



A G E N D A

PLANNING COMMISSION

Don Daniels • Ryan Pearson • Paul Wagemann
Phillip Combs • Linn Larsen • Brian Parsons • Robert Estrada

Wednesday, April 19, 2023 at 6:30 pm

Hybrid Meeting: In-Person & Virtual via ZOOM

Lakewood City Hall, American Lake Room (6000 Main St. SW, Lakewood 1st floor)

Per the Lakewood City Council, the Planning Commission will meet in a hybrid in-person and virtual format.

Residents can attend in person at the Lakewood City Council Chambers; they can also attend virtually by watching them live on the City's YouTube channel @ <https://www.youtube.com/user/cityoflakewoodwa> or by calling in to listen by telephone at +1 (253) 215-8782 and by entering meeting ID: 817 9372 3141

To Submit Public Comment and/or Public Hearing Testimony Prior to Meeting: Send comments by mail or email to Karen Devereaux, Planning Commission Clerk, at kdevereaux@cityoflakewood.us or 6000 Main Street SW Lakewood, WA 98499. Comments received by noon on the day of the meeting will be provided to the Planning Commission electronically.

Live Virtual Public Participation: To provide live virtual Public Comments or Public Hearing Testimony during the meeting, join the Zoom meeting as an attendee by calling by telephone Dial +1(253) 215- 8782 and enter participant ID: 817 9372 3141 or by going online at <https://us06web.zoom.us/j/81793723141>. Each speaker will be allowed (3) three minutes to speak during the Public Comment and during each Public Hearing. Outside of Public Comments and Public Hearings, attendees will not be acknowledged and their microphone will remain muted.

By Phone: For those participating by calling in by phone to testify, the Chair will call on you during the Public Comment and/or Public Hearings portions of the agenda. When you are unmuted, please provide your name and city of residence.

Online: For those using the ZOOM link <https://us06web.zoom.us/j/81793723141> to testify, upon entering the meeting, please enter your name or other chosen identifier. Use the "Raise Hand" feature to be called upon by the Chair during the Public Comments and/or Public Hearings portions of the agenda. When you are unmuted, please provide your name and city of residence.

1.	Call to Order
2.	Roll Call
3.	Approval of Minutes from April 5, 2023
4.	Agenda Updates
5.	Public Comments
6.	Public Hearings <ul style="list-style-type: none">Continued: Proposed 2023 Comprehensive Plan Amendments
7.	Unfinished Business <ul style="list-style-type: none">Commission Discussion: 2023 Comprehensive Plan Amendments
8.	New Business <ul style="list-style-type: none">Presentation re Updates to Lakewood MultiFamily Tax Exemption (MFTE) Program (Becky Newton, Economic Development Manager)
9.	Reports from Council Liaison, City Staff & Commission Members <ul style="list-style-type: none">City Council Updates/ActionsCity Staff UpdatesNext Planning Commission meeting May 3, 2023

Meeting materials will be distributed and published no later than 24 hours prior to the meeting

- Draft Meeting Minutes from April 5, 2023
- Staff Report: Proposed 2023 Comprehensive Plan Amendments
- Staff Report: Proposed Updates to Lakewood MultiFamily Tax Exemption (MFTE) Program

Members Only

Please email kdevereaux@cityoflakewood.us or call Karen Devereaux at 253.983.7767 no later than Tuesday, April 18, 2023 at noon if you are unable to attend. Thank you.



**PLANNING COMMISSION
MEETING MINUTES
April 5, 2023
Hybrid In-Person/Virtual Meeting via ZOOM
6000 Main Street SW, Lakewood, WA**

Call to Order

Mr. Robert Estrada, Chair pro tem, called the hybrid ZOOM meeting to order at 6:34 p.m.

Roll Call

Planning Commission Members Present: Don Daniels, Chair; and Ryan Pearson, Vice-Chair; Robert Estrada, Paul Wagemann, Brian Parsons and Linn Larsen

Planning Commission Members Excused: None

Commission Members Absent: Phillip Combs

Staff Present: Dave Bugher, Community Development Director and Assistant City Manager; Tiffany Speir, Long Range & Strategic Planning Manager; and Karen Devereaux, Administrative Assistant

Council Liaison: Paul Bocchi (present via ZOOM)

Approval of Minutes

The minutes of the meeting held on March 15, 2023 were approved as written by voice vote M/S/C Wagemann/Larsen. The motion carried unanimously, 6-0.

Agenda Updates

None

Public Comments

Dr. Paul Whittaker, Lakewood Racquet Club, originally requested rezoning the property from Mixed Residential (MR)/Mixed Residential 1 (MR1) to Open Space & Recreation (OSR) / Open Space & Recreation 2 (OSR2); now is changing the request to Neighborhood Commercial 1 (NC1) to allow for more indoor courts.

Naomi See, had submitted written comments via email and wanted to confirm they were received and would be recorded as part of the public hearing. (Her written comments were recorded and forwarded to the Commissioners).

Public Hearings

Proposed 2023 Comprehensive Plan Amendments

Ms. Tiffany Speir gave a brief background on each of the nine (2023-01 through 2023-09) proposed amendments being considered before Mr. Don Daniels, Chair, opened the floor for public comment.

Dr. Paul Whittaker, Lakewood Racquet Club, spoke regarding proposed amendment 2023-03 requested to have his written comments from his earlier testimony recorded as part of the public hearing. (His written comments were recorded and forwarded to the Commissioners).

Bill Parretta, architect for the Lakewood Racquet Club, spoke regarding proposed amendment 2023-03 and believes NC1 is a perfect fit for the parcel which exceeds the OS2 allowances, with 70% more impervious surface. (A sketch was provided to Commissioners).

Ken Enslow, Lakewood Racquet Club volunteer, spoke regarding proposed amendment 2023-03 describing the many activities and residents who use the club and support the expansion explaining they need the NC1 zoning to move forward.

Kerry Hills, spoke in opposition regarding proposed amendment 2023-05 stating emergency shelters should not be allowed in residential neighborhoods suggesting the facilities be kept in the business districts.

Ms. Faaluaina Pritchard, Executive Director, Asian Pacific Cultural Center, spoke regarding proposed amendment 2023-05 in favor of changing language to the proposed '23CPA 2023-05 to eliminate the ½ mile separation on requirements as well as removing "high barrier" requirements. Ms. Pritchard believes both services of housing and treatment should be allowed in the facilities. 2023-05

Matthew Sweeney, attorney representing developer Claude Remy, spoke in favor of proposed amendment 2023-02 and rezoning the additional 18 parcels for redevelopment.

Sharon Lee, Executive Director of Low-Income Housing Institute (LIHI), spoke in opposition of Comprehensive Plan Amendment 2023-05 which she stated discriminated against specific groups of people in need of permanent supportive housing.

Mr. Jon Grant, LIHI Chief Strategy Officer, spoke in opposition of Comprehensive Plan Amendment 2023-05 stating the draft language of proposed permanent supportive housing and transitional housing, emergency housing and emergency shelters within specific zones in the city currently has language that creates conflicting conditions on types of activities by residents that would make the facilities a high-barrier situation

Mr. John Brown, LIHI Program Manager, spoke in support of revised language for the proposed '23CPA 2023-05 to support low-barrier operating facilities.

Ms. Amanda DeShazo, Affordable Housing Consortium, spoke in opposition of Comprehensive Plan Amendment 2023-05 urging the City to remove conditional use requirements causing high barriers to facilities.

Ms. Jen Hutchins, LASA spoke in opposition of Comprehensive Plan Amendment 2023-05 and the requirement for a special needs housing conditional use permit.

For the record, Ms. Speir read the names of those who submitted written public comment via email prior to the meeting to include Lorne Coody, Barris Harms, Cynda Jahner, Laura Kinard, Allison Reynolds, Naomi See, and Theresa Tanoury. These documents were forwarded to Commissioners.

The public hearing was left open through the April 19 Planning Commission meeting.

Unfinished Business

None

New Business

Results from Public Outreach regarding Lakewood Climate Change Implementation Plan

Ms. Tiffany Speir shared that in the beginning the City's Energy & Climate Change Chapter and Implementation Plan were mostly developed internally without a lot of citizen input. A steering committee had been created for the 2024 Periodic Review process that had met twice to date and was currently focused on providing feedback on the Lakewood climate change policies and implementation plan. Additional information would be to be shared with the Commission once the steering committee developed its recommendations on the climate change implementation plan.

Report from Council Liaison

No updates given by Councilmember Mr. Paul Bocchi.

Reports from Commission Members and Staff

Ms. Speir reviewed the upcoming meetings schedule with commissioners:

April 19:	Continue Public Hearing and Discussion
May 3:	Planning Commission Discussion and Action on Recommendation to City Council
May 22:	City Council Introduction
June 5:	City Council Public Hearing
June 20:	City Council Action

Commissioners discussed the Joint Council Meeting held March 27, 2023. Members stated Mr. Estrada did a great job as Chair pro tem in representing the Commission.

It was noted that Councilmember Mr. Michael Brandstetter offered an extension of term for an additional year to the five commissioners whose terms expire in December 2023; Mr. Don Daniels, Mr. Ryan Pearson, Mr. Paul Wagemann, Mr. Brian Parsons, and Mr. Robert Estrada. Mr. Don Daniels, Chair encouraged those members to reapply and continue serving with the Planning Commission.

The Next Regular Meeting would be held as a hybrid in-person/ZOOM meeting on Wednesday, April 19, 2023.

Meeting Adjourned at 7:46 p.m.

Don Daniels, Chair
Planning Commission 04/19/2023

Karen Devereaux, Recording Secretary
Planning Commission 04/19/2023



TO: Planning Commission
FROM: Tiffany Speir, Long Range & Strategic Planning Manager
DATE: April 19, 2023
SUBJECT: Updated discussion re proposed 2023 Comprehensive Plan Amendments 2023-03, 2023-04, and 2023-05

ATTACHMENTS: Summary of April 5 Public Hearing Comments on 2023-03, 2023-04, and 2023-05 (**Attachment A**); Summary of Legal Rules Governing Regulation of Emergency Housing, Emergency Shelter, Permanent Supportive Housing, and Transitional Housing (**Attachment B**)

BACKGROUND

Per Resolution 2022-15, the Lakewood City Council set the docket list for the 2023 Comprehensive Plan amendment (23CPA) cycle to include nine potential amendments. The Commission held a public hearing on April 5, during which the CEDD requested additional time to:

- 1) conduct a SEPA review of new requests from applicants for 2023-03 to rezone parcels to NC2 versus OSR2; and
- 2) review suggestions from the public regarding the proposed operating conditions on permanent supportive, transitional, and emergency housing and shelter in 2023-05.

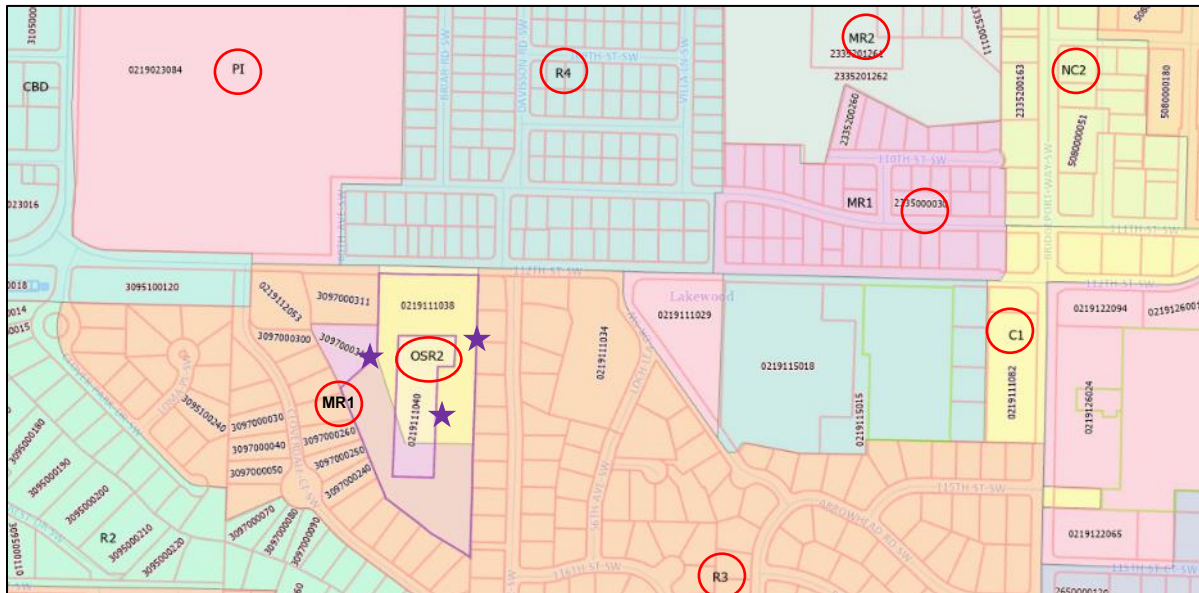
This memorandum includes an updated analysis and SEPA review for amendment 2023-03 and updated proposed special housing operating conditions for inclusion in amendment 2023-05. A summary of public comments received in the April 5 public hearing is included as **Attachment A**. A Summary of Legal Rules Governing the Regulation of Emergency Housing, Emergency Shelter, Permanent Supportive Housing, and Transitional Housing is included as **Attachment B**.

DISCUSSION

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

Per Ordinance 629, parcels 0219111038, -1040, and 3097000312 were rezoned from OSR to MR1 in 2015 at the request of the Lakewood Racquet Club, which was thinking at the time that parcels would be developed and sold for revenue to operate the Club. Parcels 0219111040 and -1038 currently have split zoning, with part of each zoned MR1 and part zoned OSR2.

As part of the call for 2023 Comprehensive Plan amendments, the Club requested that the zoning for all three parcels be returned to OSR2 in order to be able to create six (6) new tennis courts for children, senior and family tennis.



Both MR1 and OSR 1 do not allow the Commercial Health/Fitness facility use, meaning the Lakewood Racquet Club is currently a non-conforming use and would be non-conforming if rezoned to OSR1 as requested in fall 2022. NC1, NC2, Central Business District (CBD), and Commercial 3 (C3) are the City's commercial zoning districts that permit the Commercial Health/Fitness facility use outright.

On March 30, 2023, the Lakewood Racquet Club submitted new communication requesting that the parcels be rezoned to Neighborhood Commercial 1 (NC1) versus OSR2.

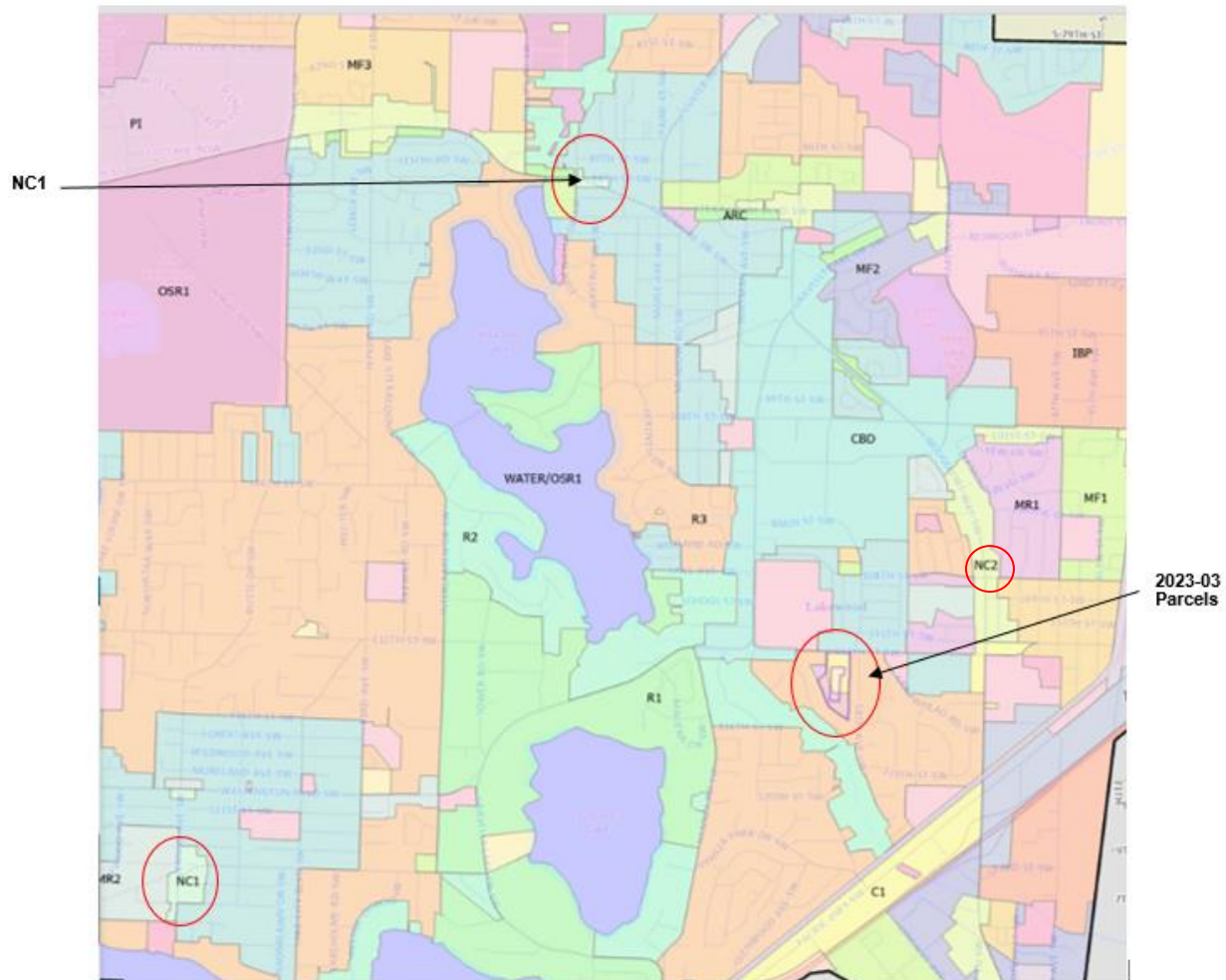
Type of Use	Use	MR1 8.7 dua	NC1 22 dua	NC2 35 dua	OSR1
Commercial and Industrial	Health/fitness facility, commercial	-	P	P	-

As shown on the map below, only 19.55 acres are currently zoned NC1 in Lakewood, and those parcels are located a significant distance from the parcels in proposed amendment 2023-03. Alternatively, 265.46 acres are zoned NC2 in the City, and NC2-zoned parcels are located closer to the Racquet Club than any NC1 parcels.

The purposes for the NC1 and NC2 zones are described in LMC 18A.10.120(D)(4):

- The Neighborhood Commercial 1 (**NC1**) zoning district is intended to foster a sense of neighborhood identity and provide limited services within a neighborhood. The district provides for a small-scale mix of activities, including residential, retail, office, and local services, which serve the surrounding neighborhood.

- The Neighborhood Commercial 2 (NC2) zoning district is intended to foster a sense of urban community in Lakewood. The district provides for a concentrated mix of activities, including residential, retail, office, and local services, which may serve the surrounding neighborhood or may serve more than one (1) neighborhood and attract people from other areas.



