



City of Tacoma
Environmental Services Department

MINIMUM REQUIREMENT EXCEPTION REQUEST:
PERMIT NO: WO18-0116
ASSOCIATED PERMIT NO: SDEV17-0056 & WO17-0093

Agent for Request in behalf of:
Laurie Pfarr, P.E
LPD Engineering, LLC
1932 First Avenue, Suite 201
Seattle, WA, 98101

Applicant - Business Operator
Tacoma Public Schools
3223 South Union Avenue
Tacoma, WA, 98409

LOCATION:

The site is located at 1526 51st Street NE, Parcel Numbers 0321164007, 0321164008, 0321164043, 0321164030

SUMMARY OF REQUEST:

The applicant is requesting an exception to the Tacoma Municipal Code ("TMC") 12.08.090.D.6 – Water Quality Treatment and 12.08.090.D.7 – Flow Control in order to provide a lesser level of treatment and flow control than would be required by the 2016 City of Tacoma Stormwater Management Manual.

DECISION:

Approved, subject to compliance with the remaining requirements of the City of Tacoma Stormwater Management Manual.

DECISION DATE: October 12, 2018

FOR ADDITIONAL INFORMATION CONCERNING THIS APPROVAL PLEASE CONTACT:

Mieke Hoppin, P.E.
Environmental Services / Science & Engineering
326 East D Street
Tacoma, WA 98421
253-502-2105
Email: mhoppin@cityoftacoma.org

APPLICABLE REGULATIONS

TMC Section 12.08.090 Stormwater program requirements.
TMC Section 12.08.095 Exceptions procedure.

SUMMARY OF INFORMATION PROVIDED

The following information and exhibits were provided by the applicant and reviewed by staff on behalf of the Environmental Services Director:

- A. Stormwater Minimum Requirements Exemption for Offsite Improvements Request Memo, Dated 09/08/2017
- B. Exception Request Addendum, Dated, 09/04/2018
- C. Browns Point Elementary School Replacement Project Stormwater Site Plan, Dated 09/02/2017
- D. Browns Point Elementary School – Frontage Improvements Stormwater Site Plan, Dated 09/04/2018
- E. Civil Plans, Dated 09/01/2017
- F. Phase 1 Work Order Plans, Dated 05/24/2017
- G. Phase 2 Work Order Plans, Dated 09/04/2018

CONCLUSIONS

The Director has determined that granting an exception from TMC 12.08.090 D.6 and TMC 12.08.090 D.7 is appropriate in this circumstance because the request meets all exception criteria of TMC12.08.095.B.

DECISION

Decision On Request For An Exception: **APPROVED** in accordance with TMC 12.08.095.

Background. The applicant, Tacoma Public Schools, is proposing to raze and reconstruct Browns Point Elementary School. The building reconstruction triggered the need for offsite improvements per TMC 2.19.040 which includes improvements along 51st Street NE, Brown's Point Boulevard, and NE 49th Street. Per the City of Tacoma 2016 Stormwater Management Manual, the impacts of offsite improvements that are required as part of onsite development are considered cumulatively (or together) with the onsite impacts when determining the applicable stormwater Minimum Requirements. For this project compliance with Minimum Requirements #1-10 for all new and replaced impervious surfaces and lands disturbed would be triggered. The effect would include providing separate water quality and flow control facilities within the right-of-way designed to mitigate for stormwater runoff within the right-of-way. The applicant is seeking an exception from full compliance with Minimum Requirement #6 – Water Quality Treatment and Minimum Requirement #7 – Flow Control.

Reasons Supporting Decision. The Director is approving the applicant's request for an Exception to Minimum Requirement TMC 12.08.090 D.6 and TMC 12.08.090 D.7. because the applicant has demonstrated that: (i) the application of the Minimum Requirements would impose a severe and unexpected economic hardship, (ii) the exception is not likely to increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, or waters of the State, and (iii) the exception is the least possible exception that

could be granted to comply with the intent of the Minimum Requirements in accordance with TMC 12.08.095.

Due to spatial constraints and the location of existing utilities both within the City right-of-way and onsite, significant utility relocation would be required in order to construct detention and water quality facilities to properly mitigate for the required offsite improvements. It is estimated that the cost for facility construction and utility relocation would be greater than \$500,000 and would impose a severe and unexpected economic hardship as that cost, due to specific site constraints is beyond what would typically be anticipated for this type of work and the projected budget for this public project.

The majority of the public ROW requiring offsite improvements is existing paved surface. These surfaces are already discharging stormwater to the downstream system. The amount of new impervious created within the ROW is estimated to be 9,300 square feet, 3,500 which is considered to be pollution generating. The proposed onsite stormwater detention facilities can provide detention for approximately 7,000 square feet of this impervious surface area and trees are proposed to be transplanted along Brown's Point Boulevard providing additional detention potential. Additionally, the project is proposing to treat all new and replaced pollution generating surfaces onsite and proposes to provide water quality treatment along Brown's Point Boulevard which will provide stormwater treatment for approximately 11,500 square feet of pollution generating impervious surfaces. Because the project is proposing to provide flow control and water quality treatment for the majority of surfaces that are considered to be new it is not likely that there will be an increase in risk to the public health and welfare nor be injurious to other properties in the vicinity or downstream nor be injurious to waters of the State.

Because the project is proposing to utilize water quality and flow control BMPs to mitigate for their stormwater impacts they are complying with the intent of the Minimum Requirements but cannot do so fully due to financial and site constraints.

If the applicant is not granted this exception request, the project budget will be required to be altered significantly and the project may not occur at all due to financial constraints and future budgets of the school district.

PUBLIC NOTICE

The Legal Notice will be published the week of October 22, in the City's newspaper of record and a local newspaper of general circulation within Tacoma. The Notice is also published on the stormwater manual section of the City's website.

PROCEDURE TO CONTEST DECISION

Any person with legal standing who wishes to contest this Decision on Request for an Exception may do so by filing an appeal with the Hearing Examiner in accordance with TMC 12.08.678, which requires an appeal to be filed within thirty (30) days of the applicant's receipt of this decision.

DECISION this 18 Oct day of October, 2018.

M.P.S. III

Michael P. Slevin III, P.E.
Environmental Services Director

GMB

FULL DECISION TRANSMITTED this 12 day of October, 2018 by first class mail to:

Agent for Request in behalf of:

Laurie Pfarr, P.E.
LPD Engineering, LLC
1932 First Avenue, Suite 201
Seattle, WA, 98101

Applicant - Business Operator

Greg Stidham
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