

RESOLUTION NO. 2022-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, ESTABLISHING THE 2023 DOCKET OF COMPREHENSIVE PLAN LAND USE/ ZONING MAP AND POLICY AMENDMENTS

WHEREAS, under RCW 36.70A.130(2), Comprehensive Plan policy or map amendments may be initiated by the City or by other entities, organizations, or individuals through petitions filed with the City on or before the last business day of July of each year; and

WHEREAS, the City of Lakewood received timely applications to amend the Comprehensive Plan and Land Use & Development Regulations in 2023; and

WHEREAS, on August 1, 2022, the Community and Economic Development Department published a Notice of Application Availability on the City's website and in the City Manager's Bulletin; and

WHEREAS, on August 1, 2022 the Community and Economic Development Department published a Notice of Public Hearing in The News Tribune; and

WHEREAS, On October 5, 2022 the Planning Commission held a duly noticed public hearing on the proposed 2022 Comprehensive Plan Zoning Map and Text Amendment docket; and

WHEREAS, on October 19, 2022, the Lakewood Planning Commission reviewed the applications, docketing recommendations, and public comment; and

WHEREAS, also on October 19, 2022, the Lakewood Planning Commission adopted a motion approving docketing recommendations to the Lakewood City Council; and

WHEREAS, on November 7, 2022, the Lakewood City Council reviewed the docketing recommendations from the Planning Commission; and

WHEREAS, on November 21, 2022, the Lakewood City Council held a public hearing on the proposed docketing recommendations; and

WHEREAS, amendment proposals placed on the docket will undergo further public, agency, and environmental review, consideration by the Planning Commission, and final consideration by the Lakewood City Council; however, placing a proposal on the docket does not guarantee or imply its ultimate approval.

NOW, THEREFORE BE IT RESOLVED by the Lakewood City Council:

The Council finds that each of the applications summarized below sufficiently meet the docketing criteria and are hereby included in the 2023 Lakewood Comprehensive Plan and Land Use & Development Code docket (see full application details in **EXHIBIT A.**)

MAP AND TEXT AMENDMENT APPLICATIONS

2023-01 Request to add a tree canopy goal of 40% by 2050 to the Comprehensive Plan as Policy LU-60.4.

2023-02 Request to:

- redesignate/rezone parcels numbered 0219024020, -4021, and -4022 from Multifamily (MF)/Multifamily 3 (MF3) to Downtown/Central Business District (CBD); and
- redesignate/rezone parcel numbered 6720100160, -170, -180, -191, -200 and 0219024024 from Multifamily (MF)/Multifamily 1 (MF1) to Downtown/Central Business District (CBD.)

2023-03 Request to redesignate/rezone parcel(s) 0219111038, -1040, and 3097000312 (5820 112th St. SW) from Mixed Residential (MR)/Mixed Residential 1 (MR1) to Open Space & Recreation (OSR)/Open Space & Recreation 2 (OSR2).

2023-04 Request to Redesignate/Rezone parcel(s) for development of permanently low income housing:

- 5130001640 (5516 Fairlawn Dr. SW) and -1650 (5520 Fairlawn Dr. SW) from Residential (R)/Residential 4 (R4) to Neighborhood Business District (NBD)/Neighborhood Commercial 2 (NC2); and

- 5130001660 (8966 Gravelly Lake Dr. SW), and -1671 (8956 Gravelly Lake Dr. SW) from Arterial Corridor (ARC)/Arterial Residential-Commercial (ARC) to Neighborhood Business District (NBD)/Neighborhood Commercial 2 (NC2)

2023-05 Allow permanent supportive housing (PSH) and transitional housing (TH) within the City’s Commercial 1, 2, and 3 zones

2023-06 Amend Policy LU-5.3 to reflect changes in allowed types of funding for financial and relocation assistance for people displaced as a result of construction and development projects

2023-07 Rezone Parcel 880900340 from Residential/Residential 3 (R3) to Open Space & Recreation (OSR)/Open Space & Recreation 1 (OSR 1) for expansion of Wards Lake Park

2023-08 Update of Comprehensive Plan text regarding Western State Hospital to reflect adoption of new Master Plan (continued from the 2021 Comprehensive Plan amendment cycle)

2023-09 Remove language from LU-2.25 requiring that a property owner occupy either the primary or secondary unit

PASSED by the City Council this 5th day of December, 2022.

