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**MINUTES** (Approved on 9-5-18)

**TIME:** Wednesday, August 1, 2018, 5:04 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, Brett Santhuff, Andrew Strobel, Dorian Waller  
**ABSENT:** Jeff McInnis

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

Chair Wamback called the meeting to order at 5:02 p.m. A quorum was declared.

**B. APPROVAL OF AGENDA AND MINUTES**

The agenda was reviewed. Lihuang Wung, Planning Services Division, noted that the first item regarding the Detached Accessory Dwelling Units (DADUs) is tentatively scheduled to continue at the next meeting on August 15<sup>th</sup>, however, if the Commission could complete the review today and provide clear direction for staff to come back on September 5<sup>th</sup> with draft code language, the August 15<sup>th</sup> meeting could be canceled. Chair Wamback entertained a motion to amend the agenda so that Communication Item E1 becomes the consideration for canceling the August 15<sup>th</sup> meeting. A motion was made and seconded, and passed unanimously. The agenda as amended was approved. The minutes for June 20, 2018 were approved as submitted.

**C. PUBLIC COMMENTS**

Chair Wamback introduced the public comments section.

- Marshall McClintock – Mr. McClintock stated that the North Slope Historic District is one of the densest areas of the city with almost 18 units per acre. There are 10-20 mostly illegal DADUs. He encouraged the Commission to take a modest approach to DADUs as this area is such a dense area already, and is skeptical about furthering density. With the small lots and crowded conditions in the North Slope, he's concerned about maintaining the owner occupancy requirement of keeping reasonable heights, and that lot width is often more important than overall lot size. He emphasized that parking is an issue. He noted that the area volunteered to be an area of study in 2015 for infill, but there were no offers.
- Patricia Menzies – Ms. Menzies resided in the Hilltop area. She approached the Commission as a home owner and someone who worked with homeless people. She wondered how she could help house people while still maintaining the housing neighborhood. She encouraged the Commission to think about allowing composting toilets and grey water treatments, and allow for cob construction instead of stick built. She encouraged the Commissioners to think outside the box and inside the circle.
- Heidi White – Ms. White lived in the south end. She commented that she bought her home because it's a single family home. She commented that the quality of life for underprivileged will decline with infill projects in the R-1 and R-2 areas. She noted that the City cannot guarantee affordable housing with infill projects. She is concerned with affordable rent, and also wanted the people to be protected from jammed parking. If the city decides to do the infill, she encouraged to regulate the infill neighborhood by neighborhood. She noted that quality is more important than quantity, and quality of life needs to be preserved with affordability and open spaces.

- Carl Teitge – Mr. Teitge lived off of Stadium Way. He built a DADU, and because of this extra income from rent he feels like he can afford his home. He rents his DADU to an OBGYN resident who works at Madigan Hospital. During a stay in Palo Alto CA, he noted that school teachers are sleeping in their cars, and policemen are living outside of the city, as no one can afford the rent. He warned that Tacoma has to take some growth, and DADUs are a good way to do it. The population will need to grow, as others won't be able to afford housing soon.
- Mike Fleming – Mr. Fleming lived in the west end of Tacoma and is part of a volunteered group of neighbors. He lived in an area that has covenants that limit development to single family residents on one lot. His organization is trying to be sensitive to the needs of the citizens. As people have applied for ADUs in the neighborhood, the organization has not opposed them. His organization is taking their ADUs case by case in their neighborhood, but is opposed of DADUs. He wondered about the sensitivities between DADUs and ADUs and how that affects city codes, and to take into consideration the sensitives of organizations with covenants.
- John De Loma – Mr. De Loma realized that it may be impossible for the City of Tacoma to stop people from building DADUs. He noted that he's read through multiple codes for these DADUs in other cities, and reviewed some of these codes with the Commission. He reviewed some of the requirements for the City of Tacoma as well, and what he agreed with, and didn't agree with. He wanted to point out that the city should look at affordability and low income requirements in place of DADUs. He reminded the Commission that the city's streets aren't equipped to take on higher density while putting in high capacity, tall buildings with 300 units. He wanted to note that Arlington School that was recently built has been maxed out, and to pay attention to what density is causing.
- Ken Miller – Mr. Miller wanted to agree with what he's heard tonight. He noted that Tacoma has to grow substantially and quickly, if the City wants to maintain its level of services, otherwise the city will become economically unstable. He commented that the question should be – should the City seek to grow rapidly and aggressively, or grow passively. He encouraged to grow rapidly. Then he posed the question of how do citizens share the burden of that growth in a reasonable way across the neighborhoods throughout the city. He believed the City should really pay attention to the happiness of the citizens, but regardless of happiness, growth needs to happen.
- Joe Bushnell – Mr. Bushnell is a part of the Washington Hospitalities Association. He commented that Tacoma is not unique to their growth. Walla Walla, Spokane, and other cities in Washington State have been reviewing their ADU regulations as well. He wanted to introduce himself to let the commissioners know that he and his colleagues are available for resources to help out.

