



## **LAKEWOOD CITY COUNCIL STUDY SESSION AGENDA**

Monday, July 26, 2021

7:00 P.M.

City of Lakewood

Council Chambers

6000 Main Street SW

Lakewood, WA 98499

Residents can virtually attend City Council meetings by watching them live on the city's YouTube channel:

<https://www.youtube.com/user/cityoflakewoodwa>

Those who do not have access to YouTube can call in to listen by telephone via Zoom: Dial +1(253) 215- 8782 and enter meeting ID: 868 7263 2373

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Page No.

### **CALL TO ORDER**

### **ITEMS FOR DISCUSSION:**

- (3) 1. Review of 2<sup>nd</sup> Quarter (2021) Police Report. – (Memorandum)
- (65) 2. Review of HOME funding for Living Access Support Alliance (LASA) for the acquisition of property located at 8966 Gravelly Lake Drive SW. – (Memorandum)
- (71) 3. Review of the 2021 Annual Development Regulations. – (Memorandum)

### **ITEMS TENTATIVELY SCHEDULED FOR THE AUGUST 2, 2021 REGULAR CITY COUNCIL MEETING:**

- 1. Proclamation declaring August 3, 2021 as National Night Out. – *Police Chief Mike Zaro*
- 2. Clover Park School District Report.
- 3. Authorizing the execution of an agreement for the Colonial Plaza public art project. – (Motion – Consent Agenda)
- 4. Authorizing the execution of a HOME agreement with Living Access Support Alliance (LASA) for the acquisition of 8966 Gravelly Lake Drive SW for affordable rental housing opportunities. – (Motion – Consent Agenda)

<p><i>Persons requesting special accommodations or language interpreters should contact the City Clerk, 253-983-7705, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.</i></p>
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5. Authorizing the execution of an agreement with the Washington State Healthcare Authority for Lakewood's CHOICE. – (Motion – Consent Agenda)
6. Appointing the 2021-2022 Youth Councilmembers. – (Motion – Consent Agenda)
7. Appointing Karen Ferreira and Teresa King to serve on the Public Safety Advisory Committee through August 2, 2024. – (Motion – Consent Agenda)
8. This is the date set for a public hearing on the 2021 Annual Development Regulations. – (Public Hearings and Appeals – Regular Agenda)
9. Lakewood Landing Tax Increment Financing (TIF) District Primer. – (Reports by the City Manager)

## **REPORTS BY THE CITY MANAGER**

## **CITY COUNCIL COMMENTS**

## **ADJOURNMENT**

*Persons requesting special accommodations or language interpreters should contact the City Clerk, 253-983-7705, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.*

# Lakewood Police Department Quarterly Crime Report



- NIBRS Incidents
- Comparison Charts
- Significant Event Synopsis
- Legislative Updates to Police Reform



**2nd Quarter 2021**



# City of Lakewood

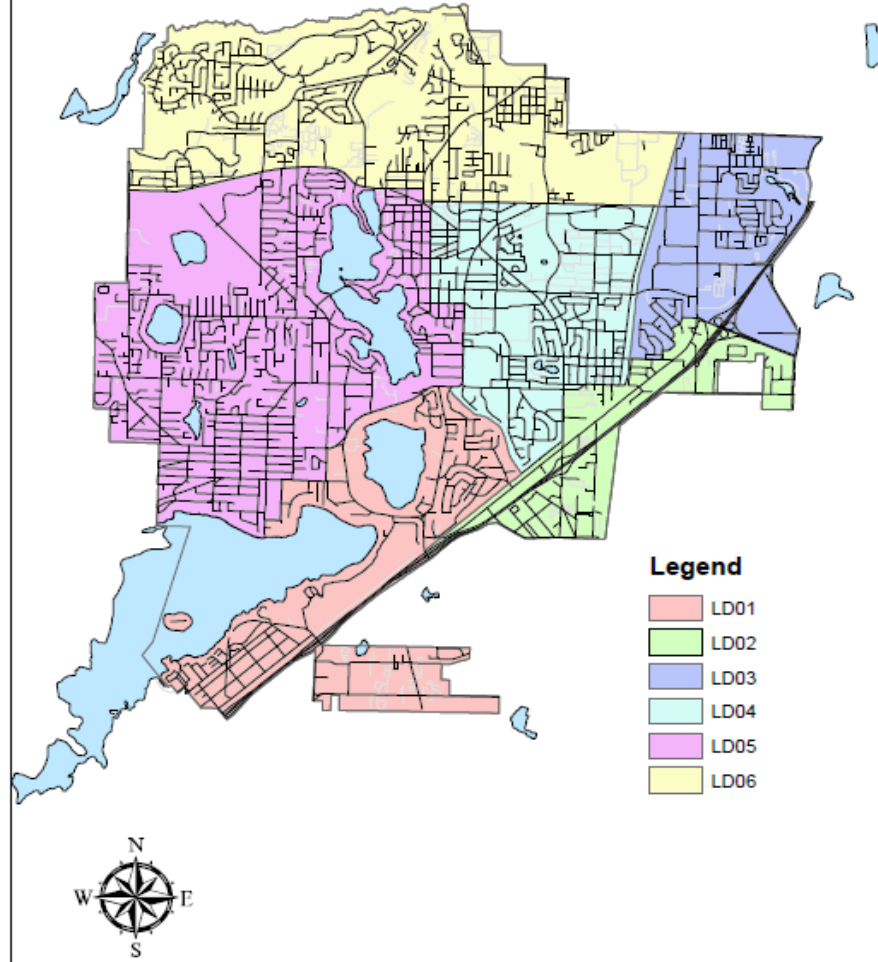


## District Map

This product was prepared with care by the Lakewood Police Department Crime Analyst Unit.  
City of Lakewood expressly disclaims  
any liability for any inaccuracies which may yet be present. This is not a survey.  
Call 253-430-5024 for further information.


15 July 2016

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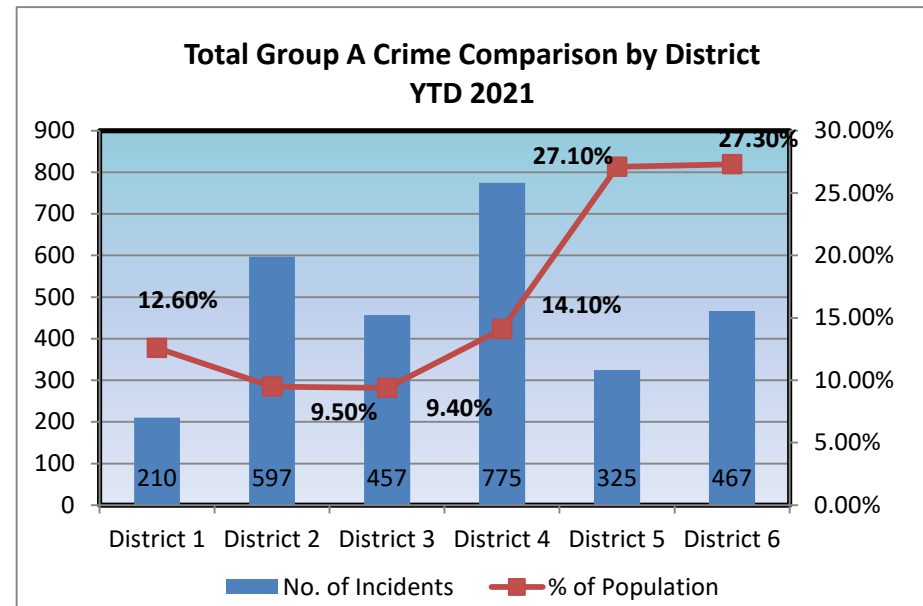
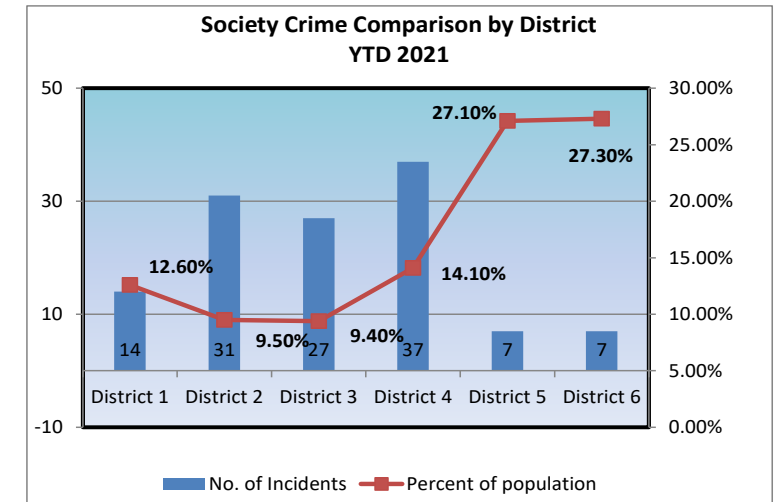
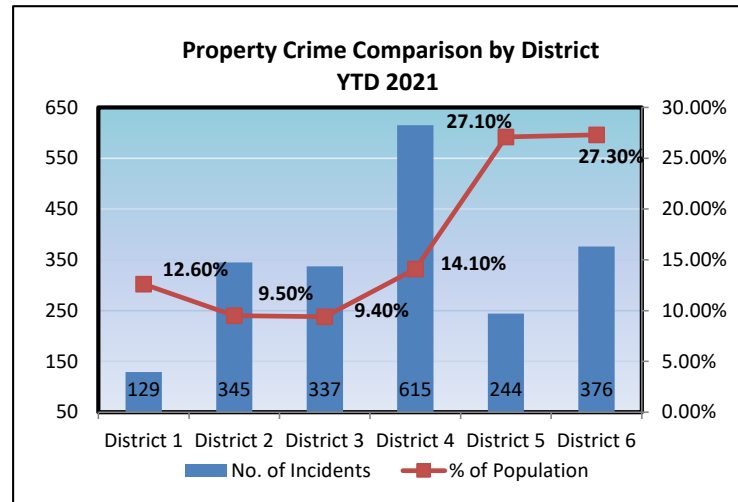
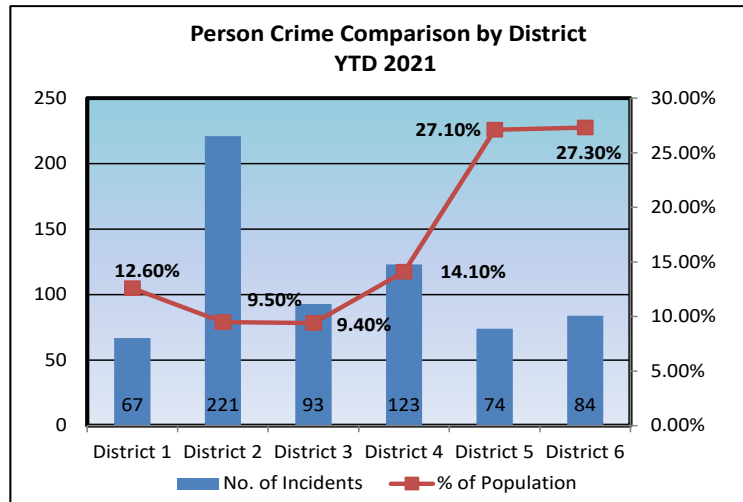




