



**MINUTES** (Approved on 6-15-16)

**TIME:** Wednesday, June 1, 2016, 4:00 p.m.  
**PLACE:** Room 16, Tacoma Municipal Building North  
733 Market Street, Tacoma, WA 98402  
**PRESENT:** Stephen Wamback (Vice-Chair), Jeff McInnis, Meredith Neal, Anna Petersen,  
Brett Santhuff, Dorian Waller  
**ABSENT:** Chris Beale (Chair), Scott Winship

**A. CALL TO ORDER AND QUORUM CALL**

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

**B. APPROVAL OF AGENDA AND MINUTES OF JUNE 1, 2016**

The agenda was approved.

The minutes of the regular meeting on May 18, 2016 were reviewed and approved as submitted.

**C. PUBLIC COMMENTS**

No members of the public came forward to provide comments.

**D. DISCUSSION ITEMS**

**1. 2016 Annual Amendment**

Stephen Atkinson, Planning Services Division, provided a review of the public comments received through the public hearing process and potential modifications to the proposed amendment package. Mr. Atkinson reported that 17 people testified at the public hearings and 38 written comments had been received. He noted that most of the comments received had been about proposed area-wide rezones. Lihuang Wung, Planning Services Division, noted that all of the oral testimony and written comments received had been provided to Commissioners in the agenda packet.

For Wireless Communications Facilities, Mr. Wung noted that only one comment had been received. Mr. Atkinson reviewed that the comment received concerned past permitting and enforcement regarding the Bates communication facility, though it was not specific to any of the proposed amendments. Mr. Wung commented that as there were no comments specific to the amendment, staff was recommending to forward the proposal as presented to the City Council.

Short Term Rentals were discussed. Mr. Wung noted that no comments had been received regarding the proposed amendments. He reported that after discussion with internal staff there were a number of minor modifications recommended for consideration including the definition of short term rentals, the Use Table, the requirement for registration and inspections, and for nonconforming uses.

Mr. Wung reported that for the definition of short term rental, staff had recommended revisions including requiring that the dwelling be owner occupied for the rental of individual rooms; that an entire dwelling could only be rented to a family as defined in Tacoma Municipal Code; and removal of a reference to lodging being provided for compensation. Jana Magoon, Planning Manager, commented that they were recommending adding language specifying that an entire dwelling could only be rented to a family, as defined in the Tacoma Municipal Code (which included up to six unrelated individuals), due to concerns that an absentee owner might rent to a large number of people. Commissioner Neal asked if the definition

of owner occupied would have a time specification. Mr. Wung reviewed the development standards section clarified that for rental of the entire dwelling, the dwelling must be owner occupied for a minimum of 6 months per year.

The use table was discussed. Mr. Wung reported that staff was now recommending requiring conditional use permits (CUP) only for situations where they are required outright for a short term rental, rather than requiring an additional permit for accessory activities. Ms. Magoon commented that they don't typically see accessory uses with short term rentals. Vice-Chair Wamback noted that for RCX they had gone from permitting outright to requiring a CUP for 3-9 rooms on the use table. Mr. Wung commented that they wanted more review authority as the zoning was more residential in character. Commissioner Santhuff asked if having a dedicated onsite caretaker would satisfy the owner occupancy requirement. Mr. Wung responded that they could allow a provision in the administrative portion. Commissioner Neal asked if they could remove the 6 month owner occupancy requirement for the rental of entire dwellings.

Ms. Magoon reported that staff was recommending removal of the requirement for registration and inspections with applicants required instead to "self-certify". She commented that it would put the responsibility on the owner to operate a safe facility without over regulating. Ms. Magoon added that with the reduction in oversight there was no longer a need to have anything specific in the code related to nonconforming uses. She noted that owners would still need to get a business license and that the self-certification requirement would be part of the application process.