Chair Wamback closed the public comment section.

## **D. DISCUSSION ITEMS**

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

Lauren Flemister, Planning Services Division, facilitated the Commission's review and discussion on development and design standards related issues in association with the proposed removal of DADUs from the Residential Infill Pilot Program Code.

#### **OCCUPANCY:**

Ms. Flemister noted that typically land use code doesn't state the number of occupancy per land use type. There is no way to enforce this, so it makes more sense to focus on conditions.

- Commissioner Edmonds commented that the number of occupants should be determined by the square footage of the ADU. She is also concerned that this could be preventing a family of 5 or 6 to live in an DADU.
- Vice-Chair Petersen believed there should not be an occupancy requirement, for it is impossible to enforce and it is not for the Commission to determine what people need.

- Commissioner Givens asked if there was a violation, is the enforcement of the violation handled through the same code process as the International Building Code (IBC). Ms. Flemister answered that the number of people is typically not enforced unless there were squalor, ventilation, and health and life safety issues.
- Commissioner Santhuff mentioned that on the surface it makes sense to defer to the IBC.
- Chair Wamback asked if a DADU were used as an Air BnB that would be subject to the short term rental regulations, and the occupancy standards that are created as part of that. Ms. Flemister answered that yes, it exists in the current code, and some issues still need to be addressed with that.

#### OWNERSHIP:

Ms. Flemister sought direction from the Commission if the owner occupancy should remain unchanged, or if an owner needs to live on site, or if the owner can rent both units.

- Commissioner Horne suggested that the code should offer more clarity in whether the owner can still rent rooms in both units while still living in the home.
- Commissioner Givens commented that he liked this caveat in the code.
- Commissioner Edmonds disagreed with renting both of the units in their entirety.
- Commissioner Santhuff commented that the DADUs will be built with the current owner's use at the time. By the owner living in one of the units on site, it would help to maintain a sense of ownership.
- Chair Wamback clarified that none of the commissioners agreed to renting both units.

#### PARKING:

Ms. Flemister noted that DADUs would not be a strong driving factor in parking.

- Vice-Chair Petersen commented that she strongly agreed to the thought of no off street parking required, as there is no such requirement for attached ADUs or residential units. She noted that if the owner of an owner-occupied home next to a mixed-use district foresees their DADU causing parking issues, they will most likely build an onsite parking stall.
- Commissioner Edmonds mentioned that if at all possible, she would like to see off street parking required for neighborhoods.
- Commissioner Givens asked whether the city requires the number of parking stalls per bedroom; whether there is a mechanism to require single family residents to park on their own property; and as apartment complexes and large projects are built, whether there has been an increase in large surface parking lots. Ms. Flemister answered that one, it's not proportional to the bedroom, and two, many residents don't have the ability to park on property, and there is no way to enforce that. Regarding the third question, Ms. Flemister noted that she can follow up later.
- Commissioner Strobel asked how have other cities approached the parking issue. Ms. Flemister answered that she has looked at Portland, Seattle, Santa Cruz, and Pierce County. The only one that required parking was Pierce County. Commissioner Strobel wanted to know more about Santa Cruz where the housing is costlier. Ms. Flemister answered that they have constrained housing supply and do not require parking. Commissioner Strobel wanted to echo Vice-Chair Petersen, i.e., leaning towards no parking requirements.
- Vice-Chair Petersen commented that the less paved space, the better.
- Commissioner Horne asked during Ms. Flemister's research, has she found that by not requiring any on street parking, that it drives residents of the area to use public transportation, or voice their concern about the inadequacies of public transportation around that area. Ms. Flemister answered that she does not have proof or evidence regarding the behaviors of what causes people to use public transportation surrounding ADUs.

