



A G E N D A

PLANNING COMMISSION

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

Wednesday, May 3, 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: 864 2883 6136

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: 864 2883 6136 or by going online at <https://us06web.zoom.us/j/86428836136>. 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/86428836136> 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 & Welcome to Parks & Recreation Advisory Board Members
2.	Roll Call
3.	Approval of Minutes from April 19, 2023
4.	Agenda Updates
5.	Public Comments
6.	Public Hearings <ul style="list-style-type: none">Continued: Proposed 2023 Comprehensive Plan Amendments 2023-03 and 2023-05
7.	New Business <ul style="list-style-type: none">Presentation of Urban Forestry Implementation Plan (UW Evans School for Public Policy and Governance Students)
8.	Unfinished Business <ul style="list-style-type: none">Commission Discussion: 2023 Comprehensive Plan Amendments
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 17, 2023

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

1. Draft Meeting Minutes from April 5, 2023
2. Staff Report: Proposed 2023 Comprehensive Plan Amendments
3. Staff Report: Urban Forestry Implementation Plan

Members Only

Please email kdevereaux@cityoflakewood.us or call Karen Devereaux at 253.983.7767 no later than Tuesday, May 16, 2023 at noon if you are unable to attend. Thank you.



**PLANNING COMMISSION
MEETING MINUTES
April 19, 2023
Hybrid In-Person/Virtual Meeting via ZOOM
6000 Main Street SW, Lakewood, WA**

Call to Order

Mr. Don Daniels, Chair, called the hybrid ZOOM meeting to order at 6:30 p.m.

Roll Call

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

Planning Commission Members Excused: None

Commission Members Absent:

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

Council Liaison: Paul Bocchi (not present)

Approval of Minutes

The minutes of the meeting held on April 5, 2023 were approved as written by voice vote M/S/C Pearson/Larsen. The motion carried unanimously, 6-0.

Agenda Updates

Staff requested that the Economic Development Multifamily Tax Exemption (MFTE) Program presentation be moved forward on the agenda to directly before the unfinished business item.

Public Comments

None. No one in person or virtually attending wished to comment.

Public Hearings, Continued

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.

Mr. Jon Grant, Chief Strategy officer, Low Income Housing institute (LIHI), stated that LIHI appreciated and supported changes made to proposed 2023-05 since the April 5 meeting. LIHI's continuing concerns included requirements for a community meeting, inspections by the Fire Marshal and Building Official, and for an operations plan. He voiced LIHI's concerns regarding Lakewood's compliance with the Federal Fair Housing Act with the draft 2023-05 language. Mr. Grant requested that the restriction on housing court-supervised individuals be removed, that the requirement to follow CPTED rules on existing structures be removed; and requested that emancipated minors be listed as allowed residents in special needs housing.

Amanda DeShazo, Tacoma-Pierce County Affordable Housing Consortium Executive Director, testified on proposed 2023-05. She thanked City staff for removing the conditional use permit requirements on special needs housing. She requested that the court supervised individual prohibition, the occupancy cap on PSH and TH projects, the 1,000 foot distance between facilities, and the development and operations conditions be removed from code.

Ms. Barbara Wyatt testified in opposition to the proposed rezoning in 2023-03 to NC2 due to the allowed uses of parcels in that zone aside from a fitness facility. She requested that the parcels be rezoned to OSR2.

Written public comment was received via email from Ms. Allison Reynolds, Stoel Rives, LLC, representing LIHI, spoke in favor of '23CPA 2023-05 removing specific language to achieve a lower barrier requirement for the facilities.

The Commission closed the public hearing on proposed 2023 Comprehensive Plan amendments 2023-01, -02, -04, -06, -07, -08, and -09. The public hearing on amendments 2023-03 and 2023-05 was held open through the May 3 Planning Commission meeting.

New Business

Presentation re Updates to Lakewood Multifamily Tax Exemption (MFTE) Program

Ms. Becky Newton, Economic Development Manager, presented information summarizing potential changes to the City's MFTE program to comply with state law and also to make the program more attractive to developers. Ms. Newton would provide draft language to the Commission to react to and provide her feedback about prior to the May 17 public hearing.

Unfinished Business

Commission Discussion re 2023 Comprehensive Plan Amendments

Ms. Speir and CED Director Dave Bugher provided updated information regarding proposed amendment 2023-05 to the Commission following meetings city staff held with the Department of Commerce as well as stakeholders. Ms. Speir stated that the Commission would receive an updated version of the amendment in advance of the May 3 meeting. Commissioners reviewed the latest draft language and discussed it.

Report from Council Liaison

None.

Reports from Commission Members and Staff

Ms. Speir reviewed the upcoming meetings schedule with commissioners:

May 3:	Planning Commission Discussion, Continued
May 17:	Planning Commission Action on 2023 Comprehensive Plan Amendments Recommendation to City Council
June 12:	City Council Introduction
June 20:	City Council Public Hearing
July 3:	City Council Action

The Next Regular Meeting would be held as a hybrid in-person/ZOOM meeting on Wednesday, May 3, 2023.

Meeting Adjourned at 7:46 p.m.

Don Daniels, Chair
Planning Commission 05/03/2023

Karen Devereaux, Recording Secretary
Planning Commission 05/03/2023

To: Lakewood Planning Commission and Parks & Recreation Advisory Board
From: Jamie Ziah, Sam Xu, Marlyn Sanchez, and Alla Smilnak Cross | University of Washington Graduate Student Consulting Group
Date: May 3, 2023
Subject: Summary - Urban Forestry Implementation Guide

Introduction

The City of Lakewood updated the Energy and Climate Change Chapter (ECCC) of its Comprehensive Plan in 2021. The ECCC outlines specific goals and tasks the city will undertake to address climate change impacts, energy use, and greenhouse gas emissions. The city has actively worked towards achieving these goals, as evidenced by a commissioned study in 2021 that focused on climate change perceptions in the city and by the implementation of new tree protection ordinances earlier this year.

The city's ECCC update includes two main urban forestry goals: (1) increasing Lakewood's urban tree canopy cover from 26% to 40% by 2040 and (2) developing and promoting an urban forest management plan in the near-term (i.e., beginning between 2021 and 2025). To support these goals, the city contracted a University of Washington Graduate Student Consultant group to develop an urban forestry program (UFP) implementation guide and preliminary budget for the first five years of official urban forestry activities. We have developed a full report detailing our findings and implementation guide. This memo presents the key takeaways from the guide, considering the city's organizational structure, community needs, financial limitations, and environmental goals.

Project Background

To best develop an implementation guide for the City of Lakewood, we aimed to answer the following question: **How should the City of Lakewood structure a UFP to meet its environmental goals, considering existing city frameworks, climate change implications, and financial constraints?**

The team used a benchmarking case study of UFPs in Washington, specifically in Issaquah, Vancouver, and Seattle. These case studies informed our analysis and recommendations in our implementation guide and preliminary budget. We also analyzed secondary data on the city's tree canopy and relevant urban forestry expenditures provided by the City of Lakewood, nonprofits working in the environmental field, and the private sector. Finally, we conducted semi-structured interviews with key actors to understand how other cities implemented UFPs in Washington.

Roots of Effective Urban Forestry Programs

Through our research, we identified three foundations of sustainable UFPs: comprehensive resource assessments, community engagement, and administrative capacity.

Comprehensive Resource Assessment: UFPs typically begin by conducting a comprehensive resource assessment that includes gathering data on both the general and specific conditions of the urban forest.

- Comprehensive resource assessments allow the city to monitor invasive species, inventory current tree populations, and identify possible planting areas for tree canopy expansion.
- The City of Lakewood has made significant progress on a comprehensive tree assessment with the GIS analysis done by PlanIT GEO for the city's tree ordinance review.

- It is standard practice to have a professional analyze the current canopy in person or have them train volunteers to carry out the ground assessment. This allows the city to have specific, per-acre data on the condition of its urban forest.

Community Engagement: Community participation is essential to the sustainability of UFPs as they rely on ongoing community support and involvement to thrive.

- The most prevalent methods of community engagement include hosting community meetings, launching public surveys, constructing a volunteer system, building a forest stewardship program, hosting workshops for private property owners, and collaborating with other organizations.
- Developing and implementing a cohesive and extensive community engagement strategy can increase community support for urban forestry initiatives, resulting in a stronger volunteer network to support the program.
- A successful urban forestry program has a strong commitment to equity and working with disadvantaged communities to justly provide them with the benefits of urban forestry.

Administrative Capacity: Creating capacity within the current city organizational structure through advisory boards, staffing, and financial resources is a common practice among UFPs.

- Standalone advisory boards can support program coordination between city departments and ensure prioritization of UFP activities. An alternative to the advisory board is hiring an FTE to coordinate among departments and whose main priority is the UFP. Most cities have an urban forestry board both to ensure community input and program prioritization; successful programs require significant collaboration and coordination between multiple departments.
- In the initial years of a UFP, the largest expenditures to consider are staffing, resource assessments, and volunteer supplies.
- There are many funding sources for UFPs including the storm and surface water utility fee, developing a city tree fund, general fund revenue, and government and non-profit partnerships.

Recommendations

This section outlines the recommended actions for implementing a UFP in the City of Lakewood.

Our full report includes suggestions for mission and vision statements, urban forestry best practices, additional community engagement strategies, and detailed funding, staffing, and operational recommendations.

Recommendation 1: Develop a mission, vision, and outcomes for urban forestry in Lakewood.

As part of this process, we recommend the city prioritize the five following plan outcomes:

- Forest health:** Improved urban forest health, appropriate tree planting, and invasive species control throughout the City of Lakewood's parks and urban areas.
- Tree population expansion:** Increased canopy coverage within the city limits, including the City of Lakewood's parks and forested urban areas.
- Community engagement:** Lakewood residents are regularly consulted to design and update the plan, and the community is actively engaged in the management and restoration of the city's urban forested areas.

- D. **Equitable access to urban forest's benefits:** Community members across the city enjoy the benefits of a healthy and growing urban forest, independently of their area of residence, race, or socioeconomic conditions.
- E. **Sustainability:** Sustainable financial resources and operational capacity support the evolution of the urban forestry in the City of Lakewood; tree canopy growth; forest health and an engaged community that enjoys the benefits of forested urban areas.

Recommendation 2: Complete a comprehensive resource assessment and begin restoration practices in the city.

We recommend the city complete a comprehensive resource assessment before beginning urban forestry fieldwork. Table 1 below outlines additional fieldwork steps the city should consider. Steps 1 and 2 are highlighted in the table as these are the steps the city should prioritize before beginning any restoration work or planting.

Table 1: Fieldwork Steps and Descriptions

Step	Description
1: Select Tree-iage assessment criteria	Determine which management units to assess and select the health criteria that the city would like to collect data on during the on-the-ground assessment.
2: Complete a Comprehensive Tree Assessment and Tree-iage	Based on selected tree assessment criteria, assign management units (MU) Tree-iage values indicating health to estimate maintenance needs and costs.
3: Continue maintenance in parks and natural areas	Assess MU Tree-iage scores within parks and continue maintenance based on score.
4: Identify and prioritize work in management units	After the on-the-ground FLAT assessment is completed, maintenance and other work needed on MUs should be prioritized based on FLAT scores.
5: Identify areas appropriate for professional crew intervention	Not all maintenance and assessment work is appropriate for volunteers to implement, so the city should consider city-lead restoration or contract restoration in some areas.
6: Implement restoration best practices on all project sites	Restoration activities fall into four main phases: Phase 1: Invasive Plant Removal Phase 2: Secondary Invasive Removal and Planting Phase 3: Plant Establishment and Follow-Up Maintenance Phase 4: Long-Term Stewardship and Monitoring
7: Develop a private land strategy to increase community involvement and support	Most of Lakewood's land is privately owned and needs a sperate forestry strategy than public land. Options include tree giveaways, utilizing city funds to reduce planting costs to citizens, and the city providing tree maintenance for a set amount of time.

Recommendation 3: Develop a comprehensive community engagement strategy

It is essential that the city develop a UFP that aligns with the interests and needs of Lakewood's community, as a successful UFP depends heavily on robust support and active participation from the people of Lakewood. We recommend two main strategies to involve the community in the UFP:

- Host community meetings which allow community members to share their opinions and for the city to identify passionate potential volunteers.
- Construct a robust volunteer system which will integrate community members that will support the implementation of the UFP field steps.

The detailed implementation logistics can be found in our full report. With these strategies, we believe the city can effectively utilize community perspectives to inform the UFP's priorities and actively engage the community throughout the UFP.

Recommendation 4: Establish administrative capacity within the existing organizational structure of the City of Lakewood

Based on the three case studies, Lakewood's current structure, and our research, we developed three alternative organizational structures the city can consider for carrying out UFP activities.

- **Option 1: Develop a standalone Urban Forestry Advisory Board (UFAB) to oversee urban forestry activities in the city.**
The board will coordinate urban forestry work across Lakewood, including Parks, Recreation and Community Services, Community and Economic Development, and Public Works Engineering. If the city chooses to establish a standalone UFAB board, we believe that urban forestry activities can be carried out by current city staff and would not require a new full-time employee.
- **Option 2: Lakewood's Parks and Recreation Advisory Board (PRAB) expands its responsibilities to include urban forestry priorities.**
If the city chooses to add urban forestry to an existing advisory board, we recommend hiring one full-time employee to carry out urban forestry activities. This position will facilitate cross-departmental collaboration, coordinate with the board if necessary, and ensure that UFP activities are prioritized in the city.
- **Option 3: Hire a full-time program administrator in lieu of standalone board or PRAB expansion.**
If the city chooses not to create a UFAB or to expand the capacity of PRAB, the city should hire a new staff member, potentially located in the City Manager's office, to oversee urban forestry activities. This will position carry out urban forestry activities, facilitate cross-departmental collaboration, and ensure that urban forestry activities are prioritized in the city.

Based on these three organizational structures, we have developed a preliminary five-year budget for urban forestry activities that can be found in our full report.



TO: Planning Commission
FROM: Tiffany Speir, Long Range & Strategic Planning Manager
DATE: May 3, 2023
SUBJECT: 2023 Comprehensive Plan Amendments Docket
ATTACHMENTS: Draft Resolution 2023-01 making recommendations on the 2023 Comprehensive Plan Amendment Docket to the City Council (**Attachment A**); Summary of April 19 and April 5 Public Hearing Comments (**Attachment B**); “Clean” Draft of Proposed Amendment 2023-05 (**Attachment C**)

BACKGROUND

Per Resolution 2022-15, the Lakewood City Council set the docket list for the 2023 Comprehensive Plan amendment (23CPA) cycle to include nine (9) potential amendments. The Commission held a public hearing on the docket on April 5, continued the public hearing through April 19, continued the hearing on proposed amendments 2023-03 and 2023-05 through May 3, and is currently scheduled to take action on May 17.

