



City of Tacoma  
 Planning and Development Services Department  
 747 Market St, Room 345  
 Tacoma, WA 98402

# NOTICE OF DECISION

Date of Decision: 1/13/2016  
 Appeal Period Ends: 1/27/2016  
 Decision Effective: 1/28/2016

**Decision:** Approved, subject to conditions

**Proposal:**

An Innocent Purchaser Request to allow development on a parcel that was subdivided illegally, prior to the applicant's purchase and without the applicant's knowledge. The parcel does not meet lot area or lot width requirements.

**Applicant:** Homeownership Center of Tacoma

**Location:** 1406 East 53rd Street (Parcel Number 2965000291)

**Application No:** INT2015-40000243743

For further information regarding the proposal, **log onto the website at <http://tacomapermits.org> and select "Message Board"**. The case file may be viewed in Planning and Development Services, 747 Market Street, Room 345.

**Appeal Procedures:**

**Reconsideration:** Any person having standing may request reconsideration of the Director's decision, based upon errors of procedure or fact, by submitting a request in writing to Planning and Development Services at the address below.

**Appeal to Hearing Examiner:** Any aggrieved person or entity may appeal to the Hearing Examiner by filing a written Notice of Appeal and submitting the filing fee of \$320.90 to the Hearing Examiners Office (747 Market St, Room 720) which contains the following:

- A brief statement showing how the appellant is aggrieved or adversely affected
- A statement of the grounds for the appeal, explaining why the appellant believes the administrative decision is wrong.
- The requested relief, such as reversal or modification of the decision.
- The signature, mailing address and telephone number of the appellant and any representative of the appellant.

THE FEE SHALL BE REFUNDED TO THE APPELLANT SHOULD THE APPELLANT PREVAIL.

**Staff Contact:** Charla Kinlow, Associate Planner, 747 Market St, Room 345, (253) 594-7971, ckinlow@cityoftacoma.org

**Environmental Review:** In accordance with the State Environmental Policy Act (SEPA) administered under the Washington Administrative Code (WAC) 197-11-800 and the City of Tacoma Environmental Regulations administered under TMC Chapter 13.12, the Environmental Official has reviewed this project and determined that the project is exempt from SEPA provisions.

*To request this information in an alternative format or a reasonable accommodation, please call 253-591-5030 (voice). TTY or STS users please dial 711 to connect to Washington Relay Services.*



City of Tacoma  
Planning and Development Services Department  
747 Market St, Room 345  
Tacoma, WA 98402

## **NOTICE OF LAND USE DECISION**



**INNOCENT PURCHASER  
APPLICATION FOR:**

**FILE NO.: INT2015-40000243743**

Timothy Kropf  
Homeownership Center of Tacoma  
1424 South J Street  
Tacoma, WA 98405

**SUMMARY OF REQUEST:**

An Innocent Purchaser Request to allow development on a parcel that was subdivided illegally, prior to the applicant's purchase and without the applicant's knowledge. The parcel does not meet lot area or lot width requirements.

**LOCATION:**

1406 East 53<sup>rd</sup> Street (Parcel Number 2965000291)

**SUMMARY OF DECISION:**

The Innocent Purchaser Request is **Approved**, subject to conditions.

**Notes:**

The appeal period on this decision closes January 27, 2016, and the effective date of this decision is the following business day, provided no requests for reconsideration or appeals are timely filed as identified in APPEAL PROCEDURES of this report and decision.

The Director has jurisdiction in this matter per *TMC* 13.05.030. The applicant bears the burden of proof to demonstrate the proposal is consistent with the provisions of the *TMC*, the applicable provisions and policies of the City's *Comprehensive Plan*, and other applicable ordinances of the City.

