

CITY OF OLYMPIA HEARING EXAMINER STAFF REPORT

Hearing Date: January 9, 2018

File Number: 17-2528

Project Name: Views on 5th

Applicant: Ken Brogan of Views on 5th LLC

Representative: Ron Thomas of Thomas Architecture Studio

Project Location: 410 5th Avenue SW

SEPA Determination: DNS issued on December 4, 2017

Comprehensive Plan Designation: Residential Mixed Use

Zoning Designation: Urban Waterfront - Housing

Shoreline Designation: None

Public Notification: 1st Notice of Application: June 23, 2017
 2nd Notice of Application: July 11, 2017
 Notice of Design Review Meeting: July 11, 2017
 Notice of Public Hearing: December 4, 2017
 SEPA Decision: December 4, 2017

Staff Contact: Nicole Floyd, Senior Planner, 360.570.3768
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Request Action: A multi-family and commercial complex intended to provide 140 new residences and a mix of ground floor restaurant and retail spaces. Project will include demolition of the onsite single-story structure, reuse of the existing tower, and construction of two new mixed use buildings.

Staff Recommendation: Approval, subject to conditions identified at the end of this report.

Regulatory Framework:

The City has reviewed this project for compliance with all applicable regulations. This report is intended to provide the Hearing Examiner with the context necessary to review the application submittal against the applicable code requirements to determine consistency and address code compliance in relation to the following:

- Comprehensive Plan including:
 - The Parks Arts and Recreation Plan
 - The Transportation Plan

- Olympia Municipal Code
- Engineering Design and Development Standards
- Urban Forestry Manual

PART I – SITE HISTORY AND PERMIT PROCESS

Applicable Site History:

The project site occupies two of the three tax parcels on the block bounded by 4th Avenue, 5th Avenue, Sylvester Street and Simmons Street. The site is on the isthmus in downtown Olympia. The Isthmus is a unique narrow strip of land that separates Capitol Lake from Budd Inlet and provides a link between West Olympia and Downtown Olympia. The isthmus was created by fill and manmade modifications in the early 1900s. It includes approximately 4 acres of partially developed land.

The site is currently developed with two buildings, the 9 story Capitol Center Building on 5th Avenue, and the single story Capitol Center Annex building located on 4th Avenue. The project proposal intends to re-use the Capitol Center Building and demolish the annex. The Annex building has been remodeled and enlarged several times for various uses dating back to 1924. Prior uses include auto wrecking and repair, electrical repair, carpentry and a lumberyard (Cultural Resource Report, Attachment 16). The building has remained in the same general configuration since the mid-1970s and was used primarily for office and retail space. The third parcel on the block is occupied by a surface parking lot. The parking lot is held in separate ownership and is not included with this project.

The isthmus has long been an area of significant public interest. Community groups and developers have had various and divergent visions for full buildout of the narrow strip of land. These visions have ranged in scale from high-rise commercial development to a public park. The zoning designation, allowed uses, and associated height limits have changed on numerous occasions over several decades to reflect the desired development pattern at the time.

In the 1960s, the area was zoned “Central Retail” which had a 100’ height limit. The Capitol Center Building was constructed to meet the height limit as a nine story, 100’ tall bank building. In the 1990s, the Washington Department of Corrections leased the building for office use. The Department of Corrections vacated the building in 2006 and the building has remained vacant since that time.

A land use application to construct a mixed-use project was submitted for review to the City by new ownership in 2009. The Larida Passage project encompassed this project site as well as several other adjacent properties, which totaled nearly two city blocks of the isthmus. The project spurred a resurgence of community interest in the overall best use of the larger isthmus area. Several local nonprofit groups spearheaded efforts to encourage a park on the isthmus, rather than the proposed project. The application expired prior to issuance of a land use decision.

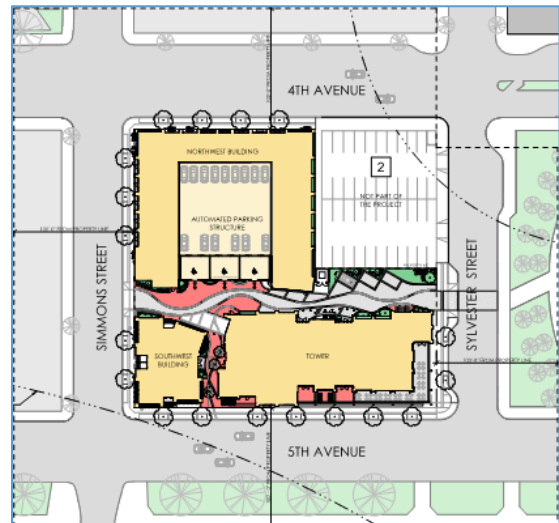
The City commissioned a park feasibility study in 2009 in response to the community desire for a park on the isthmus. The study concluded that it would cost between 28 and 32 million dollars to develop a park. The Parks Arts and Recreation Plan of 2010 provided direction to explore the concept of a public/private partnership to implement an isthmus park project. In 2013, the City acquired 2.34 acres on the isthmus located directly west of the project site. The City is continuing efforts toward park improvements on these properties. Interim park improvements received shoreline permit approval in December 2017.

A land use application was submitted in 2010 to convert the Capitol Center Building from the previous office use into a hotel. Land Use Approval was granted in 2011, followed by a lengthy appeal process. The Hearing Examiner Decision on the appeal is insightful regarding the history of the Capitol Campus, views from the Capitol Campus, and the reasonable expectations for redevelopment of the Capitol Center Building. The decision includes a determination that modifications to the tower is allowed provided the structure is not increased in height or bulk (HEX Decision Attachment 24).

A new development group purchased the site early in 2016. Active building permits to convert the tower into a hotel have been maintained. The development group also submitted this current land use application.

The proposed project includes two of the three parcels on the block and includes several features that are referenced throughout the report as follows:

- Re-use of the existing Capitol Center Building referred to as the “tower” on plans.
- Two new buildings referred to as the “southwest building”, comprised entirely of residential units and the “northwest building” comprised of a mix of ground floor live/work units and upper story apartments.
- A “Woonerf” which is a pedestrian oriented alley that dissects the site running east-west.
- An automated parking structure located in the northwest building.



Land Use Application Process:

The City received the land use application on June 14, 2017, which included the following:

- application forms/checklists: general land use application, land use supplement, concept design review application, SEPA checklist, and engineering design and development standard (EDDS) deviation requests;

- plans: architectural, civil, design review, landscaping, preliminary stormwater site management, and preliminary stormwater pollution prevention plan; and
- reports/studies: geotechnical report, habitat management plan, traffic impact analysis, SEPA Checklist, preliminary drainage design report, and a view analysis.

The site was posted on June 21, 2017 in accordance with requirements of OMC 18.78.040(c). The first Notice of Application was prepared and distributed according to OMC Table 78-1 with a two-week public comment period (Attachment 4). This notice included the notice for the Neighborhood Meeting and Design Review Board Meeting and was provided to:

- Property owners and residents within a 300' radius of the project site
- Adjacent neighborhood associations
- Applicable Federal, State, and Local agencies
- the media; and
- Parties of Record.

