

Assessment Report

Application #2008-03: S-7 Shoreline District Regulations

A. Summary of Application

Type of Amendment:	<input checked="" type="checkbox"/> Comprehensive Plan Text Change <input type="checkbox"/> Land Use Intensity Change <input checked="" type="checkbox"/> Regulatory Code Text Change <input checked="" type="checkbox"/> Area-wide Rezone
Applicant and/or Affiliation:	Walk the Waterfront
Contact:	Rick Rose
Location:	611 and 1001 N. Schuster Parkway
Current Land Use Intensity:	Medium and High Intensity
Current Zoning:	S-7 Schuster Parkway
Size (parcels and/or acres):	Approximately 7 parcels
Description of Amendment Request:	Change the S-7 Shoreline District description and create a new S-7a Shoreline District

A. General Description of the Proposed Amendment:

The amendment proposes to change the S-7 Schuster Parkway Shoreline District description and create a new S-7a Schuster Conservation Shoreline District. The new S-7a Schuster Conservation Shoreline District would include both the Chinese Reconciliation Park property and the Sperry Ocean Dock property. The application also proposes to require that new shoreline permit requests in an historical district or adjacent or adjoining influencing property not be issued if prior permit work has not been completed. The newly created S-7a Schuster Conservation Shoreline District would be bordered to the west by the S-6 Ruston Way Shoreline District and would be bordered to the east by the amended S-7 Schuster Parkway Shoreline District. The S-6 Ruston Way Shoreline District is a mixed use area comprised of parks, a linear walkway, and other water-oriented commercial uses. The existing S-7 Schuster Parkway Shoreline District includes the Chinese Reconciliation Park property, the Sperry Ocean Dock property, some vacant land, and other existing water-dependent and water-related industrial uses. There is a commercial district (Old Town), well-established residential neighborhoods, parks, and schools above Schuster Parkway and Ruston Way. The amendment is being proposed because the applicant believes there is an inherent conflict among the industrial uses permitted in the S-7 Schuster Parkway Shoreline District and the adjacent shoreline and residential areas. The applicant also believes that the proposed amendment will provide an opportunity for additional public access, views, and recreational opportunities to the shoreline in a city whose population continues to grow. In addition, the applicant believes that the proposed amendment will alleviate pressure on existing public access sites.



Additional Information:

There is a current shoreline permit application (SHR2007-40000098728) and associated permit applications to allow the redevelopment of existing shoreline structures at the Sperry Ocean Dock to stabilize a small portion of the northwestern bank, replace Berth 1 platform, and create a new pier at the proposed Berth 2 to allow for berthing of two additional vessels. Structures proposed include placement of an electrical transformer and lighting along platform surfaces, and extension of potable water, fire suppression and sewer lines from Berth 1 to the proposed Berth 2 under existing service road. Overall square footage and pile would be reduced. Effects of the placement of riprap along Berth 1 and the construction of the new Berth 1 platform and Berth 2 pier would be offset by clean-up of a large portion of the intertidal and shallow subtidal shoreline along Berth 1. A 100-foot view corridor is proposed to be maintained between the vessels at Berth 1 and Berth 2. This project is vested and this application would not affect the current shoreline permit application but could affect future permits and the future of the continued use and development of the site if the requested changes were approved by the City Council and the Department of Ecology.

B. Assessment Criteria (TMC 13.02.045.F)

1. Determining if the application is complete or what information is needed to make the application complete.

The application is complete. A good analysis of the issue was provided and all of the required materials were submitted.

2. Determining if the request is site specific (i.e., a land use intensity or a zoning change for a specific parcel(s) likely to be under one ownership).

The application does generally meet the definition of “area-wide zoning reclassification” contained in *Tacoma Municipal Code* Section 13.02.043. The request is “comprehensive in

nature and deals with homogenous communities, distinctive geographic areas, and other types of districts having unified interests within the City.....” (TMC Section 13.02.043).

3. Receipt prior to the December 31st deadline (a large volume of requests before the deadline may necessitate that some requests be reviewed in a subsequent year).

The application was received on December 31, 2007.

4. Study of the same area or issue within the last year (this may be cause for the Commission to decline further review).

In the 1990s, the City of Tacoma spent approximately 2 years updating the 1976 *Shoreline Master Program*. There were opportunities for public input and an Urban Waterfront Committee oversaw the update. The Committee was comprised of 9 citizens appointed by the Tacoma City Council. Other neighborhood groups and organizations, such as the Tacoma City Club, were also involved. The recommendation from these groups that worked through staff and ultimately the Planning Commission and Tacoma City Council was to keep similar regulations and intent for the S-7 Schuster Parkway Shoreline District. The updated *Shoreline Master Program* was adopted in 1996.

5. Amount of analysis necessary for the Commission to reach an initial determination (if a large-scale study is required, a request may have to be delayed until the following year due to work loads, staffing levels, etc.).

The level of analysis for review of this proposal is likely to be high. The project would, amongst other things, necessitate a tremendous amount of analysis, review, and input by City staff, neighborhood groups and Councils, business and property owners, and state agencies including the Department of Ecology. This proposal will also be controversial, due to the inherent conflicts between the industrial and residential property owners. These types of land use transitions are always difficult and balancing the compatibility of any changes with the existing industrial users and the adjacent neighborhood will be complicated. However, this project could be incorporated into the existing and ongoing comprehensive update to the *Shoreline Master Program* (as further discussed in item #6 below).

