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 Donald Erickson, Vice-Chair
 Chris Beale
 Sean Gaffney
 Tina Lee
 Ian Morrison
 Matthew Nutsch
 Erle Thompson
 Scott Winship



Minutes

Tacoma Planning Commission

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Public Works and Utilities Representatives

Jim Parvey, City Engineer/Assistant Director, Public Works Department
 Heather Pennington, Water Distribution Engineering Manager, Tacoma Water
 Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power

747 Market Street, Room 1036
 Tacoma, WA 98402-3793
 253-591-5365 (phone) / 253-591-2002 (fax)
www.cityoftacoma.org/planning

(For Review/Approval on 11-2-11)

MEETING: Regular Meeting and Public Hearing

TIME: Wednesday, October 5, 2011, 4:00 p.m.

PLACE: Council Chambers, Tacoma Municipal Building, 1st Floor
 747 Market Street, Tacoma, WA 98402

Members Present: Jeremy Doty (Chair), Donald Erickson (Vice-Chair), Chris Beale, Sean Gaffney, Tina Lee, Ian Morrison, Matthew Nutsch, Erle Thompson

Members Absent: Matthew Nutsch

Staff Present: Donna Stenger, Elliott Barnett, Brian Boudet, Charla Heutinck, Jana Magoon, Shanta Frantz, Shirley Schultz, Barbara Stoehr, Tony Vasquez, Lihuang Wung (CED); Ramie Pierce, Lorna Mauren, Mike Carey, Josh Diekmann (Public Works)

Excerpt**PUBLIC HEARING – Large Scale Retail Moratorium**

The public hearing was called to order by Vice-Chair Erickson after Chairman Doty recused himself from presiding over the hearing. The Vice-Chair went over the procedures for conducting the hearing.

Brian Boudet, Long-Range Planning, outlined the purpose of the moratorium and the procedures that are required in the Municipal Code for enacting a moratorium, including the Commission's responsibilities. He emphasized that, at a minimum, the Commission is to provide a recommendation to the City Council on whether there is the need for a moratorium and, if needed, the duration of the moratorium that is necessary while a permanent solution is developed. Mr. Boudet stated that some 3,000 notices were sent out to the public for the hearing and included current large scale retailers, adjacent property owners, Neighborhood



Councils, Business Districts, other citizen groups, governmental agencies, civic and business associations, environmental groups and other interested parties.

At this point Vice-Chair Erickson started the oral testimony for the hearing. He reminded the public that the purpose of this hearing was to receive testimony on the moratorium and whether it should be retained, modified or rescinded. The following citizens came forward to testify:

Lori Lee Armstrong - citizen from the South End, favors having a moratorium. She foresees major traffic issues particularly for emergency vehicles serving the hospital and medical facilities at the site on Union Avenue if big retail businesses are placed in the proposed location or in other locations. She questioned the need for more large scale retail uses.

Tom McCarthy - 801 South Cushman Avenue, citizen of Tacoma. He favors the moratorium and would like to see it made a permanent feature. He agreed with the preceding speaker that traffic is an issue because there is a large number of medical offices in the vicinity and the traffic already is bad. Mr. McCarthy said that big box retail should be considered "parasites" rather than "revenue generators". These uses drive other retail out of business by drawing their customers. The result is a loss of total revenue.

Kevin Kalal - representative from Bellarmine Prep, supports the moratorium. Their concern is that the addition of big retail space will cause traffic safety issues for students and staff at Bellarmine Preparatory School. He also questioned the effect of the products that are sold in large scale retail uses and felt these might be detrimental to the welfare of students at the school.

Ralph Kendall - 2655 South Cedar, supports the moratorium. He would like to see an environmental study done to measure the impact that a big retail store would have on the neighborhood. He has seen in the past how the traffic and road conditions were affected by other projects that were done in his neighborhood and can well imagine how a big box retail store will only adversely affect the neighborhood if they are allowed to come in.

Terrance Fuller - 702 Martin Luther King Jr. Way, retired citizen. He spoke about his concern for using both his car and bicycle to get to the businesses near his home if a big retail store is allowed. He cannot see how he will be able to do so with the impact to traffic that is sure to arise. Therefore, he approves of maintaining the moratorium.

Marilyn Kimmerling - 4414 North 34th Street, supports the moratorium. She agrees with comments that were previously made and added the point that there are attributes that are unique to Tacoma and big box retail will only have an adverse affect on traffic, schools, construction, and neighborhood businesses and these impacts will outweigh any benefits.

Brett Williams - 4826 South 18th Street, spoke in favor of keeping the moratorium. He said that crime has gone down in his neighborhood 47 percent in the last year and from his research on the effect of big box retail businesses that there is a tendency for these uses to increase crime. He feels that the moratorium should be left in place as long as possible to study the actual effects of big box retail businesses on crime and traffic given the real concerns that this could have on the large number of schools and medical facilities that are in his neighborhood.

Denise Jagilio - representing United Food and Commercial Workers Local 367 for Tacoma. The Union she represents has retained a lawyer and she presented the written testimony prepared by attorney David Bricklin. The letter states the reasons why the moratorium should

stay in place and how their impact should be studied before a decision is made. In summary, the letter says that the development of big box retail businesses fails to meet the intent for Mixed-Use Centers as outlined in the Comprehensive Plan.

Jeff Ruthven - 2930 South 17th Street (commented for his wife, Sandra Ruthven as well), Teamsters 117, supports the moratorium. His main objection was the traffic problem that would result if large scale retail were allowed. He asked that the moratorium be made permanent.

Anthony Bostain - 1520 South Oakes Street, approves of the moratorium. His reasons for supporting the moratorium include traffic hazards, slow EMS response time, and crime. He believes that it will affect the safety of walkers and his children at the nearby school. He also would like it to be permanent.

Robert Osborn - 2504 South "M" Street. His objection was twofold: the increase to the congestion that is already there, and safety impacts to people in wheelchairs and those with special needs that would find it unbearably difficult to get around if a large retail business were to go in the neighborhood. He supports the moratorium and hopes that it will become permanent.

The Vice-Chair reminded the attendees at this point that the moratorium was not just for a specific store at one location, but is applicable to any new retail development exceeding 65,000 square feet in area and that there are multiple locations in the city affected by the moratorium.

Deborah Osborn - 2504 South "M" Street. Ms. Osborn's concerns were that those with special needs, wheel-chair bound, those with canes, etc., would have issues with the building of a big box retail business. She feels that it is dangerous for pedestrians to walk through the area by South Union already. In that area, she commented that there are hundreds of elderly people in the neighborhood that would be affected. Allowing a big box retail store to be placed in her neighborhood is not in keeping with the lifestyle that Tacoma represents. She supports the moratorium and would like to have it permanent.

Kris Blondin - 3147 South 19th Street. She wholeheartedly supports the moratorium and would like it to be a permanent fixture. She agreed that the traffic issue was a major concern and that the neighborhood had already experienced what happens when traffic is increased when traffic was rerouted because of construction work on SR-16. She said that not just her neighborhood, but any neighborhood that had a large retail business placed in it would be adversely impacted and the quality of life for the neighborhood would be severely diminished.

