

Members

Jeremy C. Doty, Chair
Donald Erickson, Vice-Chair
Chris Beale
Peter Elswick
Thomas C. O'Connor
Sean Gaffney
Scott Morris
Ian Morrison
Matthew Nutsch

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
Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power



Minutes

Tacoma Planning Commission

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(Approved on 7-6-11)

MEETING: Regular Meeting and Public Hearings

TIME: Wednesday, June 1, 2011, 4:00 p.m.

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

Members Present: Jeremy Doty (Chair), Thomas O'Connor (Vice-Chair), Chris Beale, Peter Elswick, Donald Erickson, Sean Gaffney, Scott Morris, Matthew Nutsch, Ian Morrison

Staff and Others Present: Donna Stenger, Jana Magoon, Steve Atkinson, Brian Boudet, Lisa Spadoni, Shirley Schultz, Lihuang Wung (Building and Land Use Services); Josh Diekmann (Public Works); Shelley Kerslake (legal counsel); Kim Van Zwalenburg (Department of Ecology)

Chair Doty called the meeting to order at 4:03 p.m.

PUBLIC HEARINGS

1. **Billboard Moratorium**

At approximately 4:03 p.m., Chair Doty called to order the public hearing concerning the Billboard Moratorium. He explained the public hearing procedures and stated that after the oral testimony the public hearing record will be closed and the Planning Commission will proceed to deliberate its findings and recommendations as a part of the meeting agenda. Chair Doty then called for staff presentation.

Ms. Shelley Kerslake, Legal Counsel, stated that the City Council enacted a 6-month moratorium on May 17, 2011, per Ordinance No. 27982, on the acceptance of applications to install or alter static or digital billboards. The ordinance required that the Planning Commission deliver its recommendations to the City Council by June 1, 2011, concerning the need for and duration of the moratorium, which was the subject of the public hearing tonight.

Chair Doty called for testimony. The following citizens provided comments:



- B-1. Robert Hill** – The moratorium does not meet the test for declaring an “emergency” as he previously has testified to City Council. His main objection is the monopoly of lease rights that Clear Channel has. If there were other affected companies, an emergency declaration may be warranted.
- B-2. Ross Buffington** – He expressed his approval of the six-month moratorium. He also indicated his opposition to digital billboards as he had previously testified at the public hearing on billboard regulations.
- B-3. Susan Ryan** – She supports the moratorium. She stated that many were not aware of the size and number of digital billboards that were proposed and felt that there needed to be more studies and thought put into allowing billboards and digital technology.
- B-4. Jill Jensen** – She voiced her support for the moratorium and stated that the City should take as long as necessary to develop a clear policy on this measure. A sound policy should be developed so that the issue does not come up again. Also, she requested more flexibility in scheduling public meetings so that others in the community could voice their opinion. Another of her concerns was that Clear Channel had the support of a fulltime paid staff, non-profits and businesses and that average citizens do not have this advantage in making comments, and she asked the Commissioners to take this into consideration.
- B-5. Erik Bjornson (North End Neighborhood Council)** – He commended the Commissioners on their stand and their leadership and acknowledged that the moratorium was a direct result of all the hard work and all the facts that had been evaluated by the Commission. He cited the number of neighborhood groups and the 95 percent of citizens who support the ban on digital billboards. He asked the Commission to continue to make their stand against digital billboards and not be swayed by the special interest groups that Clear Channel would bring in to put a “favorable face” on their request to have a billboard amendment passed. He stated that non-profits would still do just fine without the support and contributions of Clear Channel for advertising.
- B-6. Britton Sukys** – He commended the Commissioners on a “perfect” recommendation letter to the City Council and encouraged the Commission to take as much time, whether six months or even a year, to re-write the Code that would ban digital billboards and reduce the number of non-conforming billboards.
- B-7. Brian Jacobs** – He supports the moratorium. He asked that the Commissioners take as much time as possible to study all of the aspects of the Billboard code amendment. He stated that the Commissioners should act on three critical issues as they further evaluate billboard regulations, i.e., (a) Act to ban all digital signs both on-premise and off-premise; (b) Revisit the regulations that were adopted in 1997 for banning billboards to provide clarity and ensure that these regulations can withstand any legal challenges and the ban should remain in force including prohibiting digital billboards; and (c) Any adoption of ordinances concerning billboards should take into consideration the “holistic” view of how billboards fit in with the vision of the City and not just be put in place to satisfy a lawsuit from Clear Channel. The majority of Tacoma citizens do not want digital billboards because they do not improve the vision of the City. He commended the stand that the Commission had taken in their recommendation letter and said that digital billboards have no place in the City.

