



Meeting Agenda

Planning Commission

City Hall
601 4th Avenue E
Olympia, WA 98501

Contact: Joyce Phillips
360.570.3722

Monday, November 6, 2017

6:30 PM

Room 207

1. CALL TO ORDER

Estimated time for items 1 through 5: 20 minutes

1.A ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

- 3.A** [17-1069](#) Approval of the October 2, 2017 Olympia Planning Commission Meeting Minutes

Attachments: [OPC 10.2.17 draft minutes](#)

- 3.B** [17-1070](#) Approval of the October 16, 2017 Olympia Planning Commission Meeting Minutes

Attachments: [OPC 10.16.17 draft minutes](#)

4. PUBLIC COMMENT

During this portion of the meeting, citizens may address the Commission regarding items related to City business, including items on the Agenda. In order for the Committee or Commission to maintain impartiality and the appearance of fairness in upcoming matters and to comply with Public Disclosure Law for political campaigns, speakers will not be permitted to make public comments before the Committee or Commission in these two areas: (1) on agenda items for which the Committee or Commission either held a Public Hearing in the last 45 days, or will hold a Public Hearing within 45 days or for quasi-judicial review items for which there can be only one public hearing, or (2) where the speaker promotes or opposes a candidate for public office or a ballot measure.

5. STAFF ANNOUNCEMENTS

This agenda item is also an opportunity for Commissioners to ask staff about City or Planning Commission business.

6. BUSINESS ITEMS

6.A [17-1113](#) Downtown Urban Infill Area State Environmental Policy Act (SEPA)
Ordinance - Deliberation

Attachments: [Draft Downtown Urban Infill SEPA Ordinance](#)
[Downtown Strategy SEPA Memo](#)
[Draft EDDS Update - Traffic Impact Analysis](#)
[Public Comments](#)

Estimated time: 30 minutes

6.B [17-1121](#) Comprehensive Plan for the Olympia Urban Growth Area - A Joint Plan
with Thurston County

Estimated time: 20 minutes

6.C [17-0984](#) Suggestions for the Preliminary 2018 - 2019 Planning Commission Work
Plan

Attachments: [Proposal Submittal Form](#)
[Draft 2018 Work Plan](#)

Estimated time: 30 minutes

6.D [17-1120](#) Planning Commissioner Officers for 2018 - Nominations

Estimated time: 20 minutes

7. REPORTS

From Staff, Officers, and Commissioners, and regarding relevant topics.

8. OTHER TOPICS

9. ADJOURNMENT

Approximately 9:30 p.m.

Upcoming Meetings

Next regular Commission meeting is November 20, 2017. See 'meeting details' in Legistar for list of other meetings and events related to Commission activities.

Accommodations

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Advisory Committee meeting, please contact the Advisory Committee staff liaison (contact number in the upper right corner of the agenda) at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.



City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8244

Planning Commission

Approval of the October 2, 2017 Olympia Planning Commission Meeting Minutes

Agenda Date: 11/6/2017
Agenda Item Number: 3.A
File Number: 17-1069

Type: minutes **Version:** 1 **Status:** In Committee

Title

Approval of the October 2, 2017 Olympia Planning Commission Meeting Minutes

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Meeting Minutes

Planning Commission

ATTACHMENT 1

City Hall
601 4th Avenue E
Olympia, WA 98501

Contact: Joyce Phillips
360.570.3722

Monday, October 2, 2017

6:30 PM

Room 207

1. CALL TO ORDER

Chair Mark called the meeting to order at 6:30 p.m.

1.A ROLL CALL

Present: 6 - Chair Brian Mark, Vice Chair Mike Auderer, Commissioner Tammy Adams, Commissioner Travis Burns, Commissioner Darrell Hoppe and Commissioner Carole Richmond

Excused: 1 - Commissioner Paula Ehlers

Absent: 1 - Commissioner Rad Cunningham

OTHERS PRESENT

Community Planning and Development staff:

Deputy Director Leonard Bauer

Senior Planner Joyce Phillips

Minutes Recorder Stacey Rodell

Public Works staff:

Engineering and Planning Supervisor Eric Christensen

Project Engineer II Diane Utter

2. APPROVAL OF AGENDA

The agenda was approved.

3. APPROVAL OF MINUTES

3.A [17-0995](#) Approval of the September 11, 2017 Olympia Planning Commission Meeting Minutes

The minutes were approved.

3.B [17-0994](#) Approval of the September 22, 2017 Finance Subcommittee of the Olympia Planning Commission Meeting Minutes

The minutes were approved.

4. PUBLIC COMMENT - None

5. STAFF ANNOUNCEMENTS

Ms. Phillips informed the Commission of upcoming meeting dates and provided a brief update on building projects.

6. BUSINESS ITEMS

- 6.A** [17-0975](#) Revisions to the Septic Tank Effluent Pumping (S.T.E.P.) System Regulations - Deliberations

Chair Mark moved, seconded by Commissioner Hoppe, to recommend City Council approve proposed revisions to the Septic Tank Effluent Pumping (S.T.E.P.) System regulations. The motion passed unanimously.

- 6.B** [17-0856](#) Critical Areas Ordinance - Habitat and Species Protections for Great Blue Heron

Mr. Bauer provided additional information to the Commission that was requested at a previous meeting.

Commissioner Richmond moved, seconded by Commissioner Hoppe, to approve the measures to protect the Great Blue Heron as proposed by staff, with the modification of the ten-year protection of nesting sites be changed to six years. The motion carried by the following vote:

Aye: 4 - Chair Mark, Commissioner Burns, Commissioner Hoppe and Commissioner Richmond

Nay: 2 - Vice Chair Auderer and Commissioner Adams

Excused: 1 - Commissioner Ehlers

Absent: 1 - Commissioner Cunningham

- 6.C** [17-0991](#) Briefing on Downtown Urban Infill Area State Environmental Policy Act (SEPA) Ordinance

Mr. Bauer presented a briefing on Downtown Urban Infill Area State Environmental Policy Act (SEPA) proposed ordinance via PowerPoint presentation. A copy of the presentation can be found in the meeting details on the City's website.

The information was received.

- 6.D** [17-0968](#) Recommendation to Council regarding the Preliminary 2018-2023 Capital Facilities Plan

Commissioner Richmond reviewed the draft recommendation letter to Council regarding the Preliminary 2018-2023 Capital Facilities Plan. The letter will be finalized by Commissioner Richmond and Ms. Phillips and will be reviewed by the Commission prior

to being submitted to City Council.

The discussion was completed.

7. REPORTS

Chair Mark reported the Arts Commission open house on the draft Public Art Master Plan Olympia Crossings: An Art Plan for City Gateways is on Wednesday - October 4, 2017 at 6:30 p.m. at City Hall.

8. OTHER TOPICS - None

9. ADJOURNMENT

The meeting adjourned at 8:47 p.m.

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ATTACHMENT 1



City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8244

Planning Commission

Approval of the October 16, 2017 Olympia Planning Commission Meeting Minutes

Agenda Date: 11/6/2017
Agenda Item Number: 3.B
File Number: 17-1070

Type: minutes Version: 1 Status: In Committee

Title

Approval of the October 16, 2017 Olympia Planning Commission Meeting Minutes

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Meeting Minutes

Planning Commission

City Hall
601 4th Avenue E
Olympia, WA 98501

Contact: Joyce Phillips
360.570.3722

Monday, October 16, 2017

6:30 PM

Room 207

1. CALL TO ORDER

Vice Chair Auderer called the meeting to order at 6:33 p.m.

1.A ROLL CALL

Present: 5 - Vice Chair Mike Auderer, Commissioner Tammy Adams, Commissioner Travis Burns, Commissioner Rad Cunningham and Commissioner Carole Richmond

Excused: 3 - Chair Brian Mark, Commissioner Paula Ehlers and Commissioner Darrell Hoppe

OTHERS PRESENT

Community Planning and Development staff:

Deputy Director Leonard Bauer

Senior Planner Joyce Phillips

Minutes Recorder Stacey Rodell

Thurston Economic Development Council:

Executive Director Michael Cade

Business and Investor Relations Manager Aslan Meade

2. APPROVAL OF AGENDA

The agenda was approved.

3. APPROVAL OF MINUTES

- 3.A** [17-1029](#) Approval of the September 25, 2017 Olympia Planning Commission Meeting Minutes

The minutes were approved.

4. PUBLIC COMMENT - None

5. STAFF ANNOUNCEMENTS

Ms. Phillips informed the Commission of upcoming meeting dates and provided a brief update on building projects.

6. BUSINESS ITEMS

6.A [17-1036](#) Public Hearing on Downtown Urban Infill Area State Environmental Policy Act (SEPA) Ordinance

Mr. Bauer presented information regarding the Downtown Urban Infill Area SEPA ordinance via a PowerPoint presentation. A copy of the presentation can be found in the meeting details on the City's website.

Vice Chair Auderer opened the public hearing.

The following members of the public provided testimony: Judy Bardin, Valerie Krull, Lisa Reiner, John Newman, Ryan Dewitt, Lon Freeman and Walt Jorgenson.

Vice Chair Auderer closed the public hearing.

The public hearing was held and closed.

6.B [17-1018](#) Thurston Community Economic Alliance - Presentation

Mr. Cade and Mr. Meade presented information on the Thurston Community Economic Alliance via PowerPoint. A copy of the presentation can be found in the meeting details on the City's website.

The information was received.

6.C [17-0984](#) Suggestions for the Preliminary 2018 - 2019 Planning Commission Work Plan

The Commission discussed suggestions for the preliminary 2018-2019 work plan and will discuss this topic further at its next meeting.

The discussion was continued to the Planning Commission.

6.D [17-0992](#) Potential Topics for the Planning Commission Retreat

The Commission discussed possible topics for a retreat and will discuss this topic further at its next meeting.

The discussion was continued to the Planning Commission.

7. REPORTS

Vice Chair Auderer and Commissioner Richmond reported on the Land Use and Environment Committee meeting they attended on October 12, 2017 where neighborhood centers were discussed.

Commissioner Richmond informed the Commission of upcoming meetings that may be of interest.

8. OTHER TOPICS - None

9. ADJOURNMENT

The meeting adjourned at 9:01 p.m.



Planning Commission

Downtown Urban Infill Area State Environmental Policy Act (SEPA) Ordinance - Deliberation

Agenda Date: 11/6/2017
Agenda Item Number: 6.A
File Number: 17-1113

Type: decision Version: 1 Status: In Committee

Title

Downtown Urban Infill Area State Environmental Policy Act (SEPA) Ordinance - Deliberation

Recommended Action

Move to recommend approval of an ordinance to establish Downtown as a SEPA urban infill exemption allowance area.

Report

Issue:

Whether to recommend City Council adoption of an ordinance to establish Downtown as a SEPA urban infill exemption allowance area.

Staff Contact:

Leonard Bauer, Deputy Director, Community Planning & Development, 360.753.8206

Presenter(s):

Leonard Bauer, Deputy Director

Background and Analysis:

In 2015, the City Council adopted a scope for the Downtown Strategy (DTS) which included exploring increased SEPA exemption levels for minor construction projects and/or urban infill development that is consistent with the Comprehensive Plan. During 2016, the DTS planning team explored these options in light of Downtown goals. The DTS adopted by the City Council recommends designating a Downtown Urban Infill SEPA Exemption Area. The memo from the DTS explaining this recommendation is attached.

The purpose of designating an urban infill SEPA exemption area is not to reduce environmental risk assessment or mitigation. State law established the urban infill exemption option to reduce duplicative process in areas where a full Environmental Impact Statement (EIS) was previously conducted on a Comprehensive Plan that calls for urban infill development, such as Olympia's downtown. The EIS assessed the potential environmental impacts of implementing the Comprehensive Plan.

To be consistent with the Comprehensive Plan goals, the City has adopted mitigation measures for environmental issues directly into the City's codes and development requirements, which all new development proposals must meet. Because environmental issues are addressed upfront in the development code, an additional SEPA review for each development project is duplicative. Exempting projects from that duplicative SEPA review process helps to reduce uncertain development costs and permit review times, and is a way to incentivize development that meets Comprehensive Plan goals.

SEPA Urban Infill Area

The State's SEPA statute (RCW 43.21C.229) allows for urban infill exemptions in order to encourage residential or mixed use development in urban areas where the density goals of the comprehensive plan are not being met. When an EIS has been prepared to analyze the development goals in the comprehensive plan (which is the case for Olympia), a city can exempt some or all of the following types of development from additional SEPA review:

- Stand-alone residential
- Mixed use residential/commercial
- Stand-alone commercial less than 65,000, excluding retail

The exemption would not apply to:

- Industrial uses
- Lands covered by water (in most cases)
- Projects where part of the proposal requires both exempt and non-exempt actions
- Some other very specific cases outlined under the SEPA statute

Gap Analysis

A first step was to identify any gaps in our environmental regulations where we have had to use SEPA in the past to address an environmental issue in Downtown. This would identify issues for which the City would need to establish regulations because SEPA was the sole method of addressing an issue.

The gap analysis revealed the City has often used SEPA to reiterate regulations that are required regardless of SEPA (e.g., remediating contaminated soil and groundwater, controlling dust at the construction site). The gap analysis did identify three areas that should be addressed by adopting new regulations before establishing a SEPA exemption:

1. Flood risk associated with sea level rise: In the past, the City used SEPA to address flood risk due to sea level rise by requiring higher finished floor elevations in high risk areas of Downtown. To ensure this issue could still be addressed without SEPA, the City adopted increased flood-proofing standards in August of 2016.
2. Off-site traffic impact mitigation: There may be areas where a large traffic-generating project could cause off-site traffic impacts needing to be mitigated through infrastructure improvements at the time of development (e.g., a traffic light.) To ensure this issue can still be addressed without SEPA, the 2017 annual update to the Engineering Design and Development Standards (EDDS) includes a proposal to incorporate current requirements for

development applications to perform a traffic study to determine any needed improvements that would be required (attached). The urban infill exemption ordinance also clarifies that new development would still need to comply with city code requiring transportation concurrency (i.e., providing necessary transportation facilities concurrent with new development).

3. Cultural resources: Tribal nations tend to use SEPA notice as their trigger to review development applications, and Downtown is of particular interest to tribes due to the historical and cultural significance of Downtown lands. Staff met with representatives of the Nisqually Tribe and State Department of Archaeology and Historic Preservation (DAHP), and has corresponded with the Squaxin Island Tribes, regarding City code revisions to ensure concerns about development in historical or culturally significant areas will be addressed by proposed city code revisions. Those proposed revisions have been included in the downtown urban infill SEPA exemption ordinance (attached).

Draft SEPA Ordinance

The attached draft ordinance would provide for designation of a Downtown Urban Infill SEPA Exemption Allowance Area. It also includes updates to the City's existing Environmental Policy, which establishes the City's SEPA authority in state law. SEPA review of projects in areas of the City outside of the downtown exemption area will continue under this authority. This ordinance updates references for consistency with state laws and rules, and other parts of the Olympia Municipal Code, regarding this authority.

In addition, the draft ordinance includes the cultural resources provisions described above.

Neighborhood/Community Interests (if known):

The recommended action in the Downtown Strategy was shared with the public at open houses on October 29, 2016, and February 7, 2017, and the Planning Commission's public hearing on the DTS on February 27, 2017. The Downtown Strategy was adopted by the City Council on April 25, 2017.

Options:

1. Recommend approval of an ordinance to establish Downtown as a SEPA urban infill exemption allowance area.
2. Recommend approval of a modified ordinance to establish Downtown as a SEPA urban infill exemption allowance area.
3. Do not recommend approval of an ordinance to establish Downtown as a SEPA urban infill exemption allowance area.

Financial Impact:

Staff work on this ordinance has been included in the City's base budget. Adoption of the downtown urban infill SEPA exemption ordinance will likely reduce staff costs in performing duplicative SEPA review on qualifying downtown development projects in the future.

Attachments:

Draft Downtown Urban Infill Area SEPA Ordinance
Downtown Strategy SEPA memo
Draft EDDS Update - Traffic Impact Analysis
Public Comments

ORDINANCE NO.

AN ORDINANCE of the City Council of the City of Olympia, Washington, establishing an infill exemption allowance for the downtown area, amending Chapter 14.04 (Environmental Policy) of the Olympia Municipal Code, pursuant to the State Environmental Policy Act; adding two new sections in Chapter 18.12 (Historic Preservation) and amending Section 18.12.120 of the Olympia Municipal Code.

WHEREAS, The City of Olympia has adopted a Comprehensive Plan complying with the WA Growth Management Act that includes Policy PL 17.1 to adopt a downtown plan; and

WHEREAS, To guide Downtown's growth and redevelopment, the City engaged in an extensive public process to plan for the Downtown area resulting in the City Council's adoption of a Downtown Strategy (DTS) on April 25, 2017, which implements Policy PL 17.1 of the Comprehensive Plan; and

WHEREAS, the DTS establishes the City's strategies to achieve the vision for the Downtown that is established in the Comprehensive Plan; and

WHEREAS, The State Environmental Policy Act (SEPA) and implementing rules provide for the integration of environmental review with land use planning and project review by jurisdictions planning under the Growth Management Act (GMA) through an exemption for infill development pursuant to RCW 43.21C.229; and

WHEREAS, On January 24, 2014, the City's SEPA responsible official issued a Final Supplemental Environment Impact Statement (FSEIS) on the Olympia Comprehensive Plan; and

WHEREAS, as part of the DTS process, the City of Olympia Planning Commission and City Council considered several options allowed by state law to rely on final SEPA analysis documents completed on a comprehensive plan when permitting development projects the City finds to be consistent with that plan; and

WHEREAS, the DTS adopted by the City Council recommends adoption of an infill exemption allowance pursuant to RCW 43.21C.229, to encourage residential and mixed use development in Olympia's downtown that meets the Comprehensive Plan's vision, goals and policies as further refined in the DTS; and

WHEREAS, also as part of the DTS process, the City conducted a gap analysis of SEPA determinations for the previous thirteen years on downtown development projects to determine impacts that were identified that were not mitigated through existing development regulations; and

WHEREAS, the gap analysis revealed only three types of impacts – flood risk associated with potential future sea level rise, off-site traffic mitigation, and cultural resources impacts – that were not mitigated through existing development regulations; and

WHEREAS, The City has since adopted development regulations and ordinances that will help protect the environment for these three types of impacts, and previously adopted regulations that help protect the environment for other potential impacts; and

WHEREAS, the City has and will continue to implement the DTS the Downtown area that will guide the allocation, form and quality of desired development, consistent with the DTS and Comprehensive Plan; and

WHEREAS, Chapter 14.04 OMC needs to be amended to correct typographical errors, to reflect changes in state statutes and administrative codes, and to reflect changes in Title 18, Unified Developed Code; and

WHEREAS, On _____, 2017, the City provided the State of Washington Department of Commerce the required sixty (60) day notification under RCW 36.70A.106 The sixty (60) day notice periods have lapsed; and

WHEREAS, After providing appropriate public notice, the City of Olympia Planning Commission conducted a public hearing on _____, 2017; and

WHEREAS, The Olympia City Council held a public meeting on _____, 2017, to consider the attached ordinance, and considered all staff reports and information in the public record and testimony provided at the public hearing held by the Olympia Planning Commission related to the attached ordinance; and

WHEREAS, the City of Olympia is committed to the protection of our community's heritage; and

WHEREAS, State and Federal law provides for the protection of human remains, archaeology, and other cultural resources whether known or unknown prior to the course of development; and

WHEREAS, The thresholds incorporated in this ordinance, together with adopted City development regulations and state and federal laws, will adequately mitigate significant impacts from development consistent with the Comprehensive Plan and DTS within the Downtown Infill Exemption Allowance Area; and

WHEREAS, future projects that are implemented consistent with the Comprehensive Plan, development regulations and this ordinance will protect the environment in accordance with SEPA laws and rules, and benefit the public by advancing Olympia's downtown toward the vision established in the Comprehensive Plan.

NOW, THEREFORE, the City Council of the City of Olympia, Washington ordains as follows:

SECTION 1. – Purpose. The City Council declares that the purpose of this Ordinance is to:

A. Exempt residential, mixed use, and selected commercial infill development that is consistent with the Comprehensive Plan and its FSEIS, Olympia development regulations, and other applicable local, state and federal laws from additional SEPA review; and,

B. Establish criteria and procedures, consistent with state law, that will determine whether proposed exempt projects within the designated Downtown Infill Exemption Allowance Area qualify for exemption from SEPA review; and,

C. Protect important cultural resources during development activity and provide notice to the public, interested tribes and agencies of development activities that may affect cultural resources; and,

D. Apply the City's development regulations together with the infill exemption thresholds defined in this ordinance to address the impacts of future development contemplated by this ordinance.

SECTION 2. Title 14 OMC, "Environmental Protection", is hereby amended as follows:
Title 14

ENVIRONMENTAL PROTECTION

Chapters:

14.04 Environmental Policy
(Ordinance 6648 Repealed Section 14.20)

Chapter 14.04

ENVIRONMENTAL POLICY

14.04.000 Chapter Contents

Sections:

14.04.010 Authority.
14.04.020 Adoption by reference.
14.04.030 Definitions.
14.04.040 Additional considerations in time limits applicable to the SEPA process.
14.04.050 Additional timing considerations.
14.04.060 Use of exemptions.
14.04.065 Categorical Exemptions.
14.04.070 Lead agency determination and responsibilities.
14.04.080 Environmental checklist.
14.04.090 Mitigated determination of nonsignificance.
14.04.100 Environmental impact statement--Preparation.
14.04.110 Environmental impact statement--Additional elements.
14.04.120 Public notice.
14.04.130 Designation of official to perform consulted agency responsibilities for the city.
14.04.140 Designation of responsible official.

- 14.04.150 Substantive authority.
- 14.04.155 Hearing Examiner Authority
- 14.04.160 Appeals.
- 14.04.170 Environmentally sensitive areas.
- 14.04.180 Responsibility of agencies--SEPA public information.
- 14.04.190 Fees.
- 14.04.200 Notice--Statute of limitations.

14.04.010 Authority

The city adopts this Chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904.

