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Jeremy C. Doty, Chair  
 Donald Erickson, Vice-Chair  
 Chris Beale  
 Sean Gaffney  
 Tina Lee  
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 Matthew Nutsch  
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# Minutes

## Tacoma Planning Commission

**Community and Economic Development Department**

Ryan Petty, Director  
 Peter Huffman, Assistant Director  
 Charles Solverson, P.E., Building Official

**Public Works and Utilities Representatives**

Jim Parvey, City Engineer/Assistant Director, Public Works Department  
 Heather Pennington, Water Distribution Engineering Manager, Tacoma Water  
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**(Approved 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, 1<sup>st</sup> 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)

Chair Doty called the meeting to order at 4:05 p.m. The minutes for the regular meeting and public hearing of September 7, 2011 were approved as submitted.

### **GENERAL BUSINESS**

#### **1. Urban Forestry Code Update**

Lorna Mauren, Environmental Services Science Engineering, provided an overview of the Urban Forestry Program and its unique connection with the Surface Water Program. The Urban Forestry Program is an implementation strategy of the Urban Forestry Policy Element of the Comprehensive Plan. The proposed update to Title 13 of the Tacoma Municipal Code and addition of Title 18 is a part of the program. Ms. Mauren also indicated that Urban Forestry has a new meaning within the context of the Surface Water Program. Traditionally, trees are put in place for aesthetic purposes, but now they would also serve a specific function of improving water quality. Therefore, in the deliberation of the Code update, the trees are useful for both form and function. Ms. Mauren reiterated that the Code is only one piece of the overall Urban Forestry Program and there are other facets that need to be considered.



Ramie Pierce, Urban Forester, provided a summary and implementation status of some Urban Forestry Program elements, such as the Urban Forestry Manual, incentives and assistance, education and outreach, planting and demonstration projects, inventory and assessment, and regulations. Concerning the goal of 30% canopy cover, Ms. Pierce indicated that to achieve the goal approximately 14.82 square miles of land would need to be covered by tree canopy, which is an increase of 5.44 square miles (or five times the area of Point Defiance Park) from the current coverage of 19%.

Mike Carey, Intern for Urban Forestry, provided some illustrations on how many trees it would take to reach the goal. If the goal were to be achieved by only prescribing tree quantity, it would take approximately 2 million Flowering Pears or trees of equivalent size to add 11% to the existing 19%; whereas if Red Oakes or a species of similar size were to be planted exclusively, it would take approximately 121,000 trees. Mr. Carey stressed the importance of taking into account “tree quality” rather than “tree quantity” in reaching the canopy goal.

Ms. Pierce continued to discuss some aspects being considered in the code amendment. She went over issues relating to right-of-way. It was made clear that just planting trees in the right-of-way cannot accomplish the canopy goal and it would not be feasible for the right-of-way to be chosen as the only area for code modifications. She noted that because there are too many competing demands for its use, area for tree planting is diminished. The Commissioners provided comments ranging from increasing the coverage contribution of rights-of-way, decreasing that for the residential areas, to emphasizing quality rather than quantity of trees.

Ms. Pierce reviewed additional features that are being considered for code modifications, including education and outreach, landscape management plans, maintenance of trees outside of irrigation, triggers and thresholds concerning landscaping requirements, as well as code based credits and incentives for retention of mature trees. Ms. Pierce stressed that staff is not just looking at numbers, but looking at the larger picture with all the different areas to address. There will also need to be an enforcement element included in any proposal. The Commissioners recommended that the percentage for canopy cover be increased for commercial property as it was not reasonable to conclude that right-of-way can support the percentage of cover that staff has proposed and also stated that the single-family development had the most potential for placement of large trees and therefore there was more of an opportunity to increase the percentage for canopy cover requirements.

The Commissioners also questioned if there was any feedback and suggestions from large commercial entities, Metro Parks or the school district that have large areas of land. Ms. Pierce responded that staff has met with Metro Parks and the Port of Tacoma and plans to meet with the school district. Metro Parks has been closely involved in the code update process and is in favor of the code provisions being prepared. The Port is a little hesitant because they are not able to get credit for trees planted prior to code changes occurring and trees planted off-site.

Ms. Pierce also explained the incentive program that is being developed in the draft code and is built on the premises that developers will plant approved/recommended trees as specified in the code.

Ms. Mauren indicated that staff will be returning on November 2, 2011, with staff proposals for code modifications, and examples of existing canopy cover on different land use properties.

## PUBLIC HEARING

### **1. Large Scale Retail Moratorium**

The public hearing was called to order at 5:00 p.m. by Vice-Chair Erickson after Chair Doty recused himself from presiding over the hearing. Vice-Chair Erickson 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:

- (1) **Lori Lee Armstrong** – She 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.
- (2) **Tom McCarthy** – He favors the moratorium and would like to see it become permanent. He agreed with the preceding speaker that traffic is an issue because there are a large number of medical offices in the vicinity and the traffic already is bad. He 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.
- (3) **Kevin Kalal** – A representative from Bellarmine Preparatory School, he supports the moratorium. Their concern is that the addition of big retail space will cause traffic safety issues for students and staff at Bellarmine Prep. 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.
- (4) **Ralph Kendall** – He supports the moratorium and 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.
- (5) **Terrance Fuller** – 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.