- B-8. Richard Frederick** – He wanted to go on record to urge the City Council to continue with the moratorium and completely ban the billboards in the future.
- B-9. Olivia Lippens (Clear Channel Outdoor)** – She indicated that Clear Channel (along with its predecessors) have done business in Tacoma for over a hundred years, has maintained decades-long relationships with multiple non-profits, and has been a member of the Chamber of Commerce for 35 years. They hire union labor, and half of their employees are based in Tacoma and Pierce County. Clear Channel understands the City’s desire to take a step back and evaluate whether or not their position in implementing new technology in Tacoma makes sense, however, there is no moratorium needed to prevent the construction of digital billboards, since the current code does not allow for them to be built. She indicated that the moratorium effectively prevents Clear Channel from exercising their property rights with the permits they currently hold for continued relocation and construction of signs, and prevents Clear Channel from conducting routine maintenance on existing signs as required by OSHA and other regulatory bodies. In essence, the City would be asserting a taking over these privately owned assets without compensation by prolonging the moratorium. The longer the moratorium is in place, the more exposure the City has relative to the 169 banked credits that they currently hold. She also pointed out that digital has widespread use throughout the City of Tacoma – for on-premises signs, on freeways and highways (by WSDOT), and at the Tacoma Dome. She felt that Tacoma does not have an issue with the technology of digital, but who has a right to use it. Extending the evaluation beyond the settlement agreement will result in returning to litigation but it also opens the City up to additional issues. The more delays put on this process, the higher the likelihood that it gets pushed back to litigation. She added that the moratorium will not alter the August 15, 2011 deadline of the settlement agreement.
- B-10. Anders Ibsen** – He favors the moratorium. The community does not want digital billboards and has spoken against encroachment by the visual blight caused by billboards in their neighborhoods. He stated that there is no infringement on free speech by these regulations. If the City were to cave in to threat of law suits that every “out-of-state lawsuit happy corporation” might bring pressure to bear against reasonable laws, we would have anarchy. We would lose our cherished assets and our quality of life would be threatened and it would undermine the very fabric of the rule of law. This moratorium is the first step of the City’s long term goal toward retaining the 1997 reasonable ordinance.
- B-11. Beverly Ibsen** – She is in favor of the moratorium. She felt that it may be necessary to clarify the existing Ordinance to make sure that the City is on firm, legal grounds. She has read the comments of Doug Schafer and expects that he will have additional comments to contribute. She also felt that the City is in the right in defending the existing Ordinance. She hoped that Clear Channel will accept the Commission’s recommendation and the recommendations of the citizens against digital billboards. Clear Channel is not in the right and does not have “clean hands” as exhibited by their purchase of non-conforming billboards knowing in advance that the boards were required to be removed in 2007. She said they are negotiating in “bad faith”. She hoped that they are not rewarded for the bad faith that they have shown by giving them digital billboard rights. She commented on the many problems caused by digital billboards that were addressed in earlier meetings.

- B-12. Tricia DeOme (Central Neighborhood Council)** – She addressed support for the moratorium and said that the moratorium will give time to step back and look at this as a policy. It will give a chance to develop a Code that everyone really wants and is not a result of a lawsuit. She added the caveat that the City should require the removal of all non-conforming billboards and to not allow digital billboards in Tacoma. Although she has not discussed this with the Central Neighborhood Council, she personally feels that moratorium should be extended to on-site digital signage as well because these signs are related to the same issues such as light distractions and driver safety as digital billboards.
- B-13. Eric Heller** – He supports the draft Letter of Recommendation to the City Council that is being considered by the Commission for submittal. He said that this action by the Commission is a “great” example of democracy working – the people have spoken out and the Commission listened and passed that information on to the City Council. He would like to see going forward that the government continues to listen to the people and not corporate interests.
- B-14. Harlan Shoop** – He is in favor of the moratorium. He asked a question of Commission about who is responsible for changing the sign code? Chair Doty answered that it was the Commission’s responsibility to recommend the changes to the City Council. Mr. Shoop responded that it seems like the time to look at sign regulations again in view of what we want our City to look like and that now it seems as if the City has been a little overboard by allowing too many commercial signs.
- B-15. Douglas Schafer** – He started off by clarifying that it wasn’t clearly indicated in Ms. Lippens’ testimony that Clear Channel does not have an office in Tacoma. He thanked the Commissioners emphatically for their strongly written report issued on May 18th and the associated findings. He stated that he had sent an e-mail and a copy of a report to Commission staff indicating that most of the billboards in the City were probably rendered non-conforming in 1988; the 1992 Code appears by its terms to prohibit all billboards in the City; the 1997 Code does not expressly permit billboards anywhere; and none of these Code or Ordinances contain any definition of digital billboard or electronic billboard or anything along those lines. But sometime after 1998, conventional billboards were expressly permitted in four zoning districts (C-2, M-1, M-2 and Port Industrial PMI). It is not clear in the existing code that the City could refuse Clear Channel to erect a digital billboard in those four zones that are presently zoned for a billboard. The only prohibition that the City could have against installation of digital billboards are those that are non-conforming but those designated as conforming billboards could certainly be converted to digital billboards. So the enacting of the moratorium is essential, and six months is the minimum necessary for a thorough investigation to look at studies (such as a pending study underway from the Federal Highway Administration) and other concerns that are associated with this issue.
- B-16. Andrew Nordhorst** – He is in favor of the moratorium on digital billboards and reducing the number of billboards within the community. In response to Clear Channel’s statement that they had been in business for 100 years, he indicated that there are a lot of things that have been here for 100 years but that they are now obsolete, outmoded and outdated. Digital billboards are the next generation of static billboards that are now considered obsolete. He commented he was involved in an accident where the other driver was not paying attention and became distracted by a digital billboard. Billboards

should be considered as being obsolete and the Commissioners should consider removal of billboards.