CITY OF LAKEWOOD

Jason Whalen, Mayor

Attest:

Briana Schumacher, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney

EXHIBIT A
PROPOSED 2023 COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS

2023-01 Request to add a tree canopy goal of 40% by 2050 to the Comprehensive Plan at LU-60.4.

3.12.6 Urban Forestry

GOAL LU-60: Institute an urban forestry program to preserve significant trees, promote healthy and safe trees, and expand tree canopy coverage throughout the City.

Policies:

- LU-60.1: Establish an urban forestry program for the City.
- LU-60.2: Promote planting and maintenance of street trees.
- LU-60.3: Provide for the retention of significant tree stands and the restoration of tree stands within the City.
- LU-60.4: Work towards a citywide goal of 40% tree canopy cover by the year 2050. Consider opportunities to increase canopy and environmental equity when evaluating tree canopy distribution.

2023-02

Request to:

- **redesignate/rezone parcels numbered 0219024020, -4021, and -4022 from Multifamily (MF)/Multifamily 3 (MF3) to Downtown/Central Business District (CBD); and**
- **redesignate/rezone parcel numbered 6720100160, -170, -180, -191, -200 and 0219024024 from Multifamily (MF)/Multifamily 1 (MF1) to Downtown/Central Business District (CBD.)**

A private applicant requested that Parcels 0219024020, 0219024021 and 0219024022 be rezoned. These parcels are immediately outside the Downtown Subarea Plan boundaries, within a Residential Target Area (RTA) (meaning they are eligible for the City's MFTE program), and currently bounded by Multifamily 1 (MF1) zoning to the south, Residential 4 (R4) to the east and west, and Central Business District (CBD) to the north. The applicant who submitted the request to rezone these three (3) parcels wishes to remove an existing apartment building and its surface parking in order to construct a new building with approximately 200 housing units and 200 parking stalls.

Upon review of the original application and in order to increase likelihood of the development of higher density housing in the Downtown Subarea, the Planning Commission recommended rezoning 24 additional parcels (6 parcels zoned Multifamily 1 (MF1) and 18 parcels zoned Residential 4 (R4) parcels) that are also immediately adjacent to the Downtown Subarea Plan and Central Business District (CDB) zone, or are immediately adjacent to the parcels the private applicant identified in their application. The 6 MF 1 parcels are included within the current Residential Target Area (RTA) boundary; the 18 R4 parcels are not.

After the materials for the November 21 City Council public hearing were published, a technical error was found where parcels 6720100200 on Main St. SW and 0219024024 on Davisson Rd. SW had been mistakenly left off of the list to be redesignated and rezoned from Multifamily

(MF)/Multifamily 1 (MF1) to Downtown/Central Business District (CBD.) These two parcel numbers have been added to the amendment.

Following the hearing, Council Members discussed 2023-02 in more detail. The question was asked whether the homes on the parcels along Wildaire Rd. SW that are currently zoned R4 and proposed to be zoned CBD would become nonconforming uses. Staff answered no. However, upon further research, this answer needs correction and further explanation.

Under LMC Title 18B (the Downtown Subarea code chapter), single family detached and both two- and three-family attached or detached housing are actually prohibited uses within the CBD zone per LMC 18A.200.220 (A) (8):

8. Prohibited Residential Uses.
 - a. Boarding house.
 - b. Detached single-family.
 - c. Two-family residential, attached or detached dwelling units.
 - d. Three-family residential, attached or detached dwelling units.
 - e. Stand-alone residential uses within the Colonial Overlay (C-O) or Town Center Incentive Overlay (TCI-O) districts. Mixed use development in the C-O and TCI-O incorporating multifamily residential uses is allowed.
 - f. Mobile home park.
 - g. Mobile and/or manufactured homes in mobile home parks.

