



City of Tacoma  
Planning and Development Services

**Agenda Item  
D-4**

**To:** Planning Commission  
**From:** Cheri Gibbons, Planning Services Division  
**Subject:** **Plan and Code Cleanup (Annual Amendment #2014-11)**  
**Meeting Date:** February 5, 2014  
**Memo Date:** January 30, 2014

At the February 5, 2014, Planning Commission meeting, staff will present the proposed minor amendments for inclusion in this year's annual amendment process. These amendments are generally designed to address inconsistencies, correct minor errors, and improve provisions that, through administration and applications of the Comprehensive Plan and Zoning Code, are found to be unclear or not fully meeting their intent.

The amendments for this year include numerous changes to the Plan and Code, including:

- Changes to the Transportation Element of the Comprehensive Plan
- Creation of pipestem lot standards
- Reduction in the process for Major Modifications to Conditional Use Permits
- Changes to the Critical Areas Preservation Ordinance to ensure consistency with the Shoreline Master Program

Attached for your discussion at the next meeting is a staff report concerning the proposed amendments, with Exhibits "A" and "B" showing the draft Comprehensive Plan and Code changes, respectively. Staff intends to seek the Commission's authorization for distribution for public review of the proposal packet.

If you have any questions, please contact me at (253) 591-5379 or [cgibbons@cityoftacoma.org](mailto:cgibbons@cityoftacoma.org).

Attachment

c: Peter Huffman, Director





## 2014 Annual Amendment *Staff Analysis Report*

<b>Application No.:</b>	2014-11
<b>Proposed Amendment:</b>	Plan and Code Clean-ups
<b>Applicant:</b>	Planning and Development Services
<b>Location &amp; Size of Area:</b>	Citywide
<b>Current Land Use &amp; Zoning:</b>	Various
<b>Neighborhood Council Area:</b>	Citywide
<b>Staff Contact:</b>	Cheri Gibbons, Planning Services Division (253) 591-5379, cgibbons@cityoftacoma.org
<b>Date of Report:</b> (Planning Commission review date; draft or final)	February 5, 2014 (draft)

### I. Description of the Proposed Amendment:

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

The proposed amendments involve changes to the Transportation Element of the Comprehensive Plan and changes to various sections in the Tacoma Municipal Code (TMC), Chapters 13.04, 13.05, 13.06, 13.11, and 13.12. These minor amendments are intended to address inconsistencies, correct minor errors, and improve provisions that, through administration and application of the Zoning Code, are found to be unclear or not fully meeting their intent.

A general summary of the proposed amendments is as follows:

#### Changes to the Transportation Element of the Comprehensive Plan:

- Updating the Commute Trip Reduction (CTR) section to reflect the latest regulatory requirements and program opportunities approved by the Washington State Department of Transportation (WSDOT). Updating project cost information in the Mobility Master Plan section by:
  - Removing the cost information from the following tables:
    - Table 2 Short Term Bicycle Project Priority List
    - Table 9 Short Term Project Costs and Maintenance Estimates
    - Table 10 Medium Term Project Costs and Maintenance Estimates
    - Table 11 Long Term Project Costs and Maintenance Estimates
  - Deleting the following tables:
    - Table 7 Summary of Construction Costs for Recommended Projects
    - Table 8 Summary of Maintenance Costs for Recommended Projects
  - Adding a new table:
    - Table 7 Estimated Cost Range for Bicycle Facilities.

**Changes to Chapter 13.04 Platting and Subdivisions, including:**

- Clarification of the submittal requirements for short plats. The requirement to provide legal descriptions for all proposed lots will not be required at submittal but prior to recording for verification by the City Surveyor.
- The requirement that a vicinity sketch is included on the notice has been removed, consistent with the State's requirement. The requirement that a legal description and a non-legal description are included in the notice remain.
- Standards for pipe stem lots have been added. The intent of the standards are to ensure better integration of the new parcel and dwelling within the existing neighborhood. The standards include setback requirements and building height limitation.
- The correction of minor scrivener's errors.

**Changes to 13.05 Land Use Permit Procedures, including:**

- Updating the Expiration of Permits chart to ensure accuracy and consistency within other code sections.
- Clarification the Hearing Examiner's authority to hear appeals of Short Plat decisions.
- The addition of code language which changes the permitting process for Major Modifications to Conditional Use Permits.
- The correction of minor scrivener's errors.

**Changes to 13.06 Zoning, including:**

Section 13.06.100 – Residential Zoning and Development Standards

- The addition of provisions requiring single-family dwellings to be oriented to the adjacent street or right-of-way.
- A clarification to the Home Occupation Standards that on-premises sales of products associated with a Home Occupation are accessory to a service offered. For example, a home occupation engaged in hair salon services would be allowed to sell hair products and accessories.

Section 13.06.200 – Commercial Districts

- The addition of work-live units to the use Chart. Work-live units are allowed in most commercially zoned districts.