Resolution 2023-01 (**Attachment A**) includes the latest draft language for each of the docket’s nine (9) amendments. A summary of public comments received in the April Planning Commission public hearing is included as **Attachment B**. A “clean” draft of proposed amendment 2023-05 is included as **Attachment C**.

DISCUSSION

Updated Proposed Amendment 2023-03

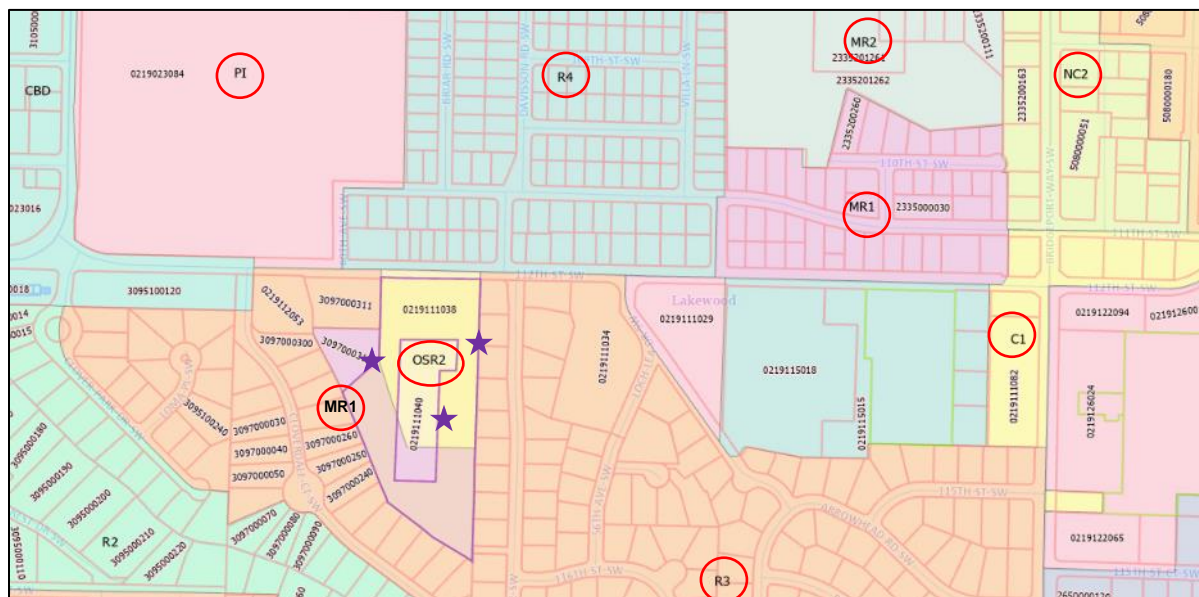
In order to avoid rezoning parcels to Neighborhood Commerce (NC)1 or NC2 that would allow for all NC1 or NC2 uses on parcels 0219111038, -1040, and 3097000312 if the current use (Lakewood Racquet Club) ever shut down, the City proposes to amend the Open Space & Recreation (OSR) 2 zone to allow commercial and quasi-public health/fitness facilities and rezone the parcels to OSR2. Per LMC 18A.10.180, “health/fitness facility” means:

1. *Commercial*. A commercial, for profit, fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities.
2. *Quasi-Public*. A not-for-profit fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; weight training facilities; swimming pools; exercise pools; basketball, handball, racquetball, and/or other sport courts; meeting rooms and related facilities; and which would provide on-site as well as outreach community activities such as, but not limited to

day care, camps, educational assistance programs, swimming instruction and/or other fitness programs.

Per LMC 18A.120(D)(9)(b), the OSR1 and OSR2 zoning districts are considered compatible with and may be applied to areas within all other comprehensive plan land use designations. The OSR1 zoning district may be applied to publicly or privately-owned or controlled property used for natural opens space and passive recreation. The OSR2 zoning district may be applied to privately and publicly-owned active recreational uses and cemeteries.

Type of Use	Use	OSR2
Commercial and Industrial	* * *	
	Health/fitness facility, commercial	<u>P</u>
	Health/fitness facility, quasi-public	<u>P</u>
	* * *	



Updated Proposed Amendment 2023-05

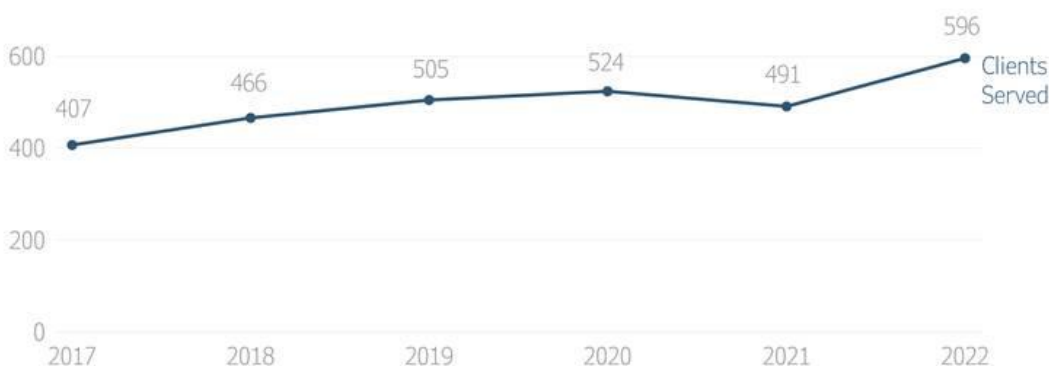
The language for amendment 2023-05 has been updated since April 19 based on further internal review by the City staff, City consultation with the Department of Commerce and other local governments, and public comments received.

Per State Law, the Department of Commerce has established a number of emergency housing units as well as numbers of housing units for various Area Median Income (AMI) levels that Lakewood must plan for by 2044.

- Lakewood must identify capacity and adopt regulations that allow for **637** emergency housing units by 2044. Lakewood currently has 8 family shelter beds within its boundaries and zero adult homeless shelter beds.

Unique clients from Lakewood that were served by emergency shelters from 2017-2022.

The number of unique clients from Lakewood served by emergency shelters increased by 46% from 2017 to 2022.



Note: This includes clients who reported the city they last slept in was Lakewood or who reported their last permanent zip code was in Lakewood.

Source: HMIS, 3/9/2023

Between January 1 and April 15, 2023, 93 clients were served by referrals to emergency shelters outside of the City.

- Lakewood must also plan for 9,378 units of its 9,714 unit 2044 growth target broken out into the income bands as shown below - **1,238 must be permanent supportive housing units for those at 0-30% AMI.**

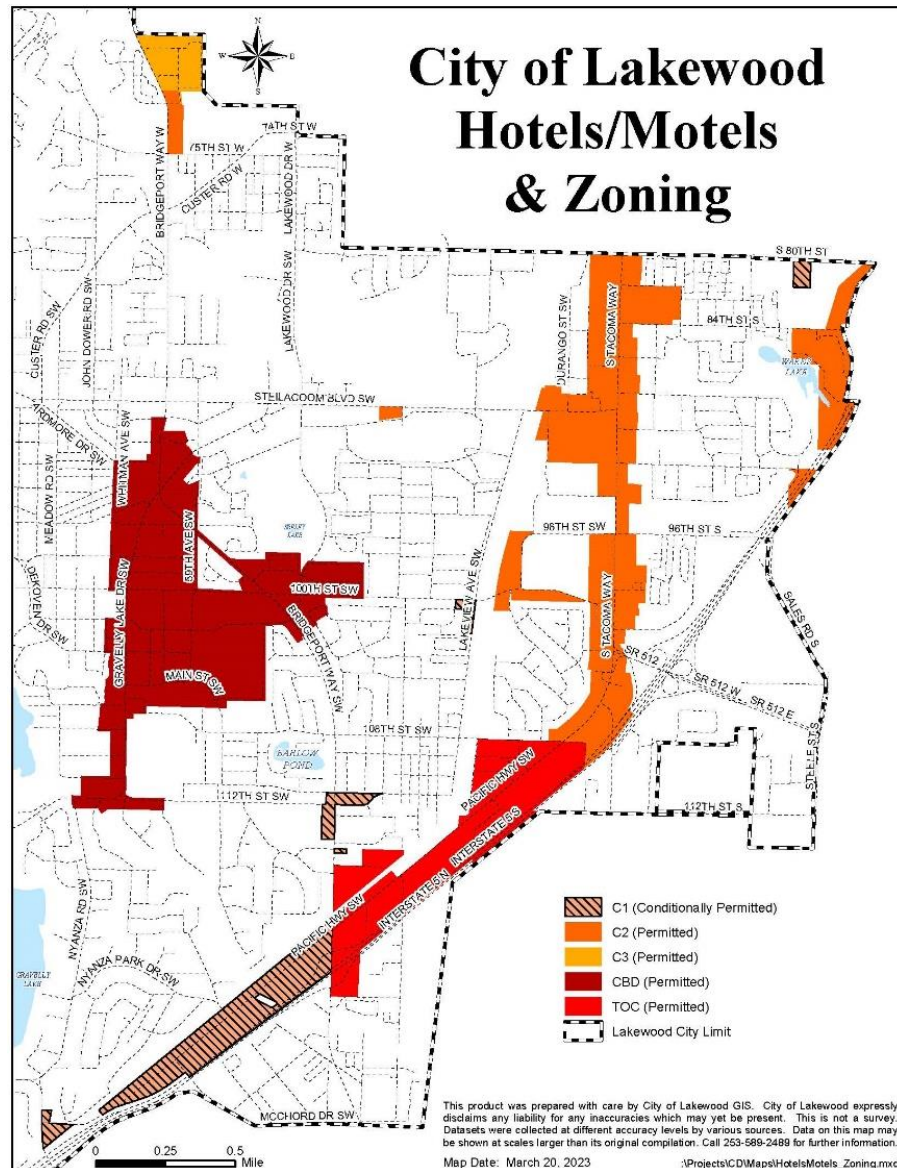
0-30% AMI PSH	0-30% AMI Non-PSH	>30-50% AMI	>50-80% AMI	>80-100% AMI	>100-120% AMI	>120% AMI
1,238	1,498	-96*	-1,666*	1,839	1,834	4,730

* Negative/red text numbers in table above show where the City is projected to have a “surplus” of units that must be converted to housing affordable to other AMI levels by 2044.

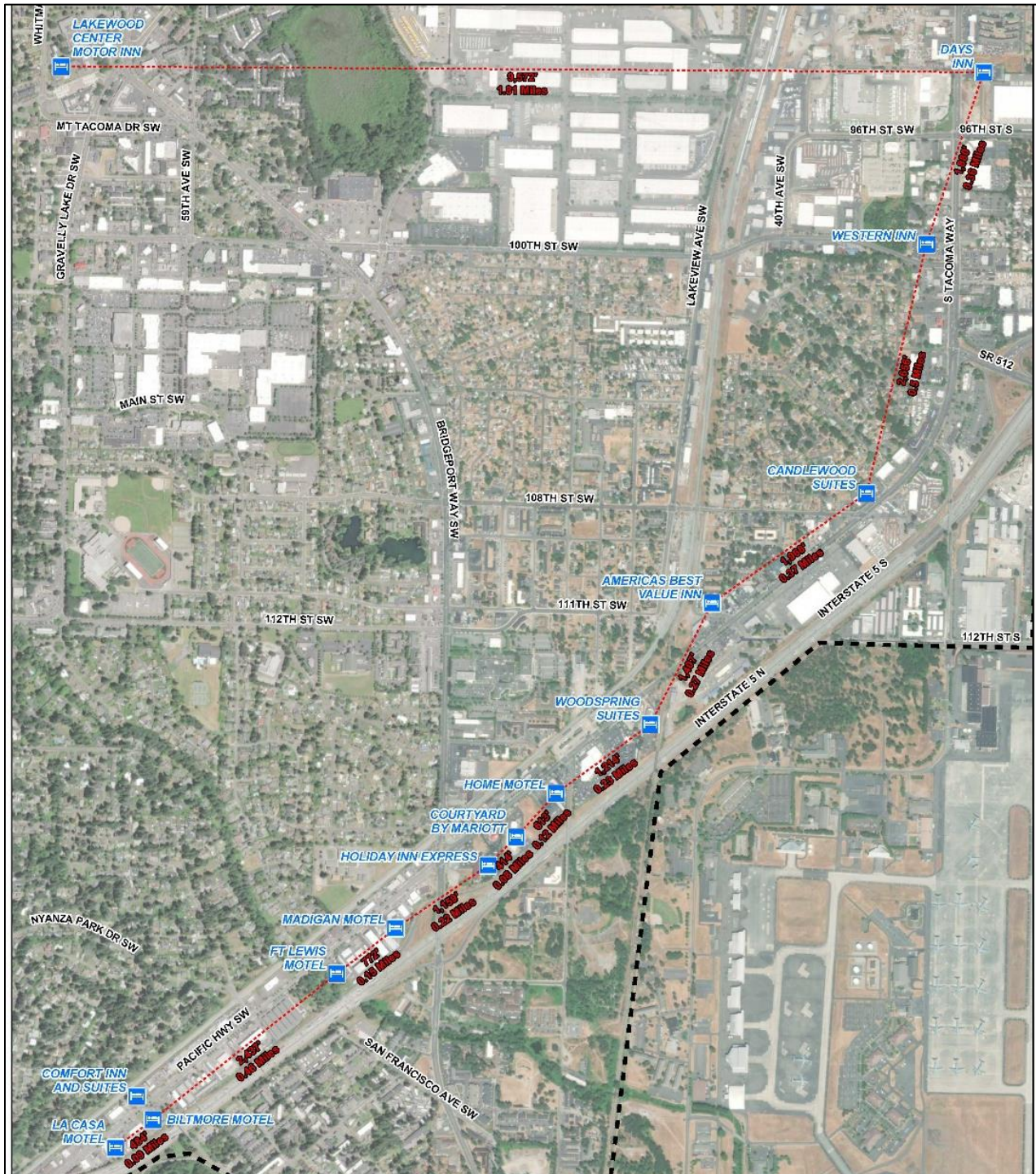
In summary, in order to comply with state law:

- Lakewood must allow indoor emergency housing (EH) and indoor emergency shelters (ES) in any zones in which hotels are allowed, unless it adopts an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within 1 mile of transit;
- Lakewood must allow Permanent Supportive Housing (PSH) and Transitional Housing (TH) within the Commercial 1, 2, and 3 (C1, C2 and C3) zones as well as within its residential zones; and
- Lakewood must identify land capacity for Foster Care Facilities.

