



MINUTES

(Approved on June 7, 2023)

MEETING: Regular Meeting (hybrid)

DATE/TIME: Wednesday, April 5, 2023, 5:00 p.m.

PRESENT: Christopher Karnes (Chair), Andrew Strobel (Vice-Chair), Morgan Dörner, Robb Krehbiel, Brett Marlo, Brett Santhuff, Anthony Steele

ABSENT: Matthew Martenson

A. Call to Order

Chair Karnes called the meeting to order at 5:01 p.m. A quorum was declared.

Chair Karnes read the Land Acknowledgement.

B. Approval of Agenda

Commissioner Krehbiel moved to approve the agenda as submitted. Vice-Chair Strobel seconded the motion. The motion passed unanimously.

C. Approval of Minutes

- October 19, 2022
- November 2, 2022

Commissioner Krehbiel moved to approve the October 19, and November 2, 2022, meeting minutes as submitted. Vice-Chair Strobel seconded the motion. The motion passed unanimously.

D. Public Comments

Adam Nolan, Associate Planner, reported that one written comment was received regarding the Pacific Avenue Subarea Plan.

No individuals addressed the Planning Commission.

Public Comment ended at 5:02 p.m.

E. Disclosure of Contacts and Recusals

Commissioner Krehbiel disclosed that he spoke with Communities for Healthy Bay and neighbors regarding the "Mor Furniture Land Use Designation Change" application of the 2023 Annual Amendment package.

F. Discussion Item – Pacific Avenue Subarea Plan "Picture Pac Ave"

Wesley Rhodes, Senior Planner, provided an update on Picture Pac Ave, including a timeline and milestones, an overview of the "soft launch", the Project Advisory Committee (PAC), major themes of feedback, six key engagement goals, demographics of the Picture Pac Ave area, engagement phases, engagement tools, audiences, and tools.

Discussion ensued regarding the demographics, affordability metrics, concentration of retail, onboard vehicles, outreach to transit users, Pierce Transit's Bus Rapid Transit proposal and tree retention, next steps, the existing conditions survey, and themes from the previous workshop on January 18, 2023.

Commissioner Steele moved to postpone the "Picture Pac Ave" discussion item until after the public hearing tonight. Commissioner Krehbiel seconded the motion. The motion passed unanimously.

G. Public Hearing - 2023 Annual Amendment Package

Chair Karnes called the public hearing to order at 5:31 p.m. and outlined the procedures of the public hearing, noting that testimony will be taken separately for each application.

Commissioners introduced themselves.

Nolan presented an overview of the amendment process and schedule; the six applications - (1) "Mor Furniture", (2) "Electric Fences", (3) "Shipping Containers", (4) "Delivery-Only Retail Businesses", (5) "Commercial Zoning Update Phase I: Neighborhood Commercial Design Standards", and (6) "Minor Plan and Code Amendments"; and the public hearing process.

Chair Karnes called for testimony. Twelve people testified, as follows:

(3) Application: Mor Furniture Land Use Designation Change

121. Kirk Kirkland – I'm with the Audubon Society in Pierce County. We have some problems with this particular proposal. It's in violation of several policies that are part of the comp plan. One of the policies pertains to putting commercial growth like this in centers with corridors and transit stations. This is an isolated project at the end of a dead-end road in a challenging neighborhood. Another policy the city has is about the negative impacts of putting a project, this would have negative health impacts in a sensitive area. This is an environmental justice issue where we have a lot of pollution coming off I-5, and we don't need to add more traffic to the neighborhood. I've included a lot more information in a letter than I can't possibly say in a two-minute speech. So, I can only give you a brief outline. This is a particularly underserved, underrepresented community. There wasn't an analysis done like that. The staff report didn't look into the fact that 55% of the people are people of color, there's low-income people here - 81% - and there's 20% that are over 64. The unemployment rate here is 21%. This is not a neighborhood that needs to be having a commercial district created. It's not part of a regular part of the city that has arterials and transit and other things. So, to be really brief, it's compatible with residential land use. This isn't a commercial zone. It's not supported by transportation and other needs. It disproportionately affects low-income people and people of color, and it's an environmental justice issue in this zip code. We should look into those details and decide to deny this permit.

