



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 Official Determination to determine if the subject parcel has legal buildable rights. The property never received subdivision approval. The site is located in the "R-2 VS" Single-Family Dwelling District and View-Sensitive District

Applicant: Ben Tran, The Residential Group LLC, 33505 13th Ave S, Federal Way, WA 98003

Location: 31022 44th Ave NE, parcel number 0321262115

Application No: INT2015-40000256989

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: Dustin Lawrence, Senior Planner, 747 Market St, Room 345, (253) 591-5845, dlawrence@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



DETERMINATION APPLICATION FOR:

FILE NO: INT2015-40000256989

Ben Tran
The Residential Group LLC
33505 13th Ave S
Federal Way, WA 98003

SUMMARY OF REQUEST:

An Official Determination to determine if a public interest exists to allow legal buildable rights for a property that was divided in violation of City regulations. The site is located in the "R-2 VS" Single-Family Dwelling District and View-Sensitive District.

LOCATION:

3102 44th Avenue Northeast (Parcel Number 0321262115)

SUMMARY OF DECISION:

It is hereby determined by the Director that a public interest exists to allow development of an illegally divided property. The request is **Approved**.

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:

Dustin Lawrence
Associate Planner
Planning and Development Services
747 Market Street, Room 345, Tacoma, WA 98402
253-591-5845 or dlawrence@cityoftacoma.org

SUMMARY OF RECORD

The following attachments and exhibits constitute the administrative record:

Attachments:

- Attachment "A": Statutory Warranty Deed – Dated April 17, 1969
- Attachment "B": Record of Survey – Dated December 13, 1985
- Attachment "C": Interdepartmental Comments

Exhibits¹:

- Exhibit "A": Application, additional information from applicant
- Exhibit "B": Public Comment Letters
- Exhibit "C": Building Permit Records
- Exhibit "D": Preliminary Short Plat Plan

FINDINGS

Proposal:

1. An Official Determination to determine if a public interest exists to allow legal buildable rights for a property that was divided in violation of City regulations.
2. The applicant has proposed to subdivide the property into three lots pending the outcome of the Official Determination (see Planning & Development Services file MPD2015-40000256988 for the associated preliminary short plat).

Site History:

3. A Statutory Warranty Deed, dated April 17, 1969, indicates that the subject property was originally part of the property located directly to the east (3046 44th Avenue Northeast). Through the Deed, the property as currently described was established. See Attachment "A".
4. The site was included in the "R-2" Single-Family Dwelling District as part of the original zoning ordinance of the City of Tacoma, dated May 18, 1953. The "VS" View-Sensitive Overlay District designation was added in 1989 through an area-wide rezone process. See Exhibit "C".
5. Per City of Tacoma building permit records, the single-family dwelling and garage on the site were constructed between 1946 and 1948, prior to zoning being established in the City of Tacoma. See Exhibit "C".
6. Per City of Tacoma building permit records, the dwelling on the site was connected to the City sewer system in 1979. See Exhibit "C".
7. A professional land survey was recorded with Pierce County in 1985 detailing the boundaries of the property directly to the west (3046 44th Avenue Northeast). An existing house was constructed in 1972. See Attachments "B" & "C".
8. Permits for various remodel work and demolition of the existing garage were applied for around October 2015. See Planning & Development Service permit numbers CMB2015-

¹ All Exhibits are contained in Planning and Development Services Department File No. INT2015-40000256989. They are referenced and incorporated herein as though fully set forth.

40000257504 and BLD2015-40000259817.

Project Site:

9. The site contains 18,480 square feet of area and is developed with a single-family dwelling. A loop/circular driveway serves the site with a driveway approach located along the far northerly portion of the site and a driveway approach located along the far southerly portion of the site.
10. The site is located within the "R-2 VS" Single-Family Dwelling District and View-Sensitive Overlay District.
11. The City's Neighborhood Element of the *Comprehensive Plan* locates the subject site within the Northeast Tacoma Neighborhood. The City's Generalized Land Use Element (GLUE) of the *Comprehensive Plan* designates the site as "Single-family". The GLUE also designates the site as Tier I – Primary Growth area.

Surrounding Area:

12. The area surrounding the site is located within the "R-2 VS" Single-Family Dwelling District and View-Sensitive Overlay District. The area is developed with single-family dwellings. Many properties in the immediate area enjoy views of Commencement Bay and the Port of Tacoma.

Additional Information:

13. The applicant's justification is marked as Exhibit "A" to this report and decision. In summary, the applicant has indicated that they are seeking a determination because they are an innocent purchaser and/or the public interest test will be met, as specified in *TMC* 13.04.280.
14. The applicant has applied for a preliminary three lot short plat, concurrently with this application. As part of the three lot short plat, the existing dwelling will remain with a pipe-stem lot configuration and two new dwellings will be constructed that will be directly served by 44th Avenue Northeast. A copy of the proposed short plat plan is marked as Exhibit "D".