- Commissioner Edmonds commented that the regulation shouldn't be driven by its impossible to do, but rather, it CAN be done. She is very sensitive to the neighborhoods that don't want parking clutter. If it's an issue of consistency, then it's just as practical to require off street parking for both attached and detached, same as you would not require both. She votes for required parking.
- Commissioner Givens believed that parking should be tied to more of the walkability of the area. It seems strange to have an ADU in the back of the house to require a parking stall, while the principal house has eight roommates who all have cars and are parking on the street.
- Commissioner Santhuff wanted to echo Commissioner Givens' concerns. He indicated that we don't regulate parking based on the demand of the house and we should find a way to include parking by incentivizing, perhaps by setting a limit on the area for the DADU, but allowing a slightly larger area if there is off street parking in the design. There are already some allowances for larger square footage if the structure includes a garage, so this would be another way to achieve additional parking.
- Commissioner Horne commented that ADUs are treated differently than the house, so parking requirement could be treated differently, and it may be beneficial to think about each neighborhood differently on a case by case basis.
- Chair Wambach commented that to the extent that either the principal house, the existing house, or the DADU gets put into a short term rental inventory, then parking requirements should be different. Requiring more off street parking would require more concrete, asphalt, or gravel, which is not great for the climate or human health. He continued that if you have a neighborhood that's so dense, the city should have some sensitivity to areas that already have overburdened dense parking.
- Vice-Chair Petersen commented that why put so many burdens under the guise of affordable housing. This is how some people are able to keep living in their home, and it's not up to the Commission to make affordable housing more difficult.
- Commissioner Strobel commented that while looking at Seattle's DADU issue, they are at 67% parking capacity, and Tacoma is not breaking new ground on this issue and there is much to learn from other cities. Parking shouldn't be the debate. He believes there is a lot of free parking in the city and a lot of businesses are under constraint.

#### LEGALIZATION:

Ms. Flemister suggested to offer another amnesty period, and asked the Commissioners whether ADUs coming into compliance should have to meet development standards, or all standards.

- Vice-Chair Petersen commented that she thinks an amnesty period is a marvelous idea, and anything that promotes life and health safety is a no brainer.
- Commissioner Givens was generally in support of an amnesty period, and wanted to make sure the code separates what is a non-conforming structure and legal structure versus a non-conforming illegal use. He suggested building some flexibility into the code to acknowledge that.

#### LOT SIZE (and USAGE):

The Commissioners were asked to comment on whether the lot size can be smaller than the minimum standard lot sizes appropriate to various residential districts.

- Commissioner Givens offered that lot size should depend on the location of the ADU – smaller lot size may work for a more walkable neighborhood, but not for a more auto-dependent neighborhood.
- Commissioner Strobel suggested that a conditional use permit could be added to ADU for a smaller lot size, if minimum quality is maintained and assured.
- Vice-Chair Petersen suggested staff explore some samples of building to lot size ratios.