- B-17. William Osborne** – He would like to have twelve months for City staff to study proposed billboard code amendments to present to the City Council; six months is not adequate time. Billboards are not welcome, that's been clearly stated in this community. The City is trying to move toward place-making based on people and livability. Billboards are for a car-dominated community and that doesn't jive with Tacoma's future.
- B-18. Patricia Menzies** – If billboards have been around 100 years, then they have outlived their usefulness. The City banned them a long time ago. Don't be fooled by arguments for businesses and nonprofits needing billboards – businesses survive with other advertisement options and there are other media outlets for nonprofits to use. The moratorium allows more time for discussion and perhaps should include a roundtable with nonprofit stakeholders on how they can get their message out without the use of these massive signs. We need a more green way to do advertising and keep Tacoma beautiful.
- B-19. R.R. Anderson** – Billboards have been here 100 years, much like arsenic and the lead poisoning of the earth beneath our feet. They depress property values and make it easier to destroy historic buildings; they destroy hope and make people easier to manipulate; they keep Tacoma "crappy"; plus, they help with accidents and providing organs for donation through traffic accidents. Clear Channel makes it easier for these to happen. This company is going to sue you. Constitutions matter!
- B-20. Jamie Chase** – She supports moratorium, even though her family leases billboards from Clear Channel and she used to be in the advertising business. She read the words of the Outdoor Advertising Association of America to point out that billboards "are ever-present and sneak up on you where you can't avoid the advertising". She supported maintaining the moratorium until Clear Channel pays their fines of \$33 million. She asked how much profit is enough profit? She provided for the record documentation of Clear Channel's revenues which are up due to increases in digital signage. She also submitted for the record two studies pertaining to billboards.
- B-21. Carl Teitge** – He supports the moratorium. The City needs more time, and we should have taken it in the first place. The proposition is to get rid of non-economic signs for signs that are economic – but do we want that? We don't want to be Las Vegas. Static billboards are obsolete, and they were ugly then and ugly now. They will go away on their own, and we don't need an ordinance to make it happen.
- B-22. Glen Sukys** – Tacoma is improving, with all its museums and arts. A step away from billboards is better, classy, and the right direction. He supports the moratorium and he would like the City to get rid of all billboards.

Chair Doty concluded by thanking everyone for their comments and declared the public hearing closed at approximately 4:57 p.m.

The Commission took a 5-minute recess.

2. Master Program for Shoreline Development

At approximately 5:03 p.m., Chair Doty called to order the public hearing concerning the Shoreline Master Program Update. He explained the public hearing procedures, stated that written comments will be accepted through Friday, June 10, 2011, and called for staff presentation.

Mr. Stephen Atkinson provided a brief overview of the subject of the public hearing, i.e., the Shoreline Master Program Update package and its contents. He also summarized the technical analysis, environmental evaluation and public review process for the package, as well as the notification efforts for the public hearing.

Chair Doty called for testimony. The following citizens provided comments:

- S-1. Dolly Lampson** – Ms. Lampson started off speaking about air pollution that can make her friend, who has cystic fibrosis, really sick. Continued pollution from existing industries will kill our city. Right now she and her family go to other cities and communities when they wish to have fun biking and sightseeing. These other places are where they spend their money. The City needs to extend the waterfront walk to give families a place to come and “hang out”. Sixty years is just too long to wait. The walkway should support biking from the LeMay Museum all the way to Point Defiance. She explained that it is her responsibility to tell the Commission what she wants for the City and that it is the Commission’s responsibility to plan for the City’s future.
- S-2. Toby Murray (Tacoma-Pierce County Chamber of Commerce)** – He spoke against the SMP and said the draft does not balance the three objectives of the Shoreline Management Act equally. It favors public access over ecological functions and preferred uses. He also spoke out against rezoning the Sperry Ocean Dock property; a water-dependent industrially zoned and industrially occupied site for 130 years. He said that accusations that industry is expanding into pedestrian and recreational areas is false and the exact opposite is the truth. This change of shoreline district boundaries is an attempt to force this business out of the community. He noted that the draft SMP continues to misinterpret nexus and proportionality and places the burden on the property owner and not the city. He also commented on removing the ban on the ability of existing businesses to expand beyond property ownership on the eastside of the Thea Foss.
- S-3. Laura Fox (Tacoma Public Utility Board Member and commercial real estate broker)** – She supports the Tacoma-Pierce County of Chamber’s comments. She commented that the lack of provisions supporting existing businesses caused several businesses that were interested in re-locating to Tacoma to opt to go elsewhere because they had the perception that Tacoma is non-friendly to businesses. The Shoreline Master Program could do much to counteract this perception and serve as proof that it is a misconception. It is obvious that this perception is being reinforced by the way the Sperry Ocean property has been treated in the Draft SMP. The company that currently occupies this property has done much to cooperate with the City and promote ecological restoration by reopening the tidelands to provide increased habitat. The business provides vital training and function for the federal government and is a national resource. The change in zoning boundaries would harm this business and the good paying jobs associated with it. Ms. Fox concluded by asking the Commissioners to use a “common

sense” approach to allow existing businesses to be placed in the appropriate zoning. Having the recreational S-6 zoning move into the S-7 industrial zone makes no sense; however, moving existing light industrial businesses from the S-8 Thea Foss Zone to the S-10 Port zone does make sense. She urged the Commissioners to not be swayed by the emotions of others with their own personal agenda.