Tim Pak - Union representative for Homecare Workers. Mr. Pak's main concern was the increase of traffic and the potential for more accidents. He enumerated the ways that this issue would economically affect him and fellow homecare workers and is a safety issue in transporting their patients who may need urgent care. He supports the moratorium and feels that the Commission should look at some of the problems that big retail stores present.

Rob DeRosa - 801 N. Prospect Street, life-long resident of Tacoma, supports the moratorium. He is concerned about the area at South Union and safety is a major concern for the school age children, the elderly, and all residents of the neighborhood. He stated it is imperative to continue the moratorium.

Matthew House - third-generation Tacoma resident. He agrees with all the concerns that were previously voiced. He supports the moratorium and would like to see it become permanent.

Adam Hoyt - representative of Jobs with Justice. He objected to big box stores because of the guns and the alcohol they sell, and the traffic snares that occur for workers trying to get to work on time. He suggested more studies need to be done.

Justin Leighton - Secretary for the Central Neighborhood Council. He supports the moratorium and asked that it be longer than six months. Mr. Leighton is opposed to development that will bring urban sprawl and that does not follow the Comprehensive Plan. He spoke about possible traffic congestion as a concern. He also suggested that some sites, such as the one under consideration, should have their CCX zoning changed to prevent the placement of large scale retail within them.

Sonia Jewell - small business owner at 2501 6th Avenue. She supports the moratorium and noted that she brought her business to Tacoma because of the lack of big box stores. She also agrees with the comments of the previous speakers.

Shawn Stephenson - said that he did not have anything to add.

Tricia DeOme - Central Neighborhood Council, supports the moratorium. Ms. DeOme recommended a reexamination of the CCX zoning designation and the zoning requirements. She noted the code has no maximum floorplate and allows suburban-style development, which is contrary to the Comprehensive Plan. She asked whether we really want more big box stores that will further change the “character” of Tacoma. She stated that we already have big box stores that are copycat developments that occur anywhere in the country and she does not want to see more of them built here.

Jerry Kunz - Jobs for Justice and Habitat for Humanity. He said that Walmart is a covert operation that tried to “slip one over” in coming to town. They are anti-union, unfair to workers, discriminate against women, and resist giving women any responsibility. He was very much against allowing Walmart to develop in Tacoma. He stated that there is no “upside” to allowing Walmart to set up a big box store here.

Jessica Anderson - local worker, supports a permanent moratorium. If a permanent moratorium is not achievable, then a diligent economic study should be done. Ms. Anderson is against big box stores because they will only increase traffic congestion and because existing big box retail businesses are already struggling. She can see no reason for building a new big box store.

Deborah Cade - North Slope District. She spoke about the improvements that have occurred in recent years through neighborhood groups taking action and feels that allowing big box retail will undermine these improvements. The character of Tacoma neighborhoods are essentially for residential or small commercial uses. Ms. Cade stated that the noise generated by operating a big box store is one element that has not been considered and noted that these operations are open long hours and deliveries are made late at night. She supports the moratorium and asked that it be extended.

Anders Ibsen - 2702 North Proctor Street, supports the moratorium. He agrees with the points that have been presented by previous speakers and said the moratorium is not a statement against a particular store but is an affirmation of what people want for their neighborhood, which is an urban form of development, pedestrian orientation, and transit friendly. He said that he hoped that the City would continue working toward keeping a “beautiful place” to work and live.

Brenda Wiest - 3419 N. Cheyenne Street, parent of a Bellarmine School student. She is happy with the character of Tacoma's neighborhoods and said that there is no shortage of shopping here. Her objections to big box retail stores is that they cause traffic problems, present safety issues to the seniors who live in the neighborhood, and bring no unique or beneficial value to a neighborhood. She supports the moratorium and believes that Tacoma is a very unique and great place to live.

Patricia Lecy-Davis - 1121 Court D #A. She has a business in the downtown area and also believes Tacoma is a unique and special place. The city already has "sprawl conditions" and she would not like to see the city replicate the South Hill area. She would like to see Tacoma stay unique, build up and not out, and support small businesses. She supports the moratorium and would like it to continue as long as possible to make sure that our zoning is echoing and complementary to the Mobility Master Plan and the Comprehensive Plan.

Carol Sloman - resident and homeowner, speaking for the environmental community. She approves of the moratorium and favors its extension in order to thoroughly assess the environmental impacts of big box stores. She asked for a thorough look at the impacts that have occurred with large uses in the past and take into consideration these findings in order to mitigate and forestall this from happening again. She would like any environmental review be an independent study and not be completed by the applicant as a part of their building proposal.

Patricia Menzes - 615 South Grant Avenue #A. She supports the moratorium and says it is a "great first step". She spoke about her vision of property owners contacting their neighbors before starting a new business or development and actually getting their input on what the neighbors' needs or wants are for their particular neighborhood. She also envisions development of land that makes a difference without harming the neighborhood – that actually benefits it environmentally, aesthetically and economically.

Nicole Weatherhead - 3514 South Asotin, representing "Wake-up 253". She indicated that the big box industry does not really benefit the community financially because they do not pay a fair living wage with benefits to their employees and this actually causes a drain on the resources from State agencies to subsidize health care. She appreciates the comments that came before from the other speakers and supports the moratorium and would like it to be made permanent as well.

Sarah Morker - homeowner in Tacoma, works as a Multicare Rehab Specialist. Her concern is for the traffic, which is already a problem at South 23rd and Union, especially for the patients that come to her facility and the other medical facilities. She agrees with all the comments that were given at tonight's hearing and supports the moratorium.

After determining that there were no further speakers, Vice-Chair Erickson closed the public hearing.



**North End Neighborhood Council
Tacoma, WA**

September 20, 2011

Re: Support of "Big Box" Moratorium and Ban in Tacoma

Tacoma Planning Commission, Mayor Strickland and Tacoma City Council Members

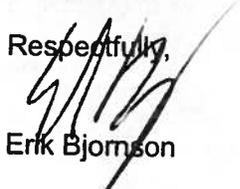
The North End Neighborhood Council (NENC) supports the current moratorium and a strong ordinance in Tacoma banning Big Box stores over 65,000 sq. ft.

The NENC has consistently advocated the construction of a walkable "pedestrian friendly" environment and against massive 1960 era surface level parking lots and sprawl. On July 7, 2007, the NENC wrote a detailed recommendation for Tacoma's Mixed Use Centers which was submitted to the Planning Commission and the Tacoma City Council emphasizing these values.

The construction of massive one-story, car-centric Big Box stores set back from the street and with multi-acre parking lots are the antithesis of good urban design. Hence, many cities have rightfully banned such projects. The more appropriate development for this site would be a mixed use center with commercial and residential elements.

In addition, such a massive store on Union Avenue would likely have a very negative traffic impact.

