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**MINUTES** (Approved on 10-3-18)

**TIME:** Wednesday, September 5, 2018, 5:00 p.m.  
**PLACE:** Room 16, Tacoma Municipal Building North 733 Market Street, Tacoma, WA 98402  
**PRESENT:** Stephen Wamback (Chair), Anna Petersen (Vice-Chair), Carolyn Edmonds, Ryan Givens, David Horne, Jeff McInnis, Brett Santhuff, Andrew Strobel  
**ABSENT:** Dorian Waller

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

Chair Wamback called the meeting to order at 5:04 p.m. A quorum was declared.

**B. APPROVAL OF AGENDA AND MINUTES**

Chair Wamback suggested moving discussion item D-2 (Detached Accessory Dwelling Unit Regulations) before D-1 (Future Land Use Map and Buildable Lands Review). The agenda was approved as amended. The minutes for the July 18, 2018 and August 1, 2018 meetings were approved as submitted.

**C. PUBLIC COMMENTS**

The following citizens provided comments:

- Julie Turner – Ms. Turner noted that in the southern end of the North Slope District there are a lot of non-conforming DADU's. She is perplexed as to why the neighborhood is encouraged to promote density. She suggested that the conditional use permit and amnesty program will be useful in regulating the DADU's and mitigating density. She believed that in some areas of Tacoma this is a great idea, but not in the North Slope where there are narrow streets and it's already over-crowded.
- Karen Rammage – Ms. Rammage noted that she has attended several meetings about affordable housing and she wants to commend Lauren and her team. She believes they've done a great job on getting the intent and needs of the city, and still maintain a relationship with the citizens.
- Doug Crane – Mr. Crane commented that the DADU's are a good idea but the City should put the brakes on this project. He encouraged the Planning Commission to consider the neighbors and how ADU's will affect home ownership in Tacoma. Home ownership is less than 50% of the city. He wanted to make sure that Tacoma is desirable in 10-25 years. He realized Tacoma is trying to keep up with Seattle, but he would like to see higher restrictions on what can be built, and where.
- Patricia Menzies – Ms. Memzies spoke for the homeless population. She wonders if Tacoma is trying to find ways to house people who live here already, and who struggle to afford housing. She asked if there is a way to build with flexibility – such as a tiny house on wheels in exception to DADU's. A home owner who has an RV that can rent to someone else legally, would add a lot of housing and take some pressure off our resources for the homeless. She also suggested allowing a smaller lot size to allow a DADU.
- Bruce Arneklev – Mr. Arneklev commented that the major irrationality of zoning is failure to take advantage of the building on the height. He's working with a housing authority right now. He would like to take advantage of higher zoning, and higher elevations. He commented for Tacoma to "look up" and emulate the far east such as New York for taking advantage of vertical space.

- Joyce Jackman – Ms. Jackman commented that the Narrows Neighborhood Center area is a working class neighborhood that does not want to rezone to multi-family. She stated that many home owners have remodeled their home specifically for retirement. She wanted the Narrows rezoning to come off of the city's Comprehensive Plan.
- Holly Rydel Kelly – Ms. Rydel Kelly commented that there are programs such as in San Francisco for homeless people who are in transition from home to home, that is similar to Air BNB that will host a family while they find a new home to stay in. There could be a tax exemption for people who are interested in these types of programs as an incentive. She doesn't believe DADU's are a permanent solution, but that's not a reality. She wanted to encourage DADU's, but also wanted to think of better ways to address the housing crisis.
- Paula Bond – Ms. Bond lives in the Stadium District in a house built in 1893, in a historical home that her husband and her have been restoring. She noted that the Future Land Use Map (FLUM) was outlined through the center of her home, and someone needs to review the FLUM zoning. She asked staff and the Commission to remember the historical district while considering these changes.
- John Deloma – Mr. Deloma hoped that staff will follow the design guidelines, and avoid having too many residents living in the ADU/DADU's, as it could propose safety issues. He is so surprised why the focus is going towards ADU/DADU's when not even half of Tacoma can afford to build one, compared to focusing on affordable housing. Why is there not a 10% requirement for low income and affordable units. He asked how many apartments are required to house low to mid income. He doesn't believe the City Council knows about this. He wants the focus to be towards affordable housing and units. He wanted the big picture to be looked at, not just the ADU/DADU's.