The map below depicts where hotels are allowed in the City: the Commercial zones (C1, C2, and C3), the Central Business District (CBD) zone, and the Transit Oriented Commercial (TOC) zone. Emergency housing and emergency shelters must also be allowed in these zones.



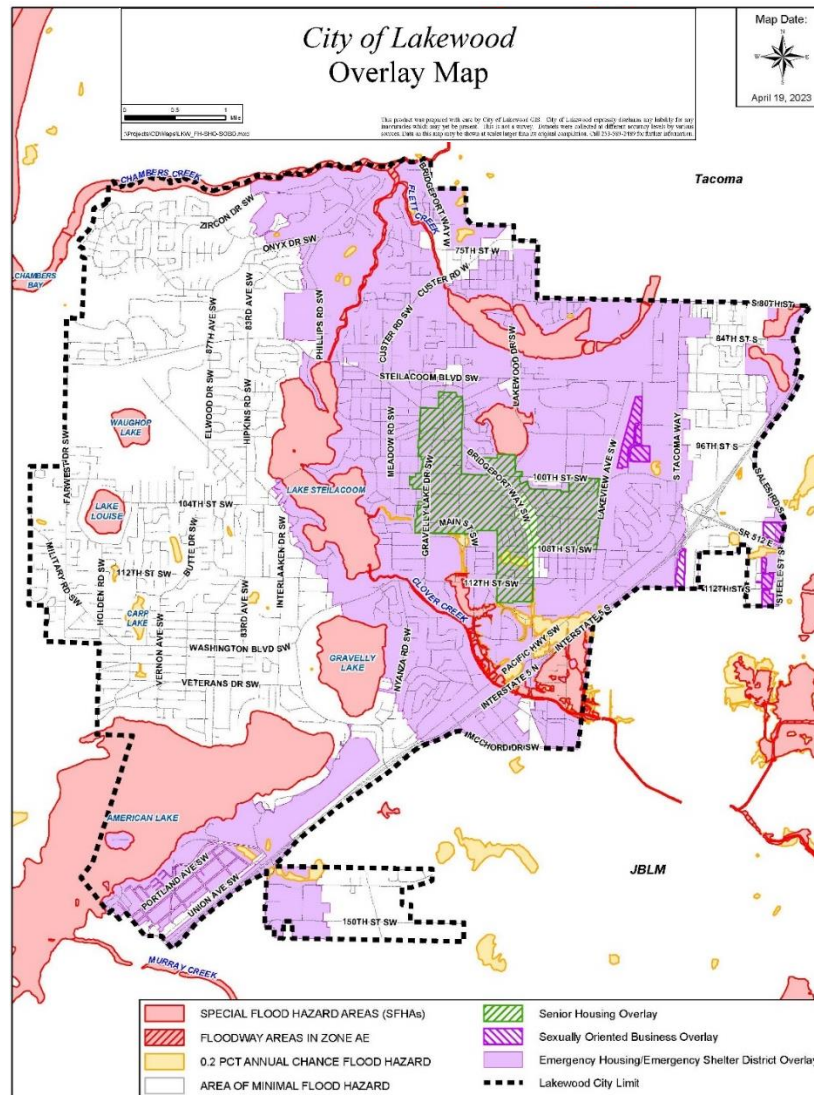
The map below shows where existing hotels are located and the linear distance between them. This is the basis for the minimum distance of a 1,000 foot radius between emergency housing structures and emergency shelters unless sponsored by the same governmental, religious, or not for profit agency included at proposed LMC 18A.40.120(C)(5)(B)(2)(a)(i).



Per RCW 35A.21.430, Lakewood must allow indoor emergency housing (EH) and indoor emergency shelters (ES) in any zones in which hotels are allowed, unless it adopts an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within 1 mile of transit.

Because Lakewood must plan for 637 emergency housing units by 2044 and to allow these units to be disbursed further than if limited to within the commercial zones allowing hotels, the City is recommending a new Emergency Housing and Emergency Shelter Overlay (EHESO) district that encompasses areas 1) within 1 mile of transit facilities as defined in 2023 ESSHB 1110 as well as 2) within as the City's commercial zones that allow hotels. Due to public safety concerns, Lakewood is not proposing to allow Emergency Housing or Emergency Shelter within the North Clear Zone (NCZ) or the Air Corridor (AC) 1 or AC2 Zones.

The map below shows, in lighter purple, the general area of the proposed EHESO district established at LMC 18A.50 Article III.



Summary of Updated Proposed 2023-05 Zoning and Use Regulation Amendments

- Updated and/or new definitions for Special Needs Housing, Emergency Housing (EH), Emergency Shelter (ES), Essential Public Facilities, Foster Care Home, Foster Care Facility, Group-Care Home, Permanent Supportive Housing (PSH), and Transitional Housing (TH) are added to LMC 18A.10.180.
- A new Emergency Housing and Emergency Shelter Overlay (EHESO) district is established in LMC 18A.50 Article III to allow Emergency Housing and Emergency Shelter within 1 mile of transit per RCW 35A.21.430. Due to public safety concerns, Lakewood is not proposing to allow EH or ES within the North Clear Zone (NCZ) or the Air Corridor (AC) 1 or AC2 Zones.
- Updated and simplified Development and Operating Conditions applicable to Foster Care Facilities, Emergency Housing, Emergency Shelter, Permanent Supportive Housing, Rapid Rehousing, and Transitional Housing are proposed. Requirements to comply with the conditions of federal, state, county, and/or local funding approval for projects and the Pierce County Homeless Program Policies (available to view at <https://www.piercecountywa.gov/7587/Homeless-Program-Policies>) are added.
- The definition of “concomitant agreement” in LMC 18A.10.180 and the references to “concomitant agreements” in LMC 18A.40.120 (C)(4) are removed. Concomitant agreements are an outdated concept and not used by the City.
- A new subsection C, “Common Open Space”, is added to LMC 18A.60.090, General Standards, to require Crime Prevention through Environmental Design (CPTED) in LMC Title 18A. CPTED is already required in the Downtown and Station District Subareas at LMC Sections 18B.500.530 and 18C.600.530.
- Group Homes Type 2 and 3 “Levels” are removed from the LMC (the levels were differentiated by number of residents, which is no longer allowed under state law.)

The table below summarizes, in highlighted text, the changes in amendment 2023-05 required per state law to the City’s land use zones’ allowed housing types.

Summary of Special Needs Housing and Foster Care Facilities Uses under 2023-05

Zone	Permanent Supportive Housing*	Rapid Rehousing	Transitional Housing*	Foster Care Facilities	Emergency Housing	Emergency Shelter
R1	P	P	P	<u>P</u>	Allowed where hotels are allowed and within 1 mile of transit except in the NCZ, AC1, or AC2 zones – see EHESO district in LMC 18A.50 Article III	Allowed where hotels are allowed and within 1 mile of transit except in the NCZ, AC1, or AC2 zones – see EHESO district in LMC 18A.50 Article III
R2	P	P	P	<u>P</u>		
R3	P	P	P	<u>P</u>		
R4	P	P	P	<u>P</u>		
MR1	P	P	P	<u>P</u>		
MR2	P	P	P	<u>P</u>		
MF1	GP	P	GP	<u>P</u>		
MF2	GP	P	GP	<u>P</u>		
MF3	GP	P	GP	<u>P</u>		
ARC	GP	P	GP	<u>P</u>		
NC1	GP	P	GP	<u>P</u>		
NC2	GP	P	GP	<u>P</u>		
TOC	GP	P	GP	<u>P</u>		
CBD	GP	P	GP	<u>P</u>		
C1	<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>		
C3	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution 2023-01 containing the Commission's recommendations to the City Council on the 2023 Comprehensive Plan amendment docket. As it considers Resolution 2023-01, the Commission has the authority to amend the resolution, if it desires to do so, by motion.

ATTACHMENT A

PLANNING COMMISSION RESOLUTION 2023-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON, FORMALIZING ITS RECOMMENDATIONS REGARDING THE 2023 COMPREHENSIVE PLAN/ZONING MAP AMENDMENTS AND FORWARDING ITS RECOMMENDATIONS TO THE LAKEWOOD CITY COUNCIL FOR CONSIDERATION AND ACTION.

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

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

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

WHEREAS, it is appropriate for the Lakewood City Council to consider and adopt amendments needed to ensure that the Plan and implementing regulations provide appropriate policy and regulatory guidance for growth and development; and

WHEREAS, the Lakewood City Council established a docket of proposed 2023 Comprehensive Plan and Zoning Map amendments through Resolution No. 2022-15; and

WHEREAS, the 2023 docket consists of nine (9) amendments (CPA/ZOA 2023-01 through 2023-09); and

WHEREAS, environmental review as required under the Washington State Environmental Policy Act (SEPA) has resulted in the issuance of a determination of environmental non-significance that was published on February 9, 2023 under SEPA #202300597 and updated on March 15, 2023 under SEPA #202301227; and

WHEREAS, notice was provided to state agencies on February 27, 2023 per City of Lakewood--2023-S-4821--60-day Notice of Intent to Adopt Amendment and updated on March 12, 2023 per City of Lakewood--2023-S-4856--60-Day Notice of Intent to Adopt Amendment, prior to the adoption of this Resolution, and state agencies have been afforded the opportunity to comment per RCW 36.70A.106(1); and

WHEREAS, notice has been provided to Joint Base Lewis-McChord (JBLM) prior to the adoption of this Resolution, and JBLM has been afforded the opportunity to comment per RCW 36.70A.530 (5); and

WHEREAS, the Lakewood Planning Commission held an open record public hearing on April 5, 2023 and continued the hearing first through April 19, 2023 on all proposed amendments and then through May 3 on proposed amendments 2023-03 and 2023-05; and

WHEREAS, the Lakewood Planning Commission has determined that the 2023 Comprehensive Plan amendments are consistent with the Growth Management Act and the other provisions of the City's Comprehensive Plan, and that the proposed text amendments meet the criteria for approval found in LMC 18A.30.050; and

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

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

Section 1. Amendments to the City's Comprehensive Plan, Zoning Map, and land use and development regulations as contained in Exhibit A hereto, summarized as follows:

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

2023-02 Redesignate/rezone:

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

2023-03 Allow commercial and quasi-public health/fitness facilities in the Open Space & Recreation 2 (OSR2) zone; and

- 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)

2023-04 Redesignate/rezone:

- 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.)

2023-05 Allow:

- Indoor Emergency Housing (EH) and Emergency Shelter (ES) within 1 mile of transit and also within any land use zone where hotels are allowed via an Emergency Housing and Emergency Shelter Overlay (EHESO) district; and

- Permanent Supportive Housing (PSH), Rapid Rehousing (RH), and Transitional Housing (TH) within the City’s residential zones and in any land use zone where hotels are allowed; and
- Foster Care Facilities within the City’s Residential (R) 1, 2, 3, and 4 zones; Mixed Residential (MR) 1 and 2 zones; Multifamily (MF) 1, 2, and 3 zones; Arterial Residential Commercial (ARC) Zone; Neighborhood Commercial (NC) 1 and 2 zones; Transit Oriented Commercial (TOC) zone; Central Business District (CBD) zone; and Commercial (C) 1, 2, and 3 zones;

Remove concomitant agreements from LMC 18A.10.180 and LMC 18A.40.120 (C)(4).

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

2023-07 Redesignate/rezone parcel 8880900340 from Residential/Residential 3 (R3) to Open Space & Recreation (OSR)/Open Space & Recreation 1 (OSR 1) for expansion of Wards Lake Park.

2023-08 Update Comprehensive Plan text and maps regarding Western State Hospital to reflect adoption of a new Master Plan.

2023-09 Remove language from Land Use Policy LU-2.25 requiring that a property owner occupy either the primary or secondary unit when there is an accessory dwelling unit.

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

PASSED AND ADOPTED at a regular meeting of the City of Lakewood Planning Commission this 17th day of May, 2023, by the following vote:

AYES: BOARDMEMBERS:

NOES: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

ATTEST:

CHAIR, PLANNING COMMISSION

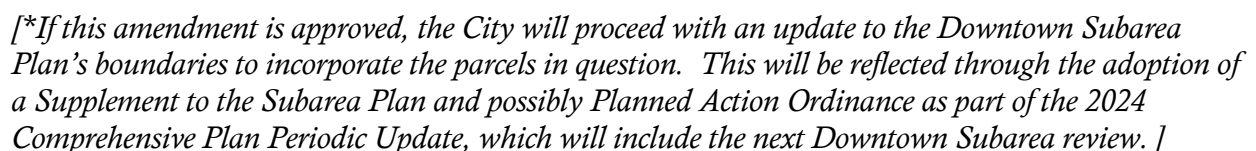
KAREN DEVEREAUX, SECRETARY

2023-01	Add a tree canopy coverage goal of 40% by 2050 to the Comprehensive Plan at LU-60.4.
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GOAL LU-60: Institute an urban forestry program to preserve significant trees, promote healthy and safe trees, and expand tree canopy coverage throughout the City.

