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July 23, 2021

City of Tumwater
Brad Medrud, AICP
555 Israel Road SW
Tumwater, WA 98501-6515

RE: Forest Park Preliminary Plat - Variance Request Narrative

Dear Mr. Medrud:

Thank you for your time in consideration of this variance request. The goal of this request is aimed at two portions of the code as it relates to the Forest Park Preliminary Plat.

- Reduction of rear-yard setbacks for proposed lots abutting SFL zoning (TMC 18.14.050)
- Reduction of open space area dedicated to active recreation (TMC 17.12.210)

The following letter summarizes the project and provides background in support for approval of the variance request.

Project Background

Setbacks:

The project site is zoned Multi-Family Medium Density Residential (MFM) with the adjacent School District Property zoned Single-Family Low-Density Residential (SFL). The school district property borders the subject property on the southern and eastern sides of the site. The current use of the adjacent land is an athletic field located at the Tumwater Hill Elementary School and is not currently used for single-family residences.

The original Site Plan Review (SPR) approval of 2016 has been the basis for the current site plan used in the site development plans which were approved in March of 2021. Shortly after this approval construction of the site improvements began on Forest Park. The site plan approved for use in the construction documents included the layout with 20 foot rear-yard setbacks as approved under the SPR in 2016.

During review of preliminary plat application in 2021 further information was provided by the City regarding setbacks indicating where MFM zoning abuts SFL zoning, a 20 foot rear-yard setback is required with an additional 10 feet of setback for every building story over one story. As the proposed structures are three stories in height, the total rear-yard setback required is 40 feet where MFM abuts SFL. This affects proposed lots 1-8 of the Forest Park project.

It is our understanding the code section has not changed from 2016 to now, however the additional setback required for this specific case of multi-story buildings was not applied to the project

approvals from 2016 and the site plan has gone forward through construction using 20 foot rear-yard setbacks. To accommodate a modified site plan at this point during construction is not feasible for the project, and the reason for variance request.

Open Space:

As stated previously, the original site plan approval of 2016 was used for the site development plans and permit which is currently under construction.

The current proposal for open space is approximately 2.96 acres or 38.3% of the entire site and meets the overall code requirement of a minimum 15% open space.

The code has been updated since original site plan approval in 2016. At the time of original site development permit approval, the open space requirements were met for active and passive recreation with one area of outdoor play equipment and one area as outdoor common space.

New code requirements require that 50% of the open space to be used for active recreation and the remainder for passive recreation. These percentages are not currently met with the proposed site plan and reason for the variance request.

Variance Request Review Criteria

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 Code.*

Setbacks:

From our understanding, the intent of the code regarding setbacks in this case is to provide additional separation between single-family residences and multi-family buildings that are taller in height. In this case where the proposed lots abut SFL zoning, there is school district property containing an athletic field and currently no single-family residences. Also, due to the grade change on site, the school district property is at a higher elevation than the proposed buildings on lots 1 through 8. Two site sections are provided that show the largest grade change (lot 7), and smallest grade change (lot 5) comparing the school district property and proposed building which provide an illustration of the low impact the proposal has on the adjacent property. These site sections show there is roughly equivalent to one above ground story adjacent to the SFL zoned property and the proposed buildings are not towering over the adjacent land. Therefore, the intent of the code is met by providing a 20 foot rear-yard setback. Due to the circumstances of this project, allowing for this variance is individual to this land and would not deprive property owners of the rights commonly enjoyed by others in the vicinity.

Open Space:

The Forest Park property has significant grade change across the site, with over 100 vertical feet in topographic relief from east to west. There is also existing bedrock below the surface and has required blasting during construction of site improvements. With the current site plan,

a large portion of the open spaces are also tree protection areas that are being undisturbed with the proposal.

Activities listed in the TMC as allowable active recreation facilities include children's play equipment, paved hard courts, athletic fields, multi-use trails, flat open lawn areas, community gardens, and other similar recreation facilities. In order to provide additional active recreation areas, tree protection areas would be reduced to create more flat area while also requiring significant earthwork, walls, and potential blasting in bedrock to provide these areas for active recreation. Due to the circumstances of this project based on site characteristics, allowing for this variance is individual to this land and would not deprive property owners of the rights commonly enjoyed by others in the vicinity.

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

Setbacks:

The 20-foot rear yard setback shown in the site plan review that was approved in 2016 has been maintained from the original approval through construction documents for site improvements. The need for additional rear-yard setback was not brought up during the site plan review process. At the time of site plan approval all parties involved were under the impression the 20 foot rear yard setback met code requirements and this was not a result of the action of the applicant.

Open Space:

As described in the prior sections of this letter, the overall open space quantity is met for the project, but ability to create the required active recreation open space is very limited due to site constraints including the steep topography, maintaining tree protection open space areas, and the presence of bedrock. These items are all site related and not a 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.*

Setbacks:

Based on statements above about the project, the intent of the code is met regarding setbacks therefore complying with city standards and not conferring any special privilege on this property.

Open Space:

This variance request cites the topography and other site constraints as preventing the project from meeting open space requirements; therefore it is not a special privilege to this property that would be denied to other lands in the same district with the same circumstances.

4. *That the granting of the 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.*

Setbacks:

The intent of the code is met with the proposal and granting this variance will not be materially detrimental to the public welfare or injurious to the surrounding properties.

As stated previously the setbacks are similar to other project uses, the SFL zoned land is a school and not a single-family residence, and the multi-story building is partially embedded in the side of the slope and does not tower above the adjacent property.

Open Space:

The reduction of open space for active recreation will not be materially detrimental to the public welfare or injurious to the surrounding properties. By allowing this reduction of active recreation open space, the amount of tree protection area can remain, and the overall amount of open space is higher for the project than minimum code requirement.

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.*

The issues as stated above relating to setbacks and open space are the two remaining items that cannot be addressed for Preliminary Plat to make reasonable use of the land. If granted, the proposal can continue forward through building construction and plat as intended.

We appreciate your consideration of this variance request. If you have any questions or need further clarification, please feel free to call me at (360) 292-7230 or email Mark.Steepy@kpff.com.

Sincerely,



Mark Steepy, PE
Principal

MRS:

Enclosure

Approved: _____ Date: _____
City of Tumwater