



August 15, 2013

Mayor and City Council Members  
City of Tacoma  
747 Market Street, Room 1200  
Tacoma, Washington 98402

Dear Mayor and Council Members:

The **City Council Study Session of Tuesday, August 20, 2013**, will be held in Room 16, Tacoma Municipal Building North, 733 Market Street, at Noon.

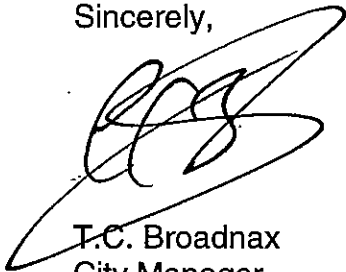
The live audio stream is available on both [www.tvtacoma.com](http://www.tvtacoma.com) and on TV Tacoma, Channel 12 in Tacoma city limits on both Click! and Comcast cable systems.

The agenda items are as follows:

- (1) Charter Review Process
- (2) Other Items of Interest
- (3) Agenda Review

and, any other such business as may be properly brought before the Council at such meeting. The City Council may take action to accept, reject, or modify any or all proposed program(s).

Sincerely,



T.C. Broadnax  
City Manager



The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the City Clerk's Office at (253) 591-5505. TTY or speech to speech users please dial 711 to connect to Washington Relay Services.





## MEETINGS FOR THE WEEK OF AUGUST 19, 2013 THROUGH AUGUST 23, 2013

TIME	MEETING	LOCATION
<b>MONDAY, AUGUST 19, 2013</b>		
4:30 PM	Neighborhoods and Housing Committee – Change of Location	733 Market St., Municipal Bldg. N, Conf. Rm. 16
<b>TUESDAY, AUGUST 20, 2013</b>		
9:00 AM	Hearing Examiner's Hearing*	747 Market St., Municipal Bldg., Council Chambers
11:00 AM	Bid Opening	3628 S. 35 <sup>th</sup> St., Public Utilities Bldg., ABN-M1
NOON	City Council Study Session	733 Market St., Municipal Bldg. N., Conf. Rm. 16
3:00 PM	Committee of the Whole	747 Market St., Municipal Bldg., 9 <sup>th</sup> Flr. Visibility Ctr.
5:00 PM	City Council Meeting	747 Market St., Municipal Bldg., Council Chambers
<b>WEDNESDAY, AUGUST 21, 2013</b>		
9:00 AM	Contracts & Awards Board **	3628 S. 35 <sup>th</sup> St., Public Utilities Bldg., ABN-M1
9:00 AM	Dangerous Building Hearings	747 Market St., Municipal Bldg., Council Chambers
3:00 PM	Tacoma Pierce County Board of Health Study Session	3629 S. D St., Health Dept. Bldg., Rainier Conf. Rm.
4:00 PM	Fiscal Sustainability Task Force – Special Meeting	747 Market St., Municipal Bldg., Rm. 708
4:00 PM	Planning Commission	733 Market St., Municipal Bldg. N., Conf. Rm. 16
4:30 PM	Government Performance & Finance Committee	747 Market St., Municipal Bldg., Conf. Rm. 248
5:30 PM	Tacoma Public Library Board of Trustees Meeting	3411 S. 56 <sup>th</sup> St. South Tacoma Library
<b>THURSDAY, AUGUST 22, 2013</b>		
7:30 AM	Tacoma Community Redevelopment Authority Board	747 Market St., Municipal Bldg., Conf. Rm. 248
9:00 AM	Hearing Examiner's Hearing*	747 Market St., Municipal Bldg., Council Chambers
4:30 PM	Public Safety, Human Services, & Education Committee CANCELLED	747 Market St., Municipal Bldg., Conf. Rm. 248
5:00 PM	Land Use Public Meeting***	747 Market St., Municipal Bldg., Council Chambers
6:00 PM	Community Council Meeting	733 Market St., Municipal Bldg. N., Conf. Rm. 16
<b>FRIDAY, AUGUST 23, 2013</b>		
NO MEETINGS SCHEDULED		



Meeting sites are accessible to people with disabilities. People with disabilities requiring special accommodations should contact the appropriate department(s) 48 hours prior to the meeting time.

\* Hearing Examiner's Hearings and Local Improvement District Meetings meet on an as-needed basis. Please contact the Hearing Examiner's Office at (253) 591-5195 to confirm whether a meeting will be held this week.

\*\* The Contracts & Awards Board (C&A Board) *may* meet weekly on Wednesdays *if* there is regular business to conduct. Updated meeting information and agendas are posted by Tuesday of each week on the City of Tacoma Purchasing website at: [www.tacomapurchasing.org](http://www.tacomapurchasing.org). Please check this website to confirm whether a C&A Board meeting will actually be held this week.

\*\*\*Land Use Public Meetings meet on an as-needed basis. Please contact Land Use Administrator, Jana Magoon at (253) 594-7823 to confirm whether a meeting will be held this week.





# City Council Agenda

<http://www.cityoftacoma.org>

City Council Chambers, 747 Market Street, First Floor, Tacoma, Washington 98402

August 20, 2013 – 5:00 p.m.

Call to Order.

Roll Call.

Flag Salute.

Moment of Silence.

## **ITEMS FILED IN THE OFFICE OF THE CITY CLERK**

There were no items filed this week.

## **C O N S E N T   A G E N D A**

- ( 1) Approval of the minutes of the City Council study session of July 16, 2013.

Ayes: \_\_\_ Nays: \_\_\_ Absent: \_\_\_ Abstaining: \_\_\_ Items Removed: \_\_\_

## **PROCLAMATIONS, RECOGNITIONS, PRESENTATIONS, AND ANNOUNCEMENTS**

Proclaiming August 22, 2013 as Tacoma Link Day.

Proclaiming September 2013 as Alzheimer's Awareness Month.

## **PUBLIC COMMENT**

This is the time set aside for public comment on items on the agenda. Speakers are asked to identify the specific agenda items they wish to address and comments will be limited to up to five minutes per person. Comments will not be accepted on Ordinances or Communication Items forwarded to the City Council by the Hearing Examiner for which a public hearing has already been held. There are no items on tonight's agenda forwarded to the City Council by the Hearing Examiner.

## **REGULAR AGENDA**

A motion may be considered to authorize the City’s full and final settlement of all violations of the Toxics Substance Control Act alleged by the Environmental Protection Agency relating to used oil management activities at the Tacoma Landfill upon payment by the City in the amount of \$40,000.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstaining: \_\_\_\_\_

A motion may be considered to authorize the City’s full and final settlement of all claims against the City in the matter of Terri Coe vs. City of Tacoma, Pierce County Cause No. 2-2-09484-1, upon payment by the City in the amount of \$87,500.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstaining: \_\_\_\_\_

A motion may be considered to authorize the City’s full and final settlement of all claims against the City by Margaret Wilkins, Claim No. 14409, upon payment by the City in the amount of \$37,658.35.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstaining: \_\_\_\_\_

### **RESOLUTIONS**

#### **Purchase Resolution No. 38719**

( 3) Awarding contracts to:

1. Global Contractors, LLC, on its bid of \$367,165.00, sales tax not applicable, plus a 10 percent contingency, for a cumulative total of \$403,881.50, budgeted from the CDBG Fund and the Neighborhood Business District REET Fund, for Business District Sidewalk Improvements in the Dome Business District, McKinley Hill Business District, Pacific Avenue Business District, and install ADA curb ramps at the corners of South 6<sup>th</sup> and South I Streets – Specification No. ED13-0359F; and  
**[Carol Wolfe, Program Development Specialist; Ricardo Noguera, Director, Community and Economic Development]**
2. Sage Group Consulting Inc., on its bid of \$292,400.00, plus applicable sales tax, budgeted from the Information Systems Fund, for a four-month contract to conduct a strategic assessment of the City’s core Enterprise Resource Planning systems – Specification No. IT13-0379F.  
**[Alan Alvarez, Business Solutions Functional Manager; Jack Kelanic, Interim Director, Information Technology]**

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstaining: \_\_\_\_\_

**Resolution No. 38720**

- (10) Approving the expansion of the Tacoma Water service area by 14.7 acres and authorizing the execution of an agreement to extend the water mains to 15 residents served by the Fennel Heights Maintenance Water System.

**[Ryan Flynn, Senior Principal Engineer; Linda McCrea, Superintendent, Tacoma Water]**

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstaining: \_\_\_\_\_

**Resolution No. 38721**

- (20) Authorizing the execution and conveyance of a non-exclusive perpetual easement to Robin Bueche, individually and as Successor Trustee of the O'Donnell Family Revocable Living Trust, in the amount of \$10,000, for ingress, egress, and utilities over and across the Tacoma Rail Mountain Division right-of-way in the Ashford area of Pierce County.

**[Dylan Harrison, Senior Real Estate Specialist; Kurtis Kingsolver, Interim Director, Public Works]**

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstaining: \_\_\_\_\_

**Resolution No. 38722**

- (27) Approving and designating the property owned by Norma J. Sands and Linnea C. Sands, located at 615 South 82<sup>nd</sup> Street, as open space for property tax purposes under the City and Pierce County's Open Space Current Use Assessment program.

**[Cheri Gibbons, Associate Planner; Peter Huffman, Interim Director, Planning and Development Services]**

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstaining: \_\_\_\_\_

**FINAL READING OF ORDINANCES**

**Ordinance No. 28165**

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for Municipal Court Judges and Court Commissioners, effective September 1, 2013.

**[Joy St. Germain, Director, Human Resources]**

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstaining: \_\_\_\_\_

**Ordinance No. 28166**

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by District Lodge No. 160, on behalf of Local Lodge No. 297, of the International Association of Machinists and Aerospace Workers, Rail Mechanics and Track Workers Units, which covers approximately 18 budgeted, full-time positions.

**[Joy St. Germain, Director, Human Resources]**

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstaining: \_\_\_\_\_

**FIRST READING OF ORDINANCES**

**Ordinance No. 28167**

- (33) Amending Chapter 1.12 of the Municipal Code, relating to the Leave-Based Contribution Plan, to provide eligible employees an opportunity to voluntarily contribute the cash value of accrued vacation and/or personal time off to the United Way of Pierce County.

**[Joy St. Germain, Director, Human Resources]**

**Ordinance No. 28168**

- (39) Amending Chapter 12.08 of the Municipal Code, relating to stormwater and surface water systems, to authorize the Environmental Services Director to establish a pilot program to offer and evaluate the use of rebate payments to eligible customers, in an amount up to \$2,000, who construct and/or maintain City-owned low-impact development rain gardens and bioretention facilities through December 31, 2014.

**[Geoffrey M. Smyth, P.E., Science and Engineering Division Manager; Michael P. Slevin, III, P.E., Director, Environmental Services]**

**PUBLIC HEARINGS AND APPEALS (Will begin at approximately 5:30 p.m.)**

- (44) Jameson Babbitt Stites & Lombard, P.L.L.C., representing the appellant H&P Tacoma Acquisition, LLC, by appealing the recommendation of the Hearing Examiner regarding the request to reclassify approximately 1.78 acres/ 75,000 square feet of the southeast corner of a larger property located at 4601 South Orchard Street from a “R-2” Single-Family Dwelling District to a “M-1” Light Industrial District, to be developed with a stormwater detention facility requiring approximately 15,000 cubic yards of grading, landscaping, and up to 100 passenger car parking spaces; and to develop a driveway across the parcel for commercial and passenger vehicle access to South 48<sup>th</sup> Street. (Paul McCormick, Innova Architects on behalf of H&P Tacoma Acquisition, LLC; File No. REZ2013-40000199731)

**UNFINISHED BUSINESS**

**REPORTS BY THE CITY MANAGER**

**COMMENTS AND COMMITTEE REPORTS OF THE CITY COUNCIL**

Infrastructure, Planning, and Sustainability Committee

**ADJOURNMENT**

City Council Agendas and Minutes, Study Session Minutes, and current Weekly Meeting Schedule can be accessed at

<http://www.cityoftacoma.org>



The Council Chambers is accessible to persons with disabilities. Persons requiring special accommodations should contact the City Clerk’s Office, (253) 591-5505 or (TTY) (253) 591-5153, before 5:00 p.m. on the Monday preceding the Council meeting.





# City Council Study Session Minutes

<http://www.cityoftacoma.org/SSMinutes>

Tacoma Municipal Building North, Room 16, 733 Market Street, Tacoma, Washington 98402

July 16, 2013

Mayor Strickland called the study session to order at 12:06 p.m.

Council Members Present: 8 – Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker, and Mayor Strickland.

Council Members Absent: 1 – Woodards (arrived at 12:13 p.m.)

Mayor Strickland announced the first study session topic is the State Legislative debrief. Randy Lewis, Government Relations Officer, reviewed the status of the 2013 City Council legislative priorities, including economic development, environmental, and fiscal priorities.

Council Member Woodards arrived here, at 12:13 p.m.

Mr. Lewis continued reviewing the status of legislative priorities, including those relating to neighborhoods and transportation. Mayor Strickland noted the transportation revenue package that did not pass would have allowed Pierce Transit to improve park and ride stations and resume service to outlying areas. Mr. Lewis then reviewed bills affecting the City, operating budget impacts, transportation budget impacts, capital budget impacts, and next steps. Discussion ensued regarding Washington Senate Bill 5444, the potential for another transportation session, the restoration of liquor funds, the Housing Trust Fund, funding for People's Pool, and the disconnect between community support and the legislative process regarding funding transportation projects.

Mayor Strickland asked for other items of interest; hearing none she called upon City Manager T.C. Broadnax for a review of tonight's Council agenda. Mr. Broadnax stated there will be two recognitions for the second quarter Human Rights Champion Award recipients; and there are no other changes to the agenda.

Mayor Strickland stated there will be a Committee of the Whole meeting today at 2:00 p.m., in the Visibility Center, on the 9<sup>th</sup> floor of the Tacoma Municipal Building.

Deputy Mayor Campbell moved to convene to Executive Session pursuant to RCW 42.30.110(1)(i) to discuss potential litigation, the session not to exceed 30 minutes. Seconded by Council Member Woodards. Voice vote was taken and carried. The motion was declared adopted.

Mayor Strickland stated Council would take a five minute break followed by Executive Session.

The Council convened to Executive Session at 12:45 p.m. City Attorney Elizabeth Pauli, Chief Deputy City Attorney Bill Fosbre, and Deputy City Attorney Jeff Capell were present.

The Executive Session was extended for 15 minutes at 1:15 p.m.

The Executive Session was extended for 10 minutes at 1:30 p.m.

The Executive Session concluded and the study session reconvened at 1:40 p.m.

There being no further business, the study session was adjourned at 1:40 p.m.

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MARILYN STRICKLAND, MAYOR

ATTEST: \_\_\_\_\_  
DORIS SORUM, CITY CLERK



## RESOLUTION NO. 38719

1 A RESOLUTION related to the purchase of materials, supplies or equipment,  
2 and the furnishing of services; authorizing the appropriate City officials to  
3 enter into contracts and, where specified, waiving competitive bidding  
4 requirements, authorizing sales of surplus property, or increasing or  
5 extending existing agreements.

6 WHEREAS the City has complied with all applicable laws governing the  
7 acquisition of those supplies, and/or the procurement of those services,  
8 inclusive of public works, set forth in the attached Exhibit "A," which Exhibit is  
9 incorporated herein as though fully set forth, and

10 WHEREAS the Board of Contracts and Awards has reviewed the  
11 proposals and bids received by the City, and the Board has made its  
12 recommendation as set forth in Exhibit "A," and

13 WHEREAS the Board of Contracts and Awards has also made its  
14 recommendations as to entering into purchasing agreements with those  
15 governmental entities identified in Exhibit "A"; Now, Therefore,

16 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

17 That the Council of the City of Tacoma does hereby concur in the  
18 findings and recommendations of the Board of Contracts and Awards set forth  
19 in the attached Exhibit "A," and does hereby approve and authorize the:  
20

21 (X) A. Procurement of those supplies, services, and public works  
22 recommended for acceptance in the attached Exhibit "A";  
23

24 ( ) B. Rejection of those bids and/or proposals that are recommended  
25 for rejection in the attached Exhibit "A";  
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( ) C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

( ) D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form.

  
\_\_\_\_\_  
City Attorney



**City of Tacoma**  
Community and Economic Development Department

EXHIBIT "A"  
RESOLUTION NO.: 38719  
ITEM NO.: 1  
MEETING DATE: AUGUST 20, 2013

**DATE:** August 6, 2013  
**TO:** Board of Contracts and Awards  
**SUBJECT:** Business District Sidewalk Improvements  
Budgeted from CDBG and Neighborhood Business District REET  
Request for Bids Specification No.: ED13-0359F

**RECOMMENDATION:** The Community and Economic Development Department recommends a contract be awarded to low bidder **Global Contractors, LLC, Puyallup, WA** for Business District Sidewalk Improvements. The contract amount reflects a base award of \$367,165.00, plus a 10% contingency, for a cumulative total of \$403,881.50, sales tax not applicable.

**EXPLANATION:** This project will replace unfit or unsafe sidewalks and install ADA compliant curb ramps where needed in four locations; three being in business districts.

**COMPETITIVE BIDDING:** Request for Bids Specification No. ED13-0359F was opened July 16, 2013. Two submittals were received. The Small Business Enterprise participation level proposed by the bidder(s) are reflected as a credit (maximum applies) against the submitted base bid to arrive at an "evaluated bid" for ranking purposes. Global Contractors, LLC, submitted a bid that resulted in the lowest evaluated submittal after consideration of SBE participation goals. The table below reflects the amount of the base bid.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Submittal Amount</u> Sales tax not applicable	<u>Evaluated Submittal</u>
Global Contractors, LLC	Puyallup, WA	\$ 367,165.00	\$ 279,975.71
Westwater Construction Co.	Auburn, WA	\$ 600,700.00	\$ 513,510.71
	Pre-bid Estimate	\$ 339,782.00	

The recommended award is 8.9 percent above the pre-bid estimate.

**CONTRACT HISTORY:** New contract.

**FUNDING:** Funds for this contract are available in the CDBG and Neighborhood Business District REET. Funding beyond the current biennium is subject to future availability of funds.

**SUSTAINABILITY:** This project will improve the safety and well-being of citizens by improving pedestrian crossings and access, and providing ADA compliant ramps. This upgrade to infrastructure will support economic development and improve the livability of the City.

**SBE/LEAP COMPLIANCE:** The recommended contractor is in compliance with the Small Business Enterprise Regulation requirements per memorandum dated July 25, 2013. The SBE goal for this project is 15 percent. The SBE participation level of the recommended contractor is 9.9 percent. Global Contractors, LLC submitted the lowest evaluated bid per the SBE Regulation requirements. The Local Employment and Apprenticeship Training Program (LEAP) goal is 180 hours.

**PROJECT ENGINEER/COORDINATOR:** Carol Wolfe, Program Development Specialist, 253-591-5384

A handwritten signature in black ink, appearing to read "Ricardo Noguera". The signature is fluid and cursive, with the first name being more prominent.


Ricardo Noguera  
Community & Economic Development Director

cc: Chuck Blankenship, Senior Buyer, Finance/Purchasing  
Charles Wilson, SBE Coordinator  
Peter Guzman, LEAP Coordinator

File: project file



**TO:** T.C. Broadnax  
City Manager

**FROM:** Ricardo Noguera   
Community and Economic Development Director

**SUBJECT:** Council Action Memo – Purchase Resolution –  
Business District Sidewalk Improvements

**DATE:** August 20, 2013

Community and Economic Development is requesting City Council approval to award a contract for construction of the Business District Sidewalk Improvements to Global Contractors, LLC, Puyallup, WA.

### **Background**

This project will replace unfit or unsafe sidewalks and install ADA compliant curb ramps. Sidewalk and curb will be removed and replaced in the Dome Business District on East 26<sup>th</sup> Street, between C Street and D Street; and in the McKinley Hill Business District on McKinley Avenue East, between East Morton Street and East Harrison Street. Portions of sidewalk will be removed and replaced and ADA ramps will be installed in the Pacific Avenue Business District on Pacific Avenue at South 51<sup>st</sup> Street, South 52<sup>nd</sup> Street, 5209 Pacific Avenue, 5213 Pacific Avenue, 5245 Pacific Avenue, and South 54<sup>th</sup> Street; and ADA ramps will be installed at the four corners of South 6<sup>th</sup> Street and South I Street.

This project will improve the safety and well-being of citizens by improving pedestrian access and providing ADA compliant ramps.

### **Funding**

Funds for this contract are available in the CDBG and Neighborhood Business District REET Fund 3211.

### **Schedule**

The project is expected to begin construction in September 2013 following contract award and execution. Construction will be complete by year end 2013.

### **Bid/Purchase Process**

This contract is the result of Bid Solicitation ED13-0359F which opened on July 16, 2013. Two bid proposals were received and reviewed for general form bid requirements and Small Business Enterprise (SBE) participation. Global Contractors, LLC. was low bidder with a Base Bid of \$367,165.00. Contract documents required a SBE Goal of 15%. Global Contractors, LLC submitted a 9.9% SBE participation. Community and Economic Development is requesting Council approval to award Base Bid plus a 10% contingency, for a cumulative total of \$403,881.50, sales tax not applicable.







**City of Tacoma**  
Information Technology Department

EXHIBIT "A"  
RESOLUTION NO.: 38719  
ITEM NO.: 2  
MEETING DATE: AUGUST 20, 2013

**DATE:** Monday, August 05, 2013  
**TO:** Board of Contracts and Awards  
**SUBJECT:** SAP Strategic Assessment  
Budgeted from Information Systems Fund 5800  
Request for Proposals Specification No. IT13-0379F

**RECOMMENDATION:** Information Technology Department recommends a contract be awarded to **Sage Group Consulting Inc., Hazlet, NJ**, for conducting a strategic assessment of the City of Tacoma's SAP ECC6.04 system. The recommendation is for a four month contract in the amount not to exceed \$292,400, plus applicable sales tax.

**EXPLANATION:** This contract will conduct a strategic assessment of the City's core Enterprise Resource Planning (ERP) systems, currently based on the SAP ECC6.04 platform and include reviews of the ERP infrastructure, IT operations/administration, and business applications with a goal of identifying opportunities to improve overall value, performance, alignment of services with current business priorities, cost efficiency, and strategic/operational planning.

Additionally, the assessment will include high-level benchmarking based on industry best practice performance measures to compare the City's ERP practice with leaders in state or local government.

Lastly, the assessment will include a slate of specific, actionable, prioritized recommendations to frame the City's forward-facing continual improvement plans.

**COMPETITIVE SOLICITATION:** Request for Proposals Specification No. IT13-0379F was opened July 16, 2013. Forty-four companies were invited to bid in addition to normal advertising of the project. Seven submittals were received. Sage Group Consulting Inc. submitted a proposal receiving the highest score by our Selection Advisory Committee.

<u>Respondent</u>	<u>Location (city and state)</u>	<u>Rank</u>
Sage Group Consulting, Inc.	Hazlet, NJ	1
The Peloton Group, LLC	Houston, TX	2
Quintel Management Consulting, Inc.	Greenwood Village, CO	3
HCL America, Inc.	Sunnyvale, CA	4
Phoenix Business Consulting	Halton City, TX	5
SAP Public Services, Inc.	Newton Square, PA	6
SITA Corp	Somerset, NJ	7

**CONTRACT HISTORY:** New contract.

**SUSTAINABILITY:**

The chosen vendor supports sustainability efforts by working to reduce the office space needed to provide consulting services, by having its consultants support clients onsite or from home as virtual workers. Sage Group Consulting, Inc., also includes water conservation efforts in its employee orientation program, and is a big proponent of paperless processes. Sage Group Consulting, Inc.'s staff only use fuel efficient vehicles when working onsite.

**FUNDING:** Funds for this contract are available in the Information Systems Fund 5800. Funding beyond the current biennium is subject to future availability of funds.

**HUB/LEAP COMPLIANCE:** Not applicable.

**PROJECT ENGINEER/COORDINATOR:** Alan Alvarez, Information Technology Division, 253-382-2610.



Jack Kelanic  
Interim Information Technology Director

Insert Initials (WLP:mr)

cc: Chuck Blankenship, Senior Buyer, Finance/Purchasing  
HUB Coordinator  
LEAP Coordinator

File:



**RESOLUTION NO. 38720**

1 A RESOLUTION relating to the City of Tacoma, Department of Public Utilities,  
2 Water Division (dba "Tacoma Water"); approving the expansion of the  
3 Tacoma Water service area and authorizing an agreement to extend the  
4 water main to residents served by the Fennel Heights Maintenance Water  
5 System.

6 WHEREAS the City of Tacoma, Department of Public Utilities, Water  
7 Division (dba "Tacoma Water") has been requested to furnish water service to the  
8 Fennel Heights Maintenance Water System ("Fennel Heights"), and

9 WHEREAS Fennel Heights serves 15 residences in a 14.7 acre service  
10 area surrounded by the Tacoma Water service area in unincorporated Pierce  
11 County, east of the City of Bonney Lake, and

12 WHEREAS Fennel Heights presently operates a community well that is out  
13 of compliance due to arsenic levels that exceed the maximum contaminant level  
14 ("MCL") established by the Safe Drinking Water Act and is currently under a  
15 Bilateral Compliance Agreement with the Washington State Department of  
16 Health ("WSDOH"), with a deadline of December 2014 to achieve compliance, and

17 WHEREAS Fennel Heights has requested an extension of service from  
18 Tacoma Water, and, following construction of the water main, the existing well will  
19 be decommissioned and the 15 residences will become Tacoma Water customers,  
20 thereby satisfying the Bilateral Compliance Agreement with the WSDOH, and  
21

22 WHEREAS Tacoma Water has been selected to receive a \$300,000 Jobs  
23 Now Act grant from the WSDOH on behalf of Fennel Heights, and  
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1           WHEREAS the grant will provide the necessary funding to extend water  
2 utility service to Fennel Heights in accordance with the Service Expansion Policy,  
3 with any project costs in excess of the grant agreement to be borne by the  
4 15 residences through a customer surcharge, and  
5

6           WHEREAS expansion of the Tacoma Water service area must be approved  
7 by the Public Utility Board and the City Council in accordance with the Service  
8 Expansion Policy and City Charter Section 4.11, and  
9

10           WHEREAS, at its meeting of July 24, 2013, the Public Utility Board  
11 approved the service area expansion to serve Fennel Heights and an agreement  
12 with Fennel Heights to extend the water main, and  
13

14           WHEREAS, in view of the benefits to the City and future customers, it  
15 appears to be in the best public interest to authorize and approve said action and  
16 to authorize expansion of water utility service to Fennel Heights; Now, Therefore,  
17

18           BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

19           Section 1. That expansion of the City of Tacoma, Department of Public  
20 Utilities, Water Division (dba "Tacoma Water") service area, to allow water utility  
21 service to residents served by the Fennel Heights Maintenance Water System in  
22 unincorporated Pierce County, east of the City of Bonney Lake, is hereby approved  
23 and authorization is granted in order to serve said area with water.

24           Section 2. That the proper officers of the City are hereby authorized to  
25 execute a Water System Acquisition Agreement with the Fennel Heights  
26



1 Maintenance Association for the purposes hereinabove enumerated, said  
2 document to be substantially in the form of the proposed agreement on file in the  
3 office of the City Clerk.  
4

5 Adopted \_\_\_\_\_  
6

7 \_\_\_\_\_  
Mayor

8 Attest:  
9

10 \_\_\_\_\_  
City Clerk

11 Approved as to form:

12 *William Fosne*  
13 \_\_\_\_\_  
14 Chief Deputy City Attorney

15  
16 Requested by Public Utility Board  
17 Resolution No. U-10643  
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REQUEST FOR
[ ] ORDINANCE [X] RESOLUTION

Request #: 13582
Ord./Res. #: 38720

RECEIVED

1. DATE: July 11, 2013

2. SPONSORED BY: COUNCIL MEMBER(S) N/A

Form with sections 3a, 3b, 3c, 4a, 4b, 4c containing details about the requesting department (Tacoma Water), contact person (Ryan Flynn), and signatures of the Department Director, Budget Officer, and City Manager.

5. REQUESTED COUNCIL DATE: August 6, 2013

Nadia Chandler Hardy, Assistant to the City Mgr
Tansy Hayward

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Approve expansion of the Tacoma Water service area and authorize an agreement to extend water main to serve residents served by the Fennel Heights Maintenance Water System.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

The Fennel Heights Maintenance Water System (Fennel Heights) serves 15 residences, in a 14.7 acre service area surrounded by the Tacoma Water service area in unincorporated Pierce County east of the City of Bonney Lake. Fennel Heights presently operates a community well that is out of compliance due to arsenic levels that exceed the maximum contaminant level (MCL) established by the Safe Drinking Water Act. Fennel Heights is currently under a Bilateral Compliance Agreement with the Washington State Department of Health and has until December 2014 to achieve compliance.

To achieve compliance with the Bilateral Compliance Agreement, Fennel Heights has requested an extension of service from Tacoma Water. Prior to the extending the Tacoma Water system to serve Fennel Heights, the expansion of the Tacoma Water service area must be approved by the Public Utility Board and the City Council in accordance with the Service Expansion Policy.

The extension of distribution system will be funded by a \$300,000 2012 Jobs Now Grant from the Washington State Department of Health. The extension of service will not adversely affect the cost or level of service provided to current customers. Project costs in excess of the grant amount will be borne by the 15 residences through a customer surcharge.

REQUEST (CONT)

CITY CLERK USE ONLY

Request #: 13582  
Ord/Res #: 38720

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
Letter from William A. Gaines to Board and Council	City Clerk's Office
Fennel Heights Vicinity Map	City Clerk's Office
Water System Acquisition Agreement	City Clerk's Office

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A.  A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B.  A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C.  A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

11. FINANCIAL IMPACT:  EXPENDITURE  REVENUE

- A.  NO IMPACT (NO FISCAL NOTE)
- B.  YES, OVER \$100,000, Fiscal Note Attached
- C.  YES, UNDER \$100,000, (NO FISCAL NOTE)  
Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
	\$300,000.00			\$300,000.00

If an expenditure, is it budgeted?  Yes  No Where? Cost Center: 582101  
Acct #: 6371300



Request #:

13582

Ord/Res #:

38720

**FISCAL NOTE**

Each piece of legislation that has a financial impact or creates positions authority requires a fiscal note. After preparation by departmental staff, the Management and Budget Office will review the fiscal note and make any necessary revisions before transmittal to the City Attorney's Office for legislation preparation.

**DEPARTMENT:**

**CONTACT PERSON/PHONE:**

**BUDGET CONSULTANT/PHONE:**

--	--	--

Is it currently budgeted?  Yes  No

Is this a grant?  Yes  No If Yes,  Operating  Capital

**EXPENDITURES:**

FUND NAME & NUMBER *	COST CENTER	WBS	ACCOUNT	2013-2014 EXPENDITURES
Tacoma Water - 4600	582101		6371300	\$300,000
<b>TOTAL</b>				<b>\$300,000</b>

\* General Fund: Include Department

**Purpose:** Extension of distribution system to serve Fennel Heights

**REVENUES:**

FUND NAME & NUMBER	COST CENTER	WBS	ACCOUNT	2013-2014 REVENUES
				\$300,000
<b>TOTAL</b>				<b>\$300,000</b>

**Notes:** Grant funding provided by a 2012 Jobs Now Act Grant Washington State Department of Health

**POSITION IMPACT:**

POSITION TITLE	PERMANENT/PROJECT/ TEMPORARY POSITION	POSITION END DATE	2013-2014 FTE	FUTURE FTE

Total positions created or abrogated through this legislation, including FTE impact. FTE impact for temporary employees is estimated.

**LONG-TERM FINANCIAL IMPACT OF LEGISLATION:**

SPENDING PLAN & BUDGET	2013	2014	2015	2016	2017	TOTAL
Salaries/Benefits						
Start-up						
On-going						
Maintenance & Operations						
Capital	\$300,000					\$300,000
<b>TOTAL</b>	<b>\$300,000</b>					<b>\$300,000</b>

FISCAL NOTE (CONT)

CITY CLERK USE ONLY

Request #: 13582  
 Ord/Res #: 38720

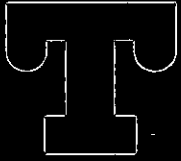
FUNDING SOURCE	2013	2014	2015	2016	2017	TOTAL
2012 Jobs Now Act Grant	\$300,000					\$300,000
<b>TOTAL</b>	<b>\$300,000</b>					<b>\$300,000</b>

**The financial cost of not implementing the legislation:**

Without approval of the expansion of the Tacoma Water service area, Fennel Heights would not be able to receive service from Tacoma Water. Remaining grant funds from the Washington State Department of Health specifically dedicated for a main extension to serve Fennel Heights would no longer be available. Fennel Heights would need to identify an alternative source of water, funded entirely by the residents.

*Estimate the cost to the City if the legislation is not implemented, including the potential conflicts with regulatory requirements, cost avoidance, or other potential costs.*

**OTHER ISSUES:**



TACOMA PUBLIC UTILITIES  
3628 South 35th Street  
Tacoma, Washington 98409-3192

38720

June 11, 2013

To the Honorable Mayor and Members of the City Council  
To the Chairman and the Members of the Public Utility Board

Tacoma Water is requesting Public Utility Board and City Council approval of a service area expansion to serve the Fennel Heights Maintenance Water System (Fennel Heights), and authorization of an agreement with Fennel Heights to extend water main.

Fennel Heights serves 15 residences, in a 14.7 acre service area surrounded by the Tacoma Water service area in unincorporated Pierce County east of the City of Bonney Lake. Fennel Heights is presently served by a community well that is out of compliance due to arsenic levels that exceed the maximum contaminant level (MCL) established by the Safe Drinking Water Act. Fennel Heights is currently under a Bilateral Compliance Agreement with the Washington State Department of Health and has until December 2014 to achieve compliance.

Tacoma Water was selected by the Washington State Department of Health to receive a grant on behalf of Fennel Heights. The Washington State Department of Health is the funding source for this grant, which is made available through the 2012 Jobs Now Act by the Washington State Legislature. The grant will provide the funding necessary for Tacoma Water to extend service to Fennel Heights in accordance with the Service Expansion Policy.

Following construction of the water main the existing well will be decommissioned, and the 15 residences will become Tacoma Water customers thereby satisfying the Bilateral Compliance Agreement with the Washington State Department of Health.

Sincerely,

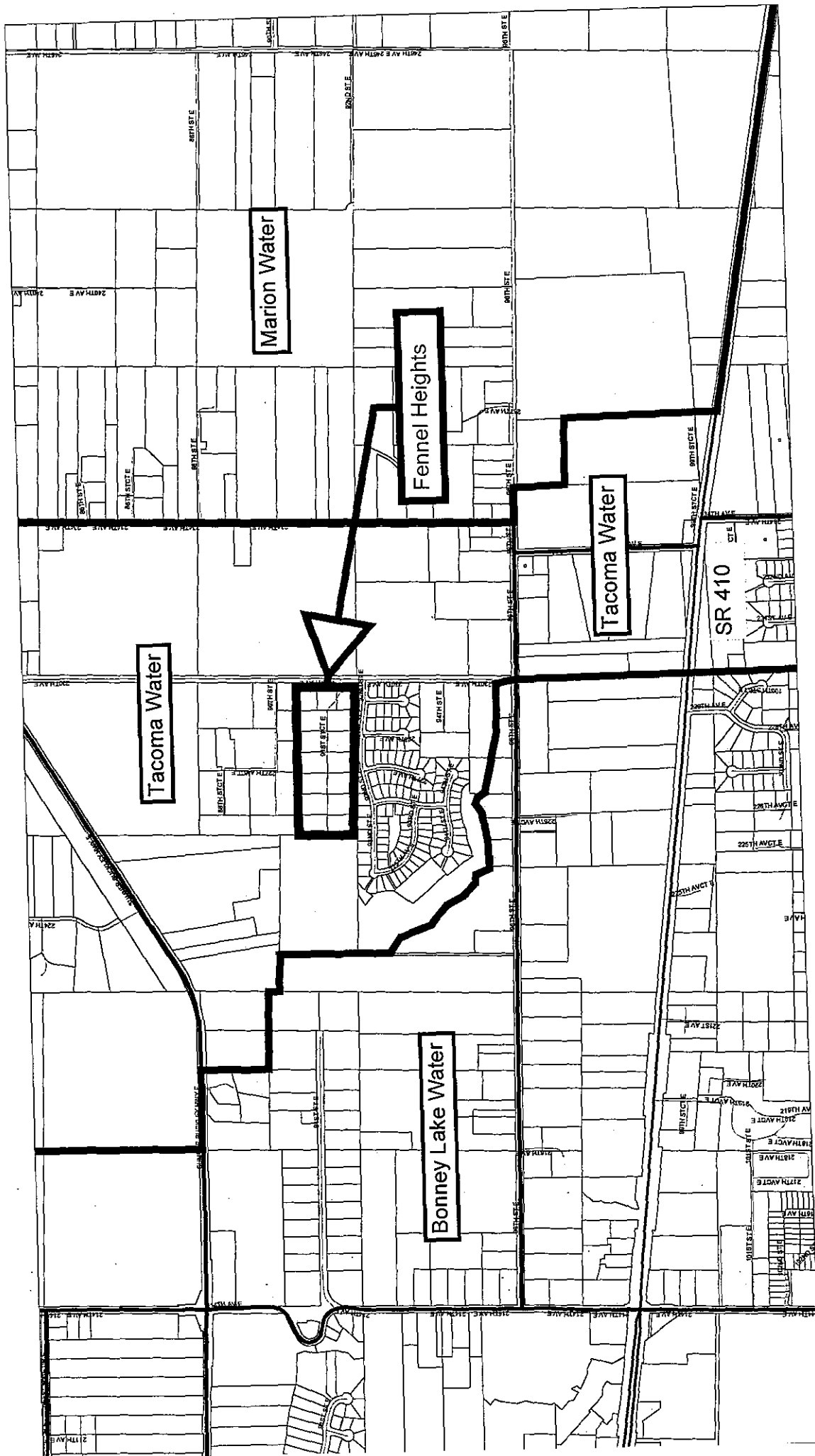
William A. Gaines  
Director of Utilities/CEO



17







# FENNEL HEIGHTS VICINITY MAP

NOT TO SCALE





Date: August 14, 2013

To: Mayor Strickland and Members of the City Council  
Chair Nelson and Members of the Public Utility Board

From: William A. Gaines, Director of Utilities/CEO *W. A. Gaines*

Subject: Expansion of Tacoma Water Service Area

**SUMMARY:**

Tacoma Water is requesting Public Utility Board and City Council approval of a service area expansion to serve the Fennel Heights Maintenance Water System (Fennel Heights), and authorization of an agreement with Fennel Heights to extend water main.

**BACKGROUND:**

The Fennel Heights serves 15 residences, in a 14.7 acre service area surrounded by the Tacoma Water service area in unincorporated Pierce County east of the City of Bonney Lake. Fennel Heights presently operates a community well that is out of compliance due to arsenic levels that exceed the maximum contaminant level (MCL) established by the Safe Drinking Water Act. Fennel Heights is currently under a Bilateral Compliance Agreement with the Washington State Department of Health and has until December 2014 to achieve compliance.

To achieve compliance with the Bilateral Compliance Agreement, Fennel Heights has requested an extension of service from Tacoma Water. Prior to the extending the Tacoma Water system to serve Fennel Heights, the expansion of the Tacoma Water service area must be approved by the Public Utility Board and the City Council in accordance with the Service Expansion Policy.

The extension of distribution system will be funded by a \$300,000 2012 Jobs Now Grant from the Washington State Department of Health. The extension of service will not adversely affect the cost or level of service provided to current customers. Project costs in excess of the grant amount will be borne by the 15 residences through a customer surcharge.

**ISSUE:**

In accordance with the Service Expansion Policy, expansions of the service area larger than ten acres require the approval of the Public Utility Board and City Council.

**ALTERNATIVES:**

This is an information briefing only. There are no alternatives presented.

**FISCAL IMPACT:**

This is an information briefing only. There is no fiscal impact.



**RECOMMENDATION:**

Tacoma Water recommends the Public Utility Board and City Council approve the service area expansion and authorize an agreement with Fennel Heights to extend water main.

Expansion of the Tacoma Water service area will not adversely affect the cost or level of service provided to current customers. The water main extension necessary to serve Fennel Heights will be paid for through a grant from the Washington State Department of Health. Project costs in excess of the grant amount will be borne by the 15 residences through a customer surcharge on their utility bill.

cc: T.C. Broadnax, City Manager  
Elizabeth Pauli, City Attorney  
Infrastructure, Sustainability and Planning Council Committee





## RESOLUTION NO. 38721

1 A RESOLUTION relating to City-owned property; authorizing the execution and  
2 conveyance of a non-exclusive perpetual easement to Robin Bueche,  
3 individually and as Successor Trustee of the O'Donnell Family Revocable  
4 Living Trust, for ingress, egress, and utilities over and across the Tacoma  
5 Rail Mountain Division right-of-way in the Ashford area of Pierce County; and  
6 accepting the consideration of \$10,000 for the rights granted under the  
7 easement.

8 WHEREAS, in 1957, Tacoma Rail Mountain Division's ("TRMW")  
9 predecessor in interest granted a non-assignable and revocable Private Road  
10 Crossing Agreement to Lynn S. O'Donnell for an eight-foot farm crossing to access  
11 his property bisected by the railroad right-of-way, and

12 WHEREAS, in 2012, Robin Bueche, heir to the O'Donnell estate, contacted  
13 the City through her attorney to inquire about acquiring legal access to  
14 approximately 84 acres of property across the railroad right-of-way, and

15 WHEREAS City staff reviewed the request and determined that, due to the  
16 lack of railroad operations at the location and that the road is now utilized to access  
17 two homes, permanent easement rights should be sold to Robin Bueche,  
18 individually and as Successor Trustee of the O'Donnell Family Revocable Living  
19 Trust, for fair market value in the amount of \$10,000, and

20 WHEREAS TRMW supports the conveyance of an ingress, egress, and  
21 utilities easement as hereinabove set forth, and

22 WHEREAS Real Property Services has worked with the City Attorney's  
23 Office, Public Works, TRMW, and the attorney for Ms. Bueche to prepare the  
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proposed easement to accomplish the conveyance, and now seeks final approval from the City Council; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the proper officers of the City are hereby authorized to convey a non-exclusive perpetual easement to Robin Bueche, individually and as Successor Trustee of the O'Donnell Family Revocable Living Trust, for ingress, egress, and utilities over and across the Tacoma Rail Mountain Division right-of-way in the Ashford area of Pierce County, said document to be substantially in the form of the proposed easement on file in the office of the City Clerk.

Section 2. That the proper officers of the City are hereby authorized to accept the consideration of \$10,000 for the rights granted under the proposed easement.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
*Michael G. Smith*  
\_\_\_\_\_  
Deputy City Attorney



REQUEST FOR **RECEIVED**  
 ORDINANCE  RESOLUTION


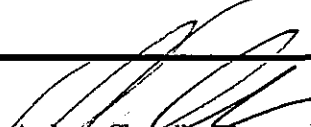
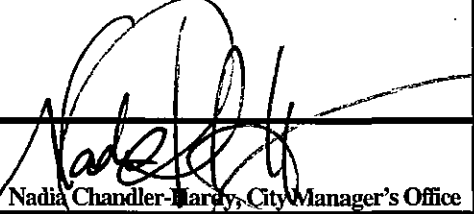
Request #:	13603
Ord./Res. #:	38721

JUL 20 2013

CITY CLERK'S OFFICE

1. DATE: July 29, 2013

2. SPONSORED BY: COUNCIL MEMBER(S) N/A

<b>3a. REQUESTING</b> DEPARTMENT/DIVISION/PROGRAM Public Works/Facilities Management/Real Property Services  <b>3b. "RECOMMENDED FOR ADOPTION" FROM</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input checked="" type="checkbox"/> Did not go before a Committee  <b>3c. DID THIS ITEM GO BEFORE THE</b> <b>PUBLIC UTILITY BOARD?</b> <input type="checkbox"/> Yes, on <input checked="" type="checkbox"/> Not required	<b>4a. CONTACT (for questions):</b> Dylan Harrison Real Estate Officer  <b>PHONE:</b> 502-8836
	<b>4b. PERSON PRESENTING:</b> Dylan Harrison Real Estate Officer  <b>PHONE:</b> 502-8836
	<b>4c. ATTORNEY:</b> Michael Smith Deputy City Attorney  <b>PHONE:</b> 591-5638
 Kurtis D. Kingsolver, P.E., Interim P.W. Director	
 Andrew Cherullo, Finance Director	
 Nadia Chandler-Mardy, City Manager's Office	

5. REQUESTED COUNCIL DATE: August 20, 2013

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Authorizing the execution and conveyance of a non-exclusive perpetual easement to Robin Bueche, individually and as Successor Trustee of the O'Donnell Family Revocable Living Trust for ingress, egress and utilities over and across the Tacoma Rail Mountain Division right-of-way in the Ashford area of Pierce County for consideration of \$10,000.00.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

In 1957, Tacoma Rail Mountain Division's (TRMW) predecessor in interest, granted a non-assignable and revocable Private Road Crossing Agreement to Lynn S. O'Donnell for an eight foot farm crossing to access his property bisected by the railroad right-of-way.

In 2012, Robin Bueche, heir to the estate of O'Donnell, contacted the City through her attorney to inquire about acquiring legal access to approximately 84 acres of property across the railroad right-of-way.

City staff has reviewed the request and determined that due to the lack of railroad operations at the location and that the road is now utilized to access two homes, permanent easement rights should be sold to Robin Bueche, individually and as Successor Trustee of the O'Donnell Family Revocable Living Trust for fair market value in the amount of \$10,000.

TRMW is in full support of conveying an ingress, egress and utilities easement, and believes it to be in the best interest of the City.

Real Property Services has worked with Legal, Public Works, Tacoma Rail and Ms. Bueche's attorney to prepare the Easement to accomplish the conveyance and now seek final approval from the City Council.

REQUEST (CONT)

Request #:	13603
Ord/Res #:	38721

**8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:**

Source Documents/Backup Material

Location of Document

Easement No. 47

City Clerk's Office

**9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)**

- A.  A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B.  A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C.  A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

**10. SUSTAINABILITY: IN WHAT WAYS HAVE YOU CONSIDERED THE CITY'S SUSTAINABILITY PRIORITIES?**

*Environment:* How does this decision impact regional and local ecological well-being?

This proposed easement is over and across an existing driveway that provides direct access to two existing homes. Absent this easement, alternative access to the homes would require a new and longer driveway, which would impact existing vegetation and potentially create a longer access route to the existing homes. Continued use of the existing driveway will create less negative impact on ecological well-being by preventing vegetation disturbance and reducing drive times to the homes.

*Equity:* How does this decision promote meeting basic needs and equitable access to opportunities for all city residents?

N/A – This property is located near Ashford, WA, which is approximately 44 miles outside of Tacoma City Limits; therefore, this transaction has no impact on Tacoma City residents' basic needs and equitable access to opportunities.

*Culture:* How does this decision impact cultural (arts, innovation, heritage, and recreation) and quality of life for all citizens?

With TRMW's (and predecessor's) permission, for over 60 years, the property owner's family has utilized the existing crossing as access to their property. To secure legal access to the property would ensure that this historical use would be preserved and permanent access to existing homes would provide quality of life for the property owners.

*Economy:* How does this decision impact the local economy? What are the significant financial costs/benefits?

This transaction has minimal impact, if any, on the local economy and there are no significant financial costs/benefits other than the income to Tacoma Rail Mountain Division.

**11. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:**

Per the Tacoma City Charter article IX, Miscellaneous Provisions, Section 9.1 Disposition of City Property.

REQUEST (CONT)

Request #:

13603

Ord/Res #:

38721

12. FINANCIAL IMPACT:  EXPENDITURE  REVENUE

- A.  NO IMPACT (NO FISCAL NOTE)
- B.  YES, OVER \$100,000, Fiscal Note Attached
- C.  YES, UNDER \$100,000, (NO FISCAL NOTE)  
Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
Fund 4120 - PW Tacoma Rail Mountain Division			\$10,000.00	\$10,000.00

If an expenditure, is it budgeted?  Yes  No Where? Cost Center:  
Acct #:





**TO:** T.C. Broadnax  
City Manager

**FROM:** Kurtis D. Kingsolver, P.E. / *KDK*  
Interim Public Works Director/City Engineer

**SUBJECT:** Council Action Memo – Request for Resolution – August 20, 2013  
Tacoma Rail Mountain Division – Access Easement to Bueche

**DATE:** August 2, 2013

The Public Works Department, Facilities Management Division, Real Property Services is requesting City Council to authorize the execution and conveyance of a non-exclusive perpetual easement to Robin Bueche, individually and as Successor Trustee of the O'Donnell Family Revocable Living Trust (Bueche) for ingress, egress and utilities over and across the Tacoma Rail Mountain Division (TRMW) right-of-way near Ashford in Pierce County for consideration of \$10,000.00.

#### **Background**

In 1957, TRMW's predecessor in interest, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, granted a non-assignable and revocable Private Road Crossing Agreement to Lynn S. O'Donnell for an eight foot farm crossing over and across the railroad right-of-way near Ashford, Washington. Since that time, railroad operations along this segment of railroad right-of-way have ceased and the eight foot farm crossing has expanded to provide access to two homes.

In 2012, Bueche, heir to the estate of O'Donnell, contacted the City through her attorney to inquire about acquiring legal access to approximately 84 acres of property across the railroad right-of-way. Due to the above stated changed circumstances, City staff determined that an easement, rather than a revocable permit, would be the proper way to allow continued access.

TRMW and Bueche have agreed on the following conditions for granting an easement for the ingress, egress and utilities:

1. Bueche will pay TRMW fair market value in the amount of \$10,000 for a non-exclusive perpetual easement for ingress, egress and utilities.
2. Bueche, her successors and assigns, among other obligations, will be responsible for all maintenance and liability for the road crossing, and accepts all risks associated with utilizing the road crossing during railroad operations that may take place in the future.
3. TRMW will grant the non-exclusive perpetual easement for ingress, egress and utilities to Bueche.

Real Property Services has worked with Legal, Public Works, Tacoma Rail and Bueche's attorney to prepare the easement to accomplish the conveyance and now seeks final approval from the City Council.

City Charter requires that City Council authorize the conveyance of a perpetual interest in real property.

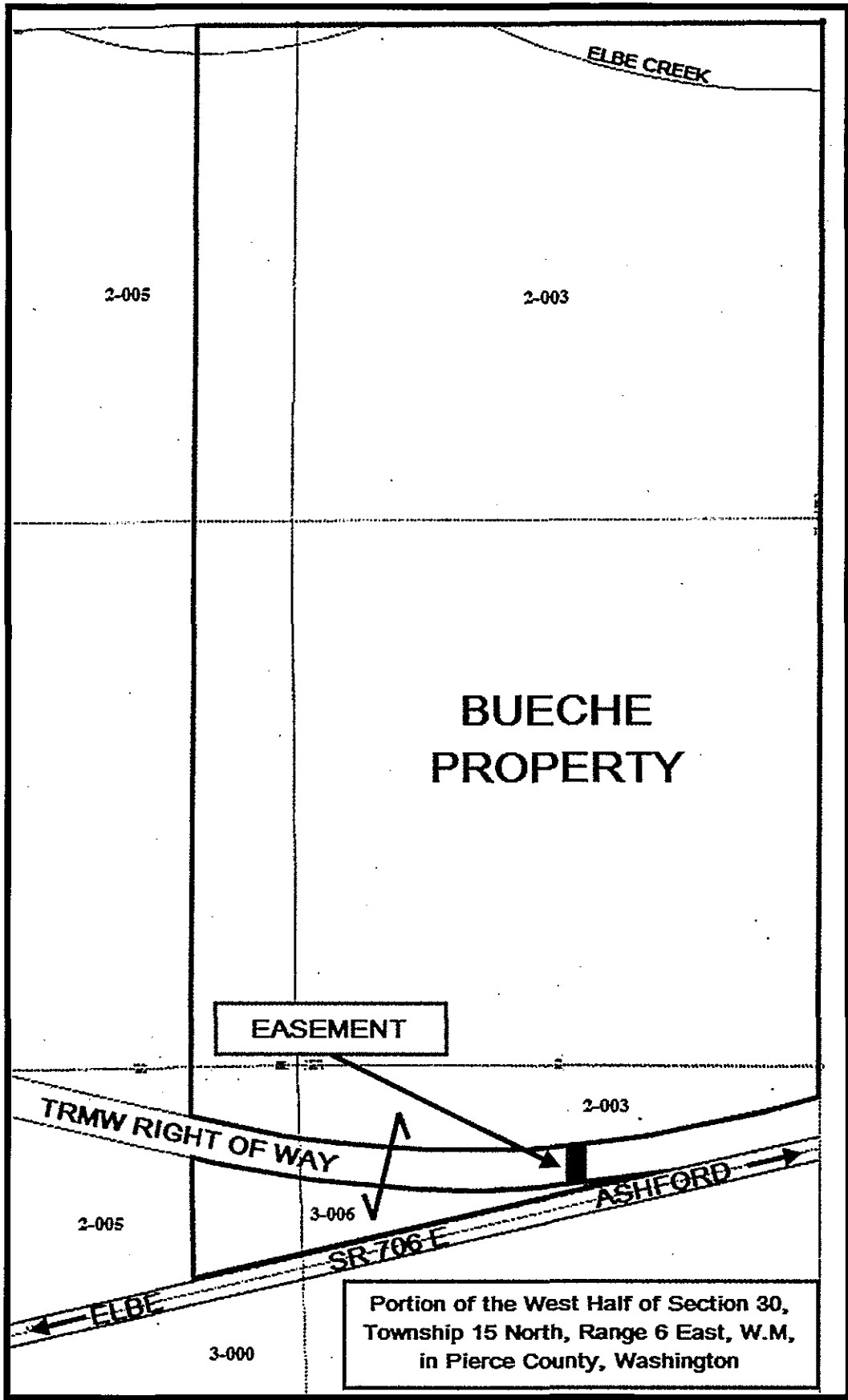
#### **Funding**

The revenue from this easement sale will be deposited in PW Tacoma Rail Mountain Division Fund 4120.

Attachment











## RESOLUTION NO. 38722

1 A RESOLUTION relating to the City's open space assessment program;  
2 designating property owned by Norma J. Sands and Linnea C. Sands,  
3 located at 615 South 82nd Street, as open space for property tax purposes  
4 under the City and Pierce County's Open Space Current Use Assessment  
5 program.

6 WHEREAS Norma J. Sands and Linnea C. Sands, the owners of multiple  
7 parcels located at 615 South 82nd Street ("Sands Property"), have requested that  
8 their property be renewed into the statewide Open Space Current Use Assessment  
9 program, and

10 WHEREAS this classification would reduce the property taxes assessed to  
11 the Sands Property on an ongoing basis, contingent upon its continued use as an  
12 open space area, and

13 WHEREAS the Planning Commission ("Commission") completed its review  
14 of the application through a public process, including a public hearing on May 1,  
15 2013, and recommends approval of the renewal, and

16 WHEREAS the Infrastructure, Planning, and Sustainability Committee  
17 reviewed the application and the Commission's Findings and Recommendations  
18 Report, and issued a recommendation for adoption on July 24, 2013, contingent  
19 upon the completion of the City Council's review process, and

20 WHEREAS, as part of the review, in accordance with Tacoma Municipal  
21 Code ("TMC") 13.08, the application must be processed in the same manner as a  
22 Comprehensive Plan amendment, in which the City Council must conduct a public  
23 hearing on the matter prior to making its recommendation to Pierce County, which  
24 administers the program on behalf of the state, and  
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1           WHEREAS, on July 30, 2013, the City Council conducted a public hearing  
2 concerning the proposed Open-Space Current Use assessment, and

3           WHEREAS RCW 84.34.037 provides that applications for classification of  
4 land in an incorporated area shall be finally acted upon by: (a) a granting authority  
5 composed of three members of the county legislative body and three members of  
6 the city legislative body in which the land is located, in a meeting where members  
7 may be physically absent but participating through telephonic connection; or  
8 (b) separate affirmative acts by both the county and city legislative bodies, where  
9 both bodies affirm the entirety of an application without modification or both bodies  
10 affirm an application with identical modifications, and  
11  
12

13           WHEREAS, on July 23, 2013, pursuant to Pierce County Ordinance 2013-41,  
14 the Pierce County Council affirmed, without modification, the Sands' application for  
15 Open Space Classification under the Current Use Assessment program and  
16 transmitted this affirmation to the City Clerk's office as of August 2, 2013, and  
17

18           WHEREAS final concurring action can now be taken by the City; Now,  
19 Therefore,

20           BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

21           That the application of Norma J. Sands and Linnea C. Sands, for an  
22 Open-Space Current Use Assessment for property located at 615 South 82nd  
23 Street, is hereby approved and said property is designated as open space for  
24 property tax purposes under the City and Pierce County's Open Space Current  
25  
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1 Use Assessment program, all as more specifically set forth in the documents on file  
2 in the office of the City Clerk.

3

4 Adopted \_\_\_\_\_

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\_\_\_\_\_  
Mayor

6 Attest:

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\_\_\_\_\_  
City Clerk

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Approved as to form:

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\_\_\_\_\_  
Deputy City Attorney

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REQUEST FOR
[ ] ORDINANCE [X] RESOLUTION

Request #: 13605
Ord./Res. #: 38722

RECEIVED

1. DATE: July 25, 2013

2. SPONSORED BY: COUNCIL MEMBER(S) N/A (If no sponsor, enter "N/A")
JUL 25 2013

Table with 3 columns: Requesting info, Contact info, and Phone numbers. Includes sections for 3a, 3b, 3c, 4a, 4b, and 4c.

5. REQUESTED COUNCIL DATE: August 20, 2013

(If a specific council meeting date is required, explain why; i.e., grant application deadline, contract expiration date, required contract execution date, public notice or hearing required, etc.)

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Designating the Sands property, located at 615 South 82nd Street, as open space for property tax purposes under the City and County's Open Space Current Use Assessment program.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

The owner of multiple parcels, located at 615 South 82nd Street, has requested that their property be renewed into the statewide Open Space Current Use Assessment program, in which the owner will receive a reduction on their property taxes in exchange for providing open space that is a benefit to the community. The Planning Commission has completed its due process of reviewing the application, including conducting a public hearing on May 1, 2013. In its Findings and Recommendations Report, dated May 1, 2013, the Planning Commission recommended that the application be approved by the City Council. The Infrastructure, Planning, and Sustainability Committee has reviewed the application as well as the Planning Commission's Findings and Recommendations Report, and issued a Recommendation for Adoption on July 24th, 2013, contingent upon the completion of the City Council's review process. As part of the review in accordance with TMC 13.08, the application must be processed in the same manner as a Comprehensive Plan amendment, in which the City Council must conduct a public hearing on the matter prior to making its recommendation to Pierce County, who administers the program on behalf of the state. The City Council has scheduled a public hearing on July 30, 2013, to receive public comment on the application.

REQUEST (CONT)

Request #: 13605  
Ord/Res #: 38722

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
Sands' Application for Open Space Current Use Assessment	City Clerk's Office
Planning Commission's Findings and Recommendations Report, May 1, 2013	City Clerk's Office

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A.  A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B.  A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C.  A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

11. FINANCIAL IMPACT:  EXPENDITURE  REVENUE

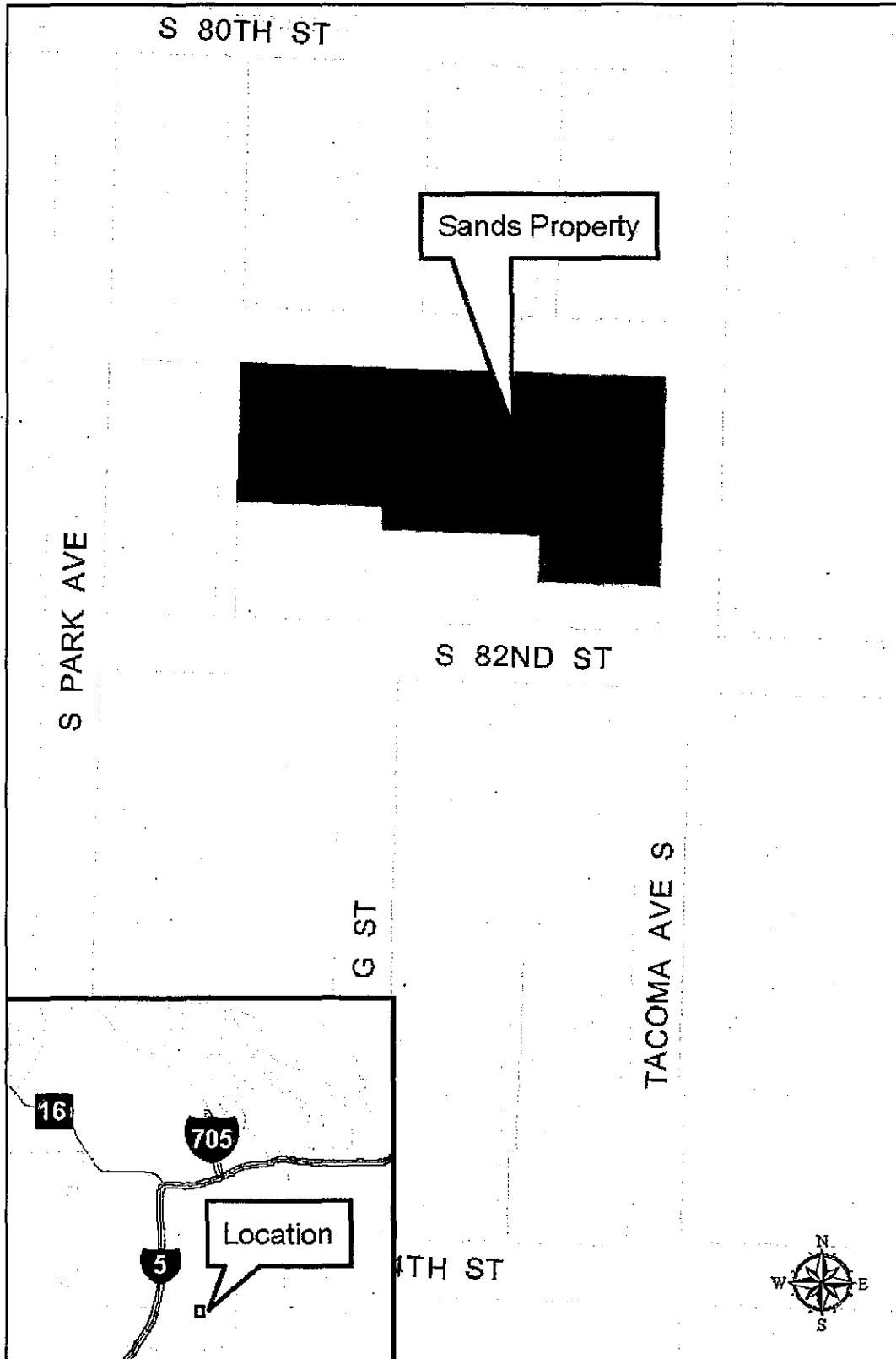
- A.  NO IMPACT (NO FISCAL NOTE)
- B.  YES, OVER \$100,000, Fiscal Note Attached
- C.  YES, UNDER \$100,000, (NO FISCAL NOTE)  
Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
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If an expenditure, is it budgeted?  Yes  No Where? Cost Center:  
Acct #:









**ORDINANCE NO. 28165**

1 AN ORDINANCE relating to the Compensation Plan; amending Section 1.12.355 of  
2 the Tacoma Municipal Code; and declaring the effective dates thereof to  
implement rates of pay and compensation.

3 WHEREAS compensation for employees in the job titles of Municipal Court  
4 Judge and Court Commissioner is based on a Salary Schedule adopted by the  
5 Washington Citizens' Commission on Salaries for Elected Officials, and  
6

7 WHEREAS the 2013-2014 Salary Schedule was adopted on May 22, 2013,  
8 and

9 WHEREAS the salary for Municipal Court Judge is set at the rate for District  
10 Court Judges, as adopted by the Commission, and the salary for Court  
11 Commissioner is set at 90 percent of the salary of Municipal Court Judge, and  
12

13 WHEREAS this ordinance implements the Salary Schedule pay increase of  
14 2 percent for said classifications effective September 1, 2013, and a pay increase of  
15 3 percent for said classifications effective September 1, 2014, and  
16

17 WHEREAS, in accordance with Tacoma Municipal Code 1.12.640 and  
18 Amended Ordinance No. 27775, passed December 16, 2008, the Court  
19 Commissioner classification will no longer be eligible for longevity pay, similar to  
20 other non-represented classifications, effective September 1, 2013; Now,  
21 Therefore,

22 BE IT ORDAINED BY THE CITY OF TACOMA:

23 Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby  
24 amended effective September 1, 2013, to read as follows:  
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Code		Job Title	1
4312	A	Municipal Court Judge	<del>68.13</del>
4313	A	Court Commissioner	<del>61.32</del>

Code		Job Title	1
4312	A	Municipal Court Judge	<u>69.49</u>
4313	A	Court Commissioner	<u>62.54</u>

The classification of Court Commissioner will no longer be eligible for longevity pay.

Section 2. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended effective September 1, 2014, to read as follows:

Code		Job Title	1
4312	A	Municipal Court Judge	<del>69.49</del>
4313	A	Court Commissioner	<del>62.54</del>

Code		Job Title	1
4312	A	Municipal Court Judge	<u>71.58</u>
4313	A	Court Commissioner	<u>64.42</u>



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Section 3. That Section 1 of this ordinance shall become effective on  
September 1, 2013. That Section 2 of this ordinance shall become effective on  
September 1, 2014.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

*Cheryl Comer*  
\_\_\_\_\_  
Deputy City Attorney





# REQUEST FOR

**ORDINANCE**  **RESOLUTION**

**RECEIVED**

Request #:	13596
Ord./Res. #:	28165

1. DATE: July 22, 2013

2. SPONSORED BY: COUNCIL MEMBER(S) [Click Here and Type Sponsor Name(s)] (If no sponsor, enter "N/A")

CITY CLERK'S OFFICE

<b>3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM</b> Human Resources  <b>3b. "RECOMMENDED FOR ADOPTION" FROM [Committee Name]</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input checked="" type="checkbox"/> Did not go before a Committee  <b>3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD?</b> <input type="checkbox"/> Yes, on [Date] <input checked="" type="checkbox"/> Not required	<b>4a. CONTACT (for questions):</b> Karen Short, Senior Human Resources Analyst  <b>PHONE:</b> 591-5424	
	<b>4b. PERSON PRESENTING:</b> Joy St. Germain, Human Resources Director  <b>PHONE:</b> 591-2060	
	<b>4c. ATTORNEY:</b> Cheryl Comer, Deputy City Attorney  <b>PHONE:</b> 591-5074	
<i>Joy St. Germain</i> Department Director/Utility Division	<i>[Signature]</i> Budget Officer/Finance Director	<i>[Signature]</i> City Manager/Director Utilities

5. REQUESTED COUNCIL DATE: August 13, 2013

(If a specific council meeting date is required, explain why; i.e., grant application deadline, contract expiration date, required contract execution date, public notice or hearing required, etc.)

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Amending Chapter 1.12 of the Tacoma Municipal Code to implement rates of pay for employees in the job titles of Municipal Court Judge and Court Commissioner.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

This ordinance provides for a pay increase of 2 percent effective September 1, 2013, and 3 percent effective September 1, 2014, for the job titles of Municipal Court Judge and Court Commissioner.

Compensation is based on the salary schedule adopted by the Washington Citizens' Commission on Salaries for Elected Officials, May 22, 2013. The previous increase for these job titles was effective September 1, 2008. The ordinance will also remove the eligibility for the classification of Court Commissioner to receive longevity pay, similar to other non-represented classifications.

The salary for Municipal Court Judge is set at the rate for District Court Judges as adopted by the Commission. The salary for Court Commissioner is set at 90 percent of the salary of Municipal Court Judge.

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
Washington Citizens' Commission on Salaries for Elected Officials ; 2013 and 2014 Salary Schedule, adopted May 22, 2013	City Clerk's Office
Ordinance Disclosure Memo	City Clerk's Office

REQUEST (CONT)

CITY CLERK USE ONLY

Request #:	13596
Ord/Res #:	28165

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A.  A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B.  A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C.  A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

11. FINANCIAL IMPACT:       EXPENDITURE       REVENUE

- A.  NO IMPACT (NO FISCAL NOTE)
- B.  YES, OVER \$100,000, Fiscal Note Attached
- C.  YES, UNDER \$100,000, (FISCAL NOTE ATTACHED)  
Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
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If an expenditure, is it budgeted?     Yes     No    Where? Cost Center:  
Acct #:





**To:** Joy St. Germain, Human Resources Director  
**From:** Tadd Wille, Budget Officer  
**Date:** July 22, 2013  
**Subject:** **Fiscal Impact of wage increase for Municipal Court Judges and Court Commissioners**

**Background**

The 2013-2015 Salary Schedule provided by the Washington Citizens' Commission on Salaries for Elected Officials provides for wage increases for the classifications of Municipal Court Judge and Court Commissioner. As of September 1, 2013, the wage for the Municipal Court Judges (3 FTE) will increase from \$141,710 to \$144,544 and the wages for the Court Commissioners (1.6 FTE) will increase from \$127,539 to \$130,090. As of September 1, 2014, the wage for the Municipal Court Judges (3 FTE) will increase to \$148,881 and the wages for the Court Commissioners (1.6 FTE) will increase to \$133,993.

The net impact to the General Fund is as follows:

**Fiscal Impact Assumption for 2013**

As of September 1, 2013, the wage for the Municipal Court Judges (3 FTE) will increase from \$141,710 to \$144,544 and the wages for the Court Commissioners (1.6 FTE) will increase from \$127,539 to \$130,090.

**Impact Analysis for 2013**

Fund/Department	FTE	Total Cost (with no wage increase)	Impact of wage Increase	Total Cost	Included in 2013 Budget	Variance (over)/ under
0010 - General Fund	4.0	\$ 725,117	\$ 3,193	\$ 728,310	\$ 745,701	\$ 17,391
4140 - Parking Operations	0.1	16,872	102	16,974	17,203	229
1650 - Traffic Enforcement	0.5	84,363	505	84,868	86,014	1,146
<b>Total</b>	<b>4.6</b>	<b>\$ 826,352</b>	<b>\$ 3,800</b>	<b>\$ 830,152</b>	<b>\$ 848,918</b>	<b>\$ 18,766</b>

**Fiscal Impact Assumption for 2014**

As of September 1, 2014, the wage for the Municipal Court Judges (3 FTE) will increase to \$148,881 and the wages for the Court Commissioners (1.6 FTE) will increase to \$133,993.

## Impact Analysis for 2014

Fund/Department	FTE	Previous Year Cost	Impact of wage Increase	Total Cost	Included in 2013 Budget	Variance (over)/ under
0010 - General Fund	4.0	\$ 728,310	\$ 6,657	\$ 751,708	\$ 758,364	\$ 6,657
4140 - Parking Operations	0.1	16,974	647	17,621	17,667	46
1650 - Traffic Enforcement	0.5	84,868	3,237	88,105	88,336	231
<b>Total</b>	<b>4.6</b>	<b>\$ 830,152</b>	<b>\$ 10,540</b>	<b>\$ 857,434</b>	<b>\$ 864,368</b>	<b>\$ 6,934</b>



City of Tacoma

28165

Memorandum

**TO:** T.C. Broadnax, City Manager *J.C.*,

**FROM:** Joy St. Germain, Human Resources Director *Joy St. Germain*

**SUBJECT:** Ordinance Disclosure

**DATE:** August 1, 2013

On the agenda for City Council action on August 13, 2013, will be an ordinance to amend the Compensation Plan. This memorandum discloses the contents of that ordinance pursuant to Section 1.12.970 of the Tacoma Municipal Code.

**Section 2:** Amends Section 1.12.355 to provide for a 2 percent general wage increase for the classifications of Municipal Court Judge and Court Commissioner effective September 1, 2013. Compensation for these classifications is based on the salary schedule as adopted by the Washington Citizens' Commission of Salaries for Elected Officials.

The most recent prior increase was effective September 1, 2008. The salary for Municipal Court Judge is set at the same rate as for District Court Judge as adopted by the Commission. The salary for Court Commissioner is set at 90 percent of the salary for Municipal Court Judge. The ordinance will also remove the eligibility for the Court Commissioner to receive longevity pay, consistent with other non-represented classifications.

**Section 2:** Amends Section 1.12.355 to provide for a 3 percent general wage increase for the classifications of Municipal Court Judge and Court Commissioner effective September 1, 2014. The wage increase is based on the salary schedule provided by the Washington Citizens' Commission of Salaries for Elected Officials.

**Section 3:** Provides for the effective dates.

I would be happy to answer any questions you may have.





**ORDINANCE NO. 28166**

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AN ORDINANCE relating to the Compensation Plan; amending Section 1.12.355 of the Tacoma Municipal Code; and declaring the effective dates thereof to correct rates of pay and compensation.

WHEREAS Resolution No. 38633, adopted February 26, 2013, provided for the execution of the 2013-2017 collective bargaining agreement between the City and District Lodge #160, on behalf of Local Lodge #297, of the International Association of Machinists and Aerospace Workers, Rail Mechanics Unit, and

WHEREAS Resolution No. 38634, adopted February 26, 2013, provided for the execution of the 2013-17 collective bargaining agreement between the City and District Lodge #160, on behalf of Local Lodge #297, of the International Association of Machinists and Aerospace Workers, Track Workers Unit, and

WHEREAS Ordinance No. 28136, passed March 5, 2013, provided for rates of pay, effective January 1, 2013, for employees represented by the Rail Mechanics and Track Workers Units, and also provided for a wage deferral (pay reduction), effective July 1, 2013, pursuant to the terms of the Western Metal Industry Pension Fund – Rehabilitation Plan (“Plan”), and

WHEREAS this ordinance will return the wage deferral (pay reduction) to reflect a change in how the Plan contributions will be administered; Now, Therefore,

**BE IT ORDAINED BY THE CITY OF TACOMA:**

Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective as provided by law, to read as follows:



Code	Job Title	1	2	3	4	5
7140	Locomotive Mechanic 1	26.58	28.24	29.90	31.56	33.22
7141	Locomotive Mechanic, Senior	36.23				
7142	Railway Shop Worker	20.36	21.39	22.46	23.58	24.86

Code	Job Title	1	2	3	4	5
7140	Locomotive Mechanic	<u>26.86</u>	<u>28.52</u>	<u>30.18</u>	<u>31.84</u>	<u>33.50</u>
7141	Locomotive Mechanic, Senior	<u>36.51</u>				
7142	Railway Shop Worker	<u>20.64</u>	<u>21.67</u>	<u>22.74</u>	<u>23.86</u>	<u>25.14</u>

Section 2. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective as provided by law, to read as follows:

Code	Job Title	1	2	3	4	5	6
7119	Railway Track Inspector	22.07	23.54	25.01	26.48	27.95	29.42
7119A	With 5+years of experience	22.07	23.54	26.48	29.42		
7120	Railway Track Maintenance Worker	21.04	22.44	23.84	25.25	26.65	28.05
7120A	With 5+years of experience	21.04	22.44	25.25	28.05		
7121	Railway Track Maintenance Supervisor	23.69	25.27	26.85	28.43	30.01	31.59
7121A	With 5+years of experience	23.69	25.27	28.43	31.59		
7145	Railway Track Equipment Mechanic-Welder	26.22	27.82	29.43	31.02	32.64	

Code	Job Title	1	2	3	4	5	6
7119	Railway Track Inspector	<u>22.21</u>	<u>23.69</u>	<u>25.17</u>	<u>26.65</u>	<u>28.13</u>	<u>29.61</u>
7119A	With 5+years of experience	<u>22.21</u>	<u>23.69</u>	<u>26.65</u>	<u>29.61</u>		
7120	Railway Track Maintenance Worker	<u>21.17</u>	<u>22.58</u>	<u>24.00</u>	<u>25.41</u>	<u>26.82</u>	<u>28.23</u>
7120A	With 5+years of experience	<u>21.17</u>	<u>22.58</u>	<u>25.41</u>	<u>28.23</u>		
7121	Railway Track Maintenance Supervisor	<u>23.84</u>	<u>25.43</u>	<u>27.02</u>	<u>28.61</u>	<u>30.20</u>	<u>31.79</u>
7121A	With 5+years of experience	<u>23.84</u>	<u>25.43</u>	<u>28.61</u>	<u>31.79</u>		
7145	Railway Track Equipment Mechanic-Welder	<u>26.39</u>	<u>28.00</u>	<u>29.62</u>	<u>31.22</u>	<u>32.85</u>	



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Section 3. That Sections 1 and 2 of this ordinance shall become effective as provided by law.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
\_\_\_\_\_  
City Clerk

Approved as to form:  
*Cheryl Comer*  
\_\_\_\_\_  
Deputy City Attorney







# REQUEST FOR

# RECEIVED

**ORDINANCE**    **RESOLUTION**

Request #:	13602
Ord./Res. #:	28166

1. DATE: July 30, 2013

## CITY CLERK'S OFFICE

2. SPONSORED BY: COUNCIL MEMBER(S) N/A (If no sponsor, enter "N/A")		
3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM Human Resources Department	4a. CONTACT (for questions): Karen Short, Senior Human Resources Analyst	PHONE: 591-5424
3b. "DO PASS" FROM [Committee Name] <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input checked="" type="checkbox"/> Did not go before a Committee	4b. Person Presenting: Joy St. Germain, Human Resources Director	PHONE: 591-2060
3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD? <input type="checkbox"/> Yes, on [Date] <input checked="" type="checkbox"/> Not required	4c. ATTORNEY: Cheryl Comer, Deputy City Attorney	PHONE: 591-5074
<i>Joy St. Germain</i> Department Director/Utility Division	N/A Budget Officer/Finance Director	<i>[Signature]</i> City Manager/Director Utilities

5. REQUESTED COUNCIL DATE: August 13, 2013

(If a specific council meeting date is required, explain why; i.e., grant application deadline, contract expiration date, required contract execution date, public notice or hearing required, etc.)