**FOR ADDITIONAL INFORMATION CONCERNING THIS LAND USE PERMIT PLEASE  
CONTACT:**

Charla Kinlow  
Planning and Development Services Department  
747 Market Street, Room 345, Tacoma, WA 98402  
253-594-7971 or ckinlow@cityoftacoma.org

## **SUMMARY OF RECORD**

The following attachments and exhibits constitute the administrative record:

### **Attachments:**

- Attachment "A": Site plan
- Attachment "B": Departmental Comments

### **Exhibits<sup>1</sup>:**

- Exhibit "A": Applicant's Justification for the Innocent Purchaser Request

## **FINDINGS**

### **Proposal:**

1. The applicant requests an allowance to develop a parcel that was subdivided illegally, prior to the applicant's purchase and without the applicant's knowledge. The parcel does not meet lot area or lot width requirements.
2. The parcel is 25 feet wide and 120 feet long, and has an area of 3,000 square feet.
3. The parcel was previously part of the parcel to the east, parcel number 2965000292. Prior to the illegal subdivision, which occurred in 2002, the parcel number was 2965000290.

### **Project Site:**

4. The site is located within the "R-2" Single-Family Residential Dwelling District.
5. The City's Neighborhood Element of the *Comprehensive Plan* locates the subject site within the Eastside Neighborhood and McKinley Subarea.
6. The City's Generalized Land Use Element (GLUE) of the *Comprehensive Plan* designates the site as "Single-Family Detached Housing Area Intensity" and a Tier I – Primary Growth area.
7. The subject site is relatively flat. There are tall trees currently located towards the front of the lot. The site has frontage on East 53<sup>rd</sup> Street. There is an undeveloped alley to the south.

### **Surrounding Area:**

8. The surrounding properties are developed with single-family dwellings on parcels that meet or exceed lot width and lot area minimum requirements.

### **Additional Information:**

9. The applicant's justification for the application is marked as an Exhibit to this report and decision. In summary, the applicant states that the subject parcel was purchased in 2005 from Habitat for Humanity, and that a title report and Pierce County records did not indicate that the site was unbuildable.
10. The application was on hold from June 26, 2015 until December 24, 2015.

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<sup>1</sup> All Exhibits are contained in Planning and Development Services Department File No. MLU2015-40000244795. They are referenced and incorporated herein as though fully set forth.

**Notification and Comments:**

11. The application was determined to be complete on April 15, 2015. Written notice of the application has been mailed to owners of property within 100 feet of the site as indicated by the Pierce County Assessor/Treasurer's records, the neighborhood council, and qualified neighborhood groups, allowing for at least 14 days of comment period. Public notice was posted on the site within seven days of the start of the comment period. No public comments were received.
12. Local governmental agencies and utility providers have reviewed the requested permit. Comments were received from Jesse Angel, Tacoma Water; Jeffrey Rusler, Tacoma Power; Dan Sully, Plan Review Engineer; Frank Marescalco, Site Development Group; and Brad Harp, Tacoma-Pierce County Health Department. Departmental comments are referenced as attachments within this report and included as Conditions of Approval.

**Applicable Regulations and Policies:**

13. *TMC 13.04.280* Development of Illegally Divided Land

An application for a building permit or other development permit for any lot, tract, or parcel of land divided in violation of state law or these regulations shall not be granted without prior approval by the Director. Approval shall only be given following an application for determination by the Director under which the applicant must demonstrate to the satisfaction of the Director that either the applicant is an innocent purchaser for value OR a public interest exists that meets the required criteria below:

Innocent Purchaser for Value

- A. The applicant purchased the lot, tract or parcel for value;
- B. The applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing the land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of state law or these regulations.

