

Section II-D

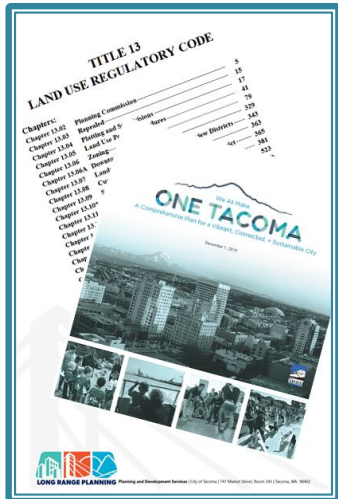
Minor Plan and Code Amendments



Minor Plan and Code Amendments

Staff Analysis Report

March 2, 2022



The “Minor Plan and Code Amendments” is one of the applications for the 2022 Annual Amendment to the *One Tacoma* Comprehensive Plan and Land Use Regulatory Code (or “2022 Amendment”). The application compiles a number of proposed amendments to the *One Tacoma Plan* and the Tacoma Municipal Code (primarily Title 13 – Land Use Regulatory Code) that are under the purview of the Planning Commission.

Proposed amendments do not suggest substantive or policy-level changes to the Plan or the Code; they are intended to correct minor errors, address inconsistencies, keep information current, and clarify and improve provisions that, through implementation of the Plan and the Code, are found to be unclear or not fully meeting their intent.

There are 15 issues compiled in this application, as shown in Exhibit “A”, which also documents staff analysis of the issues and the thought process for the corresponding proposed amendments.

Project Summary	
Project Title:	Minor Plan and Code Amendments
Applicant:	Planning and Development Services Department
Location and Size of Area:	Citywide
Current Land Use and Zoning:	Various
Neighborhood Council Area:	Citywide
Staff Contact:	Lihuang Wung, (253) 591-5682, lwung@cityoftacoma.org
Staff Recommendation:	That the Planning Commission accept public comment and begin to develop recommendations to the City Council.
Project Proposal:	See Exhibit “A” – Issues and Proposed Amendments

	<p>Planning and Development Services City of Tacoma, Washington Peter Huffman, Director</p>	<p>Project Manager: Lihuang Wung, Senior Planner 253-591-5682; lwung@cityoftacoma.org</p> <p>Project Website: www.cityoftacoma.org/2022Amendmen</p>
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A. Area of Applicability

Citywide - in various zoning districts and geographical areas.

B. Background

The “Minor Plan and Code Amendments” application facilitates an annual process for staff to improve the clarity and effectiveness of the *One Tacoma* Comprehensive Plan and the Tacoma Municipal Code (TMC) – primarily Title 13 Land Use Regulatory Code. The application compiles issues identified by staff, customers of the Planning and Development Services Department, the Planning Commission, the Transportation Commission, the City Council, and/or the public. Those issues are generally not substantive enough to rise to the level of a stand-alone application for consideration during the annual amendment process.

The *One Tacoma Plan* is a blueprint for the future character of our City. It guides our community's development over the long term and describes how our community's vision for the future is to be achieved. The plan takes a long-range perspective on such topics as land use, transportation, housing, capital facilities, parks and the environment that address the physical, social, and economic health of the City. It also sets standards for roads and other infrastructure, identifies how they will be paid for, and establishes the basis for zoning and development regulations.

The *One Tacoma Plan* is a compilation of Book I and Book II. Book I contains twelve chapters (or elements), with aspirational goals and policies identified for each element that provide the means for Tacoma to grow and prosper and yet maintain the unique character of the city for current and future generations. Book II includes selected implementation programs and strategies.

Book I: Goals + Policies

1. Introduction + Vision
2. Urban Form
3. Design + Development
4. Environment + Watershed Health
5. Housing
6. Economic Development
7. Transportation
8. Parks + Recreation
9. Public Facilities + Services
10. Container Port
11. Engagement, Administration + Implementation
12. Downtown

Book II: Implementation Programs + Strategies

1. Shoreline Master Program
2. Capital Facilities Program
3. Downtown Regional Growth Center Plans
4. Historic Preservation Plan

The Land Use Regulatory Code is the key regulatory mechanism that implements the Comprehensive Plan, as cited below:

“Land Use Regulations –

Land use regulations are laws that establish what can or can't be built in a given location. The key regulatory mechanism that implements the Comprehensive Plan is Tacoma's Land Use Regulatory Code. This code contains the development regulations that govern the manner by which land is used, developed, or redeveloped in the City. This code is found in Title 13 of the Tacoma Municipal Code and includes regulations for platting, zoning, shorelines and critical areas.”

*(One Tacoma Comprehensive Plan,
“Engagement, Administration + Implementation” Element,
p. 11-10)*

C. Analysis

It is imperative that both the Comprehensive Plan and the Code are properly maintained. The overall objective of the Minor Plan and Code Amendments is to keep the Plan and the Code current, respond to the changing circumstances, and enhance customer service. Staff analysis of this application has been conducted in accordance with TMC 13.02.070.F.2, which requires the following four provisions be addressed, as appropriate:

- a. A staff analysis of the application in accordance with the elements described in 13.02.070.D;
- b. An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;
- c. An analysis of the amendment options identified in the assessment report; and
- d. An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

a. A staff analysis of the application in accordance with the elements described in 13.02.070.D;

TMC 13.02.070.D, subsection 5.d.(1), requires that the following objectives shall be met by applications for the annual amendment:

- **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**

There are some issues included in the Minor Plan and Code Amendments, as shown in Exhibit “A”, intended to address inconsistencies and errors. There are also a number of issues intended to provide clarity or clarifications to existing language. For example:

 - #2 Preliminary and Final Plats – This proposal clarifies that an approved preliminary short or long plat is not an assurance that the final plat will be approved.
 - #3 Residential Landscaping Requirements – The proposal addresses the inadvertent error due to code reorganization and clarifies the regulatory intent.
 - #5 Reference to Definition Section – The proposal provides clarity so that code readers know where to look in the definitions section that is cited.
 - #7 Efficiency Unit Parking Exemption – This proposal eliminates redundancy regarding bike parking and clarifies the threshold and limitation on efficiency unit parking exemption.
 - #8 Single-family Detached Dwellings – This proposal improves and clarifies language in the table of Residential District Development Standard – Minimum Lot Area.
 - #9 Public Facility, Public Facility Site, Public Safety Facilities, & Public Service Facilities – This proposal consolidates and clarifies these definitions that are somewhat repetitive, overlapping, and confusing.
 - #12 Special Use Standards – This proposal ensures consistency between HMR-SRD (zoning exclusion and minimum lot size) and TMC 13.05.010.A.7.c (Infill Pilot Program conditional use permits).
 - #13 Two-family and Townhouse Dwelling – This proposal clarifies the number of townhouses permitted and minimum site size pertaining to Infill Pilot Program Two-family and Townhouse dwelling.
- **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;**
 - #4 Homeowners’ Association Owned Open Space & Other Tracts – Current code allows open space and other tracts to be owned by a homeowners’ association or the property owners within the subdivision, or dedicated to the public. Homeowners’ associations often go defunct/bankrupt, resulting in open

spaces not used as intended. This proposal, by removing “homeowners’ association” as an option for owning open spaces and other tracts, responds to changing circumstances and needs and desires of the community, and enhances the City’s capacity to provide adequate services.

- #10 Street Level Uses and Design – Proposed clarification pares the requirement down to just indicate that the spaces on the street level within downtown zoning districts incorporate elements to accommodate commercial uses. By providing more flexibility for prospective developers, this proposal is responding to the needs and desires of the community.
- There are three proposed amendments associated with the Residential Infill Pilot Program 1.0 and 2.0, i.e., #11 Infill Pilot Program Handbook (adding a reference to the Infill Pilot Program Handbook), #12 Special Use Standards (ensuring consistency between HMR-SRD and Infill Pilot Program), and #13 Two-family and Townhouse Dwelling (clarifying definition and site size pertaining to Infill Pilot Program Two-family and Townhouse dwelling). These proposals are responding to the changing circumstances resulted from the implementation of the Infill Pilot Program.

- **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern;**

- #6 Cultural Institutions and Public Benefit Use – This proposal not only enhances the definitions of “cultural institutions” and “public benefit use”, but also ensures the compatibility of lands uses allowed within the specified zoning districts.
- #10 Street Level Uses and Design – By allowing prospective developers more flexibility in ensuring the spaces on the street level within downtown zoning districts are properly designed to accommodate commercial uses, this proposal helps to ensure compatibility of existing land uses.
- #15 Manitou Annexation Area Land Use – This proposal aligns the previously adopted proposed land use designations for the Manitou Annexation Area with the newly adopted land use destinations for residential districts City-wide as per Home in Tacoma Project Phase 1. This proposal continues to respect the existing land uses in the Manitou Area and maintain the land use compatibility with the adjacent South Tacoma Neighborhood area.

- **Enhance the quality of the neighborhood.**

- #4 Homeowners’ Association Owned Open Space & Other Tracts – This proposal helps ensure that open spaces are maintained and utilized in the neighborhood as they are intended for.
- The three proposed code amendments associated with the Residential Pilot Infill Program, i.e., #11 Infill Pilot Program Handbook, #12 Special Use Standards, and #13 Two-family and Townhouse Dwelling, are intended to support the effective implementation of the pilot program, which in turn would help enhance the quality of the neighborhood.
- #14 Sign Code Update – This proposal includes a clarification that one sign per candidate, issue, or event may be placed, and that the limit of one sign is not suspended during an election. This provision should help enhance the quality of the neighborhood.

b. An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;

- #1 Definition of Family – This proposal modifies the current definition of “family” in the land use code to be consistent with RCW 35.21 and 35A.21, which were amended in July 2021 per SB 5235. This proposal also carries out the Planning Director’s Rule #03-2021 established in July 2021 in response to SB 5235.

- #2 Preliminary and Final Plats – This proposal modifies the current code language to be consistent with RCW 58.17.100 (Review of Preliminary Plats).
- #4 Homeowners’ Association Owned Open Space & Other Tracts – This proposal removes “homeowners’ association” as an option for owning open spaces and other tracts, and maintains consistency with RCW 58 (Boundaries and Plats) that does not require local jurisdictions to include ownership by homeowners’ associations as an option and with Pierce County’s code (Chapter 8.F30.030) that has no allowance for homeowners’ associations.
- #14 Sign Code Update – The proposal brings code into compliance with current laws. Without this change, staff are barred from enforcing clutter created by temporary signs.
- #15 Manitou Annexation Area Land Use – This proposal aligns the proposed land use designations for the Manitou Annexation Area as established by Ordinance No. 28609, adopted by the City Council on September 24, 2019, with the “Low-Scale Residential” and “Mid-Scale Residential” Future Land Use Map designations through the Home In Tacoma Project Phase 1 that was adopted by the City Council on December 7, 2021, per Ordinance No. 28793.

c. An analysis of the amendment options identified in the assessment report;

An Assessment Report for this application was presented to the Planning Commission on May 19, 2021, and an additional Staff Report presented on July 21, 2021, after the Public Scoping Hearing on June 16, 2021. Both reports indicate that most of the proposed amendments are intended to address inconsistencies, correct errors, and/or provide clarification. The proposals are usually unequivocal and straightforward, requiring no alternative analysis. Some of the proposed amendments require certain level of analysis, in which cases the analysis was conducted based on the feedback and suggestions from internal customers (i.e., staff who use and interpret the Plan and the Code) and external customers (e.g., developers and permit applicants). The thought processes for all of the proposed amendments are documented in Exhibit "A".

d. An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

Since all proposed amendments are intended to address inconsistencies, correct errors, maintain compliance with State and local laws, respond to changing circumstances, and maintain or enhance compatibility with existing/planned land uses and the surrounding development pattern, their impacts are expected to be positive.

