



LAKEWOOD CITY COUNCIL STUDY SESSION AGENDA

Monday, March 13, 2023
Following City Council Special Meeting
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

Page No.

CALL TO ORDER

ITEMS FOR DISCUSSION:

- (3) 1. Special Events Update. – (Memorandum)
- (64) 2. Review Ordinance related to the Use of Controlled Substances. – (Memorandum)
- (73) 3. Review Ordinance related to the Protection and Preservation of Public Spaces. – (Memorandum)
- (81) 4. 2024 Comprehensive Periodic Review Update on Housing. – (Memorandum)

ITEMS TENTATIVELY SCHEDULED FOR THE MARCH 20, 2023 REGULAR CITY COUNCIL MEETING:

- 1. Proclamation recognizing Scott McKay for Making a Difference in the City.
- 2. Proclamation recognizing March 29, 2023 as National Vietnam War Veterans Day.
- 3. Authorizing the execution of an agreement for the military spouse employment study project. – (Motion – Consent Agenda)

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.

4. Authorizing the execution of an agreement with Henderworks, Inc., in the amount of \$90,000, for the Diversity, Equity and Inclusion Strategic Plan. – (Motion – Consent Agenda)
5. Authorizing the execution of an agreement with Stowe Development and Associates for tax increment financing plan for the Downtown Subarea.
6. Authorizing the execution of an intergovernmental agreement with the Town of Steilacoom for animal control services. – (Motion – Consent Agenda)
7. Authorizing the execution of an intergovernmental agreement with the City of DuPont for animal control services. – (Motion – Consent Agenda)
8. Approving the request to vacate 113th Street SW west of Kendrick Street SW. – (Ordinance – Regular Agenda)
9. Amending the Lakewood Municipal Code Chapter 9.06 related to Controlled Substances. – (Ordinance – Regular Agenda)
10. Creating Lakewood Municipal Code Chapter 9.15 related to the Occupation of Public Property. – (Ordinance – Regular Agenda)
11. Authorizing the acquisition of real property under threat of condemnation or by condemnation for road purposes; authorizing payment thereof from the City's General Fund or from such other monies that the City may have available or attain for the acquisition; providing for severability; and establishing an effective date. – (Ordinance – Regular Agenda)
12. Review of Clover Creek Floodplain. – (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.



TO: Mayor and City Councilmembers

FROM: Sally Martinez, Recreation Coordinator

THROUGH: John Caulfield, City Manager

A handwritten signature in black ink, reading "John F. Caulfield", is placed over the printed name of the City Manager.

DATE: March 13, 2023

SUBJECT: Special Events Review of 2021 & Public Art Update

ATTACHMENTS: Special Events Power Point Review of 2022 events and 2023 schedule.

2022 Special Events Summary: The City team putting on events and activities continue to respond quickly to requests for events, and by being flexible, nimble and thinking outside the box provide events that meet the community where they are physically, mentally, spiritually and financially. 2022 saw the largest number of events implemented in the last ten years. They were implemented with safety as the highest priority, in partnership with the Police Department. The events were successfully enjoyed by our community members of all cultural and socio-economic backgrounds. Inclusivity is a core value for our team and ensures the community is able to come together and enjoy community traditions and events in an engaging manner where there is something for everyone. The implementation of SNAP/EBT at the Farmers Market in 2022 is an excellent example of inclusivity. City events and activities continue to provide a sense of grounding and normalcy during ever-changing and difficult times.

New events highlighted in 2022 were the very popular Saturday Street Festivals on Motor Ave, the Reel Life 96 Film Competition, Fiesta de la Familia that is now transitioning in 2023 to a larger event at Fort Steilacoom Park, Yoga & Meditation at the pavilion, the Welcome Walk, and several new events born from the No Child Left Inside grant we received. Traditional events, the majority spanning more than two decades, included the MLK Celebration, the ever-popular Farmers Market with its new layout, Summer Concerts following the market, SummerFEST, Ray Evans Memorial Fishing event, Truck & Tractor Day, Holiday Parade of Lights & Christmas Tree Lighting and more. Innovation, inspiration, flexibility, sponsors and key partnerships bring the highest quality experiences to community members.

The City's Arts Commission's installed 14 signal box wraps in 2022 and plans on implementing ten more in 2023 along with a mural. Quarterly Latino Art Shows and Receptions are scheduled throughout 2023 at City Hall.

Lakewood's Special Events 2022



2022MLK CELEBRATION THE WORLD LIVES IN LAKEWOOD

sponsored by Virginia Mason Franciscan Health & Twin Star Credit Union



REEL LIFE 96

LAKEWOOD'S 96 HOUR
SHORT FILM COMPETITION



TEAM REGISTRATION
NOV 15 - JAN 5

FILM SHOWING & AWARD CEREMONY
CASH PRIZES & MUCH MORE!

MARCH 19, 2022

CITYOFLAKEWOOD.US/FILM96

Lakewood's Film Competition



- 38 Teams!
- \$2,500 Cash Prizes
- 600 people at Film Screening

No Child Left Inside Grant



Secured Grant Funds, over \$20,000
Implemented one time events
Outdoors, at various park
Free
Focused on underserved populations & health

GO & PLAY Lakewood!

Join us for a year of environmental education

Orienteering	Navigate your way through Fort Steilacoom Park using a map and compass exploring the diverse and exciting terrain!
Growing Minds	Hands on opportunities to discover and grow through gardening. Learn about our natural resources and sustainability!
Kids Fishing Event	Learn about aquatic conservation and preservation while experiencing the thrill of catching your first fish.
Arts In Nature	A day of fun and adventure that combines the great outdoors with artistic expression in the natural environment.
Environmental Fitness	Find your passion and get hands-on experience by participating in over 20 environmental fitness activities.
Camping Skills	Learn about the exciting world of camping and surviving in the great outdoors! Pitch a tent, build a shelter, and so much more!
Birds, Birds and Bees	Walk around Wards Lake Park and learn about the many species of birds and the importance of bees in our ecosystem.
Paddle, Row, Canoe	Experience all types of non-motorized water sports and learn about historic uses by local indigenous tribes.
Rockets Away!	Learn the science of rocketry through experiments. Explore our solar system and how its connected to our local environment

Ray Evans Memorial Fishing Event

Saturday May 14, 2022 • American Lake Park FREE!



200+ Participants ages 5 - 12



NEW! Rockets Away • No Child Left Inside

Pierce College Science Dome • October 22, 2022



NEW! Row, Paddle, Canoe Day. No Child Left Inside

Harry Todd Park - FREE!



Row, Paddle, Canoe Day

- 8 tandem kayaks JBLM MWR
- 12 single kayaks
- 6 canoes
- 2 paddleboards
- YMCA Life guards
- Young Life Volunteers
- Police Boat
- Fire Department



NEW! Yoga & Meditation at the Pavilion

Sponsored by



**Virginia Mason
Franciscan Health™**



Lakewood Rotary Grant

Inclusive: all fitness levels, ages & income levels



New: Meditation at Pavilion. Monthly Saturdays
Sold out (50 people & 70 people). Every Monday @2:30



NEW! New Year, New You Event



experience the
power of
welcoming community



Kick-off event
Jan. 14, 2023
Fort Steilacoom Park
10 a.m. – 2:30 p.m.
1.5-mile gentle walk
Meet your neighbors
Enjoy food trucks & s'mores
Sample yoga & meditation
Free swag



Details
CityofLakewood.US/Yoga

Sponsored by:
 **Virginia Mason
Franciscan Health**



Clover Park School District - Awesome Partner!
Inclusivity: Sent special communication to all
new families in last 6 months.



Youth Council Led Walks



ALL NEW!

CITY OF LAKEWOOD PRESENTS

SATURDAY STREET FESTIVALS on MOTOR AVE

MAY 21

**DANCING IN
THE STREETS**

JUNE 18

**CARNIVAL OF
CULTURES**

AUGUST 13

**JAZZ NIGHT &
CAR SHOW**

SEPTEMBER 17

FIESTA DE LA FAMILIA



4-8:30 PM

CITYOFLAKEWOOD.US



May: Dancing in the Streets



June: Carnival of Cultures



August - Jazz Night and Car Show





September: Fiesta de la Familia



Sponsored by KBTC TV &
Twin Star Credit Union







Latino Art Show and Poetry





**LAKEWOOD
FARMERS MARKET**

TUESDAYS ■ 2:00-7:00PM

JUNE 7 - AUG 30



Virginia Mason
Franciscan Health™

WSECU

**FORT STEILACOOM PARK
8714 87TH AVE SW, LAKEWOOD, WA 98498**

**EXPERIENCE SHOPPING,
DINING & ENTERTAINMENT
ALL IN ONE PLACE!**

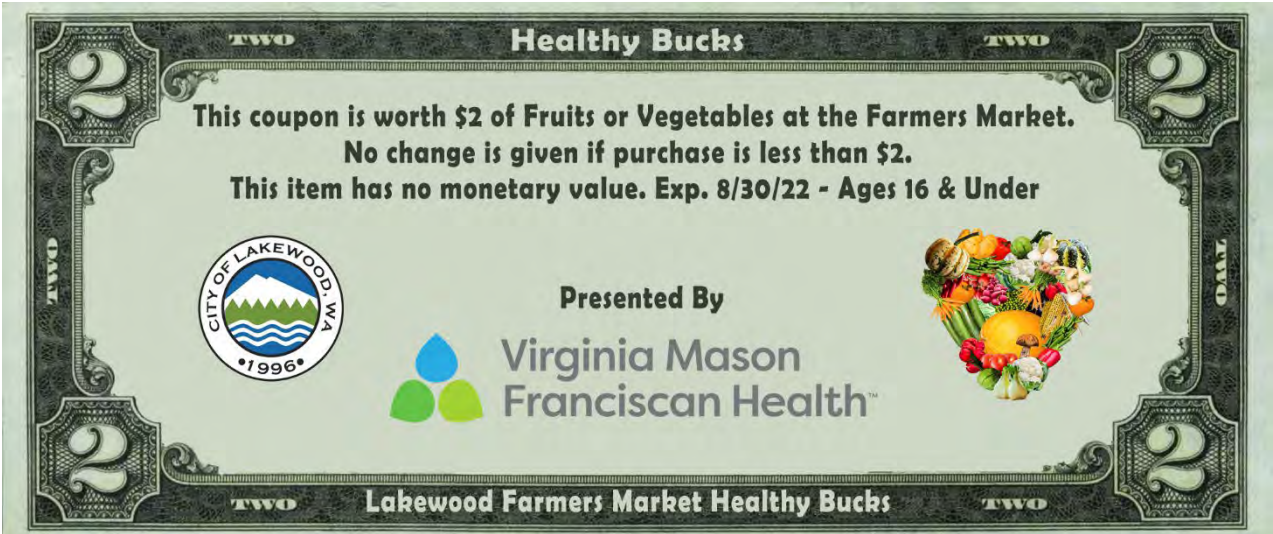
**FOOD TRUCKS, FARMERS,
VENDORS & PLENTY OF
FREE PARKING!**



**CITYOFLAKEWOOD.US/LAKEWOOD-FARMERS-MARKET/
SMARTINEZ@CITYOFLAKEWOOD.US**

- 70 vendors
- 21 Food vendors
- Attendance – 55,000
- Vendor Sales – \$648,000

New: SNAP/EBT



WIC and Senior WIC = \$90,524

Market ID	Farm Name/Market/Grower Farm Name	Total - WIC Farmers Market \$\$ Redeemed	Total - Senior Market \$\$ Redeemed	WIC & Senior Grand Total Markets
0147	Lakewood Farmers Market	\$ 23,168	\$ 67,356	\$ 90,524

New Vendors: Bakery Coffee Specialty Items



New Layout, focus on accessibility. New Vegan options



Memoranda KITCHEN	
Menu	
Sandwiches	Salads
All Memoranda's sandwich sauces are vegan.	
Faccia Brutta - \$11.50 Marinated pork shoulder, giardiniera, melted gouda, arugula, and monster sauce on french bread.	
Grilled Chimichurri Chicken Melt - \$11.50 Marinated chicken thigh, charred onions, arugula, melted gouda, monster sauce and chimichurri on french bread.	
Smoked Portobello Melt - \$11.50 [V] or [Veg] Smoked portobello, charred onion, arugula, melted vegan cheese or gouda, and monster sauce on french bread.	
	Sides
	Marinated grilled chicken thigh Served on a bed of arugula
	Marinated Chicken Skewer - \$3.50
	Chimichurri Chicken Skewer - \$3.50

New local micro greens and boutique vegetables

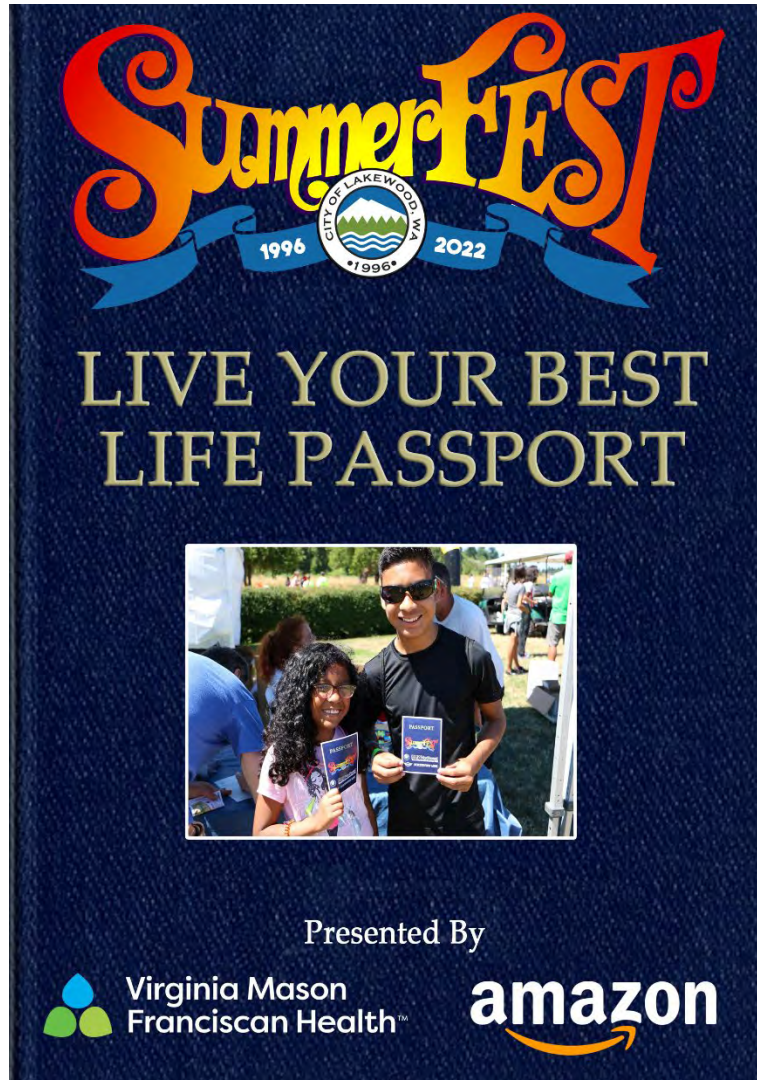


Shout out to Parks & Police employees & volunteers for Team Effort!



