



## AGENDA

**MEETING:** Regular Meeting and Public Hearing

**TIME:** Wednesday, August 19, 2015

- Meeting begins at 4:30 p.m.
- Public Hearing begins at 5:00 p.m.

Note changes in  
meeting starting  
time and location

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

### **A. Call to Order and Quorum Call**

### **B. Approval of Agenda**

### **C. Approval of Minutes – Regular Meeting of August 5, 2015**

### **D. Discussion Items**

#### **1. Work-Live/Live-Work Code Amendments**

Complete the review of the subject and consider making a recommendation to the City Council.  
(See "Agenda Item D-1"; Elliott Fitzgerald, 591-5379, [efitzgerald@cityoftacoma.org](mailto:efitzgerald@cityoftacoma.org))

#### **2. Public Hearing (starting at 5:00 p.m.) –**

#### **2015 Annual Amendment to Comprehensive Plan and Land Use Regulatory Code**

Conduct a public hearing to receive oral testimony on the proposed 2015 Annual Amendment and keep the record open through September 11, 2015 to accept written comments.

(See "Agenda Item D-2"; Lihuang Wung, 591-5682, [lwung@cityoftacoma.org](mailto:lwung@cityoftacoma.org))

### **E. Communication Items & Other Business**

- (1) **Billboard Task Force Meetings** – The Planning Commission's Billboard Task Force will meet on Monday, August 17, Tuesday, August 18, Monday, August 24, and Tuesday, August 25, 2015, at 6:00-8:00 p.m., in Room 335, Tacoma Municipal Building. (Schedule subject to change.)
- (2) Planning Commission's Rules and Regulations ("By-Laws"), as amended on August 5, 2015  
(See "Agenda Item E-2")
- (3) Infrastructure, Planning and Sustainability Committee meeting, August 26, 2015, 4:30 p.m., Room 16; agenda includes: Point Defiance Update.
- (4) Planning Commission meeting, September 2, 2015, 4:00 p.m., Room 16; agenda includes: Unified Development Code; Billboard Task Force Update; 2015 Annual Amendment.

### **F. Adjournment**







## **MINUTES** (Draft)

**TIME:** Wednesday, August 5, 2015, 4:00 p.m.

**PLACE:** Room 16, Tacoma Municipal Building North  
733 Market Street, Tacoma, WA 98402

**PRESENT:** Chris Beale (Chair), Stephen Wamback (Vice-Chair), Donald Erickson, Anna Petersen, Brett Santhuff, Scott Winship

**ABSENT (EXCUSED):** Meredith Neal, Erle Thompson, Dorian Waller

### **A. CALL TO ORDER AND QUORUM CALL**

Chair Beale called the meeting to order at 4:04 p.m. A quorum was declared.

### **B. APPROVAL OF AGENDA**

The agenda was approved.

### **C. APPROVAL OF MINUTES**

The minutes of the Special Meeting on July 8, 2015 and the Regular Meeting and Public Hearing on July 15, 2015 were approved as submitted.

### **D. DISCUSSION ITEMS**

#### **1. Work-Live/Live-Work Code Amendments**

Elliott Fitzgerald, Planning Services Division, facilitated the Commission's review of public comments received at the public hearing on July 15<sup>th</sup> and through the comment period ending on July 22<sup>nd</sup>, concerning the proposed live/work and work/live code amendments.

One citizen had testified at the public hearing and three written comments had been received. The primary concern expressed was that allowing the uses in new construction and outside of downtown and mixed-use centers would dilute the original intent which was to incentivize the reuse of older buildings. Mr. Fitzgerald commented that the discussion in 2012 was for adding specific incentives and that allowing the uses in new construction was never specifically prohibited. The proposal would provide clarification about where the uses were allowed and would provide incentives that were more directly tied to historic and potentially historic buildings. Addressing concerns about eliminating the restrictions for buildings with more than twenty dwelling units, Mr. Fitzgerald noted that there were multiple existing buildings with more than 20 dwelling units that would be good candidates for work-live.

Mr. Fitzgerald reviewed a table that highlighted how the different flexibilities are applied in the current code and in the proposed code. He also noted that staff had met with Historic Tacoma to address their concerns. Mr. Fitzgerald reviewed the next steps with the proposal returning to the Commission on August 19<sup>th</sup>.

Commissioners had the following comments and questions:

- Commissioners expressed support for limiting new construction to 20 units.
- Commissioner Erickson commented that the proposal from several years prior had been for enhancement and redevelopment of existing buildings. He expressed concern that the justification being used was a significant change from the understanding three years' prior.

- Commissioner Santhuff asked if there were any limits on new construction for work-live in the current code. Mr. Fitzgerald responded that the existing Land Use Code does not allow new construction, but it is allowed in the Building Code.
- Chair Beale requested that staff return with information on how things like ADA improvements were handled by the exemption for offsite improvement projects.
- Vice-Chair Wamback expressed concern that the creation of live-work/work-live in the M-1 zone would be perceived as introducing residential uses and removing land from future industrial roles.
- Commissioner Santhuff asked about exemption from design standards for minor additions and how it would relate to historic properties. Mr. Boudet responded that external modifications to listed buildings would not be exempt and changes to existing buildings that could potentially be listed would be reviewed by the City's Historic Preservation Officer.
- Commissioner Erickson recommended changing the language on exemptions from design standards for minor additions to include exterior modifications.

## 2. Billboard Regulations

Chair Beale proposed that a task force be established to work through the issues of the topic and create the draft code amendments that the Commission would send out for public review. Members of the task force would include Commissioners Wamback, Erickson, Petersen, and Neal, with Commissioner Santhuff as an alternate. Vice-Chair Wamback would be designated the chair of the task force. Vice-Chair Wamback motioned to create the task force and Commissioner Winship seconded the motion. The motion was approved unanimously.

John Harrington, Planning and Development Services, continued a review of proposed sign code amendments concerning billboards, focusing on new billboards, design, dispersal, size, buffers, height, and location. Issues relating to the intensity and times of lighting were still being worked on by staff. Mr. Harrington discussed allowing new signs as part of the exchange mechanism where the square footage of removed signs would be banked and exchanged for new billboards once all faces in non-billboard zones were removed.

Design standards were discussed. Mr. Harrington reviewed that the Community Working Group (CWG) had recommended retaining most of the existing standards while eliminating requirements that billboard faces be with 5 degrees of perpendicular to the road; prohibiting cantilevered and off-set structures; and setting a maximum 10 foot setback. Staff recommended allowing a billboard onsite with an existing pole sign. Examples for design criteria were shown. Commissioner Santhuff asked if the faces would need to be parallel. Mr. Harrington responded that they had to be back to back. Mr. Santhuff asked if the cantilevered design would allow billboards to overhang buildings. Mr. Harrington responded that the CWG had upheld the design standard that prohibited signs overhanging buildings. Mr. Santhuff asked if the greater setback would allow more property for signage. Mr. Harrington confirmed that it would. Commissioner Erickson commented on the need for clarification between the definitions of offset and cantilevered designs.

