



To: Planning Commission
From: Lihuang Wung, Planning Services Division
Subject: **2023 Amendment – Assessment of “Minor Plan and Code Amendments”**
Memo Date: August 10, 2022
Meeting Date: August 17, 2022

Action Requested:
Assessment and Determination.

Discussion:

At the next meeting on August 17, 2022, the Planning Commission will conduct an assessment of “Minor Plan and Code Amendments”, one of the applications for the 2023 Annual Amendment to the [One Tacoma Comprehensive Plan](#) and [Land Use Regulatory Code](#) (“[2023 Amendment](#)”).

This application compiles a number of non-policy, technical amendments to the Comprehensive Plan and the Land Use Regulatory Code, intended to keep information current, address inconsistencies, correct minor errors, increase clarity, and improve provisions that, through implementation of the Plan and administration of the Code, are found to be unclear or not fully meeting their intent. Attached is an assessment report prepared in accordance with the [Tacoma Municipal Code](#) (TMC), Section 13.02.070.E. Upon completing the assessment, the Commission will be asked to consider making a determination to move the application forward for technical analysis during the 2023 Amendment cycle.

Project Summary:

The Comprehensive Plan and its elements, as well as development regulations and regulatory procedures that implement the Comprehensive Plan, shall be adopted and amended by ordinance of the City Council following the procedures identified in TMC 13.02.070. Proposed amendments may be considered annually, for which the amendment process shall begin in July of any given year and be completed, with appropriate actions taken by the City Council by the end of June of the following year. The process for the [2023 Amendment](#) began with accepting applications during January-March 2022 and is slated for completion in June 2023.

Staff Contact:

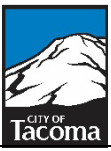
- Lihuang Wung, lwung@cityoftacoma.org

Attachment:

1. Assessment Report – “Minor Plan and Code Amendments”

c. Peter Huffman, Director





2023 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

Application:
Minor Plan and Code Amendments

Assessment Report
August 17, 2022

The “Minor Plan and Code Amendments” is one of the applications for the 2023 Annual Amendment to the *One Tacoma* Comprehensive Plan and Land Use Regulatory Code (“2023 Amendment”). It proposes minor, non-policy type of revisions to the *One Tacoma Plan* and various sections of the Tacoma Municipal Code (primarily in Title 13 – Land Use Regulatory Code). The intent is to keep information current, address inconsistencies, correct minor errors, increase clarity, and improve provisions that, through implementation of the Plan and administration of the Code, are found to be unclear or not fully meeting their intent.

Project Summary	
Application ID:	“Minor Plan and Code Amendments”
Applicant:	Planning and Development Services
Staff Contact:	Lihuang Wung, Senior Planner, lwung@cityoftacoma.org
Location and Size of Area:	Citywide
Current Land Use and Zoning:	Various
Neighborhood Council Area:	Citywide
Project Proposal:	Minor, non-policy type of revisions to the <i>One Tacoma</i> Comprehensive Plan and various sections of the Tacoma Municipal Code, intended to keep information current, address inconsistencies, correct minor errors, increase clarity, and improve provisions that, through implementation of the Plan and administration of the Code, are found to be unclear or not fully meeting their intent. See Exhibit “A” for the Preliminary Scope of Work.



Section A. Proposed Scope of Work

1. Area of Applicability

Citywide.

2. Background

The application of “Minor Plan and Code Amendments” is an annual process used by staff to improve the clarity and effectiveness of the *One Tacoma* Comprehensive Plan and the Tacoma Municipal Code (primarily Title 13 – Land Use Regulatory Code). The application addresses issues identified by staff, customers of the Planning and Development Services Department, the Planning Commission, the City Council, and/or the public. These issues are usually not substantive enough to rise to the level of a stand-alone annual amendment application. The preliminary scope of work is depicted in Exhibit “A.”

3. Policy Framework

As individual issues included in the scope for work are analyzed, applicable supporting provisions of State statutes, case law, regional policies, and/or the Comprehensive Plan will be identified.

4. Objectives

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.

Staff Response: Issues included in the scope of work typically address the first objective, while some issues may address the other three objectives.

5. Options Analysis

It is expected that many proposed amendments are straightforward corrections and clarifications. Alternative approaches to addressing certain issues may be needed and will be considered as appropriate.

6. Proposed Outreach

Outreach will include meetings with the Community Council, and depending on the issues, with certain identified Neighborhood Councils and stakeholders. Consultation with the Puyallup Tribe will be conducted.

7. Impacts Assessment

Potential impacts, if any, of individual proposed amendments will be identified and analyzed, as appropriate.

