



AGENDA

MEETING: Special/Joint Meeting with the Transportation Commission (Hybrid)

DATE/TIME: Wednesday, January 15, 2025, 5:30 p.m.

LOCATION: Council Chambers, 1st Floor of the Tacoma Municipal Building
747 Market Street, Tacoma, WA 98402

ZOOM INFO: Link: <https://www.zoom.us/j/84416624153>
Dial-in: +1 253 215 8782
ID: 844 1662 4153

A. Call to Order

- Quorum Call
- Land Acknowledgement

B. Approval of Agenda

C. Approval of Minutes

- June 5, 2024
- June 26, 2024 (special meeting)

D. Public Comments

This is the time set aside for public comment on Discussion Items on this agenda.

- Written comments on Discussion Items must be submitted to Planning@cityoftacoma.org by 12:00 noon prior to the meeting. Comments will be compiled, distributed to the Commission, and posted on the Planning Commission's meeting webpage at www.cityoftacoma.org/PlanningCommissionAgendas.
- To comment virtually, join the meeting using Zoom and raise your virtual hand. To comment in person, sign in at the back of the Council Chambers. Where necessary, the Chair may limit the allotted time for comment.

E. Disclosure of Contacts and Recusals

F. Joint Discussion Items

1. Draft Environmental Impact Statement (EIS) Tacoma Dome Link Extension Project (TDLE)

- Description: Receive update on the Tacoma Dome Link Extension (TDLE) and review the draft EIS.
- Action: Review and Comment.



The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the Planning and Development Services Department at (253) 905-4146 (voice) or 711 (TTY) before 5:00 p.m., on the Monday preceding the meeting.

¿Necesitas información en español? Cần thông tin bằng tiếng Việt? 한국어로 정보가 필요하십니까? ត្រូវការព័ត៌មានជាភាសាខ្មែរ?

Нужна информация на русском? Потрібна інформація українською мовою? Contact TacomaFIRST 311 at (253) 591-5000.

- Contact: Brian Boudet (BBoudet@cityoftacoma.org);
Diane Wiatr (diane.wiatr@soundtransit.org)

G. Planning Commission Discussion Items

1. Moratorium on Nomination and Designation of Historic Special Review and Conservation Districts – Revision to Workplan

- Description: Review the proposed revised workplan.
- Action: Review and Approve.
- Contact: Reuben McKnight

2. Planning Commission's 6-Month Outlook

- Description: Extended overview of the Planning Commission's upcoming agendas and key dates for anticipated project milestones.
- Action: Informational.
- Contact: Stephen Atkinson (SAtkinson@cityoftacoma.org)

H. Upcoming Meetings (Tentative Agendas)

(1) Agenda for the February 5, 2025, meeting includes:

- Comprehensive Plan update – Request to Release for Public Hearing and Comment Period
- Picture Pac Ave

(2) Agenda for the February 19, 2025, meeting includes:

- Tideflats Subarea Plan
- South Tacoma Neighborhood Plan
- Climate Action Plan

I. Communication Items

(1) Communications from Staff

(2) **Status Reports by Commissioners** – Picture Pac Ave and the TOD Task Force.

(3) **IPS Agenda** – The Infrastructure, Planning, and Sustainability Committee's next meeting is scheduled for Wednesday, January 22, 2025, at 4:30 p.m. The agenda tentatively includes presentations on the Wastewater and Stormwater Comprehensive Plan update and the South Tacoma Groundwater Protection District Code Update. (Held at 747 Market Street, Tacoma, WA 98402, Conference Room 248 or virtually at <http://www.zoom.us/j/87829056704>, passcode 614650)

J. Adjournment



MINUTES (draft)

MEETING: Regular Meeting (hybrid)

DATE/TIME: Wednesday, June 5, 2024, 5:00 p.m.

PRESENT: Christopher Karnes (Chair), Morgan Dorner, Robb Krehbiel, Brett Marlo, Matthew Martenson, Jordan Rash, Sandesh Sadalge, Brett Santhuff

ABSENT: Anthony Steele (Vice-Chair)

A. Call to Order

Chair Karnes called the meeting to order at 5:01 p.m. A quorum was declared.

Chair Karnes read the Land Acknowledgement.

B. Approval of Agenda

Chair Karnes provided comments regarding the passing of Council Member Ushka and held a moment of silence in her memory.

Commissioner Dorner moved to approve the agenda as submitted. Commissioner Sadalge seconded the motion. The motion passed unanimously.

C. Approval of Minutes

There were no meeting minutes to approve.

D. Public Comments

There were no public comments.

E. Disclosure of Contacts and Recusals

There were no disclosures of contacts or recusals.

F. Public Hearing

1. 2025-2030 Capital Facilities Program Proposed Project List

Chair Karnes called the public hearing to order at 5:04 p.m.

Nick Anderson, Office of Management and Budget, provided an overview of the 2025-2030 Capital Facilities Program (CFP), including what the CFP is, the commission's role, the proposed 2024 project list, and next steps. The commissioners introduced themselves.

The following individuals provided testimony:

- (1) Theresa Pan Hosley – I represent the Chinese Reconciliation Project Foundation. Monday night, I submitted a written comment. I don't know if you've had the opportunity to review it, but we can use these two minutes for our Vice President to read it to you. But what I want to say, is this project has been in the works since 1992. Our board is an all volunteer board - working on this. The project to us, especially to the Chinese community, is a hope – a symbol of hope – a hope for a more harmonious community for our city of Tacoma and for future generations for a brighter and better future for our children.

- (2) Gregory Utz – The officers and members of the Board of the Chinese Reconciliation Project Foundation listed below wish to highlight the opportunity the City of Tacoma has to leverage a \$1 million matching fund provided by the Washington State Legislature in the spring of 2023 to further the completion of the Chinese Reconciliation Park on Tacoma’s waterfront. This project is listed on your document “Proposed Project List for the 2025-2030 Capital Facilities Plan” under parks, but it is yet to show funding. The Chinese Reconciliation Park was proposed by a Citizens Advisory Committee in 1992, adopted by City Council Resolution No. 32415 in 1993, and site preparation began in 1995. In 2001, a Master Plan was adopted, and in 2005, ground was broken for actual construction. Phases I, II, and III have been completed and include shoreline development, symbolic landscape design, signage, a Chinese-style bridge and the “Fuzhou Ting”, a pavilion gifted to the city by our sister city of Fuzhou, China. In 2016, the City Council adopted Resolution No. 39597, authorizing the use of City Council contingency funds in the amount of up to \$90,000 towards the Chinese Reconciliation Project Foundation’s schematic design of a multicultural pavilion as outlined in Phase IV of the Chinese Reconciliation Park Master Site Plan. In 2019, that design was completed and adopted. In 2023, the legislature earmarked a million dollars of matching funds for the initial stages of Phase IV - the major indoor facility that is the center of the park - the “Multicultural Pavilion”. This is the opportunity that we urge the Planning Commission to seize at this time. The Multicultural Pavilion will be a major new cultural venue, allowing everything from city events, such as this summer's hosting of approximately 150 Chinese delegates to a US-China Summit on July 18, to community festivals and other cultural events, to revenue-producing private citizen events such as weddings. Currently, this potential gem on Tacoma's waterfront has one power plug, no water or toilet facilities, and a ground service of crushed construction gravel. It is a site of enormous historical, cultural, and political significance and great possibility, and yet is unfinished and very difficult for anyone to use as intended. The Park and its pavilion would seem to triangulate perfectly between the various aspects of your purview: “community development, cultural facilities, general government municipal facilities, ... local improvement districts, parks and open space...: It has been more than 30 years since the City of Tacoma committed to this project. The members of the Board of the Chinese Reconciliation Project Foundation entrusted by the 1994 City Council resolution with the development of support for the project, urge you to consider funding the Park, to leverage the available state legislature funding opportunity, and to move us closer to a completed Chinese Reconciliation Park. It is unique in the country as an act of “reconciliation” and has been included as such by various groups around the world studying such projects. Tacoma has the opportunity to further its global reputation, as well as its public facilities, by moving forward with this long-envisioned Park.

Chair Karnes closed the public hearing at 5:27 p.m.

The Planning Commission recessed at 5:27 p.m. and reconvened at 5:30 p.m.

2. Permitting Level of Service and Public Notice Code Amendment

Chair Karnes called the public hearing to order at 5:30 p.m.

Shanta Frantz, Senior Planner, provided background and next steps on the proposed code updates.

The following individual provided testimony:

- (1) Kit Burns – My name is Kit Burns. I am an architect. I have a lot of experience, I have worked as an architect for more than forty years. I graduated from WSU. And I want to comment on this particular proposal. I’ve worked on a number of large projects. I was the project manager on Kentlake High School, Auburn Mountview High School, also in Kent. We had extensive offsite work to do. We did not have a critical area. We did have wetlands but did not have a superfund site like the Bridge Industrial project. I have experience in terms of making submittals to agencies. City of Bellevue Interlake High School, Olympia High School, Kent, King County, Auburn Mountview; so I’ve had a lot of experience dealing with a lot of different agencies. The thing I see that is missing in this that is the responsibility of the applicant, the developer. You need to protect yourself from that. What I’d like to do is see if the City of Tacoma would actually make a presentation on the process of getting Bridge Industrial through. Now there are a lot of landmines on that, but it would be a good example. And then I’d like to, and I offer this free as a volunteer, to actually give you a

presentation on the deficiencies of what they submitted. My heart went out to the City of Tacoma and the reviewers. Their documents were a mess, and I can quote you a whole bunch of those easily just off the top of my head. I spent hours looking at those. I've looked at the soils. I've looked at the traffic. I've looked at the wetlands. In my projects, I was always the lead guy, so I had to learn all that stuff from all the agencies. I think if the City of Tacoma staff gave a presentation – it could be abbreviated - show a timeline. You'd see things, for example, when they had comments on traffic. They submitted the traffic report in May, but they didn't get their comments back...I don't know when the City returned them...but they didn't get the comments back until December. So who pays for that time? And then the problem I have with their submittal is that there are so many conflicts. They claim in the documents, for example, that they have four infiltration galleries. That's in the documents/spec, but in the drawings they have seven. So it was such a mess that I don't know, in my opinion, having seen it and they provided the evidence, that they ever had a complete submittal. Now I could look at the traffic report with you and give you some points on that because I have done that. I can give you some points on the soils and the wetlands, and just the overall project. I know the process. At Kentlake High School, we did a two-phase project; we did the site first and then we did the building. Then the building got reviewed; it was a 320,000 square foot project; there were 595 pages, the pages were this big, five spec lines, and we got it done through King County in six months. It's not because they overlooked anything, it's because our application was complete. I can assure you and I can show you if you want, and I will do that for free because I am a volunteer...I can show you the deficiencies and the things they left out that caused your planning department to spend more time and money to get an answer. That's one of the things that needs to be considered on this. I think you'd be more informed if that could happen, and I'm happy to do that. I do have a little bit of an obligation in June, but I could do it, I'll squeeze it in. One final thing, it says any written notice from local government to the applicant for additional information is further required to process the application must include a notice that non-responsiveness for 60 consecutive days may result in 30 days of delay in the application. That's backwards. It should be any delay of 30 days will result in 60 days of additional time. Where your staff loses time on these big projects is getting re-gear'd up. They have to pull out the documents, even if they are electronically. I appreciate the time. I'm happy to make a presentation to you. I'd hope that the City would do that too to give you a highlight and find out what's going on. Thanks.

Chair Karnes closed the public hearing at 5:43 p.m.

G. Discussion Items

1. Home In Tacoma

Elliott Barnett, Senior Planner, outlined the draft recommendation package, including the public hearing process, what was heard from the community, and Commission-recommended amendments, noting the zoning map, design, parking, reduced parking area (RPA) map changes, amenity space and landscaping, bonuses, and unit lot subdivision.

Discussion ensued regarding zoning map changes and the reduced parking area map.

Barnett outlined additional potential amendments to the package regarding amenity space, the RPA map, and landscaping enforcement.

Discussion ensued throughout regarding the effects of the 1,000 square foot (sq ft) cap on large sites, the RPA, and landscaping enforcement.

Commissioner Marlo moved to remove the 1,000 sq ft cap from the package. Commissioner Martenson seconded the motion. The motion passed unanimously.

Commissioner Dorner moved to amend the package to clarify that the RPA (on pg 278 of the Commission packet) includes Neighborhood Commercial Nodes within ½ mile of a transit stop and those would apply to residential uses. Commissioner Marlo seconded the motion. The motion passed with the following votes:

Ayes: 7 – Dorner, Karnes, Krehbiel, Marlo, Martenson, Rash, Sandthuff

Nays: 1 – Sadalge

The commission moved to amend the recommendation letter to include references to a model ordinance for enforcement of tree retention by unanimous consent.

Chair Karnes outlined the Commission's draft recommendation letter.

Discussion ensued regarding canopy loss fees; recognizing Parametrics; historic, cultural, and archaeological resources; and home occupation.

Commissioner Santhuff moved to release the Home In Tacoma package, including the Findings of Fact and Recommendations Report and the recommendation letter to the City Council. Commissioner Marlo seconded the motion. The motion passed unanimously.

H. Upcoming Meetings (Tentative Agendas)

(1) June 19, 2024 – Cancelled

(2) Agenda for the June 26, 2024, special meeting includes:

- Permitting Level of Service Code Amendment – Debrief
- Metro Parks Tacoma Strategic Plan

(3) July 3, 2024 – Cancelled

I. Communication Items

The Commission acknowledged receipt of communication items on the agenda.

Brian Boudet, Planning Division Manager, noted the following:

- The June 26th meeting will be Commissioner Santhuff's last. Commissioners Dorner and Krehbiel are expected to be reappointed, and a new commissioner will begin on July 17th – which will be a joint meeting with the Transportation Commission.
- There are several opportunities for the community to attend a One Tacoma visioning workshop.

Commissioner Rash and Chair Karnes provided an update on the TOD Taskforce's current work.

J. Adjournment

The meeting was adjourned at 7:14 p.m.

**These minutes are not a direct transcription of the meeting, but rather a brief capture. For full-length audio recording of the meeting, please visit:*
http://www.cityoftacoma.org/government/committees_boards_commissions/planning_commission/agendas_and_minutes/



MINUTES (draft)

MEETING: Special Meeting (hybrid)

DATE/TIME: Wednesday, June 26, 2024, 5:00 p.m.

PRESENT: Anthony Steele (Vice-Chair), Morgan Dorner, Brett Marlo, Matthew Martenson, Jordan Rash, Brett Santhuff

ABSENT: Christopher Karnes (Chair), Robb Krehbiel, Sandesh Sadalge

A. Call to Order

Vice-Chair Steele called the meeting to order at 5:00 p.m. A quorum was declared.

Vice-Chair Steele read the Land Acknowledgement.

B. Approval of Agenda

Commissioner Rash moved to approve the agenda as submitted. Commissioner Santhuff seconded the motion. The motion passed unanimously.

C. Public Comments

Stephen Atkinson, Principal Planner, noted that one written comment was received regarding Metro Parks's System and Strategic Plan.

No individuals addressed the Planning Commission.

Public Comment ended at 5:03 p.m.

D. Disclosure of Contacts and Recusals

There were no disclosures of contacts or recusals.

E. Discussion Items

1. Metro Parks Tacoma Systems and Strategic Plan 2024-2030

Alisa O'Hanlon Regala, MetroParks, provided an update on Metro Parks's System & Strategic Plan, including the process, top priorities, park access, cultural alignment, strategic collaborations, and strategic directions.

Discussion ensued regarding acquiring property to eliminate gaps, green infrastructure, targeted outreach, partnerships, weatherization, spraygrounds, rights-of-ways, and pursuing impact fees.

The Planning Commission recessed at 6:01 p.m. and reconvened at 6:08 p.m.

2. Permitting Level of Service and Public Notice Code Amendment

Jana Magoon, Land Use Manager, outlined the public hearing testimony and draft code for permitting level of service and public notice.

Discussion ensued regarding the request for a community meeting from neighbors and variance appeals.

Commissioner Dorner moved to forward the draft code as presented to the City Council with a recommendation for adoption. Commissioner Santhuff seconded the motion. The motion passed unanimously.

H. Upcoming Meetings (Tentative Agendas)

(1) July 3, 2024 – Cancelled

(2) Agenda for the July 17, 2024, special meeting includes:

- Capital Facilities Program – Debrief/Recommendation
- One Tacoma Update

I. Communication Items

The Commission acknowledged receipt of communication items on the agenda.

Atkinson noted that this was Commissioner Santhuff's last meeting. Commissioner Santhuff provided closing remarks to the Commission.

J. Adjournment

The meeting was adjourned at 6:41 p.m.

