



# APPEAL OF ADMINISTRATIVE DECISION TO HEARING EXAMINER

JUL 28 2014

COMMUNITY PLANNING &  
DEVELOPMENT DEPT.**OFFICIAL USE ONLY**

Case #: \_\_\_\_\_

Master File #: 14-0025

Date: \_\_\_\_\_

Received By: C. Smith

Project Planner: \_\_\_\_\_

Related Cases: \_\_\_\_\_

**APPELLANT:**Name: Bigelow Neighborhood Association; John Bay; Maile Bay; Tim WalkerMailing Address: 1002 Olympia Ave. NECity, State, Zip: Olympia, WA 98506Telephone Number(s): 360-561-9744; 360-259-7079E-Mail Address: johnbay@pobox.com; jayelder@comcast.net (Bigelow Neighborhood Association)**REPRESENTATIVE OR ATTORNEY:**Name: Allen T. MillerMailing Address: 1801 West Bay Drive NW Suite 205City, State, Zip: Olympia, WA 98502Telephone Number(s): 360-754-9156E-Mail Address: allen@atmlawoffice.com

I hereby appeal the administrative (staff) decision described below for those reasons stated herein and as attached hereto, and seek the relief and remedies as stated. I understand that this appeal is not complete without payment of the required filing fee. I understand that this appeal will be considered pursuant to the authority and provisions of Olympia Municipal Code 18.75.020 and 18.75.040.

Filing Fee: \$1,000.00 (plus Hearing Examiner Deposit of \$500.00 when appealing an impact fee)

I understand that an impact fee appellant **is required to pay actual Hearing Examiner costs,**  
 \_\_\_\_\_ Initials \_\_\_\_\_ which may be higher or lower than any deposit amount. I hereby agree to pay any such costs.

**DECISION APPEALED:**Case Name: Tanasse Mixed-Use BuildingDecision Maker: Cari Hornbein (SEPA)  
Catherine McCoyCase Address: 924 State Avenue NEDate of Decision: July 7, 2014Case No.: 14-0025

COPY OF DECISION APPEALED IS ATTACHED:

☒ YES☒ NOC. Smith

**Basis of Appeal.**

1. Please describe how you are or are likely to be harmed by the decision you are appealing.

Please see attached

2. Please describe below, or in attachments, how and why you believe the city staff erred.

Please see attached

3. **Remedy or Relief Sought:** If you are successful on appeal, please describe the action you wish the Hearing Examiner to take. Explain how this action would eliminate or reduce harm to you.

The Appellants request that the Hearing Examiner reverse the Notice of Land Use Approval and SEPA Determination of Nonsignificance of July 7, 2014. This action would protect the neighborhood from a building that is inconsistent with the zoning and otherwise violates noted provisions of the City Code and Development Standards.

Have you served notice of this appeal on any other parties? ☐ YES ☒ NO

If yes, please list:

Signed:

ALT. Miller

Signature

7/28/14

Date



## **1. Basis of Appeal:**

The proposed Tanasse Mixed Use Building, Case No. 14-0025 is located in a very small, (16 lots covering 4-blocks), Professional Office/Residential Multifamily (PO/RM) zone. The express intent of the zone is to provide a transitional area buffering the adjacent residential areas from more intensive commercial uses of Downtown and along State Street. The only vacant lot in the entire zone is the Tanasse Project site. The existing buildings in the zone are a mix of historic vintage residential structures, some still residential, some repurposed for commercial uses, and one to two story newer commercial buildings that, with one exception, are compatible with the architecture, scale, and character of the immediately adjacent Bigelow Neighborhood Historic District and surrounding neighborhood.

The Tanasse Building, in its scale, mass, and architectural style, is completely inconsistent with the character of the neighborhood. It dwarfs the adjacent 100-year old residential building at 916 State Avenue NE. There is no building in the zone along State Street east of Plum/East Bay Drive that is as high as 35 feet, let alone, the overall 48 feet of the Tanasse Project. The Tanasse Project design maximizes the building envelope with few features to break up its cubic mass. The existing buildings in the zone are consistent with its purpose and in such a small zone allowing such an incompatible building on the last lot destroys the integrity of the zone.

The Tanasse Project will also harm the adjacent buildings by its sheer mass and shading. It will create excessive runoff and erosion to its downhill neighbors and to the alley to the rear of the building. Its inadequate parking will burden the surrounding neighborhoods and it will block views of the Capitol from busy public rights-of-way.

Over the past 40 years, businesses and homeowners have invested a great deal of time and money into restoring and revitalizing the Bigelow Neighborhood and its historic character. It is a vibrant family-oriented neighborhood that is characterized by a high volume of pedestrian traffic with close-in access to Downtown Olympia. The City Council purposefully inserted this small PO/RM zone between this successful neighborhood and more intensive commercial areas to provide a transitional buffer area. The Tanasse Project is inconsistent with this concept and harms the area and its owners and residents.

