



AGENDA

MEETING: Regular Meeting
TIME: Wednesday, October 16, 2013, 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 and Public Hearing on September 18, 2013

D. DISCUSSION ITEMS

- 1. Point Ruston Mixed-Use Center
(Annual Amendment Application #2014-01)**
 - Review staff analysis of the application and if appropriate authorize the distribution of the proposal for public review.
 - See “Agenda Item D-1” / Elliott Barnett, 591-5389, elliott.barnett@cityoftacoma.org
- 2. Point Defiance Park Development Regulation Agreement Policy
(Annual Amendment Application #2014-02)**
 - Review staff analysis of the application and if appropriate authorize the distribution of the proposal for public review.
 - See “Agenda Item D-2” / Elliott Barnett, 591-5389, elliott.barnett@cityoftacoma.org
- 3. Container Port Element
(Annual Amendment Application #2014-03)**
 - Review staff analysis of the application and if appropriate authorize the distribution of the proposal for public review.
 - See “Agenda Item D-3” / Ian Munce, 573-2478, imunce@cityoftacoma.org
- 4. South Downtown Subarea Plan and EIS**
 - Complete the review process and make a recommendation to the City Council.
 - See “Agenda Item D-4” / Ian Munce, 573-2478, imunce@cityoftacoma.org
- 5. Draft Marijuana Interim Regulations**
 - Make a recommendation on the appropriate duration and scope of the draft marijuana interim regulations initiated by the City Council on October 1, 2013.
 - See “Agenda Item D-5” / Brian Boudet, 573-2389, bboudet@cityoftacoma.org



E. COMMUNICATION ITEMS & OTHER BUSINESS

1. **Infrastructure, Planning and Sustainability Committee Pending Agenda (October 23, 2013)**
– Schuster Corridor Shared Use Trail, 2015 Comprehensive Plan Update, and Interview of Applicants for Planning Commission. The Committee meets every 2nd and 4th Wednesdays, at 4:30 p.m., in Room 16.
2. **Planning Commission Pending Agenda (November 6, 2013)** – Temporary Homeless Camps, North Downtown Subarea Plan and EIS, Hilltop Subarea Plan and EIS, Affordable Housing Regulations, Urban Forestry/Landscaping Code Update, and Sustainability Code Amendment.

F. ADJOURNMENT



MINUTES (draft)

Meeting: Regular Meeting and Public Hearing
Time: Wednesday, September 18, 2013, 4:00 p.m.
Location: Council Chambers, Tacoma Municipal Building, 747 Market Street
Present: Sean Gaffney (Chair), Scott Winship (Vice-Chair), Benjamin Fields, Mark Lawlis, Tina Lee, Alexandria Teague, Erle Thompson, Stephen Wamback
Absent: Donald Erickson

CALL TO ORDER

Chair Gaffney called the meeting to order at 4:02 p.m. and declared a quorum present.

APPROVAL OF MINUTES

The minutes of the meeting on August 21, 2013 were approved as submitted.

DISCUSSION ITEMS

1. Six-Year Comprehensive Transportation Program

Jennifer Kammerzell, Public Works Department, facilitated the Planning Commission's review of the proposed amendments to the *Six-Year Comprehensive Transportation Program* for consistency with the Comprehensive Plan. As required by the State law, the program is updated annually to keep the City eligible for competing for State and Federal transportation grants. Ms. Kammerzell reviewed the proposed amendments to be incorporated into the *Six-Year Comprehensive Transportation Program Amended 2013-2014 & 2015-2020*. The proposed amendments included deleting eight completed projects and adding three new projects, i.e., Pedestrian and Bicycle Safety Crossing Signals, S. 17th Street and Jefferson Avenue Improvements, and Walter Road Improvements. Ms. Kammerzell stated that staff is seeking the Commission's concurrence with staff's recommendation to move the proposed amendments forward to the City Council's review/adoption process, which would include the Infrastructure, Planning and Sustainability Committee's review in October, City Council's study session and public hearing in November, and City Council's adoption by ordinance in December 2013. The Commission concurred.

2. Transportation Commission

Josh Diekmann, Public Works Department, provided an overview of the structure, membership, and roles and responsibilities of the Transportation Commission that was established by the City Council on May 7, 2013, per Resolution No. 38669. He also described the roles of the two advisory groups of the Commission, i.e., the Parking Management Advisory Task Force and the Bicycle and Pedestrian Technical Advisory Group. He then reviewed the scope and schedule of the Transportation Master Plan, one of the major projects the Commission is tasked with. Mr. Diekmann indicated that the Commission's first meeting has been scheduled for September 18, at 6:00 p.m., and that staff from Public Works and Planning and Development Services will work closely together to ensure that the work activities of the Planning Commission and the Transportation Commission are well coordinated.

3. Temporary Homeless Camps

John Harrington, Development Services Division, reviewed the State law (RCW 36.01.290) enacted in 2010 that authorizes religious organizations to host temporary homeless camps and the City's desire to impose regulatory controls to protect public health and safety for such facilities within the City. He described some of the perimeters to be addressed in such regulations, such as size and number of camps, frequency of use of same property for camps, resident make-up, camp setbacks from residential uses, parking, and transit access. Mr. Harrington presented a benchmarking research of similar regulations from other jurisdictions. He also indicated that staff has begun outreaching to community-based agencies, subject-matter expert entities, stakeholders, and concerned parties to garner input, with the intent to facilitate the Commission's development of draft regulations during the timeline of November 2013 through February 2014. The Commission concurred.

4. Recreational Marijuana

Brian Boudet, Manager, Planning Services Division, provided a status of the Washington State Liquor Control Board's (LCB) rule-making for implementing the voter-approved Initiative 502 regarding recreational marijuana. According to the latest schedule of the LCB, the rules would become effective on November 16 and the LCB would begin to accept applications for all marijuana license types on November 18, 2013. Mr. Boudet indicated that it is likely that the City Council would impose interim regulations by mid-November, in time to provide policy and regulatory guidance for the review of those license applications within the City limits that are expected to come forward after November 18. He also presented a map illustrating where recreational marijuana uses could be located within the City, after factoring in the LCB's buffering requirements. Mr. Boudet stated that the City Council could initiate the interim regulations process on October 1, and if so, the Planning Commission would be required to develop, starting at the next meeting on October 2, findings of fact and a recommendation concerning the appropriate duration and scope of the interim regulations.

PUBLIC HEARING

1. Draft South Downtown Subarea Plan

At 5:00 p.m., Chair Gaffney called the public hearing to order and reviewed the procedures. Ian Munce, Planning Services Division, provided an overview of the Draft South Downtown Subarea Plan, dated August 2013. Chair Gaffney called for testimony. The following citizens testified:

(1) **Milt Tremblay, University of Washington Tacoma:**

Mr. Tremblay praised the City for collaborating with the University of Washington Tacoma in the South Downtown Subarea Plan and EIS project efforts, which create vision, catalyze growth, provide an opportunity to categorize and identify mitigation costs upfront, and identify the infrastructure improvements needed to facilitate the growth to happen.

(2) **Jori Adkins, Dome District Development Group and New Tacoma Neighborhood Council:**

Ms. Adkins commended the South Downtown Subarea Plan and EIS project for involving multiple entities in the process and resulting in a good plan that will stimulate transit-oriented development.

(3) **Su Dowie, Foss Waterway Development Authority:**

Ms. Dowie indicated that the South Downtown Subarea Plan updates the Foss Waterway Development Authority's programmatic EIS, is consistent with the FDWA's Master Redevelopment Strategy and the City's recently updated Shoreline Master Program, and will incent development by providing a sense of certainty for prospective developers.

Chair Gaffney closed the hearing and announced that the hearing record will remain open through September 20, 2013 to receive written comments.

COMMUNICATION ITEMS AND OTHER BUSINESS

- (a) Stephen Atkinson, Planning Services Division, provided a status of the Draft Tacoma Shoreline Master Program, updated in November 2011. He reported that the State Department of Ecology issued a conditional approval of the Shoreline Master Program on August 19, 2013, and the City Council responded by adopting Resolution No. 38734 on September 17, 2013, accepting the majority of the Ecology's Required and Recommended Changes and proposing an alternative intent statement for the S-6/7 Transition District. It is anticipated that the Ecology would accept the City's proposed intent statement and issue the final approval in early October 2013, Mr. Atkinson indicated.
- (b) "Conversations RE: Tacoma – Towards a Livable Community" 2013 Lecture Series includes three sessions, scheduled for September 19, October 10, and November 21 (www.ReTacoma.com).
- (c) The agenda for the Infrastructure, Planning and Sustainability Committee's meeting on September 25 may include: Wapato Hills Master Plan Update, First Creek Action Plan, and 2015 Comprehensive Plan Update.
- (d) The agenda for the Planning Commission's meeting on October 2 may include: Marijuana Interim Regulations, 2014 Annual Amendment, South Downtown Subarea Plan and EIS, and North Downtown Subarea Plan and EIS.
- (e) Commissioner Thompson encouraged everyone to participate in the Annual Tour of Remodeled Homes on September 28-29, 2013, sponsored by the Master Builder's Association of Pierce County.

ADJOURNMENT

The meeting was adjourned at 5:30 p.m.



City of Tacoma
Planning and Development Services

**Agenda Item
D-1**

To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: **Application #2014-01 – Point Ruston Mixed-Use Center**
Meeting Date: October 16, 2013
Memo Date: October 10, 2013

At the October 16th meeting, staff will present an in depth analysis of Point Ruston LLC's application to amend the Comprehensive Plan and development regulations in order to designate the portion of the Point Ruston mixed-use development located in the City of Tacoma as a Mixed-Use Center (MUC).

The intent of the application is to support, strengthen and accelerate Point Ruston redevelopment efforts, and stimulate job creation and the development of high-density mixed-income housing. Designation as a MUC would enable qualifying multifamily housing developments to benefit from the City's Tax Exemption Program, and would strengthen policy support for infrastructure and other investments supportive of the MUC's development.

Attached is a proposed staff report and supporting exhibits for this application. Staff will request any guidance from the Commission, and if the Commission agrees will request authorization to release the package for continued public outreach and review. Once that outreach is complete, staff would provide the Commission with a summary to inform refinements prior to release of the Annual Amendments public review package.

If you have any questions, please contact me at 591-5389 or elliott.barnett@cityoftacoma.org.

Attachments (5)

c: Peter Huffman, Interim Director



2014 Annual Amendment Staff Analysis Report

| | |
|--|--|
| Application No.: | 2014-01 |
| Proposed Amendment: | Point Ruston Mixed-Use Center |
| Applicant: | Point Ruston, LLC |
| Location & Size of Area: | Ruston Way; 29 acres |
| Current Land Use & Zoning: | S-15 Shoreline District (<i>effective October 15, 2013</i>) |
| Neighborhood Council Area: | West End |
| Staff Contact: | Elliott Barnett, Planning Services Division (253) 591-5389 elliott.barnett@cityoftacoma.org |
| Date of Report: (Planning Commission review date; draft or final) | October 16, 2013 (draft) |

I. Description of the Proposed Amendment:

1. Describe the proposed amendment, including the existing and proposed amendatory language, if applicable.

The proposed amendment would designate that portion of the former ASARCO site located in the City of Tacoma (excluding the Slag Peninsula) as a *Mixed-Use Center (MUC)* and Residential Target Area. The proposed 29-acre *Point Ruston MUC* would encompass that portion of the City's *S-15 Point Ruston / Slag Peninsula Shoreline District* (effective as of October 15th, 2013) intended for mixed-use development as part of Point Ruston (see Exhibit A).

Specifically, the proposal would amend the *Growth Strategy and Development Concept Element* of the *Comprehensive Plan* by adding "Point Ruston" to the list of Community Centers and revising the *Growth Concept Map* and the *Generalized Land Use Plan Map*. The revisions in the *Generalized Land Use Plan Map* would also be reflected in the corresponding maps in the *Generalized Land Use and Transportation Elements*.

In addition, *Tacoma Municipal Code (TMC) Chapter 13.17 Mixed-Use Center Development* would be amended to add the Point Ruston Community Center to the designated residential target area list (*TMC 13.17.020.C*). Inclusion on this list would make qualifying multifamily housing developments eligible for the multifamily tax exemption program. No changes to the site's *S-15* zoning, or to the scope of development as previously reviewed by the City, are included in this proposal.

Point Ruston, LLC's initial application included an additional 12 acres (parcel 8950003322) within the proposed MUC. However, after discussions with City staff the applicants have removed that parcel from the proposal. Located just southeast of Point Ruston, it was initially included because it is part of Point Ruston LLC's ownership. However, the parcel is mostly marine waters and the zoning is not appropriate for residential development.

2. Describe the intent of the proposed amendment and/or the reason why it is needed.

The intent of establishing a MUC and residential target area at Point Ruston is to support, strengthen and accelerate redevelopment efforts and stimulate job creation and the development of high-density mixed-income housing. One of the policy tools available to designated MUCs is the City's Multi-family Tax Exemption Program, which can provide a boost to development efforts. In addition, the Comprehensive Plan calls for MUCs to be given priority in allocating resources for infrastructure improvements.

3. Describe the geographical areas associated with the proposed amendment. Include such information as: location, size, parcel number(s), ownership(s), site map, site characteristics, natural features, current and proposed Comprehensive Plan land use designations, current and proposed zoning classifications, and other appropriate and applicable information for the affected area and the surrounding areas.

The proposed Point Ruston MUC is the roughly 29-acre portion of the site that is located within the City of Tacoma (excluding the Slag Peninsula). The former ASARCO property is 97 acres in total and straddles the boundary between the Cities of Tacoma and Ruston. In 2006 Point Ruston, LLC purchased the property and currently owns the entire former ASARCO site, with the exception of the Slag Peninsula which is owned by the Metro Parks District. Point Ruston is located at the northern end of Ruston Way and is bordered by the City of Tacoma to the south, the City of Ruston to the east, Point Defiance Park (City of Tacoma) to the north and Commencement Bay to the east.

Since being added to the U.S. Environmental Protection Agency's (EPA) National Priorities list in 1983, the former industrial site has undergone extensive environmental remediation under the direction of the US Environmental Protection Agency. The site has now been prepared for mixed-use development, as authorized under the 2008 Final Supplemental Environmental Impact Statement (FSEIS) and Shoreline Development Permit (see Exhibit B). Earlier this year, the waterfront promenade (Waterwalk) opened to the public, and the Copperline Apartments building has been constructed. Additional development is in review or underway.

The proposed MUC is located within the *S-15 Point Ruston / Slag Peninsula Shoreline District*, characterized in the *Shoreline Master Program* as an Urban Environment with a *High Intensity Environmental Designation*.

The site includes 11 parcels: Parcels 8950003311, 8950003312, 8950003313, 8950003314, 8950003315, 8950003316, 8950003317, 8950003318, 8950003319, 8950003320 and 8950003321.

4. Provide any additional background information associated with the proposed amendment.

If designated, Point Ruston would become the 18th MUC. While the majority of the existing MUCs are zoned as Mixed-Use "X" Districts, this is not always the case. The Downtown Center has its own Downtown zoning districts, and the west Foss Waterway has Shoreline District zoning. Should this proposal be enacted, Point Ruston would have a similar status to the west Foss Waterway which is within the Downtown MUC and Residential Target Area, and is zoned Shoreline District.

The Point Ruston project has been reviewed extensively and received numerous permit approvals including the 2008 FSEIS and Shoreline Substantial Development Permit. The proposed amendments would not result in any modifications to the development approved under these permits.

In 2008, Point Ruston, LLC submitted then withdrew an application for designation as a Mixed-Use Center. At that time, City staff argued that the application was premature due to timing issues. At that time, both the Mixed-Use Centers (“X”) District zoning and the Shoreline Master Program were under review. In addition, the MUC designation is intended to foster development within established centers, and no development had yet occurred. Now, with the “X” District and SMP updates complete and development underway, the situation has changed substantially.

As part of Annual Amendment Application 2014-04, the City’s MUCs will be re-evaluated. This review may include the removal of some previously designated MUCs as well as the incorporation of new ones. The review for this application and that one will be coordinated, as appropriate.

II. Analysis of the Proposed Amendment:

1. How does the proposed amendment conform to applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and development regulations?

The proposed designation, with associated policy and code changes, is generally consistent with the applicable provisions of State, regional and local law and policy.

Shoreline Master Program:

The proposal is consistent with the S-15 Shoreline District policy intent and Environmental Designation:

The intent of the S-15 Shoreline District is to establish continuous public access along the shoreline that will take full advantage of the unique shoreline location and views of Puget Sound and Commencement Bay while integrating high intensity upland development that includes mixed-use residential and commercial structures and protecting the integrity of the site wide cap Superfund remedy consistent with EPA directives.

The S-15 Point Ruston / Slag Peninsula Shoreline District is an Urban Environment with a High Intensity Environmental Designation.

Comprehensive Plan:

The proposal is consistent with the Comprehensive Plan. Specifically, it supports or implements the following policies:

Arts and Culture Element

CH-PA-9 Utilize public art as a visitor attraction (AC-3)

CH-PA-10 Public Art in mixed-use centers (AC-3)

Capital Facilities Element

CF-APFS-5 Growth Concept and Tiers (CF-4)

CF-EDNR-7 Facilities in Mixed-Use Centers (CF-6)

Environmental Policy Element

E-WQ-3 Shoreline (E-7)

E-ER-4 Public/Private Partnerships (E-9)

E-FW-23 Superfund Cleanups (E-14)

Generalized Land Use Element

- LU-GGD-3 Concentrated Development (LU-7)
- LU-GGD-8 Infill Development (LU-8)
- LU-GUCT-1 Encourage Development (LU-10)
- LU-MU-2 Variety of Development (LU-22)
- LU-MU-3 Mixed-use Development (LU-22)
- LU-MU-4 Development Bonuses and Incentives (LU-22)
- LU-MUCD-1 Boundaries (LU-22)
- LU-MUCD-3 Density (LU-23)
- LU-MUCD-4 Priority Development Areas (LU-23)
- LU-MUCD-5 Public Transit Support (LU-23)
- LU-MUCD-6 Compactness (LU-23)
- LU-MUCD-7 Circulation (LU-23)
- LU-MUCD-8 Capital Facilities (LU-23)
- LU-MUCD-9 Development Incentives (LU-23)
- LU-MUCD-12 Mixed Income (LU-23)
- LU-MFTI-3 Mixed Income (LU-25)
- LU-MFTI-4 Density (LU-25)
- LU-MFTI-5 Market Conditions (LU-26)
- LU-MUCC-2 Variety of Development (LU-38)
- LU-MUCC-3 Site Plan Review Process for Community Centers (LU-38)

Growth Strategy & Development Concept Element

- Mixed-Use Centers – Community Center vision (GD-10)

Housing Element

- H-HC-7 Land Use Incentives (H-12)
- H-NQ-2D Mixed-Use Centers (H-10)

Neighborhood Element

- WE-1.1 Expand Housing Opportunities (Neigh-56)
- WE-2.7 Redevelopment of the ASARCO site (p. Neigh-57)
- WE-3.4 Ruston Way Pedestrian Promenade (Neigh-58)
- WE-4.1 Bicycle Route Improvements (Neigh-58)

Open Space Habitat and Recreation Element

- OS-MUC-9 Mixed-Use Centers (OS-11)

Transportation Element

- Vision and Goals (T-14 and 15)
- T-MMP-3 Environmental Sustainability (T-16)
- T-MMP-5 Connectivity and Access (T-16)

The breadth of related policies is an indication that Point Ruston is a key project that supports multiple City goals. To summarize, there are many policies that support or are consistent with the proposed MUC designation. Most pertinent, the proposal is broadly consistent with the MUC policies of the Growth Strategy & Development Concept, and Generalized Land Use Elements.

2. Would the proposed amendment achieve any of the following objectives?

- Address inconsistencies or errors in the Comprehensive Plan or development regulations;

- **Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City’s capacity to provide adequate services;**
- **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or**
- **Enhance the quality of the neighborhood.**

The proposed amendment reflects changes that have occurred as a result of the former ASARCO site being redeveloped as a master planned mixed-use project.

To the extent that it facilitates the Point Ruston development, this proposal would help to achieve multiple city goals. The Point Ruston project harnesses private investment to achieve goals including environmental cleanup; reuse of a brownfield site; housing; economic development; concentrating growth within existing centers; and, connecting people to the waterfront.

3. Assess the proposed amendment with the following measures: economic impact assessment, sustainability impact assessment, health impact assessment, environmental determination, wetland delineation study, traffic study, visual analysis, and other applicable analytical data, research and studies.

The Point Ruston project has gone through extensive review and received numerous permit approvals. Impacts were studied at that time, and appropriate conditions placed on the FSEIS and Shoreline permit. The current proposal would have no effect on the scope and character of development already approved, but could accelerate the pace of that development.

Designation of Point Ruston as a MUC and Residential Target Area would set up property tax reductions for the development for a period of 8 or 12 years. This would result in reduced tax revenue to the City of Tacoma for multifamily housing developed during that period. On the other hand, this temporary reduction in revenue should be balanced against the economic benefits of accelerating the build-out, including tax revenue from commercial development.

Should this application be approved, Point Ruston would be placed within a well-developed policy framework. Tacoma’s Mixed-Use Centers are part of a comprehensive strategy intended to enhance sustainability, promote active transportation and transit use, and build on Tacoma’s neighborhood assets for economic development. At the highest level, developing within the City inherently promotes sustainability by directing growth into urban areas and away from rural and natural areas.

4. Describe the community outreach efforts conducted for the proposed amendment, and the public comments, concerns and suggestions received.

Outreach for this application will build on the extensive public processes that have already taken place for Point Ruston. Point Ruston, LLC has engaged McCament and Rogers, a consultant firm, to assist with the process. City staff are coordinating with them to identify the stakeholders. Staff note that the vision and plans for Point Ruston are well established and broadly supported, and this proposal would not change the scope of development already approved. Furthermore, the objections raised to the original 2008 Point Ruston MUC proposal have now been substantially resolved.

To date, staff and the applicants have identified and had preliminary discussions with the following stakeholders:

- West End Neighborhood Council (presentation on 09/18/13 – voted to support the application)

- City of Ruston (emailed Mayor Hopkins 07/13; met with Ruston’s Planner 10/03/13)
- Ruston Pearl Business District (meeting on 09/30/13)
- Metro Parks District (discussion with staff on 09/17/13)
- Citizens for a Healthy Bay (conversation on 09/23/13)
- Tacoma Housing Authority (emails/phone calls in September)
- Pierce Transit (email 10/04/13)

The preliminary outreach has revealed general support for the application. Most stakeholders express the hope that MUC designation would accelerate development. Stakeholders were reassured to learn that no changes to development regulations, particularly height, are proposed.

The City of Ruston stakeholders are also generally supportive of the MUC designation, but call for continued coordination between the Cities of Tacoma and Ruston, and Point Ruston, LLC to ensure that the build-out meets the approved plans and is phased in a manner that is equitable to both jurisdictions in terms of tax benefits.

Tacoma Housing Authority initiated a discussion of affordable housing at Point Ruston. Staff will follow up with them. It may be more appropriately tied to two related applications this year – the Mixed-Use Centers update, and the Affordable Housing update.

Staff will continue to work with the stakeholders identified, as well as conduct additional outreach as part of the overall 2014 Annual Amendment package.

5. Will the proposed amendment benefit the City as a whole? Will it adversely affect the City’s public facilities and services? Does it bear a reasonable relationship to the public health, safety, and welfare?

The proposed amendment will benefit the City as a whole by potentially accelerating the pace of a long-awaited development that provides multiple benefits to the community. The residential target area designation will benefit the City by incentivizing residential development and investment in a mixed-use project.

