

**CITY OF OLYMPIA
HEARING EXAMINER
STAFF REPORT
July 8, 2013**

- Case:** Woodard Lane Co-Housing Planned Residential Development Amendment, 12-0024
- Applicant:** Liv Monroe - Representative
Woodard Lane Co-Housing Tenants in Common
1620 Woodard Ave NW
Olympia WA 98502
- Type of Action Request:** The Applicant requests a review and recommendation of approval from the Hearing Examiner to the City Council for an amendment to the planned residential development to increase the housing density of the underlying residential R 4-8 zone above seven units per acre through the use of transferable development rights (OMC 18.04.080(A)(5)).
- Project Location:** 1620 Woodard Ave NW
Olympia WA 98502
- Legal Description:** Thurston County Assessor's Tax Parcel No. 67400006300 in Sec. 10, T18N, R2W, W.M.
- Comprehensive Plan & Zoning Designation:** Single-Family Residential (R 4-8)
- SEPA Determination:** A SEPA determination of Nonsignificance was issued on December 28, 2007, as a component of project review for the Woodard Lane Co-Housing Planned Residential Development proposal, 05-0121. SEPA environmental review is not required for this development proposal. WAC 197-11-230(3), WAC 197-11-600 (2) and (3).
- Public Notification:** Public notification for this hearing was mailed to property owners within 300 feet and recognized neighborhood associations, posted on the site, and published in *The Olympian* on or before June 25, 2013, in conformance with Olympia Municipal Code (OMC) 18.78.020.
- Staff Recommendation:** Recommend to the Olympia City Council *conditional approval* of the proposal to amend the density requirements of the Planned Residential Development.

Property Information:

The Woodard Lane Co-Housing Planned Residential Development is located in Olympia’s Northwest neighborhood between Muirhead Avenue NW and Woodard Lane NW, west of Thomas Street. The Co-housing development is 2.9 acres in area, of which .56 acre is identified as critical area(s).

At present, site improvements include three residential buildings, Units B, C, and E, a total of twelve (12) dwelling units, and one 960 sq.ft. non-residential shop and bike storage shed. The residential buildings are two stories in height with a daylight basement in each building.

The site is served by City water, fire suppression, sanitary sewer, solid waste, and storm water systems facilities pursuant to the requirements for Planned Residential Development and Binding Site Plan approval (Attachment 2).

The subject site is zoned Single-Family Residential (R 4-8), and as such it is primarily single family housing that surrounds the site. To the west is the Snyder Creek ravine. Access to the site is taken from Woodard Avenue along the south boundary. Parking spaces for 29 vehicles exist in the southern portion of the site.

A condominium was created by and for the property owners and is administered by a Homeowner’s CoHousing Association.

Background Permit Information:

The application for an amendment to the planned residential development (PRD) was received by the Community Planning & Development Department (CPD) on February 20, 2013. The Site Plan Review Committee met with the applicant on June 26, 2013, and made a motion to recommend conditional approval of the proposal to the Hearing Examiner.

City Council approved the PRD in July, 2008 (CPD Proj. No. 05-0121); the final binding site planned was approved and recorded with the Thurston County April, 2010 (BSP 4148171). The timeline of the original Woodard Lane CoHousing Planned Residential Development, CPD 05-0121, is as follows:



Figure 1: Subject Site. CPD, 2013.

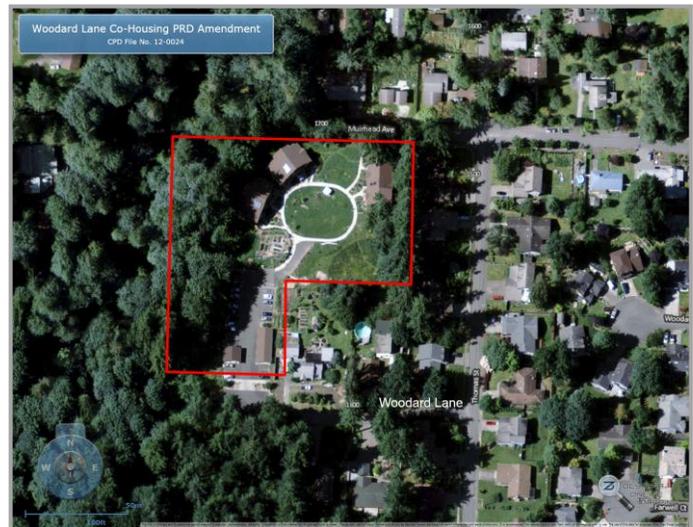


Figure 2: Aerial Photo of the Site. CPD, 2013.

