



AGENDA

MEETING: Regular Meeting and Public Hearing
TIME: Wednesday, March 19, 2014, 4:00 p.m.
(Public Hearing begins at approximately 5:00 p.m.)
LOCATION: Council Chambers, 1st Floor, Tacoma Municipal Building
747 Market Street, Tacoma, WA 98402

A. Call to Order

B. Quorum Call

C. Approval of Minutes – Regular Meeting on February 19, 2014

D. Discussion Items

1. Hilltop Subarea Plan

Review and approve the draft Letter of Recommendation and the draft Findings of Fact and Recommendation Report, and forward the Hilltop Subarea Plan and EIS to the City Council.
(See "Agenda Item D-1"; Brian Boudet, 573-2389, bboudet@cityoftacoma.org)

2. Shoreline Implementation Initiatives

Review current efforts to advance shoreline policies and implementation efforts including innovative strategies to provide a more seamless approach to project development and permitting.
(See "Agenda Item D-2"; Stephen Atkinson, 591-5533, satkinson@cityoftacoma.org)

3. Public Hearing – 2014 Annual Amendment Package

[Begins at approximately 5:00 p.m.]

Conduct a public hearing to receive public comment on the 2014 Annual Amendment and keep the record open through March 21, 2014 to accept written comments.

(See "Agenda Item D-3"; Lihuang Wung, 591-5682, lwung@cityoftacoma.org)

E. Communication Items & Other Business

(a) Infrastructure, Planning and Sustainability Committee meeting, March 26, 2014, 4:30 p.m., Room 16; agenda includes:

- Growing Transit Communities
- Parking System Initiatives
- 17th Street Extension and University of Washington Tacoma

(b) Planning Commission meeting, April 2, 2014, 4:00 p.m., Room 16; agenda includes:

- Development Activity Status Report
- Sustainability Tools for Assessing and Rating (STAR) Communities
- 2014 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code

F. Adjournment





MINUTES (draft)

TIME: Wednesday, February 19, 2014, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402
PRESENT: Scott Winship (Vice-Chair), Chris Beale, Benjamin Fields, Tina Lee, Alexandria Teague, Erle Thompson, Stephen Wamback (excused at 6:25)
ABSENT: Sean Gaffney (Chair), Donald Erickson

A. CALL TO ORDER

Vice-Chair Winship called the meeting to order at 4:02 p.m.

B. QUORUM CALL

A quorum was declared.

C. APPROVAL OF MINUTES

The minutes of the regular meeting on February 5, 2014 were approved with the following amendment to the first sentence under "D. Discussion Items":

"The Commission ~~suspended the rules~~ revised the agenda and considered the second item concerning the Temporary Homeless Camp Permitting Process first."

D. DISCUSSION ITEMS

1. Temporary Homeless Camp Permitting Process

John Harrington, Development Services Division, facilitated the Commission's review of the draft Findings of Fact and Recommendations Report and the draft Letter of Recommendation. The Commission brought up an issue concerning the frequency that a camp can return to a site, particularly in light of the 40-day extension option, and what date will be used, either the camp's start date or the end date. Other issues brought up by the Commission included clarification on whether a security "tent" or actual person will be on site at all times; clarification on the language for when campers will be screened for warrants and a background check; concern of whether the language regarding the bus service near camps is clear enough; concern over whether recycling stations should be required by hand washing stations; clarification on the language regarding the shower facilities required for the residents; suggestion to only allow smoking in designated smoking areas; clarification on the language regarding the installation of power to facilities in the camp; and clarification of the language regarding refuse and recycling service to the camps.

The Commission decided by consensus that the following changes be made to the draft Findings of Fact and Recommendations Report and the attached code language (i.e., Exhibit A): correcting the citation of the State law relating to homeless camps applicable to cities (Findings of Fact #1 and #2); clarifying TMC 13.06.635.B.4.c(11) that it's the security person on site; adding a requirement of "recycling container" to TMC 13.06.635.B.4.c(15)(c); removing the provision of "rounding to the nearest whole number" from TMC 13.06.635.B.4.c(15)(d) so that the requirement is "one showering facility per thirty-three residents"; and adding a provision to TMC 13.06.635.B.4.c(16)(e) requiring power installation to follow all pertinent rules.

Commissioner Thompson also suggested making TMC 13.06.635.B.4.c(16)(d) regarding “no smoking allowed in tents” more restrictive, such as “no smoking 25 feet from tent perimeters”. After some discussion, Commissioner Thompson introduced a motion to that effect, but it was not seconded, so the motion failed.

The Commission considered a motion to forward the Findings of Fact and Recommendations Report, as amended per consensus, and the Letter of Recommendation, as presented, to the City Council. The motion was seconded and passed with a vote of 6 to 1 (Commissioner Thompson voting no, and Chair Gaffney and Commissioner Erickson absent).

2. Hilltop Subarea Plan

Brian Boudet, Planning Services Division Manager, facilitated the Commission’s review of the public comments received at the public hearing on January 22, 2014 and through the comment period ending on January 24, 2014. He highlighted the major concerns and issues reflected in public comments.

The first issue is concern about affordable housing and gentrification. Mr. Boudet expressed that the plan does put forth multiple strategies designed to address affordable housing and gentrification with a vision of a mixed-income community. Associated strategies establish goals regarding the cost of housing, as well as expanding economic opportunity for residents and reducing other significant household costs, such as transportation. A specific goal in the draft plan that addresses affordable housing indicates that at least 25 percent of total housing units in Hilltop shall be affordable to households earning up to 80 percent of the countywide average median income. Some members of the community have expressed concern about this goal and the feeling that it is not sufficient.

Staff reviewed the goal, discussed the process through which that goal was derived, and discussed the disparity between Hilltop average median income and countywide average median income. In response to this concern, staff met with the chair and vice-chair of the Community Working Group and the representative of the Tacoma-Pierce County Affordable Housing Consortium that served on the working group. Recognizing the community concern and the current income gap, a revised goal was developed for the Commission’s consideration, in which at least 25 percent of total housing units in Hilltop shall be affordable to household earning up to 80 percent of the countywide average median income and at least half of that shall be affordable to households earning up to 50 percent of the countywide average median income.

The next issue that Mr. Boudet covered was an assertion that there was not enough community outreach during the development of the plan. Staff maintains that there was substantial public input over the past two-plus years of developing the plan. The next issue was regarding transit review analysis. Pierce Transit wrote a letter expressing that they felt transit review analysis should be required for level one and level two projects, rather than just level two. Staff agrees with this proposal and recommends modifying the proposed code language to address this issue. The final issue Mr. Boudet presented was concern regarding toxics cleanup and water quality issues, and how the State will be apprised of new projects in this area to ensure that this issue is addressed. This is a statewide issue and Tacoma will be developing new notifications to replace SEPA notifications and review, and some minor language can be added to be Plan to more clearly reflect this approach.

Discussion ensued. Issues brought up by the Commission included how the affordable housing goal will be implemented; whether the goal of 25% affordable housing units is too low for the area and possibly changing it to 35%; whether using Hilltop median income data rather than countywide median income data would fit better with the goal; whether the percentages of the countywide average median income used in the Plan should be lower to better reflect Hilltop incomes; what the requirements would be for a level one transit review analysis; and a request to emphasize the list of community partners in the introduction of the document and a map of the Subarea more clearly documented. Other concerns brought forward by the Commission included whether a higher affordable housing goal might undermine the desire for a mixed-income community, drive rents down and/or the percentages of affordable housing higher; concern that the Commission may be suggesting different percentages for affordable housing late

in the process after there has been significant work that has gone into the numbers presented over the past two years; and whether there is a preservation policy in the Plan to make sure that the current single-family housing and apartments don't get swept away in the process of redevelopment of the Hilltop. At the end of a long discussion, the Commission elected to continue its consideration at the next meeting as part of its review of the Findings & Recommendations Report and Recommendation Letter.

3. 2014 Annual Amendment Package

Lihuang Wung, Planning Service Division, presented the 2014 Annual Amendment Package, which includes nine applications for amending the Comprehensive Plan or the Land Use Regulatory Code. He indicated that over the past six-months the Commission has completed the technical analysis for each individual application and authorized the distribution of the respective proposed amendments for public review. The Commission had requested minor changes be made to four of the nine applications upon authorizing the distribution of them for public review. Mr. Wung reported on the changes made to the application of "Sustainability Code Amendments"; Elliot Barnett, Planning Services Division, reviewed the changes made to the applications of "Open Space Habitat and Recreation Element" and "Urban Forestry Landscaping Code Update"; and Brian Boudet, Planning Services Division Manager, presented the changes concerning the "Mixed-Use Centers Code Review (MUC-Lite)." After a brief discussion, the Commission voted unanimously to authorize the distribution of the 2014 Annual Amendment Package for public review and set March 19, 2014 as the date for a public hearing to receive public comment.

E. COMMUNICATION ITEMS AND OTHER BUSINESS

The Commission voted to cancel the meeting of March 5, 2014.

Mr. Wung provided the following information:

- Agenda for the Infrastructure, Planning & Sustainability Committee's meeting on February 26, 2014;
- Agenda for the Planning Commission's meeting on March 19, 2014.

F. ADJOURNMENT

The meeting was adjourned at 6:42 p.m.



City of Tacoma
Planning and Development Services

**Agenda Item
D-1**

To: Planning Commission
From: Brian Boudet, Manager, Planning Services Division
Subject: **Hilltop Subarea Plan**
Meeting Date: March 19, 2014
Memo Date: March 13, 2014

At the next meeting on March 19, 2014, the Planning Commission will consider making a recommendation to the City Council for adopting the proposed Hilltop Subarea Plan as a new, important element of the Comprehensive Plan.

Attached for the Commission's review and approval are a draft Letter of Recommendations and a draft Findings of Fact and Recommendations Report. It is noted that all of the six exhibits attached to the report have been reviewed by the Commission; they are not being provided in this agenda packet, but will be included in the packet to be forwarded to the City Council.

