and South 21st Streets. In addition, the esplanade public accessway has not been completed. At this time, no hotels or commercial office buildings have been completed as envisioned. Also, the plan for angled</p>

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
						<p>parking along Dock Street has been eliminated as the result of the expansion of railroad lines by BNSF. Moreover, anticipated visits to the Glass Museum are about one-half of that expected at the time it was constructed. These conditions have led to only minimal pedestrian traffic along both the esplanade and Dock Street.</p> <p>The FWDA and developers along the Westside have consistently cited concerns about the development standards that have led to unnecessary permitting conflicts and complexities.</p> <p>In response, staff has suggested revising the development standards to do the following: replace the term 'pedestrian-oriented' uses with the more broadly encompassing 'water-oriented' uses; delete the requirement for a majority of the ground level to be water-oriented, focusing more on the esplanade frontage; and deleting the requirement for pedestrian-oriented uses to cluster at or near the corners. From a pedestrian-oriented standpoint, water-oriented uses along the frontage of Dock Street and the Esplanade have a more direct interface with the public and a more direct role in creating the desired environment than requiring 51% of the entire ground level to be water-oriented. This will provide a degree of additional flexibility for new development.</p> <p>In addition, increasing pedestrian traffic will largely be influenced by achieving the full build-out as envisioned in the Foss Plan and within the draft TSMP. To respond to the conditions above and to further the implementation of the Foss Plan, staff proposes use allowances that would provide additional flexibility for new development at the outset, while still ensuring that in the long-term, uses locate on the Foss Waterway that are consistent with the vision.</p>

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
						<p>These proposals include allowing a new or existing mixed-use structure to occupy 100% of the ground level with non-water-oriented uses for a period of 10 years through a conditional use permit. Or, if at least 25% of the esplanade frontage is occupied with water-oriented uses, the development could be permitted through a shoreline substantial development permit. In either case, the remaining frontage requirements would have to be built to suit a future conversion to water-oriented uses. The permits would have to be reviewed after 10 years and would be eligible for a 5 year extension.</p> <p>Since the opening of Thea’s Landing in 2003, the vacancy rate for the commercial space has fluctuated between 46% and 96%. The proposed changes to the S-8 regulations will go a considerable way towards alleviating these conditions in the near-term, accelerating the pace of development and creating a more pedestrian-oriented environment by allowing vacant commercial spaces to be leased for short term uses, while not foreclosing on the long-term vision for water-oriented uses along Dock Street and the esplanade.</p> <p>Under the proposal, residential uses would remain prohibited on the ground level.</p> <p>The Planning Commission’s recommendation to the City Council will include findings of fact in support of their recommendations.</p>
B.16			FWDA	Dowie	Would like revisions to section 9.9.2(2)b and other referenced sections so that the 13 th St access and view corridor is a secondary corridor rather than a primary one.	Staff concurs.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.16			FWDA	Dowie	Would like revisions to section 7.4.2(C)2 so that artisan/craftpersons, vendors or mobile vendors are not treated as a permanent structure within the S-8 shoreline district while permanent structures for vendors should require a shoreline permit.	Staff concurs and will provide clarifying text changes.
B.26			Citizen	Jacobs	Allow “home occupation”	Home occupations are permitted in the S-8.
B.26		9.9.2.1(c)	Citizen	Jacobs	Define “substantial number of people.”	What qualifies as substantial is context specific and may depend on the type of use proposed.
B.26		9.9.2.2	Citizen	Jacobs	Omit “within a structure”	Comment noted. This provision applies only in limited circumstances where the distance between two access corridors are more than 500’ apart. The provision requires additional access above and beyond the view corridor and esplanade improvements but provides flexibility for the development to provide that additional public access either outdoors or within the structure. Staff does not recommend a change at this time.
B.26		Table 9-1	Citizen	Jacobs	Change Puget Sound Freight Building to Balfour Dock Building	Staff concurs.
B.26			Citizen	Jacobs	Do not require minimum height	Comment noted. Staff does not recommend a change at this time.
B.12			NuStar, VSI Law Group,	Combs	W Foss should be oriented toward pedestrians and E Foss should be oriented toward industrial users.	Comment noted. The intent of the existing Thea Foss Waterway is to plan for an integrated waterway that provides continuous public access and amenities. However, it also recognizes the industrial character of the NE corner of the Waterway. These elements have been carried forward into this draft.
B.29			Citizen	Keniston-Longrie	Zone E and W Foss S-6	Rezoning the S-8 to S-6 would significantly change the planned uses and development standards for the Foss Waterway, contrary to the public goals, objectives, and vision for this Waterway as represented in past and current planning documents.

9.10 S-9 Puyallup River (Urban Conservancy)

No comments submitted.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
9.11 S-10 Port Industrial Area (High Intensity)						
B.28		9.11.B	Port of Tacoma	Jordan	Change landward to waterward	Text will be changed.
9.12 S-11 Marine View Drive (Urban Conservancy)						
B.28		9.11.B	Port of Tacoma	Jordan	Residential Development all categories: add a footnote referencing 7.7.2 D.1.	Staff concurs.
9.13 S-12 Hylebos Creek (Natural)						
B.28		9.13	Port of Tacoma	Jordan	Add provisions allowing public access, to ensure that port can fulfill its plans to provide access in the district	Staff concurs. Refer to Table 9-2. Public access and water-oriented recreational development is allowed in the Natural Designation and S-12.
B.28		9.13.B	Port of Tacoma	Jordan	Add landward after SR 509	Text will be amended.
9.14 S-13 Waters of the State (Aquatic)						
B.7			Brown & Haley	Clair (Pierson)	Do not allow Stadium/Schuster waters to be used as a transportation storage area	Comment noted.
B.7, B.11, B.37			Brown & Haley, Citizen	Clair (Pierson), Coleman, McGovern	Supports establishment of height, length, and time limits for vessels moored between Point Defiance and Thea's Park to half of the bluff height and a maximum of 30 days in every 3 months, Tall Ships masts to be excluded from this limitation, 35 foot height limit should be applied to moored vessels.	The Shoreline Management Act and Washington Administrative Code do not grant local jurisdictions the authority to regulate vessels in these circumstances, with limited exceptions for live-aboards (considered a residential use). The type of vessel may be considered in determining the type of use, but are not considered structures that can be regulated by the development standards of the TSMP. For example, a moorage facility is considered a shoreline modification that supports a type of use, such as recreational boating or commercial shipping. The height and development standards of the TSMP apply to the moorage facility, but not the vessel.
B.51			Tacoma Audubon	Veek	Prohibit overwater structures for non-water-dependent uses.	Staff concurs. New structures are only permitted for water-dependent uses and public access.
B.50	228	9.14	DOE	Van Zwalenburg	Rename district Marine Waters of the State	Staff concurs.
B.50	230	9-14 (D)(1)(g)	DOE	Van Zwalenburg	Verify reference to 7.6	Staff will fix the reference.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.50	230	9-14 (D)(1)(1)	DOE	Van Zwalenburg	How does regulation relate to section 2.5?	Staff will add a reference that this provision is subject to the limitations in section 2.5.
B.19			Puget Creek Restoration Society	Hansen	Prohibit overwater structures in area that are "restored or protected"	Staff does not recommend a change. Overwater structures located in a priority habitat are regulated additionally by the FWHCA standards. WAC 173026-221 (2) (c) (iii) prohibits overwater structures in critical saltwater habitats except in specific circumstances. The draft TSMP is consistent with these provisions of the WAC.
9.15 S-14 Wapato Lake (Urban Conservancy)						
No comments submitted.						
9.16 S-15 Point Ruston/Slag Peninsula (High Intensity)						
A.35, B.10, B.35			Point Ruston	McCament, Cohen	Confirm that Parcel L is located within S-15, in-water parcel	Parcel L is in-water and located within the S-13 district. However, if a new use were to locate on Parcel L, the use and development allowances would depend in part on where the upland connection occurs. For example, if a marina was to be constructed within the S-15 District and the in-water portion was on parcel L, then the use would have to be consistent with the permitted uses in the upland S-15 District. If the in-water use were connected to upland areas within the S-6 District, then the permitted uses in the S-6 would apply.
A.35, B.10			Point Ruston	McCament, Cohen	Clarify treatment of areas within S-15 zoning but outside of SMA jurisdiction, particularly concerned about conflicting height allowances in FSEIS – request that non SMA S-15 remain at current zoning.	Staff concurs and will clarify.
B.50	231	9.16 (B)	DOE	Van Zwalenburg	Describe treatment of area with S-15 outside of SMA jurisdiction.	
B.10, B.35			Point Ruston	Cohen, McCament	Allow no more than 25 townhouses 100 feet from OHWM as included in the Point Ruston site plan. Do not make Townhouses a CUP from 150 to 100 feet from OHWM.	Staff does not recommend a change. Staff concurs that townhouses and multifamily be permitted provided they are setback 100 feet from OHWM, but recommends requiring a CUP.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
A.35			Point Ruston	McCament	Eliminate CUP for stand-alone multi-family (e.g. townhouses in the vicinity of Parcel B within 100 feet of OHWM and limited to 25 units	Allowing these uses as a Shoreline Substantial Development Permit would make it easier to modify existing permits to more widely convert other permitted structures to multi-family.
B.10, B.35			Point Ruston	Cohen, McCament	Make passenger only ferry and water taxi facilities an allowed use in S-15	Staff concurs.
B.10, B.35			Point Ruston	Cohen, McCament	Requests that helicopter landing pads be a permitted use outside of SMA jurisdiction within S-15	Under the existing shoreline master program, these facilities would be considered an unlisted CUP. Staff recommends allowing these facilities but only outside of shoreline jurisdiction and as part of a structure. Staff recommends that these facilities be processed as a CUP.
B.10, B.35			Point Ruston	Cohen, McCament	Supports adding mooring facilities associated with public access to the list of permitted used in the draft SMP Table 9-2, pg 195.	Staff concurs that this is consistent with allowed uses and modifications in other high-intensity shoreline districts.
B.10, B.35			Point Ruston	Cohen, McCament	Would like Max. height in Table 9-2, page 197, to reflect current vested height allowance for Point Ruston development: 35 feet height within 100 ft OHWM, 50 feet height within 100-200 ft OHWM, 80 feet height within 200 ft OHWM.	Staff concurs.
B.10			Point Ruston	Cohen	Would like the rear yard setback requirement eliminated from S-15	The rear yard set back is defined as being measured from the marine buffer. Uses and development that do not occur within or adjacent to the marine buffer would not be subject to the rear yard setback.
A.35			Point Ruston	McCament	Eliminate CUP for uplands outside of SMA jurisdiction	Staff does not recommend a change at this time. Since shoreline use categories are broadly defined, it is appropriate to require a CUP to provide more conditional review of the proposed use.
A.35			Point Ruston	McCament	Update definition of townhomes for S-15 so that units are not attached to land. Because of superfund site, there will be sale of land to owners	Staff concurs and text will be amended.