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Amending Chapter 1.12 of the Tacoma Municipal Code to correct rates of pay and compensation for classifications represented by the District Lodge #160, on behalf of Local Lodge #297, of the International Association of Machinists and Aerospace Workers, Rail Mechanics and Track Workers Units.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

Resolution 38633 adopted February 26, 2013, provided for the execution of the 2013-17 collective bargaining agreement between the City of Tacoma and the District Lodge #160, on behalf of Local Lodge #297, of the International Association of Machinists and Aerospace Workers, Rail Mechanics Unit. Resolution 38634 adopted the 2013-17 collective bargaining agreement between the City of Tacoma and the District Lodge #160, on behalf of Local Lodge #297, of the International Association of Machinists and Aerospace Workers, Track Workers Unit.

Ordinance 28136, passed March 5, 2013, provided for the rates of pay effective January 1, 2013, for the employees represented by the Rail Mechanics and Track Workers Units. It also provided for a wage deferral (pay reduction) effective July 1, 2013, per the terms of the Western Metal Industry Pension Fund – Rehabilitation Plan and the collective bargaining agreement. The Western Metal Industry Pension Fund – Rehabilitation Plan will have a change in the administration of the Rehabilitation Plan. This ordinance will return the wage deferral (pay reduction) to enable a change in how the Western Metal Industry Pension Fund – Rehabilitation Plan will be administered.

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
Collective Bargaining Agreements	City Clerk's Office
Disclosure Memorandum	City Clerk's Office

REQUEST (CONT)

CITY CLERK USE ONLY

Request #:	13602
Ord/Res #:	28166

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A.  A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B.  A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C.  A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

11. FINANCIAL IMPACT:  EXPENDITURE  REVENUE

- A.  NO IMPACT (NO FISCAL NOTE)
- B.  YES, OVER \$100,000, Fiscal Note Attached
- C.  YES, UNDER \$100,000, (NO FISCAL NOTE)  
Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
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If an expenditure, is it budgeted?  Yes  No Where? Cost Center:  
Acct #:



City of Tacoma

Memorandum

**TO:** T.C. Broadnax, City Manager *J.C.*  
**FROM:** Joy St. Germain, Human Resources Director *Joy St. Germain*  
**SUBJECT:** Ordinance Disclosure  
**DATE:** August 1, 2013

On the agenda for City Council action on August 13, 2013, will be an ordinance to amend the Compensation Plan. This memorandum discloses the contents of that ordinance pursuant to Section 1.12.970 of the Tacoma Municipal Code.

**Section 1:** Amends Section 1.12.355 to provide for restoring a wage deferral (pay reduction) to classifications represented by District Lodge #160, on behalf of Local Lodge #297, of the International Association of Machinists and Aerospace Workers, Rail Mechanics Unit. The bargaining unit represents approximately ten (10) full-time equivalent (FTE) positions. This change will enable a change in how the supplemental pension contributions are administered pursuant to the Western Metal Industry Pension Fund – Rehabilitation Plan.

**Section 2:** Amends Section 1.12.355 to provide for restoring a wage deferral (pay reduction) to classifications represented by District Lodge #160, on behalf of Local Lodge #297, of the International Association of Machinists and Aerospace Workers, Track Workers Unit. The bargaining unit represents approximately eight (8) full-time equivalent (FTE) positions. This change will enable a change in how the supplemental pension contributions are administered pursuant to the Western Metal Industry Pension Fund – Rehabilitation Plan.

**Section 3:** Provides for the effective dates.

I would be happy to answer any questions you may have.





## ORDINANCE NO. 28167

1 AN ORDINANCE amending Chapter 1.12 of the Tacoma Municipal Code by  
2 amending Section 1.12.246, the Leave-Based Contribution Plan, to provide  
3 the opportunity for eligible employees to contribute the cash value of accrued  
vacation and/or personal time off to the United Way of Pierce County.

4 WHEREAS Ordinance No. 27426, passed November 8, 2005, provided for a  
5 Leave-Based Contribution Program ("Program") for employees to contribute the  
6 cash value of unused, accrued leave to the American Red Cross after the events of  
7 Hurricane Katrina, and  
8

9 WHEREAS the City desires to amend the Program to allow employees to  
10 make contributions of unused, accrued vacation or personal time off ("PTO") leave  
11 as a cash donation to United Way of Pierce County ("United Way"), and  
12

13 WHEREAS all City employees who are eligible for vacation or PTO leave will  
14 be eligible to participate in the Program on a voluntary basis, and  
15

16 WHEREAS contribution requests will be collected during the annual United  
17 Way campaign, with a stipulation that employee leave balances at the time of  
18 contribution would not fall below 80 hours, and  
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20 WHEREAS eligible employees would be able to contribute vacation or PTO  
21 leave in full hour increments, with a minimum conversion of two hours and a  
22 maximum of 16 hours, and  
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24 WHEREAS the cash value of the contribution would be sent to the United  
25 Way of Pierce County and would be considered taxable earnings for the employee  
26 at the time of the contribution; Now, Therefore,



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BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 1.12 of the Tacoma Municipal Code is hereby amended by amending Section 1.12.246 thereof, as set forth in the attached Exhibit "A."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

*Cheryl A. Comer*  
\_\_\_\_\_  
Deputy City Attorney



## EXHIBIT "A"

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### 1.12.246 Leave-Based Contribution Program.

The City encourages contributions to the United Way of Pierce County ("United Way") emergency relief efforts and wishes to make it easier for its employees to make such contributions by allowing through a program allowing a limited opportunity for employees to convert accrued and unused vacation, ~~compensatory time~~, and/or personal time off accruals to a donation to the United Way ward emergency relief efforts. This limited opportunity to authorize a conversion of accrued leave is exclusively for the purpose of this payroll deduction and donation.

A. Effective November 15, 2005, through December 15, 2005, Employees who earn vacation; ~~compensatory time off~~, and/or personal time off under TMC 1.12.080, 1.12.220; and 1.12.248, and are otherwise eligible, may voluntarily authorize a contribution of an amount equivalent to no less than 4 1/2 hours and no more than 80 hours of accumulated and unused leave in one hour increments; the cash value of such contribution will be forwarded by the City to the United Way American Red Cross for Hurricane Katrina relief efforts during the pay period(s) selected by the employee on an ending December 25, 2005. The authorization for the contribution will be on a form approved by the Human Resources Director and ~~as prescribed by the Finance Director~~.

1. The amount of eligible leave donated by any eligible and participating employee shall be converted to cash at the employee's base straight-time rate of pay in effect for the employee's regular classification at the time of contribution. Leave donated under this section is taxable to the employee as supplemental compensation.

2. Participating employees' accumulated and unused leave balances shall be reduced by the number of hours designated and authorized for contribution, not to exceed a total of 80 hours.

3. The City will not make contributions that would result in the employee's leave balance going below 80 hours. Partial contributions will not be made.

4. Employees donating leave under this section will not receive payment for these hours at time of separation or retirement.







RECEIVED

CITY CLERK USE ONLY

AUG 13 2013

REQUEST FOR

ORDINANCE  RESOLUTION

CITY CLERK'S OFFICE

Request #:

13611

File #:

28167

1. DATE: August 12, 2013

2. SPONSORED BY: COUNCIL MEMBER(S) N/A (If no sponsor, enter "N/A")

<p>3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM Human Resources Department</p> <p>3b. "Do PASS" FROM [Committee Name] <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input checked="" type="checkbox"/> Did not go before a Committee</p> <p>3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD? <input type="checkbox"/> Yes, on [Date] <input checked="" type="checkbox"/> Not required</p>	<p>4a. CONTACT (for questions): Karen Short, Senior Human Resources Analyst</p>	<p>PHONE: 591-5424</p>
	<p>4b. Person Presenting: Mary McDougal Human Resources Manager</p>	<p>PHONE: 502-8761</p>
	<p>4c. ATTORNEY: Cheryl Comer, Deputy City Attorney</p>	<p>PHONE: 591-5074</p>
<p><i>Joy A. Derrain</i> Department Director/Utility Division</p>	<p><i>[Signature]</i> Budget Officer/Finance Director</p>	<p><i>[Signature]</i> City Manager/Director Utilities</p>

5. REQUESTED COUNCIL DATE: August 20, 2013

(If a specific council meeting date is required, explain why; i.e., grant application deadline, contract expiration date, required contract execution date, public notice or hearing required, etc.)

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Amending Chapter 1.12 of the Tacoma Municipal Code to provide for changes to the employee Leave-Based Contribution Program.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

Ordinance 27426, passed November 8, 2005, provided for a program for employees to contribute unused accrued leave to cash for a donation to the American Red Cross, after the events of Hurricane Katrina.

The City of Tacoma wishes to amend this leave-based contribution program, to make it easier for employees to make contributions of unused vacation or personal time off (PTO) accruals through the program as a contribution to United Way. The leave accruals would be converted to cash, and the cash value would be made as a donation to the United Way.

The ordinance will amend the Tacoma Municipal Code language to allow employees who are eligible for vacation or personal time off (PTO) benefits the ability to convert unused vacation or personal time off accruals to cash for a donation to be made to the United Way. All City of Tacoma employees eligible for vacation or personal time off benefits will be eligible to participate in this program on a voluntary basis. Requests would be collected during the annual United Way campaign, on a form approved by the Human Resources Director and the Finance Director, with a stipulation that employee leave balances at the time of donation would not fall below below 80 hours. Employees would be eligible to convert up to a total of 16 hours of vacation or personal time off in full hour increments, with a minimum conversion of two (2) hours and a maximum of 16 hours. The cash value of the donation would be sent to the United Way of Pierce County; and would be considered taxable earnings for the employee at the time of the donation.

Expenditures are the responsibility for each Department for their respective employees.

**REQUEST (CONT)**

**CITY CLERK USE ONLY**

Request #:	13611
Ord/Res #:	28167

**8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:**

Source Documents/Backup Material	Location of Document
Ordinance 27426	City Clerk's Office
Disclosure Memo	City Clerk's Office

**9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)**

- A.  A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B.  A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C.  A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

**10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:**

**11. FINANCIAL IMPACT:**     EXPENDITURE     REVENUE

- A.  NO IMPACT (NO FISCAL NOTE)
- B.  YES, OVER \$100,000, Fiscal Note Attached
- C.  YES, UNDER \$100,000, (NO FISCAL NOTE)  
Provide funding source information below:

**FUNDING SOURCE: (Enter amount of funding from each source)**

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
---------------------	----------	---------	----------	--------------

If an expenditure, is it budgeted?     Yes     No    Where? Cost Center: \_\_\_\_\_  
Acct #: \_\_\_\_\_

The below fiscal impact estimates assume a 15% employee participation rate (based upon current average United Way payroll deduction participation) across all departments and funds. Please note the fiscal impact is provided as a range assuming 15% employee participation at the minimum contribution level of two (2) hours and compared to the maximum contribution of 16 hours. Assumptions made in this fiscal impact may not reflect actual participation once implemented.

Fund(s)	Employee Participation Rate Estimate	Minimum (2 hours)	Maximum (16 hours)
General Fund	15.00%	\$ 13,266	\$ 106,124
General Government Utilities	15.00%	4,783	38,261
Other General Government	15.00%	5,585	44,681
Tacoma Public Utilities	15.00%	15,275	122,203
<b>Grand Total</b>		<b>\$ 38,909</b>	<b>\$ 311,269</b>



---

**TO:** T.C. Broadnax, City Manager *J.C.*  
**FROM:** Joy St. Germain, Human Resources Director *Joy St. Germain*  
**SUBJECT:** Ordinance Disclosure  
**DATE:** August 13, 2013

---

On the agenda for City Council action on August 20, 2013, will be an ordinance to amend the Compensation Plan. This memorandum discloses the contents of that ordinance pursuant to Section 1.12.970 of the Tacoma Municipal Code.

**Section 1:** Amends Section 1.12.246 of the Compensation Plan to provide for a program for employees to convert unused and accrued leave into cash for a contribution/donation to the United Way.

The ordinance will allow employees eligible for vacation or personal time off (PTO) benefits the ability to request to cash out unused and accrued leave for a donation to the United Way of Pierce County. Leave donated under the program would be converted to cash at the employee's base rate of pay, and the gross amount sent as a donation to the United Way.

All City of Tacoma employees who are eligible for vacation or personal time off benefits will be eligible to participate in the program on a voluntary basis. Employees would be eligible to convert a minimum of 2 hours and up to a total of 16 hours of vacation leave or personal time off leave in full hourly increments. Employees donating leave would be responsible for all applicable taxes, and the value of the donation will be reported as wages on Form W-2 as earnings in the year in which the donation occurs.

I would be happy to answer any questions you may have.





**ORDINANCE NO. 28168**

1 AN ORDINANCE relating to stormwater and surface water systems; amending  
2 Chapter 12.08 of the Tacoma Municipal Code by amending  
3 Section 12.08.560 thereof, relating to low-impact development stormwater  
4 systems.

4 WHEREAS the Environmental Services Department ("ESD") desires to  
5 conduct a pilot program to evaluate the use of rebate payments, in an amount up  
6 to \$2,000 per parcel, to encourage the installation of residential rain gardens, and  
7 to evaluate the use of stormwater rate reductions to persons who agree to  
8 maintain City-owned rain gardens and/or bioretention facilities, and  
9

10 WHEREAS this pilot program would be in effect through December 31,  
11 2014, and

12 WHEREAS residential rain gardens benefit the City's stormwater  
13 management efforts by reducing the volume of surface water flowing to the  
14 municipal stormwater system and by removing pollutants that may be present in  
15 such flows, and  
16

17 WHEREAS the proposed amendments to Chapter 12.08 of the Tacoma  
18 Municipal Code authorize the City to conduct a pilot program to evaluate the use  
19 of rebate payments and rate reductions for the aforementioned purposes,  
20 according to policies and procedures approved by the ESD Director; Now,  
21 Therefore,  
22

23 BE IT ORDAINED BY THE CITY OF TACOMA:  
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That Chapter 12.08 of the Tacoma Municipal Code is hereby amended by amending Section 12.08.560 thereof, as set forth in the attached Exhibit "A."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

*Kly Mason*  
\_\_\_\_\_  
Deputy City Attorney



## EXHIBIT "A"

1 **12.08.560 Low impact development stormwater and surface water systems.**

2 A. The rate of computation of stormwater and surface water charges applicable to premises that  
3 have on them an approved low impact development stormwater and surface water system that  
4 achieves runoff characteristics equivalent to pre-development, forested conditions, may be  
5 reduced one Basic Category of Development lower in rate of such computation than that in which  
6 the premises would otherwise be placed, as determined by the Director in his or her discretion,  
7 after taking into account the effectiveness of the system. In order to qualify under this section,  
8 the owner of the premises must have obtained the proper permits and constructed the system  
9 according to plans approved by the Director, and the system must exceed the minimum  
10 requirements that would be required by applying the City's current Stormwater Management  
11 Manual. The owner shall be responsible for all costs of the proper operation and maintenance of  
12 such system and shall submit annual maintenance reports to the Director. The Director reserves  
13 the right to inspect all stormwater and surface water systems approved or sought to be approved  
14 under this section to ascertain that they function properly. If at any time such system fails to  
15 retain stormwater or surface water in a volume and for a period of time to justify the reduction of  
16 stormwater and surface water sewerage charges as determined by the Director by appropriate  
17 engineering standards, or if the owner fails to submit the annual maintenance reports, the Director  
18 may increase the Basic Category of Development to one which reflects the effectiveness, if any,  
19 of such system, or the Director may revoke approval of the system irrespective of prior approval  
20 by the Director of either the system or plans therefor.

21 B. Notwithstanding any rate reduction authorized, permitted or provided for in this section, no  
22 rate computation shall be reduced below that applicable to undeveloped land.

23 C. The Director may establish a pilot program to offer and evaluate the use of rebate payments of  
24 up to \$2,000 per parcel to encourage residential customers to install rain gardens on their property.  
25 As part of the pilot program, the Director may also establish a one-category rate reduction to  
26 encourage customers to assist the City by maintaining City-owned low-impact development rain  
gardens and bioretention facilities. The pilot program established under this section will be in  
effect through December 31, 2014, and shall be funded by the Surface Water Utility, with rebate  
payments and rate reductions administered according to policies and procedures approved by the  
Director.







REQUEST FOR
[ ] ORDINANCE [ ] RESOLUTION

Request #:
Ord./Res. #:

13604
28168

RECEIVED

1. DATE: July 29, 2013

2. SPONSORED BY: COUNCIL MEMBER(S) N/A

CITY CLERK'S OFFICE

3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM
3b. 'DO PASS' FROM
3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD?
4a. CONTACT (for questions):
4b. Person Presenting:
4c. Attorney:

5. REQUESTED COUNCIL DATE: August 20, 2013

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Amend 12.08 of the Tacoma Municipal Code (TMC) to authorize the Environmental Services Director to offer and evaluate the use of rebate payments and rate breaks to eligible customers who construct and/or maintain low impact development rain gardens and bio-retention facilities through December 31, 2014.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

This request concerns amendments to TMC Chapter 12.08 that would authorize the Environmental Services Department to conduct a pilot study to evaluate the use of rebate payments and rate breaks to encourage the installation of residential rain gardens and maintenance of City-owned rain gardens and/or bio-retention facilities.

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material Location of Document
Proposed Code Changes City Clerk's Office

REQUEST (CONT)

CITY CLERK USE ONLY

Request #:	13604
Ord/Res #:	28168

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A.  A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B.  A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C.  A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. SUSTAINABILITY: IN WHAT WAYS HAVE YOU CONSIDERED THE CITY'S SUSTAINABILITY PRIORITIES?

*Environment:* How does this decision impact regional and local ecological well-being?

Low impact development features benefit the environment and receiving waters by reducing flow volumes and by removing pollutants from stormwater.

*Equity:* How does this decision promote meeting basic needs and equitable access to opportunities for all city residents?

N/A

*Culture:* How does this decision impact cultural (arts, innovation, heritage, and recreation) and quality of life for all citizens?

N/A

*Economy:* How does this decision impact the local economy? What are the significant financial costs/benefits?

By enhancing the environment and receiving waters in Tacoma, these projects will create a more attractive community for investment and will provide contractors with experience constructing low impact development features.

11. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

12. FINANCIAL IMPACT:  EXPENDITURE  REVENUE

- A.  NO IMPACT (NO FISCAL NOTE)
- B.  YES, OVER \$100,000, Fiscal Note Attached
- C.  YES, UNDER \$100,000, (NO FISCAL NOTE)  
Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
ES Surface Water Fund 4301		\$90,000		\$90,000

If an expenditure, is it budgeted?  Yes  No Where? Cost Center: 521900  
Acct #: 5419230

**RECEIVED**  
AUG 13 2013  
CITY CLERK'S OFFICE

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BEFORE THE CITY COUNCIL OF THE CITY OF TACOMA

H&P TACOMA ACQUISITION, LLC,

Petitioner/Appellant,

v.

CITY OF TACOMA, Through its  
Planning and Development Services  
Department,

Respondent.

File No. REZ2013-40000199731

RESPONDENT CITY OF TACOMA'S  
WRITTEN ARGUMENT BEFORE THE  
COUNCIL

COMES NOW Respondent, City of Tacoma (herein the "City"), by and through its undersigned attorney, in response to Appellant's request for Council review of the Hearing Examiner's July 3, 2013 Recommendation (the "HEX Recommendation") on Appellant's rezone request for its real property located at 4601 South Orchard Street. The City appears in order to defend the HEX Recommendation as rightly decided and to request that the Council adopt it in its entirety.

RESPONDENT CITY OF TACOMA'S  
WRITTEN ARGUMENT BEFORE THE COUNCIL

- 1

Tacoma City Attorney  
Civil Division  
747 Market Street, Room 1120  
Tacoma, WA 98402-3767  
(253) 591-5885 / Fax 591-5755

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## I. INTRODUCTION AND BACKGROUND

Appellant applied (through it's agent) to the City for a rezone of its real property located within the City limits at 4601 South Orchard Street (the "Subject Property"). The request sought a change in designation for the Subject Property from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District. The Hearing Examiner has recommended that this request be granted for the well-stated reasons found in the HEX Recommendation. There were, however, several conditions recommended for imposition on the change in designation, one of which Appellant disagrees with and has now sought Council's review solely of the potential imposition of that condition.

The condition in question (referred to hereinafter as the "A.3. Condition") is found on page 10 of the HEX Recommendation at subsection A.3. and it reads as follows:

Any access roadway from the rezone site to South 48th St. is to be used for automobile traffic only. Heavy commercial trucks will not be allowed to use South 48th Street for access across the proposed rezone site to and from the adjacent industrial property.

The neighborhood along this section of South 48<sup>th</sup> Street is residential and is developed to residential standards. The section of the road that would be accessed by the development proposed as a result of the rezone consists of single-family and multi-family development on the south side of the street and an assisted living facility and vacant residential land on the north. The area is a coalescence of medium intensity and industrial development abutting single-family development. In considering Appellant's request to rezone the Subject Property to industrial, it is significant that the proposed use of the portion of the site bordering residential uses, as passenger parking and storm water facilities, is the least-intensive component of the various uses proposed. The

1 rezone analysis and recommendation from staff to the Hearing Examiner was predicated  
2 on this as a "buffer" between the proposed industrial use and the residential area.  
3 Allowing industrial truck traffic of the type proposed by the Appellant along this residential  
4 section of South 48<sup>th</sup> Street negates that "buffer" as large trucks will be travelling several  
5 hundred feet through a residential area, with associated noise and volume of traffic.

## 6 **II. APPELLANT'S ASSIGNMENTS OF ERROR**

7 Appellant has only taken issue with the A.3. Condition being recommended for  
8 imposition on the grant of the requested rezone cited and quoted above. At page 4 of  
9 Appellant's appeal, Appellant characterizes the issue on appeal as follows:

10 The Hearing Examiner's statement - that there was no evidence that traffic  
11 mitigation measures could address the inconsistency between industrial and  
12 residential use of South 48th Street and "loss of the existing residential  
13 zoning buffer between industrial uses and this longstanding residential  
14 neighborhood." (See page 4, Section 8, of the Hearing Examiner's  
15 Decision.) - is in error. There is substantial evidence on the record before  
16 you that show the two adjoining land uses were considered and specific  
17 mitigation efforts have been proposed.

18 In other words, Appellant is arguing in essence that the thoroughness of the City staff  
19 report and HEX Recommendation in covering all possibilities and including a well-  
20 supported alternative should mean that Appellant's preferred outcome is the only correct  
21 conclusion. This is a logical fallacy. There is no question that, beginning with the SEPA  
22 MDNS analysis and the traffic study, "the two adjoining land uses were considered and  
23 specific mitigation efforts [were] proposed." The existence of these considerations and  
24 mitigation proposals does not, however, elevate them into being evidence that they are  
25 the best alternative available for the Subject Property and surrounding neighborhood.  
The HEX Recommendation and its approach to this issue sums the situation up very

1 nicely: the best alternative is to have no heavy commercial truck traffic into and out of the  
2 Subject Property on the residential section of South 48<sup>th</sup> Street, but if you, the Council,  
3 decide differently, then, at a minimum, the proposed alternative mitigation measures  
4 should be put in place. The bottom line is that whether there is evidence that mitigation  
5 measures were considered and proposed, there is no evidence that such measures are  
6 the best approach for this rezone, much less evidence of them being the only viable  
7 approach.

### 8 III. CITY'S CHARACTERIZATION OF THE ISSUE

9 The real issues for the Council's consideration are (1) does the Council have the  
10 authority to impose the A.3. Condition as recommended by the Hearing Examiner, and  
11 (2) is there evidence to support the imposition of the A.3. Condition? The last of these  
12 issues coincides with Appellant's apparent ground for seeking Council's relief pursuant to  
13 Tacoma Municipal Code ("TMC") 1.70.010 C.(c) that there is no supporting evidence for  
14 the Hearing Examiner's imposition of the A.3. Condition.<sup>1</sup>

### 15 IV. ANALYSIS, AUTHORITY AND ARGUMENT

16 Granting a rezone is a discretionary proceeding in which the Council acts in a  
17 quasi-judicial decision making capacity.<sup>2</sup> That discretion gets exercised by the decision  
18 maker within the parameters set forth in the TMC for obtaining a rezone. Those  
19 parameters are listed in the HEX Recommendation at pages 5-6. The Hearing Examiner  
20 determined that the TMC criteria for granting a rezone were met, provided that the

21 \_\_\_\_\_  
22 <sup>1</sup> TMC Chapter 1.70 governs this appeal.

23 <sup>2</sup> *Phoenix Dev., Inc. v. City of Woodinville*, 171 Wn.2d 820, 836, 256 P.3d 1150 (2011). The Council  
24 acts as the final decision maker here as a result of RCW 35.63.130(2)(c) which precludes a hearing  
25 examiner from making the final decision on a rezone application, and rather requires that such  
decision be made by the local legislative body.

1 conditions listed in the HEX Recommendation, including the A.3 Condition were also  
2 met. The rezone criteria to which the A.3. Condition relates is criteria 5, which reads (in  
3 context):

4 **Criteria for rezone of property.** An applicant seeking a change in zoning  
classification must demonstrate consistency with all of the following criteria:...

5 5. That the change of zoning classification bears a substantial  
6 relationship to the public health, safety, morals, or general welfare.

7 The Hearing Examiner found that there were concerns with this rezone request in  
8 meeting the "public health, safety, morals, or general welfare" requirement if heavy  
9 commercial trucks were allowed to enter and exit the Subject Property along the  
10 residential section of South 48<sup>th</sup> Street. Her recommendation was not to deny access to  
11 heavy commercial trucks at the Subject Property, but rather to limit such access to an  
12 alternative location on the Subject Property further removed from the abutting residential  
13 uses. There is ample evidence in the record to support the wisdom of this  
14 recommendation.<sup>3</sup>

15 Knowing that her recommendation is not the final decision on this matter, the  
16 Hearing Examiner provided Council with an alternative approach to address "the public  
17 health, safety, morals, or general welfare" that arise from heavy commercial truck traffic  
18 along 48<sup>th</sup> Street. Appellant wants the Council to choose this alternative approach as the  
19 only viable solution. It is not the only viable solution, however, and in making it an  
20 alternative, the HEX Recommendation advances the A.3. Condition as the better of the  
21 two approaches.

22  
23 <sup>3</sup> Again the issue here is not whether there is evidence of the wisdom of imposing the alternative  
24 mitigation measures if heavy commercial truck access is allowed off 48<sup>th</sup>. The issue is whether the  
Hearing Examiner's recommendation of the A.3. Condition is supported by evidence.

1 Were the HEX Recommendation an actual final decision rather than a  
2 recommendation, imposition of the A.3. Condition would only be overturned if found to be  
3 arbitrary and capricious.<sup>4</sup> In other words, the discretion exercised in deciding a rezone  
4 request must be engaged against a backdrop of reasonableness and must not be a  
5 "willful and unreasoning action, without consideration and in disregard of facts and  
6 circumstances."<sup>5</sup> "Where there is room for two opinions, a decision is not arbitrary and  
7 capricious."<sup>6</sup>

8 There *are* two competing opinions here. That notwithstanding, the Council's  
9 decision is not dependent on which parties' evidence is bigger or better, or whatever  
10 other comparison one might seek to impose. The determining factor should be which  
11 approach best allows the rezone request to meet the TMC rezone criteria and the rules  
12 generally applicable to rezones.<sup>7</sup> From an evidentiary standpoint, if Council were to  
13 impose the A.3. Condition, such imposition would only be overturned if there was a  
14 complete lack of evidence to support the condition and no reasonable person could find  
15 that it addressed a public health, safety, morals, or general welfare concern.<sup>8</sup> That is  
16 surely not the case here.

## 17 V. CONCLUSION

18 As already stated above, Appellant has taken an incorrect approach with its  
19 characterization of this "appeal." Whether the A.3 Condition was arrived at in error is  
20

21 <sup>4</sup> *City of Bellevue v. E. Bellevue C.C.*, 138 Wn.2d 937, 983 P.2d 602 (1999).

22 <sup>5</sup> *Id.*

23 <sup>6</sup> *Id.*, at 948.

24 <sup>7</sup> Courts apply three general rules to rezone applications on appeal. These are that "(1) there is no  
presumption of validity favoring a rezone; (2) the applicant must demonstrate that circumstances have  
changed since the original zoning; and (3) the rezone must have a substantial relationship to the public  
health, safety, morals, or general welfare." *Phoenix Dev., Inc.*, 171 Wn.2d at 834.


25 <sup>8</sup> *Id.*, at 832.



1 immaterial<sup>9</sup> if Council finds that the best way to meet the rezone criteria is through its  
2 imposition. That is the decision before the Council.

3 The HEX Recommendation and the A.3. Condition was, however, based on the  
4 evidence before it and upon the Hearing Examiner's expert interpretation of the City  
5 Code. As a result, the HEX Recommendation in its entirety should be followed and  
6 enacted as the Council's final decision on this rezone request.

7 Respectfully submitted this 13<sup>th</sup> day of August, 2013.

8  
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11 \_\_\_\_\_  
12 JEFF H. CAPELL, WSB #25207  
13 Deputy City Attorney  
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23 <sup>9</sup> *Phoenix Dev., Inc*, 171 Wn.2d at 836. (A local jurisdiction's erroneous mischaracterization of a finding  
24 made in support of a decision to deny a rezone request...is harmless error if substantial evidence in the record  
25 supports the jurisdiction's declared basis for denying the rezone request.)

RESPONDENT CITY OF TACOMA'S  
WRITTEN ARGUMENT BEFORE THE COUNCIL





RCVD FOR HEARING

JUL 16 2013

EXAMINERS OFFICE *WJ*

Anne DeVoe Lawler  
Member  
alawler@jbsl.com

Direct 206.516.3204  
Tel 206.292.1994  
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999 Third Avenue, Suite 1900  
Seattle, Washington 98104  
www.jbsl.com

July 16, 2013

Tacoma City Council  
City of Tacoma  
747 Market Street  
Tacoma, WA 98402

RECEIVED

JUL 16 2013

CITY CLERK'S OFFICE

Mayor Marilyn Strickland  
Deputy Mayor & Council Member W. Marty Campbell  
Council Member Anders Ibsen  
Council Member Robert Thoms  
Council Member Lauren Walker  
Council Member Joe Lonergan  
Council Member Victoria Woodards  
Council Member Dave Boe  
Council Member Ryan Mello

**Re: Appeal of Hearing Examiner's Findings of Fact, Conclusions of Law and Reclamation to the City Council under File Nos. REZ2013-4000199731, SEP2013-4000199732 Applicant H&P Tacoma Acquisition, LLC**

Dear Mayor, Deputy Mayor and Council Members:

This firm represents H&P Tacoma Acquisition, LLC, the "Applicant" in the above-referenced Decision of the Hearing Examiner. The Hearing Examiner's Decision was issued on June 3, 2013. A copy of that decision is attached hereto as Exhibit A ("the Hearing Examiner's Decision").

This appeal is filed pursuant to TMC 1.70.010 A. This appeal is filed with respect to TMC 1.70.010.C.(c), and is limited to appealing the Hearing Examiner's Decision found on page 10 of her Decision under A.3, "that any access road from the rezone site to South 48<sup>th</sup> Street be used for automobile traffic only and that heavy industrial trucks will not be allowed to use South 48<sup>th</sup> Street for access across the closed rezone site to and from the adjacent industrial property."

As the exhibits presented to the Hearing Examiner's will show, this recommendation is not supported by substantial evidence when viewed in light of the whole record before the Council. All of the documents referenced in and attached to this letter, are copies of exhibits from the Hearing Examiner's record.

**I. The Project.**

As described in the Hearing Examiner's Decision, the Applicant proposes to rezone approximately 1.78 acres/75,000 square feet of the southeast corner of a larger property from "R-2" single-family dwelling district to "M-1" light industrial district. The property in question has been used in the past as a concrete product company. As noted on page 1 of her Decision, this application also seeks to develop a driveway across the parcel for commercial and passenger vehicle access to South 48<sup>th</sup> Street. South 48<sup>th</sup> Street is currently a residential street and improvements to it would be required to accommodate use by industrial vehicles.

**II. The Hearing Examiner's Decision.**

The Applicant is willing to abide by all of the conditions set forth in the Hearing Examiner's Decision with the exception of recommended condition of approval A.3 found on page 10 of her Decision which states commercial truck traffic should not be allowed on South 48<sup>th</sup> Street. The Applicant notes that the Hearing Examiner also provided alternate approval criteria should the Council decide to allow commercial truck traffic on South 48<sup>th</sup> Street. Those alternate conditions are found on page 11 of her Decision.

The Applicant is ready and willing to abide by all of those decisions and appeals the Hearing Examiner's Decision to except the condition not allowing truck traffic on South 48<sup>th</sup> Street. The Applicant requests that the City Council impose the Hearing Examiner's alternate conditions for mitigating truck traffic as found on page 11.

The record before the Hearing Examiner shows that there is substantial evidence supporting the imposition of the alternate standards which would allow truck traffic on South 48<sup>th</sup> Street, subject to the conditions set forth on page 11.

On page 4 of the Hearing Examiner's Decision, in Finding No. 8, the Hearing Examiner erroneously finds that "while the applicant has indicated a willingness to provide a \$25,000 performance bond to implement traffic mitigating measures in response to neighborhood concerns after the warehouse/office is open, there is no evidence that the traffic mitigation measures could address the inconsistency between industrial and residential use of South 48<sup>th</sup> Street and loss of existing residential zoning buffer between the industrial uses and this longstanding neighborhood." The Hearing

Examiner cites the Applicant's traffic study in footnote 3, to support her position that the traffic study "does not address or analyze the land use issue involving the incompatibility between the proposed industrial and existing residential uses along South 48<sup>th</sup> Street."

This assertion is wrong on three major counts. First, the traffic study is just that – a traffic study. It is not a land use study. It is attached as Exhibit B.

Second, the traffic study did, in fact, evaluate the adjoining uses. The traffic report repeatedly refers to the fact that there are residential uses in the area which will share South 48<sup>th</sup> Street. It observed and counted trips involving residents. It comments on the very few pedestrians and bike commuters.

The traffic report concludes no mitigation measures are required to address the traffic generated by the proposed project. Just because the traffic study did not generate any specific mitigation does not mean, as the Hearing Examiner suggests, that the traffic study ignored the land uses. In fact, the study did consider the impacts of the adjoining uses.

Third, this property has been used as an industrial site for quite some time. It has been a concrete product plant. These uses (residential and industrial) have been co-existing for a long time.

In addition, the Hearing Examiner fails to refer to the memorandum from the City of Tacoma's Traffic Engineer, Jennifer Kammerzell, dated as of May 7, 2013, that does find that there are mitigating conditions that can be imposed to address any traffic concerns. Jennifer Kammerzell's memorandum is attached hereto as Exhibit C. The Traffic Engineer specifically reviewed the rezone application and the traffic study prepared and presented by the Applicant and set forth the conditions that would be required to address and mitigate truck access on South 48<sup>th</sup> Street. Those are the very conditions that have been incorporated as the alternative conditions in the Hearing Examiner's Decision.

In the City of Tacoma Planning and Services Department Report, dated as of June 13, 2013, a copy of which is attached hereto as Exhibit D, it was noted that the existing use of the property is development with several large, light industrial buildings. It noted that the property is a vacated concrete products company which is proposed to become a warehouse. See pages 1-2.

In its recommendations, the Planning and Services Department specifically called out and attached Jennifer Kammerzell's recommendations for mitigation requirements for truck traffic on South 48<sup>th</sup> Street, as noted on page 10 of that report.

On page 11, the Department noted that the project is consistent with TMC 13.06-.400-M1N". It specifically noted "the site in question is designated as "medium intensity" in the comprehensive plan. Further, the project as currently proposed will meet or exceed all of those development standards applicable to this project under the M-1" District requirements. The specific plans for this portion of the site "will act as a further buffer between the industrial uses and the residential neighborhood to the north." [*Emphasis added.*] See page 11.

On pages 12 through 13, the Department found and recommended as follows:

- a. The proposal is consistent with the GLUE tier designation and will not create a significant burden on the public services in the area.
- b. The area is designated a medium intensity area within the City's Comprehensive Plan.
- c. Given the parking and storm water detention proposed for the site, the property will add as a higher buffer between uses (higher intensity industrial and lower intensity residential and commercial uses).
- d. There were no other past requests for rezone or area rezones taken on the property in the past two years.
- e. "The Applicant proposes to develop uses in a site that meets all of the applicable project development standards."

In its recommended conditions of approval, the Department proposes mitigation efforts needed to address the truck traffic on South 48<sup>th</sup> Street and incorporates by attachment Jennifer Kammerzell's memorandum.

In addition, the MDNS analysis for the Project (Exhibit E to this letter), the lead agency proposed mitigation measures to address truck traffic on South 48<sup>th</sup> Street. (See pages 6-7.)

### **III. Matter for Appeal**

The Hearing Examiner's statement – that there was no evidence that traffic mitigation measures could address the inconsistency between industrial and residential use of South 48<sup>th</sup> Street and "loss of the existing residential zoning buffer between industrial uses and this longstanding residential neighborhood." (See page 4, Section 8, of the Hearing Examiner's Decision.) – is in error. There is substantial

evidence on the record before you that show the two adjoining land uses were considered and specific mitigation efforts have been proposed.

As noted in the traffic study, the MDNS, in analysis presented by the City's own Traffic Engineer and the analysis presented by the Planning and Services Department, there is a clear and unequivocal statement that the proposed project meets all of the required conditions and, in fact, "acts as a further buffer between the industrial uses and the residential neighborhood to the south." See page 11 of the Planning Department Report and Finding No. 3 on page 13 of the Planning Department's Report.


In short, the record is full of evidence that truck traffic on South 48<sup>th</sup> Street was repeatedly evaluated with respect to and in the context of the adjoining residential zoning and uses, and that such traffic on South 48<sup>th</sup> Street can be appropriately mitigated.

#### **IV. Request For Relief**

The Applicant requests that the Council strike recommendation approval 3 found on page 10 of the Hearing Examiner's Decision and instead approve the rezone with conditions 1, 2, 4 through 9, as well as the alternate conditions addressing mitigation of truck traffic found on page 11 of the Hearing Examiner's Decision (subparagraphs a through d). The Applicant is anxious and ready to move forward with this project and will work with the City as required under the alternate conditions to be sure that mitigation measures are put into place and reviewed as appropriate and implemented.

Respectfully submitted,

JAMESON BABBITT STITES  
& LOMBARD, P.L.L.C.



By: Anne DeVoe Lawler  
Attorneys for Applicant

Enclosures





EXHIBIT A





City of Tacoma  
Hearing Examiner

July 3, 2013

Paul McCormick  
Innova Architects  
950 Pacific Avenue STE 450  
Tacoma WA 98402

Shirley Schultz, Principal Planner  
Planning and Development Services Dept.  
747 Market Street Room #345  
Tacoma WA 98402

Re: File Nos. REZ2013-40000199731, SEP2013-40000199732

Dear Parties,

Enclosed please find the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation to the Tacoma City Council regarding the above referenced matter.

Sincerely,

Louisa Legg  
Legal Assistant

Enclosure or Attachment (1)

Transmittal List:

City Clerk, City of Tacoma  
Legal Department, Civil Division, City of Tacoma  
Environmental Services Department, City of Tacoma (Env. Eng./M. Trohimovich-Pollard)  
Environmental Services Department, City of Tacoma (Solid Waste Mgmt./R. Coyne)  
Planning & Development Services Dept., City of Tacoma (BLUS/L. Spadoni)  
Planning & Development Services Dept., City of Tacoma (BLUS/J. Magoon)  
Planning & Development Services Dept., City of Tacoma (BLUS/K. Kluge)  
Public Works Department, City of Tacoma (Traffic Engineering/J. Kammerzell)  
Public Works Department, City of Tacoma (Construction/LID/S. Simpson)  
Tacoma Fire Department, City of Tacoma (Carl Anderson, P.E.)  
Tacoma Power, City of Tacoma (Transmission & Distribution/J. Martinson)  
Community and Economic Development, City of Tacoma (L. Wung)  
Pierce County Assessor-Treasurer  
WA State Dept. of Ecology, Southwest Regional Office, P.O. Box 47775,  
Olympia WA 98504-7775

**OFFICE OF THE HEARING EXAMINER**  
**CITY OF TACOMA**  
**REPORT AND RECOMMENDATION**  
**TO THE CITY COUNCIL**

**APPLICANT:** Paul McCormick, Innova Architects on behalf of  
H&P Tacoma Acquisition, LLC

**FILE NO:** REZ2013-40000199731, SEP2013-40000199732

**SUMMARY OF REQUEST:**

The applicant proposes to rezone approximately 1.78 acres / 75,000 square feet of the southeast corner of a larger property from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District. The area will be developed with a stormwater detention facility requiring approximately 15,000 cubic yards of grading, landscaping, and up to 100 passenger car parking spaces. The applicant also seeks to develop a driveway across the parcel for commercial and passenger vehicle access to South 48<sup>th</sup> Street. South 48<sup>th</sup> Street is currently a residential street and improvements to it would be required to accommodate use by heavy commercial vehicles.

**LOCATION:**

The site address is 4601 South Orchard Street in Tacoma (a portion of parcel 0220133049).

**RECOMMENDATION OF THE HEARING EXAMINER:**

The rezone request is hereby recommended for approval subject to conditions including a condition restricting use of the access roadway across the site to automobiles, rather than commercial trucks.

**PUBLIC HEARING:**

After reviewing the report of the Planning and Development Services Department (PDSD), examining available information on file with the application, and visiting the subject site and the surrounding area, the Hearing Examiner conducted a public hearing on the application on June 13, 2013.

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**FINDINGS, CONCLUSIONS AND RECOMMENDATION:**

**FINDINGS:**

1. Paul McCormick of Innova Architects submitted an application on behalf of H&P Tacoma Acquisition, LLC (H&P) seeking to rezone approximately 1.78 acres at the southeast corner of H&P's larger property holding in the area of 4601 South Orchard Street, Tacoma, Washington. The proposed rezone would change the parcel's current designation as "R-2" Single-Family Dwelling District to "M-1" Light Industrial District.<sup>1</sup> H&P plans to use the property for a stormwater detention facility and up to 100 passenger car parking spaces in connection with a proposed distribution warehouse on its adjacent industrial property. The applicant also proposes to develop an access road across the rezoned site for commercial vehicle access to and from the distribution warehouse via South 48<sup>th</sup> Street. *Ex. 10.*

2. The proposed rezone site is currently an undeveloped, wooded area with a depressional feature at the southern perimeter of the site. The depressional area is proposed for the stormwater retention pond. A Geotechnical Report has been submitted which indicates that groundwater in the area is encountered at depths of 5 to 6 feet. *Ex. 15 at 3.* Public utility easements are located on portions of the subject property.

3. The applicant also owns property adjacent to the proposed rezone site which contains both "M-1" Light Industrial and "M-2" Heavy Industrial. The Generalized Land Use Element (GLUE) of the City's Comprehensive Plan locates the site within a "Medium Intensity" area and Tier II-Secondary Growth Area. The total ownership exceeds 34 acres. The larger ownership site is primarily developed with several large, light industrial buildings and asphalt-and concrete-paved access and parking areas. Gravel-surface storage yard areas are located along the perimeter of the site, and a stormwater detention pond is situated on the northwest corner of the site. The site was used for a number of years by Hansen Pipe, a concrete fabrication business. Hansen Pipe has ceased operations and the applicant is planning to demolish the existing buildings on the site in preparation for construction of a distribution warehouse. *Ex. 1; Ex. 10.*

4. As indicated above, the area to the north of the rezone site is zoned "M-1" Light Industrial and "M-2" Heavy Industrial. The area to the south of the proposed rezone site is zoned for and developed with single-family residential dwellings. South 48<sup>th</sup> Street runs east-west between the proposed rezone site and the residential neighborhood. The area to the west of the proposed rezone site is zoned "R-4-L" Low-Density Multiple-Family Dwelling District. This property was slated for development as a 78-unit nursing home, but it has not been constructed and the parcel is currently vacant. An existing retirement and assisted living facility is located at the intersection of South 48<sup>th</sup> Street and South Orchard Street adjacent to and west of the "R-4-L" parcel. The property to the east of the proposed rezone site is occupied by the City of Tacoma Landfill, which carries an "R-2" zoning designation. *Ex. 4.*

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<sup>1</sup> The zones in this area fall within the South Tacoma Groundwater Protection District (STGPD) and that is reflected on the zoning classifications for the sites involved. For the sake of brevity the applicable STGPD designation will not be included in each reference to the zoning districts within this document.

5. H&P's larger ownership of approximately 34.81 acres has been zoned in several separate actions over time. The central portion of the site, which constitutes the majority of the property (24 acres), was zoned from "R-2" Single-Family Dwelling District to "M-2" Heavy Industrial District by Ordinance No. 17784 in March of 1965. The portion of the site directly to the north of the 1.78 acres proposed for rezoning was zoned from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District in the same Ordinance No. 17784 that established the "M-2" zoning in 1965. *Ex. 17.* The entire site was granted an exception to development standards in 1978. The exception allowed an easement at South 46<sup>th</sup> Street to be an officially approved access to the site. The exception/easement was issued in connection with a short plat at the site that created two lots adjacent to and west of the "M-1", "M-2" area and two additional lots southeast of the Hanson Pipe site. Those two lots comprise the area currently proposed for rezoning. *Ex. 18.* The northernmost portion of the larger ownership site, as well as a portion of the property along its eastern boundary, were both rezoned from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District by Ordinance No. 24393 in September of 1989. Five conditions were attached to that rezone including development of a water-quality plan, installation of a perimeter fence, removal of illegal fill, provision of a slope easement, and provision of fire protection. *Ex. 19 at Concomitant Agreement -2.* Those conditions would not be affected by the current rezoning proposal.

6. The rezone site is bounded on the south by South 48<sup>th</sup> Street, which is a residential street by design and classification. The pavement design might need modification if heavy trucks begin using South 48<sup>th</sup> Street for access between the planned distribution center and nearby South Orchard Street. South Orchard Street at this location is a north-south, five-lane major arterial lying a short distance to the west of the project site. *Ex. 14; Ex. 7.* The intersection of South 48<sup>th</sup> Street and South Orchard Street is controlled by a stop sign on South 48<sup>th</sup> Street. South Orchard Street contains a center turn lane in this area. The applicant proposes to improve an existing driveway on the rezone site to reach South 48<sup>th</sup> Street, which would be used for passenger vehicle and commercial truck access between the planned distribution center and South Orchard Street. An additional existing access from South Orchard Street to the proposed distribution center site is available at South 46<sup>th</sup> Street. *Ex. 14.* The traffic study submitted by the applicant indicates 960 vehicle trips per day would be generated by the proposed distribution center. *Id.* A significant number of these trips would be large commercial trucks driving to and from the warehouse. Unless restrictions are included on an "M-1" rezone of the proposed site, nothing would bar any or all trucks from using South 48<sup>th</sup> Street for access to the distribution center.

7. In the years since the nearby Hansen Pipe site was rezoned to "M-1" and "M-2" in 1965, conditions have changed to some degree. The Hansen Pipe property was developed and used for an industrial fabrication facility, but it is now closed. Property to the west of the Hansen Pipe business has been developed with light industrial enterprises. The property immediately to the west of the proposed rezone site has been rezoned from "R-2" to a more intense residential "R-4-L" designation that authorizes construction of a nursing home. *Ex. 16.* The subject site is the sole remaining parcel zoned for single-family residential on the north side of South 48<sup>th</sup> Street, other than the City's landfill.<sup>2</sup> The rezones along the north side of South 48<sup>th</sup> Street, abutting the residential neighborhood, have been limited to non-industrial uses. *Ex. 4.* The long standing single-family neighborhood on the south side of South 48<sup>th</sup> Street, however, does not appear to have changed in nature or configuration in

<sup>2</sup> The landfill is zoned "R-2", but there is no anticipation that it will be developed with single-family residences.

the years since the light industrial zoning was established on the Hansen Pipe property to the north and its need for buffering from industrial uses has not changed.

8. The applicant's proposal to use the rezone site for automobile parking and stormwater detention would create a relatively low-impact industrial use on the property adjacent to the South 48<sup>th</sup> Street residential neighborhood. The landscaping and stormwater detention pond would tend to buffer the neighbors visually and physically from the parking and industrial uses to the north. By contrast, creating a driveway to facilitate large truck access to a distribution center on the former Hansen Pipe site would introduce significant industrial activity directly onto a residential neighborhood street where it has not existed before. Ongoing large commercial truck traffic would have substantial negative impacts on the single-family residences along South 48<sup>th</sup> Street and the adjacent neighborhood. While the applicant has indicated a willingness to provide a \$25,000 performance bond to implement traffic mitigating measures in response to neighborhood concerns after the warehouse/office is open, there was no evidence that traffic mitigating measures could address the inconsistency between industrial and residential use of South 48<sup>th</sup> Street and loss of the existing residential zoning buffer between industrial uses and this long standing residential neighborhood.<sup>3</sup>  
*Ex. 7.*

9. No area-wide zoning involving or affecting the rezone site has been taken by the Tacoma City Council, acting in its legislative capacity, in the past two years preceding the filing of H&P's rezone application. *Ex. 7.*

10. H&P's rezone request has been reviewed by a number of governmental agencies and utility providers. None of the reviewing agencies object to approval of the proposed rezone as long as conditions addressing certain issues are attached to the rezone approval. The agency comments and proposed conditions are contained in the City's Staff Report. The PDSP Report, entered into this record as Exhibit 1, accurately describes the proposed project, including general and specific facts about the proposal. The report is incorporated herein by reference as though fully set forth. The City's Public Works Department raised concerns over use of the proposed driveway and commercial use of South 48<sup>th</sup> Street and suggested conditions to address these impacts as part of the SEPA process. The State of Washington Department of Ecology raised the potential for toxic soils at the site and recommended conditions requiring safe soil handling and other protective practices. *Ex. 7.*

11. One citizen appeared at the hearing expressing opposition to the proposed rezone. He stated that he has concerns about impacts to the residential neighborhood, noting that the "R-2" zoning was intended to provide a buffer to the residences south of South 48<sup>th</sup> Street. He also expressed general concern over traffic that the warehouse project would generate on South Orchard Street, questioning whether the access streets could handle the number of trucks involved. An additional written submission was received into the record from a nearby property owner. *Ex. 21.* He raised a number of issues including anticipated loss of value in his property, unpleasant views if existing trees are removed, noise from the proposed warehouse north of the rezone site, traffic impacts on South 48<sup>th</sup>

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<sup>3</sup> The applicant provided a traffic study addressing traffic volumes and levels of service on South 48<sup>th</sup> Street, South 46<sup>th</sup> Street, and South Orchard Street. The study does not address or analyze the land use issue involving the incompatibility between proposed industrial and existing residential uses along South 48<sup>th</sup> Street. *Ex. 14.*



Street, safety issues for local children, and impacts on the peace and tranquility of the residential neighborhood.

12. Pursuant to the State's State Environmental Policy Act (SEPA) Rules (WAC 197-11) and the City of Tacoma's Environmental Code (*Tacoma Municipal Code* 13.12), the Director of the Planning and Development Services Department issued a Mitigated Determination of Nonsignificance (MDNS) on May 10, 2013. The determination was based upon a site survey, a review of the applicant's Environmental Checklist, and other supporting information on file with the PDS. No appeal was filed challenging the Director of PDS's environmental determination. *Ex. 1 at 4.*

13. The District Establishment Statement for the requested "M-1" District indicates that the Light Industrial District "is intended as a buffer between heavy industrial uses and less intensive commercial and/or residential uses. 'M-1' districts may be established in new areas of the City. However, this classification is only appropriate inside Comprehensive Plan areas designated for medium and high intensity uses." *Tacoma Municipal Code (TMC) 13.06.400.B.* The subject property is located in a medium intensity area.

14. The site was posted with the pending action and proper written notice of the public hearing was mailed to all owners of property within 400 feet of the site, the neighborhood council, and qualified neighborhood groups on April 16, 2013. *Ex. 1 at 3.*

15. Any conclusion hereinafter stated which may be deemed to be a finding herein is hereby adopted as such.

#### **CONCLUSIONS:**

1. The Hearing Examiner has jurisdiction over the parties and subject matter in this proceeding. *See TMC 1.23.050.A.1 and TMC 13.05.*

2. Applications for rezones are reviewed for consistency with all of the following criteria:

**Criteria for rezone of property.** An applicant seeking a change in zoning classification must demonstrate consistency with all of the following criteria:

1. That the change of zoning classification is generally consistent with the applicable land use intensity designation of the property, policies, and other pertinent provisions of the Comprehensive Plan.
2. That substantial changes in conditions have occurred affecting the use and development of the property that would indicate the requested change of zoning is appropriate. If it is established that a rezone is required to directly implement an express provision or recommendation set forth in the Comprehensive Plan, it is unnecessary to demonstrate changed conditions supporting the requested rezone.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION**

3. That the change of the zoning classification is consistent with the district establishment statement for the zoning classification being requested, as set forth in this chapter.
4. That the change of the zoning classification will not result in a substantial change to an area-wide rezone action taken by the City Council in the two years preceding the filing of the rezone application. Any application for rezone that was pending, and for which the Hearing Examiner's hearing was held prior to the adoption date of an area-wide rezone, is vested as of the date the application was filed and is exempt from meeting this criteria.
5. That the change of zoning classification bears a substantial relationship to the public health, safety, morals, or general welfare.

*TMC 13.06.650.B.*

The applicant bears the burden of establishing, by a preponderance of the evidence, that the requested rezone conforms to all of the foregoing criteria. *TMC 1.23.070.A.*

Consistency with the Comprehensive Plan

3. The Comprehensive Plan includes several provisions that are relevant to H&P's rezone proposal. The Generalized Land Use Element (GLUE) of the Comprehensive Plan designates property by intensity levels. This approach allows different types of land uses to be located in the same area while permitting greater flexibility in land use arrangements and encouraging innovative techniques of land development. The rezone property and the related project property to the north are categorized as a Medium Intensity area under the GLUE. Medium intensity designations typically have zoning classifications allowing a range of uses from "R-4-L" Low-Density Multiple-Family Dwelling District through "M-2" Heavy Industrial District. Medium intensity areas do not generally include "R-2" Single-Family Dwelling District zones. The Medium Intensity Concentrations provisions of the GLUE state that within medium intensity areas, office, light industrial and other medium intensity uses may be located adjacent to single-family residential uses so long as adverse impacts to residential uses are appropriately mitigated.

4. The Industrial Development section of the GLUE contains several policies relevant to the project site. Provisions encourage new industrial development to locate in existing industrial areas and express a preference for expansion of existing industrial development, provided adjacent properties and the surrounding area are not adversely affected. *LU-IDG-2; LU-IDG-4.* Sufficient levels of public facilities and services and convenient transportation access are also addressed. *LU-IDG-5, LU-IDG-6; LU-IDG-7.* In addition, the GLUE contains design standards for industrial development. The City expresses the intent "to promote industrial design that minimizes impact to adjacent less intensive uses, enhances the appearance of industrial development from the street and from other public viewpoints, minimizes impacts to the natural environment, and promotes bicycle and pedestrian access, where possible. Performance standards will be used by the City to help achieve these goals." *GLUE Industrial Design Intent Statement.*

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION**

The Industrial Design Policies specifically emphasize efforts to protect adjacent land uses from industrial impacts:

**LU-IDD-1 Industrial Performance Standards**

Protect adjacent less intensive land uses from the impacts of industrial uses through the use of performance standards.

**LU-IDD-2 Compatible Design**

Industrial development should be designed to be compatible with adjacent uses and minimize off-site impacts.

GLUE policies directed to industrial uses in medium intensity areas are quite direct in acknowledging the need to consider conflict with adjoining uses:

Medium intensity industrial manufacturing uses are generally not compatible with residential development. Strict performance standards may allow some type of industry to locate near residential neighborhoods with a minimum of influence on the surrounding environment. Methods to minimize impacts on adjacent, less intensive land uses and transportation levels of service are needed. This can be accomplished through the use of design standards, encouraging shared parking arrangements and encouraging public transit use.

These general observations have been formalized in Medium Intensity Industrial Policies:

**LU-IDMI-2 Utilize as Buffer Uses**

Medium intensity industrial developments may be utilized as buffers between high intensity industrial developments and other less intensive land uses.

**LU-IDMI-3 Use of Performance Standards**

Protect adjacent less intensive land uses from the impacts of medium intensity industrial development through the use of performance standards.

The South Tacoma Neighborhood Element of the GLUE also emphasizes buffering industrial activity:

**ST-3.1 Industrial Land Development**

Support the development and redevelopment of South Tacoma's industrial land including transportation improvements and environmental cleanup that enhance the area's marketability. Redevelopment activities should focus on using rail to transport goods or designating a truck route to State Route 16 so adjacent neighborhoods are not impacted by truck traffic.

**ST-3.2 Industrial Activity Buffering**

Discourage land uses that are incompatible with manufacturing and industrial activities. Ensure that industrial uses and activities provide appropriate buffers

including visual line of sight and light intrusion so as not to impact adjacent residential neighborhoods. Appropriate buffering should be in place and functioning concurrent with the occupancy of the industrial use.

5. In this case, the parking and stormwater detention uses proposed for the rezone site are consistent with the goals and policies of the Comprehensive Plan. These uses have minimal impacts on the adjacent residential neighbors and serve as the desired buffer between the planned warehouse/distribution center and the residences to the south. However, the proposed development of a roadway that would direct large commercial trucks across the rezone site for access from South 48<sup>th</sup> Street to and from the distribution center is inconsistent with the policies and provisions of the Comprehensive Plan. The Comprehensive Plan consistently emphasizes the need to provide buffers between industrial and residential uses. Rezoning the parcel from "R-2" to "M-1", without restriction, would introduce significant large commercial truck traffic onto an existing residential street filled with homes. Modifying the existing residential zoning, which provides a buffer to the adjacent neighborhood, to a zone that would actually initiate industrial use of South 48<sup>th</sup> Street would be inconsistent with the Comprehensive Plan policies requiring a buffer between industrial and residential uses. See, LU IDG-4, LU-IDD-1, LU-IDD-2, LU-IDMI-2, LU-IDMI-3, ST-3.1, ST-3.2. A rezone of this parcel to an "M-1" designation would only be consistent with the Comprehensive Plan policies if it is limited to parking, stormwater detention, and automobile access to South 48<sup>th</sup> Street. Commercial truck access across the rezone site would violate the buffer concept emphasized throughout the Comprehensive Plan.

6. The rezone site is designated as a Tier II-Secondary Growth Area by the GLUE. Tier II areas are characterized by urban growth where key public facilities and services are generally available but some required infrastructure may not be present. The proposed development conditions suggested by the Department of Public Works would require the applicant to improve South 48<sup>th</sup> Street if it is to be used for commercial truck access. Other traffic related conditions have been attached to the SEPA MDNS. To the extent the infrastructure in the area would be improved concomitantly with the development, the proposal is in compliance with the Tier II designation.

#### Changed Conditions

7. Case law and the TMC require that the applicant for a rezone show that conditions have changed since the original zoning or latest amendment and that the rezone bears a substantial relationship to the public health, safety, morals or general welfare. See *Bassani v. County Commissioners*, 70 Wn. App. 389, 394, 853 P.2d 945 (1993) citing *Parkridge v. Seattle*, 89 Wn.2d 454, 153, P.2d 359 (1978); *Woodcrest Invs. Corp v. Skagit Cy.*, 39 Wn. App. 622, 694, P.2d 705 (1985); TMC 13.06.650.B.2. No showing of compelling circumstances is required. Under Washington law, a "strong showing" of change is not required and the rule is intended to be flexible and allow consideration of each case on its own facts. See *Bassani* at 394

8. In this case, the changes that have occurred in the area relate primarily to the property to the north of the proposed rezone site. Rezones from "R-2" to "M-1" and "M-2", approved in 1965 and 1989, authorized development of light and heavy industrial uses on the larger parcels to the north. Multi-family residential rezones have been allowed adjacent and to the west of the rezone site.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION**

However, the residential neighborhood zoning and use south of South 48<sup>th</sup> Street has remained unchanged. These residential uses have the same need for buffering from industrial uses as they had in 1965 and 1989. The changes in the area support full use of the larger northern parcels for light manufacturing development. To the extent that use of the proposed rezone parcel can be fashioned so that it supports the proposed light manufacturing development to the north and at the same time provides the needed buffer for nearby residents, the rezone is supported by the changes that have occurred to the north. The changes on South 48<sup>th</sup> Street allowed only residential zoning and do not support an unrestricted rezone introducing industrial activity to the residential zoning buffer that currently exists along South 48<sup>th</sup> Street.

#### Consistency with District Establishment Statement

9. The District Establishment Statement for the requested "M-1" District indicates that the classification is intended as a buffer between heavy industrial uses and less intensive commercial and/or residential uses. Light industrial is only appropriate inside a medium intensity use area. While the rezone site is within a medium intensity use area, under the circumstances, the proposed rezone would be consistent with the District Establishment Statement only if it is conditioned on allowing solely automobile traffic to enter South 48<sup>th</sup> Street from the property. Without such a limitation, the "M-1" zone would be inconsistent with the Comprehensive Plan's buffering concept and would not protect nearby residential uses from heavy industrial activity.

#### Recent Area-Wide Rezone

10. The proposed rezone does not involve property that has been the subject of reclassification by the City Council within the last two years and that requirement for rezoning is met.

#### Relationship to the Public Welfare

11. The change of zoning classification must bear a substantial relationship to the public health, safety, morals, or general welfare. In many instances that determination is made by assessing whether the proposed rezone is consistent with the public interests set forth in the TMC and the Comprehensive Plan. Allowing a rezone of this site would support a nearby redevelopment of existing light industrial property, which would further City policies seeking to redevelop underutilized sites. Conditions on the rezone approval proposed by City and State agencies further the public's interest in safe handling of toxic material and safe navigation of streets in the area. Development standards will apply to any development of the property including design and landscaping requirements. If the rezone is conditioned on restricting the access road to automobile traffic, the public welfare will be benefitted by allowing uses that support a light industrial redevelopment of existing industrial property, while assuring that industrial activity will not be directed into a residential neighborhood. Without a condition limiting heavy truck traffic on South 48<sup>th</sup> Street, the rezone would not fully benefit the public because it would deviate from the policies contained in the Comprehensive Plan requiring buffering between inconsistent uses.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION**

## Summary

12. The applicant for a rezone must show compliance with each of the five criteria set forth in TMC 13.06.650.B. In this case H&P cannot demonstrate consistency with the Comprehensive Plan's Policies (criterion 1), the change requirement (criterion 2), or the public welfare component (criterion 5) if the proposal for unlimited heavy commercial vehicle access via South 48<sup>th</sup> Street is allowed. If the proposal is conditioned on use of the rezoned property for stormwater detention, automobile parking and automobile access to South 48<sup>th</sup> Street, the rezone would be consistent with the Comprehensive Plan Policies governing buffering between inconsistent uses, the changes in industrial and residential zoning in the area and the public welfare. Accordingly, the rezone requested by H&P should be approved, but only subject to the following conditions, which include a condition making approval of the rezone contingent on restricting access across the site between South 48<sup>th</sup> Street and the industrial property to the north to automobiles and not commercial trucks.

### A. RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to issuance of a development permit, the applicant shall demonstrate to the City of Tacoma, Development Services, that they will institute Best Management Practices for the safe handling and disposition of potentially contaminated soils; or that they have conducted soil samples and demonstrated that contaminant levels do not exceed Model Toxics Control Act cleanup levels.
2. The applicant shall comply with regulations regarding worker protection for contaminants. The applicant shall contact the Washington State Department of Labor and Industries for minimum standards and requirements.
3. Any access roadway from the rezone site to South 48<sup>th</sup> St. is to be used for automobile traffic only. Heavy commercial trucks will not be allowed to use South 48<sup>th</sup> Street for access across the proposed rezone site to and from the adjacent industrial property.
4. To minimize business-related travel through the neighborhood, the applicant shall, through signage and design, restrict the driveway on South 48th Street to right-out only with proper channelization.
5. To meet the City's "complete streets" policies for non-motorized transportation, the applicant shall provide pedestrian and off-site improvements along South 48th Street in conjunction with the construction of the driveway.
6. All other requirements for traffic, including specific details of access, circulation, parking configuration, and controls shall be reviewed and approved at the time of building permits.
7. All requirements for construction, solid waste disposal, landscaping, building design, utilities, surface water, stormwater and all other pertinent policies and regulations shall be met by the development at the site.
8. All future development at the site must meet all applicable policies and regulations including, but not limited to, Zoning, Land Use, Building, and Utilities.
9. A Concomitant Zoning Agreement incorporating the conditions of approval imposed

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION**

- 10 -

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shall be executed and recorded with the Pierce County Auditor prior to final approval of the reclassification by the City.

If the City Council approves the rezone application without a restriction on commercial truck access across the rezone site onto South 48<sup>th</sup> Street (contrary to the Hearing Examiner's recommended condition 3) the following additional conditions should be attached to the approval:

- a. Prior to site redevelopment, the applicant shall conduct an analysis of the pavement design (PD-01 and PD-02 Standard Plans) to determine necessary pavement design requirements of South 48<sup>th</sup> Street to support the increased truck traffic, turning movements, and truck weight. South 48<sup>th</sup> Street is considered a residential street in design and classification. A permanent roadway section may include concrete or a thickened asphalt pavement section.
- b. If South 48<sup>th</sup> Street is to be used for truck traffic, in order to provide for safe traffic movements, the applicant shall revise channelization on South Orchard Street to include a dedicated left turn lane southbound.
- c. If South 48<sup>th</sup> Street is to be used for truck traffic, truck access shall be limited to comply with Noise Ordinance construction hours.
- d. The applicant shall provide a \$25,000 Performance Bond to implement traffic mitigating measures in response to neighborhood concerns after the warehouse/office is open and other mitigation measures have been put in place or reviewed. The improvements deemed necessary by the City will be identified within one (1) year after the opening of the warehouse/office and must be completed within one (1) year after the City's official recommendation. If no improvements are identified within one (1) year after opening of the warehouse/office for business, the assignment of funds will be released.

**B. USUAL CONDITIONS:**

1. The recommendation set forth herein is based upon representation made and exhibits, including development plans and proposals, submitted at the hearing conducted by the Hearing Examiner. Any substantial change(s) or deviations(s) in such development plans, proposals, or conditions of approval imposed shall be subject to the approval of the Hearing Examiner and may require further and additional hearings.
2. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such law, regulations, and ordinances are conditions precedent to the approval granted and are continuing requirement of such approvals. By accepting this approval, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinance. If, during the term of the approval granted, the development and activities permitted do not comply with such laws,

**FINDINGS OF FACT,  
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AND RECOMMENDATION**

regulations, and ordinances, the applicant agrees to promptly bring such development or activities into compliance.

7. Any finding hereinbefore stated which may be deemed to be a conclusion herein is hereby adopted as such.

**RECOMMENDATION:**

The Hearing Examiner recommends the requested rezone for approval subject to conditions set forth above which include a condition restricting commercial truck access to and from South 48<sup>th</sup> Street across the rezone site.

DATED this 3<sup>rd</sup> day of July, 2013.

  
\_\_\_\_\_  
PHYLLIS K. MACLEOD, Hearing Examiner

**NOTICE**

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](http://www.co.pierce.wa.us/boe)>.



## REZONE PROCEDURES

### NOTICE

#### RECONSIDERATION/APEAL OF EXAMINER'S RECOMMENDATION

##### RECONSIDERATION:

Any aggrieved person or entity having standing under the ordinance governing the matter, or as otherwise provided by law, may file a motion with the office of the Hearing Examiner requesting reconsideration of a decision or recommendation entered by the Examiner. A motion for reconsideration must be in writing and must set forth the alleged errors of procedure, fact, or law and must be filed in the Office of the Hearing Examiner within 14 calendar days of the issuance of the Examiner's decision/recommendation, not counting the day of issuance of the decision/recommendation. If the last day for filing the motion for reconsideration falls on a weekend day or a holiday, the last day for filing shall be the next working day. The requirements set forth herein regarding the time limits for filing of motions for reconsideration and contents of such motions are jurisdictional. Accordingly, motions for reconsideration that are not timely filed with the Office of the Hearing Examiner or do not set forth the alleged errors shall be dismissed by the Examiner. It shall be within the sole discretion of the Examiner to determine whether an opportunity shall be given to other parties for response to a motion for reconsideration. The Examiner, after a review of the matter, shall take such further action as he/she deems appropriate, which may include the issuance of a revised decision/recommendation. (*Tacoma Municipal Code 1.23.140*)

##### APPEALS TO CITY COUNCIL OF EXAMINER'S RECOMMENDATION:

Within 14 days of the issuance of the Hearing Examiner's final recommendation, any aggrieved person or entity having standing under the ordinance governing such application and feeling that the recommendation of the Examiner is based on errors of procedure, fact or law shall have the right to appeal the recommendation of the Examiner by filing written notice of appeal with the City Clerk, stating the reasons the Examiner's recommendation was in error. **EACH APPEAL SHALL BE ACCOMPANIED BY A FEE AS SET FORTH IN TACOMA MUNICIPAL CODE (TMC) 2.09.500. THE FEE SHALL BE REFUNDED TO THE APPELLANT SHOULD APPELLANT PREVAIL.**

**APPEALS SHALL BE REVIEWED AND ACTED UPON BY THE CITY COUNCIL IN ACCORDANCE WITH TMC 1.70.**

**GENERAL PROCEDURES FOR APPEAL:** The Official Code of the City of Tacoma contains certain procedures for appeal, and while not listing all of these procedures here, you should be aware of the following items which are essential to your appeal. Any answers to questions on the proper procedure for appeal may be found in the City Code sections heretofore cited:

1. The written request for review shall also state where the Examiner's findings or conclusions were in error.
2. Any person who desires a copy of the electronic recording must pay the cost of reproducing the tapes. If a person desires a written transcript, he or she shall arrange for transcription and pay the cost thereof.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION**



EXHIBIT B





ORCHARD INDUSTRIAL CENTER  
TRAFFIC IMPACT ANALYSIS

*City of Tacoma, WA*



Prepared for: Joe Blattner  
Avenue 55  
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Seattle, WA 98101

March 2013

ORCHARD INDUSTRIAL CENTER  
TRAFFIC IMPACT ANALYSIS

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# ORCHARD INDUSTRIAL CENTER TRAFFIC IMPACT ANALYSIS

## *I. INTRODUCTION*

This study serves to investigate traffic impacts related to the proposed Orchard Industrial Center. The main goals of this study focus on the assessment of existing traffic conditions and intersection congestion, forecasts of newly generated project traffic, and estimations of future intersection delay. The first task includes the collection of general roadway information, road improvement information, entering sight distance data, and peak hour traffic counts. Next, a detailed level of service analysis of the existing volumes is made to determine the present degree of intersection congestion. Forecasts of future traffic and dispersion patterns on the surrounding street system are then determined using established trip generation and distribution techniques. Following this forecast, the future service levels for the key intersections are investigated. As a final step, appropriate conclusions and possible off-site mitigation measures are defined.

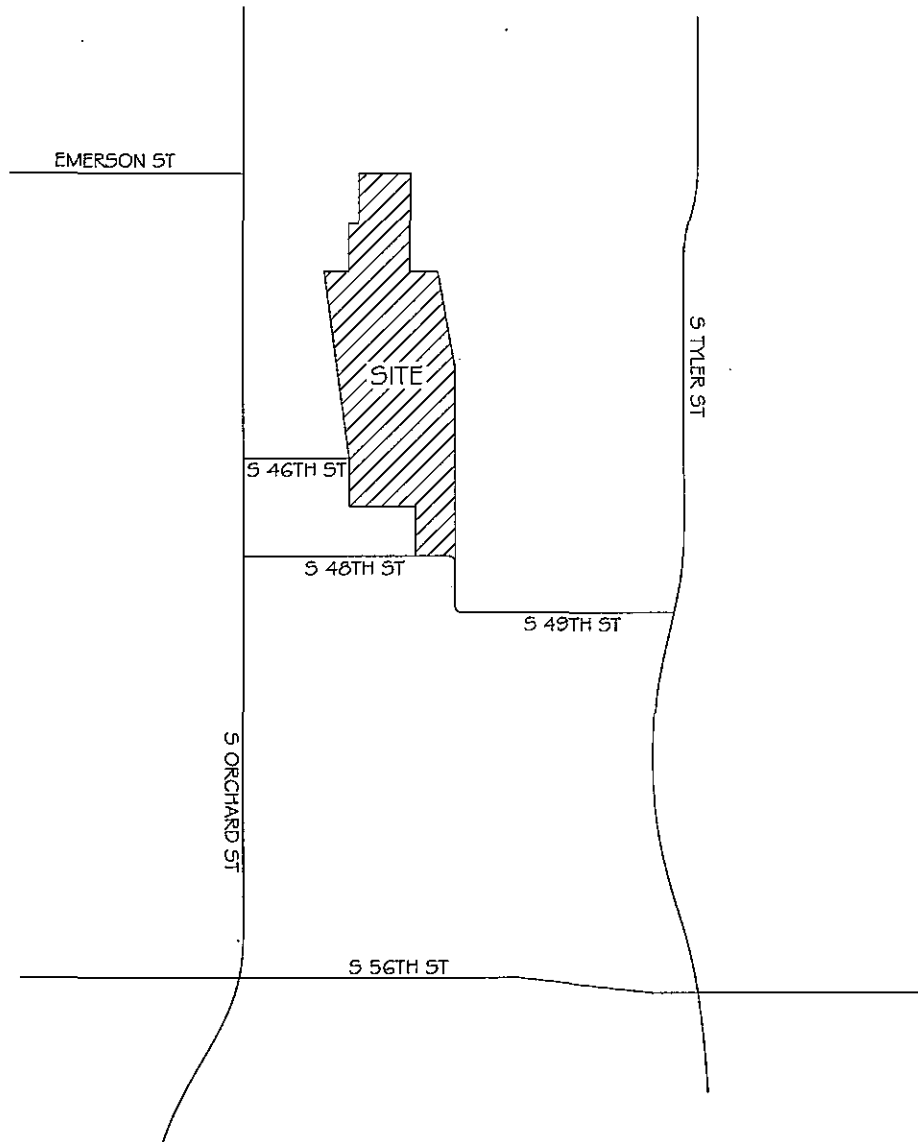
## *II. PROJECT DESCRIPTION*

The proposed project is a high-cube/distribution warehouse building with a size of 571,200 square feet. The site is located on the north side of S 48th Street, just east of S Orchard Street in the City of Tacoma, on Parcel #0220133049. There have recently been two industrial buildings totaling 149,500 square feet for the Hanson Pipe & Products operations, however this use has closed down and is undergoing some demolition work. Access to the site will be provided by a direct connection at the end of S 46th Street as well as a driveway onto S 48th Street. Surrounding development is generally industrial, commercial, residential, or undeveloped land. For traffic analysis purposes, the anticipated buildout and occupancy year for the project is 2015, which was targeted as the horizon analysis year. Figure 1 on the following page shows the project location and the local street network. The proposed site plan showing the overall site layout is shown in Figure 2.

