



A G E N D A

PLANNING COMMISSION

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

Wednesday, May 17, 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 at <https://www.youtube.com/user/cityoflakewoodwa> or by calling in to listen by telephone at +1 (253) 215-8782 and by entering meeting ID: 817 9372 3141

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

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

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

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

1.	Call to Order
2.	Roll Call
3.	Approval of Minutes from May 3, 2023
4.	Agenda Updates
5.	Public Comments
6.	Public Hearings <ul style="list-style-type: none">• Updates to Lakewood Multifamily Tax Exemption (MFTE) Program
7.	Unfinished Business <ul style="list-style-type: none">• 2023 Comprehensive Plan Amendments
8.	New Business <ul style="list-style-type: none">• Status update on 2024 Comprehensive Plan Periodic Review Housing Element/Regulations
9.	Reports from Council Liaison, City Staff & Commission Members <ul style="list-style-type: none">• City Council Updates/Actions• City Staff Updates• Next Planning Commission meeting June 7, 2023

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

1. Draft Meeting Minutes from May 3, 2023
2. Staff Report: Updates to Lakewood Multifamily Tax Exemption (MFTE) Program
3. Staff Report: 2023 Comprehensive Plan Amendments
4. Staff Report: 2024 Housing Element & Development Regulations Status Update

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.



**JOINT PLANNING COMMISSION & PARKS AND
RECREATION ADVISORY BOARD
MEETING MINUTES
May 3, 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, Paul Wagemann, Brian Parsons, and Linn Larsen

Planning Commission Members Excused: Robert Estrada

Commission Members Absent: None

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

Council Liaison: Paul Bocchi (not present)

Parks and Recreation Advisory Board Members Present: Jason Gerwen, Sylvia Allen, Michael Lacadie, J. Alan Billingsley, Vito Iacobazzi, and Janet Spingath

Approval of Minutes

The minutes of the meeting held on April 19, 2023 were approved as written by voice vote M/S/C Pearson/Wagemann. The motion carried unanimously, 6-0.

Agenda Updates

None

Public Comments

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

Public Hearings, Continued

Proposed 2023 Comprehensive Plan Amendments 2023-03 and 2023-05

Ms. Tiffany Speir gave a brief background of each of the two proposed amendments being considered during the public hearing (2023-03 and 2023-05) after the hearing on the other seven (7) amendments was closed on April 19. Mr. Don Daniels, Chair, opened the floor for public comment.

Dr. Paul Whittaker spoke in favor of rezoning the Lakewood Racquet Club to a Neighborhood Commerce (NC1 Or NC2) zoning.

Mr. Bill Parretta spoke in favor of rezoning the Lakewood Racquet Club to a Neighborhood Commerce (NC1 Or NC2) zoning.

Ken Enslow spoke in favor of rezoning the Lakewood Racquet Club to a Neighborhood Commerce (NC1 or NC2) zoning.

Mr. Jon Grant, Chief Strategy officer, Low Income Housing institute (LIHI), testified on LIHI's support for the updated draft of 2023-05. LIHI still opposed the 1,000 foot radius separation between special housing needs facilities.

Presentation of Urban Forestry Implementation Plan (UW Evans School for Public Policy and Governance)

The ECCC outlines specific goals and tasks the city will undertake to address climate change impacts, energy use, and greenhouse gas emissions. The ECCC update includes two main urban forestry goals: (1) increasing Lakewood's urban tree canopy coverage 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). The University of Washington Graduate Student Consultant group presented their urban forestry program implementation guide and preliminary budget for the first five years of activities.

Unfinished Business

Ms. Speir and CED Director Dave Bugher provided updated information regarding proposed amendment 2023-05.

Report from Council Liaison

Reports from Commission Members and Staff

May 17: Public hearing on MFTE program update
Planning Commission Action on its 2023 Comprehensive Plan Amendments
Recommendation to City Council

Meeting Adjourned at 8:18 p.m.

Karen Devereaux, Recording Secretary
Planning Commission 05/17/2023



To: Lakewood Planning Commission

From: Becky Newton, Economic Development Manager

Date: May 17, 2023

Subject: Multifamily Tax Exemption Program Public Hearing

Background

The Planning Commission was provided with a review of Multifamily Tax Exemption (MFTE) Program on April 19, 2023. This review included recommendations from City staff and BERK Consulting. Planning Commission members provided input, which is included in the pages that follow.

This is a Public Hearing to review recommendations for updating the current MFTE program.

The 2021 Legislature passed Engrossed Second Substitute [Senate Bill 5287](#) (E2SSB 5287) that made several changes to the MFTE program. This bill was effective July 25, 2021. This bill amends RCW 84.14.010, 84.14.020, 84.14.030, 84.14.040, 84.14.090, 84.14.100, and adds a new section to chapter 84.14 RCW.

Lakewood will need to amend its existing MFTE program to meet new state requirements. The current program is found in the Lakewood Municipal Code (LMC), Title 3, [Chapter 3.64](#), and Title 18A, Chapter 18A.10, Section 18A.10.180 (Definitions). MFTE-related definitions were purposely combined into Title 18A in order to keep all development-related definitions in one place. However, that also means when the City changes MFTE definitions it requires public hearings before the Planning Commission and City Council prior to adoption.

Discussion

This is a review of the current MFTE Program with recommendations by BERK Consulting, City Staff, and the Planning Commission. It is followed by the 2021-2023 MFTE updates and state work plan chart, legislative updates and impacts to Lakewood, major areas for additional strategy consideration, and a list of MFTE Projects in Lakewood.

3.64.020 Property tax exemption – Requirements and process.

1. Encourage increased residential opportunities within mixed-use centers designated by the City Council as residential target areas (RTAs);
2. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in residential target areas to increase and improve housing opportunities;
3. Assist in directing future population growth to designated RTAs, thereby reducing development pressure on single-family residential neighborhoods; and
4. Achieve development densities which are more conducive to transit use.

B. *Duration of Exemption.* The value of improvements qualifying under this chapter will be exempt from ad valorem property taxation for eight or 12 successive years (depending on whether the property includes an affordable housing component as described in subsections [E](#) and [F](#) of this section) beginning January 1st of the year immediately following the calendar year of issuance of the Final Certificate of Tax Exemption.

C. *Limits on Exemption.* The exemption does not apply to the value of land or to the value of improvements not qualifying under this chapter, nor does the exemption apply to increases in assessed valuation of land and non-qualifying improvements. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this chapter.

D. *Rehabilitation Provisions.* Per RCW [84.14.030](#), property proposed to be rehabilitated must fail to comply with one or more standards of the applicable state or local building or housing codes on or after July 23, 1995.

E. *Eight-Year Exemption Project Eligibility.* A proposed project must meet the following requirements for consideration for a property tax exemption:

1. *Location.* The project must be located within a residential target area, as designated in LMC [3.64.030\(C\)](#).

Lakewood MFTE	BERK/City Staff	Planning Commission
2. <i>Size.</i> The project must include at least four units of multifamily housing within a residential structure or as part of a mixed-use development. A minimum of four new units must be constructed or at least four additional multifamily units must be added to existing occupied multifamily housing. Existing multifamily housing that has been	<ol style="list-style-type: none">1) Allow MFTE to apply to duplexes.2) Provide clear requirements in the code for affordable unit designations: <p>The Code should include provisions comparable to the</p>	<ol style="list-style-type: none">1) Do not apply to duplexes (too much work).2) Increase minimum size to 15 units (keep it simple; concern about the size, 4 units is too small)

<p>vacant for 12 months or more does not have to provide additional units so long as the project provides at least four units of new, converted, or rehabilitated multifamily housing.</p>	<p>requirements included in LMC 18A.90.050 to ensure that units are properly dispersed throughout the project and comparable to the sizes and appearances of the market-rate units.</p> <p>Additionally, it should be specified whether parking costs are considered as part of affordability calculations for rent.</p>	<p>3) No MFTE on low density; If allowed in low density areas there should be some additional restrictions.</p>
<p>3. <i>Permanent Residential Occupancy</i>. At least 50 percent of the space designated for multifamily housing must be provided for permanent residential occupancy, as defined in LMC 3.64.010.</p>	<p>Remove the 12-year option for owner-occupied housing in favor of the 20-year approach (BERK).</p> <p>Retain 12-year MFTE, and add safeguards against affordable units being sold for market rate (City Staff).</p> <p>Add 20-year MFTE for partnering with non-profits (City Staff).</p> <p>Under current state law, the 12-year MFTE for owner-occupied units has no clear safeguards against owners of income-restricted units from selling these units at market rates. The Code should be amended to remove the 12-year option for owner-occupied housing in favor of the 20-year approach, or if it remains, to add requirements for sales restrictions to ensure that the property will be maintained as affordable through the period of the exemption.</p> <p>Increase partnerships with non-profits like Habitat for Humanity and Korean Women's Association.</p>	<p>1) We need more housing, including affordable for people in need.</p> <p>2) Agree with increasing partnerships.</p> <p>3) Affordable is difficult to pencil at 20%.</p> <p>4) MFTE framework is a substantial incentive and still needed.</p> <p>5) Review housing needs and find out what we lose to the competition.</p> <p>6) Incentivize mixed use and consider other incentives that could be added.</p> <p>7) Not likely a developer will overbuild.</p> <p>8) The market still plays a major role in the development of housing.</p>

4. *Proposed Completion Date.* New construction multifamily housing and rehabilitation improvements must be scheduled to be completed within three years from the date of approval of the application.

Lakewood MFTE	BERK/City Staff	Planning Commission
<p>5. <i>Compliance with Guidelines and Standards.</i> The project must be designed to comply with the City's comprehensive plan, building, housing, and zoning codes, and any other applicable regulations in effect at the time the application is approved. Rehabilitation and conversion improvements, and new construction, must comply with Chapter 15.05 LMC. The project must also comply with any other standards and guidelines adopted by the City Council for the residential target area (RTA) in which the project will be developed.</p>	<ol style="list-style-type: none"> 1) Include partial waivers of the Downtown Subarea Planned Action Transportation Fee. 2) Allow for flexibility in development standards regardless of inclusionary zoning participation. 3) Identify the need for future in-lieu payment options for receiving bonus units under inclusionary zoning. Although an assessment of current feasibility suggest that bonus density can be challenging as an incentive, there is the potential that future market conditions could make bonus density more feasible in certain areas. The City should plan for future in-lieu payment options to allow the requirements under LMC 18.A.90.050 to be met if there is a perceived demand for increased height and density in the future. 4) Provide clearer fee reductions. Under LMC 18A.90.070, qualified low-income housing units can receive reduced permit fees based on the percentage of affordable units included in a project. As it is likely that the proportion of low-income units provided in a new project will align with other characteristics, this fee reduction should be 	

	<p>simplified, potentially only including reductions by affordable unit, or for projects that qualify for the MFTE.</p> <p>5) LMC 18A.90.050 requires that an equal proportion of units built must be of the same type. E.g. 50% of units are 1br, 50% are 2br: qualified units shall be divided equally between 1br and 2br units.</p> <p>6) There is a lack of 1 bedroom and studio affordable units in the market. Requiring an equal share may not meet market demands (City Staff).</p>	
--	--	--

6. *Vacancy Requirement.* Existing dwelling units proposed for rehabilitation must have one or more violations of Chapter [15.05](#) or [15.25](#) LMC. If the property proposed to be rehabilitated is not vacant or, in the case of applications for property to be developed as new construction which currently has a residential rental structure on it, an applicant must provide each existing household a 90-calendar-day move notice as well as provide housing of comparable size, quality, and price which meets standards acceptable to the City. If any household being provided a 90-calendar-day move notice is qualified as a low-income household, the applicant will provide the household with moving expenses according to the current Department of Transportation Fixed Residential Moving Costs Schedule.

Lakewood MFTE	BERK/City Staff	Planning Commission
<p>7. <i>Application Procedure</i></p> <p>An MFTE can be designated for either eight (8) or twelve (12) years.</p> <ul style="list-style-type: none"> - The default length is eight years (8) successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate. - However, the MFTE length can be extended to twelve (12) years if: The applicant commits to renting or selling at least 20 percent of the multifamily housing units as affordable 	<p>1) Maintain the 8-year MFTE to encourage redevelopment and housing growth in Downtown and Station District Subareas.</p> <p>2) Plans should be in place to remove the eight-year option and reduce the qualifying household income levels for tenants once development in these areas is considered more feasible.</p>	<p>1) Should be done administratively to create certainty for the developer.</p> <p>2) Developers need assurances and consistency, and the Council process does not provide this.</p> <p>3) Some cities are willing to pass the authority to staff.</p> <p>4) Council would need</p>

<p>housing units to low- and moderate-income households; and The property satisfies that commitment and any additional affordability and income eligibility conditions adopted by the local government under LMC Chapter 3.64. In the case of projects intended exclusively for owner occupancy, the project may qualify for twelve (12) years' exemption solely through selling housing affordable to moderate-income households.</p>	<p>3) Provide a guidebook for the MFTE program. Some cities provide an MFTE guidebook as part of their informational material, which presents a clear outline of the program and its expectations to developers. This can provide one means by which the city can publicize the MFTE program to local developers, and can reduce future time requirements for coordination of applications.</p> <p>4) Lakewood has considered switching from council approval to an administrative process.</p> <p>5) Potential for council to revoke MFTE can cause developers to balk at MFTE projects. An administrative checklist or similar could streamline the process and remove doubt from developers. This should be coordinated with a regular review process by Council.</p>	<p>assurance that the program and checklist are adequate.</p> <p>5) Minor adjustments to design should be at the staff level and not go back to Council, even if the program remains Council approved.</p> <p>6) Would like to know why Council is concerned about administrative approval.</p> <p>7) Council would still need to approve development agreements.</p> <p>8) Provide a sunset provision or re-authorization deadline.</p> <p>9) Suggest a more organized view of the process and formal checklist for approval, along with detailed online guide.</p> <p>10) Streamline the process to be more efficient and predictable.</p>
--	--	--

Applicants must submit the following: A complete application per LMC 3.64

1. File with the Community and Economic Development Department the required application along with the required fees as set in the Lakewood Master Fee Schedule (adopted annually by resolution). If the application shall result in a denial by the City, the City will retain that portion of the fee attributable to its own administrative costs and refund the balance to the applicant.