Table 9-2 – Shoreline Use and Development Standards

B.28			Port of Tacoma	Jordan	S-11 Residential Development – all categories add a footnote referencing 7.7.2.D.1	Staff concurs. Footnote will be added.
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Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
B.28			Port of Tacoma	Jordan	S-11 Port, Terminal, and Industrial Development – Add footnote allowing log storage at parcel 8950200404 in S-11	Staff concurs.
B.40			Futurewise	Patterson	Include a use intensity preference for intact areas.	Use intensity is regulated through existing zoning and development standards. Staff does not recommend a change.
B.40			Futurewise	Patterson	Include signs as modification or remove them from table – do not allow “other” signs in UC or N	Staff does not recommend a change in location for the sign standards. Shifting signs from a use to modification category will not have an impact on how signs are permitted or their development standards.
B.40			Futurewise	Patterson	Add other with Breakwaters, Jetties, Groins and Weirs	Non-classified uses would be processed as conditional uses. This seems appropriate for unknown structures.
B.40			Futurewise	Patterson	Add a category for accessory utilities and infrastructure with development standards in the utilities section	Staff does not recommend a change. Utilities associated with a primary use are permitted as part of that primary use, not as a separate use or development activity.
B.40			Futurewise	Patterson	Prohibit subdivision within intact shoreline areas. If allowed require a 300-foot lot width.	Comment noted. Staff does not recommend a change at this time.
B.50	235	Table 9.2	DOE	Van Zwalenburg	Update reference in footnote 3	Reference will be updated.

10 – Definitions

B.10, B.35			Point Ruston	Cohen, McCament	Would like the term ‘townhouse’ to be defined in S-15 zoning as “single family dwelling units that occupy space from the foundation to the roof with each individual unit attached to one of more other Townhouse dwelling unit by at least one common wall.”	Staff concurs and text will be amended.
B.26			Citizen	Jacobs	Clarify definition of “mixed-use”	Mixed-use project and facility are defined in chapter 10, Definitions.
B.28			Port of Tacoma	Jordan	Add to the list of examples “accessory buildings associated with terminal operations”	Comment noted. Staff will review an appropriate example.
B.29			Citizen	Keniston-Longrie	Update definition of normal maintenance and repair	Definition will be updated.

Shoreline Restoration Plan

No comments submitted.

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
Public Access Alternatives Plan						
B.14			Citizen	Crowley	Supports using the northbound lane of Schuster into a pedestrian/bike path.	Support noted.
B.14			Citizen	Crowley	Supports constructing a pedestrian/bike bridge at Jack Hyde Park to connect Ruston Way to Old Town.	Support noted.
B.28		4.1.1.1.2	Port of Tacoma	Jordan	Make consistent with comment on TSMP 6.5.2.A.2	Comment noted. Staff does not recommend a change at this time.
B.28		4.2	Port of Tacoma	Jordan	Consider including the to-be-adopted Port Element	Comment noted.
B.28			Port of Tacoma	Jordan	Map 1 Identify public Ole & Charlie's Marina near mouth of Hylebos	Maps will be updated.
B.28			Port of Tacoma	Jordan	Map 2: Street ends at E F Street, Lincoln Ave, and two on E 11 th Street are inaccessible to the public. Change number of street ends to "1" in the S-10 in Table 2	
B.28		5.2.2.4	Port of Tacoma	Jordan	Remove "potential from number 11, 12, and 22.	
B.28		5.2.2.5	Port of Tacoma	Jordan	Remove four street ends in the S-10	
B.28			Port of Tacoma	Jordan	Table 1: Add "1" under Public Marina/S-11-Marina View Drive (Ole & Charlie's Marina)	Table will be updated.
B.28			Port of Tacoma	Jordan	Map 3: Is this map meant only to show linear feet	Yes, it only shows areas where there is continuous, linear access to the shoreline.
B.28		7.1.2	Port of Tacoma	Jordan	Typo	Text will be amended.
B.28		7.1.3.3.3	Port of Tacoma	Jordan	The Port remains committed to drafting its own public access plan and the ILA process is the preferred process for adoption.	Comment noted.
Thea Foss Waterway Design Guidelines						
B.28		5.5.6.D.2.d	Port of Tacoma	Jordan	Area north of 15 th should be exempt from design standards – design standards should be	The Foss Plan, as incorporated into the draft TSMP, requires new development to implement design

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
					encouraged through incentives.	elements that improve the pedestrian orientation of the Waterway, creating a more unified Waterway while still recognizing distinct sub-areas. While the majority of these guidelines apply to the design and amenities associated with public access, they also address issues related to building sites, including view and shading considerations. These guidelines do not apply retroactively and would only be triggered as part of new substantial development, and even then, many of the guidelines would not apply to industrial uses. The design review would occur by city staff as part of the shoreline permit review and approval
TMC 13.11 Critical Areas Preservation						
No comments submitted.						
TMC 13.06 Zoning						
No comments submitted.						
TMC 13.05 Land Use Permit Procedures						
No comments submitted.						
Cumulative Impacts Analysis						
No comments submitted.						
Other Plans and Policies						
B.11, B.22			Citizen, Walk the waterfront	Coleman, Herrmann	Do not rescind Foss Waterway (2005) or Ruston Way (1981) plans	The Comprehensive Plan consists of individual elements (chapters) most of which have been consolidated into a single document. Prior to consolidation, the Plan was comprised of individual stand-alone documents; approximately 38 in total. With the passage of GMA, the City began a process to incorporate the individual plans into a consolidated document. As new elements are developed or revised, the pertinent parts of the older
B.29			Citizen	Keniston-Longrie	Ruston Way Plan must be integrated in to the S-6	

Source Key	Page	Section	Commenting Agency	Name of Commenter	Comment	Response to Comment
						planning documents are incorporated and rescinded. To date, 16 plans have been rescinded. The Ruston Way and Shoreline Trails Plan were adopted pre GMA (1981 and 1989 respectively). The Thea Foss Plan, although newer, was extensively overhauled as a part of the Master Program update.



**SHORELINE MASTER PROGRAM UPDATE
PROPOSED AMENDMENTS
TO THE
COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

TACOMA PLANNING COMMISSION
DRAFT FINDINGS AND RECOMMENDATIONS
AUGUST 17, 2011

A. SUBJECT:

Adoption of amendments to the Master Program for Shoreline Development including modifications to the Comprehensive Plan and Title 13 of the Tacoma Municipal Code (Land Use Regulatory Code), and including area-wide zoning reclassifications.

B. SUMMARY OF PROPOSED AMENDMENTS:

Most jurisdictions in the state had 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) requires 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. The Department of Ecology guidelines (2003) which are codified in the Washington Administrative Code (WAC 173-26) are to be used and followed by local jurisdictions in the comprehensive update. The guidelines include substantive, procedural and process requirements. 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 shorelines 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 Shoreline Master Program includes goals, policies, environment designations, shoreline district designations (zoning), and development regulations for the following shorelines of the state located within the city limits: Commencement Bay and its waterways, the Tacoma Narrows, the Puyallup River, Hylebos Creek, Wapato Lake and associated streams and wetlands. The Puyallup River and marine areas waterward of extreme low tide are designated as “shorelines of statewide significance”, requiring additional attention.

The proposed Tacoma Shoreline Master Program (TSMP) would rescind and replace in its entirety the City’s existing Master Program for Shoreline Development which guides activities and development along the City’s shorelines and which includes shoreline goals and policies in the Comprehensive Plan and development regulations found in Chapter 13.10 Shoreline Management within the Land Use Regulatory Code. The amendment will also rescind the Thea Foss Waterway Design and Development Plan (last amended in 2005), the Ruston Way Plan (1981) and the Shoreline Trails Plan (1989); all elements of the Comprehensive Plan and of the existing Master Program. Relevant portions of these plans have been integrated into the TSMP and companion documents.

The following table provides a summary of the proposed amendments:

TOPIC	DESCRIPTION OF CHANGES
Administrative Provisions	The current Master Program references state-developed procedures; the update to thee TSMP includes 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 TSMP includes a revised Shoreline Environment Designation system based on the recommended classifications in State guidelines. Designation criteria, purpose statements, and management policies are provided for each designation. A unique designation of “Downtown Waterfront” has been added 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	Shoreline districts are the zoning designations for areas within shoreline jurisdiction. The amendment establishes three new shoreline districts and combines two existing districts into one district. In addition, changes are recommended to the former shoreline district boundaries (S-1 through S-14) for consistency with the new shoreline environment designation system and to address future local land use desires. Properties within the new districts and modified districts will be reclassified as a part of the amendments.
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 and updated to meet requirements for no net loss of ecological functions. Shoreline use categories have been updated to reflect the classifications in the State guidelines. The use and development standards for each district have also been updated to be consistent with and implement the shoreline environment designation and the policies for that designation, as well as to achieve consistency with the intent for each district.
Shoreline Modifications	The proposed 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 located in the shoreline jurisdiction have been incorporated into the development regulations and modified consistent with the City’s shoreline goals and policies. Critical areas located in the shoreline jurisdiction will be regulated under the provisions of the Shoreline Management Act as required by State law.</p> <p><i>Overwater Structures.</i> The proposed 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 that 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 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 clarified in the proposed TSMP. A draft Public Access Alternatives Plan (PAAL) has been developed to assist with the implementation of access when required and to guide the 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 has been developed as required by the State guidelines. This is an entirely new element of the Shoreline Master Programs to improve shoreline conditions over time, and includes provisions for ongoing regional and local efforts and conceptual restoration opportunities.</p>

