

## Members

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



# Agenda

## Tacoma Planning Commission

### Community and Economic Development Department

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

### Public Works and Utilities Representatives

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

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

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

**MEETING:** Regular Meeting and Public Hearings  
(Public Hearings will occur at approximately 5:00 and 5:30 p.m.)

**TIME:** Wednesday, September 21, 2011, 4:00 p.m.

**PLACE:** Council Chambers, Tacoma Municipal Building, 1<sup>st</sup> FL  
747 Market Street, Tacoma, WA 98402

Change of Location  
(NOT in Room 16)



### A. CALL TO ORDER

### B. QUORUM CALL

### C. APPROVAL OF MINUTES – Regular Meeting of August 17, 2011

### D. GENERAL BUSINESS

#### (4:05 p.m.) 1. Large Scale Retail Moratorium

Description: Review the emergency moratorium enacted by the City Council (Ordinance No. 28014, adopted on August 30, 2011) on the acceptance of applications for retail development exceeding 65,000 square feet.

Actions Requested: Discussion; Direction; Set Public Hearing Date

Support Information: See "Agenda Item GB-1"

Staff Contact: Brian Boudet, 573-2389, [bboudet@cityoftacoma.org](mailto:bboudet@cityoftacoma.org)

### E. PUBLIC HEARING

#### (5:00 p.m.) 1. Downtown Parking Requirements

Description: Conduct a public hearing on the proposed revisions to the off-street parking regulations for new development in downtown Tacoma.

Actions Requested: Receive testimony; keep record open until September 30, 2011

Support Information: See "Agenda Item PH-1"

Staff Contact: Chelsea Levy, 591-5393, [clevy@cityoftacoma.org](mailto:clevy@cityoftacoma.org)



(5:30 p.m.) **2. Critical Areas Preservation Code Updates**

- Description: Conduct a public hearing on the proposed revisions to the Tacoma Municipal Code pertaining to Critical Areas Preservation.
- Actions Requested: Receive testimony; keep record open until September 30, 2011
- Support Information: See "Agenda Item PH-2"
- Staff Contact: Karla Kluge, 591-5773, [kkluge@cityoftacoma.org](mailto:kkluge@cityoftacoma.org)

**F. COMMUNICATION ITEMS**

1. Announcement – Joint City Council and Planning Commission Study Session concerning the Planning Commission's Recommendation on Shoreline Master Program Update, Tuesday, September 27, 2011, 12:00 noon, in Room 16, Tacoma Municipal Building North
2. Announcement – The City of Tacoma's Mobility Master Plan (adopted in 2010) won a 2011 VISION 2040 Award from the Puget Sound Regional Council for its innovative projects, programs and strategies for pedestrian and bicycle improvements that will help achieve the goals of sustainable transportation and active living.

**G. COMMENTS BY LONG-RANGE PLANNING DIVISION**

**H. COMMENTS BY PLANNING COMMISSION**

**I. ADJOURNMENT**

**Members**

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

**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, Water Distribution Engineering Manager, Tacoma Water  
Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power



# Minutes

## Tacoma Planning Commission

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

**(For Review/Approval on 9-21-11)**

MEETING: Regular Meeting

TIME: Wednesday, August 17, 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, Peter Elswick, Sean Gaffney, Scott Morris, Ian Morrison, Matthew Nutsch, Thomas O'Connor

Staff Present: Donna Stenger, Jana Magoon, Steve Atkinson, Brian Boudet, Sue Coffman, Cheri Gibbons, David Johnson, Karla Kluge, Shirley Schultz, Lisa Spadoni, Lihuang Wung, Noah Yacker (BLUS); Josh Diekmann, Jennifer Kammerzell (Public Works); Jon Walker (Legal); Kim Van Zwalenburg (DOE)

Chair Doty called the meeting to order at 4:03 p.m. The minutes for the meetings of July 20, 2011 and August 3, 2011 were approved as submitted.

### **GENERAL BUSINESS**

#### **1. Development and Permitting Activity Reports**

Sue Coffman, Assistant Manager for Building and Land Use Services (BLUS), presented the third installment on Permitting Activity for BLUS. She provided an overview on the activity for all permits by comparing the number of permits issued in the first six months of 2010 with the number issued for the same six-month period in 2011. She gave the exact numbers that were issued for building (commercial & residential), plumbing and mechanical, Land Use, barricade, tree removal, sewer permits, and Work Order permits. She also presented charts, maps and graphs showing the trends and numbers of permits that occurred during these periods.