OR

Public Interest Determination

- A. The Tacoma-Pierce County Health Department has certified that the proposed means of sewage disposal and water supply on and to the lot, tract or parcel are adequate and;
  - B. The City Engineer has certified that the lot, tract or parcel is served with an adequately designed means of ingress and egress, and with adequate drainage facilities, none of which interferes with or impairs existing or planned public highway and drainage facilities in the vicinity and;
  - C. The Planning and Development Services Department has certified that the proposed development will not adversely affect the safety, health, or welfare of owners of adjacent property or interfere with their enjoyment of their property.
14. *TMC Section 13.06.100.C.4* allows for single-family detached dwellings within the R-2 Single-family Dwelling District.
  15. *TMC Section 13.06.100.D* requires standard lots to be a minimum of 5,000 square feet and small lots to be a minimum of 4,500 square feet within the "R-2" District. The minimum lot width requirement for a standard lot is 50 feet and 35 feet for a small lot.
  16. *TMC Section 13.06.100.D* requires all on-site parking for dwellings and buildings other than

dwellings to be located in the rear portion of the lot and prohibits access from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed, subject to determination by the City Engineer.

17. *TMC* Section 13.06.145 Small-lot Single-family Residential Development

D. Design standards – Applicability

2. New single-family dwellings on new lots that are more than 10% smaller than applicable standard minimum lot dimensions in Section 13.06.100.D (where greater reductions are permitted, or a variance has been approved) shall be subject to the design requirements found in Sections 13.06.145.E and 13.06.145.F.

18. The *Comprehensive Plan*, which sets forth policy regarding development in the City of Tacoma, provides the following policy guidance relative to residential development:

**LU-RDG-1 Protect Established Residential Areas**

Protect, preserve and maintain established residential neighborhood areas located outside of designated mixed-use centers where a definite density, housing type and character prevail; nuisances and incompatible land uses should not be allowed to penetrate these areas. (GLUE, page LU-40)

**LU-RDG-3 Housing Opportunities**

Encourage the development of residential areas that offer a variety of housing opportunities for all segments of the population within all areas of the city. (GLUE, page LU-41)

**LU-RDG-9 Adequate and Safe Circulation Facilities**

Require sufficient rights-of-way, street improvements, access control, circulation routes, off-street parking and safe bicycle paths and pedestrian walkways for residential developments. (GLUE, page LU-41)

**LU-RDLISFD-1 Protect and Preserve Single-Family Neighborhoods**

Established, viable, single-family residential areas having uniform housing type and character should be protected, preserved and maintained. (GLUE, page LU-52)

**LU-RDLISFD-7 Recognize Existing Character**

New development within identified single-family detached housing areas should be designed and scaled to blend in with the existing or planned neighborhood character. (GLUE, page LU-52)

19. The Eastside Neighborhood Area Vision states the following (page Neigh-15):

The physical elements that provide that sense of place include a grid of streets, housing variety, greenspaces, mature trees, parks, views, neighborhood schools, historic structures, and compact commercial districts. This environment is viewed as providing a comfortable and desirable place in which to reside and/or raise a family.

Infill development and redevelopment will occur throughout the Eastside. Densification, however, will occur only in limited, designated areas. Amenities and improvements that enhance existing elements are desired such as beautification projects, improvements in street lighting and sidewalk and street conditions, and increased recreation.

## CONCLUSIONS<sup>2</sup>

1. Provided the conditions of approval are met, the proposal meets the criteria identified in *TMC* 13.04.280 for approval of an Innocent Purchaser Request under the "Public Interest Determination<sup>3</sup>" criteria as follows:
  - a. The Tacoma-Pierce County Health Department has indicated that they have no objections to the project as proposed, provided appropriate conditions are in place to certify that the proposed means of sewage disposal and water supply on and to the lot, tract or parcel are adequate. Conditions and advisory comments have been received and incorporated into this decision from Site Development and Tacoma Water for management of sewage disposal and water supply. Findings 13-14, Attachment "B"
  - b. The City Engineer has certified that, as conditioned, the lot, tract or parcel is served with an adequately designed means of ingress and egress, and with adequate drainage facilities, none of which interferes with or impairs existing or planned public highway and drainage facilities in the vicinity. Findings 13-14, Attachment "B"
  - c. The Planning and Development Services Department has certified that, as conditioned, the proposed development will not adversely affect the safety, health, or welfare of owners of adjacent property or interfere with their enjoyment of their property. Findings 1-3, 12-20, Attachment "B"

