

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

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

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(Approved on 10-19-11)

MEETING: Regular Meeting and Public Hearings

TIME: Wednesday, September 21, 2011, 4:00 p.m.

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

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

Staff Present: Donna Stenger, Brian Boudet, Karla Kluge, Chelsea Levy

Chair Doty called the meeting to order at 4:05 p.m. The minutes for the meeting of August 17, 2011 were approved after a correction was made – changing “appended” to “appealed” in the 3rd paragraph under the item of “Medical Cannabis Moratorium.”

GENERAL BUSINESS**1. Large Scale Retail Moratorium**

Chair Doty recused himself from the discussion and Vice-Chair Erickson presided over this portion of the meeting. Additionally, Commissioner Morrison, in keeping with public disclosure practices, indicated that he had been involved over the summer with a law firm that represented Walmart but that he had no involvement with Walmart or any case associated with them, that he no longer works for the firm, and that this would not affect his ability to be impartial on this issue.

Brian Boudet, Long-Range Planning, gave an overview of the moratorium that was adopted by the City Council on August 30, 2011. He explained that the moratorium was established to restrict the issuance of any building or land use permits for all large retail uses – those being greater than 65,000 square feet. He gave a brief explanation of the purpose of the moratorium, the standards and review process for moratoria, and what actions the City Council expects from the Planning Commission. Mr. Boudet indicated that the moratorium specifically affects any new construction of large retail establishments and additions to existing large retail establishments. He also clarified that these restrictions only affect individual large retail establishments and do not prevent the construction or alteration of large shopping centers that don't include any individual use that is over the 65,000 square foot threshold.



The Commissioners asked for an explanation of why a moratorium can be adopted and how it is done as an emergency measure. Mr. Boudet explained the steps the Council takes to adopt an emergency moratorium as outlined in the Municipal Code. He also went over the responsibilities that are given to the Planning Commission in cases involving the establishment of emergency moratoria. The review of emergency moratoria includes two phases. The first phase is the Planning Commission's review of the moratorium itself and its recommendation to the Council addressing whether the moratorium is warranted or not, whether it should be modified, and whether the duration established by the Council is reasonable. Following the Commission's recommendation, the Council will hold a public hearing and then decide whether to retain, modify or rescind the moratorium. If the moratorium is retained by the Council, the second phase of the Planning Commission's review is then to examine the issues identified by the Council and public and consider whether changes to the land use regulations are needed and, if so, recommend such changes to the Council for approval.

At this point, Mr. Boudet went over the details of where large retail businesses are currently located in the City, the zoning districts where they are allowed, and the zoning designations in which the 17 existing ones are currently found – the C-2, CCX and UCX Districts. Mr. Boudet provided information on each of the locations and discussed generally the types of design and development standards that apply to these types of uses and these districts. While the existing large retail stores are spread throughout the city it is not surprising that the Tacoma Mall contains the largest concentration. Mr. Boudet also noted that most of the large retail establishments are located in large shopping centers, with the exception of just one or two examples of large stand-alone retail businesses, such as Costco.

The Commissioners questioned Mr. Boudet regarding the reason that the moratorium was put in place. Mr. Boudet explained that the ordinance indicates that the Council has very broad concerns about the impacts that large retail establishments may have on the community, including economic, environmental, health, traffic and public safety, as well as concerns about whether the existing standards are carrying out the Comprehensive Plan. While it is likely that discussions surrounding a potential project helped to highlight some of these issues, the moratorium affects more than one particular project, location or business. The Council enacted a city-wide moratorium on all permitting associated with large retailers and is clearly concerned about these types of uses and their potential impacts on the entire community.

The Commissioners asked about why the number 65,000 square feet was used as the threshold in this instance. Mr. Boudet said that the ordinance does not indicate why that particular number was chosen to define "large." That number is not used elsewhere in the code or plan as a threshold for standards or review, but as can be seen in the size of our current retail uses there is generally a cut-off point around 65,000 square feet that separates grocery stores and similarly-sized retail stores and the much larger retail establishments..

The Commission also asked about what constitutes an "emergency." Mr. Boudet indicated that in this case the purpose for declaring the emergency, as outlined by the Council, was to protect the public welfare and prevent vesting projects under the current regulations before the City has a chance to evaluate whether the standards are sufficient or not. However, the actual affect of declaring the moratorium under an emergency is really to allow the Council to adopt the moratorium prior to holding a public hearing and prior to getting a recommendation from the Commission. In cases where the Council declares an emergency they can adopt the moratorium immediately and then get the full community input and Commission's recommendation before deciding whether the moratorium was warranted or not.

The Commissioners discussed briefly how the development standards for large retail businesses might be changed but wanted to wait to see what public comment would add to the mix regarding this issue. The Commission also discussed environmental review and impacts fees and how other jurisdictions utilize impact fees, particularly for traffic, to ensure that new uses sufficiently address traffic infrastructure issues. However, they did express some reservations about whether this seems to be an emergency and whether the regulations are so insufficient that a moratorium is needed.

The Commissioners also questioned if Walmart was the only big retail business that is controversial and whether there was enough time to go over the questions involved in this issue. Ms. Stenger replied that this was the purpose for having a public hearing, to help identify the community concerns about large retail uses and get a better feel for the scope of this project.

Mr. Boudet expressed his appreciation for all the input from the Commission and noted that staff would return with responses to the concerns that were expressed. At the close of the presentation, the Planning Commission voted unanimously to set the public hearing date for October 5, 2011 at 5:00 p.m.

