



MINUTES (Approved on 5-17-17)

TIME: Wednesday, May 3, 2017, 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), Jeff McInnis, Meredith Neal, Anna Petersen, Brett Santhuff, Dorian Waller, Scott Winship, Jeremy Woolley

A. CALL TO ORDER AND QUORUM CALL

Chair Beale called the meeting to order at 4:06 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES OF APRIL 19, 2017

Chair Beale reported that discussion item 1, the Historic Preservation Program update, was being delayed to a future meeting. The agenda was approved as amended. The minutes of the regular meeting on April 19, 2017 were reviewed and approved as submitted.

C. PUBLIC COMMENTS

Chair Beale called for public comments. The following citizens provided comments:

- 1) Jennifer Adrien, Tacoma/Pierce County Economic Development Board Communications Manager:
Ms. Adrien commented that the proposal submitted to rezone parcels along Marine View Drive was of great concern and would negatively impact the ability of Tacoma to retain and grow family-wage jobs. She suggested that ad hoc zoning changes should be avoided since the area would be going through the subarea plan process. She encouraged the Commission to move forward with the subarea plan as a balanced alternative that would consider the broader impacts.
- 2) Troy Goodman, Targa Sound Terminal:
Mr. Goodman requested that the Commission reject the proposed amendment submitted by the Northeast Tacoma Neighborhood Council which he felt would adversely affect his company's facilities. He noted that his company had cleaned up contaminated land, improved the habitat with plantings along the waterway, and constructed a new entrance gate to reduce traffic impacts. He reported that they had 50 employees and were the largest renewable fuel facility in the state.
- 3) George Wright:
Mr. Wright commented that he was a proud employee of Sound for the past 9 years. He commented that Sound was the best company that he had worked with and did the right things for the right reasons. He commented that the application submitted by the Northeast Tacoma Neighborhood Council was not fair, had not been done properly, and should be rejected.
- 4) Mark Miller, President/CEO of Macmillan Piper Inc.:
Mr. Miller urged the Commission to reject the proposal for the Northeast Tacoma Buffer Zone. He noted that the City Council and Port of Tacoma were working on a subarea plan as a solution that would bring all stakeholder parties together and the Commission should consider that instead.
- 5) Bett Lucas, Targa Sound Terminal:
Ms. Lucas commented that many of the statements being made did not consider that they affect real people, real jobs, and real livelihoods. She asked that they not let a small loud group tell them that they do not have the same goals of a healthy environment and a strong economy. She encouraged them to push forward with the subarea plan and not waste time on a buffer zone.

