

**CITY OF TUMWATER  
HEARING EXAMINER STAFF REPORT  
Hearing Date: April 27, 2022**

**Project Name:** Craft District II, LLC Apartments Variance and Site Plan Review Approval

**Case Numbers:** TUM-22-0070 and TUM-21-0460

**Applicant/Owner:** Craft District II, LLC, John Peters  
2840 Black Lake Blvd. SW, #C, Tumwater, WA 98512

**Project Proponent/  
Representative:** Ferguson Architecture, Megan Johnson  
1916 Jefferson Ave, Tacoma, WA 98402

**Type of Action Requested:** The project proponent is requesting approval of a variance from sections of Title 18 TMC in regards to building design and open space requirements (Exhibit 2).

The City has reviewed the formal site plan review application for this project and determined that a variance is required. This staff report provides findings and recommendations for the site plan review as well as the variance request.

**Project Location:** The property is located at 4300 Capitol Blvd. SE, Tumwater, WA 98501, Section 26, Township 18 North, Range 2 West on Thurston County Tax Parcel No. 33870000400 (Exhibit 3).

**Public Notification:** TMC 14.06.010 requires a notice of application to be issued on all project permit applications for which the hearing examiner has decision making authority, or SEPA is required.

A notice of application indicating that the application was submitted and deemed complete was mailed to property owners within 300 feet of the subject property, affected agencies, posted on-site and published in the Olympian on January 28, 2022 (Exhibit 6).

Comments were received from Nisqually Indian Tribe stating no concerns. Comments from the Squaxin Island Tribe recommended a cultural resources survey and report. A local citizen contacted the City with questions regarding development standards. (Exhibit 7).

**SEPA Determination:** Pursuant to the State Environmental Policy Act, the City of Tumwater issued a Determination of Nonsignificance on March 10, 2022. (Exhibit 8).

Comment received from the Squaxin Island Tribe recommended a cultural resources survey and report. Comments from the Washington State Department of Ecology provide guidance on existing regulation, and that a construction stormwater general permit may be required. (Exhibit 9).

**Hearing Notification:** Public notification for the April 27, 2022, public hearing was mailed to property owners within 300 feet of the subject property and various agencies, posted on-site and published in The Olympian on Friday, April 15, 2022, in conformance with Tumwater Municipal Code (TMC) 14.06 (Exhibit 5).

**Staff Recommendation:** Approval, subject to conditions identified at the end of the staff report.

**Staff Planner:** Tami Merriman, Permit Manager  
Phone: (360) 754-4180  
E-Mail: [tmerriman@ci.tumwater.wa.us](mailto:tmerriman@ci.tumwater.wa.us)

## **I. BACKGROUND INFORMATION**

### **A. Background**

Pursuant to Section 14.02.070 TMC, the project proponent attended both a preliminary and formal site plan review conference for this project. The site plan review approval is an administrative approval, however the project proponent has requested a variance from some requirements of Title 18 TMC in regards to building architecture, frontage and corner treatments, and minimum open space requirement. The project approval is subject to the granting of the variance request.

### **B. Application and Review Process**

A variance application with narrative was submitted on January 7, 2022, and deemed complete January 28, 2022 (Exhibit 6).

Under TMC 2.58.090, review authority for variances fall under the purview of the Hearing Examiner.

Site Plan Review for this project is an administrative approval and underlying permit. The site plan review approval is subject to the decision of the Hearing Examiner in regards to the variance request.

### **C. Existing Conditions**

The site is approximately 3.47 acres, and is currently vacant. The site is relatively flat to the west, has a steep slope on the east, and has some trees (Exhibit 3).

### **D. Project Description**

The proposal is to construct 96 apartment units with associated parking. The project proponent requests a variance from the strict interpretation of the City of Tumwater Municipal Code sections 18.27.050 Development Standards, 18.27.080(A)(5) Ground Floor Residential Units, 18.27.080(A)(6) Building Frontage, 18.27.080(B)(2)(d) Corner Treatments, and 18.42.130(A) Open Space.

## **II. REGULATORY FRAMEWORK**

### **A. Variance**

Chapter 18.58 TMC provides guidance and requires findings for the granting of a variance. Section 18.58.040 TMC Granting – Findings required provides process for granting a variance request.

- A. A variance may be granted, after investigation, provided all of the following findings of fact exist:
  - 1. That special conditions exist which are peculiar to the land, such as size, shape, topography, or location, not applicable to other lands in the same district, and that literal interpretation of the provisions of this title would deprive the property owners of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title;
  - 2. That the special conditions and circumstances are not the result of actions of the applicant;
  - 3. That the granting of the variance requested will not confer a special privilege to the property that is denied other lands in the same district;
  - 4. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements of the vicinity and zone in which the subject property is situated; and
  - 5. That the reasons set forth in the application justify the granting of the variance, and that the variance, if granted, would be the minimum variance that will make possible the reasonable use of the land.
- B. In no event may a variance be granted if it would permit a use that would not be permitted as a primary, accessory or conditional use in the district involved.

**Section 18.27.080.A.5 TMC Ground Floor Residential Units:** When ground floor residential units are provided on a street-facing building facade within ten feet of the street-facing property line, ground floor entries to individual units must be provided. Ground floor unit entries must be oriented and directly connected to the sidewalk, as

required in subsection (A)(3)(a) of this section. The unit entrance must be accessed via a raised stoop or porch measuring a minimum of three feet and no more than four feet six inches above grade. Building entrances to street-facing, ground floor residential units must provide an awning or canopy, or must be set back behind the front building facade a minimum of two feet.