Below is brief table of the zoning development standards in the NC1 and NC2 zones. The standards are different in terms of maximum building coverage, impervious surface, and building height:

Development Standard	NC 1 Zone	NC 2 Zone
Maximum building coverage	70%	80%
Maximum impervious surface	80%	90%
Building height	50 feet	60 feet
Building transition area requirement (LMC18A.60.100)	Yes	Yes
Minimum setbacks (landscape buffers still apply)	0 feet	0 feet
Landscape buffer next to residential zone	15 feet	15 feet

2023-03 SEPA Analysis for Rezone from MR1 to NC2 versus OSR2

1. Is the proposed amendment consistent with the county-wide planning policies, the Growth Management Act (GMA), other state or federal law, or the Washington Administrative Code? **Yes. This rezone of 3 parcels would remove the non-conforming status from an existing and successful ongoing business concern while also providing clear development standards on the parcels should; project actions be submitted for approval by the City in the future.**
2. Would the proposed amendment have little or no adverse environmental impacts and is the time required to analyze impacts available within the time frame of the standard annual review process? **Yes. This is a non-project action. Any environmental impacts coming from a future application for development on the included parcels would be reviewed under the City's development and environmental protection regulations.**
3. Is sufficient analysis completed to determine any need for additional capital improvements and revenues to maintain level-of-service, and is the time required for this analysis available within the time frame for this annual review process? **Yes. This is a non-project action. Any impacts on capital improvement or revenues coming from a future application for development on the 3 parcels would be reviewed under the City's development and environmental protection regulations.**
4. Can the proposed amendment be considered now without conflicting with some other Comprehensive Plan established timeline? **Yes. This application is part of the annual 2023 Comprehensive Plan amendment cycle.**
5. Can the proposed amendment be acted on without significant other amendments or revisions not anticipated by the proponents and is the time required for processing those amendments or revisions available within the time frame of this annual review process? **Yes. This is a non-project action. Any impacts from a future application for development on the included parcels would be reviewed under the City's development and environmental protection regulations.**
6. If the proposed amendment was previously reviewed, ruled upon or rejected, has the applicant identified reasons to review the proposed amendment again? **N/A**

CEDD RECOMMENDATION: The CEDD recommends redesignating/rezoning parcel(s) 0219111038, -1040, and 3097000312 from Mixed Residential (MR)/Mixed Residential 1 (MR1) and open Space Residential 1 (OSR1) to Neighborhood Business District (NBD)/Neighborhood Commercial 2 (NC2.) The Racquet Club is a non-conforming use in the MR1 and OSR1 zones. It serves more than the local neighborhood, which is a use more appropriately zoned NC2 by definition.

2023-04 Request to:

- **redesignate/rezone parcel(s) 5130001640 and -1650 from Residential (R)/Residential 4 (R4) to Neighborhood Business District (NBD)/Neighborhood Commercial 2 (NC2); and**
- **redesignate/rezone parcel(s) 5130001660 and -1671 from Arterial Corridor (ARC)/Arterial Residential-Commercial (ARC) to Neighborhood Business District (NBD)/Neighborhood Commercial 2 (NC2)**

A summary of public comment received on proposed amendment 2023-04 is included in Attachment A.

No changes are recommended to the proposed amendment based on public comment received.

CEDD RECOMMENDATION: The CEDD recommends approval of amendment 2023-04.

2023-05 Allow:

- **emergency housing (EH) and emergency shelter (ES) within the City's Residential 1, 2, 3, and 4 zones; Mixed Residential 1 and 2 zones; Multifamily 1, 2, and 3 zones; Arterial Residential Commercial Zone; Neighborhood Commercial 1 and 2 zones; Transit Oriented Commercial zone; Central Business District zone; Commercial 1, 2, and 3 zones, and Public Institutional zone; and**
- **foster care facilities within the City's Residential 1, 2, 3, and 4 zones; Mixed Residential 1 and 2 zones; Multifamily 1, 2, and 3 zones; Arterial Residential Commercial Zone; Neighborhood Commercial 1 and 2 zones; Transit Oriented Commercial zone; Central Business District zone; and Commercial 1, 2, and 3 zones**
- **permanent supportive housing (PSH), rapid rehousing (RH), and transitional housing (TH) within the City's Commercial 1, 2, and 3 zones; and**

Remove concomitant agreements (LMC 18A.40.120 (C)(4)) from the Lakewood Municipal Code

BACKGROUND

City of Lakewood representatives have met with Department of Commerce and emergency/affordable housing advocates to prepare updated language for proposed Comprehensive Plan amendment 2023-05 for the April 19 Planning Commission discussion.

State laws that govern how foster care facilities, emergency housing, emergency shelter, permanent supportive housing, and transitional housing can be regulated by Lakewood are summarized in Attachment B. Department of Commerce guidance provided to Lakewood is also included in Attachment B.

Lakewood is reviewing how to best incorporate special needs housing into its Rental Housing Licensing Code (LMC Chapter 5.60); the results of this analysis will be included in the 2024 Comprehensive Plan Periodic Review Process.

DISCUSSION

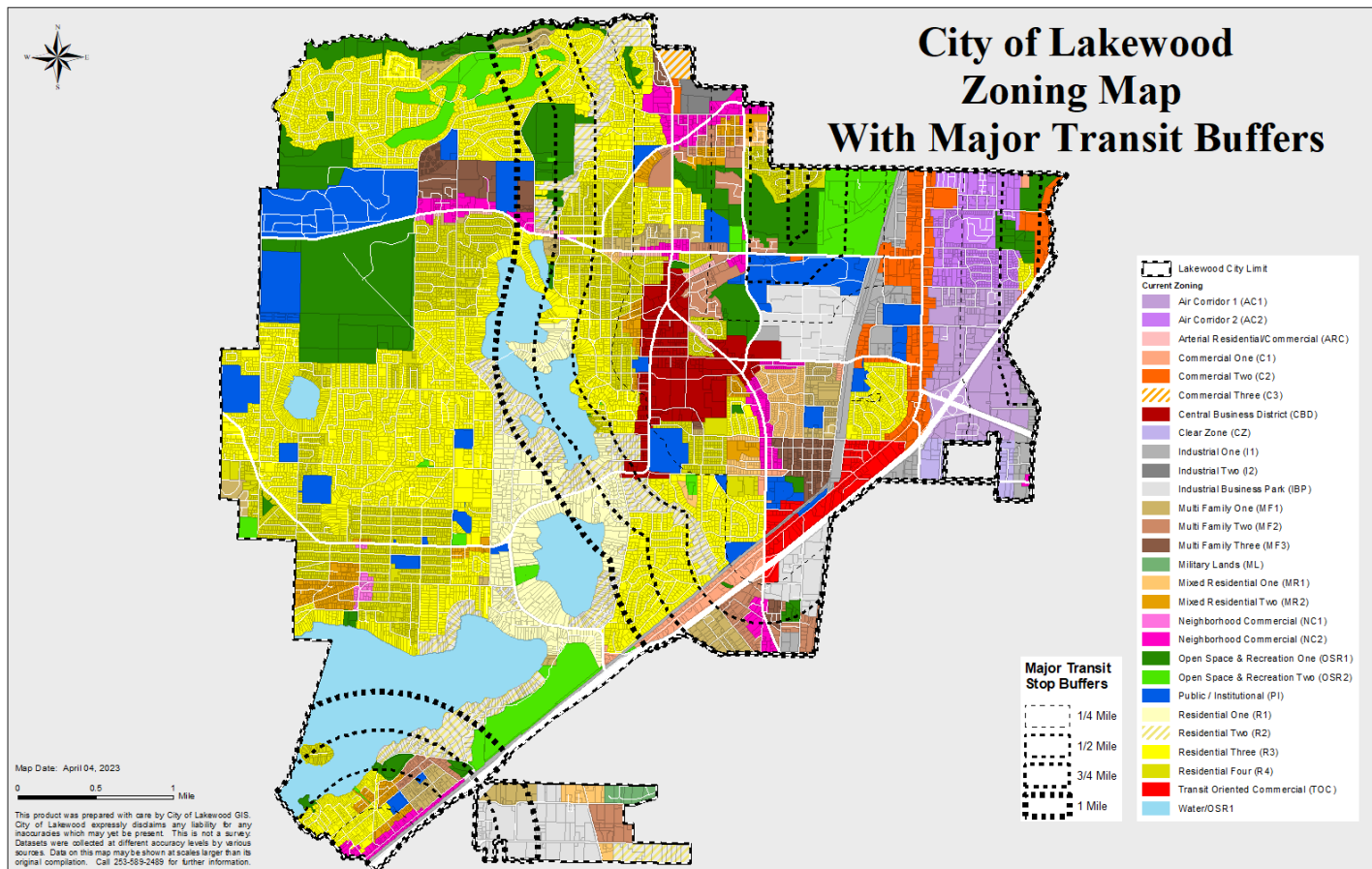
Lakewood's zoning and development code do not currently include consideration of Emergency Housing (EH), Emergency Shelter (ES), or foster care facilities. The Lakewood Zoning Map and LMC Sections 18A.40.120 (B) currently allow Special Needs Housing types Enhanced Services Facilities (ESF), Permanent Supportive Housing (PSH), Rapid Rehousing (RRH), Transitional Housing (TH), and Groups Homes either conditionally or outright in certain land use zones.

In order to comply with state law, Emergency Housing (EH) and Emergency Shelter (ES) must be allowed in the C1, C2, and C3 zones as well as within 1 mile of transit. Permanent Supportive Housing (PSH) and Transitional Housing (TH) must be allowed within the City's Commercial 1, 2, and 3 (C1, C2 and C3) zones as well as its residential zones. Capacity for foster care facilities must also be identified in the City.

The zoning map below includes distance markers from “major transit stops” as defined in proposed 2023 State Bill 2ESHB 1110:

"Major transit stop" means:

- (a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;
- (b) Commuter rail stops;
- (c) Stops on rail or fixed guideway systems; or
- (d) Stops on bus rapid transit routes



Summary of Proposed 2023-05 Zoning and Use Regulation Amendments

- Summarized in the table below in yellow highlighted text are changes to the City’s allowed housing types per state law. The full proposed zoning and allowed use language is included later in this memorandum.
- Foster Care, Emergency Housing, Emergency Shelter, Permanent Supportive Housing, Rapid Rehousing, and Transitional Housing are all subject to definitions in LMC Titles 18A, 18B and 18C and to the relevant Operating and Development Conditions within LMC Titles 18A, 18B and 18C. The full proposed regulatory language is included later in this memorandum.

Summary of special needs housing and foster care uses allowed in land use zones per 2023-05

Zone	Permanent Supportive Housing*	Rapid Rehousing	Transitional Housing*	Emergency Housing	Emergency Shelter	Foster Care
R1	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>
R2	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>
R3	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>
R4	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>
MR1	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>
MR2	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>
MF1	<u>GP</u>	P	<u>GP</u>	<u>P</u>	<u>P</u>	<u>P</u>
MF2	<u>GP</u>	P	<u>GP</u>	<u>P</u>	<u>P</u>	<u>P</u>
MF3	<u>GP</u>	P	<u>GP</u>	<u>P</u>	<u>P</u>	<u>P</u>
ARC	<u>GP</u>	P	<u>GP</u>	<u>P</u>	<u>P</u>	<u>P</u>
NC1	<u>GP</u>	P	<u>GP</u>	<u>P</u>	<u>P</u>	<u>P</u>
NC2	<u>GP</u>	P	<u>GP</u>	<u>P</u>	<u>P</u>	<u>P</u>
TOC	<u>GP</u>	P	<u>GP</u>	<u>P</u>	<u>P</u>	<u>P</u>
CBD**	<u>GP</u>	P	<u>GP</u>	<u>P</u>	<u>P</u>	<u>P</u>
C1	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
C2	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
C3	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

- Updated and/or new definitions for Special Needs Housing, Emergency Housing (EH), Emergency Shelter (ES), Essential Public Facilities, Permanent Supportive Housing (PSH), and Transitional Housing (TH) are proposed for LMC 18A.10.180 to be consistent with state law.
- The City is recommending updating the operating and development conditions for Special Needs Housing to reflect the new uses in the City and to be consistent with state law; these changes are included in draft LMC 18A.40.120(C) and 18A.60.090(C) below.
- The City is also recommending that the definition of “concomitant agreement” in LMC 18A.10.180 and the references to “concomitant agreements” in LMC 18A.40.120 (C)(4) be removed. Concomitant agreements are an outdated concept and not used by the City.
- A new subsection C, “Common Open Space”, is included for LMC 18A.60.090, General Standards, to require Crime Prevention through Environmental Design (CPTED) in Title 18A. CPTED is already required in the Downtown and Station District Subareas at LMC Sections 18B.500.530 and 18C.500.530, respectively.

18A.10.180 Definitions.

"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 six (6) adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight (8) adults upon approval from the department under RCW 70.128.066. See also "Group home."

~~"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 (RCW 70.128.010 and Chapter 220, Laws of 2020). Adult family homes shall serve those with functional limitations and are not intended to serve those with a history of violence, including sex offenses.~~

"Area median income" means the median family income for the Tacoma, WA HUD Metro FMR Area~~Seattle-Bellevue, WA Metro Fair Market Rent (FMR) Area~~ as most recently determined by the Secretary of Housing and Urban Development (HUD) under Section 8(f)(3) of the United States Housing Act of 1937, as amended. In the event that HUD no longer publishes median family income figures for the Seattle-Bellevue, WA HUD Metro FMR Area, the City may estimate the median income in such manner as the City shall determine.

"Assisted living facility" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 142, Laws of 2004,~~to seven (7) or more residents after July 1, 2000.~~ However, an assisted living facility that is licensed for three (3) to six (6) residents prior to or on July 1, 2000, may maintain its assisted living facility license as long as it is continually licensed as an assisted living facility.

Assisted living facility shall not include facilities certified as group training homes pursuant to RCW [71A.22.040](#), nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations, including those subsidized by the Department of Housing and Urban Development (HUD).

~~“Concomitant agreement” means an agreement recorded against the title of a parcel of land under which a property owner binds the property to certain terms and conditions in exchange for development approval.~~

“Disability” means with respect to an individual: a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. For purposes of this definition, major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this title because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This definition shall not apply to impairments that are transitory and minor, meaning with an actual or expected duration of six (6) months or less.

~~“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement. RCW 36.70A.030 (9). Emergency housing is not a Group Home under LMC Titles 18A, 18B, or 18C.~~

~~“Emergency shelter” means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations. RCW 36.70A.030 (10). Emergency shelter facilities are not a Group Home under LMC Titles 18A, 18B, or 18C.~~

“Enhanced services facility” ~~“Enhanced services facility” means a facility that provides support and services to persons meeting the admission criteria in RCW 70.97.030 and for whom acute inpatient treatment is not medically necessary. (RCW 70.97.010(5)) means a facility that provides treatment and services to persons for whom acute inpatient~~

~~treatment is not medically necessary and who have been determined by the Department of Social and Health Services to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues. (RCW 70.97.010)~~

“Essential public facilities” means those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020. Special needs housing as defined in this title are considered essential public facilities. ~~means those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities and inpatient facilities including substance abuse facilities, mental health facilities, and group homes.~~

“Extremely low income” means an individual, family, or unrelated persons living together, regardless of age or ability, whose adjusted gross income is thirty (30) percent or less of the median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Tacoma, WA HUD Metro FMR Area ~~Tacoma Primary Metropolitan Statistical Area~~.

“Group home” means group residential environments for people with disabilities, mental or physical. Group home does not include emergency housing or emergency shelter under LMC Title 18A. See also “Adult family home.” There are five (5) types of group homes:

1. “Type 1 Group Home” means publicly or privately operated living accommodations for related or unrelated individuals having handicaps, subject to compliance with all applicable federal, state, and/or local licensing requirements. For the purposes hereof, “handicap” shall mean a physical or mental impairment which substantially limits one or more of the person’s major life activities, a record of having such an impairment, or being regarded as having such an impairment; however, the term does not include current, illegal use of or an addiction to a controlled substance. A Type 1 Group Home includes an “adult family home.”

2. “Type 2 Group Home” means publicly or privately operated living accommodations for related or unrelated individuals such as group homes for children, group homes providing an alternate residential setting for families in crisis, and other groups not listed in Type 1, 3, 4, or 5 group home residential use types; all subject to compliance with all applicable federal, state, and/or local licensing requirements. ~~There are three (3) levels of Type 2 Group Homes:~~

~~a. Level 1: A group home with a maximum of seven (7) residents, plus resident staff.~~

~~b. Level 2: A group home with a maximum of ten (10) residents, plus resident staff.~~

~~c. Level 3: A group home with more than ten (10) residents, plus resident staff.~~

3. “Type 3 Group Home” means publicly or privately operated living accommodations for juveniles under the jurisdiction of DSHS and/or the criminal justice system, including state-licensed group care homes or halfway houses for juveniles which provide residence in lieu of incarceration, and halfway houses providing residence to juveniles needing correction or for juveniles selected to participate in state-operated minimum security facilities as defined in RCW [72.05.150](#), as hereafter may be amended. A community facility as defined in RCW [72.05.020\(1\)](#), as hereafter may be amended, is considered to constitute a Type 3 Group Home. All are subject to compliance with all applicable federal, state, and/or local licensing and other requirements. ~~There are three (3) levels of Type 3 Group Homes:~~

~~a. Level 1: A group home with a maximum of eight (8) residents, plus resident staff.~~

~~b. Level 2: A group home with a maximum of twelve (12) residents, plus resident staff.~~

~~c. Level 3: A group home with more than twelve (12) residents, plus resident staff.~~

4. “Type 4 Group Home” means publicly or privately operated living accommodations for adults under the jurisdiction of the criminal justice system who have entered a pre- or post-charging diversion program or have been selected to participate in state-operated work/training release or other similar programs as

provided in Chapters [137-56](#) and [137-57](#) WAC, as may hereafter be amended. All are subject to compliance with all applicable federal, state, and/or local licensing and other requirements.

5. “Type 5 Group Home” means a secure community transition facility as defined in RCW [71.09.020\(15\)](#), as hereafter may be amended, which is a residential facility that provides supervision and security for people who have completed their criminal sentences for sexually violent offenses but who remain subject to additional requirements for sexually violent predators under Chapter [71.09](#) RCW, as hereafter may be amended. All are subject to compliance with all applicable federal, state, and/or local licensing and other regulations.

“Intermediate care facility” means a facility that provides, on a regular basis, assistance with one or more activities of daily living (“ADL”) such as bathing, toileting, dressing, personal hygiene, mobility, transferring, and eating, including persons with functional disabilities, needing health-related care and services, but who do not require the degree of care and treatment that a hospital or extended care facility provides. Such facility requires a state boarding home license. This use includes assisted living facilities, but does not include adult family homes, staffed residential homes, or residential care facilities for youth.

“Low-income household” means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty (80) percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area where the project is located, as reported ~~by for the Tacoma, WA HUD Metro FMR Area~~[United States Department of Housing and Urban Development](#).

“Moderate-income household” means a single person, family, or unrelated persons living together whose adjusted income is more than eighty (80) percent but is at or below one hundred fifteen (115) percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area where the project is located, as reported ~~by for the Tacoma, WA HUD Metro FMR Area~~[United States Department of Housing and Urban Development](#).

“Multiple-unit housing,” “multifamily housing,” and “multifamily” may be used interchangeably and mean a building or a group of buildings having four (4) or more dwelling units for permanent residential occupancy, not designed or used as transient

accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

“Permanent Supportive Housing” means 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).)

~~“Permanent supportive housing” means 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. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW.~~

“Qualified unit” means residential housing for rental occupancy which, as long as the same is occupied by a very-low-income or extremely-low-income, as defined herein, household, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty (30) percent of the resident’s or residents’ income(s).

“Rapid re-housing” means housing search and relocation services and short- and medium-term rental assistance to move homeless persons and families (with or without a disability) as rapidly as possible into permanent housing.

“Rowhouse” means any of two (2) or more identical or nearly identical attached dwelling units that share a common wall on one or both sides of the unit.

“Senior and/or disabled family or household” means one (1) or more persons sixty-two (62) years of age or older and/or disabled persons, and their domestic partners

and/or live-in caregivers who need not be sixty-two (62) years of age or older and/or disabled, who are domiciled together; provided, that the number of individuals occupying the dwelling unit shall not exceed the occupant load of the structure, as calculated under the City's adopted building code.

“Single-family residential” means a building designed for and/or occupied exclusively by one (1) family. Also includes factory-built, modular housing units, constructed in compliance with the International Construction Code (ICC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act ([42 U.S.C. §§ 5401](#) through [5426](#)).

“Special Needs Housing” means assisted living facilities, confidential shelters, continuing care retirement communities, emergency housing, emergency shelters, enhanced services facilities, hospice care centers, nursing homes, permanent supportive housing, rapid re-housing, transitional housing, adult family homes, and group home types 1-5.

“Specialized senior housing” means coordinated developments of two (2) or more owned or rented site-built single-family dwellings, mobile homes, apartments and/or condominiums which contain specialized design features and/or on-site services and activities to accommodate the mobility, nutrition, medical, social and/or other needs of persons sixty-two (62) years of age or older and/or disabled persons. Domestic partners of and/or caregivers for such persons may also reside in such developments and need not be sixty-two (62) years of age or older and/or disabled. Individual residences which contain design features to aid mobility but which are not part of a coordinated development are not included in this definition.