Respectfully,


Erik Bjornson

Chair, North End Neighborhood Council

From: Jessica Brewer [mailto:jessbru27@hotmail.com]

Sent: Monday, September 26, 2011 7:22 PM

To: lauren.walker@cityoftacoma.org; ryan.petty@cityoftacoma.org; lshadduc@cityoftacoma.org; notacomawalmart@yahoo.com

Subject: no Walmart in Tacoma

To Whom it May Concern,

I would like to voice my opinion and concern for the Walmart building proposal at the Union Ave Tacoma Elks site. A Walmart at this site would result in too much traffic in that area and it would provide unfair competition for local businesses. Walmart's backdoor tactics for sneaking a building into our community sets a bad example. If Walmart wants to open a store (which is a different project than original proposal for a medical center) then there needs to be a new study into the environmental and community impact of this development.

Thank you for your time,

Jessica Brewer

October 1, 2011

TO: Planning Commission
747 Market Street - Room 1036
Tacoma, WA 98402

Re: Ordinance No. 28014 - Moratorium on Large Scale Retail

NO MORATORIUM

DON'T BE A GHOST TOWN SUPPORTER!

Large Scale Retail = JOBS! JOBS! JOBS!



Patricia S. Lowry, a senior citizen for future Tacoma growth
3712 Tacoma Av S. Tacoma, WA 98418
Mailing: P.O. Box 8747 Tacoma, WA 98419
(253) 475-4491

From: sem3@u.washington.edu [mailto:sem3@u.washington.edu]
Sent: Saturday, October 01, 2011 9:23 AM
To: Planning
Subject: Large Scale Moratorium

Tacoma has not yet reduced our negative air quality rating. Large scale retail venues located adjacent to a freeway system with minimal public transportation will further contribute to an increase in the release of carbon monoxide. Another disadvantage is the ability to recycle large shells once the original occupant closes. Typically, these sites become isolated high-crime areas. Most importantly, uni-purpose shell structures do not contribute to Tacoma's vision of mixed-use development.

Susanne E. Marten

From: Bree Lafreniere [mailto:bree5225@gmail.com]
Sent: Monday, October 03, 2011 8:03 AM
To: Planning
Subject: Comment for Public Hearing

Dear Leaders,

I would like to express my concern about a six month moratorium regarding large scale retail establishments. Although I am all for thoughtful development, we are in an emergency situation and I don't support taking six months to develop findings. We are badly in need of economic development and jobs. Unemployment is the root cause of multiple devastating problems for individuals, families and the society which take years to solve. I understand the jobs created may be low paying but they could be, for example, the difference for a college student struggling to go to college. Please, don't be disconnected from the reality of people's lives. Your job is to lead us to a better life.

Bree Lafreniere



**Bricklin &
Newman**
LLP

Seattle Office:
1001 Fourth Avenue
Suite 3303
Seattle, WA 98154

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35 West Main
Suite 300
Spokane, WA 99201

Contact:
Phone: 206-264-8600
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Fax: 206-264-9300
www.bnd-law.com

Reply to: Seattle Office

October 5, 2011

Planning Commission
City of Tacoma
747 Market Street
Tacoma, WA 98402

Re: Large-Scale Retail Moratorium

Dear Planning Commissioners:

I write on behalf of UFCW 367 whose members have a profound interest in assuring development in the City adheres to central tenets of the Comprehensive Plan. Unions members live, work, shop, and recreate in the City. They care about the City and care about how it develops.

In particular, the Union supports the Comprehensive Plan's focus on mixed-use centers which are to include a "dense, well-integrated variety of development types, combined in such a way that it is pedestrian-oriented and transit supportive." Properly developed, mixed-use centers can provide great opportunities for affordable residential living within walking distance of places to shop, eat, and play.

Unfortunately, the existing regulations for mixed-use centers do not assure that development will be consistent with this Comprehensive Plan vision. As currently written, the City development regulations allow suburban-style shopping centers and "big box" retail establishments to be newly created in mixed-use centers. These Code provisions are inconsistent with the goals and policies of the Comprehensive Plan which repeatedly stress the importance of developing mixed-use commercial areas in a pedestrian-oriented manner. *See, e.g.*, LU-UAD-11. The Plan calls for streetscape design which "promote[s] pedestrian-activity" and which will "reinforce/enhance the character of individual neighborhoods within the City." LU-UAD-10. Mixed-use centers are supposed to be places that are "distinctive, attractive, and rich in amenities." Comprehensive Plan at LU-20. They are to include an "increased mix of uses," "higher density housing," and "community gathering space." *Id.* "Buildings should be sited and designed to encourage walking." LU-21. Different land uses (*e.g.*, commercial and residential) are to be integrated "within the same building or site in order to maximize efficient land use, foster a variety of developments, and support multi-modal mobility." LU-MU-3. The Comprehensive Plan recognizes that "[l]arge parking areas disrupt the continuity of the streetscape and development pattern, and provide formidable barriers to pedestrian movement." LU-23.

These laudatory Comprehensive Plan policies are, unfortunately, not carried through into the existing development regulations. For instance, one of the mixed-use center districts is the CCX, the Community Commercial Mixed-Use District. The Zoning Code currently allows shopping centers to be developed within these mixed-use districts. A suburban style shopping center is anything but "mixed use." It does not contain a mix of residential and commercial uses. It does not promote pedestrian activity.

In like manner, the regulations impose no size limits on retail establishments in the mixed-use zone and, in fact, do not even require that developments contain a mix of uses (contrary to the express guidance in the Comprehensive Plan). The only exception is that the Zoning Code establishes a 7,000 square foot maximum for retail in the HMX District. Inexplicably, none of the other mixed use districts contain any limitation on the size of retail nor do they include other measures to assure a mix of uses that accomplish the above-referenced policies and goals of the Comprehensive Plan. For instance, Tacoma Municipal Code (TMC) 13.06.300.E establishes no maximum floor area for buildings in most of mixed-use districts and does not restrict the size of potentially massive parking lots. Nor does that section require that projects in the mixed-use districts include any residential use.

The discrepancy between the goals of the Comprehensive Plan and the regulations in the Zoning Code are dramatic and threaten severe harm to the City's development and planning efforts. As currently written, the development code allows suburban style shopping centers and big box retail to invest tremendous sums in new buildings that will move the City away from its pedestrian-oriented, mixed use goals, instead of towards them.

The City Council correctly determined that action was needed to correct the inconsistencies between the Comprehensive Plan and the development regulations. The City Council also correctly perceived that it was important to put a moratorium into place while the staff and the Planning Commission worked on the issue. As you know, without a moratorium, property owners can vest development rights under the existing Zoning Code. That means that property owners could secure the right to develop suburban style shopping centers and big box retail at the very time that the City was working to re-write its regulations to address that issue in the context of the Comprehensive Plan's call for mixed-use, pedestrian-oriented development in these zones. Staff has advised that there are at least two property owners who were, in fact, indicating an interest in submitting applications for just that kind of development. The City's efforts to reexamine and, potentially, revise its development regulations to address developments of that sort would have been undermined if a moratorium had not been adopted. The City Council was clearly well justified in adopting a moratorium to preserve its options and protect the integrity of its Comprehensive Plan and its forthcoming planning efforts.

In an effort to have this letter submitted to you for your hearing on October 5, 2011, I will not go into greater detail at this time regarding the justifications for the moratorium. I will attempt to provide you with additional information of that type before the close of the period for submitting written comments this Friday.