D. Public Outreach

Public outreach for the “Minor Plan and Code Amendments” application has been conducted as part of the Planning Commission’s meetings when this application was on the agenda – on May 19, 2021 (reviewing scope of work), June 16, 2021 (Public Scoping Hearing), and July 21, 2021 (approval of scope of work). The first report of issues, analysis and proposed amendments for this application (i.e., the earlier version of Exhibit “A”) was reviewed by the Commission on January 19 and February 16, 2022. The Commission’s comments and suggestions have been incorporated into the current Exhibit “A” (attached). The Commission is scheduled to conduct a public hearing on the 2022 Amendment on April 6, 2022. Additional public outreach for all the applications for the 2022 Amendment will be conducted prior to and during the public hearing process.

E. Next Step

After the public hearing, staff will facilitate the Commission’s review of public comments, decision making, and formulation of recommendations to the City Council, pursuant to TMC 13.02.070.H, as cited below:

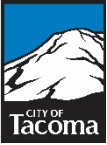
H. Findings and recommendations.

1. Upon completion of the public comment period and review of the public testimony, the Planning Commission will make a determination as to whether the proposed amendments are consistent with the following criteria:
 - a. Whether the proposed amendment will benefit the City as a whole, will not adversely affect the City’s public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare; and
 - b. Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan.
2. The Commission will prepare a recommendation and supportive findings to forward to the City Council for consideration.

F. Exhibit

- Exhibit “A” – Minor Plan and Code Amendments – Issues and Proposed Amendments (March 2, 2022)

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**2022 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

Minor Plan and Code Amendments – Issues and Proposed Amendments

March 2, 2022

No.	Issues and Assessments	Proposed Amendments
1.	<p><u>Definition of Family (Director Rule 03-2021)</u></p> <ul style="list-style-type: none"> • TMC 13.01.060.F Zoning Definitions <p>Senate Bill 5235 (SB 5235), signed into law by the Governor, effective July 25, 2021, includes a key restriction on how local governments define and regulate residential unit occupancies. For the City of Tacoma, currently, “Family” is defined in TMC 13.01.060.F as follows:</p> <p><i>“Family.” One or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students, or a group of not more than six unrelated persons, living together as a single nonprofit housekeeping unit; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b).</i></p> <p>Per the new State law, these types of broad zoning limitations on the number of unrelated individuals that can live in a dwelling unit are no longer allowed. Per the PDS Director’s Rule 03-2021, effective July 25, 2021, the City will no longer use this definition to limit residential occupancy. This issue and potential permanent corrective code amendments should be included in the scope of work for the 2022 Amendment.</p>	<ul style="list-style-type: none"> • Replace the current definition of “Family” in the Land Use Code with the following: “Family.” One or more persons, related or unrelated, living together as a single household where all members have common access to and use of living, kitchen and other shared spaces. <p>(Note: This definition change achieves basic consistency with the new state law. However, the state law, as well as policy adopted through Home In Tacoma Phase 1 call for a more holistic review of the use of the term “family” and of other standards that limit the number of people who can live in a dwelling unit.</p> <p>Also note that based on the Planning Commission’s comments and suggestions on 01/19/22, including using the term “household” instead of “family”, staff provided the following: Staff concurs that the proposed “family” definition is essentially the same as “household”. However, while changing the “family” definition achieves consistency with the state law, it is an interim step. Because the term “family” is currently used widely in the TMC, staff recommends taking more time as part of the Home In Tacoma Phase 2 analysis before potentially replacing it.)</p>

No.	Issues and Assessments	Proposed Amendments
2.	<p><u>Preliminary and Final Plats</u></p> <ul style="list-style-type: none"> TMC 13.04 Platting and Subdivisions <p>Based on the decision for the Morcos Preliminary Plat, our attorney has recommended that we take out language that states that an approved preliminary short or long plat is an assurance that the Final Plat will be approved. This language is not provided for in the RCW 58.17.100; rather it was added in by a previous PW's Director many years ago. Proposed amendments are needed to improve consistency with State law.</p>	<ul style="list-style-type: none"> Amend TMC 13.04.090.F. as follows: “After approval of a preliminary short plat application by the Director, the short plat shall be filed with the Pierce County Auditor <u>for recording</u>, and only after such filing shall the short plat be deemed approved and accepted by the City of Tacoma. The approved short subdivision decision, however, shall be assurance to the subdivider that the short plat will be recorded provided that:.....” Amend TMC 13.04.100.D. as follows: “Approval of the preliminary plat is a tentative approval and does not constitute final acceptance of the plat. Approval of the preliminary plat, however, shall be assurance to the subdivider that the final plat will be approved; provided, that:.....”
3.	<p><u>Residential Landscaping Requirements</u></p> <ul style="list-style-type: none"> TMC 13.06.09.J.5. Landscaping Buffers <p>In the code prior to the reorganization, landscaping was exempt for single, two, and 3 family homes. In the old code, landscaping buffers were also in this section and therefore exempt. The re-organized code moved buffers into a new section that does not have the same exemption listed in the applicability.</p> <p>1. Exemptions:</p> <p>a. Single, two and three-family and townhouse developments are exempt from all landscaping requirements, with the exceptions that street trees are required in X Districts, and in all districts.</p>	<ul style="list-style-type: none"> Amend TMC 13.06.09.J.5. by adding an additional exemption that has the same effect that the antiquated code had, as follows: 13.06.09.J.5. Landscaping Buffers c. Exceptions <u>(7) Single-, two-, three-family and townhouse developments are exempt from all landscaping buffer requirements.</u>