**Variance Request to Section 18.27.080.A.5.** The project proponent requests a variance to street facing ground floor entrances due to the vehicular nature of Capitol Boulevard, and the 12' easement between the face of the buildings and the sidewalk. The project proponent proposes to provide pedestrian access to all buildings from the public sidewalk, with courtyards and internal sidewalks connecting all buildings (Exhibits 2 & 12).

***Staff Findings:***

1. *Special conditions exist on the property due to the shape, and topography;  
The property is rectangular in shape, and is encumbered by a steep slope and wetland buffer on the east property line.*
2. *The special conditions and circumstances are not the result of actions of the applicant;  
Capitol Boulevard has existing infrastructure that requires a greater setback between the buildings and sidewalks in most areas. There is no on street parking on or near the site that would require pedestrian access from the street.*
3. *Granting this variance request is not a special privilege to the property that is denied on other lands in the same district;  
The relocation of residential entrances is not a special privilege that would be denied to others with the same or similar circumstances.*
4. *Granting this variance will not be materially detrimental to the public welfare or injurious to the property of improvements of the vicinity and zone in which the subject property is situated;  
The location of residential entrances away from the street is not materially detrimental to public welfare.*
5. *This variance will make possible the reasonable use of the land.  
The steep slope and wetland buffer provide challenges to achieve required development standards for parking, landscaping and stormwater treatment.  
The variance allows the reasonable use for development and convenience for future residents.*

*The variance does not permit a use that would not be permitted as a primary, accessory or conditional use in the district.*

*The project meets the criteria for a variance, and further provides additional amenities of pedestrian access from the public sidewalk to internal courtyards and sidewalks connecting the buildings.*

**Section 18.27.080.A.6 TMC Building Frontage:** See Table 18.27.050 for minimum street-facing building frontage required within the minimum and maximum street-facing setback area.

18.27.050 Properties fronting more than one public street are required to meet the minimum building frontage requirements along both street frontages, and in so doing must locate the building in the corner of the property within the maximum street-facing setback of both streets. The Deschutes Subdistrict requires minimum street-facing building frontage of 50%.

**Variance Request to Section 18.27.080.A.6.** The project proponent requests a variance to reduce the street facing building frontage on Tumwater Valley Drive to 30% due to the ingress/egress location and steep slope on the east property line. (Exhibits 2 & 12)

***Staff Findings:***

1. *Special conditions exist on the property due to the shape, and topography; The rectangular property shape and steep slope restrict the building and parking configuration and the resulting location of ingress and egress on Tumwater Valley Drive.*
2. *The special conditions and circumstances are not the result of actions of the applicant; The rectangular property shape and steep slope restrict the building and parking configuration and the resulting location of ingress and egress on Tumwater Valley Drive.*
3. *Granting this variance request is not a special privilege to the property that is denied on other lands in the same district; The location of access and parking is not a special privilege that would be denied to others with the same or similar circumstances.*
4. *Granting this variance will not be materially detrimental to the public welfare or injurious to the property of improvements of the vicinity and zone in which the subject property is situated; The location of ingress/egress was based on public safety for vehicular and pedestrian movement, and is not detrimental to public welfare.*
5. *This variance will make possible the reasonable use of the land. The rectangular property shape and steep slope restrict the building and parking configuration and the location of ingress and egress on Tumwater*

*Valley Drive. The variance allows the reasonable use for development, and safety for access and parking.*

*The variance does not permit a use that would not be permitted as a primary, accessory or conditional use in the district.*

*The project meets the criteria for a variance, and further provides safe access to the site and parking.*

**Section 18.27.080.B.2.d TMC Corner Treatments:** Buildings located at the corner of two streets shall locate the primary building entry at or within twenty feet of the corner of the building. In addition, these buildings shall address the corner through one of the following methods, as illustrated in Figure 18.27.080.B.3:

- i. Set back the corner of the building, such that it creates a plaza or forecourt space in front of the building entrance;
- ii. Provide a chamfered (or forty-five-degree “cut”) corner, or a rounded building corner;
- iii. Provide increased building height (and associated roof forms) at or within twenty feet of the corner of the building.

**Variance Request to Section 18.27.080.B.2.d.** The project proponent requests a variance to required corner treatments due to the residential use having no primary entrance and limited amount of commercial space (Exhibits 2 & 12).

***Staff Findings:***

1. *Special conditions exist on the property due to the shape, and topography; The property is rectangular in shape, and is encumbered by a steep slope and wetland buffer on the east property line.*
2. *The special conditions and circumstances are not the result of actions of the applicant; The proposed use is multi-family residential, and does not include a primary entrance. The corner treatments described in 18.27.080 are more conducive to commercial or mixed-use buildings. The project proponent proposes to deviate from the requirement by providing a covered entry to the leasing office, similar to the required courtyard, which is located at the corner of the building.*
3. *Granting this variance request is not a special privilege to the property that is denied on other lands in the same district; Reducing the building setback and full height corner treatment would not create a special privilege, as the intent is more for commercial/mixed use structures.*
4. *Granting this variance will not be materially detrimental to the public welfare or injurious to the property of improvements of the vicinity and zone in which*

*the subject property is situated;*

*Reducing the building setback and full height corner treatment would not create a special privilege, as the intent is more for commercial/mixed use structures.*

5. *This variance will make possible the reasonable use of the land.*

*The building use is multi-family that does not provide a primary entry. The leasing office is located at the corner of the building and provides a covered entry, similar to the required courtyard. Not reducing the building setback on the full height of the building prevents reducing the site of the units located there.*

*The variance does not permit a use that would not be permitted as a primary, accessory or conditional use in the district.*

*The project meets the criteria for a variance, and further provides a corner entry with covered area.*

**Section 18.42.130.A TMC Open Space:** For new residential developments in which the majority of the dwelling units will be multifamily dwellings or rooming houses, or five or more dwelling units as rowhouses or townhomes, and the land is not being divided, a minimum of fifteen percent of the gross site area shall be set aside for park and open space area, with 50% active and 50% passive recreation. Open space areas are required to be separate from required yards, setbacks, and landscaping areas.