2. A complete application shall include:

a. A completed City of Lakewood application form setting forth the grounds for the exemption;

b. Preliminary floor and site plans of the proposed project;

c. A statement acknowledging the potential tax liability when the project ceases to be eligible under this chapter;

- d. For rehabilitation projects and for new development on property upon which an occupied residential rental structure previously stood, the applicant shall also submit an affidavit stating that each existing household was sent a 90-calendar-day move notice and that each household was provided housing of comparable size, quality, and price which meets the Uniform Physical Condition Standards or a similar standard acceptable to the City;
- e. For any household being provided a 90-calendar-day move notice that qualifies as a low-income household, the applicant will also submit an affidavit stating that moving expenses have been or will be provided according to the current Department of Transportation Fixed Residential Moving Costs Schedule;
- f. In addition, for rehabilitation projects, the applicant shall secure from the City verification of the property's noncompliance with Chapter [15.05](#) LMC;
- g. Verification by oath or affirmation of the information submitted.
- h. Application Review and Issuance of Conditional Certificate. The Director may certify as eligible an application which is determined to comply with the requirements of this chapter. A decision to approve or deny an application shall be made within 90 calendar days of receipt of a complete application.
 - 1. Approval. If an application is approved, the applicant shall enter into a contract with the City, subject to approval by resolution of the City Council regarding the terms and conditions of the project. Upon Council approval of the contract, the Director shall issue a Conditional Certificate of Acceptance of Tax Exemption. The Conditional Certificate expires three years from the date of approval unless an extension is granted as provided in this chapter.
 - 2. Denial. The Director shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within 10 calendar days of the denial. An applicant may appeal a denial to the City Council within 14 calendar days of receipt of notice. On appeal, the Director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the Director's decision. The City Council's decision on appeal will be final.
- I. *Extension of Conditional Certificate.* The Conditional Certificate may be extended by the Director for a period not to exceed 24 consecutive months. The applicant must submit a written request stating the grounds for the extension, accompanied by a processing fee, the amount of which is listed in the City's Master Fee Schedule. An extension may be granted if the Director determines that:
 - 1. The anticipated failure to complete construction or rehabilitation within the required time period is due to circumstances beyond the control of the owner;
 - 2. The owner has been acting and could reasonably be expected to continue to act in good faith and with due diligence; and
 - 3. All the conditions of the original contract between the applicant and the City will be satisfied upon completion of the project.

J. *Application for Final Certificate.* Upon completion of the improvements agreed upon in the contract between the applicant and the City and upon issuance of a temporary or permanent certificate of occupancy, the applicant may request a Final Certificate of Tax Exemption. The applicant must file with the Community and Economic Development Department the following:

1. A statement of expenditures made with respect to each multifamily housing unit and the total expenditures made with respect to the entire property;
2. A description of the completed work and a statement of qualification for the exemption;
3. A statement that the work was completed within the required three-year period or any authorized extension; and
4. If applicable, a statement that the project meets the affordable housing requirements as described in subsection [F](#) of this section.

Within 30 calendar days of receipt of all materials required for a Final Certificate, the Director shall determine which specific improvements satisfy the requirements of this chapter.

K. *Issuance of Final Certificate.* If the Director determines that the project has been completed in accordance with the contract between the applicant and the City and has been completed within the authorized time period, the City shall, within 10 calendar days, file a Final Certificate of Tax Exemption with the Pierce County Assessor.

1. *Denial and Appeal.* The Director shall notify the applicant in writing that a Final Certificate will not be filed if the Director determines that:

- a. The improvements were not completed within the authenticated time period;
- b. The improvements were not completed in accordance with the contract between the applicant and the City; or
- c. The owner's property is otherwise not qualified under this chapter.

2. Within 10 calendar days of receipt of the Director's denial of a Final Certificate, the applicant may file an appeal with the City's Hearing Examiner, as provided in Chapter [1.36](#) LMC. The applicant may appeal the Hearing Examiner's decision in Pierce County Superior Court under RCW [34.05.510](#) through [34.05.598](#), if the appeal is filed within 30 calendar days of notification by the City to the owner of the decision being challenged.

L. *Annual Compliance Review.* Within 30 calendar days after the first anniversary of the date of filing the Final Certificate of Tax Exemption, and each year thereafter, for a period of eight or 12 years, the property owner shall file a notarized declaration with the Director indicating the following:

BERK and City Staff: Develop an auditing program to meet updated state requirements. Under RCW 84.14.100(3), MFTE programs will be required to conduct audits of MFTE properties every five years. A local auditing program should be outlined to ensure that this requirement can be met. Details should be developed after guidance from the DOC is complete.

1. A statement of occupancy and vacancy of the multifamily units during the previous year;
2. A certification that the property continues to be in compliance with the contract with the City; and, if applicable, a certification of affordability based on documentation that the property is in compliance with the affordable housing requirements as described in Chapter [84.14](#) RCW since the date of the certificate approved by the City; and
3. A description of any subsequent improvements or changes to the property.

City staff shall also conduct on-site verification of the declaration. Failure to submit the annual declaration may result in the tax exemption being canceled.

M. *Cancellation of Tax Exemption.* If the Director determines the owner is not complying with the terms of the contract, the tax exemption will be canceled. This cancellation may occur in conjunction with the annual review or at any other time when noncompliance has been determined. If the owner intends to convert the multifamily housing to another use, the owner must notify the Director and the Pierce County Assessor within 60 days of the change in use.

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

2. *Notice and Appeal.* Upon determining that a tax exemption is to be canceled, the Director shall notify the property owner by certified mail. The property owner may appeal the determination by filing a notice of appeal with the City Clerk within 30 calendar days, specifying the factual and legal basis for the appeal. The Hearing Examiner will conduct a hearing at which all affected parties may be heard and all competent evidence received. The Hearing Examiner will affirm, modify, or repeal the decision to cancel the exemption based on the evidence received. An aggrieved party may appeal the Hearing Examiner's decision to the Pierce County Superior Court. [Ord. 738 § 3 (Exh. B), 2020.]

3.64.030 Residential target area designation and standards.

A. *Criteria.* Following a public hearing, the City Council may, in its sole discretion, designate one or more residential target areas (RTAs). Each designated RTA must meet the following criteria, as determined by the City Council:

1. The target area lacks sufficient available, desirable, and convenient residential housing to meet the needs of the public who would likely live in the mixed-use center if desirable, attractive, and livable places were available; and
2. The providing of additional housing opportunity in the target area will assist in achieving the following purposes:
 - a. Encourage increased residential opportunities within the target area; or
 - b. Stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing.

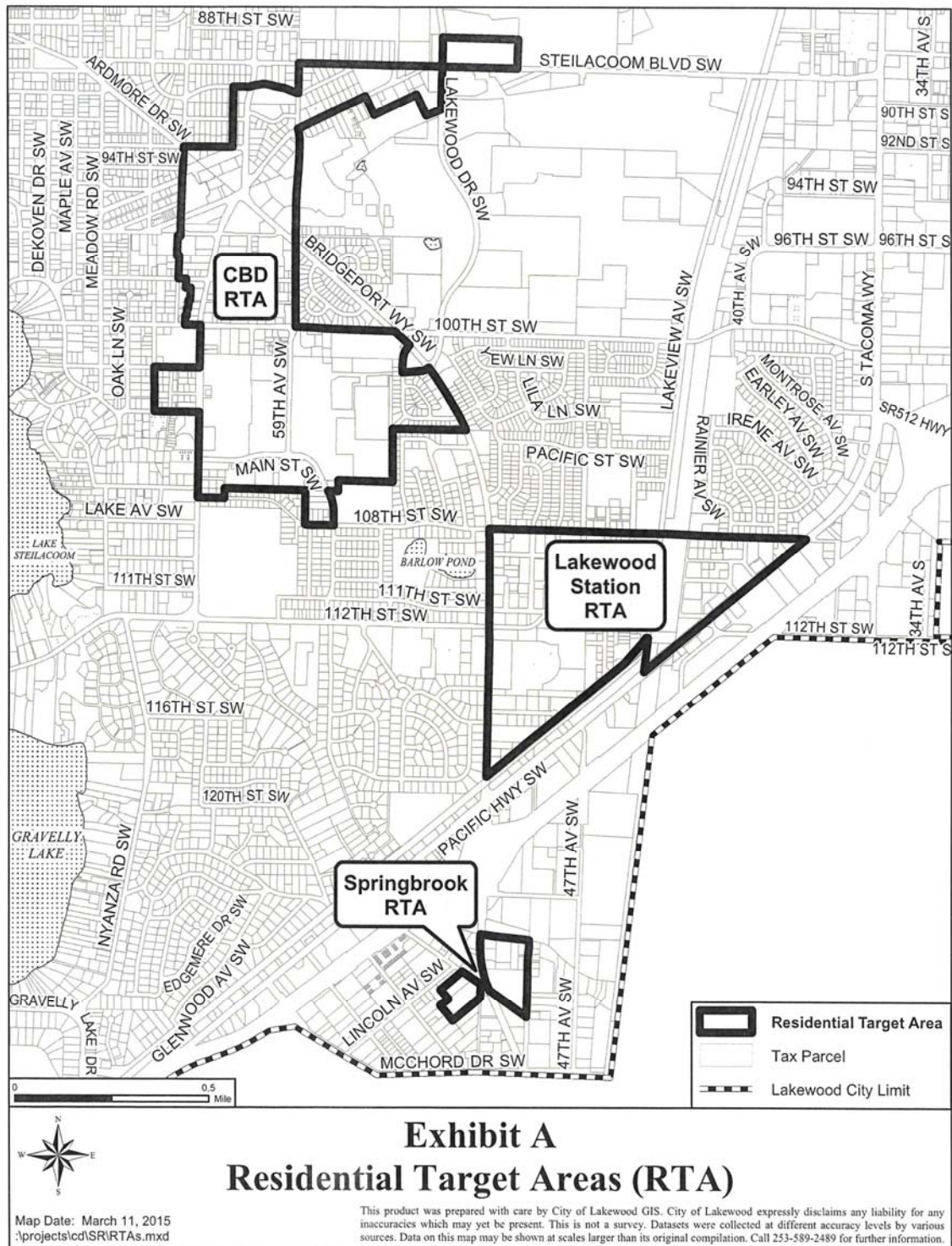
In designating an RTA, the City Council may also consider other factors, including, but not limited to: whether additional housing in the target area will attract and maintain a significant increase in the number of permanent residents; whether an increased residential population will help alleviate detrimental conditions and social liability in the target area; and whether an increased residential population in the target area will help to achieve the planning goals mandated by the Growth Management Act under RCW [36.70A.020](#).

The City Council may, by ordinance, amend or rescind the designation of an RTA at any time pursuant to the same procedure as set forth in this chapter for original designation.

B. *Target Area Standards and Guidelines.* For each designated residential target area (RTA), the City Council shall adopt basic requirements for both new construction and rehabilitation supported by the City's property tax exemption for multifamily housing program, including the application procedures specified in LMC [3.64.020\(G\)](#). The City Council may also adopt guidelines including the following:

1. Requirements that address demolition of existing structures and site utilization; and
2. Building requirements that may include elements addressing parking, height, density, environmental impact, public benefit features, compatibility with the surrounding property, and such other amenities as will attract and keep permanent residents and will properly enhance the livability of the residential target area. The required amenities shall be relative to the size of the proposed project and the tax benefit to be obtained.

C. *Designated Residential Target Areas (RTAs).* The boundaries of the RTAs are the RTA boundaries previously established by City Council resolutions at the time of adoption of this chapter, and as such may be updated by future Council action, as depicted on the comprehensive



Recommendations to expand RTAs

BERK recommends expanding the RTAs to include other portions of the Springbrook neighborhood, multifamily areas in the Tillicum neighborhood, the Lakeview/Kendrick area between Downtown and the Station District, and other multifamily areas close to neighborhood commercial districts.

Note: The state has mandated up-zoning in Tillicum. A 12-year MFTE would assist in maintaining affordability.

Both BERK and City staff agree that there is potential for expansion of the RTAs. Further review will be needed once the Comprehensive Plan and Tillicum Plan updates are completed.

Consideration will be made to match the CBD RTA and Lakewood Station RTA to their respective subarea plans, as it makes sense to attract residential development within those areas.

Additional City staff notes

- Consider staff time to administer and monitor the program;
- Consider risks to displacement, particularly in low income areas (we don't want to push out low income for market rate apartments);

Additional Planning Commission Comments

- Consider expanding to Tillicum and other areas such as Lakeview;
- Permitting needs to be shorter and more simplified;
- Government doesn't realize that time is money;
- MFTE costs need to be balanced with what is being received.

2021-2023 MFTE Updates and State Work Plan

The Washington Department of Commerce was charged by the Washington State Legislature (through [SB 5287](#) and a [budget proviso](#)) to develop guidance, complete a study, evaluate the impact of MFTE programs on cities and develop an [MFTE auditing program](#). See workbook table below. **Note: 20-year (rental housing) is not applicable to Lakewood.**

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

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

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

Source: [RCW 84.14](#)

Legislative Updates and Impacts to Lakewood

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Impact to Lakewood: Audit requirements will be established by the Department of Commerce. Details may be found on the [Multi-Family Housing Property Tax Exemption Program site](#). Under the expected auditing program, the responsibility for auditing will be either with the City, which will be required to meet minimum guidelines, or with the Department of Commerce, which will charge a fee and conduct the audit separately. It is strongly recommended that the city draft a detailed MFTE exemption compliance manual to support compliance.