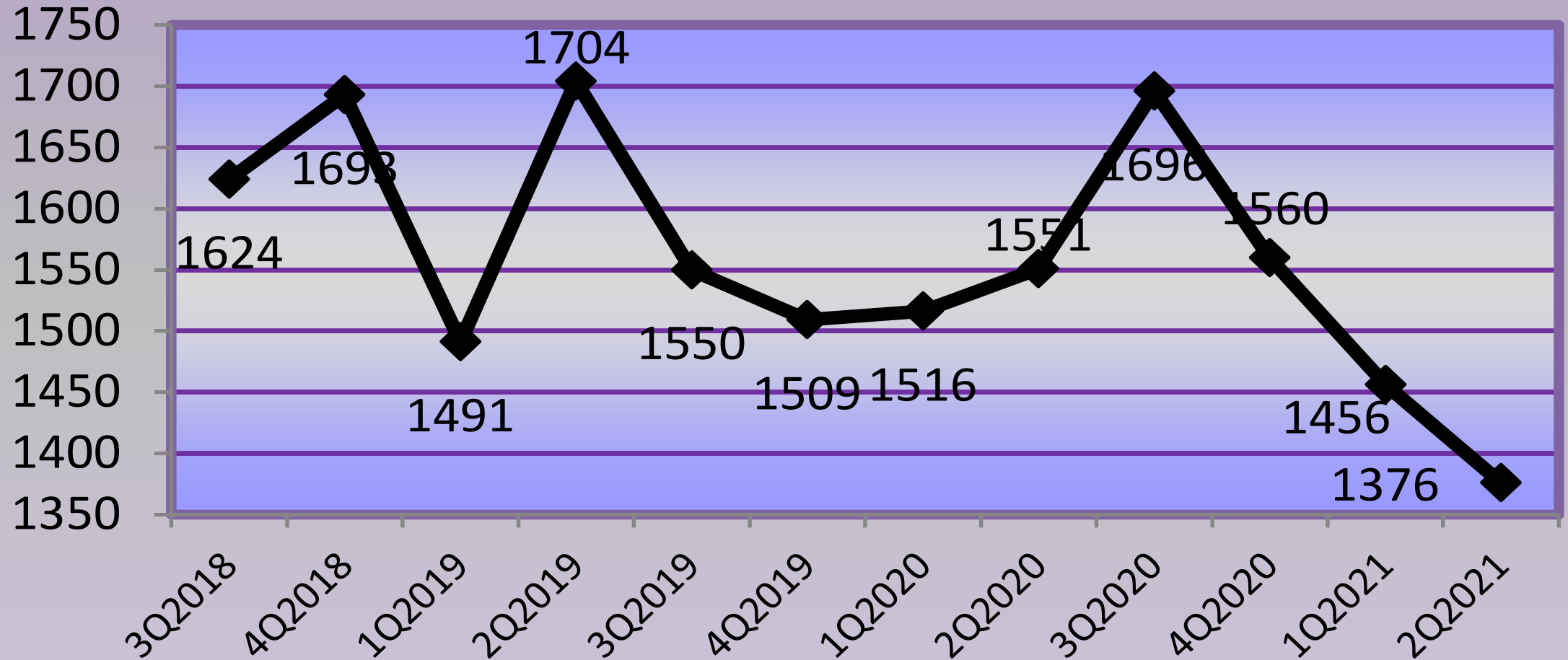
# City of Lakewood Incident Report 2Q 2021

												
	2nd Quarter 2021 By District						2Q City		Quarterly Percent Change	YTD City		YTD Percent Change
	LD01	LD02	LD03	LD04	LD05	LD06	1Q2021	2Q2021	1Q21-2Q21	YTD2020	YTD2021	2Q2020-2021
<b>Person Crimes</b>												
Aggravated Assault	9	50	3	19	11	6	55	98	78.18%	216	153	-29.17%
Simple Assault	23	78	28	42	26	29	225	226	0.44%	538	451	-16.17%
Homicide	0	1	0	0	1	0	1	2	100.00%	4	3	-25.00%
Kidnapping	0	1	0	0	2	0	8	3	-62.50%	21	11	-47.62%
Sex (Forcible)	0	1	1	0	1	0	8	3	-62.50%	19	11	-42.11%
Sex (NonForcible)	1	3	4	2	0	2	21	12	-42.86%	39	33	-15.38%
<b>Totals and Averages</b>	<b>33</b>	<b>134</b>	<b>36</b>	<b>63</b>	<b>41</b>	<b>37</b>	<b>318</b>	<b>344</b>	8.18%	<b>837</b>	<b>662</b>	<b>-20.91%</b>
<b>Property Crimes</b>												
Arson	2	1	0	2	0	0	7	5	-28.57%	4	12	200.00%
Bribery	0	0	0	0	0	0	0	0	NA	0	0	NA
Burglary	6	14	19	20	14	21	108	94	-12.96%	238	202	-15.13%
Counterfeiting	0	4	0	2	0	3	10	9	-10.00%	22	19	-13.64%
Vandalism	17	47	43	78	39	57	279	281	0.72%	537	560	4.28%
Embezzlement	0	0	0	0	0	0	0	0	NA	0	0	NA
Extortion	0	0	0	1	2	1	2	4	100.00%	7	6	-14.29%
Fraud	5	3	5	13	6	8	57	40	-29.82%	127	97	-23.62%
Larceny	25	59	67	156	35	78	436	420	-3.67%	858	856	-0.23%
Motor Vehicle Theft	5	32	28	24	15	17	129	121	-6.20%	224	250	11.61%
Robbery	1	5	6	5	0	2	25	19	-24.00%	29	44	51.72%
Stolen Property	0	0	0	0	0	0	0	0	NA	0	0	NA
<b>Totals and Averages</b>	<b>61</b>	<b>165</b>	<b>168</b>	<b>301</b>	<b>111</b>	<b>187</b>	<b>1053</b>	<b>993</b>	-5.70%	<b>2046</b>	<b>2046</b>	<b>0.00%</b>
<b>Society Crimes</b>												
Drug	0	3	4	5	0	1	52	13	-75.00%	128	65	-49.22%
Pornography	1	0	0	0	0	0	0	1	100.00%	3	1	-66.67%
Prostitution	0	1	0	1	0	0	4	2	-50.00%	6	6	0.00%
Weapon Law Violations	6	6	1	4	4	2	29	23	-20.69%	47	52	10.64%
<b>Totals and Averages</b>	<b>7</b>	<b>10</b>	<b>5</b>	<b>10</b>	<b>4</b>	<b>3</b>	<b>85</b>	<b>39</b>	-54.12%	<b>184</b>	<b>124</b>	<b>-32.61%</b>
<b>Grand Totals and Averages</b>	<b>101</b>	<b>309</b>	<b>209</b>	<b>374</b>	<b>156</b>	<b>227</b>	<b>1456</b>	<b>1376</b>	-5.49%	<b>3067</b>	<b>2832</b>	<b>-7.66%</b>

# Comparison Crime Against Population

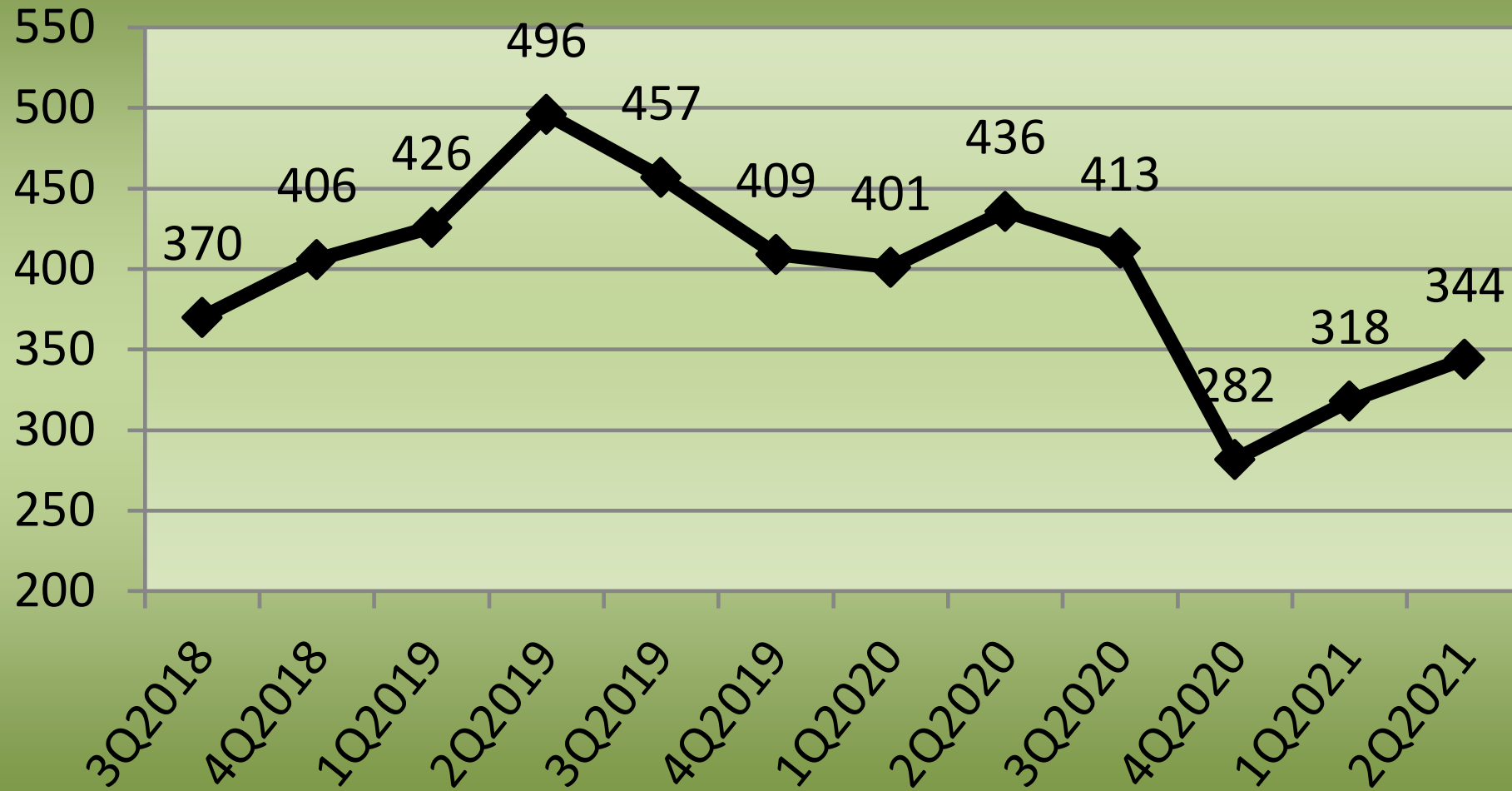


## NIBRS Total Crime By Quarter 2018-2021

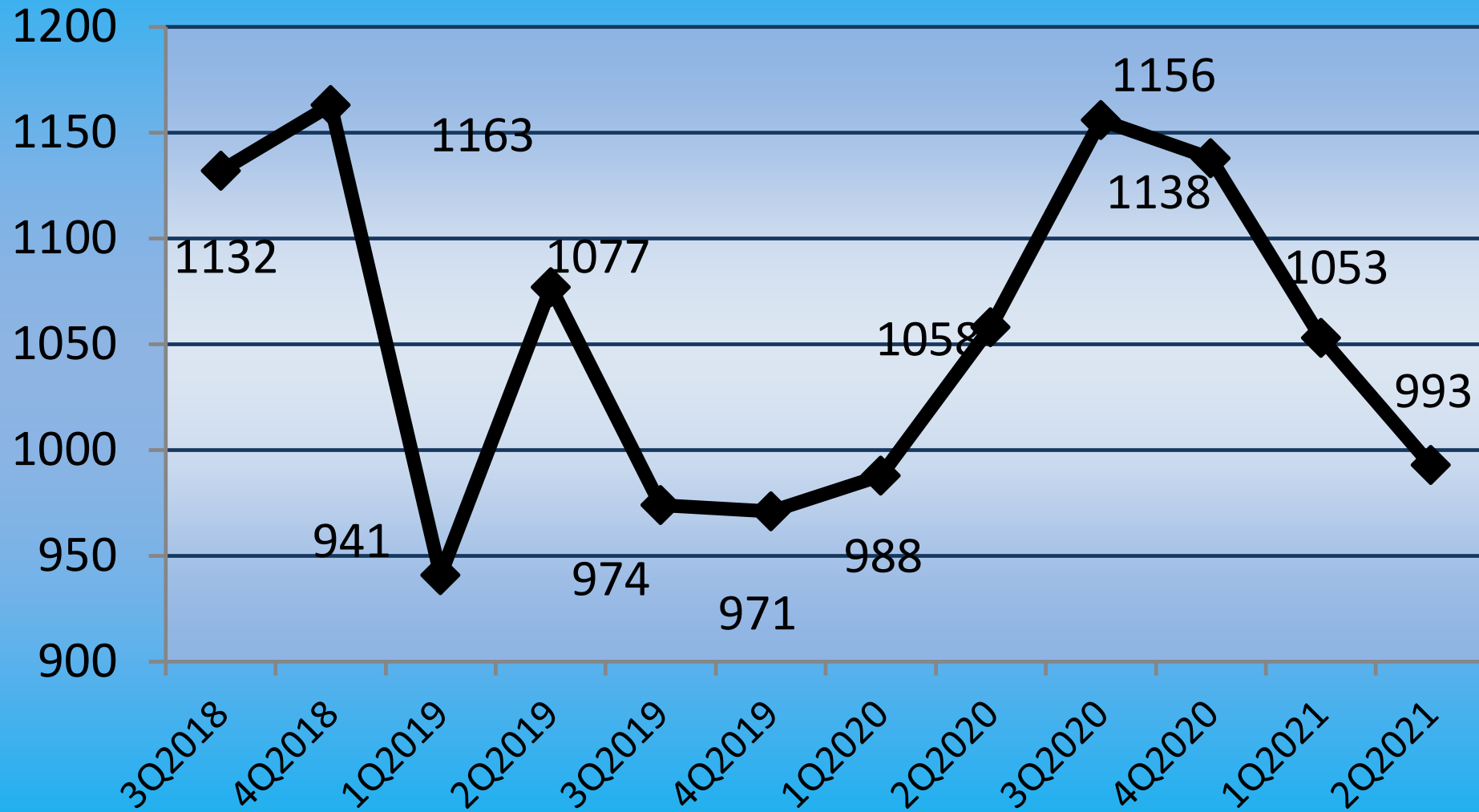


2Q2021 was our lowest quarter in over 10 years.