Section 13.06.300 – Mixed-Use Center Districts

- Changes include the removal of references and regulations pertaining to the Urban Center Mixed-Use - Tacoma Dome (UCX-TD) zoning designation as it was eliminated through the South Downtown Subarea Plan process. The UCX-TD zoning district was rezoned to Downtown Mixed-Use (DMU).

Section 13.06.400 – Industrial Districts

- The addition of Work-live units to the use charts.

Section 13.06.501 – Building Design Standards

- The revision of fencing standards language to ensure consistency with the Downtown (13.06A) code.

Section 13.06.502 Landscaping and/or Buffering Standards

- Removal of references to the zoning designation Urban Center Mixed-Use - Tacoma Dome (UCX-TD) as it has been replaced with Downtown Mixed-Use (DMU).

#### Section 13.06.510 Off-Street Parking and Storage Areas

- Removal of references to the zoning designation Urban Center Mixed-Use - Tacoma Dome (UCX-TD) as it has been replaced with Downtown Mixed-Use (DMU).

#### Section 13.06.513 Drive-throughs

- Removal of references to the zoning designation Urban Center Mixed-Use - Tacoma Dome (UCX-TD) as it has been replaced with Downtown Mixed-Use (DMU).

#### Section 13.06.522

- The addition of reference to an applicable part of the code was added to the sign table. This will ensure applicable regulations are found with ease.

#### Section 13.06.700 Definitions

- The addition of a definition for ‘work-live unit’ which is a combined living and work unit that includes a kitchen and a bathroom.

#### **Changes to 13.06A**

- Clarification of the regulations for work-live units in the Downtown by removing references to the Mixed-Use Centers.

#### **Changes to 13.11 CAPO, including:**

- Changes making the CAPO compliant with the new Shoreline Master Program and code.
- The removal of and all invalid references to critical areas that are now regulated under the shoreline code (Refer to 13.11.190.D).
- The CAPO changes will include minor corrections due to scrivener’s errors, duplication of code citation, and clarification of intent and regulatory application for certain code citations that in practice have revealed unintended interpretation errors.

#### **Changes to 13.12 SEPA, including:**

- The clarification of the appeals process for Shoreline Substantial Development Permits. Appeals of Shoreline Substantial Development Permits are appealable to the Shoreline Hearings Board.

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

The proposed amendments to the Transportation Element would maintain the City’s funding eligibility for future transportation program funds and grants. In addition, trip reduction and transportation demand management are evolving fields and WSDOT is allowing jurisdictions to modify and customize CTR programs in some cases. The proposed amendment to the CTR section would more accurately describe how the City is currently participating in CTR in downtown areas. The proposed amendments to the Mobility Master Plan section, on the other hand, are intended to keep the project information current and correct some inaccuracies.

The proposed amendments to the Tacoma Municipal Code are being brought forward as part of staff’s ongoing efforts to improve the clarity and effectiveness of the Zoning Code by addressing inconsistencies, incorporating legislative revisions, correcting minor errors, and improving confusing or ineffective standards. The proposed amendments would address issues that have been identified by staff, the community, as well as customers of the Planning and Development Services Department.

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

The proposed amendments would apply citywide.

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

While many of the code changes associated with this application are relatively minor, a few of the proposed changes are worth highlighting.

#### Standards for pipe stem lots

The intent of the standards are to ensure better integration of the new dwelling within the existing neighborhood. Currently, homes placed upon the pipe stem lots that are out of character with the surrounding homes due to size, height, or setback are allowed. This has been a frustration for many residents. In order to ensure new pipe stem lots are better integrated in to the neighborhood, setback, height, and landscaping requirements have been added. Homes on pipestem lots will be required to maintain a 10 or 15 foot setback on all sides of the lot, depending on the zoning district. New homes will also be required to be no higher than the average height of abutting dwellings and if the building height of the main building on a pipestem lot is 5 feet or greater than an abutting dwelling, then 5 feet of landscaping buffer is required along the abutting property line(s).

#### Reduction in the Process for Major Modifications to Existing Conditional Use Permits

The changes to the code reduce the process for major modifications to Conditional Use permits (CUP). Major modifications to CUPs are currently subject to a process that requires it to be processed as a newly submitted CUP, a Level II permit type. The Level II permit type process requires that a public notice is sent to neighbors within 400 feet and that there is a 30-day comment period. The changes in the code would require major modifications to CUPs to be processed as a Level I type permit. The Level I permit type process requires a public notice of 100 feet and a 14-day comment period. Both processes require a public notice sign to be posted at the site. Given the specialized nature of Conditional Uses and the fact that the use is already in operation at the time of submittal for a major modification to the permit, a reduced process is more adequate. In addition, reducing the process will reduce the permit review time and reduce expenditures for public noticing.

## **II. Analysis of the Proposed Amendment:**

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

The proposed amendments are designed to further many of the goals and policies outlined in the Comprehensive Plan, to address inconsistencies and ambiguities in the code, and to better reflect current development trends and techniques. Proposed changes to the standards will bring the City in-line with current standards and provide additional flexibility in code application.

