



**Notice of Land Use Approval
and SEPA Determination of
Nonsignificance
March 27, 2014**

Community Planning & Development
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Description of Proposal:	Construction of 11 2 to 3 story multi-family buildings housing 135 units on a 5.96 acre development site; one (1) recreation building and pool; parking for 228 vehicles; a 10 foot wide pedestrian-bicycle pathway extending from Fern ST SW to 11 th Ave SW; and associated landscaping and utility improvements.
Location of Proposal:	1000 Fern Street SW
Applicant/Proponent:	David Meissner BV Funding III, LLC 16541 Redmond Way #277 Redmond WA 98052
Lead Agency:	City of Olympia
SEPA Official:	Cari Hornbein, Senior Planner
Lead Planner:	Catherine McCoy, Associate Planner
Date of Issue:	March 27, 2014
Comment Deadline:	5:00 p.m., April 10, 2014
Appeal Deadline:	5:00 p.m., April 17, 2014

Threshold Determination: The lead agency for this proposal has determined that 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 following items, which are available to the public upon request:

- Traffic Impact Analysis, March, 2013
- Wildlife & Habitat Evaluation, March 16, 2013
- Sound Urban Forestry Level V Tree Protection Plan, March 19, 2013
- SEPA Environmental Checklist, March 20, 2013
- Stormwater Site Plan, January 21, 2014
- Applicant Response Letter to CPD Substantive Review Comments, January 22, 2014
- Site Plans dated May 1, 2013, January 22, 2014, and March 10, 2014 (Architectural, Building, and Civil sets)

Comments regarding this Determination of Non-Significance (DNS) should be directed to the SEPA Official at the address above. This DNS 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 DNS is issued under Washington Administrative Code 197-11-340. If conditions are added, deleted, or modified during or following the 14-day comment period, a revised DNS will be issued.

The Fern Street Apartments development proposal, File No. 13-0055, 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.

CONDITIONS

PLANNING

1. This Land Use Approval will be in effect for two years from the date of issuance, with a possible two-year extension.
2. Site Plan: Prior to engineering or building permit issuance, provide one (1) site plan with the following sheets:
 - a. Cover Sheet – Sheet 1 of 16 in the Civil Set
 - b. Grading Plan
 - c. Overall Utility Plan
 - d. Site Details, including on and off-site pathways
 - e. Landscape Plan
 - f. Irrigation Plan
3. Fencing: Revise the site plan to show fence heights less than or equal to six (6) feet in height. Fencing when located within a required side or rear yard shall not exceed six (6) feet in height. OMC 18.40.060 (C).
4. Lighting: Provide lighting specifications, on Sheet P2, for all types of site lighting, including but not limited to wall sconces, pole lighting, and fluorescent fixtures. Lighting shall be fully shielded and/or shall provide full cutoff. OMC 18.40.060(D).
5. Fern Street Off-Site Pathway: Submit design and construction plans for the public pathway from the development project north to 11th Avenue Southwest for engineering permit review.
6. Pedestrian-Bicycle Pathway from Fern ST to 11th Ave SW:
 - a. Provide signage at both ends of the pedestrian-bicycle path from Fern ST to 11th Ave SW that includes the following message: “Public Pathway [,] To Decatur Woods Park”, and “Public Pathway [,] To Fern Street Southwest”. Depict the signage in the architectural plan set, including materials, design, and copy.

- b. Revise the site plan and associated drawings in the architectural plan set to reflect the ten (10) foot wide on-site public trail – as currently shown in the civil plan set. Add the ON-SITE PUBLIC TRAIL details shown on Sheet 6 of 19 in the civil set to the architectural plan set.

7. Landscaping:

- a. Add the biofiltration swale details to the Landscape Plan.
- b. The bioswale shall be landscaped and integrated into the site design. Provide the details on the Landscape Plan. OMC 18.36.060(J).
- c. Prior to Certificate of Occupancy issuance (OMC 18.36.200):
 - i. All landscaping shall be installed.
 - ii. Provide a surety bond executed by a surety company authorized to transact business in the state of Washington.
 - iii. Provide the City with a non-revocable notarized agreement granting the City and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.
 - iv. If the developer/property owner fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer/property owner shall be liable to the City for the difference.
 - v. Prior to occupancy, the Landscape Architect shall schedule an on-site inspection of the landscape installation with this Lead Planner.