**Variance Request to Section 18.42.130.A.** The project proponent requests a variance to the requirement to provide 50% of required open space as active open space. Thirty percent of the site is steep slopes, which creates difficulty in achieving development requirements. The applicant proposes to provide an active play area onsite, as well as providing pathways to join the site to the wetland trail system at the bottom of the hillside, with access at both the north and south, creating a looped trail system (Exhibit 13).

### ***Staff Findings:***

1. *Special conditions exist on the property due to the shape, and topography;*

*The property is rectangular in shape, and is encumbered by a steep slope and wetland buffer on the east property line. Thirty percent of the site is designated as open space due to critical areas protection.*

2. *The special conditions and circumstances are not the result of actions of the applicant;*

*The minimum development requirements of parking, landscape and stormwater treatment, and critical areas onsite creates a hardship in providing the required active open space. The applicant proposes to provide an active play area onsite, as well as providing pathways to join the site to the wetland trail*

*system at the bottom of the hillside, with access at both the north and south, creating a looped trail system.*

3. *Granting this variance request is not a special privilege to the property that is denied on other lands in the same district;  
The deviation of open space is not a special privilege, and is a creative solution that will not only benefit this project, but also other public in the area by creating access and a looped trail system.*
4. *Granting this variance will not be materially detrimental to the public welfare or injurious to the property of improvements of the vicinity and zone in which the subject property is situated;  
Providing access to a public trail system, as well as onsite play area for the residents is not detrimental to public welfare or injurious to the property.*
5. *This variance will make possible the reasonable use of the land.  
This variance provides both onsite play area and a looped connection to a public trail system. It allows the project to meet the development requirements on a parcel subject to unique conditions, and provides both active and passive recreation.*

*The variance does not permit a use that would not be permitted as a primary, accessory or conditional use in the district.*

*The project meets the criteria for a variance, and provides for both active and passive recreation for its residents and others.*

### **III. Site Plan Review Findings**

#### **A. Zoning:**

The project is located within the Deschutes Subdistrict of the Brewery Zoning District and Aquifer Protection Overlay Zoning District. (Exhibit 4)

*Multi-family residential is a permitted use within these zones. [Chapters 18.27 & 18.39 TMC]*

The project is subject to the Brewery District design guidelines Chapter 18.27 TMC.

Section 18.27.060.A TMC Residential Density Calculation. Minimum net density: 20 dwellings per acre.

*The conceptual site plan meets this requirement.*



Section 18.27.080.A.1 TMC Building Height. Maximum building height is 55 feet, first floor is required to be 12 feet in height.

*The conceptual site plan meets this requirement.*

Section 18.27.080.A.2 TMC Street Facing Setbacks. Street facing setback is a minimum of 5 feet.

*The conceptual site plan shows buildings located within public right-of-way. Vacation of right-of-way is required.*

Section 18.27.080.A.3. TMC Building Orientation. All buildings must provide at least one building entrance that faces the street and is directly connected to the public sidewalk via a hardscape pathway measuring a minimum of six feet wide. All street-facing building entrances must either be covered by an awning or canopy and/or be recessed behind the front building facade such that it is tucked under the second floor.

*The conceptual site plan meets this requirement.*

Section 18.27.080.A.5 TMC Ground Floor Residential Units. When ground floor residential units are provided on a street-facing building facade within ten feet of the street-facing property line, ground floor entries to individual units must be provided.

*The conceptual site plan meets this requirement with the approval of variance request TUM-22-0070.*

Section 18.27.080.A.6 TMC Building Frontage. Properties fronting more than one public street are required to meet the minimum building frontage requirements along both street frontages, and in so doing must locate the building in the corner of the property within the maximum street-facing setback of both streets.

*The conceptual site plan meets this requirement with the approval of variance request TUM-22-0070.*

Section 18.27.080.A.9 TMC Surface Parking Screening. When surface parking areas abut a public right-of-way, parking must be screened from view via a landscaped buffer.

*The conceptual site plan meets this requirement.*

Citywide Design Guidelines require that Service areas (loading docks, trash dumpsters, compactors, recycling areas, electrical panels, and mechanical equipment areas) shall be located to avoid negative visual, auditory (noise), olfactory, or physical impacts on the street environment.

*The conceptual site plan does not meet this requirement where the trash enclosure is located adjacent to Capitol Boulevard. Additional screening is required.*

Section 18.27.080.B TMC Building Design Standards. Building design standards are intended to ensure that new development provides high quality, well-designed buildings with engaging, pedestrian-oriented ground floors.

1.a.ii. Where residential units are provided on street-facing ground floors, transparent windows must be provided along a minimum of thirty percent of the ground floor, street-facing facade area of the residential portion of the building.

*The conceptual site plan meets this requirement.*

Section 18.27.080.B.2.a TMC Building Articulation. All building facades shall be articulated such that a change in building material and/or a horizontal change in building plane measuring a minimum of four feet is provided a minimum of every thirty feet. A change in plane may be provided through projecting bays, building recesses, upper-level balconies (projecting or recessed), recessed building entries, and/or building stepbacks. Ground floor facade areas providing commercial uses are exempt from this requirement.

*The conceptual site plan meets this requirement.*

Section 18.27.080.B.2.d TMC Corner Treatments. Buildings located at the corner of two streets shall locate the primary building entry at or within twenty feet of the corner of the building.