- 6) Deirdre Wilson, Port of Tacoma Planning Manager:
Ms. Wilson reported that the Port opposed consideration of the application and urged the City to focus staff time on the interlocal agreement needed to initiate the Tideflats subarea plan. She commented that piecemeal decision making would likely have unintended consequences. She suggested that when considering changes they should consult policy CP-1.7 in the Container Port Element.
- 7) Sarah Wood, Northeast Tacoma resident:
Ms. Wood asked that the Commission accept the proposed amendment for the residents. She reported that residents can't walk outside some days, have to keep windows closed, and that it is so loud at night that it keeps people awake. She commented that they wanted businesses to thrive and they also want to be safe, to have clean air, and to be able to sleep at night.
- 8) Craig Cole, Targa Sound Terminal:
Mr. Cole commented that Targa Sound Terminal is one of the largest areas where renewable fuels come into the market. He reported that they were working with the State of Washington, Counties, and City municipalities on meeting their needs. He commented that the proposed zoning would hurt the move to incorporate more renewable fuels into the State, City, and County.
- 9) Gloria McNett, Northeast Tacoma resident:
Ms. McNett reported that she lived in Point Woodworth and had to check if she could breathe the outside air every morning. She asked if there was a way that the companies could be moved farther into the port. She commented that children from a school nearby had expressed concerns that the smells and fumes might harm them. She commented that they had to pressure wash the sidewalks twice a year because they turn black.
- 10) Shirley Low, Northeast Tacoma resident:
Ms. Low commented that she lived relatively close to the port. She asked how the proposal would affect existing operations in the buffer area; how it worked with the Container Port Element; and how it would be consolidated with a subarea plan for the Tideflats. She commented that it was important that everyone have a reasonable result from the zoning and the activities in the port.
- 11) Ginger Bolan, Northeast Tacoma resident:
Ms. Bolan commented that the Point Woodworth area was supposed to have been a buffer zone before 180 homes were built there and that City should answer for allowing the development to occur. She commented that they hadn't known how much pollution they would have to endure before they moved there and that she would like to see a buffer created. She commented that there had been discussion of a subarea plan before, but it had never come to fruition.
- 12) Hank Hibberd, Youth Marine Center:
Mr. Hibberd commented that he had been a Sea Scout leader for over 25 years, where they emphasize that there are good jobs available on the Tideflats. He commented that what happens when you nibble around the edges of the port is what has happened in Seattle where large scale development had come in and roads could no longer be used at certain times.
- 13) Mel Berglund:
Mr. Berglund expressed support for the Northeast Tacoma Buffer Zone amendment commenting that the amendment wouldn't shut down the businesses there currently, but it would take care of the issues concerning growth. He commented that the businesses there continue to grow and that any additional growth would make the problems greater. He commented that the City had stated that they would address the problem in the past, but had not.
- 14) Malcom Russell:
Mr. Russell noted that he had served two terms on the Tacoma Planning Commission and two terms on the Pierce County Planning Commission. He commented that Application 2018-04 should be denied because it contradicted adopted City Policy CP-2.2 which stated that topography, distance, and vegetation were the preferred buffer in the area. Mr. Russell commented that the application had not been approved by the Northeast Tacoma Neighborhood Council at the time it was submitted and it should have been submitted as a private application.

- 15) Mark Van Osdol:
Mr. Van Osdol reported that he was a customer of Targa and ran a business in Tacoma. He commented that hindering growth in the Port would adversely affect his 60 employees who were making a living wage. He commented that he had been working with Targa for 10 years and had seen continuous improvement on safety and environmental protection the entire time.
- 16) Denise Kopetzky, Northeast Tacoma resident:
Ms. Kopetzky commented that since she purchased her home 12 years ago there had been an increase in noise, odors, and chemicals in the air. She added that they could regularly smell a petrol chemical in the air and that the noises had increased dramatically, preventing sleep. She commented that she was in support of the buffer zone because City had not done what it had promised in the past with regards to a subarea plan and because the problem was getting worse.
- 17) Jakie, Schnitzer Steel Industries:
Jackie commented that Schnitzer Steel industries had over 120 employees and provided a significant economic and environmental benefit to the City. She commented that the buffer zone proposal failed to recognize the status of the preferred water dependent uses under the existing Shoreline Management Act. She requested that the Commission decline to consider the proposal and suggested that the issues raised were more appropriately addressed in the announced subarea plan process by the City and the Port of Tacoma.
- 18) Twyla Westley:
Ms. Westley commented that her fellow citizens wanted something that works for the City but doesn't make their quality of life more difficult. She commented that they weren't against economic development but they wanted caution for what kind of development goes on at the Port. She asked that they consider passing the buffer zone amendment.
- 19) Nanette Reetz, Northeast Tacoma Neighborhood Council Co-Chair:
Ms. Reetz commented that she had been a Northeast Tacoma resident for 26 years and was in favor of passing the buffer zone amendment. She reported that the measures followed to submit the amendment had been recommended by Deputy Mayor Robert Thoms as an avenue to start the conversation about a buffer zone. She asked the Commission to consider the wishes of the many citizens that could not be there to speak on the issue. She commented that the notification process was flawed and that they hadn't been notified of major projects. She noted that since Targa had expanded their facility there were more trucks on the road.
- 20) Ryan, Northeast Tacoma resident:
Ryan reported that he worked with children with disabilities and that there was evidence of links between lead and arsenic in the air and impacts on the learning ability of children. He commented that he could not go outside due to the decline in air quality and that he could not sleep at night with open windows because of noise. He commented that he was in support of the amendment, but he was also in support of jobs.

