

## Members

Donald Erickson, Vice-Chair  
Sean Gaffney  
Tina Lee  
Ian Morrison  
Matthew Nutsch  
Erle Thompson  
Scott Winship  
(vacant)  
(vacant)



# Agenda

## Tacoma Planning Commission

### Community and Economic Development Department

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

### Public Works and Utilities Representatives

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

747 Market Street, Room 1036  
Tacoma, WA 98402-3793  
253-591-5200 (phone) / 253-591-2002 (fax)  
[www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)

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

**MEETING:** Regular Meeting

**TIME:** Wednesday, April 4, 2012, 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 March 7, 2012  
Regular Meeting on March 21, 2012

**D. GENERAL BUSINESS**

(4:05 p.m.) **1. Medical Cannabis Moratorium**

Description: Review the preliminary recommendations of the Medical Cannabis Task Force to the City Council; and review the potential draft code solutions to regulating medical cannabis within the land use code.

Actions Requested: Discussion; Direction

Support Information: See "Agenda Item GB-1"

Staff Contact: Lucas Shadduck, 594-7975, [lshadduc@cityoftacoma.org](mailto:lshadduc@cityoftacoma.org)

(4:50 p.m.) **2. Urban Forestry Code Revisions**

Description: Complete the review of draft code amendments to the landscaping provisions of Title 13 of the Tacoma Municipal Code implementing urban forestry policy direction.

Actions Requested: Approve/Authorize for Public Distribution; Set a Public Hearing Date

Support Information: See "Agenda Item GB-2"

Staff Contact: Ramie Pierce, 591-2048, [rpierce2@cityoftacoma.org](mailto:rpierce2@cityoftacoma.org)  
Elliott Barnett, 591-5389, [elliott.barnett@cityoftacoma.org](mailto:elliott.barnett@cityoftacoma.org)



(5:30 p.m.) **3. 2012 Annual Amendment**

Description: Review public testimony received at the public hearing on March 7 and written comments received through March 16, and the corresponding staff responses and recommendations.

Actions Requested: Discussion; Direction

Support Information: See "Agenda Item GB-3"

Staff Contact: Lihuang Wung, 591-5682, [lwung@cityoftacoma.org](mailto:lwung@cityoftacoma.org)

**E. COMMUNICATION ITEMS**

1. Planning Commission Tentative Agendas (subject to change):

- April 18: Medical Cannabis Moratorium  
Shoreline Master Program  
2012 Annual Amendment Package (recommendation)
- May 2: Medical Cannabis Moratorium  
TDR Update  
Urban Forestry Code Revisions (public hearing)

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

**G. COMMENTS BY PLANNING COMMISSION**

**H. ADJOURNMENT**

**Members**

Donald Erickson, Vice-Chair  
 Sean Gaffney  
 Tina Lee  
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# Minutes

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**(Draft for Review/Approval)**

**MEETING:** Regular Meeting and Public Hearing

**TIME:** Wednesday, March 7, 2012, 4:00 p.m.

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

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

**Members Absent:** Ian Morrison

**Staff & Others Present:** Brian Boudet, Jana Magoon, Ian Munce, Lucas Shadduck, Diane Wiatr, Lihuang Wung, Noah Yacker (BLUS); Josh Diekmann (Public Works); Jeff Boers, William Osborne (planning consultants)

Chair Doty called the meeting to order at 4:03 p.m. Minutes of the meeting of February 15, 2012 were approved as submitted.

### **GENERAL BUSINESS**

#### **1. Subarea Plans Update**

Brian Boudet, Long-Range Planning, provided a status report on the MLK Subarea Plan and EIS Project. He described the schedule, the outreach efforts, and the opportunities for the public to provide feedback. He highlighted the comments received through the scoping process, and noted that some of the key issues were density, transportation, urban design, housing, public amenities, open space, gathering places, and jobs and economic revitalization. He also pointed out that the "Medical Mile" was one of the more controversial topics in that some neighborhood groups were concerned that the hospitals could displace housing with office buildings.

The Commissioners provided a number of comments and suggestions, such as: place more emphasis on public spaces and infrastructure that are required to support higher densities; work



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with the Health Department to conduct a Health Impact Assessment of land use and transportation plans; be thoughtful about the zoning boundaries for institutions, residential areas, retail, etc.; refine regulations for Mixed-Use Centers as appropriate; work with the residents to address their discomfort about the “Medical Mile”; and continue to plan for greater transit service throughout the neighborhood and connectivity to other areas.

Ian Munce, Manager of the Long-Range Planning Division, provided a status report on the South Downtown Subarea Plan and EIS Project. He clarified that while the MLK Subarea Plan is a \$100,000 project funded by the State and EPA and is scheduled for completion in early 2013, the South Downtown Subarea Plan is funded with \$500,000 from the PSRC’s Growing Transit Communities Program, is part of a regional program, and is scheduled for completion by the end of 2013. Mr. Munce described the scope of work of the South Downtown Subarea Plan as well as the outreach efforts and the stakeholders and government entities involved. He also highlighted some of major issues and concerns that are being addressed, including smart growth and transit friendly communities, utilities and infrastructure improvements, capital facilities planning, parks and open space, “Neighborhood LEED”, Brown Fields, the regulatory bonus palette for Mixed-Use Centers, and Transfer of Development Rights (TDR).

The Commissioners suggested that more effective strategies should be implemented to address the shortage of parking in the Tacoma Dome/LeMay Museum area, such as facilitating the development of multi-level parking structures and coordinating with Sound Transit and Pierce Transit to provide special transportation arrangements accompanied by advertising the availability of parking in the greater downtown area for large Dome/LeMay events. The Commissioners also brought up an issue of whether preference and priority should be given to limiting the TDR sending areas within the City limits, but decided to continue the discussion at a later date.

## **2. Medical Cannabis Moratorium**

Lucas Shadduck, Long-Range Planning, provided a brief report on the progress that has been made in working up a land use plan for Medical Cannabis components in term of zoning, regulations of size, buffering from sensitive uses, and regulating medical cannabis functions by type and zoning.

Mr. William Osborne, of Osborne Planning & Design, presented the current thinking on the development of proposed regulations on Medical Cannabis Land Uses. He was seeking feedback from Commissioners on whether the separation of medical cannabis gardens by function is something that the City of Tacoma would like to see done and how should size of collective gardens be limited. There are several aspects that need to be looked at when working on regulations for governing the use of medical marijuana: cultivation, processing and distribution. Zoning, size of operations, location of operations are all very valid and compelling components that need to be looked at in working on developing medical cannabis use and gardening. Mr. Osborne went over many aspects that need to be taken in to consideration when working up this regulation.

*(At 5:00 p.m., the Commission tabled the discussion and proceeded with the public hearing.)*

## PUBLIC HEARING

### 1. 2012 Annual Amendment Package

Chair Doty called to order the public hearing on the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2012 (“2012 Annual Amendment”), which included three applications concerning “Housing Element”, “Transportation Element”, and “Minor Amendments and Refinements”. Lihuang Wung, Long-Range Planning, provided an overview of the legislative requirements and process for the drafting of the annual amendments and a summary of the three applications being considered. He also summarized the technical analysis, environmental evaluation and public review process for these proposed revisions, as well as the notification efforts for the public hearing.

Chair Doty called for oral testimony. The following comments were received:

- (1) **Bliss Moore** (Sustainable Tacoma Commission; Sierra Club) – Concerned about the proposed revision to the Land Use Regulatory Code to permit drive-throughs in the “HMX” District. One of the strategies in the City’s Climate Action Plan to reduce greenhouse gases and fuel use is to consider adopting an anti-idling ordinance. Drive-throughs enable idling, and should not be allowed.
- (2) **Jori Adkins** (Dome District) – Allowing drive-throughs for any use in the hospital district, except for emergency vehicles, is going in the wrong direction in any urban situation, and is against the principles of developing Complete Streets and pedestrian-friendly environment. It is also contrary to the proposed Dome District Plan which proposes prohibiting drive-throughs. Say no to the inconsistency and consider taking it out of the code in the next annual amendment cycle.
- (3) **Kristina Walker** (Downtown On the Go) – Supported the proposed amendments to the Transportation Element. Completing projects as laid out in the award-winning Mobility Master Plan will help promote active transportation, achieve a healthy community, and improve our economy.
- (4) **Sherri Woolworth** (citizen) – Would like to establish a doggy daycare and boarding facility at 4802 S. Washington, which is currently in CIX where indoor doggy daycares are allowed but not outdoor kennel runs.
- (5) **Scott Hansen** (Puget Creek Restoration Society) – The trail system in the Puget Gardens area, which is the lower park area of the Puget Gulch, is not incorporated in the Transportation Element. The trail system provides connection between Ruston Way and the Proctor District, serves habitat and educational functions, and is used by a considerable number of people, and should be incorporated in all trail maps in the City’s documents.
- (6) **Michael Mirra** (Affordable Housing Policy Advisory Group or AHPAG) – Supported and appreciated the proposed incorporation of the eight Affordable Housing Policy Principles and Acknowledgments recommended by AHPAG into the Housing Element, which fulfills the City Council’s direction. Concerned about the deletion of the language pertaining to special needs housing, which is an important part of the City’s housing continuum; the paragraphs should be retained. (Mr. Mirra also submitted a letter, dated February 29, 2012, and a copy of the AHPAG Policy Recommendations to the City Council, dated December 3, 2010.)

- (7) **Janet Higbee** (Bicycle and Pedestrian Action Committee or BAPC) – Agreed with Kristina Walker’s comments. Strongly hoped that the City could retain the capable staff for the smoothest implementation of the Mobility Master Plan. Replying (as a bicycle commuter) on the roads to be on the optimal condition.
- (8) **Ken Peachey** (as the Chair of BPAC) – Proud of being part of the process enabling the Mobility Master Plan (“MoMaP”) to be a dynamic document. The MoMaP in its own language calls out the need for periodic updates to reflect the changing conditions and incorporate the latest information. The proposed reprioritization of projects provides a sense of what we’ve accomplished and where we’re going, and reflects the next logical steps the City should implement to achieve an active transportation system that is an important part of the quality of life for the City of Tacoma. Also, the guidance BAPC has received from City staff and the extensive community outreach facilitated by the City staff during the MoMaP amendment process are incomparable.
- (9) **Kris Symer** (BPAC) – Regarding the proposed reprioritization of the Mobility Master Plan projects, this is an opportunity to celebrate. Remember when Tacoma didn’t have bike boulevards and adequate infrastructure. Kudos to dedicated City staff for working diligently with BPAC on every change that is being proposed.
- (10) **Ken Peachey** (as a resident) – Concerned about the drive-throughs; the Planning Commission should consider the anti-idling issue.

Chair Doty closed the public meeting at 5:37 p.m. and stated that written comments may be submitted until March 16, 2012.

## **GENERAL BUSINESS** *(continued)*

### **2. Medical Cannabis Moratorium** *(continued)*

Mr. Osborne highlighted that staff would like clarification from Planning Commission regarding the three main questions on this issue – cultivation, processing and distribution, and what part should the City play in regulating the usage.

Some of the comments that were given by Commissioners were that draft code addressing medical cannabis use, in general, should (a.) consider which sensitive uses are most appropriate and perhaps religious facilities are too broad and maybe of lower priority than parks and community centers; (b.) zoning cannabis uses should be similar to other like uses such as retail, light or heavy industrial, and perhaps agricultural; (c.) incentivize off-street/upper-story medical cannabis distribution; (d.) consider prohibition of the cannabis use in downtown zoning districts; (e.) limit the size of facilities to 500 square feet; (f.) cannabis use should be restricted in residential zones; (g.) desire to know what the basis of requiring buffering from sensitive uses is; (h.) consider reducing the buffering distance to be less than 1,000 feet from any sensitive uses that may be identified; (i.) be careful not to restrict cannabis cultivation and distribution to the point where safe and accessible facilities are no longer viable resulting in the cannabis black-market status quo.

As the conversation turned to questioning the degree of legality of cannabis use, as defined by the State, Commissioners added the following comments (a.) limited in scope; (b.) there are already State Law in place governing this issue; (c.) the term “collective garden” as defined by

the State seems to indicate the growing of cannabis and perhaps not the commercial processing and distribution so local regulations should perhaps not address these functions; (d.) some Commissioners committed to the strict interpretation of the State regulations and proposed that “collective gardens” include no more than 10 individuals and thus there would be no provisions for commercial cannabis use; and (e.) as a final point many of the Commissioners said in essence there is little or no need to have additional regulations when the State already has formalized and legalized the usage of medical marijuana and that the City can use those regulations as guideline rather than doing new laws that would only be redundant and unnecessary work.

