



Members:

Staff Liaison:

CALL TO ORDER

Agenda

**ROLL CALL: BOWMAN, ELFERS, ISAACS, LOCKE, SUZNEVICH, NEW COMMISSIONER
SHARON FOCHTMAN**

APPROVAL OF MINUTES

1. Minutes from September 16, 2021

Public Comment

The public may comment on topics that are not on the meeting agenda.

Due to the limited hours of City Hall during the pandemic, public comment will be accepted only via email or call-in to the meeting. The public is strongly encouraged to submit comments via email to annsi@sumnerwa.gov no later than 5:00pm on November 3, 2021. Your comments will be read into the record and limited to 3 minutes each.

NEW BUSINESS

1. Senior Housing Incentives & Code Revisions

OLD BUSINESS

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT



SUMNER PLANNING COMMISSION MEETING

AGENDA – REGULAR MEETING

November 4, 2021 6:00 p.m.

Due to the Covid-19 pandemic and associated restrictions, this meeting will be a VIRTUAL MEETING for Commissioners and the public. See instructions below for attending the meeting virtually.

Planning Commissioners

Carla Bowman
Andy Elfers, Chair
Sharon Fochtman
Mark Isaacs
Kelly Locke
Sam Suznevich

Staff Members

Ryan Windish, CD Director
Ann Siegenthaler, Associate Planner

Cc:

Mayor Pugh
City Administrator
City Council

1. **Call to Order** -----
2. **Roll Call Planning Commission:** Bowman, Elfers, Isaacs, Locke, Suznevich, new Commissioner Fochtman -----
3. **Approval of Minutes** – Minutes from September 2021 Action
4. **Public Comment** -----
The public may comment on topics that are not on the meeting agenda.
Due to Covid-19 restrictions, public comment can be accepted only via email or by joining the virtual meeting. The public is strongly encouraged to submit comments via email to annsi@sumnerwa.gov no later than 5:00pm on November 3, 2021. Your comments will be read into the record and limited to 3 minutes each.
5. **New Business**
a. Elect Vice Chair Action
b. Senior Housing incentives & code revisions Discussion
6. **Old Business** -----
n/a
7. **Commission Comments** – Welcome Ms. Fochtman
8. **Staff Comments** – Cybersecurity training -----
9. **Adjournment** Action

Planning Commissioners and the public can join this meeting remotely by clicking on the link below or calling into the appropriate phone numbers. Staff will be managing the meeting's audio and visual controls.

Join Zoom Meeting

<https://sumnerwa.gov.zoom.us/j/84922454873>

Meeting ID: 849 2245 4873 Or call in by phone: 1 253 215 8782 (Tacoma)

MEMBERS OF THE PUBLIC: PLEASE REMEMBER TO MUTE YOUR DEVICE

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+1 346 248 7799 US (Houston)	+1 929 205 6099 US (New York)



SUMNER PLANNING COMMISSION
Regular Meeting

Thursday, September 16, 2021
6:00 p.m.

MEETING MINUTES

NOTE: DUE TO THE COVID-19 PANDEMIC AND GOVERNOR'S "ROADMAP TO RECOVERY" ORDER, THIS MEETING WAS HELD VIA THE INTERNET AND USING VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

The meeting was called to order at 6:06 p.m. by Vice Chair Elfers.

ROLL CALL

Commissioners Present: Elfers, Issacs, Suznevich.
Absences unexcused: Bowman, Locke.

APPROVAL OF MINUTES

Commissioner Suznevich motioned to approve the meeting minutes as presented for July 8th 2021, seconded by Commissioner Issacs. All were in favor.

PUBLIC COMMENT

None before the Commission.

NEW BUSINESS

a. Interchange Commercial Regulations - Public Hearing: Discussion

Ann Siegenthaler, Associate Planner in the community development department presented to the planning commission proposed zoning changes for uses in the Interchange Commercial (IC) zone. Summary of the proposed changes include allowance of auto collision services, including boat sales within the IC zones. Staff provided further clarification on definitions, distinguishing between minor and major auto repair, and presented updated performance standards that address potential impacts of these proposed changes.

Vice Chair Elfers opened the PUBLIC HEARING at 6:18pm.

PUBLIC comment from Kim Straight (KS), manager of Holiday Inn Express & the Candlewood Suites: Raised concern about hours of operations that the auto collision repair would have, also concern about 24-hour repair shops, and whether the city will limit the times of operations.

STAFF: Staff noted that 1) Repair required to be conducted indoors, so that should prevent noise beyond the property boundaries; and 2) Also City would use City's noise ordinance if noise becomes a problem.

Brief discussion followed about the noise ordinance.

PUBLIC HEARING closed at 6:25 pm

b. Recommendations for proposed updates on the Interchange Commercial Regulations – Action

The draft ordinance on the proposed code changes to update allowed uses in the IC zone, including additional performance standards and clarified definitions was further discussed by the commissioners. Vice chair Elfers referred to the previous study session that was held on this and requested any recommendations from the attending commissioners.

Commissioner Suznevich made a motion to approve the IC zone code changes made by staff and made a recommendation to move this forward to the City Council, seconded by Commissioner Issacs. All were in favor.

c. Emergency Housing Regulations - Public Hearing: Discussion

Staff presented an update on the State's requirements on emergency housing. Associate Planner Siegenthaler covered the four types of housing that staff is proposing to meet this legislative bill, with an approaching deadline for approval on September 30, 2021, staff is requesting a recommendation of approval for City Council adoption of the final set of emergency housing regulations. The emergency housing types include permanent supportive housing, transitional housing, emergency shelters and emergency housing. Staff provided information on density and unit restrictions, as well as a half mile location restriction. Further clarification on allowances in various zones were presented.

Brief discussion ensued.

