



**OLYMPIA
HEARING EXAMINER
DECISION**

October 6, 2016

Greetings:

**Subject: PROJECT NAME – Woodard Lane Co-housing
Case#: 16-0061**

The enclosed decision of the Olympia Hearings Examiner hereby issued on the above date may be of interest to you. This is a final decision of the City of Olympia.

In general, any appeal of a final land use decision must be filed in court within twenty-one days. See Revised Code of Washington, Chapter 36.70, for more information relating to timeliness of any appeal and filing, service and other legal requirements applicable to such appeal. In particular, see RCW 36.70C.040.

Please contact the City of Olympia, Community Planning and Development Department, at 601 4th Avenue East or at P.O. Box 1967, Olympia, WA 98507-1967, by phone at 360-753-8314, or by e-mail at cpdinfo@ci.olympia.wa.us if you have any questions.

Sincerely,


Nancy Lenzi
Community Planning & Development

:nl

Attachment

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

IN RE:) HEARING NO. 16-0061
WOODARD LANE CO-HOUSING) FINDINGS OF FACT,
TENANTS IN COMMON,) CONCLUSIONS OF LAW
) AND RECOMMENDATIONS
Applicant.)

APPLICANT: Woodard Lane Co-Housing Tenants in Common
1620 Woodard Avenue N.W.
Olympia, Washington 98502

REPRESENTATIVES:

Liv Monroe
Woodard Lane Co-Housing Tenants in Common
1620 Woodard Avenue N.W.
Olympia, Washington 98502

SUMMARY OF REQUEST:

Amendment to the previously approved Planned Residential Development ("PRD") to increase the number of approved parking stalls from 26 to 32 along with associated asphalt improvements.

LOCATION OF PROPOSAL:

1620 Woodard Avenue N.W., Olympia, Washington 98502

SUMMARY OF DECISION:

The Planned Residential Development should be amended to allow 32 parking stalls along with associated asphalt improvements.

BACKGROUND

The Woodard Lane Co-Housing Planned Residential Development ("Woodard Lane") was approved by the then Hearing Examiner, Thomas Bjorgen ("Mr. Bjorgen"), and City Council in 2008 (the "2008 Decision"). The approved Planned Residential Development ("PRD") allowed for the construction of up to 16 residential units in this co-housing project. As part of

1 the 2008 approval, Mr. Bjorgen also approved a parking lot located at the south end of the PRD.
2 In his Decision Mr. Bjorgen noted that the project design included 29 parking stalls¹, but later in
3 his Decision Mr. Bjorgen concluded that, based upon sixteen residential units, the project should
4 be allowed 26 parking stalls unless a variance was obtained². Based upon these Findings Mr.
5 Bjorgen recommended to City Council that the project be constructed with a maximum of 26
6 parking spaces³. At the same time, however, a copy of the Preliminary Site Plan was attached to
7 the Decision. This Plan identifies 29 parking stalls. Mr. Bjorgen's Findings and
8 Recommendations were thereafter accepted by City Council and the PRD was approved.

9 Following PRD approval the initial residential buildings and all of the site improvements
10 were constructed, including the parking lot. The parking lot construction followed the site plan
11 and contained 29 stalls.

12 In the years that followed the Applicant acquired two Transfer Development Rights, or
13 TDR's, and asked to increase the number of allowed residential units from 16 to 18. The
14 requested amendment came before this Hearing Examiner in 2013, Hearing No. 12-0024 (the
15 "2013 Hearing").

16 In the course of the 2013 Hearing an issue arose as to whether the existing parking was
17 adequate for the proposed increase in residential units from 16 to 18. During the hearing both
18 City Staff and the Applicant acknowledged that the project had been constructed with 29 units.
19 No party to that hearing questioned whether the existing 29 units were lawfully constructed.
20 Thus, the only parking issue during the 2013 Hearing was whether the existing 29 parking stalls

22 ¹ The 2008 Decision, Finding of Fact No. 13
23

24 ² The 2008 Decision, Finding of Fact No. 68
25

³ The 2008 Decision, No. 13 Recommendation for Decision

1 would be adequate for an increase in residential units to 18. The Applicant represented that the
2 29 existing parking stalls would be adequate for the increased number of residential units⁴. The
3 2013 Hearing resulted in this Hearing Examiner's approval to increase in the number of
4 residential units to 18 with no change to the existing parking. These recommendations were
5 subsequently adopted by the City Council.