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

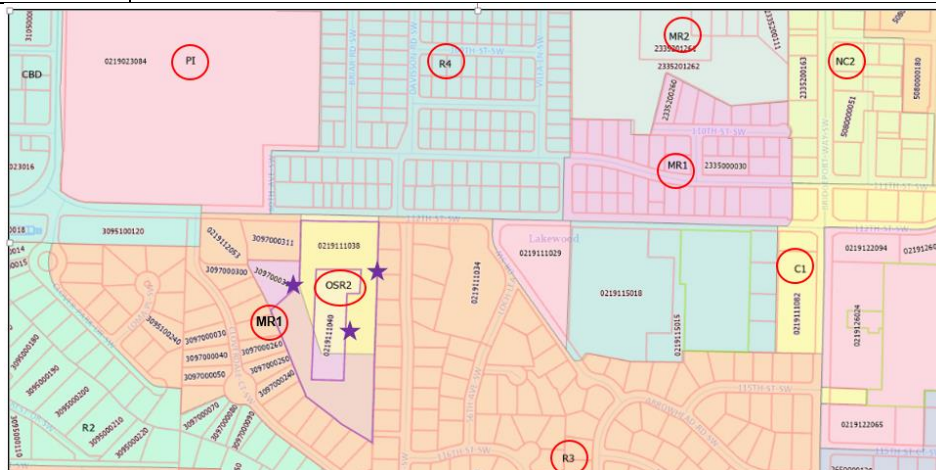
- **Parcels numbered 0219024020, -4021 and -4022 from Multifamily (MF)/Multifamily 3 (MF3) to Downtown/Central Business District (CBD); and**
- **Parcels numbered 6720100160, -170, -180, -191, -200 and 0219024024 from Multifamily (MF)/Multifamily 1 (MF1) to Downtown/Central Business District (CBD.)**



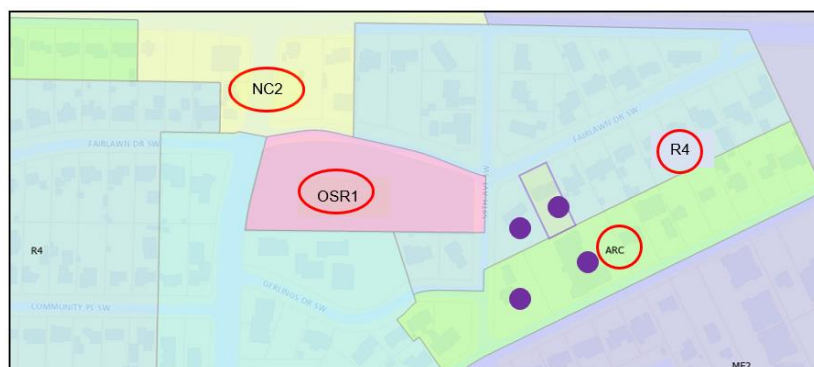
- 2023-03** **Allow commercial and quasi-public health/fitness facilities in the Open Space & Recreation 2 (OSR2) zone; and**
- **Redesignate/rezone parcel(s) 0219111038, -1040, and 3097000312 from Mixed Residential (MR)/Mixed Residential 1 (MR1) to Open Space & Recreation (OSR)/Open Space & Recreation 2 (OSR2)**

LMC 18A.40.040 (A)

Type of Use	Use	OSR2
Commercial and Industrial	* * *	
	Health/fitness facility, commercial	<u>P</u>
	Health/fitness facility, quasi-public	<u>P</u>
	* * *	



- 2023-04** **Redesignate/rezone:**
- **Parcels 5130001640 and -1650 from Residential (R)/Residential 4 (R4) to Neighborhood Business District (NBD)/ Neighborhood Commercial 2 (NC2); and**
 - **Parcels 5130001660 and -1671 from Arterial Corridor (ARC)/Arterial Residential-Commercial (ARC) to Neighborhood Business District (NBD)/Neighborhood Commercial 2 (NC2)**



2023-05 Allow:

- **Indoor Emergency Housing (EH) and Emergency Shelter (ES) within 1 mile of transit via an Emergency Housing and Emergency Shelter Overlay (EHESO) district and also within any land use zone where hotels are allowed; and**
- **Foster Care Facilities within the City’s Residential (R) 1, 2, 3, and 4 zones; Mixed Residential (MR) 1 and 2 zones; Multifamily (MF) 1, 2, and 3 zones; Arterial Residential Commercial (ARC) Zone; Neighborhood Commercial (NC) 1 and 2 zones; Transit Oriented Commercial (TOC) zone; Central Business District (CBD) zone; and Commercial (C) 1, 2, and 3 zones; and**
- **Permanent Supportive Housing (PSH), Rapid Rehousing (RH), and Transitional Housing (TH) within the City’s residential zones and in any land use zone where hotels are allowed.**

Remove concomitant agreements from LMC 18A.10.180 and LMC 18A.40.120 (C)(4).

Comprehensive Plan

1.62 Housing

Housing issues are addressed in the land use chapter and several other locations. The Comprehensive Plan land use designations and map (Chapter 2) identify areas of the city targeted for different housing types. The land use chapter (Chapter 3) addresses goals and policies related to a variety of housing issues. Technical analysis of needs and capacity is contained in the background report and the EIS.

Table 1.4: Relationship between State Law/GMA Requirements for Housing and the Lakewood Comprehensive Plan

RCW Section & GMA Requirement	Location where Lakewood Comprehensive Plan Complies with Requirement
36.70A.070(2)(a) Inventory/analysis of existing/projected housing needs (housing element)	Housing section of background report EIS Section 3.5 Housing
36.70A.070(2)(b) Statement of goals/policies/objectives/ mandatory provision for the preservation/improvement/ development of sufficient land for housing (housing element)	Comp. plan Section 3.2: Residential Lands and Housing
36.70A.070(2)(c) Sufficient land for housing, including government-assisted, low- income, manufactured, multi- family, group homes, & foster care (housing element)	Comp. plan Section 3.2: Residential Lands and Housing Comp. plan Section 2.3: Land Use Designations
36.70A.070(2)(d) Provisions for existing/projected needs for all economic segments (housing element)	Comp. plan Section 3.2: Residential Lands and Housing
<u>Chapter RCW 74.15 – Foster Family Homes and Group Care Facilities</u>	<u>LMC 18A.202.050, .080; 18A.40.110</u>
<u>RCW 36.70A.070.2(c)) - Identify sufficient capacity of land for housing including, but not limited to, . . . foster care facilities[.]</u>	<u>LMC 18A.202.050, .080; 18A.40.110</u>
<u>RCW Chapter 43.185C (Homeless Housing and Assistance) – refers to RRH</u>	<u>In LMC 18A.10.180, “Rapid re-housing” (RRH) means housing search and relocation services and short- and medium-term rental assistance to move</u>

<u>RCW 36.22.176 (Recorded document surcharge - Use) – refers to RRH</u>	<u>homeless persons and families (with or without a disability) as rapidly as possible into permanent housing.</u>
<u>RCW 35A.21.430 - Indoor emergency housing (EH) and indoor emergency shelters (ES) 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.</u>	<u>LMC 18A.50 Article III; Chapter 18A.120</u>
<u>RCW 35A.21.305 - Permanent supportive housing [PSH] shall be allowed in areas where multifamily housing is permitted.</u>	<u>LMC Chapter 18A.120</u>
<u>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.”</u>	<u>LMC Chapter 18A.120</u>

3.2 Residential Lands and Housing

Housing is a central issue in every community, and it plays a major role in Lakewood’s comprehensive plan. The community’s housing needs must be balanced with maintaining the established quality of certain neighborhoods and with achieving a variety of other goals related to transportation, utilities, and the environment. There are a number of considerations related to housing in Lakewood:

Impact of Military Bases: Historically, the market demand for affordable housing for military personnel stationed at Joint Base Lewis McChord (JBLM) has had a major impact on Lakewood, and appears to be a major factor in understanding the presence of a large number of apartments in the city. Many of the retired homeowners now living in the community were once stationed at JBLM.

Lakefront Property: The opportunity to build higher valued homes in a desirable setting on the shores of the City’s lakes has provided Lakewood with its share of higher-income families, and some of its oldest, most established neighborhoods. As Lakewood’s population grows, redevelopment in these areas via Planned Development Districts (PDDs) may occur.

City of Tacoma: Lakewood has been a bedroom community for Tacoma. The City’s proximity to Tacoma has positioned it as a primary location for post-World War II tract housing.

Rental Housing: Forty-four percent of Lakewood’s occupied housing units are now rentals. Two trends are at work that combine to make rental housing predominant. First, an abundance of apartment construction prior to incorporation, and, again, the presence of JBLM.

Land Availability: In preparing the comprehensive plan, the City analyzed the development capacity of residential land based on the official land-use map. The capacity analysis considered present use, development limitations, market factors, and current land valuations.

Only undeveloped (vacant) or very underdeveloped properties were considered. If actual buildout matches this analysis, the added units will meet the growth forecast level adopted by the City. There is adequate land currently planned for multi-family use. To achieve growth targets, infill development on vacant or underutilized properties will be required. In areas well- served by transportation, public transit, and neighborhood business centers, new housing at higher densities will be encouraged to expand housing choices to a variety of income levels and meet growth targets.

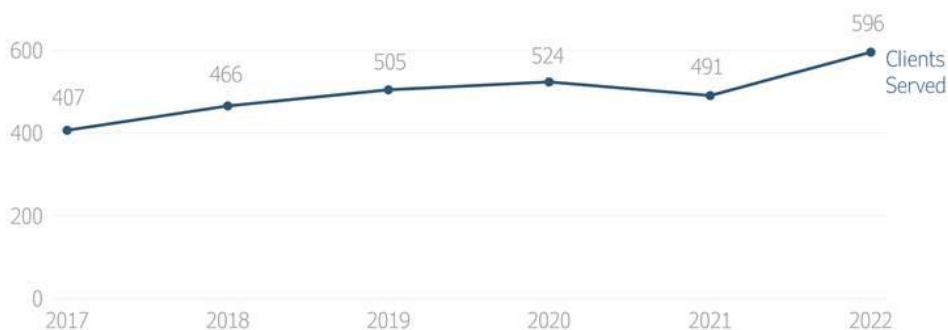
Housing Affordability: The GMA calls for jurisdictions to provide opportunities for the provision of affordable housing to all economic segments of the population. Pierce County has established “fair share” allocations for affordable housing based on the 2010 census. Each city within the County is expected to accommodate a certain portion of the County’s affordable housing needs. The City has developed and possesses a number of tools and programs that help provide housing resources to low-income residents.

Special Needs Housing and Foster Care: Per state law, the Department of Commerce has established the number of emergency housing units as well as numbers of housing units for various Area Median Income (AMI) levels that Lakewood must plan to be available by 2044.

Lakewood must identify capacity and adopt regulations that allow for 637 emergency housing units by 2044. As of 2023, Lakewood has 8 shelter beds within its boundaries.

Unique clients from Lakewood that were served by emergency shelters from 2017-2022.

The number of unique clients from Lakewood served by emergency shelters increased by 46% from 2017 to 2022.



Note: This includes clients who reported the city they last slept in was Lakewood or who reported their last permanent zip code was in Lakewood.

Source: HMIS, 3/9/2023

Between January 1 and April 15, 2023, 93 clients were served by referrals to emergency shelters outside of the City.

Lakewood must also plan for 9,378 units of its 9,714 unit 2044 growth target broken out into the income bands as shown below:

<u>0-30% AMI PSH</u>	<u>0-30% AMI Non-PSH</u>	<u>>30-50% AMI</u>	<u>>50-80% AMI</u>	<u>>80-100% AMI</u>	<u>>100-120% AMI</u>	<u>>120% AMI</u>
<u>1,238</u>	<u>1,498</u>	<u>-96*</u>	<u>-1,666*</u>	<u>1,839</u>	<u>1,834</u>	<u>4,730</u>

* Negative numbers in table above show where the City is projected to have a “surplus” of units that must be converted to housing affordable to other AMI levels.

In order to comply with state law:

- Lakewood must allow indoor emergency housing (EH) and indoor emergency shelters (ES) in any zones in which hotels are allowed, unless it adopts an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within 1 mile of transit);
- Lakewood must allow Permanent Supportive Housing (PSH) and Transitional Housing (TH) within the Commercial 1, 2, and 3 (C1, C2 and C3) zones as well as its residential zones; and
- Lakewood must identify capacity for Foster Care Facilities.

Lakewood Municipal Code

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.~~

~~**“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”** 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~~.

“Foster family home” means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed (RCW 74.15.020.)

“Foster care facility” means both a foster family home and a group-care facility as governed under Chapter RCW 74.15.

“Group-care facility” means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. “Group care facility” includes but is not limited to:

- (i) Qualified residential treatment programs as defined in RCW 13.34.030;
- (ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and
- (iii) Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking (RCW 74.15.020.)

“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.

“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.

“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 does not mean multifamily housing projects with fewer than 50% of the units providing permanent supportive 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. 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.

“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. Special needs housing does not mean multifamily housing projects with fewer than 50% of the units providing special needs housing.~~

“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 does not mean multifamily housing projects with fewer than 50% of the units providing transitional housing.~~ “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.~~

“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

* * *

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

* * *

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
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

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
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
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

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
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;
146. Environmental review (SEPA checklist and threshold determination);
175. Final subdivision plat (10 or more lots);
18. Foster Care Facility permit;
196. Home occupation permit;

~~2017~~. Housing incentives permit;
~~2118~~. Landscape plan review;
~~1922~~. Land use approval;
~~230~~. Lot line adjustment;
~~241~~. Manufactured/mobile home setup permit;
~~225~~. New commercial permit;
~~263~~. New multifamily permit;
~~274~~. 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](#).

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
Emergency Housing Permit	N	D	O/Appeal	N	N
Emergency Shelter Permit	N	D	O/Appeal	N	N

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

* * *

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.

* * *

18A.20.110 Certificate of occupancy.

A certificate of occupancy shall be obtained from the Department ~~when~~ ~~when a certificate of occupancy is~~ required by the International Construction Codes and LMC Title 15.

18A.40.040 Commercial and Industrial Uses.

A. *Commercial and Industrial Land Use Table.* See LMC 18A.40.040(B) for Development and Operating 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	P
Accessory commercial (B)(5)	-	-	-	-	-	-	-	-	-	-	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~~ and Operating Conditions.

* * *

18A.40.060 Essential public facilities.

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

	Zoning Classifications																						
Essential Public Facilities	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI	OSR1	OSR2
Airport (Seaplane) (B)(1)*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	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 relevant general requirements.

B. *Development and Operating Conditions.*

1. RCW 36.70A.200 requires cities to include in their comprehensive plans a process for identifying and siting essential public facilities (EPFs). EPFs are described in the Growth Management Act (GMA) as those facilities which are typically difficult to site, but are needed to support orderly growth and delivery of services. The GMA states that

no local comprehensive plan or development regulation may preclude the siting of essential public facilities.

2. Except for **special needs housing**, existing electrical transmission lines of higher voltage than 115 kV, and military installations, essential public facilities shall require a conditional use permit. In addition to the regular conditional use permit review criteria, the following shall apply:

a. * * *

18A.40.110 Residential uses.

A. *Residential Land Use Table.* See LMC 18A.40.110 (B) for Development and Operating 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	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–

	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
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 occupant of the primary dwelling	P	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
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. Development and Operating ~~and Development~~ Conditions.

* * *

10. See LMC 18A.40.120 Special Needs Housing

* * *

13. Conditions for Foster Care Facilities. Foster Care Facilities, including Foster Family Homes and Group Care Facilities, must comply with Chapter RCW 74.15 and hold a business license as required thereunder.

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 public interest health and safety dictates require~~ that these facilities be subject to certain ~~restrictions conditions~~. ~~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 Development and Operating Conditions. See LMC 18A.10.120(D) for the Purpose and Applicability of Zoning Districts. See LMC 18A.50 Article III for the Emergency Housing and Emergency Shelter Overlay (EHESO) district map.

