



MINUTES (Approved on 11-7-18)

TIME: Wednesday, September 19, 2018, 4:00 p.m. (Special Meeting; changed starting time)
PLACE: Room 16, Tacoma Municipal Building North, 733 Market Street, Tacoma, WA 98402
PRESENT: Stephen Wamback (Chair), Carolyn Edmonds, Ryan Givens, David Horne, Jeff McInnis, Brett Santhuff, Andrew Strobel, Dorian Waller
ABSENT: Anna Petersen

A. CALL TO ORDER AND QUORUM CALL

Chair Wamback called the meeting to order at 4:03 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES

The agenda was reviewed. Chair Wamback suggested that the meeting be adjourned at approximately 5:40 p.m., with all agenda items reviewed, in order to allow Commissioners and staff to attend the Sound Transit open house or the Pierce Transit workshop in the evening. The agenda, as amended with the intended time for adjournment, was approved.

C. PUBLIC COMMENTS

The following comment was received:

- Joyce Jackman – Ms. Jackman represented the Narrows Group, and she noted that it's a working class neighborhood. She claimed the neighborhood does not want the area to be rezoned. She had noticed that in Proctor there is not enough room for parking, and it's taking away from businesses, or for their own homes. She noted that she has three cars for her household, and just like her, many of her neighbors are needing to park their cars in front of the homes. She believed she shouldn't have to worry if her home will be her home for her and her children in the future. She said she sees acreage of empty space that would make more sense to build on instead of the Narrows area. She pleaded to take it off of the Comprehensive Plan (specifically, the Future Land Use Map) for the city. She felt her rights of a property owner are being taken away.

D. DISCUSSION ITEMS

1. Historic Preservation Code Amendments

Reuben McKnight, Historic Preservation Officer, provided an overview of the Historic Preservation Program. The program consists of such activities as identification and management of historic resources, incentives and benefits to encourage historic preservation, and education and advocacy to promote historic preservation. The program is regulated by the Comprehensive Plan, the nuisance code, the land use and permitting code, and the preservation code. Mr. McKnight went on to review the following issues being considered as part of the 2019 Annual Amendment:

Demolition Review: Current regulations have the demolition review for city landmarks and buildings within historic and conservation districts. Structures under 12,000 sq. ft. are not reviewed. The proposed code amendments would apply demolition review in all National Register Historic Districts and within Mixed-Use Centers, lower the threshold to 4,000 sq. ft., and be referred to the Landmarks Preservation Commission when a potentially significant building is involved.

- Commissioner Edmonds asked how a potentially significant building is determined. Mr. McKnight responded that the Historic Preservation Officer reviews the landmark against relevant criteria in the code and make the determination on the administrative level.
- Commissioner Strobel brought up a scenario of certain permits that would try to split square footage into incremental permits that might take out accessory dwelling units in one permit and then demolish another structure on the property. He advised staff to look at incremental permits in reaching any demolition review thresholds.

Historic Nominations: Regarding the nomination and designation process for City landmarks, the proposal was to streamline the code language to clarify that “interior spaces” and “interior features” are the same; eliminate the limitation of designation of interior spaces to public buildings; make it easier for individual buildings already on the National Register to be designated locally; and clarify the City Council’s authority over nominations.

- Commissioner Edmonds asked why wouldn’t we want a building that’s on the national register to automatically be on the local register. Mr. McKnight answered that the national register nomination is submitted by the State historic preservation officer that may or may not involve local community’s review and feedback, and that for such nomination to be also on the local register it must go through the due process locally to account for community’s concerns.
- Commissioner Strobel asked if the process applies to any transportation infrastructure such as bridges. Mr. McKnight answered that bridges are very complex and often involve federal components or State transportation funding. Nomination of a bridge would require consultation with the landmarks commission.
- Commissioner Santhuff wondered if the city proactively nominates national registered properties for local register or relies on home owners to do that. Mr. McKnight answered that the primary objective of historic preservation is owner originated nomination, and there are opportunities to reach out for incentives.