14.04.020 Adoption by reference

The city adopts the following sections or subsections of Chapter 197-11 of the Washington Administrative Code, 1984 Edition, by reference:

- 197-11-040 Definitions
- 197-11-050 Lead Agency
- 197-11-055 Timing of the SEPA Process
- 197-11-060 Content of Environmental Review
- 197-11-070 Limitations on Action During SEPA Process
- 197-11-080 Incomplete or Unavailable Information
- 197-11-090 Supporting Documents
- 197-11-100 Information Required of Applicants
- 197-11-158 SEPA/GMA project review – Reliance on Existing Plans, Laws and Regulations
- 197-11-164 Planned Actions – Definition and Criteria
- 197-11-168 Ordinances or Resolutions Designating Planned Actions – Procedures for Adoption
- 197-11-172 Planned Actions – Project Review
- 197-11-210 SEPA/GMA Integration
- 197-11-220 SEPA/GMA Definitions
- 197-11-228 Overall SEPA/GMA Integration Procedures
- 197-11-230 Timing of an Integrated GMA/SEPA Process
- 197-11-232 SEPA/GMA Integration Procedures for Preliminary Planning, Environmental Analysis, and Expanded Scoping
- 197-22-235 SEPA/GMA Integration Documents

197-11-238	SEPA/GMA Integration Monitoring
197-11-250	SEPA/Model Toxics Control Act Integration
197-11-253	SEPA Lead Agency MTCA Actions
197-11-256	Preliminary Evaluation
197-11-259	Determination of Nonsignificance for MTCA Remedial Action
197-11-262	Determination of Significance and EIS for MTCA Remedial Actions
197-11-265	Early Scoping for MTCA Remedial Actions
197-11-268	MTCA Interim Actions
197-11-300	Purpose of this Part
197-11-305	Categorical Exemptions
197-11-310	Threshold Determination Required
197-11-315	Environmental Checklist
197-11-330	Threshold Determination Process
197-11-335	Additional Information
197-11-340	Determination of Nonsignificance (DNS)
197-11-350	Mitigated DNS
197-11-355	Optional DNS Process
197-11-360	Determination of Significance (DS)/Initiation of Scoping
197-11-390	Effect of Threshold Determination
197-11-400	Purpose of EIS
197-11-402	General Requirements
197-11-405	EIS Types
197-11-406	EIS Timing
197-11-408	Scoping
197-11-410	Expanded Scoping
197-11-420	EIS Preparation
197-11-425	Style and Size
197-11-430	Format

197-11-435	Cover Letter or Memo
197-11-440	EIS Contents
197-11-442	Contents of EIS on Non-project Proposals
197-11-443	EIS Contents When Prior Non-project EIS
197-11-444	Elements of the Environment
197-11-448	Relationship of EIS to Other Considerations
197-11-450	Cost-Benefit Analysis
197-11-455	Issuance of DEIS
197-11-460	Issuance of FEIS
197-11-500	Purpose of this Part
197-11-502	Inviting Comment
197-11-504	Availability and Cost of Environmental Documents
197-11-508	SEPA Register
197-11-510	Public Notice
197-11-535	Public Hearings and Meetings
197-11-545	Effect of No Comment
197-11-550	Specificity of Comments
197-11-560	FEIS Response to Comments
197-11-570	Consulted Agency Costs to Assist Lead Agency
197-11-600	When to Use Existing Environmental Documents
197-11-610	Use of NEPA Documents
197-11-620	Supplemental Environmental Impact Statement--Procedures
197-11-625	Addenda--Procedures
197-11-630	Adoption--Procedures
197-11-635	Incorporation by Reference--Procedures
197-11-640	Combining Documents
197-11-650	Purpose of this Part
197-11-655	Implementation

197-11-660	Substantive Authority and Mitigation
197-11-680	Appeals
197-11-700	Definitions
197-11-702	Act
197-11-704	Action
197-11-706	Addendum
197-11-708	Adoption
197-11-710	Affected Tribe
197-11-712	Affecting
197-11-714	Agency
197-11-716	Applicant
197-11-718	Built Environment
197-11-720	Categorical Exemption
197-11-721	Closed Record Appeal
197-11-722	Consolidated Appeal
197-11-724	Consulted Agency
197-11-726	Cost-Benefit Analysis
197-11-728	County/City
197-11-730	Decision maker
197-11-732	Department
197-11-734	Determination of Nonsignificance (DNS)
197-11-736	Determination of Significance (DS)
197-11-738	EIS
197-11-740	Environment
197-11-742	Environmental Checklist
197-11-744	Environmental Document
197-11-746	Environmental Review
197-11-750	Expanded Scoping
197-11-752	Impacts

197-11-754	Incorporation by Reference
197-11-756	Lands Covered by Water
197-11-758	Lead Agency
197-11-760	License
197-11-762	Local Agency
197-11-764	Major Action
197-11-766	Mitigated DNS
197-11-768	Mitigation
197-11-770	Natural Environment
197-11-772	NEPA
197-11-774	Non-project
197-11-775	Open Record Hearing
197-11-776	Phased Review
197-11-778	Preparation
197-11-780	Private Project
197-11-782	Probable
197-11-784	Proposal
197-11-786	Reasonable Alternative
197-11-788	Responsible Official
197-11-790	SEPA
197-11-792	Scope
197-11-793	Scoping
197-11-794	Significant
197-11-796	State Agency
197-11-797	Threshold Determination
197-11-799	Underlying Governmental Action
197-11-800	Categorical Exemptions
197-11-880	Emergencies

- 197-11-890 Petitioning DOE to Change Exemptions
- 197-11-900 Purpose of this Part
- 197-11-902 Agency SEPA Policies
- 197-11-904 Agency SEPA Procedures
- 197-11-906 Content and Consistency of Agency Procedures
- 197-11-908 Critical Areas
- 197-11-910 Designation of Responsible Official
- 197-11-912 Procedures of Consulted Agencies
- 197-11-914 SEPA Fees and Costs
- 197-11-916 Application to Ongoing Actions
- 197-11-918 Lack of Agency Procedures
- 197-11-920 Agencies with Environmental Expertise
- 197-11-922 Lead Agency Rules
- 197-11-924 Determining the Lead Agency
- 197-11-926 Lead Agency for Governmental Proposals
- 197-11-928 Lead Agency for Public and Private Proposals
- 197-11-930 Lead Agency for Private Projects with One Agency with Jurisdiction
- 197-11-932 Lead Agency for Private Projects Requiring Licenses from more than one Agency, when One of the Agencies is a County/City
- 197-11-934 Lead Agency for Private Projects Requiring Licenses from a Local Agency, not a County/City, and one or more State Agencies
- 197-11-936 Lead Agency for Private Projects Requiring Licenses from more than State Agency
- 197-11-938 Lead Agencies for Specific Proposals
- 197-11-940 Transfer of Lead Agency Status to a State Agency
- 197-11-942 Agreements on Lead Agency Status
- 197-11-944 Agreements on Division of Lead Agency Duties
- 197-11-946 DOE Resolution of Lead Agency Disputes
- 197-11-948 Assumption of Lead Agency Status

197-11-950	Severability
197-11-955	Effective Date
197-11-960	Environmental Checklist
197-11-965	Adoption Notice
197-11-970	Determination of Nonsignificance (DNS)
197-11-980	Determination of Significance and Scoping Notice (DS)
197-11-985	Notice of Assumption of Lead Agency Status
197-11-990	Notice of Action

14.04.030 Definitions

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

- A. "Department" means any division, subdivision or organizational unit of the city established by ordinance, rule or order.
- B. "Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated DNS procedures).
- C. "Environmental assessment" means a detailed technical report on one or more elements of the environment as listed in the environmental checklist where that report is prepared by person(s) with expertise in that particular field. Environmental assessments may include, but are not limited to, geotechnical reports, hydrological reports and traffic studies.
- D. "Ordinance" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.
- E. "SEPA rules" means WAC Chapter 197-11 adopted by the Department of Ecology.

(Ord. 4563 §3, 1984).

14.04.050 Additional timing considerations

In addition to timing requirements adopted by reference under OMC 18.04.020, and those set forth in OMC 18.72.170, the following provisions shall apply:

- A. When a notice of application is required or provided regarding the subject action, a determination of nonsignificance or mitigated determination of nonsignificance shall not be issued prior to expiration of the public comment period for that notice of application.
- B. After being issued, the DNS, MDNS or EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory or decision-making body, or official. OMC 18.72.060 and the current edition of the International Uniform Building Code 107.4 105.3.2 notwithstanding, no complete project permit application shall expire during the period between issuance of a determination of significance and issuance of the final environmental impact statement so long as the statement is prepared within the time periods specified by this Chapter, Washington

Administrative Code Chapter 197-11 and the State Environmental Policy Act. Instead, such application review periods shall be tolled during such period.

14.04.060 Use of exemptions

A. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

14.04.065 Categorical Exemptions

Pursuant to WAC 197-11-800(1)(c) and in addition to the provisions of WAC 197-11-800(1)(b), the following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

A. The construction or location of any residential structures of nine units or less;

B. The construction of an office, school, commercial, recreational, service or storage building with 8,000 square feet or less of gross floor area, and with associated parking facilities designed for thirty automobiles or less;

C. The construction of a parking lot designed for thirty automobiles or less;

D. Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

E. Development within the Downtown Infill Exemption Allowance Area designated under RCW 43.21C.229 for construction of the following types of development within the boundary shown on the map below:

- residential developments;
- non-retail commercial developments of 65,000 square feet or less; and
- mixed use developments.

[insert map]

For the purposes of this subsection:

1. "Infill" shall mean any development that meets Subsection A of this section.
2. "Retail" shall be construed liberally to include sales of products produced, assembled or otherwise created on-site or off-site.
3. "Mixed use" shall mean any development that includes two or more permitted or conditional uses on the same site, in one or more buildings.

F. To be considered for the Downtown Infill Exemption Allowance, the proposed development must:

1. not cause the area shown in the map above to exceed the density or intensity called for in the comprehensive plan, or be part of a series of proposals that would do so; and

2. be consistent with all requirements of the subject zoning district, and all other applicable provisions of the Olympia Municipal Code and other local, state and federal laws.

G. Developments that qualify for the Downtown Infill Exemption Allowance are still subject to Chapter 15.20 OMC, Transportation Concurrency.

H. The Director may condition development proposals that otherwise qualify for the Downtown Infill Exemption Allowance to:

1. incorporate site design measures that preserve the following landmark views identified in the Olympia Downtown Strategy on April 25, 2017:
 - West Bay Park to Mt Rainier
 - East Bay Overlook to the Capitol Dome
 - Deschutes Parkway to Mt Rainier
2. provide for public routes or trails to access the shoreline under the Shoreline Master Program or as provided in the Regional Trails Plan; parks, Arts and Recreation Master Plan, or Downtown Strategy.

14.04.070 Lead agency determination and responsibilities

A. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 19711-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.

B. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within a fifteen-day (15) time period. Any such petition on behalf of the city may be initiated by the responsible official.

C. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement must approve the agreement.

D. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is: which agencies require nonexempt licenses).

14.04.080 Environmental checklist

A. A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not

specifically exempted in this chapter; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency.

B. Except as provided in subsection C, the city will require the applicant to complete the environmental checklist for private proposals, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

C. The city may complete all or a part of the environmental checklist for a private proposal with its own staff if either of the following exist:

1. The city has technical information on a question or questions that is unavailable to the private applicant; or
2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

14.04.090 Mitigated determination of nonsignificance

A. As provided in this section and in WAC 197-11-350, the responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or clarification of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency;
2. Precede the city's actual threshold determination for the proposal.

C. The responsible official should respond to the request for early notice within 15 working days. The response shall:

1. Be written;
2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that are leading the city to consider a DS;
3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarification.

D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

E. When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the city shall base its threshold determination on the changed or clarified proposal:

1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a determination of nonsignificance under WAC 197-11-340(2).

2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures (clarification, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

F. A mitigated DNS issued under WAC 197-11-340(2), requires a 14 day comment period and public notice. However, a mitigated DNS may be issued under WAC 197-11-340(1) if intended only to minimize adverse impacts and not to eliminate the requirements for an EIS.

G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3) (a) (withdrawal of DNS).

I. The city's written response under subsection B of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarification or changes in its threshold determination.

14.04.100 Environmental impact statement –Preparation

A. Preparation of draft and final EIS and SEIS's is the responsibility of the planning department under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this Chapter and WAC Chapter 197-11.

B. The draft and final EIS or SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution.

C. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this Chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute).

D. A draft of any required environmental impact statement should be prepared and issued within 365 calendar days of issuance of the determination of significance. Draft environmental impact statements shall be reviewed and a final environmental impact statement issued within those time periods prescribed by WAC 197-11-455 and WAC 197-11-460.

14.04.110 Environmental impact statement –Additional elements

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determination or perform any other function or purpose under this chapter:

- A. Economic impacts;
- B. Cultural factors;
- C. Social policy analysis;
- D. Impacts upon neighborhood character.

14.04.120 Public notice

A. Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the city shall give public notice as follows:

1. If a public hearing has been scheduled on the subject action, notice of the threshold determination shall be combined with notice of such hearing.
2. If no public hearing is required for the proposed action, or if the public hearing notice will not be issued prior to expiration of the comment period for a DS or DNS, the city shall give notice of the DNS or DS by:
 - a. Posting the specific site, if any, and providing notice to all record owners of property within 300 feet of such site;
 - b. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
 - c. Notifying the news media.
3. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408.

B. Whenever the city issues a draft EIS under WAC 197-11-455(5) or a supplemental EIS under WAC 197-11-620, notice of the availability of those documents shall be given by (1) indicating the availability of the DEIS in any public notice required for a nonexempt license; and (2) the methods noted in subsection A of this section.

C. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for city's nonexempt permit(s) or approval(s) required for the proposal.

D. The city may require an applicant to complete the public notice requirements for the applicant's proposal at the applicant's expense.

14.04.130 Designation of official to perform consulted agency responsibilities for the city

A. The planning director shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, or reviewing a draft EIS.

B. This person shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

14.04.140 Designation of responsible official

A. For those proposals for which the city is the lead agency, the responsible official shall be the planning director or designee.

B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS, and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

14.04.150 Substantive authority

A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city.

B. The city may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter;
2. Such conditions are in writing;
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
4. The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts;
5. Such conditions are based on one or more policies in subsection D of this section and cited in the license or other decision document.

C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter;
2. A finding is made that there are not reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact;
3. The denial is based on one or more policies identified in subsection D of this section and identified in writing in the decision document.

D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:

1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:

- a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - b. Assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings;
 - c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - d. Preserve important historic, cultural and natural aspects of our national heritage;
 - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
 - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;
 - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
3. The following plans, policies, regulations, and all amendments thereto, are designated as potential bases for the exercise of the City's substantive authority under SEPA:
- a. RCW Chapter 43.21C, State Environmental Policy Act;
 - b. Comprehensive Plan
 - c. Wastewater Management Plan
 - d. Water Resources Management Plan
 - e. Water System Plan
 - f. Storm and Surface Water Plan
 - g. Parks, Arts, and Recreation Master Plan
 - h. Shoreline Master Program
 - i. Regional Transportation Plan
 - j. Olympia Municipal Code
 - k. Engineering Design and Development Standards

- I. Capital Facility Plan
- m. Downtown Strategy.

E. The legislative appeals authorized by RCW 43.21C.060 are eliminated from this chapter.

14.04.155 Hearing Examiner Authority

In addition to the authority and power to modify mitigation measures pursuant to appeal, the Hearing Examiner is hereby authorized to modify such mitigating conditions or measures as appropriate when no administrative appeal opportunity was provided pursuant to OMC 14.04.160 or when deemed necessary by the Examiner to ensure consistency with any decision rendered by the Examiner on the underlying application or permit.

14.04.160 Appeals

A. The following administrative appeal procedures are established under RCW 43.21C.075, WAC 197-11-680, and RCW Chapter 36.70B:

1. Any agency or person who may be aggrieved by an action may appeal to the Hearing Examiner the environmental review officers' conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11.
2. The responsible official's initial decision to require preparation of an environmental impact statement, i.e., to issue a determination of significance, is subject to an interlocutory administrative appeal upon notice of such initial decision and only to such appeal. Notice of such decision shall be provided as set forth in OMC 18.78.020. Failure to appeal such determination within 14 calendar days of notice of such initial decision shall constitute a waiver of any claim of error.
3. All appeals shall be in writing, be signed by the appellant, be accompanied by the appropriate filing fee, and set forth the specific basis for such appeal, error alleged and relief requested. Any appeal must be filed within seven calendar days after the comment period expires. Where there is an underlying governmental action requiring review by the Hearing Examiner, any appeal and the action shall be considered together. Except for threshold determinations issued under the optional DNS process, an appeal period shall conclude simultaneously with an underlying permit decision.
4. For any appeal under this subsection, the city shall keep a record of the appeal proceedings which shall consist of the following:
 - a. Findings and conclusions;
 - b. Testimony under oath; and
 - c. A taped or written transcript of any hearing.
5. Any procedural determination by the city's responsible official shall be given substantial weight in any appeal proceeding.
6. See OMC 18.75.020.B for additional requirements.

B. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

14.04.170 Environmentally sensitive areas

- A. If the city designates environmentally sensitive areas under the standards of WAC 197-11-908, it shall file maps designating such areas, together with the exemptions from the list in WAC 197-11-908 that are inapplicable in such areas, with the responsible official and the Department of Ecology, Headquarters Office, Olympia, Washington. The environmentally sensitive area designations shall have full force and effect of law as of the date of filing.
- B. The city shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.
- C. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

14.04.180 Responsibilities of agencies--SEPA public information

The city shall retain all documents required by the SEPA rules WAC Chapter 197-11 and make them available in accordance with RCW Chapter 42.17.

14.04.190 Fees

The city shall require and collect fees as established by ordinance of the City Council for its activities in accordance with the provisions of this chapter:

- A. **Threshold Determination.** A fee shall be collected for every environmental checklist the city will review when it is lead agency. The time periods provided by this chapter for making a threshold determination shall not begin to run until the accompanying application is deemed complete and all fees are paid.
- B. **Environmental Impact Statement (EIS).**
1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
 2. When the city is the lead agency for a proposal and the applicant is preparing an EIS, the city shall collect a fee to cover the cost of reviewing the EIS. The fees are set forth in the fee schedule as adopted and hereafter amended by the city, and shall reflect the actual costs, including all staff time spent in the review. The city shall require the applicant to post a cash deposit for the amount of the estimated total cost of the review prior to initiation of review; however, this is not necessary until after the scoping process is completed.
 3. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the city and applicant after a call for proposals. The city shall require the applicant to post a cash deposit for the amount of the estimated costs prior to initiation of the project.

4. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subdivisions 1, 2 or 3 of this subsection which remain after incurred costs are paid.

C. Supplemental Studies or Information. When the city requires supplemental information or studies, a reasonable fee may be charged and collected from the applicant to cover the costs incurred by the city in reviewing such information. The fee shall be set forth in the fee schedule as adopted and hereafter amended by the city.

D. The city may collect a reasonable fee from an applicant to cover the costs of meeting the public notice requirements of this chapter relating to the applicant's proposal.

E. The city shall not collect a fee for performing its duties as a consulted agency.

F. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by RCW Chapter 42.7.

14.04.200 Notice –Statute of limitations

A. The city, applicant for, or proponent of any action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

B. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city, applicant or proponent pursuant to RCW 43.21C.080.

14.04.210 Severability

If any provision of this chapter or its application to any person is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

SECTION 3. Section 18.12.120 OMC is hereby amended as follows:

18.12.120 Cultural Resources

A. Whenever in the course of excavation or development, archaeological materials (e.g., bones, collections of shells, stone tools, beads, ceramics, old bottles, and old building foundations) or human remains are observed during project activities, all work in the immediate vicinity shall stop. The City of Olympia Historic Preservation Officer (HPO), Washington State Department of Archaeology and Historic Preservation (DAHP), all interested tribes, City of Olympia Building Official, and, in the case of human remains, Olympia Police Department and Thurston County Coroner, shall be contacted immediately by the property owner, site manager, or City staff for immediate response to evaluate the discovered materials.

B. Provided initial inspection indicates that the materials may be cultural resources or human remains, the City shall request DAHP and interested tribes to recommend an appropriate course of action prior to resumption of construction. The property owner may be required to hire a qualified archaeologist to evaluate the site within seven (7) calendar days. The archaeologist shall make a recommendation on the site's eligibility for the National Register of Historic Places (NRHP) as per the National Historic Preservation Act. This recommendation will be reviewed by DAHP and interested tribes for determination of eligibility for the NRHP. C. If the site is determined eligible for the NRHP, the HPO or designee shall consult with DAHP and all interested tribes for recommendations on appropriate mitigation of effects before construction resumes. The Building Official may revoke or temporarily suspend the permit, or add mitigation conditions based on the site's archaeological

importance. The discovery of archaeological materials requires that the property owner must comply with all applicable laws pertaining to archaeological resources .. Failure to comply with this requirement could constitute a Class C Felony. If federal funds or permits are involved in the project, notification to the appropriate federal agency and the Advisory Council shall occur in addition to the above-listed parties, .

D. Where previously recorded archeological sites are proposed for development, the Director shall consult DAHP and all interested tribes for their recommendations, and may deny or condition the permit to avoid harm to or destruction of the archaeological site.

SECTION 4. A new section is hereby added to Chapter 18.12 OMC as follows:

OMC 18.12.XXX Tribal and Agency Consultation on Development Review

- A. Interested Tribes and the State Department of Archaeology and Historic Preservation (DAHP) shall be notified when an application for land use approval has been submitted to the City of Olympia as described in OMC 18.78.020 Public Notification Procedures. Additional notice of consultation may be provided by the City Historic Preservation Officer.
- B. Consistent with law, any recommendations and/or requests by Consulting Tribes and/or DAHP on cultural resource protection will be given substantial weight in decisions on land use approval and subsequent permit issuance.

Section 5. A new section is hereby added to Chapter 18.12 OMC as follows:

OMC 18.12.YYY Cultural Resource Protection

- A. . Cultural Resources shall be protected from damage During Construction and all other Development Activities in accordance with OMC 18.12.120 Cultural Resources, and with OMC 18.12.YYY.B.
- B. Additional Protections for Cultural Resources

1. Building permit recipients for development projects that meet the following criteria. shall be required to sign an Inadvertent Discovery Plan provided by the City of Olympia Historic Preservation Officer:

- a. All projects subject to State Environmental Policy Act (SEPA) thresholds; and

- b. All projects located within the Downtown SEPA Exemption Area.

The signed IDP shall be held on site throughout the duration of any ground-disturbing activities related to the project.

2. . The Director may require additional actions to protect known or predicted cultural resources as a result of requests submitted by Consulting Tribes and/or DAHP during consultation for the following:

- a. Projects subject to State Environmental Policy Act (SEPA) thresholds;

- b. Projects located within the Downtown SEPA Exemption Area; and

- c. Projects subject to other State and Federal laws which protect cultural and historic resources, including but not limited to Executive Order 05-05 and Section 106 of the National Historic Preservation Act.

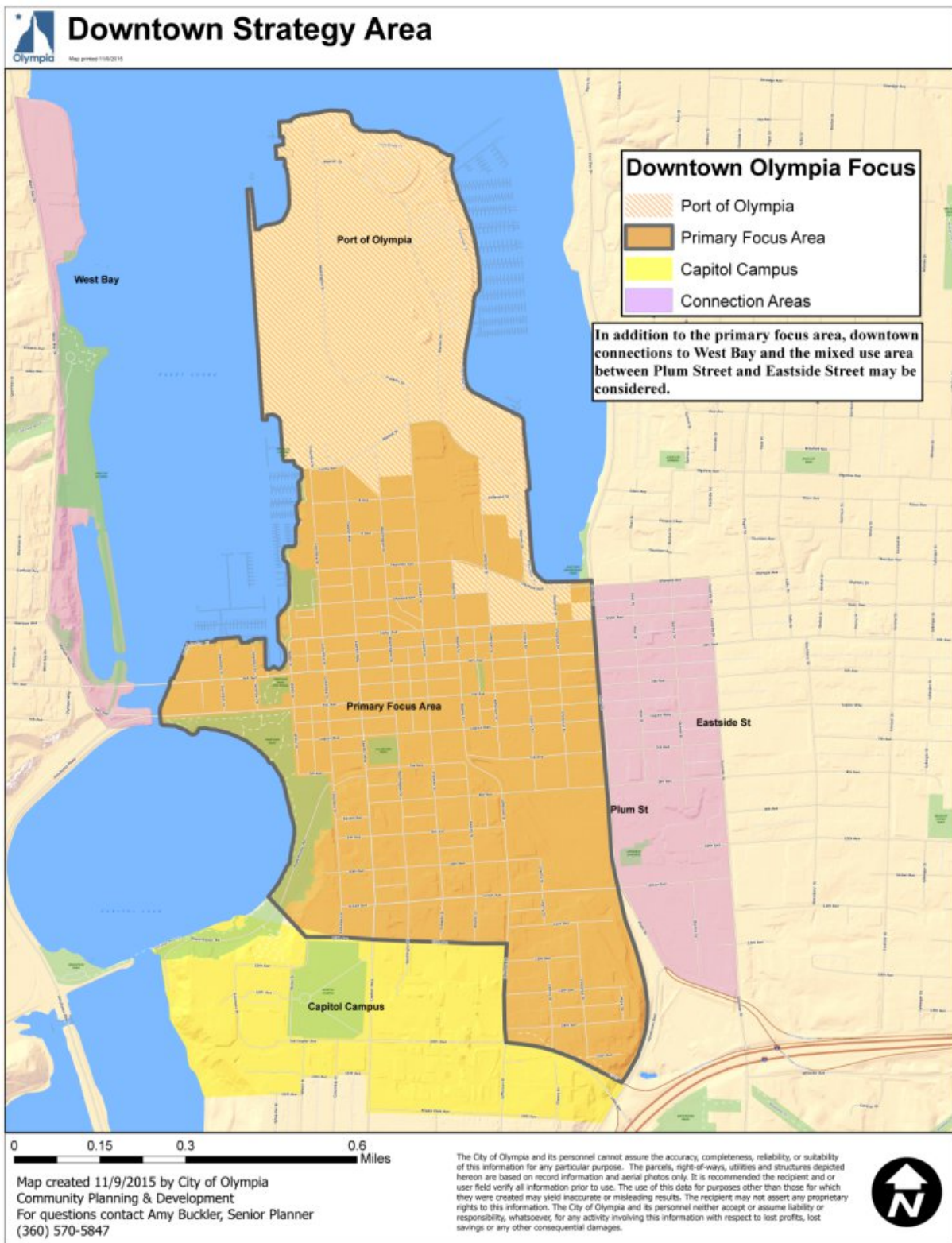
SECTION 6. – Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors; Ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 7. – Severability. If any one or more section, subsection, or sentence of this Ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this Ordinance and that remaining portion shall maintain its full force and effect.

SECTION 8. – Effective Date. This Ordinance shall be in force five (5) days after its passage and publication, as provided by law.