There are four major areas where additional strategy will be considered for the Lakewood MFTE program:

1. Auditing. Under RCW 84.14.100, all affordable housing created under an MFTE program will need to be audited at least once every five years. The Department of Commerce is still developing the program, but cities will be given a choice between either running a local program according to Commerce guidelines or allowing Commerce to coordinate the auditing themselves. It will be important to provide action steps for managing auditing locally, including additional fees to participants, staff resources required, and the potential for third-party auditing services to be used.

2. Long-term affordability requirements. Although from the assessment it seems that rents are not positioned to promote market-rate projects to provide affordable units with the 12-year MFTE, over the longer term it may be important to reduce income limits for affordable units under MFTE from 80-115% AMI to achieve deeper levels of affordability. This can be important, especially given the need to meet requirements under HB 1220 for targeting housing by income band. We need to consider what market conditions would need to look like before these affordability requirements would change.

3. Coordination with TIF. Lakewood is also interested in Tax Increment Financing as a means of accessing additional dedicated funding for infrastructure improvements in key areas. Because of the potential conflicts with MFTE, more analysis is required to determine how MFTE would need to operate in order to work effectively with potential TIF programs.

4. Potential expansion of Residential Targeted Areas. Although the current MFTE Residential Targeted Areas cover many of the areas of town where new housing investment may be necessary, the work with the Tillicum Subarea Plan and changes from HB 1220 and HB 1110 may require consideration of new areas (and expansions of existing areas) for housing incentives like MFTE. These recommendations will be coordinated with other considerations of affordable housing incentives included with the housing study and the Comprehensive Plan.

MFTE Projects in Lakewood

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



TO: Planning Commission
FROM: Tiffany Speir, Long Range & Strategic Planning Manager
DATE: May 17, 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 May 3, April 19, April 5 Public Hearing Comments (**Attachment B**)

BACKGROUND

Per Resolution 2022-15, the Lakewood City Council set the docket list for the 2023 Comprehensive Plan amendment (23CPA) cycle to include nine (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**.

DISCUSSION

Updated Proposed Amendment 2023-03

Following the discussion on May 3 regarding amendment 2023-03 that would rezone parcels 0219111038, -1040, and 3097000312 owned by the Lakewood Racquet Club, the updated amendment in Resolution 2023-01 (Attachment A) is now drafted to amend the Open Space & Recreation (OSR) 2 zone to add "commercial and quasi-public health/fitness facilities" as conditional uses and rezone the parcels to OSR2.

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

Applications	Public Notice of Application	Director	HE	PC	CC
TYPE III DISCRETIONARY					
Conditional use permit	Y	R	D	N	N
* * *					

Authority to approve or deny Type III permits lies with the Hearing Examiner. The Hearing Examiner's role is explained in LMC Chapter 1.36. Per 1.36.160(B),

The Examiner's findings and conclusions shall set forth and demonstrate the manner in which the decision is consistent with, carries out and helps implement applicable state laws, the policies, objectives and goals of the comprehensive plan, **the approval criteria**, development standards and regulations of the land use and development code and the subdivision code, and other official laws, policies and objectives of the City.

Under LMC section 1.36.210(A) the Hearing Examiner has discretion:

The Examiner's decision may be to grant or deny the application or appeal, or the **Examiner may grant the application or appeal with such conditions, modifications and restrictions** as the Examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, the policies, objectives and goals of the comprehensive plan, the approval criteria, development standard and regulations of the land use and development code and the subdivision code, and other ordinances, policies and objectives of the City.

Conditional uses are addressed in LMC 18A.30 Article II. Approval criteria are laid out in LMC Section 18A.30.130 and .140:

18A.30.130 A conditional use permit shall be granted by the City, only if the applicant demonstrates that:

- A. The granting of the conditional use permit will not:
 1. Adversely affect the established character of the surrounding vicinity. For the purposes of this section, character shall mean the distinctive features or attributes of buildings and site design on adjacent properties and in the vicinity and as articulated in the comprehensive plan, including but not limited to building facade, length, building modulation, building height, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks, amount and location of parking, fencing type, height and location, and the like;
 2. Be detrimental to the public health, safety and general welfare; and
 3. Be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

B. The granting of the proposed conditional use permit is consistent and compatible with the goals and policies of the comprehensive plan, and any code, ordinance, regulation or standard in effect to implement the plan.

C. The proposed use is properly located in relation to other land uses, transportation and public facilities and services in the vicinity; and further, that the capacity of the transportation system and other public facilities and services will adequately serve the proposed use without placing an undue burden on such systems, facilities and services.

D. The intensity (i.e., the nature, types and hours of human activity) and character of the proposed use are compatible with the intensity and character of the uses of adjacent property and of property in the vicinity.

E. That the site is of sufficient size to accommodate the proposed use; and further that, in the opinion of the City, all yards, open spaces, landscaping, walls and fences, parking, loading, and other necessary features are properly provided to assure the proposed use will be compatible with adjacent uses and the character of the vicinity.

F. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazards.

G. The conditions necessary to mitigate the impacts of the proposed conditional use are capable of reasonable monitoring and reasonable enforcement.

18A.30.140 Conditions of Approval

The City may impose any condition of approval on a conditional use permit needed to mitigate adverse impacts to the environment, adjacent properties or the community, consistent with the goals and policies of the comprehensive plan, and any code, ordinance, regulation or standard in effect to implement the plan.

18A.30.570 Action of Hearing Examiner

A. In addition to demonstrating compliance with the criteria as determined by the Hearing Examiner, the applicant shall accept those conditions that the Hearing Examiner finds are appropriate to obtain compliance with the criteria.

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 OSR2 zoning district may be applied to privately and publicly-owned active recreational uses and cemeteries. As a conditional use, an applicant would need to any address requested changes to the Operating and Development Standards listed in 18A.40.140(B) in their submittal.

Draft language for 2023-03 is included in Exhibit A of Resolution 2023-01 (Attachment A.)

Updated Proposed Amendment 2023-05

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. Special Needs Housing is identified as subject to Lakewood's business license requirements in LMC Chapter 5.02.
- 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.

Draft language for 2023-05 is included in Exhibit A of Resolution 2023-01 (Attachment A.)

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	<u>CP</u>	P	<u>CP</u>	<u>P</u>		
MF2	<u>CP</u>	P	<u>CP</u>	<u>P</u>		
MF3	<u>CP</u>	P	<u>CP</u>	<u>P</u>		
ARC	<u>CP</u>	P	<u>CP</u>	<u>P</u>		
NC1	<u>CP</u>	P	<u>CP</u>	<u>P</u>		
NC2	<u>CP</u>	P	<u>CP</u>	<u>P</u>		
TOC	<u>CP</u>	P	<u>CP</u>	<u>P</u>		
CBD	<u>CP</u>	P	<u>CP</u>	<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>		

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.
- Between January 1 and April 15, 2023, 93 clients were served by referrals to emergency shelters outside of the City. During the 2023 Pierce County Point in Time Count, 116 total individuals (103 sheltered and 13 unsheltered) stated their last zip code was in Lakewood.
- 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.**

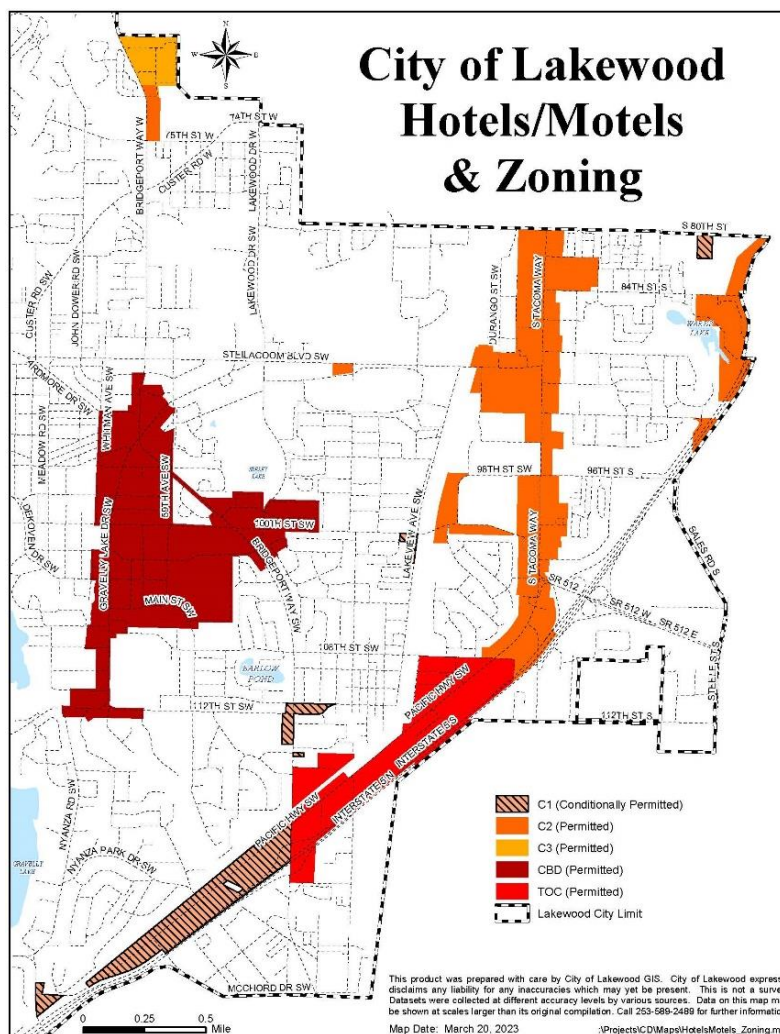
0-30% AMI PSH	0-30% AMI Non-PSH	>30-50% AMI	>50-80% AMI	>80-100% AMI	>100-120% AMI	>120% AMI
1,238	1,498	-96*	-1,666*	1,839	1,834	4,730

* 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 shelters and indoor emergency housing in any zones where hotels are allowed, except for cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a 1-mile proximity to transit;
- Permanent Supportive Housing (PSH) and Transitional Housing (TH) in any zones where residential dwelling units or 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.

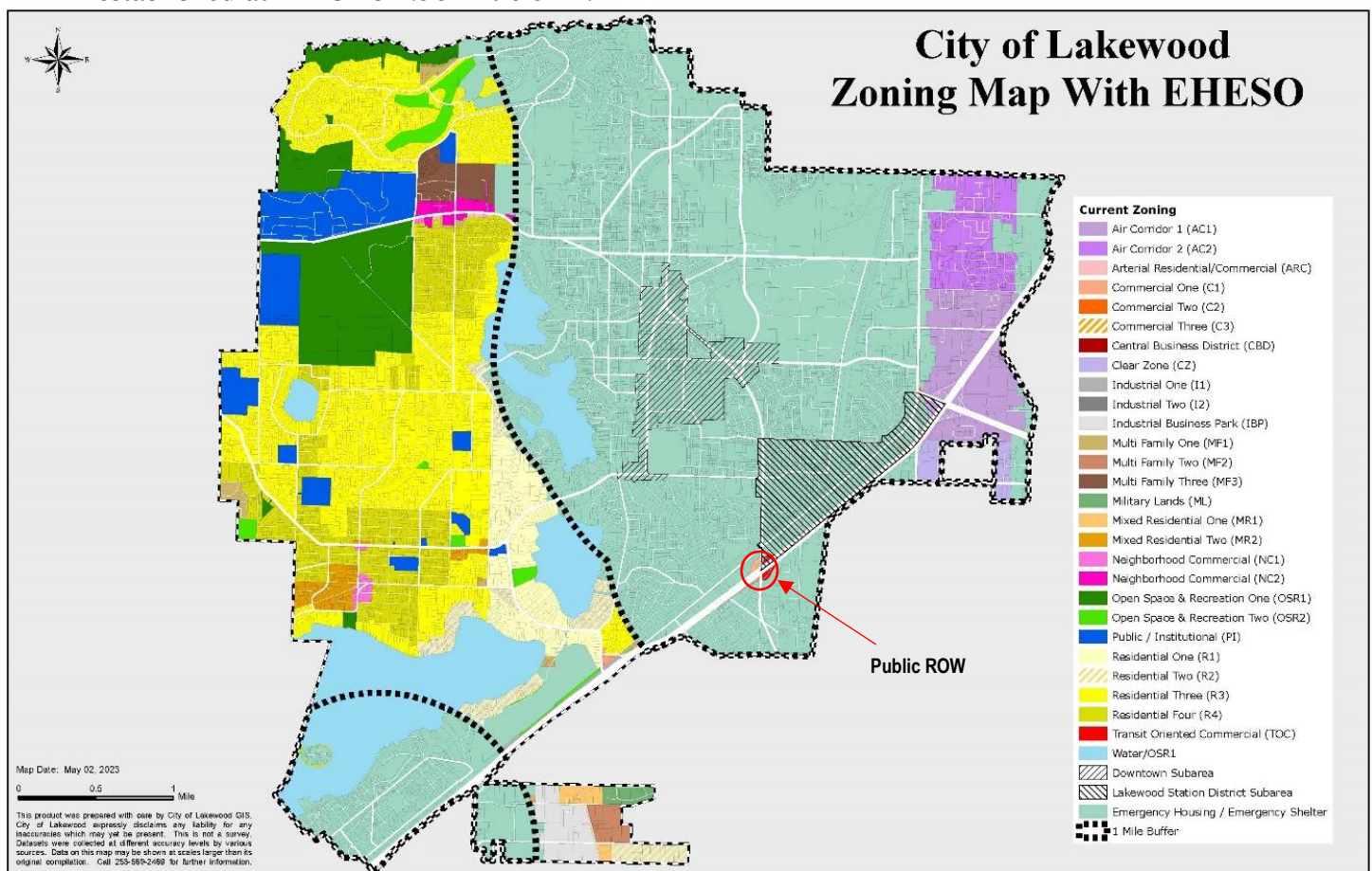
The map below depicts where hotels are allowed in the City: the Commercial zones (C1, C2, and C3), the Central Business District (CBD) zone, and the Transit Oriented Commercial (TOC) zone. Emergency housing and emergency shelters must be allowed in these zones.