Code Cleanups were discussed. Mr. Atkinson reviewed that while no comments had been received regarding code cleanups, the Department of Ecology had recommended adding "or as amended" in the Wetland Rating System to prevent future conflicts in the code. He reported that they would be proposing a change to the notification requirement from 400 feet to a minimum of 800 feet for area wide rezones. For site specific rezones, they would make an assessment of the impact and use that as a basis for the notification. Mr. Atkinson reported that the Legal Department had recommended creating a reasonable accommodation agreement for ADUs. The transitional buffer standard would address a situation where a continuous buffer from a Transitional Zone would not allow a driveway in an alley. The proposed code cleanup would be to replace the term "continuous" and find another way to frame the buffer standard or provide an exception for driveways. The usable yard space calculation and critical areas cleanup would address an issue where a lot with a critical area had the entire lot counted for the usable yard space calculation, while the critical area buffer could not be used to meet the usable yard space requirement. The proposal was to take the buffer for critical areas out of the calculation.

Future Land Use Implementation was discussed. For the Nob Hill area, Mr. Atkinson reported that there had been only one comment from a property owner who requested to rezone their property to Warehouse Residential. He commented that the WR zoning was intended for areas with older industrial warehouses to encourage reuse and that Nob Hill was predominantly residential. He noted that the property owner's concern about the proposed Downtown Residential zoning was due to the requirement to go through the design review and TDR program if they wished to use the developable height in that part of Downtown. Commissioner Santhuff noted that he was concerned about the open space bluffs and that he had hoped that they would include a recommendation to target some acquisition in the area to preserve open space and habitat. Vice-Chair Wamback suggested including a statement in the final report on the preservation of the open space in Nob Hill.

For the Franke Tobey Jones area, Mr. Atkinson reported that there had been multiple comments including concerns expressed about the potential change to the character of the neighborhood. He reviewed that when they created the new Land Use Designations, one of the areas where there were conflicts between the zoning and the land use intensities was with the PRDs. Mr. Atkinson reported that Franke Tobey Jones was a PRD that had not been incorporated into the designation map and that the proposed change would give it the same recognition that had been given to other PRDs in the City. He added that Franke Tobey Jones would be applying for a site specific rezone and a site modification under their PRD for the R-3 and R-4 areas, both of which would require notification. Commissioner McInnis asked if the neighbors were aware of the master plan for the site. Mr. Atkinson responded that a site plan had been approved in the PRD, which is what the proposed expansion was seeking to modify. Vice-Chair Wamback clarified that that amendment was a change to the land use designation and not the zoning.

For the North 33<sup>rd</sup> and Pearl area, Mr. Atkinson reviewed that the initial proposal was to rezone to an R3 transitional zone between the single family residences on North Shirley and 35<sup>th</sup> and to rezone to R4L for the Bates property, the two parcels owned by Bruce Arneklev, and the True Vine Community Church. He reviewed that concerns included how they would be assessing the impacts and conducting the environmental review. He commented that while there are things that they review at this stage, it does not go to the same level of detail they would have when looking at a specific project. Another concern, loss of tree canopy and habitat, was already likely to happen in the current zoning unless critical areas were present, though there was a probable wetland and steep slopes that would limit development potential. For concerns relating to traffic, Mr. Atkinson reported that they would look at the intersections of 33<sup>rd</sup> and 37<sup>th</sup> for any development proposal to consider whether signals were needed or more dispersion would be appropriate. For concerns about property values, Mr. Atkinson commented that the tax assessor data had been based on the existing use and not the development potential of the site. Mr. Atkinson reported that the proposed modification to the proposal was to keep the northern portion of the Bates location zoned R-2 and confine development potential along 33<sup>rd</sup>. Commissioner Neal asked if splitting the zoning of the Bates location would negatively impact the property, which was likely to be sold at some point to a single developer. Mr. Atkinson responded that R-4L multifamily was more likely to use the full 35 feet of development height and the concern was potentially having multifamily in an area that might create privacy issues. Vice-Chair Wamback asked if part of the recommendation should be to lower the intensity during the next amendment cycle since the Comprehensive Plan called for the area to have low intensity multifamily. Mr. Atkinson responded that the area was designated as Parks and Open Space which was written so that it could be applied to any zone. Vice-Chair Wamback commented that given the likely challenges associated with traffic, the lack of comment from the institutional property owner, and the unique characteristics of the hillside that he would encourage more consideration on whether there were any unique factors that they needed further discussion. Commissioner McInnis commented that he'd like to see the eastern parcel remain R-2. Mr. Atkinson agreed to return with two different configurations for the next meeting.

