



**Notice of Land Use Approval
and
SEPA Mitigated Determination of Nonsignificance
(MDNS)
September 18, 2008**

Description of Proposal:	(08-0117) 4 th Avenue Mixed Use Project. Seven-story building with 126 apartments, approximately 5,000 square feet of commercial space on the ground floor, and structured parking for approximately 127 vehicles.
Location of Proposal:	123 4 th Avenue W.
Applicant/Proponent:	Colpitts Development Company 1015 37 th Avenue E Seattle WA 98112
Representative:	Kent Smutny TSA Architects 10800 NE 8 th Street, Suite #300 Bellevue WA 98004
Lead Agency:	City of Olympia
SEPA Official:	Susan Messegee, AICP, Senior Planner
Lead Planner:	Laura Keehan, Associate Planner
Date of Issue:	September 18, 2008
Comment Deadline:	5:00 p.m., October 2, 2008

Threshold Determination: The lead agency for this proposal has determined that with the mitigation listed in this decision; this action probably will **not** have a significant adverse impact upon the environment. Therefore, an Environmental Impact statement is **not** required under RCW 43.21C.030(2)(C). The environmental review and SEPA

threshold determination of this proposed action are based upon the proposed site plan, Sheet A1.1, the Architectural Plan Set, Sheets A0.1, 1.1, 1.2, 2.0, 2.1, 2.2, 2.3, 2.4, 2.5, 5.1, and 5.2; the Civil Plan Set, Sheets 1-6; the Preliminary Storm Drainage Report dated July 2008, by Osborn Consulting, Inc.; the Transportation Impact Analysis dated July 15, 2008, by JTE, Inc.; and, the accompanying environmental checklist dated May 26, 2008, by Kent Smutny, TSA Architects. This information is available to the public upon request.

SEPA-based conditions are specifically noted in this decision. This determination is part of a phased review and is limited to the site plan described above. This determination is based upon a presumption that this project will include all mitigation measures proposed to be implemented by the applicant, and will conform to all applicable standards and regulations and to the conditions listed herein. Should any mitigation measure be removed by the applicant, be infeasible, or be held to be invalid or unconstitutional, a new threshold determination may be required.

Comments regarding this Mitigated Determination of Non-Significance (MDNS) should be directed to the SEPA Official at the address above. This MDNS is **not** a permit. No construction permits will be issued for this proposal prior to the appeal deadline. The applicant shall not begin work until after the appeal deadline has expired and any other necessary permits have been granted. This MDNS is issued under Washington Administrative Code 197-11-350(2). If conditions are added, deleted, or modified during or following the 14-day comment period, a revised MDNS will be issued.

The proposed 4th Avenue Mixed Use Building **is approved by the Site Plan Review Committee with the following conditions.** These conditions must be met prior to issuance of construction permits or Certificate of Occupancy, or as specifically noted in the condition.

1. This Land Use Approval will be in effect for two years from the final date of issuance (the appeal deadline), with a possible two-year extension.
2. **Geo-Tech Report.** This report by Bradley -Nobel Geotechnical Services, dated July 20, 2002, was of limited scope and done before a building design was developed. Since the time of the report, the applicable Building Code has changed from the UBC to the 2006 IBC.

The testing and evaluation needs to be updated and the parts missing required information and/or analysis need to be completed and resubmitted for review.

The new report shall make specific recommendations for the proposed building on the selected site.

3. **Right-of-Way Obstruction.** OMC 12.24 - Approval and Permits required for use of public right-of-way for construction purposes. Check with Development Engineering Section on requirements, 753-8751.

Permanent use of the public right-of-way will need specific approval. See Development Engineering Section about requirements.

4. **Sewer 2.050.A (Standards)** - The developer will install sewer facilities in accordance with the provisions of Chapter 7 of the Engineering Design and Development Standards.
 - A. The proposed sewer reroute appears to conflict with Storm Drain Manhole #7028 at the alley intersection east of the project site. Provide a resolution to the conflict which maintains the existing level of service for the offsite flows with the engineering submittal.
 - B. The approved request to deviate from engineering standards is conditioned on the proposed Ductile Iron sanitary sewer pipe requirement to be factory epoxy coated. Provide a note on the civil plans which specifies this requirement.
 - C. Provide a note on the civil plans which specifies during construction sequencing that the sewer reroute shall be complete with all existing laterals connected prior to site excavation.
 - D. Provide drainage locations to the sanitary sewer system for the oil/water separator and the solid waste compactor (depending on type and size).