No.	Issues and Assessments	Proposed Amendments
4.	<p><u>Homeowners' Association Owned Open Space & Other Tracts</u></p> <ul style="list-style-type: none"> • TMC 13.04.090.H.20 & 100.F.20 Short Plat/Short Subdivision Procedures <p>The code allows open space & other tracts to be owned by a homeowner's association, the property owners within the subdivision or dedicated to the public.</p> <p>The homeowner's association should be removed as an option. These often go defunct/bankrupt, taxes aren't paid & the tract reverts to Pierce County which auctions it off. This causes problems because the new owner usually wants to develop the open space or other tract. Our code should ensure that property taxes are paid on these tracts by requiring they are included as a proportional interest for each property owner in the plat. That way Pierce County assesses each property owner in the plat a portion of the tax for the tract along with the taxes for their individual homes.</p> <p>RCW 58 has no provisions that require local jurisdictions to include ownership by a Homeowners' association as an option. Pierce County's code (Chapter 8.F30.030) also has no allowance for Homeowners' Association.</p>	<ul style="list-style-type: none"> • Amend TMC 13.04.090.H.20 as follows: 20. Common facilities and open spaces shall be located on separate, individual tracts, unless otherwise approved by the Director, and shall be dedicated, reserved or otherwise held in common by a homeowners' association or by a proportional ownership interest shared among all of the property owners within the short subdivision, or alternatively, and only if acceptable to the receiving public agency, dedicated to the public • Amend TMC 13.04.100.F.20 as follows: 20. Common facilities and open spaces shall be located in separate, individual tracts unless otherwise approved by the Hearing Examiner, and shall be dedicated, reserved or otherwise held in common by a homeowners' association or by a proportional ownership interest shared among all of the property owners within the subdivision, or alternatively, and only if acceptable to the receiving public agency, dedicated to the public.
5.	<p><u>Reference to Definition Section</u></p> <ul style="list-style-type: none"> • TMC 13.06.080.A.5.c Special Use Standards <p>Suggest adding "(See definition "Building, height of.")" to the reference to TMC 13.01.060, so that code readers know where to look in the definitions section that is cited.</p>	<ul style="list-style-type: none"> • Amend TMC 13.06.080.A.5.c as follows: (2) Height shall be limited to the most restrictive of the following: <ul style="list-style-type: none"> • The maximum height for detached ADUs shall be 18 feet, measured per the Building Code, or up to 20 feet with incorporation of either parking below or above the DADU structure (not next to), or with certification of the DADU under Built Green criteria with 4 stars, or equivalent environmental certification. • The conversion of an existing accessory structure taller than 18 feet may be authorized through issuance of a Conditional Use Permit. • In View Sensitive Districts, the maximum height shall be 15 feet, measured per TMC 13.01.060. (Refer to the definition for "Building, height of"), and allowance of additional height is subject to TMC 13.05.010.B Variances.

No.	Issues and Assessments	Proposed Amendments
6.	<p><u>Cultural Institutions and Public Benefit Use</u></p> <ul style="list-style-type: none"> TMC 13.01.060.C and .P Zoning Definitions <p>Suggest clarifying the definition of “Cultural Institutions” to indicate that such uses are not limited to museums, as the current language might suggest. Also, this definition is listed twice in the section, where the 2nd occurrence should be deleted.</p> <p>The “art gallery or museum” currently included in the definition of “Public Benefit Use” should be replaced with “cultural institutions.”</p> <p>It is also suggested that the “community meeting rooms” option be deleted from the definition of “Public Benefit Use.” We have found applicants are inclined to use this as a sort of “loophole”, to basically circumvent having to do any actual commercial space option on the ground floor where required. With this change, they will be designing to commercial standards regardless in the downtown areas.</p> <p>Also, “Public benefit use” should be added as a use category to these use charts of TMC 13.06.030, TMC 13.06.040, and TMC 13.06.060. Indicate which districts allow, prohibit, and required conditional use permits for this use in these districts.</p>	<ul style="list-style-type: none"> Amend TMC 13.01.060.C as follows: “Cultural institutions.” Institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes museums, such as a museum, or cultural center, operated by a non-profit organization, offering services to the community. “Cultural institutions.” Institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes museums. Amend TMC 13.01.060.P as follows: “Public benefit use.” As used in Section 13.06.050—Downtown, public <u>Public</u> benefit uses shall include any of the following uses: <ol style="list-style-type: none"> Day care available to the general public Human services, such as employment counseling and walk-in clinics Recreation, such as health clubs Community meeting rooms Art gallery or museum <u>Cultural institutions</u> Drop-in centers for youth or seniors Amend use charts of TMC 13.06.030, 13.06.040, and 13.06.060 as follows: Add “Public benefit use” as a use category to these use charts and indicate which districts allow, prohibit, and required conditional use permits for this use in these districts. <p>(Note that based on the Planning Commission’s suggestions on 01/19/22 and 03/02/22, the “community meeting room” would not be deleted and consideration should be given to adding “faith-based organizations”, or equivalent, to the list of public benefit uses.)</p>
7.	<p><u>Efficiency Unit Parking Exemption</u></p> <ul style="list-style-type: none"> TMC 13.06.090.C.3.i. Required off-street parking for Downtown Districts <p>Suggest cleaning up and clarifying the language in the off-street parking exemption for group housing, student housing and efficiency units in Downtown Districts. The current provision pertaining to bicycle parking spaces can be removed, because all units are already required to provide more bike parking spaces than what is called out here regardless. The “(whichever is greater)” is vague language and should be clarified.</p>	<ul style="list-style-type: none"> Amend 13.06.090.C.3.i. as follows: (f) Group housing; student housing; and, efficiency multi-family dwellings (250-450 sf in size) are exempt from vehicular parking requirements (with the exception of required accessible parking), provided the following: <ul style="list-style-type: none"> A minimum of 0.75 bicycle spaces per dwelling or unit are provided in an indoor, locked location. Within a single building, no more than 20 dwelling units, or 50% of the total dwelling units (whichever is greater), may utilize this bonus. <u>For buildings that are greater than 40 dwelling units, 50% of the total dwelling units may utilize this bonus.</u>