Notification and Comments:

15. The application was determined to be complete on October 23, 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.
16. Various utility providers provided comments regarding the availability of utilities and off-site improvements that would be required as part of future development of the site. See Attachment "C". The comments note the following:
 - That an official short plat application will need to be submitted in order for the Tacoma Pierce County Health Department to ensure that the site is hooked up to the City sewer system
 - That water will be able to serve the proposed development
 - That various off-site improvements will be required before any future development is approved, including the construction of new sidewalks, curbs, and gutters
17. Multiple comments were received in response to the public notice. The comment letters are included as Exhibit "B". The issues raised in the comment letters include the following:

- The availability of adequate onsite parking
- That the additional driveways will decrease street parking in the area
- The quality of the proposed dwellings may not be in character with the neighborhood
- That future development of this site has the potential to impact where a driveway could potentially be located for the property directly to the west.
- That the property located directly to the west intends to use an existing pipestem for access located along the southerly property line of the subject property
- That new construction on this property could impact views enjoyed from surrounding properties.
- That dividing this property into smaller lots would not be in character with the surrounding area

Applicable Regulations and Policies:

18. 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.

CONCLUSIONS²

1. There is no evidence that concludes that the property was legally divided. See Findings 1, 3-8; Attachments "A" – "C"
2. The request meets the public interest determination criteria based on the following analysis:
 - The site received a permit for connection to the City's sanitary sewer system and the Tacoma-Pierce County Health Department will review the proposed means of sewage disposal and water supply for new lots under the proposed short plat. Tacoma Water has indicated that water is available to serve the site and future lots. See Findings 1-2, 6, 16, 18; Attachment "C"; Exhibit "C".
 - Utility providers have indicated that the site can be served by utilities or has the ability to through conditioning of future development permits. In addition, the site has received multiple building permit approvals from the City See Findings See Finding 5-8, 16, 18; Attachment "C"; Exhibit "C".
 - The Planning and Development Services Department concludes that the development will not adversely affect the safety, health or welfare of owners of adjacent property or interfere with their enjoyment of their property. The site has existed in its current configuration for more than 30 years and has received multiple building permits for improvements since the original construction in the 1940s.

Numerous comments received in opposition to the project raise various concerns that are associated with future subdivision and redevelopment of the property. While the Director acknowledges the concerns in these letters, the determination is limited to the property being illegally subdivided over fifty years ago. Concerns regarding the short plat application will be addressed through the zoning regulations which set minimum lot sizes, maximum height allowance, minimum on-site parking and other development standards.

Regarding the concerns raised about the pipestem/driveway along the southerly portion of the site associated with 3046 44th Avenue Northeast, the Director notes that the City is aware of the driveway and will condition any future development of the proposal to ensure that this driveway is not impacted. Should the applicant need to encroach upon any space that is reserved for a driveway approach for 3046 44th Avenue Northeast, the applicant will need to obtain permission from the property owner to do such. See Finding 1-2, 4-8, 10 13-14, 16-18; Attachment "C", Exhibit "A" - "D"

² 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.

DECISION

It is hereby determined by the Director that the subject property meets the Public Interest Determination criteria.

To ensure that these provisions are met, the Director imposes the following conditions:

Conditions:

1. The applicant shall be required to meet conditions associated with any future short plats or other subdivision processes.
2. Any future development of the site shall not impact or prevent future development of the pipestem access associated with 3046 44th Avenue Northeast. Should there be a need to encroach upon this access, such as a result of a new driveway approach, the applicant shall obtain written permission from the property owner(s) at 3046 44th Avenue Northeast.

ORDERED this 13th day of January 2016.



Peter Huffman
Director, Planning and Development Services

FULL DECISION TRANSMITTED by first class or interoffice email to:

Ben Tran, The Residential Group, LLC, 33505 13th Avenue S, Federal Way, WA 98003
Ian Lumsden, 3042 44th Ave NE, Tacoma, WA 98422
Jana Coe, 3222 45th Ave NE, Tacoma, WA 98422
Jana Stewart & Charles Gregg, 3108 44th Ave NE, Tacoma WA 98422
Jim and Carol Parvey, 2307 N Vista View Drive, Tacoma, WA 98406
Michael & Shirley Low, 3043 44th Ave NE, Tacoma, WA 98422
Rochele Gardner, 3107 44th Ave NE, Tacoma, WA 98422
Janis Soderlind, 3026 45th Ave NE- Tacoma, WA 98422
Pierce County Assessor-Treasurer, 2401 South 35th Street, Room 142, Tacoma, WA 98409,
Attn: Darci Brandvold

Interoffice Email:

Jesse Angel, Tacoma Water; Jason Miller, Site Development; Brennan Kidd, Traffic Engineering

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

All property owners within 100 feet of the subject site
North East Tacoma 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.