Vice Chair Elfers opened the PUBLIC HEARING at 6:38pm

PUBLIC comment from Kim Straight (KS), manager of Holiday Inn Express & the Candlewood Suites: Raised concern about putting emergency shelters in the industrial area because there are no services there that people need; also concern about safety of people around all the semi-truck traffic.

STAFF: State requires us to locate these facilities where we allow hotels, and Sumner happens to allow hotels in industrial zones; but that doesn't mean that providers of these facilities are going to want to locate there.

PUBLIC comment from Brian Ludwig, Innova, rep of an IC zone property owner: Asked if there is further limitation such as square feet, or acreage limitation if its vertical.

STAFF: No acreage restrictions, but facilities need to comply with the standards of the zones such as density limit and height limit.

Mr. Ludwig made additional comments regarding the maximum of 10 units on a single parcel of land; asking if there should be some clarity on whether that is 1/10 of an acre or five acres; and to consider other multifamily developments and think of this vertically as well. Concern that standards may not work for larger parcels; that density per acre can create a lot of occupancy opportunity, and suggests code not limit that.

STAFF: Explained that staff's position is that facilities need to meet the standards of the zone and that will dictate the height, along with other standards like parking and setbacks. Staff stressed that the

intent is not to treat these as a regular multifamily apartment development and that this is an appropriate limit on the density for these types of facilities.

COMMISSIONER Suznevich: Concern about having these facilities. Can we push ½ mile limit out to one mile?

CITY ATTY: We can impose reasonable conditions only. ½ mile takes into account how small our city is; if distance is greater, it may not be considered reasonable.
Several more minutes of discussion on this from Commission.

COMMISSIONER Suznevich: Can we add more standards/conditions to prevent negative impacts, illegal activity, vandalism, etc., have more say in the conditions.

STAFF: We have code enforcement provisions in the code; also, these will need a conditional use permit and we can take action if they are not in compliance with the conditional use permit. Code standards need to be reasonable, clear on objective standards, applied consistently between all facilities. The CUP can apply more discretionary requirements on a case by case faces to a particular facility only if needed.

PUBLIC HEARING closed at 6:50 pm

b. Recommendations on the Emergency Housing Regulations – Action

The emergency housing regulations as required by the State was presented before the commission as an action item. Commissioners asked staff additional clarifying questions.

Further discussion ensued.

Commissioner Issacs made a motion to recommend that the emergency housing and shelter ordinance move forward to City Council approval, seconded by Commissioner Elfers. All were in favor.

OLD BUSINESS

None before the commission.

COMMISSION COMMENTS

Commissioner Elfers shared comments about the continued virtual meetings and thanked staff for their hard work

Commissioner Suznevich also thanked staff for doing a great job and for getting in front of the new state bill.

STAFF COMMENTS

Staff also thanked the commissioners for sorting through these recommendations and for working with a very fast timeline on the emergency regulations.

Brief discussion ensued.

Staff announced that Vice Chair Elfers will serve as the new Chair through the end of the current term. The Commission will elect officers for the upcoming year for Chair and Vice Chair, but currently is without a vice chair. On the next agenda an action item will be added for the Commission to elect a vice chair, to serve until the end of the year.

ADJOURNMENT

Commission Suznevich moved to adjourn the meeting, seconded by Commissioner Isaacs. Meeting adjourned at 7:09 P.M.

Minutes Submitted by: Chrissanda Walker

DRAFT

SUBJECT: Senior Housing Incentives & Code Revisions

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Senior Housing Regulations Memo 10-28-21
 2. Exhibit A - Senior Housing Regulations 10-28-21
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STAFF CONTACT: Ann Siegenthaler, Associate Planner

SUMMARY BACKGROUND:

The proposal is to update the Zoning Code to increase incentives and options for senior housing. The adopted Sumner Housing Action Plan (HAP) identified senior housing as an important need in the community. Goals for the code update are:

- 1) Expand where senior housing, particularly senior apartments, can be built, with a focus on independent living. Code revisions are proposed that open all zones to senior housing.
 - 2) Provide flexibility in all Zoning Code standards (e.g. building height, density) to accommodate more sites and housing types for senior housing, while addressing potential impacts of increased density and apartments in residential zones. Adjustments to other development standards (e.g. parking, open space) are proposed.
-

COUNCIL COMMITTEE/STUDY SESSION: n/a
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MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: n/a

STAFF RECOMMENDATIONS/MOTION:

Forward to a public hearing in December 2021

MEMO

DATE: October 28, 2020
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Associate Planner
RE: **Zoning Code Text Amendment – SENIOR HOUSING INCENTIVES & CODE REVISIONS**

I. BACKGROUND

The adopted Housing Action Plan (HAP) identified senior housing as an important need in the community. The HAP included several important findings related to senior housing:

- The HAP should include strategies to address the intensifying housing needs of seniors.
- Older people are more likely to live in single-person households.
- The aging [population] could generate greater demand for housing offering living assistance, multigenerational accommodations, and opportunities for residents to age-in-place or age elsewhere in their communities.
- Approximately 85% of renters above the age of 65 were cost-burdened in Sumner as of 2014-18, and there are only 63 low-income, rent restricted housing units in Sumner.
- The City of Sumner has seen a significant increase in housing prices; between 2000 and 2019 median sales prices increased by 69%.

The purpose of this code update is to start addressing impediments to senior housing in Sumner. Goals for the code update are:

- 1) Expand where senior housing, particularly senior apartments, can be built, with focus on independent living.
- 2) Provide flexibility in all Zoning Code standards (e.g. building height, density) to accommodate most sites and projects while addressing potential impacts of increased density and apartments in residential zones.

