



**PLANNING COMMISSION MEETING
AGENDA
CITY HALL – 1104 MAPLE STREET
JANUARY 6, 2022 6:00 PM**

Members:

Staff Liaison:

CALL TO ORDER

1. Agenda January 6, 2022

ROLL CALL

APPROVAL OF MINUTES

1. Approval of minutes from November 2021

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 anssi@sumnerwa.gov no later than 5:00pm on January 5, 2021. Your comments will be read into the record and limited to 3 minutes each.

NEW BUSINESS

1. Election of Vice Chair (due to Suznevich resignation)

OLD BUSINESS

1. Senior Housing Incentives and Code Revisions

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT



SUMNER PLANNING COMMISSION MEETING

AGENDA – REGULAR MEETING

January 6 , 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

Staff Members

Ryan Windish, CD Director
Ann Siegenthaler, Associate
Planner

Cc:

Mayor
City Administrator
City Council

1. **Call to Order** - - - - -
2. **Roll Call Planning Commission:** Bowman, Elfers, Fochtman, Isaacs, Locke - - - - -
3. **Approval of Minutes** – Minutes from November 4, 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 January 5, 2021. Your comments will be read into the record and limited to 3 minutes each.*
5. **New Business**
a. Election of Vice Chair (due to Suznevich resignation) Action
6. **Old Business**
a. Senior Housing Incentives and Code Revisions Action
7. **Commission Comments** - - - - -
8. **Staff Comments** - - - - -
• January OPMA training postponed
• February meeting Action
9. **Adjournment**

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, November 4, 2021
6:00 p.m.

MEETING MINUTES

NOTE: DUE TO THE COVID-19 PANDEMIC AND GOVERNOR'S "WASHINGTON READY" GUIDELINES, THIS MEETING WAS HELD VIA THE INTERNET WITH VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

The meeting was called to order at 6:02 p.m. by Vice Chair Elfers.

ROLL CALL

Commissioners Present: Bowman, Elfers, Issacs. Absences Excused: Suznevich; Unexcused: Locke

APPROVAL OF MINUTES

Minutes from September 2021 were approved unanimously.

PUBLIC COMMENT

None before the Commission.

NEW BUSINESS

a. Elections: Vice Chair

Chair Elfers motioned, seconded by Commissioner Bowman to nominate Sam Suznevich as Vice Chair. Motion passed unanimously.

b. Senior Housing incentives & code revisions - Discussion

Associate Planner Ann Siegenthaler presented the proposal for updates to the zoning code related to senior housing. Background was provided on the need for senior housing as identified in the Sumner Housing Action Plan, and that focus here is on senior apartment independent living. The proposed code revisions were summarized:

- In Low Density Residential zones allow senior apartments through a PRD.
- Allow a much higher density and building height in all zones through a PRD.
- Set a minimum development site area.
- 25 du/ac & 45-foot height in LDR; 40 du/ac & 50-foot height in other zones.
- Increased setbacks for taller buildings. Some aerial photo examples were shown.
- Reduce required open space and parking.
- Streamline the PRD process.

Planner Siegenthaler noted that the next step will be a public hearing in December to take comments, have discussion, and possibly get a recommendation from the Commission.

Discussion ensued. Questions and discussion related primarily to:

- How the proposed density numbers were selected. Staff discussed how densities were based on discussions with senior housing providers and real estate brokers, and that current densities are too low to get multi-story senior apartments; some example 2- to 3-story projects were shown.
- Are there ways to also address financial incentives like construction costs, infrastructure improvements, property taxes, esp. to create incentives for lower height, preserving views, etc. Staff responded how financial incentives are possible, but that will be separate effort through City Council.
- Clarification of the PRD process, clarification of where Design Review fits in.
- Concern that there is already a significant number of new apartment projects in the pipeline coming in at fast rate, and effect on the community. Staff discussed the regional requirements for communities to absorb a certain amount of housing units and that Sumner is far behind.
- Concern that 50-year covenant is too short; that it should be in perpetuity.
- Density, unit cap and height: Some indicated that keeping building height compatible with area is more important than density; some felt that proposed cap of 250 units in LDR is too high.
- Commissioners indicated concern with proposed 45-foot height in LDR, suggesting 35-foot (3 story) height is more compatible.
- General support for the increased setback for taller buildings, so long as setback area can be used.

OLD BUSINESS

None before the Commission.

COMMISSION COMMENTS

New Commissioner Fochtman was introduced, and she provided a brief bio and background.

STAFF COMMENTS

Planner Siegenthaler mentioned the upcoming Open Public Meetings Act training on January 24. Director Windish gave updates on a few development projects and status of parks restrooms.

ADJOURNMENT

It was moved and seconded to adjourn the meeting. Meeting adjourned at 7:45 P.M.

Minutes Submitted by: Ann Siegenthaler

SUBJECT: Senior Housing Incentives and Code Revisions**CATEGORY:** Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Senior Housing Regulations-Staff Report-12/29/21
2. Ordinance-XXXX-Senior Housing-Draft 12/29/21
3. City of Sumner Senior Housing Public Comment 11/24/21

STAFF CONTACT: Ann Siegenthaler, Associate Planner

SUMMARY BACKGROUND:

The proposal is to update the Zoning Code to increase incentives and options for senior housing and affordable senior housing.