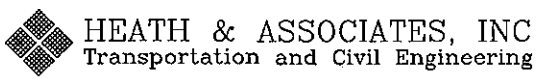
## *III. EXISTING CONDITIONS*

### *A. Surrounding Roadway System*

Roadways serving the proposed site consist mostly of local roads that vary in width, terrain, and posted speeds. As indicated by their specific arterial designations, these roadways also vary in their overall function as part of the general network. The key streets near the site are described on page 6.



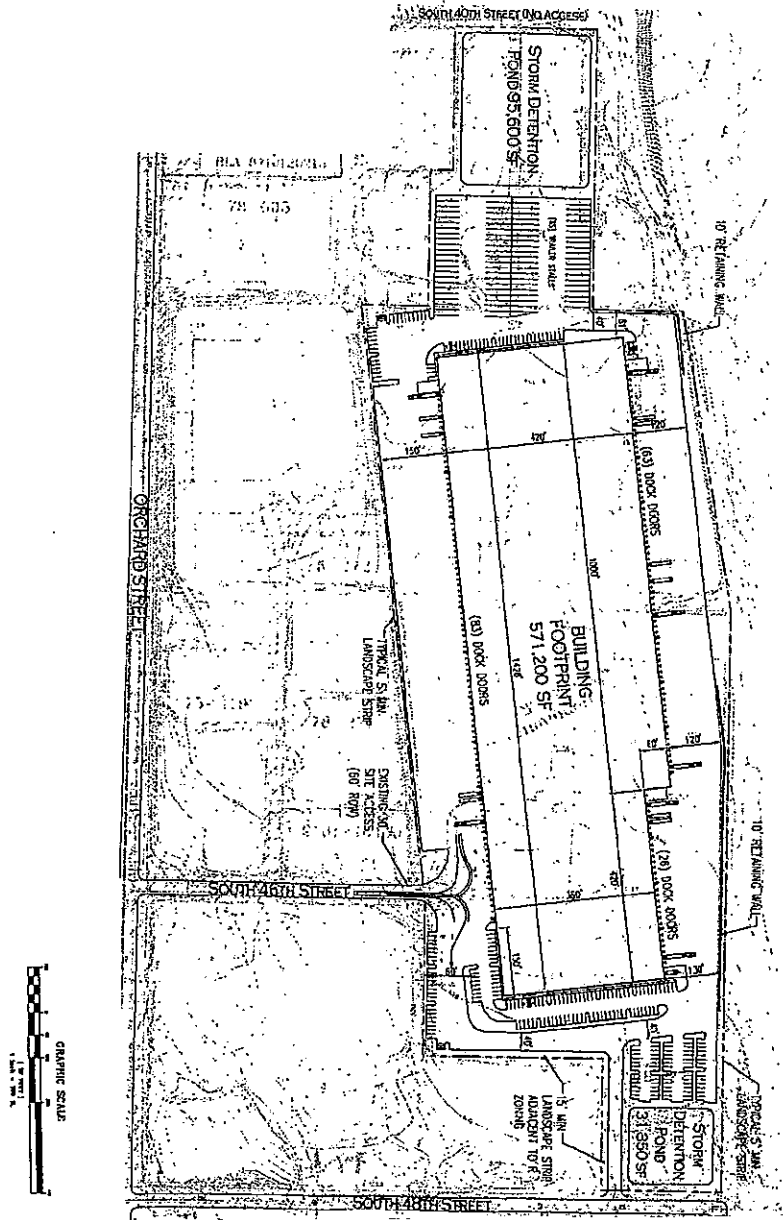
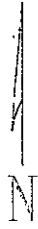
ORCHARD INDUSTRIAL CENTER




VICINITY MAP & ROADWAY SYSTEM

FIGURE I





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SITE PLAN  
FIGURE 2

*S Orchard Street* is a north-south, five-lane major arterial that lies to the west of the project site. The posted speed limit is 35 mph. Paving consists of asphalt concrete and lane widths are around 11 feet. Shoulders in the area are curbed, with sidewalks on the east side of the road. A two-way left turn lane is provided.

*S 46th Street* is an east-west access road that connects to the west side of the project. The speed limit is not posted but assumed 25 mph. Total width is roughly 30 feet, with grass/gravel shoulders.

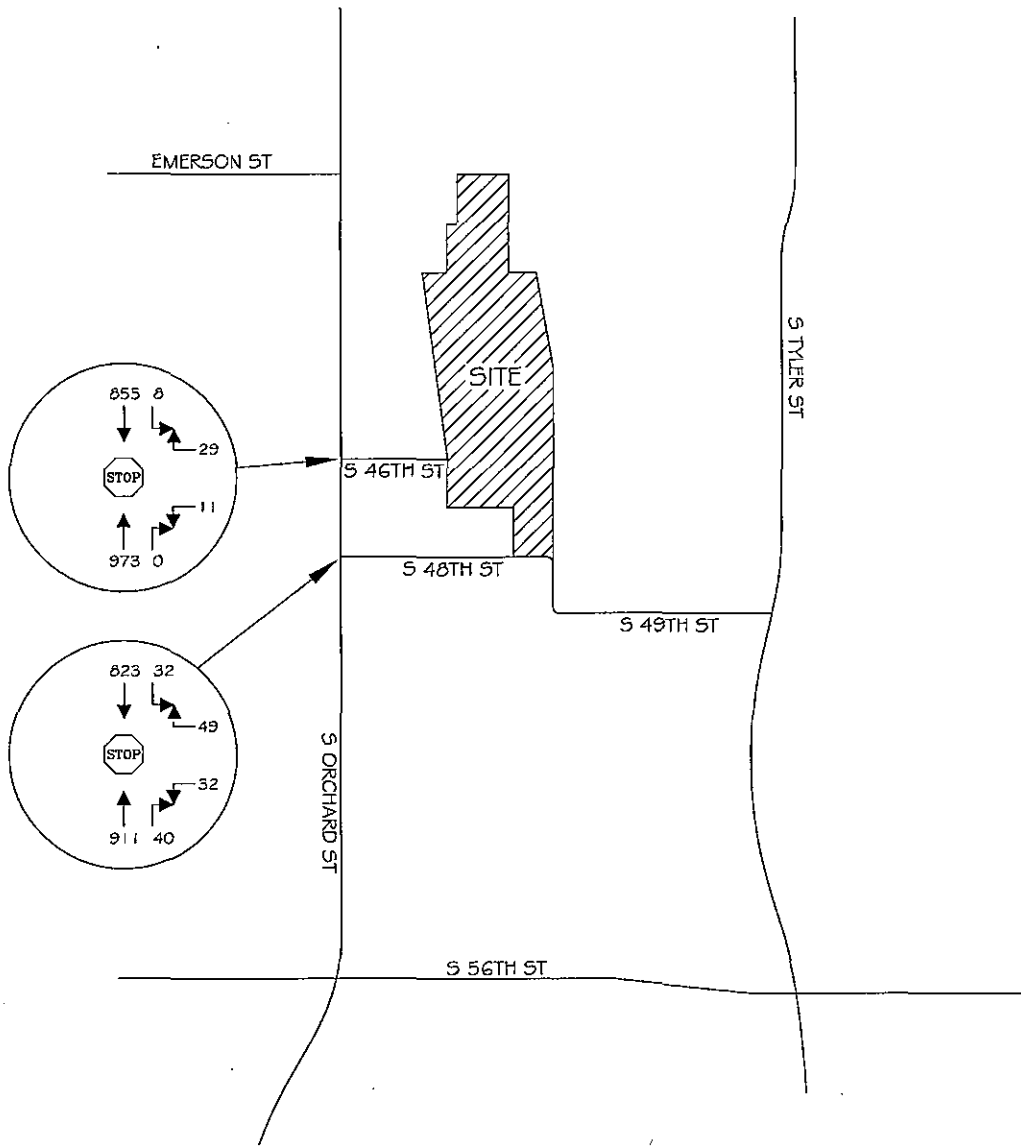
*S 48th Street* is an east-west local road that borders the south side of the site. The speed limit is assumed at 25 mph. Pavement surfacing is comprised of asphalt concrete with a total roadway width of approximately 30 feet. Some speed humps are present. Shoulders are curb/gutter/sidewalk to the west, and grass/gravel to the east of the site.

#### B. Existing Peak Hour Volumes


Field data for this study was taken in March of 2013. Traffic counts used in this report were taken during the evening peak period between the hours of 4 PM and 6 PM. This specific peak period was targeted for analysis purposes since it generally represents a worst case scenario for residential and commercial developments with respect to traffic conditions. This is primarily due to the common 8 AM to 5 PM work schedule. Most commuters return to their dwellings at the same time of day which translates to a natural peak in intersection traffic loads, especially when combined with the relatively large number of personal trips. Figure 3 shows the weekday PM peak volumes for the key intersections of S Orchard Street & S 46th Street, and S Orchard Street & S 48th Street. Turning movement data can be found in the appendix.

#### C. Level of Service

Existing peak hour delays were determined through the use of the *2010 Highway Capacity Manual*. Capacity analysis is used to determine level of service (LOS) which is an established measure of congestion for transportation facilities. LOS is defined for a variety of facilities including intersections, freeways, arterials, etc. A complete definition of level of service and related criteria can be found in the HCM. The methodology for determining the LOS at signalized intersections strives to determine the volume to capacity (v/c) ratios for the various intersection movements as well as the average control delay for those movements. *Delay* is generally used to measure the degree of driver discomfort, frustration, fuel consumption, and lost time. *Control delay*, in particular, includes movements at slower speeds and stops on intersection approaches as vehicles



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EXISTING PM PEAK HOUR VOLUMES

FIGURE 3

move up in queue position or slow down upstream of an intersection. Aside from the overall quantity of traffic, three specific factors influence signalized intersection LOS. These include the type of signal operation provided, the signal phasing pattern, and the specific allocation of green time.

The methodology for determining the LOS at unsignalized intersections strives to determine the potential capacities for the various vehicle movements and ultimately determines the average total delay for each movement. *Potential Capacity* represents the number of additional vehicles that could effectively utilize a particular movement, which is essentially the equivalent of the difference between the movement capacity and the existing movement volume. *Total delay* is described as the elapsed time from when a vehicle stops at the end of a queue until the vehicle departs from the stop line. *Average total delay* is simply the mean total delay over the entire stream. A number of factors influence potential capacity and total delay including the availability/usefulness of gaps.

The range for intersection level of service is LOS A to LOS F with the former indicating the best operating conditions with low control delays and the latter indicating the worst conditions with heavy control delays. Detailed descriptions of intersection LOS are given in the 2010 Highway Capacity Manual. LOS results for the key intersections can be found in Table 1. Level of service calculations were made through the use of the automated intersection analysis program known as *HCS2010*. This program follows Chapter 17 procedures of the HCM for unsignalized intersection analysis.

**TABLE 1**  
Existing Level of Service  
*Delays given in Seconds Per Vehicle*

<u>Intersection</u>	<u>Control</u>	<u>Geometry</u>	<u>LOS</u>	<u>Delay</u>
Orchard/46th St	Stop	Westbound	C	16.1
		Southbound LT	B	10.5
Orchard/48th St	Stop	Westbound	C	18.4
		Southbound LT	B	10.7

As shown in the table, delays are moderate at LOS B to LOS C for existing conditions.

#### D. Pedestrian and Bicycle Activity

Observations of pedestrian and bicycle activity were made at the key intersections during traffic counts and site visits. During the evening peak hour, some mild pedestrian volumes were noted on S Orchard Street and S 48th Street. As noted previously, S Orchard Street has sidewalks on the east side of the road.

#### E. Public Transit

A review of the Pierce Transit regional bus schedule indicates that transit service is provided near the project. Routes 51 and 53 provide service on S Orchard Street from roughly 6:00 AM to 7:30 PM. No project trip reductions were made despite the availability of transit service.

#### F. Sight Distance at Access Driveway

A preliminary examination of the proposed site access points was made to determine whether or not adequate entering sight distance can be provided for inbound and outbound project traffic. AASHTO Green Book standards require a sight distance of 280 feet for a 25 mph design speed, or 445 feet for a 40 mph design speed. The access onto S 46th Street is a direct connection at the end of the street, with no sight distance issues. Adequate sight is available for the project connection onto S 48th Street, although there is a 90 degree turn in the road to the east approximately 230 feet away. Vehicles navigating this turn would be low, enabling adequate time for entering movements onto S 48th Street.

Heavy vehicles require more entering sight distance due to longer times to make turning movements, however they have a higher eye height than passenger vehicles. An examination of the S 46th Street and S 48th Street connections onto S Orchard Street was made to ensure adequate entering sight distance is available for heavy vehicles. AASHTO guidelines indicate an entering sight distance of 718 feet required for a heavy vehicle left turn movement assuming a 40 mph design speed. Examinations indicate this minimum is exceeded both to the north and south of both street connections to S Orchard Street, with over 800 feet of sight available.

### *IV. FUTURE TRAFFIC CONDITIONS*

#### A. Trip Generation

Trip generation is used to determine the magnitude of project impacts on the surrounding street system. This is usually denoted by the quantity or specific number of new trips that enter and exit a project during a designated time period, such as a specific peak hour or an entire day. Data presented in this report was taken from the Institute of Transportation Engineers publication, *Trip Generation*, 8th Edition. The designated land use for this project is defined as High Cube Warehouse/Distribution Center (LUC 152) for the 571,200 square feet of building space. ITE average rates were used. Shown in Table 2 are the trip generation values used for this study. Included are the average daily trips, AM peak hour volumes, and PM peak hour volumes.

It should be noted that there had been previous existing activity at the Hanson Pipe & Products facility, however this activity cannot be measured at this point as it has closed

down and is undergoing demolition. As such, previous use volumes are not incorporated into the analysis and are also not included in the existing conditions turning movement counts at the intersections.

**TABLE 2**  
**Project Trip Generation**  
*571.2 ksf High Cube/Distribution (LUC 152)*

<i>Time Period</i>	<i>Volume</i>
AWDT	960 vpd
AM Peak Inbound	43 vph
AM Peak Outbound	20 vph
AM Peak Total	63 vph
PM Peak Inbound	21 vph
PM Peak Outbound	48 vph
PM Peak Total	69 vph

Data from the ITE Trip Generation Manual indicates that daily, AM, and PM peak hour heavy vehicle percentages may be in the 23 to 27 percent range. This study assumes a heavy vehicle percentage of 30 percent, incorporated into the trip assignments and level of service analysis.

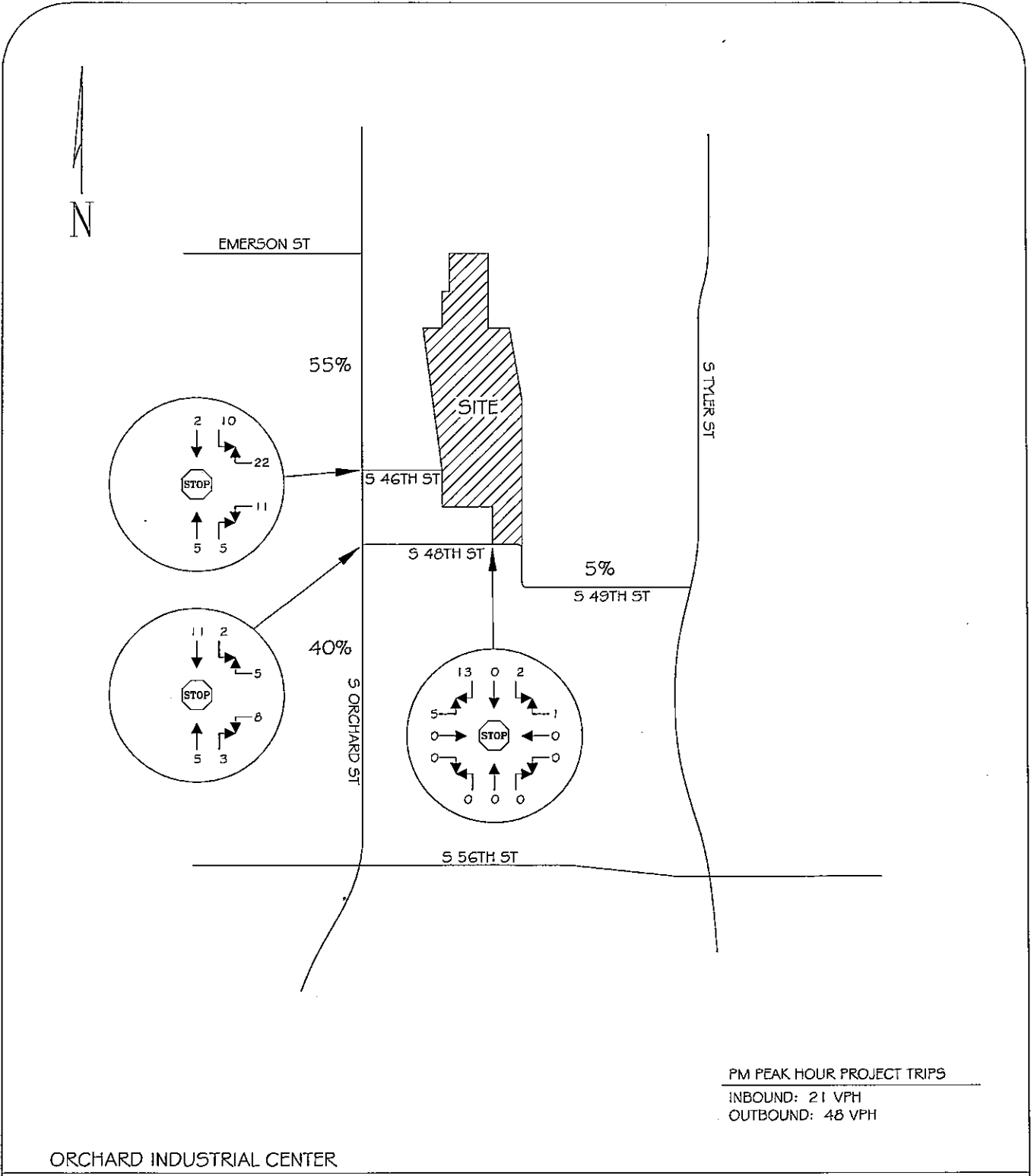
**B. Trip Distribution**

The pattern by which project trips disperse on the roadway network is highly variable and largely depends on driver behavior and psychological factors. Based on this information, general estimations of traffic distribution are made to determine the impacts of a project on the surrounding street network. Trips generated by the project are expected to follow the pattern shown in Figure 4 on the following page. Percentages are generally based on existing traffic patterns and the layout of the nearby roadway network. Of the project trips traveling to/from S Orchard Street, a split of roughly 70/30 was assumed favoring the S 46th access over the S 48th access.


Allowance for heavy vehicle usage of S 48th Street is requested. Although actual usage levels are expected to be low, the allowance of this route for heavy vehicle access onto S Orchard Street would not be expected to substantially hinder operations. The trip distribution and analysis assumes this usage in order to show the potential impacts.

**C. Roadway Improvements**

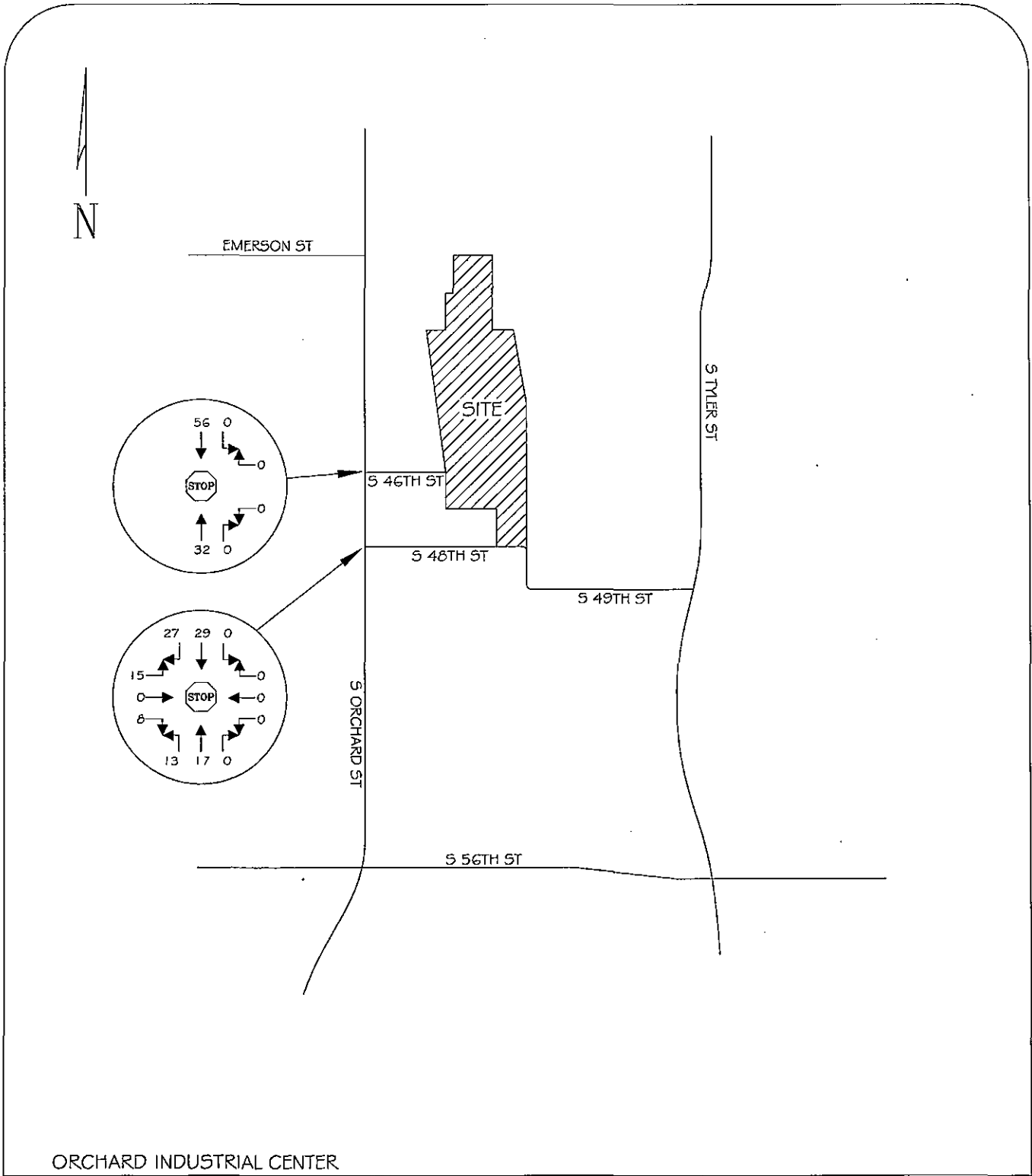
A review of the most recent City of Tacoma Six-Year Road Transportation Improvement Program indicates that there are no current city roadway improvements in the immediate vicinity. A review of the latest City of University Place Transportation Improvement Program also indicates no planned improvements in the site vicinity.




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PROJECT TRIP DISTRIBUTION  
 FIGURE 4



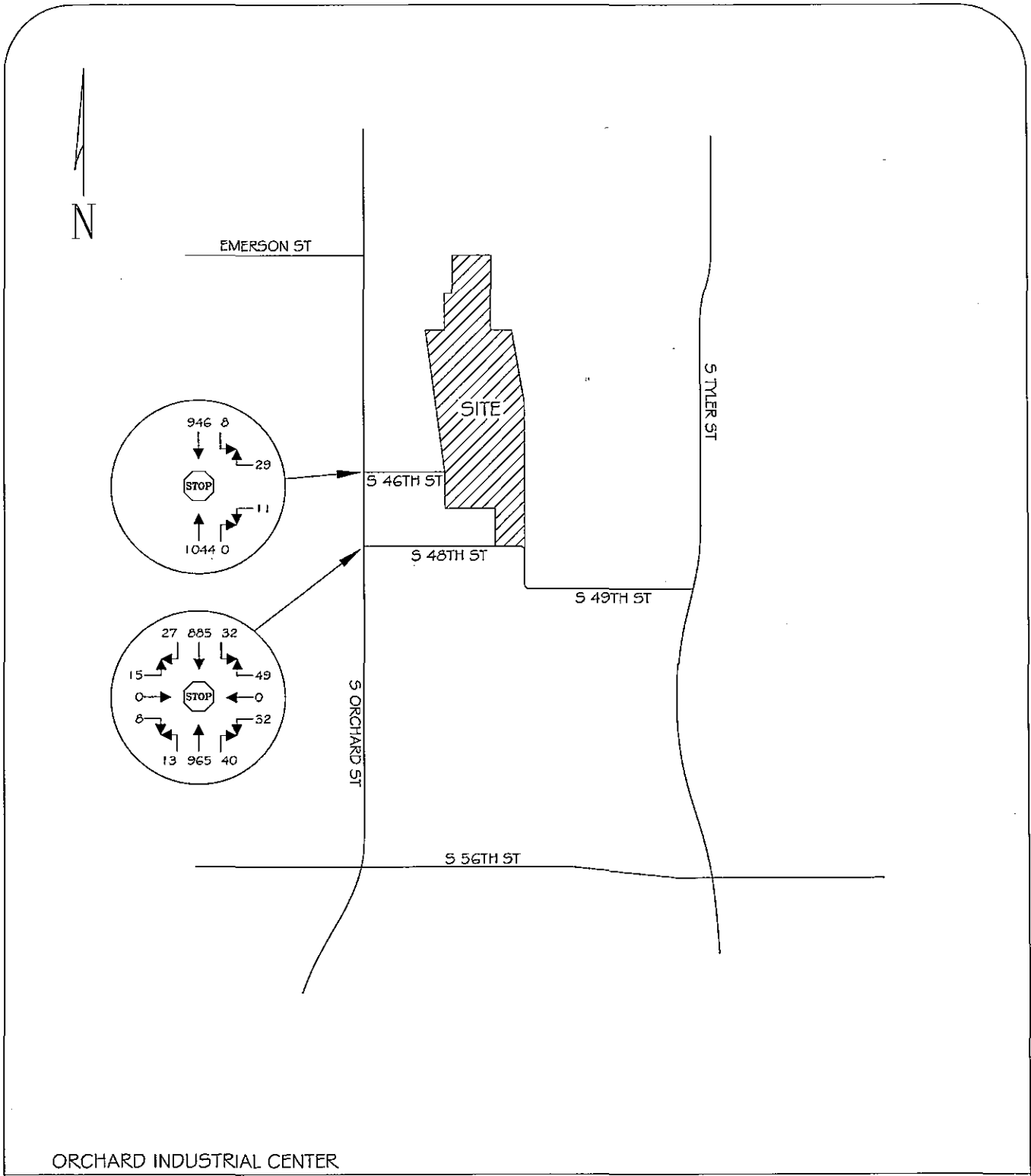
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PIPELINE VOLUMES

FIGURE 5



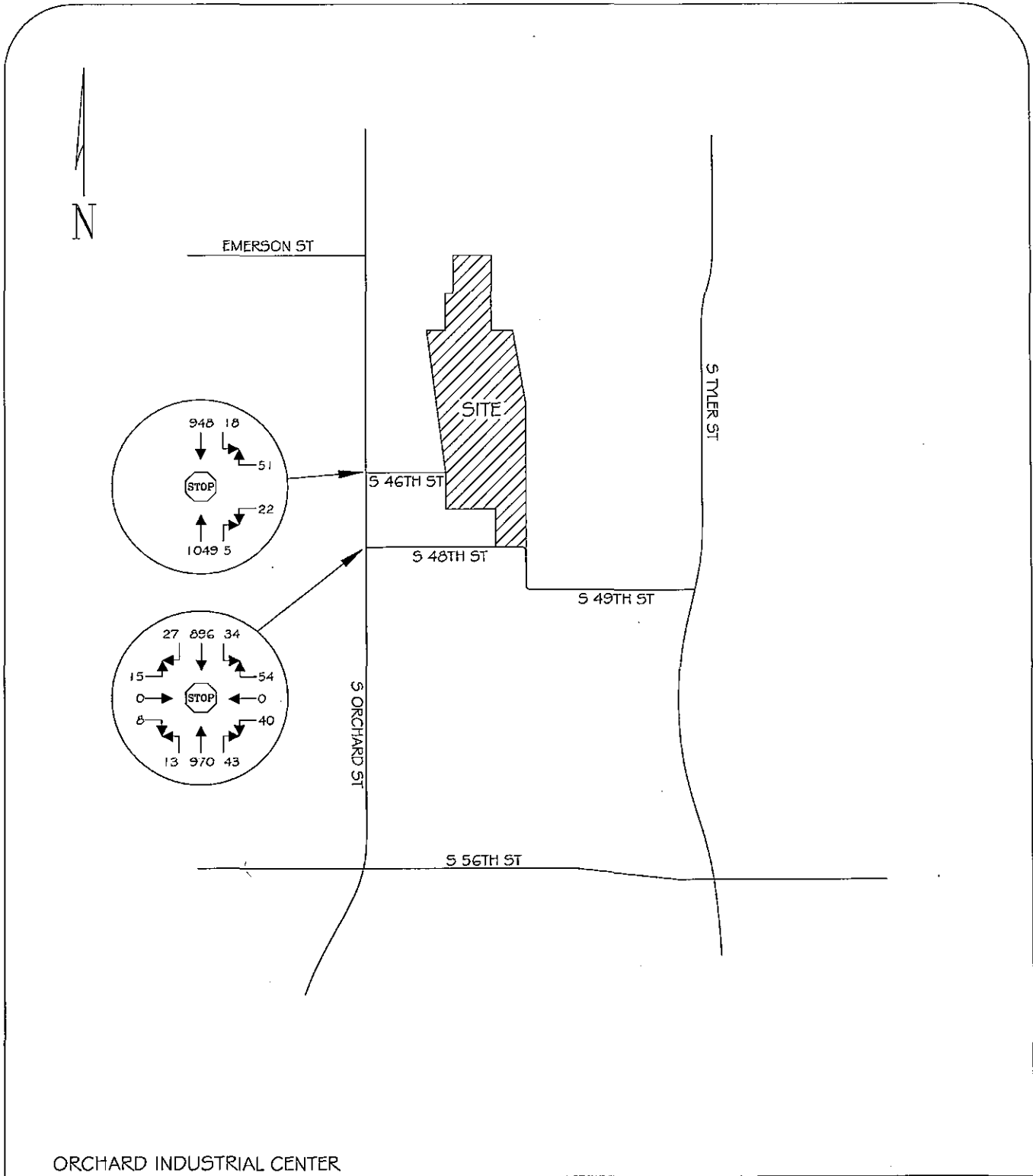


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2015 PM PEAK HOUR VOLUMES WITHOUT PROJECT

FIGURE 6



#### D. Peak Hour Volumes

For forecasting purposes the anticipated buildout and occupancy year of 2015 was targeted for future traffic volume estimations. Baseline 2015 peak hour volumes without the project were derived by applying a 2 percent growth rate to the existing volumes found in Figure 3. In addition, pipeline volumes from the Orchard Ridge and Woodside Creek residential developments were included for future estimations. These pipeline volumes are shown in Figure 5. Note that the pipeline volumes assume a west leg connection added to the S Orchard Street/S 48th Street intersection. Future 2015 traffic volumes without the project are given in Figure 6, while 2015 volumes with project traffic added are shown in Figure 7.

#### E. Level of Service

A level of service analysis was made of the future peak hour volumes with project generated trips included. This analysis again involved the use of the *HCS2010* program which is based on specific intersection analysis procedures of the *Highway Capacity Manual*. Results for 2015 traffic conditions are shown in Table 3.

**TABLE 3**  
Future 2015 Level of Service  
*Delays given in Seconds Per Vehicle*

<u>Intersection</u>	<u>Control</u>	<u>Approach</u>	Without Project		With Project	
			<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>
Orchard/46th	Stop	Westbound	C	17.2	C	20.7
		Southbound LT	B	10.9	B	12.0
Orchard/48th	Stop	Eastbound	C	20.4	C	21.0
		Westbound	C	23.3	D	27.4
		Northbound LT	B	10.0	B	10.1
		Southbound LT	B	11.1	B	11.3

As shown in the table, delays at the key intersections would be in the LOS B to LOS D range with project traffic included.

#### V. CONCLUSIONS & MITIGATION

The Orchard Industrial Center project proposes to add a 571,200 square foot high cube/distribution center just east of S Orchard Street at S 46th Street and S 48th Street, replacing the Hanson Pipe & Products facility that is undergoing demolition work. Approximately 960 daily trips may be expected, with 63 trips during the AM peak hour and 69 trips during the PM peak hour. The net increase in trips onto S Orchard Street and

the surrounding road network would be lower due to demolition of the previous operations on site.

Fairly heavy evening peak hour volumes currently exist along S Orchard Street, with some mild volumes on the S 46th and S 48th side streets. Sight distance at the access points is adequate for passenger vehicles and heavy vehicles. Future 2015 delays with project traffic included are calculated to be in the LOS B to LOS D range, assuming moderate use of the access to S 48th Street including some heavy vehicle usage for analysis purposes. Project proponents request that heavy vehicle access to S 48th Street is not restricted so as to have the option available.

No mitigations are identified at this time.

ORCHARD INDUSTRIAL CENTER  
TRAFFIC IMPACT ANALYSIS

*APPENDIX*

## LEVEL OF SERVICE

The following are excerpts from the *2010 Highway Capacity Manual - Transportation Research Board Special Report 209*.

Quality of service requires quantitative measures to characterize operational conditions within a traffic stream. Level of service (LOS) is a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience.

Six LOS are defined for each type of facility that has analysis procedures available. Letters designate each level, from A to F, with LOS A representing the best operating conditions and LOS F the worst. Each level of service represents a range of operating conditions and the driver's perception of those conditions.

### Level-of-Service definitions

The following definitions generally define the various levels of service for arterials.

*Level of service A* represents primarily free-flow operations at average travel speeds, usually about 90 percent of the free-flow speed for the arterial classification. Vehicles are seldom impeded in their ability to maneuver in the traffic stream. Delay at signalized intersections is minimal.

*Level of service B* represents reasonably unimpeded operations at average travel speeds, usually about 70 percent of the free-flow speed for the arterial classification. The ability to maneuver in the traffic stream is only slightly restricted and delays are not bothersome.

*Level of service C* represents stable operations; however, ability to maneuver and change lanes in midblock locations may be more restricted than in LOS B, and longer queues, adverse signal coordination, or both may contribute to lower average travel speeds of about 50 percent of the average free-flow speed for the arterial classification.

*Level of service D* borders on a range in which small increases in flow may cause substantial increases in approach delay and hence decreases in arterial speed. LOS D may be due to adverse signal progression, inappropriate signal timing, high volumes, or some combination of these. Average travel speeds are about 40 percent of free-flow speed.

*Level of service E* is characterized by significant delays and average travel speeds of one-third the free-flow speed or less. Such operations are caused by some combination of adverse progression, high signal density, high volumes, extensive delays at critical intersections, and inappropriate signal timing.

*Level of service F* characterizes arterial flow at extremely low speeds, from less than one-third to one-quarter of the free-flow speed. Intersection congestion is likely at critical signalized locations, with long delays and extensive queuing.

These definitions are general and conceptual in nature, and they apply primarily to uninterrupted flow. Levels of service for interrupted flow facilities vary widely in terms of both the user's perception of service quality and the operational variables used to describe them.

For each type of facility, levels of service are defined based on one or more operational parameters that best describe operating quality for the subject facility type. While the concept of level of service attempts to address a wide range of operating conditions, limitations on data collection and availability make it impractical to treat the full range of operational parameters for every type of facility. The parameters selected to define levels of service for each facility type are called "measures of effectiveness" or "MOE's", and represent available measures that best describe the quality of operation on the subject facility type.

Each level of service represents a range of conditions, as defined by a range in the parameters given. Thus, a level of service is not a discrete condition, but rather a range of conditions for which boundaries are established.

The following tables describe levels of service for signalized and unsignalized intersections. Level of service for signalized intersections is defined in terms of average control delay. Delay is a measure of driver discomfort, frustration, fuel consumption and lost travel time, as well as time from movements at slower speeds and stops on intersection approaches as vehicles move up in queue position or slow down upstream of an intersection. Level of service for unsignalized intersections is determined by the computed or measured control delay and is determined for each minor movement.

*Signalized Intersections - Level of Service*

<u>Level of Service</u>	<u>Control Delay per Vehicle (sec)</u>
A	≤10
B	> 10 and ≤20
C	> 20 and ≤35
D	> 35 and ≤55
E	> 55 and ≤80
F	> 80

*Unsignalized Intersections - Level of Service*

<u>Level of Service</u>	<u>Average Total Delay per Vehicle (sec)</u>
A	≤10
B	> 10 and ≤15
C	> 15 and ≤25
D	> 25 and ≤35
E	> 35 and ≤50
F	> 50

As described in the 2010 Highway Capacity Manual, level of service breakpoints for all-way stop controlled (AWSC) intersections are somewhat different than the criteria used for signalized intersections. The primary reason for this difference is that drivers expect different levels of performance from distinct kinds of transportation facilities. The expectation is that a signalized intersection is designed to carry higher traffic volumes than an AWSC intersection. Thus a higher level of control delay is acceptable at a signalized intersection for the same level of service.

*AWSC Intersections - Level of Service*

<u>Level of Service</u>	<u>Average Total Delay per Vehicle (sec)</u>
A	≤10
B	> 10 and ≤15
C	> 15 and ≤25
D	> 25 and ≤35
E	> 35 and ≤50
F	> 50



Period Setting							
Analysis Name:	Weekday						
Project Name:	Orchard Industrial Center	No:					
Date:	3/11/2013	City:					
State/Province:		Zip/Postal Code:					
Country:		Client Name:					
Analyst's Name:		Edition:	9th				
Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
152 - High-Cube Warehouse/Distribution Center	1000 Sq. Feet Gross Floor Area	571.2	Weekday	Average	480	480	960

Traffic Reductions				
Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit
152 - High-Cube Warehouse/Distribution Center	0%	480	0%	480

External Trips				
Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
152 - High-Cube Warehouse/Distribution Center	960	0%	0	960

ITE Deviation Details	
<b>Weekday</b>	
Landuse	No deviations from ITE.
Methods	No deviations from ITE.
External Trips	152 - High-Cube Warehouse/Distribution Center ITE does not recommend a particular pass-by% for this case.

Summary	
Total Entering	480
Total Exiting	480
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	0
Total Exiting Internal Capture Reduction	0
Total Entering Pass-by Reduction	0
Total Exiting Pass-by Reduction	0
Total Entering Non-Pass-by Trips	480
Total Exiting Non-Pass-by Trips	480

Period Setting						
<b>Analysis Name:</b> Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.						
<b>Project Name:</b> Orchard Industrial Center		<b>No:</b>				
<b>Date:</b> 3/11/2013		<b>City:</b>				
<b>State/Province:</b>		<b>Zip/Postal Code:</b>				
<b>Country:</b>		<b>Client Name:</b>				
<b>Analyst's Name:</b>		<b>Edition:</b> 9th				
Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit Total
152 - High-Cube Warehouse/Distribution Center	1000 Sq. Feet Gross Floor Area	571.2	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average	43	20 63

Traffic Reductions				
Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit
152 - High-Cube Warehouse/Distribution Center	0%	43	0%	20

External Trips				
Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
152 - High-Cube Warehouse/Distribution Center	63	0%	0	63

ITE Deviation Details	
<b>Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.</b>	
<b>Landuse</b>	No deviations from ITE.
<b>Methods</b>	152 - High-Cube Warehouse/Distribution Center The chosen method (Average) is not recommended by ITE. ITE recommends LIN based on the criterion.
<b>External Trips</b>	152 - High-Cube Warehouse/Distribution Center ITE does not recommend a particular pass-by% for this case.

Summary	
Total Entering	43
Total Exiting	20
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	0
Total Exiting Internal Capture Reduction	0
Total Entering Pass-by Reduction	0
Total Exiting Pass-by Reduction	0
Total Entering Non-Pass-by Trips	43
Total Exiting Non-Pass-by Trips	20

Period Setting								
<b>Analysis Name:</b>		Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.						
<b>Project Name:</b>		Orchard Industrial Center			<b>No:</b>			
<b>Date:</b>		3/11/2013			<b>City:</b>			
<b>State/Province:</b>					<b>Zip/Postal Code:</b>			
<b>Country:</b>					<b>Client Name:</b>			
<b>Analyst's Name:</b>					<b>Edition:</b>		9th	

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
152 - High-Cube Warehouse/Distribution Center	1000 Sq. Feet Gross Floor Area	571.2	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average	21	48	69

Traffic Reductions					
Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit	
152 - High-Cube Warehouse/Distribution Center	0%	21	0%	48	

External Trips					
Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips	
152 - High-Cube Warehouse/Distribution Center	69	0%	0	69	

ITE Deviation Details	
<b>Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.</b>	
Landuse	No deviations from ITE.
Methods	152 - High-Cube Warehouse/Distribution Center The chosen method (Average) is not recommended by ITE. ITE recommends LIN based on the criterion.
External Trips	152 - High-Cube Warehouse/Distribution Center ITE does not recommend a particular pass-by% for this case.

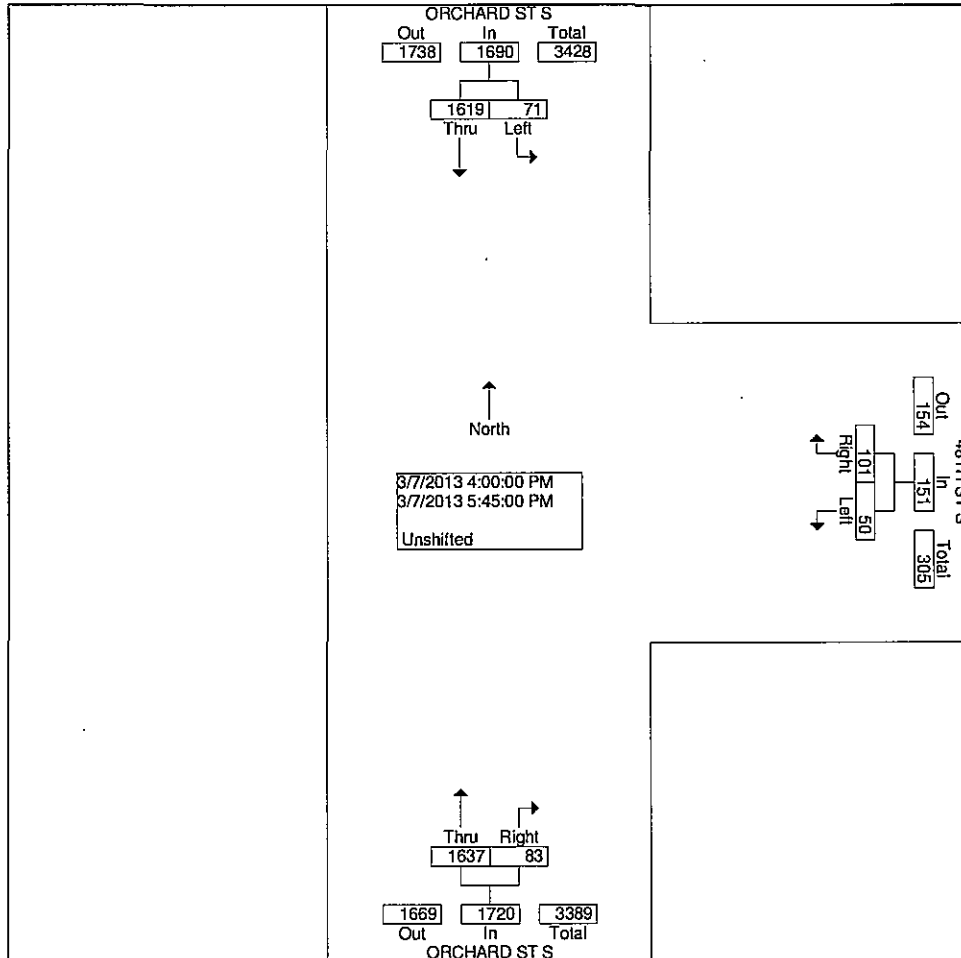
Summary	
Total Entering	21
Total Exiting	48
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	0
Total Exiting Internal Capture Reduction	0
Total Entering Pass-by Reduction	0
Total Exiting Pass-by Reduction	0
Total Entering Non-Pass-by Trips	21
Total Exiting Non-Pass-by Trips	48

Heath & Associates, Inc.  
 2214 Tacoma Road  
 Puyallup, WA 98371

File Name : 3395a  
 Site Code : 00003395  
 Start Date : 03/07/2013  
 Page No : 1

Groups Printed- Unshifted

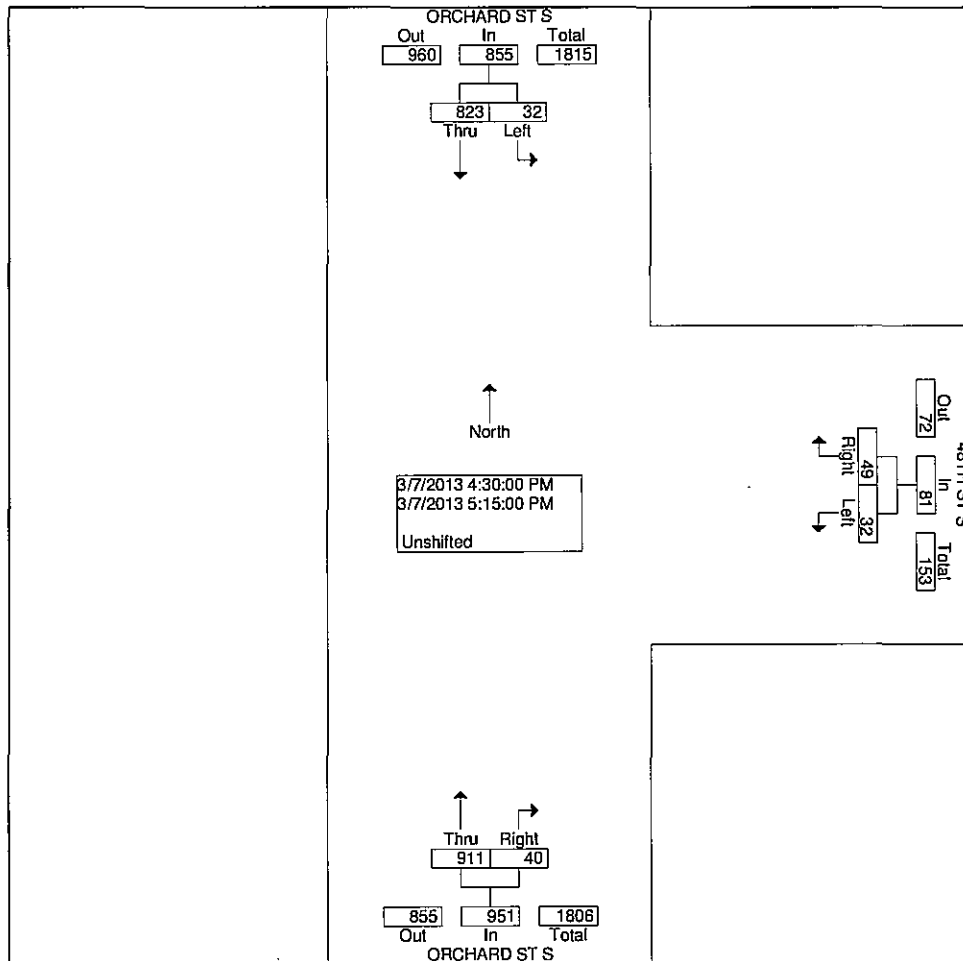
Start Time	ORCHARD ST S Southbound			48TH ST S Westbound			ORCHARD ST S Northbound			Int. Total
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
04:00 PM	0	223	10	11	0	6	10	188	0	448
04:15 PM	0	202	11	15	0	7	14	207	0	456
04:30 PM	0	199	6	13	0	8	6	213	0	445
04:45 PM	0	214	9	9	0	8	3	219	0	462
Total	0	838	36	48	0	29	33	827	0	1811
05:00 PM	0	207	8	17	0	10	19	244	0	505
05:15 PM	0	203	9	10	0	6	12	235	0	475
05:30 PM	0	183	7	14	0	3	10	182	0	399
05:45 PM	0	188	11	12	0	2	9	149	0	371
Total	0	781	35	53	0	21	50	810	0	1750
Grand Total	0	1619	71	101	0	50	83	1637	0	3561
Apprch %	0.0	95.8	4.2	66.9	0.0	33.1	4.8	95.2	0.0	
Total %	0.0	45.5	2.0	2.8	0.0	1.4	2.3	46.0	0.0	



Heath & Associates, Inc.  
 2214 Tacoma Road  
 Puyallup, WA 98371

File Name : 3395a  
 Site Code : 00003395  
 Start Date : 03/07/2013  
 Page No : 2

Start Time	ORCHARD ST S Southbound				48TH ST S Westbound				ORCHARD ST S Northbound				Int. Total
	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1													
Intersection 04:30 PM													
Volume	0	823	32	855	49	0	32	81	40	911	0	951	1887
Percent	0.0	96.3	3.7		60.5	0.0	39.5		4.2	95.8	0.0		
05:00 Volume	0	207	8	215	17	0	10	27	19	244	0	263	505
Peak Factor													0.934
High Int. 04:45 PM													
Volume	0	214	9	223	17	0	10	27	19	244	0	263	
Peak Factor				0.959				0.750				0.904	

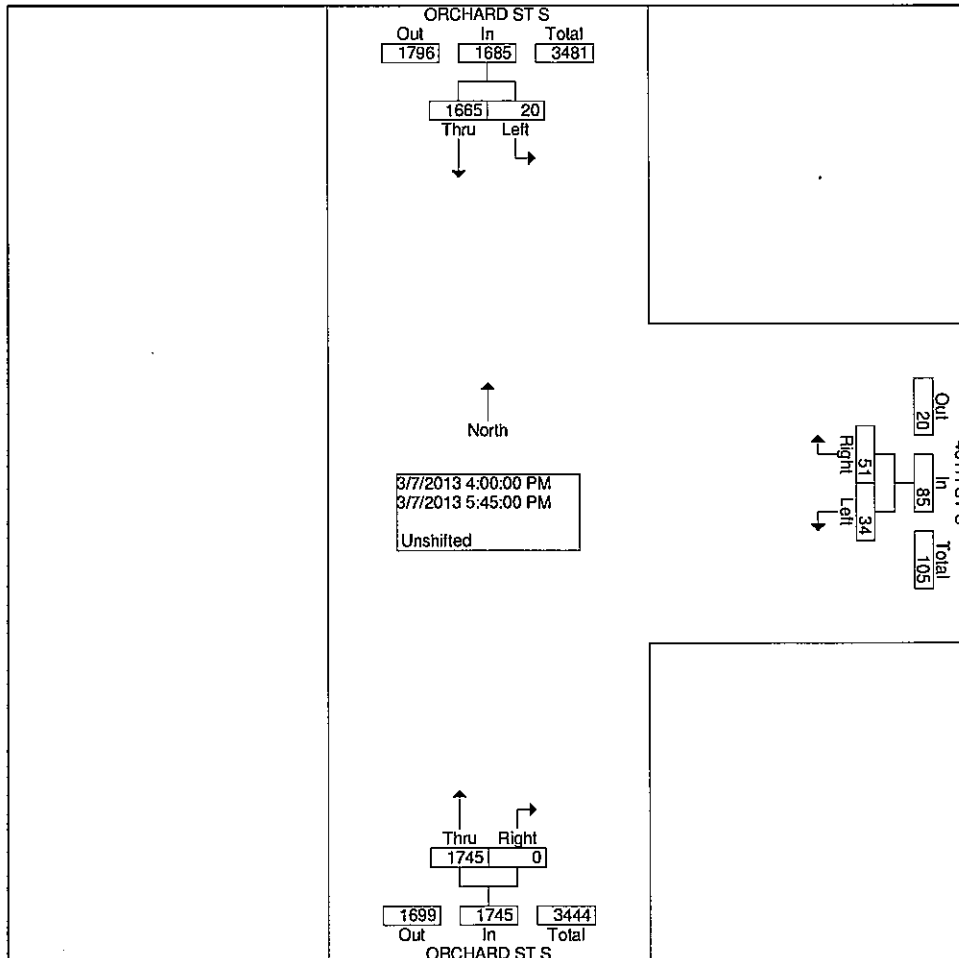


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File Name : 3395b  
 Site Code : 00003395  
 Start Date : 03/07/2013  
 Page No : 1

Groups Printed- Unshifted

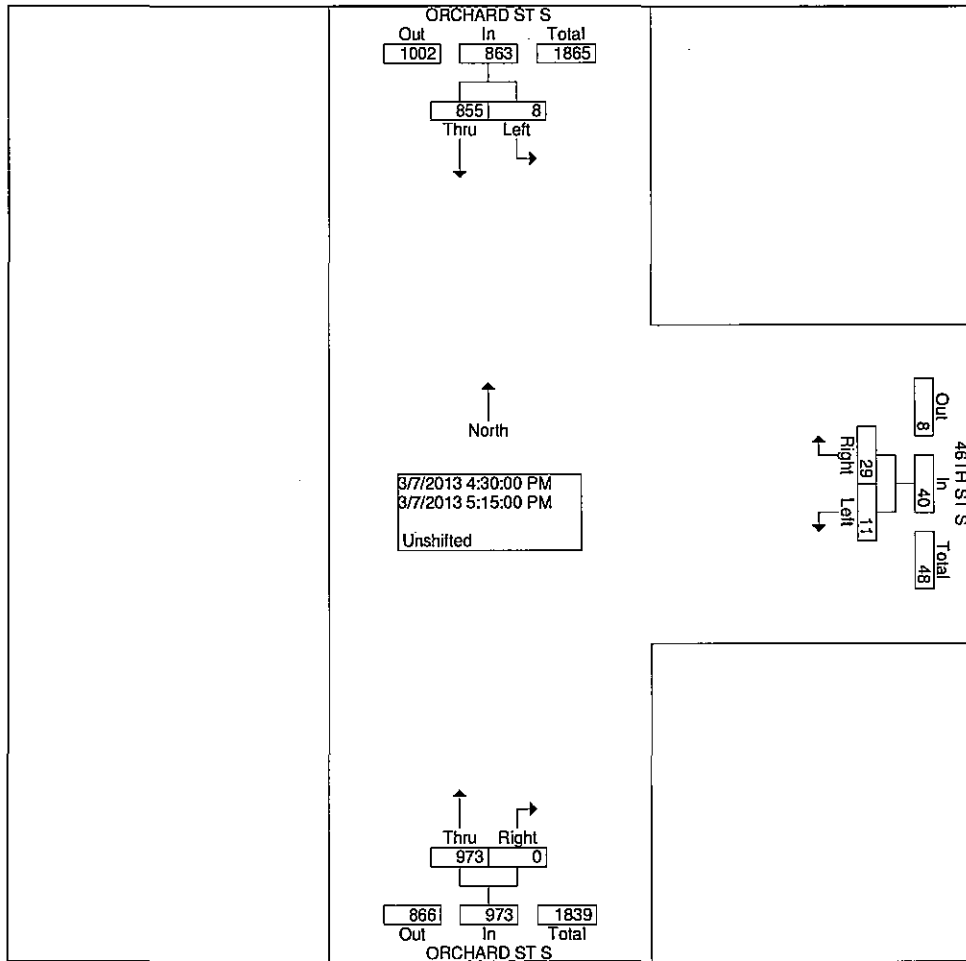
Start Time	ORCHARD ST S Southbound			46TH ST S Westbound			ORCHARD ST S Northbound			Int. Total
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
04:00 PM	0	218	3	6	0	4	0	196	0	427
04:15 PM	0	200	4	11	0	19	0	213	0	447
04:30 PM	0	212	2	13	0	7	0	242	0	476
04:45 PM	0	203	3	5	0	2	0	213	0	426
Total	0	833	12	35	0	32	0	864	0	1776
05:00 PM	0	227	2	6	0	1	0	266	0	502
05:15 PM	0	213	1	5	0	1	0	252	0	472
05:30 PM	0	209	4	5	0	0	0	204	0	422
05:45 PM	0	183	1	0	0	0	0	159	0	343
Total	0	832	8	16	0	2	0	881	0	1739
Grand Total	0	1665	20	51	0	34	0	1745	0	3515
Apprch %	0.0	98.8	1.2	60.0	0.0	40.0	0.0	100.0	0.0	
Total %	0.0	47.4	0.6	1.5	0.0	1.0	0.0	49.6	0.0	



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 Puyallup, WA 98371

File Name : 3395b  
 Site Code : 00003395  
 Start Date : 03/07/2013  
 Page No : 2

Start Time	ORCHARD ST S Southbound				46TH ST S Westbound				ORCHARD ST S Northbound				Int. Total
	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1													
Intersection	04:30 PM												
Volume	0	855	8	863	29	0	11	40	0	973	0	973	1876
Percent	0.0	99.1	0.9		72.5	0.0	27.5		0.0	100.0	0.0		
05:00 Volume	0	227	2	229	6	0	1	7	0	266	0	266	502
Peak Factor	0.934												
High Int.	05:00 PM												
Volume	0	227	2	229	13	0	7	20	0	266	0	266	0.914
Peak Factor	0.942												



HCM Unsignalized Intersection Capacity Analysis  
 1: S Orchard St & S 46th St

Existing PM Peak Volumes  
 3/20/2013



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	Y		↑↓		↑	↑↑
Volume (veh/h)	11	29	973	0	8	855
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.50	0.50	0.91	0.91	0.94	0.94
Hourly flow rate (vph)	22	58	1069	0	9	910
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			TWLTL		TWLTL	
Median storage (veh)			2		2	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1541	535			1069	
vC1, stage 1 conf vol	1069					
vC2, stage 2 conf vol	472					
vCu, unblocked vol	1541	535			1069	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	92	88			99	
cM capacity (veh/h)	270	495			659	

Direction, Lane #	WB 1	NB 1	NB 2	SB 1	SB 2	SB 3
Volume Total	80	713	356	9	455	455
Volume Left	22	0	0	9	0	0
Volume Right	58	0	0	0	0	0
cSH	403	1700	1700	659	1700	1700
Volume to Capacity	0.20	0.42	0.21	0.01	0.27	0.27
Queue Length 95th (ft)	18	0	0	1	0	0
Control Delay (s)	16.1	0.0	0.0	10.5	0.0	0.0
Lane LOS	C			B		
Approach Delay (s)	16.1	0.0		0.1		
Approach LOS	C					

Intersection Summary						
Average Delay			0.7			
Intersection Capacity Utilization			36.9%	ICU Level of Service		A
Analysis Period (min)			15			





Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↔		↑↑		↔	↑↑
Volume (veh/h)	11	29	1044	0	8	946
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.50	0.50	0.91	0.91	0.94	0.94
Hourly flow rate (vph)	22	58	1147	0	9	1006
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			TWLTL			None
Median storage (veh)			2			
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1667	574			1147	
vC1, stage 1 conf vol	1147					
vC2, stage 2 conf vol	520					
vCu, unblocked vol	1667	574			1147	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	91	88			99	
cM capacity (veh/h)	245	467			616	

Direction, Lane#	WB1	NB1	NB2	SB1	SB2	SB3
Volume Total	80	765	382	9	503	503
Volume Left	22	0	0	9	0	0
Volume Right	58	0	0	0	0	0
cSH	374	1700	1700	616	1700	1700
Volume to Capacity	0.21	0.45	0.22	0.01	0.30	0.30
Queue Length 95th (ft)	20	0	0	1	0	0
Control Delay (s)	17.2	0.0	0.0	10.9	0.0	0.0
Lane LOS	C			B		
Approach Delay (s)	17.2	0.0		0.1		
Approach LOS	C					

Intersection Summary						
Average Delay			0.7			
Intersection Capacity Utilization			38.9%	ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
1: S Orchard St & S 46th St

2015 PM Peak Volumes With Project  
3/26/2013



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↔		↑↔		↔	↑↑
Volume (veh/h)	22	51	1049	5	18	948
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.70	0.70	0.91	0.91	0.94	0.94
Hourly flow rate (vph)	31	73	1153	5	19	1009
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			TWLTL			None
Median storage veh			2			
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1698	579			1158	
vC1, stage 1 conf vol	1155					
vC2, stage 2 conf vol	543					
vCu, unblocked vol	1698	579			1158	
tC, single (s)	7.1	7.1			4.4	
tC, 2 stage (s)	6.1					
tF (s)	3.6	3.4			2.4	
p0 queue free %	85	83			96	
cM capacity (veh/h)	216	434			530	

Direction, Lane #	WB 1	NB 1	NB 2	SB 1	SB 2	SB 3
Volume Total	104	768	390	19	504	504
Volume Left	31	0	0	19	0	0
Volume Right	73	0	5	0	0	0
cSH	333	1700	1700	530	1700	1700
Volume to Capacity	0.31	0.45	0.23	0.04	0.30	0.30
Queue Length 95th (ft)	33	0	0	3	0	0
Control Delay (s)	20.7	0.0	0.0	12.0	0.0	0.0
Lane LOS	C			B		
Approach Delay (s)	20.7	0.0		0.2		
Approach LOS	C					

Intersection Summary						
Average Delay			1.0			
Intersection Capacity Utilization			40.2%	ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
 2: S Orchard St & S 48th St

Existing PM Peak Volumes  
 3/20/2013



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↔		↑↓		↔	↑↑
Volume (veh/h)	32	49	911	40	32	823
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.75	0.75	0.90	0.90	0.96	0.96
Hourly flow rate (vph)	43	65	1012	44	33	857
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			TWLTL		TWLTL	
Median storage (veh)			2		2	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1530	528			1057	
vC1, stage 1 conf vol	1034					
vC2, stage 2 conf vol	495					
vCu, unblocked vol	1530	528			1057	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	84	87			95	
cM capacity (veh/h)	274	497			661	

Direction, Lane #	WB1	NB1	NB2	SB1	SB2	SB3
Volume Total	108	675	382	33	429	429
Volume Left	43	0	0	33	0	0
Volume Right	65	0	44	0	0	0
cSH	376	1700	1700	661	1700	1700
Volume to Capacity	0.29	0.40	0.22	0.05	0.25	0.25
Queue Length 95th (ft)	29	0	0	4	0	0
Control Delay (s)	18.4	0.0	0.0	10.7	0.0	0.0
Lane LOS	C			B		
Approach Delay (s)	18.4	0.0		0.4		
Approach LOS	C					

Intersection Summary						
Average Delay			1.1			
Intersection Capacity Utilization			38.0%	ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
2: S Orchard St & S 48th St

2015 PM Peak Volumes Without Project  
3/20/2013



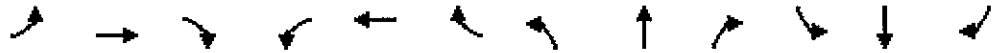
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕		↙	↕		↙	↕	
Volume (veh/h)	15	0	8	32	0	49	13	965	40	32	885	27
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.90	0.90	0.90	0.75	0.75	0.75	0.90	0.90	0.90	0.96	0.96	0.96
Hourly flow rate (vph)	17	0	9	43	0	65	14	1072	44	33	922	28
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type								TWLTL			TWLTL	
Median storage veh								2			2	
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	1633	2148	475	1660	2140	558	950			1117		
vC1, stage 1 conf vol	1003	1003		1123	1123							
vC2, stage 2 conf vol	630	1146		536	1017							
vCu, unblocked vol	1633	2148	475	1660	2140	558	950			1117		
tC, single (s)	7.5	6.5	6.9	7.5	6.5	6.9	4.1			4.1		
tC, 2 stage (s)	6.5	5.5		6.5	5.5							
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	92	100	98	78	100	86	98			95		
cM capacity (veh/h)	202	187	541	195	198	475	731			627		

Direction, Lane #	EB1	WB1	NB1	NB2	NB3	SB1	SB2	SB3
Volume Total	26	108	14	715	402	33	615	335
Volume Left	17	43	14	0	0	33	0	0
Volume Right	9	65	0	0	44	0	0	28
cSH	259	304	731	1700	1700	627	1700	1700
Volume to Capacity	0.10	0.36	0.02	0.42	0.24	0.05	0.36	0.20
Queue Length 95th (ft)	8	39	2	0	0	4	0	0
Control Delay (s)	20.4	23.3	10.0	0.0	0.0	11.1	0.0	0.0
Lane LOS	C	C	B			B		
Approach Delay (s)	20.4	23.3	0.1			0.4		
Approach LOS	C	C						

Intersection Summary		
Average Delay		1.6
Intersection Capacity Utilization	39.6%	ICU Level of Service
Analysis Period (min)		15
		A

HCM Unsignalized Intersection Capacity Analysis  
 2: S Orchard St & S 48th St

2015 PM Peak Volumes With Project  
 3/26/2013



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕		↖	↕		↖	↕	↗
Volume (veh/h)	15	0	8	40	0	54	13	970	43	34	896	27
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.90	0.90	0.90	0.75	0.75	0.75	0.90	0.90	0.90	0.96	0.96	0.96
Hourly flow rate (vph)	17	0	9	53	0	72	14	1078	48	35	933	28
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type								TWLTL			TWLTL	
Median storage veh								2			2	
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	1658	2173	481	1677	2163	563	961			1126		
vC1, stage 1 conf vol	1018	1018		1131	1131							
vC2, stage 2 conf vol	640	1154		546	1032							
vCu, unblocked vol	1658	2173	481	1677	2163	563	961			1126		
tC, single (s)	7.5	6.5	6.9	7.6	6.5	7.0	4.1			4.2		
tC, 2 stage (s)	6.5	5.5		6.6	5.5							
tF (s)	3.5	4.0	3.3	3.6	4.0	3.3	2.2			2.2		
p0 queue free %	91	100	98	71	100	85	98			94		
cM capacity (veh/h)	195	183	537	186	195	465	724			611		

Direction, Lane#	EB1	WB1	NB1	NB2	NB3	SB1	SB2	SB3
Volume Total	26	125	14	719	407	35	622	339
Volume Left	17	53	14	0	0	35	0	0
Volume Right	9	72	0	0	48	0	0	28
cSH	251	283	724	1700	1700	611	1700	1700
Volume to Capacity	0.10	0.44	0.02	0.42	0.24	0.06	0.37	0.20
Queue Length 95th (ft)	8	54	2	0	0	5	0	0
Control Delay (s)	21.0	27.4	10.1	0.0	0.0	11.3	0.0	0.0
Lane LOS	C	D	B			B		
Approach Delay (s)	21.0	27.4	0.1			0.4		
Approach LOS	C	D						

Intersection Summary		
Average Delay		2.0
Intersection Capacity Utilization	40.7%	ICU Level of Service
Analysis Period (min)		15
		A



Tacoma City Council  
July 16, 2013  
Page 8

EXHIBIT C







**TO:** Shirley Schultz  
**FROM:** Jennifer Kammerzell  
**SUBJECT:** 4016 South Orchard Street (REZ2013-40000199731, SEP2013-40000199732)  
**DATE:** May 7, 2013

The City Engineering Division has reviewed the applicant's rezone application proposing to rezone approximately 1.72 acres from R2 to M1 at 4601 South Orchard Street. The proposal includes developing the area with a storm water detention facility, landscaping, and up to 100 passenger car parking spaces. The rezone site is bounded by South 48<sup>th</sup> Street. The following comments are specific to Phase 3 Rezone and SEPA for associated developments in the application.

After consideration of the applicants PM peak hour analysis conducted by the Heath & Associates, we have determined the applicant and representative have conducted a reasonable analysis of a probable traffic condition. The analysis of the new trips as presented does not appear to adversely impact the City's arterial street system. However, the additional truck and passenger traffic will impact the surrounding neighborhood near South 48<sup>th</sup> Street.

The following are Traffic Engineering's comments and conditions to address traffic safety, increased trips, increased nonmotorized traffic, and to meet City of Tacoma design standards:

- 1) Align the South 48<sup>th</sup> Street driveway with Mullen Street to prevent conflicts with traffic on South 48<sup>th</sup> and Gove Streets. Centerline alignment does not appear feasible at Gove Street. (TMC. 10.14)
- 2) Restrict the driveway on South 48<sup>th</sup> Street to right-out only with proper channelization. (T-LUT-1 Land Use Considerations)
- 3) Provide pedestrian and off-site improvements along South 48<sup>th</sup> Street. (T-MS-12 Complete Streets)

In addition, the following are Traffic Engineering's comments and conditions to address truck access on South 48<sup>th</sup> Street.

- 4) Conduct an analysis of the pavement design (PD-01 and PD-02 Standard Plans) to determine necessary pavement design requirements of South 48<sup>th</sup> Street to support the increased truck traffic, turning movements, and truck weight. South 48<sup>th</sup> Street is considered a residential street in design and classification. A permanent roadway section may include concrete or a thickened asphalt pavement section.
- 5) Revise channelization on Orchard Street to include a dedicated left turn lane southbound.
- 6) Limit truck access to comply with Noise Ordinance construction hours.

The applicant has indicated a willingness to provide a \$25,000 Performance Bond to implement traffic mitigating measures in response to neighborhood concerns after the warehouse/office is open and other mitigation measures have been put in place or reviewed. The improvements deemed necessary by the City will be identified within one (1) year after the opening of the warehouse/office and must be completed within one (1) year after the City's official recommendation. If no improvements are identified within one (1) year after the opening of the warehouse/office for business, the assignment of funds will be released.

If circumstances change and the project scope is modified then the City reserves the right to reconsider this recommendation. If you have any questions, please contact me at (253) 591-5511 or [jkammerzell@cityoftacoma.org](mailto:jkammerzell@cityoftacoma.org).

EXHIBIT D



**CITY OF TACOMA  
PLANNING AND DEVELOPMENT SERVICES  
PRELIMINARY REPORT  
HEARINGS EXAMINER HEARING  
City Council Chambers  
June 13, 2013 10:00 a.m.**

**Paul McCormick, Innova Architects – 4601 South Orchard**

**File Nos.: REZ2013-40000199731, SEP2013-40000199732**

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**A. SUMMARY OF REQUEST**

The applicant proposes to rezone approximately 1.78 acres / 75,000 square feet of the southeast corner of the property from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District. The area will be developed with a storm water detention facility requiring approximately 15,000 cubic yards of grading, landscaping, and up to 100 passenger car parking spaces. Improvements will be required on South 48th Street to allow commercial use of the (currently residential) street.

**B. GENERAL INFORMATION**

1. Applicant: Paul McCormick, Innova Architects, 950 Pacific Avenue, Ste 450 Tacoma, WA 98402, for:  
H&P Tacoma Acquisition, LLC, 3131 S Vaughn Way, Ste 301, Aurora, CO, 80014
2. Location: 4601 South Orchard, a portion of parcel 0220133049
3. Project Size: 77,481 square feet or approximately 1.78 acres.

**C. ADDITIONAL INFORMATION**

1. Application History:

The project application was determined complete on April 9, 2013.

2. Existing Site Conditions:

- The full parcel owned by the applicant contains multiple zoning districts as the site has been reclassified over the years. The site is split zoned M1-STGPD-Light Industrial, South Tacoma Ground Water Protection District, M2-STGPD-Heavy Industrial, South Tacoma Groundwater Protection District, R2-STGPD-One Family Dwelling, South Tacoma Groundwater Protection District. The Generalized Land Use Element (GLUE) of the City's *Comprehensive Plan* locates the site within a "Medium" intensity area and Tier 2-Secondary Growth Area.
- The subject site is primarily developed with several large, light industrial buildings and asphalt- and concrete-paved access and parking areas, gravel-surface storage yard areas along the perimeter of the site, and a storm water detention pond in the northwestern corner of the site. A cellular communication tower occupies a small area immediately east of the detention pond in the northern portion of the site. The existing large industrial buildings on site are proposed for demolition.

- The site proposed for reclassification consists of a depressional area that is heavily vegetated at the southern perimeter of the site. This depressional area is the proposed location for a storm water detention pond.
- The applicant submitted a Geotechnical Report (Reference Document "R-5") which described an historic ravine occurring on the site where the detention pond is proposed. Two geotechnical bores were completed within this area and groundwater was encountered at depths of 5 to 6 feet.
- There are public utility easements located on either side of the subject portion of property.

3. General Zoning and Surrounding Conditions for the reclassification area:

	<b>Zoning Designation</b>	<b>Intensity Designation</b>	<b>Current Land Use</b>
<i>North</i>	"M-1" Light Industrial District	Medium Intensity	Applicant property. Currently a vacated concrete products company. Proposed to become warehouse.
<i>South</i>	"R-2" One-Family Dwelling District	Low-Intensity Single-Family Residential	Single-Family Dwellings
<i>West</i>	"R4-L" Low-Density Multiple-Family Dwelling District	Medium Intensity	Vacant
<i>East</i>	"R-2" One-Family Dwelling District	Medium Intensity	City of Tacoma - Landfill

See the zoning map for the area, which is included as Attachment "A-3", as shown on the City's GovME Site – the City's GIS mapping system.

The area to the east of the site is the Tacoma City Landfill. To the west of the site is an established industrial area that has been built up since the mid 1970s (based on historic aerial photos). Directly west of the area proposed for rezone is a 2.33 acre parcel which was rezoned to low-density multi-family housing ("R4-L") in 1987. The proposal at that time was for a 78-unit nursing home, which has never been built.

4. Regulatory History:

The entirety of the approximately 34.81 acre site has been zoned in several separate actions (see Reference Document "R-6"). The central portion of the site, which constitutes the majority of the site (24 acres), was zoned "M-2" by ordinance #17784 in March of 1965 (file number 120.277). There were no apparent conditions related to that rezone.

The portion of the site directly to the north of the 1.78 acres currently proposed for rezone is zoned "M-1". That zoning was placed on the property with the same action as the "M-2" zoning in 1965.

The site was granted an exception to development standards in 1978. This exception allowed the easement at South 46<sup>th</sup> Street to be an officially approved access to the site. This was in conjunction with a short plat at the site. This short plat created lots adjacent to the Hansen Pipe site, including the two legal lots which are currently proposed for rezone. See Reference Document "R-8".

The northernmost portion of the site, along with a portion of the site along the eastern boundary, was zoned "M-1" by ordinance #24393 in September of 1989 (file number

120.1266). That rezone carried with it five conditions: development of a water-quality plan, installation of a perimeter fence, removal of illegal fill, provision of a slope easement, and provision of fire protection. None of those conditions are proposed to change under the current proposal.

The City's 2004 *Generalized Land Use Element* designates the area as a Tier II - Secondary Growth Area and a Medium Intensity Development Area. The site is located in an area of low- and medium-intensity uses (industrial/institutional, commercial, and medium-density residential) north of South 48<sup>th</sup> Street, with low-density residential south of 48<sup>th</sup>. See the Land Use Intensity Map for the area, which is included as Attachment "A-4".

5. Attachments:

- A-1 Site Plan
- A-2 2012 Aerial Photo of the site<sup>1</sup>
- A-3 Area Zoning
- A-4 Land Use Intensity
- A-5 Review Panel Minutes, May 16, 2012 and April 24, 2013
- A-6 Traffic Engineer Correspondence
- A-7 Comments from Department of Ecology
- A-8 Technical Memorandum, Karla Kluge
- A-9 Request for Reclassification

Reference Documents<sup>2</sup>:

- R-1 SEP2013-40000199732
- R-2 Wetland/Stream Assessment Report
- R-3 Site Survey and Legal Descriptions
- R-4 Traffic Report
- R-5 Geotechnical Report
- R-6 Historic zoning map
- R-7 Ordinance No. 17784, 1965 rezone ordinance
- R-8 Exception re: access on 46th, 1978 short plat
- R-9 Ordinance No. 24393, 1989 rezone ordinance
- R-10 Departmental comments, advisory for permits

6. Notification and Public Comments:

In accordance with the requirements of *TMC* 13.05.020 regarding notice of rezone applications, written notice of the application was mailed to all owners of property within 400 feet of the site, the appropriate neighborhood council and qualified neighborhood groups on April 16, 2013. In addition, a public notice sign was posted on the property. Staff has received no written public comments on this proposal.