II. SUMMARY OF PROPOSAL

The following summary of zoning code amendments will help the City meet the goals for expanding and incentivizing senior housing:

A. ALLOW SENIOR APARTMENTS OUTRIGHT IN ALL MULTIFAMILY ZONES

Senior housing is typically in the form of a multi-family building, and a trend in senior housing is for multi-story apartments that allow 55+ independent living. Currently, no apartments are allowed in multifamily zones (MDR/HDR) outside of East Sumner. Proposed code would outright allow all senior housing in multifamily zones, including senior apartments.

B. ALLOW SENIOR APARTMENTS IN LOW DENSITY RESIDENTIAL ZONES through PRD PROCESS

Some Low Density Residential (LDR) sites are the largest in town and located near desirable services. The proposal would allow senior housing, including senior apartments, in LDR, only through a Planned Residential Development (PRD) process. (Facilities like assisted living are currently allowed as a conditional use but are greatly limited by the standards in the underlying zone.)

Through a PRD process, senior housing would have more flexible development standards, and increases in density and building height could be allowed, while addressing potential impacts on surrounding LDR. Any increases would be subject to additional setbacks, lot size and special approval criteria. See the proposed PRD regulations section below.

C. BONUS FOR DENSITY and BUILDING HEIGHT through PLANNED RESIDENTIAL DEVELOPMENT

Through the Planned Residential Development (PRD) process, various lot standards such as lot size and yard requirements for senior housing in any zone can be adjusted. In addition, a significant density increase and height increase could be allowed. The project must provide amenities and show a public benefit to receive these adjustments.

Although small-scale senior housing might be feasible, code changes are needed to accommodate 55+ senior apartments. Discussions with senior housing providers/developers indicate that senior apartment projects typically need a density of 35-40 dwelling units per acre. To achieve a “critical mass” for a feasible project, large senior apartment complexes typically need 150-200 units. For smaller projects on a church or non-profit site, 25 dwelling units per acre is feasible. Updates to the PRD regulations are proposed to incentivize 55+ senior apartments, and include the concepts discussed below.

1. Remove density and height bonus for non-senior housing.

Current code allows any housing to adjust density and height through a PRD. The new code will strengthen incentives for senior housing by creating bonuses for senior housing only.

2. Set minimum area for development site.

Minimum acreage for a PRD in Low Density Residential zones (LDR) will be 1 acre, one-half acre in Multifamily Zones, and one-half acre for multi-use sites owned by public institutions or churches. A large site in LDR allows for a greater buffer near residential uses.

3. Provide DENSITY bonus and BUILDING HEIGHT bonus for senior housing only.

Many cities provide density and height bonuses as incentives for housing, typically for affordable housing. Some provide bonuses which result in more stories. For example, Puyallup allows affordable retirement apartments at 2.0 times the underlying density, while Seattle allows 108 dwelling units per acre for affordable housing. Proposed bonuses below are for senior housing only.

a. Low Density Residential (LDR) zone:

- Allow up to 25 dwelling units per acre (du/ac) to a maximum of 250 units.
- Currently density allowed ranges from 9-13 du/ac.
- Allow up to 45-foot building height (3-4 stories).
- Current building height is 30 feet (1-2 stories).
- Taller buildings must be located further away from adjacent single family uses. For example, a 3-4 story building must be 60 feet away from the backyard of adjacent single family residential (approx. width of a street), and 30 feet from other LDR property lines. For comparison:
 - A typical backyard for a single family residence is 30 feet deep.
 - A PRD in Seattle allows only single family homes within 100 feet of the property line.
 - Bonney Lake requires multifamily buildings next to single family to increase their setback by 1 foot for every 1 foot of building height over 35 feet.
 - Potential LDR sites (very few) in Sumner appear large enough to accommodate the extra setback.

b. Medium Density Residential and High Density Residential, and East Sumner Urban Village area (MDR, HDR, ESUV/MDR, ESUV/HDR) zones:

- Allow density up to 40 du/ac.
- Current du/ac allowed is 15-26 du/ac in MDR and HDR, up to 40 du/ac in ESUV/HDR.
- Allow up to 50-foot building height (4-5 stories).
- Current height limit is 35 feet in MDR and HDR, and 45 feet in ESUV/HDR. Sumner Design Guidelines allow apartments to go up to 50 feet in height.
- Under new code, buildings taller than 35 feet must have a **20-foot** setback from single family.
 - Current setbacks in MDR/HDR are 5 feet along the side yards and a 20- to 25-foot rear yard setback next to single family.
 - Sumner Design Guidelines require apartments to have a 25-foot setback from single family.
 - Potential MDR sites in Sumner range from smaller 1.5- to 3-acre sites to larger 3.5- to 6-acre sites. These sites appear large enough to accommodate the proposed setback, but may be infeasible with setbacks of more than 20 feet. Most MDR sites are not surrounded by single family.

c. Neighborhood Commercial (NC, ESUV/NC) zones:

- Allow up to 40 du/ac.
- Current density allowed is 25 du/ac for NC, and 26 du/ac for ESUV/NC.
- Allow up to 50-foot building height.
- Current building height is 35 feet for NC, and 45 feet for ESUV/NC.

d. General Commercial (GC, ESUV/GC) zones:

- Allow up to 40 du/ac.
- Current density allowed is 25 du/ac for GC, and 40 du/ac for ESUV/GC.
- Allow up to 50-foot building height.
- Current height is 35 feet and 45 feet for ESUV/GC.

4. Clarify approval authority in PRD process.

The PRD approval process needs to be streamlined. The proposal is to have the Hearing Examiner hold the public hearing and make the decision similar to other approvals. The final decision would be appealable to court. A simplified process is more predictable, and an incentive to use the PRD.

5. Require a recorded covenant to ensure units remain as senior housing.

Many cities require development bonuses to be subject to a restrictive covenant, ensuring that the units remain as senior units or affordable units for 50 years. Puyallup requires units to remain affordable in perpetuity.