The Planning Commission reviewed the proposed code at a study session in November 2021, and held a public hearing on December 2, 2021. The Commission requested that the code include a requirement for affordable units in senior housing developments. There was also discussion regarding increasing the allowed density for senior housing in order to increase the feasibility of senior housing. The draft code has been updated to address these issues. Below is a brief summary of what would be allowed in various zones.

Low Density Residential zones:

- Senior apartments allowed in new code, through Planned Residential Development (PRD).
- 20% of the senior units must be affordable.
- Building height may increase to 35 feet.
- Density may increase to 50 du/ac.

Multifamily Residential zones:

- Apartments would be allowed all multifamily zones only if senior apartments.
- 20% of the senior housing units must be affordable.
- Building height may increase to 50 feet.
- Density may increase to 50 du/ac.

Commercial zones:

- Ground floor commercial not required for senior apartments (except NC/ESUV).
- No affordability requirement.
- Developer may voluntarily go through PRD to get increased density and height, but only affordable senior housing qualifies.
- Building height may increase to 50 feet.
- Density may increase to 50 du/ac.
- In exchange for increases, 20% of the senior units in the PRD must be affordable.

The adopted Sumner Housing Action Plan and Needs Assessment identified senior housing as an important need in the community. The proposed code is intended to expand opportunities for affordable senior housing in Sumner.

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

STAFF RECOMMENDATIONS/MOTION:

Forward ordinance to City Council



STAFF REPORT

DATE: December 29, 2021
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Associate Planner
RE: **Zoning Code Text Amendment – SENIOR HOUSING INCENTIVES & CODE REVISIONS**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

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

- Sumner's 65+ age group was 15% of the total population in 2014-18, and that percent is increasing.
- Homeownership rates will decrease (especially for households 75+ years).
- There are currently 251 senior housing units in Sumner in a variety of housing types from adult family home care to assisted living care and independent living.
- Only 63 (25% of total) of the senior housing units are affordable for low income and rent restricted.
- 76% of householders that are 65 and over and renting are cost burdened.

These facts demonstrate the current demand and need for affordable senior housing in Sumner. The combination of an overall aging population, lack of inventory, and a decreasing homeownership rates among seniors points to a need for more senior apartment options within the City of Sumner.

The purpose of this code update is to 1) Expand where senior housing can be built, with a focus on independent living; 2) Encourage the provision of affordable senior housing units; and 3) provide flexibility in Zoning Code standards (e.g. density, building height, parking) while minimizing impacts.

The Planning Commission reviewed the proposed code at a study session in November 2021 and held a public hearing on December 2, 2021. The Commission requested that the code include a requirement for affordable units in senior housing developments. There was also discussion regarding increasing the allowed density for senior housing in order to increase the feasibility of senior housing. The draft code has been updated relative to these issues.

II. DESCRIPTION OF PROPOSAL

The zoning code amendments will authorize senior housing and, in particular, senior apartments in all zoning districts, reduce requirements for parking and open space for senior apartments, and allow density and height increases for senior housing through a Planned Residential Development process. **The proposed code has been updated since the last Planning Commission meeting, as follows:**

1. This proposal adds a **requirement for affordability**. Senior housing would be required to provide 20% of the units as affordable. This percentage is common in other cities, and is used in Sumner's Multifamily Property Tax Exemption chapter (SMC 3.52). State law requires that mandatory affordability requirements be accompanied by an increase in development capacity (i.e. increased density). Affordability would apply only to residential zones and only to senior housing.
2. This proposal **significantly increases density** for all zones through a PRD. Based on public comments, densities in typical apartments, new affordability requirements, and the typical smaller unit size for low-income apartments, a relatively high density is needed to increase the feasibility of senior apartments.

Staff recommends a **50 dwelling unit per acre density** for all zones. Building height limit and setbacks would remain as the most important factors in minimizing neighborhood impacts. These increases are only allowed for senior housing and only through a PRD.

Typical market-rate apartments in the Sumner, Puyallup, Fife area are 3-4 stories and 4-6 units per floor. Most senior apartments would likely be constructed at a minimum of 3 stories just like market-rate apartments, regardless of the zone. Affordable senior apartments often have smaller units and more units per floor than market-rate developments. This means that a 3-story affordable senior apartment building will likely need a higher density of units than a 3-story market-rate development. For example, Kincaid Court senior apartments has 20 units per floor. If Kincaid Court were 3 stories instead of 2, it would have a density of 41 du/ac. For apartments with 4 stories, the typical density range is 45-50 du/ac. For comparison, two new apartment developments in the Town Center area will be 4 stories at 96 du/ac and 5 stories at 115 du/ac.

3. Updates to the draft Ordinance since 12/2/21 are shown in yellow highlight.

A. Definitions for senior housing

Zoning Code definitions related to senior housing, summarized below, would be clarified.

- **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. This would cover any housing serving ages 55 and older.
- **Assisted living facilities.** Provides rooms with communal facilities and personal care. May serve any age. Staff proposes clarifications...
- **Continuing care or life care communities.** Current definition has no age specified. However, these are typically communities with a range of housing and apartments that serve seniors. Staff proposes adding 55+ to the definition.
- **Nursing home.** Provides medical care as primary function; serves any age. No change proposed.
- **Retirement home.** An apartment complex with some shared facilities and services. Although these cater to seniors, the code has no age specified. Staff proposes adding “senior” to the definition.
- **Senior apartments.** Staff proposes to add a new 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.