You have been asked to address not only the need for the moratorium, but also its length. As staff has advised, a moratorium can be imposed for up to six months and, if a work plan is adopted, for up to 12 months. Staff has drafted a work plan which suggests that the work necessary to review the Zoning Code can be completed in six months. While we appreciate the staff's efforts to avoid a moratorium any longer than necessary, it seems unrealistic that six months would be sufficient time.

Under the proposed schedule, a draft of new language would be submitted to you by November 2, 2011. Given the breadth of changes that we believe are necessary in the Zoning Code, it seems entirely unrealistic that staff could provide you with draft code language by that date. Certainly, if all that is contemplated is imposing a size limit on large retail in the mixed-use zones, code language to that effect can be drafted in short order. But we do not believe the issue is that simple, for two reasons.

First, even if code language creating a size limit can be drafted quickly, it will take longer than that to develop an understanding of the issues that inform the decision as to where draw that size limit line. Staff has provided you with a few articles of considerable length that address a number of matters related to this issue. For the Planning Commission to make a fully informed decision as to an appropriate size limit, we believe a considerable amount of time should be devoted by staff and the Planning Commission to review that literature and other studies and develop an informed judgment as to an appropriate size limit.

Second, the problems with the existing code run deeper than the absence of a size limit on retail. As noted above, the Comprehensive Plan calls for a mix of uses in this zone and a focus on pedestrian-oriented activities and streetscapes. We believe a number of code revisions will be necessary to accomplish this Comprehensive Plan vision. Simply imposing a size limit on retail will not be enough. Development of these other code provisions will undoubtedly take much longer than a month or two. There is no way preliminary draft language could be ready by November 2, 2011. It seems unlikely that it could even be ready by the end of the year.

For these reasons, we suggest that you ask staff to revisit the schedule and develop one that is more realistic given the concerns listed above. We suspect a full year will be required.

Thank you for your consideration of these matters. I wish you good luck with your work on this very important issue.

Very truly yours,

BRICKLIN & NEWMAN, LLP

David A. Bricklin

Planning Commission
October 5, 2011
Page 4

cc: Client

UFCW367/Tacoma Planning Commission – 10 05 11

From: M O [mailto:ostermy@hotmail.com]
Sent: Wednesday, October 05, 2011 10:34 AM
To: Planning
Subject: Public Comment: Large Scale Retail Moratorium

Dear Planning Commission:

I am writing in support of the Large Scale Retail Moratorium. I was disappointed to hear of the plans to build a large retail complex at the site of the Elks Lodge. Traffic is already a nightmare in that area due to all the cars going to the Target complex or trying to get to the highway interchange at Union. I also don't believe that giant retail stores are good for Tacoma's future. Tacoma already has a myriad of large retail stores to serve its residents. Further addition of large retail stores will just take business away from existing stores, causing a blight of empty big boxes. We have seen this blight especially in the Tacoma Mall area when national retail chains have gone bankrupt. I am also concerned that further addition of large retail chains will also pull business away from locally owned small businesses. Large retail stores also provide only low-wage work that often don't provide benefits. Large retail chains also usually only carry cheaply made imported products that further erode our nation's economy.

I would support long-term development of mixed-use medical, educational, hospitality, business professional, or small business retail facilities in that location.

I would also support extending the Large Scale Retail Moratorium for 4 years in order to support Tacoma's current businesses and encourage sustainable planning and growth.

Thank you for your time and consideration.

Sincerely,
Michele Drochak
NorthEnd Neighborhood Resident



Large Scale Retail Moratorium

COMMENT SHEET

Name: Sarah Morken
Affiliation: United for Peace & Justice
Address: 809 N Proctor St
Tacoma 98406
E-mail/Phone: OTRLSJM@gmail.com
Date: 10/5/11
Subject: Moratorium

Comments: Make it permanent please.
No more poverty wage jobs, where the
employees have to get DSHS health
care & food stamps to survive.



Large Scale Retail Moratorium

COMMENT SHEET

Name: Lin Swanson
Affiliation: Citizen of Pierce County
Address: 1024 Alaska St S
Tac. 98444
E-mail/Phone: _____
Date: 10/5/11
Subject: Moratorium - Lg.-Scale Retail

Comments:

I live outside of the City of Tacoma (in Parkland). I do not want a Walmart* in Tacoma or anywhere. They get tax breaks and other goodies which don't benefit locals and which small businesses do not get. Walmart is predatory and destroys local businesses. Their profits go to Arkansas. Please make the moratorium permanent! Thank you. Lin Swanson
*or similar store

(Over)

From: Susan Cruise [mailto:susanmcruise@gmail.com]

Sent: Thursday, October 06, 2011 11:57 PM

To: Planning

Cc: Tricia DeOme

Subject: Ordinance 28014 Moratorium Retail Establishments in Excess of 65,000 Square Feet

Dear Commissioners and Staff,

I understand that an application was filed seeking permission for Walmart to build a 150,000 sq. foot super store in the vicinity of S. 23rd St. and S. Union Ave. on the property occupied by the Elks Club. I will explain my support for Ordinance No. 28014 in relation to the application to build a Walmart super store at this location in Tacoma. I support Ordinance No. 28014 adopting an immediate six month moratorium relating to land use and zoning and establishing a moratorium on the acceptance of applications for new building and related permits for the establishment, location and permitting of retail establishments that exceed 65,000 sq. feet for the following reasons:

1. A 150,000 square foot superstore such as Walmart will have damaging economic, environmental and social impacts on Tacoma.
2. It is inappropriate to have such a large store across the street from residential apartments such as the Villas at Union Park on S. Union Ave. due to the traffic congestion it will bring diminishing the quality of life of those apartment residents.
3. Because the neighborhoods to the immediate west of the proposed store, as well as to the north and east are primarily residential, the proposed location will clog the main arterials of these neighborhoods such as S 19th St. S. 12th St. 6th Ave., S. Union St. and Proctor St. increasing traffic congestion and the potential for accidents. It has been come increasingly hard for me to make a left turn from 6th Ave. at Proctor on to N. Proctor because of the increased traffic on 6th Ave. and this would worsen with the traffic driven to 6th Ave. by congestion on S. Union.
4. I do not think that the citizens and residents of Tacoma should have their quality of life damaged, and compromised and subjected to daily traffic delays and increased congestion due to a store that is known for not being a good corporate steward.
5. Because Walmart's business plan includes a very low wage low benefit model of employment, Walmart burdens tax payer funded services such as medicaid. I understand that in Georgia a 2002 survey found that Walmart was the largest private employer of parents whose children were enrolled in the state subsidized medical program.
6. Therefore, although people pay lower prices for products at Walmart there are hidden costs that people pay, such as in funding medicaid.
7. In addition, during a recession when people are spending less money generally the City of Tacoma should not welcome a store that has been sued on several occasions for predatory pricing, meaning pricing that is so low that it intends to or has the consequence of putting competitors out of business. The City of Tacoma should show more support for its local businesses who can be harmed by predatory pricing practices. Since profit margins are probably much smaller for local businesses due to the recession a store like Walmart with its aggressive business plan can put local businesses that have contributed and enhanced Tacoma out of business.
8. Since there are already a number of large stores in the same area - such as Target, Top Food and Office Depot - and in view of the numbers of residential homes in the immediate vicinity west of the proposed location and starting a few blocks north and east the time has come for the City of Tacoma to reevaluate its zoning code, study these problems and change the code to not permit such a large retail establishment at S 23rd and S Union.

