

Members

Donald Erickson, Chair
 Sean Gaffney, Vice-Chair
 Tina Lee
 Matthew Nutsch
 Erle Thompson
 Scott Winship
 (vacant)
 (vacant)
 (vacant)



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, Assistant Director/City Engineer, Public Works Department
 Heather Pennington, Resource Planning Manager, Tacoma Water
 Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power

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(Approved on 5-2-12)

MEETING: Regular Meeting

TIME: Wednesday, April 4, 2012, 4:00 p.m.

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

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

Members Absent: Sean Gaffney

Staff Present: Elliott Barnett, Brian Boudet, Jana Magoon, Ian Munce, Lisa Spadoni, Diane Wiatr, Lihuang Wung (BLUS); Carol Wolfe (CEDD); Mike Carey, Lorna Mauren, Ramie Pierce (Public Works)

Vice-Chair Erickson called the meeting to order at 4:04 p.m. Staff distributed for the Commission's review a revised version of each set of the minutes for the regular meeting and public hearing on March 7, 2012 and the minutes for the regular meeting on March 21, 2012. The minutes were approved as submitted.

GENERAL BUSINESS

1. Medical Cannabis Moratorium

Mr. Stan Rumbaugh, Chair of the Medical Cannabis Task Force, provided the Planning Commission a summary of the Task Force's preliminary recommendations to the City Council. He explained the various approaches and restrictions that were considered during the development of the recommendations. The recommendations addressed such issues as locations, size of facilities, zoning, hours of operation, licensing, proper disposal of waste material generated using/producing medical marijuana, and who would distribute. Legality and legitimacy of use were some of the difficult issues to handle, because the clear purpose of the medical marijuana law was to relieve those individuals who are suffering and have a legitimate need for treatment. The Task Force also relied on professional input from medical community to aid in development of its recommendations, Mr. Rumbaugh indicated.



The Commissioners asked why the Task Force had recommendations that were outside of what the State statues allow. Mr. Rumbaugh explained that the State law establishes the legality of collective gardens, sets out standards for the number of plants, and allows for both collective and individual participation. For authorized collectives to be able to grow and distribute product, local jurisdictions have the ability to regulate and provide a method of growing and distributing for collectives. He also explained the rationale for separating the distribution center from the cultivation site. Mr. Rumbaugh mentioned that the goal of the Task Force was to make recommendations that are in compliance with the State regulations and not making policies.

The Commissioners commended Mr. Rumbaugh and the Task Force for the work that they put in to developing these recommendations given the controversy involved and the short amount of time they were given to work on this project.

Discussion ensued, with a focus on the land use component of the Task Force's preliminary recommendations. The Commissioners provided the following comments, concerns, and suggestions:

- Distribution and processing facilities are not addressed in the State law and should not be addressed in the City's land use code.
- Collective gardens could be zoned as comparable to agricultural activity.
- Be cautious in selecting zones for the distribution facilities.
- Incorporate the Crime Prevention Through Environmental Design (CPTED) principles in the building design for the distribution facilities.
- In developing land use regulations for the City Council's consideration, one option for the Commission is to incorporate the land use component of the Task Force's recommendations as is.
- Another option may be allowing distribution facilities outright, while limiting collective gardens to one per parcel, with a separation distance of 1,000 feet from sensitive uses.
- A third option may be allowing distribution facilities in the commercial and downtown zoning districts but only when approved as a conditional use; while allowing cultivation and processing facilities in the industrial districts, allowing distribution facilities outright in the Hospital Medical districts, and allowing distribution facilities in the industrial zoning districts when part of a cultivation and/or processing facility.

The Commissioners requested that staff develop multiple land use code alternatives based on the three options discussed, and additional thoughts as appropriate, and present the alternatives for the Commission's consideration at the next meeting on April 18, 2012.

2. Urban Forestry Code Revisions

Ramie Pierce, Urban Forester, recaptured the discussion at the previous meeting on March 21, reported on the additional outreach efforts including meetings with the Downtown Merchant Association and the Metro Parks Tacoma, and presented staff recommended changes to the proposed code amendments based on the input and suggestions received from the Commission and stakeholders.

Discussion ensued, and the following issues were addressed and conclusions reached:

- Building Foundation – Staff recommended that the proposed “Building Foundation” requirement for Downtown and Mixed-Use Centers be removed from the draft code, because of the potential conflicts it could pose with ground floor retail space, pedestrian passage and access from on-street parking to the sidewalk, transit stops, and other street and sidewalk features. The Commission suggested that it could help softening building frontages and, in particular, breaking up “blank walls”, although existing design standards within Mixed-Use Centers already prevent the development of “blank walls”, as indicated by Lisa Spadoni. The Commission requested staff to move forward with this proposal with appropriate modifications that would address concerns about the blank walls, but would also avoid the conflicts as discussed.
- In-lieu Fee – The Commission concurred with staff’s recommendation to lower the in-lieu fee amount to \$1 per square foot for 1-, 2-, and 3-family development and raise it for the other uses to \$1.84 per square foot. The Commission suggested that the City consider approaches to address financial hardship for residential sites.
- Remodeling Permits – Per the Commission’s request, Ms. Spadoni presented data collected on residential construction and significant alterations for the year 2006 (prior to the economic recession). In 2006 there were 589 remodels and 482 new construction permits issued; 566 remodel permits were within Level I alterations, 23 within Level II, and none within Level III. The average value of the remodels was \$27,829. This provides a contrast with the 2010 data which consisted of 125 new construction permits and 550 remodels, of which only 8 reached Level II and none reached Level III.
- Cost of Code Implementation – Mike Carey and Ms. Pierce presented an analysis of the cost of implementing the new code. Ms. Pierce clarified that the difference between the proposed in-lieu fee amount and cost of replacement was due to the fact that in-lieu fee takes into account the cost of 3 years of maintenance.
- Canopy Coverage for Rights-of-Way (ROW) – Instead of requiring that 30% of the width of the abutting ROW be covered by canopy, the Commission suggested a modified approach that would establish a standard ROW width for 1-, 2- and 3-family residential uses, then require 30% of that width irrespective of the width of the actual ROW abutting the development site. The existing requirement would remain for all other uses.
- Covenants, Conditions and Restrictions (CC&Rs) – The Commission discussed whether there could be a conflict between requiring canopy cover and CC&Rs in some neighborhoods. CC&Rs often limit the height of vegetation, especially in areas with views. Ms. Pierce pointed out that it would be possible to meet the canopy requirement with shorter trees, or to utilize credits and/or the in-lieu fee if that is not feasible.
- Parking Lot Landscaping – The draft code requires that internal parking lot landscaping be evenly distributed. The Commission suggested it be modified as follows: In Industrial Districts, internal parking lot landscaping may be clustered or otherwise unevenly distributed in cases when the purpose is to incorporate a Low Impact Development (LID) landscaping approach.
- Surplus Canopy Coverage – The Commission suggested that the code allow surplus canopy cover to be exchanged back and forth between parking, site and ROW canopy cover areas. For alterations to existing developments with retained trees on site and/or in the parking area/lot that exceed the site and/or parking area/lots requirements, the surplus would be applied towards the ROW canopy requirement.

The Planning Commission authorized the draft code, as discussed and modified where appropriate, to be released for public review and set the public hearing date for May 2, 2012. Staff noted that many of the changes suggested at this meeting would be made in the Urban Forest Manual rather than the code.

3. 2012 Annual Amendment

Lihuang Wung, Long-Range Planning, presented the Public Comments and Staff Responses Report that summarized the public comments received at the Planning Commission's public hearing on March 7 and through the comment period ending on March 21, concerning the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2012. The report also included issues identified from the public comments, staff's observations and responses to the issues, and where appropriate, staff's recommendations for revisions to the Proposed Amendments.

Issues reflected in the public comments were pertaining to special needs housing, the Puget Gardens trail, sidewalks on McKinley Avenue, bikeway on S. Washington Street, prioritization of bus movements, improvement of sidewalks and crosswalks, doggy daycare uses, and drive-throughs in the HMX Hospital Medical Mixed-Use District. With respect to the proposed allowance of drive-throughs in the HMX, Mr. Wung noted that currently, drive-throughs are allowed in all other "commercial" X-Districts, subject to a number of special restrictions, and that the initial proposal was to make this allowance consistent in the HMX District, subject to the same limitations. Citizens were concerned that this proposal may be contrary to the principles of Complete Streets and the Climate Change Action Plan. In response to citizens' concerns, staff is proposing two options for the Commission's consideration, i.e., (A) limiting the proposed allowance for drive-throughs in the HMX to hospitals and associated medical uses, while prohibiting non-medical related drive-throughs such as those at fast food restaurants, or (B) withdrawing the proposed amendment.

The Commission voted for Option A, which would address the citizens' concerns while maintaining the consistency in the code. The Commission also concurred with all other staff's recommendations as outlined in the Public Comments and Staff Responses Report.

COMMUNICATION ITEMS

Vice-Chair Erickson acknowledged receipt of the following item:

1. Planning Commission Tentative Agendas for April 18 and May 2

COMMENTS BY LONG-RANGE PLANNING DIVISION

Mr. Wung announced the following City Council Committee meetings: the Economic Development Committee on April 10 (reviewing the South Downtown Subarea Plan and EIS), the Environment and Public Works Committee on April 11 (reviewing the Critical Areas Preservation Ordinance), and the Neighborhoods and Housing Committee on April 16 (reviewing the Affordable Housing issue).

COMMENTS BY PLANNING COMMISSION

The Commissioners nominated and elected Vice-Chair Erickson as the new Chair and Commissioner Gaffney as the new Vice-Chair.

Commissioner Morrison announced that he is moving out of the City and will no longer be eligible to serve. He expressed his appreciation for the opportunity to serve with other Commissioners and work with staff.

Mr. Wung indicated that there are currently three vacant positions, i.e., the “Environmental Community” position vacated by Commissioner Morrison and the District 3 and District 5 positions that were vacated last month. The term of the Environmental position expires on June 30, 2013, while the Districts 3 and 5 positions expire on June 30, 2012, when a 4th position representing District 2 also expires. Mr. Wung commented that it would be ineffective to fill the Districts 3 and 5 positions for an unexpired term of less than 2 months, and suggested that recruitment process could begin in the May-June timeframe to fill all 4 positions at once. The Commissioners acknowledged staff’s comments but were concerned about the immediate impacts of having only 6 members onboard to the Commission’s review capabilities and operational efficiency (e.g., for lack of a quorum). The Commissioners suggested that staff work with the City Council’s Appointments Committee to consider filling the Environmental position immediately, while recruiting the Districts 2, 3 and 5 positions in May-June.

ADJOURNMENT

The meeting adjourned at 7:12 p.m.