- S-4. Mike Elliott (Brotherhood of Locomotive Engineers)** – He indicated that his organization represents engineers that work on the network of the four train systems that operate in Washington State and stated that they are in full agreement with the stand taken by the Tacoma -Pierce County Chamber of Commerce and ILWU Labor Union on this matter. In support of that position, he offered the following comments: (a) keep the S-7 current zoning as is to support deepwater industrial uses and maintain future opportunities for deep water commerce. The waterfront property between Sperry Ocean Dock and TEMCO Dock are owned and maintained by the railroad and are important to safety and commerce. He supports the use of Bayside Trails to provide public view access along this stretch of waterfront. The best gift that that we can provide our young people is to maintain the prospect of a family waged job in industrially zoned areas along Tacoma’s waterfront.
- S-5. David Schroedel (“Walk the Waterfront”)** – He has worked with a number of jurisdictions that are updating their Shoreline Master Programs ranging in scales from large to small. Each of these cities has unique issues that need to be addressed uniquely, but one common issue that constantly comes up is public access. His organization has some specific concerns related to public access: Strike the proposed automatic exemption for specific uses in specific areas without having to consider whether public access is possible. Access does not need to be 24 hours and cited access at Seattle’s grain elevator that is closed and gated when industrial activities are going on for security concerns. State Law is very clear on this and he suggested the City adhere to the intent of the State Law. Alternative methods to on-site should be evaluated and a key way to provide public access is to establish an access fund to lower the cost for doing business by those who cannot provide public access on-site. He commented that his organization supports the expansion of the S-6 zoning. Communities that have the most success are those that make public access paramount and the access is highlighted whether it is in front of the Glass Museum or along Ruston Way. You will notice that the key element that makes these areas successful is that people are able to gather together; however a key element that is missing in Tacoma is the link for public access along Schuster Parkway.
- S-6. Gary Coy (Sperry Ocean Dock)** – Mr. Coy is in agreement with all comments made by the Tacoma-Pierce County Chamber of Commerce. He stated that the existing S-7 zoned area includes Jack Hyde Park, the Chinese Reconciliation Park and Tahoma Salt Marsh; all of which were built in the S-7 light industrial area. He noted that this zone has given up more area for public access with 1,800 linear feet given over to public access and taken out of the approximately 6,000 linear feet of shoreline for this purpose. His company supports the expansion of the S-6 area up to the westward edge of the Tahoma Saltmarsh, leaving the Saltmarsh in the S-7 area. He also pointed out that there has been a misconception regarding expansion by Sperry Ocean Dock and that since 2007, there have been no plans for expansion. Mr. Coy would like it noted that his company removed pilings and restored the beach area at its own expense. He also noted that the Dome to Defiance Study on pages 32 and 33 recommends keeping the S-7 zoning intact.

- S-7. John Roller (NuStar Energy LLP)** – Sees his company’s long term vision as being a part of the City of Tacoma and in order to do this they look at health, safety, environment, and community service and honor these as core values. They consider their employees as their number one priority and asset. Another cornerstone of their company is safety and environmental stewardship and they have never deviated from that. He stated that his facility is a leader in Tacoma for all these categories. The company has had only one injury in 11 years. He noted that the 12 employees who work there put in about 75 hours a month in public service. He would like assurance that he will be able to continue his business in Tacoma in the future and he does not feel that the SMP, which would rezone his property to S-8, provides his company with that assurance.
- S-8. Loren Combs (lawyer representing NuStar)** – Mr. Combs stated that there will be further documents that he will be submitting to the Commission, but he feels that NuStar is a company that cares about giving back to their community and environmental concerns and that Tacoma city officials should care about keeping them in our community. The current proposal does not give them the stability to continue to do that.
- S-9. Sandy Mackie (lawyer representing Schnitzer Steel)** – He is here to focus on two issues – critical areas and public access. He said that he wanted to inform everyone at the meeting of two myths: (1) critical areas protections require buffers on all shorelines, and (2) the Shoreline Management Act requires public access as a condition of granting a shoreline permit. He said that the correct standard under the Act is “no net loss” not a buffer and asked the Commission to look at what the laws for 2010 stated concerning buffers and follow that law. He went on to say that not all shorelines are critical areas and not all critical areas require buffers. He further explained what the law says regarding public access and said that public access is not authorized as proposed by the Shoreline Management Act, Coastal Zone Management Act, or the Public Trust Doctrine. The burden of proof rests with the City when access is required. If a company has interfered with an existing form of access, you have to replace it and if there is a cause for increased demand for public access, you must meet that particular demand. But if a project on the shoreline does not create a demand then no access is required.
- S-10. Matthew Boyle (Grette and Associates)** – He is in support and agreement with the comments and recommendations of the Tacoma-Pierce County Chamber of Commerce as well as the comments that were submitted in March by Citizens for a Healthy Bay. He feels that when the business community and environmental community agree on something it is something to take notice of. He highlighted two concerns in the SMP. He cited the inconsistencies between the proposed changes in the shoreline district boundaries when compared to the intent and purpose statements of the zoning and environmental designations. The industrial facilities and railroad infrastructure along Schuster Parkway do not meet Department of Ecology’s Urban Conservancy Designation criteria and the S-6 zoning. This area should remain in High Intensity Use designation and stay zoned as S-7. There is no reason or rationale for proposing a change. He further commented that the proposed fee-in lieu is too vague.
- S-11. Jeff Callender (Conoco Phillips)** – The company is located on the eastside of Thea Foss Waterway. He spelled out the functions and the operational times of his business. He stated that the requirements of the draft SMP would require his company, a water

dependent industry, to provide access to the public or the pay a fee in lieu of providing access. Mr. Callender explained because his company is governed by Homeland Security, they are not in a position to offer that access; furthermore, he does think that any aspect of their business creates a demand for public access. He would like to see his company have a more appropriate S-10 zoning designation. He also stated his concern with an interim amendment enacted in 1996 which hinders his and other businesses in the area from expanding. Further, he commented that one of the options in the Foss transportation study for the eastside would remove truck traffic from East D that would significantly affect his business.