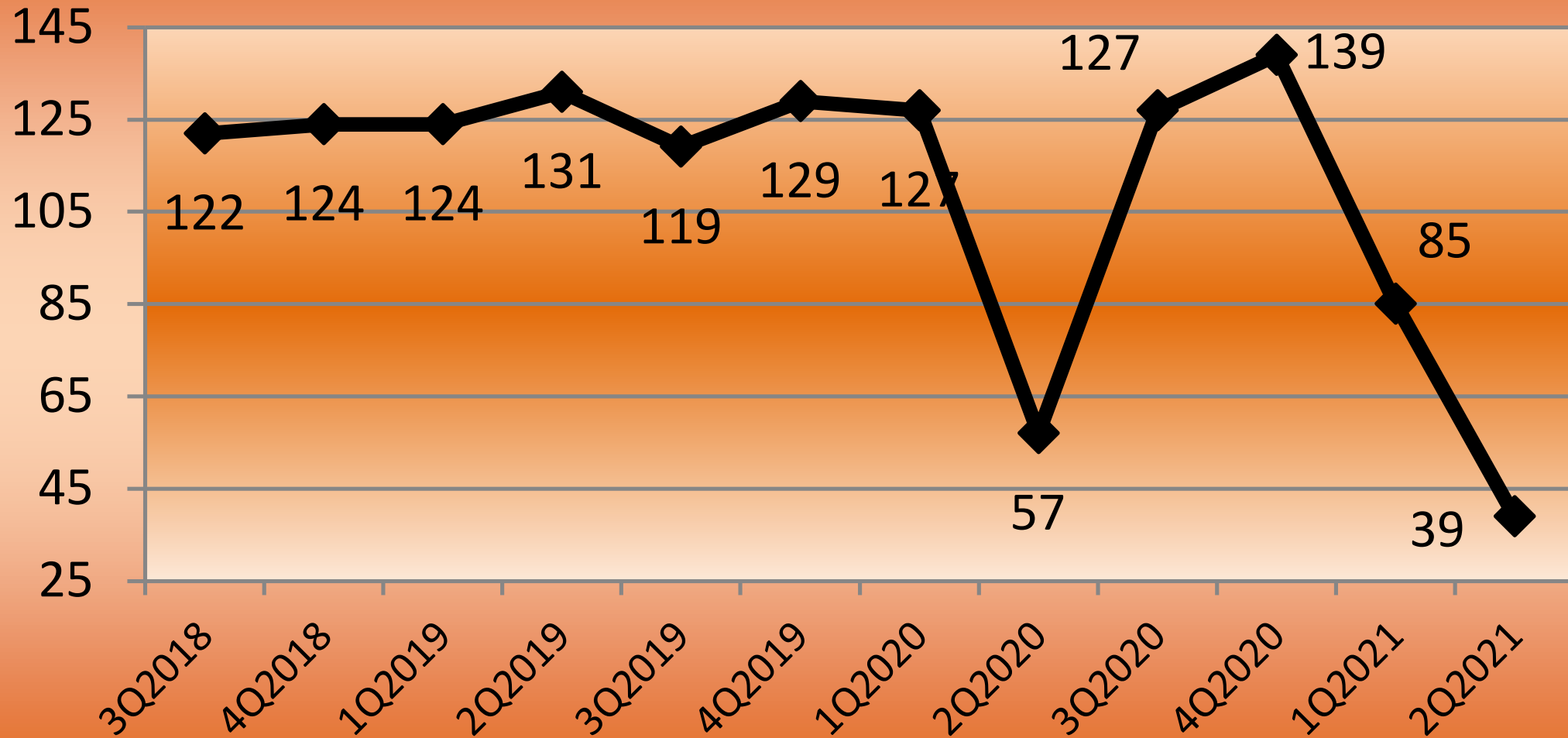
## NIBRS Person Crime By Quarter 2018-2021



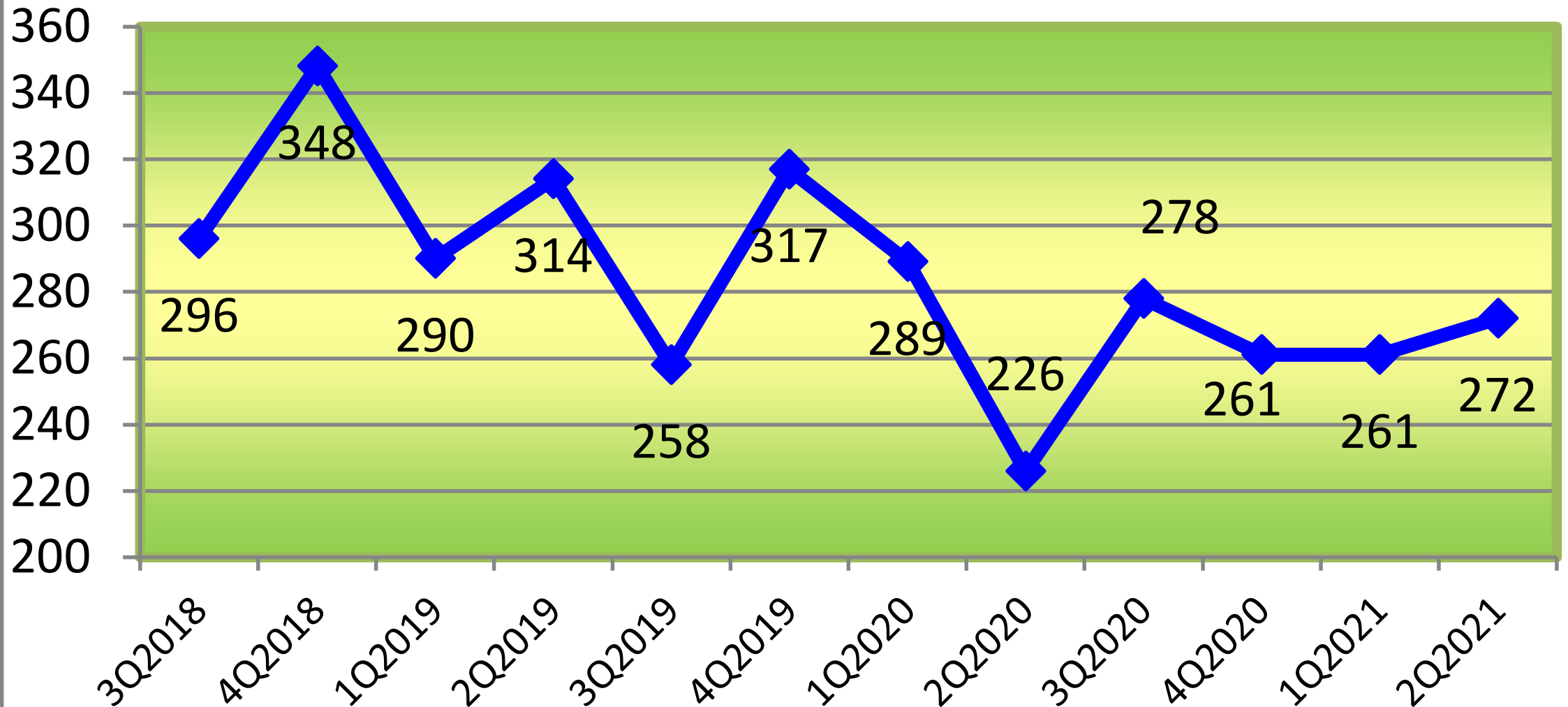
# NIBRS Property Crime By Quarter 2018-2021



## NIBRS Society Crimes By Quarter 2018-2021



# Total Accidents By Quarter (Reports) 2018-2021





# Lakewood Districts at a Glance

## 2Q2021

LD01 Most Common Criminal/Violation Type CFS (Onview)		
T	Traffic	43
SOV	Sex Offender Verification	27
CIT	Citizen Assist	24
LD01 Most Common Criminal/Violation Type CFS (Dispatched)		
WEL	Welfare Check	119
DV	Domestic Violence	114
SUSP/SUSV	Suspicious Person/Vehicle	84

LD02 Most Common Criminal/Violation Type CFS (Onview)		
T	Traffic	120
SS	Subject Stop	50
CIT	Citizen Assist	37
LD02 Most Common Criminal/Violation Type CFS (Dispatched)		
WEL	Welfare Check	203
DV	Domestic Violence	144
UNW	Unwanted Person	138

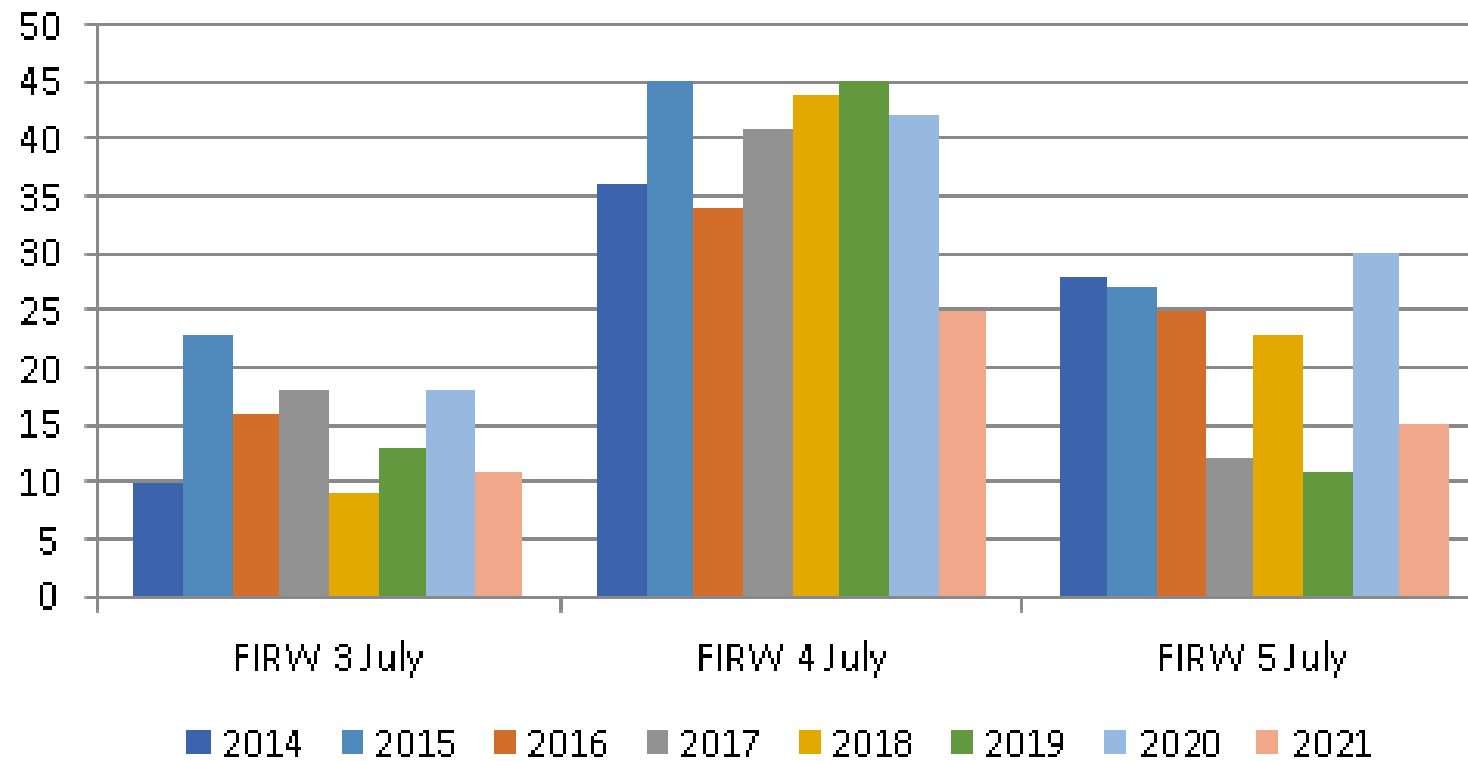
LD03 Most Common Criminal/Violation Type CFS (Onview)		
T	Traffic	134
SS	Subject Stop	25
ANI	Animal Control	23
LD03 Most Common Criminal/Violation Type CFS (Dispatched)		
WEL	Welfare Check	128
UNW	Unwanted Person	100
911	Hang-Up	95

