

Members

Scott Morris, Chair
 David A. Boe, Vice Chair
 Kevin Briske
 Robert T. de Grouchy, III
 Jeremy C. Doty
 Peter Elswick
 Kimberly Freeman
 Sean Gaffney
 Thomas C. O'Connor



Minutes

Tacoma Planning Commission

Community and Economic Development Department

Ryan Petty, Director
 Peter Huffman, Planning Division Manager

Public Works Department

Charles Solverson, P.E., Building Official

Tacoma Public Utilities

Heather Pennington, Water Representative
 Cathy Leone-Woods, Power Transmission & Distribution Assistant Manager

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Approved 5-6-09

MEETING: Regular Meeting and Public Hearing

TIME: Wednesday, April 1, 2009, 4:00 p.m.

PLACE: Tacoma Municipal Building, City Council Chambers
 First Floor, 747 Market Street, Tacoma, WA

Members Present: Scott Morris (Chair), David Boe (Vice-Chair), Jeremy Doty, Peter Elswick, Sean Gaffney, Thomas O'Connor

Members Excused: Kevin Briske, Robert de Grouchy, Kimberly Freeman

Staff Present: Peter Huffman, Brian Boudet, Donna Stenger, Lihuang Wung (Community and Economic Development); Cap Pearson (Public Works – Building and Land Use Services)

Chair Scott Morris called the meeting to order at 4:05 p.m. The minutes of the regular meeting and public hearing on February 4, 2009, were approved as submitted.

GENERAL BUSINESS**1. Mixed-Use Center Code Revisions**

Mr. Brian Boudet facilitated the Planning Commission's discussion on issues pertaining to proposed area-wide rezones. The Commission had decided last year that all properties within centers be reclassified into mixed-use zoning classifications. Mr. Boudet noted that due to the substantial amount of testimony and potentially overlapping changes requested within the MLK Mixed-Use Center, staff needs additional time to analyze those issues, and thus is deferring the review of the area-wide rezones in that center to the next meeting on April 15, 2009.

Mr. Boudet reviewed the public testimony on the area-wide rezones from August 2008, and stated that based on the testimony and subsequent staff analyses, staff is recommending changes for the following centers:

- (1) Tacoma Central Plaza/Allenmore – Modify the proposed rezone for the parcel at 2702 South Union so that it aligns with the parcel boundary. Whereas the original proposal



split the property into two zones, with the eastern majority of the property zoned CCX and a small portion along the western edge zoned RCX, the revised recommendation is to rezone the entire parcel to CCX.

- (2) 34th & Pacific – Modify the proposed zoning for the property at 3425/3427 Pacific Avenue so that the zoning does not split the existing duplex building and flat development site. The CCX zoning should be extended approximately 70 feet east, putting the eastern edge at the top of the slope, where it was originally intended to be.
- (3) Lower Portland Avenue – Modify the original proposal to exclude rezoning the area east of Portland Avenue that is currently zoned CCX. This is an area that was originally proposed to be rezoned to RCX.
- (4) McKinley – Modify the original proposal with respect to the zoning for the northernmost portion of the center. Rezone the northern portion of the center, generally north of the alley between East Wright Avenue and East 34th Street to URX. This is an area that was originally proposed to be rezoned to RCX.

Vice-Chair David Boe noted that the McKinley residential area was similar to areas within the view sensitive overlay due to its topography and views. Mr. Boudet responded that currently the view sensitive district (VSD) overlay does not exist in any of the Mixed-Use Centers, nor does it exist in multifamily zones. Ms. Donna Stenger commented that when areas subject to VSD were originally established, one of the criteria was that the County Assessor assessed the properties additionally for their view, which is typically applied for water views. Mr. Peter Huffman added that staff had heard of the concern about view blockage during the community outreach in 2007 for the Mixed-Use Centers Review, but there were also comments about view as an asset, making multifamily development more feasible.

Chair Morris indicated that Commissioner Kimberly Freeman (absent) had submitted some comments prior to the meeting, and one of her comments stated: "There are a number of commenters regarding the McKinley RCX area (ok, soon to be URX). I notice in both the written and oral testimony that frequently 'view protection' is cited as a reason not to increase height in this area. Recognizing the Comprehensive Plan contains policies regarding view protection, could we possibly find a mechanism to keep the height in this area at 35 feet until stage II (hopefully) of the MUC process wherein perhaps staff can work with the neighborhood to identify a view corridor for preservation, then increase the heights in the rest of the URX to the 45 feet?" Chair Morris asked for staff's feedback.

