



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

# NOTICE OF DECISION

Date of Decision: 7/28/2016  
 Appeal Period Ends: 8/11/2016  
 Decision Effective: 8/12/2016

**Decision:** Approved, subject to conditions

**Proposal:**

A variance to landscaping requirements to allow development of multiple-family dwelling.

**Applicant:** John Wolters, WC STUDIO architecture agency, 323-C Puyallup Ave., Tacoma, WA 98421

**Location:** 1522 6th Ave. Parcel No.: 2006310010

**Application No:** LU16-0077

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:** Lisa Spadoni, Principal Planner, 747 Market St, Room 345, (253) 591-5281, lspadoni@cityoftacoma.org

**Environmental Review:** Per SEPA, WAC 197-11-800 and TMC Chapter 13.12, the Environmental Official has reviewed this project and determined 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**



**VARIANCE PERMIT  
APPLICATION FOR:**

**FILE NO.: LU16-0077**

John Wolters  
WC STUDIO architecture agency  
323-C Puyallup Ave.  
Tacoma, WA 98421

**SUMMARY OF REQUEST:**

A variance to landscaping design requirements to allow development of a multiple-family dwelling in the C-2 Commercial District.

**LOCATION:**

1522 6th Ave. Parcel No.: 2006310010

**SUMMARY OF DECISION:**

The request for a Landscape Design Variance is **Approved**, subject to conditions.

**Notes:**

The appeal period on this decision closes August 11, 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:**

Lisa Spadoni  
Planning and Development Services Department  
747 Market Street, Room 345, Tacoma, WA 98402  
253-591-5281 or [lspadoni@cityoftacoma.org](mailto:lspadoni@cityoftacoma.org)

## **SUMMARY OF RECORD**

The following attachments and exhibits constitute the administrative record:

### **Attachments:**

Attachment "A": Site plan and Applicant's justification for the request

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

Exhibit "A": Departmental Comments

## **FINDINGS**

### **Proposal:**

1. The applicant requests a Landscape Design Variance to allow construction of a multi-family dwelling. The site layout proposes that vehicles enter the site from the alley to the east of the site and cross the adjacent property to the east (1514 & 1518 6<sup>th</sup> Ave.) before entering the site. The driveway is depicted as 20 feet wide and is located to the south of two existing duplexes. There is currently a driveway and parking in this area serving the duplexes. The new driveway will continue to serve the duplexes as well as the new development. The size and location of the building and required size and location of the driveway do not allow the site to meet the 75 square foot overall site landscape requirements or the five foot site perimeter landscape strip requirement.
2. The applicant proposes to enhance the landscaping of the approximately 1,300 square foot area of the South Ainsworth right-of-way adjacent to the site that is being preserved by locating the driveway off of the alley. This area will be landscaped in accordance with the planting requirements for overall site landscaping.
3. In addition, the applicant proposes a green screen fence along the southern side of the driveway. The fence would be four feet tall and located in a one-foot wide landscape area with the intent to screen the driveway from the adjacent commercially zoned property to the south.
4. The applicant has submitted a site plan showing the location of the proposed building, driveway and landscaping. The site plan is included as Attachment "A".

### **Project Site:**

5. The site is located within the "C-2" General Commercial District and is designated as a General Commercial area and Tier 1 – Primary Growth area under the City of Tacoma Comprehensive Plan.
6. The site is a vacant corner lot with frontage on 6<sup>th</sup> Avenue to the north and South Ainsworth Avenue to the west. The site to the east (1514 & 1518 6<sup>th</sup> Ave.) is developed with two duplex buildings which currently access off of the alley.

### **Surrounding Area:**

7. The surrounding properties to the north, east and west are developed with various commercial uses including a dog daycare, a thrift store, the Salvation Army and a multi-unit

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<sup>1</sup> The Exhibit is contained in Planning and Development Services Department File No. LU16-0077. It is referenced and incorporated herein as though fully set forth.

housing complex, a lock and safe business, and the aforementioned duplexes. To the south are two vacant sites. The adjacent and nearby sites are all commercially zoned.

8. The South Ainsworth right-of-way adjacent to the west of the site is 100 feet wide and is developed with an approximately 30 foot wide roadway with sidewalks on both sides. The landscape area between the sidewalk and roadway is approximately 10 feet wide and the available landscape area between the sidewalk and the site property line is approximately 15 feet wide.