D. ELIMINATE GROUND FLOOR COMMERCIAL FOR SENIOR HOUSING

Currently, multifamily uses are allowed in commercial zones but only with commercial on the ground floor (or to the side or behind). Based on market and provider information, requiring a commercial component is a significant impediment to providing senior housing. Under the proposed code, the commercial requirement would be retained only in Neighborhood Commercial in East Sumner (ESUV/NC), in order to maintain pedestrian-oriented services on the ground floor along primary streets.

E. PARKING REDUCTION FOR SENIOR HOUSING

Parking requirements would be slightly reduced for senior housing to allow 1 parking space per unit and 1 visitor space per 10 units (instead of per 5). However, further adjustments to parking could be made through a PRD process, based on factors like specific uses, site characteristics, and availability of alternative transportation. The amount of parking required can be a significant factor in the feasibility of a project, and providers indicate that typically only 1 stall is needed per senior housing unit.

F. OPEN SPACE REDUCTION FOR SENIOR HOUSING

To reduce project costs, proposed code would allow a reduction in the open space requirement for senior housing. Open space is currently required through the Sumner Design Guidelines as a mix of private and common open space, typically 250 s.f. for apartments and 300 s.f. for townhomes. This can result in approximately 25%-50% of a site set aside as open space for a large housing development. Senior housing providers indicate this is excessive for senior housing. Many senior apartments do not have balconies or patios but provide common open space and internal common areas. Other cities typically waive private open space and reduce common open space for senior housing. (Note that cottages and townhomes still need to have private open space.) The proposed code reduces open space for senior apartments as follows:

- Reduce private open space for senior apartments to 32 square feet for 30 percent of the units, but could reduce this to zero through PRD process.
- Reduce common open space for senior apartments to minimum 25% of the site, but could reduce this to 20% through PRD process.
- If the senior housing is not apartments (e.g. fourplexes, townhomes), it still qualifies for reduced open space like other developments through the PRD process.

G. CONTINUE REQUIREMENT for DESIGN REVIEW

Senior housing will continue to be subject to design review, and design review will be coordinated with the PRD process. However, the bonuses received through a PRD will supersede the design guidelines.

H. UPDATE DEFINITIONS FOR SENIOR HOUSING

Clarification to Zoning Code definitions related to senior housing are summarized below.

- **Senior housing.** Current definition is broad; Staff proposes making this term the “umbrella” term for all the various housing types that may serve seniors at different life stages with different housing

needs. Proposal is to clarify the term and clarify it applies to any housing serving ages 55 and older.

- **Assisted living facilities.** Currently may serve any age. However, if it is proposed in a senior housing development, it must serve ages 55 and over. Staff proposes minor revisions to clarify the term.
- **Continuing care or life care communities.** Current definition has no age specified. However, these are typically communities that serve seniors. Staff proposes clarifying the term by adding 55+ to definition.
- **Nursing home:** Currently may serve any age. No change proposed.
- **Retirement home.** Under current definition, this is an apartment complex with some shared facilities and services. There is no age specified; to meet the intent, staff proposes adding 55+ to definition.
- **Senior apartments.** Staff proposes adding a definition that captures a type of senior housing commonly seen in neighborhoods: individual apartments for independent living, similar to all other apartment complexes, except that there is an age restriction of 55 years and older.

III. STAFF RECOMMENDATION

Staff recommends that the Planning Commission provide feedback at the study session on concerns and potential changes to the proposed code update. Depending on comments, staff recommends that this item be scheduled for a public hearing with the Planning Commission in December 2021.

IV. EXHIBITS

- A. Proposed zoning code changes

EXHIBIT A - SENIOR HOUSING CODE REVISIONS

DEFINITIONS

Chapter 18.04 Definitions

18.04.0130 Assisted living facilities.

"Assisted living facilities" means ~~apartments in an apartment attached rooms or dwelling units in a multi-unit complex but with additional services beyond retirement units. The services include all of those provided in retirement homes, with common dining and recreational areas, but which also include in the rent services such as meals, light housekeeping, laundry and recreational programs,~~ as well as more personal care services such as giving medications, ~~care by a healthcare professional,~~ assisting with bathing, dressing, transporting to a doctor, etc. Some assisted living facilities specialize in dementia care where a secured environment is needed for confused residents who might wander off. An assisted living facility may serve persons of any age.

18.04.0295 Continuing care or life care communities.

"Continuing care or life care communities" means ~~communities which offer a type of senior housing for adults aged 55 and older, consisting of~~ a variety of living arrangements from small houses, to retirement apartments, to assisted living facilities to nursing home levels, designed and operated as an integrated community. Residents may move from one level ~~or type of housing~~ to another as their needs change. A variety of services such as beauty and barber shops, organized social activities, exercise, and crafts may be offered.

18.04.0900 Retirement homes.

"Retirement ~~homes~~home" means individual apartments ~~for residents aged 55 years and older,~~ in an apartment complex ~~, featuring a central lobby, common dining area, and recreational rooms,~~ with extra services included in the rent, such as meals, light housekeeping, laundry and recreational programs, but not including nursing or medical care.

18.04.0927 Senior apartments. "Senior apartments" means individual apartments for residents aged 55 years and older, in an apartment complex with individual kitchen facilities in each unit versus common dining services. May include common areas, but does not include food service, nursing or medical care except incidental services provided on an individual basis. Senior apartments are designed for independent living and are generally no different than other apartments except for having an age requirement.

~~18.04.0927~~ 18.04.0928 Senior housing.