D. DISCUSSION ITEMS

1. Historic Preservation Program Update (deferred to a later meeting)

2. Application 2018-04: NE Tacoma Buffer Zone

Stephen Atkinson, Planning Services Division, provided an overview and assessment of the application. He reviewed the process for amending the Comprehensive Plan and the timeline for the amendment process, noting that they were currently in the assessment phase. Following the review and assessment phase they would determine which items would go forward to the work program for the 2018 amendment, at which point they would engage the community and provide opportunities to participate in the process. Mr. Atkinson noted that the assessment phase was based on three criteria in the Tacoma Municipal Code: if the amendment request was properly subject to the Commission's review; if there had been similar recent studies of the same issue; and if the amount of analysis for the amendment request was reasonably manageable given the workload of the Commission and staff.

Application 2018-04, the Northeast Tacoma Buffer Zone, was discussed. Mr. Atkinson reviewed that the application sought to rezone parcels along the Hylebos Waterway from PMI/M-2 to PDB/M-1 and to establish a buffer zone consistent with the goals and policies of the Container Port Element. He added that the parcels included in the application were within the Port/Tideflats Manufacturing/Industrial Center (M/IC).

Ann Locsin, a Northeast Tacoma resident and the contact person for the application, provided a brief overview of the proposed amendment, the rationale for the request, and what the desired outcomes would be. She reported that the current Port Maritime Industrial (PMI) zoning was an “anything goes” zoning and that rezoning the area would give the residents of Northeast Tacoma some breathing room. She reported issues faced by residents including air pollution and loud explosions from cars being demolished that shake homes. Ms. Locsin commented that it had been difficult to get someone to hear their issues and that there was a highly organized industrial coalition that was motivated to protect their port. She commented that they had been assured that there would be a subarea plan to address the issues that they were facing, but weeks after the discussion they received a letter stating that the process was done. She reported being told that the process had been stopped because there was no money to fund it and that the heavy industrial forces had killed it. She commented that she didn’t trust subarea plan process after the first attempt or that the needs of Northeast Tacoma would be addressed in that process.

The proposed amendment was discussed. Ms. Locsin noted that they had studied the Container Port Element and that the creation of a buffer zone was already part of the strategic plan. She reviewed that the amendment was being proposed to provide a transition area that would allow the long term viability of industrial areas while also protecting the surrounding residential areas from unreasonable impacts. The amendment would also address an inconsistency between the current zoning and the Container Port and the Design and Development Elements of the Comprehensive Plan. She commented that going through the process would allow for stakeholder engagement with the community.

Mr. Atkinson discussed a proposed staff modification to consider amendments to use/development standards within the designated Open Space Corridors along Marine View Drive as part of the scope of work for the process. He reviewed that they didn’t have standards that would limit the growth potential on the slope areas or maintain the buffering function that they currently provide. Mr. Atkinson noted that a number of parcels proposed for rezone were partially in the shoreline so they would need to consider the shoreline goals and policies in relation to the potential impacts of rezones. The compatibility and impact to shoreline uses would be analyzed as part of the process if the application went forward.

The assessment criteria were reviewed. For Criterion 1, Mr. Atkinson reported that the amendment was legislative and properly subject to Planning Commission review. For Criterion 2, he reported that there had been recent studies, but they did not necessarily preclude the application from moving forward and that there were related projects that provided potential for consolidation. For Criterion 3, he reported that the amount of work required to review and evaluate the application would be significant.

Vice-Chair Wamback asked what would happen if staff review found that the proposal was inconsistent with Vision 2040 and regional planning policies. Mr. Atkinson responded that if it was inconsistent with regional policies pertaining to M/IC it could be a factor in the Commission’s recommendation to Council.