LD04 Most Common Criminal/Violation Type CFS (Onview)		
T	Traffic	192
CIT	Citizen Assist	24
SS	Subject Stop	36
LD04 Most Common Criminal/Violation Type CFS (Dispatched)		
WEL	Welfare Check	314
UNW	Unwanted Person	270
911	Hang-Up	167

LD05 Most Common Criminal/Violation Type CFS (Onview)		
T	Traffic	115
SOV	Sex Offender Verification	25
ANI	Animal Control	20
LD05 Most Common Criminal/Violation Type CFS (Dispatched)		
911	Hang-Up	173
WEL	Welfare Check	129
SUSP/SUSV	Suspicious Person/Vehicle	96

LD06 Most Common Criminal/Violation Type CFS (Onview)		
T	Traffic	102
SOV	Sex Offender Verification	23
ANI	Animal Control	13
LD06 Most Common Criminal/Violation Type CFS (Dispatched)		
911	Hang-Up	164
WEL	Welfare Check	152
UNW	Unwanted Person	12 95

## FIREWORKS CFS 2014-2020



# Significant Incidents and Trends

- 2116300218 –Homicide- On 12 June, Lakewood officers responded to the field by Sharondale St and Halcyon Rd for a Suspicious Vehicle “dragging something”. Upon arrival, investigators determined that a local transient woke up to another person attempting to cut off the catalytic converter of the truck the transient male was sleeping in. Transient male opened the door and shot the victim a number of times, then tied the victim to his truck hitch and drug him into a nearby field. By the time officers arrived, the victim was deceased. Case closed by arrest for Murder 2<sup>nd</sup>.
- 2117200121 –Shooting - 21 June, police responded to a shooting at Mac’s Deli at 12706 Bridgeport Way. The victim was found by officers bleeding profusely from a gunshot wound to the leg. Officers provided life saving measures (tourniquet) but the victim has been unwilling to assist the investigation and the case has stalled. Details are very limited as to what precipitated the crime or who may have done the shooting.
- 2117701890 – Homicide -26 June –An officer was present at an extremely crowded American Lake Park on one of the hottest days on record when a shooting occurred. The officer ran towards the site of the shooting and discovered one person was down with multiple fatal gunshot wounds and the subject had fled. Containment was established and a suspect matching the description given by park goers was apprehended and arrested.
- 2117802111 – Shooting- 27 June – Officers responded to a call of a Shooting on Filbert Ln near Bridgeport. One victim (22 year old) was transported to St Clare Hospital with multiple gunshot wounds and a 16 year old shooter was apprehended and arrested with neighborhood assistance.
- Crimes Against Persons was up from 1Q2021 but still significantly down (-20%) from the same time last year. 2Q2021 Aggravated Assaults are up driven mostly by District 2 numbers (50 – more than half of the city’s Aggravated Assaults). Other Crimes Against Persons were either lower or relatively flat (Sex – NonForcible was down 42% from 1Q2021
- Crimes Against Property was exactly the same YTD 2Q2021 as 2Q2020 (2046) with a slight decrease from 1Q2021 (-5.7%) with decreases in MVT, Burglary, Arson, Larceny and a 24% decrease in Robberies.

# Aggravated Assault

- 78% Increase from 1<sup>st</sup> quarter to 2<sup>nd</sup> quarter
- 1<sup>st</sup> quarter prominent weapons
  - Guns: 14
  - Knives: 6
  - Cars: 7
- 2<sup>nd</sup> quarter prominent weapons
  - Guns: 25 (78% increase)
  - Knives: 7
  - Cars: 3

# Firearm Mobility

- Through ballistic comparison a single firearm\* was linked to 9 different shootings along the I-5 corridor:
- 1 in Everett (2020)
- 1 in Gresham, OR (2020- unsolved homicide)
- 4 in Tacoma (2021)
- 1 in unincorporated Pierce County (2021)
- 1 in Lakewood (2021)
- 1 in Renton (2021)

\* Firearm is still outstanding



# 2021 Legislative Updates

LAKESWOOD PD OPERATIONAL IMPACTS



# HB1267 Office of Independent Investigations: Effective July 25<sup>th</sup>

- ▶ Establishes office at the state level for investigation of uses of deadly force
- ▶ They have the discretion to assume jurisdiction or not
- ▶ Does not alleviate our need for an IIT (PCFIT)



# HB1089 Audits of Investigations: Effective July 25<sup>th</sup>

- ▶ Auditor's office has authority to audit:
  - ▶ IIT (PCFIT) investigations for compliance with the WAC
  - ▶ Training and certification requirements



# HB1088 Brady/PIE change: Effective July 25<sup>th</sup>

- ▶ Requires prosecutors to clearly define Brady/PIE
- ▶ Requires law enforcement agencies to disclose Brady/PIE within 10 days



# SB5259 Data Collection: Effective July 25th

- ▶ Use of force data reported to a state university (possibly WSU)
- ▶ Personal data of officer and suspect to be redacted
- ▶ Includes all use of force and whenever an officer “points a firearm at a person”. This will be added to Blue Team.



# SB5226 DWLS changes

- ▶ No license suspensions for FTA on non-criminal moving violations (speeding, running red light, etc)
- ▶ This shouldn't affect what we do in the field. We can still stop and enforce DWLS so long as the suspension is not for FTA



# SB5476 Blake Decision: Effective July 1<sup>st</sup>

- ▶ Drug possession is a misdemeanor
- ▶ Requires officers to offer treatment in lieu of jail for the first two contacts.
- ▶ Only applies to UPCS charge. Can still book on other offenses (i.e. theft, assault, DUI, etc.)
- ▶ Can still take drugs as a controlled substance and submit for destruction
- ▶ Suggestion: book for primary offense and refer the drug offense for review by the prosecutor



# HB1223 Recording of Interrogations: Effective January 1<sup>st</sup>

- ▶ Required to electronically record custodial interrogations of all juveniles and adult felony suspects
- ▶ Notification is required, but not consent
- ▶ Exceptions (all must be documented in report)
  - ▶ Suspect says they'll talk but not if recorded
  - ▶ Good faith belief the recording isn't required
  - ▶ Safety of an individual
  - ▶ Other exigent circumstances
- ▶ Transcript not required



# HB1140 Juvenile Access to Attorneys: Effective January 1<sup>st</sup>

- ▶ Access to attorney must be given:
  - ▶ Before waiving Miranda
  - ▶ Prior to custodial interrogations
  - ▶ Prior to consent search
- ▶ Access can be by phone, in person, or video
- ▶ May not be waived by juvenile or parent
- ▶ Doesn't apply if the juvenile is the victim of trafficking or if delay would endanger someone's life
- ▶ Officers may choose to book the juvenile without attorney consultation so long as no questions are asked



# SB5066 Duty to Intervene: Effective July 25<sup>th</sup>

- ▶ Duty to intervene when witnessing excessive force or attempted excessive force “when in a position to do so”
  - ▶ Excessive force means: “Force that exceeds the force permitted by law or policy of the witnessing officer’s agency”
  - ▶ The amount of force used is still evaluated based on the totality of the circumstances and what the officer knew at the time
- ▶ Duty to report “wrongdoing”
  - ▶ Wrongdoing means: “Conduct that is contrary to law or contrary to the policies of the witnessing officer’s agency, provided that the conduct is not de minimis or technical in nature”



# SB5051 Decertification: Effective July 25<sup>th</sup>

- ▶ Expands CJTC role in decertification process
- ▶ Investigations at the discretion of the CJTC
- ▶ Mandatory decertification:
  - ▶ Convicted of felony offense
  - ▶ Convicted of gross misdemeanor or DV offense
  - ▶ Convicted of any sex offense
  - ▶ Terminated or convicted of use of force crime resulting in death
  - ▶ Failed to intervene or report excessive force when in a position to do so
  - ▶ Terminated for or found by court to have knowingly made false statements
  - ▶ Prohibited from possessing firearms by state/federal law or permanent no contact order



# SB5051 continued

- ▶ Discretionary decertification or suspension:
  - ▶ Excessive or unlawful use of force (no death)
  - ▶ Sexual harassment
  - ▶ Through fraud or misrepresentation used position for personal gain
  - ▶ Made statements verbally, on line, in writing, or gestures involving prejudice or discrimination
  - ▶ Has affiliations with extremist organizations
  - ▶ Found to have committed a felony without regard to conviction
  - ▶ Engaged in pattern showing intentional or reckless disregard for rights of others
  - ▶ Engaged in unsafe firearm practices



# Key definitions:

- **Reasonable Suspicion** - Particularized articulable facts and circumstances that lead a reasonable and prudent police officer, based upon their training and experience, to believe criminal activity has happened, is happening, or is about to happen. Detention is based on the officers reasonable belief that the person being stopped may be involved in that particular crime.
  - ▶ Governed by U.S. Supreme Court case Terry v. Ohio 1968
- **Probable Cause** – Articulate facts and circumstances known to the officer that would warrant that officer to believe that 1) a specific crime has or is occurring, and that 2) the suspect is the person responsible. ***This is the threshold for an arrest.***



# HB1054 Tactics: effective July 25<sup>th</sup>

- ▶ Prohibits chokeholds or VNR (although allowed under deadly force law)
- ▶ Need command approval for use of CS/CN gas in barricaded suspect or hostage situation. Mayoral approval for use on riots. All other uses are prohibited and other alternatives must be exhausted prior to use. OC specifically allowed.
- ▶ Military equipment prohibited: armored vehicles and less lethal launchers *are* allowed.
- ▶ Officers need to be “reasonably identifiable” *by the agency* with “name or other information”.
- ▶ Prohibits no-knock warrants



# HB1054 continued

- ▶ No shooting at moving vehicles unless the occupants pose a deadly threat other than the vehicle or the driver is using the vehicle as a weapon. (Note: think about what the vehicle will do if the driver is incapacitated while it's moving)
- ▶ Pursuits only allowed when:
  - ▶ PC exists for violent offense, sex offense, or escape
    - ▶ A person is guilty of escape in the first degree if he or she knowingly escapes from custody or a detention facility while being detained pursuant to a conviction of a felony or an equivalent juvenile offense
  - ▶ Reasonable suspicion that the driver is DUI
  - ▶ Necessary to identify the driver (disregard this factor: ambiguous)
  - ▶ The driver poses an imminent threat to the safety of others
  - ▶ Need supervisor's authorization



# HB1054 continued: Violent Offences as defined by 9.94A.030

## ▶ Included

- ▶ Class A felonies
- ▶ Conspiracy/solicitation to commit a class A felony
- ▶ Manslaughter 1<sup>st</sup> and 2<sup>nd</sup> degree
- ▶ Indecent liberties by forcible compulsion
- ▶ Kidnapping in the 2<sup>nd</sup> degree
- ▶ Arson in the 2<sup>nd</sup> degree
- ▶ Assault in the 2<sup>nd</sup> degree
- ▶ Assault of a child in the 2<sup>nd</sup> degree
- ▶ Extortion in the 1<sup>st</sup> degree
- ▶ Robbery in the 2<sup>nd</sup> degree
- ▶ Drive-by shooting
- ▶ Vehicular assault/homicide

## ▶ NOT Included:

- ▶ Misdemeanor assault (DV or not)
- ▶ Residential burglary (class B felony)
- ▶ Theft of a firearm (class B felony)
- ▶ Assault in the 3<sup>rd</sup> degree (class C felony)
- ▶ Hate Crimes (class C felony)
- ▶ Assault of a Child in the 3<sup>rd</sup> degree (class C felony)



# HB1310 Use of Force: effective July 25<sup>th</sup>

- ▶ Use of deadly force allowed when suspect poses an imminent threat of serious physical injury or death. "When practicable" will use the "least amount of force necessary"
- ▶ "Officers may not use any force prohibited by law except to protect his/her life or the life of another person from imminent threat."  
(allows for chokehold or VNR)
- ▶ General use of force allowed when:
  - ▶ PC exists for arrest
  - ▶ "To protect against imminent threat of bodily injury to the officer, another person, or the person against whom force is being used"
  - ▶ "When possible" officers will exhaust "available and appropriate" de-escalation tactics.