### **COMMUNICATION ITEMS**

Chair Doty acknowledged receipt of the following announcement:

1. Planning Commission Tentative Agendas for March 21 and April 4 meetings.

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

Mr. Wung indicated that at the next meeting on March 21 staff plans to provide an update of the Port of Tacoma Public Access Plan as it relates to the implementation of the City’s Shoreline Master Program.

Mr. Wung stated that Mr. Munce, Mr. Boudet and himself have been meeting with individual Commissioners and received great feedback concerning important planning issues as well as how the Commission’s operation and process could be further improved. Staff plans to schedule a follow-up retreat in April-May to facilitate a more structured discussion among the Commissioners, he indicated.

### **COMMENTS BY PLANNING COMMISSION**

Chair Doty indicated that he is moving out of District No. 5 and will not be eligible to serve on the Commission. Vice-Chair Erickson referred to the same situation for Commissioner Beale (District No. 3) as brought up at the previous meeting and suggested that Chair Doty and Commissioner Beale should be allowed to continue to serve until their current terms expire in June 2012. He made a motion to that effect and was asked to preside over the meeting for calling the vote; the motion was seconded and passed.

Vice-Chair Erickson expressed a concern over the recent City Council amendments to the Downtown Off-street Parking Regulations (in reference to Amended Ordinance No. 28051, adopted on February 21, 2012). He indicated that the Council’s action to remove parking maximum was in contrary to a number of related adopted city policies in the Comprehensive Plan, was in conflict with the Commission’s recommendations which had been developed based on best available data and benchmarking research, and would result in the implications of proliferation of parking. He pointed out that the adoption of Ordinance No. 28051 was incorrectly portrayed as having been recommended by the Planning Commission. Chair Doty suggested forwarding a letter to the City Council to express the concerns and reiterate the recommendations of the Commission. A motion was made to that effect and seconded.

Commissioner Thompson indicated that he strongly supports the City Council's great decision to remove the parking maximum. Commissioner Nutsch indicated that he feels that there should be some nonrestrictive parking maximum with respect to special circumstances such as the Tacoma Dome and the LeMay Museum, so he would dissent unless the letter indicates that the comments are from the majority of the Commission, not the full Commission. A vote was called and the motion passed with a vote of 6 Ayes, 2 Nays (Commissioners Thompson and Nutsch), and one absent (Commissioner Morrison).

### **ADJOURNMENT**

The meeting adjourned at 6:45 p.m.



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# Minutes

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**(Draft for Review/Approval)**

MEETING: Regular Meeting

TIME: Wednesday, March 21, 2012, 4:00 p.m.

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

Members Present: Donald Erickson (Vice-Chair), Tina Lee, Matthew Nutsch, Erle Thompson,  
Scott Winship (excused at 4:05)

Members Absent: Jeremy Doty (Chair), Sean Gaffney, Ian Morrison

Staff & Others Present: Steve Atkinson, Elliott Barnett, Ian Munce, Lisa Spadoni, Lihuang Wung (BLUS);  
Josh Diekmann, Mike Carey, Lorna Mauren, John O'Loughlin, Ramie Pierce  
(Public Works); Kell McAboy (Port of Tacoma)

Vice-Chair Erickson called the meeting to order at 4:02 p.m. He indicated that a letter from the Planning Commission concerning downtown off-street parking regulations as per Commission's discussion at the last meeting on March 7 has been prepared and asked if there was any objection to forward the letter to the City Council. There was no objection.

### **GENERAL BUSINESS**

#### **1. Port of Tacoma Public Access Plan**

Stephen Atkinson, Long-Range Planning, introduced Kell McAboy, Port of Tacoma, to provide an update of the Port of Tacoma Public Access Plan. He indicated that this discussion is a follow-up to the Commission's recommendations for the Shoreline Master Program from 2011, which provided an option for public agencies to develop their own public access master plans in-lieu of providing access on a permit by permit basis.

Ms. McAboy provided an overview of the plan, including the definition of "public access", the project's goals, the existing sites with public access, and the results of the public access survey. She also reviewed some of the policy considerations, including partnerships, adequate and



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reasonable provisions, credit for existing sites, maintenance, nuisance/safety issues, appropriate types/sties, compatibility with industry, and compatibility with habitat/restoration.

The Commissioners made a few suggestions such as broadening the public outreach activity to involve and inform more citizens and making cross reference of the public access facilities on the City's website. The Commissioners also requested for additional opportunities to review the plan before it is adopted by the Port of Tacoma in summer and by the City Council in fall 2012.

## **2. Urban Forestry Code Revisions**

Lorna Mauren, Public Works Environmental Services, Ramie Pierce, Urban Forester, and Lisa Spadoni, Building and Land Use Services, facilitated the Commissioners' review of the draft code amendments to the landscaping provisions of Title 13 of the Tacoma Municipal Code implementing urban forestry policy direction.

The presentation summarized the proposed changes to the landscaping code. It characterized the changes proposed as fitting into the following three categories:

- (1) General Changes – including such provisions as (a) new landscaping type pertaining to Building Frontage, (b) technical standards in the Urban Forest Manual, (c) Landscape Plans and Landscape Management Plans, and (d) installation, maintenance, irrigation, protection and pruning requirements;
- (2) Canopy Cover – including such provisions as (a) requirements for Rights-of-Way, Parking Areas/Lots, and Sites, (b) Self-Managed Agencies flexibility, and (c) Credits and In-lieu fees; and
- (3) Enforcement – including such provisions as enforcement options for landscaping code violations, replacement planting, and cost of replacement value and/or Tree value commensurate with tree size.

Lisa Spadoni provided an overview of 2010 residential permit activity. In 2010, 550 remodels occurred. Of those, only 8 triggered Threshold II (50%+ of value). She also provided staff discussion of potential challenges posed by the proposed Building Frontage requirement.

Discussion ensued. The Commissioners expressed general support for the proposed approach, and provided a good deal of policy direction on many aspects of the proposal. Key issues discussed include the following:

- The proposal should be vetted as much as possible in advance with key stakeholders;
- Proposed exemptions for Landscape Plans and Landscape Management Plans should be expanded;
- Request for an analysis of the cost of complying with the landscaping code, as compared with the current code;
- Potential challenges to implementing the proposed Building Frontage requirement;
- Bus stop consideration in landscape plan review — guidance is needed in the Urban Forest Manual (UFM) to reduce the occurrence of conflicts between bus stops and landscaping;
- Provide guidance in the UFM on drought-tolerant landscaping;

- The proposed canopy cover exemption for industrial parking areas should be removed;
- Discussion of the proposed Parking Lot Interior distribution requirements;
- The proposed Canopy cover requirement for Major Institutions and Developed Parks, particularly Downtown should be increased;
- The importance of setting in-lieu fee amounts at a level which would adequately cover the cost of tree planting and maintenance;
- Specifics related to the flexibility of provisions for Self-Managed Agencies;
- Discussed tree valuation methods (whether the method should be based on canopy coverage at maturity);
- The definition of Low Impact Development should be refined, specifically related to reducing roadway widths;
- The proposed thresholds for Residential Zones – All other uses should be changed from Threshold I to Threshold II;
- Discussed proposed parking lots requirements (specifically whether there is an opportunity to clarify the proposed definition);
- Discussed the appropriateness of fruit bearing trees in the right-of-way; and
- The Commission requested additional historical permit data from 2005 or 2006.

In closing, Ms. Mauren suggested that staff summarize the Commissioners' comments and suggestions and provide appropriate staff responses and recommendations for additional revisions to the proposal, and continue to facilitate the Commission's review and discussion at the next meeting.

### **COMMUNICATION ITEMS**

Vice-Chair Erickson acknowledged receipt of the following announcements:

1. "On-Premise Flashing Signs" (Letter of Comments from Dale Cope, February 29, 2012)
2. South Downtown Subarea Plan & EIS Working Group Meeting, Wednesday, March 21, 2012
3. MLK Subarea Plan & EIS Community Workshop, Thursday, March 22, 2012
4. Planning Commission Tentative Agendas for April 4 and April 18

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

Lihuang Wung provided a summary of the public comments received at the public hearing on March 7 and through the comment period ending on March 16 concerning the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2012, and indicated that the corresponding staff responses and recommendations will be presented to the Commission at the next meeting on April 4, 2012.

Mr. Wung reported that unfortunately, according to the Legal Department, Commissioner Beale (representing District 3) who has recently moved out of the district and Chair Doty (representing District 5) who will be moving out of the City will no longer be eligible to serve on the

Commission. Recruitment efforts will soon begin to fill the two vacant positions as well as Commissioner Gaffney's position (District 2) that is expiring in June 2012. Vice-Chair Erickson added that Commissioner Morrison (representing Environmental Community) might also be moving out of the City to be closer to where his new job is. Vice-Chair Erickson suggested that staff act quickly, perhaps through a request for emergency appointments by the City Council's Appointments Committee, to fill the vacancies in order to maintain the continuity of the Commission's operation in the midst of the 2012 Annual Amendment, Medical Cannabis and many important planning issues being studied.

Mr. Wung requested input from the Commission for the time, location, format and agenda for the Commission's retreat tentatively scheduled for April-May. Commissioner Thompson suggested that the retreat be held at a separate time and in a different location from the regular meeting. Vice-Chair suggested that amid the membership changes, perhaps the retreat should be held in July or later.

Ian Munce and Lucas Shadduck indicated that staff e-mailed the Commissioners yesterday (March 20) with an update to the current thinking for the regulation of Medical Cannabis within the land use code. This thinking is based on preliminary discussion of the Commission and the preliminary recommendations of the Medical Cannabis Task Force, to date, and includes what has been identified as an emerging zoning scheme comprised of four levels of Cannabis activity. Mr. Munce and Mr. Lucas responded to several requests for clarification from the Commissioners. They also indicated that the Task Force will present their preliminary recommendations to the Council's Public Safety, Human Services and Education Committee on March 22 and to the Commission on April 4, 2102.

### **COMMENTS BY PLANNING COMMISSION**

Vice-Chair Erickson reported that he had attended the focus group of the South Downtown Subarea Plan on March 15, 2012, representing the Planning Commission in the "Government" group.

### **ADJOURNMENT**

The meeting adjourned at 6:31 p.m.



City of Tacoma  
Community and Economic Development Department

TO: Planning Commission  
FROM: Lucas Shadduck, Long-Range Planning Division  
SUBJECT: Medical Cannabis Moratorium  
DATE: March 30, 2012

At the next meeting on April 4, 2012, the Planning Commission will review the preliminary recommendations of the Medical Cannabis Task Force (MCTF) to the City Council and review the potential draft code solutions to regulating medical cannabis within the land use code.

The Commission will review preliminary siting and land use proposals by the MCTF (Attachment A), a working draft of a medical cannabis land use and zoning summary, which outlines how cannabis uses may be categorized and imported into the Land Use Regulatory Code (Attachment B), and a draft use table (Attachment C) indicating where cannabis uses may be permitted throughout the city.

Staff intends to seek the Commission's feedback and direction on the emerging zoning scheme that will be put out for public review in the near future. The emerging zoning scheme contains the following elements:

- Four levels of Medical Cannabis use, whereas the highest level allows for the expansion of "collective gardens" to organize in a commercial/industrial-like fashion. Thus, the highest level is proposed to be subject to land use regulation and controls.
- The highest level of Medical Cannabis Use is broken into two uses (Medical Cannabis Distribution and Medical Cannabis Processing/Production). These uses are comparable to "retail" and "light industry" where the lower intensity use is allowable in commercial, mixed-use and industrial areas and the higher intensity use is allowable in industrial areas only.
- Land use regulation and controls include buffering from sensitive uses, limitation on size and limitation of location to specific zoning districts within the city.

Background information about the moratorium can be viewed at [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) (under HOT TOPICS, click on "Medical Cannabis Moratorium"). In response to the moratorium, the Commission is requested to develop and recommend appropriate revisions to the land use code by May 2012.

If you have any questions, please contact me at (253) 594-7975 or [lshadduc@cityoftacoma.org](mailto:lshadduc@cityoftacoma.org).

Attachments (3)

c: Peter Huffman, Assistant Director



## TACOMA MEDICAL MARIJUANA TASK FORCE

### SITING AND LAND USE PROPOSALS

#### RECOMMENDATIONS:

#### I. Siting and Land Use

##### A. Distribution Center

- 1,000 foot minimum distance from churches, schools, and day-cares in existence at the time of application. Following the permitting of any network member distribution center, those entities or individuals wanting to establish a church, school, or day-care must do so subject to the existing member network distribution centers location.
- Zoning where use is allowed are to be commercial, industrial, or downtown. Selected mixed use zones may be considered if of sufficient size to allow the network member distribution center to be reasonably unobtrusive.
- Size for brick and mortar facilities to be no greater than 2,000 square feet, and no less than 500 square feet if offering only distribution of medical cannabis to patients.