Lisa Spadoni, Principal Planner for BLUS, reviewed some of the projects that BLUS staff was involved with recently. She highlighted two major projects, i.e., a Mixed Use Medical Center on MLK Jr. Way and the new Franciscan Health Care located near South 16<sup>th</sup> and MLK Jr. Way. She mentioned a new project that may be somewhat controversial because of an addition of a drive thru at the facility – the construction of a new Taco Bell at 6<sup>th</sup> and S. Stevens. She also



reviewed an apartment complex of two hundred and thirty units near Tacoma Mall that is under consideration. The Commissioners asked if the project at 6<sup>th</sup> and Alder was still a viable project and Ms. Spadoni's response was that it was still being worked on.

Jana Magoon, Land Use Administrator, provided a brief summary of land use permit submittals in the first half of 2011. She noted that the number of permit submittals is about the same as the last half of last year. Most of the land use permit activity is in shorelines and critical areas.

The Commissioners wondered where the department stands relative to historic averages with respect to the permits for large commercial projects. Ms. Coffman replied that in 2010 there was slight increase in commercial buildings, but the trend is downward as indicated by the current numbers that are at the levels that were permitted in 2009. She also interjected a hopeful note by saying that Land Use Permits were slightly up, which could be an indicator that developers are readying their sites for building. The Commissioners asked about the apparent increase in sign permits and whether BLUS issues over-the-counter permits. Ms. Coffman replied that increase in sign permits may be due to new and more efficient methods. She stated that there are stages of categories assigned to permit applications and the more complex the permit is the longer the processing of the permit.

## **2. Medical Cannabis Moratorium**

Ms. Donna Stenger distributed PowerPoint handout on Medical Cannabis and the draft resolution that the City Council will consider at their next meeting to establish a Medical Cannabis Task Force. The resolution also includes principles that the Council has declared are their objectives in establishing regulations. The purpose of today's discussion is moratorium and the establishment of land use regulatory codes. Ms. Stenger summarized the topics that are in the handout for federal, state, and City laws on marijuana.

Mr. Jon Walker, City Attorney, gave a brief history and defined the purpose of the State law, reviewed the scope of coverage, and explained how the use of marijuana for medical purposes provides an "affirmative defense" for State prosecution but not Federal. He referred to the Governor's veto of certain sections of the marijuana law. The affirmative defense applies to the patient and qualified provider as defined in the law. The new law that went into effect on July 22 also allows collective gardens. Mr. Walker explained what collective gardens are and the protocol that must be followed. He stated for the record that possession of marijuana is still a federal offense. He also stated that there is no compassionate defense under federal law and the federal law does not encourage the use of marijuana for medical purposes.

Mr. Walker explained the City's involvement with the issue of medical marijuana. In 2010, the police had complaints lodged against a business that was providing marijuana as a dispensary. An investigation was undertaken. Tax and License sent out letters telling the business and other business that they would have to cease operations. Some business owners had their business license revoked at that time and appended the decision that they were an illegal use. The City Council placed a stay on further enforcement pending clarification at the State level. The 2011 session did provide clarification but the Governor vetoed most of the legislation.

The Council's expectation at this point is that the Planning Commission review and evaluate all the data and recommend new regulations. The Commissioners wondered whether marijuana usage is legal, "because the City Council would not be asking the Planning Commission to recommend regulations for an illegal use." Mr. Walker said that dispensaries are illegal but

collective gardens are allowed. He stated that there are some points that need to be considered as to how patients will be able to have access to the marijuana after it is grown in a collective garden. The Commissioners noted that the City needs to also address regulations outside of land use such as packaging. Ms. Stenger went over what regulations the Task Force would address.

The Commissioners asked for clarification on the federal law pertaining to compassionate use of marijuana. Mr. Walker indicated that if an individual was in clear and unambiguous compliance with State laws then there is very little likelihood that the Federal authorities will prosecute. The Commissioners had questions about impacts from marijuana facilities. Mr. Walker said that he was not aware of any studies that had been done on this issue. Ms. Stenger added that this would be an issue for the Planning Commission to address. Additional discussion centered on the rationale for establishing an emergency moratorium. Ms. Stenger noted that the regulations will be "new ground" for the City and there are no examples to go by.

Ms. Stenger closed the presentation with the statement that it is likely that the legislature may propose changes in 2012, which could affect what regulations are adopted by the City. There was a question put forth on what the Commission's standing is in relation to the Medical Cannabis Task Force. Ms. Stenger explained that the Task Force will focus on health and safety issues, licensing and taxes, but will provide feedback to the Commission. Because of the involvement of the Task Force and possible legislative changes, the Commissioners suggested that the duration of moratorium should be 12 months. They also noted the new task will impact other work items.