A second Notice of Application was distributed on July 11, 2017 to clarify that the public comment period would remain open throughout the duration of the permit process. The comment deadline listed represented the close of the “first” comment period. The second notice also provided a link to the webpage dedicated to the “Views on 5th” project where submittal documents could be reviewed and comment letters would be accessible. This notice was sent to the same distribution list as the first Notice of Application.

Neighborhood Meeting: The City and applicant co-hosted a neighborhood meeting on July 12, 2017 to initiate the permit review process for the project. These meetings are provided as a courtesy to the community to enable early coordination and information sharing between the project proponent and the public. A meeting summary is included in the packet as Attachment 3. The meeting was well attended. A presentation from the applicant’s architect and an overview of the permit process were provided. Staff contact information was distributed.

Design Review Board: The Design Review Board held a meeting to review the concept design of the project on August 10, 2017. The Board is responsible for reviewing projects for compliance with the applicable design criteria and making a recommendation to the applicable decision making authority. The Board has recommended approval of the concept design to the Hearing Examiner provided specific conditions are met. The Design Review Board recommendation of approval is provided in Attachment 7. A second, more detailed review of the project design will be conducted by the Design Review Board prior to issuance of a building permit.

Staff Review Process: The City’s project review team reviewed the project for compliance with applicable codes, and ordinances within each various discipline and department. The team found that additional information was necessary prior to completion of the review. City staff complied requested revisions into a comment matrix

and sent it to the applicant. These revisions, combined with those made by the Design Review Board, comprised the “Substantive Review” provided to the applicant on August 17, 2017 (Attachment 6).

The applicant submitted revised application materials on October 11, 2017. The submittal included:

- Application forms/checklists: four EDDS deviation request, SEPA Checklist, review table;
- Plans: architectural plans, landscaping plans with an alternative landscaping plan justification, civil plan set, street lighting plan, traffic impact analysis, waste collection drawing, solar study;
- Reports/studies: cultural resource study, Thurston Economic Development Council letter, adjacent species list, live/work justification letter, parking operations plan; and
- Response letter to the Department of Archaeology and Historic Preservation, submitted on October 31, 2017.

These materials were circulated to the project review team for review and posted on the project website. On November 29, 2017 the City’s Site Plan Review Committee (SPRC) made a formal recommendation of a SEPA Determination of Non-Significance(DNS) and conditional project approval to the Hearing Examiner.

Public Comments: The City has been receiving public comments throughout the permit process for this project. Comments have been organized by date received and posted on the project website regularly through the duration of the permit process. All comment letters received have been compiled and can be reviewed in Attachment 21 and 22. To date, approximately 140 comment letters have been submitted. Some reoccurring themes include:

- Highest and Best Use: The majority of commenters want the tower to be removed and for the site to be used for other uses, predominantly a public park.
 - Staff Response: The property owner does not want to use the property for a park, and instead has applied for this project proposal. The City’s role with regard to this application is to review the application for compliance with applicable codes; if consistent, the City is obligated to recommended approval.
- Aesthetics: Some commenters feel that the project is unattractive, and will blocks views from the Capitol Campus.
 - Staff Response: The proposal intends to re-use the existing tower as is permitted through the nonconforming provisions of OMC 18.37. The proposal reduces the height of the structure by 14’ in specific areas associated with the rooftop mechanical equipment. The project has been reviewed for compliance with the design standards within the municipal code.

- **Traffic:** Concerns about the project proposals affect the existing traffic.
 - **Staff Response:** The Transportation Impact Analysis submitted by the applicant adequately addresses anticipated impacts to traffic. The proposal is consistent with the Comprehensive Plan's growth strategy for downtown which emphasizes improvements to pedestrian and bicycling options. The project has been reviewed for compliance with the City's Engineering Design and Development Standards and has been found to be compliant.
- **Sea Level Rise:** Concerns about the long-term costs of development within this area, especially given the anticipated increase in sea level in and around the downtown.
 - **Staff Response:** The project will be required to comply with the sea level rise requirements in OMC 16.80. The Sea Level Rise Ordinance was adopted in 2016 to protect against flood damage associated to sea level rise. It requires structures to be flood proofed up to 16 feet mean sea level at the time of initial construction, or substantial improvement. The project proposes to use dry flood proofing measures, which will be reviewed with the building permit application.
- **Earthquakes and Safety:** Concerns regarding the age of the existing tower, its structural integrity, and the impacts an earthquake or liquefaction from earthquakes would have on the ground surrounding the structure.
 - **Staff Response:** The geotechnical report submitted with the land use application (Attachment 15) indicates that steel piles will be driven to the point of refusal for new structures. Detailed review of the structural analysis and soils reports will be performed with the building permit application review.

The public comment period on the project remains open through the public hearing. Comments submitted following the distribution of this report and accompanying documents will be provide to the Hearing Examiner at the Hearing as a separate group of attachments. Staff encourages the Hearing Examiner to close the public comment period at the conclusion of the hearing scheduled on January 9, 2017.

Public Notification: Combined Notice of the SEPA DNS and Public Hearing was distributed on December 4, 2017 as required in OMC 18.78, Public Notification and 18.14.120, Environmental Policy Public Notice. The SEPA DNS was issued on December 4, 2017 with a two-week public comment period ending on December 18, 2017 and a 21-day appeal period ending on December 26, 2017 (Attachment 2). Several comments related to SEPA were submitted (Attachment 23) including:

Date	Commenter	Comment Summary
12/4/2017	Glen Anderson	Project is very significant, determination of non-significance is inappropriate.

12/7/2017	Desdra Dawning	Project is of great significance, and EIS should be prepared due to unstable fill under the building and traffic/parking capacity issues.
12/10/2017	Kristin Voth	An EIS should be prepared due to the unstable land under the existing building, flooding and tidal conditions related to Sea Level Rise; and Traffic/parking issues.
12/11/2017	Nisqually Tribe	Concurs with DNS issuance.
12/13/2017	DAHP	Socioeconomic analysis on the effects of downtown Olympia's Historic District should be prepared. Requested additional information regarding site detail.
12/18/2017	Allen Miller on behalf of the following:	Bob Jacobs: The building should be removed and replaced with civic space due to community desire, concerns related to sea level rise, liquefaction, and the need for transportation and utility corridors.
		Allen Miller: The SEPA Checklist ignores the architectural history of the Capitol Campus, blocks views from the Temple of Justice and is in the shoreline jurisdiction.
		National Association of Olmsted Parks: The existing building should be removed to the restore panoramic vista from the capitol campus.
		Michael S. Hamm: The existing tower blocks views from the Capitol Campus and should be removed.
		Jane Hastings: As the widow of Norman J. Johnston, she believes he would have liked the existing building removed so that the view from the legislative building could be restored.
		Behind the Badge Foundation: Asks the City to avoid making a decision that would change the landscape of the area.
		Friends of Seattle's Olmstead Parks: It is in the best interest of Olympia to restore the Olmsted View Corridor from the Capitol Campus.
12/18/2017	Friends of Seattle's Olmsted Parks	Replacement of the old tower with a new tower would perpetuate an existing visual obstruction to historic views from the Capitol Campus.
12/18/2017	Dept. of Ecology	Provided various State permitting requirements

City Response:

- Views: The proposal intends to re-use the existing tower. The reuse of the tower is consistent with the nonconforming structure provisions of OMC 18.37.040. Project plans include elements to reduce the existing view blockage.