122. Eric Seibel – I'm co-chairman of the Conservation Committee of Oddball Society in Pierce County. Thank you for the opportunity to speak about the Mor Furniture amendment to the comp plan. We would like to ask you to deny this amendment. We believe the site would be better served to help the community if the land was set aside as a forest buffer. We hope that in denying this amendment, you will ask the City Council to explore purchasing the land with the county's Conservation Futures funding. Such a buffer was once created on I-5 at the 84th Street intersection, for example, so the city could make application again. The project, as proposed, is in violation of several city planning policies which would justify you in denying this amendment. First of all, Mor Furniture Outlet proposed opening a store next to a school and on a dead-end neighborhood street. This amendment is incompatible with city policies that require commercial outlets to locate in centers, corridors, and transit station areas. The staff report failed to determine if the proposal was in violation of concerns about environmentally sensitive areas and about community health and safety. The I-5 corridor, for example, from Everett to Tacoma, experiences the worst diesel particulate matter pollution in the state due to heavy truck traffic. The regional health disparities map shows that diesel emissions are concentrated in communities with a higher percentage of low-income people and people of color. Secondly, underserved communities is a factor here. The zip code for this project is comprised largely of low-income families that are disproportionately exposed to environmental harms and health disparities, according to the Tacoma Pierce County Health Department. City Policy UF-1.11 requires evaluating the impacts of land use decisions on current residents of particularly under-served and under-represented communities. The planning staff report skipped this step. This is an environmental injustice. This land use decision affects communities of people of color who live in close proximity to pollution that creates a health disparity. Therefore, we would ask that you deny the Mor Furniture land use rezone.

123. April Smith – I'm here to ask that you deny this application. Because of the location right next to this middle school, these children and the families that live in this area are impacted so much already from the pollution from I-5, that they don't need additional pollution from the trucks and all the additional traffic that will come from this being right up against the school. It would be much better served to use as a green space and fill it with trees to help with counteracting the pollution that's coming from I-5.
124. Stacey Oaks – I oppose the Mor Furniture rezone. As people have pointed out, this is an area right behind the school. This is an area behind a school that is already rated by the Health Equity Index to have a 10 out of 10 score, which is negative, for environmental pollution. That pollution affects school performance, brain development, life expectancy, incidences of cancer, asthma, and other illnesses. Several agencies have already submitted comments concerned about this. That should be part of any presentation going forward. So, let's just be clear. What we're talking about right now is voting to poison children - children that are already being poisoned. The traffic impact analysis is incomplete, and that matters. Bernice A. King wrote, "Truth is only a threat to those who benefit from lies." So, let's think about that. Why would an incomplete traffic analysis be used? Why wouldn't we be digging into this health equity index prior to it even being brought up by public comments? Because we're benefiting from the lies to try to put this in. Why are we not already addressing that this is an already overburdened community. The Heal Act was passed to try to keep things like this from happening. This is not a proposal where the city can hide behind the excuse of "if it fits in the current land use, we have to say yes" - which is, frankly, from a dirty playbook; but nevertheless, not available to use in this case. This zoning change can and should be denied.
125. Laura Svancarek – I'm speaking personally today as a Tacoma resident. I live about three blocks away from the parcel in question. I'm really concerned about traffic impacts, particularly increased freight traffic. I'm not speaking as a driver, but from my experience as a cyclist, pedestrian, and transit user in this neighborhood. South 48th Street, to be really blunt, is scary. I can't tell you how many times that I've almost been hit by drivers while crossing 48th. At the same time, 48th is also the safest way to cross I-5 in south Tacoma if you're walking or biking. While it's safer than other options, I need to be clear that it's still not actually safe, especially if you are on a bike. Those are the current conditions. I understand that staff determines the zoning change will generate less traffic than if the parcel was developed into housing as currently zoned. I think we all know that development into housing was very unlikely anyway, so this is an increase in traffic over the current levels, and it worries me a lot based on my lived experiences on this street. I'm also a member of the Pierce Transit BRT System Expansion Study Technical Advisory Group, and 48th is under serious consideration for the next BRT route in Tacoma. I think that's very important to mention. We should be planning for the success of that route rather than creating more points of roadway conflict for those that have to navigate and slow the system. I really encourage the commission to look at alternatives here, as has been mentioned, the loss of trees, while we already don't have enough in South Tacoma just for another furniture warehouse, which we already have quite a few of within like three blocks, or three miles, an increase in current and truck exhaust - that's really challenging to me. At the very least, I've heard interest from others in my neighborhood around this site, that there should be a plan to mitigate tree loss should this project move forward. So, thank you for your time. I am not supportive of this change.
126. Esther Day – This project, while it may sound wonderful to have more commercial business here, it's really not a good idea. It can find another place. We have to think about our children. Put yourself as a parent next to that Mor place and have all that traffic pollution petering into your home where you can't open your windows or air out anything, or even enjoy the outdoors because the pollution is so bad. If you've never sensed that type of pollution, you need to try it, walk in their shoes. Mor Furniture can find another location. Keep it for trees to clean the air - which we need desperately in the city, as we are constantly trying to cut down trees, but also continue to do something better for housing. This is a low-income community, and you're adding to the low-income communities' problems. The children should be our first priority in this regard. In this particular regard, please deny this application.