If you have any questions, please contact me at (253) 573-2389 or bboudet@cityoftacoma.org.

Attachments

c: Peter Huffman, Director



March 19, 2014

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL,

On behalf of the Planning Commission, I am forwarding the proposed Hilltop Subarea Plan for your consideration for adoption as a new, important element of the City of Tacoma's Comprehensive Plan. Also recommended for your consideration is the Final Environmental Impact Statement (FEIS) for the Subarea.

As you well know, the mixed-use centers, such as the Hilltop Mixed-Use Center, are at the heart of the Comprehensive Plan's growth strategy. They are intended to accommodate a significant share of Tacoma's future population and employment growth by encouraging a more intense level of development that is well-served by transportation options. The mixed-use centers will be areas that provide a range of housing choices, employment opportunities, transit-supportive development, pedestrian and bicycle facilities and a mix of shops, services and public spaces. Renewing and transforming the mixed-use centers into functional, vibrant, sustainable urban villages is critical to achieving the City's long-term goals and vision for its future. As it is part of the designated Downtown Regional Growth Center, the revitalization of the Hilltop Subarea is also critical to achieving Vision 2040 – the adopted regional Growth Management, Environmental, Economic, and Transportation Strategy for the Central Puget Sound Region.

The Subarea Plan and FEIS are the result of a more-than two-year planning process conducted in coordination with the Hilltop Community Working Group, involving intensive analyses, thorough research, rigorous deliberations, and extensive outreach efforts. The Subarea Plan and FEIS will capitalize on the potential of the Hilltop Mixed-Use Center, proactively making the area well poised to accommodate future growth and development. Specifically, the Subarea Plan will supplement current policies and regulations governing transportation, land use, affordable housing, open space, capital facilities, and utilities and will fulfill Growth Management Act and Vision 2040 goals and requirements. The FEIS is a "Planned Action FEIS," with the objective of eliminating the need for subsequent environmental review associated with site-specific development or redevelopment. In combination, the Subarea Plan and EIS will provide certainty for future development, simplify and expedite the permitting process, and foster high quality urban development in the area.

This planning effort, in concert with the other subarea planning projects underway, directly responds to the collective desires of the Commission, the Council, and the community that this type of focused planning effort is critical to realizing the Mixed-Use Centers vision in a way that respects the unique nature of the City's different neighborhoods. As you will recall, at the end of the previous multi-year review of the City's mixed-use centers, there was an increasing recognition that while broad policy and code updates can and should establish the basic framework for future growth, they cannot sufficiently address the distinctive needs and issues in the various centers, or overcome all of the barriers that have limited their growth and development. This type of innovative and progressive planning and environmental work directly addresses that need by providing opportunities for area-wide approaches, the ability to strategically focus future expenditures of public and private funds that contribute to overall implementation of the goals and vision instead of incremental improvements, and a means to coordinate decisions between diverse interest groups and bolster community involvement in planning their neighborhood, which can enrich local ownership of the results while strengthening

Mayor and City Council

Hilltop Subarea Plan

March 19, 2014

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the potential for successful implementation. We are excited to be part of this, and excited to be a partner and advocate, along with the Council and community, for the continued implementation of this excellent plan.

Enclosed is the "*Planning Commission's Findings and Recommendations Report, March 19, 2014*" that summarizes the proposed Hilltop Subarea Plan, the review process and outreach efforts for the Subarea Plan and the associated FEIS. The Planning Commission believes that our recommendations will help achieve the City's strategic goals for a safe, clean and attractive community and a diverse, productive and sustainable economy.

Sincerely,

SEAN GAFFNEY
Chair

Enclosure



HILLTOP SUBAREA PLAN AND ENVIRONMENTAL IMPACT STATEMENT (EIS)

DRAFT

TACOMA PLANNING COMMISSION
FINDINGS OF FACT AND RECOMMENDATIONS
For Planning Commission's Review on March 19, 2014

A. SUBJECT:

Draft Hilltop Subarea Plan for adoption as an element of the Comprehensive Plan and proposed amendments to the Tacoma Municipal Code, Chapters 13.06 Zoning and 13.17 Mixed-Use Center Development.

B. SUMMARY AND BACKGROUND:

Subarea Plan

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.

Proposed implementation actions in the Subarea Plan will revise zoning and apply organizational approaches, economic and business recruitment, arts and cultural promotions, historical preservation objectives, complete street typologies, multi-modal transportation plans and projects including streetcar, bike, and pedestrian facilities, sustainability measures, and initiate catalytic projects for City and privately owned properties, among other measures.

The Subarea Plan supplements current Tacoma policies governing the environment, land use, economics, transportation, design resources, parks and recreation, public services, and utilities. The Plan supports the City's Comprehensive Plan, while focusing on issues and opportunities at a scale that is responsive to the Subarea's specific needs.

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

The Subarea Plan is intended to provide innovative planning and policy interventions to help Hilltop achieve its tremendous potential for economic development, an outcome that will deliver a broad range of equitable social and environmental benefits at both the local and regional scales. The Subarea Plan will serve as a statement of the City's commitment and direction for these areas and as a resource for potential investors, property owners, the community, and other public agencies.

Environmental Impact Statement

The City of Tacoma prepared a non-project EIS for the 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 yet conciseness to improve usefulness; 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 -- providing certainty for future development and simplifying and

expediting the permitting process in order to foster the realization of high quality urban development in the Hilltop Subarea.

The EIS considered a No Action alternative and the Proposed Action alternative. The No Action alternative is one where the goals, objectives, concepts, policies, and regulations in the existing Comprehensive Plan and Zoning Map and Ordinance are not changed. The Proposed Action alternative is one where environmental, parks and open spaces, land use and zoning, population and housing, road network, on-road bike lanes, pedestrian walkways and sidewalks, streetscapes, gateways and way-finding, transit routes, catalytic public, catalytic private development projects, and a variety of partnership or joint ventures are potentially entered into with nonprofit and other public agencies to implement the plan.

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

For a non-project EIS completed under RCW 43.21C.420, the SEPA-based appeal opportunity occurred in conjunction with issuance of the non-project Final EIS on December 31, 2013. Consistent with RCW 43.21C.420, a proposed development will not be subject to project-specific SEPA-based administrative or judicial appeals if the proposed development is (1) proposed within 10-years of the issuance of the subarea Final EIS, (2) situated within the subarea, and (3) appropriately addresses the adopted subarea plan and development regulations. Similarly, there are no SEPA noticing requirements for subsequent, site-specific development or redevelopment within the subarea that appropriately addresses the subarea plan and development regulations.

C. LOCATION:

The Hilltop Subarea, also known as the Hilltop Mixed-Use Center, is centered on Martin Luther King Jr (MLK) Way from Division Avenue to south of South 23rd Street, and to the west of South I Street/Yakima Avenue from Division Street to South 27th Street. The Hilltop Subarea generally extends a half block west from MLK except where it extends west to Sheridan Avenue along South 11th Street. The Hilltop Subarea includes approximately 271 acres and acts as a major gateway into downtown Tacoma and its historic brewery district. The Hilltop Subarea is part of the larger Hilltop Neighborhood, which includes the predominantly single-family neighborhood that extends west toward Sprague Avenue.

D. FINDINGS OF FACT:

- 1. Comprehensive Plan and Development Regulations** – The Comprehensive Plan, adopted in 1993 by Ordinance No. 25360 and amended by ordinance once every year thereafter, is Tacoma's comprehensive plan as required by the State Growth Management Act (GMA) and consists of several plan and program elements. As the City's official statement concerning future growth and development, the Comprehensive Plan sets forth goals, policies and strategies for the health, welfare and quality of life of Tacoma's residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is the key regulatory mechanism that supports the Comprehensive Plan.
- 2. Planning Mandates and Guidelines** – GMA requires that any amendments to the Comprehensive Plan and/or development regulations conform to the requirements of the Act. Proposed amendments to the Comprehensive Plan and/or development regulations must also be consistent with the following State, regional and local planning mandates and guidelines:
 - The State Growth Management Act (GMA);
 - The State Environment Policy Act (SEPA);
 - VISION 2040, the Growth Management, Environmental, Economic, and Transportation Strategy for the Central Puget Sound Region (adopted on April 24, 2008 and amended on May 28, 2009);

- Transportation 2040, the action plan for transportation in the Central Puget Sound Region (adopted on May 20, 2010);
- The Countywide Planning Policies for Pierce County;
- The City Council's guiding principles for planning the future growth: (1) to protect neighborhoods, (2) to protect critical areas, (3) to protect port, industrial and manufacturing uses, and (4) to increase densities in the downtown and neighborhood business districts (Resolution No. 37070, December 19, 2006); and
- TMC 13.02 concerning the procedures and criteria for amending the Comprehensive Plan and development regulations and for area-wide zoning reclassifications.

3. Public Outreach Efforts:

Staff has conducted extensive outreach efforts to ensure early and continuous public participation in the subarea planning process. The outreach efforts included providing project updates and overviews of the Subarea Plan and EIS to neighborhood councils, interested parties, regular meetings with a steering committee, periodic stakeholder meetings, open houses, community charettes, business group outreach, and focused and general surveys. Throughout the process participants were encouraged to voice concerns, provide suggestions, and to discuss particular issues. The entities that staff has approached and worked with include, but are not limited to: Allen Renaissance, Associated Ministries, Bates Technical College, Black Collective, Central Neighborhood Council, Centro Latino, Chamber of Commerce, Colored Women's Association/Club, Community Health Care, Evergreen State College, Franciscan Health System, Hillside Development Council, Hilltop Action Coalition, Hilltop Business District Association, Historic Tacoma, McCarver Elementary School, Metro Parks Tacoma, Multicare Health Systems, New Tacoma Neighborhood Council, Shared Housing Services, Tacoma Housing Authority, Tacoma Ministerial Alliance, Tacoma Urban League, Tacoma-Pierce County Affordable Housing Consortium, University of Washington Tacoma, Wedge Neighborhood Historic District, Washington State Department of Transportation, Pierce Transit, Sound Transit, Puget Sound Regional Council, Puyallup Tribe of Indians, as well as the City's Public Works Department, Environmental Services Department, Community and Economic Development Department, Police Department, Legal Department and Tacoma Public Utilities.

