

**Members**

Donald Erickson, Chair  
Sean Gaffney, Vice-Chair  
Tina Lee  
Matthew Nutsch  
Erle Thompson  
Scott Winship  
(vacant)  
(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, 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 and Public Hearing

**TIME:** Wednesday, May 16, 2012, 4:00 p.m.  
(Public Hearing begins at approximately 5:00 p.m.)

Change of Location  
(Not in Room 16)

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

**A. CALL TO ORDER**

**B. QUORUM CALL**

**C. APPROVAL OF MINUTES** – Regular Meeting and Public Hearing of May 2, 2012

**D. GENERAL BUSINESS**

(4:05 p.m.) **1. 2012 Urban Forestry Landscaping Code Update**

Description: Review public testimony received at the public hearing on May 2, 2012 and written comments received to date, and the corresponding staff responses and recommendations.

Actions Requested: Discussion; Direction

Support Information: See "Agenda Item GB-1"

Staff Contact: Ramie Pierce, 591-2048, [rpierce2@cityoftacoma.org](mailto:rpierce2@cityoftacoma.org)

(4:35 p.m.) **2. Code Streamlining 2012**

Description: Review the scope of work, issues, and potential alternatives for the proposed code streamlining pertaining to SEPA review thresholds, live-work and work-live units, and commercial parking requirements.

Actions Requested: Discussion; Direction

Support Information: See "Agenda Item GB-2"

Staff Contact: Ian Munce, 573-2478, [imunce@cityoftacoma.org](mailto:imunce@cityoftacoma.org)



**(5:30 p.m.) 3. Medical Cannabis Land Use Regulations (post-hearing discussion)**

Description: Upon concluding the public hearing, review oral testimony received, and written comments received to date, if any; and discuss potential modifications, as appropriate, to the proposed land use regulations in response to the public comments.

Actions Requested: Discussion; Direction

Support Information: N/A

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

**E. PUBLIC HEARING (begins at approximately 5:00 p.m.)****(5:00 p.m.) 1. Medical Cannabis Land Use Regulations**

Description: Conduct a public hearing on the proposed land use regulations concerning Medical Cannabis.

Actions Requested: Receive testimony; Keep hearing record open until May 18, 2012

Support Information: See "Agenda Item PH-1"

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

**F. COMMUNICATION ITEMS**

1. E-mail from Gary Knudson, May 3, 2012, regarding TDR Program, and staff response – See "Agenda Item C-1"
2. Planning Commission Vacancies – The Planning Commission has three openings available (two vacant and one term-expiring), representing Council Districts 2, 3 and 5. The term for these positions is three years, from July 1, 2012 to June 30, 2015. Applicants must reside in the respective districts. Applications are due to the Mayor's Office by Friday, June 8, 2012. For more information, please visit <http://www.cityoftacoma.org/Page.aspx?hid=18344>.
3. 2013 Annual Amendment – The Planning Commission is accepting applications for amending the Comprehensive Plan and/or Land Use Regulatory Code for 2013. Applications are due by Friday, June 29, 2012. For more information, please visit [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) and click on "2013 Annual Amendment".
4. "Short Course on Local Planning" training provided by the State Department of Commerce, Growth Management Services – one coming up on May 23, 2012, 6:30 p.m., in Bellevue. (<http://www.commerce.wa.gov>, click on "Local Government & Infrastructure", and under Helpful Links, click on "Short Course on Local Planning")
5. Planning Commission Tentative Agenda for June 6:
  - Urban Forestry Landscaping Code Update (making recommendations)
  - Medical Cannabis Land Use Regulations (making recommendations)

**G. COMMENTS BY LONG-RANGE PLANNING DIVISION****H. COMMENTS BY PLANNING COMMISSION****I. ADJOURNMENT**

## Members

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



# Minutes

## Tacoma Planning Commission

### Community and Economic Development Department

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### (Draft for Review/Approval)

MEETING: Regular Meeting and Public Hearing

TIME: Wednesday, May 2, 2012, 4:30 p.m.

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

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

Staff Present: Elliott Barnett, Brian Boudet, Jana Magoon, Ian Munce, Dian Wiatr, Lihuang Wung, Noah Yacker (BLUS); Mike Carey, Josh Diekmann, Lorna Mauren, Ramie Pierce (Public Works)

Chair Erickson called the meeting to order at 4:33 p.m. The minutes of the April 4, 2012 meeting were approved as submitted. The minutes of the April 18, 2012 meeting were approved with the following amendments (additions and deletions) to the last paragraph of the "Medical Cannabis Moratorium":

"Upon completing the discussion, Chair Erickson suggested that the proposal be divided so each alternative could be considered independently. Vice-chair Gaffney indicated that he had made a motion already to forward all four alternatives out for public review. Chair Erickson asked if there was a second to the Vice-Chair's motion. It was releasing all four alternatives for public review. A motion to that effect was made by Vice-Chair Gaffney and seconded by Commissioner Winship. Chair Erickson, who was instrumental in promulgating Alternative #3, acknowledged the concern voiced by staff over the CUP approach because it would require greater staff involvement and therefore potential staff liability, and proposed that the alternative be withdrawn."

## GENERAL BUSINESS

### 1. Subarea Plans Update

Ian Munce, Acting Manager of the Long-Range Planning Division, provided an update of the South Downtown Subarea Plan and EIS, a \$500,000 project funded by the Puget Sound Regional Council's Growing Transit Communities Program. The project is in the data collection stage, seeking community input, and scheduled to produce a draft plan this fall. The Station Working Group, a 37-member advisory group representing a wide range of interests, was



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recently established by the City Council and is up and running. Mr. Munce also noted that staff has submitted a grant application to the State Community Economic Revitalization Board (CERB) seeking funding support for the North Downtown Subarea Plan and EIS, a project proposed to supplement the South Downtown and the MLK subarea plans.

Brian Boudet, Long-Range Planning, provided an update of the MLK Subarea Plan and EIS. Staff has conducted community workshops, scoping meetings, online surveys, and focus groups. All these avenues have helped in getting community dialogue that will help in drafting a plan that takes into account public concerns. Staff has also shared with the City Council the progress being made on the project thus far. Mr. Boudet stated that the focus in developing the Plan both from the City Council's viewpoint and citizens of the targeted neighborhood is to have a Mixed-Use Urban Village with all the amenities that is both a safe place to live and an area with employment opportunities.

## **2. Transfer of Development Rights (TDR)**

Mr. Munce provided an update of the TDR program development, a part of the regional effort aimed at achieving the goals of watershed protection, historic preservation, open space protection, and facilitating the development of affordable housing. The plan is to have a functioning TDR program in place by this summer. He also discussed a number of TDR-related issues, including the bonus palette in the land use code, bonus heights, tax increment financing, receiving areas, sending areas, and relevant policies in the Comprehensive Plan.

## **PUBLIC HEARING**

### **1. 2012 Urban Forestry Landscaping Code Update**

At 5:00 p.m., Chair Erickson called to order the public hearing on the proposed Urban Forestry Landscaping Code Update. Ramie Pierce, Urban Forester, provided a summary of the proposal, which included several key components, i.e., aligning landscaping requirements with the Open Space Habitat and Recreation Element of the Comprehensive Plan, incorporating canopy coverage in the zoning requirements, increasing flexibility of the existing requirements, and providing options to meet canopy requirements such as credits and fees in-lieu-of.

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

- (1) Shawn Hoey** (Master Builders Association of Pierce County) – Mr. Hoey had submitted a letter to the Commission. The MBA was concerned about the onus placed upon private property owners for adhering to the canopy coverage requirements in the City-owned right-of-way (ROW); the threshold requirements pertaining to “exterior improvements”; the lack of nexus between changing the exterior of a building and requiring a private property owner to meet canopy coverage requirements in the ROW; the discrepancy between actual cost and in-lieu value for residential or for other land uses; and the 25% canopy coverage for multifamily development being too high.
- (2) Bill Rehe** (Port of Tacoma) – Mr. Rehe commented that the Port supports the City's overall goal of urban forest policy; the 30% canopy coverage goal is not being met by the proposed code changes; the City should retain current codes that exempt required landscaping and street trees in areas that such requirements would interfere with adjacent or intersecting

railroads, stormwater ditches or national security requirements; the Port is opposed to removing the current exemption for interior landscaping in industrial parking lots less than 20,000 sq. ft.; the Port should be allowed to average their canopy coverages over all of their sites or at off-site location; Tacoma should focus on broad ecological goals and not be tree centric when managing stormwater runoff; the Port is opposed to the requirements of City evaluation and approval of the Port's Urban Forestry Management Plan; and the Port should be allowed one year grace period to provide adequate time to prepare the Urban Forestry Plan. Mr. Rehe also submitted a hard copy of his remarks.

**(3) Joe Brady** (Metro Parks Tacoma) – Mr. Brady had submitted a letter to the Commission. Metro Parks supported the City's goal of achieving 30% tree canopy coverage by the year 2030, and was pleased with adding an option within the code for "Self-Managed Agencies", but was concerned that the City's oversight of Metro Parks operations, as currently drafted in the code, is beyond the purview of building landscaping regulations and contradict the definition of a self-managed agency.

**(4) Carl Teitge** (citizen) – His objection to the Ordinance centered on the section that proposes that the City will eventually attempt to put the responsibility for maintaining the right-of-way off on the property owners and the requirement goals for canopy coverage will give property owners unexpected consequences and that the Ordinance as it currently written will never really have the outcome that is being proposed. Mr. Teitge used the example of how certain ordinances in the past had the overseen result of not working as planned and resulting in blockage of view sensitive properties in the City. He feels that this ordinance that pushes for a certain type of trees (Red Oak) for landscaping purposes will have the same outcome.

Chair Erickson closed the public hearing at 5:20 p.m. and stated that written comments may be submitted until May 11, 2012.

### **COMMUNICATION ITEMS**

Chair Erickson acknowledged receipt of the following information/announcements:

1. The Department of Ecology is accepting public comments on Tacoma's Shoreline Master Program through June 7, 2012.
2. The Planning Commission is accepting applications for amending the Comprehensive Plan and/or Land Use Regulatory Code for 2013 through June 29, 2012.
3. Planning Commission Tentative Agenda for May 16.

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

Lihuang Wung distributed the Public Review Document for the Proposed Land Use Regulations concerning Medical Cannabis for the Commissioners' review in preparation for the upcoming public hearing on May 16, 2012.