- S-12. Jason Jordan (Port of Tacoma)** – Mr. Jordan acknowledged the monumental undertaking that is involved with development of the draft SMP. He commented that the Port's executive management and Board developed guiding principles for Port staff to use direction when commenting on this process. The principles include working to protect Port maritime water-dependent and water-related uses; discouraging incompatible uses adjacent to the Port; and promoting public access and environmental restoration when appropriate, safe and feasible. Another principle addressed having an efficient, predictable, and balanced regulatory process. The Port would like City staff to take a closer look at the permitting process to ensure it is clear and streamlined. He specifically cited the Exemption Section because as it is now written it appears that it could be more burdensome and expensive for businesses to comply. The Port believes the City should rely on the JARPA application that is already used by other State and federal agencies. Further, the exemption section need more clarification to allow for routine maintenance and repair and allow maintenance dredging and demolition as currently allowed. He asked for an administrative appeal process for permits and exemptions and to allow existing log storage as a permitted use in S-11. He had two comments on the eastside of the Foss. He stated that the public esplanade should end at East 15th and the ban on the expansion of industrial businesses should be lifted.
- S-13. Scott Mason (International Longshoreman's and Warehouseman's Union, Local 23)** – He stated that his association agrees with all the comments and recommendations submitted by the Tacoma-Pierce County Chamber of Commerce. He gave a brief history of the number of staff and the various activities that his association is involved with. He stated that deep water is a limited commodity that belongs to all the citizens of the State and that the Planning Commission is charged with making decisions that affect not only his association but all citizens. Mr. Mason wanted it noted that the Commission's decisions were not just for the benefit of those who wanted public access but also for the working community on the waterfront. He stated that S-7 designation should stay as it is. He would have preferred that the Container Port Element could have been addressed first and asked the Commission to take into consideration that section of the Growth Management Act before they make their final recommendation. He asked that economic facts be taken in to consideration before a maritime use is zoned out of compliance. He concluded that the conflict for use of the waterfront pits two ideas against each other; industry and jobs versus view property and gentrification. He noted that ships docked at Sperry help in time of natural disaster and will be hard to replace.
- S-14. Bruce Baurichter (Firefighters Union, IAFF Local 31)** – The union members support the comments and recommendations of the Tacoma-Pierce County Chamber of Commerce. He asked that the boundary between S-7 and S-6 be kept in place as is. By keeping the boundary in place the citizens of Tacoma would be assured of keeping a

balance in place and keeping everyone safe within their own space. Firefighters' paramount issue is to keep everyone safe and this can best be achieved by keeping S-6 zoning for recreation and S-7 zoning for light industrial. Another key aspect that the existing business in the S-7 maritime industrial zone plays is in making portions of their facilities available for the training of City firefighters and Bates Technical School firefighters. He concluded that the business and jobs in S-7 Zone help pay for the quality of life that the citizens throughout the City enjoy in the S-6 Zone.

- S-15. Mark M. Martinez (Pierce County Building Trades)** – He does not support the current draft. He spoke regarding workers having serious concerns about the draft SMP and its lack of support for keeping jobs at the Port. In particular, he brought out that the SMP would jeopardize Simpson Kraft remaining in Tacoma. He also felt that those businesses that had spoken earlier in the hearing were willing to relocate to other cities if Tacoma passes the proposed SMP. He said that would be a hard economic hit and “high paying wages” would be replaced by low pay minimum wage jobs if the draft was adopted. His conclusion was that if Commission wants to keep Tacoma economically viable then the draft SMP needs to be more supportive of industry. He ended a strong note when he said, “This is Tacoma, we are not Seattle, we will never be Seattle, but we are going to be the working class Tacoma that we have always been for the past 150 years”.
- S-16. Bea Christophersen** – She spoke about using “common sense” and having a balance that takes into consideration beautification and amenities and economics and industry. Industry on Ruston Way at one time was “king” and that was all there was. When she first moved to Tacoma, Ruston Way was “awful” and abandoned industry was prominent. She then fast forwarded to the conditions that exist there now that industry has left, the area has been cleaned up and public improvements have been built. Ms. Christophersen believes port industries are a valuable and coveted asset that other cities would like to have. She feels that industry on the Port makes it possible for the City to have the beautiful walkways and the views along Ruston Way and she would like to see these uses remain. In conclusion, she feels that the waterfront should remain as is because we need industry as well as beautiful places to walk and have recreation.
- S-17. Su Dowie (Foss Waterway Development Authority)** – Ms. Dowie mentioned letters previously submitted to the Commission that she would like to include as a part of the hearing record. One concern is public access and the composition of uses that occur on the Foss Waterway. On the westside is a mix of soft uses and on the eastside is a mixture of restaurants and industry. She said there should be a difference in the development of public access under these unique circumstances, but that each component is very much needed on the Tacoma waterfront. She asked for clarification of the landscaping requirements and stated that there are potential conflicts with public access and concern over which would prevail. Ms. Dowie also commented that the Board is supportive of removing the ban on existing industrial uses in the S-8 zoning thereby allowing these businesses to continue to grow.
- S-18. Mike Lonergan (Youth Marine Foundation)** – His operation is in the S-8 zoning and he went on to tell of his experience in getting a permit for some work done at his site under the existing regulations. He commented that the City wanted them to put in place more than what was needed trying to satisfy requirement for public access. His feeling is that by doing this, the City over-reached the actual requirement and could have jeopardized their remaining at this site if they had stuck to the original requirements proposed as a

condition of the permit. He said that Tacoma exists because it has a deep water port where “rails meet sails.” He supports fully the recommendations of the Tacoma-Pierce County Chamber of Commerce. He also noted the anomaly of both the Citizens for a Healthy Bay and organized labor also supports the same recommendations that the Chamber of Commerce has made.

