

# Initial Project Review

## Non-Conforming Use Permit: Franklin Pierce School District Performing Arts Center

**Application Numbers: 951591**  
**Parcel Numbers: 0319034000**

**Mid-County Advisory Commission (MCAC) Public Meeting: March 9, 2021, at 6:30 p.m.,**  
Due to COVID-19 restrictions, this meeting will be held virtually. To participate, visit [www.Zoom.com](http://www.Zoom.com) and click “Join a Meeting” or call 253-215-8782, then enter the Meeting ID: 946 5356 5589, Passcode: 241311, or click on the following link:  
<https://piercecountywa.zoom.us/j/94653565589?pwd=QzdpYUVDODZGYmdLdU95d29DLzlvQT09>  
For additional questions regarding the virtual meeting process, contact Tiffany Aliment at 253-798-3226 or [tiffany.aliment@piercecountywa.gov](mailto:tiffany.aliment@piercecountywa.gov)

**Proposal:** Construct a new 18,000-square foot Performing Arts Center (PAC) that will be connected to the existing Franklin Pierce High School (FPHS) main building.

**Project Location:** 11002 18th Avenue East, Tacoma, WA, in the Single Family (SF) zone classification of the Mid-County Community Plan (MCCP) area, within the S W 1/4 of the SE 1/4 of Section 03, T19N, R3E, W.M., in Council District #5.

**Review Summary:** The project can be conditioned to comply with all applicable policies and objectives of the Pierce County Code, Comprehensive Plan, and MCCP area. Staff has reviewed this proposal for compliance with all policies, codes, and regulations and intends to recommend approval, with conditions, based on the submitted application and current information.

**State Environmental Policy Act (SEPA):** The Franklin Pierce School District has taken lead agency SEPA status for this proposal. Staff is not certain of the current status or proposed issuance of a SEPA determination.

**County Contact:** Dan Buhl, Senior Planner, 253-798-3268, [dan.buhl@piercecountywa.gov](mailto:dan.buhl@piercecountywa.gov)

### Pierce County Online Permit Information

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmenStatus?applPermitId=951591>



## Project Data

Complete Application Date: January 4, 2021

Initial Project Review Mailed: March 2, 2021

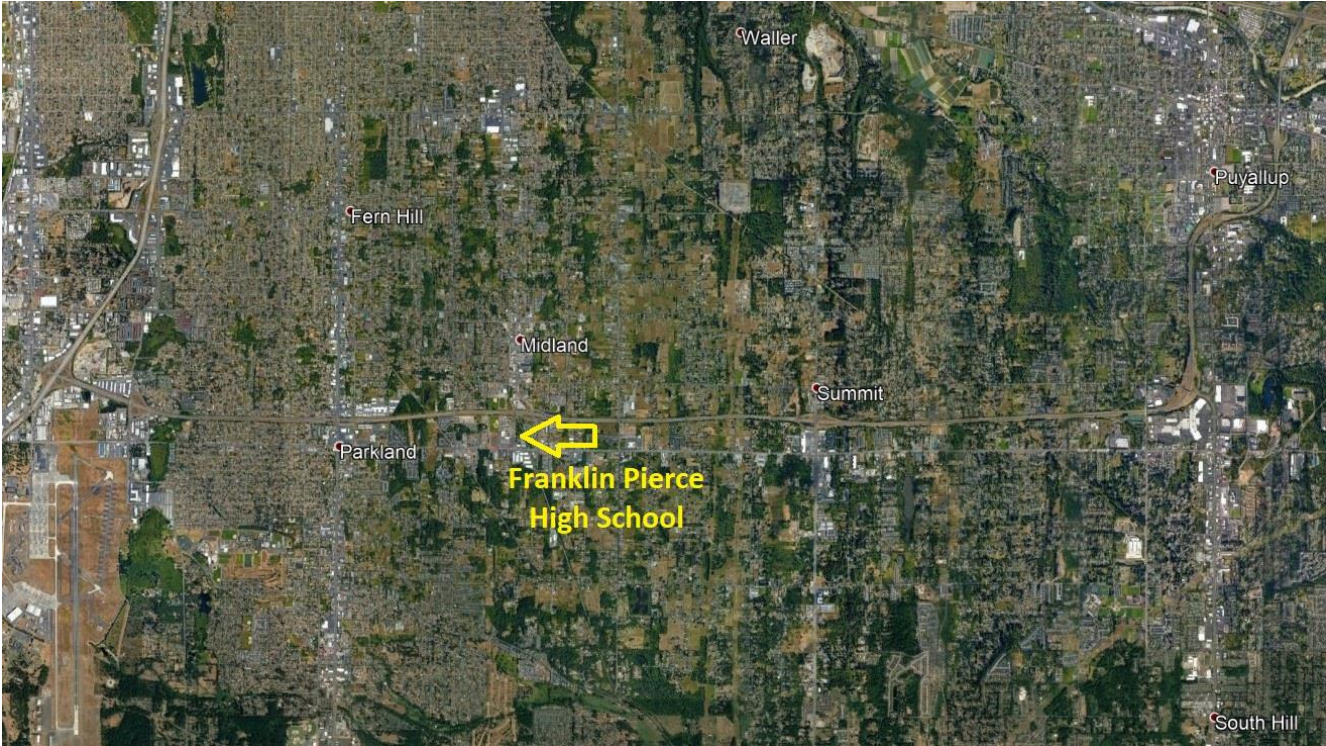
Owners/ Applicant: Franklin Pierce School District  
Attn: Robin Heinrichs  
11807 24th Avenue East  
Tacoma, WA 98445  
[rheinrichs@fpschools.org](mailto:rheinrichs@fpschools.org)