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 teal, the general area of the proposed EHESO district established at LMC 18A.50 Article III.



CEDD 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 Planning 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 periodically 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 citywide 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 as conditional uses; 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

EXHIBIT A

Sections of the Comprehensive Plan and Lakewood Municipal Code not included below are not affected by the 2023 Comprehensive Plan Amendments and remain unchanged.

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

Comprehensive Plan Section 3.12.6 Urban Forestry

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

Policies:

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

- ### 2023-02 Redesignate/Rezone:
- 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.)

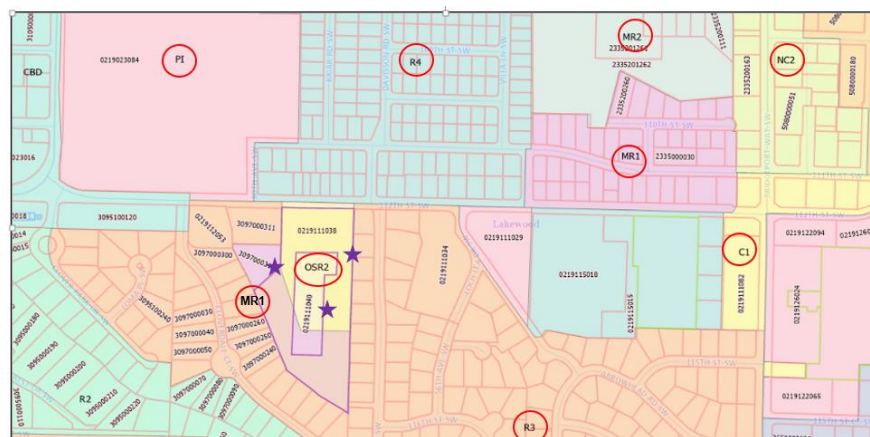


*[*If this amendment is approved, the City will proceed with an update to the Downtown Subarea Plan's boundaries to incorporate the parcels in question. This will be reflected through the adoption of a Supplement to the Subarea Plan and possibly the Planned Action Ordinance as part of the 2024 Comprehensive Plan Periodic Update, which will include the next Downtown Subarea review.]*

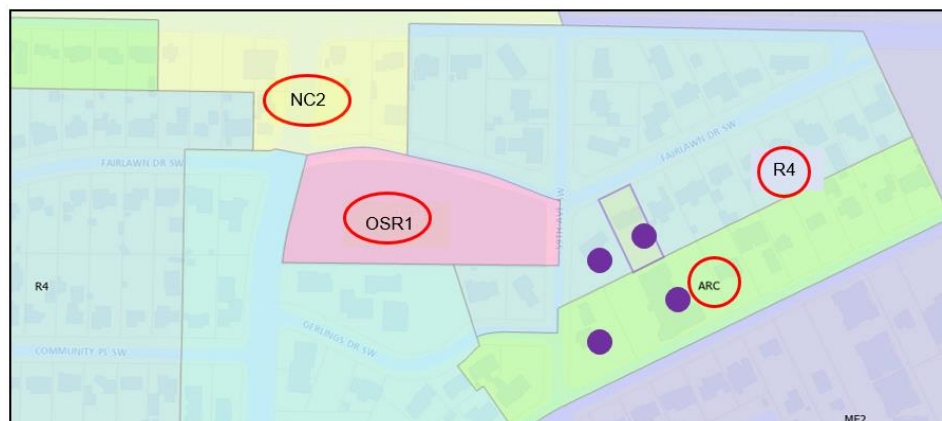
- 2023-03** **Allow commercial and quasi-public health/fitness facilities in the Open Space & Recreation 2 (OSR2) zone as conditional uses; and**
- **Redesignate/rezone parcel(s) 0219111038, -1040, and 3097000312 from Mixed Residential (MR)/Mixed Residential 1 (MR1) to Open Space & Recreation (OSR)/Open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

LMC 18A.40.040 (A)

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

* * *

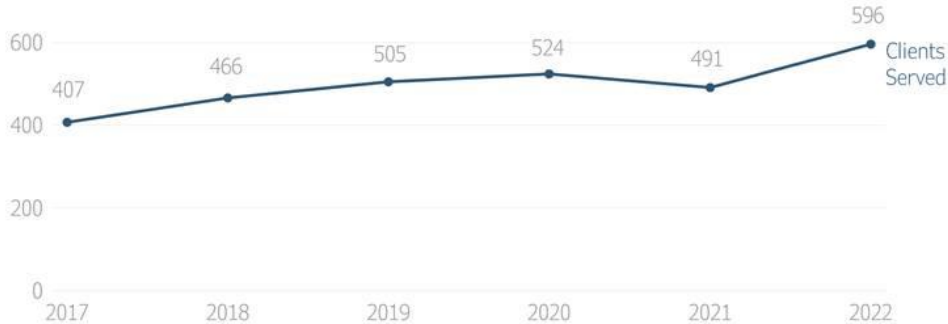
Housing Affordability: The GMA calls for jurisdictions to provide opportunities for the provision of affordable housing to all economic segments of the population. Pierce County has established “fair share” allocations for affordable housing based on the 2010 census. Each city within the County is expected 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, in 2023 the Department of Commerce 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 had 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 Pierce County area median income (AMI) levels 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.

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

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

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
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
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
<u>Emergency Housing Permit</u>	<u>N</u>	<u>D</u>	<u>O/Appeal</u>	<u>N</u>	<u>N</u>
<u>Emergency Shelter Permit</u>	<u>N</u>	<u>D</u>	<u>O/Appeal</u>	<u>N</u>	<u>N</u>
Final subdivision plat (10 or more lots)	Y	D	O/Appeal	N	N
Form-based code review and decision	N	D	O/Appeal	N	N
<u>Foster Care Facility Permit</u>	<u>N</u>	<u>D</u>	<u>O/Appeal</u>	<u>N</u>	<u>N</u>
Home occupation permit			O/Appeal		
Hosting the homeless by religious organizations	See RCW 35A.21.360	D	O/Appeal	N	N
Land use permit – minor modification	N	D	O/Appeal	N	N
Manufactured/mobile home permit	N	D	O/Appeal	N	N
New commercial building permit	N	D	O/Appeal	N	N
New single-family building permit	N	D	O/Appeal	N	N
<u>Permanent Supportive Housing Permit</u>	<u>N</u>	<u>D</u>	<u>O/Appeal</u>	<u>N</u>	<u>N</u>
Pre-application conference permit	N	N	N	N	N
Preliminary and final short plats (creating 2 – 9 lots)	N	D	O/Appeal	N	N
Reasonable accommodation request	N	D	O/Appeal	N	N
Residential addition/remodel	N	D	O/Appeal	N	N
Shoreline exemption	N	D	O/Appeal	N	N
Sign permit	N	D	O/Appeal	N	N
Site development permit	N	D	O/Appeal	N	N
Small wireless facility permit	See Chapter 18A.95 LMC				
Temporary use permit	N	D	O/Appeal	N	N
Transfer of development rights	N/A (Program administered by Pierce County)				
Time extension or minor modification to a Type I permit	N	D	O/Appeal	N	N
<u>Transitional Housing Permit</u>	<u>N</u>	<u>D</u>	<u>O/Appeal</u>	<u>N</u>	<u>N</u>
Tree removal permit	N	D	O/Appeal	N	N
Zoning certification	N	D	O/Appeal	N	N
Zoning (map and/or text) interpretation or determination	N	D	O/Appeal	N	N
TYPE II ADMINISTRATIVE					
Binding site plan	Y	D	O/Appeal	N	N

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

* * *

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.30.210 Special Needs Housing – Conditional Use Permit

A conditional use permit is required for all special needs housing listed as conditional uses in LMC 18A.40.120. ~~In addition to the regular conditional use permit review criteria, essential public facilities are subject to additional criteria as outlined in LMC 18A.40.120(C)(3).~~

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	=	=	=	=	=	=	=

	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
Co-housing (dormitories, fraternities and sororities) (B)(4)	–	–	–	–	P	P	P	P	P	–	P	P	–	–	–	–	–	–	–	–	–
Detached single-family (B)(5)	P	P	P	P	P	P	–	–	–	P	–	–	–	–	–	–	–	–	–	–	–
Two-family residential, attached or detached dwelling units	–	–	–	C	P	P	P	–	–	P	P	P	–	–	–	–	–	–	–	–	–
Three-family residential, attached or detached dwelling units	–	–	–	–	C	C	P	–	–	P	P	P	–	–	–	–	–	–	–	–	–
Multifamily, four or more residential units	–	–	–	–	–	–	P	P	P	P	P	P	P	P	–	–	–	–	–	–	–
Mixed use	–	–	–	–	–	–	–	–	–	–	P	P	P	P	–	–	–	–	–	–	–
Family daycare (B)(6)	P	P	P	P	P	P	P	P	P	P	P	P	–	–	–	–	–	–	–	–	–
Home agriculture	P	P	P	P	P	P	P	P	P	P	–	–	–	–	–	–	–	–	–	–	–
Home occupation (B)(7)	P	P	P	P	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Mobile home parks (B)(8)	–	–	C	C	C	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Mobile and/or manufactured homes, in mobile/manufactured home parks (B)(8)	–	–	C	C	C	–	P	P	P	–	–	P	–	–	–	–	–	–	–	–	–
Residential accessory building (B)(9)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	–	–	–	–	–	–
Rooms for the use of domestic employees of the owner, lessee, or 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 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.40.120 (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	–	–	–	–

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

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

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

C. 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 ~~s~~Special ~~n~~Needs ~~H~~ousing:

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.*

i. *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.*

ii. *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.*

i. *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 are subject to the business license requirements under LMC Chapter 5.02 as applicable.*

v. 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.

vi. 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.

ii. 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; accompanied by a parent or guardian; or 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.

iii. 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				

Land Use Categories	APZ-I	APZ-II	CZ	Density
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>
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

Land Use Categories	APZ-I	APZ-II	CZ	Density
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 ~~IV~~H. 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 ~~I~~ IV. Lakewood Overlay Districts Map

18A.50.005 Definitions.

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

* * *

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.

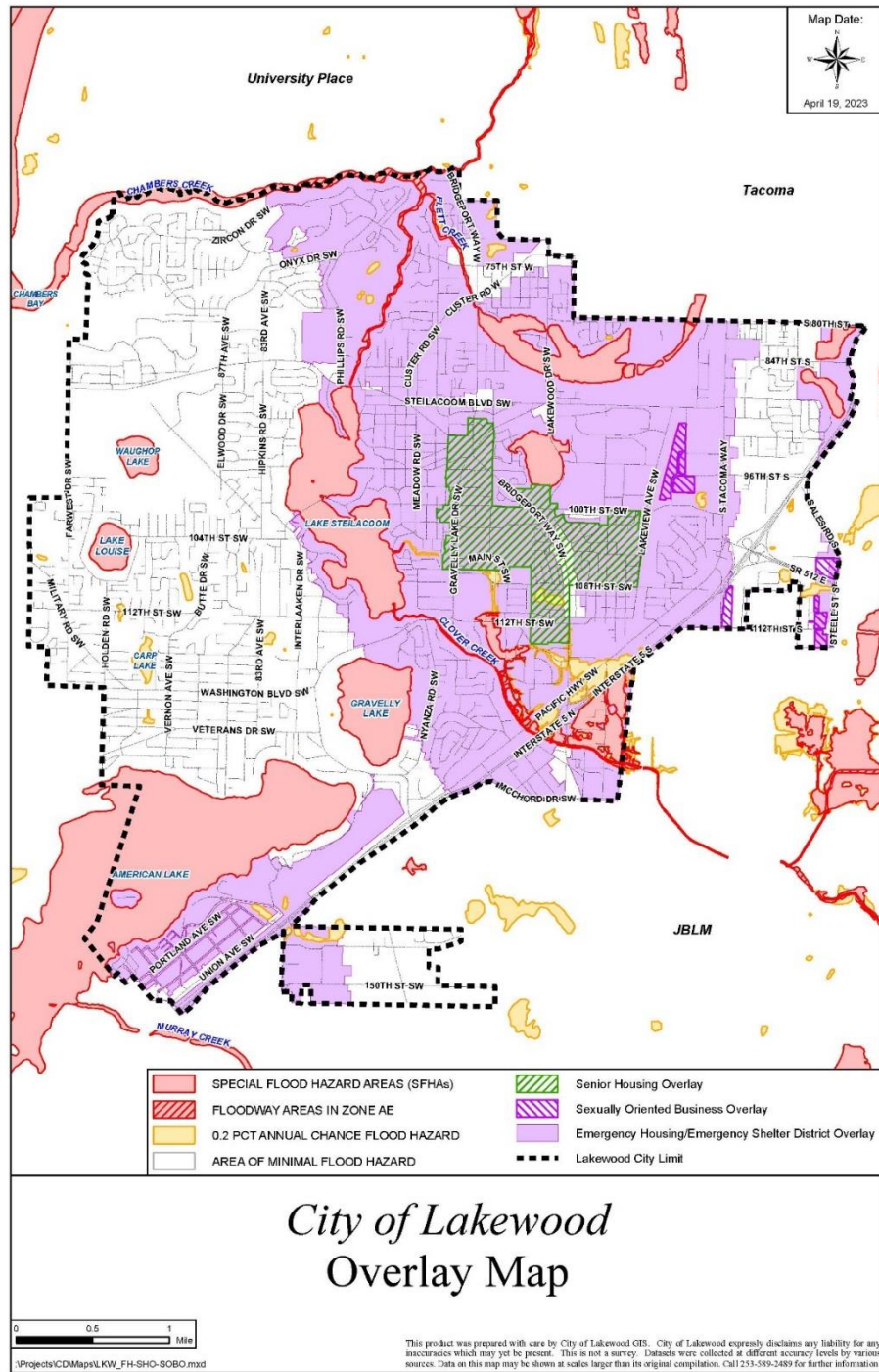
The Community and Economic Development Department shall maintain a list of all emergency housing and emergency shelter units created within the EHESO.