B. Low Density Residential zones Chapter 18.12: Allow senior apartments 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, as follows:

- Assisted living/nursing home-type uses are still permitted; must meet the standards of the zone.
- However, multifamily senior housing, such as townhomes, continuing care communities (typically includes apartments) or senior apartments would be allowed only through a PRD permit.
- All senior housing must provide 20% of units as “affordable” units¹ (required in the PRD chapter).
- In exchange for the mandatory affordability, increases in density and building height are allowed.

C. Multifamily zones Chapter 18.14 & 18.30: Allow senior apartments through PRD process

Currently, no apartments are allowed in multifamily zones (MDR/HDR) outside of East Sumner. A trend in senior housing is for multi-story apartments that allow 55+ independent living, which can provide a more-affordable housing option than home ownership. Proposed code includes the following:

- Senior apartments would be allowed in all multifamily zones.
- Senior housing must go through the PRD process.
- All senior housing must provide 20% of units as affordable.
- In exchange for the mandatory affordability, increases in density and building height are allowed.

¹ The definitions and thresholds for affordable housing are established by the US Department of Housing and Urban Development. Based on that, “affordable housing” is defined in Sumner Municipal Code (SMC 3.52) generally as:

- Rental housing where housing costs do not exceed 30 percent of the household’s monthly income; or
- Owner-occupied housing that is within the means of low- or moderate-income households.
- A low-income household has an adjusted income at or below 80% of the median family income in the county. A moderate-income household has an adjusted income between 80% and 115% of the median family income.

D. Commercial zones Chapter 18.16 & 18.30: Eliminate ground floor commercial

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. Proposed code changes are:

- Eliminate the commercial requirement for senior housing, except for Neighborhood Commercial in East Sumner (to keep pedestrian-oriented services along primary streets).
- Senior housing permitted outright in commercial zones, just like other multifamily developments.
- Affordable units are not required. Keeps some areas of city open to senior housing without the affordability constraint.
- Developers have option to obtain density and height increases through a PRD, in exchange for voluntarily providing affordable dwelling units at 20% of the total.

E. Planned Residential Development process Chapter 18.24: Increased density, building height

The Planned Residential Development (PRD) process is a special permit process that requires projects to meet approval criteria and to go through a public hearing. Through a PRD, standards such as lot size and setbacks can be adjusted. Although small-scale senior housing might be feasible in Sumner, code changes are needed to accommodate 55+ senior apartments. Discussions with senior housing providers/developers indicate that senior apartments need at least a density of 35-40 dwelling units per acre, and typically are 3-4 stories. A project that is 4-5 stories will likely need a higher density of 40-50 du/ac. A feasible senior apartment complex typically needs a "critical mass" of 150-200 units.

Sumner code currently does not support the higher densities and building heights needed for senior apartments. To incentivize senior apartments, significant increases in density and building height would be allowed through a PRD. The project would need to provide amenities and show a public benefit to receive these adjustments and increases. Updates are discussed further below.

1. Set minimum area for development site.

Minimum acreage for a PRD in Low Density Residential zones (LDR) would 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.

2. Provide density and building height increases for senior housing.

Many cities provide density and height increases as incentives for needed housing. Where the code has mandatory requirements for affordable units, State law requires that development capacity be increased. Proposed increases below are only available through the PRD process, and only for developments that include affordable senior housing.

a. Low Density Residential (LDR) zone:

- Proposed density: Allow up to 50 dwelling units per acre (du/ac) to a maximum of 200 units. Current density ranges from 9-13 du/ac.
- Proposed height: Allow up to 35-foot building height (approx. 3 stories). Current building height is 30 feet (1-2 stories).
- Taller buildings must be located further away from adjacent single family uses.
- Backyard setback: In a PRD, the setback from adjacent backyards would increase by 4 feet for every 1 foot over the 30-foot base height. For example, a 2-story house has a backyard setback of 30 feet. A 35-foot (3-story) building would have a setback of 50 feet $((4 \times 5) + 30)$.
- Side yard setbacks: Would increase by 2 feet for every 1 foot increase in building height. For example, setbacks for a 35-foot (3-story) building would be 15-20 feet from side property lines.
- Affordable requirement: At least 20 percent of the senior housing units must be affordable.

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

- Proposed density: Allow up to 50 du/ac. Current du/ac allowed is 15-26 du/ac in MDR and HDR, up to 40 du/ac in ESUV/HDR.
- Proposed height: Allow up to 50-foot building height (4-5 stories). Current height limit is 35 feet in MDR/HDR, and 45 feet in ESUV/HDR, but Sumner Design Guidelines allow apartments to go up to 50 feet.
- Taller buildings must have an increased setback from single family uses. Backyard setbacks are currently 20-25 feet in MDR/HDR.
- Proposed setbacks: The PRD process would increase setbacks 1 foot for every 1 foot over the base height. For example, a 40-foot building in MDR zone would have a 25-foot setback $((1 \times 5) + 20)$; a 50-foot building in MDR would have a 35-foot setback $((1 \times 15) + 20)$ from adjacent

backyards.

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

- Proposed density: Allow up to 50 du/ac. Current density allowed is 25 du/ac for NC, and 26 du/ac for ESUV/NC.
- Proposed height: Allow up to 50-foot building height. Current building height is 35 feet for NC, and 45 feet for ESUV/NC.
- NC zones are not typically adjacent to low density residential zones.

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

- Proposed density: Allow up to 50 du/ac. Current density allowed is 25 du/ac for GC, and 40 du/ac for ESUV/GC.
- Proposed height: Allow up to 50-foot building height. Current height is 35 feet and 45 feet for ESUV/GC.
- GC zones are not typically adjacent to low density residential zones.