6 Following the 2013 Hearing the Applicant completed construction of all of the approved
7 18 residential units. During the course of final construction the area north of "Unit D" (the
8 northern-most residential building), was graded to a level surface. Once the area north of this
9 building was leveled the Applicant then installed asphalt north of the building. The asphalting
10 effectively created a new parking area immediately north of Unit D. It also established a paved
11 bicycle path leading from this parking area down to a lower level and a bike storage area. The
12 asphalt also extended east of the parking area in the direction of the Thomas Avenue,/Muirhead
13 Avenue interchange. The area where asphalt was installed is shown in the Applicant's map,
14 Exhibit 21.

15 The asphalting work was brought to the attention of City Staff. City Staff concluded that
16 the asphalting was in violation of the PRD as neither the parking area or asphalt bicycle path
17 were included in the approved PRD. The Applicant was advised to either remove the new
18 asphalt or apply for an amendment to the PRD. The Applicant did not wish to remove the new
19 asphalt and so it submitted an application to amend the PRD in order to recognize 3 additional
20 parking stalls north of Unit D in the newly asphalted area, as well as the associated asphalted
21 bicycle path and driveway.

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⁴ 2013 Decision, Page 3, Line 17

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At the time the Applicant sought this amendment it was the common belief that all existing 29 parking stalls in the primary parking lot were approved. The application and the resulting Staff Report therefore seek amendment to increase the number of allowed parking stalls from 29 to 32. Just prior to the public hearing, however, City Staff recognized that only 26 of the existing 29 units had been officially approved. The Applicant and City Staff now consider this application to be a proposed amendment of the PRD to increase the number of parking stalls from 26 (not 29) to 32: 3 of which are existing stalls in the primary parking lot and the additional 3 are the proposed new stalls north of Unit D.

9 As will be explained more fully below, I recommend to the City Council that the Planned
10 Residential Development be amended to allow for all of the requested parking units, that is, to
11 increase the number of parking units from 26 to 32, along with the additional requested
12 asphalting for a bike path and driveway north of Unit D.

Public Hearing

14 Prior to the public hearing I undertook an independent site visit to examine the existing
15 primary parking area and the proposed new parking north of Unit D.

16 The public hearing commenced at 7:00 p.m. on September 26, 2016, in the in the Council
17 Chambers in the City Hall. The City appeared through Catherine McCoy and Tim Smith of
18 Planning Staff. Woodard Lane appeared through its representative, Liv Monroe. Testimony was
19 received from the City through Ms. McCoy and Mr. Smith. Testimony from the Applicant was
20 received from Liv Monroe. A verbatim recording was made of the public hearing and all
21 testimony was taken under oath. The Staff Report (Exhibit 1) and its fourteen attachments were
22 introduced as Exhibits 1 through 15. Additional Exhibits 16 through 27 were admitted during
23 the course of the public hearing. A list of these additional Exhibits is attached hereto.

24 Catherine McCoy of Planning Staff provided a history of the project. She began her
25 testimony with the submission of a list of amendments to the initial Staff Report (Exhibit 16)

1 The purpose of the amendments was to clarify that only 26 parking spaces have been approved to
2 date and that the application therefore seeks approval of an additional 6, resulting in the total of
3 32 parking spaces. Ms. McCoy also presented written comments from various departments of
4 the City relating to the project (Exhibit 18) along with additional written comment from the
5 public received just prior to the hearing, both for and against the requested amendment (Exhibit
6 19).

7 Ms. McCoy noted that this co-housing project is the first of its kind in Olympia and does
8 not easily fit within the City's Development Regulations. In particular, the City's parking
9 regulations do not recognize co-housing, and so in the 2008 Hearing Mr. Bjorgen applied the
10 parking requirements for "cottage housing". The cottage housing parking requirements have
11 been relied upon ever since. These regulations allow 1.5 parking stalls per residential unit,
12 together with an additional 20% if certain requirements are met. Assuming that these
13 requirements are met, and based upon 18 residential units, the project could be granted up to 32
14 parking stalls ($18 \times 1.5 = 27$. $20\% \text{ of } 27 = 5.4$ additional units, rounded to 5. $27 + 5 = 32$).