4. Public Notification Process:

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

- (a) An initial Community Meeting was held on January 5, 2012. Notice of the Community Meeting included general illustrations and descriptions of buildings that are generally representative of the maximum building envelope that could be allowed under the Subarea Plan and notice was posted on major travel routes within the Subarea. In addition, notice was mailed to all:
 - Property owners of record within the Subarea and within 1,000 feet of the boundaries of the Subarea;
 - Licensed businesses within the Subarea, including small businesses as defined in RCW 19.85.020
 - Affected federally-recognized tribal governments whose ceded area is within on-half mile of the boundaries of the Subarea;
 - Agencies with jurisdiction over future development within the Subarea;
 - All preservation and development authorities established under chapter 43.167 RCW, TMC 13.12.560(d)(2).
 - the Tacoma Public Library
- (b) An initial Scoping Meeting was held on February 2, 2012. Notice of the Scoping Meeting was mailed to:
 - Property owners of record within the Subarea and within 1,000 feet of the boundaries of the Subarea

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

The Scoping meeting Notice was published in the Daily Index.

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

- (c) A Notice of Availability of the issuance of the Draft Subarea Plan, Draft EIS and subsequent Public Open House on December 5, 2012, was mailed on December 3, 2012, to:

- Property owners of record within the Subarea and within 1,000 feet of the boundaries of the Subarea
- Affected federally-recognized tribal governments whose ceded area is within one-half mile of the boundaries of the Subarea
- Agencies with jurisdiction over future development within the Subarea
- Licensed businesses within the Subarea, including small businesses as defined in RCW 19.85.020
- All preservation and development authorities established under chapter 43.167 RCW, TMC 13.12.560(d)(2)
- Neighborhood councils, qualified neighborhood community organizations in the site vicinity
- The Tacoma Public Library
- The Department of Ecology
- The Puyallup Tribe for substantial actions defined in the Agreement between the Puyallup Tribe, Local Governments in Pierce County, the State of Washington, the United States of America, and certain taxpayers, dated August 27, 1988.

In addition, notice of the issuance of the Draft Subarea Plan and Draft EIS was published in the Daily Index and e-mail notification sent to community groups, stakeholders, and other interested parties.

- (d) A Notice of availability was mailed upon issuance of the Final EIS and included notice of the Final Draft Subarea Plan Planning Commission Public Hearing held on January 22, 2014. The notice was mailed in accordance with the Washington State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C of the Revised Code of Washington (RCW) (as revised in 1983), and SEPA Guidelines (effective January 16, 1976 and as revised April 4, 1984), Chapter 197-10, Washington Administrative Code (WAC). On December 31, 2013, the notice was mailed to:

- Property owners of record within the Subarea and within 1,000 feet of the boundaries of the Subarea
- Affected federally-recognized tribal governments whose ceded area is within one-half mile of the boundaries of the Subarea
- Agencies with jurisdiction over future development within the Subarea
- Licensed businesses within the Subarea, including small businesses as defined in RCW 19.85.020
- The Department of Ecology
- All preservation and development authorities established under chapter 43.167 RCW, TMC 13.12.560(d)(2)
- Neighborhood councils, qualified neighborhood community organizations in the site vicinity
- The Puyallup Tribe for substantial actions defined in the Agreement between the Puyallup Tribe, Local Governments in Pierce County, the State of Washington, the United States of America, and certain taxpayers, dated August 27, 1988.

Notice of the issuance of the Final Draft Subarea Plan and Final EIS was published in the Daily Journal of Commerce and the Daily Index, and e-mail notice was sent to community groups, stakeholders, and other interested parties.

- **Public Notice Signs** – Public notice signs were installed throughout the Subarea prior to the initial Community and Scoping Meetings in 2011.
- **Website** – The public hearing notice and all information associated with the Hilltop Subarea Plan and EIS were posted on the Planning and Development Services' website at www.cityoftacoma.org/hilltopplan.
- **Environmental Review** – The Final Environmental Impact Statement (Final EIS) for Tacoma's Hilltop Subarea Plan was prepared in compliance with the State Environmental Policy Act (SEPA) of 1971 (Chapter 43.21C, Revised Code of Washington); the SEPA Rules, effective April 4, 1984, as amended (Chapter 197-11, Washington Administrative Code); rules adopted by the City of Tacoma implementing SEPA (Tacoma Municipal Code, Chapter 13.12 – Environmental Code, and rules adopted by the University of Washington implementing SEPA (478-324 WAC). Whereas the City of Tacoma is the lead agency for SEPA compliance, it has determined that this EIS has been prepared in a responsible manner using appropriate methodology. The City has directed the areas of research and analysis that were undertaken in preparation of this EIS. The Final EIS accompanies the proposed Hilltop Subarea Plan and should be considered in making final decisions concerning the Subarea Plan, as well as new policies and regulations, and site-specific projects proposed within the Hilltop Subarea. The FEIS was issued on December 31, 2013.

5. Comments and Responses:

- (a) No comments were received from the Department of Commerce or PSRC.
- (b) Multiple people provided feedback on the Draft Subarea Plan. All of the written public comments received on the Draft Plan are compiled in Exhibit D of the Final EIS, and summarized as follows:
 - The desire to retain and recruit businesses that support and can expand the health related services and products offered by the MultiCare and Franciscan Health Systems and Community Health Care as well as the growth of these institutions proper in the MLK area.
 - More information should be included about bus transit and transit services as they existed in 2007. Further analysis of level of service and connections to various neighborhoods and Downtown should be included.

- The City has done a phenomenal job of incorporating the wants and needs of the community in the Plan and listened to the community.
 - General support of the Plan and desire to see the Browne's Star building developed.
 - Feedback about food deserts, a desire to incentivize urban farming, and how to help foster a Farmers Market in the former Brown's Star Grill.
 - The Plan is comprehensive, easy to read and understand, offers many options along the way and stresses the importance of a holistic approach through its articulate and thorough depiction of the proposed effects on the existing local community.
 - Concerns about connectivity between the different transportation modes. The recommendations must ensure that Link, streetcar, and bus schedules are coordinated; improve connectivity on the south end of the proposed streetcar and bicycle routes; and increase the number of "local streets" with improvements to enhance neighborhood connectivity and redesign.
 - Clarifications on the role and potential participation of certain community groups
 - The importance of swimming pools for the community.
 - The New Tacoma Neighborhood Council supported the implementation of the catalytic development projects in the Plan.
 - Support for the Plan and the public outreach process, and suggestions about the sustainability of the plan, height limits, and 'branding' in the subarea.
 - Improvements to sidewalks, crosswalks and curb ramps are vital to encourage the use of public transportation, walking and bicycling.
 - Careful planning and consideration needs to be given to how streetcar and bus will complement each other in the future.
 - Pierce Transit supports the goal to "retain and expand Pierce Transit's schedules and stops..."
 - Pierce Transit cannot help fund sidewalk and street projects and street maintenance.
 - Complete Streets designations should more clearly distinguish between bus Transit Priority and streetcar Transit Priority.
 - Desired clarifications regarding certain terminology and references in the draft plan.
- (c) The public comments received on the Draft Subarea Plan were reviewed and discussed at numerous Planning Commission and Community Working Group meetings between January and December of 2013. The Final Draft Subarea Plan, issued December 2013, reflected substantial changes to the initial draft, based both on the public comments received and the continuing community and Commission discussions. The Final Draft Plan including 20 new action strategies designed to better address issues such as transportation infrastructure, transit and light rail service, open space, connectivity to the adjacent neighborhoods and downtown, affordable housing, and zoning and development regulations. The document was also modified significantly to improve readability and consistency between this plan and the adjacent South Downtown Subarea Plan. The Final Draft Subarea Plan was forwarded to the Planning Commission by the Community Working Group with a consensus recommendation for approval.
- (d) Multiple people provided feedback on the Final Draft Subarea Plan. Eight people testified at the Commission's public hearing on January 22, 2014 and 35 written comments were submitted, some prior to the comment deadline and many after the comment deadline (but all still reviewed and considered by the Planning Commission). The public hearing testimony and public comments received are provided as Exhibits "D" and "E." Some of the public comments

expressed support for the project, the community process, and the Final Draft Plan. Many of the public comments expressed concerns, including about the following issues:

- Affordable housing and gentrification
- Community outreach
- Transit review requirements
- Contaminated soils cleanup

(e) All of the public comments were provided to the Planning Commission for their review and consideration and discussed at the Commission's February 5, 2014 meeting. Staff also prepared a Public Comments and Staff Responses Report, which summarized public comments and staff's responses, and where appropriate, staff's suggested revisions to the Final Draft Subarea Plan. The Commission reviewed the report on February 19, 2014, and continued its discussion of the public comments and potential modifications to the Draft Plan at the March 19, 2014 meeting. After consideration of the public comments and staff's suggested modifications, the Commission determined that additional modifications be made to the Final Draft Plan, as described below:

- Goal NR-7, related to affordable housing, should be amended _____.
- The proposed traffic mitigation analysis should be modified to ensure that impacts to existing transit facilities is addressed as part of both Level 1 and Level 2 studies (the initial draft only clearly required this for Level 2).
- The plan should include a clear statement regarding the State's requirements associated with cleaning up contaminated soils as part of new development projects within the area.
- Additional language should be added at the beginning of the document to emphasize the extensive list of community partners involved in the creation of and outreach associated with the Plan.
- Include a map near the beginning of the document to more clearly communicate the boundaries of the Subarea (and the fact that it does not include the entire Hilltop Neighborhood).