3. Clarify approval authority in PRD process.

The PRD approval process would be streamlined. The Hearing Examiner would hold the public hearing and make the decision similar to a Conditional Use Permit (versus City Council and Planning Commission). A simplified process is more predictable, and an incentive to use the PRD.

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

Many cities require development incentives to be subject to a restrictive covenant. Proposed code would require a recorded covenant ensuring that the units remain as affordable senior units for the life of the project (forever). The code includes an annual reporting requirement on the unit status.

F. Parking reduction for senior housing

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. Parking requirements would be reduced for senior housing to allow 1 parking space per unit and 1 visitor space per 10 units (instead of per 5). Further adjustments to parking could be justified through a PRD process.

G. Open space reduction for senior housing

To reduce project costs, proposed code would allow a reduction in open space required for senior housing. Current regulations require between 25%-50% of a site as open space for a large housing development. 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. The proposed code reduces open space 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. cottages, townhomes), it must still provide private open space, but can qualify for a reduction through the PRD process.

H. Continue requirement for Design Review

- Senior housing will continue to be subject to Design Review, which will be coordinated with the PRD process. The PRD will authorize final site layout and building height, while Design Review will ensure that guidelines are applied for building quality (e.g. modulation, architectural features).
- Sumner Design Guidelines currently allow all apartments to increase height up to 50 feet. The guidelines also allow unlimited density for apartments, so long as they meet parking and open space requirements.
- Proposed code will establish that PRD approval supersedes the design guidelines, so that impacts of height and density can be evaluated through the PRD's public process.

III. ANALYSIS

The proposed Zoning Code amendments are consistent with the intent and policies of the Comprehensive Plan, specifically the policies discussed below.

Land Use Element

The proposed code update will allow another development option for infill development. It also includes development standards to minimize impacts of increased density and to apply design review to senior

housing, consistent with the following policies:

- 1.1 "Ensure that appropriate transitions so that more intensive uses do not adversely impact adjacent uses.
 - 1.1.1 Maintain the design guidelines and ordinances to achieve compatible and attractive new residential, commercial, and industrial uses.
 - 1.1.2 Maintain zoning and subdivision regulations to ensure adequate setbacks, landscaping, and buffering are required where land use conflicts and impacts may occur."
- 1.2 "Encourage infill development on vacant properties with existing public services and public utilities, and new development in areas with existing or planned public facilities."

Land Use Element - Land Use Designations

The Comprehensive Plan anticipates the need for flexibility in development regulations, including increased density, to accommodate a variety of housing types, such as the proposed senior housing regulations. The Planned Residential Development (PRD) overlay is established to provide this flexibility, with the provision that: "The PRD offers greater flexibility to develop a mix of housing types with varying lot sizes and dimensions, increased density as appropriate, adequate open space, and building setbacks and heights that are compatible with adjacent residential uses. The result is a development that allows for a high level of variety in housing and flexibility in site design while remaining compatible with the character of the surrounding neighborhood."

Community Character Element

The proposed code update will expand the variety of housing allowed in zoning districts, while applying development standards to minimize impacts to community character, consistent with these policies:

- 1.7 "Preserve the single-family residential scale and historic character of existing residential streetscapes through various means such as floor area ratio and setback requirements."
- 2.6 "In recognition of the need for a variety of housing, allow through the Comprehensive Plan and Zoning Code a mix of residential uses as appropriate to the neighborhood character."

Housing Element

The proposed code update will increase the variety of housing available at all life stages, will provide incentives to support affordable housing, will support efforts of non-profit agencies to provide housing, and will help meet Sumner's housing targets, consistent with the following policies:

- 1.4 This policy calls for "...protection of viable neighborhoods and the need to provide for a range of housing to all life stages and economic segments..."
- 1.5 "Accommodate local non-profit housing agencies' efforts to purchase and rehabilitate housing to meet affordable housing needs and special needs of the community."

Goal 2: *"Provide a range of housing types for all life stages and economic segments of the Sumner community."*

- 2.1.1 "Develop a housing strategy to implement fair share objectives..." which includes meeting Sumner's allocations for affordable housing."
- 2.2 "Plan for an adequate supply of land in appropriate land use designations and zoning categories to accommodate projected household growth."
- 2.3 "Encourage a variety of housing available to all economic segments of the community."
 - 2.3.1 "Review the Zoning Code, Subdivision Code, Building Codes, and other development-control ordinances to identify and remove excessive, duplicative, or unnecessary regulations..."
 - 2.3.4 "Promote the development of senior housing units in proximity to needed services."

Conclusion:

Sumner's Comprehensive Plan provides a general policy basis for promoting housing for seniors that is affordable and varied, and for accomplishing that through flexible development standards and increased housing densities. Proposed code amendments will further the policies in the Comprehensive Plan by expanding opportunities for senior housing. Updates to the planned residential development permitting process and removal of unnecessary standards will help streamline the process for senior housing. The ordinance also contains development standards to minimize impacts, and a planned residential development

permitting process that will ensure that senior housing developments do not adversely impact the character of adjacent single family residential uses and other lower density uses.

IV. SEPA ENVIRONMENTAL REVIEW

A SEPA environmental checklist and analysis of the proposed amendment has been completed. A Determination of Non-Significance was issued on November 10, 2021.

