



AGENDA

MEETING: Regular Meeting and Public Hearings
(Public Hearings begin at approximately 5:00 p.m. and 5:30 p.m., respectively)

TIME: Wednesday, January 22, 2014, 4:00 p.m.

LOCATION: Council Chambers, Tacoma Municipal Building, 1st FL
747 Market Street, Tacoma, WA 98402

A. Call to Order

B. Quorum Call

C. Approval of Minutes – Regular Meeting of January 8, 2014

D. Discussion Items (including two public hearings)

- 1. Affordable Housing Policy and Code Amendments** (Annual Amendment #2014-06)
Review staff analysis of the application and, if appropriate, authorize the distribution of the proposal for public review.
(See "Agenda Item D-1"; Elliott Barnett, 591-5389, elliott.barnett@cityoftacoma.org)
- 2. Urban Forestry Landscaping Code Update** (Annual Amendment #2014-10)
Review staff analysis of the application and, if appropriate, authorize the distribution of the proposal for public review.
(See "Agenda Item D-2"; Elliott Barnett, 591-5389, elliott.barnett@cityoftacoma.org)
- 3. Mixed-Use Centers Code Review (MUC-Lite)** (Annual Amendment #2014-04)
Review staff analysis of the application.
(See "Agenda Item D-3"; Brian Boudet, 573-2389, bboudet@cityoftacoma.org)
- 4. Public Hearing (5:00 p.m.) – Draft Hilltop Subarea Plan**
Conduct public hearing and accept written comments through January 24, 2014.
(See "Agenda Item D-4"; Brian Boudet, 573-2389, bboudet@cityoftacoma.org)
- 5. Public Hearing (5:30 p.m.) – Temporary Homeless Camp Permitting Process**
Conduct public hearing and accept written comments through January 24, 2014.
(See "Agenda Item D-5"; John Harrington, 279-8950, jharring@cityoftacoma.org)

E. Communication Items & Other Business

- (a) Memo to Planning Commission concerning Open Space Element Update (Annual Amendment #2014-08), January 16, 2014, seeking Commission's concurrence (See "Agenda Item E-1")
- (b) Planning Commission's Letter of Recommendation to the City Council concerning Tacoma Link Light Rail Expansion, January 15, 2014 (See "Agenda Item E-2")
- (c) Planning Manager's Letter to the Community regarding 2014 Annual Amendment, January 9, 2014 (See "Agenda Item E-3")



(d) Planning Commission meeting, February 5, 2014, 4:00 p.m., Room 16; agenda includes:

- Hilltop Subarea Plan and EIS
- Temporary Homeless Camp Permitting Process
- Mixed-Use Centers Code Review (Annual Amendment #2014-04)
- Sustainability Code Amendment (Annual Amendment #2014-09)
- Plan and Code Cleanup (Annual Amendment #2014-11)

F. Adjournment



MINUTES (draft)

TIME: Wednesday, January 8, 2014, 4:00 p.m.
PLACE: Room 335, Tacoma Municipal Building
747 Market Street, Tacoma, WA 98402
PRESENT: Sean Gaffney (Chair), Scott Winship (Vice-Chair), Chris Beale, Donald Erickson, Benjamin Fields (arrived at 4:50), Tina Lee (excused at 4:45), Alexandria Teague, Stephen Wamback
ABSENT: Erle Thompson

A. CALL TO ORDER

Chair Gaffney called the meeting to order at 4:04 p.m. and declared a quorum present.

B. QUORUM CALL

A quorum was declared.

C. APPROVAL OF MINUTES

The minutes of the regular meeting (including a field trip) on December 18, 2013 were reviewed, and approved with the following revisions proposed by Commissioner Erickson to better reflect the context of the discussion:

"2. Urban Forestry Landscaping Code Update They discussed that it would be desirable to incentivize private property owners to help maintain trees on public rights-of-way; expressed interest in seeing a proposal for street tree requirements for M-2 and PMI districts; suggested that the width of planting strips in the current proposal, i.e., 4 feet, is not adequate for larger trees; and, reiterated that street trees should be placed in the right-of-way whenever possible, including in planted medians."

D. DISCUSSION ITEMS

1. Tacoma Link Light Rail Expansion Project Update

Sue Comis, Chelsea Levy and Erin Hunter of Sound Transit provided an update of the Tacoma Link Light Rail Expansion Project. Ms. Comis reviewed the timeline and goals of the project, alternative route alignments along the North Downtown Central Corridor, and the criteria for route alignment evaluation. Sound Transit is scheduled to identify the route alignment(s) in February 2014 to advance into the SEPA/NEPA environmental process. Ms. Hunter advised the Commissions of the public involvement process for the project and reminded them of the open house on January 9, 2014.

The Commissioners provided some feedback on the route alignments and evaluation criteria, and began to deliberate their recommendations to the City Council. With the information received, and based on the roles and responsibilities of the Commission, they felt that it would be more appropriate to offer additional thoughts on the criteria for the evaluation of alignments, rather than recommending specific alignments. The Commissioners suggested that the selected alignments should offer the best opportunity to maximize economic development, incentivize transit-oriented development, minimize the disruption to the urban fabric and urban lifestyles, be consistent with the *Draft Hilltop Subarea Plan*, and ensure the ease of accessibility, especially for the physically challenged.

The Commission inquired about the appropriate timing for forwarding the recommendations to the City Council, and wondered what recommendations, if any, the Transportation Commission is considering. Lihuang Wung, Planning Services Division, stated that the City Council is scheduled to conduct further review of the project at the study session on January 21, 2014 (the day before the next Commission's meeting) with the intent to recommend a preferred alignment(s) to Sound Transit, and may adopt a resolution to that effect on January 28. He also stated that the Transportation Commission is considering making a recommendation to the City Council but is not scheduled to take an action until its next meeting on January 15, 2014.

Given the circumstances, the Commission resolved unanimously to authorize Chair Gaffney and planning staff to prepare a letter of recommendation summarizing the Commission's suggestions and forward the letter to the City Council by January 15, 2014 for its timely consideration at the study session.

2. Point Defiance Park Development Regulation Agreement Policy (Annual Amendment #2014-02)

Elliott Barnett, Planning Services Division, stated that the key issue associated with this application is that the majority of park zone R-1, which is the case for many of the City's park and open space areas, are in residential zones, but the Point Defiance Park plans include additional features beyond typical residential districts land uses. The objective of the proposed amendments is to provide a clear pathway for Metro Parks Tacoma (MPT) to pursue their Destination Point Defiance Park plan which is well-vetted and supported.

Mr. Barnett indicated that staff felt that Development Regulation Agreements (DRAs) are the most appropriate process because the Conditional Use Permit process is not well-suited for the scale and scope of the plans, and because there is no appropriate zoning designation for a rezone process. The DRA process is intended for large scale and scope projects. Mr. Barnett stated that the Commission had expressed the desire to be consulted, which is an option available to the City Council but is not required under the DRA process. Brian Boudet, Manager of the Planning Services Division, added that in most cases, under all the existing processes, the Commission would not have reviewed something like this. However, the Commission does have the authority to set up the policy framework, which is the intent of this current proposal.

Discussion ensued. Chair Gaffney stated he is comfortable with this approach, which is used by other jurisdictions and which provides more predictability for larger processes. Commissioner Erickson expressed some hesitation and reiterated the desire for the Commission to be consulted on DRAs. He requested the opportunity to discuss the Port's Public Access Plan. Through the discussion, it was clarified that DRAs are not applicable in Shoreline Districts, where development is required to go through Shoreline permitting. Commissioner Beale asked if another option be to officially adopt the Destination Point Defiance Plan. Staff stated this could be problematic if it set the expectation that other institutions are required to gain City Council approval on their plans. Commissioner Fields requested a change to draft Policy OS-SP-2 to – "including but not limited to zoo, lodging, eating establishments...". Commissioner Wambach requested staff make sure ownership on Point Defiance Park is described consistently. Commissioner Beale requested staff continue to discuss with MPT the potential for creating a parks zoning designation.

At the conclusion of the discussion, the Commission requested that the proposed amendments be modified per discussion and authorized the distribution of the proposed amendments, as modified, for public review.

3. Affordable Housing Policy and Code Amendments (Annual Amendment #2014-06)

Mr. Barnett provided that the proposed amendments include two categories of actions in response to the recommendations of the Affordable Housing Policy Advisory Group (AHPAG), i.e., (a) affordable housing incentives, and (b) removing barriers to small, affordable and transit-oriented housing types. He noted that the AHPAG has recommended decoupling the code development of the Affordable Housing Incentives code from the Annual Amendments, to be developed on its own schedule. The package this

year would include the Affordable Housing Incentives policy framework, and some additional items in the second category.

Mr. Barnett then reviewed, and facilitated the Commission's discussion of, the following components of the proposed amendments:

- First, propose changes to small affordable housing types (reframed from the previous "mini-flats") would add a new parking exemption.
- Second, the Accessible Dwelling Unit (ADU) code proposal includes three changes since last time, including modifying the ADU required parking. After discussing parking requirements extensively, the Commission directed staff to put the proposal out for public review with no parking required for an ADU. The Commission also expressed interest in allowing detached ADUs in single-family zones, to which staff responded this will be part of next year's discussions.
- Third, proposed changes to parking requirements for Group Housing and Multi-family housing would reduce the number of spaces for such uses and providing two bonus options to further reduce required parking.
- Fourth, small lots changes would seek to promote infill while ensuring compatibility with neighborhood character. The Commission requested additional analysis on proposed design standards to ensure neighborhood compatibility, consideration for residential Floor Area Ratio approaches, clarification for how Neighborhood Character would be defined, and examples of buildings meeting the 15% transparency requirement.

The Commission directed staff to work through the comments above and return next time with proposed refinements and additional analysis.

4. Open Space Habitat and Recreation Element (Annual Amendment #2014-08)

Mr. Barnett provided that the proposed amendments to the Open Space Element include reflecting recent plans and implementation progress; adding inventories, plans and project lists; and enhancing guidance on implementation. He noted that the full project lists and inventory will continue to be refined, along with the Specific Area Plans list. He also distributed two handouts – preliminary comments on the proposal from Metro Parks Tacoma (MPT) and an additional plan and code amendments concerning Transfer of Development Rights (TDR). Regarding the latter, Mr. Barnett described proposed changes to the definition of Tacoma Habitat Sending Areas to set up a more qualitative review. Discussion ensued. The Commission then voted unanimously to authorize the distribution of the proposed amendments for public review.

5. Sustainability Code Amendment (Annual Amendment #2014-09)

Stephen Atkinson, Planning Services Division, presented draft amendments to the Tacoma Municipal Code, Chapter 13.06.510 Off Street Parking and Storage Areas, and Chapter 13.06.512 Pedestrian and Bicycle Support Standards, as part of the proposed Sustainability Code Amendments. Mr. Atkinson discussed specific amendments that would add requirements and design standards for off-street electric vehicle parking facilities to support ongoing trends and market growth for electric vehicles and require start and end of trip bicycle infrastructure, including bicycle parking and shower and changing facilities. Mr. Atkinson outlined the specific design and location standards, the methodology for calculating the quantity requirements, and benchmarking case studies. The Commission raised questions and expressed some concern over how the electric vehicle standards apply to single family development and cost implications for affordable housing. There was also discussion over different types of charging facilities. The Commission also suggested some minor edits to the bicycle parking ratios and shower and changing facility standards. Staff responded that the Commission's concerns and suggestions would be addressed in the next draft.

6. Status of 2014 Annual Amendment

Brian Boudet, Manager of the Planning Services Division, provided a status report on the Proposed Amendments to the Comprehensive Plan and the Land Use Regulatory Code for 2014 (“2014 Annual Amendment”), which includes the following eleven applications:

1. Point Ruston Mixed-Use Center (private application)
2. Point Defiance Park Land Use Policies (private application)
3. Growth Strategy and Mixed-Use Centers Review
4. Mixed-Use Centers Code Review (“MUC-Lite”)
5. Land Use Designations (Intensities)
6. Affordable Housing Regulations (Phase 2)
7. Container Port Element
8. Open Space Habitat and Recreation Element
9. Sustainability Code Amendment
10. Urban Forestry Landscaping Code Update
11. Plan and Code Minor Amendments

Mr. Boudet stated that the 2014 Annual Amendment is on schedule for the Planning Commission’s public hearing on March 19, 2014, and recommendation to the City Council in mid-April. To date, the Commission has reviewed the staff analyses, at least once, for all applications but two, i.e., Growth Strategy and Mixed-Use Centers Review (#3) and Land Use Designations (#5). Staff suggested that these two applications be deferred to the 2015 Comprehensive Plan Update process for better incorporation into more comprehensive reviews of relevant subjects. The Commission concurred.

E. COMMUNICATION ITEMS AND OTHER BUSINESS

- (a) Lihuang Wung, Planning Services Division, provided the following information:
- Transportation Commission’s Roles and Responsibilities (PowerPoint slides).
 - Sound Transit Open House on Tacoma LINK Light Rail Expansion Project, January 9, 2014.
 - Agenda for the Planning Commission meeting, January 22, 2014.
 - Agenda for the Infrastructure, Planning and Sustainability Committee meeting, January 22, 2014.
- (b) Mr. Boudet reported that the City Council reviewed the status of the Hilltop Subarea Plan and EIS project at the study session on January 7, 2014, acknowledged the progress, appreciated the stakeholders’ involvement, and directed staff to ensure the plan is well implemented upon its adoption.

F. ADJOURNMENT

The meeting was adjourned at 6:52 p.m.



City of Tacoma
Planning and Development Services

**Agenda Item
D-1**

To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: **Application #2014-06 – Affordable Housing Policy & Code Amendments (Phase 2)**
Meeting Date: January 16, 2014
Memo Date: January 22, 2014

At the next meeting on January 22nd, the Planning Commission will continue the discussion of proposed *Comprehensive Plan* and *Tacoma Municipal Code* (TMC) changes intended to implement the next phase of the Affordable Housing Planning Work Program established by the City Council. The focus of this phase is voluntary and incentive-based approaches to achieve affordable housing goals. This application is one step in a multi-year, multi-departmental effort, initiated by the Council-appointed *Affordable Housing Policy Advisory Group* (AHPAG).

On January 8th, the Planning Commission discussed changes to the scope proposed by the AHPAG, and provided staff with direction to refine proposed code changes, particularly in regards to small lot standards. The key issue meriting further analysis was developing small lot standards that would provide for compatibility with neighborhood character. Since, staff have developed proposed revisions to the draft code. One of the issues that came up was the potential to develop a Floor Area Ratio (FAR) approach to small lot development. On that issue, staff request additional time to do benchmarking and analysis. We note that the upcoming discussion of pipestem lots (as part of the Technical Amendments, scheduled for February 5th) is another logical time to consider an FAR approach, and propose to utilize that meeting to determine whether FAR should be included in either small lots, pipestem lots, or both.

At the January 22nd meeting, staff will present a draft staff report and proposed draft policy and code language, including refinements to the code language based on the Commission's direction. Our objective is to seek the Commission's direction, and if appropriate, authorization to release the draft package for public review.

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

Attachments (3)

Staff report
Draft Comprehensive Plan amendments
Draft Land Use Regulatory Code amendments

c: Peter Huffman, Interim Director



2014 Annual Amendment Staff Analysis Report

Application No.:	2014-06
Proposed Amendment:	Affordable Housing Policy & Code Updates, Phase 2
Applicant:	Planning and Development Services
Location & Size of Area:	Citywide
Current Land Use & Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Elliott Barnett, Planning Services Division (253) 591-5389 elliott.barnett@cityoftacoma.org
Date of Report: (Planning Commission review date; draft or final)	January 22, 2014 (draft)

I. Description of the Proposed Amendment:

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

The intent of this proposal is to amend the Comprehensive Plan and Land Use Regulatory Code to implement Affordable Housing incentive, bonus, and inclusionary strategies which are part of a package of initiatives recommended by the City Council's Affordable Housing Policy Advisory Group (AHPAG), and referred by the City Council to the Planning Commission for analysis. The proposal includes two distinct components. First, amendments would strengthen the policy framework calling for the creation of bonuses and incentives targeting the development of affordable housing. Second, a package of code refinements would facilitate or remove barriers to the development of housing types which are likely to be affordable due to their small size, proximity to transit, and/or the fact that they are infill development in areas with existing infrastructure.

The Affordable Housing Incentives component of this proposal consists of amendments the Housing Element of the Comprehensive Plan. These proposed amendments include changes to one policy and the addition of four new policies, as well as the addition of three proposed Legislative/Regulatory implementation steps in the Housing Element (see Exhibit A). If adopted, the amendments would provide clear policy support for the future development of an Affordable Housing Incentives code and program. Staff will work with the AHPAG on the development of this initiative.

The code refinements components consist of changes to the Land Use Regulatory Code that would facilitate and remove barriers to the creation of group housing, student housing, small multi-family housing, Accessory Dwelling Units, and small lot infill development. The proposed approach includes parking exemptions and reductions, refinements to the Accessory Dwelling Units (ADU) code, and additional lot size and width flexibility coupled with design standards to ensure residential compatibility.

Together, these actions are intended to promote affordable building design practices and infill housing, thus increasing housing choice and the range of affordability through market-based means.

Specifically, proposed code changes include the following:

- Create a new parking bonus for affordable and transit-oriented housing types: This item would promote the development of smaller, transit-oriented housing by creating a new Downtown and Mixed-Use Centers vehicular parking exemption for Group Housing, Student Housing, and small Multi-family Housing (250-450 square feet). Accessible parking would still be required. Bicycle parking would also be required in an indoor location. The total number of units within a single building that could use this exemption would be limited to 20 dwellings or 50 percent of the total dwellings in the building (whichever is greater).
- Update Accessory Dwelling Units (ADUs) requirements: ADUs offer an approach to increase residential densities and housing choices in a manner consistent with neighborhood character. ADUs are currently allowed in all zones where residential development is permitted (Detached ADUs are not currently allowed in single-family zoning districts). This year, a package of changes to ADU design standards and development requirements is proposed to increase flexibility and reduce the cost of development, while still providing for neighborhood compatibility. Specifically, the proposal would:
 - Increase Detached ADUs to 25 feet with design standards (currently requires a Conditional Use Permit)
 - Remove ADU parking requirement
 - Reduce minimum ADU size to 200 sf (currently 300 sf)
 - Allow ADUs on Small Lots meeting design standards (4,500-5,000 sf in R-2 Districts)
 - Allow Attached ADUs on substandard lots (with no increase to building footprint)
 - Allow Home Occupations (businesses) in both the main dwelling and ADU
 - Provide flexibility for pedestrian walkways
 - Relax design requirements for Detached ADUs (allow them to “complement” rather than “match” the main building)
 - Remove the current 10 percent limit on Detached ADU building footprints (rely instead on Accessory structure limits already in place)
 - Streamline the application process
- Update parking requirements for Group Housing and Multi-family Housing: This item would reduce parking requirements for these affordable housing types and create a new parking reduction bonus option. Currently, Group Housing in multi-family zones is required to provide 1 to 2 parking spaces per room/dwelling. The proposal would reduce that number to a baseline of 1 parking space per room/dwelling, with two bonus options available that could reduce required parking to a minimum of 1 space per 3 rooms/dwellings. One of the bonus options, allowing the use of the Mixed-Use Centers parking bonus palette (outside those districts), receiving 50 percent of the Mixed-Use Centers parking reduction would, also be available to Multi-family, Group Housing, and Student Housing.
- Update Small Lot standards: This item would add flexibility to the City’s Residential and Small Lots code provisions, in order to encourage infill development and promote housing affordability and choice, while adding design criteria to promote neighborhood compatibility. These changes would increase the potential for infill by adding flexibility, but would not increase the densities which are currently permitted in each zone. Key changes proposed include:

- Add flexibility and enhance design standards for Single-family Small Lot Residential Development:
 - Sliding scale for minimum average lot width from 35 feet in R-2 to 25 in R-5
 - Sliding scale for minimum lot size: 6,750 sf in R-1; 4,500 sf in R-2; down to 2,500 in R-5
 - Additional design standards for Small Lot development
- Add flexibility and enhance design standards for Two-family and Three-family Dwellings in multi-family districts
 - Make two- and three-family development more consistent with approach to townhouses
 - Sliding scale for minimum lot size for two-family and three-family in multi-family zones (from 6,000 sf to 3,500 sf)
 - Make two-family and three-family development subject to standards currently applicable in MUC Districts

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

This proposal consists of a package of voluntary, market-based and incentive-based approaches to increase the development of affordable housing options in Tacoma. The intent is to help address the growing need for affordable housing. The AHPAG’s report includes a broad range of strategies to address this issue. This package consists of a selection of actions recommended by the report, and developed through the Planning Commission’s process.

According to the AHPAG’s 2010 report, “The City of Tacoma does not have enough housing affordable to many of its residents... Large portions of Tacoma’s population do not have enough income to afford the housing available in Tacoma’s private market at a cost of no more than 30% or even 50% or more of their income.” The report also states that, “...the City of Tacoma has an affordable housing crisis. It will only worsen as the City’s population grows and ages over the next two decades unless Tacoma takes immediate action to ensure an adequate supply of affordable housing for its existing and anticipated residents at all income levels.” These concerns are echoed in the City’s Housing Element, the region’s Vision 2040, and other policy documents.

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

The various components of this proposal apply to different areas of the City. The policy changes provide guidance at the city-wide level. Generally, the changes applicable to single-family development and ADUs apply wherever residential development is permitted. And, the changes applicable to two-family, three-family and multi-family development apply only in the zones where those land uses are permitted.

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

This proposal is one step in a multi-year, multi-departmental effort, spearheaded by the Council-appointed AHPAG. In 2010, the AHPAG released its Policy Recommendations To The City Council,

which recommends a range of actions to meet affordable housing goals in Tacoma (available on the City's Housing webpage at www.cityoftacoma.org/housing). In 2012 the Council divided the recommendations into three groups: 1. Referred to the Neighborhood & Housing Committee (NHC) for additional policy development and discussion; 2. Forwarded to the City Manager for evaluation and implementation; and 3. Referred to the Planning Commission for the development of affordable housing regulations.

In regards to the Planning Commission tasks, on May 15, 2012 the City Council adopted Resolution Number 38489, which referred specific recommendations to the Commission for the development of policies and regulations. The resolution also divided the Commission's review items into four tasks. In 2012, the City Council adopted updates to the Comprehensive Plan to implement Task 1: "Comprehensive Plan Policy", with the adoption of the Affordable Housing Principles and Acknowledgments in the Housing Element. This year, the Planning Commission is asked to consider Task 2: "Incentive, Bonus, and Inclusionary Programs", and Task 3: "Rezoning". Task 4: "Affordable Housing Infill Development" recommendations will be considered as part of the 2015 Annual Amendment cycle.

The focus of this phase is voluntary and incentive-based approaches to achieve affordable housing goals. This package implements, in part, several categories of recommendations from the AHPAG's report, in particular Housing Incentive or Inclusionary Programs, and Affordable Building Design Practices recommendations.

II. Analysis of the Proposed Amendment:

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

The state Growth Management Act (GMA):

The GMA includes the following planning goal:

"Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock." (RCW 36.70A.020).

As a city required to plan under the GMA, Tacoma must include a housing element in our Comprehensive Plan. The GMA also authorizes cities to create an Affordable housing incentive program, and provides specific guidance on its development (RCW 36.70A.540).

Vision 2040 includes the following:

"Housing Overarching Goal: The region will preserve, improve, and expand its housing stock to provide a range of affordable, healthy, and safe housing choices to every resident. The region will continue to promote fair and equal access to housing for all people."

Vision 2040 states the following on affordability: "Housing affordability continues to be a major challenge for the region. Housing costs are a greater burden for many households today than a decade ago, leaving less for other basic needs and amenities. Renters, in particular, face a considerable shortage of affordable housing opportunities." The plan calls for a range of strategies to help address this problem, including development of housing affordable to the workforce and to others with incomes lower than area median income (AMI).

Tacoma Comprehensive Plan:

The Housing Element includes policy direction strongly consistent with this proposal. The Element calls for housing choice for a broad range of households with diverse needs and incomes, and includes policy direction to increase the amount of housing that is affordable, especially for lower income families and special needs households. In 2012, the City Council adopted Affordable Housing Principles and Acknowledgements that specifically support this proposal, with the following key messages:

1. Affordable Housing is Vital to Important Civic Interests
2. Affordable Housing is Attractive, Innovative and Well Managed
3. The City Needs to Enlist the Engine of Private Development
4. Affordable Housing Developments Spur Other Investments
5. The City Should Welcome Affordable Housing Developments
6. Every City Neighborhood Needs Affordable Housing Developments
7. Affordable Housing as Innovative Design
8. Affordable Housing as a High City Priority amid Competing Interests

The proposal is consistent with the City's growth vision, as articulated in the Generalized Land Use Element. The GLUE calls for high density, mixed-use and multi-modal development within Downtown and Mixed-Use Centers. The proposal is also consistent with the policy intent to protect the character of single-family neighborhoods, and with the GLUE's density targets.

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

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

The proposal would address the increasing need for additional housing affordability in the City of Tacoma. This need is increasing due to socio-economic and demographic trends. The proposal is intended to directly implement the policy direction of the Housing Element, and to enhance neighborhoods by allowing infill while providing standards to achieve compatibility with the character of the neighborhood.

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

This proposal would have a positive economic impact by creating additional opportunities for residential infill development to occur. This would have an economic benefit to property owners and developers. In addition, by providing a broad range of housing choices in multiple neighborhoods the proposal would increase neighborhood livability, health, and sustainability by reducing car dependency, making use of existing infrastructure, increasing opportunities to live and work in the same neighborhood, and providing opportunities to age in place.

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

The AHPAG, an inter-disciplinary group including both market-rate and subsidized-housing professionals, has collaborated with staff and the Planning Commission on this effort and continues to provide input. In addition, staff have worked closely with the City's Housing Division. Staff also received direction from the City Council Neighborhood and Housing Committee.

Input from the AHPAG resulted in significant revisions to the scope. Initially, this proposal was to include the development of an Affordable Housing Incentives Code. The AHPAG recommended that additional time be taken to work on that initiative, and recommended instead that the Planning Commission consider changes to the City's small lots provisions. This resulted in the final scope, as proposed here.

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

This proposal would benefit the City as a whole by promoting affordability, livability, neighborhood character, economic development opportunities, and by reducing car dependency.

III. Staff Recommendation:

Staff recommends that the proposed amendments to the Comprehensive Plan *Housing Element*, as depicted in Exhibit A, and to the *Tacoma Municipal Code*, as depicted in Exhibit B, be distributed for public review. Staff will continue to engage in public outreach and provide a summary to the Planning Commission prior to the public hearing process which is tentatively scheduled for February-March 2014.

IV. Exhibits:

- A. *Housing Element* (with proposed changes)
- B. *Tacoma Municipal Code* (with proposed changes)

Housing Element

Index:

Section I – Introduction

- H-HP-3 Housing Conditions Survey
- H-HP-4 Housing Improvement Legislation
- H-HP-5 Energy Conservation Assistance

Section II – Housing Needs

Trends in Population
Housing Stock
Land Capacity

Housing Choice (HC)

- H-HC-1 Innovative Development Techniques
- H-HC-2 Jobs-Housing Balance
- H-HC-3 Manufactured Housing
- H-HC-4 Adaptive Reuse for Housing
- H-HC-5 Low Impact Development
- H-HC-6 “Green” Housing Construction
- H-HC-7 Land Use Incentives
- H-HC-8 Other Construction Factors

Section III – Goal and Policies

Goal

To maintain and support vibrant and stable residential neighborhoods while promoting a variety of housing opportunities to meet the needs of all members of the community.

Policies

Housing Affordability (HA)

- H-HA-1 Affordable Housing Supply
- H-HA-2 Home Ownership
- H-HA-3 Public-Private Partnership
- H-HA-4 Special Needs Housing and Support Services
- [H-HA-5 Affordable Housing Incentive Program](#)
- [H-HA-6 Regulatory Assistance to Developers of Affordable Housing](#)
- [H-HA-7 Inclusionary Requirements for Voluntary Residential Upzones](#)
- [H-HA-8 Inclusionary Requirements for City Initiated Upzones](#)

Neighborhood Quality (NQ)

- H-NQ-1 Neighborhood Investment
- H-NQ-2 Neighborhood Infill Housing
- H-NQ-2A Vacant/Underutilized Sites
- H-NQ-2B Accessory Dwelling Units
- H-NQ-2C Small Lot Development
- H-NQ-2D Mixed-Use Centers
- H-NQ-3 Historic/Cultural Amenities
- H-NQ-4 Residential Zoning Protection
- H-NQ-5 Neighborhood Design Concepts

Housing Fairness (HF)

- H-HF-1 Housing Discrimination
- H-HF-2 Areawide Fair Share and Housing Dispersal
- H-HF-2A Sex Offenders
- H-HF-2B Housing and Service Facilities for High Risk Populations
- H-HF-3 Relocation Assistance and Replacement
- H-HF-4 Housing Accessibility

Housing Preservation (HP)

- H-HP-1 Existing Housing Stock
- H-HP-2 Substandard Housing

Section III – Goal and Policies

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Housing Choice (HC)

Intent

The policy intent is to promote a range of housing types that meet the diverse needs of all households in the city. While the general housing preference continues to be single-family detached homes, future residential development must take into consideration less available land as well as the demands of a population that includes students, aging “baby boomers”, low income and persons with special needs. Specifically, the City will encourage a mixture of housing types ranging from higher density apartments and condominiums located in or near major employment centers such as downtown and within other mixed-use centers, to single family homes in neighborhoods. One consequence of this changing population has been a gradual reduction in the average household size with more people living alone. Many “baby boomers” that are approaching retirement are starting to reduce the size of their housing increasing the demand for smaller housing units that are located near transit, parks, shopping and many other conveniences. It is important the City begins to address this changing demographic and provide a variety of housing options for the community.

The City supports the provision of innovative housing types that help reduce housing costs while increasing the supply of housing. This innovation can take many forms including: “infill” housing, cottage housing, townhouses, zero lot line lots, “zipper” lots, accessory dwelling units (ADUs), conversion of nonresidential structures, Planned Residential Development (PRDs) as well as numerous variations in site, design and lot standards. It is also important that additional residential structures be compatible with overall density, intensity and character of established residential neighborhoods. The City’s designated mixed-use centers are a priority location for higher intensity, innovative housing types.

In particular, the use of ADUs is expected to become a significant option in the housing tool box. This type of housing is useful since it can address a number of needs such as (1) extra income for homeowners who wish to stay in their home; (2) housing for “mother-in-law” family situations; (3) added affordable housing and (4) a less visible accommodation of density.

The City also supports housing development that considers environmental factors such as critical areas (e.g. steep slopes, wetlands, gulches), minimizes the negative impacts on air, soil and water quality and considers factors as limited energy resources, “green” construction and sustainability in the design of new housing.

Policies

H-HC-1 Innovative Development Techniques

Promote innovative development techniques to better utilize land, promote design flexibility, preserve open space and natural features and conserve energy resources. Ensure new housing is compatible with the overall density, intensity and character of the area.

H-HC-2 Jobs-Housing Balance

Promote construction of housing units in the downtown, Tacoma Mall and other mixed-use centers to enable people to live near employment, shopping and other services.

H-HC-3 Manufactured Housing

Allow new manufactured homes on individual lots in all residential zones if the housing meets the building code and other residential development standards.

H-HC-4 Adaptive Reuse for Housing

Support the conversion of nonresidential buildings (e.g. schools, hotels, storage buildings) to residential uses.

H-HC-5 Low Impact Development

Promote housing development that considers environmental factors (e.g. steep slopes, wetlands, gulches) to minimize erosion and reduce negative impacts on air, soil and water quality.

H-HC-6 “Green” Housing Construction

Promote “green” housing construction methods that support more sustainable, affordable and healthier home design and landscaping through use of low toxic materials and better ventilation, especially in mixed-use centers.

H-HC-7 Land Use Incentives

~~Provide Consider~~ land use incentives (e.g. density or development bonuses, lot size reductions, transfer of development rights, height ~~or bulk bonuses increases~~, fee waivers, accelerated permitting, parking requirement reductions, and tax incentives) to facilitate the development of housing in designated areas, particularly within mixed-use centers.

H-HC-8 Other Construction Factors

Promote new housing that maximizes nuisance abatement techniques, is designed to provide safety and security from natural and manmade hazards, and encourages privacy from nearby units and public areas.

Housing Affordability (HA)

Intent

The policy intent is to increase the amount of housing that is affordable, especially for lower income families and special needs households. The generally accepted definition of affordability is for a household to pay no more than 30 percent of its annual gross income on housing. Families that pay more than 30 percent of their income for housing are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care. The challenge for Tacoma is that there is a mismatch between the cost of housing in the City and the incomes of Tacoma’s populations. Large portions of Tacoma’s population do not have sufficient income to afford the housing available in Tacoma’s private market at a cost of no more than 30 percent, or even 50 percent or more, of their income. Due to an aging population and other factors, this mismatch is likely to increase in the future, resulting in a significant increase in the need for additional affordable housing.

The City, through its policies and programs, is supportive of increasing the supply of housing that is affordable to its citizens. While the City

recognizes the ongoing need by government and nonprofit corporations to provide housing and community support services, especially for households who pay more than 30% of their income for housing, it also recognizes the need to enlist the engine of private market rate developments to include a measure of affordable units.

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.

Further, it is the intent of the City to apply the following principles and acknowledgments to the formulation of policies and support of programs that will increase the amount of affordable housing available to the community.

Principles and Acknowledgements

1. Affordable Housing is Vital to Important Civic Interests

The City’s welfare requires an adequate supply of well built and well managed affordable housing serving the full range of incomes appearing among its residents. An adequate supply of this housing is vital to the following important civic needs or values:

- The City’s prosperity, economic development and growth of employment opportunities;
- The appropriate management of the City’s projected population growth and transportation needs;

- The City’s fulfillment of its legal obligations under the Growth Management Act to make “adequate provisions for existing and projected [housing] needs of all economic segments of the community” and to comply with the related directives of the Pierce County Countywide Planning Policies.
- The survival of green spaces throughout the City and Pierce County;
- The success of the City’s schools;
- The effectiveness of the City’s emergency services;
- The City’s ability to continue its accommodation of a population that is increasingly diverse by income, race, ethnicity, ability, disability and age;
- The City’s ability to accommodate a population that, in the aggregate, is getting older; and
- The City’s values of social justice.

