



City of Tacoma
Community & Economic Development Department

Agenda Item
GB-1

TO: Planning Commission
FROM: Elliott Barnett, Comprehensive Planning Division
SUBJECT: Annual Amendment Application #2013-01 Drive-through Regulations
DATE: November 1, 2012

At the November 7th meeting the Commission will review the proposed amendments to the Tacoma Municipal Code related to drive-through facilities. This proposal has been developed in response to an application submitted by the Dome District Development Group. The proposed amendments seek to:

- Prohibit drive-throughs in the Downtown Commercial Core District;
- Add new code requirements to provide a baseline of standards for drive-throughs in all districts where they are permitted;
- Add heightened code requirements within Downtown and X Districts, where they are permitted.

Attached is a draft staff report describing the proposed amendments to the Tacoma Municipal Code, with "Exhibit A" showing a proposed new TMC section laying out code requirements for drive-throughs. Staff intends to seek the Commission's authorization of the staff report for distribution for public review (along with other proposed amendments included in the 2013 Annual Amendment Package). Subsequently, we intend to do additional outreach with key stakeholders, which we will summarize for the Commission prior to release of the public review document. The public review will occur in February-March 2013, prior to the public hearing, which is tentatively scheduled for March 20, 2013.

If you have any questions, please contact me at (253) 591-5389 or elliott.barnett@cityoftacoma.org.

c: Peter Huffman, Assistant Director

Attachments (2)



2013 Annual Amendment Application No. 2013-01
Drive-Through Regulations

STAFF REPORT

Application #:	2013-01
Applicant:	Community & Economic Development Department
Contact:	Elliott Barnett, Comprehensive Planning Division
Type of Amendment:	Regulatory Code Text Change
Current Land Use Intensity:	N/A
Current Area Zoning:	N/A
Size of Area:	Citywide
Location:	Citywide
Neighborhood Council Area:	All
Proposed Amendment:	Amend the Regulatory Code related to drive-throughs

General Description of the Proposed Amendment:

This proposal would significantly strengthen the code restrictions on drive-through facilities in order to allow them in certain zones, while preventing or reducing their potential impacts. Specifically, it would add to the existing Zoning Code requirements placed on drive-throughs in order to establish a regulatory baseline for them in all zoning districts where they are permitted; create additional, more stringent requirements for drive-throughs in Downtown and Mixed-Use (X) Districts; and, prohibit drive-throughs in the Downtown Commercial Core (DCC) District. The intent of this approach is to address issues with general applicability on a citywide basis, while heightening requirements within X Districts, and heightening to a greater extent the requirements Downtown.

The Zoning Code already contains a range of requirements applicable to drive-throughs in X Districts and Downtown. However, there are currently no requirements applicable specifically to drive-throughs in the other zoning districts where they are permitted. The approach is to build on the existing requirements; extend those which have general applicability beyond the zones where they currently apply; and, add some new, additional requirements to address the issues raised by this application.

In summary, the proposed requirements would have the following affects citywide (where drive-throughs are permitted):

- Prevent impacts to the pedestrian environment on designated pedestrian streets or

streetcar/light rail streets;

- Require visual screening of drive-through service areas and stacking lanes;
- Minimize the likelihood of vehicular and pedestrian conflicts;
- Reduce noise impacts.

In X Districts drive-throughs would have several additional requirements, including a requirement that service areas and stacking lanes be at least 75 feet from designated pedestrian or light rail/streetcar streets.

In Downtown Districts, drive-throughs would be prohibited in the DCC District (the only change proposed to permitted uses). Drive-throughs in other Downtown Districts and within the UCX-TD District would be required to be entirely within buildings and to be set back from designated pedestrian and transit streets. See Exhibit "A" for the details.

Additional Information:

The proposal was developed to address the issues raised in the Dome District Development Group's application. The applicants assert that Downtown and X Districts are Tacoma's pedestrian priority areas and that drive-throughs are not compatible with the vision for these areas, or with goals including walkability, encouraging foot traffic in commercial areas, implementing Complete Streets principles, reducing bicycle and pedestrian/vehicular conflicts, reducing Tacoma's carbon footprint and improving air quality.

As submitted, the application calls for drive-throughs to be prohibited outright in Downtown and the more urban of the X Districts. Subsequent to the submittal, staff have met several times with Jori Adkins, Secretary of the Dome District Development Group, and have collaboratively developed a different approach, reflected in this proposal. The intent in most zones is to strengthen drive-through regulations, rather than prohibiting them outright. The one exception is the DCC District, where drive-throughs would be prohibited. The DCC District is the densest, most urban zoning classification within the City, and already has the greatest restrictions on drive-throughs.

