

OCT 28 1957

COUNCIL CHAMBER, 7:30 P. M.

Monday, October 28, 1957

Council met in regular session. Present on roll call 7: Bratrud, Goering, Humiston, Jensen, Perdue, Stojack and Mayor Anderson. Absent 2, Battin and Tollefson.

It was moved by Dr. Humiston, seconded by Mr. Bratrud that the minutes of the previous meeting be approved, and the reading thereof be dispensed with. Motion carried unanimously. Ayes 7; Nays 0; Absent 2, Battin, Tollefson.

COMMUNICATIONS:

X Rosling, Williams, Lanza and Kastner, Attorneys for General Motors Acceptance Corporation, appealing to the City Council for a hearing on statement for business tax in amount of \$4,509.75 including interest and penalty, which they received from the Tacoma Tax and License Division on October 21, 1957.

It was moved by Dr. Humiston, seconded by Mr. Jensen that November 12th, 1957 be fixed as the date for hearing thereon. Motion carried: Ayes 7; Nays 0; Absent 2, Battin, Tollefson.

RESOLUTIONS:

Resolution No. 15135: X

L I D 1974:By GOERING:

Fixing December 3, 1957 as date for hearing on L I D 1974 - laying sanitary sewers in the alley between North 11th Street and North 10th Street, beginning at the existing manhole in Orchard Street and extending 260 feet east.

Adopted on roll call October 28, 1957
Ayes 7; Nays 0; Absent 2, Battin, Tollefson.

Resolution No. 15136: X

L I D 2270:By HUMISTON:

Fixing December 3, 1957 as the date for hearing on L I D 2270 - oil mat surface and cement concrete sidewalks on East 65th Street from A Street to East B Street.

Adopted on roll call October 28, 1957
Ayes 7; Nays 0; Absent 2, Battin, Tollefson.

Resolution No. 15137: X

L I D 2276:

By JENSEN:

Fixing December 3, 1957 as date for hearing on L I D 2276 - oil mat surface on Tacoma Avenue from South 70th Street to South 72nd Street, also storm drainage on Tacoma Avenue from South 70th Street to 300 feet south of South 72nd Street.

Adopted on roll call October 28, 1957
Ayes 7; Nays 0; Absent 2, Battin, Tollefson

Resolution No. 15138:

By BRATRUD:

477

Fixing November 25, 1957 as the date for hearing on vacation of alley between North 14th and North 15th Street from North Lawrence Street approximately 120 feet east. (Petition of College of Puget Sound)

Mr. Rowlands explained that there was an error in the 3rd line of Paragraph 1 of the Resolution, wherein it states "120 feet east!" This, he explained, should have read 143 feet. Mr. Rowlands advised that this figure should be changed. It was then moved by Dr. Humiston, seconded by Mr. Stojack that Resolution No. 15138 be amended by changing the 3rd line of the 1st paragraph to read "approximately 143 feet east" Motion carried. Ayes 7; Nays 0; Absent 2, Battin, Tollefson.

Adopted on roll call October 28, 1957
Ayes 7; Nays 0; Absent 2, Battin, Tollefson

Resolution No. 15139:

By PERDUE:

478

Fixing November 25, 1957 as date for hearing on vacation of the westerly 10 feet of North White Street (Fife Street) from North 29th Street to North 30th Street, excluding alley. (Petition of O. H. Brasier, et al - 10-23-57)

Adopted on roll call October 28, 1957
Ayes 7; Nays 0; Absent 2, Battin, Tollefson.

Resolution No. 15140:

By STOJACK:

478

Fixing November 25, 1957 as date for hearing on vacation of westerly 10 feet of South Shirley street from Sixth Avenue to South 8th Street. (Petition of Faith Bible Presbyterian Church, et al - 9-11-57).

Adopted on roll call October 28, 1957
Ayes 7; Nays 0; Absent 2, Battin, Tollefson.

OCT 28 1957

Resolution No. 15141:**By BATTIN:**

Authorizing private sale and execution of a local improvement assessment deed for the sum of \$800.00 to Robert J. Moffett and Lorraine L. Moffett, covering property located 100 feet west of the northwest corner of South 53rd and Wilkeson.

Adopted on roll call October 28, 1957.
Ayes 7; Nays 0; Absent 2, Battin, Tollefson.