2. Affordable Housing is Attractive, Innovative and Well Managed

Affordable housing developments by nonprofit developers, public and private, in the City, region and nation have been among the most attractively designed, most environmentally innovative and best managed in the market place.

3. The City Needs to Enlist the Engine of Private Development

Nonprofit developments of affordable housing will never likely be adequate to meet the City’s need. The City also needs a companion strategy to enlist the engine of private market rate developments to include a measure of affordable units. These strategies also provide the added benefit of economic and demographic integration.

4. Affordable Housing Developments Spur Other Investments

Affordable housing developments have spurred the revitalization of neighborhoods, encouraging both public and private investment, helping the City attain its desired density, and furthering a neighborhood’s economic development.

5. The City Should Welcome Affordable Housing Developments

Affordable housing is an asset to be encouraged and not a detriment to be tolerated and controlled.

6. Every City Neighborhood Needs Affordable Housing Developments

The City should promote the development of affordable housing in every City neighborhood.

7. Affordable Housing as Innovative Design

In seeking the appropriate balance, the City should not have to compromise important neighborhood design standards in order to promote affordable housing. Instead proper design should allow affordable housing to show the way for all developments serving all incomes toward a greener, more sustainable urban future that accommodates the appropriate density that the City’s planning documents anticipate to be necessary for the City’s projected population allocations.

8. Affordable Housing as a High City Priority amid Competing Interests

In a complex community like Tacoma, interests and policies often clash. Good governance is the effort to balance them appropriately. In doing so, the City should give a very high priority to the promotion of affordable housing development.

Policies

H-HA-1 Affordable Housing Supply

Support both public and private sector development and preservation of affordable housing (e.g. Section 8, LIHTC) especially for lower income and special need households.

H-HA-2 Home Ownership

Facilitate home ownership (both single-family homes and condominiums) for all segments of the community, including lower income households.

H-HA-3 Public-Private Partnership

Work in partnership with for-profit and non-profit housing developers to facilitate the provision of new permanent affordable rental and owner housing.

H-HA-4 Special Needs Housing/ Support Services

Encourage and support emergency and transitional housing as well as needed support services for persons with special needs (e.g. frailty, family size and disability).

H-HA-5 Affordable Housing Incentive Program

Offer incentives to for-profit and non-profit developers of new construction and rehabilitation of pre-existing housing so they include units affordable to a range of incomes. The incentives could include, but would not be limited to, the following:

- density bonuses;
- lot size reductions;
- height or bulk bonuses;
- fee waivers;
- accelerated permitting; and
- parking requirement reductions.

H-HA-6 Regulatory Assistance to Developers of Affordable Housing

Develop City capacity to support affordable housing development, through such measures as developing permit-ready residential plan sets, fee waivers, and designating staff to manage permit review process.

H-HA-7 Inclusionary Requirements for Voluntary Residential Upzones

Develop code provisions to condition rezoning proposals that would permit a higher residential density to include at least 10% affordable units in the market rate mix.

H-HA-8 Inclusionary Requirements for City Initiated Residential Upzones

Consider an approach that would condition City-initiated residential upzones that would permit a higher residential density to include at least 10% affordable units in the market rate mix.

Housing Fairness (HF)

Intent

The policy intent is to expand the number and location of housing opportunities, both market rate and assisted, for families and individuals throughout the city, the county and the region. Currently, many households are limited to only a few locations for housing due to the higher cost of housing in some neighborhoods as well as discrimination based upon a number of factors. It is important that the City be proactive in expanding housing opportunities and also ensure that affordable housing opportunities are not concentrated in a few neighborhoods, but rather dispersed throughout the city.

Policies

H-HF-1 Housing Discrimination

Ensure the local housing market provides adequate housing opportunities to renters or purchasers of housing regardless of race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status or the presence of any sensory, mental or physical disability.

H-HF-2 Area-wide Fair Share and Housing Dispersal

Disperse affordable housing opportunities, especially for lower income households and persons with special needs, throughout the city, the county and region. Discourage the concentration of facilities for “high risk” populations in any one geographic area. (Note: For the purposes of this document, “high risk” populations shall include individuals released and/or under supervision of adult and juvenile correctional institutions, mental hospitals and drug rehabilitation programs, homeless persons and other special needs persons residing in group homes not subject to application of the federal Fair Housing Act).

H-HF-2A Sex Offenders

Policy Intent Statement

Work in partnership with state agencies and other jurisdictions, using tools such as a communitywide plan, to achieve a well coordinated, fair and equitable distribution of registered adult sex offenders throughout

the city, county, region and the rest of the state of Washington. Encourage the placement of registered adult sex offenders under the supervision of the Department of Corrections in the community in which they resided when they committed their offenses. Explore methods to prevent the concentration of registered adult sex offenders residing in any one neighborhood within the city, particularly in areas already burdened with other high risk populations.

H-HF-2B Housing and Service Facilities for High Risk Populations

Policy Intent Statement

To promote safe and healthy neighborhoods in Tacoma, efforts should be made to equitably distribute and monitor the location of service facilities and housing for high risk populations. Many of these existing facilities are located in Tacoma and more specifically in the Upper Tacoma community. In addition, a coordinated and equitable distribution system is needed to better disperse housing opportunities for high risk populations throughout Tacoma, Pierce County and the region.

Policy Statements

1. Promote safe, healthy and livable residential neighborhoods by avoiding a concentration of service facilities and housing for high risk populations in any neighborhood;
2. Improve cooperation and communication between housing providers and affected neighborhoods through the use of tools such as Good Neighborhood Agreements (GNAs);
3. Give funding priority to housing providers that contribute to the deconcentration of service facilities and housing for high risk populations;
4. Support statewide fair share legislation which would require the placement of offenders, released under the supervision of the State Department of Corrections, in the community in which they resided prior to incarceration.
5. Investigate citizen complaints regarding facilities that violate City regulations

pertaining to service facilities and housing for high risk populations such as emergency and transitional shelters;

6. Strongly encourage service facilities and housing shelter providers, which serve high risk populations, to develop sound management practices including the provision of professional on-site staff and restrictions on negative behaviors. Establish neighborhood advisory committees to monitor the impact of a facility on the neighborhood and to address community concerns.

H-HF-3 Relocation Assistance and Replacement

Discourage the displacement of persons through government actions such as eminent domain or code enforcement unless fair and equitable relocation assistance is provided to the occupants or replacement housing is available.

H-HF-4 Housing Accessibility

Support barrier-free access for all housing consistent with the Americans for Disabilities Act (ADA). Consider additional actions to increase access such as implementation of visitability and universal design features.

Section IV – Recommended Actions to Implement Housing Policies

The overall housing goal and policies will be implemented by a combination of financial resources and local regulations which must be carefully coordinated with the Generalized Land Use Element to ensure that sufficient land is provided for all community uses. City staff along with the Planning Commission work closely to address the land use requirements. Likewise, three key organizations involved in providing affordable housing include the City of Tacoma, Tacoma Housing Authority (THA) and Tacoma Community Redevelopment Authority (TCRA). These three organizations work closely with the other groups to coordinate available public (e.g. federal Housing and Urban Development) and private financial resources.

The City's housing goal and policies will be implemented through a combination of the following actions classified as legislative or

regulatory, financial, administrative, and planning.

Legislative/Regulatory

This set of actions involves support or initiating enactment of and/or changes to state and federal laws and regulations as well as local ordinances, codes and standards to accomplish desired housing objectives.

1. *ADU Amendments* – Revise existing ADU standards to: (1) allow such units in detached buildings, (2) increase the ADU size; (3) reduce parking in unique situations, and (4) establish design requirements.
2. *Minimum Lot Size* – Reduce minimum lot standards in single family residential districts to support new infill housing subject to consistency with the comprehensive plan including the Neighborhood Element. Allow further reduction of the requirements subject to design and development standards.
3. *Section 8 Authorization* – Provide political support to continue funding the federal Section 8 rental subsidy program.
4. *Manufactured Housing* – Revise land use and building code regulations to permit new manufactured housing in all residential zones so long as the housing is in compliance with all applicable codes.
5. *Residential Zoning Code Update* – Update the residential section of the Land Use Regulatory Code to reflect housing and residential needs and conditions.
6. *Affordable Housing Incentive Program – Develop an affordable housing incentive program and supporting code provisions.*
7. *Inclusionary rezones – develop code provisions to include 10% affordable housing as part of residential upzones, and consider similar provisions for City initiated rezones.*
8. *Area-wide Environmental Review – Pursue SEPA programmatic EISs for specific areas of the City that need housing investment and revitalization to eliminate the need for projects in those areas that conform to the area wide EIS and associated regulations to conduct their own environmental review.*

Financial

This set of actions involves support for housing and housing-related projects, programs and services and for capital improvements to neighborhoods and mixed-use centers to facilitate residential development and housing preservation.

1. *Housing Trust Fund* – Support raising a minimum of \$5 million to further capitalize the local Housing Trust Fund established in 1999 for affordable housing activities.
2. *Emergency Shelter Funding* – Support increasing the amount of state and federal funds needed to support local shelter programs.
3. *ADU Financial Incentives* – Facilitate the provision of ADUs by reducing utility costs (e.g. hook-up fees) and charging both units at the single-family rate.
4. *Affordable Housing Incentives* – Continue to exempt subsidized housing projects from building permit fees and support property tax exemptions by the Pierce County Assessor.
5. *Community Land Trusts (CLT)* – Establish a private non-profit corporation to acquire and hold land for community development and housing. A key goal will be to facilitate affordable home ownership.
6. *Mixed Use Development* – Work with lenders to increase financing for upper story housing units. Continue use of the 10 year multifamily tax exemption for new and rehabilitated market-rate and affordable housing in mixed-use centers.
7. *Condominium Liability Insurance* – Work to remove barriers to condominium construction and support condominiums as a viable form of home ownership.
8. *Downpayment Assistance* – Increase the amount of local and federal (e.g. CDBG) funding to support first time home buyers with down payment assistance.



**2014 Annual Amendment Application No. 2014-6
Affordable Housing Regulations**

DISCUSSION DRAFT LAND USE REGULATORY CODE CHANGES
January 22, 2014

Chapter 13.06 - Zoning

- 13.06.100 – Residential Districts
- 13.06.145 – Small-lot single-family residential development
- 13.06.150 – Accessory Dwelling Units
- 13.06.501 – Building design Standards
- 13.06.510 – Off-Street Parking and Storage Areas

Chapter 13.06A – Downtown

- 13.06A.065 – Parking Standards

Note: These amendments show proposed changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~striketrough~~. Text highlighted in blue summarizes the AHPAG recommendations that provide the foundation for the proposed amendments. This language is provided for informational purposes only and should not be considered text amendments.

Additional changes since the January 8, 2014 meeting are highlighted yellow.

13.06.100 Residential Districts.

The 100 series will contain regulations for all residential classifications, including the following:

- R-1 Single-Family Dwelling District
- R-2 Single-Family Dwelling District
- R-2SRD Residential Special Review District
- HMR-SRD Historic Mixed Residential Special Review District
- R-3 Two-Family Dwelling District
- R-4 Multiple-Family Dwelling District
- R-4-L Low-Density Multiple-Family Dwelling District
- R-5 Multiple-Family Dwelling District
- PRD Planned Residential Development District (see Section 13.06.140)

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

1. Implement the goals and policies of the City’s Comprehensive Plan.
2. Implement the Growth Management Act’s goals and county-wide and multi-county planning policies.
3. Provide a fair and equitable distribution of a variety of housing types and living areas.
4. Protect and enhance established neighborhoods, and ensure that new development is in harmony with neighborhood scale and character.
5. Provide for predictability in expectations for development projects.
6. Allow for creative designs while ensuring desired community design objectives are met.
7. Strengthen the viability of residential areas by eliminating incompatible land uses, protecting natural physical features, promoting quality design, and encouraging repair and rehabilitation of existing residential structures.
8. Allow for the enhancement of residential neighborhoods with parks, open space, schools, religious institutions and other uses as deemed compatible with the overall residential character.

* * *

C. Land use requirements.

* * *

3. Use table abbreviations.

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

4. District use table. (see next page for table)

* * *

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
Dwelling, single-family detached	P	P	P	P	P	P	P	P	No lot shall contain more than one-dwelling unless each dwelling complies with the use regulations, height regulations, area regulations, and parking regulations of the district.
Dwelling, two-family	N	N	P/CU	P/CU	P	P	P	P	In the R-2SRD and HMR-SRD districts, two-family dwellings are permitted if lawfully in existence at the time of reclassification to R-2SRD/HMR-SRD or only upon issuance of a conditional use permit. See Section 13.06.640. Subject to additional requirements contained in Section 13.06.501.N.
Dwelling, three-family	N	N	P/CU	P/CU	P	P	P	P	In the R-2SRD and HMR-SRD districts, three-family dwellings are permitted if lawfully in existence at the time of reclassification to R-2SRD or HMR-SRD. New three-family dwellings are permitted only upon issuance of a conditional use permit. See Section 13.06.640. For R-3, three-family dwellings are permitted, provided existing single- or two-family dwellings shall not be enlarged, altered, extended, or occupied as a three-family dwelling, unless the entire building is made to comply with all zoning standards applicable to new buildings; and, further provided such existing structures shall not be enlarged or extended, unless such enlargement, extension, or alteration is made to conform to the height, area, and parking regulations of this district. Subject to additional requirements contained in Section 13.06.501.N.
Dwelling, multiple-family	N	N	N	P/N	N	P	P	P	In the HMR-SRD district, only multiple-family dwellings lawfully in existence on December 31, 2005 are permitted. Such multiple-family dwellings may continue and may be changed, repaired, and replaced, or otherwise modified, provided, however, that the use may not be expanded beyond property boundaries owned, leased, or operated as a multiple-family dwelling on December 31, 2005.
Dwelling, townhouse	N	N	CU	N	P	P	P	NP	Subject to additional requirements contained in Section 13.06.100.G.
Dwelling, accessory (ADU)	P/N	P/N	P/N	P/N	P	P	P	P	In the R-1, R-2, R-2SRD and HMR-SRD districts, <i>detached</i> ADUs are prohibited while <i>attached</i> ADUs are permitted. Subject to additional requirements contained in 13.06.150.

* * *

Table D. Lot size and building envelope standards.

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
Minimum Lot Area (in square feet, unless otherwise noted)								
single-family <u>detached</u> dwellings – <u>Standard Lots</u>	7,500	5,000	5,000	5,000	5,000	5,000	5,000	5,000
<u>single-family detached dwelling</u> – <u>Small Lots</u>	<u>6,750</u>	<u>4,500</u>	<u>4,500</u>	<u>4,500</u>	<u>3,500</u>	<u>3,000</u>	<u>2,500</u>	<u>2,500</u>
two-family dwellings			6,000	6,000	6,000	6,000 <u>4,250</u>	6,000 <u>3,750</u>	6,000 <u>3,500</u>
three-family dwellings			9,000	9,000	9,000	6,000 <u>5,500</u>	6,000 <u>5,000</u>	6,000 <u>4,500</u>
multiple-family dwellings						6,000 sq. ft. plus 1,500 sq. ft. for each unit in excess of four	6,000	6,000
Townhouse dwellings	-	-	3000	-	3000	1500	1000	<u>-1000</u>
Mobile home/trailer court						3.5 acres, provided at least 3,500 sq. ft. is provided for each mobile home		
Pre-existing lots	A lot which was a single unified parcel of land as indicated by the records of the Pierce County Auditor as of May 18, 1953 or a lot which was configured legally to conform to the applicable requirements but which became nonconforming as a result of subsequent changes to this chapter or other official action by the City, and which has been maintained in that configuration since, having an average width, frontage, or area that is smaller than the applicable minimum requirements may be occupied by a single-family dwelling; provided all other applicable requirements are complied with, including required setbacks, yards and design standards (see Sections 13.06.145 and 13.06.630).							
<u>Single-family Small Lots—</u> Exceptions to <u>Standard</u> Minimum Lot Area Requirements	Reductions to minimum <u>detached single-family dwelling</u> lot area requirements, <u>as shown above</u> , may be allowed pursuant to Section 13.06.145. <u>Single-family Small lot development must be oriented such that the lot frontage and the front façade of the house face the street.</u> <u>Small lot exceptions are not applicable to pipestem lots.</u>							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
Lot Measurements (in feet)								
Minimum Average Lot Width – <u>Standard Lots</u>	50	50	50	50	50	50	50	50
	16 for townhouse dwellings; <u>32 for two-family dwellings</u>							
<u>Single-family Small Lots – Minimum Average Lot Width</u>	<u>45</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>30</u>	<u>25</u>	<u>25</u>	<u>25</u>
Minimum Lot Frontage	25	25	25	25	25	50 <u>25</u>	50 <u>25</u>	50 <u>25</u>
	The minimum lot frontage requirement does not apply to townhouse dwellings. Pipestem lots which only serve one single-family dwelling are not required to meet the minimum lot frontage requirements, provided the access easement or lot extension to such pipestem lot has a minimum width of 10 feet.							
<u>Small Lots – Exceptions to Minimum Average Lot Width</u>	Reductions to minimum lot width, <u>as shown above</u> , may be allowed pursuant to Section 13.06.145. <u>Small lot exceptions are not applicable to pipestem lots.</u>							
Lot Coverage (percentage)								
Maximum lot coverage	-	-	-	-	-	35	-	-
Max. Height Limits (in feet)								
Main Buildings	35	35	35	35	35	35	60	150
Accessory Buildings	15 feet							
Exceptions	Buildings within a View Sensitive Overlay district are subject to the additional height restrictions contained in 13.06.555. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602. <u>Single-family Small Lot development on lots with an average width between 40 and 50 feet: Maximum height is 30 feet.</u> <u>Single-family Small Lot development on lots with an average width of less than 40 feet: Maximum height is 25 feet.</u>							

* * *

13.06.145 Small-lot single-family residential development.

A. Purpose. These regulations are intended to supplement and amend the regulations pertaining to single-family detached residential development by providing criteria for small-lot single-family detached development in the R-1, R-2, R-2SRD, HMR-SRD, R-3, R-4, R-4-L and R-5 Districts. These regulations are intended primarily to promote residential infill development within the City to be consistent with the mandate of the State Growth Management Act and the City’s Comprehensive Plan, to encourage growth within urban areas, and to minimize sprawl. These provisions are designed to provide a mechanism to create new lots and develop existing lots that have a smaller area and/or width than the standard lot size requirements in the R Districts. However, in allowing for the creation of and development on these smaller lots, additional design standards are applied to better ensure that new single-family development on such lots is compatible with the desired character of the City’s residential areas.

B. Lot size standards.

1. New Small Lots that ~~are are up to 10%~~ smaller than the applicable standard minimum lot dimensions size and/or width requirements in Section 13.06.100.D, shall be allowed, without variance, in the R-1, R-2, R-2SRD, HMR-SRD, R-3, R-4, R-4-L and R-5 Districts, subject to the following Small Lot standards of that section, and provided that all new dwellings meet the design standards in Section 13.06.145.E.

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4	R-4-L	R-5
Minimum Lot Area								
Min. Lot Area (in square feet) (These requirements are 10% smaller than the standard requirements for each zone).	6,750	4,500	4,500	4,500	4,500	4,500	4,500	4,500
Min. Lot Measurements								
Min. Average Lot Width (in feet) (These requirements are 10% smaller than the standard requirements for each zone).	45	45	45	45	45	45	45	45
Minimum Lot Frontage (in feet)	25	25	25	25	25	50	50	50

2. New lots that are ~~more than 10%~~ smaller than the applicable sSmall Lot minimum lot size and/or width dimensions requirements in Section 13.06.100.D shall only be allowed with approval of a variance (see Section 13.06.645), and provided that all new dwellings meet the design standards in Section 13.06.145.E and F.

3. New small lot development must be oriented such that the lot frontage and the front façade of the house face the street.

4. The provisions of this section are not applicable to pipestem lots, which are required to meet the applicable Standard Lot dimensions specified in Section 13.06.100.D. and any other applicable provisions.

C. Building envelope standards. New single-family detached dwellings on small lots shall be subject to the standard building envelope requirements for single-family dwellings in the applicable zoning district (see Section 13.06.100.D).

D. Design standards - Applicability.

1. New single-family dwellings on new lots that are up to 10% smaller than applicable standard minimum lot size and/or width requirements dimensions in Section 13.06.100.D (for example, 10% is 4,500 square feet and 45 feet average width in most zones) shall be subject to the design requirements found in Section 13.06.145.E.

2. New single-family dwellings on new lots that are more than 10% smaller than applicable standard minimum lot size and/or width requirements dimensions in Section 13.06.100.D (such lots can only be created by approval of a variance)-(where greater reductions are permitted, or a variance has been approved) shall be subject to the design requirements found in Sections 13.06.145.E and 13.06.145.F.

3. New single-family dwellings on pre-existing lots that are smaller than applicable standard minimum lot size and/or width requirements dimensions shall be subject to the design requirements found in Section 13.06.145.E.

E. Design Standards – Level 1. The following design standards shall be met for all new single-family dwellings on new **Small Lots** that are up to 10% smaller, than the applicable minimum lot size and/or width requirements in Section 13.06.100.D, and on all pre-existing lots that are smaller than the current, applicable minimum lot size



and/or width requirements in Section 13.06.100.D:

1. Clear building entries. Dwellings shall provide a clearly defined building entrance that faces the street and provide weather protection that is at least 4 feet deep along the width of the building entry. A porch may serve to comply with this provision.

2. Garages:

a. The garage shall be located in the rear with rear access if suitable access is available, such as abutting right-of-way that is or can be practicably developed.

b. Where vehicular access is not available from an alley or side street, garages or carports shall be setback at least 5 feet behind the front facade of the house or the front of a covered porch (where the porch is at least 48 square feet and contains no dimension less than 6 feet). In addition, vehicular doors and carports (measurement based on width of canopy) shall not occupy more than 50% of the width of the front façade.

3. Façade transparency. At least 15% of any façade **(excluding exposed foundations and unfinished attic space)** facing a street shall be transparent. The façade shall include all vertical surfaces of the façade of the dwelling.

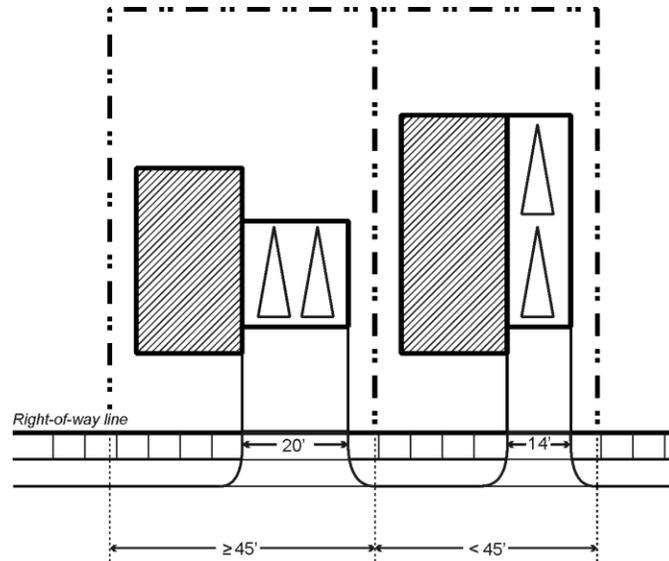
4. Rooflines. **For houses with peaked roofs, p**Primary roofline(s) shall be oriented towards the front of the lot, **with the tallest ridgelines** running perpendicular to the street or front property line to minimize shade and shadow impacts to adjacent properties. **An e**Exceptions to this standard **is**are allowed for projects involving multiple, adjacent single-family dwellings on small lots where alternating roofline orientation is being used to meet the Housing Style Variety requirement in Subsection 7, below, **or for lots that measure less than 80 feet in depth.**

5. Driveways.

a. The maximum width of driveway approaches shall be 20 feet.

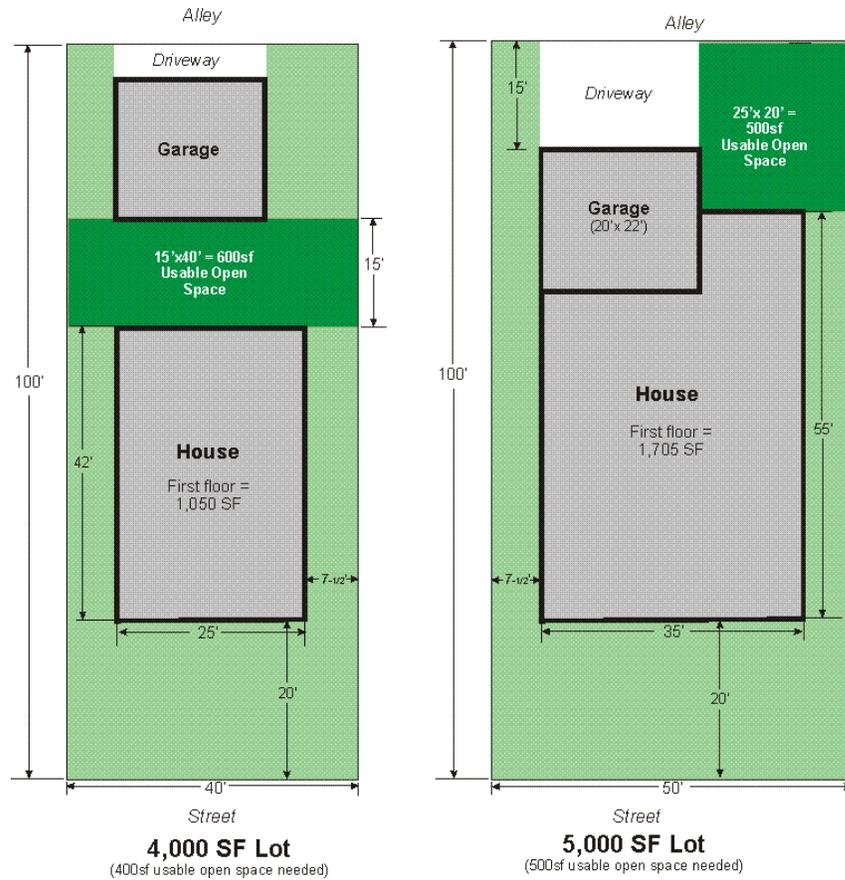
b. Driveway approach widths for lots less than 45 feet wide shall be no greater than 14 feet.

c. In no case shall a driveway approach occupy more than 50% of any lot frontage.



6. Functional yard space. All lots shall provide at least one contiguous yard space equivalent to at least 10 % of the lot size. (See examples below) This usable yard space shall:

- a. Feature minimum dimensions of 15 feet on all sides, except for lots that are less than 3,500 SF, where the minimum dimensions shall be no less than 12 feet.
- b. Not include alleys or driveway space
- c. Not be located within the required front yard

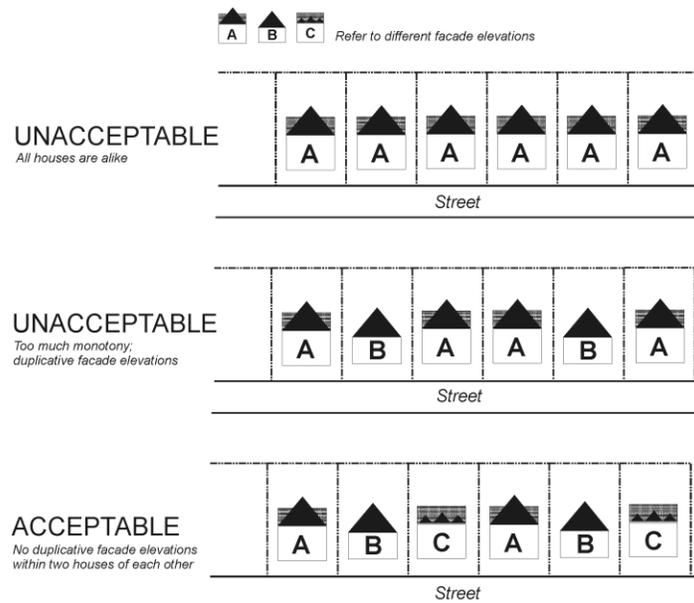


7. Housing style variety. Duplicative front façade elevations adjacent to each other are prohibited. In order to qualify as a different façade elevation, dwellings shall have different roofline configurations and different entry/porch designs. Simple reverse configurations of the same façade elevation on adjacent lots are not sufficient to meet this requirement. In addition, a minimum of two of the following alternatives shall be utilized:

- a. Different window opening locations and designs,
- b. One and two –story dwellings,
- c. Different exterior finish materials and finishes, or
- d. Different garage location, configuration and design.

Example Layouts:

These single-family dwellings employ different rooflines, material treatments, porch design, windows, and details to add visual interest and differentiate the dwellings from each other.



8. Prohibited materials. Plywood and other similar sheet siding materials, such as T1-11 siding, shall not be used for front facades and facades facing streets, except that board and batten siding shall be allowed **for façade variation up to 40 percent of the front façade facing the street.**

9. Street tree. One street tree shall be installed per small lot, per the provisions of TMC 13.06.502.

F. Design Requirements – Level 2. In addition to meeting all the design requirements listed in subsection E, above, all new single-family dwellings on new lots that are more than 10% smaller than the applicable standard minimum lot size and/or width requirements in Section 13.06.100.D (~~for which a lot size variance is required where greater reductions are permitted~~, or a variance has been approved), shall meet the following design standards:

1. Architectural details. At least three of the following architectural details shall be incorporated into the street-facing façades of the dwelling:
 - a. Decorative porch or entry design, including decorative columns or railings,
 - b. Bay windows or balconies,

- c. Decorative molding / framing details around all front facade windows and doors,
 - d. Decorative door design including transom and/or side lights or other distinctive feature,
 - e. Decorative roofline elements, such as brackets, multiple dormers, and chimneys,
 - f. Decorative building materials, including decorative masonry, shingle, brick, tile, stone, or other materials with decorative or textural qualities,
 - g. Landscaped trellises or other decorative elements that incorporate landscaping near the building entry, or
 - h. Other decorative façade elements or details that meet the intent of the criteria
2. At least one of the following must be provided:
- a. Dwelling(s) shall meet *Built Green* or other equivalent environmental certification for new construction, or
 - b. Dwelling(s) shall include a porch with a minimum area of 60 square feet and no dimension less than 6 feet.

13.06.150 Accessory dwelling units.

A. Intent. Accessory dwelling units (hereinafter referred to as “ADUs”) are intended to:

1. Provide homeowners with a means of providing for companionship and security.
2. Add affordable units to the existing housing supply.
3. Make housing units within the City available to moderate income people.
4. Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), and modern development technology.
5. Protect neighborhood stability, property values, and the single-family residential appearance by ensuring that ADUs are installed in a compatible manner under the conditions of this section.
6. Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.

B. Procedures. Any property owner seeking to establish an ADU in the City of Tacoma shall apply for approval in accordance with the following procedures:

1. Application. Prior to installation of an ADU, the property owner shall apply for an ADU permit with Planning and Development Services. A complete application shall include a properly completed application form, floor and structural plans for modification, and fees as prescribed in subsection B.2 below, and an affidavit of owner occupancy as prescribed in subsection B.3 below.

2. Fees. Fees shall be required in accordance with Section 2.09.020. Upon sale of the property, a new owner shall be required to sign a new affidavit and to register the ADU, paying the applicable fee in accordance with Section 2.09.020.

~~3. Affidavit. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the ADU, and agrees to all requirements provided in subsection C.~~

~~4.3. Notice on title. The owner of any property containing an ADU shall record with the Pierce County Auditor a notice on title of the ADU. Such notice shall be in a form as specified by Planning and Development Services, and shall include as a minimum: (a) the legal description of the property which has been permitted for the ADU; (b) affirmation that the owner shall occupy either the main building or the ADU, and agrees to all requirements provided in subsection C.; and (bc) the conditions necessary to apply the restrictions and limitations contained in this section. The property owner shall submit proof that the notice on title has been recorded prior to issuance of an ADU permit by Planning and Development Services. The notice on title shall run with the land as long as the ADU is maintained on the property. The property owner may, at any time, apply to Planning and Development Services for a termination of the notice on title. Such termination shall be granted upon proof that the ADU no longer exists on the property.~~

~~5.4. Permit. Upon receipt of a complete application, application fees, a notarized affidavit, proof of recorded notice on title, and approval of any necessary building or other construction permits, an ADU permit shall be issued.~~

~~6.5. Inspection. The City shall inspect the property to confirm that minimum and maximum size limits, required parking and design standards, and all applicable building, health, safety, energy, and electrical code standards are met.~~

~~7.6. Violations. A violation of this section regarding provision of ownership shall be governed by subsection C.8, and a violation of provision of legalization of nonconforming ADUs shall be governed by subsection C.14. Violations of any other provisions shall be governed by Section 13.05.100.~~

C. Requirements. The creation of an ADU shall be subject to the following requirements, which shall not be subject to variance.

1. Number. One ADU shall be allowed per residential lot as a subordinate use in conjunction with any new or existing single-family detached dwelling in the City of Tacoma. ~~The lot must meet the standard minimum lot size requirement for a single family detached dwelling in the applicable zoning district (for example, in the R-2 zoning district a single family lot must be at least 5,000 square feet to be eligible to have an ADU).~~

2. Occupancy. The maximum number of occupants in an ADU shall be 4 persons. Maximum occupancy may be further limited by the Minimum Building and Structures Code in Title 2.