Pioneer National Title Insurance Company
WASHINGTON TITLE DIVISION
Filed for Record at Request of

2293262

45-46-01445
REVENUE STAMPS

THIS SPACE RESERVED FOR RECORDER'S USE.

RECORDED

VOL _____ OF _____

PAGE _____ REQUEST OF _____

'69 MAY 8 AM 8:30

JACK W. SONNTAG AUDITOR
PIERCE COUNTY WASH.
DEPUTY

2293262

TO Mr. & Mrs. Donald G. Barsness
3102 - 44th Avenue N. E.
Tacoma, Washington 98422

G. Mitchell

233 101-A

C.T.I.

MAY 8 - 1969

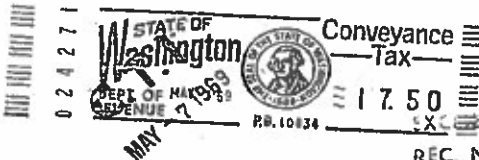
Statutory Warranty Deed

233101
FORM L58

THE GRANTOR VIOLET E. JOHNSON, formerly Violet Halsan, as her separate estate,

for and in consideration of TEN AND NO/100 DOLLARS and other valuable consideration,
in hand paid, conveys and warrants to DONALD G. BARSNESS and EDNA M. BARSNESS, his wife,
the following described real estate, situated in the County of Pierce, State of Washington:

The east 195 feet of the north 112 feet of the south 132 feet of the north 528 feet of the west half of the east half of the northeast quarter of the northwest quarter of Section 26, Township 21 North, Range 3 East of the W. M. EXCEPT from said east 195 feet the east 30 feet as conveyed to the City of Tacoma for street purposes by deed recorded July 15, 1942 under Auditor's file No. 1302848.



TAX PAID \$ 175.00
REC NO. 261785 DATE 5-7-69
MAURICE RAYMOND Pierce Co. Treas.
RY *Maurice Raymond* DEPUTY

Subject to all easements, restrictions and reservations of record, if any.

Dated this 17 day of April, 1969.

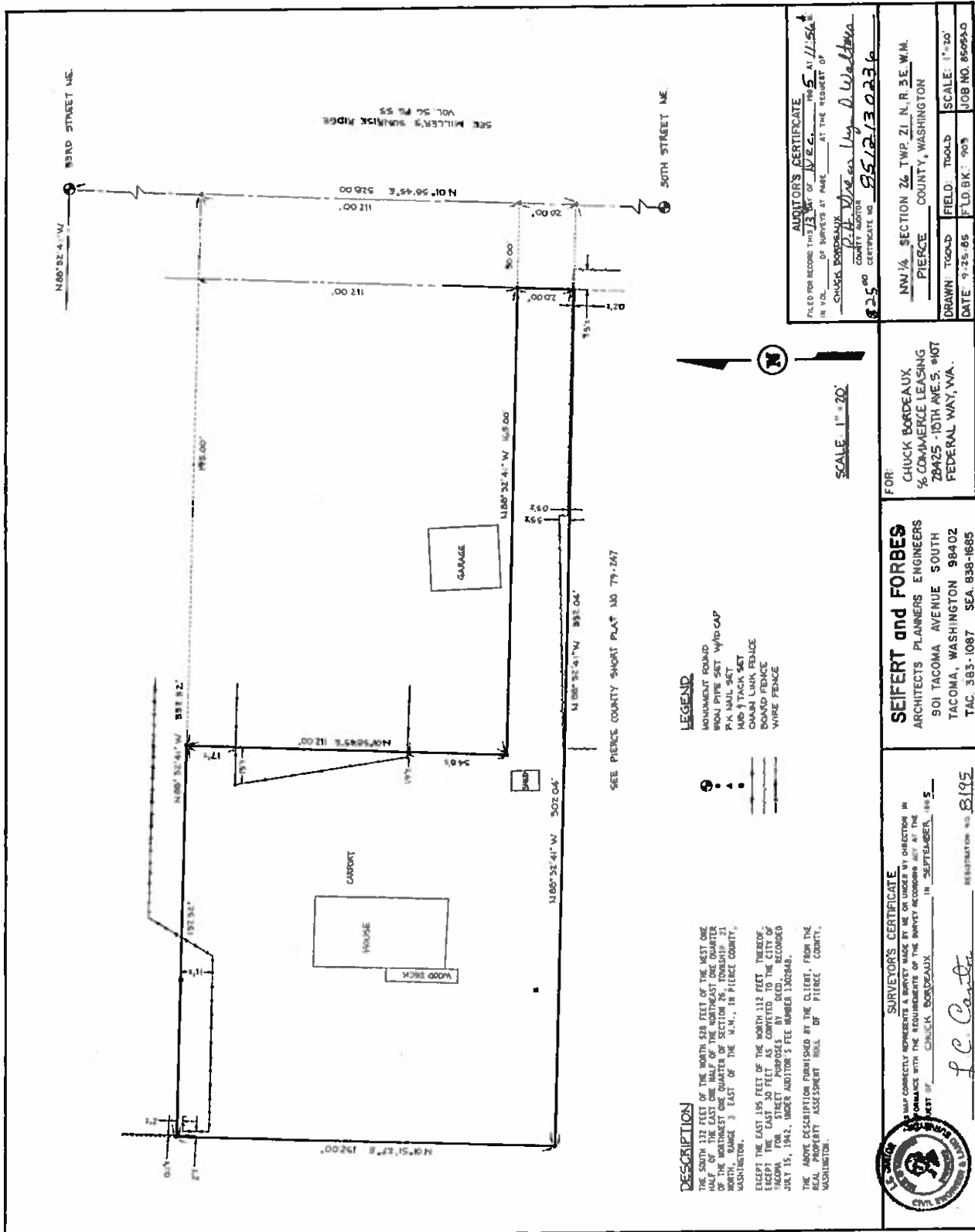
Violet E. Johnson (SEAL)
Violet E. Johnson (SEAL)