- Commissioner Edmonds commented that the lot size should be driving many other criteria that the city is using. She noted that staff and the Commission are trying to come up with a one size fits all, when in reality there are so many variables. There should be a minimum lot size, although she's not sure what it should be. Her inclination is a 7500 sq. ft., as a DADU is an actual additional building. Her fear is that the regulations will not make sense. There should be a range of what is acceptable per lot size.
- Commissioner Givens commented that neighbors are concerned. He thinks that meeting the minimum lot size per district is a good idea, as that is a good beginning point. People can digest that and be comfortable with it.
- Commissioner Santhuff asked that by having these lot sizes, what areas of the city are we precluding. Ms. Flemister answered particularly north of I-5 is where most of the preexisting lots are smaller in most cases. Commissioner Santhuff commented he would be curious as to what lot size and threshold would not preclude that huge slot in the city in this program, and to have some kind of framework to understand how these minimums relate to the city. Beyond that, he noted that he liked the idea that these are the minimum standards for the districts, and that a conditional use permit might be an approach to allowing something on a smaller lot.
- Chair Wamback commented that he is intrigued by Commissioner Strobel's suggestion on the conditional use permit, which provides some creativity. In some of the smaller lots, there are DADUs, and they've existed for a long time without doing anybody any harm, such is the case in the neighborhood where he lives.

(Chair Wamback recessed the meeting at 6:35 p.m. The meeting resumed at 6:50 p.m.)

#### BUILDING SIZE:

Regarding whether the building size can be larger, and does the lot size impact the maximum ADU size, Ms. Flemister suggested to either have no change in what's currently written, to simplify, or tie building size to lot size.

- Commissioner Givens commented that he's uncomfortable with having the Commission decide how big a DADU should be, and offered to look at what other cities have done on this matter.
- Commissioner Santhuff commented that the staff's approach seems to make sense. He suggested that the building size could tie with such bonuses as more usable yard space and offsite parking and that a larger DADU could be allowed with a conditional use permit as long as it is still proportionate to the main house.
- Commissioner Edmonds asked at what point is a DADU no longer a detached unit but a separate dwelling unit, and commented that it is one of the risks of not having the size of the ADU being relative to the main residence.
- Commissioner Givens suggested having a set of standards, with the conditional use permit to deal with unique sites and conditions.
- Commissioner Strobel concurred and commented that he is not a fan for ADUs to max out. If the city is not trying to control parking, then why try to cap out square footage.
- Commissioner Edmonds commented about the transfer to new ownership. If there is the ability to separate title so that the ADU becomes a separate single family dwelling, how do we make sure that people don't create illegal subdivisions. The only thing preventing it now is the tie of the title.
- Vice-Chair Petersen commented that the code already addressed this. The ADU goes on title with the home, and it runs with the land, not the ownership.
- Chair Wamback wanted to clarify if the square footage is being referred to as surface area/land usage for the DADU or the structure footage of the DADU. Ms. Flemister commented that needs to be clarified.
- Vice-Chair Petersen commented that the code needs a lot of clarification.

- Chair Wamback asked if the city maintains an independent database on the square footage of houses in the city or does the county assessor's? If we want a final framework to the customers, we need a point of time that we can tell our customers. We want their housing to be resalable if needed.

#### DESIGN and STREET FRONTAGE:

Ms. Flemister believed the setbacks were fairly consistent with other portions of the city's code and they didn't need to be changed. She wanted to make sure everyone was on the same page with street frontage and orientation of that. She asked if an alley way orientation is appropriate compared to a side yard access.

- Vice-Chair Petersen commented that the city should be flexible, and Commissioner Givens commented that he agreed with that sentiment.
- Chair Wamback noted that he believed it would be very awkward to require access only from the back of the house. He noted that he would not like the City of Tacoma to perpetuate access in the back of the home due to what that has meant in other parts of the country.
- Commissioner Strobel commented that ADUs easily get lost in census inventory and are impacted in school funding and the like.

#### BUILDING ORIENTATION:

Ms. Flemister asked for direction regarding the thoughts about alley or side yard-focused entry, orientation, and walkways, if appropriate. She noted some options would be allowing for flexible configuration, or a dictated orientation.

- Vice-Chair Petersen commented that she liked flexibility. Chair Wamback commented that he agreed with flexibility, and thought that it would be awkward to require access solely from the alley.
- Commissioner Givens commented that there was concern about police and fire personal being able to find the address, and to acknowledge that somewhere in the ordinance code.

#### ARCHITECTURAL FEATURES:

Ms. Flemister asked for direction on whether the DADU needs to match the main house and how, or, what should the criteria be for a more modern design, or just matching the style/material, or having no consistency.