Mr. Atkinson reported that staff was recommending the following: a modified scope of work that would address the request while also including non-industrial encroachment within designated open spaces and slopes; that the application with recommended modifications was ready to proceed to technical analysis; and that there was potential for consolidation if a subarea plan process for the Port/Tideflats was initiated.

Chair Beale asked for clarification on the completeness of the application. Mr. Atkinson responded that the determination was at the discretion of the Planning Commission. Vice-Chair Wamback requested that City legal staff to speak to them at the next meeting on whether the application was properly submitted on behalf of the Northeast Tacoma Neighborhood Council.

Chair Beale recessed the meeting at 5:28 p.m. The meeting resumed at 5:32 p.m.

3. Application 2018-06: VSD Height Measurement

Lihuang Wung, Planning Services Division, provided an overview and assessment of the application seeking to amend how building height was measured along North 30th Street in the Old Town area, which was currently zoned C-2 General Commercial with a View Sensitive District (VSD) Overlay. He noted that the height was currently measured from the grade at corners and the applicant was proposing measuring from the average grade on the site.

Mr. Ken Thiem, the applicant, discussed the proposed amendment. He reported that he owned a small lot on the north side of North 30th Street in Old Town. He commented that the topography in the vicinity slopes down from the north side and up from the south side of the street so that buildings on the south side have the low point on the sidewalk where people enter the business. He commented that property on the north side did not have the same development potential, requiring a variance for two stories. He discussed the 25 foot height limit, noting that retail uses needed extra headroom for sprinklers, HVAC, and lighting. He commented that the VSD ignores the intrinsic differences between single family and commercial and it creates development disparities between the two sides of N 30th Street. He suggested that the path forward was to measure building height in the same way on both sides of the street, using the high point on the frontage of the sidewalk.

Mr. Wung reviewed that if the Commission accepted the application the scope of work would include modifying the building height measurement methodology for the Old Town VSD; applying the modified methodology to other VSDs, with additional modifications as appropriate; moving the modified methodologies to the Building Code; and analyzing the impacts of modified methodologies. He reported that staff had concluded that the application was complete, that the scope of work needed to be expanded, that the amount of analysis required would be moderate to heavy, and that the application should be moved forward for technical analysis.

Chair Beale asked how often the issue had come up in terms of code administration. Brian Boudet, Planning Services Division Manager, responded that the issue had come up frequently.

Commissioner Winship asked if the proposed changes would apply to residential zones. Mr. Wung responded that the initial thought was to focus on commercial development. Mr. Boudet clarified that the Old Town VSD is the only area with commercial development, while other VSDs within the city are residential areas which would also be considered.

Commissioner Neal asked if staff would expand the scope to all commercial districts. Mr. Wung responded that there were several other VSDs that they would expand to.

Commissioner McInnis commented that the VSD overlay was intended to preserve views so they needed to be careful that, however they alter it, they don't block views.

Acknowledging the Commission's general concurrence with staff's recommendation to accept the application and move it forward for technical analysis with an expanded scope of work, Mr. Wung noted that the final determination would be made at a later meeting along with the consideration of other applications included in the 2018 Amendment package and other projects contained in the Planning Work Program.

4. Application 2018-02: Vehicle Service and Repair Development Standards

John Harrington, Development Services Division, provided an overview and assessment of the application submitted by seven applicants seeking code amendments concerning development standards for vehicle service and repair businesses, with a focus on discount and used tire shops in the C-2 General Community Commercial District. He discussed the history of standards for tire shops, reviewing that prior to 1998 tire shops were a separate use category in Code; that after 2002 all vehicle related service and repair uses were consolidated into one category; and that between 2008-2012 they had received applications for business licenses for used tire shops with outdoor storage. He reviewed that a business license review had revealed violations of development standards in both new and established tire shops. Mr. Harrington noted that there was an intent section in the regulations about trying to minimize the visual impact and maintain landscaping along street frontage, though there was no performance standard for the landscaping. He noted that auto parts could be stored outside in M1, M2, PMI, and UCX zones. He

added that tire installation was not considered to be vehicle repair and did not have to be inside a building.

