



City of Tacoma
Planning and Development Services

Agenda Item
D-2

To: Planning Commission
From: Lihuang Wung, Planning Services Division
Subject: **2014 Annual Amendment – Comments and Reponses**
Date of Meeting: April 16, 2014
Date of Memo: April 10, 2014

At the last meeting on April 2, 2014, the Commission reviewed the *Public Comments and Staff Responses and Suggestions Report* that summarized the public comments received at the public hearing on March 19, 2014 and through the comment period ending March 21, 2014, the corresponding staff responses, and where appropriate, staff's suggested modifications to the proposed amendments. The Commission raised some issues and concerns and requested that the report be revised accordingly for its continued review and discussion at the next meeting on April 16, 2014.

Attached is the revised *Public Comments and Staff Responses and Suggestions Report* for the Commission's review on April 16. Note that this revised report does not include two of the appendices to the previous version (i.e., the summary of oral testimony and letters of comments), but includes an additional letter of comment submitted by Point Ruston, LLC, dated April 9, 2014, in response to the Commission's comment on Application #2014-01 – Point Ruston Mixed-Use Center.

At the conclusion of the review, we will seek the Commission's concurrence with staff's responses and suggestions. If you have any questions, please contact me at 591-5682 or lwung@cityoftacoma.org.

Attachment

c: Peter Huffman, Director



2014 ANNUAL AMENDMENT TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

Public Comments and Staff Responses and Suggestions Report

~~April 2, 2014~~

Revised for Planning Commission's Review on April 16, 2014

(Note: All changes to the April 2nd version are highlighted in Aqua shading.)

The Planning Commission conducted a public hearing on March 19, 2014, concerning the Proposed 2014 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code and kept the record open through March 21, 2014 to accept written comments.

A *Public Review Document* was compiled and made available for public review prior to the public hearing. The document includes the complete text and staff analyses of the nine applications (or proposed amendments), the Preliminary Determination of Environmental Nonsignificance and the environmental checklist associated with the applications, as well as relevant background information.

This report, prepared for the Planning Commission's review and discussion on April 2 ~~and 16~~, 2014, summarizes public comments received during the public hearing process, identifies major issues and concerns reflected therein, provides staff responses to the issues and concerns, and suggests modifications, where appropriate, to the proposed amendments as contained in the *Public Review Document*. In addition to public comments, there are internal-review comments provided by various City departments. Those comments and the corresponding staff responses and suggestions are also compiled in the report.

The report includes three appendices. Appendix A provides a list of the commenters; Appendix B summarizes the oral testimony received at the public hearing on March 19, 2014; and Appendix C compiles written comments received through March 21, 2014.

Comments	Commenters (Appendix A)	Staff Responses and Suggestions
1. Point Ruston Mixed-Use Center (Application #2014-01)		
Supports the proposal.	Rose, Kingsbury, Pedersen/Mirra	<ul style="list-style-type: none"> Support noted. Staff note that all the commenters expressed support for the MUC designation, including those who also raised specific questions or issues.
<ul style="list-style-type: none"> Calls for policies and mechanisms to provide for the inclusion of housing that is affordable to lower income households. 	Pedersen/Mirra	<ul style="list-style-type: none"> Comments noted. The Planning Commission has signaled that housing affordability is an important issue. The AHPAG's support for the designation, along with their call to develop policies and mechanisms to provide for affordable housing is significant, as the AHPAG is the City Council's appointed advocates on affordable housing. See below for additional discussion.

<p>The applicants provided summaries of their efforts to address two issues of significance to this proposal:</p> <p>Transit:</p> <ul style="list-style-type: none"> • Bike storage being provided with current building permits; courting a bike shop; • Preparing to comment on Pierce Transit's 2040 Plan (having already provided transit improvements on Ruston Way). <p>Affordable Housing:</p> <ul style="list-style-type: none"> • Engaging with Tacoma Housing Authority to develop strategies for housing for people earning less than 80 percent Area Median Income (AMI); • Exploring affordable housing types like micro-apartments, along with amenities like Zipcar and a bicycle shop; • Analyzed rents in relation to the Multifamily Tax Exemption (MFTE) Program; • Drafted an informal market survey on micro-apartments. 	<p>Cohen, McCament</p>	<ul style="list-style-type: none"> • Comments noted. The Planning Commission had previously signaled that while Point Ruston is generally consistent with the City's MUC goals and policies, two significant issues remain for further consideration—transit and affordable housing. The applicants had indicated their intention to work on these issues during the comment period. Their comments express a commitment to addressing them and lay out a list of actions. • Staff note that providing transit service is outside the applicants' direct control. They have built bus stop pads in preparation for future service on Ruston Way and are engaging with Pierce Transit's planning efforts. Furthermore, the discussion has broadened to accommodating other alternatives to travel by car. The site is well-connected to bike/pedestrian facilities, and the applicants have asserted they are working on approaches such as Zipcar and bike rentals. In staff's view, the characteristics of the development and the applicants' commitments to take action substantially meet the transit-oriented and multi-modal intents of the MUCs. • Likewise, staff note the applicants have expressed their commitment to a range of affordable housing strategies. Furthermore, based on comments received there is strong support for the MUC designation itself, even on the part of the AHPAG and another commenter who called attention to specific issues. <u>On April 2nd, the Commission directed staff to work with the applicants on an approach that would move the MUC designation forward while providing assurances to the public that the affordable housing issues will be addressed. Staff and the applicants have collaborated on the following proposed approach:</u> <ol style="list-style-type: none"> <u>1. Designate Point Ruston as an MUC.</u> <u>2. Add a policy in the Comprehensive Plan indicating that the MFTE program will become available upon adoption of an affordable housing Development Agreement between the property owner and the City.</u> <u>3. Add a note to TMC 13.17 indicating that the MFTE program will become available subsequent to adoption of the Development Agreement.</u> • <u>Point Ruston LLC has provided a letter including proposed policy language (attached).</u>
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<p>Concerned about consistency with Shoreline Permit and FSEIS approvals. Cites instances in which the City is considering approving development actions that would depart from those approvals.</p>	<p>White</p>	<ul style="list-style-type: none"> • Comments noted. Staff's analysis is that the issues raised here do not have direct bearing on the proposal to designate Point Ruston as a new MUC. Though the City of Ruston does identify a potential conflict with the amount of surface parking as it relates to the goals of the Mixed-Use Center, Ruston is primarily identifying potential conflicts between the attached site plan and the approved shoreline permit and existing FEIS. • Long Range staff referred the comments to Jana Magoon, PDS Current Planning Manager, who provided the following response: The proposed designation of Pt. Ruston as a Mixed-Use Center does not alter the approved shoreline permits, the shoreline regulations applicable to the proposed development, or the existing FEIS. The City of Tacoma will continue to utilize the maps associated with the FEIS and approved shoreline permits to evaluate development of the site. Maps submitted with this application, in so much as they deviate from approved plans, are not approved through this process.
<p>2. Point Defiance Park Land Use Policies (Application #2014-02)</p>		
<p>Supports the proposal, which will help to achieve the vision for Point Defiance Park and provide a clear and appropriate City review process.</p>	<p>Hancock, Phillips</p>	<p>Support noted.</p>
<p>3. Mixed-Use Centers Code Review (MUC-Lite) (Application #2014-04)</p>		
<p>No comments received</p>		