## DECISION

Based upon the above findings and conclusions, the Innocent Purchaser Request is **Approved**, subject to the following conditions:

### Conditions:

1. A survey will be required to be submitted with the building permit, to accurately site the house on the property.
2. Any proposed development will need to meet the small-lot development standards included in *TMC* Sections 13.06.145.E and 13.06.145.F and/or applicable requirements in place at the time of building permit submittal.
3. At the time of building permit submittal, a work order shall also be submitted that incorporates the following requirements<sup>4</sup>:
  - Pursuant to *TMC* Section 13.06.100.D, all on-site parking is required to be located in the rear portion of the lot and not accessed from the front of the site. A work order is required for development of the alley. A licensed professional civil engineer must submit street plans for review and approval following the City's work order process. To initiate a

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<sup>2</sup> Conclusions are based upon the applicable criteria and standards set forth in the *Tacoma Municipal Code (TMC)*, the policies of the Comprehensive Plan, and the Attachments and Exhibits listed herein. Any conclusion of law hereinafter stated which may be deemed a finding of fact herein is hereby adopted as such.

<sup>3</sup> The applicant has provided information to indicate that they meet the "Innocent Purchaser for Value" criteria. However, review of submitted materials indicates that the applicant did not contact the City to inquire about buildability of the parcel until April 2014, nine years after the purchase date. If the applicant had contacted the City prior to purchase and had been given incorrect information, that information would be appropriate to be used towards meeting the "Innocent Purchaser for Value" criteria. While there is some evidence that applicant did not know that the lot had been part of a larger parcel divided in violation of state law or City regulations at the time of purchase, the City would strongly encourage the applicant to verify buildability of unique and/or constrained sites with the City Planning Department prior to future purchases of such sites.

<sup>4</sup> The bulleted requirements are subject to modification by the associated department as needed to meet code requirements and department policy and manuals in place at the time of building permit/work order submittal. Compliance with the most current requirements will ensure the protection of the public health, safety and welfare.

work order, contact the Public Works Private Development at (253) 591-5760. A performance bond is required for all work orders per *TMC* 10.22.070.F. The alley must be developed to the farthest property line from an existing public street per the 2004 Public Works Design Manual. The type, width, and location of all driveway approaches serving the site shall be approved by the City Engineer. Note the following:

- An asphalt alley approach is required.
  - Alley pavement width shall be a minimum of 16 feet.
  - It appears that relocation of existing power poles will be necessary.
  - Pavement section shall conform to Tacoma Standard Plan PD-01.
  - Stormwater from the alley must be managed per 2012 SWMM.
- East 53<sup>rd</sup> Street fronting the property shall be restored in accordance with the Right-of-Way Restoration Policy. It appears this will require a full street 2-inch grind and 2-inch Hot Mix Asphalt (HMA) overlay from property line to property line after utilities are installed.
  - All broken, damaged, or hazardous curb and gutter abutting the site along East 53<sup>rd</sup> Street shall be removed and new cement concrete curb and gutter constructed in its place to the approval of the City Engineer.
  - All broken, damaged, or hazardous sidewalk abutting East 53<sup>rd</sup> Street shall be removed and new cement concrete sidewalk constructed in its place to the approval of the City Engineer.


Advisory Notes:

The below notes are meant to provide additional information to the applicant relative to the specific development proposal. These notes are not conditions of the permit nor do they constitute a complete review of the project.