Mr. Munce referred to the interaction between Councilman David Boe and the Commissioners at the last meeting on April 18 and suggested that the Commission may want to consider developing a joint work program with the City Council, with the goal of coming to more of an agreement with each other and working on items of importance to each other. He brought up

the proposed Code Streamlining effort as an example of what will be undertaken by the Commission and the Council on a fast-track review schedule, to be accomplished by the end of the year. The work is aimed at improving the land use code to facilitate the economic revitalization in Downtown and other mixed-use centers, and pertains to SEPA review threshold, live-work and work-live units, and commercial parking requirements. The Commission will begin to review and discuss these issues at the next meeting on May 16, 2012, Mr. Munce indicated.

### **COMMENTS BY PLANNING COMMISSION**

The following disclosures were made by three Commissioners:

- Chair Erickson met with representatives from the American Institute of Architects (AIA) and Historic Tacoma who were interested in a number of issues currently being worked on by the City but concerned about being able to stay abreast of the progress.
- Commissioner Nutsch attended an informal meeting with a group of technology entrepreneurs who were brainstorming ideas for attracting new businesses to the City, particularly in the technology industry.
- Vice-Chair Gaffney met with Councilman Ryan Mello and staff from Metro Parks Tacoma concerning the proposed Urban Forestry Land Use Code Update, and will bring forward his observations at the next meeting on May 16, 2012.

### **ADJOURNMENT**

The meeting adjourned at 5:36 p.m.



City of Tacoma  
Community and Economic Development Department

Agenda Item  
GB-1

TO: Planning Commission  
FROM: Elliott Barnett, Associate Planner, Long-Range Planning Division  
SUBJECT: Urban Forestry Landscaping Code Update  
DATE: May 9, 2012

The Planning Commission conducted a public hearing on May 2, 2012 to receive public comment concerning the Proposed Urban Forestry Landscaping Code Update. The hearing record remains open through May 11, 2012 to accept additional written comments. The complete text of the proposed code update had been compiled in a public review document with green covers (a.k.a., the "Green Book").

At the next meeting on May 16, 2012, the Commission will review the public comments received, staff responses, and where appropriate, staff recommendations for revisions to the Green 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 Green Book to the meeting for reference.

If you have any questions, please contact me at 591-5389 or [elliott.barnett@cityoftacoma.org](mailto:elliott.barnett@cityoftacoma.org).

Attachment

c. Peter Huffman, Assistant Director







## Proposed 2012 Urban Forestry Landscaping Code Update

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### Public Comments and Staff Responses Report May 9, 2012

The Planning Commission conducted a public hearing on May 2, 2012, and kept the record open until May 11, 2012, to receive public comment concerning the Proposed 2012 Urban Forestry Landscaping Code Update. In order to stay on schedule, this summary has been completed while the comment period is still open. Any comments received after May 9<sup>th</sup> will be provided to the Commission at their May 16<sup>th</sup> meeting.

Four citizens testified at the public hearing (see Attachment A), five written comments were received (see Attachments B-1 to B-5), and one individual provided comments to staff verbally. Summarized below are the major issues and concerns reflected in the public comment and the corresponding staff responses.

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 Urban Forestry Landscaping Code Update”).

#### 1. Subject: Expressions of support

Commenter: Port of Tacoma, Metro Parks Tacoma, Chris Beale

Issue: The Port supports the goal of improving the environment. Metro Parks Tacoma and Chris Beale support the goal of achieving a 30% tree canopy coverage by the year 2030.

*Staff Response:*

*Comments noted.*

#### 2. Subject: Disagree with the intent

Commenter: Carl Tietge

Issue: The City should not push regulations for ROWs onto property owners. 100% of canopy cover was too high—there is a reason trees have been removed, including light and view blockage. The City won’t reach 30/30 through regulations alone. The City should not impose fees and process onto property owners when the City does not do enough to manage its own open space.

*Staff Response:*

*Comments noted. As previously discussed, these code changes are a part of a larger program intended to address growing Tacoma’s canopy cover through multiple avenues and the City’s goal is to grow from 19% existing city-wide canopy cover to 30%.*

#### 3. Subject: Code requirements and public agencies

Commenter: Metro Parks Tacoma, Port of Tacoma

Issue: Both agencies expressed appreciation for the inclusion of the Self-managed Agencies option in the draft code, but also concerns about the scope of City review over their operations.

Both pointed out that they are governed by their own elected boards. In addition, the following issues were raised:

Port comments:

- a. Allow the Port to average coverages over all our sites or an offsite location.
- b. Self-managed agency requirements should not be subject to City approval, similar to the Port's Municipal Stormwater Management Plan.

Metro Parks Tacoma comments:

- a. The current draft includes City oversight of MPT operations beyond the purview of building landscape regulations, and having no nexus with canopy coverage. This contradicts the definition of a self-managed agency. MPT requests removal of maintenance, protocols and standards, tree risk management, storm, and emergency response requirements.

*Staff Response:*

*Any agency who qualifies for the Self-Managed Agency status would be able to address all of their properties holistically, including averaging the canopy coverages on all sites if desired.*

*Canopy coverage requirements are a modification to an existing development requirement. The City will not relinquish approval authority of development requirements in light of the City's responsibility to remain compliant with the state Growth Management Act. The Self-Managed Agency language was drafted to increase flexibility for larger agencies. The concept of an exemption from canopy cover requirements at the time of development subject to City approval of the agency Urban Forestry Program is legally valid. Agencies are free to suggest language that would work better to describe the nature of the City's approval process, but not undercut or eliminate the need for City approval.*

#### **4. Subject: Regulatory flexibility for Port/industrial areas**

Commenter: Port of Tacoma

Issue: The draft is not in harmony with the intent of achieving 30% canopy while being flexible to different land uses. The intent of Port Maritime Industrial District is to accommodate industry.

- a. The Commission should retain landscaping and street tree code exemptions for areas where such requirements would interfere with railroads, stormwater ditches, or national security requirements.
- b. The Port opposes removing the current exemption for interior landscaping in parking lots less than 20,000 square feet in size.
- c. The code should provide regulatory flexibility to allow the Port to accomplish their tree planting in off-site locations (such as the Place of Circling Waters site).

*Staff Response:*

- a. Draft does retain exemptions listed in a.*
- b. Draft already exempts industrial parking lots from the parking lot canopy requirement. Expanding interior landscaping to smaller parking lots is a smaller requirement than the canopy*

one would have been. Previous discussion with the Planning Commission at the April 4<sup>th</sup>, 2012 meeting indicated that the Commission wanted to remove the exemption that previous drafts had retained.

c. Any agency who qualifies for the Self-Managed Agency status would be able to address all of their properties holistically, including averaging the canopy coverages on all sites if desired.

#### **5. Subject: One-year grace period**

Commenter: Port of Tacoma

Issue: Request a one year grace period after adoption for the Port to draft its own Urban Forest Management Plan.

*Staff Response:*

*Staff recommends that all parties be treated in the same manner in the application of development requirements.*

#### **6. Subject: Tree-centric approach to stormwater**

Commenter: Port of Tacoma

Issue: The comments expressed agreement that trees are important for stormwater, but argued the proposal is a “tree-centric” approach. They argued there is a need for a mixed-vegetation approach. The comments cited technical guidance indicating that stormwater at industrial sites is best managed by preserving vegetation including grass, trees, shrubs, and vines. A multi-story approach is proven to provide excellent stormwater and erosion control and wildlife habitat. The focus should be on broad ecological goals, not just trees.

*Staff Response:*

*The draft landscaping regulations do require shrubs and groundcover as well as trees. In addition, this proposed update addresses turf lawn by no longer counting it as groundcover (due to its similarity to pavement in the stormwater infiltration sense), xeri-scaping and the use of native and edible plants. The Urban Forest Manual and other urban forestry program elements are intended to address the entire urban forest as well-not just trees.*

#### **7. Subject: Canopy coverage within the Right-of-way (ROW)**

Commenter: Master Builders Association, Carl Tietge

Issue: Private property owners should not have to provide canopy coverage within the right-of-way, or to have a percentage requirement from the ROW area. The ROW should be the City’s responsibility.

*Staff Response:*

*Private property owners are currently required to plant trees in the ROW under existing landscape regulations; the proposed changes simply remove the single family residential exemption. As previously discussed, the ROW is largely owned by the abutting property owner and not the City.*

## 8. Subject: Nexus for triggering canopy cover requirements

Commenter: Master Builders Association

Issues:

- a. Clarify what constitutes “exterior improvements” that would trigger meeting the canopy requirements.
- b. There is no nexus between exterior changes to a building and requiring canopy coverage.
- c. MBA does not support canopy requirements for a private property owner unless trees are being removed from the site.

*Staff Response:*

*a. Exterior improvements are changes to the outside of a building. Exterior versus interior improvements are an existing threshold used in many sections of the Tacoma Municipal Code. The current project is making no change to this distinction but simply continuing it from the existing landscaping code.*

*b. Again, the thresholds are longstanding and apply in multiple sections of the TMC.*

*c. Comments noted.*

## 9. Subject: In-lieu fee amounts

Commenter: Master Builders Association

Issue: Why is there such a difference between the in-lieu fee amounts listed in the Urban Forest Manual and the cost for professional installation and hand watering presented by staff on April 4<sup>th</sup>? It appears that the in-lieu fees are far above the actual costs of planting and watering. If that is the case, the Commission should consider lowering them.

*Staff Response:*

*While the estimated cost of planting a 2.5” tree (any size at maturity) and watering through establishment (the first three years) by a development applicant is estimated to be approximately \$400 per tree, the in-lieu fee is not intended to be a direct substitute for planting and is intended to attempt to cover the cost of growing a tree over a longer span of time than just the first three years. Additionally, the in-lieu fee is based upon square footage of crown cover for an average sized tree-so smaller trees at maturity would, in fact, be less than the estimated cost to plant and water and larger trees would be more than the estimated cost to plant and water through establishment.*

## 10. Subject: Canopy cover percentage for multi-family, green roofs

Commenter: Master Builders Association

Issue: 25% canopy coverage requirement for multifamily development is too high, especially in areas where zero lot line development is authorized. This would appear to imply a green roof would be necessary. Green roofs are difficult to receive insurance for. Without a green roof option, the canopy or in-lieu fee would place a significant burden.

*Staff Response:*

*The 25% canopy cover for multifamily (MF) housing applies only to MF housing in residential districts-where zero lot line development is not permitted. MF housing with zero lot lines are permitted in X-Districts, Commercial and Downtown Districts-both of which have a lower canopy cover requirement of 15%.*

*It is important to note that green roofs are one of many credits available in this proposed update. Also, staff conducted preliminary research regarding insurance for green roofs, and found that while green roofs are a relatively new technology, it is possible to insure structures with them. This is demonstrated by the existing examples.*

### **11. Subject: Shorelines application of Code**

Commenter: Su Dowie

Issue: Request clarification on how the code pertains to shoreline areas.