[signatures, approval information, etc]

SEPA Infill Exemption Allowance Area = Downtown Strategy Primary Focus Area (outlined below by gray line)



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ATTACHMENT 1



BACKGROUND MEMO

January 2017

What is SEPA?

Enacted by the Washington Legislature in 1971, the **State Environmental Policy Act** – commonly called SEPA – helps state and local agencies in Washington identify possible environmental impacts that could result from governmental decisions such as:

- Issuing permits for private projects such as an office building, grocery store, or apartment complex.
- Constructing public facilities like a new school, highway, or water pipeline.
- Adopting regulations, policies, or plans such as a county or city comprehensive plan, critical area ordinance, or state water quality regulation.

SEPA Informs Decisions

State and local agencies in Washington use SEPA to evaluate proposed decisions. Information learned through the review process can be used to:

- Change a proposal to reduce likely impacts.
- Apply conditions to or deny a proposal when adverse environmental impacts are identified.

Using SEPA in Decision-Making

Under SEPA, project proponents are usually asked to provide information about the proposal and its potential impacts on the environment. When a proponent has gathered and submitted enough information about their proposal, the lead agency can:

- Issue a **determination of non-significance** – also called a DNS – if it finds the proposal is unlikely to have a significant adverse environmental impact.
- Issue a **mitigated determination of non-significance** – or **MDNS**- concluding that identified significant impacts will be reduced to a level of non-significance through specific mitigated measures.
- Require an **environmental impact statement** – or an **EIS** – if the information indicates the proposal is likely to have a significant adverse environmental impact. An EIS needs to include:
 - An evaluation of alternatives to the proposal.
 - Measures that would reduce or eliminate likely environmental impacts.

The DNS, MDNS or EIS may be appealed by parties who participated in the review process. SEPA gives state and local agencies the authority to require conditions on permits to offset or mitigate any identified adverse environmental impacts. Federal and state court decisions make clear that any conditions imposed must be directly related and proportional to the impacts of the project.



Some Projects Can be Exempt

SEPA also gives local governments the option to allow some minor projects to be exempt from review. Other projects may be exempt if they are consistent with adopted plans that underwent SEPA review. Various options include:

- **Increased exemption levels for minor construction projects** (WAC 197-11-800(1)(c))
- **Urban infill exemption levels** (RCW 43.21C.229)
- **Planned Action – Environmental Impact Statement (EIS)** (RCW 43.21C.440)

These are described in more detail on page 4.

Options for SEPA Exemptions Were Considered as Part of the Downtown Strategy

As part of the process to form a Downtown Strategy (DTS), the City explored various options for exempting projects in the Downtown from SEPA. The purpose is to reduce uncertain costs and permit review times associated with development. Environmental issues are still addressed, but rather than relying on the SEPA process for this, environmental issues are addressed upfront in the development code. The purpose of exempting SEPA is to reduce duplicative *process*, not to reduce environmental mitigation.

During scoping for the DTS, the City decided not to complete a planned action EIS for the entire Downtown, as the same objective could be achieved by increased exemption levels and/or a SEPA urban infill exemption. The DTS planning team reviewed available options in light of Downtown objectives. As a result, the Downtown Strategy is recommending the City establish Downtown as an Urban Infill Exemption Area.

A GAP Analysis was Completed

A first step was to identify any gaps in our environmental regulations where we have had to use SEPA in the past to address an environmental issue in Downtown. The next step is to establish regulations for these currently unaddressed environmental issues.

A gap analysis revealed the City has often used SEPA to reiterate regulations that are required regardless of SEPA (e.g., remediating contaminated soil & groundwater, controlling dust at the construction site). The gap analysis also identified three areas that should be addressed before establishing a SEPA exemption:

- 1) **Flood risk associated with sea level rise:** In the past, the City has used SEPA to address flood risk due to sea level rise by requiring higher finished floor elevations in high risk Downtown areas. To ensure this issue could still be addressed without SEPA, the City adopted increased flood-proofing standards for the Downtown in August of 2016.



- 2) **Off-site traffic impact mitigation:** There are a few areas where it's possible a large traffic generating project could cause traffic impacts needing to be mitigated through infrastructure improvements at the time of development (i.e., a traffic light.) To ensure this issue could still be addressed without SEPA, the Downtown Strategy will likely recommend adopting a threshold (i.e., size) at which Downtown projects require a traffic study (typically part of SEPA) to determine any needed improvements that would then be required.

- 3) **Cultural resources:** Tribal agencies tend to use SEPA notice as their trigger to comment on projects, and Downtown is of particular interest to these agencies due to the historical and cultural significance of Downtown lands. As a next step, City staff will meet with tribal and State Department of Archaeology and Historic Preservation (DAHP) representatives to discuss the other available opportunities for comment (e.g., at notice of application) and potential code revisions that could address the primary issues that could occur Downtown.

DTS Recommends Establishing Downtown as an Urban Infill Exemption Area

The State's SEPA statute allows for urban infill exemptions in order to encourage residential or mixed use development in urban areas where the density goals of the comprehensive plan are not being met. When an EIS has been prepared to analyze the development goals in the comprehensive plan (which is the case for Olympia), a city can exempt some or all of the following types of development from additional SEPA review:

- Stand-alone residential
- Mixed use residential/commercial
- Stand-alone commercial less than 65,000, excluding retail

The exemption would not apply to:

- Industrial uses
- Lands covered by water (in most cases)
- Projects where part of the proposal requires both exempt and non-exempt actions
- Some other very specific cases outlined under the SEPA statute

Additional Considerations and Next Steps:

- City should define what is meant by retail to include certain uses that include sales of products produced on the premises (microbrewery, artist studio, etc.)
- Consider a threshold at which Downtown projects should require a traffic study
- Meet with DAHP and tribal agency representatives to address potential historic, cultural and archaeological issues



BACKGROUND: Options Considered for SEPA Exemption in Olympia's Downtown

1. **Increased exemption levels for minor construction projects** (WAC 197-11-800(1)(c)) – The WA Department of Ecology has adopted rules to exempt permits for smaller-scale construction projects from SEPA review. Ecology recently amended those rules to provide cities and counties with the option to increase the exemption levels for certain types of projects that are consistent with an adopted comprehensive plan that underwent SEPA review.

For example, Olympia currently exempts projects that include construction of 9 dwelling units or less. The new rules allow the city to increase the exemption up to 30 single-family homes or 60 units of apartments or condominiums.

Example: Seattle has used this provision in five urban centers and urban villages, and in its Downtown, to tailor SEPA review thresholds to infill for those specific areas.

2. **Urban infill exemption levels** (RCW 43.21C.229) – This provision of the statute is intended to encourage residential or mixed use development in urban areas where the density goals of the comprehensive plan are not being met. When an EIS has been prepared to analyze the development goals in the comprehensive plan (which is the case for Olympia), a city can exempt some or all of the following types of development from additional SEPA review:
 - Residential
 - Mixed Use
 - Stand-alone Commercial up to 65,000 square feet (excluding retail)

Example: Kent has adopted an urban infill exemption ordinance for a portion of its Downtown to encourage residential and mixed use development.

3. **Planned Actions** (RCW 43.21C.440) – Cities and counties may prepare a detailed EIS in conjunction with a comprehensive plan or subarea plan that evaluates the environmental impacts of all the types of development proposed in the plan. Using the information in the EIS, the city/county adopts a “planned action” ordinance that identifies the conditions that each type of development must meet. When a project application is submitted that meets the conditions specified in the planned action ordinance, no additional SEPA review of that project is required.

Examples: A 2009 review of the results of ten cities’ planned actions:
<http://www.mrsc.org/artdocmisc/munkberg.pdf>.



BACKGROUND: Factors to Consider with SEPA Options

	Increased Exemption Levels for Minor Construction Projects	Urban Infill Exemption Levels	Planned Action
City can designate geographic area	Yes	Yes	Yes
Additional EIS required of city	No	No	Yes (typical cost \$150,000 - \$250,000)
Additional SEPA review for project permits	None for types of development designated by city, subject to state maximum thresholds	None for types of development designated by city	None, in most cases; city could define exceptions
Development types eligible for SEPA exemption	Residential, office, school, commercial, recreational, service, storage, parking; subject to state maximum thresholds	Residential, mixed-use, stand-alone commercial up to 65,000 square feet (retail excluded)	Defined by city in planned action ordinance; must have been analyzed in city's EIS
Results in pre-defined conditions for new development (i.e., predictability)	In city codes and development standards	In city codes and development standards	Detailed in planned action ordinance, in addition to city codes and development standards
Possibility of appeal of SEPA review	None for exempted types of development	None for exempted types of development	For EIS only; none for development projects that are consistent with planned action
Length of time remains in effect	No end date; effective until City Council action to discontinue	No end date; effective until City Council action to discontinue	Defined in planned action ordinance; typically 10-20 years
Reduced time and cost of permit process (for applicant and city)	Yes, for exempted types of development	Yes, for exempted types of development	Yes, for nearly all development

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ATTACHMENT 2

Chapter 15.20

TRANSPORTATION CONCURRENCY

15.20.000 Chapter Contents

Sections:

- 15.20.010 Title, authority and purpose.
- 15.20.020 Definitions.
- 15.20.030 Level of service standards.
- 15.20.040 Concurrency districts.
- 15.20.050 Concurrency test.
- 15.20.060 Exemptions from the concurrency test.
- 15.20.070 Findings of concurrency.
- 15.20.080 Fees.
- 15.20.090 Concurrency system.
- 15.20.100 Monitoring the transportation system.
- 15.20.110 Intergovernmental coordination.
- 15.20.120 Appeals.

15.20.010 Title, authority and purpose

- A. This chapter shall be known as the "Transportation Concurrency Ordinance."
- B. This chapter is enacted pursuant to the City of Olympia's powers as a Code City, Article XI, Section 10 of the Washington State Constitution, Chapter 35A RCW, the Growth Management Act, Chapter 36.70A generally, and RCW 36.70A.070 specifically.
- C. It is the purpose of this chapter:
 - 1. To ensure adequate levels of service on transportation facilities for existing land uses as well as new development;
 - 2. To provide transportation facilities that achieve and maintain the City's level of service standards as established in the Comprehensive Plan; and
 - 3. To ensure that the City's level of service standards are achieved concurrently with development as required by the GMA.

(Ord. 5540 §1, 1995).

15.20.020 Definitions

Except as defined below, the words and terms used in this chapter shall have the meaning set forth in the

OMC Section 18.02.180.

- A. Adequate - the transportation facilities meet or exceed the City's adopted standard of service set forth in the City's Comprehensive Plan.
- B. Capacity - the maximum number of vehicles that can be accommodated during a specified travel period at a specified level of service. Capacity will be calculated according to the methodology used in the most current Highway Capacity Manual. An alternative methodology may be used only if it is preapproved by the Director of Public Works or his/her designee.

(Ord. 6607 §1, 2008; Ord. 5540 §2, 1995).

15.20.030 Level of service standards

The following level of service standards, established in the Olympia Comprehensive Plan, are hereby adopted for the purposes of this Chapter. If a conflict arises between a level of service standard identified in this Chapter and a standard identified in the Comprehensive Plan, the level of service established in the Comprehensive Plan shall control.

- A. Level of Service "F" for the intersections of:
 - 1. Jefferson and 14th;
 - 2. Plum Street and Union;
 - 3. Water and 5th;
 - 4. Capitol and 14th;
 - 5. Sleater-Kinney and Martin Way;
 - 6. Lilly and Martin Way; and
 - 7. Black Lake Boulevard and Cooper Point Road.
- B. Level of service "E" for the Downtown City Center and along High Density Residential Corridors as identified in the Comprehensive Plan; and
- C. Level of service "D" in the remainder of the City and its Urban Growth Area.

(Ord. 6607 §1, 2008; Ord. 5540 §3, 1995).

15.20.040 Concurrency districts

There are hereby established four concurrency districts within the City and its Urban Growth Area. The districts will be used to monitor and to allocate available transportation capacity. The districts are depicted in Map One, Attachment A, which is adopted as part of this Title.

(Ord. 6607 §1, 2008; Ord. 5540 §4, 1995).

15.20.050 Concurrency test

- A. Unless exempt under Section 15.20.060(A), the test for concurrency will be conducted as part of the building permit application.
- B. The City may conduct an alternative concurrency test for the applications identified in Section 15.20.060(B) by paying the fee set forth in Section 15.20.080.
- C. The test for concurrency will be conducted in the order in which the completed building permit application is received.
- D. The concurrency test will be performed only for the specific property uses(s), residential density(ies) and intensity(ies) of the use(s) described on the building permit application. The applicant shall describe the proposed development in a manner adequate for the City to determine the peak-hour traffic which is likely to be generated by the proposed development. The applicant shall also provide the City a legal description of the property. Revisions to the proposed development that may create additional impacts on transportation facilities will be required to undergo an additional concurrency test.
- E. In conducting the concurrency test, the City will use the trip generation tables set forth in the Transportation Impact Fee Rate Study (the "Rate Study"), adopted by reference in OMC Title 15. If the trip generation rates for a proposed development are not identified in the Rate Study, then the City shall use the trip generation rates set forth in the latest edition of the Institute of Transportation Engineers, Information Report - Trip Generation. The presumption is that the rates used by the City are accurate unless proven otherwise.

F. If the applicant pays the fees identified in Section 15.20.080, the applicant may submit a calculation of alternative trip generation rates for the proposed development. The City shall review the alternate calculations and indicate in writing whether such calculations are acceptable in lieu of the standard trip generation rates.

G. The City may adjust the trip generation forecast of the proposed development in order to account for any transportation strategies proposed by the applicant that are acceptable to the City.

H. The City shall not make a finding of concurrency as part of the issuance of a building permit if the proposed development will result in the transportation facilities declining below the adopted level of service standards. If the level of service of the transportation facilities meets or exceeds the adopted level of service standards, the concurrency test is passed and the City shall make a finding of concurrency.

(Ord. 6607 §1, 2008; Ord. 5540 §5, 1995).

15.20.060 Exemptions from the concurrency test

A. Exemption from the concurrency test is not an exemption from the remaining requirements of OMC Title 15. The following applications for a building permit shall be exempt from the concurrency test:

1. Any proposed development that creates no additional impacts on any transportation facility;
2. Any project that is a component of another proposed development and that was included in a prior application for a finding of concurrency;
3. Any renewal of a previously issued but unexpired permit;
4. Any application for a residential building permit if the dwelling unit is a part of a subdivision or short plat that submitted an application after 1990 and that has undergone the analysis mandated by the State Subdivision Act, RCW 58.17.060 or .110 and
5. Any application that is exempt from OMC Title 14.

B. Unless otherwise exempted by the Director or Environmental Review Officer, a building permit application must be accompanied by a Traffic Impact Analysis (TIA) provided by the applicant in accordance with the City of Olympia Traffic Impact Analysis Guidelines for New Development dated November 3, 2006 (TIA Guidelines) in Chapter 4 of the current Engineering Design and Development Standards, or as hereafter amended by resolution of the City Council. Applications that do not meet the minimum requirements to conduct a TIA under Section B 'When Required' of the TIA Guidelines are exempt.

(Ord. 6607 §1, 2008; Ord. 5540 §6, 1995).

15.20.070 Findings of concurrency

A. The City shall make a finding of concurrency for each building permit application that passes the concurrency test.

B. The finding of concurrency shall be valid for the same time period as the underlying building permit, including any permit extensions.

C. A finding of concurrency shall expire if the underlying building permit expires or is revoked by the City.

D. A finding of concurrency accompanying a building permit for a particular parcel of property may be used by the heirs, executors, successors, or assigns of the applicant.

E. All building permits that require one or more transportation facilities to be provided by the applicant shall be and are hereby conditioned upon an appropriate financial commitment by the applicant which is binding upon subsequent owners, heirs, executors, successors, or assigns, and upon the completion of such transportation facilities in a timely manner, prior to the issuance of the certificate of occupancy or prior to occupancy, unless stated otherwise in writing by the City.

(Ord. 6607 §1, 2008; Ord. 5540 §7, 1995).

15.20.080 Fees

If the applicant requests an alternative calculation for the concurrency test, or if the City determines that an alternative calculation is required due to the size, scale, or other unusual characteristics of the proposed development, a fee for the alternative calculation shall be paid by the applicant prior to the initiation of review. The fee for conducting the review of the alternative calculation shall be Two Hundred Dollars (\$200.00), unless otherwise established by the Director of Public Works.

(Ord. 5540 §8, 1995).

15.20.090 Concurrency system

A. The City will provide, or arrange for others to provide, adequate transportation facilities by constructing needed transportation facilities and implementing transportation strategies within the six year horizon that:

1. Eliminate the level of service deficiencies for existing uses;
2. Achieve the level of service standards for anticipated future development and redevelopment resulting from previously issued building permits; and
3. Maintain existing facilities and repair or replace obsolete or worn out facilities.

The improvements to transportation facilities will be consistent with the Olympia Comprehensive Plan.

B. The City will appropriate sufficient funds during the appropriate fiscal year to meet the financial commitment for all the transportation facilities required to meet the level of service standards, except that the City may omit from its budget any capital improvements for which a binding agreement has been executed with another party.

(Ord. 5540 §9, 1995).

15.20.100 Monitoring the transportation system

The City will, on an annual basis, review and update its capital facilities plan and transportation element and shall identify those facilities necessary to achieve transportation concurrency. At a minimum, this review will include updates, as needed, to the City's traffic model, a comparison of actual and forecast traffic volumes, and an examination of conformance with the adopted level of service standards. In addition to annual reviews, emergency review of the concurrency management system will be conducted whenever traffic analysis reveals that 50 percent of the projected six-year capacity of any transportation facility or concurrency district has been assigned in any one year.

(Ord. 5540 §10, 1995).

15.20.110 Intergovernmental coordination

The City may enter into agreements with other local governments, Intercity Transit, and the State of Washington to coordinate the imposition of the level of service standards, the collection of impact fees, and the implementation of transportation strategies.

A. The City may apply level of service standards, fees, and other mitigation measures to developments in the City that impact other local governments and the State of Washington. Development permits issued by the City may include conditions and mitigation measures that will be imposed on behalf of and implemented by other local governments and the State of Washington.

B. The City may receive impact fees or other mitigation payments based on or as a result of development proposed in other jurisdictions that impact the City. The City may agree to accept such payments or may coordinate with other jurisdictions to implement the appropriate mitigation measures.

(Ord. 5540 §11, 1995).

15.20.120 Appeals

A. Any applicant may timely file an appeal of the approval or the denial of a finding of concurrency to the Olympia Hearing Examiner pursuant to OMC 18.75. The applicable appeal fee must be paid pursuant to OMC 4.40.010.

B. The appeal on the finding of nonconcurrency will not be conducted if the applicant refuses to pay the transportation impact fees required by OMC Title 15.

(Ord. 6607 §1, 2008; Ord. 5540 §12, 1995).

Inserted into Section 2.040 of the EDDS:

Engineering Design and Development Standards
Chapter 2 ADMINISTRATION AND APPLICABILITY

Page 14/22

- c. Maintenance of the aboveground improvements including, but not limited to, sidewalks located between the curb and the abutting private property line is the responsibility of adjacent property owners.
- d. Pedestrian access will be provided to all new transit stops.

F. Public Notice. Prior to construction of any improvements within public right-of-way, the permittee shall provide notice to the public in a manner equal or better than that provided by City of Olympia Public Works Department for comparable projects.

G. Traffic Impact Analysis Guidelines. See OMC Chapter 15.20 and Chapter 4 of the EDDS for guidance on when a Traffic Impact Analysis (TIA) may be required for a proposed project, and what additional improvements may be required as a result of completing a TIA.

Proposed edits to the Introduction section of the TIA Guidelines (will be Appendix 7 of Chapter 4 of the EDDS):

June 26, 2017

DRAFT
Traffic Impact Analysis (TIA)
Guidelines for New Developments

A. INTRODUCTION

A Traffic Impact Analysis (TIA) is a specialized study of the impacts that a certain type and size of development will have on the surrounding transportation system. The TIA is an integral part of the development review process. It is specifically concerned with the generation, distribution, and assignment of traffic to and from the new development. New development includes properties that are redeveloped. The purpose of a TIA is to determine what impact development traffic will have on the existing and proposed street network and what impact the existing and projected traffic on the street system will have on the new development.

These guidelines have been prepared to establish the requirements for a TIA. Except as directed by other sections of the Olympia Municipal Code ~~†~~The Environmental Review Officer (ERO) will be the person responsible under the State Environmental Policy Act (SEPA), as well as city ordinances, for enforcing the need for a TIA. The ERO will consult with the Transportation Division of the Public Works Department and, based on their recommendation, determine the need for a TIA.

Sci Fri - Sept 1, 2017

Guest: Simon Roster
Principal - JDS Developers
Project in NYC

1st Ave (~~626 1st Ave~~
Copper Building)

@ time of H. Sandy
Modified plans to build
for "Resiliency"

Elec. Utilities/Systems
All went to 2nd Fl. location
Modification of NYC

Building Code
"Appendix G"

(Glass + (Marble?) Floor)
in Lobby

Lon Freeman
5040 78th Avenue NW
Olympia, WA 98502

ATTACHMENT 4

Olympia Planning Commission
C/O Olympia Community Planning and Development Department
P.O. Box 1967
Olympia, WA 98507-1967

February 27, 2017

Comments to Olympia Planning Commission on Draft DTS: Some Thoughts on Sea Level Rise Response Planning

Dear Commissioners and Participants:

1. Introduction

First and foremost I wish to convey my sincere appreciation to the City of Olympia Community Planning and Development Department staff (Lead: Amy Buckler, CPD), to MAKERS Architecture and Urban Design (Consulting Group, John Owen, Rachel Miller et al), to Andy Haupt (Lead: Public Works [PW]) and all partners and participants for the sheer volume of work involved in undertaking an effort of such great complexity, for an urban design project of a relatively compact downtown core.

Although I had some doubts, even mistrust, at the outset of the (public) planning process, the efforts at engaging the challenges of both physical geography on the one hand, and the desire to incorporate a fully inclusive balance of distinct social and cultural groupings, has been evident and praiseworthy. At the same time there is a recognizable tacit acknowledgment of the overarching imperative to ensure the longevity of a municipality that continues to thrive in it's social, cultural, environmental and economic health and well-being.

It is my hope, without having great knowledge of such matters as urban planning, architectural construction design, provision of infrastructure, and Engineering Design and Development Standards (EDDS), that my comments in a particularly circumscribed area (Sea Level Rise Response) may be taken in a spirit of intended hopeful contribution.

2. Clarifying and Synchronizing Disparate Planning Horizons and Scenarios in Time

Issue: Currently, there are two distinct and disparate time-frame horizons evident in the DTS planning documents that do not correspond to each other in their impact outcomes, as relates to Sea Level Rise Response Planning.

2.A) The DTS proper; "Summary: Volume 1", along with other "Elements: Volume 2" chapters delineate an implied time horizon of 20 years for the relevant planning and design and (re)development actions of the construction projects under consideration in its text, and by verbal communication through the public planning process. The population growth and modeling projections of 5000 new residents in the DT Core are also based on this planning horizon.

An implied base reference year is 2015 followed by a 6 year implementation of updated design guidance and updated zoning and development standards, with marketing and full realization of the cohort of projects over a 20 year period, from 2015 – 2035.

2.B) The Sea Level Rise Response Plan (SLR, LU-1), however, although presumably integrated into the DTS at an appropriate and opportune time early in the process, is, in public presentations and discussion (Feb 8, 2017 and earlier presentations to City Council), indicating a preferred **planning horizon**, based on rational and accepted local sea level rise projections (by accepted authorities) in a 50 year **horizon**, this being down-selected from an even more severe 100 year **impact** and **planning horizon**.

2.C) Implications for scenario development:

2.C.1) If planned developments proceed as described in the planning documents (Land Use Element chapter, and Design Element chapter) north of Legion Avenue out to the Port Peninsula (the tidal flooding affected area), with “mixed use”, with 4 story, 5 story, 6 story and 7 story structures; and with mixed public/private mitigation measures being employed in design guidelines for such development (raised grade elevations and flood walls/automatic flood gates for developers; elevated walking pathway berms/levees and automatic tidal flood gates to prevent back-flow for surface and stormwater incursion into outfall pipes at waterfront for public works projects), then pursuing the 50 year **Horizon (to that design criteria)**, the Sea Level Rise Response plan would be advantageous for longevity of the built structures and infrastructure of those “character areas” affected (including “Tech/Artisanal” area in NE section) because Sea Level Rise Response planning would be to design for more stringent requirements – a 50 year flood mitigation design rather than a 20 year design criteria, because in 50 years Sea Level Rise is expected to be more severe than in 20 years time, and so is the corresponding potential for flooding.