STATE OF WASHINGTON, } ss.
County of Pierce

On this day personally appeared before me Violet E. Johnson to me known to be the individual described in the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this April, 1969.





Lawrence, Dustin

From: Brad Harp <BHarp@tpchd.org>
Sent: Friday, December 04, 2015 8:10 AM
To: Lawrence, Dustin
Subject: RE: Public Interest Determination - Buildable Rights - 3102 44th Ave Northeast

Whatever works for you will be ok. I just want to make sure there is something in our database that backs our determination.

Brad

From: Lawrence, Dustin [mailto:dlawrence@ci.tacoma.wa.us]
Sent: Thursday, December 03, 2015 9:51 AM
To: Brad Harp
Subject: RE: Public Interest Determination - Buildable Rights - 3102 44th Ave Northeast

Hey Brad,

You guys should have been on the email list, so I apologize if you didn't receive it. I will say that Tacoma Water has already commented indicating that the site has water or water can be provided to the site. I am waiting to hear from our Site Development group to find out if the site is connected to the City Sanitary system.

I can make a condition of the determination that as part of the short plat, the applicant needs to receive approval from the TPCHD regarding the sewer/water.

Dustin Lawrence
Planning & Development Services
City of Tacoma
747 Market Street, Room 345
Tacoma, WA 98402
253-591-5845 | dlawrence@cityoftacoma.org
www.tacomapermits.org | www.cityoftacoma.org

Please note: in order to accommodate training needs, Planning and Development Services will be making temporary service changes to inspection requests, lobby hours, and pre-application services. See the [Tacoma Permits Message Board](#) for more information.

From: Brad Harp [mailto:BHarp@tpchd.org]
Sent: Thursday, December 03, 2015 9:46 AM
To: Lawrence, Dustin
Subject: RE: Public Interest Determination - Buildable Rights - 3102 44th Ave Northeast

Thanks for the information, but we haven't received the plat application for review. Is it the intention of the applicant to file with the health department for approval to legally create the lot?

If our database doesn't show we gave approval as a lot of record I'm not sure how we can certify approved water and sewage disposal for the lots.

Any suggestions would be helpful.

Thanks

Brad

Brad D. Harp, L.Hg.

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



From: Lawrence, Dustin [<mailto:dlawrence@ci.tacoma.wa.us>]
Sent: Thursday, December 03, 2015 9:28 AM
To: Brad Harp
Subject: RE: Public Interest Determination - Buildable Rights - 3102 44th Ave Northeast

Hi Brad,

There actually is a short plat in review right now, which is how this determination was prompted. When reviewing the short plat, we discovered that the property that was going to be short platted was never platted itself. The short plat application is available here:

<http://tacomapermits.org/wp-content/uploads/2013/06/40000256988.pdf>

Thank you,

Dustin Lawrence
Planning & Development Services
City of Tacoma
747 Market Street, Room 345
Tacoma, WA 98402
253-591-5845 | dlawrence@cityoftacoma.org
www.tacomapermits.org | www.cityoftacoma.org

Please note: in order to accommodate training needs, Planning and Development Services will be making temporary service changes to inspection requests, lobby hours, and pre-application services. See the [Tacoma Permits Message Board](#) for more information.