### **3. Master Program for Shoreline Development**

Mr. Stephen Atkinson, Long-Range Planning, presented the final draft of the Shoreline Master Program (SMP). He provided a summary of the modifications that had been made to the public hearing draft documents in response to testimony, including zoning changes as well as modifications to the Shoreline Restoration Plan, Public Access Alternatives Plan, Tacoma Municipal Code 13.06, and the Cumulative Impacts Analysis. He also briefly reviewed the technical changes that were made to make the document more user-friendly. The Commissioners were complimentary on the changes and clarifications and stated that the document was much easier to read.

Mr. Atkinson discussed the concerns that have been expressed by the Commissioners and in public comments over the staff recommendation to rescind the Ruston Way Plan, the Thea Foss Waterway Design and Development Plan, and the Shoreline Trails Plan, as elements of the SMP and Comprehensive Plan. He reviewed the rationale and process behind this recommendation. Discussion ensued about the significance of rescinding these documents. The Commissioners were not comfortable with rescinding the documents entirely as they contained subject matter and applicability to areas outside the jurisdiction of the SMP.

The Commissioners voted unanimously to forward the draft SMP, as presented, to the City Council for final approval, with the following amendments: removal of the recommendation to rescind the Ruston Way Plan, the Shoreline Trails Plan, and the Thea Foss Waterway Design and Development Plan; changes to the Findings of Fact and Recommendations to reflect this discussion; and slight changes to cross-outs that occurred in the document. The Commissioners also added the statement that where there are conflicts between the SMP and other Comprehensive Plan elements, the policies and regulations within the SMP shall prevail.

#### **4. 2012 Annual Amendment – Assessment Reports**

Ms. Stenger presented the proposed 2012 Annual Amendment Package that included the following applications for amending the Comprehensive Plan and Land Use Regulatory Code:

- #2012-1 Container Port Element
- #2012-2 Housing Element
- #2012-3 Transportation Element
- #2012-4 Sign Code Revisions
- #2012-5 Platting and Subdivision Code Revisions
- #2012-6 Urban Forestry Code Revisions
- #2012-7 Minor Amendments and Refinements

Ms. Stenger gave a briefing on each of the amendments. Amendment #2012-1 is a proposal to adopt a new element of the Comprehensive Plan. The required date for completion has been extended by the State legislature to June 2015, but the City would like to have the amendment completed by 2012.

As to #2012-2, the City Council has asked the Planning Commission to amend the Housing Element to address affordable housing. At the same time that this amendment is under consideration, Pierce County is updating the Countywide policies on affordable housing and the State mandates that our housing plan should be consistent with the countywide policies. Both the City Council resolution and Countywide policies will be used to guide amendments.

Regarding #2012-3, amendments to the Transportation Element, part of the proposal is to add projects to the unfunded projects list that are the result of work by Neighborhood Councils on their action strategies. The other proposal is text and map revisions with the goal to correct the Mobility Master Plan section to ensure consistency, prioritize projects for pedestrian improvements, and update implementation strategies.

For #2012-4 Sign Code Revisions, the main focus is the Planning Commission's request to address on premises signs that have same issues that were studied for digital billboards.

Amendment #2012-5 deals with the platting and subdivision code. This is proposed because the code has not been updated since the mid-'90s. Because of the passage of time, there have been many changes in the Comprehensive Plan and State law that need to be addressed. Staff will be looking at connectivity for pedestrians and vehicles, fees for parks and open spaces, and short plat requirements.

The Urban Forestry Code Revisions, #2012-6, is a follow-up related to Urban Forestry and Open Space Habitat and Recreation elements of the Comprehensive Plan. Primarily the amendment will address landscaping standards.

The last proposed amendment, #2012-7, involves correcting errors and inconsistencies in the Regulatory Code. These minor amendments and refinements are proposed on an annual basis.

Ms. Stenger closed the presentation with an overview of the schedule. The Planning Commission voted unanimously to accept these applications for consideration in the 2012 annual amendment cycle, approve the respective assessment reports, and forward the package to the City Council.

## **COMMUNICATION ITEMS**

Chair Doty acknowledged receipt of the following announcement:

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.

## **COMMENTS BY LONG-RANGE PLANNING DIVISION**

Ms. Stenger stated that this is the last meeting of Commissioner O'Connor and perhaps the last meeting for Commissioner Elswick. There will be two new members appointed by City Council next Tuesday and they will be joining the Commission at their next meeting.

Ms. Stenger also announced that she will be forwarding the list of the accomplishments of the Planning Commission for 2011-2012 and the 2011-2012 Planning Activities to the City Council with just a couple of changes to reflect the 2012 Amendments discussed tonight and the addition of medical cannabis. There had been a proposal to look at the Old Town area for designation as a Historic District and at this time the Landmarks Preservation Commission has decided not to move forward with the request and it will be removed from the list of anticipated activities.