Size for brick and mortar facilities to be no greater than 3,000 square feet, within which up to 1,500 square feet can be used for distribution, if in addition to distributing medical cannabis other services (i.e. educational classes, health services), are provided. Up to 150 square feet of the distribution center space may be devoted to sale of marijuana delivery products.

No network member distribution center shall be located within 500 feet of a communal garden or facility which provides authorizations to qualified patients for medical marijuana use.

- The maximum hours of operation should be daily from 7:00 a.m. to 9:00 p.m.

No individual under the age of 18 shall operate a network member distribution center in any capacity, including but not limited to management member, employee, contractor or volunteer.

No individual under the age of 18 years shall be allowed on the member network distribution center property unless they are a qualified patient and accompanied by their parent or legal guardian.

- **The Floor Plan:** A network member distribution center shall have a lobby waiting area at the entrance to receive persons for verification of their membership to that network member distribution center, or to determine whether the person meets the criteria of a valid qualified patient or primary care giver. This verification process shall take place in an area segregated from the medical cannabis distribution location within the facility. The network member distribution center shall also have a separate and secure area designated for the actual distribution of medical cannabis to its members. The main entrance shall be located and maintained clear of barriers, landscaping, and similar obstructions such that it is clearly visible from public streets or sidewalks.
- **Storage:** A distribution center shall have adequate locked storage on the property, identified and approved as a part of the security plan. Medical cannabis shall be stored at the network member distribution center in secured rooms that are completely enclosed, or in a safe that is bolted to the floor.
- A detailed floor plan, to include a lighting plan, security plan and locations of appropriate signage shall be submitted at the time of application for an operational permit.
- **Security Plans:** A network member distribution center shall comply with a security plan that is approved by the land use and/or other regulatory department within the City of Tacoma. This security plan shall include, but is not necessarily limited to calling out building security specifications, lighting, alarms, and video recording systems.
- **Security Cameras:** Security surveillance cameras and a video recording system shall be installed to monitor the interior, main entrance, and exterior of the distribution center so as to discourage loitering, crime, and illegal or nuisance activities. The camera and recording system shall be of adequate quality, color rendition, and resolution to allow the identification of any individual present in the network member distribution center area, or the immediate exterior of the building.
- **Security Video Retention:** Video and/or digital recording from security surveillance cameras shall be maintained for a period of not less than 30 days and shall be made available to the city or any accredited law enforcement organization upon request.



- Alarm System: The network member distribution center shall have a professional and centrally monitored fire, robbery, and burglar alarm that are maintained in good working condition.
- Visibility: A network member distribution center shall not allow or permit medical marijuana or marijuana delivery products to be visible from the building exterior.
- Signage: Signage for the network member distribution center which is visible from or located on the exterior of the facility shall not exceed the dimensions of 36 inches by 30 inches.
- Any network member distribution center not in compliance with these requirements at the time the ordinance becomes effective will have 60 days to terminate operations or relocate the facility by obtaining a permit in compliance with these regulations.

## **II. Permitting**

- The following criteria shall be addressed and complied with by those seeking a permit to operate a network member distribution center in the City of Tacoma.
- The application shall be filed only by an owner of the property, or shall contain a lease signed by the owner, or the owner's duly authorized agent. The lease must specifically allow the applicants for the medical marijuana network member distribution center to occupy the premises for the intended use of distributing medical marijuana to duly authorized members.
- Any application or permit renewal request shall be accompanied by an application fee in an amount established by the Tacoma City Council from time to time, which shall be applied equally to all permit seekers. The application fee does not cover standard City fees for fingerprinting, background check, photography, and is in addition to business license fees required by any state, county, or municipal entity.
- The application shall be accompanied by a plat map which can be obtained by the applicant by the City of Tacoma, upon which the applicant will, at its own expense, accurately detail all existing uses for buildings or parcels within 1,000 feet of the proposed location of the proposed network member distribution center.

- No network member distribution center permit shall be issued to any person ever convicted of a felony involving controlled substances or a Class A felony of any kind. If completion of the sentence for said felony (including any period of probation or parole) has occurred, at a minimum, five years from the date of application, this prohibition shall be inapplicable so long as the applicant has not been convicted of, or plead guilty to any felony crime since the sentence completion occurred.
- The application shall include the name, street address, and telephone number of all owners of the network member distribution center and, if the owner is a corporation, limited liability company, partnership, or sole proprietorship with an assumed name, of all directors, officers, members, partners, and individuals, all of whom are considered collectively to be the applicant for the permit applied for.
- The name, address, and telephone number of all business managers of the network member distribution center shall be supplied.
- The application shall contain a copy of a notice, to be posted within the facility and not visible from the street, which specifies that compliance with state and local laws and ordinances related to the medical use of marijuana is neither an assurance of nor a defense to any enforcement action that a duly authorized federal authority may chose to take. State and local laws which provide an affirmative defense, or reflect an intent not to penalize the use and cultivation of medical marijuana, so that the health and welfare of its citizens can be advanced, does not provide any defense to the enforcement of any federal law related to the use or cultivation of marijuana. If you have any questions about the legal status of your use of medical marijuana, please contact your attorney.
- The application for the permit to distribute medical marijuana to network members shall be accompanied by evidence of insurance for liability in an amount not less than one million dollars (\$1,000,000.00) per person, or two million dollars \$2,000,000.00) in the aggregate for any claim(s).
- The application shall include the current name and primary and secondary telephone numbers of at least one emergency contact available on a 24 hour basis who may be called to address and resolve complaints, and to respond to operational problems or concerns associated with the network member distribution center.

- It is anticipated that the network member distribution center shall make good faith efforts to encourage neighborhood residents to call this contact, or a similarly authorized person to solve operational problems, if any, before calls or complaints are made to the City.

### **III. Collective Gardens**

- A. Collective gardens shall be subject to the same considerations as the network member distribution center where applicable, and will be subject to the following provisions:
- Collective gardens shall be located in an industrial use zone only.
  - A maximum of six collective gardens may be located within any given real estate parcel number.
  - Ten individual collective members may combine to support one collective garden. The number of collective gardens on any given real estate parcel number shall not increase until the existing collective gardens have the full allotment of ten individuals supporting the existing garden.



## Medical Cannabis Land Use and Zoning Summary

The four levels of Medical Cannabis that appear to exist are as follows:

Level 1 – Self Use: A single qualified patient who produces and converts cannabis into a medical product for self-use only. The City would not regulate this level beyond typical code and law enforcement complaints.

Level 2 – “One-on-one”: A partnership whereas the grower of cannabis for medical use is a designated provided for a qualified patient and the conversion of cannabis into a medical product is divided between the two parties. This “one-on-one” partnership allows for a qualified patient, who may undertake both the production and conversion of cannabis, to share the final medical product with other family members, friends or individuals who otherwise could not produce and convert cannabis into a medical product themselves. As with Level 1, the City would not regulate this level beyond typical code and law enforcement complaints.

Level 3 – A “Collective”, a.k.a. “collective garden” (as defined by the State): State law allows for up to 10 qualified patients to function as a “collective” in order to maximize efficiency, safety and availability to medical cannabis to members within its “collective”. In this arrangement up to 10 individuals may share in providing the space, resources and time needed for the growing and processing of cannabis into a medical product. . As with Levels 1 and 2, the City would not regulate this level beyond typical code and law enforcement complaints.

Level 4 – Medical Cannabis Commercial/Industrial Facility: It is at this level that we see the Medical Cannabis use arrange itself to meet the needs of qualified patients who are transit-dependent and lack the ability to produce their own medical cannabis and who are not, for any reason, part of a partnership or collective that can produce a medical cannabis product. This level of Medical Cannabis use manifests itself into something which may be both visible and impactful to the immediate neighborhood or community at large but also provide a framework for reducing the impacts of growing, processing and distributing medical cannabis throughout the city. These facilities are storefronts, dispensaries, laboratories, grow operations, production facilities, etc. These facilities may produce, process and distribute to a network of qualified patients. These facilities may not only provide a finished medical cannabis product but may also provide medical cannabis delivery products (i.e. hookahs, pipes, vaporizers, containers, etc.), cannabis-infused products and edibles, and other cannabis related paraphernalia.

Further, it has been identified that the Level 4 Medical Cannabis Commercial/Industrial Facility can be divided into two uses. The first use, “cannabis distribution”, is comparable to the existing “retail” use and may be zoned similarly. The “cannabis-distribution” use would allow for the distribution only of finished cannabis products. This use may also be allowed to coexist with other non-cannabis uses, permitted by the zoning district, such as educational classes, health/therapeutic services, and general retail. Preliminary considerations call for a new “cannabis-distribution” use to be allowed in the following zones: all Industrial zones where retail is permitted; all Downtown zoning districts; all Shoreline and Commercial zones where retail is permitted; and in the Mixed-use zones of NCX, CCX, UCX, UCX-TD, CIX and HMX. This use would be prohibited elsewhere.

“Cannabis production and processing”, the second use category for Medical Cannabis Commercial/Industrial, would allow for the production and processing of medical cannabis. This use would be comparable to the existing “light-industry” and/or “heavy-industry” uses and would be zoned

similarly. This use would allow for collective gardens and/or collective garden networks to establish facilities for the growing and cultivation of cannabis plants. A “cannabis production and processing” facility, for example, may perform cannabis infusion, testing, assembly, packaging, etc. Preliminary considerations call for a new “cannabis production and processing” use to be allowed in the following zones: all Industrial zones; all Shoreline zones where industrial uses are permitted; and in the Mixed-use zones of CIX and UCX-TD. This use would be prohibited elsewhere.

The basic zoning scheme that is taking shape could also incorporate additional land use regulation and development standards:

- Buffering from Sensitive Uses- Medical Cannabis uses shall maintain up to a 1,000-foot minimum distance from the following potential sensitive uses: residential zones, churches, parks, schools, day-cares, community gathering spaces and other Medical Cannabis uses in existence at the time of the application.
- Size- “Medical Cannabis Commercial/Industrial Facility” to be no greater than 2,000 square feet and no less than 500 square feet if offering only “cannabis distribution” of medical cannabis to patients.

“Medical Cannabis Commercial/Industrial Facility” to be no greater than 3,000 square feet and no less than 500 square feet if offering “cannabis distribution” and other permitted uses allowed within the zoning district (i.e. educational classes, health/therapeutic services, and general retail) are proposed to be co-located.

For collective gardens and/or collective garden networks establishing “Medical Cannabis Commercial/Industrial Facility” for “cannabis production and processing” a size restriction may be considered. The Medical Cannabis Task Force (MCTF) has preliminarily recommended a size restriction on the collective garden network itself rather than a size restriction on the square-footage of the facility. The MCTF draft recommendation calls for a maximum of six collective gardens (as defined by the State), where the cultivation, production, processing of cannabis takes place, may be located within any given real estate parcel number whereas; it shall be recognized that 10 individual members may combine to support one collective garden and the number of collective gardens on any given real estate parcel number shall not increase until the existing collective gardens have the full allotment of 10 individuals supporting the existing garden.

- Other Considerations- limiting hours of operation; incentivize cannabis distribution locating off-street/upper-story by relaxing buffers; eliminating buffers, altogether, for cannabis uses in certain industrial zones; size restrictions for establishments engaged in the sale of cannabis delivery products (pipes, containers, etc.) when co-located with cannabis uses.

Within this zoning scheme there seems to be recognition that a commercial/industrial cannabis use outside of single-family neighborhoods is unavoidable and necessary since it is not clearly addressed under current State Law. If the City is committed to filling in the blanks left behind by State regulations then it may be assumed that future regulations should provide added protection to single-family neighborhoods and community organizations, such as schools, daycares and churches and the city should limit the size, number, and concentration of dispensaries and collective gardens without compromising safety and accessibility.

March 30, 2012

## Draft Use Table for Medical Cannabis Distribution and Medical Cannabis Processing/Production – Commercial and Industrial Districts

### 13.06.200 Commercial Districts.

A. Land use requirements.

1. Use table abbreviations.

P = Permitted use in this district.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N = Prohibited use in this district.

2. District use table.

Uses	T	C-1	C-2 <sup>1</sup>	HM	PDB	Additional Regulations (also see footnotes at bottom of table)
Medical Cannabis Distribution	N	P/**	P/**	P/**	P/**	See definition for “Medical Cannabis Distribution”. *Subject to buffering from surrounding sensitive uses at the time of application for permit: allowed not within 1,000 ft. of schools, 500 feet of daycares, parks, and other Medical Cannabis Distribution or Medical Cannabis Processing/Production facilities, and not within 300 ft of churches. **Facilities are required to be indoors and limited to 2,000 sq ft. and must be no less than 500 sq ft. Facilities may include other permitted non-Medical Cannabis Distribution uses. These facilities are required to be indoors and limited to 3,000 sq ft., total, with no more than 2,000 sq ft. and no less than 500 sq ft. for Medical Cannabis Distribution and up to 150 square feet may be devoted to the sale of medical cannabis delivery products. See definition for “medical cannabis delivery products”.
Medical Cannabis Processing/ Production	N	N	N	N	N	See definition for “Medical Cannabis Processing/ Production”.