Agent: AHBL, Inc.  
Attn: Josh Kubitza  
2215 North 30th Street, Suite 300  
Tacoma, WA 98403  
[jkubitza@ahbl.com](mailto:jkubitza@ahbl.com)

## Legal Notice

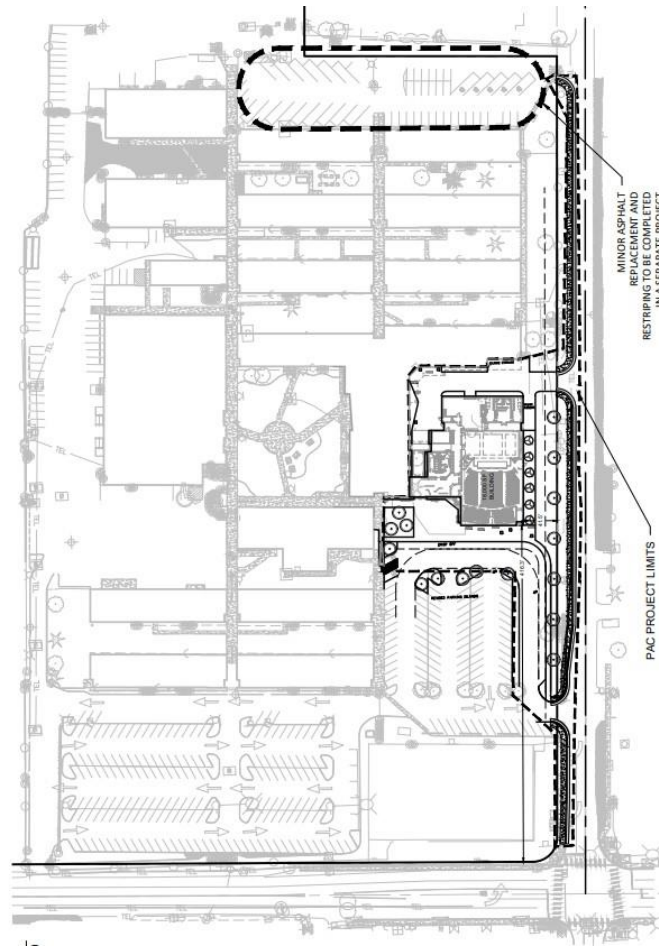
- *January 22, 2021*: Notice of Application and Public Meeting Notice was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- *January 29, 2021*: The site was posted on this date and confirmed with a Declaration of Posting.
- *February 23, 2021*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*) advertising the Mid County Advisory Commission public meeting.

2017 Aerial Photos





## Site Plan



## Review Responsibility

The following list includes examples of jurisdictional areas for various County departments and divisions typically involved in the review and administration of this proposal:

### A. Planning and Public Works (PPW):

- Current Planning verifies compliance with the Pierce County Comprehensive Plan, applicable community plans and Development Regulations such as, but not limited to, zoning, critical areas, natural resource lands, shoreline management, design review, and potential environmental impacts.
- Development Engineering reviews for drainage, erosion control, site development, flood, survey, landslide and erosion hazard, lot dimensions, and road standards.
- Resource Management reviews for consistency with the County wetland and fish & wildlife regulations.

### B. Mid-County Advisory Commission (MCAC):

The MCAC's role in the review process for a land use proposal includes the following:

- Review the proposal for consistency with the goals and policies in the Community Plan.
- Provide a local perspective that includes input from the community and insights of which PPW staff or the Hearing Examiner may not be aware.