*Staff Response:*

*The draft code requirements are not proposed to apply to Shoreline areas, with the exception of general requirements. The reason for this approach is that the Shoreline Master Program is currently being reviewed by the State Department of Ecology, making it difficult to contemplate additional changes at this time. In the future, application of the new landscaping approach could be considered for shoreline areas.*

### **12. Subject: Views**

Commenter: Carl Tietge

Issue: The code does not address views as drafted, and should do so.

*Staff Response:*

*The City does not have authority to regulate vegetation height on private property-these concerns are addressed through covenants, conditions and restrictions during the building process or permits over city-owned property thereafter. Flexibility in addressing many issues, including views, can be achieved through the use of credits, careful tree selection and the in-lieu fee if necessary.*

### **13. Subject: Code Applicability Thresholds**

Commenter: Chris Beale

Issue: The Commission should lower the proposed applicability thresholds so that more projects would trigger landscaping requirements. Single family should never be given special treatment in code discussions.

Specific recommendations:

- a. Thresholds should be revised as follows:  
Threshold I: up to 50%; Threshold II: 50%-150%; no Threshold III
- b. Consolidate single-family with all other residential land uses.

*Staff Response:*

*Staff recommend leaving the thresholds consistent with Title 13 (as drafted, as opposed to the thresholds suggested in a.) and not singling out single-family (1, 2, and 3) uses differently (as suggested in b.).*

*Part of the intent through these proposed changes has been to align landscaping requirements across all land uses and zones and require developments to assist in growing city-wide canopy cover, whether that be through voluntary retention of trees, selecting and planting higher quality trees, designing for infrastructure and tree growth, and/or in-lieu fees. This proposal includes the new requirement of all major street improvement projects to provide street trees and the removal of exemptions from residential zones-which are Tacoma's largest land uses and arguably one of the most compatible land uses with growing tree canopy cover. Consolidating single-family uses with all other residential uses would simplify applying thresholds and staff review.*

#### **14. Subject: Canopy coverage percentages**

Commenter: Chris Beale

Issue: Proposed ROW canopy coverage of 30% is too high and should be lowered to 20%. 30% is not reasonable given limits on space in ROWs, soil compaction and other issues. The difference should be made up by parks, institutional and especially single-family zones which should be increased to 40%.

*Staff Response:*

*Comment noted. This issue has been extensively discussed through the Planning Commission process and led to the current proposal. Other options include raising single family residential coverage to 35% while lowering the ROW coverage to 22%; or, raising residential to 37% and reducing ROW to 20%.*

#### **15. Subject: Innovative soil techniques**

Commenter: Chris Beale

Issue: Growing large healthy trees requires adequate soil volumes. The code should require, rather than just incent, structural soil cells in parking lot landscaping areas as well as areas where large amounts of paving will surround trees. Structural soil cells, root paths and soil trenches should be utilized as other options.

Specific recommendations:

- a. Require structural soil cells in parking lots and all street tree plantings in downtown.
- b. Require compliance with the Washington State Department of Ecology BMP T5.13 in relation to compost amended soil volumes for all landscape areas.

*Staff Response:*

*a. Comments noted. Structural soil cells alone are, at this time, fairly cost-prohibitive if the cost to install is the only cost considered. This could be considered a burden on remodels. Staff suggests considering requiring the use of engineered increases in soil volumes (including*

*structural pavement, pervious pavement, structural cells, etc.) for all new parking lots and new developments (as opposed to alterations).*

*b. Compliance with the DOE BMP T5.13 is already required per Tacoma's Stormwater Management Manual.*

#### **16. Subject: Require green roofs on structures with large roof areas**

Commenter: Chris Beale

Issue: Develop a requirement for larger roof areas to provide green roofs, starting at a minimum of 25% for areas over 20,000 square feet, up to 60% for structures with roof area over 150,000 square feet.

*Staff Response:*

*Comment noted. The City is exploring updates to other code sections in the future to address this issue.*

#### **17. Subject: Regulatory approach**

Commenter: Mary Jo Strom Copland

Issue: Requirements or fines are never a good approach. A one-size fits all approach leaves much to be desired and does not take into account soil type, age of the resident and ability to comply.

*Staff Response:*

*Comments noted. Staff and the Planning Commission, through previous discussions, have recognized that regulations are only one of several approaches to meeting the City's 30 by 30 goal. However, the direction reflected in this proposal is that code requirements should play a role. Staff notes that while some requirements of the draft code are new, many are merely refinements of existing landscaping code requirements.*

*While all regulatory approaches need to operate within a framework that can be consistently applied, the draft code contains provisions to allow it to be customized on a site by site basis. The credits and fee-in-lieu approaches are two such provisions. One of the key intents of the project was to tailor the code to areas conducive to growing more trees, and to the needs of different land uses. The project includes increased flexibility for some existing landscaping code requirements.*

#### **18. Subject: Burden of compliance**

Commenter: Mary Jo Strom Copland

Issue: The age, income and physical abilities of residents could affect their ability to plant and maintain landscaping required under this proposal.

*Staff Response:*

*Comment noted. It is important to note that code requirements would only be triggered with new construction and substantial alterations to existing structures. The landscaping would be a small portion of the overall cost of development activities.*

## **19. Subject: Unintended consequences**

Commenter: Mary Jo Strom Copland, Karl Tietge

Issue: The draft code would have unintended consequences, including root encroachments, problems resulting from specific tree characteristics, fire hazard, water shortages, and potential lawsuits.

### *Staff Response:*

*Comments noted. While it is not possible to completely avoid conflicts, a major goal of this effort is to do better on this by providing technical guidance on tree and vegetation planting and maintenance.*

## **20. Subject: Code clean-ups**

Commenter: CEDD

Issue: Staff continues to work with the draft code to refine it to better achieve the intent. We have identified several minor corrections which we feel would do that.

### *Staff Response:*

*Staff is recommending several minor, non-substantive changes.*

## **Attachments**

- A. Summary of Oral Testimony (received at the Public Hearing on May 2, 2012)
- B. Written Comments (received through May 11, 2012):
  - 1. Chris Beale, April 30, 2012
  - 2. Metro Parks Tacoma, April 26, 2012
  - 3. Master Builders Association of Pierce County, May 2, 2012
  - 4. Port of Tacoma, May 2, 2012
  - 5. Mary Jo Strom Copland, May 9, 2012

### **NOTE:**

One verbal comment was received through May 11, 2012:

- 1. Su Dowie, Foss Waterway Development Authority, April 18, 2012



## Summary of Oral Testimony

Planning Commission Public Hearing – Wednesday, May 2, 2012, 5:00 pm

- (1) **Shawn Hoey** (Master Builders Association of Pierce County) – Mr. Hoey had submitted a letter to the Commission. The MBA was concerned about the onus placed upon private property owners for adhering to the canopy coverage requirements in the City-owned right-of-way (ROW); the threshold requirements pertaining to “exterior improvements”; the lack of nexus between changing the exterior of a building and requiring a private property owner to meet canopy coverage requirements in the ROW; the discrepancy between actual cost and in-lieu value for residential or for other land uses; and the 25% canopy coverage for multifamily development being too high.
- (2) **Bill Rehe** (Port of Tacoma) – Mr. Rehe commented that the Port supports the City’s overall goal of urban forest policy; the 30% canopy coverage goal is not being met by the proposed code changes; the City should retain current codes that exempt required landscaping and street trees in areas that such requirements would interfere with adjacent or intersecting railroads, stormwater ditches or national security requirements; the Port is opposed to removing the current exemption for interior landscaping in industrial parking lots less than 20,000 sq. ft.; the Port should be allowed to average their canopy coverages over all of their sites or at off-site location; Tacoma should focus on broad ecological goals and not be tree centric when managing stormwater runoff; the Port is opposed to the requirements of City evaluation and approval of the Port’s Urban Forestry Management Plan; and the Port should be allowed one year grace period to provide adequate time to prepare the Urban Forestry Plan. Mr. Rehe also submitted a hard copy of his remarks.
- (3) **Joe Brady** (Metro Parks Tacoma) – Mr. Brady had submitted a letter to the Commission. Metro Parks supported the City’s goal of achieving 30% tree canopy coverage by the year 2030, and was pleased with adding an option within the code for “Self-Managed Agencies”, but was concerned that the City’s oversight of Metro Parks operations, as currently drafted in the code, is beyond the purview of building landscaping regulations and contradict the definition of a self-managed agency.
- (4) **Carl Teitge** (citizen) – His objection to the Ordinance centered on the section that proposes that the City will eventually attempt to put the responsibility for maintaining the right-of-way off on the property owners and the requirement goals for canopy coverage will give property owners unexpected consequences and that the Ordinance as it currently written will never really have the outcome that is being proposed. Mr. Teitge used the example of how certain ordinances in the past had the unforeseen result of not working as planned and resulting in blockage of view sensitive properties in the City. He feels that this ordinance that pushes for a certain type of trees (Red Oak) for landscaping purposes will have the same outcome.



April 30, 2012

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

Dear Chair Erickson and Planning Commissioners:

Thank you for the opportunity to comment on the City of Tacoma's draft landscape code changes. These changes are needed to implement the City of Tacoma's goal of 30% canopy coverage by 2030; adopting these code changes and recommending them to City Council will substantially move the city in the right direction in achieving this overarching goal. More tree canopy in the city benefits everyone from the vast and far reaching benefits related to trees, including, but not limited to, reduced storm water runoff, improved energy efficiencies, reduced air pollution, increased property values and preservation of neighborhood character. All of these improvements mores a more livable, sustainable Tacoma.

I would like to make a few recommended tweaks to the draft presented to you for consideration. These changes, I believe, will help the city more easily achieve the "30 by 30" goal through regulations that are more equitable to the various land use categories covered under these code provisions:

1. **Lower applicability threshold values to a reasonable level.** The threshold values in the tables on pages 29 and 30 of the public review draft are far too high to trigger the applicability of the canopy coverage based landscape standards. Alterations that exceed 200% of the total value of an existing structure, particularly as it relates to SFR zoning, will almost never be reached.