**These minutes are not a direct transcription of the meeting, but rather a brief capture. For full-length audio recording of the meeting, please visit:*
http://www.cityoftacoma.org/government/committees_boards_commissions/planning_commission/agendas_and_minutes/



To: Transportation Commission
Planning Commission

From: Brian Boudet, Planning Division Manager

Subject: Sound Transit – Tacoma Dome Link Extension – Draft Environmental Impact Statement (DEIS)

Memo Date: January 8, 2025

Meeting Date: January 15, 2025

Overview:

At the January 15, 2025, joint meeting of the Transportation and Planning Commissions, staff from Sound Transit will give an update on the [Tacoma Dome Link Extension \(TDLE\)](#). TDLE will add nearly 10-miles of mostly elevated light rail tracks between Federal Way and Tacoma, including four new light rail stations in the South Federal Way, Fife, East Tacoma/Portland Avenue and Tacoma Dome areas. The project is currently expected to begin service in 2035. Sound Transit just reached a key milestone on the project, issuing the Draft Environmental Impact Statement (DEIS) for the project and opening a public comment period through February 10 with robust community engagement throughout the South Sound. Sound Transit will be using the DEIS and associated community input to inform the next key milestone for the project, when the Sound Transit Board decides to retain or modify the preferred stations and route alternative, which is schedule for this summer. The DEIS, project background, information about upcoming public meetings, methods for providing public comment, and lots of additional materials are available on the [TDLE DEIS webpage](#), including the following, useful summary documents:

- [Draft EIS Executive Summary](#)
- [Alternatives Guide](#)
- [Station Planning Report Part 2 \(just has the Tacoma stations\)](#)

Action:

The Commissions will have the opportunity to, if they chose, provide input to Sound Transit as part of the DEIS process and/or to the City Council in support of the upcoming decision on the preferred alternative. That input could be provided together or separately.

Background:

Sound Transit is inviting review and comment on the Tacoma Dome Link Extension (TDLE) Draft Environmental Impact Statement (DEIS), which describes the light rail routes (called alternatives) and station locations under consideration and how each alternative might affect the surrounding natural and built environment. The Draft EIS details the project's potential impacts, benefits, and mitigation strategies. Feedback received will guide Sound Transit and the Board in selecting the project's preferred alternative in 2025. The Board will select the project to be built after the Final EIS is published, which is expected in 2027.



City Staff Contact:

- Brian Boudet, bboudet@cityoftacoma.org

Attachments:

Staff is providing copies of the prior comments from the environmental scoping phase in 2019. While some time has passed, and thus the project, options, terminology, and amount of study have progressed significantly since then, these may, at a minimum, be useful to remind the Commissions of the key issues identified previously.

- Attachment 1 – Transportation Commission TDLE Scoping Comments
- Attachment 2 – Planning Commission TDLE Scoping Comments
- Attachment 3 – City Manager TDLE Scoping Comments

c. Peter Huffman, Director



City of Tacoma
Transportation Commission

April 24, 2019

Ryan Mello, Chair
Infrastructure, Planning, and Sustainability Council Committee
747 Market Street, Suite 1000
Tacoma, WA 98402

Re: Sound Transit Tacoma Dome Link Extension

Dear Chair Mello,

Formed in 2013, the City of Tacoma Transportation Commission leads community efforts to ensure the transportation system investments in the City of Tacoma prioritize safety, efficiency and effectiveness. This letter identifies Tacoma Dome Link Extension station location preferences, and the rationale behind those choices.

In 2016, the Transportation Commission urged the City Council and then Mayor Strickland to fight for Tacoma Dome Link Extension completion by 2028. While the plan is for 2030, this Commission continues to prize timely completion, which requires focusing on only the most desirable locations. Therefore, the Transportation Commission recommends advancing just two elevated station locations at the East Tacoma Station and two elevated station locations at the Tacoma Dome Station for analysis in the next stage. The following recommendations prioritize safe and speedy pedestrian access to destinations and other modes of transit.

City of Tacoma Transportation Commission Recommendation 1

- Move forward East Tacoma Stations ET3A and ET3B for further analysis, with neither being prioritized as our top priority.

City of Tacoma Transportation Commission Recommendation 2

- Move forward Tacoma Dome Station TD2 as our top priority and Tacoma Dome Station TD3 as a secondary priority for further analysis.

For Recommendation 1, the Transportation Commission prefers the East Tacoma Stations ET3A and ET3B. These stations provide the best pedestrian connection to residential development in East Tacoma and to the Puyallup Tribe of Indians casino, a major employment and regional destination. With changing zoning to the west and north of the ET3A and ET3B station positions, this location also promotes future development. In addition to recommending these locations, the Transportation Commission highly recommends:

- A grade separated pedestrian route to the station from both the east and west side of Portland Avenue.

- An enhanced pedestrian and bicycle route to the south, either over I-5 or along existing routes under I-5 with improvements for both safety and the perception of safety.
- Design a pedestrian and bicycle route to the north to connect with the future Tacoma to Puyallup connection.

The other East Tacoma options fail to adequately connect to the East Tacoma neighbors, the primary target of this station location.

For the station location choices in Recommendation 2, the Transportation Commission prioritizes safe and efficient pedestrian movement between the Link, fixed route service, the new Bus Rapid Transit, the Tacoma Link, parking, the Sounder, Sound Transit Express buses, taxis and ride shares. While other stations may appear advantageous, they provide challenges that would cause riders to navigate multiple grade connections (more than one elevator or escalator needed), vehicular conflicts, and longer distances.

Furthermore, TD2 provides the least impact to current and future development. Other stations may require right of way acquisition that would demolish current structures or prevent development in an area designed for density. TD2 also appears to best provide for the potential future Link extension toward the Tacoma Mall area, a continuing Transportation Commission priority.

In designing TD2, the Transportation Commission highly recommends the routes between the Light Rail Platform to the platforms of other modes of transit include:

- No more than one elevator ride.
- No pedestrian/vehicular conflicts.
- A covered route.

Additionally, the Commission recognizes the historic importance of this area in relation to the Puyallup Tribe of Indians. This project should take the utmost care to work in consultation with the Puyallup Tribe of Indians to provide the least amount of disruption to the members of the Tribe, their historical lands, their reservation, and the lands they own.

Overall, the East Tacoma Station options ET3A and ET3B combined with the Tacoma Dome Station option TD2 provide the best connection to local and regional destinations, allow pedestrians the most efficient and safest routes, and will minimize issues that may prevent on-time and on-budget completion. For these reason we urge Sound Transit to choose these stations for additional analysis in the Environmental Impact Statement.

Sincerely,



Dr. Jane Moore
Co-Chair
Transportation Commission



Gerrit Nyland
Co-Chair
Transportation Commission

cc: Mayor Victoria Woodards
Tacoma City Councilmembers
Tacoma City Manager
Steve Wamback, Planning Commission Chair
Claire Chase, Sound Transit



April 17, 2019

Elma Borbe
Sound Transit
401 S. Jackson Street
Seattle, WA 98104

RE: Tacoma Dome Link Extension Scoping Comments

Dear Ms. Borbe:

Thank you for the opportunity to share our thoughts in regards to the scoping for the Tacoma Dome Link Extension (TDLE) project.

The City of Tacoma's Planning Commission has been actively involved in the TDLE process. We have a Commissioner designated to the Stakeholder Group, another Commissioner involved in the Interagency Group (not representing the Commission, but the Puyallup Tribal Administration), Commission liaisons (i.e., City of Tacoma staff) involved in the Interagency Group, and other Commissioners participating in the project as interested citizens. We also appreciate the fact that Sound Transit updated the Planning Commission and the Transportation Commission about the project during a joint session of the two Commissions on March 20, 2019.

We understand that the TDLE project is at a critical juncture, wherein the Sound Transit Board will make decisions in July 2019 on preferred station locations and alignments and any alternatives to move forward into the Environmental Impact Statement (EIS) phase. Recognizing this significance, it is important for the Planning Commission to identify which station locations and alignments we would want to see studied further and any environmental or design considerations that should be specifically addressed in the EIS.

We would like to offer the following thoughts for your consideration. These thoughts were formulated based on the deliberations of the Planning Commission, conducted in coordination with the Transportation Commission.

East Tacoma Station Area:

- 1. Preferred Alternatives** – Our preferred station locations and alignments for the East Tacoma Station Area to move into the EIS process are "ET3A/3B – East 26th Street", which are the alternatives with more potential as indicated in the preliminary conclusion that Sound Transit has been able to reach through Level 1 and Level 2 analyses and community outreach. A lot of the discussion about the East Tacoma Station relates to the desire to effectively serve neighborhoods of Tacoma's east side and specifically the Lower Portland Avenue Mixed-Use Center. To that end, route alignments and station locations were offered south of I-5 for consideration. However, there appeared to be numerous obstacles to these locations, and the Stakeholder Group suggested eliminating these options from consideration. For the remaining potential station locations, there are challenges to siting and designing a station north of I-5 so that it is readily and easily accessible.

- 2. Connection to Lower Portland and McKinley Hill** – Sound Transit should strengthen the pedestrian, bike and transit connections from the station area to the Lower Portland Avenue Mixed-Use Center, particularly on Portland Avenue, East R Street, and Bay Street. We acknowledge that there is strong community desire for a pedestrian bridge over I-5 at East R/Bay Streets. In addition, East L Street should be identified as an important potential access route for people using the station traveling to/from the McKinley Hill area. Sound Transit should consider ET3 station design options that might bridge Portland Avenue with access portals on each side of the street, which could facilitate better linkages to potential development areas on both sides of Portland Avenue and added accessibility for those traveling from McKinley Hill.
- 3. Parking** – The lack of parking at the East Tacoma station area will significantly impact the ridership of the TDLE. We acknowledge, value and support Sound Transit's and the City's efforts in promoting the use of public transportation and enhancing the intermodal connections. However, as much as we would like to believe that the need for parking will soon be a thing of the past, the market is not moving that way very quickly. The need for parking in the area will remain for many years to come. The parking issue should be carefully assessed in the EIS and properly mitigated.
- 4. Street Network** – The existing street network and traffic patterns make this area difficult and ill-suited to locating and accessing a station. Sound Transit should work closely with the City of Tacoma on larger street network/grid improvements and reconfiguration to better serve station access and address traffic flow issues in the area.
- 5. Station Design** – Station design is an opportunity to create a new identity for this area with station architecture that makes a proud statement. We implore Sound Transit to honor this aspiration and fully engage the community in the station design.
- 6. Vision and Zoning** – The current zoning and land-use patterns are not ideal for the type of development generally desired immediately adjacent to a station location. If a station is to be sited here, a larger community conversation should consider how to re-envision and re-invest in this area. The station could be the impetus to redesign some of the streets and intersections to better serve traffic flow, station access, and create a more pedestrian-friendly development area. The Planning Commission and the community as a whole should reconsider the vision and zoning for this area based on the impact and potential benefits of the station location. Particularly, rezoning might be considered for the area north of I-5 between East R/Bay Streets and East L Street up to the existing freight tracks. We encourage Sound Transit to participate in and contribute to the discussion.
- 7. Future Connection to East Side** – From east side stakeholders, the importance of multimodal connections and how transit might integrate with a station was a recurring comment. Worthy of consideration would be how a future expansion of the Tacoma Link (streetcar) or a Bus Rapid Transit (BRT) line serving the Tacoma east side might integrate with such improvements.

Tacoma Dome Station Area and Future System Expansion:

- 8. Cut-and-Cover Consideration** – There are many important considerations to the siting of the TDLE facility in the Tacoma Dome Station Area, however, one of the first key questions is "What type of station is appropriate for this neighborhood?"

To the question, the elevated station and alignment alternatives as currently presented should be a non-starter. An elevated solution may be technically feasible and probably cost advantageous,

however, we have concern for both the visual and development impacts on the current and future neighborhood. The Dome District cannot accommodate additional at-grade crossings in an area already congested with vehicular, rail, and streetcar traffic. There are route alignments and station locations among the presented alternatives that because of topography are likely more viable for below-grade stations.

We believe a below-grade, cut-and-cover station and track facility is more appropriate to the urban fabric, urban design, the sense of place, the intermodal connectivity, and the level of residential and commercial development envisioned for the Dome District. We strongly recommend that the cut-and-cover alternative be further studied in the EIS process. The cut-and-cover consideration fulfills and reinforces many policies and provisions articulated in various elements of the *One Tacoma Plan*, the City of Tacoma's Comprehensive Plan, as exemplified below:

- The cut-and-cover facility can be reasonably construed as a type of "utility" as referred to in this policy: "Whenever feasible, ensure that utilities in designated centers, business districts, and priority pedestrian areas are undergrounded." (Policy PFS-7.15, Public Facilities and Services Element, p. 9-18)
- In the same way, the cut-and-cover can be considered an action to "prioritize undergrounding of utilities in designated centers" that would "reduce and minimize visual clutter related to utility infrastructure." (Policies DD-6.6 and DD-6.5 respectively, Design and Development Element, p. 3-18)
- The cut-and-cover concept is intended to "design for people" and "encourage a creative approach to density." ("Overall Urban Design Goals", Downtown Element, p. DT-45)
- The cut-and-cover facility would "infuse the City's built environment with creative expression and design that encourages expressions of creativity and results in vibrant public spaces where people want to be." (Goal DD-14, Design and Development Element, p. 3-27)
- The cut-and-cover facility supports this policy: "Centers must remain compact enough to increase densities, facilitate economical and efficient provision of utilities, public facilities and services, and support more walking, bicycling, and transit use." (Policy DD-5.17, Design and Development Element, p. 3-15)
- The cut-and-cover facility would help achieve this policy: "Encourage transit stations in centers to provide high density concentrations of housing and commercial uses that maximize the ability of residents to live close to both high-quality transit and commercial services." (Policy UF-9.4, Urban Form Element, p. 2-47)
- The cut-and-cover facility presents a great opportunity to be "located and designed to complement the aesthetics, social interactions and urban design of the community." ("Designed and Located for Community Values", Public Facilities and Services Element, p. 9-17)
- The cut-and-cover facility avoids the concern that "as the downtown grows, poor siting of bulky or tall buildings can adversely impact the environmental quality of surrounding public realm through the loss of sky view and shadowing." ("Livability Criteria to Guide Building and Public Realm Design", Downtown Element, p. DT-23)

- The cut-and-cover consideration implements this policy: "In collaboration with Pierce Transit and Sound Transit design transit stops and inter-modal connections integrated with the public realm, providing gathering spaces and an improved end-to-end transit experience." (Policy 2.3G.A, Downtown Element, p. DT-34)

We have heard conversations during Stakeholder Group meetings and community open houses that suggest cut-and-cover a potentially viable option. We urge Sound Transit to pursue this in the next phase; if not, there will not be the same level of analysis done on both elevated options and below-grade options for the Sound Transit Board to make an informed final decision.

- 9. Over-the-Souder Consideration** – The Over-the-Souder concept has also been brought up as a potentially viable option for the TDLE alignment in the Tacoma Dome Station area. With this option, an elevated track facility would be constructed along and above the existing Souder Commuter tracks and an elevated station adjacent to Freighthouse Square. Similar to the cut-and-cover option, the Over-the-Souder option would result in less impact to the urban fabric, streetscape, and development potential for the area than would elevated alternatives running above existing street corridors. The elevated station would provide the same intermodal connectivity as the existing commuter rail station to the E. 25th Street and Puyallup Avenue area, while allowing more effective connections to the uphill area near E. 26th Street and Tacoma Dome. We encourage Sound Transit to think outside the box and include the Over-the-Souder option in the EIS evaluation process.
- 10. Future Expansion** – Another key factor in the consideration for the siting of the TDLE facility in the Tacoma Dome Station Area is the future potential expansion of the system into the Tacoma Mall Regional Growth Center area and beyond. We appreciate the fact that the study for such expansion has been funded in the ST3 package and Sound Transit has already factored the future expansion in all alternatives as currently presented. However, how an alignment would cross I-705, one of the determining factors for alignment selection, does not seem to have been explicitly articulated in the Level 2 evaluation. We recommend that this issue be specifically addressed in the EIS. Furthermore, we would like to draw your attention to the Brewery District. As anticipated in the *One Tacoma Plan* (Urban Form Element, p. 2-21), the Brewery District is situated between the UWT/Museum District and the Dome District, and has the potential to serve as an important connector between them while it continues to develop into a higher intensity transit-oriented neighborhood in its own right. In recognition of the City's desire to better serve downtown as a residential and employment center, we suggest that Sound Transit consider incorporating a South Downtown/Brewery District Station (perhaps near Tacoma Avenue and S. 27th Street) in the future expansion of the line. This could require a segment of tunnel as part of the alignment which seems more feasible if a below-grade station is the solution for the Tacoma Dome Station Area.
- 11. Preferred Alternatives** – If the cut-and-cover option is moved forward for EIS evaluation, the station location alternatives would be identified and determined, depending on the alignment of tracks and tunnels, the surface access points, underground utilities, water table, topography, and many other factors. We would suggest that "TD4 – East 26th Street In-street" may be a viable, competitive alternative, based on grade changes and due to its centralized location from the surrounding transportation facilities, tourist attractions, and residential and commercial development. If the elevated type of facility is to be moved forward, our preferred alternative is "TD2 – 25th Street West", which is identified as one of the alternatives with more potential. We acknowledge that "TD3 – 25th Street East" is also identified as an alternative with more potential. We do not

necessarily object to that notion, nor would we rule out the possibility of the final station location (if this alignment is selected) being somewhere between TD2 and TD3. We would submit that TD3 may not allow as full an opportunity as TD2 for transit-oriented development near the station area and seamless connections between other modes.