SummerFEST

NEW: Skim Boarding



SummerFEST

Fort Steilacoom Park • July 15, 2022 **NEW MORNING BALLOON RIDES**



New: Black Hawk Helicopter



New: Museum of Glass Hot Shop



New: Vuelta la Luna Circus



Fan Favorites





Grand Finale, International Stage





Truck and Tractor Day

Fort Steilacoom Park • July 15, 2022



Truck and Tractor Day

Fort Steilacoom Park • July 15, 2022



Summer Concert Series, Tuesdays

Fort Steilacoom Park





The poster features a large, stylized title 'Summer Nights at The Pavilion' in various colors and fonts. The word 'Summer' is in a large, dark blue font, 'Nights' is in a large, dark blue font, 'at' is in a small, teal font, 'The' is in a small, teal font, and 'Pavilion' is in a large, pink font. The background includes a stylized sun with rays and clouds. To the right of the title, the text 'CITY OF LAKEWOOD PRESENTS' is written in a small, dark blue font. Below this, the event schedule is listed with dates, band names, and genres. The location 'FORT STEILACOOM PARK' is written in a large, orange font at the bottom right of the poster.

TUESDAYS
6:30 - 8PM

CITY OF LAKEWOOD PRESENTS

June 28
AFRODISIACS DISCO / FUNK

July 12
HERDING CATS CLASSIC ROCK

July 19
OLSEN BROTHERS COUNTRY / ROCK

July 26
CANDY SHOPPE 60'S 70'S & 80'S HITS

August 9
GOOD CO. SWING MUSIC

August 16
PAPER BACK WRITER BEATLES COVER

FORT STEILACOOM PARK



Stop by the Lakewood farmers market first & grab dinner from food trucks, all in one location. 2pm -7pm.
cityoflakewood.us/lakewood-farmers-market/

Synergy with Farmers Market





Christmas Parade of Lights

Downtown Lakewood • December 10, 2022



Two Santa's! One Iconic Grinch



Over 35 entries in parade





CPSD engaged
350 students!



New! Latino Artist Reception

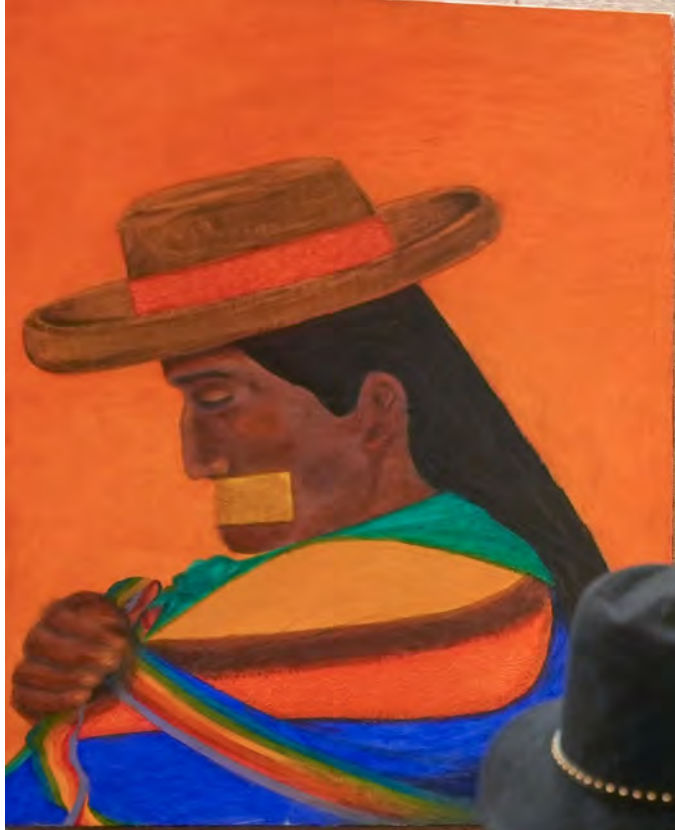
Lakewood City Hall • December 5, 2022











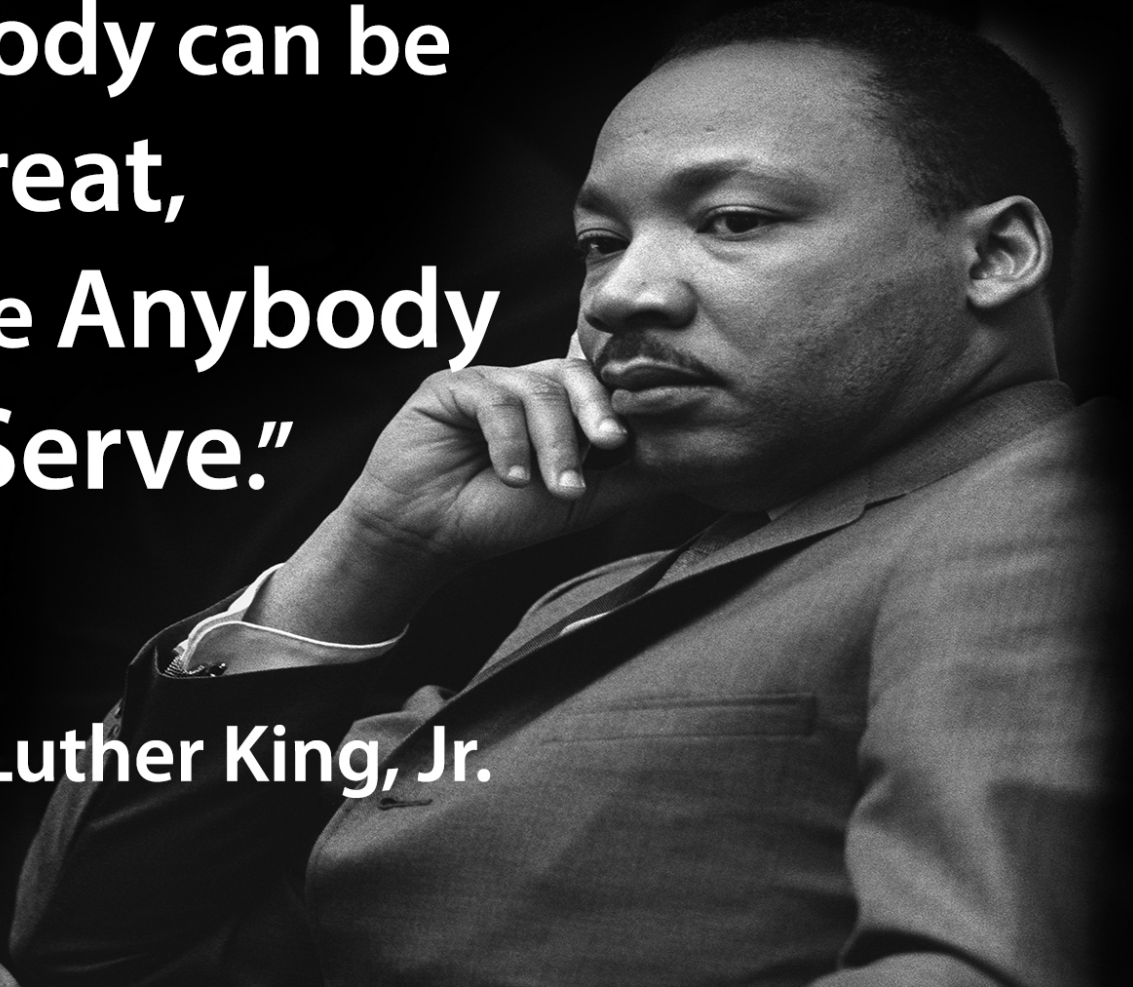
Farmer Jose
oil on canvas
1977



2023 MLK Celebration

**“Everybody can be
Great,
because Anybody
can Serve.”**

Martin Luther King, Jr.



What Next in 2023

- ▶ Fishing Event
- ▶ Yoga & Meditation
- ▶ Welcome Walks
- ▶ Saturday Street Festivals
- ▶ Summer Concerts
- ▶ SummerFEST
- ▶ Farmers Market
- ▶ Quarterly Artist Reception
- ▶ Truck and Tractor Day
- ▶ Holiday Parade & Christmas Tree Lighting





Save the Date 2023



Street Festivals

June 3 & Aug 12
Saturdays: 4:00 – 8:00pm
Motor Ave

Summer Concerts

June 27 – Aug 29
Tuesdays: 6:30pm – 8:00pm
Fort Steilacoom Park Pavilion

Farmers Market

June 6 – September 19
Tuesdays: 2:00pm – 7:00pm
Fort Steilacoom Park

SummerFEST

Saturday July 15,
10:00am – 11:00pm
Fort Steilacoom Park

Yoga & Meditation

4 days a week
cityoflakewood.us/yoga
Fort Steilacoom Park Pavilion

Fiesta de la Familia

Saturday, Sept 9
12:00 – 7:00pm
Fort Steilacoom Park

Truck & Tractor

October 14
12:00pm – 3:00pm
Fort Steilacoom Park

Christmas Parade

December 9
Lakewood City Hall

Stay up to date on all city events @ cityoflakewood.us/calendar/



LakewoodWA



Cityoflakewoodwa



City of Lakewood



cityoflakewood

CITY OF LAKEWOOD PRESENTS

Summer Nights at The Pavilion



FORT STEILACOOM PARK

JUNE 27 - AUGUST 29 • 6:30 - 8PM

**Fun for the
whole family!**

Enjoy the region's best LIVE performances

CITYOFLAKEWOOD.US/CONCERTS/

TUESDAYS

June 27

CHAPTER 5

July 11

HARMONIOUS FUNK

July 18

"I-5"

July 25

BEATNIKS

August 1

WALLY AND THE BEAVS

August 8

PAPERBACK WRITER

August 15

COPASTETIC

August 22

JOKERS RUN

August 29

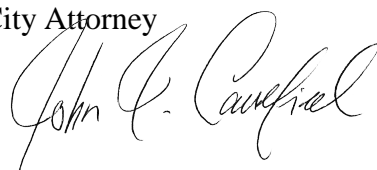
FUENTES M





TO: Mayor and City Council

FROM: Samantha Johnson, Assistant City Attorney

THROUGH: John Caulfield, City Manager 

DATE: March 13, 2023

SUBJECT: Review amendments to Lakewood Municipal Code No. 9.06 related to the use of Controlled Substances

ATTACHMENTS: Draft Ordinance

In 2021, the Washington State Supreme Court decided *State v. Blake*, 197 W.2d 170 (2021) and found former [RCW 69.50.4013](#), which made it a strict liability offense to possess a controlled substance in violation of the Uniform Controlled Substance Act, unconstitutional because the statute did not require proof that the offender knowingly possessed a controlled substance. Without proof of knowledge, the Court held the statute violated constitutional due process. In response, the state legislature amended RCW 69.50.4013 through [ESB 5476](#) during its 2021 legislative session to temporarily make it unlawful for a person to knowingly possess a controlled substance. Through this same legislation, however, the legislature enacted [RCW 10.31.115](#), which prohibits law enforcement from arresting or citing someone for unlawful possession of a controlled substance until the offender has twice before been “diverted” to voluntary social services. As a result, while it is still a crime to knowingly possess a controlled substance, law enforcement is prohibited from arresting a person who violates that law. There are a number of practical difficulties with RCW 10.31.115, including the lack of any regional or statewide tracking and referral system. Those difficulties have essentially led to the decriminalization of drug possession, even if an offender knowingly possesses a controlled substance illegally.

In response, offenders began more openly using and possessing controlled substances in public places. This conduct, coupled with the legislature’s simultaneous removal of law enforcement’s ability to arrest offenders for illegal drug possession, has negatively impacted the community and subjected its members to the adverse impacts associated with the public use of controlled substances. The negative impacts plagues business owners, home owners, tax payers, and future business potential for the City of Lakewood. There is open drug use all around the City of Lakewood, specific examples of public spaces are Lakewood Towne Center, Springbrook Park, Pierce Transit Center, Northwest Integrated Health, and along South Tacoma Way. Lakewood

Police Department has identified 100th and South Tacoma Way to Perkins Way an area highly affected by open drug use. In 2022, the Lakewood Police Department received 3,324 calls for service from 100th and South Tacoma Way to Perkins and South Tacoma Way (approximately .2 mile distance). This is an increase from the 2,606 calls for service this same area received in 2021. That is a 27.5% increase in calls for service in a .2 mile radius.

While the use of cannabis and alcohol, both legal substances, is prohibited in public and heavily regulated, there is no comparable state laws or regulations prohibiting the use of illegal or controlled substances, like methamphetamine, heroin, and fentanyl, in public. Although state law does preempt the field of setting penalties for violations of the state's Uniform Controlled Substances Act, [Ch. 69.50 RCW](#), cities are authorized to enact local laws that are not inconsistent with that state law. Because the Uniform Controlled Substances Act does not expressly permit or otherwise protect the public use of controlled substances, the city is authorized to regulate or prohibit that use.

The intent in this proposed legislation is to reduce the open use of drugs, reduce violent and property crimes, increase public safety, and allow an opportunity for court intervention and treatment.

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, PIERCE COUNTY, WASHINGTON, AMENDING LAKEWOOD MUNICIPAL CODE CHAPTER 9.06 RELATED TO CONTROLLED SUBSTANCES

WHEREAS, in *State v. Blake*, 197 W.2d 170 (2021), the Washington State Supreme Court found former RCW 69.50.4013, which made it a strict liability offense to possess a controlled substance in violation of the Uniform Controlled Substances Act, unconstitutional because the statute did not require proof that the offender knowingly possessed a controlled substance. Without proof of knowledge, the Court held the statute violated constitutional due process; and

WHEREAS, in response to *State v. Blake*, the state legislature adopted RCW 69.50.4013 during its 2021 legislative session, which provided a temporary correction to the law to make it unlawful for a person to knowingly possess a controlled substance. However, through this same legislation, the legislature enacted RCW 10.31.115, which prohibits law enforcement from arresting or citing someone for unlawful possession of a controlled substance until the offender has twice been “diverted” to voluntary social services; and

WHEREAS, the limitation imposed by RCW 10.31.115 has resulted in offenders openly using and possessing illegal drugs in public places, while simultaneously removing law enforcement’s ability to effectively remove the problem, all to the detriment of community members who face an increased risk of harm attributable to the adverse impacts associated with the use of illicit drugs in public; and

WHEREAS, while the use of cannabis and alcohol, both legal substances, is prohibited in public, there is no comparable state law that prohibits the use of illegal or controlled substances, like methamphetamine, heroin, and fentanyl, in public. On August 4, 2022, a two-year old child was injured at a Tacoma park when he picked up and ingested a fentanyl pill that had been left in the dirt at the park; and

WHEREAS, although state law does preempt the field of setting penalties for violations of the state’s Uniform Controlled Substances Act, Ch. 69.50 RCW, cities are authorized to enact local laws that are not inconsistent with that state law. Because the Uniform Controlled Substances Act does not expressly permit or otherwise protect the public use of controlled substances, the City is authorized to regulate or prohibit that use; and

WHEREAS, the City Council desires to act to keep the community safe, and the City Council desires to provide law enforcement and the prosecutor lawful ordinances to enforce to keep the community safe.