2.C.2) If, on the other hand, another urban redevelopment planning effort ensues with an infusion of mixed investment funds and sources in the same area of the downtown core, in 25 – 30 years, at the end of the current 20 year cycle, – a scenario for which I have no idea of efficacy or likelihood, then it may be equivocal to plan currently at the 50 year design Horizon because the presumed knowledge of Sea Level Rise due to climate change, the specificity of its local impacts, the time and spatial resolution of its effects, would be presumed to be of greater reliability and experience. There would also likely be a more extensive configuration of mitigating, adaptive technologies to choose from, and a greater range of “materials” and methods to select in the design and construction of built structures and infrastructure to withstand the onslaught of saline marine incursion and inundation. **In this case a 50 year planning horizon would be obsolete.**

2.C.3) Sea Level Rise related tidal flooding in the affected area north of Legion Avenue will have a range of **variability** – in the frequency of flood events, in the severity or intensity of flood events, and in the duration of flood events. There would be typical expectations based on the scientific knowledge and understandings of the dynamics at work, even in the local case of our own community, and the typical expectations would tend to congregate around a central measure of how often the events occur, how severe or intense is the flood event, and the typical duration of an event. **But, there will be events that diverge from what is typical or expected.** The measure of dispersion or variability of these events remains to be observed, and experienced. Even if the Sea Level Rise Response Plan (SLR, LU-1) is adopted for the 50 year planning horizon, lending more stringent design criteria for flood mitigation, there would still be a chance for a severe departure from the expected (if the distribution is in fact Gaussian, [a Bell Shaped curve]). What if, by some slight chance, there is an event that exceeds the 100 year sea level rise expectation (this is a different metric than what we know as a 100 year flood in storm language). What if there is an event greater than 3 or 4 Standard Deviations from the mean in year 2027? Will the 50 year planning horizon design criteria be sufficient for a normal recovery with only minor inconveniences? I am not sure we have the knowledge and information base apropos to make reliable probability estimations with the corresponding temporal and spatial resolution necessary for design criteria precision (at this time). And if we did, at what probability level would it be appropriate to design for?

2.C.4) In the “Tech/Artisanal” character area delineated in the NE of the Port Peninsula, which is without doubt an exciting planning area for its varied function and design characteristics, (which I believe would be inclusive of some level of Light Industrial activity), is it foreseeable that any of the productive activities would necessitate NPDES Permits, or, even if within the SEPA exemption zone, how would

technological/environmental risk be assessed? Would effluent discharge be monitored at the CHM Zone of East Bay discharge outfall or in the confluence of East Bay/West Bay discharges, or would effluent discharge be directed to traverse through the LOTT facility (as I am sure would sanitary waste discharge)?

3. Residential Building Structures as Technological Systems: (EDDS)

Issue/Assertion: Building structures (as well as street-scape structures [and their underlying infrastructure]) are technological systems, with distinct internal and external functions. The subsystems, and the social organization, that constitute these whole systems are subject to the ways and limits of nature's provisioning and the configuration of their fit.

3.A) With reference specifically to the Sea Level Rise Response Plan (SLR, LU-1); in the event of an exceptional, out-lier occurrence of a failure mode of the planned public/private mitigating measures for sea level rise flooding, in the most vulnerable, prone areas: are there ways to incorporate design guidelines for the materials and configuration of the buildings themselves to remain resilient to inundation and/or incursion?

3.A.1) In the **site plan** of a development project, are there ways to protect electrical power distribution, or on-site electrical power generation, and the provisioning of domestic, potable water, and relevant on-site HVAC pumps, condensers, machinery from the corrosive effects of saline, marine water that comes in contact with these facilities. If there are ways to configure these facilities for protection, in the case of contact, what are the likely marginal costs for such direct protection; would it be feasible? Or is prevention of direct contact really the only way to mitigate flood events in the physical geography of the affected areas?

3.A.2) Similarly, in the design guidelines for **building construction(s)** proper are there ways to design the structure for internal, resilient protection of the fore-mentioned subsystems in the case of marine water incursion, internally in the building? Are there “materials” to use in the subterranean and ground floor segments of the construction which would be resistant and impervious to flood waters at a moderate incursion for a limited time period? Or, if not, is it possible (and feasible) to design pass-through systems where incursion water passes through the structure and exits one of the other sides of the structure in appropriate timing and flows?

3.A.3) Is it feasible to locate **all** of the technological subsystems; power distribution and control, domestic water distribution (pumps, etc.) and control, and HVAC systems and control, in an upper story (perhaps a 2nd floor story would be sufficient) in a multistory, multi-unit structure, and still maintain sufficient insulation and isolation from the expected noise pollution?

3.A.4) If there is any reasonable response in the affirmative to these speculations, is it feasible to have them translated to an updated “Engineering Design and Development Standards” code which is in the City of Olympia purview, as a set of minimum performance codes for the affected area(s), and then to elaborate as an updated “design guidelines” with greater flexibility in accomplishing the implied functional design goals?

End

Thank you very much for the opportunity to participate and share my thoughts on the Sea Level Rise issue in this complex endeavor.

With appreciation and homage to Lewis Mumford and Jane Jacobs.

Lon Freeman

ATTACHMENT 4

NYC Building Code - Appendix G

2014 Update

APPENDIX G

(Page 9 = Definitions)*

FLOOD-RESISTANT CONSTRUCTION

CHAPTER G1 GENERAL PROVISIONS

SECTION BC G101 PURPOSE AND OBJECTIVES

Re: Simon Kosten

Principal: JDS Developers

G101.1 Purpose. The purpose of this appendix is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas designed to:

1. Prevent unnecessary disruption of commerce, access and public service during times of flooding;
2. Manage the alteration of natural flood plains, stream channels and shorelines;
3. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential;
4. Prevent or regulate the construction of flood barriers which will divert floodwaters or which can increase flood hazards;
5. Contribute to improved construction techniques in the flood plain; and
6. Comply with and exceed the minimum standards of the National Flood Insurance Program as administered by the Federal Emergency Management Agency (FEMA).

G101.2 Objectives. The objectives of this appendix are to:

1. Protect human life;
2. Minimize the expenditure of public money for flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding;
4. Minimize prolonged business interruption;
5. Minimize damage to structures located in areas of special flood hazard;
6. Minimize damage to public facilities and utilities such as water, electricity, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;
7. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
8. Ensure that potential owners and occupants are notified that property is within areas of special flood hazard.

G101.3 Reserved.

G101.4 Reserved.

SECTION BC G102 APPLICABILITY

G102.1 General. This appendix, in conjunction with the *New York City Construction Codes*, provides minimum requirements for development located, in whole or in part, in areas of special flood hazard and shaded X-Zones within the jurisdiction of New York City, including:

1. **Subdivisions.** This appendix shall apply to the subdivision of land;
2. **Utilities.** This appendix shall apply to the installation of utilities;
3. **Group U buildings and structures.** This appendix shall apply to placement and replacement of Group U buildings as defined in Section 312;

4. **Site improvements.** This appendix shall apply to site improvements, including but not limited to, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, operations and other land disturbing activities;
5. **Prefabricated buildings and manufactured homes.** This appendix shall apply to placement and replacement of prefabricated buildings and manufactured homes;
6. **Post-FIRM construction.** This appendix shall apply to post-FIRM construction;
7. **Alterations to post-FIRM construction.** This appendix shall apply to repair, reconstruction, rehabilitation, or additions to post-FIRM construction;
8. **Substantial improvement of pre-FIRM construction.** This appendix shall apply to substantial improvement of pre-FIRM buildings and structures, including restoration after damage, as if hereafter erected;
9. **Horizontal enlargements of pre-FIRM construction.** This appendix shall apply to horizontal enlargements of pre-FIRM buildings and structures to the extent of such horizontal enlargement, including but not limited to additions, decks, carports, or similar appendages. The existing portions of the structure shall not be required to comply, unless otherwise required because the alteration is deemed a substantial improvement; and
10. **Other alterations to pre-FIRM construction.** This appendix shall apply to alterations or repairs to pre-FIRM buildings and structures, including installation of new components, materials, finishes and equipment, that increase the degree of noncompliance with this appendix. The following alterations or repairs, other than substantial improvements, shall not be deemed as an increase in the degree of noncompliance:
 - 10.1. Where the alteration or repair comprises the replacement of pre-FIRM components, materials, finishes or equipment;
 - 10.2. Where the alteration or repair comprises the installation of new components, materials, finishes or equipment in a space within the structure where similar pre-FIRM components, materials, finishes or equipment already exist; and
 - 10.3. Where such alteration is a change in use, occupancy or how such space is used, provided that such change would not increase the degree of noncompliance with requirements of this appendix. The conversion of any space below the design flood elevation from nonhabitable space into habitable space shall be deemed an increase in the degree of noncompliance.
11. **Retroactive requirements.** This appendix shall apply to retroactive requirements as provided for in Section G311.

G102.2 Establishment of areas of special flood hazard. The following flood hazard map and supporting data are adopted as referenced standards and declared to be a part of this appendix:

1. FEMA FIS 360497.
2. FEMA FIRMS 360497.

G102.2.1 Preliminary flood insurance study and rate maps. Until such time that the department by rule adopts revised FEMA FIS 360497 and FEMA FIRMS 360497 with a final effective date later than May 1, 2014, the following flood hazard maps and supporting data are also adopted as a referenced standard and declared a part of this appendix.

1. FEMA PFIS 360497.
2. FEMA PFRIMS 360497.

G102.2.2 Effect of preliminary flood insurance study and rate maps. Notwithstanding any other provision in this appendix to the contrary:

1. All references in this appendix to elevations in FEMA FIS 360497 and FEMA FIRMS 360497 shall be deemed to refer to the greater of (i) the elevations identified in the FEMA FIS 360497/FEMA FIRMS 360497 or (ii) the elevations identified in the FEMA PFIS 360497/FEMA PFRIMS 360497. In comparing elevations, the elevations identified in FEMA FIS 360497 and FEMA FIRMS 360497 that are expressed in relation to the National Geodetic Vertical Datum (NGVD) shall be converted to the North American Vertical Datum (NAVD).
2. All references in this appendix to areas of special flood hazard as delineated on FEMA FIRMS 360497 shall be deemed to refer to the area of special flood hazard as delineated on FEMA PFRIMS 360497 except that, where a

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structure is located in an area of special flood hazard as delineated on FEMA PFIRMs 360497 and in a more restrictive area of special flood hazard as delineated on FEMA FIRMs 360497, such structure shall be deemed to be located in the more restrictive area of special flood hazard as delineated on FEMA FIRMs 360497.

G102.3 Letters of map change. Map changes to FEMA FIRMs 360497 shall be administered in compliance with Sections G102.3.1 through G102.3.3.

G102.3.1 Letters of map amendment (LOMA). Where FEMA FIRMs 360497 indicates that a structure or tax lot is within a delineated area of special flood hazard, but the pre-FIRM ground elevations adjacent to the structure or throughout the tax lot are at or above the base flood elevation, the commissioner shall deem such structure or tax lot as being within the area of special flood hazard and shall not approve plans except in compliance with this appendix, unless a letter of map amendment (LOMA) is issued by FEMA removing such structure or tax lot from the area of special flood hazard.

G102.3.1.1 Letters of map amendment (LOMAs) during pendency of PFIRMs. Until such time that the department by rule adopts revised FEMA FIS 360497 and FEMA FIRMs 360497 with a final effective date later than May 1, 2014, the commissioner shall not deem issuance of a LOMA by FEMA as removing such structure or tax lot from the area of special flood hazard unless the elevations specified in the LOMA equal or exceed the applicable corresponding elevations on the FEMA PFIS 360497/FEMA PFIRMs 360497.

G102.3.2 Letter of map revision based on fill (LOMR-F). Where FEMA FIRMs 360497 indicates that a structure or tax lot is within a delineated area of special flood hazard, but post-FIRM compacted fill is proposed to be added adjacent to the structure or throughout the tax lot to an elevation at or above the base flood elevation, the commissioner shall deem such structure or tax lot as being within the area of special flood hazard and shall not approve plans except in compliance with this appendix, unless a conditional or final letter of map revision based on fill (LOMR-F) is issued by FEMA removing such structure or tax lot from the area of special flood hazard. Buildings constructed with basements below the Base Flood Elevation on filled land shall maintain a minimum setback distance of 20 feet (6096 mm), at or above the Base Flood Elevation, from the edge of the Special Flood Hazard Area to the nearest wall of the basement, regardless of the design approach used. The commissioner shall promulgate rules establishing procedures for processing letters of map revision based on fill (LOMR-F).

G102.3.2.1 Letters of map revision based on fill (LOMR-Fs) during pendency of PFIRMs. Until such time that the department by rule adopts revised FEMA FIS 360497 and FEMA FIRMs 360497 with a final effective date later than May 1, 2014, the commissioner shall not deem issuance of a LOMR-F as removing such structure or tax lot from the area of special flood hazard unless the elevations specified in the LOMR-F equal or exceed the applicable corresponding elevations on the FEMA PFIS 360497/FEMA PFIRMs 360497.

G102.3.3 Certificates of occupancy. Certificates of occupancy shall indicate that the structure or tax lot is subject to a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F) as per Section G106.5.

SECTION BC G103 ADMINISTRATION

G103.1 Permit applications. The commissioner is hereby designated as the flood plain administrator for the City of New York and shall review permit applications to determine that:

1. Proposed development sites will be reasonably safe from flooding;
2. All site development activities, including grading, filling, utility installation and drainage modification, and all new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) are designed and constructed with methods, practices and materials that minimize flood damage and that are in accordance with this code and ASCE 24; and
3. All other required state and federal permits have been obtained.

G103.2 Reserved.

G103.3 Determination of base flood elevations. Where the proposed development is within an area of special flood hazard but the base flood elevations are not specified in the FEMA FIRMs 360497, the commissioner shall require the applicant to request base flood elevation data from the New York State Department of Environmental Conservation (DEC); and

1. Submit to the commissioner either:

1.1. A letter from DEC making such a determination of base flood elevation; or

1.2. A letter from the DEC indicating that the data are not available. When such a letter from DEC indicates that the data are not available, the base flood elevation shall be equal to 3 feet (914 mm) above the highest adjacent pre-FIRM grade.

Exception: Large lots. Where the base flood elevation is not specified, the applicant shall submit a detailed engineering study establishing the base flood elevation, performed by an engineer in accordance with accepted hydrologic and hydraulic engineering techniques, in sufficient detail to allow review by the commissioner for any of the following conditions:

1. For a development which is located on a tax lot greater than 5 acres (2.02 hectares), or is located on property that was part of a tax lot that was greater than 5 acres (2.02 hectares) at the time of the adoption of the FIRM (October 1, 1984), or at any subsequent applicable map change thereto; or
2. For subdivisions resulting in 50 or more tax lots, including all tax lots previously subdivided from the same tax lot since the adoption of the FIRM (October 1, 1984), or since any subsequent applicable map changes thereto.

G103.3.1 Determination of 500-year flood elevations. Where 500-year flood elevations are not specified in the FEMA FIRMs 360497 or FEMA FIS 360497, such elevations shall be determined by a registered design professional using modeling based on generally accepted engineering methods or a review of available data from city, state and federal agencies.

G103.4 Reserved.

G103.5 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing activity, the commissioner shall require submission of a certification, along with supporting technical data, demonstrating that such development will not cause any increase of the level of the base flood. However, a floodway encroachment that increases the level of the base flood may be authorized if the applicant has:

1. Applied for a conditional Letter of Map Revision; and
2. Received the approval of the Federal Emergency Management Agency (FEMA).

G103.6 Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse within an area of special flood hazard, the commissioner shall require the applicant to:

1. Notify any affected adjacent municipalities or government jurisdictions;
2. Notify the DEC;
3. Submit evidence of such notifications to the commissioner and the Regional Director, Region II, the Federal Emergency Management Agency (FEMA);
4. Submit to the commissioner evidence of all such notifications;
5. Submit an engineering analysis demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased; and
6. Submit evidence that such watercourses will be maintained in a manner which preserves the channel's flood-carrying capacity.

G103.7 Sand dune alterations in V-Zones. Prior to issuing a permit for any alteration of sand dunes in a V-Zone, the commissioner shall require submission of an engineering analysis demonstrating that the proposed alteration will not increase the potential for flood damage.

G103.8 Records. The commissioner shall maintain records of the following:

1. Applications and supporting documents for development in areas of special flood hazard;
2. Permits issued in areas of special flood hazard;
3. Inspection reports;
4. Certifications required in this appendix; and
5. Certificate of occupancy where applicable.

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G103.9 Violations. See Chapter 2 of Title 28 of the *Administrative Code*.

**SECTION BC G104
PERMITS**

G104.1 Permit required. Any person, owner or authorized agent who intends to conduct any development, as applicable pursuant to Section G102.1, within an area of special flood hazard, shall first apply to the commissioner and shall obtain the required permit in accordance with Section 28-105.1 of the *Administrative Code*, notwithstanding any exemption pursuant to Section 28-105.4 of the *Administrative Code*.

G104.2 Permit application requirements. The applicant shall file an application in writing on a form furnished by the commissioner. The commissioner shall not approve such application unless the applicant submits all plans, details, data and documents demonstrating that the development complies with Section G104 and all other provisions of this appendix.

G104.3 Site plan. The permit application shall include a site plan. The site plan shall include plans and drawings, shall be sealed by a registered design professional and shall include the following information and any other data as may be required by the department:

1. A delineation of the flood hazard areas, including identification of the base and design flood and elevations;
2. If applicable, the location of the regulatory floodway;
3. For all proposed structures, spot ground elevations at building corners and in 20-foot (6096 mm) or smaller intervals along the foundation footprint, or 1-foot (305 mm) contour elevations throughout the building site;
4. Proposed locations of water supply, sanitary sewer, and utilities;
5. Drainage patterns and facilities; and
6. Foundation design details, including but not limited to:
 - 6.1. Proposed elevation of the lowest floor including basement (for flood zone purposes) of all structures;
 - 6.2. For crawl spaces and enclosed parking, storage and building access that are wet floodproofed below the design flood elevation, location and total net area of foundation openings in accordance with ASCE 24;
 - 6.3. For dry floodproofed spaces in buildings or structures that are nonresidential (for flood zone purposes), the proposed elevation to which the enclosure will be dry floodproofed in accordance with ASCE 24; and
 - 6.4. Any proposed fill and excavation details.

Exception: Applications for subdivisions shall comply with Section G302.

G104.4 Water course alteration. The permit application shall include, if applicable, a description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and any documentation required by Section G103.6.

G104.5 Certifications. The permit application shall include the applicable certifications in accordance with Sections G104.5.1 through G104.5.3.

G104.5.1 A-Zones. For construction in A-Zones, the permit application shall include the following certifications, as applicable:

1. **Wet floodproofing certification.** For wet floodproofed enclosures below the design flood elevation, construction documents shall include a certification by the applicant that the design provides for the automatic entry and exit of floodwaters for equalization of hydrostatic flood forces in accordance with Section 2.6.2, ASCE 24.
2. **Dry floodproofing certification for nonresidential buildings.** For dry floodproofed buildings and structures that are nonresidential (for flood zone purposes), construction documents shall include a certification by the applicant that the dry floodproofing is designed in accordance with ASCE 24.
3. **Utility certifications.** For all applications involving utility or mechanical work, including applications where such work is to be filed in a separate, related application, construction documents shall include a certification by the applicant that "all heating, ventilation, air conditioning, plumbing, electrical and other services facilities and equipment within the structure or site will be located or constructed so as to prevent water from entering or accumulating within the components during conditions of flooding in accordance with ASCE 24."

G104.5.2 **V-Zones and coastal A-Zones.** For construction in V-Zones and coastal A-Zones the permit application shall include the following certifications, as applicable:

1. **Structural design certification.** Construction documents shall include a certification by the applicant that the "entire structure is designed in accordance with ASCE 24, including that the pile or column foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16 of the *New York City Building Code*."
2. **Breakaway wall certification.** Where breakaway walls are provided, construction documents shall include a certification by applicant that "the breakaway walls meet the load requirements of Section 5.3.3 of ASCE 7, are designed in accordance with ASCE 24, and are of an open lattice-type construction only."
3. **Utility certifications.** For all applications involving utility or mechanical work, including applications where such work is to be filed in a separate, related application, construction documents shall include a certification by the applicant that "all heating, ventilation, air conditioning, plumbing, electrical and other services, facilities and equipment within the structure or site will be located or constructed so as to prevent water from entering or accumulating within the components during conditions of flooding, in accordance with ASCE 24."

G104.5.3 **Floodway encroachment certification.** For any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing activity, the applicant shall submit a certification, along with supporting technical data, demonstrating that such development will not cause any increase of the level of the base flood in accordance with the requirements of Section G103.5.

G104.6 **Validity of permit.** The issuance of a permit under this appendix shall not be construed to be a permit for, or approval of, any violation of this appendix or any other provision of this code. The issuance of a permit based on submitted documents and information shall not prevent the commissioner from requiring the correction of errors. The commissioner is authorized to prevent occupancy or use of a structure or site which is in violation of this appendix or other provisions of this code.

G104.7 **Permit expiration.** A permit shall become invalid if the proposed development:

1. Is not commenced within 180 days after its issuance; or
2. If the work authorized is suspended or abandoned for a period of 180 days after the work commences.

G104.8 **Permit reinstatement.** Permit reinstatements for a permit that has expired pursuant to Section G104.7 shall be requested in writing. The commissioner is authorized to grant such reinstatement, provided that the work shall comply with all of the requirements of this appendix, including any revised FEMA FIRMS 360497 in effect at the time the application for reinstatement is made, and provided further that the applicant shall pay all reinstatement fees as required in Article 112 of Title 28 of the *New York City Administrative Code*.

G104.9 **Permit suspension or revocation.** The commissioner is authorized to suspend or revoke a permit issued under this appendix wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of this code, in accordance with Section 28-105.

**SECTION BC G105
PROGRESS AND SPECIAL INSPECTION REQUIREMENTS**

G105.1 **General.** Progress and special inspections shall be performed in accordance with this section. All work applications, regardless of the scope of work, shall be subject to the progress and special inspection requirements of Sections G105.2 through G105.4.

G105.2 **All work applications other than new buildings and substantial improvements.** All work applications other than new buildings and substantial improvements, shall be subject to the following special inspection:

1. **Flood zone compliance special inspection.** Prior to sign-off of work, a special inspector or special inspection agency shall inspect during the course of construction and certify that: "the structure was constructed" or "alterations were performed," "with methods and practices that minimize flood damage and that are in accordance with approved plans, and with any applicable provisions of Appendix G of the *New York City Building Code* and ASCE 24."

G105.3 **New buildings and substantial improvements.** All applications for new buildings or substantial improvements shall be subject to the following inspections:

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1. **Elevation progress inspection.** Upon placement of the lowest floor, including the basement (for flood zone purposes), an engineer or licensed professional surveyor shall inspect the site and verify the elevation of such lowest floor. The inspection report verifying the elevation shall be submitted to the department prior to further vertical construction. The commissioner shall be permitted to issue a stop work order if such inspection report is not submitted.
2. **Flood zone compliance special inspection.** Prior to sign-off of work, a special inspector or special inspection agency shall inspect during the course of construction and certify that: "the structure was constructed" or "alterations were performed," "with methods and practices that minimize flood damage and that are in accordance with approved plans, and with any applicable provisions of Appendix G of the *New York City Building Code* and ASCE 24."
3. **Final elevation required items.** Prior to the sign-off of the flood zone compliance special inspection, the special inspector or special inspection agency shall verify that the following required items have been submitted to the department, as applicable:
 - 3.1. **Elevation certificate.** The elevation certificate shall be made utilizing FEMA Form 086-0-33 titled, "Elevation Certificate," and shall be signed by an engineer or surveyor.
 - 3.2. **Dry floodproofing certificate.** The Dry floodproofing certificate shall be made utilizing FEMA Form 086-0-34 titled, "Floodproofing Certificate," and shall be signed by an engineer.

G105.4 Flood shield inspection. Where floodshields or other flood control devices are installed as part of a dry floodproofing system in buildings and structures that are nonresidential (for flood zone purposes), the special inspector or special inspection agency responsible for the flood zone compliance special inspection shall inspect the shields or devices in their stored positions or locations, witness their activation or transportation to their installed positions, and witness their deactivation or transportation back to their stored locations. The special inspector or special inspection agency shall also confirm the installation of signage required by ASCE 24, Section 6.2.3, Item 3.

