



January 11, 2024

*Sent via email*

**Subject: Evergreen Park PUD Amendment  
File Number 23-2792**

Greetings:

The recommendation of the Olympia hearing examiner hereby issued on the above date may be of interest to you. This recommendation will be submitted to the City Council for a final decision.

Final adoption of this amendment will be subject to a City Council decision, only after the appeal period for the Hearing Examiner decision expires, or appeals are heard.

In general, any appeal of a Hearing Examiner decision must be filed in court within twenty-one (21) days. See Revised Code of Washington, Chapter 36.70C.040, for more information relating to the timeliness of any appeal and filing, service and other legal requirements applicable to such appeal.

Contact Jackson Ewing, Associate Planner, Community Planning and Development, at 360.753.8314, or by email to [jewing@ci.olympia.wa.us](mailto:jewing@ci.olympia.wa.us) if you have questions.

Sincerely,

*Debbie*

DEBBIE ANDERSON  
Program Specialist  
Office of Community Vitality

Attachment

1 BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

2 IN RE: ) HEARING NO. 23-2792  
3 EVERGREEN PARK PUD )  
AMENDMENT, ) FINDINGS OF FACT,  
4 ) CONCLUSIONS OF LAW  
5 ) AND RECOMMENDATION TO CITY  
COUNCIL )

6 **APPLICANT:** Philip Stewart

7 **SUMMARY OF REQUEST:** The Applicant seeks the City Council's approval to modify the  
8 Evergreen Park PUD to permit residential/multifamily uses within the portion of the PUD  
currently restricted to retail/commercial.

9 **PROJECT LOCATION:**

10 Evergreen Park PUD.

11 **SUMMARY OF DECISION:**

12 The Hearing Examiner recommends that the City Council **approve** the proposed amendment to  
13 the PUD as suggested by City Staff.

14 **BACKGROUND**

15 The Evergreen Park Planned Unit Development (PUD) was established in 1973. Its most  
16 recognizable development is arguably the Thurston County Courthouse Complex but it also  
17 includes a large number of legal and medical offices, government agencies and the Olympia  
Hotel. These various public and commercial uses adjoin other areas of the PUD restricted solely  
18 to residential use, mostly multifamily. The net result is that the PUD provides for a broad array  
of public, commercial and residential uses but does not allow a mixing of these uses within the  
19 same areas of the PUD, and there is no portion of the PUD where both commercial and  
residential uses are jointly allowed.

20 The use of the PUD model for property development has become disfavored by the City  
and the Evergreen Park PUD is the only remaining PUD within City limits. It predates the City's  
21 comprehensive planning under the Growth Management Act, and many of its concepts are  
22 inconsistent with current planning. Nonetheless, it can be argued that its planning concepts have  
worked well as it remains a neat and attractive area with low vacancy rates among its  
23 commercial properties.

24 Since the Evergreen Park PUD was established fifty years ago, the City has steadily  
moved away from the PUD's underlying notion that commercial and residential uses should not  
25

1 be mixed. The City's current Comprehensive Plan, as well as its current zoning, encourage the  
2 mixing of these uses, not their separation. The pending application forces the City Council to  
3 decide whether the ideas expressed in its current comprehensive planning should be extended to  
4 this historic PUD or, instead, whether it is better to leave things as they are.

4 The issue before the City Council is made more dramatic by the announcement by  
5 ownership of the Olympia Hotel that it seeks this amendment in order that it may apply to have  
6 the hotel converted to apartments. Thus, while the proposed amendment would have application  
7 to all areas of the PUD currently limited to commercial use, its most obvious and immediate  
8 impact would be on the future use of the hotel.

7 As explained more fully below, City Staff finds that the requested amendment is  
8 consistent with the City's Comprehensive Plan and recommends that it be approved. There has  
9 been some opposition by commercial property owners/tenants who would prefer that their  
10 commercial uses continue to be insulated from residential uses (especially lower income  
11 housing). The amendment is also strongly opposed by employees of the hotel as it may cause the  
12 loss of all hotel jobs (this may have already occurred).