Mr. Huffman commented that other than the VSD and the S-8 Shoreline District, the City does not regulate view protection for private views. In VSD, the regulation lowers the height limit, i.e., a house built to the height limit could still block the view of adjacent properties. In S-8, the regulations ensure public view of Mt. Rainier from a particular point in Fireman's Park. To move forward with the protection of views of Downtown Tacoma, Tacoma Dome, Mt. Rainier, etc., would require changes in the policy direction, i.e., amendments to the Comprehensive Plan policies. Mr. Boudet added that the view corridor concept established for the view of Mt. Rainier from Fireman's Park is to protect public view, and attempting to establish a similar concept for single-family dwelling units for the view of the neighborhood or certain features would be problematic, from a legal perspective. Mr. Huffman commented that currently the height limit for URX is 45 feet; it could be contemplated at 35 feet, but that would reduce the capacity to accommodate higher density and diminish the height transition between the core areas of the mixed-use center and the surrounding residential areas.

In addition to the area-wide rezones, the Commissioners also reviewed staff recommendations on code modifications pertaining to landscaping, buffering and yard space requirements, as well as design standards. These recommendations were intended to institute some of the principles of Crime Prevention Through Environmental Design (CPTED) that the Commissioners had reviewed and discussed at the previous meeting on March 18, 2009. The Commissioners concurred with the CPTED-based code modifications, as proposed.

The Commissioners proceeded to review the document "Summary of Planning Commission Preliminary Direction", which outlined the Commission's direction, as of March 25, 2009, pertaining to building height, height bonus palette, design standards, residential transitions, off-street parking requirements, maximum setbacks, landscaping, buffering, yard space, driveways, maximum business occupancy, use frontage, and minimum density.

Concerning off-street parking requirements, staff responded to Vice-Chair Boe's inquiry and clarified that the full parking exemption from the community centers would be eliminated, in the same way that the height bonus had been recommended to not apply in the community centers. However, the proposed parking requirement reduction program would be maintained in all centers, including all areas within the community centers.

Concerning the Solar Power Generation item on the height bonus palette, staff responded to Commissioner Tom O'Connor's inquiry and clarified that, pursuant to the zoning code, solar power generation panels are considered mechanical equipment, which do not count against (or are exempt from) the building height limits. Vice-Chair Boe suggested broadening the applicability of this bonus feature by changing "Solar Power Generation" to "Power Generation."

Concerning the CPTED item on the height bonus palette, Chair Morris wondered why it is not removed from the palette (because it should be made a requirement outright), as per the Commission's discussion at a previous meeting. He indicated that Commissioner Kimberly had expressed a similar comment; Commissioner Sean Gaffney echoed. Vice-Chair Boe commented that keeping it on the palette would incentivize a design review process to occur where the CPTED principles are incorporated. Mr. Huffman and Mr. Boudet added this item would cover a multitude of CPTED concepts, that are otherwise difficult to codify, and make them available for projects that would be subject to site sensitive design review.

Concerning the height bonus feature of Ground Floor Retail, Commissioner Jeremy Doty commented that the applicable minimum depth of 25 feet, without pairing with a minimum width, could result in disproportionately narrow and deep projects. Discussion ensued and the Commissioners decided it would be appropriate to add a qualifier of a minimum width of 25 feet.

Concerning the Ground Floor Restaurant item on the height bonus palette, Commissioner Doty suggested increasing the bonus height from 10 feet to 15 feet to recognize the financial difficulty, as well as the CPTED-friendly effects, associated with ground floor restaurants. Discussion ensued and the Commissioners generally felt that the 10-foot bonus that the Commission had concluded based on previous discussion is appropriate, and that additional bonus height could be achieved by employing other bonus features as appropriate.

Commissioner Peter Elswick asked for the definition of townhouses, which was referenced in the summary of requirements pertaining to Landscaping, Buffering, and Yard Space. Mr. Boudet responded that townhouses are specifically identified in the Zoning Code as single-

family units that are on their own individual parcel of land, and are not necessarily associated with the vertical appearance and style of development.