12. Parking – The existing parking garages at the Tacoma Dome station area have been well utilized and operating at capacity on a regular basis. The anticipated lack of sufficient parking in the area will significantly impact the ridership of the TDLE. We acknowledge, value and support Sound Transit's and the City's efforts in promoting the use of public transportation and enhancing the intermodal connections, especially in the Tacoma Dome Station area, which is one of the principal multimodal transportation hubs of the region. We are also fully aware and supportive of the vision for the Dome District area which is to continue to grow and develop into a true urban environment. However, as much as we would like to believe that the need for parking will soon be a thing of the past, the market is not moving that way very quickly. The need for parking in the area will remain for many years to come. The parking issue should be carefully assessed in the EIS and property mitigated.

13. Station Design – Station design is an opportunity to create a new identity for this area with station architecture (elevated option) or station entrance plaza (below-grade option) that makes a proud statement and reinforces the fact that this is the most urban station location in the South Corridor. We implore Sound Transit to honor this aspiration and fully engage the community in the station design.

14. Additional Factors – In addition to the aforementioned suggestions, we would offer the following factors for Sound Transit's consideration for the evaluation and selection of station locations and alignments:

- All potential station locations in the Dome District are in very close proximity to one another. The primary considerations from an advantages and disadvantages standpoint should be how the station would integrate with transfer to other modes and what impact an alignment and station location would have on the character of this area and development potential.
- To achieve the Dome District's vision as a dense urban neighborhood, it is critical that the TDLE project be integrated in a way that facilitates a tight-knit collection of residential, commercial, and institutional uses that maximize the use of private property. Therefore, preference should be given to station locations and alignments that utilize rights-of-way (ROWs) and minimize impact to parcels and their potential development.
- Visual impacts of elevated station and track alignment on the Dome District should be sensibly addressed. This includes the visual impacts of the tail-segment of the track facility reserved for the train switch-back operation and future expansion of the line.
- The Dome District street network is already congested and complicated with frequent signaled intersections, shallow blocks, and track crossings for the streetcar and rail. A grade separated solution should be considered.
- Consideration for the siting of the station and how it relates to transit connections and points of access are critical. This includes a better understanding and analysis of routes of

Elma Borbe, Sound Transit
Re: Tacoma Planning Commission's Comments on TDLE
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travel to the district from Downtown and from South Tacoma via South Tacoma Way/26th Street or from McKinley Hill via D Street.

The Tacoma Dome Link Extension is a 50+ year investment. We applaud Sound Transit for striving to fully engage the community and collaborate with jurisdictions and agencies in the development of this important transportation project. Tacoma, as the largest growth center of the South Puget Sound, is a destination served by TDLE, not just a terminal on the line. While we appreciate Sound Transit's conduct of business in a pragmatic and fiscally responsible manner, we encourage Sound Transit to envision big, look long-term, think outside the box, and stay flexible.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Wamback". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephen Wamback, Chair
Tacoma Planning Commission

- c. Mayor Victoria Woodards and Members of the Tacoma City Council
 - Elizabeth Pauli, Tacoma City Manager
 - Co-Chairs Jane Moore and Gerrit Nyland and Members of the Tacoma Transportation Commission
 - Brian Boudet, Planning Manager, Tacoma Planning and Development Services Department
 - Lisa O'Hanlon, Tacoma Government Relations Office
- Pierce County Representatives on the Sound Transit Board of Directors:
 - Bruce Dammeier, Pierce County Executive
 - Kent Keel, University Place Mayor
 - Kim Roscoe, Fife Mayor
 - Victoria Woodards, Tacoma Mayor



City of Tacoma
City Manager

May 1, 2019

Elma Borbe
Sound Transit
401 South Jackson Street
Seattle, WA 98104

RE: Tacoma Dome Link Extension – Scoping Comments

Dear Ms. Borbe:

Development of the Tacoma Dome Link Extension (TDLE) is a landmark investment for Tacoma and for the Puget Sound region. Communities in the South Sound have been waiting for completion of the LINK “Central Spine” since before ST2. This project will finally connect that spine to the second largest city in the Puget Sound and with the comprehensive web of transportation options that weave the South Sound together and with destinations far beyond.

In recognition of the importance and the City of Tacoma’s role in the successful delivery of the project, we offer the following comments for your consideration during the project’s Environmental Impact Statement (EIS) process.

The City Council is expected to take legislative action in late May or early June 2019 to forward its comments and recommendations to the Elected Leadership Group and the Sound Transit Board. In anticipation and support of the policy-level action of the City Council, which will include specific recommendations on station options that should move forward, our comments are mainly focused on technical issues that should be studied in the EIS process, representing the concerns and suggestions of City staff, as well as community, commission and Council input. In addition, we are also highlighting some of the City’s core values we believe are essential to shaping the TDLE project in a manner that will maximize its potential for connecting our region. Comments are numbered for easy reference and not listed in any particular order of importance.

A. Core Values

- 1. Destination City** – Tacoma is the second largest city in the Puget Sound Region. It is recognized as a Metropolitan City in the Puget Sound Regional Council’s Vision 2040 regional growth strategy, which is the top-tier of its regional designations and an area responsible for absorbing a major share of the population and employment growth of the region. The Dome District is within the City’s Downtown Regional Growth Center, which is designated both locally and regionally as a focus for growth and a major destination within the region. For example, the Tacoma Dome is the largest indoor venue in the state of Washington. In 2017, eight of the top 25 North American tours and five of the top 25 worldwide tours played the Dome. The draw of the Tacoma Dome is just one example, but it alone demonstrates Tacoma’s unique status along the TDLE corridor. As a destination for the region, the state and, in fact, world, we would miss the mark if we did not develop the TDLE in a way that supports the visitor or commuter in feeling that they have arrived at a “place”, versus simply passing

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through. We would like to work with Sound Transit in consciously exploring, designing and incorporating elements that achieve this sense of destination and place.

2. **Equity** – The Equity and Empowerment Framework, adopted by the City Council in 2014, makes equity a consistent guiding principle across City services and policies. Equitable service delivery to residents and visitors is a chief goal of the framework. Equity is also one of the core values identified in *Tacoma 2025*, the City’s Ten-Year Citywide Strategic Plan and Vision adopted by the City Council in 2015. The City supports equitable access to transit and improved access to job centers, consumer amenities and public services. We are aware that Sound Transit is also committed to equity in its service delivery – including maximizing transportation affordability and targeting investment in underserved communities to improve access. We are not only committed, but obligated, to use an equity lens in the development of the TDLE to ensure that its benefits are available to and reach a diversity of populations in our community.

3. **Economic Development** – The City of Tacoma is recognized and expected to serve as a Regional Growth Center for the healthy and sustainable growth of the Puget Sound. In responding to the many challenges and opportunities associated with such growth, the City and the community have consciously made “Economic Vibrancy and Employment” one of our strategic focus areas, as specifically called out in *Tacoma 2025*. We value the light rail extension as a complement and catalyst for economic development. We support Sound Transit’s consideration of economic development as a critical factor and ensuring station locations and the connections between those locations support and promote the economic vitality of our region and City.

4. **Connections** – The vision of Tacoma’s Transportation Master Plan (TMP), an element of the *One Tacoma* Comprehensive Plan, is a sustainable community with many residents, businesses and visitors who have various transportation needs and priorities. The City is strategic in how it plans its transportation system with an emphasis on carrying the people and goods that foster Tacoma’s culture, character, and competitiveness. The transportation system offers multimodal travel options that provide safe access for all users and neighborhoods, encourage healthy living and protect the environment. The TDLE will, without doubt, become a major connection in this vision and, as such, must be consistent with the TMP and the *One Tacoma Plan*.

5. **Urban Fabric** – Transit is recognized today as more than transportation. We look to major cities across our nation for examples of how transit has contributed to and is an integral component of communities that are a tight weave of housing, jobs, entertainment, recreation, services and other qualities of life. We envision the TDLE as a major contributor to that fabric in our community, particularly in the Tacoma Dome Station area where transit-oriented development is occurring at an unprecedented pace. We have a vision for the Dome District as a Transit-Oriented Development hub and a growing, regional Entertainment District (*Tacoma 2025, One Tacoma Plan, South Downtown Subarea Plan*). It is important that the Dome District be viewed as a dense, mixed-use urban area with destination entertainment venues and a high potential for housing development rather than solely as a transit corridor/hub. As indicated previously, the City continues to have concerns about the aesthetic, noise, development and economic impacts associated with a fully elevated corridor, particularly as it travels into Tacoma’s Downtown – in this area in particular, these types of significant infrastructure investments must fit within the already well-established urban

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fabric as this is not a place that can be redesigned around the infrastructure. In that vein, the “cut-and-cover” and the “over-the-Souder” alternatives to the elevated stations and alignments as currently presented that were brought up by participants at Sound Transit’s community workshops, by City staff, and by the Mayor, represent design alternatives that could contribute to the urban fabric of our community and are worthy of further examination. If there are other design alternatives that similarly balance the needs for efficient, convenient transit service while supporting dense, transit-oriented development in a developed urban environment, they should also be explored. Sound Transit must underscore the importance of this factor – integration with and strengthening the existing and planned high-density urban environment – to frame the development of the TDLE.

- 6. Multi-Jurisdictional Partnership** – “Partnerships” is also one of the core values and guiding principles identified in *Tacoma 2025*. We are committed to the continuous collaboration with Sound Transit and other jurisdictions and agencies involved in and affected by the TDLE project. In particular, the City applauds Sound Transit’s efforts to date and encourages continued close coordination with the Puyallup Tribe of Indians, one of our most significant partners. Additionally, the City of Tacoma, the Port of Tacoma, and the Puyallup Tribe have entered into a multi-jurisdictional partnership, along with the City of Fife and Pierce County, to develop a subarea plan for the Tideflats area. This plan will refine the land use and transportation assumptions for the areas surrounding the Tacoma Dome, East Tacoma and Fife Stations. We encourage Sound Transit to work closely with the City to account for this planning effort in the development of the TDLE project.

B. Technical Issues

Through the upcoming environmental review and project design phase, the following specific issues deserve in-depth analysis and special consideration:

1. Safety

- a. Transportation safety should be included as an evaluation criterion for all alternatives. The impact of any at-grade crossings, in particular, should be considered. The draft EIS should also describe the improvements which will be made to the roadway network to enhance safety.
- b. Analyze the potential for this infrastructure facility to create new opportunities for blight and undesirable or criminal activities, and potential Crime Prevention Through Environmental Design (CPTED) options and/or other mitigations that could reduce this potential.

2. Equitable Access

- a. Analyze the impacts on equitable access to job centers, consumer amenities and public services.
- b. Access to and from the new stations must be convenient and safe for all residents, employees and visitors. Both of Tacoma’s station locations will require significant analysis and consideration for access, including the proposed East Tacoma Station as it is separated from many of the surrounding destinations by existing infrastructure barriers (Interstate 5, Souder corridor, etc.)

3. Development Potential

- a. The process must include evaluation of factors relative to how this transit investment can be developed in a manner that is most supportive of economic development, and particularly transit-oriented development, to include maximizing future development potential, avoiding the creation of remnant parcels, and avoiding impacts which may reduce practical or permissible future development due to building offsets, maintenance and constructability concerns, fire and life safety, or related issues.
- b. Analyze route, station locations, and design alternatives to identify options that maximize the potential for dense urban, mixed-use and entertainment developments and minimize the loss of property otherwise available for development, particularly in the Dome District.
- c. Ensure that the station design is integrated into a land use and transportation environment which is significantly denser than the current environment, particularly in the East Tacoma Station area.
- d. The environmental review process must include an examination of consistency with regional transportation and land use plans and the City's adopted policies and plans, including the *One Tacoma* Comprehensive Plan and some of its elements that are most relevant to the projects, such as the Transportation Master Plan and the South Downtown Subarea Plan.

4. Visual, Noise and Urban Design Impacts

- a. Analyze potential visual and urban design impacts, including impacts associated with shading, effects on trees and vegetation, the use and quality of urban public space, obstructing views (especially water views) from planned and future development, the potential for obscured store-fronts and increased signage costs, more difficult access, the potential to physically and psychologically "divide" these neighborhoods, and the potential to limit roadway operations and streetscape design flexibility over time.
- b. Analyze the possible noise and air pollution and evaluate design options and/or mitigations to eliminate or reduce such impacts.

5. Archaeological and Cultural Elements

- a. This corridor passes through areas in close proximity to known culturally significant areas, archaeological sites and designated historic structures, as well as areas that are considered to have a high probability of containing archaeological sites. The environmental review should include an in depth analysis of known elements, potential discoveries and impacts.

6. Street Networks

- a. For the East Tacoma Station, the community noted significant opportunity to reconfigure the existing City street network to enhance the safety and efficiency of access to the project. The City anticipates that some of these reconfigurations may be necessary to adequately provide access to the East Tacoma Station, and that some preliminary design may be required to adequately evaluate the strategies for providing traffic circulation to and from the station.
- b. In the East Tacoma Station area, analyze the impacts to traffic flow on the Portland Avenue corridor, including the impact on freight transportation.

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- c. The Transportation Master Plan designates Portland Avenue as a corridor which is important to many modes of transportation, including high-capacity transit and bicycling. Please ensure that the environmental analysis addresses how the alternatives will support the goals in the City's *One Tacoma* Comprehensive Planning documents. The analysis should address how the designs will integrate with the planned modal priorities along Portland Avenue, including how the proposed station will facilitate connections to future high-capacity transit service and how the station location and design will facilitate connections to the surrounding community via active modes of transportation.
- d. The community workshops identified a need to make enhancements in the vicinity of the East Tacoma Station to address the current lack of active transportation facilities. A representative example is the need to improve connections from the proposed station locations to the community which will be most served by the new station, which is on the opposite side of Interstate 5, and the idea that a new pedestrian bridge from the station area to the casino area could address some of this need. The environmental analysis should discuss how the station will integrate with active transportation facilities on Puyallup Avenue, Bay Street, Portland Avenue, L Street, and a potential new bridge over Interstate 5.
- e. We encourage Sound Transit to adopt a design timeline which accounts for the active participation in the upcoming planning exercises associated with the Tideflats Subarea Plan to re-configure the transportation network and re-imagine land uses around the East Tacoma Station. There may also be significant opportunities for partnership between the City, Port of Tacoma, Sound Transit, Puyallup Tribe and others to work together to re-envision this particular area so that it best capitalizes on this significant investment while meeting the needs of so many different stakeholders.

7. Multimodal Connections

- a. Evaluation of the alternatives, and the location and design of the stations, should place paramount importance on the connections to other modes. Stations should explicitly accommodate, at a minimum, the following transportation choices: transportation network companies, taxis, charter buses, and other for hire vehicles; pedestrians; bicyclists; dockless bike and scooter share; vanpool and carshare; private shuttles; and local and regional bus transit.
- b. Evaluate traffic circulation to and from the station, including both the surface network serving the station and the loading and parking areas at the station. Management of each trip type—parking, bus, shuttle, taxi, transportation network company, and private curbside service, for instance—should be included in the analysis, including the expected strategies for storing and segregating those trips within the station area. The evaluation should also discuss how the station design will accommodate future flexibility in design to accommodate shifting demand for different modes.
- c. Evaluate the potential impacts of the new station and improvements on the planned modal priorities in the Transportation Master Plan, which shows the key networks for each mode.
- d. The transportation and access evaluation will need to account for large events because of the significant, regional entertainment venues located in these stations areas, including the Tacoma Dome and the new Puyallup Tribal Casino.