### 11 PUBLIC HEARING

12 The matter came before the Hearing Examiner for a public hearing on December 11,  
13 2023, at 5:30 p.m. The hearing was a "hybrid" hearing consisting of both a remote hearing  
14 utilizing the Zoom platform along with the opportunity to appear in person in the Council  
15 Chambers in the City Hall. The City appeared through Jackson Ewing, Associate Planner, as  
16 well as through Nicole Floyd, Senior Planner. The Applicant, Philip Stewart, was present and  
17 provided brief testimony. Several members of the public were present and five asked to testify.  
18 A verbatim recording was made of the public hearing and all testimony was taken under oath.  
19 Documents considered at the time of the hearing were the following:

- 17 Exhibit 1. Staff Report including public comments and other attachments.
- 18 Exhibit 2. City's PowerPoint presentation.
- 19 Exhibit 3. Additional public comments received just prior to the hearing.

19 1. **City Staff Presentation.** The City's presentation was made by Jackson Ewing,  
20 Associate Planner and author of the City's Staff Report, with some additional comments made by  
21 Nicole Floyd, Senior Planner. Mr. Ewing's presentation was concise and relied heavily upon his  
22 Staff Report as well as his PowerPoint presentation (Exhibit 2). Mr. Ewing began by noting that  
23 the application had undergone SEPA review resulting in a Determination of Non-Significance  
(DNS) issued November 17, 2023. There was no challenge to the SEPA Determination and it  
24 became final on December 8, 2023. Mr. Ewing then explained that notice of the public hearing  
25 had been properly issued to all nearby and interested parties and published in The Olympian.

24 Mr. Ewing then offered a fuller description of the application. The Applicant, Mr.  
25 Stewart, asks to amend the Evergreen Park PUD by adding multifamily housing as a permitted

1 use within the portion of the PUD currently restricted to retail/commercial activity. The  
2 Evergreen Park PUD is divided into a number of districts, or zones, with each district having a  
3 specific use. For example, there is the "Public Use" district containing the Thurston County  
4 Courthouse. Other districts within the PUD include an Apartment District, Garden Court  
5 District, Townhouse District and "Composite" District. All of these provide some form of  
6 residential use, primarily multifamily use. Lying south of all of these other districts, and north of  
7 Evergreen Parkway, is the "Retail/Commercial" District<sup>1</sup>. This area is largely developed and  
8 contains a variety of medical and legal offices, government administration facilities, and a  
9 scattering of retail activities. The proposed amendment applies only to this Retail/Commercial  
10 District and would allow multifamily residential use along with the existing retail/commercial  
11 activities.

12 Staff notes that the amendment would not restrict any current uses but merely allow  
13 residential use as an additional permitted use. Staff also notes that the proposed amendment does  
14 not restrict any existing use, and that any change in use would require a separate, later  
15 application. For example, if the hotel seeks to change its use to residential, the requested PUD  
16 amendment would merely allow it to apply for a change in use but would not guarantee that the  
17 change would be approved. That question would be decided based upon the City's other land use  
18 regulations.

19 Mr. Ewing then undertook a substantive analysis of the requested amendment to the  
20 PUD. He acknowledged that there is relatively little guidance on how to decide whether the  
21 PUD should be amended as, again, this is the City's only remaining PUD and its governing  
22 regulations provide little guidance on what standards apply when an amendment is sought. The  
23 Evergreen PUD is regulated by Chapter 18.54 of the Olympia Municipal Code (OMC). OMC  
24 18.54.060 requires that any major adjustment to the PUD shall be permitted only through the  
25 procedures found in OMC 18.56.120.B (relating to Planned Residential Developments or PRDs).  
OMC 18.56.120.B.2 requires that any "major" adjustment must first undergo review by the  
Hearing Examiner followed by approval by the City Council. City Staff regards this as a major  
adjustment to the PUD requiring the Hearing Examiner's review and City Council's approval.  
Neither Chapter 18.54, Chapter 18.56 or any other chapter of the OMC provides a clear standard  
for review of a requested amendment such as this. City Staff notes that the only useful guidance  
is found in the Purpose Statement of OMC 18.54.020 which states:

"The Evergreen Park PUD District is intended to permit flexibility in design,  
placement of buildings, and use of open spaces, including modification and  
requirements for lot frontage, building setbacks and design of circulation facilities  
to best use potentials of sites characterized by special features of geography,  
topography, size or shape, and to encourage a more creative approach in the  
development of land that will result in a more efficient aesthetic and desirable  
environment in harmony with that of the surrounding area."

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<sup>1</sup> This district is also referred to as the "Commercial/Retail District" or "Commercial/Retail Zone". For ease of  
reference it will hereafter be referred to as "Retail/Commercial Zone" or "Retail/Commercial District".