- Vice-Chair Petersen commented she likes the idea of it matching the main house, but maybe there needs to be allowance for variation.
- Commissioner Santhuff believed the requirement is unnecessary and hurts creativity. He commented that we don't require that houses on the same block to have the same style, so this is limiting to people's lifestyles and needs.
- Commissioner Strobel commented that stand alone, this does not make sense, such as requiring a brick house to have a brick DADU. However, this does make sense to areas such as the historical districts.
- Chair Wamback and Commissioner Givens asked some questions about whether modular DADUs would be allowed and whether DADUs would be allowed for townhouses, duplexes or triplexes.
- Commissioner Edmonds commented that because we're making exceptions to create DADUs without short platting, there is a responsibility to require that the DADU in some fashion conform to the neighborhood. She suggested that DADUs have the potential of changing the neighborhood, so we should be sensitive.
- Commissioner Strobel commented he doesn't want the city to go down the path of acting as a home owner association. He has a home that the cedar shingle was replaced with vinyl. The

materials change over time as technology changes. If the city limited the DADU to certain features of the main home, then the main home is also limited in what can be done to it in the future.

- Commissioner Horne commented that if matching the main house costs more, it works against the affordability goal.
- Chair Wamback commented that there will need to be research done on enforcing characteristics in neighborhoods.

#### HISTORIC CHARACTER:

Ms. Flemister noted that if the proposed project is in a historic district or the house has special architectural features or is landmarked, then the home needs to be deferred to the Landmark Preservation Commission (LPC). Ms. Flemister also commented that the LPC already has historic regulations. Instead of being a separate item it would just get merged in with architectural and there would be deference to the LPC there. The Commissioners concurred and had no further comments.

#### WALKWAYS:

Ms. Flemister noted that citizens were having trouble coming into compliance with walkways during the residential infill pilot program implementation.

- Vice-Chair Petersen commented that she wanted to clarify what a walkway is. Secondly, she didn't believe this was necessary, and that the home owner should decide if they want a concrete strip, or paved stones, and how wide. Commissioner Givens concurred.
- Commissioner Edmonds commented that many of the people who needed a DADU are elderly and disabled, and there should be a safe walking pattern from the street to the front door. Ms. Flemister noted that single-family homes do not need to comply with ADA standards.
- Commissioner Santhuff commented that he does believe that there should be a very defined path to the DADU, whether or not it's paved, or gravel, so someone can understand where they're going. Four feet is not necessary.
- Vice-Chair Petersen mentioned that not all homes with alley way access have their waste management picked up in the alley or the front of the home.

#### PROCEDURES/ Design Review:

Ms. Flemister noted that what seemed to be a standard procedure that she found in her research is an administrative review of design standards. She asked the Commission for direction on having an administrative review vs a temporary design review board.

- Commissioner Givens commented he would like to see the home owner be able to go to the city and pull a permit as a home owner without another layer, i.e., following the existing building permit procedures.
- Commissioner Strobel commented that he is in favor of an administrative design review.
- Vice-Chair Petersen also voted for having an administrative design review. She noted that if a case involves historic characters, it goes to the LPC, which is a design review process.

#### PROCEDURES/ Short-Term Rentals:

Ms. Flemister asked for direction on what the duration of short-term rentals should be, as well as what the cap on days per year should be. She noted that an option would be to reduce the duration and cap the days in single-family districts, or to leave as what is currently written.

- Vice-Chair Petersen commented that the code should remain the same. Commissioner Givens concurred and noted that the owner-occupancy requirement would reduce some nuisance that may be created by the renters.

- Commissioner Strobel commented asked if there are any punishments for violating that code, as he is concerned in exploiting that in some way if it doesn't meet code. Mr. Wung clarified that the short-term rental regulations do not include any punishment provisions and that violations are addressed through the complaint-based enforcement.
- Chair Wamback suggested leaving the code as is but providing appropriate materials to prospective short-term rental operators informing them that the city can change its regulations at any time.

#### COMMUNICATION PLAN:

Ms. Flemister noted that this is a two phase approach, where Phase 1 involved education and outreach on code change, and what to look out for about the ability to build the DADU and Phase 2 involved campaigning to "get the word out" which would tentatively begin in December through early 2019.