Also, placing non-multi-family residential uses in a separate category continues to promote the idea that single family home owners, but not multi-family renters or commercial/industrial property owners, deserve a special exemption from rules. This is an inequitable distribution of code writing that should be discarded from all code writing exercises considered by the Commission and City Council. In relation to the code here, single family zoned properties represent the largest portion of privately owned properties city-wide and offer the greatest opportunity to improve canopy coverage in the city based on land use intensity and available soil volumes for tree growth.

a. Recommended actions:







Jeremy Doty, Chair  
City of Tacoma Planning Commission  
747 Market Street  
Tacoma WA 98402

April 26, 2012

Re: Landscaping Provisions of the Municipal Code Title 13 Update

Dear Mr. Doty,

On behalf of Metro Parks Tacoma's Nature and Environment Advisory Council, I am writing to express both support and opposition to parts of the Title 13 code update as currently drafted.

Metro Parks fully supports the City of Tacoma's goal of achieving 30% tree canopy coverage by the year 2030. The benefits associated with increased canopy cover will make Tacoma a more livable and sustainable city. According to the City's canopy cover study, Metro Parks currently has a 60% average canopy cover on the properties it maintains within the city, and the hundreds of young trees that have been planted in our parks over the last five years are intended to raise this percentage even higher.

We are pleased that City staff added an option within the code for "Self-Managed Agencies", which is largely in compliance with the Comprehensive Plan's direction to give autonomy to agencies that have an urban forester and a management plan. Metro Parks has a strong urban forestry program which is now into its second 5-year Urban Forest Management Plan. However, the Title 13 code update as currently drafted includes City oversight of Metro Parks operations that we feel are beyond the purview of building landscape regulations, and contradict the definition of a self-managed agency.

As written, self-managed agency status requires City evaluation and approval of the agency's entire Urban Forest Management Plan, including the following details specifically called out within the code: "Agency maintenance practices, protocols and standards, as well as agency policies related to tree risk management and storm and emergency response".

These policies and procedures are not directly related to canopy coverage on agency managed lands, and therefore should not be included for evaluation by the City. Furthermore, Metro Parks Tacoma is governed by an elected Board of Park Commissioners: MPT policies and operating procedures are developed under the guidance of the Park Board in its mandate to deliver high quality parks, programs and services to the citizens of Tacoma. Making self-managed status contingent upon City approval of agency operations unrelated to the building code is unreasonable.

Metro Parks is open to sharing our Urban Forest Management Plan to help the City of Tacoma reach its urban forestry goals, but take exception to the notion that City review and acceptance of policies and procedures unrelated to canopy constitute self-management.

Sincerely,

  
Terry Larson, Chair  
MPT Nature and Environment Advisory Council

Board of Park Commissioners:

Larry Dahl  
Erik Hanberg  
Aaron Pointer  
Tim Reid  
Andrea Smith

Cc: COT: Lihuang Wung, Mike Slevin, Lorna Mauren, Elliott Barnett, Ramie Pierce  
MPT: Park Board, Steve Knauer, Joe Brady

Executive Director:  
Jack C. Wilson

4702 S. 19th Street, Tacoma WA 98405-1175  
Phone: 253.305.1000 • Fax: 253.305.1098 •  
[www.MetroParksTacoma.org](http://www.MetroParksTacoma.org)

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# MBA Master Builders Association of Pierce County

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May 2, 2012

Chairman Donald Erickson  
City of Tacoma  
747 Market Street  
Tacoma, WA 98402-3766

Dear Chairman Erickson and Members of the Planning Commission:

This letter includes comments from the Master Builders Association of Pierce County (MBA) regarding the proposed Urban Forestry Landscaping Code update scheduled for public hearing on May 2, 2012. On behalf of the MBA, thank you for your consideration of these comments.

The MBA has several specific concerns regarding the proposed Urban Forestry Landscaping code and Urban Forest Manual. In these documents, the city is placing the onus upon private property owners for adhering to the canopy coverage requirements in the city owned right of way (ROW). Tacoma should take the lead on urban forestry by taking responsibility for any requirements on city-owned property. Currently, **§3.1.1** of the Urban Forest Manual requires that the ROW adjacent to a development project is to be included in calculations determining the amount of canopy coverage the private property owner would need to provide on both the property and in the city-owned ROW. This overreaches; private property owners should not have to meet the ROW canopy coverage requirements, nor have the square footage of the ROW included in their canopy coverage calculations.

The MBA also has questions regarding the threshold requirements included in **§13.06.502 B**. Under **§13.06.502 B.1.b**:

“The requirements do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include exterior and interior improvements.”

The MBA would like to know what constitutes “exterior improvements” that would trigger meeting canopy coverage requirements. It has been mentioned at several commission meetings that expanding the footprint of the building or bumping out walls would be triggers; however, the draft code does not clarify such thresholds. If changing the exterior form of a building is to be a trigger, clarification is needed about what would be considered de minimus changes or what would actually require canopy cover modifications to landscaping. Would installing a bay window which only bumps out the exterior wall by a few inches be enough to trigger compliance with these new regulations?

Furthermore, the MBA does not see any nexus between changing the exterior of a building and requiring a private property owner to meet canopy coverage requirements in the ROW. Additionally, the MBA does not support a private property owner being required to add trees if their change in the exterior form of the building does not remove trees from their private property.

**§3.3.6** of the Urban Forest Manual states that the in-lieu fee for 1, 2, and 3-owner occupied residential uses is \$1.00 per square foot of canopy coverage that cannot be met in its entirety (\$1.84 for all other uses). MBA questions the in-lieu fee schedule being proposed. For example, using the \$1.00 per square foot, the value of a red oak would be \$1,257 based on the anticipated crown area listed in the Urban Forest Manual. However, on April 4, 2012 city staff presented information that a 2.5" red oak would cost \$360 for professional installation and hand watering. The large discrepancies between the actual cost and in-lieu value for residential or for other land uses is an issue that the Commission should examine, and decide whether the in-lieu fees should be reduced to some amount closer to actual costs.

The MBA is also concerned that the 25% canopy coverage requirement for multifamily development is too high, especially in areas where zero lot line development is authorized and property owners can build property line to property line (such as in the downtown area.) The only way to accomplish a canopy cover of 25% would be to incorporate a green roof, which our members have said they cannot receive insurance for. Without a green roof as a possibility, the canopy coverage requirement and/or in-lieu fee system would place a significant burden upon developers that the Commission should consider.

Thank you once again for your consideration of these comments. If you have any questions feel free to contact me at 253-272-2112 ext. 101.

Sincerely,



Shawn Hoey  
Government Affairs Manager

Cc: Sean Gaffney, Vice-Chair  
Erle Thompson, Commissioner  
Tina Lee, Commissioner  
Scott Winship, Commissioner  
Matthew Nutsch, Commissioner  
Ramie Pierce, Urban Forester  
Lihuang Wung, Community and Economic Development Department





May 2, 2012

Good Afternoon, Commissioners. My name is Bill Rehe and I am the Environmental Project Manager for the Port of Tacoma's Habitat and Stewardship Program.

The Port of Tacoma supports the overall goal of the City of Tacoma's Urban Forest Policy to improve the livability of the urban environment-environmentally, aesthetically, and socially. To this end, the Port of Tacoma has completed more than 19 mitigation and habitat sites, cleaned up approximately 420 acres of formerly contaminated property, restored more than 100 acres of habitat for fish and other wildlife, and preserved about 70 acres of open space to serve as a natural buffer between industrial activities and residential areas.

One of the goals of the modifications to the existing landscaping code is to use a science-based approach to achieving a 30% citywide canopy cover while being sensitive to the characteristics of different land uses. While the Port appreciates this goal, we feel it is not being met by the proposed code changes. The intent of the Port Maritime and Industrial district is to allow industrial uses and uses not permitted in other districts including deep water berthing, sufficient backup land between berths and public right-of-ways, road and rail corridors designed for large, heavy truck and rail loads, container marshalling, intermodal yards, forest product operations, warehousing/cargo storage and manufacturing. The Port asks the planning commission to retain current codes that exempt required landscaping and street trees in areas that such requirements would interfere with adjacent or intersecting railroads, stormwater ditches, or national security requirements. The Port is also opposed to removing the current exemption for interior landscaping in industrial parking lots less than 20,000 sq ft.

Another key goal of the 2012 Urban Forestry Code Update is to provide regulatory flexibility. The currently proposed code changes only allow flexibility if an agency develops their own Urban Forestry Plan. It is critical that the Port, other agencies and business be allowed to average their coverages over all of their sites or at off-site location. Trees do not belong in some areas such as marine terminals, but we do have mitigation sites with significant tree coverage. In fact the Port recently completed the Place of Circling Waters site in which we planted over 35,000 trees and shrubs. For a regulatory structure to have any legitimacy, it must have flexibility in its requirements.

The Port of Tacoma agrees that urban forests are an important asset in managing stormwater, but disagrees with the tree centric approach. The Port supports a mixed vegetation approach to managing stormwater runoff. As stated in the Washington

Department of Ecology's Stormwater Management Manual for Western Washington and Puget Sound Action Team/Washington State University Pierce County Extension Low Impact Development technical guidance manual for Puget Sound, stormwater at industrial sites are best managed by preserving or planting of natural vegetation including grass, trees, shrubs, and vines. This multi-story vegetation approach has been proven to provide excellent stormwater and erosion control in addition to providing the most comprehensive wildlife habitat. Tacoma's Urban Forestry plan should focus on broad ecological goals and not be tree centric.

The Title 13 code update, as currently drafted, provides an option for "Self-Managed Agencies" who have an urban forester and a management plan. The Port of Tacoma appreciates this option but is opposed to the requirement of City evaluation and approval of the Ports entire Urban Forestry Management Plan. The Port of Tacoma is an independent municipality governed by an elected Board of Port Commissions and, similar to our Municipal Stormwater Management Program, should not be subjected to evaluation/acceptance by the City of Tacoma.

Furthermore, if the Tacoma Planning Commission adapts the proposed Title 13 code updates, a one year grace period should be given to provide adequate time for the Port and other agencies enough time to prepare Urban Forestry Plans.

Please, feel free to contact me with any questions or comments. I can be reached at (253) 592-6704, or via e-mail at [wrehe@portoftacoma.com](mailto:wrehe@portoftacoma.com)

Sincerely,

Bill Rehe  
Environmental Project Manager

**From:** Maryjo Strom Copland [<mailto:MJ@thetravelcompany.net>]  
**Sent:** Wednesday, May 09, 2012 6:36 PM  
**To:** [elliott.barnett@cityoftacoma.org](mailto:elliott.barnett@cityoftacoma.org)  
**Subject:** Urban Forestry

To whom it may concern:

The landscaping code, while laudable in its intent, is never the less ill conceived due to a number of issues.