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	–	–	–	–
Emergency Housing		P within EHESO	P within EHESO	P within EHESO	P within EHESO	P within EHESO	P within EHESO	=	=	=	=
Emergency Shelter		P within EHESO	P within EHESO	P within EHESO	P within EHESO	P within EHESO	P within EHESO	=	=	=	=
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	GP	GP	GP	P–	–	–	C	–
Rapid Re-Housing	N/A	P	P	P	P	P	–	–	–	C	–
Transitional Housing	N/A	P	P	GP	GP	GP	P–	–	–	C	–
Type 1 Group Home, adult family home (C)(1)	Max. of 6 or 8 per (C)(1)	P	P	P	P	P	–	–	–	C	–
Type 2 Group Home, Level 1	Max. of 7, plus resident staff	P	P	P	P	P	–	–	–	C	–
Type 2 Group Home, Level 2	Max. of 10, plus resident staff	G	G	G	–	–	–	–	–	–	–
Type 2 Group Home, Level 3	More than 10, plus resident staff	–	G	G	G	G	–	–	–	G	–
Type 3 Group Home, Level 1	Max. of 8, plus resident staff	–	C	C	C	C	–	–	–	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
Type 3 Group Home, Level 2	Max. of 12, plus resident staff	-	-	€	€	€	-	-	-	€	-
Type 3 Group Home, Level 3	More than 12, plus resident staff	-	€	€	€	€	-	-	-	€	-
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. Development and Operating and Development Conditions.

1. Adult Family Homes. 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. Development Conditions at use permit requirements for sSpecial nNeeds 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, and with the following additional requirements:

i. Required Submittals. Applications for special needs housing for special needs housing facilities are public records and shall include the following:

(a) A land use permit application containing all of the required information and submissions set forth in Chapter 18A.20 LMC, Article I;

(b) A copy of any and all capital funding grants or award contracts related to the construction of a new structure or conversion of an existing structure to operate as a special needs housing facility;

(c) Written documentation from the applicant agreeing to hold a public informational community meeting within four weeks, but no sooner than two weeks, from the time of application. The purpose of the community meeting is to provide an early, open dialogue between the applicant and the neighborhood surrounding the proposed facility.

The community meeting should acquaint the neighbors of the proposed facility with the operators and provide for an exchange of information about the proposal, 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. The meeting is also an opportunity for the community to make the operator aware of the characteristics of the surrounding community and any particular issues or concerns.

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.

If the use is proposed in an existing facility, the community meeting shall be held following an inspection of the existing facility per (C)(2)(a)(i)(c) of this section.

(c) Written request from the applicant to the Fire Marshall and Building Official for an inspection of an existing facility 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 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.

(d) An operation plan that provides per section (C)(5)(B)(1)(c)(iii) information about the proposed facility and its programs, per the requirements of the Community and Economic Development Department.

ii. Participation in HMIS. All special needs housing facilities 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. *Development Application Process - Residents of Domestic Violence Shelters – Special Accommodations.* 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. *Development Registration Process of Existing Special Needs Housing.* The State intends to regularly allocate a number of people the City should expect to accommodate in special needs housing. To ensure that the City is aware of the existing special needs housing operating within the City, those operating special needs housing prior to 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 within 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.

~~7. *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.~~

5. *General Development and Operating Conditions - Emergency Housing, Emergency Shelter, Permanent Supportive Housing, and Transitional Housing Development and Operation 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 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 facilities or group homes.

2. Supportive housing facilities are allowed in all residential districts, provided they are of a similar scale as surrounding development (e.g., lot coverage, setbacks, impervious surface requirements, building height, etc.) 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 use the requirements in this code to consider the effects on the health and safety of facility residents and the neighboring communities.

iii. All facilities shall comply with all federal, state, county and local requirements to ensure housing safety and habitability. See, e.g., the Pierce County, WA Homeless Housing Program Policy and Operations Manual Chapters 5, 6, 7, and 8.

iv. All facilities must comply with the Building and Construction Code under LMC Title 15. All facilities must also comply with the relevant provisions of LMC Title 18A and with LMC Title 18B or 18C if applicable.

v. All facilities must comply with the provisions of crime prevention through environmental design (CPTED) under 18A.60.090, 18B.500.530 or 18C.500.530 as applicable; provided, however, that existing buildings being converted to Emergency Housing, Emergency Shelter, Permanent Supportive Housing or Transitional Housing shall not be required to make structural changes solely to comply with CPTED unless the relevant structural elements of the building are being altered as part of the conversion.

b. Site and Transit.

i. Facilities shall match the bulk and scale of residential uses allowed in the zone where the facility is located.

ii. 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 per LMC Chapter 18A.80, LMC Chapter 18B.600, or LMC Chapter 18C.600 and 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 relevant federal, state, and local laws and regulations. The facility is 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 provide on-site supervision of facilities and program participants at all times, unless providers demonstrate in the operations plan that another level of supervision will be effective in keeping residents and the public healthy and safe.

iii. The sponsor or managing agency must provide the City with an operation plan at the time of the application per section (C)(2)(a)(i)(d) 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 provide the City with accurate, written documentation demonstrating that the agency has applicable experience providing similar services to people experiencing homelessness.

v. Sponsors or managing agencies shall provide the City with accurate, written documentation demonstrating that the agency has 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.

2. Special Conditions 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 a 1,000 foot radius 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. 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.

b. Facility Operations.

i. 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.

ii. No children under the age of eighteen (18) are allowed to stay overnight in the facility, unless the child is emancipated consistent with Chapter RCW 13.64, unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to this population. If an non-emancipated 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.

iii. No person 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. Facilities serving more than five (5) residents shall have dedicated spaces for residents to meet with service providers.

iv. 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. Special Conditions 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. In residential zones, 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. For the purposes of this section the following zones are considered residential zones: R1, R2, R3, R4, MR1, MR2, MF1, MF2, and MF 3.
- 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.

6. Abandonment of Special Needs Housing Use. 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.

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

* * *

D. *AICUZ Land Use Table.* See LMC 18A.40.130(E) for Development and Operating Conditions. See LMC 18A.10.120(D) for the purpose and applicability of zoning districts.

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
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
<u>Foster care facilities</u>	–	–	–	<u>N/A</u>

Land Use Categories	APZ-I	APZ-II	CZ	Density
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>	–	–	–	<u>N/A</u>
<u>Emergency Shelter</u>	–	–	–	<u>N/A</u>
<u>Permanent Supportive Housing</u>	–	–	–	<u>N/A</u>
<u>Transitional Housing</u>	–	–	–	<u>N/A</u>
Continuing care retirement community	–	–	–	N/A
Hospice care center	–	–	–	N/A
Enhanced services facility	–	–	–	N/A
Nursing home	–	–	–	N/A
Commercial and Industrial Uses				

* * *

Director: Community and Economic Development Director
HE: Hearing Examiner
P: Permitted Use C: Conditional Use “–”: Not Allowed N/A: Not Applicable
Applications for all uses must comply with all of subsection E’s general requirements.

Chapter 18A.50 OVERLAY DISTRICTS

Sections:

18A.50.005

Definitions.

Article I. Flood Hazard Overlay (FHO)

18A.50.010	Purpose.
18A.50.020	Applicability.
18A.50.030	Administration.
18A.50.040	Alteration of water courses.
18A.50.050	Interpretation of FIRM boundaries.
18A.50.060	Variances – Flood hazard overlay.
18A.50.070	Provisions for flood hazard reduction.
18A.50.080	Allowable activities within the Regulatory Floodplain.

Article II. Senior Housing Overlay (SHO)

18A.50.110	Purpose.
18A.50.120	Applicability.
18A.50.130	Provisions.
18A.50.140	Monitoring.

Article III. Emergency Housing and Emergency Shelter Overlay (EHESO)

<u>18A.50.210</u>	<u>Purpose.</u>
<u>18A.50.220</u>	<u>Applicability.</u>
<u>18A.50.230</u>	<u>Provisions.</u>
<u>18A.50.240</u>	<u>Monitoring.</u>

Article IVH. Sexually Oriented Businesses Overlay (SOBO)

18A.50. 32 10	Purpose and intent.
18A.50. 32 20	Applicability.
18A.50. 32 30	Definitions.
18A.50. 32 40	Findings and legislative record.
18A.50. 32 50	Sexually oriented business overlays (SOBOS) created.
18A.50. 32 60	Sexually oriented business location within SOBOS.
18A.50. 32 70	Processing of applications for licenses and permits.
18A.50. 32 80	Conforming and nonconforming sexually oriented businesses.
18A.50. 32 90	Notice to nonconforming sexually oriented business land uses.
18A.50. 43 00	Expiration of nonconforming status.
18A.50. 43 10	Notice and order.
18A.50. 43 20	Provision for conformance.
18A.50. 43 30	Prohibition and public nuisance.

Article IV. Lakewood Overlay Districts Map

18A.50.005 Definitions.

See LMC [18A.10.180](#) for definitions relevant to this chapter.

Article I. Flood Hazard Overlay (FHO)

* * *

Article II. Senior Housing Overlay (SHO)

* * *

Article III. Emergency Housing and Emergency Shelter Overlay (EHESO)

18A.50.110 Purpose.

In order to comply with RCW 35A.21.430, the Comprehensive Plan creates an overlay area in which Emergency Housing and Emergency Shelter is allowed. This article carries forward the Comprehensive Plan's intent in creating a regulatory construct for Emergency Housing and Emergency Shelter facilities within the Emergency Housing and Emergency Shelter Overlay (EHESO.)

18A.50.120 Applicability.

This section applies to land use applications for Emergency Housing and Emergency Shelter within the EHESO. This article shall not apply to Special Needs Housing other than Emergency Housing and Emergency Shelter. This article also shall not apply to foster care facilities.

18A.50.130 Provisions.

In addition to other relevant sections of LMC Titles 18A, 18B, and/or 18C, all of the provisions and requirements of the following municipal code sections related to Emergency Housing and Emergency Shelter shall apply in the EHESO:

- LMC Title 15;
- section LMC 18A.20 Article I;
- sections LMC 18A.40.040, .060, .110, .120, .130; and
- sections 18A.60.090 and .095.

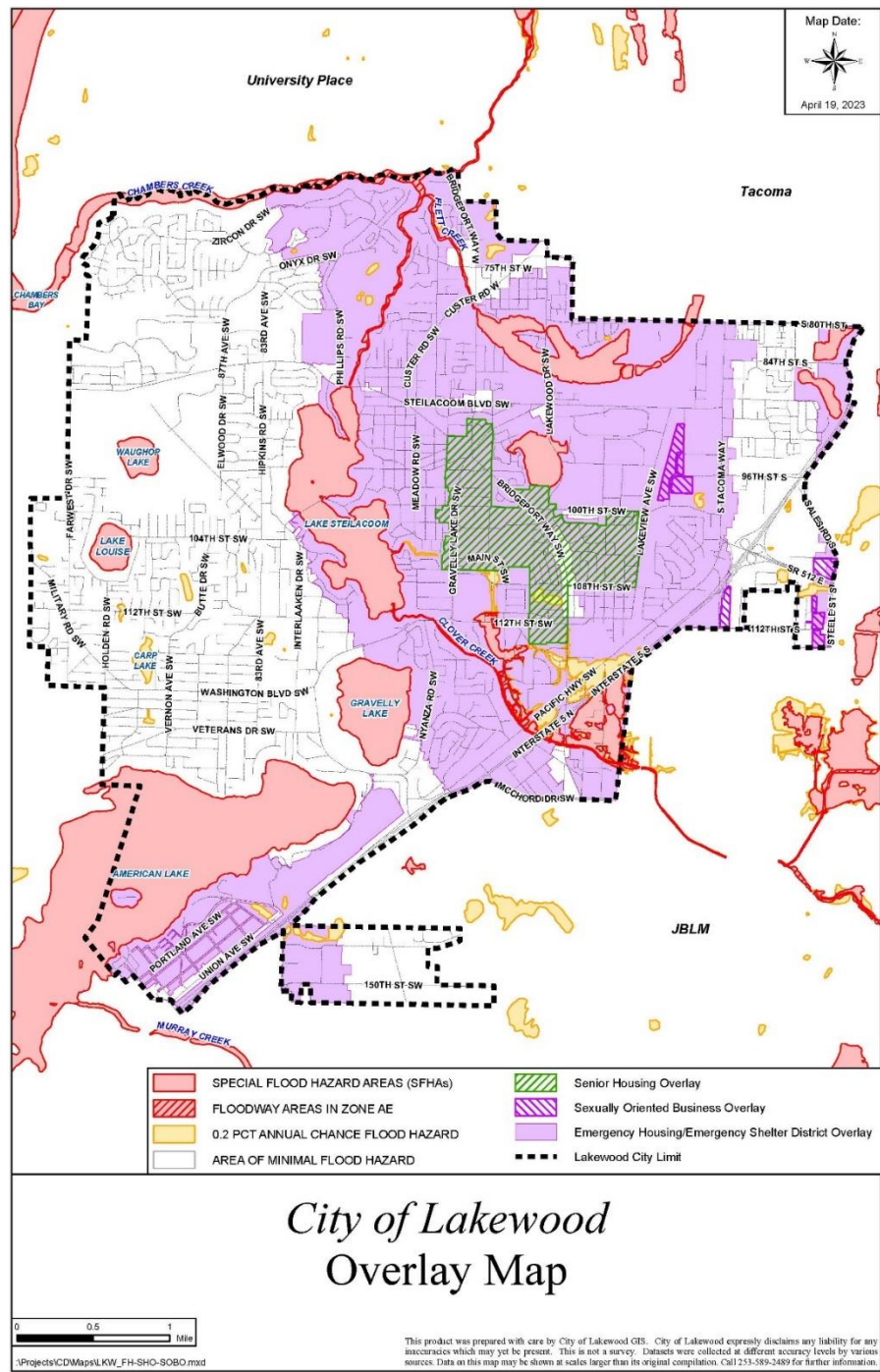
18A.50.140 Monitoring.

The Community and Economic Development Department shall maintain a list of all emergency housing and emergency shelter units created within the EHESO.

Article IVH. Sexually Oriented Businesses Overlay (SOBO)

Article IV. Lakewood Overlay Districts Map

Figure 1



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; provided, however, that existing buildings being converted to Emergency Housing, Emergency Shelter, Permanent Supportive Housing or Transitional Housing shall not be required to make structural changes solely to comply with CPTED unless the relevant structural elements of the building are being altered as part of the conversion. 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.