1. February, 2005 - Pre-submittal conference for the Woodard Lane Co-Housing Planned Residential Development (PRD);
2. August, 2006 - Application received by CPD, routed internally and externally;
3. December, 2007 - SEPA Determination of Nonsignificance;
4. February, 2008 - CPD Staff Report to the Hearing Examiner (Attachment 5);
5. April, 2008 - Hearing Examiner Findings, Conclusions, and Decision (Attachment 6);
6. July, 2008 - Olympia City Council Approval of the Planned Residential Development (Attachment 6);
7. October, 2008 - Civil set approved for construction; all conditions placed on the PRD are met;
8. March, 2010 - Final Approval of Binding Site Plan (BSP), 4148171 (Attachment 2).

A Neighborhood Meeting for the current proposal was held on March 21, 2013, at the Garfield Elementary School multi-purpose room. Four members of the public attended the meeting, all in support of the project proposal, none opposed.

The Community Planning & Development Department has received public input pertaining to the proposal in the form of electronic communications (Attachment 3). Comments address several issues, including but not limited to negative impacts the development has had on adjacent properties (scale and massing of the buildings), traffic and noise congestion from construction activities, on-street parking concerns due to the increased density, and concerns pertaining to the location of the solid waste and recycling station.

Project Description:

The applicant requests review and recommendation to the City Council for approval of an amendment to the existing Planned Residential Development (PRD). The request is to increase the maximum housing density above seven (7) units per acre in the underlying R 4-8 district through the use of transfer of development rights obtained from a certified Thurston County sending site. The applicant proposes to apply the development rights to the subject site which would permit a total of 3 additional dwelling units in the development.

APPLICABLE REGULATIONS AND STAFF ANALYSIS

Applicable Regulations:

Residential Districts, OMC 18.04
Planned Residential Development, OMC 18.56
Transfer of Development Rights, OMC 18.90

The proposed application (amendment) is unique in that the review is limited to the request to increase the maximum allowable density of the R 4-8 district above the current limit of seven units per acres through the use of Transfer of Development Rights (TDR). The Planned Residential Development was thoroughly discussed, examined, and finalized as part of a previously approved preliminary PRD and final Binding Site Plan (Attachments 2, 5, 6).

Entitlements and building permits for construction of the buildings have been obtained, construction of three of the five buildings has occurred, and required site improvements have been put in place and inspected for compliance with the City's Land Use, Engineering, and Building Code requirements.

RESIDENTIAL DISTRICTS, OMC CHAPTER 18.04

1. OMC 18.04.080(A)(1)(a) - Maximum housing densities are based on the total area of the entire site, including associated and/or previously dedicated right-of-way, but not including streams, wetlands, landslide hazard areas, "important habitat areas", and "important riparian areas" and land to be dedicated or sold for public parks, schools, or similar non-residential uses.

Findings:

The project site is 2.901 acres in size, and contains .56 acre critical areas. This leaves 2.34 acres of total site area as the basis for density calculations for the proposal. The maximum housing density in the R 4-8 district, in units per acre, is seven (7) (OMC 18.04.080(A)).

2. OMC 18.04.080(A)(5) - Transfer of Development Rights. Development Rights must be obtained from an eligible property owner in a Thurston County Transfer of Development Rights Sending Zone in order to develop above seven (7) units per acre in an R 4-8 District.

Findings:

The applicant has an agreement in place for the purchase of two transfer of development rights (TDR) units from a sending site in Thurston County¹. The landowner wishing to sell two development rights, and the applicant of record have agreed to the exchange and intend to record a Deed of Transfer with the Thurston County Auditor pursuant to the Thurston County Transfer of Development Rights Program. Additionally, as part of the land use permitting process, and pursuant to the TDR Program, the applicant will provide a signed and recorded certificate for each unit of density.

The Thurston County Transfer of Development Rights Program states that one TDR can be used for one additional unit of density above 7 dwelling units per acre. With two units of transfer under agreement, the applicant has the potential to increase the maximum density of the district from seven (7) to eight (8), thereby increasing the total number of dwelling units from 16 to 18.72, which would then be rounded to 19 under OMC 18.02.080.