NOW THEREFORE, the City Council of the City of Lakewood, Washington hereby do ordain as follows:

Section 1. A new section, Section 9.06.090 of the Lakewood Municipal Code entitled

“Use of dangerous drugs in person,” is hereby created to read as follows:

9.06.090 Use of dangerous drugs in public.

A. It is unlawful for any person to intentionally use any dangerous drug in a public place, except as now or hereafter authorized or expressly permitted by the laws of the state or except upon the written or oral order or prescription of a physician, surgeon, dentist, or other medical professional surgeon licensed to practice in the state and legally authorized to prescribe controlled substances.

B. Definitions. For purposes of this section, the following terms or words shall be interpreted as follows:

1. “Dangerous drug” means any controlled substance classified in Schedule I, II, III or IV of Chapter 69.50 RCW, excluding cannabis, as it now exists or shall hereafter be added to, deleted from, modified, or amended.

2. “Public place” means an area generally visible to public view and includes without limitation any place where the public has a right of access, which includes without limitation sidewalks, parking lots and parking garages, streets, alleys, highways, or roads; public buildings and grounds, including schools, parks, playgrounds, and meeting halls; establishments to which the public is invited including restaurants, theaters, stores, gas stations, meeting halls, lobbies, halls and dining rooms of hotels, bars, taverns, pubs, or establishments where beer or soft drinks may be sold, and their associated parking lots, parking structures, walkways, doorways, and entrances; railroad trains, light rail facilities, buses, transit facilities, and other public conveyances of all kinds and character, and their

associated stations and platforms used in conjunction therewith which are open to unrestricted use and access by the public; and all other places of like or similar nature.

3. “Use” means any effort taken in furtherance of an attempt to inject, ingest, inhale or otherwise introduce a controlled substance into the human body.

C. Unless another section expressly provides otherwise, any person who violates any provision of this section shall be guilty of a misdemeanor.

Section 2. A new section, Section 9.06.100 of Lakewood Municipal Code entitled “Unlawful deposit of dangerous drugs and drug paraphernalia,” is hereby created to read as follows:

9.06.090 Unlawful deposit of dangerous drugs and drug paraphernalia.

A. It shall be unlawful for any person to knowingly dump, throw, deposit, or discharge onto the ground or into any body of water any dangerous drug, as that term is defined in LMC 9.06.090(B)(1), or drug paraphernalia, as defined in RCW 69.50.102, as those referenced provisions are currently enacted or hereafter amended or recodified. Unless another section expressly provides otherwise, any person who violates any provision of this section shall be guilty of a misdemeanor.

Section 3. A new section, Section 9.06.110 of Lakewood Municipal Code entitled “Severability,” is created to read as follows:

9.06.100 Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 4. This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval, and publication, as required by law.

ADOPTED by the City Council this 20th day of March, 2023.

CITY OF LAKEWOOD

Attest:

Jason Whalen, Mayor

Briana Schumacher, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney

Open Use Ordinance

Examples of open use of drugs in the City of Lakewood



In front of Starbucks on S. Tacoma Way in Lakewood



Outside Foothills Furniture Store




Foil used for drug paraphernalia



To: Mayor and City Councilmembers

From: Heidi Ann Wachter, City Attorney

Through: John Caulfield, City Manager 

Date: March 13, 2023

Subject: Protection and Preservation of Public Spaces

This is to revisit proposed legislation regarding the protection and preservation of public spaces. Original consideration was held on [October 24, 2022](#). The updated proposal adds the following:

Environmental protection, specifically of the watershed

The cities of Spokane and Tacoma each address the impact of illegal camping on the waters of the city. [City of Spokane ordinance C36272, recently adopted into Title 12 of the Spokane Municipal Code](#) and [City of Tacoma amended substitute ordinance 28831, as amended, passed October 11, 2022](#). The at-issue illegal camping does not have the benefit infrastructure such as restrooms and refuse containers, thus the environmental impact can be significant. Illegal campsites range from individual to significant numbers; though impact results even from a single person living proximate to water without infrastructure, collective impact can be severe.

Like the City of Tacoma, the waters of the City of Lakewood are part of the watershed that flows into Tribal fishing waters. Thus activity that negatively impacts the watershed in the City of Lakewood ultimately impacts Tribal fishing rights.

The City of Kent similarly focuses on the impact of the activity on the property used. The Kent ordinance prohibits camping “on public property and locations on which unlawful camping is destructive to the property’s intended purpose. [City of Kent proposed ordinance 4443, repealing Chapter 8.09 of the Kent City Code and replacing it with a new chapter.](#)

The waters to be protected under the proposed ordinance are the same waters the City has protected under the Critical Areas Preservation section of the Shoreline Master Program. The attached map shows these areas.

Use of public property

In addition to impact on waters throughout the City is consideration for the impact of camping in any public place. The original draft ordinance presented prohibited storing belongings on city-owned property overnight. The current proposal prohibits such storage on any publicly owned property.

The proposal is to protect all publicly owned property rather than focus exclusively on City property. In order to clarify this from the draft discussed by the City Council in October, a definition of “public entity” has been added to the proposed ordinance. The intent is to protect all public property including rights-of-way regardless of which public entity owns the property.

A discussion point is whether a public entity can choose to allow storage of personal property on that entity’s property. Note in Section 4 of the proposed ordinance that the City can take action or authorize by City Code the storage of personal property. Would the same be possible for another public entity?

If the goal is to protect public property throughout the City of Lakewood, the recommendation is to keep the proposed language as it is. To the degree another public entity wants to allow the storage of personal property on their public property, the public entity would need to work with the City of Lakewood and the City could exercise its authority under the ordinance.

Availability of Overnight Shelter

Many cities have adopted legislation similar to what is proposed to this City Council. Case law continues to hold against cities for such legislation when there is no available overnight shelter for the individual in violation of the legislation.

While courts have held against cities under the overarching theme that an individual who has no available shelter options can only sleep in public areas and should not be rendered a criminal for doing so, the courts have not provided guidance as to what constitutes “available bed space.” Like the City of Lakewood, many of the cities adopting this type of ordinance are bounded by cities that have shelter space. The assumption that each city must provide its own shelter space has yet to be tested; it may be that one city relies on another for shelter space.

In [*Martin v. Boise*](#), the court declared that a governmental entity cannot “criminalize conduct that is an unavoidable consequence of being homeless – namely sitting, lying, or sleeping.” Similarly, [*Johnson v. City of Grants Pass*](#) began as a class action lawsuit approximately six weeks after the *Martin* opinion. Grants Pass had passed several ordinances related to the regulation of sleeping outside, which, taken together, made it nearly impossible to sleep outside with any form of bedding or shelter, or in a vehicle, on public land. This case is now petitioning to the U.S. Supreme Court for consideration and the International Municipal Lawyer’s Association is preparing supportive briefing (Amicus, or “friend of the Court” briefing).

Under the City’s current Code and under this legislation, enforcement requires confirmation that the City has available options for shelter.

ORDINANCE NO. XXX

AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating Chapter 9.15 of the Lakewood Municipal Code entitled “Occupation of Public Property”.

WHEREAS, pursuant to Article XI, Section 11 of the Washington Constitution and RCW 35A.11.020, the City of Lakewood is authorized to regulate public property; and

WHEREAS, public property is intended to be used by the public for public purposes, including daily City operations, park recreational use, pedestrian, bicycle and vehicular transportation and other public uses; and

WHEREAS, there is an awareness that when the unhoused population does not have available overnight shelter, public property can be unavailable to the general public for its intended purposes; and

WHEREAS, the City of Lakewood has expanded its human services programs by dedicating 1% of its general fund to growing its partnerships with local non-profit organizations for the purpose of improving its coordination of existing services, including programs specifically related to improving the lives of the unhoused residents of the city; and

WHEREAS, in partnership with Pierce County and the City of Tacoma the City of Lakewood allocated \$1,000,000 to the Low Income Housing Institute (LIHI) Hosmer Housing LLC, to acquire and convert property to an emergency shelter for homeless households (Aspen Court, for example); and

WHEREAS, in *Martin v City of Boise*, 920 F. 3d 584 (9th Cir. 2019), the Ninth Circuit Court of Appeals held that the Eighth Amendment to the United States Constitution prohibits cities from enforcing ordinances criminalizing camping on public property when there is no available shelter; and

WHEREAS, in *Johnson v City of Grants Pass, United States Court of Appeals, Ninth Circuit, Nos. 20-35752, 20-35881 decided September 28, 2022* the Ninth Circuit Court of Appeals held that ordinances that operate to make it “nearly impossible” to sleep outside with any form of bedding or shelter, or in a vehicle, on public land violate the Cruel and Unusual Punishment clause of the constitution; and

WHEREAS, this Ordinance makes it unlawful to occupy and store personal property on public property overnight, but suspends enforcement against those experiencing homelessness if overnight shelter is not available; and

WHEREAS, the City Council finds that the regulatory requirements within this ordinance are necessary to promote public health, safety and welfare by preserving public use of public spaces for which they are intended; and

WHEREAS, illegal camping alongside Lakes, Rivers, Waterways, Creeks and Streams, including but not limited to Shoreline Environments protected under the adopted Shoreline Management Program; and Critical Areas and Resource Lands Regulations (wetlands, critical

aquifer recharge areas, fish and wildlife habitat areas), under the adopted Critical Areas Ordinance (collectively referred to hereinafter as “Protected Waters” as shown on the attached map), contributes to littering and human waste being found in and around the Protected Waters; and

WHEREAS, Protected Waters can serve as habitat for Endangered Species Act species; and

WHEREAS, critical habitat supporting endangered species is degraded by the litter and human waste that are a component of illegal camping; and

WHEREAS, the City’s critical areas preservation section of its Shoreline Master Program specifically calls out concern for “any activity which would destroy the natural vegetation; result in a significant change in critical habitat, water temperature, physical, or chemical characteristics; or alter natural contours and/or substantially alter existing patterns of tidal, sediment, or storm water flow on any land which meets the classification standards for any critical area,”; and

WHEREAS, illegal camping alongside the Protected Waters and impacting the associated watershed affects not only public health and safety generally, but also specific Tribal treaty fishing rights, and the ability of Tribes to practice the Treaty protected right to harvest and consume fish and shellfish; and

WHEREAS, prohibiting illegal camping within 200 feet of the Protected Waters will protect the integrity of the Protected Waters, and protect the Tribal members and their fishing rights as well as the local community who enjoy and recreate along these protected waters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. A new chapter of the Lakewood Municipal Code, Chapter 9.15, entitled “Occupation of Public Property” is hereby created.

Section 2. That Section 9.15.010 entitled “Purpose” is hereby created to read as follows:

It is the purpose of this chapter to promote public health, safety, and welfare by preserving for public use public spaces.

Section 3. That Section 9.15.015 entitled “Definitions” is hereby created to read as follows:

“Available overnight shelter” means a public or private facility, with an available overnight space, open to person(s) experiencing homelessness at no charge, which must be located within a 35-mile radius with the starting point of Lakewood City Hall, and to which the city facilitates transport.

“Occupy” means to evidence an intent to remain in a place, at least overnight. Intent can be evidenced by setting up tents, shelter, or bedding, for example.

“Personal property” means an item(s) recognizable as belonging to a person, has apparent utility or value in its current condition, and is not hazardous.

“Public entity” is the state, county, any municipal corporation, or other taxing district and includes any and all divisions and subdivisions thereof, including but not limited to entities referred to throughout state law as follows: agency, district, general purpose government, governmental entity, governmental body, instrumentality, local agency, local government, local governmental entity, local public agency, local public body, municipal corporation, municipality, political subdivision, public agency, public body, public body corporate and politic, public corporation, quasi-municipal corporation, special district, special purpose district, taxing district, and units of government; and

“Public property” means all parks, streets, rights-of-way, sidewalks and any other property in which the city has a property interest.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location regardless of the length of time; the defining characteristic is that the items are not in use and not discarded; they are on public property for future use by the owner.

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. Wetlands are specifically protected under the City’s Shoreline Management Program and Critical Areas Ordinance.

Section 4. That Section 9.15.020 entitled “Unlawful occupation of public property” is hereby created to read as follows:

Unless caused by city action, or otherwise authorized by city code, city contract or permit, it shall be unlawful for any person to occupy public property.

Section 5. That Section 9.15.025 entitled “Unlawful storage of personal property on public property” is hereby created to read as follows:

A. Unless caused by city action, or otherwise authorized by city code, city contract or permit, it shall be unlawful for any person to store personal property on any public property overnight.

B. Removal of Personal Property. The city may remove unlawfully stored personal property after the city provides necessary notice and an opportunity to be heard. The city shall facilitate there storage of personal property if required by law.

Section 6. That section 9.15.027 entitled “Protection against harm to Protected Waters” is hereby created to read as follows:

No person may cause harm to any Protected Waters in the city of Lakewood or the natural areas that buffer these Protected Waters. No person may do any of the following on any public property abutting Protected Waters:

1. Build or erect a structure of any type along the Protected Waters or drive a nail or other object into any tree or other natural vegetation for the purpose of building a shelter or any other structure, or for affixing an object to any tree or other natural vegetation.
2. Dig on the banks of any Protected Waters.
3. Move boulders, destroy vegetation, pave roads or paths, or otherwise reconfigure the natural landscape or other City-approved development on the banks of any Protected Waters.
4. Drive, park or bring any vehicle onto any portion of the banks of any Protected Waters that is not designated for vehicle traffic and/or parking.
5. Discharge garbage, refuse, or human or animal waste along the banks or into any Protected Waters.

Section 7. That Section 9.15.030 entitled “Enforcement” is hereby created to read as follows:

The city shall not enforce the provisions of Lakewood Municipal Code 9.15.020 or 9.15.025 against persons experiencing homelessness if there is no available overnight shelter that can be used by that particular person. If available overnight shelter is available, the shelter space must be offered to the person(s) experiencing homelessness, along with other available human services. Only if the shelter space is refused can the provisions of Lakewood Municipal Code 9.15.020 and 9.15.025 be enforced against persons experiencing homelessness.

Section 8. That Section 9.15.035 entitled “Rules” is hereby created to reads as follows:

The Chief of Police is hereby authorized to adopt rules, regulations, administrative policies, and procedures for implementing the provisions of this chapter.

Section 9. That Section 9.15.040 entitled “Penalty for violations” is hereby created to reads as follows:

A. Violation of any of the provisions of this chapter is a misdemeanor, and shall be punished as follows:

1. First Offense. Any person violating any of the provisions of this chapter shall, upon conviction of such violation, be punished by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment.

2. Second Offense. Any person who violates any of the provisions of this chapter, upon conviction of such violation, a second time within a five-year period shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. One hundred dollars of the fine and one day of imprisonment shall not be suspended or deferred.