15 Realizing that only 26 stalls have been approved to date, City Staff recommends that the
16 PRD be amended to recognize the use of the 3 additional, existing stalls in the primary lot,
17 increasing the number of approved stalls in the primary lot to 29. City Staff also recommends
18 amendment of the PRD to allow for the additional 3 proposed stalls north of Unit D, thus
19 bringing the number of approved parking stalls to 32. Staff also recommends approval of the
20 asphalt bicycle path and the driveway apron. City Staff conditions its approval on there being no
21 additional parking along either the Applicant's driveway leading to Muirhead or on Muirhead
22 itself.

23 Ms. McCoy adds that the small amount of asphalt paving north of Unit D does not trigger any
24 further review under the landscaping code; any further engineering review; or any building
25 permit review. And, since all work is taking place on the Applicant's property, there is no need

1 to make any further improvements to the Muirhead Avenue right-of-way. Ms. McCoy
2 concluded her testimony by noting that the area north of Unit D has, for many years, been used
3 as a parking area. The proposed amendment to the PRD would not only recognize this
4 longstanding use but would better organize the parking in this area and, at the same time, would
5 prohibit any future parking along the driveway leading to Muirhead Avenue. The amendment
6 would therefore be beneficial not only to the Applicant but to the surrounding neighbors.

7 Following Ms. McCoy's testimony Liv Monroe spoke on behalf of the Applicant,
8 Woodard Lane. She began by presenting 2 diagrams identifying the proposed new parking stall
9 and asphalt north of Unit D:

10 Exhibit 20 is a diagram showing the proposed three new parking stalls north of Unit D
11 within the area recently asphalted.

12 Exhibit 21 identifies both the area asphalted to date (the cross hatched area) as well as
13 additional proposed asphalt north and east (the diagonal lines).

14 Ms. Monroe confirms that 1,120 square feet of asphalt has been laid to date. The
15 additional areas of asphalt sought by the City will increase the total area of asphalt to 2,000
16 square feet. Ms. Monroe announced that the Applicant does not intend to seek approval for any
17 more units beyond the currently approved 18 units. This project has therefore reached a mature
18 stage and future amendments to the PRD are not expected.

19 There are currently 50 residents living in Woodard Lane. Collectively these individuals
20 own 33 cars. This means that, even using all of the existing 29 stalls in the primary lot,
21 additional cars are being parked elsewhere, either south of the project along Woodard or north of
22 the project along the driveway leading out to Muirhead. Increasing the number of allowed
23 parking stalls to 32 would alleviate this problem and reduce the number of cars being parked on
24 public rights of way.

1 Ms. Monroe agrees with City Staff that, based upon 18 residential units, an allowance of
2 1.5 cars per residence, and a 20% bonus, Woodard Lane qualifies for up to 32 parking stalls
3 (assuming that all bonus requirements have been met). Ms. Monroe submitted a written report
4 responding to the requirements for bonus parking, and how all of these requirements are satisfied
5 (Exhibit 22).

6 Ms. Monroe acknowledges that during the 2013 Hearing she declared that the existing 29
7 parking stalls would be sufficient even with an increase in residential units to 18. This
8 declaration was based, in part, upon the longstanding practice of parking along the private drive
9 north of the development in the area where the Applicant now seeks formal approval of 3
10 parking stalls. Ms. Monroe confirms that it has long been the practice for residents to park in
11 this area and that until just recently City Staff had not objected. Ms. Monroe asserts that
12 approving the 3 additional stalls north of Unit D will simply recognize a longstanding practice
13 and will also provide more organized parking while also approving the appearance of the north
14 entrance into the development. She adds that all of the project's neighbors immediately to the
15 north are in favor of the request and that they, too, will benefit from better organized parking in
16 this area. The Applicant has no objection to these neighbors using Woodard Lane's new asphalt
17 driveway to exit on to Thomas.

18 Ms. Monroe strongly urged that the asphalt bike path leading from the proposed new
19 parking area down to the garage below Unit D be preserved. The development is heavily reliant
20 upon the use of bicycles and they are stored in the garage below Unit D. By asphalting the
21 bicycle path the development enjoys safe, all weather access to the bicycle storage area.

22 The Applicant prefers not to add additional asphalt area to the north and east of the
23 existing asphalted area, as requested by City Staff. The Applicant argues that this will only add
24 additional impervious surface and that the existing gravel is adequate. The Applicant also mildly
25

1 disagrees with the City's request that "no parking" signs be placed along the Applicant's
2 driveway, as the driveway might provide additional parking for residents or guests.

