

Members

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



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

Kurtis Kingsover, Acting 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

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(Approved on 12-7-11)

MEETING: Regular Meeting

TIME: Wednesday, November 2, 2011, 4:00 p.m.

PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402

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

Members Excused: Jeremy Doty (Chair)

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

Vice-Chair Erickson called the meeting to order at 4:01 p.m. The minutes for the regular meeting and public hearing of October 5, 2011 were approved as submitted.

A revised agenda was considered that included the Large Scale Retail Moratorium as an additional discussion item under General Business. The City Council voted on November 1 on Substitute Ordinance No. 28027 to retain the moratorium for 6 months, instead of 12 months as recommended by the Planning Commission. Given the reduced timeframe, this item needed to be added to the Commission's agenda. Discussion ensued. Commissioner Morrison recused himself from the discussion because his employer represents Wal-Mart. The revised agenda was approved as proposed.

GENERAL BUSINESS

1. 2012 Annual Amendment: #2012-6 Urban Forestry Code Revisions

Ramie Pierce, Urban Forester, led the discussion; she stated that the overall goal is to increase canopy coverage citywide from 19% to 30%. The proposed amendments would integrate new



tools into the existing code framework to accomplish canopy coverage increase; improve the quality of landscaping; increase flexibility for different land uses; support tree quality as well as quantity; protect the intended tree canopy; and include credits and incentives. Additional objectives are to improve organization of the code and to make some other general modifications.

Ms. Pierce stated that staff had been asked to come back with proposals for canopy coverage goals. To accomplish that, staff conducted an analysis of existing landscapes, which informed the recommendations presented at this meeting. The land use canopy goals will inform the development of regulations, though the code requirements don't necessarily have to equal the goals, as the regulations are not the only method being pursued for achieving the goals. She added that achieving the goals may not occur on each and every site — the objective is to achieve them citywide. These goals would be adopted as policy and be housed in the Urban Forestry Manual. The goals would support landscape regulation changes which could be equal to, greater than or less than the goals.

Mike Carey, Urban Forestry Intern, presented slides that demonstrated examples of existing sites and their current canopy cover and examples of proposed site canopy covers. Mr. Carey used actual sites to demonstrate different examples of canopy cover and discussed what types of trees were used as examples. He used actual plans that were proposed by developers as examples, for a range of land uses as well as for public rights-of-way, and showed the canopy coverage percentages for each. Staff discussed what it might take to get to the land use goals proposed for each land use. Mr. Carey summarized that the examples demonstrated that the proposed goals are generally feasible to achieve.

The Commission discussed the recommended goals for each land use, raising several questions and issues. Several Commissioners commented that the right-of-way goal should be increased since it is an area where the City could lead by example. Ms. Pierce responded that staff had already made changes to address this issue by increasing the proposed right-of-way goal from 25% to 30%, and modifying the residential goal from 35% to 30%. Ms. Pierce and Ms. Lorna Mauren said that due to the number of demands in the right-of-way (CPTED, traffic safety, utilities, pedestrian areas, etc) increasing the goal much more could result in further conflicts. The Commission discussed in particular how raising the right-of-way goal could affect CPTED concerns such as lighting. One Commissioner commented that while he understands the conflicts within right-of-way, we should consider pushing the envelope there.

The Commission and staff discussed single-family areas, several commenting that this is the biggest opportunity to make progress on the canopy coverage goal. CPTED issues are also relevant there, as well as for major institutions. One Commissioner questioned whether the examples provided by staff (a 6,000 sq ft lot with a 1,300 sq ft house) is really representative. Commissioner Gaffney stated the policy is fine, but he will be looking at how individual projects would be affected. The Commissioners had questions on triggers, threshold and exemptions. Ms. Pierce indicated that analysis of these issues will be coming back on December 7th.

In response to questions, Ms. Pierce clarified that green roofs would be built into the credits and would count toward canopy coverage. She stated that it wouldn't be required for green roofs to incorporate trees to count in the credits system.