**Footnotes:**

- Designated Pedestrian Streets – For segments here noted, additional use limitations apply to areas within C-2 Commercial District zoning to ensure continuation of development patterns in certain areas that enhance opportunities for pedestrian-based commerce.  
North 30<sup>th</sup> Street from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline: street level uses are limited to retail, personal services, eating and drinking, and customer service offices.
- For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.
- Commercial shipping containers shall not be an allowed type of accessory building in any commercial zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.635.
- Up to ten qualified members may combine to support one “collective garden” (as defined by the State), pursuant to local and State regulations. A maximum network of six collective gardens may co-locate and/or operate on any one site. The number of collective gardens on any one site shall not increase until the existing collective garden(s) have the full allotment of ten individuals supporting the existing garden.

March 30, 2012

## Commercial District Use Comparison – Retail and Light Industry

### 13.06.200 Commercial Districts.

A. Land use requirements.

1. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N	=	Prohibited use in this district.

2. District use table.

Uses	T	C-1	C-2 <sup>1</sup>	HM	PDB	Additional Regulations (also see footnotes at bottom of table)
Retail	N	P	P/CU~	P*	P*	~A conditional use permit is required for retail uses exceeding 45,000 square feet within the C-2 District. See Section 13.06.640.J. *Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts.
Industry, light	N	N	N	N	N	

Note:

A definition for “Medical Cannabis Distribution” will make the distinction between Medical Cannabis Use Levels 1-3 (see attachment B) and Level 4, the highest and most intense level of medical cannabis use. It is intended that only the Level 4 Use, which is something other than self use, one-on-one partnerships and small collectives, be prohibited and restricted in areas of the City. In general, Level 4 is a commercial and/or industrial scale establishment requiring licensing, permitting, zoning compliance, etc., and is not appropriate for residentially-zoned property. At this level we see the establishment of built facilities such as storefronts, dispensaries, laboratories, and production facilities. In summary, Level 4 is considered the Medical Cannabis Commercial/Industrial Facility.

Level 4 Medical Cannabis Commercial/Industrial Facility may be divided into at least two separate uses. In the tables above you can see that two different uses have been identified and are named “Cannabis Distribution” and “Cannabis Processing/Production”. Further, notice that these two uses are comparable to existing uses “retail” and “light industry”, respectively, and may be zoned similarly. See below for the Land Use Regulatory Code definition of “retail” and “light industry”:

*Retail. Establishments engaged in retail sales of goods, including, but not limited to, the retail sale of merchandise not specifically listed under another use classification. This classification includes, but is not limited to, department stores, clothing stores, furniture stores, pawn shop, pharmacies, and businesses retailing the following goods as examples: toys, hobby materials, food and beverages sales (including catering), hand-crafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen*



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*utensils, hardware, appliances, art, antiques, art supplies and services, baseball cards, coins, comics, paint and wallpaper, carpeting and floor covering, medical supplies, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).*

*Industry, light. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services, both within an enclosed building. This classification includes commercial bakeries, dry cleaning plants, lumber yards, retail storage, and businesses engaged in processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, food processing, log yards, bulk storage, and raw materials storage.*

### 13.06.400 Industrial Districts.

#### A. Land use requirements.

##### 1. Use table abbreviations.

P = Permitted use in this district.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
TU = Temporary use consistent with Section 13.06.635.
N = Prohibited use in this district.

##### 2. District use table.

Uses	M-1	M-2	PMI	Additional Regulations (also see footnotes at bottom of table)
Medical Cannabis Distribution	P*/**	P*/**	P*/**	See definition for "Medical Cannabis Distribution". *Subject to buffering from surrounding sensitive uses at the time of application for permit: allowed not within 1,000 ft. of schools, 500 feet of daycares, parks, and other Medical Cannabis Distribution or Medical Cannabis Processing/Production facilities, and not within 300 ft of churches. **Facilities are required to be indoors and limited to 2,000 sq ft. and must be no less than 500 sq ft. Facilities may include other permitted non-Medical Cannabis Distribution uses. These facilities are required to be indoors and limited to 3,000 sq ft., total, with no more than 2,000 sq ft. and no less than 500 sq ft. for Medical Cannabis Distribution and up to 150 square feet may be devoted to the sale of medical cannabis delivery products. See definition for "medical cannabis delivery products".
Medical Cannabis Processing/ Production	P*	P*	P*	See definition for "Medical Cannabis Processing/ Production". *Subject to buffering from surrounding sensitive uses at the time of application for permit: allowed not within 1,000 ft. of schools, 500 feet of daycares, parks, residential zoning districts and other Medical Cannabis Distribution or Medical Cannabis Processing/Production facilities, and not within 300 ft of churches.

#### Footnotes:

- Up to ten qualified members may combine to support one "collective garden" (as defined by the State), pursuant to local and State regulations. A maximum network of six collective gardens may co-locate and/or operate on any one site. The number of collective gardens on any one site shall not increase until the existing collective garden(s) have the full allotment of ten individuals supporting the existing garden.

March 30, 2012

## Commercial District Use Comparison – Retail and Light Industry

### 13.06.400 Industrial Districts.

A. Land use requirements.

1. Use table abbreviations.

P = Permitted use in this district.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
TU = Temporary use consistent with Section 13.06.635.
N = Prohibited use in this district.

2. District use table.

Uses	M-1	M-2	PMI	Additional Regulations (also see footnotes at bottom of table)
Retail	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, unless an accessory use, 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. Outside of the South Tacoma M/IC Overlay District, limited to 65,000 square feet per use, unless approved with a conditional use permit. See Section 13.06.640.J.
Industry, light	P	P	P	

Note:

Retail uses are limited in size in industrial zones contained within the M/IC Overlay District. The intent of this is to provide additional protection to existing industrial and manufacturing uses and preserve traditionally industrial property within the M/IC Overlay District for future appropriate use. Consideration of how Medical Cannabis Distribution might be further restricted in the M/IC Overlay District should be made. However, you can see in the tables above that the base limitation on the size of Medical Cannabis Distribution facilities already results in less floor area than retail uses are allowed.

Shown in the tables above you can see how Medical Cannabis Processing/Production can be zoned similarly to “light industry” and would be allowed in all industrial districts.

Again, these regulations are not proposed to apply to Cannabis Use, Levels 1-3, which are characterized as self use, one-on-one partnerships, and small collectives.



City of Tacoma  
Community and Economic Development Department

Agenda Item  
GB-2

TO: Planning Commission  
FROM: Elliott Barnett, Associate Planner  
SUBJECT: Urban Forestry Landscaping Code Revisions  
DATE: March 29, 2012

On April 4<sup>th</sup>, the Planning Commission will continue the discussion of proposed changes to the landscaping-related provisions of the Land Use Regulatory Code, intended to implement recent policy direction on Tacoma's urban forest. At the March 21<sup>st</sup> meeting, staff presented the draft code, along with a staff report and supporting exhibits — most or all of the materials that would make up the public review draft package. The Commission had an in depth discussion and provided a good deal of policy direction for refining the draft.

At the April 4<sup>th</sup> meeting staff will provide additional information requested by the Commission, facilitate an ongoing discussion of the draft code, and seek the Commission's direction on releasing the draft for public review. Attached is a summary of the key comments from the March 21<sup>st</sup> meeting, along with staff analysis and recommended changes to the draft. The intent (should the Commission concur) is to incorporate all of the Commission's direction, along with final code clean-ups, into a public review draft. In addition, staff will make changes to the staff report and the Key Changes Summary (both included with the March 21<sup>st</sup> packet) to incorporate the changes made by the Commission.

The draft code, staff report and exhibits will not be redistributed for this upcoming meeting, but are available online on the Planning Commission's webpage as well as on the project webpage: [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning), select Urban Forestry Landscape Code Update.

Attached are the following documents:

1. PowerPoint presentation from the March 21<sup>st</sup> meeting (with updates)
2. Key Commission Comments and Staff Analysis
3. Cost Analysis

If you have any questions or requests, please contact Ramie Pierce at 591-2048 or [trees@cityoftacoma.org](mailto:trees@cityoftacoma.org), or Elliott Barnett at 591-5389 or [elliott.barnett@cityoftacoma.org](mailto:elliott.barnett@cityoftacoma.org).

EB

Attachments

c: Peter Huffman, Assistant Director





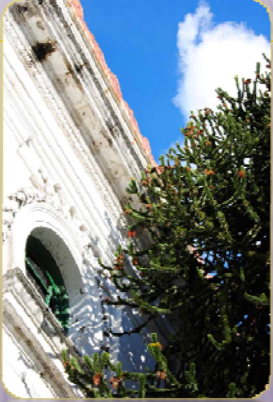
Planning Commission  
March 21, 2012

**URBAN FORESTRY TITLE 13**  
FIRST CODE DRAFT

1

**SUMMARY**


- ✦ General changes
- ✦ Modified Landscape Type
- ✦ Rights-of-way
- ✦ Parking Areas/Lots
- ✦ Site
- ✦ General Canopy Cover
- ✦ Enforcement



2

**GENERAL CHANGES**


- ✦ Technical standards in the Urban Forest Manual, adopted by reference in code and under Public Works Director purview
- ✦ Landscape Plans and Landscape Management Plans required for all developments
- ✦ Installation, maintenance, irrigation, protection and pruning requirements subject to City review and approval



3

**MODIFIED LANDSCAPE TYPE**

- ✦ Type BF-Building Frontage Landscaping on the street facing frontages of Downtown and X-District buildings

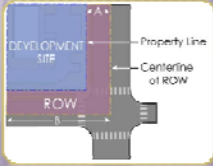


4

### RIGHTS-OF-WAY

CANOPY COVER

- ✦ Requirement 30% in all districts for all land uses
  - + New:
    - ✦ 1,2 and 3-family developments
    - ✦ Street projects
  - + Replaces current street tree quantity requirements
- ✦ Alternate locations for ROW tree planting acceptable
  - + Tree bulb-outs
  - + Medians

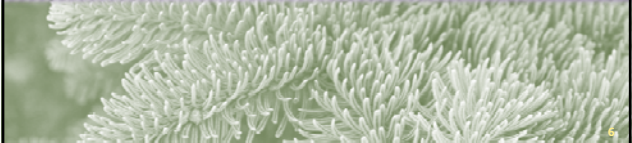


5

### RIGHTS-OF-WAY

CANOPY COVER

- ✦ For 1, 2 and 3-family dwellings in all districts:
  - + Proposed Threshold II (50% to 200% of the value of development)
- ✦ For all other uses in Residential Zones:
  - + Proposed Threshold I (< 50% of the value of development)

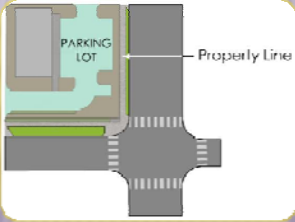


6

### PARKING AREAS/LOTS

CANOPY COVER

- ✦ Parking Area/Lot requirement 30% in all districts for all land uses
  - ✦ Except Industrial uses




7

### PARKING AREAS/LOTS

LANDSCAPING

- ✦ Aligns parking lot perimeter and internal distribution requirements
- ✦ Interior Distribution
  - ✦ Flexible on placement
  - ✦ Quantity of trees varies by tree size selected
  - ✦ 45 sq feet of landscaping per stall
  - ✦ Removes current exemption for industrial lots less than 20,000 sq. ft




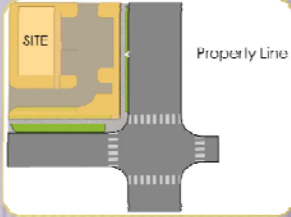
8



### SITE

CANOPY COVER

- ✦ Replaces overall site landscaping requirement
- ✦ Special Uses-in all districts
  - + Major Institutions-25%
  - + Parks-35%
  - + Except in Downtown-15%



10

### SITE

CANOPY COVER

- ✦ For 1, 2 and 3-family dwellings in all districts:
  - + New development and Threshold III alterations (greater than 200% of the value of development)




10

### CANOPY COVER

GENERAL

- ✦ Self-Managed Agencies-flexibility
- ✦ Credits
- ✦ In-lieu fees
  - + Red oak \$1,780.68 (anticipated 1254 sq ft crown)
  - + Pear \$251.34 (anticipated 177 sq ft crown)



11

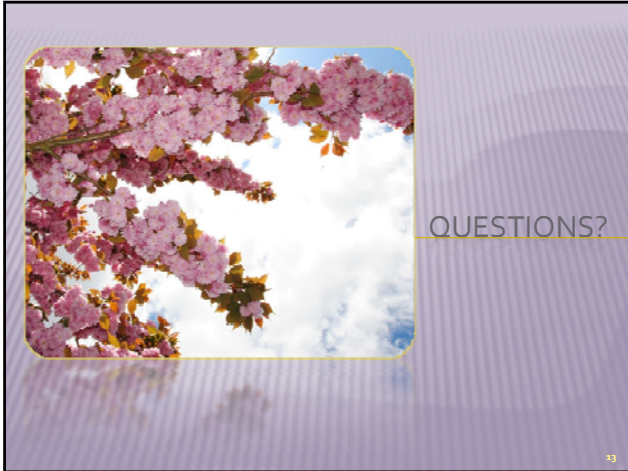
### ENFORCEMENT

- ✦ Adds 2 new tools to enforcement options for landscaping code violations:
  - + Replacement planting (plants and install);
  - + Cost of replacement value (\$); and/or Tree value commensurate with tree size (\$)

Funds go to the UF Fund for urban forestry growth and maintenance



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## Planning Commission 3/21/12 Key Comment and Staff Analysis Summary

At the conclusion of the March 21<sup>st</sup> meeting, the Commission directed staff to create a summary of key comments, along with staff analysis and recommendations as appropriate. Since the discussion is ongoing, the Commission directed that staff hold off on making changes to the code, pending the April 4<sup>th</sup> meeting. Staff request that the Commission bring any additional questions or issues to our attention.

