



City of Tacoma
Community & Economic Development Department
Building & Land Use Services
747 Market St, Room 345
Tacoma, WA 98402

PUBLIC NOTICE

Date of Notification: 8/21/2012
Application Received: 8/10/2012
Application Complete: 8/10/2012

Applicant: David Beckerman, Sher Partners, 10500 NE 8th Street, Ste 850, Bellevue, WA 98004

Location: 1821 Dock Street, Parcel No. 8950001853

Application No: SHR2012-40000185773

Proposal:

Shoreline Conditional Use Permit and Shoreline Variance to allow office and other non-water-oriented uses on the first floor of the Albers Mill building. Included in the request is a variance to requirements for retail uses at the corners of the building. No changes to the exterior of the building are proposed.

Comments Due: 9/20/2012

For further information: Log onto the website at <http://govme.org> and select "Permit Information" then "Land Use Notices". The case file may be viewed in Building & Land Use Services, 747 Market Street, Room 345.

Documents to Evaluate the Proposal:

JARPA, Shoreline Narrative

Studies Requested:

None

Other Required Permits:

Building Permits

Applicable Regulations of the Tacoma Municipal Code:

TMC13.10 - Shoreline Management

Public Meeting: A public meeting may be requested by the area neighborhood council, a qualified neighborhood group, or by written request of the owners of five or more properties who receive this notice.

A final decision on the proposal will be made following the comment period. A summary of the final decision will be sent to those parties who receive this notice. A complete copy of the final decision will be mailed to those parties who request a copy or to those who have commented on the project. Appeal provisions will be included with both the summary and the complete copy of the final decision.

Staff Contact:

Shirley Schultz, Principal Planner, 747 Market St, Room 345, (253) 591-5121, shirley.schultz@cityoftacoma.org

Environmental Review:

Per SEPA, WAC 197-11-800 and TMC Chapter 13.12, the Environmental Official has reviewed this project and determined the project is exempt from SEPA provisions.

To request this information in an alternative format or a reasonable accommodation, please call 253-591-5030 (voice). TTY or STS users please dial 711 to connect to Washington Relay Services.



City of Tacoma
Community & Economic Development Department
Building & Land Use Services
747 Market St, Room 345
Tacoma, WA 98402

NOTICE OF LAND USE APPLICATION



WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) Form^{1,2}

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



US Army Corps
of Engineers
Seattle District

AGENCY USE ONLY

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [\[help\]](#)

Albers Mill Lofts

Part 2—Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)

Beckerman, David (CFO of Sher GP, Inc., Manager)

2b. Organization (If applicable)

GMAB LLC

2c. Mailing Address (Street or PO Box)

c/o Sher Partners, 10500 NE 8th Street, Suite 850

2d. City, State, Zip

Bellevue, WA 98004

2e. Phone (1)

(425) 990-1205

2f. Phone (2)

()

2g. Fax

(425) 990-1203

2h. E-mail

dbeckerman@sherpartners.com

¹Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_ESA
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

²To access an online JARPA form with [\[help\]](#) screens, go to http://www.epermittinq.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office of Regulatory Assistance at 1-800-917-0043 or help@ora.wa.gov.

Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

3a. Name (Last, First, Middle)			
William T. Lynn			
3b. Organization (If applicable)			
Gordon Thomas Honeywell LLP			
3c. Mailing Address (Street or PO Box)			
PO Box 1157			
3d. City, State, Zip			
Tacoma, WA 98401-1157			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
(253) 620-6416	()	(253) 620-6565	wlynn@gth-law.com

Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

Same as applicant. (Skip to Part 5.)

Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

There are multiple upland property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
4d. City, State, Zip			
4e. Phone (1)	4f. Phone (2)	4g. Fax	4h. E-mail
()	()	()	

Part 5—Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [\[help\]](#)

Private

Federal

Publicly owned (state, county, city, special districts like schools, ports, etc.)