The calculation is as follows:

*Total site area (acres) minus the area of specified critical area multiplied by the maximum dwelling units per acre by zoning (with transfer of development rights) equals the maximum dwelling unit potential: $2.9 - .56 * 8 = 18.72$, or 19 when rounded up.*

¹ Thurston County Planning Department Transfer of Development Rights Program; http://www.co.thurston.wa.us/planning/workingland/tdr_home.html. Retrieved from the webpage, June 27, 2013 by C. McCoy, CPD.

PLANNED RESIDENTIAL DEVELOPMENT, OMC CHAPTER 18.56

1. OMC 18.56.020 - Purpose. The intent of the PRD regulations is to permit greater flexibility and, consequently, more creative and imaginative design as required for the development within the MR 7-13, MR 10-18, and certain other residential areas than generally is possible under conventional zoning regulations. It is further intended to promote urban infilling and more economical and efficient use of the land, while providing a development which is compatible with the surrounding neighborhood, a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural topography, unique geological features, and open space. It is also intended to encourage the provision of more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.

Additionally, it is the purpose of this Chapter to enable clustering of development in order to preserve the significant wildlife habitat located in certain land use districts as depicted in the Comprehensive Plan and take the greatest possible advantage of existing topography and other natural features to promote environmental and aesthetic goals by optimizing siting, orientation, layout and design of structures to protect natural vegetation, wetlands, drainage areas, slopes and other natural features.

Findings:

Staff believes that the Woodard Lane Co-Housing planned residential development fully meets the intent and purpose of this code provision. The site is well designed, engineered, and developed in support of smart growth and modern energy design and development principles. The buildings are removed from the critical areas and face one another around a common multi-use area and there is ample active and passive open space. The combination of the new buildings, and the new and existing landscaping and open space blend in well with the character of the surrounding community. Staff believes, save for the massing and volume of the building along the east property line, the PRD is a significant asset for both the immediate vicinity and Olympia as a whole.

2. OMC 18.56.040(D) - The density requirements of the underlying use district shall apply.

Findings:

The amendment proposal is to increase the maximum density requirements of the use district, which is currently set at seven units per acre. The density requirements of this zone may increase above the seven units per acre only when development rights are obtained from an eligible property owner in a Thurston County Transfer of Development Rights Sending Zone (OMC 18.04.080(A)(5)). The applicant has entered into an agreement with a property owner in a development rights 'sending zone' that wishes to sell two development rights to the applicant of record for the sole purpose of increasing the density on the subject site. The number of dwelling units permitted on this site was limited to 16 units in July, 2008 (Attachment 6).

3. OMC 18.56.060 - An approved PRD, or subsequent revision thereto, shall be binding as to the general intent and apportionment of land for buildings, stipulated use and circulation pattern. The terms and conditions upon which approval was given shall not be changed except as provided in Subsection 18.56.120(B), Minor and Major Adjustments.

Findings:

The approval of the binding site plan constitutes final development plan approval (OMC 18.56.080(A)(2), (Attachment 2). The applicant intends to change the density of the underlying district, which in and of itself would constitute a major adjustment to the PRD.

4. 18.56.120(B)(2) - Major adjustments. Major adjustments are those which substantially change the character, basic design, **density**, open space or other requirements and conditions of the Planned Residential Development. When a change constitutes a major adjustment, no building or other permit shall be issued without prior review of such adjustment by the Hearing Examiner and approval by the City Council.

Findings:

As stated above, a change in density of the underlying zone requires review by the Hearing Examiner and approval by the City Council, which is the primary purpose of the public hearing today.

5. OMC 18.56.140(E) - Perimeter Treatment. Relationship of PRD Site to Adjacent Area. The design of a PRD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PRD shall be so designed as to minimize undesirable impacts of the PRD on adjacent properties and, conversely, to minimize undesirable impacts of adjacent land use and development characteristics on the PRD.

Findings:

The applicant intends for two of the new units to be placed over the (future) Common House on Lot 2, and the remaining unit will be reserved for future construction of a building on Lot 4 (Attachment 2). The applicant also intends to develop Lot 3 with a four-unit structure as planned and approved in the original PRD development. Therefore, the total of new units to be built on the site, with approval of the PRD amendment, equals seven new units.

Staff has met with the applicant, with surrounding community members, and visited the site on several occasions. Based on statements made at the meetings and comments submitted to the Department, Staff believes that the treatment of the space between the subject site and the adjacent property east of the site could be improved. At this stage, there is little to be done with the building itself, however, improved landscaping or additional fencing treatment is warranted between the buildings that might alleviate some of the disruption of the privacy and activities of residents in adjacent buildings. To that end, staff recommends that the applicant provide options for treatment of the space between the subject site and the adjacent properties east of the site.