## D. DISCUSSION ITEMS

### 1. Detached Accessory Dwelling Unit (DADU) Regulations

Lauren Flemister, Planning Services Division, facilitated the Commission's review of the draft amendments to the Land Use Regulatory Code concerning Accessory Dwelling Units (ADUs), with the intent for the Commission to release the draft code for public review and set October 3, 2018 as the date for a public hearing.

Ms. Flemister reviewed the scope of work of the draft code changes. Changes were proposed to the Tacoma Municipal Code (TMC), Sections 13.06.100.C (Land Use Requirements for R Districts), 13.06.100.F (Accessory Building Standards), 13.06.150 (Accessory Dwelling Units), and 13.05.115 (Residential Infill Pilot Program). There were two major subjects being addressed (i.e., Accessory Building Standards and Accessory Dwelling Units), each including a number of subject issues. For each issue, Ms. Flemister provided a brief description of the issue, the existing code provisions, and the proposed code amendments, and facilitated the Commission's review and discussion.

#### (A) Accessory Building Standards:

Ms. Flemister explained that the proposed code would lower the threshold of "large lot size" from ½ acre to 10,000 square feet (sq. ft.) and allow proportional increase in accessory building footprint for large lots plus 500 sq. ft. if a DADU is one of the accessory buildings.

Commissioners provided the following questions and comments:

- Vice-Chair Petersen referred to page 3 of the proposed code (as included in the agenda packet), regarding TMC 13.06.100.F.6, and suggested it may be necessary to make a note of how one can prove that the pattern dictates that the rear yard is not appropriate, and that there is something different on the property; otherwise the section seems to contradict a previous statement in the code.
- Commissioner Givens referred to TMC 13.06.100.F.1 on page 3 and suggested that "for lots greater than 10,000 sq. ft." should be "for lots 10,000 sq. ft. or greater."

- Commissioner Edmonds referred to the “functional rear yard” provision in TMC 13.06.100.F.6 and commented that it is not unusual for a home to have a side yard larger than the rear yard and such provision may be forcing DADU’s to be in an area that doesn’t make sense. Ms. Flemister commented that if the unit was in the side yard, there could be confusion if there were two reasonably sized structures next to each other. Commissioner Edmonds believed that the DADU should be in the most practical place, and not required to be in a specific place.
- Commissioner Santhuff referred to the provision of extra 500 sq. ft., and wondered if there should be more specific language to encourage the 500 sq. ft. to be used towards a garage for the DADU. Ms. Flemister noted that in the DADU handout manual, she will place a lot of options of diagrams for the public to use as examples and clarification.
- Commissioner Santhuff wondered if someone could have a shed on their property and not a DADU, and not to integrate parking into the lot. Ms. Flemister stated that by the code, they certainly can. She noted that single-family homes are solely responsible for having to maintain the parking for the DADU, even though they don’t have to have parking on site.
- Chair Wamback referred to the additional 500 sq. ft. set forth in TMC 13.06.100.F.1 and recommended to add language of “still subject to the percentages noted above” in the case that people don’t interpret the language correctly.
- Vice-Chair Petersen asked if the 500 sq. ft. was for living space or not. Ms. Flemister explained that there are caps. There are different limiting factors depending on where you’re situating your parcel. There is 1,000 sq. feet for all ADU’s. It would not be preferred for people who have existing garages or sheds with a nice size lot to be locked out of building a DADU. That’s what the 500 sq. ft. bonus is for, which however may not need to be used. We do have maxes on what the dwelling unit can be later. Ms. Flemister explained that this is specifically for the structures.
- Vice-Chair Petersen felt that if the Commission is confused, the public is going to be confused. Ms. Flemister noted that in the public review materials there will be language that can help decode this and put this in layman’s terms.
- Commissioner Strobel would like to know the logic for capping the accessory building space. Ms. Flemister noted that this cap was already in existence, and that it makes sense for people not to have 15 accessory structures that are 200 sq. ft. a piece that are maxing out their lot and they somehow manage to get their 10% minimum usable yard space. She is positive that when that was written it was to avoid and reduce clutter.
- Chair Wamback offered an option to move TMC 13.06.100.F.1 to be combined with the ADU language in TMC 13.06.150, with a simple cross reference saying “except where one of the accessory buildings is an accessory dwelling unit, see the requirements in TMC 13.06.150.” Ms. Flemister noted that she could put this in a table format to address some of the confusion.
- Commissioner Edmonds commented that the owner can use that 1,000 sq. ft. any way they want – if they want an ADU they can only have one ADU, but use the rest of the land any way that they want. Ms. Flemister stated that yes, only one ADU per lot.