~~3. Location. The ADU shall be permitted as a second dwelling unit added to or created within the main building or, when allowed, permitted as a detached unit preferably located in the rear yard and/or adjacent to alleys. A detached ADU shall not be located in front of the main building or in the side yard setback area.~~

34. Composition. The ADU shall include facilities for cooking, living, sanitation, and sleeping.

~~5. Size. The ADU, excluding any garage area and other non living areas, such as workshops or greenhouses, shall not exceed 40 percent of the total square footage of the main building and the ADU combined, after modification or construction. In addition, the maximum square footage of a detached ADU shall not exceed 10% of the square footage of the lot. An ADU shall not contain less than 300 square feet or more than 1,000 square feet.~~

~~6. Height. The maximum height limit for detached ADUs shall be the same as for other detached accessory structures (see Section 13.06.100.D); provided that two-story structures, where a detached ADU is located on the second floor, may be allowed up to 25 feet in height with the approval of a conditional use permit.~~

~~7. Setbacks. Detached ADUs shall be setback a minimum of 5 feet from the side and rear property lines, except when the detached ADU abuts an alley where no setback along the alley shall be required.~~

48. Ownership. The property owner (i.e., title holder or contract purchaser) must maintain his or her occupancy in the main building or the ADU. Owners shall sign an affidavit record a notice on title which attests to their occupancy and attests that, at no time, shall they receive rent for the owner-occupied unit. Falsely attesting owner-residency shall be a misdemeanor subject to a fine not to exceed \$5,000, including all statutory costs, assessments, and fees. In addition, ADUs shall not be subdivided or otherwise segregated in ownership from the main building.

~~9. Design Attached ADUs. An attached ADU shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single family residence. If an attached ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing facade, roof pitch, siding, and windows. Only one entrance for the main building is permitted to be located in the front facade of the dwelling. If a separate outside entrance is necessary for an attached ADU, it must be located either off the rear or side of the main building. Such entrance must not be visible from the same view of the building which encompasses the main entrance to the building and must provide a measure of visual privacy. For units with a separate exterior entrance, a pedestrian walkway, which shall be at least 4 feet wide and composed of materials that are distinct from any adjacent vehicle driving or parking surfaces, shall be provided between the ADU and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right of way.~~

~~10. Design Detached ADUs. A detached ADU shall be designed to match the architectural design, style, appearance, and character of the main building by utilizing complimentary colors and finish materials, window styles, and a roof design similar to the main building. The entrance door to a detached ADU shall not face the same property line as the entrance door to the main building except when the entrance door to the ADU is located behind the rear wall of the main building. A pedestrian walkway, which shall be at least 4 feet wide and composed of materials that are distinct from any adjacent vehicle driving or parking surfaces, shall be provided between the detached ADU and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right of way.~~

514. Parking. No additional One-off-street parking space is shall be required for the ADU., in addition to the off-street parking required for the main building, pursuant to Section 13.06.510. ~~If additional ADU parking is provided,~~

Such parking shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard, subject to determination by the City Engineer, then vehicular access to the front may be developed subject to the limitations in Section 13.06.510.A.6.

642. Home occupations. Home occupations shall be allowed, subject to existing regulations, in either the ADU or the main building, but not both. However, if both the main building and the ADU contain home occupations, only one of the two is permitted to receive customers on the premises.

13. Legalization of Nonconforming ADUs. Nonconforming ADUs existing prior to the enactment of these requirements may be found to be legal if the property owner applied for an ADU permit prior to December 31, 1995, and brings the unit up to Minimum Housing Code standards. After January 1, 1996, owners of illegal ADUs shall be guilty of a misdemeanor and, upon conviction thereof, subject to a fine not to exceed \$1,000, including all statutory costs, assessments, and fees, plus \$75 per day after notice of the violation has been made. All owners of illegal ADUs shall also be required to either legalize the unit or remove it.

D. Bulk, Location and Design Requirements. The creation of an ADU shall be subject to the following requirements.

1. The lot must meet the standard minimum lot size requirement for single-family detached dwellings in the applicable zoning district (for example, in the R-2 zoning district a single-family lot must be at least 5,000 square feet, or 4,500 with Small Lot Design Standards, to be eligible to have an ADU). Attached ADUs that do not increase the building envelope of the existing structure are exempt from this requirement.

2. Size. The ADU, excluding any garage area and other non-living areas, such as workshops or greenhouses, shall not exceed 40 percent of the total square footage of the main building and the ADU combined, after modification or construction. An ADU shall not contain less than 200 square feet or more than 1,000 square feet. In addition, detached ADUs shall meet the standards of 13.06.100.F. Accessory building standards.

3. Height. The maximum height limit for detached ADUs shall be the same as for other detached accessory structures (see Section 13.06.100.D). Alternatively, two-story detached ADUs may be allowed up to 25 feet in height provided the following: The structure shall not intercept a 45-degree daylight plane inclined into the ADU site from a height of 15 feet above existing grade, measured from the required 5 foot setback line; and, second story windows facing abutting properties, and within 10 feet of the property line, shall be constructed in a manner to prevent direct views into the neighboring property, through such methods as clerestory windows, or semi-translucent glass.

4. Location. The ADU shall be permitted as a second dwelling unit added to or created within the main building or, when allowed, permitted as a detached structure located in the rear yard.

5. Setbacks. Detached ADUs shall be setback a minimum of 5 feet from the side and rear property lines, excepting that no setback from the alley shall be required.

6. Design - Attached ADUs. An attached ADU shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single-family residence. If an attached ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing facade, roof pitch, siding, and windows. Only one entrance is permitted to be located in the front facade of the dwelling. If a separate outside entrance is necessary for an attached ADU, it must be located either off the rear or side of the main building. Such entrance must not be visible from the same view of the building which encompasses the main entrance to the building and must provide a measure of visual privacy.

7. Design - Detached ADUs. A detached ADU shall be designed to complement the architectural design, style, appearance, and character of the main building by utilizing complementary colors and finish materials, window styles, and roof design to the main building. The entrance door to a detached ADU shall not face the same property line as the entrance door to the main building except when the entrance door to the ADU is located behind the rear wall of the main building.

8. Walkways. For ADUs with a separate exterior entrance, a pedestrian walkway shall be provided between the ADU and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right-of-way. The walkway shall be at least 4 feet wide and composed of materials that are distinct from any adjacent vehicle driving or parking surfaces. The walkway may function as a shared pedestrian/vehicle space provided that it is constructed of distinct materials, is located along an exterior edge of a driving surface, and vehicles are not permitted to park on the walkway.

TMC 13.06.501 Building design standards

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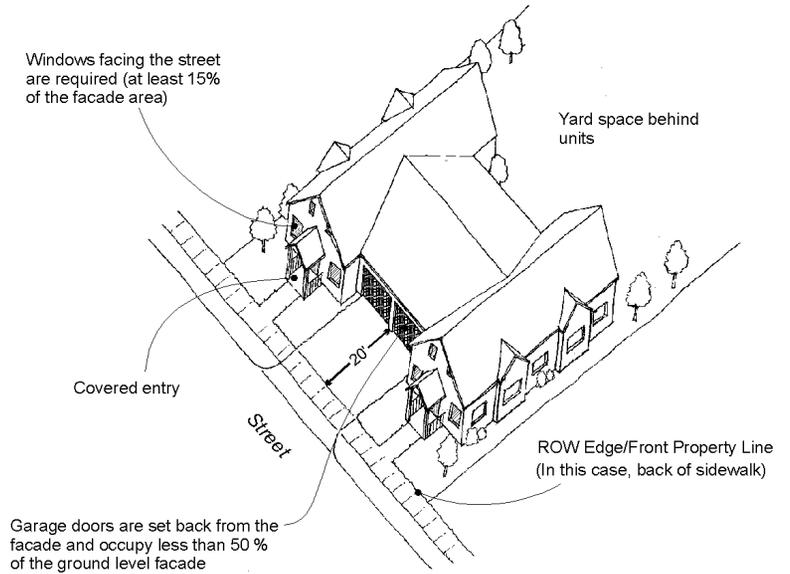
N. X-District Single, Two, and Three-Family Dwelling Standards. The following requirements apply to all single, two, and three-family dwellings in X-Districts, and to all two and three-family dwellings in all districts. They are intended to emphasize pedestrian access, compatibility with residential neighborhoods, building orientation to the street, and to minimize impacts of vehicular access.

1. Covered entries are required for each common entry or individual dwelling unit entry with minimum dimensions of 4 feet by 6 feet.

2. Windows on the street. At least 15 percent of the street-facing facades (all vertical surfaces facing the street) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.

3. Garage design standards.

- Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as an abutting right-of-way that is or can be developed, is available.
- For garages that include vehicular doors facing the front property line, the building or portion of the building with such doors shall be setback at least 20 feet from the property line or private road easement.
- The garage face or side wall shall occupy no more than 50 percent of the length of a ground-level facade facing a street.
- Where the garage faces the side, but is visible from the frontage, the garage shall incorporate a window on the front-facing facade so that it appears to be a habitable portion of the building. The window size and design must be compatible with the windows on habitable portions of the dwelling.
- Driveway approaches shall also be consistent with the standards in Section 13.06.510.



4. Corner duplexes. Duplexes located on corner lots shall be designed with pedestrian entries located on opposite street frontages so that the structure appears to be a single-family dwelling from each street. Where no alley is available for vehicular access, separate driveways for each unit may be placed on opposite streets.

5. Building design, duplexes and triplexes. Duplexes and triplexes shall be articulated to either look like two or three distinct dwelling units from the street or to look like one single-family dwelling. Specifically:

- Buildings articulated to look like distinct dwelling units shall include individual covered entries plus one of the following:
 - Roofline modulation consistent with Section 13.06.501.I.1 to distinguish one unit from another (or the appearance of separate units) as viewed from the street; or
 - Vertical building modulation to help distinguish between the different units in the building. The minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.
- Buildings designed to look like one large single-family dwelling shall feature only one entrance visible from the street. This could be a common entrance for all units, or the entrances for additional units could be provided at the side or rear of the building.

- | |
|---|
| <p>6. Building design, single-family detached. Single-family detached dwellings shall not use front facades that are duplicative with adjacent single-family detached dwellings. In order to qualify as a different façade elevation, dwellings shall have different roofline configurations and different entry/porch designs. Simple reverse configurations of the same façade elevation on adjacent lots are not sufficient to meet this requirement. In addition, a minimum of two of the following alternatives shall be utilized:</p> <ul style="list-style-type: none">a. Different window opening locations and designs,b. One and two-story dwellings,c. Different exterior finish materials and finishes, ord. Different garage location, configuration and design. |
| <p>7. Utilities.</p> <ul style="list-style-type: none">a. Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.b. Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Such elements shall not be located along the street frontage. Where there is no alley available, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts and shall be screened from view from the street and sidewalk. |
| <p>8. Fencing.</p> <ul style="list-style-type: none">a. Chain link fencing, with or without slats, is prohibited for required screening.b. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.c. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.d. Electrified. The use of electrified fencing is prohibited in all zoning districts.e. The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided such fence is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment. |

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13.06.510 Off-street parking and storage areas.

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TABLE 1 – Required Off-Street Parking Spaces^{9, 14}		
Use	Unit	Required parking spaces
		Min.
Residential		
Single-family detached dwelling, Adult family home, Staffed residential home ^{1, 2, 12}	Dwelling.	2.00
Two-family dwelling in all districts ^{1, 2, 12}	Dwelling.	2.00
Townhouse dwelling in R-2SRD, R-3, R-4L and R-4 Districts.	Dwelling	1.00
Three-family in R-2SRD, HMR-SRD and R-3 ^{1, 2, 12}	Dwelling.	2.00
<u>Group housing – up to 6 residents</u>		<u>2.00</u>
<u>Group housing – 7 or more residents^{1, 16}</u>	<u>Room, suite or dwelling.</u>	<u>1.00</u>
Lots not conforming to area/width ³	Dwelling.	1.00
<u>Mobile home park^{1, 2, 12}</u>		
Multiple-family dwelling and mobile home park ^{1, 2, 12, 16}		
Located in R-4-L, T, HMR-SRD, and PRD Districts ¹²	Dwelling.	1.50
Located in R-4, C-1, C-2, HM, and M-1 Districts ¹²	Dwelling.	1.25
Located in R-5 District ¹²	Dwelling.	1.00
Mixed-Use Center District	See TABLE 2 (next table).	
Retirement homes, apartment hotels, residential hotels, residential clubs, fraternities, sororities, and group living quarters of a university or private club ¹	Guest room, suite, or dwelling.	Same as for multiple-family.
Residential in DR, DCC, DMU, and WR Districts	See Chapter 13.06A.	

* * *

TABLE 1 Footnotes
<p>1. Guest rooms, <u>dwelling</u>s or suites in <u>group housing</u>, retirement homes, apartment hotels, residential hotels, and residential clubs shall be construed to be dwelling units for purposes of determining the number of off-street parking stalls required. The parking requirements may be reduced to one parking space every three dwelling units; provided, the following conditions exist:</p> <ol style="list-style-type: none"> The use will provide residency for retirement age persons with an estimated average persons-per-dwelling unit factor of 1.5 or less, or low-income elderly persons <u>individuals or households</u>, or a combination thereof; Yard space is available on the same lot the use is to be located upon or an adjoining lot, where off-street parking at a future time could be provided should the use be converted to an apartment or for other reasons additional parking is needed to serve the premises. <p>If these conditions do not exist, a variance of the number of parking spaces to be provided is required.</p> <p>* * *</p>

16. Parking requirements may be reduced through provision of one or more of the Parking Quantity Reduction options offered in Mixed-Use Center Districts (Table 2), up to a minimum of 1 stall per 2 rooms, suites or dwellings. Each parking reduction option provided shall receive 50 percent of the credit available in Mixed-Use Center Districts. This reduction may not be utilized in combination with the bonus offered through Footnote 1 of this table (Table 1).

TABLE 2 – Parking in Mixed-Use Center Districts

Quantity	<p>Residential Uses. Minimum 1.0 stall per unit.</p> <p>Commercial or Office Uses. Minimum 2.5 stalls per 1000 square feet of floor area.</p> <p>UCX-TD Commercial or Office Uses (including retail, service and eating and drinking establishments). Minimum 0 stalls per 1000 square feet of floor area.</p> <p>Other Uses. For uses not specifically listed above, the parking requirement in the Mixed-Use Center Districts shall be 70% of the parking requirement for that use identified in Table 1.</p> <p>See Section 13.06.510.B.2.f for use of compact stalls.</p> <p>For purposes of calculating parking quantity requirements, “floor area,” when used, shall not include space devoted to parking.</p>
Exemptions	<p>No parking is required for any structure in existence upon the date the Mixed-Use Center was created within which it exists (see Section 13.17.020). New development shall provide parking as required.</p> <p>In NCX and CCX Districts, no parking is required for buildings located within 10 feet of the right-of-way of the designated core pedestrian streets (see Section 13.06.300.C).</p> <p>In NCX, CCX, and UCX Districts, no parking is required for the first 3,000 square feet of each ground-level retail or eating and drinking establishment.</p> <p><u>Small, affordable housing types: Group housing; student housing; and, efficiency multi-family dwellings (250-450 sf in size) are exempt from vehicular parking requirements (with the exception of required accessible parking), provided the following:</u></p> <ul style="list-style-type: none"> • <u>A minimum of 0.75 bicycle spaces per dwelling or unit are provided in an indoor, locked location.</u> • <u>Within a single building, no more than 20 dwelling units, or 50 percent of the total dwelling units (whichever is greater), may utilize this bonus.</u>
<p>Parking Quantity Reductions. The parking requirements for mixed-use, multi-family, <u>group housing</u>, commercial, institutional and industrial developments within X-Districts may be reduced as follows:</p>	
Transit Access	<p>Parking requirement shall be reduced by 25% for sites located within 500 feet of a transit stop and 50% for sites located within 500 feet of a transit stop at which a minimum of 20-minute peak hour service is provided (routes which serve stops at least every 20 minutes during peak hours). Applicants requesting this reduction must provide a map identifying the site and transit service schedules for all transit routes within 500 feet of the site.</p>
Trip Reduction Plan	<p>Parking requirement shall be reduced by 25% for developments that create and implement a site-specific Trip Reduction plan and program that includes features such as employer-provided transit passes, telecommuting, ridesharing, carpooling, car-sharing, bicycling, flexible work schedules, etc. The trip reduction plan shall be reviewed and approved by the City’s CTR Coordinator and yearly reports shall be provided to evaluate the effectiveness of the program and ensure its continued maintenance and operation.</p>
Car-Sharing Stalls	<p>Parking requirements shall be reduced by one stall for each stall that is dedicated and designated for use by a locally-operating car sharing program, such as “Zipcar.”</p>

Mixed-Use/Shared Parking Credit	No parking shall be required for the residential units in a mixed-use project where at least 50 percent of the floor area is designed for commercial or institutional use.
On-Street Parking Credit	Parking requirements shall be reduced ½ stall per each new public, on-street parking stall provided as part of the project (through the installation of angled or perpendicular spaces with bulb-outs and curbs or other methods). Any modifications to the right-of-way are subject to the acceptance and approval of the Public Works Department. This one-time credit applies at the time of the development and shall not be affected by any future changes to the right-of-way configuration, design or alignment.
Bicycle Parking Credit	For every five non-required bicycle parking spaces provided on the site (beyond the standard requirements, as found in Section 13.06.512.D), the automobile parking requirement shall be reduced by one space. This credit is limited to a maximum of 5 automobile spaces, or 15% of the standard parking requirement for the development, whichever is less.
Motorcycle/Scooter Parking Credit	For every 4 motorcycle/scooter parking spaces provided, the automobile parking requirement shall be reduced by one space. Each motorcycle/scooter parking space must be at least 4 feet wide and 8 feet deep and may be located in areas that are otherwise unusable for automobile parking (such as in corners, at aisle ends and near pillars). This credit is limited to a maximum of 5 automobile spaces, or 5% of the standard automobile parking requirement for the development, whichever is less.
The Director or designee shall have the authority to require any and all necessary agreements or documentation, as they deem appropriate, to ensure that projects utilizing this parking quantity reduction program maintain all required features for the life of the project. Any such agreements or documentation shall be in a format acceptable to the City Attorney and shall be recorded on the title of the property.	

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Downtown Tacoma

13.06A.065 Parking Standards

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C. Parking Quantity Standards Outside of the RPA

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6. Group housing; student housing; and, efficiency multi-family dwellings (250-450 sf in size) are exempt from vehicular parking requirements (with the exception of required accessible parking), provided the following:

a. A minimum of 0.75 bicycle spaces per dwelling or unit are provided in an indoor, locked location.

b. Within a single building, no more than 20 dwelling units, or 50% of the total dwelling units (whichever is greater), may utilize this bonus.



City of Tacoma
Planning and Development Services

**Agenda Item
D-2**

To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: **Application #2014-10 – Urban Forestry Landscaping Code Update**
Meeting Date: January 16, 2014
Memo Date: January 22, 2014

At the Commission's next meeting on January 22nd, staff will present proposed draft policy and code language and a draft staff report. The proposal is intended primarily to incorporate the policy guidance of the Urban Forest Policy Element into the City's Landscaping Code.

At the November and December discussions on this proposal, the Commission provided a substantial amount of guidance on issues including enforcement, tree size, flexibility options, plant selection, canopy goals and more. Over the past months, staff have also engaged with Metro Parks Tacoma and the Port of Tacoma, and have consulted with other City departments including Code Enforcement, Traffic, and Environmental Services. The attached draft package is intended to reflect that input and guidance. Staff note that the proposal includes one change from previous discussions in regards to the method for determining Small, Medium and Large Tree categories. This change is proposed to better reflect best practices and science on the environmental benefits of larger trees. In addition, the proposal includes organizational changes to the current Landscaping Code intended to shorten it and improve organization and consistency.

At the meeting, staff will provide an overview of the proposal, summarize outreach with key stakeholders, request direction, and if appropriate seek the Commission's authorization to release the draft for public review. Attached is a draft staff report, draft policy changes to the Urban Forest Policy Element, and proposed code changes. If you have any questions please contact me at 591-5389 or elliott.barnett@cityoftacoma.org.

Attachment

c: Peter Huffman, Director



2014 Annual Amendment Staff Analysis Report

Application No.:	2014-10
Proposed Amendment:	Urban Forestry Landscaping Code Update
Applicant:	Planning and Development Services
Location & Size of Area:	Citywide
Current Land Use & Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Elliott Barnett, Planning Services Division (253) 591-5389 elliott.barnett@cityoftacoma.org
Date of Report: (Planning Commission review date; draft or final)	January 22, 2014 (draft)

I. Description of the Proposed Amendment:

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

This proposal includes amendments to the Land Use Regulatory Code to improve trees and landscaping regulations applicable to development activities, with a focus on achieving such policy intents as incentives, flexibility, quality, and tree health. The proposed changes are intended to make the code more effective in achieving urban forestry objectives, in the following ways:

Planting More Trees (and other plants)

While the primary thrust is on vegetation health, quality, and landscaping code flexibility, the following limited expansions of current landscaping requirements are proposed:

- Require Street Trees with the construction of new full roadways and sidewalks (per Complete Streets)
- Extend Street Tree requirement to the M-2 Industrial District and to key corridors in the PMI Industrial District
- Standardize parking lot landscaping requirements to include both interior and perimeter plantings in most districts

Plant Better Trees (variety, larger sizes, right tree right place)

Proposed changes seek to optimize the urban forestry benefits from landscaping by enhancing requirements related to plant selection, planting locations, spacing and installation. Changes proposed include clarifying plant selection criteria; adding specificity regarding Crime Prevention Through Environmental Design (CPTED); removing barriers for Low Impact Development (LID) stormwater approaches; expanding the focus on “right tree-right place” to promote survival and reduce conflicts; and, creating a new distinction based on tree size. The Small, Medium and Large Tree distinction

would be linked to a sliding scale for the number of trees required, providing an incentive to plant larger trees, and providing flexibility for site development.

Health, Survival and Maintenance of Trees

These changes seek to optimize the urban forestry benefits from required landscaping by expanding code provisions to better ensure the health, survival and proper maintenance of trees and other landscaping. Key changes include requiring landscaping maintenance plans with permit applications; strengthening language prohibiting excessive pruning and tree topping; and, clarifying responsibilities on maintenance and replacement.

Incentives and flexibility

These changes seek to promote desired features through code-based incentives and flexibility. The Small, Medium and Large Tree sliding scale creates significant new flexibility for site design by reducing the number of trees required if Large Trees are selected. In addition, optional bonuses would be available to reduce the total number of trees and/or amount of landscaped area, and/or allow plantings to be more clustered on the site, in exchange for tree retention, LID stormwater techniques, and/or planting evergreens. A Fee In Lieu option would be created to allow an administrative option to address sites with unique challenges to meeting landscaping requirements. Finally, an option would be available to public agencies to shift some required landscaping from the development site to a more appropriate site identified in their own urban forestry plans.

Provide an Understandable and Predictable Approach

The proposal includes reorganizing the landscaping code for greater clarity, consistency and ease of use. The code would be organized as follows:

- Intent and Applicability
- General landscaping section on Process, Plant Material Selection, Installation and Maintenance
- Credits and Flexibility
- Requirements by zoning district

In addition, technical guidance would be made available through a separate Urban Forest Manual to be developed in support of the code, by the Environmental Services Department – Urban Forestry Program.

Specifically, the proposal is to repeal the current *TMC 13.06.502 Landscaping and/or Buffering Standards*, and replace the section with revised code language. While a substantial amount of the existing code would be retained, the proposal includes reorganizing the section for greater clarity. Therefore, it is more readable to present the proposed new code language without track changes format. In addition, supportive changes are proposed to TMC 13.06.700 Definitions, and to TMC 13.06A Downtown Tacoma, which are shown in track changes.

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

The City's urban forest (which is broadly defined to include all trees and vegetation) has been the focus of extensive policy discussion and City Council direction over the past several years. In 2010, the Council adopted a new Urban Forest Policy Element, which increased the emphasis on the urban forest's function as part of streetscapes (complete streets), as an integral urban design and aesthetic consideration, and as a major environmental and green infrastructure asset. The Element sets goals including the following:

- Achieve a 30% citywide tree canopy coverage by the year 2030;
- Incorporate flexible code approaches tailored to the needs of differing land uses;
- Seek opportunities to increase stormwater benefits through landscaping;
- Integrate public safety considerations into landscaping;
- Enhance the urban forest connection between natural areas and developed areas.

This code update is intended to support these goals, while recognizing that only a small portion of the urban forest is planted as part of development activities. The primary intent is to realize more benefits from the landscaping that is already required as part of development activities, while also increasing flexibility for project applicants.

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

The proposed code would apply citywide to new development and substantial alterations, as specified in the draft. The Downtown Districts and Shoreline Districts have their own specific landscaping requirements, but would utilize the general landscaping provisions of the landscaping code.

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

This effort went through a first phase review by the Planning Commission in 2011-2012, when community members and stakeholders expressed concerns about an initial proposal which included new planting requirements for single-family development. The current scope of work is based on the previous policy discussion on this topic, as well as subsequent analysis and stakeholder outreach. Through these efforts, several avenues emerged to enhance the code to better achieve urban forestry (and related) goals, while striking a balance with the needs of differing land uses and emphasizing incentives and flexibility as opposed to new requirements.

The starting point is Tacoma’s current landscaping code (TMC 13.06.502). The current requirements are intended to achieve multiple objectives, including environmental, stormwater, aesthetic, streetscape, neighborhood enhancement, and buffering between different land uses. Specifically, the Street Trees requirement promotes safe, comfortable and attractive streetscapes (Complete Streets); the Overall Site, Site Perimeter, Foundation and Front Yard requirements provide aesthetic benefits by softening the appearance of development sites and preventing unattractive “left-over space”; the Landscaping Buffer requirements screen residential areas from commercial, industrial or other dissimilar land uses; and, the Parking Lot landscaping requirements provide visual relief in large areas of pavement and screen pedestrian pathways. All requirements provide for a measure of stormwater, environmental, aesthetic and other urban forestry benefits as part of development activities.

One-family, two-family and three-family dwellings are exempt from landscaping requirements, and few requirements apply in industrial areas. In general, more requirements apply to multi-family, commercial and mixed-use projects. Requirements are typically numerical (such as 3 per 100 feet), and emphasize a standard planting distribution or rhythmic linear planting pattern. Code guidance on plant selection and maintenance is limited, but some issues are addressed (such as size at planting and minimum unpaved planting area for trees). The code provides a tree retention bonus option, but otherwise includes few

incentives for innovative approaches. The code calls for native or climate-adapted plant selection, but makes no distinction based on tree size or classification (deciduous/coniferous).

The current code already provides significant urban forestry benefits. This update would retain the focus on providing a range of benefits through landscaping (environmental, stormwater, aesthetic, streetscape, neighborhood enhancement, and buffering) all of which are emphasized by the Urban Forest Policy Element, while adding enhancements to maximize the benefits of required landscaping.

II. Analysis of the Proposed Amendment:

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

Landscaping plays multiple important roles, and there are many Comprehensive Plan policies that relate to it. The Plan provides strong policy support for urban forestry, recognizing that trees, landscaping, environmental conservation and sustainability are integral to the City's goals and policies in numerous ways, and calling for implementing actions. In addition, multiple policies call for landscaping to meet various urban design, land use buffering, and streetscape-related functions. In summary, the Plan calls for landscaping as an important component of a balanced approach to accommodating compact development within livable, sustainable and green neighborhoods. The proposal is consistent with this direction.

This code update directly follows the policy direction of the Urban Forest Policy Element, which calls for a range of actions that could be implemented through code changes, as summarized above. The following Urban Forest Policy Element vision and policies provide the most specific policy direction for this project:

Vision

The City of Tacoma takes the lead in establishing a citywide tree canopy cover of 30 per cent by the year 2030 ("30-by-30") through effective education, extensive outreach, innovative partnerships and pragmatic implementation strategies.

UF-1 Urban Forest Infrastructure

Consider Tacoma's urban forest together with other infrastructure systems when planning, designing, and/or maintaining infrastructure.

UF-2 Management

Achieve a balance between the competing needs of the environment, budget limitations, utilities and infrastructure, safety, the rights of property owners and the desires of the public.

UF-8 Urban Forest Manual

Create, and regularly update, an Urban Forest Manual using the best available science and current best management practices, accepted standards and guidelines to support the UFMP, and this element.

UF-13 Public Agencies

Public agencies that maintain an Urban Forestry Program (see glossary) should be given autonomy in meeting the intent and policies of this element in exchange for the sharing of urban forest management data, provided that the agency agrees to periodic review of the agency's progress in meeting the City's urban forestry goals.

UF-14 Diverse Land Uses

Develop incentives, programs and/or regulations to meet the intent of this element that are tailored to the needs and characteristics of differing land uses.

UF-PR-2 Flexible Regulatory Approaches

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

UF-PCM-10 Landscape Maintenance Management Plans

Ensure that landscaping in new developments is properly cared for and survives, both during the plant establishment period and in perpetuity through such means as landscape management plans, maintenance agreements, and monitoring.

UF-PD-5 Landscaping and Stormwater Management

Align the City’s landscape regulations and stormwater management manual to promote the integration of landscaping elements and low impact development stormwater management approaches. Emphasize use of techniques which can effectively achieve multiple urban forestry and stormwater management objectives, including native vegetation preservation, native soil retention and soil amendment, stormwater dispersion and infiltration.

One particularly pertinent Open Space Habitat and Recreation Element policy provides support for tree and landscaping planting and maintenance, with an emphasis on rights-of-way and public properties:

OS-GI-5 Tree Planting and Maintenance

Actively engage in tree planting, maintenance of native and climate-adapted trees and plants, and preservation of large trees city-wide. Encourage and work with partners to conserve, plant and maintain trees and landscaping. Prioritize street and freeway rights-of-way, and include utility rights-of-way, parks, school sites, and other public property when appropriate. Trees and landscaping should be appropriate to the location and conditions, and seek to avoid or minimize conflicts with existing public infrastructure and/or utility facilities.

Neighborhood Element: Every neighborhood identifies trees and environmental features as valuable.

The Growth Strategy and Development Concept Element envisions that density and compact development should be achieved in a manner that fosters sustainability, livability and active living, through steps including provision of trees and landscaping:

GLUE: “Encourage sustainable development, including green building techniques, green/plant coverage, and low impact development.”

GLUE: “Increase vegetation and greenery in an urban setting” (within Mixed-Use Centers).

LU-MUD-10 Green Infrastructure and Streetscape Improvements

Improve livability, particularly in and adjacent to mixed-use centers, through targeted streetscape improvements that include integrated landscaping, pedestrian facilities and stormwater management with enhanced aesthetics.

LU-MUD-18 Landscaping

Provide landscaping elements to enhance the pedestrian environment, soften the appearance of buildings, enhance environmental conditions, screen and shade surface parking lots, enhance

compatibility with existing and/or desired character of the area, block unwanted views, and upgrade the overall visual appearance of the centers. Provide landscaping standards that are flexible, promote the use of native vegetation and encourage low impact and sustainable development techniques such as green roofs, vegetated walls, rain gardens and permeable paving.

Finally, the proposal is consistent with the City's policies in the Transportation Element, and elsewhere, on Complete Streets, which are envisioned as including street trees as a standard feature.

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

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

The proposal would make the Landscaping Code more consistent with the Comprehensive Plan, and respond to the strong policy direction of recent years to promote sustainability and livability within the City. It is also intended to enhance the quality of neighborhoods by providing the aesthetic, environmental, traffic calming, surface water management and other benefits of the urban forest.

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

Generally, staff anticipate that there will be little increase in the cost of providing landscaping, and that the additional flexibility may in some cases reduce the cost of site development. One exception is the proposal to add street tree requirements in some industrial areas where they are not currently required, which will be a new cost to development within those areas.

However, the proposal adds a significant amount of specificity to requirements related to tree species selection, planting practices, and maintenance approaches. These changes are intended to promote long-term health and survival of trees and landscaping. They may increase the upfront costs for professional services in the preparation of landscaping plans, and for site development. On the other hand, they may also decrease the long-term costs by increasing tree longevity and reducing conflicts with infrastructure.

By promoting the environmental and surface water benefits achievable through landscaping, this proposal is in harmony with the City's sustainability goals. It is also supportive of health in terms of improving air and water quality, traffic calming, and mental health benefits. Finally, landscaping clearly contributes to a positive aesthetic appearance for the City.

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

This effort started with the extensive public and stakeholder input generated through the 2011-12 policy development effort. The key themes from that effort included encouraging (rather than requiring) additional tree and vegetation planting; planting the "right tree in the right place"; and, increasing

stormwater benefits, in balance with meeting the needs of different land uses and emphasizing incentives, flexibility, technical support and education. One of the main themes was that new requirements should not be extended to single-family residential development, and that the City should focus on leading by example rather than significantly increasing requirements onto private parties.

More recently, staff have consulted with Metro Parks Tacoma and the Port of Tacoma, both of which are interested in the Self-Managed Agency option included in the proposal. In addition, staff have engaged with City departments including Code Enforcement, Traffic and Environmental Services in particular discussing the resource issues associated with street trees, and with monitoring and enforcement generally. Moving forward, staff will reach out to all of the stakeholders who participated in the 2011-12 discussion, in addition to the Planning Commission public outreach process.

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

By providing the benefits described above, this proposal would benefit the City as a whole. The flexible approach to achieving urban forestry goals may also help to position Tacoma as a progressive, sustainable City which is also a good place to do business.

III. Staff Recommendation:

Staff recommends that the proposed amendments to the Land Use Regulatory Code, as depicted in Exhibit A, be distributed for public review. Staff will continue to engage in public outreach and provide a summary to the Planning Commission prior to the public hearing process which is tentatively scheduled for February-March 2014.

IV. Exhibits:

A. *Land Use Regulatory Code* (with proposed changes)



2014 Annual Amendment Application No. 2014-6

Urban Forestry Landscaping Code Update

DRAFT LAND USE REGULATORY CODE CHANGES

January 22, 2014

Chapter 13.06 - Zoning

13.06.502 – Landscaping and/or Buffering Standards

13.06.700 – Definitions

Chapter 13.06A – Downtown

13.06A.070

Note: These amendments show proposed changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. Text that has been deleted is shown as ~~strikethrough~~. In this case, new text is shown in black since the proposal is to repeal the current section and replace it with the new one. This language is provided for informational purposes only and should not be considered text amendments.

13.06.502—Landscaping and/or buffering standards.