## **COMMENTS BY PLANNING COMMISSION**

Commissioner O'Connor briefly addressed a farewell note and commented that he had learned a lot during his time on the Commission. Lihuang Wung, Long-Range Planning, also had words of commendation for Commissioner Morris who was leaving the Commission after serving for an extended period of time; Mr. Wung noted that the City Council had appointed Mr. Morris seven times to the Planning Commission.

## **ADJOURNMENT**

The meeting adjourned at 6:42 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: Large Scale Retail Moratorium  
DATE: September 14, 2011

On August 30, 2011 the City Council passed Ordinance No. 28014 declaring an emergency moratorium on the acceptance of development permits associated with the establishment, location, or permitting of retail establishments that exceed 65,000 square feet in the aggregate. A copy of the Ordinance is attached. The Ordinance refers the matter to the Planning Commission to hold a public hearing, develop findings on the need for and the duration of the moratorium, and to provide a recommendation to the City Council regarding the moratorium by October 19, 2011.

At your meeting on September 21, staff will discuss the procedures in the Tacoma Municipal Code and the Commission's responsibilities regarding moratoria. One procedural requirement is for the Commission to conduct a public hearing prior to making any recommendations on the emergency moratorium. Based on the schedule outlined in the Ordinance it is anticipated that the Commission will conduct its required public hearing on October 5 and then discuss public testimony and make its findings and recommendations on October 19.

The moratorium Ordinance also directs staff and the Planning Commission to review and evaluate the existing regulations applicable to these types of uses and whether changes to those regulations are warranted (see Section 5 of the Ordinance, page 3). Attached is a draft schedule which includes both the required components for review of the moratorium and the Commission's process to evaluate whether changes to the land use regulations should be developed for City Council consideration before the expiration of the moratorium.

If you have any questions, please contact Brian Boudet at 573-2389 or [bboudet@cityoftacoma.org](mailto:bboudet@cityoftacoma.org).

Attachments (2)

c: Peter Huffman, Assistant Director





# ORDINANCE NO. 28014

1 BY REQUEST OF DEPUTY MAYOR WALKER AND COUNCIL MEMBERS  
2 MELLO, FEY AND CAMPBELL

3 AN ORDINANCE adopting an immediate six-month moratorium relating to land use  
4 and zoning, establishing a moratorium on the acceptance of applications for  
5 new building or other development permits associated with the  
6 establishment, location, or permitting of retail establishments that exceed  
7 65,000 square feet in the aggregate, and establishing a plan and dates for  
8 review and development of regulations relating to these types of large retail  
9 establishments; referring the moratorium to the Planning Commission to  
10 hold a public hearing to develop findings of fact and recommendations by  
11 October 19, 2011, including the need for and the duration of the moratorium;  
12 setting October 25, 2011 as the date for a public hearing on the moratorium;  
13 declaring an emergency in the passage of this ordinance providing that the  
14 moratorium will take effect immediately upon adoption and publication and,  
15 unless extended, will sunset within six (6) months of the date of adoption;  
16 and providing for severability.

17 WHEREAS large retail sales establishments of various formats may have  
18 unintended and often unconsidered economic, environmental and social impacts  
19 which outweigh or diminish the benefits of such establishments, and

20 WHEREAS such impacts may include the increased costs of public  
21 infrastructure, such as roads, sewers, storm and water lines, increased costs for  
22 public services, such as law enforcement, fire, and other emergency services, and  
23 increased tolls on the environment, and such costs may diminish or exceed the  
24 public revenue generated from such establishments, and

25 WHEREAS the City requires time to conduct appropriate research and  
26 analysis of these types of uses and the impacts of this kind of development, and to  
ensure that such uses are developed in a manner that is consistent with the  
policies and intent of the Comprehensive Plan and in a manner that minimizes or  
mitigates any community impacts, and



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

WHEREAS the citizens of Tacoma are concerned about potential negative economic and environmental impacts of larger retail sales establishments on the community and existing businesses, particularly smaller local businesses, both in the retail sphere and in supporting areas, and

WHEREAS the City Council supports environmental responsibility and a sustainable, local economy, and

WHEREAS the City Council believes in promoting competition to protect and benefit the public interest, and such large retail sales establishments may limit competition by causing the loss of existing, smaller businesses, and

WHEREAS a moratorium on the issuance of permits for large retail sales establishments is necessary to enable the City Council to consider whether to amend the City's development regulations to formulate criteria which will address economic, environmental and other impacts, and to hold a public hearing on the moratorium within 60 days of the commencement of the moratorium, and

WHEREAS, the potential adverse impacts on the economy, the environment, public health, public safety, public property and public peace justify the passage of an emergency ordinance, and

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

BE IT ORDAINED BY THE CITY OF TACOMA:



1 Section 1. That pursuant to the provisions of RCW 36.70A.390, a  
2 moratorium is hereby imposed on the filing, acceptance, and processing of  
3 applications for land use, building permits or other development permits associated  
4 with the establishment, location, or permitting of retail sales establishments with a  
5 floor area greater than 65,000 square feet in size, unless complete applications  
6 were filed with the City prior to the effective date of this ordinance.

