



MINUTES (Approved on 10-21-15)

TIME: Wednesday, October 7, 2015, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402
PRESENT: Chris Beale (Chair), Stephen Wamback (Vice-Chair), Donald Erickson, Meredith Neal, Anna Petersen, Brett Santhuff, Dorian Waller (excused at 6:00 p.m.), Scott Winship

A. CALL TO ORDER AND QUORUM CALL

Chair Beale called the meeting to order at 4:05 p.m. A quorum was declared.

B. APPROVAL OF AGENDA

The agenda was approved.

C. APPROVAL OF MINUTES

The minutes of the regular meeting on September 16, 2015 were reviewed. Commissioner Erickson suggested clarifying a sentence on page 5, as shown below, by inserting a word “detached” (underlined):

“It was noted that detached ADUs would only be allowed in rear yards, but alley access would not be required.”

The minutes were approved as amended.

D. DISCUSSION ITEMS

1. 2015 Annual Amendment to Comprehensive Plan and Land Use Regulatory Code

Stephen Atkinson, Planning Services Division, facilitated the Commission's continued review of public comments received through the August 19th public hearing process and the corresponding staff suggestions for revisions to the 2015 Annual Amendment proposal. The review focused on the subjects of “Comprehensive Plan Update”, “Affordable/Infill Housing Regulations” and “Code Cleanup”.

Mr. Atkinson reviewed comments from the Puget Sound Regional Council (PSRC) on topics of Annexation, Airports, and Affordable Housing. For Annexation, they had requested more cross referencing between the Public Facilities and Services Chapter and the Urban Form Element and more specifics on when the City intended to annex the urban growth area. For airports, they had requested policies promoting land use compatibilities. For Affordable Housing, they had requested additional data for evaluating housing affordability in terms of household incomes and availability of affordable units.

Joshua Diekmann, Public Works, provided a review of changes to the Transportation Element in response to comments received. In response to comments from the PSRC on Land Use assumptions, they had confirmed that the modeling was consistent with other elements and made some language revisions. In response to a question from the PSRC on modeling results, Mr. Diekmann reviewed projections for the State's facilities and the City's network. In response to a request from the PSRC for clarification on financing forecasts in the project list, Mr. Diekmann reviewed that they had a new detailed project appendix. In response to comments from the Parking Technical Advisory Group, Mr. Diekmann noted that the new version of the document had additional language on consideration for parking during the design process. In response to concern from the Port of Tacoma about prioritization in the project list, he noted that the final version had some projects elevated including projects from the Port. In response to

concern from the Port of Tacoma about a bike facility identified on Taylor Way, Mr. Diekmann noted that while the space is limited, there are currently no non-motorized facilities or sidewalks.

Mapping updates to the Transportation Master Plan were reviewed. Mr. Atkinson noted that the Centers of Local Importance (COLI) map was a key map included in the final appendix. He reported that “Center of Local Importance” is a countywide designation and places designated as centers of local importance would receive additional points in countywide grant competitions. The COLI map included Mixed-Use Centers, Regional Growth Centers, Manufacturing/Industrial Centers, Convenience Centers, Connective Corridors, and Signature Trails. In response to a question on how the COLI map was different from other maps in the Comprehensive Plan, the distinctions were discussed and it was noted that the intent is to put forward reasonable criteria for designating centers of local importance.

Land Use Designations were discussed. Mr. Atkinson reviewed some examples of cleanups and four requests that had been received. Examples of cleanups included an example where an area designated as Open Space already had a significant development project; a scenario where a designation partially overlapped an adjacent parcel; an example with existing multifamily in an area zoned and designated for single family; an example of a T1 zoning issue where older site specific rezones required a cleanup to reflect the present situation; an example where a largely undeveloped property could potentially be designated for multifamily development; and an example where a commercial location was zoned single family.

Mr. Atkinson discussed the requests that had been received. For a request at 7034 S Alaska to allow more general commercial development, Commissioners expressed concern that it would remove some of the existing transition and commented that more scrutiny was needed for changes being proposed for future development. For a large site at 72nd and McKinley where there was request for a neighborhood commercial designation, Mr. Atkinson commented that the staff recommendation was to maintain the lower density single family designation. Mr. Atkinson discussed 56th and Tacoma Mall Blvd where there could be some possible impact from potential realignment of the freeway and commercial properties were preparing for potential relocation by acquiring adjacent properties with the hope of rezoning them for potential relocation. For 5340 N Bristol where a rezone had been requested for high density multifamily, the preference of staff was to maintain the transition.