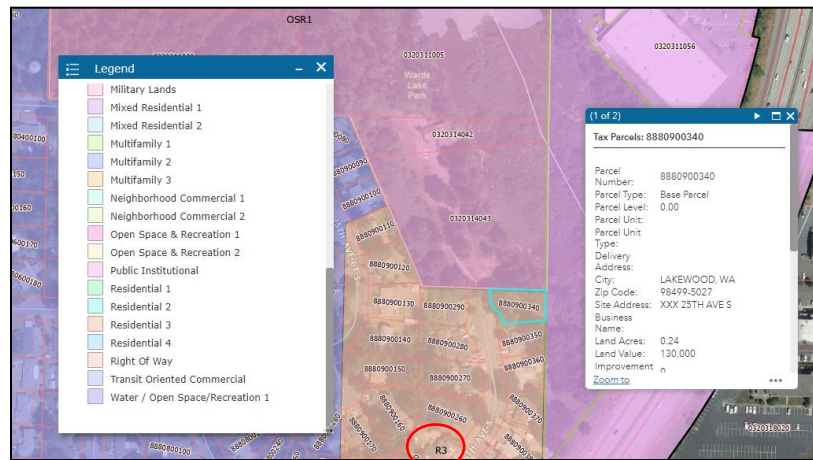
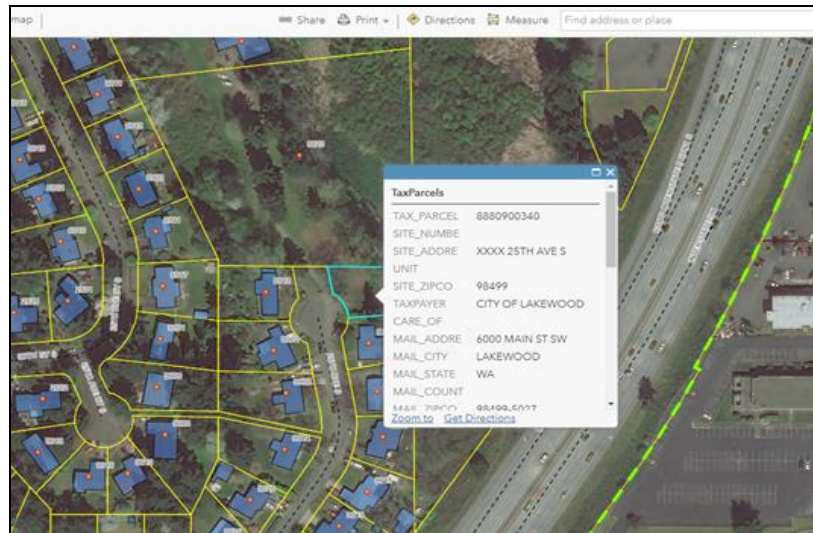
2023-06 Amend Land Use Policy LU-5.3 to reflect changes in allowed types of funding for financial and relocation assistance for people displaced as a result of construction and development projects as follows:

LU-5.3: Enforce the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Uniform Relocation Act Amendments of 1987 and any subsequent amendments, to provide financial and relocation assistance for people displaced as a result of construction and development projects ~~using federal funds~~. Lakewood shall also enforce Section 104(d) of the Housing and Community Development Act of 1974, as

amended, requiring the replacement of low- and moderate-income housing units that are demolished or converted to another use in connection with a CDBG project.

2023-07 Redesignate/rezone Parcel 8880900340 from Residential (R)/Residential 3 (R3) to Open Space & Recreation (OSR)/Open Space & Recreation 1 (OSR 1) for expansion of Wards Lake Park

The City purchased parcel 8880900340 with grant funds in 2020. It is immediately adjacent to Ward's Lake Park. Phase 2 of the City's Ward's Lake Park CIP improvements can be expanded to include this parcel once it is zoned OSR1.



2023-08 Update Comprehensive Plan text regarding Western State Hospital (WSH) to reflect adoption of 2022 WSH Master Plan.

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

Edits to the following Comprehensive Plan and related LMC text and maps are needed to reflect the new WSH Master Plan.

3.2.7 Housing Characteristics

* * *

I. Group Quarters

There were 1,127 people living in group quarters in Lakewood at the time of the 2020 census, the most recent data available. This was equal to 1.8% of the total population in Lakewood of 63,612. Group quarters includes Western State Hospital, which is a regional facility serving 19 counties in Washington. There were 644 people counted residing at the psychiatric hospital in 2020.

* * *

3.8 Western State Hospital (WSH)

Shortly after the City's incorporation in 1996, the state Department of Social and Health Services (DSHS) completed a master plan for the WSH campus. The WSH public facilities permit (LU98059) was approved by the Hearing Examiner on September 22, 1998, and formally ratified by the City after adoption of an interlocal agreement in March 30, 1999. Between 1999 and 2022, only minor additions/alterations were permitted on the WSH campus since no updates to the Master Plan were approved. In 2022, the City approved an updated Master Plan that would include, among other actions, a replacement of the current main building on the WSH campus.

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

Policies:

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

LU-40.2: Enforce the City's public facilities master plan process confirming that: 1) appropriate provisions are made for infrastructure and/or services; 2) approval criteria and mitigation measures are incorporated into project

approvals; and 3) the safety of the general public, as well as workers at, and visitors to, Western State Hospital is ensured.

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

* * *

7.1 Sanitary Sewers

Sewer service in the City of Lakewood is almost entirely provided by Pierce County Public Works and Utilities. Sewer service was recently expanded to serve the Tillicum and Woodbrook communities. The Town of Steilacoom provides sewer service to Western State Hospital. The connection to the Steilacoom sewer system is at the southwest corner of the WSH campus. This connection is being upgraded in 2023, including the addition of a meter. Steilacoom has indicated that its facilities serving the Western State Hospital currently have additional growth capacity. Future development will require additional sewer capacity charges and will be based on the calculated sewer demand from Pierce County Public Works and Utilities “Documented Water Use Data.”

The City of Tacoma provides sewer service to the Flett subdivision, and to commercial and residential users located in northeast Lakewood (80th Street and 84th Streets). Figure 7.2 describes the locations of all major sewer trunk lines within Lakewood.

* * *

7.1.1 Other Water Purveyors

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

2023-09 Remove language from Land Use Policy LU-2.25 requiring that a property owner occupy either the primary or secondary unit when there is an accessory dwelling unit.

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

- ~~•—Ensure owner occupancy of either the primary or secondary unit;~~

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

ATTACHMENT B

SUMMARY OF PLANNING COMMISSION PUBLIC HEARING COMMENTS

Commenter Name/ Organization	Amendment #	April 19, 2023 Public Hearing Comments to Planning Commission	City Response
Allison J. Reynolds, Stoel Rives, for LIHI	2023-05	<p>To ensure that Facilities that serve homeless populations are not treated differently from special needs housing for other types of populations under the City's requirements, LIHI requests that the City eliminate the Operations and Development Conditions for Facilities under 18A.40.120.C.5 in their entirety and subject these Facilities to the same requirements under 18A.40.120.C that apply to other special needs housing types.</p> <p>LIHI continues to have concerns that the Ordinance, as currently written, will violate the Federal Fair Housing Act ("FHA") by imposing requirements on these 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 disability 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. People with physical and cognitive disabilities are also clearly covered under fair housing protections, who are disproportionately represented in the chronically homeless population.</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, seniors, 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.</p> <p>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>The Ordinance applies a set of general restrictions to all special needs housing types under 18A.40.120.C.2 including a requirement for a community information meeting, building and fire inspection, and an operation plan. In addition to these general requirements, ES, EH, TH and PSH Facilities that serve <i>homeless</i> populations are subjected to almost 6 pages of additional requirements under 18A.40.120.C.5. These additional requirements do</p>	Comments noted. An updated version of proposed amendment 2023-05 will be presented and discussed at the May 3 Planning Commission meeting.

	<p>not apply to special needs housing that serves other types of populations, such as a nursing home. Remove the 1,000-foot spacing limit between Facilities. Please refer to our April 5, 2023 letter regarding our concerns that this limitation violates the FHA and state law.</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>Modify restrictions on unaccompanied minors utilizing Facilities. There needs to be an exception for minors who are emancipated and should be allowed to receive services at Facilities.</p>	<p>Thank you. Amended language included in 5/3/23 # 2023-05 at proposed LMC 18A.40.120(C)(5)(B)(2)(b)(ii).</p>
	<p>Remove the prohibition on serving clients “under court supervision.” This requirement is overly broad and prevents at-risk populations from receiving critical services, which is likely to lead to recidivism. When people are released from prison it is often the case they are housing insecure; we should not be creating artificial barriers that prevent their reintegration in society.</p>	<p>Comments noted. An updated version of proposed amendment 2023-05 will be presented and discussed at the May 3 Planning Commission meeting.</p>
	<p>Add language to address TH and PSH units that are provided within multifamily buildings. Often, PSH or TH units are provided within a building with non-PSH/TH units. The Ordinance is not clear regarding how these situations will be treated. LIHI recommends that any housing development that contains fewer than 50% PSH or TH units be exempt from the definition of these special needs housing types and regulated as multifamily housing.</p>	<p>Comments noted. An updated version of proposed amendment 2023-05 will be presented and discussed at the May 3 Planning Commission meeting.</p>
	<p>Exempt existing buildings being repurposed as Facilities from structural changes related to Crime Prevention through Environmental Design (CPTED) unless the relevant structural elements of the building are proposed for alteration as part of the conversion.</p> <p>We agree that the CPTED standards should apply to new buildings developed for Facilities, but many Facilities are created by converting underutilized existing buildings, such as hotels or housing developments. Typically these conversions include minimal interior changes to the building and do not involve structural changes such as reconfiguring walls or installing windows. While some CPTED features such as lighting and security cameras are relatively simple to affix to an existing structure, other structural features such wall placement and window coverage require extensive exterior renovation and would be prohibitive for many non-profit owners and operators of Facilities. The Ordinance should exempt existing structures from all structure-related CPTED requirements unless these structural elements are being renovated as part of the conversion.</p>	<p>Comments noted. An updated version of proposed amendment 2023-05 will be presented and discussed at the May 3 Planning Commission meeting.</p>
	<p>Remove the overall cap on occupancy for EH and ES to align with Department of Commerce guidance. At our meeting with Tiffany Speir, she explained that many of the Ordinance revisions were based the Department’s guidance for reasonable occupancy spacing and intensity of use requirements. The Department’s guidelines for occupancy in EH and ES Facilities is that occupancy limits “be set by occupant per square</p>	<p>Comments noted. An updated version of proposed amendment 2023-05 will be presented and discussed at the May 3 Planning Commission meeting.</p>

		<p>foot” and “be consistent with square foot occupancy in the building code or other adopted codes.”</p> <p>The Ordinance requires 35 square feet per occupant for EH and ES in non-residential zones which appears consistent with the Department’s guidance. However, the Ordinance then goes further than these per square foot limits and imposes a cap of 80 units within residential zones and 100 units within all other zones, regardless of the site or Facility size. This cap will directly impact LIHI’s operation of an ES at Maureen Howard Place by limiting the number of clients that can be served at below the level that could be safely accommodated in the Facility. This ultimate cap is not consistent with the Department’s guidelines and should be removed.</p>	
Jon Grant, LIHI	2023-05	LIHI appreciated and supported changes made to proposed 2023-05 since the April 5 meeting. LIHI’s continuing concerns included requirements for a community meeting, inspections by the Fire Marshal and Building Official, and for an operations plan. He voiced LIHI’s concerns regarding Lakewood’s compliance with the Federal Fair Housing Act with the draft 2023-05 language. Mr. Grant requested that the restriction on housing court-supervised individuals be removed, that the requirement to follow CPTED rules on existing structures be removed; and requested that emancipated minors be listed as allowed residents in special needs housing.	Comments noted. An updated version of proposed amendment 2023-05 will be presented and discussed at the May 3 Planning Commission meeting.
Amanda DeShazo, TPC Affordable Housing Consortium	2023-05	Thanked City staff for removing the conditional use permit requirements on special needs housing. She requested that the court-supervised individual prohibition, the occupancy cap on EH and ES projects, the 1,000 foot distance between facilities, and the development and operations conditions for be removed from code since such conditions were handled in the funder contracts for housing providers.	Comments noted. An updated version of proposed amendment 2023-05 will be presented and discussed at the May 3 Planning Commission meeting.
Barbara Wyatt	2023-03	Opposed to rezoning of parcels to the neighborhood commercial 2 (NC2) due to the other potential uses of the parcels allowed in that zone aside from health/fitness facility, commercial.	Comment noted.

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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.

Ken Enslow	2023-03	Support	Comment noted. An updated CED SEPA review and recommendation for the Planning Commission is provided on 4/19/23.
Kerry Hills	2023-03	Support	Comment noted. An updated CED SEPA review and recommendation for the Planning Commission is provided on 4/19/23.
Lorne H Coody	2023-04	Opposed I would like to inform you that I am not in agreement with this new zoning project. I believe this is not the area for this project. I have my reason as follows: Traffic challenges Personnel speeding as going down my block, no round-a-bout does nothing, children o The park challenge we are having could cause further issues. I want to say these are some of my concerns and I hope they will be considered. Thank you, Lorne	Comment noted.
Barris Harms	2023-04	Opposed I am writing to express my complete opposition to the zoning change outlined in 2 Fairlawn Drive for 45 years and the zoning changes described in the amendment a neighborhood and existing single family home construction that we have. The put been experienced since the addition of the HIGH DENSITY housing constructed un appalling and endanger the entire neighborhood constantly. I understand that a tl near, the Phase 1 project site. Our neighborhood is already full of mentally ill peo its close proximity to the Greater Lake Mental Health facility. Theft and property c It is highly likely that these types of people and events will become more and mor density units are constructed. This project will also lower our property values. Remember, lower property value all of the city planning committee members to block passage of the zoning change maintain the existing single family residential zoning.	Comment noted.
Cynthia I Jahner	2023-04	Opposed I live in this area of Lakewood; 5486 Fairlawn Dr SW to be exact. In my opinion and p opinions as well a proposal such as this would cause our property values to fall. Not traffic, noise and possible crime. I've noticed that since the establishment next to this was built there's been more noise. This block is all single dwelling homes owned by f for that new building on Gravelly Lake Drive. A proposal of this type and magnitude is with our neighborhood. Please consider carefully this proposal. I AND MY HUSBAND, RAYMOND P JAHNER, ARE OPPOSED IN TOTAL TO 2023 PLAN AMMENDMENT 2023-04.	Comment noted.
Laura Kinard	2023-04	Opposed This is single family dwelling for 40 yrs & DO NOT WANT ANY ZONING CHANGES PLE	Comment noted.
Paul Nimmo	2023-04	Opposed	Comment noted.