III. Staff Recommendation:

Staff recommends that the proposed amendments to the Comprehensive Plan and the Tacoma Municipal Code pertaining to the proposed designation of Point Ruston as a Community Mixed-Use Center and residential target area, as applied by the Point Ruston, LLC and as depicted in Exhibits C and D, be distributed for public review. Staff will continue to engage in public outreach and provide a summary to the Planning Commission prior to the public hearing process which is tentatively scheduled for February-March 2014.

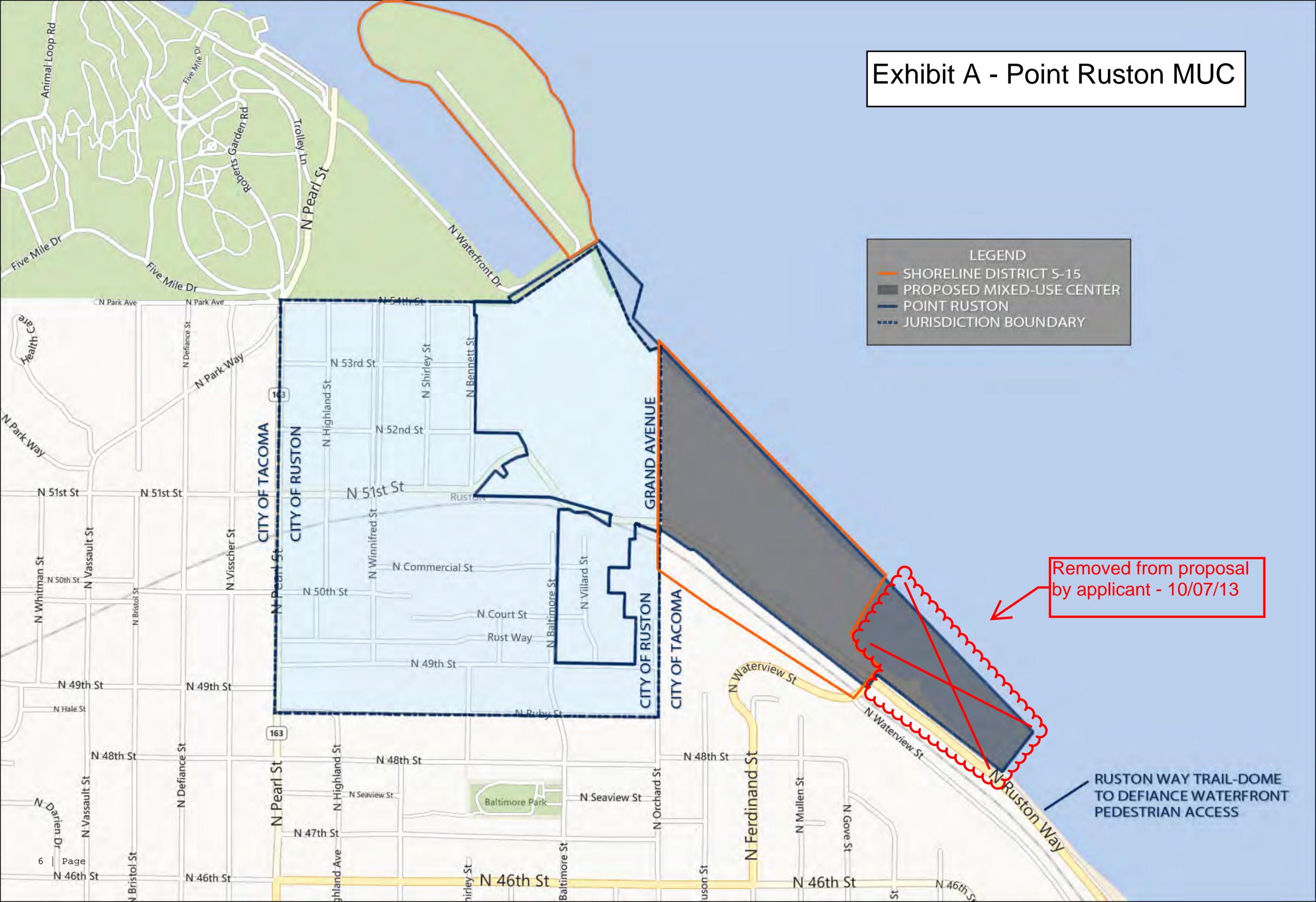
IV. Exhibits:

- A. Site Map of the Proposed Point Ruston Mixed-Use Center
- B. Point Ruston Development Concept
- C. Proposed Amendments to the Comprehensive Plan
- D. Proposed Amendments to the Tacoma Municipal Code

Exhibit A - Point Ruston MUC

LEGEND

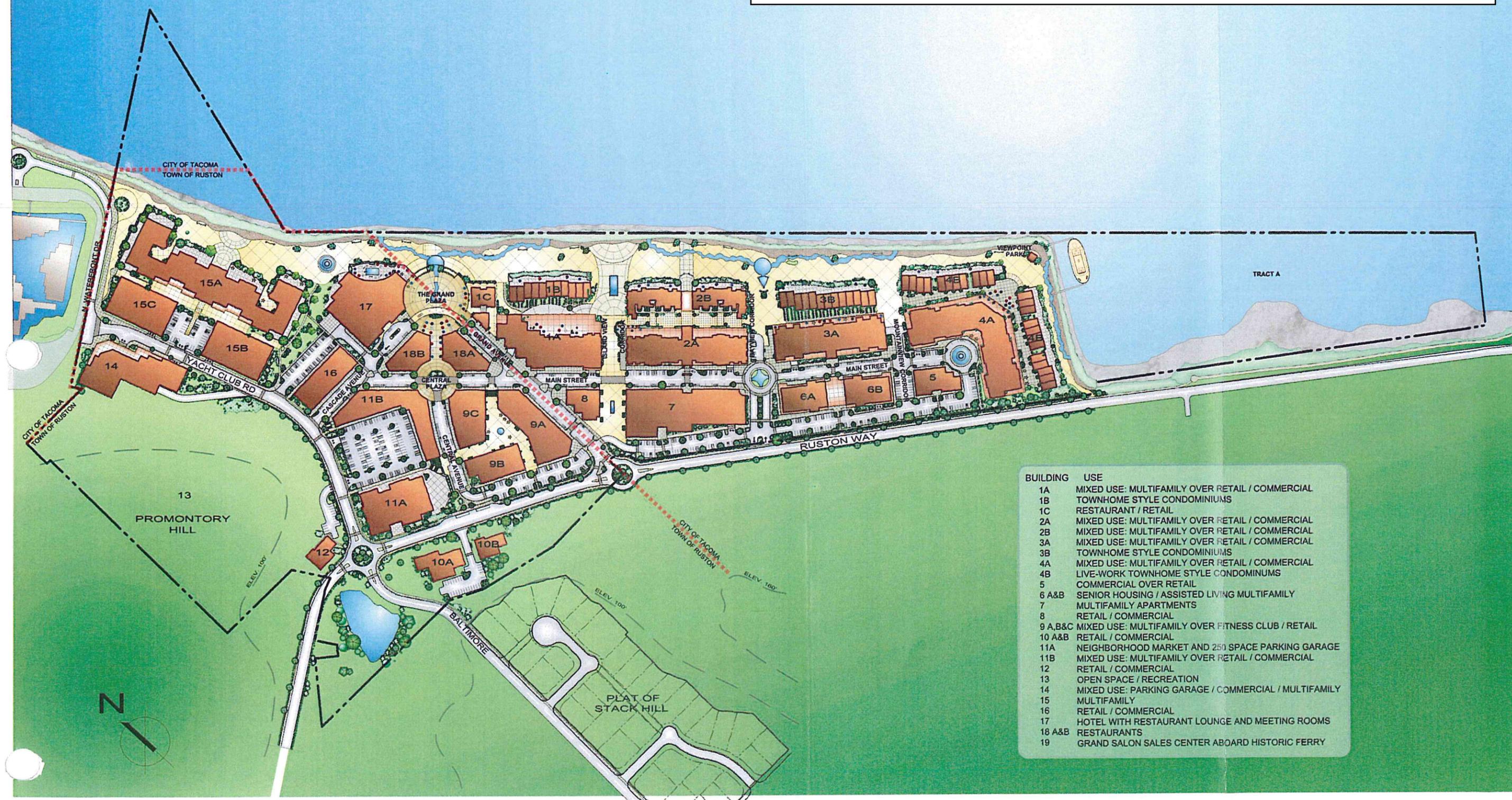
- SHORELINE DISTRICT S-15
- PROPOSED MIXED-USE CENTER
- POINT RUSTON
- JURISDICTION BOUNDARY



Removed from proposal by applicant - 10/07/13

RUSTON WAY TRAIL-DOME TO DEFIANCE WATERFRONT PEDESTRIAN ACCESS

Exhibit B - Point Ruston Mixed-Use Center



| BUILDING | USE |
|----------|--|
| 1A | MIXED USE: MULTIFAMILY OVER RETAIL / COMMERCIAL |
| 1B | TOWNHOME STYLE CONDOMINIUMS |
| 1C | RESTAURANT / RETAIL |
| 2A | MIXED USE: MULTIFAMILY OVER RETAIL / COMMERCIAL |
| 2B | MIXED USE: MULTIFAMILY OVER RETAIL / COMMERCIAL |
| 3A | MIXED USE: MULTIFAMILY OVER RETAIL / COMMERCIAL |
| 3B | TOWNHOME STYLE CONDOMINIUMS |
| 4A | MIXED USE: MULTIFAMILY OVER RETAIL / COMMERCIAL |
| 4B | LIVE-WORK TOWNHOME STYLE CONDOMINIUMS |
| 5 | COMMERCIAL OVER RETAIL |
| 6 A&B | SENIOR HOUSING / ASSISTED LIVING MULTIFAMILY |
| 7 | MULTIFAMILY APARTMENTS |
| 8 | RETAIL / COMMERCIAL |
| 9 A,B&C | MIXED USE: MULTIFAMILY OVER FITNESS CLUB / RETAIL |
| 10 A&B | RETAIL / COMMERCIAL |
| 11A | NEIGHBORHOOD MARKET AND 250 SPACE PARKING GARAGE |
| 11B | MIXED USE: MULTIFAMILY OVER RETAIL / COMMERCIAL |
| 12 | RETAIL / COMMERCIAL |
| 13 | OPEN SPACE / RECREATION |
| 14 | MIXED USE: PARKING GARAGE / COMMERCIAL / MULTIFAMILY |
| 15 | MULTIFAMILY |
| 16 | RETAIL / COMMERCIAL |
| 17 | HOTEL WITH RESTAURANT LOUNGE AND MEETING ROOMS |
| 18 A&B | RESTAURANTS |
| 19 | GRAND SALON SALES CENTER ABOARD HISTORIC FERRY |

Source: ESM, 2008



Point Ruston Supplemental EIS

Figure 7
Site Plan - Overall



2014 Annual Amendment Application No. 2014-01
Point Ruston Mixed-Use Center

DRAFT COMPREHENSIVE PLAN CHANGES
October 16, 2013

*Note – These amendments show all of the changes to the *existing* Comprehensive Plan. The sections included are only those portions of the plan that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

Community Center

The community center is a concentration of commercial and/or institutional development that serves many nearby neighborhoods and generally includes a unique attraction that draws people from throughout the city. Some residential development may already be present, and there is a goal to have more residential development. It is directly accessible by arterials and local transit. Pedestrian accessibility is important within the center, but because of its focus on larger scale commercial development, the community center continues to provide for automobile parking, preferably within structures.

Designated Community Centers:

- Tacoma Central Plaza/Allenmore (Tacoma Central)
- S. 72nd and Pacific Avenue
- S. 72nd and Portland Avenue
- TCC/James Center
- Westgate
- Lower Portland Avenue
- S. 34th and Pacific Avenue
- ~~S. 121st and Pacific Avenue (Outside the city within the urban growth area)~~
- Point Ruston



2014 Annual Amendment Application No. 2014-01
Point Ruston Mixed-Use Center

DRAFT LAND USE REGULATORY CODE CHANGES
October 16, 2013

*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. New text is underlined and text that is deleted is shown in strikethrough.

Chapter 13.17
MIXED-USE CENTER DEVELOPMENT

C. Designated Target Areas. The proposed boundaries of the “residential target areas” are the boundaries of the 17-18 mixed-use centers listed below and as indicated on the Generalized Land Use Plan and in the Comprehensive Plan legal descriptions which are incorporated herein by reference and on file in the City Clerk’s Office.

The designated target areas do not include those areas within the boundary of the University of Washington Tacoma campus facilities master plan (per RCW 84.14.060).

Table with 3 columns: MIXED-USE CENTER, CENTER TYPE, and ORIGINALLY ADOPTED. Lists various center names like South 56th and South Tacoma Way, Downtown Tacoma, etc., along with their types and adoption dates.



City of Tacoma
Planning and Development Services

**Agenda Item
D-2**

To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: **Application #2014-02 – Point Defiance Development Regulation Agreement Policy**
Meeting Date: October 16, 2013
Memo Date: October 10, 2013

At the October 16th meeting, staff will present an in depth analysis of Metro Parks Tacoma's (MPT) application to amend the Comprehensive Plan and development regulations in support of their Destination Point Defiance plan.

The intent of the application is to address administrative hurdles to implementing the plan resulting from the park's R-1 Single-family Residential zoning. The park plan includes commercial, lodging, educational and other features in keeping with the character of the park as a major destination, which are not typically permitted in single-family districts. To address these hurdles, the amendment would establish clear policy support and code authority to utilize the City's Development Regulation Agreement (DRA) process to review plans for Point Defiance Park.

Attached is a proposed staff report and supporting exhibits for this application. Staff will request any guidance from the Commission, and if the Commission agrees will request authorization to release the package for continued public outreach and review. Staff would provide the Commission with a summary of that stakeholder and public input in early 2014, to inform refinements prior to release of the Annual Amendments public review package.

If you have any questions, please contact me at 591-5389 or elliott.barnett@cityoftacoma.org.

Attachments (5)

c: Peter Huffman, Interim Director



2014 Annual Amendment Staff Analysis Report

| | |
|--|--|
| Application No.: | 2014-02 |
| Proposed Amendment: | Point Defiance Development Regulation Agreement Policy |
| Applicant: | Metro Parks Tacoma, Curtis Hancock |
| Location & Size of Area: | Point Defiance Park, 702 acres |
| Current Land Use & Zoning: | R-1 Single-Family Residential District, S-4, S-5 and S-15 Shoreline Districts (<i>effective October 15, 2013</i>) |
| Neighborhood Council Area: | West End |
| Staff Contact: | Elliott Barnett, Planning Services Division (253) 591-5389 elliott.barnett@cityoftacoma.org |
| Date of Report: (Planning Commission review date; draft or final) | October 16, 2013 (draft) |

I. Description of the Proposed Amendment:

1. Describe the proposed amendment, including the existing and proposed amendatory language, if applicable.

This proposal is a preliminary step toward implementation of Metro Parks Tacoma’s (MPT) long-range plans for Point Defiance Park. The amendment would recognize Point Defiance Park as a unique destination including features beyond those typical of a park or open space, and lay the groundwork for MPT to utilize the City’s existing Development Regulation Agreement (DRA) process as an alternate framework for City review of Point Defiance Park development activities.

Specifically, this amendment would add a new policy to the *Open Space Habitat and Recreation Element* of the *Comprehensive Plan* recognizing Point Defiance Park as a unique asset and a destination for the people of Tacoma and the region. The policy would also express support for using the DRA process for the park (see Exhibit C). In addition, a provision would be added to *Tacoma Municipal Code (TMC) 123.06.560 Parks, recreation and open space* section, identifying Point Defiance Park as a major destination and highlighting DRA’s as an appropriate review process (see Exhibit D).

2. Describe the intent of the proposed amendment and/or the reason why it is needed.

This application is a preliminary step intended to establish a clear policy and code framework for MPT to utilize a DRA for Point Defiance Park, which they intend to submit next year.

MPT’s Destination Point Defiance conceptual plan, the outcome of a multi-year planning effort, recognizes that the park functions not only as a local attraction but also as a destination for the people

of the city and region (see Exhibit A). The plan includes commercial, educational and recreational features (including the zoo, a lodge, eating establishments, gift shops, a visitor's center, additional pavilion buildings, a farmers market, entertainment and educational facilities, and bike and kayak rental facilities) that broaden the use of the park and expand its function as a unique destination. Yet, the majority of the park is within the *R-1 Single-family Dwelling District*, which requires a Conditional Use Permit or does not permit these features (see Exhibit B). This creates a significant administrative hurdle to implementing the community vision for the park.

DRAs, as laid forth in *TMC 13.05.095*, provide an optional process that can help address the administrative hurdles. A flexible review process intended for large, strategic development proposals, DRAs fit the scope and scale of MPT's plans for Point Defiance Park. DRAs also provide ample public notice, a mechanism to determine appropriate conditions of approval, and are approved directly by the City Council.

3. Describe the geographical areas associated with the proposed amendment. Include such information as: location, size, parcel number(s), ownership(s), site map, site characteristics, natural features, current and proposed Comprehensive Plan land use designations, current and proposed zoning classifications, and other appropriate and applicable information for the affected area and the surrounding areas.

The 702-acre park is located at the northern end of the peninsula that forms north Tacoma. Established over 125 years ago, the park is owned by the City of Tacoma and managed by MPT. Point Defiance Park is bordered by the Puget Sound on three sides, and by the Cities of Ruston and Tacoma along its southern boundary, including the Point Ruston Development on its southeastern corner. It is largely forested, ringed by shorelines, and includes a range of recreational, cultural, educational and maintenance facilities. The park is also the location of the Tacoma Yacht Club, the Vashon Island ferry station, eating establishments, boating facilities, and Tacoma School District's Science and Math Institute (SAMI) campus.

The park is zoned *R-1 Single-Family Residential District*, and *S-4 Point Defiance Park - Natural*, *S-5 Point Defiance Park - Urban Conservancy*, and *S-15 Point Ruston/Slag Peninsula Shoreline Districts* (effective October 15, 2013). The Comprehensive Plan land use designation is Low Intensity and Shoreline.

The site includes the following parcel numbers: 0221103000, 0221221011, 0221221021, 8950100015, 8950100016, 8950100017 and 8950100010.

4. Provide any additional background information associated with the proposed amendment.

This proposal builds on MPT's planning efforts as well as three recent City initiatives:

In 2008, the City Council adopted the *Open Space Habitat and Recreation Element* which is the City's policy direction for parks, recreation and open space.

In 2010, the City created *TMC 13.05.095 Development Regulation Agreements* which established an alternative process for major projects in key locations, including on public sites larger than 5 acres in size. DRAs are not available in Shoreline Districts.

In 2011, the City created *TMC 13.06.560 Parks, recreation and open space* which established that those uses are generally Permitted outright in residential zones, but that major features likely to generate neighborhood impacts would be Conditional Uses. This update simplified the review process for most park projects, but stopped short of explicitly establishing a process for a large, complex park sites like Point Defiance Park.

This proposal essentially links these initiatives together by updating the Open Space Habitat and Recreation Element to reflect MPT's plans, and by clarifying the role that DRAs can play for park, recreation and open space land uses. Other aspects of the Element are also being reviewed this year, and that effort will be coordinated with this one.

II. Analysis of the Proposed Amendment:

1. How does the proposed amendment conform to applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and development regulations?

The proposed policy and code amendments are consistent with the applicable provisions of State, regional and local law and policy.

By furthering the enhancement of one of Tacoma's signature parks, this proposal supports the Comprehensive Plan. Specifically, it implements the following policies:

Open Space Habitat and Recreation Element:

- OS-R-1 Develop and Improve Recreation Opportunities (OS-10)
- OS-R-2 Meet Community Needs (OS-10)
- OS-R-4 Design and Development (OS-10)
- OS-R-5 Multiple Use (OS-10)
- OS-R-6 Scenic Sites and Vistas (OS-10)
- OS-T-1 Trail Corridors (OS-11)
- OS-SH-1 Prioritize Tacoma's Shorelines and Waters (OS-16)
- OS-SH-2 Shoreline and Water Access (OS-17)
- OS-SH-3 Shoreline and Water Activities (OS-17)
- OS-HA-2 Habitat Corridors (OS-18)
- OS-HA-6 Low-impact Access and Recreation (OS-19)
- OS-CI-1 Promote Citizen Involvement (OS-22)
- OS-P-1 Coordinate Efforts (OS-24)

Generalized Land Use Element

- LU-UAD-12 Open Space and Amenities (LU-16)

Neighborhood Element – West End section

- Goal WE-3 Recreation & Open Space (Neigh-56)
- Policy WE-3.4 Ruston Way Pedestrian Promenade (Neigh-57)

In addition, the proposal is consistent with the intent of Residential Zoning Districts:

TMC 13.06.100 Residential Districts.

A. District purposes. The specific purposes of the Residential Districts are to:

1. Implement the goals and policies of the City's Comprehensive Plan.
- ...
7. Allow for creative designs while ensuring desired community design objectives are met.

8. Allow for the enhancement of residential neighborhoods with parks, open space, schools, religious institutions and other uses as deemed compatible with the overall residential character.

Tacoma's Development Regulation Agreement provisions are consistent with state guidance contained in RCW 36.70B.170-210.

2. Would the proposed amendment achieve any of the following objectives?

- **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**
- **Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services;**
- **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or**
- **Enhance the quality of the neighborhood.**

MPT's Destination Point Defiance project is a multi-year planning effort reflecting extensive public input. Its intent is to continue the long history of improvements to Point Defiance Park as one of Tacoma's signature parks serving both Tacomans and visitors.

The proposed amendment would support MPT's efforts to enhance and compliment the character of the surrounding neighborhoods which contain a mix of land uses, including retail, commercial and residential. Allowing additional commercial and retail uses within the Park is intended to support and enhance the public users' experience in Point Defiance, and reflects the community vision established through MPT's planning efforts. It also reflects the major change to the area heralded by development of Point Ruston as a mixed-use community.

The proposed amendment would improve consistency between MPT's plans and the City's by updating the Tacoma Comprehensive Plan to reflect MPT's Point Defiance plans. It would also improve consistency between Tacoma's Plan and regulations by adding parallel language in both places. Third, it would clarify how the City's parks and the DRA code sections work together.

3. Assess the proposed amendment with the following measures: economic impact assessment, sustainability impact assessment, health impact assessment, environmental determination, wetland delineation study, traffic study, visual analysis, and other applicable analytical data, research and studies.

The proposal is likely to have a positive economic impact on the neighborhood and the City as a whole. Enhancing one of Tacoma's signature parks and integrating new activities such as lodging and commercial space all promise to make the park more attractive and build its user base. In addition, these new features could generate a sustainable revenue stream to help offset the Park's maintenance and operations cost.

The proposal can be anticipated to have a positive sustainability impact. The plans concentrate new development in areas of the park which have already been disturbed and leave natural areas undisturbed; use land efficiently by concentrating additional growth within and adjacent to compact, mixed-use neighborhoods; enhance the ability to bike or walk to and from the park, providing an alternative to travel by car; and, promote the re-use of a former brownfield site. More fundamentally, improvements at the scale proposed, promise to improve the City's attractiveness for residents and employers. Investment in the City of Tacoma is sustainable generally, in that it concentrates

development in a compact community with existing infrastructure, as opposed to on farm and forest lands outside the City.

Improvements to Point Defiance Park will have a positive health impact, particularly for active transportation choices. The park plan maintains the existing trails system, provides a new trail connection through Point Ruston, integrates with abutting city streets, and serves the ferry terminal.

MPT has conducted a full buildout assumptions analysis of the Point Defiance plan, which has been used to date to project traffic flow at the Pearl Street park entrance. Environmental determinations under the State Environmental Protection Act (SEPA) will be addressed at the time of the DRA and/or at the project permit level.

4. Describe the community outreach efforts conducted for the proposed amendment, and the public comments, concerns and suggestions received.