4. Affordable Housing Policies and Regulations (Application #2014-06)

<ul style="list-style-type: none"> • Supports the code changes proposed, which will help to achieve affordable housing goals. • The AHPAG is prepared to continue the review of affordable housing recommendations next year. 	<p>Pedersen/ Mirra</p>	<ul style="list-style-type: none"> • Support noted. This proposal is intended to implement AHPAG recommendations. The AHPAG helped to guide this effort as the City Council’s appointed body working on affordable housing issues. • Staff continue to meet regularly with the AHPAG with the intention of developing a package of recommendations for the inclusion in the 2015 Annual Amendments. The subjects will include Affordable Housing Incentives Code and Program, including bonuses and incentives; and, affordable building/residential infill strategies, including cottage housing, detached Accessory Dwelling Units, Planned Residential Districts updates, and other proposals.
<ul style="list-style-type: none"> • Supports the Small Lots proposals. • Roof line options are limited for narrow houses, how will that issue be handled? 	<p>Brown</p>	<p>Support and comments noted. The proposed amendments include minor modifications to the Small Lot Standards provisions on rooflines. The changes are intended to provide additional flexibility while meeting the intent of minimizing overshadowing of neighboring properties on small lots. Staff spoke with Mr. Brown and he stated he is comfortable with the proposed approach.</p>
<p>Does not support requiring a street tree as part of small lot standards.</p>	<p>Rody</p>	<p>Comments noted. The proposal would add a requirement that one street tree be planted on development of lots more than 10% smaller than the applicable standards. Street trees enhance residential neighborhood character and soften the built environment, which is appropriate with higher densities. Staff note that the proposed Landscaping Code updates would allow flexibility including the fee in lieu option if planting trees is problematic on a specific site.</p>

5. Container Port Element (Application #2014-07)

<p>Supports the proposal</p>	<p>McAboy</p>	<p>Support noted.</p>
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6. Open Space Habitat and Recreation Element (Application #2014-08)

<ul style="list-style-type: none"> • Support for the proposed updates. 	<p>Coughlan/ Cutting</p>	<ul style="list-style-type: none"> • Support noted.
<p>Comments related to specific sections of the draft, including:</p> <ol style="list-style-type: none"> 1. Open Space System – TPU and Port lands have a role 2. Update canopy cover goal to be consistent with “30 by 30” 3. Update community gardens program discussion 4. Habitat stewardship outreach and training – reflect ongoing progress 5. Implementation and funding – reflect evolving roles among agencies 	<p>Fraser, Sutalo</p>	<p>Staff concur with the majority of MPT’s and Ms. Sutalo’s comments. These comments will help ensure the OSHRE reflects recent progress and policy direction, which is one of the key objectives of this effort. Staff recommend the following changes:</p> <ol style="list-style-type: none"> 1. Clarify the Open Space System section as follows (page 7/230): This system of open space lands is made up of both public and private ownerships. On the public side, the City and Metro Parks are the primary owners of most of those lands categorized below. <u>However in addition</u>, the Tacoma School District owns school properties that serve residents’ recreation needs during non-school hours. <u>The Port of Tacoma, Tacoma Public Utilities and other public agencies also manage open space and recreation assets...</u> 2. Change Policy OS-GI-1 Green Neighborhoods (page 15/238): Establish an achievable goal to increase the forest canopy cover by 2028 to a citywide percentage that achieves Tacoma’s vision as an environmentally sustainable community. Achieve 30 percent citywide tree canopy cover by the year 2030, as called for in the Urban Forest Policy Element. Determine the existing canopy coverage and Develop a process to monitor progress toward achieving the identified goal. <u>Update the goal as progress is made. Amend the Comprehensive Plan to adopt the specific canopy goal once it is established.</u> 3. Update the Community Gardens discussion (page 16/239) to reflect the evolving relationships between the City, MPT and the Pierce Conservation District. 4. Update OS-HA-11 Habitat Stewardship Outreach and Training (page 21/244) to reflect ongoing progress. 5. Add the following to the Implementation and Funding section (page 23/246): Several City departments work in collaboration to achieve the objectives of the OSHRE, in partnership with MPT and other public agencies. In general, MPT is the primary provider of parks and recreation amenities. For the City’s part, the Environmental Services Department is in the lead for natural open space conservation and restoration, and the Planning and Development Services Department promotes active recreation. The City, Metro Parks and other agencies collaborate in multiple ways, and continue to explore collaborative approaches to better achieve Tacoma’s parks and open space vision and goals.