7 Section 2. That this moratorium shall be in effect for six (6) months  
8 following the effective date of this ordinance, and may be renewed as provided by  
9 law.  
10

11 Section 3. That, pursuant to Section 13.02.055 of the Tacoma Municipal  
12 Code, the City Council hereby refers the moratorium to the Planning Commission  
13 for its review at its next available meeting on September 21, 2011, and to hold a  
14 public hearing and develop findings of fact and recommendations, including the  
15 need for and duration of the moratorium, by October 19, 2011.  
16

17 Section 4. That as required by RCW 36.70A.390, within sixty (60) days of  
18 passage of this ordinance the City Council will hold a public hearing on this  
19 moratorium and will adopt the necessary findings required by law.

20 Section 5. That during the moratorium, the City Manager is authorized to  
21 direct City staff to study and report both to the Planning Commission and to the  
22 City Council at appropriate times and places as to whether the City code should be  
23 amended to address the impacts, particularly economic, environmental and social,  
24 and/or to provide mitigation requirements for large retail sales establishments.  
25  
26



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

Section 6. That this Ordinance shall be transmitted to Washington State Department of Commerce, pursuant to RCW 36.70A.106.

Section 7. That for the reasons set forth above, and to promote the objectives stated above, the City Council finds that a public emergency exists, necessitating that this ordinance take effect immediately upon its passage and publication unless repealed , extended, or modified by the Tacoma City Council after subsequent public hearings and entry of appropriate findings of fact pursuant to RCW 35.63.200.

Section 8. That if any section, subsection, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or situation, should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

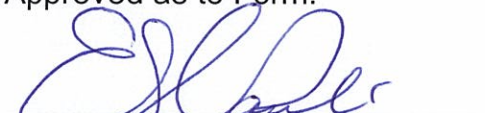
Passed AUG 30 2011

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney



## LARGE SCALE RETAIL MORATORIUM

DRAFT SCHEDULE  
*September 15, 2011*

Date	Event
<b>August 30, 2011</b>	<b>City Council adopts emergency moratorium; Ordinance No. 28014</b>
September 1, 2012	Effective date of emergency moratorium
September 21	Planning Commission discussion of Ordinance No. 28010, State law, Council direction and proposed code amendment schedule
September 23	Provide notice for Commission public hearing on emergency moratorium
<b>October 5</b>	<b>Planning Commission public hearing on emergency moratorium</b>
October 5	Commission review of preliminary draft code options
<b>October 19</b>	<b>Recommendation to City Council on emergency moratorium</b>
October 20	Provide notice of Commission's recommendation on moratorium in advance of Council public hearing
<b>October 25, 2011</b>	<b>City Council conducts public hearing on emergency moratorium</b>
<b>November 1, 2011</b>	<b>City Council retains, modifies or rescinds emergency moratorium</b>
November 2	Commission discussion of preliminary draft code
November 16	Commission authorizes proposed amendments for public review and sets the public hearing date
November 23	Distribution of public notice for Planning Commission public hearing
<b>December 7, 2011</b>	<b>Planning Commission public hearing on draft amendments</b>
December 9	Last day to submit written comments on draft amendments
December 21	Planning Commission discussion of hearing testimony
January 4, 2012	Planning Commission makes recommendation to City Council
January 10	City Council sets hearing date
January 12	City Clerk distributes public notice for City Council public hearing
January 31	City Council study session on proposed amendments
<b>January 31, 2012</b>	<b>City Council conducts public hearing on proposed amendments</b>
February 7	City Council – first reading of ordinance(s) to adopt amendments
February 14	City Council – second reading and adoption of amendments
February 24	Submit final amendments to State
February 26	Effective date of amendments
March 1, 2012	Moratorium expires







**City of Tacoma**  
**Community and Economic Development Department**

**Agenda Item**  
**PH-1**

TO: Planning Commission

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

SUBJECT: Amendment to the Downtown Parking Regulations

DATE: September 15, 2011

At your next meeting on September 21, 2011, the Planning Commission will hold a public hearing beginning at 5:00 p.m. The subject of the public hearing is a proposal to amend the off-street parking regulations for new development 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.