8. Pedestrian and Bicycle Connections

- a. The analysis should include the degree to which pedestrian access to the new service, and the pedestrian cross-connections to existing services such as Sounder and Tacoma LINK, are separated from other modes. The safety of each connection should be assessed in the environmental documents. For the Tacoma Dome Station, the analysis should consider the extent to which off-street connections can be made directly to other modes of transportation around the area. Safe connections which do not rely solely on the existing connections within the right-of-way will reduce interactions with at-grade rail crossings, intersections, and other potential conflicts.
- b. The City's *One Tacoma* Comprehensive Plan establishes a modal hierarchy which places pedestrians at the highest priority. Pedestrians are assumed to be a priority on every street. The City also views strong pedestrian access as essential to the long-term success of the TDLE. The ease and convenience of active transportation connections should be included as part of the environmental analysis, including whether or not the pedestrian routes are protected from the elements, grade changes, walkway and bikeway widths, bicycle accommodations at stations, running slopes, and the directness and distance of routes.
- c. During the community workshops, several stakeholders mentioned the concept of modifying station locations so that pedestrian access points can be provided on opposite sides of busy streets. This concept would reduce the number of at-grade pedestrian crossings, and should be a design alternative evaluated in the environmental analysis.
- d. Analyze the station locations for best pedestrian connections to job centers and consumer amenities such as shops and entertainment venues, as well as most convenient linkages between transit for tourists and travelers.
- e. Necessary positive outcomes of any transit project must include enhanced personal safety, strong pedestrian and bicycle connections to the rest of downtown and urban amenities such as on street parking in front of shops, walkability and placemaking.

9. Parking

- a. Consider parking impacts along the entire transit system (Tacoma LINK, Pierce Transit). The current concept for the East Tacoma Station does not include any associated parking. While the Tacoma Dome Station has the potential to have some of the best multimodal connections in the region, the East Tacoma Station area is not expected to have the same opportunities. The environmental analysis should discuss how people will travel to and from the East Tacoma Station. If parking is provided, the analysis should discuss how the parking will be managed (e.g., by using congestion pricing and/or providing competitive pricing for vanpools) to help maximize ridership and help the City achieve its mobility, safety, and mode split goals.

10. Construction and Operation Impacts

- a. The impacts of the operation and construction of the alternatives should be included, including impacts to existing businesses and impacts to existing transportation; particularly transit services operating at Tacoma Dome Station.

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- b. Construction of this system will necessitate modifications to existing utility, transportation and other infrastructure. These impacts need to be fully assessed during the environmental review process to ensure the project can be implemented in a way that ensures the continued operation and integration of these other critical facilities.

11. Future Extension

- a. The City's Transportation Master Plan envisions the future extension of Central LINK to the Tacoma Mall Area. This future extension is also incorporated into Sound Transit's long-range plan, and funding for study of this extension was included in the ST3 package. The draft EIS should address the future feasibility of this extension, at least as it relates to station location and design alternatives.

12. Project Delivery

- a. Recognizing the increasing transportation demand of the region, we encourage Sound Transit to explore alternatives which would allow advanced delivery of the project. The evaluation should assess how different alternatives may encourage or discourage the timely completion of the project, including impacts to the feasibility of funding, permitting, or constructability.

Thank you for the opportunity to comment. The City of Tacoma looks forward to our continued partnership on this very exciting project. We believe these types of high-capacity connections are absolutely key to providing the full menu of transportation alternatives necessary to meeting the needs of the region and our growing population in a more sustainable and resilient way. We are committed to continuing to work closely with Sound Transit through the environmental review and project design process to ensure the successful and timely delivery of the TDLE project.

Sincerely,



Elizabeth A. Pauli

City Manager

- c: Mayor Victoria Woodards and Members of the Tacoma City Council
Jackie Flowers, Director, Tacoma Public Utilities
Peter Huffman, Director, Tacoma Planning & Development Services Department
Kurtis D. Kingsolver, P.E., Director, Tacoma Public Works Department
Jeff Robinson, Director, Tacoma Community & Economic Development Department
Brian Boudet, Planning Division Manager, Planning & Development Services Department
Alisa O'Hanlon, Tacoma Government Relations Office



City of Tacoma
Planning and Development Services

To: Planning Commission
From: Reuben McKnight, Historic Preservation Officer
Subject: **Moratorium on Nomination and Designation of Historic Special Review and Conservation Districts – Revision to Workplan**
Memo Date: January 7, 2025
Meeting Date: January 15, 2025

Action Requested:

Adoption of revised workplan proposed in response to Growth Management Hearings Board decision on appeal of the Moratorium on the Nomination and Designation of Historic Special Review Districts, Council Ordinance 28962.

Background:

On April 23, 2024, the City Council adopted Ordinance 28962, establishing a temporary one-year moratorium on the consideration and creation of new local historic overlay districts in residential areas in Tacoma. The effective date of the moratorium was May 5, 2024, ending on May 5, 2025.

Consideration of the moratorium was prompted by issues observed during the consideration of the College Park Historic District, a local historic overlay proposed in the North End in the residential area adjacent to the University of Puget Sound campus. First proposed in 2021, the district was reviewed by the Landmarks Preservation Commission, which recommended adoption of the district, and Planning Commission, which ultimately denied the request on November 2, 2022.

During the initial review of the district application, although their ultimate decisions differed, both the Landmarks and Planning Commission recommended a review of policies and code that govern the process for creating new districts, and a review of Comprehensive Plan policies for alignment and consistency between historic preservation and other critical policy priorities, including housing, equity, and sustainability.

Although the decision was not appealed, there is no mechanism in the municipal code regarding resubmittal of previously denied historic district applications. On May 24, 2023, the applicants again submitted the district for review to the Landmarks Commission, which forwarded the request to the Planning Commission. On August 16, 2023, the Planning Commission voted again to deny the proposal.

Concurrently, on June 20, 2023, the City Council directed the Landmarks and Planning Commissions to study the appropriateness of a potential moratorium on local historic districts, while the commissions studied the issue and implemented its recommendations. Both commissions were tasked with determining whether a moratorium on local historic districts was warranted, and if so, what the duration of a moratorium should be.



The Landmarks Commission found that a moratorium was not warranted, while the Planning Commission, noting particularly the impacts to its workplan, recommended establishing a moratorium. Both Commissions agreed that if a moratorium was to be adopted, the duration should be for one year to provide time to address the issue. The local historic district process would be included in the scope of the upcoming 2024-2025 Comprehensive Plan amendment cycle.

On June 20, 2024, the moratorium was appealed to the Growth Management Hearings Board (GMHB) (decision attached). On December 12, 2024, the GMHB invalidated the moratorium ordinance, finding that the workplan materials submitted in support of the moratorium were insufficient. The City has been given until March 26, 2025, to respond.

Discussion:

In response to the GMHB order, a revised workplan that includes greater detail has been drafted. This document outlines steps taken and to be taken in three primary areas: the Comprehensive Plan Amendment, currently underway; a historic incentives study that is also currently in progress; and a future code development phase to begin this spring following the adoption of the revised Historic Preservation Chapter and in part based on those policy revisions.

It should be noted that the proposed revised workplan outlines steps already taken, or that are planned. The Commission should also be aware that the workplan anticipates code revisions to follow adoption of the Comprehensive Plan amendment package, a sequencing that will require a six-month extension of the existing moratorium, which will require council action in addition to the council action already required to adopt the revised workplan.

Review Schedule:

The tentative schedule below outlines the steps for adoption of the revised workplan and moratorium extension.

Action	Body	Date
Workplan review/ recommendation	Planning Commission	Jan 15
Set Hearing date – moratorium extension	City Council meeting	Jan 28
Public Hearing – moratorium extension	City Council meeting	Feb 11
First reading – moratorium extension and revised workplan	City Council meeting	Feb 25
Final reading	City Council meeting	Mar 4

Staff Contact:

- Reuben McKnight, rmcknigh@cityoftacoma.org
- Brian Boudet, bboudet@cityoftacoma.org

Attachments:

- Attachment 1 – Revised Workplan
- Attachment 2 – Growth Management Hearings Board Case 24-3-0003 Decision

c. Peter Huffman, Director

Historic Moratorium – Workplan Background and Scope

In 2020 and 2022, the City of Tacoma Planning Commission considered and rejected a proposal to establish a new primarily residential local historic district overlay zone in the North End of Tacoma. In both cases, the Landmarks Preservation Commission and the Planning Commission differed in their findings regarding the appropriateness of establishing a local historic district. However, both Commissions recommended that the relevant policies and codes be reviewed at the next available cycle to address consistency and alignment between historic preservation regulations and other City priority policies and initiatives, including:

- A. The Historic Comprehensive Plan Element and associated regulatory codes should be reviewed during the next code and policy amendment process to assess and evaluate compatibility with the broad City policy of objectives concerning diversity, equity and inclusion, to identify barriers, gaps in preservation policy, and criteria used by the Commission, and to identify additional tools and incentives for owners and residents of historic properties.
- B. Specifically, Comprehensive Plan policies and regulatory code relating to historic districts should be reviewed and amended at the earliest appropriate amendment cycle, to include review of consistencies between historic preservation policies and policies elsewhere in the Comprehensive Plan relating to housing, equity, and sustainability.
- C. A review of the historic district designation process to be conducted to clarify the roles and scope of the review by the Landmarks Commission and Planning Commission, and to improve coordination between the two processes.
- D. The City should identify additional resources to support researching and proactive creation of historic districts and designation of historic buildings, especially in areas that are underserved by historic preservation, in order to improve familiarity with and access to historic preservation land use tools, promote investment in older neighborhoods, and celebrate neighborhood identity and enhance quality of life.
- E. The design review fee schedule for properties on the Tacoma Register of Historic Places, including those within locally designated historic districts and individual City Landmarks, should be reviewed, particularly to determine whether the value to the City is appropriately balanced with the impact to community members.
- F. For future local historic district proposals, the Planning Commission concurred with the Landmarks Preservation Commission's recommendation to reduce the burden on property owners and residents within local historic districts by relaxing or reducing design review requirements.

The City Council, per Ordinance No. 28962, enacted a temporary, limited moratorium on the nomination and designation of new Historic Special Review and Conservation Districts to allow for the requested policy and code update to be completed before any new applications were considered.

To address this direction, the City's workplan includes three primary components:

1. Historic Preservation policy review and update (coordinated with the state-mandated periodic Comprehensive Plan update)
2. Historic Preservation Incentives Study (to inform both the policy and code updates)
3. Historic Preservation code amendment (including updates to the designation process and procedures)

Historic Moratorium – Workplan Schedule

Comprehensive Plan Amendment (2024-2025)

Purpose: Address inconsistencies between historic preservation policies and other policy areas within the Comprehensive Plan (Recommendations A, B, C)

Schedule:

Date	Action	Status
Mar - Jun 2024	Community Launch/Citywide Engagement	<i>Complete</i>
July - Dec 2024	Policy Development and Plan Drafting	<i>Complete</i>
October 2024	Planning Commission Briefing on Historic Preservation Element Update to the Comprehensive Plan	<i>Complete</i>
December 2025	Internal Stakeholder review of Draft Plan	<i>Underway</i>
January 2025	Planning Commission review of Draft Plan and release for public comment	
February 2025	Landmarks Commission review of Draft Plan	
March 2025	Planning Commission Public Hearing on Draft Plan	
April 2025	Planning Commission Recommendation	
May 2025	City Council Public Hearing on Recommended Plan	
Jun 2025	Council Adoption	

Historic Preservation Financial Incentives Study

Purpose: Identify tools and incentives for owners and residents of historic properties, to encourage preservation compatible development, and to reduce barriers to access. (Recommendations A, E, F)

Schedule:

Nov - Dec 2023	Request for Proposals Review and Award	<i>Complete</i>
Jan - Feb 2024	Contracting	<i>Complete</i>
Spr - Sum 2024	Stakeholder research and interviews	<i>Complete</i>
Dec 2024 - Jan 2025	Review of Draft Report and Recommendations	<i>Underway</i>
Jan - Mar 2025	Incorporate relevant reviews into Comprehensive Plan Draft and/or Code Draft	

Historic Preservation Code Amendment

Purpose: Amend relevant regulatory codes including TMC Chapters 13.05, 13.07 and 13.12 to address policy amendments to the Comprehensive Plan and district nomination and designation process

Schedule

April - July 2025	Code development and Landmarks/Planning Commission briefings
July 2025	Planning Commission review of Draft Code and release for public comment
August 2025	Landmarks Commission recommendation
August 2025	Planning Commission Public Hearing
September 2025	Planning Commission recommendation
October 2025	City Council Public Hearing
October 2025	Council Adoption

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
CENTRAL PUGET SOUND REGION
STATE OF WASHINGTON

HISTORIC TACOMA, a Washington nonprofit corporation, WASHINGTON TRUST FOR HISTORIC PRESERVATION, a Washington nonprofit corporation, and NORTH END NEIGHBORHOOD COUNCIL, a Washington nonprofit corporation,

Petitioners,

v.

CITY OF TACOMA,

Respondent.

Case No. 24-3-0003

FINAL DECISION AND ORDER

SYNOPSIS

Historic Tacoma, Washington Trust for Historic Preservation, and North End Neighborhood Council (collectively, Petitioners) challenged the validity and consistency with the Growth Management Act (GMA), Ch. 36.70A RCW of Amended Ordinance No. 28962 (Ordinance), published by the Respondent City of Tacoma (City) on April 25, 2024. The challenged Ordinance enacted a moratorium on the nomination and designation of new residential Historic Special Review and Conservation Districts for a period of one year.

The Growth Management Hearings Board (Board) denies Petitioners' challenge as to five of Petitioners' six issues on appeal. As to the sixth issue, the Board concludes that the Ordinance failed to comply with the GMA because the City did not adopt a work plan for studies related to the subject matter of the moratorium, as is required by RCW 36.70A.390 for any moratorium whose period exceeds six months. The Board concludes that the City's

1 failure to adopt a GMA-compliant work plan constitutes a substantial interference with the
 2 goals of the GMA regarding historic preservation and public participation, such that
 3 invalidation of Ordinance is appropriate pursuant to RCW 36.70A.302. The Ordinance is
 4 upheld in all other respects.

5 I. INTRODUCTION

6 A. Tacoma's Process for the Nomination of Historic Districts.

7 The Tacoma Municipal Code (TMC) contains a process for the nomination and
 8 designation of Historic and Special Review Districts (Historic Districts). A nomination for a
 9 new Historic District may originate from the Tacoma City Council or the Tacoma
 10 Landmarks Preservation Commission, a volunteer citizen body appointed by the City
 11 Council.¹ Either the City Council or the Landmarks Preservation Commission may make
 12 the nomination on its own initiative or either body may act on a proposed nomination made
 13 by residents or community groups.² In either case, the Landmarks Preservation
 14 Commission convenes a public hearing on the proposal and then forwards a
 15 recommendation on the proposal to the Tacoma Planning Commission.³ The Planning
 16 Commission then convenes its own public hearing on the proposal.⁴ Following its public
 17 hearing, the Planning Commission either denies the proposal itself (in which case, the
 18 matter is closed subject to possible administrative appeal to the City Council) or else
 19 forwards the proposal with a recommendation for approval to the City Council.⁵ The City
 20 Council then considers the recommendation of the Planning Commission and may
 21 designate a Historic District by ordinance.⁶ A Historic District designation imposes various
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 28 ¹ See TMC 13.07.060 (nomination process); TMC 13.01.050.L (Landmarks Preservation Commission defined).

29 ² TMC 13.07.060.A.

30 ³ TMC 13.07.060.B.

31 ⁴ TMC 13.07.060.C

32 ⁵ TMC 13.07.060.C.5.

⁶ TMC 13.07.060.D.

1 procedural and substantive restrictions on land development within the district, all for the
2 purpose of historic preservation.⁷

3 **B. The City Council Identified a Possible Need for a Moratorium.**

4 On June 20, 2023, the City Council passed Resolution 41226.⁸ The Resolution
5 noted that a request for a new Historic District had been received in 2022 and had gone
6 through the review process described above.⁹ The Resolution noted that both the
7 Landmarks Preservation Commission and the Planning Commission had identified
8 “concerns about the existing historic district designation process, including the need to
9 address equity issues.”¹⁰ The Resolution noted that the City’s upcoming 2024
10 Comprehensive Plan periodic update process was already slated to include a review of the
11 Historic District nomination process, but new nominations for Historic Districts might be
12 received in the meantime, which could potentially raise some of the issues of concern
13 identified by the two Commissions.¹¹ In addition, the processing of new nominations would
14 consume “a great deal of volunteer and staff time.”¹² Accordingly, the Resolution directed
15 the Planning Commission, in coordination with the Landmarks Preservation Commission, to
16 “conduct a public process to develop findings of fact and recommendations as to whether a
17 moratorium on the nomination and designation of new [Historic Districts] is warranted, and
18 if so, to recommend the scope and duration.”¹³

19 **C. The Two Commissions Considered the Need for a Moratorium.**

20 The two Commissions conducted their reviews, as directed by the Resolution, but
21 arrived at different conclusions as to whether a moratorium on new Historic District
22 nominations was warranted. In a memorandum dated October 25, 2023, the Landmarks
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27 ⁷ See, e.g., TMC 13.05.040.C-E; TMC 13.06.020.A; Ch. 13.07 TMC (imposing special regulations on land
28 uses within an approved Historic District).

29 ⁸ Index of the Record (IR) No. 1.