7. Rezone Process

Zoning Reclassifications ("rezones") are addressed through criteria in *Tacoma Municipal*

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<sup>1</sup> Aerial Photo, Zoning, Land Use Intensity taken from the City's GovME website: [www.govme.org](http://www.govme.org), which reflects the official zoning map of the city.

<sup>2</sup> The Reference Documents are contained in project file REZ2010-40000142803 and are fully incorporated herein by reference.

Code (TMC) 13.06.650. Procedurally, rezones are considered a "Process III" permit per the requirements of TMC13.05 – Land Use Permit Procedures.

Process III permits require a public hearing. Notice is provided for the public hearing, along with notice of, comment period for, and appeal process for the environmental (SEPA) review for the proposal. Appeals of SEPA, if any, can be heard at the same open-record hearing on the rezone matter.

Per TMC13.05.060, rezones are heard by the Hearing Examiner, following the Examiner's procedures set forth in TMC 1.23. The Hearing Examiner makes a recommendation to the City Council for final action within 180 days of the notice of complete application. "Final action" for rezones is considered the City Council's first reading of the rezone ordinance (TMC 13.05.010.J). Following that reading, a Concomitant Zoning Agreement (CZA) will be drafted and recorded upon the property to ensure that development proceeds as planned, and with the appropriate conditions.

#### **D. ENVIRONMENTAL EVALUATION**

Pursuant to the State's SEPA Rules (WAC 197-11-340) and the City of Tacoma's Environmental Code (TMC 13.12), the Director of Planning and Development Services issued a Mitigated Determination of Environmental Nonsignificance for the proposed project on May 10, 2013 (SEP2013-40000199731). The SEPA appeal period ended May 14, 2013; no appeal of the determination was filed with Planning and Development Services. See Reference Document "R-1".

The environmental determination was based on a review of the applicant's Environmental Checklist, a site survey, and other supporting information on file with Planning and Development Services.

#### **E. APPLICABLE SECTIONS OF THE TACOMA MUNICIPAL CODE**

##### **13.06.650 Application for rezone of property**

- B. Criteria for rezone of property. An applicant seeking a change in zoning classification must demonstrate consistency with all of the following criteria:
1. That the change of zoning classification is generally consistent with the applicable land use intensity designation of the property, policies, and other pertinent provisions of the *Comprehensive Plan*.
  2. That substantial changes in conditions have occurred affecting the use and development of the property that would indicate the requested change of zoning is appropriate. If it is established that a rezone is required to directly implement an express provision or recommendation set forth in the *Comprehensive Plan*, it is unnecessary to demonstrate changed conditions supporting the requested rezone.
  3. That the change of the zoning classification is consistent with the district establishment statement for the zoning classification being requested, as set forth in this chapter.
  4. That the change of the zoning classification will not result in a substantial change to an area-wide rezone action taken by the City Council in the two years preceding the filing of the rezone application. Any application for rezone that was pending, and for which the Hearing Examiner's hearing was held prior to the adoption date of an area-wide rezone, is vested as of the date the application was filed and is exempt from meeting this criteria.
  5. That the change of zoning classification bears a substantial relationship to the public



health, safety, morals, or general welfare.

**13.06.400 Industrial Districts.**

A. The specific purposes of the Industrial districts are to:

1. Implement goals and policies of the City's *Comprehensive Plan*.
2. Implement Growth Management Act goals, county-wide planning policies, and multi-county planning policies.
3. Create a variety of industrial settings matching scale and intensity of use to location.
4. Provide for predictability in the expectations for development projects.

B. Districts established.

1. M-1 Light Industrial District. This district is intended as a buffer between heavy industrial uses and less intensive commercial and/or residential uses. M-1 districts may be established in new areas of the City. However, this classification is only appropriate inside *Comprehensive Plan* areas designated for medium and high intensity uses.

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.400. All portions of Section 13.06.400 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.
2. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.
3. Use table abbreviations.

<b>P</b>	<b>=</b>	<b>Permitted use in this district.</b>
<b>N</b>	<b>=</b>	<b>Not Permitted</b>
<b>CU</b>	<b>=</b>	<b>Conditional Use</b>

4. District use table.<sup>3</sup>

<b>Uses</b>	<b>M-1</b>	<b>Additional Regulations</b>
Industry, light	P	
Warehouse/storage	P	Storage and treatment facilities for hazardous wastes are subject to the state locational standards adopted pursuant to the requirements of Chapter 70.105 RCW and the provisions of any groundwater protection ordinance of the City of Tacoma, as applicable.
Wholesale or distribution	P	

<sup>3</sup> Representative list of allowed uses which may be present, based upon the applicant's representations. While parking is not a separate, listed use, per *TMC13.06.510.A.2*, parking is considered an extension of the use it serves. Therefore, parking associated with an "M-1" use is allowed in an "M-1" zone but not in an "R-2" zone, and the rezone is required.

Uses	M-1	Additional Regulations
Office	P	

E. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. These requirements apply to Section 13.06.400 by reference.

Refer to Section 13.06.500 for the following requirements for development in Industrial Districts:

- 13.06.502 Landscaping and/or buffering standards.
- 13.06.503 Residential transition standards.
- 13.06.510 Off-street parking and storage areas.
- 13.06.511 Transit support facilities.
- 13.06.512 Pedestrian and bicycle support standards.
- 13.06.520 Signs.
- 13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area)

**F. APPLICABLE POLICIES OF THE CITY OF TACOMA *COMPREHENSIVE PLAN***

**Section I - Growth Strategy and Development Concept**

**Industrial Development**

The Port Manufacturing/Industrial Center will remain as one of the city's and region's major employment centers. Continued growth in marine import-export activities will cause the Port of Tacoma to increase its prominence in the local, regional, state and national economy. The South Tacoma Manufacturing/Industrial area will be designated as a Regional Manufacturing/Industrial Center, and as such will become a priority location for future manufacturing and industrial development. Other industrial areas will continue to be viable and will undergo some expansion and redevelopment. The rate of employment growth for manufacturing will be less than for other sectors of the economy, such as retail, service industries, government, transportation, trade and education.

**Growth Strategy and Development Concept: Section IV – Development Intensities**

The amount and type of development allowed in an area is determined by designating development intensities on the *Generalized Land Use Plan Map*. Development intensities are an indication of how much influence a development has over the surrounding area. Conventional land use plans separate developments according to categories of uses such as residential, commercial and industrial. The development intensities approach in the *Comprehensive Plan* recognizes that different types of land use may be located in the same area as long as the character of the area remains consistent. This approach permits greater flexibility in land use arrangements and encourages innovative techniques of land development.

Factors that determine the intensity level of a development include size, scale, bulk, nuisance level, amount of open space and traffic generation. For example, a ten-story apartment complex and high traffic generation would be viewed as a high intensity use while a typical, single-family detached home is regarded as a low intensity development.



The concept of density is further limited in that it only applies to residential development and cannot be used to assess the impacts of commercial or industrial development. Development intensities, on the other hand, apply to all land uses and provide a more accurate account of the character and nature of a given development.

<b>Comprehensive Plan Designations</b>	<b>Typical Zoning Classifications*</b>
Medium Intensity	R-4L Low-Density Multiple Family Dwelling District R-4 Multiple Family Dwelling District C-2 General Community Commercial District PDB Planned Development Business District M-1 Light Industrial District M-2 Heavy Industrial District

*\* This chart does not include shoreline and overlay zoning districts. Other zoning classifications may be present in the designated areas due to a number of factors including non-conforming use rights.*

**Development Intensities: Medium Intensity Development**

Medium intensity development generates moderate activity patterns and traffic generation. Commercial or industrial activity of community-wide significance and medium density residential development are examples of medium intensity development. . .

**Medium Intensity Concentrations**

Medium intensity areas include developments that attract people from several neighborhoods within the urban area and, in some cases, from areas outside the city. Commercial and industrial developments within these areas have a community-wide service level and are linked to both neighborhood and regional activity centers. Within medium intensity areas, office, light industrial and other medium intensity uses may be located adjacent to single-family residential uses so long as adverse impacts to residential uses are appropriately mitigated.

The business, retail and industrial establishments found in medium intensity areas usually draw their labor force from the areas that they serve. Although many business establishments may have direct linkages outside the city, linkages are stronger within the city, particularly to the surrounding neighborhoods and to nearby support activities such as suppliers, distributors and wholesalers.

Residential development in these areas consists of middle density apartments located in concentrated centers or in nodes along transportation corridors. Medium intensity residential areas are strongly linked by major transportation and transit routes to community shopping centers, employment centers and other community facilities that require frequent visits.

**Generalized Land Use Element: Tier II – Secondary Growth Area**

The *GLUE* identifies the subject site as within a Tier II - Secondary Growth Area. The *GLUE* provides the following guidance regarding development in Tier II areas:

Lands within this designation are areas already characterized by urban growth and where key public facilities and services are generally available. One or more of the key facilities may not be available or do not meet the adopted level of service

standard. In addition, no capital investments are planned which will make one or more of the key facilities available or adequate. Generally adequate public facilities and services will be provided in Tier II areas after the initial six years, generally within years 7-13. Both public and private purveyors may provide services.

**LU-GUGT-4 Development Approval:** Development proposals within Tier II and Tier III shall be approved only if the proposed development is consistent with the *Comprehensive Plan* and key public facilities and services are available and adequate. The cost of providing adequate key public facilities and services to serve the proposed development shall be the sole responsibility of the applicant.

### **Generalized Land Use Element: Section V – Industrial Development**

Goal: To maintain, rehabilitate, and develop industrial areas within the City of Tacoma that reflect balanced diversification, maximum employment opportunities, high quality standards, minimum degradation of the environment, efficient land utilization and proper location.

#### **Policies**

**LU-IDG-2 Utilize Existing Industrial Areas:** Strongly encourage new industrial development to locate in existing industrial areas to limit land use and transportation conflicts.

**LU-IDG-4 Existing Industrial Areas Expansion:** Permit the limited expansion of existing industrial development, where appropriate, provided the adjacent properties and surrounding area are not adversely affected.

**LU-IDG-5 Convenient Transportation Access:** Locate industrial areas where access is functionally convenient to major transportation routes such as truck routes, freeways, railroads, and navigable bodies of water.

**LU-IDG-6 Industrial Development and Adequate Services:** Locate new or expanded industrial developments where there are adequate public facilities and services; these facilities must exist prior to or be developed concurrently with the development.

**LU-IDG-7 Industrial Site Development:** All industrial developments should have sufficient rights-of-way, street improvements, access control, circulation routes, off-street parking and loading facilities.

#### **Design Policies**

**LU-IDD-1 Industrial Performance Standards:** Protect adjacent less intensive land uses from the impacts of industrial uses through the use of performance standards.

**LU-IDD-2 Compatible Design:** Industrial development should be designed to be compatible with adjacent uses and minimize off-site impacts.

**LU-IDD-3 Screened Area:** Parking, loading, storage, and utility service areas should be screened from view and landscaped.

**LU-IDD-4 Design, Aesthetics and Beautification:** Encourage existing and new industrial developments to enhance the aesthetic quality of the community through consideration of good architectural and site design, beautification measures, proper maintenance and the provision of park-like open space areas for employees. Appearance of the development from the street and any adjacent non-industrial lands are most important.

**LU-IDD-6 Pedestrian and Bicycle Access:** Enhance pedestrian facilities and connections in industrial development. Examples include safe pedestrian connections to the street, continuous sidewalks, on-site showers, and bike racks.

### **Medium Intensity Industrial Policies**

**LU-IDMI-1 Land and Transportation Needs:** Medium intensity industrial development should be located on sites that are reasonably level and convenient to transportation facilities.

**LU-IDMI-2 Utilize as Buffer Uses:** Medium intensity industrial developments may be utilized as buffers between high intensity industrial developments and other less intensive land uses.

**LU-IDMI-3 Use of Performance Standards:** Protect adjacent less intensive land uses from the impacts of medium intensity industrial development through the use of performance standards.

### **Environmental Policy Element**

**E-P-1 Environmental Protection:** Acknowledge the dangers to health presented by all forms of environmental pollution and degradation by individuals as well as by industries, and support rigorous enforcement of regulations to alleviate these dangers.

**E-ER-4 Public/Private Partnerships:** Encourage public and public/private partnerships to ensure the most comprehensive, timely and cost-effective cleanup actions.

### **Transportation Element**

**T-LUT-1 Land Use Considerations:** Development, expansion, or improvement of transportation facilities should be coordinated with existing and future land use patterns and types of development.

**T-TSM-1 Street Classifications:** Adhere to nationally recognized arterial functional class standards to help differentiate roads designed to carry high volumes of traffic and those designed for residential use.

**T-TSM-3 Traffic Calming Measures:** Use sanctioned engineering approaches, such as medians, streetscapes, bulb-outs, traffic circles, traffic controls and bike lanes to protect neighborhood streets from cut-through traffic, high volumes, high speeds, and pedestrian/vehicle conflicts when warranted and integrated with emergency response vehicle access.

**T-MS-11 Truck Movement and Infrastructure Design:** Identify and address areas within manufacturing/industrial centers where efficient truck access and circulation is hindered by infrastructure gaps and inadequate design; ensure future transportation improvements address the needs of large trucks.

**T-MS-12 Complete Streets:** Apply the Complete Streets guiding principle[1], where appropriate, in the planning and design for new construction, reconstruction and major transportation improvement projects[2], to appropriately accommodate all users, moving by car, truck, transit, bicycle, wheelchair, or foot to move along and across streets. The Complete Streets guiding principle shall also be used to evaluate potential transportation projects, and to amend and revise design manuals, regulations, standards and programs as appropriate to create over time an integrated

and connected network of complete streets that meets user needs while recognizing the function and context of each street.

- [1] The Complete Streets guiding principle is to design, operate and maintain streets to enable safe and convenient access and travel for all users – pedestrians, bicyclists, transit riders, and people of all ages and abilities, as well as freight and motor vehicle drivers – and to foster a sense of place in the public realm.
- [2] Major transportation improvement projects include but are not limited to street and sidewalk construction; street and sidewalk lighting; street trees and landscaping; street amenities; drainage, pedestrian and bicycle safety improvements; access improvements for freight; access improvements, including compliance with the Americans with Disabilities Act; and public transit facilities accommodation including, but not limited to, pedestrian access improvements to transit stops and stations.

**T-ES-2 Noise and Air Pollution:** Encourage the reduction of noise and air pollution from various modes of transportation; promote the use of alternative fuels for vehicles; and ensure the City of Tacoma meets ambient air quality standards.

### **Neighborhood Element – South Tacoma**

**ST-3.1 Industrial Land Development:** Support the development and redevelopment of South Tacoma's industrial land including transportation improvements and environmental cleanup that enhance the area's marketability. Redevelopment activities should focus on using rail to transport goods or designating a truck route to State Route 16 so adjacent neighborhoods are not impacted by truck traffic.

**ST-3.2 Industrial Activity Buffering:** Discourage land uses that are incompatible with manufacturing and industrial activities. Ensure that industrial uses and activities provide appropriate buffers including visual line of sight and light intrusion so as not to impact adjacent residential neighborhoods. Appropriate buffering should be in place and functioning concurrent with the occupancy of the industrial use.

### **G. AGENCY COMMENTS/RECOMMENDATIONS:**

As part of the application review process Planning and Development Services has provided notification of this project to various City, outside governmental, and non-governmental agencies. The project was reviewed by the City's multidisciplinary Review Panel on both May 16, 2012, and April 24, 2013, the minutes (partial) of which are included to this report as Attachment "A-5". The proposal was also transmitted to agencies via the public notice process.

The majority of the review comments were related to the redevelopment of the site with a warehousing facility. However, some of the comments related to the rezone, the use of the driveway onto South 48<sup>th</sup> Street, and the development of this portion of the site:

- Jennifer Kammerzell, Traffic Engineer, City of Tacoma Public Works, commented via memorandum (Attachment "A-6") regarding SEPA mitigation that will be required due to public safety and traffic flow impacts from the use of the driveway onto South 48<sup>th</sup> Street. The requirements are divided between general requirements regardless of the use of the driveway, and additional requirements if the applicant chooses to utilize the driveway for commercial truck traffic. Those mitigation measures are carried forth as conditions of the rezone, below.

- The Washington State Department of Ecology commented via letter (Attachment “A-7”) regarding the potential for toxic soils at the site. Safe soil handling and other work practices were made a mitigating condition of the SEPA in order to protect workers. Those mitigating conditions are carried forth as conditions of the rezone, below, and will be repeated on any fill/grade permits as the site is developed.

In addition, reviewing departments made several comments related to building permit conditions; they are included with this report as Reference Document “R-10” and are advisory to the applicant.

## H. BURDEN OF PROOF

The applicant bears the burden of proof to demonstrate that the proposal is consistent with the criteria for the approval of rezone applications found in Section 13.06.650 of the *TMC*. The proponent of a rezone has the burden of showing that the reclassification bears a substantial relationship to the public health, safety, morals, or general welfare. See *Bassani v. County Commissioners*, 70 Wn. App. 389, 394, 853 P.2d 945 (1993) citing *Parkridge v. Seattle*, 89 Wn.2d 454, 153, P.2d 359 (1978); *Woodcrest Invs. Corp v. Skagit Cy.*, 39 Wn. App. 622, 694, P.2d 705 (1985). Under Washington law, a “strong showing” of change is not required and the rule is intended to be flexible and allow consideration of each case on its own facts. See *Bassani* at 394. A showing of changed circumstances is not required when a rezone is intended to implement an amendment to a *Comprehensive Plan*. See *SORE v. Snohomish Cy.*, 99 Wn.2d 363, 370, 662 P.2d 816 (1983).

The applicant’s analysis of the rezone criteria is included as Attachment “A-9”.

## I. PROJECT ANALYSIS

### **Consistency with TMC 13.06.400 – “M-1” District Zoning Regulations:**

The applicant proposes to rezone a portion of a parcel (two underlying platted lots), approximately 1.78 acres, from an “R-2” residential district to an “M-1” industrial district. The proposal for this portion of the site is redevelopment with up to 100 passenger car parking spaces and a storm water detention pond. While parking would not be typically considered “industrial”, it is considered an extension of the use it serves, and therefore must be located in a zone which would allow the associated “M-1” warehousing / distribution use. The portion of the site proposed for rezone is currently undeveloped, other than an unused gravel driveway along the west side. *Tacoma Municipal Code (TMC)* 13.06.400, Industrial Districts, lists warehousing as an outright-permitted use in “M-1” zones, subject to development standards.

The stated purpose of the “M-1” district is to act as a “buffer between heavy industrial uses and less intensive commercial and/or residential uses. M-1 districts may be established in new areas of the City. However, this classification is only appropriate inside *Comprehensive Plan* areas designated for medium and high intensity uses”.

The site in question is designated as “Medium Intensity” in the *Comprehensive Plan*. Further, the project as currently proposed will meet or exceed all of the development standards applicable to this project under the “M-1” District requirements. The specific plans for this portion of the site will act as a further buffer between the industrial uses and the residential neighborhood to the south.

### **Consistency with TMC 13.06.650.B – Reclassification Criteria:**

As detailed in TMC 13.06.650, applications for reclassifications may be approved if the proposal is found to be consistent with the stated decision criteria. Staff has reviewed this project against these criteria and this review is set forth below.

1. *That the change of zoning classification is generally consistent with the applicable land use intensity designation of the property, policies, and other pertinent provisions of the comprehensive plan.*

The *Comprehensive Plan* incorporates many specific plan elements, including the *Generalized Land Use Element (GLUE)*, which is intended to provide the broad development plan and policies to guide new development in the City of Tacoma. The *GLUE* identifies this site, as well as the surrounding properties, as within a "Medium Intensity" area. Medium Intensity areas are intended to contain commercial and industrial uses of community-wide significance.

The proposed warehouse/distribution development which will be associated with the parking and storm water detention pond is consistent with the site's intensity classification, where low-impact light industrial uses are encouraged. Further, the proposal will implement the policies of the *GLUE* by re-developing a vacant, underutilized industrial site. Rezoning this portion of the site will allow the owner full use of their property.

This site is also designated as a Tier II – Secondary Growth Area by the *GLUE*. Tier II areas are characterized by urban growth where key public facilities and services are generally available but some required infrastructure may not be present. Development in this area will need to assure infrastructure is available. Conditions on the rezone have been recommended in order to assure adequate redevelopment of South 48<sup>th</sup> Street to accommodate increased traffic. Further conditions for the improvement of the site access at South 46<sup>th</sup> Street will be addressed at the time of redevelopment permits for the remainder of the site. Therefore, infrastructure in the area will be improved concomitantly with the development.

As such, the proposal is consistent with the *GLUE* Tier designation and will not create significant impacts on public services in this area.

2. *That substantial changes in conditions have occurred affecting the use and development of the property that would indicate the requested change of zoning is appropriate. If it is established that a rezone is required to directly implement an express provision or recommendation set forth in the comprehensive plan, it is unnecessary to demonstrate changed conditions supporting the requested rezone.*

As noted above, the entire parcel has been subject to several zoning and other land use actions since the 1960s. The parcel has been under a single ownership at least since the site was platted in 1978, but the zoning has not been consistent since that time. Since that time, the parcel abutting to the west has been zoned "R4-L" and has the potential to develop with multi-family housing. The site to the east remains "R-2" but is used (and will continue to be used) in conjunction with the City's landfill. Allowing this portion of the parcel to be zoned consistently with the remainder of the parcel will allow consistency of use and regulations for the owner.

The area is designated a "Medium Intensity" area with the City's *Comprehensive Plan*. The reclassification is not being requested in order to implement a specific provision of the *Comprehensive Plan*.

3. *That the change of the zoning classification is consistent with the district*



*establishment statement for the zoning classification being requested, as set forth in this chapter.*

The applicant states that the development as proposed and as conditioned with a Concomitant Zoning Agreement is a "medium intensity" use that is appropriate within the "M-1" district. The district establishment statement for the "M-1" district states that the district should act as a buffer between higher-intensity industrial and lower-intensity residential and commercial uses. Given that this particular portion of the site will be used for parking and storm water detention, there is even further buffering between uses.

4. *That the change of the zoning classification will not result in a substantial change to an area-wide rezone action taken by the City Council in the two years preceding the filing of the rezone application. Any application for rezone that was pending, and for which the Hearing Examiner's hearing was held prior to the adoption date of an area-wide rezone, is vested as of the date the application was filed and is exempt from meeting this criteria.*

The subject site was zoned "R-2" in 1953. Records indicate that there have been no past requests for a similar rezone on this property or any area-wide rezone actions taken by the City Council in the past two years affecting this property.

5. *That the change of zoning classification bears a substantial relationship to the public health, safety, morals, or general welfare.*

The rezoned area will serve a much larger site, already zoned for industrial uses and currently underutilized. As a storm pond, the area immediately adjacent to the street will be landscaped and screened, thus providing the required buffer between uses. Conditions have been recommended which will avoid or mitigate any impacts from increased traffic on South 48<sup>th</sup>, and improvements to the site and access at South 46<sup>th</sup> Street will be required with redevelopment.

The *TMC* and *Comprehensive Plan* set forth policies and requirements aimed at regulating growth to ensure consistency with the public health, safety, morals and general welfare. The *TMC* and *Comprehensive Plan* identify this area as a location which is intended to be an area of continued medium-intensity urban growth, to include a mix of commercial, residential, retail, service, and industrial uses.

In order to further ensure that projects in these areas are compatible with the intended character of the district and do not have significant negative impacts on surrounding uses the *TMC* also includes development regulations for projects in the District, including design, landscaping, and parking standards. In this instance, the applicant proposes to develop uses and a site that meets all of these applicable project development standards.

The proposal and the conditions recommended by staff in this report include provisions for use of the site as an industrial site. Notice of this proposal has been provided to governmental and non-governmental agencies for review and comment, and the substance of these comments, which would further ensure provisions for the public health, safety, and general welfare, is included in the recommended conditions section of this report.

## **J. RECOMMENDED CONDITIONS OF APPROVAL**

Should this request be approved, Planning and Development Services recommends that the following conditions be made conditions of approval for this application. These

conditions of approval shall be completed prior to issuance of development permits at the site:

- A. The project shall be developed substantially in conformance with the representations made by the applicant through the submitted rezone application. Any substantial change(s) or deviation(s) in plans, proposals, or conditions of approval imposed shall be subject to the approval of the Hearing Examiner and may require further and additional hearings.
- B. Prior to issuance of a development permit, the applicant shall demonstrate to the City of Tacoma, Development Services, that they will institute Best Management Practices for the safe handling and disposition of potentially contaminated soils; or that they have conducted soil samples and demonstrated that contaminant levels do not exceed MTCA cleanup levels.
- C. The applicant shall comply with regulations regarding worker protection for contaminants. The applicant shall contact the Washington State Department of Labor and Industries for minimum standards and requirements.
- D. To minimize business-related travel through the neighborhood, the applicant shall, through signage and design, restrict the driveway on South 48th Street to right-out only with proper channelization.
- E. To meet the City's "complete streets" policies for non-motorized transportation, the applicant shall provide pedestrian and off-site improvements along South 48th Street in conjunction with the construction of the driveway.
- F. Prior to site redevelopment, the applicant shall conduct an analysis of the pavement design (PD-01 and PD-02 Standard Plans) to determine necessary pavement design requirements of South 48th Street to support the increased truck traffic, turning movements, and truck weight. South 48th Street is considered a residential street in design and classification. A permanent roadway section may include concrete or a thickened asphalt pavement section.
- G. If 48<sup>th</sup> is to be used for truck traffic, in order to provide for safe traffic movements, the applicant shall revise channelization on Orchard Street to include a dedicated left turn lane southbound.
- H. If 48<sup>th</sup> is to be used for truck traffic, truck access shall be limited to comply with Noise Ordinance construction hours.
- I. All other requirements for traffic, including specific details of access, circulation, parking configuration, and controls shall be reviewed and approved at the time of building permits.
- J. All requirements for construction, solid waste disposal, landscaping, building design, utilities, and all other pertinent policies and regulations shall be met by the development at the site.
- K. All future development at the site must meet all applicable policies and regulations including, but not limited to, Zoning, Land Use, Building, and Utilities.
- L. A Concomitant Zoning Agreement incorporating the conditions of approval imposed shall be executed and recorded with the Pierce County Auditor prior to final approval of the reclassification by the City.

EXHIBIT E

12



City of Tacoma  
Planning and Development Services

## Mitigated Determination of Nonsignificance (MDNS)

SEPA File Number: SEP2013-40000199732  
Related File Number: REZ2013-40000199731

**To:** All Departments and Agencies with Jurisdiction  
**Subject:** Mitigated Determination of Nonsignificance

In accordance with *Washington Administrative Code (WAC)* 197-11-350 and -355, a copy of the Mitigated Determination of Nonsignificance (MDNS) for the project described below is transmitted.

**Applicant:** Innova Architects, Paul McCormick, for H&P Tacoma Acquisition, LLC

**Proposal:** The applicant proposes to rezone approximately 1.72 acres / 75,000 square feet of the southeast corner of the property from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District. The area will be developed with a storm water detention facility requiring approximately 15,000 cubic yards of grading, landscaping, and up to 100 passenger car parking spaces. Improvements will be required on South 48th Street for the purposes of truck access.

**Location:** A portion of 4601 South Orchard, parcel 0220133049.

**Lead Agency:** City of Tacoma

**City Contact:** Shirley Schultz  
Planning and Development Services  
747 Market Street, Room 345  
Tacoma, WA 98402  
253-591-5121 | shirley.schultz@cityoftacoma.org

The Responsible Official for the City of Tacoma hereby makes the following findings and conclusions based upon a review of the environmental checklist and attachments, other information on file with the City of Tacoma, and the policies, plans, and regulations designated by the City of Tacoma as a basis for the exercise of substantive authority under the *Washington State Environmental Policy Act (SEPA)* pursuant to *RCW 43.21C*.

**Findings of Fact:**

**General:**

1. The applicant proposes to rezone approximately 1.72 acres / 75,000 square feet of the southeast corner of the property from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District. The area will be developed with a storm water detention facility requiring approximately 15,000 cubic yards of grading, landscaping, and up to 100 passenger car parking spaces. Improvements will be required on South 48th Street for the purposes of truck access.

An environmental review is required for the proposal in accordance with SEPA, *RCW* 43.21C, *Washington Administrative Code (WAC)* 197-11, and *Tacoma Municipal Code (TMC)* 13.12 Environmental Code. Rezone applications are not exempted as minor land use decisions; further, the amount of grading activity and the number of parking spaces exceed the flexible thresholds for SEPA exemptions, thus a SEPA determination is required.

**Earth:**

2. The project proposes to comply with all regulations including the *International Building Code (IBC)* Appendix J (Grading) as adopted and amended by the City of Tacoma, as well as *TMC* Chapter 13.06 Zoning and Chapter 13.11 Critical Areas Ordinance.
3. A geotechnical assessment, prepared by Terra Associates, Inc. and dated April 8, 2013, was submitted to and reviewed by Development Services in association with this project. The results of the review confirmed the absence of any geologically hazardous areas on the project site as defined and regulated by *TMC* Chapter 13.11 Critical Areas Ordinance.
4. Soil contamination issues associated with the Asarco Plume are addressed in the Environmental Health subsection of this document.

**Air:**

5. Watering of exposed soil during construction to suppress dust will ensure that no impacts to ambient air quality will result from the project.

**Water:**

6. The project will meet all requirements of the current and any future revisions to the Stormwater Management Manual, the Critical Areas Ordinance and other City regulatory requirements related to storm water.
7. No regulated wetlands, streams, or associated buffers have been identified on the project site pursuant to *TMC* 13.11 Critical Areas Ordinance. A wetland reconnaissance study was prepared by the Watershed Company and submitted with the application materials. Review of this study by Karla Kluge, Senior Environmental Specialist, confirmed the absence of any regulated areas on the site. See Attachment "A" for a copy of Ms. Kluge's comments.
8. The site is not located within a flood hazard and/or coastal high hazard area as regulated by *TMC* 13.11.600, 13.11.610 and 13.11.620 and Sections 2.12.040 and 2.12.050.

**Plants:**

9. The proposed project will meet *TMC* 13.06.502 Landscaping/Buffering Standards.

**Aesthetics:**

10. The proposed project will meet *TMC* 13.06.501 Building Design Standards, *TMC* 13.06.502 Landscaping/Buffering Standards, and *TMC* 13.06.503 Residential Compatibility Standards.

**Animals:**

11. No state or federal candidate, threatened or endangered plant or animal species, or habitat has been identified on the project site.

**Energy and Natural Resources:**

12. The proposed project will comply with the City's Energy Code.

**Environmental Health:**

13. The subject property is located within the footprint of the area known as the "Asarco Plume." Properties within the plume are known to contain contaminants associated with the operation of the former Asarco smelter located approximately six miles to the north of the subject site. According to the Department of Ecology (Ecology) Facility/Site Atlas, the site is located within the Tacoma Smelter Plume with an arsenic concentration range of "20.0-40.0 ppm". See Attachment "B" for a copy of the Smelter Plume map.
14. All comments and recommendations of the Washington Department of Ecology (Ecology) have been provided to the applicant, regarding contaminant levels on the site. Ecology provided a response to the contaminants potentially on site and identified measures that should be taken to protect the environment and human health. Ecology's comments are marked as Attachment "C".
15. The City's Comprehensive Plan provides the following policy guidance relative to environmental health:
- E-P-1 Environmental Protection. Acknowledge the dangers to health presented by all forms of environmental pollution and degradation by individuals as well as by industries, and support rigorous enforcement of regulations to alleviate these dangers.
  - E-ER-2 Contaminated Sites. Encourage the identification and characterization of all contaminated sites which adversely affect the City's shoreline areas and surface waters.
  - E-ER-4 Public/Private Partnerships. Encourage public and public/private partnerships to ensure the most comprehensive, timely and cost-effective cleanup actions.
16. All permitting requirements of the Tacoma-Pierce County Health Department (TPCHD) and Ecology will be met.

**Noise:**

17. All WAC noise levels shall be met.
18. Activities at the site shall comply with all applicable provisions of TMC 8.122 Noise Enforcement.

**Land Use:**

19. The project is not a permitted use within the "R-2" Single-Family Dwelling District and will require a discretionary land use permit.
20. The Comprehensive Plan designation for the site is "Medium Intensity."

**Housing:**

21. The project will provide no units of housing. No adverse impacts to housing will result from the proposal.

**Recreation:**

22. The project will not be developed on property designated as open space or public recreation area. No adverse impacts to recreation will result from the proposal.

**Historical and cultural preservation:**

23. The project is not located within or adjacent to any property listed on the Tacoma, Washington State or National Registers of Historic Places, and is not within proximity to any known archaeological site or archaeological site that is inventoried by the State of Washington Department of Archaeology and Historic Preservation. Additional review of impacts to cultural resources may be required for projects under the jurisdiction of federal agencies under Section 106 of the National Historic Preservation Act (36 CFR 800).

**Transportation:**

24. The project will comply with *TMC* 13.06.510 Off-street parking and storage areas.

25. Review by the Public Works Engineering Division indicates that the traffic volumes generated by the project are unlikely to result in significant adverse impacts to the City's street system. A traffic impact analysis for the project was prepared by Heath and Associates, Inc., and dated March 2013, and has been submitted to, reviewed, and accepted by the Engineering Division.

26. The proposal would result in opening a driveway from the site onto South 48th Street, which is currently a residential street. The proposal would also result in the use of South 48th by truck traffic to and from the site.

27. The Division has found that, while the number of new trips due to the rezone will not negatively impact the city's traffic system, the use of the driveway by industrial truck traffic will negatively impact the surrounding residential neighborhood and the residential street condition. See Attachment "D" for the memorandum from Ms. Jennifer Kammerzell.

28. The *Comprehensive Plan* contains the following policies pertaining to traffic and circulation:

**LU-IDG-6 Industrial Development and Adequate Services:** Locate new or expanded industrial developments where there are adequate public facilities and services; these facilities must exist prior to or be developed concurrently with the development.

**LU-IDG-7 Industrial Site Development:** All industrial developments should have sufficient rights-of-way, street improvements, access control, circulation routes, off-street parking and loading facilities.

**LU-IDD-1 Industrial Performance Standards:** Protect adjacent less intensive land uses from the impacts of industrial uses through the use of performance standards.

**LU-IDD-6 Pedestrian and Bicycle Access:** Enhance pedestrian facilities and connections in industrial development. Examples include safe pedestrian connections to the street, continuous sidewalks, on-site showers, and bike racks.

**LU-IDMI-3 Use of Performance Standards:** Protect adjacent less intensive land uses from the impacts of medium intensity industrial development through the use of performance standards.

**T-EUT-1 Land Use Considerations:** Development, expansion, or improvement of transportation facilities should be coordinated with existing and future land use patterns and types of development.



**T-TSM-1 Street Classifications:** Adhere to nationally recognized arterial functional class standards to help differentiate roads designed to carry high volumes of traffic and those designed for residential use.

**T-TSM-3 Traffic Calming Measures:** Use sanctioned engineering approaches, such as medians, streetscapes, bulb-outs, traffic circles, traffic controls and bike lanes to protect neighborhood streets from cut-through traffic, high volumes, high speeds, and pedestrian/vehicle conflicts when warranted and integrated with emergency response vehicle access.

**T-MS-11 Truck Movement and Infrastructure Design:** Identify and address areas within manufacturing/industrial centers where efficient truck access and circulation is hindered by infrastructure gaps and inadequate design; ensure future transportation improvements address the needs of large trucks.

**T-MS-12 Complete Streets:** Apply the Complete Streets guiding principle[1], where appropriate, in the planning and design for new construction, reconstruction and major transportation improvement projects[2], to appropriately accommodate all users, moving by car, truck, transit, bicycle, wheelchair, or foot to move along and across streets. The Complete Streets guiding principle shall also be used to evaluate potential transportation projects, and to amend and revise design manuals, regulations, standards and programs as appropriate to create over time an integrated and connected network of complete streets that meets user needs while recognizing the function and context of each street.

[1] The Complete Streets guiding principle is to design, operate and maintain streets to enable safe and convenient access and travel for all users – pedestrians, bicyclists, transit riders, and people of all ages and abilities, as well as freight and motor vehicle drivers – and to foster a sense of place in the public realm.

[2] Major transportation improvement projects include but are not limited to street and sidewalk construction; street and sidewalk lighting; street trees and landscaping; street amenities; drainage, pedestrian and bicycle safety improvements; access improvements for freight; access improvements, including compliance with the Americans with Disabilities Act; and public transit facilities accommodation including, but not limited to, pedestrian access improvements to transit stops and stations.

**T-ES-2 Noise and Air Pollution:** Encourage the reduction of noise and air pollution from various modes of transportation; promote the use of alternative fuels for vehicles; and ensure the City of Tacoma meets ambient air quality standards.

**Public Services/Public Utilities:**

29. Project concurrency certification or an appropriate mitigation will be completed at the building permit review stage.
30. The project will comply with emergency vehicle circulation requirements.
31. Fire protection must be provided in accordance with the requirements of *TMC* 3.02 Fire Code.
32. The City of Tacoma Development Review Panel reviewed this proposal on April 24, 2013, and has provided comments pertaining to off-site improvements including sidewalk, curb, street improvements and other miscellaneous infrastructure. These code-required improvements will be included as conditions with the required development permits.

## **CONCLUSION OF THE RESPONSIBLE OFFICIAL:**

Existing regulations contained within the *TMC* address many of the potential environmental impacts associated with this project. These are noted on the environmental checklist for the project and in the MDNS. Potential environmental impacts identified during the project review that are not fully addressed by these or other existing regulations may be subject to mitigation through the adoption of additional conditions based upon the project's consistency with applicable policy guidance set forth in the City's *Comprehensive Plan*. Based upon the facts and policies set forth in the Findings of Fact Numbers 13-16 and 24-26 above, additional mitigating measures are necessary to address potential impacts associated with the proposal.

### **Mitigation Measures:**

The following mitigation measures are required by the City and outside regulatory agencies to address and mitigate for the potential impact created by the proposed project:

#### **1. Environmental Health:**

- According to the Ecology facility/Site Atlas, the site is located within the Tacoma Smelter Plume with an area that exceeds 20.0 ppm for arsenic levels. Because the site will be developed with a storm water facility (which will be required to comply with water quality standards) and parking area (which will be paved), the risk of contact with soils following development is low. Care must be taken with contaminated soils in their handling and disposition. Prior to issuance of a development permit, the applicant shall demonstrate to the City of Tacoma, Development Services, that they will institute Best Management Practices for the safe handling and disposition of potentially contaminated soils; or that they have conducted soil samples and demonstrated that contaminant levels do not exceed MTCA cleanup levels.
- In the alternative, the applicant may demonstrate that they have successfully entered into the Model Toxic Control Act (MTCA) provided Voluntary Clean-up Program with Ecology. Proof of entering into the Voluntary Cleanup Program shall include a written opinion letter from Ecology identifying that in the opinion of the agency, the proposed cleanup action will be sufficient to meet the requirements of MTCA. The plans for the development permit shall be consistent and integrated with the plans reviewed and deemed consistent with MTCA by Ecology.
- The applicant shall comply with regulations regarding worker protection for contaminants. The applicant shall contact the Washington State Department of Labor and Industries for minimum standards and requirements.

#### **2. Traffic:**

- To minimize business-related travel through the neighborhood, the applicant shall, through signage and design, restrict the driveway on South 48th Street to right-out only with proper channelization.
- To meet the City's "complete streets" policies for non-motorized transportation, the applicant shall provide pedestrian and off-site improvements along South 48th Street in conjunction with the construction of the driveway.
- Prior to site redevelopment, the applicant shall conduct an analysis of the pavement design (PD-01 and PD-02 Standard Plans) to determine necessary pavement design requirements of South 48th Street to support the increased truck traffic, turning movements, and truck weight. South 48th Street is considered a residential street in design and classification. A permanent roadway section may include concrete or a thickened asphalt pavement section.

- In order to provide for safe traffic movements, the applicant shall revise channelization on Orchard Street to include a dedicated left turn lane southbound.
- Truck access shall be limited to comply with Noise Ordinance construction hours.

**Issuance of MDNS:**

This MDNS is issued under WAC 197-11-355. The City of Tacoma has determined that, if conditioned properly, this project does not have a probable significant adverse impact on the environment. The proposal will have no significant adverse environmental impacts to fish and wildlife, water, noise, transportation, air quality, environmental health, public services and utilities, or land and shoreline use. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

As noted previously, the applicants have also filed for a Zoning Reclassification (Rezone). In order to receive approval of this permit the applicant will be required to demonstrate that the project will meet the applicable requirements of the TMC. If approved, the City's decision regarding the requested Rezone will likely include conditions of approval that may address necessary utility upgrades, street and sidewalk improvements, street lighting, grading and erosion control measures, and stormwater controls.

You may appeal this final determination. Appeals may be filed at the SEPA Public Information Center, Tacoma Municipal Building, 3rd Floor, 747 Market Street, Tacoma, Washington 98402, by filing a notice of appeal; the contents of the appeal as outlined in *Tacoma Municipal Code 13.12.820*; and a \$311.30 filing fee, within 14 days after the issue date of this determination.

Responsible Official: Peter Huffman

Position/Title: Director, Planning and Development Services

Signature: \_\_\_\_\_

SEPA Officer Signature: \_\_\_\_\_

Issue Date: 5.10.2013

Last Day to Appeal: 5.24.2013

**NOTE:** The issuance of this SEPA Determination does not constitute final project approval. The applicant must comply with all other applicable requirements of the City of Tacoma Departments and other agencies with jurisdiction prior to receiving construction permits.

cc: Applicant  
South Tacoma Neighborhood Council, Chairperson

cc via email:

WDOE, [sepaunit@ecy.wa.gov](mailto:sepaunit@ecy.wa.gov)

Tacoma-Pierce County Health Department, SEPA, [SEPA@tpchd.org](mailto:SEPA@tpchd.org)

City of Fircrest, Rick Rosenblatt, [rosenblatt@cityoffircrest.net](mailto:rosenblatt@cityoffircrest.net)

City of University Place, Leonard Yarberry, [lyarberry@cityofup.com](mailto:lyarberry@cityofup.com)

Planning and Development Services, Reuben McKnight, Peter Huffman, Brian Boudet

Washington State Office of Archaeology & Historic Preservation, Gretchen Kaehler,

[gretchen.kaehler@dahp.wa.gov](mailto:gretchen.kaehler@dahp.wa.gov)

Pierce Transit Land Use Review, Monica Adams, [madams@piercetransit.org](mailto:madams@piercetransit.org)

Pierce County Assessor Treasurer, Darci Brandvold, [dbrandv@co.pierce.wa](mailto:dbrandv@co.pierce.wa)

Jennifer Kammerzell, Engineer, Public Works / Engineering Division

Karla Kluge, Senior Environmental Specialist, Planning and Development Services



City of Tacoma  
Hearing Examiner

RECEIVED

AUG 14 2013

August 14, 2013

CITY CLERK'S OFFICE

Honorable Mayor and Members  
of the City Council  
City of Tacoma, Washington

RE: Appellant: H&P Tacoma Acquisition, LLC  
Applicant: Paul McCormick, Innova Architects on behalf of H&P Tacoma Acquisition, LLC  
File Nos.: REZ201340000199731, SEP2013-40000199732  
Location: The site is addressed as 4601 South Orchard Street, Tacoma, Washington.

The above-referenced matter will be heard on appeal by the City Council at its public meeting on August 20, 2013.

On June 13, 2013, the Hearing Examiner conducted a hearing on the above referenced rezone application. On July 3, 2013, the Examiner issued her Report and Recommendation, recommending approval of the application with conditions. The Hearing Examiner approved the request to rezone approximately 1.78 acres/75,000 square feet located in the southeast corner of a larger adjacent property from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District, subject to conditions, including a condition restricting commercial truck access to and from South 48<sup>th</sup> Street across the rezone site.

Appellant timely filed an appeal of the Hearing Examiner's recommendation to the Council.

The Hearing Examiner's Report and Recommendation and hearing exhibits are being transmitted by the City Clerk. A verbatim electronic recording of testimony is on file with the City Clerk and available for interested parties.

Appeals to the Council are governed by *Tacoma Municipal Code* 1.23.150 and Chapter 42.36 RCW.

  
LOUISA LEGG  
Legal Assistant

Attachments:

Hearing Examiner Report and Recommendation, dated July 3, 2013  
Hearing Exhibit List and Exhibits 1 through 33

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City of Tacoma  
Hearing Examiner

July 3, 2013

Paul McCormick  
Innova Architects  
950 Pacific Avenue STE 450  
Tacoma WA 98402

Shirley Schultz, Principal Planner  
Planning and Development Services Dept.  
747 Market Street Room #345  
Tacoma WA 98402

Re: File Nos. REZ2013-40000199731, SEP2013-40000199732

Dear Parties,

Enclosed please find the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation to the Tacoma City Council regarding the above referenced matter.

Sincerely,

Louisa Legg  
Legal Assistant

**CERTIFICATION**

On this day, I forwarded a true and accurate copy of the documents to which certificate is affixed via United States Postal Service postage prepaid or via delivery through City of Tacoma Mail Services to the parties or attorneys of record hereinafter. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED July 3, 2013, at Tacoma, WA.

L. Legg

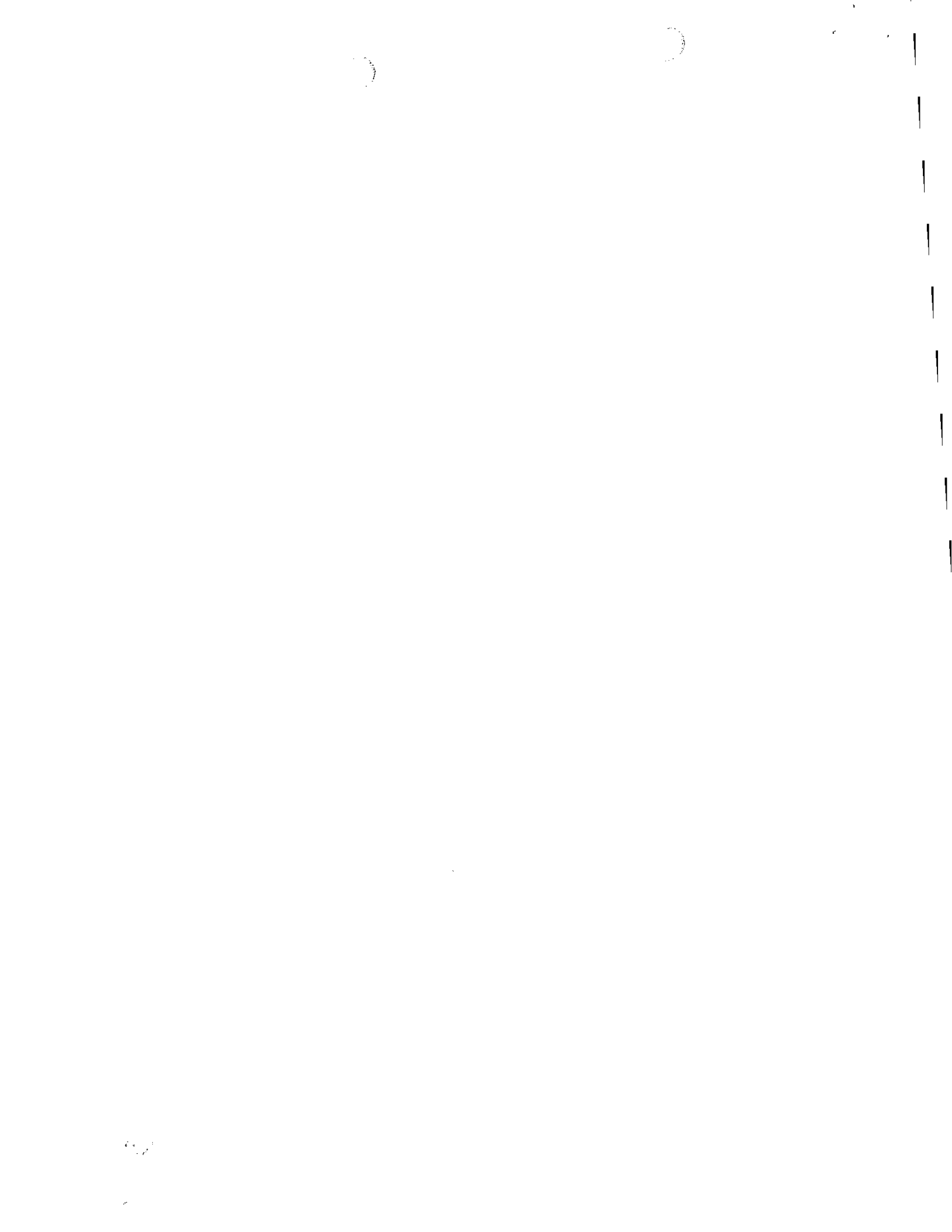
Enclosure or Attachment (1)

Transmittal List:

City Clerk, City of Tacoma  
Legal Department, Civil Division, City of Tacoma  
Environmental Services Department, City of Tacoma (Env. Eng./M. Trohimovich-Pollard)  
Environmental Services Department, City of Tacoma (Solid Waste Mgmt./R. Coyne)  
Planning & Development Services Dept., City of Tacoma (BLUS/L. Spadoni)  
Planning & Development Services Dept., City of Tacoma (BLUS/J. Magoon)  
Planning & Development Services Dept., City of Tacoma (BLUS/K. Kluge)  
Public Works Department, City of Tacoma (Traffic Engineering/J. Kammerzell)  
Public Works Department, City of Tacoma (Construction/LID/S. Simpson)  
Tacoma Fire Department, City of Tacoma (Carl Anderson, P.E.)  
Tacoma Power, City of Tacoma (Transmission & Distribution/J. Martinson)  
Community and Economic Development, City of Tacoma (L. Wung)  
Pierce County Assessor-Treasurer  
WA State Dept. of Ecology, Southwest Regional Office, P.O. Box 47775,  
Olympia WA 98504-7775

**ORIGINAL**

**133**





**OFFICE OF THE HEARING EXAMINER**  
**CITY OF TACOMA**  
**REPORT AND RECOMMENDATION**  
**TO THE CITY COUNCIL**

**APPLICANT:** Paul McCormick, Innova Architects on behalf of  
H&P Tacoma Acquisition, LLC

**FILE NO:** REZ2013-40000199731, SEP2013-40000199732

**SUMMARY OF REQUEST:**

The applicant proposes to rezone approximately 1.78 acres / 75,000 square feet of the southeast corner of a larger property from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District. The area will be developed with a stormwater detention facility requiring approximately 15,000 cubic yards of grading, landscaping, and up to 100 passenger car parking spaces. The applicant also seeks to develop a driveway across the parcel for commercial and passenger vehicle access to South 48<sup>th</sup> Street. South 48<sup>th</sup> Street is currently a residential street and improvements to it would be required to accommodate use by heavy commercial vehicles.

**LOCATION:**

The site address is 4601 South Orchard Street in Tacoma (a portion of parcel 0220133049).

**RECOMMENDATION OF THE HEARING EXAMINER:**

The rezone request is hereby recommended for approval subject to conditions including a condition restricting use of the access roadway across the site to automobiles, rather than commercial trucks.

**PUBLIC HEARING:**

After reviewing the report of the Planning and Development Services Department (PDSD), examining available information on file with the application, and visiting the subject site and the surrounding area, the Hearing Examiner conducted a public hearing on the application on June 13, 2013.

**ORIGINAL**

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**FINDINGS, CONCLUSIONS AND RECOMMENDATION:**

**FINDINGS:**

1. Paul McCormick of Innova Architects submitted an application on behalf of H&P Tacoma Acquisition, LLC (H&P) seeking to rezone approximately 1.78 acres at the southeast corner of H&P's larger property holding in the area of 4601 South Orchard Street, Tacoma, Washington. The proposed rezone would change the parcel's current designation as "R-2" Single-Family Dwelling District to "M-1" Light Industrial District.<sup>1</sup> H&P plans to use the property for a stormwater detention facility and up to 100 passenger car parking spaces in connection with a proposed distribution warehouse on its adjacent industrial property. The applicant also proposes to develop an access road across the rezoned site for commercial vehicle access to and from the distribution warehouse via South 48<sup>th</sup> Street. *Ex. 10.*

2. The proposed rezone site is currently an undeveloped, wooded area with a depressional feature at the southern perimeter of the site. The depressional area is proposed for the stormwater retention pond. A Geotechnical Report has been submitted which indicates that groundwater in the area is encountered at depths of 5 to 6 feet. *Ex. 15 at 3.* Public utility easements are located on portions of the subject property.

3. The applicant also owns property adjacent to the proposed rezone site which contains both "M-1" Light Industrial and "M-2" Heavy Industrial. The Generalized Land Use Element (GLUE) of the City's Comprehensive Plan locates the site within a "Medium Intensity" area and Tier II-Secondary Growth Area. The total ownership exceeds 34 acres. The larger ownership site is primarily developed with several large, light industrial buildings and asphalt-and concrete-paved access and parking areas. Gravel-surface storage yard areas are located along the perimeter of the site, and a stormwater detention pond is situated on the northwest corner of the site. The site was used for a number of years by Hansen Pipe, a concrete fabrication business. Hansen Pipe has ceased operations and the applicant is planning to demolish the existing buildings on the site in preparation for construction of a distribution warehouse. *Ex.1; Ex. 10.*

4. As indicated above, the area to the north of the rezone site is zoned "M-1" Light Industrial and "M-2" Heavy Industrial. The area to the south of the proposed rezone site is zoned for and developed with single-family residential dwellings. South 48<sup>th</sup> Street runs east-west between the proposed rezone site and the residential neighborhood. The area to the west of the proposed rezone site is zoned "R-4-L" Low-Density Multiple-Family Dwelling District. This property was slated for development as a 78-unit nursing home, but it has not been constructed and the parcel is currently vacant. An existing retirement and assisted living facility is located at the intersection of South 48<sup>th</sup> Street and South Orchard Street adjacent to and west of the "R-4-L" parcel. The property to the east of the proposed rezone site is occupied by the City of Tacoma Landfill, which carries an "R-2" zoning designation. *Ex. 4.*

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<sup>1</sup> The zones in this area fall within the South Tacoma Groundwater Protection District (STGPD) and that is reflected on the zoning classifications for the sites involved. For the sake of brevity the applicable STGPD designation will not be included in each reference to the zoning districts within this document.

5. H&P's larger ownership of approximately 34.81 acres has been zoned in several separate actions over time. The central portion of the site, which constitutes the majority of the property (24 acres), was zoned from "R-2" Single-Family Dwelling District to "M-2" Heavy Industrial District by Ordinance No. 17784 in March of 1965. The portion of the site directly to the north of the 1.78 acres proposed for rezoning was zoned from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District in the same Ordinance No. 17784 that established the "M-2" zoning in 1965.

*Ex. 17.* The entire site was granted an exception to development standards in 1978. The exception allowed an easement at South 46<sup>th</sup> Street to be an officially approved access to the site. The exception/easement was issued in connection with a short plat at the site that created two lots adjacent to and west of the "M-1", "M-2" area and two additional lots southeast of the Hanson Pipe site. Those two lots comprise the area currently proposed for rezoning. *Ex. 18.* The northernmost portion of the larger ownership site, as well as a portion of the property along its eastern boundary, were both rezoned from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District by Ordinance No. 24393 in September of 1989. Five conditions were attached to that rezone including development of a water-quality plan, installation of a perimeter fence, removal of illegal fill, provision of a slope easement, and provision of fire protection. *Ex. 19 at Concomitant Agreement -2.* Those conditions would not be affected by the current rezoning proposal.

6. The rezone site is bounded on the south by South 48<sup>th</sup> Street, which is a residential street by design and classification. The pavement design might need modification if heavy trucks begin using South 48<sup>th</sup> Street for access between the planned distribution center and nearby South Orchard Street. South Orchard Street at this location is a north-south, five-lane major arterial lying a short distance to the west of the project site. *Ex. 14; Ex. 7.* The intersection of South 48<sup>th</sup> Street and South Orchard Street is controlled by a stop sign on South 48<sup>th</sup> Street. South Orchard Street contains a center turn lane in this area. The applicant proposes to improve an existing driveway on the rezone site to reach South 48<sup>th</sup> Street, which would be used for passenger vehicle and commercial truck access between the planned distribution center and South Orchard Street. An additional existing access from South Orchard Street to the proposed distribution center site is available at South 46<sup>th</sup> Street. *Ex. 14.* The traffic study submitted by the applicant indicates 960 vehicle trips per day would be generated by the proposed distribution center. *Id.* A significant number of these trips would be large commercial trucks driving to and from the warehouse. Unless restrictions are included on an "M-1" rezone of the proposed site, nothing would bar any or all trucks from using South 48<sup>th</sup> Street for access to the distribution center.

7. In the years since the nearby Hansen Pipe site was rezoned to "M-1" and "M-2" in 1965, conditions have changed to some degree. The Hansen Pipe property was developed and used for an industrial fabrication facility, but it is now closed. Property to the west of the Hansen Pipe business has been developed with light industrial enterprises. The property immediately to the west of the proposed rezone site has been rezoned from "R-2" to a more intense residential "R-4-L" designation that authorizes construction of a nursing home. *Ex. 16.* The subject site is the sole remaining parcel zoned for single-family residential on the north side of South 48<sup>th</sup> Street, other than the City's landfill.<sup>2</sup> The rezones along the north side of South 48<sup>th</sup> Street, abutting the residential neighborhood, have been limited to non-industrial uses. *Ex. 4.* The long standing single-family neighborhood on the south side of South 48<sup>th</sup> Street, however, does not appear to have changed in nature or configuration in

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<sup>2</sup> The landfill is zoned "R-2", but there is no anticipation that it will be developed with single-family residences.

the years since the light industrial zoning was established on the Hansen Pipe property to the north and its need for buffering from industrial uses has not changed.

8. The applicant's proposal to use the rezone site for automobile parking and stormwater detention would create a relatively low-impact industrial use on the property adjacent to the South 48<sup>th</sup> Street residential neighborhood. The landscaping and stormwater detention pond would tend to buffer the neighbors visually and physically from the parking and industrial uses to the north. By contrast, creating a driveway to facilitate large truck access to a distribution center on the former Hansen Pipe site would introduce significant industrial activity directly onto a residential neighborhood street where it has not existed before. Ongoing large commercial truck traffic would have substantial negative impacts on the single-family residences along South 48<sup>th</sup> Street and the adjacent neighborhood. While the applicant has indicated a willingness to provide a \$25,000 performance bond to implement traffic mitigating measures in response to neighborhood concerns after the warehouse/office is open, there was no evidence that traffic mitigating measures could address the inconsistency between industrial and residential use of South 48<sup>th</sup> Street and loss of the existing residential zoning buffer between industrial uses and this long standing residential neighborhood.<sup>3</sup>  
*Ex. 7.*

9. No area-wide zoning involving or affecting the rezone site has been taken by the Tacoma City Council, acting in its legislative capacity, in the past two years preceding the filing of H&P's rezone application. *Ex. 7.*

10. H&P's rezone request has been reviewed by a number of governmental agencies and utility providers. None of the reviewing agencies object to approval of the proposed rezone as long as conditions addressing certain issues are attached to the rezone approval. The agency comments and proposed conditions are contained in the City's Staff Report. The PDSP Report, entered into this record as Exhibit 1, accurately describes the proposed project, including general and specific facts about the proposal. The report is incorporated herein by reference as though fully set forth. The City's Public Works Department raised concerns over use of the proposed driveway and commercial use of South 48<sup>th</sup> Street and suggested conditions to address these impacts as part of the SEPA process. The State of Washington Department of Ecology raised the potential for toxic soils at the site and recommended conditions requiring safe soil handling and other protective practices. *Ex. 7.*

11. One citizen appeared at the hearing expressing opposition to the proposed rezone. He stated that he has concerns about impacts to the residential neighborhood, noting that the "R-2" zoning was intended to provide a buffer to the residences south of South 48<sup>th</sup> Street. He also expressed general concern over traffic that the warehouse project would generate on South Orchard Street, questioning whether the access streets could handle the number of trucks involved. An additional written submission was received into the record from a nearby property owner. *Ex. 21.* He raised a number of issues including anticipated loss of value in his property, unpleasant views if existing trees are removed, noise from the proposed warehouse north of the rezone site, traffic impacts on South 48<sup>th</sup>

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<sup>3</sup> The applicant provided a traffic study addressing traffic volumes and levels of service on South 48<sup>th</sup> Street, South 46<sup>th</sup> Street, and South Orchard Street. The study does not address or analyze the land use issue involving the incompatibility between proposed industrial and existing residential uses along South 48<sup>th</sup> Street. *Ex. 14.*

Street, safety issues for local children, and impacts on the peace and tranquility of the residential neighborhood.

12. Pursuant to the State's State Environmental Policy Act (SEPA) Rules (WAC 197-11) and the City of Tacoma's Environmental Code (*Tacoma Municipal Code* 13.12), the Director of the Planning and Development Services Department issued a Mitigated Determination of Nonsignificance (MDNS) on May 10, 2013. The determination was based upon a site survey, a review of the applicant's Environmental Checklist, and other supporting information on file with the PDSD. No appeal was filed challenging the Director of PDSP's environmental determination. *Ex. 1 at 4.*

13. The District Establishment Statement for the requested "M-1" District indicates that the Light Industrial District "is intended as a buffer between heavy industrial uses and less intensive commercial and/or residential uses. 'M-1' districts may be established in new areas of the City. However, this classification is only appropriate inside Comprehensive Plan areas designated for medium and high intensity uses." *Tacoma Municipal Code (TMC) 13.06.400.B.* The subject property is located in a medium intensity area.

14. The site was posted with the pending action and proper written notice of the public hearing was mailed to all owners of property within 400 feet of the site, the neighborhood council, and qualified neighborhood groups on April 16, 2013. *Ex. 1 at 3.*

15. Any conclusion hereinafter stated which may be deemed to be a finding herein is hereby adopted as such.

### **CONCLUSIONS:**

1. The Hearing Examiner has jurisdiction over the parties and subject matter in this proceeding. *See TMC 1.23.050.A.1 and TMC 13.05.*

2. Applications for rezones are reviewed for consistency with all of the following criteria:

**Criteria for rezone of property.** An applicant seeking a change in zoning classification must demonstrate consistency with all of the following criteria:

1. That the change of zoning classification is generally consistent with the applicable land use intensity designation of the property, policies, and other pertinent provisions of the Comprehensive Plan.
2. That substantial changes in conditions have occurred affecting the use and development of the property that would indicate the requested change of zoning is appropriate. If it is established that a rezone is required to directly implement an express provision or recommendation set forth in the Comprehensive Plan, it is unnecessary to demonstrate changed conditions supporting the requested rezone.

3. That the change of the zoning classification is consistent with the district establishment statement for the zoning classification being requested, as set forth in this chapter.
4. That the change of the zoning classification will not result in a substantial change to an area-wide rezone action taken by the City Council in the two years preceding the filing of the rezone application. Any application for rezone that was pending, and for which the Hearing Examiner's hearing was held prior to the adoption date of an area-wide rezone, is vested as of the date the application was filed and is exempt from meeting this criteria.
5. That the change of zoning classification bears a substantial relationship to the public health, safety, morals, or general welfare.

*TMC 13.06.650.B.*

The applicant bears the burden of establishing, by a preponderance of the evidence, that the requested rezone conforms to all of the foregoing criteria. *TMC 1.23.070.A.*

Consistency with the Comprehensive Plan

3. The Comprehensive Plan includes several provisions that are relevant to H&P's rezone proposal. The Generalized Land Use Element (GLUE) of the Comprehensive Plan designates property by intensity levels. This approach allows different types of land uses to be located in the same area while permitting greater flexibility in land use arrangements and encouraging innovative techniques of land development. The rezone property and the related project property to the north are categorized as a Medium Intensity area under the GLUE. Medium intensity designations typically have zoning classifications allowing a range of uses from "R-4-L" Low-Density Multiple-Family Dwelling District through "M-2" Heavy Industrial District. Medium intensity areas do not generally include "R-2" Single-Family Dwelling District zones. The Medium Intensity Concentrations provisions of the GLUE state that within medium intensity areas, office, light industrial and other medium intensity uses may be located adjacent to single-family residential uses so long as adverse impacts to residential uses are appropriately mitigated.

4. The Industrial Development section of the GLUE contains several policies relevant to the project site. Provisions encourage new industrial development to locate in existing industrial areas and express a preference for expansion of existing industrial development, provided adjacent properties and the surrounding area are not adversely affected. *LU-IDG-2; LU-IDG-4.* Sufficient levels of public facilities and services and convenient transportation access are also addressed. *LU-IDG-5, LU-IDG-6; LU-IDG-7.* In addition, the GLUE contains design standards for industrial development. The City expresses the intent "to promote industrial design that minimizes impact to adjacent less intensive uses, enhances the appearance of industrial development from the street and from other public viewpoints, minimizes impacts to the natural environment, and promotes bicycle and pedestrian access, where possible. Performance standards will be used by the City to help achieve these goals." *GLUE Industrial Design Intent Statement.*

The Industrial Design Policies specifically emphasize efforts to protect adjacent land uses from industrial impacts:

**LU-IDD-1 Industrial Performance Standards**

Protect adjacent less intensive land uses from the impacts of industrial uses through the use of performance standards.

**LU-IDD-2 Compatible Design**

Industrial development should be designed to be compatible with adjacent uses and minimize off-site impacts.

GLUE policies directed to industrial uses in medium intensity areas are quite direct in acknowledging the need to consider conflict with adjoining uses:

Medium intensity industrial manufacturing uses are generally not compatible with residential development. Strict performance standards may allow some type of industry to locate near residential neighborhoods with a minimum of influence on the surrounding environment. Methods to minimize impacts on adjacent, less intensive land uses and transportation levels of service are needed. This can be accomplished through the use of design standards, encouraging shared parking arrangements and encouraging public transit use.

These general observations have been formalized in Medium Intensity Industrial Policies:

**LU-IDMI-2 Utilize as Buffer Uses**

Medium intensity industrial developments may be utilized as buffers between high intensity industrial developments and other less intensive land uses.

**LU-IDMI-3 Use of Performance Standards**

Protect adjacent less intensive land uses from the impacts of medium intensity industrial development through the use of performance standards.

The South Tacoma Neighborhood Element of the GLUE also emphasizes buffering industrial activity:

**ST-3.1 Industrial Land Development**

Support the development and redevelopment of South Tacoma's industrial land including transportation improvements and environmental cleanup that enhance the area's marketability. Redevelopment activities should focus on using rail to transport goods or designating a truck route to State Route 16 so adjacent neighborhoods are not impacted by truck traffic.

**ST-3.2 Industrial Activity Buffering**

Discourage land uses that are incompatible with manufacturing and industrial activities. Ensure that industrial uses and activities provide appropriate buffers

including visual line of sight and light intrusion so as not to impact adjacent residential neighborhoods. Appropriate buffering should be in place and functioning concurrent with the occupancy of the industrial use.

5. In this case, the parking and stormwater detention uses proposed for the rezone site are consistent with the goals and policies of the Comprehensive Plan. These uses have minimal impacts on the adjacent residential neighbors and serve as the desired buffer between the planned warehouse/distribution center and the residences to the south. However, the proposed development of a roadway that would direct large commercial trucks across the rezone site for access from South 48<sup>th</sup> Street to and from the distribution center is inconsistent with the policies and provisions of the Comprehensive Plan. The Comprehensive Plan consistently emphasizes the need to provide buffers between industrial and residential uses. Rezoning the parcel from "R-2" to "M-1", without restriction, would introduce significant large commercial truck traffic onto an existing residential street filled with homes. Modifying the existing residential zoning, which provides a buffer to the adjacent neighborhood, to a zone that would actually initiate industrial use of South 48<sup>th</sup> Street would be inconsistent with the Comprehensive Plan policies requiring a buffer between industrial and residential uses. See, LU IDG-4, LU-IDD-1, LU-IDD-2, LU-IDMI-2, LU-IDMI-3, ST-3.1, ST-3.2. A rezone of this parcel to an "M-1" designation would only be consistent with the Comprehensive Plan policies if it is limited to parking, stormwater detention, and automobile access to South 48<sup>th</sup> Street. Commercial truck access across the rezone site would violate the buffer concept emphasized throughout the Comprehensive Plan.

6. The rezone site is designated as a Tier II-Secondary Growth Area by the GLUE. Tier II areas are characterized by urban growth where key public facilities and services are generally available but some required infrastructure may not be present. The proposed development conditions suggested by the Department of Public Works would require the applicant to improve South 48<sup>th</sup> Street if it is to be used for commercial truck access. Other traffic related conditions have been attached to the SEPA MDNS. To the extent the infrastructure in the area would be improved concomitantly with the development, the proposal is in compliance with the Tier II designation.

#### Changed Conditions

7. Case law and the TMC require that the applicant for a rezone show that conditions have changed since the original zoning or latest amendment and that the rezone bears a substantial relationship to the public health, safety, morals or general welfare. *See Bassani v. County Commissioners*, 70 Wn. App. 389, 394, 853 P.2d 945 (1993) citing *Parkridge v. Seattle*, 89 Wn.2d 454, 153, P.2d 359 (1978); *Woodcrest Invs. Corp v. Skagit Cy.*, 39 Wn. App. 622, 694, P.2d 705 (1985); TMC 13.06.650.B.2. No showing of compelling circumstances is required. Under Washington law, a "strong showing" of change is not required and the rule is intended to be flexible and allow consideration of each case on its own facts. *See Bassani* at 394

8. In this case, the changes that have occurred in the area relate primarily to the property to the north of the proposed rezone site. Rezones from "R-2" to "M-1" and "M-2", approved in 1965 and 1989, authorized development of light and heavy industrial uses on the larger parcels to the north. Multi-family residential rezones have been allowed adjacent and to the west of the rezone site.



However, the residential neighborhood zoning and use south of South 48<sup>th</sup> Street has remained unchanged. These residential uses have the same need for buffering from industrial uses as they had in 1965 and 1989. The changes in the area support full use of the larger northern parcels for light manufacturing development. To the extent that use of the proposed rezone parcel can be fashioned so that it supports the proposed light manufacturing development to the north and at the same time provides the needed buffer for nearby residents, the rezone is supported by the changes that have occurred to the north. The changes on South 48<sup>th</sup> Street allowed only residential zoning and do not support an unrestricted rezone introducing industrial activity to the residential zoning buffer that currently exists along South 48<sup>th</sup> Street.

#### Consistency with District Establishment Statement

9. The District Establishment Statement for the requested "M-1" District indicates that the classification is intended as a buffer between heavy industrial uses and less intensive commercial and/or residential uses. Light industrial is only appropriate inside a medium intensity use area. While the rezone site is within a medium intensity use area, under the circumstances, the proposed rezone would be consistent with the District Establishment Statement only if it is conditioned on allowing solely automobile traffic to enter South 48<sup>th</sup> Street from the property. Without such a limitation, the "M-1" zone would be inconsistent with the Comprehensive Plan's buffering concept and would not protect nearby residential uses from heavy industrial activity.

#### Recent Area-Wide Rezone

10. The proposed rezone does not involve property that has been the subject of reclassification by the City Council within the last two years and that requirement for rezoning is met.

#### Relationship to the Public Welfare

11. The change of zoning classification must bear a substantial relationship to the public health, safety, morals, or general welfare. In many instances that determination is made by assessing whether the proposed rezone is consistent with the public interests set forth in the TMC and the Comprehensive Plan. Allowing a rezone of this site would support a nearby redevelopment of existing light industrial property, which would further City policies seeking to redevelop underutilized sites. Conditions on the rezone approval proposed by City and State agencies further the public's interest in safe handling of toxic material and safe navigation of streets in the area. Development standards will apply to any development of the property including design and landscaping requirements. If the rezone is conditioned on restricting the access road to automobile traffic, the public welfare will be benefitted by allowing uses that support a light industrial redevelopment of existing industrial property, while assuring that industrial activity will not be directed into a residential neighborhood. Without a condition limiting heavy truck traffic on South 48<sup>th</sup> Street, the rezone would not fully benefit the public because it would deviate from the policies contained in the Comprehensive Plan requiring buffering between inconsistent uses.

## Summary

12. The applicant for a rezone must show compliance with each of the five criteria set forth in TMC 13.06.650.B. In this case H&P cannot demonstrate consistency with the Comprehensive Plan's Policies (criterion 1), the change requirement (criterion 2), or the public welfare component (criterion 5) if the proposal for unlimited heavy commercial vehicle access via South 48<sup>th</sup> Street is allowed. If the proposal is conditioned on use of the rezoned property for stormwater detention, automobile parking and automobile access to South 48<sup>th</sup> Street, the rezone would be consistent with the Comprehensive Plan Policies governing buffering between inconsistent uses, the changes in industrial and residential zoning in the area and the public welfare. Accordingly, the rezone requested by H&P should be approved, but only subject to the following conditions, which include a condition making approval of the rezone contingent on restricting access across the site between South 48<sup>th</sup> Street and the industrial property to the north to automobiles and not commercial trucks.

### A. RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to issuance of a development permit, the applicant shall demonstrate to the City of Tacoma, Development Services, that they will institute Best Management Practices for the safe handling and disposition of potentially contaminated soils; or that they have conducted soil samples and demonstrated that contaminant levels do not exceed Model Toxics Control Act cleanup levels.
2. The applicant shall comply with regulations regarding worker protection for contaminants. The applicant shall contact the Washington State Department of Labor and Industries for minimum standards and requirements.
3. Any access roadway from the rezone site to South 48<sup>th</sup> St. is to be used for automobile traffic only. Heavy commercial trucks will not be allowed to use South 48<sup>th</sup> Street for access across the proposed rezone site to and from the adjacent industrial property.
4. To minimize business-related travel through the neighborhood, the applicant shall, through signage and design, restrict the driveway on South 48th Street to right-out only with proper channelization.
5. To meet the City's "complete streets" policies for non-motorized transportation, the applicant shall provide pedestrian and off-site improvements along South 48th Street in conjunction with the construction of the driveway.
6. All other requirements for traffic, including specific details of access, circulation, parking configuration, and controls shall be reviewed and approved at the time of building permits.
7. All requirements for construction, solid waste disposal, landscaping, building design, utilities, surface water, stormwater and all other pertinent policies and regulations shall be met by the development at the site.
8. All future development at the site must meet all applicable policies and regulations including, but not limited to, Zoning, Land Use, Building, and Utilities.
9. A Concomitant Zoning Agreement incorporating the conditions of approval imposed

shall be executed and recorded with the Pierce County Auditor prior to final approval of the reclassification by the City.

If the City Council approves the rezone application without a restriction on commercial truck access across the rezone site onto South 48<sup>th</sup> Street (contrary to the Hearing Examiner's recommended condition 3) the following additional conditions should be attached to the approval:

- a. Prior to site redevelopment, the applicant shall conduct an analysis of the pavement design (PD-01 and PD-02 Standard Plans) to determine necessary pavement design requirements of South 48<sup>th</sup> Street to support the increased truck traffic, turning movements, and truck weight. South 48<sup>th</sup> Street is considered a residential street in design and classification. A permanent roadway section may include concrete or a thickened asphalt pavement section.
- b. If South 48<sup>th</sup> Street is to be used for truck traffic, in order to provide for safe traffic movements, the applicant shall revise channelization on South Orchard Street to include a dedicated left turn lane southbound.
- c. If South 48<sup>th</sup> Street is to be used for truck traffic, truck access shall be limited to comply with Noise Ordinance construction hours.
- d. The applicant shall provide a \$25,000 Performance Bond to implement traffic mitigating measures in response to neighborhood concerns after the warehouse/office is open and other mitigation measures have been put in place or reviewed. The improvements deemed necessary by the City will be identified within one (1) year after the opening of the warehouse/office and must be completed within one (1) year after the City's official recommendation. If no improvements are identified within one (1) year after opening of the warehouse/office for business, the assignment of funds will be released.