Tribal

Department of Natural Resources (DNR) – managed aquatic lands (Complete [JARPA Attachment E](#))

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [\[help\]](#)

1821 Dock Street

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [\[help\]](#)

Tacoma, WA 98402

5d. County [\[help\]](#)

Pierce

5e. Provide the section, township, and range for the project location. [\[help\]](#)

¼ Section	Section	Township	Range
Southwest	4	20 North	3 East

5f. Provide the latitude and longitude of the project location. [\[help\]](#)

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

Lon: 122° 26' 0.75" W Lat: 47° 14' 39.37" N

5g. List the tax parcel number(s) for the project location. [\[help\]](#)

- The local county assessor's office can provide this information.

8950001853

5h. Contact information for all adjoining property owners. (If you need more space, use [JARPA Attachment C.](#)) [\[help\]](#)

Name	Mailing Address	Tax Parcel # (if known)
Museum of Glass	1801 Dock Street, Tacoma, WA 98402	8950001849 and 8950001843
City of Tacoma (Foss Waterway Esplanade)	747 Market Street, Tacoma, WA 98402	8950001851
Burlington Northern SF RR	Property Tax Dept. PO Box 961089, Fort Worth, TX 76161-0089	8950001930

5i. List all wetlands on or adjacent to the project location. [\[help\]](#)

N/A

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

Thea Foss Waterway is nearby on east side, but not immediately adjacent because of Esplanade in City of Tacoma ownership.

5k. Is any part of the project area within a 100-year floodplain? [\[help\]](#)

Yes No Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

The land is almost entirely improved with building and paved parking. There is some landscaping typical of apartment/commercial developments.

5m. Describe how the property is currently used. [\[help\]](#)

36-unit loft-style apartment building with first floor commercial (vacant) space.

5n. Describe how the adjacent properties are currently used. [\[help\]](#)

Road (Dock Street) to west; Museum of Glass to north; pedestrian walkway/esplanade, marina and The Foss Waterway to east; vacant to south.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [\[help\]](#)

1904 former flour mill that was substantially renovated and expanded in 2003 and converted for use as a 36-unit loft-style apartment building with first floor commercial space and some below-grade storage. Improvements include 44 surface parking spaces.






5p. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

Attached.

Part 6--Project Description



Interstate 705 & Interstate 5, Tacoma, WA 98421

-
1. Head north toward E 26th St go 0.1 mi
total 0.1 mi
 -  2. Turn right onto E 26th St go 249 ft
total 0.2 mi
 -  3. Turn left onto E C St go 348 ft
total 0.2 mi
 -  4. Take the 1st right onto E 25th St go 377 ft
total 0.3 mi
 -  5. Turn left onto E D St
About 1 min go 0.2 mi
total 0.4 mi
 -  6. Take the 2nd left onto Dock Street Exd go 0.2 mi
total 0.6 mi
 7. Continue onto Dock St
Destination will be on the right go 0.2 mi
total 0.8 mi



1821 Dock St, Tacoma, WA 98402

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2012 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.

6a. Briefly summarize the overall project. You can provide more detail in 6b. [\[help\]](#)

See answer to 5.o.

6b. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

The proposal is to temporarily lift the ground floor pedestrian-oriented use requirement imposed on the Albers Mill building to allow for office use on an interim basis.

6c. Indicate the project category. (Check all that apply) [\[help\]](#)

- Commercial Residential Institutional Transportation Recreational
 Maintenance Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Aquaculture | <input type="checkbox"/> Culvert | <input type="checkbox"/> Float | <input type="checkbox"/> Retaining Wall (upland) |
| <input type="checkbox"/> Bank Stabilization | <input type="checkbox"/> Dam / Weir | <input type="checkbox"/> Floating Home | <input type="checkbox"/> Road |
| <input type="checkbox"/> Boat House | <input type="checkbox"/> Dike / Levee / Jetty | <input type="checkbox"/> Geotechnical Survey | <input type="checkbox"/> Scientific Measurement Device |
| <input type="checkbox"/> Boat Launch | <input type="checkbox"/> Ditch | <input type="checkbox"/> Land Clearing | <input type="checkbox"/> Stairs |
| <input type="checkbox"/> Boat Lift | <input type="checkbox"/> Dock / Pier | <input type="checkbox"/> Marina / Moorage | <input type="checkbox"/> Stormwater facility |
| <input type="checkbox"/> Bridge | <input type="checkbox"/> Dredging | <input type="checkbox"/> Mining | <input type="checkbox"/> Swimming Pool |
| <input type="checkbox"/> Bulkhead | <input type="checkbox"/> Fence | <input type="checkbox"/> Outfall Structure | <input type="checkbox"/> Utility Line |
| <input type="checkbox"/> Buoy | <input type="checkbox"/> Ferry Terminal | <input type="checkbox"/> Piling/Dolphin | |
| <input type="checkbox"/> Channel Modification | <input type="checkbox"/> Fishway | <input type="checkbox"/> Raft | |