<ol style="list-style-type: none"> 6. Transfer of General Government Property – reflect evolving roles among agencies 7. Views – clarify policy direction on vegetation management 8. Plans for Specific Areas – clarify intent of this section 9. Measuring and Reporting Progress – provide more detail 	<p>Fraser, Sutalo</p>	<ol style="list-style-type: none"> 6. Update OS-CW-2 Transfer of General Government Property (page 27/250) to reflect that properties deemed unnecessary for their current function should be evaluated for designation as open space, and in some cases for transfer to MPT or other entities. 7. Update OS-LF-12 Scenic Views – Private Benefit (page 29/252) to indicate that tree topping or removal on public land for private view benefit should not be allowed unless as part of a coordinated plan that achieves view, habitat, environmental, slope stability and other objectives. Update OS-LF-13 Scenic Views – Public Benefit (page 29/252) to indicate that significant public views are described in the Urban Forest Policy Element (see Policy UF-SA-1 Public Views Established, page UF-17). 8. Comments noted. The intent of this section is to create a mechanism to formally recognize and keep track of adopted park and open space plans which were sponsored or developed by the City. This list will need to be updated as additional plans are created, and includes a “catch-all” reference to MPT’s Strategic Plan as a whole. No direct purview over MPT’s plans is intended or stated. However, this section does express general support for MPT’s plans which would become applicable when City actions affect them (such as partnerships, resource sharing, and discretionary permit review). 9. Comments noted. Elaborating on the approach to measuring and reporting progress is, for the most part, not in this phase. Instead, those steps fit with the upcoming Citywide visioning effort and with the 2015 Annual Amendments.
<ul style="list-style-type: none"> • Invasive non-native plant species are harmful to habitat health. The City should allow more leeway for volunteers to promptly remove them, and should have maintenance in place to keep new populations from taking hold. • The City must be more proactive in preventing encroachments into community natural areas. 	<p>Hansen</p>	<ul style="list-style-type: none"> • Comments noted. The OSHRE calls for removal of non-native, invasive plants and supports the Green Tacoma Partnership to empower volunteers. While the need is great, significant progress has been made to address invasive plants in open space areas. The Open Space Inventory is being transferred to Environmental Services Department in order to provide more resources for habitat restoration efforts. Code updates have made it significantly easier for volunteers to work within city open space. However, on the issue of City review there is a balance—it is also important to consult with City staff when working in critical areas and on public lands. The CAPO reflects that—many restoration activities are now allowed, but with PDS staff review. • The City has taken action numerous times in the past to address private encroachments into city-owned lands. As the Open Space Inventory is transferred to the Environmental Services Department, this issue can be further explored.
<p>INTERNAL STAFF REVIEW</p>	<p>PDS</p>	<ul style="list-style-type: none"> • Staff recommend adding an entry in the proposed Open Space Projects list for enhancements to Tollefson Plaza.

7. Sustainability Code Amendment (Application #2014-09)

<ul style="list-style-type: none"> View UWT as a campus and provide flexibility to meet new requirements within the campus footprint and not at a building by building level. 	Clark, Tremblay	<ul style="list-style-type: none"> TMC 13.06A and the South Downtown Subarea Plan contain specific guidelines pertaining to the management of the University of Washington Tacoma campus and allows land use regulations to be met on a campus wide basis rather than by individual site or project-by-project.
<ul style="list-style-type: none"> A new building on campus should not trigger campus wide improvements. 	Clark, Tremblay	<ul style="list-style-type: none"> Please see the response above. The current proposal utilizes campus-wide student population as the basis for the long-term bicycle parking requirement and staff supports the campus-wide approach.
<ul style="list-style-type: none"> Provide flexibility for providing ADA capable EV parking spaces when ADA parking spaces are not present or feasible due to site constraints. 	Clark, Tremblay	<ul style="list-style-type: none"> Staff concurs. The intent of the proposed amendments are to locate an electric vehicle charging station in proximity to and accessible from an ADA parking stall, not to designate the EV stall as an ADA reserved facility. Staff is also aware that this requirement, by default, would provide a location preference for electric vehicles. Staff will prepare options for addressing this concern. Staff suggests adding the following language as 13.06.510.F.5.c: <u>"Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons."</u>
<ul style="list-style-type: none"> The Sustainable Tacoma Commission supports the adoption of the proposed amendments. 	Coughlan/Cutting	<ul style="list-style-type: none"> Support noted.
<ul style="list-style-type: none"> Should also include actions to protect and sustain the City's natural areas and green belts. 	Hansen	<ul style="list-style-type: none"> Comment noted but the suggestion is outside the scope of the amendments at this time. Could be considered as part of a future annual amendment work program.
<ul style="list-style-type: none"> Clarify that single-family housing is specifically exempted from the proposed electric vehicle requirements, as intended. 	Lafranca	<ul style="list-style-type: none"> As is noted in the comments, the proposed electric vehicles requirements do not apply to single family. However, staff concurs with the suggestion to add a specific statement to that effect.