**Notification and Comments:**

9. The application was determined to be complete on April 8, 2016. Written notice of the application was 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 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.
10. City of Tacoma Traffic Engineering provided comment on the proposal, indicating that the proposed location of the parking for the existing duplexes would allow a driveway serving the subject site to be reduced to 18 feet in width while still allowing for adequate maneuverability. Traffic Engineering comments are included as an Exhibit.

**Additional Information:**

11. The applicant's justification for the Variance application is included in Attachment "A". In summary, the applicant states the following:
  - The site layout proposed vehicles enter the site from the alley, eliminating car/pedestrian interference on S. Ainsworth Ave. from a new driveway. The proposed area on the site not covered by the building is approximately 750 square feet, leaving an overall site landscaping requirement of 75 square feet that will not be met. Utilizing the roughly 1,300 sq. ft. of right-of-way available in S. Ainsworth Avenue for an enhanced landscape area will promote residential activity on the street through the benefits of vegetation and shade.
  - Regarding the site perimeter strip, the proposal for a 4 foot tall green screen fence will screen vehicles from view from 607 S. Ainsworth to the south.
  - The proposal utilizes the alley for vehicle access allowing the entire street facing facades of the building to be active with residential activity while minimizing traffic and pedestrian conflicts.
12. Application for a Boundary Line Adjustment (BLA) involving both sites was approved on June 24, 2016 to allow the duplexes to be located on separate parcels (LU16-0086). The BLA will not affect this request.

**Applicable Regulations and Policies:**

13. *TMC* Section 13.06.200 allows for multi-family dwellings within the C-2 General Commercial District.
14. *TMC* Section 13.06.502.E requires an overall site landscaping of 10% of the site minus the area covered with structures and a 5 foot wide site perimeter strip, which can be broken by buildings and perpendicular driveway access.
15. *TMC* Section 13.06.645.B.4 includes the criteria required for approval of a landscape design

variance.

16. The *Comprehensive Plan*, which sets forth policy regarding development in the City of Tacoma, provides the following policy guidance relative site landscaping and parking:

**GOAL DD–2** Ensure that parking area design and management balances the needs of all users, supports modal priorities, and is responsive to site context.

**Policy DD–2.1** Promote site design that minimizes the impacts of vehicular access and parking lots on pedestrian safety and the visual environment:

- a. Locate parking lots to the side or rear of developments and within walking distance of the activities they serve.
- b. Limit the number and width of driveways to those necessary to effectively serve development.
- d. Parking, loading, storage, and utility service areas should be screened from view and landscaped.

**Policy DD–2.3** Utilize landscaping elements to screen and shade parking lots, loading areas, utility service and storage from the street view and adjacent uses, to create visual appeal, de-emphasize the prominence of the parking lot, and to enhance the pedestrian environment.

**GOAL DD–4** Enhance human and environmental health in neighborhood design and development. Seek to protect safety and livability, support local access to healthy food, limit negative impacts on water and air quality, reduce carbon emissions, encourage active and sustainable design, and integrate nature and the built environment.

**Policy DD–4.10** Utilize landscaping elements to improve the livability of residential developments, block unwanted views, enhance environmental conditions, provide compatibility with existing and/or desired character of the area, and upgrade the overall visual appearance of the development.

## CONCLUSIONS<sup>2</sup>

1. Provided the conditions of approval are met, the proposal meets the criteria identified in TMC 13.06.645.B.4 for approval of a Variance as follows:

*Criteria. The Director or Hearing Examiner may, in specific cases, authorize variances to design standards upon the finding that the variance request meets one of the criteria listed below. Standardized corporate design and/or increased development costs are not cause for variance. Failure to meet an appropriate test shall result in denial of the variance request. The Director or Hearing Examiner may issue such conditions as necessary to maximize possible compliance with the intent of the regulation from which relief is sought. The applicant carries the burden of proof to demonstrate applicability of the appropriate test(s):*

- (1) *Unusual shape of a parcel established prior to 2002 creates practical difficulties in achieving compliance with the design standard sought to be varied.*
- (2) *Preservation of a critical area, unique natural feature, or historic building and/or feature creates practical difficulties in achieving compliance with the design standard sought to be varied.*

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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.