- (6) **Marilyn Kimmerling** – She supports the moratorium and agrees with comments that were previously made. She added the point that there are attributes that are unique to Tacoma and big box retail will only have an adverse effect on traffic, schools, construction, and neighborhood businesses and these impacts will outweigh any benefits.
- (7) **Brett Williams** – He is in favor of keeping the moratorium. He said that crime has gone down in his neighborhood 47% 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.
- (8) **Denise Jagielo** – She represents the United Food and Commercial Workers Local 367, which has retained a lawyer, David Bricklin. She presented the written testimony prepared by Mr. 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.
- (9) **Jeff Ruthven** – Representing Teamsters 117, and commenting for his wife, Sandra, he 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.
- (10) **Anthony Bostain** – He approves of the moratorium, for such reasons as 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.
- (11) **Robert Osborn** – 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.

Vice-Chair Erickson 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.

- (12) **Deborah Osborn** – Her concerns were that those with special needs, wheelchair bound, those with canes, etc., would have issues with the building of a big box retail business. It is dangerous for pedestrians to walk through the area by South Union already. 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.
- (13) **Kris Blondin** – She wholeheartedly supports the moratorium and would like it permanent. She agreed that the traffic issue was a major concern and that the neighborhood had already experienced what happened 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.

- (14) **Tim Pak** – Representing SEIU Healthcare 775, he was concerned about 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.
- (15) **Rob DeRosa** – He 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.
- (16) **Matthew House** – Representing Teamsters Local 117, he agrees with all the concerns that were previously voiced. He supports the moratorium and would it to be permanent.
- (17) **Adam Hoyt** – Representing 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.
- (18) **Justin Leighton** – Secretary for the Central Neighborhood Council, he supports the moratorium and asked that it be longer than six months. He 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.
- (19) **Sonia Jewell** – 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.
- (20) **Tricia DeOme** – Representing the Central Neighborhood Council, she supports the moratorium. She 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.
- (21) **Jerry Kunz** – Representing 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 and 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.
- (22) **Jessica Anderson** – She supports a permanent moratorium. If a permanent moratorium is not achievable, then a diligent economic study should be done. She 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.
- (23) **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. She 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.

- (24) **Anders Ibsen** – He 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 hoped that the City would continue working toward keeping a “beautiful place” to work and live.
- (25) **Brenda Wiest** – 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.
- (26) **Patricia Lecy-Davis** – 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.
- (27) **Carol Sloman** – 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.
- (28) **Patricia Menzies** – She supports the moratorium, which 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.
- (29) **Nicole Weatherhead** – 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.
- (30) **Sarah Morken** – As a Multicare Rehab Specialist, her concern is for the traffic, which is already a problem at South 23<sup>rd</sup> 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 announced that the public hearing record will remain open until October 7, 2011 to receive written comments, and closed the public hearing at approximately 6:00 p.m.

Chair Doty resumed presiding over the meeting.

## **GENERAL BUSINESS (resumed)**

### **2. Sign Code Revisions**

Shirley Schultz, Building and Land Use Services, indicated that from past meetings related to digital billboards, it was clear that concern in the Sign Code Update discussions centered on the technology aspect for digital signs, whether on-premises or off-premises. After reviewing the input from public comment by neighborhood groups, staff and interested parties, the common comments and concerns were regarding the distractions to drivers, aesthetic impacts, and intrusion into neighborhoods of this type of sign. Ms. Schultz presented background information, including a list of manufacturers of digital signs and the technology behind that, benchmarking from other cities, and a draft public participation plan.

The Commissioners suggested that the emphasis under discussion should be more on the electronic signs and not the entire Sign Code. The Commissioners discussed whether there should be regulation as the goal rather than prohibiting this type of sign. After further discussion, the consensus was to allow digital signs pending further public feedback. The Commissioners also inquired about the existing definitions and regulations for electronic signs in different zoning districts. Discussion ensued concerning existing regulations on the number of signs, size, what focus should be taken on the actual sign code, and benchmarking regulations for electronic signage in other cities, particularly safety issues. The Commission discussed the proposed public outreach plan and felt that public comment would be more useful after the Commission has developed some options on which the public could respond. Ms. Schultz indicated that staff will bring forward a revised public participation plan and more information in response to the Commission's comments, questions, suggestions and direction provided at today's meeting.

### **3. Large Scale Retail moratorium**

Brian Boudet, Long Range Planning, led a discussion with the Planning Commission regarding the moratorium, the testimony received by the Commission, and potential options for the Commission to consider for their recommendation. Mr. Boudet's report included a PowerPoint Presentation where he provided additional information about the 17 existing large retail establishments in the city, recent permitting levels, current design and development standards, Comprehensive Plan guidance, and options for potential code changes. He also described the reasons for the moratorium and the next steps in the process. The Commission's recommendation needs to address, at a minimum: (a) Is a moratorium appropriate or not; and (b) What should be the duration of the moratorium? In addition, the Commission may want to consider whether the language of the moratorium is clear and correctly addresses the types of developments that are of concern and where a discrepancy exists between the Comprehensive Plan guidance and the Land Use Code.