~~A. General requirements. The landscaping section is divided into five sections, with one each specifically addressing the landscaping requirements for development in Residential Zoning Districts, Commercial Zoning Districts, Mixed-Use Zoning Districts, Industrial Zoning Districts, and Shoreline Zoning Districts. In addition to the standards outlined in each of those tables, the general requirements contained herein and the landscaping types outlined in subsection G apply to all districts.~~

~~1. Intent. The landscaping requirements, as a whole, are intended to contribute to the aesthetic environment of the City; provide green spaces that can support the urban citywide tree canopy; wildlife, such as birds, in the urban environment; help reduce storm water runoff; filter pollution; and buffer visual impacts of development.~~

~~2. Applicability. Unless specifically exempted, landscaping shall be provided consistent with this section for all new development, including structures and/or parking lots, as well as alterations to existing development, as outlined below.~~

~~a. Alterations. Three thresholds are used to gauge the extent of landscaping standard compliance on alterations to existing development:~~

~~(1) Level I alterations to a site include all remodels and/or additions within a two-year period whose cumulative value is less than 50% of the value of the existing development or structure, as determined by the Building Code, excluding purchase costs of the property and/or structure. The requirement for such alterations is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, for an expanded parking area, landscaping would be required for the new parking area, but the applicant would not be required to bring an existing parking area into conformance with these landscaping standards.~~

~~(2) Level II alterations to a site include all remodels and/or additions within a two-year period whose cumulative value ranges from 50% to 200% of the value of the existing development or structure, as determined by the Building Code, excluding purchase costs of the property and/or structure. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II.~~

~~(3) Level III alterations to a site include all remodels and/or additions within a two-year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the Building Code, excluding purchase costs of the property and/or structure. Such developments shall be brought into conformance with ALL of the applicable landscaping standards.~~

~~(4) The standards 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 both exterior and interior improvements.~~

~~(5) No alteration shall increase the level of nonconformity or create new nonconformities to these standards.~~

~~3. Required landscape plans shall be prepared by a licensed landscape architect, certified nursery professional, or certified landscaper. Exempted developments:~~

~~a. Residential developments with less than 7 units.~~

~~b. Non-residential and mixed-use developments featuring less than 500 square feet of landscaping.~~

~~4. Native landscaping. The retention and use of new native landscaping is encouraged and permitted for any and all landscaping. New landscaping materials shall include species native to the Puget Sound lowland region of the Pacific Northwest or non-invasive naturalized species that have adapted to the climactic conditions of the region in the following minimum amounts:~~

~~a. 50 percent of trees.~~

~~b. 75 percent of ground cover and shrubs.~~

~~5. Landscaping, visibility and safety. Except in cases where required landscaping is intended to provide dense visual buffers, trees and shrubs shall be selected and maintained to maximize visibility at eye level for safety. To meet this requirement, shrubs shall be chosen and maintained at no taller than 3 feet. Trees shall be selected and pruned (once tall enough) to maximize views below 7 feet in height. Limited flexibility in the selection of trees and shrubs shall be allowed to address unique circumstances such as unusual topography, existing features, or where strict adherence to this standard is not necessary to meet the intent. This provision does not apply to buffers required along property lines that abut residentially-zoned property and to Landscaping Type A.~~

~~6. Street trees.~~

~~a. Street trees shall be compatible with other trees in the vicinity by variety, species, and planting pattern. Trees and any associated grates must comply with any applicable, adopted business area improvement plan, streetscape design plan, and/or the City's Tree Planting Program.~~

~~b. Street trees should generally be evenly spaced to create or maintain a rhythmic pattern, but can be provided with variations in spacing and/or grouped to accommodate driveways, building entrances, other streetscape amenities, etc. To achieve consistency with an existing, well-established pattern of tree spacing, the quantity of required street trees may be reduced.~~

~~c. Street trees shall, when possible, be planted within the right-of-way adjacent to the curb and between the pedestrian lane/sidewalk and curb. When this is not possible, street trees may be located within the right-of-way and behind the sidewalk. If neither of these preferred locations is possible, such as when existing infrastructure prevents trees from being planted within the right-of-way, trees located within 10 feet of the right-of-way may be counted as street trees.~~

~~d. In cases where street trees are provided adjacent to a required buffer, the trees provided as street trees may be used to reduce the number of trees required in the buffer area.~~

~~7. General tree size standards. Unless specified otherwise, trees provided to meet the landscaping requirements shall be consistent with these minimum size standards. For deciduous trees, at least 50% of the trees provided shall be a minimum 2-inch caliper at the time of planting, with the remaining deciduous trees a minimum 1½-inch caliper. The caliper of deciduous trees shall be measured 4½ feet above the root ball or grade (diameter at breast height, or DBH). For evergreen trees, at least 50% of the trees provided shall be a minimum of 6 feet tall at the time of planting, with the remaining evergreen trees a minimum of 5 feet tall at the time of planting. Evergreen trees provided to meet these requirements shall also be species with the ability to develop a minimum branching width of 8 feet within 5 years. In all cases, trees that are provided that are above and beyond the landscaping requirements can be smaller.~~

~~8. General tree variety standards. In order to improve and protect the health, aesthetic quality, and sustainability of the City's urban forest, projects shall provide a mix of trees. For projects that involve the planting of between four and ten trees, at least two different kinds (genera) of trees shall be included. For projects involving the planting of more than ten trees, at least three different kinds (genera) of trees shall be included.~~

~~9. General shrub size standards. Unless specified otherwise, shrubs provided to meet these requirements shall be from a minimum 3-gallon container.~~

~~10. Landscaping quantity calculations. When a specified amount or number of trees or plants is specified, that shall be the minimum number required. Any requirement resulting in a fraction, when applied, shall be rounded up or down to the nearest whole number. In cases where the minimum is expressed as a ratio of a number of trees or shrubs per a specified amount of area or length of site frontage or buffer (such as 3 trees per 100 feet of street frontage), the number of required trees or shrubs shall be calculated by applying the ratio to the square footage of the area or length of the associated frontage or buffer. For example, under a street tree requirement of 3 trees per 100 feet of street frontage, a site with 50 feet of street frontage would require 2 trees ($50 \times 3/100 = 1.5$, which rounds up to 2) and a site with 90 feet of street frontage would require 3 trees ($90 \times 3/100 = 2.7$, which rounds up to 3). The same planting may satisfy more than one requirement, unless specifically noted otherwise.~~

~~11. Minimum landscaped area—overall site. Where a minimum amount of landscaped area is identified for an entire site, that percentage shall be considered the minimum requirement. More specific requirements that also apply, such as buffering or parking lot landscaping, may necessitate more landscaping than this minimum.~~

~~12. Credits for retaining existing trees and shrubs. These requirements are provided to encourage tree preservation because of the greater visual and ecological benefits of mature plantings.~~

~~a. The following tree planting credits are available for existing trees, provided an arborist's or landscape architect's appraisal determines that the tree(s) is healthy and can be saved. If retained trees are damaged during or after construction, replacement shall be based upon the same ratios:~~

- ~~● One required tree for every retained tree of at least equal size;~~
- ~~● Two required trees for every retained tree that is 8 inches to 20 inches in diameter (measured at breast height);~~
- ~~● Three required trees for every retained tree 20 inches to 32 inches in diameter (measured at breast height);~~
- ~~● Four required trees for every retained tree over 32 inches in diameter (measured at breast height).~~

~~b. Existing shrubs, which comply with the minimum plant size specifications of this table, may count towards the required landscape plantings. Invasive plants, such as blackberry and scotch broom, shall not count towards the required plantings.~~

~~13. Minimum unpaved planting area per tree. Trees shall be provided with the following minimum planting areas:~~

~~a. Parking lot trees and other trees on private property; 60 square feet; 5-foot minimum width.~~

~~b. Street trees in the right-of-way; 24 square feet; 4-foot minimum width.~~

~~c. Street trees in right-of-way with tree grates; 16 square feet; 4-foot minimum width.~~

~~14. Minimum tree trunk setbacks. Trees shall be planted a minimum of 2 feet from a sidewalk or curb, 5 feet from a structure, and 10 feet from pedestrian light standards or parking lot light standards. However, limited flexibility in the placement of trees shall be allowed to address unique circumstances such as unusual topography or where other required or existing features limit the ability to strictly meet this standard.~~

~~15. Installation. Landscaping meeting the standards of this section shall be installed by the time of final occupancy.~~

~~16. Maintenance. Landscaping shall be maintained in a healthy, growing, and safe condition, and replaced or repaired as necessary, during the plant establishment period and for the life of the project. Pruning of required trees or shrubs shall be for the purpose of maintaining the tree or shrub in a healthy growing condition and/or to enhance its natural growing form. Trees and shrubs shall not be excessively pruned such that it adversely affects the healthy living condition of the plant, significantly damages the natural growing form of the plant, or eliminates or significantly reduces the purpose for the planting. Modifications to the landscaping shall be in conformance with these standards and subject to approval of the City.~~

Section 13.06.502.B Residential District Landscaping		R-1, R-2, R-2 SRD, HMR-SRD, R-3, R-4, R-4 L, R-5, R-1 PRD, R-2 PRD, R-3 PRD, R-4 PRD, R-4 L PRD, R-5 PRD
Exemptions		
<ul style="list-style-type: none"> Single family detached, two family, and three family dwellings are exempt from all landscaping requirements contained in this table. Parking lots of 20 stalls or less, located behind buildings and accessed by alleys, are exempt from the perimeter strip, buffer and interior landscaping distribution requirements below. Parking lots of 20 stalls or less and loading areas are exempt from the interior landscaping distribution requirements to allow flexibility in placement of required landscaping. Park and recreation uses are only required to meet the Overall Site and Planting Requirements of this table. Passive open space areas of such uses are exempt from all landscaping requirements of this table. 		
Minimum Landscaping Area		
Overall site	<ul style="list-style-type: none"> In R-4-L, R-4, and R-5 Districts, and for conditional uses permitted in Section 13.06.640, a minimum of 5 percent of the entire site, minus the area covered by structures, shall be planted with a mixture of trees, shrubs, and groundcover plants. 	
Site perimeter strip	<ul style="list-style-type: none"> Perimeter strips may be broken for primary structures, vehicle and pedestrian access crossings, and to allow limited access to and use of utility services located in alleys. A minimum 7-foot wide site perimeter strip shall be provided on sides without abutting street trees. The required perimeter strip shall be reduced to 5 feet for parcels of 150 feet or less in depth. A minimum 5-foot wide site perimeter strip shall be provided on sides with abutting street trees. The perimeter strip shall be covered with a mixture of trees, shrubs, and groundcover plants. 	
Buffer Planting Areas. In addition to the intent of the landscaping requirement noted above, buffer planting areas are intended to provide substantial vegetative screening between dissimilar districts to soften visual and aesthetic impacts (unless exempted above).		
Mobile home/trailer courts abutting R-1, R-2, and R-3 districts.	<ul style="list-style-type: none"> A wall, fence, vegetated wall, evergreen hedge, or other suitable enclosure of minimum height four and one-half feet and maximum height of seven feet placed at least five feet from the side and rear lot lines. The area between such enclosures and the property lines shall be landscaped to form a permanent screening area. A landscaped screening area at least five feet in depth must be provided along the street frontage on a non-arterial street forming a boundary between a mobile home park site and an R-1, R-2, or R-3 District and must be located between the street curbline and a line five feet inside and parallel with the front lot line. No signs shall be permitted on any part of a screening enclosure or within a screening area. The Director may waive the requirement for a screening enclosure and/or screening area if equivalent screening is provided by existing parks, parkways, recreation areas, or by topography or other natural conditions. 	
Planting Requirements. These requirements are intended to provide trees of sufficient maturity at planting to provide more immediate mitigation to the site, to provide trees adequate space to avoid damage and continue growth, and to visually break up parking lots.		
Tree size and quantity	<ul style="list-style-type: none"> A minimum of 1 tree per 1,000 square feet of parking lot area shall be provided. For parking areas behind buildings of 20 stalls or less that are shielded by buildings from public street view, a minimum of 1 tree per 2,000 square feet of parking lot area is required. If more trees are needed to meet distribution or street tree requirements, that total is the minimum requirement. 	

Interior landscaping distribution	<ul style="list-style-type: none"> • Trees and planting areas shall be at aisle ends and evenly distributed throughout the parking lot with no stall more than 50 feet from a tree trunk. • At least 1 tree shall be located within 10 feet of required walkway for each 40 feet of said walkway.
Street trees	<ul style="list-style-type: none"> • 3 trees per 100 feet of site street frontage shall be provided.

Section 13.06.502.C Commercial District Landscaping	T, C-1, C-2, HM, PDB
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Exemptions

- ~~• Single family, two family, and three family dwellings are exempt from all landscaping requirements contained in this table.~~
- ~~• Parking lots of 20 stalls or less, loading areas, and fueling stations are exempt from the Interior Landscaping Distribution requirements contained in the Planting Requirements section of this table, to allow flexibility in placement of required landscaping.~~
- ~~• Parking lots of 20 stalls or less, located behind buildings and accessed by alleys, are exempt from the Perimeter Strip, Buffer and Interior Landscaping Distribution requirements below.~~
- ~~• C, T, HM, or PDB property across an arterial street or highway from R District property is not required to provide a Buffer Planting Area along the affected property line abutting the arterial street or highway.~~
- ~~• Park and recreation uses are only required to meet the Overall Site and Planting Requirements of this table. Passive open space areas of such uses are exempt from all landscaping requirements of this table.~~

Minimum Landscaping Area (unless exempted above)

Overall site	<ul style="list-style-type: none"> • A minimum of 10 percent of the entire site, minus the area covered by structures, shall be covered with a mixture of trees, shrubs, and groundcover plants.
Site perimeter strip	<ul style="list-style-type: none"> • Perimeter strips may be broken for primary structures, vehicle and pedestrian access crossings, and to allow limited access to and use of utility services located in alleys. • A minimum 7 foot wide site perimeter strip shall be provided on sides without abutting street trees. The required perimeter strip shall be reduced to 5 feet for parcels of 150 feet or less in depth. • A minimum 5 foot wide site perimeter strip shall be provided on sides with abutting street trees. • The perimeter strip shall be covered with a mixture of trees, shrubs, and groundcover plants.

<p>Buffer Planting Areas. In addition to the intent of the landscaping requirements noted above, buffer planting areas are intended to provide substantial vegetative screening between dissimilar zoning districts to soften visual and aesthetic impacts (unless exempted above).</p>	
<p>C, T, HM, or PDB District property abutting R-District property</p>	<ul style="list-style-type: none"> • A continuous planting area that has a minimum width of 15 feet and contains Type A Landscaping shall be provided on the property, along the boundary with the R-District. • Where the property required to provide a buffer is 150 feet or less in depth, measured perpendicularly from the residential parcel, the buffer can be reduced to the minimum 7-foot-wide buffer listed below.
<p>C, T, HM, or PDB District property across the street or alley from R-District property</p>	<ul style="list-style-type: none"> • A continuous planting area that has a minimum width of 7 feet and contains Type B or C Landscaping shall be provided on the property, across from the R-District. • Buffer planting areas may be broken only for vehicle and pedestrian access crossings and to allow limited access to and use of utility services located in alleys.
<p>Planting Requirements. These requirements are intended to provide trees of sufficient maturity at planting to provide more immediate mitigation to the site, to provide trees adequate space to avoid damage and continue growth, and to visually break up parking lots (unless exempted above).</p>	
<p>Tree size and quantity</p>	<ul style="list-style-type: none"> • A minimum of 1 tree per 1,000 square feet of new parking lot area shall be provided. • For parking areas behind buildings of 20 stalls or less that are shielded by buildings from public street view, a minimum of 1 tree per 2,000 square feet of parking lot area is required. • If more trees are needed to meet distribution or street tree requirements, that total is the minimum requirement.
<p>Interior landscaping distribution</p>	<ul style="list-style-type: none"> • Trees and planting areas shall be at aisle ends and evenly distributed throughout the new parking lot with no stall more than 50 feet from a tree trunk. • At least 1 tree shall be located within 10 feet of required walkway for each 40 feet of said walkway.
<p>Street trees</p>	<ul style="list-style-type: none"> • 3 trees per 100 feet of site street frontage shall be provided.

Section 13.06.502.D X-District Landscaping		RCX, NCX, CCX, UCX, UCX-TD, CIX, URX, HMX, NRX
Exemptions		
<ul style="list-style-type: none"> • Single family detached dwellings are exempt from all landscaping requirements contained in this table. • Parking lots of 15 stalls or less, loading areas, and fueling stations are exempt from the Interior Landscaping Distribution requirements contained in the Planting Requirements section of this table, to allow flexibility in placement of required landscaping. • Parking lots of 15 stalls or less, located behind buildings and accessed by alleys, are exempt from the Perimeter Strip, Buffer and Interior Landscaping Distribution requirements below. • Property across an arterial street or highway from R-District property is not required to provide a Buffer Planting Area along the affected property line abutting the arterial street or highway. • Park and recreation uses are only required to meet the Front Yard and Planting Requirements of this table. Passive open space areas of such uses are exempt from all landscaping requirements of this table. 		
Minimum Landscaping Area (unless exempted above)		
Overall site	<ul style="list-style-type: none"> • For single purpose residential developments, a minimum of 15 percent of the entire site, minus the area covered by structures, shall be covered with a mixture of trees, shrubs, and groundcover plants. • Exceptions and departures to landscaped area requirement. <ul style="list-style-type: none"> i. Requirements for developments with structured parking are relaxed based on the percentage of structured parking to the total number of on-site parking spaces. For example, if all parking is structured, there is no overall site landscaping requirement. If 50 percent of the parking is structured, then the amount of required overall site landscaping is reduced by 50 percent (to 7.5 percent). ii. Green roofs and roof gardens may be used to meet up to one third of the landscaped area requirements. iii. Planting strips within street rights-of-way shall not be counted toward this requirement. 	
Residential Buffer Planting Areas. In addition to the intent of the landscaping requirements noted above, buffer planting areas are intended to provide substantial vegetative screening between dissimilar zoning districts to soften visual and aesthetic impacts (unless exempted above). These landscaping provisions are also intended to soften the appearance of buildings from the street and enhance the aesthetics of development.		
X-District property abutting R-1, R-2 or R-2SRD District property	<ul style="list-style-type: none"> • A continuous planting area that has a minimum width of 15 feet and contains Type A Landscaping shall be provided on the property, along the boundary with the R-District. • Where the property required to provide a buffer is 150 feet or less in depth, measured perpendicularly from the residential parcel, the buffer can be reduced to 10 feet in width. 	
X-District property across the alley from R-1, R-2 or R-2SRD District property	<ul style="list-style-type: none"> • A continuous planting area that has a minimum width of 7 feet and contains Type B or C Landscaping shall be provided on the property, across from the R-District. • Buffer planting areas may be broken only for vehicle and pedestrian access crossings and to allow limited access to and use of utility services. 	

Front Yard	
Front Yard Landscaping	<ul style="list-style-type: none"> ● In areas where buildings are not located adjacent to the sidewalk, the area between the public sidewalk and buildings shall incorporate expanded sidewalk space, outdoor seating, plazas and/or landscaping with a combination of trees, shrubs, and/or ground cover plants.
Foundation Planting	<ul style="list-style-type: none"> ● All street facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards: <ol style="list-style-type: none"> 1. The landscaped area must be at least three feet wide. 2. There must be at least one shrub for every three lineal feet of foundation. 3. Groundcover plants must fully cover the remainder of the landscaped area.
Planting Requirements. These requirements are intended to provide trees of sufficient maturity at planting to provide more immediate mitigation to the site, to provide trees adequate space to avoid damage and continue growth, and to visually break up parking lots (unless exempted above).	
Street Trees	<ul style="list-style-type: none"> ● Street trees shall be provided at a ratio of 3 trees per 100 feet of site street frontage shall be provided.
Parking Lot Landscaping	<ol style="list-style-type: none"> 1. Perimeter parking lot landscaping: <ol style="list-style-type: none"> a. Streets: 10-foot wide planting strip with Type C Landscaping. b. Side and rear yards: 10-foot wide planting strips with Type B or C Landscaping. Where the subject property is 150 feet or less in depth, the perimeter strip can be reduced to 5 feet in width. c. Perimeter strips may be broken only for vehicle and pedestrian access crossings, and to allow limited access to and use of utility services located in alleys. 2. Internal parking lot landscaping: <ol style="list-style-type: none"> a. Planting areas with trees are required at all parking aisle ends. b. Long rows of parking shall be broken by islands or peninsulas with trees such that there are no more than eight parking stalls in a row without a tree. c. Trees shall be provided at an average of 30-foot intervals along walkways within or adjacent to parking lots. d. Type C Landscaping shall be used for internal parking lot landscaping. e. Bioretention cells or swales may be incorporated into required planting areas.

<p>Section 13.06.502.E Port Maritime and Industrial District Landscaping</p>	<p>M-1, M-2, PMI</p>
<p>Exemptions</p>	
<ul style="list-style-type: none"> • Single-family, two-family, and three-family dwellings are exempt from all landscaping requirements contained in this table. • Required landscaped perimeter strips may be substituted with central landscaping, except where necessary to screen an outdoor storage or industrial use from an R-District property. Central landscaping is in equal proportion to that which would have been required and can be provided with variations in spacing and/or grouped to accommodate driveways, building entrances, etc. Required landscaped perimeter strips are those not otherwise exempted by the provisions in this section. • Required landscaped perimeter strips and street trees may be exempted if demonstrated that such requirement would interfere with adjacent or intersecting railroads, including private spur railroads, existing storm water ditches, or national security requirements. • When there is a 20-foot vertical grade difference between M or PMI District property that is abutting R-District property, no buffer is required along the affected property line if such grade difference is demonstrated to provide comparable protection. • When there is a 20-foot vertical grade difference between M or PMI District property that is located across the street or alley from R-District property or adjacent to R-District property within a mixed-use district center, no buffer is required along the affected property line if such grade difference is demonstrated to provide comparable protection. • Park and recreation uses are only required to meet the Minimum Landscaping Area Overall site requirements and the Planting Requirements of this table. Passive open space areas of such uses are exempt from all landscaping requirements of this table. 	
<p>Minimum Landscaping Area (unless exempted above)</p>	
<p>Overall site</p>	<ul style="list-style-type: none"> • Five percent of parking areas over 20,000 square feet of gross lot area shall be planted with a mixture of trees, shrubs, and groundcover plants. Not more than five percent is required for such parking areas, but this requirement is separate from the required site perimeter strip or buffer plantings.
<p>Site perimeter strip</p>	<ul style="list-style-type: none"> • Perimeter strips may be broken for primary structures and vehicle and pedestrian access crossings. • A minimum 5-foot wide perimeter strip that is covered with a mixture of trees, shrubs, and groundcover plants shall be provided along arterial street frontages.
<p>Buffer Planting Areas. In addition to the intent of the landscaping requirements noted above, buffer planting areas are intended to provide substantial vegetative screening between dissimilar zoning districts to soften visual and aesthetic impacts, (unless exempted above):</p>	
<p>M or PMI District property abutting R-District property</p>	<ul style="list-style-type: none"> • A continuous planting area that has a minimum width of 15 feet and contains Type A Landscaping shall be provided on the property, along the boundary with the R-District. • Where the property required to provide a buffer is 150 feet or less in depth, measured perpendicularly from the residential parcel, the buffer can be reduced to the minimum 7-foot wide buffer listed below.
<p>M or PMI District property across the street or alley from R-District property</p>	<ul style="list-style-type: none"> • A continuous planting area that has a minimum width of 7 feet and contains Type B or C Landscaping shall be provided on the property, across from the R-District. • Buffer planting areas may be broken only for vehicle and pedestrian access crossings and to allow limited access to and use of utility services. • In cases where there is a demonstrated site constraint, the minimum buffer width may be reduced to a minimum 4 feet, with the integration of a continuous site-obscuring fence or vegetated wall.

Planting Requirements. These requirements are intended to provide trees of sufficient maturity at planting to provide more immediate mitigation to the site, to provide trees adequate space to avoid damage and continue growth, and to visually break up parking lots, (unless exempted above).	
Tree size and quantity	<ul style="list-style-type: none"> • A minimum 1 tree per 1,000 square feet of parking lot area shall be provided. • If more trees are needed to meet distribution or street tree requirements, that total is the minimum requirement.
Interior landscaping distribution	<ul style="list-style-type: none"> • Trees and planting areas shall be at aisle ends and evenly distributed throughout the new parking lot with no stall more than 50 feet from a tree trunk. • At least 1 tree shall be located within 10 feet of required walkway for each 40 feet of said walkway.
Street trees	<ul style="list-style-type: none"> • In M-1 Districts, 3 trees per 100 feet of site street frontage shall be provided.

Section 13.06.502.F Shoreline District Landscaping	All Shoreline Districts
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Applicability

Landscaping shall be provided consistent with this table for all new surface parking lots as outlined below. In addition to these standards, the specific shoreline landscaping requirements and standards contained in Section 6.7 of the Shoreline Master Program also apply to all shoreline districts.

Minimum Landscaping Area

Overall site	<ul style="list-style-type: none"> • Surface parking shall be separated from any roadway or property line by a landscaped area at least six feet wide. This parking lot perimeter strip may be broken only for vehicle and pedestrian access crossings. Such landscaped area shall be counted toward the requirements below. • Parking lots that are less than 20,000 square feet in area shall contain a minimum of 15 percent landscaping of the parking area (including the interior). • Parking lots that are 20,000 square feet in area or greater shall contain a minimum of 20 percent landscaping of the parking area (including the interior). • If parking areas cannot be located on the street/landward side of the building, or within a structure, a minimum landscaped buffer of 10 feet adjacent to the shoreline shall be provided and maintained. • In the S-8 Thea Foss Waterway Shoreline District, landscaping shall additionally be consistent with the Thea Foss Waterway Design Guidelines.
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Planting Requirements. These requirements are intended to provide trees of sufficient maturity at planting to provide more immediate mitigation to the site, provide trees adequate space to avoid damage and continue growth, and to visually break up parking lots (unless exempted above).	
Tree size and quantity	<ul style="list-style-type: none">• Parking lots shall contain one medium growing tree for every 1,500 square feet of parking area.• Parking lots shall be landscaped with canopy type trees and predominantly evergreen shrubs and groundcover plants.• In the S-8 Thea Foss Waterway Shoreline District, landscaping shall additionally be consistent with the Thea Foss Waterway Design Guidelines.

Section 13.06.502.G
Landscaping Types

Landscaping Type A—A dense landscaping screen separating different uses. Specifically:

a.—For landscaping strips 10 to 15 feet wide:

i.—At least one row of evergreen trees, minimum 8 feet in height at the time of planting and 10 feet maximum separation.

ii.—Shrubs at a rate of one shrub per 20 square feet of landscaped area. In addition to being from minimum 3-gallon sized containers, shrubs shall be at least 16 inches tall at planting and have a mature height of at least 3 feet.

iii.—Groundcover plants.

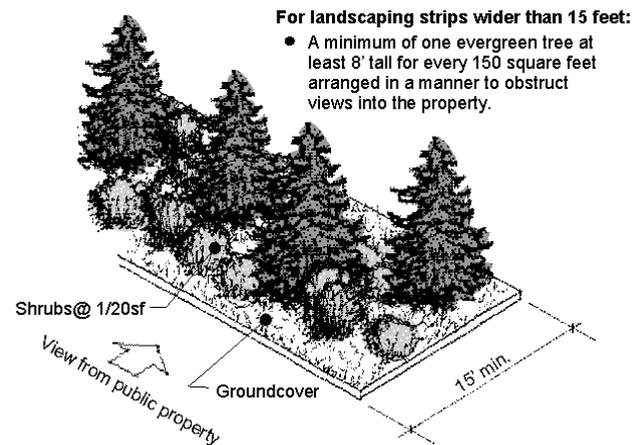
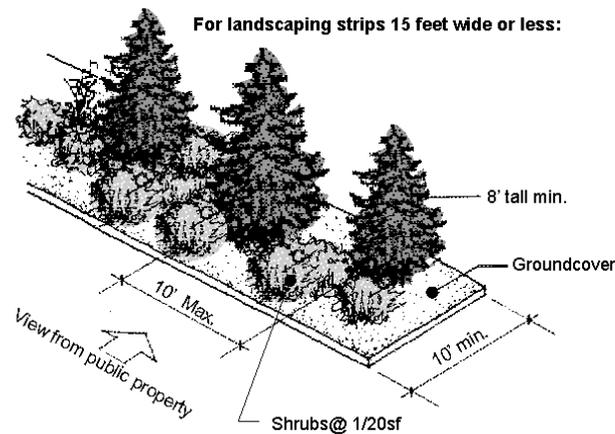
iv.—Bioretention cells or swales can be incorporated into these landscaping strips.

b.—For landscaping strips wider than 15 feet:

i.—A minimum of one evergreen tree for every 150 square feet arranged in a manner to obstruct views into the property.

ii.—Shrubs and groundcover as required above.

iii.—Bioretention cells or swales can be incorporated into these landscaping strips.



~~Landscaping Type B—A moderately dense and naturalistic vegetation screen to offer visual relief and integrate built elements into the natural environment. Specifically:~~

~~a.—For landscaping strips less than 15 feet wide:~~

~~i.—Informal groupings of evergreen and/or deciduous trees. At least 50 percent of the trees must be evergreen. At least one tree per 500 square feet of landscaped area. Trees to be spaced at an average of 20 feet on center, but may be grouped in asymmetrical arrangements.~~

~~ii.—Shrubs at a rate of one shrub per 20 square feet of landscaped area.~~

~~iii.—Groundcover plants.~~

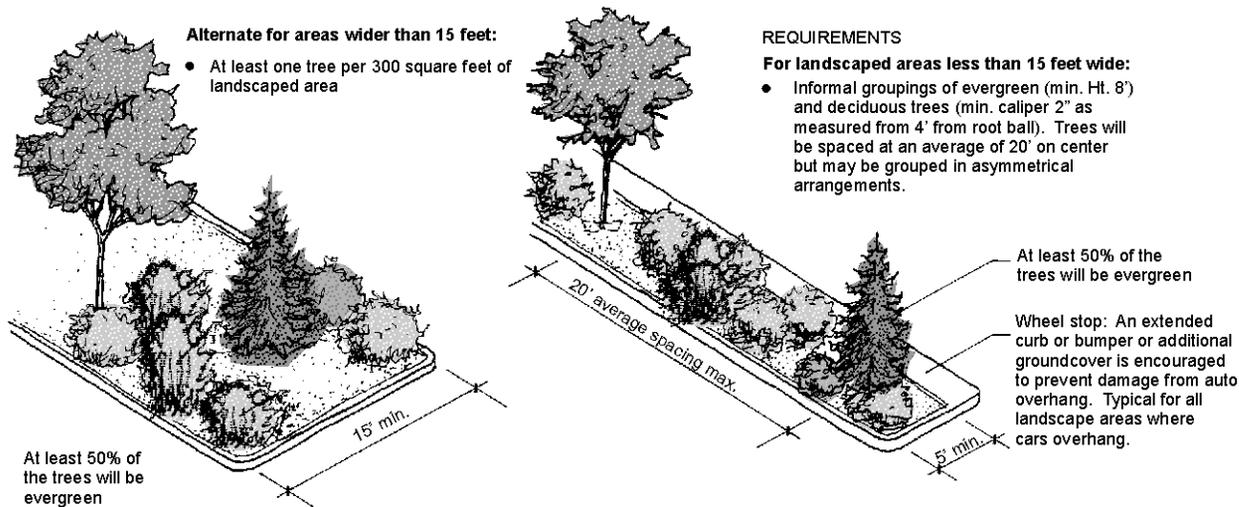
~~iv.—Bioretention cells or swales can be incorporated into these landscaping strips.~~

~~b.—For landscaping strips wider than 15 feet:~~

~~i.—At least one tree per 300 square feet of landscaped area. At least 50 percent of the trees must be evergreen.~~

~~ii.—Tree species, shrubs, and groundcover as required above.~~

~~iii.—Bioretention cells or swales can be incorporated into these landscaping strips.~~



~~Landscaping Type C—Landscaping provides visual relief in parking areas and along roadways where both a canopy of trees and visibility is required.~~

~~a.—For landscaping strips 5 to 20 feet wide:~~

~~i.—Trees at 20 feet on center.~~

~~ii.—Shrubs at a rate of one shrub per 20 square feet of landscaped area.~~

~~iii.—Groundcover plants.~~

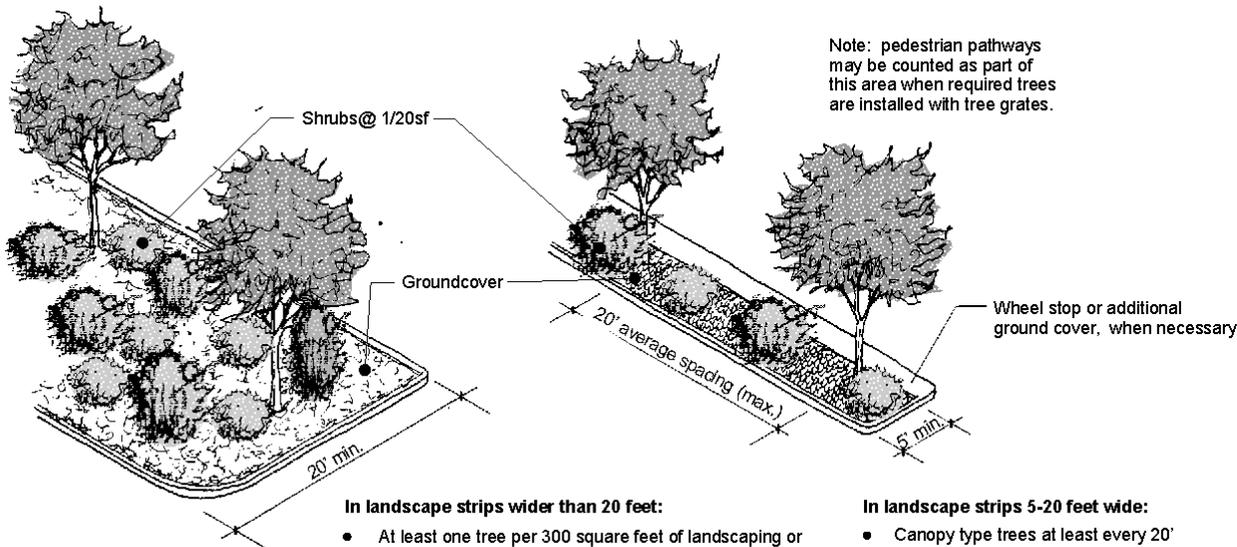
~~iv.—Bioretention cells or swales can be incorporated into these landscaping strips.~~

~~b.—For landscaping strips wider than 20 feet:~~

~~i.—At least one tree per 300 square feet of landscaped area or 20-foot separation (on average). Place trees to create a canopy in desired locations without obstructing necessary view corridors.~~

~~ii.—Tree species, shrubs, and groundcover as required above.~~

~~iii.—Bioretention cells or swales can be incorporated into these landscaping strips.~~



In landscape strips wider than 20 feet:

- At least one tree per 300 square feet of landscaping or 20' separation (on average). Place trees to create a canopy in desired location without obstructing necessary view corridors.

