



**PLANNING COMMISSION MEETING
AGENDA
CITY HALL – 1104 MAPLE STREET
APRIL 7, 2022 6:00 PM**

Members:

Staff Liaison:

CALL TO ORDER

ROLL CALL

1. Agenda April 7, 2022 revised

APPROVAL OF MINUTES

1. Approval of minutes previous meetings

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 the day prior to the meeting. Your comments will be read into the record and limited to 3 minutes each.

NEW BUSINESS

1. 2022 Comprehensive Plan Amendments - Docket Items

OLD BUSINESS

1. 2022 Comprehensive Plan Amendments - Evaluation

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT



SUMNER PLANNING COMMISSION MEETING

AGENDA – REGULAR MEETING

April 7, 2022 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, Vice Chair
Andy Elfers, Chair
Sharon Fochtman
Mark Isaacs
Kelly Locke

Staff Members

Ryan Windish, CD Director
Ann Siegenthaler, Senior 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** Action
 - Minutes from December 2, 2021
 - Minutes from January 6, 2022
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 anssi@sumnerwa.gov no later than 5:00pm on April 6, 2022. Your comments will be read into the record and limited to 3 minutes each.*
5. **New Business** Action
 - a. 2022 Comprehensive Plan Amendments – Docket Items
6. **Old Business** Discussion
 - a. 2022 Comprehensive Plan Amendments - Evaluation
7. **Commission Comments** - - - - -
8. **Staff Comments** - - - - -
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

Phone in from other locations:	
+1 669 900 6833 US (San Jose)	+1 312 626 6799 US (Chicago)
+1 346 248 7799 US (Houston)	+1 929 205 6099 US (New York)



**SUMNER PLANNING COMMISSION
- Regular Meeting**

**Thursday, December 02, 2021
6:00 p.m.
Sumner City Hall
1104 Maple Street**

MEETING MINUTES

CALL TO ORDER

**THE VIRTUAL ZOOM MEETING WAS CALLED TO ORDER AT 6:01 P.M. BY
CHAIR ELFERS.**

ROLL CALL

Commissioners Present: Elfers, Bowman, Suznevich, Fochtman, Locke,
Tardy-Issacs arrived at 6:09pm

APPROVAL OF MINUTES

None before the Commission.

PUBLIC COMMENT

None before the Commission.

NEW BUSINESS

A. Elections: Chair and Vice Chair 2022- *Action*

COMMISSIONER Suznevich made a motion to nominate Andy Elfers as Chair for the upcoming year. Fochtman seconded; Motion passed unanimously.

COMMISSIONER Fochtman motioned to nominate Sam Suznevich as Vice Chair for the upcoming year, Bowman seconded; Motion passed unanimously.

B. Senior Housing incentives and code revisions- *Public Hearing*

STAFF Senior Planner Ann Siegenthaler presented the code revisions before the Planning Commission and summarizes the proposals to expand senior housing. A study session was held back in November 2021. The purpose of the code update is to expand options and provide incentives for senior housing in Sumner. This includes expanding all of the City's zones for senior housing, updating development standards to provide flexibility in standards, allow an increase in building height and increase in density for senior housing. In commercial zones, senior housing would benefit from the removal of the ground floor commercial requirement. Permit process changes include a hearing examiner approval through a PRD, and maintaining Design Review for building design and site plan review.

PUBLIC HEARING opened at 6:32pm with the request of staff to read aloud any written comments received.

STAFF Senior Planner Siegenthaler presented one (1) public comment letter from Brian Ludwig that summarized Staff may be proposing a density that may be too low for a viable senior housing development.

PUBLIC, Brian Ludwig, with Inova Architects, Tacoma, WA spoke before the Planning Commission about the written comment letter that outlines an example of a viable senior development, expressed concerns about the density allowance and explained changes in market size for senior units.

Discussion continued around unit density and building height changes proposed for Senior Housing.

STAFF Senior Planner Siegenthaler responded with some clarifications on staff's desire to provide a code change that would work for low density residential sites, particular for larger church sites in LDR zones. Staff has considered the density proposed for Senior Housing and desires to maintain control on impacts on surrounding LDR zones.

COMMISSIONERS engaged in questions about minimum unit size, clarified the concessions of the increased building height, the reduction in open space and parking.

Discussion ensued.

CHAIR Elfers closed the Public Hearing at 6:56pm

OLD BUSINESS

A. Senior Housing incentives & code revisions - *Discussion*

STAFF Senior Planner Siegenthaler presented photo examples of existing apartment densities that are consistent with the proposed density allowance of senior housing. Property line setbacks were clarified.

Discussion ensued.

COMMISSIONERS raised questions about affordable housing. Staff clarified that a policy decision would need to be made to address the affordability issue. Further discussion ensued.

STAFF Community Development Director Windish echoed the importance of the comments shared by the Commissioners and their desire to incorporate affordability into the Senior Housing changes. Staff shared that addressing this affordability may take time but will take Commissioner feedback into consideration.

Brief discussion ensued.

COMMISSION COMMENTS

COMMISSIONER Elfers opened the floor for Commissioner comments, thanking the Commissioners for discussion participation.

COMMISSIONER Locke asked a follow up discussion question on senior housing 55 + definitions. Staff shared the proposed senior housing definition changes and clarified that there are no age limitations on uses like assisted living facilities or nursing homes.

No further Commissioner comments.

STAFF COMMENTS

STAFF Planner Siegenthaler commented on upcoming training required by City Council members and extends to the Planning Commission. Calendars should be marked for January 24, 2022. Included in the Planning Commissioner packets is a resource document for Resources for Planning Commissioners prepared by staff.

