

Tacoma Permit Advisory Group  
Hybrid meeting  
Special Meeting - March 5th, 2024 9:30 am

Advisory Group Members in attendance: Clinton Brink, Ben Ferguson, Jason Gano, Justin Goroch, Loundyne Hare, John Wolters

**9:35 AM      Welcome**

Home In Tacoma (HIT) Subcommittee member Clinton Brink will run today's special meeting.

**9:38 AM      Public Comment**

No comments were provided by the public at this time.

**9:43 PM      Home In Tacoma- Draft Letter to Planning Commission**

The Planning Commission will be meeting tomorrow and accepting written comments until Friday, 3/8/2024 regarding the Home in Tacoma packet.

Clinton Brink explains that the Tacoma Permit Advisory Group (TPAG) left off last time with the scale and compatibility concerns.

Ben Ferguson proposes we outline the three zones in the letter and specifically state our expectations for compatibility. UR-1 is the most compatible, UR-2 slightly less, and UR-3 is not relevant because this is a higher-density area. He continues with UR-1 would have the most setbacks, UR-2 with fewer setbacks, UR-3 has a zero-lot line. Every section breaks out into UR sections. Clinton Brink informs members that this has been done for amenity space requirements. He adds that UR-3 with no setbacks could be a good change. Ben Ferguson inquires how can there be more flexibility to allow large spaces with minimizing setback requirements.

John Wolters explains that single-family houses with DADU (4+2 affordable) are going to double the density so there is going to be an impact on the neighborhoods. It will be a gradual change and it shouldn't be shielded away from. More people are coming, and we need to house people and do it efficiently and if they are closer together then we need to do this. Jason Gano claims this will allow more flexibility. All you can build is a single-family or apartment building and this will allow flexibility to provide duplex/triplex instead of one or the other.

**9:55 PM      Tree Retention**

Clinton Brink explains that the previous meeting on 2/21/2024 covered most of the letter, the only part left to discuss is tree retention and height requirements. Does anyone have any comments?

Ben Ferguson asks if HIT is trying to fit more stuff than there is available room. He feels we are further away from making it easier and cheaper. He states he'd rather have more people here and as the crisis of tree canopy is less critical add on some of these additional requirements. Justin Goroch agrees with Ben's statement. He feels the HIT package is not a full-on failure, but we are tilted too far in one direction, and we are going to have less affordable housing. There is going to be more housing but not

more affordable. He explains as the package stands right now it is decreasing the pool of people available to do this because of regulations and complexity.

John Wolters would like clarification on the current tree requirements. It is if a tree is 24 inches in diameter it is required to be retained? Elliott Barnett answers basically yes that is correct. There is a variance process to propose to remove it or a fee in lieu.

John Wolters adds tree retention equals cannot remove tree, for a variance option what does that look like? If providing on or off the site, why is there a fee? If you can try to build around it but cannot and add an equal number of trees elsewhere why isn't this a standard option?

Clinton Brink adds that the variance is discretionary. State policy is trees over 24 inches cannot be removed. The city has discretion to variance or not—not just a fee in lieu situation. He feels it would be beneficial to eliminate tree requirements and provide incentives.

Elliott Barnett explains there are advocates for tree retention and development. Request a clearer explanation of approval. Such as if this packet does require tree retention, then do something to improve the process.

Jana Magoon agrees and would assume we are going to have canopy recovery requirements and so more about what we could do to balance it out. Clinton Brink clarifies this is just regarding tree retention, not new trees, or canopy recovery.

Clinton explains yes trees have many benefits however if it is going to compromise the design then a tree retention policy could make the site unusable. Clinton Brink brings the concern of developers that may clear-cut trees before this policy goes into effect to keep potential on the site for the future. Not a lot of trees on the south/east side. This is going to keep development out of the north end. To prevent the north end from the development that HIT can offer.

Elliott Barnett tree retention through incentives has been offered and has never been used. It hasn't worked and that is why we want to have tree retention. Jason Gano suggests trying better incentives without a mandate. Work on the variance process but whoever is in charge could shut down an entire project. This is a big concern. You should be able to replace the tree and have the potential to fill the ROW or fill city property with trees and not private property. Clinton Brink's concern is that development will be infeasible with heavily treed lots.

Ben Ferguson shares that our crisis isn't a lack of trees it is housing. If we do not put a dent in our housing crises there will be bigger problems. A tree retention policy is going to stop development.

Clinton Brink brings to attention that there are a lot of competing priorities and HIT is balancing all the priorities. The final decision for the letter is to tweak the language and explain why we recommend eliminating tree retention requirements. Keep fee in lieu to pay for trees to be removed. Not subject to a variance.

Ben Ferguson adds that if we think some areas are conflicting, we should recommend prioritizing affordable housing and pausing on the lower priority list is better than doing it all at once.