"Senior housing" refers to various types of housing stock, whether rental or occupant-owned, that specifically caters ~~to residents aged 55 years and older, either through age requirements or through the provision of specialized care, such as nursing or dietary and personal care.~~ This definition shall include, at a minimum, all facilities that qualify as "housing for older persons" under the Fair Housing Act. This definition also includes Senior housing types may include zero lot line homes, cottage housing, duplex dwellings, townhomes, continuing care or life care communities, senior apartments, retirement homes, nursing homes or assisted living facilities, provided, residents at each facility are aged 55 years and older.

LOW DENSITY RESIDENTIAL

18.12.040 Conditional uses. The following uses in the LDR district require a conditional use permit or planned residential development approval from the city:
[...]

- M. 1. Retirement homes, senior apartments, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes that meet the building height, density, and other standards in the zone require a conditional use permit;
2. Senior housing that does not meet the development standards of the zone may be allowed through a Planned Residential Development, pursuant to SMC 18.24 in lieu of a conditional use permit.

18.12.060 Special conditions—~~Location of parking, single-family dwellings.~~

A. In the LDR-7.2, LDR-8.5 and LDR-12 districts all required parking for single-family dwellings is to be covered and such spaces shall be located within a garage or under a carport. Each required space is to be

located so as to be independent of any other required space and access drives. Further, all required spaces shall be located within the building site area and not within the required setback areas. Required spaces and access drives shall be improved with dustless, hard surfaces.

B. In the LDR-4 and LDR-6 district all single-family dwellings shall have two on-site automobile parking spaces with at least one space located within a garage or under a carport. Each required space is to be located so as to be independent of any other required space. Required spaces and access drives shall be improved with a dustless, hard surface. Tandem parking may be allowed.

MULTIFAMILY RESIDENTIAL ZONES

MDR/HDR outside of ESUV

18.14.020 Principal permitted uses.

[...]

G. Retirement homes/~~apartments and senior apartments with the following:~~

- ~~1. Individual kitchen facilities in each unit, and no common dining room;~~
- ~~2. Limited medical services which are provided on an individual basis;~~

18.14.040 Conditional uses (MDR/HDR).

The following uses are conditionally permitted uses in all MDR and HDR districts unless otherwise specified. A conditional use permit or planned residential development approval shall be required and in full force and effect in order to establish the uses:

[...]

G. Homes for the aged, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes, provided such facilities meet the building height, density, and other standards in the zone;

[...]

S. ~~Retirement home, apartments occupied only by persons 55 years and older. Such apartments may~~ Senior housing that exceeds allowable dwelling unit densities by 50 percent of that permitted by or that does not meet the other standards of the respective zone may be allowed through a Planned Residential Development, pursuant to SMC 18.24 in lieu of a conditional use permit;

MDR/HDR within ESUV

18.30.030 Principal and conditional uses.

A. Permitted principal, accessory, and conditional uses in the ESUV shall be the same as those specified in the underlying zoning districts for the LDR, MDR, and HDR ~~and LDR~~ districts, except that:

1. Apartments and multifamily residential uses are may be allowed as a permitted principal use in the ESUV/MDR and ESUV/HDR districts;
2. Senior housing that exceeds allowable dwelling unit densities or that does not meet the other standards of the respective zone may be allowed through a Planned Residential Development, pursuant to SMC 18.24; and
3. Professional offices and services shall not be allowed in the ESUV/MDR or ESUV/HDR district as a conditional use.

18.30.040 Residential and mixed uses.

The development standards for the LDR/ESUV zones are the same as the base zone districts. Multifamily residential uses are ~~allowed in the MDR, HDR, NC and GC districts within the ESUV,~~ subject to the ESUV development standards at SMC 18.30.080 the ESUV/NC and ESUV/GC performance standards in SMC 18.30.090.

18.30.090 Performance standards. [within ESUV]

[...]

E. Multifamily Residential and Mixed Uses.

1. NC/ESUV District. In the NC/ESUV districts multifamily residential uses are allowed as part of a mixed-use structure or detached single-use structure located to the side or rear of the mixed-use structure or commercial building(s); provided, that the ground floor fronting Main Street East, 60th Street East or the portion of 160th Avenue East south of Main Street East be occupied by a commercial use or is transitional residential to commercial space. "Transitional residential to commercial space" means a space designed with architectural and structural features that facilitate future conversion to commercial space, such as: building setbacks suitable for commercial, first floor

ceiling height suitable for retail, modules of doors and windows in a pattern similar to a retail storefront, structural features and materials that allow wall sections to be demolished to accommodate windows and doors.

2. GC/ESUV District. In the GC/ESUV districts multifamily residential developments are permitted as part of a mixed-use development with commercial uses, except in the area south of 64th Street East where no multifamily residential uses are allowed. A mixed-use development shall have mixed-use structures and may have a combination of mixed-use and single-use residential structures; provided, that the mixed-use structures shall be completed prior to occupancy of the single-use residential structures.
 - a. Mixed-use structures shall have direct pedestrian access to the primary street and shall have ground floor commercial uses along the entire length of the building facing the primary street.
 - b. Single-use residential structures shall be located to the side or rear of mixed-use structures and not adjacent to the primary street.

3. Senior housing. Multifamily senior housing, including senior apartments, is allowed in the ESUV/NC and ESUV/GC districts, provided that:

- a. Senior housing may be located on the ground floor in the ESUV/GC district;
- b. No housing is allowed in the area south of 64th Street East; and
- c. Adjustments to other lot development standards may be allowed for senior housing through a planned residential development.

4.3 Multifamily development in the ESUV shall comply with the off-street parking ratios required in chapter 18.42 SMC, except that the number of visitor stalls may be reduced at a 1:1 ratio for each charging station provided for electric vehicles, electric bikes and scooters.

5. Open space requirements for developments requiring design review shall be in compliance with the City of Sumner design and development guidelines, except that open space requirements for senior housing shall be provided in accordance with SMC 18.41.200.