“Specialized senior housing dwelling unit” means a room or rooms located within a senior housing development designed, arranged, occupied or intended to be occupied by not more than one (1) senior and/or disabled family or household as living accommodations separate from other households, except that specialized senior housing dwelling units need not contain food preparation facilities and areas within the room or rooms.

“Stacked duplex” means a small- to medium-sized structure that consists of two (2) stacked dwelling units, one (1) on top of the other, both of which face and are entered from the street.

“Three (3) family residential structure, attached or detached dwelling units” means three (3) dwelling units located on one (1) property. The term means the same thing as “triplex.”

“Townhouse” means a type of attached dwelling in a row of at least two (2) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls. Townhouses may be situated or grouped in different layouts within a development.

“Transitional housing” means 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)).~~**“Transitional housing” means housing 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.**~~

“Transitory accommodations” means tents, sheds, huts, cabins, trailers or other enclosures which are not permanently attached to the ground, may be easily erected and dismantled, and are intended for temporary occupancy, usually for recreational or humanitarian purposes.

“Two (2) family residential structure, attached or detached dwelling units” means two (2) dwelling units located on one (1) property. The term means the same thing as “duplex” or “stacked duplex units.” A single-family dwelling containing an accessory dwelling unit shall not be interpreted as a duplex.

“Use, conditional” means a use requiring approval by a permit under the criteria in Chapter [18A.30](#) LMC.

“Use, permitted” means any use authorized or permitted alone or in conjunction with another use in a specified zone and subject to the limitations of the regulations of such zone.

“Very low income” means an individual, family, or unrelated persons living together, regardless of age or ability, whose adjusted gross income is fifty (50) percent or less of the median income, adjusted for household size, as reported for the Tacoma, WA HUD Metro FMR Area~~determined by the United States Department of Housing and Urban Development for the Tacoma Primary Metropolitan Statistical Area.~~

“Zoning” means the regulation of the use of private lands or the manner of construction related thereto in the interest of implementing the goals and policies of the comprehensive plan. Zoning includes both the division of land into separate and distinct zoning districts, and the specific use and development standards that regulate development. Such regulation shall also govern those public and quasi-public land uses and buildings that provide for government activities and proprietary type services for the community benefit, except as prohibited by law. State and federal governmental activities are strongly encouraged to cooperate under these regulations to secure harmonious City development. There are several general categories of zoning used in this code:

1. Residential zoning can include single-family or any number of other designations which cover homes, apartments, duplexes, trailer parks, co-ops, ~~and~~ condominiums, and special needs housing. Residential zoning can cover issues such as whether mobile homes can be placed on property, and the number of structures allowed on certain property.
2. Commercial zoning usually has several categories and is dependent upon the business use of the property, and often the number of business patrons. Office buildings, shopping centers, nightclubs, hotels, certain warehouses, special needs housing, and some apartment complexes – as well as vacant land that has the potential for development into these types of buildings – can all be zoned as commercial. ~~Almost any kind of real estate, other than single family home and single family lots, can be considered commercial real estate.~~
3. Like commercial zoning, industrial zoning can be specific to the type of business. Environmental factors including noise concerns usually are issues in determining into which industrial level a business falls. Manufacturing plants and many storage facilities have industrial zoning. Certain businesses – such as airports – may warrant their own designation.

Industrial zoning is often dependent upon the amount of lot coverage (which is the land area covered by all buildings on a lot) and building height. Additionally, setback requirements are often higher for industrial zoned properties.

LMC 18A.20 Article I. Administration

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18A.20.050 Complete permit applications, notice and time periods.

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H. *Application Time Limits.*

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
Accessory Building	Y	N	N	90
Accessory Dwelling Unit	Y	N	N	90
Administrative Nonconforming Determination	Y	N	N	90
Annexation	Y	N	N	180
Appeal to Hearing Examiner	Y	Y	Y	90
Binding Site Plan	Y	N	N	120
Business License	Y	N	N	120
Certificate of Occupancy	N	N	Y	60
Commercial Addition/Remodel	N	N	Y	120
Comprehensive Map amendment, Area Wide	Y	N	N	120
Comprehensive Map amendment, site specific	Y	N	N	120
Comprehensive text only amendment	Y	N	N	120
Conditional Use Permit	Y	N	N	120
Conditional Use Permit – Major Modification	Y	N	N	120
Conditional Use Permit – Minor Modification	Y	N	N	120
Cottage Housing Development	Y	N	N	120
Demolition Permit	N	N	Y	120
Design Review Permit	Y	N	N	90
Development Agreement	Y	N	N	120
<u>Emergency Housing Permit*</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>120</u>
<u>Emergency Shelter Permit*</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>120</u>
Environmental Review (SEPA Checklist and Threshold Determination)	Y	N	N	120
Environmental Impact Statement (Draft)	Y	N	N	365

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
Final Subdivision Plat (10 or more lots)	Y	N	N	120
<u>Foster Care Facility Permit</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>60</u>
Home Occupation Permit	Y	N	N	90
Housing Incentives Permit	Y	N	N	90
Landscape Plan Review	Y	N	N	90
Land Use Approval	Y	N	N	120
Lot Line Adjustment	Y	N	N	90
Major Modification to a Type III Permit	Y	N	N	120
Manufactured/Mobile Home Setup Permit	N	N	Y	90
New Commercial Permit	N	N	Y	120
New Single-Family Permit	N	N	Y	60
New Multifamily Permit	N	N	Y	120
<u>Permanent Supportive Housing Permit*</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>120</u>
Pre-Application	Y	Y	Y	60
Preliminary and Final Short Plats (creating 2 – 9 lots)	Y	Y	N	120
Preliminary Plat (10 or more lots)	Y	Y	N	120
Planned Development District	Y	N	N	120
<u>Rapid Rehousing Permit*</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>120</u>
Reasonable Accommodation Request	Y	N	N	90
Residential Addition/Remodel	N	N	Y	60
Scrivener Corrections to Comprehensive Plan Map, and/or Comprehensive Plan text, Zoning Map, and/or Zoning Development Regulations	Y	N	N	N/A
Senior Housing Overlay Permit	Y	N	N	90
Shoreline Conditional Use Permit	Y	N	N	120
Shoreline Conditional Use Permit when Referred by the Shoreline Administrator	Y	N	N	120
Shoreline Exemption Permit	Y	N	N	120
Shoreline Master Program amendment	Y	N	N	120
Shoreline Substantial Development Permit	Y	N	N	120
Shoreline Substantial Development Permit when Referred by the Shoreline Administrator	Y	N	N	120
Shoreline Variance Permit	Y	N	N	120
Shoreline Variance Permit when Referred by the Shoreline Administrator	Y	N	N	120
Sign Permit	Y	N	N	60
Site Development Permit	N	Y	N	90
Small Cell Wireless Permit	Y	N	N	See Chapter 18A.95 LMC

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
Temporary Use Permit	Y	N	N	90
Transfer of Development Rights	Y	N	N	120
<u>Transitional Housing Permit*</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>120</u>
Transitory Accommodation Permit	Y	N	N	120
Tree Removal Permit	Y	N	N	90
Tree Retention Plan	Y	N	N	90
Time Extension or Minor Modification to a Type I Permit	Y	N	N	120
Time Extension or Minor Modification to a Type II Permit	Y	N	N	120
Time Extension or Minor Modification to a Type III Permit	Y	N	N	120
Variance	Y	N	N	120
Unusual Use(s) Permit	Y	N	N	120
Zoning Certification	Y	N	N	60
Zoning Interpretations (map and/or text)	Y	N	N	90
Zoning Map amendment, Area Wide	Y	N	N	120
Zoning Map, site specific	Y	N	N	120
Zoning amendment text only	N	N	N	120

Notes:

“Y” means Yes.

“N” means No.

*A building permit is only necessary if there is: 1) new construction per LMC Title 15; 2) change of use per LMC Title 15; or 3) construction activity where a building permit is required per LMC Title 15.

* * *

18A.20.070 Approval and appeal authorities.

The project review process for an application or a permit may include review and approval by one or more of the following processes:

A. *Department Staff.* Individual staff shall have the authority to review and approve, deny, modify, or conditionally approve, among others, the following actions and/or permits:

1. Accessory building;
2. Accessory dwelling unit;
3. Administrative nonconforming determination;
4. Appeal to Hearing Examiner;
5. Binding site plan;

6. Business license;
7. Certificate of occupancy;
8. Commercial addition/remodel;
9. Conditional use permit;
10. Conditional use permit – minor modification;
11. Cottage housing development;
12. Demolition permit;
13. Design review permit;
14. Emergency Housing permit;
15. Emergency Shelter permit;
- ~~14~~6. Environmental review (SEPA checklist and threshold determination);
- ~~17~~5. Final subdivision plat (10 or more lots);
18. Foster Care Facility permit;
- ~~19~~6. Home occupation permit;
- ~~20~~17. Housing incentives permit;
- ~~21~~18. Landscape plan review;
- ~~19~~22. Land use approval;
- ~~23~~9. Lot line adjustment;
- ~~24~~1. Manufactured/mobile home setup permit;
- ~~22~~5. New commercial permit;
- ~~26~~3. New multifamily permit;
- ~~27~~4. New single-family permit;
28. Permanent Supportive Housing permit;

~~259~~. Pre-application;

~~3026~~. Preliminary and final short plats (creating 2 to 9 lots);

31. Rapid Rehousing Permit;

~~3227~~. Reasonable accommodation request;

~~3328~~. Residential addition/remodel;

~~2349~~. Senior housing overlay permit;

~~305~~. Shoreline conditional use permit;

~~361~~. Shoreline substantial development permit;

~~372~~. Shoreline exemption;

~~383~~. Shoreline variance permit;

~~394~~. Sign permit;

~~4035~~. Site development permit;

~~4136~~. Senior housing permit;

~~3742~~. Small cell wireless permit;

~~3843~~. Temporary use permit;

~~3944~~. Transfer of development rights;

45. Transitional Housing permit;

~~406~~. Transitory accommodation permit;

~~417~~. Tree retention plan;

~~482~~. Time extension or minor modification to a Type I permit;

~~493~~. Time extension or minor modification to a Type II permit;

~~5044~~. Transitory accommodation permit;

~~451~~. Tree removal permit;

5246. Unusual use(s) permit;

5347. Zoning certification;

5448. Zoning interpretations (map and/or text).

B. *Director*. Pursuant to Chapter [18A.30](#) LMC, Article V, Land Use Review and Approval, the Director shall have the authority to conduct pre-submission conferences and to grant, conditionally grant, deny, or modify, land use approvals regarding projects for which a public hearing is not required, and to extend the period of approval for land use approval granted by the Director or by the Hearing Examiner.

C. *Lakewood Hearing Examiner*. Lakewood Hearing Examiner shall have the authority vested pursuant to Chapter [1.36](#) LMC.

D. The City Environmental Review Officer shall administer the State Environmental Policy Act (SEPA), Chapter [14.02](#) LMC, Environmental Rules and Procedures, and Chapter [14.142](#) LMC, Critical Areas.

E. *Shoreline Permit Review Process*. See City of Lakewood Shoreline Master Program, Ordinance No. [711](#) or as amended hereafter.

F. *Subdivision Review Process*. See LMC Title [17](#). [Ord. 726 § 2 (Exh. B), 2019.]

18A.20.080 Review authorities.

The following table describes development permits, the public notice requirements, and the final decision and appeal authorities. See LMC [18A.20.400](#) et seq. for appeals. When separate applications are consolidated at the applicant's request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application.

KEY:		
Appeal	=	Body to whom appeal may be filed
Director	=	Community and Economic Development Director
PC	=	Planning Commission
HE	=	Hearing Examiner
CC	=	City Council
R	=	Recommendation to Higher Review Authority
D	=	Decision

O	=	Appeal Hearing (Open Record)				
C	=	Appeal Hearing (Closed Record)				
N	=	No				
Y	=	Yes				
Applications	Public Notice of Application	Director	HE	PC	CC	
TYPE I ADMINISTRATIVE						
Accessory building	N	D	O/Appeal	N	N	
Accessory dwelling unit	N	D	O/Appeal	N	N	
Administrative nonconforming determination	N	D	O/Appeal	N	N	
Boundary line adjustment	N	D	O/Appeal	N	N	
Business license	N	D	O/Appeal	N	N	
Certificate of occupancy	N	D	O/Appeal	N	N	
Commercial addition/remodel	N	D	O/Appeal	N	N	
Demolition permit	N	D	O/Appeal	N	N	
Design review	N	D	O/Appeal	N	N	
<u>Emergency Housing Permit</u>	<u>N</u>	<u>D</u>	<u>O/Appeal</u>	<u>N</u>	<u>N</u>	
<u>Emergency Shelter Permit</u>	<u>N</u>	<u>D</u>	<u>O/Appeal</u>	<u>N</u>	<u>N</u>	
Final subdivision plat (10 or more lots)	Y	D	O/Appeal	N	N	
Form-based code review and decision	N	D	O/Appeal	N	N	
<u>Foster Care Facility Permit</u>	<u>N</u>	<u>D</u>	<u>O/Appeal</u>	<u>N</u>	<u>N</u>	
Home occupation permit			O/Appeal			
Hosting the homeless by religious organizations	See RCW 35A.21.360	D	O/Appeal	N	N	
Land use permit – minor modification	N	D	O/Appeal	N	N	
Manufactured/mobile home permit	N	D	O/Appeal	N	N	
New commercial building permit	N	D	O/Appeal	N	N	
New single-family building permit	N	D	O/Appeal	N	N	
<u>Permanent Supportive Housing Permit</u>	<u>N</u>	<u>D</u>	<u>O/Appeal</u>	<u>N</u>	<u>N</u>	
Pre-application conference permit	N	N	N	N	N	
Preliminary and final short plats (creating 2 – 9 lots)	N	D	O/Appeal	N	N	
Reasonable accommodation request	N	D	O/Appeal	N	N	
Residential addition/remodel	N	D	O/Appeal	N	N	
Shoreline exemption	N	D	O/Appeal	N	N	
Sign permit	N	D	O/Appeal	N	N	
Site development permit	N	D	O/Appeal	N	N	
Small wireless facility permit	See Chapter 18A.95 LMC					
Temporary use permit	N	D	O/Appeal	N	N	
Transfer of development rights	N/A (Program administered by Pierce County)					

Time extension or minor modification to a Type I permit	N	D	O/Appeal	N	N
<u>Transitional Housing Permit</u>	<u>N</u>	<u>D</u>	<u>O/Appeal</u>	<u>N</u>	<u>N</u>
Tree removal permit	N	D	O/Appeal	N	N
Zoning certification	N	D	O/Appeal	N	N
Zoning (map and/or text) interpretation or determination	N	D	O/Appeal	N	N
TYPE II ADMINISTRATIVE					
Binding site plan	Y	D	O/Appeal	N	N
Cottage housing	Y	D	O/Appeal	N	N
Environmental review (SEPA) – (SEPA Checklist and Threshold Determination)	Y	D	O/Appeal	N	N
Preliminary and final short plats (2 – 9 lots)	Y	D	O/Appeal	N	N
Shoreline conditional use permit	Y	D	O/Appeal	N	N
Shoreline substantial development permit	Y	D	O/Appeal	N	N
Shoreline variance permit	Y	D	O/Appeal	N	N
Time extension or minor modification to a Type II permit	Y	D	O/Appeal	N	N
TYPE III DISCRETIONARY					
Conditional use permit	Y	R	D	N	N
Land use permit – major modification	Y	R	D	N	N
Major modification to a Type III permit	Y	R	D	N	N
Planned development district	Y	R	D	N	N
Preliminary plat, long	Y	R	D	N	N
Public facilities master plan	Y	R	D	N	N
Shoreline conditional use permit when referred by the Shoreline Administrator	Y	R	D	N	N
Shoreline substantial development permit when referred by the Shoreline Administrator	Y	R	D	N	N
Shoreline variance when referred by the Shoreline Administrator	Y	R	D	N	N
Time extension to a Type III permit	Y	R	D	N	N
Unusual use(s) permit	Y	R	D	N	N
Variance	Y	R	D	N	N
Zoning Map amendment, site specific	Y	R	D	N	CC/ Appeal
TYPE IV OTHER					
Scrivener corrections to CPA map and/or CPA text	Y	R	N	N	D
TYPE V LEGISLATIVE					
Annexation	Y	R	N	R	D
Comprehensive Plan Map only amendment, Area Wide	Y	R	N	R	D
Comprehensive Plan Map only amendment, site specific	Y	R	N	R	D
Comprehensive Plan text only amendment	Y	R	N	R	D
Development agreement	Y	R	N	R	D

Shoreline Master Program amendment	Y	R	N	R	D
Zoning amendment – Text only	Y	R	N	R	D

[Ord. 758 § 2 (Exh. A), 2021; Ord. 756 § 2, 2021; Ord. 738 § 2 (Exh. A), 2020; Ord. 726 § 2 (Exh. B), 2019.]

* * *

18A.20.100 Licenses and building permits.

Business and occupational licenses shall not be issued unless the applicant has a final inspection or certificate of occupancy as required by Chapter [15.05](#) LMC and as defined hereunder. No building permit shall be issued for the construction, alteration, change of use, or relocation of any building, structure or part thereof unless the plans, specifications and intended use of such building or structure conforms in all respects with the provisions of this title. [Ord. 726 § 2 (Exh. B), 2019.]

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18A.20.110 Certificate of occupancy.

A certificate of occupancy shall be obtained from the Department when a certificate of occupancy is required by the International Construction Codes. [Ord. 726 § 2 (Exh. B), 2019.]

18A.40.040 Commercial and industrial uses.