# HB1310 continued

- ▶ Imminent: based on totality of circumstances it is objectively reasonable to believe they have the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury.
- ▶ Necessary: No reasonably effective alternative to the use of deadly force existed and force was reasonable and proportional to the threat
- ▶ Totality of the Circumstances: all facts known to the peace officer leading up to and at the time of the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer
- ▶ \*Pointing a firearm at a person has been deemed a use of force by the 9<sup>th</sup> circuit court of appeals



# Community caretaking

- ▶ Juvenile runaways
  - ▶ No force can be used to detain without PC or imminent threat. This goes for walkaways from CPS, CSTC, and any other DSHS facility (AFH)
  - ▶ This directly conflicts with RCW 43.185C.260 that mandates we take runaways into custody
- ▶ Involuntary Commits
  - ▶ Need either PC or to show the person is an imminent (immediate) threat to themselves or others



# Scenario 1

- ▶ Officers respond to a report of a physical domestic in which the suspect description is given out over the air. Prior to arrival dispatch updates that the suspect left on foot. As officers come into the area they see a person matching that description. Nobody has talked directly with the victim yet.
  - ▶ Can you approach the suspect and ask him to stop?



# Scenario 1

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  - ▶ Can you approach the suspect and ask him to stop? **YES**



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  - ▶ Can you approach the suspect and ask him to stop? **YES**
  - ▶ If he doesn't comply and takes off running, can you chase him to capture or physically restrain him?



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  - ▶ Can you approach the suspect and ask him to stop? **YES**
  - ▶ If he doesn't comply and takes off running, can you chase him to capture or physically restrain him? **NO. Use of force is not authorized until PC is established.**
  - ▶ What about obstructing?



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  - ▶ Can you approach the suspect and ask him to stop? **YES**
  - ▶ If he doesn't comply and takes off running, can you chase him or physically restrain him? **NO. Use of force is not authorized until PC is established.**
  - ▶ What about obstructing? **This *may* be an option. But it might be seen as a way of trying to get around the new law.**
    - ▶ **RCW 9A.76.020:** A person is guilty of obstructing a law enforcement officer if the person willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.



# Scenario 2

- ▶ Officers respond to a report of a drive-by shooting with a suspect vehicle described as an older orange El Camino. As officers come into the area they see an older orange El Camino driving away from the area but not violating any traffic laws. Nobody has talked directly with the caller or been to the scene yet.
  - ▶ Can you legally attempt to stop the vehicle?



# Scenario 2

- ▶ Officers respond to a report of a drive-by shooting with a suspect vehicle described as an older orange El Camino. As officers come into the area they see an older orange El Camino driving away from the area but not violating any traffic laws. Nobody has talked directly with the caller or been to the scene yet.
  - ▶ Can you legally attempt to stop the vehicle? **YES**



# Scenario 2

- ▶ Officers respond to a report of a drive-by shooting with a suspect vehicle described as an older orange El Camino. As officers come into the area they see an older orange El Camino driving away from the area but not violating any traffic laws. Nobody has talked directly with the caller or been to the scene yet.
  - ▶ Can you legally attempt to stop the vehicle? **YES**
  - ▶ If the vehicle flees, can you pursue?



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- ▶ Officers respond to a report of a drive-by shooting with a suspect vehicle described as an older orange El Camino. As officers come into the area they see an older orange El Camino driving away from the area but not violating any traffic laws. Nobody has talked directly with the caller or been to the scene yet.
  - ▶ Can you legally attempt to stop the vehicle? **YES**
  - ▶ If the vehicle flees, can you pursue? **NO. Not until PC is established or you can show that the driver poses an imminent (immediate) threat.**



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  - ▶ If the driver pulls over, can you initiate a high risk stop?



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  - ▶ If the vehicle flees, can you pursue? **NO. Not until PC is established or you can show that the driver poses an imminent (immediate) threat.**
  - ▶ If the driver pulls over, can you initiate a high risk stop? **YES**
  - ▶ Do guns being drawn constitute a use of force?



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  - ▶ Can you legally attempt to stop the vehicle? **YES**
  - ▶ If the vehicle flees, can you pursue? **NO. Not until PC is established or you can show that the driver poses an imminent (immediate) threat.**
  - ▶ If the driver pulls over, can you initiate a high risk stop? **YES**
  - ▶ Do guns being *drawn* constitute a use of force? **NO. Case law has established that pointing guns at someone is a use of force, just having them out is not**



# Scenario 2

- ▶ Officers respond to a report of a drive-by shooting with a suspect vehicle described as an older orange El Camino. As officers come into the area they see an older orange El Camino driving away from the area but not violating any traffic laws. Nobody has talked directly with the caller or been to the scene yet.
  - ▶ Can you legally attempt to stop the vehicle? **YES**
  - ▶ If the vehicle flees, can you pursue? **NO. Not until PC is established or you can show that the driver poses an imminent (immediate) threat.**
  - ▶ If the driver pulls over, can you initiate a high risk stop? **YES**
  - ▶ Do guns being *drawn* constitute a use of force? **NO. Case law has established that pointing guns at someone is a use of force, just having them out is not**
  - ▶ Suggestion: Follow suspect until someone at the scene advises of PC. If they flee before then, let them go



# Scenario 3

- ▶ Officers are dispatched to a report of a suspicious person throwing rocks at cars in traffic. Nobody has reported being a victim and callers are not asking for contact. When officers arrive they see a person matching the description standing next to the road.
  - ▶ Can you engage the person in a conversation?



# Scenario 3

- ▶ Officers are dispatched to a report of a suspicious person throwing rocks at cars in traffic. Nobody has reported being a victim and callers are not asking for contact. When officers arrive they see a person matching the description standing next to the road.
  - ▶ Can you engage the person in a conversation? **YES**



# Scenario 3

- ▶ Officers are dispatched to a report of a suspicious person throwing rocks at cars in traffic. Nobody has reported being a victim and callers are not asking for contact. When officers arrive they see a person matching the description standing next to the road.
  - ▶ Can you engage the person in a conversation? **YES**
  - ▶ If the person walks or runs away can you physically detain or prevent the person from leaving?



# Scenario 3

- ▶ Officers are dispatched to a report of a suspicious person throwing rocks at cars in traffic. Nobody has reported being a victim and callers are not asking for contact. When officers arrive they see a person matching the description standing next to the road.
  - ▶ Can you engage the person in a conversation? **YES**
  - ▶ If the person walks or runs away can you physically detain or prevent the person from leaving? **NO. Not without PC for a crime.**



# Scenario 3

- ▶ Officers are dispatched to a report of a suspicious person throwing rocks at cars in traffic. Nobody has reported being a victim and callers are not asking for contact. When officers arrive they see a person matching the description standing next to the road.
  - ▶ Can you engage the person in a conversation? **YES**
  - ▶ If the person walks or runs away can you physically detain or prevent the person from leaving? **NO. Not without PC for a crime.**
  - ▶ Suggestion: Make your own observations before contacting the person to see if you witness the same behavior. If so, and you can establish PC for a crime, then you can detain the person and use force if they resist. If you don't witness the behaviors for yourself, don't make contact at all.



# Scenario 4

- ▶ Officers are dispatched to a commercial burglary alarm at 2:00 AM. When they arrive they find a door forced open. Upon searching the building they find a suspect who flees from the structure. They have not been able to reach the business owner.
  - ▶ Can you run after the suspect and use physical force to detain him?



# Scenario 4

- ▶ Officers are dispatched to a commercial burglary alarm at 2:00 AM. When they arrive they find a door forced open. Upon searching the building they find a suspect who flees from the structure. They have not been able to reach the business owner.
  - ▶ Can you run after the suspect and use physical force to detain him?  
**NO. You wouldn't have probable cause without talking directly to a victim. In this case, the alarm company is not a substitute for the victim.**



# Scenario 5

- ▶ Officers are dispatched late at night to a report of someone dragging an unknown object near some railroad tracks and dumping it. The person then drives away from the scene. Officers arrive to find a deceased person who appeared to suffer multiple gunshot wounds. While they are on scene, the witness sees the vehicle that dropped the body off and points it out to officers. The vehicle is not violating any other traffic laws.
  - ▶ Can you attempt to stop the vehicle?



# Scenario 5

- ▶ Officers are dispatched late at night to a report of someone dragging an unknown object near some railroad tracks and dumping it. The person then drives away from the scene. Officers arrive to find a deceased person who appeared to suffer multiple gunshot wounds. While they are on scene, the witness sees the vehicle that dropped the body off and points it out to officers. The vehicle is not violating any other traffic laws.
  - ▶ Can you attempt to stop the vehicle? **YES**



# Scenario 5

- ▶ Officers are dispatched late at night to a report of someone dragging an unknown object near some railroad tracks and dumping it. The person then drives away from the scene. Officers arrive to find a deceased person who appeared to suffer multiple gunshot wounds. While they are on scene, the witness sees the vehicle that dropped the body off and points it out to officers. The vehicle is not violating any other traffic laws.
  - ▶ Can you attempt to stop the vehicle? **YES**
  - ▶ If the vehicle flees, can you pursue it?



# Scenario 5

- ▶ Officers are dispatched late at night to a report of someone dragging an unknown object near some railroad tracks and dumping it. The person then drives away from the scene. Officers arrive to find a deceased person who appeared to suffer multiple gunshot wounds. While they are on scene, the witness sees the vehicle that dropped the body off and points it out to officers. The vehicle is not violating any other traffic laws.
  - ▶ Can you attempt to stop the vehicle? **YES**
  - ▶ If the vehicle flees, can you pursue it? **NO. Not until PC for a violent felony has been established**



# Scenario 6

- ▶ Officers respond to Ft. Steilacoom Park for a report of a male sitting in the grass and yelling at trees. He has not committed a crime. When officers arrive they find the male yelling at trees, clearly hallucinating, and not responsive to officers' attempts to communicate with him. The male is also eating dog waste found on the ground next to him. Medical aid and an MHP arrive and everyone is in agreement that the male needs psychiatric evaluation and is unable to make that decision for himself. He screams "no" when officers try to convince him to go to the hospital.
  - ▶ Can you physically restrain him for an involuntary commit?



# Scenario 6

- ▶ Officers respond to Ft. Steilacoom Park for a report of a male sitting in the grass and yelling at trees. He has not committed a crime. When officers arrive they find the male yelling at trees, clearly hallucinating, and not responsive to officers' attempts to communicate with him. The male is also eating dog waste found on the ground next to him. Medical aid and an MHP arrive and everyone is in agreement that the male needs psychiatric evaluation and is unable to make that decision for himself. He screams "no" when officers try to convince him to go to the hospital.
- ▶ Can you physically restrain him for an involuntary commit? **NO. While he may be considered disabled and unable to care for himself, he is not an *immediate* threat to himself or anyone else and has not committed a crime.**



# Final thoughts

- ▶ Getting someone to the scene of a reported crime to establish PC is a priority. Best to get someone to the scene first and look for the suspect second. Once the determination is made that PC exists or not, make clear announcements over the radio.
- ▶ Even in cases of violent crimes, there will be times when we will have to let suspects leave to avoid the possibility of a use of force.
- ▶ Err on the side of letting a suspect go. The State made it clear that they would rather a criminal suspect go free than have us use even a minor amount of force.
- ▶ **Remember! Officers are not required or expected to sustain injury or allow someone else to be injured prior to using force.**





TO: Mayor and City Councilmembers

FROM: Jeff Gumm, Program Manager &  
Dave Bugher, Assistant City Manager for Development Services

THROUGH: John J. Caulfield, City Manager *John J. Caulfield*

DATE: July 26, 2021(Study Session)

SUBJECT: HOME Funding for Living Access Support Alliance (LASA) –  
Acquisition of 8966 Gravelly Lake Dr. SW, Lakewood, WA

**Introduction:** This memorandum serves two purposes; first, to provide Council with information regarding a request to commit \$600,000 in HOME Investment Partnership Program (HOME) funds to Living Access Support Alliance (LASA) for the acquisition of a single family residence located at 8966 Gravelly Lake Dr. SW for the purpose of maintaining affordable rental housing; and second, as a request to approve the commitment of HOME funding for said purpose. Funding is proposed to be provided as a 15-year forgivable loan.