The following summary is intended to be reviewed against the code draft included in the March 21<sup>st</sup> packet. Staff recommended changes to the draft code are shown in strike-out (deletions) and yellow highlighting (additions).

### 1. Subject: Vetting proposal with key stakeholders

Issue: The Commission requested that staff make an effort to reach out to key stakeholders, including public agencies, business interests and development industry interests, in order to vet the proposal as fully as possible while it is at the Planning Commission stage.

#### **Staff Response:**

*Staff concur and will continue to pursue a proactive outreach strategy during the Commission's public review period. In addition, a presentation is scheduled to the City Council Environment and Public Works Committee on May 9<sup>th</sup>.*

### 2. Subject: Exemptions for Landscape Plans and Landscape Management Plans

Issue: The Commission directed a change to the exemptions to the Landscape plans and Landscape Management Plans requirements proposed in the March 21<sup>st</sup> draft. The direction was that development consisting of 4 or less residential units be exempt, rather than less than 2 units as proposed in the March 21<sup>st</sup> draft.

#### **Proposed Change:**

*The following developments are exempt from the landscape plan and Landscape Management Plan requirement:*

- 1. Residential developments with ~~less than 2 units~~ 4 units or less.*

### 3. Subject: Cost analysis

Issue: The Commission requested an analysis of the cost of complying with the proposed code, as compared with the cost of complying with the current code, particularly for residential development.

#### **Staff Response:**

*See attached preliminary cost analysis (Attachment #3). While it is not feasible to calculate exact costs, the analysis provides a solid basis for comparison. The analysis calculates an average estimated cost per square foot of tree canopy for a residential installation (includes three years of watering). For example, installation and watering for three years would cost approximately \$360 per Red Oak tree.*

### 4. Subject: Proposed Building Frontage (Landscape Type BF) requirement

Issue: While the Commission expressed support for the intent of this proposed new requirement, they also expressed a number of concerns including the following:

- Concerns about inconsistent application (building by building) instead of block by block
- Would work better in some locations than others (e.g., better street side than building side, perhaps appropriate Downtown but not X-districts)
- May cause challenges where there is on-street parking, narrow sidewalks, transit stops or similar features
- May cause conflicts with street-level retail establishments (consider use-based distinctions and discuss with Downtown Merchants Group, others)
- Ongoing maintenance is a concern
- May raise Crime Prevention Through Environmental Design issues

**Staff Recommendation:**

*In consideration of the number of concerns and issues raised during discussion, staff recommends retaining the existing Foundation requirement (as it is in the current code), which applies only in the case of exposed building foundations.*

**Proposed Change:**

**6. Landscaped Area Type BF, Building Frontage Foundation**

*This Landscaped Area is a landscape treatment which uses shrubs and groundcover to screen ~~street facing building frontages~~ exposed building foundations soften the environment for pedestrians. The Landscaped Area is required on all exposed building foundations facing the street or along the outer edge of a porch instead of the foundation. This landscaping treatment does not apply to portions of the building façade that provide access for pedestrians or vehicles to the building. This Landscaped Area shall have a minimum width of 3 feet ~~when located along the building frontage or a minimum width of 4 feet when located in the abutting ROW.~~ When this Landscaped Area is located in the abutting ROW it may incorporate Street Trees. This Landscaped Area may be accomplished at ground level or with raised planters.*

**5. Subject: Bus stops and landscaping**

Issue: Address potential conflicts between transit stops and landscaping by including bus stops in the Urban Forest Manual (UFM). Transit stops should be identified on Landscape Plans, including planting distances. Also, make sure transit stop clearance requirements are in the UFM.

**Staff Response:**

*The UFM will be modified accordingly.*

**6. Subject: Drought-tolerant landscaping**

Issue: Provide information about drought tolerant landscaping in the UFM.

**Staff Response:**

*The UFM will be modified accordingly.*

**7. Subject: Exemption for Industrial parking area/lot canopy cover requirement**

Issue: The current draft proposed to exempt Industrial parking areas/lots from the proposed parking lot/area canopy cover requirement. This exemption was included in the proposal based on a concern about the cost of requiring industrial parking lots, which can be very large, to comply with the 30% canopy requirement. Under the March 21<sup>st</sup> proposal, such lots would still be required to meet the

Parking Lot Interior (PLI) landscaping requirement, which does include trees. The Commission directed that this exemption be removed.

**Proposed Change:**

13.06.502C (C)(6)c.

~~Industrial Districts are exempt from the Parking Areas/Lots Canopy Cover requirement.~~

**8. Subject: Parking Lot Interior distribution**

Issue: The proposal would remove the numerical requirements of the current code in place of flexible language referring to distribution in the Parking Lot Interior (Landscape Type PLI) requirement. The Commission expressed a concern about parking lot interior landscaping being clumped in a corner and asked that “evenly distributed” be added to the language.

**Proposed Change:**

The landscaping shall be evenly distributed in the parking area/lot and shall provide shade along pedestrian walkways.

**9. Subject: Canopy requirement for Major Institutions and Developed Parks**

Issue: The draft proposes that Major Institutions and Developed Parks have the same canopy cover percentage requirements (25% and 35% respectively) irrespective of zoning district; but that within Downtown districts the requirement would be 15% (the same as all other land uses within Downtown). This distinction reflects the fact that development is intended to be more intense and more urban in character in these areas. The Commission expressed the view that these land uses should provide the same canopy percentages Downtown as they would in other districts. The Commission therefore directed that the exemption be removed. The Commission also directed that the current definition of Major Institutions be modified to remove the proposed 5 acre size threshold.

**Proposed Change:**

Major Institutions: Schools, hospitals, ~~cemeteries~~, stadiums, ~~public facility sites~~ governmental entities and special purpose governmental districts (excluding parks, recreation and open space uses), ~~over 5 acres in size~~.

35% Site Canopy Cover (15% in Downtown Districts)
25% Site Canopy Cover (15% in Downtown Districts)

**10. Subject: In-lieu Fees**

Issue: The Commission questioned that the proposed in-lieu fee may be too low. They suggested raising the rate, along with consideration for having a lower rate for single-family development.

**Staff Response:**

There was a math mistake in the 03/21 presentation for the in-lieu fee information. Our proposed amount is \$1.42/sq ft or canopy (\$1,000 for tree purchase and 3 yrs maintenance/700 sq ft tree crown=\$1.42/sq ft), but we accidentally put the figures in for \$0.42/sq ft. The corrected in-lieu fee amounts for the examples discussed are as follows:

03/21 Presentation Red oak: \$526.68	Actual Red oak: \$1780.68
03/21 Presentation Pear: \$74.34	Actual Pear: \$251.34

**Proposed Change:**

*Staff recommend keeping the rate at \$1.42/sq ft.*

*The Commission could consider lowering the in-lieu fee for 1, 2, and 3-family residential to \$1/sq ft, which would yield the following fees:*

*Residential Red Oak: \$1,254*

*Residential Pear: \$177*

**11. Subject: Self-Managed Agencies and Canopy Requirements**

Issue: The proposal provides flexibility for Self-Managed Agencies, as defined in the draft, to meet the canopy coverage requirements. The Commission commented that the proposed guidelines for Self-Managed Agencies are vague and potentially not strong enough.

**Staff Response:**

*Our intent with the Self-Managed Agencies language is not to intensively manage or penalize agencies for their desire to work independently in the management of their canopy cover but rather to incentivize, provide flexibility, and foster partnerships in urban forest management while ensuring alignment with city goals and policies. Staff recommends keeping the proposed language as it accomplishes those objectives.*

**12. Subject: Tree Valuation method**

Issue: The draft includes methodology for determining the value of trees, as part of proposed new enforcement tools. The Commission requested consideration of changing the proposal such that tree value would be based upon the anticipated size of the tree (similar to the approach for in-lieu fees).

**Staff Response:**

*Staff recommends keeping the proposed language as it is an industry standard of valuation and therefore defensible.*

**13. Subject: Definition of Low Impact Development practices**

Issue: The draft includes adding a proposed definition for “Complete Streets” in TMC 13.04.030 (B), to include LID practices such as “reducing road widths”. The Commission directed that this definition be modified as reducing road widths is not necessarily a green infrastructure practice, nor always appropriate.

**Proposed Change:**

*While planning ... green infrastructure practices such as ~~reducing road widths and using low impact development storm water techniques~~ **where appropriate**.*

**14. Subject: Thresholds for canopy requirements**

Issue: The proposal set Threshold I as the code threshold for land uses in Residential zones other than single, two and three-family dwellings. The Commission directed that this threshold be modified to Threshold II.

**Proposed Change:**

Zoning/Land Use	Threshold I	Threshold II	Threshold III/New Development
<b>Residential Uses-All Zoning Districts</b> <i>Single, two-family and three family dwellings</i>	No landscaping requirements apply	ROW Canopy Cover requirements	All landscaping requirements apply
<b>Residential Zones</b> <i>All other uses, except those listed above</i>	<ul style="list-style-type: none"> <li>• <del>ROW Canopy Cover requirements</del></li> <li>• Other landscaping requirements apply only to the proposed improvement areas. Existing areas are not required to be brought into conformance</li> </ul>	<p><b>ROW Canopy Cover requirements</b></p> <p>All requirements that do not involve repositioning the building or reconfiguring site development</p>	All landscaping requirements apply
<b>All Other Zones and Uses</b> ( <i>except Downtown</i> )	Landscaping requirements apply only to the proposed improvement areas. Existing areas are not required to be brought into conformance.	All requirements that do not involve repositioning the building or reconfiguring site development	All landscaping requirements apply

**15. Subject: Parking lots**

Issue: The proposal sets up specific landscaping requirements for parking lots, including a distinction for lots greater than 5 spaces. The Commission felt that the language should be clarified.

**Proposed Change:**

~~2. Site Canopy Cover. The site shall be construed as the total area of the development site, excepting public Rights-of-way, off-street parking areas greater than 5 parking spaces.~~

2. Right-of-way (ROW) Canopy Cover. Street Trees shall, when possible, be planted within the ROW behind the curb. Street Trees may also be planted in medians, bulb-outs, parking spaces and other such appropriate locations in the ROW when authorized by the City Engineer and Urban Forester. Street Trees may also be located within the ROW behind the sidewalk.

3. Parking Area/Lot Canopy Cover. This requirement applies to off-street parking areas greater than 5 spaces.

**4. Site Canopy Cover. The site shall be construed as the total area of the development site, excepting public Rights-of-way, off-street parking areas greater than 5 parking spaces.**

**16. Subject: Historical data on residential permits**

Issue: Staff previously conducted an analysis of the 2010 permit history for new construction and remodels of single-family residential development. The Commission requested the same data for an additional year prior to the economic recession, to see if there are significant differences.

***Staff Response:***

*This analysis is being done now for 2006 and will be available at the April 4<sup>th</sup> meeting.*

## THE COST OF PROPOSED TITLE 13 LANDSCAPING CHANGES

This document analyzes the difference in two of the most considerable proposed changes to the current Title 13.06.502 landscaping requirements for developments to see if there is a potential for cost increase. The two proposed changes analyzed are 1) new Single-Family Residential canopy cover requirement; and, 2) alteration to the Parking Lot Interior landscaping requirement.