- S-19. Sara Clair (Greater Metro Parks Foundation)** – Sperry Ocean Dock does not provide public access and the Metro Parks Foundation has consistently expressed support for a public walkway from the Tacoma Dome to Pt. Defiance. She would like S-6 Zone to continue to Thea Foss in order to plan for the future to make the Schuster Parkway shoreline more accessible to the public. She said that Tacoma has been working on the project of connecting Ruston Way and Thea Foss for 60 years. She noted that industry has been a drawback to establishing this system. She recommended that no waiver should be granted for building public access in this part of the waterfront.
- S-20. David Rietmann** – He supports the expansion of the S-6 Zone up to and including the Sperry Dock site. He acknowledged that the Sperry Dock has property rights and would continue operations but would be prevented from expansion. Industrial areas should not have to provide public access because it is a safety issue and it makes no sense to do this. He commends the City staff for taking a stand to extend S-6 zoning. Sperry Dock is the end of the Ruston Way experience. Vessels that are at the Sperry Dock are incompatible with the neighborhood and episodically pollute the neighborhood with emissions. He commented that the City Manager has weighed in on this issue by requesting DNR to not renew the lease of public lands for use by the vessels.
- S-21. Carl Teitge** – Mr. Teitge mentioned that he was on the Planning Commission from 1983-1988 when the City was planning for Ruston Way and the Foss Waterway and heard similar concerns expressed about industry and public use of the waterfront. He mentioned the many industries that were once located on Ruston Way, the Foss and in the Port area and how these businesses are all gone now. Mr. Teitge said that the draft SMP is not asking for too much of a change to allow more public access on a very small portion of the waterfront by rezoning S-7 to S-6 and that this change is not a threat to the operations of the Port. He also opposed relying on Bayside Trails as acceptable public access. His house is adjacent to the trail and parts of the trail could be classified as a stream now.
- S-22. Ron Coleman** – Mr. Coleman also indicated he is a former member of the Planning Commission, and supports the extension of the S-6 Zoning all the way from Point Defiance to Thea Foss. Opposition to this approach is not new. He would like to see the Commission continue the dream and provide the leadership so that the City can have one of the most beautiful waterfront parkways around as envisioned and planned for in the 1980s. If zoning is changed to S-6, Sperry Ocean Dock and TEMCO would not go away, they would be “grandfathered” and continue current operations. We will lose no jobs. He sees no reason to require public access in the Port. However, a walkway is needed along the western edge of Commencement Bay. He said the Commission should not underestimate the value of a well designed inner harbor as a tourist attraction. He acknowledged that there are obstacles to building the continuous walkway but that shouldn’t stop the planning; these obstacles can be overcome.

- S-23. Leslie Ann Rose (Citizens for a Healthy Bay)** – She noted that her organization works to clean up and protect Commencement Bay and its habitat. She identified the draft SMP as the best in the Puget Sound area and is a well-written and integrated document. She said the SMP needs to realistically reflect Tacoma’s shorelines and that a diversity of public access should be provided.
- S-24. Bett Lucas** – She supports all the comments and recommendations that have been made by Tacoma-Pierce County Chamber of Commerce. She said that in no way has the Sperry Dock, railroad or industry hindered the value of her condo located nearby or her enjoyment of the Tacoma waterfront. She feels that the jobs the waterfront industries provide is very important and make Tacoma a more viable place in which to live. She said that the businesses that are in Tacoma should be retained in these difficult economic times.
- S-25. Pierson Clair** – Tacoma is a city of change and gave a brief history of the many changes that have occurred in the city. The Port has changed and now wants to expand into his neighborhood. He is in support of the expansion of the S-6 zone all the way to TEMCO. He envisions a vibrant and beautiful City if we continue to work toward change and is encouraged by the process the SMP takes to accomplish this. We could have an 8-mile walkway by the water for families with children to walk and enjoy.
- S-26. Dennis McGovern** – Supports the change that has S-6 being extended to include the Sperry Ocean Dock site. The Sperry site has little potential for other uses than what it is currently used for or as a park. He stated that the current use of the Sperry Dock is not actually an industry; nothing is manufactured there; the parking of two ships does not conform to the current zoning of S-7. Those ships should be parked and the military would be better served if they were parked in Bremerton. The Bayside Trails is not a reasonable alternative for shoreline public access; it is just a muddy trail. This whole process is about planning and it was 60 years in the making. The goal is to make our waterfront vibrant to attract people, visitors, businesses and the City needs to continue this and make the final leap.
- S-27. Lara Hermann (Walk the Waterfront)** – She said the discussion so far pits industry versus people. This is outmoded thinking. Ms. Hermann would like to adopt a plan that says people and industry can co-exist. She said other cities have been able to accomplish this and that Tacoma can thrive by also finding a way to incorporate uses that will work for the good of the average citizen and retain jobs. Ms. Hermann outlined changes she would like to see in the draft that would put more teeth in the waiver exemption for public access and why this was important. She supported the use of fee-in-lieu but only after an on-site waiver was granted. She supported eliminating the S-7 zoning and rezoning the entire area as S-6. The two existing businesses would be grandfathered in.
- S-28. Eugene Wiegman (Former President of Pacific Lutheran University)** – Jobs are important, but they are not everything. Keeping the waterfront looking great and prosperous is important too. He said that comments on making the Sea Scout site industrial was not necessarily correct as he was on their Board and he did not recall that this was discussed by the Board. He says industry has changed and the Commission should look to the future.