The Tanasse Project does not comply with the zoning, unlike new neighboring structures such as the new Veterinary Cancer Research center at the corner of State and Eastside and the Master Builders Association offices on State just above Puget. These buildings are newer, commercial, and in both cases echo the architecture, scale, and mass of the adjacent residential neighborhoods.

**2. Errors of City Staff:**

- a. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 fail to comply with the Olympia Comprehensive Plan because it is incompatible with surrounding structures and neighborhood, blocks scenic views, and denigrates historic neighborhoods and is specifically inconsistent with, among others: LU 1.3; LU 2.1; LU 2.2; LU2.7; LU 7A.1; LU7A.3; LU 7A.4; LU 7A.6; LU 8.2; LU 8.4; HP 10.1.
- b. The proposed Tanasse Mixed Use Building, Case No. 14-0025 is located in the Professional Office/Residential Multifamily (PO/RM) zone. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-002 fail to comply with the purpose and intent of the zone to provide a transitional area, buffering residential areas from more intensive commercial uses. OMC: 18.06.020A.9.
- c. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 fail to comply with OMC Section 18.100.100 and Sections 18.175.020 through 18.175.060 requiring infill to be compatible with adjacent residential structures.
- d. The City of Olympia Design Review Commission failed to consider and apply OMC Section 18.100.100 and Sections 18.175.020 through 18.175.060 which require infill to be compatible with adjacent residential structures to the Tanasse Mixed Use Building, Case No. 14-0025.
- e. The City of Olympia Design Review Commission failed to discharge its duties and responsibilities under OMC Section: 18.100.040 by, among other things, failing to act to preserve the special character and quality of Olympia by maintaining the integrity of those areas which have a discernible character or are of special historic significance.
- f. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 fail to comply with Basic Commercial Design Criteria, Chapter 18.110 and OMC 18.110.060 - View preservation by blocking views of the Capitol Building from public rights of way.
- g. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 fail to comply with Basic Commercial Design Criteria, Chapter 18.110 and OMC 18.110.080 by using design elements to maintain a human scale on the street that is similar to the neighborhood buildings and failing to use design features to reduce the apparent size of such a large building.

- h. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 fail to comply with Commercial Design Criteria Downtown, Chapter 18.120 and OMC 18.120.060 by failing to maintain the character of existing downtown buildings.
- i. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 approve a building that exceeds the allowable height limits set forth in the development standards under OMC Sections 18.06.080 and 18.06.100, in that a) the roof of the structure is greater than 35 feet above the grade plane and the rooftop structures are greater than 48 feet above the grade plan, and b) the portions of the structure exceeding 35 feet are not only and exclusively mechanical and elevator equipment and are being used to create storage, rooftop gardens, and/or other habitable space.
- j. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 fail to comply with the Commercial District Development Standards set forth in Section 18.06.080 that require a side yard set back of 15' minimum + 5' for each building floor above 2 stories next to an R 4-8 district.
- k. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 will harm the Appellants' Bay by blocking the air and light to their property at 916 State Avenue NE, reducing its potential for solar energy and thereby diminishing its value and the use and enjoyment of the property by its residents and users.
- l. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 fail to meet the minimum parking requirements set forth in OMC Section 18.38 in that the uses do not qualify for the "Shared Use" exceptions and in that the plans, as drawn, do not comply with minimum space sizes and/or are not feasible on the actual project site.
- m. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 fail to comply with the Minimum Lot Size requirements of the Commercial District Development Standards set forth in OMC Section 18.06.080.
- n. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 will create excessive storm water runoff that will cause harm and erosion to the down-slope properties and in the alley right-of-way and otherwise do not meet stormwater control standards.

- o. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 fail to meet American for Disabilities Act (ADA) 42 U.S.C 12181-12189 requirements for access for mixed use facilities. There is, among other challenges, no apparent compliant Clear Path of Access (CPA) to the front door or to either street and there is no apparent ADA compliant access to the second story commercial space.
- p. The City of Olympia Land Use Approval and SEPA DNS of July 7, 2014 on the Tanasse Mixed Use Building, Case No. 14-0025 contain incomplete and misleading information, including, Environmental Checklist Item 6.b denying that the project would affect the potential use of solar energy by adjacent properties, and Item 13.a. denying that there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site.

The appellants reserve the right to amend the appeal to add claims and other appellants as may become evident after discovery.

Dated this 28<sup>th</sup> day of July, 2014



Allen T. Miller, WSBA# 12936  
Attorney for Appellants