Chair Beale recessed the meeting at 5:00 p.m. for the Public Hearing concerning Billboard Regulations. The discussion of the 2015 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code resumed at 6:05 p.m., after the conclusion of the public hearing.

Chair Beale reviewed that that Commissioners had expressed concern over some of the proposed intensity changes and asked that Mr. Atkinson review which items were cleanup items and which were more substantial. Mr. Atkinson noted examples that would not be considered cleanup items including 5320 McKinley. Commissioners concurred on the Open Space, T zoning, and Parcel Boundary cleanup items. Commissioners concurred on considering the private requests and non-cleanup items as circumstances for review as part of a future work program.

Mr. Atkinson reviewed some of the other comments that had been received including comments on Equity, Capital Facilities Project Criteria, Climate mitigation, undergrounding of utilities, cleanups, and a suggestion to name the Comprehensive Plan “One Tacoma”.

Commissioner Santhuff provided the following comments and suggestions for the Comprehensive Plan (page numberings referring to those of the Public Review Document prepared for the Commission’s public hearing on August 19, 2015):

- Page 74. The description of the Brewery district should emphasize adaptive reuse opportunities such as a potential location for a Farmer’s market.
- Page 77. The description and goals for Crossroads Centers should note that the population goal in Policy UF-6.1 is a minimum. The same suggestion was noted for Policy UF-7.2.
- Page 80. The Transit Station Areas description should include a mention of regional light rail.
- Page 81. In the Corridors section they could identify Great Streets or streets that are important to Tacoma. Vice-Chair Wambach suggested that they could identify bicycle boulevards as well.

- Page 83. For Open Space Corridors, add a policy under Goal UF-11 on highway and interstate periphery and the opportunity for plantings that beautify the City and link open space corridors.
- Page 85. The Wedge should not be in the Post-War Slopes Historic Residential Pattern area.
- Page 86. UF-13.28 notes restoration work on the North Proctor Bridge that has been completed.
- Page 97. Include the Commerce Street Station in the map of Transit Station Areas.
- Page 108. Under the Design Quality section include a policy on excellence in infrastructure as it relates to place making, particularly for streetscapes and bridges.
- Page 108. Encourage street level development to avoid plateaus above the streetscape, possibly incorporated under DD-1.2
- Page 109. Under the Parking section, include a policy that parking should meet the character of the street aesthetically and not create a safety issue. Commissioners concurred with language encouraging safe parking consistent with the character of the desired streetscape.
- Page 117. Under DD-8.3 include support for development of a permanent central market facility and dedicate spaces for neighborhood markets.
- Page 131. In the Improving Environmental Quality Section, include a policy discouraging the sale of invasive non-native species of plants.
- Page 157. Consider a different image for the cover page.
- Page 164. For the examples of housing types, use photos of homes from Tacoma if possible.
- Page 186. Under the Regional Growth Centers section, include something on the transit light rail and regional light rail connection.
- Page 281. Show the future regional light rail connection on the Transit Priority Network Map.
- Page 285. Strike “South” from “South Downtown”.

Following the subject of “Comprehensive Plan Update”, “Affordable/Infill Housing Regulations” was discussed. This was a follow-up on the discussion at the last meeting on September 16, 2015. Brian Boudet, Planning Services Division Manager, reported that there had been a number of changes included in a summary sheet that had been distributed to Commissioners. Mr. Boudet noted that some of the changes were to ensure historic compatibility and make sure that proposals did not detract from historically significant structures. They would also make a clear connection in the code between discretionary permitting and the landmarks preservation process. Mr. Boudet reported some modifications to original proposals and clarification on the limitations placed upon the pilot program. Mr. Boudet discussed outstanding questions including the justification for the \$10,000 number used in the fee in lieu concept. He reviewed that a consultant report had determined a number close to the \$10,000 amount, while recognizing that a distinction could be made in the Downtown area. For upzones, Mr. Boudet reviewed the AHPAG concerns about retaining the upzone inclusionary requirement and suggested that they could modify the market-to-affordable ratio from the currently proposed 1:1 ratio. Discussion ensued. Commissioners concurred on a 3:1 ratio.