PUBLIC HEARING

1. 2009 Annual Amendment Package

At approximately 5:00 p.m., Chair Morris called the public hearing to order, reviewed the public hearing procedures, and asked for the staff presentation.

Ms. Stenger stated that the purpose of the public hearing was to receive testimony on the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2009 (a.k.a., "Annual Amendment Package"), which is comprised of the following six applications:

- #2009-01 Annual Amendment Procedures
- #2009-02 Critical Areas Preservation Code (CAPO) Amendments
- #2009-03 Stormwater Policy Changes
- #2009-04 Transportation Element
- #2009-05 HMR-SRD Zoning District Boundary Correction
- #2009-06 Zoning Code Technical Amendments

Ms. Stenger provided a brief summary of each application. She also provided information pertaining to (a) the environmental evaluation of the Annual Amendment Package; (b) the public review process, which included making the document available on the website and in the libraries, conducting an informational meeting on March 25, and conducting additional public outreach concerning Application #2009-01; and (c) the public hearing notification process, which included mailing out the hearing notice to stakeholders and citizens, posting the public hearing notice on the web, placing advertisements on newspapers, and mailing out a separate notice and erecting public signs concerning Application #2009-05.

Ms. Stenger stated that staff recommends that the Planning Commission accept all oral and written testimony and hold the record open until 5:00 p.m. on Friday, April 10, 2009 and that the Commission evaluate all testimony given at the public hearing and any written comments received as part of the record prior to making a recommendation to the City Council.

Chair Morris called for public testimony.

(1) Scott Hansen, Puget Creek Restoration Society

Mr. Hansen commented on Amendment Application #2009-02. He indicated that the Puget Creek Restoration Society is against changing the critical areas ordinance from requiring a permit to receiving a letter of exemption. He stated that the permit procedures require that a variety of experts look at the proposal to determine impacts. He also questioned who would determine what is or is not normal maintenance. He stated that through the letter of exemption there is not a public review process; therefore, not all information may be reported and issues may not be accurately brought forward. He believes that experts need to look at the negative impacts and subsequent effects from maintenance and demolition. The permit requirement would allow for a full review by various agencies. Mr. Hansen also commented on Amendment Application #2009-03. He expressed that there needs to be better clarification or more information on the remaining policies related to stormwater

management, water quality, on-site stormwater facilities, and natural water courses. He stated that the proposed language is vague and needs to be more defined in order to know exactly how the policies will be related to activities that could be impacting natural water courses or water quality.

(2) Jason Jordan, Port of Tacoma

Mr. Jordan is in support of Amendment Application #2009-02. As recognized in the Comprehensive Plan, the Port of Tacoma is a major regional and local employer and one of the largest container ports in North America. He stated that the Comprehensive Plan encourages concentration of employment within areas developed to high intensity with transportation infrastructure. He further elaborated that the purpose of the amendment is to clarify the code to allow for normal maintenance, repair, and demolition of existing shoreline structures within the Blair, Sitcum, and Hylebos waterways. He expressed that the Port facilities and structures are under constant stress from the marine environment and require constant maintenance and repair. The Port must be able to ensure 24/7 availability of its facilities. Furthermore, timely maintenance and repair ensures maximum efficiency for Port terminal users, increases workers safety, and reduces environmental risks due to potential structural failures. He commented that the Port typically expends hundreds of thousands of dollars a year on these activities and submits multiple project permits for local, state, and federal approval. In addition, he argued that the amendment does not impede the progress of the Shoreline Master Program update and is consistent with Shoreline Management Act exemptions. Mr. Jordan noted that the exemption reduces duplicative permit review, costly surveys, and administrative expenses without sacrificing environmental protection. He concluded that the exemption of Port maintenance and repair of existing facilities within critical areas is consistent with other jurisdiction's approaches.

(3) Su Dowie, Foss Waterway Development Authority

Ms. Dowie strongly advocated for a modification to Amendment Application #2009-02 that would include the state regulation of WAC 173-27-040, which defines allowable exemptions within shoreline areas. She would like to adopt the WAC exemptions for all shoreline districts and believes that it would keep the critical area ordinance in compliance with state laws. In addition, she expressed that other communities have adopted these exemptions as well. She further commented that the exemption does not preclude review of the activity under the regulations of the critical areas ordinance and would still require applicants to provide information about the project. Ms. Dowie concluded that the City of Tacoma should come into compliance with state law now rather than wait for the Shoreline Master Program update to be completed.