- S-29. Joe Martinac (Martinac Ship Building)** – He said he is not opposed to walkways and the esplanade, but he is concerned about safety. He would like to be able to co-exist with those who want a walkway placed in the industrial area, but does not see how that can be safely done. He believes the current SMP draft exempts existing Foss businesses from providing public access and he would like that verified. He urged Commission to be sure of what the SMP says and to look closely at the fine print so that problems do not occur in the future. He does not want to fight local government to stay in business.
- S-30. Dave McEntee (Tacoma Simpson Kraft Co.)** – He says there is a lack of leadership on the issue of public access. He believes that industry and the City can develop a workable solution. He is concerned about adjacency. He said that staff may not understand the needs of businesses on the waterfront. He believes that allowing softer uses that are adjacent to industrial uses are a threat to industry. The draft SMP is shrinking the S-10 and S-7 industrial zoning. He also noted his concern about removing log storage as a permitted use in the S-11 district.
- S-31. Jit Singh** – Mr. Singh supports the extension of the S-6 zoning. He commented that TEMCO is a nice facility and in the past he was able to see the benefit of having industry on the waterfront, but now things have changed and this part of waterfront is no longer a place where recreational and other amenities can be enjoyed. He would like to see the proposed walkway built.
- S-32. Bill Stauffacher (TEMCO and BNSF Railway)** – He would like to see that City, industry and the railroad work toward collaboration and not be in conflict. He said other jurisdictions have been successful in working with the railroad to make improvements through collaboration and not by passing restrictive zoning. Community interests are aided when people come together and make decisions together to have trails and other amenities. Unfortunately the draft document is trying to force change by making zoning changes. The Chambers Bridge to the waterfront is the result of Pierce County working with the railroad. Tacoma can have a waterway trail without making these changes to the current Shoreline Master Program. He said the proposed fee in lieu change is more to have someone else responsible for paying for the improvements. Industries just do not lend themselves to be safe places for the public and should not be required.
- S-33. Steve Schain** – He supports a walkway in the S-7 district. He questioned why the Port was so interested in the Sperry site that has limited potential for industrial uses. Having an attractive city will attract jobs. He claimed that the Commission's job is to protect the future and asked that they not move backwards. We have to figure out a way to make industry needs and citizen needs compatible, it does not have to be a war.
- S-34. Chris Winters (I.U.P.A.T Local 1964)** – Mr. Winters spoke in favor of the recommendations submitted by the Tacoma-Pierce County Chamber of Commerce. It is important to have the Port economically viable. They provide family wage paying jobs. He stressed that other Ports covet the business that is done in Tacoma and if conditions are not conducive to doing business here, the City could lose out to those other national and international ports. He would like to see collaborative efforts made between the City and industry to help the Port achieve public access as well as maintain industry.

- S-35. J. J. McCament (representing Pt. Ruston Development)** – She asked for greater clarity in the definition of the S-15 zoning jurisdiction as their site includes parcels that are both within and outside shoreline jurisdiction. She requested that the Conditional Use permit requirement for multifamily townhomes be eliminated for upland areas outside of the 200 ft. shoreline jurisdiction. She also asked that townhomes be allowed within 100 ft of the shoreline and that the number of such homes be restricted to 25. This would give the developer more certainty. She asked that the definition for townhomes be revised in a way that is not tied to ownership of the land due to the environmental agreements for the site. She thanked the Commission for going above and beyond to get input from everyone.
- S-36. Heather Trim (representing People for Puget Sound and Futurewise)** – Ms. Trim commended staff for a well written SMP that is easy to read and understand with good ecological protection standards, but stated that her organization has some issues with the exemption process in that they do not believe that it is clearly defined and would like it re-written, made clear, and strengthened. Environmental designations also should be looked at and strengthened as there are areas in the City with existing vegetation that should be protected with a natural designation. She is also concerned about the wetland buffers and suggested that buffer widths should be enlarged. She also expressed concern about overwater parking which over time should decrease. She suggested that standards for live-aboards should address both black and gray water and the discharge of chemicals.
- S-37. Rick Rose** – Mr. Rose stated that in 2007 he previously submitted a proposed Comprehensive Plan Amendment in which he asked that the current S-7 zoning be modified to extend the Ruston Way S-6 zone down to the TEMCO property. The purpose of his proposed amendment was to minimize the impact of industry along Schuster Parkway on adjacent residential properties. There is an inadequate buffer between Sperry Ocean Dock and adjacent residential properties who are impacted by the operations at the site. Mr. Rose says this is an ongoing problem for the neighborhood. He believes that his proposed amendment was visionary and is needed even more so now to address air, noise and light pollution. The proposed recommendation for extending the S-6 zoning through the Sperry property is good but it does not go far enough. The extension should go all the way to the Thea Foss Waterway and because existing industries are “grandfathered in” there should be no loss of jobs.
- S-38. Linda Heaton** – Ms. Heaton is in support of S-6 zoning going as far as TEMCO. She used a quote that stated: “It is hard to create a space that does not attract people, but it is remarkable how often this has not been accomplished”. Ms. Heaton expressed that there has been a dramatic rise in interest in the waterfront since people everywhere seek great public spaces that can be enjoyed by the community as a whole and that waterfronts are a finite resource. Tacoma has a waterfront that should be promoted. The best solution should be to put public access first – not short term financial expediences. She wants the city to have a shared vision for promoting the waterfront and stated that unlike a Master Plan, a vision process does not lock a project into a prescribed solution. A shared vision sets the stage for people to think boldly, make breakthroughs and achieve new possibilities for their waterfront. Waterfronts are too valuable to allow developers, business or the Port to dictate the terms of growth and change. This does not mean that these entities are unwelcome or discouraged; on the

contrary, it is necessary to the future of a healthy waterfront, but whatever is built must contribute to goals set forth by the community and not detract from them.