**B. USUAL CONDITIONS:**

1. The recommendation set forth herein is based upon representation made and exhibits, including development plans and proposals, submitted at the hearing conducted by the Hearing Examiner. Any substantial change(s) or deviations(s) in such development plans, proposals, or conditions of approval imposed shall be subject to the approval of the Hearing Examiner and may require further and additional hearings.
2. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such law, regulations, and ordinances are conditions precedent to the approval granted and are continuing requirement of such approvals. By accepting this approval, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinance. If, during the term of the approval granted, the development and activities permitted do not comply with such laws,

regulations, and ordinances, the applicant agrees to promptly bring such development or activities into compliance.

7. Any finding hereinbefore stated which may be deemed to be a conclusion herein is hereby adopted as such.

**RECOMMENDATION:**

The Hearing Examiner recommends the requested rezone for approval subject to conditions set forth above which include a condition restricting commercial truck access to and from South 48<sup>th</sup> Street across the rezone site.

DATED this 3<sup>rd</sup> day of July, 2013.

  
**PHYLLIS K. MACLEOD, Hearing Examiner**

**NOTICE**

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](http://www.co.pierce.wa.us/boe)>.

## REZONE PROCEDURES

### NOTICE

#### RECONSIDERATION/APPEAL OF EXAMINER'S RECOMMENDATION

##### RECONSIDERATION:

Any aggrieved person or entity having standing under the ordinance governing the matter, or as otherwise provided by law, may file a motion with the office of the Hearing Examiner requesting reconsideration of a decision or recommendation entered by the Examiner. A motion for reconsideration must be in writing and must set forth the alleged errors of procedure, fact, or law and must be filed in the Office of the Hearing Examiner within 14 calendar days of the issuance of the Examiner's decision/recommendation, not counting the day of issuance of the decision/recommendation. If the last day for filing the motion for reconsideration falls on a weekend day or a holiday, the last day for filing shall be the next working day. The requirements set forth herein regarding the time limits for filing of motions for reconsideration and contents of such motions are jurisdictional. Accordingly, motions for reconsideration that are not timely filed with the Office of the Hearing Examiner or do not set forth the alleged errors shall be dismissed by the Examiner. It shall be within the sole discretion of the Examiner to determine whether an opportunity shall be given to other parties for response to a motion for reconsideration. The Examiner, after a review of the matter, shall take such further action as he/she deems appropriate, which may include the issuance of a revised decision/recommendation. (*Tacoma Municipal Code 1.23.140*)

##### APPEALS TO CITY COUNCIL OF EXAMINER'S RECOMMENDATION:

Within 14 days of the issuance of the Hearing Examiner's final recommendation, any aggrieved person or entity having standing under the ordinance governing such application and feeling that the recommendation of the Examiner is based on errors of procedure, fact or law shall have the right to appeal the recommendation of the Examiner by filing written notice of appeal with the City Clerk, stating the reasons the Examiner's recommendation was in error. **EACH APPEAL SHALL BE ACCOMPANIED BY A FEE AS SET FORTH IN TACOMA MUNICIPAL CODE (TMC) 2.09.500. THE FEE SHALL BE REFUNDED TO THE APPELLANT SHOULD APPELLANT PREVAIL.**

**APPEALS SHALL BE REVIEWED AND ACTED UPON BY THE CITY COUNCIL IN ACCORDANCE WITH TMC 1.70.**

**GENERAL PROCEDURES FOR APPEAL:** The Official Code of the City of Tacoma contains certain procedures for appeal, and while not listing all of these procedures here, you should be aware of the following items which are essential to your appeal. Any answers to questions on the proper procedure for appeal may be found in the City Code sections heretofore cited:

1. The written request for review shall also state where the Examiner's findings or conclusions were in error.
2. Any person who desires a copy of the electronic recording must pay the cost of reproducing the tapes. If a person desires a written transcript, he or she shall arrange for transcription and pay the cost thereof.



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**EXHIBIT LIST**

HEARING DATE: June 13, 2013

FILE NUMBER & NAME: REZ2013-40000199731 – Hanson Pipe Rezone

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	SUBMITTED BY	A	E	W	COMMENT
EXH. 1	Planning and Development Services / Staff Report	Planning and Development Services Department (PDSD)	X			
EXH. 2	Attachment "A-1" to Staff Report -- Site Plan	PDSD	X			
EXH. 3	Attachment "A-2" to Staff Report -- 2012 Aerial Photo of the site	PDSD	X			
EXH. 4	Attachment "A-3" to Staff Report -- Area Zoning	PDSD	X			
EXH. 5	Attachment "A-4" to Staff Report -- Land Use Intensity	PDSD	X			
EXH. 6	Attachment "A-5" to Staff Report -- Review Panel Minutes, May 16, 2012 and April 24, 2013	PDSD	X			
EXH. 7	Attachment "A-6" to Staff Report -- Traffic Engineer Correspondence	PDSD	X			
EXH. 8	Attachment "A-7" to Staff Report -- Comments from Department of Ecology	PDSD	X			
EXH. 9	Attachment "A-8" to Staff Report -- Technical Memorandum, Karla Kluge	PDSD	X			
EXH. 10	Attachment "A-9" to Staff Report -- Request for Reclassification	PDSD	X			
EXH. 11	Reference Document "R-1" to Staff Report -- SEP2013-40000199732	PDSD	X			
EXH. 12	Reference Document "R-2" to Staff Report -- Wetland/Stream Assessment Report	PDSD	X			

**KEY**

A = Admitted

E = Excluded

W = Withdrawn

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	SUBMITTED BY	A	E	W	COMMENT
EXH. 13	Reference Document "R-3" to Staff Report -- Site Survey and Legal Descriptions	PDS	X			
EXH. 14	Reference Document "R-4" to Staff Report -- Traffic Report	PDS	X			
EXH. 15	Reference Document "R-5" to Staff Report -- Geotechnical Report	PDS	X			
EXH. 16	Reference Document "R-6" to Staff Report -- Historic zoning map	PDS	X			
EXH. 17	Reference Document "R-7" to Staff Report -- Ordinance No. 17784, 1965 rezone ordinance	PDS	X			
EXH. 18	Reference Document "R-8" to Staff Report -- Exception re: access on 46th, 1978 short plat	PDS	X			
EXH. 19	Reference Document "R-9" to Staff Report -- Ordinance No. 24393, 1989 rezone ordinance	PDS	X			
EXH. 20	Reference Document "R-10" to Staff Report -- Departmental comments, advisory for permits	PDS	X			
EXH. 21	Cripps comment (e-mail) letter	PDS	X			
EXH. 22	Aerial map (color)	Applicant	X			
EXH. 23	SEPA Site Plan		X			
EXH. 24	Site Plan Phase 3		X			
EXH. 25	Google (Photo) Street View		X			

So. 48th St. / So. Mullen St.  
 (Existing Conditions)

**KEY**

A = Admitted      E = Excluded      W = Withdrawn



## EXHIBIT LIST

DATE: June 13, 2013

FILE NAME: Hansen Pipe Rezone

FILE NO(S): RF-2 2013-40000199731

EXHIBIT NUMBER	DESCRIPTION	SUBMITTED BY	A	E	W	COMMENT
EXH. 26	S. 48th St. / S. M Existing Conditions		X			
EXH. 27	Depiction of mature evergreen trees surrounding site		X			
EXH. 28	View showing access road on west side	Depiction	X			T. 39:00
EXH. 29	View from neighborhood	Depiction with mature trees	X			
EXH. 30	" "		X			
EXH. 31	" "		X			
EXH. 32	" "		X			
EXH. 33	" "		X			

KEY

A = Admitted

E = Excluded

W = Withdrawn



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**CITY OF TACOMA  
PLANNING AND DEVELOPMENT SERVICES  
PRELIMINARY REPORT  
HEARINGS EXAMINER HEARING  
City Council Chambers  
June 13, 2013 10:00 a.m.**

**Paul McCormick, Innova Architects – 4601 South Orchard**

**File Nos.: REZ2013-40000199731, SEP2013-40000199732**

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**A. SUMMARY OF REQUEST**

The applicant proposes to rezone approximately 1.78 acres / 75,000 square feet of the southeast corner of the property from “R-2” Single-Family Dwelling District to “M-1” Light Industrial District. The area will be developed with a storm water detention facility requiring approximately 15,000 cubic yards of grading, landscaping, and up to 100 passenger car parking spaces. Improvements will be required on South 48th Street to allow commercial use of the (currently residential) street.

**B. GENERAL INFORMATION**

- 1. Applicant: Paul McCormick, Innova Architects, 950 Pacific Avenue, Ste 450 Tacoma, WA 98402, for:  
H&P Tacoma Acquisition, LLC, 3131 S Vaughn Way, Ste 301, Aurora, CO, 80014
- 2. Location: 4601 South Orchard, a portion of parcel 0220133049
- 3. Project Size: 77,481 square feet or approximately 1.78 acres.

**C. ADDITIONAL INFORMATION**

1. Application History:

The project application was determined complete on April 9, 2013.

2. Existing Site Conditions:

- The full parcel owned by the applicant contains multiple zoning districts as the site has been reclassified over the years. The site is split zoned M1-STGPD-Light Industrial, South Tacoma Ground Water Protection District, M2-STGPD-Heavy Industrial, South Tacoma Groundwater Protection District, R2-STGPD-One Family Dwelling, South Tacoma Groundwater Protection District. The Generalized Land Use Element (GLUE) of the City’s *Comprehensive Plan* locates the site within a “Medium” intensity area and Tier 2-Secondary Growth Area.
- The subject site is primarily developed with several large, light industrial buildings and asphalt- and concrete-paved access and parking areas, gravel-surface storage yard areas along the perimeter of the site, and a storm water detention pond in the northwestern corner of the site. A cellular communication tower occupies a small area immediately east of the detention pond in the northern portion of the site. The existing large industrial buildings on site are proposed for demolition.

EXH. 1 (3)

- The site proposed for reclassification consists of a depressional area that is heavily vegetated at the southern perimeter of the site. This depressional area is the proposed location for a storm water detention pond.
- The applicant submitted a Geotechnical Report (Reference Document "R-5") which described an historic ravine occurring on the site where the detention pond is proposed. Two geotechnical bores were completed within this area and groundwater was encountered at depths of 5 to 6 feet.
- There are public utility easements located on either side of the subject portion of property.

3. General Zoning and Surrounding Conditions for the reclassification area:

	<b>Zoning Designation</b>	<b>Intensity Designation</b>	<b>Current Land Use</b>
<i>North</i>	"M-1" Light Industrial District	Medium Intensity	Applicant property. Currently a vacated concrete products company. Proposed to become warehouse.
<i>South</i>	"R-2" One-Family Dwelling District	Low-Intensity Single-Family Residential	Single-Family Dwellings
<i>West</i>	"R4-L" Low-Density Multiple-Family Dwelling District	Medium Intensity	Vacant
<i>East</i>	"R-2" One-Family Dwelling District	Medium Intensity	City of Tacoma - Landfill

See the zoning map for the area, which is included as Attachment "A-3", as shown on the City's GovME Site – the City's GIS mapping system.

The area to the east of the site is the Tacoma City Landfill. To the west of the site is an established industrial area that has been built up since the mid 1970s (based on historic aerial photos). Directly west of the area proposed for rezone is a 2.33 acre parcel which was rezoned to low-density multi-family housing ("R4-L") in 1987. The proposal at that time was for a 78-unit nursing home, which has never been built.

4. Regulatory History:

The entirety of the approximately 34.81 acre site has been zoned in several separate actions (see Reference Document "R-6"). The central portion of the site, which constitutes the majority of the site (24 acres), was zoned "M-2" by ordinance #17784 in March of 1965 (file number 120.277). There were no apparent conditions related to that rezone.

The portion of the site directly to the north of the 1.78 acres currently proposed for rezone is zoned "M-1". That zoning was placed on the property with the same action as the "M-2" zoning in 1965.

The site was granted an exception to development standards in 1978. This exception allowed the easement at South 46<sup>th</sup> Street to be an officially approved access to the site. This was in conjunction with a short plat at the site. This short plat created lots adjacent to the Hansen Pipe site, including the two legal lots which are currently proposed for rezone. See Reference Document "R-8".

The northernmost portion of the site, along with a portion of the site along the eastern boundary, was zoned "M-1" by ordinance #24393 in September of 1989 (file number

120.1266). That rezone carried with it five conditions: development of a water-quality plan, installation of a perimeter fence, removal of illegal fill, provision of a slope easement, and provision of fire protection. None of those conditions are proposed to change under the current proposal.

The City's 2004 *Generalized Land Use Element* designates the area as a Tier II - Secondary Growth Area and a Medium Intensity Development Area. The site is located in an area of low- and medium-intensity uses (industrial/institutional, commercial, and medium-density residential) north of South 48<sup>th</sup> Street, with low-density residential south of 48<sup>th</sup>. See the Land Use Intensity Map for the area, which is included as Attachment "A-4".

5. Attachments:

- A-1 Site Plan
- A-2 2012 Aerial Photo of the site<sup>1</sup>
- A-3 Area Zoning
- A-4 Land Use Intensity
- A-5 Review Panel Minutes, May 16, 2012 and April 24, 2013
- A-6 Traffic Engineer Correspondence
- A-7 Comments from Department of Ecology
- A-8 Technical Memorandum, Karla Kluge
- A-9 Request for Reclassification

Reference Documents<sup>2</sup>:

- R-1 SEP2013-40000199732
- R-2 Wetland/Stream Assessment Report
- R-3 Site Survey and Legal Descriptions
- R-4 Traffic Report
- R-5 Geotechnical Report
- R-6 Historic zoning map
- R-7 Ordinance No. 17784, 1965 rezone ordinance
- R-8 Exception re: access on 46th, 1978 short plat
- R-9 Ordinance No. 24393, 1989 rezone ordinance
- R-10 Departmental comments, advisory for permits

6. Notification and Public Comments:

In accordance with the requirements of *TMC* 13.05.020 regarding notice of rezone applications, written notice of the application was mailed to all owners of property within 400 feet of the site, the appropriate neighborhood council and qualified neighborhood groups on April 16, 2013. In addition, a public notice sign was posted on the property. Staff has received no written public comments on this proposal.

7. Rezone Process

Zoning Reclassifications ("rezones") are addressed through criteria in *Tacoma Municipal*

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<sup>1</sup> Aerial Photo, Zoning, Land Use Intensity taken from the City's GovME website: [www.govme.org](http://www.govme.org), which reflects the official zoning map of the city.

<sup>2</sup> The Reference Documents are contained in project file REZ2010-40000142803 and are fully incorporated herein by reference.

*Code (TMC) 13.06.650.* Procedurally, rezones are considered a “Process III” permit per the requirements of *TMC13.05 – Land Use Permit Procedures.*

Process III permits require a public hearing. Notice is provided for the public hearing, along with notice of, comment period for, and appeal process for the environmental (SEPA) review for the proposal. Appeals of SEPA, if any, can be heard at the same open-record hearing on the rezone matter.

Per *TMC13.05.060*, rezones are heard by the Hearing Examiner, following the Examiner's procedures set forth in *TMC 1.23*. The Hearing Examiner makes a recommendation to the City Council for final action within 180 days of the notice of complete application. “Final action” for rezones is considered the City Council's first reading of the rezone ordinance (*TMC 13.05.010.J*). Following that reading, a Concomitant Zoning Agreement (CZA) will be drafted and recorded upon the property to ensure that development proceeds as planned, and with the appropriate conditions.

#### **D. ENVIRONMENTAL EVALUATION**

Pursuant to the State's SEPA Rules (*WAC 197-11-340*) and the City of Tacoma's Environmental Code (*TMC 13.12*), the Director of Planning and Development Services issued a Mitigated Determination of Environmental Nonsignificance for the proposed project on May 10, 2013 (SEP2013-40000199731). The SEPA appeal period ended May 14, 2013; no appeal of the determination was filed with Planning and Development Services. See Reference Document “R-1”.

The environmental determination was based on a review of the applicant's Environmental Checklist, a site survey, and other supporting information on file with Planning and Development Services.

#### **E. APPLICABLE SECTIONS OF THE TACOMA MUNICIPAL CODE**

##### **13.06.650 Application for rezone of property**

- B. Criteria for rezone of property. An applicant seeking a change in zoning classification must demonstrate consistency with all of the following criteria:
1. That the change of zoning classification is generally consistent with the applicable land use intensity designation of the property, policies, and other pertinent provisions of the *Comprehensive Plan*.
  2. That substantial changes in conditions have occurred affecting the use and development of the property that would indicate the requested change of zoning is appropriate. If it is established that a rezone is required to directly implement an express provision or recommendation set forth in the *Comprehensive Plan*, it is unnecessary to demonstrate changed conditions supporting the requested rezone.
  3. That the change of the zoning classification is consistent with the district establishment statement for the zoning classification being requested, as set forth in this chapter.
  4. That the change of the zoning classification will not result in a substantial change to an area-wide rezone action taken by the City Council in the two years preceding the filing of the rezone application. Any application for rezone that was pending, and for which the Hearing Examiner's hearing was held prior to the adoption date of an area-wide rezone, is vested as of the date the application was filed and is exempt from meeting this criteria.
  5. That the change of zoning classification bears a substantial relationship to the public

health, safety, morals, or general welfare.

**13.06.400 Industrial Districts.**

A. The specific purposes of the Industrial districts are to:

1. Implement goals and policies of the City's *Comprehensive Plan*.
2. Implement Growth Management Act goals, county-wide planning policies, and multi-county planning policies.
3. Create a variety of industrial settings matching scale and intensity of use to location.
4. Provide for predictability in the expectations for development projects.

B. Districts established.

1. M-1 Light Industrial District. This district is intended as a buffer between heavy industrial uses and less intensive commercial and/or residential uses. M-1 districts may be established in new areas of the City. However, this classification is only appropriate inside *Comprehensive Plan* areas designated for medium and high intensity uses.

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.400. All portions of Section 13.06.400 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.
2. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.
3. Use table abbreviations.

<b>P</b>	=	<b>Permitted use in this district.</b>
<b>N</b>	=	<b>Not Permitted</b>
<b>CU</b>	=	<b>Conditional Use</b>

4. District use table.<sup>3</sup>

Uses	M-1	Additional Regulations
Industry, light	P	
Warehouse/storage	P	Storage and treatment facilities for hazardous wastes are subject to the state locational standards adopted pursuant to the requirements of Chapter 70.105 RCW and the provisions of any groundwater protection ordinance of the City of Tacoma, as applicable.
Wholesale or distribution	P	

<sup>3</sup> Representative list of allowed uses which may be present, based upon the applicant's representations. While parking is not a separate, listed use, per *TMC*13.06.510.A.2, parking is considered an extension of the use it serves. Therefore, parking associated with an "M-1" use is allowed in an "M-1" zone but not in an "R-2" zone, and the rezone is required.

Uses	M-1	Additional Regulations
Office	P	

E. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. These requirements apply to Section 13.06.400 by reference.

Refer to Section 13.06.500 for the following requirements for development in Industrial Districts:

- 13.06.502 Landscaping and/or buffering standards.
- 13.06.503 Residential transition standards.
- 13.06.510 Off-street parking and storage areas.
- 13.06.511 Transit support facilities.
- 13.06.512 Pedestrian and bicycle support standards.
- 13.06.520 Signs.
- 13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area)

**F. APPLICABLE POLICIES OF THE CITY OF TACOMA *COMPREHENSIVE PLAN***

**Section I - Growth Strategy and Development Concept**

**Industrial Development**

The Port Manufacturing/Industrial Center will remain as one of the city's and region's major employment centers. Continued growth in marine import-export activities will cause the Port of Tacoma to increase its prominence in the local, regional, state and national economy. The South Tacoma Manufacturing/Industrial area will be designated as a Regional Manufacturing/Industrial Center, and as such will become a priority location for future manufacturing and industrial development. Other industrial areas will continue to be viable and will undergo some expansion and redevelopment. The rate of employment growth for manufacturing will be less than for other sectors of the economy, such as retail, service industries, government, transportation, trade and education.

**Growth Strategy and Development Concept: Section IV – Development Intensities**

The amount and type of development allowed in an area is determined by designating development intensities on the *Generalized Land Use Plan Map*. Development intensities are an indication of how much influence a development has over the surrounding area. Conventional land use plans separate developments according to categories of uses such as residential, commercial and industrial. The development intensities approach in the *Comprehensive Plan* recognizes that different types of land use may be located in the same area as long as the character of the area remains consistent. This approach permits greater flexibility in land use arrangements and encourages innovative techniques of land development.

Factors that determine the intensity level of a development include size, scale, bulk, nuisance level, amount of open space and traffic generation. For example, a ten-story apartment complex and high traffic generation would be viewed as a high intensity use while a typical, single-family detached home is regarded as a low intensity development.



The concept of density is further limited in that it only applies to residential development and cannot be used to assess the impacts of commercial or industrial development. Development intensities, on the other hand, apply to all land uses and provide a more accurate account of the character and nature of a given development.

<b>Comprehensive Plan Designations</b>	<b>Typical Zoning Classifications*</b>
Medium Intensity	R-4L Low-Density Multiple Family Dwelling District R-4 Multiple Family Dwelling District C-2 General Community Commercial District PDB Planned Development Business District M-1 Light Industrial District M-2 Heavy Industrial District

*\* This chart does not include shoreline and overlay zoning districts. Other zoning classifications may be present in the designated areas due to a number of factors including non-conforming use rights.*

**Development Intensities: Medium Intensity Development**

Medium intensity development generates moderate activity patterns and traffic generation. Commercial or industrial activity of community-wide significance and medium density residential development are examples of medium intensity development. . .

**Medium Intensity Concentrations**

Medium intensity areas include developments that attract people from several neighborhoods within the urban area and, in some cases, from areas outside the city. Commercial and industrial developments within these areas have a community-wide service level and are linked to both neighborhood and regional activity centers. Within medium intensity areas, office, light industrial and other medium intensity uses may be located adjacent to single-family residential uses so long as adverse impacts to residential uses are appropriately mitigated.

The business, retail and industrial establishments found in medium intensity areas usually draw their labor force from the areas that they serve. Although many business establishments may have direct linkages outside the city, linkages are stronger within the city, particularly to the surrounding neighborhoods and to nearby support activities such as suppliers, distributors and wholesalers.

Residential development in these areas consists of middle density apartments located in concentrated centers or in nodes along transportation corridors. Medium intensity residential areas are strongly linked by major transportation and transit routes to community shopping centers, employment centers and other community facilities that require frequent visits.

**Generalized Land Use Element: Tier II – Secondary Growth Area**

The *GLUE* identifies the subject site as within a Tier II - Secondary Growth Area. The *GLUE* provides the following guidance regarding development in Tier II areas:

Lands within this designation are areas already characterized by urban growth and where key public facilities and services are generally available. One or more of the key facilities may not be available or do not meet the adopted level of service

12/1

standard. In addition, no capital investments are planned which will make one or more of the key facilities available or adequate. Generally adequate public facilities and services will be provided in Tier II areas after the initial six years, generally within years 7-13. Both public and private purveyors may provide services.

**LU-GUGT-4 Development Approval:** Development proposals within Tier II and Tier III shall be approved only if the proposed development is consistent with the *Comprehensive Plan* and key public facilities and services are available and adequate. The cost of providing adequate key public facilities and services to serve the proposed development shall be the sole responsibility of the applicant.

### **Generalized Land Use Element: Section V – Industrial Development**

Goal: To maintain, rehabilitate, and develop industrial areas within the City of Tacoma that reflect balanced diversification, maximum employment opportunities, high quality standards, minimum degradation of the environment, efficient land utilization and proper location.

#### **Policies**

**LU-IDG-2 Utilize Existing Industrial Areas:** Strongly encourage new industrial development to locate in existing industrial areas to limit land use and transportation conflicts.

**LU-IDG-4 Existing Industrial Areas Expansion:** Permit the limited expansion of existing industrial development, where appropriate, provided the adjacent properties and surrounding area are not adversely affected.

**LU-IDG-5 Convenient Transportation Access:** Locate industrial areas where access is functionally convenient to major transportation routes such as truck routes, freeways, railroads, and navigable bodies of water..

**LU-IDG-6 Industrial Development and Adequate Services:** Locate new or expanded industrial developments where there are adequate public facilities and services; these facilities must exist prior to or be developed concurrently with the development.

**LU-IDG-7 Industrial Site Development:** All industrial developments should have sufficient rights-of-way, street improvements, access control, circulation routes, off-street parking and loading facilities.

#### **Design Policies**

**LU-IDD-1 Industrial Performance Standards:** Protect adjacent less intensive land uses from the impacts of industrial uses through the use of performance standards.

**LU-IDD-2 Compatible Design:** Industrial development should be designed to be compatible with adjacent uses and minimize off-site impacts.

**LU-IDD-3 Screened Area:** Parking, loading, storage, and utility service areas should be screened from view and landscaped.

**LU-IDD-4 Design, Aesthetics and Beautification:** Encourage existing and new industrial developments to enhance the aesthetic quality of the community through consideration of good architectural and site design, beautification measures, proper maintenance and the provision of park-like open space areas for employees. Appearance of the development from the street and any adjacent non-industrial lands are most important.

**LU-IDD-6 Pedestrian and Bicycle Access:** Enhance pedestrian facilities and connections in industrial development. Examples include safe pedestrian connections to the street, continuous sidewalks, on-site showers, and bike racks.

### **Medium Intensity Industrial Policies**

**LU-IDMI-1 Land and Transportation Needs:** Medium intensity industrial development should be located on sites that are reasonably level and convenient to transportation facilities.

**LU-IDMI-2 Utilize as Buffer Uses:** Medium intensity industrial developments may be utilized as buffers between high intensity industrial developments and other less intensive land uses.

**LU-IDMI-3 Use of Performance Standards:** Protect adjacent less intensive land uses from the impacts of medium intensity industrial development through the use of performance standards.

### **Environmental Policy Element**

**E-P-1 Environmental Protection:** Acknowledge the dangers to health presented by all forms of environmental pollution and degradation by individuals as well as by industries, and support rigorous enforcement of regulations to alleviate these dangers.

**E-ER-4 Public/Private Partnerships:** Encourage public and public/private partnerships to ensure the most comprehensive, timely and cost-effective cleanup actions.

### **Transportation Element**

**T-LUT-1 Land Use Considerations:** Development, expansion, or improvement of transportation facilities should be coordinated with existing and future land use patterns and types of development.

**T-TSM-1 Street Classifications:** Adhere to nationally recognized arterial functional class standards to help differentiate roads designed to carry high volumes of traffic and those designed for residential use.

**T-TSM-3 Traffic Calming Measures:** Use sanctioned engineering approaches, such as medians, streetscapes, bulb-outs, traffic circles, traffic controls and bike lanes to protect neighborhood streets from cut-through traffic, high volumes, high speeds, and pedestrian/vehicle conflicts when warranted and integrated with emergency response vehicle access.

**T-MS-11 Truck Movement and Infrastructure Design:** Identify and address areas within manufacturing/industrial centers where efficient truck access and circulation is hindered by infrastructure gaps and inadequate design; ensure future transportation improvements address the needs of large trucks.

**T-MS-12 Complete Streets:** Apply the Complete Streets guiding principle[1], where appropriate, in the planning and design for new construction, reconstruction and major transportation improvement projects[2], to appropriately accommodate all users, moving by car, truck, transit, bicycle, wheelchair, or foot to move along and across streets. The Complete Streets guiding principle shall also be used to evaluate potential transportation projects, and to amend and revise design manuals, regulations, standards and programs as appropriate to create over time an integrated

and connected network of complete streets that meets user needs while recognizing the function and context of each street.

- [1] The Complete Streets guiding principle is to design, operate and maintain streets to enable safe and convenient access and travel for all users – pedestrians, bicyclists, transit riders, and people of all ages and abilities, as well as freight and motor vehicle drivers – and to foster a sense of place in the public realm.
- [2] Major transportation improvement projects include but are not limited to street and sidewalk construction; street and sidewalk lighting; street trees and landscaping; street amenities; drainage, pedestrian and bicycle safety improvements; access improvements for freight; access improvements, including compliance with the Americans with Disabilities Act; and public transit facilities accommodation including, but not limited to, pedestrian access improvements to transit stops and stations.

**T-ES-2 Noise and Air Pollution:** Encourage the reduction of noise and air pollution from various modes of transportation; promote the use of alternative fuels for vehicles; and ensure the City of Tacoma meets ambient air quality standards.

### **Neighborhood Element – South Tacoma**

**ST-3.1 Industrial Land Development:** Support the development and redevelopment of South Tacoma’s industrial land including transportation improvements and environmental cleanup that enhance the area’s marketability. Redevelopment activities should focus on using rail to transport goods or designating a truck route to State Route 16 so adjacent neighborhoods are not impacted by truck traffic.

**ST-3.2 Industrial Activity Buffering:** Discourage land uses that are incompatible with manufacturing and industrial activities. Ensure that industrial uses and activities provide appropriate buffers including visual line of sight and light intrusion so as not to impact adjacent residential neighborhoods. Appropriate buffering should be in place and functioning concurrent with the occupancy of the industrial use.

### **G. AGENCY COMMENTS/RECOMMENDATIONS:**

As part of the application review process Planning and Development Services has provided notification of this project to various City, outside governmental, and non-governmental agencies. The project was reviewed by the City’s multidisciplinary Review Panel on both May 16, 2012, and April 24, 2013, the minutes (partial) of which are included to this report as Attachment “A-5”. The proposal was also transmitted to agencies via the public notice process.

The majority of the review comments were related to the redevelopment of the site with a warehousing facility. However, some of the comments related to the rezone, the use of the driveway onto South 48<sup>th</sup> Street, and the development of this portion of the site:

- Jennifer Kammerzell, Traffic Engineer, City of Tacoma Public Works, commented via memorandum (Attachment “A-6”) regarding SEPA mitigation that will be required due to public safety and traffic flow impacts from the use of the driveway onto South 48<sup>th</sup> Street. The requirements are divided between general requirements regardless of the use of the driveway, and additional requirements if the applicant chooses to utilize the driveway for commercial truck traffic. Those mitigation measures are carried forth as conditions of the rezone, below.

- The Washington State Department of Ecology commented via letter (Attachment “A-7”) regarding the potential for toxic soils at the site. Safe soil handling and other work practices were made a mitigating condition of the SEPA in order to protect workers. Those mitigating conditions are carried forth as conditions of the rezone, below, and will be repeated on any fill/grade permits as the site is developed.

In addition, reviewing departments made several comments related to building permit conditions; they are included with this report as Reference Document “R-10” and are advisory to the applicant.

## H. BURDEN OF PROOF

The applicant bears the burden of proof to demonstrate that the proposal is consistent with the criteria for the approval of rezone applications found in Section 13.06.650 of the *TMC*. The proponent of a rezone has the burden of showing that the reclassification bears a substantial relationship to the public health, safety, morals, or general welfare. See *Bassani v. County Commissioners*, 70 Wn. App. 389, 394, 853 P.2d 945 (1993) citing *Parkridge v. Seattle*, 89 Wn.2d 454, 153, P.2d 359 (1978); *Woodcrest Invs. Corp v. Skagit Cy.*, 39 Wn. App. 622, 694, P.2d 705 (1985). Under Washington law, a “strong showing” of change is not required and the rule is intended to be flexible and allow consideration of each case on its own facts. See *Bassani* at 394. A showing of changed circumstances is not required when a rezone is intended to implement an amendment to a *Comprehensive Plan*. See *SORE v. Snohomish Cy.*, 99 Wn.2d 363, 370, 662 P.2d 816 (1983).

The applicant’s analysis of the rezone criteria is included as Attachment “A-9”.

## I. PROJECT ANALYSIS

### **Consistency with TMC 13.06.400 – “M-1” District Zoning Regulations:**

The applicant proposes to rezone a portion of a parcel (two underlying platted lots), approximately 1.78 acres, from an “R-2” residential district to an “M-1” industrial district. The proposal for this portion of the site is redevelopment with up to 100 passenger car parking spaces and a storm water detention pond. While parking would not be typically considered “industrial”, it is considered an extension of the use it serves, and therefore must be located in a zone which would allow the associated “M-1” warehousing / distribution use. The portion of the site proposed for rezone is currently undeveloped, other than an unused gravel driveway along the west side. *Tacoma Municipal Code (TMC)* 13.06.400, Industrial Districts, lists warehousing as an outright-permitted use in “M-1” zones, subject to development standards.

The stated purpose of the “M-1” district is to act as a “buffer between heavy industrial uses and less intensive commercial and/or residential uses. M-1 districts may be established in new areas of the City. However, this classification is only appropriate inside *Comprehensive Plan* areas designated for medium and high intensity uses”.

The site in question is designated as “Medium Intensity” in the *Comprehensive Plan*. Further, the project as currently proposed will meet or exceed all of the development standards applicable to this project under the “M-1” District requirements. The specific plans for this portion of the site will act as a further buffer between the industrial uses and the residential neighborhood to the south.

### **Consistency with TMC 13.06.650.B – Reclassification Criteria:**

As detailed in TMC 13.06.650, applications for reclassifications may be approved if the proposal is found to be consistent with the stated decision criteria. Staff has reviewed this project against these criteria and this review is set forth below.

1. *That the change of zoning classification is generally consistent with the applicable land use intensity designation of the property, policies, and other pertinent provisions of the comprehensive plan.*

The *Comprehensive Plan* incorporates many specific plan elements, including the *Generalized Land Use Element (GLUE)*, which is intended to provide the broad development plan and policies to guide new development in the City of Tacoma. The *GLUE* identifies this site, as well as the surrounding properties, as within a "Medium Intensity" area. Medium Intensity areas are intended to contain commercial and industrial uses of community-wide significance.

The proposed warehouse/distribution development which will be associated with the parking and storm water detention pond is consistent with the site's intensity classification, where low-impact light industrial uses are encouraged. Further, the proposal will implement the policies of the *GLUE* by re-developing a vacant, underutilized industrial site. Rezoning this portion of the site will allow the owner full use of their property.

This site is also designated as a Tier II – Secondary Growth Area by the *GLUE*. Tier II areas are characterized by urban growth where key public facilities and services are generally available but some required infrastructure may not be present. Development in this area will need to assure infrastructure is available. Conditions on the rezone have been recommended in order to assure adequate redevelopment of South 48<sup>th</sup> Street to accommodate increased traffic. Further conditions for the improvement of the site access at South 46<sup>th</sup> Street will be addressed at the time of redevelopment permits for the remainder of the site. Therefore, infrastructure in the area will be improved concomitantly with the development.

As such, the proposal is consistent with the *GLUE* Tier designation and will not create significant impacts on public services in this area.

2. *That substantial changes in conditions have occurred affecting the use and development of the property that would indicate the requested change of zoning is appropriate. If it is established that a rezone is required to directly implement an express provision or recommendation set forth in the comprehensive plan, it is unnecessary to demonstrate changed conditions supporting the requested rezone.*

As noted above, the entire parcel has been subject to several zoning and other land use actions since the 1960s. The parcel has been under a single ownership at least since the site was platted in 1978, but the zoning has not been consistent since that time. Since that time, the parcel abutting to the west has been zoned "R4-L" and has the potential to develop with multi-family housing. The site to the east remains "R-2" but is used (and will continue to be used) in conjunction with the City's landfill. Allowing this portion of the parcel to be zoned consistently with the remainder of the parcel will allow consistency of use and regulations for the owner.

The area is designated a "Medium Intensity" area with the City's *Comprehensive Plan*. The reclassification is not being requested in order to implement a specific provision of the *Comprehensive Plan*.

3. *That the change of the zoning classification is consistent with the district*

*establishment statement for the zoning classification being requested, as set forth in this chapter.*

The applicant states that the development as proposed and as conditioned with a Concomitant Zoning Agreement is a "medium intensity" use that is appropriate within the "M-1" district. The district establishment statement for the "M-1" district states that the district should act as a buffer between higher-intensity industrial and lower-intensity residential and commercial uses. Given that this particular portion of the site will be used for parking and storm water detention, there is even further buffering between uses.

4. *That the change of the zoning classification will not result in a substantial change to an area-wide rezone action taken by the City Council in the two years preceding the filing of the rezone application. Any application for rezone that was pending, and for which the Hearing Examiner's hearing was held prior to the adoption date of an area-wide rezone, is vested as of the date the application was filed and is exempt from meeting this criteria.*

The subject site was zoned "R-2" in 1953. Records indicate that there have been no past requests for a similar rezone on this property or any area-wide rezone actions taken by the City Council in the past two years affecting this property.

5. *That the change of zoning classification bears a substantial relationship to the public health, safety, morals, or general welfare.*

The rezoned area will serve a much larger site, already zoned for industrial uses and currently underutilized. As a storm pond, the area immediately adjacent to the street will be landscaped and screened, thus providing the required buffer between uses. Conditions have been recommended which will avoid or mitigate any impacts from increased traffic on South 48<sup>th</sup>, and improvements to the site and access at South 46<sup>th</sup> Street will be required with redevelopment.

The *TMC* and *Comprehensive Plan* set forth policies and requirements aimed at regulating growth to ensure consistency with the public health, safety, morals and general welfare. The *TMC* and *Comprehensive Plan* identify this area as a location which is intended to be an area of continued medium-intensity urban growth, to include a mix of commercial, residential, retail, service, and industrial uses.

In order to further ensure that projects in these areas are compatible with the intended character of the district and do not have significant negative impacts on surrounding uses the *TMC* also includes development regulations for projects in the District, including design, landscaping, and parking standards. In this instance, the applicant proposes to develop uses and a site that meets all of these applicable project development standards.

The proposal and the conditions recommended by staff in this report include provisions for use of the site as an industrial site. Notice of this proposal has been provided to governmental and non-governmental agencies for review and comment, and the substance of these comments, which would further ensure provisions for the public health, safety, and general welfare, is included in the recommended conditions section of this report.

## **J. RECOMMENDED CONDITIONS OF APPROVAL**

Should this request be approved, Planning and Development Services recommends that the following conditions be made conditions of approval for this application. These

conditions of approval shall be completed prior to issuance of development permits at the site:

- A. The project shall be developed substantially in conformance with the representations made by the applicant through the submitted rezone application. Any substantial change(s) or deviation(s) in plans, proposals, or conditions of approval imposed shall be subject to the approval of the Hearing Examiner and may require further and additional hearings.
- B. Prior to issuance of a development permit, the applicant shall demonstrate to the City of Tacoma, Development Services, that they will institute Best Management Practices for the safe handling and disposition of potentially contaminated soils; or that they have conducted soil samples and demonstrated that contaminant levels do not exceed MTCA cleanup levels.
- C. The applicant shall comply with regulations regarding worker protection for contaminants. The applicant shall contact the Washington State Department of Labor and Industries for minimum standards and requirements.
- D. To minimize business-related travel through the neighborhood, the applicant shall, through signage and design, restrict the driveway on South 48th Street to right-out only with proper channelization.
- E. To meet the City's "complete streets" policies for non-motorized transportation, the applicant shall provide pedestrian and off-site improvements along South 48th Street in conjunction with the construction of the driveway.
- F. Prior to site redevelopment, the applicant shall conduct an analysis of the pavement design (PD-01 and PD-02 Standard Plans) to determine necessary pavement design requirements of South 48th Street to support the increased truck traffic, turning movements, and truck weight. South 48th Street is considered a residential street in design and classification. A permanent roadway section may include concrete or a thickened asphalt pavement section.
- G. If 48<sup>th</sup> is to be used for truck traffic, in order to provide for safe traffic movements, the applicant shall revise channelization on Orchard Street to include a dedicated left turn lane southbound.
- H. If 48<sup>th</sup> is to be used for truck traffic, truck access shall be limited to comply with Noise Ordinance construction hours.
- I. All other requirements for traffic, including specific details of access, circulation, parking configuration, and controls shall be reviewed and approved at the time of building permits.
- J. All requirements for construction, solid waste disposal, landscaping, building design, utilities, and all other pertinent policies and regulations shall be met by the development at the site.
- K. All future development at the site must meet all applicable policies and regulations including, but not limited to, Zoning, Land Use, Building, and Utilities.
- L. A Concomitant Zoning Agreement incorporating the conditions of approval imposed shall be executed and recorded with the Pierce County Auditor prior to final approval of the reclassification by the City.

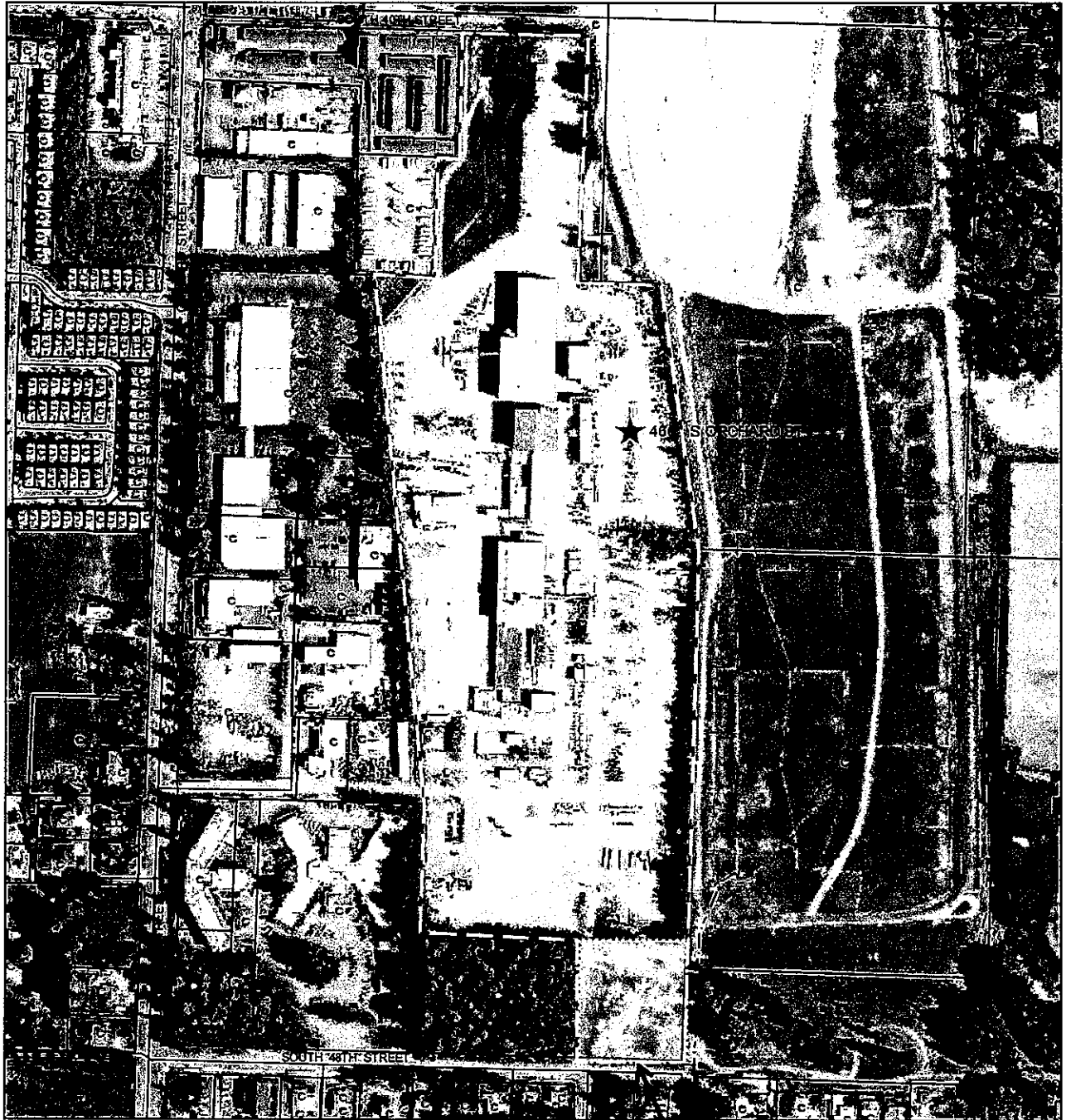




11  
S.H.S

REZ2013-40000199731 - 4601 South Orchard, a portion of parcel 0220133049

Attachment A-2 2012 Aerial Photo of the site



Source: www.govme.org

Area proposed for Rezone

165

EXH. 3

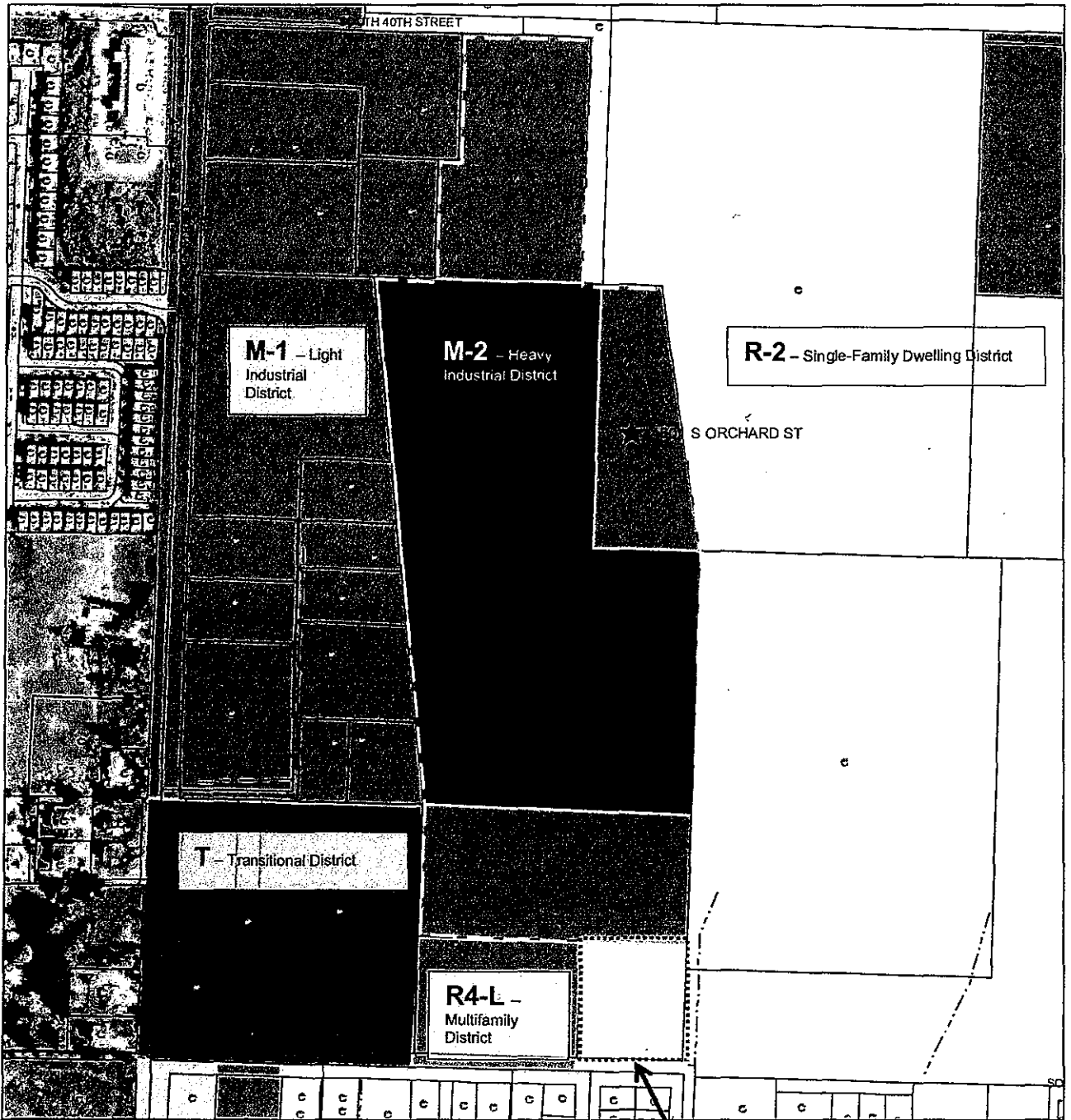
Attachment A-2

101

E. H. S.

REZ2013-40000199731 - 4601 South Orchard, a portion of parcel 0220133049

Attachment A-3 Area Zoning



Source: www.govme.org

Area proposed for Rezone

166

EXH. 4

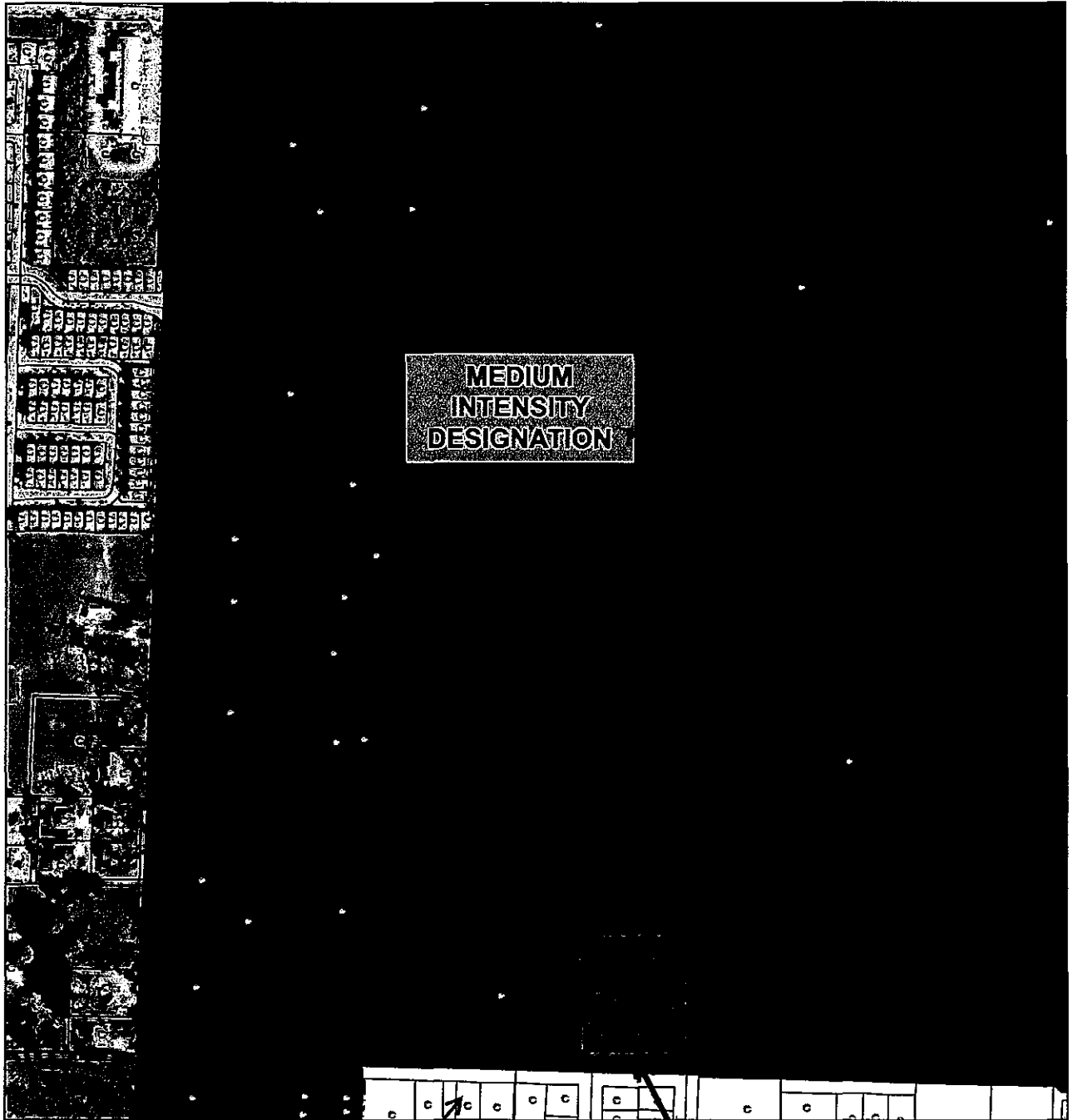
Attachment A-3

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100

REZ2013-40000199731 - 4601 South Orchard, a portion of parcel 0220133049

Attachment A-4 Land Use Intensity



Source: www.govme.org

**SINGLE FAMILY  
INTENSITY  
DESIGNATION**

Area proposed for Rezone

167

**EXH. 5**

Attachment A-4

100

6/11/2





BUILDING AND LAND USE SERVICES DIVISION



REVIEW PANEL MINUTES

Wednesday, April 24, 2013

10:00 am

Third Floor Conference Room

ATTENDEES:

Craig Kuntz  
Rick Glidden  
Drew Randolph

Brennan Kidd  
Shanta Frantz

Jennifer Kammerzell  
Shirley Schultz

<b>1.</b>	
<b>Action:</b>	Rezone from R2 to M1 - approximately 1.72 acres / 75,000 square feet of the southeast corner of the property. Area will be developed with a storm water detention facility, landscaping, and up to 100 passenger car parking spaces. Improvements may be required on South 48th Street.
<b>File Number:</b>	REZ2013-40000199731, SEP2013-40000199732
<b>Applicant:</b>	Architects, Paul McCormick
<b>Staff Contact:</b>	Shirley Schultz
<b>Location:</b>	4601 South Orchard, parcel 0220133049 (part)
	<p>Comments:</p> <ol style="list-style-type: none"> <li>1. Traffic will provide separate comments.</li> <li>2. Site Development will provide separate comments.</li> <li>3. Source control will provide separate comments.</li> <li>4. Review previous scoping notes with regards to this development.</li> </ol>



the requestor in determining future permitting and development standards applicable to the proposal. Please note that any code or development standard changes prior to submittal of a complete application may result in required modifications to the proposal.

- Staff indicated there is an approximately \$72,000 in-lieu-of-sewer assessment owing on this parcel. It will need to be paid for sewer connection to City systems. Contact Sue Simpson at 253-591-5529 for the exact in-lieu-of-sewer fee and for additional information about assessment or connection fees.
- Source Control indicated that the existing pretreatment system must be properly abandoned. Privately owned sanitary sewer system running along vacated Mullen Street and side services must be addressed. Refrigerated warehouse systems will need to address operational chemicals. The warehouse materials must be identified so the proper storm water and sanitary treatment can be addressed.
- Building staff indicated that additional information about the warehouse materials is required to make accurate determinations. Structure hazard levels must be evaluated. If demolition or relocation of existing buildings/structures is proposed, then separate building permits are required. Building design must meet all adopted and amended construction codes referenced in the Tacoma Municipal Code (TMC) at time of permit submittal.
- Water staff indicated that the proposed building extends over an existing 42" diameter steel main and 8" cast iron main. Both mains will need to be relocated outside the building foot print and have easements. This relocation work will be at owner's expense. The existing main located under the proposed parking lot must not be impacted by grading of the new lot. Staff also noted that the proposed storm retention pond is in close proximity of the 42" main, which will impact the potential maintenance or replacement in the future. Grading on the adjacent property will be an issue and require additional review due to close proximity to existing waterlines on the adjacent property. Separate permits and agreements will be required for work on the adjacent property. Fire flow is available at 7,000gpm at 20 psi.
- Fire did not provide comments at this time.
- Private Development staff indicated that based on the proposal for access to South 48<sup>th</sup> Street development will need to address sidewalks, curb and gutter, accessible ramps, driveways and street paving along South 48<sup>th</sup> Street abutting the site. In addition, the existing driveway approach at South 48<sup>th</sup> and South Mullen Streets will need to be relocated to the private property meeting City standards. If the private access is from South 46<sup>th</sup> Street, it will require improvements to City standards. It appears a work order will be required for improvements to the right-of-way and/or access to this new development consistent with TMC 2.02.380. The required SEPA may trigger additional right-of-way or onsite improvements not identified at this time. No access is proposed from South 40<sup>th</sup> Street and therefore it was not addressed in this review.
- Traffic Engineer staff indicated that a traffic impact analysis may be required for the development. A completed traffic generation form will help in the scoping review process. Please complete it for the meeting. Additional comments will be identified through the SEPA review.
- Environmental Services/Science and Engineering (ESSE) staff indicated that the parcel appears to be located in the Leach and Flett watersheds. The watershed basin is based upon contours and where stormwater will ultimately discharge. Neither watershed is pay in lieu of detention. This project will be required to comply with Minimum Requirements (MR) #1-12 of the Stormwater Management Manual (SWMM), which include both water quality treatment and flow control. The applicant can use the govme delineation for location of watershed basins. MR #3 of the manual requires that stormwater discharge to the basin in which it would discharge in its existing condition, therefore there appears to be 2 separate threshold discharge areas for this project. This site is also located within the South Tacoma Groundwater Protection District, so infiltration of pollution generating stormwater may

require additional treatment or may not be allowed depending upon proposed use of the building. There are monthly stormwater fees, see TMC 12.08.500. Sewer fees are calculated in accordance with TMC 12.08. All onsite and offsite improvements are considered together when determining project thresholds for stormwater mitigation so any work that is required in South 48<sup>th</sup> Street will be require compliance with MR #1-12 of the SWMM. All onsite stormwater systems and wastewater systems must be properly abandoned.

- Land Use staff provided general guidelines including: the building site is zoned M-1/M-2; but access point is zoned R-2 and may result in the need for a rezone, this is under further review. Wetlands may be located within 300 feet of the site. Known wetlands are in the area of the project site. An onsite and off-site investigation of vegetated areas by Building and Land Use wetland biologist is necessary to accurately determine if critical areas must be mitigated. The proposal will trigger SEPA review. Sections relevant to the site: 13.06.400 (Industrial); 13.06.502 (Landscape); 13.06.510 (Parking) and for future signage: 13.06.520.

**Answers to the requestor's questions are below. Additional clarity can be provided at the scheduled scoping meeting.**

**Planning:**

**What type of mitigation fees will be associated with this project: Traffic, Parks, Signals, and how are they calculated?** Exact fees are difficult to determine at this stage and each fee is calculated per Tacoma Municipal Code requirements. There are associated permit fees including, building, mechanical, plumbing, electrical, SEPA review, possibly reclassification, work order fees, and other connection / utility fees. **Any other large fees imposed by the city?** Currently we are aware of an approximately \$72,000 in-lieu-of-sewer assessment owing on this parcel.

**Is this areas considered part of the city wide SEPA?** Although this site has had several SEPA Determinations (please see list below), neither of them address or review this new proposal. **If so what is the timeline to verify our project complies with existing approved SEPA?** We reviewed previously issued SEPAs and it does not appear that this proposal was ever included in any of them. **What is the time line for land use approval?** LU can usually review a building permit within 10 business days, a SEPA determination may take anywhere between 4-6 weeks. SEPAs previously issued: - SEP2008-40000117410, grade and fill activity only, -SEP2010-40000150841, grade and fill, no modifications to existing building included in determination; and SEP2011-40000164584, grade and fill only for vault (all determinations were DNS).

**Engineering:**

**Confirm the exact locations of the two storm drainage basins that affect this project and determine if either or both of those basins can be "pay in lieu of detention". If not, then what basins are we draining to?** Neither watershed is pay in lieu of detention. **Are there storm water fees? How are those calculated?** There are monthly stormwater fees, see TMC 12.08.500. Sewer fees are calculated in accordance with TMC 12.08. **There are slopes at all boundaries of this property which may require rockeries. We request permission from the City of Tacoma Landfill to allow grading easements onto their site for us to either cut or fill to make a natural transition of grade. Will this be allowed?** Solid Waste has not provided comments on this, but Tacoma Water has issues with the proposal as indicated in Water staff comments above. **How are water and sewer charges calculated? Hookup fees, meter, etc?** Water rates and hookup fees are calculated based on TMC 12.10. **What is time land for site/civil approvals?** Work orders are 8 to 10 weeks for the 1<sup>st</sup> review and each subsequent review has a 2 week turnaround, however, additional time may be required for the complexity of relocation of Power transmission lines and Water mains.

**Power:**

**Power transmission lines currently run N-S across the entire site and will need to be**

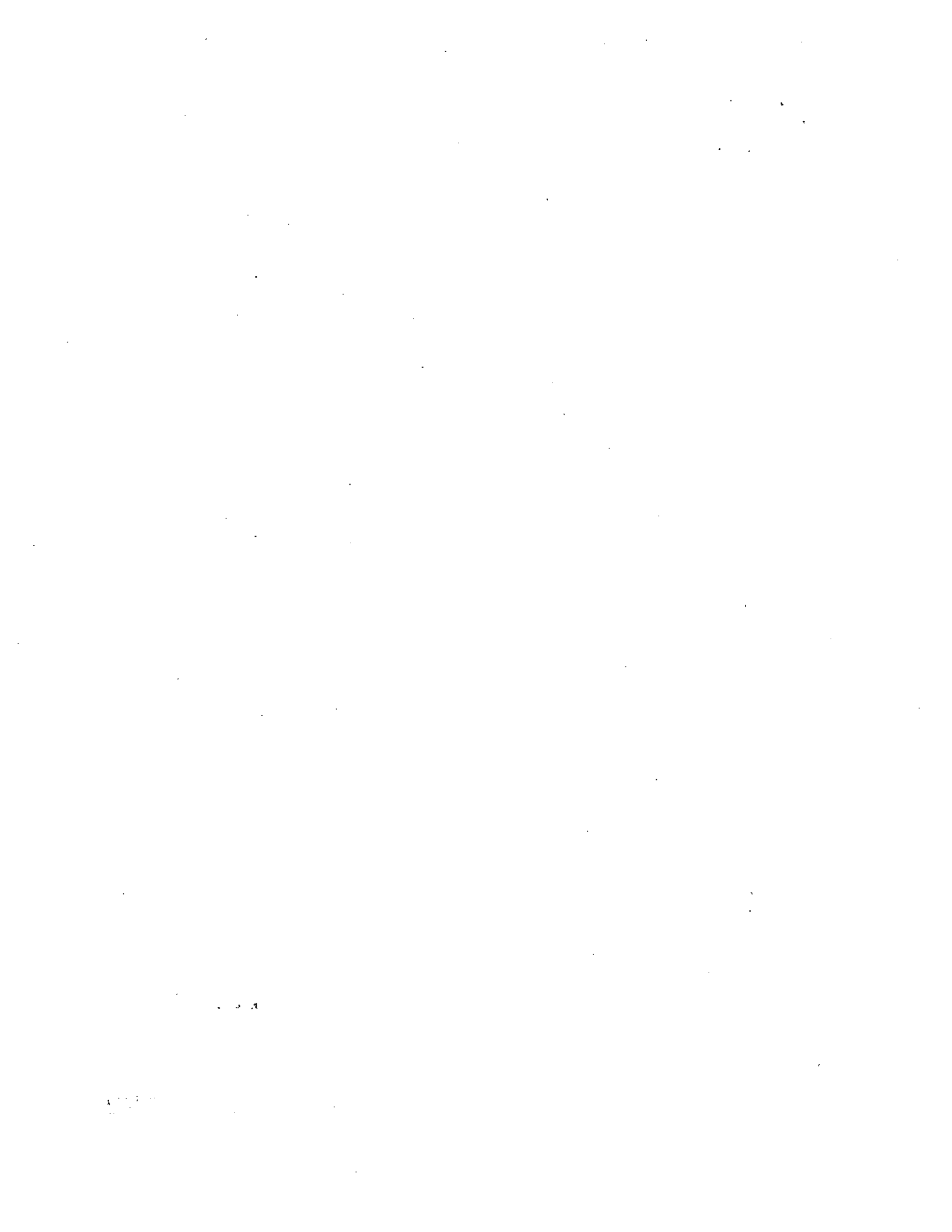
**relocated to accommodate this project. What is that costs and how do we coordinate that move?** Please contact Tacoma Power directly for these questions. I believe you have been working with Rick Van Allan for this information.

**Traffic / Streets & Utilities:**

**We desire truck access from South 48<sup>th</sup> street, will this be allowed?** Additional evaluation is required to make this determination and comments will be provided at the meeting. **Access from South 46<sup>th</sup> street will require us to re-grade several hundred feet at the top of the hill in order to raise the grades to match our site. Will this require a separate street permit? If so, what about storm water for the street?** Yes, a work order permit will be required for work on the access at South 46<sup>th</sup> Street and for improvements along South 48<sup>th</sup> Street. Storm water associated with that proposed work will need to be mitigated with the project as noted in Environmental Services comments above.

**Fire:**

**We request fire flow availability for the hydrants at this site so we can confirm we have adequate fire flow.** Per Tacoma Water staff fire flow is available at 7,000gpm at 20 psi.





**TO:** Shirley Schultz  
**FROM:** Jennifer Kammerzell  
**SUBJECT:** 4016 South Orchard Street (REZ2013-40000199731, SEP2013-40000199732)  
**DATE:** May 7, 2013

The City Engineering Division has reviewed the applicant's rezone application proposing to rezone approximately 1.72 acres from R2 to M1 at 4601 South Orchard Street. The proposal includes developing the area with a storm water detention facility, landscaping, and up to 100 passenger car parking spaces. The rezone site is bounded by South 48<sup>th</sup> Street. The following comments are specific to Phase 3 Rezone and SEPA for associated developments in the application.

After consideration of the applicants PM peak hour analysis conducted by the Heath & Associates, we have determined the applicant and representative have conducted a reasonable analysis of a probable traffic condition. The analysis of the new trips as presented does not appear to adversely impact the City's arterial street system. However, the additional truck and passenger traffic will impact the surrounding neighborhood near South 48<sup>th</sup> Street.

The following are Traffic Engineering's comments and conditions to address traffic safety, increased trips, increased nonmotorized traffic, and to meet City of Tacoma design standards:

- 1) Align the South 48<sup>th</sup> Street driveway with Mullen Street to prevent conflicts with traffic on South 48<sup>th</sup> and Gove Streets. Centerline alignment does not appear feasible at Gove Street. (TMC. 10.14)
- 2) Restrict the driveway on South 48<sup>th</sup> Street to right-out only with proper channelization. (T-LUT-1 Land Use Considerations)
- 3) Provide pedestrian and off-site improvements along South 48<sup>th</sup> Street. (T-MS-12 Complete Streets)

In addition, the following are Traffic Engineering's comments and conditions to address truck access on South 48<sup>th</sup> Street.

- 4) Conduct an analysis of the pavement design (PD-01 and PD-02 Standard Plans) to determine necessary pavement design requirements of South 48<sup>th</sup> Street to support the increased truck traffic, turning movements, and truck weight. South 48<sup>th</sup> Street is considered a residential street in design and classification. A permanent roadway section may include concrete or a thickened asphalt pavement section.
- 5) Revise channelization on Orchard Street to include a dedicated left turn lane southbound.
- 6) Limit truck access to comply with Noise Ordinance construction hours.

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EXH. 7  
Attachment A-6

The applicant has indicated a willingness to provide a \$25,000 Performance Bond to implement traffic mitigating measures in response to neighborhood concerns after the warehouse/office is open and other mitigation measures have been put in place or reviewed. The improvements deemed necessary by the City will be identified within one (1) year after the opening of the warehouse/office and must be completed within one (1) year after the City's official recommendation. If no improvements are identified within one (1) year after the opening of the warehouse/office for business, the assignment of funds will be released.

If circumstances change and the project scope is modified then the City reserves the right to reconsider this recommendation. If you have any questions, please contact me at (253) 591-5511 or [jkammerzell@cityoftacoma.org](mailto:jkammerzell@cityoftacoma.org).

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F. HX3





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

May 7, 2013

Shirley Schultz, Principal Planner  
City of Tacoma  
Planning & Development Services  
747 Market Street, Room 345  
Tacoma, WA 98402

Dear Ms. Schultz:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the Orchard Industrial Center Phase 3 project (REZ2013-40000199731 & SEP2013-40000199732) located at 4601 South Orchard as proposed by Paul McCormick, Innova Architects. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**TOXICS CLEANUP (TCP): Cris Matthews (360) 407-6388**  
**TACOMA SMELTER PLUME TCP CONTACT: Elizabeth Weldin (360) 407-7094**

This proposed project is located in an area that may have been contaminated with heavy metals due to the air emissions originating from the old Asarco Smelter in north Tacoma (Tacoma Smelter Plume map search tool: <https://fortress.wa.gov/ecy/smeltersearch/>).

Soil contamination from the former Asarco smelter poses a risk to human health and the environment. Children are at especially high risk from direct exposure to contaminated soil. Construction workers, landscapers, gardeners, and others who work in the soils are also at risk.

Ecology recommends that the lead agency include the following as conditions of approval:

- Sample the soil and analyze for arsenic and lead. The applicant shall contact Elizabeth Weldin with Ecology's TCP at the phone number given above or via email at [ewel461@ecy.wa.gov](mailto:ewel461@ecy.wa.gov) for guidance about soil sampling within Tacoma Smelter Plume. The soil sampling results shall be sent to the local land use permitting agency and Ecology for review.
- If lead or arsenic are found at concentrations above the Model Toxics Control Act (MTCA) cleanup levels (Chapter 173-340 WAC); the owners, potential buyers, construction workers, and others shall be notified of their occurrence. The applicant shall also contact the Environmental Report Tracking System Coordinator at the Ecology Southwest Regional Office at (360) 407-6300. The MTCA cleanup level for arsenic is 20 ppm and lead is 250 ppm.
- If lead, arsenic and/or other contaminants are found at concentrations above MTCA cleanup levels, the applicant shall:

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**EXH-B**  
**Attachment A-7**

- 1) Enter into the Voluntary Cleanup Program with - Ecology prior to issuance of any site development permits for this proposal and/or the initiation of any grading, filling, or clearing activities. For more information on the Voluntary Cleanup Program, visit Ecology website at:  
<http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm>.
- 2) Obtain an opinion letter from Ecology stating that the proposed soil remediation will likely result in no further action under - MTCA prior to the issuance of any site development permit and/or the initiation of any grading, filling, or clearing activities. The issued site development permit plans shall be consistent with the plans reviewed and deemed consistent with MTCA by Ecology. The applicant shall provide to the local land use permitting agency the opinion letter from Ecology.
- 3) Prior to finalizing site development permits, provide to the local land use permitting agency "No Further Action" determination from Ecology indicating that the remediation plans were successfully implemented under MTCA.

If Ecology determines this project should not be part of the Voluntary Cleanup Program, Ecology will contact the lead agency and discuss possible options.

- If soils are found to be contaminated with arsenic, lead, or other contaminants, extra precautions shall be taken to avoid escaping dust, soil erosion, and water pollution during grading and site construction. Site design shall include protective measures to isolate or remove contaminated soils from public spaces, yards, and children's play areas. Contaminated soils generated during site construction shall be managed and disposed of in accordance with state and local regulations, including the Solid Waste Handling Standards regulation (Chapter 173-350 WAC). For information about soil disposal contact the local health department in the jurisdiction where soils will be placed.

The link below provides a fact sheet that explains more how the arsenic and lead clean-up levels were set and why Ecology sees that they are protective for human health:

[http://www.ecy.wa.gov/programs/tcp/sites\\_brochure/tacoma\\_smelter/2011/brochuresAndPubs.html](http://www.ecy.wa.gov/programs/tcp/sites_brochure/tacoma_smelter/2011/brochuresAndPubs.html) - Click on "Level and Action Level FAQ."

**For questions about these comments or assistance and information about Tacoma Smelter Plume and soils contamination, contact *Elizabeth Weldin* at the phone number given above or via email at [ewel461@ecy.wa.gov](mailto:ewel461@ecy.wa.gov).**

If contamination is suspected, discovered, or occurs during the proposed SEPA action, the affected media must be tested. If contamination of soil or groundwater is readily apparent or revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Cris Matthews with Ecology's TCP at the phone number given above.

**WASTE 2 RESOURCES: Julie Robertson (360) 407-6471**

If greater than 250 cubic yards of inert, demolition, and/or wood waste is used as fill material, a Solid Waste Handling permit may be required (WAC 173-350-990). Check with your local jurisdictional health department for any permitting requirements that may be required.

**SEPA REVIEWER: Sonia Mendoza**  
**WATER QUALITY CONTACT: Deborah Cornett (360) 407-7269**

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

After completion of this project, there is likelihood that stormwater runoff will contain increased levels of grease, oils, sediment, and other debris. It is recommended that stormwater treatment devices be installed so that any discharge will be appropriately treated to remove these substances.

Clearing limits and/or any easements or required buffers should be identified and marked in the field, prior to the start of any clearing, grading, or construction. Some suggested methods are staking and flagging or high visibility fencing.

A permanent vegetative cover should be established on denuded areas at final grade if they are not otherwise permanently stabilized.

Properties adjacent to the site of a land disturbance should be protected from sediment deposition through the use of buffers or other perimeter controls, such as filter fence or sediment basins.

All temporary erosion control systems should be designed to contain the runoff from the developed two year, 24-hour design storm without eroding.

Provision should be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned every day by shoveling or sweeping. Water cleaning should only be done after the area has been shoveled out or swept.

Wash water from paint and wall finishing equipment should be disposed of in a way which will not adversely impact waters of the state. Untreated disposal of this wastewater is a violation of State Water Quality laws and statutes and, as such, would be subject to enforcement action.

This project may require a construction stormwater permit (also known as National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction). This permit is required for projects which meet both of the following conditions:

1. One or more acres of soil surface area will be disturbed by construction activities.
2. The site already has offsite discharge to waters of the state or stormdrains or will have offsite discharge during construction.

An application with instructions can be downloaded from Ecology's website at:  
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/> - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater.

May 7, 2013

Page 4

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology  
Southwest Regional Office

(SM:13-1814)

cc: Deborah Cornett, WQ  
Josh Klimek, HQ/WQ  
Cris Matthews, TCP  
Julie Robertson, W2R  
Elizabeth Weldin, TCP  
Paul McCormick, Innova Architects (Applicant)



**City of Tacoma  
Planning Development  
Department  
Technical Memorandum**

April 25, 2013

To: Shirley Schultz, Principal Planner

From: Karla Kluge, Senior Environmental Specialist

**Subject: H & P Tacoma Acquisition LLC  
Wetland Reconnaissance Study for Rezone (REZ2013-40000199731)  
4601 South Orchard Street, Parcel No. 0220133049**

**Proposal**

Innova Architects, on behalf of H&P Tacoma Acquisition, LLC, has submitted a rezone application and an associated SEPA Environmental Checklist for the following:

Rezone from R2 to M1 - approximately 1.72 acres / 75,000 square feet of the southeast corner of the property. The area will be developed with a storm water detention facility, landscaping, and up to 100 passenger car parking spaces. Improvements may be required on South 48<sup>th</sup> Street.

The rezone is associated with, but a separate action from, redevelopment of the existing M-1 and M-2 development on the site. SEPA review for the redevelopment will be conducted separately from this process.

**Documents provided to the City of Tacoma**

- Land Use Permit Application
- *Hansen Pipe Wetland & Wildlife Habitat Reconnaissance Study* (letter) prepared by The Watershed Company, March 29, 2013.
- Traffic Impact analysis
- Geotechnical Report

**FINDINGS**

**Project Site**

1. The project area is located at 4601 South Orchard Street, Parcel No. 0220133049.
2. The site contains multiple zoning districts. The site is split zoned M1-STGPD-Light Industrial, South Tacoma Ground Water Protection District, M2-STGPD-Heavy Industrial, South Tacoma Groundwater Protection District, R2-STGPD-One Family Dwelling, South Tacoma Groundwater Protection District. The Generalized Land Use Element (GLUE) of the City's Comprehensive Plan locates the site within a "Medium" intensity area and Tier 2-Secondary Growth Area.
3. The subject site is primarily developed with several large, light industrial buildings and asphalt- and concrete-paved access and parking areas, gravel-surface storage yard areas along the perimeter of the site, and a stormwater detention pond in the northwestern corner of the site. A cellular communication tower occupies a small

area immediately east of the detention pond in the northern portion of the site. The existing large industrial buildings on site are proposed for demolition. A depressional area that is heavily vegetated is present at the southern perimeter of the site and this depressional area is the proposed location for the second detention pond.