No.	Issues and Assessments	Proposed Amendments
8.	<p><u>Single-family detached dwellings – Small Lots (Level 2)</u></p> <ul style="list-style-type: none"> • TMC 13.06.020.F.1.k Residential District Development Standards (row “k” of the table) <p>Several clarification type of amendments to row “k” of the table of Residential District Development Standards are suggested, as follows:</p> <ol style="list-style-type: none"> 1. The placement of the “Additional exceptions to Minimum Lot Requirements” under the title line of the row “Single-family detached dwellings – Small Lots (Level 2)” causes confusion with customers. The additional exceptions are only applicable to single-family detached dwelling lots, not to all uses in the R district. Since the lead paragraph (the first paragraph in the right section) already explains that these exceptions can be applied for the Level 2 small lot minimum size, removing this placement under the title line should help eliminate the confusion. 2. The wording of the lead paragraph, however, often leads customers to think all they need is a variance to get a smaller Level 2 lot. The latest example is a 7,440 sf lot that wanted to subdivide into a 3,000 sf and 4,440 sf lot through a variance. 3. The Planned Residential District phrase isn’t necessary because it’s set out separately later in the section (020.F.1.m). 4. The language about design standards is extraneous because these are by definition Level 2 lots and subject to all standards. 5. The pipestem exception is listed above in 020.F.1.j and also in the section about small lots (13.06.020.J) and not needed here. 	<ul style="list-style-type: none"> • Amend TMC 13.06.020.F.1.k as follows: <ul style="list-style-type: none"> k. Single-family detached dwellings – Small Lots (Level 2): / Additional exceptions to Minimum Lot Area Requirements <p>One of the following exceptions may be applied per parcel to allow for reductions in minimum lot area below the Single-family Level 1 <u>achieve Level 2</u> Small Lot minimum size without a variance, to the following minimum lot sizes <u>Except in the case of a Planned Residential District without grant of a variance:</u> R-1: 4,500 sq. ft.; R-2, R-2SRD, HMR-SRD: 3,000 sq. ft.; R-3 and above: 2,500 sq. ft.</p> <p>Lot Size Averaging – Infill: To provide for consistency with pre-existing development patterns, the average size of lots along the street frontage and block (excluding the site) may be substituted for the zoning district minimum lot size.</p> <p>Lot Size Averaging – Subdivisions: Within proposed Short and Full Plats, lots are permitted to a minimum size of 4,500 square feet in the R-1 District and 3,000 square feet in the R-2, R2-SRD and HMR-SRD Districts, provided that the overall average lot size within the Short or Full Plat meets the Small Lots minimum lot size of the zoning district. Critical areas and buffers may not be counted toward lot size averaging.</p> <p>Alley lot area credit: In R-1, R-2, and R2-SRD and HMR-SRD Districts, half of the width of abutting alleys which are utilized for vehicular access to the lot may be counted toward the required minimum lot area, up to an additional reduction equivalent to 10 percent of the Standard Minimum Lot Size.</p> <p>Level 2 Small Lots must meet the Level 2 Small Lot Design Standards of Section 13.06.100.F.</p> <p>Small lot exceptions are not applicable to pipestem lots.</p>