<ul style="list-style-type: none"> • Multifamily housing typically utilizes assigned parking spaces, which creates additional logistical complexity and potential cost impacts for providing EV 	<p>Lafranca</p>	<ul style="list-style-type: none"> • The proposal would require electric vehicle capacity for 10% of the parking spaces provided. The proposal does not specifically require that these spaces be designated up front, but rather that the electrical capacity and infrastructure is provided in such a manner that 10% of the parking stalls could be converted for EV use in the future. This may entail running conduit to multiple levels of a parking garage such that wiring could be extended to specific parking spaces in the future. Staff will review the language and provide some clarification on this issue as appropriate. • In reviewing the proposals and the public comments, there are several alternatives that the Commission could consider. <ul style="list-style-type: none"> i. First, clarifying the standards such that it is clear that specific parking spaces are not required to be designated for EV or equipped with the infrastructure. ii. Amending the proposed code to require only the conduit and junction box. This may allow some accommodation for Level 2 chargers in the future as new development is currently required to include excess electrical capacity, without imposing additional costs for transformers and electrical capacity. iii. Reducing the quantity requirement (from 10% to 5%) or changing the requirement from the amount of "parking provided" to the amount of parking required, which would effectively reduce the area in which the code applies. iv. Lastly, the Commission could consider tabling all or some portion of the amendments. However, staff feels that there is strong policy support currently in the Comprehensive Plan for supporting the development and use of non-pollution generating modes of transportation. In the public testimony, the primary concerns have been with the application of the code to multifamily dwellings, not commercial or other institutional uses. Therefore, the Commission could consider reduced standards or tabling the standards for multi-family and proceeding with the standards for design/location/accessibility as well as quantity requirements for non-residential uses.
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<ul style="list-style-type: none"> • Should consider utilizing incentives to promote EV rather than regulations 	Lafranca	<ul style="list-style-type: none"> • While the proposal does not provide additional incentives, an incentive-based strategy has been deployed nationally and state-wide. According to a report published by the Western Washington Clean Cities Coalition and the Washington State Plug-In Electric Vehicle Task Force in 2011, state market incentives include multiple sales tax exemptions and exemptions from leasehold excise taxes. In addition, the build out of public EV infrastructure in Washington State is occurring at a rapid pace, providing improved access to charging stations to extend trips. In 2009 Ecototality was awarded over \$100 million from the U.S. Department of Energy to deploy chargers in major cities and metropolitan areas. The project provided 8,300 residential level 2 charging stations through grants and over 6,300 public-use level 2 charging stations. Lastly, according to the “Plug-In Electric Vehicle Readiness Plan for the State of Washington,” Washington State benefits from several competitive advantages in the EV market, including an ideal climate for batteries and low electricity prices compared to other regions.
<ul style="list-style-type: none"> • Requiring EV infrastructure is wasteful when markets can change quickly and technology is constantly changing. 	Lafranca	<ul style="list-style-type: none"> • While other technologies may be introduced into the auto market, there is an existing, and growing, market for plug-in electric vehicles. Both federal and state policies support the continued development of plug-in electric vehicle infrastructure and forecasts are optimistic that vehicle sales will continue to increase. Over the past 5 to 10 years there has been a convergence in plug-in vehicle technology, and while there are still exceptions, most major automakers are utilizing the same standards for charging systems. The proposal addresses only plug-in electric vehicles and does so in a way that is consistent with market forecasts, which expect growth in plug-in electric vehicles sales but with an expectation that these sales will still only represent a fraction of the vehicles on the road. One distinction between plug-in electric vehicles and hydrogen fuel cell vehicles is that the plug-in electric vehicles require a more decentralized fueling system, typically at a place of residence or a destination, whereas refueling of hydrogen cell vehicles will still occur at fueling stations. It is unlikely that the City’s land use regulations would need to be updated to accommodate hydrogen fuel cell vehicles as the City currently regulates fueling stations.
<ul style="list-style-type: none"> • The Bicycle and Pedestrian Technical Advisory Group believes the proposed bicycle facility requirements are a huge step forward for active transportation in Tacoma. Applauds efforts to support non-pollution generating transportation options. 	Cook, Symer, Halverson Kuehn	<ul style="list-style-type: none"> • Support is noted.
<ul style="list-style-type: none"> • Would recommend reconsidering how the proposals apply to existing parks and popular destinations to assure that the facilities are available for the public. 	Cook, Symer, Halverson Kuehn	<ul style="list-style-type: none"> • Suggestion noted.

<ul style="list-style-type: none"> • Supports bicycle parking requirements and would like to see the City promote more car-sharing opportunities. 	Chin	<ul style="list-style-type: none"> • Support and comment noted.
8. Urban Forestry Landscaping Code Update (Application #2014-10)		
<ul style="list-style-type: none"> • Support for the proposed updates. 	Coughlin/ Cutting	<ul style="list-style-type: none"> • Support noted.
<ul style="list-style-type: none"> • The City must not allow any tree cutting in public areas, especially in natural areas. • Planting native trees should have precedent, planting non-native trees near natural areas destabilizes the habitat. 	Hansen	<ul style="list-style-type: none"> • Comments noted. The OSHRE and Urban Forest Policy Elements provide the City's policy direction on these issues. While both call for strong protection for trees on public lands, they also recognize that other considerations including public views, addressing hazards and public access must be balanced with this goal. • Comments noted. Staff note planting natives is allowed but not required in the proposed code updates. Natives are not always the most appropriate choice. However, these comments raise an important issue in regards to tailoring development standards, including landscaping requirements, within designated Habitat Corridors to better promote habitat health. This issue will be continued in future policy discussions. Meanwhile, the City has made progress on developing best management practices for city-owned natural areas.
<p>Questions regarding requiring utilities to provide street trees:</p> <ul style="list-style-type: none"> • Recognizes the City's intent to improve streetscapes through tree planting (Payne). • Utilities projects that replace sidewalks should be exempt from street trees requirements (Prussen). • Utility ratepayers should not be required to pay for street trees. • It is reasonable for utilities to replace anything damaged or removed (Payne). 	Payne, Guthrie, Prussen	<p>Comments noted. The street trees proposal is based on the following logic:</p> <ul style="list-style-type: none"> • Through multiple actions, the City Council has made it clear that street, sidewalk and right-of-way improvements are to follow the principles and guidelines of Complete Streets. Per the City's guidelines, a Complete Street includes street trees as a basic component. • Through this effort it has been established that the City is expected to lead by example. Consistent with that intent, it follows that the public sector should generally be treated in at least an equivalent manner as the private sector in terms of development requirements. In the case of streets, leading by example clearly includes implementing Complete Streets principles including street trees. Pursuant to Complete Streets principles, this proposal would require street trees in association with new subdivisions of land for private development. Street trees are already often required with development of property and buildings. • Staff note that the Environmental Services and Public Works Departments have initiated an update to Title 9 which provides direction on trees in public rights-of-way. There will be an opportunity through that effort to revisit the Landscaping Code to ensure consistency and to revisit the policy issues.