Dispersal between billboards was discussed. Mr. Harrington reviewed that the CWG was recommending 200 feet or less in industrial zones and CIX; 300 feet or less in CCX and UCX; and were split on C-2, PDB, DCC, DMU, and WR. Staff recommended 500 feet dispersals for faces over 300 square feet; 300 feet for faces 300 square feet or less; and 200 feet for wall mounted faces downtown.

Size recommendations for billboard faces were discussed. Mr. Harrington reported that staff recommended allowing 672 square foot signs in UCX, CCX, CIX, and HMX while otherwise concurring with CWG recommendations. Mr. Boudet noted that allowing the larger signs could be a mechanism for exchange as most of the existing signs were medium sized. He added there could also be consideration given allowing larger signs in areas with larger buildings. Commissioner Erickson commented that much of the negative reaction to billboards is due to the large supporting structure and whether the sign had a large support structure or was wall mounted would be an important factor for consideration in whether to allow a larger size. Mr. Harrington noted that the 672 square foot billboards would be conditioned uses with director approval. Vice-Chair Wamback noted that on the issue of size, the CWG had not had a clear consensus on any of their recommendations. Chair Beale commented that 672 square foot signs did not seem appropriate on roadways with lower speeds.

Buffers were discussed. Mr. Harrington reviewed the recommendations of the CWG for buffers from residential zones, sensitive uses, and billboard prohibited and overlay districts. The staff recommendations would be for 100 foot buffers for billboards near residential zones less than 30 feet in height; 100 feet from sensitive uses with Landmarks Preservation Commission review for billboards within 250 feet of historic structures; 100 feet from prohibited zones; and 100 feet for prohibited overlay districts.

Height was discussed. Mr. Harrington reviewed that the CWG had not made a strong recommendation aside from retaining 45 feet for the PMI zone. Staff recommendations were for a 30 foot maximum height in areas within 500 feet of Residential, SHR, VSD, HIST, and CONS districts with an exception for downtown signs mounted on buildings which would allow for 40 feet. Staff was recommending 40 feet or 5 feet over the height of the tallest building for billboards more than 500 feet from Residential, SHR, VSD, HIST, CONS districts.

Zones where billboards should be allowed were discussed. The CWG had recommended adding UCX, CCX, CIX, DCC, DMU, WR, and PDB zones to areas where billboards were allowed. Staff concurred with the CWG and recommended adding HMX. Mr. Boudet noted that Clear Channel Outdoor had not expressed much interest in adding billboards in HMX zones. Commissioner Erickson commented that HMX zones were similar to residential zones with additional sensitivities and were not appropriate for billboards.

Mr. Harrington discussed the companion agreement. He commented that it would address what would be needed to allow adoption of the new code without the amortization clause. The potential requirements to be considered for inclusion in the companion agreement included an overall reduction of existing signs; removal of specific objectionable billboards; removal of signs from specific zones; and modifications to bring signs into conformance.

The next steps and tentative schedule were reviewed.

### **3. Proposed Amendments to the Commission's Rules and Regulations**

Lihuang Wung, Planning Services Division, presented proposed amendments to the Commission's Rules and Regulations ("Bylaws"). He reviewed that the Rules and Regulations were last amended in 2010 and that the amendments were needed to keep information current and respond to Commissioner's requests.

The following proposed amendments were highlighted:

- Section I-B: Streamlining of the procedures for electing officers by conducting both the nomination and election at the last meeting in June.
- Section IV-D: Proposal to change the quorum requirement to a simple majority of filled positions.
- Section IV-E: Provision to allow telephonic participation in meetings. Mr. Wung noted that they would only allow one Commissioner to phone in to each meeting; it would only be available for locations that could accommodate it; and telephonic participation would count as quorum. Commissioners expressed concern about not being able to ensure that a caller is attentive and engaged; that it was important that Commissioners be present for public hearings; and that telephonic participation should not be encouraged. Commissioners suggested that it is not necessary for telephonic participation be explicitly included in the Bylaws but be accommodated when needed and on a case by case basis.
- Section IV-H: Proposal to add "public comment" to the agenda. Mr. Wung noted that if approved, it would be up to the Chair to exercise the provision. He also recommended having public comments at the beginning of the meeting to limit the amount of time that commenters would have to wait; provide feedback prior to discussion of items; and avoid comments directly responding to actions or discussions that had just occurred. Discussion ensued, and the Commissioners concurred with the proposal and further suggested that public comments must be limited to items on the agenda that were not the topic of a recent public hearing.
- Section VII-A: Proposal to remove the list of items that constitute violations of the Code of Ethics and instead refer to TMC 1.46 for consistency.

Commissioner Erickson made a motion to approve the proposed amendments to the Commission's Rules and Regulations with the recommended changes. Commissioner Petersen seconded. The motion was approved unanimously.

#### **E. COMMUNICATION ITEMS & OTHER BUSINESS**

Mr. Wung provided an update on the following items:

- a) A letter from Council member Robert Thoms regarding affordable housing had been distributed.
- b) The August 19<sup>th</sup> meeting would include a public hearing on the 2015 Annual Amendment. Citizens would have the opportunity to make comments at community informational sessions, the public hearing, or through written comments.
- c) For the Tacoma Mall Subarea Plan walking tour, four Commissioners had responded to the poll on arranging an appropriate date and time.
- d) The 2015 Annual Amendment document was being printed. Chair Beale reiterated concern about the August 28<sup>th</sup> comment deadline did not provide enough time for adequate review of the document.

Mr. Boudet provided an update on the following items:

- a) The August 11<sup>th</sup> Council Study Session agenda would include billboards and medical marijuana.
- b) The Lincoln District revitalization project would have a kickoff event on August 20<sup>th</sup>.
- c) The 2015 Comprehensive Plan Update and Mixed-Use Centers Review had been topics of discussion at one of the recent Council Study Sessions and the Council had expressed support for the work being done.

Chair Beale noted for the record that Commissioner Thompson had not been present since the initial discussion regarding possible recusal from the Narrowmoor Conservation District discussion. He added that it was important that a decision be made on the record during a meeting.

#### **F. ADJOURNMENT:**

At 6:40 p.m., the meeting of the Planning Commission was concluded.



City of Tacoma  
Planning and Development Services

**Agenda Item  
D-1**

**To:** Planning Commission  
**From:** Elliott Fitzgerald, Planning Services Division  
**Subject:** **Live/Work & Work/Live Code Amendments**  
**Meeting Date:** August 19, 2015  
**Memo Date:** August 13, 2015

At the next meeting on August 19, 2015, the Planning Commission will consider making a recommendation to the City Council concerning the proposed amendments to the Land Use Regulatory Code pertaining to live/work and work/live development. This issue has been reviewed by the Commission since May 2015 through a public process, including a public hearing on July 15, 2015.

Attached for the Commission's review and consideration for approval is a draft recommendation packet, which includes a letter of recommendation, a findings of fact and recommendation report, and the complete text of the proposed code amendments. If you have any questions, please contact Elliott Fitzgerald at (253) 591-5379, or at [efitzgerald@cityoftacoma.org](mailto:efitzgerald@cityoftacoma.org).