Outreach for this application will build on the extensive public process for the Destination Point Defiance project. In addition, MPT has engaged BCRA, a consultant firm, to assist with the public process. City staff are coordinating with them to identify the stakeholders.

Beginning in September of 2005, MPT undertook a major public process to develop a Point Defiance Park concept plan. In February 2008, after more than 100 public meetings, over 1,000 participants, and meetings/presentations to multiple stakeholders, the Metro Parks' Board approved the plan. The public and stakeholders also had the opportunity to provide input through design charettes, email, mail, phone calls, and surveys on and off line. The concept plan reflects that input.

Public participation did not stop in 2008. Along with numerous on and offline surveys, MPT continues to host "Third Thursday" meetings on Point Defiance Park. In addition, in 2012 MPT conducted a public process to create a Master Plan for the area called "the Triangle" (the area to the right of the Pearl Street entrance). MPT continues to involve stakeholders including the Cities of Tacoma and Ruston, several Washington State departments, the Tacoma School District, Point Ruston LLC, WSDOT Ferries and Highways, and others.

MPT reports that the stakeholder and public input has been consistently positive. Overall, MPT summarizes the input into 3 Guiding Principles: 1 - Preserving the Character of the Park; 2 - A pedestrian focus by creating safe and easy access throughout the park; 3 - Providing activities year-round.

For this application, staff and the applicants have identified and had preliminary discussions with the following stakeholders:

- Community Council - endorsement for plan (08/28/12)
- West End and North End Neighborhood Councils
- Town of Ruston (meeting on 10/03/13)
- Puyallup Tribe
- Ruston Pearl Business District (meeting on 09/30/13)

The preliminary outreach has revealed general support. Staff will continue to work with the stakeholders, and conduct additional outreach as part of the 2014 Annual Amendment package.

5. Will the proposed amendment benefit the City as a whole? Will it adversely affect the City's public facilities and services? Does it bear a reasonable relationship to the public health, safety, and welfare?

The proposed amendment will benefit the City as a whole by supporting the enhancement of one of Tacoma's most well-regarded public assets – Point Defiance Park.

III. Staff Recommendation:

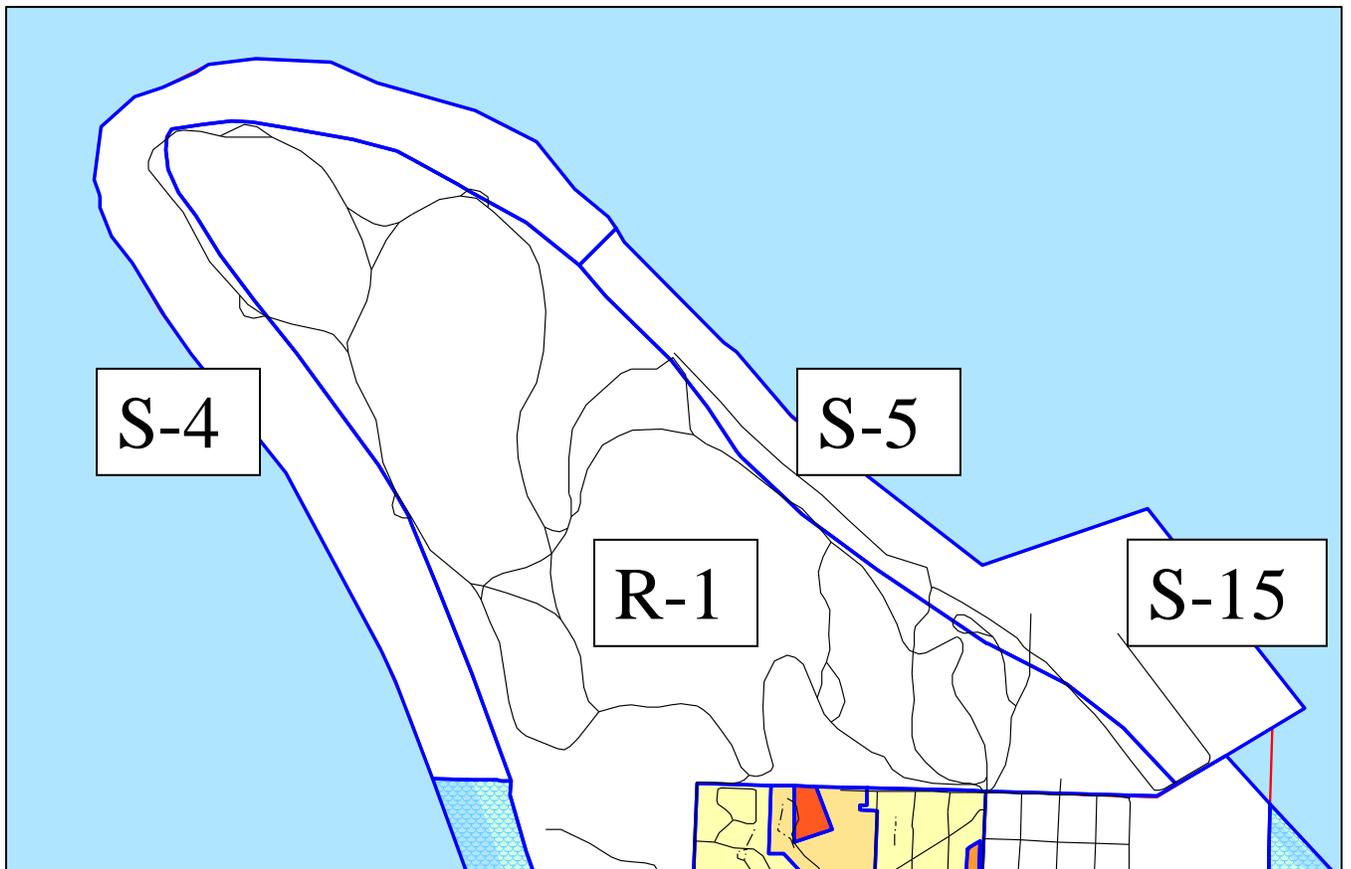
Staff recommends that the proposed amendments to the Comprehensive Plan and the Tacoma Municipal Code pertaining to Point Defiance Park, as applied by Metro Parks Tacoma, and as depicted in Exhibits C and D, be distributed for public review. Staff will continue to engage in public outreach and provide a summary to the Planning Commission prior to the public hearing process which is tentatively scheduled for February-March 2014.

IV. Exhibits:

- A. Zoning Map
- B. Development Concept Map
- C. Proposed Amendments to the Comprehensive Plan
- D. Proposed Amendments to the Tacoma Municipal Code



City of Tacoma Zoning Districts



VISION - To Develop a Plan for the Future while staying True to the Vision of the Past

MISSION - Achieve a balance of: Past, Present, and Future... Recreation, Leisure, Education, Conservation, Preservation, History, and Progress

OBJECTIVES :

1. Preserve, respect, and enhance the integrity of the Park's history and natural beauty
2. Create an exceptional pedestrian environment
3. Enhance the visitor experience through education, recreation, leisure, and safety
4. Create a destination and gathering space
5. Provide financially sustainable opportunities to enhance revenue for maintenance and operations
6. Encourage water related / dependent activities
7. Complete missing link between Ruston Way and Point Defiance

TEN STRATEGIC GOALS IN THE ADOPTED METRO PARKS' STRATEGIC PARKS AND PROGRAM SERVICES PLAN :

- Provide accessible, convenient, safe and attractive parks and facilities.
- Support active living that contributes to a healthy community.
- Protect and restore the natural environment for conservation and learning.
- Foster stewardship of historical / cultural assets for experience and learning.
- Provide affordable and high-quality recreation and educational experiences for a diverse community.
- Partner in responsible economic and community development.
- Create an innovative, efficient and effective organization that is responsive to changing community needs.
- Create diverse, stable, and predictable funding strategies to provide the resources required to build, maintain, and operate our system of parks and programs.
- Maximize the benefits provided by Tacoma's unique park and recreation resources.
- Maximize community resources through partnerships to provide a system of parks and recreation opportunities.

7 GIG HARBOR VIEWPOINT
CONCEPT: To develop a destination that showcases the spectacular scenery and offers visitors a diverse range of recreational opportunities.

- OUTER LOOP TRAIL TO BE RELOCATED TO FORMER ROADBED
- CONSTRUCT NEW TRAILHEAD
- RELOCATE FIVE MILE DRIVE AWAY FROM GIG HARBOR VIEWPOINT AND ERODING BLUFF
- UPGRADE EXISTING FACILITIES
- FULL SERVICE PICNIC AREA
- PLAYGROUND

6 FOREST AREA 2
CONCEPT: To create an exceptional pedestrian environment while preserving and enhancing the native forest and wildlife habitat

- ENCOURAGE LOW IMPACT PEDESTRIAN TRAILS
- ENCOURAGE FOREST AND WILDLIFE PRESERVATION
- RESTORATION OF DISTURBED AREAS
- INTERPRETIVE AND ENVIRONMENTAL EDUCATION

5 FOREST AREA 1
CONCEPT: To create an exceptional pedestrian environment that invites users to participate and learn in the forest environment

- ENCOURAGE LOW IMPACT PEDESTRIAN TRAILS
- STRONG PEDESTRIAN ACCESS BETWEEN HISTORIC ZONE AND THE ZOO
- ENCOURAGE FOREST AND WILDLIFE PRESERVATION
- CREATE ENVIRONMENTAL EDUCATION OPPORTUNITIES
- POTENTIAL FOR LESS-INVASIVE ACTIVITIES SUCH AS CANOPY ZIP LINE

4 BAKER TRACT
CONCEPT: To encourage forest preservation and minimal impact activities

- FOREST PRESERVATION AND RESTORATION
- POTENTIAL MAINTENANCE FACILITY RELOCATION
- POTENTIAL OFF-LEASH DOG PARK
- POTENTIAL SATELLITE PARKING FACILITY
- POTENTIAL FOR LESS-INVASIVE ACTIVITIES SUCH AS ROPES COURSES
- POTENTIAL EXPANSION OF HISTORIC ZONE INTO BAKER TRACT

3 MAIN GARDENS
CONCEPT: Develop a spectacular garden experience while integrating more event opportunities

- ENHANCE PEDESTRIAN / BIKE ACCESS TO WATERFRONT AND PERIMETER ZONES
- MINIMIZE NUMBER OF VEHICULAR AND PEDESTRIAN CONFLICTS
- CREATE NEW FACILITIES SUCH AS VISITOR CENTER AND GREENHOUSE
- UPGRADE AND CREATE NEW EVENT SPACE OPPORTUNITIES
- INTERPRETIVE OPPORTUNITIES
- CREATE NEW GARDENS

2 ZOO AND AQUARIUM
CONCEPT: To integrate and expand educational opportunities of existing Zoo and Aquarium Zone with adjacent park uses

- * POTENTIAL AQUARIUM EXPANSION

8 FIVE MILE DRIVE
CONCEPT: To develop an exceptional pedestrian environment

- ENCOURAGE PEDESTRIAN ACCESS BY INCREASING PEDESTRIAN-ONLY TIMES
- RELOCATED AWAY FROM BLUFF WHERE BLUFF STABILITY IS A HAZARD
- MINIMIZE NUMBER OF PEDESTRIAN TRAIL AND ROAD CONFLICTS

9 OWEN BEACH AND PROMENADE
CONCEPT: Develop a destination that encourages recreational activities and allows visitors to celebrate the history of the waterfront

- ADD SEATING ALONG PROMENADE TRAIL
- CONSTRUCT NEW TWO-WAY VEHICULAR ENTRY TO OWEN BEACH
- CONSTRUCT PEDESTRIAN / BIKE SKYBRIDGE
- POTENTIAL WATER TAXI STOP
- ADD FULL SERVICE COVERED PICNIC SHELTER AND ENLARGE PICNIC AREA OVERLOOKING BAY WITH TOWER ACCESS TO BEACH
- CONSTRUCT VIEW TOWER
- UPGRADE EXISTING FACILITIES
- ENHANCE BEACH RENTAL AND CONCESSION OPPORTUNITIES

10 MARINA AND FERRY TERMINAL
CONCEPT: To preserve the history and educate visitors while upgrading facilities to promote access to the waterfront

- CREATE MARITIME VILLAGE, RETAIL, AND RESTAURANT OPPORTUNITIES
- RETAIN FERRY TERMINAL IN CURRENT LOCATION
- CREATE ADDITIONAL PARKING
- CREATE ADDITIONAL BOAT MOORAGE FACILITIES
- EXPAND BOAT RAMP FACILITIES
- ENHANCE FISHING AND WATER ACCESS

11 PENINSULA PARK
CONCEPT: To create a unique, passive, and dramatic recreation area for users to participate in while enjoying the waterfront

- BIKE AND PEDESTRIAN TRAILS
- CREATE OPEN SPACE FOR SEASONAL FESTIVALS AND EVENTS

12 TRIANGLE
CONCEPT: To create a mixed-use development through public / private partnership that accommodates parking and public open space

- CREATE PEDESTRIAN PROMENADE
- CONSTRUCT PEDESTRIAN / BIKE ONLY BRIDGE CONNECTION TO FERRY AND OTHER PARK AMENITIES
- CREATE GATEWAY AT PEARL STREET ENTRANCE
- BELOW GRADE PARKING FOR 1000+ CARS
- NEW PARK SPACE ON LANDSCAPE LID OF PROPOSED BELOW GRADE PARKING
- PUBLIC ART AND FOCAL POINT
- CREATE OPEN SPACE FOR SEASONAL EVENTS
- USES MAY INCLUDE LODGE / CONFERENCE CENTER AND RETAIL

13 WATERFRONT PROMENADE
CONCEPT: Create a significant pedestrian and bicycle trail system along the waterfront

- CONNECTION TO RUSTON WAY TRAIL SYSTEM
- POTENTIAL WATER TAXI STOP
- MASS TRANSIT OPPORTUNITIES TO AND FROM DOWNTOWN TACOMA
- UPGRADE EXISTING MARINE STRUCTURES
- ENHANCE CONCESSION OPPORTUNITIES

LEGEND:

CIRCULATION AND ACCESS

- VEHICULAR ACCESS
- LIMITED VEHICULAR ACCESS
- MAIN PEDESTRIAN TRAIL
- - - PEDESTRIAN TRAIL
- WATER TAXI
- * DESTINATION
- PRIMARY PARK ENTRANCE
- VIEWPOINT AND PARKING
- VIEWPOINT MAY INCLUDE PICNIC AREAS

PARK AMENITIES AND FEATURES

- FOREST AREA 1
- FOREST AREA 2
- TRIANGLE
- ZOO AND AQUARIUM
- HISTORIC ZONE
- RECREATION AREA
- RECREATION AREAS MAY INCLUDE FULL SERVICE PICNIC AREAS AND AMENITIES, SHELTERS, RESTROOMS, AND PLAY EQUIPMENT

1 HISTORIC ZONE
CONCEPT: Develop an integrated educational and historic area focusing on early Puget Sound history. Programming and exhibits focusing on:

- NATIVE AMERICAN PLANT LORE AND RELATIONSHIP TO THE ENVIRONMENT
- FIRST NON-NATIVE SETTLEMENT ON PUGET SOUND - FORT NISQUALLY
- INDUSTRY OF THE FIRST AMERICAN SETTLERS - CAMP 6 LOGGING MUSEUM

Exhibit B - Point Defiance DRA Policy



2014 Annual Amendment Application No. 2014-02
Point Defiance Development Regulation Agreement Policy

DRAFT COMPREHENSIVE PLAN CHANGES
October 16, 2013

*Note – These amendments show all of the changes to the *existing* Comprehensive Plan. The sections included are only those portions of the plan that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

Open Space Habitat and Recreation Element:

OS-R-10 Destination Point Defiance Park

Recognize the unique role that Point Defiance Park plays as a citywide and regional destination. Utilize alternative processes, such as Development Regulation Agreements, to allow for the review and development of special features, including publicly or privately operated commercial and retail establishments, within the boundaries of Point Defiance Park. Such a review process shall ensure that the policy and code intent is met, while providing for an enhanced user experience, supporting the goals and policies of the Park's long-term planning effort, and ensuring that development is in keeping with the Park's +125-year history.



2014 Annual Amendment Application No. 2014-02
Point Defiance Development Regulation Agreement Policy

DRAFT LAND USE REGULATORY CODE CHANGES
October 16, 2013

*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. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

Chapter 13.06.560 Parks, recreation and open space.

Section C. Review Process in Residential Zoning Districts

5. Development Regulation Agreements. Per the provisions of TMC 13.05.095, Development Regulation Agreements are an optional application procedure for major projects in key locations. In the case of park, recreation and open space uses, DRAs may facilitate application review by encompassing one or more features defined as Conditional in this section; and, DRAs can authorize alternative development standards and additional land uses to those authorized by the zoning district, that support and compliment the plan and functions of a major park, recreation or open space location.

a. Destination Point Defiance Park. As a key park, recreation and open space location, Point Defiance Park is an appropriate location for use of the DRA process. A DRA for Point Defiance can authorize alternative development and dimensional standards, and land uses such as educational, cultural, commercial, hospitality, administrative, maintenance or other uses not typically permitted in the R-1 Residential Zoning District.



City of Tacoma
Planning and Development Services

**Agenda Item
D-3**

To: Planning Commission
From: Ian Munce, AICP, Planning Services Division
Subject: **Proposed Container Port Element
(Annual Amendment Application #2014-07)**
Meeting Date: October 16, 2013
Memo Date: October 10, 2013

At the next meeting on October 16, 2013, the Planning Commission will review the staff analysis on the 2014 Annual Amendment Application #2014-07 concerning the Proposed Container Port Element.

The proposed amendment is to add a new Container Port Element to the Comprehensive Plan, as mandated by the Growth Management Act. The Container Port Element will establish a policy framework that will ensure that local land use decisions consider the needs of container ports and ensure that container ports and freight corridors continue to function effectively alongside vibrant city waterfronts and adjacent areas.

Attached is the staff analysis report concerning the proposed amendment. The report includes Exhibit A, Proposed Container Port Element, dated September 2013. Staff intends to request the Commission authorize the distribution of the proposal for public review and subsequent discussion during the public hearing process for the 2014 Annual Amendment, tentatively scheduled to occur in February-March 2014.

If you have any questions, please contact me at 573-2478 or imunce@cityoftacoma.org.

Attachment

c: Peter Huffman, Interim Director



2014 Annual Amendment Staff Analysis Report

| | |
|--|---|
| Application No.: | 2014-07 |
| Proposed Amendment: | Container Port Element |
| Applicant: | Planning and Development Services Department |
| Location & Size of Area: | Port of Tacoma / Tideflats area – Approximately 5,600 acres |
| Current Land Use & Zoning: | PMI, M1, M2, S9 and S10 |
| Neighborhood Council Area: | New Tacoma |
| Staff Contact: | Ian Munce, Planning Services Division (253) 573-2478, imunce@cityoftacoma.org |
| Date of Report: (Planning Commission review date; draft or final) | October 16, 2013 (draft) |

I. Description of the Proposed Amendment:

1. Describe the proposed amendment, including the existing and proposed amendatory language, if applicable.

This amendment will create a new element in the Comprehensive Plan that specifically addresses and provides goals and policies relative to the 'Port Industrial Area'. The Container Port Element will establish a policy framework that will ensure that local land use decisions consider the needs of container ports and ensure that container ports and freight corridors continue to function effectively alongside vibrant city waterfronts and adjacent areas.

2. Describe the intent of the proposed amendment and/or the reason why it is needed.

By adding a new Container Port Element to the Comprehensive Plan, the City seeks to: (1) define and protect the core areas of port and port-related industrial uses within the city; (2) provide reasonably efficient access to the core area through freight corridors within the city limits; and, (3) identify and resolve key land use conflicts along the edge of the core area, and minimize and mitigate, to the extent practicable, incompatible uses along the edge of the core area. This work is mandated by a 2009 addition to the Growth Management Act relating to land use and transportation planning for marine ports in Seattle and Tacoma, and is being accomplished in collaboration with the Port of Tacoma.

3. Describe the geographical areas associated with the proposed amendment. Include such information as: location, size, parcel number(s), ownership(s), site map, site characteristics, natural features, current and proposed Comprehensive Plan land use designations, current and proposed zoning classifications, and other appropriate and applicable information for the affected area and the surrounding areas.

The Draft Container Port Element (September, 2013), attached to this Staff Analysis Report, includes the following:

Figure 1: Container Port and Intermodal Rail Facilities

Figure 2: Tacoma Comprehensive Plan -- Designated Centers

Figure 3: City of Tacoma Zoning Designations

Figure 4: Port Container Core and Transitional Areas

4. Provide any additional background information associated with the proposed amendment.

This application is a carry-over from the 2011 Annual Amendment package. Basically, the consultant work was completed in 2012 and the discussions between the City and the Port were placed on hold while the Shoreline Master Program update was finalized.

II. Analysis of the Proposed Amendment:

1. How does the proposed amendment conform to applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and development regulations?

The proposed amendment is mandated by the Growth Management Act. Tacoma and Seattle are required to develop and adopt this new element into their respective Comprehensive Plan.

2. Would the proposed amendment achieve any of the following objectives?

- **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**
- **Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services;**
- **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or**
- **Enhance the quality of the neighborhood.**

The proposed amendment seeks to protect the Port's Core Area from encroachment by excluding uses that are incompatible with the basic container port function and establishing a Transition Area around the Core Area that includes a broad array of uses; this array of uses does not include uses, such as residential, that are incompatible with the Core Area. The proposed amendment also seeks to establish a framework for maintaining and upgrading infrastructure and transportation facilities in the Tideflats.

3. Assess the proposed amendment with the following measures: economic impact assessment, sustainability impact assessment, health impact assessment, environmental determination, wetland delineation study, traffic study, visual analysis, and other applicable analytical data, research and studies.

The proposed amendment advances the City's economic development objectives and advances the region's sustainability, environmental, and health goals by avoiding low density sprawl through a structured approach to concentrating major new investments in Manufacturing and Industrial Centers (MIC), such as the Port of Tacoma MIC.

3. Describe the community outreach efforts conducted for the proposed amendment, and the public comments, concerns and suggestions received.

The City and Port have conducted some community outreach and used this feedback in developing the specifics of the Draft Container Port Element.

The Department will conduct an extensive community outreach for the 2014 Annual Amendment Package, including this proposal. Staff has scheduled presentations and briefings with groups such as the Neighborhood Councils, and Chamber of Commerce, through March 2014.

4. Will the proposed amendment benefit the City as a whole? Will it adversely affect the City's public facilities and services? Does it bear a reasonable relationship to the public health, safety, and welfare?

Yes. The Container Port Element will establish a policy framework that will ensure that local land use decisions consider the needs of container ports and ensure that container ports and freight corridors continue to function effectively alongside vibrant city waterfronts and adjacent areas.

No. To the contrary, the proposed amendment seeks to establish a framework for maintaining and upgrading infrastructure and transportation facilities in the Tideflats.

Yes. The proposed amendment advances the region's sustainability, environmental, and health goals by avoiding low density sprawl through a structured approach to concentrating major new investments in Manufacturing and Industrial Centers (MIC), such as the Port of Tacoma MIC.

III. Staff Recommendation:

Staff recommends that the proposed amendment to the Comprehensive Plan as depicted in Exhibit A be distributed for public review and subsequent discussion during the public hearing process (tentatively scheduled to occur in February-March 2014).

IV. Exhibits:

- A. Draft Container Port Element, September 2013

CONTAINER PORT ELEMENT

Draft Container Port Element
September 2013



City of Tacoma



DRAFT CONTAINER PORT ELEMENT

City of Tacoma Comprehensive Plan

Prepared for:

City of Tacoma



Prepared by:

EA|Blumen
Heffron Transportation, Inc.