ADJOURNMENT

COMMISSIONER Locke motioned to adjourn the meeting, Bowman Seconded. With no further business in front of the Commission, Chair Elfers ended the meeting. **MEETING
ADJOURNED AT 7:51 P.M.**

Minutes Submitted by: Chrissanda Walker



SUMNER PLANNING COMMISSION

SUMMARY MINUTES for Thursday, January 6, 2022

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

CALL TO ORDER

The meeting was called to order at 6:01 pm by Chair Andy Elfers.

ROLL CALL

Commissioners Present: Bowman, Elfers, Fochtman, Isaacs.

Commissioners Absent: Locke, unexcused.

APPROVAL OF MINUTES

Commissioner Bowman motioned to approve the November 4, 2021 meeting minutes as presented, seconded by Commissioner Fochtman. All were in favor.

PUBLIC COMMENT

No public comments were submitted via email to the City prior to the meeting; no comments were received at the meeting.

NEW BUSINESS

a. Election of Vice Chair --*Action*

Chair Elfers noted that due to resignation of Commissioner Suznevich, a vacancy occurs for Vice Chair. Staff stated that there will be recruitment for another commissioner, but in the meantime there is a need for a Vice Chair to backup if Chair is absent, filling the remainder of the year. Commissioner Elfers nominated Commissioner Bowman for Vice Chair. All were in favor.

b. Senior Housing Incentives & Code update--*Discussion*

Senior Planner Ann Siegenthaler presented an overview of the proposal in a slide presentation summarizing the staff report. In summary, the proposal:

- Requires a Planned Residential Development for senior housing.
- Requires 20% of the units to be affordable; optional in Commercial zones.
- Allows 50 dwelling units/acre through a PRD.
- Allows 35-foot height in Low Density Residential through a PRD (3 stories).
- Allows 50-foot height in other zones (4-5 stories).
- Reduces parking and open space requirements.

Ms. Siegenthaler provided slides of density and height examples of other market rate and senior housing in the area. Discussion ensued and questions were taken from the Planning Commission. A motion to accept the proposal came from Commissioner Isaacs, seconded by Commissioner Fochtman. Motion passed by roll call 4-4.

COMMISSION COMMENTS

Commissioners had questions regarding some of the new developments coming on line, especially in the East Sumner neighborhood. The Commission and staff discussed projects and zoning in the area. There was brief discussion of the need to recruit commissioners to fill the current 2 vacancies.

STAFF COMMENTS

Ms. Siegenthaler noted that the January 2022 Open Public Meetings Act training with City Council was postponed to a future date. Also, the February meeting is cancelled. Director Windish noted that staff is working on some other affordable housing initiatives and code changes that will be coming back to the Planning Commission. He also briefed the Commission on pending development and parks projects around town.

ADJOURNMENT

With no further business in front of the Commission, Commissioner Fochtman motioned to adjourn; Commissioner Bowman seconded the motion. **Meeting adjourned at 6:59 pm.**

Minutes Submitted by: Ann Siegenthaler

SUBJECT: 2022 Comprehensive Plan Amendments - Docket Items

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. 2022 Comprehensive Plan Docket Memo 032322
-

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

Per the Sumner Zoning Code, the City Council is required to determine each year whether it will consider “annual amendments” to the Comprehensive Plan for that year. This amendment cycle must occur annually or at least every other year. The last amendment cycle was opened in January 2020; therefore, the Council has opened the 2022 cycle. Applications for amendments were solicited via public notices, and the deadline for applications was March 16, 2022.

Once the amendment cycle begins, the Planning Commission is assigned authority in the code to determine which applications will be considered (see staff memo for criteria). There is no evaluation at this first stage regarding the merits of the proposals; only a determination as to which items will be included in the "docket" to be considered later.

COUNCIL COMMITTEE/STUDY SESSION:
--

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Approve the list of docket items to be further considered in 2022



MEMORANDUM

DATE: March 24, 2022
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Senior Planner
RE: **2022 Comprehensive Plan Amendments - Docket Approval & Public Participation**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

Per the Sumner Zoning Code, the City Council is required to determine each year whether it will consider "annual amendments" to the Comprehensive Plan for that year. In February 2022, the Council decided to consider potential amendments in 2022. The application period was advertised in the newspaper, City website and through City email lists.

Staff has proposed three amendments to the Zoning Code for consideration. No proposals from the public were received. The Planning Commission acts as the "gatekeeper" and must approve the docket of amendments before the amendments can move forward for further evaluation. Per SMC 18.56.147(G) the applications must be:

- Timely;
- Complete (meet submittal requirements at SMC 18.56.147(E) or for Zoning Code text amendments SMC 18.56.149(C));
- Not substantially similar to a request which was denied in the previous cycle; and
- On its face meets the approval criteria at SMC 18.56.147(N).

II. PUBLIC PARTICIPATION

For Comprehensive Plan amendments, State law requires the City to invite public participation in the process. Staff is proposing to use standard outreach methods for the proposed text amendments (since these do not involve any rezones). Zoning Code text and policy updates follow a public notice process. The following is proposed:

- Conduct required public hearings, with public notices of hearings.
- Send notices to various stakeholder groups. The City maintains lists of interested parties who receive regular updates on projects and proposals.
- Post notices and information on the proposals to our City website, and the notice board at City Hall.
- Publish the Planning Commission and City Council packets prior to the meetings, on the public CivicClerk document center.
- Provide public notice of SEPA environmental documents issued as part of the update.

For this type of Annual (versus 8-year Periodic) Comprehensive Plan Update, these methods provide adequate avenues for public participation.

III. DESCRIPTION OF PROPOSALS

Below is a summary of the 2022 Comprehensive Plan Amendments to be considered. As proposals are reviewed and evaluated at future meetings, revisions may be needed (e.g. to respond to Planning Commission or City Council concerns).