### THE ANTICIPATED COST OF PLANTING AND CARING FOR A TREE

The cost of planting and caring for a single tree varies between tree species, size, watering method and several other variables. The following anticipated cost per tree expresses the total potential cost incurred to plant a 2.5" caliper red oak that is hand-watered through the establishment period (3 years).





## SINGLE-FAMILY RESIDENTIAL – CANOPY COVER

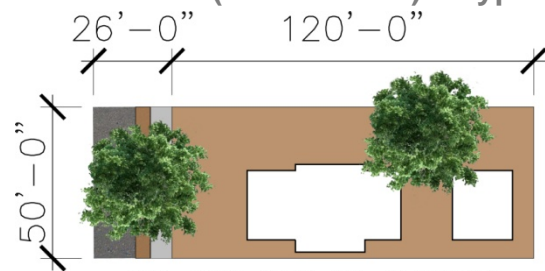
Currently, there is no requirement for tree planting on Single-Family Residential (SFR) developments. The proposed Title 13 canopy cover requirement would require SFR developments to plant a total canopy coverage of 30% of the development site as well as 30% of the adjacent Right-of-Way (ROW).

Typical ROW dimensions within the City of Tacoma range between 52 feet to 120 feet in width. On an average 50 foot wide by 120 foot deep SFR lot (6,000 square feet) the adjacent ROW area can range from 1,300 to 3,000 square feet.

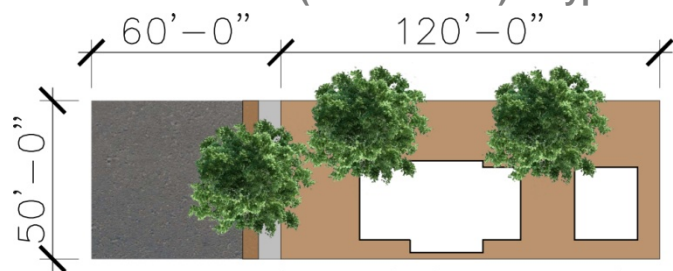
### NEW SFR – CANOPY COVER

The following graphics illustrate the amount of red oak trees (average of 1,257 sq ft) that would need to be planted on a new 6,000 sq ft SFR in order to satisfy the 30% canopy coverage in both the ROW and on the site. These quantities of newly transplanted red oak trees assume that there are no applicable canopy cover credits, including the preservation of existing trees.

**52 foot ROW (26' to center) – Typical**



**120 foot ROW (60' to center) – Typical**



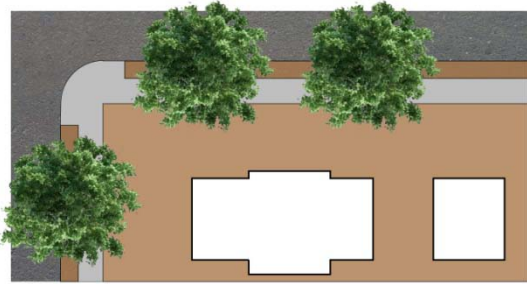
52 foot ROW	
ROW area (sq ft)	1,300
Site area (sq ft)	6,000
Total canopy needed (sq ft)	2,190
Actual canopy planted (sq ft)	2,514
Canopy cover (%)	34
Anticipated tree cost (\$)	720

120 foot ROW	
ROW area (sq ft)	3,000
Site area (sq ft)	6,000
Total canopy needed (sq ft)	2,700
Actual canopy planted (sq ft)	3,771
Canopy cover (%)	42
Anticipated tree cost (\$)	1,080

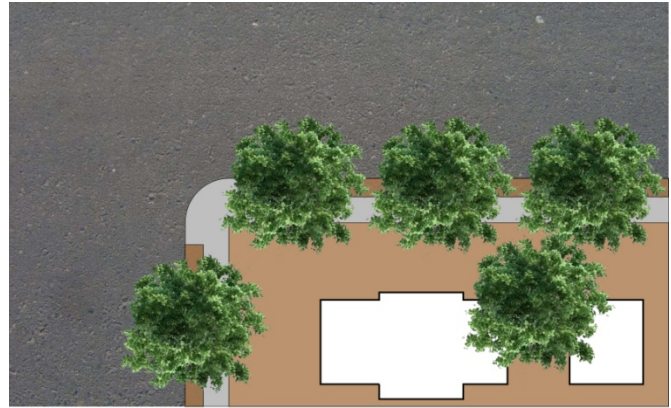
Less frequently, Single-Family Residences are located on corner lots. Corner lots have a larger area of ROW on which to provide the 30% canopy cover. The following graphics illustrate the amount of red oak trees that would need to be planted on a new corner lot development in order to satisfy the 30% canopy coverage in both the ROW and on the development site. Again, these quantities of newly transplanted red oak trees assume that there are no applicable canopy cover credits, including the preservation of existing trees.



**52 foot ROW (26' to center) – Corner**



**120 foot ROW (60' to center) – Corner**



52 foot ROW	
ROW area (sq ft)	5,096
Site area (sq ft)	6,000
Total canopy needed (sq ft)	3,328.8
Actual canopy planted (sq ft)	3,771
Canopy cover (%)	34
Anticipated tree cost (\$)	1080

120 foot ROW	
ROW area (sq ft)	13,800
Site area (sq ft)	6,000
Total canopy needed (sq ft)	5,940
Actual canopy planted (sq ft)	6,285
Canopy cover (%)	32
Anticipated tree cost (\$)	1800

**EXISTING SFR – CANOPY COVER**

Two existing Single-Family Residences were analyzed for their existing canopy cover to see if the proposed canopy cover requirement would be considered burdensome if they were to surpass threshold II (50% to 200% of the value of the existing development) redevelopment and need to be brought into conformance.

The following graphics illustrate the existing conditions of the residences, and what (if any) additional canopy coverage would need to be transplanted in order to satisfy the 30% in both the ROW and on the development site.

**West Lot – 80 foot ROW (40' to center)**

**East Lot – 80 foot ROW (40' to center)**



West Lot	
<b>ROW</b>	
Area (sq ft)	8,420
Canopy needed (sq ft)	2,526
Canopy planted (sq ft)	3,003
Canopy Cover (%)	36
<b>Site</b>	
Area (sq ft)	6,000
Canopy needed (sq ft)	1,800
Canopy planted (sq ft)	3,496
Canopy Cover (%)	58
<b>Anticipated tree cost (\$)</b>	0

East Lot	
<b>ROW</b>	
Area (sq ft)	7,278
Canopy needed (sq ft)	2,183.4
Canopy planted (sq ft)	0
Canopy Cover (%)	0
<b>Site</b>	
Area (sq ft)	5,660
Canopy needed (sq ft)	1,698
Canopy planted (sq ft)	3,514
Canopy Cover (%)	62
<b>Anticipated tree cost (\$)</b>	720

The West Lot's existing canopy far exceeds the required coverage for the SFR and the ROW, and would not be required to plant additional canopy if they were to surpass threshold II redevelopment (provided they did not remove enough trees to fall below the canopy requirement).

The East Lot's existing canopy far exceeds the required canopy coverage for the site (62%), however, there are no trees currently planted within the ROW. Two additional red oak trees planted in the ROW would provide enough canopy to bring the SFR into conformance following a threshold II redevelopment.

West Lot – 80 foot ROW (40' to center)

East Lot – 80 foot ROW (40' to center)



## PARKING LOT INTERIOR LANDSCAPED AREAS

Currently, there are several landscaped area requirements for various developments within the City to include minimum landscaped areas (site percentage), buffer landscaped areas, site perimeter strips, parking lot interior landscaping, and street trees. In this document, several recently permitted developments are analyzed to see what the potential change to the Parking Lot Interior (PLI) landscaping would be in order to satisfy the proposed requirements. The PLI landscaping requirement was specifically analyzed, because it incurs the most considerable landscaping requirement change.

### Current Parking Lot Interior Requirements

The current PLI requirements vary between land use, but generally include trees/planting areas at aisle ends distributed throughout the parking lot with no stall more than 50 feet from a tree trunk and at least 1 tree located within 10 feet of required walkways for each 40 feet of walkway.

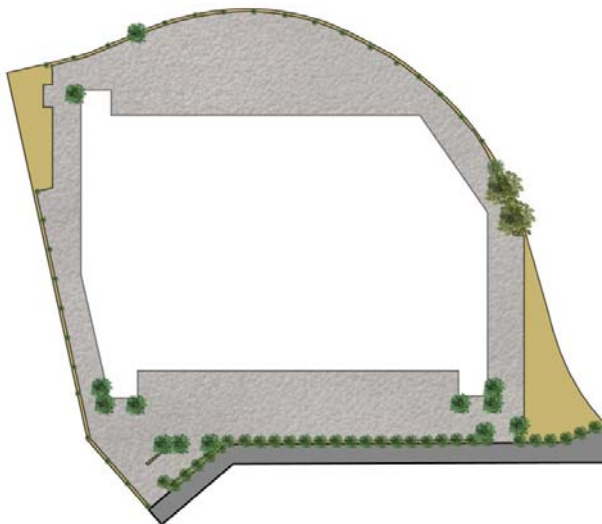
### Proposed Parking Lot Interior Requirements

The proposed PLI landscaping requirement includes a minimum landscaped area of 45 square feet per stall evenly distributed throughout the parking lot. This change from prescribing planting area placement (gauged by proximity to parking lot stall/walkway) to prescribing landscaping area (sq ft) per stall is an effort to increase flexibility in the location of the required planting area.

The following graphics compare the current PLI landscaped areas (sq ft) on various development sites to the new PLI areas required with the proposed changes. Additionally, the canopy cover for the ROW, site and parking lot areas have been analyzed to see what (if any) cost it would take to satisfy the canopy cover requirement.

### EXAMPLE 1: PMI, INDUSTRIAL PARK WAREHOUSE

Permit Set May 2006

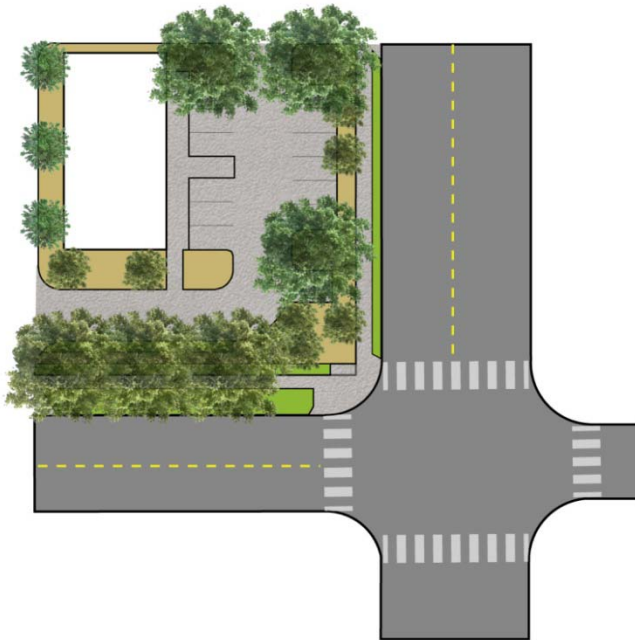


<b>Current PLI landscaped area (sq ft)</b>	53,949
<b>Parking stalls</b>	416
<b>PLI landscaped area New required (sq ft)</b>	18,720
<b>PLI area (+) surplus (-) deficit</b>	+35,229

	<b>Canopy area Planted (sq ft)</b>	<b>Canopy area goal (sq ft)</b>
<b>ROW</b>	20,503	11,475.3
<b>Parking lot</b>	24,798	0
<b>Manufacturing/ industrial site</b>	0	60,175
<b>Additional Canopy to be planted</b>		26,349
<b>Red oaks needed to reach goal</b>		21
<b>Potential cost to plant trees (\$)</b>		7,560



**EXAMPLE 2: C-1, COMMERCIAL DEVELOPMENT W/PARKING LOT**  
Permit Set May 2011



<b>Current PLI area (sq ft)</b>	1,936
<b>Parking stalls</b>	12
<b>New required PLI area (sq ft)</b>	540
<b>PLI area (+) surplus (-) deficit</b>	+1,396

	<b>Canopy area Planted (sq ft)</b>	<b>Canopy area goal (sq ft)</b>
<b>ROW</b>	942	3,191.1
<b>Parking lot</b>	8,087	1,767.9
<b>Commercial site</b>	1,631	1,358.7
<b>Additional Canopy to be planted</b>		2,249.1
<b>Red oaks needed to reach goal</b>		2
<b>Potential cost to plant trees (\$)</b>		720