No.	Issues and Assessments	Proposed Amendments						
9.	<p><u>Public Facility/Site and Public Safety/Services Facilities</u></p> <ul style="list-style-type: none"> • TMC 13.01.060.P Zoning Definitions <p>Currently, there are definitions for “Public facility”, “Public facility site”, “Public safety facilities”, and “Public service facilities” included in this section. These definitions are somewhat repetitive, overlapping, and confusing. It is suggested that these be consolidated into two categories: “Public Facility Site” and “Public Service Facilities”, in order to improve the clarity and implementation effectiveness of the code.</p> <p>“Public safety” and “public service facilities” are currently already bundled together in all use tables. This change will not affect allowed uses.</p> <p>Along with the suggested consolidation of definitions, the land use charts of TMC 13.06.020.D.4, 13.06.030.D.4, 13.06.040.E.3, and 13.06.060.E.4 should be updated to remove “public safety” as separate use.</p>	<ul style="list-style-type: none"> • Amend TMC 13.01.060.P as follows: <p>“Public facility.” Any facility funded in whole or part with public funds, which provides service to the general public, including, but not limited to, public schools, public libraries, community centers, public parks, government facilities, or similar uses.</p> <p>“Public facility site.” An existing public or quasi-public site developed with an existing public or quasi-public facility, including, but not limited to, substations, water reservoirs, or standpipes; police or fire stations; sewer or refuse utility facilities; other governmental facilities, parks, or open space areas; hospitals; public or private schools; and churches.</p> <p><u>“Public facility site.” A public or quasi-public site developed with a facility that provides service to the general public, and is funded in whole or part with public funds. This definition may include, but is not limited to schools, public libraries, community centers, public parks, government facilities, substations, water reservoirs, or standpipes; police or fire stations; sewer or refuse utility. This general classification does not include other government facility sites that are more specifically defined and regulated, such as correctional and detention facilities, parks, schools, and utilities.</u></p> <p>“Public safety facilities.” Facilities for public safety and emergency services, including facilities that provide police and fire protection and ambulance services.</p> <p>“Public service facilities.” Facilities owned, operated, or occupied by a government agency that provide a governmental service to the public, such as public libraries, courthouses, post offices, community centers, and government offices, <u>police and fire protection, and ambulance services</u>. This general classification does not include other government facilities that are more specifically defined and regulated, such as correctional and detention facilities, parks, schools, public safety facilities, and utilities.</p> • Amend land use charts of TMC 13.06.020.D.4, 13.06.030.D.4, 13.06.040.E.3, and 13.06.060.E.4 as follows: <p>Remove “public safety” as separate use. Example:</p> <table border="1" data-bbox="898 1141 1780 1198"> <tr> <td>Public safety and public service facilities</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td></td> </tr> </table> 	Public safety and public service facilities	P	P	P	P	
Public safety and public service facilities	P	P	P	P				

No.	Issues and Assessments	Proposed Amendments
10.	<p><u>Street Level Uses and Design</u></p> <ul style="list-style-type: none"> TMC 13.06.100.D.3.b Downtown District Minimum Building Design Standards – Street Level Uses and Design – Primary Pedestrian Streets <p>In implementing the downtown design standards, currently we offer the option of having a store and not meeting the standards, which results in situations that are hard to monitor or enforce. If the idea is conversion/ability to use for commercial purposes, then we should have everything built that way.</p> <p>The proposal is to take use requirements out of the development standards – which is especially important with new tenants because nearly all of the time we don't know who tenants will be. Also, the current sentences pertaining to nonconforming are extremely confusing and should be removed.</p> <p>(In response to the Planning Commission's suggestion on 01/19/22 to ensure the intent of the code is maintained through the proposed amendments, staff provided the following: The proposed amendment would streamline the code by deferring to the more flexible of the two existing options, i.e., the build-to commercial standards option, allowing developers to just meet the design standards so that future commercial uses can be accommodated. The proposed lead-in statement would clarify the intent of the requirement, which is to support pedestrian-oriented/street-activating commercial uses.)</p>	<ul style="list-style-type: none"> Amend TMC 13.06.100.D.3.b as follows: <ul style="list-style-type: none"> Primary Pedestrian Streets. <p><u>To support pedestrian-oriented/street-activating commercial uses such as retail, restaurants, cultural or entertainment uses, hotel lobbies, personal service uses, parcel and mail services, the customer service portion of banks, credit unions, savings and loan associations, or Public Benefit Uses, any</u>Any new building, the addition to any building, or any substantially altered building fronting on a Primary Pedestrian Street shall comply with either subparagraphs a. or b. the design requirements below:</p> <p>(1) At The floor area abutting at least 25 percent of the linear sidewalk level frontage shall incorporate these elements, along with any other required basic or additional design standards, consist of any of the following uses: retail; restaurants; cultural or entertainment uses, hotel lobbies; travel agencies; personal service uses; parcel and mail services; copy centers; check-cashing facilities; the customer service portion of banks, credit unions, and savings and loan associations; or Public Benefit Uses. Uses at the sidewalk level frontage lawfully in existence on January 10, 2000, the time of reclassification to the above districts, shall be considered legal nonconforming uses and may continue, although such uses do not conform to this standard.</p> <p>(2) The floor area abutting at least 25 percent of the linear sidewalk level frontage shall be designed and constructed to accommodate future conversion to the uses listed in subparagraph a. above, and may be occupied by any use allowed in the zoning district. The area designed and constructed to accommodate future conversion shall meet the following standards, in addition to any other required basic or additional design standards.</p> <ul style="list-style-type: none"> (a) The distance from the finished floor to the finished ceiling above shall be at least 12 feet. (b) The area must have a minimum average depth of 25 feet measured from the sidewalk level façade. (c) The sidewalk level façade must include a pedestrian entrance or entrances to accommodate a single or multiple tenants or be structurally designed so entrances can be added when converted to the building uses listed in subparagraph a. above. (d) At least 25 percent of the sidewalk level façade of the portion of the building designed and constructed to accommodate future conversion to listed uses shall provide transparency through the use of windows and doors for the area located between 2 feet above grade and 12 feet above grade.