1 With this purpose in mind, City Staff finds that the proposed amendment will permit  
2 flexibility and creativity and a more efficient and desirable environment in harmony with both  
3 the surrounding area and the City as a whole. Staff adds that the amendment is consistent with  
4 the goals of the Thurston County Housing Action Plan and also notes that other areas of the City  
5 where commercial activity is allowed also allow residential uses as well. Staff therefore finds  
6 that the proposed amendment is consistent with the Purpose Statement in OMC 18.54.020.

7 Mr. Ewing then undertook an analysis of the proposed amendment with respect to the  
8 goals and polices in the City's current Comprehensive Plan. City Staff finds that the proposed  
9 amendment is consistent with Planned Development Policies in the Comprehensive Plan,  
10 especially GL1 and PL1.6; PL11.1 and PL11.3. Staff notes that the Comprehensive Plan clearly  
11 encourages mixed-use buildings as well as residential uses within commercial districts. Staff  
12 therefore believes that the proposed amendment will bring the PUD into closer conformity with  
13 the Comprehensive Plan by allowing residential uses in the commercial district.

14 Staff also finds that the proposed amendment is consistent with the Housing Chapter of  
15 the Comprehensive Plan including Policies PL16.1, PL16.2, PL16.5, PL16.8 and PL16.13.  
16 These policies clearly support adaptive reuse of existing buildings, especially in areas currently  
17 served by public streets and utilities adequate to provide for housing. Staff concludes that the  
18 amendment is consistent with the Housing Chapter of the Comprehensive Plan as it would  
19 increase housing stock and housing options as called for by the Comprehensive Plan.

20 City Staff acknowledges public concerns and has taken these concerns into consideration.  
21 Having done so, Staff continues to believe that the requested amendment is consistent with the  
22 Comprehensive Plan and allows for greater flexibility in land use in a manner consistent with the  
23 City's current goals and polices.

24 2. **Applicant's Presentation.** The Applicant, Philip Stewart, spoke very briefly in  
25 support of his application. Mr. Stewart is the owner of the hotel property and believes that its  
best future is in its conversion to multifamily housing. He asks that the PUD be amended so  
that its land uses are consistent with allowed uses in other commercially-zoned areas of the City.

3. **Public Comments.** Several public comments were received in advance of the  
public hearing, either in response to the Notice of Hearing or to the SEPA notice:

**Bev Garrick.** Ms. Garrick expresses opposition to the proposed amendment out of  
concern that it would lead to the closure of the hotel and the loss of a strategic convention  
facility. Operation of the hotel has also reduced drug and crime problems in the Evergreen Park  
area as the hotel has been diligent in its efforts to prohibit these activities near its facilities. Ms.  
Garrick fears that the reverse will be true if low income housing is allowed in place of the hotel.

**Jessica Jensen.** Ms. Jensen is an attorney with Cap City Law located in Bristol Court.  
Ms. Jensen, who serves on the Thurston Economic Development Council and is President of the  
West Olympia Business Association, expresses opposition to the proposed amendment due to  
concerns over the loss of one of the only Olympia hotels with full-service conference facilities;

1 that it will expose adjoining environmentally sensitive areas to more intensive use; and will  
2 increase the likelihood that the area will not be as well maintained.

3 Maris Zivarts. Mr. Zivarts is the Research Director or UNITEHERE Local 8, the union  
4 representing the workers as the Olympia Hotel. Speaking as the representative for these  
5 employees, Mr. Zivarts opposes the proposed amendment as it will likely result in the loss of a  
6 number of good jobs and will eliminate one of the few conference centers in the City.

7 Patrick McClelland. Mr. McClelland is President of Bristol Court Condominium  
8 Association and owner of two of the office suites located there. Mr. McClelland opposes the  
9 proposed amendment and believes that it will increase automobile and pedestrian traffic through  
10 the neighborhood while also increasing crime rates. Mr. McClelland notes that his current office  
11 facilities face theft and vandalism problems from adjoining residential neighbors and he fears  
12 that this problem will only increase if the amendment is approved. He asserts that both landlords  
13 and tenants within the commercial portion of Evergreen Park, including Bristol Court, have  
14 made significant financial investments into these properties on the expectation that they would  
15 remain commercial-only. Mr. McClelland argues that the proposed amendment will undermine  
16 this economic expectation and will degrade commercial property values.