4. The Geotechnical Report described a historic ravine occurring on the site where the existing and proposed detention ponds are located and proposed. The proposed area for the second detention pond lies within a heavily vegetated depression. Two geotechnical bores were completed within this area and groundwater was encountered at depths of 5 to 6 feet.
5. A Wetland Reconnaissance Study was also completed for the proposed detention pond/depressional area and the applicant's consultant determined that no wetlands were present on site or within 300 feet, with specific information regarding the depressional area. The applicant's consultant reported that the area was primarily vegetated with upland vegetation including Douglas-Fir, western red cedar, and red alder, with an understory of osoberry, Himalayan blackberry, and other native and non-native species. A disturbed area with large tire tracks, cleared of trees and most native vegetation was present at the lowest point. Creeping butter cup was also present but was found to be growing in an area that does not meet wetland characteristics. The depressional area was described as supporting primarily upland vegetation, not exhibiting wetland hydrology and having upland soils.
6. I conducted a site visit on April 24, 2013 and have reviewed the Geotechnical Report and the Wetland Reconnaissance Study and concur that no wetlands are present on site. The vegetation, hydrology, and soils are characteristic of an upland area, including the depressional area on site. The Geotechnical bores support the wetland study and provide further evidence that the groundwater table is significantly below the surface area of the depression.

### **Tacoma Municipal Code (TMC) Critical Areas Preservation Ordinance**

#### **TMC 13.11.130 Scope and Applicability**

*A. The provisions of this chapter apply to all lands and waters, all land uses and development activities, and all structures and facilities in the city, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the City. This Chapter specifically applies to any activity which would destroy vegetation; result in a significant change in critical habitat, water temperature, physical, or chemical characteristics; or alter natural contours and/or substantially alter existing patterns of tidal, sediment, or storm water flow on any land which meets the classification standards for any critical area define therein. Such activities include excavation, grading, filling, the removal of vegetation, and the construction, exterior alteration, or enlargement of any building or structure. In addition, this chapter applies to all public or private actions, permits, and approvals in or adjacent to a critical area and its buffer.*

#### **TMC13.11.190 Review Process**

*A. The Review Process is used to determine whether a critical area or critical area buffer is present on or adjacent to a proposal, and whether additional review or permitting is required.*

### **Conclusions**

Wetlands, streams or other FWHCA's are not present on site or within 300 feet. No further review is required.



City of Tacoma Planning and Development Services

**APPLICATION FOR LAND USE PERMIT**

Before submitting this form, review the instruction sheet for the type of permit for which you are applying. Ask staff for the appropriate instruction sheet. Be advised that application materials must be submitted in electronic format (PDF) on a disc.

Property Information					
Site Address: <i>(nearest intersection if no address)</i>	4601 S Orchard Street				
Parcel Number(s):	0220133049				
Contact Information					
Contact Person:	Paul McCormick				
Business Name(s):	Innova Architects				
Mailing Address:	950 Pacific Avenue, Ste 450, Tacoma, WA 98402				
Phone Number:	(253) 572-4903	E-Mail:			
Property Owner:	H&P Tacoma Aquisition, LLC				
Mailing Address:	3131 S Vaughn Way, Ste 301, Aurora, CO 80014				
Phone Number:		E-Mail:			
Type of Permit					
<input type="checkbox"/> Accessory Dwelling Unit	<input type="checkbox"/> Plat	<input type="checkbox"/> Short Plat	<input type="checkbox"/> Zoning Verification		
<input type="checkbox"/> Boundary Line Adjustment	<input checked="" type="checkbox"/> Reclassification	<input type="checkbox"/> Site Approval	<input type="checkbox"/> Other: _____		
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Shoreline	<input type="checkbox"/> Variance			
For Office Use Only					
Project Name:					
Project Description:					
Permit Type	Fee	Permit #	Permit Type	Fee	Permit #
418 SHR Exemption			434 MPD Short Plat		
419 SHR Development			435 PLT Final Plat		
420 SHR Develop / CUP			436 CUP Conditional Use		
421 SHR Variance			438 MLU Variance		
423 SHR Revision			440 BLA Boundary Line Adj		
431 REZ Rezone			441 MPD Binding Site Plan		
432 SIT Site Approval			442 INT Info Item / ADU		
433 PLT Preliminary Plat			443 SEP Environmental		
NO FEE			Other		
Route to:					

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**EVH.10**  
**Attachment A-9**

## Current Use of Property

Please describe how the property is currently being used and what structures exist.

The site is currently forested with an access road from the Hanson Pipe facility to 48<sup>th</sup> street. No structures exist on this site.

## Proposal

Please describe your proposal. To help you write your description, review the requirements and criteria for the permit for which you are applying. **Please address the permit requirements and criteria in your description below, or if more appropriate, in the maps and attachments you provide.**

### OVERVIEW

We request a portion of the parcel be rezoned from R2 to M1. The site is currently split zoned but nearly all the site has been used for decades as M1/M2 use. This rezone request is part of an overall project development as defined below.

### PROJECT AS A WHOLE

This project will consist of three phases which are planned to happen chronologically one right after the other and planned to occur all between Summer 2013 and spring 2014.

#### Phase 1 – Demolition (Not part of this application)

Phase 1 of the project is to apply for Demolition and SEPA for the removal of all 23 existing buildings on the site and once approved to take that action.

#### Phase 2 - Project Development (Not part of this application)

Phase 2 of the project is to apply for building and site development permits for the construction of a 571,200 square foot building and associated site work, and once approved to then construct it.

Within that 571,200 square feet, we propose for the future build-out of 20,000 square feet of office space. This phase will include improvements to south 46<sup>th</sup> street between the site and Orchard street. Refer to the site plan for the extent of phase 2 work.

The building will be designed as a high cube storage warehouse and is being built on a speculative basis with no tenants known at this time. The use is planned to be either occupancy S1, S2, F1, or F2; all of which are consistent with the M1 and M2 zoning. The building will be less than 50 feet tall.

Access will be via south 46<sup>th</sup> street and south 48<sup>th</sup> street as shown on the attached exhibit.

#### Phase 3 – Rezone and Development of Parking Lot (This application)

Phase 3 will include the application to rezone the south most portion of the site which is currently zoned R2 and for which we will apply for rezone to Zone M1. SEPA will be applied for not only for the rezone but also for the construction of parking and a storm pond as shown on the site plan exhibit. Once approved that portion of site will be constructed

### CRITERIA FOR REZONE (TMC 13.06.650B)

1. Land Use Intensity. The comprehensive plan designation for this site is Industrial and is consistent with the proposed M1 zoning. Our proposal is to rezone this portion of the site from R2 to M1 making this portion of the site consistent with the zoning currently in place for the rest of the site.



2. **Substantial Change in Conditions.** The history of this parcel has been owned, operated and used for industrial use for several decades. An access road is located on this portion of the site to access the larger M1/M2 zoned portion of the site where Hanson Pipe has operated for many years. We propose this portion of the parcel be rezoned to match that of the other portion of the site. The parcel is currently a split zoning consisting of the northern portion being M1 and M2 zoning and the south portion being R2. At one time in the past substantial changes in condition occurred, either rezoning of the property occurred or a parcel consolidation led to this portion of the parcel to become a split zone, being R2 which is not consistent with the rest of the site.
  
3. **District Establishment Statement.** We propose to rezone this portion of the site to M1 and the use we proposed is consistent with that zoning. The use of the rest of the site is already used for M1 and M2 zoning, and our new proposal will be for that same intensity. Although the use we propose for this specific portion of the site will be limited to being used for the facility storm pond and parking, so in that respect the use will be one of the lowest impact uses of an M1 zoning. See site plan exhibit.
  
4. **Does not result in area wide rezone.** This rezone request is limited to a portion of one parcel and does not result in any other area wide rezone.
  
5. **Rezone Consistent with Surroundings and Public Welfare.** The rezone applies to only a small portion, about one acre, of a 34 acre site which is already zoned M1/M2. The 34 acre site has been used for industrial use for many decades. The small portion being requested for rezone may not have been used in the past for industrial use, but a portion of it was used for an access road to the site. Our plan is to develop this portion of the site to be low intensity use with no buildings or structures of any kind. Our plan as indicated in the attached exhibit is to use this portion of the site for only a storm pond and parking. The storm pond is considered landscape area and the parking lot will also include landscape areas to meet city of Tacoma requirements. This portion of the site as a whole will therefore provide a large buffer, nearly 200 feet of buffer, from the neighborhood on the south side of 48<sup>th</sup> street. The neighborhood is further buffered by 48<sup>th</sup> street itself being a physical barrier between the neighborhood and this property. For all these reasons, being the history of the site use, the nature of the existing access road being in place already, the fact that we plan to use this portion of the site for low intensity storm pond, landscaping, and parking, lead to the conclusion that our proposal is conscientious of the public welfare and has taken measures in terms of site planning to address buffering concerns that may be desired between residential and industrial use. Since this entire portion of site will essentially be a buffer use (storm ponds and landscaped parking) between the neighborhood and the industrial buildings, it is fair to state that the buffer we propose here is far more than the city required buffer between such uses.

**Attachments**

Please review the instruction sheet to determine what attachments\* must be submitted with your application.

Types of attachments that may be required are:

- |  |   |
|--|---|
| <input type="checkbox"/> Site plans, floor plans and building elevations | <input type="checkbox"/> Building or site sections  |
| <input type="checkbox"/> Landscape plans                                 | <input type="checkbox"/> Question sheets or studies |

\*All application materials must be provided electronically in PDF format.

I hereby state that I am the applicant listed above and that the foregoing statements and answers herein made, all information and evidence herein made, and all information and evidence herewith submitted are, in all respects and to the best of my knowledge and belief, true and complete. I understand that the filing fee accompanying this application is not refundable, is only for the purpose of partially defraying the normal administrative expenses of processing the application, and that the payment of said fee does not result in automatic issuance of the permit requested in this application.

Brenda Richardson

Signature

5 April 2013

Date

Shirley Schultz

Received, Planning and Development Services

Date





City of Tacoma  
Planning and Development Services

## Mitigated Determination of Nonsignificance (MDNS)

SEPA File Number: SEP2013-40000199732  
Related File Number: REZ2013-40000199731

**To:** All Departments and Agencies with Jurisdiction

**Subject:** Mitigated Determination of Nonsignificance

In accordance with *Washington Administrative Code (WAC)* 197-11-350 and -355, a copy of the Mitigated Determination of Nonsignificance (MDNS) for the project described below is transmitted.

**Applicant:** Innova Architects, Paul McCormick, for H&P Tacoma Acquisition, LLC

**Proposal:** The applicant proposes to rezone approximately 1.72 acres / 75,000 square feet of the southeast corner of the property from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District. The area will be developed with a storm water detention facility requiring approximately 15,000 cubic yards of grading, landscaping, and up to 100 passenger car parking spaces. Improvements will be required on South 48th Street for the purposes of truck access.

**Location:** A portion of 4601 South Orchard, parcel 0220133049.

**Lead Agency:** City of Tacoma

**City Contact:** Shirley Schultz  
Planning and Development Services  
747 Market Street, Room 345  
Tacoma, WA 98402  
253-591-5121 | shirley.schultz@cityoftacoma.org

The Responsible Official for the City of Tacoma hereby makes the following findings and conclusions based upon a review of the environmental checklist and attachments, other information on file with the City of Tacoma, and the policies, plans, and regulations designated by the City of Tacoma as a basis for the exercise of substantive authority under the *Washington State Environmental Policy Act (SEPA)* pursuant to *RCW 43.21C*.

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EXH. II

**Findings of Fact:**

**General:**

1. The applicant proposes to rezone approximately 1.72 acres / 75,000 square feet of the southeast corner of the property from "R-2" Single-Family Dwelling District to "M-1" Light Industrial District. The area will be developed with a storm water detention facility requiring approximately 15,000 cubic yards of grading, landscaping, and up to 100 passenger car parking spaces. Improvements will be required on South 48th Street for the purposes of truck access.

An environmental review is required for the proposal in accordance with SEPA, RCW 43.21C, Washington Administrative Code (WAC) 197-11, and Tacoma Municipal Code (TMC) 13.12 Environmental Code. Rezone applications are not exempted as minor land use decisions; further, the amount of grading activity and the number of parking spaces exceed the flexible thresholds for SEPA exemptions, thus a SEPA determination is required.

**Earth:**

2. The project proposes to comply with all regulations including the *International Building Code (IBC)* Appendix J (Grading) as adopted and amended by the City of Tacoma, as well as TMC Chapter 13.06 Zoning and Chapter 13.11 Critical Areas Ordinance.
3. A geotechnical assessment, prepared by Terra Associates, Inc. and dated April 8, 2013, was submitted to and reviewed by Development Services in association with this project. The results of the review confirmed the absence of any geologically hazardous areas on the project site as defined and regulated by TMC Chapter 13.11 Critical Areas Ordinance.
4. Soil contamination issues associated with the Asarco Plume are addressed in the Environmental Health subsection of this document.

**Air:**

5. Watering of exposed soil during construction to suppress dust will ensure that no impacts to ambient air quality will result from the project.

**Water:**

6. The project will meet all requirements of the current and any future revisions to the Stormwater Management Manual, the Critical Areas Ordinance and other City regulatory requirements related to storm water.
7. No regulated wetlands, streams, or associated buffers have been identified on the project site pursuant to TMC 13.11 Critical Areas Ordinance. A wetland reconnaissance study was prepared by the Watershed Company and submitted with the application materials. Review of this study by Karla Kluge, Senior Environmental Specialist, confirmed the absence of any regulated areas on the site. See Attachment "A" for a copy of Ms. Kluge's comments.
8. The site is not located within a flood hazard and/or coastal high hazard area as regulated by TMC 13.11.600, 13.11.610 and 13.11.620 and Sections 2.12.040 and 2.12.050.

**Plants:**

9. The proposed project will meet TMC 13.06.502 Landscaping/Buffering Standards.

**Aesthetics:**

10. The proposed project will meet TMC 13.06.501 Building Design Standards, TMC 13.06.502 Landscaping/Buffering Standards, and TMC 13.06.503 Residential Compatibility Standards.

**Animals:**

11. No state or federal candidate, threatened or endangered plant or animal species, or habitat has been identified on the project site.

**Energy and Natural Resources:**

12. The proposed project will comply with the City's Energy Code.

**Environmental Health:**

13. The subject property is located within the footprint of the area known as the "Asarco Plume." Properties within the plume are known to contain contaminants associated with the operation of the former Asarco smelter located approximately six miles to the north of the subject site. According to the Department of Ecology (Ecology) Facility/Site Atlas, the site is located within the Tacoma Smelter Plume with an arsenic concentration range of "20.0-40.0 ppm". See Attachment "B" for a copy of the Smelter Plume map.
14. All comments and recommendations of the Washington Department of Ecology (Ecology) have been provided to the applicant, regarding contaminant levels on the site. Ecology provided a response to the contaminants potentially on site and identified measures that should be taken to protect the environment and human health. Ecology's comments are marked as Attachment "C".
15. The City's Comprehensive Plan provides the following policy guidance relative to environmental health:
- E-P-1 Environmental Protection. Acknowledge the dangers to health presented by all forms of environmental pollution and degradation by individuals as well as by industries, and support rigorous enforcement of regulations to alleviate these dangers.
  - E-ER-2 Contaminated Sites. Encourage the identification and characterization of all contaminated sites which adversely affect the City's shoreline areas and surface waters.
  - E-ER-4 Public/Private Partnerships. Encourage public and public/private partnerships to ensure the most comprehensive, timely and cost-effective cleanup actions.
16. All permitting requirements of the Tacoma-Pierce County Health Department (TPCHD) and Ecology will be met.

**Noise:**

17. All WAC noise levels shall be met.
18. Activities at the site shall comply with all applicable provisions of TMC 8.122 Noise Enforcement.

**Land Use:**

19. The project is not a permitted use within the "R-2" Single-Family Dwelling District and will require a discretionary land use permit.
20. The Comprehensive Plan designation for the site is "Medium Intensity."

**Housing:**

21. The project will provide no units of housing. No adverse impacts to housing will result from the proposal.

**Recreation:**

22. The project will not be developed on property designated as open space or public recreation area. No adverse impacts to recreation will result from the proposal.

**Historical and cultural preservation:**

23. The project is not located within or adjacent to any property listed on the Tacoma, Washington State or National Registers of Historic Places, and is not within proximity to any known archaeological site or archaeological site that is inventoried by the State of Washington Department of Archaeology and Historic Preservation. Additional review of impacts to cultural resources may be required for projects under the jurisdiction of federal agencies under Section 106 of the National Historic Preservation Act (36 CFR 800).

**Transportation:**

24. The project will comply with *TMC* 13.06.510 Off-street parking and storage areas.

25. Review by the Public Works Engineering Division indicates that the traffic volumes generated by the project are unlikely to result in significant adverse impacts to the City's street system. A traffic impact analysis for the project was prepared by Heath and Associates, Inc., and dated March 2013, and has been submitted to, reviewed, and accepted by the Engineering Division.

26. The proposal would result in opening a driveway from the site onto South 48th Street, which is currently a residential street. The proposal would also result in the use of South 48th by truck traffic to and from the site.

27. The Division has found that, while the number of new trips due to the rezone will not negatively impact the city's traffic system, the use of the driveway by industrial truck traffic will negatively impact the surrounding residential neighborhood and the residential street condition. See Attachment "D" for the memorandum from Ms. Jennifer Kammerzell.

28. The *Comprehensive Plan* contains the following policies pertaining to traffic and circulation:

**LU-IDG-6 Industrial Development and Adequate Services:** Locate new or expanded industrial developments where there are adequate public facilities and services; these facilities must exist prior to or be developed concurrently with the development.

**LU-IDG-7 Industrial Site Development:** All industrial developments should have sufficient rights-of-way, street improvements, access control, circulation routes, off-street parking and loading facilities.

**LU-IDD-1 Industrial Performance Standards:** Protect adjacent less intensive land uses from the impacts of industrial uses through the use of performance standards.

**LU-IDD-6 Pedestrian and Bicycle Access:** Enhance pedestrian facilities and connections in industrial development. Examples include safe pedestrian connections to the street, continuous sidewalks, on-site showers, and bike racks.

**LU-IDMI-3 Use of Performance Standards:** Protect adjacent less intensive land uses from the impacts of medium intensity industrial development through the use of performance standards.

**T-LUT-1 Land Use Considerations:** Development, expansion, or improvement of transportation facilities should be coordinated with existing and future land use patterns and types of development.

**T-TSM-1 Street Classifications:** Adhere to nationally recognized arterial functional class standards to help differentiate roads designed to carry high volumes of traffic and those designed for residential use.

**T-TSM-3 Traffic Calming Measures:** Use sanctioned engineering approaches, such as medians, streetscapes, bulb-outs, traffic circles, traffic controls and bike lanes to protect neighborhood streets from cut-through traffic, high volumes, high speeds, and pedestrian/vehicle conflicts when warranted and integrated with emergency response vehicle access.

**T-MS-11 Truck Movement and Infrastructure Design:** Identify and address areas within manufacturing/industrial centers where efficient truck access and circulation is hindered by infrastructure gaps and inadequate design; ensure future transportation improvements address the needs of large trucks.

**T-MS-12 Complete Streets:** Apply the Complete Streets guiding principle[1], where appropriate, in the planning and design for new construction, reconstruction and major transportation improvement projects[2], to appropriately accommodate all users, moving by car, truck, transit, bicycle, wheelchair, or foot to move along and across streets. The Complete Streets guiding principle shall also be used to evaluate potential transportation projects, and to amend and revise design manuals, regulations, standards and programs as appropriate to create over time an integrated and connected network of complete streets that meets user needs while recognizing the function and context of each street.

[1] The Complete Streets guiding principle is to design, operate and maintain streets to enable safe and convenient access and travel for all users – pedestrians, bicyclists, transit riders, and people of all ages and abilities, as well as freight and motor vehicle drivers – and to foster a sense of place in the public realm.

[2] Major transportation improvement projects include but are not limited to street and sidewalk construction; street and sidewalk lighting; street trees and landscaping; street amenities; drainage, pedestrian and bicycle safety improvements; access improvements for freight; access improvements, including compliance with the Americans with Disabilities Act; and public transit facilities accommodation including, but not limited to, pedestrian access improvements to transit stops and stations.

**T-ES-2 Noise and Air Pollution:** Encourage the reduction of noise and air pollution from various modes of transportation; promote the use of alternative fuels for vehicles; and ensure the City of Tacoma meets ambient air quality standards.

**Public Services/Public Utilities:**

29. Project concurrency certification or an appropriate mitigation will be completed at the building permit review stage.
30. The project will comply with emergency vehicle circulation requirements.
31. Fire protection must be provided in accordance with the requirements of *TMC* 3.02 Fire Code.
32. The City of Tacoma Development Review Panel reviewed this proposal on April 24, 2013, and has provided comments pertaining to off-site improvements including sidewalk, curb, street improvements and other miscellaneous infrastructure. These code-required improvements will be included as conditions with the required development permits.

## **CONCLUSION OF THE RESPONSIBLE OFFICIAL:**

Existing regulations contained within the *TMC* address many of the potential environmental impacts associated with this project. These are noted on the environmental checklist for the project and in the MDNS. Potential environmental impacts identified during the project review that are not fully addressed by these or other existing regulations may be subject to mitigation through the adoption of additional conditions based upon the project's consistency with applicable policy guidance set forth in the City's *Comprehensive Plan*. Based upon the facts and policies set forth in the Findings of Fact Numbers 13-16 and 24-26 above, additional mitigating measures are necessary to address potential impacts associated with the proposal.

### **Mitigation Measures:**

The following mitigation measures are required by the City and outside regulatory agencies to address and mitigate for the potential impact created by the proposed project:

#### **1. Environmental Health:**

- According to the Ecology facility/Site Atlas, the site is located within the Tacoma Smelter Plume with an area that exceeds 20.0 ppm for arsenic levels. Because the site will be developed with a storm water facility (which will be required to comply with water quality standards) and parking area (which will be paved), the risk of contact with soils following development is low. Care must be taken with contaminated soils in their handling and disposition. Prior to issuance of a development permit, the applicant shall demonstrate to the City of Tacoma, Development Services, that they will institute Best Management Practices for the safe handling and disposition of potentially contaminated soils; or that they have conducted soil samples and demonstrated that contaminant levels do not exceed MTCA cleanup levels.
- In the alternative, the applicant may demonstrate that they have successfully entered into the Model Toxic Control Act (MTCA) provided Voluntary Clean-up Program with Ecology. Proof of entering into the Voluntary Cleanup Program shall include a written opinion letter from Ecology identifying that in the opinion of the agency, the proposed cleanup action will be sufficient to meet the requirements of MTCA. The plans for the development permit shall be consistent and integrated with the plans reviewed and deemed consistent with MTCA by Ecology.
- The applicant shall comply with regulations regarding worker protection for contaminants. The applicant shall contact the Washington State Department of Labor and Industries for minimum standards and requirements.

#### **2. Traffic:**

- To minimize business-related travel through the neighborhood, the applicant shall, through signage and design, restrict the driveway on South 48th Street to right-out only with proper channelization.
- To meet the City's "complete streets" policies for non-motorized transportation, the applicant shall provide pedestrian and off-site improvements along South 48th Street in conjunction with the construction of the driveway.
- Prior to site redevelopment, the applicant shall conduct an analysis of the pavement design (PD-01 and PD-02 Standard Plans) to determine necessary pavement design requirements of South 48th Street to support the increased truck traffic, turning movements, and truck weight. South 48th Street is considered a residential street in design and classification. A permanent roadway section may include concrete or a thickened asphalt pavement section.



- In order to provide for safe traffic movements, the applicant shall revise channelization on Orchard Street to include a dedicated left turn lane southbound.
- Truck access shall be limited to comply with Noise Ordinance construction hours.

**Issuance of MDNS:**

This MDNS is issued under WAC 197-11-355. The City of Tacoma has determined that, if conditioned properly, this project does not have a probable significant adverse impact on the environment. The proposal will have no significant adverse environmental impacts to fish and wildlife, water, noise, transportation, air quality, environmental health, public services and utilities, or land and shoreline use. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

As noted previously, the applicants have also filed for a Zoning Reclassification (Rezone). In order to receive approval of this permit the applicant will be required to demonstrate that the project will meet the applicable requirements of the TMC. If approved, the City's decision regarding the requested Rezone will likely include conditions of approval that may address necessary utility upgrades, street and sidewalk improvements, street lighting, grading and erosion control measures, and stormwater controls.

You may appeal this final determination. Appeals may be filed at the SEPA Public Information Center, Tacoma Municipal Building, 3rd Floor, 747 Market Street, Tacoma, Washington 98402, by filing a notice of appeal; the contents of the appeal as outlined in *Tacoma Municipal Code 13.12.820*; and a \$311.30 filing fee, within 14 days after the issue date of this determination.

Responsible Official: Peter Huffman

Position/Title: Director, Planning and Development Services

Signature:  \_\_\_\_\_

SEPA Officer Signature:  \_\_\_\_\_

Issue Date: 5.10.2013

Last Day to Appeal: 5.24.2013

**NOTE:** The issuance of this SEPA Determination does not constitute final project approval. The applicant must comply with all other applicable requirements of the City of Tacoma Departments and other agencies with jurisdiction prior to receiving construction permits.

cc: Applicant  
South Tacoma Neighborhood Council, Chairperson

cc via email:

WDOE, [sepaunit@ecy.wa.gov](mailto:sepaunit@ecy.wa.gov)

Tacoma-Pierce County Health Department, SEPA, [SEPA@tpchd.org](mailto:SEPA@tpchd.org)

City of Fircrest, Rick Rosenblatt, [rosenblatt@cityoffircrest.net](mailto:rosenblatt@cityoffircrest.net)

City of University Place, Leonard Yarberry, [lyarberry@cityofup.com](mailto:lyarberry@cityofup.com)

Planning and Development Services, Reuben McKnight, Peter Huffman, Brian Boudet

Washington State Office of Archaeology & Historic Preservation, Gretchen Kaehler,

[gretchen.kaehler@dahp.wa.gov](mailto:gretchen.kaehler@dahp.wa.gov)

Pierce Transit Land Use Review, Monica Adams, [madams@piercetransit.org](mailto:madams@piercetransit.org)

Pierce County Assessor Treasurer, Darci Brandvold, [dbrandv@co.pierce.wa](mailto:dbrandv@co.pierce.wa)

Jennifer Kammerzell, Engineer, Public Works / Engineering Division

Karla Kluge, Senior Environmental Specialist, Planning and Development Services

March 29, 2013

Brenda Richardson  
Project Administrator  
Innova Architects  
950 Pacific Avenue, Suite 450  
Tacoma, WA 98402  
Email: brichardon@innovaarchitects.com

**Re: Hansen Pipe Wetland & Wildlife Habitat Reconnaissance Study**

The Watershed Company Reference Number: 130322

Dear Brenda:

This letter presents the findings of a wetland reconnaissance conducted on the approximately 34-acre Hansen Pipe property located at 4601 South Orchard Street in the City of Tacoma (Pierce County parcel 0220133949). I visited the site on March 28, 2013 and investigated vegetated areas for the presence of wetlands and streams.

**Methods**

Public-domain information on the subject properties was reviewed for this delineation study. These sources include USDA Natural Resources Conservation Service Soil maps, U.S. Fish and Wildlife Service National Wetland Inventory maps, Washington Department of Fish and Wildlife interactive mapping programs (PHS on the Web), Pierce County sensitive areas maps, and Pierce County's online GIS information.

The study area was evaluated for wetlands using methodology from the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region Version 2.0 (Regional Supplement)*. Wetlands are determined on the basis of an examination of vegetation, soils, and hydrology. These parameters were sampled at several locations along the wetland boundary to make the determination.

**Findings**

The parcel is nearly fully developed and in industrial use. Vegetation is limited to a narrow fringe along property boundaries and a roughly 1.8-acre area in the southeast corner of the parcel. The adjacent parcel south of the subject parcel is also vegetated and was investigated. Other adjacent properties are developed mostly for commercial and industrial use, with some residential development to the south. The nearest documented wetlands are approximately 550 feet south and 700 feet to the west of the

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REZ2013-40000199731  
Reference Doc. R-2

Hansen Pipe property at their nearest points. These wetlands are too distant from the subject property to encumber the property with buffers.

The southeast vegetated portion of the property includes scot's broom- and Himalayan blackberry-dominated disturbed patch at roughly the same grade as the developed part of the property. The area slopes downward to the south and supports some mid-aged Douglas-fir, western red cedar, and red alder, with an understory of osoberry, Himalayan blackberry, and other native and non-native species. A disturbed area with large tire tracks, cleared of trees and most native vegetation, is in the lowest point (Photo 1 at the end of this report). Some creeping buttercup represents the only species that is commonly found in wetlands. The species is a very aggressive grower and readily colonizes disturbed areas in both wetlands and uplands. The area supporting creeping buttercup does not meet wetland criteria, as it supports primarily non-wetland vegetation, does not exhibit wetland hydrology, and has upland soils (10YR 4/4 and 10 YR 3/2 very sandy loam in a roughly 50%-50% mixed matrix). No other point within this area showed any wetland characteristics.

The forested neighboring parcel to the south of the Hansen Pipe property is dominated by mature Douglas-fir with a red alder component and a dense understory of salal, osoberry, red elderberry, red huckleberry, low Oregon grape, sword fern, holly, Himalayan blackberry, and a widespread infestation of English ivy (Photo 2). Salmonberry is growing in one small area next to an uprooted tree's rootwad. This area has bright, dry soils (2.5 YR 4/4 sandy loam under an 8-inch duff layer) with no wetland characteristics.

A "windshield survey" of the surrounding properties revealed no obviously wetlands, with the exception of the documented offsite wetlands mentioned above. The narrow strip of vegetation bordering the Hansen Pipe property shows no wetland characteristics. In conclusion, no wetlands or streams are located on or encumber the subject property.

#### **Disclaimer**

The information contained in this letter or report is based on the application of technical guidelines currently accepted as the best available science and in conjunction with the manuals and criteria outlined in the methods section. All discussions, conclusions and recommendations reflect the best professional judgment of the author(s) and are based upon information available to us at the time the study was conducted. All work was completed within the constraints of budget, scope, and timing. The findings of this report are subject to verification and agreement by the appropriate local, State and Federal regulatory authorities. No other warranty, expressed or implied, is made.

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Please call if you have any questions or if we can provide you with any additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Suzanne Tomassi".

Suzanne Tomassi  
Wetland and Wildlife Biologist, PWS, CWB



Photo 1: Onsite vegetated area with disturbance



Photo 2: Offsite forested parcel to south

CHICAGO TITLE COMPANY  
A.L.T.A. COMMITMENT  
**SCHEDULE A**  
(Continued)

Order No.: 4377206  
Your No.:

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LEGAL DESCRIPTION EXHIBIT  
(Paragraph 4 of Schedule A continuation)

PARCEL A:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON; 266.24 FEET WEST OF THE EAST LINE OF SAID SUBDIVISION; THENCE EASTERLY ALONG SAID SOUTH LINE 150.66 FEET; THENCE SOUTHEASTERLY TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF 266.24 FEET; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER TO THE POINT OF BEGINNING.

PARCEL B:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON, 266.24 FEET WEST OF THE EAST LINE OF SAID SUBDIVISION; THENCE WESTERLY ALONG SAID SOUTH LINE 50.34 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE TO A POINT 850.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13; THENCE NORTHERLY PARALLEL WITH SAID WEST LINE TO A POINT 46.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE EASTERLY PARALLEL WITH SAID NORTH LINE OF SAID NORTHWEST QUARTER 170.00 FEET; THENCE SOUTHERLY TO THE TRUE POINT OF BEGINNING.

PARCEL C:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON; THENCE NORTH 89°44'18" EAST ALONG THE NORTH LINE OF SAID SUBDIVISION; 670.28 FEET TO THE NORTHEAST CORNER THEREOF AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°04'32" EAST ALONG THE EAST LINE OF SAID SUBDIVISION, 331.28 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 89°43'02" EAST ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 00°09'05" WEST ALONG SAID EAST LINE 993.06 FEET TO THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE

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**EYH-13**

REZ2013-4000019973  
Reference Doc. R-3

CHICAGO TITLE COMPANY  
A.L.T.A. COMMITMENT  
**SCHEDULE A**  
(Continued)

Order No.: 4377206  
Your No.:

---

LEGAL DESCRIPTION EXHIBIT  
(Paragraph 4 of Schedule A continuation)

SOUTH 89°46'51" WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 266.24 FEET TO THE WEST LINE OF THE RIGHT OF WAY APPROPRIATED BY THE CITY OF TACOMA IN PIERCE COUNTY SUPERIOR COURT CAUSE NUMBER 81978; THENCE NORTH 00°09'05" WEST ALONG SAID WEST LINE 662.25 FEET TO THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE SOUTH 89°49'24" WEST ALONG SAID NORTH LINE 570.88 FEET; THENCE SOUTH 07°19'43" EAST 1335.50 FEET TO THE TRUE POINT OF BEGINNING, (BEING THE REMAINDER OF THE ORIGINAL TRACT AS DELINEATED ON PIERCE COUNTY SHORT PLAT NUMBER 78-271, FILED WITH THE PIERCE COUNTY AUDITOR ON APRIL 6, 1978 IN VOLUME 25 OF SHORT PLATS AT PAGE 8).

TOGETHER WITH A PERPETUAL EASEMENT FOR INGRESS, EGRESS, AND UTILITIES, OVER, UNDER, AND ACROSS THE SOUTH 60 FEET OF LOTS 3 AND 4, AS SHOWN ON SHORT PLAT NUMBER 75-418, FILED WITH THE PIERCE COUNTY AUDITOR, IN PIERCE COUNTY, WASHINGTON, IN VOLUME 5 OF SHORT PLATS AT PAGE 80.

PARCEL D:

LOTS 3 AND 4, PIERCE COUNTY SHORT PLAT NUMBER 78-271, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 6, 1978 IN VOLUME 25 OF SHORT PLATS, PAGE 8, RECORDS OF PIERCE COUNTY AUDITOR.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL E:

LOTS 2 AND 3, PIERCE COUNTY SHORT PLAT NUMBER 8710200222, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1987, RECORDS OF PIERCE COUNTY AUDITOR.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

ENTR-13









ORCHARD INDUSTRIAL CENTER  
TRAFFIC IMPACT ANALYSIS

*City of Tacoma, WA*



Prepared for: Joe Blattner  
Avenue 55  
601 Union Street, Suite 3500  
Seattle, WA 98101

March 2013

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EXH. 14

ORCHARD INDUSTRIAL CENTER  
TRAFFIC IMPACT ANALYSIS

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# ORCHARD INDUSTRIAL CENTER TRAFFIC IMPACT ANALYSIS

## *I. INTRODUCTION*

This study serves to investigate traffic impacts related to the proposed Orchard Industrial Center. The main goals of this study focus on the assessment of existing traffic conditions and intersection congestion, forecasts of newly generated project traffic, and estimations of future intersection delay. The first task includes the collection of general roadway information, road improvement information, entering sight distance data, and peak hour traffic counts. Next, a detailed level of service analysis of the existing volumes is made to determine the present degree of intersection congestion. Forecasts of future traffic and dispersion patterns on the surrounding street system are then determined using established trip generation and distribution techniques. Following this forecast, the future service levels for the key intersections are investigated. As a final step, appropriate conclusions and possible off-site mitigation measures are defined.

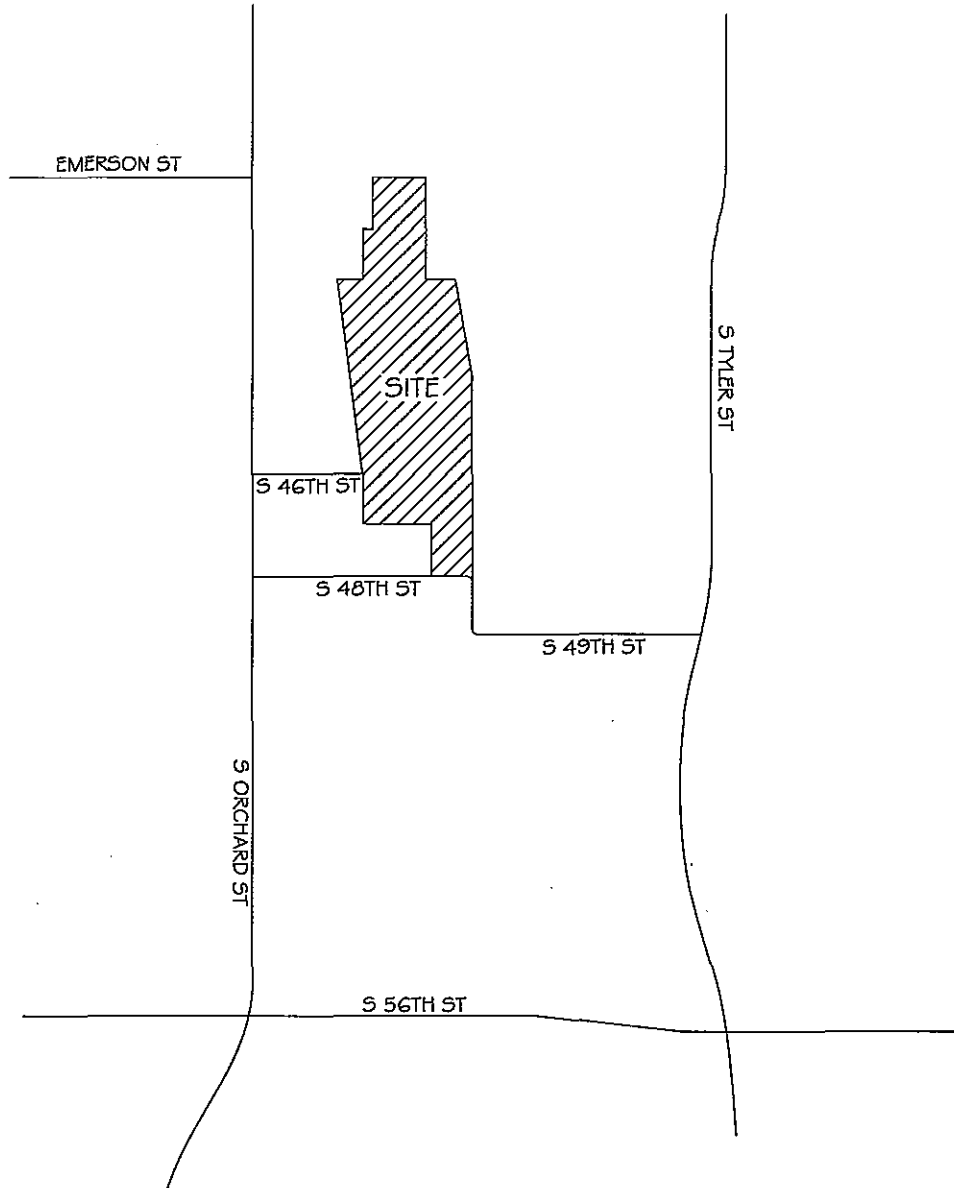
## *II. PROJECT DESCRIPTION*

The proposed project is a high-cube/distribution warehouse building with a size of 571,200 square feet. The site is located on the north side of S 48th Street, just east of S Orchard Street in the City of Tacoma, on Parcel #0220133049. There have recently been two industrial buildings totaling 149,500 square feet for the Hanson Pipe & Products operations, however this use has closed down and is undergoing some demolition work. Access to the site will be provided by a direct connection at the end of S 46th Street as well as a driveway onto S 48th Street. Surrounding development is generally industrial, commercial, residential, or undeveloped land. For traffic analysis purposes, the anticipated buildout and occupancy year for the project is 2015, which was targeted as the horizon analysis year. Figure 1 on the following page shows the project location and the local street network. The proposed site plan showing the overall site layout is shown in Figure 2.


## *III. EXISTING CONDITIONS*

### *A. Surrounding Roadway System*

Roadways serving the proposed site consist mostly of local roads that vary in width, terrain, and posted speeds. As indicated by their specific arterial designations, these roadways also vary in their overall function as part of the general network. The key streets near the site are described on page 6.

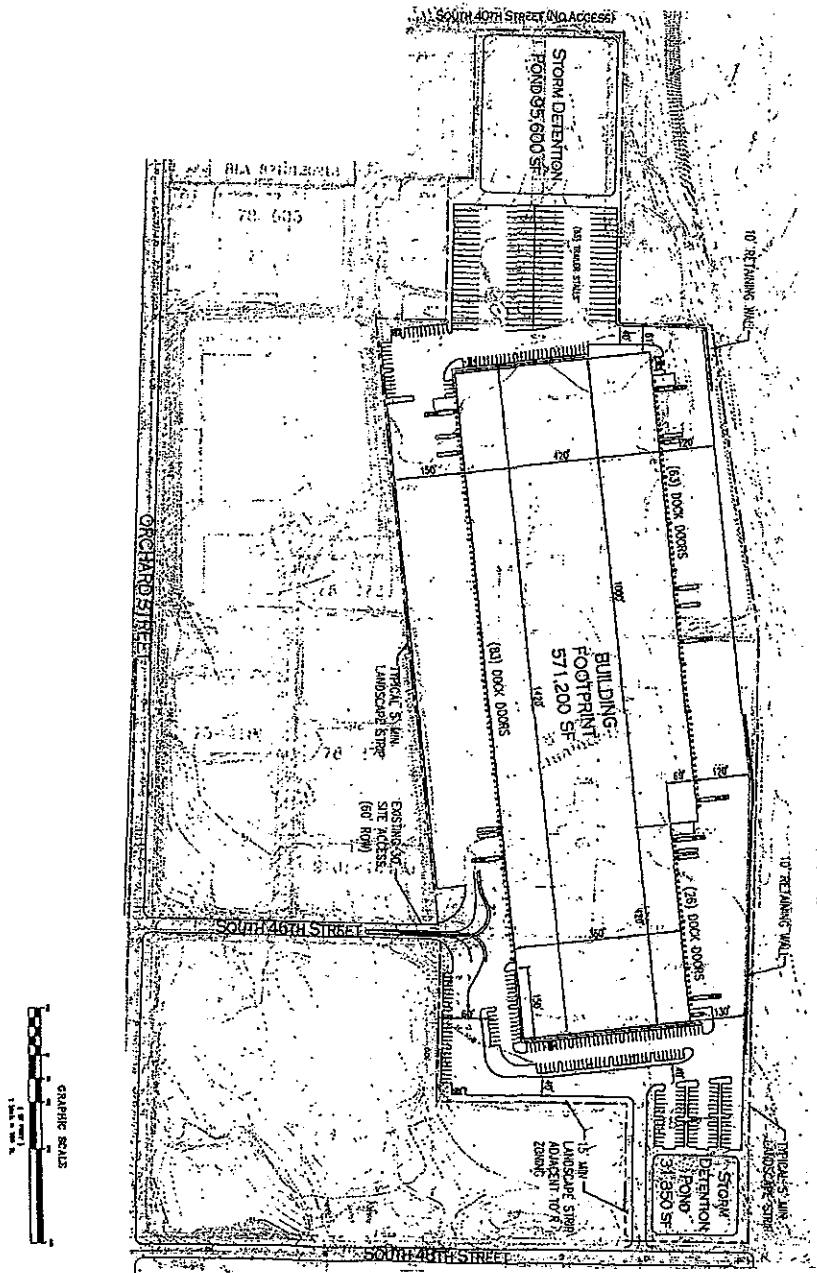
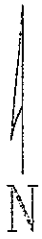


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VICINITY MAP & ROADWAY SYSTEM

FIGURE 1



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SITE PLAN  
FIGURE 2

*S Orchard Street* is a north-south, five-lane major arterial that lies to the west of the project site. The posted speed limit is 35 mph. Paving consists of asphalt concrete and lane widths are around 11 feet. Shoulders in the area are curbed, with sidewalks on the east side of the road. A two-way left turn lane is provided.

*S 46th Street* is an east-west access road that connects to the west side of the project. The speed limit is not posted but assumed 25 mph. Total width is roughly 30 feet, with grass/gravel shoulders.

*S 48th Street* is an east-west local road that borders the south side of the site. The speed limit is assumed at 25 mph. Pavement surfacing is comprised of asphalt concrete with a total roadway width of approximately 30 feet. Some speed humps are present. Shoulders are curb/gutter/sidewalk to the west, and grass/gravel to the east of the site.

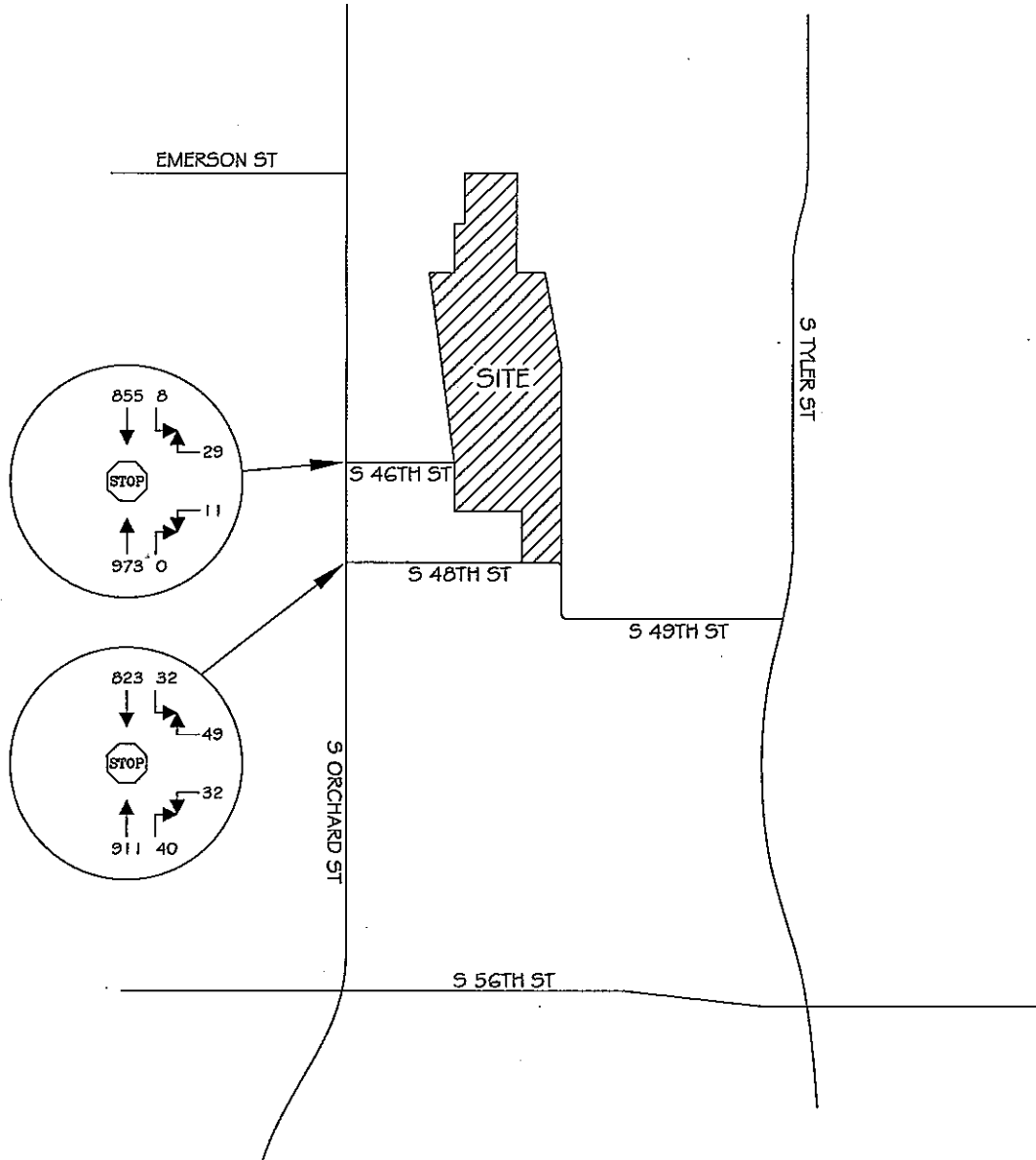
## B. Existing Peak Hour Volumes

Field data for this study was taken in March of 2013. Traffic counts used in this report were taken during the evening peak period between the hours of 4 PM and 6 PM. This specific peak period was targeted for analysis purposes since it generally represents a worst case scenario for residential and commercial developments with respect to traffic conditions. This is primarily due to the common 8 AM to 5 PM work schedule. Most commuters return to their dwellings at the same time of day which translates to a natural peak in intersection traffic loads, especially when combined with the relatively large number of personal trips. Figure 3 shows the weekday PM peak volumes for the key intersections of S Orchard Street & S 46th Street, and S Orchard Street & S 48th Street. Turning movement data can be found in the appendix.


## C. Level of Service

Existing peak hour delays were determined through the use of the *2010 Highway Capacity Manual*. Capacity analysis is used to determine level of service (LOS) which is an established measure of congestion for transportation facilities. LOS is defined for a variety of facilities including intersections, freeways, arterials, etc. A complete definition of level of service and related criteria can be found in the HCM. The methodology for determining the LOS at signalized intersections strives to determine the volume to capacity ( $v/c$ ) ratios for the various intersection movements as well as the average control delay for those movements. *Delay* is generally used to measure the degree of driver discomfort, frustration, fuel consumption, and lost time. *Control delay*, in particular, includes movements at slower speeds and stops on intersection approaches as vehicles





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EXISTING PM PEAK HOUR VOLUMES

FIGURE 3

move up in queue position or slow down upstream of an intersection. Aside from the overall quantity of traffic, three specific factors influence signalized intersection LOS. These include the type of signal operation provided, the signal phasing pattern, and the specific allocation of green time.

The methodology for determining the LOS at unsignalized intersections strives to determine the potential capacities for the various vehicle movements and ultimately determines the average total delay for each movement. *Potential Capacity* represents the number of additional vehicles that could effectively utilize a particular movement, which is essentially the equivalent of the difference between the movement capacity and the existing movement volume. *Total delay* is described as the elapsed time from when a vehicle stops at the end of a queue until the vehicle departs from the stop line. *Average total delay* is simply the mean total delay over the entire stream. A number of factors influence potential capacity and total delay including the availability/usefulness of gaps.

The range for intersection level of service is LOS A to LOS F with the former indicating the best operating conditions with low control delays and the latter indicating the worst conditions with heavy control delays. Detailed descriptions of intersection LOS are given in the 2010 Highway Capacity Manual. LOS results for the key intersections can be found in Table 1. Level of service calculations were made through the use of the automated intersection analysis program known as *HCS2010*. This program follows Chapter 17 procedures of the HCM for unsignalized intersection analysis.

**TABLE 1**  
Existing Level of Service  
*Delays given in Seconds Per Vehicle*

<u>Intersection</u>	<u>Control</u>	<u>Geometry</u>	<u>LOS</u>	<u>Delay</u>
Orchard/46th St	Stop	Westbound	C	16.1
		Southbound LT	B	10.5
Orchard/48th St	Stop	Westbound	C	18.4
		Southbound LT	B	10.7

As shown in the table, delays are moderate at LOS B to LOS C for existing conditions.

**D. Pedestrian and Bicycle Activity**

Observations of pedestrian and bicycle activity were made at the key intersections during traffic counts and site visits. During the evening peak hour, some mild pedestrian volumes were noted on S Orchard Street and S 48th Street. As noted previously, S Orchard Street has sidewalks on the east side of the road.

#### E. Public Transit

A review of the Pierce Transit regional bus schedule indicates that transit service is provided near the project. Routes 51 and 53 provide service on S Orchard Street from roughly 6:00 AM to 7:30 PM. No project trip reductions were made despite the availability of transit service.

#### F. Sight Distance at Access Driveway

A preliminary examination of the proposed site access points was made to determine whether or not adequate entering sight distance can be provided for inbound and outbound project traffic. AASHTO Green Book standards require a sight distance of 280 feet for a 25 mph design speed, or 445 feet for a 40 mph design speed. The access onto S 46th Street is a direct connection at the end of the street, with no sight distance issues. Adequate sight is available for the project connection onto S 48th Street, although there is a 90 degree turn in the road to the east approximately 230 feet away. Vehicles navigating this turn would be low, enabling adequate time for entering movements onto S 48th Street.

Heavy vehicles require more entering sight distance due to longer times to make turning movements, however they have a higher eye height than passenger vehicles. An examination of the S 46th Street and S 48th Street connections onto S Orchard Street was made to ensure adequate entering sight distance is available for heavy vehicles. AASHTO guidelines indicate an entering sight distance of 718 feet required for a heavy vehicle left turn movement assuming a 40 mph design speed. Examinations indicate this minimum is exceeded both to the north and south of both street connections to S Orchard Street, with over 800 feet of sight available.

### IV. FUTURE TRAFFIC CONDITIONS

#### A. Trip Generation

Trip generation is used to determine the magnitude of project impacts on the surrounding street system. This is usually denoted by the quantity or specific number of new trips that enter and exit a project during a designated time period, such as a specific peak hour or an entire day. Data presented in this report was taken from the Institute of Transportation Engineers publication, *Trip Generation*, 8th Edition. The designated land use for this project is defined as High Cube Warehouse/Distribution Center (LUC 152) for the 571,200 square feet of building space. ITE average rates were used. Shown in Table 2 are the trip generation values used for this study. Included are the average daily trips, AM peak hour volumes, and PM peak hour volumes.

It should be noted that there had been previous existing activity at the Hanson Pipe & Products facility, however this activity cannot be measured at this point as it has closed

down and is undergoing demolition. As such, previous use volumes are not incorporated into the analysis and are also not included in the existing conditions turning movement counts at the intersections.

**TABLE 2**  
**Project Trip Generation**  
*571.2 ksf High Cube/Distribution (LUC 152)*

<i>Time Period</i>	<i>Volume</i>
AWDT	960 vpd
AM Peak Inbound	43 vph
AM Peak Outbound	20 vph
AM Peak Total	63 vph
PM Peak Inbound	21 vph
PM Peak Outbound	48 vph
PM Peak Total	69 vph

Data from the ITE Trip Generation Manual indicates that daily, AM, and PM peak hour heavy vehicle percentages may be in the 23 to 27 percent range. This study assumes a heavy vehicle percentage of 30 percent, incorporated into the trip assignments and level of service analysis.

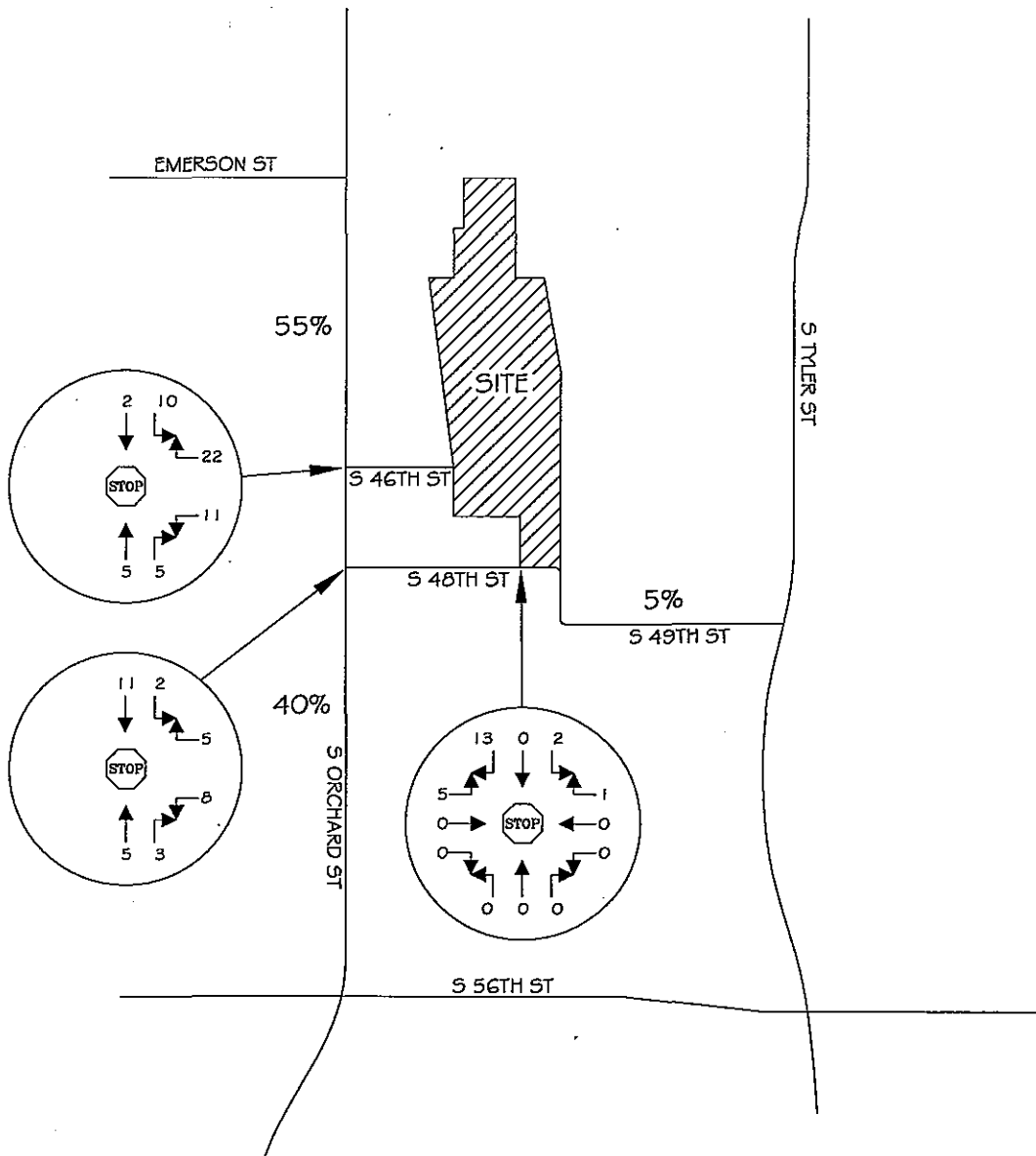
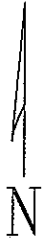
#### B. Trip Distribution

The pattern by which project trips disperse on the roadway network is highly variable and largely depends on driver behavior and psychological factors. Based on this information, general estimations of traffic distribution are made to determine the impacts of a project on the surrounding street network. Trips generated by the project are expected to follow the pattern shown in Figure 4 on the following page. Percentages are generally based on existing traffic patterns and the layout of the nearby roadway network. Of the project trips traveling to/from S Orchard Street, a split of roughly 70/30 was assumed favoring the S 46th access over the S 48th access.

Allowance for heavy vehicle usage of S 48th Street is requested. Although actual usage levels are expected to be low, the allowance of this route for heavy vehicle access onto S Orchard Street would not be expected to substantially hinder operations. The trip distribution and analysis assumes this usage in order to show the potential impacts.


#### C. Roadway Improvements

A review of the most recent City of Tacoma Six-Year Road Transportation Improvement Program indicates that there are no current city roadway improvements in the immediate vicinity. A review of the latest City of University Place Transportation Improvement Program also indicates no planned improvements in the site vicinity.



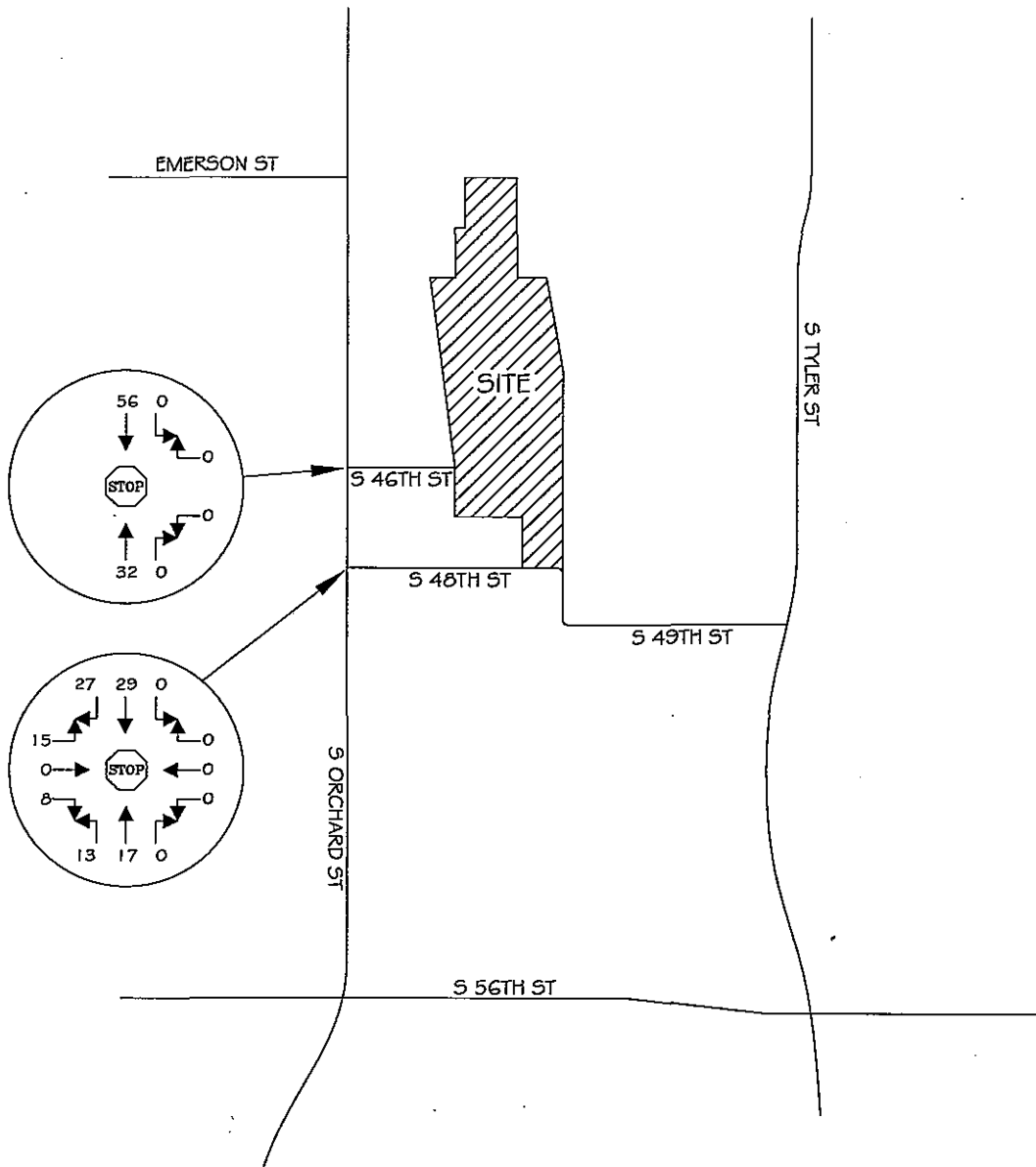
PM PEAK HOUR PROJECT TRIPS  
INBOUND: 21 VPH  
OUTBOUND: 48 VPH

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PROJECT TRIP DISTRIBUTION

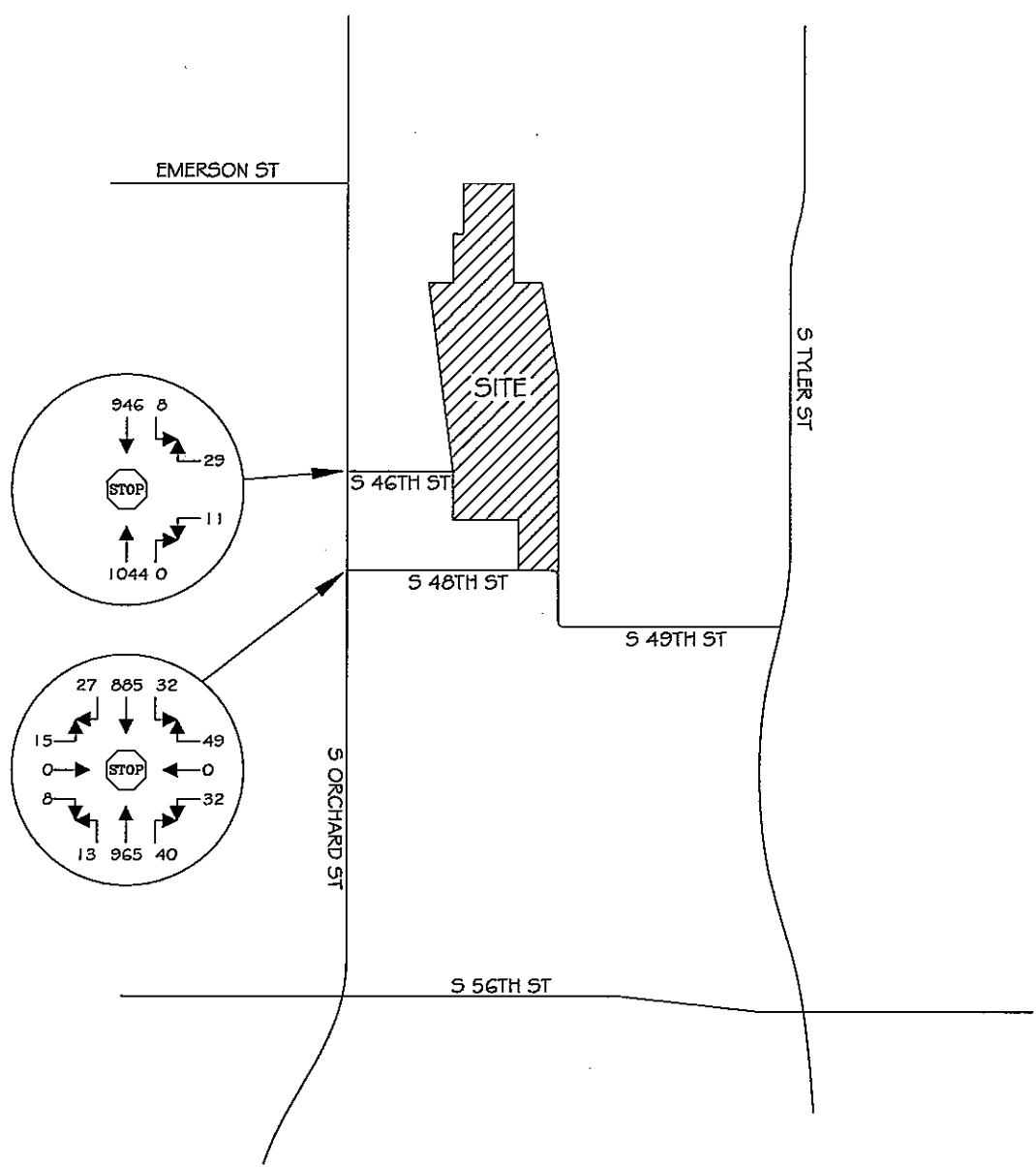
FIGURE 4




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PIPELINE VOLUMES  
FIGURE 5

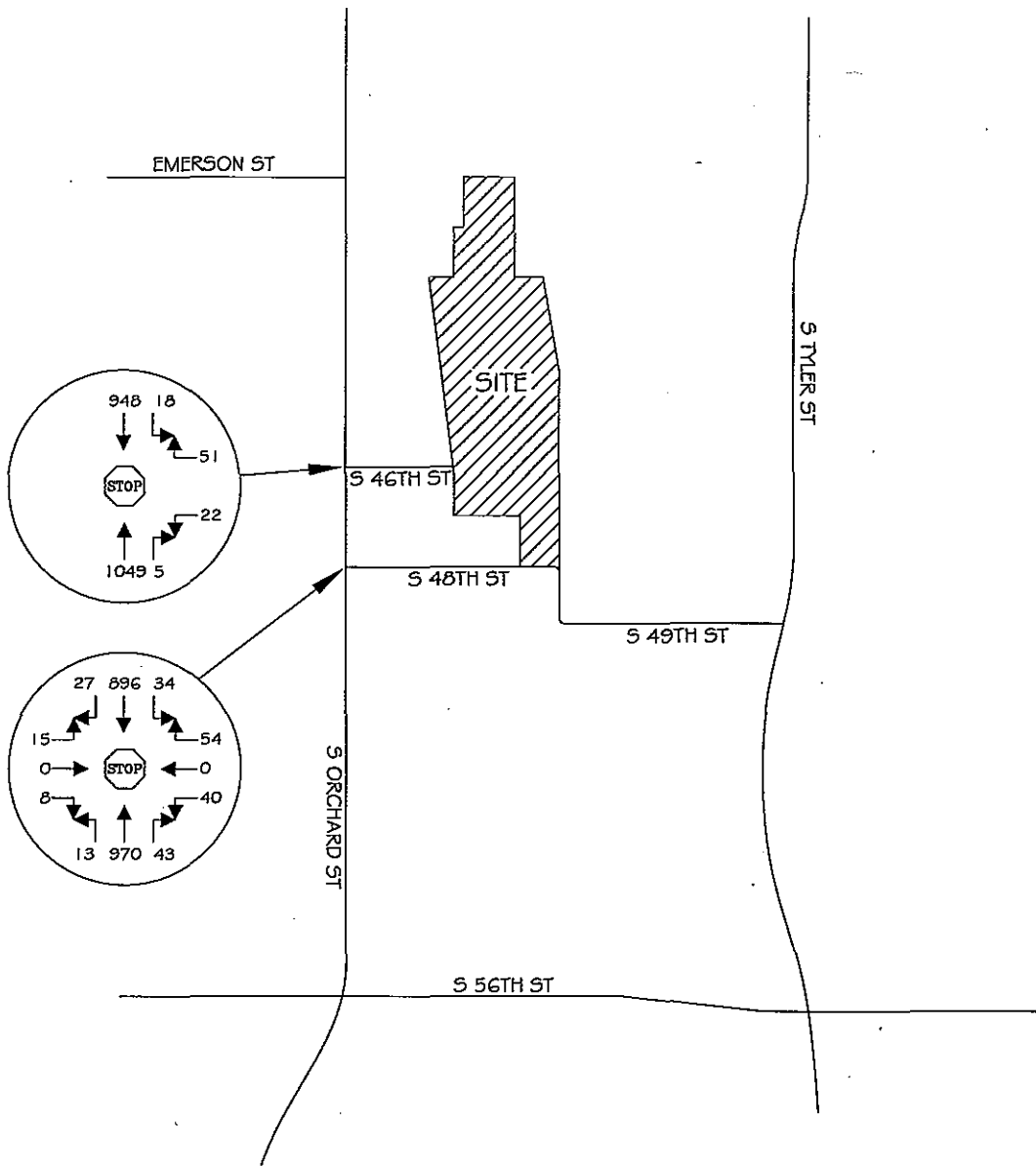


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2015 PM PEAK HOUR VOLUMES WITHOUT PROJECT

FIGURE 6



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2015 PM PEAK HOUR VOLUMES WITH PROJECT

FIGURE 7



#### D. Peak Hour Volumes

For forecasting purposes the anticipated buildout and occupancy year of 2015 was targeted for future traffic volume estimations. Baseline 2015 peak hour volumes without the project were derived by applying a 2 percent growth rate to the existing volumes found in Figure 3. In addition, pipeline volumes from the Orchard Ridge and Woodside Creek residential developments were included for future estimations. These pipeline volumes are shown in Figure 5. Note that the pipeline volumes assume a west leg connection added to the S Orchard Street/S 48th Street intersection. Future 2015 traffic volumes without the project are given in Figure 6, while 2015 volumes with project traffic added are shown in Figure 7.

#### E. Level of Service

A level of service analysis was made of the future peak hour volumes with project generated trips included. This analysis again involved the use of the *HCS2010* program which is based on specific intersection analysis procedures of the *Highway Capacity Manual*. Results for 2015 traffic conditions are shown in Table 3.

**TABLE 3**  
Future 2015 Level of Service  
*Delays given in Seconds Per Vehicle*

<u>Intersection</u>	<u>Control</u>	<u>Approach</u>	Without Project		With Project	
			<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>
Orchard/46th	Stop	Westbound	C	17.2	C	20.7
		Southbound LT	B	10.9	B	12.0
Orchard/48th	Stop	Eastbound	C	20.4	C	21.0
		Westbound	C	23.3	D	27.4
		Northbound LT	B	10.0	B	10.1
		Southbound LT	B	11.1	B	11.3

As shown in the table, delays at the key intersections would be in the LOS B to LOS D range with project traffic included.

#### V. CONCLUSIONS & MITIGATION

The Orchard Industrial Center project proposes to add a 571,200 square foot high cube/distribution center just east of S Orchard Street at S 46th Street and S 48th Street, replacing the Hanson Pipe & Products facility that is undergoing demolition work. Approximately 960 daily trips may be expected, with 63 trips during the AM peak hour and 69 trips during the PM peak hour. The net increase in trips onto S Orchard Street and

the surrounding road network would be lower due to demolition of the previous operations on site.

Fairly heavy evening peak hour volumes currently exist along S Orchard Street, with some mild volumes on the S 46th and S 48th side streets. Sight distance at the access points is adequate for passenger vehicles and heavy vehicles. Future 2015 delays with project traffic included are calculated to be in the LOS B to LOS D range, assuming moderate use of the access to S 48th Street including some heavy vehicle usage for analysis purposes. Project proponents request that heavy vehicle access to S 48th Street is not restricted so as to have the option available.

No mitigations are identified at this time.

ORCHARD INDUSTRIAL CENTER  
TRAFFIC IMPACT ANALYSIS

*APPENDIX*

## LEVEL OF SERVICE

The following are excerpts from the *2010 Highway Capacity Manual - Transportation Research Board Special Report 209*.

Quality of service requires quantitative measures to characterize operational conditions within a traffic stream. Level of service (LOS) is a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience.

Six LOS are defined for each type of facility that has analysis procedures available. Letters designate each level, from A to F, with LOS A representing the best operating conditions and LOS F the worst. Each level of service represents a range of operating conditions and the driver's perception of those conditions.

### Level-of-Service definitions

The following definitions generally define the various levels of service for arterials.

*Level of service A* represents primarily free-flow operations at average travel speeds, usually about 90 percent of the free-flow speed for the arterial classification. Vehicles are seldom impeded in their ability to maneuver in the traffic stream. Delay at signalized intersections is minimal.

*Level of service B* represents reasonably unimpeded operations at average travel speeds, usually about 70 percent of the free-flow speed for the arterial classification. The ability to maneuver in the traffic stream is only slightly restricted and delays are not bothersome.

*Level of service C* represents stable operations; however, ability to maneuver and change lanes in midblock locations may be more restricted than in LOS B, and longer queues, adverse signal coordination, or both may contribute to lower average travel speeds of about 50 percent of the average free-flow speed for the arterial classification.

*Level of service D* borders on a range in which small increases in flow may cause substantial increases in approach delay and hence decreases in arterial speed. LOS D may be due to adverse signal progression, inappropriate signal timing, high volumes, or some combination of these. Average travel speeds are about 40 percent of free-flow speed.

*Level of service E* is characterized by significant delays and average travel speeds of one-third the free-flow speed or less. Such operations are caused by some combination of adverse progression, high signal density, high volumes, extensive delays at critical intersections, and inappropriate signal timing.

*Level of service F* characterizes arterial flow at extremely low speeds, from less than one-third to one-quarter of the free-flow speed. Intersection congestion is likely at critical signalized locations, with long delays and extensive queuing.

These definitions are general and conceptual in nature, and they apply primarily to uninterrupted flow. Levels of service for interrupted flow facilities vary widely in terms of both the user's perception of service quality and the operational variables used to describe them.

For each type of facility, levels of service are defined based on one or more operational parameters that best describe operating quality for the subject facility type. While the concept of level of service attempts to address a wide range of operating conditions, limitations on data collection and availability make it impractical to treat the full range of operational parameters for every type of facility. The parameters selected to define levels of service for each facility type are called "measures of effectiveness" or "MOE's", and represent available measures that best describe the quality of operation on the subject facility type.

Each level of service represents a range of conditions, as defined by a range in the parameters given. Thus, a level of service is not a discrete condition, but rather a range of conditions for which boundaries are established.

The following tables describe levels of service for signalized and unsignalized intersections. Level of service for signalized intersections is defined in terms of average control delay. Delay is a measure of driver discomfort, frustration, fuel consumption and lost travel time, as well as time from movements at slower speeds and stops on intersection approaches as vehicles move up in queue position or slow down upstream of an intersection. Level of service for unsignalized intersections is determined by the computed or measured control delay and is determined for each minor movement.

