



MINUTES (Approved on 1-17-18)

TIME: Wednesday, January 3, 2018, 5:00 p.m.

PLACE: Council Chambers, Tacoma Municipal Building
747 Market Street, Tacoma, WA 98402

PRESENT: Stephen Wamback (Chair), Anna Petersen (Vice-Chair), Carolyn Edmonds, Jeff McInnis, Andrew Strobel

ABSENT: Brett Santhuff, Dorian Waller

A. CALL TO ORDER AND QUORUM CALL

Chair Wamback called the meeting to order at 5:08 p.m. A quorum was declared.

B. APPROVAL OF AGENDA AND MINUTES OF DECEMBER 6, 2017

The agenda was approved. The minutes of the regular meeting on December 6, 2017 were reviewed and approved as submitted.

C. PUBLIC COMMENTS

Chair Wamback invited citizens to provide comments on items related to the agenda, except the subject of the public hearing. The following citizens provided comments:

- 1) Connie Brown, Tacoma/Pierce County Affordable Housing Consortium:
Ms. Brown commented regarding Emergency Temporary Shelters Regulations, suggesting that they have a place like the temporary shelter on Puyallup Avenue. She commented that affordable housing is just not there in Tacoma. She commented that she was in favor of anything that was well managed.

D. DISCUSSION ITEMS

1. Emergency Temporary Shelters Interim/Permanent Regulations

Lauren Flemister, Planning Services Division, facilitated the Commission's continued discussion of the draft emergency temporary shelters permanent regulations, in response to the interim regulations currently in effect. Ms. Flemister reviewed a map that showed the police sectors in the City noting that they had chosen police sectors for the geographic distribution of shelters because they were community focused. She reviewed focus areas for permanent regulations including continuation of timelines beyond what had been outlined, a provision for safe parking, review of facility and service provision to reduce barriers, review of level of provision, expansion of the notification radius, and standardizing definitions.

Ms. Flemister discussed the elements of the proposed permanent regulations noting where modifications had been made since the interim regulations. For the types of sheltering allowed, they had removed specific language so that people could have flexibility for different types of shelters. The maximum duration of camps had been changed to allow extensions past 185 days. For the number of camps allowed, they had modified the proposal to exempt City-run or funded sites from the total. For site requirements, they had provided additional flexibility in regards to screening and types of structures. For the facility and service provision, they had made minor changes to provide flexibility for site configuration. For application requirements, they now required a signed trespass order with the Tacoma Police Department. Ms. Flemister reviewed other key unchanged elements and discussed the administrative

framework for the regulations, reviewing processes for pre-application meetings, providing contact information, and public engagement.

Commissioners provided the following questions and comments:

- Commissioner McInnis asked if the number of residents allowed in each camp would be determined by the applicant or if the City would make that decision. Ms. Flemister commented that it was important that they respected the independence of organizations, but they would have staff look at appropriate standards for the number of residents being proposed.
- Commissioner Strobel recommended differentiating between the proximity to bus stops versus bus routes and including the language of all local transit, rather than just buses.
- Vice-Chair Petersen recommended changing language in regulations to include the mention of safety in the reasons that a permit could be terminated. She recommended clarifying how visitors would be handled and including an example application in the draft sent out for public review. She recommended allowing an extension for additional types of emergencies besides weather.
- Commissioner McInnis expressed concern about exempting City assisted shelters from the total, commenting that they needed an absolute maximum number of shelters. Chair Wamback concurred, commenting that while he understood why the City would want to exempt itself from the count, it could potentially include many shelters that receive different forms of City support.

Commissioner McInnis motioned to authorize releasing the proposed Emergency Temporary Shelters Permanent Regulations, as presented to and amended by the Commission, for public review and setting a public hearing date of February 7, 2018. Commissioner Strobel seconded. The motion was approved unanimously.

3. Public Hearing – Proposed Correctional Facilities Permanent Regulations

At 5:34 p.m., Chair Wamback called the public hearing to order and reviewed the procedures, noting that the Commission would only be receiving comments and would not be discussing or taking action on the proposed regulations that evening.

Ian Munce, Planning Services Division, provided a briefing on the subject of the public hearing. He clarified that while the proposal referenced correctional facilities, the definition included both correctional facilities and detention facilities. He commented that the fundamental question being asked by the City is which zones would be appropriate for the siting of correctional facilities. He reviewed that the current proposal would change the permitting for such facilities to a conditional use process and limit the areas in which facilities could be located. He discussed the next steps for the proposed regulations following the public hearing.