X Other:

The proposal is to temporarily lift the ground floor pedestrian-oriented use requirement imposed on the Albers Mill building to allow for office use on an interim basis.

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

No construction necessary other than possibly some interior tenant improvements, dependent on tenant desires.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [\[help\]](#)

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Start date: N/A

End date: N/A

See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

N/A

6h. Will any portion of the project receive federal funding? [\[help\]](#)

- If yes, list each agency providing funds.

Yes No Don't know

Part 7–Wetlands: Impacts and Mitigation

Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [\[help\]](#)

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [\[help\]](#)

Not applicable

7b. Will the project impact wetlands? [\[help\]](#)

Yes No Don't know

7c. Will the project impact wetland buffers? [\[help\]](#)

Yes No Don't know

7d. Has a wetland delineation report been prepared? [\[help\]](#)

- If Yes, submit the report, including data sheets, with the JARPA package.

Yes No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [\[help\]](#)

- If Yes, submit the wetland rating forms and figures with the JARPA package.

Yes No Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [\[help\]](#)

- If Yes, submit the plan with the JARPA package and answer 7g.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

Yes No Not applicable

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [\[help\]](#)

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [\[help\]](#)

Activity (fill, drain, excavate, flood, etc.)	Wetland Name ¹	Wetland type and rating category ²	Impact area (sq. ft. or Acres)	Duration of impact ³	Proposed mitigation type ⁴	Wetland mitigation area (sq. ft. or acres)

¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

³ Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

⁴ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, “waterbodies” refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

X Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

Not applicable

Foss Waterway is approximately 100 feet to the northeast but not adjacent because of the city of Tacoma’s Esplanade.

8b. Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

Yes No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [\[help\]](#)

- If Yes, submit the plan with the JARPA package and answer 8d.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

Yes No Not applicable

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

8e. Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected

¹ If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.

² Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

³ Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

Part 9—Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]			
Agency Name	Contact Name	Phone	Most Recent Date of Contact
		()	
		()	
		()	
9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]			
<ul style="list-style-type: none"> • If Yes, list the parameter(s) below. • If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: http://www.ecy.wa.gov/programs/wq/303d/. 			
X Yes <input type="checkbox"/> No			
Thea Foss Waterway			
9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]			
<ul style="list-style-type: none"> • Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC. 			
HUC 17110019			
9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]			
<ul style="list-style-type: none"> • Go to http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm to find the WRIA #. 			
WRIA # 12			
9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]			
<ul style="list-style-type: none"> • Go to http://www.ecy.wa.gov/programs/wq/swqs/criteria.html for the standards. 			

Yes No Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [\[help\]](#)

- If you don't know, contact the local planning department.
- For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.

Rural Urban Natural Aquatic Conservancy Other _____

9g. What is the Washington Department of Natural Resources Water Type? [\[help\]](#)

- Go to http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx for the Forest Practices Water Typing System.

Shoreline Fish Non-Fish Perennial Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [\[help\]](#)

- If No, provide the name of the manual your project is designed to meet.

Yes No No physical changes are proposed.

Name of manual:

9i. Does the project site have known contaminated sediment? [\[help\]](#)

- If Yes, please describe below.

