



MINUTES (Approved on 1-3-18)

TIME: Wednesday, December 6, 2017, 4:00 p.m.
PLACE: Room 16, Tacoma Municipal Building North
733 Market Street, Tacoma, WA 98402
PRESENT: Stephen Wamback (Chair), Anna Petersen (Vice-Chair), Carolyn Edmonds, Jeff McInnis, Brett Santhuff, Andrew Strobel, Dorian Waller, Jeremy Woolley

A. CALL TO ORDER AND QUORUM CALL

Chair Wamback called the meeting to order at 4:07 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES OF NOVEMBER 1, 2017

The order of discussion items was changed to move item D4 ahead of item D3 on the agenda. The agenda was approved as modified. The minutes of the regular meeting on November 1, 2017 were reviewed and approved as submitted.

C. PUBLIC COMMENTS

Chair Wamback invited citizens to provide comments on items related to the agenda. The following citizens provided comments:

- 1) Joan Mell:
Ms. Mell commented that she was there on behalf of the GEO Group, who were opposed to proposed Correctional Facilities regulations. She discussed materials provided in opposition to the ordinance, highlighting a statistic that showed the rate of granting relief to individuals detained was 35%, which was the highest in the nation due in large part to the location of the facility which provided access to advocates. She commented that not having the facility in the area would make access to those advocates more difficult. Ms. Mell commented that any policy that would consider an increase to inmate capacity as a major modification would invite legal challenges as it steps into federal immigration policy.
- 2) Alexa Brockamp:
Ms. Brockamp expressed support for recommending adoption of the Correctional Facilities Interim/Permanent Regulations to the City Council, adding that additional beds would be a major modification and should be treated as such.

D. DISCUSSION ITEMS

1. Correctional Facilities Interim/Permanent Regulations

Brian Boudet, Planning Services Division Manager, facilitated a discussion to review draft permanent regulations concerning Correctional Facilities. He discussed the phased action strategy that would develop permanent regulations in the short term and evaluate the Tideflats land use issues and compatibility with the Subarea Plan for the long term. He reviewed the changes proposed to the interim regulations including prohibiting correctional facilities in multi-family and light industrial zoning districts; requiring a Conditional Use Permit (CUP) in zones where they are allowed; expanding public notification; and revising the definition of "correctional facility".

Commissioners provided the following questions and comments:

- Commissioner McInnis asked if prohibition in the PMI zone would be reexamined when they worked on the subarea plan. Mr. Boudet confirmed that it would be reexamined.
- Vice-Chair Petersen commented that as the item went forward she would like staff to explain the concept of essential public facilities as it relates to detention facilities in general and why they would not be appropriate in the other zoning districts outside the Tideflats. She also requested that staff address the Comprehensive Plan, several policies of which were violated by having detention facilities in the Tideflats, and provide clarification on how the facility there qualifies as a correctional facility with their definition.
- Chair Wamback asked what it would mean if a CUP were to expire. Mr. Boudet responded that with most CUPs they would have 5 years to complete construction or they would have to reapply.
- Chair Wamback asked if they had considered requiring citywide notification. Mr. Boudet responded that the concept of citywide notice had come up in discussion of other issues.
- Chair Wamback asked if modifications that increased the footprint but did not increase the inmate capacity would be considered major modifications. Mr. Boudet responded that there were already criteria in the code for determining the major/minor modification threshold including changes to square footage and trips generated.
- Commissioner Edmonds noted that long term incarceration would require more beds, asking if they would consider the length of incarceration in the policy discussion. Mr. Boudet responded that the length of stay did not have a distinction in the code.

Upon completing the discussion, the Commission was asked to consider releasing the proposed regulations for public review and setting the date for a public hearing. Commissioner McInnis motioned to release the proposal for public review and set the public hearing date for January 3, 2018. Commissioner Woolley seconded the motion. Commissioner Santhuff suggested including Vice-Chair Petersen's recommendations in the staff report. The motion was approved unanimously.

2. Emergency Temporary Shelters Interim/Permanent Regulations

Lauren Flemister, Planning Services Division, reviewed the historical and regulatory context for the regulations, noting that they originated from a state ordinance allowing religious organizations to host temporary encampments. She discussed the interim regulations which allowed for non-profit organizations to host encampments, increased the number of encampments, and increased the duration. Ms. Flemister discussed focus areas for discussion taken from comments received from the community. The focus areas included consideration for continuation beyond the outlined timelines; a provision to allow safe parking; review of facility and service provisions to reduce barriers; review of the level of provision based on sheltering scheme; expansion of the notification radius; and standardizing definitions through the code. Ms. Flemister commented that they could consider several options including maintaining the interim regulations, modifying regulations to include all issues raised in focus areas, or modifying regulations to include only some of the issues.