**HOME Program Information and Funding:** Each year, the City of Lakewood receives U.S. Department of Housing and Urban Development (HUD) funding through the HOME Program. The primary objective of the HOME Program is to benefit low- and moderate-income individuals either through the creation of, or accessibility to, affordable housing. HOME funding has been allocated on an annual basis as part of Lakewood's Annual Action Plan for the development of affordable housing.

**Project Information:** This project proposes to acquire 8966 Gravelly Lake Dr. SW. The parcel (APN# 5130001660; 23,000 sf/.528 acres) sits directly adjacent to the LASA Prairie Oaks Client Services Center and 15-unit affordable housing project located at 8956 Gravelly Lake Dr. SW (APN#9009950010/20; 43,200 sf/.7759 acres). This acquisition would complete LASA's acquisition of all parcels located directly to the N (5516 Fairlawn Dr. SW- APN# 5130001640; 14,400 sf/.3305 acres – acquired Jan. 15, 2021) and to the W of the service center (5520 Fairlawn Dr. SW- APN#5130001650; 22,950 sf/.5268 acres – acquired Oct. 12, 2011). In total, the four contiguous parcels would total 103,550 sf or slightly larger than 2.377 acres.

LASA has submitted an application to acquire the property for a total of \$625,000 in HOME funds and additional project funds of \$50,000 (\$26,000 2060 funding and \$24,000 donations in kind for real estate services donated), for a total project cost of \$675,000. Negotiations with the present owner have reduced the acquisition cost to \$550,000 with another \$50,000 in possible garage demolition costs and minor repairs (i.e. painting and

removal of illegal bedrooms). The property was recently appraised at \$530,000. Total project costs requested to acquire this property are \$600,000 in HOME funds; no additional funds required.

The property is presently being used as a single family rental unit and would continue to be used as a low income single family rental. Income levels for rental families would be restricted so as not to exceed 80% of the area median income (i.e. \$72,650 for a family of 4), with rents not to exceed approved high HOME rent limits (\$1,306 for a 2-bedroom house). The house would be brought up to HOME-required Housing Quality Standards (HQS) as part of this project.

**Property History:** The Assessor's website lists the property as a 0 bedroom, 0 bathroom, commercial property built in 1946; however, the house is known to have been used a single family rental property for at least the most recent three years. The house was inspected as part of the City's Rental Housing Safety Program on December 17, 2020 and again on April 5, 2021. Inspection noted possibly two bedrooms which were added illegally (dining room being used as a bedroom and upstairs attic being used as a bedroom), and two rooms which could qualify as bedrooms which appeared to be unmodified from original construction. The house does have a bathroom and a kitchen. The property appears to have been constructed as a single family residence which was later converted into commercial use. The house is expected to be repaired and placed into service as a single family rental unit with minimal effort. With the house being used as a residential property, zoning would allow continuation of an existing use.

**Land Use Amendments Required:** The property is presently zoned Arterial Residential Commercial (ARC) and borders Residential 4 (R4) properties to the north and Multifamily Two (MF2) parcels to the south. Existing zoning would allow up to 8 housing units on this parcel and another 10 on LASA's other two adjacent parcels, for a total of 18 units. Should LASA combine this parcel with its three adjoining parcels (resulting property would be 2.377 acres) and seek a change in land use designation to Multifamily Two (MF2), the site could be redeveloped as a planned development district and eligible for between 50 and 60 units of affordable housing. The land use amendment would be essential for future redevelopment efforts to offset rising construction and redevelopment costs. Staff is in support of amending the current zoning.

**Use of Funds:** Funding for this project would be provided through Lakewood's HOME Affordable Housing Fund established as part of HUD's Annual Action Plan process. The fund has a balance of \$393,027 in funds available to be allocated to eligible HOME projects. An additional \$206,973 in HOME Housing Rehabilitation funds would be moved to the Affordable Housing fund to complete the balance. There are no HOME Rehabilitation projects in the cue, so no disruptions are anticipated.

While this allocation (\$600,000) is high for a single family residence, it does make sense when looking at the highest and best use for the property. Developed on its own, 8966 Gravelly Lake Dr. SW, with its 23,000 sf or .528 acres could be developed into at most 8 units. The same for LASA's other adjacent parcels 5516 Fairlawn Dr. SW (8 units) and 5520 Fairlawn Dr. SW (2 units). In total, were the parcels developed on their own, one could construct at most 18 units. When combined with LASA's other adjacent parcels, including the existing Prairie Oaks Client Service Center parcel, and rezoned to Multifamily 2 (MF2) zoning, the property would be in excess of 2 acres, eligible to be developed as a



planned development district, and would be able to construct between 50 and 60 units. It is this higher density and potential for development which make the parcel valuable and highly desirable for LASA to acquire.

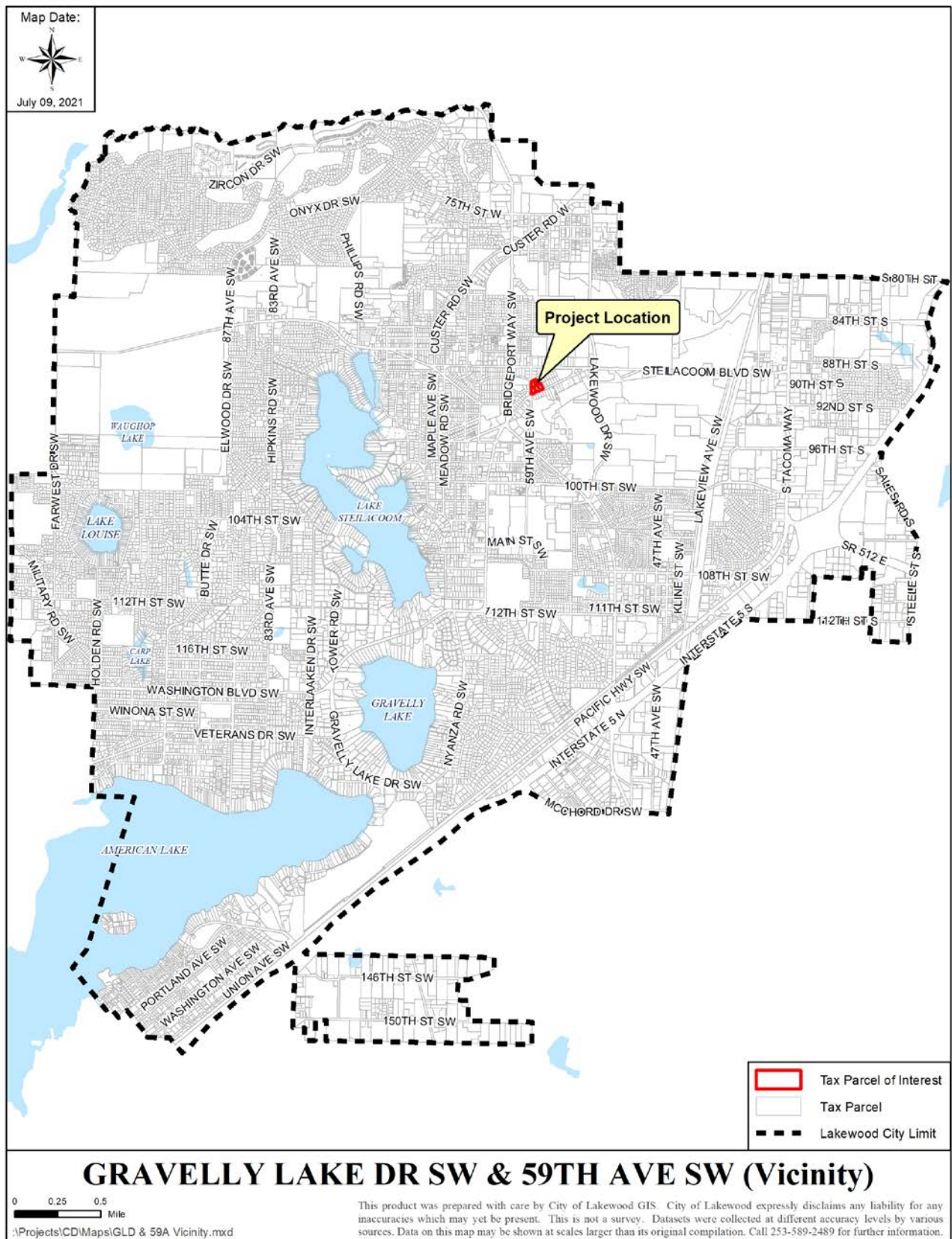
Additionally, due to the COVID-19 pandemic HUD has relaxed some of its regulatory requirements to allow for the economic impacts of the coronavirus, allowing grantees to develop projects which may otherwise have been out of reach due to long development timelines or extensive development costs associated with land acquisition and rising construction costs. One of those exemptions is HUD's waiver of the Maximum Per Unit Subsidy Limit through September 30, 2021. Under current rules, a grantee may not exceed the per unit dollar limitations established under section 221(d)(3) of the National Housing Act. For Lakewood and this specific project, that cap would be set at \$213,717 (limit for a 2-bedroom home). Without this waiver in effect, the project as a single family rental would not qualify for federal funding at this level as it would exceed the maximum per unit subsidy limits. With this waiver in effect, there exists a one-time window to acquire this property and secure future development options for LASA.

**Project Funding:** Funding is proposed as a forgivable development subsidy to the developer; however, the property will carry an affordability covenant guaranteeing the property meets HUD's 15-year term of affordability for low income households, and a repayment clause should the terms of Lakewood's agreement not be met. The subsidy would be arranged as a 15-year deferred loan with forgiveness at the end of the affordability period provided all conditions of the agreement were met. The purpose of a development grant vs. development loan would be to allow LASA to provide lower rents to those low- and very-low income families who may otherwise be unable to afford current rents without deep subsidies. Additionally, rental income received from this property would not be sufficient to debt service a loan of this size while serving low-income rental households.

**Consistency with Approved 5-Year FY 2020-2024 Consolidated Plan for Housing and Community Development and FY 2020 and FY 2021 Consolidated Annual Action Plans:** The proposed use of funds is consistent with the 5-Yr Consolidated Plan and both FY 2020 and FY 2021 Consolidated Annual Action Plans as adopted by Council. As part of the Consolidated Plan's proposed use of funds, a HOME Affordable Housing Fund allocation was set aside for the expansion of affordable housing opportunities through collaboration with partners and housing providers.

**Funding Approval:** Staff is requesting concurrence with this proposal to authorize the City Manager to execute development subsidy agreement with LASA in the amount of \$600,000 to acquire 8966 Gravelly Lake Dr. SW for low income rental opportunities. Council approval will follow at the next Council Meeting as a Minute Motion under Council's Consent Agenda.