E. CONCLUSIONS:

1. The Planning Commission concludes that the proposed Hilltop Subarea Plan and EIS are consistent with the Comprehensive Plan, particularly the Plan's designation of this area as a Neighborhood Mixed-Use Center and part of the Downtown Regional Growth Center.
2. The Planning Commission concludes that the proposed Plan is consistent with the City's and community's long-standing and continuing desire for revitalization of this important and historic neighborhood, commercial district, and employment center.
3. The Planning Commissions concludes that the proposed Plan is consistent with Vision 2040: the Regional Growth Strategy, within which it is a designated part of the Downtown Regional Growth Center.
4. The Planning Commission concludes that the proposed Plan and EIS will position the City well for potential funding opportunities.
5. The Planning Commission concludes that the Subarea Plan accurately reflects the intent of and is consistent with the Countywide Planning Policies as updated in 2012.
6. The Planning Commission concludes that effective implementation of the policies within the Subarea Plan should improve the attractiveness, use, and overall quality of development within the Subarea, and result in an enhanced, interconnected public access system that provides an attractive amenity for the recruitment and retention of businesses and residents to the City of Tacoma.

7. The Planning Commission concludes that the Hilltop Subarea Plan will facilitate transit-oriented development through its policies that support transit and transit agencies, transportation mode-shifting, reduced parking requirements, and complete streets.
8. The Planning Commission concludes that the Subarea Plan is the policy document that enables the actions needed to achieve the Vision of the Hilltop Subarea as it provides a long-term, coordinated framework to promote the ongoing revitalization of the area.
9. Concerning the proposed code changes associated with the Hilltop Subarea Plan, the Planning Commission concludes that the proposed amendments to the Land Use Regulatory Code will adequately address the goals and desires of the citizens of Tacoma and will improve the cohesiveness of the Code.
10. The Planning Commission further concludes that the proposed Hilltop Subarea Plan, as described above, is consistent with the Growth Management Act, will benefit the City as a whole, will not adversely affect the City's public facilities and services, and is in the best interests of the public health, safety and welfare of the citizens of Tacoma.

F. RECOMMENDATIONS:

The Planning Commission recommends that the City Council adopt the Hilltop Subarea Plan, as set forth in Exhibit A, as a new element of the Comprehensive Plan and adopt the proposed amendments to the Tacoma Municipal Code, Chapters 13.06 Zoning and 13.17 Mixed-Use Center Development, as set forth in Exhibit B. The Planning Commission also provides the *Final Environmental Impact Statement for the Hilltop Subarea Plan, Issued December 31, 2013*, as set forth in Exhibit C, for the City Council's reference.

G. EXHIBITS: *(compiled separately from this report)*

- Exhibit A. Draft Hilltop Subarea Plan
- Exhibit B. Proposed Amendments to the Tacoma Municipal Code, Chapters 13.06 Zoning and 13.17 Mixed-Use Center Development
- Exhibit C. Final Environmental Impact Statement for the Hilltop Subarea Plan, Issued December 31, 2013
- Exhibit D. Minutes of the Planning Commission's Public Hearing, January 22, 2014
- Exhibit E. Written Comment Letters received on the Final Draft Subarea Plan



City of Tacoma
Planning and Development Services

**Agenda Item
D-2**

To: Planning Commission
From: Stephen Atkinson, Associate Planner, Planning Services Division
Subject: **Shoreline Implementation Initiatives**
Meeting Date: March 19, 2014
Memo Date: March 13, 2014

In November of 2011 the City Council approved an updated Shoreline Master Program. Upon completion of the Department of Ecology review process, the Master Program and associated Public Access Alternatives Plan and Thea Foss Waterway Design Guidelines became effective on October 15 of 2013. Through this process City staff has been pursuing innovative methods for implementing the new policies and regulations adopted through the Shoreline Master Program. At the meeting on March 19, staff will provide an overview of ongoing shoreline planning initiatives intended to implement the vision and policies adopted by the City Council and approved by the Department of Ecology. These include:

- An approved interlocal agreement with the Port of Tacoma pertaining to the provision of public access associated with Port development projects;
- An approved interlocal agreement with the City of University Place to create a streamlined approach to conducting permit review for the planned build-out of the Narrows Marina property, which is located in part in the Cities of Tacoma and University Place;
- Proposed draft updates of the Public Access Alternatives Plan and the development of Tacoma Waterfront Design Guidelines; and
- The completion of a conceptual design and feasibility study for a Schuster Parkway Promenade and grant applications in support of the concept.

The adopted interlocal agreements with the Port of Tacoma and University Place are attached for the Commission's review, see attachments "A" and "B."

If you have any questions, please contact me at (253) 591-5531 or satkinson@cityoftacoma.org.

Attachments

c: Peter Huffman, Director

**INTERLOCAL AGREEMENT FOR REVIEW AND AUTHORIZATION FOR
COOPERATIVE PERMITTING OF THE NARROWS MARINA PHASED MASTER SITE PLAN
BETWEEN THE CITY OF TACOMA AND THE CITY OF UNIVERSITY PLACE**

THIS INTERLOCAL AGREEMENT ("Agreement") made and entered into pursuant to the Interlocal Cooperation Act, Chapter 39.34 of the Revised Code of Washington, on the 5th day of June, 2013, by and between the City of Tacoma, a municipal corporation of the State of Washington, herein known as "Tacoma," and the City of University Place, a municipal corporation of the State of Washington, herein known as "University Place," (collectively referred to herein as the "Parties").

WHEREAS, Narrows Marina, LLC, is creating a new Phased Master Site Plan to include but is not limited to: new piers and docks, boat houses, boat sales and service, water front restaurants, retail sales, office, residential and public access uses; and

WHEREAS, the property owned by Narrows Marina, LLC, (the Narrows Marina Site) is located in part within University Place and in part in Tacoma; and

WHEREAS, certain comprehensive plan goals and policies, zoning, shoreline regulations and construction codes and procedures differ between the two municipalities; and

WHEREAS, this shared jurisdiction, differing policies, regulations, codes and procedures creates permitting and construction challenges for Narrows Marina, LLC, as it refurbishes, upgrades and develops additional facilities and operations at the Narrows Marina Site; and

WHEREAS, in the interest of promoting economic development and avoiding burdensome duplicative processes, Tacoma and University Place desire to enter into an interlocal agreement to promote streamlining and efficiency in review and permitting of development within the Narrows Marina Site; and

WHEREAS, Chapter 39.34 of the Revised Code of Washington allows local governments to enter into interlocal agreements to make most efficient use of their powers by enabling them to work with other local jurisdictions on a mutually advantageous basis.

NOW, THEREFORE, pursuant to Chapter 39.34 RCW, and in consideration of the mutual benefits and covenants described herein, the City of University Place and the City of Tacoma agree to cooperate in the construction review and authorization of the Narrows Marina Phased Master Site Plan as follows:

1. INCORPORATION OF RECITALS

Each of the recitals set forth above is incorporated into this Agreement as though fully set forth herein.

2. PURPOSE

The purpose of this Agreement is to facilitate the creation and development of a Narrows Marina Phased Master Site Plan project, identify the roles and responsibilities of each party to this Agreement, and specify the planning goals and policies and development regulations, including, but not limited to, zoning, critical areas, environmental and shoreline regulations, and construction codes that apply within the project area.

3. PROJECT AREA

The project area includes parcels owned by Narrows Marina, LLC, in University Place and Tacoma, including parcels 0220044149, and 0220043002 in Tacoma, parcels 3430200310, 8950003641, 0220092029, 0220092009, 0220091017, 0220092039, and 0220092031 in University Place, and parcel 3430200340 which crosses the jurisdictional boundaries.

4. JOINT PLANNING

A. Conceptual Phased Master Site Plan: In order to enable the Parties to undertake joint review and permitting, Narrows Marina, LLC, in consultation with Tacoma and University Place, will develop a Conceptual Phased Master Site Plan that includes but is not limited to the general location and types of uses, driveways, parking, shoreline setbacks, building height, building design, landscaping, public access and phases of project development in Tacoma and University Place. During the Master Site Planning process, efforts will be made to ensure that to the greatest extent feasible, buildings and structures do not cross city boundary lines. Based on the Conceptual Phased Master Site Plan, Tacoma and University Place will collaboratively determine their respective jurisdictional responsibilities.

B. Public Access: The Parties will work in good faith to develop a public access plan that looks at the Narrows Marina property as a whole, and allows the best public access, irrespective of whether the public access improvements are in Tacoma or University Place, and allows for a phasing of public access improvements as the Narrows Marina redevelops and expands.

C. State Environmental Policy Act (SEPA): The Parties will enter into a Joint State Environmental Policy Act Agreement pursuant to WAC 197-11-944 substantially in the form of that attached to this Interlocal Agreement as Attachment A. Under this Agreement, Tacoma shall be the Nominal Lead Agency. The proposal to which this initial SEPA will apply shall be the Conceptual Phased Master Site Plan and Phase I project-specific proposals. The SEPA Threshold Determination shall include a condition that requires that the Determination be amended as needed following adoption of the University Place Shoreline Management Master Program, Comprehensive Plan and Zoning map amendments. When a subsequent project-specific proposal occurs in Tacoma, Tacoma shall be the Nominal Lead Agency for the purposes of determining if the SEPA needs to be amended to address impacts associated with the proposal. When a subsequent project-specific proposal occurs in University Place, University Place shall be the Nominal Lead Agency for the purposes of determining if the SEPA needs to be amended to address impacts associated with the proposal.