- 1)The "requirement" or "fine" process is never a good approach.
  - 2)A one size fits all approach leaves much to be desired and does not take into account soil type, age of the resident and ability to comply.
  - 3) Disability and the many issues that accompany the disabled
  - 4) Potential problems, including but not limited to encroachment of tree roots that will eventually require mitigation
  - 5) tree choice and the attendant problems that could occur.
  - 6) fire hazard which accompany improper soil and water conditions.
  - 7) water shortages
- And a variety of other problems including potential lawsuits.

Please consider carefully before you attempt to implement this plan.

*Mary Jo Strom Copland  
3217 North 28<sup>th</sup>  
Tacoma, WA 98407*





City of Tacoma  
Community and Economic Development Department

Agenda Item  
GB-2

TO: Planning Commission  
FROM: Ian Munce, Acting Manager, Long-Range Planning Division  
SUBJECT: Code Streamlining 2012  
DATE: May 9, 2012

As staff informally discussed with the Planning Commission at the last meeting on May 2, 2012, we would like to take some short-term actions designed to expedite infill and adaptive reuse of existing buildings.

First, we are recommending that we act immediately to implement a new State law that makes it easier to exempt small-scale residential infill from the requirements of the State Environmental Policy Act (SEPA).

Second, we would like to make it very clear in the City Land Use Code that existing buildings, both residential and non-residential, can accommodate a mix of small scale residential and business uses without triggering requirements that these existing buildings meet all of the current requirements of the City's Land-Use Code. This clarity is provided by adding sections on live-work and work-live.

Third, we are recommending that full consideration be given to exempting all existing structures outside the mixed-use centers and Downtown from off-street parking requirements. However, whatever parking was required when this change takes effect must be retained unless a change of use triggers what would equate to a lower parking requirement.

Attached are a summary of each of the above mentioned code streamlining proposals, as well as the tentative schedule for the project. If you have any questions, please contact me at 573-2478 or [imunce@cityoftacoma.org](mailto:imunce@cityoftacoma.org).

Attachments (4)

c. Peter Huffman, Assistant Director



## ENVIRONMENTAL POLICY AND CODE REVISIONS THRESHOLD CHANGES

May 9, 2012

During the 2012 Legislative Session, the Washington State Legislature passed ESSB 6406 which amends the state's environmental and natural resources laws, including the State Environmental Policy Act (SEPA). That law was signed by the Governor, with amendments, on May 2, 2012. The purpose of the bill is to streamline regulatory processes and to modernize the SEPA review to take into account growth management and evolving development regulations.

The bill does several things, including directing Department of Ecology to revise SEPA thresholds and applicability by the end of 2012, with additional changes to occur in 2013. Among those changes, DOE is directed to raise the thresholds for SEPA review for new construction. (SEPA establishes thresholds at which certain projects are exempt from environmental review. In addition, jurisdictions can adopt "flexible thresholds" at the local level to raise those thresholds.)

Until DOE completes its work, cities and counties may use the maximum threshold levels for review, whether or not they have officially adopted those thresholds in their SEPA procedures.

The City of Tacoma adopted the maximum thresholds in *TMC 13.12.310* for commercial and institutional buildings and for grading/filling activity. The City has not adopted the maximum threshold levels for residential development or for number of parking spaces. The flexible SEPA thresholds at the state level and as adopted by the City are:

|                                      | Construction of a Residential Dwelling | Construction of an Agricultural Structure | Construction of a Commercial Building | Parking Lots     | Landfills and Excavations |
|--------------------------------------|--|---|---------------------------------------|------------------|---------------------------|
| DOE Maximum SEPA Threshold Allowance | 20 units                               | 30,000 sq. ft.                            | 12,000 sq. ft.                        | 40 spaces        | 500 cu. yds.              |
| <b>Current Tacoma Threshold</b>      | <b>4 units</b>                         | <b>10,000 sq. ft.</b>                     | <b>12,000 sq. ft.</b>                 | <b>20 spaces</b> | <b>500 cu. yds.</b>       |

The Community and Economic Development Department is responsible for administering the State Environmental Policy Act (SEPA, *RCW 43.21C*) per the requirements of the *Washington Administrative Code (WAC 197-11)* and *Tacoma Municipal Code Chapter 13.12*. The Department carries environmental review responsibility for all private and certain categories of public development proposals within the City, as well as for proposals and actions undertaken by the Department. CEDD is also the "Public Information Center" for all SEPA activity in the City.

Due to the nature of development in the City, it's unlikely that the City would be reviewing permits for the construction of any agricultural structure. However, permitting for residential and parking development is a frequent occurrence. The SEPA Official for building permits is Ryan Petty, or his designee – Jana Magoon, the Land Use Administrator.

The new legislation will go into effect in July, which is too soon to adopt changes to *TMC* 13.12 and conduct public review. Therefore, staff are proposing a resolution for Council consideration on June 12 to direct staff to use the higher thresholds allowed under SEPA. Code changes and public review will be forthcoming.

Benefits to raising the SEPA thresholds will include:

- Streamlining the Building/SEPA review process
- Allowing reviewers to focus on fewer SEPA projects to review
- Support from the development/business community
- Enhancement of economic development



**PROPOSAL TO ADD ZONING FLEXIBILITY FOR  
LIVE-WORK AND WORK-LIVE**

**May 9, 2012 Draft**

**Live-Work**

Purpose and Intent: The purpose of this Section is to assist with the revitalization of Downtown Tacoma and the City's other Mixed-Use Centers and with the implementation of the City's Comprehensive Plan by facilitating additional economic activity in conjunction with residential uses. This will help to reduce vacant space as well as preserve Downtown's architectural and cultural past and encourage the development of a live/work and residential community Downtown, thus creating a more balanced ratio between housing and jobs in the region's primary employment center. This revitalization will also facilitate the development of a "24-hour city" and encourage mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels and transit services near each other. Adding a home occupation does not trigger change of use requirements under the City's land-use codes.

- (a) All legal residential uses in Downtown and the other mixed-use centers may as a matter of right add a home occupation pursuant to TMC 13.06.100 E without being subject to the limitation in TMC 13.06.100 E(6) that no employees outside the members of the family residing on the premises be involved in the home occupation.
- (b) No additional parking spaces need be added.
- (c) Up to 10% of new floor area may be added for the purposes of creating living or working space without triggering a change in use.
- (d) Non-conforming floor area, setbacks, and height are "grandparented in", meaning that a variance is not required.
- (e) Mezzanine spaces may be added so long as they do not exceed one third the size of the floor below.

**Work-Live**

Purpose and Intent: The purpose of this Section is to assist with the revitalization of Downtown Tacoma and the City's other Mixed-Use Centers and with the implementation of the City's Comprehensive Plan by facilitating the conversion of older, economically distressed, or historically significant buildings to work/live units. This will help to reduce vacant space as well as preserve Downtown's architectural and cultural past and encourage the development of a work/live and residential community Downtown, thus creating a more balanced ratio between housing and jobs in the region's primary employment center. This revitalization will also facilitate the development of a "24-hour city" and encourage mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels and transit services near each other. Adding a minor residential component to a historic building does not trigger change of use requirements under the City's Land-use codes.

(a) A work/live unit is a combined living and work unit that includes a kitchen and a bathroom. The residential portion of the unit, including the sleeping area, kitchen, bathroom, and closet areas, occupies no more than 33 percent of the total floor area of the legal non-residential use, and the living space is not separated from the work space. It must be located with Downtown or the other mixed-use centers

(b) The requirements for the "occupation-home" use permit are as follows:

1. the residential use must be clearly incidental and subordinate to the work space use
2. "occupation-home" use shall not generate nuisances to any greater extent than what is usually experienced in the surrounding zone
3. the Land Use Administrator may attach additional conditions to the occupation-home use permits to ensure that the criteria set forth above are met

(c) For the purposes of this chapter, a historic building is defined as follows:

Any building or structure that is listed in the State or National Register of Historic Places; or designated as a City Landmark under Chapter 13.07 of the Tacoma Municipal Code; or certified as a contributing resource within a National Register or Tacoma Register historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer, or with an opinion from the Tacoma Historic Preservation Officer that the property appears to meet the criteria for designation as a local landmark listed in Chapter 13.07 of the Tacoma Municipal Code.

(d) No additional parking spaces need be added.

(e) Up to 10% of new floor area may be added for the purposes of creating living or working space without triggering a change in use.

(f) Non-conforming floor area, setbacks, and height are "grandparented in", meaning that a variance is not required.

(g) Mezzanine spaces may be added so long as they do not exceed one third the size of the floor below.

(h) New roof structures shall not be considered as adding new floor area or to trigger change of use requirements; such structures shall not be used for living or working quarters but must be used solely for accessory uses or open space.

(i) Adding an "occupation-home" use is not subject to density requirements in the underlying zone.

# PROJECT STREAMLINING 2012

## PARKING EXEMPTION

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### **Project Scope**

The proposal is an amendment to Section 13.06.510 of the *Tacoma Municipal Code (TMC)* to add a parking exemption for existing buildings (in existence at the time this change takes effect) in the “T” Transitional, “C-1” General Neighborhood Commercial, “C-2” General Community Commercial, “HM” Hospital Medical, and “PDB” Planned Development Business Districts (hereinafter the Commercial Districts).

This exemption will help eliminate parking-related barriers to the reuse of existing buildings by allowing the principle use of an existing building, located in the Commercial Districts, to change without requiring additional parking.

### **Current Parking Triggers, Requirements, and Exemptions**

Current Code requires review of parking when a new use/structure is established or when the principal use within an existing structure is changed to another use.

#### Commercial Districts

In the Commercial Districts, parking quantity requirements are based on the size and type of use and vary greatly depending on the type of use (e.g. small retail uses require 2.5 stalls/1,000 sq ft and restaurants require 10/1,000 sq ft). There is no exemption to the parking requirement for a change of use within existing buildings.