V. PUBLIC & AGENCY COMMENTS

No agency comments were received as of publishing date of this report. Public comments received in the Planning Commission public hearing process were from Mr. Brian Ludwig of Innova Architects (letter dated 11/24/21 and oral testimony). Comments generally centered around the need for senior housing, and the need for a much greater density than what staff had proposed at the hearing.

VI. STAFF RECOMMENDATION

Staff recommends that the Planning Commission provide recommendations on the proposal and forward it to City Council.

VII. PLANNING COMMISSION RECOMMENDATION

Pending.

VIII. EXHIBITS

- A. Ordinance No. XXXX draft
- B. Letter of public comments 11/24/21 from Brian Ludwig, Innova Architects

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING ZONING REGULATIONS FOR SENIOR HOUSING IN CHAPTER 18.04 DEFINITIONS AND ADDING A DEFINITION FOR SENIOR APARTMENTS AND AFFORDABLE HOUSING; AMENDING CHAPTERS 18.12 AND 18.14 AND PERMITTED USES AT 18.30.030 TO ALLOW SENIOR HOUSING AS A PLANNED RESIDENTIAL DEVELOPMENT WITH AFFORDABLE UNITS; AMENDING CHAPTERS 18.16 AND 18.30 TO PROVIDE FLEXIBLE DEVELOPMENT STANDARDS FOR SENIOR HOUSING THROUGH A PLANNED RESIDENTIAL DEVELOPMENT; AMENDING CHAPTER 18.24 STANDARDS FOR SENIOR HOUSING IN PLANNED RESIDENTIAL DEVELOPMENTS; AMENDING CHAPTER 18.29 TO ALLOW SENIOR HOUSING; AMENDING SECTION 18.40.020 REGARDING DESIGN REVIEW REQUIREMENTS; ADDING NEW SECTION 18.41.200 REGARDING OPEN SPACE REDUCTIONS; AND ADDING NEW SECTION 18.42.040 REGARDING PARKING REDUCTIONS.

WHEREAS, in May 2021 the City adopted the Sumner Housing Action Plan, which identified senior housing as an important need in the community; and

WHEREAS, the Housing Action Plan needs assessment found that approximately 85% of renters above the age of 65 were cost-burdened in Sumner as of 2014-18, and that currently only 25% of the senior housing units in Sumner are affordable for low income and rent restricted, indicating a need for affordable senior housing;; and

WHEREAS, in August 2021, the City adopted the Housing Action Plan Priorities document, which noted that senior housing, especially independent living, is in high demand in Sumner, and listed the action “Expand where senior housing can be built” as a Tier 1 high priority; and

WHEREAS, allowing senior housing in additional zoning districts, requiring a minimum percentage of affordable senior units in exchange for increased development capacity, and updating regulations to provide more flexibility for senior housing will help meet community goals for senior housing and diversity in housing supply and affordability; and

WHEREAS, on November 4, 2021 the Planning Commission held study session on the proposed amendments, followed by a duly-advertised public hearing on December 2, 2021; and

WHEREAS, on _____ (date) the Planning Commission voted by a _____ vote to recommend adoption by the City Council of the proposed zoning regulations updates as set forth in this ordinance; and

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the Expedited 15-day State review per the Growth Management Act on November 10, 2021; and

WHEREAS, the City Council finds the proposed amendments to be consistent with the Sumner Comprehensive Plan and the Sumner Municipal Code criteria for Zoning Code amendments;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. That Sumner Municipal Code Chapter 18.04, Definitions, section 18.04 is hereby amended to add a new definition at 18.04.0092 as follows:

18.04.0092 Affordable housing.

“Affordable housing” means housing that meets the definition of affordable at SMC 3.52.020(A).

Section 2. That Sumner Municipal Code Chapter 18.04, Definitions, section 18.04.0130 is hereby amended to read as follows:

18.04.0130 Assisted living facilities.

“Assisted living facilities” means ~~apartments in an apartment attached rooms or dwellings 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.

Section 3. That Sumner Municipal Code Chapter 18.04, Definitions, section 18.04.0295 is hereby amended to read as follows:

18.04.0295 Continuing care or life care communities.

“Continuing care or life care communities” means ~~communities which offer a type of senior housing, 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.

Section 4. That Sumner Municipal Code Chapter 18.04, Definitions, section 18.04.0900 is hereby amended to read as follows:

18.04.0900 Retirement homes.

“Retirement ~~homeshome-~~” means individual apartments for residents that meet the age requirements under SMC 18.04.0927, 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.

Section 5. That Sumner Municipal Code Chapter 18.04, Definitions, is hereby amended to add a new definition at 18.04.0926 as follows:

18.04.0926 Senior apartments.

“Senior apartments” means individual apartments for residents that meet the age requirements under SMC 18.04.0927, 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.

Section 6. That Sumner Municipal Code Chapter 18.04, Definitions, section 18.04.0927 is hereby amended to read as follows:

18.04.0927 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, where the units are occupied by persons 55 years of age or older, except for spouses of such residents for whom there is no minimum age requirement 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 meet the age requirements of this section.

Section 7. That Sumner Municipal Code Chapter 18.12, Low Density Residential District, section 18.12.040, is hereby amended to read as follows:

18.12.040 Conditional uses.

The following uses in the LDR district require a conditional use permit or, where specifically required, a planned residential development approval from the city:
[...]

- M. 1. Retirement homes, 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. Multifamily senior housing, including retirement homes, senior apartments and continuing care communities may be allowed only through a planned residential development, pursuant to SMC 18.24.