Staff believes that the three new units, with approval of the amendment proposal, would not further compound negative impacts of the development on surrounding properties. However, if and when a building is constructed on Lot 4, the area between Lot 4 and the abutting sites to the east will also need design treatment that ensures privacy and protects both the on-site users and surrounding community members.

Additional comments focused on a request to ensure that the solid waste and recycling facilities are located off Muirhead Avenue NW and placed either internal to the development or along Woodard Avenue NW. This Lead Planner discussed options for relocating the facilities with the Fire Marshall, the Building Official, and the City's Solid Waste Engineer, all of whom, based on necessary fire access to the site from the south and the ease of access for garbage vehicles from Muirhead Avenue Northwest, determined that the safest and most efficient siting of the utilities need be from Muirhead Avenue Northwest.

TRANSFER OF DEVELOPMENT RIGHTS, OMC CHAPTER 18.90

1. OMC 18.90.020(A)(1,2) - Required Instruments. Final approval for site plans or subdivision plats which involve the transfer of development rights shall not be approved until evidence is provided to the City that the following instruments have been approved by the Thurston County TDR Program Administrator and recorded with the Thurston County Auditor:
 - Signed and Recorded Transferable Development Rights Certificates for each unit of density on the receiving parcel(s) in the Residential 4-8 District; and
 - A signed and recorded Document of Attachment of the development rights to the subject parcel(s).
 - The following information shall be recorded on the face of any plat for property which received a transfer of development rights under the provision of this Chapter:
 - A statement that the development rights used in the plat have been transferred in accordance with the Deed of Transfer of Development Rights, prescribed by Thurston County; the volume and page number of the recordation of the Deed of Transfer of Development Rights between the owner and the applicant; the volume and page number of the recordation of the Transfer of Development Rights Easement between the original owner and Thurston County; the serial numbers issued by the Thurston County TDR Program Administrator of the TDRs used in the plat; and the volume and page number of the recorded Document of Attachment of the TDRs to the subject parcel. [See Section 18.04.080(A)(6).]

Findings:

Staff recommends that the items listed above become conditions of land use approval of the amendment to the Planned Residential Development.

SITE PLAN REVIEW COMMITTEE SUMMARY OF RECOMMENDATIONS

Staff recommends approval of the Woodard Lane Co-housing Planned Residential Amendment, CPD Proj. No. 13-0024, subject to the following conditions:

1. Pursuant to OMC 18.56.140(E):
 - a. The applicant shall provide options for treatment of the space/area between the subject site and the adjacent properties east of the site, pursuant to OMC 18.36.140(A).
 - b. The applicant shall provide details for the location and screening of solid waste receptacles along Muirhead Avenue NW, pursuant to OMC 18.36.140(A).
 - c. When and if a building is proposed for construction on Lot 4, the applicant will be required submit design plans for a staff level detail design review. The design will need to demonstrate a strong effort at mitigating, to the extent possible, negative building and site design impacts on adjacent properties.

2. Pursuant to OMC 18.56.080(D):
 - a. The PRD shall be referenced on the official zoning map by adoption of an ordinance amending the map to include a reference to the binding site plan.

3. Pursuant to OMC Chapter 18.90:
 - a. Prior to land use approval, the applicant shall provide signed and recorded Transfer of Development Rights Certificates for each unit of density on the receiving parcel(s) in the Residential 4-8 district, and;
 - b. A signed and recorded Document of Attachment of the development rights to the subject parcel(s).

Submitted By: Catherine McCoy, Associate Planner, on behalf of the Olympia Site Plan Review Committee

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Date Prepared: June 28, 2013

Attachments:

- Attachment 1:** General Land Use Application, February 20, 2013
- Attachment 2:** Final Binding Site Plan, April 28, 2010
- Attachment 3:** Project-related Communications from Neighborhood Residents
- Attachment 4:** Neighborhood Meeting Notice and Sign-in Sheet, March 21, 2013
- Attachment 5:** City of Olympia Hearing Examiner Staff Report, Feb. 11, 2008 (Proj. No. 05-0121),
- Attachment 6:** Findings, Conclusions and Decision of the Hearing Examiner of the City of Olympia, April 2008, and Supplemental Findings and Conclusions of Law of the Olympia City Council, July, 2008.
- Attachment 7:** *A Study of Transfer of Development Rights (TDR) in Thurston County, Washington.*