The proposal is a middle ground approach, based on a recognition of the potential impacts that drive-throughs can have on the pedestrian environment, but also on a recognition that there clearly is market interest in developing drive-throughs. The intent is to retain enough flexibility for the development of drive-throughs, while using design requirements to prevent the impacts of concern. The proposal also expands the original scope of the application by taking advantage of an opportunity to update drive-through regulations generally, rather than only within Downtown and X Districts.

Summary of current code regarding drive-throughs:

- Residential Districts: Not Permitted
- Industrial Districts: Permitted

- Shoreline Districts: Permitted
- Commercial Districts: Permitted in C-2 only
 - Prohibited in any commercial district combined with a VSD View-Sensitive Overlay District and adjacent to a Shoreline District (i.e., Old Town Area).
- X Districts:
 - Permitted in UCX, UCX-TD, CCX, CIX, NCX, HMX (limited to hospital/medical related functions);
 - Prohibited in RCX, URX, NRX
 - TMC 13.06.510 includes development standards for drive-throughs in X Districts (*these were incorporated into the proposal*)
- Downtown: Permitted with restrictions
 - DCC: Drive-throughs must be located entirely within a building
 - DMU, WR: Drive-throughs must be 100 feet from a light rail or streetcar street, or else must be located entirely within a building
 - DR: No specific restrictions
- Driveway standards of Section 13.06.510 and of TMC 13.06A apply
 - Limits the number of driveways and the percentage that can be used as driveways
 - Directs where new driveways may be located, in order to reduce conflicts with pedestrians

Benchmarking:

Staff reviewed multiple jurisdictions' approaches to drive-throughs. Many jurisdictions prohibit drive-throughs in Downtown areas, or require them to meet stringent setback, screening, traffic and other standards. Restricting drive-throughs to be within buildings is less common, though Seattle requires this in their Downtown. Finally, many jurisdictions have general requirements for drive-throughs, focusing on reducing vehicular/pedestrian conflicts, screening drive-through service areas and stacking lanes, and limiting impacts, such as noise, on adjacent properties. These requirements are often more stringent in pedestrian-oriented areas.

Public Outreach:

In the development of this proposal, staff met with Jori Adkins, the applicant, as well as with a representative of the Chamber of Commerce, with City staff responsible for traffic, and for economic development and business districts, and with commercial real estate brokers employed by a firm which assists corporate clients to find appropriate locations for commercial development (including drive-throughs). The intent was to get a sense of the issues, while still at the early code drafting stage. Staff intend to do more outreach to key stakeholders once the Planning Commission gives its direction to release a draft for public review.

In these discussions, there was general recognition that it is appropriate for the City to use design standards to ensure drive-throughs are aesthetically attractive and safe for pedestrians, and that interruption of pedestrian activity along streets should be avoided or minimized. There

was also general consensus that drive-throughs are clearly not the Comprehensive Plan vision for Downtown and X Districts.

However, several stakeholders expressed concern that placing too much limitation on drive-throughs could become a barrier to economic development. Per the commercial real estate brokers we spoke with, sites with adequate size, access and other characteristics which would make them suitable for drive-throughs, and where they are permitted by zoning, are in short supply. On the commercial side, there is a clear market demand for such sites, and some businesses will not move forward with development (at least not in this market) without a drive-through component. The concern is that adding requirements could slow development and make it more difficult to attract business investment.

Some stakeholders expressed the view that while restricting drive-throughs Downtown and in those X Districts characterized by an established pedestrian street front pattern seems reasonable, such restrictions could be more of a barrier in those X Districts which are currently more auto-oriented.

One stakeholder stated that the biggest issue of concern is ensuring safety where driveways cross the sidewalk. He felt that the emphasis should be on reducing this occurrence by directing drive-through driveways to alleys or side streets, as opposed to prohibiting drive-throughs as a use.

The preliminary outreach suggests there may be broad, though not universal, support for limiting the impacts of drive-throughs through design requirements, rather than through an outright prohibition. Staff communicated these perspectives to Ms. Adkins, who expressed her general concurrence with the approach proposed in this draft.

Applicable Provisions of the Growth Management Act (and other state laws):

The GMA calls for encouraging economic development that is in harmony with adopted Comprehensive Plans, recognizing regional differences and priorities.