Commissioners provided the following questions and comments:

- Vice-Chair Petersen asked if the number of people allowed by site area and the number of residents allowed per camp were the same thing. Ms. Flemister responded that the number of residents was capped at 100 per camp and the area required per person was intended to prevent crowding.
- Vice-Chair Petersen asked for clarification on the total number of encampments. Ms. Flemister responded that there could be up to six camps citywide if one was located in each of the four police sectors first.
- Vice-Chair Petersen asked if they would provide information on facilities for homeless youth, since the minimum age for the encampments was set at 18.
- Commissioner Edmonds requested a map of the police sectors for future discussion. Chair Wamback recommended that Council Districts and Community Council Districts also be shown.
- Chair Wamback commented that access to services and transit would be an important issue for the encampments.

- Vice-Chair Petersen asked if there was any data demonstrating that two off street parking spaces per 25 residents was an ideal requirement. Ms. Flemister responded that they would investigate the parking requirement.

4. 2018 Amendment Application #2018-03: S. 80th Street Rezone (PDB)

Ms. Flemister discussed proposed rezone and land use designation changes for the property near S. 80th and Pine Streets. She reviewed that the request was for a rezone from PDB Planned Development Business District to M-1 Light Industrial District and a Comprehensive Plan amendment to change the land use designation from General Commercial to Light Industrial. Staff had modified the scope of the application to rezone three properties with a fourth property being considered. She reviewed the policy framework, which had been based on the Comprehensive Plan Urban Form Chapter and the Joint Base Lewis-McChord Joint Land Use Study. Staff analysis had concluded that the PDB zoning was underutilized and ineffective; that the parcels fall within the Accident Potential Zone (APZ) II; and that the M1 Zoning would significantly change permitted uses which could be mitigated with the creation of the proposed APZ II overlay. Ms. Flemister reviewed potential options for consideration including applying a commercial designation instead of industrial, retaining the commercial uses, and other requirements in the APZ II overlay that might mitigate high intensity uses.

Commissioners provided the following questions and comments:

- Commissioner Edmonds asked what the response to outreach had been so far. Ms. Flemister reported that the response to the proposal had been positive.
- Commissioner Santhuff noted industrial parcels to the east, asking if they had been considered for inclusion in the rezone. Ms. Flemister responded that she would check with the parcel owners to see if they were interested.
- Commissioner Santhuff asked if there would be required buffers for the transition area between M-1 and residential and if that would affect the PDB zoning. Ms. Flemister responded that she would return with information to outline the changes.
- Commissioner Santhuff asked what the timeline was for implementing the APZ II overlay. Ms. Flemister responded that it would be part of the work program in 2018.
- Commissioner Strobel asked if they needed to take a closer look at the PDB zoning and its effectiveness. Mr. Boudet responded it would be discussed as part of the commercial zoning update that staff was considering getting rid of the zoning.

3. 2018 Amendment Application #2018-01: Car Wash Rezone

Lihuang Wung, Planning Services Division, reviewed the revised scope of work for a private application seeking to rezone properties near 6th Avenue and South Howard Street. Mr. Wung reviewed that the application had been submitted by Brown Bear Car Wash, proposing to rezone three parcels on 6th Avenue from Neighborhood Commercial Mixed-use (NCX) to Urban Center Mixed-use (UCX) in order to allow car washing facilities. He reviewed a map of the subject site encompassing three parcels with two addresses and noted the surrounding R2 Single-Family Dwelling District zoning. Mr. Wung reviewed that the Commission had already determined, during the assessment stage, that the application was a complete, legislative, a stand-alone project, and that only moderate analysis was needed. The Commission had concurred with staff that the scope of work should be modified and that alternative approaches should be considered. Mr. Wung reviewed eight possible options for the Commission to consider: allowing the use specifically in the Narrows Neighborhood Center with a footnote in the use table; allowing the use in NCX zones with a CUP; allowing the use in NCX zones, but not along the frontage of a designated pedestrian street; de-designating the Narrows Mixed-use Center; creating a new use category for car washing facilities; reviewing the requirements for Core Pedestrian Streets; reviewing the permit process; or continuing to prohibit the use in NCX.

Commissioners provided the following questions and comments:

- Commissioner Edmonds asked why they would want to take car washes out of the definition of service and repair. Mr. Wung responded that one reason would be to recognize that they were different uses and make different allowances for them.