17 Camon Talen. Mr. Talen is one of the approximately seventy employees of the Olympia  
18 Hotel, where he has worked for the past thirteen years. In a lengthy written statement, Mr. Talen  
19 asserts that the hotel ownership has engaged in wrongful conduct; has allowed the premises to  
20 fall into disrepair; and that the City has been complicit in the owner's attempts to convert the  
21 hotel to low-income housing.

22 John Drebeck. Mr. Drebeck was involved in the original establishment of the Evergreen  
23 Park PUD in the 1970s. He is opposed to the proposed amendment and believes that it is  
24 inconsistent with the PUD's concept. He asks that the amendment be denied so that the  
25 commercial portion of the Evergreen Park PUD can be incentivized to continue to use and  
maintain all lots within the commercial area so as to maintain its vitality and integrity.

During the public hearing additional public comment was received including additional  
comments from several of those who had provided earlier written comment:

19 Susan Bitow. Ms. Bitow is opposed to the proposed amendment as it would lead to the  
20 loss of an important conference center merely to provide additional housing. She is also  
21 concerned that it will cause added vehicle trips; increase burden on neighborhood parks and  
22 other facilities; invite transient use and generally increase the wear and tear on the surrounding  
23 neighborhood.

24 Camon Talen. Mr. Talen had provided earlier written comments as noted above. He  
25 reiterated many of these comments and wanted to stress the negative impact this was having  
upon the hotel employees.

1           John Drebeck. Mr. Drebeck wished to follow-up on his earlier written comments and  
2           reiterate his opposition. Mr. Drebeck again noted that he has been involved in Evergreen Park  
3           since its inception and has watched its development over the past fifty years. He believes that its  
4           current model is successful and invites investment into the commercial portion, but that  
5           commercial property owners will be discouraged from further investment if multifamily housing  
6           is allowed into this area.

7           Russell Hamilton Mr. Hamilton is one of the Olympia Hotel managers and is opposed to  
8           the proposed amendment as it will cause the loss of a number of well-paying union jobs. He also  
9           concurs with the points made by other speakers.

10          Debbi Boyd. Ms. Boyd has been responsible for chairing events at the hotel and is  
11          concerned about its loss. In particular, she worries that its closure will result in a significant loss  
12          of hospitality tax and wonders how this loss will be reconciled.

13          4.        City's Supplemental Information. In light of some of the concerns expressed  
14          by members of the public, the Hearing Examiner asked City Staff whether it had considered  
15          analyzing the proposed PUD amendment in the same way it would analyze a proposed *zoning*  
16          amendment as required by OMC 18.59.050. In other words, if an applicant sought a site-specific  
17          rezone of property from, say, a general commercial zone to a more mixed use zone, the  
18          application would be reviewed under OMC 18.59.050 and its five criteria for rezone approval:

19                A.        The rezone is consistent with either the Comprehensive Plan including the  
20                Plan's Future Land Use Map as described in OMC 18.59.050 or with a concurrently  
21                approved amendment to the Plan.

22                B.        The rezone will maintain the public health, safety or welfare.

23                C.        The rezone is consistent with other development regulations that  
24                implement the Comprehensive Plan.

25                D.        The rezone will result in a district that is compatible with adjoining zoning  
                  district; this may include providing a transition zone between potentially incompatible  
                  designations.

                  E.        Public facilities and services existing and planned for the area are  
                  adequate and likely to be available to serve potential development allowed by the  
                  proposed zone.

                  City Staff agreed with the Hearing Examiner that, although this standard for rezoning did  
                  not expressly apply to an amendment to a PUD, there is enough similarity to justify an analysis  
                  of the requested PUD amendment under OMC 18.59.050. Accordingly, the Hearing Examiner  
                  asked that the City Staff undertake this analysis and provide a Supplemental Staff Report by  
                  December 26, 2023.