Yes No

Not Applicable

9j. If you know what the property was used for in the past, describe below. [\[help\]](#)

Prior to redevelopment, the property was used as a flour mill

9k. Has a cultural resource (archaeological) survey been performed on the project area? [\[help\]](#)

- If Yes, attach it to your JARPA package.

Yes No

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

Not Applicable.

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

Not Applicable.

Part 10—SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.ecy.wa.gov/opas/>.
- Governor's Office of Regulatory Assistance at (800) 917-0043 or help@ora.wa.gov.
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to www.ecy.wa.gov/programs/sea/sepa/e-review.html.

A copy of the SEPA determination or letter of exemption is included with this application.

A SEPA determination is pending with _____ (lead agency). The expected decision date is _____.

I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

This project is exempt (choose type of exemption below).

Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

Other: _____

SEPA is pre-empted by federal law.

NOTE: A SEPA determination was made in 2003 when the project was originally approved for development.

10b. Indicate the permits you are applying for. (Check all that apply.) [help]

LOCAL GOVERNMENT

Local Government Shoreline permits:

- Substantial Development Conditional Use Variance
 Shoreline Exemption Type (explain): _____

Other city/county permits:

- Floodplain Development Permit Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

- Hydraulic Project Approval (HPA) Fish Habitat Enhancement Exemption – Attach Exemption Form

Effective July 10, 2012, you must submit a check for \$150 to Washington Department of Fish and Wildlife, unless your project qualifies for an exemption or alternative payment method below. **Do not send cash.**

Check the appropriate boxes:

- \$150 check enclosed. (Check # _____)
Attach check made payable to Washington Department of Fish and Wildlife.
- Charge to billing account under agreement with WDFW. (Agreement # _____)
- My project is exempt from the application fee. (Check appropriate exemption)
- HPA processing is conducted by applicant-funded WDFW staff.
(Agreement # _____)
 - Mineral prospecting and mining.
 - Project occurs on farm and agricultural land.
(Attach a copy of current land use classification recorded with the county auditor, or other proof of current land use.)
 - Project is a modification of an existing HPA originally applied for, prior to July 10, 2012.
(HPA # _____)

Washington Department of Natural Resources:

- Aquatic Use Authorization
Complete JARPA Attachment E and submit a check for \$25 payable to the Washington Department of Natural Resources.
Do not send cash.

Washington Department of Ecology:

- Section 401 Water Quality Certification

FEDERAL GOVERNMENT

United States Department of the Army permits (U.S. Army Corps of Engineers):

- Section 404 (discharges into waters of the U.S.) Section 10 (work in navigable waters)

United States Coast Guard permits:

- General Bridge Act Permit Private Aids to Navigation (for non-bridge projects)

Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. DB (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. DB (initial)

David Beckerman David Beckerman 7/5/12
Applicant Printed Name Applicant Signature Date
CFO of Sher GP, Inc.,
Manager of GMAB LLC

11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

William T. Lynn William T. Lynn 8/1/12
Authorized Agent Printed Name Authorized Agent Signature Date

11c. Property Owner Signature (if not applicant). [\[help\]](#)

Not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name Property Owner Signature Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office of Regulatory Assistance (ORA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORA publication number: ENV-019-09 rev. 06-12

APPLICANT'S DISCUSSION OF VARIANCE PERMIT REQUIREMENTS

WAC 173-27-170

Review criteria for variance permits.

(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

Discussion: Office use is not prohibited on the west shore of the Thea Foss Waterway under the SMA or TSMP, and so it is a reasonable use not otherwise prohibited by the TSMP. Office use would provide an interim and limited use of this property that would bring some pedestrian and water enjoyment use to this area. In contrast it is likely the space would remain vacant if commercial retail use is required since there is no usable market for that. Requiring a use for which there is no market is not reasonable and does not serve the City's goals. Since the TSMP envisions a vibrant urban waterfront, the requirement for commercial uses in this economic climate and at this location does prohibit a reasonable use of the property.