- Commissioner Edmonds commented that they were going above and beyond to accommodate the applicant rather than considering if it was a land use they wanted in the neighborhood.
- Commissioner Santhuff reviewed that the NCX areas were intended to be small and focused to capitalize on the potential of certain neighborhoods. He commented that a car wash was probably not appropriate in the area. He commented that allowing the use with a CUP or a standard limiting development on the core pedestrian street would be appropriate as a path forward to accommodate the applicant's request.
- Vice-Chair Petersen concurred that allowing the use in NCX with a CUP, allowing the use in NCX but not along Pedestrian Streets, or the status quo were the most appropriate options.
- Commissioner Strobel asked if other jurisdictions had separate definitions for car wash and vehicle service and repair. Stephen Atkinson, Planning Services Division, responded that it was common for the two to be grouped together.
- Commissioner Strobel commented that he would be interested in allowing the use in NCX with a CUP, allowing the use in the zone but not along Pedestrian Streets, or reviewing the definition.
- Commissioner Edmonds expressed support for maintaining the status quo.
- Commissioner McInnis commented that he would not want to allow the use in a NCX zone, even with a CUP, and that if they were going to accommodate it he would prefer allowing the use specifically in the Narrows Neighborhood Center or maintaining the status quo.
- Commissioner Strobel commented that if they allowed the use in NCX with a CUP, the facility could then be conditioned to mitigate pedestrian safety concerns.
- Commissioner Edmonds asked how the Narrows Neighborhood Center was different from the other NCX zones. Mr. Boudet responded that the majority of NCX zones were historic business centers.
- Commissioner Santhuff commented that allowing auto oriented uses in NCX would create design problems with the vision for the neighborhood as a walkable mixed-use center. He supported options for allowing the use with NCX with a CUP or allowing in NCX but not along the designated pedestrian street. He commented that finding a solution that would apply to all NCX zones would also be appropriate.
- Chair Wamback commented that allowing the use in NCX with a CUP or allowing the use in NCX but not along Pedestrian Streets were the only options appropriate for going forward with the application. He reviewed that when the item had been presented to them before, he had not felt that the package was complete, that it was not consistent with the One Tacoma Comprehensive Plan, and that the City's Economic Development Department should have helped the applicant find another parcel. Chair Wamback commented that he would be supporting the status quo when it came to a vote.

Mr. Wung discussed outreach to the West End Neighborhood Council (WENC). He reported that many WENC representatives had voiced concerns about the potential impacts of a new car wash and questioned whether it was the best use for the location, while some others had expressed interest in seeing the City's analysis. Staff would likely have to go to other NCX areas for additional feedback.

Chair Wamback recessed the meeting at 6:15 p.m. The meeting resumed at 6:22 p.m.

5. 2018 Amendment Application #2018-10: Open Space Corridors

Elliott Barnett, Planning Services Division, provided a review of staff analysis of a public application seeking to protect the City's open space corridors. He reviewed that open space corridors were important for a broad range of reasons including recreation, tree canopy coverage, public health, urban form, wildlife, and stormwater management. He reported that the City's open space corridors encompassed 5,350 acres total that included passive natural lands and active parks with the majority zoned residential. Mr. Barnett commented that they would be focusing on the passive natural open space components of the category, which were less than half of the total acreage. He reported that they had identified updates for critical areas including known wetlands, biodiversity corridors, and steep slopes. Mr. Barnett reviewed that the City was already protecting and enhancing open space with proactive restoration efforts and incentives such as the transfer of development rights program and property tax reductions.

Mr. Barnett reported that they were recommending moving forward with updates to the Critical Areas Protection Ordinance (CAPO) to address regulatory gaps for biodiversity corridors and steep slopes. Mr. Barnett reviewed the multiple types of critical areas, noting that they had strong protections for streams and wetlands but lacked guidance and standards for biodiversity corridors and steep slopes.

Shannon Brenner, Planning Services Division, reviewed that the biodiversity corridors were designated by the Washington Department of Fish and Wildlife (WDFW) to help keep common wildlife common in highly developed areas. She noted that a large portion of their open space was within biodiversity corridors and they lacked clear standards for how to design for projects where the site was encumbered by a wetland. She noted that WDFW management recommendations for biodiversity corridors were written to advise local planning departments on what could be included in development regulations, which included several different options but not clear standards. Many of the recommendations were focused on retaining vegetation and connectivity across those areas to allow wildlife to move. Steep slopes were regulated with the focus on engineering to mitigate risk, which often did not preserve habitat. They wanted to clarify that the first step was to avoid the steep slopes, rather than jumping straight into mitigating it through engineering. The staff recommendations were to clarify that they should avoid, minimize, and mitigate in that sequence of priorities; that standards for biodiversity corridors should include maintaining minimum connections, protecting significant trees, limiting site clearance, clustering development, providing density bonuses, and allowing for vegetation enhancement and management; and clarification that for steep slopes the best approach was recognize vegetation retention as the best approach. Ms. Brenner reviewed how development had retained open vegetated areas in an example from another jurisdiction.