Notice of the hearing and these proposed amendments has been widely distributed for public review and comment and posted on the City's website ([www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)). A public review document has been compiled, which contains the complete text of proposed changes (in strikeout and underlined format), a map depicting the area of downtown most impacted by the proposed regulations (the Reduced Parking Area, or RPA), the staff report which analyzes the proposed amendments for consistency with the amendment criteria, and the preliminary environmental determination and environmental checklist for the proposed amendments. The public review document has also been disseminated for required review, posted on the City's website, and made available at all branches of the Tacoma Public Library. Copies of the public review document will also be provided to the Commission for your use and reference at the public hearing and future meetings concerning the proposed amendments.

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

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

c. Peter Huffman, Assistant Director

Attachment





## DOWNTOWN OFF-STREET PARKING REGULATIONS

---

### *PUBLIC HEARING REPORT*

#### Tacoma Planning Commission Public Hearing September 21, 2011

#### **A. SUBJECT:**

Revising the off-street parking regulations for new development in the downtown core to improve consistency with the Comprehensive Plan and move towards a market-based approach to parking, while simultaneously improving management of the existing supply of off-street parking, particularly surface parking areas on designated Primary Pedestrian Streets.

#### **B. BACKGROUND:**

The proposed amendment applies to the regulation of off-street parking in the core of downtown, generally between South 6<sup>th</sup> Street and South 23<sup>rd</sup> Street and between Dock Street and Tacoma Avenue. The amendment is intended to remove barriers to future development by minimizing mandatory parking investments, encouraging compact development and a walkable urban form and maximizing economic development opportunities. The proposed changes were developed at the request of members of the Environment and Public Works Committee and the Economic Development Committee.

#### **C. LAND USE REGULATORY CODE AMENDMENT PROCESS:**

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

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

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

Proposed amendments to development regulations are developed pursuant to the procedures of Chapter 13.02 of the Tacoma Municipal Code as described above. Staff, under direction of the Commission, conducts needed analysis and prepares the draft amendments for public review and comment.

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

#### **D. SUMMARY OF PROPOSED AMENDMENTS:**

The proposed changes would modify the off-street parking regulations for new development in downtown as described in the Land Use Regulatory Code Sections 13.06A.060 and 13.06A.070 and create a new section of the Code (13.06A.065) which will contain all existing and new downtown off-street parking-related regulations. Specifically, the proposed amendment would:

1. Establish a Reduced Parking Area (RPA) in a 256-acre portion of downtown, which includes the Downtown Commercial Core zone, the designated Historic and Conservation overlay districts (generally between South 6<sup>th</sup> Street and South 23<sup>rd</sup> Street) and the University of Washington Tacoma Campus;
2. Eliminate minimum off-street parking requirements for new non-residential and residential developments within the proposed boundary;
3. 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;
4. Reduce the existing minimum and maximum parking quantity requirements for non-residential development in the Downtown Mixed Use (DMU), Downtown Residential (DR) and Warehouse/Residential (WR) zones. The parking minimum in the DMU zone would be reduced from 2.4 stalls per 1,000 square feet to 2 stalls per 1,000 square feet. The parking minimum in the DR and WR zones would be reduced from 1.2 stalls per 1,000 square feet to 1 stall per 1,000 square feet. The parking maximum in the DMU, DR and WR zones would be reduced from 3.6 stalls per 1,000 square feet to 3 stalls per 1,000 square feet.
5. Amend the surface parking lot requirements on designated Primary 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 of two intersecting streets; (4) limit the maximum width of on-site surface parking areas adjacent to designated Primary Pedestrian Streets to 60 feet; and (5) prohibit the expansion of surface parking areas along Primary Pedestrian Streets within the RPA boundary.
6. Make permanent the expiring provision that allows for accessible parking to be provided in a reasonable off-site alternative location, approved by the Building Official; and

7. Reorganize two sections of the Regulatory Code and add a new section, 13.06A.065 - Parking Standards, to improve consistency and readability of the code and eliminate parking-related references to the International Financial Services Area (IFSA).

## **E. GENERAL INFORMATION:**

### **1. Evaluation of Development Regulation Amendments**

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

### **2. Environmental Evaluation**

Pursuant to WAC 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance was issued on August 24, 2011 (SEPA File Number SEP2011-40000167412). This preliminary determination was made based upon a review of a completed environmental checklist. The City will reconsider the preliminary determination based on timely public comments regarding the checklist and determination that are received by September 30, 2011 and unless modified, the preliminary determination will become final on October 7, 2011.

### **3. Public Review Process**

The proposed amendments to the Regulatory Code were presented to and discussed by the Planning Commission at their meetings, which are open to the public. The Commission reviewed the proposed changes and authorized the distribution of the proposed amendments for public review and comment on August 3, 2011. The City Council's Environment and Public Works Committee and Economic Development Committee also reviewed the proposal at their meeting on June 28, 2011, which is open to the public.