Chair Wamback called for testimony. The following citizens testified:

- 1) Eric Paulsen:
Mr. Paulsen commented that he would like to see them address the distinction between correctional facilities and detention centers, noting that correctional facilities were for people who had committed crimes while detention centers were for housing immigrants who were in violation of administrative code. He commented that the Northwest Detention Center had an abominable human rights record and they had been under constant investigation for human rights abuses. He commented that as a resident he felt they should not allow any more growth of their facility and that there were ways that were far more effective to deal with immigration issues than locking people up. He commented that having a for-profit detention center or correctional facility anywhere in Tacoma was against the values of most Tacomans.
- 2) Rebecca Stith, Tacoma Human Rights Commission:
Ms. Stith commented that correctional facilities would typically be a facility where people have been adjudicated as felons. She expressed concern that the proposal could impact a class action minimum wage suit. She recommended that they define 'correctional facility' expansively in the permanent regulations and recommended phrasing for detainees being administratively detained. She commented that federal law indicated that ICE could only make contracts with state or local entities to house administrative detainees and had a contract with GEO Group which was a private, for-profit company.

- 3) Nancy Farrell:
Ms. Farrell commented that she was not sure that the Commission was aware of the human rights violations occurring and the facility owned by GEO Group. She commented that most of the detainees had done nothing wrong. She commented that it was against justice and GEO was making lots of money and did not deserve to have another building because they would fill it up. She commented that the affected children were growing up without one or both of their parents.
- 4) Maru Mora Villalpando, NWDC Resistance:
Ms. Villalpando commented that the NWDC Resistance would be submitting a letter and 600 signatures asking them to not define the Northwest Detention Center as a correctional facility. She reported that in the past year there had been nine hunger strikes at the detention center to bring attention to the inhumane conditions there and that the State Attorney General had filed suit over people being paid only 1\$ per day for work. She asked that they not help GEO Group avoid their responsibility for paying the minimum wage for current and past detainees. She commented that Tacoma had become synonymous with detention across the nation.
- 5) Megan Ybarra, University of Washington Geography Department:
Ms. Ybarra commented that an undergraduate student from UW had been detained at the Northwest Detention Center since September 2017 and she was present in solidarity with him, other immigrants, and their families. She commented that her concern with the definition of correctional facilities was because of the ways the interim regulations had changed over time. She reviewed that GEO Group had filed a complaint with the Central Puget Sound Growth Management Hearings Board and it was unclear how that complaint would affect the interim regulations. She noted that since the interim regulations were in place the State Attorney General had filed a suit stating that the Northwest Detention Center was not a correctional facility and was in violation of the minimum wage law. She commented that it was important that they distinguish between detention centers and correctional facilities. She commented that the only zones appropriate for residential facilities were zoned residential and people should not be forced to live in a potentially dangerous area against their will.
- 6) Richard Lovering:
Mr. Lovering commented that the Northwest Detention Center was evil and that they were practicing slavery. As a consequence it was a terrible blot on the reputation of Tacoma and they should do anything that could be done to get them out of town. He commented that they shouldn't associate them with prisons, where there is an association with due process. He commented that with the DACA program being shut down there was the prospect of having UW students that were dreamers being detained and dumped in the facility. He commented that with the LNG plant nearby the people who lived there were living next to an enormous bomb.
- 7) Chris Paredes:
Mr. Paredes commented that he disagreed with analysis stating that the definition of correctional facility included detention centers. He commented that in the previous year a student with DACA had been deported and that the Northwest Detention Center had many people who had not committed any crimes and should not be detained there. He asked that they further consider how the area isn't very safe or walkable for people visiting the facility.
- 8) Deirdre Wilson, Port of Tacoma:
Ms. Wilson commented that the proposal to restrict the use to the M2 and PMI zoning was concerning as the facility was in no way related to the port maritime industry and was not an industrial use. She commented that it was concerning to see the City proposing a new permit type and notice requirements specific to one use, adding unnecessary complexity to the code.
- 9) Kathy Lawhon:
Ms. Lawhon asked the Commission not to prohibit correctional facilities from multifamily zoning districts as all people had a right to life in safe, healthy places. She commented that residential facilities should be sited in places that were zoned residential. She noted that concerns about privately owned facilities denying access to state officials for soil and air sampling to ensure that residential health would not be affected. She discussed concerns about toxic soils in the Tideflats. She reported that GEO Group was among the major contributors to the presidential campaign of

Donald Trump. She urged the Commission to do everything possible to shut the Northwest Detention Center down.

10) Leisl Santkuyl:

Ms. Santkuyl commented that they should not let the Northwest Detention Center be defined as a correctional facility, which could allow them to continue to pay below minimum wage for detained workers. She commented that correctional facilities are for those in the criminal justice system and not for immigration proceedings. She asked that they remain vigilant to not allow growth or expansion of the Northwest Detention Center facility as it discourages immigrants from fully participating as active residents and citizens of Tacoma. She expressed concern about letting the code get too complicated for the average citizen to understand it.

11) Norma Ramirez:

Ms. Ramirez commented that while she appreciated the proposal to prohibit new private correctional facilities and the expansion of existing facilities, the Northwest Detention Center was not a correctional facility and defining it as such could impact the State's minimum wage lawsuit against GEO Group. She asked that they wait until after the lawsuit is determined by the courts before making a recommendation.

