



**City of Tacoma**  
Office of the Director  
Report And Decision

**VARIANCE APPLICATION OF:**  
Site Enhancement Services  
6001 Nimitz Pkwy  
South Bend, IN 46628

**FILE NO: LU16-0103**

**SUMMARY OF REQUEST:**

The applicant has requested a sign variance in order to increase the allowed sign area for Advance Auto Parts to 142 square feet. The property is located in the "UCX STGPD" Urban Center Mixed-Use District and South Tacoma Groundwater Protection District. *Tacoma Municipal Code* Section 13.06.522.K limits the sign area for the site to 90 square feet.

**LOCATION:**

The site is located at 3735 South Pine Street; Parcel Number 5270000022

**DECISION:**

The request for an 82 square foot sign area variance is **Denied**.

**Notes:**

The appeal period on this decision closes August 17, 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  
Planning and Development Services  
747 Market Street, Room 345  
Tacoma, WA 98402  
253-591-5845  
Email: [dlawrence@cityoftacoma.org](mailto:dlawrence@cityoftacoma.org)

## **SUMMARY OF RECORD**

The following attachments and exhibits constitute the administrative record:

Attachments:

A – Site Plan and Elevations

Exhibits<sup>1</sup>:

A – Applicant's Justification for the Request

The Director enters the following Findings of Fact and Conclusions of Law based upon the applicable criteria and standards set forth in the *Tacoma Municipal Code (TMC)*, the policies of the *Comprehensive Plan*, and the Attachment and Exhibit listed above.

## **FINDINGS OF FACT**

### **Proposal:**

1. The applicant proposes to construct two wall mounted signs for Advance Auto Parts. One sign will be on the west elevation facing South Pine Street to the west and one will be located on the south elevation facing the parking lot to the south. See Attachment "A".
2. Each of the proposed signs will be 27 inches by 31 feet, 8-inches, with a total sign area of 71 square feet. The signs will be illuminated. See Attachment "A".
3. Each sign will identify the tenant Advance Auto Parts and be designed identical to one another. See Attachment "A".
4. *TMC* 13.06.522.K limits wall signage area to 1 square foot per 1 linear foot of the building frontage with the public entrance. In this instance, the site is allowed 90 square feet of signage since the west facing building frontage is a total of 90 feet per the applicant's plans. Therefore, the proposal is for a variance to allow an additional 82 square feet of sign area or an increase in area of 91%. See Attachment "A".

### **Project Site:**

5. The site is addressed as 3735 South Pine Street. The parcel number is 5270000022.
6. The site, which is generally rectangular in shape, measures roughly 208 feet deep and 275 feet wide and contains 49,452 square feet of area.
7. The site is developed with a 13,304 square foot single-story, multi-tenant building that is roughly "L" shaped.
8. The structure has 170 feet of building frontage facing S. Pine Street to the west. There are currently five tenant spaces in the building, but the proposal includes remodeling the interior into three tenant spaces and demolishing the westernmost portion of the building. The tenant space for Advanced Auto Parts will have 90 feet of building frontage that faces South Pine Street to the west and approximately 65 feet of frontage facing the parking lot to the south. The other two tenants will divide the remaining 80 feet of western facing frontage between them. The customer entrance to the Advance Auto Parts tenant space will be

---

<sup>1</sup> The Exhibit is contained in Planning and Development Services File No. LU16-0103. It is referenced and incorporated herein as though fully set forth.

moved to the northwest façade of the building and five new parking spaces will be constructed in front of the entrance.

9. A 30 to 35 foot tall free standing sign is located along the westerly portion of the site, adjacent to South Pine Street and just north of the main driveway entrance. The sign identifies multiple tenants that utilize the site. The Advance Auto Parts business associated with the subject sign variance will be utilizing a portion of the freestanding sign.
10. South Pine Street abuts the site to the west. South Pine Street is an arterial street paved with an asphalt concrete surface and is developed with curb, gutter, and sidewalks located on both sides of the street.
11. The site is located in the "UCX" Urban Center Mixed-Use District. The site is also located in the "STGPD" South Tacoma Groundwater Protection District.
12. The City's *Comprehensive Plan* identifies the site as located within the "Tacoma Mall Regional Growth Center". The site is inside of the "Tacoma Mall Mixed-Use Center".