GMA Economic development goal

Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

This proposal is a community-driven effort to refine our development regulations to be in harmony with the community's vision for our urban core areas. Furthermore, fostering a

walkable urban environment is consistent with smart growth principles and their call for a balance of travel modes, compact, walkable and multi-modal urban cores.

Applicable Provisions of the Comprehensive Plan:

This proposal is entirely consistent with the Comprehensive Plan. The Plan contains multiple policies calling for walkable, compact and multi-modal urban centers; for pedestrian safety and comfort citywide; for discouraging auto-oriented uses downtown and within Mixed-Use Centers; and, for fostering economic development in harmony with the City’s growth vision.

Citywide:

Policy LU-UAD-3 – Distinct character and identity of the city. Emphasizing pedestrian oriented design at all levels.

Policy LU-UAD- 11- Pedestrian Access and Orientation. Improve the pedestrian environment by making it easier, safer, and more comfortable to walk in Tacoma.

Commercial areas:

Policy LU-CDD-1 Development Standards

Commercial development standards should address the desired safety, convenience, functionality, and aesthetics of the development itself, as well as effects on adjacent surrounding properties.

Policy LU-CDD-2 Compatibility

Ensure that new commercial development is compatible with the existing development and/or the desired character of the area in terms of building location and orientation, pedestrian and vehicular access, building massing and scale, light and glare, outdoor storage areas, noise generating activities, service elements and mechanical equipment location and design, landscaping design, and signage. Compatible design is most critical in areas where commercial properties border single-family areas.

Policy LU-CDD-3 Pedestrian-friendly Design

Site and design commercial areas with safe, convenient, connected and attractive pedestrian access. Specifically:

- Locate and orient buildings towards the street for pedestrian convenience and enhance the spatial definition of the street.
- Provide safe walkways and pedestrian areas that area visible, well-lit, accessible, conveniently located, and buffered from vehicular traffic.
- Provide attractive and well-maintained landscaping along pedestrian routes.
- Design pedestrian routes with sufficient widths to accommodate the anticipated long term pedestrian activity.

- Design buildings along pedestrian routes with attractive and interesting façades including plenty of transparent window areas, weather protection elements, and ground level detailing.
- Design commercial areas with an internal pedestrian circulation system that provides attractive connections between buildings, through large parking areas, connections to the street, and linkages to surrounding properties and neighborhoods, where possible.
- Encourage the development of gathering spaces such as pedestrian malls and plazas in commercial areas to enhance the pedestrian experience and sense of community.

Mixed-Use Centers:

Policy LU-MUCD – Compact mixed use centers that encourage walking and bicycling comfortably between designations within respective centers.

Policy LU-MUCD-13- Restrict Auto-oriented uses that encourage queuing of autos and negatively impact walkability and pedestrian orientation.

Policy LU-MUD-4- Encourage uses at street level that generate pedestrian activity and support transit ridership.

Downtown:

The Downtown Element emphasizes pedestrian connectivity, and pedestrian-oriented urban design as core strategies to fostering development.

Policy 2.2B.A Downtown development should be governed by principles that encourage walkability, transportation alternatives and enhanced livability for all users.

g. Street edge activation, and building ground-orientation: Building design should promote sociability at street level, with a rich stimulating built form designed at the human scale. Building facades on downtown streets should have frequent, identifiable entrances, appropriate ceiling heights to promote activity, and commercial usable spaces, with a high level of transparency.

Policy 2.3F.A Create multi-modal and flexible streets that are designed to increase the mode share of pedestrians, bicyclists and transit use throughout downtown in order to mitigate the impacts of growth, reduce reliance on the single occupancy vehicle and increase the sociability of the walking environment.

Amendment Criteria:

Applications for amendments to the Comprehensive Plan and Land Use Regulatory Code are subject to review based on the adoption and amendment procedures and the review criteria contained in TMC 13.02.045.G. Proposed amendments are required to be consistent with or achieve consistency with the Comprehensive Plan and meet at least one of the eleven review

criteria to be considered by the Planning Commission. The following section provides a review of each of these criteria with respect to the proposal. Each of the criteria is provided, followed by staff analysis of the criterion as it relates to this proposal.

1. There exists an obvious technical error in the pertinent Comprehensive Plan or regulatory code provisions.

Staff Analysis: Not applicable.

2. Circumstances related to the proposed amendment have significantly changed, or a lack of change in circumstances has occurred since the area or issue was last considered by the Planning Commission.

Staff Analysis: Not applicable.