<p>If utilities providers are required to meet street tree requirements, the following comments apply:</p> <ol style="list-style-type: none"> 1. Avoid conflicts with infrastructure and utilities. 2. Clarify thresholds for when requirements apply. 3. Planting and maintenance of trees would have staffing and cost impacts. 4. What this really means for utilities doing work in the right of way. 	<p>Payne, Guthrie, Prussen</p>	<ol style="list-style-type: none"> 1. Comments noted. While space is limited within rights-of-way, the proposal seeks to avoid or minimize landscaping and infrastructure conflicts by requiring adequate space and conditions based on tree size and species, and by requiring specific separations from utilities and infrastructure. Staff note the recommendation to increase the separation requirement from utilities to 10 feet. However, this could greatly limit the area available for tree plantings. Similarly, it is staff's understanding that large trees can be appropriate within the right-of-way when the requirements are met. Therefore, no changes are recommended at this time. 2. Comments noted. Staff concur that the following language provides a more functional threshold and recommend that the following replace the current draft language in Section 13.06.502.B.2.b (page 18/340). Street trees are required when: <ul style="list-style-type: none"> <u>b. Constructing new permanent roadways, excluding residential Local Improvement Districts; alterations to the width of existing permanent roadways; constructing new sidewalk; replacing more than 50% of an existing sidewalk along a site's frontage (when 50 linear feet or more is being constructed). In the case of sidewalk replacement, street trees shall be required proportionate to the linear footage of sidewalks replaced.</u> <p><i>In addition , include the following definition in Section 3.06.700.P:</i> <u>Permanent Roadway. Roadway constructed with a designed full depth subgrade and road surface section with an established curb and gutter alignment.</u></p> 3. Comments noted. It is clear that planting, maintaining through establishment and replacing street trees will have staffing and cost implications. While some utilities providers do not currently do this type of work, others do. This may lead to a discussion about collaborating to meet the planting and/or maintenance requirements. Similarly, staff recognize that interfacing with property owners also takes resources. The City's Urban Forestry Program is one resource to support those efforts. 4. In summary, street trees would be required for full new permanent roadways and substantial sidewalk segments, not for maintenance, partial roadway improvements or other utility projects. Utility providers would, over time, see some increases in staffing and funding dedicated to street trees. However, collaboration with other agencies may help, and the flexibilities of the proposed Landscaping Code may also provide solutions to specific challenges.
<ul style="list-style-type: none"> • No concerns. 	<p>Hedman</p>	<ul style="list-style-type: none"> • Noted.