TOPIC	DESCRIPTION OF CHANGES
Public Access Alternatives Plan	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. The Plan also incorporates planned or potential access sites and opportunities from other planning documents and studies. The PAAL is not part of the Master Program but is a complementary guidance document that will be adopted separately by the City Council.
Shoreline Trails Plan	Identified shoreline trails and associated amenities 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.
Ruston Way Plan	Use and development standards for Ruston Way are integrated into the 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 will be rescinded as part of this update.
Thea Foss Waterway Design and Development Plan	The goals and policies of the Foss Plan have been incorporated where applicable into the TSMP. Public access projects identified in the Foss Plan that have been completed are included in the inventory of existing public access in the PAAL. Proposed access projects are incorporated into the PAAL as well. Design guidelines and standards have been relocated and updated to reflect public comment and testimony into a new stand alone Thea Foss Waterway Design Guidelines document. The Design Guidelines are not part of the Master Program and will be adopted separately by the City Council to supplement the S-6 development regulations. The Foss Plan will be rescinded as part of this update.
TMC 13.11 Critical Areas Preservation	TMC 13.11 requires amendment to address consistency with the changes in the proposed TSMP, i.e., the integration of critical areas standards within the TSMP and regulation of critical areas within shorelines of the state solely under the requirements of the Shoreline Management Act and the TSMP.
TMC 13.06 Zoning	TMC 13.06 is proposed for amendment to include dimensional sign standards for signs within shoreline jurisdiction and to address applicability of zoning and development regulations of shoreline district designations that exceed shoreline jurisdiction.
TMC 13.05 Land Use Permit Procedures	TMC 13.05 is proposed for amendment to streamline the permit appeal process by moving appeals of Land Use Administrator shoreline decisions directly to the Shoreline Hearings Board.

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 GMA requires that any amendments to the Comprehensive Plan and/or 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. The adoption or amendment of a Shoreline Master Program qualifies as an exception.
4. The GMA requires that any change to development regulations shall be consistent with the Comprehensive Plan. Development regulations, as defined by GMA, 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.
5. The GMA goes beyond a consistency standard and imposes a substantive requirement that any change to development regulations shall be demonstrably consistent with and *implement* the Comprehensive Plan.
6. Proposed amendments to the Land Use Regulatory Code, (Title 13 Tacoma Municipal Code), and area-wide zoning reclassifications fall within the GMA definition of development regulations.
7. Chapter 13.02 of the Tacoma Municipal Code sets forth the procedures and criteria for amending the Comprehensive Plan and development regulations and for area-wide zoning reclassifications.
8. 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.
9. The City of Tacoma began an update to its Critical Areas Preservation Ordinance (CAPO) in 2003. Under the requirements of the Growth Management Act (GMA) the City was required to update its critical areas regulations in consideration of “best available science”.
10. In 2004, the City hired GeoEngineers to create a map portfolio of critical areas and an inventory of shoreline elements within the City, to research and identify the Best Available Science (BAS) for each critical area, and list the BAS references in a bibliography. The final report included a CAPO audit, a narrative summary of BAS alternatives for each critical area and application to the urban landscape, information gaps, and recommendations for interim actions and further research.
11. On November 15, 2005, the City of Tacoma adopted amendments to Chapter 13.11 Critical Areas Preservation as required by the Growth Management Act.
12. On January 13, 2006, the Tahoma Audubon, Citizens for a Healthy Bay, People for Puget Sound and Futurewise petitioned the Central Puget Sound Growth Management Hearings Board (GMHB) alleging that the updated Critical Areas Preservation Ordinance (CAPO) was not in

compliance with the GMA for failing to protect critical areas, specifically Fish and Wildlife Habitat Conservation Areas designated along Tacoma's marine shorelines.

13. The City Council directed staff to initiate an update of the Shoreline Master Program three years ahead of the state's schedule in RCW 90.58.080(4) to integrate critical areas protection with the Shoreline Master Program.
14. ESA was selected and approved by City Council to assist with the Shoreline Master Program update and approved for the on-call contract in September 2006. Reid-Middleton was selected and approved to assist with the Thea Foss Waterway Design and Development Plan update with a team that included BST and Associates and Atelier-Jones LLC.
15. Between April 2006 and April 2007, the City held a series of meetings on the Shoreline Inventory and Characterization, including internal and external shoreline stakeholders, committees, and individual parties.
16. The draft Shoreline Inventory and Characterization Report was distributed to the technical advisory committee for comments. Approximately 15 comment letters were submitted on the draft Shoreline Inventory and Characterization Report.
17. On October 18, 2006, the Planning Commission discussed the Shoreline Master Program update, including scope of work, schedule, and key issues.
18. On November 1, 2007, the GMHB ruled that the updated CAPO did not comply with GMA provisions (Case No. 06-3-0001) requiring the application of best available science (BAS), and for special consideration of measures necessary to preserve salmon. The CAPO was remanded back to the City to develop standards to protect functions and values of critical areas. In particular, the specific measure identified as lacking was buffers for marine fish and wildlife habitat conservation areas.
19. The Planning Commission directed the review and amendment of CAPO to comply with Hearings Board order and recommended to the City Council on May 21, 2008 revisions to Chapter 13.11. The City Council adopted the revised regulations on July 1, 2008. The Commission's Findings and Recommendations were adopted by the City Council in the adoption of the recommended amendments to the CAPO (Ordinance No. 27728) and are incorporated herein by reference.
20. On August 7, 2008, the Hearings Board issued an Order of Compliance (Re: Ordinance No. 27728) based upon the City's record of Best Available Science, and states that the adoption of the ordinance complies with the goals and requirements of the GMA and enters a Finding of Compliance.
21. The 2008 CAPO amendment in Ordinance No. 27728 established the following buffer standards for marine critical areas according to Shoreline District (SD):
 - 200' from OHWM for areas approximating the existing S-3 and S-4 shorelines;
 - 115' from OHWM for areas approximating the existing S-2, S-5, S-6, S-7, S-11 and S-12 shorelines;
 - 50' from OHWM for areas approximating the existing S-1, S-8, S-10 shorelines as well as the Point Ruston and Slag Peninsula portions of the S-6.

22. Buffer standards for streams and wetlands were not appealed or changed during this process. These standards included:
 - 150' stream buffer from OHWM for the Puyallup River and Hylebos Creek
 - 300' wetland buffer for Wapato Lake and associated wetlands
23. State law now requires the regulation of critical areas within shoreline jurisdiction be accomplished under the Shoreline Management Act and must be included in the update to the Master Program.
24. Department of Ecology has outlined multiple options for integrating critical areas standards into shoreline regulations.
25. The City determined that incorporating critical areas standards directly into the Master Program was consistent with the legislative intent, would prevent the dual regulatory coverage of shoreline permits and critical area permits, and allows a seamless integration of critical area preservation standards, including buffers, with the use and development preferences of the Shoreline Management Act.
26. While the GMA requires critical area standards to be based on the Best Available Science (BAS) the Shoreline Management Act requires jurisdictions to review scientific and technical information. The WAC guidelines state that the City is to:
 - “identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern”
 - “base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available.”
27. The Shoreline Inventory and Characterization Report establishes the baseline shoreline conditions and includes documentation of the most “current, accurate and complete” scientific and technical information
28. According to NOAA Fisheries, the waters of Commencement Bay and Tacoma Narrows are designated critical habitat for Puget Sound Chinook and Puget Sound Resident Orca. It is documented that juvenile salmonids rear in the delta area of the Puyallup River in Commencement Bay and that the bay itself provides important rearing and migratory habitat for several species of salmon that spawn in the tributaries to the Puyallup River and the Hylebos (Simenstad, 2000). While shorelines are urban in nature throughout much of the City of Tacoma, the marine nearshore and waters provide important critical habitats to federally-listed salmonid species and marine mammals.
29. The Master Program must include standards that ensure “no net loss of ecological functions including critical saltwater and freshwater habitats and species” – a standard similar to that used in the CAPO.
30. State law clarifies that shorelines of the state shall not be considered critical areas except to the extent that specific areas qualify for critical area designation based upon the definition of critical areas in the RCW. The City of Tacoma Shoreline Inventory and Characterization identifies existing and probable critical areas within the City’s shorelines of the state.
31. The critical area standards and buffers adopted in the CAPO and now integrated into the proposed Master Program have been adjusted to allow for buffer modifications related to water-dependent

and water-oriented uses, including public access, and to revise the permit procedures consistent with shoreline permit and exemption processes.

32. No changes to the existing stream buffers for the Puyallup River and the Hylebos Creek are proposed as part of the Shoreline Master Program update.
33. On October 23, 2008, the City re-initiated the update of the Shoreline Master Program, having completed the CAPO amendment. The City held a public workshop at the Foss Waterway Seaport to present and take public comment on the following draft documents:
 - Draft Shoreline Restoration Plan
 - Draft Waterfront Lands Analysis
 - Draft Public Access Inventory and Opportunities
 - Draft Foss Waterway Public Access and Use Analysis
34. Public notice for the workshop was extensive and included taxpayers of record for properties for all shoreline districts and within 400 feet of these properties. The public notice was sent to interested stakeholders, Neighborhood Council representatives, business and community organizations, City departments, State and federal agencies, adjacent jurisdictions, other governmental agencies, the Puyallup Tribe, large institutions, environmental organizations and others. In all, over 5,700 public notices were distributed for this workshop.
35. City staff and consultants documented the public comments provided at the workshop and posted the meeting summaries on the City of Tacoma Shoreline Master Program update webpage.
36. On November 19, 2008, the Planning Commission discussed the draft documents presented at the workshop and the comments on those documents from the October 23rd public workshop.
37. On December 17, 2008, the draft documents were presented to the technical advisory committee and additional comments were received.
38. On May 6, 2009, the Department of Ecology offered the City of Tacoma a grant to support the Shoreline Master Program update. The City of Tacoma entered into a grant agreement with DOE on October 1, 2009 for \$125,000 in grant funds to be applied to work occurring between July 1, 2009 and June 30, 2011.
39. On January 27, 2009, staff presented background information on the Shoreline Management Act, the DOE guidelines, as well as an update on the process, schedule, and public participation for the Master Program update to the City Council at the Council's Study Session.
40. On September 10, 2009, staff held a public meeting with shoreline stakeholders and interested parties to discuss Washington Administrative Code (WAC) requirements for the designation of shoreline environments and the proposed changes to the City's shoreline environment designations.
41. On October 29, 2009, the City held a shoreline visioning meeting that focused on specific shoreline districts, the intent statements for those districts, the permitted uses, and potential restoration and public access projects. Public notice for the workshop was extensive. Notice was mailed to taxpayers of record for properties within all shoreline districts and within 400 feet of these properties. In all, over 2,300 notices were mailed. A summary of the comments and questions from the meeting were posted to the City's Shoreline Master Program update webpage.