3 Finally, Ms. Monroe provided evidence that the Applicant has already obtained the
4 necessary Tree Protection and Replacement Plan requested by City Staff as a condition of
5 approval (Exhibits 23 and 24).

6 Following Ms. Monroe's testimony Debra Van Tuinen testified in opposition to the
7 amendment. Ms. Van Tuinen's residence is at the southwest corner of Thomas and Muirhead
8 and is adjacent to the northeast corner of the development. The proposed parking north of Unit
9 D would be accessed by first driving past Ms. Tuinen's property on Muirhead.

10 Ms. Van Tuinen and other neighbors along Thomas have had an uneasy history with the
11 development. It was through Ms. Tuinen's efforts during the 2013 Hearing that several
12 improvements were made to the development, including the relocation of trash receptacles to the
13 southern portion of the site and the installation of privacy fencing between the development and
14 its neighbors along Thomas. Ms. Van Tuinen and her neighbors along Thomas remain frustrated
15 with the awkward relationship between Woodard Lane and its single-family neighbors. She and
16 others remain of the belief that the project is out of scale and inconsistent with the City's
17 Comprehensive Plan. She also feels frustrated by the number of applications for amendment to
18 the PRD, and feels that the amendment process is being used to gain additional concessions from
19 the surrounding neighborhood. Ms. Van Tuinen notes that the initial 2008 Decision did not
20 recognize any parking on the north side of the development. Despite the informal parking that
21 has occurred for several years, she would ask that hereafter no parking be allowed in this area.
22 She adds that installation of the asphalt was unlawful and that the Applicant should not be given
23 any advantage because of it, that is, the notion that it is "better to ask for forgiveness than
24 permission" should not be encouraged. She requests that the asphalt be removed and that no
25 parking be allowed on the north side of the project.

Conversely, the project's neighbors to the north have all expressed support for the requested parking and paving north of Unit 5. Scott Lay currently resides at 1616 Woodard, and Carol and Ron Wahlers are in the process of purchasing this residence. This residence is immediately north of the proposed new parking area. Both Mr. Lay and Mr. and Mrs. Wahlers express support for the amendment. They regard the recent grading and asphalting as a benefit to their own properties, both aesthetically and because of improved exiting to Thomas. Similarly, CJ Russo, who resides at 1610, Muirhead has submitted his written support of the project. Mr. Russo's residence is at the northwest corner of the Muirhead/Thomas intersection, or immediately east of the Lay residence and north of Ms. Van Tuinen's residence.

The remaining public testimony was provided by various residents of Woodard Lane, including Emily Petrie, Heather Saunders, Jim Annest, Judy Olmstead, and Diane Sonntag. These residents expressed a common position that the new parking area is a tremendous benefit to the residents. It provides an area on the north end of the project where residents, especially those living near the north end, have an easier place to pick up and drop off items. They add that access to this area is especially useful during times of disabilities: Ms. Sonntag recently suffered a stroke and Ms. Olmstead a badly injured foot, and having this nearby parking area was of tremendous benefit. They add that an 85-year old gentleman is about to move into Unit D and he, too, will be greatly aided by this adjoining parking.

ANALYSIS

The proposed amendment to the PRD can be divided into two components: (1) the request to recognize the 3 existing parking stalls in the primary parking areas (parking stalls 27, 28 and 29); and (2) the additional parking stalls north of Unit 5 (parking stalls 30, 31 and 32).

The request to formally recognize stalls 27 through 29 in the primary parking lot is a simple, straightforward matter. The need for these stalls has been well established; there is no

1 objection to their use, and they are easily allowed under the parking regulations. I therefore
2 recommend that the PRD be amended to approve existing stalls 27 through 29.

3 The additional three stalls proposed north of Unit D pose a more complicated question.
4 These stalls are opposed by neighbors along Thomas (although they are supported by neighbors
5 along Muirhead), and must undergo a more stringent regulatory analysis as they increase the
6 number of parking stalls to 20% more than the required number of parking units. Nonetheless, I
7 conclude that Woodard Lane - and its neighbors - are benefitted by the additional parking stalls
8 and that it should also be approved.

9 The City regulates the number of required/allowed parking stalls through Chapter 18.38
10 OMC. Woodard Lane has a required number of parking stalls of 27 (18 units x 1.5). This
11 number may be increased by 20%, or an additional 5 units, if the requirements of OMC
12 18.38.080 are satisfied:

13 "The director may allow a 10% to 20% increase above required parking after: (1)
14 shared and combined parking opportunities are fully explored; and (2) onsite park
15 and ride opportunities are fully explored; and (3) compliance with commute trip
16 reduction measures as required by State law, if applicable; and (4) all design and
facility requirements listed in step 5 below are met to the satisfaction of the
director; and (5) a report is submitted which supports the need for more parking."