A. Policy and Code Text Amendments - Comprehensive Plan / Zoning Code

1. CTA-2022-0002: Amend Zoning Code text related to GAS STATIONS:

The proposed zoning code amendments would limit the areas where gas stations are allowed within the City. Specifically, the proposal would allow gas stations only in the Interchange Commercial (IC) zone and industrial zones (M1/M2/MICO). The intent of these restrictions is to address 1) concern from neighborhoods about impacts such as noise, glare, odors/emissions; and 2) concern that gas stations are not a compatible use in the downtown or in prime commercial core areas in Sumner. The proposal would also update definitions for clarity, and update the nonconforming use provisions in the code related to non-conforming gas stations.

2. CTA-2022-0001: Amend Zoning Code text related to ELECTRONIC READERBOARD SIGNS:

The proposal is to update the Sumner sign code to allow a City or library district Electronic Reader Board Sign (ERBS) at the future library site on East Main Street. An ERBS is a sign that includes arrays of internal light bulbs that convey text and/or graphics through intermediate flashing and animated images (e.g. The ERBS at Old Cannery Furniture Warehouse). The City Council has expressed a desire to allow an ERBS at the future library site. The sign would be for public messages and non-commercial, non-advertising purposes. Since these signs are animated, the proposed code includes criteria to minimize impacts and glare.

3. CPA-2021-0001: Amend Comprehensive Plan policies related to RESIDENTIAL ZONE DENSITIES:

The proposal is to update the policies and text in the Land Use Element of the Comprehensive Plan to clarify the range of residential densities anticipated in the policies. The Residential designations established in the Comprehensive Plan allow some intensive uses (e.g. retirement homes and assisted living), but the stated densities do not reflect the likely density and intensity of the uses. Also, the Planned Residential Development (PRD) Overlay designation in the Comprehensive Plan provides for substantially increased density for certain types of projects, but many of the residential policies do not reflect the potential for increased density through a PRD or other permit processes. The proposal does not change the existing Comprehensive Plan densities. The intent of the update is to make the residential policies and anticipated densities clear and consistent with each other, and consistent with the PRD allowable densities.

IV. STAFF RECOMMENDATION

Staff has concluded that the proposals all are timely, complete, and not substantially similar to requests made in the previous year. The proposed amendments on their face meet the criteria in SMC 18.56.147(N). More in-depth analysis of each proposal will be provided during the Plan amendment process.

- a. Staff recommends that the public outreach methods outlined above be approved by the Planning Commission.
- b. Staff recommends that the Planning Commission approve the above amendments be included in the 2022 Comprehensive Plan Amendment process.

SUBJECT: 2022 Comprehensive Plan Amendments - Evaluation

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Comp Plan Densities - Memo & Text 03/30/22
 2. Electronic Reader Boards - Memo & Code 03/30/22
 3. Gas Stations - Memo & Code 03/30/22
-

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

Per the Sumner Zoning Code, the Planning Commission is assigned authority to determine which applications will be included in the annual docket to be considered. If the Commission approves the docket items recommended by staff, the Commission can proceed to a discussion and evaluation of each item.

In anticipation of Planning Commission approval of some or all of the docket list, staff has prepared a summary memo and draft code language related to each of the items. This information is included in the April 7 packet for review and discussion at the meeting.

Depending on comments or concerns from the Planning Commission regarding the proposed code and policy language, staff's initial recommendation is to move the proposals forward to a public hearing at the next Planning Commission meeting (tentatively May 5, 2022).

COUNCIL COMMITTEE/STUDY SESSION: n/a
--

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: n/a

STAFF RECOMMENDATIONS/MOTION:

Provide feedback to staff regarding the proposed text and code revisions, so that the proposals can be updated as needed and scheduled for a public hearing with the Planning Commission.



MEMORANDUM

DATE: March 30, 2022
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Senior Planner
RE: **2022 Comprehensive Plan Update – COMPREHENSIVE PLAN LAND USE TEXT**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

In February 2022, the City Council decided to consider potential Comprehensive Plan and Zoning Code amendments in 2022. Per the Sumner Zoning Code, the Planning Commission is assigned authority to determine which applications will be included in the annual docket to be considered. If the Commission approves the docket items recommended by staff (see separate docket memo), the Commission can proceed to a discussion and evaluation of each item. These proposals then move forward through the normal Commission review steps, including discussion, public hearing, and final recommendation to City Council.

The purpose of this memo is to provide the Planning Commission with additional details of the proposal, so that the Commission can begin evaluating the proposal and provide initial feedback regarding concerns, issues, or gaps in information. No formal action is required at this time. Later in the process, staff will provide updated recommendations as needed.

II. DESCRIPTION OF PROPOSAL

The proposal is to update the policies and text in the Land Use Element of the Comprehensive Plan to clarify the range of residential densities anticipated in the policies.

A. BACKGROUND - Like other communities, Sumner is required to accommodate its fair share of housing in the region. There are a number of policies in the Comprehensive Plan Housing Element regarding accommodating additional housing. These support increased density and infill, which are effective methods for meeting Sumner's housing targets. Accepting a reasonable amount of density and infill is also important when trying to accommodate special housing such as senior housing (e.g. senior apartments and continuing care communities) and affordable housing.

Existing text in the Comprehensive Plan establishes density ranges for residential and commercial zones. **No increase to this base density is proposed.** However, addressing the need for senior housing and more affordable housing may require special permitting processes and overlays, such as a Planned Residential Development, that allow a higher density range. The Planned Residential Development (PRD) Overlay designation in the Comprehensive Plan provides a process for increasing density to accommodate additional housing and special housing types. However, many of the residential policies elsewhere in the Plan do not reflect the potential for increased density through a PRD or other permit processes. In addition, the Residential designations established in the Comprehensive Plan allow some intensive uses (e.g. retirement homes and assisted living), but the stated densities do not reflect the likely density and intensity of the uses. The purpose of the proposed update is to make the residential policies and anticipated densities clear and consistent with each other, and consistent with the PRD allowable densities. The proposal does not change the existing Comprehensive Plan densities, but annotates the densities/text to reflect potential higher densities possible through special processes.