42. On November 4, 2009, staff from the Department of Ecology provided the Commission with an overview of the Shoreline Management Act and the guidelines in Washington Administrative Code (WAC) for amending Shoreline Master Programs. City staff presented a summary of key issues as well as a schedule for Planning Commission review and recommendation.
43. On December 2, 2009, the Planning Commission discussed Washington Administrative Code (WAC) requirements for the designation of shoreline environments and the proposed changes to the City's shoreline environment designations. According to state guidelines, the shoreline environment designations, which are to be assigned to each distinct shoreline section, "provide the framework for implementing shoreline policies and regulatory measures specific to the environment designation."
44. On January 20, 2010, the Planning Commission discussed Washington Administrative Code (WAC) requirements for listing shoreline uses and modifications. The WAC Guidelines establish a framework for determining which uses and modifications may be considered allowed, conditional or prohibited, both City-wide and per shoreline environment designation. The City of Tacoma has established shoreline districts as a means of implementing the shoreline environment designations and as a strategy for distinguishing the character of different shoreline areas.
45. On February 3, 2010, the Planning Commission discussed the integration of the Thea Foss Plan into the Shoreline Master Program, and public participation in the update of the Foss Plan.
46. On March 3, 2010, the Planning Commission discussed the existing public access regulations, draft public access policies and regulations, and key issues.
47. On March 30, 2010, the City Council was updated during a Study Session on the key concepts from the Washington Administrative Code requirements, progress to date on the update to the Master Program, local issues, and next steps in the schedule and process.
48. Between April and June 2010, the City Council's Standing Committees for Economic Development and for Environment and Public Works convened three joint committee meetings to discuss status, key issues and to listen to public comments on issues of concern from interested parties.
49. On September 1, 2010, the Planning Commission and members of the public toured several shoreline areas including the Schuster Parkway Shoreline, Foss Waterway, and a portion of the Port Industrial Area.
50. On September 15, 2010, staff released a preliminary draft of the TSMP for public comment. Public comment was requested to be submitted by November 30, 2010 for consideration by the Planning Commission in preparing the final public review draft.
51. On October 20, 2010, City staff held an informational meeting on the preliminary draft TSMP. The meeting was held at the Center for Urban Waters. Notification was sent by e-mail to all interested parties.
52. On October 27, 2010, City staff held an informational meeting on the preliminary draft elements of the TSMP related to the Thea Foss Waterway, including use, design, and public access standards. The meeting was held at the Center for Urban Waters. Notification was sent by email to all interested parties.

53. On November 3, 17, and December 15, 2010 the Planning Commission began their review of the comments submitted on the preliminary draft TSMP and were provided with a summary of comments from the informational meetings held in October.
54. Public comments submitted on the preliminary draft were compiled into a comment book and CD-Rom and were distributed to the Planning Commissioners and City Council. Fifty (50) comment letters were submitted with over 300 pages of attachments.
55. On January 5, 2011, the Planning Commission discussed public comments, responses, and policy options related to the general public access requirements in the preliminary draft TSMP.
56. In support of this discussion, the Planning Commission reviewed the following materials:
- A memo from Jeff Capell, Deputy City Attorney, responding to questions raised about requiring public access in the shoreline;
 - Shoreline Management Act RCW 90.58.020 Legislative findings – State policy enunciated – Use preference;
 - Washington Administrative Code WAC 173-26-251 Shorelines of statewide significance;
 - *Chapter 9: Public Access* from the Department of Ecology’s Shoreline Master Program Handbook;
 - A comparison table of public access policy and requirements from Tacoma’s existing Master Program and proposed requirements contained in the preliminary draft TSMP.
 - An excerpt from the draft Public Access Alternatives Plan that discusses the applicable WAC Guidelines and the specific policies and development standards in the Preliminary Draft TSMP that implements them.
57. On January 19, 2011, the Planning Commission discussed public comments and policy proposals related to the S-7 Schuster Parkway Shoreline District.
58. On February 2, 2011, the Planning Commission discussed public comments and policy proposals related to the S-8 Thea Foss Waterway Shoreline District.
59. On February 16, the Planning Commission reviewed their prior discussions, related to public access, S-7 Schuster Parkway and the S-8 Thea Foss Waterway Shoreline Districts and recommended modifications to the preliminary draft. In support of this discussion, the Commission was provided with a *Public Access Primer* prepared by the City’s legal consultant Jay Derr, Principal in the firm of GordonDerr.
60. On March 2, 2011, the Planning Commission discussed the draft Cumulative Impacts Analysis.
61. On March 16, the Planning Commission discussed public comments and policy proposals related to nonconforming uses and development, log rafting and storage, and Wetlands of Local Significance.
62. On February 9, 23, March 9, and May 10, 2011 the City Council Standing Committees for Economic Development and for Environment and Public Works discussed the preliminary draft and public comments submitted on that draft, took additional public comment, and were updated on the process to date and next steps. In support of these discussions, the Council was provided with a *Public Access Primer* on February 9th prepared by the City’s legal consultant Jay Derr,

Principal in the firm of GordonDerr. Staff from the Department of Ecology was on hand to answer questions from the City Council and to discuss the Department of Ecology's role in updating Master Programs.

63. Pursuant to the State of Environmental Policy Act (SEPA), the City of Tacoma issued a preliminary Determination of Environmental Nonsignificance (DNS) and Adoption of Existing Environmental Document on May 2, 2011 based upon a review of a completed environmental checklist. Public comment was accepted until June 10, 2011. A legal notice was published in the *Daily Index* on May 9, 2011 and additional notification of the environmental review was provided in conjunction with the Planning Commission public hearing notice. Pursuant to WAC 197-11 and Tacoma's SEPA procedures, the preliminary DNS, SEPA File Number: SEP2011-40000162367 was made final on June 17, 2011. No comments were submitted. The determination was made that this project does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file.
64. On April 6, 2011, The Planning Commission reviewed a staff report that was prepared by the Long-Range Planning Division. The report provides a general description of the proposed amendments and identifies applicable provisions of the Shoreline Management Act, Growth Management Act, Comprehensive Plan and the Land Use Regulatory Code. The amendment is 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. Area-wide zoning reclassifications also are reviewed using six additional criteria found in Chapter 13.02. An economic impact assessment of the amendment was also provided. Other information is used during the review of the proposed amendments including but not limited to state laws, City ordinances, similar provisions used by other municipalities, and City Council direction. The Commission also reviewed proposed revisions to the preliminary draft TSMP shown with tracked-changes.
65. A public review document was developed which included a copy of the public hearing notice, the 18 page staff report described above, a copy of the completed Department of Ecology Shoreline Master Program Submittal Checklist, and the preliminary environmental determination and completed checklist.
66. The public review document also included the draft Shoreline Master Program with appendices, the draft Public Access Alternatives Plan, draft Thea Foss Waterway Design Guidelines, draft revisions to Chapter 13.11 Critical Areas Preservation, 13.05 Land Use Permit Procedures, and 13.06 Zoning, and the draft Cumulative Impacts Analysis.
67. After completing a review of the amendment proposals and staff reports and modifying the proposals as warranted, the Planning Commission, on April 20, 2011, authorized the proposed amendments for distribution for public review and comment and set a public hearing date for June 1, 2011. The public comment period was held open until 5:00 pm on Friday June 10.
68. Pursuant to RCW 36.70A.530(4), the Community and Economic Development Department notified the Director of Public Works for Joint Base Lewis-McChord on May 9, 2011 of the City's intent to amend its Comprehensive Plan and Land Use Regulatory Code. No response was received within the 60 days required by law.

69. In accordance with RCW 36.70A.106, the Community and Economic Development Department, on May 10, 2011, notified the State Department of Commerce and other required State agencies of its intent to adopt amendments to its Comprehensive Plan and development regulations. No comments were received from the Department of Commerce. Comments were submitted by the Department of Ecology.
70. Proper written or electronic notice of the Planning Commission's public hearing was distributed to Neighborhood Council board members, other neighborhood groups, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, Puyallup Tribe, major employers and institutions, City and State departments, taxpayers of record both within shoreline jurisdiction and within 400' of a shoreline district, and other known interested individuals or groups. 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 also posted on the public information bulletin boards on the first and second floors of the Tacoma Municipal Building. In all, more than 2,100 public notices were distributed.
71. Public notice signs were posted in areas proposed for area-wide rezones, including Marine View Drive, Hylebos Creek, Thea Foss Waterway, Schuster Parkway, Ruston Way, Narrows Marina, and Titlow Park. The public notice signs included maps and descriptions of the proposed changes, background information, and staff contact information.
72. The notice stated the time and place of the public hearing, the purpose of the public hearing, information pertaining to the environmental determination, where and how additional information could be obtained, and how to provide comments. Advertisement of the public hearing and community informational session was published in *The News Tribune* on May 12, 2011.
73. The public hearing notice indicated that written comments are welcome and must be submitted by 5:00 p.m., June 10, 2011 to the Tacoma Planning Commission, 747 Market St., Rm. 1036, Tacoma, WA 98402, or faxed to (253) 591-2002, or e-mailed to planning@cityoftacoma.org.
74. The public review document was made available for public review at the office of the Community and Economic Development Department and all branches of the Tacoma Public Library and on the City's website (www.cityoftacoma.org/planning) and made available on CD-ROM upon request.
75. A 24-hour planning inquiry phone line was established (573-2529) where citizens could call in to receive more information about the proposed amendments and leave messages.
76. Pursuant to RCW 36.70A.370 and following the guidelines prepared by the Washington State Attorney General pursuant to RCW 36.70A.370, the draft amendments were reviewed by the City Attorney to assure that adoption of the changes will not result in an unconstitutional taking of property.
77. An informational public meeting was held on May 19, 2011. The purpose of this meeting was to provide an overview 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*.
78. The Planning Commission held a public hearing on the draft amendments to the Comprehensive Plan and Land Use Regulatory Code on Wednesday, June 1, at 5:00 p.m. 41 individuals provided

testimony at the public hearing and an additional 52 comment letters or emails were submitted by the June 10 deadline.