*The conceptual site plan meets this requirement with the approval of variance request TUM-22-0070.*

## **B. Design Standards:**

Setbacks for the Deschutes Subdistrict: Front yard: Minimum facing Capitol Boulevard is five feet, no minimum for other streets. Side and rear yards: No minimum.

Setback areas shall be kept free of any building or structure not exempted under Section 18.42.040 TMC.

Maximum attainable lot coverage is subject to on-site parking requirements in Chapter 18.50 TMC, minimum landscaping requirements in Chapter 18.47 TMC, minimum setback requirements, and on-site stormwater management requirements as described in the city of Tumwater drainage design and erosion control manual.

*The conceptual site plan does not meet this requirement. Vacation of right-of-way is required.*

Parking: Minimum parking requirements are 1.0 spaces per 1 – 2 bedroom dwelling unit and 1.5 spaces per 3+ bedroom unit if within one-half mile of a transit stop by sidewalk or paved path.

Parking stall sizes are as follows:

9' x 18' – Standard and Barrier-free stalls

8' x 17' – Compact stalls (maximum 15% of total parking)

16' x 18' - Barrier-free van stalls

The parking area is to be hard-surfaced (asphalt, concrete or turfstone) and the spaces shall be defined by white striping a minimum of 4" wide.

*The conceptual site plan does not meet this requirement. A maximum of 20 parking stall may be compact.*

A minimum 8-foot walkway is required between the building and the parking stalls.

*The conceptual site plan meets this requirement in most areas, with two relatively small areas at approximately 7 feet, due to the layout and topography. There is adequate pedestrian access meeting ADA requirements, and the site meets the intent of the guidelines.*

Parking spaces must utilize approved wheel stops to prevent vehicle overhang of a sidewalk or walkway or planter bed where a tree is within three feet of the curb.

*The conceptual site plan does not meet this requirement. Wheel stops are not shown.*

Parking aisle required to be a minimum of 22' 6" feet wide. If buildings are over 30' feet in height, a 26' wide aisle is required.

*The conceptual site plan meets this requirement.*

Section 18.50.120 TMC requires bicycle storage facilities. Based on 96 dwelling units, a minimum of 24 short-term Class II facilities (12 bike racks) and 24 long term Class I facilities (bike lockers) are required.

*The conceptual site plan shows the location of these facilities. Site development and grading plans must show details meeting the classification types.*

Exterior Lighting: Site lighting shall be directed downward and inward, or other techniques may be utilized to minimize impacts on off-site uses. Light fixtures shall be limited to 24 feet in mounting height.

*The conceptual site plan does not meet this requirement. A photometric lighting plan complying with the light trespass requirements outlined in Section 18.40.035.D TMC shall be submitted at building permit issuance.*

Landscaping: A Type 2 buffer is required for perimeter yard areas and shall have a minimum 8-foot wide planter area and shall contain 1 tree every 25 lineal feet with no less than 50% of the trees be evergreen variety. The planter bed shall also contain shrubs and groundcover to provide 75% coverage of the area within 4 years.

Parking area landscape meeting the requirements of Section 18.47.050(E) TMC is required. For every ten parking spaces, an eight foot by eighteen-foot landscape island must be provided. The island must include a tree and groundcover plants. Irrigation of all landscape beds is required.

*The conceptual site plan does not provide landscape details. A detailed landscape plan showing proposed plantings, tree types and heights, and other vegetation is required be submitted with the site development/grading and engineering permits.*

Signs: Section 18.44.155 TMC, Multiple building complexes, multiple tenant buildings, and large commercial or industrial buildings. The following regulations shall apply to all freestanding signs located within multiple building complexes, or intended to serve multiple tenant buildings; and further shall apply to wall signs installed upon large commercial or industrial buildings having more than fifty thousand square feet of floor area:

One freestanding sign for a multiple building complex or a multiple tenant building may be located within yard setback areas; provided that it is part of an overall landscaping plan and it is not determined by the city to create a sight distance hazard. Any such sign in a yard setback area may exceed the height limits set forth in Section 18.44.040 TMC, but it must conform to all other height restrictions in the underlying zone district.

Any freestanding sign for a multiple building complex or multiple tenant building located outside yard setback areas may exceed the maximum freestanding sign size restrictions set forth in Section 18.44.150 TMC by thirty-five percent; provided, that the sign is a part of a consistent signage plan for the entire site.

Section 18.44.150A TMC. The following general regulations shall apply to "...the Brewery District brewery district":

Any sign located within the front yard area shall comply with fence height regulations, as outlined in Chapter 18.46 TMC;

Signs shall be located at least two feet from the curb line or a service drive or travel lane;

All wall signs shall be flush against the building and shall not project above the roofline;

No freestanding sign shall be permitted to be higher than the principal building on the lot; provided, that no sign shall be higher than thirty feet; and provided

also, that the height of any freestanding sign shall be limited to the heights set forth within each zoning district; and

No permanent window sign affixed to or incorporated into an exterior window shall exceed twenty-five percent of each window area.