5. **Streetside Improvements in General 2.040.A** - Unless deferred or exempt as provided for in these Standards, any development requiring a State Environmental Policy Act (SEPA) checklist, or any development creating an additional impact of more than 20 average daily vehicle trips, will require that the developer construct or install streetside improvements in accordance with the Standards. This proposal meets both parameters; therefore, the following are required:
 - A. Provide limits of pavement restoration in accordance with EDDS, Chapter 4, Section 4B.175 with engineering submittal.
 - B. Design revision of bulb-outs, street lights, as well as type and location of bike lanes, curb ramps, striping, signage and parking meter installation, possible location of a bus stop on Columbia, and retention of the existing bus stop on 4th will require additional scoping with City of Olympia staff prior to engineering submittal.

6. **Storm Drainage 2.050.C (Standards)** - The developer will provide for the treatment, storage, and disposal of surface drainage through a storm drainage system designed to the current Drainage Design and Erosion Control Manual for Olympia (Manual) and Chapter 5 of the Engineering Design and Development Standards.
 - A. Provide flow-line or gutter grades for staff review during design scoping *prior to engineering submittal*. Additional catch basins may be required to alleviate ponding. *Provide the following (B-E) with the engineering submittal*:
 - B. Provide a resolution to the sanitary sewer/stormwater manhole conflict within the alley intersection which maintains the existing level of service for the offsite stormwater flows.
 - C. Hooded type catch basins are required at all low points. Provide a note on the plans identifying which catch basins are required to have hooded type catch basins and include the standard detail.
 - D. Provide the corporate Stormwater Agreement to Maintain.
 - E. Provide a revised Stormwater Site Plan which includes a source control plan. The Source Control Plan is an attachment to the Stormwater Agreement to Maintain and is implemented after the site is built and being used in its intended function.
7. **Clearing/Grading/Erosion Control** – The applicant shall install all utilities, streets, improvements, etc., in accordance with all applicable standard specifications as outlined in the Engineering Design and Development Standards (3.010).
 - A. Provide sufficient spot elevations for flow/gutter lines, top of curb, back of walk, etc., to clearly depict that grades are in accordance with standards.
 - B. Design revision may be required for 11 foot Type I driveway approach prior to engineering submittal.
8. **Solid Waste 8.030 (Standards)** - The design of solid waste/recyclables collection facilities will conform to current City standards. Provide the size and type of compactor as well as drain connections (if required) with the engineering submittal.

9. **Design Review.** The Joint Review Committee, consisting of five members of the Design Review Board and four members of the Heritage Commission, met on August 28, 2008, to review the proposed mixed use building. The Committee recommended approval of the context plan as proposed, and approval of the preliminary site and landscape design as proposed, with one condition to add bike racks outside the retail entries, and show these at the time of detail design review. The Committee recommended approval of the preliminary building design as proposed with four conditions:
- A. Provide details of building colors and materials, windows, lighting, and other details as noted below for Detail Design Review.
 - B. Provide some additional details at the residential entry to distinguish it from the retail entry on the north side of the building.
 - C. Redesign the Columbia Street elevation to comply with pedestrian "A" street requirements, specifically OMC 18.16.080(J)(2)(b).
 - D. The Committee considers Columbia Street, 4th Avenue, and 5th Avenue to all be dominant streets.

Staff considers the Committee's conditions C & D to be a misinterpretation of the Pedestrian Street requirements, specifically 18.16.080(J)(2)(b), which states: "If there are multiple pedestrian street frontages, this option [enclosed occupiable space for pedestrian-oriented uses or businesses] should be used on *the dominant pedestrian street frontage.*" (Emphasis added.) Staff considered this requirement during review of the proposal, and determined it meant that only one street needed to meet the requirement, since "the dominant" is singular in nature. Since the applicant's proposal met the requirement for enclosed occupiable space on both 4th and 5th Avenues, the requirement was met, and the applicant did not need to meet the requirement on Columbia Street. Therefore, the design recommendation found in 32(C) & (D) above, is replaced with the following:

Provide façade treatment on the Columbia Street side of the building that includes architectural details, a trellis with climbing or vertical vegetation, display windows, or art. This treatment must cover at least 60% of the wall between two and eight feet above the sidewalk. If display windows are proposed, provide details of size, including depth, and proposed use.

The other recommendations of the Committee are required. In addition, since the building code requires that there are roof protrusions for stairways, which were not previously discussed or proposed, these protrusions must be shown at Detail Design Review.

10. **Parking.** Downtown multifamily is exempt from vehicular parking requirements; however, bike parking standards must be met. The retail spaces, at 4,957 square feet, require 17 vehicle spaces and bicycle parking. The proposed structured parking will provide 126 vehicle spaces and 141 bicycle stalls; this, along with on-street parking and bike racks adjacent to the retail spaces, will meet the parking requirements for both vehicles and bicycles.

Please note that areas designated for bike parking within the parking structure shall not be allowed in areas within the accessible route of travel.