79. On June 7, 2011, the Tacoma City Council and Port of Tacoma Commission held a joint study session and heard an update on the Shoreline Master Program process and schedule.
80. On June 15, 2011, the Commission heard an overview of testimony received at the June 1, 2011 public hearing and through the comment period ending on June 10. The comments were compiled into a book which included a summary of the oral testimony and all written comments and other submitted materials. In all, 509 pages of comments and attachments were submitted. A copy of the public testimony book was provided to the Commission and posted on the Shoreline Master Program update page.
81. On June 22, 2011, at a joint meeting of the City Council's Standing Committees for Environment and Public Works and for Economic Development, staff reviewed the key issues from the public testimony, schedule, and next steps. Council members were provided a copy of the public testimony book.
82. On July 6, 2011, the Commission reviewed the comments related to public access and critical areas issues. Tadas Kisielius, Partner in the firm GordonDerr, Betty Renkor, Shoreline Policy Lead for the Department of Ecology (DOE), Kathy Taylor, Senior Marine Ecologist for DOE, and Kim Van Zwalenburg, Project Officer for DOE were present for the discussion and to respond to Commission questions. In support of this discussion the Commission reviewed the following materials:
 - A summary of comments received relating to public access and critical areas with preliminary staff responses;
 - A memorandum from Jay Derr of the firm GordonDerr relating to public access;
 - Background information on the Bayside Trail, including
 - i. A GeoEngineer's study on the Schuster Slope where the Bayside Trails are located; and
 - ii. A summary of public comment from a public workshop on the Bayside Trail held on March 31, 2011 by City staff;
 - A memorandum from Teresa Vanderburg of Environmental Science Associates (ESA) providing background information on the marine buffer standards in the existing CAPO;
 - A memorandum from Teresa Vanderburg of ESA, from 2008, summarizing the Best Available Science (BAS) that was developed in support of the City's critical areas preservation ordinance.
83. On July 20, 2011, the Commission discussed public comments and staff responses regarding the S-7 Schuster Parkway Shoreline District, S-8 Thea Foss Waterway Shoreline District, and those comments submitted by Kim Van Zwalenburg, Project Officer for the Department of Ecology. Detailed maps of the two affected shoreline districts were available at the meeting to facilitate the Commission's review. In addition, Gary G. Coy, Sperry Ocean Dock, Ltd. submitted photos of his property for the Commission's consideration, Communication item C-1, attached to the agenda. In support of these discussions, staff is provided the following documents for Commission review:
 - A Preliminary Responsiveness Summary for the issues to be discussed;
 - Maps prepared by BST and Associates for the Waterfront Lands Analysis (2008) identifying the prevalence of water-depths necessary to support deep draft vessels; and

- Memorandum from Dick McKinley, Public Works Director, and Ryan Petty, Community and Economic Development Director, to City Manager Eric Anderson, June 22, 2011.
84. Based upon their review, the Planning Commission directed to staff to modify the draft TSMP public access chapter to differentiate requirements and process for evaluating public access on private lands and public lands or public projects. The Commission additionally direct staff to modify the marine buffer modifications to respond to comments submitted. The revisions including a change in standards from a minimum buffer to a maximum buffer reduction based on a percentage of the standard buffer width, basing the buffer modifications on the designation to more adequately protect intact shoreline ecological functions while maintaining flexibility for higher intensity shorelines, and a shift in designation for the S-3 Western Slope South Shoreline District, from Urban Conservancy to Natural.
 85. On August 3, 2011, the Planning Commission reviewed a complete Responsiveness Summary which included a summary of all testimony and preliminary staff responses and draft report of the Commission's Findings and Recommendations.
 86. On August 9, 2011, staff presented to the City Council Standing Committees on Economic Development and on Environment and Public Works a report on the Planning Commission's review of the public testimony and preliminary recommendations to modify the draft Master Program based upon the comments received and additional review.
 87. On August 17, 2011, the Planning Commission approved a revised draft TSMP and associated documents, and their Findings and Recommendations and forwarded their recommendations to the City Council.

Environment Designations and Shoreline Districts General

88. On December 2, 2009, staff presented a memorandum to the Planning Commission reviewing the existing environment designations in *Tacoma Municipal Code 13.10 Shoreline Management* and the recommended classification system in WAC 173-26-211 (4). Staff and Commission discussed the designation criteria and proposed classification system. The Planning Commission proposed that the City utilize the recommended classifications in the WAC. Staff presented findings from the Inventory and Characterization Report (2008) that supported the proposal. The proposed classification system included 'natural', 'aquatic', 'urban-conservancy', 'high-intensity' and 'shoreline residential.'
89. On February 3, 2010, staff presented an update on the integration of the *Foss Plan* into the draft Shoreline Master Program. The Planning Commission recommended the creation of a 'downtown waterfront' designation for the S-8 Thea Foss Waterway with specific designation criteria and management policies in support of the proposal, consistent with the provisions of WAC 173-26-211 (4) (c) that gives jurisdictions the authority to adopt alternative shoreline environment designations.
90. In proposing a revised shoreline environment designation system, the Planning Commission finds:

Natural Environment

- The purpose of the "natural" environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of this designation, the City of Tacoma should plan for the restoration of degraded shorelines within this environment.
- The "natural" environment designation should be assigned to shoreline areas that have the following characteristics:
 - i. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
 - ii. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
 - iii. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.
- The following areas are appropriately designated 'natural':
 - i. District S-4 Point Defiance
 - ii. District S-3 Western Slope North
 - iii. District S-12 Hylebos Creek

Aquatic Environment

- The purpose of the "aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the marine areas waterward of the ordinary high-water mark.
- The "aquatic" environment designation should be assigned to marine waters below the ordinary high-water mark and the underlying lands.
- The Planning Commission finds that the following areas are appropriately designated 'aquatic':
 - i. District S-13 Waters of the State

Shoreline Residential Environment

- The purpose of the 'shoreline residential' designation is to accommodate residential development and accessory structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.
- The "shoreline residential" environment designation should be assigned to shoreline areas in the city if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.
- The Planning Commission finds that the following areas are appropriately designated 'shoreline residential':

i. District S-1b Western Slope South

Urban Conservancy Environment

- The “urban conservancy” environment is intended to protect and restore the public benefits and ecological functions of open space, natural areas and other sensitive lands where they exist within the City, while allowing a variety of compatible uses. It is the most suitable designation for shoreline areas that possess a specific resource or value that can be protected without excluding or severely restricting all other uses. It should be applied to those areas that would most benefit the public if their existing character is maintained, but which are also able to tolerate limited or carefully planned development or resource use. Permitted uses may include recreational, cultural and historic uses provided these activities are in keeping with the goals of protection and restoration as stated.
- The "urban conservancy" environment designation should be assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that are not generally suitable for water-dependent uses, if any of the following characteristics apply:
 - i. They are suitable for water-related or water-enjoyment uses;
 - ii. They are open space or other sensitive areas that should not be more intensively developed;
 - iii. They have potential for ecological restoration;
 - iv. They retain important ecological functions, even though partially developed; or
 - v. They have the potential for development that is compatible with ecological restoration.
- The Planning Commission finds that areas appropriately designated ‘urban conservancy’ includes:
 - i. District S-2 Western Slope Central
 - ii. District S-5 Point Defiance – Urban Conservancy
 - iii. District S-6 Ruston Way
 - iv. District S-9 Puyallup River
 - v. District S-11 Marine View Drive
 - vi. District S-14 Wapato Lake

High Intensity Environment

- The purpose of the "high-intensity" environment is to provide for high-intensity water-dependent and water-oriented mixed use commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.
- The "high-intensity" environment designation should be assigned to shoreline areas if they currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.
- The Planning Commission finds that areas appropriately designated ‘high intensity’ include:

- i. District S-1a Western Slope South
- ii. District S-7 Schuster Parkway
- iii. District S-10 Port Industrial Area
- iv. District S-15 Point Ruston/Slag Peninsula

Downtown Waterfront Environment

- The Planning Commission finds that the purposes of the ‘downtown waterfront’ environment is to:
 - Foster a mix of private and public uses, including parks and recreation facilities, that are linked by a comprehensive public access system;
 - Strengthen the pedestrian-orientation of development on the *Thea Foss Waterway*;
 - Promote the design vision for the Thea Foss Waterway through the establishment and implementation of design guidelines and standards;
 - Manage the shoreline area in a way that optimizes circulation, public access, development, and environmental protection;
 - Encourage and provide opportunities for mixed-use development that supports water-oriented uses and provides significant public benefit and enjoyment of the Waterway for the citizens of Tacoma;
 - Promote the east side of the Foss Waterway as a center for industries and firms specializing in the design, research, development, and implementation of clean technology;
 - Encourage a mix of uses, including water-oriented industrial and commercial uses, and residential uses on the west side of the Waterway and in that area of the east side of the Foss Waterway south of 11th Street; and
 - Retain and enhance characteristics of the Thea Foss Waterway that support marine and recreational boating activities.
- The "Downtown Waterfront" environment designation should be generally assigned to shoreline areas that are contained within the Downtown Tacoma Regional Growth Center and comprised of or planned for a mix of high intensity uses in mixed use structures or facilities. The Downtown Waterfront designation is applied to shoreline areas that:
 - i. Are within the designated downtown core and the Downtown Regional Growth Center; and
 - ii. Are planned for mixed-use development; and
 - iii. Are primarily developed with high intensity uses; and
 - iv. Are currently characterized by a dense mix of residential, commercial and industrial uses; and
 - v. Contain historic structures, sites related to the Foss Waterway’s maritime history as well as cultural, educational and institutional uses.