Section 18.44.150 D TMC. The following specific regulations shall apply to signs in the "...brewery district":

Signs shall be limited to a total of two hundred square feet in area on all faces of all permanent freestanding signs; provided, that no one sign face is larger than fifty percent of the total allowable sign area;

Wall signs shall be limited to an area not to exceed twenty percent of the public facade; provided, that the total area of signs on an individual public facade or other wall of a building does not exceed fifty percent of the sign area allowed for freestanding signs;

Seventy-five square feet in area shall be allowed for temporary signs; however, the temporary sign allowance shall be included in the signage amounts allowed for permanent signs;

No freestanding sign shall be higher than thirty feet; and

The following specific regulations shall apply to pedestrian-oriented signs in the MU mixed use, GC general commercial, LI light industrial, CBC capitol boulevard community, BD brewery district, and HI heavy industrial zone districts:

Signs shall not exceed eight square feet in area per sign face; provided, that such signs located below a pedestrian weather protection structure shall not exceed four square feet in area;

One such sign is allowed for each public entry of the first floor use onto the adjacent street;

The bottom of any sign of this type shall be at least nine feet above the sidewalk and shall not contain commercial messages other than the name of the use or business;

The maximum height of a pedestrian-oriented sign shall not exceed fifteen feet above the sidewalk; and

A pedestrian-oriented sign shall not be free-swinging and must not extend horizontally beyond the limits of a pedestrian weather protection structure.

*The conceptual site plan does not show proposed signage. Sign permits are required and are subject to Chapter 18.44 TMC.*

Open Space: Section 18.42.130 TMC requires a minimum of fifteen percent of the gross site area to be set aside for park and open space area, with 50% active and 50% passive recreation. Open space areas are required to be separate from required yards, setbacks, and landscaping areas.

*The conceptual site plan meets this requirement with the approval of variance request TUM-22-0070.*

Impact Fees: Impact fees including transportation, school and parks will be assessed at building permit issuance. The amount of the fee will be in accordance with the adopted fee resolution in place at the time of submittal of fully complete building permit applications.

Transportation Concurrency: A transportation concurrency memo was issued by the City of Tumwater Transportation Manager on March 4, 2022 (Exhibit 10).

Tree Protection and Replacement Ordinance: TMC Chapter 16.08 regulates the removal and preservation of existing trees on a site to be developed.

The forester's report and tree survey discusses a 1.82-acre site, while the entire parcel is 3.47 acres. It appears that the report reviewed only the area of the site that would be disturbed by development, and did not include the steep slope.

The report states the site requires significant grading, which would negatively impact trees onsite. The total number of trees to be removed is approximately 45, and the number of trees to be retained is 40 - 42. It is unclear if the forester's tree survey included the trees located on the steep slope. However, whether or not those trees were included in the survey, the minimum number of trees required to be retained is 12 trees per acre. For the 3.47-acre site, a minimum of 41 trees are required to be maintained. The report shows 40-42 to be retained (Exhibit 11).

*The conceptual site plan meets this requirement.*

The project proponent provided a cultural resource assessment dated April 13, 2022. The survey showed no archaeological materials or historic properties were observed within the project area, and recommends the project comply with a standard inadvertent discovery plan during construction. (Exhibit 12).

*An inadvertent discovery plan shall be submitted with site development and grading permit application.*

### **C. Building and Fire:**

A minimum of (4) barrier free parking stalls and (2) van accessible barrier free parking stalls and one garage parking space shall be provided for this site. [IBC Section 1106]

- Accessible parking spaces shall be not less than 96 inches in width and shall have an adjacent access aisle not less than 60 inches in width. Van accessible parking spaces shall be not less than 96 inches in width and have an adjacent access aisle not less than 96 inches in width. Where two adjacent spaces are provided, the access aisle may be shared between the two spaces. Boundaries of access aisles shall be marked so that the aisles will not be used as parking space. [ANSI A117.1 Chapter 502]
- Where accessible parking spaces are required for vans; the vertical clearance shall be not less than 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrances and exits. [ANSI A117.1 Chapter 503.5]
- Barrier free parking spaces and access aisles shall slope not more than 1 in 48, and shall be firm, stable and slip resistant. [ANSI A117.1 Chapter 503.4]
- All barrier free parking stalls shall be identified by a sign at the head of the parking space, 60 inches minimum above grade measured to the bottom of the sign. The sign shall be marked with the international symbol of access and shall bear the words: "State Disabled Parking Permit Required." Van stalls shall also state "VAN" [ANSI A117.1 Chapter 502.6 & IBC Section 1101.2.4]

The building and site are required to be accessible. An accessible route of travel shall be provided to all portions of the building, to accessible building entrances, and connecting the building and the public way. The accessible route of travel shall be shown on the engineering plans WAC 51-30

A site development/grading permit will be required for this site. The permit application shall be accompanied by the application checklist, plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report prepared and signed by a licensed soils engineer. This project will be considered "engineered grading." Special hazards may include steep slopes, terracing with rockeries or multiple retaining walls. Inspection of the grading shall be provided by the civil engineer and Geotechnical engineer. In addition special inspectors approved by the building official shall perform inspections of fill placement, compaction testing, and blasting. All special inspections are to be performed by WABO registered labs and inspectors who have expertise in grading and earthwork.

- a. When the grading work is complete and ready for final inspection the civil engineer of record is responsible for providing a final inspection report which will include the geotechnical engineers and special inspector's reports. In addition as-built drawings for the site will be submitted in a PDF format. IBC Appendix J

Special inspectors may be required for the following types of work: concrete, bolts installed in concrete, special moment-resisting concrete, reinforcing steel and pre-stressing steel tendons, structural welding, high strength bolting, structural masonry, reinforced gypsum concrete, insulating concrete fill, spray-applied fireproofing, piling, drilled piers and caissons, shot-crete, special (engineered) grading, excavation and filling, soils compaction testing, retaining walls and smoke-control systems. All special inspections are to be performed by WABO registered inspectors and at the expense of the owner. [IBC Section 1704.1]

The proposed buildings occupancy is R-2 of 2018 [IBC Section 3]

The proposed buildings are required by code to be protected with NFPA 13R fire sprinkler systems throughout. [IBC 903.2.8]

Exterior walls are required to be of 1-hour fire-rated construction when less than 10 feet to the property line. Protected openings are required when less than five feet to the property line. No openings are permitted less than 3 feet to the property line. [IBC Section 704.8]

Water cross connection control shall be provided in accordance with the provision of the Plumbing Code. Cross connection control devices or assemblies must be models approved under WAC 246-290-490.