B. PROPOSED TEXT UPDATES - The policy/text updates to make residential policies, PRD Overlay, and other housing policies consistent with each other are summarized in EXHIBIT A.

III. STAFF RECOMMENDATION

No recommended action at this time. Staff is requesting that the Planning Commission consider the proposed amendments, and provide feedback on areas of concern or where additional information will be needed.

IV. EXHIBITS

- A. EXHIBIT A – Proposed text updates and summary

EXHIBIT A – Proposed text updates

1. Planned Residential Development Overlay.

The Planned Residential Development (PRD) overlay is one of the overlay districts adopted in the original Comprehensive Plan. One of its purposes has always been to allow a higher density than what is stated in the base residential zones (in exchange for a public benefit and/or exceptional design). The PRD is not shown on the City zoning map; rather, it is a special permit process that may be allowed in various areas of the city. Therefore, allowances for higher density may not be readily apparent in the standards for residential zones, and densities listed in residential zones do not show what's allowed under a PRD. The proposal will update the district densities to reflect that there is a PRD overlay that potentially allows additional densities. Existing Comprehensive Plan text describes the PRD (below); no change here is proposed.

Planned Mixed Use Development and Planned Residential Development

"The Planned Mixed Use Development (PMUD) overlay area requires a mix of commercial and residential development that will undergo extensive public process including design review, hearing examiner recommendation, and City Council approval. The PMUD offers greater flexibility to develop a mix of ground floor commercial, walkable neighborhoods, increased density as appropriate, adequate open space, complete street designs and opportunities for green and environmentally friendly development. The result is a development that fits the character of the surrounding neighborhood as a whole and is an asset to the community. A PMUD may have a mix of commercial, mixed use structures, and stand-alone multi-family residential in a variety of configurations from live/work units, residential over ground floor commercial, to townhouses, and cottages. Buffer areas can also be configured within a PMUD to minimize conflicts between uses such as agriculture and large-lot single-family or, between more intense uses such as industrial, depending on the neighborhood. **The Planned Residential Development (PRD)** overlay is similar to a PMUD but for residential developments. The PRD offers greater flexibility to develop a mix of housing types with varying lot sizes and dimensions, allowances for increased densities and building heights as incentives for needed housing, 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."

2. Low Density Residential.

Allowed uses. The Low Density Residential (LDR) designation currently anticipates uses other than single family homes. These are more intensive uses that require a special permit (e.g. a Conditional Use Permit), such as assisted living facilities, churches, retirement homes and continuing care communities (special types of multifamily uses) and hospitals. The proposal would clarify that limited multifamily uses, such as senior housing, would be allowed, which are by nature higher intensity uses.

Allowed density. The highest-density LDR designation in the Comprehensive Plan is LDR-3 (which is implemented as the LDR-6 and LDR-4 zones on the Zoning Map). The stated density in the Plan for LDR-3 does not reflect that the designation accommodates more density and more intense uses. LDR-3 currently accommodates a range up to 10 du/ac (per the Zoning Code) to 12 du/ac through a Planned Residential Development for single family uses. However, retirement homes and continuing care communities, which are considered senior apartment buildings, are typically much higher in density. The proposal would clarify that increased density may be allowed for needed multifamily housing through a special permit process. Proposed changes are shown below.

LAND USE DESIGNATIONS – RESIDENTIAL - Low Density.

"This designation provides for primarily single-family dwellings in areas with current or planned access to City facilities and services. At the higher end of the single family density range (LDR-3), ~~(7 du/acre +)~~ at 9-10 du/ac, public transit can more easily be supported. Through a planned residential development permit process, this base density may be increased significantly for needed housing types, such as senior housing and affordable housing. Low density residential uses provide a transition from rural residential to higher density uses. Primary uses include detached single-family residential dwellings, private garages, and other accessory buildings. Secondary ~~allowed~~-uses allowed typically through a

special permit process include, accessory units ("mother-in-law units"), adult family homes, assisted living facilities, senior apartments and retirement homes, hospitals, public and private educational facilities, utilities subject to compatibility criteria, and churches and religious institutions."

3. Medium Density Residential

LAND USE DESIGNATIONS – RESIDENTIAL - Medium Density.

"The medium density designation is intended to provide for multi-family living to ensure that opportunities to obtain reasonable-cost housing exist for community residents. Primary uses include multi-family housing of various types including duplexes, zero-lot line structures, townhouses, condominiums, senior apartments and retirement homes, etc., and may also include single-family dwellings. Secondary uses allowed typically through a special permit process can include single-family dwellings, adult family homes, day care, public and private educational facilities, utilities subject to compatibility criteria, churches and religious institutions, convalescent care and rest homes assisted living facilities, limited office/professional buildings, and manufactured home subdivisions. Through a planned residential development permit process, this base density in Medium Density may be increased significantly for needed housing types, such as senior housing and affordable housing. Medium density developments may require design review to ensure diversity of building types/avoidance of building form repetition, plan goal consistency, and neighborhood compatibility."

4. High Density Residential

LAND USE DESIGNATIONS – RESIDENTIAL - Medium Density.

"This designation allows for higher density multi-family developments to allow for a broad range of housing choices in areas with existing and planned infrastructure, and to allow for infill development and the reduction of sprawl. Primary uses include multi-family housing of various types including townhouses, condominiums, apartments, etc. Secondary uses can include low and moderate density residential developments, adult family homes, day care, public and private educational facilities, utilities subject to compatibility criteria, churches and religious institutions, convalescent care and rest homes and assisted living facilities. This designation primarily applies to existing development that already is developed to this density level. This designation may be applied in new areas as appropriate to the neighborhood's character (e.g. near commercial areas and transit). Proposed high density developments may occur where the following conditions exist:

- An over-concentration of multi-family dwellings in a single area is avoided.
- A repetition of building forms is avoided in the proposed development.
- Design review will be required.
- Adequate public and community facilities exist to support the density."