- The Planning Commission finds that areas appropriately designated ‘downtown waterfront’ include:
 - i. District S-8 Thea Foss Waterway

Area-wide zoning reclassifications

91. Chapter 13.02 of the Tacoma Municipal Code defines an area-wide zoning reclassification as a legislative action to change zoning classifications on an area-wide basis in order to implement and maintain consistency with the Comprehensive Plan. The Planning Commission may consider area-wide zoning reclassifications in association with, or independent of, proposed amendments to the Comprehensive Plan.

92. Area-wide zoning reclassifications are subject to review based on the amendment procedures and the review criteria contained in TMC 13.02.053.3. Proposed reclassifications are required to meet at least one of the six review criteria to be considered by the Planning Commission.

93. In conjunction with the proposed environment designations, the Planning Commission recommends that the boundaries of shoreline zoning districts be aligned with the proposed designation boundaries to achieve consistency of intent, use allowances, marine buffer standards, and implementation of the designation policies.

94. Having reviewed the public comment on the proposed draft, the Planning Commission recommended several modifications to their initial proposal. In their review of the public comments, the Commission considered changes to both the environment designations and shoreline districts simultaneously in order to ensure consistency between the purposes and policies of the designations and the implementing intent and use and development standards of the shoreline districts. The Commission’s modifications included:

- **S-3 Western Slope North**: The Commission found that the S-3 Western Slope North Shoreline District would be appropriately designated as ‘natural’ rather than the proposed ‘urban-conservancy.’ In support of this finding, the Commission reviewed information from the Inventory and Characterization Report that identified this shoreline area as having active feeder bluffs, geologically hazardous areas, vegetated steep slopes, and marine riparian vegetation along the ordinary high water mark, as well as public comments.
- **S-7 Schuster Parkway**: Based on the review of public comment and with consideration given to the characteristics of the Schuster Parkway shoreline, including existing uses, water depths, topography, proximity to residential neighborhoods, and upland land supply, the Commission directed staff to expand the ‘urban-conservancy’ designation to the southern boundary of the Sperry Ocean Dock property. At their meeting on July 20, 2011 the Commission made the following findings in support of this recommendation:
 - That the area had deep water access and was suitable for uses requiring access to deep water; and
 - That deep water is available throughout the Ruston Way shoreline and Commencement Bay and not exclusively in the S-7 Shoreline District; and

- That giving priority to water-dependent uses and, in particular, uses that require deep water, does not inherently require that the City give preference to Port, Terminal and Industrial related uses; and
 - That water-oriented commercial uses are similarly permitted in the S-6 Ruston Way Shoreline District and the S-7 Schuster Parkway Shoreline District; and
 - That special consideration could be given to water oriented commercial uses requiring deep water in that portion of the S-6; and
 - That there was available capacity in the S-10 Shoreline District for future water-oriented port, terminal and industrial uses requiring deep water access; and
 - That existing uses as well as uses that could be allowed under the High Intensity S-7 Schuster Parkway District, with a permitted height allowance of up to 100', did have and would continue to have impacts on public views from nearby public parks and open spaces; and a substantial number of residences; and
 - That height allowances in the S-6 Ruston Way Shoreline District of 35 feet would serve to minimize future view impacts; and
 - That the Sperry Ocean Dock site was a logical 'book end' to the Ruston Way Shoreline District as it is separated from the activity at TEMCO by the BNSF railroad which is located immediately adjacent to the ordinary high water mark between Sperry Ocean Dock and TEMCO; and
 - That TEMCO was a high intensity port-related use and was appropriately designated High Intensity and retained in an S-7 Schuster Parkway Shoreline District; and
 - That consideration should be given to the long-term goals and aspirations of the community as expressed in the public comment; and
 - That re-designating a portion of the S-7 district from High Intensity to Urban Conservancy was consistent with the designation criteria under WAC and that the overall approach to balancing different shoreline designations adequately and reasonably provided for the protection of natural areas, the reservation of a sufficient land supply necessary to accommodate future water-dependent and related uses, and the reservation of shoreline areas for water-enjoyment activities.
- **S-8 Thea Foss Waterway:** The Planning Commission reviewed the public comments on the proposed Downtown Waterfront Designation and the implementing S-8 Thea Foss Waterway Shoreline District and found that a boundary change was appropriate. The Commission determined that the E 3rd Street right-of-way is an appropriate boundary for the northeast corner of the S-8 Foss Waterway Shoreline District.

95. The Commission finds that the area-wide rezones and concomitant changes to the shoreline environment designation boundaries are necessary to implement the Comprehensive Plan. The proposed amendment includes a new environment designation system, developed in accordance with WAC 173-21-211(5). The WAC requires specific use and development standards per designation. The City of Tacoma uses specific shoreline zoning districts to implement the use and

development policies associated with the designations. Therefore, in updating the designation system, the shoreline zoning districts must also be updated to be consistent with the permitted uses and associated development standards.

Shoreline Restoration Plan

96. WAC 173-26-251 (3) (b); 201 (2) (c) & (f) require that the City develop a Restoration Plan that accomplishes the following:
- Identifies degraded areas, impaired ecological functions, and potential restoration sites;
 - Establishes restoration goals and priorities, including SMP goals and policies that provide for restoration of impaired ecological functions;
 - Identifies existing restoration projects and programs;
 - Identified additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources;
 - Sets timelines and benchmarks for implementing restoration projects and programs;
 - Provides mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.
97. On September 11, 2008, consultants ESA Adolfson transmitted a draft Shoreline Restoration Plan to the City in fulfillment of the WAC requirements.
98. On October 23, 2008, City staff held a public workshop on the draft Shoreline Restoration Plan.
99. On November 19, 2008, staff reviewed the comments submitted on the draft Shoreline Restoration Plan with the Planning Commission.
100. On December 17, 2008, staff presented the draft Shoreline Restoration Plan to the technical advisory committee and received additional comments on the draft.
101. In May 2010, ESA Adolfson prepared a memorandum with guidance on establishing a shoreline mitigation fee-in-lieu program.
102. In September 2010, an updated Shoreline Restoration Plan was included as part of the Preliminary Draft TSMP.
103. Final revisions to the draft Shoreline Restoration Plan were prepared in response to the review of public comments received during the Planning Commission public comment period in June 2011.
104. The Commission finds that the Shoreline Restoration Plan has been developed in fulfillment of WAC 173-26-251 and recommends adoption of the Shoreline Restoration Plan as Appendix B of the TSMP.

Public Access

105. On July 6, 2011, the Planning Commission reviewed the public comments submitted on the draft public access policies and regulations. The Commission reviewed the comments and staff responses and recommended modifications to their proposal. These modifications included:

- The Commission determined that an on-site preference for public access was generally desirable with one exception. The Commission found that projects located within the S-10 Port Industrial Shoreline District, due to the likelihood of potential conflicts between uses and public access, should have additional flexibility to address potential public health, safety or security concerns. Therefore, the Commission finds that when public access is required, permit applicants within this shoreline area should have the full range of options available and should not be required to meet waiver criteria for on-site access before proceeding to other off-site mitigation options.
- The Commission found that the draft TSMP adequately responded to comments concerning nexus and proportionality but recommended further text and organization changes to clarify differences between public and private projects and to more clearly identify that the burden of proof for establishing nexus is on the City for private projects.

106. In addition to the recommended modifications, the Commission recommended that the City establish a public access fund that would provide permit applicants additional flexibility in meeting their public access obligations when required. The ‘fee-in-lieu’ would be an option for new uses and development that have qualified for an on-site waiver or for new uses and development occurring within the S-10 Port Industrial Area Shoreline District. In support of this proposal the Commission finds:

- That establishing a public access fund will allow for a more coordinated and efficient approach to providing public access in the shoreline.
- That the public access fund option will facilitate a more streamlined permit process.
- That the public access fund option will enable the City to more effectively implement the goals and objectives of the TSMP and the planned access envisioned for the City’s shorelines.

Thea Foss Waterway Design and Development Plan (Foss Plan)

107. Since the early 1970s, the City has been planning for the redevelopment of the Thea Foss Waterway (“Waterway”) into an intensely developed and vibrant place with a mix of uses and activities and the generous provision of public access and amenities; a place where people can live, work, and play.

108. In 1991, to reclaim the Waterway and realize the vision, the City purchased 27 acres of contaminated property on the Waterway and took the lead in cleanup of the Superfund-listed Waterway that once held the dubious distinction of being one of the nation’s most contaminated. The City began cleaning the sites through an environmental master plan, which formed the basis of a 1994 consent decree with the Department of Ecology. Under an agreement with the U.S. Environmental Protection Agency, the City began a \$95 million Superfund cleanup of this area.

109. The revitalization of the Waterway to a vibrant people place with an abundance of amenities and public access to the shoreline is dependent, in part, on the investment of the private sector. Without development, these access and amenities would not be built and maintained, and the shoreline area would continue in an underutilized and uninviting state. Through private development, the vision of the Shoreline Master Program for establishing a continuous system of substantial public access along the Waterway can be realized.