If water pressure at the meter exceeds 80 psi, a pressure-reducing valve will be required to be installed on the private side of the water line.

This site is within a critical area and steep slopes. Engineers shall reference and design to the Geo-tech along with the slope setbacks established by the Geo-tech.

The proposed buildings are required by code to be provided with automatic fire alarm systems, including pull stations, throughout.

The applicant shall show the location of the Fire Department connection, post indicator valve, remote annunciator panel and key box on the engineering plans. Ductile iron pipe is required from the fire apparatus into the structures.

The required fire flow for this project is derived from Appendix B of the International Fire Code. Type 5B buildings of this size are required to have a fire flow of 4,000 gallons per minute at 20 psi. However, based on the approval of the Fire Chief, a 50% reduction for fully sprinkled buildings allowed in Section 105.2 will be allowed for this site. Therefore, the required fire flow will be 2,000 gallons per minute at 20 psi. [IFC 903]

Any buildings constructed on site that are more than 150 feet from an approved Fire Department vehicle access point shall be provided with asphalt, concrete or turf-stone



paved access roads a minimum of 20 feet wide. The fire lane shall be constructed to meet minimum city street standards. The engineer shall submit drawings and details on how the fire lane is to be constructed. Any dead end fire access roads that are in excess of 150 feet in length shall be provided with an approved turnaround. [IFC 501, Section 15.16.015 TMC and policy 96-02]

In Group R-2 occupancies containing more than 10 dwelling units or sleeping units, at least 5 percent but not less than one of the units shall be a Type A unit. All Group R-2 units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units. Where the sleeping units are grouped into suites, only one sleeping unit in each suite shall count towards the number of required Type A units.

Gates blocking access to the site for fire department equipment shall be provided with an Opticom security control.

Fire lane signs and **yellow** striping shall be provided on-site to identify Fire Department access roads and prohibit the obstruction thereof. IFC 503.3 and Policy 96-02. Fire lanes shall be identified on the engineering plans.

When any portion of a building constructed on site is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the building, there shall be provided on site fire hydrants capable of supplying the required fire flow.

Placement of the hydrants shall be coordinated with the Building Safety Official. Fire hydrant locations shall be shown on the engineering and landscape plans. [IFC 501]

The water main shall be “looped” through the site. Fire protection shall be from parking area not capitol boulevard.

Fire hydrants and paved access roads shall be installed, tested for fire flow by the Fire Department, made serviceable by the Public Works Department prior to any vertical or combustible construction. **No exceptions.** [IFC 503]

Each building will have a physical street address off Capitol Blvd SW, assigned by the Building & Fire Official.

Each apartment will be identified as Unit #.

Example: 43XX Capitol Blvd SW, unit 100 for 1st floor apartments.  
200 for 2nd floor apartments.  
43XX Capitol Blvd SW, unit 100 for 1st floor apartments.  
200 for 2nd floor apartments.  
43XX Capitol Blvd SW, unit 100 for 1st floor apartments.  
200 for 2nd floor apartments.

Building plans and specifications shall be prepared and stamped by an architect and engineer licensed to practice in the State of Washington.

All building permit applications shall include architectural, structural, plumbing, mechanical and energy plans and specifications. No exceptions, and no deferrals. Fire sprinkler and fire alarm permits and plans may be submitted separately from the main permit application but must be submitted before the main building permit will be issued.

Plans and specifications shall be submitted along with application and plan review fees.

The following permits are required for this project:

- Site Development/Grading permit
- Building, including plumbing and mechanical
- Fire sprinkler
- Fire alarm
- Retaining walls
- Sign

This project is required to provide for the storage of recycled materials and solid waste. The storage area shall be designed to meet the needs of the occupancy, efficiency of pick-up, and shall be available to occupants and haulers. The location of this facility shall be shown on the site plan.

Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eaves lines unless the area is protected by an approved automatic sprinkler system. [IFC Section 304.3.3]

#### **D. PUBLIC WORKS**

The applicant shall be responsible for providing the City with all costs associated with the installation of water, sewer, street and storm drainage systems that are dedicated to the City of Tumwater.

All designs/construction shall comply with the City of Tumwater's Development Guide and WSDOT standards.

The site plan shall show all existing and proposed utilities and easements including streetlights, street trees, water, sewer, storm, gas, cable, power, telephone, signage and striping. Include the line sizes on the water and sewer mains and services. All rockeries proposed shall also be shown on the site plan.

All street construction, main installation and storm drainage work requires engineered plans certified by a professional engineer.

The applicant is responsible for all plan check, inspection and connection fees.

Any private or public utility relocation is the responsibility of the applicant.

The applicant shall be responsible for the maintenance and timely repair of all public improvements for a period of 30 months following final certification by the City and shall submit a surety for maintenance equal in value to fifteen (15) percent of the total value of the required public improvements certified by the Public Works Director. Please refer to Chapter 3 of the Development Guide for further clarification.

Provide all easements and bills-of-sale documents with the engineered plans.

All legal descriptions must be accompanied with an appropriate drawing that the City Surveyor can use to verify the legal description. All engineering drawings will be on 24" x 36" paper sheets.

The owner or owner's representative is also responsible for furnishing the City with electronic files compatible with release 2014 or newer Auto-CAD format. Drawings shall be in TCHPN (Thurston County High Precision Network) horizontal datum and NGVD '29 vertical datum. Provide individual drawings independent of x-refs. Include all non-standard font files and plot files. Also, please furnish PDF files printed from the Auto-CAD files. A storm water maintenance agreement, utility maintenance agreement, easements and bills-of-sale will also be required.