**Surrounding Area:**

13. The surrounding area to the north, south, and west is located within the "UCX STGPD" Urban Center Mixed-Use District and South Tacoma Groundwater Protection District.
14. The surrounding area is developed with a variety of large scale commercial retail and service uses. The Tacoma Police Department headquarters abuts the site directly to the north.
15. The intersection of S. 38<sup>th</sup> Street and S. Pine Street is located approximately 225 feet south of the main entrance to the site.

**Additional Information:**

16. The applicant has provided a written analysis of how they believe the proposal is consistent with the criteria required to be met for the approval of a sign variance. The Director understands the key points of the applicant's justification to be that the increased sign area will increase the businesses visibility to motorists, the site's calculated frontage is limited due to the entrance being relocated to the west elevation, the letter height of the signage is smaller than what is currently on the site, that the increase in signage will prevent motorists from missing the building, that a decrease in letter height will prevent motorists from seeing the building, that the design of the signage is consistent with one another, that granting of the variance will allow for safer wayfinding, and that the signs are in scale with the surrounding area. The applicant's justification for the variance request is marked as Exhibit "A" to this report and decision.
17. The maximum allowed sign area for wall signage per *TMC* 13.06.522.K is 1 square foot per 1 linear foot of building frontage with the public entrance.
18. The *Comprehensive Plan* provides the following policy pertaining to design & development within the City's Mixed-Use Centers:

Goal DD-3 Ensure that sign location and design is responsive to site context and compatible with the envisioned mix of uses and modal priorities.

Policy DD-3.2 Signs should effectively contribute to the aesthetics of the development and minimize negative impacts on adjacent uses and all modes of transportation.

Specifically:

- a. Emphasize wall mounted over freestanding signs.

- b. Limit the height of freestanding signs and integrate such signs with landscaping elements.
- c. Provide for wall mounted signs that are sized and placed in proportion and appropriate to the façade of the building.
- d. Encourage signage that contributes to the pedestrian environment
- e. Encourage creativity in signage design.
- f. Encourage the use of high quality materials that are durable and enhance the aesthetics of the development

Policy DD-3.3 Promote compatibility of signs with pedestrian-oriented development in all areas, and particularly in designated mixed-use centers and residential areas

- 19. Pursuant to *WAC* 197-11-800, Subsection (6)(b) and the City of Tacoma's *SEPA* Procedures, this proposed action is categorically exempt from the Threshold Determination and Environmental Impact Statement requirements of *SEPA*.
- 20. The application was filed and determined complete on May 12, 2016.

**Public Notice:**

- 21. Public notice of the application was mailed on June 15, 2016 to owners of property within 100 feet of the site as indicated by the Pierce County Assessor/Treasurer's records, the South Tacoma Neighborhood Council, and qualified neighborhood groups, allowing a 14-day comment period.
- 22. No comments were received in response to the public notice.

**Conclusion of Law a Finding of Fact:**

- 23. Any conclusion of law hereinafter stated which may be deemed a finding of fact herein is hereby adopted as such.

**CONCLUSIONS OF LAW**

**Burden of Proof:**

- 1. The applicant bears the burden of proof to demonstrate that the proposal is consistent with the provisions of *TMC* Chapter 13.06, including a demonstration of conformance with implementing regulations, applicable provisions of the City's Comprehensive Plan and other applicable ordinances of the City.

**Applicable Regulations:**

- 2. Construction of signs that support commercial uses is a permitted activity in the "UCX STGPD" Urban Center Mixed-Use District and South Tacoma Groundwater Protection District subject to sign regulations, including maximum sign area. See *TMC* 13.06.522.K.

**Criteria for Review:**

- 3. Variance requests for relief from the minimum sign area regulation in excess of 25% are considered Level 2 sign variances per *TMC* 13.06.645.5.a(2).
- 4. In order for the Director to authorize a Level 2 sign variance, the request must be found consistent with all of the criteria set forth in Section 13.06.645.B.1 and one of the criteria set forth in Section 13.06.645.B.5 of the *TMC*. The relevant criteria, as stated in *TMC* 13.06.645.B.1 and 13.06.645.B.5:

### **Analysis of Review Criteria:**

5. Any Finding of Fact later deemed to be a Conclusion of Law is hereby adopted as such.
6. *The restrictive effect of the specific zoning regulation construed literally as to the specific property is unreasonable due to unique conditions relating to the specific property, and which do not result from the actions of the applicant, such as: parcel size; parcel shape; topography; location; documentation of a public action, such as a street widening; proximity to a critical area; or character of surrounding uses.* The subject site will have its public entrance on the west building façade facing South Pine Street instead of the parking lot to the south. Having the public entrance to the west instead of the parking lot to the south allows that façade to be used in calculating total allowed sign area and results in an allowance of 90 square feet of sign area rather than 65 square feet. This is three times the minimum allowance for businesses within the "UCX STGPD" District. The "L" shape of the building and the configuration of the tenant space actually allows for a greater sign allowance and greater visibility to traffic from the south than the rest of the tenants in the building who have facades only facing west. Additionally, the tenant will also have the opportunity to utilize a freestanding sign that is shared by the other tenants of the site and is visible to traffic traveling north and south on S. Pine Street. Therefore, there are no unique conditions associated with the site that would make the zoning regulation unreasonable. See Exhibit "A"; Attachment "A"; Findings 5-16
7. *The requested variance does not go beyond the minimum necessary to afford relief from the specific hardship affecting the site.* As no hardship has been identified for the property, there is no relief required. See Exhibit "A"; Attachment "A"; Findings 4-17
8. *The grant of the variance would allow a reasonable use of the property and/or allow a more environmentally sensitive site and structure design to be achieved than would otherwise be permitted by strict application of the regulation, but would not constitute a grant of special privilege not enjoyed by other properties in the area.* The use of the site is reasonable, as the site will continue to be used as a commercial business. Further, wall mounted signs are permitted in the "UCX STGPD" Urban Center Mixed-Use District and South Tacoma Groundwater Protection District. Because of the availability of a freestanding sign and the building having 90 square feet of available wall mounted signage, granting of the variance would be considered a grant of special privilege not enjoyed by other properties in the area. See Exhibit "A"; Attachment "A"; Findings 1-4, 5-16
9. *The grant of the variance will not be materially detrimental or contrary to the Comprehensive Plan and will not adversely affect the character of the neighborhood and the rights of neighboring property owners.* The Comprehensive Plan indicates that wall mounted signage should contribute to the pedestrian environment, encourage high quality materials, and encourage design creativity. Nothing in the record indicates that an increase in sign area will result in higher quality materials, design creativity, or contribute towards the pedestrian environment and allowing a variance to increase sign area by 91% without demonstration of a hardship would be contrary to the Comprehensive Plan. See Exhibit "A"; Attachment "A"; Findings 1-4, 16-18
10. *The grant of the variance will not cause a substantial detrimental effect to the public interest.* For the reasons stated above, approval of the variance will cause a substantial detrimental effect to the public interest. See Exhibit "A"; Attachment "A"; Findings 1-17.
11. *Standardized corporate design and/or increased development costs are not cause for variance.* No information has been submitted to the Director that would indicate that the variances are sought due to standardized corporate design or increased development costs.

12. Because the proposed variance failed to meet all of the criteria established in *TMC* 13.06.645.B.1.b, the proposal was not reviewed for consistency with *TMC* 13.06.645.B.5.b.

**DECISION**

Based on the findings and conclusions, the requested sign variance is **DENIED**.

ORDERED this 3<sup>rd</sup> day of August, 2016.



---

Peter Huffman  
Director, Planning and Development Services

FULL DECISION TRANSMITTED by first class mail to:

Site Enhancement Services, 6001 Nimitz Parkway, South Bend, IN 46530  
Tacoma Acquisition, 6400 S Fiddlers Green Cir, Suite 1820, Greenwood Village, CO 80111  
Pierce County Office of the Assessor-Treasurer, Darci Brandvold, 2401 South 35<sup>th</sup> Street, Room 142, Tacoma, WA 98409-7460

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

All owners of property as indicated by the Pierce County Assessor/Treasurer's records within 100 feet of the subject site.  
South Tacoma Neighborhood Council  
Planning Services Division: Brian Boudet, Ian Munce  
Community and Economic Development Department: Carol Wolfe

**NOTE: 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, you may call 253-798-7415 or by e-mail at [www.co.pierce.wa.us/boe](http://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 17, 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.)