COMMERCIAL ZONES outside of ESUV (NC and GC)

18.16.020 Principal and conditional uses

		NC	GC	IC
34.	Multifamily dwellings, rooming houses and boarding houses, <u>senior housing including</u> retirement homes <u>and senior apartments</u> , assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes except on the ground floor, or in accordance with the city of Sumner design and development guidelines, and subject to density maximums and locations as applicable in SMC 18.16.040	P	P ³	--
<u>35.</u>	<u>Senior housing that exceeds allowable densities or that does not meet other standards of the respective zone may be allowed through a Planned Residential Development, pursuant to SMC 18.24</u>	<u>PRD</u>	<u>PRD</u>	<u>--</u>

3. Reserved.

18.16.040 Residential uses [in commercial zones]

A. Senior housing in the NC and GC districts. Senior housing as defined in SMC 18.04 is a permitted use in the NC and GC districts, may be located on the ground floor, and is not required to include commercial uses. Development standards for senior housing may be modified through a Planned Residential Development permit pursuant to SMC 18.24.

BA. Other residential uses in In the NC district, ~~o.~~ Only floor area above the first story commercial uses may be used for residential purposes; provided, that the maximum number of dwelling units shall not exceed a ratio of 25 dwelling units per net acre; and provided, that the dwelling units shall be provided with sufficient off-street parking at ratios required in chapter 18.42 SMC. Residential dwellings may be

attached or included to the side or rear of the main commercial building. Such mixed use may be attached or included to the side or rear of the main commercial building. ~~Such mixed-use development shall conform to the city of Sumner design and development guidelines.~~

CB. Other residential uses ~~i~~In the GC district, ~~M~~Multifamily residential developments are permitted as part of a mixed-use development with commercial uses. A mixed-use development shall have mixed-use structures and may have a combination of mixed-use and single-use residential structures. Except within the East Sumner urban village overlay district, a mixed-use structure is not required for a pipestem lot with street frontage that is less than 60 feet in width; instead the development may contain only single-use residential structures. Development shall occur such that:

1. Mixed-use structures shall have direct pedestrian access to the primary street and shall have ground floor building area designed to accommodate commercial uses along the entire length of the building facing the primary street. Ground floor building areas are intended for commercial use but may be improved as residential use and converted over time when economically viable.
2. Single-use residential structures shall contain only ground-related dwelling units and shall be located to the side or rear of mixed-use structures and not adjacent to the primary street.
3. The maximum number of dwelling units shall not exceed 25 dwelling units per net acre in the general commercial district.

D. Open space requirements for developments requiring design review shall be in compliance with the City of Sumner design and development guidelines, except that open space requirements for senior housing shall be provided in accordance with SMC 18.41.200.

COMMERCIAL ZONES within ESUV (ESUV/NC and ESUV/GC)

18.30.030 Principal and conditional uses.

		NC/ESUV	GC/ESUV
22.	Multifamily dwellings, apartments, in accordance with the city of Sumner design and development guidelines, and subject to density maximums in SMC 18.30.080(B) and locations as applicable in SMC 18.30.040	P	P
[...]			
33.	Senior housing including retirement homes <u>and senior apartments</u> , assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes, in accordance with the city of Sumner design and development guidelines, and subject to density maximums in SMC 18.30.080(B).	P	P
<u>34.</u>	<u>Senior housing that exceeds the density maximums and other standards of SMC 18.30.080(B)</u>	<u>PRD</u>	<u>PRD</u>

TOWN CENTER CODE

Chapter 18.29 Town Center Code (TCC)

18.29.030 Principal uses.

Permitted uses in the Town Center districts are as follows:

- A. Accessory parks and recreation facilities for use by on-site employees or residents.
- B. Adult entertainment businesses subject to chapter 18.38 SMC.
- C. Artist's studio and workshop having a retail component.
- D. Automotive and motorized vehicle sales.
- E. Wireless communication facilities¹.
- F. Churches.
- G. Existing residential dwellings lawfully constructed as of the effective date of the ordinance codifying this title.
- H. Family child care home or family child day care home in accordance with the provisions of SMC 18.16.025; and child day care centers.
- I. Health and fitness club.
- J. Hospitals.

- K. Hotels, bed and breakfasts and tourist homes.
- L. Multifamily dwellings, rooming houses and boarding houses, senior housing including senior apartments and retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes.
- [...]

18.29.060 Performance standards.

- A. Required Landscaping.
[...]
- B. Expansion of Specified Existing Uses.
[...]
- C. As applicable, the provisions of the city of Sumner design and development guidelines per chapter 18.40 SMC shall be met for new development, except that open space requirements for senior housing shall be provided in accordance with SMC 18.41.200.
- D. As applicable, the provisions of the Town Center Code shall be met for new development.

OPEN SPACE REQUIREMENTS

Chapter 18.41 Required Landscaping and Open Space

18.41.200 Minimum open space required.

- A. For developments requiring design review per SMC 18.40.020, including preliminary plats, attached single family dwellings and multifamily developments, open space shall be provided in accordance with the Sumner Design and Development Guidelines, except that open space may be reduced through a Planned Residential Development permit pursuant to SMC 18.24.
- B. For **senior apartments**, open space shall be provided at a minimum of: 1) Private open space at 32 square feet per unit for 30 percent of the units; and 2) common open space at 25 percent of the area of the site devoted to senior housing uses; except that open space may be reduced through a Planned Residential Development permit pursuant to SMC 18.24.