D. Traffic Impacts: The Parties agree to evaluate the Transportation Report prepared by Greg Heath for Narrows Marina in 2011 and make the maximum feasible use of this work in identifying traffic mitigation measures required by the Narrows Marina redevelopment; however, depending on the scope of this redevelopment, additional traffic studies may be required. The Parties agree that the City Engineers of Tacoma and University Place will coordinate their actions on evaluation, further studies, and implementation of mitigation measures that allow for a phasing of transportation improvements as the Narrows Marina redevelops and expands. The Parties agree that the South 19th Street access corridor to the Narrows Marina should be rebuilt to a consistent set of design standards and that grant funding opportunities should be jointly explored by the Parties.

E. Timing: Current project development is occurring in Tacoma, and Tacoma will likely experience the next phases of the project because Tacoma's Shoreline Master Program and Use

Regulations Update needed for the project to move forward is nearing completion. Project development in University Place is likely to occur during later project phases because University Place's Shoreline Master Program and Use Regulations Update is still under development and both the Comprehensive Plan Map Designation and Zoning need to be amended to allow the types of uses contemplated by Narrows Marina.

F. Shoreline and Land Use Permits: Shoreline and land uses in Tacoma that require shoreline and land use permits shall be processed in accordance with City of Tacoma policies and procedures. Shoreline and land uses in University Place that require shoreline and land use permits shall be processed in accordance with University Place policies and procedures.

G. Joint Permits: Where building and/or site development cross jurisdictional boundaries, the Parties shall work together to determine which jurisdiction shall process, and shall issue a single permit for that building or development. All conditions from both Parties shall be included as conditions of permit approval. For example, the Parties agree to use the Tacoma fire requirements for the boathouses in the Day Island Lagoon, with the Tacoma Fire Department issuing the permits after consultation with West Pierce Fire and Rescue. Tacoma Public Works will have nominal lead on utilities issues, and will work in consultation with University Place Public Works.

5. DESIGNATED CITY AND COUNTY REPRESENTATIVES

5.1 Tacoma Representative:

Peter Huffman, Planning and Development Services Interim Director
City of Tacoma
747 Market Street, Room 408
Tacoma, WA 98402
Tel: (253) 591-5373
Fax: (253) 591-5097
Email: phuffman@cityoftacoma.org

5.2 University Place Representative:

David Swindale, Planning and Development Services Director
City of University Place
3715 Bridgeport Way West, Suite B
University Place, WA 98466-4456
Tel: (253) 460-2519
Fax: (253) 566-5658
Email: dswindale@cityofup.com

9. NO SEPARATE ENTITY CREATED

This Agreement does not create any separate legal or administrative entity. This Agreement shall be administered by the Planning and Development Services Director for Tacoma and the Planning and Development Services Director for University Place. There shall be no joint financing or jointly acquired or held assets and the Agreement will terminate as described herein.

10. MODIFICATION OF AGREEMENT

This Agreement may be amended at any time by written agreement of Tacoma and University Place.

11. DISPUTE RESOLUTION

Unless otherwise specified, disputes regarding any matter contained herein shall be referred to the Tacoma Planning and Development Services Director and the University Place Planning and Development Services Director for mediation and/or settlement. Any controversy or claim arising out of, or relating to, this Agreement or the alleged breach thereof that cannot be resolved by the Planning and Development Services Director for Tacoma and the Planning and Development Services Director for University Place, shall be submitted to arbitration in accordance with the rules and procedures set forth in Chapter 7.04 RCW. Tacoma will appoint one arbitrator and University Place will appoint one arbitrator. The decision rendered by the arbitrators may be entered in Pierce County Superior Court. The cost of arbitrating the dispute will be borne equally by both Parties. Nothing in this Agreement shall preclude the use of a mediator to resolve disputes should the Parties agree to utilize the services of a mediator.

12. DURATION OF AGREEMENT AND TERMINATION

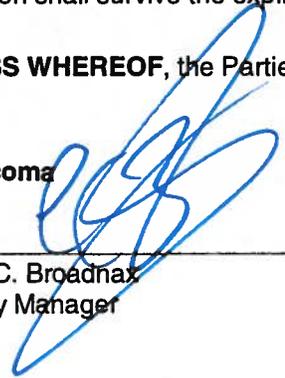
This Agreement shall continue until final completion of all projects to be identified in the Narrows Marina Phased Master Site Plan, at which time it shall terminate.

13. HOLD HARMLESS AND INDEMNITY AGREEMENT

Each party (the Indemnitor) agrees to defend, indemnify and save harmless each other (the Indemnitees), their board or council members, officers, agents and employees, from and against all loss or expense including, but not limited to, judgments, settlements, attorney's fees, and costs by reason of any and all claims for damages, penalties, or other relief based upon the Indemnitor's alleged negligence, or wrongful conduct, except for the injuries, penalties, and damages caused by the sole negligence or wrongful conduct of the Indemnitor. Such claims for damages or other relief include, but are not limited to, those for personal or bodily injury including death from such injury, property damage, torts, defamation, penalties imposed by any agency of the state or federal government for failure to comply with applicable law in the performance of this Agreement. If the claim, suit, or action involves concurrent negligence of the Parties, the indemnity provisions provided herein shall be applicable only to the extent of the percentage of each party's negligence. It is further and expressly understood that the indemnification provided herein constitutes each party's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties. The provisions of this section shall survive the expiration or termination of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement this 5th day of June, 2013.

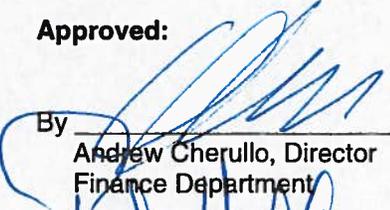
City of Tacoma

By 
T. C. Broadnax
City Manager

CITY OF UNIVERSITY PLACE

By 
Stephen P. Sugg
City Manager

Approved:

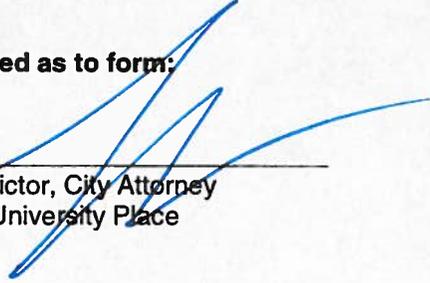
By 

Andrew Cherullo, Director
Finance Department

By 

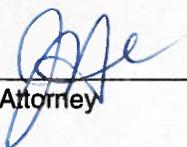
Peter Huffman, Interim Director
Planning and Development Services

Approved as to form:

By 

Steve Victor, City Attorney
City of University Place

Approved as to form:

By 

Deputy City Attorney

Attachment A

SEPA CO-LEAD AGENCY AGREEMENT MEMORANDUM OF UNDERSTANDING FOR

Narrows Marina, Inc., Tacoma and University Place - SEPA Review

The City of Tacoma (hereinafter "Tacoma") and the City of University Place (hereinafter "University Place") agree to share lead agency responsibilities under the State Environmental Policy Act, chapter 43.21C RCW ("SEPA"), to conduct environmental review for certain expanded mixed-use development proposals (hereinafter "proposals") as they are put forward by Narrows Marina, Inc. (hereinafter "proponent"). This memorandum of understanding (MOU) delineates: the duties of each co-lead agency; how decisions will be made; how conflicts may be resolved; how the MOU may be dissolved; and other terms and conditions.

I. DUTIES

A. General

1. Tacoma shall act as nominal lead during the development of a Conceptual Phased Master Site Plan and Phase I project-specific proposals. When a subsequent project-specific proposal occurs in Tacoma, Tacoma shall be the Nominal Lead Agency for the purposes of determining if the SEPA Threshold Determination will need to be amended to address impacts associated with the proposal. When a subsequent project-specific proposal occurs in University Place, University Place shall be the Nominal Lead Agency for the purposes of determining if the SEPA Threshold Determination will need to be amended to address impacts associated with the proposal. As nominal lead, the adopted SEPA public notice and the SEPA procedures of the nominal lead agency shall be used for proposal(s) submitted.

Any SEPA Threshold Determination shall include a condition that requires the Determination be amended as needed following adoption of the University Place Shoreline Master Program and associated Comprehensive Plan and Zoning map amendments.

2. Tacoma and University Place, either jointly or independently, may determine that consultant(s) are needed to assist in completing the required SEPA analysis and documentation for the proposals. The costs for consultants hired by the parties to review the required SEPA analysis and documentation on behalf of the parties shall be borne by the proponent. The proponent shall reimburse University Place for any associated consultant costs incurred by University Place pursuant to University Place's regulations and fee schedule. The proponent shall reimburse Tacoma for any associated consultant costs incurred by Tacoma pursuant to Tacoma's regulations and fee schedule.

3. Comments on all SEPA document(s) shall be submitted to and received by the jurisdiction acting as the Nominal Lead Agency, which shall forward copies of all written and electronic comments received to the other agency.

4. In all other respects, the two co-lead agencies shall act as partners in meeting the responsibilities of lead agency under SEPA, with equal standing in all decisions to be made.

B. Preparing Analyses

1. It is expected that the proponent will provide the following types of information regarding the proposal, its environmental impacts, and potential mitigation: a completed environmental checklist and exhibits; an impacts analysis and mitigation report; wetland report and mitigation plan; traffic study; and related materials in support of the proposals when determined to be applicable by the Nominal Lead Agency.
2. Information provided by the proponent shall be reviewed and may be supplemented in the following manner: consistent with Section (A)(2) above, Tacoma and University Place may seek the assistance of outside consultants related to their respective areas of analysis.

C. Scope/Content

1. Mitigation identified and/or assessed in the SEPA document(s), beyond that suggested by the proponent, shall be determined by the co-lead agencies consistent with the division of responsibility stated in paragraph I(A)(1) above. If an environmental impact statement (EIS) is prepared for the proposals, the co-lead agencies shall jointly design the scope of the EIS and the alternatives to be considered in the EIS so that both agencies are satisfied that a range of reasonable alternatives is represented.
2. At a minimum, a representative of each agency shall review the environmental analysis and documentation prior to issuance of all necessary SEPA documents. A responsible official from each agency shall sign the SEPA documents prior to issuance. The signature of the responsible officials shall represent approval of the document, including the adequacy of the environmental analysis it contains.