6. Available incorporation into planned or active projects (if a request can be incorporated into a planned or active project, it may receive immediate consideration).

In 2003, the Department of Ecology (DOE) issued new guidelines to assist local governments in meeting the State requirement to conduct a comprehensive review and amendment of a Master Program for Shoreline Development. The guidelines outline procedural steps and substantive requirements that must be met. Tacoma's update to its Shoreline Master Program is an extensive overhaul of the program requiring the City to re-evaluate all shoreline policies, designations and regulations and must be based upon scientific and technical information to assure no “net loss of shoreline ecological functions” while providing for appropriate uses within shoreline areas.

In accordance with the State's updated Shoreline Master Program Guidelines (WAC 173-26), the City is currently in the process of a comprehensive update to its *Shoreline Master Program* and this application could be incorporated into this effort. In fact, due to the WAC requirements, this area/issue will be studied as part of this update—regardless of this application. The update will be comprehensive and is being closely coordinated with the Department of Ecology, as well as Tacoma's environmental, business, and neighborhood communities. The S-7 Schuster Parkway District, along with Tacoma's other 13 shoreline districts and 42 miles of shoreline, will be looked at closely through this process. The goal is to update the *Shoreline Master Program* throughout 2008-2009; with final adoption by the City Council in late 2009 and adoption by the Washington Department of Ecology in 2010 (Ecology ultimately has the final adoption authority over these policies and regulations).

To address the 2005 petition to the Growth Management Hearings Board, the City agreed to move forward with a *Shoreline Master Program* update three years ahead of the state's schedule. Tacoma started a comprehensive update to its *Shoreline Master Program* in 2005, with an inventory and characterization of its existing shoreline conditions. Working with the Department of Ecology to update the *Shoreline Master Program* in a phased manner, it became apparent that this approach was not workable due to numerous issues. The conclusion was that conducting a "comprehensive update" is the necessary regulatory approach to comply with the revised WAC guidelines for shoreline management.

Since coming to this conclusion in 2007, Tacoma and Ecology staff reached an internal agreement that Tacoma would not submit additional limited amendments to its Master Program until the comprehensive update is completed. Since Tacoma has had more than one request to process a limited amendment, it clearly points to a need for the City to update the entire *Shoreline Master Program* and not do piecemeal, limited fixes that may or may not fit into the overall vision for the City.

The other major issue with proceeding with this application separate from the comprehensive *Shoreline Master Program* update is that does not meet the WAC criteria for a "limited amendment," per the Department of Ecology's new guidelines. WAC 173-26-201, Comprehensive process to prepare or amend shoreline master programs, states the following:

- (1) **Applicability.** This section outlines a comprehensive process to prepare or amend a shoreline master program. Local governments shall incorporate the steps indicated if one or more of the following criteria apply:
 - (a) The master program amendments being considered represent a significant modification to shoreline management practices within the local jurisdiction, they modify more than one environment designation boundary, or significantly add, change or delete use regulations;
 - (b) Physical shoreline conditions have changed significantly, such as substantial changes in shoreline use or priority habitat integrity, since the last comprehensive master program amendment;

(c) The master program amendments being considered contain provisions that will affect a substantial portion of the local government's shoreline areas;

(d) There are substantive issues that must be addressed on a comprehensive basis. This may include issues such as salmon recovery, major use conflicts or public access;

(e) The current master program and the comprehensive plan are not mutually consistent;

(f) There has been no previous comprehensive master program amendment since the original master program adoption; or

(g) Monitoring and adaptive management indicate that changes are necessary to avoid loss of ecological functions..

The proposal meets criteria (a) and (g), thus necessitating a comprehensive amendment to the Tacoma *Shoreline Master Program*.

C. Recommendation

Staff recommends that the application not be considered as part of the 2008 Annual Amendment, but does recommend that the issues be studied and considered as part of the comprehensive update to Tacoma's *Shoreline Master Program* being undertaken in 2008-2009.

D. Additional Notes (April 9, 2008):

Per the Planning Commission's direction on February 20, 2008, this application will be made a priority consideration, and relevant issues addressed as soon as feasible, with respect to the *Shoreline Master Program* update. Attached is the draft project schedule for the SMP update, as of April 9, 2008.

Shoreline Master Program (SMP) Update – Schedule (As of April 9, 2008)	
May 2008	Background/Technical Analysis (Shoreline Use Analysis, Restoration Plan, Public Access)
June – August 2008	Public outreach and comment on analysis (Shoreline Use, Restoration Plan, Public Access)
September 2008	Stakeholders Meeting (Walk the Waterfront, Salmon Beach, Titlow Beach, Metro Parks, Narrows Marina, Ruston Way, Port of Tacoma, Marine View Dr., Hylebos WW, Puyallup Tribe, Thea Foss Waterway)
October – June 2008 – 2009	Development of Goals, Policies, Draft Regulations with public outreach and comment
June 2009	Draft SMP completed
August/September 2009	Planning Commission Public Hearing - Review of Draft SMP
November 2009	City Council Public Hearing - Adoption of SMP