30 ⁹ *Id.*

31 ¹⁰ *Id.*

32 ¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

1 Preservation Commission recommended there not be a moratorium.¹⁴ The Landmarks
 2 Preservation Commission recognized the volunteer and staff burden imposed by new
 3 Historic District nominations, but noted that nominations are infrequent and that no current
 4 nominations were known to be in the pipeline.¹⁵ In the unlikely event that a surprise
 5 nomination were to be proposed, the Landmarks Preservation Commission believed it had
 6 the capacity to process the nomination.¹⁶ The Landmarks Preservation Commission
 7 worried that a moratorium would exert a chilling effect on new nominations, because
 8 nominations often require a lead time of a year or more of work between the initial idea for
 9 a Historic District and the formal submission of a proposal for nomination.¹⁷

11 By contrast, the Planning Commission supported a twelve-month moratorium on
 12 nominations. In a memorandum dated December 18, 2023, the Planning Commission
 13 noted that the City was already working on overhauling the Historic District nomination
 14 process as part of its ongoing Comprehensive Plan update.¹⁸ The Planning Commission
 15 noted in finding no. 17 of its December 18, 2023 memo that “the same identical proposal
 16 has been submitted twice in a short time frame even though it was denied initially by the
 17 Planning Commission, indicating that the existing process does allow for repetitive
 18 submittals.”¹⁹ In its finding no. 23, the Planning Commission recommended that the
 19 nomination process should be updated as part of the Comprehensive Plan update and that
 20 a moratorium should be imposed “until those changes can be made.”²⁰ The Planning
 21 Commission also noted in its finding no. 19 that there is a “known policy/process discussion
 22 that needs to happen to ensure historic districts appropriately balance community benefit,
 23 property rights, the city's growth strategy, other city policies, the city's commitment to
 24
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 26

27 ¹⁴ IR No. 9.

28 ¹⁵ *Id.*

29 ¹⁶ *Id.*

30 ¹⁷ *Id.*

31 ¹⁸ IR No. 12.

32 ¹⁹ *Id.*

²⁰ *Id.*

1 diversity and equity, and other high priority policy areas.”²¹ The Planning Commission
 2 acknowledged the possibility that a moratorium might create an impression that either
 3 the Commission or the City are opposed to Historic Districts, which the Planning
 4 Commission claimed was not the case.²² The Planning Commission recommended a
 5 twelve-month moratorium “to align with the 2024 Comp Plan update, which would serve as
 6 the workplan to address the policy issues that prompted the moratorium.”^{23, 24}
 7

8 **D. The City Adopted the Moratorium Ordinance.**

9 On April 23, 2024, the City Council passed the Ordinance imposing a twelve-month
 10 moratorium on the nomination and designation of new Historic Districts. The Ordinance
 11 noted, in its recitals, that the Planning Commission had already, in November 2023,
 12 adopted its work program related to the 2024 Comprehensive Plan periodic update, a work
 13 program which the City Council’s Infrastructure, Planning, and Sustainability Committee
 14 had already approved in December 2023.²⁵ The Ordinance noted the dispute between the
 15 Landmarks Preservations Commission and the Planning Commission as to the necessity of
 16 a moratorium.²⁶ The Ordinance noted that the Planning Commission had found “there are
 17 significant unresolved policy and code questions relating to historic district creation and that
 18 the [Planning Commission] workplan would benefit from a temporary pause” on new
 19 Historic District review.²⁷ The Ordinance noted the Planning Commission’s belief that prior
 20 to the establishment of any new Historic Districts, “additional study was needed regarding
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 22

23
 24 ²¹ *Id.*

25 ²² *Id.*

26 ²³ *Id.*

27 ²⁴ The Planning Commission’s recommendation to the City Council appears in the record in a memorandum
 28 from the Planning Commission to the City Council dated December 18, 2023. However, the Planning
 29 Commission’s actual vote on the recommendation occurred on November 15, 2023. For this reason, the date
 30 of the Planning Commission’s recommendation sometimes appears in the record as December 18 and
 31 sometimes as November 15. For consistency, the Board has been using December 18 as the date of the
 32 Planning Commission’s recommendation, because that is the date the recommendation and the detailed
 explanation for the recommendation were sent to the City Council.

²⁵ IR No. 21.

²⁶ *Id.*

²⁷ *Id.*

1 the interplay between the current code and the City’s efforts to increase all income housing
 2 availability, and increase housing density within the City.”²⁸ It also noted the Planning
 3 Commission’s belief that further study of the existing code was needed “to focus on
 4 addressing the impacts of systemic racism on home ownership and wealth-building
 5 opportunity for people of color in the City.” The Ordinance also identified a need for
 6 additional time to study the potential that the existing Historic District nomination process
 7 might unintentionally contribute to the “legacy effects of discriminatory housing policies.”²⁹
 8 Accordingly, the Ordinance enacted a moratorium on new Historic Districts in certain
 9 residential land use zones “for a period of one year or until the work is complete which is
 10 less.”³⁰

11
 12 **E. Petitioners Filed Their Appeal and the Record Was Supplemented.**

13 Petitioners filed their petition for review on June 20, 2024, and an amended petition
 14 on June 26, 2024. The Amended Petition for Review raised six issues for review, each of
 15 which the Board considers below.
 16

17 In addition to the City’s Index to the Record filed July 22, 2024, the Board also
 18 included in the record a supplemental email, dated May 12, 2024, proffered by the
 19 Petitioners. At the Board’s request, following the hearing on the merits, the City proffered a
 20 copy of the Planning Commission’s work plan for 2023-2025, approved November 15,
 21 2023, which the Board hereby admits to the record, assigning it Record Index No. 23.
 22

23 The City also proffered the Planning Commission’s current work plan, approved
 24 October 16, 2024. The Board declines to admit the October 16, 2024 work plan to the
 25 record, because it is irrelevant to the question of whether the challenged Ordinance was
 26 supported by a work plan.
 27
 28
 29

30 ²⁸ *Id.*

31 ²⁹ *Id.*

32 ³⁰ *Id.*

II. BOARD JURISDICTION

The Board finds the Petition for Review was timely filed, pursuant to RCW 36.70A.290(2). The Board finds the Petitioners have standing to appear before the Board pursuant to RCW 36.70A.280(2). The Board also finds it has jurisdiction over the subject matter of the Petition pursuant to RCW 36.70A.280(1).

III. STANDARD OF REVIEW

Comprehensive plans and development regulations, and amendments to them, are presumed valid upon adoption.³¹ This presumption creates a high threshold for challengers as the burden is on the petitioners to demonstrate that any action taken by a City is not in compliance with the GMA.³² The Board is charged with adjudicating GMA compliance and, when necessary, invalidating noncompliant plans and development regulations.³³

The scope of the Board's review is limited to determining whether a City has achieved compliance with the GMA only with respect to those issues presented in a timely petition for review.³⁴ The Board is directed to find compliance unless it determines that the challenged action is clearly erroneous in view of the entire record before the Board and in light of the goals and requirements of the GMA.³⁵

³¹ RCW 36.70A.320(1).

³² RCW 36.70A.320(2).

³³ RCW 36.70A.280, RCW 36.70A.302.

³⁴ RCW 36.70A.290(1).

³⁵ RCW 36.70A.320(3) (To find a city's action clearly erroneous, the Board must be "left with the firm and definite conviction that a mistake has been committed." *Dep't of Ecology v. PUD 1*, 121 Wn.2d 179, 201, 849 P.2d 646 (1993)).

IV. ANALYSIS AND DISCUSSION

Issue No. 1 (as presented): Is the residential historic district moratorium enacted by Amended Ordinance 28962 inconsistent with Tacoma's comprehensive plan and inconsistent with several of the goals of the GMA?

Petitioners did not brief Issue No. 1 as it was presented in the Statement of Issues in the Amended Petition for Review and the Board's prehearing order. The Board deems the issue abandoned.³⁶

In lieu of briefing Issue No. 1, Petitioners briefed an issue that did not appear in the Statement of Issues in the Amended Petition for Review or in the Board's prehearing order: whether the GMA, RCW 36.70A.390, authorizes the City to issue a moratorium against what Petitioners called a "completely discretionary" type of land use approval, namely, the City Council's consideration of proposals for new Historic Districts.³⁷

As noted above, the Board may not issue advisory opinions on issues not presented to the Board in the statement of issues in the petition for review or the Board's prehearing order.³⁸ However, this question of whether a moratorium may be issued for "discretionary" land use approvals (as opposed to approvals for land uses "permitted as of right") was discussed at some length in the "Background" section of the Amended Petition for Review.³⁹ Thus, the issue was raised in the Amended Petition, even if it appeared in the wrong section.

In addition, following Petitioners' briefing on the issue, the City responded to the issue at length in its own briefing and even referred to it as Petitioners' "core issue."⁴⁰ Both parties also argued the issue orally during the hearing on the merits. At no point in its

³⁶ WAC 242-03-590(1) ("Failure by such a party to brief an issue shall constitute abandonment of the unbriefed issue.").

³⁷ Pet'rs' Am. Br., 9 –11.

³⁸ RCW 36.70A.290(1).

³⁹ Am. Pet. for Review, 3–5.

⁴⁰ Resp't's Am. Br., 12–14.

1 briefing, in motion practice, or during the hearing did the City ever challenge the inclusion
2 of this issue, nor did the City miss any opportunity to argue the issue.

3 The Board believes that “public policy favors the adjudication of controversies on
4 their merits rather than their dismissal on technical procedural grounds. The purpose of
5 rules of procedure is to place substance over form to the end that cases may resolved on
6 the merits.”⁴¹ Here, where the substantive requirements to present the issue have been
7 met and the issue has been argued without objection, the Board will allow substance to
8 prevail over form.
9

10 **The Board concludes** this issue is properly before it, first because the issue
11 appeared in the Amended Petition for Review (although it should have been listed in the
12 Statement of Issues, not the “Background” section, of the Amended Petition for Review)
13 and second because the parties fully argued the issue both in briefing and at the hearing,
14 and third because the City never objected to inclusion of the issue. Since Issue No. 1 as
15 presented in the Amended Petition was not briefed, the Board will treat this question of
16 moratoria on applications for discretionary land use approvals as if it were Issue No. 1,
17 below.
18
19

20 **Issue No. 1 (as argued by the parties): Does the GMA, RCW 36.70A.390, authorize**
21 **moratoria on applications for discretionary land use approvals, such as applications**
22 **for new Historic Districts?**

23 **Applicable Law:**
24

25 **RCW 36.70A.390 Moratoria, interim zoning controls—Public hearing—Limitation on**
26 **length—Exceptions:**

27 A county or city governing body that adopts a moratorium, interim
28 zoning map, interim zoning ordinance, or interim official control without
29 holding a public hearing on the proposed moratorium, interim zoning map,
30

31 ⁴¹ *Concerned Friends of Ferry Cty. and David L. Robinson v. Ferry Cty.*, GMHB Case. No. 11-1-0003, Order
32 on Mot. for Summ. J. (Dec. 23, 2011), at 4 (citing *Crosby v. Spokane Cty.*, 137 Wn.2d 296 (1999)).

1 interim zoning ordinance, or interim official control, shall hold a public
 2 hearing on the adopted moratorium, interim zoning map, interim zoning
 3 ordinance, or interim official control within at least sixty days of its
 4 adoption, whether or not the governing body received a recommendation
 5 on the matter from the planning commission or department. If the
 governing body does not adopt findings of fact justifying its action before

6 this hearing, then the governing body shall do so immediately after this
 7 public hearing.

8
 9

10 **Board Discussion:**

11 **A. The Board’s Reading of the Plain Text of the Statute.**

12 By its terms, RCW 36.70A.390 does not distinguish between moratoria on
 13 applications for land uses permitted outright (such as, for example, a building permit
 14 application to construct a single-family house on a lot in a single-family zoning district⁴²)
 15 and moratoria on applications for so-called “discretionary” land uses such as new Historic
 16 Districts. Instead, moratoria are authorized without regard to the type of land use approval
 17 subject to moratorium.
 18

19 **B. Petitioners’ Citations to Cases Are Unavailing.**

20 Petitioners did not cite any case in which RCW 36.70A.390 has been interpreted to
 21 apply only to moratoria on applications for non-discretionary land use decisions. Petitioners
 22 cited *Save Our Scenic Area v. Skamania County*, 183 Wn.2d 455, 352 P.3d 178 (2015)
 23 and *Schnitzer West, LLC v. City of Puyallup*, No. 47900-1-II (Wash. Ct. App. July 9, 2019)
 24 (unpublished).⁴³ As the Board reads them, neither case bolsters Petitioners’ argument.
 25
 26
 27

28 ⁴² See, e.g., TMC 2.02.010 (adopting current version of International Residential Code); International
 29 Residential Code (2021) § R105.3.1 (“If the building official is satisfied that the proposed work conforms to
 30 the requirements of this code and laws and ordinances applicable thereto, the building official **shall issue a**
 permit therefor as soon as practicable.”) (emphasis added).

31 ⁴³ The Board observes the latter is an unpublished decision and thus cannot constitute anything more than
 32 potentially persuasive authority. GR 14.1(a).

1 *Save Our Scenic Area* did not involve a challenge to a moratorium ordinance.
 2 Instead, the case involved an allegation that Skamania County had failed to complete a
 3 periodic review of its natural resource lands ordinance as required by the GMA and had
 4 failed to ensure consistency between its development regulations and comprehensive plan
 5 as required by the Planning Enabling Act.⁴⁴ Various development moratorium ordinances
 6 formed part of the background to the *Save Our Scenic Area* case, in that some of the
 7 moratorium ordinances contained language that arguably might have supplied the missing
 8 natural resource lands review.⁴⁵

9
 10 Nothing in the *Save Our Scenic Area* decision indicates that the moratoria were
 11 limited only to non-discretionary land use approvals, as opposed to discretionary land use
 12 approvals. The *Save Our Scenic Area* Court noted only that the purpose of the moratoria
 13 was to “maintain the status quo of the area pending the County’s consideration of
 14 developing zoning classifications.”⁴⁶ The Board acknowledges that this is the usual
 15 purpose behind any moratorium, including the challenged moratorium in the case before
 16 the Board. But the fact that the purpose of a moratorium is to “maintain the status quo of
 17 [an] area” does not bolster the City’s argument. Either a non-discretionary land use
 18 approval such as a building permit or a discretionary land use approval such a Historic
 19 District would alter the status quo of an area. If the purpose of a moratorium is to preserve
 20 the status quo, the Board sees no reason why a moratorium against either type of land use
 21 approval would be disallowed, nor does *Save Our Scenic Area* supply any such reason.
 22
 23

24 The *Schnitzer* case also did not involve a challenge to a moratorium ordinance. The
 25 challenge in *Schnitzer* was to a newly adopted permanent development regulation, namely
 26 the imposition of an overlay zone to a particular property. An earlier moratorium which
 27
 28

29
 30 _____
 31 ⁴⁴ Skamania County is not a full planning county under the GMA, so it is subject to the Planning Enabling
 32 Act’s provision regarding consistency between regulations and comprehensive plan. RCW 36.70.545.

⁴⁵ *Save Our Scenic Area*, 183 Wn.2d at 463.

⁴⁶ *Id.* at 461.

1 formed part of the background to the *Schnitzer* case was described by the Court in dicta as
2 “a 120-day moratorium on *all* development” (emphasis added).⁴⁷

3 Nothing in *Schnitzer* indicates that a moratorium may only be applied against
4 applications for non-discretionary land use approvals. On the contrary, the Court’s use of
5 the phrase “all development” suggests that a moratorium may be applied against
6 discretionary and non-discretionary land use approvals alike, which is consistent with the
7 Board’s reading of RCW 36.70A.390.
8

9 **C. The Question of Vesting of Applications Is Irrelevant.**

10 In defense of its moratorium Ordinance, the City argued that “RCW 36.70A.390
11 allows cities and counties to pause applications during the development of new regulations
12 precisely to *prevent applications from vesting* until new regulations are developed”
13 (emphasis added).⁴⁸ The City argued that “[t]he right at issue in this case is the right to file
14 and vest, not the right to be approved.”⁴⁹ Petitioners replied that the mere filing of an
15 application for a new Historic District does not vest that application.⁵⁰ Petitioners argued
16 that the absence of vesting undermines the justification for the moratorium Ordinance.⁵¹
17

18 The Board agrees with Petitioners that the filing of an application for a new Historic
19 Districts does not vest that application. Historic Districts are not among the land use
20 decisions for which applications are subject to statutory vesting.⁵² Nor has the City of
21 Tacoma adopted a local vesting ordinance relating to Historic District applications, at least
22 not that any party has cited to the Board.⁵³ The City’s defense of the moratorium Ordinance
23 on vesting grounds is without merit.
24

25
26 ⁴⁷ *Schnitzer*, No. 47900-1-II, ¶ 8.

27 ⁴⁸ Resp’t’s Am. Br. at 13.