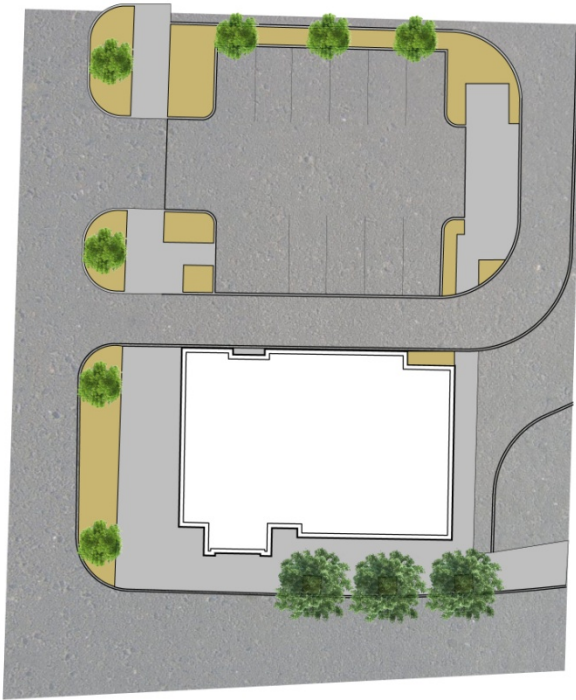
**EXAMPLE 3: DCC, DOWNTOWN COMMERCIAL CORE – PARKING LOT**  
Permit Set December 2010



<b>Current PLI area (sq ft)</b>	1,599
<b>Parking stalls</b>	35
<b>New req. PLI area (sq ft)</b>	1,575
<b>PLI area (+) surplus (-) deficit</b>	+24

	<b>Canopy area Planted (sq ft)</b>	<b>Canopy area goal (sq ft)</b>
<b>ROW</b>	7,541	4,918.2
<b>Downtown parking lot</b>	4,820	4,013.7
<b>Additional Canopy to be planted</b>		0
<b>Red oaks needed to reach goal</b>		0
<b>Potential cost to plant trees (\$)</b>		0

**EXAMPLE 4: NCX, NEIGHBORHOOD COMMERCIAL MIXED – USE**  
 Permit Set September 2011



<b>Current PLI area (sq ft)</b>	777
<b>Parking stalls</b>	11
<b>New req. PLI area (sq ft)</b>	495
<b>PLI area (+) surplus (-) deficit</b>	+282

	<b>Canopy area Planted (sq ft)</b>	<b>Canopy area goal (sq ft)</b>
<b>ROW</b>	1,394	2,223
<b>Parking lot</b>	339	912.6
<b>Commercial site</b>	0	1,168.5
<b>Additional Canopy to be planted</b>		2571.1
<b>Red oaks needed to reach goal</b>		3
<b>Potential cost to plant trees (\$)</b>		1080

In all of the developments analyzed the proposed change to the Parking Lot Interior landscaping requirement resulted in less required landscaping (area) than what was proposed in compliance with the current code. The plant material cost to landscape these areas would decrease as well, as there is less required area to fill with plants.

It is important to note that the PLI landscaping in the developments analyzed potentially exceeds the current code requirements. Due to the variability in outcomes of the landscaped areas (sq ft) from our current code, it would be difficult to analyze the minimum landscaped area (sq ft) required in these developments. A direct correlation between minimum existing requirements and minimum proposed requirements is therefore not feasible.

In the cases where there is a deficit of canopy cover for the development site, additional quantities of newly transplanted red oak trees assume that there are no applicable canopy cover credits, including the preservation of existing trees.





City of Tacoma  
Community and Economic Development Department

Agenda Item  
GB-3

TO: Planning Commission  
FROM: Lihuang Wung, Senior Planner, Long-Range Planning Division  
SUBJECT: 2012 Annual Amendment  
DATE: March 29, 2012

The Planning Commission conducted a public hearing on March 7, 2012, and kept the record open until March 16, 2012, to receive public comment concerning the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2012 ("2012 Annual Amendment"). The complete text of the 2012 Annual Amendment and relevant background information had been compiled in a public review document with blue covers (a.k.a., the "Blue Book").

At the next meeting on April 4, 2012, the Commission will review the public comments received, staff responses, and where appropriate, staff recommendations for revisions to the Blue Book. Attached is the Public Comments and Staff Responses Report prepared for the Commission's review and approval. The Commissioners are suggested to bring their copies of the Blue Book to the meeting for reference.

If you have any questions, please contact me at 591-5682 or [lwung@cityoftacoma.org](mailto:lwung@cityoftacoma.org).

Attachment

c. Peter Huffman, Assistant Director







## 2012 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code

### Public Comments and Staff Responses Report March 28, 2012

The Planning Commission conducted a public hearing on March 7, 2012, and kept the record open until March 16, 2012, to receive public comment concerning the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2012 (“2012 Annual Amendment”).

Nine citizens testified at the public hearing (see Attachment A), and four written comments were received (see Attachments B-1 to B-4). Summarized below are the major issues and concerns reflected in the public comment and the corresponding staff responses.

Note that the 2012 Annual Amendment contains three applications, i.e., #2012-02 Housing Element, #2012-03 Transportation Element, and #2012-07 Minor Amendments and Refinements. The complete text of the proposed amendments and all relevant background information are compiled in the “Public Review Document”, which is posted at [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) (and click on “2012 Annual Amendment”).

#### #2012-02 – Housing Element

##### 1. The deleted paragraphs pertaining to special needs housing should be retained.

###### Staff Response:

*Staff concurs with this comment and that special needs housing is an important part of the City’s housing continuum. These paragraphs are part of the intent statement for the policy category of “Housing Affordability” in the Housing Element (see Public Review Document, p. 27). These important policies are not reflected elsewhere in the element and thus should be retained here.*

#### #2012-03 – Transportation Element

##### 2. The trail system in the Puget Gardens area should be incorporated in the Transportation Element and all trail maps in the City’s documents.

###### Staff Response:

*Metro Parks Tacoma is currently working on a planning exercise to create a management plan and to determine if there is public support for a boardwalk in the lower part of the Puget Gulch referred to as Puget Gardens. Metro Parks is the owner of this property and will be working with the residents of Tacoma as well as their Nature and Environment Advisory Council in upcoming months to determine how to move forward with this area. This area of Puget Gulch is a wetland and would require a wetland development permit to be developed. City of Tacoma staff are involved in the planning effort with Metro Parks and have determined it is premature to incorporate this detail on the City’s comprehensive plan maps until after the completion of Metro Parks’ planning process and their final determination about Puget Gardens.*

- 3. Sidewalk improvements from McKinley Avenue to downtown should be given priority and added to the Mobility Master Plan, in order to provide safe walking environment, fulfill the Complete Streets policy, and accommodate the added pedestrian traffic and overflow parking during the Tacoma Dome (and the future LeMay Museum) events.**

Staff Response:

*Upon completing a site visit, staff concurs with said comments and suggestion. Pedestrians clearly utilize the grassy areas adjacent to the curb where sidewalks are missing as evidenced by “goat trails” and this corridor is the link between the McKinley neighborhood and downtown. The Bicycle and Pedestrian Action Committee also discussed this matter at its meeting on March 19, 2012 and agreed it should be included in the Mobility Master Plan section of the Transportation Element. Staff recommends adding “McKinley Avenue between Wright and E. D St.” (Length = 0.31 miles) to Table 3 – Proposed Sidewalk Improvements, as Short Term Project #15 (see Public Review Document, p. 55).*

- 4. Include S. Washington Street from S. 43<sup>rd</sup> to S. 60<sup>th</sup> as a bikeway to provide an extension from the bike lanes on South Tacoma Way and a connection to the South Tacoma Sounder Station.**

Staff Response:

*Upon completing a site visit, staff concurs with said comments and suggestion. The Bicycle and Pedestrian Action Committee had determined at a meeting on November 21, 2011 that bikeway improvements on S. Washington were necessary for access to the new South Tacoma Sounder Commuter Rail Station and as an alternative to South Tacoma Way which parallels S. Washington and is too heavily trafficked for comfortable bicycle use. Staff recommends adding “S. Washington St. between S. 43<sup>rd</sup> and S. 60<sup>th</sup>” (Length = 1.50 miles, Cost Estimate = \$282,000, and Facility Type = Bike Lane) to Table 2 – Short Term Bicycle Project Priority List, as Short Term Project #10, in the Mobility Master Plan section of the Transportation Element (see Public Review Document, p. 49).*

- 5. Prioritize bus movement on transit corridors and around Transit Centers, consistent with the Complete Street Guidelines, to insure the safety of bicyclists, bus riders and users of all modes of transportation.**

Staff Response:

*The City agrees that a primary objective of a transit corridor is to provide for transit mobility, and believes that transit level of service and multimodal connectivity should be evaluated whenever changes are made to these corridors. The Mobility Master Plan section of the Transportation Element specifically calls for prioritizing transportation investment based on the “Green Transportation Hierarchy” which places pedestrians, bicyclists and public transit on top priorities. Also, safety of pedestrians and bicyclists is one of the guiding principles (others being accessibility, connectivity, people, equity, sustainability and multimodal) for implementing the Mobility Master Plan (see Public Review Document, p. 40 & 41).*

- 6. Complete the city-wide sidewalk network with striped crosswalks at key intersections, maintaining stop bars and installing mid-block crossings where appropriate, particularly along arterials and streets served by transit.**

Staff Response:

*Pedestrian safety is important to the City, and will continue to be addressed systematically through the City's curb ramp program, and with each roadway improvement project. Crosswalk markings will be considered along with other pedestrian improvement strategies during the design phase of each of these processes. The City will also continue seeking funding opportunities for maintenance of existing crosswalk markings.*

**#2012-07 – Minor Amendments and Refinements:**

**7. Allowing drive-throughs in the HMX – Hospital Medical Mixed-Use District is contrary to the Complete Streets principles, the anti-idling ordinance within the City's Climate Action Plan, and other efforts in the City.**

Staff Response:

*Drive-throughs are currently allowed in all other "commercial" X-Districts, subject to a number of special restrictions (such as preventing their location along the front of buildings, near bus or streetcar stops, near pedestrian streets, etc.). The initial proposal was to make this allowance consistent in the HMX District, subject to the same limitations. This inconsistency was raised when the Allenmore Hospital came forward to re-open their pharmacy, which has a drive-through window. It is important to note that this proposal was not intended to encourage drive-through restaurants, which is what many commonly think of when the term "drive-through" is used. As noted below, if the Commission elects to retain this change, it may be appropriate to provide further restrictions.*

*While the Climate Action Plan does call for the City to consider an "anti-idling ordinance," the City does not currently have one and anti-idling ordinances do not generally focus on drive-throughs. The Complete Streets Guidelines do not call for any restriction of drive-throughs, although they do encourage limiting driveways, particularly along main streets, avenues, and transit corridors. As noted above, the code includes numerous restrictions related to this policy intent. However, the testimony raises good questions and it may be that more discussion is necessary to determine if drive-throughs should be further restricted and/or prohibited in this and other X-Districts.*

*Staff proposes the following options for the Commission to consider:*

- a) Limit the proposed allowance for drive-throughs in HMX to hospitals and associated medical uses, while prohibiting non-medical related drive-throughs such as fast food restaurants.*
- b) Withdraw the proposed amendment (i.e., no expansion of allowance for drive-throughs to HMX), and as appropriate, consider initiating a policy discussion in the future about whether drive-throughs should be further restricted, particularly in X-Districts.*

**8. Requesting that doggy daycare facilities with outdoor space be allowed in the CIX – Commercial-Industrial Mixed-Use District.**

Staff Response:

*Staff has been in contact with Ms. Woolworth and discussed her request. While doggie daycare facilities are a permitted use in the CIX District, they are not currently allowed to include any outdoor space, which is common for these types of facilities. The CIX District allows a wide variety of uses, up to and including*

*numerous types of industrial uses. Additionally, this district, which only exists along South Washington Street in the 56<sup>th</sup> & South Tacoma Way Mixed-Use Center, is characterized by a mix of heavy commercial and light industrial uses and is adjacent to a heavy industrial area. Of all of the mixed-use districts, CIX is the most intense, both in existing and planned character. Considering this, allowing outdoor space for doggie daycare facilities in this district is probably very reasonable. However, it is acknowledged that the particular code change requested by Ms. Woolworth was not included in the original package of code amendments for this year's Annual Amendment. However, if the Commission is comfortable with adding this relatively minor code change, staff's opinion is that the requested change would be generally consistent with the intent of the CIX District and would allow Ms. Woolworth to establish her business in a very appropriate location.*