- Offer recommendations for project design to fit with the community’s vision while remaining consistent with the Community Plan.

PCC Chapter 2.45 Land Use Advisory Commissions provides regulations that apply to the MCAC. Per PCC 2.45.130, Land Use Advisory Commission (LUAC) recommendations on a land use application shall be to approve, modify and approve, deny, or make no recommendation.

### **Review Criteria**

The following regulations and policies shall be used during the review process including, but not limited to:

- A. Pierce County development regulations and construction and infrastructure regulations;
- B. Pierce County Comprehensive Plan and Mid-County Community Plan;
- C. Applicable state statutes; and
- D. All applicable notes on related previously recorded County documents.

### **Site Characteristics**

- The County Assessor lists the parcels 0319034000 as being a combined 51.51 acres in size, but this parcel spans SR512 and also contains the Ford Middle School to the north. The affected portion of the parcel south of the highway is approximately 30.3 acres and contains the high school campus and school bus parking.
- There is a footbridge spanning SR512 that connects the two campuses.
- The parcel is currently accessed from 18<sup>th</sup> Avenue East but can also be accessed from 112<sup>th</sup> Street East from a gate in the center-bottom of the parcel.
- The campus is completely built out and contains the football field and track, baseball and softball fields, school buildings, school parking lot, and a bus parking area abutting the highway.
- The site is relatively flat.

### **Agency Review Comments**

The proposed project has been routed to interested departments and agencies for review. Comments received from various departments and agencies may be found by accessing the Online Permit Information referenced on page 1.

Comments have been received, and corrections and/or additional information requested by the following agencies on the application:

- Current Planning staff will be the only reviewing division for this permit.

### **Public Comments**

No public comments have been received concerning the proposal.

## **Initial Planning and Public Works Staff Review for Consistency with Development Regulations and Policies**

### **Mid-County Community Plan (Pierce County Code, Title 19B)**

#### **Urban Residential**

GOAL MC LU-11 Allow non-residential uses within residential areas.

MC LU-11.1 Limited non-residential uses such as schools and daycares should be allowed within residential areas.

MC LU-11.2 Non-residential activity should be scaled and sized appropriately to ensure compatibility within the neighborhood.

*Staff Comment:* The site currently contains Franklin Pierce High School. The neighboring properties are commercially zoned so the new PAC will not encroach on residentially zoned areas and will be at a scale consistent with the surrounding area.

### **Title 18A Development Regulations – Zoning**

#### **18A.27 Mid- County Use Table**

This Chapter provides the Use Tables and Density and Dimension Tables for the MCCP area.

*Staff Comment:* Under the Civic Use Category in Table 18A.27.010 the Education Use Type is listed as permitted administratively at Level 1 (Elementary and Middle/Junior High Schools). No other permitted education use level is listed in this table.

#### **18A.33 Use Category Descriptions**

##### **18A.33.220 Civic Use Category – Description of Use Categories**

**18A.33.280 D – Education Use Type.** Education Use Type refers to educational services provided by public, private, or parochial institutions. Typical uses include, but are not limited to, elementary, junior, and senior high schools, community colleges, public and private colleges, universities, commercial/vocational schools, and private colleges. This type includes buildings and campuses. Educational facilities may accommodate other civic uses during the standard school day or when facilities are not in use such as, but not limited to: religious services, recreation, social services, daycare facilities, Head Start and preschool, and recreational or educational programs for students and the greater community.

*Staff Comment:* A high school is considered Level 2 in the Education Use type, confirming the need for the Nonconforming Use Permit to add the proposed PAC to the site.

**18A. 35 Parking.** The purpose of this Section is to regulate off-street and on-street parking areas to ensure adequate parking, lessen traffic congestion, and create uniform standards which provide sufficient on-site areas for parking and maneuvering of motor, transit, and nonmotorized vehicles.

*Staff Comment:* The addition of the PAC would not change enrollment or school capacity for the proposed improvements. The existing parking is approximately 485 spaces and the new PAC facility will eliminate up to 95 parking spaces, resulting in a total number of available parking of approximately 390 spaces. The estimated parking is within the required parking range of roughly 250 to 485 spaces, meeting the intent of this section.