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

	Zoning Classifications																						
Commercial and Industrial	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	MF3 (B)(1)	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI	
Accessory commercial (B)(5)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	-	
Accessory industrial (B)(6)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-	
Accessory retail or services	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	P	
Artisan shop	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	
Auto and vehicle sales/rental (B)(8)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	P	P	-	-	-	-	-	
Auto parts sales	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-	-	
Bank, financial services	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	P	-	-	-	-	-	
Brewery, production (B)(1)*	-	-	-	-	-	-	-	-	-	P	-	-	C	C	C	P	C	-	P	-	-	-	
Building and landscape materials sales	-	-	-	-	-	-	-	-	C	-	-	P	P	-	P	P	P	-	-	-	-	-	
Building contractor, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-	
Building contractor, heavy	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	C	C	C	-	
Business support service	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	P	-	-	-	
Catering service	-	-	-	-	-	-	-	-	-	P	C	P	P	P	P	C	P	-	-	-	-	-	
Cemetery, mausoleum, columbarium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	
Club, lodge, private meeting hall	-	-	C	-	-	-	-	-	C	C	C	P	P	P	P	-	C	-	-	-	-	-	
Commercial recreation facility, indoor	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	C	C	-	C	
Commercial recreation facility, outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	

	Zoning Classifications																						
Commercial and Industrial	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	MF3 (B)(1)	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI	
Community center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	C	
Construction/heavy equipment sales and rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	C	-	
Convenience store	-	-	-	-	-	-	-	-	-	P	-	P	P	C	C	C	P	-	-	-	-	-	
Equipment rental	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-	P	-	-	
Flex space (B)(7)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	P	P	-	-	
Fuel dealer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-	
Furniture/fixtures manufacturing, cabinet shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	C	P	P	-	
Furniture, furnishings, appliance/equipment store	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-	
Gas station	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	
General retail	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	P	-	P	-	-	-	
Golf course, country club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Grocery store, large	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-	-	
Grocery store, small	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-	-	
Handcraft industries, small-scale manufacturing	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	C	-	P	P	-	-	
Health/fitness facility, commercial	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	P	C	-	-	-	
Health/fitness facility, quasi-public	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	P	
Kennel, animal boarding (B)(3)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	P	C	-	C	P	-	-	
Laboratory, medical/analytical	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	P	P	-	P	
Laundry, dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	C	-	-	
Library, museum	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	-	C	-	-	-	-	-	
Live/work and work/live units	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	C	-	C	C	-	-	
Maintenance service, client site services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	

	Zoning Classifications																					
Commercial and Industrial	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	MF3 (B)(1)	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI
Manufacturing, assembling and packaging, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	-
Manufacturing, assembling and packaging, medium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	P	P	P	-
Manufacturing, assembling and packaging, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-
Metal products fabrication, machine and welding shops, American Direct	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	-
Medical services, lab													P	P	P	P	P		P			P
Mixed use	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-	-
Mobile home, RV, and boat sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Mortuary, funeral homes and parlors		-	-	-	-	-	-	-	-	P	-	-	P	-	P	-	P	-	-	-	-	-
Motion picture production studios	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Office, business services	-	-	-	-	-	-	-	-	-	P	P	P	P	C	P	P	P	-	P	-	-	-
Office, processing	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	P	-	-	-
Office, professional	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	C	P	-	P	-	-	-
Outdoor storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-
Pawnbrokers and secondhand dealers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Personal services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	-
Personal services, restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-
Petroleum product storage and distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Places of assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P
Printing and publishing	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	-	P	P	-	-
Produce stand	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-
Recycling facility – processing facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	C	-

	Zoning Classifications																					
Commercial and Industrial	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	MF3 (B)(1)	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI
Recycling facility – scrap and dismantling yards	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	C	–
Repair service, equipment, large appliances	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	C	–	C	P	P	–
Research and development	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	–	–	–
Secondhand store	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	–	–	–	–	–
Shelter, animal (B)(3), (B)(4)	–	–	–	–	–	–	–	–	–	–	–	P	P	–	C	P	C	–	–	P	–	C
Shopping center	–	–	–	–	–	–	–	–	–	–	–	P	P	P	P	C	P	–	–	–	–	–
Social service organization	–	–	–	–	–	–	–	–	–	–	–	–	C	–	C	–	C	–	–	–	–	–
Solid waste transfer station	–	–	–	–	–	–	–	–	–	–	–	–	C	–	–	–	–	–	C	P	P	–
Small craft distillery (B)(2)	–	–	–	–	–	–	–	–	–	–	–	P	P	P	P	P	P	–	P	–	–	–
Sports and active recreation facility	–	–	–	–	–	–	–	–	–	–	–	–	–	–	C	–	–	–	–	–	–	C
Storage, personal storage facility	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	–	C	P	–	–
Studio, art, dance, martial arts, music, etc.	–	–	–	–	–	–	–	–	–	–	–	P	P	C	P	–	P	–	–	–	–	–
Swap meet	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Theater, auditorium	–	–	–	–	–	–	–	–	–	–	–	–	P	–	P	–	–	–	–	–	–	–
Veterinary clinic (B)(3)	–	–	–	–	–	–	–	–	–	–	–	P	P	–	P	P	P	–	–	P	–	C
Vehicle services, major repair/body work	–	–	–	–	–	–	–	–	–	–	–	–	C	–	–	P	C	–	C	P	P	–
Vehicle services, minor maintenance/repair	–	–	–	–	–	–	–	–	–	–	–	C	P	P	P	P	P	–	P	P	P	–
Vehicle storage	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	C	–	–	P	P	P	–
Warehouse	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	C	–	–	P	P	–	–
Warehouse retail	–	–	–	–	–	–	–	–	–	–	–	–	–	C	C	C	–	–	P	–	–	–
Wholesaling and distribution	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	C	–	–	P	P	–	–

	Zoning Classifications																					
Commercial and Industrial	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	(B)(1)	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI
Wildlife preserve or sanctuary	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P
Wine production facility (B)(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-

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

* Numbers in parentheses reference use-specific development and operating conditions under subsection (B) of this section. Applications for all uses must comply with all of subsection B’s general requirements.

B. Operating and Development Conditions.

* * *

6. Industrial accessory uses are secondary permitted residential uses and include the following:

- a. Professional offices incidental to the primary use.
- b. Outdoor storage areas and yards:
 - i. Outdoor storage areas and yards shall be paved with asphalt or concrete, including contractor storage yards and areas where vehicles or heavy equipment will be parked, stored, or regularly maneuvered. Areas where unattached trailers; shipping containers; vehicles without engines, transmissions, oil and/or gasoline tanks; or where other inert materials or items are stored may be exempted from paving requirements at the discretion of the Director where it is determined that such storage does not pose a soil contamination hazard. A hydrogeological assessment per the City’s critical areas regulations may be required to assist the Director in making this determination.
 - ii. No hazardous materials shall be stored or utilized in storage areas, except as permitted under the International Fire Code and any conditions of site development required by the City.
 - iii. All storage areas shall be screened and fenced pursuant to LMC [18A.70.040\(A\)\(3\)](#) and LMC [18A.70.140\(A\)\(7\)](#).

- c. Antennas and satellite dishes for private telecommunication services.
- d. Incidental hazardous materials storage or use, subject to applicable federal and state regulations.
- e. Facilities used in on-site grounds maintenance.
- f. On-site soil reclamation treatment in accordance with state regulations.
- g. Retaining walls, freestanding walls, and fences.
- h. Accessory caretaker's dwelling (ACD), subject to the following provisions:

* * *

18A.40.060 Essential public facilities.

A. *Essential Public Facilities Land Use Table.* [See 18A.40.060 \(B\) for Operating and Development Conditions.](#) See LMC [18A.10.120\(D\)](#) for the purpose and applicability of zoning districts.

	Zoning Classifications																						
Essential Public Facilities	R1	R2	R3	R4	MR 1	MR 2	MF 1	MF 2	MF 3	AR C	NC 1	NC 2	TO C	CB D	C1	C2	C3	IBP	I1	I2	PI	OSR 1	OSR 2
Airport (Seaplane) (B)(1)*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Community and technical colleges, colleges and universities (B)(1), (B)(2)	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	C	-	-	C	-	-
Correctional facilities (B)(1), (B)(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-
Electrical transmission lines of higher voltage than 115 kV, in existing corridors of such transmission lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electrical transmission lines of higher voltage than 115 kV, in new corridors (B)(1), (B)(2)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Group home	See LMC 18A.40.120, Special needs housing																						
In-patient facility including but not limited to substance abuse facility (B)(1), (B)(2)	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	C	-	-	-	C	-	-

	Zoning Classifications																						
Essential Public Facilities	R1	R2	R3	R4	MR 1	MR 2	MF 1	MF 2	MF 3	AR C	NC 1	NC 2	TO C	CB D	C1	C2	C3	IBP	I1	I2	PI	OSR 1	OSR 2
Intercity high-speed ground transportation (B)(1)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C
Intercity passenger rail service (B)(1)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	P	-	-	-	C
Interstate Highway 5 (I-5) (B)(1)	-	-	P	-	-	-	P	-	-	-	-	P	P	-	P	P	-	-	-	-	-	P	P
Mental health facility (B)(1) , (B)(2) , (B)(4) through (B)(11)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Military installation (B)(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum security institution (B)(1) , (B)(2)	-	-	-	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	C	-	-
Secure community transition facility (SCTFs) (B)(1) , (B)(2) , (B)(3)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-
Solid waste transfer station (B)(1) , (B)(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	C	C	-	-	-
Sound Transit facility (B)(1)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C
Sound Transit railroad right-of-way (B)(1)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	P	-	-	-	P
Transit bus, train, or other high capacity	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-

	Zoning Classifications																						
Essential Public Facilities	R1	R2	R3	R4	MR 1	MR 2	MF 1	MF 2	MF 3	AR C	NC 1	NC 2	TO C	CB D	C1	C2	C3	IBP	I1	I2	PI	OSR 1	OSR 2
vehicle bases (B)(1)																							
Washington State Highway 512 (B)(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-
Work/training release facility (B)(1), (B)(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-

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

* Numbers in parentheses reference use-specific development and operating conditions under subsection (B) of this section. Applications for all uses must comply with all of subsection B’s general requirements.

B. Development and Operating Conditions.

* * *

18A.40.110 Residential uses.

A. *Residential Land Use Table.* [See LMC 18A.40.110 \(B\) for Operating and Development Conditions.](#) [See LMC 18A.10.120\(D\)](#) for the purpose and applicability of zoning districts.

	Zoning Classifications																				
Residential Land Uses	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI
Accessory caretaker's unit	–	–	–	–	–	–	–	–	–	–	P	P	P	P	P	P	P	–	P	P	–
Accessory dwelling unit (ADU) (B)(1)*	P	P	P	P	P	P	P	P	–	–	–	–	P	–	–	–	–	–	–	–	
Babysitting care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	–	–	–	–	–	
Boarding house (B)(2)	C	C	C	C	C	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Cottage housing (B)(3)	P	P	P	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Foster care facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	=	=	=	=	=	=	
Co-housing (dormitories, fraternities and sororities) (B)(4)	–	–	–	–	P	P	P	P	P	–	P	P	–	–	–	–	–	–	–	–	
Detached single-family (B)(5)	P	P	P	P	P	P	–	–	–	P	–	–	–	–	–	–	–	–	–	–	
Two-family residential, attached or detached dwelling units	–	–	–	C	P	P	P	–	–	P	P	P	–	–	–	–	–	–	–	–	
Three-family residential, attached or detached dwelling units	–	–	–	–	C	C	P	–	–	P	P	P	–	–	–	–	–	–	–	–	
Multifamily, four or more residential units	–	–	–	–	–	–	P	P	P	P	P	P	P	P	–	–	–	–	–	–	
Mixed use	–	–	–	–	–	–	–	–	–	–	P	P	P	P	–	–	–	–	–	–	
Family daycare (B)(6)	P	P	P	P	P	P	P	P	P	P	P	P	–	–	–	–	–	–	–	–	
Home agriculture	P	P	P	P	P	P	P	P	P	P	–	–	–	–	–	–	–	–	–	–	
Home occupation (B)(7)	P	P	P	P	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Mobile home parks (B)(8)	–	–	C	C	C	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	
Mobile and/or manufactured homes, in mobile/manufactured home parks (B)(8)	–	–	C	C	C	–	P	P	P	–	–	P	–	–	–	–	–	–	–	–	
Residential accessory building (B)(9)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	–	–	–	–	–	
Rooms for the use of domestic employees of the owner, lessee, or	P	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	

	Zoning Classifications																				
Residential Land Uses	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI
occupant of the primary dwelling																					
Small craft distillery (B)(6), (B)(12)	-	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-
Specialized senior housing (B)(10)	-	-	-	-	C	C	C	C	C	-	-	P	C	C	-	-	-	-	-	-	-
Accessory residential uses (B)(11)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-

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

* Numbers in parentheses reference use-specific development and operating conditions under subsection (B) of this section. Applications for all uses must comply with all of subsection B’s relevant general requirements.

B. Operating and Development Conditions.

* * *

18A.40.120 Special needs housing.

A. *Intent.* It is found and declared that special needs housing facilities are essential public facilities which provide a needed community service. ~~It is also recognized that these types of facilities often need to be located in residential neighborhoods.~~

~~Thus, in order to protect the established character of existing residential neighborhoods, the pPublic interesthealth, safety and general welfare dictates require that these facilities be subject to certain restrictionsconditions. The intent of these regulations is to minimize concentrations of certain types of facilities, mitigate incompatibilities between dissimilar uses, preserve the intended character and intensity of the City's residential neighborhoods, and to promote the public health, safety, and general welfare.~~

B. *Special Needs Housing Table.* See LMC 18A.40.12(C) for Operating and Development Conditions. See LMC 18A.10.120(D) for the purpose and applicability of zoning districts.

Description(s)	Number of residents (size)	Zoning Classifications									
		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
Assisted Living Facility	N/A	–	C	P	P	P	P	–	–	–	–
Confidential Shelter (C)(5)	Max. of 15, plus resident staff	P	P	P	P	P	–	–	–	P	–
Continuing Care Retirement Community	N/A	–	C	P	P	P	P	–	–	–	–
<u>Emergency Housing</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Emergency Shelter</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
Enhanced Services Facility	Max. of 16, plus resident staff	–	–	–	C	C	C (C2 zone only)	–	–	–	–
Hospice Care Center	N/A	C	C	P	–	–	–	–	–	–	–
Nursing Home	N/A	–	C	P	P	P	P	–	–	–	–
Permanent Supportive Housing	N/A	P	P	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>P–</u>	–	–	C	–
Rapid Re-Housing	N/A	P	P	P	P	P	–	–	–	C	–

Description(s)	Number of residents (size)	Zoning Classifications									
		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
Transitional Housing	N/A	P	P	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>P-</u>	-	-	C	-
Type 1 Group Home, adult family home <u>(C)(1)</u>	Max. of 6 or 8 per <u>(C)(1)</u>	P	P	P	P	P	-	-	-	C	-
Type 2 Group Home, <u>Level 1</u>	Max. of 7, plus resident staff	P	P	P	P	P	-	-	-	C	-
Type 2 Group Home, <u>Level 2</u>	Max. of 10, plus resident staff	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-	-	-	-
Type 2 Group Home, <u>Level 3</u>	More than 10, plus resident staff	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	<u>C</u>	-
Type 3 Group Home, <u>Level 1</u>	Max. of 8, plus resident staff	-	C	C	C	C	-	-	-	C	-
Type 3 Group Home, <u>Level 2</u>	Max. of 12, plus resident staff	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	<u>C</u>	-
Type 3 Group Home, <u>Level 3</u>	More than 12, plus resident staff	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	<u>C</u>	-
Type 4 Group Home	N/A	-	-	-	-	-	C (C1 and C2 zones only)	-	-	-	-
Type 5 Group Home	N/A	-	-	-	C (NC2 zone only)	C	C (C2 zone only)	-	-	-	-

P: Permitted Use _____ C: Conditional Use ~~(C)(2)~~ ~~(C)(3)~~ ~~(C)(4)~~ _____ - : Not allowed

Numbers in parentheses reference use-specific development and operating conditions under subsection (C) of this section. Applications for all uses must comply with all of subsection C's relevant general requirements.

C. Operating and Development Conditions.

1. Adult family homes are permitted, subject to obtaining a state license in accordance with Chapter 70.128 RCW, Chapter 220, Laws of 2020 and the following:

- a. Compliance with all building, fire, safety, health code, and City licensing requirements;
- b. Conformance to lot size, setbacks, building coverage, hard surface coverage, and other design and dimensional standards of the zoning classification in which the home is located.

2. Additional ~~Conditional use permit requirements~~ for ~~s~~Special ~~n~~Needs Housing:

a. ~~Facilities Allowed by Conditional Use Permit.~~ Applications for ~~conditional use permits for~~ special needs housing facilities shall be processed in accordance with the standard procedures and requirements ~~for as outlined in LMC Chapter 18A.20, Article I, conditional use permits, as outlined in Chapter 18A.30 LMC, Article II,~~ with the following additional requirements:

i. *Preapplication Community Meeting.* Prior to submitting an application ~~for a conditional use permit~~ to the City, the applicant shall hold a public informational meeting with adjacent community members. The purpose of the meeting is to provide an early, open dialogue between the applicant and the neighborhood surrounding the proposed facility. The meeting should acquaint the neighbors of the proposed facility with the operators and provide for an exchange of information about the proposal and the community, including the goals, mission, and operation and maintenance plans for the proposed facility; the background of the operator, including their capacity to own, operate, and manage the proposed facility; and the characteristics of the surrounding community and any particular issues or concerns of which the operator should be made aware. The applicant shall provide written notification of the meeting to the appropriate neighborhood council, qualified neighborhood and community organizations, and to the owners of property located within three hundred (300) feet of the project site.

ii. *Preapplication Site Inspection for Existing Facilities.* Prior to submitting an application ~~for a conditional use permit~~ to the City, the applicant shall allow for an inspection by the appropriate Building Inspector and appropriate Fire Marshal to determine if the facility meets the building and fire code standards for the proposed use. The purpose of this inspection is not to ensure that a facility meets the applicable Code requirements or to force an applicant to bring a proposed facility up to applicable standards prior to application for a ~~conditional use~~ permit, but instead is intended to ensure that the applicant, the City, and the public are aware, prior to making application, of the building modifications, if any, that would be necessary to establish the use.

iii. *Required Submittals.* Applications for special needs housing ~~conditional use permits~~ for special needs housing facilities shall include the following:

(a) A land use permit application containing all of the required information and submissions set forth in Chapter 18A.20-18A.30 LMC, Article II, ~~for conditional use permits.~~

(b) Written confirmation from the applicant that a preapplication public meeting has been held, as required under subsection (C)(2)(a)(i) of this section.

(c) Demonstration of inspection of an existing facility by the appropriate Fire Marshal and Building Inspector, as required under subsection (C)(2)(a)(ii) of this section.

(d) An operation plan that provides information about the proposed facility and its programs, per the requirements of the Community and Economic Development Department.

iv. Participation in HMIS. All special needs housing should participate in the Pierce County homeless management information system (HMIS.)

~~3. *Special Needs Housing Specific Conditional Use Permit Review Criteria.* In addition to the requirements outlined in Chapter 18A.30 LMC, Article II, a conditional use permit for a special needs housing facility shall only be approved upon a finding that such facility is consistent with all of the following criteria:~~

~~a. There is a demonstrated need for the use due to changing demographics, local demand for services which exceeds existing facility capacity, gaps in the continuum of service, or an increasing generation of need from within the community.~~

~~b. The proposed use is consistent with the goals and policies of the City of Lakewood Comprehensive Plan, and the City of Lakewood Consolidated Plan for Housing and Community Development.~~

~~c. The proposed location is or will be sufficiently served by public services which may be necessary or desirable for the support and operation of the use. These may include, but shall not be limited to, availability of utilities, access, transportation systems, education, police and fire facilities, and social and health services.~~

~~d. The use shall be located, planned, and developed such that it is not inconsistent with the health, safety, convenience, or general welfare of persons residing in the~~

~~facility or residing or working in the surrounding community. The following shall be considered in making a decision:~~

- ~~i. The impact of traffic generated by the proposed use on the surrounding area, pedestrian circulation and public safety and the ability of the proponent to mitigate any potential impacts.~~
- ~~ii. The provision of adequate off street parking, on-site circulation, and site access.~~
- ~~iii. The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties, to include the following development criteria:
 - ~~(a) All program activities must take place within the facility or in an appropriately designed private yard space.~~
 - ~~(b) Adequate outdoor/recreation space must be provided for resident use.~~~~
- ~~iv. Compatibility of the proposed structure and improvements with surrounding properties, including the size, height, location, setback, and arrangements of all proposed buildings, facilities, and signage, especially as they relate to less intensive residential land uses.~~
- ~~v. The generation of noise, noxious, or offensive emissions, light, glare, traffic, or other nuisances which may be injurious or to the detriment of a significant portion of the community.~~
- ~~vi. Demonstration of the owner's capacity to own, operate, and manage the proposed facility, to include the following:
 - ~~(a) Provision of an operation plan which will provide for sufficient staffing, training, and program design to meet the program's mission and goals.~~
 - ~~(b) Provision of a maintenance plan which will provide for the exterior of the building and site to be maintained at a level that will not detract from the character of the surrounding area, including adequate provision for litter control and solid waste disposal.~~~~

~~(c) Demonstration of knowledge of the City's Property Maintenance and Public Nuisance Codes, and plans to educate the facility staff.~~

~~(d) Provision of a point of contact for the facility to the City.~~

~~(e) Written procedures for addressing grievances from the neighborhood, City, and facility residents.~~

~~4. *Concomitant Agreement.* Upon issuance of a conditional use permit for a special needs housing facility, the applicant shall sign and record with the Pierce County Auditor a notarized concomitant agreement. Such agreement shall be in a form specified by the Community and Economic Development Director and subject to the approval of the City Attorney, and shall include as a minimum: the legal description of the property which has been permitted for the special needs housing facility; and the conditions of the permit and applicable standards and limitations. The property owner shall submit proof that the concomitant agreement has been recorded prior to issuance of a certificate of occupancy by Community and Economic Development Department. The concomitant agreement shall run with the land as long as the facility is maintained on the property. The property owner may, at any time, apply to the Community and Economic Development Department for termination of the concomitant agreement. Such termination shall be granted upon proof that the facility no longer exists on the property.~~

35. The Director may grant special accommodation to individuals who are residents of domestic violence shelters in order to allow them to live together ~~in groups of between seven (7) and fifteen (15) persons~~ in single-family dwelling units subject to the following:

a. An application for special accommodation must demonstrate to the satisfaction of the Director that the needs of the residents of the domestic violence shelter make it necessary for the residents to live together in a group of the size proposed, and that adverse impacts on the neighborhood from the increased density will be mitigated.

b. The Director shall take into account the size, shape and location of the dwelling unit and lot, the building occupancy load, the traffic and parking conditions on adjoining and neighboring streets, the vehicle usage to be expected from residents, staff and visitors, and any other circumstances the Director determines to be

relevant as to whether the proposed increase in density will adversely impact the neighborhood.

c. An applicant shall modify the proposal as needed to mitigate any adverse impacts identified by the Director, or the Director shall deny the request for special accommodation.

d. A grant of special accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision. If circumstances materially change or the number of residents increases, or if adverse impacts occur that were not adequately mitigated, the Director shall revoke the grant of special accommodation and require the number of people in the dwelling to be reduced to six (6) unless a new grant of special accommodation is issued for a modified proposal.

e. A decision to grant special accommodation is a Process Type I action. The decision shall be recorded with the Pierce County Auditor.