# Map showing project location within Lakewood city limits:



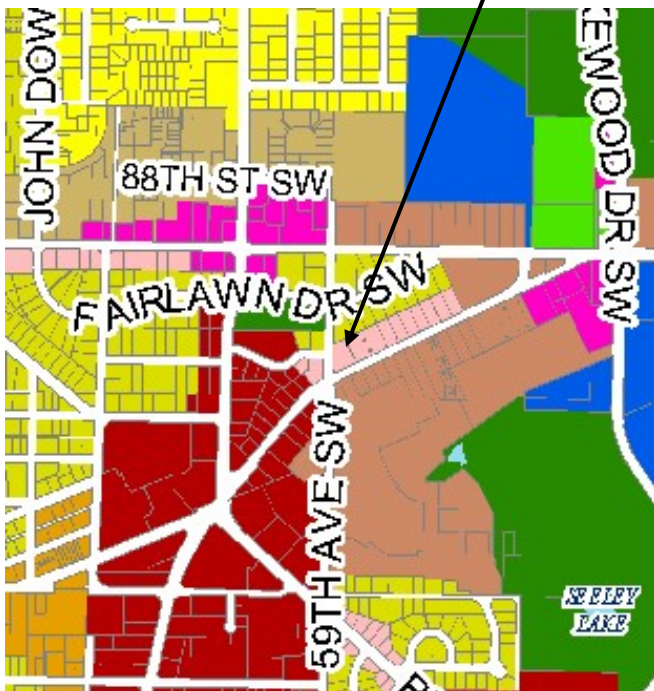
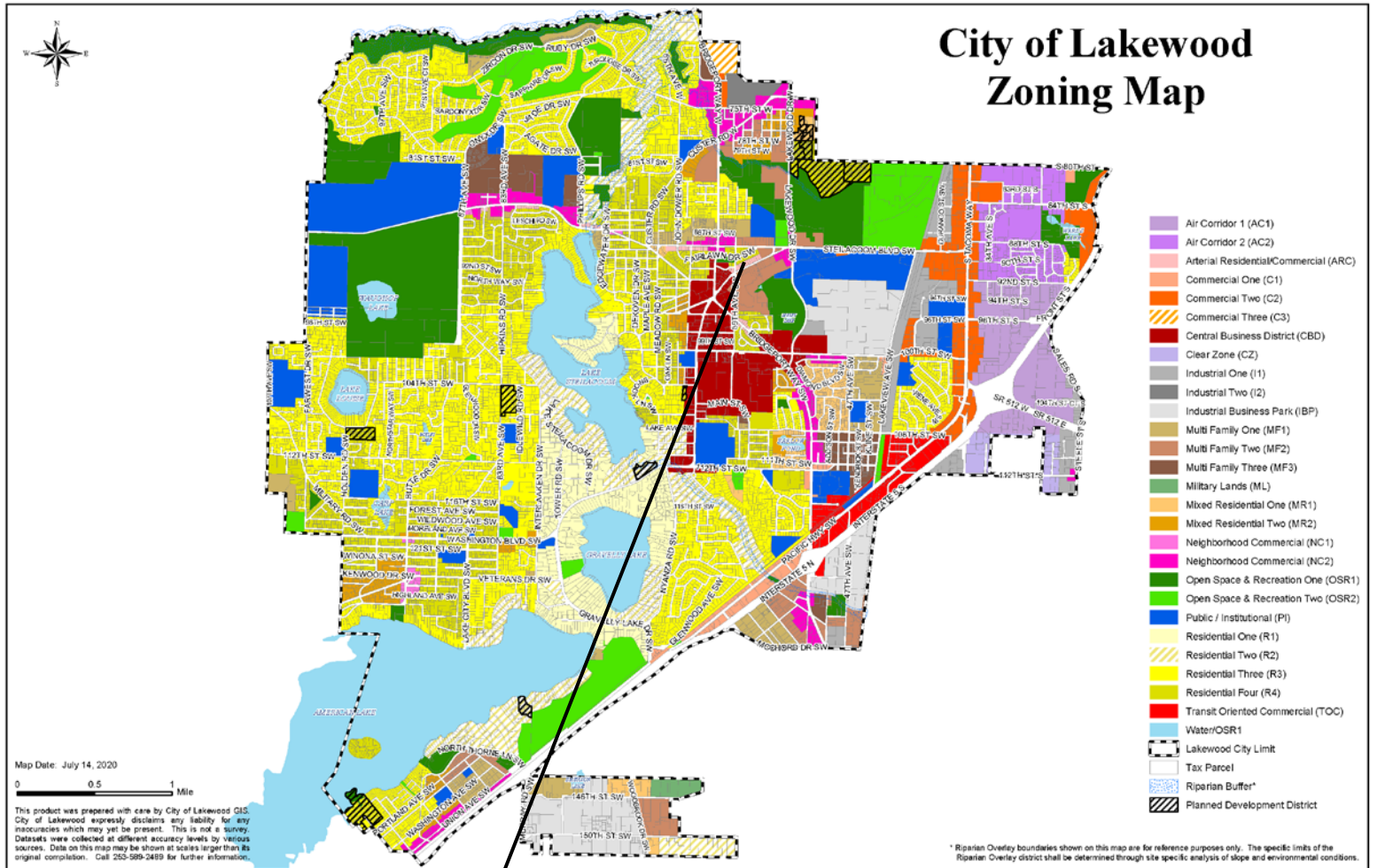


# Map of 8966 Gravelly Lake Dr. SW and LASA's adjacent parcels:





# Lakewood Zoning Map:







TO: Mayor and City Council  
FROM: Tiffany Speir, Long Range & Strategic Planning Manager  
THROUGH: John Caulfield, City Manager *John E. Caulfield*  
Dave Bugher, Assistance City Manager for Development Services  
DATE: July 26, 2021  
SUBJECT: 2021 Annual Development Regulation Amendments  
ATTACHMENT: Planning Commission Resolution 2021-03

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#### **BACKGROUND**

Per LMC 18A.30.100, the CEDD Director shall provide the Assessor of Pierce County by July 31 of each year a copy of the City's Comprehensive Plan and development regulations in effect on July 1 of each year.

On July 7, 2021 following review and a public hearing, the Planning Commission approved Resolution 2021-03 recommending the adoption of a package of 2021 development regulation amendments. A copy of Resolution 2021-03 is included as **Attachment A**. The amendments affect various Lakewood Municipal Code (LMC) development regulation text and maps, and are based on legislative updates, staff experience and interaction with the City code, and customer feedback.

The proposed development regulation amendments have been properly noticed with the Departments of Commerce (NOIA 2021-S-2816) and Ecology (SEPA Register # 202103356) and have been circulated to government and other SEPA review contacts for comment.

The City Council is scheduled to hold a duly noticed public hearing on the proposed amendments on August 2, 2021.

#### **DISCUSSION**

Included below are the recommended development regulation amendments. Where portions of code sections or chapters are included below, the remainder of those sections or chapters remain unchanged.

#### **Recommendation**

It is recommended that the City Council adopt the 2021 Annual Development Regulation package as included below from the Planning Commission.

## 2021 ANNUAL DEVELOPMENT REGULATION AMENDMENTS

*Where portions of Lakewood Municipal Code sections or chapters are included below, the remainder of those sections or chapters remain unchanged.*

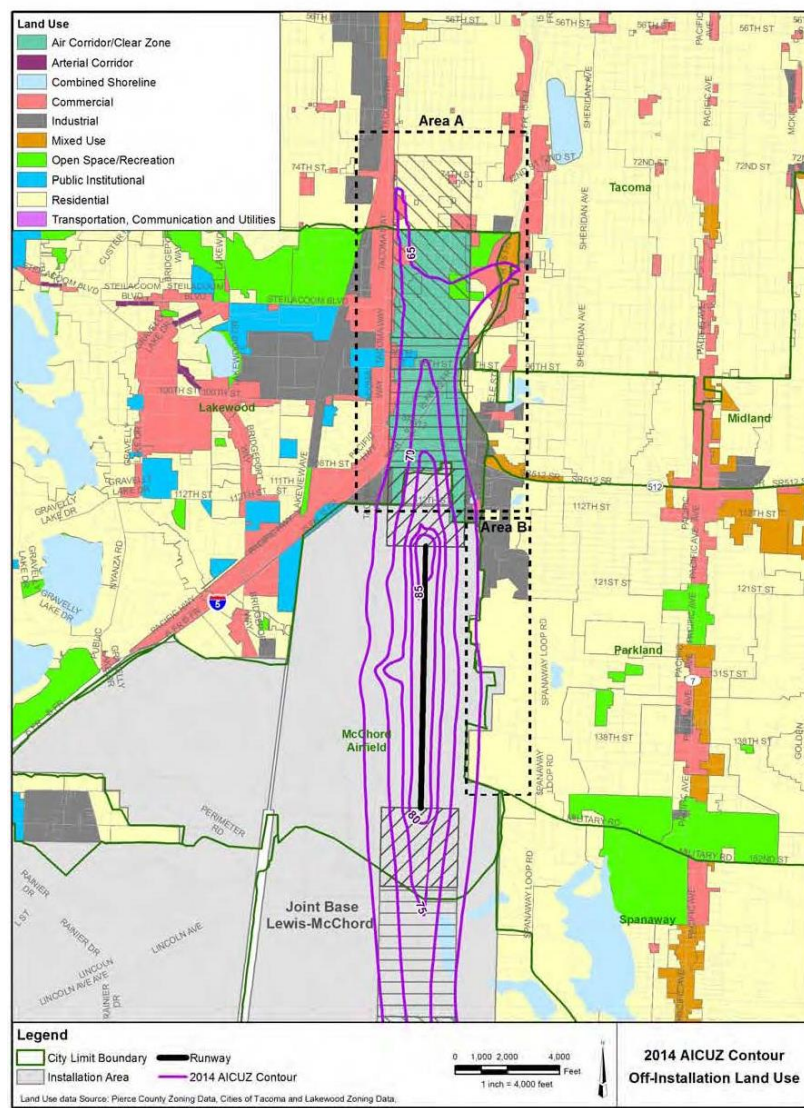
### **Title 18A**

*[Insert new Section 18A.10.125 and Figure 3]*

**18A.10.125 JBLM AICUZ in relation to Land Use Zones.** The City of Lakewood is host

City to Joint Base Lewis McChord, and portions of the JBLM flight patterns' Clear Zone (CZ) and Accident Potential Zones (APZs) are located within the City's boundaries. The City follows Department of Defense guidance and limits land use densities within the CZ and APZs. See Figure 3.

**Figure 3. 2014 AICUZ Contour & Off-Installation Land Use**



Source: 2015 JBLM Air Installation Compatible Use Zone (AICUZ) Study



## 18A.10.070 Interpretations

\* \* \*

C. Interpretation of Land Use Tables. See 18A.40.020, interpretation of land use tables.

\* \* \*

N. Interpretations of the Director shall be appealable to the Hearing Examiner as set forth in Chapter 18A.20 LMC, Part IV.

## 18A.10.180 Definitions

~~Affordable housing” and “affordable unit” mean a dwelling unit(s) reserved for occupancy by eligible households and having monthly housing expenses to the occupant no greater than thirty (30) percent of a given monthly household income, adjusted for household size, as follows:~~

- ~~1. Moderate Income. For owner-occupied housing, eighty (80) percent of the area median income, and for renter-occupied housing, sixty (60) percent of the area median income.~~
- ~~2. Pursuant to the authority of RCW 36.70A.540, the City finds that the higher income levels specified in the definition of affordable housing in this title, rather than those stated in the definition of “low-income households” in RCW 36.70A.540, are needed to address local housing market conditions in the City.~~
- ~~3. For Chapter 3.64 LMC, “affordable housing” means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty (30) percent of the household’s monthly income. For the purposes of housing intended for owner occupancy, “affordable housing” means residential housing that is within the means of low- or moderate income households.~~

“Affordable housing” means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income. For the purposes of housing intended for owner occupancy, “affordable housing” means residential housing that is within the means of low or moderate-income households.

“Antenna” means

- means any exterior apparatus designed for telephonic, radio, data, Internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing telecommunications services an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term

~~antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15; and~~

- an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.

"Campus facilities master plan" means the area that is defined by the University of Washington as necessary for the future growth and development of its campus facilities for campuses authorized under RCW 28B.45.020.

~~"Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty (80) percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as determined by the United States Department of Housing and Urban Development for the Tacoma Primary Metropolitan Statistical Area. reported by the United States department of housing and urban development.~~

~~"Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than eighty (80) percent but is at or below one hundred fifteen (115) percent of the median family income adjusted for family size, for the county, city, metropolitan statistical, where the project is located, as reported by the United States department of housing and urban development. For cities located in high-cost areas, "moderate-income household" means a household that has an income that is more than one hundred (100) percent, but at or below one hundred fifty (150) percent, of the median family income adjusted for family size, for the county where the project is located.~~

~~Multifamily housing" or "multifamily" means building(s) having four (4) or more dwelling units designed for permanent residential occupancy resulting from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings.~~

"Multiple-unit housing" means a building or a group of buildings having four (4) or more dwelling units for permanent residential occupancy, not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

~~Permanent residential occupancy" means multifamily housing that provides either rental or owner occupancy for a period of at least one (1) month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.~~

~~"Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one (1) month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.~~



“Residential target area” (“RTA”) means an area that has been designated by the City Council as lacking sufficient, available, desirable, and convenient residential housing to meet the needs of the public. With respect to designations after July 1, 2007, "residential targeted area" may not include a campus facilities master plan. See Chapter 3.64 LMC.

"Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

"Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain (a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies; (b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and (c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

#### 18A.20.080 Review Authorities

Applications	Public Notice of Application	Director	HE	PC	CC
<b>TYPE I ADMINISTRATIVE</b>					
<u>Form Based Code Review &amp; Decision</u>	<u>N</u>	<u>D</u>	<u>O/Appeal</u>	<u>N</u>	<u>N</u>

*[NOTE: Proposed for clarification. Currently, the term zoning certification is used for form based code review; this would use the terminology found in LMC 18B.700.710 (F.)]*

#### 18A.40.020 Interpretation of land use tables.

\* \* \*

G. Any proposed use not listed in the land use table(s) shall be classified by the Director as permitted, conditional, or not permitted, based on the listed uses to which the proposed use is most similar. ~~The Director shall make the determination according to the characteristics of the operation of the proposed use and based upon the Director's interpretation of the Land Based Classification Standards ("LBCS") of the American Planning Association. The use shall be considered materially similar if it falls within the same LBCS classification.~~ Where there is a question regarding the inclusion or exclusion of a particular proposed use within a particular zoning district, use category, or use type, the Director shall have the authority to make the final determination. If the Director determines that the proposed use is not similar to any use in the land use table(s), the proposed use shall not be permitted.