Commissioners provided the following questions and comments:

- Commissioner Santhuff commented that for future phases they might need specific development regulations for sites and a survey of conditions for the existing sites. He suggested that they identify other possible biodiversity corridors.
- Commissioner Edmonds asked if they had regulations that would prohibit removal of trees on private property. Ms. Brenner responded that unless a critical area was present, they did not.
- Commissioner Strobel asked if the scope would also include coastal zones and shorelines. Mr. Barnett responded that it would not be part of the study, but the Shoreline Master Program would be updated in the future.
- Commissioner McInnis commented that maintenance and management of properties would need to be considered, noting that garbage is often dumped at passive open space areas.

6. Planning Commission Year-End Retreat

Mr. Wung facilitated a discussion to review the Planning Work Program, consider amendments to the Commission's Rules and Regulations (i.e., bylaws), and discuss issues of interest to the Commission's operations. He reviewed accomplishments of the Planning Commission over 2017 and discussed the number and length of meetings, which had increased between 2015 and 2017.

Mr. Boudet discussed the work program, noting that many items had been deferred or reduced in scope. He reported that as part of the mid-biennium budget modification, they had received additional staff resources and would be able to get an additional staff person. He suggested that following the release of the Annual Amendment package would be a good opportunity to reassess the work program.

Commissioners provided the following questions and comments:

- Commissioner Edmonds asked if they had increased staff between 2012 and 2017, considering that the total hours for meetings had increased. Mr. Boudet responded that they had not.
- Chair Wamback commented that he felt that no one was speaking purely to use up time, but he could do more to expedite discussions if other Commissioners felt it were needed.
- Commissioner Strobel commented that having a suggested time for discussion of a topic could be helpful.
- Chair Wamback suggested that having the presentations and full packet available online the Friday prior to the meeting would help speed things along and help Commissioners determine their questions.

- Vice-Chair Petersen commented that she wanted to retain the ability to refocus discussion on things that are not in the presentation as needed.
- Chair Wamback suggested that he would like to see a clear explanation of what the expectation of the Planning Commission is for each discussion item in the packet.
- Commissioner Santhuff commented that for each discussion item in the packet, they should include previous actions or presentations had been before the Planning Commission.
- Commissioner Strobel suggested that they could delineate between informational items and items with actions to be deliberated.
- Commissioner Edmonds commented that she did not like the idea of including times on the agenda as it would be more appropriate for the Chair to judge what amount of time was appropriate for discussion.
- Commissioner Santhuff suggested that when releasing a proposal for a public hearing he would like to provide multiple options for the public to comment on if the Commission was considering more than one option. Discussion ensued on including multiple options for public hearings.
- Commissioner McInnis commented that he would like to hear more from the Neighborhood Councils concerning the proposed rezone for the car wash in the Narrows mixed-use center.
- Chair Wamback suggested postponing discussion of whether or not to change the public comment portion of the agenda until they can spend more time on that topic specifically.

Chair Wamback proposed moving the time when they start Planning Commission meetings to 5:00 p.m. as it was challenging for many Commissioners to begin their meetings at 4:00 p.m. He commented that it could mean meetings going later. Commissioner Waller commented that they could be more efficient with the meetings while also starting later. Commissioner Strobel suggested that they have an expectation for how much time they allow for deliberation of a discussion item, especially considering how many items require multiple meetings to discuss. Following discussion, Commissioner Strobel motioned to amend the bylaws to move the regular meeting time to 5:00 p.m. Commissioner Waller seconded. The motion was approved unanimously.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Commissioner Woolley motioned to cancel the December 20 meeting. Commissioner Edmonds seconded. The motion was approved unanimously.

Commissioner Woolley announced that, as he had notified staff, he would be resigning from his position of “Architecture, Historic Preservation and/or Urban Design” on the Planning Commission.

Mr. Boudet provided the following updates:

- Staff would work with the City Clerk’s Office to advertise the Commission’s vacancies for District No. 5 and “Architecture, Historic Preservation and/or Urban Design.”
- The Billboards ordinance was moving through the City Council process with the final reading scheduled for the following week.
- There was a Council resolution being put forward to ask the Planning Commission to consider expanding the scope of the first phase of the Residential Infill Pilot Program.

F. ADJOURNMENT

At 7:57 p.m., the meeting of the Planning Commission was concluded.