Commissioners provided the following questions and comments:

- 1.39.040 Program Requirements, section F. Commissioners concurred on changing the language requiring that affordable units be the same on the interior to “generally comparable”.
- 1.39.070 Residential Upzones, section B. Commissioner Wambach questioned if the policy on City-initiated upzoning was appropriate, commenting that they did not have the research and analysis to include it. Commissioners concurred with revising the language to “City-initiated upzones shall be evaluated for housing affordability needs”.
- Commissioner Erickson asked if the Commission would have the opportunity to look at the Infill Design Guidelines. Mr. Boudet responded that the design guidelines would be approved by the director, but they could add language of “in consultation with the Commission.”
- 13.05.115 Residential Infill Pilot Program, section G. Commissioner Erickson suggested that submittal requirements should also include photos of adjacent structures.
- 13.06.640 Conditional use permit, sections F and G. Commissioner Erickson suggested that if they were going to require that two-family development present the general appearance of a single family house in R-2 Districts, they should require it for R-2SRD and HMR-SRD as well. Mr. Boudet responded that the requirement was about the sense of compatibility in single family

neighborhoods. Chair Beale also recommended only allowing a consolidated shared entrance in section G, subsection C.

- 13.06.100 Residential Districts, section B, item 5. Chair Beale asked if the code language would allow alteration of historically contributing structures in HMR-SRD. Commissioners concurred with revising the language to specify alterations permitted by a Conditional Use Permit, as long as it is not inconsistent with the historic district character.
- Vice-Chair Wamback recommended noting the Planning Commission's discussion of the need for a formal design review process for the City at the macro level.
- Vice-Chair Wamback recommended noting that their work on affordable housing issues, including upzoning and the bonus palettes, is not finished.

Upon completing the review of public comments and discussion of corresponding revisions to the 2015 Annual Amendment, the Commission was ready to consider forwarding a recommendation to the City Council. The Commission decided to vote on the five main subjects contained in the 2015 Annual Amendment package individually before voting on the entire package. It was noted that with Commissioner Waller being excused earlier, there were 7 Commissioners voting.

Vice-Chair Wamback motioned to recommend that the City Council establish the proposed Narrowmoor Addition Conservation District. Commissioner Erickson seconded. The motion was approved five to two with Commissioners Neal and Petersen voting against. Commissioner Neal commented that she voted against because it was not fair to ask everyone else to densify and because of the large amount of infrastructure for a small number of houses. Commissioner Petersen commented that she voted against for the following reasons: it was an equity issue; they were already afforded additional protection by being zoned R-1 with a View Sensitive Overlay; it would limit people's opportunity to use their property the way they want; there weren't any specific historically significant homes in the subdivision; and concern that the design review language praises the man who platted the area, when he is not a person the residents of Tacoma should look up to.

Vice-Chair Wamback motioned to recommend that the City Council adopt the various cleanup amendments to the Land Use Regulatory Code. Commissioner Erickson seconded. The motion was approved unanimously.

Vice-Chair Wamback motioned to recommend that the City Council adopt the proposed regulatory changes to support housing affordability and infill development with all of the discussed amendments to be included in a staff summary report double checked by the Commission. Commissioner Erickson seconded. The motion was approved six to one with Vice-Chair Wamback voting against. Vice-Chair Wamback commented that while he supported the overall concept, he felt that the package was not ready for implementation.

Vice-Chair Wamback motioned to recommend that the City Council adopt the Mixed-Use Centers Review and the recommendations contained therein. Commissioner Neal seconded. The motion was approved unanimously.

Vice-Chair Wamback motioned to recommend that the City Council adopt the proposed update to the Comprehensive Plan, tentatively titled "One Tacoma", with the discussed amendments and as reviewed by the Planning Commission. Commissioner Neal seconded. The motion was approved unanimously.

Vice-Chair Wamback motioned to amend the Draft Letter of Recommendation and the Draft Findings of Fact and Recommendations Report to incorporate the Commission's discussion, acknowledge the differences in the votes, summarize the reasons for the opposing votes, make other amendments as recommended by the Commission, and for the final versions of the Letter and the Report to be presented to the Chair for signature. Commissioner Erickson seconded. The motion was approved unanimously.

2. Public Hearing – Billboard Regulations

At 5:03 p.m., Chair Beale called the public hearing to order and reviewed the procedures, noting that written comments would be accepted through October 9, 2015.

Brian Boudet, Planning Services Division Manager, reviewed that the purpose of the hearing was to take public testimony on the proposed code amendments concerning billboards. He discussed the key issues of the draft proposal: “receiving zones” where billboards would be allowed; the exchange program ratios; buffering requirements; dispersal between billboards; and amortization provisions. Mr. Boudet reviewed maps that identified areas within buffers, areas dispersed from existing billboards, and areas on significant corridors where billboards would be allowed. He noted that nonconforming standards would be retained. Amortization would have a two phased schedule providing 3 years for all faces in R, SHR, CONS, C-1 and RCX districts and 5 years for all remaining nonconforming structures. The Planning Commission’s recommendations would be discussed on October 21.