127. Sean Arent – I live in the neighborhood where this project is being proposed, and I oppose it. Let's look at the facts. There's a partnership underway between the Trust for Public Land and Jenny Reed Middle School. The purpose is to plant trees between a school unfortunately sited next to I-5 as a buffer. My question is shouldn't we do this with all the schools located along I-5? Air pollution kills. I worked for the Washington Physicians for Social Responsibility we've effectively drawn that link, particularly when we advocated to ban natural gas hookups in new homes. Air pollution causes life-altering conditions, such as asthma, cardiovascular disease. I-5 is a huge source of air pollution. Kids running on the track at Giadrone are just breathing that right in. My neighborhood has worse air quality and less trees as much of the rest of Tacoma. These things are interlinked. The science behind trees reducing air pollution is clear, and they are a living filter. So, on one hand, we have a clear recognition that tree buffers are needed for schools and communities next to I-5. We have a public recognition that lower-income neighborhoods in the south and east side need trees and investment. We have a climate action plan and a comprehensive plan that speaks to that. On the other hand, we can change the code and lose the best opportunity to do that in my neighborhood. We can increase truck traffic next to a school and push forward a project to expand the concrete desert of the Tacoma Mall, and build another absolutely unnecessary furniture store in an area that has at least five furniture stores in a 10-minute radius. It isn't your fault what Tacoma Public Schools did in 2018 with selling this. They gifted this public property without looking at the big picture, but you have a choice to make. We can reject this code change and subsequent rezone rendering the property worthless to the developer. Take it back and create a vibrant green space akin to McKinley Park that actively absorbs air pollution in an underserved neighborhood, or you can give us Mor Furniture for less.

(4) Application: Electric Fences

8. Doug Konop – I am speaking today as a business owner in the Port of Tacoma. I've been a resident of Tacoma for the last 27 years and in January of this past year, I moved my company from King County to Tacoma to the port. So, since January 2022, I've operated my business there and one of the first things I did was install a chain link fence on the property to protect semi-truck equipment and propane tanks. Since I've had that fence in place, I've had over six break-ins in the past six months. Break-ins cost me \$2,500 to have repaired, and I have losses in the \$1000s for stolen equipment and vandalized equipment. I've made multiple police reports. I've worked with the City of Tacoma and the police department who have tried to help but I still have break-ins on a regular basis. I'm trying to support this measure to allow electric fences in Tacoma. I've applied for a permit through AMAROK back in November, and now we find ourselves here discussing this tonight. My biggest issue on this is - I know I've read through some of the notes from this meeting - I know it's an aesthetic issue, but I'm pleading for public safety both for my employees and people that are living on the streets in front of my property. I do not want my employees to get involved in any altercations with people there, and until we improve the security of our property, these types of issues are going to continue. We currently have a fence, the Amarak fence that we'll put in place, where it'll be behind our fence - it's medically safe, and I think it will keep my employees safe and those people that are around the property safe as well. I really ask that people do this. I'm a small business owner, and I am regretting moving my business here without change.
9. Michael Pate – I am with Amarak. We basically are the folks who install many of these devices across the state. We actually have dozens of these devices installed at this time in the city of Tacoma. During the COVID pandemic, for some reason, the city staff initiated an amendment to ban the use of these devices. So, we literally have dozens of these devices now in the city that protect properties, and literally dozens of folks who would like to install these devices that are unable to do so. There are a couple of things with the draft that is proposed right now that really will not work. One is the setback issue. These are not fences, these are alarms and security systems. They go behind the existing fence line. So there really shouldn't be a setback issue at all, they actually go behind the existing fence line as it exists. The other issue that we're looking to right here is the front yards and not allowing them in front yards. This is akin to locking your back door and closing your windows and opening all the windows and doors in

the front of your house and leaving. I don't think any of you would do that on your own personal residences, and we don't think anyone should have to do that on their business. It just doesn't make any sense at all. I'd like to also address aesthetics that Doug just brought up. These devices are almost impossible to see the only reason you can really see them as you know where they are and what you're looking for. They are industrial commercial areas that are used for outdoor storage or for businesses that actually store large amounts of property outdoors. I thank you for your time we will be submitting written response to this.