17 The required report has been submitted by the Applicant (Exhibit 22). City Staff
18 concludes, and I agree, that the Applicant has satisfied the requirements of OMC 18.38.080 for
19 an increase of 20% above the required parking, and should therefore be allowed a total of 32
20 parking stalls. There are no other effective, suitable solutions for the development's parking. If
21 the additional parking stalls are not approved then the resident's vehicles will simply be parked
22 on adjoining public streets. This will be visually and practically burdensome to surrounding
23 neighbors. In contrast, the proposed additional parking stalls will contain the development's
24 parking onsite in areas not easily visible to the public. Moreover, approval of the 3 additional
25 stalls north of Unit 5 will bring order to the use of this area for parking and in a manner in which

1 the adjoining neighbors along Muirhead find aesthetically pleasing. At the same time it will
2 eliminate all other non-permitted parking on the property, thereby avoiding future disputes over
3 what parking is allowed and what is not.

4 In reaching these conclusions I am mindful of Ms. Van Tuinen's warning that the
5 Applicant should not enjoy a benefit from having constructed the parking area without proper
6 approval. I agree with Ms. Van Tuinen. My analysis disregards the fact that the improvements
7 have already been constructed, and is based solely on all other factors. The only exception to
8 this is the recognition that the adjoining neighbors along Muirhead find the newly asphalted area
9 to be visually appealing.

10 As earlier noted, since its initial development there has been an uneasy relationship
11 between Woodard Lane and its adjoining neighbors along Thomas. It is certainly possible that
12 this strained relationship has seeped into the discussion related to this proposed amendment, and
13 that some of the neighbor's opposition is directed more at the development itself rather than the
14 requested parking. Again, I believe that these neighbors will be benefitted by the additional
15 parking as much as the residents of Woodard Lane.

16 Additionally, the requested asphalted bicycle path from the parking area down to the
17 lower level of Unit D is a safe, practical idea which has no apparent detriment. I therefore
18 recommend that this paved bicycle path be retained.

19 The City recommends that a small additional amount of asphalting be done to the north
20 and east of the new asphalt. The Applicant respectfully disagrees and suggests that its addition
21 will only add more impervious surface. While that may be true, it will provide a consistent
22 asphalt surface and will further improve the aesthetics of the new parking area. I therefore
23 recommend that the additionally requested asphalt be required.

24 City Staff recommends that the Applicant's private driveway leading eastward from the
25 new parking area and continuing along Muirhead to its intersection with Thomas be collectively

1 maintained as a "no parking" area. The Applicant mildly disagrees and suggests that its
2 driveway could be used for additional parking. I firmly agree with the City on keeping this
3 entire area as a no parking zone. This will ensure easy exiting by Woodard Lane residents as well
4 as the neighbors to the north while also eliminating any question as to where parking is allowed.

5 Accordingly, I make the following:

6 **FINDINGS OF FACT**

7 1. Woodard Lane requests an amendment to the previously approved Planned
8 Residential Development to increase the number of approved parking stalls from 26 to 32. 3 of
9 these additional stalls are existing stalls (stalls 27 through 29) in the existing primary lot located
10 at the south end of the development. The remaining three stalls are to be located in a newly
11 asphalted area immediately north of Unit D as shown on Exhibit 20.

12 2. The Applicant also requests approval of a recently asphalted bicycle path from the
13 newly asphalted area north of Unit D, leading down to a bicycle storage area on the lower level
14 of Unit D, as again identified on Exhibit 20.

15 3. City Staff recommends that the asphalt be extended to the north and east of the
16 recently asphalted area as identified on Exhibit 21.

17 4. The PRD has 18 residential units. The required number of parking stalls is
18 therefore 27.

19 5. The number of required parking stalls can be increased by 20%, or an additional 5
20 stalls, pursuant to OMC 18.38.080.

21 6. The proposed site is zoned Single-Family Residential (R4-8).

22 7. Pursuant to the State Environmental Policy Act, a Determination of Non-
23 Significance (DNS) was issued on December 28, 2007, as a component of project review for the
24 Woodard Lane Co-Housing Planned Residential Development proposal, 05-0121. Further
25 environmental review is not required for this proposed amendment.