(b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

Discussion: The use of the term "such as" means that the identified hardships are examples. As the Hearing Examiner found in File No. HEX APL 2009-00013, there are a number of factors that limit the viability of retail uses in the area along the Thea Foss

Waterway. See Findings 8 and 9 on page 7 in the attached copy of the Hearing Examiner's Decision. These conditions relate specifically to the property in the area and to the environment in which it is located. They are not the result of actions taken by the owner here. To the contrary, the prior owners of this property made a substantial effort to retain the one retail tenant that could be located, by allowing little or no rent to be paid over a longer period of time. At the time the tenant left, it owed nearly \$400,000 for past rent. The property was eventually lost in foreclosure. This and the substantial efforts by other property owners in the vicinity makes clear that there is a hardship in meeting the requirement for pedestrian-friendly commercial uses.

(c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

Discussion: The design of the Albers Mill project is compatible with other uses in the area, and allowing office use as an interim one would not have any adverse impact on the shoreline environment.

(d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

Discussion: Other projects in the area have been granted relief from the pedestrian-oriented commercial use requirement. Neither the Hearing Examiner nor the Land Use Administrator have found that such relief would constitute the grant of a special privilege.

(e) That the variance requested is the minimum necessary to afford relief; and

Discussion: By proposing a limited time period for office uses, the Applicant has ensured that the proposal is the minimum necessary to afford the requested relief.

(f) That the public interest will suffer no substantial detrimental effect.

Discussion: With a limited time period for the proposed office use, the proposal would not adversely affect the public interest. To the contrary, providing some activity would support the few businesses that exist in this area, and avoiding vacant space actually serves the public interest.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

Discussion: In granting the relief requested in the Thea's Landing case cited above, the Hearing Examiner expressly found that even the grant of a similar relief under similar facts would not be inconsistent with the Shoreline Management Act and would not cause substantial adverse effects on the shoreline environment. See the Decision at page 24, Conclusion 26. The proposal likewise meets this requirement.

APPLICANT'S DISCUSSION OF CONDITIONAL USE PERMIT REQUIREMENTS

WAC 173-27-160

Review criteria for conditional use permits.

The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

Discussion: As noted by the language above, the purpose of conditional use permits is to allow flexibility in the application of the shoreline regulations. The policies of the SMA do not prohibit non-water related uses from locating in a shoreline area. *Eastlake Community Council v. Seattle*, 64 Wn.App. 273, 277-78, 823 P.2d 1132 (1992). The location of office uses on the urban shoreline on the west side of the Foss Waterway is not inconsistent with the policies of the SMA. Tacoma Shoreline Master Program (TSMP) Policies relating to this shoreline segment call for a mix of uses that result in the active use of this area. The preferred uses on this western shore are mixed-use buildings with retail commercial, office, hotel, and residential uses, with an emphasis on residential uses. The proposed office use is consistent with these policies. There are policies that encourage pedestrian friendly uses that promote enjoyment of the water, and office uses are not generally considered to meet this requirement. However, the choice here is not between office and pedestrian oriented commercial for the vacant first floor area in the Albers Mill building. The past owners were

not able to lease that space to viable retail tenants, and lost the property in foreclosure. In all likelihood, that space would remain vacant and unoccupied for the foreseeable future. This actually has a negative impact in terms of attracting pedestrians or promoting water enjoyment to the area. Allowing use of the currently vacant tenant space on an interim basis for offices would create additional activity and draw people into the area at least to the extent that employees, clients and vendors would regularly either visit or work at the property. This activity would also support customers for the limited commercial uses that exist in the area. For these reasons, allowing an office use on an interim basis would not be inconsistent with the TSMP.

(b) That the proposed use will not interfere with the normal public use of public shorelines;

Discussion: The Albers Mill building is a completed building that was found to meet all applicable design and development requirements of the TSMP, and the adjacent property currently provides a wide public esplanade with associated public amenities running along the shoreline edge on the waterside of the building. View access corridors are also located along the north and south sides of the building. The use of the ground floor vacant area on an interim basis for an office use would not interfere with the public use of the public shoreline space.