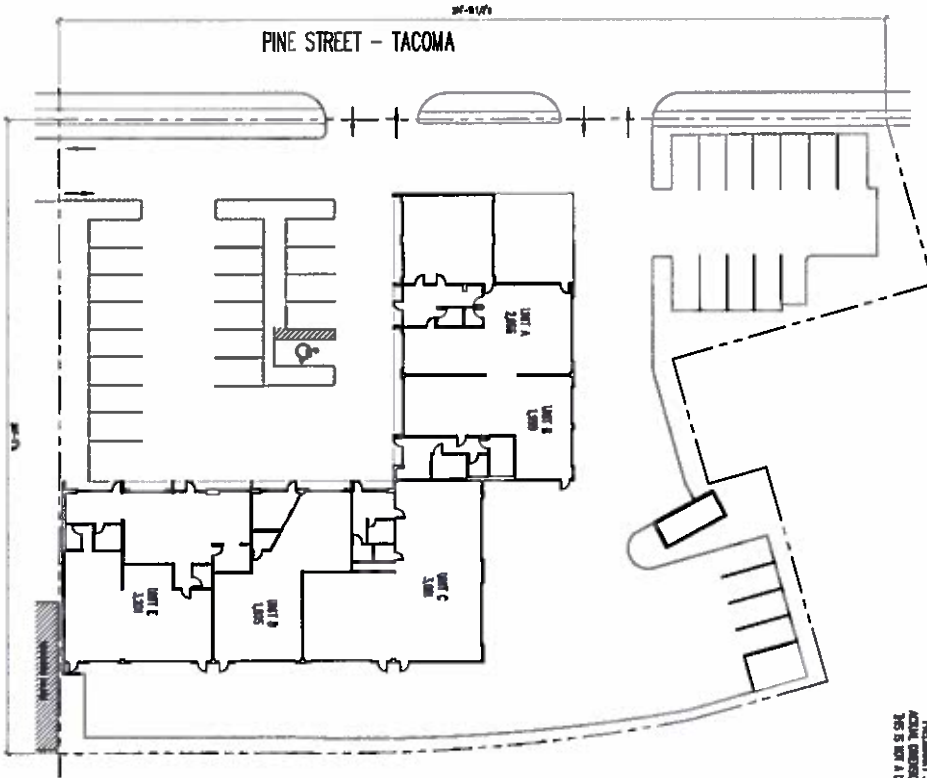
The Notice of Appeal must be submitted in writing to the Hearing Examiner's Office, Seventh Floor, Tacoma Municipal Building, and shall contain the following:

- (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.





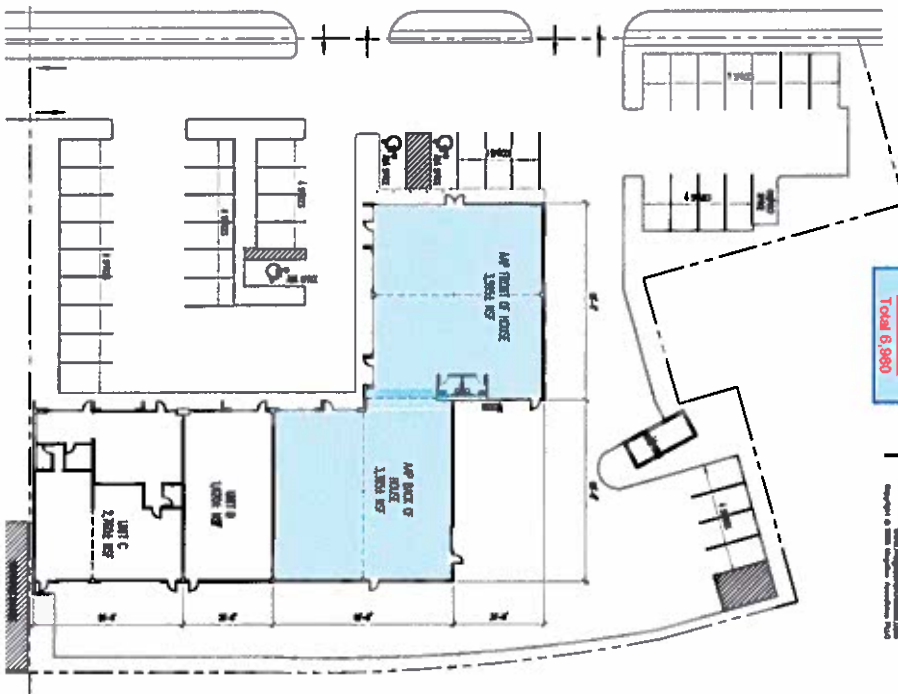
Tacoma Hub  
 Site Study  
 07/02/15



RESIDENTY SHOW ONLY  
 ACTUAL DIMENSIONS MAY VARY  
 THIS IS NOT A LEGAL SKETCH

**EXISTING SITE PLAN**  
 SCALE: 1/8" = 1'-0"

PINE STREET - TACOMA



**APR Areas**  
 Front 3,500  
 Back 3,388  
 Total 6,888

**Magellan**  
 A R E C H I T E C T S  
 6301 15th Avenue SW  
 Seattle, WA 98148  
 Tel: 206.461.1111  
 Fax: 206.461.1112  
 www.magellanarchitects.com