Commissioner Gaffney asked how the canopy requirement will affect the Shoreline Districts, where views can be a significant public access issue. Vice-Chair Erickson stated that canopy is only one determinant that could be looked at. Another is sequestering carbon, which evergreen

trees do more than deciduous. He asked if there is a bias toward deciduous trees. Ms. Pierce clarified that the opposite is true — there is a bias for evergreens in the proposal for those and other reasons. Commissioners asked questions about the benefits of using Evergreen trees and Ms. Pierce briefly went over the beneficial qualities that these trees possess.

Ms. Pierce stated that requiring canopy coverage for all onsite parking lots, in lieu fees and credits are proposed as part of the objective of increasing flexibility. In addition, changes would improve on issues important for the health of the urban forest, such as minimum soil quantity by tree size and tree health and protection. The Urban Forest Manual and the proposed Title 18 would work with the code on these issues. She continued that organization would be improved by moving many of the standards to the Urban Forest Manual.

The Commission discussed monitoring approaches for required trees, including the length of time that monitoring should be required (1 to 3 years was discussed). They asked questions about potentially differentiating the length of monitoring by land uses, and about monitoring fees.

Commissioner Thompson asked about how overlapping canopy should be viewed – can there be credit for overlap? Ms. Pierce responded that canopy overlap doesn't serve as much purpose environmentally and that it could be difficult to administer such a system. Ms. Mauren added that canopy coverage is the stated goal in the Urban Forest Element.

In response to questions, Ms. Pierce stated that canopy coverage will need to be reassessed on some regular basis – such as every 5 to 10 years. She clarified that the Urban Forest Manual will be an administrative document adopted by reference in Title 13. In regards to irrigation, Ms. Pierce stated that there were three methods proposed for doing this and also explained watering needs of transplanted trees and plants. Ms. Pierce stated that the proposed landscaping maintenance plans will address a host of concerns that the Commissioners brought up. Ms. Mauren added that the major focus is meeting the 30% overall coverage goal citywide, and other concerns such as improvement of air quality is a bonus factor but not the main goal.

Commissioners asked what the City can do to make this something people do voluntarily, such as creating incentives. Given tough budget times and the likelihood that code enforcement funds are going to be limited, if there is a way to make this so people voluntarily do it that would be best. Ms. Pierce and Donna Stenger stated that it is not new to require landscaping, and that in many cases existing landscaping could meet the goals, but that the proposal would add an additional overlay to landscaping requirements to ensure that they also aid in achieving the canopy goal. The most significant area where the requirements would be new is in single-family areas.

2. Downtown Parking Requirements

Chelsea Levy, Long Range Planning, facilitated the Commissioners' review of the draft letter of recommendation, the draft Findings and Recommendations report, and the proposed Land Use Regulatory Code amendments.

Commissioner Morrison referred to the language of “reinstating parking maximums” in the Conclusions section of the draft Findings and Recommendations report and stated that the Code currently recognizes two exemptions for exceeding the parking maximum, if necessary, which help to remove barriers, provide flexibility, and address the concerns of the business and

development community. He suggested that the paragraph be modified to respond to that provision. The Commission concurred.

Ms. Levy reviewed the proposed Land Use Regulatory Code amendments. She highlighted the changes made in response to the Commission's direction at the last meeting, including the revision to the Purpose and Applicability statement for the section of Parking Standards, the addition of an intent statement for the subsection of Surface Parking Lots on Primary Pedestrian Streets, the change in the setback requirement from 60 to 40 feet for new or expanded surface parking lots on Primary Pedestrian Streets, and the changes in the requirements for the setback area in terms of landscaping, public amenities, signage, maintenance and public accessibility from the adjacent sidewalk. Discussion ensued. With respect to the requirement that the setback area shall be clearly and directly connected from the adjacent sidewalk if it is intended to be publicly accessible, the Commission suggested that it be clarified that such connection is ADA accessible.

A motion was made and seconded to approve and forward to the City Council the letter of recommendation as presented, the Findings and Recommendations report as amended, and the proposed Land Use Regulatory Code amendments as amended. The motion passed with a vote of 6 Ayes, 1 Nay (Commissioner Thompson opposing the parking maximum), 1 abstention (Commissioner Winship), and 1 absence (Chair Doty).