No.	Issues and Assessments	Proposed Amendments
11.	<p><u>Infill Pilot Program Handbook</u></p> <ul style="list-style-type: none"> TMC 13.05.060 Residential Infill Pilot Program <p>Add a reference in the code to the Infill Pilot Program Handbook and clarify how the handbook is to be used to guide implementation of the program.</p>	<ul style="list-style-type: none"> Amend TMC 13.05.060.F by adding a subsection “g”, as follows: F. Review process. The Director will convene a special advisory review body which shall function in an advisory capacity to provide input prior to the Director or Hearing Examiner’s decision and conditions of approval. *** 3. The special advisory review body will assess the consistency of the proposal with the following criteria. All proposals submitted under the provisions of this section must demonstrate the following: *** <u>g. Consistency with Residential Infill Pilot Program Handbook. The proposed development must demonstrate consistency with the housing type-specific standards and Design Elements contained within the latest version of the Residential Infill Pilot Program Handbook.</u> Amend TMC 13.05.060 by adding a subsection “G”, as follows: <u>G. Residential Infill Pilot Program Handbook. The Director shall prepare, and update as appropriate, an Infill Pilot Program Handbook to illustrate the design intent, clarify and explain the standards for each housing type, clarify the permit process, and provide additional information of use to program applicants and the special advisory review body.</u>

No.	Issues and Assessments	Proposed Amendments
12.	<p><u>Special Use Standards</u></p> <ul style="list-style-type: none"> TMC 13.06.080 Special Use Standards <p>To facilitate an effective implementation of the Infill Pilot Program, this section of Special Use Standards should be modified to add zoning district exception for accuracy per TMC 13.05.010.A.7.c (pertaining to conditional use permits for infill pilot program), fix grammatical error, and revise minimum lot size for consistency with 13.05.010.A.7.c(1).</p>	<ul style="list-style-type: none"> Amend TMC 13.06.080 as follows: <ul style="list-style-type: none"> 13.06.080 Special Use Standards C. Cottage Housing <ol style="list-style-type: none"> 1. Applicability. <p>Cottage housing developments may be proposed in all residential districts <u>except HMR-SRD</u>.</p> 3. Procedures. <ol style="list-style-type: none"> b. Application. <p>Proponents shall submit all required complete applications, including applicable fees. However, project proponents may choose to stage their applications by initially applying for the Conditional Use Permit and for approval under the Residential Infill Pilot Program.</p> 4. Use standards. <ol style="list-style-type: none"> b. Minimum site size. <p>Cottage housing developments require a minimum net site size of <u>7,000</u> 10,000 square feet.</p>
13.	<p><u>Two-family and Townhouse Dwelling</u></p> <ul style="list-style-type: none"> TMC 13.05.010.A.7 Infill Pilot Program Conditional Use Permit TMC 13.05.060.C.1 Infill Pilot Program Applicability <p>Current text is a little vague in describing townhouses and the required site size. Clarifications are needed to improve the clarity and implementation effectiveness of the code.</p>	<ul style="list-style-type: none"> Amend TMC 13.05.010.A.7 as follows: <ol style="list-style-type: none"> a. Two-family housing development may be allowed by conditional use permit in R-2 Districts. In addition to the General Criteria, a conditional use permit for a two-family <u>dwelling</u> or <u>two</u> townhouse dwelling units in R-2 Districts shall only be approved upon a finding that such use is consistent with all of the following criteria: <ol style="list-style-type: none"> (1) The proposed lot <u>development site</u> is a minimum lot size of 6,000 square feet in size. Amend TMC 13.05.060.C.1 as follows: <ul style="list-style-type: none"> C. Applicability <p>The provisions of this section apply to the following categories of residential infill:</p> <ol style="list-style-type: none"> 1. Two-family <u>dwelling</u> or <u>two</u> townhouse <u>dwelling units development</u> within the R-2 District;