Site plan modifications may occur as a result of the engineering review process. For engineering issues, the approved engineering plans take precedence over the approved site plan.

Please note on the plans that the PLS responsible for the surveying of the project must obtain a permit from DNR before any monuments are disturbed.

The vertical datum required to be used is NGVD29. No exceptions.

Frontage improvements are required per Tumwater Municipal Code 12.12.010. These improvements include historical street lighting on the east and west sides of Capitol Boulevard.

All access to the property will be consistent with City standards and policies. The ingress/egress access on to Tumwater Valley Drive will be restricted to a RI/RO only with curbing or other method to physically restrict the LI/LO movements.

Please have the traffic engineer verify the access location on Tumwater Valley Drive

is far enough from the intersection as to not create any issues at Capitol Boulevard.

Full lane overlays are required across the frontage on Capitol Boulevard if any cuts into the new pavement occur.

We suggest the application for the vacation of the right-of-way be submitted as soon as possible, as this process can take several months.

Please provide a Statutory Warranty Deed for the right-of-way needed for the Linwood Roundabout.

A development agreement between the City of Tumwater and the project proponent is being drafted that may stipulate what type of and when access improvements are required. In the event that the agreement is cancelled, or becomes null, prior to any occupancy of any structure or use on this parcel, the signalized intersection at Capitol Boulevard and realigned Tumwater Valley Drive must be completed.

A drainage design and erosion control plan will be required according to City's 2018 Drainage Design and Erosion Control Manual.

Maintenance of the on-site storm water system will be the responsibility of the property owner and a maintenance agreement will be recorded against the property.

This project will be paying a monthly storm water utility fee based on the amount of impervious surface per Tumwater Municipal Code 13.12.060.

No connection fees will be assessed because of the existing credit of the Olympia Brewing Company.

The project must meet minimum fire flow requirements.

Back flow prevention is required on all fire services and irrigation services and in accordance with the AWWA Cross Connection Control Manual. A reduced pressure backflow assembly is required on all commercial domestic services per WAC 246-290-490. Please contact maintenance at 754-4150 for more information.

Any water main extension will require a minimum of an 8" system. The main size will depend on the fire flow requirements for this project. The system shall be designed for a maximum velocity of 8 feet per second.

Water meters need to be placed in the public right-of-way or clustered on site within an easement. The professional engineer will need to provide calculations on the maximum

#### IV. RECOMMENDATION

Pursuant to TMC 2.58.110, staff recommends approval of the Variance request and the underlying Site Plan Review permit described herein with the following conditions:

1. Vacation of right-of-way is required in order to meet building setbacks.
2. The trash enclosure located adjacent to Capitol Boulevard requires additional screening.
3. A maximum of 15% of total parking are allowed to be compact stalls.
4. Parking stalls are required to have wheel stops to prevent overhang of sidewalks, or planter bed where a tree is within three feet of the curb.
5. Details for Class I and Class II bicycle storage facilities are required as part of site development and grading plan or building plan submittal.
6. A photometric plan is required as part of building permit submittal.
7. An inadvertent discovery plan shall be submitted with site development and grading permit application.
8. A detailed landscape plan is required as part of site development and grading plan submittal.
9. Consolidated postal drop off facilities shall be provided for the site. The location of the facilities must be coordinated and approved by the U.S. Postal Service.
10. A school bus pad may be required along one of the exterior streets and will be dictated by the Tumwater School District. The project proponent must contact the District to coordinate the bus pad location.
11. The building designs shall conform to the City of Tumwater's Citywide Design Guidelines. Architectural elevation drawings of each building-type shall be submitted for review and approval prior to issuance of Building Permits.
12. Impact fees for traffic, community parks, and schools will be assessed to each dwelling unit in the subdivision as Building Permits are issued. The impact fees will be in accordance with the most current fee resolution adopted by the City at the time of vesting of the Building Permit applications.

13. Any signage will require a separate sign permit.
14. A minimum of (4) barrier free parking stalls and (2) van accessible barrier free parking stalls and one garage parking space shall be provided for this site.
15. An accessible route of travel shall be provided to all portions of the building, to accessible building entrances, and connecting the building and the public way. The accessible route of travel shall be shown on the engineering plans.
16. A site development/grading permit will be required for this site. Engineers shall reference and design to the Geo-tech along with the slope setbacks established by the Geo-tech.
17. Special inspectors may be required. All special inspections are to be performed by WABO registered inspectors and at the expense of the owner.
18. Buildings are required to be protected with NFPA 13R fire sprinkler systems.
19. Exterior walls are required to be of 1-hour fire-rated construction when less than 10 feet to the property line. Protected openings are required when less than 5 feet to the property line. No openings are permitted less than 3 feet to the property line.
20. Water cross connection control shall be provided in accordance with the provision of the Plumbing Code.
21. If water pressure at the meter exceeds 80 psi, a pressure-reducing valve will be required to be installed on the private side of the water line.
22. Automatic fire alarm systems, including pull stations, are required.
23. Fire Department connection, post indicator valve, remote annunciator panel and key box locations shall be shown on the engineering plans. Ductile iron pipe is required from the fire apparatus into the structures.
24. Required fire flow will be 2,000 gallons per minute at 20 psi.
25. Any buildings constructed on site that are more than 150 feet from an approved Fire Department vehicle access point shall be provided with asphalt, concrete or turf-stone paved access roads a minimum of 20 feet wide. Any dead end fire access roads that are in excess of 150 feet in length shall be provided with an approved turnaround.
26. Group R-2 occupancies containing more than 10 dwelling units or sleeping units, at least 5 percent but not less than one of the units shall be a Type A

unit. All Group R-2 units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units. Where the sleeping units are grouped into suites, only one sleeping unit in each suite shall count towards the number of required Type A units.