28 ⁴⁹ *Id.*

29 ⁵⁰ Pet’rs’ Reply at 3.

30 ⁵¹ *Id.* at 4.

31 ⁵² See RCW 19.27.095(1) (vesting for building permit applications); RCW 58.17.033 (vesting for subdivision
32 applications); RCW 36.70B.180 (vesting for development agreements).

⁵³ See *Erickson & Assocs. v. McLerran*, 123 Wn.2d 864, 873, 872 P.2d 1090 (1994) (local jurisdictions may
adopt their own vesting schemes in addition to the statutory vesting scheme adopted by the State).

1 Although the Board agrees with Petitioners as to whether applications for Historic
 2 Districts would vest, the Board believes that the vesting of applications is irrelevant to this
 3 case. Even though an *application* for a new Historic District would not vest, the *approval* of
 4 a new Historic District would create a new set of rights and restrictions on development
 5 within the affected area.⁵⁴ As such, a Historic District would alter the “status quo” of an
 6 area. Therefore, a moratorium on new Historic Districts is an appropriate tool to “maintain
 7 the status quo of the area pending the [City’s] consideration of developing zoning
 8 classifications,” as contemplated in *Save Our Scenic Area*.⁵⁵
 9

10 **D. The Board Rejects Petitioners’ Attack Based on Unnecessity.**

11 Petitioners argued that a moratorium on new Historic Districts is unnecessary to
 12 maintain the status quo, because the City could always maintain the status quo simply by
 13 denying or postponing consideration of any application for a new Historic District during the
 14 pendency of the City’s consideration of new zoning regulations for Historic Districts.⁵⁶ For
 15 three reasons, the Board is unpersuaded by this line of attack.
 16

17 First, it is not correct that the City could indefinitely postpone consideration of an
 18 application for a new Historic District during the pendency of the City’s consideration of new
 19 zoning regulations. If, on the one hand, an application for a new Historic District is
 20 considered a land use permit application, then it would be subject to the requirement for
 21 “fair and timely review” under the Local Project Review Act and its implementing
 22 regulations.⁵⁷ If, on the other hand, an application for a new Historic District is considered is
 23 considered a request for amendment of a Comprehensive Plan, subarea plan, or
 24 development regulation, then it would be subject to the requirement for docketing and
 25
 26

27
 28 ⁵⁴ See, e.g., TMC 13.05.040.C, -.040.D. -.040.E; TMC 13.06.020.A; Ch. 13.07 TMC (imposing special
 regulations on land uses within an approved Historic District).

29 ⁵⁵ *Save Our Scenic Area*, 183 Wn.2d at 461.

30 ⁵⁶ Pet’rs’ Am. Br. at 11.

31 ⁵⁷ WAC 365-196-845(1) (fair and timely review required); WAC 365-196-845(10) (City required to establish
 32 timeline for review of permit applications, which should not exceed 120 days absent written findings specially
 authorizing longer review time).

1 consideration “on at least an annual basis” under the GMA.⁵⁸ In either case, there is no
 2 basis in law for the City to delay consideration of an application for a new Historic District
 3 for an indefinite period of months or years while the City considers potential revisions to its
 4 zoning regulations. If an application is received, the City must issue a decision on the
 5 application.

6 Second, the Board is not convinced that the City could lawfully deny an application
 7 for a new Historic District on the grounds that revisions to the zoning regulations were
 8 under consideration. It seems clear to the Board that, at a minimum, the Planning
 9 Commission could not deny an application on such grounds. The TMC sets forth the
 10 criteria against which the Planning Commission must consider an application for a new
 11 Historic District. These include consideration of whether the affected area:
 12

- 13 • Is at least 50 years old at the time of nomination; and
- 14 • Retains integrity of location, design, setting, materials, workmanship,
 15 feeling, and association such that it is able to convey its historical,
 16 cultural, or architectural significance; or
- 17 • Is associated with events that have made a significant contribution to the
 18 broad patterns of our history; or
- 19 • Is associated with the lives of persons significant in our past; or
- 20 • Embodies the distinctive characteristics of a type, period, or method of
 21 construction, or represents the work of a master, or possesses high
 22 artistic values, or represents a significant and distinguishable entity
 23 whose components may lack individual distinction; or
- 24 • Has yielded or may be likely to yield, information important in prehistory
 25 or history; or
- 26 • Abuts a property that is already listed on the Tacoma Register of Historic
 27 Places and was constructed within the period of significance of the
 28 adjacent structure; or
- 29 • Is already individually listed on the National Register of Historic Places; or

30
 31 ⁵⁸ RCW 36.70A.470(2).
 32

- 1 • Owing to its unique location or singular physical characteristics,
2 represents an established and familiar visual feature of the neighborhood
3 or City.⁵⁹

4 In addition, the proposed Historic District must meet the following criteria:

- 5 • It is associated with events or trends that have made a significant
6 contribution to the broad patterns of our history; and
7 • It is an area that represents a significant and distinguishable entity but
8 some of whose individual components may lack distinction; and
9 • It possesses a significant concentration, linkage, or continuity of sites,
10 buildings, structures, or objects united historically or aesthetically by plan
11 or physical development.⁶⁰

12 Recalling that the Planning Commission exercises denial authority over applications
13 for new Historic Districts,⁶¹ the Board believes that none of these designation criteria would
14 empower the Planning Commission to deny an application on the grounds that new
15 development regulations are under consideration.

16 The City Council exercises both denial and approval authority over applications for
17 new Historic Districts.⁶² The City Council is not explicitly required by the municipal code to
18 follow the Planning Commission's designation criteria in considering an application for a
19 new Historic District. However, the City Council is required to "include a description of the
20 characteristics of the Historic Special Review or Conservation District which justifies its
21 designation."⁶³ In addition, the City's Historic Preservation Officer must send affected
22 property owners "a letter outlining the basis for such designation."⁶⁴ These provisions set
23 limits on the City Council's discretion over applications for new Historic Districts. The Board
24
25

26
27 ⁵⁹ TMC 13.07.040.B.1 (listing designation criteria); TMC 13.07.040.A. (requiring proposed historic resources
28 *and districts* to meet the designation criteria in -.040.B.1); TMC 13.07.040.C.1 (also requiring proposed
29 historic districts to meet the designation criteria in -.040.B.1).

30 ⁶⁰ TMC 13.07.060.C.1 (special criteria for designation of historic districts).

31 ⁶¹ TMC 13.07.060.C.3, -.060.C.5.

32 ⁶² TMC 13.07.060.D.1.

⁶³ TMC 13.07.060.D.2.

⁶⁴ TMC 13.06.070.D.3.

1 is skeptical that the City Council could lawfully deny a proposed Historic District in
 2 disregard of the designation criteria, based solely on the City Council's desire to adopt new
 3 development regulations. An application denial so wholly divorced from any grounds
 4 related to historic preservation might well be considered an erroneous application of the
 5 law to the facts.⁶⁵

6
 7 Third, and most importantly, even if the City could lawfully postpone a decision on
 8 an application in disregard of the timelines established for decision-making, or lawfully deny
 9 an application in disregard of the designation criteria for Historic Districts, that still would
 10 not render the moratorium Ordinance unlawful under RCW 36.70A.390. As noted above,
 11 the Board does not read RCW 36.70A.390 as limited only to non-discretionary land use
 12 approvals. Even it were somehow lawful for the City to enforce a sort of crypto-moratorium
 13 by arbitrarily delaying or denying each and every individual Historic District application on
 14 specious grounds, it would still be lawful under RCW 36.70A.390 (and far preferable from a
 15 public policy perspective) for the City to adopt an open and explicit moratorium against new
 16 Historic Districts, as it has chosen to do here.

17
 18 **The Board finds and concludes** that RCW 36.70A.390 authorizes a moratorium
 19 not only of applications for land uses permitted outright (such as, for example, a building
 20 permit application to construct a single-family house on a lot in a single-family zoning
 21 district) but also for so-called "discretionary" land uses such as new Historic Districts. The
 22 City was not precluded by RCW 36.70A.390 from enacting the challenged moratorium
 23 Ordinance.

24
 25
 26 **Issues 2, 3, 4, 5:**

27
 28 **2. By preventing new residential historic districts from being**
 29 **considered, is Amended Ordinance 28962 inconsistent with**
 30 **RCW 36.70A.020(13), which sets out a goal to "Identify and**

31 ⁶⁵ See RCW 36.70C.130(1)(d) (allowing superior court to reverse local land use decision if the decision is a
 32 "clearly erroneous application of the law to the facts.").

1 encourage the preservation of lands, sites, and structures
 2 that have historical or archeological significance," and
 3 therefore inconsistent with GMA?

4 3. By preventing the designation of new residential historic
 5 districts that limit demolition of existing older homes and
 6 apartment buildings, is Amended Ordinance 28962
 7 inconsistent with GMA's goals to "accommodate housing
 8 affordable to all economic segments of the population of this
 9 state" and "encourage preservation of existing housing
 10 stock" set out in RCW 36.70A.020(4) and therefore
 11 inconsistent with GMA?

12 4. By preventing the historic preservation of neighborhoods of
 13 older buildings that were built with old growth timber, which
 14 is extremely durable and sequesters carbon, is Amended
 15 Ordinance 28962 inconsistent with GMA's mandate to "ensure
 16 ... development regulations ... adapt to and mitigate the
 17 effects of a changing climate; support reductions in
 18 greenhouse gas emissions and per capita vehicle miles
 19 traveled; prepare for climate impact scenarios; foster
 20 resiliency to climate impacts and natural hazards; protect and
 21 enhance environmental, economic, and human health and
 22 safety; and advance environmental justice" set out in
 23 RCW 36.70A.020(14),⁶⁶ and therefore inconsistent with GMA?

24 5. Is Amended Ordinance 28962 inconsistent with GMA because
 25 it is inconsistent with and fails to implement the goals of
 26 Tacoma's comprehensive plan pertaining to historic
 27 preservation that are listed in Appendix A, in particular Goals
 28 DD-5, DD-6, DD-7, DD-13, ED- 5, and Historic Preservation
 29 (HP) Goals 2, 3, 4, 5, 6, 7, 10, 12, 15, 26, 32, and 33?

30 ⁶⁶ In both their amended petition for review and their amended prehearing brief, Petitioners repeatedly,
 31 erroneously cited GMA Goal 14 (climate change) as RCW 36.70A.202(14). The Board repeated the
 32 erroneous citation in its prehearing order. The correct citation is RCW 36.70A.020(14).

1 **Applicable Laws:**

2 **RCW 36.70A.130(1)(e) (Requirements for Amendment of Comprehensive Plan and**
 3 **Development Regulations):**

4 Any amendment of or revision to a comprehensive land use plan shall
 5 conform to [the Growth Management Act]. Any amendment of or revision
 6 to development regulations shall be consistent with and implement the
 7 comprehensive plan.⁶⁷

8 **RCW 36.70A.020 (GMA Planning Goals):**
 9

10 **(4) Housing.** Plan for and accommodate housing affordable to all
 11 economic segments of the population of this state, promote a variety of
 12 residential densities and housing types, and encourage preservation of
 existing housing stock.

13 **(13) Historic preservation.** Identify and encourage the preservation of
 14 lands, sites, and structures, that have historical or archaeological
 15 significance.

16 **(14) Climate change and resiliency.** Ensure that comprehensive plans,
 17 [and] development regulations ... adapt to and mitigate the effects of a
 18 changing climate; support reductions in greenhouse gas emissions and
 19 per capita vehicle miles traveled; prepare for climate impact scenarios;
 20 foster resiliency to climate impacts and natural hazards; protect and
 enhance environmental, economic, and human health and safety; and
 advance environmental justice.

21 **Board Discussion:**

22 **A. Summary of Petitioners' Arguments on Issues No. 2–5.**

23 Petitioners argued that the moratorium Ordinance is inconsistent with and
 24 undermines GMA Goal 13 (historic preservation) because the Ordinance prevents new or
 25 expanded historic district from “even briefly being considered.”⁶⁸ Petitioners' cited their
 26

27
 28 ⁶⁷ None of the parties cited this requirement of the GMA. However, Petitioners argued that local governments
 29 must adopt comprehensive plans that are consistent with the GMA and development regulations that are
 30 consistent with the comprehensive plan, although Petitioners did not cite the source of this rule. The City
 argued the issue in similar terms, against without citation to the rule. The Board deduces that the parties were
 31 most likely referring to the requirements of RCW 36.70A.130(1)(e).

32 ⁶⁸ Pet'rs' Am. Br. at 12.

1 ongoing efforts to develop new historic preservation opportunities in “communities that are
 2 largely minority and/or lower income”⁶⁹ and argued that their historic preservation work will
 3 be “delayed if not entirely discouraged”⁷⁰ by the Ordinance. Petitioners cited specific
 4 “diverse neighborhoods” in Tacoma, including Hilltop, McKinley, and South Tacoma, which
 5 public commenters had identified in the record as “eligible for historic district status.”⁷¹
 6 Petitioners argued that the Ordinance’s legislative findings regarding the potential for
 7 “systemic racism” and “discriminatory housing policies” associated with Historic Districts
 8 lacked supporting evidence in the record.⁷²

9
 10 Petitioners argued that the moratorium Ordinance is inconsistent with GMA Goal 4
 11 to “accommodate housing affordable to all economic segments of the population of this
 12 state” and to “encourage preservation of existing housing stock.”⁷³ Petitioners noted that
 13 houses within designated Historic Districts must undergo special review prior to demolition,
 14 which Petitioners argued leads to the preservation of older homes.⁷⁴ Petitioners argued
 15 these older homes are cheaper, and so preserving them is one way to help meet the
 16 GMA’s affordability goal.⁷⁵ Petitioners pointed to public comments that had been submitted
 17 to the City prior to the Ordinance that had raised similar arguments about the affordability
 18 of historic homes.⁷⁶

19
 20 Petitioners argued that the old-growth timber used in the construction of many older
 21 residential buildings sequesters carbon which would otherwise mix with the atmosphere
 22 and worsen the climate crisis.⁷⁷ Petitioners argued that demolition of older buildings (which
 23 might occur if the buildings were not preserved in a Historic District) would result in the old-
 24
 25

26 ⁶⁹ *Id.* at 13.

27 ⁷⁰ *Id.*

28 ⁷¹ *Id.* at 19

29 ⁷² *Id.* at 13.

30 ⁷³ *Id.*

31 ⁷⁴ *Id.* at 14.

32 ⁷⁵ *Id.*, 14–15.

⁷⁶ *Id.* at 15.

⁷⁷ *Id.* at 16.

1 growth timber being hauled to a landfill, where it would decay, releasing its sequestered
 2 carbon into the atmosphere.⁷⁸ As with the affordability issue, Petitioners cited comments in
 3 the record providing factual evidence in support of their claims.⁷⁹

4 Petitioners cited over a dozen goals and policies of the Tacoma Comprehensive
 5 Plan, all of which encourage the City to reduce demolition and increase historic
 6 preservation at both the project and planning levels.⁸⁰ Petitioners argued that the
 7 moratorium “completely blocks” such efforts in the short term and “discourages them in the
 8 longer term.”⁸¹

11 **B. Summary of City’s Response.**

12 The City’s response was that the City must balance all of the GMA goals, not just
 13 the ones identified by Petitioners.⁸² The City placed its moratorium ordinance in the context
 14 of its ongoing Comprehensive Plan review, itself a response to a directive from the State
 15 Legislature, in which the City will attempt to balance the goal of historic preservation
 16 against many other goals, including especially those relating to housing availability and
 17 affordability.⁸³ The City cited the GMA implementing regulatory requirement to give the
 18 same weight to all of the GMA’s goals⁸⁴ and argued that the City is in the process of
 19 attempting to balance GMA Goals 1 (urban growth), 2 (reduce sprawl), 13 (historic
 20 preservation), and the GMA’s “mandatory elements” of a comprehensive plan, which
 21 require the City to identify and begin to address racially disparate impacts and exclusion
 22 stemming from local zoning regulations, policies, plans, and actions.^{85, 86} The City
 23
 24

25 _____
 26 ⁷⁸ *Id.*, 15–16.

⁷⁹ *Id.* at 17.

27 ⁸⁰ *Id.*, 20–23 (citing Goals DD-5, DD-7, DD-13, HP-2, HP-5, HP-10, HP-11, HP-12, and HP-26; and Policies
 28 DD-5.11, DD-7.1, DD-13.1, DD-13.5, DD-13.6, DD13.11, DD-13.13; and Actions HP-2A and HP-11A).

⁸¹ *Id.* at 22.

⁸² Resp’t’s Am. Br. at 14.

⁸³ *Id.*, 3–5, 10–11.

⁸⁴ WAC 365-196-060(a)(2).

⁸⁵ RCW 36.70A.070(2)(f)-(h).

⁸⁶ Resp’t’s Am. Br., 11–12.