<p>14. Sign Code Update</p> <ul style="list-style-type: none"> • TMC 13.01.060.S Zoning Definitions • TMC 13.06.090.I.3.b Sign Standards – General Sign Regulations – Exempt Signs • TMC 13.06.090.I.3.k Sign Standards – General Sign Regulations – Temporary Signs <p>Signs regulated based on content have been found to be illegal and unenforceable. We have two types of signs that are clearly regulated based on content – political signs and real estate signs. These proposed changes “fix” the temporary sign sections in such a way to bring into compliance with current laws. In making changes, staff have researched legal cases and benchmarked jurisdictions that have undergone similar exercises.</p> <p>For the last 18 months, the City has informally been administering the sign code as proposed here-in. Without this change, staff are barred from enforcing clutter created by temporary signs.</p> <p>This effort includes a code change to TMC Title 2 related to Political Signs.</p> <p>It is noted that based on the Planning Commission’s suggestions on 01/19/22, the proposed amendments would remove the reference to “candidates” (to stay content neutral), allow up to two signs per issue or event, and require permission from the property owner for signs placed on the property or the adjacent right-of-way (see amendments to TMC 13.06.090.I.3.k.(1)).</p>	<ul style="list-style-type: none"> • Amend 13.01.060.S as follows: <p>“Sign, off-premises open house or directional sign.” A sign advertising a transaction involving:</p> <ol style="list-style-type: none"> 1. A product sold in a residential zone; 2. A product that cannot be moved without a permit; and/or 3. A product with a size of at least 3,200 cubic feet. <p>“Sign, real estate.” Any sign which is only used for advertising the sale or lease of ground upon which it is located or of a building located on the same parcel of ground.</p> <p>“Sign, temporary.” An on-premises sign, banner, balloon, feather sign, pennant, valance, A-board, or advertising display constructed of cloth, canvas, fabric, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or other similar light material, with or without a frame, which is not permanently affixed to any sign structure and which is intended to be displayed for a limited time only.</p> • Amend TMC 13.06.090.I.3.b as follows: <p>(13) Political signs, as set forth in Title 2.</p> <p>(14) Real estate signs, 12 square feet or less, located on the site. Condominiums or apartment complexes shall be permitted one real estate sign with up to 12 square feet per street frontage. Such sign(s) may be used as a directory sign that advertises more than one unit in the complex.</p> <p>(15) Off-premises open house or directional signs <u>Temporary on-premise or off-premise signs</u>, subject to the following regulations in <u>TMC 13.06.090.I.3.k</u></p> <ol style="list-style-type: none"> The signs may be placed on private property or on the right-of-way adjacent to said private property, with the permission of the abutting property owner. The signs shall be displayed in such a manner as to not constitute a traffic hazard or impair or impede pedestrians, bicycles, or disabled persons. If either condition is not met, the abutting property owner or the City may remove the sign. Signs shall not be fastened to any utility pole, street light, traffic control device, public structure, fence, tree, shrub, or regulatory municipal sign. A maximum of three off-premises open house or directional signs will be permitted per single-family home. One additional open house or directional sign identifying the open house shall be permitted at the house being sold. Signage shall not exceed four square feet in area per side (eight square feet total) and three feet in height. Off-premises open house or directional signs shall not be decorated with balloons, ribbons, or other decorative devices. Signage shall only be in place between the hours of 11:00 a.m. and 6:00 p.m., when the seller of the product, or the seller’s agent, is physically present at the location of the product.
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No.	Issues and Assessments	Proposed Amendments
		<ul style="list-style-type: none"> • Amend TMC 13.060.090.I.3.k as follows: Special regulations governing temporary signs are as follows: <ul style="list-style-type: none"> <u>(1) Unless otherwise regulated in TMC 13.06.090.4, a property owner, or another party with approval of the property owner, may place the one up to two signs per issue or event may be placed on private property or on the right-of-way adjacent to said private property, with the permission of the abutting property owner. The signs shall be displayed in such a manner as to not constitute a traffic hazard or impair or impede pedestrians, bicycles, or disabled persons. If either condition is not met, the abutting property owner or the City may remove the sign. During an election, the limit of one sign is suspended.</u> <u>(2) Signs shall not be fastened to any utility pole, street light, traffic control device, public structure, fence, tree, shrub, or regulatory municipal sign.</u> <u>(3) All temporary signs must be authorized by the public or private property owner.</u> <u>(43) All temporary signs shall be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists.</u> <u>(64) All temporary signs shall meet vehicular sight distance requirements established by the Traffic Engineer.</u> (5) No temporary sign shall project over or into a public right-of-way or property except properly authorized banners over streets (see Title 9). <u>(6) Temporary signs are prohibited in a medium, traffic circle, or the roadway itself.</u> <u>(27) No flashing temporary signs of any type shall be permitted.</u> <u>(8) Unless otherwise regulated in TMC 13.06.090.4, signage shall not exceed 4 square feet in area per side (eight square feet total) and three feet in height.</u> <u>(49) The duration of display of a temporary sign shall not exceed six months in any 12-month period, unless otherwise noted OR the temporary sign must be removed within 14 days of the event for which it is intended, whichever is less.</u> <u>(7) The regulations governing the size, number, and type of temporary signs are located in Section 13.06.090.I.4.</u> <u>(10) See TMC 13.06.090.I.3.c for additional prohibitions related to temporary signs.</u>

No.	Issues and Assessments	Proposed Amendments
15.	<p><u>Manitou Annexation Area Land Use</u></p> <ul style="list-style-type: none"> Future Land Use Map and other relevant maps and text in the Comprehensive Plan <p>The City Council adopted Ordinance No. 28609 on September 24, 2019, setting forth the Proposed Land Use Designations and Zoning Districts for the Manitou Potential Annexation Area (“Proposed Manitou Land Use”) to be effective upon the area’s annexation to the City.</p> <p>The land use designations for residential areas in the City have recently been replaced with the “Low-Scale Residential” and “Mid-Scale Residential” Future Land Use Map (FLUM) designations through the Home In Tacoma Project – Phase 1 that was adopted by the City Council on December 7, 2021, per Ordinance No. 28793.</p> <p>There is a need to update the residential land use designation portion of the Proposed Manitou Land Use in accordance with the new FLUM designations.</p> <p>The proposed update (shown in the next column) would integrate the new FLUM designations, and continue to adhere to the intent of Ordinance No. 28609 by respecting the existing land uses in the Manitou area. It is appropriate for such update to be considered a minor amendment to the Comprehensive Plan, based on the legal advice from the City Attorney’s Office.</p> <p>Background information about the Manitou Annexation and the Home In Tacoma projects can be viewed at, respectively, www.cityoftacoma.org/Manitou and www.cityoftacoma.org/homeintacoma.</p>	<ul style="list-style-type: none"> Replace the “Multifamily (Low Density)” Future Land Use Map (FLUM) designation included in Ordinance 28609 with the “Mid-Scale Residential” designation for those areas with a predominance of existing multi-family and mobile home uses (which are also intended for R4L zoning), and with the “Low-Scale Residential” designation for areas with a predominance of existing single-family uses (intended for R-3 zoning). This distinction reflects the Council’s intent in designating different zoning districts along with the FLUM designations. No change is recommended to the “Neighborhood Commercial” designation, which would apply to the areas with existing commercial parcels, or to the South Tacoma Groundwater Protection Overlay District. To reflect the changes, Map 1 (which was adopted in Ordinance No. 28609) would be replaced with Map 2, as follows: <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div data-bbox="919 618 1367 1224" style="text-align: center;"> <p>Map 1.</p> </div> <div data-bbox="1440 557 1923 1235" style="text-align: center;"> <p>Map 2.</p> </div> </div>

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