3. Third or Subsequent Offense. Every person who violates any of the provisions of this chapter, upon conviction of such violation, a third or more times within a five-year period shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. Five hundred dollars of the fine and five days' imprisonment shall not be suspended or deferred.

4. Prior to imposing any fine for violation of this chapter, the court shall make an inquiry as to a person's ability to pay. If a person is unable to pay the monetary penalty set forth in subsection (A)(1), (2) or (3) of this section, the court is explicitly authorized to order performance of community service or work crew in lieu of a monetary penalty.

Section 10. The implementation of this ordinance shall be applied to any individuals who occupy public property illegally. The offer of assistance, including food and available shelter shall be documented.

Section 11. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 12. Effective Date. That this Ordinance shall be in full force and effect thirty (30) days after publication of the Ordinance Summary.

ADOPTED by the City Council this ____ day of March, 2023.

CITY OF LAKEWOOD

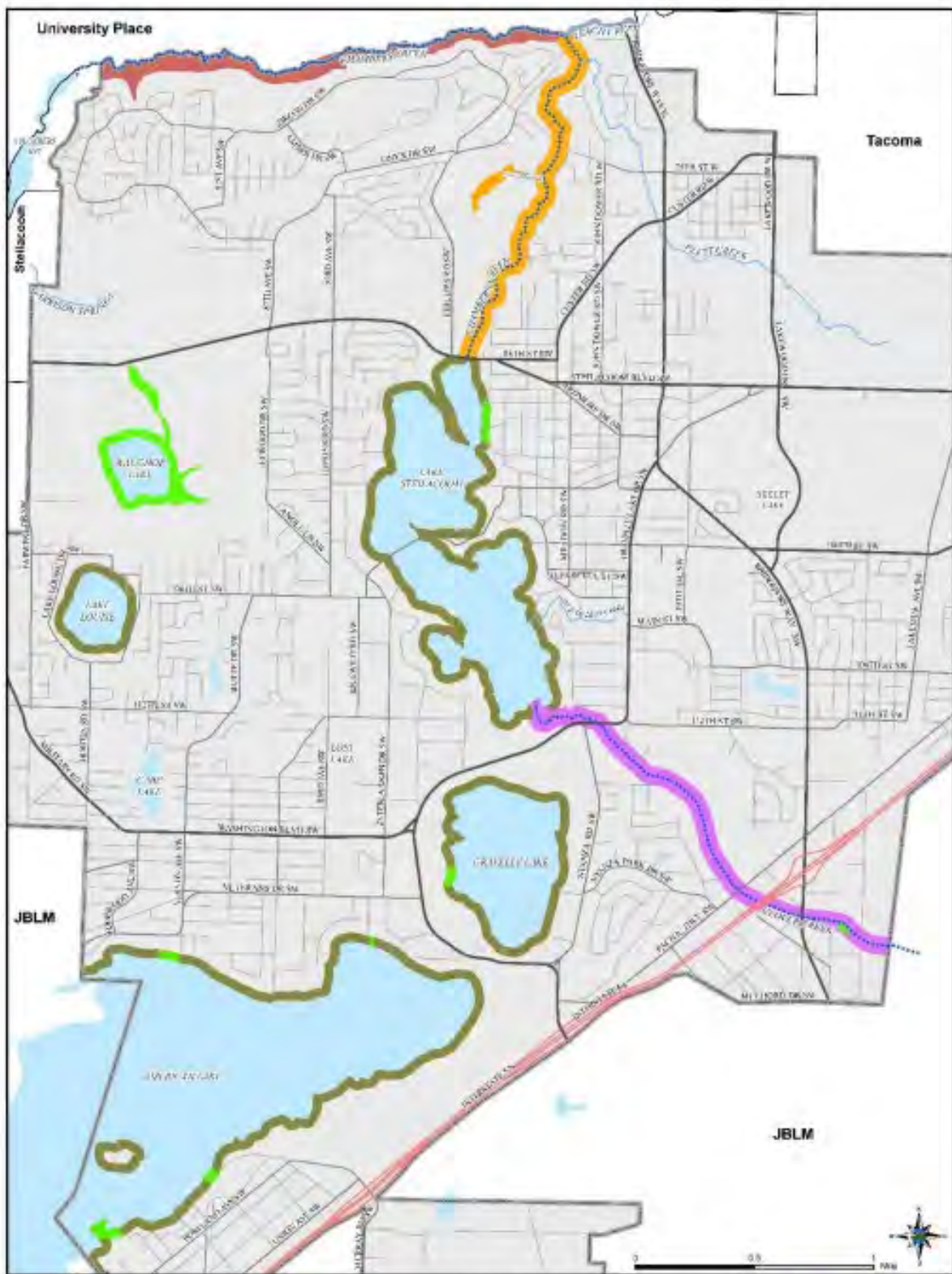
Attest:

Jason Whalen, Mayor

Briana Schumacher, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney



City of Lakewood Shoreline Master Program
Figure 1: Environment Designations

Legend

- Conservation Environment
- Natural Environment
- Shoreline Residential Environment
- Urban Park Environment
- Urban Stream Protection Environment
- Streams (Designated Aquatic Environment)
- Aquatic Environment
- Lakewood City Boundary
- Surrounding Jurisdictions



Shoreline and other land use designations depicted on this map are approximate. They should not be used for planning or other purposes without the approval of the City of Lakewood. The City of Lakewood is not responsible for any errors or omissions on this map.

This project was prepared with the City of Lakewood, Department of Planning and Information Systems (GIS). City of Lakewood expressly disclaims any liability for any inaccuracies which may be present. This is not a survey. Data were collected at different accuracy levels by various sources. Call 253-112-2899 for further information.

Map created: January 26, 2005
Updated: April 14, 2019

Figure 1



Lakewood Housing: Policy, Zoning and Regulation in 2023, 2024, and ?

City Council

March 13, 2023

Tiffany Speir, Long Range & Strategic Planning Manager

At the request of the City Council, beginning with the March 13, 2023 meeting and through the middle of 2024, the Council will be provided status updates on the 24CPDR process and public participation. Actual draft policy and regulation amendments will be presented to the City Council in 2024.

The current status update schedule is included below:

2023:

March 13 - Housing

June 12 – Climate Change and Critical Areas

July 10 – Land Use, Parks & Open Space

August 28 – Transportation

October 9 – Tillicum Neighborhood Plan Update

November 27 – Other Comprehensive Plan Elements and Development
Regulations under review

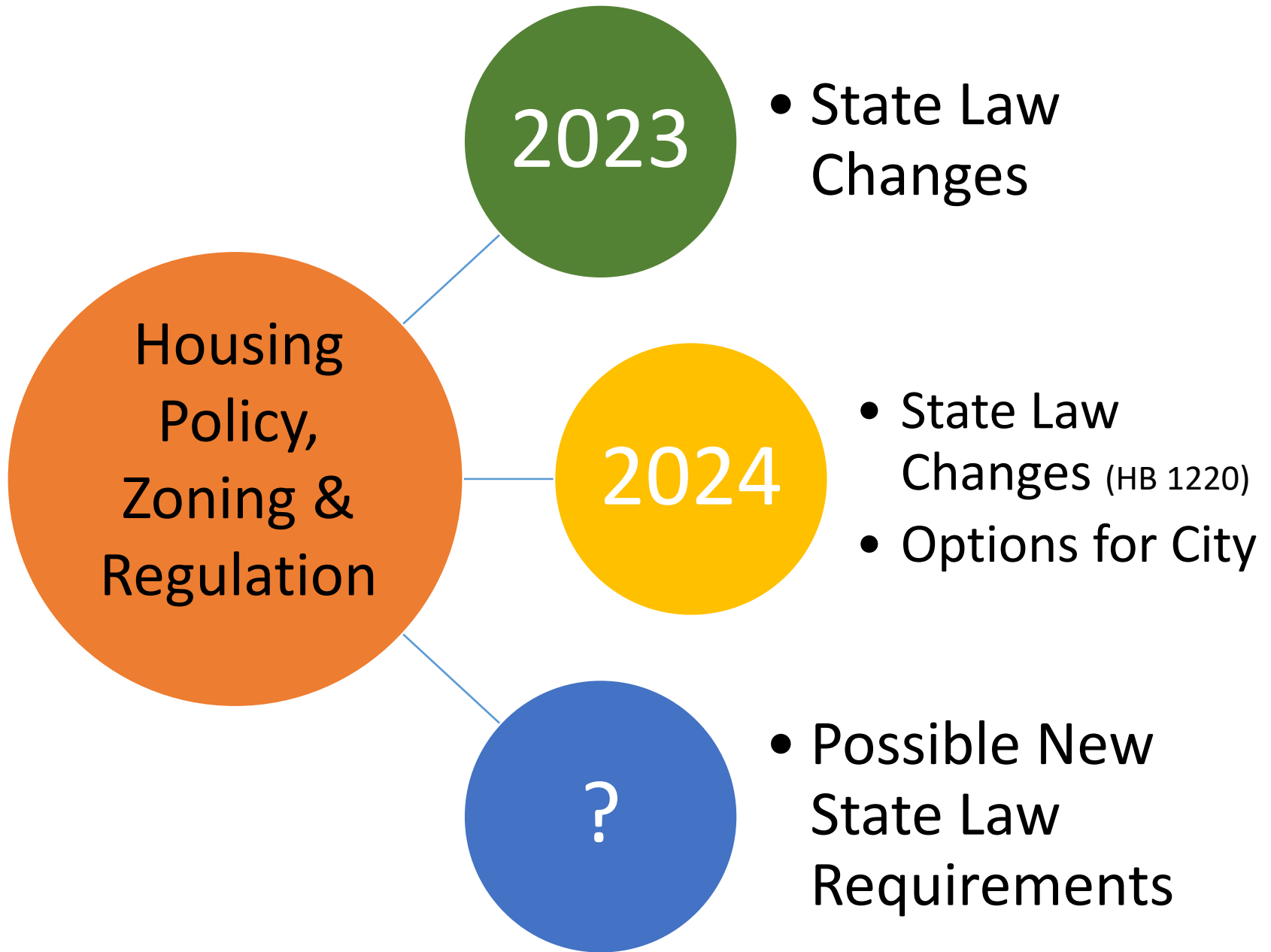
2024:

January 22 - 2024 Periodic Review Activities

March 11 - TBD

May 13 - TBD

June 24 (start of City Council legislative review of package)





2023

Housing Planning efforts per State Law and/or Regional Planning Policies

When	What	Why	How
2023	<p>Allow and update development regulations for:</p> <ul style="list-style-type: none"> - Permanent Supportive Housing, - Transitional Housing, - Indoor Emergency Housing and - Indoor Emergency Shelter <p>in Commercial 1, 2, and 3 Zones.</p>	<p>RCW 35A.21.430: "A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed."</p> <p>HB 1220: Effective September 30, 2021, a city shall not prohibit indoor emergency shelters and indoor emergency housing in either: (1) all zones where hotels are allowed; or (2) a majority of zones within one-mile of transit</p>	<p>2023 Annual Comprehensive Plan & Zoning Map Amendment Cycle</p>
	<p>Allow Foster Care Facilities in Residential 1,2, 3, 4; MF 1, 2, 3; MR 1, 2; ARC; and CBD Zones</p>	<p>GMA (RCW 36.70A.070.2(c)) Identify sufficient capacity of land for housing including, but not limited to, . . . <u>foster care facilities</u>[.]</p>	
	<p><u>Amend</u> Housing Development Regulations to be consistent with policy and zoning changes</p>	<p>GMA</p>	



2023

Housing Planning efforts per State Law and/or Regional Planning Policies

Zone	Permanent Supportive Housing*	Rapid Rehousing	Transitional Housing*	Emergency Housing	Emergency Shelter	Foster care
R1	P	P	P	P	P	P
R2	P	P	P	P	P	P
R3	P	P	P	P	P	P
R4	P	P	P	P	P	P
MR1	P	P	P	P	P	P
MR2	P	P	P	P	P	P
MF1	C	P	C	C	C	P
MF2	C	P	C	C	C	P
MF3	C	P	C	C	C	P
ARC	C	P	C	C	C	P
NC1	C	P	C	C	C	
NC2	C	P	C	C	C	
TOC	C	P	C	C	C	
CBD**	C	P	C	C	C	P
C1	C	C	C	C	C	
C2	C	C	C	C	C	
C3	C	C	C	C	C	

Housing Planning efforts per State Law and/or Regional Planning Policies

When	What	Why	How
2024	<u>Identify the number of housing units necessary to manage both current and projected housing needs, including units needed for:</u> <ul style="list-style-type: none"> - moderate (80-120% AMI), - low (50-80% AMI), - very low (30-50% AMI), and - extremely low-income (0-30% AMI) households. 	HB 1220 (passed 2021), GMA	2024 Comprehensive Plan Periodic Review <ul style="list-style-type: none"> - Department of Commerce calculation of Lakewood share of Pierce County current & projected housing needs - Lakewood Housing Needs Assessment
	<u>Document sufficient land capacity to accommodate appropriate housing types for all AMI segments.</u>		
	<u>Assess “barriers such as development regulations, and other limitations” as part of “documenting programs and actions needed to achieve housing availability.”</u>		
	<u>Identify programs and actions that, when implemented, have the potential to overcome barriers to housing production.</u>		

HB 1220: “Identify the number of housing units necessary to manage both current and projected housing needs, including units needed for all economic segments [by 2044].”

- Separate from Population, Housing and Employment Targets adopted through Pierce County Council Action. City must “identify”/”document”/”assess” per HB 1220

2044 Housing Growth Target per Ordinance 2022-46s: **9,714 units**

City must plan for 2044 Targets – “the minimum number of residents, housing units, and jobs to accommodate within the appropriate planning horizon”

HB 1220 March 2023 Commerce Calculation of Current & Projected Housing Need for All Economic Segments: **9,374 units (6.91% of Pierce Co. Total)**

Commerce 2044 Allocation **Method A** for Lakewood's 9,374 units for all economic segments:
 "All jurisdictions get the same share of growth at each income level"

0-30% AMI PSH*	0-30% AMI Non-PSH	>30-50% AMI	>50-80% AMI	>80-100% AMI	>100-120% AMI	>120% AMI	Emergency Hsg.
1,112	1,392	1,581	1,400	665	606	2,618	499

* PSH = permanent supportive housing

Commerce 2044 Allocation **Method B** for Lakewood's 9,374 units for all economic segments:
 "Each jurisdiction will have the same percentage share of their total housing supply at each income level by 2044"

0-30% AMI PSH	0-30% AMI Non-PSH	>30-50% AMI	>50-80% AMI	>80-100% AMI	>100-120% AMI	>120% AMI	Emergency Hsg.
1,274	1,479	-153*	-1,871*	1,726	1,811	5,118	634

*Negative #s = "overage" of this # of units now, so less % of them needed as part of housing in City by 2044

The decision on which method to use is currently being reviewed at the GMCC level and will be discussed at the PCRC in Spring 2023.