46. *Registration of Existing Special Needs Housing.* Facilities existing as of the effective date of the ordinance codified in this title shall be required to register with the Community and Economic Development Department by one (1) year after the effective date of the ordinance codified in this title. Such registration shall be in a form provided by the Community and Economic Development Department and shall include the following information:

- a. The type of facility;
- b. The location of the facility;
- c. The size of the facility, including the number of clients served and number of staff; and
- d. Contact information for the facility and its operator.

75. *Abandonment.* Any existing special needs housing facility that is abandoned for a continuous period of one (1) year or more shall not be permitted to be re-established, except as allowed in accordance with the standards and requirements for establishment of a new facility. [Ord. 738 § 2 (Exh. A), 2020; Ord. 726 § 2 (Exh. B), 2019.]

6. Emergency Housing, Emergency Shelter, Permanent Supportive Housing, and Transitional Housing Operations and Development Conditions

A. Purpose and Applicability.

1. The purpose of this section is to establish reasonable standards for the safe operation and appropriate siting of Emergency Housing, Emergency Shelter, Permanent Supportive Housing, and Transitional Housing Operations and Development Conditions [Rapid Rehousing too?] housing facilities within the City of Lakewood, so as to protect public health and safety for both facility residents and the broader community. This section does not include regulations for foster care or group homes.
2. Supportive housing facilities that house residents with less complex needs are allowed in all residential districts, provided they are of a similar scale as surrounding development. As the needs of residents increase and/or the size of the facilities increase, such facilities should be located within areas of the City that allow increasing intensity of use and are in proximity of services in accordance with state law.

B. Performance Standards.

1. General Requirements for Emergency Housing, Emergency Shelter, Permanent Supportive Housing, and Transitional Housing Operations and Development Conditions

a. General.

- i. When a site includes more than one (1) type of facility, the more restrictive requirements of this section shall apply.
- ii. Each facility application will be reviewed through the Type 1 administrative permit review process in LMC Chapter 18A.20. -In considering whether the permit should be granted, the Director shall first consider the effects on the health and safety of facility residents and the neighboring communities.
- iii. All facilities must comply with the provisions of LMC Title 18A. All facilities must comply with LMC Title 18B or 18C if applicable.
- iv. All facilities must comply with the Building and Construction Code under LMC Title 15.
- v. All facilities are subject to the provisions of crime prevention through environmental design (CPTED) under 18A.60.090, 18B.500.530 or 18C.500.530 as applicable.

b. Site and Transit.

- i. Facilities shall match the bulk and scale of residential uses allowed in the zone where the facility is located. The design, construction, appearance, physical integrity, and maintenance of the facility shall provide an

environment that is attractive, sustainable, functional, appropriate for the surrounding community, and conducive to tenants' stability.

ii. If provided, exterior lighting must comply with LMC 18A.10.135.8 and 18A.60.085.

iii. The minimum number of off-street parking spaces required for each facility will be determined by the Director through the approval process taking into consideration factors such as the potential number of residents, site constraints, and impact on the surrounding neighborhood.

iv. A description of transit, pedestrian, and bicycle access from the subject site to services must be provided at time of application by the sponsor and/or managing agency.

c. Facility Operations.

i. The sponsor or managing agency shall comply with all federal, state, and local laws and regulations, including Tacoma Pierce County Department of Health regulations. The sponsor or managing agency shall be subject to inspections by local agencies and/or departments to ensure such compliance and shall implement all directives resulting therefrom within the specified time period.

ii. Service providers must exercise reasonable and appropriate on-site supervision of facilities and program participants at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed.

iii. The sponsor or managing agency must provide an operation plan at the time of the application that adequately addresses the following elements:

(A) Name and contact information for key staff;

(B) Roles and responsibilities of key staff;

(C) Site/facility management, including security policies and an emergency management plan;

(D) Site/facility maintenance;

(E) Occupancy policies, to the degree legally applicable, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;

(F) Provision for human and social services, including staffing plan, credentials or certification, and outcome measures;

(G) Outreach with surrounding property owners and residents and ongoing good neighbor policy; and

(H) Procedures for maintaining accurate and complete records.

iv. Sponsors or managing agencies shall demonstrate applicable experience providing similar services to people experiencing homelessness.

v. Sponsors or managing agencies shall demonstrate a stable funding source for the facility and any on-site or off-site human and social services offered as part of the operations plan.

vi. Managing agencies and the Lakewood Police Department (LPD) shall establish reasonable requirements for appropriate access and coordination for the subject facility and its residents.

2. Additional Requirements for Emergency Housing and Emergency Shelters. In addition to the requirements under subsection (B)(1) of this section, emergency housing and emergency shelters are required to comply with the following:

a. Facility Standards.

i. “No special needs housing may be located within 1,000 feet of another property . . . unless sponsored by the same governmental, religious, or not for profit agency.”

ii. In residential zones, no more than one (1) adult bed per two hundred fifty (250) square feet of floor area is allowed per facility, up to eighty (80) residents. For the purposes of this section the following zones are considered residential zones: R1, R2, R3, R4, MR1, MR2, MF1, MF2, and MF 3.

iii. In all other zones, no more than one (1) adult bed per thirty-five (35) square feet of floor area is allowed per facility, up to one hundred (100) residents.

b. Facility Operations.

i. In residential zones, and in order to maintain the residential nature of the facility, residents must be screened off-site by providers of housing and services for people experiencing homelessness.

ii. Trash receptacles must be provided in multiple locations throughout the facility and site. A regular trash patrol in the immediate vicinity of the site must be provided.

iii. Residents and staff must comply with all Tacoma Pierce County Health Department requirements related to food donations.

iv. No children under the age of eighteen (18) are allowed to stay overnight in the facility, unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to this population. If a child under the age of eighteen (18) without a parent or guardian present attempts to stay in a facility not specifically licensed for providing housing to youth, the sponsor

and/or managing agency shall immediately contact Child Protective Services and actively endeavor to find alternative housing for the child.

v. No person under court supervision or under sex offender registration requirements can receive services from a provider, unless providing such services is consistent with the laws, regulations, and/or supervisory requirements related to such persons.

c. Facility Services.

i. Residents shall have access to the following services on site; if not provided on site, transportation shall be provided:

(A) For all facilities, medical services, including mental and behavioral health counseling.

(B) For emergency housing facilities, access to resources on obtaining permanent housing and access to employment and education assistance.

(C) For emergency shelter facilities, substance abuse assistance.

ii. All functions associated with the facility, including adequate waiting space, must take place within a building or on the site proposed to house the facility.

iii. The number of toilets and other hygiene facilities required for each facility will be determined by the Director on a case-by-case basis in consultation with the Tacoma-Pierce County Health Department after a review of factors such as the potential number and composition of residents.

iv. Facilities serving more than five (5) residents shall have dedicated spaces for residents to meet with service providers.

v. The sponsor or managing agency shall coordinate with the homelessness service providers for referrals to their program and with other providers of facilities and services for people experiencing homelessness to encourage access to all appropriate services for their residents.

3. Additional Requirements for Permanent Supportive and Transitional Housing. In addition to the requirements under subsection (B)(1) of this section, permanent supportive housing and transitional housing are required to comply with the following:

a. Facility Standards.

i. Individual facilities shall not have more than eighty (80) dwelling units and are subject to the density standards of residential uses allowed in the zone where the facility is located.

ii. The multi-family housing design standards of LMC 18A.60.030 shall apply to all facilities with more than five (5) dwelling units.

b. Facility Services.

- i. All residents shall have access to appropriate cooking and hygiene facilities.
- ii. Facilities serving more than five (5) dwelling units shall have dedicated spaces for residents to meet with service providers.
- iii. Residents shall have access to the following services on site or shall be provided transportation to such services by the sponsor or managing agency:
 - (A) Medical services, including mental and behavioral health counseling.
 - (B) Employment and education assistance.

18A.40.130 Air installation compatible use zones (AICUZ) and uses.

* * *

See LMC 18A.40.130(E) for Operating and Development Conditions.

Land Use Categories	APZ-I	APZ-II	CZ	Density
Existing Uses				
Continuation of conforming uses and structures already legally existing within the zone at the time of adoption of this chapter. Maintenance, repair, and alteration/addition of existing conforming structures shall be permitted.	P	P	–	N/A
Alteration or modification of nonconforming existing uses and structures. (Subject to LMC 18A.40.130(E)(4) and Chapter 18A.20 LMC, Article II, Nonconforming Uses and Structures.)	Director/HE	Director/HE	–	N/A
Adult family home: Alteration or modification of existing residential structure for use as an adult family home. Not subject to intensity of use criteria, LMC 18A.40.130(E)(1) ; and subject to the Washington State Building Codes, as amended.	P	P	–	N/A
Agriculture and Natural Resources				
Agriculture	–	–	–	N/A
Agriculture, clear zone	–	–	P	N/A
Agriculture, home	P	P	–	N/A
Natural resource extraction/recovery	C	C	–	Maximum FAR of 0.28 in APZ-I, no activity which produces smoke, glare, or involves explosives.
Research, scientific (small scale)	C	P	–	Office use only. Maximum FAR of 0.22 in APZ-I and APZ-II.
Undeveloped land	P	P	P	N/A
Residential Uses				
Accessory caretaker's unit	–	–	–	N/A
Accessory dwelling unit	–	–	–	N/A
Cottage housing	–	–	–	N/A
Cohousing (dormitories, fraternities and sororities)	–	–	–	N/A
<u>Foster care facilities</u>	–	–	–	<u>N/A</u>
Detached single-family structure(s) on lot less than 20,000 square feet	–	–	–	N/A
Detached single-family structure(s) on lot greater than 20,000 square feet	–	P	–	N/A

Two-family residential structure(s), attached or detached dwelling units	–	–	–	N/A
Three-family residential structure(s), attached or detached dwelling units	–	–	–	N/A
Multifamily structure(s), 4 or more residential units	–	–	–	N/A
Mixed use	–	–	–	N/A
Home occupation	P	P	–	N/A
Mobile home parks	–	–	–	N/A
Mobile and/or manufactured homes, in mobile/manufactured home parks	–	–	–	N/A
Rooms for the use of domestic employees of the owner, lessee, or occupant of the primary dwelling	–	P	–	N/A
Child care facility	–	–	–	N/A
Child day care center	–	–	–	N/A
Family day care provider	–	–	–	N/A
Special Needs Housing (Essential Public Facilities)				
Type 1 group home	–	–	–	N/A
Type 2 group home	–	–	–	N/A
Type 3 group home	–	–	–	N/A
Type 4 group home	–	–	–	N/A
Type 5 group home	–	–	–	N/A
Assisted living facilities	–	–	–	N/A
<u>Emergency Housing</u>	–	–	–	N/A
<u>Emergency Shelter</u>	–	–	–	N/A
<u>Permanent Supportive Housing</u>	–	–	–	N/A
<u>Transitional Housing</u>	–	–	–	N/A
Continuing care retirement community	–	–	–	N/A
Hospice care center	–	–	–	N/A
Enhanced services facility	–	–	–	N/A
Nursing home	–	–	–	N/A
Commercial and Industrial Uses				
Building and landscape materials sales	P	P	–	Maximum FAR of 0.28 in APZ I and 0.56 in APZ II.
Building contractor, light	P	P	–	Maximum FAR of 0.28 in APZ I and 0.56 in APZ II.
Building contractor, heavy	C	–	–	Maximum FAR of 0.11 in APZ I and 0.22 in APZ II.
Business support service	P	–	–	Maximum FAR of 0.22 in APZ I.
Catering service	P	P	–	Maximum FAR of 0.22 in APZ II.

Construction/heavy equipment sales and rental	C	C	–	Maximum FAR of 0.11 in APZ I; and 0.22 in APZ II.
Equipment rental	P	P	–	Maximum FAR of 0.11 in APZ I; and 0.22 in APZ II.
Furniture, furnishings, appliance/equipment store	–	C	–	Maximum FAR of 0.28 in APZ II.
Handcraft industries, small-scale manufacturing	P	P	–	Maximum FAR of 0.28 APZ I; Maximum FAR of 0.56 in APZ II.
Kennel, animal boarding	P	P	–	Maximum FAR of 0.11 APZ I; Maximum FAR of 0.22 in APZ II.
Laundry, dry cleaning plant	P	–	–	Maximum FAR of 0.22 in APZ II.
Live/work and work/live units	P	P	–	N/A
Maintenance service, client site services	P	P	–	Maximum FAR of 0.22 in APZ II.
Military installations	P	P	P	N/A
Mobile home, RV, and boat sales	C	C	–	Maximum FAR of 0.14 in APZ I and 0.28 in APZ II.
Office, business services	P	P	–	Maximum FAR of 0.22 in APZ II.
Office, professional	P	–	–	Maximum FAR of 0.22 in APZ II.
Places of assembly	–	–	–	N/A
Personal services	P	–	–	Office uses only. Maximum FAR of 0.11 in APZ II.
Small craft distillery	–	P	–	Maximum FAR 0.56 in APZ II.
Storage, personal storage facility	P	P	–	Maximum FAR of 1.0 in APZ I; 2.0 in APZ II.
Vehicle services, minor maintenance/repair	P	P	–	Maximum FAR of 0.11 APZ I; 0.22 in APZ II.
Vehicle storage	C	C	–	Maximum FAR of 0.28 in APZ I and 0.56 in APZ II.
Warehouse retail	P	–	–	Maximum FAR of 0.16 in APZ II.
Warehouse	P	P	–	Maximum FAR of 1.0 in APZ I; 2.0 in APZ II.
Wholesaling and distribution	P	P	–	Maximum FAR of 0.28 in APZ I and 0.56 in APZ II.
Wildlife preserve or sanctuary	P	P	–	N/A
Eating and Drinking Establishments				
Bar/tavern	–	–	–	N/A
Brewery, brew pub	–	–	–	N/A
Mobile food vending facility	P	P	–	N/A
Night club	–	–	–	N/A

Restaurant, café, coffee shop, counter ordering	–	–	–	N/A
Restaurant, café, coffee shop, drive-through services	–	–	–	N/A
Restaurant, café, coffee shop, table service	–	–	–	N/A
Restaurant, café, coffee shop, outdoor dining	–	–	–	N/A
Restaurant, café, coffee shop, serving alcohol	–	–	–	N/A
Tasting room	–	–	–	N/A
Lodging				
Bed and breakfast guest houses	–	–	–	N/A
Hostels	–	–	–	N/A
Hotels and motels	–	–	–	N/A
Recreational vehicle parks	–	–	–	N/A
Transportation				
Parking facilities (surface)	P	P	–	N/A
Parking facilities (structured)	–	–	–	N/A
Streets with pedestrian and bicycle facilities	P	P	–	N/A
Transit park and ride lots	P	P	–	N/A
Transit shelter	P	P	–	N/A
Utilities				
Above-ground electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations	P	P	–	N/A
Underground electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations	P	P	P	N/A
Electrical distribution substations	P	P	–	N/A
Electrical transmission lines of 115 kV or less and support poles	P	P	–	N/A
Electric vehicle battery charging stations	P	P	–	N/A
Above-ground natural gas conveyance facilities	–	–	–	N/A
Underground natural gas conveyance facilities	P	P	P	N/A
Potable water conveyance facilities	P	P	–	N/A
Potable water storage facilities	C	P	–	N/A
Storm water collection and conveyance facilities	P	P	P	N/A
Storm water detention/retention facilities	P	P	C	N/A
Telecommunications earth receiving stations (satellite dishes)	P	P	–	N/A
Telecommunications lines, pipes, support poles and related facilities, not including earth receiving stations, personal wireless service, transmission/receiving/relay facilities, or switching facilities	P	P	–	N/A
Telecommunications switching facilities	P	P	–	N/A

Telecommunications transmission/receiving/relay facilities		P	–	N/A
Waste water conveyance facilities	P	P	P	N/A
Wireless communication facilities (WCFs)	P	P	–	N/A
Essential Public Facilities				
Airport (American Lake Seaplane Base)	–	–	–	N/A
Community and technical colleges, colleges and universities	–	–	–	N/A
Correctional facilities	–	–	–	N/A
Electrical transmission lines of higher voltage than 115 kV, in existing corridors of such transmission lines	–	C	–	N/A
Electrical transmission lines of higher voltage than 115 kV, in new corridors	–	–	–	N/A
Group home	–	–	–	N/A
In-patient facility including but not limited to substance abuse facility	–	C	–	N/A
Intercity high-speed ground transportation	–	–	–	N/A
Intercity passenger rail service	–	–	–	N/A
Interstate Highway 5 (I-5)	P	–	–	N/A
Mental health facility	–	–	–	N/A
Military installation	P	P	P	N/A
Minimum security institution	–	–	–	N/A
Secure community transition facility (SCTFs)	–	–	–	N/A
Solid waste transfer station	–	–	–	N/A
Sound Transit facility	–	–	–	N/A
Sound Transit railroad right-of-way	–	–	–	N/A
Transit bus, train, or other high capacity vehicle bases	–	–	–	N/A
Washington State Highway 512	P	–	–	N/A
Work/training release facility	–	–	–	N/A

Applications for all uses must comply with all of subsection E's general requirements.

18A.60.090 General Standards

* * *

C. Common Space. The common space shall be designed to ensure that the open space network addresses Crime Prevention through Environmental Design (CPTED) principles such as security and surveillance from residential units. Common recreational spaces shall be located and arranged to allow windows to overlook them.

18A.60.095 Outdoor lighting code.

* * *

F. *Lighting Zone-Specific Lighting Requirements.*

1. *Applicability.*

- a. Except as provided in subsection (B) and (F)(2) of this section, in addition to the foregoing within this section, all outdoor lighting must meet the following requirements based on lighting zone and whether the subject property is residential or nonresidential:

Residential properties other than single-family, duplex, and mobile homes shall comply with Table 1; nonresidential properties shall comply with Table 2 as described below. For the purposes of these requirements, multifamily residential properties of eight (8) dwelling units or more shall be considered nonresidential.

For the purposes of these requirements, Special Needs Housing shall be considered residential if for less than eight (8) dwelling units and nonresidential if for more than eight (8) dwelling units.

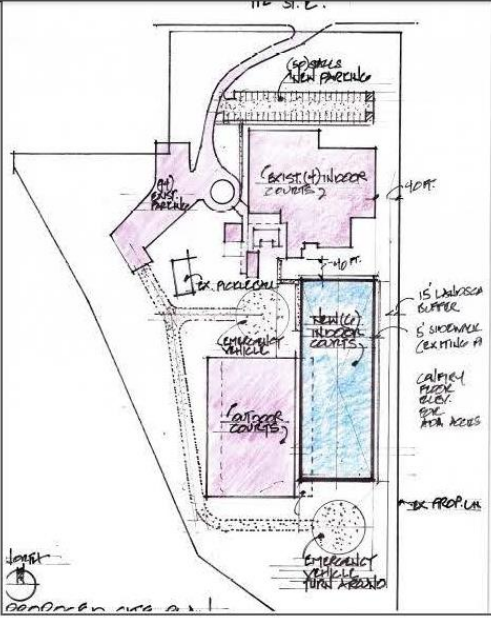
- b. Subsection (C)(5) of this section and Table 3 of this section govern the installation of street lighting within Lakewood. This subsection F and Tables 1 and 2 do not apply to street lighting.

ATTACHMENT A

2023 Comprehensive Plan Amendment Cycle Public Comments

Commenter Name	Amendment #	April 5, 2023 Public Hearing Comments to Planning Commission	City Response
Matthew Sweeney for Claude Remy	2023-02	Support	Comment noted.
Paul Whitaker	2023-03	Support	Comment noted. An updated CED SEPA review and recommendation for the Planning Commission is provided on 4/19/23.