(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

Discussion: The interim office use of the ground floor would be compatible with other existing and planned uses envisioned by the TSMP. Other buildings in the area have been granted some relief from the pedestrian-oriented use requirement in recognition of the

same factors cited in this application for relief. As noted above, the building was redeveloped in accordance with design and development requirements of the TSMP.

(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

Discussion: The subject tenant space is within a completed project that was developed in accordance with the requirements of the TSMP. There would be no adverse effects to the shoreline environment if the space was used for an interim office use.

(e) That the public interest suffers no substantial detrimental effect.

Discussion: The request for an interim office use preserves the overall goal of the TSMP of a pedestrian-friendly and water-oriented uses along the public esplanade while avoiding the negative impact of vacant building area along the shoreline.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

Discussion: There is substantial existing public shoreline access associated with this project as noted above. Interim offices located within a building that has been developed in accordance with TSMP requirements would not result in adverse effects to the shoreline environment.



CED - BLUS
747 MARKET ST ROOM 345
TACOMA, WA 98402-3768
253 591 5030



CASH INVOICE

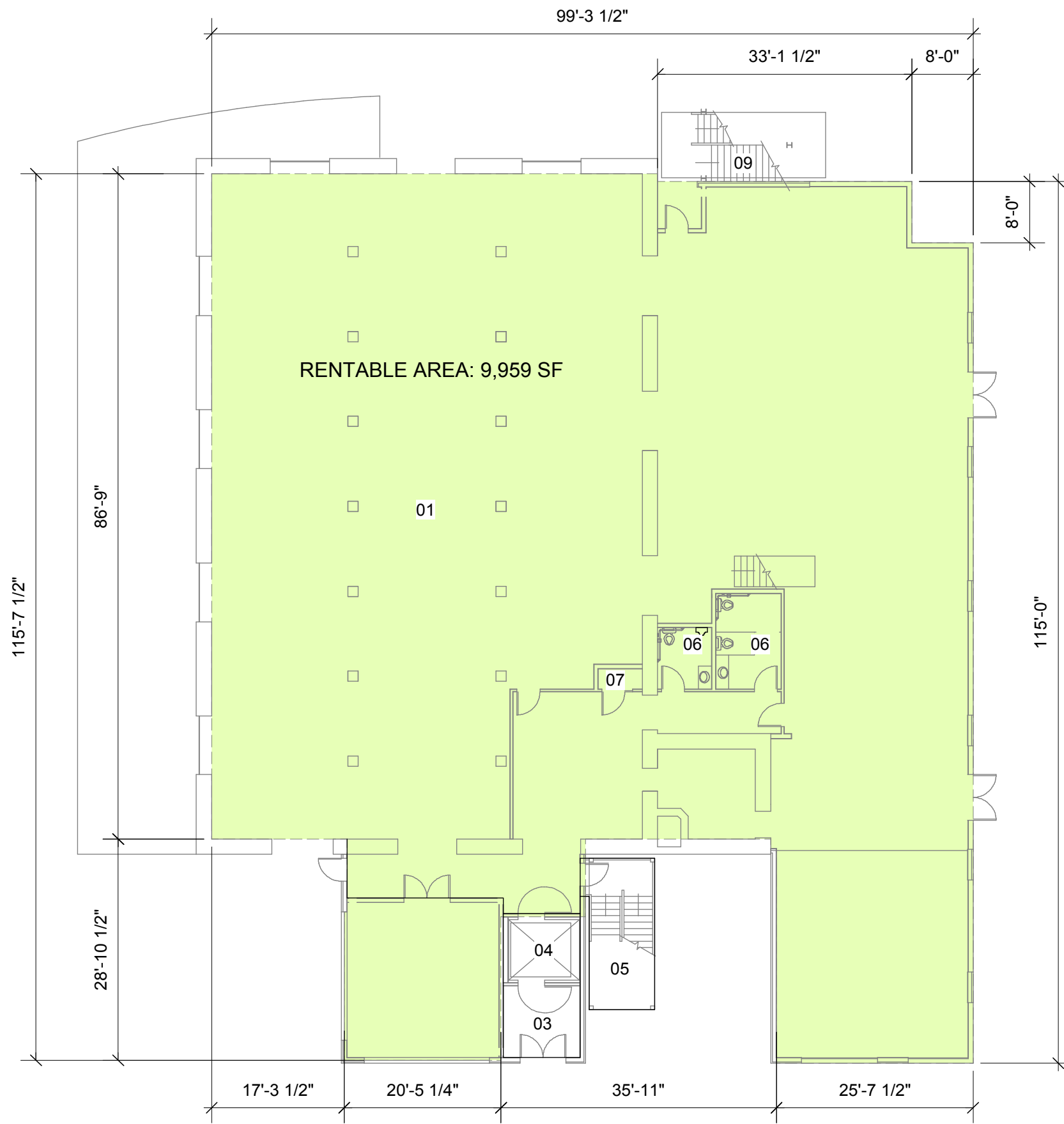
Form: ZSD_SMF_SD108_CASH_INVOICE

Bill-To-Party
ALBERS MILL ASSOCIATES LLC 1821 DOCK ST TACOMA WA 98402

Information	
Invoice #	90457325 Date: 08/10/2012
PO #	
Payment Terms	Due
Customer #	400939858
Account #	400039330
Service Order #	40000185773
Sales Doc #	353590

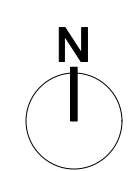
Item	Description	Quantity	UM	Net Price	Net Amount
10	SUB DEV/CON USE/VAR - OTHER Permit Fee	1.000	0 /AU	\$6,011.54	\$6,011.54

Document Subtotal:	\$6,011.54
Taxes:	\$0.00
Other:	\$0.00
Amount Due:	\$6,011.54



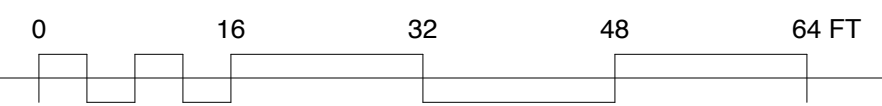
SPACE ID KEY

- 01 OFFICE SUITE A
- 03 ELEVATOR LOBBY
- 04 ELEVATOR
- 05 FIRE STAIR SOUTH
- 06 TOILET
- 07 UTILITY CLOSET
- 09 FIRE STAIR NORTH



FIRST FLOOR PLAN SINGLE-TENANT OFFICE
 Scale: 1/16" = 1'-0"

NOTE: DIMENSIONS AND AREAS ARE APPROXIMATE AND SUBJECT TO FIELD VERIFICATION.