- **Sea Level Rise:** The project will be required to comply with the sea level rise requirements in OMC 16.80. The Sea Level Rise Ordinance was adopted in 2016 to protect against flood damage associated to sea level rise. It requires structures to be flood proofed up to 16 feet mean sea level at the time of initial construction, or substantial improvement. The project proposes to use dry flood proofing measures which will be reviewed with the building permit application.
- **Transportation/parking:** The Transportation Impact Analysis submitted by the applicant adequately addresses anticipated impacts to traffic. The proposal is consistent with the Comprehensive Plan's growth strategy for downtown. The number of onsite parking spaces provided exceeds the code requirements.
- **Socioeconomic Analysis:** The City does not believe this analysis is necessary. The applicant's response letter (Attachment 23) points to three documents that address the socioeconomic benefits of this project: The Comprehensive Plan, the Downtown Strategy, and the Thurston County Economic Council's comment letter. All three of these documents support increased density in the downtown.
- **State Permitting:** Conditions of permit approval have been added to ensure the applicant is aware and required to comply with the state permitting requirements.

The City did not find that these comments warranted revision of the DNS. On December 26, 2017 an appeal was submitted by Allen Miller on behalf of several groups, as outlined above. The appeal is included as Attachment 25. Documents related to the appeal will be addressed separately from this staff report.

PART II – CODE ANALYSIS

Comprehensive Plan:

The Comprehensive plan provides policy direction for the City's growth over the next 20 years. Woven into the various chapters are some reoccurring themes regarding the growth strategy for downtown. The plan foresees one quarter (5,000 people) of all the growth for Olympia to be achieved in downtown. It promotes mixed- use and multi-family development in the downtown core where public services and facilities are already present.

The following section provides some specific guidance from the Comprehensive Plan as it relates to how this proposed project measures up against the long-term growth strategy. Each goal represents the community's desired outcome, and the supporting policies represent how the City will act to carry out the goal.

Future Land Use Map: The Future Land Use Map designates the area in which the project proposal is located as "Residential Mixed Use." This area is to provide opportunities for people to live close to work, shopping, and services. It is intended to provide high-density multifamily housing in multi-story structures combined with uses. This designation helps achieve density goals, to create or maintain a desirable living environment for residents of these areas, and to ensure that new urban residential buildings incorporate features which encourage walking and add interest to the urban

environment. The commercial uses are intended to help support the residential use of the area by providing retail and personal services within walking distance of the housing. Housing in these high amenity areas will contribute to community vitality, include well-designed buildings on continuous street edges, link one area with another, encourage pedestrian activity, and include visible public space that increases safety and decreases vandalism.

Staff Finding: The project is consistent with this designation as it is a mixed-use project with ground floor retail and upper story residential units designed to encourage walking by providing attractive retail space within close proximity to residential units. The project design provides a continuous street edge, enhances the link between west Olympia and downtown, and includes visible public open space.

Land Use and Urban Design: This chapter intends to shape the built environment to encourage development in urban areas where public services and facilities are already present and to establish land use patterns that ensure residential densities sufficient to accommodate 20 years of population growth. The plan intends to focus higher residential densities downtown and along urban corridors.

GL1: Land use patterns, densities and site designs are sustainable and support decreasing automobile reliance.

- Supporting Policy PL1.3: Direct high-density development to areas with existing development where the terrain is conducive to walking, bicycling and transit use and where sensitive drainage basins will not be impacted.

Goal GL 12: Commercial areas are attractive, functional and appealing.

- Supporting Policy PL12.5: Require site designs for commercial buildings that will complement nearby development and improve the appearance of the area. This may include building designs with a defined bottom, middle, and top and appealing architectural elements.
- Supporting Policy 12.9: Require a form of parking that retains aesthetics and minimizes pedestrian barriers and inconvenience by including screening along streets and residential areas. Minimize parking along the street frontage.

Goal GL13: Attractive urban corridors of mixed use are established near specified major streets.

- Supporting Policy PL13.3: Transform urban corridors into areas with excellent transit service, multistory buildings fronting major streets with trees, benches, landscaping, parking lots behind buildings, and a compatible mix of residential uses close to commercial uses.
- Supporting Policy PL13.7: Areas nearest downtown should blend travel modes with priority for pedestrian, bicycle and transit systems. These areas should provide for a mix of low-intensity professional offices, commercial uses and multi-family buildings forming a continuous and pedestrian oriented edge along the arterial streets.

Goal GL16: The range of housing types and densities are consistent with the community's changing population needs and preferences.

- Supporting Policy PL16.13: Encourage adapting non-residential buildings for housing.

Goal GL17: Regional urban activity is centered in downtown Olympia.

- Supporting Policy PL17.3: Through aggressive marketing and extra height, encourage intensive downtown residential and commercial development sufficient to support frequent transit service (at least 15 units per acre).

Staff Finding: The project is located in downtown Olympia between 4th Avenue and 5th Avenue, both of which are designated as Urban Corridors and are designated as Strategy Corridors in the Transportation 2030 plan. The proposed project will add to the existing housing stock through re-use of an existing structure and will provide 140 new residences downtown. The residences will be within walking distance to numerous commercial uses including the ground floor retail proposed within the buildings.

Traffic: The Comprehensive Plan includes several sections that address the intended growth of downtown and the preferred strategies to address increased vehicular traffic. The Plan specifically states:

The area is a well-connected grid-street network that can handle large volumes of traffic, and where plans are in place to provide excellent support to pedestrians, bicyclists and transit riders. Traffic congestion will continue in the City Center, but the City is focused on moving people and goods instead of accommodating only vehicles. Future capacity will come from improvements to walking, biking and transit.

Several goals and policies are included that promote development that provide improvements to support pedestrians, bicyclists and transit riders:

Goal GT14: Greater density along priority bus corridors optimizes investments in transit and makes transit an inviting mode of travel.

- Supporting Policy 14.1: Encourage transit supportive density and land use patterns along priority bus corridors, through zoning, incentives, and other regulatory tools.

Goal GT16: Streets are public space, where people want to be.

- Supporting Policy 16.3: Look for opportunities to create multi-use, public space along streets and encourage public and private efforts to make these spaces unique.

Goal GT17: Bus corridors have high-quality transit service allowing people to ride the bus spontaneously, and easily replace car trips with trips by busGT21: Walking is safe and inviting, and more people walk for transportation.

- Supporting Policy PT17.2: Achieve density and mix of land uses along bus corridors to support increased ridership and frequent service.

- Supporting Policy 17.5: Ensure street, site, and building designs are well-planned for pedestrian use along bus corridors.

Goal GT25: Bicycling is safe and inviting, and many people use their bikes to both travel and stay active.

- Supporting Policy: Retrofit streets to provide safe and inviting bicycle facilities. Use the Bicycle Master Plan (2009) to guide facilities development, but look for other opportunities to provide bicycle facilities where possible

Goal GT26: Walking, biking, riding the bus, and carpooling are convenient for trips to work or school. Fewer drive-alone trips will reduce pollution, energy consumption, and the growth in traffic congestion.