		<p>My name is Paul Whittaker, Vice President (and currently acting President) of the Lakewood Racquet Club.</p> <p>The Lakewood Racquet Club has requested rezoning to permit building up to 6 more indoor tennis courts on our 11-acre property located several blocks South of Lakewood Town Center.</p> <p>We host USTA League tennis matches for adults and Universal Tennis Rating tournaments for children, so that they can compete in local tournaments at appropriate levels and put their ratings on their college applications to assist with potential scholarship awards.</p> <p>Parents who come from surrounding cities, drop their children off to compete in the tournaments, then go and spend money in the Lakewood Town Center stores and restaurants during the day.</p> <p>The Lakewood Racquet Club donates court time to 2 high school tennis teams in the area, so that they may practice indoors during inclement weather. In the Summertime, our numbers swell as local residents come to use the pool and stay for the tennis, ping pong, pickleball and gym equipment.</p> <p>Each month we host about 20 USTA League tennis matches versus teams traveling to Lakewood from Bremerton, Olympia, Parkland, Shelton and Edgewood. We have over 40 banners hanging on the walls of the courts of our club for Lakewood tennis teams that have won the SW Washington League, the Pacific NW Multi-state Sectional Tournaments and have had several teams qualify for Nationals.</p> <p>Kids in Lakewood take tennis lessons from our club tennis professionals; many of these children are then able to qualify for their high school tennis teams and for their college tennis teams.</p> <p>It rains an average of 156 days per year in Lakewood, WA. The club is owned and operated by its members, who are clamoring for more indoor court time. We need more indoor tennis courts to be available for the citizens of Lakewood and the surrounding areas.</p> <p>Thank you for your time and consideration of our request for rezoning!</p>	
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Bill Beretta	2023-03			<p>Comment noted.</p> <p>An updated CED SEPA review and recommendation for the Planning Commission is provided on 4/19/23.</p>
Ken Enslow	2023-03	Support Support		<p>Comment noted.</p> <p>An updated CED SEPA review and recommendation for the Planning Commission is provided on 4/19/23.</p>
Kerry Hills	2023-03	Support		<p>Comment noted.</p>

			An updated CED SEPA review and recommendation for the Planning Commission is provided on 4/19/23.
Lorne H Coody	2023-04	<p>Opposed</p> <p>I would like to inform you that I am not in agreement with this new zoning project.</p> <p>I believe this is not the area for this project. I have my reason as follows:</p> <p>Traffic challenges</p> <p>Personnel speeding as going down my block, no round-a-bout does nothing, children could be hurt.</p> <p>The park challenge we are having could cause further issues.</p> <p>I want to say these are some of my concerns and I hope they will be considered.</p> <p>Thank you, Lorne</p>	Comment noted.
Barris Harms	2023-04	<p>Opposed</p> <p>I am writing to express my complete opposition to the zoning change outlined in 2023-04. I have owned property on Fairlawn Drive for 45 years and the zoning changes described in the amendment are totally inappropriate for the neighborhood and existing single family home construction that we have. The public safety problems that have already been experienced since the addition of the HIGH DENSITY housing constructed under "Phase 1" of this project are appalling and endanger the entire neighborhood constantly. I understand that a three year old child was shot at, or near, the Phase 1 project site. Our neighborhood is already full of mentally ill people wandering our streets because of its close proximity to the Greater Lake Mental Health facility. Theft and property crimes have increased in recent years. It is highly likely that these types of people and events will become more and more common if the additional high density units are constructed.</p> <p>This project will also lower our property values. Remember, lower property values result in lower tax revenues. I urge all of the city planning committee members to block passage of the zoning changes proposed under 2023-04 and maintain the existing single family residential zoning.</p>	Comment noted.
Cynthia I Jahner	2023-04	Opposed	Comment noted.

		<p>I live in this area of Lakewood; 5486 Fairlawn Dr SW to be exact. In my opinion and professionals opinions as well a proposal such as this would cause our property values to fall. Not to mention more traffic, noise and possible crime. I've noticed that since the establishment next to this proposed area was built there's been more noise. This block is all single dwelling homes owned by families, except for that new building on Gravelly Lake Drive. A proposal of this type and magnitude is not in keeping with our neighborhood. Please consider carefully this proposal.</p> <p>I AND MY HUSBAND, RAYMOND P JAHNER, ARE OPPOSED IN TOTAL TO 2023 COMPRESSIVE PLAN AMMENDMENT 2023-04.</p>	
Laura Kinard	2023-04	<p>Opposed</p> <p>This is single family dwelling for 40 yrs & DO NOT WANT ANY ZONING CHANGES PLEASE!!!</p>	Comment noted.
Paul Nimmo	2023-04	<p>Opposed</p> <p>As a homeowner adjacent to the parcels listed in 2023-04, I must state that I vehemently oppose the proposed zoning changes, 2023-04.</p> <p>A small neighborhood, forming a triangle being bordered by Bridgeport Way, Steilacoom BLVD. and Gravelly Lake Drive, plays host to small, single family homes built between 1946 and 1968 (my home is the youngest) This area is also home to Kiwanis Park which is one of the older parks in Lakewood. I played baseball in the area now occupied by the skate park. Single family homes once considered a part of the American Dream, except in Lakewood.</p> <p>The proposal to change currently zoned Residential 4 (R4) to Neighborhood Business District (NBC)/Neighborhood Commercial 2 seems to be counter productive to actively securing affordable housing. These older homes are perfect for the first-time buyers who cannot afford the homes in Oakbrook or the luxury homes surrounding several lakes.</p> <p>With a glut of unused already zoned commercial property (the QFC property comes to mind), why change properties already zoned for residential? Why not zone affordable housing adjacent to Pierce College where those putting back their lives can walk to college? The small American neighborhood is no longer welcome in central Lakewood.</p> <p>Would this proposal even get consideration if proposed for an area in Oakbrook, or perhaps with the walls of Madera Estates? Of course not. There is a concerted effort to polarize Lakewood... perhaps the word segregate is a better term. Keep the poor on one side and the wealthy on another.</p> <p>I must also call in to question the oversite promised by LASA. When the original LASA proposal was made for Prairie Oaks, one promise that was made was to provide on-site management and supervision. Other notable promises included state of the art security measures as well as video surveillance capabilities. Listening to the scanner feeds the night of the shooting, it was obvious this was no longer the case. No representative of management was on site. No one with keys to allow the Police Department to access rooms in order to secure the building. No access to video surveillance. These zoning changes are to pave the wave for this same organization to build more units so they can provide the same low level of oversight? Unfortunately, what I see is Lakewood's version of the Chicago or New York "Projects". We know how those plans came through.</p> <p>The 2023 Comprehensive Plan Amendment 2023-4 seems to lack planning. I OPPOSE 2023-04.</p>	Comment noted.
Earl Peters	2023-04	<p>Opposed</p> <p>I think the implementation of a apartment complex in our community would invite unwanted issues that the investors don't have to deal with.</p>	Comment noted.

Commenter Name	Amendment #	April 5, 2023 Public Hearing Comment Summaries to Planning Commission	City Response
Kerry Hills	2023-05	Opposed	Comment noted. Updated proposed 2023-05 in 4/19/23 Commission packet was presented on 4/12/23 to those who submitted comments to Planning Commission on 4/5.
Lua Pritchard (APCC)	2023-05	Opposed to conditional use permit, high barrier conditions, 1,000 foot distance, 50 maximum residents w/out additional conditions, discrimination against protected classes	Comment noted. Updated proposed 2023-05 in 4/19/23 Commission packet was presented on 4/12/23 to those who submitted comments to Planning Commission on 4/5.
Sharon Lee (LIHI)	2023-05	Opposed to conditional use permit, high barrier conditions, 1,000 foot distance, 50 maximum residents w/out additional conditions, discrimination against protected classes, arbitrary additional conditions	Comment noted.

			Updated proposed 2023-05 in 4/19/23 Commission packet was presented on 4/12/23 to those who submitted comments to Planning Commission on 4/5.
Jon Grant (LIHI)	2023-05	Opposed to conditional use permit, high barrier conditions, 1,000 foot distance, 50 maximum residents w/out additional conditions, discrimination against protected classes, arbitrary additional conditions	Comment noted. Updated proposed 2023-05 in 4/19/23 Commission packet was presented on 4/12/23 to those who submitted comments to Planning Commission on 4/5.
John Brown (LIHI)	2023-05	Explained LIHI's security practices and procedures.	Comment noted. Updated proposed 2023-05 in

			4/19/23 Commission packet was presented on 4/12/23 to those who submitted comments to Planning Commission on 4/5.
Amanda DeShazo (TPCAHC)	2023-05	<p>Opposed</p> <p>Requiring a Conditional Use Permit (CUP) where one was not required previously: Permanent Supportive Housing and Transitional Housing are rental housing units, where tenants are required to sign a lease and follow the law just as any other tenant of a rental housing unit. Landlords providing PSH or TH and tenants residing within it must follow the same rules under the Landlord Tenant Act, along with any requirements from the City of Lakewood, and comply with the same regulations. Individuals who are accepted into permanent supportive housing units are willing to disclose their vulnerabilities in return for housing that is understood to be safe, offering treatment and wrap-around services should the individual or family need or want it. The City of Lakewood seeks to cause further barriers in accessing this housing and further stigmatization of residents by requiring any PSH or TH provider to go through this lengthy and tedious process and of which there is no opportunity to appeal decisions.</p>	<p>Comment noted.</p> <p>Updated proposed 2023-05 in 4/19/23 Commission packet was presented on 4/12/23 to those who submitted comments to Planning Commission on 4/5.</p>

		<p>Requiring a CUP creates systemic inequality for affordable housing providers and is not conducive to creating more housing. It disincentivizes affordable housing providers who are wanting to develop more PSH or TH in Lakewood, thus reducing access to affordable housing for your residents. The CUP process is known to be lengthy and can offer a great deal of unpredictability while requiring an abundance of upfront work from underfunded affordable housing providers. Finding and acquiring a site, raising necessary funds to build and maintain, and dedicating staff time and resources to the process are risks that each affordable housing developer takes when undergoing a new project. Adding the requirement of a CUP makes it more difficult and creates a new layer of uncertainty, as there is less clarity on whether a project will be approved or not. Since there is not an opportunity for appeal, it makes it less likely that an affordable housing provider would even undergo the risk of taking on a project.</p> <p>The Affordable Housing Consortium asks that you reconsider your position on requiring a CUP as it goes against the goals of HB 1220 and creates further barriers to affordable housing access and development.</p>	
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		<p>Incorporating restrictive development standards through the siting, spacing, and density requirements: The Washington State Department of Commerce (DOC) has released a guiding report to support municipalities in increasing the number of affordable units and access to those affordable units, “Guidance for Making Adequate Provisions to Accommodate All Housing Needs” (2023). In this report, DOC lists types of barriers to housing capacity and production that should be removed in order to create more access and increase the development of affordable housing. DOC notes:</p> <p><i>“Restrictive development regulations often make it more difficult, if not impossible, to construct certain types of moderate density and higher density housing types. These regulations can be a result of community opposition... These regulatory barriers can exist in many forms”</i> including “Spacing requirements, restrictions on support spaces (such as offices), arbitrary limits on number of occupants (in conflict with RCW 35A.21.314) and other restrictions on emergency shelters, emergency housing, transitional housing and permanent supportive housing that effectively prohibit or limit capacity of these housing types so they cannot meet the projected needs”.</p> <p>The Department of Commerce specifically calls out these regulations as barriers, yet the City of Lakewood is incorporating these requirements into its standards for permanent supportive and transitional housing by requiring 1) 1,000 feet between any established PSH, TH, and EH, 2) Limited density to 50 residents, and 3) requiring a CUP for these types of housing in zones where it is currently allowed outright. The Affordable Housing Consortium sees these amendments as creating further barriers to the production of affordable housing and thus reducing access to affordable housing for the City’s residents.</p> <p>The Affordable Housing Consortium would suggest that the Planning Commission reconsider the restrictive nature of these amendments and encourage staff to review the guiding documents provided by the Department of Commerce.</p>	
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		<p>Creating an unpredictable and onerous process by requiring agreements, plans, and minimum expectations, with consultation by the Lakewood Police and approval from the Planning Director.</p> <p>First, We have questions and concerns about the number of administrative requirements being placed on housing providers. Operating agreements are not unusual for affordable housing projects, however, it is unusual for them to be legislated in the permitting process. Typically, operating agreements for affordable housing are made between funders and grant recipients. Affordable housing has the most strict requirements of any publicly funded project as multiple funding sources (federal, state, local, and philanthropic funding) all have their own requirements and policies that must be abided by. Requiring an operating agreement, a safety and security plan, minimum expectations of an operator, rules and codes of conduct, and a community relations plan is onerous. The Affordable Housing Consortium suggests working with housing providers to receive documentation that is provided to funders as opposed to requiring it and having it approved by the Planning Director and Lakewood Police Department.</p> <p>Second, we would like to express our concern regarding the police involvement in a safety plan. While we understand that community safety is a paramount concern to the City of Lakewood in general, I believe the involving the police is not necessary. It's important to recognize that police presence can create fear and anxiety among residents, particularly those from marginalized communities who experienced over-policing and discrimination in the past. By involving the police in a safety plan, we risk perpetuating this fear and causing harm to those we seek to protect. Furthermore, research has shown that police presence does not necessarily lead to increased safety. Instead of relying on the police, we ask that you consider alternative solutions. We believe that it is essential to prioritize the well-being and safety of all residents, this can be achieved through community involvement and resources provided by affordable housing management.</p> <p>In conclusion, the Affordable Housing Consortium would be glad to work with you and our membership to work on the proposed amendments. We feel that our developers' knowledge and experience would be valuable to staff in making any changes to the Comprehensive Plan. We urge you to please reconsider making any changes prior to working with the Affordable Housing Consortium and other developers who will be impacted by these proposed changes. In all, we want to ensure that everyone has access to affordable housing and we are here to help make that work possible in partnership with you.</p>	
Naomi See (NEF)	2023-05	<p>Opposed to</p> <ol style="list-style-type: none"> 1. Requiring Conditional se permits for permanent supportive housing; 2. Requiring 1,000 feet of spacing between emergency housing, transitional housing, or supportive housing developments; 3. Requiring operations contracts as part of the zoning approval; and 4. Eliminating the appeal process for permitting decisions. 	<p>Comment noted.</p> <p>Updated proposed 2023-05 in 4/19/23 Commission packet was</p>

			presented on 4/12/23 to those who submitted comments to Planning Commission on 4/5.
Allyson Reynolds, Stoel Reeves for LIHI	2023-05	<p>Submitted redline/strikeout Opposed</p> <p>LIHI is concerned that the current draft of the Ordinance will make the operation of Maureen Howard Place unduly costly and burdensome by imposing requirements that are not typically required in other cities. Moreover, LIHI believes that the current draft of the Ordinance will prevent the development of housing for all economic segments of the populations, specifically low-income and extremely low-income people, which is mandated by the state's Growth Management Act. RCW 36.70A.070(2)(a)(ii).</p> <p><u>Request: We urge the Planning Commission to amend the Ordinance as shown in Exhibit A which will ensure the Ordinance complies with state and federal law and will allow these important housing and shelter facilities to be developed in the City.</u></p> <p>Important Legal Considerations Washington courts have long recognized that there is a balance between the state constitution's grant of police power to local governments to enact legislation for the protection of the public health, safety, and welfare, and the constitution's check on that power by requiring that the legislation be reasonable and not unduly infringe on individual rights. <i>City of Seattle v. McConahy</i>, 86 Wash. App. 557, 563, 937 P.2d 1133 (1997)</p> <p>State Law Requirements 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." Per 2021 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." The City has selected Option 1. 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."</p>	<p>Comments noted.</p> <p>Updated proposed 2023-05 in 4/19/23 Commission packet was presented on 4/12/23 to those who submitted comments to Planning Commission on 4/5.</p>