3. 2012 Annual Amendment: #2012-4 Sign Code Revisions

Shirley Schultz, Building and Land Use, facilitated the Commissioners' review of current Comprehensive Plan policies and current regulations related to electronic signs. In response to the Commission's request made at the meeting on October 5, Ms. Schultz presented examples of electronic signs currently used in the City. She went over a wealth of information of the various types of signs, including sizes, locations, placement, how the messages are displayed, and the associated zoning requirements. She showcased wall signs, freestanding signs and ground signs in C-2, R-2, NCX, UCX and DMU districts.

The Commissioners commented that the digital signs should meet the same criteria in place for other signs; that lighting for digital signs should not exceed what is currently used with traffic signal lighting; and that animation should not be allowed if visible from the street because this could be a distraction to drivers and is a safety issue for the public. There was also a question about how enforcement will be done when restrictions and requirements are mandated after the sign is up. Ms. Schultz replied that at the time of certification and installation, the applicant would have to provide certification of brightness maximum, which may not be changed by the end owner. Also, upon receiving a complaint, the City would conduct an inspection to determine if there is a violation. The first line of action in case of violation is voluntary compliance and if this is not done then a more formal process is involved where a time limit is imposed for correcting the problem.

Ms. Schultz next discussed what the current sign code entails and what the limitations are. She went over the design standards for signage in commercial and residential districts. The Commissioners had suggestions in regard to allowing digital signage in Commercial zones and some public facilities but limiting them in neighborhood centers because the City is trying to promote pedestrian friendly neighborhoods. The Commissioners ask Ms. Schultz to bring in examples of wall signs that are currently digitalized in neighborhoods to help in making a decision on how to proceed with this section of the Code. The Commissioners asked also if

digital signs and wall signs that are static treated equally now. Ms. Schultz said that they were and that they were only allowed in certain Districts and some allowance is only if Conditional Use is applied for. She also spoke about “trade-off’s” which means as a condition of permitting, you are allowed more leeway for what will be allowed for your signage.

Ms. Schultz also explained that there needs to be an update to the Code pertaining to definition for signage, in order to address indistinct definitions, missing or redundant definitions, and definitions that don’t align with technology; for example, there needs to be a more applicable definition when referring to animation in signs and “message centers”.

Discussion ensued. The Commissioners provided a number of comments, questions and suggestions, such as: videos or animation should not be allowed; a more factual reason should be given for limiting videos; why digital billboards are allowed while public opinion is against them; definition of message center signs should be clarified; “scrolling” and animation should be defined and differentiated in the Code; if digital signs are allowed, their setbacks should be increased; what type of signage would be required in each District; what constitutes temporary signs; and what are the codes for other jurisdictions for “on-premise signs”.

Ms. Schultz indicated that staff will meet with stakeholders in December and will return on December 7, 2011 with responses to the Commissioners’ questions and an update of the proposed code revisions.

4. Large Scale Retail Moratorium

Brian Boudet, Long-Range Planning, stated that the City Council adopted Substitute Ordinance No. 28027 on November 1, 2011. The ordinance retains the moratorium; exempts reuse, minor alterations, minor additions, and boundary line adjustments; maintains the original 6-month timeline; maintains the original citywide geographic scope; and requests the Commission to focus on limiting the size of retail businesses.

The Commissioners expressed some concerns, such as: that the Commission had already taken a comprehensive approach to address all aspects of the issue on a citywide basis; that focusing on size limitation is severely limiting the scope of study; that if the goal is to ban big box retail of a certain size it could have been accomplished by amending the code rather than imposing a moratorium; that the community may not understand why many other issues such as setbacks, pedestrian access and landscaping are not being addressed; that a moratorium may be justifiable if it is based on policy restrictions on certain developments in mixed-use centers, but may not be justifiable if based on size limitation; that the Building Code, not the size limitation, is what governs; and that the current public notification process does not allow adequate time and opportunity for concerned citizens to respond to projects being proposed.