		<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 and Gravelly Lake Drive, plays host to small, single family homes built between 1946 and 1960 (the youngest 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 have been considered a part of the American Dream, except in Lakewood.</p> <p>The proposal to change currently zoned Residential 4 (R4) to Neighborhood Business (NB) (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 the University of Washington 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 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 the other.</p> <p>I must also call in to question the oversight promised by LASA. When the original LASA was made for Prairie Oaks, one promise that was made was to provide on-site management supervision. Other notable promises included state of the art security measures as well as surveillance capabilities. Listening to the scanner feeds the night of the shooting, it was obvious that was no longer the case. No representative of management was on site. No one with keys to the Police Department to access rooms in order to secure the building. No access to video surveillance. These zoning changes are to pave the way for this same organization to build units so they can provide the same low level of oversight? Unfortunately, what I see is Lakewood 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.</p>	
Earl Peters	2023-04	<p>Opposed</p> <p>I think the implementation of an apartment complex in our community would invite problems we 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	<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>
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	<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>
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	<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>
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	<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>
John Brown (LIHI)	2023-05	Explained LIHI's security practices and procedures.	<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>
Amanda DeShazo (TPCAHC)	2023-05	Opposed	<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 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>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> <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" 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".</i></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> <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>	
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		<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 presented on 4/12/23 to those who submitted comments to Planning Commission on 4/5.</p>
Allyson Reynolds, Stoel Rives 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</p> <p>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</p> <p>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>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>	<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>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> <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, or as authorized by the Code Administrator.” 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>	
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ATTACHMENT C
“Clean” Draft of Proposed Amendment 2023-05

2023-05 Allow:

- **Indoor Emergency Housing (EH) and Emergency Shelter (ES) within 1 mile of transit via an Emergency Housing and Emergency Shelter Overlay (EHESO) district and also within any land use zone where hotels are allowed; and**
- **Foster Care Facilities within the City’s Residential (R) 1, 2, 3, and 4 zones; Mixed Residential (MR) 1 and 2 zones; Multifamily (MF) 1, 2, and 3 zones; Arterial Residential Commercial (ARC) Zone; Neighborhood Commercial (NC) 1 and 2 zones; Transit Oriented Commercial (TOC) zone; Central Business District (CBD) zone; and Commercial (C) 1, 2, and 3 zones; and**
- **Permanent Supportive Housing (PSH), Rapid Rehousing (RH), and Transitional Housing (TH) within the City’s residential zones and in any land use zone where hotels are allowed.**

Remove concomitant agreements from LMC 18A.10.180 and LMC 18A.40.120 (C)(4).

Comprehensive Plan

1.62 Housing

Housing issues are addressed in the land use chapter and several other locations. The Comprehensive Plan land use designations and map (Chapter 2) identify areas of the city targeted for different housing types. The land use chapter (Chapter 3) addresses goals and policies related to a variety of housing issues. Technical analysis of needs and capacity is contained in the background report and the EIS.

Table 1.4: Relationship between State Law/GMA Requirements for Housing and the Lakewood Comprehensive Plan

RCW Section & GMA Requirement	Location where Lakewood Comprehensive Plan Complies with Requirement
36.70A.070(2)(a) Inventory/analysis of existing/projected housing needs (housing element)	Housing section of background report EIS Section 3.5 Housing
36.70A.070(2)(b) Statement of goals/policies/objectives/ mandatory provision for the preservation/improvement/ development of sufficient land for housing (housing element)	Comp. plan Section 3.2: Residential Lands and Housing
36.70A.070(2)(c) Sufficient land for housing, including government-assisted, low- income, manufactured, multi- family, group homes, & foster care (housing element)	Comp. plan Section 3.2: Residential Lands and Housing Comp. plan Section 2.3: Land Use Designations
36.70A.070(2)(d) Provisions for existing/projected needs for all economic segments (housing element)	Comp. plan Section 3.2: Residential Lands and Housing
Chapter RCW 74.15 – Foster Family Homes and Group Care Facilities	LMC 18A.202.050, .080; 18A.40.110
RCW 36.70A.070.2(c) - Identify sufficient capacity of land for housing including, but not limited to, . . . foster care facilities[.]	LMC 18A.202.050, .080; 18A.40.110

RCW Chapter 43.185C (Homeless Housing and Assistance) – refers to RRH RCW 36.22.176 (Recorded document surcharge - Use) – refers to RRH	In LMC 18A.10.180, “Rapid re-housing” (RRH) 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.
RCW 35A.21.430 - Indoor emergency housing (EH) and indoor emergency shelters (ES) 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.	LMC 18A.50 Article III; Chapter 18A.120
RCW 35A.21.305 - Permanent supportive housing [PSH] shall be allowed in areas where multifamily housing is permitted.	LMC Chapter 18A.120
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.”	LMC Chapter 18A.120

3.3 Residential Lands and Housing

Housing is a central issue in every community, and it plays a major role in Lakewood’s comprehensive plan. The community’s housing needs must be balanced with maintaining the established quality of certain neighborhoods and with achieving a variety of other goals related to transportation, utilities, and the environment. There are a number of considerations related to housing in Lakewood:

Impact of Military Bases: Historically, the market demand for affordable housing for military personnel stationed at Joint Base Lewis McChord (JBLM) has had a major impact on Lakewood, and appears to be a major factor in understanding the presence of a large number of apartments in the city. Many of the retired homeowners now living in the community were once stationed at JBLM.

Lakefront Property: The opportunity to build higher valued homes in a desirable setting on the shores of the City’s lakes has provided Lakewood with its share of higher-income families, and some of its oldest, most established neighborhoods. As Lakewood’s population grows, redevelopment in these areas via Planned Development Districts (PDDs) may occur.

City of Tacoma: Lakewood has been a bedroom community for Tacoma. The City’s proximity to Tacoma has positioned it as a primary location for post-World War II tract housing.

Rental Housing: Forty-four percent of Lakewood’s occupied housing units are now rentals. Two trends are at work that combine to make rental housing predominant. First, an abundance of apartment construction prior to incorporation, and, again, the presence of JBLM.

Land Availability: In preparing the comprehensive plan, the City analyzed the development capacity of residential land based on the official land-use map. The capacity analysis considered present use, development limitations, market factors, and current land valuations. Only undeveloped (vacant) or very underdeveloped properties were considered. If actual buildout matches this analysis, the added units will meet the growth forecast level adopted by the City. There is adequate land currently planned for multi-family use. To achieve growth targets, infill development on vacant or underutilized properties will be required. In areas well- served by transportation, public transit, and neighborhood business centers, new housing at higher densities will be encouraged to expand housing choices to a variety of income levels and meet growth targets.

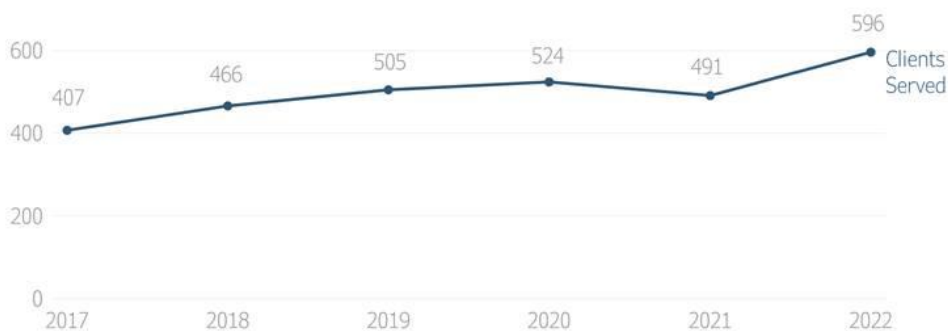
Housing Affordability: The GMA calls for jurisdictions to provide opportunities for the provision of affordable housing to all economic segments of the population. Pierce County has established “fair share” allocations for affordable housing based on the 2010 census. Each city within the County is expected to accommodate a certain portion of the County’s affordable housing needs. The City has developed and possesses a number of tools and programs that help provide housing resources to low-income residents.

Special Needs Housing and Foster Care: Per state law, the Department of Commerce has established the number of emergency housing units as well as numbers of housing units for various Area Median Income (AMI) levels that Lakewood must plan to be available by 2044.

Lakewood must identify capacity and adopt regulations that allow for 637 emergency housing units by 2044. As of 2023, Lakewood has 8 shelter beds within its boundaries.

Unique clients from Lakewood that were served by emergency shelters from 2017-2022.

The number of unique clients from Lakewood served by emergency shelters increased by 46% from 2017 to 2022.



Note: This includes clients who reported the city they last slept in was Lakewood or who reported their last permanent zip code was in Lakewood.

Source: HMIS, 3/9/2023

Between January 1 and April 15, 2023, 93 clients were served by referrals to emergency shelters outside of the City.

Lakewood must also plan for 9,378 units of its 9,714 unit 2044 growth target broken out into the income bands as shown below:

0-30% AMI PSH	0-30% AMI Non-PSH	>30-50% AMI	>50-80% AMI	>80-100% AMI	>100-120% AMI	>120% AMI
1,238	1,498	-96*	-1,666*	1,839	1,834	4,730

* Negative numbers in table above show where the City is projected to have a “surplus” of units that must be converted to housing affordable to other AMI levels.

In order to comply with state law:

- Lakewood must allow indoor emergency housing (EH) and indoor emergency shelters (ES) in any zones in which hotels are allowed, unless it adopts an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within 1 mile of transit);
- Lakewood must allow Permanent Supportive Housing (PSH) and Transitional Housing (TH) within the Commercial 1, 2, and 3 (C1, C2 and C3) zones as well as its residential zones; and
- Lakewood must identify capacity for Foster Care Facilities.

Lakewood Municipal Code

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.”

“Area median income” means the median family income for the Tacoma, WA HUD Metro 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. 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).

“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” 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).)

“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.

“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.

“Foster family home” means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed (RCW 74.15.020.)

“Foster care facility” means both a foster family home and a group-care facility as governed under Chapter RCW 74.15.

"Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

- (i) Qualified residential treatment programs as defined in RCW [13.34.030](#);
- (ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and
- (iii) Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking (RCW 74.15.020.)

“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.
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.

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.

“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 for the Tacoma, WA HUD Metro FMR Area.

“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 for the Tacoma, WA HUD Metro FMR Area.

“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 does not mean multifamily housing projects with fewer than 50% of the units providing permanent supportive housing.

“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. Special needs housing does not mean multifamily housing projects with fewer than 50% of the units providing special needs housing.

“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 does not mean multifamily housing projects with fewer than 50% of the units providing transitional housing. .

“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

“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, 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.
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
Emergency Housing Permit*	N	N	Y	120
Emergency Shelter Permit*	N	N	Y	120
Environmental Review (SEPA Checklist and Threshold Determination)	Y	N	N	120
Environmental Impact Statement (Draft)	Y	N	N	365
Final Subdivision Plat (10 or more lots)	Y	N	N	120
Foster Care Facility Permit	N	N	Y	60
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

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
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
Permanent Supportive Housing Permit*	N	N	Y	120
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
Rapid Rehousing Permit*	N	N	Y	120
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
Temporary Use Permit	Y	N	N	90
Transfer of Development Rights	Y	N	N	120
Transitional Housing Permit*	N	N	Y	120
Transitory Accommodation Permit	Y	N	N	120
Tree Removal Permit	Y	N	N	90
Tree Retention Plan	Y	N	N	90

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
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;
16. Environmental review (SEPA checklist and threshold determination);
17. Final subdivision plat (10 or more lots);
18. Foster Care Facility permit;
19. Home occupation permit;
20. Housing incentives permit;

21. Landscape plan review;
22. Land use approval;
23. Lot line adjustment;
24. Manufactured/mobile home setup permit;
25. New commercial permit;
26. New multifamily permit;
27. New single-family permit;
28. Permanent Supportive Housing permit;
29. Pre-application;
30. Preliminary and final short plats (creating 2 to 9 lots);
31. Rapid Rehousing Permit;
32. Reasonable accommodation request;
33. Residential addition/remodel;
34. Senior housing overlay permit;
35. Shoreline conditional use permit;
36. Shoreline substantial development permit;
37. Shoreline exemption;
38. Shoreline variance permit;
39. Sign permit;
40. Site development permit;
41. Senior housing permit;
42. Small cell wireless permit;
43. Temporary use permit;
44. Transfer of development rights;
45. Transitional Housing permit;
46. Transitory accommodation permit;
47. Tree retention plan;
48. Time extension or minor modification to a Type I permit;
49. Time extension or minor modification to a Type II permit;
50. Transitory accommodation permit;
51. Tree removal permit;
52. Unusual use(s) permit;
53. Zoning certification;
54. 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](#).

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
Emergency Housing Permit	N	D	O/Appeal	N	N
Emergency Shelter Permit	N	D	O/Appeal	N	N

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
Foster Care Facility Permit	N	D	O/Appeal	N	N
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
Permanent Supportive Housing Permit	N	D	O/Appeal	N	N
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
Transitional Housing Permit	N	D	O/Appeal	N	N
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

* * *

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.

* * *

18A.20.110 Certificate of occupancy.

A certificate of occupancy shall be obtained from the Department when required by the International Construction Codes and LMC Title 15.

18A.40.040 Commercial and Industrial Uses.

A. *Commercial and Industrial Land Use Table.* See LMC 18A.40.040(B) for Development and Operating 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	P
Accessory commercial (B)(5)	-	-	-	-	-	-	-	-	-	-	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. *Development and Operating Conditions.*

* * *

18A.40.060 Essential public facilities.

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

	Zoning Classifications																						
Essential Public Facilities	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CBD	C1	C2	C3	IBP	I1	I2	PI	OSR1	OSR2
Airport (Seaplane) (B)(1)*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	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 relevant general requirements.

B. *Development and Operating Conditions.*

1. RCW 36.70A.200 requires cities to include in their comprehensive plans a process for identifying and siting essential public facilities (EPFs). EPFs are described in the Growth Management Act (GMA) as those facilities which are typically difficult to site, but are needed to support orderly growth and delivery of services. The GMA states that

no local comprehensive plan or development regulation may preclude the siting of essential public facilities.

2. Except for special needs housing, existing electrical transmission lines of higher voltage than 115 kV, and military installations, essential public facilities shall require a conditional use permit. In addition to the regular conditional use permit review criteria, the following shall apply:

a. * * *

18A.40.110 Residential uses.

A. *Residential Land Use Table.* See LMC 18A.40.110 (B) for Development and Operating 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	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–

	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
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 occupant of the primary dwelling	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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. Development and Operating Conditions.

* * *

10. See LMC 18A.40.120 Special Needs Housing

* * *

13. Conditions for Foster Care Facilities. Foster Care Facilities, including Foster Family Homes and Group Care Facilities, must comply with Chapter RCW 74.15 and hold a business license as required thereunder.