(B) Accessory Dwelling Units

(1) Intent

Ms. Flemister continued to talk about TMC 13.06.150 Accessory Dwelling Units. She noted that she cleaned up some of the language on intent, to reflect some of the goals of the Residential Infill Pilot Program and to accurately reflect what ADU’s can accomplish.

(2) Procedures

Ms. Flemister noted that the proposal was to remove the provision of “DADU’s in R-1, R-2, R2-SRD, and HMR-SRD are reviewed under the provisions of the residential Infill Pilot Program.”

### (3) Requirements

#### Occupancy

Ms. Flemister noted that the proposal was to remove the 4-person maximum occupancy requirement in an ADU and refer such requirement to the Minimum Building and Structures Code in TMC Title 2.

#### Ownership

Ms. Flemister noted that the proposal was to remove the provision regarding title notification that was redundant with the ADU Agreement section and to allow ADU owners to receive rent for the owner-occupied unit.

- Commissioner Givens commented that it gets a little muddied in leasing/renting situations, e.g., renting the main building and the ADU to two families or renting the ADU to one family who either using the unit or renting it out. Ms. Flemister noted that the title notification agreement prohibits the owner from leasing both units. She believed the code to be fairly straightforward and doesn't want to put things in the code that can't be enforced.
- Chair Wambach noted that there needs to be a mechanism to prevent both units from becoming short term rentals.
- Commissioner Strobel asked if this recording process is also to avoid adverse possession issue. Ms. Flemister stated that there is always a potential to title arguments; for example, there is a non-conforming ADU and someone argued about the rights to the title because they've been living there for 18 plus years.
- Commissioner Edmonds commented that the short term rentals are a whole separate issue. She suggested that in the letter to the City Council the Commission point out that that concern has come up in a number of different ways for rentals and that an owner can rent out both, but it would be up to the neighbors to bring it to code enforcement, which is putting a burden on the neighbors.
- Chair Wambach commented that those who build a DADU for long or short term rentals should have to acquire a business license, which is subject to renewals. This way, there will be an automatic check in between that property owner and the city, and the neighbors would not have to be burdened.

#### Legalization of Nonconforming ADUs

Ms. Flemister noted that the proposal was to clarify the time period for new "amnesty" and specify sections of code that must be complied with to become legal.

### (4) Development Standards

#### Lot Size

Ms. Flemister noted that with the proposed code, a DADU on a lot smaller than the Standard Minimum Lot Size or not meeting the Standard Minimum Lot Width may be authorized through a Conditional Use Permit.

#### Building Size

Ms. Flemister noted that pertaining to Building Size, the proposed code would use the framework of size definition from TMC 13.06.100.F, change all definitions to habitable building square footage, and categorize size based on a standard lot condition, a small lot condition, and a larger lot condition.

- Commissioner Givens asked if staff could base it off of the property appraisers. Ms. Flemister noted that staff usually doesn't conduct reviews that way; staff looks for solid evidence, but won't do a site check unless it looks suspicious.

- Chair Wamback noted that his struggle with this section is that converting a garage into an ADU would create no additional footprint and help achieve the density goals, but would not be allowed by the code.
- Vice-Chair Petersen commented that the footprint is more important than the square footage from the environmental perspective because it affects the surface and that it would be beneficial to add in the code somewhere about adding to already existing square footage.
- Chair Wamback noted that there is variance for building height, but none for the use of the square footage.
- Commissioner Givens was uncomfortable with tying the size of the ADU to the size of the house, which caters to people who can afford larger houses. He believed tying the ADU size with the lot size is better. Ms. Flemister commented that the limiting factor really becomes the lot. There can still be a decent size ADU, and we don't want people to max out their lots and still have usable yard space.
- Commissioner McInnis commented that limiting to the footprint vs lot area is a cleaner way to go about this.
- Commissioner Strobel offered an option of taking both measurements to see whichever one is greatest or smallest so it gives options for people who have larger homes on a smaller lot or a tiny home on a huge lot.

#### Height, Setbacks, and Open Space

Ms. Flemister noted that, regarding height, the proposal was to remove daylight obstruction regulations and add text about View Sensitive District; regarding setbacks, to refine language addressing no setbacks on property lines abutting an alley; and regarding open space, to require meeting the minimum usable yard space requirements.