110. Now, more than ten years after the creation of the initial Thea Foss Waterway Design and Development Plan (“Foss Plan”) and the formation of the Foss Waterway Development Authority (“FWDA”), the revitalization vision for the Waterway is starting to come to fruition, as can be evidenced by the mix of cultural, park, marina, and residential uses, combined with special events such as the Tall Ships Festival and the annual Maritime Fest. In order to continue this success and realize the vision for a completely redeveloped Waterway and recoup the public investment, changes are needed to accommodate private investment.
111. In addition, several limited amendments to the Foss Plan and the implementing S-8 Thea Foss Waterway Shoreline District regulations pointed to the need to perform a comprehensive update of the Foss Plan. These previous amendments included revisions to height allowances and building envelope standards on the Westside of the Waterway and use allowances on the Eastside of the Waterway.
112. On November 29, 2007, the City held a public “re-visioning” for the Thea Foss Waterway. Public notice was disseminated widely. City staff presented background information on the history of planning efforts for the Foss Waterway, environmental remediation, as well as the scope of work and schedule for the Foss Plan update. City staff and consultants prepared presentation materials and solicited public comments and discussion on the following topics:
- Design Standards and Site Development
 - Public Access, Views and Open Space
 - Parking and Circulation
 - Land Uses and Vision
113. On December 18, 2007, Reid-Middleton provided the City with a memorandum summarizing the public comments received at the public workshop on November 29. This document is posted and available on the City of Tacoma shoreline update webpage.
114. On October 23, 2008, a draft of the Thea Foss Waterway Public Access Plan was presented at a public workshop and staff presented the draft and a summary of the public comments to the Planning Commission on November 19, 2008.
115. In January, April and October 2009, City staff and consultants met and discussed the planning effort for the Thea Foss Waterway with business and property owners on the east side of the Waterway, including discussions of existing and potential public access projects.
116. City staff and Foss Waterway Development Authority staff held a site visit on June 24, 2009 to assess existing conditions along the east side of the Foss Waterway.
117. The Thea Foss Waterway Public Access Plan was integrated into the Draft Public Access Alternatives Plan as part of the September 2010 preliminary draft TSMP.
118. City staff and consultants held multiple meetings with design guidelines ‘user’ groups, including City permit staff, Foss Waterway Development Authority (FWDA), and the FWDA Urban Design Review Committee.
119. On February 3, 2010, the Planning Commission was given a report on the update of the Thea Foss Waterway Design and Development Plan (Foss Plan). The Foss Plan Update will result in three major components (goals and policies to be incorporated into the Shoreline Mater Program, design

guidelines to be adopted as a stand-alone document with code references, and code revisions to the Tacoma Municipal Code 13.10). The Planning Commission discussed potential issues, the need for stronger design guidelines to accentuate historic uniqueness and significance, and environmental concerns.

120. In addition to the integration of the Foss Plan into the draft TSMP, additional revisions to the policies and development standards have been undertaken to respond to public comments and to more effectively implement the vision for the Waterway.

121. The existing Thea Foss Waterway Design and Development Plan envisions the Westside of the Foss Waterway as an area for retail commercial, office, hotel and residential use in a mixed-use configuration, with a strong emphasis on residential development between South 15th and South 21st Street. The Shoreline Master Program included development standards to implement this vision. Some of the relevant standards include:

- Policies that the ground level of new buildings should be design and occupied to create an exciting pedestrian environment and to promote the enjoyment of the water.
- Policies discouraging residential uses, non-water-oriented uses, and uses that are not pedestrian friendly from occupying the frontage along the esplanade and view/access corridors.
- Requirements for pedestrian oriented uses to occupy a minimum of 50% of the esplanade frontage and 20% of the frontage along the view/access corridors and Dock Street.
- In addition, pedestrian oriented uses are required to locate at or near the corners where possible.
- Lastly, a majority of the ground level floor are required to be occupied by water-oriented uses.
- Non-water-oriented commercial uses are allowed through a CUP.

122. Since 1996, the mixed-use structures that have been built along the Westside of the Foss Waterway have struggled to sustain the preferred uses on the ground level and the expectations for build-out of the Westside have changed significantly.

123. Currently, only the Glass Museum, Albers Mill (a small residential mixed-use building) Thea's Landing (a mixed-use residential building with 486 units of apartments and condominiums) and The Esplanade (a largely vacant mixed-use building) have been constructed between South 15th and South 21st Streets. In addition, the esplanade public accessway has not been completed. At this time, no hotels or commercial office buildings have been completed as envisioned. Also, the plan for angled parking along Dock Street has been eliminated as the result of the expansion of railroad lines by BNSF. Moreover, anticipated visits to the Glass Museum are about one-half of that expected at the time it was constructed. These conditions have led to only minimal pedestrian traffic along both the esplanade and Dock Street.

124. The FWDA and developers along the Westside have consistently cited concerns about the development standards that have led to unnecessary permitting conflicts and complexities.

125. In response, the Planning Commission recommends revising the development standards to do the following: replace the term ‘pedestrian-oriented’ uses with the more broadly encompassing ‘water-oriented’ uses; delete the requirement for a majority of the ground level to be water-oriented, focusing more on the esplanade frontage; and deleting the requirement for pedestrian-oriented uses to cluster at or near the corners of view/access corridors.
126. From a pedestrian-oriented standpoint, water-oriented uses along the frontage of Dock Street and the esplanade have a more direct interface with the public and a more direct role in creating the desired environment than requiring 51% of the entire ground level to be water-oriented. This will provide additional flexibility for new development.
127. In addition, increasing pedestrian traffic will largely be influenced by achieving the full build-out as envisioned in the existing Foss Plan and within the draft TSMP. To respond to the conditions above and to further the implementation of the vision for the Foss Waterway, use allowances are proposed that would provide additional flexibility for new development at the outset, while still ensuring that in the long-term, uses locate on the Foss Waterway that are consistent with the vision.
128. These proposals include allowing a new or existing mixed-use structure to occupy 100% of the ground level with non-water-oriented uses for a period of 10 years through a conditional use permit. Alternatively, if at least 25% of the esplanade frontage is occupied with water-oriented uses, the development would be permitted through a shoreline substantial development permit. In either case, the remaining frontage requirements would have to be built to suit a future conversion to water-oriented uses. The permits would have to be reviewed after 10 years and would be eligible for a 5-year extension.
129. Since the opening of Thea’s Landing in 2003, the vacancy rate for the commercial space has fluctuated between 46% and 96%. The proposed changes to the S-8 regulations will go a considerable way towards alleviating these conditions in the near-term, accelerating the pace of development and creating a more pedestrian-oriented environment by allowing vacant commercial spaces to be leased for short term uses, while not foreclosing on the long-term vision for water-oriented uses along Dock Street and the esplanade.
130. The proposed amendment to allow non-water-oriented uses for a limited term until economic conditions improve to support the development of the preferred uses is consistent with the City’s overall growth strategy as expressed in Generalized Land Use Element for the Downtown Mixed-Use Center and is consistent with policies to foster commercial and civic uses and attractions of regional scale and high-density residential development.
131. The proposed amendment is consistent with Downtown Tacoma’s regional designation as a growth center. Downtown Tacoma, which encompasses the shoreline area affected by the proposed amendment, is designated as a regional growth center in Vision 2040. The proposed amendment is consistent with the zoning and the Downtown Waterfront environmental designation of the Waterway and the vision and policies of the Foss Plan
132. The proposed amendments have been designed to maximize the public’s opportunity to enjoy the physical and aesthetic qualities of the shoreline to the greatest extent feasible.
133. The amendment to the S-8 Thea Foss Waterway Shoreline regulations is warranted and is in the overall interest of the public because it supports the goals of the GMA, is consistent with the

requirements of the Shoreline Management Act, and implements the policies in the City's Comprehensive Plan, including those in the Master Program for Shoreline Development.

134. The revisions to the Tacoma Shoreline Master Program are in the public interest. The overriding interests of the public will be served which provides an appropriately balanced approach for continuing to pursue the community's longstanding vision for creating a vibrant, thriving neighborhood and urban waterfront with a mix of uses and public amenities adjacent to a cleaner Waterway. This amendment:

- Provides a solution for an area that has development constraints and is not redeveloping as planned; and
- Increases public access to the Waterway; and
- Supports economically viable redevelopment; and
- Helps to ensure a financial return to the FWDA and/or the City of Tacoma; and
- Is consistent with GMA goals and the City's Comprehensive Plan growth strategy; and
- Is consistent with the public policy objective to redevelop the Waterway with development projects that are consistent with the Foss Plan; and
- Enhances the pedestrian experience along the Waterway.

135. The *Foss Waterway Design and Development Plan* was originally adopted in 1992 and last amended in 2006. The Plan was reviewed to identify recommended projects that had been successfully implemented, policy elements, regulatory elements, and design elements. These elements were incorporated into the draft TSMP. The design guidelines were moved into a new stand-alone document, *Thea Foss Waterway Design Guidelines*. This new document will be adopted separately as an implementing tool to be used in reviewing future Foss development projects. Complementary revisions are proposed to the shoreline development regulations as a part of the TSMP update. These actions carry forward the relevant policy guidance and regulatory controls. As a result, the *Thea Foss Waterway Design and Development Plan* should be rescinded upon adoption of the updated TSMP.

Shoreline Trails Plan and Ruston Way Plan

136. The Ruston Way Plan was adopted in 1981 and the Shoreline Trails Plan was adopted in 1989 as elements of the Comprehensive Plan and the Shoreline Master Program. Both plans were adopted prior to the adoption of the Washington State Growth Management Act. The documents have not been updated since they were first adopted.

137. As part of the Shoreline Master Program update, staff evaluated the plans to determine which elements are still applicable and which elements were either out-dated or had successfully been implemented. As part of this review, public access projects that were identified in these plans that had been implemented were incorporated into the inventory and documentation of existing public access. Those projects that had not been implemented were incorporated into the documentation of potential public access sites.

138. Other relevant policy guidance was incorporated into the appropriate chapter and section of the draft TSMP.

139. A number of elements of these plans were determined to be no longer applicable, including design elements of the Ruston Way Plan as well as the public access design elements and project cost estimates in the Shoreline Trails Plan.

140. Many of the subjects addressed in these plans, including view and vegetation policies, have been updated to address WAC requirements and have been replaced by general policy and regulatory elements in the draft TSMP that apply city-wide.
141. As a result, the Commission finds that it is appropriate to rescind the Ruston Way Plan and Design Booklet and the Shoreline Trails Plan as part the update to Master Program.

Public Outreach Summary

142. City staff developed a Public Participation Plan, dated August 2009, that identifies public participation objectives, roles and responsibilities, interested parties, technical advisory committee participants, and public outreach methods.
143. In addition to the shoreline stakeholder meetings, public open houses and workshops, Planning Commission discussions and City Council presentations, City staff conducted additional, extensive public outreach efforts above and beyond the requirements of WAC 173-26-201(3)(b). These efforts included:
- **Webpage:** City staff maintains a webpage with status updates, schedule for adoption, draft documents, public comments, existing documents, background information, and links to related websites.
 - **Waterfront Conference:** City staff participated in a waterfront conference hosted by the University of Washington, Tacoma, Department of Urban Studies.
 - **Additional Meetings:** City staff presented to Neighborhood Councils, the Community Council, the Foss Waterway Development Authority Board, the Tacoma-Pierce County Chamber of Commerce Shoreline Task Force, Metro Parks Tacoma Nature and Environment Advisory Committee, Union Station District Coordinating Group, the Tacoma Waterfront Association, Master Builder's Association Legislative Committee, Walk the Waterfront and S-7 Stakeholders, and the City of Tacoma Sustainability Commission.