- 8. Hours of Operation/Construction Noise. Pursuant to OMC 18.40.080(C)(7), construction activity is restricted to the hours between 7:00 a.m. and 6:00 p.m.
- 9. Traffic Control Plan. Prior to issuance of construction permits, submit a traffic control plan detailing how traffic will be routed and what impacts to the street system will occur during construction of the building. (SEPA Condition, Environmental Policy 6.5, and Transportation Policy 3.5.)
- 10. Right-of-Way Obstruction Permit. Prior to issuance of construction permits, submit a right-of-way obstruction permit for work within the public rights-of-way.

ENGINEERING

- 1. Water and Sewer Main Plans: The developer will install water and sewer facilities in accordance with the provisions of Chapter 6 and 7 of the Engineering Design & Development Standards, (EDDS), (2.050 A & B.) water and sewer. The design plans as proposed are conceptually approved and will receive detailed engineering review following Land Use Approval and prior to building and engineering permit issuance.

2. Site Improvement Plan: The proposed site improvement plan is conceptually approved; however the following details must be reflected on engineering plans with engineering permit application, following Land Use Approval:
 - a. Provide a dedication deed legal description for the 11th Avenue street extension, including the cul-de-sac prepared by the developer's surveyor, that extends an additional 2 feet outside of the street improvements. Submit this legal description to city staff for review and approval by City Council, prior to final building inspection and/or occupancy of the project.
 - b. Design and construct the 11th Avenue Street improvements to City standards.
 - c. Design and construct the remaining Fern Street improvements to City standards.
3. Clearing/Grading/Erosion Control Plan: The design plans as proposed are conceptually approved and will receive detailed engineering review following Land Use Approval and prior to building and engineering permit issuance.
4. Stormwater System and Drainage Report (hydra & work map):

Prior engineering permit issuance provide responses to the following items:

- a. The stormwater site plan states that based on reviews, there appears to be some discrepancy as to which drainage basin the Colonial Manor site is located within. Please provide further discussion and documentation of the evidence that was reviewed and how it justifies the basin change.
- b. Describe how a safe overland overflow route is being maintained for the Colonial Manor facilities.
- c. Describe how a safe overland overflow route is being provided for the onsite facilities.
- d. Revise the drainage map to account for runoff from the Fern Street frontage. The flow control facilities must be sized for all areas routed to them. The drainage map should correlate directly with the basins modeled in WWHM.
- e. Provide calculations demonstrating the bioswale is sized for water quality treatment for runoff from the Fern Street frontage. The northern bioswale has not been constructed.
- f. The stormwater site plan indicates runoff from 11th Avenue will be treated by dispersion. Provide a discussion demonstrating how applicable dispersion BMP(s) are achieved.
- g. Runoff from 11th Avenue is being routed through and concentrated in four culverts. Describe how dispersion is being achieved.

Prior to Engineering permit issuance:

- h. Submit a deviation request from the design standards for the proposed street section for the 11th Avenue cul-de-sac.
- i. Acknowledge in the compliance narrative that infiltration is not feasible and roof runoff will be managed with the detention galleries, pursuant to Minimum Requirement #5 which requires onsite stormwater controls for all roof downspouts.

- j. Demonstrate that the Storm Filter units will work up to the 2-year storm based on stage of a 2-year storm in the underdrain reservoir.
5. Solid Waste: A minimum 21 foot opening is required for access to front end loading with the compactor and cardboard recycling side by side. Show the dimension on the plans.

URBAN FORESTRY

1. Provide a timeline for site preparation, installation and maintenance of plant materials on the Landscape Plan.
2. Provide a cost estimate for the purchase, installation and 3-year maintenance of the trees on the Landscape Plan.

FIRE PREVENTION

1. Extend the water main around the north and west side of the open park area. The eight (8) inch section of main between the southwest and southeast corners of the open park area can then be eliminated.
2. Number identifiers on each building shall be mounted so as to be visible and legible from the driveways.

Impact Fee Note:

This project will be subject to impact fees. The fees will be due and payable when building permits are issued. Specific impact fees will be determined when a complete building permit application is submitted. Prior to that date, all impact fees are subject to change.

Expiration of Approval

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 **March 27, 2016**.


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., April 16, 2014. The filing fee for appeals to the Hearing Examiner is \$1,000.00. 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 DNS may be appealed by any agency or aggrieved person.


CATHERINE McCOY, ASSOCIATE PLANNER


CARL HORNBEIN, SENIOR PLANNER
for Carl Hornbein

SEPA Official

Lead Planner on behalf of the Site Plan Review
Committee consisting of Tom Hill, Building Official;
Cari Hornbein, SEPA Official; Alan Murley,
Development Review Engineer; Robert Bradley, Fire
Marshal; and Michelle Bentley, Urban Forester.