1 City Staff complied with the Hearing Examiner's request and provided a Supplemental  
2 Staff Report analyzing the requested amendment's compliance with the standards found in OMC  
18.59.050 for a zoning amendment. The Supplemental Report finds:

3 **A. The rezone is consistent with either the Comprehensive Plan including**  
4 **the Plan's Future Land Use Map as described in OMC 18.59.050 or with a**  
5 **concurrently approved amendment to the Plan.**

6 Staff finds that the proposed PUD amendment satisfies this requirement. Staff  
7 first notes that Planned Developments are intended to provide opportunities for  
8 innovative design in a manner compatible with existing uses. Innovative design may  
9 include a wider variety of housing types and densities or a greater mix of uses. Staff  
10 finds that the proposed amendment will bring the PUD in closer alignment with existing  
11 development standards throughout the rest of the City, noting that all other commercial  
12 zoning districts in the City allow residential use.

13 Staff also reiterates its earlier findings that the proposed amendment is consistent  
14 with the City's Comprehensive Plan including those portions of the Plan devoted to  
15 Planned Development. Staff cites to Goal GL1 and Policy PL1.6; Goal GL11 and Policy  
16 PL11.1 and PL11.3, all of which encourage a compatible mix of housing and commercial  
17 uses in commercial districts. Staff also cites to Policy PL16.1, PL16.2, PL16.5, PL16.8,  
18 and PL16.13 which collectively support adaptive reuse of existing buildings for housing  
19 purposes especially in areas currently served by public streets and utilities adequate to  
20 provide for housing. Staff notes that the Evergreen Park PUD has transit stops within one  
21 quarter mile and that it could readily accommodate residential uses within its commercial  
22 structures. Staff adds that the proposed amendment is consistent with the portions of the  
23 Comprehensive Plan addressing Climate and Equity, noting that the amendment would be  
24 consistent with the Thurston Climate Mitigation Plan and would open more of the City to  
25 residential development, serving the community's goal of increased housing option.

17 **B. The rezone will maintain the public health, safety or welfare.**

18 Staff finds that this requirement is satisfied. The existing Evergreen Park PUD  
19 has a well established street network and utilities, all capable of accommodating  
20 residential uses. Any redevelopment of existing uses would be required to meet current  
21 City standards.

22 Staff is sensitive to the loss of jobs caused by the discontinuance of the Olympia  
23 Hotel but notes that the decision to maintain or discontinue hotel use should be driven by  
24 market forces, not land use regulation. The proposed amendment will not preclude the  
25 hotel from remaining open but simply allow its ownership to consider alternate uses.  
Staff adds that the City has seen at least four new hotels/motels since 2014, several of  
which include public meeting rooms although admittedly none have the same sized  
facilities as the Olympia Hotel.





1 amendments have the same transformative quality as the currently proposed amendment.  
2 Unfortunately, the City's Development Regulations do not provide ample guidance on how such  
3 an amendment should be evaluated. The Hearing Examiner believes that the best guidance is  
4 found in OMC 18.59.050 and its criteria for approving a zoning amendment. While those criteria  
5 are not applicable to an amendment of the Evergreen Park PUD, the proposed amendment is  
6 similar enough to a zoning amendment (indeed, it is almost the same) that the criteria for zoning  
7 amendment approval provide the most useful criteria when determining whether the PUD  
8 amendment should be approved. The City's Planning Staff seems to agree.

9 After reviewing the amendment in according to the criteria found in OMC 18.59.050,  
10 Staff reiterates its support for the PUD amendment. Staff finds that, if these criteria applied, the  
11 proposed amendment would satisfy all criteria. The Hearing Examiner concurs.

12 The proposed amendment can easily be found to be consistent with the City's  
13 Comprehensive Plan. The Plan repeatedly encourages mixed use neighborhoods, and of  
14 residential uses within commercial areas. The Plan also strongly encourages adaptive reuse of  
15 commercial facilities especially in areas of the City where infrastructure can readily adapt to new  
16 uses. Additionally, the Plan recognizes the significant need for additional housing within the  
17 City, especially more affordable housing.

18 Of course, it is one thing for the amendment to be consistent with the City's  
19 Comprehensive Plan, and another thing for it to fit well in the PUD's as-built environment.  
20 Approving the amendment will make possible an application to convert the Olympia Hotel to  
21 multifamily use at the loss of a significant number of jobs. It will also expose longstanding  
22 commercial uses to a more intense integration with residential uses - all in a manner that would  
23 not have been anticipated when those commercial uses were established. It is not surprising,  
24 then, that the application experiences opposition from the hotel's workforce and from some of the  
25 nearby commercial property owners. There is the additional issue as to whether the amendment  
effectively prevents the City from hosting larger conferences, perhaps sending them to other  
nearby communities. These issues are not insubstantial and pose difficult questions for the City  
Council. But having taken these concerns into careful consideration, I concur with City Staff  
that the proposed amendment is consistent with the City's Comprehensive Plan; would establish  
a City-wide uniform policy of allowing residential uses within commercially zoned areas; and  
would allow market forces to decide the highest and best use among the permitted uses. I  
therefore recommend that the amendment be approved by City Council.