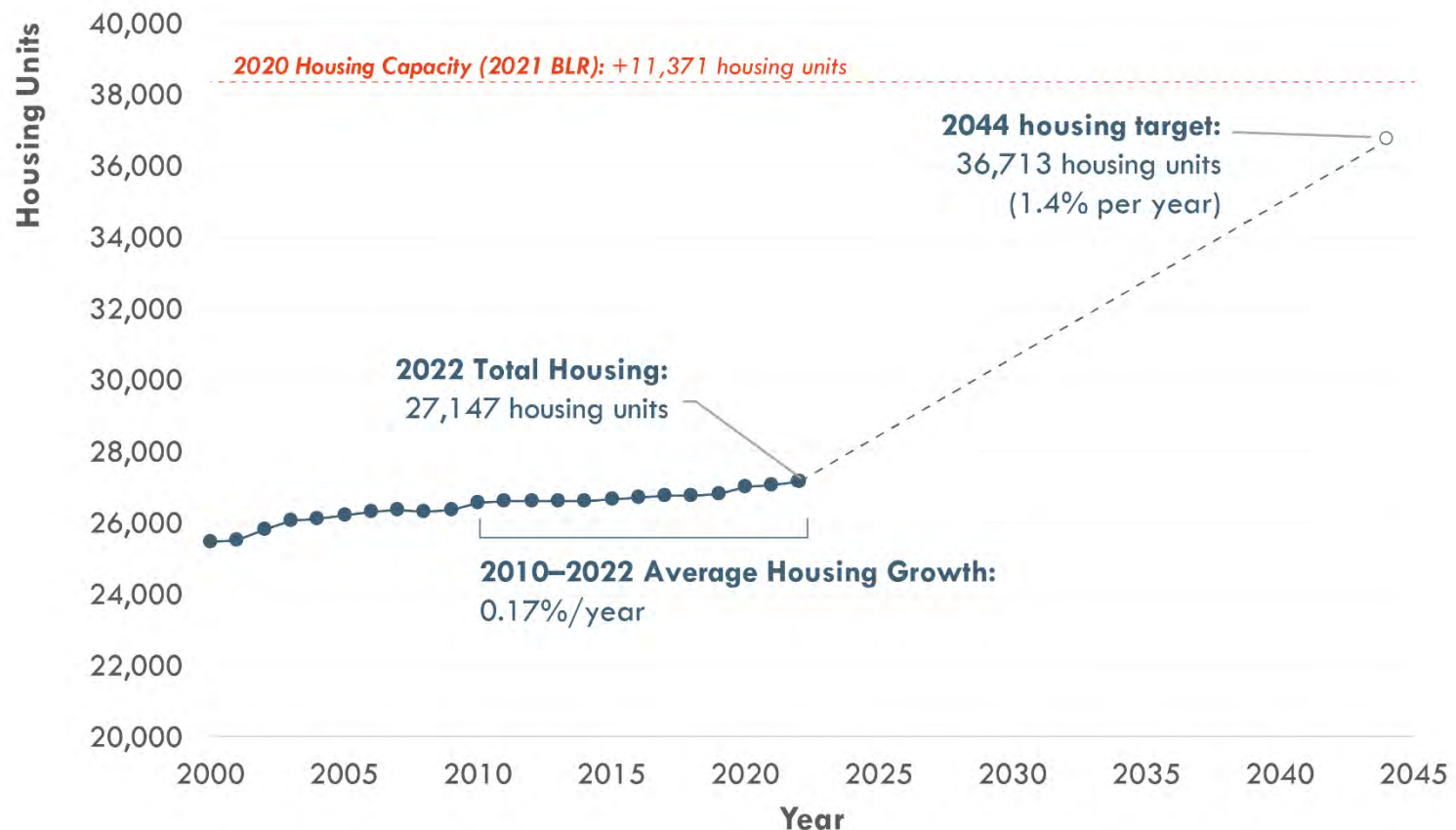
Housing Planning efforts per State Law and/or Regional Planning Policies

When	What	Why	How
2024	<u>Identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:</u> <ul style="list-style-type: none"> ○ Zoning that may have a discriminatory effect ○ Disinvestment; and ○ Infrastructure availability 	HB 1220, GMA	2024 Comprehensive Plan Periodic Review - Lakewood Housing Needs Assessment
	<u>Establish policies and regulations</u> to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions.		
	<u>Identify areas that may be at higher risk of displacement</u> from market forces that occur with changes to zoning development regulations and capital investments.)		
	<u>Establish anti-displacement policies</u> , with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.		

2023 Lakewood Housing Needs Assessment

As of April 2022, the state Office of Financial Management estimated that Lakewood had a total of 27,147 housing units.

- Net housing production in Lakewood has been nominal since incorporation.
- Future housing production can be accommodated to meet the city's growth targets, but the **rate of development will have to increase significantly.**



2023 Lakewood Housing Needs Assessment

Projected Housing Needs

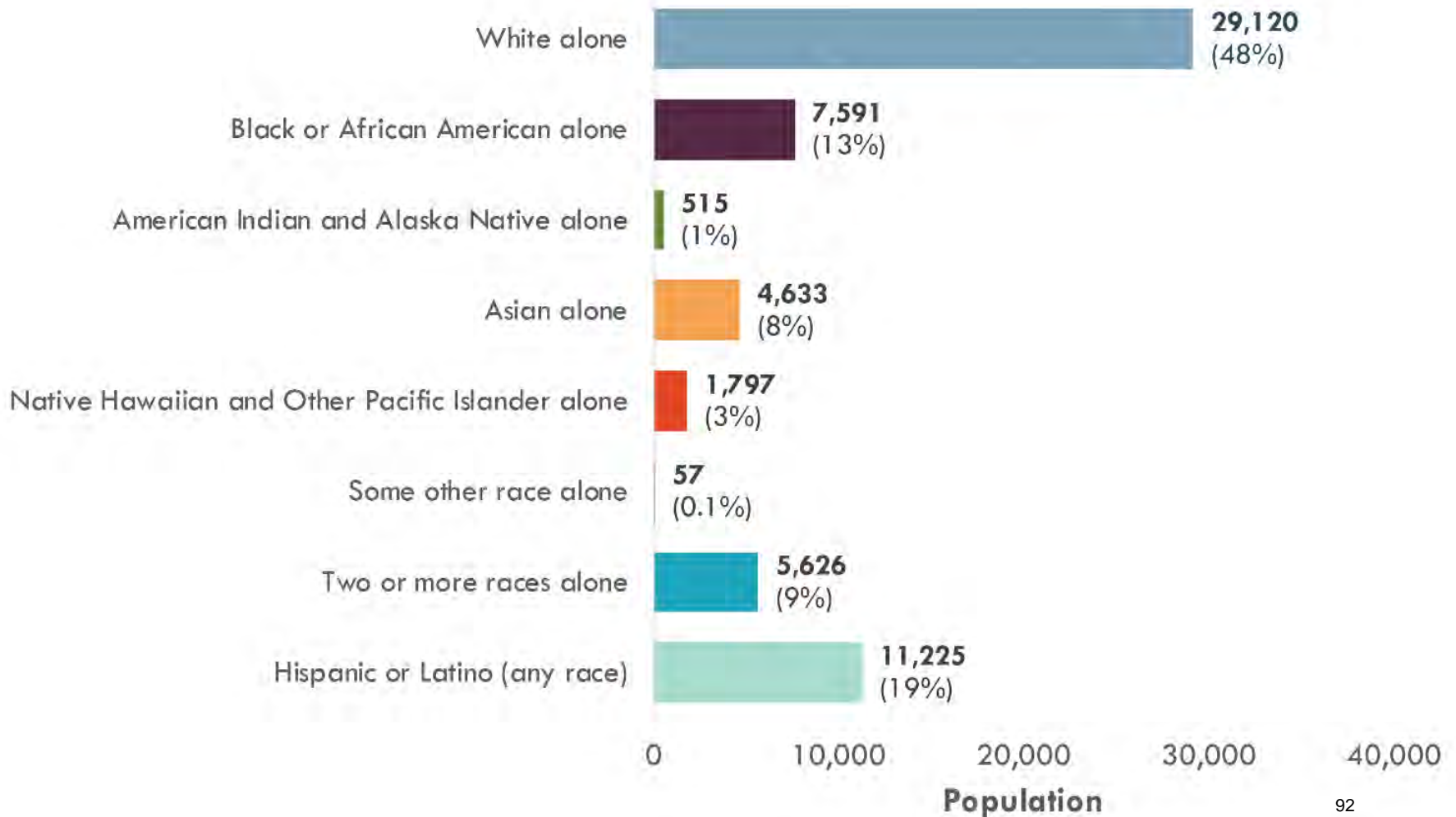
- Lakewood will need to **rely on redevelopment opportunities.**
- **Capacity is focused in existing multifamily areas.**
- There is a **real potential for displacement** of lower income residents.
- Lakewood needs to begin planning for indoor **emergency housing** units.

Housing by Income Band

- **A substantial amount of new housing will need to be targeted to high-income households in multifamily development.** This is due in part to the large number of these households choosing to own housing with rents lower than what they might be able to afford.
- 59% of Lakewood's HB 1220 Commerce-identified housing need is at 80% AMI or below and 27% is proposed for households at 30% of area median family income or below.
- This is a **substantial policy change**, as the current Comprehensive Plan identifies that 25% of housing should be directed to households making 80% of median income or less. (See Policies LU 2.14. Goal 4.2, and other language in the Lakewood Comprehensive Plan.)

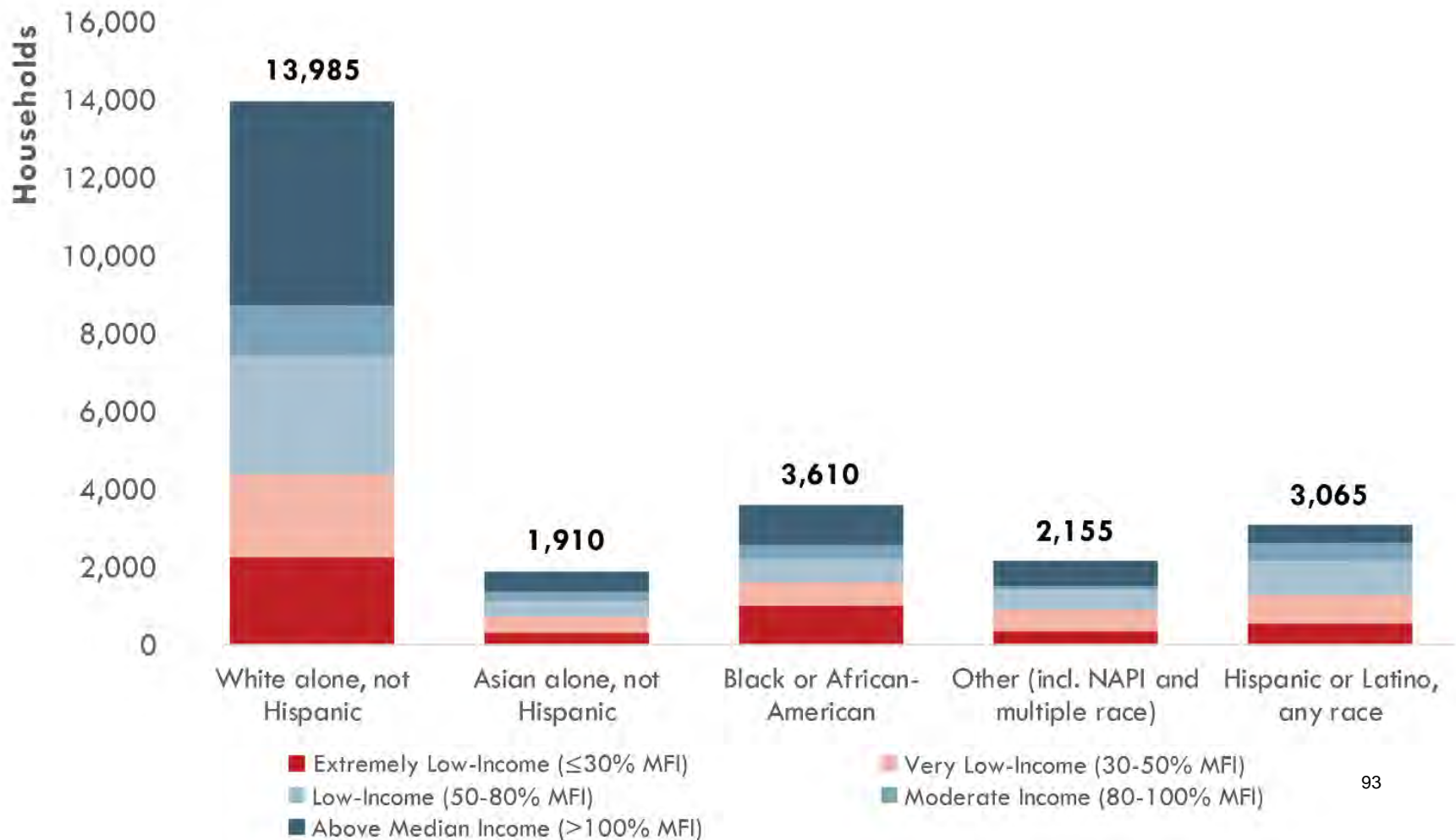
2023 Lakewood Housing Needs Assessment

Population of Lakewood by Race/Ethnicity, 2020: 52% BIPOC.







2023 Lakewood Housing Needs Assessment





Count of Households by Race and Household Income, 2019.