The determination of the Director shall be appealable to the Hearing Examiner as set forth in Chapter 18A.20 LMC, Part IV.

The Director shall report interpretation decisions to the Planning Commission when it appears desirable and necessary to amend this title.

#### 18A.40.040 Commercial and industrial uses

A. *Commercial and Industrial Land Use Table.* See LMC 18A.10.120(D) for the purpose and applicability of zoning districts.

*[Note: The remainder of the current table remains unchanged.]*

	Zoning Classifications																					
Commercial and Industrial	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	MF3 (B) (1)	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
Personal services	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	—	—	—	—	—

Correct omission of permitting 3-Family dwelling units in the NC1, NC2, and ARC zones.  
Correct omission of permitting 3-Family dwelling units in the MF1 zone.

#### 18A.40.110 Residential uses.

A. *Residential Land Use Table.* See LMC [18A.10.120\(D\)](#) for the purpose and applicability of zoning districts.

	Zoning Classifications																				
Residential Land Uses	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
Accessory dwelling unit (ADU) (B)(1)*	P	P	P	P	P	P	P	P	–	P	P	P	P	–	–	–	–	–	–	–	–
Detached single-family (B)(5)	P	P	P	P	P	P	P	–	–	P	P	P	–	–	–	–	–	–	–	–	–
Two-family residential, attached or detached dwelling units	–	–	–	C	P	P	P	–	–	P	P	P	–	–	–	–	–	–	–	–	–
Three-family residential, attached or detached dwelling units	–	–	–	–	C	C	P	–	–	P	P	P	–	–	–	–	–	–	–	–	–
Multifamily, four or more residential units	–	–	–	–	–	–	P	P	P	P	P	P	P	P	–	–	–	–	–	–	–

P: Permitted Use C: Conditional Use “–”: Not allowed

\* Numbers in parentheses reference use-specific development and operating conditions under subsection [\(B\)](#) of this section.



#### **18A.60.090.A.4.**

The minimum width for all lots shall be fifty (50) feet except for lots created within the MR2 zoning district, which are governed by LMC 18A.60.030 (A).

#### **18A.60.100.**

E. When calculations result in a fraction, the fraction shall be rounded down to the nearest whole number as follows:

1. Fractions of 0.50 or above shall be **rounded down**; and
2. Fractions below 0.50 shall be **rounded down**.

#### **18A.80 Parking**

18A.80.020 General requirements.

G. Location. Off-street parking facilities shall be located on the same property as the use they are required to serve ~~and within three hundred (300) feet of the use,~~ except as provided below. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.

1. For a nursing home, assisted living facility, convalescent home, or group home, the parking facilities shall be located within one hundred (100) feet of the building they are required to serve.
2. For multifamily dwellings where the lot cannot accommodate all the required parking on site for its needs, up to forty (40) percent of the required parking may be located on a lot adjacent to the development, ~~; provided, that the lot is legally encumbered pursuant to LMC 18A.80.060.~~
3. For all nonresidential uses where the lot cannot accommodate all the required parking on-site for its needs, parking facilities shall be located not farther than seven hundred fifty (750) feet from the facility. ~~; provided, that the lot is legally encumbered pursuant to LMC 18A.80.060.~~ Parking shall not be permitted on properties zoned single-family residential (R1, R2, R3, R4) or open space (OSR1 and OSR2) unless the parking is being provided for a use that is permitted in said district.
4. For subsections G.1., G.2., and G. 3., off-site parking lots must be legally encumbered pursuant to LMC 18A.89.060.

I. Mechanical Parking Lifts. In commercial zones and multi-family developments, by approving a mechanical lift permit, mechanical parking lifts may be used to satisfy all or a portion of vehicle parking requirements. Additional surface parking up to twenty-five percent (25-percent) of the required minimum amount of spaces may be required for lift systems unable to accommodate a range of vehicles including trucks, vans, SUV's, or large

sedans. Applications submittals shall include any information deemed necessary by the Director to determine parking can adequately and feasibly be provided and that the following performance standards can be met and the following findings for approval can be made:

1. The use of mechanical lift parking results in superior design and implementation of City goals and policies for infill development.

2. In existing developments and established neighborhoods, mechanical lift parking will be adequately screened and compatible with the character of surrounding development; and, in new developments, mechanical lift parking be compatible and appropriately considered with overall building and site design.

3. Mechanical lift parking systems shall comply with all development standards including but not limited to height and setback requirements, and parking and driveway standards with the exception of minimum parking stall sizes which are established by lift specifications.

4. There exists adequate agreement running with the land that mechanical parking systems will be safely operated and maintained in continual operation with the exception of limited periods of maintenance.

5. There are no circumstances of the site or development, or particular model or type of mechanical lift system which could result in significant impacts to those living or working on the site or in the vicinity.

#### 18A.80.025 Maintenance

A. It shall be the responsibility of the property owner to ensure that all off-street parking spaces and areas required by this chapter are maintained for the duration of the improvement or use requiring the parking area.

B. All parking facilities, including curbs, directional markings, handicapped symbols, landscaping, pavement, signs, striping, and wheel stops, shall be permanently maintained by the property owner/tenant in good repair, free of litter and debris, potholes, obstructions, and stored material.

C. Drive aisles, approach lanes, and maneuvering areas shall be marked and maintained with directional arrows and striping to expedite traffic movement. Any area not intended for parking shall be signed as such, or, in areas where curb exists, the curb may be painted red in lieu of signs.

#### **18A.95 Wireless Service Facilities**

*NOTE: Currently, LMC 18A.95.180 states that design standards are the equivalent of “concealment” features and that a small cell couldn’t be expanded beyond its definitional size by an EFR. In its order*



20.75 at paragraphs 35 et seq., the FCC specifically referenced the position of local governments and rejected it.

## 18A.95.180 Review Criteria

\* \* \*

### C. Eligible Facilities Requests.

Small wireless facilities may be expanded pursuant to an eligible facilities request so long as the expansion (i) does not defeat design elements specifically designated as concealment techniques and b) incorporates the aesthetic elements and design criteria set forth in this chapter in a manner consistent with the rights granted an eligible facility. The design approved in a small wireless facility permit shall be considered concealment elements and such facilities may only be expanded upon submittal of an eligible facilities request described in LMC 18A.95.160, when the modification does not defeat the concealment elements of the small wireless facility

[Note: Various scrivener corrections to reflect recodified or broken/eliminated RCW and WAC section links, including but not limited to:]

State Citation	LMC Section	Status
<a href="#">RCW 7.48A.010(iii)</a>	<a href="#">18A.10.180</a>	Broken link
<a href="#">RCW 36.70A.040(12)</a>	<a href="#">18A.10.180</a>	Broken link
<a href="#">RCW 36.70A.040(13)</a>	<a href="#">18A.10.180</a>	Broken link
<a href="#">Chapter 51-21 WAC</a>	<a href="#">15.05.020</a>	Broken link
<a href="#">WAC 197-11-315(a)</a>	<a href="#">14.02.060</a>	Broken link
<a href="#">RCW 70.94.524</a>	<a href="#">18A.80.020</a> <a href="#">18A.80.040</a>	Recodified to <a href="#">70A.15.4010</a>
<a href="#">Chapter 70.96A RCW</a>	<a href="#">5.32.070</a>	Recodified to 71.24.510 et seq.
Chapter 70.105 RCW	<a href="#">14.165.010</a> 18A.40.025	Recodified to RCW 70.300

## ATTACHMENT A

### PLANNING COMMISSION RESOLUTION NO. 2021-03

#### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON, FORMALIZING ITS RECOMMENDATIONS REGARDING THE 2021 ANNUAL DEVELOPMENT REGULATION AMENDMENTS AND FORWARDING ITS RECOMMENDATIONS TO THE LAKEWOOD CITY COUNCIL FOR CONSIDERATION AND ACTION.**

WHEREAS, the City of Lakewood is a code city planning under the Growth Management Act, codified in RCW 36.70A, and

WHEREAS, the City Council adopted its Comprehensive Plan via Ordinance No. 237 on July 10, 2000; and

WHEREAS, the Lakewood City Council adopted Title 18A, Land Use and Development Code, of the Lakewood Municipal Code (LMC) via Ordinance No. 264 on August 20, 2001; and

Whereas, the Growth Management Act (GMA) requires the City of Lakewood to adopt development regulations that are consistent with and implement the adopted Comprehensive Plan pursuant to Revised Code of Washington (RCW) 36.70A.040; and

Whereas, over time the Lakewood Planning Commission has reviewed the Lakewood Development Regulations and made certain modifications to Lakewood Municipal Code Titles 1, 12, 14, 15, 17, 18A and 18B to provide needed revisions, clarifications and updates; and

Whereas, the Lakewood Planning Commission held an open public hearing on June 16, 2021, regarding the proposed 2021 amendments to the Lakewood Development Regulations; and

WHEREAS, environmental review as required under the Washington State Environmental Policy Act (SEPA) has resulted in the issuance of a determination of environmental non-significance that was published on June 23, 2021 under SEPA #202103356; and

WHEREAS, notice was provided to state agencies through the Department of Commerce on June 23, 2021 per City of Lakewood – 2021-S-2816--Request for Expedited Review / Notice of Intent to Adopt Amendment, prior to the adoption of this Resolution, and state agencies have been afforded the opportunity to comment per RCW 36.70A.106(1); and

WHEREAS, the Lakewood Planning Commission determined that the 2021 Annual Development Regulation Amendments are consistent with the Growth Management Act and the provisions of the City's Comprehensive Plan; and



WHEREAS, the Lakewood Planning Commission finds that the proposed amendments further the goals and policies of the Comprehensive Plan and promote the community's overall health, safety, and welfare; and

Whereas, on July 7, 2021, the Planning Commission completed review;

**NOW, THEREFORE, THE LAKEWOOD PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON, DOES RECOMMEND AS FOLLOWS:**

**Section 1.** Amendments to the City's land use and development regulations as summarized below and included in full in Exhibit A, attached hereto:

**Amendments to Title 5 (Business Licenses and Regulations):**

- Updating references to RCW and WAC sections

**Amendments to Title 14 (Environmental Protection):**

- Updating references to RCW and WAC sections

**Amendments to Title 15 (Buildings and Construction):**

- Updating references to RCW and WAC sections

**Amendments to Title 18A (Land use and Development Code):**

- 18A.10.125 - Inserting map to show where JBLM flight patterns overlay Lakewood
- 18A.10.070 (C) and (N) - Updating text regarding Director's Interpretations
- 18A.10.180 – updating Definitions
- 18A.20.080 – updating Review Authorities for form-based codes
- 18A.40.020 – updating Director Determinations
- 18A.40.040 – allowing personal services as a permitted use in Commercial 1 zone
- 18A.40.110 – allowing 3-Family dwellings in the Multi-Family 1, Neighborhood Commercial 1, Neighborhood Commercial 2, and Arterial Residential/Commercial zones
- 18A.60.090(A)(4) – clarifying minimum lot width in the Mixed Residential 2 zone
- 18A.60.100 – correcting rounding of fractions practices
- 18A.80 – updating Parking Regulations
- 18A.95 – updating Wireless Services Facilities regulations

**Section 2:** The Lakewood Planning Commission hereby directs staff to transmit its recommendations as contained herein to the Lakewood City Council in a timely manner.

**Section 3:** If any provisions of this Resolution or the amendments to the Development Regulations are found to be illegal, invalid or unenforceable, the remaining provisions of this Resolution shall remain in full force and effect.

PASSED AND ADOPTED at a regular meeting of the City of Lakewood Planning Commission this 7<sup>th</sup> day of July, 2021, by the following vote:

AYES: 6 BOARDMEMBERS: Don Daniels, Linn Anderson, James Guerrero, Paul Wagemann, Phillip Combs and Ryan Pearson

NOES: 0 BOARDMEMBERS: None

ABSENT: 1 BOARDMEMBERS: Connie Coleman-Lacadie

/s/   
Don Daniels, CHAIR, PLANNING COMMISSION

ATTEST:

/s/   
KAREN DEVEREAUX, SECRETARY