Section 8. That Sumner Municipal Code Chapter 18.14, Medium and High Density Residential Districts, is hereby amended to read as follows:

18.14.020 Principal permitted uses.

The following uses are permitted in all MDR and HDR districts unless otherwise specified:
[...]

G. Apartments in the medium density residential zones south of East Main and 60th Street East, except for senior apartments, retirement homes, and continuing care communities.

~~Retirement homes/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;~~

[...]

~~N. Apartments in the medium density residential zones south of East Main and 60th Street East.~~

18.14.040 Conditional uses.

The following uses are conditionally permitted uses in all MDR and HDR districts unless otherwise specified. A conditional use permit or, a planned residential development approval where specifically required, 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. Multifamily senior housing, including senior apartments, retirement homes and continuing care communities may be allowed only through a planned residential development, pursuant to SMC 18.24 Retirement home/apartments occupied only by persons 55 years and older. Such apartments may exceed allowable dwelling unit densities by 50 percent of that permitted by the respective zone;

Section 9. That Sumner Municipal Code Chapter 18.16, Commercial Districts, section 18.16.020 Principal and Conditional Uses, is hereby amended to read as follows:

18.16.020 Principal and conditional uses

The following table details permitted and conditionally permitted uses in the commercial districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classification in the same column. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish the conditional uses. Where a “PRD” is indicated, the respective use in the same row is permitted through a planned residential development. A planned residential development shall be required and in full force and effect in order to establish the use.

		NC	GC	IC
[...]	[...]	[...]	[...]	[...]
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	P
17.	Family child care home or family child day care home in accordance with the provisions of SMC <u>18.16.025</u> ; and child day care centers	P	P	P
18.	Gasoline service stations and convenience stores with gasoline sales ⁹	–	CUP	P
19.	Hazardous waste on-site treatment and storage facilities	–	CUP	–
20.	Health and fitness club ⁹	P ⁷	P	P
21.	Heavy equipment repair, accessory to a permitted use ⁹	–	–	P
22.	Heavy equipment sales	–	–	CUP
23.	Hospitals	CUP	CUP	CUP
24.	Hotels, bed and breakfasts and tourist homes ⁹	P	P	P
25.	Light manufacturing, fabrication, assembling and repairing, excluding vehicle repair, subject to SMC 18.16.080(S)	–	CUP	–
26.	Light-medium equipment sales	–	–	P
27.	Major utility facility	CUP	CUP	–
28.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP	P
29.	Medical and dental services ⁹	P	P	P
30.	Miniwarehouses	–	–	–
31.	Existing miniwarehouses ¹²	–	P	P
32.	Minor utility facility	P	P	P
33.	Motels ⁹	CUP	P	P
34a.	Multifamily dwellings, rooming houses and boarding houses, senior apartments , retirement homes, 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	–
34b.	Senior apartments, retirement homes or continuing care communities that exceed allowable densities or that do not meet other standards of the respective zone may be allowed through a Planned Residential Development, pursuant to SMC 18.24	<u>PRD</u>	<u>PRD</u>	<u>--</u>
[...]	[...]	[...]	[...]	[...]

Section 10. That Sumner Municipal Code section 18.16.040, Residential Uses, is hereby amended to read as follows:

18.16.040 Residential Uses.

A. Senior housing in the NC district. Senior housing is a permitted use in the NC district,

except that single family homes, zero lot line homes, cottage housing, duplex dwellings, and townhomes are not allowed. Senior housing may be located on the ground floor, and are 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.

B. Senior housing in the GC district. Senior housing as defined in SMC 18.04 is a permitted use in the GC district, except that single family homes, zero lot line homes, cottage housing, duplex dwellings, and townhomes for seniors are allowed only as a secondary use in a development that is primarily senior apartments. Such uses may be located on the ground floor, and are 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.

~~CA. 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.~~

~~DB. 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.

E. 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.

Section 11. That Sumner Municipal Code Chapter 18.24 Planned Residential Development (PRD) is hereby amended to read as follows:

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 vegetation 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/MDR, 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 the following:
 - 1. Ssingle-family residences or detached condominiums; or
 - 2. Senior housing, including senior apartments or combination of senior housing types, provided at least 20 percent of the dwelling units are maintained as affordable senior housing.

B. Within the MDR or HDR ~~base~~ and ESUV/MDR or ESUV/HDR 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 apartments or other senior housing types; provided that:

1. Senior housing shall maintain at least 20 percent of the units as affordable senior housing; and

2. Hotels, motels and mobile home parks are excluded;

C. Within commercial districts, allowable residential uses in a planned residential development shall only include senior housing, subject to location requirements specified in each district; provided that at least 20 percent of the dwelling units are maintained as affordable senior housing.

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.

18.24.040 Prohibited uses.

Any use not listed under the permitted principal or accessory uses is prohibited in a planned residential development unless authorized in chapters 18.36 or 18.46.

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 property owned or controlled by a church, public

housing authority, or government agency 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.
- D. 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 50 dwelling units per acre (du/ac) to a total maximum of 200 units.
 - b. Medium Density Residential and High Density Residential (MDR, HDR, ESUV/MDR, ESUV/HDR) zones: Up to 50 dwelling units per acre.
 - c. Neighborhood Commercial (NC, ESUV/NC) zones: Up to 50 dwelling units per acre.
 - d. General Commercial (GC, ESUV/GC) zones: Up to 50 dwelling unit per acre.
- E. 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 35-foot building height, provided that buildings greater than a 30-foot height have increased setbacks adjacent to single family residential uses, based on the following guidelines: a) Buildings adjacent to a rear yard should have a setback that increases by 4 feet for every 1 foot over the base height; and b) Buildings adjacent to a side yard should have a setback that increases by 2 feet for every 1 foot increase over the base height.