Thank you for your consideration of my comments.

Susan Cruise
615 S. Madison St.
Tacoma, WA 98405

From: marshalm@q.com
Sent: Thursday, October 06, 2011 9:01 AM
To: lwung@cityoftacoma.org
Subject: Support for the moratorium on "big box" stores

Dear Sirs,

I unreservedly support and urge this Planning Commission and City Council to support the moratorium on the building of large "big box" stores in Tacoma until such time as appropriate regulations for their establishment can be created. These are large stores and their massive above ground parking lots must be appropriately zoned and regulated.

Marshall McClintock
701 North J Street
Tacoma, WA 98403

From: Mitch Robinson [mailto:boonrob@msn.com]

Sent: Thursday, October 06, 2011 9:49 AM

To: lwung@cityoftacoma.org

Cc: Marty Campbell

Subject: Big Box Moritorium Comments

As a resident of the city of Tacoma, I ask that the council carefully weigh the pros and cons of a "big box moratorium."

My overall concern is that we are in economic times where the city needs all the potential revenue through sales tax it can get. As just one example that is of concern to many residents, we have something like 100 years of deferred maintenance on our roads. The sales tax revenue derived from new large businesses could go a long way towards paying for long-needed public works improvements.

My other concern is we can't really guess what a "good" or "bad" future big box store might look like--but to put a ban in place might discourage a national retailer from even considering Tacoma. A few possibilities:

- Apple comes up with a new business model and starts stores similar to Best Buy versus their current smaller mall locations. Would we be left out?
- Large local employers like Fred Meyer or Best Buy want to add an additional Tacoma location.
- A well thought of brand like Amazon or Microsoft goes into the large retail space--would they not even consider Tacoma?
- A local merchant find enormous success in Tacoma and wants to build a large box-type space. How sad if they started that business in Tacoma but would not be able to carry there business vision through in the town they started in.

I know city residents have concerns about wages paid by these large retailers along with traffic patterns, congestion, etc. These same local residents also expect basic city services that are paid through sales tax. Let's make sure our citizens understand that for every business we turn away--it could potentially lead to a reduction in city services.

-Mitch Robinson
Tacoma, WA



To: City of Tacoma- Planning Commission
From: Central Neighborhood Council
Date: October 7, 2011
Subject: Planning Commission Public Comment – Ordinance No 28014

Dear Planning Commission Members:

Ordinance No. 28014 was adopted on August 30, 2011 which put in place an emergency moratorium on the permitting of large scale retail establishments with a floor area greater than 65,000 square feet. The moratorium applies City-wide and was enacted for a duration of six months (until February 28, 2012). As stated in the ordinance, the purpose of the moratorium is to allow the City time to evaluate the impacts of these kinds of land uses and to consider potential changes to applicable regulations and requirements.

The Central Neighborhood Council (CNC) agrees the emergency moratorium is necessary and the moratorium should be in place at least six months or until the City evaluates the impacts of big box stores and revises the maximum floor size and parking requirements in Commercial Community Mixed-Use District (CCX) zoned areas. Our reasoning is discussed below.

Why is the moratorium necessary?

“Big Box” stores with floor area greater than 65,000 square feet are currently allowed in C2-General Community Commercial, CCX – Community Commercial Mixed Use, UCX – Urban Center Mixed Use, CIX – Commercial-Industrial Mixed Use, M1 – Light Industrial, and M2 - Heavy Industrial Districts. It is our understanding the areas were zoned CCX during the formation of Mixed-Use District and specific building design and parking requirements were not thoroughly evaluated. There are seven CCX areas distributed throughout the city. The moratorium is necessary to allow time to evaluate building requirements in CCX areas before parcels within the CCX areas are developed or redeveloped with suburban style big box stores.

Why should CCX allowed uses be reevaluated?

The Tacoma Municipal Code (TMC 13.06.300) states one of the purposes of the Mixed-Use Districts is to “increase the variety of development opportunities in Tacoma by encouraging greater integration of land uses within specific districts in a manner consistent with the Growth Management Act, the Regional Plan: Vision 2020, the County-Wide Planning Policies for Pierce County, and the City’s Comprehensive Plan.” CCX areas are to “provide for commercial and retail businesses intended to serve many nearby neighborhoods and draw people from throughout the City. These areas are envisioned as evolving from traditional suburban development to higher density urban districts. Walking and transit use are facilitated through designs which decrease walking distances and increase pedestrian safety. Uses include shopping centers with a wide variety of commercial establishments; commercial recreation; gas stations; and business, personal, and financial services. Residential uses are encouraged in CCX Districts as integrated development components.”

There currently is no designated maximum floor area per story for a single business or a minimum floor-area ratio (total building area divided by site size) within CCX areas based on the City of Tacoma code. Therefore, a 150,000 square foot building serving one use with an expansive surface parking lot and little to no interface with transit options is allowed by the City code. This is the exact opposite of what the City of Tacoma's Comprehensive Plan describes as an urban style, pedestrian and transit friendly development that provides an environment for building synergies between local businesses, entrepreneurial opportunities, workforce housing, and living wage employment in designated Mixed-Use District.

The CNC recommends the Planning Commission retain the moratorium to allow for a thoughtful evaluation of impacts of large scale retail operations on:

- existing land use plans;
 - implementation of zoning and design regulations appropriate to recently-adopted updates of Mixed-Use Districts;
- traffic congestion and patterns;
- pedestrian and bicycle travel; and
- investment in and support for locally-sustainable economic development.

Further, the CNC recommends the Planning Commission consider appropriate regulations for large scale retail land uses, to include prohibition in Mixed-Use Districts, or at least restriction of the suburban characteristics. Additional regulations may include:

- limitation on floor area per story per single use;
- limitation on vehicular access and parking (including deliveries);
- pedestrian and bicycle access and amenities;
- outdoor storage;
- landscaping; and
- location and size of signage.

The Comprehensive Plan sets policy to build up not out, especially in Mixed-Use Districts. However the City of Tacoma code is not strict enough to implement that policy. The purpose of the moratorium is to provide time to evaluate the code so development is in line with policy before it is too late.

Tricia S. DeOme
Chair
Central Neighborhood Council

Justin D. Leighton
Corresponding Secretary
Central Neighborhood Council

www.cnc-tacoma.com



TACOMA-PIERCE COUNTY CHAMBER
P O W E R T H R O U G H
CONNECTIONS
RECEIVED

October 7, 2011

OCT 07 2011

Per _____

Jeremy C. Doty
City of Tacoma Planning Commissioner
District 5
747 Market St
Tacoma, WA 98402

Chairman Doty:

The Chamber of Commerce is writing to you in opposition to the large scale retail moratorium currently being evaluated by the Planning Commission. While the Planning Commission heard testimony at the public hearing addressing one potential site with one potential project, it is important to remember that the question posed to you by the Council (and state and local law) is not about a project. Rather you have been asked:

- 1) Does the municipal code and review process fail to address issues associated with large scale retail uses over 65,000 square feet in size, and,
- 2) If it does fail to, how much time is needed to make corrections to address these gaps?