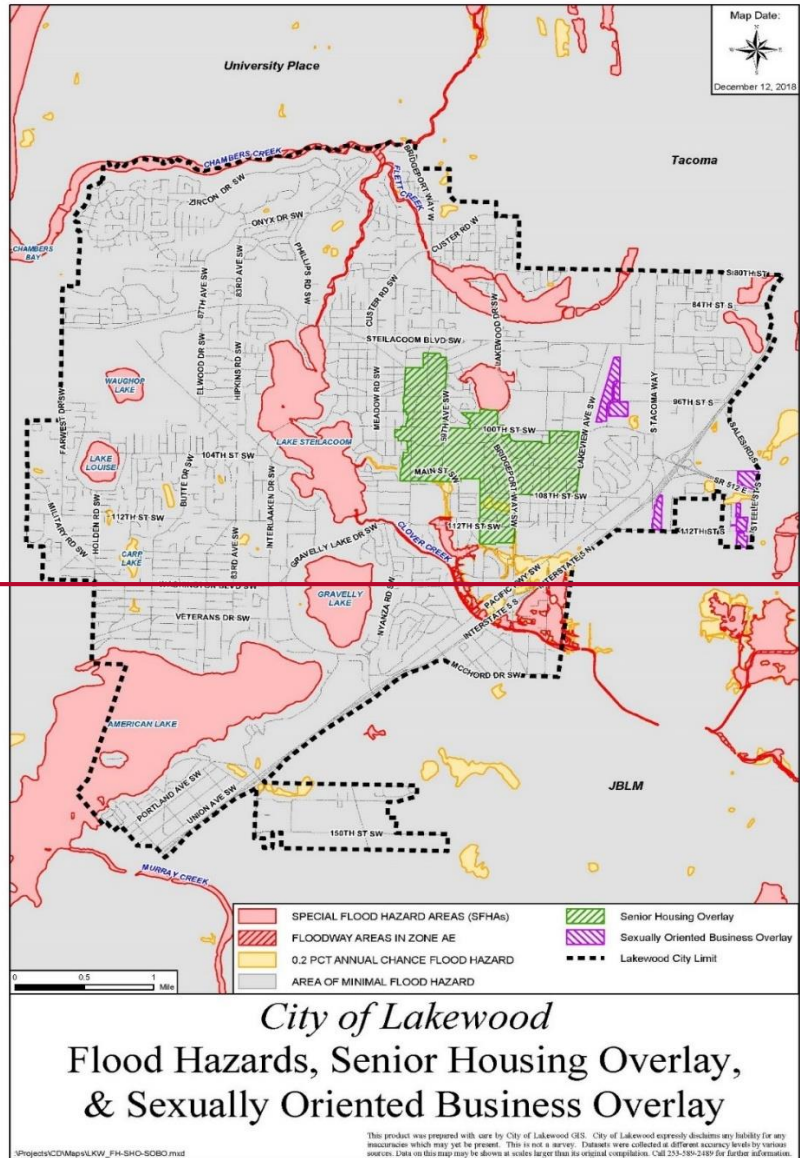
Article IVH. Sexually Oriented Businesses Overlay (SOBO)

* * *

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.

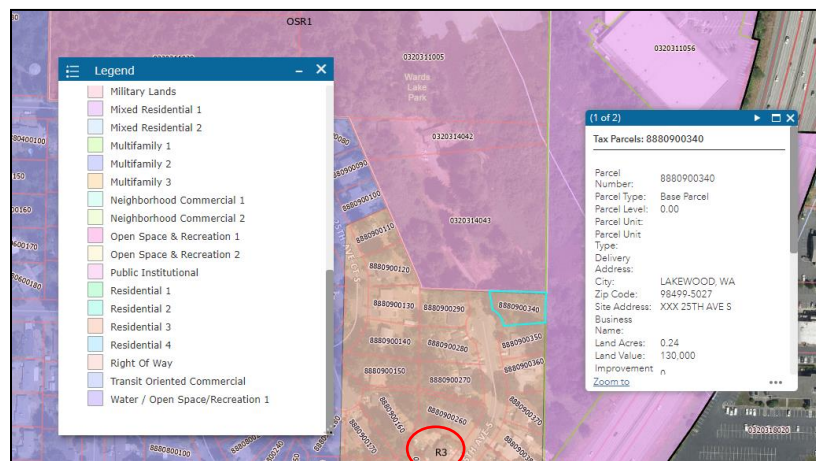
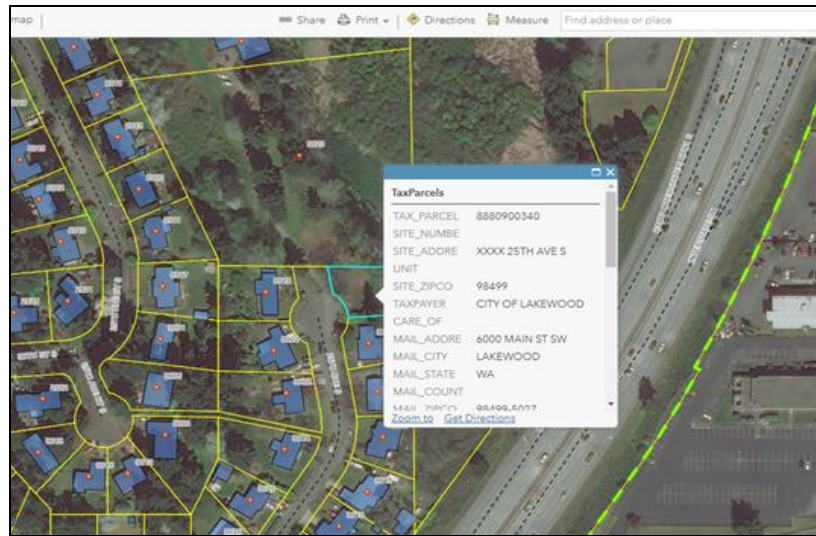
b. Subsection (C)(5) of this section and Table 3 of this section govern the installation of street lighting within Lakewood. This subsection F and Tables 1 and 2 do not apply to street lighting.

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

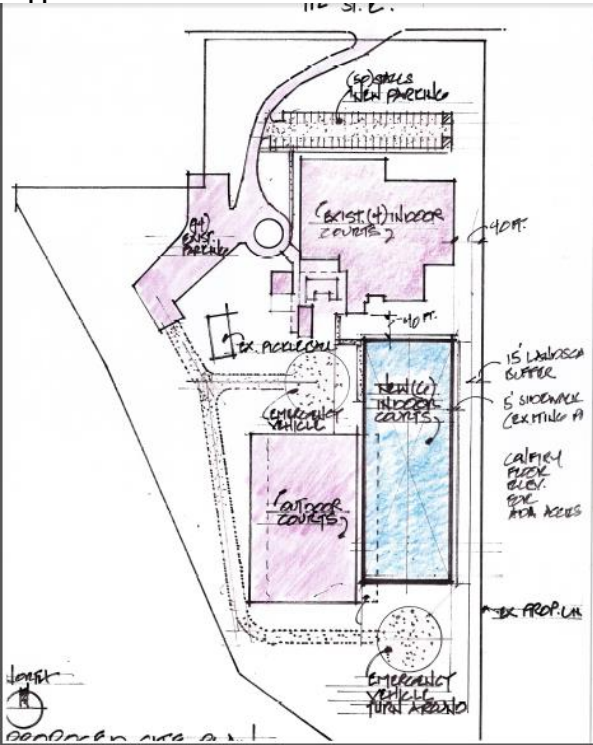
Commenter Name/ Organization	Amendment #	May 3, 2023 Public Hearing Comments to Planning Commission	City Response
Paul Whittaker	2023-03	Supportive of rezoning parcels to allow for the development of 6 new tennis courts at Lakewood Racquet Club.	Comments noted. An updated version of 2023-03 was provided to the Planning Commission on May 17, 2023.
Bill Peretta	2023-03	Supportive of rezoning parcels to some zone with a development standard solution that would allow for the development of 6 new tennis courts at Lakewood Racquet Club. Provided architectural analysis re impervious surface and building height needs.	Comments noted. An updated version of 2023-03 was provided to the Planning Commission on May 17, 2023.
Ken Enslow	2023-03	Provided excerpts from CED staff SEPA analysis of 2023-03. Requested approval of rezone to NC2.	Comments noted. An updated version of 2023-03 was provided to the Planning Commission on May 17, 2023.
Jon Grant, LIHI	2023-05	LIHI appreciates and supports changes made to proposed 2023-05 since the April 19 meeting. LIHI still opposes the 1,000 foot radius separation between Special Housing facilities.	Comments noted.

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</p>	Comments noted. An updated version of proposed amendment 2023-05 will be presented and discussed at the May 3 Planning Commission meeting.

	<p>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 not apply to special needs housing that serves other types of populations, such a[s 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>Comments noted. An updated version of proposed amendment 2023-05 will be presented and</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>	discussed at the May 3 Planning Commission meeting.
		<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 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>	Comments noted. An updated version of proposed amendment 2023-05 will be presented and discussed at the May 3 Planning Commission meeting.
Jon Grant, LIHI	2023-05	<p>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.</p>	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	<p>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.</p>	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	<p>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.</p>	Comment noted.

Commenter Name / Organization	Amendment #	April 5, 2023 Public Hearing Comments to Planning Commission	City Response
Matthew Sweeney for Claude Remy	2023-02	Support	Comment noted.
Paul Whitaker	2023-03	<p>Support</p> <p>My name is Paul Whittaker, Vice President (and currently acting President) of the Lakewood Racquet Club.</p> <p>The Lakewood Racquet Club has requested rezoning to permit building up to 6 more indoor tennis courts on our 11-acre property located several blocks South of Lakewood Town Center.</p> <p>We host USTA League tennis matches for adults and Universal Tennis Rating tournaments for children, so that they can compete in local tournaments at appropriate levels and put their ratings on their college applications to assist with potential scholarship awards.</p> <p>Parents who come from surrounding cities, drop their children off to compete in the tournaments, then go and spend money in the Lakewood Town Center stores and restaurants during the day.</p> <p>The Lakewood Racquet Club donates court time to 2 high school tennis teams in the area, so that they may practice indoors during inclement weather. In the Summertime, our numbers swell as local residents come to use the pool and stay for the tennis, ping pong, pickleball and gym equipment.</p> <p>Each month we host about 20 USTA League tennis matches versus teams traveling to Lakewood from Bremerton, Olympia, Parkland, Shelton and Edgewood. We have over 40 banners hanging on the walls of the courts of our club for Lakewood tennis teams that have won the SW Washington League, the Pacific NW Multi-state Sectional Tournaments and have had several teams qualify for Nationals.</p> <p>Kids in Lakewood take tennis lessons from our club tennis professionals; many of these children are then able to qualify for their high school tennis teams and for their college tennis teams.</p> <p>It rains an average of 156 days per year in Lakewood, WA. The club is owned and operated by its members, who are clamoring for more indoor court time. We need more indoor tennis courts to be available for the citizens of Lakewood and the surrounding areas.</p> <p>Thank you for your time and consideration of our request for rezoning!</p>	<p>Comment noted.</p> <p>An updated CED SEPA review and recommendation for the Planning Commission is provided on 4/19/23.</p>

Bill Beretta	2023-03	<div>Support</div> <div></div>	<div>Comment noted.</div> <div>An updated CED SEPA review and recommendation for the Planning Commission is provided on 4/19/23.</div>
Ken Enslow	2023-03	<div>Support</div>	<div>Comment noted.</div> <div>An updated CED SEPA review and recommendation for the Planning Commission is provided on 4/19/23.</div>
Kerry Hills	2023-03	<div>Support</div>	<div>Comment noted.</div> <div>An updated CED SEPA review and recommendation for the Planning Commission is provided on 4/19/23.</div>
Lorne H Coody	2023-04	<div>Opposed</div> <div>I would like to inform you that I am not in agreement with this new zoning project.</div> <div>I believe this is not the area for this project. I have my reason as follows:</div> <div>Traffic challenges</div> <div>Personnel speeding as going down my block, no round-a-bout does nothing, children o</div> <div>The park challenge we are having could cause further issues.</div> <div>I want to say these are some of my concerns and I hope they will be considered.</div> <div>Thank you, Lorne</div>	<div>Comment noted.</div>
Barris Harms	2023-04	<div>Opposed</div>	<div>Comment noted.</div>

		<p>I am writing to express my complete opposition to the zoning change outlined in 2023-04. 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.</p> <p>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.</p>	
Cynthia I Jahner	2023-04	<p>Opposed</p> <p>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.</p> <p>I AND MY HUSBAND, RAYMOND P JAHNER, ARE OPPOSED IN TOTAL TO 2023 PLAN AMMENDMENT 2023-04.</p>	Comment noted.
Laura Kinard	2023-04	<p>Opposed</p> <p>This is single family dwelling for 40 yrs & DO NOT WANT ANY ZONING CHANGES PLE</p>	Comment noted.
Paul Nimmo	2023-04	<p>Opposed</p> <p>As a homeowner adjacent to the parcels listed in 2023-04, I must state that I vehement the proposed zoning changes, 2023-04.</p> <p>A small neighborhood, forming a triangle being bordered by Bridgeport Way, Steilacoor and Gravelly Lake Drive, plays host to small, single family homes built between 1946 and home is the youngest) This area is also home to Kiwanis Park which is one of the older pa Lakewood. I played baseball in the area now occupied by the skate park. Single family hc considered a part of the American Dream, except in Lakewood.</p> <p>The proposal to change currently zoned Residential 4 (R4) to Neighborhood Business I (NBC)/Neighborhood Commercial 2 seems to be counter productive to actively securing af housing. These older homes are perfect for the first-time buyers who cannot afford the hor Oakbrook or the luxury homes surrounding several lakes.</p> <p>With a glut of unused already zoned commercial property (the QFC property comes to r change properties already zoned for residential? Why not zone affordable housing adjacer College where those putting back their lives can walk to college? The small American neig is no longer welcome in central Lakewood.</p> <p>Would this proposal even get consideration if proposed for an area in Oakbrook, or per the walls of Madera Estates? Of course not. There is a concerted effort to polarize Lakew perhaps the word segregate is a better term. Keep the poor on one side and the wealthy o</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 managemen 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 ob was no longer the case. No representative of management was on site. No one with keys the Police Department to access rooms in order to secure the building. No access to video surveillance. These zoning changes are to pave the wave for this same organization to bui units so they can provide the same low level of oversight? Unfortunately, what I see is Lak 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>	Comment noted.
Earl Peters	2023-04	<p>Opposed</p> <p>I think the implementation of a apartment complex in our community would invite 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>	
--	--	---	--