<p>MPT provided comments on the following issues:</p> <ol style="list-style-type: none"> 1. Plant material selection – natives, climate-adapted, invasive species, avoid utility conflicts 2. Tree variety – must be achieved on a city-wide scale 3. Credits and flexibility – Tree Retention 	<p>Fraser, Sutalo</p>	<ol style="list-style-type: none"> 1. Comments noted. Requiring climate-adapted species simply means it is more likely that plants will survive. The definition of noxious weeds is included in the Definitions section. Staff concur that a future update of Title 9 is necessary to make the two sections consistent. Staff concur that proposed TMC 13.06.502.C.2 Plant Material Selection, e. Trees (2) should be updated to ...varieties that do not exceed 25 feet in height at 25 years of age (page 20/342). Staff will develop a Climate-adapted definition and provide it at the next Commission meeting. 2. Comments noted. MPT raises excellent points in regards to the advantages of achieving variety on a city-wide scale. However, city-scale approaches require advance planning (called for in the Urban Forest Policy Element but not yet completed) and City resources. Furthermore, in staff's view there are still significant benefits to be achieved from tree species diversity at the site level. These include reduced risk from disease, habitat health, and (in some cases) aesthetic benefits. Staff recognize that boulevards planted all in a single species are often highly regarded. However, a large development site planted entirely with a single species has not been cited as an example of attractive landscaping. The tree variety requirement is already in the code and has not generated concerns from the development community. Furthermore, we understand that the aesthetic feeling of a majestic boulevard with consistent trees can be achieved with multiple species. Finally, flexibility options in the proposed code allow for streetscape, area-specific or self-managed agency plans to depart from the General Standards so long as the overall intent is met. 3. Staff concur and recommend the following change to TMC 13.06.502.D.2 Tree Retention: Remove the minimum 6 inch size requirement for tree retention credit and allow trees of the same size for equal credits (page 22/344).
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<p>4. Credits and flexibility – Self-managed Agencies</p>	<p>Fraser, Sutalo</p>	<p>4. Comments noted. Staff met with MPT to discuss the provisions of the Self-managed Agency section. We understand that MPT wishes this tool to be a major incentive for public agencies to engage in urban forest planning, and one with as straight forward process as possible. Staff developed the following refinements to the draft based on MPT’s input (page 22/344):</p> <p>TMC 13.06.502.D.6. Self-managed Agencies. An optional process for additional flexibility is available for public agencies with urban forestry programs and plans. This option is intended to encourage public agencies to take a leadership role in implementing urban forestry goals and policies. This flexibility can facilitate more intensive development of a particular development site, while meeting the urban forestry policies of the Comprehensive Plan and the intent of the landscaping code by planting the required landscaping at another site in the agency’s permanent control.</p> <p>a. To initiate this optional process, public agencies must submit a request to PDS to be designated as a self-managed agency, including the agency’s urban forestry plan, an overview of its urban forestry program, and an analysis demonstrating general consistency with the Urban Forest Policy Element of the Comprehensive Plan and landscaping code. The request must designate the areas where required landscaping would be planted. The general landscaping requirements of this section apply. Plantings already required by a separate regulatory authority may not count toward meeting the requirements of this section. Upon review, the Director will issue a Determination regarding the consistency of the request with the Comprehensive Plan and code intent. If approved, the Determination shall grant self-managed agency status for up to five ten years, subject to reevaluation. The Director reserves the right to withdraw the self-managed agency status should the intent not be met.</p> <p>b. Self-managed agencies may choose to plant landscaping required as part of a particular development proposal in a another location specified in per their urban forestry plan. This flexibility can be utilized at the agency’s discretion on subsequent site-specific development proposals. Each request to utilize this process as part of a development proposal review shall make reference to the approved Determination, be supported by running totals of landscaping planted in this manner, and include status updates on ongoing health of such landscaping.</p> <p>c. Landscaping Buffers, when required, must be provided on the development site and cannot be shifted to another site. In addition, to the extent feasible, some portion of required street trees and parking lot landscaping shall be planted at the development site, or if shifted from the development site shall be planted in proximity to impervious surfaces, in order to achieve commensurate stormwater benefits.</p>
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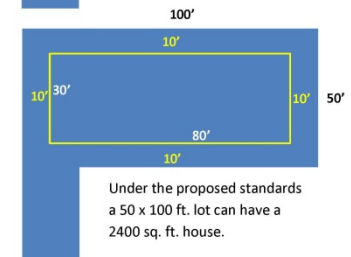
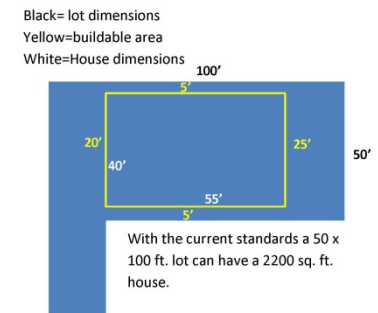
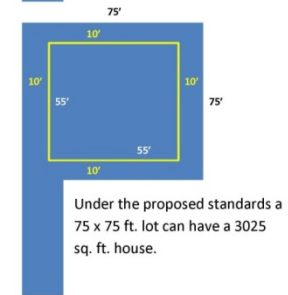
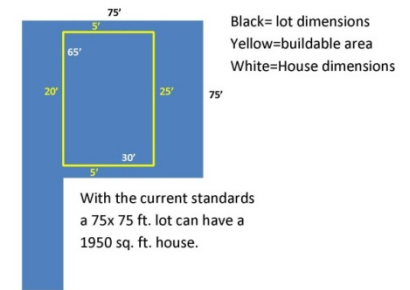
<p>5. Overall site planting – required number too high for tree growth</p> <p>6. Buffers – required number too high for tree growth</p>	<p>Fraser, Sutalo</p>	<p>5. Comments noted. Staff note that in an urban environment, trees tend not to live as long and therefore reach their full potential size. The proposed number of trees required (one Small Tree per 200 sf, one Medium Tree per 300 sf, and one Large tree per 400 sf) was established using the current requirement of one tree per 300 sf as the starting point. Thus, the proposal does not necessarily increase the required number of trees. In addition, staff note that trees required according to these ratios may overhang parking lots or other areas.</p> <p>However, staff note that the Overall Site Requirement may prove challenging to park and open space sites under the proposal since parks are often planted with grass and trees (rather than shrubs) to increase visibility and accessibility. Therefore staff recommend exempting Park and Open Space uses from the Overall Site Landscaping requirement (page 23/345).</p> <p>6. Comments noted. There is a balance to be struck between short-term visual screening and long-term growth potential. In the case of the Buffer requirement, screening is explicitly the primary intent. Therefore, the requirements are calibrated to maximize short-term screening.</p> <p>That being said, staff recognize that the proscriptive standards of this section could limit plant selection and design options. Therefore, staff recommend that an additional option be added to the buffers section (TMC 13.06.502.E (page 25/347) allowing alternative planting plans that meet the intent of providing a substantial vegetated buffer (for the Commission’s consideration – 50% within 5 years and 80% at full maturity).</p>
<ul style="list-style-type: none"> Clarify exemptions in the Landscaping requirements table. 	<p>PDS Staff</p>	<ul style="list-style-type: none"> Staff recommend the following changes: TMC 13.06.502.E – Exemptions: (1) Single, two and three-family developments, unless in association with a full plat <u>or a short plat with 5-9 lots</u>, are exempt from all landscaping requirements (page 23/345).
<p><u>Self-Managed Agencies – planting should be within the city</u></p>	<p><u>Planning Comm 04-02-14</u></p>	<p><u>Modify TMC 13.06.502.D.6. Self-managed Agencies to indicate that landscaping planted in alternative sites must be located within the City of Tacoma.</u></p>
<p><u>Planting strips less than 4 feet wide</u></p>	<p><u>Planning Commission 04-02-14</u></p>	<p><u>Modify TMC 13.06.502.C.2 Plant Material Selection, and TMC 13.06.502.C.3 Installation and Maintenance to allow trees to be planted in existing planting strips a minimum of 3 feet in width (reduced from 4 feet in the draft proposal), with additional staff review for species selection to avoid infrastructure conflicts.</u></p>
<p><u>Native Plant selection adjacent to Habitat Corridors</u></p>	<p><u>Planning Commission 04-02-14</u></p>	<p><u>Modify TMC 13.06.502.C Plant Material Selection to require native plant selection as follows:</u></p> <ul style="list-style-type: none"> <u>Within designated Habitat Corridors: At least 50% native species.</u> <u>Adjacent to Habitat Corridors (within 20 feet): At least 25% native species.</u> <u>Allow flexibility to follow adopted plans to address slope stability, habitat health, streetscape or area-wide plans.</u>

