

1 **BEFORE THE DIRECTOR OF PLANNING AND DEVELOPMENT**  
2 **SERVICES**  
3 **CITY OF TACOMA**  
4

5 **In the Matter of:** )  
6 **Conditional Use Permit Application** ) **ORDER DENYING REQUEST FOR**  
7 **File Number** ) **RECONSIDERATION AND**  
8 **Robert Bearden** ) **AFFIRMING DECISION**  
9 )  
10 )  
11 )

12 On January 5, 2017, the Director of Planning and Development Services (Director)  
13 approved a Conditional Use Permit under File No. LU16-0270, to allow a  
14 daytime drop-in center for youth and young adults ages 12-24 years; and an  
15 overnight shelter for young adults ages 18-24 years. The decision is marked  
16 as Exhibit "A"<sup>1</sup>. The subject property is located at 5401 South Tacoma Way.  
17

18 On January 12, 2017, Robert Bearden, property owner of 5311 S Pint Street, timely  
19 filed a request for reconsideration. The request is attached as Exhibit "B"<sup>2</sup>. Mr.  
20 Bearden asserts errors related to Findings 11, 12, 17, 21 and 23.  
21

22 In summary, Mr. Bearden asserts the decision misrepresents the types of uses in  
23 the area; the decision is misleading when setting forth a finding that the  
24 proposed use is generally supported; the decision disregards certain  
25

26 <sup>1</sup> Exhibit "A" is contained in Planning and Development Services File No. LU16-0270. It is referenced and incorporated  
herein as though fully set forth.

27 <sup>2</sup> Ibid

1 applicable Comprehensive Plan policies; and the decision does not impose the  
2 required outside recreation areas.

3  
4 Having considered the issues brought forth in the request, and being otherwise  
5 advised, the Director finds as follows regarding the request for reconsideration:

6  
7 Regarding Findings #11 and #12, describing the surrounding area, it appears that  
8 Mr. Bearden does not dispute the type of uses but rather asserts that the  
9 decision would be more comprehensive if the number of each type of use was  
10 noted and also the distance to said uses. Mr. Bearden also asserts that a site  
11 visit would have been helpful. Though not documented in the decision, a site  
12 visit was conducted on December 28, 2016. Further, Exhibit "A" includes a  
13 table of services and the distance from the facility to the service. Mr. Bearden  
14 has not submitted new information that changes the description of the  
15 surrounding uses.

16  
17 Regarding Finding #17, Mr. Bearden agrees that the many in the area agree that a  
18 need for a facility, such as proposed, exists. He asserts that the decision is  
19 misleading in that it does not clearly state the neighborhood is against such as  
20 use at this location and is concerned that the decision does not appear to take  
21 into account the desires of the neighborhood. Finding #17 does state that  
22 "many concerns have been expressed about the location". The Decision goes  
23 on to analyze, under Conclusions, all Findings as they pertain to the final  
24 decision.

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26 Regarding Finding #21, Mr. Bearden asserts that the Decision inappropriately  
27 disregards Policy PFC-7.3, which states "Incorporate community values and

1 goals in decisions on location, design, and operation of facilities.” The Director  
2 acknowledges that the South Tacoma Business District does not want such a  
3 facility in their neighborhood. However, the facility is consistent with the *City’s*  
4 goals related to Health and Safety, Human and Social Needs, and Education  
5 and Learning set forth in Tacoma 2025 (Finding #13). Further, the applicant  
6 will be utilizing that portion of the building fronting on South Tacoma Way as a  
7 retail/social enterprise, consistent with other uses in the business district  
8 (Finding #4). Though the neighborhood has expressed concerns, the record  
9 reflects that the operator of the facility has the experience necessary to  
10 successfully run the Center (Finding #13).

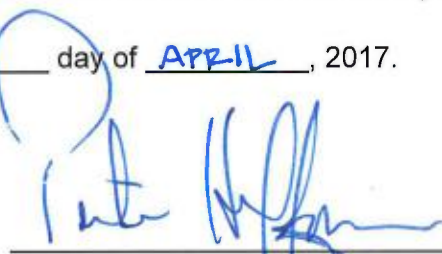
11  
12 Regarding Finding #23, Mr. Bearden points out that TMC 13.06.640.E.4.c(2) states  
13 “Adequate outdoor/recreation space must be provided for resident use” and  
14 notes that no such outdoor area exists. TMC 13.06.640.E.4 requires that, to  
15 approve Special Needs Housing, the Director must conclude that the use is  
16 “located, planned, and developed such that it is not inconsistent with the  
17 health, safety, convenience, or general welfare of persons *residing* in the  
18 facility or residing or working in the surrounding community.” (emphasis  
19 added) The code then lists multiple standards which the Director shall consider  
20 when making such a determination. The code also suggests that all activities,  
21 when appropriate take place inside the building. Special Needs Housing  
22 includes multiple uses such as nursing homes, confidential shelters, staffed  
23 residential homes, etc. In this instance, people do not actually reside at the  
24 facility. During the day, people will drop-in. At night people will shelter there.  
25 It is most appropriate, as proposed here, for activities to remain inside the  
26 building.

1 Based upon the above, the Director concludes that no errors in findings of fact or  
2 conclusions of law have been demonstrated by the party requesting  
3 reconsideration and, therefore, respectively denies the request and affirms the  
4 decision approving Conditional Use Permit.

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6 **RECONSIDERED DECISION:**

7 Based upon the above findings, the Director hereby denies the request for  
8 reconsideration and affirms his decision dated January 5, 2017.

9 **DATED** this 10<sup>th</sup> day of APRIL, 2017.



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12  
13 **Peter Huffman**  
14 **DIRECTOR**

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16  
17  
18 **TRANSMITTED** this 10<sup>th</sup> day of APRIL, 2017, by first class mail to  
19 parties of record:

- 20  
21 Robert Bearden, 5311 South Pine Street, Tacoma, WA 98409  
22 Nadia Chandler Hardy, City of Tacoma, Neighborhood and Community Services, 747  
23 Market Street, Room 737, Tacoma, WA 98402  
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**APPEAL PROCEDURE FOR  
RECONSIDERED DECISION OF THE  
LAND USE DIRECTOR**

The applicant, property owner, or owners of property entitled to receive a copy of the decision of the Director shall have the right, 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. Filing of the appeal shall not be complete until both the Notice of Appeal and required filing fee have been received. The Notice of Appeal must be in writing 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.

An APPEAL of the Director's decision in this matter must be filed with the Hearing Examiner's Office, Seventh Floor, Tacoma Municipal Building, on or before APRIL 17, 2017, together with a fee of **\$325.26**. THE FEE SHALL BE REFUNDED TO THE APPELLANT SHOULD APPELLANT PREVAIL.

**ORDER DENYING REQUEST FOR RECONSIDERATION  
AND AFFIRMING DECISION**

**LU16-0270**

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