#### Mixed-Use District

In the Mixed-Use Districts, use types are simplified (all commercial and office uses require 2.5 stalls/1,000 sq ft) which allows a change of use to occur from one commercial or office use to another without requiring new parking. In addition, Mixed-Use Centers have parking exemptions that are designed as incentives to encourage development in those areas. Notably, there are parking exemptions for the first 3,000 square feet of ground level retail/restaurant uses, buildings that existed prior to the establishment of the Mixed-Use Center (usually 1996), and buildings that are located adjacent to Core Pedestrian Streets. Additionally, the Mixed-Use Centers provide parking incentives (reductions) which encourage car sharing, trip reduction plans, shared parking, bicycle parking, adding on-street stalls, etc

#### Downtown Districts

Required parking in the Downtown districts is also based on type and size of use, but with only two use categories: residential and non-residential. Similar to the Mixed-Use Districts, incentives and exemptions are available Downtown such as no parking required for new or existing development within the recently established Reduced Parking Area (RPA), no parking required for buildings built before 2000, reductions to parking requirement for close proximity to light rail, and exemptions for small ground level retail and restaurant uses.

## **Recent Code Changes**

1. Under Ordinance 28051 (passed 2/21/12), the parking exemption for existing and new development in the Downtown districts was expanded from the International Financial Services District to the newly created RPA (Attachment "A").
2. As part of this year's Annual Amendment, proposed Code changes to the parking Section include:
  - Reducing the parking requirement for restaurant uses from 10 stalls/1,000 sq. ft. to 6 stalls/1,000 sq. ft.
  - Adding an exemption for buildings built prior to 1953 (adoption of the *TMC*) in all districts. This exemption does not allow existing parking to be eliminated or reduced below the required parking.

## **Benchmarking**

Similar to Tacoma, most other municipalities (Attachment "B") generally require parking for new development as well as a change of use within existing development. Some variations include Auburn and Spokane, which only require parking be added for a change of use when the new use increases the required parking by more than five stalls. As far as exemptions specifically for existing buildings, several cities do not offer such an exemption and, for those that do, the approaches vary greatly. For instance, Bellingham allows the Planning Director to waive parking requirements for existing buildings when there is inadequate space on-site to provide additional parking, parking cannot be provided within 500 feet of the site, and there is ample on-street parking. In Gig Harbor, the parking exemption for existing buildings, which allows the use to change from one non-residential use to another non-residential use without providing additional parking, was recently expanded to include more areas beyond the downtown core.

Attachments:

"A" – Reduced Parking Area

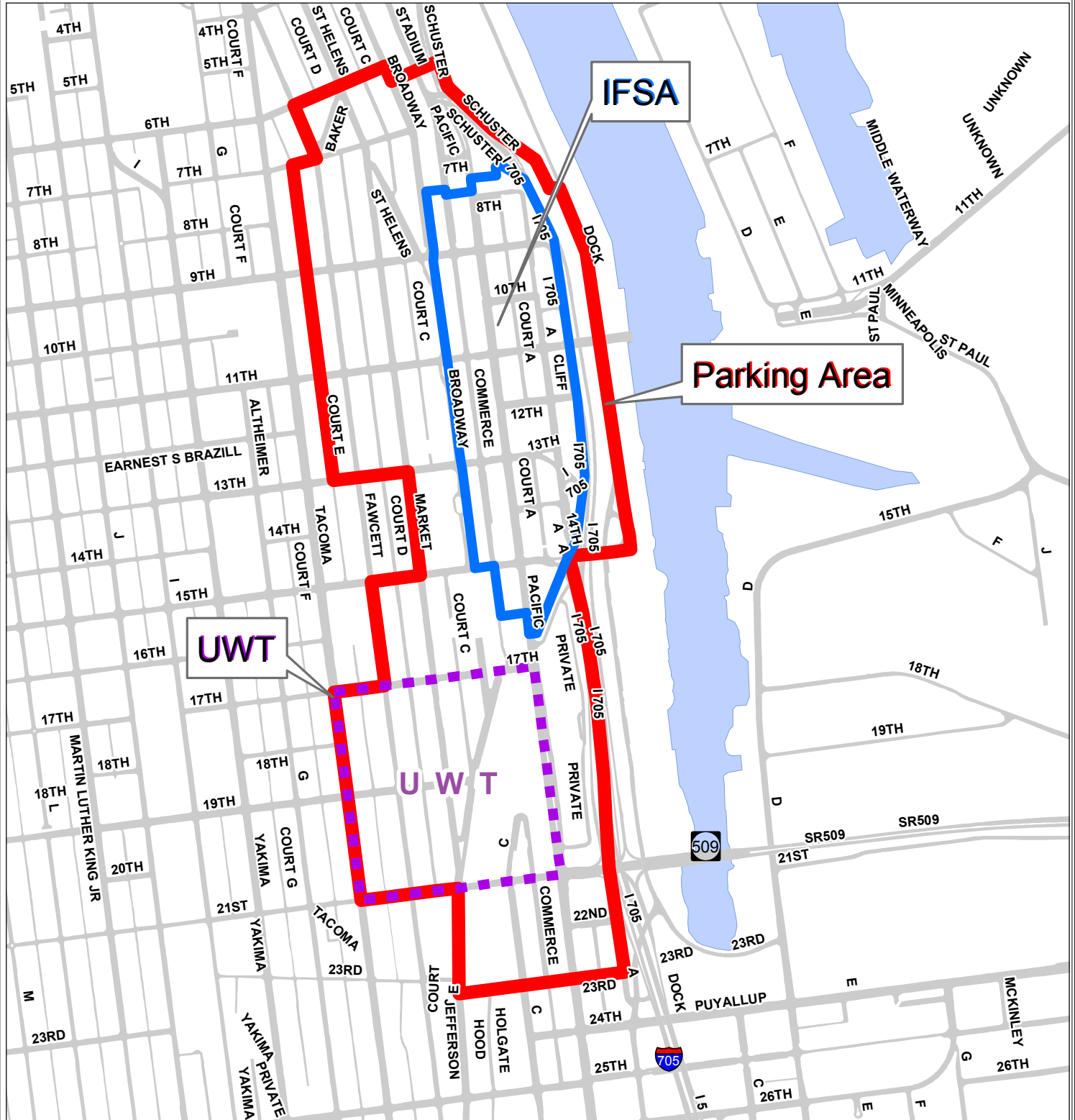
"B" – Benchmarking




"C" – Mixed-Use Centers (not including Downtown)

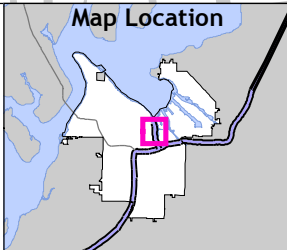
"D" – City Zoning Map

If you have any questions please contact Noah Yacker at (253) 591-5371 or [nyacker@cityoftacoma.org](mailto:nyacker@cityoftacoma.org).

# Reduced Parking Area (RPA)



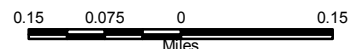
-  Reduced Parking Area (RPA)
-  Int. Fin. Serv. Area (IFSA)
-  UW Tacoma



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



NOTE: This map is for reference only.

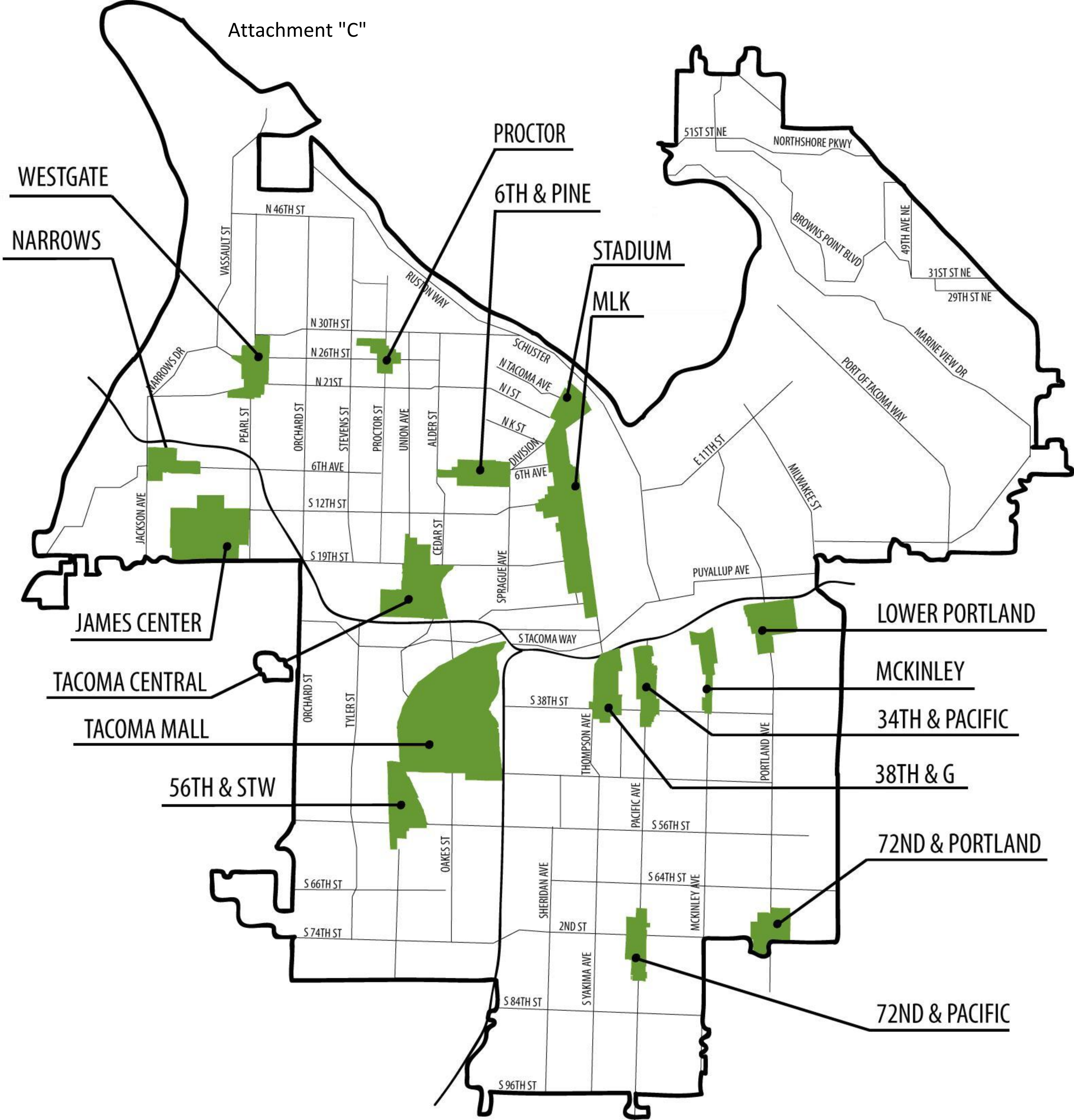


Attachment "B"