		<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 Washington courts have long recognized that there is a balance between the state constitution's grant of police power to local governments to enact legislation for the protection of the public health, safety, and welfare, and the constitution's check on that power by requiring that the legislation be reasonable and not unduly infringe on individual rights. <i>City of Seattle v. McConahy</i>, 86 Wash. App. 557, 563, 937 P.2d 1133 (1997)</p> <p>State Law Requirements RCW 35A.21.430 states, "A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed." Per 2021 HB 1220, "effective September 30, 2021, a city shall not prohibit indoor emergency shelters and indoor emergency housing in either: (1) all zones where hotels are allowed; or (2) a majority of zones within one-mile of transit." The City has selected Option 1. The RCW also states "[r]easonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety."</p> <p>Pierce County Requirements 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>	
--	--	---	--

		<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>	
--	--	--	--



Housing:

Comprehensive Plan Element & Development Regulation Status Update

Planning Commission

May 17, 2023

Tiffany Speir, Long Range & Strategic Planning Manager

State Bills affecting Lakewood Comprehensive Planning

2023
CPAs

- Special Needs Housing ✓
(EH, EH, SPH, TH)

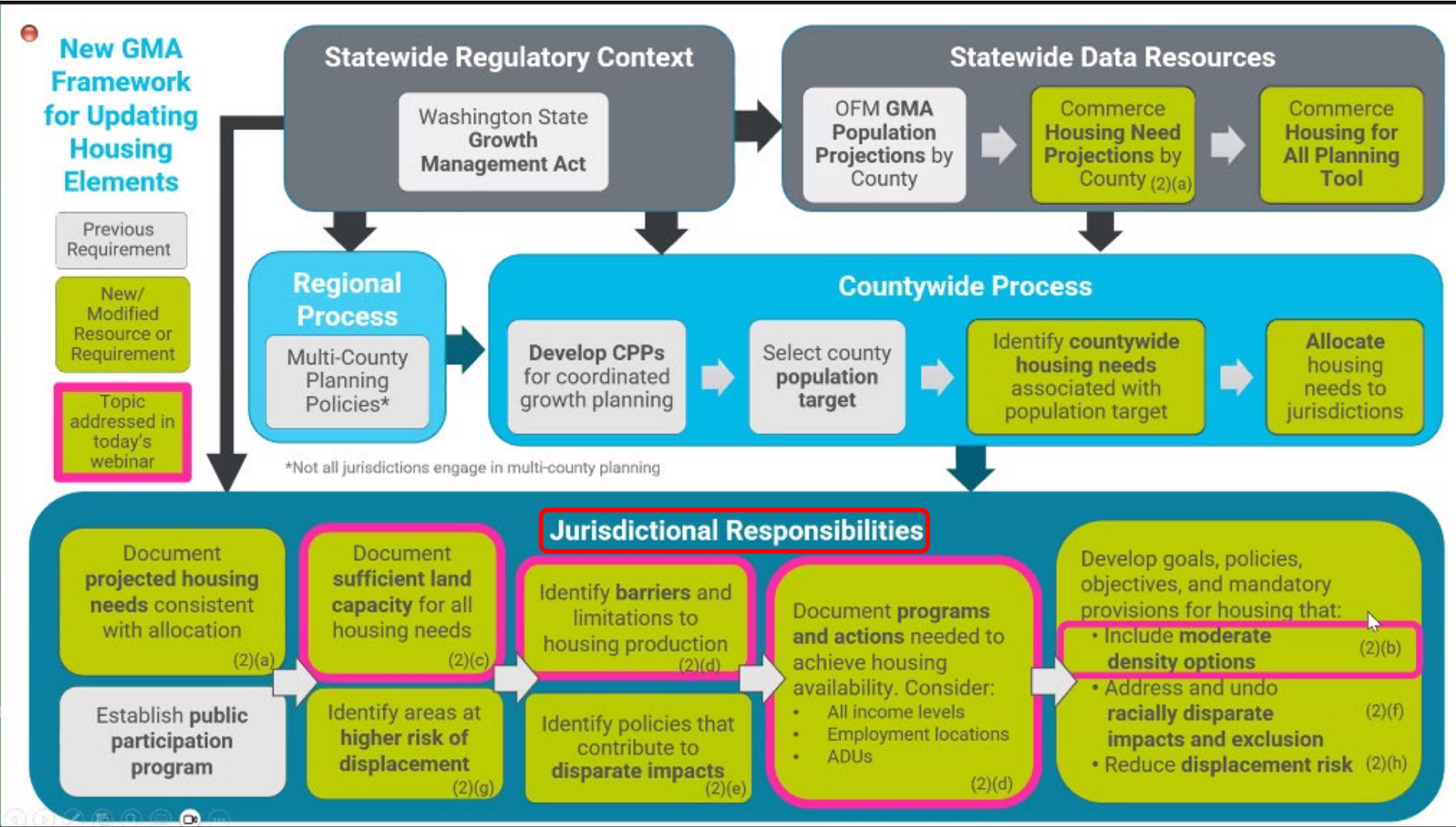
State Housing
Policy, Zoning
& Regulation

2024
Periodic
Review

- **HB 1220** – Housing for all economic segments
- **HB 1110** – Middle Housing (multiple units per lot)
- **HB 1337** - ADUs
- **HB 1474** – New DRF funds for homeownership assistance

2025
CPAs &
Beyond?

- **HB 1245** – SF Lot Splitting if 1500 sq.ft.+
- **SB 5466** – Higher Density Transit Oriented Development
- **HB 1628** – REET changes
- Others?

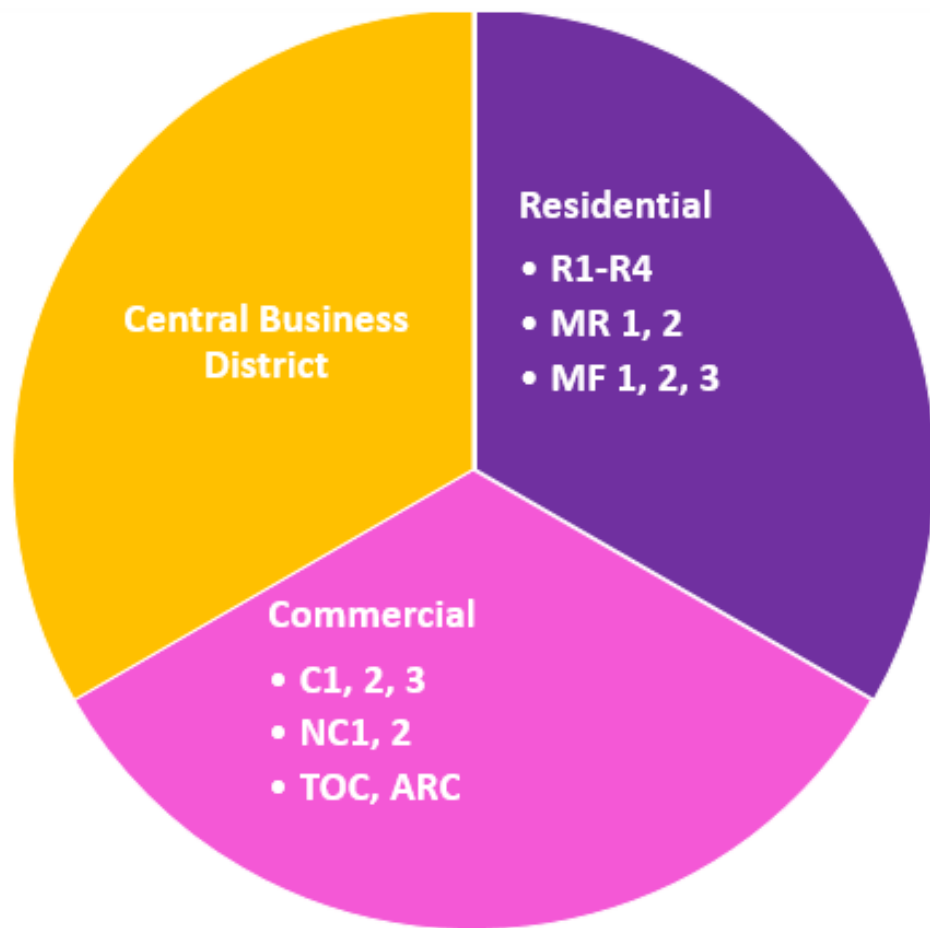


2024

HB 1220

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

*The median household income for Lakewood in 2020 was \$55,723, about 27% lower than the median household income of Pierce County. HB 1220 requires that the City plan for units at the County’s AMI levels.



Residential Zones: **50.1% of City**

- **R 1, 2 zones = 8.6% of City**
 - R1: 1.45 dua
 - R2: 2.2 dua
- **R3 zone = 23.2% of City / 8% Capacity**
 - 4.8 dua
- **R4 = 9.4% of City**
 - 6.4 dua
- **MF 1, 2, 3 zones = 6.1% of City**
 - MF1: 22 dua
 - MF2: 35 dua
 - MF3: 54 dua
- **MR 1, 2 zones = 2.8% of City**
 - MR 1: 8.7 dua
 - MR 2: 14.6 dua

Commercial Mixed Use Zones: **3.5% of City**

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

Central Business District: **2.7% of City**

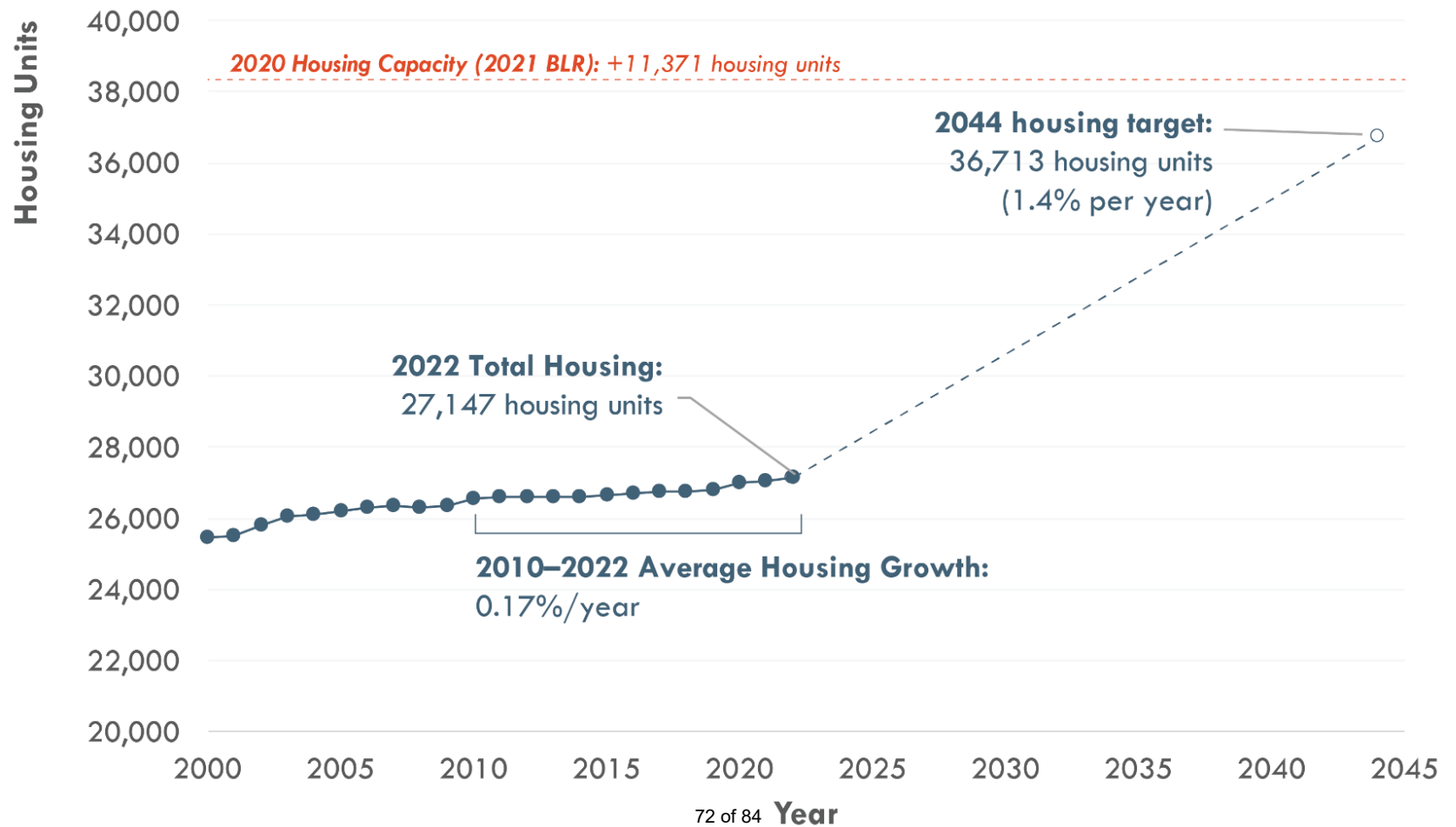
- 54 dua

Lakewood has a capacity for **11,371** future housing units:

- **80%** of housing capacity in current multifamily zoning/uses (R4, MRs, MFs, NC1, NC2, TOC, CBD)
- **78%** of Lakewood's future growth must be accommodated through infill and redevelopment*.