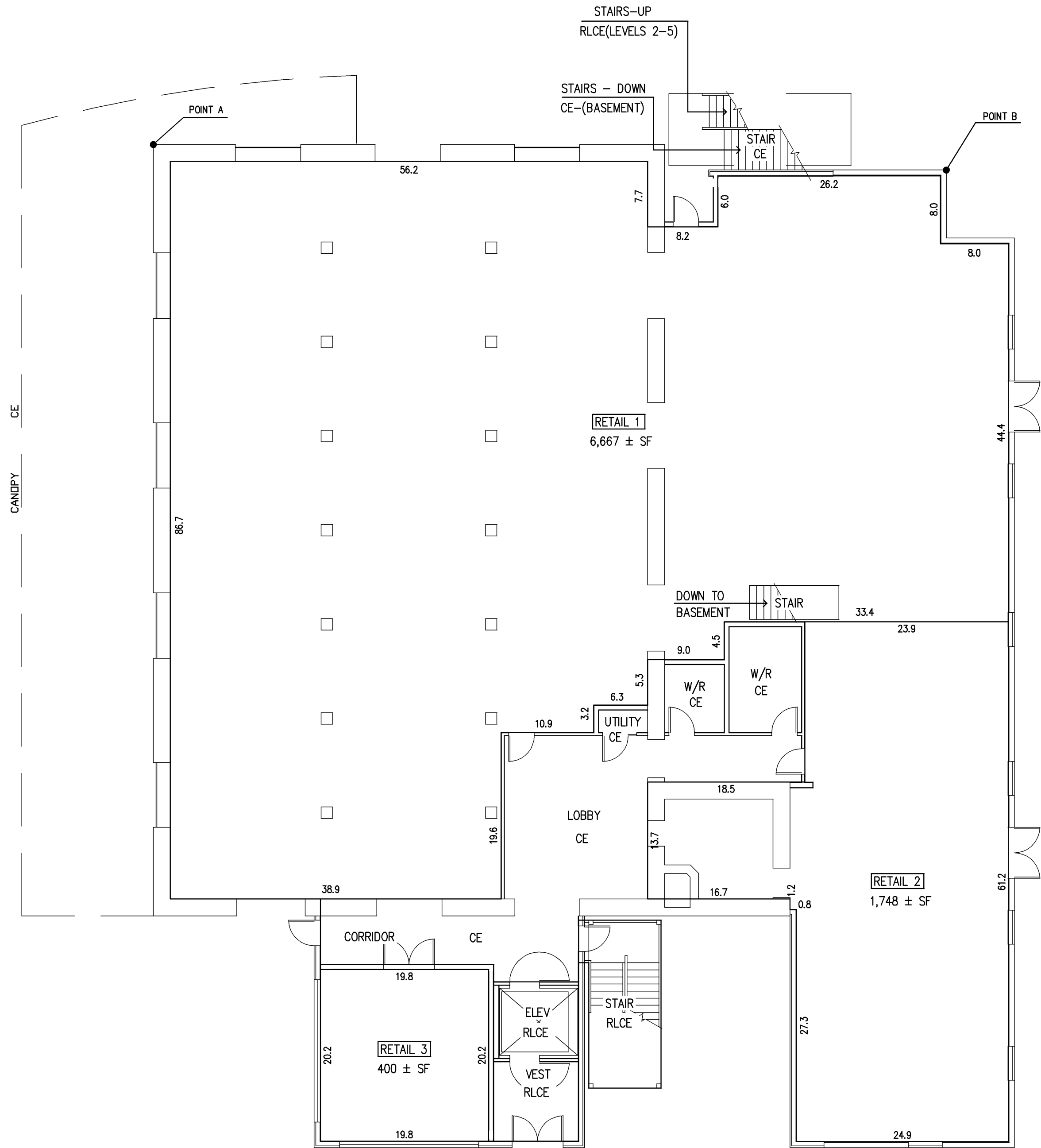


ALBERS MILL
 Tacoma, WA

August 7, 2012

DRAFT SURVEY MAP AND PLANS FOR ALBERS MILL CONDOMINIUM

A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4 TOWNSHIP 20 NORTH,
RANGE 3 EAST, W.M. OF THE CITY OF TACOMA, PIERCE COUNTY, WASHINGTON




FIRST FLOOR 

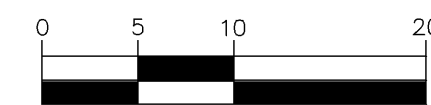
GENERAL NOTES

1. UNIT DIMENSIONS ARE TO THE INTERIOR SURFACE OF THE PERIMETER FINISHED WALLS ARE SHOWN WITHIN ± 0.10 FEET.
2. CEILING ELEVATIONS ARE TO THE INTERIOR SURFACE OF THE CEILING TILES AND ARE SHOWN WITHIN ± 0.10 FEET.
3. FLOOR ELEVATIONS ARE TO THE UPPER SURFACE OF THE FLOOR FINISHES AND ARE SHOWN WITHIN ± 0.10 FEET.
4. ALL LAND IS SUBJECT TO DEVELOPMENT RIGHTS SET FORTH IN THE DECLARATION.

LEGEND

-  INTERIOR SURFACE OF PERIMETER STUD WALL
- CE COMMON ELEMENT
- RLCE RESIDENTIAL LIMITED COMMON ELEMENT
- UNIT DESIGNATION
- 726 ± SF UNIT AREA
- W/R WASHROOM/TOILET

SCALE: 1" = 10'



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JOB NO. 07067