3. The needs of the City have changed, which support an amendment.

Staff Analysis: This policy discussion fits within a continuing community discussion of our growth vision, particularly for our most urban areas, as well as of how to strike the best balance between access for people using all modes of travel. The intent is to update the TMC in order to meet the community's vision.

4. The amendment is compatible with existing or planned land uses and the surrounding development pattern.

Staff Analysis: Not applicable.

5. Growth and development, as envisioned in the Plan, is occurring faster, slower, or is failing to materialize.

Staff Analysis: Not applicable.

6. The capacity to provide adequate services is diminished or increased.

Staff Analysis: Not applicable.

7. Plan objectives are not being met as specified, and/or the assumptions upon which the plan is based are found to be invalid.

Staff Analysis: As the proponents of this application have asserted, the development of drive-throughs, including recent development activities, are to some degree inconsistent with the City's adopted policies for downtown and mixed-use centers. It can be argued that recent drive-throughs are not meeting these plan objectives.

8. Transportation and/or other capital improvements are not being made as expected.

Staff Analysis: Not Applicable.

9. For proposed amendments to land use intensity or zoning classification, substantial similarities of conditions and characteristics can be demonstrated on abutting properties that warrant a change in land use intensity or zoning classification.

Staff Analysis: Not applicable.

10. A question of consistency exists between the Comprehensive Plan and its elements and RCW 36.70A, the County-Wide Planning Policies for Pierce County, Multi-County Planning Policies, or development regulations.

Staff Analysis: Not applicable.

Economic Impact Assessment:

It is clear that from the developer side, there is interest in developing businesses that include drive-throughs. By prohibiting drive-throughs in the DCC District and by placing design requirements on drive-throughs where they are permitted, there certainly is the potential that projects may not move forward and that sites may go longer without being developed. This may have an economic impact on the City.

In terms of the DCC District prohibition, it should be said that this district already restricts drive-throughs, and that there have not been any proposals to develop drive-throughs there, at least in recent years. So, prohibiting drive-throughs here may well have limited economic impact.

The proposed requirement Downtown that drive-throughs must be within buildings could limit some development. Within the X Districts, particularly the proposed new 75 foot setback from designated pedestrian or streetcar/light rail streets, might well make it difficult to develop in some locations—particularly in areas with smaller lots. The proposed requirements for all other zones could increase the cost of development in some cases.

On the other hand, taking a longer view, allowing development that is not consistent with the growth vision for the district may ultimately detract from long term development momentum. It may take longer for a site to develop, but when development does occur it should be more likely to contribute to the momentum of the district. This is the fundamental policy choice posed by this project.

Staff Recommendation:

Staff recommends that the proposed amendment be forwarded for public review and comment.

PROPOSED NEW TMC SECTION – *consolidates existing and proposed new code provisions. This draft shows the key sections—additional minor changes would be included to various other sections, including the Commercial, Industrial and X District Uses tables.*

TMC 13.06.513 Drive-throughs

A. Purpose. The regulations of this section are intended to allow for drive-through facilities while mitigating potential negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, aesthetics, and queued traffic interfering with on-site and offsite traffic and pedestrian flow. The specific purposes of this section are to:

- Reduce noise and visual impacts on abutting uses, particularly residential uses;
- Promote safer and more efficient on-site vehicular and pedestrian circulation;
- Promote a pedestrian-oriented environment;
- Reduce conflicts between queued vehicles and traffic on adjacent streets.

B. Applicability. The regulations of this section apply only to the portions of the site development that comprise the drive-through facility. The regulations apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility. Drive-throughs are not permitted in some zoning districts—see the permitted uses tables for the applicable zone. Where they are permitted, drive-through facilities are still not a right; the size or dimensions of the site, or the size and location of existing structures may make it impossible to meet the regulations of this section.

C. Standards. A drive-through facility is composed of two parts—the stacking lanes and the service area. The stacking lanes are the space occupied by vehicles queueing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs. For other development, such as gas pumps, air compressors, and vacuum cleaning stations, the service area is the area where the vehicles are parked during the service.

1. The following standards apply in all zones where drive-throughs are permitted.

a. Pedestrian priority streets and transit stops:

- (1) Driveways that directly connect to any drive-through shall not be allowed along a designated pedestrian, light rail or streetcar street.
- (2) Driveways that directly connect to any drive-through must be located at least 150 feet from any transit stop, as measured along the curb line between the driveway and the stop.
- (3) Exterior drive-through windows shall not face a designated pedestrian, light rail or streetcar street, and stacking areas shall not lie between a building and such a street.

b. Setbacks and Landscaping.