Conditional Use Permits (CUP): The Historical CUP was established in 2007 to allow for additional uses not otherwise permitted for historic landmarks, but has only been successfully used once (Tacoma Musical Playhouse). The proposal is to clarify some of the language in the CUP section of the land use code and to consider expanding the eligible uses for this historic tool.

- Commissioner Givens suggested that staff be conscious of what people might think demolition review means and what it can apply.
- Commissioner McInnis asked how a structure is determined as a single family home – by its style or by the zoning where it is in? Mr. McKnight noted that historically single family houses have been designed as detached dwellings, which are the bulk of the building stock in the city.
- Commissioner Strobel asked if demolition review would be applicable to commercial signage. Mr. McKnight stated he doesn’t think so. Historic signs can be designated as landmarks but he doesn’t have an example of that. He does review changes to signs on landmarks in historic districts.
- Commissioner Santhuff believed that some demolition review is long overdue. He wondered about making changes to properties that are not on the register, but could potentially qualify to be historic, might take away any chance for them to become historic. Mr. McKnight noted that at this time these regulations aren’t proposed to address those issues. He noted that sometimes there are small-scale, incremental removals of certain sections of the building so overtime it does not appear as overwhelming as a demolition.
- Chair Wambach relayed comments he had received previously. One comment was that it appears that the historic preservation methodology is a backdoor way for the city to stay away from regulatory takings. Prohibiting building owners from tearing down their building because the city thinks it’s historic is a way to take liability from the city. Another point of view was that Tacoma’s historic preservation values are great, but they ignore social justice; and that it’s a way to preserve white neighborhoods and spread development to less white neighborhoods. Mr.

McKnight appreciated both of those questions. He commented that historic laws do place extra strain; that there is a public interest in historic regulations; that it is important to recognize where the line is on public benefits vs. property rights; and that social justice must be accounted for.

2. JBLM Airport Compatibility Overlay District

Elliott Barnett, Planning Services Division, facilitated the Commission's review of the proposed Airport Compatibility Overlay District (ACOD) corresponding to the Joint Base Lewis-McChord's (JBLM) Accident Potential Zone II (APZ-II) as called out in the Joint Land Use Study (JLUS). The proposal follows closely the recommendations of the US Air Force (USAF), the JLUS, and the City's Comprehensive Plan.

- Commissioner Edmonds asked if the APZs differ depending on the flight path of the plane. Mr. Barnett answered yes, and that statistics show there is a higher rate of accidents in these zones.
- Commissioner Strobel commented that the ACOD proposal also has the intent of minimizing potential loss of life, not just following what the USAF recommends. Mr. Barnett said reducing the loss of life is absolutely the most important, and it is our responsibility as a local jurisdiction to take USAF's recommendations seriously even if they aren't mandated.
- Commissioner Edmonds asked if the APZ-II area was built out with a greater density than preferred, and there is little that can be done about that in terms of existing land use. Mr. Barnett answered that yes, but we can take preventative measures.

Mr. Barnett went on to review the area of applicability, USAF's land use compatibility guidance, the City of Lakewood's effort in updating its Air Corridor Zones, the existing zoning and land uses in the South Tacoma area within APZ-II, and the proposed land use changes. Mr. Barnett reviewed the existing land uses, such as vacant parcels, school, churches, commercial recreation, eating drinking, etc. With the proposed ACOD, some of the existing uses would become non-conforming uses, which could continue to operate and be maintained, expanded within certain limitations, and rebuilt if burnt down. The Arlington School will stay, but would have to cap the limit of students that can attend, because the overlay would prohibit the increase in the number of students. Mr. Barnett also reviewed other policy options, such as downzones and modifications to proposed land use restrictions and standards.