Resolution No. 15142:**By HUMISTON:**

Authorizing sale of an abandoned substation site belonging to the Light Division, located at North 29th and Starr Streets, to Arthur G. Schafer for the sum of \$3,010.00 on terms set forth herein.

Adopted on roll call October 28, 1957
Ayes 7; Nays 0; Absent 2, Battin, Tollefson.

FIRST READING OF ORDINANCES:**Ordinance No. 15968:**

Relating to zoning and amending Section 13.06.190 of the Official Code.
Read by title.

Mr. Buehler, Director of Planning, explained the reason this amendment was being submitted. Under present regulations an owner can remodel a building so it may be used as a two-family dwelling without being in violation of the existing ordinances. He could at a later date apply for a rezoning permit on the grounds that the building conforms to requirements for the rezoning. Mr. Buehler stated. In the past few months there have been four or five violations when owners have asked to have the property rezoned after the remodeling has been completed. The Building Inspector and City Attorney felt that this amendment would clarify the situation and make it practically impossible for an owner to petition to have the premises rezoned on the grounds that the building and plumbing conform to the requirements of a two family dwelling, Mr. Buehler stated. Numerous building Contractors and others interested in the building field have been contacted and informed about the proposed amendment, and have indicated they approve the change, Mr. Buehler stated. The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:**Ordinance No. 15967:**

Ordering the construction, reconstruction and repair of sidewalks, etc.
W. O. 7707 - Units # 301 to 336 - Court C Street from South 6th Street to South 13th Street. Read by title and passed.

Roll call: Ayes 7; Nays 0; Absent 2, Battin, Tollefson.

OCT 28 1957 457

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment rolls for the cost of the improvements in the following Local Improvement Districts:

Local Improvement District 2267: - grading, ballasting and surfacing Junett Street from South 40th Street to South 45th Street; 128

Local Improvement District 4584: - asphalt pavement, concrete curb and gutter and storm sewer on Melrose Street from State to Prospect Streets; also on State Street from South 14th Street to South 15th Street. 176

Local Improvement District 6750: - ornamental street lights and standards on South 18th Street from Cedar Pine Street. 113

It was moved by Dr. Humiston, seconded by Mr. Perdue that December 17, 1957 be fixed as the date for hearing on the above Assessment Rolls. Motion carried unanimously. Ayes 7; Nays 0; Absent 2, Battin, Tollefson.

This is the date fixed by Council for hearing on the appeal of Jack G. Baty (9-30-57) from the decision of the City Planning Commission in denying the petition signed by himself and others for rezoning to an "R-4" Multiple Family Dwelling District, property located on the southeast and southwest corners of North 21st and Prospect Sts.

Mr. Robert Garen, ex-officio member of the City Planning Commission, presented the Commission's case. He read in full the letter dated October 22, 1957 from the City Planning Commission to the City Council on this matter. This letter answered the arguments made by Mr. Baty in his appeal as follows: (1) The neighborhood is not deteriorated and the homes are well kept up. Inharmonious land uses should not be allowed to creep in. (2) Several of the adjacent property owners did not sign the petition and vigorous objection was presented by one. (3) The property is well separated from nearby commercial districts by natural-topographic barriers. 706

(4) The question of enhancement of property values is a matter of opinion. However it has been the Commission's experience that the introduction of an inharmonious structure into a neighborhood will tend to adversely affect nearby property values.

(5) This property is at least 1 1/2 miles from downtown Tacoma, not adjacent to it. There are at least 20 potential apartment house sites, properly zoned, within three-fourths of a mile or less from downtown, and all north of 6th Avenue.

This letter also sets forth the following significant facts upon which the Planning Commission made its denial of the petition:

(1) There are no apartment-house structures near this property. The only multiple family dwellings are large older homes, which have been converted but retain their original characteristics;

(2) The "R-4" zoning would permit construction of a 4-story building which would be entirely out of keeping with this neighborhood;

(3) A reasonable use of the vacant land in question is possible under the present "R-3" zoning;

(4) This property has been zoned for one and two family dwellings since 1945. It was purchased by the present owner in January of this year, 12 years after this

zoning was established.

(5) The absence of other vacant parcels of land in this area indicates that the zoning has not hindered development. A zoning change for one piece of land does not meet the test that zoning must be comprehensive in scope and related to a general plan of land use and development.

