

Tacoma Permit Advisory Group

Hybrid meeting

Meeting #57 August 21st, 2024 2:00 PM

Advisory Group Members in attendance: Layne Alfonso, Ryan Babbit, Clinton Brink, Michael R. Fast, Ben Ferguson Ferguson, Jason Gano, Justin Goroch, Loundyne Hare, Brett Johnson, Robert Laing, Claude Remy, Gomer Roseman

Excused:

Absent:

2:00 PM Welcome

The meeting was called to order by Chair Justin Goroch.

2:02 PM Approval of Minutes

Meeting #56: Ben Ferguson moved Mike Fast seconded. No discussion or objection. Motion approved.

2:03 PM Public Comment

No public Comments were provided at this time

2:04 PM Quick updates: City staff new items of interest

- Administrative updates
 - Corey Newton mentioned that they are still working on a presentation about whether there has been any change in how we process land use decisions. Other than that, Home in Tacoma is the major project we are focusing on.
 - Corey added they are still looking at doing a press release for recruitment it will be talked about at the September leadership meeting. The press release should be out between October and November for new members to be added early next year.

2:07 PM HIT Planning Commission Recommendations

- Justin Goroch explained to the group that they will be discussing Home in Tacoma (HIT).
- Mike Fast asked where we stand relative to our recommendations within HIT. Planning and development division manager Brian Boudet advised that he will try to address this, but he has not yet had the opportunity to review each of the recommendations provided to the planning commission by TPAG and determine whether they were adopted. Clinton Brink added that he has reviewed all the material on the website and noted that the planning commission adopted only one of their recommendations. Clinton Brink further explained that he would like to review TPAG's recommendations one by one to determine what changes, if any, were made in response. Justin agreed that this would be a productive way to move forward.
- Brian Boudet read the summary list of recommendations that TPAG had previously provided to the planning commission, and TPAG gave feedback based on whether or not the planning commission adopted their recommendations. Memorandum [is accessible on the TPAG website.](#)

1. The proposed regulations make it impossible to construct backyard buildings behind most existing houses.
 - Clinton Brink advised that this is a good change, but it does not address the layout issues or pedestrian egress, which could prevent large areas from being eligible to build backyard buildings such as ADUs. Senior planner Alyssa Torrez added that they are looking into these scenarios. Clinton Brink mentioned that requiring an 8-foot-wide pedestrian access is unreasonable; a 5-foot width would be acceptable, and 3 feet would be ideal, as fire safety only requires a 3-foot-wide walkway for access. Mike Fast said that an 8-foot width will prevent the construction of back buildings. Mike Fast also noted that obtaining a variance is expensive, and homeowners are discouraged by the potential for public comments, which prevents them from wanting to apply for a variance. Ben Ferguson added that we are making the ideal the minimum, but we should be setting the minimum as the minimum and allowing for improvement.
2. Existing multi-unit buildings cannot be subdivided for separate sale, eliminating an affordable homeownership option.
 - Ben Ferguson advised that they are working on a project with existing ULS, and they are treating it as a condo building to obtain the permit. Ben Ferguson mentioned that the ULS is difficult. Brian Boudet noted that the ULS applies to the parent lot and not the child lot. Ben Ferguson suggested that if our goal is to encourage homeownership, ULS should be applied city-wide in Tacoma and not limited to just HIT.
3. Retention of existing parking requirements in the x-districts, downtown districts and commercial districts is bad policy and may violate HB 1110.
 - Clinton Brink stated that HB 1110 requires municipalities to eliminate parking requirements within certain distances of specified areas. He advised that he believes the city may be opening itself up to a lawsuit. The deadline for adhering to HB 1110 is the end of June 2025.
4. Citywide parking requirements are contrary to parking needs, incentivize inequitable development and decenter a pedestrian.
 - Oriented city: Jason Gano asked why there is not a bigger bonus to add bike parking, when there are bonuses for adding community gardens, etc. Brian Boudet answered there are many things that can be added to this.
5. Amenity space requirements penalize missing middle housing type.
 - It was agreed that TPAG's recommendation was taken.
6. Setbacks take up to 40-70% of most sites and the real height restriction inhibits townhome construction.
 - Ben Ferguson commented that UR 3 should have no setbacks. Justin Goroch mentioned that he thinks the number 5 is included because there is a 5-foot setback. Brian Boudet said that this is due to residential zoning, which allows for townhouses. Brian Boudet also mentioned that during phase 1, the concern was a four-story building overlooking a yard. Ben Ferguson added that if you enforce a 4-foot setback, you allow for windows, which can enable people to see into others' yards. However, with a 3-foot setback, windows are not permitted, which would eliminate this issue. By enforcing a 5-foot setback, people are allowed to have windows.