BST Associates
Grette Associates
Moffat & Nichol

October
2013

Introduction

In 2009, the Washington State Legislature amended the Growth Management Act to include a requirement for a Port Element in the GMA Comprehensive Plan for cities that contain a marine container port with annual operating revenues in excess of \$60 million. The City of Tacoma falls into this category. The legislative intent is "... to ensure that local land use decisions are made in consideration of the long-term and widespread economic contribution of our international container ports and related industrial lands and transportation systems and to ensure that container ports continue to function effectively alongside vibrant city waterfronts." (RCW 36.70A.085).



Accordingly, the City of Tacoma, in collaboration with the Port of Tacoma, has prepared this Container Port Element. Consistent with state requirements, the element provides policy guidance to achieve the following:

- Protection of core areas of container port and port-related industrial areas within the City;
- Efficient access to the core area through freight corridors within the city limits;
- Protection against potential land use conflicts along the edge of the core area; and
- Identification of key transportation corridor improvements.

Preparation of this element began with an existing conditions analysis¹ that provided the land use, plans and policies and transportation context for the element. Based on the existing conditions, potential goals and policies were described in a second white paper². In addition, a review of draft goals and policies contained in the preliminary Seattle and Tacoma port elements was conducted.³ Together, these background papers provided the basis for development of this draft Comprehensive Plan element.



Port of Tacoma container terminal directional sign

This element begins with an overview that provides the context for planning in the City of Tacoma container port area. This discussion is followed by goals and policies that address land use, capital facilities and transportation.

Tacoma's Port

Where is the container port area located?

Port of Tacoma container port activities are concentrated in the Commencement Bay tideflats area, located in Tacoma's central waterfront. This area has an established history of maritime industrial activity, dating back to the 1800s. Early uses included lumber and shingle mills, as well as shipyards, flour mills, electrometallurgy and electrochemical companies.

¹ City of Tacoma. Container Port Element White Paper #1: Existing Conditions. (draft) 2010.

² City of Tacoma. Container Port Element White paper #2: Potential Goals and Policies. 2010

³ Memo: Review of Tacoma and Seattle Draft Container Port Elements. April 1, 2011.

In 1918, the Port of Tacoma was created and began development on 240 acres of tideflats. Docks and warehouses were primary components of early Port facilities. Container handling and shipping facilities were attracted to the location by the natural deepwater conditions provided by Commencement Bay. Over time, industrial and commercial uses associated with maritime industries have become the primary use in this area.

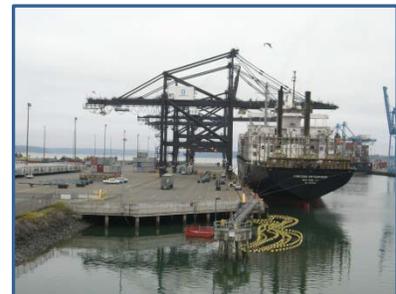
Currently, the Port is home to a wide mix of industrial uses, including cargo terminals, manufacturers, warehouses, repair facilities, rail yards and others. Some of the largest cargo terminals, especially the container terminals, are owned by the Port of Tacoma, but there are also numerous private facilities that transfer cargo to and from ships and barges. The Port also owns terminals handling bulk products, auto imports, breakbulk cargoes, and heavy-lift cargoes.



What are the Port of Tacoma facilities?

With ownership of approximately 2,725 acres, the Port of Tacoma is a major landowner in the Commencement Bay Tideflats area operating and leasing significant piers, docks, wharfs, cargo handling equipment, and related upland facilities. Ownership also includes shoreline public access sites, habitat mitigation sites and open space.

Currently, the Port of Tacoma Comprehensive Scheme of Harbor Improvements does not include plans to significantly add to its operational areas. Accordingly, this element envisions that use of existing facilities will be maximized and that the Port will continue to pursue strategic opportunities to consolidate existing holdings, with no major new acquisitions. In order to provide future flexibility, Policy CP-9 in this element supports ongoing monitoring of cargo market demand, developing technologies and other key factors affecting port and port-related industrial needs.



APM Terminal facility on the Sitcum Waterway

Major container and intermodal rail facilities in the Tideflats area are shown in Figure 1 and include:

| Facilities | Notes |
|--|---|
| Deep water terminals for containerized cargo | |
| APM Terminal | 2 berths; 5 container cranes |
| Olympic Container Terminal | 1 berth; 4 container cranes |
| Husky Terminal | 2 berths; 4 container cranes |
| Pierce County Terminal | 2 berths; 7 container cranes |
| Washington United Terminal | 2 berths; 6 container cranes |
| TOTE Terminal | 3 piers; Roll on/Roll off (Ro/Ro) operation |
| Deep water terminals for bulk and breakbulk cargo | |
| Terminal 7 | Non-containerized cargo |
| Blair Terminal | Autos |
| East Blair One (EB1) | Non-containerized cargo |

| Facilities | Notes |
|---|-----------|
| (add to: Deep water terminals for bulk and breakbulk cargo) | |
| Grain Terminal (TEMCO Cargill) | Grain |
| Log Export Terminal | Logs |
| Intermodal Rail Facilities | |
| North Intermodal Yard | Near-dock |
| Pierce County Intermodal Yard | On-dock |
| Hyundai Intermodal Yard | On-dock |
| South Intermodal Yard | Off-dock |

Source: Port of Tacoma, EA | Blumen, 2011

The terminals in Tacoma handle a variety of waterborne and intermodal cargo, and this diversity helps to reduce the volatility of individual cargo types. For example, in 2010, container traffic was at a low point due to the economic downturn, but grain exports were near record volumes. Log exports disappeared from Tacoma for several years, but are now strong again.

Economic Impact of Container Port Activities

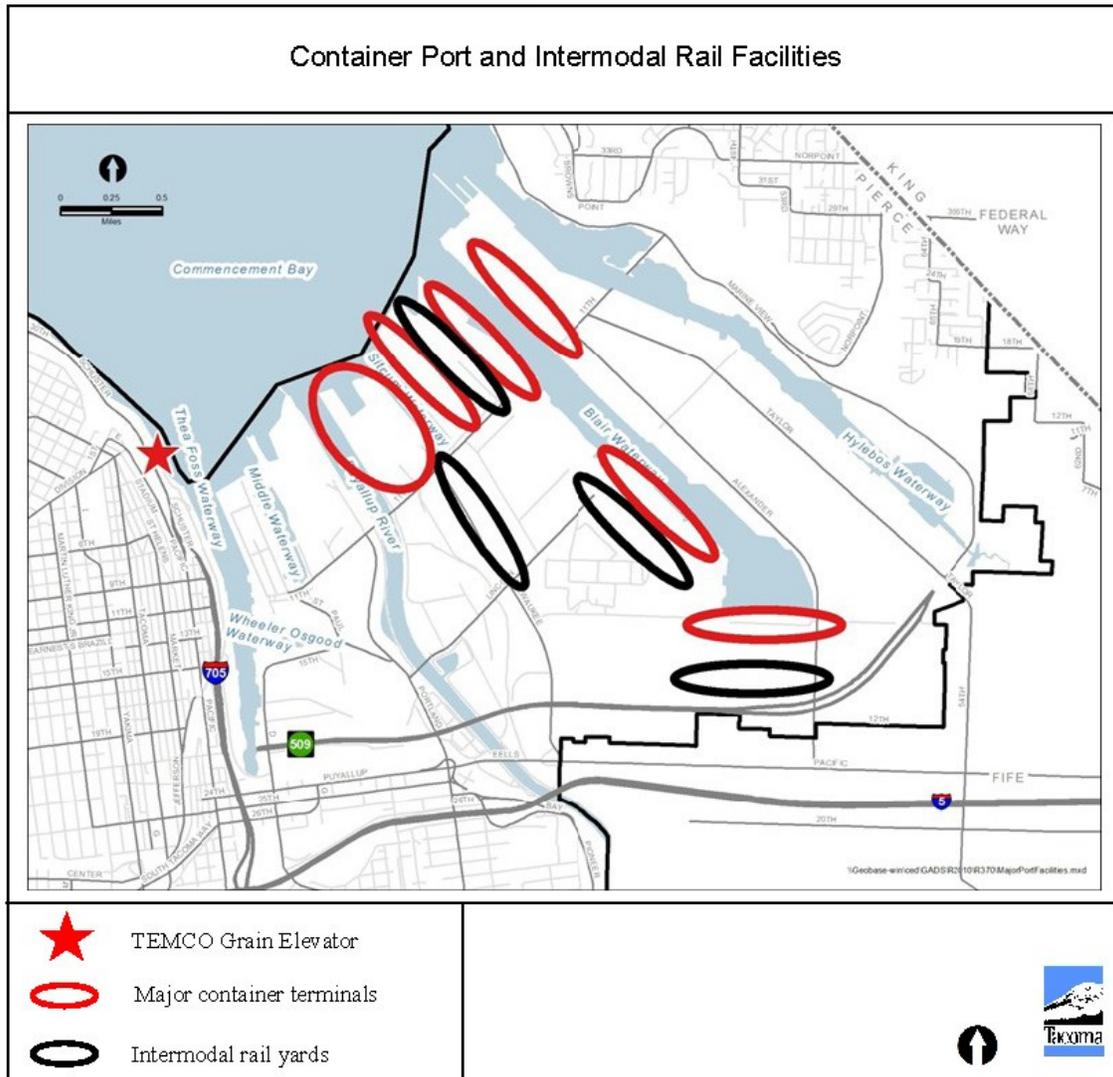
What is the level of cargo activity at the Port?

In 2009, Tacoma's total cargo tonnage equaled 17.4 million tons, making it 32nd largest among all U.S. ports. Tacoma's role in foreign exports is especially important; in 2009 Tacoma's export tonnage ranked 10th in the U.S. According to Port of Tacoma statistics, containerized trade accounts for over half of the total tonnage moving through the Port.



Typical container yard

DRAFT
Figure 1



Source: EA|Blumen, 2011

Manufacturers and farmers from throughout Washington import and export a wide variety of products through the Port of Tacoma, generating jobs in Tacoma and throughout the state. The major export commodities include agricultural products, food products, machinery, petroleum products, waste/scrap, paper, chemicals, transportation equipment, other forestry products, fish and seafood products, among others. Imports include electronic components, components for equipment manufacturing, retail goods, and goods and equipment for Joint Base Lewis McChord, as well as other installations in the region.

How does the Port contribute to the economy?

The marine cargo terminal trade plays a vital role in the Tacoma and Pacific Northwest economy, contributing thousands of jobs and millions of dollars in revenues and state and local

taxes to the region. A 2005 Port of Tacoma economic impact study⁴, provides specific data describing the magnitude of the economic impact of the Port on the local and regional economy. As described in this report, economic impacts associated with container port activity can be summarized in terms of employment, income, revenue and taxes. Key findings described in this report are listed below.

- Marine terminal activities at the Port of Tacoma generated approximately 9,400 jobs. Of this total, more than 6,600, or 70% of direct port jobs, were related to containers.
- When induced and indirect jobs were included, the total number of jobs generated by marine terminal activities was estimated at more than 16,000. In addition, an estimated 97,000 related jobs relied on or use the marine terminals.
- The marine terminal activities at the Port of Tacoma generated more than \$421 million in direct payroll, at an average of approximately \$47,000 per worker. For every \$1.00 in direct payroll, there was an estimated additional \$1.19 associated with indirect and induced impacts in Washington State.
- Cargo movement at the Port of Tacoma was estimated to generate nearly \$1.5 billion in direct revenue. Of this total, an estimated \$1.25 billion was generated by containerized cargo.
- Estimates of the annual state and local taxes generated by the Port of Tacoma totaled \$107.5 million with approximately \$82.4 was collected by the state, \$11.5 million by the county and \$13.6 million by local government.

Preservation of these important economic benefits through a collaborative planning process is a key goal for the City and the Port of Tacoma.

Goals and Policies

As vital as container port economic activity is, it could be vulnerable to pressure for land use conversion, and currently is negatively affected by traffic congestion. Infrastructure needs and larger economic conditions are also issues of concern. Preservation of valuable natural features and habitat are also key to the health of Commencement Bay. The Container Port element provides land use policies to promote land use consistency and to minimize and mitigate land use conflicts along the edges of the core area; economic development policies to promote continued economic vitality; natural environment policies to support continued preservation of the environment; capital facilities policies to ensure adequate facilities and services are provided within and beyond the Core Area; and transportation policies to ensure continued efficient freight access and mobility.

Core Area Vision and Principles

For the Core Area, this element envisions a strong and vibrant container port and port related industrial center in Tacoma's Commencement Bay, supported by appropriate levels of service for capital facilities and other infrastructure and an efficient truck and rail transportation

⁴ Martin Associates. *The Economic Impact of the Port of Tacoma*. 2005.
<http://www.portoftacoma.com/page.aspx?cid=420>

network. Key planning principles that guide the goals and policies for the Core Area are as follows:

- Uses should be prioritized as follows: (1) cargo facilities and activities, (2) water dependent port uses, (3) water related port uses, and (4) other uses permitted in Port Maritime Industrial zoning
- The Port of Tacoma should have the opportunity to work cooperatively with the City of Tacoma in setting level of service standards for utilities and transportation
- The Port of Tacoma should take the lead in ensuring that future developments pay for the costs of those capital improvements necessary for the proper functioning of the Core Area

Transition Area Vision and Principles

For the Transition Area, this element envisions a healthy and attractive industrial and commercial area that provides a buffer between the Core Area and the surrounding area. By providing a buffer, the Transition Area protects the Core Area from land use conflicts and ensures its long-term continued viability. Key Transition Area planning principles that guide the goals and policies include:

- Uses shall complement, and not impede the development of, Core area functions and uses
- Industrial uses shall continue to be recognized as a vital part of the Transition Area
- Land use and development standards shall be designed so as to accommodate the utilities and transportation needs of the Core Area

Land Use

The Commencement Bay Tidelands area is regionally and locally recognized as an important industrial center. In 2002, the Puget Sound Regional Council designated the Tidelands area a regional Manufacturing/Industrial Center (MIC).

Consistent with the regional designation, the Comprehensive Plan Growth Strategy and Development Concept element designates the tidelands area as an MIC, defined as an area of high intensity development, high activity patterns and high traffic generation (see Figure 2).

The City's Land Use Regulatory Code (Tacoma Municipal Code, Title 13) implements the MIC land use designation through the Port Maritime and Industrial (PMI) zoning designation (see Figure 3). The PMI zone provides for "...uses which rely on the deepwater berthing to transport raw materials for processing or manufacture, or transport of finished products; and freight mobility infrastructure, with the entire area served by road and rail corridors designed for large, heavy truck and rail loads "(TMC 13.06.400.B).



Typical port-related industrial land use

Figure 2

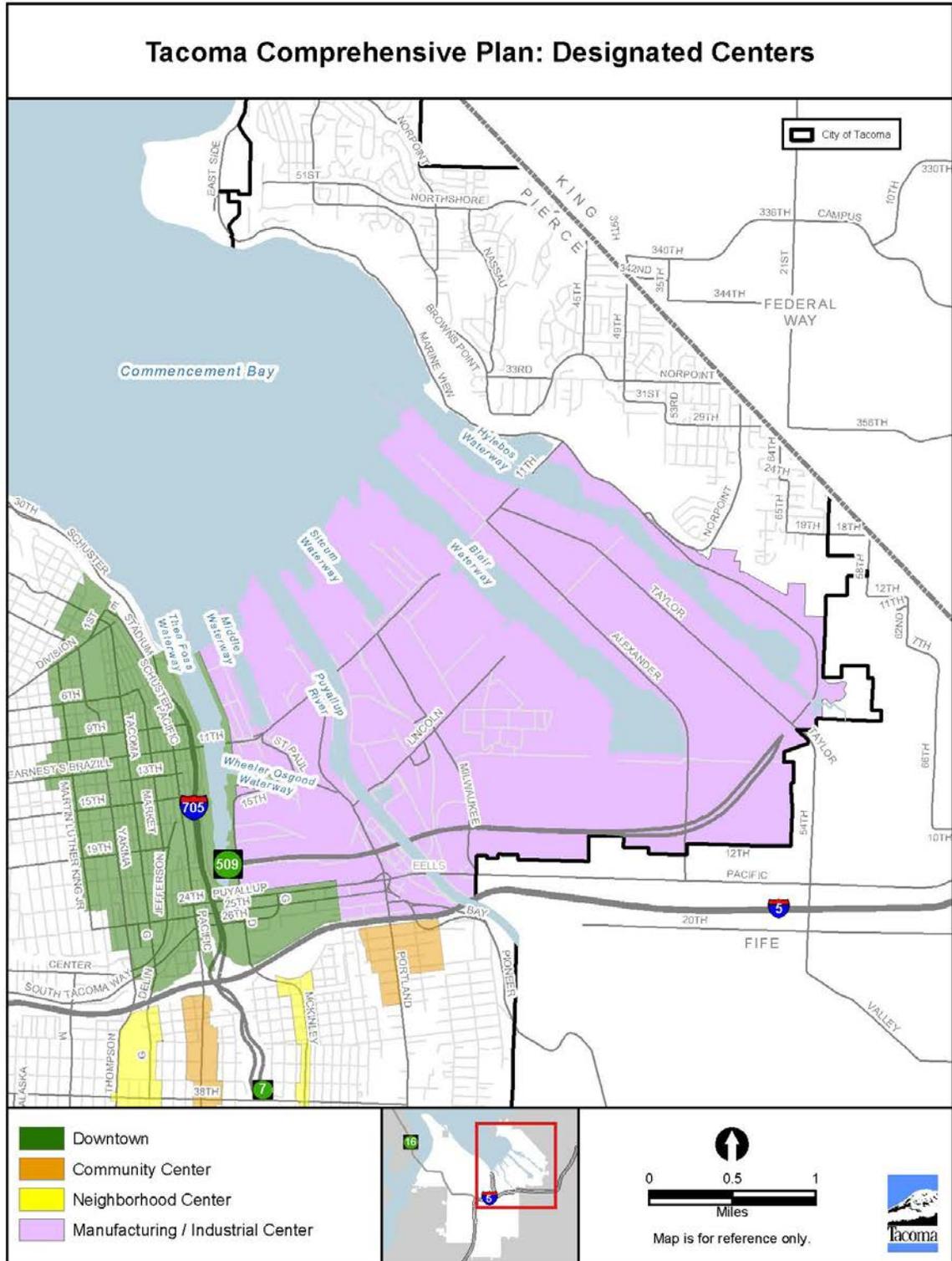
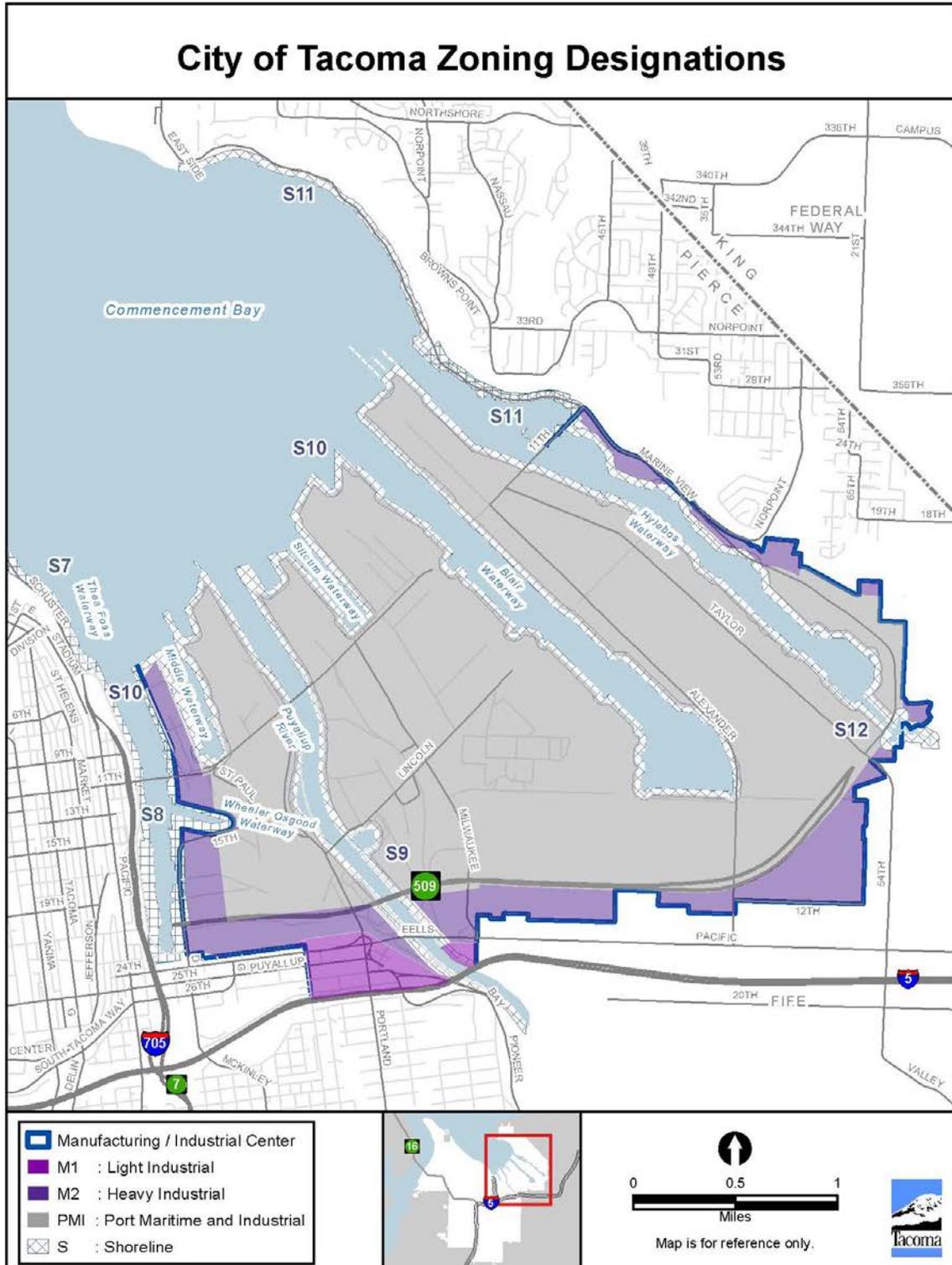


Figure 3



The policies contained within the Container Port element are consistent with and supplement related policies in the City's Comprehensive Plan and implementing regulations. Goals and policies are also consistent with the Port of Tacoma Comprehensive Scheme of Harbor Improvements.

The land use goals and policies are organized into two sections to address (1) the core area and (2) the transition area. Goals and policies for the core area identify an area in which cargo activities are the primary use and focus on protecting port-related cargo and industrial uses and rail-related uses within this area. Transition area goals and policies identify an area immediately adjacent to the core area and provide for a compatible transition to the larger surrounding area.

Core Area Goal

Identify the core port and port-related container industrial area and protect the long-term function and viability of this area.

The City recognizes the important role that the Port of Tacoma plays in regional employment and economic development. Identification and long-term preservation of the Core Area ensures that the Port of Tacoma facilities and related industrial uses will have room to thrive in the City.