Staff Finding: The proposal supports Comprehensive Plan goals and policies for enhanced walking, biking and transit options. The Traffic Impact Analysis anticipates that the project will generate 1,072 weekday daily trips. The weekday AM peak hour will experience an increase of 85 trips, and PM peak hour will experience an increase of 65 peak trips. This is intended to be offset by the addition of a turn lane on Simmons Avenue.

The outdoor seating area proposed on north-south pedestrian walkway on 5th Avenue, and the east-west woonerf are elements of the proposal that intend to enhance the public space, create multi-use areas and enhance the goals of increased walking. A bike lane is proposed to be installed on Simmons Street. This will provide a much-needed connection identified in the 2009 Bicycle Master Plan. Bicycle parking is conveniently located for both residents and customers. Both 4th Avenue and 5th Avenue are designated as “First Priority Bus Corridors” which are defined as streets with high-quality transit. The proposed density in this location reflects the intent to increase use of transit downtown.

Economy:

Olympia’s downtown is the urban center for the entire region. The Comprehensive Plan calls for a more active, vibrant downtown. However, parts of downtown, including this site, are identified as blighted by the Community Renewal Area Plan. The City has an interest in improving the downtown and enhancing its economic productivity. The Plan encourages investment and land-use regulations that bring development into targeted areas such as downtown.

Goal GE1: Olympia has a stable economy that provides jobs that pay a living wage.

- Supporting Policy PE1.1: Provide a desirable setting for business investment and activity.

Goal GE3: A vital downtown provides a strong center for Olympia’s economy.

- Supporting Policy PE3.1: Support a safe and vibrant downtown with many small businesses, great public places, events, and activities from morning through evening.

Goal GE11: Small businesses contribute to Olympia’s economic diversity.

Staff Finding: In addition to the 140 additional residential units proposed, several of the ground floor retail units are intended to provide live/work opportunities that could be used by small, local startup businesses. The project includes retail, a restaurant and a bar which if occupied would provide jobs and support safety and vibrancy downtown. The Thurston Economic Development Council provided a 2016 report that estimates the proposal could generate 26 million dollars in economic benefit from the project (Attachment 18).

Parks Arts and Recreation: The Parks, Arts and Recreation Plan outlines a 20-year vision for parks, arts and recreation. The plan identifies the general location of future parks and open space, and includes a capital investment strategy.

Goal GR1: Unique facilities, public art, events, and recreational programming encourage social interaction, foster community building, and enhance the visual character and livability of Olympia.

- Supporting Policy PR1.1: Continue to provide extraordinary parks and community programs that contribute to our high quality of life and attract tourism and private investment to Olympia.
- Supporting Policy PR2.4: Seek opportunities to increase revenues generated by users of park facilities and concessions.

Staff Finding: The 2016 Parks, Arts & Recreation Plan discusses the Heritage Park Fountain and Isthmus Parcels. While the plan acknowledges that there is some community support for continued land acquisition for park features on the isthmus, it does not establish policies to do so. Instead, it looks to outcomes of the Community Renewal Area process and Downtown Strategy to help determine the appropriate City involvement in revitalization of this site. The plan supports the redevelopment and continual removal of blight in the Isthmus area. The proposed project will address the current blighted condition of the subject parcel; as such, the proposed project is consistent with the 2016 Parks, Arts & Recreation Plan.

Olympia Municipal Code

1. **Permitted Uses:** According to OMC 18.06.020(b)(14) the intent of the Urban Waterfront – Housing zone is to provide for a neighborhood of residential housing with the option of limited retail/commercial/office or other uses able to locate in a street edge storefront configuration. The intent section asks development to help meet downtown housing and sustainability density goals and to contribute to downtown vitality. Allowed uses within this zone are identified in Table 6.01. A wide variety of residential uses including apartments are permitted as well as eating and drinking establishments, offices, retail, and personal services are outrightly permitted.

While both residential and commercial uses are individually listed, live/work uses are an unlisted use. According to OMC 18.06.040(b) “Prohibited and Unspecified Uses” uses not listed are prohibited unless authorized by the review authority (Director or Hearing

Examiner) consistent with the “interpretations” section of OMC 18.02.080 (b). This section recognizes that there may be uses not specifically mentioned in the code because of advancing technology or other reasons. The SPRC believes this to be the case and therefore recommends the Hearing Examiner find the use of “live/work” to be appropriate within this zone.

The Urban Waterfront – Housing zone places a strong emphasis on ensuring projects provide a residential component. According to OMC 18.06.060(hh), a maximum of 1 Floor Area Ratio (FAR) can be comprised of allowed uses other than residential. The proposed project is in compliance with this limitation. For the purposes of calculating FAR, the live/work units were counted as non-residential as it is the more limiting approach.

Staff Finding: The proposed uses are consistent with the code requirements and further the intent of the zone. Live/work units are appropriate in this zone and the FAR requirements have been met.

2. Development Standards: This zoning designation is intended for a highly urban environment and therefore Table 6.02 does not provide standards for building setbacks, building coverage or impervious surface coverage. Architectural plans show building projections over the Right-of-Way and onto the adjacent vacant property to the east.

Staff Finding: Projections over the Right-of-Way such as awnings and balconies are appropriate within the downtown urban environment. Projections onto the adjacent property are prohibited and must be removed from project plans. Detailed designs with the building permit application shall clearly indicate that all structures, including elements associated with the foundations, will stay within the property boundaries.

3. Existing Structure Height: Figure 6-2 of the OMC sets a height limit of 35’ for all new structures. The existing tower was permitted in 1965 at a height of 100’. The existing height is permitted to remain pursuant to OMC 18.37.020 “Nonconforming Buildings.” The building was legally established in accordance with the code requirements at that time. This code section allows for nonconforming structures to be enlarged or remodeled provided that such alterations do not contribute to further nonconformity.

Staff Finding: The project includes an expansion to the existing tower, however such expansion is shown to comply with the current 35’ height limit. The existing structure is in conformance with all other development standards, therefore expansion is appropriate provided the expansion does not increase the building height, or increase the bulk of the building above the 35’ height limit. Modifications are proposed to reduce the height in selected areas by nearly 14 feet, associated with the existing mechanical equipment on the rooftop. The height reduction will bring the existing nonconformity into closer conformance with the code.

4. Proposed Structure Height: All new structures shall meet the height limit of 35' as outlined in Figure 6-2. Height is measured according to Figure 6-1A which establishes that the height shall be measured from the finished grade (grade plane) to the midpoint of the highest roof surface. OMC 18.06.100(a) outlines the exceptions to the height limit. It allows for roof structures for the housing of elevators, stairways, and other equipment to be erected up to 18' above the height limit provided these features are not used for the purpose of providing additional floor space.

Staff Finding: The two new buildings and the additions proposed to the tower are all shown to generally meet the 35' height limit. Exceptions include some clearstory windows, parapet walls and other rooftop structures, all of which are well below the maximum exception of 18'. The clearstory windows shown on the northwest building and southwest building appear to be intended to provide additional floor space within the 3rd floor units. A condition of approval has been added to insure building permit plans are revised to reduce the height of these structures should they be intended to increase height associated with the living area rather than for rooftop equipment.