7. Floor area ratio (FAR) requirements could hurt affordable housing development if other recommendations are adopted
 - Ben Ferguson advised that a large building can be added with FAR. However, FAR does not govern UR1. Justin Goroch said this is a significant limitation.
8. Tree canopy coverage requirements impair affordable housing development
 - Ben Ferguson mentioned that typically the ROW includes the planter strip. He asked, 'What if you live on Union by University of Puget Sound? Does that count as your planter strip?' Brian Boudet suggested that there might be scenarios where you could have none. He does not think there would be incentives for the median, and in the vast majority of scenarios, there is flexibility.
9. Tree retention requirements impair affordable housing development, create bad incentives, further inequality, and are not as good for the environment as expected.
 - It was asked if an arborist's opinion overrides all of this. Brian Boudet said there are exceptions for problematic trees, making it almost as if the tree isn't there. No canopy loss fees will be charged. Brian Boudet noted there is a never-ending battle with fruit trees and a lack of explanation regarding them, which could devalue properties. Jason Gano added that this could restrict the effectiveness of solar panels, as buildings might cast shade on trees and eventually lead to hazardous trees. Brian Boudet mentioned that one interesting aspect from a standards perspective is that the commission, in their recommendation, relied partly on trees for compatibility with buildings.
10. There is no efficient method to patch regulations that don't work as expected.

Brian Boudet commented that this is a big shift for everyone, and we haven't yet determined what does and does not work. Jason Gano asked who conducts a review in three years. Brian Boudet answered that a full review is conducted in three years. Clinton Brink mentioned that three years is a long time to wait to ensure things are working correctly. He asked how staff might feel about having more empowerment to implement rule changes every six months to a year. Claude Remy added that they will be the ones to hear these problems firsthand. Justin Goroch suggested that he is not sure how much impact they will have but asked if Brian Boudet and Alyssa Torrez are willing to come back in eight months to a year to discuss the progress. Clinton Brink said it would be nice to have broader variance and rule-making authority. Ben Ferguson noted that it is mentioned a variance can be applied for if there is a hardship and asked if an expedited process is available. Ben Ferguson pointed out that if there is not quick certainty, developers stop. He suggested that if you can prove you followed a certain set of steps, it would become administrative rather than requiring a formal variance, as that is a long process. Brian Boudet stated that there is no administrative variance. Ben Ferguson asked if TPAG could request a more administrative process be added.

3:15 PM Discussion

- Jason Gano is seeing seven or eight of the original recommendations that we will want to respond to.
- According to Brian Boudet we are looking at an effective date for HIT of 02/01/25. Brian Boudet asked what things would be useful from a testing perspective and what would be helpful. Justin Goroch requested to utilize the pre-app.

- Brian Boudet asked what ways we can ensure that the examples set are positive and how we can incentivize good change, which is essentially where this discussion is coming from.
- Ben Ferguson noted that there will be a dead zone before HIT becomes active, and the longer this drags out, the more chaos will ensue. He suggested it would be a good idea for the city to accept permits and review them before February 1st, then issue them on February 1st when HIT is live, as some permits will take months and issues may arise before HIT is officially active. Jason Gano added that there is a backlog in TPU permitting, and this might give them a chance to catch up. Clinton Brink added that he is not sure if this would need to be formalized.

3:26 PM Final Comments

- A quick vote on what TPAG would need to implement based on the Planning Commission's recommendations was requested. Clinton Brink said he does not think a vote is necessary. Ben Ferguson suggested that if we limit what we bring back to the council, we will be taken more seriously. Mike Fast disagreed, stating that sending the same list we sent before is not a bad idea, as the issues may still be relevant. Layne Alfonso added that we were not informed why certain recommendations were ignored and that we might need to 'repackage' our suggestions. Understanding why they were ignored would allow us to tailor and potentially rework them. Jason Gano asked if we could take the same list and propose them as amendments so the council will have to vote on them. Clinton Brink advised that while there is no prohibition against doing that, it would take too much time.
- Justin Goroch added that we will need to reword how this is presented to the council, and we will start the next meeting with that in mind. Clinton Brink mentioned that we may not be able to wait until the next meeting.

Justin Goroch moved that we hold a special meeting between now and the next meeting. Clinton Brink seconded. All in favor, no discussion or objection. Motion approved.

3:34 PM Adjourn