For the South Alaska and 72<sup>nd</sup> area, Mr. Atkinson reviewed that comments had included some supportive comments from property owners and general concerns about the execution. He reported that the staff recommendation was to hold off on rezoning the single family area to C-1 for the time being to consider whether it was the appropriate zoning. Staff was still recommending proceeding with the C-1 to C-2 split parcel rezones. Mr. Atkinson commented that staff would continue a community dialogue about the appropriate zoning for South Alaska from the intersection at 72<sup>nd</sup> to the driveway of the WinCo Foods. Vice-Chair Wamback asked why the area had not been identified as a potential mixed-use center, adding that the area had struggled to maintain a permanent retail mix that was both self-contained and supportive of the neighborhood. He commented that they should think bigger picture and consider an area wide study of the area. Mr. Atkinson responded that as part of the next work program they would look at which design standards from their centers should apply in these areas.

The Cheney Stadium area was discussed. Mr. Atkinson reported that there had been additional concern voiced at the Central Neighborhood Council meeting focused on the unintended consequences for what might be allowed in C2 such as billboards and fast food. There was also a strong public sentiment that there should be a heightened notification and outreach effort for any change in use at those sites, which would not be required should the zoning change to C2. The staff recommendation was to withhold the current proposal and address the need for more public notification, while accommodating the appropriate uses without opening the area up too broadly. He suggested that a Park and Recreation or Institutional zoning overlay might be more appropriate. Vice-Chair Wamback suggested that the City, Metro Parks, and the Tacoma School District should jointly partner for a formal community based master plan for a unified strategy from Snake Lake to Orchard. Commissioner Santhuff requested that they include the boundary of the notification zone on future maps.

Multifamily Design Standards were discussed. Mr. Atkinson reviewed that there had been one comment in support from Forterra. Noting comments from neighbors concerned about tree canopy loss from development, Mr. Atkinson commented that they would need to put tree canopy requirements in place to help mitigate some of that tree loss. Modifications included specific language on window design, internal access roads that are more like a public street, and flexibility for façade transparency standards.

## **2. Planning Commission Rules and Regulations**

Mr. Wung facilitated a discussion to consider amending the Bylaws concerning the timing for the nomination and election of officers. He reviewed that nominations and elections used to be held in December before being moved to June to avoid occurring in the middle of the Annual Amendment process. He reported that the nominations and elections currently occur while the membership is in transition. Mr. Wung noted that this created a scenario where the current officers might be uncertain about their reappointment and outgoing commissioners would be asked to vote for officers they will not be working with. Commissioners concurred with moving the nomination and election of officers to the first week in September.

Commissioner Neal motioned to accept the proposal to change the wording to the first meeting in September or at the Commission's discretion. Commissioner Petersen seconded. The motion was approved unanimously.

## **E. COMMUNICATION ITEMS & OTHER BUSINESS**

Mr. Wung provided the following updates:

- Christine Cooley, Chair of the Sustainable Tacoma Commission, was present at the meeting.
- Commissioner Erickson had decided to resign from the Commission on Friday, May 27.
- The City Council had adopted marijuana regulations on Tuesday, May 24, based primarily on the Commission's recommendations. Mr. Wung reviewed where the adopted ordinance had differed from the recommendations of the Planning Commission. He noted that the Council had expressed appreciation for the work of the Commission throughout the process.

## **F. ADJOURNMENT**

At 6:11 p.m., the meeting of the Planning Commission was concluded.