1. Building permits are required for any proposed structure(s).
2. Any utility construction, relocation, or adjustment costs shall be at the applicant's expense.
3. Tacoma Power may require additional easements or relocation of existing service at the time of building permitting. Specific comments are included as an attachment.
4. The project will need to meet requirements of Tacoma Water. Specific comments are included as an attachment.
5. All stormwater shall be managed in compliance with the City of Tacoma Stormwater Management Manual (SWMM). The applicant shall review SWMM Minimum Requirements #1-12 and comply with all applicable requirements. Based upon the scope of the project as currently proposed, it appears that this project is required to comply with Minimum Requirements 1-5 and 11. Compliance with Minimum Requirement 10 shall be required if any on-site stormwater management features are installed. A Covenant and Easement Agreement shall be required for all projects with private storm drainage systems.



ORDERED this 13<sup>th</sup> day of January, 2016.



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Peter Huffman  
Director, Planning and Development  
Services Department

**FULL DECISION TRANSMITTED** by first class mail and interoffice email to:

Timothy Kropf, Homeownership Center of Tacoma, 1424 South J Street, Tacoma, WA 98405

**Interoffice Email:**

Sue Coffman, Planning and Development Services  
Jeff Rusler, Tacoma Power  
Jesse Angel, Tacoma Water  
Frank Marescalco, Site Development Group  
Brad Harp, Tacoma Pierce County Health Department

**SUMMARY OF DECISION TRANSMITTED** by first class and interoffice mail to the following:

All property owners within 100 feet of the subject site  
Eastside Neighborhood Council  
Neighborhood Planning Team Members: Brian Boudet, Ian Munce, and Carol Wolfe

**PURSUANT TO RCW 36.70B.130, YOU ARE HEREBY NOTIFIED THAT AFFECTED PROPERTY OWNER(S) RECEIVING THIS NOTICE OF DECISION MAY REQUEST A CHANGE IN VALUATION FOR PROPERTY TAX PURPOSES CONSISTENT WITH PIERCE COUNTY'S PROCEDURE FOR ADMINISTRATIVE APPEAL. TO REQUEST A CHANGE IN VALUE FOR PROPERTY TAX PURPOSES YOU MUST FILE WITH THE PIERCE COUNTY BOARD OF EQUALIZATION ON OR BEFORE JULY 1ST OF THE ASSESSMENT YEAR OR WITHIN 30 DAYS OF THE DATE OF NOTICE OF VALUE FROM THE ASSESSOR-TREASURER'S OFFICE. TO CONTACT THE BOARD CALL 253-798-7415 OR <WWW.CO.PIERCE.WA.US/BOE>.**

## **APPEAL PROCEDURES**

Any request for RECONSIDERATION and/or any APPEALS must be submitted in the applicable manner as outlined below on or before **January 27, 2016**.

### **RECONSIDERATION:**

Any person having standing under the ordinance governing this application and feeling that the decision of the Director is based on errors of procedure or fact may make a written request for review by the Director within fourteen (14) days of the issuance of the written order. This request shall set forth the alleged errors, and the Director may, after further review, take such further actions as deemed proper, and may render a revised decision. A request for RECONSIDERATION of the Director's decision in this matter must be filed in writing to the staff contact listed on the first page of this document.

### **APPEAL TO HEARING EXAMINER:**

Any decision of the Director may be appealed by any aggrieved person or entity as defined in Section 13.05.050 of the *Tacoma Municipal Code*, within fourteen (14) days of the issuance of this decision, or within seven (7) days of the date of issuance of the Director's decision on a reconsideration, to appeal the decision to the Hearing Examiner.

An appeal to the Hearing Examiner is initiated by filing a Notice of Appeal accompanied by the required filing fee of **\$320.90**. Filing of the appeal shall not be complete until both the Notice of Appeal and required filing fee has been received. **THE FEE SHALL BE REFUNDED TO THE APPELLANT SHOULD THE APPELLANT PREVAIL.** (Pursuant to Section 2.09.020 of the *Tacoma Municipal Code*, fees for appeals shall be waived for qualifying senior citizens and persons who are permanently handicapped who are eligible for tax exemption because of financial status.)