5. Landscaping OMC 18.36: All landscaping must meet the requirements of OMC 18.36 which requires landscaping in parking lots, on the perimeter of properties, and in all undeveloped portions of the site. A landscaping plan meeting the submittal requirements of OMC 18.36.080 has been submitted, (Attachment 9). According to OMC 18.36.100, in order to depart from the dimensional standards within the landscaping chapter a formal request for an "Alternative Landscaping Plan" can be submitted. Such a request was submitted with the landscaping plan to allow for reduced depth of perimeter landscaping associated with the surface parking adjacent to the vacant parcel along the woonerf.

Staff Finding: The alternative landscaping plan adequately demonstrates that existing development impedes the ability to provide 5' of vegetation between the parking and adjacent parking lot and that an equal total amount of landscaping in this location will be provided. OMC 18.36.160 allows perimeter landscaping strips to be averaged provided the minimum width is not less than 50%, and the proposed perimeter landscaping is not shown at a depth of less than 2.5 feet. Architectural plans indicate a fence with landscape screening will be provided, however this fence is not shown on landscaping plans. Clarity is needed regarding the applicant's approach to providing screening along this property line. Screening can be provided through vegetation, or a combination of vegetation and fencing.

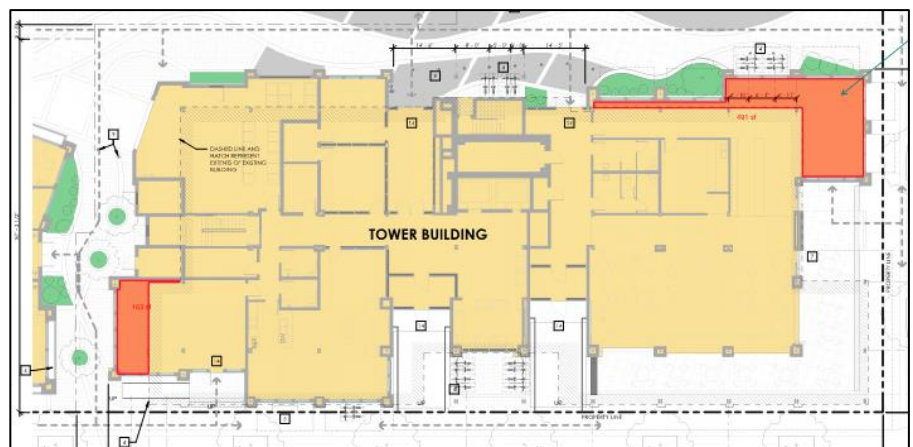
The landscaping plan shows that the project design can adequately provide landscaping as required by code. A more detailed review will be conducted with the construction permits where specific plant types, locations, soils, fencing and installation methods will be reviewed. Should the vegetated wall remain within the project plans, all vegetation, soil, and irrigation anticipated for the wall shall be submitted with the construction permit applications.

6. Number of Vehicular Parking Spaces: The project is located within the downtown exempt parking area (OMC 18.38.160) which exempts all new residential land uses and buildings constructed prior to 2002 from providing vehicular parking. As the tower was constructed in 1965, the proposed new uses, both commercial and residential, within the existing tower are exempt from providing vehicular parking spaces. Areas being added to the structure do not meet this exemption and therefore must provide parking.

The majority of space within the two new buildings (northwest and southwest buildings) is designated for residential use and is exempt from providing vehicular parking standards. The ground floor of the northwest building includes several live/work units, that have dedicated space for commercial use within the new structure and is required to provide for vehicular parking. The application materials (Architectural Plans, Attachment 8, sheet A101) indicate that 58 vehicular parking spaces are required for the project and 139 are provided. Additional parking is to be for the residential units.

Staff Finding: The project complies with the requirements of the City's parking chapter (OMC 18.38). Applicants for projects that do not have to provide parking because of their location in the downtown exempt parking area have the choice of providing onsite parking for customers and residents. The calculations provided by the applicant assign more parking than is required by the zoning code because they include areas that are exempt in both the tower and northwest building. Only the new area dedicated to commercial use within the tower is required to provide parking, which is approximately 777 square feet (see image below). Of the new area within the tower, 163 square feet is intended to be used as retail and 491 square feet is restaurant. Based on these numbers, the total required parking spaces for the tower is 6, not 58. The northwest building calculations provided by the applicant include the workout room intended for residents. As this area is not planned to be available to the public, it would be considered amenity space rather than commercial and should not be included in the required parking calculation. The total required number of parking spaces for the northwest building would be 11 spaces for the live/work units.

The total required amount of vehicular parking for the project is 18 spaces. These required spaces are intended for the commercial users of the structure. Construction permit plans shall be revised to clearly indicate the accurate number of required parking stalls and to provide signage to ensure visitors to the buildings are aware that customer parking is available within the automated parking garage.



7. Vehicular Parking Design Standards: Parking stalls and aisle dimensions shall meet the standards of OMC 18.38.220. The vast majority of the parking 136 spaces provided are within the automated parking garage. Three surface parking spaces within the woonerf and three loading bays in the parking structure will be accessible to the public. Accessible parking spaces are required and must comply with OMC 18.38.

Staff Finding: The code requirements do not account for the advancement of technology associated with the automated parking system and are not applicable within the garage. Only the 6 parking spaces available to the public are required to meet the dimensional size requirements of the chapter. Sizes shown on the site plan exceed code requirements for standard parking stalls, but the van accessible stalls are required to include an 8' access aisle which has not been identified in either parking location. A condition of approval to ensure such features are identified with the construction permit plans has been provided by staff.

8. Automated Garage Loading: The automated garage includes three loading bays where users will leave their vehicles. The cars will be moved by machinery to stacked locations, and retrieved upon request. The Parking Operations Plan (Attachment 11) provides a detailed explanation of the process and establishes a need for a 10 car queue by using the wait times associated with maximum efficiency. The plan states that the average service time for an individual user without waiting in a queue is roughly 2.6 minutes. This increases to 3.7 minutes for users waiting in a queue. Several operational enhancements are proposed to reduce the wait time to 2 minutes at peak PM hours. These enhancements include:

- use of smartphone apps to remotely request a car;
- ensuring 1-2 parking attendants are facilitating operation during peak hours;
- using the 72 spaces with higher retrieval rates; and
- dedicating the 3 surface spaces within the woonerf to loading, unloading, and valet service.

The plan indicates that 13 queuing spaces are provided that include the three parking bays within the automated garage, the three surface parking spaces in the woonerf, and area for 7 vehicles stacked in the woonerf. The parking chapter of the OMC does not establish specific requirements for automated parking systems nor queuing associated with them.

Staff Finding: The applicant's analysis assumes a high level of efficiency and several enhancements to the system that are essential to establishing a 10-car queue. Nearly all of these essential efficiencies are outside the scope of the parking code, therefore staff has provided conditions of project approval that require these features to be available during peak PM hours. These features include the parking attendants during high volume hours, designating the queuing area, and clearly marking the pedestrian walkways. Plans provided include a discrepancy regarding the intended purpose of the three surface parking spaces. The site plan indicates the spaces are for "new resident parking", and the Parking Operations Plan assigns them as queuing/valet/loading for the

parking garage. An additional condition of approval is provided to ensure construction permit plans include the proposed signage that designates these spaces for queuing/valet only during peak AM and PM hours to ensure adequate space is available.