1 8. Notification of public hearing was mailed to the parties of record, property
2 owners within 300 feet, and recognized neighborhood associations, posted on the site and
3 published in The Olympian in conformance with Olympia Municipal Code 18.78.020.

4 9. Staff recommends that the City Council approve the proposed amendment subject
5 to several conditions.

6 10. Any Findings of Fact contained in the foregoing Background Section or Analysis
7 Section are incorporated herein as the Hearing Examiner's Findings of Fact.

8 11. The Staff Report, at page 2, contains Findings relating to background information
9 for this project. The Hearing Examiner has reviewed those proposed Findings and adopts them
10 as his own Findings of Fact to the extent not inconsistent with the Findings contained in the
11 Hearing Examiner's Background Section.

12 12. The Staff Report, at page 3, contains proposed Findings relating to the project
13 description. The Hearing Examiner has reviewed those proposed Findings and adopts them as
14 his own Findings of Fact with the following corrections:

15 • The Applicant proposes an amendment to the approved PRD to increase the
16 number of approved parking spaces from 26 to 32. 3 of these new parking spaces currently exist
17 in the primary parking lot south of the development. The other 3 new parking spaces will be
18 located behind Unit D, access via 26-foot wide driveway from the Muirhead Avenue N.W.
19 frontage.

20 • The PRD was approved for 26 parking spaces.
21 • The Applicant has installed approximately 1,200 square feet of asphalt.
22 • a neighborhood meeting for the current proposal was held on June 7, 2016, at City
23 Hall.

24 Except as so corrected the Hearing Examiner adopts City Staff's Findings as his own
25 Findings of Fact.

1 13. The Staff Report, at page 4, contains proposed Findings relating to the project's
2 compliance with Chapter 18.04 OMC - Residential Districts. The Hearing Examiner has
3 reviewed those proposed Findings and adopts them as his own Findings of Fact.

4 14. The Staff Report, at page 4, contains proposed Findings relating to the project's
5 compliance with Chapter 18.38 OMC - Parking and Loading. The Hearing Examiner has
6 reviewed those proposed Findings and adopts them as his own Findings of Fact, with the
7 correction that the Applicant proposes to increase the total parking spaces by 6 spaces, not 3.

8 15. The Staff Report, at page 5, contains proposed Findings relating to the project's
9 compliance with OMC 18.38.100 - Vehicular and Bicycle Parking Standards. The Hearing
10 Examiner has reviewed those proposed Findings and adopts them as his own Findings of Fact,
11 except for the continuing correction that the Applicant seeks 6 additional parking spaces, not 3.
12 The requested number of additional stalls would be an increase of 19% from the baseline
13 requirement of 27 stalls for 18 dwelling units.

14 16. The Staff Report, at page 5, contains proposed Findings relating to the project's
15 compliance with OMC 18.38.200 - Parking Facility Location. The Hearing Examiner has
16 reviewed those proposed Findings and adopts them as his own Findings of Fact.

17 17. The Staff Report, at page 5, contains proposed Findings relating to the project's
18 compliance with OMC 18.38.220 - Design Standards. The Hearing Examiner has reviewed
19 those proposed Findings and adopts them as his own Findings of Fact.

20 18. The Staff Report, at page 6, contains proposed Findings relating to the project's
21 compliance with Chapter 18.40 OMC - Property Development and Protection Standards. The
22 Hearing Examiner has reviewed those proposed Findings and adopts them as his own Findings of
23 Fact.

24 19. In order to be granted an increase of 20% in the number of parking stalls (to 32
25 stalls) the Applicant must satisfy the requirements of OMC 18.38.080.

1 20. The Applicant has provided the required report in support of the need for more
2 parking. OMC 18.38.080(5).

3 21. All other requirements of OMC 18.38.080 have been satisfied.

4 22. The Applicant has submitted an updated Level 2 Tree Report by a qualified
5 professional forester addressing the requirements of Chapter 16.60 OMC.

6 Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

7 **CONCLUSIONS OF LAW**

8 1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

9 2. The requirements of SEPA have been met.

10 3. Any Conclusions of Law contained in the foregoing Background Section,

11 Analysis or foregoing Findings of Fact are hereby incorporated by reference and adopted by the
12 Hearing Examiner as Conclusions of Law.

13 4. Based upon 18 residential units the required number of parking stalls is 27.