*Signalized Intersections - Level of Service*

<u>Level of Service</u>	<u>Control Delay per Vehicle (sec)</u>
A	$\leq 10$
B	$> 10$ and $\leq 20$
C	$> 20$ and $\leq 35$
D	$> 35$ and $\leq 55$
E	$> 55$ and $\leq 80$
F	$> 80$

*Unsignalized Intersections - Level of Service*

<u>Level of Service</u>	<u>Average Total Delay per Vehicle (sec)</u>
A	$\leq 10$
B	$> 10$ and $\leq 15$
C	$> 15$ and $\leq 25$
D	$> 25$ and $\leq 35$
E	$> 35$ and $\leq 50$
F	$> 50$

As described in the 2010 Highway Capacity Manual, level of service breakpoints for all-way stop controlled (AWSC) intersections are somewhat different than the criteria used for signalized intersections. The primary reason for this difference is that drivers expect different levels of performance from distinct kinds of transportation facilities. The expectation is that a signalized intersection is designed to carry higher traffic volumes than an AWSC intersection. Thus a higher level of control delay is acceptable at a signalized intersection for the same level of service.

*AWSC Intersections - Level of Service*

<u>Level of Service</u>	<u>Average Total Delay per Vehicle (sec)</u>
A	$\leq 10$
B	$> 10$ and $\leq 15$
C	$> 15$ and $\leq 25$
D	$> 25$ and $\leq 35$
E	$> 35$ and $\leq 50$
F	$> 50$

**Period Setting**

**Analysis Name:** Weekday  
**Project Name:** Orchard Industrial Center **No:**  
**Date:** 3/11/2013 **City:**  
**State/Province:** **Zip/Postal Code:**  
**Country:** **Client Name:**  
**Analyst's Name:** **Edition:** 9th

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
152 - High-Cube Warehouse/Distribution Center	1000 Sq. Feet Gross Floor Area	571.2	Weekday	Average	480	480	960

**Traffic Reductions**

Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit
152 - High-Cube Warehouse/Distribution Center	0%	480	0%	480

**External Trips**

Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
152 - High-Cube Warehouse/Distribution Center	960	0%	0	960

**ITE Deviation Details**

**Weekday**  
**Landuse** No deviations from ITE.  
**Methods** No deviations from ITE.  
**External Trips** 152 - High-Cube Warehouse/Distribution Center  
 ITE does not recommend a particular pass-by% for this case.

**Summary**

<b>Total Entering</b>	480
<b>Total Exiting</b>	480
<b>Total Entering Reduction</b>	0
<b>Total Exiting Reduction</b>	0
<b>Total Entering Internal Capture Reduction</b>	0
<b>Total Exiting Internal Capture Reduction</b>	0
<b>Total Entering Pass-by Reduction</b>	0
<b>Total Exiting Pass-by Reduction</b>	0
<b>Total Entering Non-Pass-by Trips</b>	480
<b>Total Exiting Non-Pass-by Trips</b>	480

**Period Setting**

**Analysis Name:** Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.  
**Project Name:** Orchard Industrial Center **No:**  
**Date:** 3/11/2013 **City:**  
**State/Province:** **Zip/Postal Code:**  
**Country:** **Client Name:**  
**Analyst's Name:** **Edition:** 9th

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
152 - High-Cube Warehouse/Distribution Center	1000 Sq. Feet Gross Floor Area	571.2	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average	43	20	63

**Traffic Reductions**

Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit
152 - High-Cube Warehouse/Distribution Center	0%	43	0%	20

**External Trips**

Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
152 - High-Cube Warehouse/Distribution Center	63	0%	0	63

**ITE Deviation Details**

**Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.**  
**Landuse** No deviations from ITE.  
**Methods** 152 - High-Cube Warehouse/Distribution Center  
 The chosen method (Average) is not recommended by ITE. ITE recommends LIN based on the criterion.  
**External Trips** 152 - High-Cube Warehouse/Distribution Center  
 ITE does not recommend a particular pass-by% for this case.

**Summary**

Total Entering	43
Total Exiting	20
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	0
Total Exiting Internal Capture Reduction	0
Total Entering Pass-by Reduction	0
Total Exiting Pass-by Reduction	0
Total Entering Non-Pass-by Trips	43
Total Exiting Non-Pass-by Trips	20



Period Setting							
<b>Analysis Name:</b>	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.						
<b>Project Name:</b>	Orchard Industrial Center	<b>No:</b>					
<b>Date:</b>	3/11/2013	<b>City:</b>					
<b>State/Province:</b>		<b>Zip/Postal Code:</b>					
<b>Country:</b>		<b>Client Name:</b>					
<b>Analyst's Name:</b>		<b>Edition:</b>	9th				
<b>Land Use</b>	<b>Independent Variable</b>	<b>Size</b>	<b>Time Period</b>	<b>Method</b>	<b>Entry</b>	<b>Exit</b>	<b>Total</b>
152 - High-Cube Warehouse/Distribution Center	1000 Sq. Feet Gross Floor Area	571.2	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average	21	48	69

Traffic Reductions					
Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit	
152 - High-Cube Warehouse/Distribution Center	0 %	21	0 %	48	

External Trips					
Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips	
152 - High-Cube Warehouse/Distribution Center	69	0 %	0	69	

ITE Deviation Details	
<b>Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.</b>	
Landuse	No deviations from ITE.
Methods	152 - High-Cube Warehouse/Distribution Center The chosen method (Average) is not recommended by ITE. ITE recommends LIN based on the criterion.
External Trips	152 - High-Cube Warehouse/Distribution Center ITE does not recommend a particular pass-by% for this case.

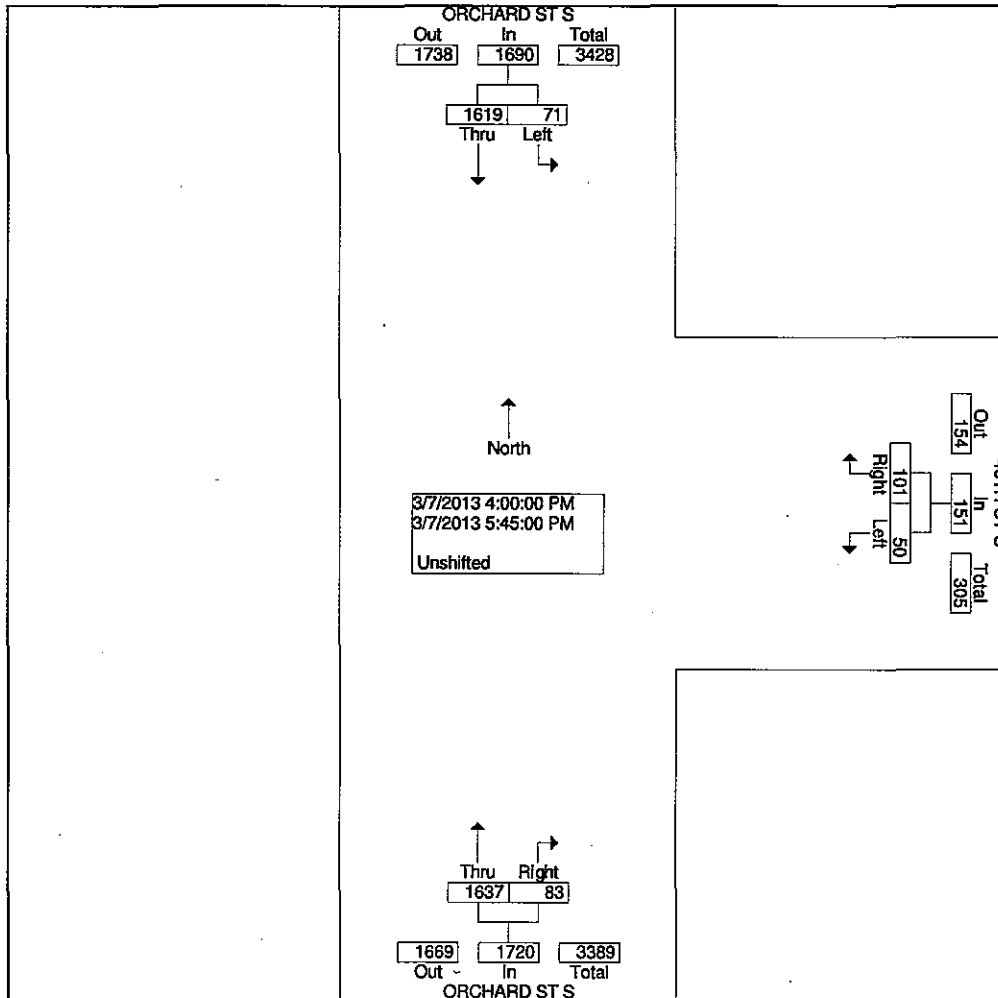
Summary	
Total Entering	21
Total Exiting	48
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	0
Total Exiting Internal Capture Reduction	0
Total Entering Pass-by Reduction	0
Total Exiting Pass-by Reduction	0
Total Entering Non-Pass-by Trips	21
Total Exiting Non-Pass-by Trips	48

Heath & Associates, Inc.  
 2214 Tacoma Road  
 Puyallup, WA 98371

File Name : 3395a  
 Site Code : 00003395  
 Start Date : 03/07/2013  
 Page No : 1

Groups Printed- Unshifted

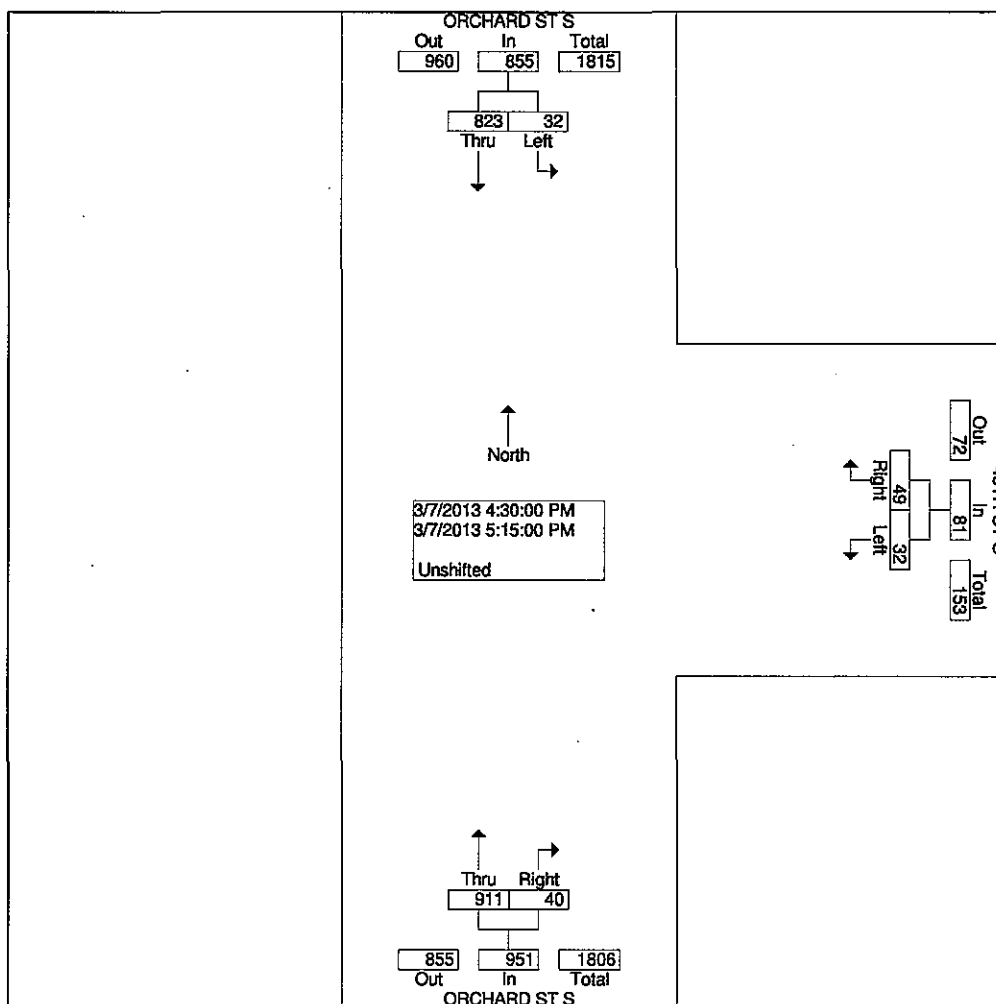
Start Time	ORCHARD ST S Southbound			48TH ST S Westbound			ORCHARD ST S Northbound			Int. Total
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
04:00 PM	0	223	10	11	0	6	10	188	0	448
04:15 PM	0	202	11	15	0	7	14	207	0	456
04:30 PM	0	199	6	13	0	8	6	213	0	445
04:45 PM	0	214	9	9	0	8	3	219	0	462
Total	0	838	36	48	0	29	33	827	0	1811
05:00 PM	0	207	8	17	0	10	19	244	0	505
05:15 PM	0	203	9	10	0	6	12	235	0	475
05:30 PM	0	183	7	14	0	3	10	182	0	399
05:45 PM	0	188	11	12	0	2	9	149	0	371
Total	0	781	35	53	0	21	50	810	0	1750
Grand Total	0	1619	71	101	0	50	83	1637	0	3561
Apprch %	0.0	95.8	4.2	66.9	0.0	33.1	4.8	95.2	0.0	
Total %	0.0	45.5	2.0	2.8	0.0	1.4	2.3	46.0	0.0	



Heath & Associates, Inc.  
 2214 Tacoma Road  
 Puyallup, WA 98371

File Name : 3395a  
 Site Code : 00003395  
 Start Date : 03/07/2013  
 Page No : 2

Start Time	ORCHARD ST S Southbound				48TH ST S Westbound				ORCHARD ST S Northbound				Int. Total
	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1													
Intersection	04:30 PM												
Volume	0	823	32	855	49	0	32	81	40	911	0	951	1887
Percent	0.0	96.3	3.7		60.5	0.0	39.5		4.2	95.8	0.0		
05:00 Volume	0	207	8	215	17	0	10	27	19	244	0	263	505
Peak Factor	0.934												
High Int.	04:45 PM												
Volume	0	214	9	223	17	0	10	27	19	244	0	263	
Peak Factor	0.959												
								0.750					0.904

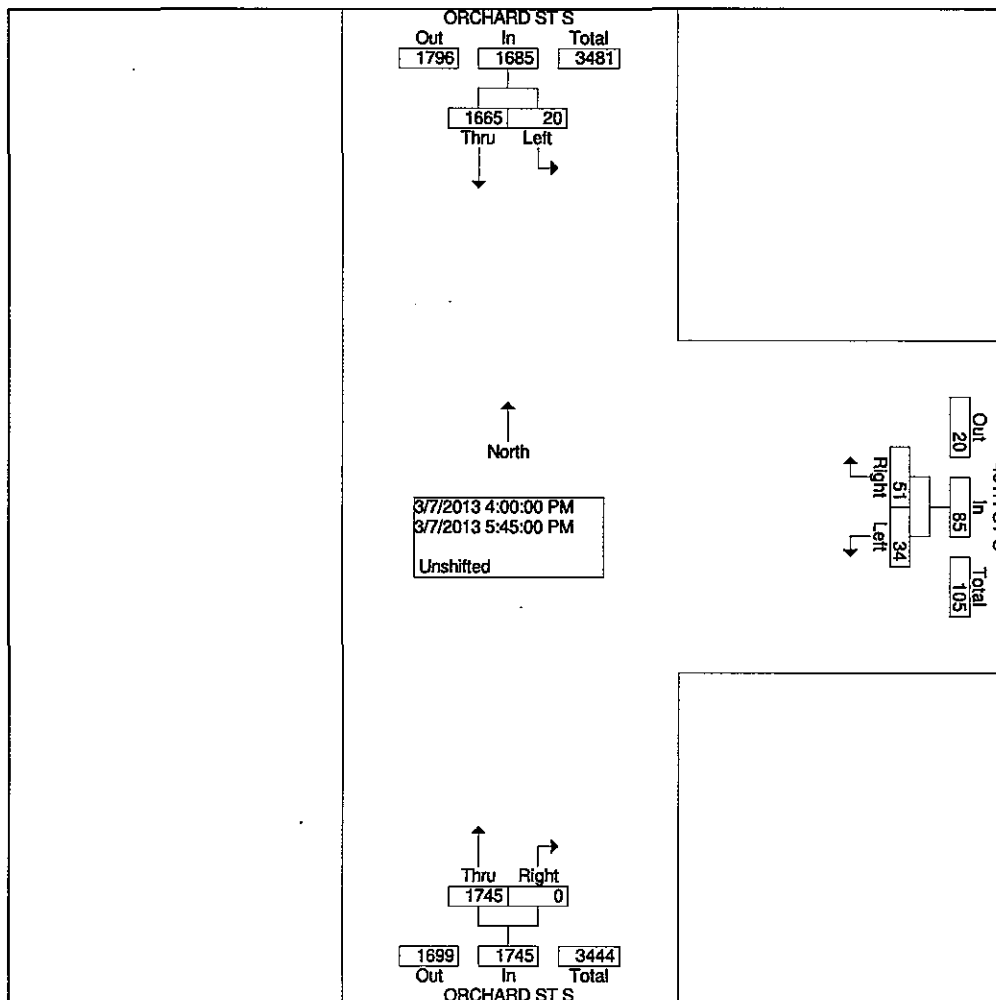


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 Puyallup, WA 98371

File Name : 3395b  
 Site Code : 00003395  
 Start Date : 03/07/2013  
 Page No : 1

Groups Printed- Unshifted

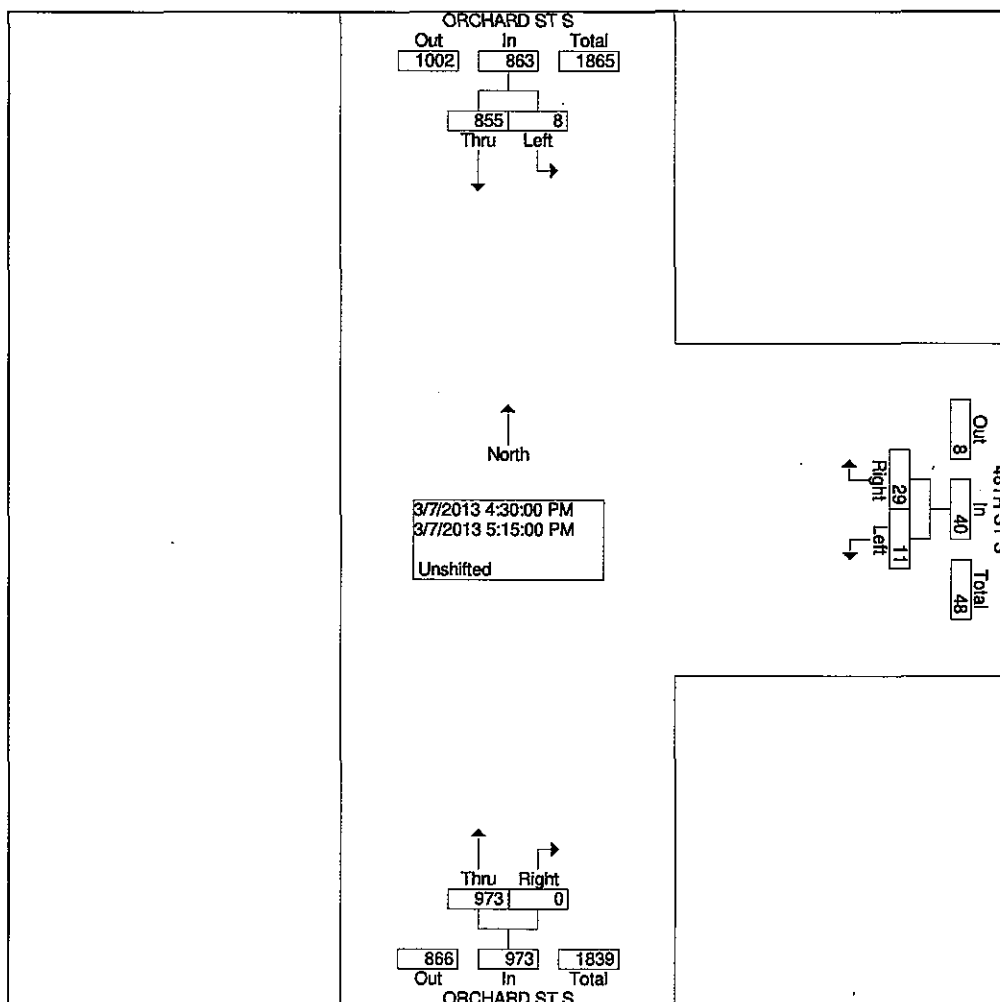
Start Time	ORCHARD ST S Southbound			46TH ST S Westbound			ORCHARD ST S Northbound			Int. Total
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
04:00 PM	0	218	3	6	0	4	0	196	0	427
04:15 PM	0	200	4	11	0	19	0	213	0	447
04:30 PM	0	212	2	13	0	7	0	242	0	476
04:45 PM	0	203	3	5	0	2	0	213	0	426
Total	0	833	12	35	0	32	0	864	0	1776
05:00 PM	0	227	2	6	0	1	0	266	0	502
05:15 PM	0	213	1	5	0	1	0	252	0	472
05:30 PM	0	209	4	5	0	0	0	204	0	422
05:45 PM	0	183	1	0	0	0	0	159	0	343
Total	0	832	8	16	0	2	0	881	0	1739
Grand Total	0	1665	20	51	0	34	0	1745	0	3515
Apprch %	0.0	98.8	1.2	60.0	0.0	40.0	0.0	100.0	0.0	
Total %	0.0	47.4	0.6	1.5	0.0	1.0	0.0	49.6	0.0	



Heath & Associates, Inc.  
 2214 Tacoma Road  
 Puyallup, WA 98371

File Name : 3395b  
 Site Code : 00003395  
 Start Date : 03/07/2013  
 Page No : 2

Start Time	ORCHARD ST S Southbound				46TH ST S Westbound				ORCHARD ST S Northbound				Int. Total
	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1													
Intersection	04:30 PM												
Volume	0	855	8	863	29	0	11	40	0	973	0	973	1876
Percent	0.0	99.1	0.9		72.5	0.0	27.5		0.0	100.0	0.0		
05:00 Volume	0	227	2	229	6	0	1	7	0	266	0	266	502
Peak Factor	0.934												
High Int.	05:00 PM												
Volume	0	227	2	229	13	0	7	20	0	266	0	266	
Peak Factor	0.942				0.500				0.914				



HCM Unsignalized Intersection Capacity Analysis  
 1: S Orchard St & S 46th St

Existing PM Peak Volumes  
 3/20/2013



Movement	WBL	WBR	NBT	NBR	SEL	SBT
Lane Configurations	Y		↑↓		↑	↑↑
Volume (veh/h)	11	29	973	0	8	855
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.50	0.50	0.91	0.91	0.94	0.94
Hourly flow rate (vph)	22	58	1069	0	9	910
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			TWLTL		TWLTL	
Median storage (veh)			2		2	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1541	535			1069	
vC1, stage 1 conf vol	1069					
vC2, stage 2 conf vol	472					
vCu, unblocked vol	1541	535			1069	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	92	88			99	
cM capacity (veh/h)	270	495			659	

Direction Lane#	WB1	NB1	NB2	SB1	SB2	SB3
Volume Total	80	713	356	9	455	455
Volume Left	22	0	0	9	0	0
Volume Right	58	0	0	0	0	0
cSH	403	1700	1700	659	1700	1700
Volume to Capacity	0.20	0.42	0.21	0.01	0.27	0.27
Queue Length 95th (ft)	18	0	0	1	0	0
Control Delay (s)	16.1	0.0	0.0	10.5	0.0	0.0
Lane LOS	C			B		
Approach Delay (s)	16.1	0.0		0.1		
Approach LOS	C					

Intersection Summary						
Average Delay	0.7					
Intersection Capacity Utilization	36.9%			ICU Level of Service		A
Analysis Period (min)	15					

HCM Unsignalized Intersection Capacity Analysis  
1: S Orchard St & S 46th St

2015 PM Peak Volumes Without Project  
3/20/2013



Movement	WBL	WBR	NBT	NBR	SBL	SBR
Lane Configurations	Y		↑↑		↑	↑↑
Volume (veh/h)	11	29	1044	0	8	946
Sign Control	Stop		Free		Free	Free
Grade	0%		0%		0%	0%
Peak Hour Factor	0.50	0.50	0.91	0.91	0.94	0.94
Hourly flow rate (vph)	22	58	1147	0	9	1006
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			TWLTL			None
Median storage (veh)			2			
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1667	574			1147	
vC1, stage 1 conf vol	1147					
vC2, stage 2 conf vol	520					
vCu, unblocked vol	1667	574			1147	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	91	88			99	
cM capacity (veh/h)	245	467			616	

	WBL	WBR	NBT	NBR	SBL	SBR
Volume Total	80	765	382	9	503	503
Volume Left	22	0	0	9	0	0
Volume Right	58	0	0	0	0	0
cSH	374	1700	1700	616	1700	1700
Volume to Capacity	0.21	0.45	0.22	0.01	0.30	0.30
Queue Length 95th (ft)	20	0	0	1	0	0
Control Delay (s)	17.2	0.0	0.0	10.9	0.0	0.0
Lane LOS	C			B		
Approach Delay (s)	17.2	0.0		0.1		
Approach LOS	C					

Average Delay			0.7			
Intersection Capacity Utilization			38.9%		ICU Level of Service	A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
1: S Orchard St & S 46th St

2015 PM Peak Volumes With Project  
3/26/2013



Movement	WBL	WER	NBT	NBR	SBL	SBT
Lane Configurations	Y		↑↑		↑	↑↑
Volume (veh/h)	22	51	1049	5	18	948
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.70	0.70	0.91	0.91	0.94	0.94
Hourly flow rate (vph)	31	73	1153	5	19	1009
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	TWLTL			None		
Median storage (veh)	2					
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1698	579			1158	
vC1, stage 1 conf vol	1155					
vC2, stage 2 conf vol	543					
vCu, unblocked vol	1698	579			1158	
tC, single (s)	7.1	7.1			4.4	
tC, 2 stage (s)	6.1					
tF (s)	3.6	3.4			2.4	
p0 queue free %	85	83			96	
cM capacity (veh/h)	216	434			530	
<b>Approach Data</b>						
	WBL	WER	NBT	NBR	SBL	SBT
Volume Total	104	768	390	19	504	504
Volume Left	31	0	0	19	0	0
Volume Right	73	0	5	0	0	0
cSH	333	1700	1700	530	1700	1700
Volume to Capacity	0.31	0.45	0.23	0.04	0.30	0.30
Queue Length 95th (ft)	33	0	0	3	0	0
Control Delay (s)	20.7	0.0	0.0	12.0	0.0	0.0
Lane LOS	C			B		
Approach Delay (s)	20.7	0.0		0.2		
Approach LOS	C					
<b>Summary</b>						
Average Delay			1.0			
Intersection Capacity Utilization			40.2%	ICU Level of Service	A	
Analysis Period (min)			15			



HCM Unsignalized Intersection Capacity Analysis  
 2: S Orchard St & S 48th St

Existing PM Peak Volumes  
 3/20/2013



Movement	WBL	WBR	NBT	NBR	SBL	SBR
Lane Configurations	↵		↑↑		↵	↑↑
Volume (veh/h)	32	49	911	40	32	823
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.75	0.75	0.90	0.90	0.96	0.96
Hourly flow rate (vph)	43	65	1012	44	33	857
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			TWLT		TWLT	
Median storage veh			2		2	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1530	528			1057	
vC1, stage 1 conf vol	1034					
vC2, stage 2 conf vol	495					
vCu, unblocked vol	1530	528			1057	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	84	87			95	
cM capacity (veh/h)	274	497			661	
<b>Summary</b>						
Volume Total	108	675	382	33	429	429
Volume Left	43	0	0	33	0	0
Volume Right	65	0	44	0	0	0
cSH	376	1700	1700	661	1700	1700
Volume to Capacity	0.29	0.40	0.22	0.05	0.25	0.25
Queue Length 95th (ft)	29	0	0	4	0	0
Control Delay (s)	18.4	0.0	0.0	10.7	0.0	0.0
Lane LOS	C			B		
Approach Delay (s)	18.4	0.0		0.4		
Approach LOS	C					
<b>Overall Performance</b>						
Average Delay			1.1			
Intersection Capacity Utilization			38.0%		ICU Level of Service	A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
2: S Orchard St & S 48th St

2015 PM Peak Volumes Without Project  
3/20/2013



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SEB
Lane Configurations		↕			↕		↙	↕		↙	↕	↘
Volume (veh/h)	15	0	8	32	0	49	13	965	40	32	885	27
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.90	0.90	0.90	0.75	0.75	0.75	0.90	0.90	0.90	0.96	0.96	0.96
Hourly flow rate (vph)	17	0	9	43	0	65	14	1072	44	33	922	28
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type							TWLTL			TWLTL		
Median storage veh							2			2		
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	1633	2148	475	1660	2140	558	950			1117		
vC1, stage 1 conf vol	1003	1003		1123	1123							
vC2, stage 2 conf vol	630	1146		536	1017							
vCu, unblocked vol	1633	2148	475	1660	2140	558	950			1117		
tC, single (s)	7.5	6.5	6.9	7.5	6.5	6.9	4.1			4.1		
tC, 2 stage (s)	6.5	5.5		6.5	5.5							
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	92	100	98	78	100	86	98			95		
cM capacity (veh/h)	202	187	541	195	198	475	731			627		

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SEB
Volume Total	26	108	14	715	402	33	615	335				
Volume Left	17	43	14	0	0	33	0	0				
Volume Right	9	65	0	0	44	0	0	28				
cSH	259	304	731	1700	1700	627	1700	1700				
Volume to Capacity	0.10	0.36	0.02	0.42	0.24	0.05	0.36	0.20				
Queue Length 95th (ft)	8	39	2	0	0	4	0	0				
Control Delay (s)	20.4	23.3	10.0	0.0	0.0	11.1	0.0	0.0				
Lane LOS	C	C	B			B						
Approach Delay (s)	20.4	23.3	0.1			0.4						
Approach LOS	C	C										

Average Delay			1.6									
Intersection Capacity Utilization			39.6%			ICU Level of Service				A		
Analysis Period (min)			15									

HCM Unsignalized Intersection Capacity Analysis  
2: S Orchard St & S 48th St

2015 PM Peak Volumes With Project  
3/26/2013



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕		↗	↕		↗	↕	
Volume (veh/h)	15	0	8	40	0	54	13	970	43	34	896	27
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.90	0.90	0.90	0.75	0.75	0.75	0.90	0.90	0.90	0.96	0.96	0.96
Hourly flow rate (vph)	17	0	9	53	0	72	14	1078	48	35	933	28
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type								TWLTL			TWLTL	
Median storage (veh)								2			2	
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	1658	2173	481	1677	2163	563	961			1126		
vC1, stage 1 conf vol	1018	1018		1131	1131							
vC2, stage 2 conf vol	640	1154		546	1032							
vCu, unblocked vol	1658	2173	481	1677	2163	563	961			1126		
tC, single (s)	7.5	6.5	6.9	7.6	6.5	7.0	4.1			4.2		
tC, 2 stage (s)	6.5	5.5		6.6	5.5							
tF (s)	3.5	4.0	3.3	3.6	4.0	3.3	2.2			2.2		
p0 queue free %	91	100	98	71	100	85	98			94		
cM capacity (veh/h)	195	183	537	186	195	465	724			611		

	EBL	WBL	NBL	NBS	EBT	EBR	SBL
Volume Total	26	125	14	719	407	35	622
Volume Left	17	53	14	0	0	35	0
Volume Right	9	72	0	0	48	0	28
cSH	251	283	724	1700	1700	611	1700
Volume to Capacity	0.10	0.44	0.02	0.42	0.24	0.06	0.37
Queue Length 95th (ft)	8	54	2	0	0	5	0
Control Delay (s)	21.0	27.4	10.1	0.0	0.0	11.3	0.0
Lane LOS	C	D	B			B	
Approach Delay (s)	21.0	27.4	0.1			0.4	
Approach LOS	C	D					

Average Delay	2.0		
Intersection Capacity Utilization	40.7%	ICU Level of Service	A
Analysis Period (min)	15		



# GEOTECHNICAL REPORT

**DRAFT**

Hanson Pipe Site  
4601 South Orchard Street  
Tacoma, Washington

Project No. T-6860



## Terra Associates, Inc.

Prepared for:

Avenue 55, LLC  
Seattle, Washington

232

April 8, 2013

**EYH. 15**

REZ2013-40000199731

Reference Doc. R-5

# TERRA ASSOCIATES, Inc.

Consultants in Geotechnical Engineering, Geology  
and  
Environmental Earth Sciences

April 8, 2013  
Project No. T-6860

Mr. Joe Blattner  
Avenue 55, LLC  
601 Union Street, Suite 3500  
Seattle, Washington 98101

Subject: Geotechnical Report  
Hanson Pipe Site  
4601 South Orchard Street  
Tacoma, Washington

**DRAFT**

Dear Mr. Blattner:

As requested, we have conducted a geotechnical engineering study for the subject project. The attached report presents our findings and recommendations for the geotechnical aspects of project design and construction.

Our field exploration indicates the site is underlain by variable fill thicknesses and native glacial till consisting predominantly of medium dense to very dense, silty sand with gravel. We observed fill overlying native till soils at 11 of the 21 test pit locations. The fill thicknesses ranged between about 2 feet and 18 feet, with the greatest thickness observed in the area of the stormwater detention pond in the northern portion of the site. Fill observed in the proposed building area in the southern portion of the site was generally observed to be dense, and consisted predominantly of non-organic mineral soil derived from the native till. We observed light to moderate groundwater seepage in three of the test pits.

Detailed recommendations addressing these issues and other geotechnical design considerations are presented in the attached report. We trust the information presented is sufficient for your current needs. If you have any questions or require additional information, please call.

ENTR

Mr. Joe Blattner  
April 8, 2013

We trust this information is sufficient for your current needs. If you have any questions or require additional information, please call.

Sincerely yours,  
**TERRA ASSOCIATES, INC.**

John C. Sadler, L.E.G., L.H.G.  
Project Manager

Theodore J. Schepper, P.E.  
President

**DRAFT**

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**Geotechnical Report  
Hanson Pipe Site  
4601 South Orchard Street  
Tacoma, Washington**

**1.0 PROJECT DESCRIPTION**

The project involves redevelopment of the former Hanson Pipe & Products property with a new industrial warehouse and supporting infrastructure. A site plan by Innova Architects, dated March 29, 2013 indicates that a proposed 571,200 square-foot warehouse building will occupy the vast majority of the site. The building floor will be constructed at grade with dock high access shown along the east and west sides of the building. Two 10-foot high retaining walls are shown along the east site margin, east of the proposed building. Stormwater runoff from the site will be routed to detention ponds located at the north and south ends of the property.

Building plans are currently not available; however, we expect the structure will be constructed with perimeter precast concrete wall panels with interior isolated columns supporting the roof structure and a possible mezzanine level. Based on our experience with similar construction, we expect foundation loading will be light to moderate with continuous bearing walls caring 6 to 8 kips per foot, and isolated column loadings in the range of 80 to 200 kips.

The recommendations in the following sections of this report are based on our understanding of the design features outlined above. We should review design drawings as they become available to verify that our recommendations have been properly interpreted and to supplement them, if required.

**2.0 SCOPE OF WORK**

Our work was completed in accordance with our authorized proposal dated March 4, 2013. Using information obtained from the subsurface investigation and the results of laboratory testing, we performed analyses to develop geotechnical recommendations for project design and construction. Specifically, this report addresses the following:

- Soil and groundwater conditions
- Geologic Critical Areas per City of Tacoma Municipal Code
- Seismic Site Class per 2009 International Building Code (IBC).
- Site preparation and grading
- Excavation
- Foundation support
- Slab-on-grade floors
- Retaining walls
- Stormwater detention ponds
- Subsurface drainage
- Utilities
- Pavement design

### 3.0 SITE CONDITIONS

#### 3.1 Surface

The site is an approximately 34.8-acre property located between the right-of-way for South 40th Street and South 48th Street, approximately 600 feet east of South Orchard Street in Tacoma, Washington. The site location is shown on Figure 1. The site is bordered by the Tacoma Landfill to the north and east, commercial properties to the west, and South 48th Street and undeveloped property to the south.

Existing site improvements include several large, light industrial buildings and asphalt- and concrete-paved access and parking areas, gravel-surfaced storage yard areas along the perimeter of the site, and a stormwater detention pond in the northwestern corner of the site. A cellular communications tower occupies a small area immediately east of the detention pond in the northern portion of the site.

In general, existing site grades are relatively flat, and slope gently down to the north and south from a topographic high located in the central portion of the site. The elevation of the existing stormwater detention in the northwestern portion of the site pond is about 15 to 20 feet lower than the adjacent grades to the east and south. The grade transition between the site and the pond is a slope graded to an inclination of about 2:1 (H:V). The northern side of the proposed south detention pond is also an existing fill slope. Based on our observations, the fill slope appears to be about 10 to 15 feet high with an inclination of about 20 to 35 percent.

Site vegetation is generally limited to young deciduous trees and brush growing at the site perimeter; however, the proposed detention pond area in the southern portion of the site is vegetated with mature coniferous and deciduous trees and thick brush.

#### 3.2 Soils

The native soils underlying the site are glacial till consisting predominantly of medium dense to very dense, silty sand with gravel. We observed very dense, unweathered glacial till in 19 of the 21 test pits at depths ranging from several inches below the ground surface, to about 6 to 17 feet where overlain by fill.

We observed fill overlying native soils at 11 of the test pit locations. The fill thicknesses ranged between about 2 feet and 18 feet, with the greatest thickness observed in Test Pit TP-12 in the northern portion of the site. Reviews of historical aerial photographs indicate that the 18 feet of fill observed in Test Pit TP-12 is related to the filling of a ravine that formerly crossed the site. The approximate location of the ravine is shown on Figure 2. The location of the ravine suggests that much of the existing stormwater detention pond and eastern and southern pond slopes are constructed in fill.

The fill material generally consists of dense, moist, silty sand with gravel that appears to be derived from the on-site native soils; however, at several test pit locations we observed about two feet to five feet of fill consisting of dense crushed rock. We observed native topsoil underlying the dense fill in several of the test pits in the southern portion of the site. The thickness of the overlying dense fill at these locations is generally greater than about four feet.

Review of the *Geologic map of the Tacoma South 7.5-Minute Quadrangle, Washington, Troost, K.G., in review*, and the *Geologic map of the Steilacoom 7.5-Minute Quadrangle, Washington, Troost, K.G., Booth, D.B., and Borden, R.K., in review*, show the site consisting of Vashon till (Qvt). This is consistent with our observations.

Detailed descriptions of the conditions observed in our subsurface explorations are presented on the Test Pit Logs in Appendix A. The approximate locations of the test pits are shown on Figure 2.

### **3.3 Groundwater**

We observed light to moderate groundwater seepage at a depth of approximately 20 feet in Test Pit TP-12, and at depths of about 5 to 6 feet in Test Pits TP-20 and TP-21. The seepage is perched above dense to very dense till in Test Pits TP-20 and TP-21.

The occurrence of perched groundwater is typical for sites underlain by relatively impermeable till and till-like soils. We expect that perched groundwater levels and flow rates will fluctuate seasonally and will typically reach their highest levels during and shortly following the wet winter months (October through May). Considering that our field work was performed during the wet winter months, we do not expect that perched groundwater levels and flow rates will increase significantly from those observed in the test pits.

### **3.4 Geologically Hazardous Areas**

We evaluated site conditions for the presence of geologic hazards as designated in Section 13.11.710 of the Tacoma Municipal Code (TMC). The TMC defines geologically hazardous areas as areas susceptible to erosion, sliding, earthquake, or other geologic events. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, seismic hazard areas, mine hazard areas, volcanic hazard areas, and tsunami hazard areas.

#### ***3.4.1 Erosion Hazard Areas***

Section 13.11.720(1) of the TMC defines erosion hazard areas as areas where the combination of slope and soil type makes the area susceptible to erosion by water flow, either by precipitation or by water runoff. Erosion hazard areas include the following:

1. Areas with high probability of rapid stream incision, stream bank erosion or coastal erosion, or channel migration.
2. Areas defined by the Washington Department of Ecology Coastal Zone Atlas as one of the following soil areas: Class U (Unstable) includes severe erosion hazards and rapid surface runoff areas, Class Uos (Unstable old slides) includes areas having severe limitations due to slope, Class Urs (Unstable recent slides), and Class I (Intermediate).
3. Any area characterized by slopes greater than 15 percent; and the following types of geologic units as defined by draft geologic USGS maps: m (modified land), Af (artificial fill), Qal (alluvium), Qw (wetland deposits), Qb (beach deposits), Qtf (tide-flat deposits), Qls (landslide deposits), Qmw (mass-wastage deposits), Qf (fan deposits), Qvr and Qvs series of geologic material types (Vashon recessional outwash and Steilacoom Gravel), and Qvi (ice-contact deposits).
4. Slopes steeper than 25 percent and a vertical relief of 10 or more feet.

We did not observe indications of significant erosion on any of the site slopes; however, we observed several slope areas on-site that appear to be about 10 feet or more in height and steeper than 25 percent, which meets the criteria for an erosion hazard area given above in condition number 4. These areas include portions of the cut slope along the eastern site margin, the south-facing fill slope in the northern portion of the proposed south detention pond, and the west-facing slope above the east side of the existing north detention pond.

In our opinion, the erosion potential of site soils would be adequately mitigated with proper implementation and maintenance of Best Management Practices (BMPs) for erosion prevention and sedimentation control in the planned development area. All BMPs for erosion prevention and sedimentation control will need to be in place prior to and during site grading activity, and should conform to City of Tacoma requirements.

### **3.4.2 *Landslide Hazard Areas***

Section 13.11.720(2) of the TMC defines landslide hazard areas as areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope, slope aspect, structure, hydrology, or other factors. Landslide hazard areas are identified as follows:

1. Any area with all three of the following characteristics:
  - a. Slopes steeper than 25 percent and a vertical relief of 10 or more feet.
  - b. Hillsides intersecting geologic contacts that contain impermeable soils (typically silt and clay) frequently interbedded with permeable granular soils (predominantly sand and gravel) or impermeable soils overlain with permeable soils.
  - c. Springs or groundwater seepage.
2. Any area which has exhibited movement during the Holocene epoch (from 10,000 years ago to present) or that are underlain or covered by mass wastage debris of that epoch.
3. Any area potentially unstable due to rapid stream incision stream bank erosion or undercutting by wave action.
4. Any area located on an alluvial fan presently subject to, or potentially subject to, inundation by debris flows or deposition of stream-transported sediments.
5. Any area where the slope is greater than the angle of repose of the soil.
6. Any shoreline designated or mapped as Class U, Uos, Urs, or I by the Washington Department of Ecology Coastal Zone Atlas.

Conditions meeting the above criteria do not exist at the site.

### **3.4.3 *Seismic Hazard Areas***

Section 13.11.720(3) of the TMC defines seismic hazard areas as areas subject to severe risk of damage as a result of seismic-induced settlement, shaking, lateral spreading, surface faulting, slope failure, or soil liquefaction. These conditions occur in "areas underlain by soils of low cohesion or density usually in association with a shallow groundwater table. Seismic hazard areas shall be as defined by the Washington Department of Ecology Coastal Zone Atlas (Seismic Hazard Map prepared by GeoEngineers) as: Class U (Unstable), Class Uos (Unstable old slides), Class Urs (Unstable recent slides), Class I (Intermediate), and Class M (Modified) as shown in the Seismic Hazard Map".

Based on the soil and groundwater conditions we observed at the site, it is our opinion that there is little to no risk for damage resulting from soil liquefaction, lateral spreading, or surface faulting. Therefore, in our opinion, unusual seismic hazard areas do not exist at the site, and design in accordance with local building codes for determining seismic forces would adequately mitigate impacts associated with ground shaking.

#### **3.4.4 Mine Hazard Areas**

Section 13.11.720(4) of the TMC defines mine hazard areas as those areas underlain by or affected by mine workings such as adits, gangways, tunnels, drifts, or airshafts, and those areas of probable sink holes, gas releases, or subsidence due to mine workings. Mine workings do not underlie the site.

#### **3.4.5 Volcanic Hazard Areas**

Section 13.11.720(5) of the TMC defines volcanic hazard areas as areas subject to pyroclastic flows, lava flows, debris avalanche, and inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity. The site is not located in an area that would be impacted by the conditions described above.

#### **3.4.6 Tsunami Hazard Areas**

Section 13.11.720(6) of the TMC defines tsunami hazard areas as coastal areas and large lake shoreline areas susceptible to flooding and inundation as the result of excessive wave action derived from seismic or other geologic events. The site is not located in an area susceptible to tsunamis.

### **3.5 Seismic Design Parameters**

Based on the site soil conditions and our knowledge of the area geology, per Chapter 16 of the 2009 International Building Code (IBC), site class "C" should be used in structural design. Based on this site class, in accordance with the 2009 IBC, the following parameters should be used in computing seismic forces:

#### ***Seismic Design Parameters (IBC 2009)***

Spectral response acceleration (Short Period), $S_{Ms}$	1.205 g
Spectral response acceleration (1 – Second Period), $S_{M1}$	0.578 g
Five percent damped .2 second period, $S_{D5}$	0.803 g
Five percent damped 1.0 second period, $S_{D1}$	0.385 g

Values determined using the United States Geological Survey (USGS) Ground Motion Parameter Calculator accessed on April 3, 2013 at the web site <http://earthquake.usgs.gov/research/hazmaps/design/index.php>.

## **4.0 DISCUSSION AND RECOMMENDATIONS**

### **4.1 General**

Based on our study, there are no geotechnical conditions that would preclude the planned development. In our opinion, the proposed structure can be supported on conventional spread footings bearing on a properly prepared subgrade consisting of the medium dense to very dense native soils or on structural fill that is placed in conformance with the recommendations presented in this report. Based on our observations, it is our opinion that the existing medium dense to dense fill material observed in the southern portion of the site will generally be suitable for foundation support without significant modification. Floor slabs and pavements can be similarly supported.

The site soils contain a significant amount of fines and will be difficult to compact as structural fill when too wet or dry. The ability to use soils from site excavations as structural fill will depend on its moisture content and the prevailing weather conditions at the time of construction. If grading activities will take place during winter or extended periods of wet weather, the owner should be prepared to import clean granular material for use as structural fill and backfill. Alternatively, stabilizing the moisture in the native soil with cement kiln dust (CKD), cement, or lime can be considered.

Detailed recommendations regarding these issues and other geotechnical design considerations are provided in the following sections. These recommendations should be incorporated into the final design drawings and construction specifications.

### **4.2 Site Preparation and Grading**

To prepare the site for construction, all vegetation, organic surface soils, and other deleterious material should be stripped and removed from the site. Demolition of existing structures should include removal of existing foundations, floor slabs, and other buried utilities. Abandoned utility pipes that fall outside of new building areas can be left in place provided they are sealed to prevent intrusion of groundwater seepage and soil. Given current site conditions, we expect minimal stripping will be required to remove the vegetation.

Once clearing and grubbing operations are complete, cut and fill operations to establish desired building elevations can be initiated. Prior to placing fill, we recommend proofrolling all exposed surfaces to determine if any isolated soft and yielding areas are present. In addition, we recommend mechanically compacting all foundation subgrades consisting of the existing fill soil to assure uniformity of the material as a bearing subgrade. A representative of Terra Associates, Inc. should examine all bearing surfaces to verify that conditions encountered are as anticipated and are suitable for placement of structural fill or direct support of building and pavement elements.

If excessively yielding areas are observed and the subgrade cannot be stabilized in place by compaction, additional removal of the existing fill will need to be considered. Alternatively, the use of a geotextile reinforcing/separation fabric, such as Mirafi 500X or equivalent, can be considered in conjunction with the clean granular structural fill to limit overexcavation and establish a stable subgrade. The final determination of appropriate subgrade improvements, if needed, should be based on field conditions observed by the project geotechnical engineer during construction.

The native soils and existing mineral soil fills observed at the site contain a sufficient amount of fines (silt and clay size particles), which will make them difficult to compact as structural fill if they are too wet or too dry. Accordingly, the ability to use these soils from site excavations as structural fill will depend on their moisture content and the prevailing weather conditions when site grading activities take place. Soils that are too wet to properly compact could be dried by aeration during dry weather conditions, or mixed with an additive such as cement, cement kiln dust (CKD), or lime to stabilize the soil and facilitate compaction. If an additive is used, additional Best Management Practices (BMPs) for its use will need to be incorporated into the Temporary Erosion and Sedimentation Control (TESC) plan for the project.

If grading activities are planned during the wet winter months, or if they are initiated during the summer and extend into fall and winter, the owner should be prepared to import wet weather structural fill. For this purpose, we recommend importing a granular soil that meets the following grading requirements:

U.S. Sieve Size	Percent Passing
6 inches	100
No. 4	75 maximum
No. 200	5 maximum*

\*Based on the 3/4-inch fraction.

Prior to use, Terra Associates, Inc. should examine and test all materials imported to the site for use as structural fill.

Structural fill should be placed in uniform loose layers not exceeding 12 inches and compacted to a minimum of 95 percent of the soil's maximum dry density, as determined by American Society for Testing and Materials (ASTM) Test Designation D-698 (Standard Proctor). The moisture content of the soil at the time of compaction should be within two percent of its optimum, as determined by this ASTM standard. In nonstructural areas, the degree of compaction can be reduced to 90 percent.

#### **4.3 Excavation**

All excavations at the site associated with confined spaces, such as utility trenches, must be completed in accordance with local, state, and federal requirements. Based on the Washington State Safety and Health Administration (WSHA) regulations, the existing fill soils and the medium dense to dense native soils would typically be classified as Type C soils. The unweathered, dense to very dense till soil would typically be classified as Type A soil.

Accordingly, for temporary excavations of more than 4 feet and less than 20 feet in depth, the side slopes in Type C soils should be laid back at a slope inclination of 1.5:1 (Horizontal:Vertical) or flatter. Temporary excavations in Type A soils can be laid back at an inclination of 0.75:1 or flatter. If there is insufficient room to complete the excavations in this manner, using temporary shoring to support the excavations may need to be considered. A properly designed and installed shoring trench box can be used to support utility trench excavation sidewalls.

Based on our observations, we do not expect that significant groundwater seepage will be encountered in site excavations. Based on our experience, it is our opinion that the volume of water and rate of flow into site excavations should be relatively minor and would not be expected to impact the stability of the excavations when completed, as described above. Conventional sump pumping procedures along with a system of collection trenches, if necessary, should be capable of maintaining a relatively dry excavation for construction purposes.

This information is provided solely for the benefit of the owner and other design consultants, and should not be construed to imply that Terra Associates, Inc. assumes responsibility for job site safety. It is understood that job site safety is the sole responsibility of the project contractor.

#### **4.4 Foundations**

In our opinion, the building may be supported on conventional spread footing foundations bearing on subgrades prepared as recommended in Section 4.2 of this report. Foundations exposed to the weather should bear at a minimum depth of 1.5 feet below adjacent grades for frost protection. Interior foundations can be supported at any convenient depth below the floor slab.

We recommend designing foundations for a net allowable bearing capacity of 3,000 psf. For short-term loads, such as wind and seismic, a one-third increase in this allowable capacity can be used. Total and differential settlements should not exceed one-inch and one-half inch, respectively. The predicted settlements would be immediate in nature occurring as building loads are applied.

The potential for some differential settlement exists where foundation support transitions from the very dense native till to a fill subgrade. This settlement would also occur immediately during load application. In our opinion, differential settlement resulting from this subgrade condition is not expected to be significant; however, the potential for this differential settlement to occur can be reduced by stiffening the footings across the area where the subgrade soils transition.

For designing foundations to resist lateral loads, a base friction coefficient of 0.35 can be used. Passive earth pressures acting on the sides of the footings can also be considered. We recommend calculating this lateral resistance using an equivalent fluid weight of 300 pcf. We do not recommend including the upper 12 inches of soil in this computation because it can be affected by weather or disturbed by future grading activity. This value assumes the foundation will be backfilled with structural fill, as described in Section 4.2 of this report. The values recommended include a safety factor of 1.5.

#### **4.5 Slab-on-Grade Construction**

Slab-on-grade floors may be supported on subgrades prepared as recommended in Section 4.2 of this report. Immediately below the floor slabs, we recommend placing a four-inch thick capillary break layer of clean, free-draining, coarse sand or fine gravel that has less than three percent passing the No. 200 sieve. This material will reduce the potential for upward capillary movement of water through the underlying soil and subsequent wetting of the floor slabs.



The capillary break layer will not prevent moisture intrusion through the slab caused by water vapor transmission. Where moisture by vapor transmission is undesirable, such as covered floor areas, a common practice is to place a durable plastic membrane on the capillary break layer and then cover the membrane with a layer of clean sand or fine gravel to protect it from damage during construction, and aid in uniform curing of the concrete slab. It should be noted that if the sand or gravel layer overlying the membrane is saturated prior to pouring the slab, it will be ineffective in assisting uniform curing of the slab, and can actually serve as a water supply for moisture transmission through the slab and affecting floor coverings. Therefore, in our opinion, covering the membrane with a layer of sand or gravel should be avoided if floor slab construction occurs during the wet winter months and the layer cannot be effectively drained. We recommend floor designers and contractors refer to the 2003 American Concrete Institute (ACI) Manual of Concrete Practice, Part 2, 302.1R-96, for further information regarding vapor barrier installation below slab-on-grade floors.

We recommend the floors be designed using a subgrade modulus ( $k_s$ ) of 200 pounds per cubic inch (pci).

#### **4.6 Retaining Walls**

The magnitude of earth pressure development on retaining walls will partly depend on the quality of the wall backfill. We recommend placing and compacting wall backfill as structural fill. Below improved areas, such as pavements or floor slabs, the backfill should be compacted to a minimum of 95 percent of its maximum dry unit weight, as determined by ASTM Test Designation D-698 (Standard Proctor). In unimproved areas, the relative compaction can be reduced to 90 percent. To guard against hydrostatic pressure development, wall drainage must also be installed. A typical recommended wall drainage detail is shown on Figure 3.

With wall backfill placed and compacted as recommended and drainage properly installed, we recommend designing unrestrained walls for an active earth pressure equivalent to a fluid weighing 35 pcf. For restrained walls, an additional uniform lateral pressure of 100 psf should be included. These values assume a horizontal backfill condition and that no other surcharge loading, such as traffic, sloping embankments, or adjacent buildings, will act on the wall. If such conditions exist, then the imposed loading must be included in the wall design. Friction at the base of foundations and passive earth pressure will provide resistance to these lateral loads. Values for these parameters are provided in Section 4.4.

Alternative wall types such as gravity block walls and mechanically stabilized earth (MSE) walls may also be suitable depending on final design grades and wall locations. We can design or provide soil design parameters for a design build approach for these alternative wall systems, if requested.

#### **4.7 Stormwater Detention Ponds**

As discussed, stormwater detention ponds are proposed for the northern and southern portions of the site. Pond elevations and geometry are currently not available; however, based on our observations, we anticipate that the pond bottoms will consist predominantly of cuts in to the existing site soils, with pond side slopes consisting of both cuts and fill berms.

The native, dense to very dense till soil observed at the site will typically be suitable for containing stored water; however, as discussed, we observed about 18 feet of fill in a filled ravine that crosses the proposed north pond area, and the northern side of the proposed south pond is an approximately 10- to 15-foot high fill slope. Due to the potential for variations in the consistency and relative density of the existing fill materials, we recommend that the geotechnical engineer verify the suitability of pond subgrades consisting of the existing fill material. Any pond subgrade areas consisting of the existing fill materials should be mechanically compacted in place to provide uniformity in the relative density of the pond subgrade. If it is determined that existing fill soils exposed in the pond do not contain at least 20 percent fines, they should be sub-cut at least 18 inches, and sealed with compacted till having at least 20 percent fines.

If fill berms will be constructed, the berm locations should be stripped of topsoil, duff, and soils containing organic material prior to the placement of fill. The fill berms should be constructed by placing structural fill in layers no more than 12 inches thick, compacting each layer to a minimum of 95 percent relative compaction, as determined by ASTM Test Designation D-1557 (Modified Proctor). Material used to construct pond berms should consist of predominately granular soils with a maximum size of 3 inches and a minimum of 20 percent fines. The results of laboratory testing indicate that soils meeting this gradational requirement exist on-site. Regardless, Terra Associates, Inc. should examine and test all on-site or imported materials proposed for use as berm fill prior to their use.

Because of exposure to fluctuating stored water levels, soils exposed on the interior side slopes of the ponds may be subject to some risk of periodic shallow instability or sloughing. Establishing interior slopes at a 3:1 gradient will significantly reduce or eliminate this potential. Exterior berm slopes and interior slopes above the maximum water surface should be graded to a finished inclination no steeper than 2:1. Finished slope faces should be thoroughly compacted and vegetated to guard against erosion.

#### **4.8 Drainage**

##### ***Surface***

Final exterior grades should promote free and positive drainage away from the building at all times. Water must not be allowed to pond or collect adjacent to foundations or within the immediate building areas. If a positive drainage gradient cannot be provided, surface water should be collected adjacent to the structures and disposed to appropriate storm facilities.

##### ***Subsurface***

We recommend installing perimeter foundation drains adjacent to shallow foundations where paved surfaces do not extend to building perimeter and positive drainage away from the structure is not provided. The drains can be laid to grade at an invert elevation equivalent to the bottom of footing grade. The drains can consist of four-inch diameter perforated PVC pipe that is enveloped in washed ¾-inch gravel sized drainage aggregate. The aggregate should extend six inches above and to the sides of the pipe. Roof and foundation drains should be tightlined separately to the storm drains. All drains should be provided with cleanouts at easily accessible locations.

#### 4.9 Utilities

Utility pipes should be bedded and backfilled in accordance with American Public Works Association (APWA), or City of Tacoma specifications. At minimum, trench backfill should be placed and compacted as structural fill, as described in Section 4.2 of this report. As noted, soils excavated on-site should be suitable for use as backfill material. However, the vast majority of the site soils are fine grained and moisture sensitive; therefore, moisture conditioning may be necessary to facilitate proper compaction. If utility construction takes place during the winter, it may be necessary to import suitable wet weather fill for utility trench backfilling.

#### 4.10 Pavements

Pavement subgrades should be prepared as described in the Section 4.2 of this report. Regardless of the degree of relative compaction achieved, the subgrade must be firm and relatively unyielding before paving. The subgrade should be proofrolled with heavy rubber-tired construction equipment such as a loaded 10-yard dump truck to verify this condition.

The pavement design section is dependent upon the supporting capability of the subgrade soils and the traffic conditions to which it will be subjected. We expect that traffic at the facility will consist of cars and light trucks, along with heavy traffic in the form of tractor-trailer rigs. For design considerations, we have assumed traffic in parking and in car/light truck access pavement areas can be represented by an 18-kip Equivalent Single Axle Loading (ESAL) of 50,000 over a 20-year design life. For heavy traffic pavement areas, we have assumed an ESAL of 300,000 would be representative of the expected loading. These ESALs represent loading approximately equivalent to 3 and 18, loaded (80,000 pound GVW) tractor-trailer rigs traversing the pavement daily in each area, respectively.

With a stable subgrade prepared as recommended, we recommend the following pavement sections:

##### Light Traffic and Parking:

- Two inches of hot mix asphalt (HMA) over four inches of crushed rock base (CRB)
- Two inches of HMA over three inches of asphalt-treated base (ATB)

##### Heavy Traffic:

- Three inches of HMA over six inches of CRB
- Three inches of HMA over three inches of ATB

The paving materials used should conform to the Washington State Department of Transportation (WSDOT) specifications for ½-inch class HMA, ATB, and CRB.

Long-term pavement performance will depend on surface drainage. A poorly-drained pavement section will be subject to premature failure as a result of surface water infiltrating into the subgrade soils and reducing their supporting capability. For optimum pavement performance, we recommend surface drainage gradients of at least two percent. Some degree of longitudinal and transverse cracking of the pavement surface should be expected over time. Regular maintenance should be planned to seal cracks when they occur.

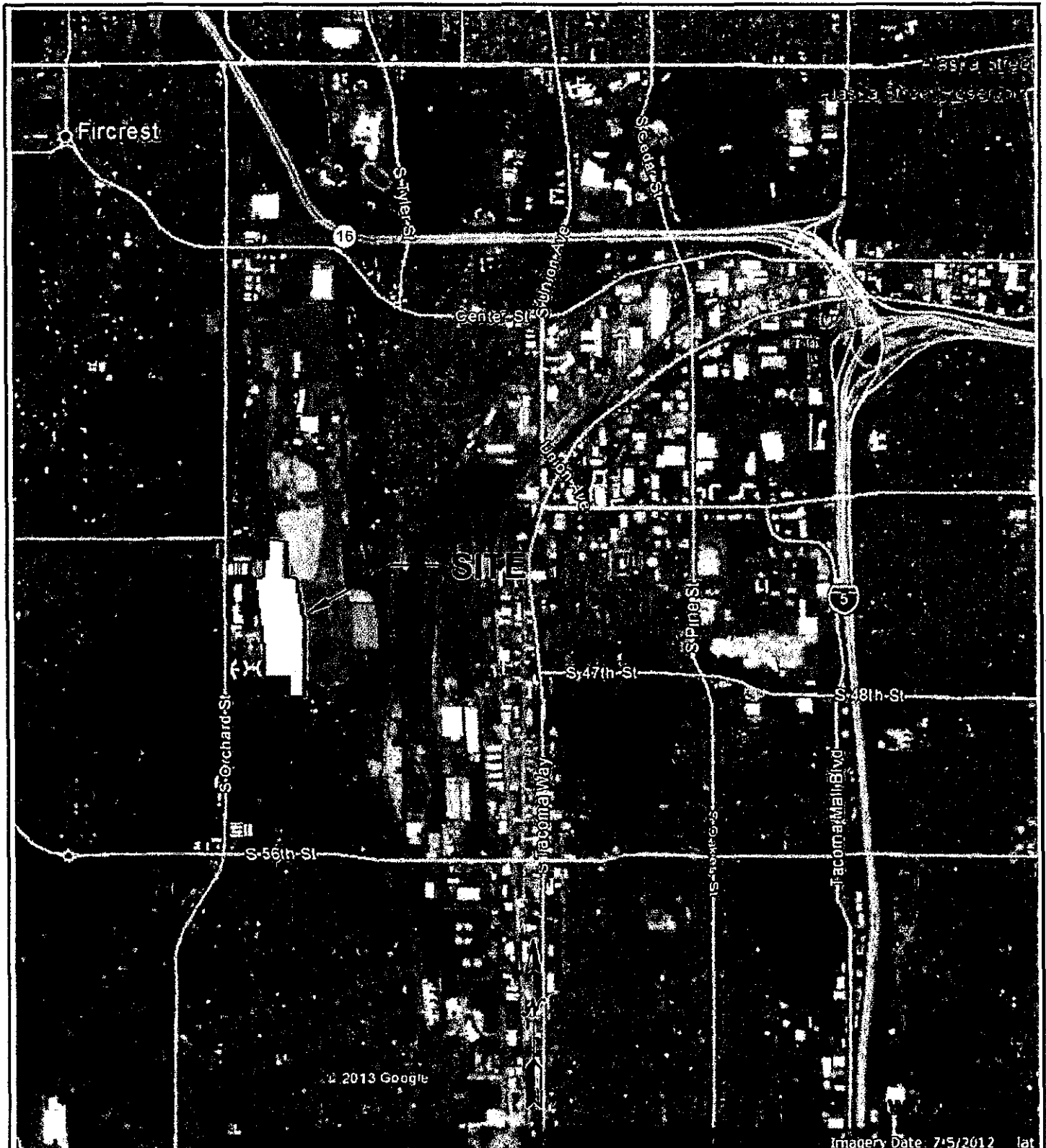
## **5.0 ADDITIONAL SERVICES**

Terra Associates, Inc. should review the final design drawings and specifications in order to verify that earthwork and foundation recommendations have been properly interpreted and implemented in project design. We should also provide geotechnical services during construction to observe compliance with our design concepts, specifications, and recommendations. This will allow for design changes if subsurface conditions differ from those anticipated prior to the start of construction.

## **6.0 LIMITATIONS**

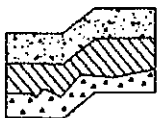
We prepared this report in accordance with generally accepted geotechnical engineering practices. No other warranty, expressed or implied, is made. This report is the copyrighted property of Terra Associates, Inc. and is intended for specific application to the Hanson Pipe Site project in Tacoma, Washington. This report is for the exclusive use of Avenue 55, LLC and their authorized representatives.

The analyses and recommendations presented in this report are based on data obtained from the on-site test pits. Variations in soil conditions can occur, the nature and extent of which may not become evident until construction. If variations appear evident, Terra Associates, Inc. should be requested to reevaluate the recommendations in this report prior to proceeding with construction.



REFERENCE: GOOGLE EARTH

NOT TO SCALE



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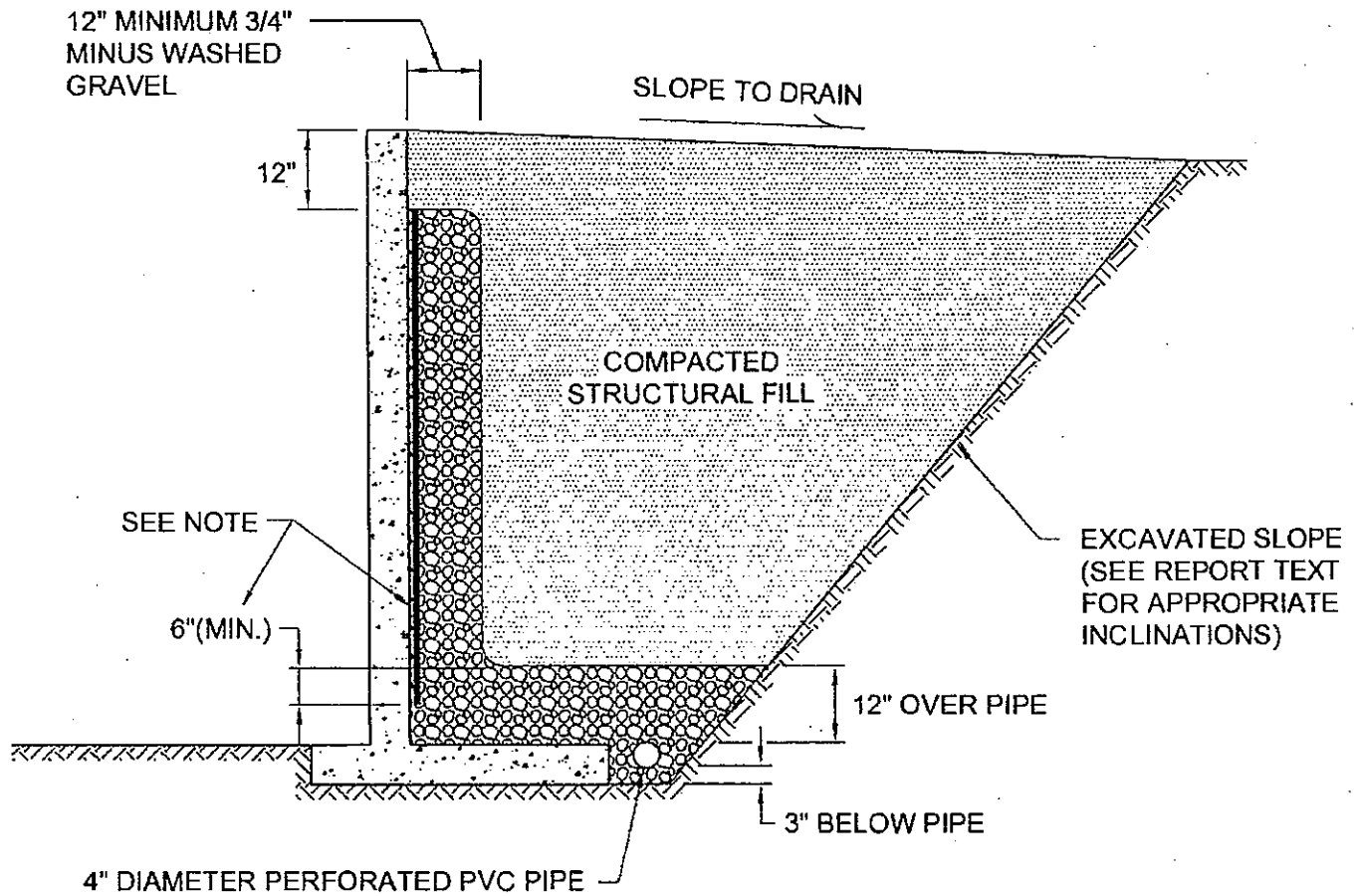
VICINITY MAP  
 HANSON PIPE SITE  
 TACOMA, WASHINGTON **248**

Proj. No. T-6860

Date APR 2013

Figure 1



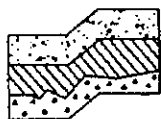


**NOT TO SCALE**

**NOTE:**

MIRADRAIN G100N PREFABRICATED DRAINAGE PANELS OR SIMILAR PRODUCT CAN BE SUBSTITUTED FOR THE 12-INCH WIDE GRAVEL DRAIN BEHIND WALL. DRAINAGE PANELS SHOULD EXTEND A MINIMUM OF SIX INCHES INTO 12-INCH THICK DRAINAGE GRAVEL LAYER OVER PERFORATED DRAIN PIPE.

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TYPICAL WALL DRAINAGE DETAIL  
 HANSON PIPE SITE  
 TACOMA, WASHINGTON

Proj. No. T-6860

Date APR 2013

Figure 3

**APPENDIX A  
FIELD EXPLORATION AND LABORATORY TESTING**

**Hanson Pipe Site  
Tacoma, Washington**

On March 21 and 22, 2013, we investigated subsurface conditions at the site by excavating 21 test pits to depths ranging from about 4 to 21 feet below existing surface grades using a track-mounted excavator. The test pit locations are shown on Figure 2. The test pit locations were approximately determined in the field by sighting and pacing from existing surface features. The Test Pit Logs are presented on Figures A-2 through A-22.




An engineering geologist from our office maintained a log of each test pit as it was excavated, classified the soil conditions encountered, and obtained representative soil samples. All soil samples were visually classified in the field in accordance with the Unified Soil Classification System. A copy of this classification is presented as Figure A-1.

Representative soil samples obtained from the test pits were placed in sealed plastic bags and taken to our laboratory for further examination and testing. The moisture content of each sample was measured and is reported on the Test Pit Logs. Grain size analyses were performed on four of the soil samples. The results are shown on Figures A-23 and A-24.



MAJOR DIVISIONS			LETTER SYMBOL	TYPICAL DESCRIPTION
<b>COARSE GRAINED SOILS</b> More than 50% material larger than No. 200 sieve size	<b>GRAVELS</b> More than 50% of coarse fraction is larger than No. 4 sieve	Clean Gravels (less than 5% fines)	GW	Well-graded gravels, gravel-sand mixtures, little or no fines.
			GP	Poorly-graded gravels, gravel-sand mixtures, little or no fines.
		Gravels with fines	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines.
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.
	<b>SANDS</b> More than 50% of coarse fraction is smaller than No. 4 sieve	Clean Sands (less than 5% fines)	SW	Well-graded sands, sands with gravel, little or no fines.
			SP	Poorly-graded sands, sands with gravel, little or no fines.
		Sands with fines	SM	Silty sands, sand-silt mixtures, non-plastic fines.
			SC	Clayey sands, sand-clay mixtures, plastic fines.
<b>FINE GRAINED SOILS</b> More than 50% material smaller than No. 200 sieve size	<b>SILTS AND CLAYS</b> Liquid Limit is less than 50%	ML	Inorganic silts, rock flour, clayey silts with slight plasticity.	
		CL	Inorganic clays of low to medium plasticity. (Lean clay)	
		OL	Organic silts and organic clays of low plasticity.	
	<b>SILTS AND CLAYS</b> Liquid Limit is greater than 50%	MH	Inorganic silts, elastic.	
		CH	Inorganic clays of high plasticity. (Fat clay)	
		OH	Organic clays of high plasticity.	
<b>HIGHLY ORGANIC SOILS</b>			PT	Peat.