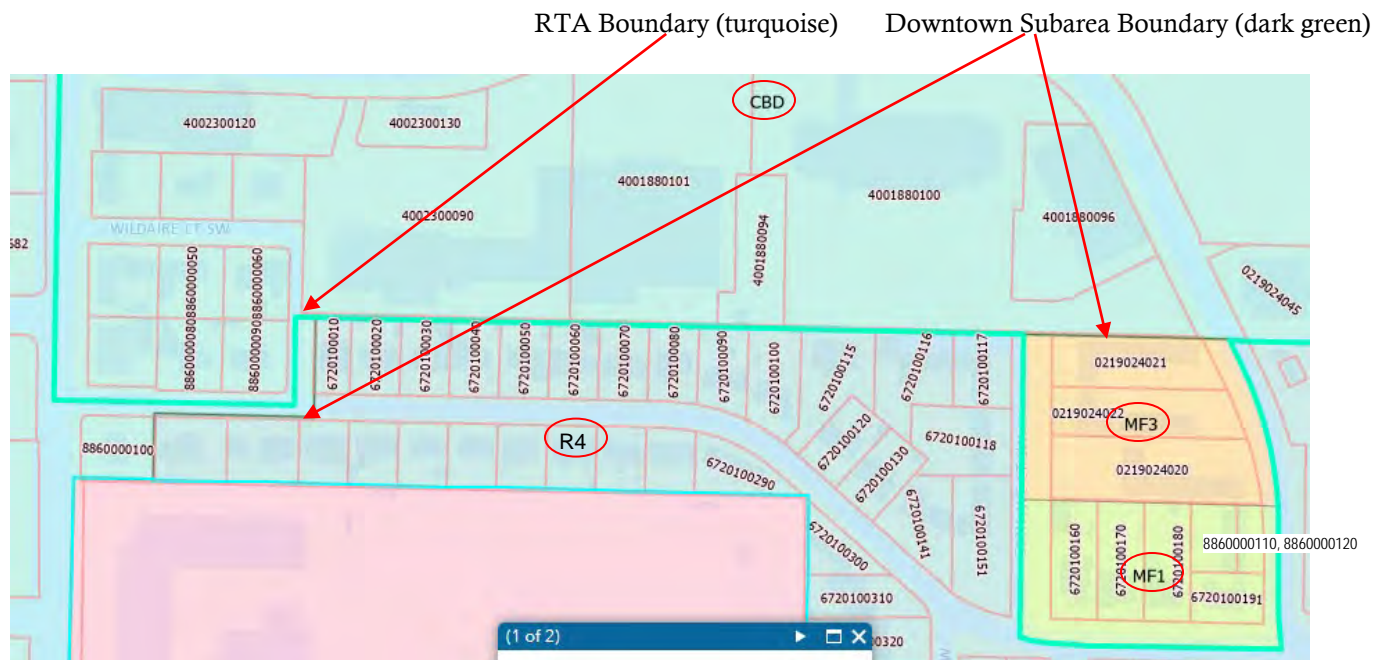
If the parcels recommended for inclusion by the Planning Commission on Wildaire Rd. SW were rezoned from R4 to CBD, then, this would result in the affected homes becoming legal nonconforming uses/structures². Nonconforming uses/structures are regulated through LMC 18A.20.228 and 18B.700.730. This information was not provided to the Planning Commission before they took action on their recommendation to the City Council.

² A nonconforming use is a use of property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations, is no longer a permitted use. A nonconforming structure is a structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations. A nonconforming lot is one that, at the time of its establishment, met the minimum lots size requirements for the zone in which it is located but which, because of subsequent changes to the minimum lot size applicable to that zone, is now smaller than that minimum lot size.

State law does not regulate nonconforming uses, structures, or lots. Local jurisdictions are free, within certain constitutional limits, to establish their own standards for regulation of these nonconforming situations (excerpted from MRSC website).



The MF3 and MF1 parcels proposed for rezone in 2023-02 are all included within the current downtown residential target area (RTA), as shown in the map below north of the turquoise line.



The site development standards and form-based code regulations for the CBD zone within the Downtown Subarea and LMC Title 18B would allow for higher building heights and higher density than is allowed in the MF1 and MF 3 zones:

Zone and Density	Dwelling units per acre (dua)	
	MF1 22 dua	CBD 80+ dua
	MF3 54 dua	CBD 80+ dua

If rezoned to CBD and the Downtown Subarea Plan boundaries were changed to include the parcels in question, the parcels would be located within the Town Center Incentive Transition

Overlay (TCI-O) as defined in LMC 18B.200.210. This would mean the parcels would be available for master planning per LMC 18B.700.720, and while stand-alone residential development is prohibited in the TCI-O, mixed-use development incorporating multifamily residential uses is allowed.