5. Table 1 – Land Use Designations

The proposal includes an update to Table 1 Land Use Designations. The numbers in the Density column in the table are existing 2022 densities, updated in a few cases where higher densities were actually adopted in the Zoning Code. An asterisk has been added that references increased density through a PRD. The Floor Area Ratio column is eliminated, since that standard is not used in any of the zones. Changes are shown below.

CATEGORY	DENSITY	FAR
Residential		
Resource Protection (RES)	1 du/20 acres	--
Residential-Protection (R-P)	1 du/20 acres	--
Low Density Residential-1 (LDR-1)	2.9 -5.0 du/acre*	--
Low Density Residential-2 (LDR-2)	5.1-6.5 du/acre*	--
Low Density Residential-3 (LDR-3)	6.6-8 du/acre*	--
Medium Density (MDR)	8.1-15 du/acre*	--
High Density (HDR)	12.1-25 du/acre*	--

CATEGORY	DENSITY	FAR
Commercial		
General Commercial (GC)	12.1- 20-25 du/acre*	--
Interchange Commercial (IC)	--	.3-.5
Neighborhood Commercial (NC)	12.1- 20-25 du/acre*	.3-.5
Town Center Plan area	Unlimited density per TCP Form Based Code	.75-6.0
Urban Village (UV)	12.1-40 du/acre 26-40 du/ac*	1.0-2.0
Manufacturing		
Light (M-1)	--	.3-.8
Heavy (M-2)	--	.3-.8
Public/Private Facilities & Utilities (P)	--	.3-.8
Overlay Designations		
Shoreline	Refer to Sumner SMP	Refer to Sumner SMP
Planned Residential Development (<u>PRD</u>)	Based on underlying zone	n/a
Planned Mixed Use Development (<u>PMUD</u>)	5-37.5 du/acre	.3-.5
Town Center Plan Subarea Sub-Districts	Unlimited if height, open space, setbacks, and parking are met.	.75-6.0
Innovation District & Enterprise Area	Based on underlying zone	n/a

Source: Sumner Community Development Department

Notes: du = dwelling unit
FAR = floor area ratio
SMP = Shoreline Master Program

*Density may be increased to 30-50 du/ac through a PRD process.



MEMORANDUM

DATE: March 30, 2022
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Senior Planner
RE: **2022 Comprehensive Plan Update – ELECTRONIC READERBOARD SIGNS CODE UPDATE**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

In February 2022, the City Council decided to consider potential Comprehensive Plan and Zoning Code amendments in 2022. Per the Sumner Zoning Code, the Planning Commission is assigned authority to determine which applications will be included in the annual docket to be considered. If the Commission approves the docket items recommended by staff (see separate docket memo), the Commission can proceed to a discussion and evaluation of each item. These proposals then move forward through the normal Commission review steps, including discussion, public hearing, and final recommendation to City Council.

The purpose of this memo is to provide the Planning Commission with additional details of the proposal, so that the Commission can begin evaluating the proposal and provide initial feedback regarding concerns, issues, or gaps in information. No formal action is required at this time. Later in the process, staff will provide updated recommendations as needed.

II. DESCRIPTION OF PROPOSAL

The proposal is to update the Sumner sign code to allow a City or library district Electronic Reader Board Sign (ERBS) at the future library site. An ERBS is a sign that includes arrays of internal light bulbs that convey text and/or graphics through intermediate flashing and animated images. The Old Cannery has an ERBS on its west wall; the Ford dealership on Auto Lane also has a wall-mounted ERBS.

The Sign Code already allows ERBS at the City Hall site and other City facilities (although none exist at present). The City Council has expressed a desire to expand the code to also allow an ERBS at the future library site. The sign would be for non-commercial, non-advertising purposes; the intent is to use it to display information related to City events and meetings, special events, and library information. Since these signs display animated images, the proposed code includes criteria to minimize impacts and glare.

A. Update definitions related to ERBS

The Sign Code has several definitions related to lighted/animated signs. The proposal will eliminate redundant or confusing definitions, and clarify more specifically which types of signs are allowed in Sumner. The proposal would also add a definition for “public agency informational sign.”

B. Clarify that ERBS are not generally allowed in Town Center

The Sign Code allowed ERBS in the former General Commercial zone west of the river (e.g. where Old Cannery ERBS is located). When that area became Town Center zone, the ERBS allowance was carried over to the area and is now allowed in Town Center. However, the detail under “prohibited signs” in the Sign Code was not corrected. The proposal ensures that there’s no conflicting language for the currently allowed ERBs west of the White River (e.g. Old Cannery sign).

C. Add performance standards for non-commercial signs

The Sign Code allows a variety of non-commercial signs to be located in any zone. These include neighborhood bulletin boards, informational signs (e.g. a wetland interpretive sign), public agency sign (e.g. City ERBS). The proposed code includes several updates such as size limits on informational signs, clarifying that digital message signs are for schools and government only, and establishing standards for a City/library district ERBS.

D. General cleanup of conflicting terms and redundant sections

The proposal adds clarifying language related to non-commercial signs, such as more specific definitions, and clarifying that digital message signs (such as at YMCA and schools) are allowed in other zones.

III. STAFF RECOMMENDATION

No recommended action at this time. Staff is requesting that the Planning Commission consider the proposed amendments, and provide feedback on areas of concern or where additional information will be needed.

IV. EXHIBITS

- A. EXHIBIT A – Proposed code updates and summary

EXHIBIT A – Proposed code updates

18.44.040 Definitions.

The changing message center definition is obsolete and would be eliminated; it is superseded by more specific definitions for electronic signs, such as digital message sign and electronic reader board sign.