PUBLIC HEARINGS

1. Downtown Parking Requirements

At 5:03 p.m., Chair Doty called to order the first public hearing regarding Downtown Parking Requirements. Chelsea Levy, Long Range Planning Division, reviewed the proposed changes to the off-street parking requirements for new development in downtown. Ms. Levy provided background on the development of the current proposal and a summary of the primary amendments associated with the proposal. She then discussed the public outreach that had been conducted in preparation for the public hearing, including notifications distributed to over 1,800 stakeholders and presentations on the topic to over 100 interested individuals. Ms. Levy then described preliminary public feedback on the proposal, which has been generally supportive with some concern about reducing the parking maximums.

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

- (1) Eric Bjornson, attorney** – Supports the proposal, especially the elimination of parking minimums; citing best practices from other model cities and peer reviewed research. Mr. Bjornson stated that good urban design occurs when the city enable the market to determine the “right” amount of parking.
- (2) Andrew Austin, Transportation Choices Coalition** – Fully supports the proposal because it works toward the goals creating a more walkable and livable downtown. Mr. Austin suggested the benefits of the proposal should be expanded to a larger area of downtown.
- (3) Tom Luce, Executive Council for a Greater Tacoma** – Objects to reinstating the parking maximum in the International Financial Services Area and reducing the parking maximum in the DCC. While the Executive Council supports eliminating the parking minimums, Mr. Luce is concerned that parking maximum may make it more difficult to attract large employers into downtown.

- (4) **Herb Simon, developer** – Objects to reinstating the parking maximum in the International Financial Services Area and reducing the parking maximum in the DCC. Mr. Simon is concerned the City is developing a solution to a problem that does not exist in bad economic times. He is concerned that more regulations could scare off potential investors interested in Downtown. Mr. Simon proposed a collaborative meeting between City staff, Planning Commissioners and the downtown development community to identify a solution to parking concerns that would not deter others from investing in Tacoma.
- (5) **Kristina Walker, *Downtown: On the Go!*** – Supports the elimination of the parking minimums and reducing the parking maximums to 2.5 stall per 1,000 square feet. Ms. Walker stated that additional parking will not make downtown a more attractive place to live and work.

With no further speakers coming forward to testify, the public hearing was closed at 5:25 p.m.

2. Critical Areas Preservation Code Update

At 5:26 p.m., Chair Doty called to order the second public hearing regarding Critical Areas Preservation Code Update. Karla Kluge, Building and Land Use Services, presented a summary of the proposed code revisions and briefly reviewed the topics discussed with the Focus Group including volunteer enhancement provisions designed to support and promote voluntary restoration efforts. She also indicated that in addition to the focus topics, the code was reorganized and cleaned up to eliminate duplicity and further streamline the permit process.

Ms. Kluge also explained how collaborative efforts were used in developing this Code. She had notified a large list of agencies, groups, environmental experts, and neighborhood groups of the public hearing and solicited their comments on this issue.

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

- (1) **Jim Bedoun, Puget Creek Restoration Society (PCRS)** – Mr. Bedoun provided suggestions from PCRS for addition to the Code. PCRS took exception to the fees in lieu process. PCRS would also like to be given a large share in commenting and having input on projects that may have an impact of habitat. Mr. Bedoun would like to see extensive re-write of sections of the Code.
- (2) **Joe Brady, Metro Parks Natural Resource Management** – Mr. Brady commended staff for their efforts in developing code to support volunteer and restoration and enhancement efforts that will also support the Parks' goals. He would like the Code to be simplified in order to work for the many volunteers that help maintain the large areas of property that the Parks owns. He suggested that City staff work toward developing the "programmatic section" of Code so that it would be an easier tool for his volunteers to work with.
- (3) **Cory Kramer, Cascade Land Conservancy** – Mr. Kramer thanked staff for their efforts in developing restoration and enhancement supportive code for volunteers. He also had some questions regarding the "programmatic permits" of the Code and asked that there be more clarification of this section.

Commissioners asked that the last two speakers request in writing their concerns about the "programmatic section" for review and comments and Ms. Kluge will get back to them with

comments. With no further speakers coming forward to testify, the public hearing was closed at 5:45 p.m.

COMMUNICATION ITEMS

Chair Doty acknowledged receipt of the following announcements:

1. Announcement – Joint City Council and Planning Commission Study Session concerning the Planning Commission’s Recommendation on Shoreline Master Program Update, Tuesday, September 27, 2011, 12.00 noon, in Room 16, Tacoma Municipal Building North.
2. Announcement – The City of Tacoma’s Mobility Master Plan (adopted in 2010) won a 2011 VISION 2040 Award from the Puget Sound Regional Council for its innovative projects, programs and strategies for pedestrian and bicycle improvements that will help achieve the goals of sustainable transportation and active living.

COMMENTS BY LONG-RANGE PLANNING DIVISION

Ms. Stenger noted that a few of the Planning Commissioners have expressed interest in attending the joint study session with the City Council on September 27 concerning the Shoreline Master Program Update and she encouraged other members of the Commission to attend if at all possible.

Ms. Stenger announced that the Fuzhou Ting (pavilion) Dedication Ceremony and Grand Opening is scheduled for September 22, 2011 at 2:00 at the Chinese Reconciliation Park and she encouraged the Commissioners to attend.

COMMENTS BY PLANNING COMMISSION

Commissioner Nutsch shared his experience on recent visit that he took to Europe and observed that the buildings there are constructed without setbacks and adjacent to each other. Chair Doty responded with the comments that any concerns for the difference that were noted actually fall under auspices of Building Code regulations and economics.

ADJOURNMENT

The meeting adjourned at 5:55 p.m.