In landscape strips 5-20 feet wide:

- Canopy type trees at least every 20' (on average).

Landscaping Type D—A decorative landscaped display with colorful flowers or foliage as a focal setting for signs, special site elements and/or high visibility or pedestrian areas. Specifically:

- a.—Shrubs, at least 50 percent of which must exhibit decorative floral or foliage, shall cover at least 50 percent of the landscaped area within 3 years.
- b.—The remaining 50 percent of the landscaped area may be planted with trees, shrubs, perennials, groundcover plants, or cultivated flower beds.



~~Landscaping Type E—Enhancing natural areas to better integrate developments into existing conditions. Specifically:~~

- ~~a.—Landscaping shall consist of trees, shrubs, and groundcover plants that are native to the Puget Sound and are appropriate to the conditions of the site.~~
- ~~b.—Arrangement of plants shall be asymmetrical and plant material shall be sufficient in quantity to cover the soil in one growing season.~~
- ~~c.—Minimum 20 feet in width if used as a screen or required front yard treatment.~~



Mixture of native trees, shrubs, and groundcover arranged in a naturalistic setting

Min. 20' if used as part of screen or required front yard treatment

13.06.502 Landscaping and buffering standards.

A. Intent. The landscaping requirements, as a whole, are intended to contribute to the aesthetic environment of the City; enhance livability and foster economic development by providing for an attractive urban setting; provide green spaces that can support the urban citywide tree canopy; wildlife, such as birds, in the urban environment; help reduce storm water runoff; filter pollution; buffer visual impacts of development; and, contribute to the planting, maintenance, and preservation of a stable and sustainable urban forest.

B. Applicability. Unless specifically exempted, landscaping shall be provided consistent with this section for all new development, including structures and/or parking lots, as well as alterations to existing development, and street improvements, as outlined below.

1. Alterations. Three thresholds are used to gauge the extent of landscaping standard compliance on alterations to existing development (in Downtown Districts, the thresholds of TMC 13.06A shall apply):

a. Level I alterations to a site include all remodels and/or additions within a two-year period whose cumulative value is less than 50% of the value of the existing development or structure, as determined by the Building Code, excluding purchase costs of the property and/or structure. The requirement for such alterations is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, for an expanded parking area, landscaping would be required for the new parking area, but the applicant would not be required to bring an existing parking area into conformance with these landscaping standards.

b. Level II alterations to a site include all remodels and/or additions within a two-year period whose cumulative value ranges from 50% to 200% of the value of the existing development or structure, as determined by the Building Code, excluding purchase costs of the property and/or structure. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II.

c. Level III alterations to a site include all remodels and/or additions within a two-year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the Building Code, excluding purchase costs of the property and/or structure. Such developments shall be brought into conformance with ALL of the applicable landscaping standards.

d. The standards 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 both exterior and interior improvements.

e. No alteration shall increase the level of nonconformity or create new nonconformities to these standards. If landscaping would be required in the applicable zone, but was not required at the time of development, then existing landscaping that is above and beyond the current requirements may be removed, provided that the quantity is not reduced below the current requirements for the use on the site. Otherwise, landscaping shall be preserved in healthy condition or replaced.

2. Street trees. In addition to the thresholds identified above, street trees are required when:

a. Street improvements are required in association with a Preliminary Plats or Short Plats with 5 or more lots; or

b. Capital street improvement projects, excluding residential Local Improvement Districts, incorporating construction of new sidewalks, replacement of more than 50 percent of existing sidewalks; or construction of a full roadway section;

c. If street trees are required in the applicable zone, then existing street trees shall be preserved in healthy condition or replaced, in association with street improvement projects.

C. General Landscaping Requirements applicable to all required landscaping.

1. Process and procedural requirements.

a. Landscape plans and landscape management plans demonstrating compliance with the installation, plant material, area and location, and maintenance requirements of this Section shall be submitted for all development proposals with landscaping requirements.

(1.) Landscape and Landscape Management Plans, when required, shall be prepared by a registered landscape architect, certified landscape technician, or certified professional horticulturalist, unless otherwise approved by the City, and shall be submitted in a form specified by the City.

(2.) Developments with less than 500 square feet of landscaping are exempt from submitting a Landscape Management Plan, and may submit a Landscape Plan prepared by a non-professional.

b. The Urban Forest Manual (UFM) provides best management practices for plant selection, design, installation, care, and other specifications. Required landscaping shall be selected, installed and maintained consistently with the technical guidance of the UFM.

c. The Director will consider adopted neighborhood, area-specific or streetscape design specifications and/or plans for landscaping selection and location, and may modify the standard requirements of this section if such plans meet the intent of this section.

d. Modifications to landscaping installed under this section shall be in conformance with the intent of these requirements and the technical guidance of the UFM. Regular maintenance and pruning; replacement of plant material in kind; and revisions to planting plans that are consistent with all requirements and any conditions of approved permits, are authorized without further review. Significant changes to the configuration or location of required landscaped areas require the approval of the Director.

e. Landscaping quantity calculations. When an amount or number of trees or plants is specified, that shall be the minimum number required. Any requirement resulting in a fraction, when applied, shall be rounded up or down to the nearest whole number. In cases where the minimum is expressed as a ratio of a number of trees or shrubs per a specified amount of area or length of site frontage or buffer, the number of required trees or shrubs shall be calculated by applying the ratio to the square footage of the area or length. For example, under a street tree requirement of 3 trees per 100 feet of street frontage, a site with 50 feet of street frontage would require 2 trees ($50 \times 3/100 = 1.5$, which rounds up to 2) and a site with 90 feet of street frontage would require 3 trees ($90 \times 3/100 = 2.7$, which rounds up to 3).

f. Landscaping provided to meet one requirement may count toward another, when applicable. When two or more landscaping requirements apply to the same portion of a site, the most stringent of the requirements shall apply.

g. All landscaping required by this section must be planted prior to the issuance of a certificate of occupancy. If the applicant files financial security with the City, which ensures that the vegetation will be installed, the vegetation may be deferred during the summer months to the next planting season, but for no more than 6 months, unless otherwise approved by the Director.

2. Plant Material Selection.

a. Existing trees, shrubs, and groundcover which comply with the requirements of this Section may count towards the required landscape plantings.

b. Native and climate-adapted landscaping. All required landscaping shall be climate-adapted. The retention and use of natives is encouraged and permitted for any and all landscaping. Invasive species, as identified in the UFM, shall not count toward meeting required plantings. Noxious weeds are prohibited from being planted in required landscaped areas.

c. Required landscaping areas may incorporate low-impact development (LID) stormwater features or techniques. Limited flexibility shall be granted to specific standards if necessary to accommodate LID features.

d. Visibility and safety. Except in cases where required landscaping is intended to provide dense visual buffers or to enhance natural conditions, trees and shrubs shall be selected and maintained to maximize visibility at eye level for safety. To meet this requirement, shrubs shall be chosen that will readily remain under 3 feet in height. Trees shall be selected and pruned (once tall enough) to maximize views below 7 feet in height.

e. Trees.

(1) Tree Species Selection – Small, Medium and Large species. Trees are categorized as small, medium or large based on their height and crown spread at maturity and on their growth rate. Trees size categories are determined according to the Canopy Factor, which is calculated using the following formula: (mature height in feet) x (mature crown spread in feet) x (growth rate number) x 0.01 = Canopy Factor. The growth rate number is 1 for slow growing

trees, 2 for moderately growing trees, and 3 for fast growing trees. Large Trees have a Canopy Factor greater than 90; Medium Trees have a Canopy Factor from 40 to 90; Small Trees have a Canopy Factor less than 40.

(a.) Small, Medium and Large Tree lists are included in the UFM. To determine the size category of a tree not listed in the UFM, the applicant must provide an authoritative source of information about the tree’s mature height, crown spread and growth rate. Objective information must come from published sources or from the nursery providing the tree growth information, often called “cut sheets”.

(2) Species shall be selected to avoid or minimize potential conflicts with infrastructure and utilities. Trees under power lines shall have a maximum mature height not greater than 25 feet.

(3) Tree variety. For projects that involve the planting of between four and ten trees, at least two different kinds (genera) of trees shall be included. For projects involving the planting of more than ten trees, at least three different kinds (genera) of trees shall be included. For projects that involve planting more than twenty-five trees, a minimum of 25 percent must be evergreen conifers.

(4) Tree size at planting. Trees provided to meet the landscaping requirements shall be consistent with the following size requirements at the time of planting: For deciduous trees, at least 50 percent of the trees provided shall be a minimum 2-inch caliper at the time of planting, with the remaining deciduous trees a minimum 1½-inch caliper. For evergreen trees, at least 50 percent of the trees provided shall be a minimum of 6 feet tall, with the remaining evergreen trees a minimum of 5 feet tall at the time of planting. Evergreen trees provided to meet these requirements shall also be species with the ability to develop a minimum branching width of 8 feet within 5 years.

f. Shrubs and Groundcover.

(1) Turf lawn and mulch are not considered groundcover for the purposes of complying with this section.

(2) Low Impact Development bio-retention and infiltration stormwater facilities, such as rain gardens, that incorporate shrubs and/or groundcover may count as meeting shrub and groundcover requirements.

(3) Shrub variety. If there are more than 25 required shrubs, no more than 75 percent of them can be of one species.

(4) Groundcover and shrub plants must be planted at a density that will cover the entire area within three years.

(5) Unless specified otherwise, shrubs provided to meet these requirements shall be from a minimum 2-gallon container.

3. Installation and Maintenance.

a. Landscaping shall be installed and maintained in a healthy, growing, and safe condition, and replaced or repaired as necessary, during the plant establishment period and for the life of the project, consistent with the requirements, standards and specifications of this Section and the UFM.

b. Conditions shall be provided to promote tree longevity, thus reducing the need for replacement. Considerations shall include planting species in locations and with conditions favorable to their health, and providing appropriate protection from potential damage from adjacent uses, development or activities.

c. Minimum tree trunk setbacks, unpaved planting area per tree, soil volumes and spacing requirements shall be provided for healthy tree growth, as follows:

	Small Trees	Medium Trees	Large Trees
Minimum unpaved planting area (sq. ft.):	24	40	60
Minimum tree pit width (ft.):	4	5	6
Minimum tree pit length (ft.):	6	8	10
Minimum soil volume (cu. ft.):	72	120	180
Minimum spacing requirement (ft.) between trees:	10	25	40

- d. All required landscaping must be planted in the ground, where feasible. In cases where this is not feasible, the use of planters or other approaches may be authorized.
- e. Irrigation. An irrigation system, which in some cases shall include hand watering, shall be provided for all required landscaping, to ensure survival through the plant establishment period.
- f. Pruning: Pruning of required trees or shrubs shall be for the purpose of maintaining the tree or shrub in a healthy growing condition and/or to enhance its natural growing form. Trees and shrubs shall not be excessively pruned such that it adversely affects the healthy living condition of the plant, significantly damages the natural growing form of the plant, or eliminates or significantly reduces the purpose for the planting. Topping, an extreme form of crown reduction, of trees required by this Section is prohibited. This prohibition does not apply to pruning performed to remove a safety hazard, to remove dead or diseased material, or to avoid overhead power lines.
- g. Violations of the provisions of this section are subject to Code Enforcement, per TMC 13.05.100.

D. Credits and Flexibility

1. Utilizing credits and flexibility. The following credits may be utilized separately or in combination.
2. Tree retention. The following tree planting credits are available for existing trees, provided an arborist's or landscape architect's appraisal determines that the tree(s) is healthy and can be saved. If retained trees are damaged during or after construction, replacement shall be based upon the same ratios. A tree protection plan showing existing trees on the site, existing and proposed grading, new development on the site (such as buildings, utilities, etc.), measures taken to protect existing trees and any new trees that will be planted on the site shall be submitted if trees are being retained for credit.
 - a. One required tree for every retained tree of at least equal size;
 - b. Two required trees for every retained tree that is 8 inches to 20 inches in diameter (measured at breast height);
 - c. Three required trees, for every retained tree 20 inches to 32 inches in diameter (measured at breast height);
 - d. Four required trees, for every retained tree over 32 inches in diameter (measured at breast height).

e. In order to facilitate and provide an incentive for the retention of substantial numbers of mature trees, additional flexibility is available on Parking Lot Distribution requirements. See table 13.06.502.E.
3. Evergreen conifers. Evergreen conifers, beyond those otherwise required by this section, receive the following credits:
 - a. Less than one-third of required trees: Each tree counts as 1.1 trees toward total number required.
 - b. One-third to two-thirds of required trees: Each tree counts as 1.2 trees toward total number required.
 - c. Greater than two-thirds of required trees: Each tree counts as 1.3 trees toward total number required; and, additional flexibility is available on Parking Lot Distribution requirements. See table 13.06.502.E.
4. Low impact development features. For sites utilizing Low Impact Development (LID) techniques as their primary surface water management approach, additional flexibility is available on Parking Lot Distribution requirements. See table 13.06.502.E.
5. Urban Forestry Fund. In limited instances when specific site characteristics do not support the preservation or planting of trees, funds may instead be paid into the City Urban Forestry Fund. Applicants must demonstrate to the satisfaction of the Director that specific site characteristics make the installation of landscaping on the site problematic to its reasonable use. Landscaping buffer requirements may not be modified through this provision. Landscaping must still be installed to the maximum extent practicable. Funds collected will be used by the City Urban Forestry Program to plant trees on other public or private property within the City. The required amount will be equal to 1.5 times the cost to purchase and plant the required landscaping on the site.
6. Self-managed Agencies. An optional process for additional flexibility is available for public agencies with urban forestry programs. In order to facilitate more intensive development or active use of a particular development site,

while meeting the urban forestry policies of the Comprehensive Plan and the intent of the landscaping code, the public agency may request authorization to plant some portion of the landscaping that would otherwise be required on the development site, at another site in their control which is more appropriate for the planting and long-term health of vegetation.

a. Landscaping Buffers, when required, must be provided on the development site and cannot be shifted to another site. Some or all of the remainder of landscaping required on the development site may be planted on the alternate planting site, provided that some street trees and parking lot landscaping shall be provided on the development site unless this is not practicable due to a site-specific challenge.

b. To initiate this optional review process, public agencies must submit a request to the Director, including the agency's urban forestry plan demonstrating consistency with the City's urban forestry goals and policies and the intent of the landscaping code, identifying appropriate planting sites, and outlining planting and maintenance approaches. Upon review, the Director will issue a Determination regarding the consistency of the request with the Comprehensive Plan and code intent.

c. If the request is approved, this flexibility can be utilized on subsequent site-specific development proposals, which shall make reference to the Determination and be accompanied by running landscaping totals and re-assertion that the intent continues to be met.

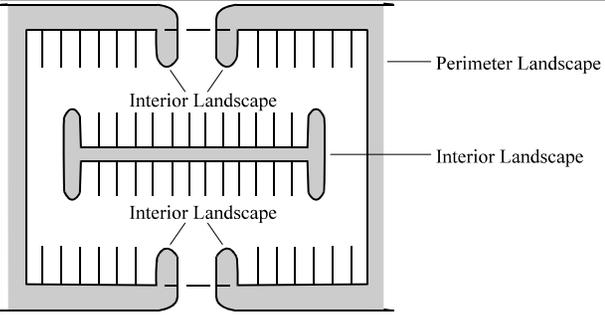
<p>TMC 13.06.502.B Landscaping requirements applicable to Residential, Commercial, Industrial and Mixed-Use Districts.</p> <p>The standards of this section are intended to implement the goals of the Comprehensive Plan and the intent of this section. The landscaping standards of this table apply to new development and substantial alterations, as stipulated above, in Residential, Commercial, Industrial and Mixed-Use Centers (X) Districts.</p>	
<p>Exemptions:</p> <p>(1) Single, two and three-family developments, unless in association with a full plat, are exempt from all landscaping requirements.</p> <p>(2) Passive open space areas are exempt from all landscaping requirements (however development activities on such sites may trigger landscaping requirements).</p> <p>(3) Park and recreation uses are exempt from the Site Perimeter and Buffer requirements of this section.</p>	
<p>Using this table:</p> <ul style="list-style-type: none"> This table contains both numerical and distribution requirements for trees. In each case, whichever requirement would generate the larger number shall control and be the required number of trees. 	
<p>Overall Site Landscaping: Overall Site Landscaping is intended to ensure that a minimum amount of landscaping is provided with development.</p>	
Overall Site Landscaping Minimums	<p>This requirement may be provided anywhere on the site. The amount is determined as a percentage of the site which is not covered with structures. It may be satisfied by landscaping provided to meet other requirements.</p> <ul style="list-style-type: none"> Residential Districts: 5 percent Commercial Districts: 10 percent Industrial Districts: 5 percent of parking areas over 20,000 sf X Districts: 15 percent
Planting requirements	<p>When Required, Overall Site Landscaping shall consist of a mixture of trees, shrubs and groundcover plants, as follows:</p> <ul style="list-style-type: none"> At least one Small Tree per 200 square feet; one Medium Tree per 300 sf; or one Large Tree per 400 sf of required overall site landscaped area. Shrubs and groundcover to mature and completely cover the area within 3 years.
X Districts Exceptions	<ul style="list-style-type: none"> Requirements for developments with structured parking are relaxed based on the percentage of structured parking to the total number of on-site parking spaces. For example, if all parking is structured, there is no overall site landscaping requirement. If 50 percent of the parking is structured, then the amount of required overall site landscaping is reduced by 50 percent. Green roofs and roof gardens may be used to meet up to one-third of the landscaped area requirements. Planting strips within street rights-of-way shall not be counted toward this requirement.

<p>Site Perimeter Landscaping: Site Perimeter Landscaping is intended to ensure that areas abutting public rights-of-way, and not developed with structures, be attractive, and provide the environmental benefits of vegetation.</p>	
<p>Exceptions:</p> <p>(1) Site Perimeter Landscaping is not required in Industrial or X Districts.</p>	
<p>General</p>	<ul style="list-style-type: none"> • When applicable, a Site Perimeter is required around the entire perimeter of the site. Perimeter strips may be broken for primary structures, vehicle and pedestrian access crossings, and to allow limited access to and use of utility services located in alleys, but not by accessory structures, paved areas, outdoor storage or other development. • A minimum 7-foot wide site perimeter strip shall be provided on sides without abutting street trees. The required perimeter strip shall be reduced to 5 feet for parcels of 150 feet or less in depth. • A minimum 5-foot wide site perimeter strip shall be provided on sides with abutting street trees.
<p>Planting Requirements</p>	<p>The perimeter strip shall be covered with a mixture of trees, shrubs, and groundcover plants, as follows:</p> <ul style="list-style-type: none"> • At least one Small Tree per 200 sf; one Medium Tree per 300 sf; or one Large Tree per 400 sf of required landscaped area. • Trees planted shall be generally evenly distributed over the site. • Place trees to create a canopy in desired locations without obstructing necessary view corridors. • Shrubs and groundcover plants.
<p>Landscaping Buffers: Landscaping buffers are intended to function as a substantial vegetative screening providing physical and visual separation between dissimilar districts in order to soften visual and aesthetic impacts. Buffers also provide the aesthetic and environmental benefits of vegetation.</p>	
<p>Exceptions:</p> <p>(1) When there is a 20 foot vertical grade difference between a development site that is located across the street or alley or is abutting R-District property, no Landscape buffers are required along the affected property line if such grade difference is demonstrated to provide comparable protection.</p> <p>(2) When the development site is across an arterial street or highway from the R-District property being screened, it is not required to provide a Landscape buffer along the affected property line abutting the arterial street or highway.</p> <p>(3) The Director may waive the requirement for a screening if equivalent screening is provided by existing parks, parkways, recreation areas, or by topography or other natural conditions.</p> <p>(4) The Director may waive the requirement for a screening if the R-District property being screened is in long-term use for a purpose other than residential, and which would not be negatively impacted by adjacency to a more intensive use.</p>	

<p>More intensive district abutting an R-District property</p>	<ul style="list-style-type: none"> • A continuous planting area that has a minimum width of 15 feet shall be provided on the property, along the boundary with the R-District. • Where the property required to provide a buffer is 150 feet or less in depth, measured perpendicularly from the residential parcel, the buffer can be reduced to the minimum 10-foot wide buffer listed below.
<p>More intensive district across the street or alley from R-District property</p>	<ul style="list-style-type: none"> • A continuous planting area that has a minimum width of 7 feet shall be provided on the property, across from the R-District. • In cases where there is a demonstrated site constraint, the minimum buffer width may be reduced to a minimum 4 feet, with the integration of a continuous site-obscuring vegetated fence or wall.
<p>Planting – when abutting R-District</p>	<p>a. For landscaping strips 10 to 15 feet wide:</p> <ol style="list-style-type: none"> At least one row of evergreen trees, minimum 8 feet in height at the time of planting and 10 feet maximum separation. Shrubs at a rate of one shrub per 20 square feet of landscaped area. In addition to being from minimum 3-gallon sized containers, shrubs shall be at least 16 inches tall at planting and have a mature height of at least 3 feet. Groundcover plants. <p>b. For landscaping strips wider than 15 feet:</p> <ol style="list-style-type: none"> A minimum of one evergreen tree for every 150 square feet arranged in a manner to obstruct views into the property. Shrubs and groundcover as required above. <p>c. This Landscaping Buffer is not subject to landscaping credits or flexibility provisions of TMC 13.06.502.D.</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div data-bbox="583 852 1192 1279" style="text-align: center;"> <p>For landscaping strips 15 feet wide or less:</p> <p>8' tall min.</p> <p>Groundcover</p> <p>10' Max.</p> <p>10' min.</p> <p>Shrubs@ 1/20sf</p> <p>View from public property</p> </div> <div data-bbox="1207 836 1837 1279" style="text-align: center;"> <p>For landscaping strips wider than 15 feet:</p> <ul style="list-style-type: none"> • A minimum of one evergreen tree at least 8' tall for every 150 square feet arranged in a manner to obstruct views into the property. <p>Shrubs@ 1/20sf</p> <p>Groundcover</p> <p>15' min.</p> <p>View from public property</p> </div> </div>

<p>Planting – across the street or alley from R-District</p>	<ul style="list-style-type: none"> • At least one Medium Tree per 300; or one Large Tree per 400 square feet of landscaped area. • Trees to be spaced at an average of 20 feet on-center, but may be grouped in asymmetrical arrangements. • At least 50 percent of trees must be evergreen conifers.
<p>Mobile home/trailer courts abutting Residential districts (where permitted).</p>	<ul style="list-style-type: none"> • A wall, fence, vegetated wall, evergreen hedge, or other suitable enclosure of minimum height four and one half feet and maximum height of seven feet placed at least five feet from the side and rear lot lines. The area between such enclosures and the property lines shall be landscaped to form a permanent screening area. • A landscaped screening area at least five feet in depth must be provided along the street frontage on a non-arterial street forming a boundary between a mobile home park site and an R-1, R-2, or R-3 District. • No signs shall be permitted on any part of a screening enclosure or within a screening area.
<p>Street trees: Street trees are intended to provide multiple benefits including aesthetics, traffic calming, environmental, shading, visual buffering and noise separation from streets.</p>	
<p>Exceptions:</p> <p>(1) Street trees are not required in PMI Districts, with the exception of the following gateway corridors into the City located within or near the Port of Tacoma: Marine View Drive, Portland Avenue (south of E. 11th Street), Milwaukee Way (south of E. 11th Street), and Port of Tacoma Road (south of E. 11th Street).</p>	
<p>Planting Requirements:</p>	<ul style="list-style-type: none"> • One Small Tree per 30 feet; one Medium Tree per 40 feet; or, one Large Tree per 50 feet of site street frontage. • Street trees should generally be evenly spaced to create or maintain a rhythmic pattern, but can be provided with variations in spacing and/or grouped to accommodate driveways, building entrances, traffic signs, or other streetscape features, or if such variations are demonstrated to better achieve the intent. To achieve consistency with an existing, well-established pattern of tree spacing, the quantity of required street trees may be reduced. • Street trees shall, when possible, be planted within the right-of-way adjacent to the curb and between the pedestrian lane/sidewalk and curb. When this is not possible or a different location would better achieve the intent, street trees may be located elsewhere within the right-of-way, including behind the sidewalk, in street medians, parking strips or bulbouts. If neither of these preferred locations is possible, such as when existing infrastructure prevents trees from being planted within the right-of-way, trees located within 10 feet of the right-of-way may be counted as street trees.

<p>Parking Lot Landscaping: Parking lot landscaping is intended to provide visual relief, to enhance the aesthetic appearance, screening from adjacent sites and public areas, to reduce environmental impacts of parking and other paved areas, and to provide shade and shelter for pedestrians.</p>	
<p>Exceptions: (1) Parking Lot Perimeter Landscaping is not required in M-2 or PMI Districts.</p>	
<p>Parking Area tree minimum</p>	<ul style="list-style-type: none"> • One Small Tree per 700 square feet; one Medium Tree per 1000 square feet; or, one Large Tree per 1,400 square feet of parking lot area.
<p>Planting Requirements</p>	<p>A mixture of trees, shrubs and groundcover meeting the following requirements:</p> <ul style="list-style-type: none"> • At least one Small Tree per 200, one Medium Tree per 300; or one Large Tree per 400 square feet of landscaped area. • Trees planted shall be generally evenly distributed over the site. • Shrubs and groundcover plants as required above. • Trees placed to create a canopy in desired locations without obstructing necessary view corridors.
<p>Distribution</p>	<ul style="list-style-type: none"> • No stall shall be more than 50 feet from a tree trunk. • Long rows of parking shall be broken by islands or peninsulas with trees, such that there are no more than eight parking stalls in a row without a tree. • Planting areas with trees are required at all parking aisle ends. • Trees shall be provided at an average of 40-foot intervals along walkways within or adjacent to parking lots. In X Districts, trees shall be provided at an average of 30-foot intervals.
<p>Distribution Flexibility Bonuses</p>	<p>For each of the following bonuses provided, Parking Lot Distribution requirements may be modified as follows: The maximum distance from each stall may increase by 10 feet; and, maximum parking row length may increase by 1 stall.</p> <ul style="list-style-type: none"> • Tree retention: Retention of trees at least 20 inches in diameter constitutes at least 50 percent of the number of required trees. • Evergreen conifers: Evergreen conifers constitute greater than two-thirds percent of required trees. • Low Impact Development: Sites utilizing Low Impact Development (LID) techniques as their primary surface water management approach.

<p>Parking lot perimeter landscaping</p>	<ul style="list-style-type: none"> • Parking Lots with more than 20 stalls are required to provide a 10-foot wide planting strip per the planting requirements above. • Where the subject property is 150 feet or less in depth, the perimeter strip can be reduced to 5 feet in width. • When applicable, a Parking Lot Perimeter is required around the shortest circumferential line defining the exterior boundary of a parking, loading or similar paved area, excluding driveways or walkways providing access to the facility. 	 <p style="text-align: center;">LANDSCAPING: INTERIOR/EXTERIOR</p>
<p>X District Front Yard and Foundation Landscaping: Trees, shrubs and groundcover plantings intended to soften the visual appearance of exposed foundations and building frontages in highly pedestrian areas.</p>		
<ul style="list-style-type: none"> • In areas where buildings are not located adjacent to the sidewalk, the area between the public sidewalk and buildings shall incorporate expanded sidewalk space, outdoor seating, plazas and/or landscaping with a combination of trees, shrubs, and/or ground cover plants. • All street-facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards: <ol style="list-style-type: none"> 1. The landscaped area must be at least three feet wide. 2. There must be at least one shrub for every three lineal feet of foundation. 3. Groundcover plants must fully cover the remainder of the landscaped area. 		

13.06.700 Definitions and illustrations.

13.06.700.E

Establishment period. A minimum of a three year time period following the transplanting/installation of vegetation where maintenance is crucial to the survival vegetation.

Evergreen. A tree or shrub that retains green leaves throughout the year.

13.06.700.G

Groundcover. Low and dense growing plants that cover the ground in place of turf, planted for ornamental purposes or to prevent soil erosion. Turf lawn and mulch do not count as groundcover.

13.06.700.H

Hazard Tree. Hazard Tree as defined by the Pacific Northwest Chapter of the International Society of Arboriculture: A hazard tree, or a hazardous component, exists when the sum of the risk factors assessed equals or exceeds a predetermined threshold of risk. Below that threshold, the tree (or component parts) is not considered to be a hazard.

13.06.700.I

Invasive species. A plant species that has a negative environmental, economical, recreational, and/or public health impacts that overcome native plants or ornamental landscaping for resources.

13.06.700.L

Low-Impact Development. Low-Impact Development is a stormwater management strategy that emphasizes conservation and the use of natural site features, including transplanted and retained trees, integrated with engineered, small-scale stormwater controls to more closely mimic predevelopment hydrologic conditions.

13.06.700.M

Mature or maturity, tree. A tree that has achieved at least 75 percent of its anticipated crown growth or a tree that is over 15 years of age.

13.06.700.N

Noxious weed. A plant that, once established, is highly destructive, competitive, and difficult to control using cultural or chemical practices.

13.06.700.P

Permeable pavement. Pervious concrete, permeable pavers, or other forms of pervious or porous paving material effectively allowing the passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

13.06.700.S

Shrub. Any woody perennial plant that is generally less than fifteen feet in height at maturity.

13.06.700.T

Tree. Any woody perennial that generally matures over fifteen feet in height, generally has a minimum mature canopy width of ten feet and greater, and is capable of being shaped and pruned to develop a branch-free trunk to at least eight feet in height at maturity.

13.06.700.U

Urban Forest Manual. A compilation of City urban forestry practices and standards.

Chapter 13.06A
DOWNTOWN TACOMA

Sections:

13.06A.010	Purpose.
13.06A.020	Applicability.
13.06A.030	Definitions.
13.06A.040	Downtown Districts and uses.
13.06A.050	Additional use regulations.
13.06A.052	Primary Pedestrian Streets.
13.06A.055	Nonconforming Development.
13.06A.060	Development Standards.
13.06A.065	Parking Standards.
13.06A.070	Basic design standards.
13.06A.080	Design standards for increasing allowable FAR.
13.06A.090	Transfer of Development Rights for Increasing Allowable Floor Area Ratio.
13.06A.100	Downtown Master Planned Development (DMPD).
13.06A.110	Variances.
13.06A.111	Downtown District Fencing Standards.
13.06A.112	Known Archaeological, Cultural, and Historic Resources within the South Downtown Subarea.
13.06A.113	Traffic Impacts Assessment.
13.06A.120	<i>Repealed.</i>
13.06A.130	Severability.

13.06A.070 Basic design standards.

6. Development shall also comply with [the General Landscaping requirements of Section 13.06.502](#), the requirements as established in Section 13.06.511, Transit Support Facilities and Section 13.06.512, Pedestrian and Bicycle Support Standards.



City of Tacoma
Planning and Development Services

**Agenda Item
D-3**

To: Planning Commission
From: Brian Boudet, Manager, Planning Services Division
Subject: **Mixed-Use Centers Zoning Code Update**
Date of Meeting: January 22, 2014
Date of Memo: January 16, 2014

At the next meeting on January 22nd, the Planning Commission will continue its discussion regarding the Mixed-Use Centers Zoning Code Update (Annual Amendment Application #2014-04). This project is designed to evaluate the existing regulatory standards applicable within the centers and identify potential barriers to achieving the desired development.

As staff discussed at the last meeting, the City has retained the services of BLRB Architects to assist in the analysis, stakeholder engagement, and drafting of recommendations. Attached is a preliminary draft report from BLRB, which includes an overview of the process and stakeholder engagement, key issues identified, and some potential options for changes to the Mixed-Use Centers code requirements that could be considered. At the meeting staff will review the draft document with the Commission and facilitate a discussion about the preliminary findings and potential code changes.

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

c: Peter Huffman, Director

PURPOSE

Mixed-Use Centers were created in the mid-1990's to accommodate expected future growth. They were designed to promote principles of urban design which attract people to live and work in functional, vibrant, sustainable "urban villages" better utilizing our transportation and utility infrastructure and easing development pressure on our region's growth boundary.

In the two decades since their creation there has been relatively little development. It was expected that these revised regulations would generate interest from the development community but the results have failed to meet expectations.

The goal of this report is to identify city policies or regulations that may be impeding desired development activity and to suggest alternatives that may be pursued which strengthen the community vision and reinforce core principles.

EVALUATION PROCESS

This *Mixed-Use Centers Zoning Code Update* project is designed to evaluate the existing regulatory standards applicable within the neighborhood centers and identify potential barriers to achieving the desired results.

The planning department initiated this process by identifying one potential development site in three separated neighborhood mixed-use centers. Each site is located on the center's *designated core pedestrian street* near the primary intersection. A prototype building design was created for evaluation on the three individual sites. Details on the prototype and sites can be found in Appendix A. The first review phase was completed by city staff (see Appendix B) and included a matrix that referenced applicable land-use code section requirements to each of the three sites, significant observations, and an environmental services pre-submittal checklist.

The second phase of the work was completed BLRB Architects. The goal of this phase was to identify the obstacles that would be encountered in a typical private development process. Our team approached this project as we would for a private developer. We researched the municipal land-use code and regulations that include occupancy/use, envelope standards, height bonuses, yard space, landscape buffering, zone transition, off-street parking, façade articulation, upper story step-backs, mass reduction, roofline standards, windows/openings/transparency requirements, façade surface standards, pedestrian standards, fencing/screening standards, utilities, traffic, and storm water requirements.

A pre-development meeting was held with city staff to present our code review data. City staff included experts from planning, environmental services, traffic, fire, and engineering. We verified our assumptions, listened to feedback from the staff, and identified additional constraints, requirements, and city processes that are not described in the code. Each department expressed clear goals for how new development could interface with city infrastructure for optimum results.