G105.5 Reserved.

G105.6 Reserved.

G105.7 Reserved.

SECTION BC G106 CERTIFICATES OF OCCUPANCY

G106.1 Applicability. This section shall apply to post-FIRM construction and substantial improvements where the work results in the issuance of a new or amended certificate of occupancy.

G106.2 Enclosed areas subject to flooding in A-Zones. The certificate of occupancy shall describe all wet floodproofed enclosed areas below the design flood elevation as "subject to flooding". Such wet floodproofed enclosed areas shall be usable solely for parking, storage, building access or crawl spaces.

G106.3 Enclosed areas subject to flooding in V-Zones and coastal A-Zones. The certificate of occupancy shall describe all enclosed areas below the design flood elevation as "subject to flooding". Such enclosed areas shall be usable solely for parking, storage and building access.

G106.4 Dry floodproofed spaces. The certificate of occupancy shall describe any dry floodproofed spaces as "dry floodproofed." For such buildings containing dwelling units, patient care areas (for flood zone purposes) or spaces intended to be used by persons for sleeping purposes, the certificate of occupancy shall also provide notations as required by Section G304.1.2, Item 2.2.5. Where flood shields or other flood control devices are installed, the certificate of occupancy shall also provide notations describing these features.

G106.5 Letters of map change. Where applicable, the certificate of occupancy shall indicate that "the structure is exempted from the area of special flood hazard pursuant to FEMA Letter of Map Amendment (LOMA) # (____)," or that "the structure is exempted from the area of special flood hazard pursuant to FEMA Letter of Map Revision Based on Fill (LOMR-F) # (____)," or that "the structure is exempted from the area of special flood hazard pursuant to FEMA Letter of Map Revision (LOMR) # (____)."

SECTION BC G107 VARIANCES

G107.1 General. The Board of Standards and Appeals shall hear and decide requests for variances from the requirements of this appendix. The Board of Standards and Appeals shall base its determination on technical justifications, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of this appendix.

G107.2 Conditions for variance.

G107.2.1 Historic structures. The Board of Standards and Appeals is authorized to issue a variance for the repair or rehabilitation of a historic structure provided that:

1. The application has received approval from the Landmark Preservation Commission and/or the New York State Historical Preservation Office, as applicable;
2. The proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure; and
3. The variance is the minimum necessary to preserve the historic character and design of the structure.

G107.2.2 Floodway restrictions. The Board of Standards and Appeals shall not issue a variance for any proposed development in a floodway if any increase in flood levels would result during the base flood discharge.

G107.2.3 General conditions for variance. Except for historic structures as provided for in Section G107.2.1, the Board of Standards and Appeals is authorized to issue a variance only upon:

1. A determination that the new construction, substantial improvement, or other proposed development is located on a tax lot that, on November 16, 1983, was no more than 1/2 acre (0.2 hectare) in size. However, where the tax lot has been determined to be larger than 1/2 acre (0.2 hectare), the technical justification required for issuing the variance increases with the lot size;
2. Showing of good and sufficient cause;
3. Determination that failure to grant the variance would result in exceptional hardship to the applicant;
4. Determination that the granting of a variance will not result in:
 - a. Increased flood heights;
 - b. Additional threats to public safety;
 - c. Extraordinary public expense;
 - d. Nuisances;
 - e. Fraud on or victimization of the public; or
 - f. Conflict with existing local laws or ordinances; and
5. Determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

G107.2.4 Functionally dependent facilities. The Board of Standards and Appeals is authorized to issue a variance for the construction or substantial improvement of a functionally dependent facility provided that:

1. The criteria for Sections G107.2.1 through G107.2.3 are met; and
2. All methods and materials utilized minimize flood damage during the base flood and create no additional threats to public safety.

G107.3 Standards for variance. In reviewing applications for variances, the Board of Standards and Appeals shall consider all technical evaluations, all relevant factors, all other portions of this appendix and the following:

1. The danger that materials and debris may be swept onto other lands resulting in injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

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4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are not subject to flooding or erosion;
6. The relationship of the proposed development to the comprehensive plan and flood plain management program for that area;
7. The safety of access to the property in times of flood for ordinary and emergency vehicles;
8. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
9. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

G107.4 Notification of risks. Upon issuance of a variance, the Executive Director of the Boards of Standards and Appeals shall provide written notice to the owner and the applicant that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for each one hundred dollars of insurance coverage; and
2. That such construction below the base flood level increases risks to life and property.

G107.5 Records. The Board of Standards and Appeals shall:

1. Maintain a record of all variance actions, including justification for their issuance; and
2. Report such variances issued in its biennial report submitted to the Federal Emergency Management Agency (FEMA).

**CHAPTER G2
DEFINITIONS**

* **SECTION BC G201
DEFINITIONS** *

G201.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein.

G201.2 Definitions.

① **500-YEAR FLOOD ELEVATION.** The elevation of the flood having a 0.2-percent chance of being equaled or exceeded in any given year, as specified on FEMA FIRM 360497 or FEMA FIS 360497.

② **A-ZONE.** An area of special flood hazard without high velocity wave action. When not shown on the FIRMs, the water surface elevation may be determined from available data by the registered design professional of record in accordance with Section G103.3. See also "Area of special flood hazard."

AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain delineated as subject to a 1-percent or greater chance of flooding in any given year. Such areas are designated on the Flood Insurance Rate Map (FIRM) as A-Zones, Limit of Moderate Wave Action (Coastal A-Zones), or V-Zones. Such areas are also known as the base flood plain or 100 year floodplain. Areas designated as X-Zones shall not be deemed areas of special flood hazard for the purposes of this Appendix.

BASE FLOOD. The flood having a 1-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION. The elevation of the base flood, including wave height, as specified on FEMA FIRMs 360497 or as determined in accordance with Section G103.3. In areas designated as ZONE AO, the base flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map.

BASEMENT (FOR FLOOD ZONE PURPOSES). The portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL. An open lattice wall that is not part of the structural support of the building to which it is attached and that is intended through its design and construction to collapse under specific later loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

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COASTAL A-ZONE. An area within a special flood hazard area, shown on FEMA FIRMs 360497 as an area bounded by a "Limit of Moderate Wave Action," landward of a V-Zone or landward of an open coast without mapped V-Zones. In a Coastal A-Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, and not riverine flooding. During the base flood conditions, the potential for breaking wave heights must be greater than or equal to 1 foot, 6 inches (457 mm). In no case shall an area of special flood hazard be deemed a coastal A-Zone unless and until it has been identified as such on the adopted FEMA FIRMs 360497.

DESIGN FLOOD ELEVATION. The applicable elevation specified in ASCE 24, Tables 2-1, 4-1, 5-1, 6-1, or 7-1, depending on the structural occupancy category designated in ASCE 24, Table 1-1.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, operations and other land disturbing activities.

EXISTING CONSTRUCTION. See "Pre-FIRM development."

EXISTING STRUCTURE. See "Pre-FIRM development."

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land from:

- ✓ 1. The overflow of inland or tidal waters.
- ✓ 2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD-DAMAGE-RESISTANT MATERIALS. Any construction material, including finishes, capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

FLOOD INSURANCE RATE MAP (FIRM). The flood official map on which the Federal Emergency Management Agency (FEMA) has delineated areas of special flood hazard, base flood elevations, and the flood boundary and floodways.

FLOOD INSURANCE STUDY (FIS). The official report provided by the Federal Emergency Management Agency (FEMA) containing the Flood Insurance Rate Map (FIRM), the water surface elevation of the base flood and supporting technical data.

FLOODPROOFING, DRY. For buildings and structures that are nonresidential (for flood zone purposes), a combination of design modifications that results in the building's or structure's being water tight to the design flood elevation, including the attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water and with structural components having the capacity to resist loads as identified in ASCE 7.

FLOODPROOFING, WET. A floodproofing method designed to permit parts of the structure below the design flood elevation that are used for parking, storage, building access, or crawl space to intentionally flood, by equalizing hydrostatic pressures and by relying on the use of flood damage-resistant materials and construction techniques.

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Floodways are mapped only in the Boroughs of the Bronx and Staten Island.

FUNCTIONALLY DEPENDENT FACILITY. A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading or unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

HISTORIC STRUCTURE. A pre-FIRM building or structure:

1. Designated as a landmark or located within an historic district designated by the New York City Landmarks Preservation Commission;
2. Listed or preliminarily determined to be eligible for listing in the National or State Register of Historic Places; or
3. Determined by the Secretary of the U.S. Department of the Interior or the New York State Department of Parks and Recreation as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.

LETTER OF MAP AMENDMENT (LOMA). An official amendment to the FIRM, issued and approved by the Federal Emergency Management Agency (FEMA), removing structures or tax lots or portions of tax lots from areas of special flood

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hazard, resulting from a demonstration that the pre-FIRM ground elevations are at or above the base flood elevation.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F). An official amendment to the FIRM, issued and approved by the Federal Emergency Management Agency (FEMA), removing structures or tax lots or portions of tax lots from areas of special flood hazard, resulting from the post-FIRM placement of compacted fill, such that the new ground elevation is at or above the base flood elevation.

LETTER OF MAP REVISION (LOMR). An official amendment to the FIRM, issued and approved by the Federal Emergency Management Agency (FEMA), removing or adding structures or tax lots or portions of tax lots from areas of special flood hazard, which generally results from physical measures implemented that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

LOWEST FLOOR. The lowest floor of the lowest enclosed area, including crawl spaces and basements (for flood zone purposes).

Exception: The lowest floor shall not include any wet floodproofed spaces usable solely for vehicle parking, building access, storage or crawl space, provided that such enclosure is not built so as to render the structure in violation of this appendix, including that:

1. Such enclosure shall allow for the automatic entry and exit of floodwaters;
2. Such enclosure shall be constructed solely of flood-resistant materials and finishes;
3. Such enclosure shall have a floor elevation equal to or higher than the outside adjacent grade on at least one side; and
4. Such outside adjacent grade shall slope down, towards the source of flooding, providing positive drainage by gravity, thus preventing accumulations of water under or in the structure after the floodwaters recede without the use of pumps, pipes or drains.

MANUFACTURED HOME. A structure that is transportable in one or more sections, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Mobile Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE OF STRUCTURE. The price that a buyer is willing, but is not under any duty, to pay for a particular structure to an owner who is willing, but not obligated, to sell, exclusive of the value of the land, or of other buildings or structures on the same tax lot. The market value of a structure shall be determined in accordance with rules promulgated by the commissioner.

NATIONAL GEODETIC VERTICAL DATUM (NGVD). The national vertical datum standard established in 1929; used as a reference for establishing elevations within a flood plain.

NEW CONSTRUCTION. See "Post-FIRM development."

NONRESIDENTIAL (FOR FLOOD ZONE PURPOSES).

A building or structure that either:

1. Contains no space classified in Group I-1, R-1, R-2, or R-3, and contains no space that is accessory, as such term is defined in the *New York City Zoning Resolution*, to any Group I-1, R-1, R-2, or R-3 occupancy; or
2. Contains such space(s), but also contains space on the lowest floor that is not accessory, as such term is defined in the *New York City Zoning Resolution*, to a Group I-1, R-1, R-2, or R-3 occupancy.

NORTH AMERICAN VERTICAL DATUM (NAVD). The national vertical datum standard established in 1988, used as a reference for establishing elevations within a flood plain.

PATIENT CARE AREA (FOR FLOOD ZONE PURPOSES). Any space meeting the following conditions:

1. The space is located within a building or structure, or portion thereof, that is classified in Group I-2; and
2. The space is primarily used for the provision of medical services to persons, including, but not limited to, consultation,

evaluation, monitoring and treatment services.

Exceptions: The following spaces shall not be considered patient care areas (for flood zone purposes):

1. "Emergency rooms or departments" as defined in 10 NYCRR 700.2(a)(2) and
2. Spaces primarily used for the provision of medical services identified in 10 NYCRR 703.6(c)(2)(i).

PRE-FIRM DEVELOPMENT. Any development:

1. Completed prior to November 16, 1983;
2. Under construction on November 16, 1983 provided that the start of construction was prior to said date; or
3. Completed on or after November 16, 1983 but that:
 - 3.1. Was not located within an area of special flood hazard at the start of construction; and
 - 3.2. Is now located within an area of special flood hazard as a result of a subsequent change to the FIRM.

PRE-FIRM STRUCTURE. See "Pre-FIRM development."

POST-FIRM DEVELOPMENT. Any development that is not pre-FIRM development.

POST-FIRM STRUCTURE. See "Post-FIRM development."

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, 400 square feet (37.16 m²) or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

RESIDENTIAL (FOR FLOOD ZONE PURPOSES). A building or structure containing any space that is either:

1. Classified in Group I-1, R-1, R-2, or R-3; or
2. Accessory, as such term is defined in the *New York City Zoning Resolution*, to any Group I-1, R-1, R-2, or R-3 occupancy.

Exception: Such a building or structure shall be considered nonresidential (for flood zone purposes) when also containing space on the lowest floor that is not accessory, as such term is defined in the *New York City Zoning Resolution*, to a Group I-1, R-1, R-2, or R-3 occupancy.

SAND DUNES. Naturally occurring accumulations of sand in ridges or mounds landward of a beach.

SHADED X-ZONE. The land in the floodplain delineated as subject to a 0.2-percent or greater chance of flooding, but less than one percent chance of flooding, in any given year. Such areas are designated on the Flood Insurance Rate Map (FIRM) as shaded X-Zones.

SPECIAL FLOOD HAZARD AREA. See "Area of special flood hazard."

START OF CONSTRUCTION. The date of permit issuance for: (i) post-FIRM developments; (ii) substantial improvements to pre-FIRM structures; and (iii) those pre-FIRM developments that, at the time of permit issuance, were not within an area of special flood hazard but that, prior to completion, were within an area of special flood hazard as a result of map change; provided the actual commencement of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of permit issuance and such construction activity is not thereafter suspended or abandoned for 180 days or more. For the purposes of this definition:

1. The actual commencement of construction means the first placement of permanent construction of a building (including a manufactured home or prefabricated building) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.
2. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for abasement (for flood zone purposes), footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building.
3. For a substantial improvement, the actual commencement of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.

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SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct pre-FIRM health, sanitary or safety code violations identified by the commissioner, the Fire Commissioner, the Commissioner of Housing Preservation and Development, or the Commissioner of Health and Mental Hygiene, and that are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE. A grant of relief from the requirements of this appendix, which permits construction in a manner otherwise prohibited by this appendix.

V-ZONE. An area of special flood hazard subject to high-velocity wave action.

**CHAPTER G3
CONSTRUCTION STANDARDS
SECTION BC G301
GENERAL**

G301.1 All developments. To the extent required by Section G102.1, all developments, including but not limited to utility installation, site improvements, placement of prefabricated buildings and manufactured homes, new building construction, alterations and repairs, shall be designed and constructed to resist the effects of flood hazards and flood loads in accordance with this appendix and ASCE 24.

G301.1.1 Multiple flood zones. For a structure that is located in more than one zone (for instance both an A-Zone and an X-Zone, or both an A-Zone and a V-Zone), the provisions associated with the most restrictive area of special flood hazard shall apply to the entire structure.

G301.2 Design requirements and load combinations. Any construction within the scope of Section G102.1, located in a special flood hazard area, shall be designed and constructed to resist the loads and load combinations specified in Chapter 16.

**SECTION BC G302
SUBDIVISIONS**

G302.1 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development within an area of special flood hazard shall demonstrate that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electric and water systems, are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

G302.2 Subdivision requirements. The following requirements shall apply to any proposed subdivision, including proposals for manufactured home parks and subdivisions, any portion of which lies within an area of special flood hazard:

1. The area of special flood hazard, including floodways and V-Zones, as appropriate, shall be delineated on tentative and final subdivision plats;
2. Base flood elevations shall be shown on tentative and final subdivision plats;
3. Building lots shall be provided with adequate buildable area, in accordance with the *New York City Zoning Resolution*, outside the floodway; and
4. The design criteria for any utilities and facilities, as set forth in this appendix and appropriate *New York City Construction Codes*, shall be met.

**SECTION BC G303
SITE IMPROVEMENT**

G303.1 Development in floodways. Development or land disturbing activity is prohibited in floodways unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in the level of the base flood, in accordance with Section G103.5.

G303.2 Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, or impairment of the facilities and systems.

G303.3 Water facilities. All new and replacement water facilities shall be designed in accordance with the provisions of Chapter 7, ASCE 24 to minimize or eliminate infiltration of floodwaters into the systems.

G303.4 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property and shall meet the requirements of ASCE 24.

G303.5 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels and shall meet the requirements of Section G303.7.

G303.6 Retaining walls and driveways. Retaining walls and driveways shall meet the requirements of Section G303.7.

G303.7 Grading and fill. In areas of special flood hazard grading and/or fill shall not be approved:

1. Unless such fill is placed, compacted and sloped to minimize shifting, slumping and erosion during the rise and fall of flood water and, as applicable, wave action, in accordance with ASCE 24.
2. In floodways, unless it has been demonstrated through hydrologic and hydraulic analyses performed by an engineer in accordance with standard engineering practice that the proposed grading or fill, or both will not result in any increase in the flood levels during the occurrence of the design flood, in accordance with Section G103.5.
3. In coastal A-Zones and V-Zones, unless such fill is conducted and or placed to avoid diversion of water and waves towards any building or structure.

**SECTION BC G304
POST-FIRM CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS**

G304.1 A-Zone construction standards. In addition to the requirements of ASCE 24, the following standards shall apply to post-FIRM construction and substantial improvements located within A-Zones, other than Coastal A-Zones.

G304.1.1 Residential. For buildings or structures that are residential (for flood zone purposes), all post-FIRM new buildings and substantial improvements shall comply with the applicable requirements in Chapter G3 of this code and ASCE 24, and shall be elevated as follows:

1. **Lowest floor.** The lowest floor, including the basement (for flood zone purposes), shall be elevated to at or above the design flood elevation specified in ASCE 24, Table 2-1;
2. **Enclosures below the design flood elevation.** Enclosed spaces below the design flood elevation specified in ASCE 24, Table 2-1, shall be useable solely for parking of vehicles, building access, storage, or crawlspace, and shall be wet floodproofed in accordance with ASCE 24. Breakaway walls are not required in A-Zones;
3. **Under-floor spaces.** The finished ground level of an under-floor space, such as a crawl space, shall be equal to or higher than the outside finished ground level on at least one side.
4. **Materials.** Only flood-damage-resistant materials and finishes shall be utilized below the design flood elevation specified in ASCE 24, Table 5-1;
5. **Utilities and equipment.** Utilities and attendant equipment shall be located at or above the design flood elevation specified in ASCE 24, Table 7-1, or shall be constructed so as to prevent water from entering or accumulating within the components during conditions of flooding in accordance with ASCE 24;
 - 5.1. **Fire protection systems and equipment.** The following fire protection systems and equipment shall be located at or above the design flood elevation specified in ASCE 24, Table 7-1, except that where the system or equipment or

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portion thereof serves only spaces located below such design flood elevation, the system or equipment or portion thereof may be located below such design flood elevation:

- ✓ 5.1.1. Sprinkler control valves that are not outside stem and yoke valves;
- ✓ 5.1.2. Fire standpipe control valves that are not outside stem and yoke valves;
- ✓ 5.1.3. Sprinkler booster pumps and fire pumps;
- ✓ 5.1.4. Dry pipe valve-related electrically operated alarm appurtenances;
- ✓ 5.1.5. Alarm control panels for water and non-water fire extinguishing systems;
- ✓ 5.1.6. Alarm control panels for sprinkler systems, pre-action sprinkler systems, deluge sprinkler systems, and combined dry pipe and pre-action sprinkler systems;
- ✓ 5.1.7. Electrically operated waterflow detection devices serving sprinkler systems; and
- ✓ 5.1.8. Air compressors serving sprinkler systems and pre-action sprinkler systems.
- ✓ 5.2. Fire alarm systems and components. Where a zoning indicator panel is provided at the main building entrance in accordance with Section 907.6.3.1 and such panel is located at or below 5 feet (1524 mm) above the design flood elevation specified in ASCE 24, Table 7-1, at least one secondary zoning indicator panel complying with the following requirements shall be provided:
 - 5.2.1. The secondary zoning indicator panel, associated controls, power supplies and means of transferring control shall be provided at least 5 feet (1524 mm) above the design flood elevation specified in ASCE 24, Table 7-1, in a location accessible to responding Fire Department personnel and approved by the department and the Fire Department; and
 - 5.2.2. Where the secondary zoning indicator panel or associated controls are only operable upon transfer of control from another zoning indicator panel, such transfer shall be by a means that is approved by the Fire Department.
- ✓ 5.3. Fuel-oil piping systems. The following requirements shall apply to fuel-oil piping systems, as defined by Section 202 of the *New York City Mechanical Code*:
 - 5.3.1. Fill piping that does not terminate in a watertight terminal approved by the department shall terminate at least 3 feet (914 mm) above the design flood elevation specified in ASCE 24, Table 7-1; and
 - 5.3.2. Normal vent piping and emergency vent piping shall terminate at least 3 feet (914 mm) above the design flood elevation specified in ASCE 24, Table 7-1.
- ✓ 5.4. Plumbing systems and components. The structure shall comply with the following requirements:
 - 5.4.1. Relief vents and fresh air intakes. Relief vents and fresh air intakes serving building traps in accordance with Section 1002.6 of the *New York City Plumbing Code* shall be carried above grade and shall terminate in a screened outlet that is located outside of the building and at or above the design flood elevation specified in ASCE 24, Table 7-1; and
 - 5.4.2. Reduced pressure zone backflow preventers. Reduced pressure principle backflow preventers complying with Section 608.13.2 of the *New York City Plumbing Code* and backflow preventers with intermediate atmospheric vents complying with Section 608.13.3 of the *New York City Plumbing Code* shall be located at or above the design flood elevation specified in ASCE 24, Table 7.1.
- 6. **Certifications.** Applications shall contain applicable certifications in accordance with Section G104.5; and
- 7. **Special inspections.** Special inspections shall be as required by Section G105.

G304.1.2 Nonresidential. For buildings or structures that are nonresidential (for flood zone purposes), all post-FIRM new buildings and substantial improvements shall comply with the applicable requirements in Chapter G3 of this code and ASCE 24, and shall comply with either of the following:

- 1. **Elevation option.** The structure shall comply with Items 1 through 7 of Section G304.1.1; or

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2. **Dry floodproofing option.** The structure shall comply with the following:
 - 2.1. **Elevation of dry floodproofing.** The structure shall be dry floodproofed to at or above the design flood elevation specified in ASCE 24, Table 6-1;
 - 2.2. **Dwelling units, patient care areas (for flood zone purposes) and sleeping areas.** Where dwelling units, patient care areas (for flood zone purposes) or spaces intended to be used by persons for sleeping purposes are located in a building utilizing the dry floodproofing option, the following additional requirements shall be met:
 - 2.2.1. All rooms and spaces within dwelling units, patient care areas (for flood zone purposes) and all spaces intended to be used by persons for sleeping purposes shall be located at or above the design flood elevation;
 - 2.2.2. A restrictive declaration noting the above restriction shall be filed with the City Register or County Clerk, and the page number and liber number shall be identified in the permit application and on the certificate of occupancy.
 - 2.3. **Utilities and equipment.** Utilities and attendant equipment shall be located within the dry floodproofed enclosure, or may be located outside the dry floodproofed enclosure provided that they are located at or above the design flood elevation specified in ASCE 24, Table 7-1, or are constructed so as to prevent water from entering or accumulating within the components during conditions of flooding in accordance with ASCE 24.
 - 2.3.1. **Additional requirements.** The structure shall comply with Items 5.1 through 5.4 of Section G304.1.1.
 - 2.4. **Certifications.** Applications shall contain applicable certifications in accordance with Section G104.5; and
 - 2.5. **Special inspections.** Special inspections shall be as required by Section G105.

* **G304.2 V-Zone construction standards.** In addition to the requirements of ASCE 24, the following standards shall apply to post-FIRM construction and substantial improvements located within V-Zones.