(6) Once the property is zoned "R-4" there is no further control over its development. In addition the R-4 Districts permits a number of institutional uses such as boarding houses and fraternity house, which could be even more detrimental to the area than an apartment house."

Mr. Garen stated that each request for rezoning is examined by the Planning Commission on the following points: (1) "Was the original zoning bad and does it need changing?" and (2) "Have conditions changed to such an extent that the property should be rezoned to meet present conditions?" Neither of these points applied to this particular case, he added.

Mr. Buehler pointed out that the 1945 Zoning Ordinance permitted a duplex any place in the city, and also permitted large homes to be made into multiple dwellings providing they kept the appearance of a single dwelling. These two provisions are not contained in the 1953 Ordinance, and if a large home is converted today it has to be in a zoned area, he added.

Mr. Jack Baty advised Council that after he filed his appeal, he discovered there is an R-4-L Zone which would be satisfactory. He suggested that the matter be referred back to the Planning Commission for further study relative to "R-4-L" District.

Mr. Buehler explained to Council that an "R-4-L" Zone is zoned for low density apartment district with 2500 square feet per dwelling unit, in areas where there are large undeveloped acre tracts. At the present time Pacific Avenue between South 72nd and 80th, is the only district in this category, although there have been other areas where the Commission thought it possible to construct more than one unit on a piece of land.

The procedure to be followed by Council in this matter was discussed at length. Mr. McCormick advised that the Council would have to vote yes or no on the appeal and then another petition could be filed by the petitioner for an "R-4-L" District.

It was moved by Dr. Humiston to sustain the action of the Planning Commission in denying the petition of Jack Baty, et al. No Second.

Further discussion brought forth the opinion by Attorney McCormick that the petitioner might have the right to withdraw his appeal and then amend the petition that is before the Planning Commission, but by so doing he also might foreclose his right to appeal again on the Ruling of the Planning Commission on an R-4 District. Dr. Humiston said he believed the filing of an amended petition was a new matter, and Mr. McCormick agreed that the petition would have a right to appeal on a R-4-L.

Mr. William Goodwin, who is also interested in the rezoning said Mr. Baty's intention was to present the amended petition as an "R-4-L" to overcome the Planning Commission's objections relative to a four story building. He asked Council to defer action on the appeal at this time with the understanding they would petition the Planning Commission for a R-4-L District. He pointed out that Mr. Baty spent considerable time obtaining signatures and they might not have to do this again if Council defers action on the appeal.

Mr. McCormick advised that the Council's minutes should show that the petitioners withdrew their appeal, and they can then petition the Planning Commission for an amendment to their petition to an R-4-District.

It was moved by Mr. Bratrud, seconded by Mr. Jensen that Jack Baty be allowed to withdraw his appeal. The question of whether or not the vote on this motion was necessary was raised by Dr. Humiston.

Mr. McCormick said that the records should show that withdrawal by the petitioner of his appeal was approved by Council and then there would be no question.

Roll was called on the motion that Jack Baty be allowed to withdraw his appeal, which carried on roll call. Ayes 7; Nays 0; Absent 2, Battin and Tollefson.

The hearing on the petition of the Metropolitan Park District for vacation of East D Street from a point 181 feet north of the north line of East 60th Street to its terminus at the north line of previously vacated East 58th Street, was considered at this time. The Clerk reported the posting of the notices required by law and the filing of an affidavit of such posting. Also reported that a fee of \$100.00 had been paid by the petitioner and that no remonstrances had been filed against the proposed vacation. Mr. R. C. Buehler, Director of Planning, showed the Council the location of the street to be vacated. It was decided not to vacate the 181' abutting East 60th Street, since one-half of this would revert to private ownerships and it was felt this portion could be used as a turn-around. The petition represents 100% of the abutting property, and the Park Board wants the street vacated, in order to join the playfield and the proposed swimming pool site. The Water and Light Departments had no objection to the vacation and the Public Works Department has no objection if sewer easements are retained over the entire vacated street and the Park Board will agree in writing not to erect any structures across this easement, Mr. Buehler advised. Mr. Ralph Williams was present on behalf of the Park Board, but said he had nothing to add to what had been said.