#### Walkways

Ms. Flemister noted that with the proposed code, walkways would be reduced to three feet.

- Vice-Chair Petersen believed that per the Commission's previous discussion it was to only have a "defined pathway", rather than a specified width.
- Commissioner Givens stated that it should be to the nearest right of way. Ms. Flemister noted that the reason that it did not have the right of way was because not all alleys are created equally, and not all of them are equally lit and there are safety concerns. That's why it specifically stated street and not alley.
- Commissioner Santhuff commented that it's important to have a defined pathway to a street, and it doesn't have to be an alley.
- Commissioner Strobel noted that he would be interested in seeing an option for the nearest right of way and shared use path. If he can put his solid waste and yard waste in the alley, then people can be fine to walk in the alley way.
- Commissioner Edmonds agreed with Commissioner Santhuff that the walkway needed to go to a specific right of way.
- Chair Wamback believed the access should be solely through the property. If you can't use the side yard next to the house, then you shouldn't be having a DADU in the first place.

#### (5) Design Standards

Ms. Flemister noted that for attached and detached ADUs, the proposed code would add reference to historic district review for ADUs located in historic special review districts, and

that for detached ADUs, the proposed code would also provide performance and quality standards.

- Commissioner Santhuff liked the additional statement but wondered how it will be judged or enforced.
- Commissioner Givens wondered about the appeal process and suggested that there should be some exemption provision from density standards.

At the conclusion of discussion, a motion was made by Commissioner Edmonds and seconded by Vice-Chair Petersen to release the draft code as reviewed and modified by the Commission for public review and set a public hearing date for October 3, 2018. The motion passed unanimously.

(The meeting was recessed at 7:03 p.m., and resumed at 7:12 p.m.)

## **2. Future Land Use Map (FLUM) and Buildable Lands Review**

Stephen Atkinson, Planning Services Division, noted that during the scoping process for the 2019 Annual Amendments, the Commission asked for more information about buildable lands as it pertains to potential rezones. The Buildable Lands information is now being reviewed as part of the FLUM implementation. He explained that Buildable Lands is a midpoint check in, a primary data exercise to determine if growth is occurring as planned, and an assessment tool to determine whether there is sufficient buildable area to accommodate projected growth.

- Commissioner Edmonds noted that the region has been doing buildable lands for a long time and wondered if this is just an update. Mr. Atkinson noted that they are not updating or redoing buildable lands, rather, this will be focused primarily on the work that has already been done in the past.
- Commissioner Edmonds asked, if we've been doing this process of buildable lands for so long, how come zoning and buildable lands are so inconsistent, and were the zoning inconsistencies corrected or changed at the last buildable lands review. Mr. Atkinson answered that the inconsistencies that they are looking at in the land use project are rollover inconsistencies that may have been there for 20 years or longer.
- Commissioner Edmonds asked if the original assumptions and predictions in VISION 2020 were close to what is today, and if the planning process has been worthwhile. Mr. Atkinson noted that in terms of countywide need, Puget Sound Regional Council uses VISION 2040 like Tacoma, but Pierce County uses a 2030 planning horizon. The general conclusion from that report is that county wide, there is a demonstrated sufficient land supply to meet that target.

Mr. Atkinson continued to review such information as the history of the lands and feasibility for developing building projects, the population growth and household units, and the allowed densities. He noted that the city is pushing for a more urban based market scale, and wants to look at the result within the centers, where there are the most land supply and development capacity.

- Commissioner Edmonds asked whether the traffic modeling information is shared with Pierce Transit. Mr. Atkinson answered that as we assign growth to those different areas, we do share those data with various entities.
- Commissioner Givens commented that since 2000 to present, Pierce County was expected to only take on 42%, but has been up to 52% percent. The good news in Tacoma is that we are still growing slowly. In 2018 we are at a ½% growth compared to 2016 with an almost 2% growth.
- Chair Wambach commented that since the 2010 census Tacoma has grown about 5.3%, but the county has grown 12%. He wonders why growth has been bypassing Tacoma and Federal Way areas and happening more on the outskirts. Mr. Atkinson commented that part of our message with the county is that a lot of that is asked on the market and that the rates need to increase. We

are starting to see more projects in the city. There is a question of capacity, and of why the growth is stunted in Tacoma.