#### Attachments

c: Peter Huffman, Director





City of Tacoma  
Planning Commission

August 19, 2015

The Honorable Mayor and City Council  
City of Tacoma  
747 Market Street, Suite 1200  
Tacoma, WA 98402

HONORABLE MAYOR STRICKLAND AND MEMBERS OF THE CITY COUNCIL,

On behalf of the Planning Commission, I am pleased to forward our recommendations regarding the proposed Live/Work and Work/Live Amendments to the Land Use Regulatory Code, as outlined in the *Planning Commission's Findings of Fact and Recommendations Report, August 19, 2015* (attached).

Over the past three months, the Commission has conducted a public process regarding a proposal to amend the existing live/work and work/live provisions within the Land Use Regulatory Code. These provisions were originally adopted in 2012 to recognize live/work and work/live as uses that promote increased local activity, reduced commuting, expanded entrepreneurial opportunities, housing affordability and community interaction, and can facilitate the reuse and rehabilitation of the many older, underutilized buildings in this community. The original amendments included development flexibilities for projects that incorporated live/work and work/live units in the context of adaptive reuse of existing buildings in Downtown Tacoma and the City's other Mixed-Use Centers.

The adoption of these Land Use Regulatory Code amendments prompted a study on code compatibility, with a particular focus on examining the City's Building Code. Recommendations were formulated as part of the study with the goal of implementing code revisions that would reduce regulatory obstacles with respect to live/work and work/live development. The recommendations focused primarily on two general objectives: (1) increasing development flexibilities in the Building Code and (2) reevaluating limitations imposed by the land use provisions adopted in 2012. The Commission's analysis focused on the latter.

The study, which was finalized early this year, served as the Commission's starting point for this effort. Recommendations from the study were reviewed and incorporated into the proposal and a public hearing was conducted on July 15, 2015. The public comments received raised some questions about whether the proposal was still sufficiently promoting this type of use in pre-existing buildings. The Commission recognizes concerns held by some members of our community and generally agrees that it is important to ensure that the proposed incentives focus on the reuse of underutilized existing buildings. In response to those concerns we have incorporated additional code language to better meet that intent. As proposed, we feel that these amendments represent a significant improvement over the existing codes by providing an expanded list of incentives to encourage this type of use and better tying those incentives to the reuse and rehabilitation of older and historic buildings.

**Mayor and City Council**

August 19, 2015

Page 2 of 2

The Commission acknowledges that land use regulations are only one component of the proposed package of amendments. The amendments to the Land Use Regulatory Code have been developed in coordination with complimentary Building Code amendments, which have undergone their own review process under the purview of the Board of Building Appeals. Minor modifications to the Tax and License Code are another component of the proposal. These amendments are proceeding together with the intent of streamlining live/work and work/live regulations throughout the Tacoma Municipal Code.

It is with that understanding and intent that the Planning Commission respectfully requests the City Council adopt the proposed live/work and work/live amendments to the Land Use Regulatory Code, as recommended.

Sincerely,

CHRIS BEALE  
Chair

Enclosure



## LIVE/WORK & WORK/LIVE PROPOSED AMENDMENTS TO THE LAND USE REGULATORY CODE

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### TACOMA PLANNING COMMISSION FINDINGS OF FACT AND RECOMMENDATIONS AUGUST 19, 2015

#### **A. SUBJECT:**

Live/Work and Work/Live Code Amendments – Proposed Amendments to the Land Use Regulatory Code

#### **B. SUMMARY OF PROPOSED AMENDMENT:**

The proposed amendments, as shown in Exhibit “A”, would amend the Tacoma Municipal Code, Chapters 13.06 – Zoning and 13.06A – Downtown Tacoma, in which modifications would be made to the live/work and work/live provisions. The existing code provides the following development flexibilities for projects that incorporate live/work and work/live units into existing buildings (those lawfully in existence as of September 25, 2012) within Downtown Tacoma and the City’s other Mixed-Use Centers:

- No additional parking spaces are required;
- Up to 10% of new floor area may be added, either internally or externally, for the purposes of creating living or working space without triggering a change in use; and,
- External additions are exempt from all prescriptive design standards contained within TMC 13.06.300 and TMC 13.06A, but external additions shall be in conformance with the character of the existing building.

The proposal would remove the section from Chapter 13.06A – Downtown, and relocate it to a newly created section within Chapter 13.06 – Zoning. The new section – 13.06.570 – would be specific to live/work and work/live uses and would include improvements to the existing provisions. The new iteration would retain the development flexibilities of the existing code, but the applicability of certain flexibilities would be reserved for buildings lawfully in existence prior to December 5, 1989, while others would be reserved only for historic buildings. Additionally, the proposal would incorporate the following modifications:

- Clarify that live/work and work/live uses are subject to business license requirements and that the residential portions of these units must be inhabited by the operator or an employee of the commercial or manufacturing activities within the unit;
- Clarify that the residential portion of the unit is limited in occupancy to one family;
- Clarify the areas where live/work and work/live uses are permitted – to include all zoning districts that allow for the associated mix of uses;

- Remove the restriction on live/work and work/live projects with more than 20 dwelling units or 12,000 square feet of commercial space, while retaining the 20 dwelling unit limitation for projects involving new construction.
- Expand the definition of “historic buildings” for the purposes of these flexibilities to include both buildings listed on historic registers and buildings that retain sufficient historic character such that they could be listed on historic registers.

The existing code also contains specific provisions that are generally not under the purview of the Land Use Regulatory Code but are more typical of Building Code considerations. Some of these provisions are already addressed in the International Building Code (IBC) while others are being incorporated into local Building Code amendments being proposed concurrently. The following provisions would be rescinded from the Land Use Regulatory Code and modified in the proposed Building Code amendments:

- Limiting the residential portion of work/live units to 33 percent of the unit (this ratio is more restrictive than the current IBC for live/work units – a 50 percent maximum residential use area is being proposed in the Building Code amendments);
- Requiring unseparated living and working quarters (the proposed Building Code amendments would provide options for separation of space).

### **C. FINDINGS OF FACT:**

1. In 2012, the City Council adopted Ordinance No. 28088, which created regulations to incentivize the development of live/work and work/live uses in the City’s commercial centers. The amendments provided development flexibilities related to parking, design standards, and off-site improvement requirements to promote the expansion and improvement of these types of joint living/working units when incorporated into existing buildings within the Downtown and other Mixed-Use Districts. The intent was to provide new tools to help restore vibrancy in neglected and underutilized areas by allowing greater flexibility for infill development and the reuse of existing buildings.
2. Subsequently, a consultant study on code compatibility was conducted with the goal of implementing code revisions to both the Building Code and Land Use Regulatory Code that would further reduce regulatory obstacles with respect to live/work and work/live development.
3. A report, prepared by BLRB Architects, was finalized in early 2015, which included analysis of the City’s existing efforts on live/work and work/live codes, benchmarked studies in jurisdictions similar to Tacoma, case studies for a few potential buildings in Tacoma, and recommendations for further code changes.
4. Recommendations from the report were reviewed by Staff and the Planning Commission. The following City departments provided expertise and comment to the process and proposal: Planning & Development Services, Community & Economic Development, Finance, and Tacoma Fire.