(3) *Widely varied topography of the building site creates practical difficulties in achieving compliance with the design standard sought to be varied.*

(4) *Documentation of a pending public action, such as a street widening, creates practical difficulties in achieving compliance with the design standard sought to be varied.*

The applicant has not submitted information that would demonstrate compliance with these first four criteria.

(5) *A proposed alternative design that departs from a requirement that can be demonstrated to provide equal or superior results to the requirement from which relief is sought in terms of quantity, quality, location, and function.*

The applicant proposed an alternative design to the required overall site and perimeter landscaping. The project design includes a driveway that accesses from the alley to the east and crosses a neighboring property before entering the site. This driveway will utilize an existing access and will prevent the development of a 20 foot wide curb and sidewalk cut on S. Ainsworth Ave., which would interrupt the pedestrian environment. The proposed driveway location also allows for the entire street frontage of the site to be developed with a residential building with access fronting directly onto the street frontage, further promoting a pedestrian environment. The driveway location, however, precludes the installation of the required overall site landscaping and 5 foot wide site perimeter strip. The applicant proposes the alternative design of landscaping approximately 1,300 sq. ft. of the S. Ainsworth right-of-way and installation of a green screen fence with a one foot wide planting area to the south of the driveway from the alley to the edge of the building. Per the comments from the City's Traffic Engineer, the portion of the driveway 20 feet east of the alley can be narrowed to 18 feet in width. This would allow for a wider planting area (three feet) for the green screen fence. The Director concludes that, as conditioned below, the proposed alternative design provides equal or superior results to the overall site landscaping and perimeter strip requirement. Findings 1-16; Attachment "A", Exhibit "A".

### **DECISION**

Based upon the above findings and conclusions, the request for a Landscape Design Variance is **Approved**, subject to the following conditions:

#### **Conditions:**

1. The proposal shall be developed substantially consistent with the attached site plan, with the proposed driveway narrowing to 18 feet wide 20 feet west of the access way abutting the alley. This will provide additional area to the south of the driveway for landscaping against the 4 foot tall green screen.
2. Landscaping shall be provided in the S. Ainsworth right-of-way abutting the site that meets the planting requirements of the overall site landscaping.

ORDERED this 28<sup>th</sup> day of July, 2016.

  
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Peter Huffman  
Director, Planning and Development  
Services Department

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

John Wolters, WC STUDIO architecture agency, 323-C Puyallup Ave., Tacoma, WA 98421

**Interoffice Email:**

Jennifer Kammerzell, 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

Central 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 **August 11, 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 **\$325.26**. 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.



# 1522 6TH AVENUE PROPOSED SITE PLAN

**VARIANCE REQUEST #1**  
In Commercial Districts, 10% of the site area not covered with structures should be planted. (TMC 13.08.02.E)

The site layout proposes vehicles enter the site from the alley, eliminating car/pedestrian interference that would occur from a new 20' wide curb cut and driveway from Ainsworth Avenue. For the proposed development, 75% of the site remains not covered with building resulting in a 75% of planting requirement. The 1,300 sq ft right-of-way along Ainsworth and 6th Avenue, now fully preserved, will be utilized for "proposed landscaped areas" with trees and shrubs meeting the planting requirements specified out in the code and promoting residential activity on the street through the benefits of vegetation and shade.