## **18A.75 Use Permits**

### **18A.75.070 Nonconforming Use Permit**

An expansion of a nonconforming use may be allowed by the Examiner subject to the provisions of this Section and the provisions of Chapter 18A.70 PCC. No permit shall be granted unless the Examiner is satisfied from the evidence that:

- a. The proposed alteration, enlargement, expansion, or replacement of the nonconforming use is necessary to adapt the nonconforming use and associated structures to changes in technology, merchandising, or other generally recognized trends which affect the utility of structures or the applicant's ability to compete;

Applicants Comment: Washington high schools are subject to specific performing arts curriculum standards and are required to provide needed educational opportunities for the students in the community. The PAC is required to provide necessary program facilities and amenities and meet state and federal performance curriculum standards. The existing performing arts facilities is divided between multiple buildings (gym and auditorium) and competes with other uses for resources. The performance arts acoustic requirements require large dedicated spaces and additional amenities that are currently lacking. The proposed PAC is necessary to meet current standards for Washington high schools.

- b. The proposed alteration, enlargement, expansion, or replacement will not introduce any hazards or interfere with the potential development of nearby properties in accordance with present zoning regulations;

Applicant Comment: The proposed PAC building includes improvements to parking and student drop-off circulation that will improve the existing traffic and circulation. The proposed building will be reviewed by Pierce County staff for compliance with all setbacks, landscaping, and building design standards appropriate for the proposed building and existing zoning district.

- c. The nonconforming use and associated structures will comply with the requirements of PCC 18A.70.030 E.;

Applicant Comment: Pierce County will review the project for compliance with PCC 18A.15, 18J.10, 18J.15, and 18J.70. No work will be completed without Pierce County approval.

- d. The proposed alteration, enlargement, expansion, or replacement will result in improvements in functionality or safety and in exterior appearance, screening, access or other features which will make the use or structure more compatible with allowed uses;

Applicant Comment: The proposal includes the new PAC building and site improvements including improvements to access and circulation, exterior appearance, and screening. The proposal includes relocating and extending the student pick-up/drop-off lane. This allows for the reduction of driveways off 18th Ave E from five to three. One of the remaining driveways will provide student and visitor parking and the pick-up/drop-off location; the other will be restricted to emergency vehicle access and loading. This improves traffic circulation and keeps the pick-up/drop-off lane from backing onto 18th Ave E. The proposed PAC will comply with Pierce County building design standards. Additionally, the proposal includes planting an 8-foot landscaping buffer with trees adjacent to the parking area and proposed PAC, and new sidewalks along 18th Ave.

- e. The proposed alteration, enlargement, expansion, or replacement is consistent with and furthers the goals of the Comprehensive Plan, and applicable Community Plan, and will not detract from the intent of the Comprehensive Plan, and applicable Community Plan, and any implementing regulation;

Applicant Comment: The proposed nonconforming use expansion is consistent with the purpose and intent of the Pierce County Comprehensive (PCC) Plan and the Mid-County Communities (MCC) Plan. The MCC Plan land use designation for the subject site is Moderate Density Single-Family (MSF). The MSF zoning district has not been applied in the MCC Plan area. As such, it appears that Pierce County originally planned for the entire school property to be zoned MSF before it was split zoned MSF north of SR 512 and SF below SR 512.

The MCC Plan states that the SF primary use is low and moderate density single-family residential activities and compatible civic uses in areas with a predominantly detached single-family development. The existing FPHS and adjacent church properties are the only SF zoned properties in the vicinity. The High School is surrounded by Community Employment (CE) to the east and west, SR 512 to the north, and 112th Street to the south.

The proposed PAC is located on an existing high school campus that predates the SF zoning designation and is compatible with adjacent single-family, senior housing, construction yard, mini storage, and church uses. Additionally, since FPHS was built in 1952 and well established before the 2005 rezone, it is likely that Pierce County planning staff and County Council thought that the existing high school was compatible when the site was rezoned to SF.

In addition, the following statement from the current MCC Plan supports the proposed rezone:

- MC LU-11.1: Limited non-residential uses such as schools and daycares should be allowed within residential areas.

The proposed PAC is located on the existing FPHS campus that the MCC plan indicates should be allowed within residential areas. The proposed PAC is compliant with MC LU-11.1.

- MC LU-11.2: Non-residential activity should be scaled and sized appropriately to ensure compatibility within the neighborhood.

The PAC is scaled and sized appropriately with the adjacent CE zoned properties. Franklin Pierce High School is located in a Community Employment (CE) neighborhood and is one of two properties zoned Single-Family in the neighborhood. The SF and CE zoning district allows a maximum height of 35 feet and 60 feet, respectively. The PAC has been sized for the existing FPHS capacity. The proposed PAC is compliant with MC LU-11.2.



- MC CF-1: The location of schools should be considered in the planning and construction of future sidewalks and pedestrian paths.