The proposed amendment, including the complete text of the proposed changes (in strikeout and underlined format) and a map depicting the area of downtown most impacted by the proposed regulations, the Reduced Parking Area (RPA); and the staff report which analyzes the proposed amendments for consistency with the amendment criteria, were compiled into a single document (the "Public Review Document"). The document also included a copy of the environmental determination and completed checklist. This document was made available for public review at all branches of the public library and at the office of the Community and Economic Development Department. The document was also posted for review and download on the City's website ([www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)) and made available in printed form upon request.

### **4. Notification**

The notice of the Planning Commission's public hearing stated the time and place of the hearing, the purpose of the public hearing, information pertaining to the environmental determination, where and how additional information could be obtained and how to provide comments. Advertisement of the public hearing was published in *The News Tribune* on September 7, 2011.

The notice was distributed to approximately 1,800 stakeholders including taxpayers, as listed in the records of the Pierce County Assessor-Treasurer, and registered business owners located within 400 feet of the proposed Reduced Parking Area (RPA) boundary, Neighborhood Council board members, other neighborhood groups, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, the Puyallup Tribal Nation, major employers and

institutions, City and State departments, Joint Base Lewis-McChord, and other known interested individuals or groups.

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

Since August 3, 2011, when the Planning Commission set the hearing date, staff from the Long-Range Planning Division of the Community and Economic Development Department has presented to and discussed the proposal with additional stakeholders, including: the Downtown Merchants Group, Coalition for Active Transportation, Parking Management Advisory Taskforce, Executive Council for a Greater Tacoma, Tacoma-Pierce County Chamber staff, and Downtown Tacoma Business Improvement Area (BIA) Board President Ted Johnson. Staff is scheduled to present to the full BIA Board at their next meeting.

**F. COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT RECOMMENDATION:**

Staff recommends that the Planning Commission accept all oral and written testimony and hold the record open until **5:00 p.m. on Friday, September 30, 2011** and that the Commission evaluate all testimony given at the public hearing and any written comments received as part of the record prior to making a recommendation to the City Council.



City of Tacoma  
Community and Economic Development Department

Agenda Item  
PH-2

TO: Planning Commission  
FROM: Donna Stenger, Manager, Long Range Planning  
SUBJECT: Critical Areas Preservation Ordinance Update  
DATE: September 14, 2011

The Planning Commission will conduct a public hearing on September 21, 2011, on the draft code amendments for the Critical Areas Preservation Ordinance Update. The draft amendments include minor changes needed 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.

Notice of the hearing and these proposed amendments has been widely distributed for public review and comment and posted on the City's website ([www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)). A public review document has been compiled, containing information and staff analysis associated with the proposal along with the preliminary environmental determination for the proposed amendments. The public review document has also been disseminated for required review, posted on the City's website, and made available at all branches of the Tacoma Public Library. Copies of the public review document will also be provided to the Commission for your use and reference at the public hearing and future meetings concerning the proposed amendments.

Attached, for the Planning Commission's information and discussion is the public hearing report, which provides further detail about the public notification process and the review process for amendments. At the public hearing staff will provide an overview of the public hearing report and the draft amendments prior to the testimony.

If you have any questions, please contact Karla Kluge at 591-5773 or [kkluge@cityoftacoma.org](mailto:kkluge@cityoftacoma.org).

DS:kk

c. Peter Huffman, Assistant Director

Attachment







## CRITICAL AREA PRESERVATION CODE REVISIONS

---

### *PUBLIC HEARING REPORT*

Tacoma Planning Commission Public Hearing  
September 14, 2011

#### **A. SUBJECT:**

Revising the regulations which apply to critical areas and their buffers to respond to a growing public interest and desire by citizens to volunteer and participate in the preservation and enhancement of public and private natural areas throughout the City. The proposed revisions will also 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 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.

#### **B. BACKGROUND:**

The proposed amendments apply to the regulation of critical areas and their buffers. The current Critical Area Preservation Ordinance (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 have traditionally focused on ensuring that new development is done in an environmentally-sound manner. 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 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, issues requiring clarification or correction were also identified including small development projects, wetland buffer table refinement, mitigation options including mitigation banks and in-lieu fee programs, and general clean-up and clarification.