## **Attachments**

- A. Summary of Oral Testimony (received at the Public Hearing on March 7, 2012)
- B. Written Comments (received through March 16, 2012):
  - 1. Michael Mirra, Affordable Housing Policy Advisory Group, February 29, 2012  
(Mr. Mirra also submitted a copy of the AHPAG Policy Recommendations to the City Council, dated December 3, 2010. Due to its size, the report is not attached to this staff report, but is posted online – go to [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning), and click on “2012 Annual Amendment #2012-2: Housing Element”, then “AHPAG Policy Recommendations to the City Council (12-3-10)”.)
  - 2. Matthew Nutsch, Planning Commissioner, March 9, 2012
  - 3. Ken Peachey, Bicycle and Pedestrian Action Committee, March 14, 2012
  - 4. Chelsea Levy, Pierce Transit, March 16, 2012

## Summary of Oral Testimony

Planning Commission Public Hearing – Wednesday, March 7, 2012, 5:00 pm

1. **Bliss Moore** (Sustainable Tacoma Commission; Sierra Club) – Concerned about the proposed revision to the Land Use Regulatory Code to permit drive-throughs in the “HMX” District. One of the strategies in the City’s Climate Action Plan to reduce greenhouse gases and fuel use is to consider adopting an anti-idling ordinance. Drive-throughs enable idling, and should not be allowed.
2. **Jori Adkins** (Dome District) – Allowing drive-throughs for any use in the hospital district, except for emergency vehicles, is going in the wrong direction in any urban situation, and is against the principles of developing Complete Streets and pedestrian-friendly environment. It is also contrary to the proposed Dome District Plan which proposes prohibiting drive-throughs. Say no to the inconsistency and consider taking it out of the code in the next annual amendment cycle.
3. **Kristina Walker** (Downtown On the Go) – Supported the proposed amendments to the Transportation Element. Completing projects as laid out in the award-winning Mobility Master Plan will help promote active transportation, achieve a healthy community, and improve our economy.
4. **Sherri Woolworth** (citizen) – Would like to establish a doggy daycare and boarding facility at 4802 S. Washington, which is currently in CIX where indoor doggy daycares are allowed but not outdoor kennel runs.
5. **Scott Hansen** (Puget Creek Restoration Society) – The trail system in the Puget Gardens area, which is the lower park area of the Puget Gulch, is not incorporated in the Transportation Element. The trail system provides connection between Ruston Way and the Proctor District, serves habitat and educational functions, and is used by a considerable number of people, and should be incorporated in all trail maps in the City’s documents.
6. **Michael Mirra** (Affordable Housing Policy Advisory Group or AHPAG) – Supported and appreciated the proposed incorporation of the eight Affordable Housing Policy Principles and Acknowledgments recommended by AHPAG into the Housing Element, which fulfills the City Council’s direction. Concerned about the deletion of the language pertaining to special needs housing, which is an important part of the City’s housing continuum; the paragraphs should be retained. (Mr. Mirra also submitted a letter, dated February 29, 2012, and a copy of the AHPAG Policy Recommendations to the City Council, dated December 3, 2010.)
7. **Janet Higbee** (Bicycle and Pedestrian Action Committee or BAPC) – Agreed with Kristina Walker’s comments. Strongly hoped that the City could retain the capable staff for the smoothest implementation of the Mobility Master Plan. Replying (as a bicycle commuter) on the roads to be on the optimal condition.
8. **Ken Peachey** (as the Chair of BPAC) – Proud of being part of the process enabling the Mobility Master Plan (“MoMaP”) to be a dynamic document. The MoMap in its own language calls out the need for periodic updates to reflect the changing conditions and incorporate the latest information. The proposed reprioritization of projects provides a sense of what we’ve accomplished and where we’re going, and reflects the next logical steps the City should implement to achieve an active transportation system that is an important part of the quality of life for the City of Tacoma. Also, the guidance BAPC has received from City staff and the extensive community outreach facilitated by the City staff during the MoMaP amendment process are incomparable.
9. **Kris Symer** (BPAC) – Regarding the proposed reprioritization of the Mobility Master Plan projects, this is an opportunity to celebrate. Remember when Tacoma didn’t have bike boulevards and adequate infrastructure. Kudos to dedicated City staff for working diligently with BPAC on every change that is being proposed.
10. **Ken Peachey** (as a resident) – Concerned about the drive-throughs; the Planning Commission should consider the anti-idling issue.



**CITY OF TACOMA**  
**AFFORDABLE HOUSING POLICY ADVISORY GROUP**

February 29, 2012

By hand  
By e-mail: [planning@cityoftacoma.org](mailto:planning@cityoftacoma.org)

Planning Commission  
747 Market Street, Room 1036  
Tacoma, WA 98402

Re Comments on proposed amendments to the City's Comprehensive Plan

Dear Planning Commissioners:

We write to comment on the proposed amendments to the City of Tacoma's Comprehensive Plan that the Planning Commission will consider on March 7, 2012. We hope our comments are helpful to you.

We offer these comments as co-chairs of the City's Affordable Housing Policy Advisory Group. The City Council convened this group on April 27, 2010 by Resolution 38071. That resolution asked the group to propose policies that would promote the preservation or development of affordable housing in the City. The group submitted its recommendations to the City Council on December 3, 2010. *See* Policy Recommendations to the City Council (December 3, 2010). On May 17, 2011, by Resolution 38263, the Council reconvened the group so it can remain available as a source of further advice and assistance while the City considers the group's recommendations.

Among its recommendations, the group proposed principles and acknowledgements to govern City policy. *See* Policy Recommendations, section 3.1. By Resolution 38264, on May 17, 2011, the City Council directed the Planning Commission to incorporate these into the City's Comprehensive Plan.

We have two comments to offer on the draft Comprehensive Plan.

**First**, we fully support the draft's inclusion of the principles and acknowledgements. *See* DRAFT Housing Affordability – Intent, page H-13. This appears to fulfill the Council's direction. We think those principles and acknowledgements will provide useful direction to the City. They will also help to illuminate the meaning of other sections of the Comprehensive Plan.

**Second**, we are concerned to note, however, that in that same section the draft would remove the following language pertaining to special needs housing:



As a general rule, the need for affordable housing extends along a housing continuum that extends from basic emergency shelter for the homeless to temporary transitional housing to permanent rental housing and for some households to home ownership. Each segment of this continuum requires ongoing financial support for both public agencies and individuals. In addition, there are individuals and families with special needs (e.g. disabled, frail elderly, large families, female heads-of-household) that often require additional assistance.

It is the intent of the City to: (1) recognize the housing needs of, and provide housing programs for, low income and special needs households and (2) promote housing opportunities and the reduction of isolation of these groups by improving housing and community services delivery.

*See Draft, page H-13.*

We recommend that the draft retain this language. It makes important observations about the City's need for special needs housing and the full range of the housing continuum. No other part of the draft has comparable language. Also, there is nothing in the group's recommendations that would support these deletions. While the group's recommendations did not focus on special needs housing, it did acknowledge that people who need such housing suffer fully from the City's lack of affordable places to live:

Tacoma's need for more affordable housing appears in distinct ways for discrete groups of the city's low-income population who have special needs. Like other low-income portions of the population, households within these groups require affordable places to live that are not available on the private market. They face other challenges as well. Two in particular are pertinent to this report. **First**, they need other kinds of assistance and supportive services located within an easily accessible distance from where they live to be successful even if housing is affordable. **Second**, their history of need or institutionalization makes it harder for them to find private landlords willing to rent to them.

*See Policy Recommendations, section 2.5.* The present language of the Comprehensive Plan makes this same observation. It is an important one that requires its place in City policy.



We hope these comments are helpful to the Commission. If we can be of further assistance, please let us know. In particular, we look forward to the Commission's review of the group's other recommendations that may also require Commission review.

Cordially,

City of Tacoma Affordable Housing Policy Advisory Group

*M. Muir*  
for

Gary Pedersen  
Co-Chair

*Michael Mirra*

Michael Mirra  
Co-Chair

Cc: City Councilmember Lauren Walker  
T.C. Broadnax, City Manager  
Ian Munce, City of Tacoma

From: Matt Nutsch [mailto:mnutsch@hotmail.com]  
Sent: Friday, March 09, 2012 3:16 PM  
To: Wung, Lihuang  
Subject: Re: McKinley Avenue sidewalk

Lihuang,

Thank you for your e-mail and your work on this project. I believe that this particular issue should be added to the Mobility Master Plan. The follow is text that I wrote to explain the requested addition:

"New construction and a lack of parking near the Tacoma Dome and LeMay Car Museum have created a situation where stretches of Mckinley Ave (and adjacent side streets) near South Downtown become used as overflow parking. This situation is particularly prevalent during large Tacoma Dome events.

Unfortunately the pedestrian infrastructure is not sufficiently developed to accomodate the added pedestrian traffic this scenario creates. Large stretches of Mckinley Ave (specifically across the street from Mckinley Park) do not have sidewalk infrastructure. This results in out of town visitors traversing a muddy path after stepping out of their vehicles. Additionally, the sidewalk infrastructure which does exist does not include handicap access in many spots.

In order to enhance Tacoma's image with out of town visitors (an important source of revenue and economic prosperity), as well as to follow the Complete Streets policy, construction of sidewalk improvements from Mckinley Avenue to downtown should be given priority and added to the Mobility Master Plan."

Thank you,

Matt Nutsch  
Planning Commissioner  
253-961-2914  
mnutsch@hotmail.com

**From:** Ken Peachey [mailto:ken.peachey@gmail.com]  
**Sent:** Wednesday, March 14, 2012 8:29 PM  
**To:** lwung@cityoftacoma.org  
**Cc:** Wiatr, Diane  
**Subject:** BPAC omission from Comprehensive Plan Amendment

Lihuang Wung  
Community and Economic Development  
747 Market Street  
Tacoma, Wa 98402

Mr. Wung,

Apologies for the lateness of this request, but it has come to my attention that the Tacoma Bicycle and Pedestrian Action Committee (BPAC) omitted an important corridor in our amendment proposal. Indeed, BPAC discussed and resolved to include S. Washington St from S. 43rd to S. 60th as a bikeway because of the high speeds and volumes on S. Tacoma Way, which make it less than bike friendly. Furthermore, the wide roadway on this section of S. Washington Street does, in BPAC's view, make it far preferable in accommodating bikes. Finally, development of bike lanes on S. Washington will extend those recently installed on S. Tacoma Way from Pine St to S. 43rd St, creating a wonderful access route to and from the future South Tacoma Sounder Station.

Thank you for your consideration,

Ken Peachey, Chair  
Tacoma Bicycle and Pedestrian Action Committee  
[253-389-8765](tel:253-389-8765)

March 16, 2012

Tacoma City Council  
747 Market St., Rm. 1200  
Tacoma, WA 98402

Mayor Strickland and Members of the Council,

Thank you for the opportunity to comment on the 2012 Annual Amendments. We appreciate the thoughtful work City staff, the Planning Commission and the Council have put into this year's amendments and offer the following thoughts on how these amendments may impact operations at Pierce Transit.

We are pleased to see the City is investing in transportation infrastructure that promotes walking, biking and transit in addition to single occupancy vehicles and that the City is moving forward with implementation of the Mobility Master Plan and Complete Street Guidelines. However, we are concerned about efforts to insure user safety where these modes intersect, particularly for buses and bicycles. Pierce Transit urges the Council to prioritize bus movement on transit corridors and around Transit Centers, consistent with the Complete Street Guidelines. Bus priority at these locations is a matter of safety for bicyclists and bus riders and a matter of cost for Pierce Transit, as delays impact our quality and cost of service.

Additionally, we encourage the City to continue to complete the city-wide sidewalk network with striped crosswalks at key intersections, maintaining stop bars and installing mid-block crossings where appropriate, particularly along arterials and streets served by transit. These features improve safety and pedestrian access to bus stops and other facilities.

Last, acknowledging that this is not part of the 2012 Annual Amendments, we commend you for removing parking minimums for new development and restricting surface parking lots in downtown Tacoma. Parking is currently a dominant land use in downtown. The more opportunities the City creates to transition parking lots and garages to active commercial and residential uses, the denser downtown will become and consequently, the more efficient and effective Pierce Transit's service in downtown will be. We were disappointed to learn the Council refrained from instituting parking maximums in downtown. While we understand the desire to be "open for business and new development", potentially permitting unfettered development of new parking when such a large unused supply exists conflicts with the City's policies to minimize the amount of land dedicated to parking (LU-MUP-1) and reduce dependency on single occupancy vehicles (Downtown Element).

Pierce Transit and the Tacoma City Council have a common vision for mobility in the City of Tacoma and we at Pierce Transit look forward to continuing our work together to achieve this vision.

Sincerely,

Chelsea Levy  
Urban Planner, Pierce Transit