Chair Beale called for testimony. The following citizens testified:

(1) **Dale Kelley, Business Owner:**

Mr. Kelley commented that as a business owner he was involved in many non-profit organizations. He reported that in December 2014, Rocky Ridge Elementary School applied for a \$100,000 grant and approval from voters was required. Clear Channel Outdoor offered pro bono public billboard advertising to help generate the necessary votes. He commented that Clear Channel understood the importance of our kids and their education and were active and supportive participants. He noted that even though the school did not receive the winning votes, it was an important experience for the elementary school, children, business leaders, and other supporters to know that a corporation like Clear Channel had an investment in this major project. He commented that Clear Channel had, through donation of pro bono public service advertising, helped bring the community together by supporting our civic organizations. He added that they are a great advertising vehicle to our economy and allow many local businesses to target their marketing in the different neighborhoods.

(2) **Peter Wangoe, Clear Channel Outdoor Advertising:**

Mr. Wangoe commented that Clear Channel Outdoor operated the majority of the billboards in Tacoma and that their media is a respected, affordable, and effective means of advertising that is depended upon by many local businesses that contribute to the labor market and the growth of the local economy. He noted that many land owners depend on their sign rent as a significant source of annual income. He reviewed that Clear Channel had donate millions in pro bono advertising to civic organizations and non-profits whose billboard messages bring the community together and make Tacoma a better place to call home. He reported that they operate their business within the letter and intent of the Tacoma sign code, adding that all of their billboards currently in place were legal when built. He commented that Clear Channel had worked as a member of the Billboard Community Working Group to create recommendations for sign ordinance modernizations and that the will of this stakeholder group should be the blueprint for the Commission’s recommendations to the City Council. He commented that the Task Force’s recommendations were significantly different from the Working Group’s recommendations especially with regards to amortization. Mr. Wangoe commented that amortization as a tool to control a non-conforming land use puts all businesses at risk and creates confusion for companies considering upgrades or enhancements. He added that it is a fallacy to believe that the tool could be used to remove all of the billboards in the city over time since the majority of Tacoma’s billboards are adjacent to the National Highway System and thereby subject to the provisions of the Federal Highway Beautification Act. He commented that the proposed ordinance takes a punitive approach and would not yield the desired results.

(3) **Doug Schafer, Tacoma Central Neighborhood Council:**

Mr. Schafer commented that the 1997 ordinance, which required removal of non-conforming billboards, remains lawful. He reviewed that Clear Channel had purchased the non-conforming billboards in 2002 and then sued the City when it began to enforce the ordinance. He reviewed that the Task Force report included a note that information is needed about the application of 2012 Federal Highway Legislation. He commented that if the 200 billboards become legal, Federal Law will require that the City pay just compensation if removal is enforced. He added that the City must get clarification from Federal and State officials before recklessly repealing the existing code’s amortization provision. He noted that Clear Channel would sue if the City enforces

its lawful authority to remove illegal billboards, but added that there was no point in having laws if the City would not enforce them. He commented that Clear Channel Outdoor should not be granted an exclusive franchise and by allowing new billboards through removal of existing illegal billboards. He added that the exchange program could result in lawsuits from other competing sign companies because it unlawfully grants Clear Channel a monopoly. He suggest that any new billboard permits should have fixed terms such as fifteen or twenty years as it would reduce further costs to the City if they must be removed at some point.

(4) **Patricia Mannie, Patricia & Co.:**

Ms. Mannie reported that that she owned a marketing firm and some of her clients are small business owners. She commented that billboards are the most effective marketing for their dollar. She reported that one of her clients, G. Donnalsion's Restaurant, had seen their sales double in one month after advertising on four billboards. She commented that it was economical to continue to have billboards and asked Commissioners to consider allowing Clear Channel to continue to be a substantial community partner.

(5) **Stephanie Schramm, Schramm Marketing:**

Ms. Schramm commented that she handled the marketing and media for 15 to 20 small business owners who cannot afford major media and have to look local to get their advertising done. She commented that billboards are one of the few effective and affordable advertising methods left for small business owners. She hoped that the Commission would consider finding a win-win situation so that the billboards could continue to be available for small business owners.

(6) **Jori Adkins:**

Ms. Adkins reported that they had owned a lease on two billboards above their building and had only made around one thousand dollars each year. She discussed Clear Channel's efforts to negotiate a continuance of the lease and her decision to have the billboards removed. She reported that the language in the lease had made removal of one the billboards challenging. She commented that billboards drew attention away from the local businesses and buildings.