2023-04

Request to:

- Redesignate/rezone parcel(s) 5130001640 (5516 Fairlawn Dr. SW) and - 1650 (5520 Fairlawn Dr. SW) from Residential (R)/Residential 4 (R4) to Neighborhood Business District (NBD)/Neighborhood Commercial 2 (NC2); and

- Redesignate/Rezone parcel(s) 5130001660 (8966 Gravelly Lake Dr. SW), and -1671 (8956 Gravelly Lake Dr. SW) from Arterial Corridor (ARC)/Arterial Residential-Commercial (ARC) to Neighborhood Business District (NBD)/Neighborhood Commercial 2 (NC2)

LASA is planning to construct 25 permanently low income housing units with 1, 2, and 3 bedrooms as part of the third phase of its four-phase master plan for “Gravelly Lake Commons.” LASA plans to construct a fourth phase including a day care and 30 more permanently low income units. The parcels included in this application are where phases 3 and 4 would be located and would rezone them to the NC2 which would allow for higher density on the parcels.

GRAVELLY LAKE COMMONS

LASA - PHASE 3



Vicinity Map

Gravelly Lake Commons Master Plan:

- Phase 1: LASA offices and (15) affordable housing units. Phase 1 is complete.
- Phase 2: Hygiene Center. Showers, laundry, community support spaces. Designed and submitted for building permit. Phase 2 is fully funded.
- Phase 3: (25) affordable housing units in (4) separate two and three story building. Apartments to be a mix of one, two, and three-bedroom units.
- Phase 4: Future project to include 3,000 sf daycare facility with (30) affordable units in a five-story building.

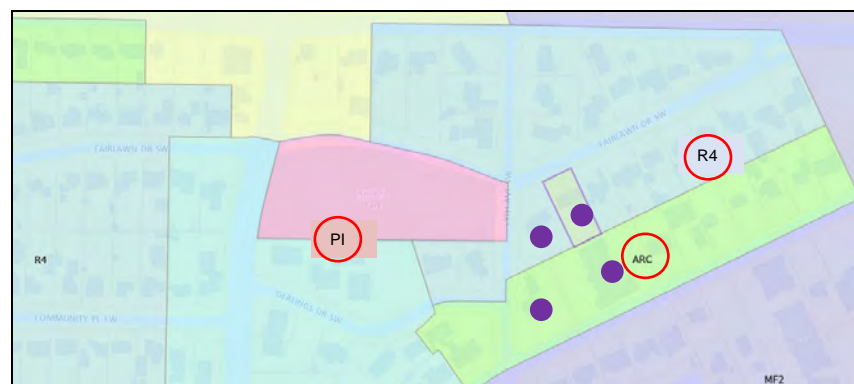
James Guerrero Architects, Inc.
7520 Bridgeport Way West
Lakewood, WA 98499
Telephone (253) 581-6000
Web Site: jgarch.net



LASA - Phase 3 Gravelly Lake Commons	Page 1 of 3
Schematic Site Plan	
June 3, 2022	

As currently planned, Gravelly Lake Commons Phase 3 includes construction of 25 new affordable housing units in four separate two and three-story buildings that would include a total of 4 one-bedroom, 11 two-bedroom and 10 three bedroom units. Each unit has a private balcony or patio. Shared Laundry is provided for the one and two-bedroom units while the three bedroom

units have in unit washer and dryers. Site work includes a designated playground, parking, dumpster and recycling enclosure, landscaping and irrigation.



Type of Use	Use	R4 6.4 dua	ARC 15 dua	NC2 35 dua
Lodging	Bed and breakfast guest houses	C	-	-
	Hostels	-	-	-
	Hotels and motels	-	-	-
	Short term vacation rentals	P	P	P
Residential Uses	Accessory caretaker's unit	-	-	P
	Accessory dwelling unit	P	-	-
	Babysitting care	P	P	P
	Boarding house	C	-	-
	Cottage housing	P	-	-
	Co-housing (dormitories, fraternities and sororities)	-	-	P
	Detached single family	P	P	-
	Two family residential, attached or detached dwelling units	C	P	P
	Three family residential, attached or detached dwelling units	-	-	-
	Multifamily, four or more residential units	-	P	P
	Mixed use	-	-	P
	Family daycare	P	P	P
	Home agriculture	P	P	-
	Home occupation	P	-	-
	Mobile home parks	C	-	-
	Mobile and/or manufactured homes, in mobile/manufactured home parks	C	-	P
	Residential accessory building	P	P	P
	Rooms for the use of domestic employees of the owner, lessee, or occupant of the primary dwelling	-	-	-
	Small craft distillery	P	-	P
	Specialized senior housing	-	-	P
	Accessory residential uses	P	P	P

2023-05 Allow permanent supportive housing (PSH) and transitional housing (TH) within the City’s Commercial 1, 2, and 3 zones.