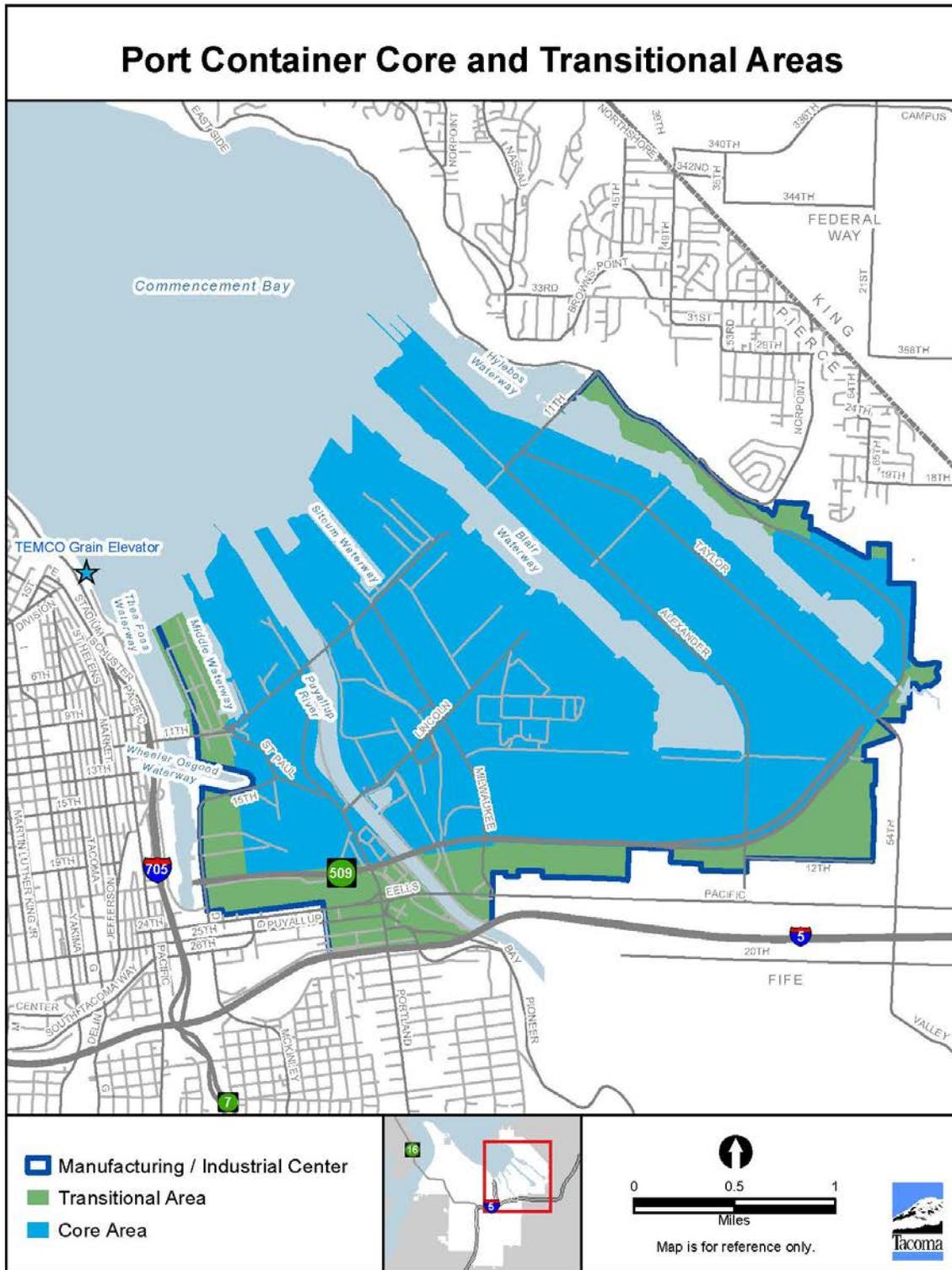
Figure 4 shows the Core Area, which contains current port, current port-related cargo and industrial uses, and those areas recognized by both the City and the Port as likely to be needed for these uses within the next 20 years. The designated Core Area consists of the following areas:

- Existing Port Maritime Industrial (PMI) zoning designation;
- Those portions of the S-9 and S-10 shoreline districts adjacent to the PMI zoning designation; and
- The TEMCO grain terminal, located on a narrow shelf of land between Schuster Parkway and Commencement Bay.

Other than the TEMCO grain terminal site, the Core Area does not include any portions of the S-7 Shoreline District.

The following policies are intended to make sure that Core Area is preserved now and in the future for port maritime and related industrial uses while respecting the rights of all property owners.

Figure 4



Core Area Policies

CP-1 Port and Port-Related Cargo and Industrial Uses

Within the designated Core Area, prioritize, protect and preserve existing and planned port uses, port-related container and industrial uses and rail-related uses. Uses should consist primarily of cargo port terminal, port-related container and industrial activity, compatible manufacturing, industrial-related office, cargo yard, warehousing, transportation facilities, and other similar uses.



Typical port-related industrial land use

CP-2 Port and Port-Related Cargo and Industrial Land

Preservation of available industrial waterfront land for port and port-related container and industrial activity is vital to the City's economy. Prohibit uses that would negatively affect the availability of land for the primary port and port-related cargo and industrial function of the Core Area. Encourage aggregation of industrial land for future development as cargo port terminals and supporting uses.

CP-3 Incompatible Core Area Uses

Clearly identify and prohibit uses that are entirely incompatible with the Core Area uses. Examples may include those that attract people to the area for non-industrial purposes or that would be incompatible with typical industrial area impacts (noise, truck movement, etc.). These may include residential, general retail, temporary lodging or other similar uses.

CP-4 Land Use Buffers

Reduce the potential for land use conflicts between industrial development and surrounding non-industrial uses by providing for buffers, adequate transition areas, and clear public commitment to continuation of Port and port-related cargo and industrial uses in the designated Core Area.

To the west, the railroad tracks and steep bluff rising above Dock Street to the neighborhoods to the west provide a clear transition and buffer to the industrial area. Similarly, to the east, the steep bluff rising above Marine View Drive provides a clear transition from the industrial area to the residential development at the top of the bluff. In both these areas, the existing geography provides a very effective buffer and no additional transition area is necessary.

CP-5 Core Area Boundary

Do not allow unrelated uses to gradually encroach on the Core Area through incremental development and modifications of the Core Area boundary. Consider boundary adjustments only in collaboration with the Port of Tacoma and as part of a comprehensive review of long-term port and port-related cargo and industrial land needs.

CP-6 Noise, Odor, and Visual Character

In the Core Area, allow for localized impacts associated with industrial activities, including noise, odor and visual character, that are appropriate and expected in heavy industrial areas but would not be allowed in other parts of the city. Noise and odor may be associated with transportation and manufacturing facilities. Visual character may include outdoor storage, relatively large building mass and impervious surface area. While localized impacts are permitted, continue to require Core Area industrial uses to be developed in a manner that protects the environment and preserves public health and safety from a citywide and regional perspective.



Container cranes

CP-7 Collaboration

Continue to work in close collaboration with the Port of Tacoma to ensure that port and port-related cargo and industrial uses remain viable and that land use development along the edges of the Core Area is thoughtfully planned to avoid land use conflicts and incompatibility. Consider collaborative efforts to develop landscape and street standards that recognize the special working character of the Core area.

CP-8 Public Service Standards

Within the Core Area the Port should assume a greater role in setting level of service and concurrency standards under City Comprehensive Plan Policies CF-APFS-1, 2, and 3 and in addressing funding responsibilities under City Comprehensive Plan Policy CF-FCF-2. This could be achieved through a stand-alone Port Comprehensive Plan, and/or a City sub-area plan.

CP-9 Maritime Industrial Planning

In order to ensure that the Core Area continues to serve future port needs, encourage the Port of Tacoma to develop and periodically update a comprehensive long-range maritime development program that assesses future cargo market demand, developing technologies, geographic constraints and other factors affecting future intermodal cargo opportunities, and land and capital investment necessary to permit Tacoma to continue to serve port and port-related cargo and industrial needs.

Transition Area Goal

Establish a transition area around the Core Area that will protect the continued viability of the Core Area while providing for a compatible transition to development in the larger surrounding area.

The transition area shown in Figure 4 provides a protective buffer around the core area, helping to ensure the continued long-term viability of the core maritime industrial uses and providing a compatible transition to the larger surrounding area. Existing zoning of the transition area is sufficient to protect the core area functions.

Transition Area Policies

CP-10 Transition Area Collaboration

The City of Tacoma should work in collaboration with adjacent jurisdictions, including Pierce County and the City of Fife, to ensure a good transition from the Core Area to larger surrounding areas.

CP-11 Transition Area Function

In general, natural buffers, such as change in topography, vegetated areas and water bodies are preferred as a means to transition and separate incompatible uses (see Policy CP-4). The Transition Area designation is needed only where the existing geography does not provide an effective buffer.



Steep bluff west of the TEMCO grain elevator

The City should ensure that unrelated uses in the Transition Area are not allowed to gradually encroach on the Core Area boundary. The Transition Area should remain of sufficient size to provide a long-term buffer for the Core Area.

CP-12 Transition Area Uses

The Transition Area contains a mix of industrial, auto-oriented commercial and retail uses that will provide an appropriate transition between the Core Area and nearby residential or pedestrian-oriented commercial zones. Development standards for industrial and commercial activities in the Transition Area should ensure compatibility with the activity levels and physical character of adjacent less intensive community character.

CP-13 Retention of Industrial Uses

Industrial activity and development is an essential component of the transition area. Recognizing the importance of industrial activity to the local and regional economy, industrial uses in the transition area should be preserved and promoted. Industrial uses, including non-water related industry, is compatible with and can support maritime industrial uses in the core area, as well as contributing to the region's economy as a whole.

CP-14 Incompatible Transition Area Uses

While the Transition Area provides for a wider range of uses than the Core Area, incompatible uses that would be impacted by the potential noise, odor and visual character of industrial areas should continue to be prohibited. This may include residential or other sensitive uses.

CP-15 Transition Area Character

Establish development or performance standards to allow for continued viability of the industrial/commercial area, while protecting the livability of adjacent areas.

Economic Development

Port and port-related industrial activities play a vital role in the Tacoma and Pacific Northwest economy, contributing thousands of jobs and millions of dollars in revenues and state and local taxes to the region. The Comprehensive Plan Economic Development Element provides broad guidance for container port activities, noting the role of the City of Tacoma as “...an internationally competitive business center located in the Puget Sound region.” Consistent with this vision, the economic development goal and policies listed below provides additional guidance for the port and port-related industrial area. The goal and policies are consistent with and supplement the Comprehensive Plan Economic Development Element.

Promote the continued growth and vitality of port and port-related industrial activity.

CP-16 Partnership with the Port of Tacoma

Work in partnership with the Port of Tacoma to target and recruit new businesses that support port and port-related industrial activity.

CP-17 Incentives for Port and Port Related Industry

Identify and consider opportunities to remove obstacles to development and to incentivize businesses that support container port and port-related industrial activity.

CP-18 Workforce Program

Consider coordinating an industrial development workforce program for local citizens. Act as a facilitator between businesses, educational institutions, trade associations and residents in order to reduce the workforce development burden of individual businesses and expand employment opportunities for citizens.

CP-19 Port Area Promotion

In order to build on the port area’s reputation as a prime location of port related industry, seek opportunities, such as speaking engagements, articles and others, to highlight economic development success stories in the port area.

Environment

The Commencement Bay area is a unique environment containing shoreline, river deltas, tidal creeks, freshwater and salt marshes, naturalized creeks and river channel corridors. Major water features include Commencement Bay, Puyallup River, Hylebos Waterway, Hylebos and Wapato Creeks and numerous wetland areas. These areas provide valuable habitat for many species of birds and fish, including the marbled murrelet and the White River spring run Chinook salmon. The goal and policies below supplement the Comprehensive Plan Environment Policy Element, providing additional guidance for the Commencement Bay core port area.

Goal

Work in partnership with the Port of Tacoma and other property owners to promote protection, restoration and enhancement of native vegetative cover, waterways, wetlands and buffers.

CP-20 Low Impact Development Standards

Encourage the use of low impact development standards and stormwater features.

CP-21 Commencement Bay Environmental Improvement

Partner with the Port of Tacoma and other interested stakeholders to establish environmental improvement goals for Commencement Bay, including providing for greater baywide diversity of ecosystems, restoration of historic functions and improvement of physical conditions. Support efforts to identify funding mechanisms and legislative support for strategies to achieve these goals.

CP-22 Greenhouse Gas Emissions

Consider development of measures, such as LID development standards, energy efficient lighting technologies, and transportation design features, to reduce greenhouse gas emissions in the port area.

Capital Facilities

The Comprehensive Plan Capital Facilities Element addresses overall capital facility needs in Tacoma, including the container Tidelands area. Facilities and services to ensure efficient movement of cargo and support for industrial and manufacturing services are critical to ensure a thriving port area. In addition, multiple public and private agencies overlap in the provision of transportation and utility services to this area. In order to ensure adequate and efficient provision of services to this area, active consultation and coordination amongst the multiple agencies is critically important.

The Funding for Capital Facilities section of the Capital Facilities Element recognizes that funding to provide adequate facilities and services can be limited and seeks to pursue all available revenue sources, including partnering with existing and future developments to cover necessary costs of the services and facilities that support them. Specifically, CF-FCF-1 requires review of existing revenue sources and pursuit of all available funding sources for the development of capital improvement projects in order to optimally use limited City resources and meet existing and future needs. CF-FCF-2 requires that the City ensure that existing and future developments pay for some or all of the costs of capital improvements or new facilities that are deemed necessary, by reason of their respective developments, to reduce existing deficiencies or replace obsolete facilities.

The following goal and policies are intended to supplement general policies in the Capital Facilities Element with specific capital facility policy guidance in the container port area.

Goal

Provide, protect and preserve the capital facilities and essential public services needed to support activities within and beyond the Core Area.

High quality and reliable physical systems and facilities are a necessary component of both Port and City operations. The following policies supplement the guidelines and direction provided in the Capital Facilities element, specifically to achieve quality maintenance and improvement of capital facilities and services within and beyond the Core Area.

Policies

CP-23 Capital Facilities within the Core Area

Partner with the Port to identify required new infrastructure, facilities and services needed to support port activities within the Core Area, as well as priorities for maintenance and preservation of existing infrastructure, facilities and services. By partnering with the Port, the City can make sure that future infrastructure investments are targeted and prioritized to meet the needs of the Port and the Core Area.

CP-24 Utility access within the Core Area

Coordinate with the Port to identify the location and jurisdiction of major utility easements that are located in the Core Area; and develop and implement a utility access plan to ensure that utility providers have access at all times to all major utilities.

CP-25 Standards for New Utilities in the Core Area

Establish and implement design standards for new roadway infrastructure and developments in the Core Area that will include utility corridors and utility access plans.

Transportation

Provision of an effective multimodal transportation system is of vital importance for port operations and for port-related activities. Reliable systems of roadways and railways, as well as connections between them, accommodates a variety of cargo types and destinations, and allows for flexibility in the Port's cargo base as demand for different types of cargoes rises or falls.



Roadway construction in the port area

Roadways and railways that support port operations are owned and maintained by numerous agencies in addition to the City of Tacoma, including the Port, other cities, counties, Washington State, and private providers such as Burlington Northern Santa Fe and Union Pacific railroads. Cooperation and coordination between jurisdictions is essential for preservation and efficient utilization of existing infrastructure that supports port and port-related operations, and also for future expansion of infrastructure needed support these activities as they grow.

Planning, design and construction of transportation facilities typically takes years, so future land use planning is essential to ensure that infrastructure will be in place at the time it is needed. In addition, transportation infrastructure can be costly, and often requires a variety of funding sources. Identification of future transportation needs through a comprehensive planning process provides a sound basis for identifying projects before they are needed, aids inter-jurisdictional coordination, and greatly enhances the ability for a project to receive funding from sources such as state and federal grants.

Goal

Identify, protect and preserve the transportation infrastructure and services needed for efficient multimodal movement of goods within and between the Core Area, Transition Area, and the regional transportation system.

An efficient multimodal transportation system is vital to the operation and economic viability of the Port. It is important that existing infrastructure and services that support Port activities be maintained, and that adequate resources are available to improve the transportation system as needed to support future growth. The following policies supplement the guidelines and direction provided in the Transportation element, specifically to achieve the goal of continued development and improvement of transportation facilities and services needed to support port-related freight access and mobility.

Policies

CP-26 Regional Freight Truck Corridors

Figures 5 and 6 identify Regional Freight Truck Corridors, which the City has identified as critical to efficient movement of goods between the Core Area, Transition Area, and the regional highway system outside the city limits. Coordinate with state and local agencies to emphasize the importance of these corridors to state and local economic health, and support improvements planned on these corridors that enhance freight mobility. These corridors are those designated with a T-1 tonnage classification (carrying over 10 million tons of freight per year) by the Washington State Department of Transportation (WSDOT)⁵ as well as the roads that connect the Port to the regional road system.



At-grade rail crossing

CP-27 Heavy Haul Routes

Figure 6 identifies the freight truck corridors that are designated as Heavy Haul Routes, as they are critical to efficient movement of goods within and between the Core Area and Transition Area. Improvements that are planned in these corridors will receive additional priority scoring under the “Enhance Freight Mobility” project prioritization criterion described in the Transportation element.

⁵ Washington State Department of Transportation (WSDOT). 2007. Freight and Goods Transportation System 2007 Update

Figure 5
Regional Freight Truck Corridors

To be added

Figure 6
Heavy Haul Routes

To be added

CP-28 Intermodal Connections

Support and encourage intermodal facilities and the transport of cargo via rail to help minimize the roadway traffic impacts related to growth in Port throughput.

CP-29 Mobility on Heavy Haul Routes

Emphasize freight truck mobility on Heavy Haul Routes (see Figure 6). Coordinate with the Port to develop strategies to minimize truck queues and other traffic elements that could interfere with mobility along these routes.

CP-30 Pavement Maintenance

Place high priority on preservation of existing roads that serve freight movement within the Core Area and Transition Area; and encourage the use of reinforced Portland Cement Concrete pavement along Heavy Haul Routes to maintain improved roadway conditions over longer periods of time.



Roadway under construction

CP-31 Freight Transportation System Management

Identify and prioritize improvements in efficiency to the roadway system, such as traffic signal timing and phasing improvements, which will improve roadway freight operations without requiring major capital investment.

CP-32 Key Freight Transportation Corridor Improvements

Support recommendations from the Tideflats Area Transportation Study (TATS), for improvements that will preserve and enhance freight mobility in the region.

CP-33 Intergovernmental Funding of Transportation Projects

Coordinate with state, regional and adjacent local jurisdictions to seek joint funding opportunities for projects that enhance freight mobility in the region.



City of Tacoma
Planning and Development Services

**Agenda Item
D-4**

To: Planning Commission
From: Ian Munce, AICP, Planning Services Division
Subject: **South Downtown Subarea Plan and Environmental Impact Statement**
Meeting Date: October 16, 2013
Memo Date: October 10, 2013

The Planning Commission conducted a public hearing on September 18, 2013, regarding the Draft South Downtown Subarea Plan (dated August 2013), and kept the record open through September 20 to receive additional written comments. Three citizens testified in support of the Plan at the hearing and one written letter was received after the hearing.

At the next meeting on October 16, the Commission will review the public comments received and consider potential modifications to the Draft Subarea Plan as appropriate. Following the Commission's review, staff intends to request that the Commission consider making a recommendation to the City Council for adopting the Draft South Downtown Subarea Plan as a new element of the Comprehensive Plan.

To facilitate the Commission's review, attached are a draft Letter of Recommendation and a draft Findings of Fact and Recommendations Report. The report includes the following four exhibits:

- Exhibit A. Draft South Downtown Subarea Plan
- Exhibit B. Proposed Amendments to the Tacoma Municipal Code
- Exhibit C. Final Environmental Impact Statement
- Exhibit D. Written Comment Letters Received

Since Exhibits A and C have been provided to the Commissioners at previous meetings, they are not included in this agenda packet. Only Exhibits B and D are included.

For more information, please visit: www.cityoftacoma.org/planning and click on "South Downtown Subarea Plan & EIS". If you have any questions, please contact me at (253) 573-2478 or imunce@cityoftacoma.org.

Attachments (2)

c. Peter Huffman, Interim Director



City of Tacoma
Planning Commission

Draft for Planning Commission's
Review on October 16, 2013

October 16, 2013

Honorable Mayor and Members of the City Council,

On behalf of the Planning Commission, I am forwarding the Draft South Downtown Subarea Plan for your consideration for adoption as a new, important element of the City of Tacoma's Comprehensive Plan. Also recommended for your consideration are the Final Environmental Impact Statement (FEIS) for the Subarea Plan and proposed amendments to the Tacoma Municipal Code addressing feather signs and fencing standards.

The Subarea Plan and the FEIS are the result of two-year planning process co-led by the City of Tacoma and the University of Washington Tacoma, involving intensive analyses, thorough research, rigorous deliberations, and extensive outreach efforts. The Subarea Plan and the FEIS will capitalize on the potential of South Downtown, proactively making the area well poised to accommodate future growth and development. Specifically, the Subarea Plan will supplement current policies and regulations governing transportation, land use, affordable housing, open space, brownfields, capital facilities, and utilities and will fulfill Growth Management Act and Vision 2040 requirements. The FEIS is "Planned Action" with the objective of eliminating the need for subsequent environmental review associated with site-specific development or redevelopment; it will provide certainty for future development, simplify and expedite the permitting process, and foster high quality urban development in the area.

While the Subarea Plan and the FEIS were overwhelmingly supported by stakeholders during the planning process, two relatively minor issues were brought up concerning the disallowance of feather signs and the lack of fencing standards in Downtown Districts. In response, the Planning Commission recommends that the City Council consider amendments to the Tacoma Municipal Code, Chapters 13.06 (Zoning) and 13.06A (Downtown Tacoma).

Enclosed is the "*Planning Commission's Findings of Fact and Recommendations Report, October 16, 2013*" that summarizes the Draft South Downtown Subarea Plan, the review process and outreach efforts for the Subarea Plan and the associated FEIS, and the proposed amendments to the Tacoma Municipal Code addressing feather signs and fencing standards. The Planning Commission believes that our recommendations will help achieve the City's strategic goals for a safe, clean and attractive community and a diverse, productive and sustainable economy.

Sincerely,

SEAN GAFFNEY
Chair

Enclosure



SOUTH DOWNTOWN SUBAREA PLAN AND ENVIRONMENTAL IMPACT STATEMENT (EIS)

DRAFT TACOMA PLANNING COMMISSION FINDINGS OF FACT AND RECOMMENDATIONS FOR PLANNING COMMISSION'S REVIEW OCTOBER 16, 2013

A. SUBJECT:

Draft South Downtown Subarea Plan, as set forth in Exhibit A, for adoption as an element of the Comprehensive Plan and proposed amendments to the Tacoma Municipal Code, Chapters 13.06 Zoning and 13.06A Downtown Tacoma, as set for the in Exhibit B, concerning Fencing Standards and Feather Sign Regulations.

B. SUMMARY AND BACKGROUND:

Subarea Plan

The intent of the South Downtown Subarea Plan and Environmental Impact Statement (EIS) Project is to develop an innovative, area-wide long-range plan for South Downtown Tacoma and to complete a pre-development environmental review that will identify how to address environmental and community issues while reducing development uncertainty and risk. The overarching goal of the Project is to promote economic development in South Downtown. The Project integrates multiple planning efforts at the Federal, State, regional, County, and City levels. It was funded through a Federal Partnership for Sustainable Communities grant that was awarded to the Puget Sound Regional Council (PSRC) to create the Growing Transit Communities Partnership (GTC). The overall goal of GTC is to integrate land use, economic, and transportation planning decisions to promote equitable, transit-oriented communities along light rail corridors in the region.

The Project plans for significant growth in the Subarea based on allocations established by the PSRC and Pierce County to conform to the State Growth Management Act (GMA), which requires regions, counties, cities and towns to plan for forecasted growth. The two regional plans put forth by PSRC are VISION 2040 and Transportation 2040, planning frameworks intended to support the accommodation of forecasted growth in a manner that best meets the needs of the central Puget Sound region as a whole. Both plans have been analyzed and approved through an exhaustive EIS process.

The Subarea Plan is intended to provide innovative planning and policy interventions to help South Downtown achieve its tremendous potential for economic development, an outcome that will deliver a broad range of equitable social and environmental benefits at both the local and regional scales. In accordance with the goals of the PSRC's GTC Partnership, the Subarea Plan is focused on leveraging the Subarea's substantial transit investments by fostering the creation of equitable transit communities in South Downtown. The Subarea Plan will serve as a statement of the City's commitment and direction for these areas and as a resource for potential investors, property owners, the community, and other public agencies.