#### **C. LAND USE REGULATORY CODE AMENDMENT PROCESS:**

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

1. An obvious technical error exists in the pertinent Comprehensive Plan or regulatory code provisions;
2. Circumstances related to the proposed amendment have significantly changed, or a lack of change in circumstances, has occurred since the area or issue was last considered by the Planning Commission;
3. The needs of the City have changed which support an amendment;
4. The amendment is compatible with existing or planned land uses and the surrounding development pattern;

5. Growth and development, as envisioned in the Comprehensive Plan, is occurring faster, slower or is failing to materialize;
6. The capacity to provide adequate services is diminished or increased;
7. Plan objectives are not being met as specified, and/or the assumptions upon which the Plan is based are found to be invalid;
8. Transportation and/or other capital improvements are not being made as expected;
9. Substantial similarities of conditions and characteristics can be demonstrated on abutting properties that warrant a change in land use intensity or zoning classification; or
10. A question of consistency exists among the elements of the Comprehensive Plan or between the Comprehensive Plan and RCW 36.70A (Growth Management Act), the *County-wide Planning Policies for Pierce County* or multicounty planning policies, or the development regulations of the City.

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

Proposed amendments to development regulations are developed pursuant to the procedures of Chapter 13.02 of the Tacoma Municipal Code as described above. Staff, under direction of the Commission, conducts needed analysis and prepares the draft amendments for public review and comment.

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

#### **D. SUMMARY OF PROPOSED AMENDMENTS:**

The proposed changes would modify portions of the Land Use Regulatory Code (Chapters 13.11 and 13.05). In addition to adding new provisions for voluntary restoration and enhancement, small development projects and mitigation options, the proposed changes would modify the wetland buffer section and add definitions and consolidate and relocate sections for ease of use in administering the code by eliminating redundancy. The proposed changes would apply city-wide.

Following is a more detailed discussion of the proposed amendments:

1. *Voluntary Restoration and Enhancement Projects.* A 3-tiered approach is proposed 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.

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.

Voluntary restoration and enhancement projects that contain significant site amenities in their proposal 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.

2. *Small Development Projects.* Small development projects with temporary, minor or de-minimis 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 sheds, decks, storm water pipes, etc.

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 Permits. 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. This allows for protection of the critical area and a streamlined permit process.

3. *Wetland Buffer Table Refinement.* 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.

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.

As a result of using Alternative 1, the Habitat Zone 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.

4. *Mitigation Options.* 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.

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.

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.

5. *Clean-up and minor changes including additional definitions.* The last comprehensive update of the Critical Areas Preservation Ordinance was in 2005-2006. Since that time, scrivener's errors and minor adjustments have been noted and will be corrected as part of the proposed amendment. The definitions that have been added or modified to clarify the proposed code are alteration, buffer zone, cumulative impacts or effects, habitat, in-lieu fee program, infiltration, mature forested wetland, native vegetation, non-wetlands, streams, waters of the state, and wetland mosaic. The "Habitat Zones" definition was deleted as we will no longer utilize the Habitat Zone map. Additional language was also added to the flood hazard section to implement and demonstrate compliance with the National Marine Fisheries Services' Biological Opinion on the National Flood Insurance Program for FEMA.

## **E. GENERAL INFORMATION:**

### **1. Evaluation of Development Regulation Amendments**

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

### **2. Environmental Evaluation**

Pursuant to WAC 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance was issued on August 24, 2011 (SEPA File Number SEP2011-40000167751). This preliminary determination was made based upon a review of a completed environmental checklist. The City will reconsider the preliminary determination based on timely public comments regarding the checklist and determination that are received by September 30, 2011 and unless modified, the preliminary determination will become final on October 7, 2011.

### **3. Public Review Process**

The proposed amendments to the Regulatory Code were presented to and discussed by the Planning Commission at their meetings, which are open to the public. The Commission reviewed the proposed changes and authorized the distribution of the proposed amendments for public review and comment on August 3, 2011. The proposed amendments, including the complete text of proposed changes (in strikeout and underlined format) and the staff report which analyzes the proposed amendments for consistency with the amendment criteria, were compiled into a single document (the "Public Review Document"). The document also included a copy of the environmental determination and completed checklist. This document was made available for public review at all branches of the public library and at the office of the Community and Economic Development Department. The document was also posted on the City's website.

### **4. Notification**

Notice of the Planning Commission's public hearing was distributed to Neighborhood Council board members, other neighborhood groups, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, the Puyallup Tribal Nation, major employers and institutions, City and State departments, and other known interested individuals or groups. In addition, the notice could also be viewed and downloaded at the Planning Division's website ([www.cityoftacoma.org/planning](http://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.

The notice stated the time and place of the hearing, the purpose of the public hearing, information pertaining to the environmental determination, where and how additional information could be

obtained and how to provide comments. Advertisement of the public hearing was published in *The News Tribune* on September 7, 2011.

**F. COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT RECOMMENDATION:**

Staff recommends that the Planning Commission accepts all oral and written testimony and hold the record open until **5:00 p.m. on Friday, September 30, 2011** and that the Commission evaluate all testimony given at the public hearing and any written comments received as part of the record prior to making a recommendation to the City Council.