1. **Foundation.** The lowest floor shall be elevated on adequately anchored pilings or columns and securely anchored to such piles or columns to prevent floatation, collapse and lateral movement resulting from wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16 and this appendix.
2. **Lowest horizontal member.** The lowest portion of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) shall be at or above the design flood elevation specified in ASCE 24, Table 4-1.
3. **Below the lowest horizontal member.** Spaces below the lowest horizontal member shall be either:
 - 3.1. Free of obstructions; or
 - 3.2. Enclosed with breakaway walls providing unconditioned space useable solely for parking of vehicles, building access, storage or crawl space. Such breakaway walls shall:
 - 3.2.1. Be of an open lattice type construction only;
 - 3.2.2. Meet the load requirements of Section 5.3.3 of ASCE 7; and
 - 3.2.3. Meet the additional requirements of ASCE 24.
4. **Materials.** Only flood-damage-resistant materials and finishes shall be utilized below the design flood elevation specified in ASCE 24, Table 5-1;
5. **Utilities and equipment.** Utilities and attendant equipment shall be located at or above the design flood elevation specified in ASCE 24, Table 7-1, or shall be constructed so as to both resist the wave action and prevent water from entering or accumulating within the components during conditions of flooding in accordance with ASCE 24.
 - 5.1 **Additional requirements.** The structure shall comply with Items 5.1 through 5.4 of Section G304.1.1.

* **6. Prohibitions.** The following shall be prohibited in V-Zones:

- 6.1. Development, including land-disturbing activities, seaward of the reach of mean high tide;
- 6.2. Use of fill for structural support of buildings; and
- 6.3. Man-made alterations of sand dunes that would increase potential damage to buildings.

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7. **Certifications.** Applications shall contain applicable certifications in accordance with Section G104.5; and
8. **Special inspections.** Special inspections shall be as required by Section G105.

* **G304.3 Coastal A-Zone construction standards.** In addition to the requirements of ASCE 24, all post-FIRM new buildings and substantial improvements in a Coastal A-Zone shall comply with the V-Zone construction standards of Section G304.2.

Exceptions: The following structural systems shall be permitted in a Coastal A-Zone:

1. **Wave-resisting stem wall foundation.** Stem walls supporting a floor system above, and backfilled with soil or gravel to the underside of the floor system, shall be permitted in Coastal A-Zones. The design and construction of the shallow foundation system shall comply with the following:

- 1.1 The underside of such floor system shall be located at or above the design flood elevation specified in ASCE 24, Table 4-1.
- 1.2 Stem walls enclosing areas below the design flood elevation shall not be permitted. Stem walls shall be designed to transfer all vertical and lateral forces to the slab above and to the foundation elements below;
- * 1.3 The design shall consider all forces resulting from flooding, including wave action, debris impact, erosion, and local scour;
- 1.4 The design shall consider all forces resulting from soil pressure behind the walls, including the effect of hydrostatic loads, and all live and dead surcharge loads from the slab above;
- 1.5 Flood openings shall not be required in stem walls constructed in accordance with this section;
- 1.6 Where soils are susceptible to erosion and local scour, stem walls shall be supported by deep footings;

* 1.7 Shallow foundations including spread footing, mat and raft foundations shall be designed to prevent sliding, uplift, or overturning when exposed to the combination of loads in ASCE Section 1.6.2.

2. **Wave-resisting dry floodproofing wall and foundation system.** Buildings that are nonresidential (for flood zone purposes) and that are located in Coastal A-Zones shall be permitted to be dry floodproofed in accordance with Section G304.1.2 provided the structure is dry floodproofed to at or above the design flood elevation specified in ASCE 24, Table 6-1. For buildings or structures utilizing this exception, construction documents shall include calculations demonstrating that the foundation and building, including flood shields if provided, will resist the wave action, including the combination of loads in ASCE Section 1.6, to at or above the design flood elevation specified in ASCE 24, Table 4-1.

G304.4 Construction standards for shaded X-Zones. In shaded X-Zones, buildings that include I-2 occupancies that are hospitals shall comply with the requirements of this chapter and the applicable provisions of ASCE 24 for A-Zone construction.

G304.5 Additional construction standards with respect to connections for temporary external generators, boilers and chillers. In addition to the other requirements of this chapter, connections for temporary external generators, boilers and chillers shall be provided in accordance with Sections G304.5.1 through G304.5.4.

G304.5.1 Group I-1 and adult homes, enriched housing, community residences and intermediate care facilities. An occupancy that is classified as Group I-1, or that is an adult home, enriched housing, community residence or intermediate care facility and classified as Group R pursuant to an exception to Section 308.2.1 or 308.2.2, shall comply with the following requirements:

1. **Connections for temporary external generators.** Electrical connections shall be provided allowing for the connection of temporary external generators capable of providing power for at least 72 hours for, at a minimum, the following systems:
 - 1.1. Exit signs and means of egress illumination required by Chapter 10 and serving such occupancy;
 - 1.2. Fire alarm systems serving such occupancy;
 - 1.3. For buildings having occupied floors located more than 75 feet (22 860 mm) above the lowest level of fire

department vehicle access, at least one elevator that serves all floors; and

1.4. Lighting in such occupancy, sufficient to maintain illumination in accordance with Section 1205.3, for (i) spaces primarily used for the provision of medical services to persons, including, but not limited to, consultation, evaluation, monitoring and treatment services and (ii) spaces intended to be used by persons for sleeping purposes.

Exception: Connections for temporary external generators shall not be required for buildings with emergency or standby power systems that are permanently installed above the design flood elevation specified in Table 7-1 of ASCE 24 and capable of providing power for at least 72 hours to the systems identified in Item 1 of Section G304.5.1. Natural gas shall be a permitted fuel supply.

2. **Flood protection for temporary external generator connections.** Electrical connections installed in accordance with Item 1 of Section G304.5.1 shall be located at or above the design flood elevation specified in Table 7-1 of ASCE 24.

3. **Emergency connection plan.** Prior to sign-off of work by the department, a plan shall be submitted to the department that identifies how the temporary external generators will be connected and capable of providing power for the occupancy in accordance with Item 1 of Section G304.5.1 within 72 hours after failure of the normal power supply.

G304.5.2 Group I-2 hospitals. An occupancy that is a Group I-2 hospital shall comply with the following requirements:

1. **Connections for temporary external generators.** Electrical connections shall be provided allowing for the connection of temporary external generators capable of providing power for at least 72 hours for, at a minimum, the following systems:

1.1. All electrical services serving such occupancy for which emergency or standby power must be provided in accordance with any other applicable local, state or federal law or rule; and

1.2. Air conditioning and cooling systems serving such occupancy, sufficient to maintain temperature and humidity in accordance with Section 1204, for (i) spaces primarily used for the provision of medical services to persons, including, but not limited to, consultation, evaluation, monitoring and treatment services and (ii) spaces intended to be used by persons for sleeping purposes.

Exception: Connections for temporary external generators shall not be required for buildings that have emergency or standby power systems that are permanently installed above the design flood elevation specified in Table 7-1 of ASCE 24 and capable of providing power for at least 72 hours to the systems identified in Item 1 of Section G304.5.2. Natural gas shall be a permitted fuel supply.

2. **Connections for temporary external boilers and chillers.** Where boiler and chiller plants are located below the design flood elevation specified in Table 7-1 of ASCE 24 and serve (i) spaces primarily used for the provision of medical services to persons, including, but not limited to, consultation, evaluation, monitoring and treatment services or (ii) spaces intended to be used by persons for sleeping purposes, connections shall be provided to allow for the connection of temporary external boilers and chillers capable of maintaining temperature and humidity for such spaces in accordance with Section 1204 for at least 72 hours.

3. **Flood protection for temporary external generator, boiler and chiller connections.** Electrical connections installed in accordance with Item 1 of Section G304.5.2 and connections installed in accordance with Item 2 of Section G304.5.2 shall be located at or above the design flood elevation specified in Table 7-1 of ASCE 24.

4. **Emergency connection plan.** Prior to sign-off of work by the department, the following shall be submitted to the department:

4.1. For an occupancy required to comply with Item 1 of Section G304.5.2, a plan that identifies how the temporary external generators will be connected and capable of providing power for the occupancy in accordance with such item within 72 hours after failure of the normal power supply; and

4.2. For an occupancy required to comply with Item 2 of Section G304.5.2, a plan that identifies how the temporary external boilers and chillers will be connected and capable of maintaining temperature and humidity for specified spaces in accordance with Section 1204 within 72 hours after failure of the primary boiler and chiller plants.

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G304.5.3 Group I-2 nursing homes. An occupancy that is a Group I-2 nursing home shall comply with Section G304.5.2.

Exception: Such occupancy is not required to comply with Items 1.2, 2 and 4.2 of Section G304.5.2.

G304.5.4 Group I-2 occupancies, other than hospitals and nursing homes. A Group I-2 occupancy, other than a hospital or a nursing home, shall comply with Section G304.5.1.

SECTION BC G305 MANUFACTURED HOMES

G305.1 General. Manufactured homes shall be prohibited in V-Zones. Within A-Zones, all new, replaced or substantially improved manufactured homes shall be:

1. Installed using methods and practices that minimize flood damage;
2. Elevated to or above the design flood elevation specified in ASCE 24, Table 2-1;
3. Placed on a permanent, reinforced foundation that is designed in accordance with ASCE 24; and
4. Securely anchored to a foundation system designed to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

SECTION BC G306 RECREATIONAL VEHICLES

G306.1 General. The following shall apply to placement of all recreational vehicles within areas of special flood hazard:

1. Placement in V-Zones and floodways prohibited. The placement of recreational vehicles is prohibited in V-Zones and floodways.
2. Temporary placement in A-Zones. Within A-Zones, recreational vehicles shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.
3. Permanent placement in A-Zones. Within A-Zones, recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for 180 or more consecutive days, shall meet the requirements of Section G305 for manufactured homes.

SECTION BC G307 TANKS

G307.1 Underground tanks. Underground tanks in areas of special flood hazard shall be designed, constructed, installed, and anchored to prevent flotation, collapse and lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of flooding to the design flood elevation, in accordance with ASCE 24.

G307.2 Above-ground tanks. Above-ground tanks in areas of special flood hazard shall be:

1. Elevated to or above the design flood elevation specified in ASCE 24, Table 7-1; or
2. Designed, constructed, installed, and anchored to prevent flotation, collapse and lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of flooding to the design flood elevation, in accordance with ASCE 24.

G307.3 Tank inlets and vents. In areas of special flood hazard, tank inlets, fill openings, outlets and vents shall be:

1. Installed at or above the design flood elevation specified in ASCE 24, Table 7-1, or fitted with covers designed to prevent the inflow of floodwater and outflow of the contents of the tanks during conditions of flooding to the design flood elevation, in accordance with ASCE 24; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of flooding to the design flood elevation, in accordance with ASCE 24.

G307.4 Additional fuel-oil storage capacity. Fuel-oil storage capacity in areas of special flood hazard and shaded X-Zones shall comply with the following:

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1. In areas of special flood hazard, fuel oil on the lowest story having its floor above the applicable design flood elevation shall be limited to 3,000 gallons (11 356 L) and no storage tank may exceed the lesser of 1,500 gallons (5678 L) or the quantity of fuel-oil needed to operate the emergency or standby generator(s) served by such tank for 24 hours and
2. In shaded X-Zones, fuel oil on the lowest story having its floor above the 500-year flood elevation shall be limited to 3,000 gallons (11 356 L) and no storage tank may exceed the lesser of 1,500 gallons (5678 L) or the quantity of fuel-oil needed to operate the emergency or standby generator(s) served by such tank for 24 hours.

G307.4.1 Additional requirements. Where fuel-oil storage capacity exceeds the quantity set forth in Section 1305.11.1.3 of the *New York City Mechanical Code*, the fuel-oil storage shall comply with Sections G307.4.1.1 and G307.4.1.2 in addition to Section 1305 of the *New York City Mechanical Code*.

G307.4.1.1 Vault. Each fuel-oil storage tank shall be separately enclosed in a vault complying with the following requirements:

1. The walls, floor, and top of such vault shall have a fire resistance rating of not less than 3 hours;
2. The walls of such vault shall be bonded to the floor of such vault;
3. The top and walls of such vault shall be independent of the building structure;
4. An exterior building wall having a fire resistance rating of not less than 3 hours shall be permitted to serve as a wall of such vault and
5. The vault shall be located in a dedicated room or area of the building that is separated vertically and horizontally from other areas of the building by construction having a fire resistance rating of not less than 2 hours.

G307.4.1.2 Extinguishing system. Fuel-oil storage shall be protected with an alternative automatic fire-extinguishing system complying with Section 904.

G307.5 Elevation of certain tanks and containers serving critical facilities. The following tanks and containers shall be located at or above the design flood elevation specified in ASCE 24, Table 7-1, unless such tanks and containers serve buildings that include I-2 occupancies that are hospitals, in which case such tanks and containers shall be located at or above the greater of (i) the design flood elevation specified in ASCE 24, Table 7-1, or (ii) the 500-year flood elevation. Such tanks and containers must be designed to maintain service to such structure during flood conditions and shall comply with section 9.6 of ASCE 24;

1. Medical and compressed gas storage tanks, oxygen tanks, and other cryogenic system storage tanks;
2. Hazardous material storage tanks;
3. Stationary compressed gas containers;
4. Stationary cryogenic containers; and
5. Stationary flammable gas storage containers.

SECTION BC G308 OTHER BUILDING WORK

G308.1 Detached accessory structures. Detached accessory structures shall be anchored to prevent flotation, collapse and lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of flooding to the design flood elevation. Enclosed accessory structures usable solely for parking or storage shall be wet floodproofed and shall have flood openings to allow for the automatic entry and exit of flood waters designed in accordance with ASCE 24.

G308.2 Fences. Fences in floodways that may block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the requirement of Section G103.5.

G308.3 Oil derricks. Oil derricks located in areas of special flood hazard shall be designed in conformance with ASCE 24.

G308.4 Retaining walls, sidewalks and driveways. Retaining walls, sidewalks and driveways shall meet the requirements of Section G303.7.

G308.5 Prefabricated swimming pools in floodways. Prefabricated swimming pools in floodways shall meet the requirements of Section G103.5.

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G308.6 Temporary flood shields. Temporary flood shields shall be permitted in accordance with Section 6.2.3 of ASCE 24.

G308.7 Temporary stairs and ramps. Temporary stairs and ramps shall comply with the requirements of Sections G308.7.1 and G308.7.2.

G308.7.1 Evacuated buildings. Temporary stairs and ramps shall be permitted to provide elevated ingress and egress in compliance with Item 3 of Section 6.2.2 of ASCE 24 for buildings or portions of buildings that are planned to be evacuated during design flood conditions, except for maintenance and emergency personnel, provided that such temporary stairs and ramps shall not be permitted to serve as a required means of egress for a dwelling unit or for any area described in Item 2.2.1 of Section G304.1.2 required to be located at or above the design flood elevation.

G308.7.2 Existing buildings. Temporary stairs and ramps for an existing building or portions thereof shall be permitted to provide elevated ingress and egress in compliance with Item 3 of Section 6.2.2 of ASCE 24, including as a required means of egress for dwelling units or for areas described in Item 2.2.1 of Section G304.1.2 required to be located at or above the design flood elevation, where such temporary stairs and ramps comply with Sections 1009 and 1010.

SECTION BC G309 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

G309.1 Temporary structures. Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings to allow for the automatic entry and exit of floodwaters.

G309.2 Temporary storage. Temporary storage includes storage of goods and materials for a period of fewer than 180 days. Stored materials shall not include hazardous materials.

G309.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section G103.5.

SECTION BC G310 UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND OTHER SIMILAR STRUCTURES

G310.1 Utility and miscellaneous Group U buildings and other similar structures. Section G310 shall govern utility and miscellaneous Group U buildings that are identified in Section 312 and other similar structures, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, grain silos (accessory to a residential occupancy), greenhouses, livestock shelters, sheds, stables, and towers.

G310.2 Flood loads. Utility and miscellaneous Group U buildings and similar structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions of the design flood.

G310.3 Elevation. Utility and miscellaneous Group U buildings and similar structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is at or above the design flood elevation specified in ASCE 24.

G310.4 Enclosures below design flood elevation. Fully enclosed areas below the design flood elevation shall comply with Section G304.

G310.5 Flood-damage-resistant materials. Flood-damage-resistant materials shall be used below the design flood elevation.

G310.6 Protection of mechanical, plumbing and electrical systems. Mechanical, plumbing and electrical systems, including plumbing fixtures, shall be elevated to or above the design flood elevation.

Exception: The following shall be permitted to be located below the design flood elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation in compliance with the flood-resistant construction requirements of this code:

1. Electrical systems, equipment and components;
2. Heating, ventilating, air conditioning, and plumbing appliances;

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- 3. Plumbing fixtures;
- 4. Duct systems; and
- 5. Other service equipment.

Electrical wiring systems shall be permitted to be located below the design flood elevation provided they conform to the provisions of the *New York City Electrical Code*.

**SECTION BC G311
RETROACTIVE REQUIREMENTS**

G311.1 General. Notwithstanding any other provision of the *New York City Construction Codes*, the provisions of this section shall apply retroactively to all buildings and structures specified herein.

G311.2 Connections for temporary external generators. The following buildings shall be provided with connections for temporary external generators in accordance with Sections G304.5.1 through G304.5.4, as applicable, by January 1, 2033 and a report detailing compliance with such requirements shall be filed with the department in accordance with Section G311.2.2 by such date:

- 1. Buildings whose main use or dominant occupancy is Group I-1 and that are located in an area of special flood hazard;
- 2. Buildings whose main use or dominant occupancy is an adult home, enriched housing, community residence or intermediate care facility that is classified as occupancy Group R pursuant to an exception to Section 308.2.1 or 308.2.2 and that are located in an area of special flood hazard;
- 3. Buildings whose main use or dominant occupancy is Group I-2 hospital and that are located in an area of special flood hazard or shaded X-Zone;
- 4. Buildings whose main use or dominant occupancy is Group I-2 nursing home and that are located in an area of special flood hazard; and
- 5. Buildings whose main use or dominant occupancy is Group I-2, other than hospitals and nursing homes, and that are located in an area of special flood hazard.

G311.2.1 Modification to the area of special flood hazard or shaded X-Zone. Where the area of special flood hazard or shaded X-Zone is modified on or after the effective date of this section, any building identified in Section G311.2 and newly identified as being within such modified area of special flood hazard or shaded X-Zone shall, no later than 20 years following the adoption of such modification, comply with the retroactive requirements of Section G311.2. The owner of such building shall, no later than 20 years following the adoption of such modification, file with the department a report detailing compliance with such requirements in accordance with Section G311.2.2.

G311.2.2 Report of compliance. The owner of a building required to comply with the provisions of Section G311.2 shall file with the department, by January 1, 2033, a report prepared by a registered design professional or licensed master electrician (i) certifying that the requirements of Section G311.2 have been satisfied and detailing how such requirements were satisfied or (ii) certifying that the building met or was altered to meet the provisions of any applicable exception in Sections G304.5.1 or G304.5.2.

G311.2.3 Filing. The department may promulgate rules establishing filing fees for the review and examination of such reports.

G311.3 Connections for temporary external boilers and chillers. Buildings whose main use or dominant occupancy is Group I-2 hospital that are located in an area of special flood hazard or shaded X-Zone shall be provided with connections for temporary external boilers and chillers in accordance with Section G304.5.2 by January 1, 2033, and a report detailing compliance with such requirements shall be filed with the department in accordance with Section G311.3.2 by such date.

G311.3.1 Modification to the area of special flood hazard or shaded X-Zone. Where the area of special flood hazard or shaded X-Zone is modified on or after the effective date of this section, any building whose main use or dominant occupancy is Group I-2 hospital and that is newly identified as being within such modified area of special flood hazard or shaded X-Zone shall comply with the retroactive requirements of Section G311.3 no later than 20 years following the adoption of such modification. The owner of such building shall file with the department a report detailing compliance with such requirements in accordance with section G311.3.2 no later than 20 years following the adoption of such modification.

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G311.3.2 Report of compliance. The owner of a building required to comply with the provisions of Section G311.3 shall file with the department, by January 1, 2033, a report prepared by a registered design professional (i) certifying that the requirements of Section G311.3 have been satisfied and detailing how much requirements were satisfied or (ii) certifying that any boiler and chiller plants that serve the spaces specified in Item 2 of Section G304.5.2 are located at or above the design flood elevation specified in Table 7-1 of ASCE 24.

G311.3.3 Filing. The department may promulgate rules establishing filing fees for the review and examination of such reports.

* CHAPTER G4 *
 REFERENCED STANDARDS *
 SECTION BC G401
 GENERAL ✓

G401.1 General. This chapter lists the standards that are referenced in various sections of this appendix. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard.

G401.2 Subsequent additions, modifications or deletions. Refer to the rules of the department for any subsequent additions, modifications or deletions that may have been made to these standards in accordance with Section 28-103.19 of the *Administrative Code*.

G401.3 Applicability. The application of the referenced standards shall be as specified in Section 102.4.

- G401.4 Reserved.
- G401.5 Reserved.
- G401.6 Reserved.

SECTION BC G402
 STANDARDS

✓ <u>ASCE 7-05</u>	<u>Minimum Design Loads for Buildings and Other Structures</u>	G104.5.2, G201.2, G304.2
* <u>ASCE 24-05*</u>	* <u>Flood-Resistant Design and Construction</u>	G103.1, G104.3, G104.5.1, G104.5.2, G105.2, G105.3.1, G201.2, G301.1, G303.2, G304.1.2, G304.2, G305.1, G307.1, G307.2, G307.3, G308.1, G308.3

*As modified in Chapter G5.

FEMA FIS 360497	Flood Insurance Study, Community Number 360497, Revised September 5, 2007; Federal Emergency Management Agency	G102.2
FEMA PFIS 360497	Preliminary Flood Insurance Study, Community Number 360497, Federal Emergency Management Agency	G102.2.1, G102.2.2, G102.3.1.1, G102.3.2.2
FEMA FIRMs 360497	Flood Insurance Rate Map, Community Number 360497, Panel Numbers 1 through 0457, Revised September 5, 2007;	G102.2, G102.3, G102.3.1, G102.3.2,

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	Federal Emergency Management Agency, with the following Letter of Map Revision:	G103.3, G201.2
	Letter of Map Revision effective September 29, 2008, FEMA case # 08-02-0948P, revising FIRM panel 0111.	
FEMA FIRMs 360497	Preliminary Flood Insurance Rate Map, Community Number 360497, Federal Emergency Management Agency	G102.2.1, G102.2.2, G102.3.1.1, G102.3.2.1
FEMA FORM 086-0-34	Floodproofing Certificate; Federal Emergency Management Agency	G105.3
FEMA FORM 086-0-33	Elevation Certificate; Federal Emergency Management Agency	G105.3
HUD 24 CFR Part 3280-94	Manufactured Home Construction and Safety Standards, 1994	G201.2

* *
CHAPTER G5 * *
MODIFICATIONS TO REFERENCED STANDARDS
SECTION BC G501
MODIFICATIONS

The following amendments are hereby made to the referenced standards listed in Section G401.

G501.1 Amendments to ASCE 24-05. The following amendments are hereby made to the applicable sections of ASCE 24-05. Refer to the rules of the department for any subsequent additions, modifications or deletions that may have been made to this standard in accordance with Section 28-103.19 of the *Administrative Code*.

Section 1.1. Section 1.1 (Scope) is amended by deleting Items 1 through 4, and by adding the following paragraph to read as follows:

The scope of this standard is as provided for in Section G102.1 of the *New York City Building Code, Appendix G.*

* Section 1.1.2. A new Section 1.1.2 is added to read as follows:

1.1.2 High-risk flood hazard areas. Notwithstanding any other provision in this standard, no special flood hazard in New York City shall be classified as alluvial fan area, flash flood area, mudslide area, ice jam and debris area, erosion-prone area, high-velocity flow area.

* Section 1.2. Section 1.2 (Definitions) is amended by modifying only the following definitions:

"Definitions"

→ **Design flood elevation**—The applicable elevation specified in Table 2-1, 4-1, 5-1, 6-1, or 7-1, depending on the structural occupancy category designated in Table 1-1.

→ **High-risk flood hazard area**—An area designated as a coastal high hazard area, being those areas identified on the FIRM as a V-Zone or Coastal A-Zone.