The Subarea Plan builds upon two key previous City planning studies -- the Brewery District Development Concept Study (2010), and the Tacoma Dome District Development Strategy Update (2008), as well as the University of Washington Tacoma's Campus Master Plan Update (2008), and the Foss Waterway Development Authority's Thea Foss Waterway Design and Development Plan (2005). The Subarea Plan also draws from recommendations provided by the Urban Land Institute's Brewery District Technical Assistance Panel (2012).

The City of Tacoma and the University of Washington, as co-lead agencies, have prepared a non-project EIS for the Subarea Plan. A non-project EIS involves a cumulative environmental impact and mitigation

analysis for the entire Subarea, rather than piecemeal analysis on a project-by-project basis. To address future needs for transportation and open space, the Subarea Plan proposes phased-in impact fees. The recommendation is for tiered thresholds at 10 and 20 million square feet of development that would trigger increasing impact fees to fund both multimodal transportation projects and new open space. The Subarea Plan also proposes development thresholds to trigger requirements for Transportation Management Programs (TMP) intended to reduce the share of tenants and employees who drive alone.

The Subarea Plan proposes the monitoring of transportation performance along with thresholds of significance for impacts to public transit speed, reliability and capacity, and to connections to the state highway system. Multiple possible mitigation measures are also proposed.

Currently the Subarea has an amount of affordable housing that exceeds the Pierce County Countywide Planning Policies target. To ensure that a sufficient supply of affordable housing is maintained as the Subarea builds out, the Subarea Plan proposes that the City monitor affordable housing over time, and establish policies and regulations that are activated when trends indicate that corrective action is necessary. Public Utilities and Public Services can be expanded to meet the anticipated demands of the future buildout in the South Downtown as needed over time.

Environmental Impact Statement

The City of Tacoma and the University of Washington, as co-lead agencies, have prepared a non-project EIS for the South Downtown Subarea Plan which was issued on August 28, 2013. This Final EIS is unique in that: 1) it is jointly sponsored by the City of Tacoma and the University of Washington Tacoma (UWT); 2) it is a non-project document in that it addresses approximately a 600-acre area of South Downtown Tacoma and presents cumulative impact analyses for the entire Subarea, rather than piecemeal analysis on a project-by-project basis; 3) it is an EIS aimed at comprehensiveness yet conciseness to improve usefulness; and 4) it is a "Planned Action" EIS with the objective of eliminating the need for subsequent environmental review associated with site-specific development or redevelopment -- providing certainty for future development and simplifying and expediting the permitting process in order to foster the realization of high quality urban development in the South Downtown Subarea.

The EIS considered 3 buildout alternatives and a No Action alternative. The "large-scale" buildout—the highest intensity alternative—anticipates 30 million square feet of new development, corresponding to 30,000 new residents and 40,000 new jobs. The "moderate" buildout alternative envisions 20 million square feet; the "modest" buildout alternative reflects 10 million square feet. In the near term, the Subarea Plan does not require extensive up front mitigations for potential impacts of growth and redevelopment. However the Plan does specify future mitigations that are triggered as buildout in the Subarea occurs over time. Currently in South Downtown there is sufficient utility infrastructure, transportation capacity, and open space to serve anticipated growth, likely for the next 5 to 10 years.

As such, the non-project EIS provides developer certainty and predictability, thereby streamlining the environmental review process and furthering the goals of the State Environmental Policy Act (SEPA) and the GMA. The non-project EIS is subject to RCW 43.21C.420, known as "Transit Infill Review." Recognizing that RCW 43.21C.420(5)(a) and (b) include a sunset provision, the co-lead agencies are also proceeding under RCW 43.21C.031 (planned action) and RCW 43.21C.229 (infill exemption), to provide additional SEPA tools if provisions in RCW 43.21C.420(5)(a) and (b) expire.

For a non-project EIS completed under RCW 43.21C.420, the SEPA-based appeal opportunity occurred in conjunction with issuance of the non-project Final EIS on August 28, 2013. Consistent with RCW 43.21C.420, a proposed development will not be subject to project-specific SEPA-based administrative or judicial appeals if the proposed development is (1) proposed within 10 years of the issuance of the subarea Final EIS, (2) situated within the subarea, and (3) appropriately addresses the adopted subarea plan and development regulations. Similarly, there are no SEPA noticing requirements for subsequent, site-specific development or redevelopment within the subarea that appropriately addresses the subarea plan and development regulations.

C. Location:

The South Downtown Subarea boundaries generally extend from South 15th Street on the north to Interstate 5 on the south and from Yakima Avenue on the West to “D” Street and “L” Street on the east. This approximately 600 acre area encompasses the University of Washington Tacoma campus, the Museum District, the Brewery District, Hillside, the southern portion of the Thea Foss Waterway together with all Foss Waterway Development Authority properties, and the Tacoma Dome District.

D. FINDINGS OF FACT:

1. **Comprehensive Plan and Development Regulations** – 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 State Growth Management Act (GMA) and consists of several plan and program elements. As the City's official statement concerning future growth and development, the Comprehensive Plan sets forth goals, policies and strategies for the health, welfare and quality of life of Tacoma's residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is the key regulatory mechanism that supports the Comprehensive Plan.
2. **Planning Mandates and Guidelines** – GMA requires that any amendments to the Comprehensive Plan and/or development regulations conform to the requirements of the Act. Proposed amendments to the Comprehensive Plan and/or development regulations must also be consistent with the following State, regional and local planning mandates and guidelines:
 - The State Growth Management Act (GMA);
 - The State Environment Policy Act (SEPA);
 - VISION 2040, the Growth Management, Environmental, Economic, and Transportation Strategy for the Central Puget Sound Region (adopted on April 24, 2008 and amended on May 28, 2009);
 - Transportation 2040, the action plan for transportation in the Central Puget Sound Region (adopted on May 20, 2010);
 - The Countywide Planning Policies for Pierce County;
 - The City Council's guiding principles for planning the future growth: (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 (Resolution No. 37070, December 19, 2006); and
 - TMC 13.02 concerning the procedures and criteria for amending the Comprehensive Plan and development regulations and for area-wide zoning reclassifications.
3. **Public Outreach Efforts** – Staff has conducted extensive outreach efforts to ensure early and continuous public participation in the amendment process. The outreach efforts included providing project updates and overviews of the Subarea Plan and EIS to neighborhood councils, interested parties, monthly meetings with the steering committee, quarterly meetings with a Council-resolution-formed Working Group, periodic stakeholder meetings, and business group outreach. Throughout the process participants were encouraged to voice concerns, provide suggestions, and to discuss particular issues. The entities that staff has approached and worked with include, but are not limited to: Dome District Development Group, Hillside Development Council, Port of Tacoma, Master Builders Association, Metro Parks Tacoma, Chamber of Commerce, University of Washington Tacoma, Foss Waterway Development Authority, Washington State Department of Transportation, Pierce Transit, Sound Transit, Puget Sound Regional Council, Affordable Housing Consortium of Pierce County, Cross Cultural Collaborative of Pierce County, Neighborhood Business District Associations, Puyallup Tribe of Indians, Neighborhood Councils and Community Council, as well as

the City's Public Works Department, Environmental Services Department, Community and Economic Development Department, Police Department, Legal Department and Tacoma Public Utilities.

4. Public Notification Process:

Public notification for the Subarea Plan and Environmental Impact Statement was provided jointly throughout the project.

- (a) An initial Community Meeting was held on December 1, 2011. Notice of the Community Meeting included general illustrations and descriptions of buildings that are generally representative of the maximum building envelope that could be allowed under the Subarea plan and notice was posted on major travel routes within the Subarea within seven days of the mailing of the meeting notice. In addition, notice was mailed to all:
- property owners of record within the Subarea;
 - property owners within 400 feet of the boundaries of the Subarea;
 - affected federally-recognized tribal governments whose ceded area is within one-half mile of the boundaries of the Subarea;
 - agencies with jurisdiction over future development within the Subarea;
 - all preservation and development authorities established under chapter 43.167 RCW, TMC 13.12.560(d)(2).
 - the Tacoma Public Library
- (b) An initial Scoping Meeting was held on December 15, 2011. Notice of the Scoping Meeting was mailed to:
- property owners of record within the Subarea
 - property owners within 400 feet of the boundaries of the Subarea
 - affected federally-recognized tribal governments whose ceded area is within one-half mile of the boundaries of the Subarea
 - agencies with jurisdiction over future development within the Subarea
 - small businesses as defined in RCW 19.85.020
 - all preservation and development authorities established under chapter 43.167 RCW, TMC 13.12.560(d)(2)
 - the Tacoma Public Library
 - The Department of Ecology
 - neighborhood councils, qualified neighborhood community organizations in the site vicinity
 - the Puyallup Tribe for substantial actions defined in the Agreement between the Puyallup Tribe, Local Governments in Pierce County, the State of Washington, the United States of America, and certain taxpayers, dated August 27, 1988.

The Scoping meeting Notice was published in the Daily Journal of Commerce and the Daily Index.

Email notice was sent to community groups, stakeholders, and other interested parties.

- (c) Notice of the issuance of the Draft Subarea Plan, Draft EIS, and notice of the subsequent Public Hearing on April 25, 2013, was mailed on March 26, 2013, to:
- property owners of record within the Subarea
 - property owners within 400 feet of the boundaries of the Subarea
 - affected federally-recognized tribal governments whose ceded area is within one-half mile of the boundaries of the Subarea
 - agencies with jurisdiction over future development within the Subarea

- small businesses as defined in RCW 19.85.020
- all preservation and development authorities established under chapter 43.167 RCW, TMC 13.12.560(d)(2)
- neighborhood councils, qualified neighborhood community organizations in the site vicinity
- the Tacoma Public Library
- The Department of Ecology
- the Puyallup Tribe for substantial actions defined in the Agreement between the Puyallup Tribe, Local Governments in Pierce County, the State of Washington, the United States of America, and certain taxpayers, dated August 27, 1988.

Notice of the issuance of the Draft Subarea Plan and Draft EIS was published in the Daily Journal of Commerce and the Daily Index.

Email notice was sent to community groups, stakeholders, and other interested parties.

- (d) A Notice of availability was mailed upon issuance of the Final EIS and included notice of the Draft Subarea Plan Planning Commission Public Hearing held on September 18, 2013. The notice was mailed in accordance with the Washington State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C of the Revised Code of Washington (RCW) as revised 1983, and SEPA Guidelines, Effective 16 January 1976 as revised 4 April 1984, Chapter 197-10, Washington Administrative Code (WAC). On August 28, 2013, the notice was mailed to:

- property owners of record within the Subarea
- property owners within 400 feet of the boundaries of the Subarea
- affected federally-recognized tribal governments whose ceded area is within one-half mile of the boundaries of the Subarea
- agencies with jurisdiction over future development within the Subarea
- small businesses as defined in RCW 19.85.020
- The Department of Ecology
- all preservation and development authorities established under chapter 43.167 RCW, TMC 13.12.560(d)(2)
- neighborhood councils, qualified neighborhood community organizations in the site vicinity
- the Puyallup Tribe for substantial actions defined in the Agreement between the Puyallup Tribe, Local Governments in Pierce County, the State of Washington, the United States of America, and certain taxpayers, dated August 27, 1988.

Notice of the issuance of the Draft Subarea Plan and Final EIS was published in the Daily Journal of Commerce and the Daily Index.

Email notice was sent to community groups, stakeholders, and other interested parties.

- **Public Notice Signs** – Public notice signs were installed throughout the Subarea prior to the initial Community and Scoping Meetings in 2011.
- **60-Day Notices** – A “Notice of Intent to Adopt Amendment 60 Days Prior to Adoption” was sent to the State Department of Commerce on August 29, 2013 (per RCW 36.70A.106), to the Puget Sound Regional Council on October 10, 2013 (per the Plan Review Requirements and Process in VISION 2040).
- **Website** – The public hearing notice and all information associated with the South Downtown Subarea Plan and EIS were posted on the Planning and Development Services’ website at www.cityoftacoma.org/planning (and linked to “South Downtown Subarea Plan and EIS”).

- **Environmental Review** – The Final Environmental Impact Statement (Final EIS) for Tacoma’s South Downtown Subarea Plan was prepared in compliance with the State Environmental Policy Act (SEPA) of 1971 (Chapter 43.21C, Revised Code of Washington); the SEPA Rules, effective April 4, 1984, as amended (Chapter 197-11, Washington Administrative Code); rules adopted by the City of Tacoma implementing SEPA (Tacoma Municipal Code, Chapter 13,12 – Environmental Code, and rules adopted by the University of Washington implementing SEPA (478-324 WAC). Whereas the City of Tacoma and the University of Washington Tacoma (through the University’s Capital Project’s Office) are co-lead agencies for SEPA compliance, the City is serving as the nominal SEPA Lead Agency for the South Downtown Subarea Plan and EIS. Both the City and the University, through its SEPA Advisory Committee, have determined that this EIS has been prepared in a responsible manner using appropriate methodology. As nominal SEPA Lead Agency, the City has directed the areas of research and analysis that were undertaken in preparation of this EIS. The Final EIS accompanies the proposed South Downtown Subarea Plan and should be considered in making final decisions concerning the Subarea Plan, as well as new policies and regulations, and site-specific projects proposed within the South Downtown Subarea. The FEIS was issued on August 28, 2013.

5. Public Hearing Comments and Responses:

- (a) As of the day of this report, no comments have been received from the Department of Commerce or PSRC.
- (b) At the public hearing on September 18, 2013, three people provided oral testimony and at the close of the comment period on September 20, 2013, two comment letters were received. One letter of support was received after the close of the comment period. All of the public comments received were in support of the Subarea Plan and are compiled in Exhibit D and summarized as follows:

Oral Comments received on September 18, 2013

- Milt Tremblay, University of Washington Tacoma: Mr. Tremblay praised the City for collaborating with the University of Washington Tacoma in the South Downtown Subarea Plan and EIS project efforts, which create vision, catalyze growth, provide an opportunity to categorize and identify mitigation costs upfront, and identify the infrastructure improvements needed to facilitate the growth to happen.
- Jori Adkins, Dome District Development Group and New Tacoma Neighborhood Council: Ms. Adkins commended the South Downtown Subarea Plan and EIS project for involving multiple entities in the process and resulting in a good plan that will stimulate transit-oriented development.
- Su Dowie, Foss Waterway Development Authority: Ms. Dowie indicated that the South Downtown Subarea Plan updates the Foss Waterway Development Authority’s programmatic EIS, is consistent with the FDWA’s Master Redevelopment Strategy and the City’s recently updated Shoreline Master Program, and will incent development by providing a sense of certainty for prospective developers.

Written Comments Received on September 20, 2013

- Taylor Carroll, Forterra: Mr. Carroll expressed support of the City’s incorporation of Transfer of Development Rights (TDR) into its Subarea Plan as an incentive for developers to achieve additional Floor Area Ratio in a proposed development. He also highlighted the benefit of incorporating TDR in the Subarea Plan as it creates the foundation for the City’s use of the 2011 State Landscape Conservation and Local Infrastructure Program.
- Tom Ebenhoh, New Tacoma Neighborhood Council: Mr. Ebenhoh commented that he wants the vision for Tacoma to be business friendly with business recruitment opportunities, development of the Thea Foss along Dock Street, and marketing tourism and business into Tacoma. He expressed his appreciation for Staff’s hard work and provided a survey of existing conditions Downtown.

Written Comments Received After the Close of the Comment Period

- Gary Knudson, Historic Tacoma, praised the South Downtown Subarea Plan as a bold and sweeping endeavor for its approach to historic preservation within the Subarea and proposed implementation of a Transfer of Development Rights (TDR) program. In the letter Mr. Knudson also provided several recommendations for the proposed regulations pertaining to the Historic Preservation and TDR programs.

6. Additional Information

During the planning process and recent public outreach for the project, concerns were expressed on two issues regarding the disallowance of feather signs in Downtown Districts and the lack of fencing standards in Downtown Districts. Based upon outreach to South Downtown stakeholders groups, businesses, and citizens, staff has developed preliminary Downtown District Fencing Standards and Feather Sign Regulations which are proposed as part of the South Downtown Subarea Plan.

E. CONCLUSIONS:

1. The Planning Commission concludes that the as proposed, the South Downtown Subarea Plan and EIS are consistent with the Comprehensive Plan.
2. The Planning Commission concludes that the proposed Plan and EIS properly reflected the community's desire and will position the City well for potential funding opportunities, and are aligned with the regional vision as set forth in VISION 2040.
3. The Planning Commission concludes that the Subarea Plan accurately reflects the intent of and is consistent with the Countywide Planning Policies as updated in 2012.
4. The Planning Commission concludes that effective implementation of the policies within the Subarea Plan should improve the attractiveness, use, and overall quality of development within the Subarea, and result in an enhanced, interconnected public access system that provides an attractive amenity for the recruitment and retention of businesses and residents to the City of Tacoma.
5. The Planning Commission concludes that the South Downtown Subarea Plan will facilitate transit-oriented development through its policies that support transit and transit agencies, transportation mode-shifting, reduced parking requirements, and complete streets.
6. The Planning Commission concludes that the Subarea Plan is the policy document that enables the actions needed to achieve the Vision of the South Downtown Subarea as it provides a long-term, coordinated framework to promote the ongoing revitalization of South Downtown Tacoma.
7. Concerning the proposed code changes associated with the South Downtown Subarea Plan the Planning Commission concludes that the proposed amendments to the Land Use Regulatory Code concerning fencing standards and feather sign regulations will adequately address the goals and desires of the citizens of Tacoma and will improve provisions that, are found to be unclear or not fully meeting their intent.
8. The Planning Commission further concludes that the proposed South Downtown Subarea Plan, as described above, is consistent with the Growth Management Act, will benefit the City as a whole, will not adversely affect the City's public facilities and services, and is in the best interests of the public health, safety and welfare of the citizens of Tacoma.

F. RECOMMENDATIONS:

The Planning Commission recommends that the City Council adopt the Draft South Downtown Subarea Plan, as set forth in Exhibit A, as a new element of the Comprehensive Plan and adopt the proposed

amendments to the Tacoma Municipal Code, Chapters 13.06 Zoning and 13.06A Downtown Tacoma, concerning Fencing Standards and Feather Sign Regulations, as set forth in Exhibit B. The Planning Commission also provides the *Final Environmental Impact Statement for the South Downtown Subarea Plan, Issued August 28, 2013*, as set forth in Exhibit C, for the City Council's reference.

G. EXHIBITS:

- Exhibit A. Draft South Downtown Subarea Plan (compiled separately from this report)
- Exhibit B. Proposed Amendments to the Tacoma Municipal Code, Chapters 13.06 Zoning and 13.06A Downtown Tacoma, concerning Fencing Standards and Feather Sign Regulations
- Exhibit C. Final Environmental Impact Statement for the South Downtown Subarea Plan, Issued August 28, 2013 (compiled separately from this report)
- Exhibit D. Written Comment Letters received during the comment period from Taylor Carroll, Forterra, Tom Ebenhoh, New Tacoma Neighborhood Council, and Gary Knudson, Historic Tacoma

DRAFT

Proposed Downtown District Fencing Standards

13.06A.XX Downtown District Fencing Standards

A. The Director may attach any reasonable conditions found necessary to make proposed fencing compatible with its environment, to carry out the goals and policies of the City's Comprehensive Plan, and/or to provide compliance with other criteria or standards set forth in the City's Land Use Regulatory Codes.

B. Downtown District Fencing Standards

1. Chain link fencing, with or without slats, is prohibited for required screening.

2. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.

3. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.

4. Electrified. The use of electrified fencing is prohibited in all zoning districts.

5. The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided the portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment. Fences required by the Washington State Liquor Control Board shall also be exempt from the maximum height limitation, provided any portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent.

6. The maximum height of free-standing fences along an alley shall be 3 feet, except that fences greater than 3 feet in height are allowed if the portion of the fence between 3 and 7 feet above grade is at least 20% transparent.

Proposed Feather Sign Regulations for Downtown Zoning Districts

| Section 13.06.522.J | DCC, DMU | WR | DR |
|---|---|--|--|
| Signage Allocation | | | |
| Total sign area allocation for signs attached to buildings and freestanding signs | Each business, 1-1/2 square feet per 1 foot building or street frontage on which the sign(s) will be located (area is calculated from frontage occupied by the business it identifies). | Same as DCC. | 1 square foot per 1 foot of building frontage occupied by the business. |
| Signs Attached to Buildings | | | |
| Maximum number | Each business allowed 2 signs per frontage, but no more than 3 signs total for the business, no maximum number for public facility over 5 acres. | Same as DCC. | Same as DCC. |
| Maximum area per sign | Non-residential, 150 square feet per sign. Public facility over 5 acres, 300 square feet. Residential, 20 square feet. | Non-residential, 200 square feet per sign. Residential, 20 square feet. | Non-residential, 100 square feet per sign. Residential, 20 square feet. |
| Minimum sign area | First floor, 30 square feet. Second floor, 25 square feet. | Same as DCC. | Same as DCC. |
| Wall | Provisions of Section 13.06.521.E shall apply. Shall not exceed 35 feet above grade level, except for 1 corporate logo sign of 150 square feet allowed per building above 35 feet. | Same as DCC. | Same as WR, except no corporate logo allowed. |

| Section 13.06.522.J | DCC, DMU | WR | DR |
|--|---|------------------|-----------------|
| | Public facility over 5 acres not limited to 35 feet above grade. | | |
| Awning, canopy, marquee, under marquee | Provisions of Sections 13.06.521.H, I, and J shall apply. | Same as DCC. | Same as DCC. |
| Projecting | Provisions of Section 13.06.521.F shall apply with one per building allowed if no freestanding sign exists on the same frontage, shall not extend above 35 feet. Public facility over 5 acres not limited to 35 feet above grade. | Same as DCC. | Same as DCC. |
| Blade, under-canopy | Provisions of Section 13.521.I shall apply. 1 per business, shall not exceed 8 square feet per side, shall be illuminated only by indirect lighting, maximum projection of 3-1/2 feet, maximum wide thickness of 12 inches, and shall maintain a minimum clearance of 8 feet above the sidewalk. Area increase of 25% when using symbolic shape, rather than rectangle or square. | Same as DCC. | Same as DCC. |
| Rooftop signs | Prohibited. | Prohibited. | Prohibited. |
| Billboards | Prohibited. | Prohibited. | Prohibited. |
| Freestanding Signs | | | |
| Maximum number | 1 per street frontage, per site not use and no more than 2 per site. 1 per street frontage(s) for public facility over 5 acres. | Same as DCC. | Same as DCC. |
| Maximum area per sign | 30 square feet. 300 square feet for public facility over 5 acres. | 100 square feet. | 30 square feet. |
| When not allowed | When building signage exceeds the sign area limit, not allowed on the same frontage as a projecting sign. | Same as DCC. | Same as DCC. |
| Maximum height | 6 feet. 30 feet for public facility over 5 acres. | 20 feet. | 6 feet. |

| Section 13.06.522.J | DCC, DMU | WR | DR |
|------------------------------------|---|---|------------------------------------|
| Directionals | Shall be limited to 4 feet in height. | Same as DCC. | Same as DCC. |
| Setback | None, but signs shall be on private property. | Same as DCC. | Same as DCC. |
| Billboards | Prohibited. | Prohibited. | Prohibited. |
| Sign Features | | | |
| Lighting | Indirect, internal illumination, neon, and bare bulb allowed. | Same as DCC. | Bare bulb illumination prohibited. |
| Rotating, mechanized | Allowed. | Same as DCC. | Prohibited. |
| Flashing, animated | Prohibited. | Prohibited. | Prohibited. |
| Electronic changing message center | Allowed. | Same as DCC. | Same as DCC. |
| Temporary Signs | | | |
| A-boards | 2 permitted each business, shall not exceed 12 square feet in area nor 4 feet in height and shall not be placed on sidewalks less than 12 feet in width. | Same as DCC. | Same as DCC. |
| Banners | 1 banner per business with a 60 square feet maximum displayed no longer than 6 months per year. Banners for cultural purposes shall not exceed 400 square feet and are not limited in number or duration. | 1 banner per business with a 60 square feet maximum displayed no longer than 6 months per year. | Not allowed. |

| Section 13.06.522.J | DCC, DMU | WR | DR |
|--|---|--------------|--------------|
| Feather Signs | <p>Prohibited. <u>Feather signs are prohibited in all Downtown zones except for:</u></p> <p><u>a) feather signs identifying an accessory retail outlet co-located with a manufacturing facility (2 feather signs authorized)</u></p> <p><u>b) one special event per business every two years (2 feather signs authorized for no more than 15 consecutive days)</u></p> <p><u>c) when associated with a use not located on private property such as food carts or car sharing services</u></p> <p><u>Feather signs must be located on private property unless a City street occupancy permit is secured.</u> unless associated with use not located on private property such as food carts or car sharing services. In such instances, only one allowed per business, 12 square feet in area and ten feet in height.</p> | Same as DCC | Same as DCC |
| Flags | Shall be on private property, no advertising allowed except logos. | Same as DCC. | Same as DCC. |
| Window signs | Exempt, but shall not exceed 25 percent of the window area. | Same as DCC. | Same as DCC. |
| Searchlights, beacons | 1 allowed per site, displayed no longer than 7 days per year. No restrictions during an event for public facility over 5 acres. | Same as DCC. | Prohibited. |
| Temporary off-premises advertising signs | Section 13.06.521.C shall apply, except public facility sites in DCC shall be allowed temporary advertising signs of 32 square feet, including banners not to exceed 160 square feet, attached to temporary fencing during the time of construction. | Prohibited. | Prohibited. |

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September 20, 2013

Tacoma Planning Commission
Planning and Development Services Department
747 Market Street, Room 345
Tacoma, WA 98402

Subject: Letter of Support for TDR in the South Downtown Subarea Plan

Dear Chair Gaffney and Members of the Planning Commission,

As a conservation and community building organization that works throughout the region to conserve great landscapes and create great communities, Forterra supports the updated South Downtown Subarea Plan in its efforts to make downtown a more vibrant marketplace for businesses and commerce.