12) Leah Montange, Coalition of Antiracist Whites:

Ms. Montange expressed support for the spirit of the proposal to make private correctional facilities an unpermitted use. She asked that they reconsider allowing public correctional facilities in industrial areas due to the environmental hazards present. She commented that she was concerned about how they were defining correctional facilities, asking that they not define immigration centers as correctional facilities. She reviewed the definition of correctional facilities in the draft code amendment, expressing concern that the definition exempted the Northwest Detention Center from proposed regulations. She urged them to consider the importance of not defining a detention center as a correctional facility so that it would not affect the ongoing wage lawsuit.

Seeing no one else coming forward, Chair Wamback closed the public hearing at 6:16 p.m.

Chair Wamback commented that before he would be comfortable scheduling the item for a vote he would like a full analysis from the Legal Department of the City determining whether any action could cause prejudice in any pending lawsuits relating to people in the facility including written documentation. He requested information about a potential challenge before the Growth Management Hearings Board including written analysis. He requested that in the staff memo in the policy framework section, that they include recommended language that would support the Comprehensive Plan. Regarding the options analysis for essential public facilities, he commented that the Commission needed to see all of the options including legal analysis and the credentials of City attorneys that had discussed whether it was a public facility or not. They needed to know what would happen if the regulations lapsed and what happens if the Council didn't act before March 6th when the interim regulations expire. He noted that they also needed to see alternate definitions for correctional facilities and detention facilities.

Chair Wamback recessed the meeting at 6:21 p.m. The meeting resumed at 6:32 p.m.

2. 2018 Amendment Application #2018-06 VSD Height Measurement

Ms. Flemister discussed the revised scope of work for the proposed code amendment to modify how building heights are measured in the View Sensitive Overlay District (VSD). She reported that since the last discussion before the Commission the applicant had sold the property. This would not affect the proposal however, as the scope had been modified to include all commercial VSD areas. Ms. Flemister reported that the public notice had gone out without clarifying that the proposal affected only commercial VSD areas which had led to some confusion. She reviewed the areas of applicability in the Old Town Commercial District, a small area in North Proctor and the Titlow Park commercial area. She noted that it would affect Old Town more due to the topography.

Ms. Flemister discussed the differences between the Land Use Code's VSD building height measurement and the Building Code's height measurement. She noted that with VSD height measurement methodology the measure used the existing grade to calculate the grade plane, that the height limit plane

was sloped, and that there was a bonus allowed on the downslope. For the building code height measurement, she reviewed that they used the finished grade to calculate grade plane and had a flat height limit plane. Ms. Flemister reviewed that the application of VSD height measurement on slopes resulted in consistent entrance orientations, but inconsistent upslope and downslope conditions. Ms. Flemister discussed the potential policy direction and two options for consideration: an option for consistent height on the main corridor and an option for consistent height in the zone.

Commissioners provided the following questions and comments:

- Commissioner Edmonds asked whose view they were trying to protect with the proposed amendment. Ms. Flemister responded that the analysis had looked only at adjacent properties but they were trying to preserve the upslope views looking down and views from residential to commercial.
- Vice-Chair Petersen commented that they needed to consider the intent of the view sensitive district and what specifically they were trying to preserve views of.
- Commissioner McInnis commented that in Old Town he understood that they were trying to preserve the views of the houses and not the commercial buildings, expressing concern with modifying the allowed heights for commercial buildings that could block views from residences. Ms. Flemister responded that there was potential to provide a better building envelope without impacting residential views.
- Commissioner Strobel asked how many parcels were affected by the issue other than the applicant's parcel. Ms. Flemister responded that there weren't many parcels that hadn't been built on, but there was always the potential for people to rebuild or redevelop a parcel.
- Chair Wamback asked if they should revisit the decision to expand the scope of the application considering the sale of the property and the absence of support for the application from the new owner. Brian Boudet, Planning Services Division Manager, commented that every application is considered in the context of the greater community.
- Commissioner Edmonds expressed concern that if they made the change for commercial VSD zones, there would be demand for residential zones as well since they had the same issue.
- Commissioner Strobel requested that, for the continued discussion at the next meeting, staff identify impacted properties from different scenarios, land that might be redeveloped, and parcels that might take advantage of proposed changes.
- Chair Wamback also requested staff to provide background information and history about the view sensitive overlay district.

E. COMMUNICATION ITEMS & OTHER BUSINESS

Mr. Boudet reported that they would be scheduling lunch meetings with individual Commissioners.

Chair Wamback noted that they were on a tight timeline with correctional facilities regulations and requested that staff notify the Commission by the following Wednesday if another meeting would be necessary to make a recommendation before the deadline.

F. ADJOURNMENT

At 7:30 p.m., the meeting of the Planning Commission was concluded.