| City          | Description of Parking Triggers   | Parking Exemptions for Existing Buildings   |
|---------------|---|---|
| Tacoma        | <b>Parking required for new development or change of use in existing development.</b>   | <b>Existing buildings in the Mixed-Use Centers and the Downtown Districts are exempt from parking.</b>  |
| Auburn        | Parking required for new development or change of use in existing development.  | Changes of use in existing structures are exempt if the new use requires five or less new stalls.   |
| Bellevue      | Parking required for each new use and each new tenant.  | No exemptions specifically for existing buildings.  |
| Bellingham    | Parking required for new development, when the value of interior work exceeds 50% of the building valuation, or when the required number of stalls is increased by a change in use. | Planning Director can waive parking requirements when there is no space on the site to provide the additional parking, no parking can reasonably be provided within 500 feet of the site, and there is ample on street parking.   |
| Boise         | Parking required for new development or change of use in existing development.  | No exemptions specifically for existing buildings.  |
| Everett       | Parking required for new development or change of use in existing development.  | Exemption for existing buildings only available in the Downtown Core.   |
| Federal Way   | Parking required for new development or change of use in existing development.  | No exemptions specifically for existing buildings.  |
| Fife          | Parking required for new development or change of use in existing development.  | No exemptions specifically for existing buildings.  |
| Gig Harbor    | Parking required for new development or change of use in existing development.  | Exemptions in some districts and in proximity to certain streets: existing buildings can change from one non-residential-use to another non-residential use without providing additional parking. Additions to existing buildings require parking be added for the addition. This exemption was recently expanded from the Downtown District to include several other commercial districts. |
| Olympia       | Parking required for new development or change of use in existing development.  | No exemptions specifically for existing buildings. Several options for reductions to parking.   |
| Portland      | Parking required for new development or change of use in existing development.  | No exemptions specifically for existing buildings. Core districts have no parking requirement and there are several options for reductions to parking citywide.   |
| Puyallup      | Parking required for new development or change of use in existing development.  | No exemptions specifically for existing buildings.  |
| Redmond       | Parking required for new development or change of use in existing development when the new use requires more parking.   | No exemptions specifically for existing buildings.  |
| Seattle       | Parking required for new development or change of use in existing development.  | In commercial and industrial zones, first 20 stalls are waived for a new non-residential use within an existing structure.  |
| Spokane       | Parking is required for new development and change of use in existing development.  | An addition or alteration to an existing structure shall provide the stalls required for the increase unless it is less than 5 stalls.  |
| Vancouver, WA | Parking required for new development or change of use in existing development.  | Exemptions for existing buildings in some districts and in proximity to certain streets: commercial use in existing structures  |

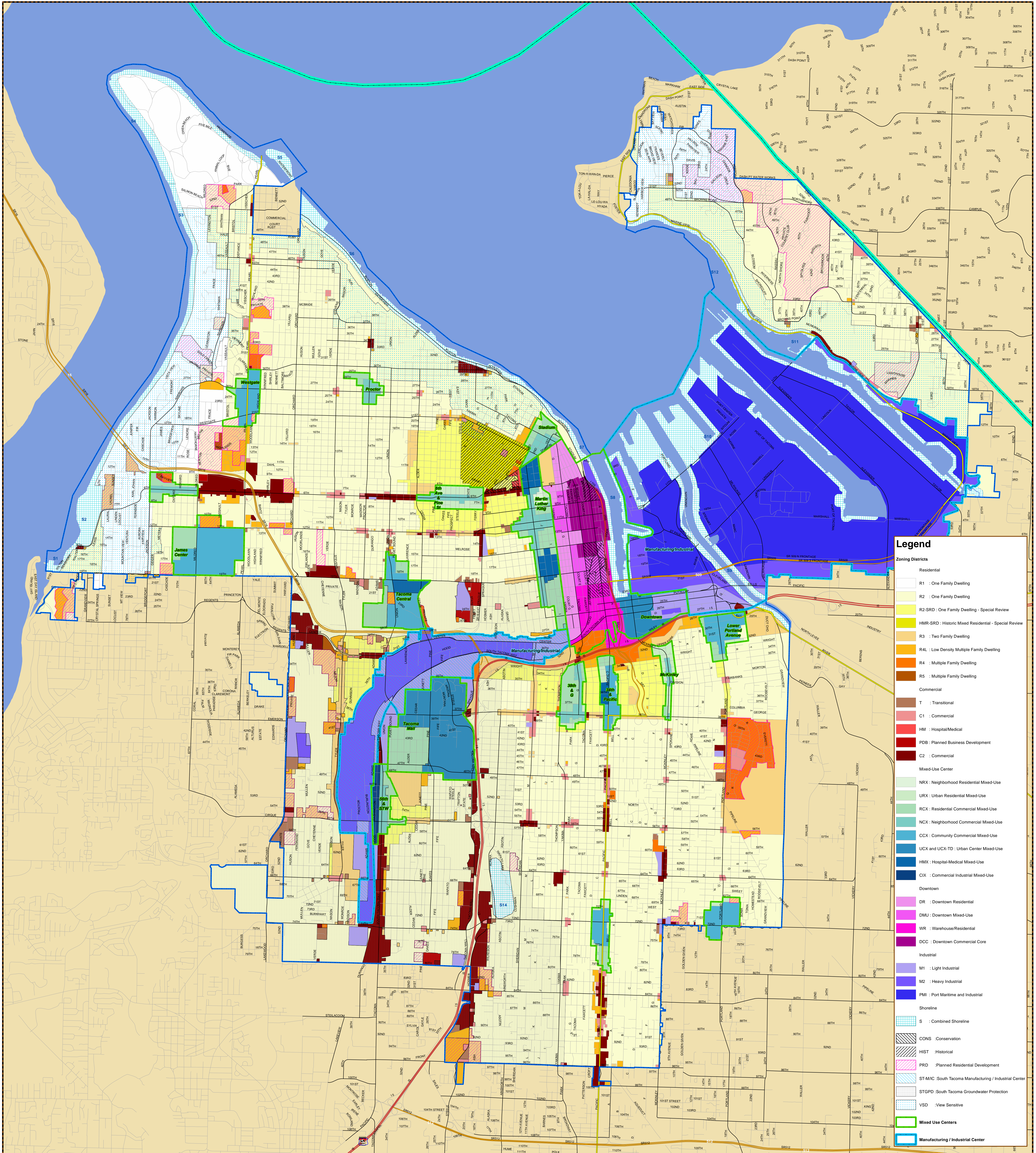


Attachment "C"





# City of Tacoma Zoning

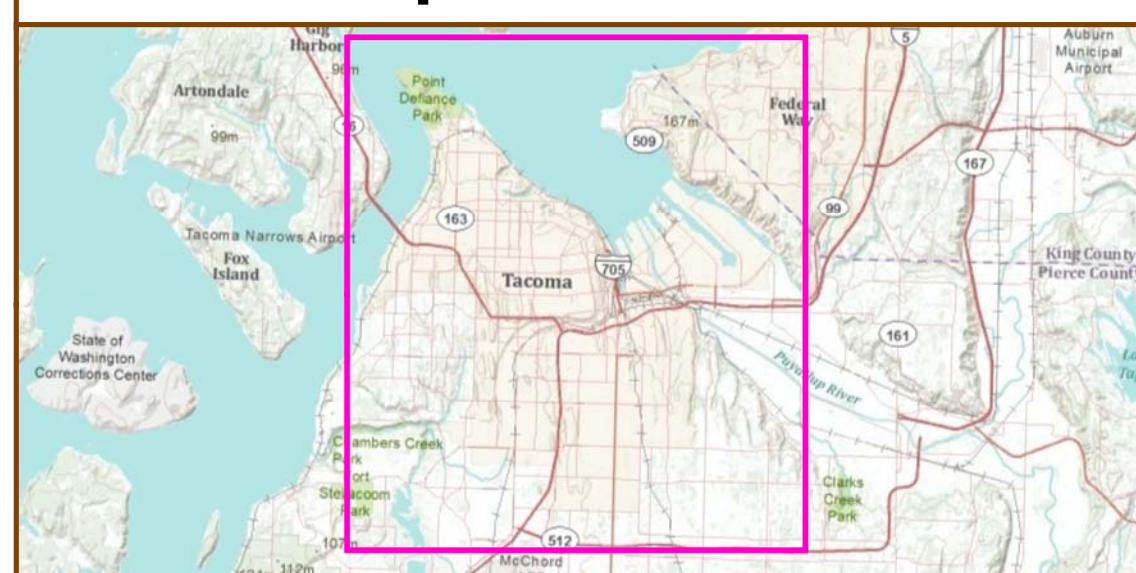


**Legend**

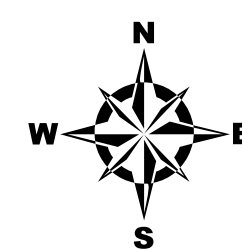
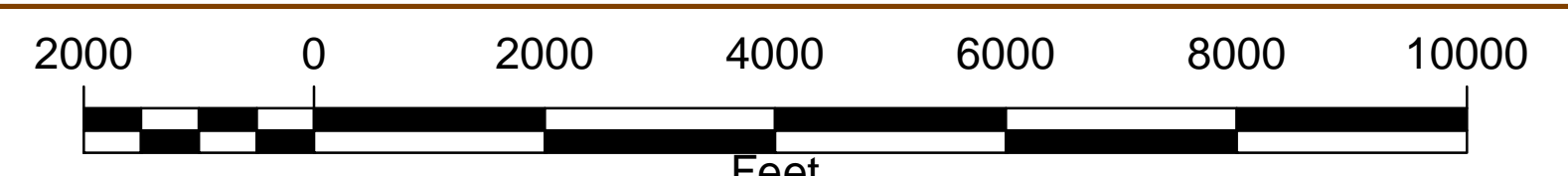
**Zoning Districts**

- Residential
  - R1 : One Family Dwelling
  - R2 : One Family Dwelling
  - R2-SRD : One Family Dwelling - Special Review
  - HMR-SRD : Historic Mixed Residential - Special Review
  - R3 : Two Family Dwelling
  - R4L : Low Density Multiple Family Dwelling
  - R4 : Multiple Family Dwelling
  - R5 : Multiple Family Dwelling
- Commercial
  - T : Transitional
  - C1 : Commercial
  - HM : Hospital/Medical
  - PDB : Planned Business Development
  - C2 : Commercial
- Mixed-Use Center
  - NRX : Neighborhood Residential Mixed-Use
  - URX : Urban Residential Mixed-Use
  - RCX : Residential Commercial Mixed-Use
  - NCX : Neighborhood Commercial Mixed-Use
  - CCX : Community Commercial Mixed-Use
  - UCX and UCX-TD : Urban Center Mixed-Use
  - HMX : Hospital-Medical Mixed-Use
  - CIX : Commercial Industrial Mixed-Use
- Downtown
  - DR : Downtown Residential
  - DMU : Downtown Mixed-Use
  - WR : Warehouse/Residential
  - DCC : Downtown Commercial Core
- Industrial
  - M1 : Light Industrial
  - M2 : Heavy Industrial
  - PMI : Port Maritime and Industrial
- Shoreline
  - S : Combined Shoreline
- Other
  - CONS : Conservation
  - HIST : Historical
  - PRD : Planned Residential Development
  - ST-MIC : South Tacoma Manufacturing / Industrial Center
  - STGPD : South Tacoma Groundwater Protection
  - VSD : View Sensitive
  - Mixed Use Centers
  - Manufacturing / Industrial Center

### Map Location



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



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



**NOTE:**  
Please contact **Tacoma Building and Land Use Services**  
at **253.591.5030** to verify all information shown here.