We support the city's incorporation of Transfer of Development Rights (TDR) into its Plan. By making TDR a standalone incentive for developers seeking additional FAR, the city is providing certainty around achieving the public benefits of conserving local farms, forests, and habitat lands. We support the other incentive options, but encourage the Planning Commission to thoughtfully consider how the Plan can ensure it achieves the important public benefits associated with the other Design Standards and Special Features; for example, enhanced pedestrian elements at the sidewalk level and public art, among the many other options, are all part of what creates a vibrant downtown. However, as written there is uncertainty whether all of these components will be incorporated into projects throughout downtown. To achieve a vibrant and well balanced South Downtown, it is important to ensure that developers choose a variety of Design Standard and Special Feature options to implement.

In addition, we want to highlight the additional benefit of incorporating TDR into the Plan; by doing so, the City of Tacoma is creating the foundation for the city's use of the 2011 state Landscape Conservation and Local Infrastructure Program (LCLIP). This program provides cities with access to infrastructure financing for parks, streetscapes, utilities, bike lanes and other infrastructure in exchange for using TDR. These two tools, TDR and LCLIP, will help Tacoma realize its vision for South Downtown, while simultaneously achieving in-city and regional conservation goals.

Forterra looks forward to following the South Downtown Subarea Plan and EIS process. Please contact Taylor Carroll (206 905 6939) or Lindsay Fromme (206 905 6946) if you have any questions. Thank you for the opportunity to express our support.

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor Carroll".

Taylor Carroll, Policy Director

Gibbons, Cheri

From: Munce, Ian
Sent: Monday, September 23, 2013 1:34 PM
To: Gibbons, Cheri
Subject: FW: South Downtown SubArea Plan Input
Attachments: South Downtown EIS-Subarea Plan Opinion Survey.pdf

For our record

From: Tom Ebenhoh [<mailto:tomeben@yahoo.com>]
Sent: Friday, September 20, 2013 2:31 PM
To: imunce@cityoftacoma.org
Subject: South Downtown SubArea Plan Input

Mr. Munce:

I've reviewed the documents. My only additional input is attached and what I've provided already. The only general comments I add in is to keep the vision for Tacoma business friendly with business recruitment opportunities, development of the Thea Foss along Dock Street, and marketing tourism and businesses into Tacoma as the place to visit -- and live.

Again, I appreciate all the hard work and efforts ! Respectfully ask acknowledgement of this e-mail.

Tom
NTNC Board Member
1515 Dock St.



Tacoma South Downtown EIS/Subarea Plan Opinion Survey

The Tacoma City Council has initiated a process to develop a Subarea Plan and Environmental Impact Statement (EIS) for South Downtown. As a part of the process, we are soliciting the opinions of South Downtown residents, employees, and other interested parties. If you would like to provide your input, please circle your answers below, and either return this form to City Hall, or fold, tape, and mail it to the address on the back. This survey can also be taken online at www.cityoftacoma.org/southdowntownplan.

For additional information about this survey or the planning process please contact Ian Munce at the City of Tacoma, 253-573-2478, or imunce@cityoftacoma.org. Thank you!

Please rate the following aspects of existing conditions in South Downtown

| | |
|--|-----------------------------|
| Employment | <i>very low / very high</i> |
| Number of jobs available? | 1 2 3 4 5 |
| Quality of jobs available? | 1 2 3 4 5 |
| Safety and security | <i>very low / very high</i> |
| Police? | 1 2 3 4 5 |
| Fire/ambulance/paramedic? | 1 2 3 4 5 |
| Streets, sidewalks, and lighting? | 1 2 3 4 5 |
| Pedestrian crosswalks? | 1 2 3 4 5 |
| Educational services | <i>very low / very high</i> |
| Preschools? | 1 2 3 4 5 |
| Public grades K-12? | 1 2 3 4 5 |
| Technical and Trade? | 1 2 3 4 5 |
| College and University? | 1 2 3 4 5 |
| Adult continuing education? | 1 2 3 4 5 |
| Transportation | <i>very low / very high</i> |
| Traffic congestion and management? | 1 2 3 4 5 |
| Parking? | 1 2 3 4 5 |
| Bus transit? | 1 2 3 4 5 |
| Rail transit? | 1 2 3 4 5 |
| Bike routes? | 1 2 3 4 5 |
| Walkability? | 1 2 3 4 5 |
| Housing | <i>very low / very high</i> |
| Housing type selection? | 1 2 3 4 5 |
| Rental housing - availability? | 1 2 3 4 5 |
| Rental housing - affordability? | 1 2 3 4 5 |
| Owner housing - availability? | 1 2 3 4 5 |
| Owner housing - affordability? | 1 2 3 4 5 |
| Parks and recreation facilities | <i>very low / very high</i> |
| Parks and open spaces? | 1 2 3 4 5 |
| Trails? | 1 2 3 4 5 |
| Athletic courts and fields? | 1 2 3 4 5 |
| Indoor gyms? | 1 2 3 4 5 |
| Community meeting rooms? | 1 2 3 4 5 |
| Conference facilities? | 1 2 3 4 5 |
| Public restrooms? | 1 2 3 4 5 |

| Arts programs and cultural events | | <i>very low / very high</i> | | | | |
|--|-----------|-----------------------------|---|---|---|---|
| Art exhibits and galleries? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Performing arts venues? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Museums? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| District festivals and holiday celebrations? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Summer markets? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Aesthetics | | <i>very low / very high</i> | | | | |
| Building appearances? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Streetscape – street lights, trees, and landscaping? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Public spaces and plazas? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Public art and beautification? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Dome Business District in general? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Brewery District in general? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Adequacy of existing development | | <i>very low / very high</i> | | | | |
| Overall South Downtown area? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Brewery District? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Dome District? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Foss Waterway? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| University of Washington? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Hillside Neighborhood? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Nob Hill Neighborhood? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |

Please prioritize the following potential planning strategies for South Downtown

| Economic development | | <i>very low / very high</i> | | | | |
|---|---|-----------------------------|---|---|---|---|
| Recruit retail? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Recruit restaurants and entertainment? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Recruit high-tech? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Recruit professional services? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Promote small, independent businesses? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Where are the best opportunities for the above? | Brewery District; Dome District; UWT/Museum District; Foss Waterway; Hillside; Nob Hill | | | | | |
| Housing | | <i>very low / very high</i> | | | | |
| Attract young adult households? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Attract young families with children? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Attract middle-aged families with children? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Attract empty-nester households? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Provide affordable housing? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Provide senior housing? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Where are the best opportunities for the above? | Brewery District; Dome District; UWT/Museum District; Foss Waterway; Hillside; Nob Hill | | | | | |
| Arts, culture, and education | | <i>very low / very high</i> | | | | |
| Recruit arts venues? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Promote arts-related businesses? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Promote tourism? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Support minority and immigrant communities? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Support religious institutions? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Expand educational opportunities? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Sustainability | | <i>very low / very high</i> | | | | |
| Energy conservation? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Water conservation? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Stormwater runoff reduction? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Recycling programs? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Urban agriculture/community gardens? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |
| Reduction of greenhouse gas emissions? | 1 2 3 4 5 | 1 | 2 | 3 | 4 | 5 |

Respondent Information (this will help us compare and evaluate the surveys)

| | |
|--|--|
| What is your gender? | M or F |
| What is your age? | <18; 18-24; 25-34; 35-49; 50-64; 65+ |
| What is your income? | \$0-20,000; \$21-30,000; \$31-40,000; \$41-50,000; \$51-75,000; \$76-100,000; \$100,000+ |
| How much education have you completed? | grade school; high school; technical school; some college; college graduate; graduate degree |
| Where do you live? | South Downtown; elsewhere in Tacoma; Pierce County; King County; elsewhere in WA State |
| If you live in South Downtown, where? | Brewery District; Dome District; UWT/Museum District; Foss Waterway; Hillside; Nob Hill |
| If you live in South Downtown, for how many years? | 0-1; 2-5; 6-10; 11-20; 20+ |
| What type of housing do you live in? | single-family or multi-family; rent or own |
| Number of people in your household? | 1 2 3 4 5+ |
| Number of workers in your household? | 0 1 2 3 4+ |
| If employed, where do you work? | South Downtown; elsewhere in Tacoma; Pierce County; King County; elsewhere in WA; retired |
| If you work in South Downtown, where in South Downtown? | Brewery District; Dome District; UWT/Museum District; Foss Waterway; Hillside; Nob Hill |
| What is (or was, if retired) your occupation? | |
| What employment sector do (or did) you work in? | construction; manufacturing; high-tech; professional services; transportation/utilities; wholesale trade; retail trade; finance/insurance/real estate services; food/motel; recreation/tourism; government/education/nonprofit; hospital/health care |
| How do you typically get to work? | walk; bike; motorcycle; private car (1 passenger); car pool; van pool; bus; rail |
| Do you own a business in South Downtown? (If no, skip to the next section) | Yes or No |

For South Downtown Business Owners (others may skip to the next page)

| | |
|--|---|
| How many years have you owned your business? | 1-5; 6-10; 11-15; 16-20; 21-25; 25-50; 50+ |
| Ownership of your business property? | Rent or Own |
| Do you or the owner plan on making improvements to the property? | Yes or No |
| Do you have adequate parking for your customers? | Yes Sometimes No |
| How many employees work in your South Downtown business? | 1-5; 6-15; 16-25; 26-50; 51-100; 100+ |
| Do your employees live in South Downtown? | none; a few; some; all |
| Are you able to recruit qualified workers? | Yes Sometimes No |
| Where are your primary trade areas? | South Downtown; Tacoma; Pierce County; King County; state-wide; national; international |
| In the last 5 years, has your business: | declined; stayed the same; improved |
| In the next 5 years, do you expect your business will: | decline; stay the same; improve |

Summary Questions

What are your primary sources of information on City projects? newspapers; City cable channel; City website; blogs; radio; word of mouth

Are you currently, or are you willing to become involved in South Downtown Subarea planning process? Yes Maybe No NTNC MEETINGS

If you would like to be added to the City's email list to receive updates on the South Downtown planning process, please provide your email address:

tomeben@yahoo.com

If you would like to be entered into the drawing for a \$100 gift certificate for participating in this survey, please provide your name, phone number, and email address below (this information will be kept confidential):

If you have any further thoughts, comments or suggestions about this survey or the South Downtown planning process, please write them below:

[Redacted area for comments and suggestions]

Thank you for completing this survey and contributing to a great future for South Downtown Tacoma!

postage
stamp
required

**South Downtown Subarea Plan/EIS
Ian Munce, Urban Planner
City of Tacoma
747 Market Street, Room 1036
Tacoma, WA 98402**



September 26, 2013

City of Tacoma
Planning Commission
747 Market Street
Room 345
Tacoma, WA 98402

Re: South Downtown Sub Area Plan;
Historic Resources and TDR

Members of the Planning Commission,

Historic Tacoma supports the adoption of the South Downtown Sub Area Plan as an inclusive and forward-looking document which will guide revitalization efforts in under-utilized areas of the Downtown Core far into the future. As the first of the Sub Area Plans to be advanced for adoption, the South Downtown Sub Area Plan (hereinafter, the Plan) illustrates the degree to which large-area planning intersects and overlays a broad range of existing land use planning designations and tools and has profound implications for the compatible implementation of building codes. In no aspect is this more evident than in the elevation of TDR as a major driver of development density through significant expansion of available FAR.

It is in this area that Historic Tacoma has significant concerns, and some recommendations for consideration by the Planning Commission.

Current Conditions and Concerns

Fragile Historic Fabric

As noted in the Plan, South Downtown encompasses numerous registered, significant and contributing historic structures which are un(der)-protected and -developed. These properties define the identity, character and human scale of several distinct districts within the Sub Area and establish the architectural 'vocabulary' which will largely define the aesthetics of future development. All this, in an area projected to grow from near stagnation to a projected 30 *million* square feet of developed and renovated space.

Concern: Over time, and with successful implementation of the Plan, the aforementioned properties could likely face marginalization as new economies, based on increased development densities and land values incrementally encompass the area.

Historic Tacoma Position on Approach to Preservation Within Sub Areas

Historic Tacoma has promoted the concept that one of the most significant roles for many historic properties in the Sub Areas should be as threshold developments, comprising a cadre of catalyst projects of manageable size, designed to establish early examples of the Plan's intent, which may then grow with the success of the Plan. In most cases the viability of candidate projects would be gauged by developability under the IEBC. An example of this important role is the Work/Live proposal currently embraced in the Land Use Code and under review in the Buildings Division. Historic Tacoma has also championed the idea that such development should be encouraged in any and all qualifying 'significant' and 'contributing' and structures, as noted in the City's existing inventory.

Concern: Without early protection and incentivized development through programs like Work/Live and TDR, these invaluable contributors to the City's character may be adversely affected by the very planning device that seeks to highlight them. Thus, Historic Tacoma feels that the time to ensure successful regeneration of our historic resources is at roll-out, and not after a later or periodic review of the Plan.

Current TDR Code Language

The 2102 TMC Amendment to add Chapter 1.37 (TDR Program) identifies properties on the Tacoma Register of Historic Properties, only, as eligible sending properties for the purposes of the TDR Program.

Concern: A percentage of total TDR credits is identified as originating with historic properties, but there is no guide as to prioritized/mandated use of these credits that directly benefits in-city development. Further, Chapter 1.37 identifies only properties on the City Register as qualified sending properties for the purposes of defining historic preservation TDR credits. Listed properties represent a small percentage of those eligible to contribute significantly to the rebirth of the Sub Areas.

Successful Implementation of TDR Programs

In studying TDR programs, Historic Tacoma has found that successful implementation depends, to a very large extent, upon the centralized management of all TDR credits, regardless of source or application, in a TDR Bank administrated by the jurisdiction or City. Chapter 1.37 does not establish such a bank. Further, measureable success appears to be tied directly to prioritized, or tiered, application of credits for specific development objectives in certain districts. For instance, historic preservation and affordable housing credits must be exhausted, or used to a specified degree, before other classifications of TDR credits may be used. The Plan cites possible difficulties in applying TDR's to South Downtown, and recommends targeted approach to their aggregation and use. The cities of Bellevue, Seattle and Sammamish are exemplars in the targeted application of TDR for specific districts.

September 26, 2013
City of Tacoma
Planning Commission
Page Three

Concern: Tacoma has not yet assured success in its adoption of TDR's by prioritizing their use, reflecting tiered application, either in TDR Bank administration or in the Zoning of the affected districts.

Recommendations

Based on the above discussion, Historic Tacoma presents the following recommendations for your consideration. These recommendations do not address the Plan itself, but rather the adaptation of City legislation and services toward the full and beneficial implementation of its intent.

1. Include the full roster of Listed, Significant and contributing historic properties in the list of candidate 'historic' sending properties.
2. Prioritize TDR credits from historic properties (per 1 above) in conjunction with mutually supportive urban uses such as affordable housing for application in downtown and mixed use districts.
3. Support valuation of TDR credits sufficient to support development of desirable properties (1 and 2 above).
4. Establish a City-administered TDR Bank to aggregate and control use of TDR credits, and to provide guaranteed TDR information to applicants at the feasibility stage of their projects.
5. Coordinate TDR efforts with City of Tacoma HPO and LPC to assure that all Sub Area Plans are founded upon healthy preservation and resurgence of the historic districts which lend identity and character to the anticipated development.

The South Downtown Sub Area Plan is a bold and sweeping endeavour. Historic Tacoma urges the Planning Commission to help assure its success by leveraging all possible planning tools toward the preservation of the historic urban fabric upon which it is based.

Very Truly Yours,

Gary Knudson, President
Historic Tacoma
gknudson@harbournet.com
info@historictacoma.org

cc: City of Tacoma HPO



City of Tacoma
Planning and Development Services

**Agenda Item
D-5**

To: Planning Commission
From: Brian Boudet, Planning Services Division Manager
Subject: **Draft Marijuana Interim Regulations**
Meeting Date: October 16, 2013
Memo Date: October 10, 2013

In response to the voter-approved Initiative 502, the City Council has decided to impose interim land use regulations in order to provide policy and regulatory guidance for the review of marijuana license applications within the City limits that are expected to come forward from the Washington State Liquor Control Board in November-December 2013. The City Council has initiated the process for the interim regulations on October 1, 2013 and set October 22, 2013 as the date for a public hearing.

In accordance with the Tacoma Municipal Code, Section 13.02.055, the Council-initiated interim zoning controls shall be referred to the Planning Commission for findings of fact and a recommendation concerning the appropriate duration and scope for the interim regulations and the time period needed for developing a permanent solution. The Commission is expected to deliver its report prior to the Council's public hearing.

The Commission has reviewed background information relating to Initiative 502 and a draft framework for the potential interim regulations at previous meetings on August 7 and September 18. At the next meeting on October 16, the Commission will consider finalizing its deliberation of the matter and formulating its recommendations to the Council.

Attached to facilitate the Commission's review are a draft Letter of Recommendation and a draft Findings of Fact and Recommendations Report. The report also includes the draft interim regulations that would amend three chapters of the Tacoma Municipal Code, i.e., 13.06 – Zoning, 13.06A – Downtown Tacoma, and 13.10 – Shoreline Management.

Please note that staff are continuing to research this issue, track similar discussions occurring across the state, outreach to interested parties, and evaluate the proposed interim regulations against existing City regulations, which may lead to additional recommended modifications.

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

Attachments (2)

c: Peter Huffman, Interim Director



City of Tacoma
Planning Commission

Draft for Planning Commission's
Review on October 16, 2013

October 16, 2013

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL,

On behalf of the Planning Commission, I am forwarding our recommendations regarding the proposed Interim Land Use Regulations for Recreational Marijuana Uses, as outlined in the *Planning Commission's Findings of Fact and Recommendations Report, October 16, 2013* (attached).

The Planning Commission supports the City Council's intent (per Resolution No. 38743, October 1, 2013) to impose interim regulations in response to the voter-approved Initiative 502. With the interim regulations, the City of Tacoma should be well poised to review those marijuana license applications within the City limits that are expected to come forward from the Washington State Liquor Control Board in November-December 2013.

The Planning Commission acknowledges the complexity of the issues associated with recreational marijuana and the fact that the impacts of marijuana production, processing, and retailing uses under a licensed system are still largely unknown. It is appropriate to impose the interim regulations for six months, which would allow adequate time for the City to monitor the effects of the marijuana uses within the City, in coordination with other affected jurisdictions as appropriate, and contemplate more permanent solutions correspondingly.

The Planning Commission also understands that land use regulations are only one component of the comprehensive regulatory, taxing and enforcement strategy to address the issues associated with Initiative 502 and effectively mitigate potential impacts to the community. The proposed interim regulations are designed to complement other future response measures going forward. Furthermore, the Planning Commission believes the proposed interim regulations support the City's strategic goals for a safe, clean, attractive, and environmentally sustainable city and foster economic diversity.

It is with that understanding and intent that the Planning Commission respectfully requests the City Council adopt the proposed marijuana interim regulations as recommended.

Sincerely,

SEAN GAFFNEY
Chair

Enclosure



RECREATIONAL MARIJUANA USES INTERIM LAND USE REGULATIONS

Draft for Review
Planning Commission
October 16, 2013

TACOMA PLANNING COMMISSION FINDINGS OF FACT AND RECOMMENDATIONS OCTOBER 16, 2013

A. SUBJECT:

Proposed Interim Land Use Regulations regarding Recreational Marijuana Uses.

B. SUMMARY OF PROPOSED AMENDMENT:

The Proposed Marijuana Interim Regulations, as shown in Exhibit "A", would amend the Tacoma Municipal Code, Chapters 13.06 – Zoning, 13.06A – Downtown Tacoma, and 13.10 – Shoreline Management, with the following provisions:

- Define marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) in accordance with the respective terms as defined in RCW 69.50;
- Prohibit all marijuana uses in residential and shoreline districts;
- Allow marijuana producers and marijuana processors outright in intensive industrial zones;
- Allow marijuana retailers outright in most commercial, mixed-use, industrial, and downtown zoning districts;
- Prohibit marijuana uses from locating within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers, pursuant to WAC 314-55;
- Prohibit marijuana uses from locating within 1,000 feet of correctional facilities, court houses, or drug rehabilitation facilities, substance abuse facilities, or detoxification centers;
- Require marijuana uses to comply with additional development standards concerning odor controls, drive-throughs, size and hours of operation, signage and advertisement, and other applicable standards; and
- Add Urban Horticulture as a new use category, to be allowed outright within intensive industrial districts.

C. BACKGROUND:

Initiative 502, approved by Washington voters in November 2012, provides a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana. The Washington State Liquor Control Board ("WSLCB") is tasked with establishing rules and procedures to implement Initiative 502. According to the WSLCB's current timeline, the rules will become effective on November 16 and the State will begin accepting applications for all

license types on November 18, 2013. The City Council adopted Resolution No. 38743 on October 1, 2013, initiating the process for imposing marijuana interim land use regulations and setting October 22, 2013 as the date for a public hearing. The Planning Commission is required to make a recommendation to the City Council concerning the appropriate duration and scope for the interim regulations.