### **FINDINGS OF FACT**

1. Any Findings of Fact contained in the foregoing sections are adopted by the  
Hearing Examiner as Findings of Fact.

2. The Applicant, Philip Stewart, petitions to modify the Evergreen Park PUD in  
order to allow residential/multifamily uses within the Retail/Commercial Zone of the Evergreen  
Park PUD.

1           3.       The requested amendment affects those portions of the PUD currently designated  
2 as the "Retail/Commercial Zone" of the PUD. This includes Lots 3, 4, 5,6, 7, 8, 9, 10, 11, 12, 13,  
13A, 14, 15A, and 51-66, Tracts F and G, and Lot 3 of Short Plat SS-5099.

3           4.       The Evergreen Park PUD was established in 1973. It is the only remaining PUD  
4 in the City of Olympia.

5           5.       At the time it was established, the Evergreen Park PUD established several  
6 "zones" of use, including a Public Zone, a Retail/Commercial Zone and a variety of Residential  
7 Zones to allow different types and densities of residential use. Most notably, however, the  
various zones do not allow for a mix of uses, that is, the Retail/Commercial Zone does not allow  
residential use.

8           6.       As demonstrated on maps of the Evergreen Park PUD, the lower (southerly) half  
9 of the PUD is largely dedicated to retail/commercial use while the upper half is devoted to  
residential and public use (the County Courthouse).

10          7.       The Retail/Commercial Zone of the PUD is largely developed and contains a  
11 large number of buildings currently used as legal and medical offices, government administration  
facilities, a small amount of retail and a hotel at the far easterly end, currently known as the  
12 "Olympia Hotel".

13          8.       During the fifty-year existence of the Evergreen Park PUD there have been a few  
14 amendments to the PUD, most recently in 2006. These prior amendments have generally allowed  
increased flexibility in the use of the PUD but no previously-approved amendment has allowed  
15 the designated zones to be mixed in their allowed uses. Fifty years later, the Retail/Commercial  
Zone of the PUD remains restricted to these uses.

16          9.       As earlier noted, the purpose of the proposed amendment is to allow multifamily  
17 housing as a permitted use in the Retail/Commercial Zone. The requested amendment would not  
eliminate any currently allowed uses within this portion of the PUD but would instead increase  
18 the number of allowed uses to include multifamily housing.

19          10.       The party requesting the PUD amendment is the owner of the Olympia Hotel.  
Ownership of the hotel has made known that, if the amendment is approved, it will seek to have  
20 use of the hotel converted to multifamily housing. The proposed amendment does not guarantee  
that the requested use will be approved, as the application would be subject to all of the City's  
21 other development regulations and would need to be found compliant.

22          11.       The application to amend the PUD was received May 22, 2023. The application  
23 underwent SEPA review and the City, acting as the Lead Agency, issued a SEPA Determination  
of Non-Significance (DNS) on November 17, 2023, with an appeal deadline of December 8,  
24 2023. No appeals of the SEPA Determination were filed and it is now final.

1           12. Notice of the public hearing was published along with the SEPA DNS. Notice  
2 was sent to property owners within 300 feet of the PUD, to recognized neighborhood groups and  
to applicable agencies pursuant to OMC 18.78.020.

3           13. Notice of the hearing generated several public comments as noted earlier in the  
4 public hearing section. Comments were largely in opposition and expressed concerns over  
5 increased crime; lessened security for existing businesses; increased presence of homeless  
6 individuals and concerns that the amendment was generally inconsistent with the original  
7 purpose of the PUD and its separation of uses into zones. In addition, and perhaps more  
8 importantly, public comments focused on the conversion of the Olympia Hotel to multifamily  
use and the resulting loss of a significant number of well paying jobs. Concerns were also  
9 expressed that the loss of the hotel would reduce the City's ability to host conferences and also  
10 reduce the City's hospitality tax revenues.