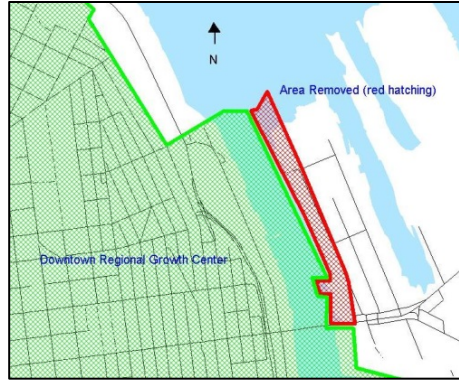
9. Plan and Code Cleanup (Application #2014-011)

- Concern over the proposed setback requirements for pipestem lots as it could limit the size of buildings which would inhibit development and counteract the Growth Management Act.
- Mr. Lafranica also objected to the proposed height restriction for pipe stem lots which would restrict the height of homes built to 25 feet or no more than the average height of the dwellings on each abutting property line.

Lafranica

- Staff’s analysis has shown that the proposed setback requirement 10 feet on all sides in all districts with the exception of 15 feet in the R-1 District will, in most cases, result in a narrower building footprint but will not result in a reduction of building area and will often result in a larger building footprint. The smallest footprint a home could have on a newly created pipe stem lot would be 30 feet by 100 feet on a 50 x 100 foot lot (the narrowest lot width allowed). See below for illustrations of how building footprints on pipestem lots would change through the proposed regulation. The intent of the setback regulation is to provide additional buffering for adjacent properties due to the varied building orientation of buildings on pipe stem lots and proximity to other existing development. An example of this is where a side lot line abuts a rear or side lot of the adjacent lot.
- The proposed language regarding the height limitation of buildings on pipe stem lots to 25 feet or no more than the average height of the dwellings on each abutting property is to address neighborhood cohesiveness and character. The proposed regulation will allow new buildings on pipe stem lots the same rights as abutting property owners while ensuring new buildings are in-line with the existing character of the neighborhood.



<ul style="list-style-type: none"> • Clarify Designated Pedestrian Streets within the South Downtown Subarea Plan Boundaries 	<p>PDS Staff</p>	<ul style="list-style-type: none"> • A code change recommended in the South Downtown Subarea Plan is the designation of primary pedestrian streets in the South Downtown Subarea Plan area. Within the Downtown Districts of South Downtown the only designated Primary Pedestrian Street is Pacific Avenue, north of South 25th Street. As South Downtown gains population and employment, the numbers of pedestrians are anticipated to increase. To meet this need additional streets were identified for Primary Pedestrian Street Designation and are proposed through this Code Cleanup Application: <ul style="list-style-type: none"> ✓ South Jefferson Avenue between South 21st Street and South 25th Street ✓ South 25th Street between i-705 and South Fawcett Avenue ✓ East 'C' Street ✓ South 'C' Street Further, as the Urban Commercial Mixed-Use – Tacoma Dome (UCX-TD) was rezoned to the Downtown District zoning designation of Downtown Mixed-Use (DMU), pedestrian streets associated with the former UCX-TD zoning were removed. It is the intent of the South Downtown Subarea Plan to redesignate these streets as Primary Pedestrian Streets consistent with the Downtown District code, Tacoma Municipal Code section 13.06A.052. The streets which will be redesignated/remain primary pedestrian streets in the Dome District are: <ul style="list-style-type: none"> ✓ Puyallup Avenue - All portions within the downtown mixed-use center ✓ East 25th Street - All portions within the downtown mixed-use center ✓ East 26th Street - All portions within the downtown mixed-use center ✓ East D Street - All portions within the downtown mixed-use center
<ul style="list-style-type: none"> • Correction of the boundary of the Regional Growth Center 	<p>PDS Staff</p>	<ul style="list-style-type: none"> • The boundary of the Downtown Regional Growth Center has been adjusted to reflect the removal of the northern half of the land area on the west side of the Thea Foss waterway. (Map for illustration purposed only) • Subsequently, all Downtown Regional Growth Center maps within the Comprehensive Plan will be redrawn accordingly. This will affect maps listed within the following Comprehensive Plan Elements: <ul style="list-style-type: none"> ✓ Proposed Container Port Element (Application #2014-07) ✓ Growth Strategy and Development Concept ✓ Generalized Land Use ✓ Transportation ✓ South Downtown Subarea Plan 

Determination of Environmental Nonsignificance and SEPA Checklist (SEP2014-40000218532)

<p>The Health Department has no objections to the proposal as presented.</p>	<p>Harp</p>	<p>Comment noted.</p>
<p>The Department of Ecology recognizes this is a non-project action and recommends that:</p> <ul style="list-style-type: none"> • Developers or city planners contact Ecology to determine if the property or facilitates planned for development have known or suspected environmental contamination; • Consider adopting future policies related to the Tacoma Smelter Plume; and • Include the Ecology's procedures and guidelines associated with the Model Toxics Control Act as conditions of approval. 	<p>Ecology</p>	<ul style="list-style-type: none"> • The City does contact the Ecology through such venues as the pre-application process and the SEPA comment periods, and keeps track of the consent decree or agreed order under the Model Toxics Control Act in association with the individual projects. • The Environmental Policy Element of the Comprehensive Plan contains policies speaking to the prevention of contamination and cleanup of identified contaminated sites through partnership with the Ecology to improve the quality of Tacoma's environment. Such policies include E-ER-1 Comprehensive Cleanup Strategies, E-ER-2 Contaminated Sites, E-FW-23 Superfund Cleanups, and E-ER-7 Intergovernmental Partnerships. The City may consider adding future policies addressing specific sites. • The conditions from the Ecology are dependent on the specific project. The City is in the process of discussing with the Ecology about how and when to require soil testing and work under the Model Toxics Control Act for compliance with the contaminant cleanup standards.