From: Brad Harp [mailto:BHarp@tpchd.org]
Sent: Wednesday, December 02, 2015 8:50 AM
To: Lawrence, Dustin
Subject: RE: Public Interest Determination - Buildable Rights - 3102 44th Ave Northeast

Dustin:

At this time we have no record in our files for parcel # 0321262115. The property owner would need to submit a short plat application for us to certify we had made the appropriate determinations for sewage disposal and water adequacy. The application will show the means of sewage disposal and water supply.

Brad

Brad D. Harp, L.Hg.

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



From: Lawrence, Dustin [mailto:dlawrence@ci.tacoma.wa.us]
Sent: Tuesday, December 01, 2015 4:54 PM
To: Miller, Jason; Angel, Jesse; Kimberly Thompson; Kammerzell, Jennifer
Subject: Public Interest Determination - Buildable Rights - 3102 44th Ave Northeast

Hello,

I am working on a determination for the property at 3102 44th Ave Northeast. Specifically, the property was never legally created through a subdivision process.

Since the applicant is interested in subdividing this property, I need to resolve historic subdivision issue. Some of you already commented on the associated short plat proposal (<http://tacomapermits.org/wp-content/uploads/2013/06/40000256988.pdf>). This is specific to the property meeting the below criteria in order to meet the Public Interest Determination test and be considered "buildable"

What I need from you is a response to either item A or B. I labeled your discipline for that respective section.

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;

TPCHD and Tacoma Water, please provide comment

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;

Site Development and Traffic Engineering, please provide comment

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.

I will make this determination based on your comments

Feel free to contact me should you have any questions.