RCW 35A.21.430 states, “A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed.” The RCW also states “[r]easonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety.”

“Permanent Supportive Housing” is defined in state law as subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors (RCW 36.70A.030 (19).)

“Transitional Housing” is defined in state law as a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living (RCW 84.36.043 (2)(c).)

Permanent Supportive Housing is currently undefined in the Lakewood Municipal Code (LMC), but is not Lakewood’s defined “group homes” or “adult family homes” that are currently regulated under LMC Title 18A:

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room and board to more than one (1) but not more than eight (8) adults who are not related by blood or marriage to the person or persons providing the services (see RCW 70.128.010.) Adult family homes shall serve those with functional limitations and are not intended to serve those with a history of violence, including sex offenses. See also “Group Homes.”

The LMC defines “transitional housing” as:

[H]ousing that provides homeless individuals and families with the interim stability and support to successfully move to and maintain permanent housing. Transitional housing may be used to cover the costs of up to twenty-four (24) months of housing with accompanying supportive services. Program participants must have a lease (or sublease) or occupancy agreement in place when residing in transitional housing.

The following Lakewood land use zones currently allow hotels and/or residential dwelling units either conditionally or outright:

	Zoning Classifications									
Description(s)	R1, R2, R3, R4,	MR1, MR2	MF1, MF2, MF3	ARC, NC1, NC2	TOC, CBD	C1, C2, C3	IBP, I1, I2	OSR1, OSR2	PI	ML, CZ, AC1, AC2
Hotels	-	-	-	-	x	x	—	—	-	—
Residential	x	x	x	x	x	x	—	—	-	—

Under Lakewood’s current LMC 18A.40.120, the following land use zones currently allow Permanent Supportive Housing (PSH) and Transitional Housing (TH) either conditionally or outright:

	Zoning Classifications									
Description(s)	R1, R2, R3, R4,	MR1, MR2	MF1, MF2, MF3	ARC, NC1, NC2	TOC, CBD	C1, C2, C3	IBP, I1, I2	OSR1, OSR2	PI	ML, CZ, AC1, AC2
PSH	x	x	x	x	x	—	—	—	x	—
TH	x	x	x	x	x	—	—	—	x	—

In order to comply with RCW 35A.21.430, the allowed uses within the City’s C1, C2 and C3 zones must be amended to include PSH and TH.