### DEFINITION OF TERMS AND SYMBOLS

<b>COHESIONLESS</b>	<u>Density</u>	<u>Standard Penetration Resistance in Blows/Foot</u>	 2" OUTSIDE DIAMETER SPILT SPOON SAMPLER  2.4" INSIDE DIAMETER RING SAMPLER OR SHELBY TUBE SAMPLER  WATER LEVEL (Date) Tr TORVANE READINGS, tsf
	Very Loose	0-4	
	Loose	4-10	Pp PENETROMETER READING, tsf
	Medium Dense	10-30	DD DRY DENSITY, pounds per cubic foot
	Dense	30-50	LL LIQUID LIMIT, percent
	Very Dense	>50	PI PLASTIC INDEX
<b>COHESIVE</b>	<u>Consistency</u>	<u>Standard Penetration Resistance in Blows/Foot</u>	N STANDARD PENETRATION, blows per foot
	Very Soft	0-2	
	Soft	2-4	
	Medium Stiff	4-8	
	Stiff	8-16	
	Very Stiff	16-32	
	Hard	>32	



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UNIFIED SOIL CLASSIFICATION SYSTEM  
 HANSON PIPE SITE  
 TACOMA, WASHINGTON

Proj. No.T-6860

Date APR 2013

Figure A-1

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# LOG OF TEST PIT NO. 1

FIGURE A-2

PROJECT NAME: Hanson Pipe Site      PROJ. NO: T-6860      LOGGED BY: JCS  
 LOCATION: Tacoma, Washington      SURFACE CONDS: \_\_\_\_\_      APPROX. ELEV: \_\_\_\_\_  
 DATE LOGGED: March 21-22, 2013      DEPTH TO GROUNDWATER: N/A      DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(2 inches CRUSHED ROCK) Red-brown to brown silty SAND with gravel, moist, faint mottling. (SM)	Medium Dense to Dense			
2						
3						
4		Gray silty SAND with gravel, moist. (SM) (Till)	Very Dense	12.5		
5						
6						
7						
8						
9						
10						
11		Test pit terminated at about 11 feet. No groundwater seepage.				
12						
13						
14						
15						

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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# LOG OF TEST PIT NO. 2

FIGURE A-3

PROJECT NAME: Hanson Pipe Site PROJ. NO: T-6860 LOGGED BY: JCS  
 LOCATION: Tacoma, Washington SURFACE CONDS: \_\_\_\_\_ APPROX. ELEV: \_\_\_\_\_  
 DATE LOGGED: March 21-22, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		FILL: brown SAND with gravel, moist. (SP)	Medium Dense to Dense			
2		FILL: gray to brown silty SAND with gravel, moist, trace of organics. (SM)	Medium Dense			
3						
4						
5						
6		Dark brown silty SAND, moist. (SM) (Old Topsoil Horizon)	Medium Dense			
7		Red-brown to gray-brown silty SAND with gravel, moist. (SM)	Medium Dense to Dense			
8						
9						
10		Gray silty SAND with gravel, moist. (SM) (Till)	Very Dense			
11		Test pit terminated at about 10.5 feet. No groundwater seepage.				
12						
13						
14						
15						

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NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site



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# LOG OF TEST PIT NO. 3

FIGURE A-4

PROJECT NAME: Hanson Pipe Site      PROJ. NO: T-6860      LOGGED BY: JCS  
 LOCATION: Tacoma, Washington      SURFACE CONDS: \_\_\_\_\_      APPROX. ELEV: \_\_\_\_\_  
 DATE LOGGED: March 21-22, 2013      DEPTH TO GROUNDWATER: N/A      DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		FILL: gray to brown silty SAND with gravel, moist, scattered cobbles, 12-inch diameter boulder, trace of organics and metal debris. (SM)	Medium Dense to Dense	8.7		
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15		Gray-brown silty SAND with gravel, moist. (SM)	Medium Dense to Dense			
16						
17		Gray silty SAND with gravel, moist. (SM) (Till)	Very Dense			
18		Test pit terminated at about 17.5 feet. No groundwater seepage.				
19						
20						

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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# LOG OF TEST PIT NO. 4

FIGURE A-5

PROJECT NAME: Hanson Pipe Site      PROJ. NO: T-6860      LOGGED BY: JCS  
 LOCATION: Tacoma, Washington      SURFACE CONDS: \_\_\_\_\_      APPROX. ELEV: \_\_\_\_\_  
 DATE LOGGED: March 21-22, 2013      DEPTH TO GROUNDWATER: N/A      DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(2 inches CRUSHED ROCK)				
2		Gray silty SAND with gravel, moist, scattered cobbles. (SM) (Till)				
3			Very Dense			
4						
5						
6						
7						
8						
9						
10		Test pit terminated at about 9 feet. No groundwater seepage.				
11						
12						
13						
14						
15						<b>256</b>

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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# LOG OF TEST PIT NO. 5

FIGURE A-6

PROJECT NAME: Hanson Pipe Site PROJ. NO: T-6860 LOGGED BY: JCS

LOCATION: Tacoma, Washington SURFACE CONDS: \_\_\_\_\_ APPROX. ELEV: \_\_\_\_\_

DATE LOGGED: March 21-22, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		FILL: gray and brown silty SAND with gravel, moist. (SM)	Dense			
2						
3						
4						
5						
6						
7						
8		Dark brown silty SAND, moist, numerous roots, root ball. (SM) (Old Topsoil Horizon)	Medium Dense			
9						
10		Brown silty SAND with gravel, moist. (SM)	Medium Dense to Dense			
11						
12		Gray silty SAND with gravel, moist. (SM) (Till)	Very Dense			
13						
14		Test pit terminated at about 13.5 feet. No groundwater seepage.				
15						

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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# LOG OF TEST PIT NO. 6

FIGURE A-7

PROJECT NAME: Hanson Pipe Site PROJ. NO: T-6860 LOGGED BY: JCS

LOCATION: Tacoma, Washington SURFACE CONDS: \_\_\_\_\_ APPROX. ELEV: \_\_\_\_\_

DATE LOGGED: March 21-22, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(2 inches CRUSHED ROCK)				
2		Gray silty SAND with gravel, moist, scattered cobbles. (SM) (Till)	Very Dense	7.5		
3						
4						
5						
6						
7						
8						
9						
10						
11		Test pit terminated at about 10 feet. No groundwater seepage.				
12						
13						
14						
15						

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NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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# LOG OF TEST PIT NO. 7

FIGURE A-8

PROJECT NAME: Hanson Pipe Site PROJ. NO: T-6860 LOGGED BY: JCS

LOCATION: Tacoma, Washington SURFACE CONDS: \_\_\_\_\_ APPROX. ELEV: \_\_\_\_\_

DATE LOGGED: March 21-22, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		FILL: Gray silty SAND with gravel, moist. (SM)	Dense			
2						
3						
4		Dark brown silty SAND, moist, scattered roots. (SM) (Old Topsoil Horizon)	Medium Dense			
5						
6		Brown silty SAND with gravel, moist, scattered cobbles. (SM)	Dense			
7						
8		Gray silty SAND with gravel, moist. (SM) (Till)	Very Dense			
9						
10						
11		Test pit terminated at about 10 feet. No groundwater seepage.				
12						
13						
14						
15						

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site



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# LOG OF TEST PIT NO. 8

FIGURE A-9

PROJECT NAME: Hanson Pipe Site PROJ. NO: T-6860 LOGGED BY: JCS

LOCATION: Tacoma, Washington SURFACE CONDS: \_\_\_\_\_ APPROX. ELEV: \_\_\_\_\_

DATE LOGGED: March 21-22, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(2 inches CRUSHED ROCK)				
2		Gray silty SAND with gravel, moist. (SM) (Till)		9.7		
3			Very Dense			
4						
5						
6						
7						
8						
9		Test pit terminated at about 8 feet. No groundwater seepage.				
10						<b>260</b>

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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# LOG OF TEST PIT NO. 9

FIGURE A-10

PROJECT NAME: Hanson Pipe Site      PROJ. NO: T-6860      LOGGED BY: JCS  
 LOCATION: Tacoma, Washington      SURFACE CONDS: \_\_\_\_\_      APPROX. ELEV: \_\_\_\_\_  
 DATE LOGGED: March 21-22, 2013      DEPTH TO GROUNDWATER: N/A      DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
5		(6 inches CRUSHED ROCK)  Gray silty SAND with gravel, moist, scattered cobbles. (SM) (Till)	Very Dense			
10		Test pit terminated at about 8 feet. No groundwater seepage.				

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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# LOG OF TEST PIT NO. 10

FIGURE A-11

PROJECT NAME: Hanson Pipe Site PROJ. NO: T-6860 LOGGED BY: JCS  
 LOCATION: Tacoma, Washington SURFACE CONDS: \_\_\_\_\_ APPROX. ELEV: \_\_\_\_\_  
 DATE LOGGED: March 21-22, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(4 inches CRUSHED ROCK)				
2		Gray silty SAND with gravel, moist. (SM) (Till)				
3			Very Dense			
4						
5		Test pit terminated at about 4 feet. No groundwater seepage.				<b>262</b>

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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# LOG OF TEST PIT NO. 11

FIGURE A-12

PROJECT NAME: Hanson Pipe Site PROJ. NO: T-6860 LOGGED BY: JCS

LOCATION: Tacoma, Washington SURFACE CONDS: \_\_\_\_\_ APPROX. ELEV: \_\_\_\_\_

DATE LOGGED: March 21-22, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(2.5 feet CRUSHED ROCK)				
2		FILL: Gray silty SAND with gravel, moist. (SM)	Dense			
3						
4						
5						
6		Brown silty SAND with gravel, moist. (SM)	Medium Dense to Dense			
7						
8		Gray silty SAND with gravel, moist. (SM) (Till)	Very Dense			
9						
10						
11		Test pit terminated at about 10 feet. No groundwater seepage.				
12						
13						
14						
15						

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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# LOG OF TEST PIT NO. 12

FIGURE A-13

PROJECT NAME: Hanson Pipe Site PROJ. NO: T-6860 LOGGED BY: JCS  
 LOCATION: Tacoma, Washington SURFACE CONDS: \_\_\_\_\_ APPROX. ELEV: \_\_\_\_\_  
 DATE LOGGED: March 21-22, 2013 DEPTH TO GROUNDWATER: 20 Feet DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		FILL: Gray and brown silty SAND with gravel, moist, numerous roots and organic material at about 8 feet and 18 feet. (SM)	Dense	18.1		
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19		Brown SAND with silt and gravel to silty SAND with gravel, wet. (SP-SM/SM)	Medium Dense to Dense			
20						
21						
22		Test pit terminated at about 21 feet. Light groundwater seepage at about 20 feet.				
23						
24						
25						

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NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



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# LOG OF TEST PIT NO. 13

FIGURE A-14

PROJECT NAME: Hanson Pipe Site PROJ. NO: T-6860 LOGGED BY: JCS  
 LOCATION: Tacoma, Washington SURFACE CONDS: \_\_\_\_\_ APPROX. ELEV: \_\_\_\_\_  
 DATE LOGGED: March 21-22, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(6 inches CRUSHED ROCK)				
2		Light brown silty SAND with gravel, moist. (SM)	Dense			
3		Gray silty SAND with gravel, moist, scattered cobbles. (SM) (Till)	Very Dense	9.0		
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20		Test pit terminated at about 20 feet. No groundwater seepage.				
21						
22						
23						
24						
25						

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



**Terra Associates, Inc.**  
 Consultants in Geotechnical Engineering  
 Geology and  
 Environmental Earth Sciences

# LOG OF TEST PIT NO. 14

FIGURE A-15

PROJECT NAME: Hanson Pipe Site PROJ. NO: T-6860 LOGGED BY: JCS  
 LOCATION: Tacoma, Washington SURFACE CONDS: \_\_\_\_\_ APPROX. ELEV: \_\_\_\_\_  
 DATE LOGGED: March 21-22, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(12 inches CRUSHED ROCK)				
2		Gray silty SAND with gravel to silty GRAVEL with sand, moist, scattered cobbles. (SM/GM) (Till)	Very Dense			
3						
4						
5						
6						
7						
8						
9						
10				Test pit terminated at about 10 feet. No groundwater seepage.		
11						
12						
13						
14						
15						

**266**

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site



**Terra Associates, Inc.**  
 Consultants in Geotechnical Engineering  
 Geology and  
 Environmental Earth Sciences

# LOG OF TEST PIT NO. 15

FIGURE A-16

PROJECT NAME: Hanson Pipe Site PROJ. NO: T-6860 LOGGED BY: JCS

LOCATION: Tacoma, Washington SURFACE CONDS: \_\_\_\_\_ APPROX. ELEV: \_\_\_\_\_

DATE LOGGED: March 21-22, 2013 DEPTH TO GROUNDWATER: N/A DEPTH TO CAVING: N/A

DEPTH (FT.)	SAMPLE NO.	DESCRIPTION	CONSISTENCY/ RELATIVE DENSITY	W (%)	POCKET PEN. (TSF)	REMARKS
1		(6 inches CRUSHED ROCK)				
2		Gray silty SAND with gravel, moist, scattered cobbles. (SM) (Till)	Very Dense			
3						
4						
5						
6		Gray silty SAND with gravel to SAND with silt and gravel, moist, moderately cemented. (SM/SP-SM) (Till)	Very Dense	6.0		
7						
8						
9						
10						
11		Test pit terminated at about 10 feet. No groundwater seepage.				
12						
13						
14						
15						

NOTE: This subsurface information pertains only to this test pit location and should not be interpreted as being indicative of other locations at the site.



**Terra Associates, Inc.**  
Consultants in Geotechnical Engineering



ERROR: ioerror  
OFFENDING COMMAND: image

STACK:

-dictionary-





187

EXT. R10

17784

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE relating to zoning, and amending Chapter 13.06 of the Official Code of the City of Tacoma, Washington, by deleting certain described property from Section 13.06.040 and by adding two new sections to be known as Sections 13.06.160(10) and 13.06.170(3).

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 13.06 of the Official Code of the City of Tacoma, Washington, be and the same is hereby amended by adding thereto a new section to be known as Section 13.06.160(10) to read as follows:

13.06.160(10) ADDED TO M-1 DISTRICT. The following property shall be included in the M-1 Light Industrial District:

The north half of the southeast quarter of the southwest quarter of the southwest quarter of Section 13, Township 20 N., Range 2 E.W.M.

Section 2. That Chapter 13.06 of the Official Code of the City of Tacoma, Washington, be and the same is hereby amended by adding thereto a new section to be known as Section 13.06.170(3) to read as follows:

13.06.170(3) ADDED TO M-2 DISTRICT. The following property shall be included in the M-2 Heavy Industrial District:

The south half of the northwest quarter of the southwest quarter less the easterly 266.24 feet thereof, and the north half of the southwest quarter of the southwest quarter of Section 13, Township 20 N., Range 2 E.W.M. Except the following: Commencing at the northwest corner of the southwest quarter of the northwest quarter of the southwest quarter of said Section; thence east 500 feet; thence southeasterly 1320 feet more or less to the northeast corner of the southwest quarter of the southwest quarter of the southwest quarter of said Section; thence west 660 feet more or less to the west line of said Section; thence north 1320 feet more or less to the point of beginning.

Section 2. That the above-described properties be and are hereby deleted from Section 13.06.040 of the Official Code of the City of Tacoma, Washington.

270

Passed MAR 9 1964

*H. M. Tolleson*  
H. M. TOLLESON

EYH.R7

Attest *Josephine Melton*  
JOSEPHINE MELTON  
City Clerk

Mayor REZ2013-4000019973  
Reference Doc. R-7

Location: Bet. S. 42nd & 48th ext., approx. 500' E. of Orchard  
Approved by Planning Com. after public hearing; reclassification from an "R-2" One-Family Dwelling District; Submitted by Lundberg Brothers

EXT. 15

All Concerned Departments and Agencies

Jack D. Creighton  
Director of Planning

Exception #131.85  
Officially Approved Accessway  
William G. Lundberg

March 16, 1978

**REQUEST:** An Exception to the Zoning Code to allow two easements be deemed as an officially approved accessway to serve seven (7) industrial sites.

**LOCATION:** East side of Orchard Street approximately 625 feet north of South 48th Street.

**SIZE:** The officially approved accessways: 60 feet wide and 620 feet long and 40 feet wide and 800 feet long. The property to be served: 620 feet by 1330 feet by 450 feet by 1330 feet.

**PURPOSE OF REQUEST:** An Exception has been requested to allow two easements be utilized as officially approved accessways for seven (7) industrial sites.

**ADDITIONAL INFORMATION:** In 1972 the Tacoma Board of Adjustment approved an officially approved accessway to allow 2 easements to be used as access for three (3) industrial sites on the below described property.

**DESCRIPTION OF PROPERTY TO BE SERVED:** Commencing at the SW corner of Section 13, Township 20 N, Range 2 E, W.M., thence north along said section line a distance of 663.07 feet; thence N 89°44'18" E, a distance of 50 feet to the east line of Orchard Street and the true P.O.B.; thence N 0°0'12" W, along the east line of Orchard Street a distance of 1326.00 feet; thence N 89°49'24" E a distance of 450.00 feet; thence S 7°19'43" E, a distance of 1335.47 feet; thence S 89°44'18" W, a distance of 620.28 feet to the true P.O.B.

**DESCRIPTION OF ACCESSWAYS:** Easement A: South 60 feet of the above described property. Easement B: A 40 foot strip of land being 20 feet on each side of the following described center line: Commencing at the SW corner of Sec. 12, Twp. 20 N, R. 2 E, W.M.; thence north along said section line, a distance of 663.07 ft; thence N 89°44'18" E, a distance of 50 feet to the east line of Orchard Street; thence N 8°00'12" W, a distance of 60 ft; thence N 89°44'18" E, a distance of 280.11 ft. to the true P.O.B.; thence N 0°0'12" W, a distance of 803.54 ft. to a point on a line 462.00 ft. south of and parallel to the north line of the above described property to be served.

271

EXH. RIB

REZ2013-40000199731  
Reference Doc. R-8

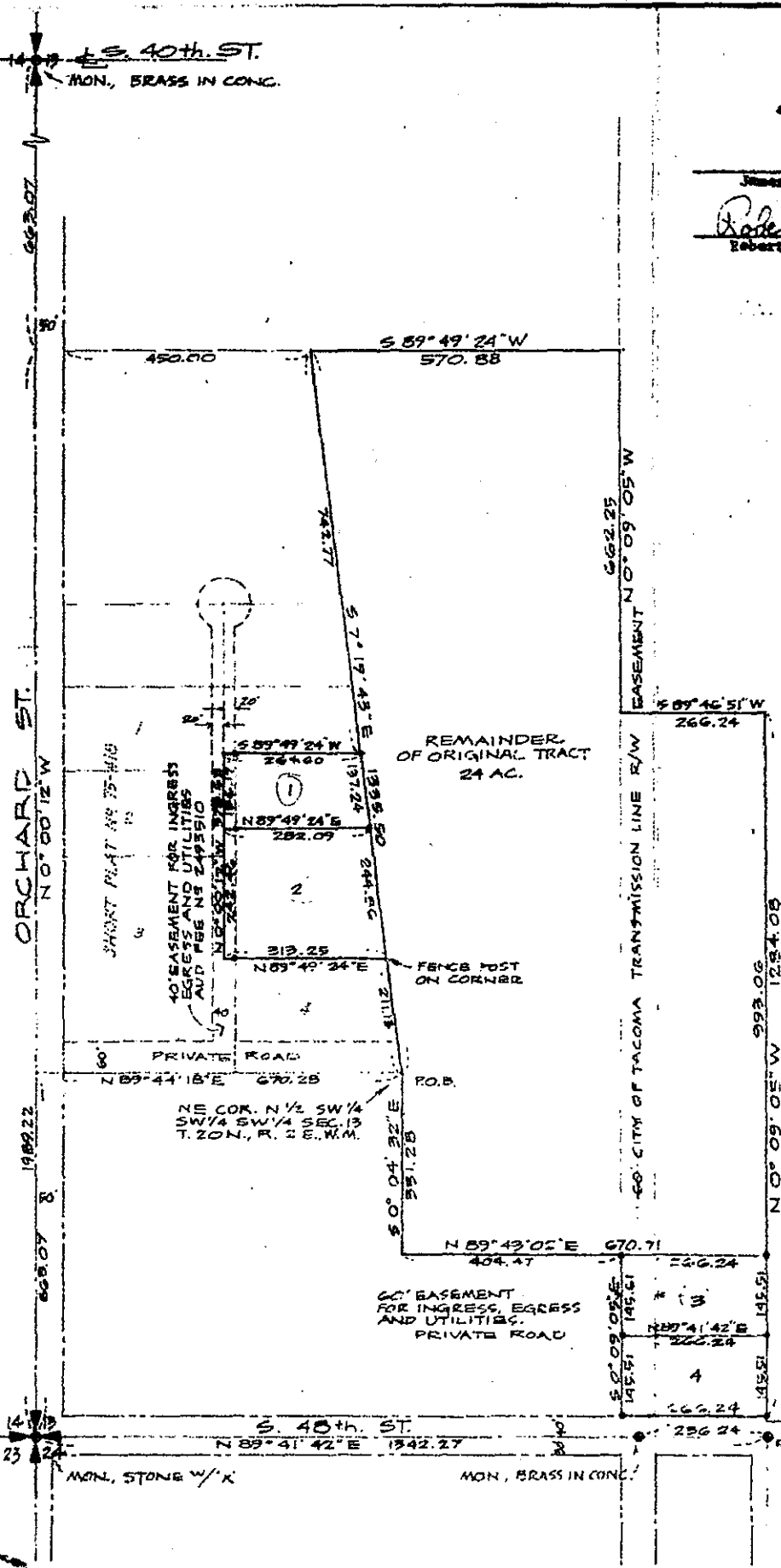
S. 40th. ST.  
MON., BRASS IN CONC.

This Short Plat is made  
and in accordance with the

James B. Lundberg, Vice-President  
*Robert D. Lundberg*  
Robert D. Lundberg, President

SOUTH PUGET SOUND INVEST

NORTH  
SCALE 1"=200'



LEGAL DESCRIPTION

Beginning at the West half of the Southwest quarter of the Southwest quarter of Township 20 North, Range 1 Meridian; thence South 00° East line of said subdivision Southeast corner thereof; East, along the South line Southeast quarter of the 3 Southwest quarter of said line parallel with and 266 line of the West half of said Section 13; thence South said parallel line to 32nd and 48 feet North of the 3 thence East along said parallel or less to the East line of Southwest quarter of said 00° 09' 05" West along and the Southeast corner of the west quarter of the South thence South 89° 46' 51" W said subdivision, 266.24 feet right of way appropriated Pierce County Superior Court North 00° 09' 05" West also to the North line of said quarter of the Southwest quarter thence South 89° 49' 24" W 570.88 feet East to a point line of said Section; thence 742.77 feet; thence South to the Easterly line of Cit 75-418; thence South 00° 04' 89° 49' 24" East 293.25 feet East 211.13 feet to the poi

TOGETHER WITH the East 20 feet of Lot 1 and the East 20 feet of the North 186.75 Tacoma Short Plat No. 75-41

SUBJECT TO an Easement for (see Cause No. 81978, Super

02-20-13  
02-20-13  
NOTE: 02-20-13

CONDITIONS  
CURB AND G  
ALONG S. 40  
THE PLATVA  
SHD GIL. A  
AND 5" BAL  
REQUIRED AD

LEGEND

- • SET 3/4" IRON PIPE W I.O. CAP.
- ◆ FOUND MON. TYPE AS NOTED.

272  
819-418









# ORDINANCE NO. 24393

AN ORDINANCE relating to zoning, and amending Chapter 13.06 of the Official Code of the City of Tacoma, Washington, by deleting certain described property from Section 13.06.040 and by adding a new section to be known as Section 13.06.160(38).

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 13.06 of the Official Code of the City of Tacoma, Washington, be and the same is hereby amended by adding thereto a new section to be known as Section 13.06.160(38) to read as follows:

13.06.160(38) ADDED TO M-1 DISTRICT. The following property shall be included in the "M-1" Light Industrial District:

Parcel A:

Beginning at a point on the south line of the north half of the northwest quarter of the southwest quarter of Section 13, Township 20 North, Range 2 East of the Willamette Meridian, 266.24 feet west of the east line of said subdivision; thence easterly along said south line 150.66 feet; thence southeasterly to the southeast corner of the northwest quarter of the southwest quarter of said section; thence westerly along the south line of said northwest quarter 266.24 feet; thence northerly parallel with the east line of said northwest quarter to the point of beginning, in Tacoma, Pierce County, Washington.

Parcel B:

Beginning at a point on the south line of the north half of the northwest quarter of the southwest quarter of Section 13, Township 20 North, Range 2 East of the Willamette Meridian, 266.24 feet west of the east line of said subdivision; thence westerly along said south line 50.34 feet to the true point of beginning; thence continuing along said south line to a point 850.00 feet east of the west line of said Section 13; thence northerly parallel with said west line to a point 46.00 feet south of the north line of said northwest quarter; thence easterly parallel with said north line of said northwest quarter 170.00 feet; then southerly to the true point of beginning, in Tacoma, Pierce County, Washington.

274  
EXH-R19

*Entered*



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Section 2. That the above-described property be and is hereby  
deleted from Section 13.06.040 of the Official Code of the City of Tacoma,  
Washington.

Passed Sept 12, 1989

Mayor

Attest City Clerk

Location: East side of South Orchard Street between South 40th and South  
46 Streets

Approved by Hearings Examiner after public hearing  
This is a reclassification from an "R-2" One-Family Dwelling District  
Application submitted by P.I.P.E., Inc.  
Rezone #120.1266

sp  
#5985r

275

43  
P.I.P.E. #120.1266

CONCOMITANT AGREEMENT

THIS AGREEMENT, entered into this 21 day of August, 1989, by and between P.I.P.E., Inc., hereinafter referred to as the "Applicant," and the CITY OF TACOMA, Washington, a municipal corporation, hereinafter referred to as the "City,"

WITNESSETH:

WHEREAS the City has authority to enact laws and to enter into agreements to promote the health, safety, and welfare of its citizens and thereby control the use and development of property within its jurisdiction, and

WHEREAS the Applicant has applied for a rezone of certain property described below within the City's jurisdiction from an "R-2" One-Family Dwelling District to an "M-1" Light Industrial District, and

WHEREAS the City, pursuant to RCW 43.21C, the State Environmental Policy Act, should mitigate any adverse effects which might result because of the proposed rezone, and

WHEREAS the City and the Applicant are both interested in complying with the Land Use Management Plan and the ordinances of the City of Tacoma relating to the use and development of the property situated in the City described as follows:

Parcel A:

Beginning at a point on the south line of the north half of the northwest quarter of the southwest quarter of Section 13, Township 20 North, Range 2 East of the Willamette Meridian, 266.24 feet west of the east line of said subdivision; thence easterly along said south line 150.66 feet; thence southeasterly to the southeast corner of the northwest quarter of the southwest quarter of said section; thence westerly along the south line of said northwest quarter 266.24 feet; thence northerly parallel with the east line of said northwest quarter to the point of beginning, in Tacoma, Pierce County, Washington;

Parcel B:

89 AUG 24 PM 3:01

RECORDED  
BRIAN SORANTAG  
DUPLICATE

Beginning at a point on the south line of the north half of the northwest quarter of the southwest quarter of Section 13, Township 20 North, Range 2 East of the Willamette Meridian, 266.24 feet west of the east line of said subdivision; thence westerly along said south line 50.34 feet to the true point of beginning; thence continuing along said south line to a point 850.00 feet east of the west line of said Section 13; thence northerly parallel with said west line to a point 85.00 feet south of the north line of said northwest quarter; thence easterly parallel with said north line of said northwest quarter 170.00 feet; then southerly to the true point of beginning, in Tacoma, Pierce County, Washington;

hereinafter sometimes referred to as the "Site," and

WHEREAS the Applicant has indicated willingness to cooperate with the City, its Planning Department, and the Hearings Examiner of the City to ensure compliance with all City ordinances and all other local, state, and federal laws relating to the use and development of the Site; and

WHEREAS the City, in addition to civil and criminal sanctions available by law, desires to enforce the rights and interests of the public by this Concomitant Agreement;

9

Post-It™ brand fax transmittal memo 7671		# of pages <u>3</u>
To <u>MARK LINDEN</u>	From <u>BILL BAILEY</u>	
Co. <u>SEWER UTILITY</u>	Co. <u>BLUS</u>	
Dept.	Phone # <u>5389</u>	
Fax # <u>9412</u>	Fax # <u>7473</u>	

NOW, THEREFORE, in the event the Site is rezoned from an "R-2" One-Family Dwelling District to an "M-1" Light Industrial District, and subject to the terms and conditions hereinafter stated, the Applicant does hereby covenant and agree as follows:

1. The Applicant promises to comply with all the terms and conditions of this agreement in the event the City, as full consideration herein, grants the rezone relating to the Site.
2. The Applicant hereby agrees to be bound by and to comply with the following conditions:
  - A. The applicant shall submit an approvable operating and pollution control plan to the Department of Ecology, Water Quality Division, for review and approval. The plan shall be submitted to Greg Cloud, DOE, Water Quality Division, SW Regional Office, 7272 Clearwater Lane, Olympia, WA 985-4-6811 by October 31, 1989.
  - B. Both sites shall be secured by a minimum 6 foot high site obscuring security fence to screen the site from adjacent properties and to preclude entry by unauthorized persons.
  - C. Fill placed on the subject property in 1988 was done in violation of Chapter 2.02 of the City Code. This fill blocked a natural drainage course and has caused ponding on the adjacent City property to the east. A permit for the fill must be obtained and drainage facilities constructed to replace the previous natural drainage course.
  - D. The applicant shall provide to the City of Tacoma a 15 foot slope easement over the north 15 feet of the site for the development of South 40th Street.
  - E. Fire protection must be provided in accordance with the Uniform Fire Code and Water Division standards and specifications at the expense of the applicant.
3. Applicant agrees and understands that prior to obtaining a temporary or final Certificate of Occupancy, either all required improvements shall have been completed and accepted by the City, or a performance bond or other financial security guaranteeing the completion of such improvements, as approved by the City Attorney, shall be provided to the City.
4. THE DECISION AND CONDITIONS IMPOSED HEREIN ARE BASED UPON REPRESENTATIONS MADE AND EXHIBITS, INCLUDING DEVELOPMENT PLANS AND PROPOSALS, SUBMITTED AT THE HEARING CONDUCTED BY THE HEARINGS EXAMINER. ANY SUBSTANTIAL CHANGE(S) OR DEVIATION(S) IN SUCH DEVELOPMENT PLANS, PROPOSALS, OR CONDITIONS OF APPROVAL IMPOSED SHALL BE SUBJECT TO THE APPROVAL OF THE HEARINGS EXAMINER AND MAY REQUIRE FURTHER AND ADDITIONAL HEARINGS.
5. No modifications of this agreement shall be made unless mutually agreed upon by the parties in writing.
6. The City may, at its discretion, bring a lawsuit to compel specific performance of the terms of this agreement. In addition to all other remedies available to the City by law, the City reserves the right to revoke the rezoning of the Site should the Applicant fail to comply with any of the terms and conditions of this agreement.
7. If any condition or covenant herein contained is not performed by the Applicant, the Applicant hereby consents to entry upon the Site by the City of Tacoma or any entity, individual, person, or corporation acting on behalf of the City of Tacoma for purposes of curing said defect and performing said condition or covenant. Should the City in its discretion exercise the rights granted herein to cure said defect, the Applicant, his successors and assigns, consent to the entry of the City on the above described property and waive all claims for damages of any kind whatsoever arising from such activity, and the Applicant further agrees to pay the City all costs incurred by the City in remedying said defects or conditions. The obligations contained in this section are covenants running with the land, and burden the successors and assigns of the respective parties.

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8. In the event that any term or clause of this agreement conflicts with applicable law, such conflict shall not affect other terms of this agreement which can be given effect without the conflicting term or clause, and to this end, the terms of this agreement are declared to be severable.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Attest: [Signature] CITY OF TACOMA  
City Clerk By [Signature]  
Mayor

Legal Description Approved:  
[Signature]  
Director of Planning

P.I.P.E., INC  
By [Signature]  
Title V.P. ENGINEER

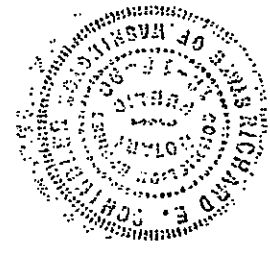
Approved as to form:  
[Signature]  
Assistant City Attorney

STATE OF WASHINGTON )  
County of Pierce ) ss

I, THE UNDERSIGNED, a Notary Public in and for the State of Washington, do hereby certify that on this 4<sup>TH</sup> day of NOVEMBER, 1989, personally appeared before me FRED ROSEMEAR, to me known to be the V.P. ENGINEER of the corporation which executed the above instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes above mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

GIVEN under my hand and official seal the day and year last above written.

[Signature]  
Notary Public in and for the  
State of Washington, residing  
at Tacoma



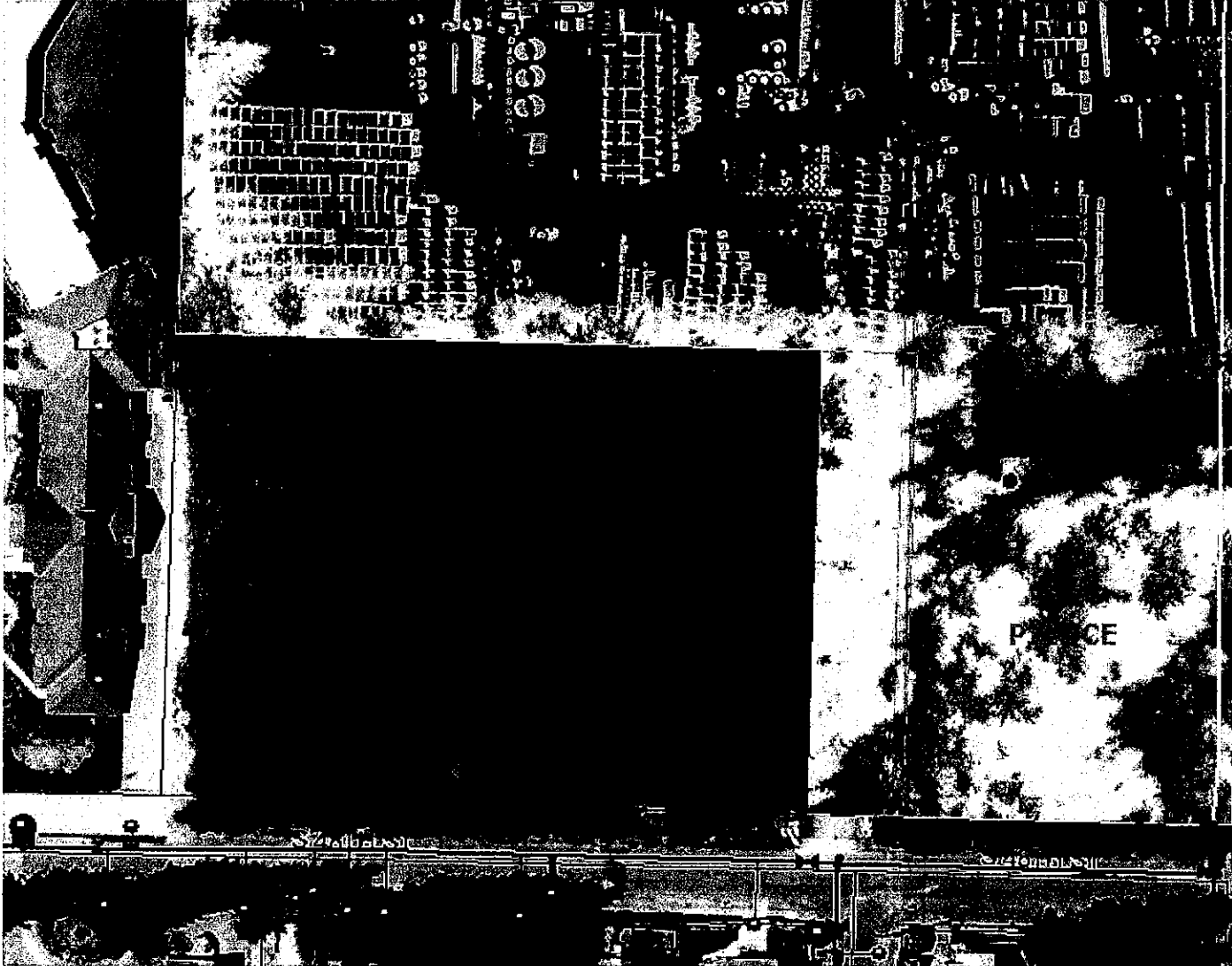




**From:** Angel, Jesse  
**Sent:** Thursday, April 18, 2013 8:43 AM  
**To:** Schultz, Shirley  
**Subject:** RE: Notice of Application - City of Tacoma - REZ2013-40000199731 4016  
South Orchard  
**Attachments:** SKMBT\_60013041808380.pdf

Shirley,

Attached is a copy of the easement and here's a picture of the water main crossing the parcel.



Thanks,

Jesse Angel - Utility Service Specialist  
**Tacoma Water**  
3628 S. 35th St.  
Tacoma, WA 98409-3192  
253-502-8280 OFFICE

279

EXH. 20

REZ2013-40000199731  
Reference Doc. R-10

253-502-8694 FAX  
[Tacoma Water Website](#)

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**From:** Schultz, Shirley  
**Sent:** Wednesday, April 17, 2013 9:29 AM  
**To:** Angel, Jesse  
**Subject:** RE: Notice of Application - City of Tacoma - REZ2013-40000199731 4016 South Orchard

Thanks. I will let them know.

That easement doesn't show up on GovME nor does it show on a short plat map of the area from 1978 (though the line does show on GovME). Do you have any documentation of the easement I can pass on to the developer? I have the west end transmission main drawing from 1978, which shows the pipe 22.5 feet east of the property line, and then it looks like there's another line just west of the property line, but it's not clear what that is. Is that the main you're talking about? That line also seems to show on a landfill storm sewer plan from 1990... but no easement...

- Shirley

---

**From:** Angel, Jesse  
**Sent:** Wednesday, April 17, 2013 8:51 AM  
**To:** Schultz, Shirley  
**Subject:** RE: Notice of Application - City of Tacoma - REZ2013-40000199731 4016 South Orchard

Shirley,

They may need to move the main depending on the location of the pond and the proximity to the main. The main is already within an existing easement so they'll need to make sure they follow the provisions of the easement.

Thanks,

Jesse Angel - Utility Service Specialist  
**Tacoma Water**  
3628 S. 35th St.  
Tacoma, WA 98409-3192  
253-502-8280 OFFICE  
253-502-8694 FAX  
[Tacoma Water Website](#)

---

**From:** Schultz, Shirley  
**Sent:** Wednesday, April 17, 2013 8:12 AM  
**To:** Angel, Jesse  
**Subject:** RE: Notice of Application - City of Tacoma - REZ2013-40000199731 4016 South Orchard

Jesse -

Does this mean they **\*must\*** move the water main, or can they protect and provide an easement? I know they'll ask...

## **Shirley Schultz**

City of Tacoma | Development Services

253-591-5121

[shirley.schultz@cityoftacoma.org](mailto:shirley.schultz@cityoftacoma.org)

---

**From:** Angel, Jesse

**Sent:** Wednesday, April 17, 2013 7:42 AM

**To:** Schultz, Shirley

**Subject:** RE: Notice of Application - City of Tacoma - REZ2013-40000199731 4016 South Orchard

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

**There is an existing 8" Water Main located on the east side of the proposed rezone area. This water main will need to be protected and any improvements approved by Tacoma Water prior to construction. Please contact Jesse Angel at (253) 502-8280 to discuss project plans and impacts and seek approval.**

**Relocation of the existing permanent water main shall be constructed by private contract. The developer of the privately financed project will be responsible for all costs and expenses incurred by Tacoma Water for preparation of plans and specifications, construction inspection, testing, flushing, sampling of the mains, and other related work necessary to complete the new water main construction to Tacoma Water standards and specifications. The engineering charge for the preparation of plans and specifications will be estimated by Tacoma Water. The developer will be required to pay a deposit in the amount of the estimated cost. The actual costs for the work will be billed against the developer's deposit. The new mains will be installed by and at the expense of the developer. The developer will be required to provide a 20-foot wide easement over the entire length of the water main, fire hydrant, service laterals and meters. The developers Professional Land Surveyor shall prepare and submit the legal description of the easement to Tacoma Water for review and processing. Prior to construction, a second deposit in the estimated amount for construction inspection, testing, and sampling will be due to Tacoma Water. Upon completion of the project, the developer will either be refunded the unused amount of the deposit or billed the cost overrun. Approximate design time is ten weeks.**

**If a new fire hydrant is required at a location with an existing water main, the hydrant will be installed by Tacoma Water after payment of an installation charge.**

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

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

Jesse Angel - Utility Service Specialist

**Tacoma Water**

3628 S. 35th St.



1970-285



E472

2371687  
**EASEMENT**  
 CORPORATE FORM

KNOW ALL MEN BY THESE PRESENTS: That  
SOUTH PUGET SOUND INVESTMENTS, INC.

a corporation organized and existing under the laws of the State of Washington, owner of the premises hereinafter described, for a valuable consideration from the City of Tacoma, has granted unto the said City, its successors and assigns, the right and privilege to construct, operate and maintain water mains, hydrants, meters & appurtenant equipment under wires over, along and across the following real property situate and being in the County of Pierce and State of Washington, described as follows, to-wit:

Four parcels of land located in Section 13, Township 20 North, Range 2 East, W. M., described as follows:

1. The East 30 feet of the Southwest quarter (SW $\frac{1}{4}$ ) of the Southwest quarter (SW $\frac{1}{4}$ ) of Section 13, less South 48th St. and less the West 10 feet of the South 300 feet thereof.
2. The North 30 feet of the East 296.24 feet of the Southwest quarter (SW $\frac{1}{4}$ ) of the Southwest quarter (SW $\frac{1}{4}$ ) of Section 13.
3. The West 30 feet of the East 296.24 feet of the South half (S $\frac{1}{2}$ ) of the Northwest quarter (NW $\frac{1}{4}$ ) of the Southwest quarter (SW $\frac{1}{4}$ ) of Section 13.
4. The North 15 feet of the West 232.41 feet of the East 498.65 feet of the South half (S $\frac{1}{2}$ ) of the Northwest quarter (NW $\frac{1}{4}$ ) of the Southwest quarter (SW $\frac{1}{4}$ ) of Section 13.

1970-285  
 E472

Rel. by E 1673  
 Rel. by E 1673

2-26-13-S.W.

NOTARY PUBLIC STATE OF WASHINGTON  
 SAURICE RAYBURN, Pierce Co. Notary  
 Margaret Hunter

E-1

(WFE-472)

~~together with the right to trim and keep trimmed all danger trees located upon the tract of land first above described and with the privilege also to enter upon said land from time to time, with reasonable care, to change, repair, renew or remove said water mains, hydrants, meters~~, wires and equipment.

Said easement shall continue so long as the said City, its successors or assigns, shall make use of the same for the purpose above specified, but upon permanent discontinuance of said use, this easement shall be of no force or effect.

IN WITNESS WHEREOF, said company has caused its corporate name and seal to be hereunto subscribed and affixed and these presents to be executed by its officers thereunto duly authorized, this 30<sup>th</sup> day of September, 1970

SOUTH PUGET SOUND INVESTMENTS, INC.  
 BY: Robert D. Lundberg President  
William G. Lundberg Secretary

STATE OF WASHINGTON )

County of Pierce ) ss.  
 On this 30<sup>th</sup> day of September, 1970, before me personally appeared Robert D. Lundberg, add William G. Lundberg, to me known to be the President and Secretary

of the corporation that executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

W.O. No. 1531 Map No. SW 13-20-2E  
 Description approved [Signature]  
 Form approved [Signature] Assistant City Attorney

Matthew Clary  
 Notary Public in and for the State of Washington  
 residing at Tacoma  
 Accepted by the Director of Utilities:  
[Signature]

MU 49 Revised 1/69

Date filed for record Oct 10 1970  
 Request of City of Tacoma  
 Richard A. Greco, Pierce County Auditor

West 48th & Orchard



**TO:** Shirley Schultz, Planning and Development Services

**FROM:** Drew Randolph, Environmental Services Engineering Division

**SUBJECT:** Rezone (REZ2013)  
SEPA (SEP2013)  
File No's 40000199731 & 40000199732  
4601 South Orchard

**DATE:** May 13, 2013

The following information was provided to Environmental Services for evaluation as part of this proposal:

- Notice of public hearing dated April 16, 2013 (2 pages)
- Land Use permit application signed April 5, 2013 (3 pages)
- Project phasing site plan dated April 8, 2013 (1 sheet)
- SEPA Checklist report dated April 8, 2013 (95 pages)

Environmental Services has the following Conditions of Approval for the subject SEPA and Rezone:

1. 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 and the Public Works Design Manual in effect at time of vesting land use actions, building or construction permitting.
2. Environmental Services has no objection to the proposed rezone. Please note that at the time of building permits, land segregation or other similar actions affecting site improvements, Environmental Services will have specific Conditions of Approval for the project. This rezone application shall not vest the project for surface water requirements.

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](http://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](http://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 call the Public Works Department, Environmental Services Engineering Division at (253) 591-5588.

**From:** Erickson, Ryan  
**Sent:** Sunday, April 21, 2013 6:28 PM  
**To:** Schultz, Shirley  
**Subject:** FW: Notice of Application - City of Tacoma - REZ2013-40000199731 4016 South Orchard

**Categories:** Green Category

Shirley,

TFD has the following comments on the subject action:

1. Provide fire department access in accordance with the adopted fire code as approved by the Tacoma Fire Department.
2. Provide fire hydrants with adequate minimum fire flow in accordance with the adopted fire code as approved by the Tacoma Fire Department.
3. All new structures to be constructed upon the site shall meet the requirement of the adopted fire code at the time of submitting for permit.

Thanks,

**RYAN ERICKSON, P.E.**  
Fire Code Official  
Tacoma Fire Department | Prevention & Preparedness Bureau  
901 Fawcett Avenue | Tacoma, WA 98402  
[rerickson@cityoftacoma.org](mailto:rerickson@cityoftacoma.org)

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**From:** Schultz, Shirley  
**Sent:** Tuesday, April 16, 2013 11:39 AM  
**To:** Kuntz, Craig; Rambow, Peter; Terrill, Frank; Sully, Dan; Coffman, James; Webster, Jeff; Kammerzell, Jennifer; Pierce, Ramie; Site Development; Coyne, Richard; Gaddis, John; Aplin, Alan; Price, Richard; Cornforth, Ronda; Erickson, Ryan; Ripley, Rachelle; Larson, Tracy; Porter, Hal; Angel, Jesse; McKnight, Reuben; Ferguson, Chery; Flynn, Ryan; [PWRO@cityoftacoma.org](mailto:PWRO@cityoftacoma.org); Site Development  
**Cc:** Kluge, Karla  
**Subject:** Notice of Application - City of Tacoma - REZ2013-40000199731 4016 South Orchard

Dear Reviewing Parties:

Innova Architects, on behalf of H&P Tacoma Acquisition, LLC, has submitted a rezone application and an associated SEPA Environmental Checklist for the following:

Rezone from R2 to M1 - approximately 1.72 acres / 75,000 square feet of the southeast corner of the property. The area will be developed with a storm water detention facility, landscaping, and up to 100 passenger car parking spaces. Improvements may be required on South 48<sup>th</sup> Street.

The rezone is associated with, but a separate action from, redevelopment of the existing M-1 and M-2 development on the site. SEPA review for the redevelopment will be conducted separately from this process.

***The applicant has provided a Traffic Impact Analysis, a Wetland Reconnaissance, and a Geotechnical Report for your review.***





(C)

**Schultz, Shirley**

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**From:** adcripps@juno.com  
**Sent:** Tuesday, June 11, 2013 1:54 PM  
**To:** shirley.schultz@cityoftacoma.org  
**Subject:** Fw:

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

----- Forwarded Message -----

**From:** "CRIPPS, DENNIS E WG-11 USAF AMC 62 MXS/MXMFB" <dennis.cripps@us.af.mil>  
**To:** "shirley.schultz@ityoftacoma.org" <shirley.schultz@ityoftacoma.org>  
**Cc:** "adcripps@juno.com" <adcripps@juno.com>  
**Subject:**  
**Date:** Mon, 3 Jun 2013 23:27:18 -0500

City of Tacoma Planning and Development Services Dept.

Shirley Schultz;

Regarding the SPOT-REZONING of 4601 South Orchard, parcel 0220133049(part) application no.rez2013-40000199731, Sep 2013-40000199732; This SPOT-REZONING action will result in the loss of value of my property and house (and many houses in this residential area). I will have an unpleasant industrial view if the trees on this parcel are removed. The current stand of trees will buffer future industrial activity and noise if /when the giant warehouse is constructed. A substantial buffer of trees will also provide blast protection when the warehouse has flammable/explosive events. A tall and wide buffer of trees provide a restfull, calming view instead of an unpleasant property value destroying view. It will help muffle the noise of a 24hour/7 day a week industrial warehouse. It will help absorb the carbon-monoxide exhaust of hundreds of cars and industrial vehicles around the clock. The access road at 48th street and South Mullen Street should be torn up and filled in with trees to provide a complete barrier separating the industrial complex from the residential community. This spot is also a bus stop for local school children. Demolition/construction heavy vehicle traffic should not be routed on S. 48th street due to the presence of children in the community. Neither should it be an access for heavy commuting traffic for workers to arrive and depart the industrial complex. These activities will destroy the peace and tranquility of my residential neighborhood.

Dennis

Cripps

4807 South

Mullen Street

Tacoma, Wa

98409

adcripps@juno.com

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<http://thirdpartyoffers.juno.com/TGL3141/51b78e915fd81e91169bst04vuc>

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City Exhibit 21  
REZ2013-40000199731







550 Pacific Avenue, Suite 450  
Tacoma, WA 98402  
252.572.4903

Project Title  
**Orchard Industrial Center**  
4891 South Orchard Street  
Tacoma, WA

Site  
**avenue 55**  
1420 5th Avenue, Suite 2050  
Seattle, WA 98101  
206.707.9985

SEA Number  
13-002

Marked for Release  
Issued by Agency Review  
March 29, 2013

SEA REVIEW  
NOT FOR CONSTRUCTION



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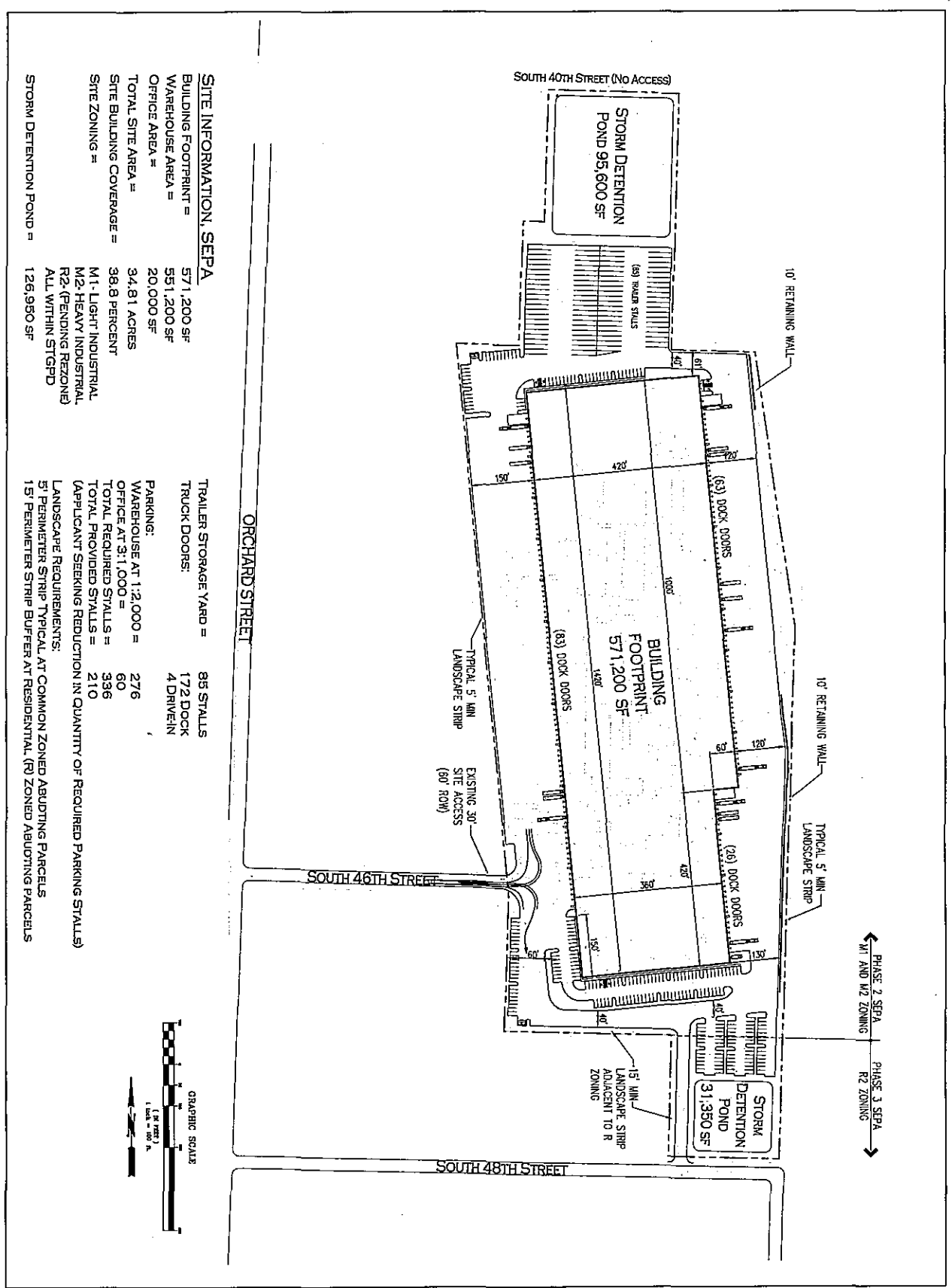
Scale Title  
**SEPA Site Plan**

Designed by: Tim Kellum  
Checked by: Elina  
Drawn by: Elina  
Date: 11/14/12

Sheet Number  
**A0.1**  
of 3 Sheets

← PHASE 2 SEPA  
MT AND W2 ZONING

PHASE 3 SEPA  
R2 ZONING →



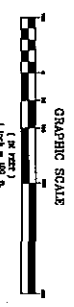
**SITE INFORMATION, SEPA**

BUILDING FOOTPRINT = 571,200 SF  
 WAREHOUSE AREA = 551,200 SF  
 OFFICE AREA = 20,000 SF  
 TOTAL SITE AREA = 34.81 ACRES  
 SITE BUILDING COVERAGE = 38.8 PERCENT  
 SITE ZONING = M1-LIGHT INDUSTRIAL,  
 M2-HEAVY INDUSTRIAL,  
 R2-(PENDING REZONING)  
 ALL WITHIN STGPD  
 STORM DETENTION POND = 126,950 SF

TRAILER STORAGE YARD = 85 STALLS  
 TRUCK DOORS: 172 DOCK  
 4 DRIVE-IN

PARKING:  
 WAREHOUSE AT 1:2,000 = 276  
 OFFICE AT 3:1,000 = 60  
 TOTAL REQUIRED STALLS = 336  
 TOTAL PROVIDED STALLS = 210  
 (APPLICANT SEEKING REDUCTION IN QUANTITY OF REQUIRED PARKING STALLS)

LANDSCAPE REQUIREMENTS:  
 5' PERIMETER STRIP TYPICAL AT COMMON ZONED ADJUTING PARCELS  
 15' PERIMETER STRIP BUFFER AT RESIDENTIAL (R) ZONED ADJUTING PARCELS



ENVH-23



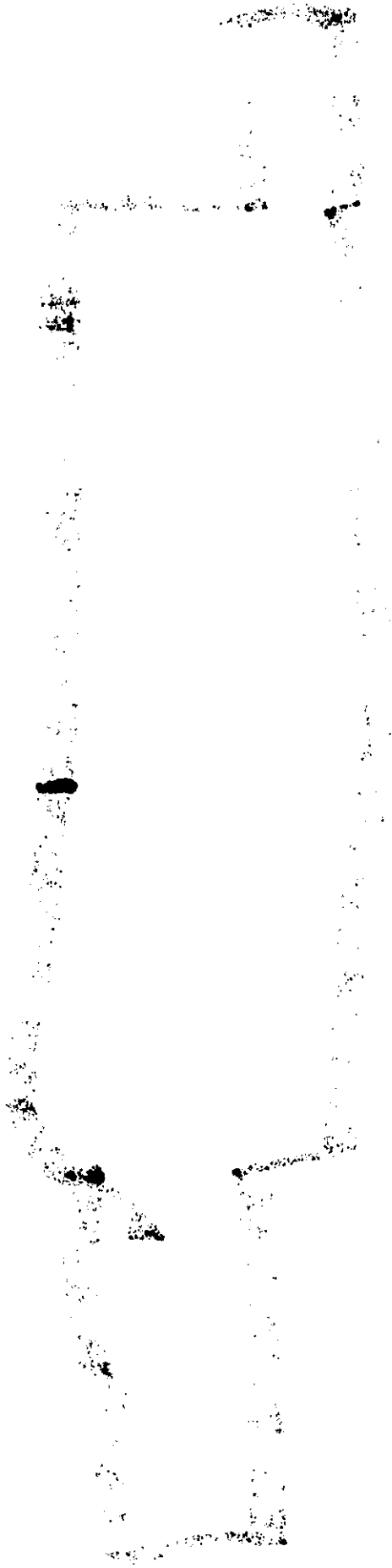


ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 11/19/01 BY 60322 UCBAW

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erapistphoto.com







4802 South Mullen Street



South 48th Street / South Mullen Street

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47° 12' 40.97" N 122° 30' 2.82" W elev 357 ft

11

11

11-11-76



4802 South Millan Street



South 48th Street / South N

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Google

47° 12' 51.98" N 122° 30' 05.59" W elev. 344 ft

01/17/2014

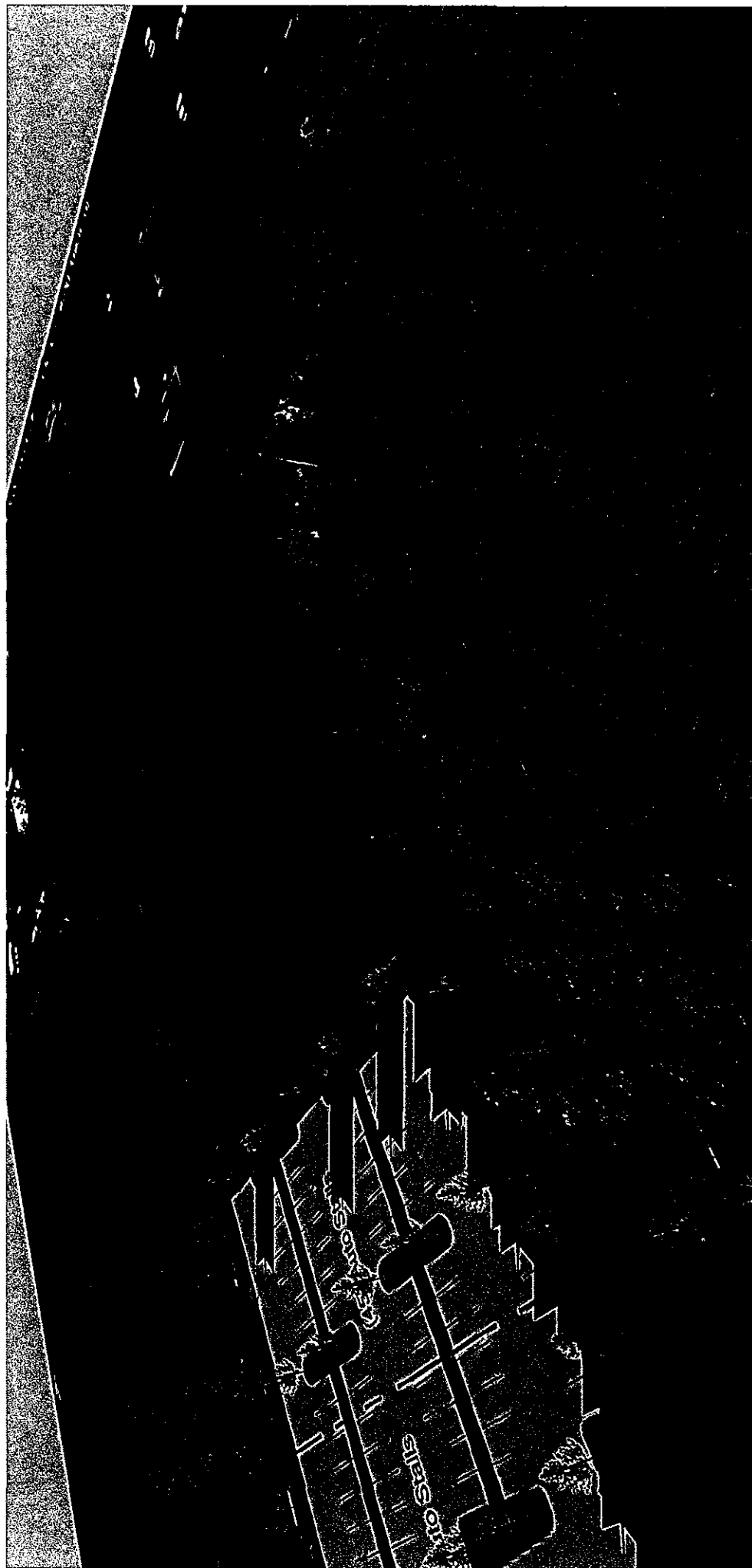
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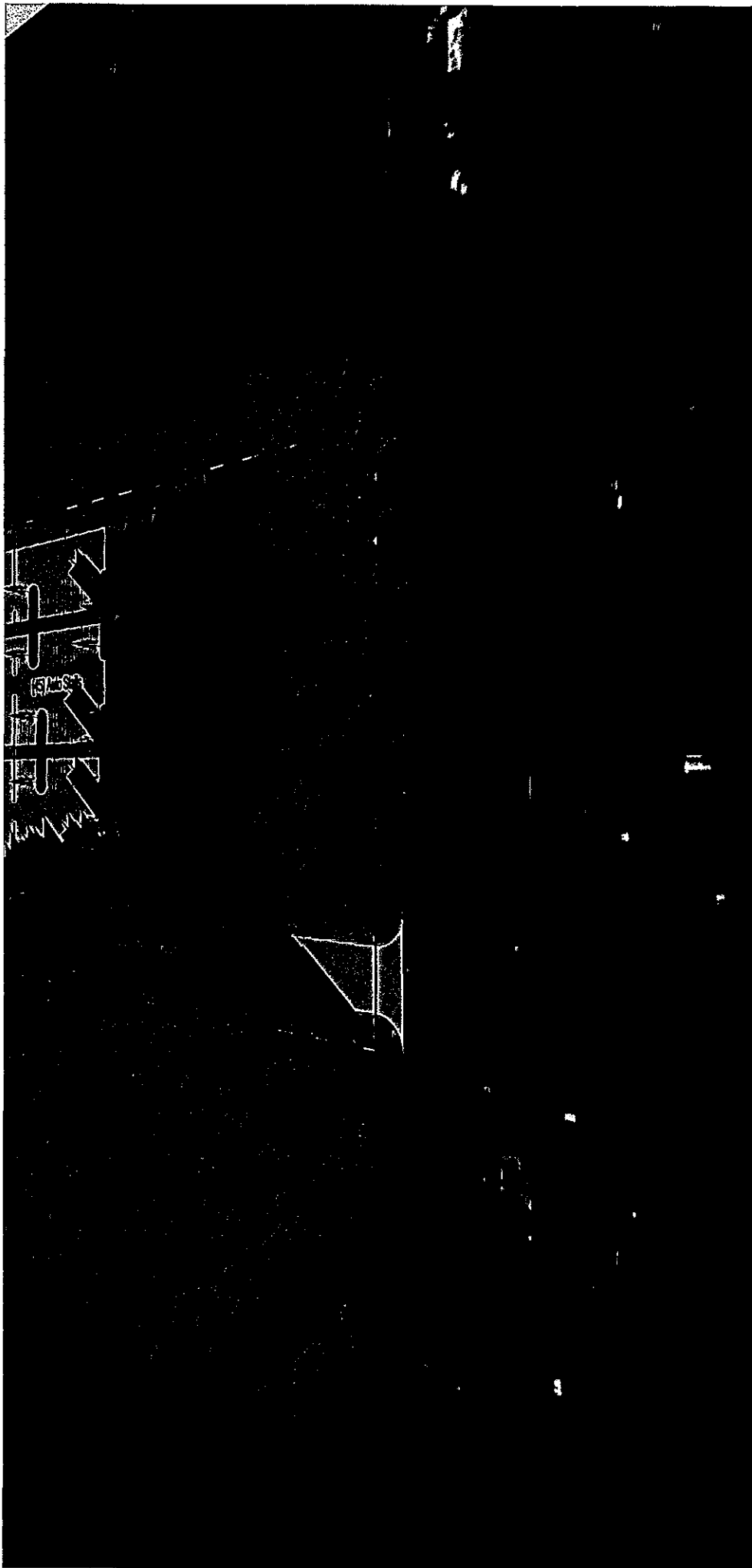




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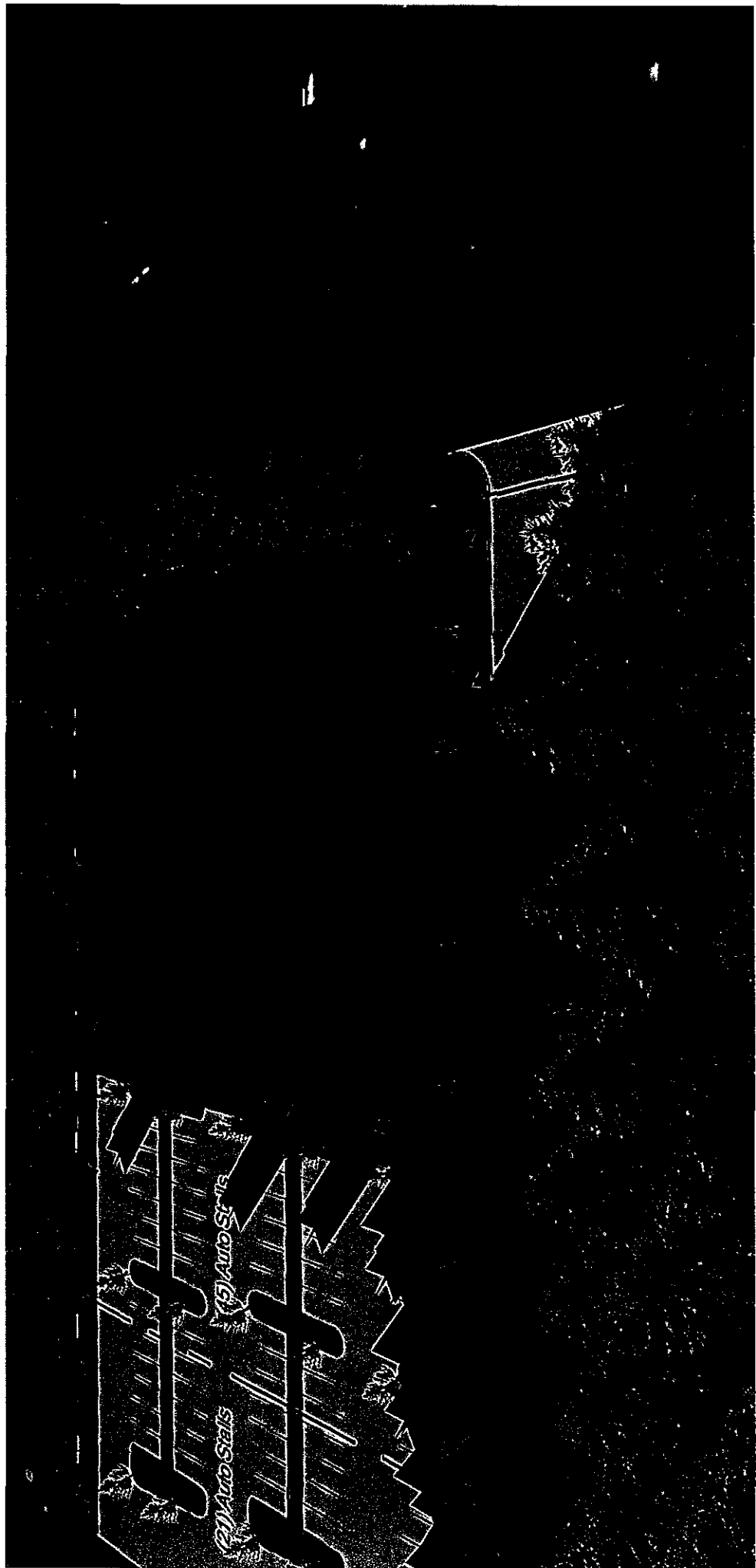
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PL. 11

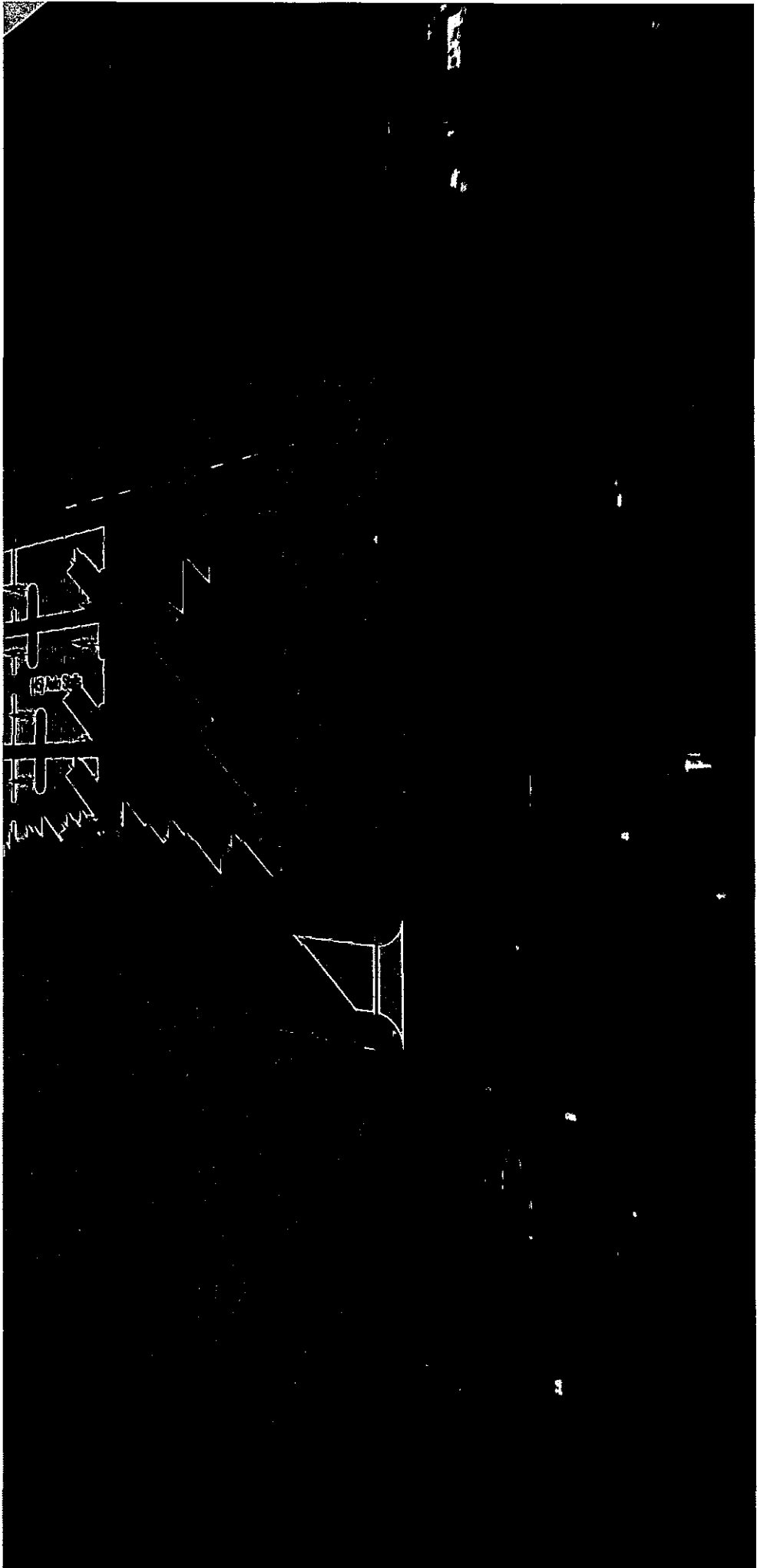
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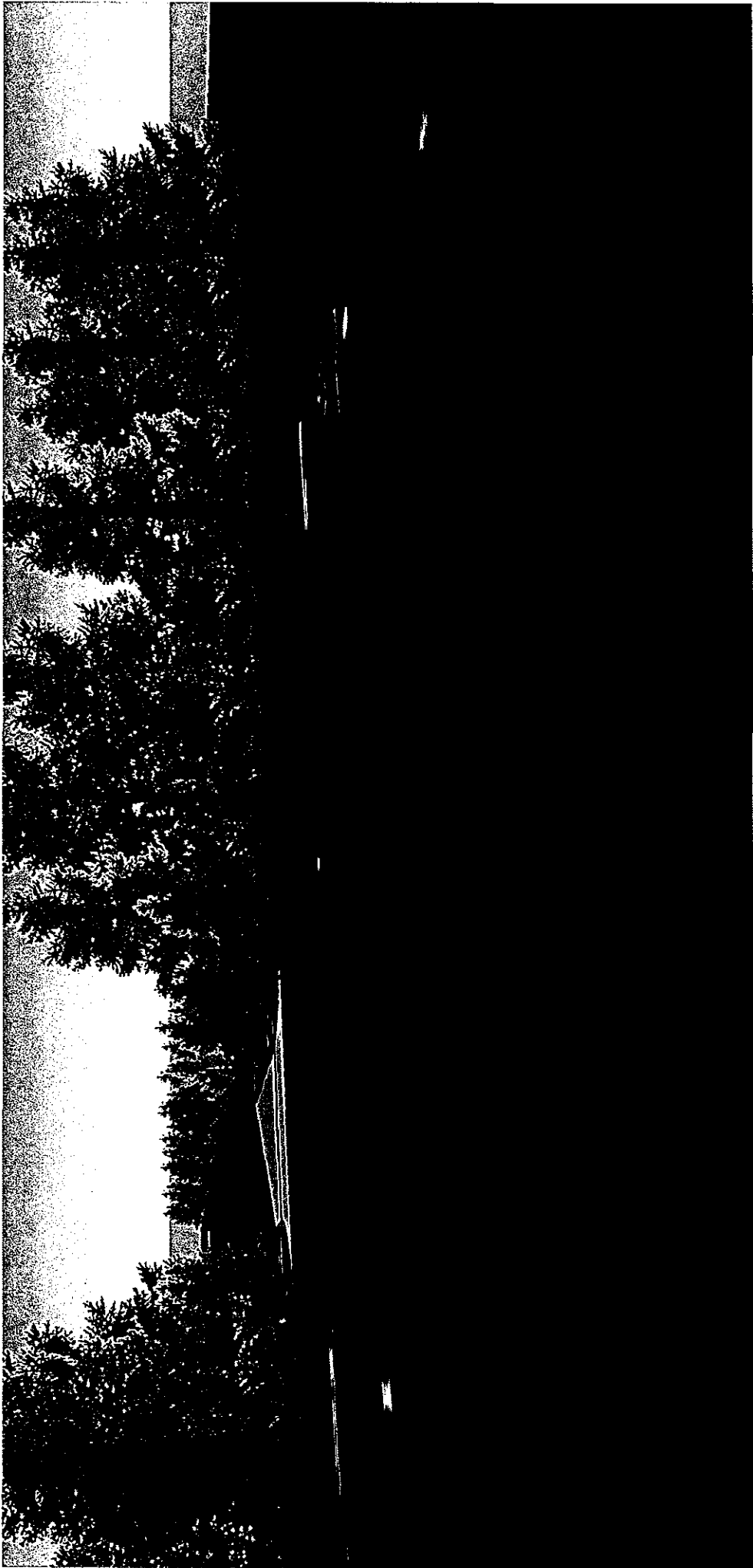
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EX-31

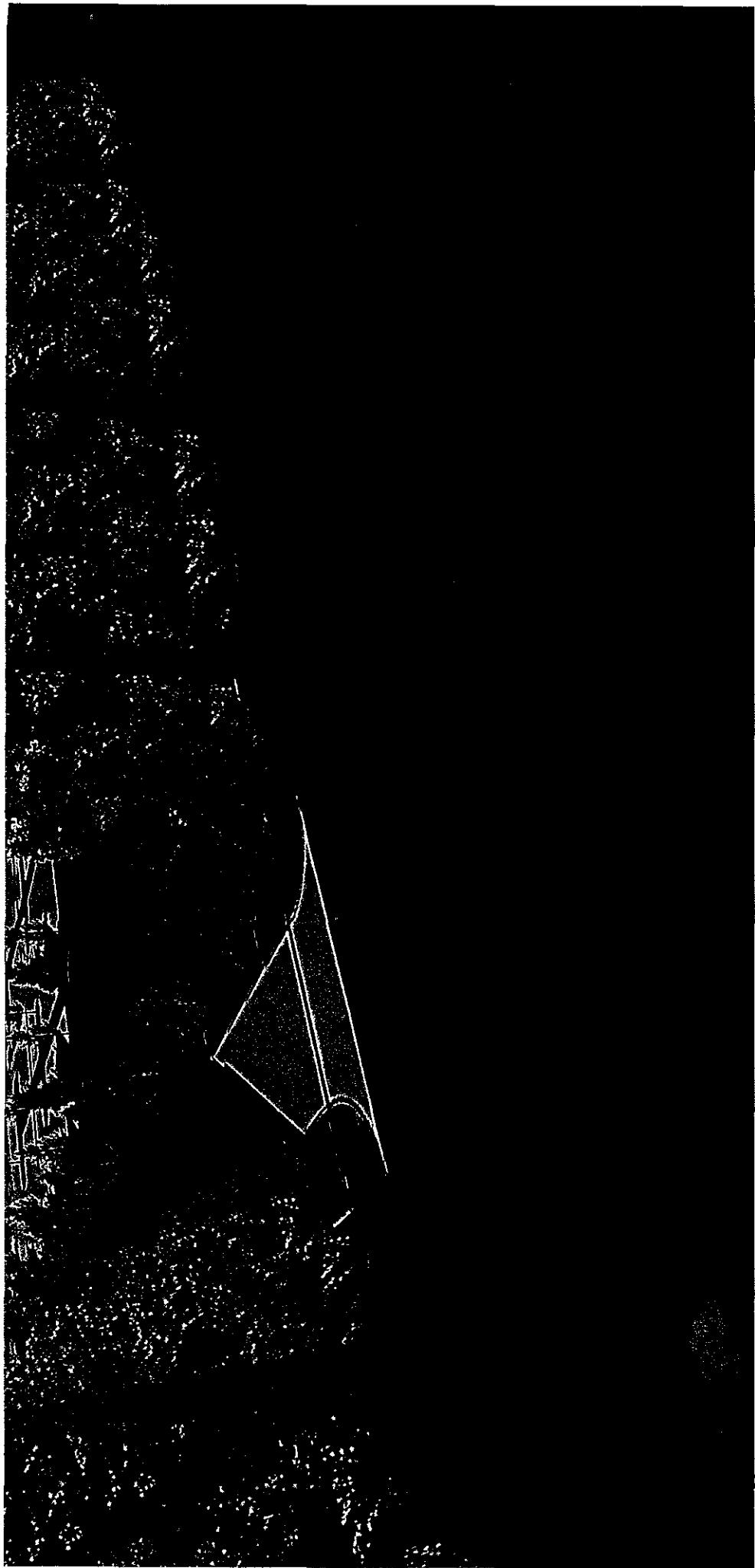




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EXH. 33



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