Thank you,

Dustin Lawrence

Planning & Development Services

City of Tacoma

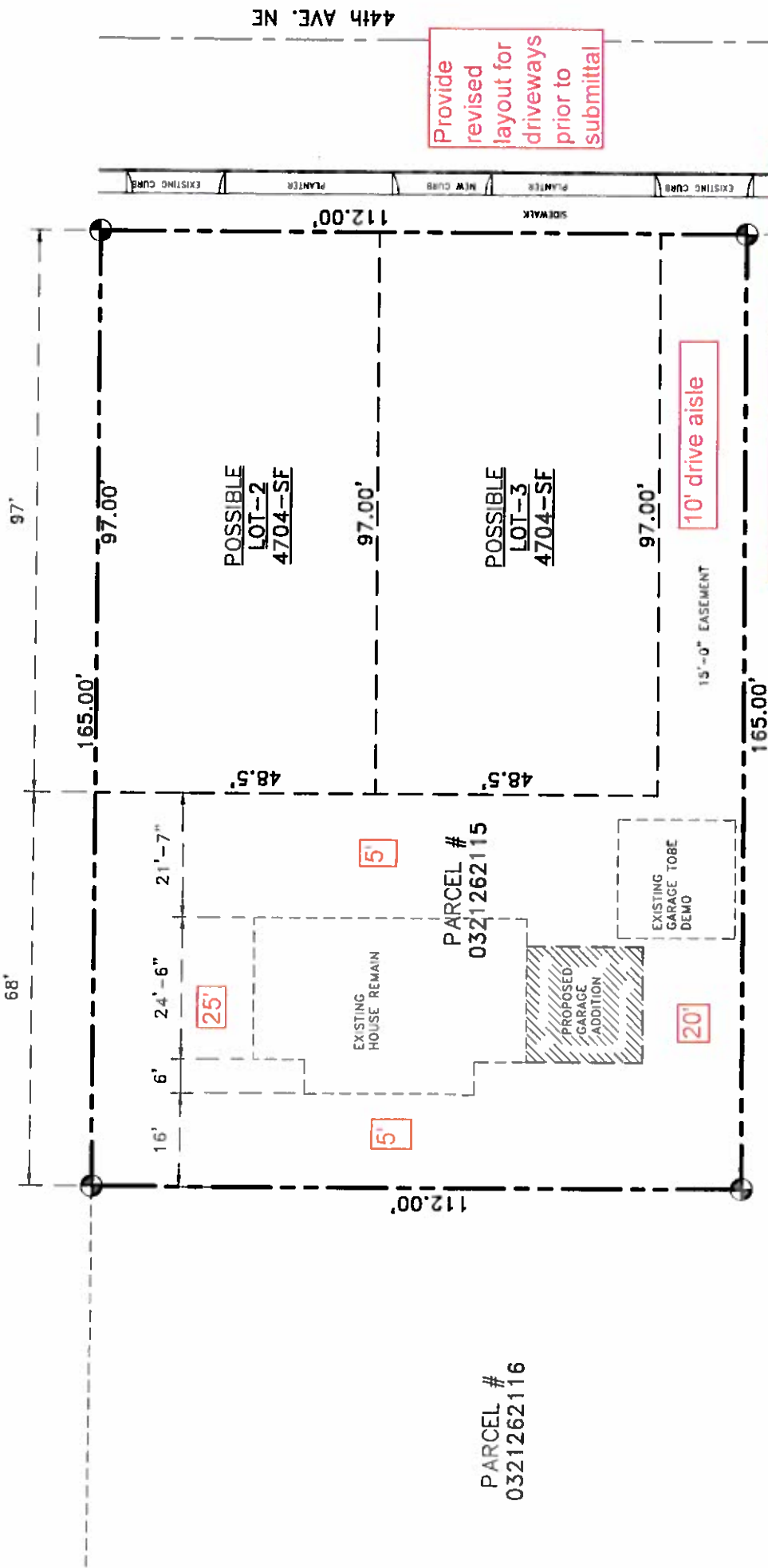
747 Market Street, Room 345

Tacoma, WA 98402

253-591-5845 | dlawrence@cityoftacoma.org

www.tacomapermits.org | www.cityoftacoma.org

Please note: in order to accommodate training needs, Planning and Development Services will be making temporary service changes to inspection requests, lobby hours, and pre-application services. See the [Tacoma Permits Message Board](#) for more information.



Provide revised layout for driveways prior to submittal

Written permission required from neighbor if driveway wing crosses south p.l. 6' on both sides of drive aisle

change lot size to 100 x 50 or meet Small Lot Development standards

10' drive aisle



BASIC SITE PLAN

PARCEL # 0321262116

PARCEL # 0321262115

POSSIBLE LOT-2 4704-SF

POSSIBLE LOT-3 4704-SF

EXISTING HOUSE REMAIN

PROPOSED GARAGE ADDITION

EXISTING GARAGE TO BE DEMO

25'

5'

20'

5'

21'-7"

24'-6"

6'

16'

68'

97'

165.00'

97.00'

112.00'

97.00'

97.00'

15'-0" EASEMENT

20'-0" EASEMENT

44th AVE. NE

EXISTING CURB NEW CURB PLANTER PLANTER SIDEWALK

Lawrence, Dustin

From: Kidd, Brennan
Sent: Thursday, October 15, 2015 1:55 PM
To: Stoehr, Barbara; btran@residentialgrp.com
Cc: Lawrence, Dustin; Criswell, Larry; Wells, Ben
Subject: RE: Scoping for 3-lot short plat - 3102 44th Ave NE, pa0321262115 - Next Steps
Attachments: Pre-Application comments Site Review - 9-24-2015.pdf; 3102 44TH AVE NE SHORT PLAT SKETCH_markup.pdf

Barbara,

I wanted to let you and others CC'd know that Traffic (and Ben Wells from Site) met with Ben (Tran), also CC'd, this afternoon. He had brought in a revised site plan depicting (per his description) a 12-ft easement (for a 10-ft drive) serving an existing home that would then become Lot 1 of 3. This new plan was a result of the pre-app meeting you all had with him on Sept 24 (attachments included).

Traffic advised that the ideal situation for driveway spacing, in conformance with TMC 10.14.050.A.11, would be to have the existing home (Lot 1) and the adjacent southerly new lot (#3) access from the same common accessway and the remaining northerly lot (#2) would be from its own driveway directly on 44th Ave NE, as far to the south of its frontage as possible. I provided Mr. Tran with the Site Development accessway requirements from the 2004 Design Manual pertaining to "2 Lots" access (i.e., 16 ft paved + 4 ft gravel on 20 ft easement) on the basis that he would be trying to obtain use of the previously dedicated access easement to the south of his property. The envisioned common accessway would serve two lots up to a point (Land Use may need to advise on the position of garage to be positioned on Lot 3), and then thereafter would be narrower since it would only be serving the remaining existing home to the west of the two proposed lots.

Just wanted to keep everyone in the loop,

Brennan

P.S. Mr. Tran: I was mistaken in saying Barbara's prior email went to "Brad" – the email shown below is what I was remembering.

From: Stoehr, Barbara
Sent: Thursday, September 24, 2015 3:00 PM
To: btran@residentialgrp.com
Cc: Lawrence, Dustin; Criswell, Larry; Webster, Jeff; Kidd, Brennan
Subject: Scoping for 3-lot short plat - 3102 44th Ave NE, pa0321262115 - Next Steps

Ben,

It was a pleasure meeting with you today. Please pass this information on to your surveyor.