It was moved by Dr. Humiston, seconded by Mr. Bratrud, that the petition be granted subject to retention of the sewer easement, and the City Attorney directed to prepare the necessary ordinance to vacate the street. Motion carried on roll call: Ayes 7; Nays 0; Absent 2, Battin, Tollefson.

ITEMS RECEIVED FOR FILING IN THE OFFICE OF THE CITY CLERK:

1. Belt Line Division, Department of Public Utilities - monthly financial report for August, 1957.
2. Belt Line Division, Department of Public Utilities - monthly financial report for September, 1957.

Mr. Rowlands said he had two matters to submit.

- (1) The report on the Status of the sunken "Pacific Queen". Copies of the report on this matter compiled by Allan Billett, Assistant City Attorney, were distributed to Council members. Mr. Billett discussed this report briefly. The report stated that the shipowners have filed a petition in Federal Court for limitation of liability alleging the value of the ship and cargo as it now lies to be \$5,000. A motion has also been entered requiring all persons having claims against the ship to file them by October 28, 1957, and the City has filed two claims against the ship, one for damage to the Dock and a contingent claim in the sum of \$50,000 in the event it becomes necessary for the City to remove the hull, Mr. Billett advised. The City is also filing an answer to the owners petition for limitation of liability, asking that the same be denied on the basis of negligence of the shipowners in the operation of their vessel, but he has no idea when these petitions will be heard, as no date has been

fixed for the hearing, Mr. Billett stated. He talked with Mr. Ursich, the attorney representing the ship owners, about removal of the vessel, who informed him that letters have been sent to the insurance carrier, demanding they take some affirmative action by October 25th, and, in the event of their failure so to do, the ship owners will within the next week, take action of their own to have the vessel removed. Mr. Billett recommended that the City move slowly in this matter.

The Coast Guard hearings have not been completed as yet, and have been recessed to November 6th, he added.

Mr. Rowlands submitted MC 167 on the Harbor Master's Monthly report, which was requested by Council on October 21st, and copies of this were distributed to Council members.

Mr. Rowlands advised that this report is not being prepared for the Administrative Personnel of the City. Tacoma is the only City which prepares this report as a municipal function. In Seattle the Chamber of Commerce prepares an almost identical report and makes a charge of \$7.00 a month for the same; and in Portland the report is published by the "Merchants' Exchange" at a charge of \$5.00 per month.

Mr. Rowlands suggested that possibly the compilation of the report might be turned over to the Port of Tacoma or the Chamber of Commerce. In any event a charge should be made for this report, he added. Mr. Bratrud said he felt, if people want the report, there should be some nominal charge, but he did not feel any other organization or group should be asked to compile it. Dr. Humiston agreed that a charge should be made for the report. Mr. Rowlands said his office would work out some arrangement whereby the City will break even on the cost.

Mr. Rowlands called attention to the "37th Annual Pacific Northwest Conference of Building Owners and Managers" which is being held at the Winthrop Hotel October 27th through 29th.

Mr. Rowlands also called attention to the letter from the Pierce County Veterans' Advisory Council, giving the program schedule for Veterans Day, November 11th, and inviting Council to participate in the Parade at 1 P. M. He urged Council members to take part and to notify the Chairman at the telephone number in the letter if they can participate.

Mr. Frank Southwell asked if Mr. Rowlands had made any report on the Airport on the Peninsula since his return from Washington D. C. where he had conferred with C. A. A. Officials. Mr. Rowlands said he had stayed over an extra day to discuss the matter with Mr. Howe, Director of C. A. A. He learned that last year the State of Washington received \$1,200,000 for airport facilities. No date has been set for cities to submit petitions for funds and the petition must be accompanied by definite plans. Mr. Howe did say that a City the size of Tacoma would be justified in requesting an airport and would be given consideration. Mr. Southwell said he did not think it wise for Council to pin the location of the airport down to one area. He pointed out that after the bridge is paid for and there is no longer a toll required, the peninsula area with 30,000 acres of undeveloped choice land will be one of the greatest resources for the development of the City of Tacoma. And he urged

OCT 28 1957 461

Council to use caution in deciding on the location of an airport in this locality.

Upon motion, duly seconded and carried Council adjourned at 8:46 P. M.

J. W. Anderson
President of City Council

Attest:

Josephine Melton
City Clerk