The proposed PAC includes improvements to 18th Ave E Right-of-Way. These improvements include new sidewalks along 18th Ave E from 112th Street to the north end to the north driveway. The proposed PAC is compliant with MC LU11.2. The updated MCC Plan that is effective February 1, 2021, designates the property as Neighborhood Residential (NCOR). The updated MCC Plan states that NCOR zone allows smaller, limited neighborhood commercial and civic uses, and residential uses. High school uses will be permitted outright upon the effective date. If the Council-approved MCC Plan Update and implementing development regulations are not appealed, this administrative nonconforming use permit may be withdrawn.

- f. There will be no significant increase in the amount of smoke, dust, noise, vibration, odor, fumes, or glare; and

Applicant Comment: The proposed PAC is not anticipated to increase smoke, dust, noise, vibration, odor, or fumes. There may be temporary impacts during construction that will be mitigated by best management practices (BMPs). Lighting fixtures will be shielded and cast downward to reduce light and glare impacts to adjacent properties. Exterior lighting will utilize an astronomic timeclock-based lighting control panel. To meet the Washington State energy code exterior lighting requirements, all exterior lights will be programmed to turn on at 100% light output from dusk. The proposal is compliant with this standard.

- g. There will be no significant adverse impact due to the hours or times of operation.

Applicant Comment: The proposed PAC building does not include a change to the Franklin Pierce High School hours of operation. The Franklin Pierce High School currently has afterhours performances that are held within the school grounds, the proposal will relocate the performances to the new state-of-the-art facility. As such, there will be no significant impact due to changes in hours or times of operations. The proposal is compliant with this standard.

- h. If within an adopted community plan area, the applicable site design and landscape/planting standards set forth in Title 18J PCC shall be met for the entire site to achieve maximum screening and buffering.

Applicant Comment: The majority of the 51.52-acre site will be left in the current condition. County Planning staff indicated in the customer meeting that only those portions of the landscape buffer adjacent to the improvements (18th Ave E) would require landscaping improvements. The proposal includes providing an 8-foot landscape buffer along 18th Ave E for the areas adjacent to the parking area and proposed PAC. The new landscaping will include trees that provide further screening than the existing conditions.

Staff Comment: Per the submitted responses to the review criteria, the applicants note they will be in compliance with the Conditional Use review criteria.

### **Title 18J Development Regulations – Design Standards and Guidelines**

The required design standards and guidelines to promote compatibility between land uses by reducing visual, noise, and lighting impacts of development on users of the site and abutting uses are outline in this section. The following are a list of the relevant standards and guidelines:

**18J.15.040 Landscape Buffers.** The purpose of this Section is to use landscaping and buffering concepts to promote compatibility between land uses by reducing the visual, noise, and lighting impacts of development on users of the site and abutting uses.

*Staff Comment:* A Level 1 landscape buffer is required along the roadway frontage of 18<sup>th</sup> Avenue East. The proposed landscaping meets or exceeds this requirement.

**18J.15.085 Exterior Illumination.** Provide safe and visible public areas exterior lighting that accents and complements the space and/or building architectural details.

*Staff Comment:* The new buildings and parking areas will be required to meet the exterior illumination requirements. The proposed lighting for the new facility exceeds this requirement due to the school's need for visibility and safety.

**18J.15.100-130 Landscaping Plant and Soil Requirements.** The intent of these code sections is to foster the use of plants native to Western Washington and drought tolerant plants common to this area, ensure compliance of applicable plant related design standards through installation concurrent with development of a project site, and ensure that vegetation required by this Chapter is healthy and continues to meet the objectives for the life of the project.

*Staff Comment:* All proposed landscaping must meet the requirements of these sections.

**18J.15.155 Mechanical Equipment and Outdoor Storage Screening.** Protect the aesthetic quality of developments and surrounding properties by screening service areas for mechanical equipment and outdoor storage.

*Staff Comment:* Any proposed rooftop mechanical equipment must be screened per this section.

**18J.70 Mid-County Community Plan Area Design Standards and Guidelines.** A review of the MCCP Table 18J.70.020-1 Type of Review Required for Regulated Activities found the following section will require compliance:

*Staff Comment:* A review of the individual code sections found no standards or guidelines were applicable due the proposed PAC's location and lack of proximity to any local neighborhood.

**Question from Staff for the MCAC:**

Does the MCAC believe that the applicant is meeting the Nonconforming Use Permit Requirements?

Franklin Pierce Performing Arts Center NUP IPR MCAC-DB.docx