*Infill = Adding new development within existing development

*Redevelopment = Replacing existing development with new development



From 2021 Buildable Lands Report:

Zone	Underutilized	Vacant	Vacant Single Unit	Pipeline	Total Units
CBD	2,405	181	0	67	2,653
MF1	1,251	132	16	5	1,404
MF2	1,240	304	0	80	1,624
MF3	1,164	152	0	1	1,317
MR1	147	0	0	1	148
MR2	636	42	5	5	688
NC1	17	2	0	42	61
NC2	458	49	0	2	509
R1 (1.2 dua)	26	7	17	1	51
R2 (2.2 dua)	91	15	39	20	165
R3 (4.8 dua)	739	172	91	34	1,036
R4 (6.4 dua)	237	23	58	24	342
TOC	478	124	0	771	1,373
Total	8,889	1,203	226	1,053	11,371

Underutilized lands include parcels that have an existing structure(s) or land use activity and can accommodate additional housing units. These lands include parcels on which excess space is available to build a new structure(s), or it is assumed that an existing structure(s) will be demolished and replaced with a larger structure or more structures. A specific ratio between the existing housing units to the calculated assumed future build-out must be met.

Vacant lands include parcels without an established structure or land use activity, excluding those enrolled in a current use tax program. Vacant represents parcels that are assumed can be further subdivided and can accommodate more than one housing unit.

Vacant Single Unit represents an individual building lot that is assumed to accommodate only one housing unit.

HB 1220

What: Racially Disparate Impacts

How

Identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

- Zoning that may have a discriminatory effect
- Disinvestment; and
- Infrastructure availability

Establish policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions.

Identify areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments.)

Establish anti-displacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

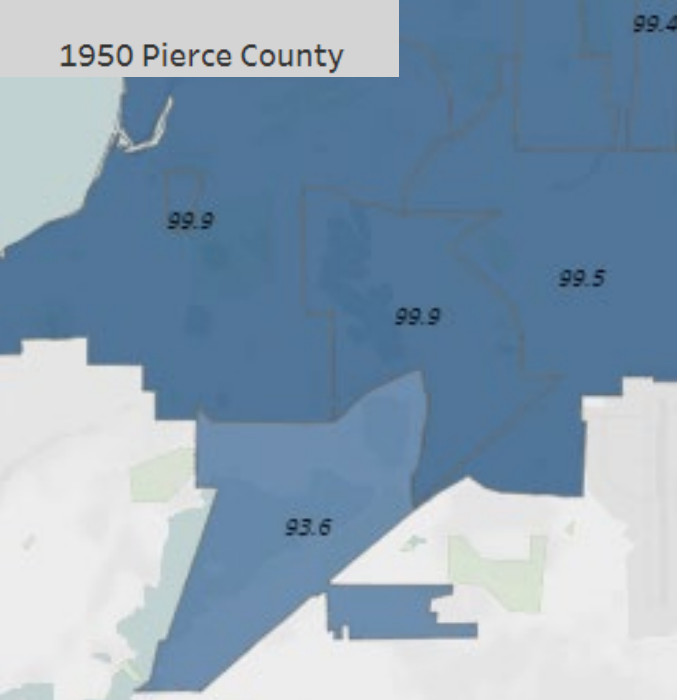
**2024 Comprehensive
Plan Periodic Review**

- Lakewood Housing
Needs Assessment

[Covenants Project](#), “deed restrictions were only one of the mechanisms of segregation. Neighborhoods without covenants often practiced racial exclusion by other means.”



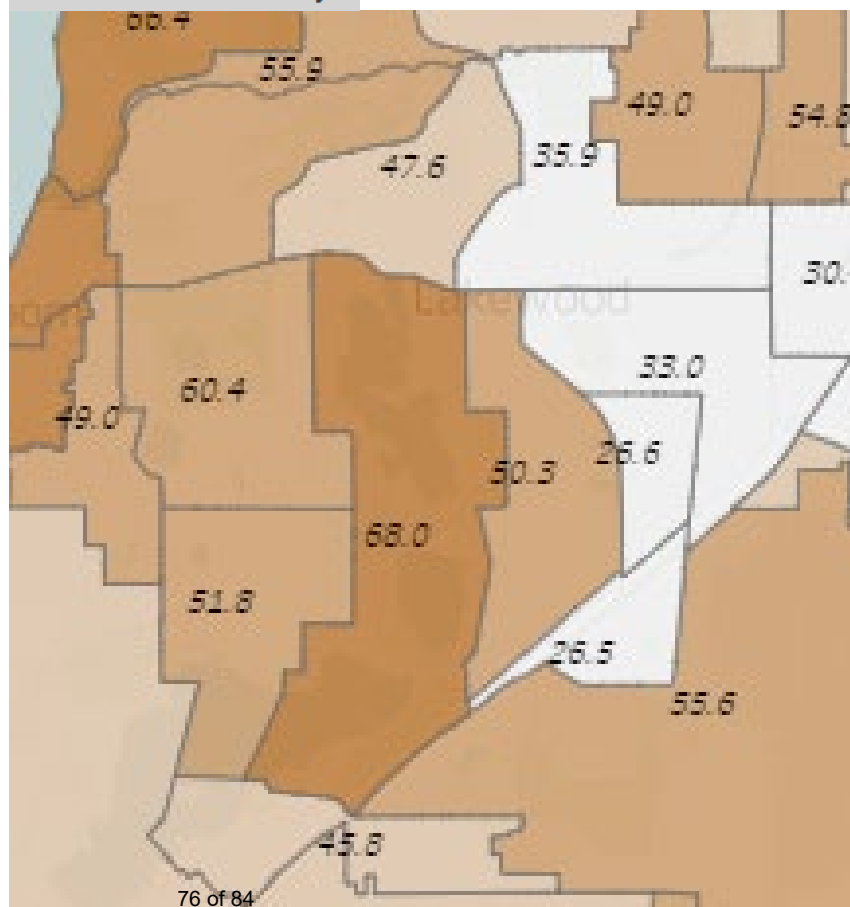
1950 Pierce County



Racial Diversity in Lakewood, WA Area 1950 vs. 2020

[The Racial Restrictive Covenants Project](#)

2020 Pierce County



Race categories
(% of tract population)

- ☐ Asian (%)
- ☐ Black (%)
- ☐ Hispanic/Latino (%)
- ☐ Indigenous (%)
- ☐ Other race (%)
- ☐ Pacific Islander (%)
- ☐ Two or more races (%)
- ☒ White notHispanic (%)
- ☐ NonWhite (%)
- ☐ ---COUNT---
- ☐ Total population
- ☐ Asian
- ☐ Black
- ☐ Hispanic/Latino
- ☐ Indigenous
- ☐ Non White
- ☐ Other race
- ☐ Pacific Islander
- ☐ Two or more races
- ☐ White notHispanic
- ☐ ---TECHNICAL---
- ☐ Count of US_tract_2020.shp
- ☐ Count of map 2020

Measure Values

23.34  86.47

County populations

Total population	921,130
Asian	63,460
Black	66,006
Hispanic/Latino	111,811
Indigenous	12,777
Other race	48,471
Pacific Islander	18,844
Two or more races	116,126
White notHispanic	569,815

Race categories
(% of tract population)

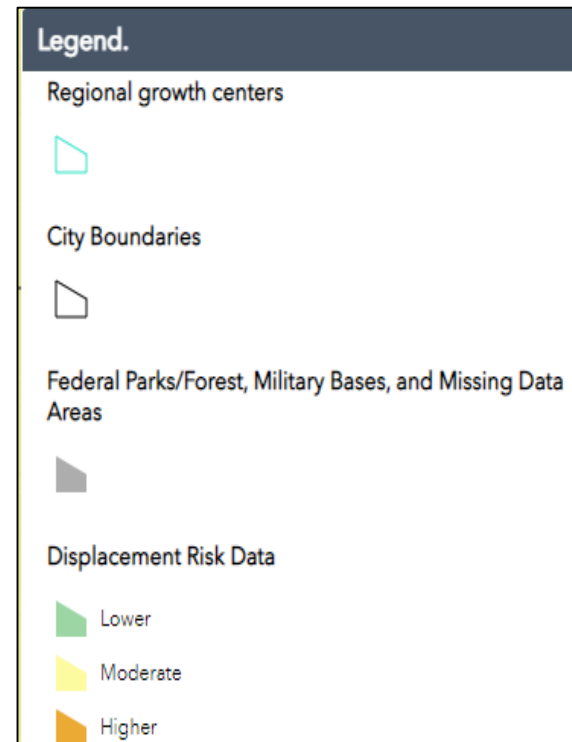
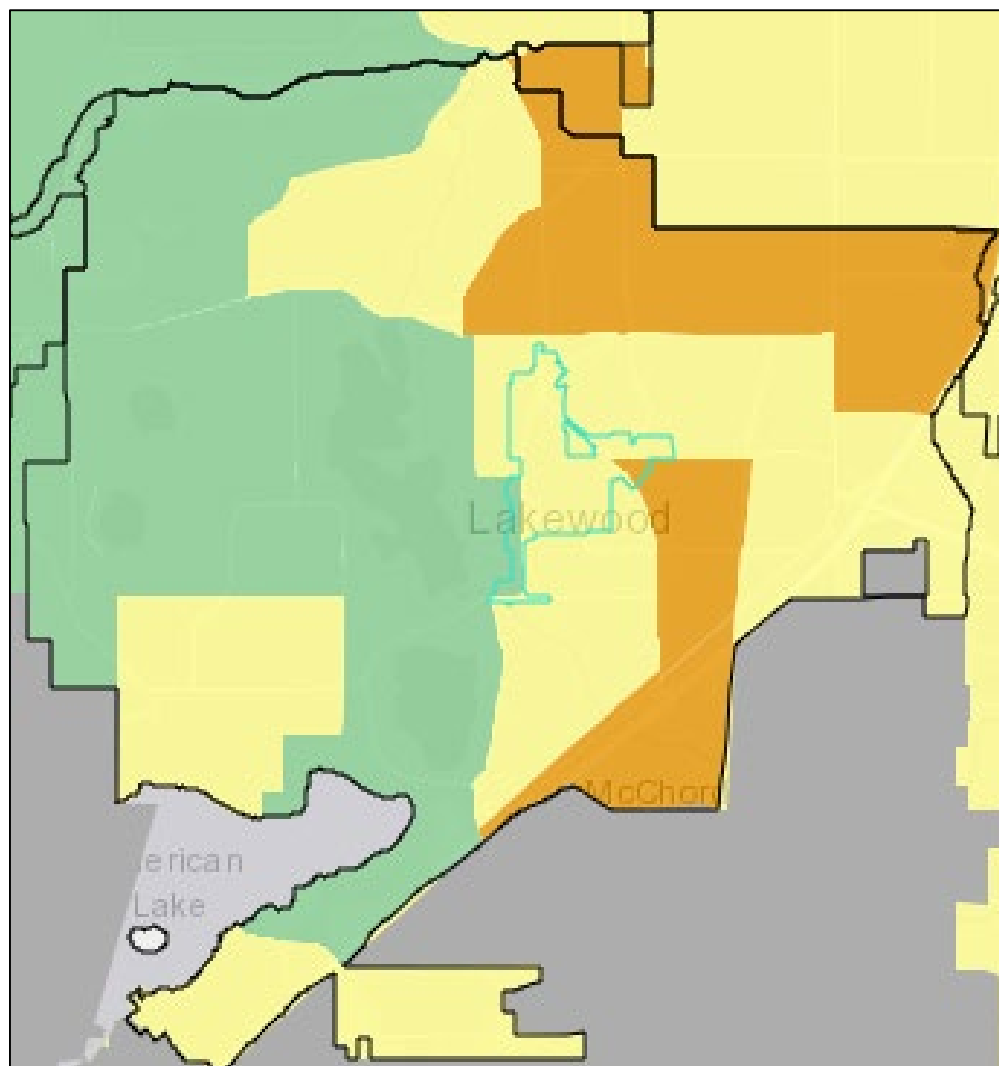
- ☐ Black (%)
- ☐ Other race (%)
- ☒ White (%)
- ☐ ---COUNT---
- ☐ Total population
- ☐ Black
- ☐ Other race
- ☐ White
- ☐ Count of US_tract_1...
- ☐ Count of map 1950