5. Updates regarding the progress of the proposed amendments were presented to, and feedback solicited from, the City Council's Infrastructure, Planning, and Sustainability Committee on May 27<sup>th</sup> and August 12<sup>th</sup> in 2015.
6. The Planning Commission reviewed findings from the consultant study and the proposed Land Use Regulatory Code amendments at their meetings on May 20<sup>th</sup>, June 17<sup>th</sup>, and August 5<sup>th</sup> in 2015. All meetings were open to the public.
7. The Planning Commission conducted a public hearing on July 15, 2015 on the proposed amendments to the Land Use Regulatory Code. Notice of the public hearing 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. An advertisement was placed in the News Tribune on July 6, 2015; and a legal notice regarding the environmental determination was placed in the Tacoma Daily Index on July 6, 2015.
8. Environmental Review – Pursuant to WAC 197-11-340(2) and the City's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) for the proposed regulations was issued on June 25, 2015 (SEPA File Number: SEP2015-40000249187), based upon a review of an environmental checklist. The DNS and the environmental checklist was provided or made available to appropriate entities that received the Planning Commission's public hearing notice. The City did not receive any comments on the preliminary determination. The determination was not modified by the City, and became final on July 29, 2015.
9. A "Notice of Intent to Adopt Amendment 60 Days Prior to Adoption" was filed with the State Department of Commerce on July 1, 2015 (per RCW 36.70A.106). A notification was sent to Joint Base Lewis-McChord on July 7, 2015 (per RCW 36.70A.530(4)). A similar notice was also sent to the City of Tacoma Attorney's Office, requesting legal review to help ensure that the proposed amendments will not result in an unconstitutional taking of private property (per RCW 36.70A.370). No concerns have been raised in response to these notices.
10. One citizen testified at the Planning Commission's public hearing on July 15, 2015, and three written comments were received by the record closing date of July 22, 2015. The public comments generally addressed the following concerns:
  - Removing the 20+ dwelling restriction may result in more live/work and work/live developments within larger, less affordable buildings, which may detract from the goal of incentivizing the reuse of older small buildings.
  - Allowing these uses in new buildings and outside of mixed-use centers and Downtown could potentially dilute the original intent, which was to incentivize this in those areas.
11. The Planning Commission reviewed oral and written comments at its meeting on August 5, 2015, and provided direction on changes to the proposal to reflect additional Commission deliberations and address some of the community concerns raised through the public process.

#### **D. CONCLUSIONS:**

The Planning Commission concludes that:

1. The proposed live/work and work/live code amendments to the Land Use Regulatory Code are designed to streamline the City’s regulatory code to support this type of mixed-use development, particularly within the context of the reuse and renovation of existing and historic buildings. These proposed amendments will facilitate people living and working in one place and expand entrepreneurial opportunities, while at the same time supporting the safe occupation of structures;
2. As proposed, these amendments represent a significant improvement over the existing codes by providing an expanded list of incentives to encourage this type of use and better ties those incentives to the reuse and rehabilitation of older and historic buildings.
3. The proposed live/work and work/live code amendments to the Land Use Regulatory Code will work in conjunction with companion Building Code amendments to support the City’s strategic goals for a safe, clean, attractive, and environmentally sustainable city while fostering economic diversity;
4. The proposed live/work and work/live code amendments to the Land Use Regulatory Code are consistent with the Growth Management Act, will benefit the City as a whole, will not adversely affect the City’s public facilities and services, and are in the best interests of the public health, safety and welfare of the citizens of Tacoma.

#### **E. RECOMMENDATION:**

The Planning Commission recommends that the City Council adopt the proposed live/work and work/live code amendments as set forth in Exhibit “A”, along with the companion amendments to the Building Code.

#### **F. EXHIBITS:**

“A”: Live/Work and Work/Live Code – Proposed Amendments to the Land Use Regulatory Code



## Live/Work and Work/Live Code Amendments

### PROPOSED LAND USE REGULATORY CODE AMENDMENTS

*August 12, 2015*

These proposed amendments include modifications to the following Sections of TMC Title 13, the Land Use Regulatory Code:

#### **13.06 – Zoning**

- 13.06.100 – Residential Districts.
- 13.06.200 – Commercial Districts.
- 13.06.300 – Mixed-Use Center Districts.
- 13.06.400 – Industrial Districts.
- 13.06.570 – Live/Work and Work/Live. (new section)
- 13.06.700 – Definitions and illustrations.

#### **13.06A – Downtown Tacoma**

- 13.06A.050 – Additional use regulations.

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~. New text that has been added since the June 9, 2015 draft is highlighted.

**Chapter 13.06  
ZONING**

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**13.06.100 Residential Districts.**

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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.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
***									
Home occupation	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.E.
Hospital	N	N	N	N	N	CU	CU	CU	
Hotel/motel	N	N	N	N	N	N	N	N	
Industry, heavy	N	N	N	N	N	N	N	N	
Industry, light	N	N	N	N	N	N	N	N	
Intermediate care facility	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Juvenile community facility	CU	Subject to additional requirements contained in Section 13.06.530.							
<a href="#">Live/Work</a>	<a href="#">N</a>								
***									
<a href="#">Work/Live</a>	<a href="#">N</a>								

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
Work release center	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.550.
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	N	N	N	N	
<b>Footnotes:</b>									
<sup>1</sup> For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.									

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### 13.06.200 Commercial Districts.

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#### 3. Use table abbreviations.

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

#### 4. District use table.

Uses	T	C-1	C-2 <sup>1</sup>	HM	PDB	Additional Regulations <sup>2,3</sup> (also see footnotes at bottom of table)
***						
Home occupation	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.E
Hospital	N	CU	CU	P	N	
Hotel/motel	N	N	P	P	P	
Industry, heavy	N	N	N	N	N	
Industry, light	N	N	N	N	N	
Intermediate care facility	P	P	P	P	P	See Section 13.06.535.
Juvenile community facility	N	N	N	N	N	Prohibited except as provided for in Section 13.06.530.

Uses	T	C-1	C-2 <sup>1</sup>	HM	PDB	Additional Regulations <sup>2, 3</sup> (also see footnotes at bottom of table)
Live-/Work-unit	<del>NP</del>	P	P	P	P	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.
***						
Work/Live	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570
Work release center	N	N	N	N	N	Prohibited except as provided for in Section 13.06.550.
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	N	

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### 13.06.300 Mixed-Use Center Districts.

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2. Use table abbreviations.

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

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
***									
Home occupation	P	P	P	P	P	P	P	P	Home occupations shall be allowed in all X-Districts pursuant to the standards found in Sections 13.06.100.E and <del>13.06A.050</del>
Hospital	N	CU	CU	N	P	P	N	N	
Hotel/motel	P	P	P	N	P	P	N	N	
Industry, heavy	N	N	N	N	N	N	N	N	

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
Industry, light	N	N	N	N	P	N	N	N	
Intermediate care facility	P	P	P	P	P	P	P	P	See Section 13.06.535. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.530 for additional information about size limitations and permitting requirements.
<a href="#">Live/Work</a>	<a href="#">P</a>	<a href="#">Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.</a>							
***									
Wholesale or distribution	N	N	N	N	P	N	N	N	
<a href="#">Work-<del>Live</del></a>	P	P	P	P	P	P	P	<del>NP</del>	<a href="#">Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570. <del>Not subject to minimum density requirements.</del></a>

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### 13.06.400 Industrial Districts.