Appendices:

A. List of Commenters

Oral Testimony Received at the Public Hearing on March 19, 2014 (listed in order of testifying)		Subjects of Comments
1. Milt Tremblay, University of Washington Tacoma		Sustainability Code
2. Jeremiah Lafranca, Master Builders Association		Sustainability Code; Plan and Code Cleanup
3. Jennifer Chin		Sustainability Code
4. Katherine Sutalo, Metro Parks Tacoma		Open Space Element; Urban Forestry
5. Curtis Hancock, Metro Parks Tacoma		Point Defiance
6. Jennifer Halverson Kuehn, Bicycle and Pedestrian Technical Advisory Group		Sustainability Code
7. Kell McAboy, Port of Tacoma		Container Port Element
8. Christine Phillips, BCRA		Point Defiance
9. Kris Symer, Bicycle and Pedestrian Technical Advisory Group		Sustainability Code
10. J. J. McCament, Point Ruston		Point Ruston
Written Comments Received by March 21, 2014 (listed by last names in alphabetic order)		Subjects of Comments
1. Reggie Brown ⁽¹⁾	March 7, 2014	Affordable Housing
2. Reggie Brown ⁽²⁾	March 7, 2014	Affordable Housing
3. Patrick Clark, University of Washington Tacoma	March 21, 2014	Sustainability Code
4. Loren Cohen, Point Ruston	March 19, 2014	Point Ruston
5. Phil Coughlan and Nick Cutting, Sustainability Tacoma Commission	March 11, 2014	Open Space; Sustainability Code; Urban Forestry
6. Department of Ecology – Southwest Regional Office	March 21, 2014	SEPA Checklist
7. Doug Fraser ⁽¹⁾ , Metro Parks Tacoma	March 21, 2014	Open Space
8. Doug Fraser ⁽²⁾ , Metro Parks Tacoma	March 21, 2014	Urban Forestry
9. Mark Guthrie, Tacoma Public Utilities - Water	February 27, 2014	Urban Forestry
10. Scott Hansen, Puget Creek Restoration Society	March 21, 2014	Open Space; Sustainability Code; Urban Forestry
11. Brad Harp, Tacoma-Pierce County Health Department	March 11, 2014	SEPA Checklist
12. Marcie Hedman, Tacoma Public Utilities - Power	March 11, 2014	Urban Forestry
13. Ken Kingsbury, West End Neighborhood Council	November 18, 2013	Point Ruston
14. Jeremiah Lafranca ⁽¹⁾ , Master Builders Association	March 14, 2014	Sustainability Code
15. Jeremiah Lafranca ⁽²⁾ , Master Builders Association	March 18, 2014	Plan and Code Cleanup
16. Jeff Payne, Puget Sound Energy	March 21, 2014	Urban Forestry
17. Gary Pedersen and Michael Mirra, Affordable Housing Policy Advisory Group	March 20, 2014	Point Ruston; Affordable Housing
18. Kari Prussen, Environmental Services Department	March 21, 2014	Urban Forestry
19. Ken Rody	March 11, 2014	Affordable Housing
20. Leslie Ann Rose, Citizens for a Healthy Bay	December 3, 2013	Point Ruston
21. Katherine Sutalo, Metro Parks Tacoma	March 3, 2014	Open Space
22. Kris Symer, Bicycle and Pedestrian Technical Advisory Group	March 21, 2014	Sustainability Code
23. Rob White, City of Ruston	March 21, 2014	Point Ruston

B. Summary of Oral Testimony Received at the Public Hearing on March 19, 2014 [\(Staff Note: Included in the April 2nd version\)](#)

C. Written Comments Received during the Comment Period through March 21, 2014 [\(Staff Note: Included in the April 2nd version\)](#)



April 9, 2014

SENT VIA EMAIL

TO: Brian Boudet, Planning Division Manager
City of Tacoma
bboudet@cityoftacoma.org

FROM: Loren Cohen, Manager of Legal Affairs
Point Ruston, LLC
loren@pointruston.com

RE: Point Ruston Mixed Use Center

Thank you for taking the time to discuss the proposed 'Point Ruston Mixed Use Center' with JJ McCament and myself. As we discussed, it is a worthwhile goal to provide a broad range of housing choices throughout the City's neighborhoods. As Point Ruston redevelops the former Asarco smelter site into a high-density urban neighborhood, its goal is to include a mix of housing choices by providing a range of product types, sizes, and price points that span the City's residential housing market segments. We believe that a diversity of housing choices increases a neighborhood's vibrancy, and strengthens its character. Therefore, in the context of the redevelopment of this former industrial site, Point Ruston is committed to providing housing that is affordable to a wide cross-section of the market, including to families that are at, or below, the area's average median income.

Point Ruston submits the following draft policy language within the context of the City's adoption of the proposed Point Ruston Mixed Use Center as a component of the City's 2014 Comprehensive Plan Amendment:

In keeping with the City's goal of providing housing throughout its neighborhoods that is affordable to a wide cross section of the market, and as a condition of qualifying for the Multi-Family Tax Exemption program within the Point Ruston Mixed Use Center (MUC), any project seeking to qualify for the Multi-Family Tax Exemption program within the Point Ruston MUC shall enter into a Development Agreement with the City that establishes goals for the provision of such housing. Essential elements of the Development Agreement shall include, but not be limited to, (i) establishing goals for the provision of affordable housing and a diversity of housing choices within the MUC (i.e., range of product types, sizes and price points); and (ii) establishing a mechanism for monitoring the fulfillment of such goals (i.e. reporting requirements).

We look forward to receiving your comments, and appreciate your guidance in this matter.

cc: Peter Huffman, phuffman@ci.tacoma.wa.us
Elliott Barnett, elliott.barnett@cityoftacoma.org
J.J. McCament, jj@mccamentandrogers.com