II. DECISION MAKING AND DISPUTE RESOLUTION

A. University Place and Tacoma, as co-lead agencies, agree to try to make decisions by consensus throughout the SEPA process in regards to scope, content and timing of all SEPA documents. The co-lead agencies recognize that the final SEPA document must contain sufficient environmental analysis for decision-making by all agencies with jurisdiction. Therefore, areas of environmental concern, potential mitigation, and reasonable alternatives suggested by either co-lead agency shall be included in the document if agreement cannot be reached between the two agencies that the area, mitigation or alternative need not be assessed.

B. If the co-lead agencies cannot agree on an issue that would prevent their approval of the SEPA document or otherwise prevent them from sharing lead agency duties, either agency may withdraw from this MOU following notification to the other co-lead agency in writing of the issue under dispute, including a suggested resolution. The co-lead agency having receipt of such a letter shall have the option to agree to the suggested resolution, offer an alternate resolution, or agree to dissolve the MOU.

C. If at any time the MOU is dissolved, University Place and Tacoma shall acquire full responsibility as lead agency for the proposals, or parts of the proposals, and shall continue with completion of the SEPA process.

D. University Place and Tacoma will each participate in any appeal challenging the environmental review contemplated by this agreement to the extent the appeal challenges the analysis prepared by that agency. In any such appeal, University Place and Tacoma will cooperate and share responsibilities and decision making authority equally, consistent with the principles outlined above.

III. OTHER TERMS

A. Term. The effective date of this MOU is the date of the final signature below of the parties. This MOU shall continue until terminated in writing by both or one of the parties.

B. Communications. The following persons shall be the contact persons for all communications regarding this MOU:

City of University Place
David Swindale, Planning and Development Services Director
City of University Place
3715 Bridgeport Way West, Suite B
University Place, WA 98466-4456
Tel: (253) 460-2519
Fax: (253) 566-5658
Email: dswindale@cityofup.com

City of Tacoma
Peter Huffman, Planning and Development Services Interim Director
City of Tacoma
747 Market Street, Room 408
Tacoma, WA 98402
Tel: (253) 591-5373
Fax: (253) 591-5097
Email: phuffman@cityoftacoma.org

C. Changes. The parties may, from time to time, require changes in the scope of services performed under this MOU. The parties shall mutually agree to the changes by written amendment to this MOU.

This MOU is executed by the persons signing below, who warrant they have the authority to execute this MOU.

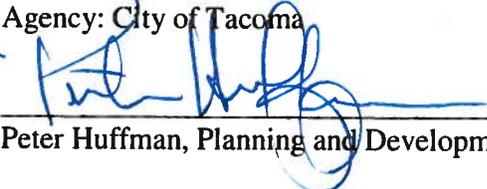
Agency: City of University Place



David Swindale, Planning and Development Services Director

6/5/13
Date:

Agency: City of Tacoma



Peter Huffman, Planning and Development Services Interim Director

5/22/13
Date:

**INTERLOCAL AGREEMENT AUTHORIZING A FLEXIBLE APPROACH TO
SHORELINE PUBLIC ACCESS PROVISION BETWEEN THE CITY OF TACOMA AND
THE PORT OF TACOMA.**

THIS INTERLOCAL AGREEMENT ("Agreement") made and entered into pursuant to the Interlocal Cooperation Act, Chapter 39.34 of the Revised Code of Washington, on the ___ day of _____, 2013 by and between the City of Tacoma, a municipal corporation of the State of Washington, herein known as "City" and the Port of Tacoma, a port district organized under the laws of the State of Washington hereinafter called "Port" (collectively referred to herein as the "Parties").

RECITALS

WHEREAS, the State Shoreline Management Act and its implementing regulations, specifically Washington Administrative Code 173-26-221 (4)(d)(ii), require shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts, to include public access measures as part of each development project; and

WHEREAS, when public access planning, as described in WAC 173-26-221 (4)(c), demonstrates that a more effective public access system can be achieved through alternate means, such as focusing public access at the most desirable locations, local governments may institute master program provisions for public access based on that approach in lieu of site-by-site public access requirements; and

WHEREAS, the City undertook and adopted a Public Access Alternatives Plan consistent with WAC 173-26-221 (4)(c) that seeks to focus future public access in the locations that: are consistent with the community vision, promote public safety and natural resource preservation; and, protect the future land supply and operations of water-oriented industrial uses; and

WHEREAS, the Tacoma Municipal Code 13.10 Shoreline Management has been updated consistent with WAC 173-26-221 (4)(c) to provide alternatives for public agencies to meet their public access requirements comprehensively, in lieu of site-by-site requirements; and

WHEREAS, the Port has developed a public access plan consistent with WAC 173-26-221(4) and the public participation requirements of WAC 173-26-201 (3)(b)(i); and

WHEREAS, Port and Port tenant development is typically market driven, rarely predictable, and often undertaken within constrained timelines; and

ORIGINAL

WHEREAS, having a streamlined and predictable permitting process can enhance the timeliness of development and improve cost efficiencies; and

WHEREAS, the Parties have agreed upon a flexible approach to shoreline public access provisions that the Port and its tenants, may use at their sole discretion to fulfill the public access permit requirements of the City's adopted Shoreline Master Program, in lieu of site-by-site requirements; and

WHEREAS, the Parties wish to make this flexible approach to public access provision available to private parties in addition to the Port and Port tenants so that 1) the community may better leverage Port of Tacoma, City of Tacoma and private party public access investment dollars for grants and 2) obtain sufficient funds to complete key public access facilities as identified in Section 5.1; and

WHEREAS, Chapter 39.34 of the Revised Code of Washington allows local governments to enter into interlocal agreements to make the most efficient use of their powers by enabling them to work with other local jurisdictions on a mutually advantageous basis.

NOW, THEREFORE, pursuant to Chapter 39.34 RCW, and in consideration of the mutual benefits and covenants described herein, the Parties agree to cooperate in providing public access as follows:

1. INCORPORATION OF RECITALS

Each of the recitals set forth above is incorporated into this Agreement as though fully set forth herein.

2. PURPOSE

The purpose of this Agreement is to set forth a flexible approach to shoreline public access provision that the Port and its tenants may use at their sole discretion to fulfill the public access requirements of the City's adopted Shoreline Master Program, in lieu of site-by-site requirements.

3. PROJECT AREA

All properties owned or leased by the Port or Port tenants within the City of Tacoma at the time of City shoreline permit issuance.

4. FEE-IN-LIEU METHODOLOGY AND PUBLIC ACCESS FUND

The fee-in-lieu contribution shall be based on the fair market value of the portion of the project that is subject to a shoreline permit, with the following exceptions:

- Activities exempt under Section 2.3.3 of the City's Shoreline Master Program
- Interior remodeling
- Environmental remediation and mitigation
- Dredging
- New terminal cranes and/or upgrades to wharves, but not the wharves themselves, to accommodate increased size of container terminal cranes

4.1 "Fair market value" pursuant to WAC 173-27-030(8) and as used herein of a development is the open market bid price of the portion of the project within shoreline jurisdiction for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development as of the date of shoreline permit application. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

4.2 Projects with a fair market value of \$10,000,000 or less will be assessed a 2% public access fee. For projects exceeding \$10,000,000 in fair market value, a 2% fee will be assessed for the first \$10,000,000 in value with an additional 0.5% fee assessed for the fair market value exceeding the initial \$10,000,000. The total fee shall not exceed \$500,000 on any individual permit application. For example, a \$12 million project would be assessed as follows: \$10 million X 0.02 = \$200,000, plus \$2million X 0.005 = \$10,000, for a total fee of \$210,000.

4.3 Fee-in-lieu payments may include in-kind contributions by mutual agreement of the Parties.

4.4 The Port may designate fee-in-lieu contributions for Priority Public Access Projects identified in this Agreement at Section 5.1 or 6.1.

4.5 Fee-in-lieu funds that have been designated by the Port for specific projects described in Section 5.1 herein may be reallocated by the Port except where the City has made binding commitments.

4.6 All payments of fee-in-lieu funds received by the City shall be deposited in an interest bearing City Public Access Fund that may only be accessed by the City pursuant to the terms of this Agreement.

5. PRIORITY PUBLIC ACCESS PROJECT LOCATIONS—PARTNERSHIPS

5.1 After consultation with the City, the Port and its tenants may direct any fee-in-lieu payment associated with a particular shoreline permit to any of the following projects, and the City shall expend those payments as the Port so directs:

- Chinese Reconciliation Park
- West Foss Central Park
- Waterway Park
- Balfour Dock Esplanade

ORIGINAL

- Schuster Corridor Multi-Use Trail
- 11th Street Public Boat Launch
- Or other sites as mutually agreed upon by both parties

5.2 Payment of fee-in-lieu funds shall be a condition of the shoreline permit and made to the City prior to final inspection or permit closeout.

5.3 The City will use its best efforts to expend all Port fee-in-lieu of funds within twelve (12) months of receipt.

5.4 The Port and/or its tenants may make advance payment(s) of the fee-in-lieu to the City Public Access Fund at any time at their sole discretion and then secure a credit against these payment(s) as particular shoreline permits are issued, plus the interest accrued.

5.5 The City will amend its permit fee schedule to allow private applicants at their sole discretion to use the terms set forth in sections 4, 4.1, 4.2, 5.1, 5.2 and 6.1.

5.6 The Port will be recognized as a partner in any public access project listed in paragraph 5.1 utilizing Port funds or in-kind contributions. Recognition will be proportional to the Port's contribution, approved in writing by the City and the Port, and will include but is not limited to signage at the public access site.