~~“Changing message center” means an electronically or electrically controlled public service time, temperature and date sign, message center or readerboard where different copy changes of a public service or commercial nature are shown on the same lamp bank.~~

The two definitions below are listed here for reference as they relate to other code changes. Digital message signs are different than Electronic Reader Board Signs (ERBS) in that these sign messages are static, not animated. This type of sign is used by the YMCA and school district. No change is proposed here.

“**Digital message sign**” means a sign using digital technology that produces **static images** which are changed remotely. Digital message signs may not scroll, flash or feature motion pictures. A digital message sign may be internally or externally illuminated. Digital message signs shall contain **static messages** only except that the static image **may change every 10 seconds**. Each static message shall not include flashing, scintillating lighting or the varying of light color or intensity.

“**Electronic reader board sign**” means any sign or portion of a sign that includes arrays of light bulbs or LEDs whose intent is the permanent or intermediate **flashing, animation**, or display of text, date, time and/or images.

The definition below is updated to combine “nonadvertising” and “informational” signs allowed elsewhere in the code, which are almost identical to each other. These signs are allowed in any zone. Examples of this sign type: County stormwater pond signs, wetland interpretive signs, historic marker, etc. Because they are allowed in any zone anywhere, staff recommends clarification that these cannot include animated messages.

“**Informational or nonadvertising sign**” means a sign ~~intended to provide~~ containing only noncommercial, site-specific environmental or interpretive information, or similar non-promotional messages intended as a public service to the community, erected by public service clubs, historic societies, utility or service districts, or similar nonprofit organizations. This does not include “public agency informational signs,” “digital message centers” or identification signs for facilities which require a conditional use permit in residential zones.

Definitions for monument signs are to be clarified. The definition of “low monument sign” comes from an existing zoning code interpretation (administrative decision by Director). In the adopted East Main Street Design Strategy, one of the policies related to signs states that “low monument signs are preferred” versus tall pole signs. This change will codify the interpretation. No change to regular monument signs.

“**Low monument sign**” means a monument sign no greater than 7 feet in height.

“**Monument sign**” means a freestanding sign that is not supported by poles and the bottom surface of the sign is in contact with the ground.

A “community bulletin board” is a sign already allowed in the Sign Code with performance standards but no definition. Proposed definition is based on the existing performance standards and apparent intent, and distinguishes it as a neighborhood-sponsored sign as distinct from other signs. Examples of this sign type: A bulletin board posted by an HOA at mailboxes with messages for residents.

“**Neighborhood community bulletin board**” means a monument sign or wall sign with public service messages intended for the benefit of the immediate neighborhood, where text does not change electronically.

A “city informational sign” is a type of ERBS sign already allowed in the Sign Code with performance standards but no definition. Proposed definition is based on the existing performance standards and intent. The definition also is broadened to “public agency” to accommodate the City Council request to allow this type of sign at the new library site.

“**Public agency informational sign**” means a sign sponsored and controlled by the city, library district, or similar public agency containing only public service information and messages with no commercial content.

ARTICLE II. GENERAL RESTRICTIONS AND LIMITATIONS

18.44.110 Prohibited signs.

In the Comprehensive Plan update 2020, the CBD sign code section was transferred to Town Center Plan zone, which allowed the ERB sign west of the river. However, the detail under “prohibited signs” was not corrected. The proposal ensures that there’s no conflicting language for the currently allowed ERBs west of the White River (e.g. Old Cannery sign).

N. Electronic reader board signs, except in the interchange commercial zone south of SR- 410 as permitted under SMC 18.44.245, the general commercial zone as permitted under SMC 18.44.240, the Town Center Plan area as permitted under SMC 18.44.220, and city informational signs as permitted under SMC 18.44.185.

ARTICLE III. PERFORMANCE STANDARDS

18.44.130 Neighborhood Community bulletin board.

If approved by the director, a **neighborhood** may be allowed to erect a permanent structure as a community bulletin board; provided, that it does not exceed a sign area of 30 square feet per face.

The section below combines “nonadvertising” and “informational” signs allowed elsewhere in the code, which are almost identical to each other. These signs are already allowed in any zone. Since these are allowed in any zone, it is important to establish a size limit. Proposal is to limit these to the same size as a neighborhood community bulletin board, which is adequate for interpretive messages.

18.44.140 Informational or Nonadvertising or Nonpromotional signs.

- A. Informational or Nonadvertising signs may be erected as a public service to the community by public service clubs or other nonprofit organizations.
- B. Such signs may be located in any zone upon approval by the director.
- ~~B. Informational signs may be erected in any zone subject to approval by the director.~~
- C. There shall be no fee for signs allowed by this section.
- C. Such signs shall not include electronic reader board signs or digital message centers.
- D. Such signs shall not exceed 20 square feet per face and 15 feet in height.

18.44.180 Informational signs.

~~Informational signs intended to be viewed from a public street or pedestrian way shall meet the standards set forth for signs established in the respective zoning districts.~~

In the section below, the existing allowance for digital message signs is moved from Neighborhood Commercial zone to be allowed in all zones. It was originally applied to the YMCA (no longer that zone), and applies to school sites, which may be located in several zones.

18.44.180. Digital Message Signs.

Digital message signs shall be allowed only for public schools, government facilities, or regional community centers subject to the following standards:

- a. The digital message sign shall be considered a freestanding sign as per subsection (C)(1)(b) of this section.
- b. The digital message sign shall not exceed a height of seven feet.
- c. The digital message sign shall not exceed 63 square feet in area. The electronic portion shall not exceed more than 60 percent of the total sign area.
- d. The digital message sign shall be a monument sign.