		<p>Pierce County Requirements</p> <p>At the local level, Pierce County recently passed the <i>Maureen Howard Affordable Housing Act</i> in order to address this growing humanitarian crisis and implement the County’s Comprehensive Plan to End Homelessness. The proposed Ordinance should be consistent with the policies and goals of the Pierce County Comprehensive Plan to End Homelessness (March 2022) (“County Plan”). The Plan expressly recognizes the need for, and importance of, facilities like the LIHI Property:</p> <p>“Everyone in Pierce County should have a home. This Comprehensive Plan envisions a system that prevents homelessness by stabilizing households at risk, and immediately responds to homelessness with appropriate shelter and a permanent housing intervention. While eliminating homelessness is nearly impossible, functional zero – a state where people have access to immediate shelter and an effective permanent housing program – is not just possible, but also necessary to achieve nearly every other civic interest.”</p> <p>Pierce County Comprehensive Plan to End Homelessness, p. 3 (emphasis added).</p> <p>To be consistent with the County Plan, the City should ensure that the Ordinance does not unduly burden the siting and operation of LIHI’s proposed facility at Maureen Howard Place.</p> <p>LIHI’S Suggested Changes to the Current Draft Ordinance to Comply with State Law</p> <p><i>Remove Conditional Use Permit Requirement for ES, EH, PSH and TH Facilities.</i></p> <p>Proposed Ordinance Section 18A.40.120.C.7 and 8 include an extensive list of regulations applicable to ES, EH, PSH and TH Facilities which regulate occupancy, spacing and intensity of use. Even though a Facility would already need to meet these requirements, the Ordinance also requires that Facilities obtain a conditional use permit (“CUP”) in in many zones, including the C2 zone where LIHI’s Property is located. The CUP requirement creates the added time and expense of a land use process and injects an unreasonable level of uncertainty into Facility siting and development.</p>	
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		<p>The CUP criteria are highly discretionary and would allow the City to prohibit Facilities even if they met all of the criteria under Ordinance Section 18A.40.120.C.7 and 8. For example, if the applicant does not demonstrate a “need” for the Facility (for which there are no set criteria), the Facility could be denied. Moreover, the City is imposing a different standard on ES, EH, PSH and TH Facilities than other Special Needs Housing categories like Assisted Living, Nursing Home, and Continuing Care Retirement Facilities. These uses are permitted outright to serve a special needs population in both the residential and nonresidential zones. The City should allow ES, EH, PSH, and TH Facilities that serve other special needs populations under the same standard and not subject these types of special needs housing and shelters to additionally, unnecessary process. However, if the City finds that a CUP process is necessary for Facilities in some but not all zones, LIHI strongly urges the City to allow these Facilities without a CUP in the commercial zones (C1-C3) where higher intensity uses are already permitted and conflicts with adjacent uses are less likely.</p> <p>The City has provided no evidence or credible arguments regarding why the additional CUP requirement is necessary to “protect public health and safety” or how the CUP is necessary to establish “reasonable occupancy, spacing, and intensity of use requirements” that are not already provided through the standards in Ordinance Sections 18A.40.120.C.7 and 8.</p> <p>Rather than rely on discretionary and subjective CUP criteria, the City should establish objective standards under 18A.40.120.C.7 and 8 for these items. For example, it is reasonable for the City to require adequate public services for these facilities to operate, including utilities, access, transportation systems, education, police and fire facilities, and social and health services (see CUP criterion (d)) but these requirements appear to already be duplicated within Ordinance Sections 18A.40.120.C.7 and 8. Thus, the highly discretionary CUP process could prohibit properly-zoned Facilities even if they meet the public health and safety requirements.</p> <p>LIHI’s proposed amendments to the draft Ordinance (Exhibit A) removes the CUP requirements that do not appear to have relevance to the “reasonable occupancy, spacing, and intensity of use requirements” the City is allowed to impose. The CUP process should be eliminated, but to the extent not already duplicated in Ordinance Sections 18A.40.120.C.7 and 8, LIHI would not oppose the City including reasonable, objective standards for these remaining proposed CUP metrics.</p>	
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		<p><i>Remove Discretionary Director and Police Department Approval Under Ordinance Sections 18A.40.120.C.7 and 8</i></p> <p>The draft Ordinance requires an applicant to develop program rules and a code of conduct, a safety and security plan, and a community relations plan, each of which is subject to minimum standards and requirements. For each, the Ordinance requires Lakewood Planning Director and/or Lakewood Police Department approval, which appears to be discretionary. LIHI has developed these types of plans for its Facilities in other jurisdictions and has not been subjected to a similar discretionary approval requirement.</p> <p>Under the Ordinance, even if the required plans meet the listed criteria, the Director or Police Department appears to have broad discretion to demand changes to the plans or to deny the application. We request that these provisions be stricken from Ordinance Sections 18A.40.120.C.7.C.5, 6 and 7 and 18A.40.120.C.8.A.5, 6, and 7 or that the City clarify that the Director or Police Department’s review and approval will be based <i>solely</i> on the plans meeting the listed requirements.</p> <p><i>Remove or Clarify Additional Discretionary Requirements</i></p> <p>Ordinance Section 18A.40.120.C.8.A states: “A short- or long-term temporary use permit for emergency shelter shall be valid for the duration of a state of emergency, per RCW 43.06.200, <i>or as authorized by the Code Administrator.</i>” This appears to give unfettered discretion to the City Administrator to determine the length of the use permit for an emergency shelter in situations where there is not a state of emergency, as well as the discretion to deny the use entirely. Under RCW 35A.21.430, the City must allow emergency shelters; this mandate is not limited to periods of a declared state emergency. This requirement under Ordinance Section 18A.40.120.C.8.A should be removed or reworded, as suggested in Exhibit A.</p> <p>Ordinance Sections 18A.40.120.C.7.C.4(i) and 18A.40.120.C.8.A.4(i) require that the Operational Agreement be “in a form that is acceptable to the City” which appears to provide the City discretion to deny applications for Facilities by disallowing the form of Operational Agreement. Shelter and housing providers like LIHI typically have standard Operations Agreements that they use across their various facilities to ensure consistency and ensure operations</p>	
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		<p>staff are trained and clear about requirements. If the Operational Agreement meets the City’s standards, a specific form should not be required, and the City should not have discretion to deny a Facility application by objecting to the form of Operational Agreement.</p> <p>Fair Housing Act Prohibits Spacing Requirements Between Facilities</p> <p>LIHI believes that, as currently written, the Ordinance will violate the Federal Fair Housing Act (“FHA”) if implemented by imposing spacing requirements between Facilities that do not apply to housing and hotels for non-disabled populations. As you know, under the FHA, it is unlawful “[t]o discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling” because of a handicap of that person, a resident or intended resident, or any person associated with that person. 42 U.S.C. § 3604(f)(2). Alcoholism and drug addiction are “impairments” for purposes of disability under the FHA, 24 C.F.R. § 100.201(a)(2). It is well established that persons recovering from drug and/or alcohol addiction are disabled under the FHA and therefore protected from housing discrimination.</p> <p>While LIHI appreciates that the newest version of the Ordinance reduces the spacing standards between Facilities of the same type from ½ mile to 1,000 feet, the City should remove all spacing requirements to ensure the Ordinance complies with the FHA and should delete Ordinance Sections 18A.40.120.C.7.C.2 and 18A.40.120.C.7.C.8.A.2.</p> <p>LIHI’s Facilities serve people who are not only experiencing homelessness, but the majority of them are BIPOC (Black Indigenous People of Color), many are veterans, and many are medically fragile, suffering from physical disabilities, and/or experiencing substance use disorder, mental health and behavioral health disorders. All of these are protected disabilities under the FHA and state law. See, RCW 49.60.030 (prohibiting discrimination against individuals with “any sensory, mental, or physical disability . . .”). The FHA also protects people from race and national origin discrimination. The City cannot discriminate against individuals with these disorders by limiting housing for these populations in a way that is different from the limits placed on housing for other populations. The City does not impose a spacing requirement for permanent housing or short-term hotel use by non-special needs individuals – such as a 1,000-foot radius between apartment buildings and hotels. Special needs housing types cannot be treated differently under the law.</p>	
		<p>LIHI Supports a Collaborative Process</p> <p>LIHI appreciates some of the changes proposed to the draft Ordinance after the March 15th hearing and urges the Planning Commission to adopt these changes. LIHI staff testified about its “Housing First Model” and the need to keep these types of Facilities with a low barrier to entry to get people inside and connect them to supportive services. LIHI has a proven track record of working with its neighbors to manage LIHI’s Facilities and minimize the impact to surrounding community. To that end, LIHI already has an operational management plan that includes but is not limited to community engagement, a Code of Conduct for its participants, a parking mitigation plan, a safety plan and a staff plan with 24/7 staffing for the Facilities it operates. LIHI understands that the regulation of homeless and low-income facilities raises complex, and sometimes contentious, issues.</p>	

ATTACHMENT B

State Laws Governing Regulation of Foster Care Facilities, Emergency Housing, Emergency Shelter, Permanent Supportive Housing, and Transitional Housing

RCW 35A.21.314 - Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a code city may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.

RCW 36.70A.070.2(c) - Identify sufficient capacity of land for housing including, but not limited to, . . . **foster care facilities**[.]

RCW 35A.21.430 - **Indoor emergency housing (EH)** and **indoor emergency shelters (ES)** and shall be allowed in any zones in which hotels are allowed, except in cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within one-mile of transit.

EH:

- Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless
- Intended to address the basic health, food, clothing, and personal hygiene needs
- May or may not require occupants to enter into a lease or an occupancy agreement

RCW 36.70A.030(9)

ES:

- A facility that provides temporary shelter for individuals or families who are currently homeless.
- No lease or occupancy agreement.
- Includes day and warming centers that do not provide overnight accommodations

RCW 36.70A.030(10)

RCW 35A.21.305 - Permanent supportive housing [PSH] shall be allowed in areas where multifamily housing is permitted.

RCW 35A.21.430 - “A code city shall not prohibit **transitional housing [TH]** or **permanent supportive housing [PSH]** in any zones in which residential dwelling units or hotels are allowed.”

PSH:

- **Subsidized and leased**, subject to all of the rights and responsibilities of Landlord Tenant Laws

- **No limit on length of stay**
 - Persons **experiencing homelessness or at imminent risk of homelessness**
 - **Lower barrier** to entry than would be typical for other subsidized or unsubsidized rental housing
 - Paired with **voluntary services** designed to support a person with multiple barriers to stability (mental, physical, etc.)
 - **Connects the resident** with community-based health care, treatment, or employment **services**
- [RCW 36.70A.030\(19\)](#)

TH:

- A facility that provides **housing and supportive services** to homeless individuals or families
 - **Up to two years**
 - Primary purpose is to enable homeless individuals or families to **move into independent living and permanent housing**
- [RCW 84.36.043\(2\)\(c\)](#)

Occupancy/Spacing/Intensity of Use Requirements for EH, ES, PSH, and TH

RCW 35A.21.430 - “[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.” (*Emphasis in underline added.*)

RCW 35A.21.314

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW [64.37.010](#) and any lawful limits in occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a code city may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit. (*Emphasis in underline added.*)

RCW 36.130.020

(1) A city, county, or other local governmental entity or agency may not adopt, impose, or enforce requirements on an affordable housing development that are different than the requirements imposed on housing developments generally. (*Emphasis in underline added.*)

(2) This section does not prohibit any city, county, or other local governmental entity or agency from extending preferential treatment to affordable housing developments intended for including, but not limited to, occupancy by homeless persons, farmworkers, persons with disabilities, senior citizens, or low-income households. Preferential treatment may

include, but is not limited to: A reduction or waiver of fees or changes in applicable requirements including, without limitation, architectural requirements, site development requirements, property line requirements, building setback requirements, or vehicle parking requirements; or other treatment that reduces or is likely to reduce the development or operating costs of an affordable housing development.

(3) A city, county, or other local governmental entity or agency may impose and enforce requirements on affordable housing developments as conditions of loans, grants, financial support, tax benefits, subsidy funds, or sale or lease of public property, or as conditions to eligibility for any affordable housing incentive program under RCW 36.70A.540 or any other program involving bonus density, transfer of development rights, waiver of development regulations or fees, or other development incentives.

Department of Commerce Guidance:

Reasonable occupancy, spacing, and intensity of use requirements may be imposed on EH, ES, PSH and TH to protect public health and safety.

- Depends on geographic size and population of the jurisdiction
- Depends on the current siting of these special housing types
- Should be justified by reference to building code, fire code, or other citation within a staff report to reduce litigation risk
- May not prevent the siting of a **sufficient** number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters per HB 1220 (2021.)
- Occupancy limits for **EH and ES**
 - best set by occupant per square foot.
 - be consistent with square foot occupancy in the building code or other adopted codes
- **Adult Family Home** limit = 8 occupancy limit
- Many communities are separating their regulations: with little to no regulation when the **Transitional Housing** is intended to serve up to 8 people, and additional regulations when the program is intended to serve more than 8
- Limits on occupancy for **Transitional Housing** should be consistent with other group living



To: Lakewood Planning Commission
From: Becky Newton, Economic Development Manager
Date: April 19, 2023
Subject: Multifamily Tax Exemption Program Review

This is an initial review of the Multifamily Tax Exemption Program for comment.

Current MFTE Program

Under LMC 3.64.030(A)(1), limited eight (8) - or twelve (12) year exemptions from ad valorem property taxation for multifamily housing in tax incentive urban use center(s) (TIUUCs) – “Multifamily Housing Property Tax Exemptions” (MFTEs) - are possible within mixed-use centers designated by the City Council as residential target areas (RTAs).

Basic eligibility requirements for application (City requirements):

- Located within an RTA;
- A minimum of four (4) units in a single structure;
- At least 50% of the space designated for multifamily housing must be provided for “permanent residential occupancy”;
- Construction must be completed within three (3) years of conditional certificate adoption;
- Any existing residential construction on a site to be rehabilitated or demolished must violate the City’s building and housing codes;
- Low-income households occupying any rental units currently on the site must receive relocation support; and
- Projects must comply with City of Lakewood guidelines and standards.

Lakewood MFTE-Eligible Areas

The City Council may, by ordinance, amend or rescind the designation of a RTA at any time. In other words, The City Council could pass a resolution of intention to amend the RTA including conducting a public hearing, and, thereafter, pass an ordinance modifying the RTA boundary.

Per Lakewood Resolution 2015-10, there are three TIUUC and three RTA areas within Lakewood, located in the Downtown subarea, the Lakewood Station District subarea, and the Springbrook area; these are represented in the maps on the following pages. MFTE’s are possible within the three RTA areas - the Springbrook RTA boundaries are not contiguous with the Springbrook TIUUC.

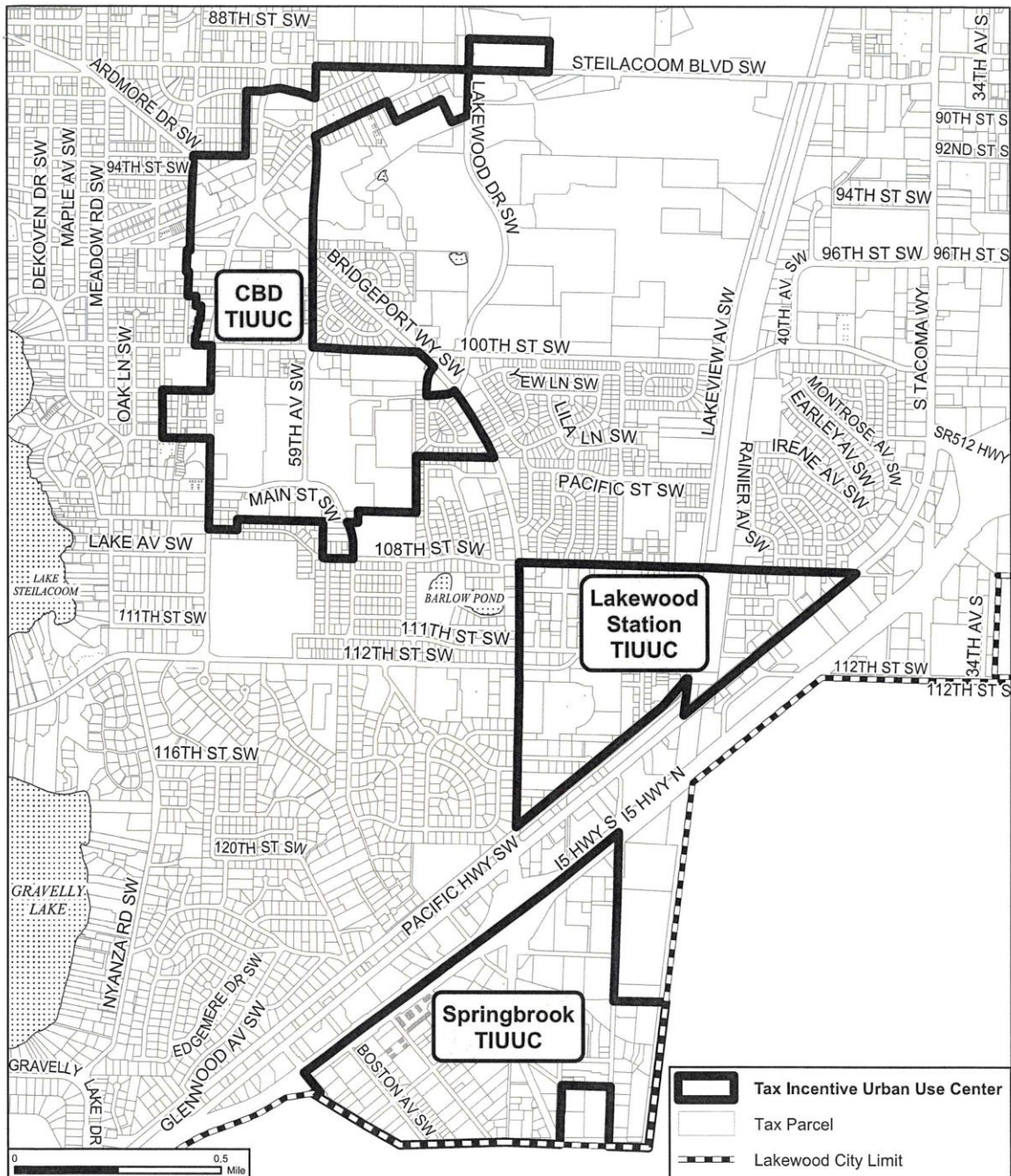


Exhibit A

Tax Incentive Urban Use Centers (TIUUC)

Map Date: March 11, 2015
 :projects\cd\SR\TIUUCs.mxd

This product was prepared with care by City of Lakewood GIS. City of Lakewood expressly disclaims any liability for any inaccuracies which may yet be present. This is not a survey. Datasets were collected at different accuracy levels by various sources. Data on this map may be shown at scales larger than its original compilation. Call 253-589-2489 for further information.

2021-2023 MFTE Updates and State Work Plan

The Washington Department of Commerce was charged by the Washington State Legislature (through [SB 5287](#) and a [budget proviso](#)) to develop guidance, complete a study, evaluate the impact of MFTE programs on cities and develop an [MFTE auditing program](#). See workbook table below.

	Eight-year	12-year	20-year (homeownership)	20-year (rental housing)
Eligible cities	Population ≥15,000; population ≥5,000 in county under Buildable Lands; or largest city/town in county under GMA.	Same as eight-year MFTE. All other cities, under RCW 84.14.010(3)(d) .	Same as eight-year MFTE. All other cities, under RCW 84.14.010(3)(d) .	Same as eight-year MFTE; city/town population must be ≤65,000.
Eligible counties	Counties with unincorporated population ≥170,000	Same as eight-year MFTE.	Same as eight-year MFTE.	None.
Minimum affordability requirements	Cities: None required for cities. Counties: At least 20% of units must be affordable to low- (≤80% AMI) and moderate-income (80–115% AMI) households.*	At least 20% of units must be affordable to low- (≤80% AMI) and moderate-income (80–115% AMI) households.*	At least 25% of units sold as permanently affordable at 80% AMI or less, with ground lease/deed restriction.	At least 20% of units must be affordable to low-income (<80% AMI) households for a 99-year period.**
Density requirements	None.	<i>Cities under RCW 84.14.010(3)(d):</i> Minimum residential density of 15 housing units/ gross acre.	<i>Cities under RCW 84.14.010(3)(d):</i> Minimum residential density of 15 housing units/acre.	None.
Transit requirements	None.	None.	None.	Within one mile of high-capacity transit, 15-min frequency.
Extension by city/county	12-year extension allowed if 20% of units set aside as affordable to low-income households (≤80% AMI) or if local 12-year requirements in place at the time of extension.	12-year extension allowed if 20% of units set aside as affordable to low-income households (≤80% AMI) or if local 12-year requirements in place at the time of extension.	Not applicable.	Not applicable.
Sunset for issuing exemptions	December 31, 2031.	December 31, 2031. <i>Cities under RCW 84.14.010(3)(d):</i> December 31, 2026.	December 31, 2031.	December 31, 2031.

* Note that communities that qualify to provide the eight-year MFTE can fulfill the affordability requirements for owner-occupied MFTE units with moderate-income households (80–115% AMI) only.

** This requirement must have been instituted through a mandatory inclusionary zoning provision by July 25, 2021.

Source: [RCW 84.14](#)

The Legislature had several goals in mind when proposing changes, mainly to: incentivize multifamily housing; increase densities; increase the production of market-rate workforce housing; develop permanently affordable housing opportunities; promote economic investment and recovery, and attempt to create family-wage jobs. Changes require Lakewood to amend its current program.

Legislative Updates and Impacts to Lakewood

1. *Amends definitions for low-income households and moderate-income households* by deleting the term “high-cost area” and adding the term “metropolitan statistical area (MSA)” to each definition.

Impact to Lakewood: To be determined. The term “high-cost area” is no longer used in the enabling statute. Also note that under LMC 18A.10.180, the thresholds for low- and moderate-income households are allowed to be determined “for the county, city, or metropolitan statistical area”, which can all provide different amounts for these thresholds. The City should reduce confusion by specifying that this is for the Tacoma, WA metro FMR (fair market rent) area, as per the US Department of Housing and Urban Development definitions.

(NOTE: for 2019, the median household income in the Tacoma metro area was \$84,373 as determined by the American Community Survey. In the same year, the median household income in Lakewood was \$60,534).

2. *Creates new 20-year multi-family property tax exemption:* SB 5287 provides two options for property owners to qualify for a new 20-year property tax exemption:

Option 1: At least 25% of units must be built by or sold to a qualified nonprofit organization or government agency that will assure permanent affordable homeownership and is located in a qualifying city.

Impact to Lakewood: In some aspects, impact is unknown because it requires a nonprofit or a local agency partner managing an affordable housing project. To date, no projects have been proposed or anticipated that would qualify under this, at least in the short-term.

Option 2: Properties that commit to rent at least 20% of their units to low-income households for at least 99 years, and are located within one mile of high capacity transit of at least 15-minute scheduled frequency. In addition, the city must have a population of no more than 65,000 as of July 25, 2021, and have implemented a mandatory inclusionary zoning requirement for affordable housing.

Impact to Lakewood: No Impact. Option 2 is not available since the city’s population is less than 65,000 as of July 25, 2021, and did not have the required inclusionary zoning in place as of that date.

3. *The following changes are made to the existing 8-year and 12-year exemptions:*

- A. Provides the option for a 12-year extension to the existing 8-year and 12-year exemptions that are within 18-months of expiring. Properties must commit to rent or sell at least 20% of the units to low-income households, as well as meet any locally adopted requirements.

Impact to Lakewood: Short-term, no impact. Long-term, existing projects would be eligible. If a property owner was to take advantage of this change, it will increase the City's administrative overhead for managing the affordability requirements.

- B. Requires property owners to provide qualifying tenants with relocation assistance in an amount equal to one month's rent, within the final month of the tenant's lease, upon the expiration of a 12-year exemption or 12-year exemption extension.

Impact to Lakewood: Assumes Lakewood would have to monitor relocation assistance. Again, increases the City's administrative overhead costs.

- C. Authorizes local jurisdictions to assign and collect an administrative fee to cover program oversight costs associated with the new owner-occupied 20-year exemption noted as Option 1 in (2) above.

Impact to Lakewood: None. This is intended for the 20-year program, but does not change the ability for the City to charge application fees for the MFTE program overall under RCW 84.14.080. It will only impact Lakewood if the 20-year exemption is developed, and can help to defray administrative overhead costs in that case.

- D. Prohibits the approval of new exemptions beginning January 1, 2032, and the granting of extensions beginning January 1, 2046.