27. Any gates blocking access to the site for fire department equipment shall be provided with an Opticom security control.
28. Fire lane signs and **yellow** striping shall be provided on-site to identify Fire Department access roads and prohibit the obstruction thereof. Fire lanes shall be identified on the engineering plans.
29. When any portion of a building constructed on site is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the building, there shall be provided on site fire hydrants capable of supplying the required fire flow.
30. Placement of the hydrants shall be coordinated with the Building Safety Official. Fire hydrant locations shall be shown on the engineering and landscape plans.
31. The water main shall be “looped” through the site. Fire protection shall be from parking area not capitol boulevard.
32. Fire hydrants and paved access roads shall be installed, tested for fire flow by the Fire Department, made serviceable by the Public Works Department prior to any vertical or combustible construction.
33. Building plans and specifications shall be prepared and stamped by an architect and engineer licensed to practice in the State of Washington.
34. All building permit applications shall include architectural, structural, plumbing, mechanical and energy plans and specifications. No exceptions, and no deferrals. Fire sprinkler and fire alarm permits and plans may be submitted separately from the main permit application but must be submitted before the main building permit will be issued.
35. This project is required to provide for the storage of recycled materials and solid waste. The storage area shall be designed to meet the needs of the occupancy, efficiency of pick-up, and shall be available to occupants and haulers. The location of this facility shall be shown on the site plan.
36. Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible

walls, openings or combustible roof eaves lines unless the area is protected by an approved automatic sprinkler system.

37. The applicant shall be responsible for providing the City with all costs associated with the installation of water, sewer, street and storm drainage systems that are dedicated to the City of Tumwater.
38. All designs/construction shall comply with the City of Tumwater's Development Guide and WSDOT standards.
39. The site plan shall show all existing and proposed utilities and easements including street lights, street trees, water, sewer, storm, gas, cable, power, telephone, signage and striping. Include the line sizes on the water and sewer mains and services. All rockeries proposed shall also be shown on the site plan.
40. All street construction, main installation and storm drainage work requires engineered plans certified by a professional engineer.
41. The applicant is responsible for all plan check, inspection and connection fees.
42. Any private or public utility relocation is the responsibility of the applicant.
43. The applicant shall be responsible for the maintenance and timely repair of all public improvements for a period of 30 months following final certification by the City and shall submit a surety for maintenance equal in value to fifteen (15) percent of the total value of the required public improvements certified by the Public Works Director. Please refer to Chapter 3 of the Development Guide for further clarification.
44. The applicant shall provide a stormwater maintenance agreement, utility maintenance agreement, easements and bills-of-sale documents with the engineered plans.
45. All legal descriptions must be accompanied with an appropriate drawing that the City Surveyor can use to verify the legal description.
46. The applicant is responsible for furnishing the City with electronic files compatible with release 2014 or newer Auto-CAD format.
47. Please note on the plans that the PLS responsible for the surveying of the project must obtain a permit from DNR before any monuments are disturbed.
48. The vertical datum required to be used is NGVD29.
49. Frontage improvements are required and include historical street lighting on



the east and west sides of Capitol Boulevard.

50. All access to the property will be consistent with City standards and policies. The ingress/egress access on to Tumwater Valley Drive will be restricted to a RI/RO only with curbing or other method to physically restrict the LI/LO movements.
51. Proponents traffic engineer shall verify the access location on Tumwater Valley Drive is far enough from the intersection as to not create any issues at Capitol Boulevard.
52. Full lane overlays are required across the frontage on Capitol Boulevard if any cuts into the new pavement occur.
53. Please provide a Statutory Warranty Deed for the right-of-way needed for the Linwood Roundabout.
54. Frontage improvements are required.
55. The signalized intersection at Capitol Boulevard and realigned Tumwater Valley Drive is required.
56. A drainage design and erosion control plan according to City's 2018 Drainage Design and Erosion Control Manual is required.
57. Maintenance of the on-site storm water system will be the responsibility of the property owner and a maintenance agreement will be recorded against the property.
58. The project must meet minimum fire flow requirements.
59. Back flow prevention is required on all fire services and irrigation services and in accordance with the AWWA Cross Connection Control Manual. A reduced pressure backflow assembly is required on all commercial domestic services.
60. Any water main extension will require a minimum of an 8" system. The main size will depend on the fire flow requirements for this project. The system shall be designed for a maximum velocity of 8 feet per second.
61. Water meters are to be placed in the public right-of-way or clustered on site within an easement.
62. The professional engineer will need to provide calculations on maximum instantaneous water demand and size of the meter for the project. .

Submitted on Behalf  
Of the City of Tumwater  
Community Development  
Department by/

Staff Contact: Tami Merriman, Permit Manager  
Phone: (360) 754-4180  
E-mail: [tmerriman@ci.tumwater.wa.us](mailto:tmerriman@ci.tumwater.wa.us)

Report Issue Date: April 20, 2022

List of Exhibits:

1. Staff Report Dated 04-20-2022
2. Application and Variance Narrative 02-07-2022
3. Aerial Map
4. Comprehensive Plan Map
5. Public Notice Certification
6. Notice of Application 01-28-2022
7. NOA Comments
8. Determination of Nonsignificance 03-10-2022
9. SEPA Comments
10. Cultural resource Assessment 04-13-2022
11. Tree Survey 01-07-2022
12. Preliminary Civil Plans 01-07-2022
13. Trail Alignment 04-15-2022