The Chamber believes the municipal code, the State Environmental Policy Act and the associated processes with these regulations allow the City and the public ample opportunity to address potential impacts associated with large scale retail uses. Therefore, the moratorium is not warranted and should be ended immediately. Furthermore, if additional municipal code changes are warranted there is a clear process in place to make these changes absent a moratorium.

Existing Regulations

The municipal code has extensive regulations governing the types, sizes, locations, and build out of an array of uses. Currently the regulations governing land use regulations are over 400 pages long – not including regulations associated with administration, buildings, streets, traffic or other public works rules.

In addition to the City's regulations, Washington State has its own sets of regulations governing the development of properties. While these are wide in scope, the most significant of these is tied to the State Environmental Policy Act (SEPA). As the Planning Commission is undoubtedly aware, SEPA is designed to identify potential adverse impacts and provide mitigation of these impacts.

Finally, SEPA allows that if the City "determines that a proposal may have a probable significant adverse environment impact" (WAC 197-11-360) it may require the more substantial environmental review associated with an Environmental Impact Statement – which includes an analysis of alternative development scenarios. This is true regardless of whether the impacts are associated with wetlands, public safety or other quality of life issues.

Testimony to date in support of the moratorium has focused on the potential impacts associated with traffic. SEPA is specifically designed to address these potential impacts with seven questions about transportation, including “[What are the] proposed measures to reduce or control transportation impacts?” (WAC 197-11-960) Through the SEPA process, the City may propose mitigating measures to address these impacts.

Furthermore, the Planning Commission and City Council are constantly reviewing and updating the code through existing processes. Some examples:

- The municipal code was just amended on June 14, 2011 with the completion of the annual amendments to the comprehensive plan.
- A couple of years earlier the Planning Commission recommended a significant package of amendments to Council addressing development in our most significant retail centers, our mixed use centers. These amendments were adopted by Council July 28, 2009 – a process that began in 2006.
- The Planning Commission has just begun its review of the 2012 Comprehensive Plan amendments. These will likely amend the municipal code around the middle of 2012.
- Additionally, studies are underway around the City looking at regulations and development in areas like the South Downtown, the Dome District, the Foss Waterway, and the MLK Corridor.

These layers upon layers of regulations have existed for years with constant updating. The City has seen successful developments and businesses operating that now contribute to the local economy. The idea that yet another “emergency” moratorium is necessary to address an existing legal land use is unimaginative at best.

Adverse Impacts

The purported purpose of the moratorium is to allow the City time to address potential adverse impacts associated with development. While regulations are in place to address these impacts at both the local and state level, there has been little discussion of the impacts associated with another emergency moratorium.

As the first person testifying at the October 5th public hearing stated, “The only time I’ve gotten in trouble is when I’ve gone into something too fast without thinking it through.” Unfortunately, her warning was after the Council had already adopted this moratorium. Now is the opportunity to think the moratorium through and consider the impacts of halting businesses that conform to all laws including the Growth Management Act, the Comprehensive Plan and the Municipal Code.

A moratorium reduces the predictability of development which strongly impacts the economic growth of the City. This reduced predictability:

- Reduces the ability for property owners to solicit Tacoma properties to interested developers, retailers, and businesses meaning more empty lots and empty buildings.
- Halts development plans of both new and existing developments.
- Limits the potential of the City to act as the economic engine for the South Puget Sound meaning less revenue for needed public services and less revenue for filling the projected budget shortfalls of the next decade.
- Keeps people out of work in the construction sector, a sector seeing unemployment rates that are still over 14%.
- Prohibits tenant improvements on large retail buildings throughout the City, potentially keeping smaller retail and non-retail tenants from coming to the City.

The City has failed to address these potential impacts. Unfortunately, there was no public discussion before the implementation of this moratorium and there is no SEPA process available to ensure appropriate mitigation. At this point in the economy's recovery, the City of Tacoma cannot afford to keep businesses away while the surrounding cities and counties are finding ways to attract them.

The Chamber encourages you to recognize the validity of existing regulations that past and current Commissioners and Councilmember's have worked hard to implement. The state mandated comprehensive planning process is designed to allow for reasoned discernment of land use issues revolving around the community's vision and its implementation. The Planning Commission should support this process and recommend that the Council reverse its shortsighted adoption of the large scale retail moratorium.

Best wishes,



Tom Pierson
President & CEO

cc: Mayor Marilyn Strickland
City Council
City Staff
Chamber Board



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Reply to: Seattle Office

October 7, 2011

Planning Commission
City of Tacoma
747 Market Street
Tacoma, WA 98402

Re: Large-Scale Retail Moratorium – Ordinance 28014

Dear Planning Commission:

As noted in my letter of October 5, 2011, on behalf of UCFW 367, I submit these written comments in regards to Ordinance No. 28014. As you know, this recently enacted Ordinance puts in place a six-month moratorium on the filing, acceptance, and processing of applications associated with large-scale retail establishments; meaning those establishments with a floor area greater than 65,000 square feet. The City Council, as provided in TCC 13.02.055, has referred the moratorium to you for the development of findings of fact and a recommendation addressing both the need for and the duration of the moratorium.

The Need for Moratorium

The moratorium itself is a City Council initiated action. Currently, according to City Planning Staff, within Tacoma there are approximately 17 large-scale retail establishments, including the retail anchors at the Tacoma Mall. Proposals to expand or modify these existing proposals are subject to current regulations which, as discussed below, do not effectively accomplish many of the goals of the Comprehensive Plan.

Moreover, proposals for new large retail establishments continue to arise, even in these difficult economic times. Two additional large-scale projects were proposed in August 2011 and September 2011 alone. One of these additional proposals would be located within the Tacoma Central Mixed Use Center and the other within a C-2 General Community Commercial zoning district. These new proposals are seeking between 135,000 and 152,000 square feet of space. These new proposals further demonstrate the need for the moratorium. Unless the existing regulations are reviewed and necessary improvements made, these new proposals and others following them will be judged by the lax regulations in effect today.

We refer to the current regulations as lax and ineffective because they allow large scale retail developments which are inconsistent with the goals and policies of the City's Comprehensive Plan. As discussed in detail below, the city's policies eschew suburban style, auto-dominated malls and large retail establishments surrounded by a sea of parked cars. Instead, the Comprehensive Plan calls for pedestrian-oriented developments, often in a mixed-use setting, that makes Tacoma a "distinctive place" and which is compatible with surrounding neighborhoods and Tacoma's vision for growth and development.

- Tacoma's Vision for Growth and Development

Tacoma's Comprehensive Plan provides the primary framework for addressing land use issues in the City. Thus, in considering the issues posed by large-scale retail establishments and the moratorium, primary reference should be made to the Comprehensive Plan.