The background for the proposed code amendment was discussed. Mr. Harrington reviewed that they had sent notices to existing tire shops that were not complying with the requirement to store tires inside. He noted that complying with the requirement would involve many of the business shutting down or moving, since it would be too costly for many of them to construct a new storage building in the C-2 zone. Seven tire shop operators had proposed a code amendment to allow outdoor storage and the code enforcement action was being suspended pending the outcome of the amendment application. Mr. Harrington discussed one of the non-conforming shops where tires were in racks and screened with a wall, noting that the applicants were looking to continue operation by having similar standards.

Jeff Bell, owner of Jeff's Used Tires and one of the seven applicants, reported that he had been in business since 1995 and had sold tires for over 30 years. He reviewed annual costs and taxes for his business including five employees and nine vendors. He reviewed the process by which his business purchased good used tires from a recycling company to sell to their customers. He commented that outdoor storage of used tires had been a normal operating procedure and that the method of barrel stacking allowed them to prevent flat spots in the tread. He reported that tire racks caused flat spots on tires and physical strain for employees moving tires to and from the racks. He commented his stock of 2500 tires turned over around 6 times per year and that they rotated them regularly to prevent algae and pests. He agreed that fences should be six feet tall with privacy slats to hide tires, but felt they should also be allowed to display some tires in front of their buildings. Mr. Bell reported that they had not been made aware of the 2002 law until they were fined for noncompliance in 2016. He commented that they were asking for outdoor storage to stay the way it is so that they could stay in Tacoma.

Chair Beale asked if the proposed amendment intended to have tire racks as a requirement. Mr. Bell responded that they had been presented the submitted application only four days ago, but that barrel stacking had been a way of life for many years. Mr. Boudet clarified that they were in the assessment phase and details like whether or not to require tire racks could be discussed later.

Commissioner Winship asked what they do with tires that have been in one place for a long time. Mr. Bell responded that they have a tire recycling company that comes every two weeks to remove junk tires.

Karen Calhoun, a landlord for one of the used tire retail locations and also one of the applicants, commented that their site used to be a gas station and that the uses for the site were fairly limited. She commented that without a tire store or light auto repair it would be difficult to find a tenant for the location and that finding their current tenant had taken considerable time. She asked that they accept the application.

Another applicant commented that she had been renting a location for a used tire business for the past seven years at a site that used to be a gas station. She commented her business was important for her family's future in Tacoma and that her children depended on the business to afford school.

The Commission indicated a general concurrence with staff's recommendation to accept the application and would make the final determination at a later meeting along with the consideration of other applications included in the 2018 Amendment package.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Mr. Wung provided the following updates:

- The next Planning and Development Services Public Forum was scheduled for May 8th.
- The City Clerk's office continued to accept applications for the Planning Commission's upcoming vacancies through June 11. Interviews with eligible candidates by the Infrastructure, Sustainability and Planning Committee were scheduled for June 28.

Mr. Boudet provided the following updates:

- The Historic Preservation Program Update would be rescheduled to a future meeting, while the event schedule for the Historic Preservation Month (May 2017) had been distributed and the Commissioners are encouraged to patronize as many events as possible.

- The Council had conducted the first reading of an ordinance to modify the interim regulations concerning correctional facilities. If adopted the following week, the ordinance would regulate public and private facilities in the same way, require any modifications to an existing facility that would increase the inmate capacity to be processed as a major modification, make sure that the most extensive version of the conditional use process was followed, and extend the duration of the interim regulations from 6 months to one year.
- The Planning Work Program update might need to be rescheduled to June 7.
- The City Manager search was continuing with 4 applicants being interviewed the following week.

F. ADJOURNMENT

At 6:27 p.m., the meeting of the Planning Commission was concluded.