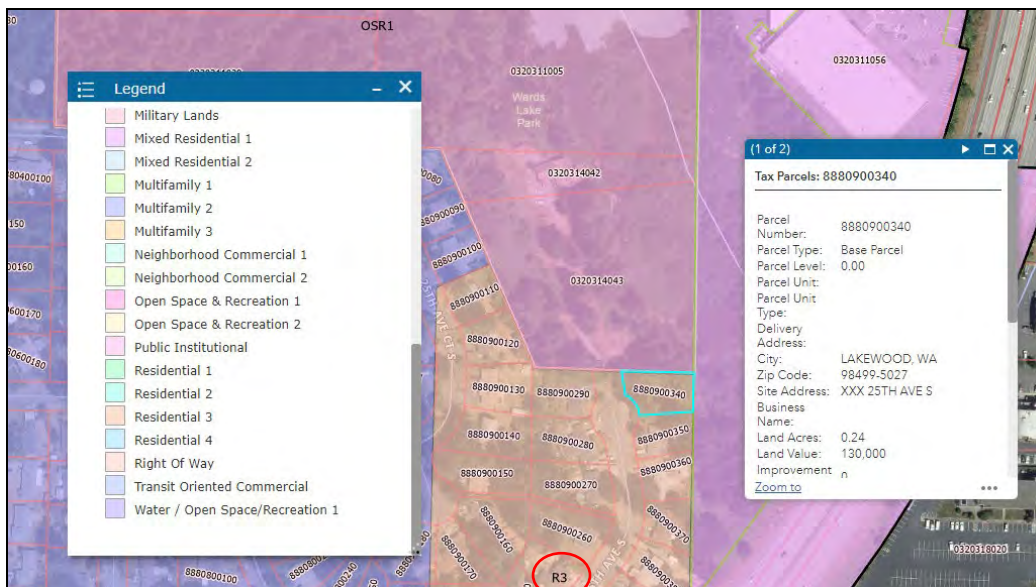
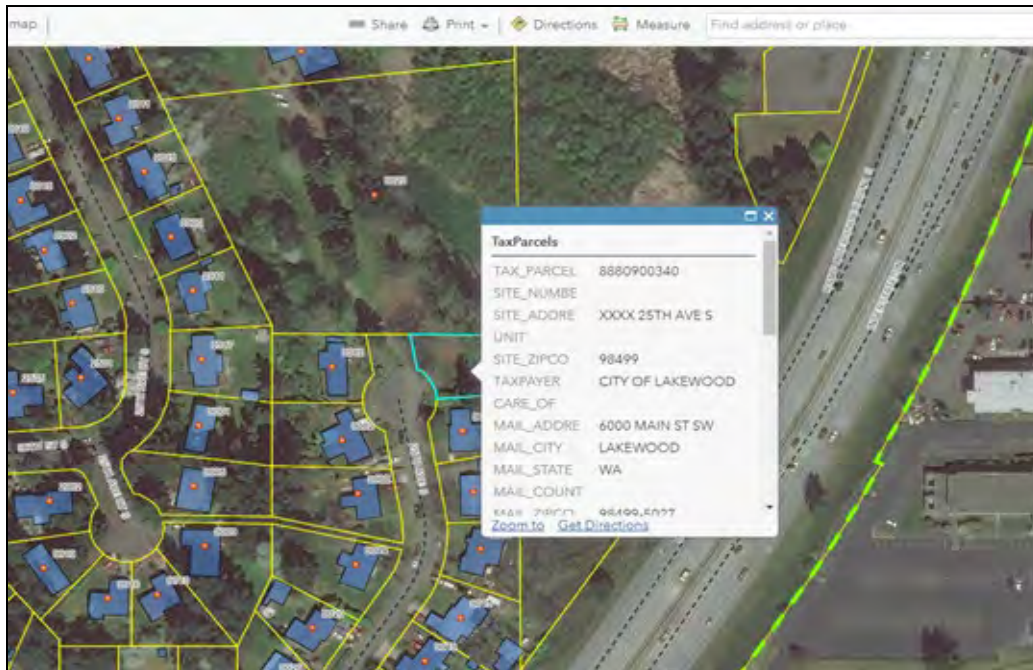
It should be noted that per the same statute, “[r]easonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety.”

2023-06 Request to amend Policy LU-5.3 to reflect changes in allowed types of funding for financial and relocation assistance for people displaced as a result of construction and development projects as follows:

LU-5.3: Enforce the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Uniform Relocation Act Amendments of 1987 and any subsequent amendments, to provide financial and relocation assistance for people displaced as a result of construction and development projects ~~using federal funds~~. Lakewood shall also enforce Section 104(d) of the Housing and Community Development Act of 1974, as amended, requiring the replacement of low- and moderate-income housing units that are demolished or converted to another use in connection with a CDBG project.

2023-07 Request to redesignate/rezone Parcel 880900340 from Residential/Residential 3 (R3) to Open Space & Recreation (OSR)/Open Space & Recreation 1 (OSR 1) for expansion of Wards Lake Park

The City purchased parcel 880900340 with grant funds in 2020. It is immediately adjacent to Ward's Lake Park. Phase 2 of the City's Ward's Lake Park CIP improvements can be expanded to include this parcel once it is zoned OSR1.



2023-08 Update of Comprehensive Plan text regarding Western State Hospital to reflect adoption of new Master Plan (continued from the 2021 Comprehensive Plan amendment cycle)

On August 22, 2022, the Lakewood Hearing Examiner issued a Final Decision on the DSHS conditional use permit and master plan application to amend the 1999 Western State Hospital (WSH) Master Facilities Plan for a major reconstruction of the WSH campus. On August 30, the Department of Social and Health Services filed a request for reconsideration on the Hearing Examiner's Decision, and on September 21, the Hearing Examiner issued a Decision on the Request for Reconsideration. The appeal period on the decision ends December 13, 2022.