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3. Use table abbreviations.

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

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
***				
Home occupation	P	P	P	Subject to additional requirements contained in Section 13.06.100.E
Hospital	P/CU*	P/N~	N	*Conditional use within the South Tacoma M/IC Overlay District. ~Not permitted within the South Tacoma M/IC Overlay District.
Hotel/motel	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Industry, heavy	N	P	P	Animal slaughter, fat rendering, acid manufacture, smelters, and blast furnaces allowed in the PMI District only.
Industry, light	P	P	P	
Intermediate care facility	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Juvenile community facility	P/N*	P/N*	P	See Section 13.06.530 for resident limits and additional regulations. *Not permitted within the South Tacoma M/IC Overlay District.
Live- <del>Work-unit</del>	P	N	N	<u>Projects incorporating live/work in new construction shall contain no more than 20 live/work units.</u> <u>Subject to additional requirements contained in Section 13.06.570</u>
***				
<u>Work/Live</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>Projects incorporating work/live in new construction shall contain no more than 20 work/live units.</u> <u>Subject to additional requirements contained in Section 13.06.570</u>
Work release center	CU	CU	P	Subject to development standards contained in Section 13.06.550.

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**13.06.500 Requirements in all preceding districts.**

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### 13.06.570 Live/Work and Work/Live

A. Purpose and Intent: Live/work and work/live units are types of mixed-use development that can eliminate the need to commute to work, provide affordable work and housing space, and support the creation of new businesses by expanding entrepreneurial opportunities. The purpose of this section is to recognize live/work and work/live as uses that promote these community goals by facilitating economic activity in conjunction with residential uses, which is particularly appropriate within Downtown Tacoma and the City's other Mixed-Use Centers. Furthermore, this section provides certain flexibilities to development standards in order to incentivize the development of these mixed-use units in the context of adaptive reuse of older, economically distressed, or historically significant buildings. These provisions are intended to operate in conjunction with companion flexibilities provided in the Building Code with the overall goal of promoting live/work and work/live development as a means to conserve and reuse older, smaller, and historically significant buildings to their highest and best use.

#### B. Live/Work

1. Applicability. Live/work units shall be permitted in accordance with Section 13.06A.050 as well as the district use tables in Sections 13.06.100, 13.06.200, 13.06.300, and 13.06.400, provided that the work component of the unit is a permitted use in the underlying zoning district and subject to other limitations and standards applicable to that use. Uses that are permitted conditionally in the associated underlying zoning district may be allowed in live/work units, provided that a Conditional Use Permit is authorized.

2. Requirements. The following requirements shall apply to live/work units:

a. The commercial or manufacturing activity taking place is subject to a valid business license associated with the premises;

b. The residential portion of the unit shall be inhabited by the operator or an employee of the commercial or manufacturing activities performed in the unit. The work space shall not be leased separately from the living space; conversely, the living space shall not be leased separately from the work space;

c. The residential portion of the unit shall be limited in occupancy to one family;

d. The Director may attach additional conditions to permits that are required for live/work units to ensure that the intent and standards are met as outlined above.

e. The live/work use shall be subject to any additional requirements within the Building Code.

3. Exemptions from development standards.

a. No additional parking shall be required for live/work units within buildings lawfully in existence prior to December 5, 1989.

b. For historic buildings, up to 10 % of new floor area may be added in which external additions and alterations are exempt from all prescriptive design standards contained within TMC 13.06.500 and TMC 13.06A, but external additions and alterations shall be in conformance with the character of the existing building and shall not negatively impact or remove important character-defining features as determined by the Historic Preservation Officer. For the purposes of this section, a historic building is defined as follows: Any building or structure that is listed in the State or National Register of Historic Places; or designated as a City Landmark under Chapter 13.07 of the Tacoma Municipal Code; or certified as a contributing resource within a National Register or Tacoma Register historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic

Preservation Officer, or with an opinion from the Tacoma Historic Preservation Officer that the property appears to meet the criteria for designation as a local landmark listed in Chapter 13.07 of the Tacoma Municipal Code. However, such review by the Historic Preservation Officer shall in no case replace the review by the Landmarks Preservation Commission when otherwise required.

### C. Work/Live

1. Applicability. Work/live units shall be permitted in accordance with Section 13.06A.050 as well as the district use tables in Sections 13.06.100, 13.06.200, 13.06.300, and 13.06.400, provided that the work component of the unit is a permitted use in the underlying zoning district and subject to other limitations and standards applicable to that use. Uses that are permitted conditionally in the associated underlying zoning district may be allowed in work/live units, provided that a Conditional Use Permit is authorized.

2. Requirements. The following requirements shall apply to work/live units:

a. The commercial or manufacturing activity taking place is subject to a valid business license associated with the premises;

b. The residential portion of the unit shall be inhabited by the operator or an employee of the commercial or manufacturing activities performed in the unit. The work space shall not be leased separately from the living space; conversely, the living space shall not be leased separately from the work space;

c. The residential portion of the unit shall be limited in occupancy to one family.

d. The Director may attach additional conditions to permits that are required for work/live units to ensure that the intent and standards are met as outlined above.

e. The work/live use shall be subject to any additional requirements within the Building Code.

3. Exemptions from development standards.

a. No additional parking shall be required for work/live units within buildings lawfully in existence prior to December 5, 1989.

b. For historic buildings, up to 10 % of new floor area may be added in which external additions and alterations are exempt from all prescriptive design standards contained within TMC 13.06.500 and TMC 13.06A, but external additions and alterations shall be in conformance with the character of the existing building and shall not negatively impact or remove important character-defining features as determined by the Historic Preservation Officer. For the purposes of this section, a historic building is defined as follows: Any building or structure that is listed in the State or National Register of Historic Places; or designated as a City Landmark under Chapter 13.07 of the Tacoma Municipal Code; or certified as a contributing resource within a National Register or Tacoma Register historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer, or with an opinion from the Tacoma Historic Preservation Officer that the property appears to meet the criteria for designation as a local landmark listed in Chapter 13.07 of the Tacoma Municipal Code. However, such review by the Historic Preservation Officer shall in no case replace the review by the Landmarks Preservation Commission when otherwise required.

## **13.06.700 Definitions and illustrations.**

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Light rail street. A street either containing public light rail transportation or planned for such transportation as evidenced by a public transportation agency.

Live/work. A residential unit that is intended to function predominantly as a living space with incidental accommodations for work-related activities that are beyond the scope of a home occupation.

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Work release center. An alternative to imprisonment, including work and/or training release programs which are under the supervision of a court or a federal, state, or local agency. This definition excludes at-home electronic surveillance.

Work-live. A non-residential use that includes a subordinate residential component consisting of at least a kitchen, bathroom and sleeping quarters.

## Chapter 13.06A

### DOWNTOWN TACOMA

#### 13.06A.050 Additional use regulations.

\*\*\*

D. ~~Live Work.~~ Live/work and work/live uses shall be allowed in all downtown districts, subject to the requirements contained in Section 13.06.570.