PARKING REQUIREMENTS

Chapter 18.42 Off Street Parking and Loading

18.42.040 (B) Multifamily dwellings:

- 1. One space per studio; 1.5 for each one- or two-bedroom unit; two spaces for three or more bedroom units; ~~senior or retirement apartments one for each unit~~; visitor parking for any type of multifamily use at one space for every five units;
- 2. Multi-family senior housing: one for each unit; visitor parking at one space for every ten units; where on-site services are staffed, one for each employee per shift; except that minimum parking required per this subsection may be reduced through a conditional use permit or a planned residential development approval where circumstances related to the uses or site warrant a parking reduction.

DESIGN REVIEW REQUIREMENTS

18.56.030(K)

- K. The following decisions are Type VI.b decisions which require a public hearing and decision by the hearing examiner following review by the design commission pursuant to SMC 18.56.145 and are appealable only through the judicial system: Applications for development subject to the thresholds of **SMC 18.40.020(D).**

[...]

18.40.020(D) The following types of projects shall require design review according to the procedures for Type VI.b decisions, chapter 18.56 SMC, Procedures for Land Use Permits:

- 1. Planned residential developments, excluding those with a single family subdivision containing no that include uses subject to the city of Sumner design and development guidelines. A Planned Residential Development shall comply with the design and development guidelines, except as follows:
 - a. A planned residential development shall not be entitled to an increase in density or building height outside of the hearing examiner review process; and

- b. A senior housing planned residential development shall not be subject to the minimum open space requirements in the design and development guidelines.

PLANNED RESIDENTIAL REGULATIONS

Chapter 18.24 Planned Residential Development (PRD)

18.24.010 Purpose.

It is the purpose of this chapter to ~~create open space in residential developments and to~~ encourage imaginative site and building design in residential developments by permitting greater flexibility in zoning requirements than is permitted by other sections of this title. Furthermore, it is the purpose of this section to:

- A. Promote the retention of significant features of the natural environment, including ~~waterways~~waterbodies, significant trees and views;
- B. Encourage a variety ~~of and~~ mixture of housing types;
- C. Promote the development of housing types that help meet the community's identified needs relative to housing options and housing costs.
- C. Encourage maximum efficiency in the layout of streets, utility networks and other public improvements;
- D. Create and/or preserve usable open space for the enjoyment of the occupants and the general public.

18.24.020 Districts where permitted.

A. Planned residential development (PRD) may be permitted in the following residential districts:

- 1. LDR, low density residential district;
- 2. MDR, medium-density multifamily residential district;
- 3. HDR, high-density multifamily residential district.

B. A senior housing PRD may be permitted in the following districts:

- 1. LDR, low density residential district;
- 2. MDR and ESUV/HDR, medium-density multifamily residential districts;
- 3. HDR and ESUV/HDR, high-density multifamily residential districts;
- 4. NC, Neighborhood Commercial district;
- 5. GC, General Commercial district;
- 6. ESUV/NC, East Sumner Urban Village NC;
- 7. ESUV/GC East Sumner Urban Village GC.

18.24.030 Permitted uses with PRD.

The following uses are allowed in planned residential developments:

- A. Within the LDR districts, allowable residential uses shall include only single-family residences or detached condominiums, or senior housing as defined in SMC 18.04, including senior apartments or combination of senior housing types.
- B. Within the MDR or HDR base districts, residential development of all types regardless of the type of building in which such residence is located, such as single-family residences, manufactured homes, duplexes, triplexes, fourplexes, townhouses, condominiums or senior housing, including senior apartments or other senior housing types. Hotels, motels and mobile home parks are excluded;
- C. Within commercial districts, allowable residential uses in a PRD shall only include senior housing as defined in SMC 18.04;
- ~~DB.~~ Accessory uses specifically designed to meet the needs of the residents of the PRD such as garages and recreation facilities of a noncommercial nature;
- ~~EE.~~ In planned residential developments of 10 acres or more, commercial uses may be permitted. Commercial uses shall be limited to those which are of a neighborhood convenience nature such as beauty shops or barber shops, drug stores, grocery stores and self-service laundries.

18.24.050 Relationship of design to adjacent areas.

- A. The design and layout of a planned residential development shall take into account the relationship of the site to the surrounding areas. The perimeter of the PRD shall be so designed as to minimize any undesirable impact of the PRD on adjacent properties.
- B. Setbacks and reduced setbacks from the property line of the PRD shall be comparable to, or compatible with, those of the existing development of adjacent properties or, if adjacent properties are undeveloped, the type of development which may be permitted.
- C. Building heights. Building heights shall be compatible with existing adjacent development or with heights allowed in the adjacent zoning district; or designed and located to minimize impacts to

surrounding properties.

