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# STAFF REPORT

Date: December 10, 2024  
To: Planning Commission  
From: Brad Medrud, Planning Manager



## General Commercial Residential Mixed Use Amendments

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In response to a potential development proposal, the City is clarifying uses and development standards found in TMC Chapter 18.22 *GC General Commercial* regarding multifamily development in the General Commercial zone district.

The intent of the Planning Commission meeting on Tuesday, December 10, 2024, is to conduct a public hearing on the ordinance, after the conclusion of its joint work session with the City Council that starts at 6 p.m. The Planning Commission was briefed on the ordinance on November 26, 2024.

### 1. Proposed Amendments to TMC 18.22 GC General Commercial

#### A. Purpose

This section describes the purpose for the proposed amendments and provides the proposed language in Ordinance No. O2024-008.

The amendments are intended to clarify that new multifamily uses in the General Commercial zone district should be part of a larger mixed use development having both residential and non-residential uses and instead of requiring a minimum height of five stories of the use, set a minimum density of 40 dwelling units per acre for such multifamily uses. The amendments also establish standards for ensuring that both residential and non-residential uses are developed as part of such projects. Currently there is not a minimum density for residential uses in the General Commercial zone district, nor is there a requirement that they be a part of a mixed use development.

The amendments also simplify the approval process required for the use by removing the requirement for a conditional use permit and public hearing, which in turn addresses the issue of reducing unnecessary barriers to housing. This change reflects that commercial uses of a similar or higher intensity currently do not require a conditional use permit.

In responding to State requirements that the City allow for the construction of housing affordable to all economic classes, the City is planning for 5,694 housing units for those under 80% Area Median Income (AMI) in the next twenty years.

Based on state guidance, housing for those under 80% AMI will need be in high density multifamily developments, such as larger multifamily developments. Based on state guidance, middle housing types, such as fourplexes, triplexes, duplexes, cottage housing, stacked units, and rowhouses and townhomes, do not provide the densities the City needs to support housing for those under 80% AMI.

## B. Proposed Amendments

The new use is proposed to be added to the list of uses permitted outright in the General Government zone district in TMC 18.22.020.

### **18.22.020 Permitted uses.**

*Uses permitted in the GC district are as follows:*

[...]

#### **T. The following multifamily residential:**

**1. Multifamily residential structures with a minimum density of forty dwelling units per acre that are part of a mixed use development in the same structure or site.**

**2. Multifamily residential structures consisting of a minimum of three and a maximum of four stories on sites within one-quarter mile of a degree-granting state education facility. A minimum density of fourteen dwelling units per acre shall be provided. Calculation of density is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs; open space; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:**

**A1. Land that is required to be dedicated for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.**

**B2. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment and infiltration facilities);**

[...]

The currently allowed “high rise residential (five stories or more)” conditional use is proposed to be removed from TMC 18.22.040.

**18.22.040 Conditional uses.**

*Conditional uses in the GC district are as follows:*

A. *Transportation terminals;*

~~B. *High-rise residential (five stories or more);*~~

~~B.C. *Wireless communication towers;\**~~

~~C.D. *Schools;*~~

~~D.E. *Mini-storage facilities;*~~

~~E.F. *The following essential public facilities:*~~

~~1. *Emergency communication towers and antennas;\**~~

~~2. *State education facilities;*~~

~~3. *Large scale state or regional transportation facilities;*~~

~~4. *Prisons, jails and other correctional facilities;*~~

~~5. *Mental health facilities (including but not limited to congregate care facilities; adult residential treatment facilities; evaluation and treatment centers);*~~

~~6. *Inpatient facilities including substance abuse facilities (including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities);*~~

~~F.G. *Private post-secondary education facilities;*~~

~~G.H. *Kennels;*~~

~~H.I. *Campgrounds.*~~

~~[...]~~

A new subsection is proposed to be added to the General Commercial zone district development standards in TMC 18.22.050 to establish standards for ensuring that both residential and non-residential uses are developed as part of such projects.

**18.22.050 Development standards.**

*Development in the GC zone district must meet the following requirements:*

A. *Site area: no minimum, except the lot shall be adequate to provide for required parking, yards and landscaping;*

B. *Lot coverage, maximum impervious surface: eighty-five percent of the total area of the lot;*

C. *Structure height: a maximum height of sixty-five feet; provided, however, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department. Note: New multifamily*

or mixed use projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units would be allowed a maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of seventy-five feet. Projects providing permanently affordable housing units by this method would have to meet the requirements of TMC 18.42.140;

D. Yards.\*

1. Front: no minimum setback,
2. Side: no minimum,
3. Rear: no minimum.

Where any structures or portions of structures are adjacent to any residential zoning district, the minimum structural setback shall be twenty feet. Where structures are constructed over one story, the setback of the structure from the adjacent property line or lines shall be increased by ten feet for every story above the ground level story of the proposed new building, and shall be screened from view in accordance with TMC Chapter 18.47.

E. Park and Open Space Area. New development in this zone district shall set aside land for park and open space area as specified in TMC 17.12.210 and 18.42.130 and the citywide design guidelines.

F. Mixed Use Development. Mixed use development must include both non-residential and multifamily residential uses that meet the following conditions:

1. Multifamily Residential Development.

a. Density. In the area of the project designated for multifamily residential development, multifamily residential development that is part of a mixed use development in the same structure or on the same project site shall have a minimum density of forty dwelling units per acre.

2. Non-Residential Development.

a. Non-residential uses in a mixed use development in the same structure must occupy twenty-five percent or more of the total square footage of the structure.

b. Non-residential uses in a mixed use development in the same project site must occupy forty percent or more of the total square footage of the project site.

\* See Diagram 18.04.670, Yard Determination Diagram, in TMC 18.04.230, Y definitions.

## 2. Next Steps

### A. SEPA Environmental Review of the Ordinance

An Environmental Checklist as a non-project action for the ordinance has been prepared under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC in October 2024, and a Determination of Non-Significance (DNS) was issued on November 22, 2024.

## B. Planning Commission Review and Recommendation Process

The Planning Commission will hold a public hearing on the code amendments ordinance on December 10, 2024, which would occur after the completion of their joint work session with the City Council that starts at 6 p.m. It is expected that following the public hearing and deliberations, the Planning Commission will forward a recommendation on the ordinance to the City Council.

## C. City Council Review and Approval Process

The General Government Committee is scheduled to be briefed on the Planning Commission's recommendation on the code amendments on January 8, 2025, and the City Council is scheduled to consider the proposed code amendments on January 21, 2025. The City Council will need to find that the provisions of the ordinance are in the best interest of and protect the health, safety, and welfare of the residents of the City.