- (1) Exterior service areas and stacking lanes, except for vehicle access crossings, must be set back a minimum of 3 feet from all lot lines, and 5 feet from street frontages.
- (2) Exterior stacking lanes shall provide a minimum 3 foot landscaped buffer along sides which do not abut the building. The setback area must be landscaped with Type D Landscaping or a vegetated wall at least 6 feet in height. This buffer may be interrupted by structures, seating or gathering areas, or for vehicle or pedestrian access crossings.

Application 2013-01 Drive-throughs – EXHIBIT A

(3) Where perimeter strips or buffers are otherwise required, they may also satisfy these requirements. The greater of the buffer, setback or perimeter areas shall apply.

c. Vehicular and pedestrian circulation.

- (1) Adequate stacking lane capacity must be provided to serve the proposed development on-site.
- (2) Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation. Stacking lanes must be delineated from traffic aisles, other stacking lanes, and parking areas with striping, curbing, landscaping, or raised medians.
- (3) Pedestrian paths that cross a drive-through aisle shall use a raised platform and be marked with symbols, signage and/or special painting.
- (4) The drive-through shall not impede pedestrian or vehicular movement within the right-of-way. Drive-through driveways shall be designed to ensure adequate pedestrian visibility as vehicles cross sidewalks.
- (5) Driveways are also subject to applicable standards of TMC 13.06.510 and TMC 13.06A.

d. Noise.

- (1) Noise from amplified speakers may not be audible from abutting R zoned properties, and shall be minimized in other circumstances through means such as orientation, volume control, and sound buffers or barriers.
2. The following additional standards apply in Downtown Districts where drive-throughs are permitted, and within the UCX-TD District.
 - a. Drive-throughs and associated stacking lanes shall be located entirely within buildings.
 - b. Drive-through entrances and exits shall be at least 100 feet from designated pedestrian streets and from light rail/streetcar streets as measured along the curb line between the driveway and the street.
3. The following additional standards apply in X Districts where drive-throughs are permitted:
 - c. Drive-through service areas and stacking lanes not entirely within a building shall be a minimum of 75 feet from designated pedestrian or light rail/streetcar streets as measured along the curb line between the driveway and the street.
 - d. All vehicle use areas associated with a drive-through shall be located at the side or rear of the building.
 - e. Drive-throughs shall be limited to 1 stacking lane maximum unless the portion with multiple lanes is fully screened from public view by landscaping or a combination of landscaping and structures.

PROPOSAL SHOWN IN TRACK
CHANGES FOR THIS SECTION:

13.06A.040 Downtown Districts and uses.

C. Downtown Commercial Core District (DCC).

This district is intended to focus high rise office buildings and hotels, street level shops, theaters, and various public services into a compact, walkable area, with a high level of transit service.

1. Preferred – retail, office, hotel, cultural, governmental.
2. Allowable – residential, industrial located entirely within a building.
3. Prohibited – industrial uses not located entirely within a building, ~~drive-throughs not located within a building,~~ and automobile service stations/gasoline dispensing facilities in addition to those noted in TMC 13.06A.050.

D. Downtown Mixed-Use District (DMU).

This district is intended to contain a high concentration of educational, cultural, and governmental services, together with commercial services and uses.

1. Preferred – governmental, educational, office, cultural.
2. Allowable – retail, residential, industrial located entirely within a building.
3. Prohibited – industrial uses not located entirely within a building, movie theaters greater than six screens, automobile service stations/gasoline dispensing facilities, and drive throughs that are not located within a building ~~but are located within 100 feet of a light rail or streetcar street,~~ in addition to those noted in TMC 13.06A.050.

E. Downtown Residential District (DR).

This district contains a predominance of mid-rise, higher density, urban residential development, together with places of employment and retail services.

1. Preferred – residential.
2. Allowable – retail, office, educational.
3. Prohibited-industrial, movie theaters greater than six screens, drive-throughs not located within a building, in addition to those noted in TMC 13.06A.050.

F. Warehouse/Residential District (WR).

This district is intended to consist principally of a mixture of industrial activities and residential buildings in which occupants maintain a business involving industrial activities.

1. Preferred – industrial located entirely in a building, residential.
2. Allowable – retail, office, governmental.
3. Prohibited:
 - a. Movie theaters greater than six screens, in addition to those noted in TMC 13.06A.050.
 - b. Drive throughs ~~uses that are not located within a building but are located within 100 feet of a light rail or streetcar street.~~

13.06A.070 Basic design standards.

11. See section 13.06.513 for standards pertaining to drive-throughs.