

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 Kingsolver, Interim Assistant Director/City Engineer, 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 as Amended on 1-4-12)

MEETING: Regular Meeting and Public Hearing

TIME: Wednesday, December 7, 2011, 4:00 p.m.

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

Members Present: Jeremy Doty (Chair), Donald Erickson (Vice-Chair), Sean Gaffney, Ian Morrison, Matthew Nutsch, Erle Thompson, Scott Winship

Members Excused: Chris Beale, Tina Lee

Staff Present: Elliott Barnett, Brian Boudet, Cheri Gibbons, Charla Heutinck, Jana Magoon, Lucas Shaddock, Lisa Spadoni, Lihuang Wung, Tony Vasquez (CED); Ramie Pierce, Lorna Mauren, Mike Carey, Josh Diekmann (Public Works)

Chair Doty called the meeting to order at 4:00 p.m. The minutes for the regular meetings of November 2, 2011 and November 16, 2011 were approved as submitted.

GENERAL BUSINESS

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

Elliott Barnett, Associate Planner, and Ramie Pierce, Urban Forester, led the discussion. Mr. Barnett stated this is the fourth meeting on this project, with the purpose of getting direction on remaining issues needed prior to drafting the code. He stated that the intent is to enhance the landscaping code to address canopy, build in flexibility, address tree health, and extend landscaping requirements to residential areas. The canopy coverage would be integrated into the Zoning Code through using the broad zoning categories. There would be a different canopy requirement for parks and major institutions across all zoning districts. For agencies that have their own Urban Forestry Management Plan, there would be some flexibility allowed for them to meet the requirement on a different site. There would also be an allowance to lower the percentage for parks and major institutions in the Downtown area.



Chair Doty asked if the proposed goals may be aiming too low in some cases. Mr. Barnett responded that it may be easier to make changes to the percentages when we get to the draft plan stage. Vice-Chair Erickson expressed the concern that street frontage, neighborhood consistency and other issues are important as well as canopy coverage. Mr. Barnett said that location requirements can be built into the draft to ensure that trees are provided along the street. He also explained the credits and fee in lieu features of the proposal. Ms. Pierce clarified that any agency with an urban forest management plan and an urban forester could utilize this flexibility.

Mr. Barnett continued to review the following issues: the thresholds for putting in landscaping during the development process, the exemptions and their application, and the extension of canopy coverage requirement to residential areas and to industrial area parking lots.

The Commission discussed the proposed code applicability thresholds, and expressed various views on whether they are too high to capture smaller projects, how they are to be used, and whether there might be some other methods to determine if requirements are applicable. Staff responded that they would look closely at this issue when writing the draft code. Staff went over the rationale for the current thresholds and pointed out that there are issues, including consistency with other code sections and predictability for applicants, that weigh in favor of keeping the threshold system as it is. Staff recommended leaving the system in place, but considering changes to the level at which landscaping requirements fit into it. The Commission requested some historical data of the number of permits that are received at each level to inform the discussion.

The Commission also requested more information on how much the fee in lieu would be for various projects. The Commission asked if there are criteria and a timeline established for the expenditure of the fee in lieu fund account. Ms. Pierce responded that the funds would support a common fund to finance planting of trees throughout the City, but there are no guidelines developed at this time.

Other comments from the Commission included that flexibility should be built into the proposal to allow applicants to meet the requirement as much as possible within the right-of-way, and that some communities have requirements for the ratio of deciduous to evergreen trees. Staff indicated we are incentivizing evergreens through other methods, but anticipate achieving the same objective. Vice-Chair Erickson cited an example where trees were cut down and pruned in the right-of-way and asked if there was some way to have an enforcement tool in place to prevent this. Ms. Pierce stated that currently this is challenging, but that staff is working to update enforcement requirements through the future development of the proposed Title 18 (of the Tacoma Municipal Code) which would be dedicated to urban forestry.

2. 2012 Annual Amendment: #2012-7 Technical Amendments and Refinements

Brian Boudet, Long-Range Planning, coordinated various staff presenters to facilitate the Commission's review and discussion of the following proposed minor amendments to the Land Use Regulatory Code:

Nonconforming Uses and Structures – Lucas Shadduck, Current Planning, explained that the proposed amendment addresses two issues. Currently the Code allows a nonconforming use or structure to be restored if damaged to the extent of up to 75% of the current replacement cost. The proposed amendment would change the 75% threshold to 100% (i.e., "100% burn-

down”), which is easier to administer, affords more flexibility to the property owner, is consistent with the recent changes recommended under the Shoreline Master Program Update, and is in-line with most jurisdictions. The proposed amendment would also codify specific requirements for an application of a determination of nonconforming rights, in order to provide clearer guidance for applicants/property owners in demonstrating or establishing nonconforming status.