11           14. Perhaps because the Evergreen Park PUD is the City's only remaining PUD, the  
12 regulatory framework for considering amendments to the PUD is not entirely clear, nor is the  
13 criteria to be considered for amendment approval. City Staff finds that the procedure for  
14 amendment review is governed by OMC 18.54.060 which, in turn, adopts the procedures found  
15 in OMC 18.56.120.B. This ordinance declares that an amendment which substantially changes  
16 the character, basic design, density, open space or other requirements and conditions of the PUD  
17 is a "major adjustment" and may not be approved without prior review by the Hearing Examiner  
18 and final approval by City Council.

19           15. Again, there is little regulatory guidance to assist the Hearing Examiner/City  
20 Council when determining whether the proposed amendment is appropriate. Recognizing this,  
21 City Staff looks to the Purpose Statement of the PUD ordinance (OMC 18.54.020) to provide  
22 some assistance. The Purpose Statement declares:

23           "The Evergreen Park PUD District is intended to permit flexibility in design,  
24 placement of the buildings and use of open spaces, including modification and  
25 requirements for lot frontage, building setbacks, and design of circulation  
facilities to best use potentials of sites characterized by special features of  
geography, topography, size or shape, and to encourage a more creative approach  
in the development of land that will result in a more efficient, aesthetic and  
desirable environment in harmony with that of the surrounding area."

1           16. Previously requested amendments to the Evergreen Park PUD have undergone a  
similar review process and have been examined utilizing similar criteria.

2           17. Requested amendments to the Evergreen Park PUD are not subject to the same  
3 review criteria as are imposed on requests for amendments of zoning designations. See OMC  
4 18.59.050.A-E. Nonetheless, the Hearing Examiner finds that these criteria are useful in  
5 determining whether the requested PUD amendment is appropriate, and City Staff concurs.

1 18. City Staff finds that the amendment is consistent with the Comprehensive Plan.  
2 The Staff Report, at pages 4 and 5, undertakes a detailed analysis of the proposed amendment  
3 with respect to its consistency with the Comprehensive Plan and finds that the amendment is  
4 consistent with the Plan's Development Policies including Goal GL1 and Policy PL1.6, PL11.1  
5 and PL11.3; with its Housing Policies including Policies PL16.1, PL16.2, PL16.5, PL16.8 and  
6 PL16.13, and with the Plan's Goals and Policies relating to Climate and to Equity. The Hearing  
7 Examiner has reviewed these Findings and adopts them as his own.

8 19. City Staff has also examined the proposed amendment with respect to the criteria  
9 found in OMC 18.59.050.A-E which serve as the criteria for determining whether a required  
10 zoning amendment is appropriate. The Supplemental Staff Report undertakes a detailed  
11 examination of the amendment with respect to each of these criteria and finds that the proposed  
12 amendment satisfies each criteria. A fuller statement of each of the City's Findings is set forth in  
13 the earlier Public Hearing Section. The Hearing Examiner has carefully reviewed the Staff's  
14 Findings and adopts them as his own Findings of Fact.

15 20. The public hearing elicited additional public concerns regarding the proposed  
16 amendment. These public comments repeat those earlier expressed and include frustration over  
17 the pending loss of the hotel and its jobs; the loss of an important conference facility for the City;  
18 concerns that residential uses are a poor mix with the existing commercial facilities and will  
19 impose inappropriate and unfair burdens on these commercial properties and their tenants; and  
20 the belief that the original concept of the PUD and its intentional separation of commercial uses  
21 from residential ones should be preserved.

22 21. City Staff has carefully considered the public's concerns and has taken them into  
23 consideration when reaching its recommendation. Despite these public concerns, Staff finds that  
24 the requested amendment is consistent with the City's Comprehensive Plan and its goals for  
25 mixed uses and more housing; that it is consistent with the City's allowance for residential uses  
in the City's commercially-zoned areas; and that it is consistent with the City's desire to  
repurpose properties for residential use where appropriate. The Hearing Examiner concurs.

26 22. City Staff recommends approval of the proposed amendment to the Evergreen  
27 Park PUD. The Hearing Examiner concurs.

28 Having entered the following Findings of Fact, the Hearing Examiner makes the  
29 following:

### 30 CONCLUSIONS OF LAW

31 1. Any Conclusions of Law contained in the previous sections are incorporated  
32 herein as the Hearing Examiner's Conclusions of Law.

33 2. The Hearing Examiner has jurisdiction over the subject matter and the parties.