The section below updates “city informational signs” already allowed in the code to become “public agency” signs. Note that:

- City informational signs that allow ERBs were added to the code in 2018.
- Proposed update is to accommodate a future ERB sign at the new library site on East Main.
- Adopted East Main Street Design Strategy directs freestanding signs to be low monument signs (versus pole signs), which are typically 4-7 feet tall.
- To address glare, there is also a “relative glare” standard (E) and (F), which keeps ERBs from excessive lighting contrast.
- To address concerns about glare impacts, proposal would not allow ERBs in residential zones or on City recreation sites and natural areas. Signs without ERBs would be allowed.

- To address potential impacts to residential areas facing city and library sites, proposal adds a requirement to turn off the ERBs at night.
- The City Council has not reviewed nor provided input on these staff recommendations.

18.44.185 ~~City~~ Public agency informational signs.

~~City~~ Public agency informational signs may be erected on ~~city~~ property owned or controlled by the city or library district for the purpose of informing the public of city or library sponsored events, meetings, and information associated with city or library district business. ~~City~~ Such informational signs shall contain no commercial advertising. ~~City informational signs~~ Signs may be monument, freestanding or wall signs, except that in the East Main Street Design area signs shall be either low monument signs or wall signs. Sign area and shall not exceed a total of 75 square feet and 37.5 square feet per side. ~~City~~ Informational signs may include digital messaging signs or an electronic reader board sign (ERBS), provided:

- ERBS shall not display more than one message per eight seconds.
- Animation between messages shall not be allowed.
- ERBS cannot exceed 75 percent of the square footage of the sign.
- Only one ERBS is allowed per site and parcel.
- The difference between the off and solid-message measurement using the ERBS measurement criteria shall not exceed 0.3 foot-candles over ambient lighting conditions when measured at the recommended distance, based on the ERBS size. The measurement distance shall be calculated by using the following formula: measurement distance = the square root of the (area of the sign square feet x 100).
- ERBS shall be programmed to automatically adjust illumination for all times of day and night based on ambient light conditions using photocell technology.

G. ERBS are not allowed in residential zones, and not allowed at city parks and trails.

H. ERBS shall be programmed to operate only during the hours of 6am-11pm.

ARTICLE IV. REGULATIONS BY DISTRICT

18.44.200 Signs permitted in all districts.

The following signs are permitted in all zoning districts within the city subject to the provisions of Articles II and III of this chapter:

- City entrance sign;
- Construction sign;
- Nonpolitical sign;
- Political sign;
- Real estate sign;
- Public agency ~~informational sign and city informational sign~~;
- Temporary signs;
- Incidental sign;
- Neighborhood ~~Community~~ bulletin board;
- Informational or Non ~~advertising or nonpromotional sign~~;
- Digital message sign.

NEIGHBORHOOD COMMERCIAL

The section below would be moved, to allow this type of sign in all zones. An example is the YMCA message sign, on a site that is no longer zoned Neighborhood Commercial.

~~18.44.230(C)(8) Digital Message Signs.~~

~~Digital message signs in the neighborhood commercial zone shall be allowed only for schools, or regional community centers subject to the following standards:~~

- ~~The digital message sign shall be considered a freestanding sign as per subsection (C)(1)(b) of this section.~~
- ~~The digital message sign shall not exceed a height of seven feet.~~
- ~~The digital message sign shall not exceed 63 square feet in area. The electronic portion shall not exceed more than 60 percent of the total sign area.~~
- ~~The digital message sign shall be a monument sign.~~



MEMORANDUM

DATE: March 30, 2022
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Senior Planner
RE: **2022 Comprehensive Plan Update – GAS STATIONS CODE REVISIONS**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

In February 2022, the City Council decided to consider potential Comprehensive Plan and Zoning Code amendments in 2022. Per the Sumner Zoning Code, the Planning Commission is assigned authority to determine which applications will be included in the annual docket to be considered. If the Commission approves the docket items recommended by staff (see separate docket memo), the Commission can proceed to a discussion and evaluation of each item. These proposals then move forward through the normal Commission review steps, including discussion, public hearing, and final recommendation to City Council.

The purpose of this memo is to provide the Planning Commission with additional details of the proposal, so that the Commission can begin evaluating the proposal and provide initial feedback regarding concerns, issues, or gaps in information. No formal action is required at this time. Later in the process, staff will provide updated recommendations as needed.

II. DESCRIPTION OF PROPOSAL

The proposed zoning code amendments would limit the areas where gas stations are allowed within the City. Currently, they are allowed in most commercial zones. The code will also restrict the ability of existing gas stations in most commercial zones to expand.

The purpose of these restrictions is to address 1) concern from neighborhoods about impacts such as noise, glare, odors/emissions; and 2) concern that gas stations are not a compatible use in the downtown or in prime commercial core areas in Sumner. The proposal will change the zones where gas stations are allowed, update definitions for clarity, and update the nonconforming use provisions in the code.

A. Update definition related to gas stations

Gas stations are considered commercial uses that provide retail sales of fuel. The definition does not include wholesale or private fuel companies that distribute fuels to retailers or serve on-site fleets. Proposal would clarify the terms in this definition. Proposal would also update the permitted use tables to consistently use the term "gas stations" versus service stations.

B. Limit zones where gas stations are allowed

Currently, gas stations are not allowed in the following zones: Residential zones, Neighborhood Commercial (NC, ESUV/NC), and Town Center Plan (TCP) area. They are allowed only in General Commercial (GC/ESUV/GC), Interchange Commercial (IC), and Industrial zones.

Proposed code would restrict gas stations to these areas:

- Interchange Commercial (IC) zone – Examples: South of SR410, SR167 interchange at 24th Street.
- Industrial (M1/M2/MICO) zones – Examples: Along 142nd Ave East, along West Valley Hwy.