- Chair Wamback also commented that a lot of the work that was done 4 years ago has proven to be true. He just wants Tacoma to be prepared for when the growth of population up north begins to shift down south. Mr. Atkinson commented that as we see the growth trends in King County and Seattle, how we add growth down here does go beyond some housing issues. In order to make progress towards growth targets, the majority of the housing built will be multi-family.

Mr. Atkinson continued to review information that translates One Tacoma Comprehensive Plan policies and Zoning to the neighborhood scale. He reviewed the zoning profile and buildable acreage by Neighborhood Council areas, and noted that staff needs to make those rezones depending on what those areas are and how the rezones might affect the overall makeup of the neighborhood councils. His intent was to get some firm direction from the Commission on criteria for a zoning map at the next meeting on September 19<sup>th</sup>. And in December have a review of the draft zoning map so that in January there can be some neighborhood workshops. The perception of what this means to each neighborhood varies vastly, he noted.

- Chair Wamback commented that he appreciated the maps, graphics, and the breakdown of the data, and the prelude to some obstacles ready to come up. He noted that people are going to want to see what that means at this local level, and what this potentially translates to. He thinks people need to be aware if developers have been successful in amassing parcels. Mr. Atkinson offered to look at different development scenarios to develop a strategy.
- Commissioner McInnis commented that we're looking at this from one lens, such as a planner's lens, and the public is going to be looking at this from the lens of their life. He suggested staff exercise caution when presenting this to the community, so we don't tear the fabrics of the city.
- Commissioner Strobel asked about the status of this subject and the coordination with the county. Mr. Atkinson stated that at this point the buildable lands box has been checked. He expects that in the next two years there will be an advisory committee to weigh in on that approach. The final methodology should be determined by the county.
- Commissioner Strobel commented that if growth is being applied to the Urban Growth Areas and the county is primarily building single homes, we're going to have problems attracting high levels of growth. Mr. Atkinson stated that one of the ongoing differences of opinion is when there is a discussion with housing need. If you're exceeding your levels of growth from the comprehensive plan, does that mean that you're inconsistent with your plan, and not taking reasonable measures for accounting growth, or, is the housing need just a minimum and you can exceed that all you want? If certain jurisdictions are exceeding their targets, then they should be starting to focus more on helping drive that growth to where it is planned in the City of Tacoma.
- Commissioner Givens asked how long the city can stay inconsistent between the Comprehensive Plan and Zoning without violating the Growth Management Act. Mr. Atkinson said the primary thing would be teaming up what information and at what scale do you think would be appropriate as we go out and consider those rezones. We need to convey this in a meaningful way and really understand what the assumptions of zoning and rezones mean to people.

### **3. Election of Chair and Vice-Chair for 2018-2019**

Commissioner Edmonds nominated Chair Wamback for continuing to serve as the Chair. Vice-Chair Petersen seconded the motion. The motion passed unanimously. Commissioner Edmonds nominated Vice-Chair Petersen for continuing to serve as the Vice-Chair. Commissioner Strobel seconded the motion. The motion passed unanimously. Lihuang Wung, Planning Services Division, noted that the terms of the elected Chair and Vice-Chair are from September 2018 to August 2019.

## **E. Communication Items**

Mr. Wung noted that there is an open house on the Sound Transit's Tacoma Dome Link Extension project on September 19<sup>th</sup>, in the same evening of the Commission's meeting. He suggested that, to allow interested Commissioners and staff adequate time to participate in the open house, the Commission start the meeting one hour earlier, at 4:00 p.m. The Commission concurred.

Mr. Boudet introduced new staff members, including Elliott Barnett (recently promoted senior planner), Larry Harala (recently transferred associate planner), and Mesa Sherriff (newly hired senior planner).

Mr. Boudet mentioned that the Tidelands Interim Regulations currently in effect are expiring in December and the City Council will conduct a study session on September 25<sup>th</sup> and consider a 6-month extension of the interim regulations with modifications as appropriate. The Planning Commission doesn't have a specific role for the extension but might be asked to weigh in on potential modifications.

Mr. Boudet mentioned that the next Planning Manager's Letter to the Community is scheduled to be distributed in the next few weeks as part of the continuous outreach and community engagement efforts. One of the things to be highlighted is affordable housing. He mentioned that the City Council is expecting to receive the Affordable Housing Action Strategy report in late September. How the report will inform housing related amendments to the Comprehensive Plan as part of the 2019 Annual Amendments is still to be determined.

## **F. ADJOURNMENT**

The meeting adjourned at 8:31 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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