Justin Goroch agrees and softens the wording to "combination canopy coverage, fee in lieu, and incentives to balance affordable housing over trees." Justin Goroch asks with a fee in lieu where would

the money go? It would be great if the city bought land and planted trees to help the tree canopy with the money collected.

Elliott Barnett says, "I love the idea". He encourages TPAG to include their suggestion of a better balance of trees and housing and flush out how a fee in lieu would be used. Unless the city has land to plant trees or plant in a ROW with all the legal and maintenance challenges it can be hard to use the "money". He agrees it would be constructive to have a plan.

Clinton Brink's concern is that purchasing a property with trees and then hoping the city will grant the discretionary variance is not going to work with developers. John Wolters explains the city can define discretionary, so it is clear. Housing providers are not going to take a chance on a property without certainty. Need criteria regarding moving or replacing the trees otherwise sales and housing won't happen.

### **10:24 Height Restriction**

Clinton Brink brings up the next topic height restrictions. There is a 24ft height restriction in UR1 and UR2, he feels this is onerous. Town housing will have parking on the bottom and then two floors on top. With this height restriction, this would make it impossible.

Elliott Barnett explains this is addressed with the land pattern of larger structures towards the front. Is it worth the trade-off?

Ben Ferguson feels that when their policies are set like this you must consider what other impacts are happening. The original land patterns are large lots with large houses. Then over time, the land was subdivided, and this has been continued. We could be incentivizing people to tear down bungalows and we should be encouraging people to keep existing housing.

Elliott Barnett explains that there is an advantage if you keep an existing building, you get a bonus and flexibility. The way to encourage keeping the building and adding developments.

Clinton Brink explains the only way this makes sense would be to apply this to newly developed sections in the property, not existing. Calculate the percentage of lot sites being developed for the requirement and tree retentions, not the existing building. This could help illuminate a penalty. The recommendation is that this policy should go away.

John Wolters asks to clarify are you proposing that the 25ft height limit goes to 35ft? Clinton answers yes with bonusing for UR-3 up to 45ft.

Clinton Brink adds if you are retaining the structure this height restriction is a bonus and this is only in the case when not retaining the existing structure.

Chris Seaman recommends that it can be done with a 30ft height restriction, and he comments to try not to ask for more than needed.

Clinton Brink, you would be incentivizing flat roofs. I don't like it because this is limiting design potential. You can do three stories with the new policies but not any three stories you want to do. You aren't gaining a lot with a 5-foot difference. John Wolters comments that roof design flexibility is to the midpoint of the roof so you can have the availability for different designs at 30ft.

Justin Goroch brings to attention the 15ft setback. He inquires if there are 25ft would 15ft be eaten up in the setback? Elliott Barnett answers yes except for backyard buildings.

Ben Ferguson explains there has been some ambiguity with the fire department requirements.

Chris Seamon assures that the fire code has been cleaned up and it is not ambiguous. Ben Ferguson- is pleased to hear this and does not have further concerns.

TPAG staff decides to write in 30-35 ft let the commission decide and specify the goal is to allow for three stories.

### **10:55 HIT policy evaluation in the future**

Clinton explains that no regulation is perfect first try. Could the planning staff be empowered to relax development regulations so long as they are helping not hurting development? If there are unforeseen consequences and development is not happening, can it be reviewed?

Elliott Barnett encourages this comment. Some processes do exist to help this.

Jana Magoon comments a variance could help. Then it would be a design variance to allow the applicant to submit. Another idea is that HIT could write in alternatives to allow latitude.

Clinton Brink hoping for something more robust than a variance. So, it is more than just for unique designs/situations. Variances are not city-wide they are one property at a time. If there is an ambiguity or unforeseen consequences, then at regular intervals the city council can review the policy adjustments.

Ben Ferguson would like to consider how to have flexibility, so the city staff has a chance to adapt as issues arise with new code.

Jana Magoon suggests in the ordinance, we write in a one-year automatic check-in and tests. What data should we collect to evaluate?

Jason Gano suggests a sunset clause. If it doesn't work after so many years, then you revert to HB 1110. Ben Ferguson disagrees and does not think we should suggest a sunset clause.

Clinton Brink explains this is not to burden the staff as it could be discretionary if it is even needed or not. Ben Ferguson suggests options to revisit the policy. Because if there's not enough room on the site and no development or flexibility in the code then all lots will end up being the exact same.

Jana Magoon adds that the infill program would be implemented within HIT. Elliott Barnett comments that infill regulations and criteria are reviewed case by case.

Clinton Brink will make these changes and submit a red line to liaison Char Carlyle tonight and then allow for a day for members to give feedback on a final letter to the planning commission.

**11:02 AM Adjourn**