(At 5:02 p.m., the Commission tabled the discussion of this item and considered the public hearing item on the agenda that was scheduled to begin at approximately 5:00 p.m.)

PUBLIC HEARING

1. Large Scale Retail Moratorium

At 5:03 p.m., Chair Doty called to order the public hearing on the proposed code revisions concerning large scale retail establishments. Commissioner Morrison recused himself from the discussion due to his employer’s business relationship with Walmart.

Brian Boudet, Long-Range Planning, reviewed the proposed code amendments developed in response to the City Council’s directives pursuant to Substitute Ordinance No. 28027, which was adopted on November 1, 2011. The proposed changes would establish a Conditional Use Permit (CUP) requirement for retail uses larger than 45,000 square feet in the commercial and mixed-use districts and larger than 65,000 square feet in the industrial districts. In order to allow adequate community input before a large scale retail project could proceed, the proposed CUP process would include requirements for public notice, a public hearing before the Hearing Examiner, and a pre-application community meeting. Mr. Boudet also stated that notification for this public hearing has been widely distributed and that due to the time constraints on the project the comment period for submitting written comments will be through Friday, December 9, 2011.

Chair Doty called for oral testimony. The following comments were received:

(1) Nat Franklin (a real estate owner) – For any existing single building with multiple tenant spaces, the CUP should be exempt for consolidating the tenant spaces into a single retail use that would exceed the current proposed square-footage threshold. Mr. Franklin noted a potential project of consolidating K-Mart and Big Lots at 72nd and Portland Avenue, where the property owner would not be increasing the footprint of the existing building, only changing functional layout of the space within the building. If this scenario is not excluded from the CUP requirement, it may be harder to fill vacant retail spaces and/or a property owner may opt to allow a building to remain vacant rather than apply for a CUP.

In response to Mr. Franklin’s comments, Chair Doty asked staff to provide clarification on the proposed amendments. Mr. Boudet explained the intent of the currently drafted regulatory requirements and how they would be carried out. He also noted that the purpose of engaging community input in the CUP process is to ensure large scale retail projects are developed consistent with the Comprehensive Plan and the community’s vision. The Commission noted that more discussion would be needed for this particular issue regarding enlargement versus multiple use.

Chair Doty concluded the public hearing at 5:17 p.m.

GENERAL BUSINESS

(The Commission resumed the discussion on General Business Item No. 2, concerning Annual Amendment #2012-7: Technical Amendments and Refinements.)

Nonconforming Uses and Structures (continued) – The Commissioners discussed the possibility of changing the burn-down threshold to 100% for residential uses, while lowering it for commercial developments to 60% or 75%. Mr. Boudet provided the rationale for the recommended 100% burn-down as well as the administrative reality that supports the change. Discussion ensued, and the Commission concurred with the proposed amendment, as presented.

Platting and Subdivisions – Cheri Gibbons, Current Planning, explained that the current Code does not include provisions for vacations and alterations of binding site plans, plats and short plats. The proposed amendment would add such provisions to the Code and bring the Code in compliance with applicable Revised Code of Washington (RCW) requirements. The Commission concurred with the proposed amendment.

Pre-Existing Conditional Uses – Jana Magoon, Land Use Administrator, stated that the proposal would allow long standing uses that are now listed as “conditional uses” to be treated as if they had been granted a Conditional Use Permit (CUP). These conditional uses are primarily found in residential districts and include such things as churches, schools, large parks and day care centers. It is not unusual for such uses to have been in existence since before a CUP was required (or even before the code existed), and currently the Code is not clear whether they would be required to obtain a CUP for the long standing use or for any modifications or alterations. Such uses often provide a service within the community; by treating them as approved conditional uses, they would more clearly not be considered “nonconforming uses” and whether modifications require a CUP would be specifically addressed. The Commission concurred with the proposed amendment.

Drive-Throughs in Mixed-Use Districts – Ms. Magoon explained that currently drive-throughs with any use are permitted within most mixed-use districts, but not within the HMX Hospital Medical Mixed-Use District. The proposed amendment would permit drive-throughs within the HMX, subject to appropriate development standards. Mr. Boudet added that drive-throughs were initially associated most commonly with fast-food restaurants, and thus were considered incompatible with the medical focus when the HMX was first established, but as they are being incorporated into an expanding list of uses (such as pharmacies, banks, etc.), it seems appropriate to make them permitted in the HMX. Discussion ensued and included such issues as the possibility of allowing drive-throughs as part of a medical complex but not as stand-alone development and the relationship between drive-throughs and pedestrian oriented streets. The Commission concurred with the proposed amendment and suggested that staff ensure appropriate outreach to businesses and neighborhoods in and around the affected HMX zones.