The Notice of Appeal must be submitted in writing to the Hearing Examiner's Office, Seventh Floor, Tacoma Municipal Building, and shall contain the following:

- (1) A brief statement showing how the appellant is aggrieved or adversely affected.
- (2) A statement of the grounds for the appeal, explaining why the appellant believes the administrative decision is wrong.
- (3) The requested relief, such as reversal or modification of the decision.
- (4) The signature, mailing address and telephone number of the appellant and any representative of the appellant.



**Kinlow, Charla**

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**From:** Brad Harp <BHarp@tpchd.org>  
**Sent:** Wednesday, December 23, 2015 4:25 PM  
**To:** Kinlow, Charla  
**Subject:** Innocent purchaser request

Attachment B

**Charla:**

We have no objection to this as long as you get something from the sewer utility verifying sewer hookup and final notice from Tacoma Water indicating the applicant has met all their requirements.

Brad

***Brad D. Harp, L.Hg.***

Water Resources Program Manager  
Environmental Health Division  
(253) 798-2851 • bharp@tpchd.org



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**From:** Kinlow, Charla [<mailto:CKinlow@ci.tacoma.wa.us>]  
**Sent:** Wednesday, December 23, 2015 3:31 PM  
**To:** Info TPCHD; EH SolidWaste; SEPA  
**Subject:** 1406 East 53rd Street - Innocent Purchaser Request - TPCHD Response Needed

Good Afternoon,

I have a request for an Innocent Purchaser application for some land that was previously illegally divided. I have attached the public notice associated with this permit that was sent. This does not trigger SEPA review; however, in order to demonstrate compliance with our requirements for approval, I need to verify that the Tacoma-Pierce County Health Department has no objections and that the proposed means of sewage disposal and water supply on and to the lot, tract or parcel are adequate. City staff has currently compiled a list of the following conditions to ensure that this requirement is met:

**Kinlow, Charla**

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Attachment B

**From:** Rusler, Jeffrey  
**Sent:** Thursday, December 24, 2015 11:47 AM  
**To:** Kinlow, Charla  
**Subject:** RE: Please Verify - Innocent Purchaser 1406 East 53rd Street - Request for Additional Information

Charla,

Tim did contact us about this. I thought I sent you an email about this but apparently I hadn't, sorry. He, nor my field coordinator, could find the service box that should be there. We'll just need an easement or possible underground line relocation prior to issuing the building permit. However, they don't need to show the box on the site plan and it doesn't need to hold up the current process.

Thanks,

**Jeff Rusler, P.E. | Tacoma Power**  
**T&D Electrical Services - New Services Engineering**  
**P: (253) 502-8309 | F: (253) 502-8659**  
<http://www.mytpu.org/tacomapower/permitting/>

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**From:** Kinlow, Charla  
**Sent:** Wednesday, December 23, 2015 2:40 PM  
**To:** Rusler, Jeffrey  
**Subject:** Please Verify - Innocent Purchaser 1406 East 53rd Street - Request for Additional Information

Hi Jeff,

Can you confirm whether the issue below has been resolved?

Tim indicates that the location of the plastic service box could not be located, as requested and indicates that someone from Tacoma Power has told him that its location does not need to be shown on the site plan. I did not get any email with regards to that. The application was to allow development of land on a parcel that was subdivided illegally, prior to the applicant's purchase and without the applicant's knowledge. I've reattached the public notice for reference if you need it. I have also attached your original comments.