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. Public health and safety require that these facilities be subject to certain conditions.

B. *Special Needs Housing Table.* See LMC 18A.40.12(C) for Development and Operating Conditions. See LMC [18A.10.120\(D\)](#) for the Purpose and Applicability of Zoning Districts. See LMC 18A.50 Article III for the Emergency Housing and Emergency Shelter Overlay (EHESO) district map.

Description(s)		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		–	C	P	P	P	P	–	–	–	–
Confidential Shelter (C)(5)		P	P	P	P	P	–	–	–	P	–
Continuing Care Retirement Community		–	C	P	P	P	P	–	–	–	–
Emergency Housing		P within EHESO	P within EHESO	P within EHESO	P within EHESO	P within EHESO	P within EHESO	=	=	=	=
Emergency Shelter		P within EHESO	P within EHESO	P within EHESO	P within EHESO	P within EHESO	P within EHESO	=	=	=	=
Enhanced Services Facility		–	–	–	C	C	C (C2 zone only)	–	–	–	–
Hospice Care Center		C	C	P	–	–	–	–	–	–	–
Nursing Home		–	C	P	P	P	P	–	–	–	–
Permanent Supportive Housing		P	P	CP	CP	CP	P	–	–	C	–
Rapid Re-Housing		P	P	P	P	P	–	–	–	C	–
Transitional Housing		P	P	CP	CP	CP	P	–	–	C	–
Type 1 Group Home, adult family home (C)(1)		P	P	P	P	P	–	–	–	C	–
Type 2 Group Home		P	P	P	P	P	–	–	–	C	–
Type 3 Group Home		–	C	C	C	C	–	–	–	C	–
Type 4 Group Home		–	–	–	–	–	C (C1 and C2 zones only)	–	–	–	–
Type 5 Group Home		–	–	–	C (NC2 zone only)	C	C (C2 zone only)	–	–	–	–

P: Permitted Use C: Conditional Use – : 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. *Development and Operating Conditions.*

1. *Adult Family Homes.* 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. *Development Conditions for Special Needs Housing:*

a. Applications for special needs housing facilities shall be processed in accordance with the standard procedures and requirements as outlined in LMC Chapter 18A.20, Article I, and with the following additional requirements:

i. *Required Submittals.* Applications for special needs housing for special needs housing facilities are public records and shall include the following:

(a) A land use permit application containing all of the required information and submissions set forth in Chapter 18A.20 LMC, Article I;

(b) A copy of any and all capital funding grants or award contracts related to the construction of a new structure or conversion of an existing structure to operate as a special needs housing facility;

(c) Written documentation from the applicant agreeing to hold a public informational community meeting within four weeks, but no sooner than two weeks, from the time of application. The purpose of the community meeting is to provide an early, open dialogue between the applicant and the neighborhood surrounding the proposed facility.

The community meeting should acquaint the neighbors of the proposed facility with the operators and provide for an exchange of information about the proposal, 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. The meeting is also an opportunity for the community to make the operator aware of the characteristics of the surrounding community and any particular issues or concerns.

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.

If the use is proposed in an existing facility, the community meeting shall be held following an inspection of the existing facility per (C)(2)(a)(i)(c) of this section.

(c) Written request from the applicant to the Fire Marshall and Building Official for an inspection of an existing facility 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 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.

(d) An operation plan that provides per section (C)(5)(B)(1)(c)(iii) information about the proposed facility and its programs, per the requirements of the Community and Economic Development Department.

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

3. *Development Application Process - Residents of Domestic Violence Shelters – Special Accommodations.* The Director may grant special accommodation to individuals who are residents of domestic violence shelters in order to allow them to live together 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.

4. *Development Registration Process of Existing Special Needs Housing.* The State intends to regularly allocate a number of people the City should expect to accommodate in special needs housing. To ensure that the City is aware of the existing special needs housing operating within the City, those operating special needs housing prior to the effective date of the ordinance codified in this title shall register with the Community and Economic Development Department within 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.

5. General Development and Operating Conditions - Emergency Housing, Emergency Shelter, Permanent Supportive Housing, and Transitional Housing Development and Operation 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 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 facilities or group homes.

2. Supportive housing facilities are allowed in all residential districts, provided they are of a similar scale as surrounding development (e.g., lot coverage, setbacks, impervious surface requirements, building height, etc.) 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 use the requirements in this code to consider the effects on the health and safety of facility residents and the neighboring communities.

iii. All facilities shall comply with all federal, state, county and local requirements to ensure housing safety and habitability. See, e.g., the Pierce County, WA [Homeless Housing Program Policy and Operations Manual Chapters 5, 6, 7, and 8](#).

iv. All facilities must comply with the Building and Construction Code under LMC Title 15. All facilities must also comply with the relevant provisions of LMC Title 18A and with LMC Title 18B or 18C if applicable.

v. All facilities must comply with the provisions of crime prevention through environmental design (CPTED) under 18A.60.090, 18B.500.530 or 18C.500.530 as applicable; provided, however, that existing buildings being converted to Emergency Housing, Emergency Shelter, Permanent Supportive Housing or Transitional Housing shall not be required to make structural changes solely to comply with CPTED unless the relevant structural elements of the building are being altered as part of the conversion.

b. Site and Transit.

i. Facilities shall match the bulk and scale of residential uses allowed in the zone where the facility is located.

ii. 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 per LMC Chapter 18A.80, LMC Chapter 18B.600, or LMC Chapter 18C.600 and 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 relevant federal, state, and local laws and regulations. The facility is 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 provide on-site supervision of facilities and program participants at all times, unless providers demonstrate in the operations plan that another level of supervision will be effective in keeping residents and the public healthy and safe.

iii. The sponsor or managing agency must provide the City with an operation plan at the time of the application per section (C)(2)(a)(i)(d) 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 provide the City with accurate, written documentation demonstrating that the agency has applicable experience providing similar services to people experiencing homelessness.

v. Sponsors or managing agencies shall provide the City with accurate, written documentation demonstrating that the agency has 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.

2. Special Conditions 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 a 1,000 foot radius 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. 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.
- b. Facility Operations.
 - i. 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.
 - ii. No children under the age of eighteen (18) are allowed to stay overnight in the facility, unless the child is emancipated consistent with Chapter RCW 13.64, unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to this population. If a non-emancipated 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.
 - iii. No person 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. Facilities serving more than five (5) residents shall have dedicated spaces for residents to meet with service providers.

iv. 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. Special Conditions 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. In residential zones, 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. For the purposes of this section the following zones are considered residential zones: R1, R2, R3, R4, MR1, MR2, MF1, MF2, and MF 3.

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.

6. *Abandonment of Special Needs Housing Use.* 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.

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

* * *

D. *AICUZ Land Use Table.* See LMC 18A.40.130(E) for Development and Operating Conditions. See LMC [18A.10.120\(D\)](#) for the purpose and applicability of zoning districts.

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
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
Foster care facilities	-	-	-	N/A

Land Use Categories	APZ-I	APZ-II	CZ	Density
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
Emergency Housing	-	-	-	N/A
Emergency Shelter	-	-	-	N/A
Permanent Supportive Housing	-	-	-	N/A
Transitional Housing	-	-	-	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				

* * *

Director: Community and Economic Development Director
HE: Hearing Examiner
P: Permitted Use C: Conditional Use “–”: Not Allowed N/A: Not Applicable
Applications for all uses must comply with all of subsection E’s general requirements.

Chapter 18A.50 OVERLAY DISTRICTS

Sections:

18A.50.005

Definitions.

Article I. Flood Hazard Overlay (FHO)

18A.50.010	Purpose.
18A.50.020	Applicability.
18A.50.030	Administration.
18A.50.040	Alteration of water courses.
18A.50.050	Interpretation of FIRM boundaries.
18A.50.060	Variances – Flood hazard overlay.
18A.50.070	Provisions for flood hazard reduction.
18A.50.080	Allowable activities within the Regulatory Floodplain.

Article II. Senior Housing Overlay (SHO)

18A.50.110	Purpose.
18A.50.120	Applicability.
18A.50.130	Provisions.
18A.50.140	Monitoring.

Article III. Emergency Housing and Emergency Shelter Overlay (EHESO)

18A.50.210	Purpose.
18A.50.220	Applicability.
18A.50.230	Provisions.
18A.50.240	Monitoring.

Article IV. Sexually Oriented Businesses Overlay (SOBO)

18A.50.310	Purpose and intent.
18A.50.320	Applicability.
18A.50.330	Definitions.
18A.50.340	Findings and legislative record.
18A.50.350	Sexually oriented business overlays (SOBOS) created.
18A.50.360	Sexually oriented business location within SOBOS.
18A.50.370	Processing of applications for licenses and permits.
18A.50.380	Conforming and nonconforming sexually oriented businesses.
18A.50.390	Notice to nonconforming sexually oriented business land uses.
18A.50.400	Expiration of nonconforming status.
18A.50.410	Notice and order.
18A.50.420	Provision for conformance.
18A.50.430	Prohibition and public nuisance.

Article V. Lakewood Overlay Districts Map

18A.50.005 Definitions.

See LMC [18A.10.180](#) for definitions relevant to this chapter.

Article I. Flood Hazard Overlay (FHO)

* * *

Article II. Senior Housing Overlay (SHO)

* * *

Article III. Emergency Housing and Emergency Shelter Overlay (EHESO)

18A.50.110 Purpose.

In order to comply with RCW 35A.21.430, the Comprehensive Plan creates an overlay area in which Emergency Housing and Emergency Shelter is allowed. This article carries forward the Comprehensive Plan's intent in creating a regulatory construct for Emergency Housing and Emergency Shelter facilities within the Emergency Housing and Emergency Shelter Overlay (EHESO.)

18A.50.120 Applicability.

This section applies to land use applications for Emergency Housing and Emergency Shelter within the EHESO. This article shall not apply to Special Needs Housing other than Emergency Housing and Emergency Shelter. This article also shall not apply to foster care facilities.

18A.50.130 Provisions.

In addition to other relevant sections of LMC Titles 18A, 18B, and/or 18C, all of the provisions and requirements of the following municipal code sections related to Emergency Housing and Emergency Shelter shall apply in the EHESO:

- LMC Title 15;
- section LMC 18A.20 Article I;
- sections LMC 18A.40.040, .060, .110, .120, .130; and
- sections 18A.60.090 and .095.

18A.50.140 Monitoring.

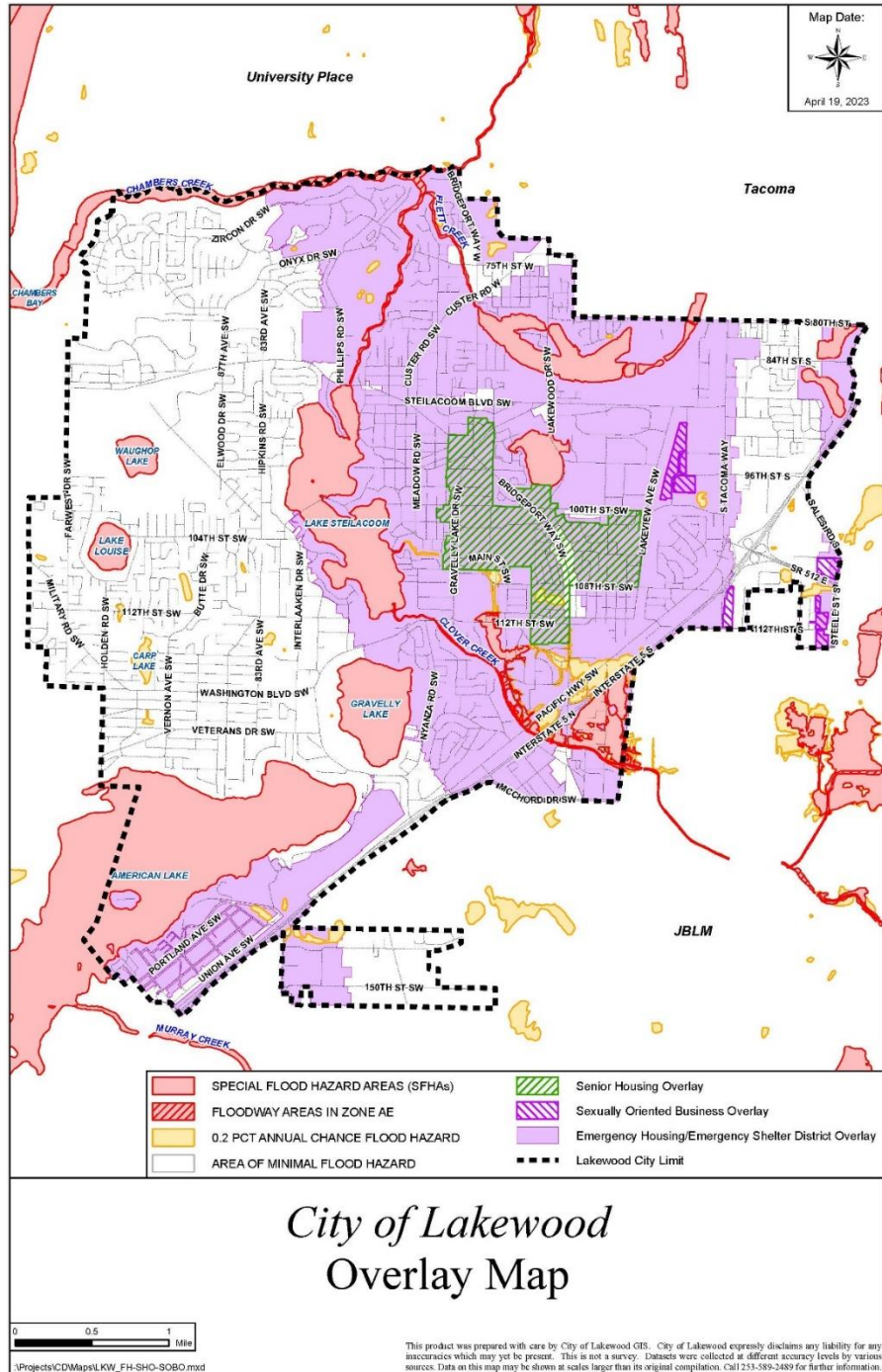
The Community and Economic Development Department shall maintain a list of all emergency housing and emergency shelter units created within the EHESO.

Article IV. Sexually Oriented Businesses Overlay (SOBO)

* * *

Article V. Lakewood Overlay Districts Map

Figure 1



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; provided, however, that existing buildings being converted to Emergency Housing, Emergency Shelter, Permanent Supportive Housing or Transitional Housing shall not be required to make structural changes solely to comply with CPTED unless the relevant structural elements of the building are being altered as part of the conversion. 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.