Applicable Provisions of the Comprehensive Plan

144. Periodic review and evaluation of the Master Program for Shoreline Development and implementing development regulations is important in order that these programs maintain their effectiveness. Changing conditions, such as updates of state laws and community needs necessitate amendments.
145. The proposed Master Program will rescind and replace the existing goals and policies of the Comprehensive Plan found in the Master Program element. As noted previously, the Master Program contains components which are considered a part of the Comprehensive Plan and components which are considered a part of the City's development regulations; i.e., the Land Use Regulatory Code.
146. Other elements of the Comprehensive Plan contain intents goals and policies, which relate to the management and development of shoreline areas. These include the Environmental Policy,

Transportation, Urban Forestry, and the Open Space Habitat and Recreation elements. A full discussion of all of the policies would be extensive but the following provides a summary of the key components of the Comprehensive Plan that will be carried out through the adoption of the updated Master Program.

Environmental Policy Element

147. The general goal in the Environmental Policy Element of the City of Tacoma's Comprehensive Plan (last amended 6/30/2009) is to "ensure conservation, protection, enhancement and proper management of natural resources and shoreline, while providing for a balanced pattern of development and the needs of the citizens of the City of Tacoma." There is a strong environmental policy basis in the Comprehensive Plan for the restoration of shoreline resources.

Generalized Land Use Element

148. The Generalized Land Use Element of the Comprehensive Plan includes a policy regarding the provision of open space and quality of life:

LU-MUD-3 – Open Space: Provide a diverse array of usable open spaces including small parks, plazas, playgrounds, and others within centers to balance higher density development, enhance the quality of the living environment and provide social and recreational opportunities for residents, employees and visitors.

Open Space Habitat and Recreation Plan

149. The Open Space Habitat and Recreation Plan (OSHRP) was adopted by the City Council on December 9, 2008. The OSHRP sets forth goals, policies, and implementation plans for Tacoma municipal open spaces and natural areas. The Plan was prepared to meet Goals 9 and 10 of the GMA. Goal 9 encourages cities and counties to retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water and develop parks and recreation facilities. Goal 10 encourages cities and counties to protect the environment and enhance Washington's high quality of life, including air and water quality, and the availability of water.

150. The overall purpose of the OSHRP is established in the Plan's vision statement: "Create an integrated system of habitat and recreation lands and facilities in Tacoma that defines and enhances the built and natural environment, supports and nurtures plant and wildlife habitat, offers a well-balanced range of recreation opportunities and enriches the lives of Tacoma's current and future citizens." The OSHRP includes policies and other guidance intended to enact and achieve this vision. The OSHRP notes that Tacoma's shorelines and waterfront areas are a source of economic activity, entertainment and recreation, as well as providing invaluable ecological and cultural functions. It further notes that Tacoma has a legacy of industrial development along its shorelines, which has reduced public access. At the same time, the Port of Tacoma and other industrial areas are major economic assets to the City. The OSHRP notes the importance of reclaiming shoreline areas for public access, recreation, educational and interpretive displays, public art, community events, habitat restoration and other open space purposes. To those ends, the OSHRP includes the following policies specific to shoreline public access:

OS-SH-1 Prioritize Tacoma's Shorelines and Waters - Recognize the strong community connection to Tacoma's shorelines and waters as cultural, historic, recreational, educational,

economic, natural and aesthetic assets of tremendous value. Work with partners to undertake a broad range of activities that enhance Tacoma’s identity as a waterfront community, including designating and enhancing shoreline areas for public access, recreation, educational and interpretive displays, public art, community events, habitat restoration and other activities.

OS-SH-2 Shoreline and Water Access - Develop opportunities for public access to the Puget Sound for water-oriented recreation and enjoyment of shorelines, including public access to both natural and man-made waterfront features such as beaches, tidelands, wharfs, piers, esplanades, parks, heritage sites, and waterfront trails and paths.

OS-SH-3 Shoreline and Water Activities - Develop and enhance opportunities for swimming, boating including use of Tacoma’s water trails, fishing, SCUBA diving, educational activities, wildlife observation and other shoreline and water-dependent activities.

OS-SH-4 Reconnect Shorelines and Uplands Habitat - Recognize the critical habitat functions and the loss of historic habitat connectivity between shorelines and upland areas and water courses, and seek to re-create these connections through habitat conservation and restoration efforts.

OS-SH-5 Shoreline Trail Connections – Recognizing that many of Tacoma’s existing and planned trails follow the shoreline or connect shoreline and upland areas, partner to develop and maintain trails oriented to the shorelines, slopes and gulches. Development of trails should be coordinated with habitat restoration efforts.

OS-MUC-5 Reconnect the Waterfront – Seek opportunities to re-connect downtown and the Thea Foss Waterway through developing multifunctional open spaces, trails and/or recreational facilities that provide or enhance pedestrian connectivity between downtown and the waterfront.

Transportation Element and Mobility Master Plan

151. The goal of the Transportation Element is to “Achieve a multimodal transportation system that efficiently moves people and goods with optimum safety and appropriate speed, maximizes the conservation of energy, and minimally disrupts the desirable features of the environment”.

152. The Mobility Master Plan outlines a vision in which: “Tacoma is a world-class walking and biking community in which pedestrians and bicyclists are top priorities in transportation planning. Tacoma's transportation system is useable and welcoming to people of all abilities. Streets accommodate bicyclists in large numbers, sidewalks are user friendly, and residents share the road safely and are fully mobile without an automobile.”

153. The goals of the Mobility Master Plan that support the draft PAAL and the Transportation goals, policies and standards of the proposed draft TSMP include:

Complete a safe and comfortable bicycling system that connects all parts of the city (north to south/east to west) and accommodates all types of cyclists by 2025.

Create a safer street environment that reduces intermodal crashes involving bicyclists, pedestrians and motor vehicles by at least 10% from 2010 rates by 2015 and work to meet Washington State’s Target Zero goal of eliminating fatal and serious injuries by 2030

Increase transit use by enhancing pedestrian access and bicycle support facilities through the development of bikeways and walkways that serve transit hubs.

Promote healthy lifestyles by offering improved opportunities for active living for people of all abilities through the development of a robust nonmotorized network, including bikeways, sidewalks, and linear parks.

The Downtown Plan

154. The City adopted an update to its Downtown Plan in December of 2008. The updated Downtown Element of the Comprehensive Plan includes specific direction for creating and enhancing the connection between Downtown and the waterfront, particularly the Thea Foss Waterway, capitalizing on its proximity to the downtown area. The element acknowledges that there are impediments to this connection and plots a strategy for removing some of these over time.

155. The Downtown Element states: “There is also a strong desire from the community to fully integrate the downtown to its waterfront. Physical impediments remain extreme, including railroad rights of way and a freeway. Near term enhanced connections are planned for 15th Street, with hopes for a restored Murray Morgan Bridge, and potential public access from Fireman’s Park tied to future development.”

D. CONCLUSIONS:

The Planning Commission concludes that:

The City is obligated, pursuant to RCW 90.58.080(2)(a)(iii) to update its Shoreline Master Program and adopt its updated SMP on or before December 1, 2011; and

In order to meet the December 1, 2011 deadline, the City Council has to “locally approve” an SMP and forward it (with other documents and work products) to the State Department of Ecology well in advance of that deadline so that Ecology can review the SMP, subject it to its public participation process (RCW 90.58.090) and render a decision on whether it can be approved, approved with conditions or rejected; and

The recommended draft TSMP has been developed in full compliance with Tacoma Municipal Code 13.02 and the Revised Code of Washington’s procedural requirements for amendments to the City’s Comprehensive plan and development regulations; and

The recommended draft TSMP appropriately balances the goals of the Shoreline Management Act, the Growth Management Act and incorporates the most current, accurate, and complete scientific and technical information available, as per WAC 173-26-201; and

The recommended draft TSMP shall achieve no net loss of ecological functions over time, in compliance with WAC 173-26-186; and

The recommended draft TSMP is consistent with the City of Tacoma Comprehensive Plan; and

The Planning Commission further concludes that local approval of this TSMP will benefit the City as a whole, will not adversely affect the City’s public facilities and services and advances and supports the general health, safety and welfare of the citizens of this City.

E. RECOMMENDATIONS:

The Planning Commission recommends that the City Council adopt the proposed amendments, as set forth in the document entitled *Shoreline Master Program, Proposed Update for 2011*, Planning Commission Recommendation, August 17, 2011:

- Master Program for Shoreline Development (Comprehensive Plan and Land Use Regulatory Code Elements)
 - Appendix A: Shoreline Environment Designation Map
 - Appendix B: Shoreline Restoration Plan
 - Appendix C: Shoreline Inventory and Characterization
- Amendments to TMC Chapter 13.11 Critical Areas Preservation
- Amendments to TMC 13.06 Zoning
- Amendments to TMC 13.05 Land Use Permit Procedures

The Planning Commission recommends that the City Council adopt the proposed amendments, as set forth in the document entitled *Shoreline Master Program, Proposed Update for 2011*, Planning Commission Recommendation, August 17, 2011:

- Thea Foss Waterway Design Guidelines as a supplement to and implementation guide for proposed development in the S-8 Shoreline District

The Planning Commission further recommends that the City Council amend the official zoning map to reflect the proposed area-wide zoning reclassifications recommended by the Planning Commission on August 17, 2011.

The Planning Commission further recommends that the City Council rescind the *Thea Foss Waterway Design and Development Plan*, the *Shoreline Trails Plan*, and the *Ruston Way Plan and Design Booklet*.

The Planning Commission further recommends that the City continue to work with the Port of Tacoma and other stakeholders to modify the draft Public Access Alternatives Plan to guide the implementation of the public access and recreation goals and objectives contained in the TSMP and to provide further predictability, flexibility and accountability for the provision of public access in the shoreline by both public and private entities.

The Planning Commission further recommends that the City Council establish a public access fund and administrative procedures for the deposit and expenditure of those funds to implement priority public access projects.