18.24.060 Property development standards in PRD.

- A. **Acreage Minimum.** The minimum site for a planned residential development shall be as follows:
1. For Low Density Residential zones, one acre.
 2. For Medium Density Residential zones, one-half acre.
 3. For a senior housing PRD on a religious or public institution property that includes other uses, the site devoted to senior housing uses shall be a minimum of one-half acre.
- B. **Minimum Lot and Yard Requirements.** The minimum lot size, lot coverage and yard requirements ~~provisions of other sections of Title 18 this code are~~ may be adjusted or waived within the planned residential development, where such adjustment minimizes impacts to surrounding properties, results in enhanced site design or amenities for future residents, and conforms with SMC 18.24.050. The number of dwelling units per net acre permitted in the underlying zone shall serve as the criteria to determine basic PRD density.
- C. **Off-Street Parking.** Off-street parking shall be provided in a PRD in the same ratio for type of buildings and uses as required by SMC 18.42.040, except that parking may be reduced based on findings that the circumstances specific to the proposed housing types, resident needs and other patterns, or the availability of alternate transportation modes, support reduced parking.
- E. **Density Standards.** The maximum density permitted in the underlying zone shall serve as the base density. The planning commission may recommend and the city council may authorize a dwelling unit density not more than 20 percent greater than permitted by the underlying zone. The base density may be adjusted based on conformance with the following: following findings that the amenities or design features listed below are substantially provided:
1. Density standards for residential PRD. The total density for a PRD that does not include senior housing or affordable housing shall be the same as the density of the base zone, except that the allowed density may be clustered on the site.
 2. Density Standards in senior housing PRD. The base density for a senior housing PRD may be increased according to the zone in which it is located, as follows:
 - a. Low Density Residential (LDR) zone: Up to 25 dwelling unit per acre (du/ac) to a total maximum of 250 units.
 - b. Medium Density Residential and High Density Residential (MDR, HDR, ESUV/MDR, ESUV/HDR) zones: Up to 40 dwelling units per acre.
 - c. Neighborhood Commercial (NC, ESUV/NC) zones: Up to 40 dwelling units per acre.
 - d. General Commercial (GC, ESUV/GC) zones: Up to 40 dwelling unit per acre (du/ac).
- F. Building height in senior housing PRD. The maximum building height permitted in the underlying zone shall serve as the base height. Base height in a senior housing PRD may be increased according to the zone in which the PRD is located, as follows:
1. Low Density Residential (LDR) zone: Up to 45-foot building height, provided that buildings greater than a 30-foot height are located a minimum of 60 feet from the rear property line, and 30 feet from other property lines of existing single family residential uses or single family residential zone.
 2. Medium Density Residential and High Density Residential (MDR, HDR, ESUV/MDR, ESUV/HDR) zones: Up to 50-foot building height, provided that buildings greater than a 35-foot height are located a minimum of 20 feet from the property line of existing single family residential uses or single family residential zone.
 3. Neighborhood Commercial (NC, ESUV/NC) zones: Up to 50-foot building height.
 4. General Commercial (GC, ESUV/GC) zones: Up to 50-foot building height.
- ~~GE.~~ **Open Space.** The minimum open space established in SMC 18.41.200 may be reduced as follows:
1. Each A single family residential planned residential development shall provide not less than 20-30 percent of the gross site--lot area for common open space.
 2. Attached single family dwellings and multifamily developments may have reduced private open space, provided the area in common open space is not less than 30 percent of the lot area.
 3. Senior apartments may have reduced private open space to zero, provided the area in common open space is not less than 20 percent of the lot area devoted to senior housing uses.
 4. which Required open space shall be:
 - 1a. Concentrated in large usable areas and designed to provide either passive or active recreation;
 - 2b. If under one ownership, owned and maintained by the ownership; or
 - 3c. Held in common ownership by all the owners of the development by means of a homeowners' or

similar association. Such association shall be responsible for maintenance of the common open space;

4d. Dedicated for public use, if acceptable to the city and/or other appropriate public agency.

HF. Adjustments to minimum lot and yard requirements in subsection (B), and increases in density and building height as specified in subsections (E) and (F) are only allowed if the Hearing Examiner finds that:

1. A variety of housing types are offered, or the project provides a housing type needed in the community, such as attached single family or multifamily senior housing;
2. Advantage is taken of unusual or significant site features such as views, waterways or other natural characteristics;
3. The project provides attractive features and amenities such as open space, recreational amenities or pedestrian-oriented walks and spaces;
43. The project provides adequate Separation of auto and pedestrian movement;
5. Measures have been taken to minimize any potential impacts to the surrounding area;
64. Development aspects of the The PRD complement the land use furthers the policies of the comprehensive plan;
75. Some extraordinary public benefit is derived in exchange for the increased density and building height in the planned residential development.

I. Design review. The PRD shall comply with the Sumner Design and Development Guidelines and is subject to Design Review pursuant to 18.40.030(D), but shall not be entitled to an increase in density or building height outside of the PRD review process.

18.24.070 Approval – Procedure.

A. Application Documents.

[...]

B. Filing of Application.

[...]

C. Hearing Examiner Review and Public Hearing. Applications for planned residential development permits shall be reviewed in accordance with chapter 18.56 SMC as a Type V decision. The Following public notice issued in accordance with chapter 18.56 SMC, the hearing examiner shall hold at least one conduct a public hearing on the proposed PRD and provide findings in accordance with 18.56.175 SMC.

D. Hearing Examiner RecommendationDecision. Following the public hearing, the hearing examiner shall make a decision report of his/her findings and recommendations with respect to the proposed PRD, and shall forward the report to the city council. Such report shall include, but need not be limited to, the following items. The hearing examiner decision shall be guided by the following criteria in granting a planned residential development permit:

1. The PRD is consistent with the purpose of this chapter.
2. Suitability of the site area for the proposed development, including consideration of surrounding uses and street network;
2. Requirements of the subdivision code (if applicable) for the proposed development;
3. Reasons for dDensity bonuses and building height increases are necessary to support the project and a reasonable balance between overall benefits and impacts is achieved;
4. Requested adjustments to standards of the base zone meet the adjustment criteria in 18.24.050, and density and height increases meet the criteria at 18.24.060(G). Time limitations for the entire development and specified stages;
5. Development in accordance Consistency with applicable policies in the Sumner comprehensive plan;
6. Public purposes have been will be served by the proposed development.

E. City Council Public Hearing. After receipt of the hearing examiner's report of his/her findings and recommendations, the city council shall hold a public hearing on the proposed PRD as recommended by the hearing examiner. The city council shall give approval, approval with modifications or disapproval to the proposed PRD.

E. Recorded covenant for senior housing. A recorded agreement, lien and covenant running with the land, binding all the assigns, heirs and successors of the applicant shall secure the maintenance of all units approved for senior housing in exchange for the approved density and height increase. The recorded covenant must provide that the units subject to the density and height increase shall not be converted to a use other than for senior housing as defined under this Title within 50 years of the approval date, unless otherwise approved through a property rezone to a higher density zone.