The Commission asked for clarification of the 65,000 square foot threshold and its relevance to the justification for the moratorium. Ms. Stenger indicated that there are two issues tied to size, i.e., what size of development does the moratorium affect and, as the revised regulations are developed, what size threshold would trigger compliance. The permanent regulations could apply to smaller or larger projects depending on further analysis of the appropriate thresholds. At this point the intent is simply to address whether projects greater than the size outlined by the City Council should be prevented from developing as you study the issue.

Shanta Frantz, Building and Land Use Services, provided an overview of the existing regulations in the commercial districts and mixed-use districts that generally allow for large scale retail development. She reviewed both the development standards and design standards applicable to these projects. She also reviewed examples of projects developed within the last 5 to 10 years in these areas to help demonstrate how the code works. The examples discussed included the Lowe's Home Center on South Hosmer, Krispy Kreme Donut Shop at the Mall and the new Nordstroms at the Mall as examples of practical application of the development and design standards.

Mr. Boudet noted that while design and development standards for the mixed-use center districts include provisions designed to make projects more pedestrian-friendly there could be much debate on whether they do so strongly enough or sufficiently to reasonably ensure that new development is consistent with the long-range vision. For example, while the mixed-use standards require projects to include buildings placed up next to the street, that does not prevent projects, particularly on large sites, from also having buildings behind the street-front buildings that are large and surrounded by large surface parking areas.

Mr. Boudet discussed the outcome of the public hearing on the moratorium and said that around 30 people participated and were unanimously supportive of the moratorium. In many cases people requested an extension of the moratorium and in some cases argued for a permanent ban. While staff will likely continue to receive written testimony up until the comment deadline, there were six written responses received prior to the hearing, which were provided to the Commission. Of those six, four were in support of the moratorium and two were in opposition. Up to this point, the overwhelming majority of the testimony is opposed to big box retail businesses and recommends that more time is needed to examine if and how the City allows big box retail in certain neighborhoods.

Many of the Commissioners indicated their general support for the Moratorium, but given the number of issues that have been discussed expressed concern about the possibility of addressing them in six months. Ms. Stenger noted that under the 6-month schedule there will be two meetings before the Commission will need to send out draft code for public review and hold a public hearing. Ms. Stenger and Mr. Boudet explained that the appropriate timeline is very much dependent on the scope of issues that the Commission feels need to be reviewed. There are many issues that have been brought up, both by the Council and the community, and if all were considered it would take a greater amount of time to work on, but if the focus of concerns were narrowed to a certain number and/or a smaller geography then it would shorten the time. The Commission indicated that because of the complexity of the issues involved more than six months will be needed. Ms. Stenger said that staff will provide examples of work programs that can be done in the six month and twelve month periods.



## **COMMUNICATION ITEMS**

Chair Doty acknowledged receipt of the following information:

1. Hearing Examiner's Reports and Decisions

### **COMMENTS BY LONG-RANGE PLANNING DIVISION**

Ms. Stenger reported that the City Council on October 4, 2011, extended the Medical Cannabis Moratorium to a 12-month period through August 1, 2012 and that the Medical Cannabis Task Force will have their first meeting on October 12, 2011 at 4:00 p.m. in the Visibility Center, 9<sup>th</sup> Floor of the Tacoma Municipal Building.

Ms. Stenger announced that the City Council's Environment and Public Works and Economic Development Committees will conduct a joint meeting on October 12, 2011, at 4:30 p.m., in Room 16, Tacoma Municipal Building North, concerning the Shoreline Master Program Update. The Committees will review public comments received at the Council's public hearing on September 27, where 51 people testified, and among the primary concerns were public access, the proposed rezone from S-6 to S-7 including the Sperry Ocean site, and the eastside of the Thea Foss waterway.

### **COMMENTS BY PLANNING COMMISSION**

Vice-Chair Erickson suggested that location maps be included in Hearing Examiner's Reports to make it easier for viewers to make the association of the subject property with a site.

The Commissioners recognized that the concern about environmental impacts was brought up frequently at the public hearing tonight and inquired about who the City's SEPA responsible official is, whether there was any consideration on issuing a Determination of Significance (DS) on the Walmart project, and whether the City issues a DS on projects at all. Ms. Stenger responded that Shirley Schultz is the SEPA Official, that the Walmart's SEPA needs to be revised before it is reviewed, and that the City issues a DS on projects infrequently.

Chair Doty noted that there is a PBS special on Prohibition and commented that the banning of alcohol consumption, manufacturing and distribution in that time mirrors in exactly the same fashion many of the concerns associated with the medical marijuana issue.

## **ADJOURNMENT**

The meeting adjourned at 7:50 p.m.