Charla Kinlow  
Planning and Development Services

**Kinlow, Charla**

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**To:** Rusler, Jeffrey  
**Subject:** RE: 1406 East 53rd St INT

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**From:** Rusler, Jeffrey  
**Sent:** Thursday, June 25, 2015 4:23 PM  
**To:** Kinlow, Charla  
**Cc:** Crothers, Kelly  
**Subject:** RE: 1406 East 53rd St INT

Charla,

Tacoma Power has a service running through lot 5 to feed the house on lots 6/7 (addressed 1408 E 53<sup>rd</sup> St). Tacoma Power's underground drawing is attached and shows where we put in our power facilities back in 2000 when the Habitat for Humanity lots were developed. The power enters around the middle of the 25' lot in question and goes roughly 12' south of the sidewalk, then angles to the east and eventually exits the east property line roughly 24' south of the sidewalk to feed the meter on the house at 1408 E 53<sup>rd</sup> St. Tacoma Power would require an easement for this existing line as part of the conditions for building or the builder would be required to relocate the existing service if it interferes with their building plans.

Tacoma Power's drawing also shows that there should be a plastic service box just inside the north property line where the power enters the property but we were unable to locate it at this time. It may have gotten buried during or after construction. If the service box is in the future driveway location, the power and this box would have to be relocated out of the driveway or possibly replaced with a concrete, drivable box because the existing box wouldn't be traffic rated. The associated cost of either of these options would be the responsibility of the builder.

Two pictures showing the locate marks where the power is located are also attached.

Thanks,

**Jeff Rusler, P.E. | Tacoma Power**  
**T&D Electrical Services - New Services Engineering**  
**P: (253) 502-8309 | F: (253) 502-8659**  
<http://www.mytpu.org/tacomapower/permitting/>



**TO:** Charla Kinlow , Planning and Development Services  
**FROM:** Frank Marescalco, Environmental Services, Site Development Group  
**SUBJECT:** INT2015-40000243743  
1406 East 53<sup>rd</sup> Street  
**DATE:** June 25, 2015

These comments/conditions are based on the following information provided for review:

- Application, *not dated or signed by applicant*
- Applicant's proposal for construction of a single-family residence on parcel 2965000291

If you have questions regarding these comments and conditions, please contact Frank Marescalco at (253) 591-5423 or at [fmarescalco@cityoftacoma.org](mailto:fmarescalco@cityoftacoma.org).

#### 1. Storm and Sanitary Sewers

- a. All stormwater shall be managed in compliance with the City of Tacoma Stormwater Management Manual (SWMM). The applicant shall review SWMM Minimum Requirements #1-12 and comply with all applicable requirements. Based upon the scope of the project as currently proposed, it appears that this project is required to comply with Minimum Requirements 1-5 and 11. Compliance with Minimum Requirement 10 shall be required if any on-site stormwater management features are installed.
- b. Any utility construction, relocation, or adjustment costs shall be at the applicant's expense.
- c. A Covenant and Easement Agreement shall be required for all projects with private storm drainage systems.

#### 2. Streets, Driveways, and Sidewalks

- a. East 53<sup>rd</sup> Street fronting the property shall be restored in accordance with the Right-of-Way Restoration Policy. It appears this will require a full street 2" grind and 2" HMA overlay from property line to property line after utilities are installed.
- b. All broken, damaged, or hazardous curb and gutter abutting the site along East 53<sup>rd</sup> Street shall be removed and new cement concrete curb and gutter constructed in its place to the approval of the City Engineer.
- c. All broken, damaged, or hazardous sidewalk abutting East 53<sup>rd</sup> Street shall be removed and new cement concrete sidewalk constructed in its place to the approval of the City Engineer.

- d. The type, width, and location of all driveway approaches serving the site shall be approved by the City Engineer.
- e. If the lot must access from the alley, the alley must be developed to the farthest property line from an existing public street per the 2004 Public Works Design Manual. Note the following:
  - An asphalt alley approach is required.
  - Alley pavement width shall be a minimum of 16 feet.
  - It appears that relocation of existing power poles will be necessary.
  - Pavement section shall conform to Tacoma Standard Plan PD-01.
  - Stormwater from the alley must be managed per 2012 SWMM.
- f. A work order is required for development of the alley. A licensed professional civil engineer must submit street plans for review and approval following the City's work order process. To initiate a work order, contact the Public Works Private Development at (253) 591-5760. A performance bond is required for all work orders per TMC 10.22.070.F.