1 emphasized that its moratorium Ordinance is a temporary measure to buy time for the City
2 to accomplish this balancing act. The Ordinance is not a permanent resolution of any of
3 these policy issues.⁸⁷

4 The City did not attempt to fight Petitioners on the merits of Historic Districts. The
5 City did not directly rebut Petitioners' evidence in the record purporting to give factual
6 support to arguments against a moratorium based on historic preservation, affordability,
7 and climate change.⁸⁸ Instead, the City argued the Petitioners' evidence was insufficient to
8 demonstrate that the City's historic preservation goals cannot be reconciled with the City's
9 other state-mandated requirements to increase housing supply and address racial
10 inequities in housing.⁸⁹ The City characterized Petitioners' objections to the Ordinance as
11 "a difference of opinion with elected policymakers."⁹⁰ The City argued that Petitioners'
12 objections had already been heard during the public hearings regarding the potential for a
13 moratorium and that the Planning Commission's findings of fact, expressed in the
14 December 18, 2023 memo,⁹¹ were repeated in the recitals of the Ordinance, proof that the
15 City was not only aware of but was actively working to balance the various, competing
16 goals and policies relevant to historic housing.⁹²

17
18
19
20 **C. The Board Finds that the City Is Attempting to Strike a Balance among the**
21 **Goals and Policies of the GMA and Comprehensive Plan.**

22 The Board agrees with the City that the City is required by the GMA and the GMA's
23 implementing regulations to balance all the goals of the GMA and the Comprehensive
24 Plan.⁹³ The Board finds that the recitals in the Ordinance constitute findings of fact by the
25
26

27 _____
28 ⁸⁷ *Id.* at 10.

29 ⁸⁸ *Id.* at 13.

30 ⁸⁹ *Id.* at 14.

31 ⁹⁰ *Id.*

32 ⁹¹ IR No. 12, summarized *supra*.

⁹² Resp't's Am. Br. at 15.

⁹³ See RCW 36.70A.130(1)(e); WAC 365-196-060(a)(2).

1 City which show the City is attempting to do just that. Among other things, the Ordinance
2 recites that:

- 3 • [B]oth [the Landmarks Preservation Commission and the Planning
4 Commission] noted concerns about the existing historic district
5 designation process and recommended that a review and potential
6 update to the process should be conducted in the earliest possible
7 plan and code amendment cycle.
- 8 • [T]he LPC did not feel that a moratorium was a necessary step to
9 address existing policy issues within the normal scope of its work,
10 but the PC found there are significant unresolved policy and code
11 questions relating to historic district creation...
- 12 • [T]he PC expressed that before the establishment of any new
13 Districts additional study was needed regarding the interplay
14 between the current code and the City's efforts to increase all
15 income housing availability, and increase housing density within
16 the City.
- 17 • [T]he PC further noted that before the establishment of any new
18 Districts study of the current code was needed to focus on
19 addressing the impacts of systemic racism on home ownership
20 and wealth-building opportunities for people of color in the City.
- 21 • [T]he Planning Commission also advised that the Landmarks
22 Commission may need time to review its current program
23 components for potential unintentional contributions to the legacy
24 effects of discriminatory housing policies...⁹⁴

25 These findings of fact are sufficient to justify the moratorium, as required by
26 RCW 36.70A.390. They are also sufficient to persuade the Board that the moratorium
27 Ordinance is not inconsistent with the goals of the GMA or the goals and policies of the
28 Tacoma Comprehensive Plan.

29 First, the moratorium is only a temporary measure.⁹⁵ Any harm the moratorium may
30 cause to historic preservation will be partially mitigated by the moratorium's expiration
31 within the next six months at the latest. Second, the findings of fact that appear in the
32

⁹⁴ IR No. 21.

⁹⁵ By the terms of the Ordinance, it will expire either May 5, 2025 (one year after publication) or whenever the City completes its Comprehensive Plan update, whichever comes first.

1 Ordinance’s recitals show that Historic Districts themselves may lead to conflicts with the
2 GMA. Although Historic Districts inarguably promote the historic preservation goals of the
3 GMA and Comprehensive Plan, and at least arguably promote the housing affordability and
4 environmental goals of the GMA and Comprehensive Plan, the Ordinance’s findings of fact
5 reveal that the Planning Commission and City Council both perceived a possibility that
6 Historic Districts might conflict with some of the racial equity requirements of the GMA. This
7 possibility is sufficient to warrant a moratorium while the City works to resolve the potential
8 conflict.
9

10 In its reply, Petitioners argued that the City Council’s findings of fact to justify the
11 moratorium needed to be supported by “substantial evidence” if the findings are to
12 withstand the Board’s scrutiny on appeal, and that the Ordinance’s findings of fact did not
13 meet that standard.⁹⁶ Petitioners objected particularly strongly to the City Council’s findings
14 of fact that implied new Historic Districts might exacerbate racial inequalities, when
15 Petitioners believe Historic Districts have the opposite effect.⁹⁷
16

17 During the hearing on the merits, the City argued that “substantial evidence” is too
18 high a standard to require of the City Council because the ordinance is a legislative act, not
19 a quasi-judicial one. The City suggested the proper standard for the “findings” required of a
20 moratorium ordinance under RCW 36.70A.390 was merely a rational connection between
21 the evidence in the record and the City’s findings of fact. The City believed the evidence in
22 the record met the required standard, because the City had not arrived at a final
23 determination on the correct balance between housing affordability and supply, historic
24 preservation, and racial equity, but rather was freezing the housing status quo to study
25 those very issues.
26

27 The Board concludes that the lower standard suggested by the City is the correct
28 one, not because the moratorium Ordinance is a legislative act but because it is subject to
29

30 ⁹⁶ Pet’rs’ Reply at 8 (citing the “substantial evidence” standard applied during judicial review of the findings of
31 fact contained in an order issued by the Washington State Pollution Control Hearings Board).

32 ⁹⁷ *Id.*, 5–6.

1 the special procedures for moratoria and interim zoning controls authorized in
 2 RCW 36.70A.390. First, the Board notes that RCW 36.70A.390 itself is silent as to the
 3 quantum of evidence the City Council must find to justify a moratorium. Second, because a
 4 moratorium is only a temporary measure, the Board believes the City may be held to a
 5 lower standard of fact-finding than it would be if it were adopting a permanent regulation on
 6 Historic Districts. Third, the Board is unaware of any previous decision in which it applied
 7 anything more than a cursory examination of a moratorium ordinance's findings of fact.⁹⁸
 8 The Board concludes that the City's findings of fact need not meet a "substantial evidence"
 9 standard, but rather a lower standard of some rational connection between the evidence in
 10 the record and the findings of fact in the Ordinance.
 11

12 The Board finds that the City's findings of fact do meet this standard. The Planning
 13 Commission took testimony from the public, including Petitioners, as to the adverse effects
 14 a temporary moratorium on Historic Districts might have on the City's housing, climate, and
 15 historic preservation goals and policies. The Planning Commission was unpersuaded that
 16 these issues outweighed what the Planning Commissioner perceived, rightly or wrongly, as
 17 the potential for Historic Districts to exacerbate the City's other goals and policies relating
 18 to affordability and racial equity. The City Council ultimately sided with the Planning
 19 Commission over the objections of the public and Petitioners and determined that a pause
 20 on Historic Districts would be appropriate while the City updated its Comprehensive Plan to
 21 balance all these competing issues. Regardless of which side's policy position ultimately
 22 prevails in the forthcoming Comprehensive Plan update, the Board is satisfied that there is
 23 enough evidence to justify a temporary delay on the application of Historic Districts while
 24
 25
 26

27
 28 ⁹⁸ See, e.g., *SHAG v. City of Lynwood*, GMHB Case No. 01-3-0014, Order on Motions (Aug. 3, 2001), at 5
 29 (accepting the recitals of a moratorium ordinance at face value and determining that these recitals constitute
 30 findings of fact sufficient to justify a moratorium); *Mariner Village v. Snohomish Cty.*, GMHB Case No. 08-3-
 31 0003, Order on Motions (September 3, 2008) (emphasizing that the Board's focus in reviewing moratoria and
 32 emergency and interim measures under RCW 36.70A.390 has traditionally been limited to review of
 enactment procedures, systematic extensions of supposedly temporary measures, and "blatant violations" of
 GMA requirements, not consistency with the rest of the GMA as a whole).

1 the update process unfolds, and that putting Historic Districts on hold is not inconsistent
2 with the City's goals and policies relating to housing, climate, and historic preservation.

3
4 **The Board finds and concludes** that Petitioners have not met their burden to show
5 that the City's actions in adopting Ordinance were "clearly erroneous." The Board is not left
6 with a "definite and confirm conviction" that the City violated any of the GMA goals or
7 Comprehensive Plan goals or policies identified by Petitioners in Issues Nos. 2 through 5.
8

9
10 **Issue No. 6. Does Amended Ordinance 28962 violate RCW 36.70A.390 by imposing a**
11 **moratorium of one year rather than 180 days?**

12 **Applicable Laws:**

13
14 **RCW 36.70A.390:**

15 A moratorium, interim zoning map, interim zoning ordinance, or interim
16 official control adopted under this section may be effective for not longer
17 than six months, but may be effective for up to one year if a work plan is
18 developed for related studies providing for such a longer period.

19 **Board Discussion:**

20 In adopting a twelve-month moratorium (as opposed to a six-month moratorium), the
21 City failed to adopt the required work plan "for related studies providing for such a longer
22 period." The City attempted to use its existing work plan for the Comprehensive Plan
23 update as the work plan to justify the Ordinance, but the Comprehensive Plan update work
24 plan does not contain any provisions for "related studies" that would justify keeping the
25 moratorium in place for longer than six months. Therefore, the City violated the GMA in
26 extending the period of the moratorium beyond six months.
27

28 The City was aware of the requirement under RCW 36.70A.390 for a work plan if the
29 period of the moratorium were to exceed six months. The Planning Commission's agenda
30 for its September 20, 2023 meeting contained a memo from the City's Historic Preservation
31 Officer, Reuben McKnight, dated September 11, 2023, in which Mr. McKnight informed the
32

1 Planning Commission that a one-year moratorium would require a work plan “for related
 2 studies requiring such longer period.”⁹⁹ In finding no. 26 of its December 18, 2023
 3 recommendation to the City Council, the Planning Commission identified the existing work
 4 plan for the 2024 Comprehensive Plan update as the work plan to justify the twelve-month
 5 period of the moratorium.¹⁰⁰ In the findings of fact in the Ordinance, the City Council also
 6 identified the existing work plan for the 2024 Comprehensive Plan update as the work plan
 7 to justify the twelve-month period of the moratorium.¹⁰¹
 8

9 As noted above, the City proffered the 2024 Comprehensive Plan update work plan
 10 following the hearing on the merits at the request of the Board. Having reviewed the work
 11 plan, the Board finds it does not meet the requirements of RCW 36.70A.390.

12 The 2024 Comprehensive Plan update work plan was adopted by the Planning
 13 Commission on November 15, 2023 and approved by the City Council’s Infrastructure,
 14 Planning, and Sustainability Committee on December 13, 2023.¹⁰² The work plan contained
 15 a section titled “Expected Work Program for 2024 (Preliminary).”¹⁰³ Among the various
 16 items in the expected work program, the most significant item, and the only one relevant to
 17 amending the nomination process for Historic Districts, was the item titled “GMA 2024
 18 Comprehensive Plan Period Update (Potential Key Issues).”¹⁰⁴ This item included some
 19 fourteen proposed updates to the Comprehensive Plan and four updates to the City’s
 20 zoning code. Of these eighteen proposed updates, the only one relevant to amending the
 21 process for the nomination of Historic Districts read, in its entirety, as follows: “Historic
 22 Preservation Plan Update and Integration (including policy/code review on local historic
 23 districts).”¹⁰⁵
 24
 25

26 _____
 27 ⁹⁹ IR No. 3.

28 ¹⁰⁰ IR No. 12.

29 ¹⁰¹ IR No. 21.

30 ¹⁰² IR No. 23. The work plan was adopted December 13, 2023, while the Ordinance was adopted April 23,
 2024.

31 ¹⁰³ *Id.*

32 ¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

1 Historic Districts also appeared further down in the 2024 Comprehensive Plan
 2 update work plan as one issue among a list of fourteen “ongoing planning issues,” in the
 3 following terms:

4 Historic Preservation, in coordination with the Landmarks Preservation
 5 Commission (e.g., Historic TDR, integration of Historic Preservation Plan
 6 with *One Tacoma* Comprehensive Plan, historic districts process and
 7 standards, preservation incentive tools, educational programs, etc.)¹⁰⁶

8
 9 Nowhere in the work plan was there any mention of studies related to the policy
 10 issues that prompted the moratorium, namely, the need to balance the GMA and
 11 Comprehensive Plan’s competing goals and policies related to historic preservation,
 12 housing availability and affordability, protecting the environment, and advancing racial
 13 equity. Nor did the work plan include any deadlines by which the Planning Commission (or
 14 any other City department or agency) expected to resolve these competing policy issues,
 15 or adopt any amended regulations for nominating new Historic Districts, or take any other
 16 form of concrete action.

17
 18 As the Board reads RCW 36.70A.390, a twelve-month moratorium (as opposed to a
 19 six-month moratorium) may be imposed only “if a work plan is developed for related studies
 20 providing for such a longer period,” meaning there must be a work plan that calls for
 21 studies related to the subject matter of the moratorium, and the additional length of the
 22 moratorium must be necessary for those studies to be completed and action to be taken in
 23 response. Here, the Board sees no description of any studies underway. The Board sees
 24 no connection between the work described in the work plan and the longer period of
 25 moratorium.

26
 27 By way of counterexample, the Board takes official notice¹⁰⁷ of two recent
 28 moratorium ordinances enacted by other cities: the City of Bainbridge Island’s Ordinance
 29

30 ¹⁰⁶ *Id.*

31 ¹⁰⁷ See WAC 242-03-630(4) (authorizing Board to take official notice of ordinances of cities of Washington
 32 State).

1 No. 2020-12, published May 15, 2020,¹⁰⁸ and the City of Bellingham's Ordinance No.
2 2021-08-033, published September 3, 2021.¹⁰⁹

3 Bainbridge Island's moratorium ordinance included a work plan as a separate
4 exhibit. The work plan called for various studies, to be completed by certain times, followed
5 by concrete actions to be taken by the Planning Commission, City staff, and City Council,
6 all with estimated times for completion:
7

8 **Mid-May – June 2020**

9 Staff will gather the applicable visions and goals of the Comprehensive
10 Plan as they relate to the BI and NC zoning districts. Staff will also
11 compile information on self-service storage capacity and demand as well
12 as research regulations of other local jurisdictions regarding self-service
13 storage. Staff will also research the amount of jobs that self-service
14 storage facilities provide and the vacancy rate of existing facilities (if
15 available).

16 **July 2020**

17 Staff will present their findings from their research to the City Council and
18 seek direction from the Council on how to proceed. The various options
19 for the Council to consider may include but are not limited to: 1) limit self-
20 service storage to one of the two zoning districts; 2) develop use specific
21 standards for self-service storage (i.e., design character, require market
22 demand analysis, increased landscape buffers); 3) eliminate self-service
23 storage as an allowed use; or 4) require self-service storage to obtain a
24 conditional use permit in existing or other zoning districts.

25 **August – September 2020**

26 Following direction from the City Council, staff will begin drafting
27 regulations to reflect the Council's direction.
28

29 ¹⁰⁸ Available online at:

30 <https://apps.bainbridgewa.gov/WebLink/DocView.aspx?id=92165&dbid=0&repo=Bainbridge>. Upheld on
31 appeal to the Board on grounds unrelated to the work plan in *Urban Bainbridge LLC II v. City of Bainbridge*
32 *Island*, No. 20-3-0005c, Final Decision and Order (September 23, 2020).

¹⁰⁹ Available online at:

<https://iframe.cob.org/gov/council/abhistory/Lists/Log/Attachments/27254/202108033.pdf>

1 **October 2020**

2 Staff will provide to the Planning Commission draft code changes for
3 consideration at a study session. After holding a public hearing, the
4 Planning Commission will make a recommendation to the City Council on
5 a draft ordinance.

6 **November 2020**

7 The City Council will review and take action on the proposed ordinance or
8 consider another six-month extension if such an extension is necessary
9 to complete the work for the adoption of updated regulations.

10 In similar fashion, though in considerably less detail, Bellingham included its work
11 plan within the text of the moratorium ordinance itself:

12 Section 7. Work Plan. During the renewed moratorium period, City staff
13 will continue to study the issues concerning the nature of single-family
14 dwelling units and minimum densities in RM zones and will include that
15 work with the ongoing legislative review process for the RM project. Staff
16 will prepare a draft ordinance with appropriate revisions to the City's land
17 use regulations and, if necessary, neighborhood plans, perform SEPA
18 review of the draft ordinance, and conduct a public review process for the
19 amendments, which includes public hearings before the City's Planning
20 Commission and City Council.