D. FINDINGS OF FACT:

1. Initiative 502 was passed by the voters of the State of Washington in November 2012, providing a framework under which marijuana producers, processors, and retailers can become licensed by the State of Washington.
2. Under Initiative 502, the Washington State Liquor Control Board (WSLCB) is tasked with the responsibility to adopt rules governing the licensing and operation of marijuana producers, processors, and retailers. According to the WSLCB's current timeline, the draft Rules released on September 4, 2013 will be finalized and become effective on November 16 and the State will begin accepting applications for all license types on November 18, 2013.
3. Per WSLCB's draft Rules, the total number of marijuana retail outlets is limited to 334 statewide and the allocation per county is proportionate to the respective population and marijuana consumption level. The Pierce County allocation is 31, including 8 in the City of Tacoma, 6 in other specific jurisdictions and 17 at-large.
4. Presumably, local land use and zoning regulations will apply to the siting of marijuana growing, processing, and retail locations. All producers, processors, and retailers of marijuana will require a license issued by the WSLCB. Cities will have the ability to object to the granting of a proposed license.
5. Unless the City acts immediately to address marijuana-related uses, such uses may be able to locate in the City without regulation and thereby have adverse impacts on the City and its citizens.
6. It is noted that federal law still identifies marijuana as a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides sources of revenue to large-scale criminal enterprises, gangs, and cartels. Washington State residents involved in marijuana production/retailing or marijuana users could still be subject to federal prosecution. However, President Obama has indicated that prosecution of recreational users will not be a priority. The U.S. Department of Justice issued a Memorandum for All United States Attorneys on August 29, 2013 providing "Guidance Regarding Marijuana Enforcement" and indicating that federal prosecutors are not going to interfere with those operating marijuana businesses or using marijuana in accordance with state law.
7. While the full impacts of Initiative 502 are still largely unknown, the City Council has been contemplating various response options pending the State's adoption of the licensing regulations and procedures and/or the resolution of the underlying conflict with federal law.
8. Many jurisdictions around the state have responded to Initiative 502 with a moratorium (e.g., Fife, Olympia, Bellingham, and Puyallup), interim zoning (e.g., Pierce County, Everett, Bellevue, and Spokane), or permanent zoning (e.g., Seattle, Tukwila, and Lacey).

9. Staff of the Planning and Development Services Department have and continue to outreach to stakeholders and have received inquiries from numerous interested parties and prospective/potential marijuana license applicants. It is clear from this outreach, as well as input from the City Council, that this community is concerned both about the potential negative impacts from this new industry and these types of uses, and interested in respecting the desires of Washington voters in a manner that is consistent with this community's goals and interests.
10. In response to these community issues, the City Council has indicated their intent to impose interim regulations in early November 2013 to provide policy and regulatory guidance to facilitate the review, in a proactive and timely manner, of those marijuana license applications within the City limits that are expected to come forward from the WSLCB in November-December 2013.
11. RCW 35A.63.220 and Tacoma Municipal Code (TMC) 13.02.055 permit the establishment of moratoria or interim zoning when it is found to be necessary as a protective measure. Interim zoning regulations will help provide a temporary, but proactive approach to regulating these types of uses in a manner that reflects this community's desires and unique character and will help maintain regulatory certainty, ensure customer service, and support economic development.
12. The City Council adopted Resolution No. 38743 on October 1, 2013, initiating the process for imposing interim zoning controls regarding recreational marijuana uses and setting October 22, 2013 as the date for a public hearing on the proposed interim regulations.
13. Pursuant to TMC 13.02.055, the City Council-initiated interim zoning shall be referred to the Planning Commission for findings of fact and a recommendation prior to adopting the interim zoning. As part of its findings of fact and recommendation, the Planning Commission shall address the appropriate duration and scope of the interim zoning and note if a study is expected to develop a permanent solution and the time period by which that study would be concluded.
14. With regards to the duration of the interim regulations, TMC 13.02.055 provides: "Moratoria or interim zoning may be effective for a period of not longer than six months, but may be effective for up to one year if a work plan is developed for related studies requiring such longer period."
15. With regards to the scope of the interim regulations, it is expected that the Planning Commission will review the draft interim regulations and provide a recommendation to the City Council regarding the draft code prior to the Council's public hearing on October 22, 2013.
16. The City Council's Committee of the Whole has reviewed background information associated with Initiative 502 and the draft Rules proposed by the Washington State Liquor Control Board ("WSLCB") during July-September 2013. The Committee has contemplated various response measures, including the approach of imposing interim regulations, and generally concurred with the framework for the potential interim regulations as enunciated in Resolution No. 38743.

17. The Planning Commission has also reviewed background information associated with Initiative 502, draft Rules proposed by the WSLCB, and the framework for the potential interim regulations at previous meetings on August 7 and September 18, 2013.
18. Based on the adopted Initiative, the draft Rules proposed by the WSLCB, research and analysis, review of other City codes and standards, initial community outreach, previous discussions with the City Council, and the framework outlined in Resolution No. 38743, staff developed a preliminary draft of the Interim Land Use Regulations, as shown in Exhibit “A”.
19. The proposed regulations would allow marijuana producers and marijuana processors outright in intensive industrial zones, allow marijuana retailers outright in most commercial, mixed-use, industrial, and downtown zoning districts, further limit their location based on buffering standards from certain sensitive uses, and require them to operate consistent with certain development standards.
20. In addition to the 1,000-foot buffering requirements applicable for certain sensitive uses in accordance with WAC 314-55, the Proposed Marijuana Interim Regulations would also apply the 1,000-foot buffering to correctional facilities, court houses, and drug rehabilitation facilities, substance abuse facilities, or detoxification centers. The resultant potential locations for marijuana use are generally illustrated in Exhibit “B”.
21. Environmental Review – Pursuant to WAC 197-11-340(2) and the City's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) for the Proposed Marijuana Interim Regulations has been issued on October 3, 2013 (SEPA File Number SEP2013-40000207255), based upon a review of an environmental checklist. The DNS and the environmental checklist have been provided or made available to appropriate entities that had received the City Council’s public hearing notice, and a legal notice announcing the availability for review was placed in the City’s official newspaper, the Tacoma Daily Index, on October 4, 2013. Comments must be submitted by 5:00 p.m. on October 22, 2013. The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the DNS. Unless modified by the City, this determination will become final on November 5, 2013.
22. Public Hearing Notice – The City Council’s public hearing on the Proposed Marijuana Interim Regulations has been set for October 22, 2013, and written comments are due to the City Clerk’s Office by 4:00 p.m., on October 22, 2013. The notice of the public hearing has been published in the Tacoma Daily Index on October 4, 2013, as part of the legal notice regarding the Preliminary Determination of Environmental Nonsignificance; posted on the Planning Services Division’s website at www.cityoftacoma.org/planning (under the link “Recreational Marijuana”); posted on the public information bulletin boards on the first and second floors of the Tacoma Municipal Building; and widely disseminated to the following entities: marijuana-related stakeholders and interested parties, Planning Commission agenda recipients, Neighborhood Councils, 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.
23. The Proposed Marijuana Interim Regulations, and the City Council’s intent and schedule for adopting the proposal, were filed with the State Department of Commerce on

October 3, 2013, pursuant to RCW 36.70A.106(3)(b), and an expedited state agency review of the proposal under the Growth Management Act has been requested.

24. The Planning Commission acknowledges the complexity of the issues associated with recreational marijuana and the fact that this is a completely new industry and the impacts of marijuana production, processing, and retailing uses under this untested licensing and regulatory system are still largely unknown. Imposing the proposed interim regulations for six months would allow adequate time for the City to monitor the effects of the marijuana uses within the City, in coordination with other affected jurisdictions as appropriate, and contemplate more permanent solutions correspondingly.
25. The Planning Commission also understands that land use regulations are only one component of the comprehensive regulatory, taxing and enforcement strategy to address the issues associated with Initiative 502 and effectively mitigate potential impacts to the community. The proposed interim regulations are designed to complement other future response measures going forward.

E. CONCLUSIONS:

The Planning Commission concludes that:

- (a) There is an imminent need to impose interim zoning controls in response to Initiative 502 and the associated rules and requirements to be adopted and implemented by the Washington State Liquor Control Board (WSLCB);
- (b) The Proposed Marijuana Interim Regulations (Amendments to Tacoma Municipal Code, Chapters 13.06, 13.06A and 13.10) as set forth in Exhibit "A", if adopted in early November 2013, will provide appropriate and timely policy and regulatory guidance for the City's review of marijuana license applications within the City limits that are expected to come forward from the WSLCB in November-December 2013 and to better ensure that any new recreational marijuana uses are developed consistent with this community standards;
- (c) The Proposed Marijuana Interim Regulations should be in effect for at least six months (approximately November 2013 through May 2014), during which timeframe a more permanent land use regulatory solution can and should be developed;
- (d) The Proposed Marijuana Interim Regulations support the City's strategic goals for a safe, clean, attractive, and environmentally sustainable city and foster economic diversity; and
- (e) The Proposed Marijuana Interim Regulations are consistent with the Growth Management Act, will benefit the City as a whole, will not adversely affect the City's public facilities and services, and are in the best interests of the public health, safety and welfare of the citizens of Tacoma.

E. RECOMMENDATIONS:

The Planning Commission recommends that the City Council adopt the Proposed Marijuana Interim Regulations (Amendments to Tacoma Municipal Code, Chapters 13.06, 13.06A and 13.10) as set forth in Exhibit “A”.

F. EXHIBITS:

- “A”: Proposed Marijuana Interim Regulations
(Amendments to the Tacoma Municipal Code, Chapters 13.06, 13.06A and 13.10)
- “B”: Preliminary Map of Allowed Zoning and Required Buffering for Marijuana Uses

DRAFT



RECREATIONAL MARIJUANA USES

DRAFT INTERIM LAND USE REGULATORY CODE AMENDMENTS *October 2, 2013*

Chapter 13.06 – Zoning

- 13.06.100 – Residential Districts
- 13.06.200 – Commercial Districts
- 13.06.300 – Mixed-Use Center Districts
- 13.06.400 – Industrial Districts
- 13.06.565 – Marijuana Businesses (*New Section*)
- 13.06.700 – Definitions and Illustrations

Chapter 13.06A – Downtown Tacoma

- 13.06A.050 – Additional Use regulations

Chapter 13.10 – Shoreline Management

- 13.10.035 – Prohibited uses in all shoreline districts (*New Section*)

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. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

Chapter 13.06 Zoning

13.06.100 Residential Districts

* * *

C. Land Use Requirements

* * *

4. District use table.

| Uses | R-1 | R-2 | R-2SRD | HMR-SRD | R-3 | R-4-L | R-4 | R-5 | Additional Regulations ¹ |
|--------------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|--|
| * * * | | | | | | | | | |
| Lodging house | N | P | P | P | P | P | P/CU | P/CU | For R-2, R-2SRD, and HMR-SRD lodging is limited to one guest room only, provided such use shall not be in connection with a foster home for children or foster home for adults which may otherwise be authorized. For R-3 and R-4-L, lodging is limited to two guest rooms, provided such use shall not be in connection with a foster home for children, a foster home for adults, or lodging which may otherwise be authorized. For R-4 and R-5, lodging is limited to two guest rooms, provided that lodging with for more than two guest rooms may be allowed subject to the approval of a conditional use permit. |
| <u>Marijuana processor</u> | <u>N</u> | |
| <u>Marijuana producer</u> | <u>N</u> | |
| <u>Marijuana retailer</u> | <u>N</u> | |
| Master plans for any conditional use | CU | The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed. |
| * * * | | | | | | | | | |
| Transportation/ freight terminal | N | N | N | N | N | N | N | N | |
| <u>Urban Horticulture</u> | <u>N</u> | |
| Utilities | CU | |
| * * * | | | | | | | | | |

13.06.200 Commercial districts

* * *

C. Land use requirements.

* * *

4. District use table.

| Uses | T | C-1 | C-2 ¹ | HM | PDB | Additional Regulations ^{2,3} (also see footnotes at bottom of table) |
|--|--------------------------|--------------------------|--------------------------|---------------------------|---------------------------|--|
| * * * | | | | | | |
| Juvenile community facility | N | N | N | N | N | Prohibited except as provided for in Section 13.06.530. |
| Lodging house | P | P | P | P | P | |
| <u>Marijuana processor</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | |
| <u>Marijuana producer</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | |
| <u>Marijuana retailer</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P*</u> | <u>P*</u> | <u>*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts.</u> <u>See additional requirements contained in Section 13.06.565</u> |
| Master plans for any conditional use | CU | CU | CU | CU | CU | The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed. |
| * * * | | | | | | |
| Transportation/ freight terminal | N | N | P | P | P | |
| <u>Urban Horticulture</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | |
| Utilities | CU | CU | CU | CU | CU | |
| * * * | | | | | | |

13.06.300 Mixed-Use Center Districts

* * *

D. Land use requirements

* * *

4. District Use Table

| Uses | NCX | CCX | UCX | UCX-TD | RCX ¹ | CIX | HMX | URX | NRX | Additional Regulations ^{3,4,5} (also see footnotes at bottom of table) |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|---------------------------|--------------------------|--------------------------|--|
| * * * | | | | | | | | | | |
| Lodging house | P | P | P | P | P | P | P | P | CU | Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. ² |
| <u>Marijuana processor</u> | <u>N</u> | <u>N</u> | <u>N</u> | |
| <u>Marijuana producer</u> | <u>N</u> | <u>N</u> | <u>N</u> | |
| <u>Marijuana retailer</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>N</u> | <u>P</u> | <u>P*</u> | <u>N</u> | <u>N</u> | <u>*Limited to 7,000 square feet of floor area, per business, in the HMX District. See additional requirements contained in Section 13.06.565</u> |
| Master plan for any conditional use | CU | CU | CU | The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed. |
| * * * | | | | | | | | | | |
| Transportation/ freight terminal | P | P | P | P | N | P | P | N | N | |
| <u>Urban Horticulture</u> | <u>N</u> | <u>N</u> | <u>N</u> | |
| Utilities | CU | CU | CU | |
| * * * | | | | | | | | | | |

13.06.400 Industrial Districts

* * *

C. Land use requirements.

* * *

4. District use table.

| Uses | M-1 | M-2 | PMI | Additional Regulations ¹ |
|-------------------------------------|--------------------|--------------------|--------------------|--|
| * * * | | | | |
| Lodging House | P/N* | N | N | In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. |
| Marijuana processor | N | P | P | See additional requirements contained in Section 13.06.565 |
| Marijuana producer | N | P | P | See additional requirements contained in Section 13.06.565 |
| Marijuana retailer | P~ | P~ | P* | *Limited to 7,000 square feet of floor area, per development site, in the PMI District. ~Within the South Tacoma M/IC Overlay District, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. See additional requirements contained in Section 13.06.565 |
| Master plan for any conditional use | CU | CU | CU | The purpose of this process is to allow an applicant to seek approval for a development program which occupies a large site with multiple-buildings, a complex program, and a detailed plan developed by the applicant which would be implemented in phases and which would extend beyond the normal expiration date, to be reviewed after a ten-year period for those portions of the plan which have not yet been developed. |
| * * * | | | | |
| Transportation/freight terminal | P | P | P | |
| Urban Horticulture | N | P | P | |
| Utilities | P | P | P | |
| * * * | | | | |

13.06.565 Marijuana Businesses (New Section)

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma. Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district.

1. No use that purports to be a marijuana producer, processor or retailer, as defined and regulated herein and in WAC 314-55, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. For purposes of this Section and the standards applicable to state-licensed recreational marijuana uses, the terms and definitions provided in WAC 314-55 shall generally apply unless the context clearly indicates otherwise.

C. Standards.

1. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) shall only be permitted as allowed under RCW 69.50 and WAC 314-55.

2. Marijuana uses shall only be allowed within the City of Tacoma if appropriately licensed by the State of Washington and the City of Tacoma, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements and standards.

3. Marijuana uses shall only be allowed in those zoning districts where it is specifically identified as an allowed use (see the zoning district use tables, Sections 13.06.100, -.200, -.300, and -.400 and Chapter 13.06A).

4. Marijuana uses shall be designed to include controls and features to prevent odors from travelling off-site and being detected from a public place, the public right-of-way, or properties owned or leased by another person or entity.

5. Marijuana retail uses shall not include drive-throughs.

6. In accordance with WAC 314-55-147, marijuana retail uses shall not be open to the public between the hours of 12 a.m. and 8 a.m.

7. Signage and advertising shall be allowed only in accordance with the standards set forth in TMC Sections 13.06.520 - .522, the additional standards set forth in WAC 314-55, and any other applicable standards or requirements.

8. Location requirements.

a. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana uses shall not be allowed to locate within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.

b. Marijuana uses shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, or drug rehabilitation facilities, substance abuse facilities, or detoxification centers.

c. The methodology for measuring the buffers outlined above in subsections 8.a and 8.b. shall be as provided in WAC 314-55.

c. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers outlined above in subsections 8.a and 8.b.

d. An existing nonconforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential district, shall not be allowed to convert to a marijuana use.

13.06.700 Definitions and illustrations

* * *

13.06.700 M

Main building and principal use.

1. Building. The primary building or other structure on a lot designed or used to accommodate the principal use to which the premises are devoted. Where a principal use involves more than one building or structure designed or used for the principal use, as in the case of group dwellings, each such permitted building or structure on a lot defined by this chapter shall be construed as comprising a main building or structure.

2. Use. The main or primary purpose for which a building, other structure, and/or lot is designed, arranged, or intended, or for which they may be lawfully used, occupied, or maintained under this chapter.

Mansard roof. A roof with two slopes or pitches on each of the four sides, the lower slopes steeper than the upper.

Marijuana. As defined in RCW 69.50.101 and provided herein for reference. All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana processor. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana producer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers

Marijuana-infused products. As defined in RCW 69.50.101 and provided here for reference. Products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include useable marijuana.

Marijuana retailer. As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

Microbrewery/winery. An establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, or wine, and which may include accessory uses such as tours of the microbrewery/winery, retail sales, and/or on-site consumption, e.g., “taproom.” This classification allows a microbrewery to sell beer/wine at retail and/or act as wholesaler for beer/wine of its own production for off-site consumption with appropriate state licenses.

Mixed-rate housing. Includes both affordable and market-rate housing units in the same housing or mixed-use development.

* * *

13.06.700 U

* * *

Upper story setback. See “modulation, horizontal.”

Urban Horticulture. An use in which plants are grown or produced indoors for the sale of the plants or their products or for use in any business, including such things as fruits, vegetables, and other crops, flowers, ornamental plants or trees.

Use. The purpose land, building, or structure now serves or for which it is occupied, maintained, arranged, designed, or intended.

* * *

Chapter 13.06A Downtown Tacoma

* * *

13.06A.050 Additional use regulations

A. Use Categories.

1. Preferred. Preferred uses are expected to be the predominant use in each district.
2. Allowable. Named uses and any other uses, except those expressly prohibited, are allowed.
3. Prohibited. Prohibited uses are disallowed uses (no administrative variances).

B. The following uses are prohibited in all of the above districts, unless otherwise specifically allowed:

1. Adult retail and entertainment.
2. Heliports.
3. Work release facilities.
4. Jails and correctional facilities.
5. Billboards.

C. Special needs housing shall be allowed in all downtown districts in accordance with the provisions of Section 13.06.535.

D. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer). Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.565. Marijuana producers and marijuana processors shall be prohibited in all downtown districts.

* * *

Chapter 13.10 Shoreline Management

* * *

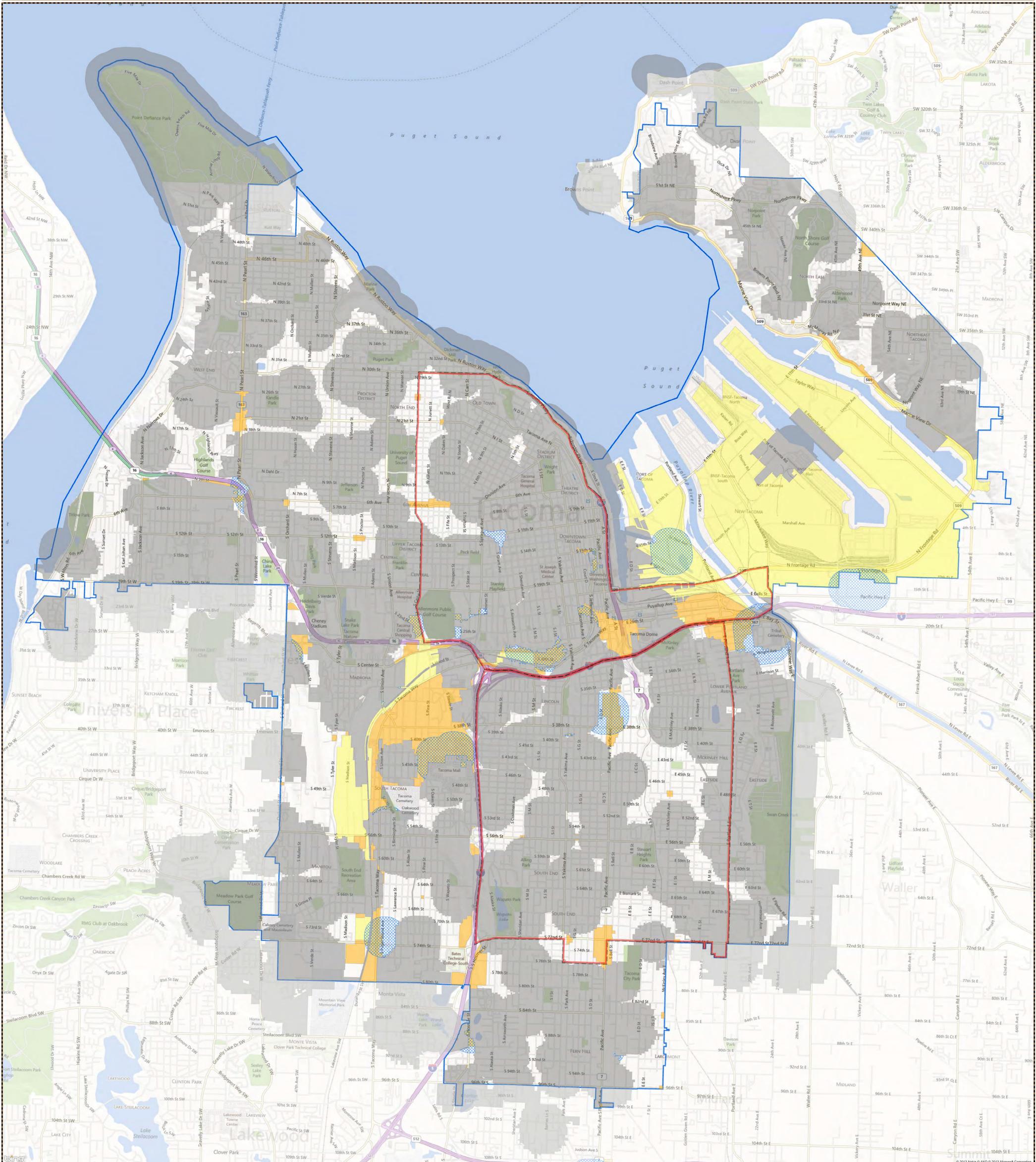
13.10.035 Prohibited uses in all shoreline districts (New Section)

A. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) shall be prohibited in all shoreline districts.

* * *

Recreational Marijuana Uses

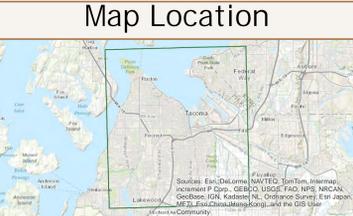
City of Tacoma



Legend

| | | | | | |
|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| 1600 | 1610 | 1620 | 1630 | 1640 | 1650 |
| Production, Processing |
| Production, Processing |
| Production, Processing |
| Production, Processing |

This map represents a preliminary analysis of the proposed buffering standards. It is not 100% accurate and is subject to further review and refinement. Verification of the availability of a particular site may necessitate more detailed analysis to ensure the accurate location of buffered uses in the particular area.



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

2400 0 2400 4800 7200
Feet

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. It is to be used for reference purposes only.