Impact to Lakewood: None. This is intended as a sunset clause for legislative review of the statute.

- E. Changes the date cities and counties must report annually to the Department of Commerce from December 31 to April 1. Also, requires a city or county to be in compliance with the reporting requirement to offer certificates of tax exemption for this property tax exemption.

Impact to Lakewood: No issue with changing the date of the annual report. However, compliance with reporting requirements, which is part of an audit process yet to be implemented, is of concern. Several CED employees are part of a MFTE committee to review audit requirements.

- F. Requires the Department of Commerce to implement an audit program for MFTE properties every five years.

Impact to Lakewood: Audit requirements will be established by the Department of Commerce. Details may be found on the [Multi-Family Housing Property Tax Exemption Program site](#). Under the expected auditing program, the responsibility for

auditing will be either with the City, which will be required to meet minimum guidelines, or with the Department of Commerce, which will charge a fee and conduct the audit separately. It is strongly recommended that the city draft a detailed MFTE exemption compliance manual to support compliance.

Lakewood Current Program and Recommendations

Basic Criteria

Lakewood MFTE	BERK Recommendations	Staff Recommendations
1. Location. The project must be located within an RTA, as designated in LMC 3.64.020 and shown on the City's RTA map.	N/A	N/A
<p>2. Size. The project must include at least four (4) units of multifamily housing within a residential structure or as part of a mixed-use development.</p> <p>A minimum of four (4) new units must be constructed, or at least four (4) additional multifamily units must be added to existing occupied multifamily housing.</p> <p>Existing multifamily housing that has been vacant for 12 months or more does not have to provide additional units so long as the project provides at least four units of new, converted, or rehabilitated multifamily housing.</p>	<p>1) Allow MFTE to apply to duplexes.</p> <p>2) Provide clear requirements in the code for affordable unit designations:</p> <p>The Code should include provisions comparable to the requirements included in LMC 18A.90.050 to ensure that units are properly dispersed throughout the project and comparable to the sizes and appearances of the market-rate units.</p> <p>Additionally, it should be specified whether parking costs are considered as part of affordability calculations for rent.</p>	<p>1) Agree</p> <p>2) Agree (with some exceptions noted below)</p>

<p>3. Permanent Residential Housing. At least 50 percent of the space designated for multifamily housing must be provided for “permanent residential occupancy” (i.e., multifamily housing that provides either rental or owner occupancy for a period of at least one month, excluding hotels and motels that predominantly offer rental accommodation on a daily or weekly basis.)</p>	<p>Remove the 12-year option for owner-occupied housing in favor of the 20-year approach.</p> <p>Under current state law, the 12-year MFTE for owner-occupied units has no clear safeguards against owners of income-restricted units from selling these units at market rates. The Code should be amended to remove the 12-year option for owner-occupied housing in favor of the 20-year approach, or if it remains, to add requirements for sales restrictions to ensure that the property will be maintained as affordable through the period of the exemption.</p> <p>Increase partnerships with non-profits like Habitat for Humanity and Korean Women’s Association.</p>	<p>Retain 12-year MFTE, and add safeguards against affordable units being sold for market rate.</p> <p>Add 20-year MFTE for partnering with non-profits.</p> <p>Agree with increasing partnerships.</p>
<p>4. Proposed Completion Date. New construction multifamily housing and rehabilitation improvements must be scheduled to be completed within three years from the date of approval of the application.</p>	<p>No change</p>	<p>No change</p>
<p>5. Compliance with Guidelines and Standards. The project must be designed to comply with the City’s comprehensive plan, building, housing, and zoning codes, and any other applicable regulations in effect at the time the application is approved.</p> <ul style="list-style-type: none"> - Rehabilitation and conversion improvements must comply with the City’s minimum housing code. - New construction must comply with the International Building Code. - The project must also comply with any other standards and guidelines adopted by 	<ol style="list-style-type: none"> 1) Include partial waivers of the Downtown Subarea Planned Action Transportation Fee 2) Allow for flexibility in development standards regardless of inclusionary zoning participation 3) Identify the need for future in-lieu payment options for receiving bonus units under inclusionary zoning. Although an assessment of current feasibility suggest that bonus density can be challenging as an incentive, there is the potential that 	<p>Agree with points 1-3</p>

the City Council for the residential target area in which the project will be developed.	<p>future market conditions could make bonus density more feasible in certain areas. The City should plan for future in-lieu payment options to allow the requirements under LMC 18.A.90.050 to be met if there is a perceived demand for increased height and density in the future.</p> <p>4) Provide clearer fee reductions. Under LMC 18A.90.070, qualified low-income housing units can receive reduced permit fees based on the percentage of affordable units included in a project. As it is likely that the proportion of low-income units provided in a new project will align with other characteristics, this fee reduction should be simplified, potentially only including reductions by affordable unit, or for projects that qualify for the MFTE.</p>	<p>Agree (with caveats as follows)</p> <p>Staff Notes: LMC 18A.90.050 requires that an equal proportion of units built must be of the same type. E.g. 50% of units are 1br, 50% are 2br: qualified units shall be divided equally between 1br and 2br units.</p> <p>There is a lack of 1 bedroom and studio affordable units in the market. Requiring an equal share may not meet market demands.</p>
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Duration

Lakewood MFTE	BERK Recommendations	Staff Recommendations
<p>An MFTE can be designated for either eight (8) or twelve (12) years.</p> <p>- The default length is eight years (8) successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate.</p> <p>- However, the MFTE length can be extended to twelve (12) years if:</p> <p>The applicant commits to renting or selling at least 20 percent of the multifamily housing units as affordable</p>	<p>Maintain the 8-year MFTE to encourage redevelopment and housing growth in Downtown and Station District Subareas.</p> <p>Plans should be in place to remove the eight-year option and reduce the qualifying household income levels for tenants once development in these areas is considered more feasible.</p>	<p>Agree with maintaining the 8-year MFTE and to consider removal after market rate development is sufficient</p>

<p>housing units to low- and moderate-income households; and</p> <p>The property satisfies that commitment and any additional affordability and income eligibility conditions adopted by the local government under LMC Chapter 3.64.</p> <p>In the case of projects intended exclusively for owner occupancy, the project may qualify for twelve (12) years' exemption solely through selling housing affordable to moderate-income households.</p>		
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Application Process

Lakewood MFTE	BERK Recommendations	Staff Recommendations
<p>Applicants must submit the following:</p> <p>A complete application per LMC 3.64.030(E)</p> <p>A completed City of Lakewood application form setting forth the grounds for the exemption;</p> <p>Preliminary floor and site plans of the proposed project;</p> <p>A statement acknowledging the potential tax liability when the project ceases to be eligible under this chapter;</p> <p>Verification by oath or affirmation of the information submitted; and</p> <p>If applicable, a statement that the project meets the affordable housing requirements as described in RCW 84.14.020.</p> <p>MFTE Fees (The application fee is nonrefundable.)</p> <p>The initial application fee shall be set by the master fee schedule.</p> <p>Separate fee is paid to Pierce County.</p>	<p>1) Provide a guidebook for the MFTE program. Some cities provide an MFTE guidebook as part of their informational material, which presents a clear outline of the program and its expectations to developers. This can provide one means by which the city can publicize the MFTE program to local developers, and can reduce future time requirements for coordination of applications.</p>	<p>1) Agree</p> <p>Staff Notes: Lakewood has considered switching from council approval to an administrative process.</p> <p>Potential for council to revoke MFTE can cause developers to balk at MFTE projects. An administrative checklist or similar could streamline the process and remove doubt from developers. This should be coordinated with a regular review process by Council.</p>

Reporting and Inspection

Lakewood MFTE	BERK Recommendations	Staff Recommendations
<p>Every year during the period of tax exemption and within 30 days of the anniversary date of the final certificate, the property owner shall file a notarized declaration with the Administrator including the</p> <p>Following:</p> <ul style="list-style-type: none"> - a statement of occupancy and vacancy rates of the multifamily units during the previous year; - a certification by the owner that the property has been in compliance with the affordable housing requirements as described in RCW 84.14.020 since the date of the certificate approved by the City and that the property continues to be in compliance with the contract with the City; and - a description of any improvements or changes to the property made since issuance of the final certification or in the past year. <p>City staff shall conduct on-site verification of the declaration each year.</p> <p>Failure to submit the annual declaration may result in the tax exemption being canceled.</p>	<p>Develop an auditing program to meet updated state requirements. Under RCW 84.14.100(3), MFTE programs will be required to conduct audits of MFTE properties every five years. Although Lakewood only has one MFTE property at present, a local auditing program should be outlined to ensure that this requirement can be met. Details should be developed after guidance from the DOC is complete.</p>	<p>Agree</p>

Eligible Areas

Lakewood MFTE	BERK Recommendations	Staff Recommendations
<p>Under LMC 3.64.030(A)(1), limited eight (8) - or twelve (12) -year exemptions from ad valorem property taxation for multifamily housing in tax incentive urban use center(s) (TIUUCs) – “Multifamily Tax Exemptions” (MFTEs) - are possible within mixed-use centers designated by the City Council as residential target areas (RTAs.)</p> <p>The City Council may, by ordinance, amend or rescind the designation of a RTA at any time pursuant to the same procedure as described above. (LMC 3.64.020 C.4.) In other words, the City Council could pass a resolution of intention to amend the RTA including conducting a public hearing, and, thereafter, pass an ordinance modifying the RTA boundary.</p> <p>Per Lakewood Resolution 2015-10, there are three TIUUC and three RTA areas within Lakewood, located in the formerly named Central Business District area, the Lakewood Station area, and the Springbrook area; these are represented in the maps below. MFTE’s are possible within the three RTA areas - the Springbrook RTA’s boundaries are not contiguous with the Springbrook TIUUC.</p>	<p>Expand RTAs to include expanded portions of the Springbrook neighborhood, multifamily areas in the Tillicum neighborhood, the Lakeview/Kendrick area between Downtown and the Station District, and other multifamily areas close to neighborhood commercial districts.</p> <p>Suggest adding Tillicum and Lakeview/Kendrick areas</p>	<p>Agree to consider expansion of RTAs.</p> <p>Note: The state has mandated upzoning in Tillicum. A 12-year MFTE would assist in maintaining affordability.</p>

The following items are for informational purposes, and do not have recommendations for changes at this time by BERK or City staff.

Application Review, Decision, and Appeal

Within 90 days of submittal of a complete application compliant with LMC Chapter 3.64, the Administrator must issue a decision of approval or denial.

If an application is approved, the applicant shall enter into a contract with the City, subject to approval by resolution of the City Council, regarding the terms and conditions of the project.

Upon City Council approval of the contract, the Administrator shall issue a conditional certificate of

acceptance of tax exemption. The conditional certificate expires three (3) years from the date of approval unless an extension is granted per LMC 3.64.030(G).

The conditional certificate may be extended by the Administrator for up to 24 consecutive months. The applicant must submit a written request stating the grounds for the extension, accompanied by a processing fee as specified in the master fee schedule. An extension may be granted if the Administrator determines that:

The anticipated failure to complete construction or rehabilitation within the required time period is due to circumstances beyond the control of the owner;

The owner has been acting and could reasonably be expected to continue to act in good faith and with due diligence; and

All the conditions of the original contract between the applicant and the City will be satisfied upon completion of the project.

If an application is denied, within ten (10) days the Administrator shall send, to the applicant at the applicant's last known address, notice and the reasons for denial.

An applicant may appeal a denial to the City Council within 14 days of receipt of notice. On appeal to the City Council, the Administrator's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the Administrator's decision. The City Council's decision on appeal will be final.

Final Certification

Once the applicant completes the improvements per the City Council-approved contract, and upon issuance of a temporary or permanent certificate of occupancy, the applicant must submit the following to the Administrator to secure a final certificate of tax exemption (MFTE certificate):

- a statement of expenditures made with respect to each multifamily housing unit and the total expenditures made with respect to the entire property;
- a description of the completed work and a statement of qualification for the exemption; and
- a statement that the work was completed within the required three-year period or any authorized extension.

The Administrator shall decide within 30 days if the project is eligible for a final MFTE certificate.

- If a project is approved for eligibility, the Administrator shall file a final certificate of tax exemption with the Pierce County Assessor-Treasurer within ten (10) days of their decision.

- If a project is denied for eligibility, the Administrator shall notify the applicant in writing that a final certificate will not be filed based on one or more of the following:

- The improvements were not completed within the authorized time period;
- The improvements were not completed in accordance with the contract between the applicant and the City; the owner's property is otherwise not qualified under this chapter; or if applicable, the affordable housing requirements as described in RCW 84.14.020 were not met.
- The Applicant may appeal the decision to deny a final certificate.
- The applicant may file an appeal with the City's Hearing Examiner within 10 days of receipt of the

Administrator's denial of a final certificate, as provided in LMC 1.36; and

- The applicant may appeal the Hearing Examiner's decision in Pierce County Superior Court under RCW 34.05.510 through 34.05.598 if the appeal is filed within 30 days of notification by the City to the owner of the decision to deny the final certification.

Cancellation for Noncompliance or Change of Use

If a tax exemption is canceled due to noncompliance or a change in use, the Pierce County Assessor-Treasurer may impose an additional tax on the property, together with interest and penalty, and a priority lien may be placed on the land, pursuant to state legislative provisions.

- Noncompliance: The Administrator may cancel the MFTE contract at any time if they determine the owner is not complying with the terms of the contract. Upon determining that a tax exemption is to be canceled, the Administrator shall notify the property owner by certified mail.

The property owner may appeal the determination by filing a notice of appeal with the City Clerk within 30 days, specifying the factual and legal basis for the appeal. The Hearing Examiner will conduct a hearing at which all affected parties may be heard and all competent evidence received. The Hearing Examiner will affirm, modify or repeal the decision to cancel the exemption based on the evidence received.

An aggrieved party may appeal the Hearing Examiner's decision to the Pierce County Superior Court, in accordance with RCW 34.05.510 through 34.05.598.

Change of Use: If the owner intends to convert the multifamily housing to another use, the owner must notify the Administrator and the Pierce County Assessor-Treasurer within 60 days of the change in use.

Annual City Reporting

By April 1st of each year, the City must provide a report to the Washington Department of Commerce on activity for the previous year. The report must include the following information:

- The number of tax exemption certificates granted;
- The total number and type of units produced or to be produced;
- The number and type of units produced or to be produced meeting affordable housing requirements;
- The actual development cost of each unit produced;
- The total monthly rent or total sale amount of each unit produced;
- The income of each renter household at the time of initial occupancy and the income of each initial purchaser of owner-occupied units at the time of purchase for each of the units receiving a tax exemption and a summary of these figures for the City; and
- The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted.

Establishing Areas Eligible for MFTes

Both BERK and City staff agree that there is potential for expansion of the TIUUCs and RTAs.

A Tax Incentive Urban Use Center (TIUUC) is authorized under RCW Chapter 84.14 and LMC Chapter 3.64 and means a compact, identifiable district where urban residents may obtain a variety of products and services. A TIUUC must contain:

- Several existing or previous existing, or a combination of existing and previously existing, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;
- Adequate public facilities, including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and
- A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial and/or office use. (LMC 3.64.010 K.)

A Residential Target Area (RTA) is authorized under RCW Chapter 84.14 and LMC Chapter 3.64 and means an area within a TIUUC that has been designated by the City Council as lacking sufficient, available, desirable and convenient residential housing to meet the needs of the public. (LMC 3.64.010)

To establish an RTA,

- The boundaries of the Tax Incentive Urban Use Centers are approved by the City Council via an Ordinance. (LMC 3.64.020 A)
- A Residential Target Area is established through the adoption of a resolution of intention to designate an area or areas described in the resolution. As part of this resolution, the City Council conducts a public hearing. (LMC 3.64.020 B)
- Following the public hearing, the City Council may, in its sole discretion, designate one or more Residential Target Areas. (LMC 3.64.020 C)
- The proposed boundaries of the Residential Target Areas must be within the boundaries of a Tax Incentive Urban Use Center (i.e., the Urban Use Center boundaries will either be larger than, or co-terminus with, the Residential Target Area boundaries.) (LMC 3.64.020 E)

Summary review of MFTE programs in other WA cities:

Some cities make local or “customized” amendments to their MFTE programs. What follows is a “potpourri” of how a group of cities regulate MFTE projects. There are some elements which Lakewood staff would like to incorporate into any proposed amendments; for example, detailed application procedures, compliance with public nuisances provisions, property maintenance, the Rental Housing Safety Program (RHSP) and codification of annual compliance review.

1. Bellingham

- a) Includes an historic protection provision (unique custom requirement).
- b) Director reviews and approves the conditional certificate.
- c) Conditional certificate may be extended by the director for a period not to exceed 24 consecutive months.
- d) Codifies annual compliance review

2. Spokane

- a) Details application procedure.
- b) Director reviews and approves the conditional certificate.
- c) Conditional certificate may be extended by the director for a period not to exceed 24 consecutive months.
- d) Project parking requirements (unique custom requirement).

3. Wenatchee

- a) Details application procedure (but not to the same extent as Spokane).
- b) Director reviews and approves the conditional certificate.
- c) Conditional certificate may be extended by the director for a period not to exceed 24 consecutive months.
- d) Codifies annual compliance review.

4. Shoreline (recently amended)

- a) Allows the 12-year affordability program; no 8-year market rate housing (unique custom requirement). Income thresholds are dependent on housing size.
- b) Adopts many of the changes required by the state of Washington via SB 5287.
 - For projects with a covenant for 99-year affordability, a new 20-year MFTE program is available. Projects that have already applied for the 12- year program are eligible for a no-fee application to the 20-year program.
 - For projects nearing the end of their 12-year MFTE program, a 12-year extension is available for application.
- c) The light rail station subarea MFTE area boundaries have been expanded to match the full extent of the light rail subareas, including current and future rezone phases (unique custom requirement).
- d) Limits the maximum number of residential units within an existing subarea (Aurora Avenue N) (unique custom requirement).
- e) Details application procedure.
- f) Specifically addresses fees based on an hourly basis.
- g) City Council approves the conditional certificate.

- h) Conditional certificate may be extended by the city manager for a period not to exceed 24 consecutive months; specific findings are required.
- i) Codifies annual compliance review.

5. Tacoma (recently amended)

- a) Maintains the 8-year, market rate MFTE program.
- b) Must be in a residential target area, but shall not become available in neighborhood commercial nodes until design standards are updated (**unique custom requirement**).
- c) Requires mixed-use development in commercial nodes of at least 30 percent on the first floor set aside for commercial development (**unique custom requirement**).
- d) Adopts many of the changes required by the state of Washington via SB 5287.
- e) Minor changes to application procedures.
- f) Required to enter into contract with the City to abide by public nuisance codes.
- g) Amends the final certificate application.
- h) Amends the annual compliance review procedures.
- i) 20% affordable is set at 70% AMI.
- j) Staff makes recommendation to the City Council for approval.

IMPORTANT PLANNING COMMISSION DATES:

Feedback on the MFTE program will be taken at the April 19th Planning Commission meeting.

Additional feedback will be taken via email to bnewton@cityoflakewood.us through April 28th.

A Planning Commission Public Hearing will be held on May 17th.

Action is to be taken on June 7th.

See the following page for a list of MFTE projects in Lakewood.

MFTE Projects in Lakewood

Project Name	Identified RTA	Term (years)	City Council Approval Date	Total Units	% Rent subsidized
Oak Grove Village	CBD	10	06/06/2006	254	0
Gravelly Lake Townhomes	CBD	10	06/06/2006	28	0
Springbrook Apartments	Springbrook	8	12/07/2016	219	0
Rainier Terrace	Lakewood Station/ Lakeview RTA	8	08/01/2016	11	0
Town View Apartments	CBD	8	10/17/2017	30	0
Lakeview Chapel, LLC/Toto Townhomes	Lakewood Station District Subarea Plan	12	Resolution No. 2021-11; August 16, 2021	50	Low-Mod 20%
112th Street Townhouses	Lakewood Station District Subarea Plan	8	Resolution No. 2021-09; July 19, 2021	15	0
Toto Townhomes	Lakewood Station District Subarea Plan	8	Resolution No. 2021-11; August 16, 2021	50	Low-Mod 10%
Bristol Apartments	CBD	12	Resolution No. 2022-16; December 5, 2022	7	Low-Mod 20%
				664	