- Chair Wamback suggested setting up a DADU website. He also noted that the concept of ADUs is an interesting topic to the Safe Streets and Neighborhood Councils, and staff should reach out to them to eliminate misinformation.
- Commissioner Givens suggested talking with mortgage lenders and realtors so that home owners can see how this affects them.
- Commissioner Strobel suggested interviewing at TV Tacoma's City Line to advertise the amnesty provision and encourage code compliance.
- Chair Wamback suggested reaching out to UW Tacoma, UPS, PLU, and TCC who possess housing stock for students and may be interested in DADUs. Commissioner Waller added that colleges such as Pierce College, Clover Park, Bates, and Evergreen should also be included.

#### SUMMARY AND NEXT STEPS:

In conclusion, Ms. Flemister summarized what she's heard over the course of this meeting:

- Occupancy – Defer to Title 2.
- Ownership – The owner must live in one of the two units.
- Parking – No parking requirement, but incentivize for including off street.
- Legalization – Include an amnesty period, to build in flexibility for use, and what standards can be met.
- Lot Size – Keep the minimum standard lot size as the base line, and require a conditional use permit for a smaller lot. Conduct inventory to understand what the implications might be, and provide some mock site plans to see different conditions.
- Building Size – Require a conditional use permit for a larger size, and clarify square footage information.
- Street Frontage and Building Orientation – Allow for flexibility and look at addressing.
- Architectural Features – Will not be dictating style or material.
- Historic Character – Defer to the Landmarks Preservation Commission.
- Walkways – Require a defined pedestrian access.
- Design Review - Administrative.
- Short-Term Rentals - Leave it as is.

The Commissioners concurred and provided some further suggestions, including (a) continue to reiterate that AADUs are already allowed, (b) do a comparison of AADUs and DADUs, and (c) tell why we are doing this (affordability is not the only reason).



Ms. Flemister also indicated that the Commission is tentatively scheduled to review the draft code on September 5<sup>th</sup>, conduct a public hearing on October 3<sup>rd</sup>, and make a recommendation to the City Council on October 17<sup>th</sup>.

## **2. Planning Commission's Rules and Regulations ("Bylaws")**

Mr. Wung facilitated the Commission's consideration for amending the Rules and Regulations ("Bylaws") concerning "Absences", as set forth in Section IV.E, to be in conformity with relevant provision as set forth in the Tacoma Municipal Code (TMC), Section 13.02.010. He summarized the proposed amendment and its intent and noted that the amendments to TMC 13.02.010 had been added to the "Code and Plan Cleanups" application of the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2018 ("2018 Amendment") and adopted by the City Council in June 2018.

Commissioner Edmonds made a motion to amend the Bylaws as proposed. Commissioner Santhuff seconded the motion. The motion passed unanimously.

### **E. Communication Items**

Commissioner Waller suggested the Commission to think about offering teleconference meetings versus in person meetings. Mr. Boudet noted that as it stands, there are no rules prohibiting Commissioners from participating in meetings electronically. Chair Wamback commented that for an occasional purpose, participating by phone is fine, but the public has a right to see the Commission in person. If Commissioners begin participating electronically a lot, he would like to change the Bylaws to include that participation needs to be in person at least two thirds of the time. Commissioners need to make every effort to be present the majority of the time for the full meeting. Chair Wamback further commented that if the technology can work, and the room is accessible for the public, he could support that without having to make a bylaw change. He noted that if any of the Commissioners want to participate electronically, that they can coordinate with staff.

Chair Wamback entertained a motion to cancel the August 15<sup>th</sup> meeting. Commissioner Edmonds made a motion to that effect and Commissioner Santhuff seconded the motion. The motion passed unanimously.

### **F. ADJOURNMENT**

The meeting adjourned at 8:35 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:*

[http://www.cityoftacoma.org/government/committees\\_boards\\_commissions/planning\\_commission/agendas\\_and\\_minutes/](http://www.cityoftacoma.org/government/committees_boards_commissions/planning_commission/agendas_and_minutes/)