9. Bicycle Parking: Both short-term and long-term bicycle parking is required for commercial and residential elements of each structure. Unlike the vehicle parking, bicycle parking requirements are not exempted within the downtown (OMC 18.38.160). The site plan provides calculations and locations of bike parking spaces which adequately address code requirements. Long-term bike parking is provided either in the southwest building's shared bike storage area or inside the individual residences. Short-term parking is located under covered areas throughout the site. Some short-term parking is proposed within the Right-of-Way, rather than on private property.

Staff Finding: The total number of bicycle parking provided exceeds OMC 18.38.220(c) which is likely due to minor discrepancies between the applicant's calculations and staff's calculation of required spaces. Staff's determination of the required number of stalls is outlined in the chart below. Staff recommends the applicant revise calculations on the site plan accordingly. Discrepancies relate to over calculation for the workout room designated for residents only, and the municipal code requirements related to rounding of fractions.

Parking Type	Tower	Northwest	Southwest
Residential Short-Term	9	3	2
Commercial Short-Term	5	2	0
Short-Term Total	14	5	2
Residential Long-Term	58	8	9
Commercial Long-Term	3	3	0
Long-Term Total	61	11	9

Locations of the bicycle parking are generally consistent with the code, however minor modifications are necessary by removing all required parking from the Right-of-Way and placing it within the boundaries of the site. Signage indicating the location of short-term (visitor) bicycle parking is necessary due the multiple uses and entry points. Pursuant to OMC 18.38.220(c)(2), directional signage shall be provided if the selected parking location is not clearly visible from the primary entrance. This code section assumes a single primary entry point, which is not the case for this project. It is difficult to determine if the required short-term parking spaces will be visible from each primary entry to the various commercial and residential units. A condition of approval has been provided to ensure the short-term parking locations are relocated to be onsite and signage provided to ensure it is visible to all patrons.

10. Important Habitat and Species: The project is within 1000' of Budd Inlet and Capitol Lake, both of which are home to endangered and threatened species. According to OMC 18.32.325, when endangered and threatened species are located within 1000 feet of a project site an Important Habitat and Species Report is required to be

submitted. The City can waive the submittal requirements when consultation with the Washington Department of Fish and Wildlife (WDFW) indicates that such a plan is not needed. WDFW submitted a letter (Attachment 22) indicating the submittal requirements should be exempted due to the existing developed nature of the site and surrounding properties as well as a lack of connectivity to the important habitat areas.

Staff Finding: The City concurs with the assessment by WDFW and has waived the requirement for an Important Habitat and Species Report. A list of all species adjacent to the site has been provided with the SEPA Application.

11. Pedestrian Streets: The project is located within the Pedestrian Street Overlay District which intends to enhance the pedestrian environment. Design standards must be met that ensure an aesthetically pleasing streetscape. A higher standard is set for “A” streets such as 4th Avenue than “B” streets such as 5th Avenue.

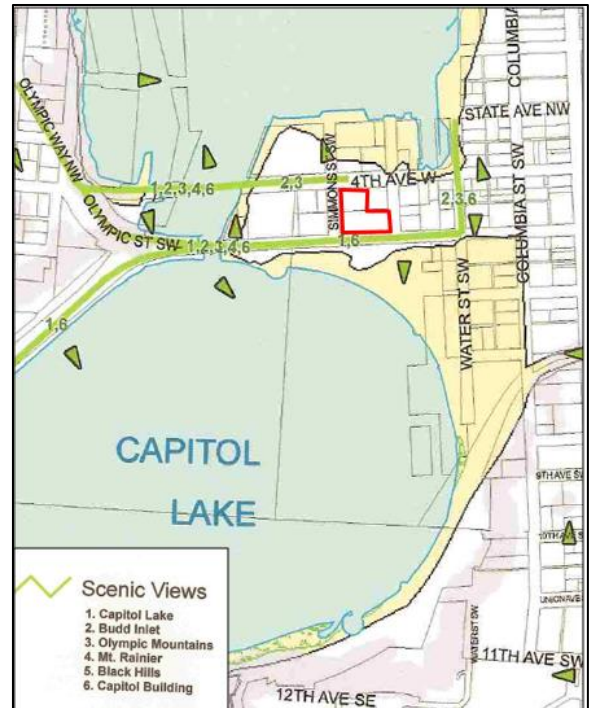
Only “A” streets are required to locate the buildings at the street edge, establish a minimum street wall height of 16’, provide awnings, marquees, and canopies, eliminate parking between the building and the street frontage and include retail elements directly facing the street. Both “A” and “B” streets must meet blank wall limitations, and include primary building entries at the street level.

Staff Finding: The proposal meets the “A” street standard on both 4th and 5th Avenue. An enhanced pedestrian environment is proposed including the north-south pedestrian walkway, east-west woonerf, and plaza at the corner of 5th Avenue and Sylvester Street. The project exceeds the requirements of the code.

Scenic Vista Overlay: Preservation of views is addressed in the Comprehensive Plan. Goal GL3 states that historic resources are a key element in the overall design and establishment of a sense of place in Olympia. Supporting policy PL3.3 aims to protect historic vistas from the capitol campus to Budd Inlet and from Budd Inlet to the Capitol Group.

The Scenic Vista Overlay Zoning Map (see image below) identifies two views adjacent to the site that are to be maintained from the public right-of-way on 5th Avenue. The views are of the Capitol Building and Capitol Lake. There are only two criteria within the municipal code that address view protection as follows:

- Basic Commercial, 18.110.160, requires the development to incorporate views for a significant number of people into the site design from the public right-of-way and shall provide lookouts, viewpoints, or view corridors so that visual access to existing outstanding scenic vistas are maintained.
- Commercial Design Criteria Downtown, 18.120.030, requires the applicant to consider their impact on views of the Capitol Building and Capitol Lake from 5th Avenue. The development must reserve a reasonable portion of such views of features for a significant number of people from the rights-of-way.



To address the potential impacts of the proposal on these existing views, the applicant provided a View Analysis (Attachment 7) as part of their design review application. The View Analysis primarily focuses on views from 4th Avenue facing Capitol Lake and provides a comparison of the current views with the existing development. The analysis demonstrates that views of both the Capitol Building and Capitol Lake from the rights-of-way surrounding this site will not be significantly altered or be further obstructed by this project proposal.

Although not required by municipal code, the project includes efforts to reduce the visual impacts of the tower from the Capitol Campus. The applicant proposes to reduce the bulk of the rooftop mechanical equipment area and wrap the building in a glass curtain wall so that it will blend in with the surrounding colors of the sky and water.