The Comprehensive Plan seeks to address managed, desirable growth and development so as to both shape and reshape the City's urban form. The Comprehensive Plan specially states that the policies in the Plan serve as:¹

[A] means of managing growth in a way that is *physically, socially and environmentally acceptable*, while at the same time providing for the preservation, redevelopment, and improvement of the City's establish residential neighborhoods.

The General Growth and Development goal is:²

To achieve orderly, timely, and desirable planned growth and development that enhances the quality of life for the citizens of Tacoma.

These visionary statements are supported by Policy LU-GGD-3 which states:

Growth and development throughout the urban area should be regulated, stimulated, and otherwise guided toward the development of *compact concentrated areas to discourage sprawl, facilitate economical and efficient provision of utilities, public facilities and services, and expand transportation options to the public.* (Emphasis added.)

The Intent section of the Comprehensives Plan's *Urban Aesthetics and Design* section builds on these statements by expressly setting forth Tacoma's visionary aspirations:³

¹ Comprehensive Plan, Growth Strategy and Development Concept Element at GD-2, § I (emphasis added).

² Comprehensive Plan, Generalized Land Use Element, at LU-6, §Section 1.

³ Comprehensive Plan, Generalized Land Use Element, at LU-12.

Positive urban design and architecture can enhance Tacoma's livability, the health of its residents, the natural and built environment, and encourage a sustainable and economically vibrant city ... Tacoma aspires to be:

- Pedestrian-oriented ...
- A desirable and inviting place to live, work and play ...
- A safe place to live, work and play ...
- A distinctive place ...

These aspirations are reiterated in Policy LU-UAD-3, which seeks to enhance the distinct character and identity of Tacoma by:

- Emphasizing pedestrian-oriented design ...
- Recognizing and retaining existing scale, proportion and rhythm ...
- Embracing the natural setting and encouraging regional character ...
- Balancing the historic, work-class character and its physical development with the community's desire to be progressive, innovative ...

As noted in my comment letter of October 5, 2011, several other policies within the Urban Aesthetics and Design section of the Land Use Element speak to these same features: LU-UAD-10 (streetscapes designed to promote pedestrian-activity and enhance the character of neighborhoods) and LU-UAD-11 (mixed-used commercial areas in a pedestrian-oriented manner).

As noted in the Growth Strategy and Development Concept Element, future growth in Tacoma is to be directed towards compact mixed-use centers.⁴ One of the recently announced large-scale retail proposals is in an area designated as "Mixed-Use Centers" in the Comprehensive Plan. The vision for Mixed-Use Centers is a dense, well-integrated variety of development types that is pedestrian-oriented and supports transit.⁵ Mixed-Use Centers have several objectives or key principles, including:⁶

- Create walkable and transit-supportive neighborhoods;
- Build on and enhance existing assets and neighborhood character and identity;
- Reduce dependence on cars and enhance transportation connectivity;
- Support neighborhood business development;
- Provide community gathering space and public spaces;
- Increase mix of uses (residences, shopping, jobs, and services).

⁴ Comprehensive Plan, Growth Strategy and Development Concept Element, at GD-2, § II.

⁵ Comprehensive Plan, Growth Strategy and Development Concept Element, at GD-5, § III and at 6-9, § VI.

⁶ Comprehensive Plan, Growth Strategy and Development Concept Element, at GD-9 to GD-10; Generalized Land Use Element, at LU-20 to LU-21, § II.

The Comprehensive Plan sets forth a variety of policies to facilitate these goals. Policies address pedestrian orientation, integration of a variety of uses, compact development, reduction in vehicle dependency, and impediments created by large parking areas.⁷ More specifically, policies address ensuring compatibility of design for mixed-use centers and the need to establish design guidelines.⁸ With all of the policies related to mixed-use centers, the desire for a pedestrian-friendly design is replete and detailed.⁹

In regards to commercial development, the Comprehensive Plan recognizes the pressure for retail and service uses to support a growing population. But, the Comprehensive Plan anticipates demand can be accommodated through redevelopment and intensification within established commercial areas, many of which have been designated as mixed-use centers. And, consistent with the Comprehensive Plan's overarching policies, commercial development is to be designed in a pedestrian-friendly manner and compatible with the character of the area.¹⁰

Thus, it is abundantly clear the vision for future growth and development the City of Tacoma has adopted for itself – compact urban development with an emphasis on a pedestrian-oriented/friendly design compatible with the surrounding area. The Comprehensive Plan recognizes that its aspirational vision and policies are not self-implementing. Instead, regulations must be adopted to turn this vision into a reality. Thus, LU-UAD-5 seeks the creation of:¹¹

...[C]lear and detailed standards that are crafted to encourage desired types of developments.

This is the very thing that is missing when it comes to Large-Scale Retail Establishments. The very reason a moratorium is necessary is to allow for the development of these regulatory standards so as to ensure the proper design and placement of these large-impact uses.

It must be noted that the term “large-scale retail establishment” is not defined in Tacoma’s Land Use Regulatory Code, Title 13. While retail use is a permitted use within a multitude of zoning

⁷ See Comprehensive Plan, Generalized Land Use Element at LU-21 to LU-24.

⁸ See Comprehensive Plan, Generalized Land Use Element at LU-26 to LU-33.

⁹ Comprehensive Plan, General Land Use Element, Policy LU-MU1 (Pedestrian and Bicycle support); LU-MCD-6 (Compactness, support more walking, bicycling, and transit use); LU-MUCD-7 (Circulation, convenient and attractive pedestrian and bicycle linkages); LU-MUCD-13 (Restrict Auto-Oriented Uses, negatively impacts walkability and pedestrian orientation); LU-MUP-4 (encourage pedestrian connections through parking lot in Community Center and Regional Growth Center); LU-MUD-3 and LU-MUD-4 (Pedestrian streets and uses); LU-MUD-6 (Design guidelines including those addressing pedestrian-friendly areas); LU-MUD-11 (Pedestrian-Friendly Design).

¹⁰ See Comprehensive Plan, Generalized Land Use Element at LU-56, Policies LU-CDD-1, LU-CDD-2, and LU-CDD-3.

¹¹ See also LU-MUD-6 and LU-CDD-1 (design and/or development standards/guidelines); LU-MUCC-3 (site plan review).

districts, the regulations prescribe a square footage limitation in only a few of those districts. Despite the Comprehensive Plan's intent to focus growth into Mixed-Use Centers, with few exceptions, the zoning districts intended to implement the City's Mixed-Use Centers permit retail use with no size limitation.¹² For instance, the C-2 General Community Commercial Zone permits retail uses outright and sets no maximum floor area.¹³ Similarly the M-1 Light Industrial and M-2 Heavy Industrial Zones permit retail uses outright, but provide no restrictions as to maximum floor area.^{14 15}

The square footage of the establishments relates directly to its impact on Tacoma's urban community. The design of large-scale retail establishments, through both the structure and the associated parking, are allowed to sprawl over the landscape. This sprawling, auto-dominated (and often linear) development pattern makes inefficient use of land and does not adequately support alternatives to automobile transportation; rather it creates a single-use, auto-centric development. This style of development is in juxtaposition to the City's Comprehensive Plan which seeks an evolution from expansive suburban large-scale retail to a compact, more pedestrian friendly, mixed-use urban center concept.