21 The Bainbridge Island and Bellingham work plans identified the need for ongoing
22 study of specific issues and described a series of concrete actions the City expects to take
23 within the moratorium period to resolve the issue under study. The Bainbridge Island and
24 Bellingham work plans drew a clear, rational connection between the issues requiring
25 further study, the actions the City expected to take, and the need to extend the moratorium
26 period beyond the usual six months. None of this rationale is present in the work plan
27 under review here.

28 **The Board finds and concludes** that the City's enactment of a twelve-month
29 moratorium was clearly erroneous, because the City failed to develop a work plan for
30 studies related to the subject matter of the Ordinance providing for a moratorium period of
31 longer than six months, in violation of RCW 36.70A.390. Specifically, the Board finds that
32

1 Section 2 of the Ordinance, specifying a period of “one year or until the work is complete
2 which is less” is not compliant with RCW 36.70A.390.

3 **The Board remands** the Ordinance to the City to take legislative action to comply
4 with the GMA as set forth in this Order.

5 **V. Invalidity**

6 RCW 36.70A.302(1) empowers the Board to invalidate a comprehensive plan
7 amendment which is found to be inconsistent with the GMA, where the Board “includes in
8 the final order a determination, supported by findings of fact and conclusions of law, that
9 the continued validity of part or parts of the plan or regulation would substantially interfere
10 with the fulfillment of the goals of this chapter.”

11 Above, the Board finds that the City’s enactment of a twelve-month moratorium was
12 clearly erroneous, because the City did not meet the work plan requirement of RCW
13 36.70A.390. The non-compliant ordinance is remanded to the City in this order. The Board
14 now finds the City’s twelve-month moratorium unsupported by a work plan to justify the
15 additional period would substantially interfere with GMA Goal 11 (citizen participation and
16 coordination)¹¹⁰ and GMA Goal 13 (historic preservation).¹¹¹

17 A moratorium represents an extraordinary infringement on the rights of citizens, the
18 Landmarks Preservation Commission, and the Planning Commission to nominate areas of
19 the city for designation as Historic Districts. Such an infringement on rights must not endure
20 longer than necessary. By failing to provide a work plan compliant with RCW 36.70A.390,
21 the City has failed to demonstrate why a twelve-month moratorium, as opposed to some
22 shorter period, is necessary.

23 Although, as discussed above, the Board finds that some period of moratorium was
24 justifiable to give the City breathing space to balance the competing goals and policies of
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29 ¹¹⁰ GMA Goal 11: Citizen participation and coordination. Encourage the involvement of citizens in the
30 planning process, including the participation of vulnerable populations and overburdened communities, and
ensure coordination between communities and jurisdictions to reconcile conflicts.

31 ¹¹¹ GMA Goal 13: Historic preservation. Identify and encourage the preservation of lands, sites, and
32 structures, that have historical or archaeological significance.

1 the GMA and Comprehensive Plan, that does not mean the City may impose a moratorium
2 for a period untethered to any ongoing studies or concrete proposals for action. If a twelve-
3 month moratorium was indeed necessary, the City's work plan should have been able to
4 explain what the additional time would be used to accomplish. The work plan the City
5 submitted did not provide any such explanation.

6
7 The Landmarks Preservation Commission, Petitioners, and numerous members of
8 the public rightly pointed out that a moratorium may have a chilling effect on nominations
9 for Historic Districts, especially in light of the long lead time needed to prepare a successful
10 nomination. The Board is convinced that a moratorium whose duration is untethered to its
11 purposes will exacerbate the chilling effect to an unacceptable degree. This unjustified
12 chilling effect not only interferes with historic preservation by preventing new Historic
13 Districts; it also interferes with the intense levels of citizen participation that the municipal
14 code mandates for every new Historic District nomination. A shorter moratorium period, or
15 a detailed work plan to justify a longer period, might have justified such extraordinary
16 interference. The non-compliant work plan submitted by the City does not.

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18 Although the only non-compliant aspect of the Ordinance is the twelve-month period
19 of the moratorium in the absence of a GMA-compliant work plan, the Board finds it
20 necessary to invalidate the entire Ordinance. To invalidate only Section 2 of the Ordinance,
21 in which the twelve-month period of the moratorium was specified, would leave the
22 moratorium without any expiration date at all, thereby creating an even worse violation of
23 RCW 36.70A.390 than the one the Board seeks to cure. To rewrite Section 2 such that the
24 moratorium expires six months after entering effect would exceed the remedial powers of
25 the Board under RCW 36.70A.300. To amend the City's work plan would exceed the
26 powers of the Board even farther. The Board is left no choice but to invalidate the
27 Ordinance in its entirety.
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1 **Therefore, the Board enters a determination of invalidity** for the Ordinance.

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3 **VI. ORDER**

4 Based upon review of the Petition for Review, the briefs and exhibits submitted by
5 the parties, the GMA, prior Board orders and case law, having considered the arguments of
6 the parties, and having deliberated on the matter, the Board Finds and Orders:
7

- 8
- 9 • The City of Tacoma's adoption of Amended Ordinance No. 28962 was
10 **clearly erroneous** because the twelve-month period of the moratorium was
11 not justified by a work plan developed for related studies providing for a
12 period of longer than six months, in violation of RCW 36.70A.390.
 - 13 • The Board enters a **determination of invalidity** because the Ordinance
14 substantially interferes with GMA Goal 11 (citizen participation and
15 coordination) and GMA Goal 13 (historic preservation), in that the twelve-
16 month period of the ordinance, untethered to any work-related justification for
17 such a long period, unjustifiably impairs new historic districts and creates a
18 chilling effect on citizen participation in the historic district nomination
19 process.
 - 20 • Challenges to the Ordinance under issues no. 1 through 5 are **denied**.
 - 21 • The Board **remands** the Ordinance to the City to take legislative action in
22 accordance with the following schedule:
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25 Item	Date Due
26 Compliance Due	March 12, 2025
27 Compliance Report/Statement of Actions Taken to 28 Comply and Index to Compliance Record	March 26, 2025
29 Objections to a Finding of Compliance	April 9, 2025
30 Response to Objections	April 18, 2025

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<p>Compliance Hearing Zoom Link or call 1 (800) 704-9804 Meeting ID: 717 545 7612 Passcode: 123456</p>	<p>April 25, 2025 10:00 a.m.</p>
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Length of Briefs – A brief of 15 pages or longer shall have a table of exhibits and a table of authorities. WAC 242-03-590(3) states: “Clarity and brevity are expected to assist a board in meeting its statutorily imposed time limits. A presiding officer may limit the length of a brief and impose format restrictions.” **Compliance Report/Statement of Actions Taken to Comply shall be limited to 20 pages, 25 pages for Objections to Finding of Compliance, and 5 pages for the Response to Objections.**

SO ORDERED this 12th day of December, 2024.



ALEX SIDLES, Presiding Officer
Board Member



RICK EICHSTAEDT, Board Chair



MARK McCLAIN, Board Member

Note: This is a final decision and order of the Growth Management Hearings Board issued pursuant to RCW 36.70A.300.¹¹²

¹¹² Should you choose to do so, a motion for reconsideration must be filed with the Board and served on all parties within ten days of mailing of the final order. WAC 242-03-830(1), -840. A party aggrieved by a final decision of the Board may appeal the decision to Superior Court within thirty days as provided in

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Appendix A: Procedural matters

On June 20, 2024, Historic Tacoma, Washington Trust for Historic Preservation, and North End Neighborhood Council (collectively, Petitioners) filed a petition for review. The petition was assigned Case No. 24-3-0003.

A prehearing conference was held telephonically on July 11, 2024. Petitioners appeared through its counsel Deborah L. Cade. Respondent City of Tacoma (City) appeared through its attorney Chief Deputy City Attorney Steve Victor.

On August 9, 2024, Petitioners filed a Motion to Supplement the Record. The Order on Motion to Supplement the Record was issued, granting Petitioner's motion.

The Briefs and exhibits of the parties were timely filed and are referenced in this order as follows:

- Petitioners' Prehearing Brief, September 26, 2024 (Petitioners' Amended Opening Brief)
- Response Brief, October 10, 2024 (City's Prehearing Brief)
- Reply Brief, October 21, 2024 (Petitioners' Reply Brief)

Hearing on the Merits

The Hearing on the Merits convened October 28, 2024. The hearing afforded each party the opportunity to emphasize the most important facts and arguments relevant to its case. Board members asked questions seeking to thoroughly understand the history of the proceedings, the important facts in the case, and the legal arguments of the parties.

RCW 34.05.514; RCW 36.01.050. See also RCW 36.70A.300(5); WAC 242-03-970. It is incumbent upon the parties to review all applicable statutes and rules. The staff of the Growth Management Hearings Board is not authorized to provide legal advice.

1 Post-Hearing Addition to the Record

2 Immediately following the Hearing on the Merits, at the Board’s request, the City
3 submitted the Planning Commission’s work plan that was in effect when the challenged
4 Ordinance was issued. The City also, on its own initiative, submitted the Planning
5 Commission’s current work plan. In this Final Decision and Order, the Board admits the
6 Planning Commission’s original work plan and assigns it Index of Record No. 22. The
7 Board strikes the Planning Commission’s current work plan.
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Appendix B: Legal Issues

Per the Prehearing Order, legal issues in this case were as follows:

1. Is the residential historic district moratorium enacted by Amended Ordinance 28962 inconsistent with Tacoma's comprehensive plan and inconsistent with several of the goals of the GMA?
2. By preventing new residential historic districts from being considered, is Amended Ordinance 28962 inconsistent with RCW 36.70A.020(13), which sets out a goal to "Identify and encourage the preservation of lands, sites, and structures that have historical or archeological significance," and therefore inconsistent with GMA?
3. By preventing the designation of new residential historic districts that limit demolition of existing older homes and apartment buildings, is Amended Ordinance 28962 inconsistent with GMA's goals to "accommodate housing affordable to all economic segments of the population of this state" and "encourage preservation of existing housing stock" set out in RCW 36.70A.020(4) and therefore inconsistent with GMA?
4. By preventing the historic preservation of neighborhoods of older buildings that were built with old growth timber, which is extremely durable and sequesters carbon, is Amended Ordinance 28962 inconsistent with GMA's mandate to "ensure ... development regulations ... adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice" set out in RCW 36.70A.202(14), and therefore inconsistent with GMA?
5. Is Amended Ordinance 28962 inconsistent with GMA because it is inconsistent with and fails to implement the goals of Tacoma's comprehensive plan pertaining to historic preservation that are listed in Appendix A, in particular Goals DD-5, DD-6, DD-7, DD-13, ED- 5, and Historic Preservation (HP) Goals 2, 3, 4, 5, 6, 7, 10, 12, 15, 26, 32, and 33?
6. Does Amended Ordinance 28962 violate RCW 36.70A.390 by imposing a moratorium of one year rather than 180 days?

1 As noted in the Final Decision and Order, Petitioners did not brief Issue 1 as it
2 appeared in the Amended Petition for Review or in the Prehearing Order. The Board
3 deemed the issue abandoned. Instead, Petitioners briefed a different issue, whether a
4 moratorium may be enacted against discretionary land use approvals such as historic
5 districts. This issue was mentioned at some length in the Amended Petition for Review.
6 Petitioners and the City both briefed the issue in their filings to the Board. Both parties also
7 argued the issue during the Hearing on the Merits. At no point did the City object to the
8 inclusion of this issue, nor did the City miss any opportunity to argue the issue. The Board
9 concludes that Issue 1, as briefed, was properly before the Board: Does the GMA,
10 RCW 36.70A.390, authorize moratoria on applications for discretionary land use approvals,
11 such as applications for new Historic Districts?
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City of Tacoma
Planning and Development Services

**Agenda Item
G2**

To: Planning Commission
From: Stephen Atkinson, Planning and Development Services
Subject: **6-Month Project Outlook and Tentative Schedule**
Memo Date: January 10, 2025
Meeting Date: January 15, 2025

Action Requested:
Informational.

Discussion:

Staff from Planning and Development Services will provide the Planning Commission with a brief status update on the Commission's current planning initiatives and the tentative project schedules. The presentation will focus on key actions and milestones and the overall approach to facilitate the Commission's review and recommendations.

Background Documents:

- [One Tacoma Comprehensive Plan](#)
- [Tideflats Subarea Plan](#)
- [South Tacoma Groundwater Protection District](#)
- [South Tacoma Neighborhood Plan](#)
- [Picture Pac Ave](#)

Staff Contacts:

- Stephen Atkinson, Principal Planner, satkinson@cityoftacoma.org

Attachments:

- Planning Commission and Long-Range Planning 6-Month Project Outlook

c. Peter Huffman, Director





City of Tacoma
Planning and Development Services

Discussion Item G-2 Planning Commission and Long Range Planning – 6 Month Project Outlook			
Topic	Date	Body	Action
STGPD – Moratorium	January 14	City Council	Resolution to Set a Public Hearing
Comp Plan	January 15	Planning Commission	Engagement Strategy for Public Hearing
Hist-Mor	January 15	Planning Commission	Revised Work Plan
STGPD – Moratorium	January 22	IPS	Briefing on STGPD
STGPD – Moratorium	Feb. 4	City Council	Study Session
STGPD – Moratorium	Feb. 4	City Council	Public Hearing
Comp Plan	Feb. 5	Planning Commission	Public Release
Picture Pac Ave	Feb 5	Planning Commission	Project update
STGPD – Moratorium	Feb 11	City Council	First Reading
Comp Plan	Feb 11	City Council	Study Session
Tideflats	Feb 11	City Council	Study Session
ST NP	Feb 19	Planning Commission	Intro Review
Tideflats	Feb 19	Planning Commission	Intro Review
Climate Action Plan	Feb 19	Planning Commission	Intro Review
Comp Plan	Feb 20	Climate and Sustainability Commission	Intro Review
One Tacoma Events	Feb 15-Feb 28	Community	Open House (3 + 1)
STGPD – Moratorium	Feb 25	City Council	Final Reading
Picture Pac Ave	Late Feb. to Early March	City Council	Study Session
Comp Plan	Mar 5	Planning Commission	Public Hearing + Initial PC Qs
South Tacoma Discussion + CAP	Mar 5	Planning Commission/STC Joint Discussion	Input on scope of actions for both Neighborhood Plan and Comp Plan
Comp Plan	Mar 19	Planning Commission	Debrief
STGPD – Code Update	Mar 19	Planning Commission	Review – Consultant Recs + Public Input
Tideflats	Mar 19	Planning Commission	Public Release
Tideflats	Mar 20	Climate and Sustainability Commission	Intro Review
Comp Plan	April 2	Planning Commission	Direction
STGPD – Code Update	April 2	Planning Commission	Public Release
Tideflats	April 16	Planning Commission	Public Hearing
ST NP	April 16	Planning Commission	Recommendation



City of Tacoma
Planning and Development Services

Comp Plan	April 23 (April 30 is an option)	Planning Commission Special Meeting	Recommendation
STGPD – Code Update	May 7	Planning Commission	Public Hearing
Tideflats	May 7	Planning Commission	Debrief
Picture Pac Ave	May 21	Planning Commission	Draft Review
STGPD – Code Update	May 21	Planning Commission	Debrief + Direction
Tideflats	June 4	Planning Commission	Recommendation
CAPO and CRULP	June 4	Planning Commission	Intro Discussion
STGPD – Code Update	June 18	Planning Commission	Recommendation
Picture Pac Ave	June 18	Planning Commission	Public Release
CAPO and CRULP	July 2	Planning Commission	Draft Review and Direction
CAPO and CRULP	July 16	Planning Commission	Public Release
Picture Pac Ave	July 16	Planning Commission	Public Hearing

Anticipated Council Action Dates:

One Tacoma Comprehensive Plan – Periodic Review and Update

- June 24: Final Reading and Adoption
- Deadline is necessary to complete PSRC Comprehensive Plan Submittal and Certification ahead of the next granting cycle.

South Tacoma Groundwater Protection District – Code Update

- Aug 26: Final Reading and Adoption
- Sep 20: Moratorium expires
- Deadline is necessary to ensure that the ordinance is in effect prior to the expiration of the moratorium on September 20. If not, either the moratorium would lapse prior to the code taking effect or Council would have to enact an emergency moratorium.

Tideflats Subarea Plan

- Oct 28: Final Reading and Adoption
- Dec. 2 Final Reading and Adoption (If additional 45-day comment period is required)
- The goal is complete the adoption of the Tideflats Subarea Plan in 2025. In order to meet this goal, the schedule must build in a backstop: per the adopted intergovernmental Work Plan, if any amendments are proposed to the Plan the City must provide at least a 45 day comment period to ensure that both the public and the participating governments have adequate time to review and comment on the amendments prior to Council Action. Therefore, we must build in that potential timeframe in the project schedule.