(4) Scott Wagner, Narrows Marina

Mr. Wagner, owner of Narrows Marina, commented on Amendment Application #2009-02. He is an active participant in the dialogue that led to the critical areas ordinance update. He expressed general agreement with the Port of Tacoma on the recent request for interpretation of the code as it applies in shoreline areas. Mr. Wagner supported the amendment, but thought it is inappropriate to include only the three waterways: Blair, Sitcum, and Hylebos. He stated that City staff will not be able to administer the code according to the intent of the update. He further argued that City staff has interpreted the code differently during implementation; therefore, the amendment is needed. He is in support of the amendment, but believes the issue of maintenance and repair that is relevant to Port activities is also good policy for other shoreline areas.

(5) Michael Frank

Mr. Frank commented on Amendment Application #2009-05. He recently filed a permit to get residential parking; however it has caused problems in the neighborhood, including the hospital and surrounding area. He expressed that the neighborhood was created as a historic district and should remain that way. He further stated that "if you look at this block there are five houses that are historic". His final request was to leave it as an historic district.

(6) Mike O'Connor, Foss Maritime Company

Mr. O'Connor from Foss Maritime commented on Amendment Application #2009-02. He owns a couple of derelict buildings on F Street and has been battling to keep crime out of that area. Mr. O'Connor expressed that he had wanted to demolish the buildings and release the land to general construction. However, because of the fish and wildlife critical habitat area, it required a full 120-day review period that was very costly due to permits. Due to the delay, he lost the lease. He stated that his proposed activities were consistent with the City's vision for the Middle Waterway. He encouraged the Planning Commission to include the Middle Waterway in the amendment as well.

(7) Theodore Johnson, Jr., Simon Johnson, LLC

Mr. Johnson, owner of Foss Harbor Marina, commented on Amendment Application #2009-02. His company operates a 480 slip marina within the Foss shoreline district. He stated that his annual budget is between \$50-60 thousand dollars for marina repairs. Furthermore, he expressed that modifications to a marina are rarely below \$5,000 dollars. His repairs would fit well within the exemption language of the WAC. Therefore, he strongly urged the City to consider expanding the critical areas ordinance exemption to all areas of the shoreline.

(8) Douglas Tooley

Mr. Tooley commented on Amendment Application #2009-02. He has had recent experience with the letter of exemption process as adopted by last year's critical areas ordinance. This particular exemption letter had to do with City operations that may or may not have been exempt. Similar to the Port comments, he suggested that Public Works staff had problems with the implementation of the critical areas ordinance as well. He commented that people are trying to avoid permits and responsibilities to do it right. He further expressed that the regulations are onerous. He added that citizen led restoration projects have to go through full permit review as well. Mr. Tooley suggested that SEPA be used to mitigate impacts and the documents can be reviewed by anyone.

Chair Morris called for any further oral testimony. There was none, and the public hearing was closed; however, any written testimony could still be submitted until 5:00 p.m. on April 10, 2009.

COMMUNICATION ITEMS

Chair Morris acknowledged receipt of the Land Use Administrator's Reports and Decisions in the agenda packet. He referred to the summary report of MLU2008-40000120328, concerning the request for multiple variances to the design standards, landscape standards and off-street parking development standards for 2411 N. Proctor Street. He expressed a concern that approving of such a request may be in contradiction to the objectives of the Zoning Code that the Planning Commission has developed. He requested that a complete Administrator's Report

and Decision on the case be furnished to the Commissioners to help the Commissioners understand the nature of the variance requests.

COMMENTS BY PLANNING DIVISION

Mr. Huffman stated that a joint study session of the City Council and the Planning Commission is scheduled for Tuesday, April 28, 2009, for the Commission to present its recommendations on the Mixed-Use Centers Code Revisions project. Another joint study session is tentatively scheduled for Tuesday, May 19, 2009, for the Commission to present ideas for the next steps, i.e., future projects and planning activities that should be undertaken that are not addressed in the current Mixed-Use Centers review.

COMMENTS BY PLANNING COMMISSIONERS

None.

ADJOURNMENT

The meeting adjourned at 5:39 p.m.