~~1. Purpose and Intent: The purpose of this Section is to assist with the revitalization of Downtown Tacoma and the City's other Mixed Use Centers and with the implementation of the City's Comprehensive Plan by facilitating additional economic activity in conjunction with residential uses. This will help to reduce vacant space as well as preserve Downtown's architectural and cultural past and encourage the development of a live work and residential community Downtown, thus creating a more balanced ratio between housing and jobs in the region's primary employment center. This revitalization will also facilitate the development of a "24 hour city" and encourage mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels and transit services near each other. Adding a home occupation does not trigger change of use requirements under the City's land use codes.~~

~~a. All legal residential uses within buildings lawfully in existence on September 25, 2012 in Downtown and the other mixed use centers may, as a matter of right, add a home occupation pursuant to TMC 13.06.100 E without being subject to the limitation in TMC 13.06.100 E(6) that no employees outside the members of the family residing on the premises be involved in the home occupation.~~

~~b. No additional parking spaces are required.~~

~~e. Up to 10% of new floor area may be added, either internally or externally, for the purposes of creating living or working space without triggering a change in use.~~

~~d. External additions are exempt from all prescriptive design standards contained within TMC 13.06.300 and TMC 13.06A, but external additions shall be in conformance with the character of the existing building.~~

~~e. Non conforming floor area, Floor Area Ratio (FAR), setbacks, height, and site landscaping are "grandparented in", meaning that a variance is not required for development that does not increase the degree of non conformity.~~

~~f. Mezzanine spaces may be added so long as they do not exceed a 10% increase in floor area or one third the area of the floor below.~~

~~g. These provisions do not extend to adaptive reuses that involve more than 20 dwelling units or more than 12,000 square feet of commercial space in a particular building.~~

~~E. Work Live.~~

~~1. Purpose and Intent: The purpose of this Section is to assist with the revitalization of Downtown Tacoma and with the implementation of the City's Comprehensive Plan by facilitating the conversion of older, economically distressed, or historically significant buildings to work live units. This will help to reduce vacant space as well as preserve Downtown's architectural and cultural past and encourage the development of a work live and residential community Downtown, thus creating a more balanced ratio between housing and jobs in the region's primary employment center. This revitalization will also facilitate the development of a "24 hour city" and encourage mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels and transit services near each other. Adding a minor residential component to an existing or historic building does not trigger change of use requirements under the City's Land use codes.~~

~~a. A work live unit is a combined living and work unit that includes a kitchen and a bathroom. The residential portion of the unit, including the sleeping area, kitchen, bathroom, and closet areas, occupies no more than 33 percent of the total floor area of the legal non residential use, and the living space is not separated from the work space. It must be located within buildings lawfully in existence on September 25, 2012 in Downtown.~~

~~b. The requirements for the "work live" units are as follows:~~

- ~~i. The residential use must be clearly incidental and subordinate to the work space.~~
- ~~ii. Buildings containing "work live" units shall not generate additional impacts to any greater extent than what is usually experienced in the surrounding area.~~
- ~~iii. The Director may attach additional conditions to permits that are required for "work live" units to ensure that the criteria set forth above are met.~~
- ~~c. For the purposes of this chapter, a historic building is defined as follows: Any building or structure that is listed in the State or National Register of Historic Places; or designated as a City Landmark under Chapter 13.07 of the Tacoma Municipal Code; or certified as a contributing resource within a National Register or Tacoma Register historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer, or with an opinion from the Tacoma Historic Preservation Officer that the property appears to meet the criteria for designation as a local landmark listed in Chapter 13.07 of the Tacoma Municipal Code.~~
- ~~d. No additional parking spaces are required.~~
- ~~e. Up to 10% of new floor area may be added, either internally or externally, for the purposes of creating living or working space without triggering a change in use.~~
- ~~f. External additions are exempt from all prescriptive design standards contained within TMC 13.06.300 and TMC 13.06A, but external additions shall be in conformance with the character of the existing building.~~
- ~~g. Non-conforming floor area, Floor Area Ratio (FAR), setbacks, height, and site landscaping are "grandparented in", meaning that a variance is not required for development that does not increase the degree of non-conformity.~~
- ~~h. Mezzanine spaces may be added so long as they do not exceed a 10% increase in floor area or one third the area of the floor below.~~
- ~~i. New roof structures shall not be considered as adding new floor area or trigger change of use requirements provided that: such structures are not used for living or working quarters; and, such structures are used solely for accessory uses or in conjunction with open space amenities.~~
- ~~j. Adding a "work live" unit is not subject to density requirements in the underlying zone.~~
- ~~k. These provisions do not extend to adaptive reuses that involve more than 20 dwelling units or more than 12,000 square feet of commercial space in a particular building.~~
- FE**. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer). Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.565. Marijuana producers and marijuana processors shall be prohibited in all downtown districts.





City of Tacoma  
Planning and Development Services

**Agenda Item  
D-2**

**To:** Planning Commission  
**From:** Lihuang Wung, Planning Services Division  
**Subject:** **Public Hearing on 2015 Annual Amendment**  
**Date of Hearing:** August 19, 2015  
**Date of Memo:** August 13, 2015

### **Action**

The Planning Commission will conduct a public hearing on August 19, 2015, to receive testimony on the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2015 ("2015 Annual Amendment"), and keep the record open through September 11, 2015 to accept written comments. The comment period that was originally scheduled to end on August 28<sup>th</sup> was at one time extended to September 4<sup>th</sup> to allow more time for concerned citizens to provide feedback, and has been further extended to September 11<sup>th</sup> per the Commission's request.

### **Public Hearing Subject**

The 2015 Annual Amendment includes the following main categories of subjects:

1. A substantial update to the Comprehensive Plan;
2. An in-depth review of the Mixed-Use Centers;
3. Regulatory changes to support housing affordability and infill development;
4. Various clean-up amendments to the Land Use Regulatory Code; and
5. The proposed Narrowmoor Addition Conservation District

### **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 posted on the Planning Services Division's website at [www.cityoftacoma.org/Planning](http://www.cityoftacoma.org/Planning) for public review.

### **Environmental Evaluation**

Pursuant to Washington Administrative Code (WAC) 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance was issued on July 29, 2015 (SEPA File Number SEP2015-40000251556), 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 August 28, 2015 and unless modified, the preliminary determination will become final on September 4, 2015.

### **Notification**

Notification for the public hearing has been conducted to reach a broad-based audience, through the following efforts that occurred in July-August, 2015:

1. **Public Hearing Notice** – A notice announcing the public hearing on August 19<sup>th</sup> and the community informational sessions on August 12<sup>th</sup> and 13<sup>th</sup> 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. The notice was also mailed to property owners within 400 feet of the boundaries of the proposed Narrowmoor Addition Conservation District.