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 have increased setbacks based on the following guidelines: Buildings adjacent to single family uses should have a setback that increases by 2 feet for every 1 foot over the base height.
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.

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

GF. 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, multifamily senior housing, or affordable 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;
4. The project provides adequate Sseparation of auto and pedestrian movement;
5. The surrounding street network contains sufficient capacity to accommodate anticipated pedestrian and vehicle traffic;
6. Measures have been taken to minimize any potential impacts to the surrounding area;
7. Development aspects of the The PRD complement the land use furthers the policies

of the comprehensive plan; and

~~85.~~ Some extraordinary public benefit is derived in exchange for the increased density and building height in the planned residential development such as providing affordable housing, providing a significant public open space/park, or similar public benefit.

H. 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.

The following procedure is required for approval of the planned residential development.

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 ~~Recommendation~~Decision. 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 a~~ Density 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; and
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. Implementation requirements.

- 1. Recorded covenant for senior housing.** In exchange for the approved density or height increase, the owner shall execute and record in Pierce County's real property title records a city-drafted lien, covenant, or other contractual provision against the property running with the land, binding all the assigns, heirs and successors of the applicant that provides that the units subject to the density or height increase shall remain as senior housing as defined under this Title, **for the life of the project,** unless otherwise approved through a property rezone to a zone with a corresponding density. An approved site may be redeveloped with other types and mixes of senior housing through a PRD approval.
- 2. Owners of affordable housing or senior housing subject to an approved PRD shall be required to verify annually that the occupancy requirements established in the PRD are in compliance with this chapter, and provide an annual report to the city, pursuant to the annual compliance procedures established in SMC 3.52.110.**

Section 12. That Sumner Municipal Code Chapter 18.29, Town Center Code, is hereby amended to read as follows:

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.

Section 13. That Sumner Municipal Code Chapter 18.30, East Sumner Urban Village Overlay District, section 18.30.30 Principal and Conditional Uses, is hereby amended to read as follows:

18.30.030 Principal and conditional uses.

- A. Residential districts. 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. Apartment and multifamily residential uses are ~~may be~~ allowed as a permitted principal use in the ESUV/MDR and ESUV/HDR districts;
 2. Senior housing may be allowed only 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.
- B. Commercial districts. Those uses listed below shall govern the uses permitted and conditionally permitted where the base designations GC and NC are combined with the ESUV overlay district. Where a “P” is indicated, the respective use in the same row is permitted in the zone classification in the same column. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish the conditional uses. Where a “PRD” is indicated, the respective use in the same row is permitted through a planned residential development. A planned residential development shall be required and in full force and effect in order to establish the use.

		<u>NC/ESUV ESUV/NC</u>	<u>GC/ESUV ESUV/GC</u>
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P
[...]	[...]	[...]	[...]
19.	Hospitals	--	CUP
20.	Hotels, excluding motels	--	P
21.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP
22.	Minor utility facility	P	P
23.	Multifamily dwellings, <u>including apartments, in accordance with the city of Sumner design and development guidelines, and</u> subject to density maximums in SMC 18.30.080(B) and locations as applicable in SMC 18.30.040	P	P
24.	Public parks and public recreation facilities	P	P
25.	Personal services including barber and beauty shops,	P	P

	photographic studios, and tailor/dressmaking shops		
26.	Private clubs, lodges, fraternal organizations, union halls and social halls	CUP	P
27.	Public facilities	CUP	CUP
28.	Private off-street parking lots	CUP	P
29.	Public off-street parking lots	P	P
30.	Regional community center	P	P
31.	Restaurants	P	P
32.	Retail business	P	P
33.	Schools, colleges, and universities	CUP	P
34a.	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 <u>and locations specified</u> in SMC 18.30.080(B) <u>and SMC 18.30.090</u> .	P	P
34b.	<u>Senior housing that exceeds the density maximums and other standards of SMC 18.30.080(B)</u>	<u>PRD</u>	<u>PRD</u>
[...]	[...]	[...]	[...]

Section 14. That Sumner Municipal Code Chapter 18.30, East Sumner Urban Village Overlay District, section 18.30.040 Residential and Mixed Uses, is hereby amended to read as follows:

18.30.040 ~~Residential and mixed uses. Reserved.~~

~~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 performance standards in SMC 18.30.090.~~

Section 15. That Sumner Municipal Code Chapter 18.30, East Sumner Urban Village Overlay District, section 18.30.090 Property Development Standards, is hereby amended to read as follows:

18.30.080 Property development standards.

A. Unless otherwise stated in this section, new development must comply with the development and performance standards in the base zoning district. The development standards for the ESUV/LDR zones are the same as the base zone districts. Multifamily residential uses are subject to the ESUV development standards at SMC 18.30.080 and the ESUV/NC and ESUV/GC performance standards in SMC 18.30.090.

B. The dimensional standards for properties in the ESUV overlay district are in the table below:
[...]

Section 16. That Sumner Municipal Code Chapter 18.30, East Sumner Urban Village Overlay District, section 18.30.090 Performance Standards, is hereby amended to read as follows:

18.30.090 Performance standards.

[...]