Ms. Stenger stated that the City Council would like the Commission to address the most critical issue (i.e., size) for the time being, while continuing to work on other issues that had been raised by citizens at the public hearings. The Council received different testimony than what the Commission did. The original geographical scope was citywide, but the Commission had recommended it be narrowed down to certain mixed-use centers, to which many citizens responded at the Council’s hearing that they were being left out, Ms. Stenger explained.

Mr. Boudet proceeded to facilitate the Commission’s review and discussion of size limitations. He provided background information about the current size limitations for businesses or

buildings in various zoning districts, districts where large commercial businesses could be located under existing regulations, the approximate sizes of existing large retail establishments in Tacoma, as well as examples of specific size limitations in some benchmarking jurisdictions.

The Commissioners discussed a multitude of aspects relating to development projects, such as size, footprint, height and stories, design features, parking, location of parking, pedestrian amenities, traffic, right-of-way, proximity to freeway, proximity to residential areas, SEPA review process and criteria, and public notification. They felt that these are intertwined and should be considered holistically. Commissioner Gaffney, with the intent of drawing a nexus with Comprehensive Plan policies, proposed a model whereby developments greater than 65,000 sq. ft. would be prohibited in mixed-used centers but allowed outside of mixed-use centers with a Conditional Use Permit (CUP).

After further discussion on the framework and intent of the proposed model, the Commissioners reached a conclusion, and a direction for staff, that a hierarchy of size thresholds for various zoning districts should be established along with appropriate CUP decision criteria to go beyond those size thresholds, in accordance with the intensity of development and compatible with Comprehensive Plan policies.

COMMUNICATION ITEMS

None.

COMMENTS BY LONG-RANGE PLANNING DIVISION

Ms. Stenger informed the Commissioners of the status of the Critical Areas Preservation Code (CAPO) Update, for which the Commission had conducted a public hearing on September 21. Due to significant issues raised in the public testimony, primarily concerning the proposed programmatic permit and buffer modifications, staff has had follow-up meetings with the various commenters. From these discussions, it became clear that the proposed programmatic permit approach was not going to meet the needs of those stakeholders wanting to do voluntary restoration and a new approach is needed. In response, staff has developed a draft proposal. Since it is a departure from what the stakeholder Focus Group had reviewed earlier this year, staff has scheduled a meeting with the Focus Group on November 15, 2-4 p.m., at Tacoma Nature Center, to review the draft proposal. Staff intends to return to the Commission to discuss the proposed changes and any comments that the Focus Group may have.

Ms. Stenger also reported on the status of the Shoreline Master Program Update. The City Council's Environment and Public Works (EPW) and Economic Development (ED) Committees met again on October 26 to review public comments. The Council is considering some modifications to the Planning Commission's recommendations, such as removing the 75% threshold concerning the reconstruction of damaged/destroyed nonconforming structure; clarifying the applicability of public access requirements to single-family uses; providing further clarifications between water enjoyment uses, non-water-oriented uses, water-dependent uses and water-oriented uses; removing the specific standards for access in S-7; i.e. the requirement for a 15-ft walkway on the shoreline edge; clarifying access in S-10 is not subject to the on-site preference or waiver criteria; adding a description of lay berthing and where it applies and a number of definition changes and additions. The EPW/ED Committees have scheduled an

additional meeting on November 9, at 4:30 p.m., in Room 16, and the City Council is scheduled to conduct the first reading of ordinance on November 15, Ms. Stenger said.

COMMENTS BY PLANNING COMMISSION

Commissioner Morrison commented that the Planning Commission is established by the City Charter and the Tacoma Municipal Code with the goals and rights to make recommendations to the City Council on land use issues including the Large Scale Retail Moratorium which he had recused himself from the discussion of. He stated that the Commission is an advisory body that is not constrained by what the legislative body has said, and that he would encourage the Commissioners as a whole to be broad thinking on this issue.

ADJOURNMENT

The meeting adjourned at 7:15 p.m.