2. **Public Notice Signs** – Pursuant to TMC 13.02.057, public notice signs were installed in the areas associated with the proposed Narrowmoor Addition Conservation District, one sign at each of the following locations: 6<sup>th</sup> and Jackson, 6<sup>th</sup> and Mountainview, S. 12<sup>th</sup> and Jackson, S. 19<sup>th</sup> and Jackson, and S. 19<sup>th</sup> and Linden.
3. **Library** – A request was made to the Tacoma Public Library to make the public hearing notice and the Executive Summary Packet of the Public Review Document available for patrons' review at all eight branches.
4. **News Media** – An advertisement was placed on The News Tribune on August 7, 2015; a legal notice regarding the environmental determination was placed on the Tacoma Dailey Index on August 7, 2015; a public announcement was placed on TV Tacoma and will run August 4-19, 2015; and an e-mail news release, "Tacoma News", was issued through the City's Media and Communications Office on August 7, 2015.
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), 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 "Comprehensive Plan Reporting Tool" as required by the Puget Sound Regional Council for the purpose of PSRC's review and certification of the 2015 Annual Amendment for consistency with VISION 2040 will be submitted in early September 2015. These notices were/will be sent to these entities more than 60 days prior to the Council's scheduled action on November 10, 2015, so that their comments, if any, can be addressed in a timely manner during the Planning Commission's review process.
6. **Community Informational Sessions** – Planning staff conducted a question-and-answer, Informational Session on August 12, 2015, at 6:00 p.m., at Baker Middle School, and will conduct a second one on August 13, 2015, at 6:00 p.m., at Stadium High School, 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 2015 Annual Amendment are posted on the Planning Services Division's website at [www.cityoftacoma.org/Planning](http://www.cityoftacoma.org/Planning), and linked to either "2015 Annual Amendment" or "Tacoma 2040: Growing Tomorrow's City".

### **Next Steps**

The Planning Commission will conduct a public hearing on August 19, 2015 and keep the record open through September 11, 2015 to accept written comments. The Commission will review public comments received and consider appropriate modifications to the proposal at the meetings on September 2 and 16, 2015, and consider making a recommendation to the City Council at the meeting on October 7, 2015.

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

c: Peter Huffman, Director



## **TACOMA PLANNING COMMISSION**

### **RULES AND REGULATIONS (“BY-LAWS”)**

The following Rules and Regulations of the Tacoma Planning Commission were originally adopted by the Commission on April 20, 1970, and subsequently amended on July 21, 1980; August 21, 1995; May 21, 1997; June 7, 2000; October 20, 2004; November 18, 2009; December 1, 2010; and August 5, 2015. These Rules and Regulations conform to the statutory authority of the City Charter (Article III, Section 3.8 – City Planning Commission) and the Tacoma Municipal Code (TMC) (Title 13, Chapter 13.02 – Planning Commission).

The Rules and Regulations contain the following sections:

- I. Officers
- II. Advisory Committees and Task Forces
- III. Staffing
- IV. Meetings
- V. Records
- VI. Annual Report
- VII. Miscellaneous
- VIII. Rules and Regulations Amendments

#### **I. Officers**

- A. The Commission shall elect its own Chair, Vice-Chair, and such other officers as from time to time it may determine it requires, all of whom shall be members of the Commission.
- B. Nominations and elections of officers shall be conducted at the last meeting in June of each year. New officers will assume duties after the meeting following their election.
- C. Officer Qualification Considerations – The Officers should be interested in holding the position(s); be able to devote sufficient time to Commission business and attend as many Commission meetings as possible; be prepared to make presentations to the City Council, citizens, committees, neighborhood groups, and service clubs regarding Commission responsibilities, projects, plans and policies; and have sufficient experience on the Commission to understand its role and functions and to have a basic understanding of the City's Comprehensive Plan policies and development regulations.
- D. The term of office shall be for one (1) year or until the next scheduled election. In case of any vacancy in office, the vacancy shall be filled by an election at the first regular meeting after the occurrence of such vacancy.
- E. Duties of Officers – The Chair shall preside over all meetings of the Commission. All resolutions adopted by the Commission and Commission correspondence shall be signed in his/her name as Chair of the Commission. In the event of the absence of the

Chair or his/her inability to act, the Vice-Chair shall take his/her place and perform his/her duties. In the event of the absences or inability to act of both the Chair and the Vice-Chair, the remaining members of the Commission shall appoint one of their members to temporarily act as Chair.

## II. Advisory Committees and Task Forces

- A. Advisory Committees – The Commission may establish advisory committees as it deems appropriate, following the procedures as set forth in TMC 13.02.015.
- B. Task Forces – The Commission may also establish task forces as it deems appropriate to conduct extended and supplemental analyses of issues identified and defined by the Commission. Task forces are ad-hoc and issue-oriented in nature and shall not be construed to have the same organization and operation as those of “advisory committees.” A task force shall be comprised of up to four (4) members of the Commission designated by the Commission by a majority vote. Chairpersons of task forces may be designated by the Chair of the Commission. There shall not be more than two task forces operating at any given time. Task forces shall serve at the discretion of the Commission and their duties and responsibilities shall be established by the Commission. All task force meetings shall be open to the public and conducted in accordance with these rules. Task forces may not conduct public hearings.

## III. Staffing

The Long-Range Planning Division Manager and/or his/her designee (hereinafter referred to as Staff) shall organize and supervise clerical details of the Commission's business and shall be responsible to the Commission for the proper preparation and maintenance of records of meetings, hearings, official actions and all public records. Staff shall be responsible for providing such other service as may be required by the Commission within the limits of the budget for the Planning and Development Services Department as approved by the City Council.

## IV. Meetings

- A. Regular Meetings – Regular public meetings of the Commission shall be held on the first and third Wednesday of each month at 4:00 p.m. in Room 16 of the Tacoma Municipal Building North, or in another location designated by the Commission. If the regular meeting day falls on a legal holiday, the Chair of the Commission shall fix another day therefore and give notice of said meeting as hereinafter providing for “special meetings.” The notice for any regular public meeting shall indicate the date, time, place and business to be transacted, and be distributed prior to the meeting to those individuals and organizations listed on the mailing list that shall be maintained by Staff and may be subject to the Commission’s approval.
- B. Public Hearings – Public hearings conducted by the Commission shall be held in the Council Chambers of the Tacoma Municipal Building or another location designated by the Commission and indicated in the notice of hearing. The date and time of the hearing shall be determined by the Commission and indicated on the notice of hearing. Notices for public hearings shall be distributed in accordance with TMC 13.02.057. Notices shall also be mailed, prior to the hearing, to those on the mailing list as hereinabove provided, to those individuals or organizations which have indicated in

writing to the Planning and Development Services Department an interest in the subject(s) of the hearing, and to other interested parties as deemed appropriate by the Commission. An additional notice shall be required for matters continued for further hearing and continued to a time, date, and place certain.