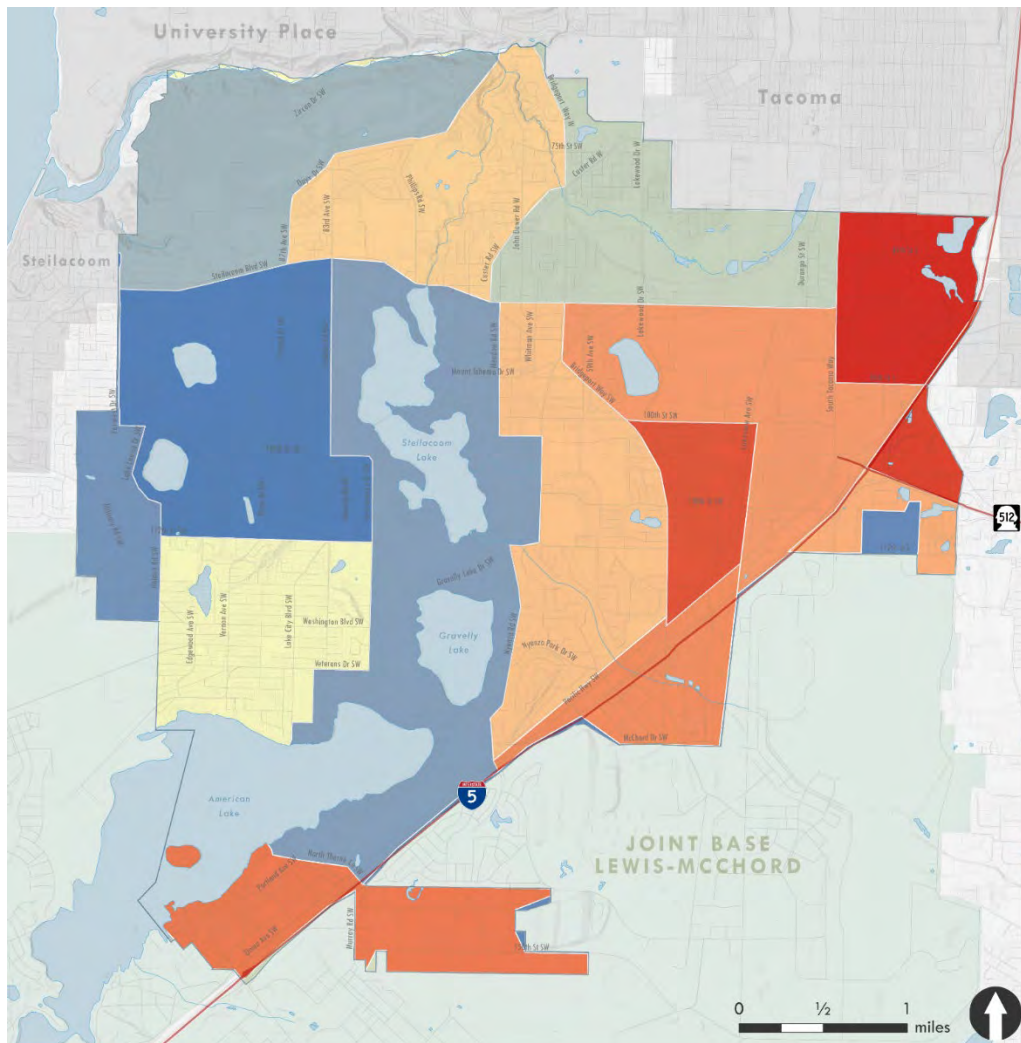


Legend

-  City of Lakewood
-  Other cities
-  Joint Base Lewis-McChord
-  Water

Social Vulnerability Index

-  Low Vulnerability
- 
- 
-  High Vulnerability



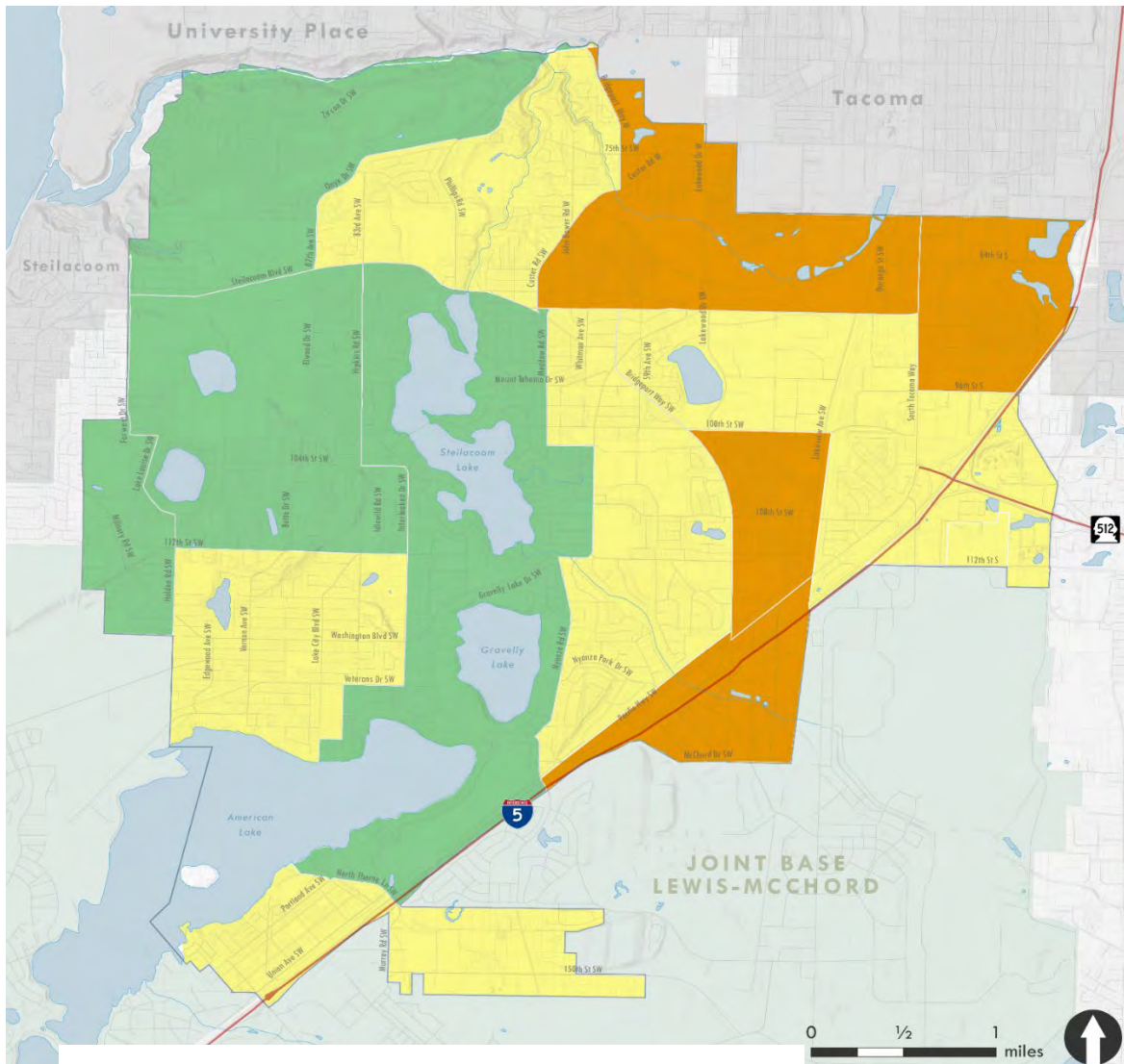
The CDC and Agency for Toxic Substances and Disease Registry (ATSDR) have developed a **Social Vulnerability Index (SVI)** to identify populations vulnerable to significant impacts from hazardous events. Four groups of indicators that highlight particular risk factors for local populations:

- **Socioeconomic Status**, including poverty rates, unemployment, income, and adults without high school diplomas.
- **Household Composition and Disability**, including the proportion of children and seniors, single-parent households, and populations with disabilities.
- **Minority Status and Language**, including minority status and residents that speak English “less than well”.
- **Housing Type and Transportation**, including the number of multi-unit structures and mobile homes, crowding of households, households with no vehicles, and percentage of housing as group quarters.

Source: [CDC/ATSDR Social Vulnerability Index website](https://www.cdc.gov/atdsr/socialvulnerability/index.html)

Highlights from draft Lakewood Housing Needs Assessment re Racially Disparate Impacts and Risk of Displacement Findings

- There are **significant differences in income distributions in the City between White and BIPOC households.**
 - There are a disproportionate number of extremely low-income Black or African-American households.
 - Black or African-American renters face significant cost burdens in the market.
 - There are fewer Hispanic/Latino households with above median income.
 - There is a significant lack of homeownership amongst households of color.
- The largest risk of **displacement** areas are found on the eastern and southern edges of Lakewood.
- The most critical focus area for **anti-displacement policies** will be the Lakewood Station District and the Lakeview/Kendrick area.
- **Businesses** in the Lakewood Station area as well as in the International District may also be at risk.



Legend

- City of Lakewood
- Other cities
- Joint Base Lewis-McChord
- Water

PSRC Displacement Index

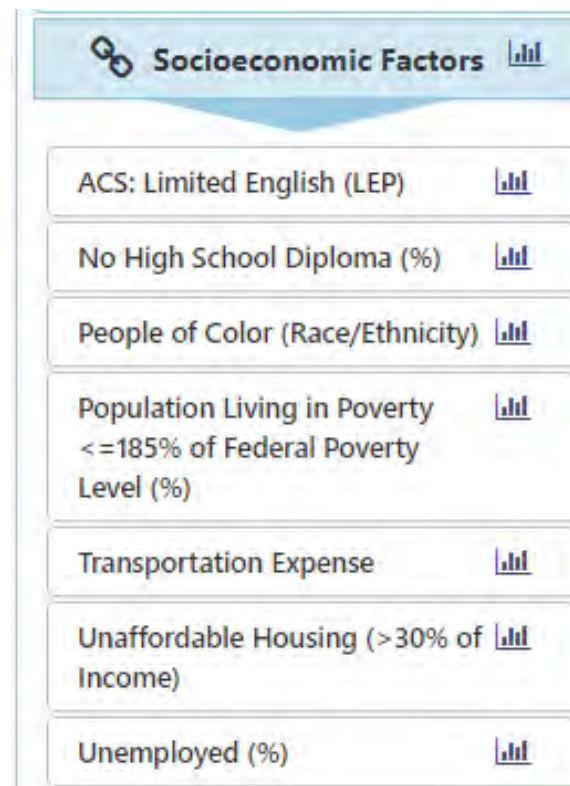
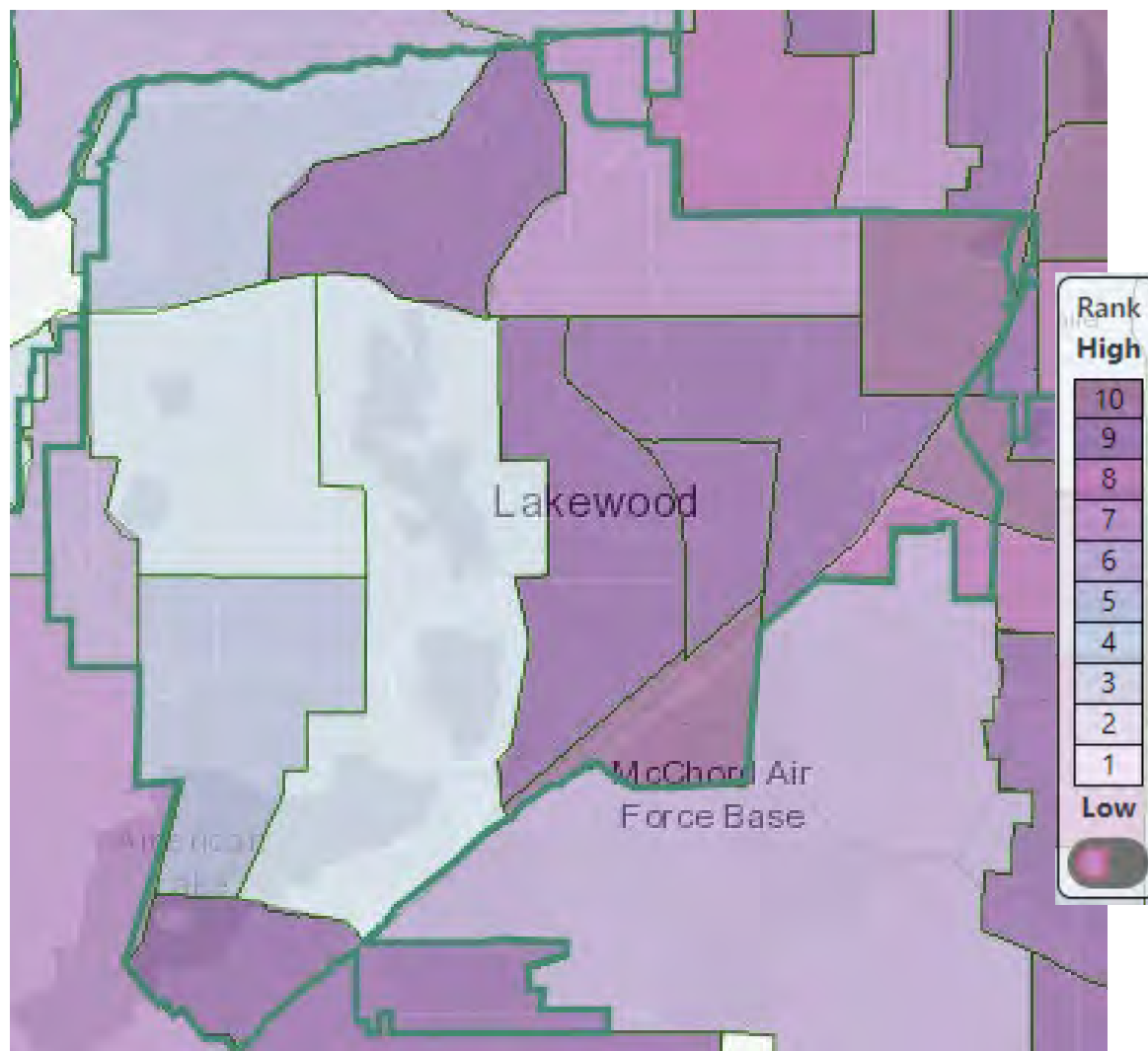
- Lower
- Moderate
- Higher

Displacement Risk Factors:

- **Socio-demographic characteristics**, such as populations of color, English language skills, proportion of renters, and household incomes.
- **Transportation access** in the local neighborhood, represented by access to employment and proximity to current and future transit.
- **Neighborhood characteristics**, including proximity to community businesses and public services, as well as locations close to high-income neighborhoods.
- **Housing**, including development capacity and median rent



Assumes current zoning's allowed uses



Source: WA Department of Health's [Environmental Health Disparities Map](#)

UTC and PPA data aggregated by Census block groups and compared with several other socioeconomic and demographic datasets

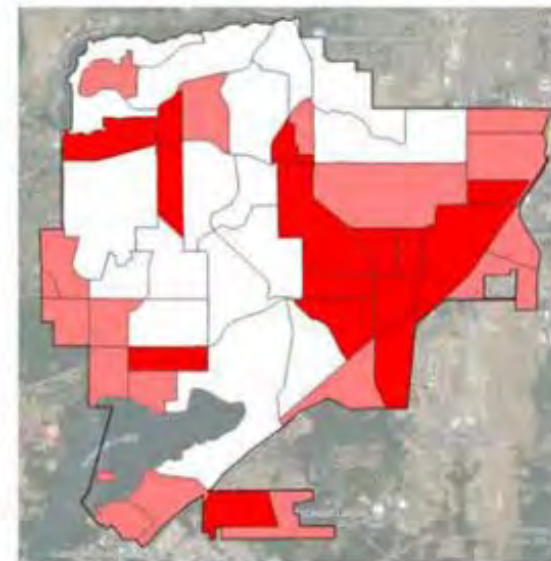
CBGs: Census Block Groups
TES: Tree Equity Score
UTC: Urban Tree Canopy
POC: People of Color