10. Randy Ehli – I'm CEO of Ehli Auctions. The Ehli family has been serving the Tacoma market since 1948. We are located on 94th and Pacific. We leased three acres there and 20,000 square feet. So, I guess we're part of your Picture Pac Ave. It's been about 12 months since the city made the decision about businesses utilizing fences. In that time, our business has faced significant losses over \$45,000 in theft and damages. They steal trucks. They run through our gates and steal forklifts and inventory. Our inventory is consigned by the public and government agencies. We didn't have a fence when he started leasing there in 2008, not even a cyclone, and we hardly had any issues. However, since the city's lack of focus on tackling property theft, we have no choice but to request the use of commercially available electric fences. While electric fence services is not cheap, it offers a safe, reliable, and cost effective solution for protecting business and keeping intruders out. In summary, we urge the city to allow businesses to use electric fence services, and so that each of us don't have to go through a variant process. It just needs to be done. Also, I have an objection to the rule that they want to make a setback for the fence; however, my building sits 100 feet from the road, I paid for commercial property and commercial taxes, and we would like to have a fence put inside, closer to the road.
11. Charlie Brown – I'm here today on behalf of AMAROK as well. We appreciate the proposed amendment and the willingness of your staff and you all to work with us to put this amendment into place. We do request the modification of view as you've heard of the five-foot setback issue. The fence actually sits about eight to 18 inches behind a perimeter fence, and that's what provides really the safety as you heard from some other speakers. People will simply cut through the chain link fence if that's what they have, and just go and steal stuff. So, this just sits right behind it, and provides that kind of security protection. When somebody tries to break into the property and the electric fence has cut, then an alarm is triggered, the property owner is notified, we will know exactly when that's happening, and we can try and get that change. So, we would request that five-foot setback to be eliminated. We'd also request that the allowance for fencing in front of our business be modified. As you heard just previously with Mr. Ehli, there are businesses where the building itself sits back from the front and you want to protect the perimeter, that's what the fence does. It simply protects the perimeter of the property from people breaking into people's properties. We would request a modification, which would be similar to what was adopted in Olympia, where you may have some auto dealerships that don't sit in exactly the kind of commercial zones that are stated in this draft, but we do allow in Olympia - at least they just adopted codes - that allow for vehicle dealerships to have these fences, for rental businesses to have these fences, and your auto body and other places that might not be exactly in these areas. I would submit to you that the Titus-Will facility, which is very interested in this, sits in just that kind of a conundrum where it's not exactly in that commercial zone. So, to that degree, I'd ask you to look at the Olympia language and consider that in your draft that you might move forward to the City Council.

(5) Application: Shipping Containers

12. Esther Day – I watched your presentation regarding the shipping containers. My only request is that we make sure that we do not allow this to get out of hand, and we make sure that somehow those containers are behind some sort of protection so that they're not an eyesore and don't become a storage center in our communities in our neighborhoods.

(6) Delivery-Only Retail Businesses:

No community members testified on this application.

(7) Commercial Zoning Update Phase I: Neighborhood Commercial Design Standards:

No community members testified on this application.

(8) Minor Plan and Code Amendments:

No community members testified on this application.

Commissioners requested that staff provide clarification at the next meeting regarding electric fences, a forest buffer on 84th Street, background and history of the Mor Furniture site, the language of Olympia's electric fence code, the Healthy Environment for All (HEAL) Act, modifying the City Charter, and communication with the Tacoma School District regarding the Mor Furniture application.

Chair Karnes closed the public hearing at 6:25 p.m., reiterated that written comments are accepted until 5:00 p.m. on Friday, April 7, 2023, and thanked those who testified.

The Planning Commission recessed at 16:25 p.m. and reconvened at 6:33 p.m.

F. Discussion Item – Pacific Avenue Subarea Plan “Picture Pac Ave”

Rhodes facilitated an interactive workshop with an activity designed to elicit feedback and direction on key outreach and engagement strategies and priorities.

The commission provided brainstorming and input on the following three questions:

- (1) What do you think would be the most successful way(s) to engage people along Pac Ave?
- (2) Are there specific groups, organizations, or people who should be involved in this project? Are there any that we are missing? Any people or groups you would recommend adding to the PAC?
- (3) Are there any specific events we should be aware about as engagement opportunities?

G. Upcoming Meetings (Tentative Agendas)

- (1) Agenda for the April 19, 2023, regular meeting includes:
 - 2023 Annual Amendment Package – Debrief
 - Home In Tacoma Project Phase 2
- (2) Agenda for the May 3, 2023, meeting includes:
 - 2023 Amendment Package - Recommendation

H. Communication Items

The Commission acknowledged receipt of communication items on the agenda.

I. Adjournment

The meeting was adjourned at 7:10 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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