11. **Contaminated Soils.** The applicant has contacted the Department of Ecology under the Voluntary Cleanup Program (VCP), and submitted proposed remedial action. Ecology has responded to the proposal, and in a letter dated June 12, 2008, has stated that “the proposed cleanup action for the portion of the site inside the steel sheet piling footprint appears to be sufficient to meet the substantive requirements contained in the Model Toxics Control Act (MTCA).” The sheet piling will be installed at the perimeter of the property; therefore, the letter from Ecology is sufficient if the proposed remedial action is implemented as proposed.

- A. All work on the property must be consistent with the proposed cleanup submitted to Ecology.
- B. If contaminated media is encountered during construction activity beyond the property line of the site at 123 4th Avenue, any excavated material shall be properly handled, characterized, and disposed of consistent with applicable regulations. (SEPA Condition – Comprehensive Plan Policy ENV 6.5)

12. **Urban Forestry.** Removal of existing trees is permitted to accommodate the 100% development coverage allowed by the zoning code.

- A. Payment of a \$7,140.00 “in-lieu fee” into the City Tree Account is accepted pursuant to 16.60.080.C.3 as the appropriate method to meet the tree density requirement of 20 trees for this .66 acre site. The fee is due at the time of issuance of the building permit unless other payment provisions are approved.
- B. Install street trees consistent with Street Standards. Due to Olympia Fire Department specialized emergency ladder ingress/egress

concerns, we recommend a narrow tree species that does not exceed 20-25 feet in height at maturity. One such tree is the Kobus Magnolia, a flowering tree, which has a proven record in our downtown and is consistent with a tree located on the west side of Columbia. Other options may include the Thornless Cockspur Hawthorn or other similar species recommended by a qualified arborist.

- C. Provide a bond for installation and three years maintenance for the street trees.

Impact Fee Note:

This project will be subject to fire, transportation, school, and park impact fees. **Fire impact fees** are \$0.159 (15.9 cents) per gross square foot of new building. Transportation impact fees for the approximately 5,000 square feet of downtown retail are \$1.94 per square foot of gross leaseable area. Transportation impact fees for 126 downtown multifamily units are \$593.00 per unit. Downtown multifamily school impact fees are \$343.00 per unit. Downtown multifamily park impact fees are \$1,003.00 per unit. These fees will be due and payable when building permits are issued.

These fee estimates are based upon the project as described above. Specific fees will be determined when a complete building permit application is submitted. Prior to that date, all fees are subject to change. Impact fees are due and payable when a building permit is issued.

Transportation fee credits (reductions) of up to 20% may be granted on request for certain Transportation Demand Management (TDM) or Commute Trip Reduction (CTR) measures. Any request for credits must be submitted within 20 days after applying for the building permit.

A fee payer may also prepare and submit in writing an independent fee calculation for the proposed development. The independent fee calculation must accurately and reliably present grounds for adjusting the fee based on specific characteristics of the project and/or principles of fairness. An application fee of \$200.00 is required for review of an independent fee calculation.

No appeal of impact fees will be permitted until the fee at issue has been paid. Any appeal of an impact fee must be preceded by a request for review by the Department Director. Such request must be filed within fourteen (14) calendar days of payment of the impact fee at issue. The request must be in writing and in the form specified by Olympia Municipal Code. The Director will then issue a written determination which will be subject to a 14-day appeal period. (Appropriate forms are available from the City.)

Expiration Date

Unless utilized by application for unexpired construction permits, or explicitly extended by the Site Plan Review Committee, the final approval of this land use application shall expire in two (2) years, or on October 2, 2010.

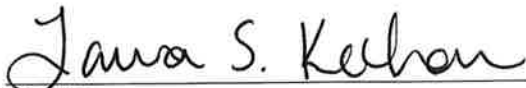
Appeal Period

This Land Use Decision by the Site Plan Review Committee and this Threshold Determination by the SEPA Official are final unless appealed prior to 5:00 p.m., October 2, 2008. The filing fee for appeals to the Hearing Examiner is \$200.00. Any appeal must be submitted in writing to the Community Planning and Development Department on forms provided by the Department. If an appeal is filed, no permits will be issued until the administrative appeal is resolved.

Appeal Procedure

Pursuant to RCW 43.21C.075(3) and Olympia City Code 14.04.150(A), the conditions (mitigating measures) or lack thereof in an MDNS may be appealed by any agency or aggrieved person.

Issued by:



**LAURA KEEHAN,
ASSOCIATE PLANNER**

Lead planner on behalf of the Site Plan Review Committee consisting of Marcus Goodman, Engineering Plan Review, Tom Hill, Building Official, Rob Bradley, Fire Marshal, and with comments by Urban Forestry.



**SUSAN MESSEEGEE, AICP,
SENIOR PLANNER
SEPA Official**