1. Revised layout for driveways can be reviewed preliminarily, please email to me when this is available.
2. When your civil engineer is hired, please put him/her in contact with Larry Criswell.

3. Review the Preliminary Short Plat Tip Sheet and Submittal Checklist. A preliminary Stormwater site plan also required.
4. When you have the submittal items prepared, attach them to this form and note that you are requesting redlines for your survey.
5. After you have your redlines, you can submit your short plat application online. Redlines are a required attachment for your short plat application.

Sincerely,

Barbara Stoehr

Pre-Application Services | Senior Plans Examiner
City of Tacoma Planning and Development (PDS)
bstoehr@cityoftacoma.org P: 253.591.5381
TacomaPermits.org

Note: All preliminary comments provided during pre-application services are to be used as guidance-only and do not replace the applicable codes and regulations for a proposed project or use. Preliminary comments may change depending on the scope of work, information provided, and subsequent code or policy changes. Official review and vesting to current codes and regulations begins upon submittal of a complete permit application.

Lawrence, Dustin

From: Angel, Jesse
Sent: Wednesday, December 02, 2015 6:25 AM
To: Lawrence, Dustin
Subject: RE: Public Interest Determination - Buildable Rights - 3102 44th Ave Northeast

Tacoma Water can serve all the proposed lot.

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](#)

From: Lawrence, Dustin
Sent: Tuesday, December 01, 2015 4:54 PM
To: Miller, Jason; Angel, Jesse; Kimberly Thompson; Kammerzell, Jennifer
Subject: Public Interest Determination - Buildable Rights - 3102 44th Ave Northeast

Hello,

I am working on a determination for the property at 3102 44th Ave Northeast. Specifically, the property was never legally created through a subdivision process.

Since the applicant is interested in subdividing this property, I need to resolve historic subdivision issue. Some of you already commented on the associated short plat proposal (<http://tacomapermits.org/wp-content/uploads/2013/06/40000256988.pdf>). This is specific to the property meeting the below criteria in order to meet the Public Interest Determination test and be considered "buildable"

What I need from you is a response to either item A or B. I labeled your discipline for that respective section.

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;

TPCHD and Tacoma Water, please provide comment

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;

Site Development and Traffic Engineering, please provide comment

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.

I will make this determination based on your comments

Feel free to contact me should you have any questions.

Thank you,

Dustin Lawrence

Planning & Development Services

City of Tacoma

747 Market Street, Room 345

Tacoma, WA 98402

253-591-5845 | dlawrence@cityoftacoma.org

www.tacomapermits.org | www.cityoftacoma.org

Please note: in order to accommodate training needs, Planning and Development Services will be making temporary service changes to inspection requests, lobby hours, and pre-application services. See the [Tacoma Permits Message Board](#) for more information.



TO: Dustin Lawrence, Planning and Development Services

FROM: Jason Miller, Environmental Services, Site Development Group

SUBJECT: Preliminary Short Plat (MPD2015-40000256988)
3102 44th Ave NE

DATE: 11/13/15

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

- **Application, Dated, 10/10/15**
- **Land Use Notice, Dated 10/23/15**

1. Storm and Sanitary Sewers

Conditions:

- a. The proposal shall comply with all applicable requirements contained in the City of Tacoma Stormwater Management Manual, Side Sewer and Sanitary Sewer Availability Manual, Tacoma Municipal Code 12.08, Tacoma Municipal Code 2.19, Tacoma Municipal Code 10.14, Tacoma Municipal Code 10.22 and the Public Works Design Manual in effect at time of vesting land use actions, building or construction permitting.
- b. Any utility construction, relocation, or adjustment costs shall be at the applicant's expense.

Conditions to be met prior to application for Final Short Plat:

- c. A preliminary storm and/or sanitary sewer utility plan shall be prepared to show a preliminary design for storm and sanitary sewer mitigation. This plan shall be approved by City of Tacoma Environmental Services prior to recording of the final short plat. Approved construction permits (work order and/or fill and grade) covering the entire site may be substituted for the preliminary stormwater and/or sewer utility plan.
- d. A Covenant and Easement Agreement shall be required for all projects with private storm drainage systems.

Conditions/statements to be inked on the Final Short Plat site plan, prior to recording:

Note: The following statements and conditions may be modified after submittal of a preliminary stormwater and/or sewer utility plan. Additional conditions may be required after submittal of a preliminary stormwater and/or sewer utility plan prior to final plat.