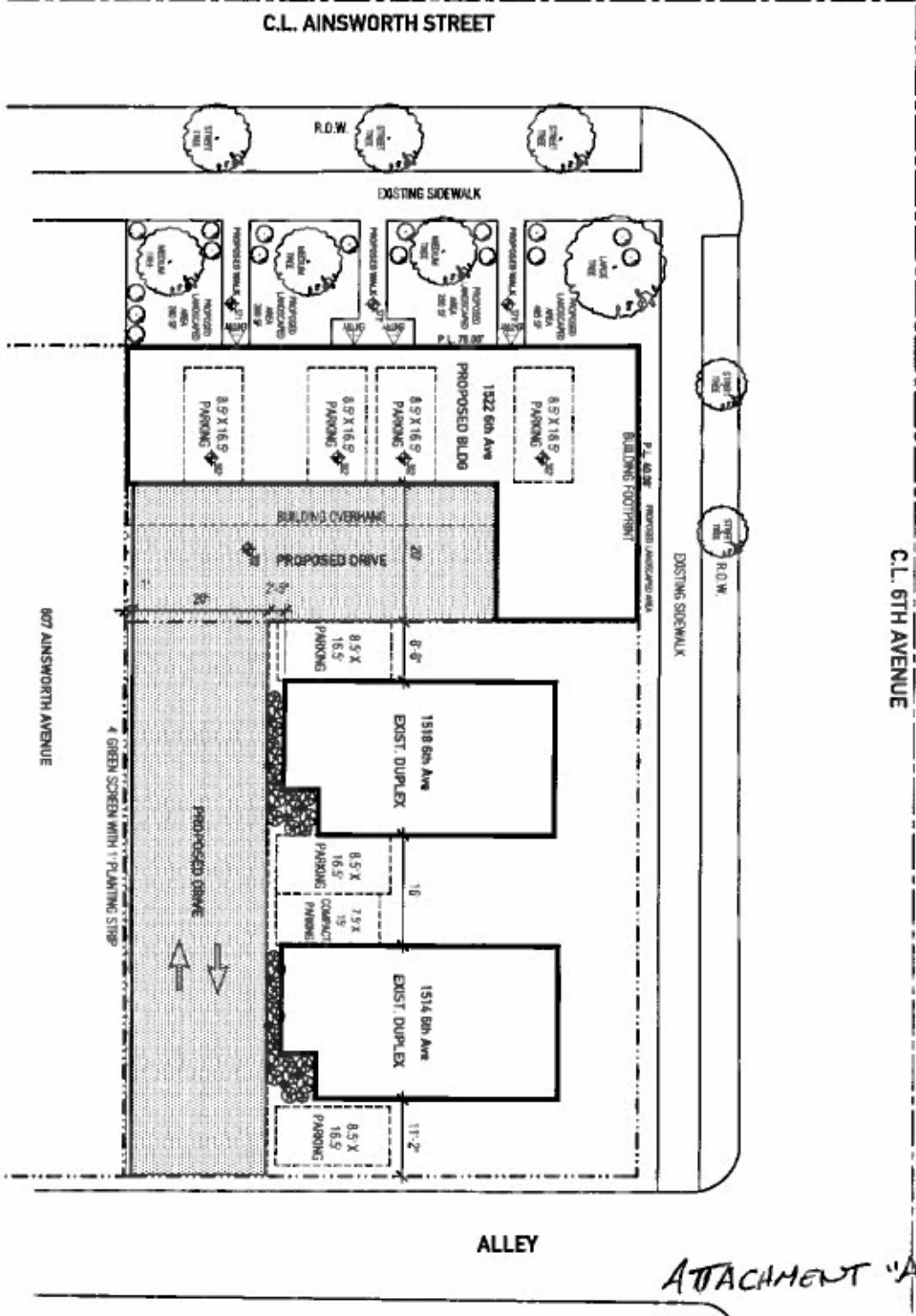
**VARIANCE REQUEST #2**

5. Site Former Landscaping, intended to ensure that areas abutting public rights-of-way, and not developed with structures, be attractive, and provide environmental benefits of vegetation.

The intent of the code is to ensure sites abutting "public rights-of-way" remain attractive, screening parking and driveways from view. Our proposal is to replace the 5' perimeter landscaping along the south P.L. with a green screen fence and a 1' planting area. This green screen fence would funnel the sight to screen vehicles from the view in the direction of 607 Ainsworth. This 1' wide perimeter landscape on the south P.L. allows for ~2'-5" of landscaped space along the south facade of 1514-1518 6th Avenue. This facade landscaping that will receive more sunlight it and when the property at 607 Ainsworth, also a C2 property with a height limit of 45 feet, is developed.

This proposal integrates with Tucson's Comprehensive Plan 1. This type of proposed development will provide street-oriented buildings within the existing historic developments and promote infill projects in the Pattern-3 Zone. (UP 13.18)

2. This proposal utilizes the alley for vehicle access allowing the entire street facing facade of the building to be active with residential activity in the landscaped areas improving livability, minimizing the impacts of vehicular traffic, upgrading the overall appearance of the development and contributing to Tucson's Urban Forest, 30-by-30 effort. (UP 13.20 DD 114, DD 21, DD 4.10, EN 4.29)



**1 SITE PLAN**  
SCALE: 1/16" = 1'-0"  
2016.06.07

ATTACHMENT "A"