Nonresidential—As defined in Section G201 of the *New York City Building Code, Appendix G.*

Residential—As defined in Section G201 of the *New York City Building Code, Appendix G.*

Section 1.4.3. Table 1-1 of Section 1.4.3 (Classification of Structures) is amended to read as follows:

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Structural Occupancy Categories for Flood-Resistant Design/Construction requirements

TABLE 1-1

CLASSIFICATION OF STRUCTURES FOR FLOOD-RESISTANT DESIGN AND CONSTRUCTION (CLASSIFICATION SAME AS NEW YORK CITY BUILDING CODE TABLE 1604.5)

STRUCTURAL OCCUPANCY/ CATEGORY	NATURE OF OCCUPANCY
I	Buildings and other structures that represent a low hazard to human life in the event of failure, including but not limited to: <ol style="list-style-type: none"> 1. Agricultural facilities. 2. Certain temporary facilities. 3. Minor storage facilities.
II	Buildings and other structures except those listed in Structural Occupancy Categories I, III and IV
III	Buildings and other structures that represent a substantial hazard to human life in the event of failure, including but not limited to: <ol style="list-style-type: none"> 1. Buildings and other structures whose primary occupancy is public assembly with an occupant load greater than 300. 2. Buildings and other structures containing elementary school, secondary school or day care facilities with an occupant load greater than 250. 3. Buildings and other structures containing adult education facilities, such as colleges and universities with an occupant load greater than 500. 4. Group I-2 occupancies with an occupant load of 50 or more resident patients but not having surgery or emergency treatment facilities. 5. Group I-3 occupancies. 6. Any other occupancy with an occupant load greater than 5,000^a. 7. Power-generating stations, water treatment facilities for potable water, waste water treatment facilities and other public utility facilities not included in Structural Occupancy Category IV. 8. Buildings and other structures not included in Structural Occupancy Category IV containing sufficient quantities of toxic or explosive substances to be dangerous to the public if released.
IV	Buildings and other structures designated as essential facilities, including but not limited to: <ol style="list-style-type: none"> 1. Group I-2 occupancies having surgery or emergency treatment facilities. 2. Fire, rescue, ambulance and police stations and emergency vehicle garages. 3. Designated earthquake, hurricane or other emergency shelters. 4. Designated emergency preparedness, communications and operations centers and other facilities required for emergency response. 5. Power-generating stations and other public utility facilities required as emergency backup facilities for Structural Occupancy Category IV structures. 6. Structures containing highly toxic materials as defined by Section 307 where the quantity of the material exceeds the maximum allowable quantities of Table 307.1(2). 7. Aviation control towers, air traffic control centers and emergency aircraft hangars. 8. Buildings and other structures having critical national defense functions. 9. Water storage facilities and pump structures required to maintain water pressure for fire suppression.

a. For purposes of occupant load calculation, occupancies required by Table 1004.1.1 to use gross floor area calculations shall be permitted to use net floor areas to determine the total occupant load.

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Old Elevation Requirements

Section 2.3. Table 2-1 of Section 2.3 (Elevation Requirements) is amended to read as follows:

**TABLE 2-1
MINIMUM ELEVATION OF THE TOP OF LOWEST FLOOR
RELATIVE TO DESIGN FLOOD ELEVATION (DFE)—A-ZONES^a**

STRUCTURAL OCCUPANCY CATEGORY ^a	MINIMUM ELEVATION OF LOWEST FLOOR
I	DFE=BFE
II (1- and 2-family dwellings)	DFE=BFE+ 2 ft
II ^{c, d} (all others)	DFE=BFE+ 1 ft
III ^{c, d}	DFE=BFE+ 1 ft
IV ^{c, d}	DFE=BFE+ 2 ft

- a. Minimum elevations shown in Table 2-1 do not apply to V Zones (see Table 4-1). Minimum elevations shown in Table 2-1 apply to A-Zones unless specific elevation requirements are given in Section 3 of this standard.
- b. See Table 1-1 or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.
- c. For nonresidential buildings and nonresidential portions of mixed-use buildings, the lowest floor shall be allowed below the minimum elevation if the structure meets the floodproofing requirements of Section 6.
- d. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

Section 4.4. Table 4-1 of Section 4.4 (Elevation Requirements) is amended to read as follows:

**TABLE 4-1
MINIMUM ELEVATION OF BOTTOM OF LOWEST SUPPORTING
HORIZONTAL STRUCTURAL MEMBER OF LOWEST FLOOR
RELATIVE TO DESIGN FLOOD ELEVATION (DFE)—V-ZONES AND COASTAL A-ZONES**

STRUCTURAL OCCUPANCY CATEGORY ^a	MEMBER ORIENTATION RELATIVE TO THE DIRECTION OF WAVE APPROACH	
	Parallel ^b	Perpendicular ^b
I	DFE=BFE	DFE=BFE
II (1- and 2-family dwellings)	DFE=BFE+ 2 ft	DFE=BFE+ 2 ft
II ^c (all others)	DFE=BFE	DFE=BFE+ 1 ft
III ^c	DFE=BFE+ 1 ft	DFE=BFE+ 2 ft
IV ^c	DFE=BFE+ 1 ft	DFE=BFE+ 2 ft

New Elevation Requirements

- a. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.
- b. Orientation of lowest horizontal structural member relative to the general direction of wave approach; parallel shall mean less than or equal to +20 degrees from the direction of approach; perpendicular shall mean greater than +20 degrees from the direction of approach.
- c. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

Section 4.6.1. Section 4.6.1 (Breakaway Walls) is amended by adding the following sentence:

All breakaway walls enclosing spaces below the DFE in V-Zones shall be open lattice, and not solid, with such enclosed spaces constructed as unconditioned per the *New York State Energy Conservation Construction Code*.

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Flood-Damage-Resistant-Materials Use: Minimum Elevation for Must Use

Section 5.1. Table 5-1 of Section 5.1 (Materials, General) is amended to read as follows:

TABLE 5-1
MINIMUM ELEVATION, RELATIVE TO DESIGN FLOOD ELEVATION (DFE), BELOW WHICH FLOOD-DAMAGE-RESISTANT MATERIALS SHALL BE USED

STRUCTURAL OCCUPANCY CATEGORY ^a	A-ZONE	Coastal High Hazard Areas and Coastal A-Zones	
		Orientation Parallel ^b	Orientation Perpendicular ^b
I	DFE=BFE	DFE=BFE	DFE=BFE
II (1- and 2-family dwellings)	DFE=BFE+ 2 ft	DFE=BFE+ 2 ft	DFE=BFE+ 2 ft
II ^c (all others)	DFE=BFE+ 1 ft	DFE=BFE+ 1 ft	DFE=BFE+ 2 ft
III ^c	DFE=BFE+ 1 ft	DFE=BFE+ 2 ft	DFE=BFE+ 3 ft
IV ^c	DFE=BFE+ 3 ft	DFE=BFE+ 2 ft	DFE=BFE+ 3 ft

- a. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.
- b. Orientation of lowest horizontal structural member relative to the general direction of wave approach; parallel shall mean less than or equal to +20 degrees from the direction of approach; perpendicular shall mean greater than +20 degrees from the direction of approach.
- c. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

Section 5.2.6. Section 5.2.6 (Finishes) shall be amended to read as follows:

5.2.6 Finishes and other materials. Interior and exterior finishes, as well as any materials not otherwise provided for in Sections 5.2.1 through 5.2.5, shall be flood damage-resistant materials in accordance with FEMA Technical Bulletin 2/August 2008, Flood Damage-Resistant Materials Requirement for Buildings Located in Special Flood Hazard Areas, or shall be required to be approved by the authority having jurisdiction.

Section 6.2. Table 6-1 of Section 6.2 (Dry Floodproofing) is amended to read as follows:

TABLE 6-1
MINIMUM ELEVATION OF FLOODPROOFING, RELATIVE TO DESIGN FLOOD ELEVATION (DFE)—A-ZONES

STRUCTURAL OCCUPANCY CATEGORY ^a	MINIMUM ELEVATION OF FLOODPROOFING ^b
I	DFE=BFE+ 1 ft
II ^{c, d}	DFE=BFE+ 1 ft
III ^d	DFE=BFE+ 1 ft
IV ^d	DFE=BFE+ 2 ft

- a. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.
- b. Wet or dry floodproofing shall extend to the same level.
- c. Dry floodproofing of residential buildings and residential portions of mixed use buildings shall not be permitted.
- d. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

Section 6.2.2. Item 3 of Section 6.2.2 (Dry Floodproofing Requirements) is amended to read as follows:

3) Have either:

- 3.1. All required means of egress elevated to or above the applicable DFE specified in Table 6-1, capable of providing human ingress and egress during the design flood; or
- 3.2. At least one elevated door located in close proximity to each required means of egress to the exterior that is to be blocked by flood shields or flood control devices, such that the face of the elevated door itself, and not merely its directional signage, is clearly visible to a person approaching the blocked egress door(s). Such door(s) shall be elevated to at or above the applicable DFE specified in Table 6-1, capable of providing human ingress and egress during the design flood. Such door(s) shall meet all *New York City Building Code* requirements for a required means of egress to the exterior of the structure including hardware and signage, but shall not be required to comply with the occupant load calculations, unless the structure is intended for occupancy during the design flood. Such door may be accessed by open steps and shall not be required to comply with Chapter 11 of the *New York City Building Code* if its only purpose is to provide supplemental egress and ingress during conditions of flooding and to provide emergency egress at other times.

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Section 6.2.3. Section 6.2.3 (Limits on Human Intervention) is amended to read as follows:

Section 6.2.3 Limits on human intervention. Dry floodproofing measures that require human intervention to activate or implement prior to or during a flood, including temporary stairs or ramps, shall be permitted only when all of the following conditions are satisfied:

1. The flood warning time (alerting potential flood victims of pending flood situation) shall be a minimum of 12 hours, unless the community operates a flood warning system and implements an emergency plan to ensure safe evacuation of flood hazard areas, in which case human intervention is allowed only if the community can provide a minimum flood warning time equal to or longer than the cumulative;
 - (a) time to notify person(s) responsible for installation of floodproofing measures, plus
 - (b) time for responsible persons to travel to structure to be floodproofed, plus
 - (c) time to install, activate, or implement floodproofing measures, plus
 - (d) time to evacuate all occupants from the flood hazard area;
2. All removable shields or covers for openings such as windows, doors, and other openings in walls and temporary stairs or ramps shall be designed to resist flood loads specified in Section 1.6; and
3. Where removable shields or temporary stairs or ramps are to be used, a flood emergency plan shall be approved by the authority having jurisdiction and shall specify, at a minimum, the following information: storage location(s) of the shields and temporary stairs and ramps; the method of installation and removal; conditions activating installation and removal; maintenance of shields and attachment devices and temporary stairs and ramps; periodic practice of installing and removing shields and temporary stairs and ramps; testing sump pumps and other drainage measures; and inspecting necessary material and equipment to activate or implement floodproofing. The flood emergency plan shall be permanently posted in at least two conspicuous locations within the structure.

Section 7.1. Table 7-1 of Section 7.1 (General) is amended to read as follows (see Table 7-1 below):

Utilities Elevations

**TABLE 7-1
MINIMUM ELEVATION OF UTILITIES AND ATTENDANT EQUIPMENT RELATIVE TO DESIGN FLOOD ELEVATION (DFE)**

STRUCTURAL OCCUPANCY CATEGORY ^a	LOCATE UTILITIES AND ATTENDANT EQUIPMENT ABOVE ^b		
	A-Zones	Coastal High Hazard Area and Coastal A-Zones	
		Orientation Parallel ^c	Orientation Perpendicular ^c
I	DFE=BFE	DFE=BFE	DFE=BFE
II (1- and 2-family dwellings)	DFE=BFE+ 2 ft	DFE=BFE+ 2 ft	DFE=BFE+ 2 ft
II ^{e, 4} (all others)	DFE=BFE+ 1 ft	DFE=BFE+ 1 ft	DFE=BFE+ 2 ft
III ⁴	DFE=BFE+ 1 ft	DFE=BFE+ 2 ft	DFE=BFE+ 3 ft
IV ⁴	DFE=BFE+ 2 ft	DFE=BFE+ 2 ft	DFE=BFE+ 3 ft

- a. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.
- b. Locate utilities and attendant equipment above elevations shown unless otherwise provided in the text.
- c. Orientation of lowest horizontal structural member relative to the general direction of wave approach; parallel shall mean less than or equal to +20 degrees from the direction of approach; perpendicular shall mean greater than +20 degrees from the direction of approach.
- d. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

Section 7.2.4. Section 7.2.4 (Disconnect Switches and Circuit Breakers) is amended to read as follows:

7.2.4 Disconnect switches and circuit breakers. The main disconnect switch, all service disconnecting means, and all circuit breakers shall be located above and be accessible from the elevation specified in Table 7-1. Switches, all service disconnecting means, and circuit breakers shall be located no more than 6 feet 7 inches (2 m) above the floor, or a platform shall be installed to provide access.

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Section 7.3.3. Section 7.3.3 is amended to read as follows:

7.3.3 Plumbing systems installed below minimum elevations. Plumbing systems and components, including plumbing fixtures, shall be elevated above the elevation specified in Table 7-1. Where plumbing systems and components have openings below the elevation specified in Table 7-1, the openings shall be protected with automatic backwater valves or other automatic backflow devices. Devices shall be installed in each line that extends below the DFE to prevent release of sewage into floodwaters and to prevent infiltration by floodwaters into the plumbing. Redundant devices requiring human intervention shall be permitted. Plumbing systems shall be provided with backwater valves in the building drain at its point of exit from the building and downstream of the building trap.

Section 7.3.4. Section 7.3.4 is amended to read as follows:

7.3.4 Sanitary systems. Sanitary systems shall be designed to minimize infiltration of flood waters into the systems and discharges from the systems into floodwaters. Vents and openings shall be above the elevation specified in Table 7-1. Sanitary system storage tanks shall be designed, constructed, installed, and anchored to resist at least 1.5 times the potential buoyant and other flood forces acting on an empty tank during design flood conditions. Tanks and piping shall be installed to resist local scour and erosion. Sanitary systems shall be provided with backwater valves at the point of exit from the building and downstream of the building trap. Sanitary systems that must remain operational during or immediately after the design flood or lesser floods shall be equipped with a sealed storage tank that is sized to store at least 150% of the anticipated sewage flow associated with occupancy during flood conditions and during subsequent periods of saturated soil when sewage will not percolate.

Section 7.5.1. A new section 7.5.1 is added to read as follows:

7.5.1 Elevator signage. Where there is potential for an elevator cab to descend below the elevation specified in Table 7-1 into a wet floodproofed space, the elevator shall be equipped with controls that will prevent the cab from descending into floodwaters. Permanent, durable, and washable signage shall be placed in the elevator cab and in the elevator lobby on any story subject to flooding, stating that "In the event of flooding, water sensors in the elevator shaft will prevent the elevator from descending to [description of story, e.g., ground floor, first floor, parking level, etc.] and will automatically cause the elevator to rise to [description of story, e.g., second floor, mezzanine, etc]."

Section 9.3.1. The second sentence of the first paragraph of Section 9.3.1 (Attached Garages and Carports) is amended to read as follows:

Wet floodproofed garages and carports are permitted below elevations specified in Table 2-1 provided the lowest level of the garage or carport is at or above grade on at least one side, the garage or carport walls meet the opening requirements of Section 2.6, and the lowest level of the garage or carport is not classified as a "lowest floor" pursuant to Appendix G of the *New York City Building Code*.

Section 9.5. Section 9.5 (Pools) is amended by adding a new paragraph to read as follows:

Mechanical equipment for pools such as pumps and water heaters, and associated electrical wiring, shall comply with Section 7.2 and 7.4.

G501.2 Reserved.

G501.3 Reserved.

**SECTION BC G601
RESERVED**

**SECTION BC G701
RESERVED**

**SECTION BC G702
RESERVED**

Printed from StreetEasy.com at 09:11 PM, Oct 16 2017

13 ACTIVE RENTALS IN THIS BUILDING

MURRAY HILL
626 First Avenue #W...
\$2,975
Studio 1

MURRAY HILL
626 First Avenue #W...
\$3,675
Studio 1

MURRAY HILL
626 First Avenue #W...
\$4,025
Studio 1



Building: American Copper Buildings

626 First Avenue, New York, NY, 10016

761 units | 48 stories | 2 buildings | Built in 2016

New Development

Rental Building in Murray Hill

☆ SAVE

✉ SHARE

CONTACT US FOR AVAILABILITY

American Copper Buildings

American Copper Buildings

+19179244974

Presented By JDS Development Group

Your email

Message (optional)

CONTACT

AMERICAN COPPER BUILDINGS DESCRIPTION

The future is coming. Sorry, it's not for sale.

At American Copper, two copper-clad towers are connected by a three-story skybridge, creating the ultimate vertical community.

Designed inside and out by SHoP Architects, each tower offers over 300 one-of-a-kind layouts with sweeping, enviable views of the Empire State Building, East River, and the Manhattan skyline.

Two grand lobbies with soaring... [more]

AMERICAN COPPER BUILDINGS AMENITIES

- Bike Room
- Community Recreation Facilities
- Children's Playroom
- Gym
- Live-in Super
- Swimming Pool

OUTDOOR SPACE
Roof Deck

LOCATION
NYC Storm Zone 1

SALES **RENTALS** **BUILDINGS** **RESOURCES** **BLOG**

e.g. address, building, agent Q

BUILDING FACTS

Facts 761 units | 48 stories | 2 buildings | Built in 2016

District Community District 106 | City Council District 4 | Police Precinct 17

Floorplans 114 floorplans available

Documents and Permits 82 documents and permits

Rentals Listings 1 previous sale (\$1,044 per ft² avg, \$710,000 avg price)
13 active rentals (\$5,853 avg price)
97 previous rentals (\$46 per ft² avg, \$5,296 avg price)

Architect: SHoP Architects

Developer: JDS Development Group

Leasing and marketing: Citi Habitats New Developments

Manager: First Service Residential

UNITS

Filter this table

Unit	Price	Beds	Baths	ft ²
#W34G - 626 First Avenue Open House: Sat, Oct 21 (12:00 PM - 2:00 PM) ADD TO PLANNER	\$12,555 NO FEE	4 rooms, 2 beds	2 baths	
#W32C - 626 First Avenue Open House: Sat, Oct 21 (12:00 PM - 2:00 PM) ADD TO PLANNER	\$8,570 NO FEE	4 rooms, 2 beds	2 baths	
#W9E - 626 First Avenue Open House: Sat, Oct 21 (12:00 PM - 2:00 PM) ADD TO PLANNER	\$6,750 NO FEE	4 rooms, 2 beds	2 baths	
#W42A - 626 First Avenue Open House: Sat, Oct 21 (12:00 PM - 2:00 PM) ADD TO PLANNER	\$6,590 NO FEE	3 rooms, 1 bed	1 bath	
#W34J - 626 First Avenue ADD TO PLANNER	\$6,350 NO FEE	3 rooms, 1 bed	1 bath	
#W41E - 626 First Avenue Open House: Sat, Oct 21 (12:00 PM - 2:00 PM) ADD TO PLANNER	\$5,550 NO FEE	3 rooms, 1 bed	1 bath	
#W9B - 626 First Avenue Open House: Sat, Oct 21 (12:00 PM - 2:00 PM) ADD TO PLANNER	\$4,990 NO FEE	3 rooms, 1 bed	1 bath	

Unit	Price	Beds	Baths	ft ²
#W40H - 626 First Avenue SALES RENTALS BUILDINGS RESOURCES	\$4,900 NO FEE	2 rooms, studio	1 bath	
#W10D - 626 First Avenue	\$4,800 NO FEE	3 rooms, 1 bed	1 bath	
Open House: Sat, Oct 21 (12:00 PM - 2:00 PM)				
ADD TO PLANNER				
#W33E - 626 First Avenue	\$4,360 NO FEE	2 rooms, studio	1 bath	
Open House: Sat, Oct 21 (12:00 PM - 2:00 PM)				
ADD TO PLANNER				
#W33D - 626 First Avenue	\$4,025 NO FEE	2 rooms, studio	1 bath	
Open House: Sat, Oct 21 (12:00 PM - 2:00 PM)				
ADD TO PLANNER				
#W33K - 626 First Avenue	\$3,675 NO FEE	2 rooms, studio	1 bath	
Open House: Sat, Oct 21 (12:00 PM - 2:00 PM)				
ADD TO PLANNER				
#W11H - 626 First Avenue	\$2,975	2 rooms, studio	1 bath	

e.g. address, building, agent



NEAR AMERICAN COPPER BUILDINGS

TRANSPORTATION

Subways and Ferries

- Ferry at E 34th Street Ferry Landing **under 500 feet**
- 6 at 42 Street - Grand Central **0.48 miles**
- 6 at 33rd St **0.55 miles**
- 6 at Grand Central **0.55 miles**
- 6 at 28th St **0.65 miles**

[View subway lines on Google Maps](#)



[VIEW ON GOOGLE](#)

SCHOOLS

District 2 - Schools zoned for this address:

- J.H.S. 104 Simon Baruch (06,07,08,SE)
- P.S. 116 Mary Lindley Murray (PK,0K,01,02,03,04,05,06,SE)
- the River School (PK,0K,01,02,03,04,05,SE)

SIMILAR BUILDINGS

326 East 35th Street	210 East 35th Street	134 East 36th Street
Rental Building in Murray Hill	Rental Building in Murray Hill	Rental Building in Murray Hill
4 ACTIVE LISTINGS	2 ACTIVE LISTINGS	1 ACTIVE LISTINGS

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Public Comment on:**Olympia Planning Commission's October 16, 2017 on the "Public Hearing on Downtown Urban Infill Area State Environmental Policy Act (SEPA) Ordinance."**

I have two main concerns with this ordinance:

The first has to do with the claim that the SEPA regulations are duplicative with the city's existing development regulations. Assuming they are duplicative, I am concerned about whether or not they will remain that way into the future. For example, I understand that the climate change and sea level rise guidance in SEPA is currently under review. If SEPA regulations were to change in the future to become more protective would Olympia then have some requirement to also update the City's regulations? Similarly, I imagine it is somewhat easier to modify a city regulation than it is to modify one through the State. Would there be any mechanism to prevent Olympia from modifying their regulations to be less protective than SEPA in the future? I would like to see some language in this ordinance which would hold the city accountable in this way.

My second concern has to do with limiting public involvement in planning and development. The background memo listed "Cultural Resources" as one of the three areas in which the city regulations are insufficient – relative to SEPA. The memo states that "tribal agencies tend to use SEPA notice as their trigger to comment on projects". I understand that SEPA notices often arrive late in the development process, and that by this point the public has already had chances to comment, but I think that the fact that tribal agencies – and others- so consistently use the SEPA notice as an access point is a big red flag. I think that it demonstrates that the public has a hard time keeping track of development process and timelines, and I think it demonstrates that a significant section of the public are unsatisfied by the City's level of responsiveness to them in the process. I feel that the SEPA exemption would act to further exclude people from the process.

Thank You,
Ryan DeWitt
2022 Dickinson Ave NW
Olympia, WA 98502

Judy Bardin’s comments to the Olympia Planning Commission’s October 16, 2017 on the “Public Hearing on Downtown Urban Infill Area State Environmental Policy Act (SEPA) Ordinance.”

I am opposed to creating Downtown as a SEPA urban infill exemption area for the following reasons.

1) It will shut out the public from being able to comment on environmental impacts for commercial buildings less than 65,000 sq. ft. (excluding retail) and units with a density of or less than: 30-unit single-family homes or 60 units of apartments and condominiums. Current regulations exempt buildings of nine units or less from SEPA. This is a very large extension in the number and size of buildings exempt from SEPA. . Projects of this scope should be subject to SEPA scrutiny that is current and specific to their impact. The public has enough trouble tracking and commenting on land use decisions; this takes away another opportunity for the public to comment. It deprives the public of its right to be involved.

2) The City is relying on an EIS that was done for the Comprehensive Plan in 2014. The EIS at this point is somewhat outdated. A number of things have changed since the EIS was originally written, for example, sea level rise projections have worsened, development has revitalized, the Metropolitan Parks District measure has passed, and homelessness is a rising concern.

3) Do we really have a problem with density Downtown?

The perceived current need for a Downtown SEPA exemption area calls out (RCW 43.21C.229) – This provision of the statute is intended to encourage residential or mixed use development in urban areas where the density goals of the comprehensive plan are not being met. Has it been ascertained that the density goals for Downtown are not being met? Currently development in Downtown is booming; each month we hear of a new development scheduled or being planned Downtown. What is our density supposed to be and how far behind the curve are we? How much development has occurred or is in the pipeline? At what rate are we increasing density? How many new housing units and how much commercial/retail square footage have we added in a year? What’s projected for the upcoming year?

The Comprehensive Plan supports measured increase in our urban density. It does not seem to stipulate that we have to rapidly meet this goal. The following paragraph from the Comprehensive Plan Land Use and Urban Design Chapter emphasizes this point.