We concluded our research with a workshop where the study team and city staff interviewed a group of local developers. The goal of the meeting was to identify the real and perceived obstacles that hinder development in Tacoma. We solicited their input and listened to their values, concerns, and ideas for potential solutions. Details of this meeting are found in Appendix D.

DRAFT

PROTOTYPE BUILDING

At the heart of a vibrant, functional, and sustainable urban neighborhood is a successful mix of choices for housing, shopping, services, employment, mass transit, biking, walking, and various public amenities for gathering and playing.

The basis of our evaluation is a 100' x 100' prototype building provided by the city. The building's relatively narrow width combined with high density makes it a beneficial infill project for any of the various mixed use centers.

The building program includes the following:

- Retail - at the street level; type 1A construction
- Live-Work - alternate in place of retail/office; type 1A construction
- Office – at the second level; type 5A construction
- Dwelling Units - 8 units per floor for 3-4 floors; type 5A construction
- Penthouse Units - 4 top floor units with mezzanine and private deck; type 5A construction
- Parking – at grade, below grade or above street level
- Access - parking access off the rear alley; pedestrian access from the main street
- Circulation - two exit stairs; one elevator
- Entry – minimal lobby
- Other - utilities, garbage and mechanical equipment as needed
- Yard Space - decks as required

Modifications to the prototype were required to align the design with site constraints and industry standards. Changes made included adapting the prototype to a flat site, adding a refuse/recycling area near the alley, and revising parking circulation. The building footprint was also necessary for each site to match the prototype to the lot depth (see appendix C for each revised prototype).

SITE ANALYSIS

Proctor Mixed-Use Center

- 100' wide x 122' deep
- NCX zone; adjacent to RCX zone on the east
- Corner lot at the intersection of North 26th & Adams Street
- One block east of the primary intersection at 26th & Proctor
- North 26th street is a designated core pedestrian street
- Adjacent to existing one story retail on the west
- Across the street from Washington Elementary School to the east
- Alley access on the north – 16' wide right of way
- Pedestrian access on the south from N. 26th – 80' wide right of way
- 45' height limit | 65' height limit with bonus

Martin Luther King Jr. Mixed-Use Center

- 100' wide x 130' deep
- NCX zone; adjacent to RCX zone on the east
- Mid block lot between South 14th and 15th streets on Martin Luther King Jr. Way
- Three blocks south of the primary intersection at 11th & Martin Luther King Jr. Way
- Martin Luther King Jr. Way is a designated core pedestrian street
- Adjacent to existing one story single family and multifamily residential
- Across the street from existing underutilized retail
- Alley access on the east – 20' wide right of way
- Pedestrian access on the west from MLK – 80' wide right of way
- 45' height limit | 85' height limit with bonus

56th & South Tacoma Way Jr. Mixed-Use Center

- 100' wide x 110' deep
- NCX zone; adjacent to RCX zone on the _
- Mid block lot between South 52nd and 53rd streets on South Tacoma Way
- Four blocks north of the primary intersection at 56th & South Tacoma Way
- South Tacoma Way is a designated core pedestrian street
- Adjacent to existing one story commercial and surface parking
- Across the street from existing underutilized commercial
- Alley access on the east – 20' wide right of way
- Pedestrian access on the west from South Tacoma Way – 100' wide right of way
- 45' height limit | 85' height limit with bonus

DEVELOPER OUTREACH FEEDBACK

The study team and city staff initiated a workshop meeting with five local developers. Three other developers were interviewed over the phone. The meeting was two-hours long and was structured as an informal discussion. A series of questions were asked, and we recorded their observations and opinions. The information below is a representation of what we heard.

Each development project has unique influences, challenges, and opportunities that shape buildings and their neighborhoods. These influences can be organized into major categories such as market (supply, demand, and median income), lending/finance, and regulations. These factors exist in each market but the magnitude of each attribute varies for each neighborhood, city, and region.

A predominant factor that shapes development in Tacoma is market economics. Tacoma is a blue collar city with industrial roots. Our median income is 26% lower than Seattle, the closest major urban center. Our top-10 employers are the military, public schools and universities, health care, local and state government, and retail stores. Few of our major employers are in high-paying industries, and this limits the maximum rents the market can demand. Market factors are very complex and difficult to change.

Tacoma is also limited because it is a secondary financial market. Low rents result in low yields and increased risk for investors and eliminate Tacoma from the consideration of national banks and institutional real estate investors. Nearly all development that occurs in Tacoma is completed by local developers and financed by local banking. Once local developers build the market and it achieves strong fundamentals, the market has potential to be viable for the institutional market. The key to financial improvement is to collaborate with local developers and help them be successful.

The goal of this study was to uncover regulatory and policy obstacles that hinder development in the neighborhood mixed-use centers. Developer feedback was definitive that city policy and regulations was not the obstacle for development. They

unanimously believed Tacoma market conditions were the obstacle. Larger scale developers did not have difficulty having access to capital, but access to financing was a major issue for the small scale developers.

Developers praised the performance of city staff and policies. There were positive opinions about the current city leadership and economic development activities. The Tacoma Planning and Development Services (PDS) process was universally considered the best in the region. The fire department and Tacoma Public Utilities were the only two city entities that were negatively described. In both cases, developers expressed concerns that these groups made unilateral decisions that sometimes had major negative impacts to budget and schedule. Examples included requirements for major sprinkler upgrades to existing buildings during annual inspections, city installation of water service that was not competitively priced, and requirements to incorporate an oversized above-ground power vault during construction.

Using current market conditions, the developers believed most projects today are not viable, based solely upon on-site development costs. The cost of new development is nearly double the price of an existing structure and it is more viable to renovate existing buildings than to build new. If a new project is viable, the margins are so thin that any amount of off-site project costs can kill the deal.

Their recommendation is to focus on modifying development regulations that are the most likely to: a) improve market economics and financial market obstacles, b) be considerate of the financial challenges confronted by our local developers, minimizing unnecessary on-site and off-site expenses.

FINDINGS & RECOMMENDATIONS

The study process involved rigorous investigation of individual land-use regulatory requirements, and their impacts on the prototype building. The barriers and obstacles encountered, and potential solutions to consider, are described below.

Section 13.06.300.D – Land Use Requirements

Requirement – Multi-family uses are prohibited at street level along core pedestrian streets. An exception allows entrances, lobbies, and common facilities for uses above or behind street level. This exception is limited to 75' or 50% of the façade, whichever is less.

Finding –The retail demand fluctuates with the economy and this requirement may be a barrier to a successful development. The developers identified this requirement as one of the most challenging on-site requirements. Moreover, the vibrancy of urban streets is not dependant on 100% commercial use. Successful neighborhoods are often a messy mix of many uses with high levels of activity.

Recommendation – Create flexibility that allows for adaptability to market fluctuations.

- a. Revise the requirements for street level use on designated core pedestrian streets to include work/live space.
- b. Shorten the length of designated core pedestrian streets around the primary intersections. This will create more compact and active retail cores and enable developers to meet market demands for space. This revision must include revising the parking requirement exemption to be tied to designated pedestrian streets rather than designated *core* pedestrian streets

Section 13.06.300.E2 – X-District Height Bonuses

Requirement – The design prototype requires use of the both the 20' level one and the 20' level two height bonuses.

Finding – All three project sites qualified for the 5' bonus for ground floor retail or restaurant, and the 10' bonus for 50% project area dedicated to residential use. Two sites qualified for the 10' bonus for 50% structured parking. South Tacoma Way did not qualify for this bonus due to the shallow (110') site depth and would need to purchase an additional 5' through incorporation of one of the other bonus features. There are 18 options for level one bonus features that provide public benefit and the potential for excellent projects.

The only option for the level two height bonus is the purchasing of transfer development rights (TDRs).

FINDINGS & RECOMMENDATIONS

Section 13.06.300.E2 – X-District Height Bonuses (continued)

Recommendation –

a. Expand the ground floor retail or restaurant bonus feature to include work-live as an available option. Work-live is defined exactly the same as live-work with the exception that it is within a B or M occupancy (rather than R-2) with a maximum workspace of 50% of the available area. Work-live provides the option for retail fronts with apartments in the back. Work-live has not been adopted by the building department yet.

Section 13.06.300G - Yard Space Standards

Requirement – Projects with a zero-lot line typology are required to provide a minimum 35 square foot deck or patio for each tenant and a rooftop deck that is accessible to all tenants, visible to multiple dwelling units, has access to sunlight, and includes landscaping, furniture, and lighting.

There is an exception to this requirement for projects located within 300-feet of a public park or public school. Only one of the three sites can take advantage of this exception.

Finding – Yard space requirements are challenging for small scale projects like the prototype building. Large projects have open spaces between building wings due to the optimum configuration of housing units, while small projects do not. A small project would likely need to displace critical housing units to make space for a roof patio.

Requiring individual patios for every unit in a neighborhood mixed-use center is not practical or desirable. There are major aesthetic implications for this section of the code. Patios and roof decks are also both water intrusion concerns and weaknesses in the building envelope. Patios and roof decks are beneficial amenities and pleasant design features but should be amenities utilized to differentiate product and not baseline code requirements. This requirement is unrealistic, cost-prohibitive, and a potential aesthetic eyesore.

The intent of this section is to provide opportunities for children to play outside. It is debatable whether this requirement resolves this concern. Unit patios are not ideal play environments, and a roof deck would be a marginal outdoor play space.

The exception for proximity to a public park or school is also challenging. The implication is that if there is not a park within a set distance, it is the responsibility of the developer to provide one.

FINDINGS & RECOMMENDATIONS

Section 13.06.300G - Yard Space Standards (continued)

Recommendation –

a. Remove the yard space requirement for projects with a Floor Area Ratio (FAR) above 2.5. This will eliminate all neighborhood mixed-use centers from being governed by this section while retaining the section for the lower density neighborhoods for which it was intended. b. Revise the existing exception from 300-feet to one quarter mile. This is the commonly accepted walking distance for urban neighborhood living. All three sites would be exempt from the yard space requirement with a more reasonable walking distance requirement.

Section 13.06.501.H.2 – Mass Reduction: Upper Floor Streetfront Stepbacks

Requirement – Step the building façade back at either the 5th or 6th floor (depending on the width of the right-of-way). There is an exception that allows a maximum 25' width of façade to ignore the stepback requirement for a distinctive corner tower element such as a turret.

Finding – The intent of this section is to limit the vertical proportions of the streetscape to achieve neighborhood scale and provide access to daylight on the sidewalk.

If underground parking is desired, the options for locating stair towers are limited, and the front façade is a likely location. Front or corner stairways are a direct conflict with this section.

This section unnecessarily creates a subjective preference for buildings with corner towers and turrets

Recommendation – Expand the exception to increase the ability of the designer and developer to better utilize restrictive sites and improve potential design solutions.

a. Revise the corner tower exception to allow the 25' wide stepback exemption anywhere along the façade. Corner lots would be allowed one exemption per street facade.

FINDINGS & RECOMMENDATIONS

Section 13.06.503A – Residential Transition Standards: Upper Story Stepback

Requirement –For properties across an alley from a residential zone the rear façade of the building must not intercept a 45-degree angle beginning from the inside edge of the required landscape buffer and 25' above finish grade.

Finding – Although this requirement did not specifically impact our three selected sites we examined the affect it would have made on our project should the zone across the alley have been residential. The result was a reduction of nearly half the potential dwelling units.

Recommendation – Revise the regulation in such a way to minimize impact to the mixed use development while remaining sensitive to the scale of the residential neighborhood. This issue may not occur on many sites within the city and warrants more study.

- a. revise the starting location of the 45-degree angle to the edge of the residential zone
- b. revise the starting height of the 45-degree angle to 35'. This is the standard height limit for residential zones.
- c. change the requirement to a single required step back of 12'-15' at the fourth floor.

Section 13.06.510 – Off-Street Parking & Storage Areas

Requirement – The three study sites were located on core pedestrian streets and within ten feet of the right-of-way. They are all exempt from public parking requirements. Without the exemption the required number of parking stalls would vary from 41-71 depending on whether the building contained commercial office space.

The design prototype utilizes the level one height bonus. One option to earn the bonus is to provide at least 50% of the typical required parking stalls on-site in structured parking. For the purposes of the prototype, the minimum parking requirement (without commercial offices) is 22.

Finding – The parking requirements provide many options for developers, from no on-site parking to full structured parking. Our goal was to achieve minimum on-site parking equal to one stall per dwelling unit (35-38 units per prototype design). All project sites are flat with vehicle access from the alley. We explored three separate parking configurations.

The *parking at grade* scheme was the lowest cost option and resulted in 23 parking stalls. This design accommodated 16 stalls within the building footprint and 7 stalls in the alley. This scheme is available for all project sites and achieves 56% of the desired minimum stalls. This scheme is limited to 16 structured parking stalls and would not qualify for the height bonus.

The *parking above* scheme resulted in 32 parking stalls. This design incorporates two parking decks within the height of the first floor retail, maximizing parking stalls without excavation. The

FINDINGS & RECOMMENDATIONS

Section 13.06.510 – Off-Street Parking & Storage Areas (continued)

second level is reached via an internal ramp. This scheme is available for all project sites and 78% of the desired minimum stalls. This option would qualify for the height bonus.

The *parking below* scheme resulted in 47 parking stalls. This design incorporates two parking areas, a smaller deck at grade and a full site deck below grade that is access via an internal ramp. The underground deck is only viable for lots with depth of 130' or longer. This scheme provides 100% of the desired minimum stalls and would qualify for the height bonus.

A hybrid scheme is possible that would incorporate the parking above and parking below decks, resulting in two small parking decks and a full site below grade deck. The hybrid scheme enables 63 total parking stalls and would qualify for the height bonus.

Recommendation –

- a. increased percentage of allowed compact stalls in mixed use districts
- b. revise the parking exemption for buildings within ten feet of the right-of-way on designated core pedestrian streets to include projects that provide commercial space within ten feet of the right-of-way on all designated pedestrian streets

ADDITIONAL CONSIDERATIONS

Finding – The requirements for off-site improvements such as utilities, storm water, sewer, sidewalks, etc create additional challenges for potential development. In general, the smaller the project size the greater the challenge.

Recommendation – Create more flexibility for off-site improvements by providing exceptions based on project size.

- a. projects with a street presence of 50' or less
- b. projects with a street width of 100' or less
- c. projects with a street width of 150' or less

Finding – Navigating the zoning code is difficult because each and every section is not labeled as is found in other industry codes such as the International Building Code.

Recommendation – Label each and every section of the zoning code in a similar style to the International Building Code.



City of Tacoma
Planning and Development Services

**Agenda Item
D-4**

To: Planning Commission
From: Brian Boudet, Manager, Planning Services Division
Subject: **Public Hearing on Draft Hilltop Subarea Plan**
Meeting Date: January 22, 2014
Memo Date: January 15, 2014

Action

The Planning Commission will conduct a public hearing on January 22, 2014, at approximately 5:00 p.m., to receive testimony on the Draft Hilltop Subarea Plan (dated December 2013) and associated regulatory code changes, and keep the record open through January 24, 2014 to accept written comments.

Public Hearing Subject

The purpose of the Hilltop Subarea Plan is to anticipate, support, and guide the long-term community development in the Hilltop Subarea, including the business district core, hospitals, and residential neighborhoods. The Subarea Plan provides innovative planning and policy interventions to help Hilltop achieve its potential for community development, an outcome that will deliver a broad range of equitable social and environmental benefits at both the local and regional scales. The Plan will serve as a statement of the City's commitment to and direction for future development in the Hilltop Subarea in addition to serving as a resource for potential investors, property owners, the community and other public agencies. The overarching goal of the Project is to promote economic development in Hilltop.

Public Review Document (attached)

The Public Review Document includes the complete text of the Draft Hilltop Subarea Plan and associated code amendments and has been made available for review by the general public at City offices, Tacoma Public Library branches, on the City's website, or on CD (upon request).

Environmental Evaluation

The City of Tacoma prepared a non-project EIS for the Draft Hilltop Subarea Plan that was issued on December 31, 2013. This Final EIS is distinctive in that: 1) it is a non-project document in that it addresses approximately a 271-acre area of Hilltop Tacoma and presents cumulative impact analyses for the entire Subarea, rather than piecemeal analysis on a project-by-project basis; 2) it is an EIS aimed at comprehensiveness; and 3) it is a "Planned Action" EIS with the objective of eliminating the need for subsequent environmental review associated with site-specific development or redevelopment. This will help to provide certainty for future development and simplify and expedite the permitting process in order to foster the realization of high quality urban development in the Hilltop Subarea.

Notification (postcard attached)

Notification for the public hearing has been disseminated to a broad-based audience, through the following efforts that occurred in late December 2013 and early January 2014:

1. Public Hearing Notice – A public hearing notice was distributed to the City Council, Neighborhood Councils, business district associations, civic organizations, environmental groups, the development community, the Puyallup Tribal Nation, adjacent jurisdictions, major employers and institutions, City and State departments, and other known stakeholders and interested entities.
2. Library – A request was made to the Tacoma Public Library to make the public hearing notice and the proposal available for patrons' review at all eight branches.
3. News Media – An advertisement was placed in The News Tribune on December 31, 2013. An e-mail news release, "Tacoma News", was issued through the City's Media and Communications Office on December 31, 2013.
4. 60-Day Notices – A "Notice of Intent to Adopt Amendment 60 Days Prior to Adoption" was sent to the State Department of Commerce on Friday, January 3, 2014, (per RCW 36.70A.106). A similar notification was sent to Joint Base Lewis-McChord on December 31, 2013 (per RCW 36.70A.530(4)). A Local Comprehensive Plan certification reporting tool was sent to the Puget Sound Regional Council on January 3, 2014.
5. Website – The public hearing notice and all information associated with the proposal, including the Final Environmental Impact Statement issued on December 31, 2013, are posted on the Planning Services Division's website at www.cityoftacoma.org/hilltopplan.
6. A copy of the Final Draft Subarea Plan was distributed to Commissioners at the January 8, 2014, Planning Commission meeting. To view the plan, please visit www.cityoftacoma.org/hilltopplan.

Next Steps

The Planning Commission is scheduled to review public comments at the next meeting on February 5, 2014, and consider modifications to the proposal as appropriate, and make a recommendation to the City Council at the subsequent meeting on February 19, 2014.

Attachments

- A. Public Hearing Notice (Postcard)
- B. Proposed Amendments to the Tacoma Municipal Code, Chapter 13.06 Zoning and Chapter 13.17 Mixed-Use Center Development

If you have any questions, please contact the project manager, Brian Boudet at 253-573-2389 or bboudet@cityoftacoma.org.

c: Peter Huffman, Director



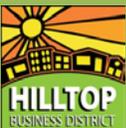
PLANNING COMMISSION PUBLIC HEARING AND NOTICE OF AVAILABILITY OF FINAL ENVIRONMENTAL IMPACT STATEMENT

Planning Commission Public Hearing
January 22, 2014
5:00 p.m.

City of Tacoma Municipal Building
City Council Chambers, 1st Floor
747 Market Street

COME PROVIDE COMMENTS ON THE DRAFT HILLTOP SUBAREA PLAN AND TELL US WHAT YOU THINK!

This plan is being developed in partnership with numerous community-based organizations, including:



The City and community have been working to prepare a Subarea Plan and Environmental Impact Statement (EIS) for the Hilltop (MLK) District to encourage development and revitalization of this area over the next 20+ years. The Plan will become an element of the City's Comprehensive Plan and will support and guide the long-term development of the area.

The City issued the Final EIS and a Final Draft of the Subarea Plan on December 31, 2013. The Final Draft Subarea Plan and Final EIS are available for agency and public review at the City of Tacoma Planning and Development Services offices, and at all branches of the Tacoma Public Library, as well as on the project's website (www.cityoftacoma.org/hilltopplan).

A Planning Commission Public Hearing is scheduled for January 22, 2014, to provide an opportunity for community members to come and learn more about the Final Draft Subarea Plan to provide input (Public Hearing details on reverse). The comments received will help determine what changes need to be made before preparing the Final Subarea Plan which is expected to be adopted by the City Council in the spring of 2014.

Comments on the Final Draft Hilltop Subarea Plan are requested by 5 pm on January 24, 2014.

Contact the City's Project Manager:

Brian Boudet, Division Manager

bboudet@cityoftacoma.org or (253) 573-2389

This project is funded, in part, by a grant from the Washington State Department of Commerce and US Environmental Protection Agency.



To request information in an alternative format or a reasonable accommodation, please contact the City's Customer Service Office at 253-591-5028. TTY or STS users please dial 711 to connect to WA Relay Services.



HILLTOP SUBAREA PLAN



PLANNING AND DEVELOPMENT SERVICES DEPT.
747 MARKET STREET – ROOM 349
TACOMA WA 98402
WWW.CITYOFTACOMA.ORG/HILLTOPPLAN

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Public Hearing - January 22



Hilltop Subarea Plan

Appendix A

Draft Regulatory Code Amendments

December 2013

Chapter 13.06 Zoning

13.06.300 Mixed-Use Center Districts.

* * *

C. Applicability and pedestrian streets designated.

Applicability. The following tables compose the land use regulations for all Mixed-Use Center Districts. All portions of Section 13.06.300 and applicable portions of Section 13.06.500, apply to all new development of any land use variety, including additions and remodels, in all Mixed-Use Center Districts, unless explicit exceptions or modifications are noted. The requirements of Sections 13.06.300.A through 13.06.300.D are not eligible for variance. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

TABLE C.1: MIXED-USE CENTER PEDESTRIAN STREETS ESTABLISHED

The following pedestrian streets are considered key streets in the development and utilization of Tacoma’s mixed-use centers, due to pedestrian use, traffic volumes, transit connections, and/or visibility. They are designated for use with certain provisions in the mixed-use zoning regulations, including use restrictions and design requirements, such as increased transparency, weather protection and street furniture standards. In some centers, these “pedestrian streets” and/or portions thereof are further designated as “core pedestrian streets” for use with certain additional provisions. The “core pedestrian streets” are a subset of the “pedestrian streets,” and thus, those provisions that apply to designated “pedestrian streets” also apply to designated “core pedestrian streets.”		
Mixed-Use Center	Designated Pedestrian Streets (All portions of the streets within Mixed-Use Centers, unless otherwise noted.)	Designated Core Pedestrian Streets (All portions of the streets within Mixed-Use Centers, unless otherwise noted)
6th Avenue and Pine Street	6th Avenue	6th Avenue
Narrows (6th Avenue and Jackson)	6th Avenue	6th Avenue
Downtown Tacoma (Tacoma Dome Area)	Puyallup Avenue; East 25th Street*; East 26th Street; East D Street	N/A
McKinley (East 34th and McKinley)	McKinley Avenue from Wright Avenue to East 39th Street*	McKinley Avenue from Wright Avenue to East 36th Street
Lower Portland Avenue	Portland Avenue*, East 32nd Street, East 29th Street	Portland Avenue
Proctor (North 26th Street and Proctor Street)	North 26th Street; North Proctor Street*	North 26th Street; North Proctor Street
Stadium (North 1st Street and Tacoma Avenue)	Division Avenue from North 2nd Street to Tacoma Avenue; Tacoma Avenue*; North 1st Street; North I Street	Division Avenue from North 2nd Street to Tacoma Avenue; Tacoma Avenue; North 1st Street
Hilltop Martin Luther King Jr. (South 11th Street and Martin Luther King Jr. Way)	Martin Luther King Jr. Way*; South 11th Street; Earnest S. Brazill Street; 6th Avenue, <u>South 19th Street</u>	Martin Luther King Jr. Way from S. 9th to S. 15th, South 11th Street; Earnest S. Brazill Street
Lincoln (South 38th Street and G Street)	South 38th Street*; Yakima Avenue from South 37th Street to South 39th Street; and South G Street south of 36th Street	South 38th Street
South 34th and Pacific	Pacific Avenue	Pacific Avenue
South 56th Street and South Tacoma Way	South Tacoma Way*; South 56th Street	South Tacoma Way
East 72nd Street and Portland Avenue	East 72nd Street*; Portland Avenue	East 72nd Street, Portland Avenue
South 72nd Street and Pacific Avenue	South 72nd Street; Pacific Avenue*	Pacific Avenue
Tacoma Central/Allenmore	Union Avenue*; South 19th Street between South Lawrence Street and South Union Avenue	Union Avenue south of South 18th Street; South 19th Street between South Lawrence Street and South Union Avenue

Tacoma Mall Area	South 47th/48th Transition Street; Steele Street*	N/A
TCC/James Center	Mildred Street*; South 19th Street	Mildred Street south of South 12th Street; South 19th Street
Westgate	Pearl Street*; North 26th Street	Pearl Street
<p>* Indicates primary designated pedestrian streets. In centers where multiple streets are designated, one street is designated the <i>Primary</i> Pedestrian Street. This is used when applying certain provisions, such as the maximum setback requirements for projects that abut more than one pedestrian street.</p>		

13.0X Known Archaeological, Cultural, and Historic Resources

A. Known Archaeological, Cultural and Historic Resources

- 1. Applications for a permit shall identify whether the property is within 500 feet of a site known to contain an historic, cultural or archaeological resource(s). Records of known sites are restricted. Consultation with Washington Department of Archaeology and Historic Preservation or a certified archaeologist will be required. If the property is determined to be within 500 feet of a site known to contain an historic, cultural, or archaeological resources, the City shall require a cultural resource site assessment; provided that, the provisions of this section may be waived if the Director determines that the proposed development activities do not include any ground disturbing activities and will not impact a known historic, cultural or archaeological site. The site assessment shall be conducted in accordance with Washington State Department of Archaeology and Historic Preservation guidelines for survey and site reporting to determine the presence of significant historic or archaeological resources. The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party.**
- 2. If the cultural resource site assessment identifies the presence of significant historic or archaeological resources, a Cultural Resource Management Plan (CRMP) shall be prepared by a professional archaeologist or historic preservation professional paid by the landowner or responsible party. In the preparation of such plans, the professional archaeologist or historic preservation professional shall solicit comments from the Washington State Department of Archaeology and Historic Preservation, and the Puyallup Tribe. Comments received shall be incorporated into the conclusions and recommended conditions of the CRMP to the maximum extent practicable.**
- 3. A CRMP shall contain the following minimum elements:**
 - a. The CRMP shall be prepared by a qualified cultural resources consultant, as defined by the Washington State Department of Archaeology and Historic Preservation.**
 - b. The CRMP shall include the following information:**
 - i. Description of the Area of Potential Effect (APE) for the project, including a general description of the scope of work for the project and the extent and locations of ground disturbing activities. Ground disturbing activities include excavations for footings, pilings, utilities, environmental testing or sampling, areas to be cleared and/or graded, demolition, removal or relocation of any existing structures, and any other ground disturbances that may occur as a result of construction activities.**
 - ii. Photographs of the APE, including existing structures and areas of construction activities.**
 - iii. An examination of project on-site design alternatives;**
 - iv. An explanation of why the proposed activity requires a location on, or access across and/or through, a significant historic or archaeological resource; and**
 - v. Citations with dates, of any previous written documentation on listed or known culturally significant sites. In compiling this information consultations with the following agencies shall be necessary. A list of the agency officials that were consulted with shall be included:**
 - State Department of Archaeology and Historic Preservation to identify buildings, sites or objects within the APE that are listed on or the National Register of Historic Places or the Washington State Heritage Register.**
 - City of Tacoma Historic Preservation Office to identify any buildings, sites, or objects within the APE listed on the Tacoma Register of Historic Places.**
 - The Puyallup Tribe of Indians Historic Preservation Section to identify any buildings, sites, or objects within the APE within the 1873 Land Claims Settlement Survey Area.**
 - vi. An assessment of probable adverse impacts to culturally significant buildings, sites or objects, resulting from:**
 - Demolition of any buildings or structures over 50 years of age.**
 - The potential for the site to contain historic or prehistoric archaeological materials, based on the topography of the property, historical literature, geological data, geographical context, or proximity to areas of known cultural significance.**

vii. A description of how potential adverse effects to cultural resources as a result of construction activities will be mitigated or minimized. Mitigation includes but is not limited to:

- Additional consultation with Federal, State, local and Tribal officials or Tacoma Landmarks Commission.
- Additional studies such as pedestrian surveys, subsurface testing, remote sensing, phased or periodic testing as a part of any geotechnical assessment or soil testing required for the project, or monitoring during construction.
- Subject to review and approval of the City's Historic Preservation Officer other potential mitigation measures may include:
 - Avoidance of historic/cultural resources
 - Retention of all or some of historic structure into a new development
 - Interpretive/educational measures
 - Off-site/on site preservation of another historic resource
 - Recording the site with the State Department of Archaeology and Historic Preservation, or listing the site in the National Register of Historic Places, Washington Heritage Register, as applicable, or any locally developed historic registry formally adopted by the City of Tacoma;
 - Preservation in place;
 - Reinterment in the case of grave sites;
 - Covering an archaeological site with a nonstructural surface to discourage pilferage (e.g., maintained grass or pavement);
 - Excavation and recovery of archaeological resources;
 - Inventorying prior to covering of archaeological resources with structures or development; and
 - Monitoring of construction excavation.

4. Upon receipt of a complete permit application in an area of known historic/archaeological resources, the City shall notify and request a recommendation from appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, and the Puyallup Tribe. Recommendations of such agencies and other affected persons shall be duly considered and adhered to whenever possible and reasonable.

5. The recommendations and conclusions of the CRMP shall be used to assist the Administrator in making final administrative decisions concerning the presence and extent of historic/archaeological resources and appropriate mitigating measures. The Administrator shall consult with the Washington State Department of Archaeology and Historic Preservation, and the Puyallup Tribe prior to approval of the CRMP.

6. The Administrator may reject or request revision of the conclusions reached in a CRMP when the Administrator can demonstrate that the assessment is inaccurate or does not fully address the historic/archaeological resource management concerns involved.

B. Unanticipated Discovery of Archaeological, Cultural and Historic Resources

All permit applications shall prepare a plan for the possible unanticipated discovery of historic, cultural or archaeological resource(s), including a point of contact, procedure for stop-work notification, and for notification of appropriate agencies.

13.xx Traffic Impacts Assessment

13.xx.010 Purpose and Applicability

A. This section sets forth provisions for Traffic Impact Assessments located in the Downtown Tacoma Regional Growth Center. Transportation impacts generally relate to the size of the development, the number of trips generated, and their effect on local and state streets and transportation facilities, transit operations, freight, and pedestrian and bicycling facilities and operations. The provisions of this chapter shall apply to all residential, commercial, and mixed-use development within the Downtown Tacoma Regional Growth Center boundaries, see Figure X: Downtown Tacoma Regional Growth Center.

The Department of Public Works will use the Traffic Impacts Assessment to evaluate impacts and assist in identifying and establishing mitigation measures that will address safety, circulation, and capacity issues; capacity will be addressed in terms of Level of Service established in the City Comprehensive Plan and applicable sub-area plans. In those cases where DPW identifies potential impacts to State Highways DPW will consult with the Washington State Department of Transportation (WSDOT) in identifying mitigation measures.

B. Exemptions. The Director of Public Works may be able to provide an exemption from this impact analysis if a proposal has no meaningful potential for significant and adverse transportation or traffic impacts. This may occur if the proposal has characteristics that may limit its net new vehicle traffic generation, or if only non-congested roadways and intersections are nearby, or if the net increase in traffic would not be significant compared to traffic from existing development.

13.xx.020 Definitions

See section 13.06.700.

13.xx.030 Traffic Impact Assessments Use Category

The transportation information is required to be prepared and submitted to Public Works Department at the time of permit intake. If such information is not present, the Public Works Department may delay completing the application process until such time as the information is available. After the application is accepted, the permit review by Public Works Department staff may generate a request for additional information, which will be detailed in a correction notice.

A. Level 1: The following information must be provided by a qualified expert in the form of a transportation impacts study:

1. Number of additional daily vehicle trips generated by the development as calculated using the ITE Trip Generation Manual, 8th Edition or successor edition.
2. Number of additional “peak hour” vehicle trips generated by the development in the afternoon peak hours as calculated using the ITE Trip Generation Manual, 8th Edition or successor edition
3. The proposed access/egress routes, such as alleys and streets on which vehicles will enter and leave the site’s parking garage or lot and including whether or not new curb-cuts will be proposed.
4. An estimate of what proportion of the development’s traffic is likely to use which streets.
5. Identify whether the nearest intersections are controlled by stop signs, traffic lights, or other form of traffic control.
6. Describe existing pedestrian and bicycle facilities in the immediate site vicinity, using the City’s Mobility Master Plan.
7. Describe any pedestrian or bicycle facility improvements proposed.
8. Describe any impacts to State Highways.

B. Level 2: The following information must be provided by a qualified expert in the form of a transportation impacts study:

1. Identification of existing conditions, future baseline conditions, and number of additional daily vehicle trips generated by the development.
 - a. Information to describe the local streets and state highways, existing traffic volumes and turning movements, and traffic control devices on affected streets, state highways, and intersections;
 - b. Level of service information or alternate equivalent measures of traffic operation, delay, volume-to-capacity (v/c) ratio for affected intersections and/or streets/highway;
 - c. Traffic safety information – accident/collision history, latest 3 years;

- d. Trip Generation: use the ITE Trip Generation Manual, 8th Edition (or successor), or alternate method;
- (i) Calculate reductions from basic trip generation, for internal trips, pass-by trips, and mode choices (e.g., proportion likely to use modes other than single-occupant vehicle travel), at the applicant’s discretion.
 - (ii) Calculate any other reductions justifiable due to the nature of the development or site.
 - (iii) Summarize the resulting trip calculations for residential and commercial uses
2. Number of additional “peak hour” vehicle trips generated by the development in the afternoon peak hours.
- a. Using comparable methods described under #1 above, calculate peak hour vehicle trip generation
 - b. The proposed access/egress routes, such as alleys and streets on which automobiles will enter and leave the site’s parking garage or lot and whether or not new curbcuts will be proposed.
3. The applicant’s estimate of “trip distribution” and assignment – what proportion of the development’s traffic is likely to use which streets.
4. Identify the probable extent of traffic impacts on affected streets, highways, and intersections
- a. Afternoon peak hour turning movement impacts on identified intersections, and interpretation of the potential magnitude of impact, including roadway level of service, intersection level of service, and/or other methods of evaluating impacts on street and intersection operations.
 - b. Site access operations, including information such as peak hour volumes, delay and/or level of service, and relationship to freight operations if relevant.
5. Summarize relationships and potential for impacts to transit service, passenger rail, and non-motorized facilities in the site vicinity, and traffic safety, to the extent affected by the proposed development
- a. Description of proposed bicycle, pedestrian, transit, and freight facilities and operations as provided for in existing multimodal plans. This should include whether there are gaps in pedestrian connections from the site to the nearest transit stop or gaps in continuity of bicycle facilities in the site vicinity.
 - b. Describe whether the development would adversely affect sidewalks, bicycle lanes, transit facilities, and whether it would contribute traffic to a high accident location.
 - c. Describe any planned improvements or reconstruction of sidewalks or streets adjacent to the development site.
6. Describe any impacts to State Highways.