Measure Values

79.7  100.0

County
populations

Total popul..	226,649
Black	3,633
Other race	2,005
White	221,011

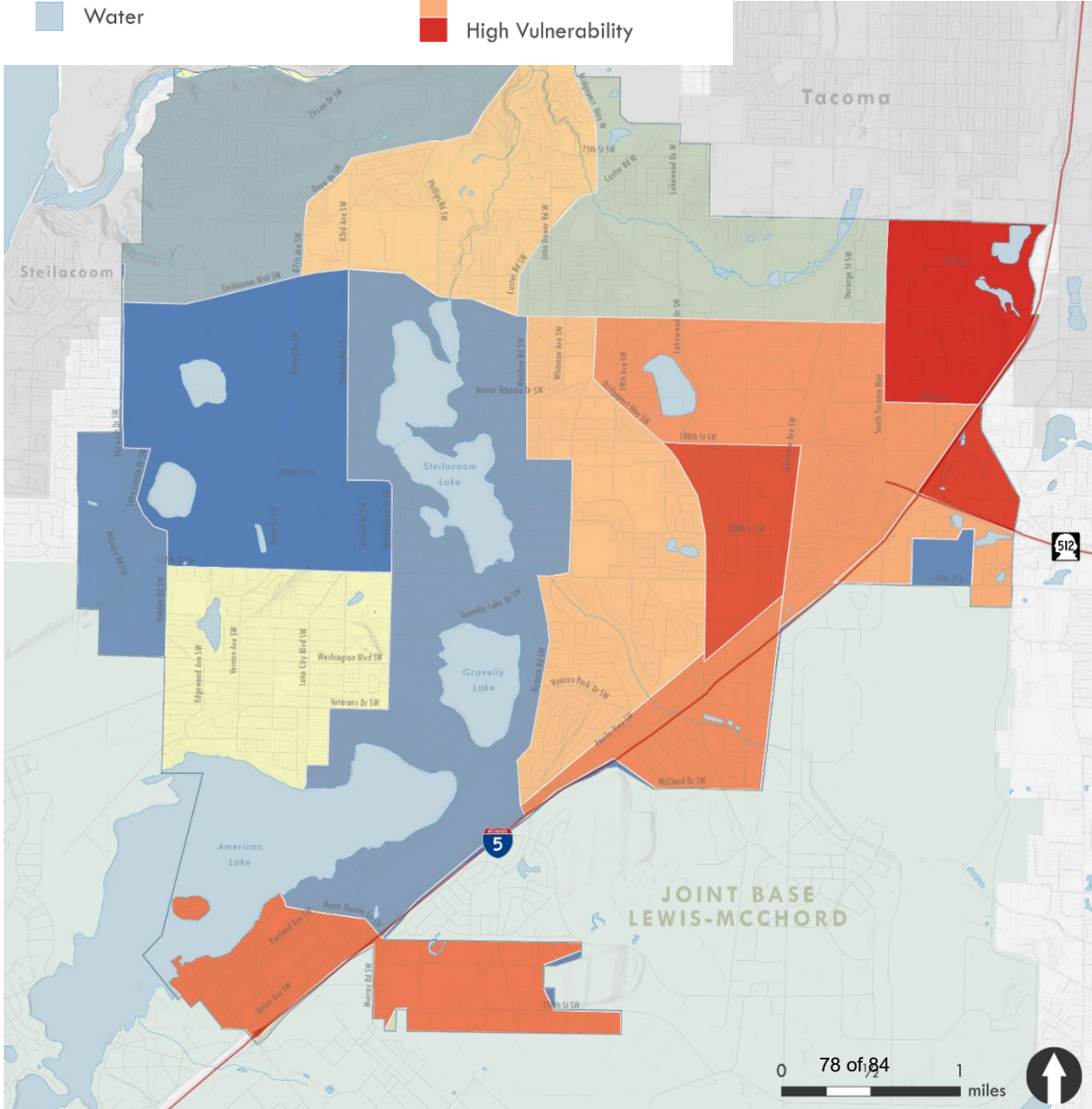


Legend

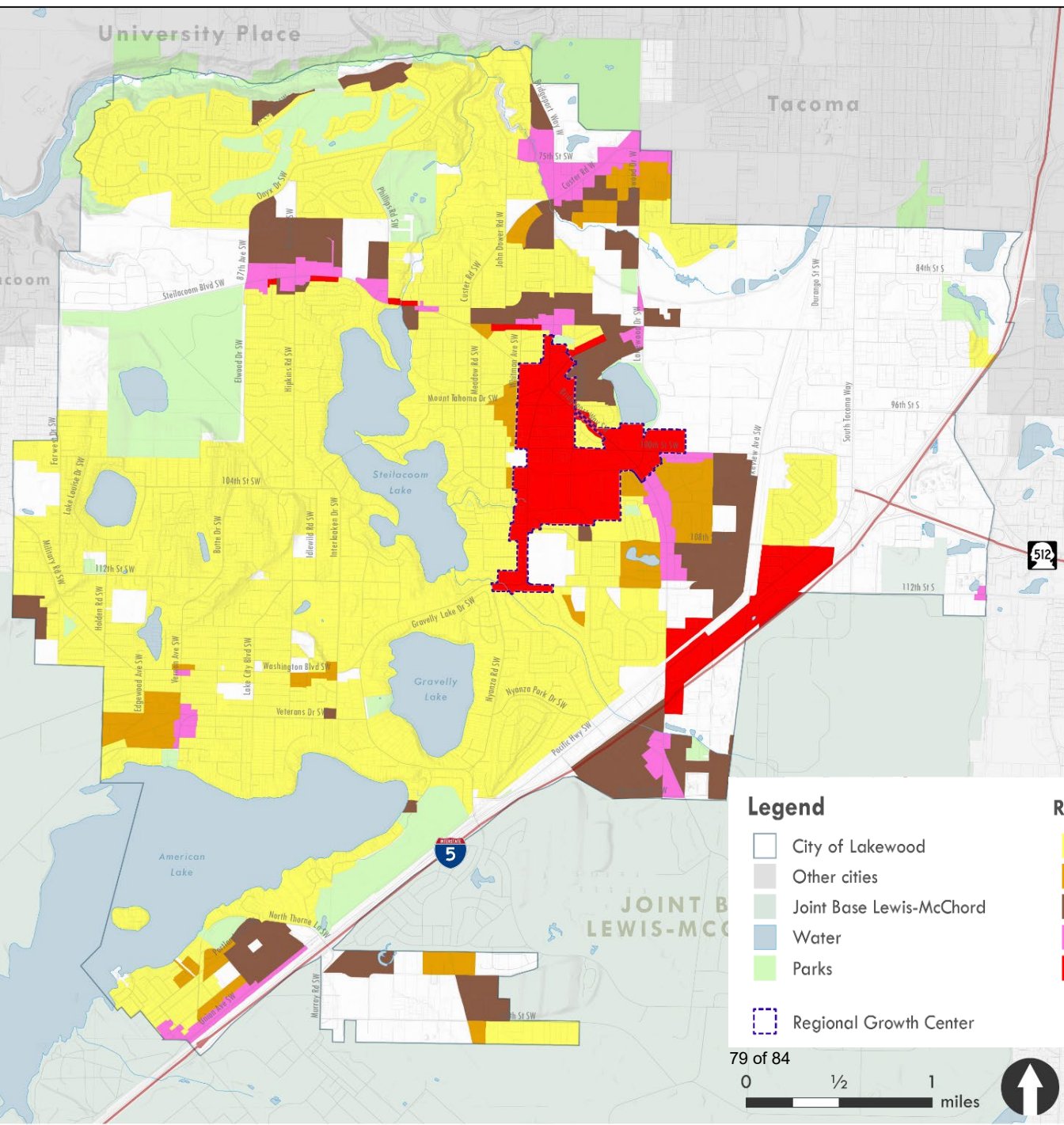
Social Vulnerability Index

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

- Low Vulnerability
- High Vulnerability



Index



Lakewood

- Residential Zones in yellow (R1-R4) and
- Mixed Use Zones in orange, brown, pink and red (MR1-MR2, MF1-MF3, NC1-NC2, C1-C3, CBD, TOC)

Legend

- City of Lakewood
- Other cities
- Joint Base Lewis-McChord
- Water
- Parks
- Regional Growth Center

Residential and Mixed-Use Zoning Categories

- Single-Family Residential
- Mixed Residential
- Multifamily
- Neighborhood Business
- Commercial (Mixed-Use)



State Law Changes Passed in 2023 – Lakewood will incorporate into 2024 Periodic Review Amendments

- City conducting review of final bills to draft any needed amendments to Comprehensive Plan policy, land use zoning and/or development regulations

HB 1110: Middle Housing

- Cities of 25K-75K population must allow:
 - 2 units per lot on all residential lots, or 4 if one unit is affordable,
 - 4 units per lot if within ¼ mile walking distance of transit

HB 1337: Accessory Dwelling Units

- Requires cities planning under the UGA to allow for construction of ADUs

HB 1474: Covenant Homeownership

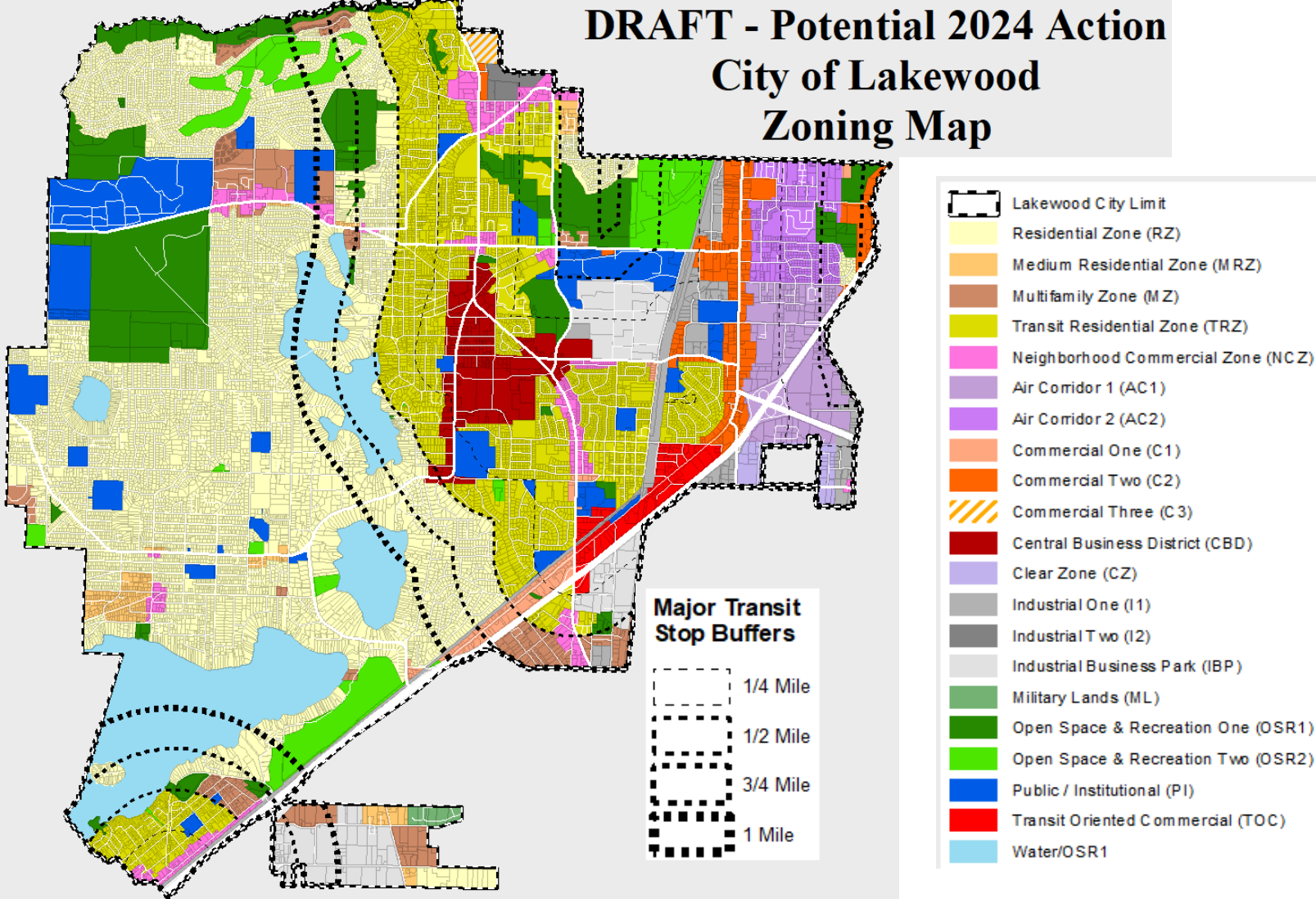
- Provides homeownership opportunities for people harmed by racist real estate practices
- Creates \$100 new document recording fee

Zone	Detached SF	2-Fam Res. att./det.	3-Fam Res. att./det.	Town-house	4+ Res. units	Mixed Use	ADU	Mobile home parks	Man. homes in parks
R1	P	<u>P</u>	<u>P</u>	<u>P</u>	?		P		
R2	P	<u>P</u>	<u>P</u>	<u>P</u>	?		P		
R3	P	<u>GP</u>	<u>P</u>	<u>P</u>	?		P	C	C
R4	P	P	<u>P</u>	<u>P</u>	?		P	C	C
MR1	P	P	<u>GP</u>	<u>P</u>	?		P	C	C
MR2	P	P	<u>GP</u>	<u>P</u>	?		P		
MF1			P	P	P		P		P
MF2				P	P		P		P
MF3				P	P				P
ARC	P	P	P	P	P				
NC1		P	P	P	P	P			
NC2		P	P	P	P	P			P
TOC*					P	P	P		
CBD**					P	P			
C1									
C2									
C3									

DRAFT - Potential 2024 Action

City of Lakewood

Zoning Map



Residential/Mixed Use Zone Allowed Densities							
Name	Residential (RZ)	Transit Residential (TRZ)	Medium Residential (MRZ)	Multifamily (MZ)	Neighborhood Commercial (NCZ)	TOC	CBD
Density	2+ dua; 4 dua if 1+ unit affhsg; townhomes	4+ dua; townhomes, MF up to 54 dua	8+ dua; MF up to 22 dua	22+ dua	35+ dua	54+ dua	54+ dua
Acreage	4,995.01 less in major transit area	TBD (res zones w/in major transit area)	367.09 less in RZ and major transit area 82 of 84	743.33 less in major transit area	285.01	148.67	332.79

- Transportation
- Essential Public Facilities
- Economic Development
- Capital Facilities
- Utilities
- Parks & Recreation
- Optional Elements (Downtown and Stations District Subareas, Public Services, Urban Design & Community Character, etc.)

State Housing Bills Expected to Return in 2024 - Lakewood will Implement by Deadlines *if* Adopted by Legislature

SB 5466 Promoting Transit Oriented Development

- Creates flexible standards for cities to allow larger buildings near transit stops

HB 1245 Lot Splitting

- Allows lots zoned single family of 1,500 sq. ft. or more to be split

HB 1628 Housing Trust Fund

- Increases REET from 4% to 5% on portion of the selling price greater than \$5M, dedicates revenue to HTF
- Local option for a .25% REET for affordable housing