6. PRIORITY PUBLIC ACCESS PROJECT LOCATIONS—PORT-OWNED PROPERTY

6.1 The Port and its tenants at their sole discretion may direct any fee in-lieu payment associated with a particular shoreline permit in the form of public access investments to any Port owned sites at the following locations:

- Dick Gilmur Kayak Launch and the associated Saltchuck mitigation site
- Julia's Gulch and NE Tacoma Trail Network
- Youth Marine Foundation
- Or other sites as mutually agreed upon by both Parties

6.2 Such Port and or Port tenant fee-in-lieu payment investments shall be a condition of the shoreline permit and the improvements to Port-owned property shall be committed to prior to final inspection or permit closeout.

7. CREDIT FOR EXISTING PUBLIC ACCESS SITES

7.1 The Port shall be granted public access fee-in-lieu credit for the following site improvements:

- Place of Circling Waters
- Dick Gilmur Kayak Launch

7.2 These Port created sites are currently publicly accessible and have not been used previously to fulfill the public access requirements of past shoreline permits.

ORIGINAL

7.3 The Port's credit for the Place of Circling Waters shall be applied to City shoreline permit(s) associated with the development of the East Blair Terminal on the Blair Waterway. See Exhibit A.

7.4 The Port's credit for the Dick Gilmur Kayak Launch (in its current state of development as of the date of this agreement) shall be applied to City shoreline permits for Piers 3 and 4 on the General Central Peninsula. See Exhibit A.

8. REPORTING

8.1 The City shall report annually to the Port on the status of expenditures made from the City Public Access Fund defined in Section 4.6.

8.2 The Port shall report annually to the City on the status of the public access provisions implemented in accordance with the Port of Tacoma Public Access Plan and this Agreement.

9. DESIGNATED CITY AND PORT REPRESENTATIVES

9.1 City Representative: City Manager
City of Tacoma
747 Market Street, 12th floor
Tacoma, WA 98402

9.2 Port Representative: Chief Executive Officer
Port of Tacoma
PO box 1837
Tacoma, WA 98401

10. NO SEPARATE ENTITY CREATED

This Agreement does not create any separate or administrative entity. This Agreement shall be administered by the Parties' representatives defined in Section 9.1 and 9.2 herein.

11. MODIFICATION OF AGREEMENT

This Agreement may be amended at any time by written agreement of the Parties, and upon approval of each Parties' respective legislative body.

12. DISPUTE RESOLUTION

The designated representatives herein shall use their best efforts to resolve disputes between the Parties. If the designated representatives are unable to resolve a dispute, then the responsible Project directors for each Party shall review the matter and attempt to resolve it. If the Project directors are unable to resolve the dispute, the matter shall be reviewed by the department director or chief executive officer of each Party or his or her designee.

ORIGINAL

The Parties agree to exhaust each of these procedural steps before seeking to resolve disputes in a court of law or any other forum.

13. DURATION OF AGREEMENT AND TERMINATION

This Agreement shall continue for a term of 10 years from the execution date of this Agreement, and may be extended by mutual agreement of the Parties and upon approval of each Parties' respective legislative body, provided however, that any Project for which a completed Shoreline permit application was filed prior to termination of this Agreement shall be vested to the terms of this Agreement as it exists at the time of permit application.

14. HOLD HARMLESS AND INDEMNITY AGREEMENT

Each party (the Indemnitor) agrees to defend, indemnify and hold harmless the other (the Indemnitees), its board or council members, officers, agents and employees, from and against all loss or expense including, but not limited to, judgments, settlements, attorney's fees and costs by reason of any and all claims for damages, penalties or other relief based upon the Indemnitor's alleged negligence, or wrongful conduct, except for the injuries, penalties and damages caused by the sole negligence or wrongful conduct of the Indemnitor. Such claims for damages or other relief include, but are not limited to, those for personal or bodily injury including death from such injury, property damage, torts, defamation, penalties imposed by any agency of the state or federal government for failure to comply with applicable law in the performance of this Agreement. If the claim, suit or action involves concurrent negligence of the Parties, the indemnity provisions provided herein shall be applicable only to the extent of the percentage of each party's negligence. It is further and expressly understood that the indemnification provided herein constitutes each party's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties. The provisions of this section shall survive the expiration or termination of this Agreement.

15. NOTIFICATION

Any notice required or permitted to be given pursuant to this Agreement shall be in writing, and shall be sent postage prepaid by U.S. Mail, return receipt requested, or by electronic mail to the Parties' representatives defined in Section 9.1 and 9.2 herein, unless otherwise indicated by the Parties to this Agreement.

16. RECORDS RETENTION AND AUDIT

During the progress of the work on the Project and for a period not less than three (3) years from the date of final payment by the Port to the City, the records and accounts pertaining to the Project and accounting thereof are to be kept available for inspection and audit by the Port and the City shall provide the Port with copies

of all records, accounts, documents, or other data pertaining to the Project upon the Port's request. If any litigation, claim, or audit is commenced, the records and accounts along with supporting documentation shall be retained until all litigation, claims, or audit finding has been resolved, even though such litigation, claim, or audit continues past the typical three year retention period. This provision is not intended to alter or amend records retention requirements established by applicable state and federal laws.

17. VENUE

This Agreement shall be deemed to be made in the County of Pierce, State of Washington, and the legal rights and obligations of the City and Port shall be determined in accordance with the laws of the State of Washington. All legal actions in connection with this Agreement shall be brought in the County of Pierce, State of Washington.

18. PROJECT FINANCING

Except as provided above, the Parties shall finance its own conduct of responsibilities under this Agreement.

19. PROPERTY OWNERSHIP

No ownership of property will transfer as a result of this Agreement.

20. NO THIRD PARTY BENEFICIARIES

This Agreement is entered into solely for the mutual benefit of the parties. This Agreement is not entered into with the intent that it shall benefit any other person or entity and no other such person or entity shall be treated as a third-party beneficiary of this Agreement.

21. SEVERABILITY

The provisions of this Agreement are hereby declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Agreement or the invalidity of its application to any person or circumstance shall not affect the validity of its application to other persons and circumstances.

22. LEGAL OBLIGATIONS

This Agreement does not relieve either Party of any obligation or responsibility imposed upon it by law.

23. COPIES FILED WITH COUNTY AUDITOR OR POSTED ON PARTIES' WEB SITE

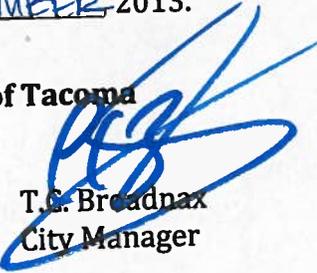
ORIGINAL

Copies of this Agreement shall either be filed with the Pierce County Auditor's Office after execution or posted on each parties' website listed by subject or other electronically retrievable public source, as allowed by RCW 39.34.040, and shall be filed with the respective party authorities.

IN WITNESS WHEREOF, the Parties have executed this Agreement this 13th day of DECEMBER 2013.

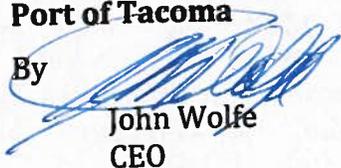
City of Tacoma

By

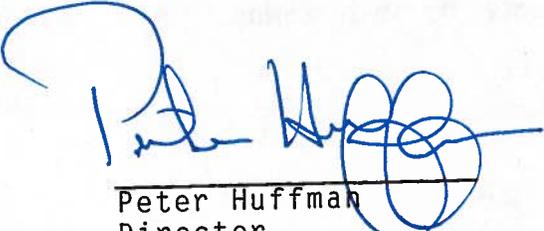

T.C. Broadnax
City Manager

Port of Tacoma

By


John Wolfe
CEO

APPROVED AS TO FORM:


Peter Huffman
Director
Planning and Development


City Attorney

Date: _____

ATTEST:

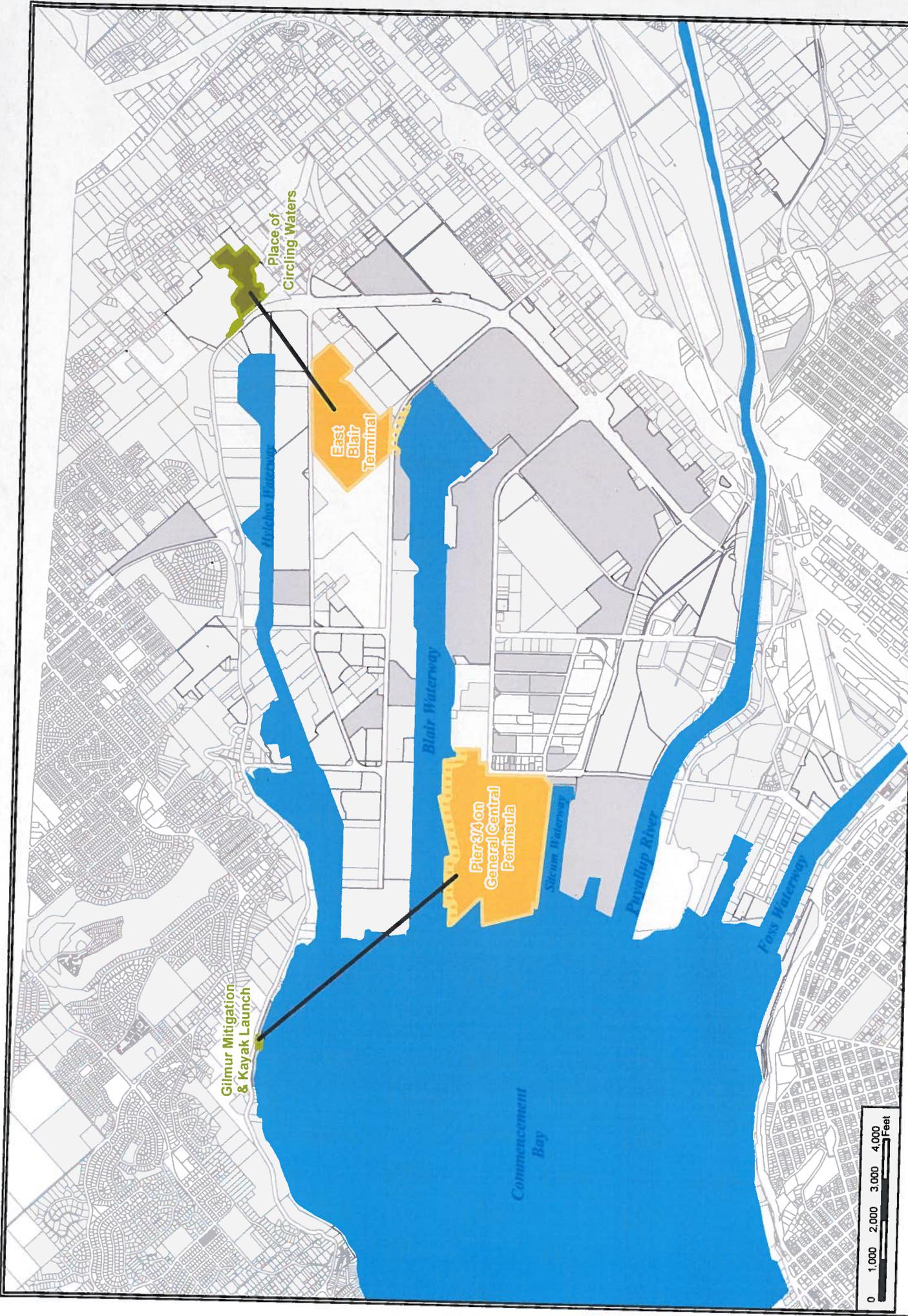

Dawn Soum
City Clerk

Date: 12-13-2013

APPROVED AS TO FORM:


Port Legal Counsel

Date: 10/31/13



Credit for Existing Sites Exhibit A

- 200' SMP
- Capital Project
- Public Access
- Water
- Port Owned Parcels
- Tax Parcels

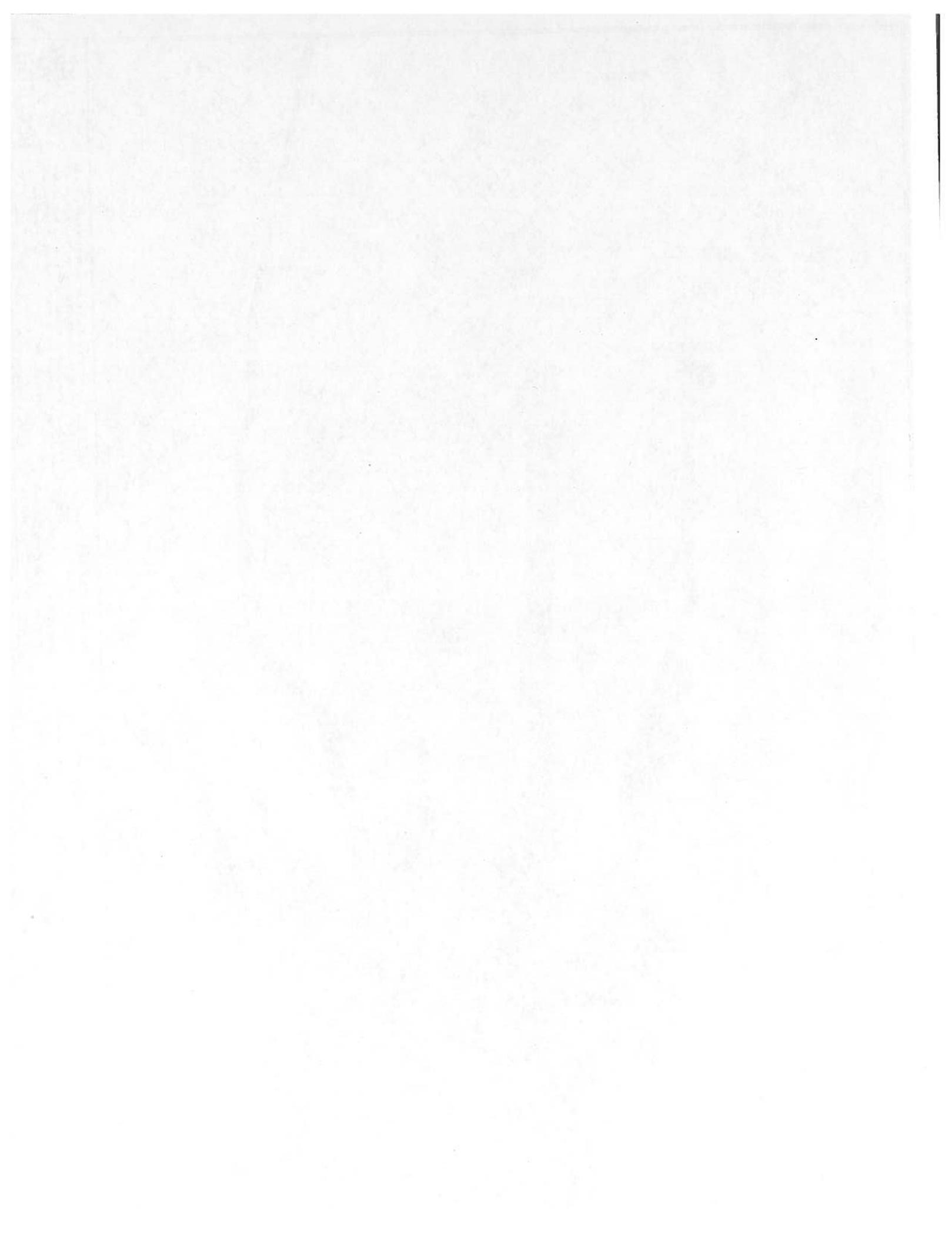
Map Date: 5/15/2013
 Author: Jen Radcliff



Data Credits:
 Parcel data is from Pierce County.
 All other data from Port of Tacoma.

DISCLAIMER: The information included on this map has been compiled by Port of Tacoma staff from a variety of sources and is subject to change without notice. These data are intended for informational purposes and should not be considered authoritative for engineering, navigational, legal and other site-specific uses. The Port of Tacoma makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information.







City of Tacoma
Planning and Development Services

**Agenda Item
D-3**

To: Planning Commission
From: Lihuang Wung, Planning Services Division
Subject: **Public Hearing on 2014 Annual Amendment**
Date of Hearing: March 19, 2014
Date of Memo: March 13, 2014

Action

The Planning Commission will conduct a public hearing on March 19, 2014, to receive testimony on the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2014 (or "2014 Annual Amendment"), and keep the record open through March 21, 2014 to accept written comments.

Public Hearing Subject

The 2014 Annual Amendment Package consists of the following nine applications:

1. Point Ruston Mixed-Use Center
2. Point Defiance Park Land Use Policies
3. Mixed-Use Centers Code Review (MUC-Lite)
4. Affordable Housing
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

Public Review Document

The complete text and staff analyses of the proposed amendments, as well as relevant background information were compiled into a Public Review Document, which has been made available to the Commissioners and the general public (upon request) for review during the public hearing process.

Environmental Evaluation

Pursuant to Washington Administrative Code (WAC) 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance was issued on February 24, 2014 (SEPA File Number SEP2014-40000218532), 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 March 21, 2014 and unless modified, the preliminary determination will become final on March 28, 2014.

Notification

Notification for the public hearing has been conducted to reach a broad-based audience, through the following efforts that occurred during March 1-12, 2014:

1. **Public Hearing Notice** – A notice announcing the public hearing on March 19th and the informational session on March 12th 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, the Tacoma Public Library, and other known stakeholders and interested entities.

2. **Public Notice Signs** – Pursuant to TMC 13.02.057, public notice signs were installed in the areas associated with the applications of “Point Ruston Mixed-Use Center” and “Point Defiance Park”, two in Point Ruston and one in Point Defiance Park, with a total of 3 (white, corrugated) signs.
3. **Library** – A request was made to the Tacoma Public Library to make the public hearing notice and the summary of the 2014 Annual Amendment available for patrons’ review at all eight branches.
4. **News Media** – An advertisement was placed on The News Tribune on March 10, 2014; a legal notice regarding the environmental determination was placed on the Tacoma Dailey Index on March 4, 2014; a public announcement was placed on TV Tacoma and will run March 1-19, 2014; and an e-mail news release, “Tacoma News”, was issued through the City’s Media and Communications Office on March 5, 2014.
5. **60-Day Notices** – A “Notice of Intent to Adopt Amendment 60 Days Prior to Adoption” was sent to the State Department of Commerce (per RCW 36.70A.106), the Puget Sound Regional Council (per the Plan Review Requirements and Process in VISION 2040), and Joint Base Lewis-McChord (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). The notices were sent to these entities more than 60 days prior to the Council’s scheduled action on June 3, 2014, so that their comments, if any, can be addressed in a timely manner during the Planning Commission’s public hearing process.
6. **Informational Session** – Planning staff conducted a question-and-answer, Informational Session on March 12, 2014, at 5:00 p.m., in Room 335, Tacoma Municipal Building, to provide an opportunity for interested citizens to learn more about the proposed amendments.
7. **Website** – The public hearing notice and all information associated with the 2014 Annual Amendment are posted on the Planning Services Division’s website at www.cityoftacoma.org/planning (under the link to “2014 Annual Amendment”).

Next Steps

At the meeting on April 2, 2014, the Planning Commission will review public comments and make modifications to the 2014 Annual Amendment Package accordingly, as appropriate. At the meeting on April 16, 2014, the Commission is scheduled to make a recommendation to the City Council.

If you have any questions, please contact me at 591-5682 or lwung@cityoftacoma.org.

c: Peter Huffman, Director