(7) **Jeff Ryan:**

Mr. Ryan commented that he was opposed to all billboards and that they were visual pollution. He commented that he would like to see all billboards removed. He reviewed that the issue had a long history and the City had once made billboards illegal in the 1920s.

(8) **John Ketler:**

Mr. Ketler commented that it is easy to think about the billboard discussion in terms of multinational companies like Ackerley. He reported that he is a property owner and owns one of the 17 billboards that were listed as priority for removal. He commented that when their billboard was put up it was a legal billboard and met all of the requirements of the city. He felt that it was unconscionable that the City could decide that they did not like things and then have them removed. He noted that over time things change and some property owners had chosen to remove billboards on their own. He reported that there are hundreds of property owners that benefit from having billboards on their land.

(9) **Dale Reed:**

Mr. Reed commented that he had been the only property owner at the Community Working Group. He observed that over the years it had been a polarizing issue between neighborhood groups and sign companies, with property owners rarely mentioned. He added that there were more than 150 property owners with billboards. He commented that they should either leave his property alone or buy it, but they shouldn't steal it. He commented that their billboards were an important asset and were part of what went into developing the property. He reported that they were one of the first owners in the 6th Avenue region to spend money to turn a bare lot into something that added to the community. He discussed how on a road trip he had been surprised to find a Clear Channel sign in Turkey. He wondered if the officials in Tacoma understood how powerful Clear Channel was and how there was no way that they would allow this slippery slope to happen. He commented there was room for the code to change, but retroactively taking property away was the wrong move.

(10) Jill Jensen:

Ms. Jensen reported that she had been part of the Community Working Group. She commented that while there were over 150 people who own billboards, there were also 2800 people opposed to the billboard issue. She commented that Clear Channel was not there in good faith as they knew the billboards would have to be removed when they originally bought them, but instead chose to sue the City. She commented that you can fight and win against billboard companies, noting that Rapid City, South Dakota had recently won a lawsuit with a billboard company in federal court. She commented that Clear Channel would not remove the billboards at the end of the five year amortization period and urged the Commissioners to take a stand so that the issue could be resolved.

(11) Susan Ryan:

Ms. Ryan commented that she wanted to know why they were still discussing billboards when previously they were going to be removed. She felt that it did not make sense to try and accommodate a few business owners and Clear Channel. She commented that it seemed like an antiquated method of advertising and many citizens did not want them. She commented that too few businesses were benefiting from it versus the bulk of the citizens. She encouraged Commissioners to be leaders and take a stand now.

Seeing no one else coming forward, Chair Beale closed the public hearing at 5:54 p.m. and recessed the meeting. The meeting was resumed at 6:05 p.m., and the Commissioners continued the discussion of the 2015 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code, which was concluded at 8:31 p.m., when the discussion of Billboard Regulations resumed.

Commissioners provided the following comments and questions:

- Commissioner Erickson recommended consideration of buffers based on visibility and distance for the Downtown area.
- Commissioner Erickson recommended that the setback from Conservation Districts be eliminated.
- Commissioners requested additional maps showing the different buffers impacting the Downtown area.
- Vice-Chair Wamback commented that he would like to see alternative language that makes no change from the amortization language that exists currently, noting that they were under no legal or ethical obligation to give billboard owners more time.
- Vice-Chair Wamback questioned if they should make a statement in the Findings of Fact and Recommendations that Tacoma should seek to be free of billboards as a long term goal.
- Chair Beale commented that the Findings of Fact and Recommendations should include a statement that sign blight also includes on premise signage and better regulations are needed.
- Chair Beale expressed concern that by implementing the proposed regulations, they could create a scenario where MAP21 would require that they compensate billboard owners near highways if removal is enforced. He requested for the City Attorney to be present at the next meeting.
- Commissioner Erickson questioned if there would be enough receiving areas to achieve the removal of all nonconforming billboards.
- Commissioners clarified that the Task Force members had not recommended making 672 square foot billboards in industrial areas conforming, but legally non-conforming.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Lihuang Wung, Planning Services Division, updated the Commission on the following items:

- (1) Minutes of the Billboard Task Force's meetings on August 17, August 18, August 25, September 8, and September 10, 2015 were included in the meeting packet. Commissioners acknowledged receiving the minutes.
- (2) There was a potential cancellation for the meeting on November 18, 2015.

Mr. Boudet updated the Commission on the following items:

- (1) The Hilltop Subarea Open House would be held on Monday October 12.
- (2) The City would be receiving a lifetime achievement award for GMA implementation.

F. ADJOURNMENT

At 9:07 p.m., the meeting of the Planning Commission was concluded.