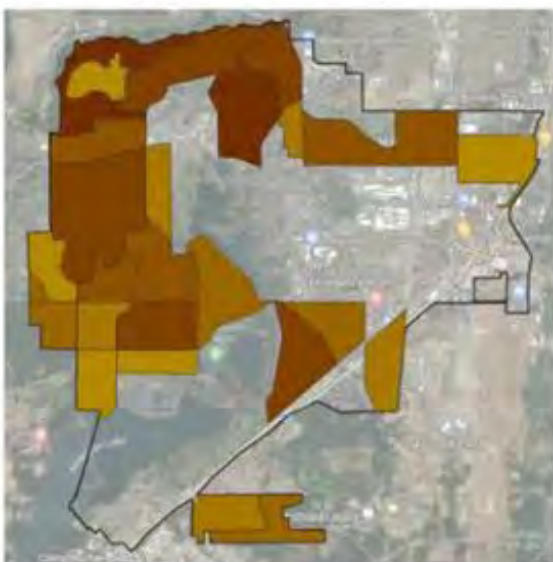
CBGs <75 TES



CBGs <25% UTC



CBGs >85 avg temp



CBGs >50% POC



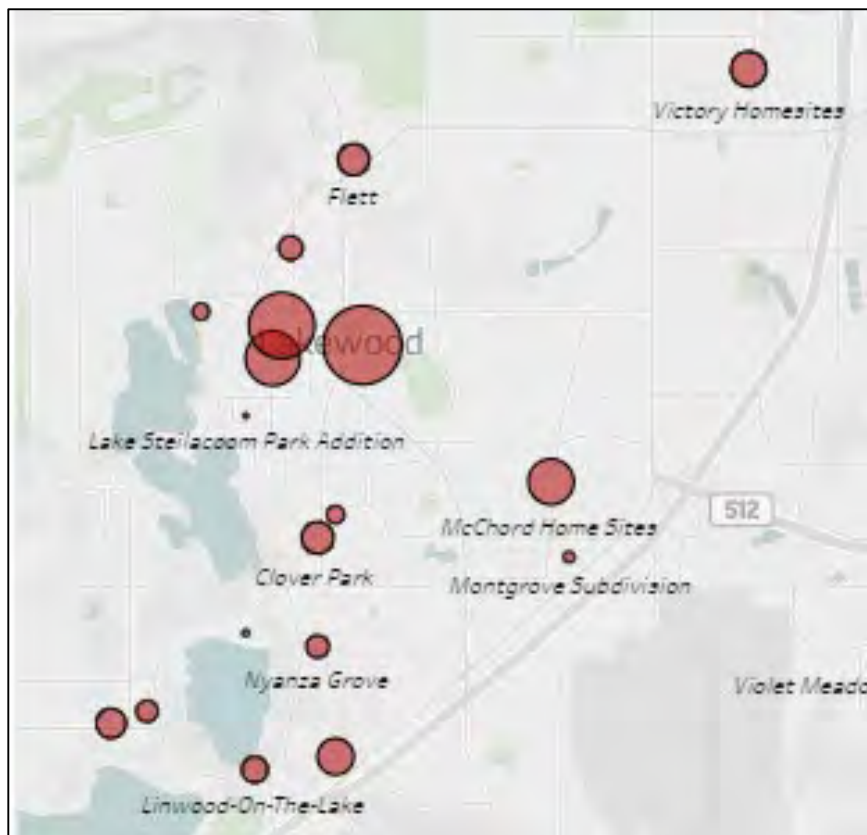
CBGs >50% POC



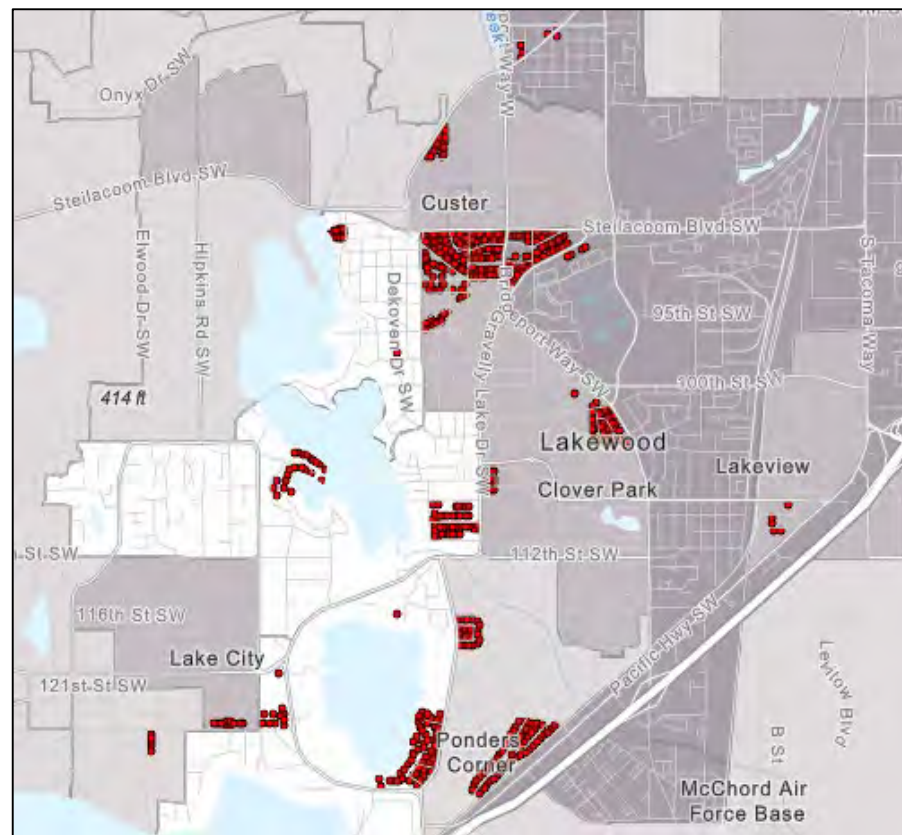
Low Employment CBGs

Initial review results show that Lakewood has 18 subdivisions and 928 parcels that were originally regulated by racially restricted covenants through 1969 (e.g., “No persons except persons who shall be of the Caucasian race shall be allowed to purchase, nor be allowed to use or occupy said property or any part thereof, except in the capacity of domestic servants, chauffeurs or employees of the occupants thereof.”)

(As noted by the [The Racial Restrictive Covenants Project](#), do not assume that areas without circles on the map below were not restricted. Deed restrictions were only one of the mechanisms of segregation. Neighborhoods without covenants often practiced racial exclusion by other means.)



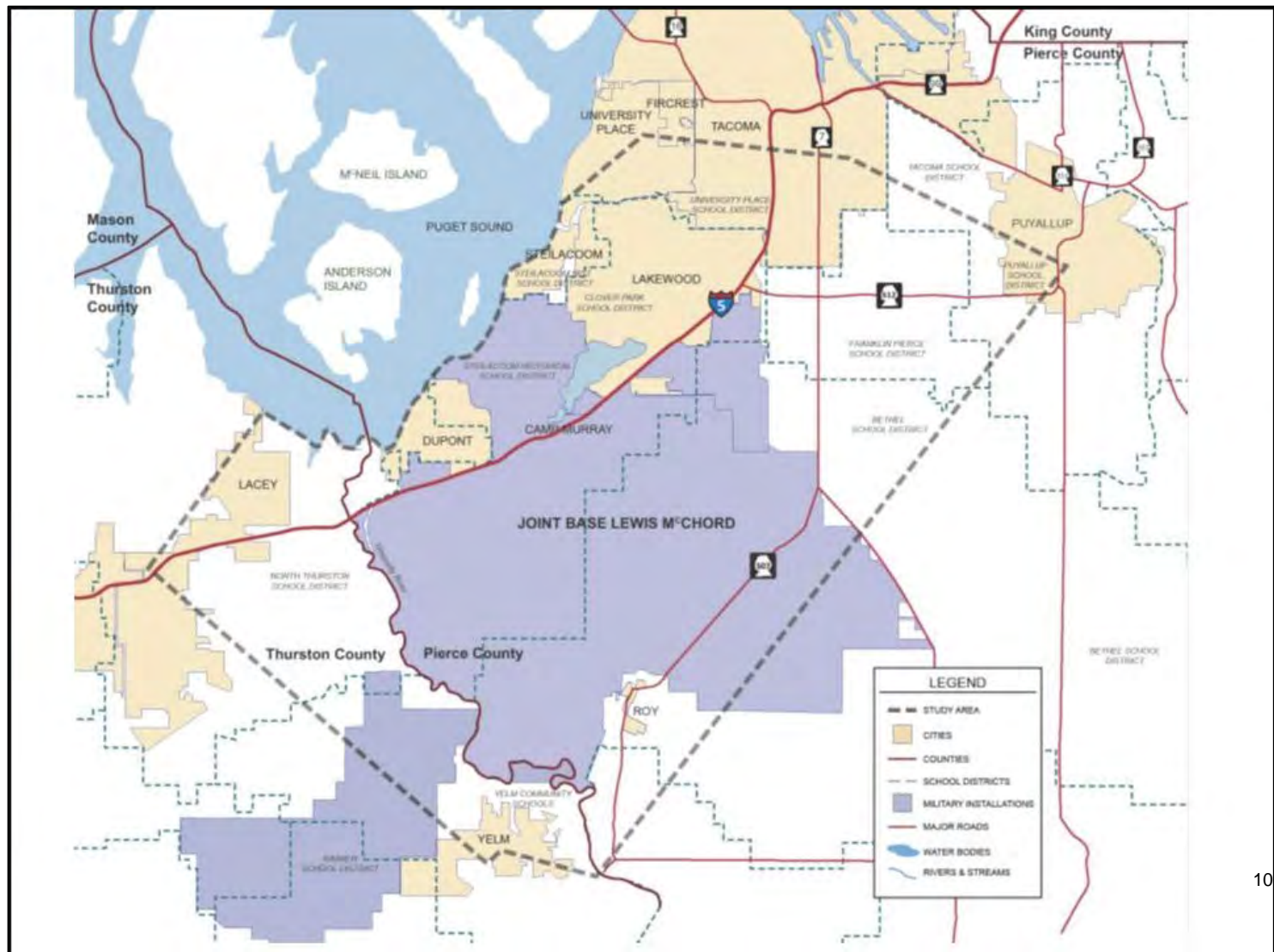
18 racially restricted subdivisions in Lakewood

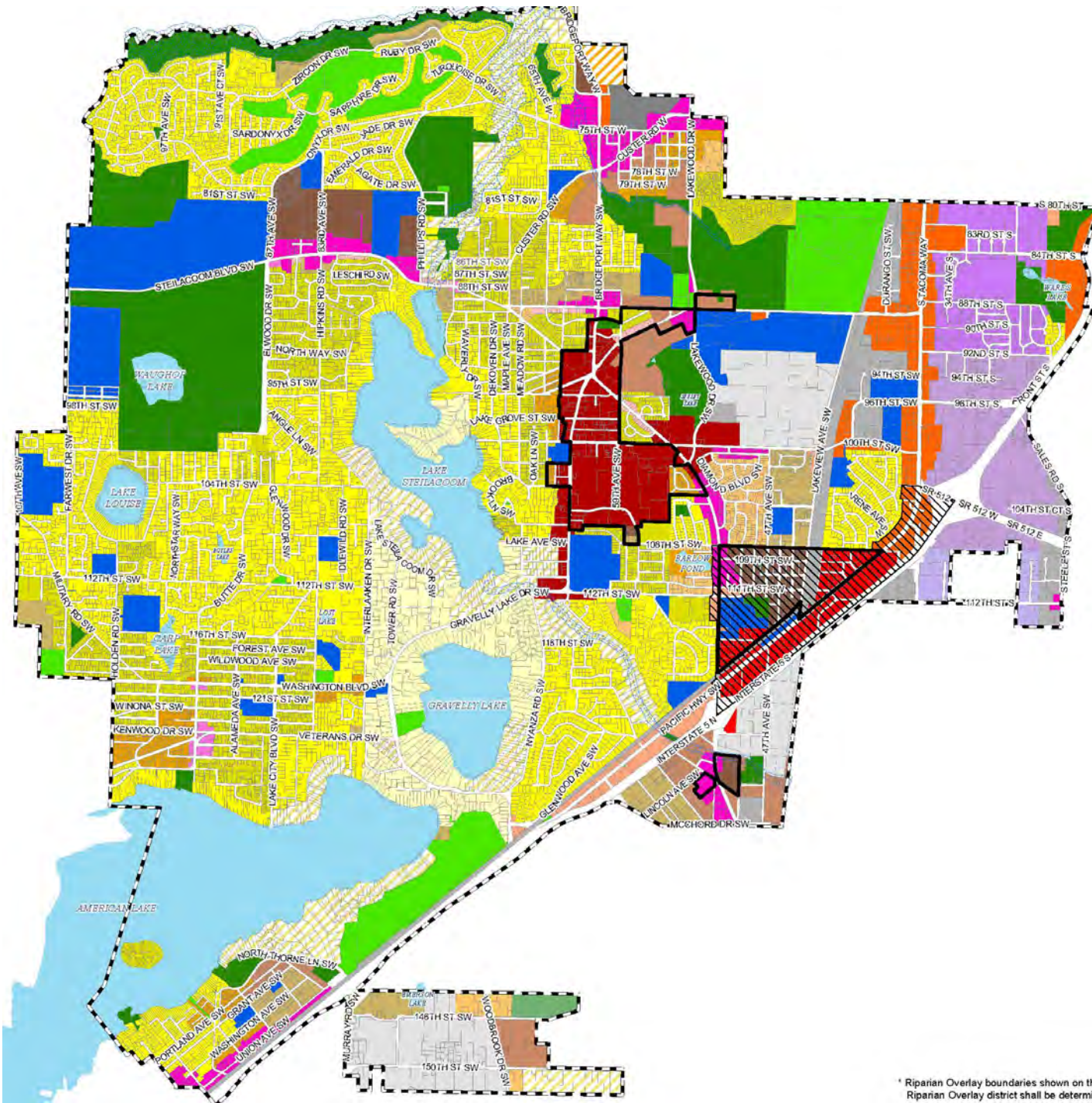


928 racially restricted parcels in Lakewood

Historical note: In 1970, nearly one-third of Pierce County's Black population were military personnel at Fort Lewis. Most of the rest lived in the Hilltop neighborhood near the bend in the I-5 freeway. One quarter of the 5,373 Asian and Latino people in the County were stationed at the military base.