**PROPOSED SITE PLAN**  
 SCALE: 1/8" = 1'-0"

Attachment "A"



**Advance Auto Parts** 

**Submittal Art**

**Store Identifier: #4619**

**3735 S Pine St  
Tacoma, WA**

**April 28, 2016**

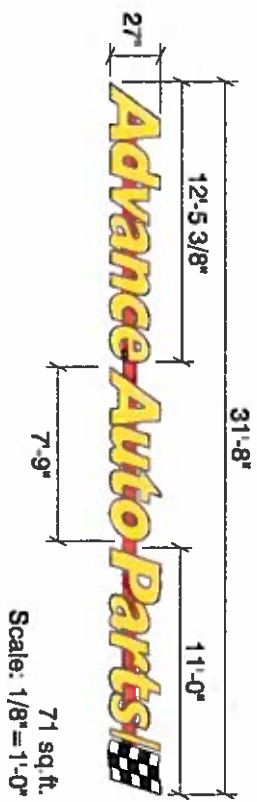


Ph: 1 . 855 . 525 . 6261  
Fax: 1 . 574 . 237 . 6188  
[www.seenhancement.com](http://www.seenhancement.com)





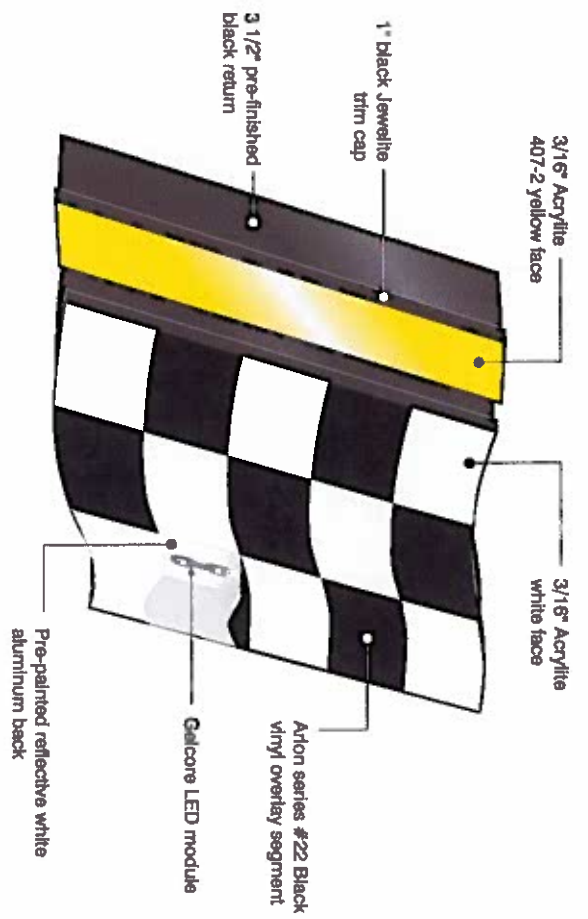
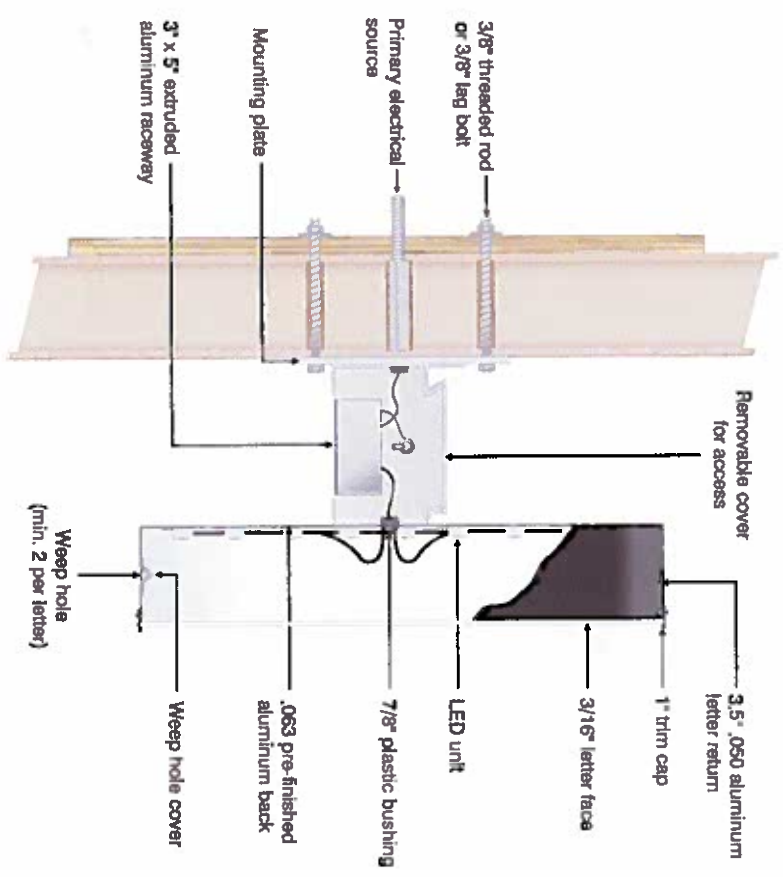
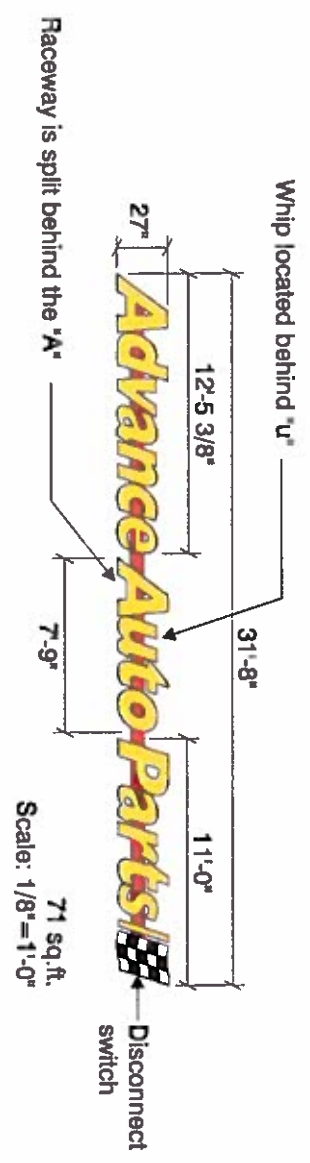
- A1
  - A2
- 27" Yellow Channel Letterset