8. Supplemental Information

Exhibit “A” – Preliminary Scope of Work for the Minor Plan and Code Amendments.

Section B. Assessment

1. Staff Assessment

TMC 13.02.070.E requires that staff provides an assessment of the application against the following criteria for the Planning Commission's consideration:

- (a) Whether the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review.

Staff Assessment: Proposed minor amendments to the *One Tacoma Plan* and the Tacoma Municipal Code, primarily Title 13 – Land Use Regulatory Code, are legislative and properly subject to the Commission's review.

- (b) Whether there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into.

Staff Assessment: Most issues included in the preliminary scope of work (Exhibit "A") have never been studied, while some are carried over from the previous amendment cycle. There may be additional issues added later. As technical analysis proceeds, some of the issues may be removed from the list, incorporated into other projects, and/or elevated to policy-level discussion.

- (c) A preliminary staff review of the application submittal.

Staff Assessment: Some initial staff review had already been conducted on all issues included in the preliminary scope of work in order to suggest what potential amendments or approach of study may be applicable.

- (d) Identification of other amendment options the Planning Commission could consider in addition to the amendment as proposed by the applicant

Staff Assessment: As the technical analysis proceeds, various amendment options may be identified.

- (e) Whether the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required, the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.

Staff Assessment: The preliminary scope of work is expected to be modified, but the amount of analysis for the issues is expected to be reasonably manageable.

2. Planning Commission Decision

TMC 13.02.070.E requires that the Planning Commission, upon review of the assessment, make a decision on the application, as to:

- (a) Whether or not the application is complete, and if not, what information is needed to make it complete.

Staff Recommendation: The nature of the application of "Minor Plan and Code Amendments" is a list of issues to be studied, as depicted in Exhibit "A." The application is considered complete.

- (b) Whether or not the scope of the application should be modified, and if so, what alternatives should be considered.

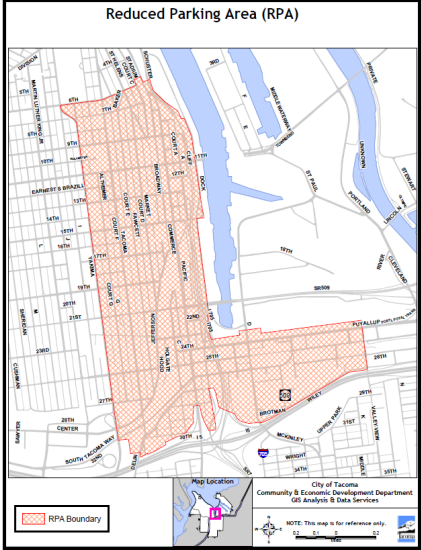
Staff Recommendation: The preliminary scope of work is expected to be modified, and the amount and scale of technical analysis will be adjusted accordingly.

- (c) Whether or not the application will be considered, and if so, in which amendment cycle.

Staff Recommendation: The application should be considered in the 2023 Amendment cycle.