[Source: The Racial Restrictive Covenants Project](#)

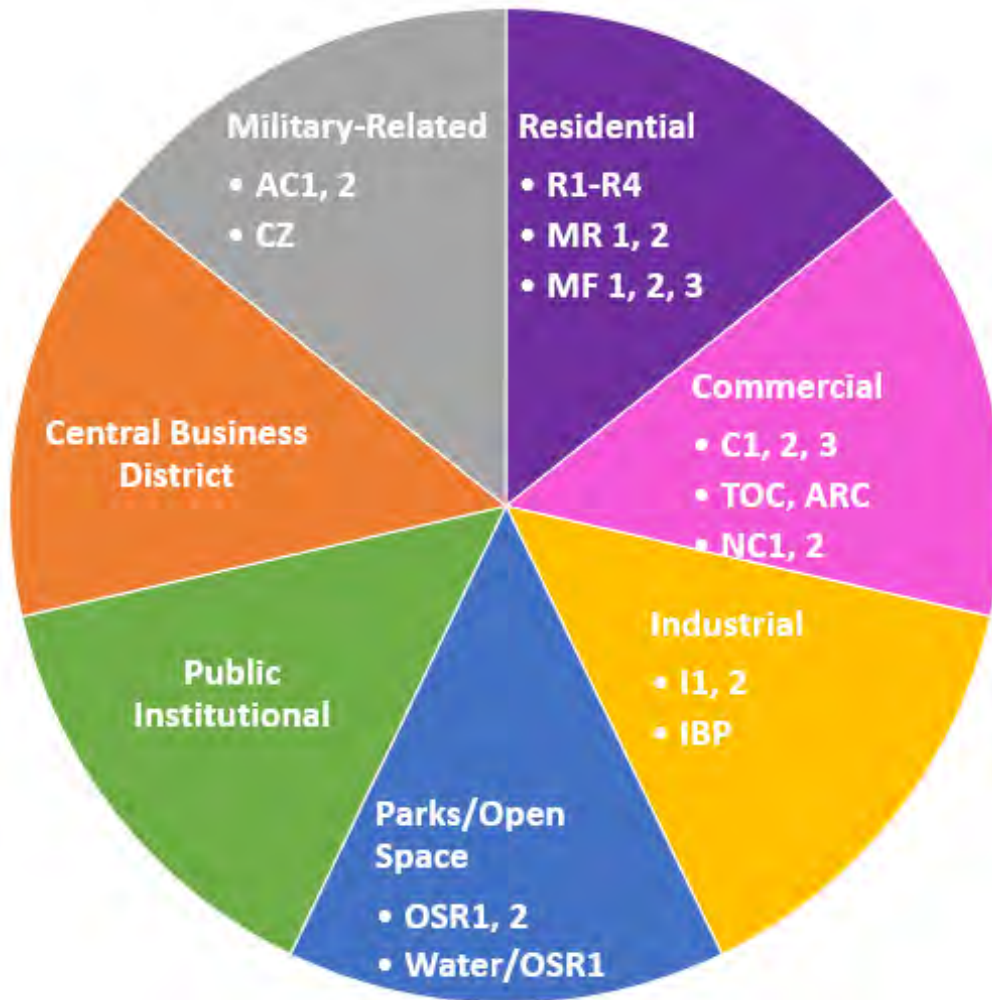




- Air Corridor 1 (AC1)
- Air Corridor 2 (AC2)
- Arterial Residential/Commercial (ARC)
- Commercial One (C1)
- Commercial Two (C2)
- Commercial Three (C3)
- Central Business District (CBD)
- Clear Zone (CZ)
- Industrial One (I1)
- Industrial Two (I2)
- Industrial Business Park (IBP)
- Multi Family One (MF1)
- Multi Family Two (MF2)
- Multi Family Three (MF3)
- Military Lands (ML)
- Mixed Residential One (MR1)
- Mixed Residential Two (MR2)
- Neighborhood Commercial (NC1)
- Neighborhood Commercial (NC2)
- Open Space & Recreation One (OSR1)
- Open Space & Recreation Two (OSR2)
- Public / Institutional (PI)
- Residential One (R1)
- Residential Two (R2)
- Residential Three (R3)
- Residential Four (R4)
- Transit Oriented Commercial (TOC)
- Water/OSR1
- Lakewood Station District Subarea
- Residential Target Area (RTA) Boundary
- Riparian Buffer*
- Tax Parcel
- Lakewood City Limit

* Riparian Overlay boundaries shown on this map shall be determined by the City of Lakewood.

Lakewood Zones



Acreage share

Residential Zones: 50.1%

Commercial Zones: 7.3%

Industrial Zones: 6.3%

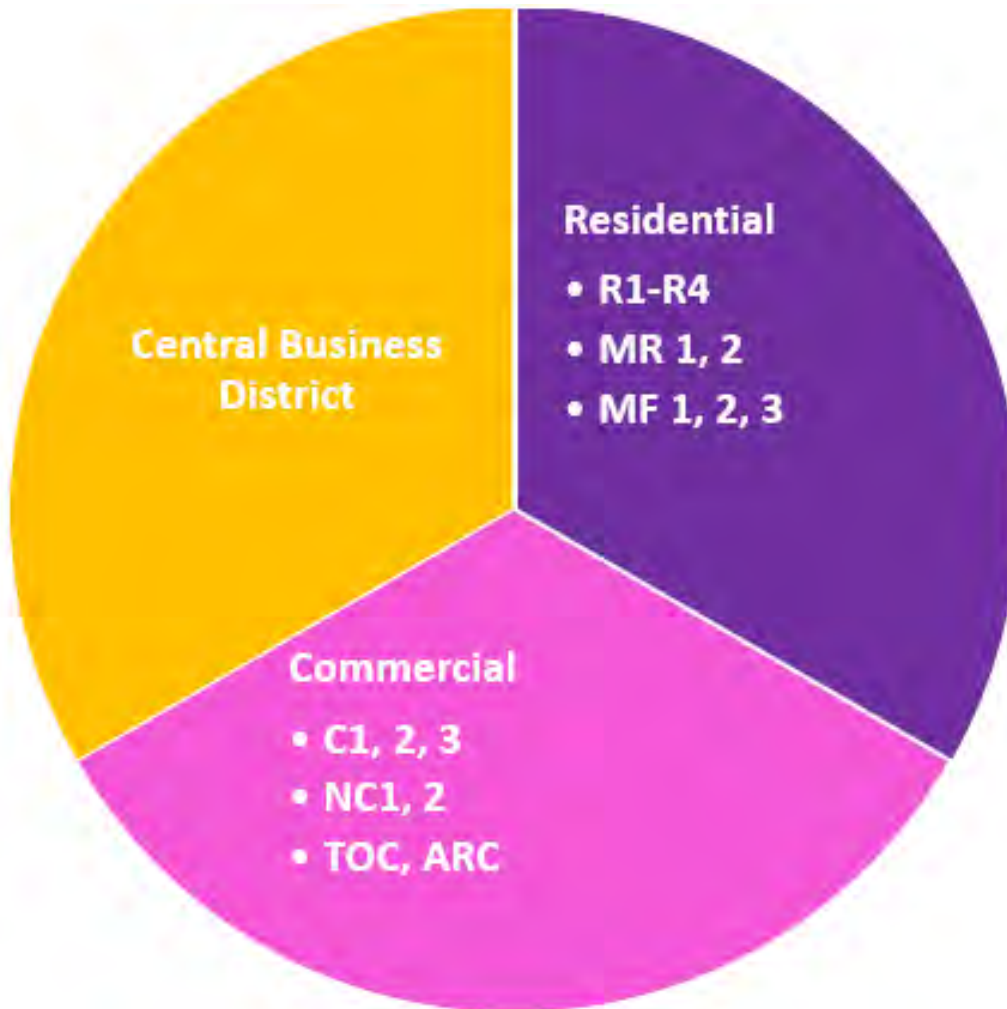
Parks/Open Space: 21.1%

Public Institutional: 6.3%

Central Business District
(Downtown Subarea): 2.7%

Military-Related: 5.5%

Lakewood “Housing Zones” and base densities



Residential Zones: 50.1% of City

- **R 1, 2 zones = 8.6% of City**
 - R1: 1.45 dua
 - R2: 2.2 dua
- **R3 zone = 23.2% of City**
 - 4.8 dua
- **R4 = 9.4% of City**
 - 6.4 dua
- **MF 1, 2, 3 zones = 6.1% of City**
 - MF1: 22 dua
 - MF2: 35 dua
 - MF3: 54 dua
- **MR 1, 2 zones = 2.8% of City**
 - MR 1: 8.7 dua
 - MR 2: 14.6 dua

Central Business District: 2.7% of City

- 54 dua

Commercial Zones: 3.5% of City

- ARC: 15 dua
- C1: 35 dua
- C2: 35 dua
- C3: 54 dua
- NC1: 22 dua
- NC2: 35 dua

From 2021 Buildable Lands Report:

- Lakewood has a capacity for **11,371** future housing units, including:
- **78%** of Lakewood's future growth must be accommodated through infill and redevelopment*.
- **80%** of housing capacity is in current multifamily zoning/uses (R4, MRs, MFs, NC1, NC2, TOC, CBD.)
- **8%** of current housing capacity in the R3 zone, which comprises 23.2% of the City.

Zone	Vacant	Underutilized	Vacant Single Unit	Pipeline	Total Units
CBD	181	2,405	0	67	2,653
MF1	132	1,251	16	5	1,404
MF2	304	1,240	0	80	1,624
MF3	152	1,164	0	1	1,317
MR1	0	147	0	1	148
MR2	42	636	5	5	688
NC1	2	17	0	42	61
NC2	49	458	0	2	509
R1 (1.2 dua)	7	26	17	1	51
R2 (2.2 dua)	15	91	39	20	165
R3 (4.8 dua)	172	739	91	34	1,036
R4	23	237	58	24	342
TOC	124	478	0	771	1,373
Total	1,203	8,889	226	1,053	11,371

*Infill = Incorporating new development within existing development

*Redevelopment = Replacing existing development with new development

2024

Housing Planning efforts per State Law and/or Regional Planning Policies

When	What			Why	How		
2024	<u>Allow</u> 2-family housing, 3-family housing, and townhomes in Residential 1, 2, 3, & 4; and Mixed Residential 1 & 2			HB 1220, GMA	2024 Comprehensive Plan Periodic Review		
	<u>Amend</u> Housing Development Regulations to be consistent with policy and zoning changes			HB 1220, GMA	2024 Comprehensive Plan Periodic Review		
Zone	Detached SF	2-Fam Res. att./det.	3-Fam Res. att./det.	Townhouse	4+ Res. units	Mixed Use	ADU
R1	P						P
R2	P						P
R3	P	C					P
R4	P	P					P
MR1	P	P	C				P
MR2	P	P	C				P
MF1			P	P	P		P
MF2				P	P		P
MF3				P	P		
ARC	P	P	P	P	P		
NC1		P	P	P	P	P	
NC2		P	P	P	P	P	
TOC					P	P	P
CBD**					P	P	



- Possible New State Law Requirements

Proposed HB 1110 “Middle Housing” (summary as of 3/5/23):

(1) Any city that is required or chooses to plan under RCW 36.70A.040 **must** provide by ordinance and incorporate into its development regulations, zoning regulations, and other official controls, authorization for the following:

- (a) For cities with a population of at least 25,000 but less than 75,000 based on office of financial management population estimates:
 - (i) The development of **at least two units per lot on all lots zoned predominantly for residential use**;
 - (ii) The development of **at least four units per lot on all lots zoned predominantly for residential use within one-half mile walking distance of a major transit stop or community amenity**; **and**
 - (iii) The development of **at least four units per lot on all lots zoned predominantly for residential use if at least one unit is affordable housing**.



- Possible New State Law Requirements

Proposed HB 1245 “Lot splitting” (summary as of 3/5/23):

Requires cities to **allow all lots to be split**, if the resulting lot is at least 2,000 square feet and 40% of the original lot size. A lot cannot be split more than once.

When approving a lot split, the city **cannot**:

- Require more than 1 off-street parking space per lot,
- Require more than 20 feet of frontage,
- Require easement widths of more than 5 feet for access to rear lots unless site-specific conditions such as access to utilities require wider easements.
- Impose permitting requirements, design standards, or impact fees on construction on a lot resulting from split that are greater than other new residential construction
- Require dedication of rights-of-way for the construction of off-site improvements unless site-specific conditions require otherwise.



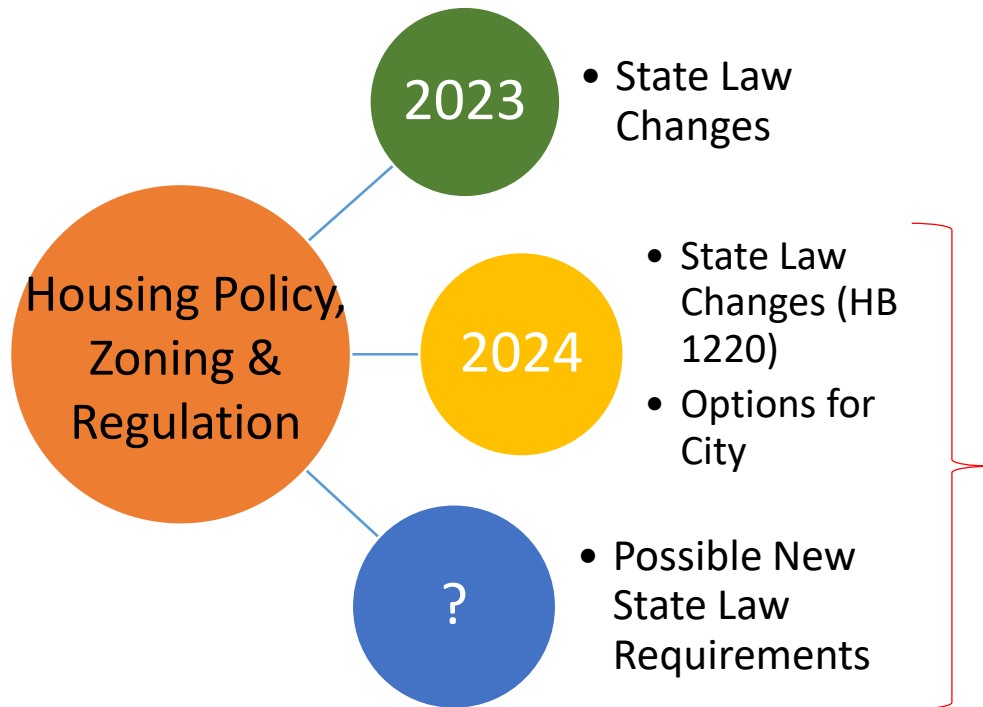
- Possible New State Law Requirements

Proposed SB 5466 “ADU” (summary as of 3/5/23):

GMA cities may not:

- enact or enforce any development regulation within a station area that would prohibit the siting of multifamily residential housing on parcels where any other residential use is permissible;
- may not enact any new development regulation that imposes a maximum residential density, measured in residential units per acre or other metric of land area within a station area or station hub;
- may not require off-street parking as a condition of permitting development within a station area, except for off-street parking that is permanently marked for the exclusive use of individuals with disabilities.

The parking provisions of this section do not apply if the city or county consults with the department of transportation and the city or county and the department of transportation determine that the lack of minimum parking requirements in a defined area would make on-street parking infeasible or unsafe for the authorized units.



Lakewood has engaged a Community Steering Committee* for the 2024 Periodic Review Process. Their focus through June 30, 2023 will be on housing and climate change.

A draft Lakewood Housing Element and Development Regulation package will be available June 30, 2023.

If HB 1110, HB 1245, SB 5466, or other bills affecting housing pass the current Legislative session, the City will consider whether possible to include the requirements within the 2024 Periodic Review.

The City will launch a citywide outreach campaign to seek more public input between July 2023 and Spring 2024 when the Planning Commission will begin its review of the 2024 Periodic Review amendments.

*Steering Committee to date:

LaTasha Wortham, TPU

Jesse Black, Springbrook Connections

Janne Hutchins, LASA

Amy Tousley, Puget Sound Energy

Tod Wolf, Business Owner

Rachel Lehr, Rebuilding Together South Sound

Mandy Ma, Self-Sufficiency Multicultural Movement