This Plan envisions gradually increasing densities in Olympia accompanied by attractive streets and buildings arranged for the convenience of pedestrians. The location, mix and relationship of land uses to each other and to our streets will be crucial as will be the character of commercial and residential areas, parks, and open spaces. The Plan envisions new development that will reinforce the community’s identity, urban design preferences, and historic form. Selected major

streets will gradually transform into attractive, higher density, mixed residential and commercial "urban corridors" with frequent transit

Downtown is in a High-Density Neighborhoods Overlay that calls for densities of at least 25 dwelling units per acre for residential uses that are not re-using or redeveloping existing structures. It emphasizes that it not include structures that are being reused or redeveloped so we are not forcing existing historical buildings to meet the 25 units per acre requirement. How far behind is the City in meeting this 25 unit per acre requirement? Has any data been provided? The Planning Commission initially set this density at 35 units per acre, but it was reduced by staff to 20 and then finally raised to 25 by Council. Should the density be higher?

4) A time frame for the SEPA exemption area has not been specified. RCW 43.21C.440 stipulates that a time period identified in the ordinance or resolution adopted be specified

5) The Gap Analysis does not seem to be adequate. The gap analysis identifies three areas: flood risks associated with sea level rise (SLR), off-site traffic impact mitigation and cultural resources.

Flood risk associated with sea level rise

The City's 2016 flood proofing standards are cited as filling this gap, especially the higher finished floor elevation. However, current regulations only require a one-foot increase in the finished floor elevation. The City Utility this year presented information on SLR. Currently the City is projecting 2 feet of SLR by 2050 with approximately 160 flooding events a year. By 2100, SLR is projected to increase to 4 feet with about 440 annual flooding events. Other agencies feel current projections are too low, because published scientific literature lags what is happening in nature. Before a scientific article is published, data must first be collected, then analyzed, written up, and peer reviewed. This process is lengthy. In 2016, Margaret Davidson, NOAA's senior advisor for coastal inundation and resilience science and services, and Michael Angelina, executive director of the Academy of Risk Management and Insurance, offered their take on climate change data in a conference session titled "Environmental Intelligence: Quantifying the Risks of Climate Change." They projected that we could have about 3 meters or around 10 feet of SLR by 2050-2060.

If we experience just a few feet of SLR, are we really willing to accept roadways, sidewalks, and parking lots that are periodically under water even if the buildings they serve are high enough to keep their lower floors dry? What happens to basements?

Off-site traffic mitigation

Staff states that the Downtown Strategy will likely determine a threshold for a traffic analysis but that threshold has not been set.

Cultural Resources

Presently tribal agencies tend to use SEPA notice as their trigger to comment on projects. Plans are being formulated to meet with tribal and State Department of Archaeology and Historic Preservation (DAHP) representatives to discuss the other available opportunities for comment such as at notice of application and potential code revisions, however it is not known at this point if these groups will support their inability to comment on SEPA. Additionally, what mechanisms will be established to ensure that tribes and DAHP will be automatically informed of applications for new projects and revisions to the codes without having to make periodic inquiries?

Judy Bardin
1517 Dickinson Ave NW
Olympia, WA 98502
judybardin@comcast.net
360-352-9564

Subject: FW: Comments to City of the SEPA analysis issues; Meeting Tonight, Monday, Oct 16

From: northbeachcomm@cs.com [<mailto:northbeachcomm@cs.com>]

Sent: Monday, October 16, 2017 1:42 PM

To: cpdinfo <cpdinfo@ci.olympia.wa.us>

Cc: CityCouncil <citycouncil@ci.olympia.wa.us>

Subject: Comments to City of the SEPA analysis issues; Meeting Tonight, Monday, Oct 16

Oct 14, 2017

City of Olympia Staff;

The Comprehensive Plan (Comp Plan) for the City of Olympia is an important document, we all know that.

Currently it seems as if the City Planning Staff is trying to do an end run around SEPA.

This end run will be discussed tonight, at the Oly. City Planning meeting, Monday 16, 2017, 6:30 P.M.

The City planning staff, will then, not just cut out the public and our comments in general regarding development proposals,

but they will eliminating the requirement for individual project level SEPA EIS's at all!

This action will supplant current analyses of specific proposals with the SEPA analysis done on the Comp Plan.

This is not good. This will isolate both the public and the Council from major land use investigations.

We must have transparency with the public and the Planning within the City.

This action to be discussed Oct 16th, and will allow City of Olympia Planning Staff to be "in authority" by default.

This is wrong.

The City did a "gap analysis" (their term).

In this analysis they said that the only three City areas that needed to be addressed before establishing SEPA exemption areas were;

- 1) flood risk associated with sea level rise,
- 2) off site traffic impact mitigation,
- 3) cultural resources.

But this analysis , this decision is wrong.

We need a city SEPA analysis of city development proposals.

We do not need a "short cut".

We do not need the city to be "in authority". We need the SEPA analysis process, to stay in place.

Thank you,
L. Riner
2103 Harrison Ave
OLY., WA
98502
360-956-0254



Planning Commission

Comprehensive Plan for the Olympia Urban Growth Area - A Joint Plan with Thurston County

Agenda Date: 11/6/2017
Agenda Item Number: 6.B
File Number: 17-1121

Type: information Version: 1 Status: In Committee

Title

Comprehensive Plan for the Olympia Urban Growth Area - A Joint Plan with Thurston County

Recommended Action

Information only. No action requested.

Report

Issue:

Information regarding the joint plan for the Olympia Urban Growth Area.

Staff Contact:

Joyce Phillips, Senior Planner, Community Planning and Development, 360.570.3722

Presenter(s):

Joyce Phillips, Senior Planner

Background and Analysis:

The City of Olympia and its Urban Growth Area (UGA) are comprised of about 16,000 acres of land. Of that, approximately 12,000 acres are in the city limits while the remaining 4,000 acres are in the UGA. These lands are in the jurisdiction of Thurston County and the County retains the decision-making authority on land use proposals.

In general, unincorporated lands in UGAs are intended to develop in a manner consistent with city standards, so that when these lands are annexed into the city they match the character and development standards of the city.

Thurston County and the cities within it have a long history of addressing regional issues together. In 1995 the Cities of Olympia, Lacey, and Tumwater signed a Memorandum of Understanding with Thurston County, which addressed Urban Growth Area Zoning and Development Standards. In 1998, the Planning Directors from the cities and county signed a second MOU specific to the implementation of the first MOU.

Additionally, the County and all of the cities within it have also agreed to Countywide Planning

Policies, which were originally adopted in 1992. The County Wide Planning Policies, or CWPPs, are the shared planning policies that address growth management issues for the seven jurisdictions within Thurston County - Lacey, Olympia, Tumwater, Bucoda, Rainier, Tenino, and Yelm - as well as the County itself. Each county planning under the Growth Management Act (RCW 36.70A) must develop a framework of such policies in collaboration with its cities and towns to ensure the region's comprehensive plans and policies are consistent across common boundaries. The CWPPs were amended in November of 2015 to incorporate the Foundational Principles and Policies of "Creating Spaces: A Sustainable Development Plan for the Thurston Region."

These coordination efforts continue. With the City of Olympia completing its major Comprehensive Plan Update in December of 2014, and Thurston County working on its major Comprehensive Plan update currently, staff in all jurisdictions are working to update the joint plans. The current joint plan between Olympia and Thurston County is based on Olympia's former plan. It included a symbol next to the goals and policies that were meant to apply in the UGA. The city's current proposal is a separate plan, one that includes all of the text, goals, and policies of the city plan, with only text that is specifically explicit to city programs, or lands or development types not anticipated in the UGA, removed. The city proposed a "stand alone" plan this time because so much of the content and explanation for the goals and policies is included in the text of the plan - not only in the element chapters but also in the Community Values & Vision chapter. The comprehensive plan was written in consideration of the city limits and the UGA and included input from people outside of the city limits. Therefore, city staff proposed a more complete comprehensive plan to serve as the joint plan for the UGA.

Neighborhood/Community Interests (if known):

None specifically known at this time. As the County reviews the joint plan and considers it for adoption, there will be a public outreach and public hearing process. Neighborhood and community interests, to the extent that they may have changed since the City adopted its plan late in 2014, will become more apparent through the process.

Options:

Information only.

Financial Impact:

None. Coordination with Thurston County on the joint plan for the Urban Growth Area is included in the Department's base budget.

Attachments:

None.



Planning Commission

Suggestions for the Preliminary 2018 - 2019 Planning Commission Work Plan

Agenda Date: 11/6/2017
Agenda Item Number: 6.C
File Number: 17-0984

Type: discussion Version: 1 Status: In Committee

Title

Suggestions for the Preliminary 2018 - 2019 Planning Commission Work Plan

Recommended Action

Information only. No action requested.

Report

Issue:

Discussion of potential items to be considered in the Planning Commission 2018 - 2019 Work Program.

Staff Contact:

Joyce Phillips, Senior Planner, Community Planning and Development, 360.570.3722

Presenter(s):

Joyce Phillips, Senior Planner, Community Planning and Development

Background and Analysis:

Each year the Planning Commission proposes an annual work plan. It is reviewed by the Council General Government Committee and ultimately approved by City Council.

Items considered for inclusion can come from individual Commissioners or city staff. Last year, staff recommendations included items in the previous year's program that were not completed, items included in the upcoming work program of the Community Planning and Development Department, and related work of other Advisory Boards and Commissions.

Later this year staff will bring a proposed work plan to the Commission for review and consideration. Staff requests the Commissioners begin thinking about potential work items to be included.

Neighborhood/Community Interests (if known):

Much of the work of the Planning Commission is of interest to Neighborhoods and community members. However, to date there has not been specific comment about what should be included in the Commission's work plan for 2018 - 2019.

Type: discussion Version: 1 Status: In Committee

Options:

None. Discussion Only.

Financial Impact:

None. This work is included in the base budget.

Attachments:

Proposal Submittal Form



Planning Commission Work Plan -- Member Proposals
April 2018 – March 2019

Date: _____ Proposal Submitted By: _____

Title of Proposal: _____

Brief Description of Proposal:

OPC's Role or Deliverable:

- Review and provide feedback to _____
- Recommendation to Council
- Briefing/Update from _____

Subject or Topic:

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Public Participation | <input type="checkbox"/> Natural Environment | <input type="checkbox"/> Land Use and Urban Design | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Utilities | <input type="checkbox"/> Health, Arts, Parks & Rec. | <input type="checkbox"/> Economy | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Capital Facilities Plan | <input type="checkbox"/> Special Area _____ | <input type="checkbox"/> Other _____ | |

Estimated amount of time on OPC agenda (30, 60, 90 minutes, etc.): _____

Budget Implications? Yes No Don't know

Suggested month to schedule on agenda (specific or approximate): _____

Item is flexible

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ATTACHMENT 1

Olympia Planning Commission - 2017 Work Plan (April 1, 2018 to March 31, 2019)

The Olympia Planning Commission (OPC) is expected to hold 22 regular meetings plus one optional “retreat” during this period. In addition, a “Finance” subcommittee will be formed to review the annual Capital Facilities Plan update. Special meetings may be held and other subcommittees may be formed if necessary or to more efficiently complete the work plan. Staff liaison to OPC will be Senior Planner Stacey Ray of the Community Planning and Development Department (sray@ci.olympia.wa.us; 360.753.8046).

Section 1. 2018 Policy Issues – Recommendations to City Council Commission recommendations on these items would be forwarded to the City Council. Recommendations may be conveyed in writing, directly by the Commission chair or a delegate, or by City staff. Unless otherwise noted, staff estimates there is sufficient professional and administrative staff time to support Section #1 in 2017. In general these work items are tasks that State law or local rules require the Commission to perform. Estimated 62 meeting hours; approximately 75% percent of overall commission effort.						
Title and Description	Estimated Commission Meeting Time	Estimated Staff Commitment (Direct support for Commission role)	Schedule (Estimated Completion)	Budget Implications	Commission Role	Source of Proposal
<p>1.1 Review 6-year Capital Facilities Plan (CFP) http://olympiawa.gov/city-government/budget-financial-reports.aspx</p> <p>Review the Preliminary CFP, hold a public hearing and identify whether proposals comply with the adopted Comprehensive Plan.</p> <p>Deliverable: Public Hearing and recommendation to City Council.</p>	<p>2 hours; plus 6 or more hours of subcommittee meeting time</p>	<p>CP&D staff: 14-18 hours</p> <p>Other citywide administrative and planning staff: 10 hours</p>	<p>Subcommittee formed in Spring; Commission to conclude review in September.</p>	<p>Included in base budget.</p>	<p>Detailed review and recommendation</p>	<p>City Staff – an annual update is customary for Olympia</p>
<p>1.2 Annual Comprehensive Plan Amendments http://olympiawa.gov/city-government/codes-plans-and-standards/olympia-comprehensive-plan.aspx</p> <p>Collective review of private and public proposals to amend the Comprehensive Plan. Specific proposals to be reviewed are determined by Council prior to referral to Commission.</p> <p>Deliverables: Public Hearing and recommendation to City Council.</p>	<p>12 hours - dependent on scope, nature and controversy of proposals</p>	<p>CP&D staff: 24 to 40 hours</p> <p>Other department support: 24 to 40 hours</p>	<p>June</p>	<p>Included in base budget</p>	<p>Detailed review and recommendation</p>	

<p>1.3 Downtown design criteria update http://olympiawa.gov/community/downtown-olympia/downtown-strategy.aspx</p> <p>Amendment of development code consistent with downtown strategy.</p> <p>Deliverable: Public Hearing and recommendation to City Council.</p>	<p>4 hours</p>	<p>CP&D staff: 10 hours - may include consultant</p>	<p>To Be Determined</p>	<p>Dependent on scope</p>	<p>General review and recommendation</p>	<p>City staff</p>
<p>1.4 Zoning Code Amendments – downtown area http://olympiawa.gov/community/downtown-olympia/downtown-strategy.aspx</p> <p>Amendment of development code relative to views to, from and over downtown area and other zoning changes related to the downtown strategy.</p> <p>Deliverable: Public Hearing and recommendation to City Council.</p>	<p>3 hours</p>	<p>CP&D staff: 10 hours plus consultant</p>	<p>To Be Determined</p>	<p>Funded as part of downtown strategy scope Included in base budget</p>	<p>Detailed review and recommendation</p>	<p>City staff</p>
<p>1.5 Zoning map and development code text amendments</p> <p>Review of any privately proposed or Council-initiated amendments to the City's development regulations. Staff estimates that two to four will be considered in 2018.</p> <p>Deliverables: Public Hearing and recommendation to City Council.</p>	<p>2 hours per proposal</p>	<p>CP&D staff: 4 to 10 hours per proposal</p>	<p>Dependent on timing of proposals</p>	<p>Included in base budget; private applicants pay a \$3200 fee.</p>	<p>Detailed review and recommendation</p>	<p>Placeholder for new proposals.</p>
<p>1.6 Sign code amendment www.olympiawa.gov/signcode</p> <p>Amendment of development code in response to changing technology and recent Supreme Court first-amendment ruling</p> <p>Deliverable: Public Hearing and recommendation to City Council.</p>	<p>4 hours</p>	<p>CP&D staff: 10 hours plus consultant</p>	<p>To Be Determined</p>	<p>Consultant contract from 2016 and 2017 funds</p>	<p>General review and recommendation</p>	<p>City staff</p>

<p>1.7 Low density neighborhood “in-fill” code amendments (aka Missing Middle Housing/Infill) http://olympiawa.gov/city-government/codes-plans-and-standards/missing-middle.aspx</p> <p>Amendment of development codes to allow more intensity of use consistent with Comprehensive Plan. May include revisions to home occupation, accessory dwelling unit, and other regulations.</p> <p>Deliverable: Public Hearing and recommendation to City Council.</p>	<p>6 hours</p>	<p>CP&D staff: 10 hours</p>	<p>To Be Determined</p>	<p>Included in base budget</p>	<p>Detailed review and recommendation</p>	<p>City Staff</p>
<p>1.8 Short Term Rental Policies</p> <p>Amendment of development code consistent with Comprehensive Plan – may include refinement or revision of zoning code and evaluation of issues related to short term housing rentals in residential zones.</p> <p>Deliverable: Public Hearing and recommendation to City Council.</p>	<p>4 hours</p>	<p>CP&D staff: 10 hours</p>	<p>To Be Determined</p>	<p>Included in base budget</p>	<p>General review and recommendation</p>	<p>City Staff</p>
<p>1.9 Drive Through Code Amendments</p> <p>Review existing code for consideration of areas appropriate to remove prohibition of drive-through uses.</p> <p>Deliverable: Public Hearing and recommendation to City Council.</p>	<p>2-4 hours</p>	<p>CP&D staff: 10 hours</p>	<p>To Be Determined</p>	<p>Included in base budget</p>	<p>General review and recommendation</p>	<p>City Staff</p>

SECTION 2.

2018 Optional Program Implementation and/or Input to Council or Staff

As programs are developed and implemented and code amendment proposals and administrative procedures refined, staff often consults with the Commission for their input and perspective. Input from the Commission is considered by staff in implementing the program or policy. This work is secondary to the primary committee purpose of policy recommendations and advice to the City Council. Depending on scope, there may not be sufficient staff time/resource available in 2016 to accomplish or advance these items. Estimated 11 meeting hours; about 15% percent of overall commission effort.

Title and Description	Estimated Commission Meeting Time	Estimated Staff Commitment (Direct support for Commission role)	Schedule (Estimated Completion)	Budget Implications	Commission Role	Source of Proposal
<p>2.1 Neighborhood Center Code: A review of current development code, including collaboration with stakeholders such as Coalition of Neighborhood Associations, business & development community.</p> <p>Deliverable: Proposed development code update for consideration by City in 2018</p>	<p>1 hour; plus substantial work group time</p>	<p>CP&D: 8 to 12 hours</p>	<p>To Be Determined</p>	<p>Included in base budget.</p>	<p>Led by Commission</p>	<p>Planning Commission -- continued item begun in 2014</p>
<p>2.2 Action Plan for comprehensive plan implementation. http://olympiawa.gov/city-government/codes-plans-and-standards/action-plan.aspx</p> <p>An implementation strategy is called for in the Comprehensive Plan. Commission will review the Action Plan including performance measures (or 'community indicators') and provide comments on the actions, priorities and performance measures.</p> <p>Deliverable: Recommendation and comments to City staff.</p>	<p>2 hours</p>	<p>5 to 7 hours</p>	<p>April</p>	<p>Included in base budget.</p>	<p>As directed by Council's Land Use and Environment Committee</p>	<p>Comprehensive Plan</p>
<p>2.3 Subarea/Neighborhood Plan Review of draft Subarea Plan</p> <p>Deliverable: Comments to staff and neighborhood work group; optional recommendation to Council.</p>	<p>2 hours</p>	<p>CP&D staff: 4 hours</p>	<p>To Be Determined</p>	<p>Included in base budget</p>	<p>Optional advisor to staff, citizens and Council</p>	<p>CP&D staff</p>

SECTION 3.
2018 Administrative Activities and Informational Briefings
 In addition to the substantive activities above, the Commission seeks to be a well-informed and effective advisory body. The activities below are intended to set aside time to focus on that goal.
 Estimated 5 meeting hours plus retreat; about 10% percent of overall commission effort.

Title and Description	Estimated Commission Meeting Time	Estimated Staff Commitment (Direct support for Commission role)	Schedule (Estimated Completion)	Budget Implications	Commission Role	Source of Proposal
3.1 Organizational Retreat. Annual event focused on improving Commission functions and procedures. Deliverable. None - internal only.	1 hour of regular meeting time to prepare; 4 to 6 hours of retreat meeting time	CP&D Staff: 8 to 10 hours Facilitator at OPC option.	To Be Determined	Included in base budget; facilitator may be retained.	Led by Planning Commission	Customary practice
3.2 Check-In with the Land Use and Environment Committee Potential joint meeting with the Land Use and Environment Committee Deliverable: None	1-2 hours		To Be Determined	Included in base budget	Led by LUEC	Planning Commission
3.3 Preparation of 2019 Work Plan Time allotted for proposing work items for following year. Deliverable: Recommendation to Council	2 hours	CP&D: 6 hours Other staff: Variable	Nov/Dec	Included in base budget	Led by Planning Commission	Customary practice
3.4 Meet with Coalition of Neighborhood Association Meeting to share issues and coordinate; an alternative joint meeting may be substituted.	1 hour	CP&D: 2 hours	To Be Determined	Included in base budget	Jointly led by OPC and CNA	OPC & CNA

Deliverable: None						
<p>3.5 Parking Strategy Briefing http://olympiawa.gov/city-services/parking/parking-strategy.aspx</p> <p>Briefing regarding Parking Strategy</p> <p>Deliverable: None</p>	4-6 hours	Variable depending on range and scope of topics prioritized for first year of implementation	To Be Determined	Included in base budget	Informational Briefing	City Staff
<p>3.6 Sea Level Rise Response Plan Briefing http://olympiawa.gov/city-utilities/storm-and-surface-water/sea-level-rise.aspx</p> <p>Briefing regarding SLR Response Planning Process</p> <p>Deliverable: None</p>			To Be Determined			City Staff & Planning Commission
<p>3.7 Economic Development Briefing</p> <p>Briefing regarding economic development opportunities and actions in the City of Olympia</p> <p>Deliverable: None</p>	1 hour	CP&D: 2 hours	To Be Determined	Included in base budget	Informational Briefing	Planning Commission
<p>3.8 West Bay Restoration & Parks Plan Briefing http://olympiawa.gov/city-services/parks/parks-and-trails/west-bay-park.aspx</p> <p>Briefing regarding progress on the West Bay restoration and parks master planning efforts</p> <p>Deliverable: None</p>	1 hour	CP&D: 1 hour	To Be Determined	Included in base budget	Informational Briefing	Planning Commission
<p>3.9 Transportation Master Plan Briefing</p> <p>Briefing regarding progress on the Transportation Master Plan</p> <p>Deliverable: None</p>	1 hour	CP&D: 1 hour	To Be Determined	Included in base budget	Informational Briefing	Planning Commission

<p>3.10 Development Activity Briefing Briefing regarding annual development activity within the City and UGA</p> <p>Deliverable: None</p>	<p>1 hour</p>	<p>CP&D: 1 hour</p>	<p>Nov/Dec</p>	<p>Included in base budget</p>	<p>Informational Briefing</p>	<p>Planning Commission</p>
<p>3.11 Affordable Housing Briefing A briefing regarding the status of affordable housing issues in Olympia and Thurston County</p> <p>Deliverable: None</p>	<p>1 hour</p>	<p>CP&D: 1 hour</p>	<p>Nov/Dec</p>	<p>Included in base budget</p>	<p>Informational Briefing</p>	<p>Planning Commission</p>
<p>3.12 Public Safety Briefing http://olympiawa.gov/city-services/police-department.aspx http://olympiawa.gov/city-services/fire-department.aspx</p> <p>A briefing by the Police and Fire Departments regarding public safety in Olympia</p> <p>Deliverable: None</p>	<p>1 hour</p>	<p>OPD: 1 hour OFD: 1 hour</p>	<p>To Be Determined</p>	<p>Included in base budget</p>	<p>Informational Briefing</p>	<p>Planning Commission</p>
<p>3.13 Thurston County Joint Plan Briefing</p> <p>A briefing about the city and county efforts to update the Joint Plan for the Urban Growth Area of Olympia.</p> <p>Deliverable: None</p>	<p>1 hour</p>	<p>CP&D: 1 hour</p>	<p>To Be Determined</p>	<p>Included in base budget</p>	<p>Informational Briefing</p>	<p>City Staff</p>

May be added – Depending on CP&D Work Program for 2018
 Urban Forestry Management Plan
 SMP Restoration Plan
 Commercial Design Review code amendment (commercial projects fronting on all streets)

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ATTACHMENT 2



Planning Commission

Planning Commissioner Officers for 2018 - Nominations

Agenda Date: 11/6/2017
Agenda Item Number: 6.D
File Number: 17-1120

Type: discussion Version: 1 Status: In Committee

Title

Planning Commissioner Officers for 2018 - Nominations

Recommended Action

Nominate officers for calendar year 2018.

Report

Issue:

Whether to nominate officers for 2018. Olympia's Advisory Committee Rules of Procedure provide that "officers of the committee shall consist of a Chair and Vice Chair or Co-Chairs selected from members of the committee by consensus or by a majority vote if consensus cannot be reached. The officers shall be selected at the committee's regular meeting in November or December. The officers shall serve for a one-year term of office beginning in January." The Planning Commission traditionally also selects a member to Chair its Finance (CFP) Subcommittee.

Staff Contact:

Joyce Phillips, Senior Planner, Community Planning and Development, 360.570.3722

Presenter(s):

Nomination process to be facilitated by the Commission Chair.

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