C. Nonconforming uses

By prohibiting gas stations in certain areas, the proposal will create a nonconforming use status for a few existing gas stations. There are currently 4 gas stations that are or will become nonconforming:

- | | |
|--|---|
| • Fred Meyer fuel station (Valley Ave) | GC zone, will become nonconforming |
| • Pacific Pride (at Snider Petroleum, Cannery Way) | GC zone, will become nonconforming |
| • 7-11 and gas station (Valley Ave/Main) | GC zone, will become nonconforming |
| • Arco gas & store (Main/Traffic) | TCP, nonconforming since 2018 TCP rezoning. |

Current code greatly limits alterations or expansion of nonconforming uses (typical at most cities). Allowances/restrictions in current code are, generally:

- Use may continue.
- Limited expansion of area or buildings, up to 25 percent.
- Limited structural alterations.
- May be rebuilt after a fire/disaster to original dimensions.

Proposed code would apply these restrictions to nonconforming gas stations, but **would not allow them to expand**. Gas stations are not considered compatible uses in the downtown or prime commercial areas; therefore, staff recommends that no expansion should be allowed. However, proposed code would allow minor alterations/upgrades to gas station equipment, to allow for compliance with new laws and changing technology. Note that there are at least 4 existing gas stations located in Interchange Commercial or Industrial zones that will not be affected by this code change.

III. STAFF RECOMMENDATION

No recommended action at this time. Staff is requesting that the Planning Commission consider the proposed amendments, and provide feedback on areas of concern or where additional information will be needed.

IV. EXHIBITS

- A. EXHIBIT A – Proposed code updates and summary

EXHIBIT A – Proposed code updates

DEFINITIONS – SMC 18.04

“Gasoline service station or gas station” means an automotive ~~retail sales and service use in which use providing retail sales of~~ fuel for motorized vehicles ~~is sold~~, and in which accessory uses may include, tow trucks, minor vehicle repair, car wash facilities, and a convenience store.

COMMERCIAL DISTRICTS (NC, GC, IC) – SMC 18.16

18.16.020 Principal and conditional uses.

		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 18.16.025; and child day care centers	P	P	P
18.	Gasoline service stations and convenience stores with gasoline sales⁹	–	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
[...]	[...]	[...]	[...]	[...]

[...]

⁹Truck-related parking allowed in the interchange commercial truck parking overlay area zone per SMC 18.42.046.

[...]

18.16.080 Performance standards.

The following special requirements and performance standards shall apply to properties located in the commercial districts:

[...]

Z. Odor and emissions. Gas stations shall not create annoying odor in such quantities as to be readily detectable beyond the boundaries of the site, or produce air emissions that are not compliant with regional, state, and federal emission standards, and shall utilize best available control technologies to reduce odors and emissions.

MANUFACTURING (INDUSTRIAL) DISTRICTS (M1, M2) – SMC 18.18

18.18.020 Principal, administrative and conditional uses.

		M-1	M-2	MICO (M-1/M-2)
1.	Accessory parks and recreation facilities for use by on-site employees	P	P	P
[...]	[...]	[...]	[...]	[...]
20.	Food manufacturing, processing or package plants, under 10,000 square feet, excluding slaughtering facilities	A ¹	P	A ¹ /P
21.	Gasoline service stations	P	P	P
21.22.	Hazardous waste off-site treatment and storage facilities			
[...]	[...]	[...]	[...]	[...]
50.	Service stations	P	P	P
51.	Soil mixing	P	P	P
[...]	[...]	[...]	[...]	[...]

[...]

18.18.060 Performance standards. [No change proposed here; for reference only]

The following special requirements and performance standards shall apply to properties located in the manufacturing districts:

[...]

I. Odor and Emissions. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the site or produces air emissions that are not compliant with regional, state, and federal emission standards. Uses shall utilize best available control technologies to reduce odors and emissions.

EAST SUMNER URBAN VILLAGE OVERLAY DISTRICT (ESUV) – SMC 18.30

18.30.030 Principal and conditional uses.

		NC/ESUV	GC/ESUV
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P
[...]	[...]	[...]	[...]
16.	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	P	P
17.	Gasoline service stations and convenience stores with gasoline sales	--	EXP --
18.	Health and fitness club	P ³	P
[...]	[...]	[...]	[...]

NONCONFORMING USE PROVISIONS – SMC 18.46.040

18.46.040(D) Unless otherwise authorized in this title, no existing structure devoted to a use not permitted by this title in the zone in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located.

[...]

18.46.040(G) The following provisions shall apply to nonconforming multifamily uses and nonconforming commercial and professional service uses:

1. Nonconforming multifamily and commercial and professional service uses, excluding gas stations, may expand up to 25 percent of their square footage, including such expansions that consist of structural alterations, by conditional use permit; except that expansion may not occur if it is necessary to purchase additional property. The expansion shall meet the development standards of the zone such as setbacks, lot coverage and building height.
2. No additional dwelling units may be added, except that dwelling units may be added to a nonconforming commercial use;
3. Structures devoted to a nonconforming use may be rebuilt after a fire or other disaster to original dimensions unless a health or safety impact would occur;
4. When a nonconforming commercial or professional service business ceases and a change of use is proposed, the site shall be treated as nonconforming and shall follow the nonconforming provisions indicated above and other portions of this chapter.
5. Gas stations that are a nonconforming use may upgrade appurtenances and fuel system components, such as pumps, tanks, vapor recovery systems, and incidental outdoor equipment, to address safety concerns or state or federal regulations; provided that service capacity is not expanded.

[...]

18.46.050 Nonconforming structures.

Where a lawful structure exists at the effective date of adoption of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure, it may be continued so long as the structure: 1) is not a structure devoted to a nonconforming use subject to SMC 18.46.040(G); and 2) remains otherwise lawful subject to the following provisions:

[...]

18.46.070 Health or safety improvements.

Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by order of the building official charged with protecting the public safety. Alterations or expansion of a nonconforming use which are required by law or a public agency in order to comply with public health or safety regulations are the only alterations or expansions allowed.