<u>USE</u>	<u>“Level 1” Analysis</u>	<u>“Level 2” Analysis</u>
<u>Residential</u>	<u>100 to 199 dwelling units</u>	<u>Over 199 dwelling units</u>
<u>Commercial</u>	<u>30,000-59,999 sq. feet</u>	<u>Over 59,999 sq. feet</u>
<u>If the residential unit count in a mixed-use development is less than the listed size ranges, but the non-residential use exceeds 20,000 square feet;</u>	<u>20,000 – 59,999 sq. feet</u>	<u>Over 59,999 sq. feet</u>

Chapter 13.17 Mixed-Use Center Development

13.17.020 Residential target area designation and standards.

* * *

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

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

MIXED-USE CENTER	CENTER TYPE	ORIGINALLY ADOPTED
South 56th and South Tacoma Way	Neighborhood	November 21, 1995
Downtown Tacoma	Downtown	November 21, 1995
Proctor (North 26th and Proctor)	Neighborhood	November 21, 1995
Tacoma Mall Area	Urban	November 21, 1995
Hilltop Martin Luther King Jr. (South 11th and MLK Jr. Way)	Neighborhood	November 21, 1995
Westgate	Community	November 21, 1995
Lincoln (South 38th and “G” Street)	Neighborhood	November 21, 1995
6th Avenue and Pine Street	Neighborhood	November 21, 1995
Tacoma Central Plaza/Allenmore	Community	November 21, 1995
South 72nd and Pacific Avenue	Community	November 21, 1995
East 72nd and Portland Avenue	Community	November 21, 1995
Stadium (North 1st and Tacoma)	Neighborhood	November 21, 1995
James Center/TCC	Community	November 21, 1995
Lower Portland Avenue	Community	January 16, 1996
South 34th and Pacific Avenue	Community	December 11, 2007
McKinley (E. 34th and McKinley)	Neighborhood	December 11, 2007
Narrows (6th Avenue and Jackson)	Neighborhood	December 11, 2007



City of Tacoma
Planning and Development Services

**Agenda Item
D-5**

To: Planning Commission
From: John Harrington, Development Services Division
Subject: **Public Hearing on Temporary Homeless Camp Permitting Process**
Meeting Date: January 22, 2014
Memo Date: January 16, 2014

Action

The Planning Commission will conduct a public hearing on January 22, 2014, at approximately 5:30 p.m., to receive testimony on the proposed land use regulations concerning the Temporary Homeless Camp Permitting Process, and will keep the record open through January 24, 2014 to accept written comments.

Public Hearing Subject

The proposal would amend the Tacoma Municipal Code, Chapter 13.05 Land Use Permit Procedures and Chapter 13.06 Zoning, to add regulations for a permit review process for temporary homeless camps run by religious organizations. The State law, RCW 36.01.290, passed in 2010, grants broad authority to religious organizations to host temporary homeless camps on church owned or controlled property for individuals experiencing homelessness. The proposed amendment would regulate temporary homeless camps to protect general public health and safety as well as the safety of camp residents.

Public Review Document (attached)

The Public Review Document, which includes the complete text of the proposed amendments and the staff analysis report, has been made available for review by the general public at City offices, Tacoma Public Library branches, and on the City's website.

Environmental Evaluation

Pursuant to Washington Administrative Code (WAC) 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance was issued on December 30, 2013 (SEPA File Number SEP2013-40000215160), based upon a review of an environmental checklist. The City will reconsider the preliminary determination based on timely public comments regarding the checklist and determination that are received by January 24, 2014 and unless modified, the preliminary determination will become final on February 7, 2014.

Notification (postcard attached)

Notification for the public hearing has been disseminated to a broad-based audience, through the following efforts that occurred during January 2-10, 2014:

1. Public Hearing Notice – A public hearing notice was distributed to the City Council, Neighborhood Councils, business district associations, civic organizations, environmental groups, the development community, the Puyallup Tribal Nation, adjacent jurisdictions, major employers and institutions, City and State departments, and other known stakeholders and interested entities.

2. Library – A request was made to the Tacoma Public Library to make the public hearing notice and the proposal available for patrons’ review at all eight branches.
3. News Media – An advertisement was placed in The News Tribune on January 6, 2014; a legal notice regarding the environmental determination was placed on the Tacoma Dailey Index on January 6, 2014; and an e-mail news release, “Tacoma News”, was issued through the City’s Media and Communications Office on January 10, 2014.
4. 60-Day Notices – A “Notice of Intent to Adopt Amendment 60 Days Prior to Adoption” was filed with the State Department of Commerce on January 2, 2014 (per RCW 36.70A.106). A notification was sent to Joint Base Lewis-McChord on January 6, 2014 (per RCW 36.70A.530(4)). A similar notice was also sent to the City of Tacoma Attorney’s Office, requesting for legal opinions on whether the City Council’s adoption of the proposed amendments might result in an unconstitutional taking of private property (per RCW 36.70A.370).
5. Website – The public hearing notice and all information associated with the proposal are posted on the Planning Services Division’s website at www.cityoftacoma.org/planning with a link to “Temporary Homeless Camps”.

Next Steps

The Planning Commission is scheduled to review public comments at the next meeting on February 5, 2014, and consider modifications to the proposal where appropriate, and make a recommendation to the City Council at the subsequent meeting on February 19, 2014.

Attachments

- A. Public Hearing Notice (Postcard)
- B. Staff Analysis Report and the Proposed Regulations

If you have any questions, please contact me at 279-8950 or jharring@cityoftacoma.org.

c: Peter Huffman, Director



NOTICE OF PUBLIC HEARING

PROPOSED LAND USE REGULATIONS CONCERNING TEMPORARY HOMELESS CAMPS PERMITTING PROCESS

PLANNING COMMISSION PUBLIC HEARING

Wednesday, January 22, 2014 5:30 p.m. City Council Chambers
Tacoma Municipal Building, 747 Market Street, 1st Floor

WHAT IS BEING CONSIDERED?

The Planning Commission is seeking public comment on the proposed land use regulations concerning the Temporary Homeless Camps Permitting Process. The proposal would amend the Tacoma Municipal Code, Chapter 13.05 Land Use Permit Procedures and Chapter 13.06 Zoning, to add regulations for a permit review process for temporary homeless camps run by religious organizations.

WHAT IS THE PROPOSAL INTENDED TO ACHIEVE?

State law, RCW 36.01.290, grants broad authority to religious organizations to host temporary homeless camps for individuals experiencing homelessness on property owned or controlled by such organizations. The City of Tacoma has not had a religious organization propose such a camp since the state law passed in 2010, but wants to have regulations in place should a group want to operate one. The proposed amendment would regulate temporary homeless camps to protect public health and safety and the safety of the residents of such camps in the City of Tacoma.

The Proposal at a Glance

1. Maximum occupancy per camp: 100 residents.
2. Maximum number of camps allowed to operate within the City at any given time: 2.
3. Minimum camp site area: 7,500 square feet for first 50 residents, plus 150 square feet for each additional resident.
4. Maximum time on ground for each camp: 93 days (or 123 days for hard surface or non-residential sites).
5. Minimum time to return to site or neighborhood: 2 years from previous camp start date (or 18 months for hard surface or non-residential sites).
6. Camp must be located within ¼ mile of a transit stop.
7. Perimeter setback: 10 feet from property line.
8. Perimeter fencing: 6-foot sight-obscuring materials.
9. Shelter/tent separation: 2 feet on sides and rear of shelter; 4 feet from entrance; and 10 feet between group shelters.
10. Crime Prevention Through Environmental Design (CPTED) principles will be applied to the camps during the site plan review.
11. Warrant and background checks are required for prospective camp residents.
12. One shower for each 33 residents.
13. Parking: 2 spaces for every 25 residents.
14. 14-day public notice to 400 feet of site.

HOW TO PROVIDE COMMENTS?

You can provide oral testimony at the public hearing on January 22, 2014 or provide written comments using the return address on this card no later than 5:00 p.m. on January 24, 2014, by facsimile at (253) 591-5433 or via e-mail to planning@cityoftacoma.org

ADDITIONAL INFORMATION

A Preliminary Determination of Nonsignificance (DNS) has been issued based on the completion of an environmental checklist. Comments on the DNS must be submitted by January 24, 2014. Unless modified by the City, the DNS will become final on February 7, 2014. The DNS, the environmental checklist, and additional information associated with the proposal, including the staff analysis report, are available at the Planning and Development Services Department, 747 Market Street, Room 345; and on the following website:

www.cityoftacoma.org/Planning
(and click on "Temporary Homeless Camps")

STAFF CONTACT

If you have additional questions or comments please feel free to contact John Harrington at (253) 279-8950 or jharring@cityoftacoma.org.

The City of Tacoma does not discriminate on the basis of disabilities in any of its programs or services. Special accommodations can be provided upon request within five (5) business days prior to the hearing. To arrange for these accommodations please contact the Planning and Development Services Department at (253) 591-5030 (voice) or (253) 591-5153 (TDD).



PLANNING & DEVELOPMENT SERVICES
TACOMA MUNICIPAL BUILDING
747 MARKET STREET, ROOM 345
TACOMA WA 98402-3701
(253) 279-8950

PRSTD STANDARD
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PERMIT NO 2



Temporary Homeless Camp Permitting Process

Staff Analysis Report

Proposed Amendment:	Add Temporary Homeless Camp Permitting Process to TMC Chapter 13.05 Land Use Permit Procedures and add regulatory standards for the camps in TMC 13.06.635 - Temporary Uses
Applicant:	City of Tacoma
Location & Size of Area:	City-wide
Current Land Use & Zoning:	All land use and zoning districts
Neighborhood Council Area:	All Neighborhood and Council Areas
Staff Contact:	John Harrington, Development Services Division (253) 591-2069, jharring@cityoftacoma.org
Date of Report: (Planning Commission review date; draft or final)	December 24, 2013 (3 rd draft) (Prepared for Planning Commission Public Hearing, January 22, 2014)

I. Description of the Proposed Amendment:

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

The proposed amendment would regulate temporary homeless camps to protect public health and safety and the safety of the residents of such camps in the City of Tacoma.

Exhibit A attached is the third draft of the proposed amendment language to the Tacoma Municipal Code Sections 13.05 and 13.06.635 and final draft to be presented for public hearing review. Under the authority of the City Council, the fee code in Chapter 2.09 of the Municipal Code will also be amended at a future date to add an application fee for a temporary homeless camp.

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

In 2010, the Washington Legislature passed [Ch. 175 \(ESHB 1956\)](#), codified as [RCW 36.01.290](#) which granted broad authority to religious organizations to host temporary homeless camps for individuals experiencing homelessness on property owned or controlled by such organizations. It allows cities to enact regulations that are necessary to protect the public health and safety in conducting the setup, operation and decommissioning of a temporary homeless camp but that do not substantially burden the decisions or actions of a religious organization with respect to the provision of temporary homeless camps. It also prohibits the imposition of permit fees in excess of the actual costs associated with the review and approval of the required permit applications for temporary homeless camps. The city has not had a religious organization propose such a camp since the state law passed, but wants to have regulations in place should an a group want to operate one.

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

The only limitation to the location of the temporary homeless camps in the City of Tacoma is that the site must be on property that is owned or controlled by the religious organization that is running the camp.

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

No additional information.

II. Analysis of the Proposed Amendment:

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

The proposed amendment is in response to RCW 36.01.290 passed by the Washington State Legislature in 2010. The law provides great latitude for religious organizations to run homeless camps and limits local jurisdictions controls that protect the public health and safety only.

Numerous cities in the state have enacted similar regulations. There is no case law resulting from a legal test of any of the existing regulations.

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

There are currently no regulations for the establishment and operation of homeless encampments in the City of Tacoma. The proposed amendment puts into place public health and safety regulations for the operation of homeless encampments as authorized by state law.

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

The proposed amendment has no significant impacts in economic development, but may have positive impacts to sustainability and the public health.

The intent of the camps is to provide a temporary, safe and healthy housing alternative for homeless persons who want to live in a camp environment who otherwise would be living on the streets. The camps will provide a place where the residents can be educated about services that they can take advantage of to improve their life situation.

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

There are a number of non-governmental organizations and governmental agencies in the Greater Tacoma/Pierce County area that have been engaged for some time assisting the homeless. City staff met with many of these groups in September and October to tap into the experience and expertise of these groups, neighborhood and business groups and the public-at-large by holding a number of public meetings to elicit feedback and to hear concerns regarding the operation of temporary homeless camps in the City.

Some of the community based agencies, organizations and groups that staff consulted with included: Tent City Tacoma, Associated Ministries, Metropolitan Development Council, Catholic Community Services, Comprehensive Life Resources, Ministerial Alliance, Tacoma-Pierce County Coalition to End Homelessness. The Tacoma Community Council and the Cross District Association were given presentations.

A number of city staff on the Intergovernmental SME team conducted site visits to homeless camps in Olympia (Camp Quixote), Sammamish (Tent City 4) and Renton (Tent City 3) Washington and observed the operation of an active temporary homeless camp and interviewed the camp operators, human services provider serving the residents and residents of the camp.

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

Yes. It will provide the public and religious organizations with the confidence that the city is ready to address homeless encampments with limited, reasonable regulations to protect the public health and safety and the health and safety of the camp residents.

III. Proposed Amendment Components for Public Review:

The following are the key components of the current code amendment proposal. It is the product of completed community outreach, staff recommendations and two Planning Commission meetings.

The recommended changes are in underlined red font in Exhibit A. This report will discuss the key tenants of the new regulations and the rationale behind their inclusion.

1. Notification distance of 400 feet (page 7 of Exhibit A). The sensitivity of the public to homeless encampments and the desire to be transparent in the establishment of a temporary homeless camp in a neighborhood were the primary reasons for the 400 feet notice distance.
2. Crime Prevention through Environmental Design (CPTED) principles will be applied to the camps. During the site plan review (page 13 of Exhibit A), staff will review the site plan for application of CPTED principles and make recommendations for the camp set up and operation based upon CPTED principles. This will address safety and policing issues in the camps especially at night when it would be difficult to see potential perpetrators.
3. A ten foot setback from the property line for the exterior sight obscuring fencing of the camp area (page 13 of Exhibit A). This was added to address bulk, air, light and fire safety considerations at the perimeter interface between the camp and the neighboring properties.

4. Maximum occupancy of each camp is 100 residents (page 13 of Exhibit A). This was done as result of observations made at the Tent City 3 and 4 sites. Each of these sites was set up to accommodate 100 residents and was more efficiently laid out than the Camp Quixote example in Olympia. The demonstrated success of each of the Tent City operations in numerous cities was compelling in allowing a larger camp occupancy. The 100 occupant limit is consistent with most jurisdictions that have regulations for the use. The 100 resident limit also aligns with the projected need suggested by our Housing and Homeless Services staff and would be able to be hosted by numerous churches throughout the city that have property with flat turf areas of over 15,000 square feet.
5. A maximum of two camps may be located in the City of Tacoma at the same time (page 14 of Exhibit A). Many of the cities permitting only one camp of 100 residents are substantially smaller than the City of Tacoma. In keeping with the estimate of 100-200 homeless adults likely to take advantage of this housing alternative from our homeless services staff expert, two camps were proposed to be allowed at the same time in the city.
6. Minimum camp area for up to 50 residents is 7,500 square feet (page 14 of Exhibit A). The number of camp residents can be incrementally increased at the rate of one per each increment of 150 square feet added to the minimum camp area of 7,500 square feet. This was done in response to the site visit to the tent city operations where staff discovered that higher populations could be accommodated without problems and to meet the desire to provide a scaled requirement for adding residents after the first fifty people.
7. The maximum timeframe for the camps from start of setup to end of tear down is 93 days and 123 days for camps on gravel or paved sites or in non-residential areas (page 14 of Exhibit A). A camp on a turf site in a residential area will still have a 93-day time limit and will not be able to return for two years from the start of the previous camp. Because there are numerous church sites in the city that can host a 100-resident camp and many more that can host a 50+ resident camp, it is desirable that the camps rotate to more than just a few sites.
8. The interval at which a camp can return to a previous site is two years from the start date of the preceding camp. The interval is decreased to 18 months from the start date of the preceding camp for gravel or paved sites and non-residential areas (page 14 of Exhibit A). The two years was to ensure regeneration of vegetation on a site before another camp is hosted and to ensure there is not undue pressure on the same neighborhood to host a camp every year.
9. Sight-obscuring fencing required at the exterior of the camp area (page 14 of Exhibit A). In visiting the tent city sites, it was evident that an effective sight screen from a non-elevated view could be achieved with a dark fabric fencing material. This fence area defines the controlled access camp area and helps keep non-residents and animals from entering the camp area. This material, together with portable fence posts, provides the capability to be quickly emplaced or taken down and easily transported to the next site.
10. Minimum age for camp residents is 18 years of age (page 14 of Exhibit A). This age was arrived at by considering potential problems with minors and adults being in the same living environment and the availability of alternate homeless shelter options for minors under 18 years of age in the City of Tacoma. Residents of the homeless camps visited also agreed that having minors in the camps was a bad idea.

11. Warrant or background checks are required for prospective camp residents and no sex offenders are permitted in the camps (page 14 of Exhibit A). In speaking with residents of the camps in Renton and Sammamish, staff discovered that the residents are very concerned about who their fellow residents are for their own safety. They were straight forward in prohibiting sex offenders from being in the camps, but took a more measured approach to those that may be wanted for, or have a history of, lesser offenses. This requirement prohibits sex offenders, but allows the tent camp organization to use the warrant and background information to make their own decision whether to allow other persons to stay or not. Persons with animals will be permitted in the camps. For persons with problem dogs/animals, the camp organizations handle it very pragmatically. If an animal becomes a problem, it is seen as an extension of the resident it belongs to and both would have to leave the camp.
12. The temporary homeless camp sites must be located no more than one-quarter mile from a transit stop. Staff evaluated over 180 church sites in the city and of those that were large enough to host a camp; only three were over ¼ mile from a bus stop. Only one was more than ½ mile from a bus stop. Based on the over 50 sites available for a camp within ¼ mile from a transit stop and the essential nature of public transit to the camp residents, the ¼ mile distance was agreed upon.
13. One shower is required for every 33 residents in a camp (page 14 of Exhibit A). A ratio of one per 33 residents would allow for a daily shower over a 16-hour period during the day when showers were available. Having at least two showers would enable a female-only shower and prevent difficult situations, but over two should depend on the overall situation including the ability for residents to shower off-site. In this regard, the ability to reduce the requirement depending on the specific scenario was added.
14. The minimum separation of sleeping shelters is two feet from the sides and rear of the shelter and four feet from the entry to the tent (page 15 of Exhibit A). Group tents require a 10 foot minimum separation from other tents. While there are some group tents used in the tent cities, most of the residents use smaller tents with only one or two occupants.
15. Sanitary and solid waste provisions were made by requiring one sanitary portable toilet per 20 residents, one hand washing station per 15 residents and garbage and recycling dumpsters provided. The sanitary portable toilets and dumpsters will be serviced at appropriate intervals.
16. Parking for the camps is required at a rate of two per every 25 residents. This gives a scalable requirement based on number of residents and will address the fact that some of the homeless persons in the camp will have vehicles and park at the church property.

IV. Exhibit:

- A. Proposed Amendments to the Tacoma Municipal Code pertaining to the Temporary Homeless Camp Permitting Process.

Exhibit A

Proposed Amendments to the Tacoma Municipal Code (TMC) pertaining to the Temporary Homeless Camp Permitting Process

Proposed amendments address Permit Process (TMC 13.05) and Development Standards (TMC 13.06), and are shown in red underlines.

Permit Process – TMC 13.05

13.05.010 Application requirements for land use permits.

A. Purpose. The purpose of this section is to outline land use permit and application requirements.

B. Applicability. The regulations identified in this section apply to land use permits for which the Director and/or Hearing Examiner have decision-making authority. The applicant for a land use permit requested under this title shall have the burden of proving that a proposal is consistent with the criteria for such application.

C. Application Requirements.

1. Predevelopment Conference. A predevelopment conference may be scheduled at the request of the Department or the applicant. The predevelopment conference is intended to define the project scope and identify regulatory requirements of Title 13, prior to preparing a land use proposal.

2. Pre-Application Meeting. The pre-application meeting is a meeting between Department staff and a potential applicant for a land use permit to discuss the application submittal requirements and pertinent fees. A pre-application meeting is required prior to submittal of an application for rezoning, platting, height variances, conditional use permit, shoreline management substantial development (including conditional use, variance, and revision), wetland/stream/Fish and Wildlife Habitat Conservation Area (FWHCA) development permits, wetland/stream/FWHCA minor development permits, and wetland/stream/FWHCA verifications. This requirement may be waived by the Department. The pre-application meeting is optional for other permits.

3. Applications Form and Content. The Department shall prescribe the form and content for complete applications made pursuant to this title. The applicant is responsible for providing complete and accurate information on all forms as specified below.

Applications shall include the following:

- a. The correct number of completed Department application forms signed by the applicant;
- b. The correct number of documents, plans, or maps identified on the Department Submittal Requirements form which are appropriate for the proposed project;
- c. A demonstration by the applicant of consistency with the applicable policies, regulations, and criteria for approval of the permit requested;
- d. A completed State Environmental Policy Act checklist, if required; containing all information required to adequately determine the potential environmental impacts of the proposal;
- e. Payment of all applicable fees as identified in Section 2.09.170 – Required Filing Fees for Land Use Applications; and
- f. Additional application information which may be requested by the Department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis, and transportation impact studies.

D. Initiation of Review Process. The Department shall review a submitted application to determine its completeness, but will not begin permit processing of any application until the application is found to be complete.

“Completeness” means the appropriate documents and reports have been submitted. Accuracy and adequacy of the application is not reviewed as a part of this phase.

E. Notice of Complete or Incomplete Application.

1. Within 28 days after receiving a development permit application, the Department shall provide in writing to the applicant either:

- a. A notice of complete application; or
- b. A notice of incomplete application and what information is necessary to make the application complete.

The 28-day time period shall be determined by calendar days from the date the application was filed to the postmarked date on the written notice from the Department.

2. An application shall be found complete if the Department does not, within 28 days, provide to the applicant a notice of incomplete application.

3. If the application is determined to be incomplete, and/or additional information is requested, within 14 days after an applicant has submitted the requested additional information, the Department shall notify the applicant whether the information submitted adequately responds to the notice of incomplete application, thereby making the application complete, or what additional information is still necessary.

4. An application is complete for purposes of this section when it meets the submission requirements of the Department as outlined in Section 13.05.010.C and TMC Section 13.11.250 for projects that may affect wetlands, streams, or their regulated buffers, even though additional information may be required or project modifications may be made later. The determination of a complete application shall not preclude the Department from requesting additional information or studies, either at the time of the notice of complete application or subsequently if new information is required or substantial changes in the proposed action occur, or should it be discovered that the applicant omitted, or failed to disclose, pertinent information.

F. Inactive Applications. If an applicant fails to submit information identified in the notice of incomplete application or a request for additional information within 120 days from the Department’s mailing date, or does not communicate the need for additional time to submit information, the Department may consider the application inactive and, after notification to the applicant, may close out the file and refund a proportionate amount of the fees collected with the application.

G. Modification to Application. Proposed modifications to an application which the Department has previously found to be complete will be treated as follows:

1. Modifications proposed by the Department to an application shall not be considered a new application.
2. If the applicant proposes modifications to an application which would result in a substantial increase in a project’s impacts, as determined by the Department, the application may be considered a new application. The new application shall conform to the requirements of this title which are in effect at the time the new application is submitted.

H. Limitations on Refiling of Application.

1. Applications for a land use permit pursuant to Title 13 on a specific site shall not be accepted if a similar permit has been denied on the site within the 12 months prior to the date of submittal of the application. The date of denial shall be considered the date the decision was made on an appeal, if an appeal was filed, or the date of the original decision if no appeal was filed.

2. The 12-month time period may be waived or modified if the Director finds that special circumstances warrant earlier reapplication. The Director shall consider the following in determining whether an application for permit is similar to, or substantially the same as, a previously denied application:

- a. An application for a permit shall be deemed similar if the proposed use of the property is the same, or substantially the same, as that which was considered and disallowed in the earlier decision;
- b. An application for a permit shall be deemed similar if the proposed application form and site plan (i.e., building layout, lot configuration, dimensions) are the same, or substantially the same, as that which was considered and disallowed in the earlier decision; and

c. An application for a variance or waiver shall be deemed similar if the special circumstances which the applicant alleges as a basis for the request are the same, or substantially the same, as those considered and rejected in the earlier decision.

In every instance, the burden of proving that an application is not similar shall be upon the applicant.

I. Filing Fees. The schedule of fees for land use permits is established in Chapter 2.09 of the Tacoma Municipal Code.

J. Time Periods for Decision on Application.

1. A decision on applications considered by the Director shall be made within 120 days of complete application. Applications within the jurisdiction of the Hearing Examiner shall be processed within the time limits set forth in Chapter 1.23. The notice of decision on a land use permit shall be issued (and postmarked) within the prescribed number of days after the Department notifies the applicant that the application is complete or is found complete as provided in Section 13.05.010.D.3. The following time periods shall be exempt from the time period requirement:

a. Any period during which the applicant has been requested by the Department to correct plans, perform required studies, or provide additional required information due to the applicant's misrepresentation or inaccurate or insufficient information.

b. Any period during which an environmental impact statement is being prepared; however, in no case shall the time period exceed one year, unless otherwise agreed to by the applicant and the City's responsible official for SEPA compliance.

c. Any period for administrative appeals of land use permits.

d. Any extension for any reasonable period of time mutually agreed upon in writing between the applicant and the Department.

2. The 120-day time period established in Section 13.05.010.J.1 for applications to the Director shall not apply in the following situations:

a. If the permit requires approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200.

b. If, at the applicant's request, there are substantial revisions to the project proposal, in which case the time period shall start from the date on which the revised project application is determined to be complete, per Section 13.05.010.E.3.

3. Decision when effective. A decision is considered final at the termination of an appeal period if no appeal is filed, or when a final decision on appeal has been made pursuant to either Chapter 1.23 or Chapter 1.70. In the case of a zoning reclassification, the first reading of the reclassification ordinance by the City Council shall be considered the final decision. First reading shall be considered a tentative approval, and does not constitute final rezoning of the property. However, first reading of the ordinance shall assure the applicant that the reclassification will be approved, provided that the application complies with all requirements and conditions for reclassification as may have been imposed by the Hearing Examiner or the City Council.

4. If unable to issue a final decision within the 120-day time period, a written notice shall be made to the applicant, including findings for the reasons why the time limit has not been met and the specified amount of time needed for the issuance of the final decision.

5. Time Computation. In computing any time period set forth in this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. Legal holidays are described in RCW 1.16.050.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. A; passed May 8, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27771 Ex. B; passed Dec. 9, 2008; Ord. 27728 Ex A; passed Jul. 1, 2008; Ord. 27431 § 5; passed Nov. 15, 2005; Ord. 27245 § 1; passed Jun. 22, 2004; Ord. 26843 § 2; passed Aug. 21, 2001; Ord. 26645 § 4; passed Jun. 27, 2000; Ord. 25852 § 1; passed Feb. 27, 1996)

13.05.020 Notice process.

A. Purpose. The purpose of this section is to provide notice requirements for land use applications.

B. Process I – Minor Land Use Decisions.

1. A notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.010.E. Examples of minor land use decisions are waivers, variances, [temporary homeless camp permits](#), wetland/stream/FWHCA Verifications, and wetland/stream/FWHCA Minor Development Permits.

2. Notice of application shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils in the vicinity where the proposal is located; qualified neighborhood or community organizations; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); the Puyallup Indian Tribe for “substantial action” as defined in the “Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners,” dated August 27, 1988; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.020.G.

3. Parties receiving notice of application shall be given 14 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department. The notice shall indicate that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 14 days of the mailing of such notice, or who requests receipt of a copy of the decision.

4. Decisions of the Land Use Administrator shall be mailed to the applicant and the property owner, if different than the applicant, by first class mail. Decisions of the Administrator requiring environmental review pursuant to the State Environmental Policy Act, WAC 197-11, and the provisions of TMC Chapter 13.12, shall also include a Threshold Determination by the Responsible Official for the Department. A decision shall be mailed by first-class mail to: owners of property and/or taxpayers of record as indicated by the Pierce County Assessor/Treasurer’s records within the distance identified in Section 13.05.020.G; neighborhood councils in the vicinity where the proposal is located; qualified neighborhood or community organizations; and the Puyallup Indian Tribe for “substantial action” as defined in the “Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners,” dated August 27, 1988.

5. A neighborhood or community organization shall be qualified to receive notice under this section upon a finding that the organization:

(a) has filed a request for a notification with the City Clerk in the form prescribed by rule, specifying the names and addresses of its representatives for the receipt of notice and its officers and directors;

(b) includes within its boundaries land within the jurisdiction of the permit authority;

(c) allows full participating membership to allow property owners/residents within its boundaries;

6. More than one neighborhood or community organization may represent the same area.

7. It shall be the duty of the neighborhood group to advise the City Clerk’s office in writing of changes in its boundaries, or changes in the names and addresses of the officers and representatives for receipt of notice.

8. A public information sign (or signs), provided by the Department for applications noted in Table G (Section 13.05.020.G), indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and where additional information can be obtained.

C. Process II – Administrative Decisions Requiring an Environmental Determination and Height Variances, Shoreline Permits, Conditional Use, Special Development Permits, Wetland/Stream/Fish & Wildlife Habitat Conservation Area (FWHCA) Development Permits.

1. A notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.010.E.
2. Notice of application shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils in the vicinity where the proposal is located; qualified neighborhood or community organizations consistent with the requirements set forth for Process I land use permits; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); the Puyallup Indian Tribe for “substantial action” as defined in the “Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners,” dated August 27, 1988; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.020.G. For major modifications to development approved in a PRD District rezone and/or site approval, the notice of application shall also be provided to all owners of property and/or taxpayers of record within the entire PRD District and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.020.G from the boundary of the PRD District.
3. Parties receiving notice of application shall be given 30 days, with the exception of five to nine lot preliminary plats which shall be given 20 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department, unless a Public Meeting is held, as provided by Section 13.05.020.F. The notice shall indicate that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 30 days of the mailing of such notice, or who requests receipt of a copy of the decision.
4. A public information sign (or signs), provided by the Department for applications noted in Table G (Section 13.05.020.G), indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and where additional information can be obtained.
5. Notice shall be published in a newspaper of general circulation for applications identified in the table in subsection G of this section.

D. Process III – Decisions Requiring a Public Hearing.

1. A notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.010.C.
2. Notice of application, including the information identified in Section 13.05.020.E, shall be mailed by first-class mail to the applicant, property owner (if different than the applicant), neighborhood councils in the vicinity where the proposal is located; qualified neighborhood or community organizations; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); Puyallup Indian Tribe for “substantial action” as defined in the “Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners,” dated August 27, 1988; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.020.G. For major modifications to development approved in a PRD District rezone and/or site approval, the notice of application shall also be provided to all owners of property and/or taxpayers of record within the entire PRD District and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.020.G from the boundary of the PRD District.
3. The notified parties shall be allowed 21 days from the date of mailing to comment on the pre-threshold environmental determination under provisions of Chapter 13.12, after which time the responsible official for SEPA shall make a final determination. Those parties who comment on the environmental information shall receive notice of the environmental determination. If an appeal of the determination is filed, it will be considered by the Hearing Examiner at the public hearing on the proposal.
4. A public information sign (or signs), provided by the Department, indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the

Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The notice shall contain, at a minimum, the following information: type of application, name of applicant, location of proposal, and where additional information can be obtained.

5. Notice shall be published in a newspaper of general circulation for applications identified in the table in subsection G of this section.

E. Content of Public Notice of Application. Notice of application shall contain the following information, where applicable, in whatever sequence is most appropriate for the proposal:

1. Date of application;
2. Date of notice of completion for the application;
3. Date of the notice of application;
4. Description of the proposed project action;
5. List of permits included in the application;
6. List of studies requested;
7. Other permits which may be required;
8. A list of existing environmental documents used to evaluate the proposed project(s) and where they can be reviewed;
9. Public comment period (not less than 14 nor more than 30 days), statement of right to comment on the application, receive notice of and participate in hearings, request a copy of the decision when made, and any appeal rights;
10. Date, time, place and type of hearing (notice must be provided at least 15 days prior to the open record hearing);
11. Statement of preliminary determination of development regulations that will be used for project mitigation and of consistency;
12. A provision which advises that a "public meeting" may be requested by any party entitled to notice;
13. Any other information determined appropriate, e.g., preliminary environmental determination, applicant's analysis of code/policy applicability to project.

F. Public Comment Provisions. Parties receiving notice of application shall be given the opportunity to comment in writing to the department. A "public meeting" to obtain information, as defined in Section 13.05.005, may be held on applications which require public notification under Process II when:

1. The Director determines that the proposed project is of broad public significance; or
2. The neighborhood council in the area of the proposed project requests a "public meeting"; or
3. The owners of five or more parcels entitled to notice for the application make a written request for a meeting; or
4. The applicant has requested a "public meeting."