E. Multifamily Residential and Mixed Uses.

1. ~~NC/ESUV-ESUV/NC~~ District. In the ~~NC/ESUV-ESUV/NC~~ 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:
 - a. ~~‡~~The ground floor fronting Main Street East, 60th Street East or the portion of 160th Avenue East south of Main Street East ~~be is~~ 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.
 - b. Senior housing is allowed in the ESUV/NC district as part of a mixed-use development with commercial uses. Adjustments to development standards, density and building height may be allowed for senior housing through a planned residential development, pursuant to SMC 18.24.
2. ~~GC/ESUV-ESUV/GC~~ District. In the ~~GC/ESUV-ESUV/GC~~ districts multifamily residential developments are permitted as part of a mixed-use development with commercial uses, except as follows:
 - a. Senior apartments or senior retirement homes may be located on the ground floor in the ESUV/GC district with no commercial component. Adjustments to development standards, density and building height may be allowed for senior housing through a planned residential development, pursuant to SMC 18.24.
 - b. In the area south of 64th Street East ~~where~~ no multifamily residential uses or senior housing are allowed.
3. 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.
- ~~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.

Section 17. That Sumner Municipal Code Chapter 18.40 Design and Development Guidelines, section 18.40.020(D) is hereby amended to read as follows:

18.40.020 Types of review.

[...]

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.

Section 18. That Sumner Municipal Code Chapter 18.41 Required Landscaping, is hereby amended to add a new section 18.41.200, as follows:

Chapter 18.41 REQUIRED LANDSCAPING AND OPEN SPACE

- 18.41.010 Purpose.
- 18.41.020 Applicability.
- 18.41.030 Site landscaping required review.
- 18.41.040 Minimum site requirements.
- 18.41.050 Prohibited uses.
- 18.41.060 Submittal requirements.
- 18.41.070 Minimum landscape material specifications.
- 18.41.080 Low impact development option.
- 18.41.090 Maintenance of plant materials.
- 18.41.100 Stormwater ponds.

18.41.200 Minimum open space required.

[...]

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

Section 19. That Sumner Municipal Code Chapter 18.42 Off Street Parking and Loading, section 18.42.040(B), is hereby amended to read as follows:

18.42.040 Required number of parking spaces.

The minimum number of off-street parking spaces shall be as follows for the listed uses:

- A. Single-family dwellings: two for each unit;
- 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.

Section 20. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 21. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 22. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of 2022.

Mayor Kathy Hayden

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

Memorandum

November 24, 2021

The City of Sumner
Planning Department
Attn: Ann Siegenthaler, Associate Planner
1104 Maple Street, Suite 250
Sumner, WA 98390

Subject: City Zoning Regulations Related to Senior Housing
Permit: SEPA-2021-0050, PLN-2021-0050
Site: City-wide

Dear Ann,

We, on behalf of our client, Calvary Community Church, would like to express our appreciation and at the same time to express our concern of City's proposed zoning code text amendment for the encouragement of Senior Housing throughout the city where it is not currently outright permitted. We are excited about this effort of the City's to provide a vehicle to promote the ability to fulfill the need of senior housing but we would like to say the density criteria is not going to support the type of development that would want to encouraged and which we believe the city would want. The City has defined for the different zoning areas density limits of dwelling units per acre, commonly referred to as du/ac. From the Staff Report dated 11/22/2021 we would like to look specifically at the example of Low Density Residential (LDR) and how this relates to an actual site application. Overall we support the criteria related to height limits, setbacks etc, but we disagree with needing an additional limit per acre on number of units; or if that is needed then we disagree with the limit proposed of 25 units per acre and think it should be not less than 100 units per acre as we will demonstrate below. The other zoning densities may want to have a similar evaluation and we suggest them all be reviewed in a similar manner.

The City proposes LDR (Low Density Residential) = 25 du/ac, max 200 units

EXAMPLE Development

If we review the criteria above and assume it is applied to a 1 acre site in the LDR zoning this is how that may look.

- Propose half of the site is landscape and surface parking.
- The remaining 21,000 +/- of the site is now building footprint.
- If we propose a simple unit allowance and common area of 600 SF to each unit that amounts to 35 units, at a single floor level.
- The maximum height provision would likely afford the building structure to be of 3 stories (30 to 35' height) thus now providing 105 units.
- Preferably this would want to be a 4 story building but we understand the interest of respecting height and view corridors in the LDR zoning but 4 stories would produce 140 units.
- Of note, the proposed project would also be seeking through Planned Residential Development (PRD) a reduction in parking stalls.

In the 3 story option shown above we would be proposing 105 du/ac and an ideal 4 story project would in an ideal market propose 140 du/ac. The proposed zoning code text amendment, while trying to encourage senior housing, would only be permitting a density of 25 du/ac. This will not provide to property owners what will be needed to make support of senior housing sustainable from a development perspective. We propose it be changed to be at least an amount of 100 units per acres in order to support even a modest 3 story facility as indicated in our example above.

What we would like to illustrate is the zoning elements of height and setbacks look to create their own guidance on density whereas the stipulation of du/ac maximums greatly reduce the feasibility of any project.

We are interested to discuss in further detail and are excited to see the city evoke these means of encouraging senior housing. We want to emphasize the significance of the density limits as this will ultimately determine whether senior housing development will come to Sumner and meet the need.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Ludwig".

Brian Ludwig, LEED AP
Director
INNOVA Architects Inc.