Exhibit “A” – Preliminary Scope of Work

No.	Title of Issue and Code Section	Description of Issue / Proposed Amendments
1.	<p><u>ADA Parking</u></p> <ul style="list-style-type: none"> TMC 13.06A.065.B.2.a-b. and 13.06.510. Table 2 "Exemptions". 	<p>(Carried over from 2022 Amendment for continued study)</p> <p>Micro Housing allows for smaller, many more units than may have been anticipated when linking the number of ADA stalls to "the number of parking stalls that would have been required" by the Parking Code (had the site not been in the RPA and/or with reductions allowed w/in the X-Center). Alternatively, if feel that provision under TMC 13.06A.065.B.2.b. is the relief, then add it to the "Exemptions" section in Table 2 for TMC 13.06.510. Reference PRE19-0157.</p>
2.	<p><u>Standards for Ground-level Utilities</u></p> <ul style="list-style-type: none"> TMC 13.06.100.D & E, and 13.06.090.L. 	<p>(Carried over from 2022 Amendment for continued study)</p> <p>There are no standards for ground-level utilities (screening, location, etc.) for mixed-use developments and 4-plexes and above within the Downtown Districts. The only standards are for rooftop equipment.</p>
3.	<p><u>Landmarks Preservation Commission Membership</u></p> <ul style="list-style-type: none"> TMC 1.42 	<p>The provisions for Landmarks Preservation Commission (LPC) membership in TMC 1.42 are inconsistent with the requirements of the Tacoma City Charter Section 3.13, adopted on November 4, 2014. Specifically, TMC 1.42 allows the City Council to waive the residency requirement for LPC in “Professional Positions” as defined by the ordinance. However, because the Charter Section 3.13 requires LPC members to be residents of the City of Tacoma and provides no exceptions, TMC 1.42 requires an amendment to conform to the City Charter. This inconsistency between the City Charter and TMC 1.42 has been addressed in the interim by Planning and Development Services Director’s Rule 03-2022.</p>
4.	<p><u>Critical Areas Preservation Ordinance Clarifications</u></p> <ul style="list-style-type: none"> TMC 13.11 	<p>The Flood Hazard section (TMC 13.11.600) of the Critical Areas Preservation Ordinance references the Building Code, but the Building Code sections have changed. The current language of “all development proposals shall comply with Sections 2.12.040 through 2.12.050, Flood Hazard and Coastal High Hazard Areas” should be modified as “all development proposals shall comply with Title 2 Building and Development Code regarding Flood Hazard and Coastal High Hazard Areas.” There may also be additional minor reference updates and wording clarification in TMC 13.11 that need to be addressed.</p>
5.	<p><u>Missing Definition for "Tenant"</u></p> <p>TMC 13.01.060.T</p>	<p>There is no definition for “Tenant”, and it is used several times in Title 13. A definition is needed and should include whether or not that establishes, under this chapter, their ownership interest therein. This question has come up for Short Term Rentals – “Can a tenant rent obtain a business license for a short-term rental? As it sits right now, yes if they are renting the entire dwelling, but no if they are renting individual rooms. We don’t have a clear path that says that a tenant is considered owner occupied or not. The definition of "Owner" implies that there is a way under this chapter to establish ownership, but what is that referring to?</p>
6.	<p><u>Solar Access for Residential Units</u></p> <p>TMC 13.06.100.B.7.d</p>	<p>This is only required in the X districts, yet other districts allow multifamily development w/o any base setback. Is this intentional? Suggest Solar Access be added to design standards for all multifamily.</p>
7.	<p><u>Accessory Buildings in Commercial and Mixed-Use Districts</u></p>	<p>There are no specific regulations for accessory buildings, such as garages, that are associated with a residential use, leaving room for inconsistent implementation. Recommend a footnote in the use tables referring residential accessory buildings to the R section of the code.</p>

No.	Title of Issue and Code Section	Description of Issue / Proposed Amendments
8.	<p><u>Reduced Parking Area Boundary Adjustment</u></p> <ul style="list-style-type: none"> • TMC 13.06.090.C.3.i(3) 	<p>The Reduced Parking Area (RPA) in Downtown Tacoma, where minimum off-street parking stall quantity requirements do not apply, is generally bounded by Yakima Avenue, 6th Avenue, Dock Street, Puyallup Avenue, East 'L' Street, and Interstate 5 (as shown in the map). The 2022/23 completion of the Tacoma Link Light Rail Hilltop Extension ("Hilltop Link") warrants recognition in adjusting the RPA boundary map to 500 feet east side of MLK and similarly north of relevant portion of N. 1st St. Such boundary adjustments would help alleviate parking requirements in the buffer zone/vicinity of the Hilltop Link and promote transit-oriented development along this major transportation investment project. This proposal, however, may require additional studies.</p> 
9.	<p><u>Code Reorganization Follow-through</u></p>	<p>As part of the 2019 Annual Amendment, Tacoma Municipal Code Title 13, and in particular, Chapter 13.06 Zoning, was reorganized to remove duplication and consolidate standards under common chapters and sections. In addition, this review established a more common code template for each chapter. This follow-up review will address gaps in the code that were identified through that process. These gaps include missing zoning and overlay maps, applicability statements, and purpose statements.</p>
10.	<p><u>Platting and Subdivision Vesting</u></p>	<p>To incorporate stormwater vesting language into the appropriate code sections. The vesting language would be consistent with the City of Tacoma National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit issued by the Washington State Department of Ecology, based on the City's NPDES Phase I Municipal Stormwater Permit that requires stormwater mitigation for projects be identified at the time of application for a subdivision, plat, short plat, building permit, or other construction permit.</p>
11.	<p><u>Application and Assessment Criteria for Comprehensive Plan Text and Map Amendments</u></p>	<p>This would consider modifications to application criteria for Comprehensive Plan map amendments to clarify the criteria used to determine if an amendment application may be considered.</p>
12.	<p><u>Conditional Use Permit Criteria</u></p>	<p>This review is not intended to substantively amend the criteria used for conditional use permits, but rather to reduce duplication between general criteria and specific criteria and to improve the format and legibility of this code section.</p>

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