**A1 A2 27" Yellow Channel Letterset**

POWER SUPPLY: Galcore model GECLPS3 or GECLPS4 (UL classified)  
 LED UNIT: Galcore (5 per ft.)  
 DISCONNECT SWITCH: 20 amp toggle safety switch, single pole with rubber boot (UL approved)



Sign components to be in strict compliance with all UL standards. **UL**

Existing South Elevation

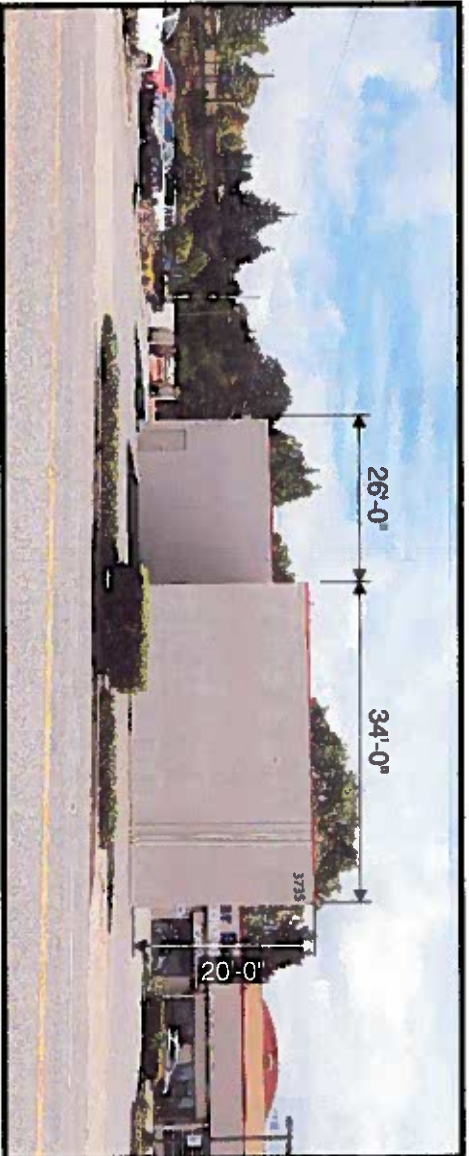


Proposed South Elevation



\*Signage size and placement are approximate.

Existing West Elevation



Proposed West Elevation



\*Signage size and placement are approximate.