Staff Finding: The Scenic Vista Overlay Map includes arrows identifying the direction in which the view from the Right-of-Way is being preserved. For both views identified, the view being preserved is the area between the 5th Avenue Right-of-Way and Capitol Lake or the Capitol Campus. Since the project is behind 5th Avenue; the requirement is not applicable. Only those projects proposed between 5th Avenue and the Capitol would be able to block views between these two points. Updated view preservation requirements are currently being drafted to implement a recommendation in the Downtown Strategy. These new measures are not yet in effect.

The Capitol Center Building has impeded views from the Capitol Campus to Budd Inlet since the 1960s when the building was constructed. The most recent Hearing Examiner Appeal related to re-use of the tower as a hotel provides information regarding the history of the Capitol Campus and views to Budd Inlet. That decision supports the City's position that the existing tower is a legally established building with a building

height that exceeds the current zoning standard of 35'. Modifications shall be limited to those changes that do not increase the height, nor bulk of the tower above the 35' height limit. New structures meeting the 35' height limit do not block views.

12. Historic Preservation: OMC 18.12 provides for the identification, enhancement, perpetuation and use of historic resources in the City. The revised SEPA checklist (Attachment 2) and Cultural Resource Assessment (CRA)(Attachment 16) lists the Capitol Center Building as the only building on the project site which is identified as having historical merit. According to the report, it was determined eligible for the National Register of Historic Places (NRHP). The building is also a candidate for listing on the Olympia Heritage Register. It has not been designated on the local, state, or national registers of historic places, nor on the Olympia Heritage Register. According to OMC 18.12 the City's only formal process for regulating the alteration of historic buildings relates to designation on the local, state, or national registers. The owner is not obligated to list the building.

Staff Finding: The state agency with the authority to determine if a building is of local, state, or national significance is the Department of Archaeology and Historic Preservation (DAHP). The comment letter received from DAHP on August 10, 2017 did not indicate concerns over potential project impacts to this NRHP-eligible property. In addition, DAHP has not recommended any mitigation to prevent or minimize the loss of historic fabric to the building. The City's Historic Preservation Officer concurs that no measures are required to avoid, minimize, or compensate for the loss, changes to, and disturbance to historic resources in the project area.

The City has provided a recommended condition of project approval to address inadvertent discovery of archaeologically significant artifacts as required in OMC 18.12.120.

13. Urban Forestry: The project must comply with OMC 16.60, "Tree Soil and Native Vegetation Protection and Replacement". A minimum of 32 tree units are required for this project. The applicant has requested to plant five trees onsite and put money into the tree fund for each tree unit deficiency.

Staff Finding: Adequate area onsite is not available for compliance. A fee of \$380 shall be paid as a fee-in-lieu into the City Tree Fund for each tree unit deficiency prior to issuance of the engineering permit.

14. Flood Prevention: The project must be consistent with OMC 16.70, Flood Damage Prevention. The southeast corner of existing tower falls within a flood zone associated with Capitol Lake with a Base Flood Elevation (BFE) of 15 feet. The scope of this project is considered a "substantial Improvement." Generally, the lowest floor is required to protect and be flood proofed up to 16 feet minimum (plus one foot over BFE) to the lowest floor for residential structures. Alternatively, dry flood proofing of the lowest floor of commercial structures is permitted. The applicant and the design team have proposed the use of a dry flood proofing approach for compliance.

Staff Finding: Given that this is a mixed-use structure with commercial on the lowest floor and no residential occupancies proposed on the lowest floor, dry flood proofing is

an acceptable approach. Compliance with FEMA specific requirements will be required. Construction permits will be required to provide details of the flood proofing proposed as required by code.

15. Sea Level Rise: The Comprehensive Plan establishes Goal GU 11 which directs the City to use the best available information to implement a sea level rise management plan that will protect Olympia's Downtown. Accordingly, the City adopted OMC 16.80 to control the impacts of damage, to reduce risks and to avoid future costs associated with sea level rise. Both the existing tower and the new structures are required to comply with the sea level rise regulations. Structures must show flood protections of up to the 16 foot mean sea level. For this site, this will require approximately one foot of barrier. This can be accomplished a variety of ways, including dry flood proofing wherein the walls of the structure are designed and flood-proofed or with opening protections that are installed physically, or mechanically. The applicants and the design team have indicated that dry flood proofing is the method they will employ for protection and compliance with the SLR ordinance.

Staff Finding: Dry flood proofing the proposed structures meets City requirements. A detailed review of the application of this approach will be conducted with the construction permit applications.

16. Geotechnical Analysis – Liquefaction: Structural and Geotechnical Engineering coordination is part of the construction permit plan review process. The project will be evaluated to ensure compliance with the International Building Code provisions for soils conditions and complex structural design. The tower is currently constructed on wood pilings ranging 80-90 feet in depth. There is an active permit for the tower project for structural retrofitting that began with the previous land use approval for a hotel. This updated design for the existing tower includes additional structural elements throughout the structure with 30-plus additional coil piles proposed to be driven along with numerous other structural elements being retrofitted. These items are being evaluated as part of the ongoing building permit application.

Staff Finding: The geotechnical report submitted with the land use application (Attachment 15) indicates that steel piles will be driven to the point of refusal for new structures. Detailed review of the structural analysis and soils reports will be performed with the building permit application review.

Engineering Design and Development Standards (EDDS) Review: This project has been reviewed for compliance with the following: OMC, Title 12 and 13, including the Olympia Development Standards, Engineering Design and Development Standards (EDDS), December 2016 Edition, Storm and Surface Water Utility, and the Drainage Manual and Erosion Control for Olympia (DDECM), 2016 (Manual).

Water - The developer intends to will install water facilities in accordance with the provisions of Chapter 6 of the 2016 EDDS. The water design is conceptually approvable for land use with some additional requirements to be addressed with the engineering construction permit submittal. When available, structures shall connect to water services available in and adjacent to city rights of way. This alleviates the need of easements on private property and is preferable to the City as it facilitates City crew access for regular maintenance and repair.

Sewer - The developer will install sewer facilities in accordance with the provisions of Chapter 7 of the current EDDS. The developer will use the existing sewer lateral stub outs in the street frontage when possible rather than making new connections. Sewer is available in both 4th and 5th Avenues for use of the existing and new buildings.

Frontage Improvements – The developer will install frontage improvements in accordance with the provision of Chapter 4 of the 2016 EDDS. The frontage improvement plan is conceptually approved. The approval includes a “Deviation from the Standards” (Attachment 13) as outline in the EDDS section 1.050. The approval of the deviations will allow for alternative site design that is equal to the requirements, but acknowledges the existing developed nature of the site. Several conditions of approval are necessary to ensure the site design provides the appropriate associated enhancements to the pedestrian environment.

Storm Drainage - The developer will provide for the treatment storage and disposal of surface drainage through a storm drainage system designed to the 2016 Drainage Manual and Erosion Control Manual and Chapter 5 of the 2016 EDDS. Per the regulations, the downtown is flow control exempt and is categorized as re-development. As the project is already 100% impervious the design of stormwater will remain largely unchanged. Modification will ensure water from new onsite pollution generating surfaces will pass through a treatment system prior to release into the existing City storm system.