- C. Special Meetings – Special meetings of the Commission set for a time different than regularly scheduled as hereinabove provided shall be held at such times as the Commission may determine, or may be called by the Chair for any time upon the written request of three members of the Commission. Special meetings shall be open to the public. Per RCW 42.30.080, special meetings require at least 24 hours' written notice. Such notice shall indicate the date, time, place and business to be transacted. Notices of special meetings shall be distributed to the same recipients of notices for regular public meetings, to the recipients on the special press mailing list on file with the City Clerk's Office, and to other interested parties as deemed appropriate by the Commission.
- D. Quorum – A quorum for the transaction of official business shall consist of a simple majority of filled positions of the Commission, per TMC 13.02.041.
- E. Absences – Requests by members to be excused shall be stated by the member at a Commission meeting or be submitted to the Commission or be directed through Staff who shall then present the request to the Commission. The Commission shall then approve or deny the request. Upon a member's missing three (3) unexcused consecutive regular meetings, the Commission shall afford such member a hearing to determine whether the absences are to be excused. If the Commission determines not to excuse such absences, then the Commission shall determine the question of whether the Commission shall recommend to the City Council that such member should be deemed to have forfeited his/her office and a new member be appointed to fill the unexpired term.
- F. Every official act taken by the Commission shall be by resolution or by motion by an affirmative vote of a majority of the quorum. In the event that a member disqualifies themselves or passes, this is to be registered as "not voting". Notwithstanding Robert's Rules of Order, the Chair shall vote on all resolutions or motions.
- G. Conduct of Meetings
  - 1. Order of Business – The following order of business may be modified for any meeting by a suspension of the rules, concurred in by a majority of the voting members present, except that consideration of matters set for public hearing must occur at or following the time indicated on the hearing notice:
    - a) Call to Order and Quorum Call
    - b) Approval of Agenda
    - c) Approval of Minutes
    - d) Public Comment (The Chair shall decide whether this item will be included in the agenda, and if so, how much time will be allowed for each speaker. Public comments, if included in the agenda, must be limited to items on the agenda that are not the topic of a recent public hearing.)

- e) Discussion Items (Matters set for public hearing shall be considered at such time as determined by the Commission and set forth in the hearing notice.)
  - f) Communication (This may include other business brought forward by Commissioners, comments by Commissioners, and comments and additional information provided by Staff.)
  - g) Adjournment
2. Conduct of Regular and Special Meetings:
- a) The Chair shall preside over all regular and special meetings of the Commission.
  - b) The Chair introduces the agenda items.
  - c) Staff and/or presenters invited by staff summarize the information prepared or received by the staff responsible for the agenda item.
  - d) The Commission considers requests and may ask questions of the staff and/or other presenters. Comments by the public on the agenda item under consideration may be permitted, but only at the discretion of the Chair.
  - e) The Chair asks for reports from advisory committees or task forces, if appropriate.
  - f) The Commission takes appropriate action, if an action is required.
3. Conduct of Public Hearings:
- a) The Chair shall preside over all public hearings conducted by the Commission.
  - b) The Chair calls the public hearing to order and announces the procedure for the public hearing as established by the Commission.
  - c) Staff summarizes the staff report or other information prepared or received by the staff responsible for the hearing item.
  - d) The Chair asks for reports from advisory committees or task forces, if appropriate.
  - e) The Commission receives oral testimony.
  - f) The Chair either closes the hearing and announces the date upon which the record of the hearing will remain open to receive additional written comments, or continues the hearing to a later date if there is a finding by the Chair that all interested parties have not been afforded an adequate opportunity to testify before the Commission or if new information is to be considered on which the Commission feels additional public testimony to be appropriate.
  - g) At a meeting(s) subsequent to the public hearing, the Commission considers all oral and written testimony concerning the hearing item and acts to approve, disapprove, modify, or defer the decision-making until the completion of additional analyses.

#### H. Open Public Meetings Act and E-mail Exchanges

E-mail exchanges between members of the Commission can constitute a violation of the Washington State Open Public Meetings Act (OPMA), Chapter 42.30 RCW.

Generally, if a majority of the members participate in an e-mail discussion of Commission business, the members are conducting a meeting in violation of the OPMA requirement that meetings must be “open to the public with prior notice.” It is suggested that Commission members observe the following guidelines to avoid OPMA problems with e-mail exchanges:

1. When possible, limit e-mail exchanges on issues related to Commission business to less than a majority of Commission members. Sending copies of an e-mail to less than a majority may not suffice if subsequent exchanges relay the content of the original exchange to a majority of members.
2. Never decide at an open meeting that a majority of the Commission will continue or complete discussion of an agenda item by e-mail.
3. One-sided (no response anticipated) informational e-mails to a majority or more of Commission members are probably consistent with the OPMA. In open meetings, the Commission members should verbally announce that they have sent this type of e-mail if it relates to the discussion at hand. Commission members are free to engage in e-mail exchanges with staff on one-sided e-mails, but not with each other.
4. E-mail exchanges on issues that the Commission will not address are consistent with the OPMA. However, if any reasonable chance exists that an issue relates to a vote that may or will come before the Commission, a majority of the Commission should not subject the issue to e-mail discussion.

#### V. Records

- A. The Commission's adopted summary minutes of the public meetings shall be the official records. The actual recording of each hearing item shall be the official record for such item.
- B. Supplemental records pertaining to matters of public meetings and public hearings shall be kept on file in the Planning and Development Services Department as required by law. These supplemental records may include but not be limited to the following:
  1. Description of agenda items, including all submitted information therewith.
  2. Report of the Planning and Development Services Department, Commission Advisory Committees and Task Forces on the matter as presented to the Commission at a meeting thereof, including such material submitted in writing and in map form.
  3. Written communications concerning the matter.
  4. Facts concerning the matter.
  5. Records of all actions taken by the Commission in the matter (resolutions, motions, setting of dates for hearings, etc.).
  6. Record of actions taken by the City Council in the matter (ordinances, resolutions, results of hearings, etc.).
- C. Recorded transcripts or summary minutes of all official Commission proceedings shall be filed with the City Clerk and shall be opened to public inspection.

## VI. Annual Report

Pursuant to TMC 13.02.040, the Commission shall annually report to the City Council regarding accomplishments and the status of planning efforts undertaken in the previous year, and if applicable, the outlook of planning issues for the coming year. Said report is typically prepared in July of each year and should, at the discretion of the Chair, take the form of a letter, a memorandum, a summary report or a copy of relevant minutes of the Commission's meetings, and may be posted on the City's website.

## VII. Miscellaneous

- A. Code of Ethics – Members of the Commission shall comply with the City of Tacoma's Code of Ethics pursuant to TMC 1.46 while conducting Commission business.
- B. Disclosure of Contacts – Individual members of the Commission may, but are not required to, participate in or initiate discussions with interested parties affected by issues under consideration by the Commission. Such meetings or contacts with citizens should be disclosed at the next scheduled meeting of the Commission. The intent of such disclosures in a public setting is to preserve the integrity of the Commission's process and provide a record and notice to other individuals who may also be affected or interested. If a Commissioner receives a request to meet/discuss but prefers not to do so, he/she may suggest the requesting parties to express their comments and concerns through the normal procedures, i.e., providing testimony at public hearings and/or providing comments to staff.
- C. Contact Information – The contact information of members of the Commission should be considered public information and made available for public access upon request.
- D. Conferences – Members of the Commission may attend, at their own expense, conferences, meetings and training courses closely related to Commission business.

## VIII. Rules and Regulations Amendments

The Rules and Regulations may be amended by the Commission by a majority of vote at any meeting.