S-39. Kyle Price (Serves on the North End Neighborhood Council) – He supports the extension of S-6 zoning and suggests that the Commission lay the groundwork for a waterfront walkway, which would be a City amenity and regional attraction stretching from downtown to Point Defiance. It is important to note the SMP is not just about the people who live and work by the water. The SMP is about livability for the whole city.

S-40. Scott Wagner (Narrows Marina) – Mr. Wagner is concerned about how the draft SMP treats nonconforming uses and structures and said that it does not seem reasonable. He wants to know why the draft SMP uses an arbitrary figure to determine when a nonconforming use or structure can be rebuilt when damaged. He requested that the 75% threshold be removed. He also assured the Commissioners that he is already providing public access at his business and is concerned that every time he makes an improvement that he would be required to provide additional access.

S-41. Judy Rose – Think big. Be courageous. Give us the waterfront that we can be proud of. Don't give up easily.

Chair Doty concluded by thanking everyone for their comments and stated that all written comments will be considered until June 10, 2011 and that all comments will be duly considered. The public hearing was closed at approximately 7:20 p.m.

GENERAL BUSINESS

1. Billboard Moratorium

Ms. Shirley Schultz provided an overview of the written public comments received regarding the Billboard Moratorium. She noted that the comments had been previously provided to the Commission including comments that were distributed to the Commission at the start of the meeting. There were about 46 pieces of communication; most of the comments were in support of continuing the moratorium. Ms. Schultz broke down those comments as to content and said that 20 letters said the moratorium was in the best interest of the City to have an extended policy discussion and to develop a better Code dealing with billboards; 5 or 6 letters said to extend the moratorium beyond the 6-month period to allow ample time for this discussion to occur. There were some letters in support of allowing billboards and one letter that stated that billboards were a vital aspect of our community and good for business and for advertising. There were about 9 or 10 letters that were supportive of Clear Channel as a business enterprise, noting the benefits that Clear Channel provides to the community including pro bono advertising services, support of non-profit groups, etc.

The Commission did take note of the oral testimony of Clear Channel and had a question regarding whether or not the moratorium interfered with routine maintenance of billboards and that this could be a safety issue. Ms. Shelley Kerslake answered that it was not the intent of the moratorium to interrupt routine maintenance and that this may need to be clarified in the final moratorium ordinance. The Commissioners also asked if the 169 billboard permits that are vested were affected by the moratorium provisions; Ms. Kerslake answered that the moratorium ordinance does not address this particular issue specifically. The Commissioners also wanted to

know if they could recommend a longer time for the moratorium to run and Ms. Kerslake said that moratoria are limited to 6-month duration but can be for a period of up to one year if a work plan is established. She also noted that moratoria can be extended in up to 6-month intervals following a public hearing. The Commission expressed concern about on-premise digital signs but determined this was outside the scope of the present moratorium. The Commissioners requested that this be included in the work program for consideration in the coming year.

At the conclusion of discussion, the Commission voted and passed unanimously to approve and forward to the City Council the Letter of Recommendation and the Findings and Recommendations as included in the agenda packet, with two revisions to the findings: (1) that the issue raised by Clear Channel regarding regulatory takings as it relates to the relocation permits should be considered, and (2) that the moratorium should be clarified to ensure the routine maintenance and repairs are not prohibited while the moratorium is in effect.

2. Nomination of Officers for 2011-2012

Commissioner Gaffney nominated Chair Doty for the Chair and Commissioner Nutsch nominated Commissioner Erickson for the Vice-Chair. The nominations were accepted by the respective nominees. The election will be conducted at the next meeting on June 15, 2011.

COMMUNICATION ITEMS

Chair Doty acknowledged receipt of the following:

1. Hearings Examiner's Report and Decisions.
2. Resolution No. 38264, adopted on May 17, 2011, concerning the Affordable Housing Policy Principles.
3. Substitute Ordinance No. 27981, adopted on May 24, 2011, establishing the Wedge Neighborhood Historic and Conservation Districts.
4. The City Council is seeking interested and qualified citizens to fill three positions on the Planning Commission, representing Council District No. 1 (West End and North End), Development Community, and Public Transportation, for a 3-year term from July 1, 2011 to June 30, 2014. Applications must be submitted to the Mayor's Office by June 10, 2011.
5. The Planning Commission is accepting applications for the amending the Comprehensive Plan and/or Land Use Regulatory Code for 2012. Applications must be submitted by Thursday, June 30, 2011.

COMMENTS BY LONG-RANGE PLANNING DIVISION

Ms. Donna Stenger provided some background information on Resolution No. 38264 concerning the Affordable Housing Policy Principles (Communication Item #2). She indicated that the City Council has requested the Planning Commission to incorporate said policy principles into the Comprehensive Plan and that the work will be included in the work program for the Planning Commission and the Long-Range Planning Division for 2012.

Ms. Stenger also reminded the Commissioners of the joint study session of the City Council and the Planning Commission scheduled for June 14, 2011 to discuss the Commission's recommendations on the proposed code changes concerning billboards as well as the billboard moratorium.

COMMENTS BY PLANNING COMMISSION

The Commissioners briefly commented on the three positions that will be vacated by Commissioners Elswick (District 1), O'Connor (Development Community), and Morris (Public Transportation). It was noted that, upon the expiration of their terms on June 30, 2011 and before their successors are appointed by the City Council, the three Commissioners are welcome to continue to serve on the Commission, although not required or obligated.

ADJOURNMENT

The meeting adjourned at 7:42 p.m.