The code's effort to require a pedestrian-oriented streetscape is also deficient. The code starts out on the right track, requiring that retail buildings larger than 30,000 square feet have no more than a five foot setback from the public right-of-way along 75% of their front and side facades. TCC 13.06.300.F. But, inexplicably, this requirement only applies to buildings "located in close proximity to the street." The intent of this regulation (and the Comprehensive Plan) is easily avoided by simply locating the building far from the street with, for instance, a large parking lot between the street and the store. That is, the code does not preclude the very kind of auto-dominated, suburban mall design that the Comprehensive Plan seeks to avoid. This is the kind of deficiency in the existing code that needs to be addressed immediately if the goals of the Comprehensive Plan are to be realized.

In addition to design elements for these large-scale retail establishments, the economic impact cannot be ignored. The Economic Development Plan of the City's Comprehensive Plan seeks to not just recruit new business, but also foster the growth of existing businesses.¹⁶ The Economic Development Plan recognizes that how a city regulates land is critical to economic development

¹² TCC 13.06.300(D)(2) Use Table. Only the URX and NRX Mix-Use districts prohibit retail.

¹³ TCC 13.06.200(C)(4) Use Table; TCC 13.06.200(D) Building Envelope Restrictions.

¹⁴ TCC 13.06.400(C)(4) Use Table (Except within the ST-M/IC area – 10,000 to 15,000 square feet); TCC 13.06.400(D) Building Envelope Restrictions (no reference at all to floor area).

¹⁵ One of the few zoning districts with a size limit is the C-1 Neighborhood Commercial Zone which permits retail uses outright, but sets a maximum floor area of 30,000 square feet.¹⁵ Similarly, the Hospital Mix-Use Zone also permits retail uses, establishing a 7,000 square foot maximum, but this is "per business" not per structure. These two zones are the exception to the rule. Most of the zones allowing retail include no limit on size.

¹⁶ Comprehensive Plan, Economic Development Plan at 41.

and Action L-2 specifically seeks the efficient use of land through denser development.¹⁷ As noted above, larger retailers have shifted their focus from suburban markets to urban markets not only because of market coverage, but also a realignment of population. Given the impact of these uses on existing urban retail businesses and local employment, determining the proper sizing and location is vital to ensuring business sustainability within the City of Tacoma.

Duration of Moratorium

Ordinance 28014 was adopted pursuant to RCW 36.70A.390 which allows for a moratorium to be effective for not longer than six months. This same provision also allows for the renewal of a moratorium, in six month increments, subject to certain procedural requirements. There is, however, an exception to this time limitation - a moratorium may be effective for up to one year if a work plan is developed for related studies to support the longer period.¹⁸

City Planning Staff has crafted a very aggressive schedule for the review and adoption of necessary amendments to the Tacoma City Code, encompassing both Planning Commission and City Council review along with study sessions and public hearings. While every interested party appreciates the City's efforts to avoid a moratorium any longer than necessary, the proposed schedule is devoid of any discussion related to studies we believe are necessary to fully inform the decision-making process. It also seems to ignore that the changes to the code may need to sweep more broadly than simply imposing a maximum size on large retail establishments in certain zones.

As the background information provided to the Planning Commission in its meeting packet indicated, the past few years have seen a shift in the design and layout for large-scale retail establishments, most notably by creating a new market area for such establishments – the urban area. However, use of this information is questionable given the dates of preparation (1995-2008) and its relevance to Tacoma's unique community character. This background information also provided commentary on the economic impacts. However, given the economic transformation Washington State has experienced in the past years, this information may also not accurately reflect the economic impact of large-scale retail establishments within the urban area.

Thus, we believe region-specific studies or more current analysis as to land use and economic impacts of large-scale retail uses is vital to ensuring the development of regulations that not only reflect Tacoma's land use vision, but also continue its "business friendly" atmosphere that has drawn a variety of business to the area in the past few years.¹⁹ After the background studies are obtained, City Planning Staff needs adequate time to determine the full extent of amendments

¹⁷ Comprehensive Plan, Economic Development Plan at 44; Economic Development Plan, § II Land Use.

¹⁸ This same language is contained in TCC 13.02.055(D).

¹⁹ Councilmember comments at the August 30 council meeting spoke to Tacoma's being seen as a "business friendly" community but that this also meant the success of businesses, with the future for retail being "hot" in Tacoma: Councilmember Mello (Business Friendly); Councilmember Woodards (Ensure the success of businesses); Councilmember Campbell (Retail hot for Tacoma).

that will be required for the development regulations so as to address the impact of these types of facilities on the urban form of the Tacoma community. The time to obtain and analyze such studies and then draft appropriate regulatory language would undoubtedly take more than six months. A one-year moratorium seems appropriate.

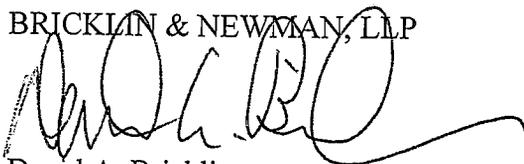
In addition to the need for studies and analysis, a realistic schedule would take into account the time of year activity is slated to occur. Under the schedule proposed by staff, much of the Planning Commission's work is scheduled to occur during the busy holiday season, creating potential time-conflict issues not only for the Commission and City Staff, but also for members of the public wishing to attend public hearings or comment on proposed amendments. When adopting this moratorium at its August 30 Council Meeting, one of the reasons councilmembers stated for enacting the moratorium was the need to ensure a "community conversation" regarding large-scale retail establishments.²⁰ The need for a community conversation denotes a respect for the vision and character the citizens of Tacoma are expecting based on the Comprehensive Plan. The process necessarily entails affording a variety of opportunities for citizen involvement. Tacoma's distinct character – based on its unique physical setting, its history, and its people – is a strategic asset that can be leveraged through compatible, high quality, new urban development. The public will provide valuable input, if provided a fair chance.²¹

In conclusion, the future of large-scale retail establishments within Tacoma needs to be thoughtfully analyzed. The City has recognized that current regulations addressing these establishments are not adequate. New regulations should be development which not only respect Tacoma's economic desires, but also respect the community's character. To develop high quality regulations that achieve this, adequate time must be provided. Thus, on behalf of UCFW 367, we ask the Planning Commission to recommend that the moratorium be left and place and extended to an entire year so as to ensure that Tacoma's vision for its growth and development is accurately reflected within its development regulations.

Thank you for the consideration of UCFW 367's comments in regards to this moratorium.

Very truly yours,

BRICKLIN & NEWMAN, LLP



David A. Bricklin

²⁰ Councilmember Mello stated the moratorium allows for the community to have a conversation about community character. Councilmember Boe noted the process for adoption of the Mixed Use Centers and the community vision behind those centers; the very area such large-scale establishment would be located. Councilmember Woodards believed the moratorium demonstrates a "thoughtfulness" for the community and the council needed to ensure the success of the community. Mayor Strickland concluded the moratorium allowed the City to "take a deep breath" and address such things as the surrounding neighborhood.

²¹ Comprehensive Plan, Generalized Land Use Element at LU-12.

Planning Commission
October 7, 2011
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DAB:psc

cc: Client