- Commissioner Edmonds asked if public assembly had a limit or threshold. Mr. Barnett answered 50 people per acre is what the USAF recommends.
- Commissioner Edmonds asked if the base restricted to planes flying at certain times of the night. Commissioner Horne provided that he has observed that typically the planes fly between 6 a.m. (the earliest) and 10 p.m. (the latest).
- Commissioner Edmonds noted that a notice of the proposed standards and restrictions would be recorded on title for new development, and asked what about the existing development. Mr. Barnett answered that it's rather difficult for the city to know who's on title for a whole bunch of property all at once, so the first step is to adopt the zoning overlay and get the word out.
- Commissioner McInnis asked what if the school needed to bring in portables for future students. Mr. Barnett noted that the school can add more portables, but not more students.
- Commissioner Givens raised concerns about non-conforming uses like churches, and suggested allowing flexibility for some expansion on a case by case basis; otherwise if the uses went away, potential slum and blight can occur in the neighborhood because nothing can move back in. He also noted that the density threshold of two dwelling per urban acre is rather low, which complicates how a non-conforming building could be repurposed
- Chair Wambach commented that it's a balancing act of keeping low density for safety purposes, but we also don't want to lose an exorbitant amount of jobs and residents in the area that keep the base and surrounding neighborhoods thriving.
- Commissioner Edmonds asked is there any part of the overlay that would relieve the government of any liability if the plane should crash? Mr. Barnett responded that he can consult an attorney regarding this question.

- Chair Wamback suggested that because this proposal affects one neighborhood in this city predominantly, it would be great to conduct the planned public hearing somewhere in the South End or South Tacoma.

At the conclusion of the review, Chair Wamback suggested that the Commission authorize the release of the draft package of ACOD for public review and set November 7, 2018 as the date for a public hearing. A motion to that effect was made by Commissioner Edmonds and seconded by Commissioner Givens. The motion passed unanimously, with the location of the public hearing to be determined.

3. Future Land Use Map (FLUM) Implementation

Stephen Atkinson, Planning Services Division, reviewed proposed criteria for developing an initial draft of the potential rezone map, as well as the next steps for areas more detailed analysis is warranted, for the FLUM Implementation project. He began by explaining that it can be difficult to understand that there are multiple zoning districts that can apply to each property, and what each of those mean. He organized the proposed criteria and associated issues into four tiers for the Commissioner's review.

Tier 1 – Out of Scope. Mr. Atkinson provided that there are some areas and properties identified in FLUM for low density, multifamily development but are currently zoned commercial (i.e., T Transition District zone). Staff's recommended approach was to identify all parcels with current commercial zoning and include these within the Commercial Zoning Review and Commercial phase of the FLUM Amendments.

- Chair Wamback commented that punting these T-Zone properties into the commercial review phase may be undermining what has been decided in the land use plan. If it is decided the designation is multifamily, then the zoning is wrong, and the commercial zone should be changed to a high multifamily density zone. Punting it to a commercial zone is not consistent with the Comprehensive Plan.

Tier 2 – Minor Issues. Mr. Atkinson continued to review Tier 2 which included four subsets of issues. Concerning the Planned Residential Developments, staff's recommended approach was to maintain the existing zoning and conform the future land use maps to fit the zoning as represented in the current zoning map. Concerning School and Parks, staff's recommended approach was to maintain the existing zoning and amend the FLUM to be consistent with the existing zoning. Concerning Split Zoning, staff's recommended approach was to apply zoning and FLUM based on the majority of the site, and draw the boundaries where feasible on an area-wide basis to maintain a logical, consistent boundary line. Concerning Multifamily (High Density) in a View Sensitive District, staff's recommended approach was to designate these properties low density multifamily.

Tier 3 – Zoning Selection Criteria. Mr. Atkinson provided that each land use designation is associated with multiple potential zoning districts and staff proposes to develop guidance to assist the Commission in evaluating appropriate zoning options. He indicated the simplistic approach is to really focus on the location, i.e., focusing growth on high transit corridors.

Tier 4 – Area-specific Rezoning Profile. Mr. Atkinson indicated that staff will provide the Commission with an Area-specific FLUM Policy Profile for areas with multiple, congruous parcels, or a larger district.

Chair Wamback acknowledged that the end result from this can be a change of zoning or we can go back and change the FLUM and Comprehensive Plan.

E. COMMUNICATION ITEMS

The Commission acknowledged receipt of the communication items on the agenda.

F. ADJOURNMENT

The meeting adjourned at 5:54 p.m.

**These minutes are not a direct transcription of the meeting, but rather a brief capture. For full-length audio recording of the meeting, please visit:*

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