14 5. The number of allowed parking stalls may be increased by 20%, or to 32 stalls,
15 upon satisfying all of the requirements of OMC 18.38.080.

16 6. The requirements of OMC 18.38.080 have been satisfied.

17 7. The project, as conditioned, satisfies all other requirements of Chapter 18.38

18 OMC.

19 8. The project, as conditioned, satisfies the requirements of Chapter 18.04 OMC.

20 9. The project, as conditioned, satisfies the requirements of Chapter 18.40 OMC.

21 10. The proposed amendments to the PRD are consistent with the City
22 Comprehensive Plan.

23 11. The proposed amendments, as conditioned, satisfy all of the requirements of the
24 Planned Residential Development Ordinance, Chapter 18.56 OMC.

1 12. The addition of 3 additional parking stalls in the primary parking lot (stalls 27, 28
2 and 29); and the 3 additional stalls to be located on the new asphalt immediately north of Unit D
3 (stalls 30, 31 and 32) along with additional asphalt areas surrounding these new stalls as
4 identified on Exhibit 21, should be approved subject to the conditions recommended by City
5 Staff.

6 Having entered his Findings of Fact and Conclusions of Law, the Hearing Examiner
7 recommends to the City Council that the proposed amendment be **APPROVED**; that the number
8 of available parking stalls be increased from 26 to 32; and that construction of additional asphalt
9 areas shall be permitted subject to the following conditions:

10 1. Development shall be as shown on the site plan.

11 2. The total number of off-street vehicle parking spaces shall be limited to the
12 number of stalls shown on the site plan - for a combined total of 32 vehicle parking spaces.

13 Parking spaces 1 through 29 are located in the cohousing development parking lot, and stalls 30
14 through 32 shall be located north of Unit D with access to the parking lot from the driveway
15 abutting Muirhead Avenue.

16 3. In order to prevent parking in locations outside of designated parking spaces, the
17 Applicant shall install signage, in the asphalt area between parking spaces 30-32 and the east
18 property line, that clearly indicate the area as a "no parking zone". The area shall be called out
19 on the site plan and labeled as such.

20 4. Conditions 2 and 3 shall be reflected on the Binding Site Plan.

21 5. The site plan shall show scaled parking dimensions in compliance with the
22 standards for standard and compact vehicle spaces, Design Standards - General, OMC
23 18.38.220.A.

24 6. The areas associated with the new parking, specifically the area designated with
25 no parking signs, shall be monitored by the property owner/s of the co-housing property. Any

1 violations of the provisions related to no parking areas may be reported to the CP&D Code
2 Enforcement Officer for issuance of a violation notice or citation.

3 7. To ensure secondary Fire Department access, Muirhead Avenue NW shall be
4 permanently free of parking from Thomas Street NW to the east property line.

5 8. Submit an updated Level 2 Tree Report, developed by a qualified professional
6 forester, addressing the following (OMC 16.60):

7 a. Identify and located trees nearest the area impacted by the construction;
8 provide a chart describing their size, species, and condition.
9 b. Provide a description of the long term impacts to trees in the area
10 impacted by the new construction.

11 9. The final PRD shall be referenced on the official zoning map by adoption of an
12 ordinance amending the map to include a reference to the Binding Site Plan.

13 DATED this 3 day of October, 2016.

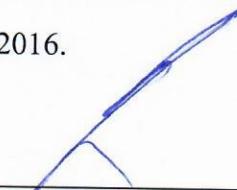
14
15 
16 Mark C. Scheibmeir
City of Olympia Hearing Examiner

EXHIBIT "A"

| | |
|---------------|---|
| Exhibit 1 | Staff Report |
| Exhibits 2-15 | Attachments to Staff Report |
| Exhibit 16 | Amendment to Staff Report |
| Exhibit 17 | Application for PRD Amendment |
| Exhibit 18 | Written comments from various City Departments |
| Exhibit 19 | Additional public comment received prior to the hearing |
| Exhibit 20 | Map of proposed parking stalls |
| Exhibit 21 | Diagram of new and proposed additional asphalt |
| Exhibit 22 | Applicant's Parking Report |
| Exhibit 23 | Tree Protection and Replacement Plan |
| Exhibit 24 | Tree Map |
| Exhibit 25 | Documents relating to asphalt improvements |
| Exhibit 26 | Additional written comment from Applicant relating to co-housing classification |
| Exhibit 27 | Written version of testimony of Debra Van Tuinen |