- e. A preliminary utility plan dated XX/XX/20XX was approved by Environmental Services under permit number 40000XXXXXX. Additional permits and approvals are required for construction.
- f. A work order for frontage improvements and associated utilities was approved by Environmental Services under permit number 600000XXXXX. Additional permits and approvals are required for onsite construction.

- g. A grade and fill for onsite grading and associated utilities was approved by Environmental Services under permit number 40000XXXXXX. Additional permits and approvals are required for onsite stormwater management BMPs.
- h. **WARNING:** This plat contains a private storm drainage system. Private storm drainage systems are the sole responsibility of the owners, successors and assignees of all lots being served by the private storm drainage system. Responsibility includes, but is not limited to, constructing, maintaining, and allowing City inspection of the private storm system in accordance with a separately recorded covenant and easement document.

Covenant and Easement Recording No. _____

- i. If the actual stormwater improvements installed vary from those on the preliminary utility plan so that the recorded Covenant and Easement Agreement does not reflect actual constructed improvements, an additional Covenant and Easement Agreement shall be developed, signed by the property owner and the City and recorded by the property owner.
- j. Final design of the stormwater facilities may require modifications to the lot layout and/or a reduction in number of available building lots. Building permits for each lot shall be approved by Environmental Services prior to construction.
- k. Construction on any and all lots, including public roads and alleys, is limited to the impervious surface as provided within the approved Stormwater Site Plan or as shown on the preliminary stormwater and/or sewer plan or permit 40000XXXXXX. If additional impervious surfaces beyond that approved under the previously noted permits are created, additional stormwater mitigation may be required. If stormwater mitigation differs from that approved under the previously noted permits, additional review by Environmental Services is required and will include evaluation of all lots created as part of this plat.

Conditions applicable to building/development permits:

- l. All stormwater shall be managed in compliance with the City of Tacoma Stormwater Management Manual (SWMM).
- m. 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 #(LIST those that apply). Compliance with Minimum Requirement #10 shall be required if any on-site stormwater management features are installed.
- n. Per Minimum Requirement #5, projects that meet or exceed the SWMM thresholds shall employ, where feasible and appropriate, On-Site Stormwater Management BMPs to infiltrate, disperse, and retain stormwater runoff onsite to the maximum extent feasible. On-Site Stormwater Management BMPs include: Roof Downspout Control BMPs, Dispersion of all impervious surfaces and Soil Quality BMPs. If drainage cannot be managed on-site, it shall be conveyed to the City storm system in accordance with the Stormwater Management Manual and Public Works Design Manual.
- o. Water quality shall be provided for all projects that meet or exceed the thresholds for Minimum Requirement #6 as outlined in the City of Tacoma Stormwater Management Manual. Pollution-generating impervious surfaces created and/or replaced offsite as a result of this project shall count toward the pollution-generating impervious surface total.

- p. Flow control or other mitigation in accordance with the City of Tacoma Stormwater Management Manual shall be provided for all projects that meet or exceed the thresholds for Minimum Requirement #7 as outlined in the City of Tacoma Stormwater Management Manual. Impervious surfaces created and/or replaced onsite as a result of this project shall count toward the impervious surface total.
- q. All projects shall comply with Minimum Requirement #11: Off-Site Analysis and Mitigation.
- r. If the submitted site plan indicates that roof downspouts will be tightlined to the City storm system. The applicant will need to demonstrate that On-Site Management per Minimum Requirement #5 is not feasible before Environmental Services can approve tightlining to the City system.
- s. Public and private stormwater shall be managed in separate water quality and flow control facilities.

2. Streets, Driveways, and Sidewalks

Conditions to be met prior to application for Final Short Plat:

- a. Cement concrete sidewalk shall be constructed along 44th Ave NE, abutting the site, meeting Public Right Of Way Accessible Guide-lines (PROWAG) and Americans with Disabilities Act (ADA) requirements, and be installed to the approval of the City Engineer.
- b. All broken, damaged, or hazardous curb and gutter along 44th Ave NE abutting the site shall be removed, and new cement concrete curb and gutter constructed in its place to the approval of the City Engineer.
- c. The type, width, and location of all driveway approaches serving the site(s) shall be approved by the City Engineer.

MISCELLANEOUS COMMENTS

An online version of the City of Tacoma Stormwater Management Manual is available at <http://www.cityoftacoma.org/stormwater>.

An online version of the City of Tacoma Side Sewer and Sanitary Sewer Availability Manual is available at www.govme.org under the "City Information" tab on the left side of the screen.

An online version of the Public Works Design Manual is available at www.govme.org under the "City Information" tab on the left side of the screen.

If you have questions regarding these storm and sanitary sewer conditions, please contact Jason Miller at jmiller@cityoftacoma.org or 253-591-5790, Environmental Services Science and Engineering Division, Site Development Group.