Edits to the following Comprehensive Plan and related LMC text and maps will be presented to the Planning Commission once the WSH Master Plan is approved and after the City Council takes action to include the amendment in the 2023 Comprehensive Plan amendment docket.

3.2.7 Housing Characteristics

* * *

I. Group Quarters

There were 1,544 people living in group quarters in Lakewood at the time of the 2010 census, the most recent data available. This was equal to 2.7% of the total population in Lakewood. Group quarters includes Western State Hospital which is a regional facility serving 19 counties in Washington. There were 794 people counted residing at the psychiatric hospital.

* * *

3.8 Western State Hospital (WSH)

Shortly after the City's incorporation in 1996, the state Department of Social and Health Services (DSHS) completed a master plan for the WSH campus. In 1998, DSHS applied for and received a public facilities permit from the City to formally acknowledge the proposed improvement projects within the master plan. The scope of work under the public facilities permit formed a basis upon which DSHS could then seek capital appropriations for projects upon the WSH Campus. The WSH public facilities permit (LU98059) was approved by the Hearing Examiner on September 22, 1998, and formally ratified by the City after adoption of an interlocal agreement in March 30, 1999. This action permitted DSHS to implement a six year capital facilities plan including the construction of a 163,000 square foot replacement legal offender unit. The plan, in part, was to include the demolition of a women's work release building which in past years was operated by the state Department of Corrections (DOC); demolition was to take place in 2004.

However, the women's work release building was not demolished. In February 2005, the City became aware of a plan by DOC to relocate the Tacoma-based Progress House, a work release facility to the WSH campus, in place of the women's pre-release facility which had been closed. Media surrounding the action made it appear that DOC was not going to pursue a siting process, as required by law, or potentially, City permits to undertake the move. The City, unsure of the actions of DOC, imposed a moratorium on the WSH Campus. The City also instituted revised land use regulations for essential public facilities. Legal action ensued. Both the moratorium and the revised land use amendments were eventually upheld. To-date, the current master plan adopted in 1999 for WSH has never been updated. Only minor additions/alterations have been permitted on the WSH campus.

GOAL LU-40: Recognize the unique nature of federal patent lands at Western State Hospital and Fort Steilacoom Golf Course.

Policies:

LU-40.1: Work with DSHS to update the Western State Hospital Campus Master Plan.

LU-40.2: Enforce the City's public facilities master plan process confirming that: 1) appropriate provisions are made for infrastructure and/or services; 2) approval criteria and mitigation measures are incorporated into project approvals; and 3) the safety of the general public, as well as workers at, and visitors to, Western State Hospital is ensured.

LU-40.3: Avoid as much as possible incompatible uses on the WSH campus which could adversely impact existing uses, adjoining properties, or adversely impact at-risk or special needs populations, including but not limited to children and the physically or mentally disabled.

* * *

7.1 Sanitary Sewers

Sewer service in the City of Lakewood is almost entirely provided by Pierce County Public Works and Utilities. Sewer service was recently expanded to serve the Tillicum and Woodbrook communities. The Town of Steilacoom provides sewer service to Western State Hospital. Steilacoom has indicated that its facilities serving the Western State Hospital currently have additional growth capacity. The City of Tacoma provides sewer service to the Flett subdivision, and to commercial and residential users located in northeast Lakewood (80th Street and 84th Streets). Figure 7.2 describes the locations of all major sewer trunk lines within Lakewood.

* * *

7.1.1 Other Water Purveyors

Minor portions of the city are served by the Southeast Tacoma Mutual Water Company, and the City of Tacoma. Continued service to these areas is expected to be adequate for the 20-year planning period. Western State Hospital provides its own water service. There are also private wells servicing existing mobile home parks scattered throughout Lakewood.

2023-09 Remove language from LU-2.25 requiring that a property owner occupy either the primary or secondary unit.

LU-2.25: Support accessory dwelling units as strategies for providing a variety of housing types and as a strategy for providing affordable housing, with the following criteria:

- ~~Ensure owner occupancy of either the primary or secondary unit;~~
- Allow both attached and detached accessory dwelling units and detached carriage units, at a maximum of one per single-family house, exempt from the maximum density requirement of the applicable zone;
- Require an additional parking space for each accessory dwelling unit, with the ability to waive this requirement for extenuating circumstances; and
- Allow a variety of entry locations and treatments while ensuring compatibility with existing neighborhoods.