#### **Additional Information**

City documents are available online at the following locations:

- City of Tacoma Stormwater Management Manual:  
<http://www.cityoftacoma.org/stormwater>.
- City of Tacoma Side Sewer and Sanitary Sewer Availability Manual:  
<http://www.govme.com/Common/Doc/displayDoc.aspx?category=manual&id=SideAndSaniSewerAvailManJan2011>
- Public Works Design Manual:  
<http://www.govme.org/download/PDF/Code/2004DesignManual1.pdf>
- City of Tacoma Right-of-Way Restoration Manual:  
<http://www.govme.org/download/PDF/PublicWorks-Right-of-Way-RestorationPolicy.pdf>



**Kinlow, Charla**

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**To:** Sully, Dan  
**Subject:** RE: Departmental Transmittal - INT2015-40000243743 - 6/2/15 - Timothy Kropf - 1406 East 53rd Street

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**From:** Sully, Dan  
**Sent:** Wednesday, June 17, 2015 3:33 PM  
**To:** Kinlow, Charla  
**Cc:** Beard, Scott; Hayes, Barrett; Smith, Andy; Still, Michael; Terrill, Frank; Watson, Pete; Kuntz, Craig; Shadduck, Lucas; Coffman, Susan; Seaman, Chris; Erickson, Ryan  
**Subject:** RE: Departmental Transmittal - INT2015-40000243743 - 6/2/15 - Timothy Kropf - 1406 East 53rd Street

Comments:

1. All new building construction shall conform to the current adopted edition of the International Residential Code, other applicable codes, state amendments, and City of Tacoma ordinances.
2. A survey will be required to accurately site the house on the property.
3. The new house must be 5 feet minimum from each property line or fire-resistive construction is required pursuant to IRC Section R302.1.

Daniel P. Sully, P.E., S.E.  
Plan Review Engineer

City of Tacoma  
Planning and Development Services Department  
Development Services Division  
747 Market Street, Room 345  
Tacoma, WA 98402-3769  
(253) 591-5334 FAX (253) 591-5433  
[dsully@cityoftacoma.org](mailto:dsully@cityoftacoma.org)

Attachment B

**Kinlow, Charla**

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**To:** Angel, Jesse  
**Subject:** RE: Departmental Transmittal - INT2015-40000243743 - 6/2/15 - Timothy Kropf - 1406 East 53rd Street

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**From:** Angel, Jesse  
**Sent:** Wednesday, June 17, 2015 6:33 AM  
**To:** Kinlow, Charla  
**Subject:** RE: Departmental Transmittal - INT2015-40000243743 - 6/2/15 - Timothy Kropf - 1406 East 53rd Street

Tacoma Water has reviewed the proposed request and has the following comments:

City ordinance 12.10.045 requires a separate water service and meter for each parcel.

If fire sprinklering, contact the Tacoma Water Permit Counter at (253) 502-8247 for policies related to combination fire/domestic water service connections.

New water services will be installed by Tacoma Water after payment of the Service Construction Charge and the Water Main Charge. New meters will be installed by Tacoma Water after payment of the System Development Charge.

If existing water facilities need to be relocated or adjusted due to street improvements for this proposal they will be relocated by Tacoma Water at the owners' expense.

Sanitary sewer mains and sidesewers shall maintain a minimum horizontal separation of ten feet from all water mains and water services. When extraordinary circumstances dictate the minimum horizontal separation is not achievable, the methods of protecting water facilities shall be in accordance with the most current State of Washington, Department of Ecology "Criteria For Sewage Works Design".

Jesse Angel - Utility Service Specialist

**Tacoma Water**

3628 S. 35th St.  
Tacoma, WA 98409-3192  
253-502-8280 OFFICE  
253-380-2614 CELL  
253-502-8694 FAX  
[Tacoma Water Website](#)

Attachment B