In addition, the proposed changes are consistent with the Growth Management Act (GMA). The GMA requires that development regulations shall be consistent with and implement the Comprehensive Plan. Development regulations include, but are not limited to, zoning controls, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision

ordinances, and binding site plan ordinances. The proposed amendments are designed to improve consistency and compatibility within the development regulations and between the Comprehensive Plan, zoning classifications and development regulations.

### **Applicable Provisions of the Comprehensive Plan:**

The following provisions of the City's Comprehensive Plan relate to the proposed amendment:

#### Generalized Land Use Element

General Growth and Development Goal: To achieve orderly, timely, desirable, planned growth and development that enhances the quality of life for the citizens of Tacoma.

General Growth and Development Policies:

- LU-GGD-1 Intergovernmental Coordination - Manage growth and development in an orderly and desirable manner consistent with the expressed goals of the City, local governmental jurisdictions, regional and federal agencies, and the State of Washington.

Urban Aesthetics and Design Policies:

- LU-UAD-1 Development Standards - Craft development standards that are easy to use and administer and encourage quality site and building design consistent with the goals and policies herein. Refine development standards as needed to accomplish design goals per changing demographics, development conditions, and community interests.
- LU-UAD-3 Distinct Character and Identity of the City - Enhance the distinct character and identity of Tacoma by:
  - Emphasizing pedestrian-oriented design at all levels of design (city, neighborhood, site, and building).
  - Recognizing and retaining existing scale, proportion and rhythm and using compatible materials in new development and redevelopment.
  - Embracing the natural setting and encouraging regional character in new development.
  - Balancing the historic, working-class character of the community and its physical development with the community's desire to be progressive, innovative and accepting of new ideas and methods.

Residential Development Policies:

- LU-RDG-2 Prohibit Incompatible Land Uses - Prohibit incompatible land uses from situating within or adjacent to existing or future residential developments and gradually eliminate existing incompatible uses from existing residential areas.
- LU-RDG-3 Housing Opportunities - Encourage the development of residential areas that offer a variety of housing opportunities for all segments of the population within all areas of the city.

Commercial Development Goal: To achieve an attractive, convenient and well-balanced system of commercial facilities, which serve the needs of the citizens, are appropriate to their relative service areas and are compatible with adjacent land use.

Commercial Development Policies:

- LU-CDLA-5 Citizen Needs and Land Use Capabilities - Consider population needs and land use compatibilities when planning the development of neighborhood, community or regional commercial facilities in order to insure minimal adverse influences on surrounding or adjacent land uses.
2. **Would the proposed amendment achieve any of the following objectives?**
    - **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**
    - **Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services;**
    - **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or**
    - **Enhance the quality of the neighborhood.**

The proposed amendments will help to achieve all of the objectives listed above. The intent of the amendment is to improve inconsistencies and errors in the Comprehensive Plan and development regulations. Many of the changes were brought forth by internal administrators of the code or by external customers and as such, the changes reflect the desires of the community and an increased capacity by the City to provide adequate service. The results of the changes will enhance the compatibility of planned land uses and existing development as well as enhance the quality of neighborhoods and business districts across the city.

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

This proposal would reduce regulatory barriers resulting in cost savings, increased certainty regarding City requirements, and reduced delay in the City permitting process. Secondary communitywide economic benefits could result from this proposal, to the extent that the proposed amendments achieve their objectives of streamlining and facilitating development. Both are important components of a long-term strategy to improve quality of life and thus make the City more attractive to existing and new residents and employers. Lastly, by promoting more orderly growth, this proposal is in harmony with the City's sustainability goals.

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

Over the past few months, staff has discussed the 2014 Annual Amendment package with various stakeholder groups, including the Master Builders Association (MBA), other development industry representatives, and Neighborhood Councils. In addition, planning staff have or plan to reach out to the Community Council, the Cross District Association, and Neighborhood Business Districts, informing them of the 2014 Annual Amendment process and offering presentations on the proposed amendments at their board meetings. Additional outreach will occur through and during the Planning Commission and City Council's public hearing and notice processes.

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

By providing the benefits described above, this proposal would benefit the City as a whole. The proposed Amendments will not have a negative impact on facilities and services and will likely benefit the public



health, safety, and welfare through improved development patterns, removal of regulatory barriers, and better managed growth within the City.

### **III. Staff Recommendation:**

Staff recommends that the proposed amendments to the Comprehensive Plan and the Land Use Regulatory Code, as depicted in Exhibits A and B, be distributed for public review. Staff will continue to engage in public outreach and provide a summary to the Planning Commission prior to the public hearing process which is tentatively scheduled for March 19, 2014.

### **IV. Exhibits:**

- A. Proposed Amendments to the Transportation Element of the Comprehensive Plan
- B. Proposed Amendments to the Tacoma Municipal Code, Chapters 13.04, 13.05, 13.06, 13.11, and 13.12.