## Code Streamlining 2012 (Parking, Live/Work Space, and SEPA)

### REVIEW SCHEDULE (As of May 9, 2012)

| Date               | Event  |
|--------------------|--|
| May 16, 2012       | Planning Commission reviews the scope of work and staff analysis, and indicates a preferred alternative(s) for staff to develop the complete text (i.e., policy or code language) accordingly. |
| June 20            | Planning Commission reviews and modifies as appropriate the complete text of the proposal; authorizes the proposal as may be modified for public review; and sets a public hearing date.       |
| July 10            | Economic Development Committee reviews draft code amendments   |
| July 18            | Planning Commission Public Hearing   |
| July 20            | Written comments due; public hearing record closed   |
| August 1           | Planning Commission reviews public comments and modifies the proposal as appropriate   |
| August 14          | City Council sets public hearing date  |
| August 15          | Planning Commission makes recommendations to the City Council  |
| August 20          | Executive Forum reviews Planning Commission recommendations  |
| August 21          | Weekly Letter forwarding Planning Commission recommendations to City Council   |
| August 28          | City Council Study Session   |
| August 28          | City Council Public Hearing  |
| September 11       | Economic Development Committee reviews Planning Commission's recommendations and makes a "Do Pass" recommendation to the City Council  |
| September 18       | City Council first reading of ordinance(s) adopting the proposed amendments  |
| September 25, 2012 | City Council final reading of ordinance(s) adopting the proposed amendments  |





City of Tacoma  
Community and Economic Development Department

TO: Planning Commission  
FROM: Lucas Shadduck, Planner, Long-Range Planning Division  
SUBJECT: Public Hearing on Medical Cannabis Land Use Code Update  
DATE: May 9, 2012

The Planning Commission will conduct a public hearing on May 16, 2012, and keep the hearing record open through May 18, 2012 to receive written comments, concerning the proposed Medical Cannabis Land Use Code Update. Immediately following the public hearing, the Commission will discuss the testimony received and, if appropriate, provide direction to staff in preparing a draft recommendation for its consideration at the next meeting on June 6, 2012.

The proposed amendments to the Land Use Regulatory Code address the siting of medical cannabis facilities, with the intent of providing safe, secure and reasonable access for qualified medical cannabis patients pursuant to the Washington State Medical Cannabis Act (RCW 69.51A).

The proposal involves adding to and revising the Land Use Regulatory Code. This amendment intends to provide clear land use regulation for non-residential medical cannabis production, processing and distribution activities to ensure safe access for Tacoma residents who are qualified patients and address potential impacts on public health, safety and welfare.

Three alternative amendments (Alternatives A, B and C) are being provided for public review and comment. A general summary of the proposed amendments is as follows:

**Changes to Chapter 13.06 Zoning, including:**

Section 13.06.100 – Residential Zoning and Development Standards

- Listing medical cannabis land uses in the use table as prohibited.

Section 13.06.200 – Commercial Zoning and Development Standards

- Listing medical cannabis land uses in the use table as prohibited or permitted with references to TMC 13.06.535 for additional standards.

Section 13.06.300 – Mixed-Use Center Districts Zoning and Development Standards

- Listing medical cannabis land uses in the use table as prohibited or permitted with references to TMC 13.06.535 for additional standards.

Section 13.06.400 – Industrial Zoning and Development Standards

- Listing medical cannabis land uses in the use table as prohibited or permitted with references to TMC 13.06.535 for additional standards.

Section 13.06.565 – Medical Cannabis (**New**)

- Statement of intent with background on the State Medical Cannabis Act;
- Scope of regulations to focus on medical cannabis operations outside of residential areas, thereby excluding consideration of regulating individual qualified patients

- cultivating for themselves, and one qualified patient-to-one designated provider arrangements;
- Location and development standards vary among Alternatives A, B and C and the following are included in these alternatives, in whole or in part:
    - Separation requirements from specified sensitive uses;
    - Limits on floor area for medical cannabis distribution operations;
    - Limited floor area allowance for medical cannabis delivery products within distribution operations; and
    - A limit on the number of collective gardens operating on one parcel.
  - Submittal requirements to potentially include security and floor plans; and
  - Disclaimer regarding non-compliance with the Medical Cannabis Act.

Section 13.06.700 – Definitions

- New definitions for non-residential medical cannabis land uses and associated products.

**Changes to Chapter 13.06A – Downtown Tacoma**

- Adding a reference to TMC 13.06.535 for additional standards for medical cannabis land uses.

**Changes to Chapter 13.10 – Shoreline Districts, including:**

- Adding Section 13.10.035 – Prohibited Uses in All Shoreline Districts;
- Adding Subsection 13.10.035(A) to list medical cannabis uses.

A public review document has been compiled, containing the complete text of three alternative code amendments, staff analysis, the preliminary environmental determination for the proposal, as well as pertinent background information. The document has been distributed to the Commissioners for their use and reference during and after the public hearing.

Notice of the public hearing has been distributed to neighborhood councils, business district associations, civic organizations, environmental groups, development interests, adjacent jurisdictions, the Puyallup Tribal Nation, major employers and institutions, City and State departments, the Tacoma Library System, and other known interested entities. In addition, an advertisement has been placed in The News Tribune on May 3, 2012.

The public hearing notice, the public review document, as well as other pertinent information associated with the proposal are posted at [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) (click on “Medical Cannabis Moratorium”),

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

c. Peter Huffman, Assistant Director

**From:** Gary Knudson [mailto:gknudson@harbornet.com]  
**Sent:** Sunday, May 06, 2012 2:37 PM  
**To:** Munce, Ian  
**Cc:** Huffman, Peter; Wung, Lihuang  
**Subject:** Re: TDR

Ian-

Thank you very much for taking the time to spell out the complexities of this proposal. They are what they are, and I guess we all need to work hard to make them as transparent as possible to applicants, so that the benefits may flow as intended.

Gary Knudson  
Gary Knudson & Associates  
3307 N 25th Street  
Tacoma, WA 98406  
253.752.5014

----- Original Message -----

**From:** [Munce, Ian](#)  
**To:** [Gary Knudson](#)  
**Cc:** [Huffman, Peter](#) ; [Wung, Lihuang](#)  
**Sent:** Sunday, May 06, 2012 10:32 AM  
**Subject:** RE: TDR

Gary,

Thank you very much for taking the time to layout your "key points".

Your first three bullets belong in the City Resolution and Ordinances in the recitals as guiding principles.

After that it becomes a little more complicated (just as you supposed):

1. The federal EPA is funding the establishment of a TDR program here and the City has agreed to fully consider county TDR sending sites
2. SB 5253 (2011 Session) only gives cities Tax Increment Financing (TIF) authority if we accept TDRs from counties
3. King County routinely gives cities amenity funding, e.g. parks and infrastructure grants, for accepting county TDRs
4. The City was very involved in making sure that the bank option is front and center in SB 5253

As we role out proposals over the next few months I hope we can all work together to reduce the complexities so that we can have a workable program.

Best regards,

Ian

**From:** Gary Knudson [gknudson@harbornet.com]  
**Sent:** Thursday, May 03, 2012 11:15 AM  
**To:** Sharon Winters; Ian Munce; Don Erickson  
**Subject:** Fw: TDR

My two cents .

Gary Knudson  
Gary Knudson & Associates  
3307 N 25th Street  
Tacoma, WA 98406  
253.752.5014  
----- Original Message -----

**From:** [Gary Knudson](#)  
**To:** [City of Tacoma Planning Commission](#)  
**Sent:** Thursday, May 03, 2012 11:13 AM  
**Subject:** TDR

Members of the Planning Commission and Planning Staff-

I am writing in support of the establishment of a vigorous TDR program in Tacoma. In order to be effective and economical, it seems to me that several key points should characterize such a program:

- The organization and functional details of the program should be clear to property owners and developers so that benefits can be clearly and accurately assessed at the feasibility phase of projects
- The program should provide flexibility to sending and receiving property owners so that optimal mutual benefit may be gained as a private market function
- The program should be targeted to the sub-areas or neighborhoods where development lags (and there are many) and can directly promote development activity and strengthen community character, the goal being to deliver a 'twofer' in spurring in-city development with each transaction between sender and receiver
- Mention of including county properties in the program definition seems an unnecessary complication, since the rural and suburban county character and its financial value is difficult to translate into benefits to city developers, to say nothing of either the increased complexity presented to potential developers in locating and negotiating such interpolations across jurisdictions, or diluted tax base incentives for the city
- The role of tax increment financing in the definition of TDR programs is unclear. Both programs are proven spurs to development and sorely lacking in Tacoma. However the creation of a convoluted knot of regulations and trade-offs with these two important tools is in itself a deterrent, not a benefit. Deal with each separately in a clear and direct fashion and the market will respond.
- If complexity as mentioned above is somehow required, then the City should plan to become a bank for the acquisition and disbursement of the resources and benefits of these programs and a clearing house and agent for pro-actively disbursing information on all such programs that benefit development, so that access to and application for individual developers may be accomplished as early as possible in the a given project

The timely and effective implementation of proven assistance to development is important to the City in this 'teachable moment'. Do not dilute or negate the benefits of TDR or tax increment financing by incorporating unnecessary complexity into badly needed legislation.

Thank you.

Gary Knudson  
Gary Knudson & Associates  
3307 N 25th Street  
Tacoma, WA 98406  
253.752.5014