Parking Requirements for Eating and Drinking – Ms. Magoon stated that the proposed amendment would reduce the parking requirements for eating and drinking establishments from 10 stalls to 4 stalls, per 1,000 square feet of gross floor area. The intent is to correct an inadvertent error when the Code was amended in 2002, in that the calculation basis for said parking requirement was changed from “patron serving area” to “gross floor area”, but the numeric value for the stalls was not changed accordingly, hence the dramatic increase in the

parking quantity requirements. Discussion ensued and included such issues as whether said parking requirements are applicable to the downtown area and the mixed-use centers, and that neighborhood and business districts that are potentially affected by the proposed amendment would need to be notified. In addition, the Commission expressed interest in considering an expansion of the current exemption for pre-existing buildings in the Mixed-Use Centers, which was adopted in 1996 and has been very successful in those areas. The Commission concurred with the proposed amendment.

Reasonable Accommodation – Ms. Magoon explained that the current Code provisions pertaining to reasonable accommodations for persons with disabilities do not provide much guidance to applicants on how decisions are made on the requests for accommodation. The proposed amendment would clearly summarize the purpose of reasonable accommodations, the administrative requirements and required findings. Discussion ensued and included such issues as the applicability of the current regulations, how the disabilities and the need for accommodation are demonstrated, the medical confidentiality of the applicant, whether it is necessary and appropriate to require verification every 3 years, and the transferability of accommodation conditions upon the sale of the property. The Commission concurred with the proposed amendment, as presented.

Development Regulation Agreements (DRAs) – Ms. Magoon explained that the current Code provisions pertaining to DRAs contain a scoring system for project evaluation that limits the use of this tool to projects that include a substantial amount of Class A office space in downtown Tacoma. The proposed amendment would change the criterion regarding “60% of floor space being Class A” to “30% of floor space being office, commercial or retail”. The proposed amendment also changes the current reference to the “working definition of downtown” to “Downtown Regional Growth Center.” The Commissioners inquired about the rationale of changing 60% to 30% and the significance of changing Class A to generic commercial space. Mr. Boudet responded that the general intent is to encourage a mix of development in the Downtown and the change will allow more flexibility for the City and the developer to consider a wider range of projects through this highly discretionary process that involves review by the City Manager and approval by the City Council. The Commission concurred with the proposed amendment.

COMMUNICATION ITEMS

Chair Doty acknowledged receipt of the following information:

1. The City Council adopted the proposed Shoreline Master Program and associated supplemental documents on November 29, 2011. For more information, visit www.cityoftacoma.org/Planning > “Shoreline Master Program Update”.

COMMENTS BY LONG-RANGE PLANNING DIVISION

Mr. Lihuang Wung stated that former Planning Manager Donna Stenger passed away unexpectedly on November 18, 2011. He acknowledged the kind thoughts and condolences that were given to staff and Ms. Stenger’s family from the Commissioners. He announced that a celebration of life will be held in her memory on December 9, 2011, 2:00-4:00 p.m., at Philip Hall, University of Washington Tacoma (UWT).

Mr. Wung reported that the City Council adopted the Shoreline Master Program (SMP) Update on November 29, 2011. The Council also suggested that the SMP document be dedicated to Ms. Donna Stenger. Mr. Wung indicated that Tacoma is one of the few major jurisdictions that are meeting the State mandated deadline of December 1, 2011, for the completion of the SMP update. He thanked the present and former Commissioners for providing invaluable advice and assistance in the SMP update over the past 5 years. He also stated that staff will provide a more detailed status report and discuss with the Commissioners the next steps at the following meeting on December 21, 2011.

Mr. Wung reported that the community meeting on December 1, 2011, concerning the South Downtown (Dome/Brewery District) Subarea Plan was well attended. He acknowledged that Vice-Chair Erickson and Commissioner Winship were in attendance. The meeting introduced the project to the general public and kicked off the EIS scoping process that will proceed through January 10, 2012. A scoping meeting has been scheduled for December 15, 2011, 4:00-7:00 p.m., at Carwein Auditorium, UWT, to receive testimony from interested citizens and stakeholders concerning issues that should be addressed in the EIS. He encouraged the Commissioners to attend the meeting.

COMMENTS BY PLANNING COMMISSION

The Commissioners bestowed many sincere words of praise that summed up how City staff and the Planning Commissioners admired Ms. Stenger's kind and gentle personality and were appreciative of the wealth of knowledge that was so very obvious to everyone she had dealings with. The Commissioners also passed around a card for signatures and asked that it be presented to Ms. Stenger's family.

ADJOURNMENT

The meeting adjourned at 6:20 p.m.