Requests for a meeting must be made in writing and must be in the Planning and Development Services office within the comment period identified in the notice. One public meeting shall be held for a permit request regardless of the number of public meeting requests received. If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting. Notice of the "public meeting" shall be mailed at least 14 days prior to the meeting to all parties entitled to original notice, and shall specify the extended public comment period; however, if the Director has determined that the proposed project is of broad public significance, or if the applicant requests a meeting, notification of a public meeting may be made with the notice of application, and shall allow the standard 30-day public comment period.

The comment period for permit type is identified in Section 13.05.020.G. When a proposal requires an environmental determination under Chapter 13.12, the notice shall include the time within which comments will be accepted prior to making a threshold determination of environmental significance or non-significance.

G. Notice and Comment Period for Specified Permit Applications. Table G specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

Table G – Notice, Comment and Expiration for Land Use Permits

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation/determination of code	Recommended	100 feet for site specific	For general application	Yes	14 days	Director	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	Director	No	No	None
Boundary line adjustment	Required	No	No	No	No	Director	No	No	5 years***
Binding site plan	Required	No	No	No	No	Director	No	No	5 years***
Environmental SEPA DNS/EIS	Optional	Same as case type	Yes if no hearing required	Yes for EIS	Same as case type	Director	No	No	None
Variance, height of main structure	Required	400 feet	No	Yes	30 days	Director	No*	No	5 years
Open space classification	Required	400 feet	No	Yes	**	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	400 feet	Yes	Yes	21 days SEPA**	Hearing Examiner	Yes	Final Plat	5 years***
Plats 5-9 lots	Required	400 feet	Yes	Yes	20 days	Director	No*	Final Plat	5 years***
Rezones	Required	400 feet	No	Yes	21 days SEPA**	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance	Required	400 feet	No	Yes	30 days*** **	Director	No*	No	2 years/ maximum 6
Short plat	Required	No	No	No	No	Director	No	No	5 years***
Site approval	Optional	400 feet	No	Yes	30 days*** **	Director	No*	No	5 years
Conditional use	Required	400 feet	No	Yes	30 days*** **	Director	No*	No	5 years****
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days**	Hearing Examiner	Yes	No	5 years
<u>Temporary Homeless Camp Permit</u>	<u>Required</u>	<u>400 feet</u>	<u>Yes</u>	<u>Yes</u>	<u>14 days</u>	<u>Director</u>	<u>No</u>	<u>No</u>	<u>1 year</u>
Variance	Optional	100 feet	No	Yes	14 days	Director	No*	No	5 years
Waiver	Optional	100 feet	No	Yes	14 days	Director	No*	No	Condition of permit
Wetland/Stream/ FWPCA development permits	Required	400 feet	No	Yes	30 days	Director	No*	No	5 years with 5 year renewal option to a maximum of 20 years total
Wetland/Stream/ FWPCA Minor Development Permits	Required	100 feet	No	Yes	14 days	Director	No*	No	5 years with 5 year renewal option to a maximum of 20 years total
Wetland/Stream/ FWPCA verification	Required	100 feet	No	Yes	14 days	Director	No*	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

- * When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).
- ** Comment on land use permit proposal allowed from date of notice to hearing.
- *** Must be recorded with the Pierce County Auditor within five years.
- **** Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director's decision.
- ***** If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. A; passed May 8, 2012; Ord. 28050 Ex. B; passed Feb. 14, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. C; passed Jun. 30, 2009; Ord. 27771 Ex. B; passed Dec. 9, 2008; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27631 Ex. A; passed Jul. 10, 2007; Ord. 27431 § 6; passed Nov. 15, 2005; Ord. 27245 § 2; passed Jun. 22, 2004; Ord. 27158 § 1; passed Nov. 4, 2003; Ord. 26195 § 1; passed Jan. 27, 1998; Ord. 25852 § 1; passed Feb. 27, 1996)

13.05.030 Director Decision Making Authority.

A. Authority. The Director shall have the authority to act upon the following matters:

1. Interpretation, enforcement, and administration of the City's land use regulatory codes as prescribed in this title;
2. Applications for conditional use permits;
3. Applications for site plan approvals;
4. Applications for variances;
5. Applications for waivers;
6. Applications for preliminary and final plats as outlined in Chapter 13.04, Platting;
7. Applications for Wetland/Stream/FWHCA Development Permits, Wetland/Stream/FWHCA Verifications, and Wetland/Stream/FWHCA Minor Development Permits as outlined in Chapter 13.11;
8. Applications for Shoreline Management Substantial Development Permits/conditional use/ variances as outlined in Chapter 13.10;
9. Modifications or revisions to any of the above approvals;
10. Approval of landscape plans;
11. Extension of time limitations;
12. Application for permitted use classification for those uses not specifically classified.
13. Boundary line adjustments, binding site plans, and short plats;
14. Approval of building or development permits requiring Land Use Code and Environmental Code compliance;
15. Applications for temporary homeless camps

D. Interpretation and Application of Land Use Regulatory Code. In interpreting and applying the provisions of the Land Use Regulatory Code, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, morals or general welfare. It is not intended by this code to interfere with or abrogate or annul any easements, covenants or agreements between parties. Where this code imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires larger yards or setbacks and open spaces than are required in other ordinances, codes, regulations, easements, covenants or agreements, the provisions of this code shall govern. An interpretation shall be utilized where the factual basis to make a determination is unusually complex or there is some problem with the veracity of the facts; where the applicable code provision(s) is ambiguous or its application to the facts unclear; or in those instances where a person applying for a license or permit disagrees with a staff determination made on the application. Requests for interpretation of the provisions of the Land Use Regulatory Code shall be processed in accordance with the requirements of Section 13.05.040.

E. Permitted Uses – Uses Not Specifically Classified. In addition to the authorized permitted uses for the districts as set forth in this title, any other use not elsewhere specifically classified may be permitted upon a finding by the

Director that such use will be in conformity with the authorized permitted uses of the district in which the use is requested. Notification of the decision shall be made by publication in a newspaper of general circulation.

F. Reasonable Accommodation. Any person claiming to have a handicap, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC § 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Director with verifiable documentation of handicap eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap eligibility and need for accommodation are demonstrated, the Director shall approve an accommodation, which may include granting an exception to the provisions of this Code.

1. Purpose. This section provides a procedure for requests for reasonable accommodations made by persons with disabilities, their representative or any entity, when the application of a land use regulation acts as a barrier to fair housing opportunities.

2. Application. Requests for reasonable accommodation shall be submitted in the form of a letter to the Development Services Division of the Planning and Development Services Department and shall include the following:

- a. The applicant's name, address, and telephone number;
- b. Address of the property for which the request is being made;
- c. The current use of the property;
- d. The basis for the claim that the individual is considered disabled under the fair housing laws: identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and its effects on the person's medical, physical or mental limitations;
- e. The code provision, regulation or policy from which reasonable accommodation is being requested, including all applicable material necessary to reach a decision regarding the need for and reasonableness of the accommodation, such as drawings, pictures, plans, correspondence or any other background information relevant to the request;
- f. The type of accommodation being sought and why the reasonable accommodation is necessary to make the specific property accessible to the individual; and
- g. Other supportive information deemed necessary by the Department to facilitate proper consideration of the request, consistent with the Acts.

3. No application fee shall apply to a request for reasonable accommodation (unless the request is being made concurrently with an application for some other Land Use discretionary permit, in which case the applicant shall pay only the required application fee for that other discretionary permit).

4. Review Authority and Review Procedure.

- a. Review Authority. Requests for reasonable accommodation shall be reviewed by the Director, or his/her designee.
- b. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another Land Use discretionary application shall be reviewed by the authority reviewing the discretionary land use application; further, a reasonable accommodation cannot waive a requirement for a Conditional Use Permit when otherwise required or result in approval of uses otherwise prohibited by the City's land use and zoning regulations.
- c. Review Procedure. The Director, or his/her designee, shall grant, grant with conditions, or deny a request for reasonable accommodation in accordance with 13.05.030.F.5 (Findings and Decision).
- d. The Director may require a Concomitant Zoning Agreement (CZA) be recorded with the Pierce County Auditor to ensure conditions of approval are met. The City will be responsible for creating the CZA and will provide it to the applicant. The CZA must be recorded prior to issuance of Certificate of Occupancy or Certificate of Completion for the associated building permit;
- e. A notice of the Director's decision will be mailed to all property owners/taxpayers located within 100 feet of the site where the accommodation is requested.

5. Findings and Decision. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors, with or without conditions:

- a. The requested accommodation is necessary to make specific housing available to a disabled person;
- b. The housing will be used by a disabled person;
- c. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning; and
- d. The requested accommodation would not impose an undue financial or administrative burden on the City;

6. Reasonable Conditions. In granting a request for reasonable accommodation, the reviewing authority may further impose conditions of approval that are deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required under 13.05.030.F.5 above, such as removal of the improvements, where removal would not constitute an unreasonable financial burden and when the need for which the accommodation was granted no longer exists.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28077 Ex. B; passed Jun. 12, 2012; Ord. 28070 Ex. A; passed May 8, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. C; passed Jun. 30, 2009; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27539 § 1; passed Oct. 31, 2006; Ord. 27466 § 35; passed Jan. 17, 2006; Ord. 27431 § 7; passed Nov. 15, 2005; Ord. 27245 § 3; passed Jun. 22, 2004; Ord. 27017 § 5; passed Dec. 3, 2002; Ord. 26195 § 2; passed Jan. 27, 1998; Ord. 25852 § 1; passed Feb. 27, 1996)

Development Standards – TMC Chapter 13.06

13.06.635 Temporary use.

A. Purpose. The purpose of this section is to allow listed temporary uses which:

1. Are not contrary to the various purposes of this chapter;
2. Will not impede the orderly development of the immediate surrounding area, as provided for in the Comprehensive Plan and the zoning district in which the area is located; and
3. Will not endanger the health, safety, or general welfare of adjacent residences or the general public.

B. Temporary uses.

1. General. A temporary use shall be subject to the standards of development specified in this section.
2. Duration and/or frequency. Where permitted as a temporary use, the following uses may be authorized for the time specified in Table 1, and subject to Section 13.06.635.B.

Table #1: TEMPORARY USES ALLOWED – NUMBER OF DAYS ALLOWED

Temporary Use Type	Days Allowed Per Year
Seasonal sales	45
Carnival	14
Temporary housing	See Section 13.06.635.B.3.a
Temporary office space	See Section 13.06.635.B.3.b
Temporary storage	See Section 13.06.635.B.3.d
Temporary homeless camps	See Section 13.06.635.B.4

a. The duration of the temporary use shall include the days the use is being set up and established, when the event actually takes place, and when the use is being removed.

b. A parcel may be used for no more than three temporary uses within a calendar year; provided, the time periods specified in Table 1 are not exceeded. Multiple temporary uses may occur on a parcel concurrently; provided, the time periods in Table 1 are not exceeded.

3. Temporary structure standards.

a. Temporary housing.

(1) Such use shall be placed on a lot, tract, or parcel of land upon which a main building is being in fact constructed. The applicant shall have a valid building permit approved by Planning and Development Services;

(2) Such uses are of a temporary nature not involving permanent installations, including structures and utilities;

(3) That such a house trailer or mobile home shall be located at least 25 feet away from any existing residences;

(4) That conformance with all applicable health, sanitary, and fire regulations occasioned by the parking and occupancy of said house trailer or mobile home shall be observed.

(5) The temporary housing shall be removed within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

b. Temporary office space.

(1) Such use shall be in accordance with the use regulations of the zoning district within which the temporary office is located.

(2) Such use is appropriate due to the construction or reconstruction of a main building or the temporary nature of the use.

(3) Such use is of a temporary nature not involving permanent installations, including structures, utilities, and other improvements, unless such improvements are to be used in conjunction with a permanent structure, plans for which have been approved by Planning and Development Services. This provision shall not be construed to prohibit the installation of utilities necessary to serve the temporary use or the requiring of improvements necessary to eliminate or mitigate nuisances or adverse environmental impacts resulting from the temporary use.

(4) Such a temporary building shall be located at least 25 feet away from any existing structure or structures under construction unless it can be demonstrated that a lesser distance will be adequate to safeguard adjacent properties and provide a safe distance from any construction occurring on the site.

(5) Such temporary building shall not be required to comply with the design standards found in Section 13.06.501.

(6) That conformance with all applicable health, sanitary, and fire regulations occasioned by the parking and occupancy of said temporary building shall be observed.

(7) The temporary office shall be removed within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

c. Carnival.

(1) Such uses are of a temporary nature not involving permanent installations, including both structures and utility services, except those already existing on the premises.

(2) Proper regard shall be given to the controlling of traffic generated by the use with respect to ingress and egress to the given site and the off-street parking of automobiles attracted by the use.

(3) That any structures, buildings, tents, or incidental equipment shall be located at least 200 feet from existing residences;

(4) That off-street parking for the primary use on the site shall not be reduced below the required parking for that use.

d. Temporary storage. Temporary storage units are transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis, Temporary storage units, where allowed, shall be subject to the following standards:

(1) Temporary storage units shall be allowed as part of an active construction project or active moving process.

(2) In residential zoning districts, the maximum duration of temporary storage shall be 180-days in any two-year period, with up to one 60-day extension allowed at the discretion of Planning and Development Services.

(3) In commercial, mixed-use or industrial zoning districts, temporary storage units shall be removed within 30 days after final inspection of the project.

(4) Temporary storage units shall be placed in the least conspicuous location available to minimize disturbance to any adjoining properties and shall be located in accordance with all applicable building, health and fire safety ordinances and regulations. Units shall provide a minimum 5-foot setback from all exterior property lines and shall not be located within required buffer areas. Units shall not block, impair, or otherwise unduly inconvenience pedestrian or vehicular traffic patterns, emergency access, access points to the site, parking lots, or adjacent uses.

(5) Such use is of a temporary nature not involving permanent installations, including structures, utilities, and other improvements, unless such improvements are to be used in conjunction with a permanent structure, plans for which have been approved by Planning and Development Services. This provision shall not be construed to prohibit the installation of utilities necessary to serve the temporary use or the requiring of improvements necessary to eliminate or mitigate nuisances or adverse environmental impacts resulting from the temporary use.

(6) Such temporary building shall not be required to comply with the standard locational, bulk and area requirements or the design, landscaping, parking and other standards found in Sections 13.06.500-.522.

(7) Planning and Development Services shall have full discretion to stipulate additional limitations or conditions on such temporary use to ensure that it does not unduly affect the health, safety, or general welfare of adjacent properties or residences or the general public.

4. Temporary Homeless Camps

a. Purpose. In recognition of the need for temporary housing for homeless persons, it is the purpose of this section to allow sponsoring religious organizations to use property they own or control for temporary homeless camps, while preventing harmful effects associated with such uses, including the use of open flames, the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws.

b. Application. In order to allow sponsoring religious organizations to establish a temporary homeless camp on qualifying property, a permit must be obtained from Planning and Development Services in accordance with TMC 13.05 Land Use Permit Procedures and the following:

(1) The director of Planning and Development Services is authorized to issue permits for temporary homeless camps only upon demonstration that all public health and safety considerations have been adequately addressed and may administratively adjust standards upon providing findings and conclusions that justify the requirements.

(2) An application for a temporary homeless camp shall include the following:

(a) The dates of the start and termination of the temporary homeless camp;

(b) The maximum number of residents proposed;

(c) The location, including parcel number(s) and address

(d) The names of the managing agency or manager and sponsor

(e) A site plan showing the following shall be prepared and reviewed by staff which will make recommendations for best practices, including Crime Prevention Through Environmental Design (CPTED) principles:

(i) Property lines,

(ii) Property dimensions,

(iii) Location and type of fencing/screening (must be minimum ten (10) feet from property lines),

(iv) Location of all support tents/structures (administrative, security, kitchen, and dining areas)

(v) Method of providing and location of potable water,

(vi) Method of providing and location of waste receptacles,

(vii) Location of required sanitary stations (latrines, showers, hygiene, hand-washing stations),

(viii) Location of vehicular access and parking,

(ix) Location of tents and dwellings for each person (must meet Tacoma Pierce County Health Department requirements),

(x) Entry/exit control points, and

(xi) Internal pathways, access routes for emergency services

(f) A statement from the sponsoring religious organization regarding its commitment to maintain during the existence of any sponsored temporary homeless camp liability insurance in types and amounts sufficient to cover the liability exposures inherent in the permitted activity.

c. Safety and health requirements. A temporary homeless camp shall be established in accordance with the following standards:

(1) No more than 100 residents shall be allowed per camp location. The City may further limit the number of residents as site conditions dictate.

(2) A minimum seven thousand five hundred (7,500) square feet of site area shall be required for camps of up to fifty (50) people. Site area may be proportionally reduced if adjacent existing church buildings are used for support facilities such as kitchen, dining hall, showers and latrines, and

(3). For a camp of more than 50 residents, the minimum 7,500 square feet camp area shall be increased by 150 square feet for each additional resident, up to a total of 100 residents.

(4) The maximum duration of a homeless camp shall be ninety-three (93) consecutive days. Gravel or paved camp sites and sites not zoned for residential use may extend the maximum duration of the camp to 123 consecutive days.

(5) A camp may only return to the same church owned site after two years has lapsed since the start date of the previous camp. Gravel or paved camp sites and sites not zoned for residential use may decrease the relocation time to 18 months from the start date of the previous camp.

(6) In no event shall more than two (2) homeless camp sites be permitted within the City at any given time.

(7) The encampment shall be enclosed on all sides with a minimum six foot tall site obscuring fence.

(8) Permanent structures are prohibited from being constructed within the camp.

(9) Temporary homeless camps are prohibited in Shoreline Districts, critical areas, and their buffers.

(10) The sponsoring religious organization shall work with Neighborhood and Community Services and other agencies to find more permanent housing solutions for the inhabitants of the camp during its operation.

(11) One security/office/operations tent for the purposes of having the manager overseeing the camp must be onsite at all times. Persons who are acting as the on-site manager must be awake while on shift to monitor the security of the camp and be ready and able to alert police and/or other emergency responders if the need arises.

(12) The minimum age for camp inhabitants is 18-years-old.

(13) Each resident shall be pre-screened for warrants and a background check completed by the sponsor religious organization. No sex offenders will be permitted as camp residents.

(14) The temporary homeless camp must be located within one-quarter (1/4) mile of a bus route that is in service seven (7) days-a-week.

(15) The following facilities and provisions must be made available on site and approved for adequacy and location by the Tacoma-Pierce County Health Department prior to occupancy:

(a) Potable water as approved or provided by local utilities. Estimated usage is four to five (4-5) gallons per day per resident.

(b) One sanitary portable toilet per twenty (20) residents with service as required.

(c) Hand-washing stations with warm water, soap and paper towels and covered garbage cans at the following locations:

(i) One (1) per fifteen (15) residents next to the portable toilets

(ii) One (1) at the entrance to the dining area, and

(iii) One (1) at the food preparation area.

(d) One (1) showering facility per thirty-three (33) residents on-site. Fractions will be rounded to nearest whole number. This requirement may be reduced depending on reasonable access to off-site shower facilities.

(e) At least one food preparation area/tent with refrigeration, sinks and cooking equipment. If food is prepared on site, adequate dishwashing facilities must be available.

(f) Food preparation, storage and serving. No children under age of ten (10) in food preparation or storage areas

(g) An adequate water source must be made available to the camp

(h) Sleeping shelters must meet the following standards:

(i) Minimum two (2) feet separation on side and rear of tents is required from other tents and a clear area of four (4) feet is required at the entrance to all tents. All tents will be flame retardant.

(ii) Minimum thirty (30) square feet per resident in group tents.

(iii) Minimum forty to fifty (40-50) cubic feet of air space per resident in group tents.

(iv) Beds arranged at least three (3) feet apart in group tents.

(i) Waste water disposal including mop sink which drains to sanitary sewer, and

(j) Solid waste: Garbage and recycling removal by local utilities. Adequate scheduled dumping to prevent overflow. Estimate 30 gallon capacity per 10 residents. Infectious waste/sharps disposal shall be made available.

(k) Premises must be maintained to control insects, rodents, and other pests

(16) Fire safety shall be provided as approved by the Tacoma Fire Department (TFD), including:

(a) Approval letter from the Tacoma Fire Department, should the camp contain structures in excess of 200 square feet or canopies in excess of 400 square feet.

(b) Provide at least one fire extinguisher as specified by TFD within seventy-five (75) feet from every tent and at least one (1) in the kitchen facility and security office/tent.

(c) Adequate access for fire and emergency services, with a minimum of two access points.

(d) No smoking or open flames allowed in tents.

(e) Electrical inspection in coordination with Planning and Development Services electrical inspector to ensure safe provision of power to support tents and facilities (administration, security, kitchen, dining, shower, hygiene, and latrine facilities) and individual living tents.

(f) Security plan. The security plan shall:

(i) List the contact name and phone number of the on-site manager.

(ii) Contain an evacuation plan for the camp.

(iii) Contain a controlled access plan for residents, and

(iv) Contain a fire suppression and emergency access plan.

(17) Parking Standards.

(a) Parking spaces, layouts, and configuration shall be designed in accordance with TMC 13.06.510.

(b) A minimum of two (2) off-street parking spaces per 25 residents are required for all temporary homeless camps, and

(c) Any required parking for the principal/existing use on site shall not be displaced as a result of the temporary homeless camp.

(18) Refuse and recycling containers shall be provided on site, with service provided by Solid Waste Management and paid for by the applicant.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27079 § 48; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002)



City of Tacoma
Planning and Development Services

**Agenda Item
E-1**

To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: **Application #2014-08 – Open Space Element Update**
Meeting Date: January 16, 2014
Memo Date: January 22, 2014

At the January 8th, 2014 meeting, the Planning Commission authorized the proposed draft Open Space Element and staff report to be released for public review. Subsequently, staff have identified one additional item which we feel merits inclusion in the public review draft. The draft update adds an open space projects list to the Open Space Element, intended to facilitate implementation and project prioritization. Pursuant to that objective, staff are now proposing the addition of a High Priority Projects List to the Element.

A High Priority Projects List will increase the Element's effectiveness by providing a more meaningful forum to discuss and evaluate priorities, and will support the City's efforts to pursue grant and other funding. A similar approach is used in the Transportation Element for "short-term projects". Staff have developed the following list in a straightforward manner—by compiling the projects on which the City is currently working, which are partly or fully funded, which have been prioritized by the City Council, and/or which are identified as top priorities in other policy documents. The list includes those projects on which the City is the lead, and would include a reference to Metro Parks Tacoma and other agencies' plans.

Staff are proposing the following High Priority Projects List (listed in alphabetical order):

- Chinese Reconciliation Park
- Community Gardens Program
- Dome To Defiance (including Foss Esplanade, Schuster Parkway Promenade, Ruston Way promenade)
- First Creek corridor
- Garfield Gulch
- Julia's Gulch
- Pipeline Trail
- Point Defiance Park
- Prairie Line Trail
- Schuster Slope
- Wapato Hills
- Water Ditch Trail

At the January 22nd meeting, staff will seek the Commission's concurrence on including this list in the public review draft, which will allow it to be vetted publicly. If you have any questions please contact me at 591-5389 or elliott.barnett@cityoftacoma.org.

c: Peter Huffman, Director



City of Tacoma
Planning Commission

January 15, 2014

Honorable Mayor and Members of the City Council,

On behalf of the Planning Commission, I am forwarding our recommendations regarding the current phase of the Tacoma Link Light Rail Expansion Project.

Sound Transit is currently in the process of defining and evaluating route alignments along the North Downtown Central Corridor (Hilltop via the Stadium District), which has been identified as the preferred corridor for the potential expansion of Tacoma Link. The City Council is scheduled to make a recommendation in January-February 2014 to Sound Transit on which alignments should be studied for further environmental review. We recommend that the following criteria and factors be keenly weighted in your contemplation and decision-making:

1. The selected alignments should offer the best opportunity to maximize economic development, stimulate urban revitalization, and incentivize transit-oriented development along the corridor.
2. The selected alignments should result in the least amount of disruption to the urban fabric in Greater downtown (i.e., land use, urban design, and infrastructure), the urban lifestyles (i.e., commercial, educational, cultural and recreational activities), and capital investments already made for the Tacoma Link Light Rail.
3. The selected alignments should be consistent with the *Draft Hilltop Subarea Plan*, which is slated for adoption in April 2014 as a new element of the *Comprehensive Plan* and a genuine reflection of the community's vision and development goals for the Hilltop area. The subarea plan envisions a multimodal transportation system, including the Tacoma Link Light Rail on a two-way alignment on MLK Jr Way that provides high-quality transit service for the entire district. The potential transit investment would also be a powerful catalyst for economic development and generate a positive influence on livability and revitalization in Hilltop. [*Goal M-4, Figure 5-21, and Action M-13, Mobility Chapter, Draft Hilltop Subarea Plan, December 2013*]
4. The practicality of access, or the ease of accessibility, to transit stations, especially for the physically challenged, can affect the ridership in a more profound manner than normally expected. It should be carefully examined along with other ridership-influencing factors, such as the walking distance, topography, density and intensity of the area, and roadway and traffic conditions.

The Tacoma Link Expansion is one of the most significant transportation investment projects to be realized in the South Puget Sound Region in the foreseeable future. The Planning Commission received a briefing from Sound Transit staff on the project on January 8, 2014. Based on the information received, the Planning Commission decided to focus our deliberation of recommendations, not on specific route alignments that should be selected for environmental review purposes, but on the principles and criteria for the selection of alignments. We respectfully submit the above recommendations for your timely consideration.

Sincerely,

Sean Gaffney
Chair



City of Tacoma
Planning and Development Services

Agenda Item
E-3

Letter to the Community
Re: 2014 Annual Amendment

January 9, 2014

Dear Community Members:

I hope the new year brings you health, prosperity and happiness. We in the Planning Services Division look forward to your continued support and shared efforts to realize the City of Tacoma's vision and our goal to guide community growth and development in a manner that protects environmental resources, enhances quality of life, promotes distinctive neighborhoods and a vibrant downtown, and involves citizens in the decisions that affect them. We also want to be sure and keep you informed of some of the significant planning projects we are working on.

As many of you know, every year the City considers amendments to its Zoning Code and Comprehensive Plan through a single, consolidated package, which we refer to as the "Annual Amendment." The Tacoma Planning Commission is currently in the process of reviewing the 2014 Annual Amendment and will soon be holding a public hearing on the package. There are nine proposals (or "applications") that have been assembled in the 2014 Annual Amendment package. Those applications are:

1. Point Ruston Mixed-Use Center
2. Point Defiance Park Land Use Policies
3. Mixed-Use Centers Code Review (MUC-lite)
4. Affordable Housing Regulations
5. Container Port Element
6. Open Space Habitat and Recreation Element
7. Sustainability Code Amendment
8. Urban Forestry Landscaping Code Update
9. Plan and Code Cleanup

The Planning Commission has been reviewing the staff analyses for all of these applications and is looking to hold its public hearing on them in mid-March. The Commission will then complete its review and make a recommendation to the City Council in April, after which the Council will hold a public hearing and make a final decision on the package in May/June 2014.

This is an opportune time for you weigh in on the 2014 Annual Amendment or to learn more about it and the potential changes being considered. Here are just a few ways to get involved

Letter to the Community

RE: 2014 Annual Amendment

January 9, 2014

Page 2 of 2

or stay informed:

- Visit the Planning Services Division's website at www.cityoftacoma.org/planning, and click on "2014 Annual Amendment" (or click on any other link to review the various exciting projects);
- Get on the Planning Commission's E-mail Distribution List to receive the Commission's meeting agendas twice a month and other announcements;
- E-mail us at planning@cityoftacoma.org or call us at (253) 591-5682; or
- Request a meeting with staff. You are welcome to visit us at the City Hall, or we are happy to come to your meetings to provide a short briefing and solicit your comments, concerns and suggestions.

Attached for your review is a summary of the 2014 Annual Amendment applications along with the schedule of the project. If you have any questions about any of these applications or would like additional information about them, please do not hesitate to contact us.

Sincerely,



BRIAN BOUDET, MANAGER
Planning Services Division

Enclosure

c: Peter Huffman, Director

This letter is distributed to the following organizations:

- Blue Ribbon Panel
- Sustainable Tacoma Commission
- Transportation Commission
- Foss Waterway Development Authority
- Growth Management Coordination Committee
- MetroParks Tacoma
- Port of Tacoma
- Tacoma School District
- Bates Technical College
- Tacoma Community College
- University of Washington Tacoma
- Tacoma-Pierce County Affordable Housing Consortium
- Tacoma-Pierce County Chamber of Commerce
- Master Builders Association of Pierce County
- Association of General Contractors
- Cross Cultural Collaborative
- Downtown Merchants Group
- Green Tacoma Partnership
- Guadalupe Land Trust
- Hillside Development Council
- Tacoma Waterfront Association
- Tacoma-Pierce County Association of Realtors
- Walk the Waterfront
- Citizens for a Healthy Bay
- 6th Avenue Business District
- Dome Business District
- Fern Hill Business District
- Hilltop Business District
- Lincoln Business District
- McKinley Hill Business District
- Oakland-Madrona Business District
- Old Town Business District
- Pacific Avenue Business District
- Portland Avenue Business District
- Proctor Business District
- Ruston/Point Defiance Business District
- South Tacoma Business District
- Stadium Business District
- Tacoma Narrows Business District
- Cross District Association
- Central Neighborhood Council
- Eastside Neighborhood Council (ENACT)
- New Tacoma Neighborhood Council
- North End Neighborhood Council
- Northeast Neighborhood Council
- South End Neighborhood Council
- South Tacoma Neighborhood Council
- West End Neighborhood Council
- Community Council of Tacoma



**2014 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

A. Summary of Applications

APPLICATION	DESCRIPTION OF PROPOSED AMENDMENT
1. Point Ruston Mixed-Use Center	Designate the Tacoma portion of the former ASARCO property as a mixed-use center and a residential target area. (Applicant: Point Ruston, LLC)
2. Point Defiance Park Land Use Policies	Recognize Point Defiance Park as a Destination facility to allow potential development that would typically not be permitted in the R-1 zone. Policies could be added to the Open Space Habitat and Recreation Element. A Development Regulations Agreement (DRA) is being pursued as appropriate for a public facility of this size. The DRA will formalize allowable development within the Park along with conditions that will need to be met so that impacts are minimized to acceptable levels, and include a review process that will be required for specific development. (Applicant: Metro Parks Tacoma)
3. Mixed-Use Centers Code Review (MUC-lite)	Review development and design requirements currently applicable in the Neighborhood Mixed-Use Centers; identify barriers to desired development and develop alternatives; and amend the Land Use Regulatory Code to address the identified issues.
4. Affordable Housing Regulations (Phase 2)	To implement the Affordable Housing Policy Principles adopted into the Housing Element by the City Council in June 2012 (Phase 1), this proposal (Phase 2) would amend various sections of the Land Use Regulatory Code, and various elements of the Comprehensive Plan as appropriate, to address affordable housing issues including, but not limited to: Voluntary Housing Incentive Program, Inclusionary Requirements for Voluntary Residential Rezones, Regulatory Assistance to Developers of Affordable Housing, and Affordable Housing Design Practices for Accessory Dwelling Units (ADUs).
5. Container Port Element	Add a new Container Port Element to the Comprehensive Plan to: (1) define and protect the core area(s) of container port industrial uses; (2) identify and resolve key land use conflicts at the edges of the core area(s); and, (3) ensure access to freight corridors that serve container port industrial uses and recommend necessary transportation improvements. This work is mandated by a 2009 addition to the Growth Management Act relating to land use and transportation planning for marine ports in Seattle and Tacoma, and will be accomplished in collaboration with the Port of Tacoma.
6. Open Space Habitat and Recreation Element	Amend the element and obtain certification from the State Recreation and Conservation Office (RCO) to maintain the City's eligibility for certain funding programs administered by RCO. The current element was adopted in December 2008 and certified by RCO in June 2009, and provided Tacoma six years of RCO grants eligibility through December 2014. Issues to be addressed in the amendment may include: planning process for recreation issues, needs assessments and benchmarks for success, and inventory of capital projects and assets.

APPLICATION	DESCRIPTION OF PROPOSED AMENDMENT
7. Sustainability Code Amendment	Amend the Land Use Regulatory Code to incorporate and address sustainability related issues identified through recent projects and analyses, including LEED-ND (LEED for Neighborhood Development), STAR (Sustainability Tracking and Assessment Rating System), and NPDES LID (National Pollutant Discharge Elimination System – Low Impact Development) Review, and other relevant code issues reviewed by the Regional Code Coordinating Committee.
8. Urban Forestry Landscaping Code Update	Amend the Land Use Regulatory Code to strengthen trees and landscaping related regulations, with a focus on achieving such policy intents as incentives, flexibility, quality, and tree health (right tree; right place; right caring). This code amendment effort is one of the implementation strategies of the Urban Forestry Policy Element, and has gone through the first-phase review by the Planning Commission in 2011-2012.
9. Plan and Code Cleanup	Amend various elements of the Comprehensive Plan and sections of the Land Use Regulatory Code to update information, address inconsistencies, correct minor errors, provide additional clarity, and improve administrative efficiency.

B. Schedule (as of January 9, 2014)

August 1, 2013	Applications due
August 14	Infrastructure, Planning and Sustainability Committee (IPS) reviews scope of
August 21	Planning Commission reviews and approves of the Assessment Report
Sep 2013 – Feb 2014	Technical analyses of proposed amendments
Sep 2013 – Mar 2014	Public outreach
February 12, 2014	IPS review of proposals
February 19	Planning Commission authorizes proposed amendments for public review
March 12	Community Informational Session (pre-hearing)
March 19	Planning Commission Public Hearing
April 2	Planning Commission reviews public testimony and considers modifications to the proposals
April 16	Planning Commission recommendations to the City Council
April 23	IPS reviews Planning Commission's recommendations
April 29	City Council sets a public hearing date
May 13	City Council Study Session
May 13	City Council Public Hearing
May 14	IPS reviews public testimony, considers modifications to the proposals, and issues "Recommendation for Adoption"
May 20	City Council first reading of ordinances
June 3	City Council final reading of ordinances
July 1, 2014	Effective date of adopted amendments

C. Website:

www.cityoftacoma.org/Planning > "2014 Annual Amendment"

D. Staff Contact:

Lihuang Wung, Senior Planner
 Planning and Development Services Department
 (253) 591-5682; lwung@cityoftacoma.org