Solid Waste - The developer will provide for the waste management/recycling for collecting of all solid waste generated on the site designed to the Chapter 8 of the current EDDS. The proposed solid waste improvements are conceptually approved for the land use application with some additional conditions that will be reviewed with the engineering permit submittal. Designing a location for solid waste collection, that provides space for the turning movements of the large trucks, height requirements for loading and unloading and space allocation for containers is challenging. Each site and project present unique obstacles that require close attention to detail. Several recommended conditions of approval are provided to help facilitate a design that address these obstacles. Some ask for the project to exceed code requirements as follows:

- The City is asking for the lifting bale to be located directly adjacent to the door because this will alleviate issues with loading the compactor onto the truck and will minimize conflicts with the roof overhang.
- The condition requiring smooth concrete will facilitate the dumpsters to roll and the compactor wheels to move freely for collection.

The woonerf presents a unique situation that calls for these additional measures.

Traffic: The City analyzed traffic growth to 2040 conditions using the Thurston Regional Traffic Model that is based on population and employment forecasts. The City reviewed the Traffic Impact Analysis submitted by the applicant to determine impacts from the

project (Attachment 10). The Regional Traffic Model and the Traffic Impact Analysis both expect Downtown traffic growth. The Comprehensive Plan establishes that this growth will need to be accommodated by enhancements to multi-modal transportation options such as bus, bicycle, and pedestrian amenities. The City anticipates that a turn lane and new bike lane on Simmons Street will adequately accommodate the increased traffic from this project. This project will provide for these capacity improvements. In addition, the development will pay transportation impact fees that fund transportation projects Citywide.

PART III – Conclusion and Recommendation:

Pursuant to OMC 18.72.100, the Site Plan Review Committee met on November 29, 2017 and has found the project to meet all applicable municipal code requirements, and therefore recommends approval of this Site Plan Review, with the following conditions of approval:

1. The site plan (sheet A.101) shall be revised and submitted with the construction permit plans. Modification to the site plan shall include:
 - a. Provide all features identified in the EDDS Deviation Approval letters dated November 22, 2017. At a minimum this shall include:
 - i. Recess the building entries 13' on the first floor on 4th Avenue. The recess shall be measured from the existing curb face on 4th Avenue to the recessed entry walls.
 - ii. Show the angled building entry on the first floor at the intersection of Simmons Street and 4th Avenue.
 - iii. Offset street trees from the building alcoves to maximize the sidewalk area available to pedestrians.
 - iv. Eliminate obstructions / projections in the Right of Way such as bike racks, benches, and doorway ingress/egress. Revised locations shall be reviewed with the construction permits.
 - v. Show the illuminated bollards at approximately 8' intervals.
 - b. Demarcate all accessible routes throughout the site pursuant to the International Building Code (IBC) and the American National Standards Institute (ANSI 117.1). Accessible routes shall be provided between each accessible parking stall to each building. Decorative pavement markings shown on the site plan may need to be modified to accommodate the accessible route markers; this will be determined with the construction plan review.
 - c. Provide a minimum of a 50' clear zone, free of trees, shrubs, or other obstructions on the leading side of the bus at the bus stop locations on both 4th Avenue and 5th Avenue as requested by Intercity Transit. A clear zone around the bus shelter and bench shall be provided to allow for good visibility for both vehicle safety and security of pedestrians at the bus stop; and pedestrian amenities such as lighting, signage, and trashcans as warranted by the anticipated use shall be provided.

- d. Ensure all proposed development shown on the site plan, as revised, is contained on the project site and does not trespass onto the adjacent parcel (Parcel 91005201000).
2. Construction permits are required. Plans shall demonstrate compliance with the City of Olympia Construction Codes as adopted through the Olympia Municipal Code, Chapter 16.04; Flood Damage Protection and Sea Level Rise Ordinances as adopted by the Olympia Municipal Code; Chapter 16.70 and 16.80 as applicable; and other applicable statutes for construction or flood damage protection including, but not limited to the International Building Code, Federal Emergency Management Agency Regulations, the American Society of Civil Engineers (ASCE 24) or as otherwise prescribed by the City of Olympia through the Olympia Municipal Code.
3. Building Permit Plans shall ensure code compliant accessible parking is provided in both the automated parking garage and surface parking area within the woonerf. Both the garage and surface parking shall include at least one van accessible space pursuant to the requirements of the International Building Code (IBC), International Code Council (ICC), and the American National Standards Institute (ANSI 117.1).
4. Bicycle parking shall meet the standards of OMC 18.38.220(c). Signage for short term bicycle parking shall be identified on construction permit plans. Signage shall be provided in all locations where the customer entry is more than 50' from the required bicycle parking space or when the required bicycle parking space cannot be seen from the customer entry.
5. Building permit plans shall clearly demonstrate that there are no encroachments over the eastern property line encroaching onto the adjacent private property (Parcel 91005201000) including but not limited to; footings, balconies, or roof overhangs.
6. Building Permit Plans shall clearly demonstrate that all new structures meet the height limit of 35'. Additional height of up to 18' may be permitted provided the increased height is used for roof structures for the housing of equipment to operate and maintain the building, parapet walls, or other similar rooftop structures as prescribed in OMC 18.06.100(a). In no case shall the occupiable or habitable space within new structures exceed the 35' height limit as shown in Figure 6-1A.
7. An easement/agreement prepared by the applicant and adjacent property owner (Parcel 91005201000) that recognizes this project's impacts on the future developability of the adjacent parcel shall be recorded against the adjacent property prior to building permit issuance. The easement/agreement shall be submitted with the construction permit plans to ensure compliance with IBC requirements and must address fire protection, egress, and maintenance..

8. Lot consolidation is required and shall be completed prior to building permit issuance.
9. All recommended conditions of approval from the Conceptual Design Review Board meeting shall be incorporated herein as follows:
 - a. Provide plans with the detailed design review packet that show the textured pavement with the necessary painted pavement markings for directional traffic movement, parking stalls, and accessible routes and consider revising the textured patterns to emphasize these safety and circulation features pursuant to OMC 18.110.030, 18.110.050 and 18.120.110.
 - b. If mid-block crossing is proposed, revise plans to show the stamped concrete adjacent to Sylvester Street aligning with the park pathway and add the appropriate crosswalk features to the roadway. Provide the appropriate revision with the Detailed Design Review packet pursuant to OMC 18.120.110.
 - c. Provide plans with the Detailed Design Review packet that show all directional signage for vehicles and any proposed signage that emphasize that pedestrians have the right of way pursuant to OMC 18.120.
 - d. Work to disperse the short-term bike parking (visitor parking) as evenly as possible to provide convenient covered parking for all business entries. Show covered areas on plans. In areas where bike parking spaces are more than 50' from a business entry, signage will be required and should be shown on detailed design plans pursuant to OMC 18.110.050 and OMC 18.38.220(c).
 - e. Plans must show which buildings or units will be assigned use of the bike storage room and which will have space in the individual units. Signage for long-term bike storage will be required in and around buildings as appropriate. Show proposed signage locations on plans at Detailed Design Review pursuant to OMC 18.110.050 and OMC 18.38.220(c).
 - f. Should fencing of the outdoor seating area be proposed in the future with the tenant occupation of the restaurant/bar, staff should review the fencing and ensure it maintains a human scale by providing openings at frequent intervals and that the fencing material is compatible with the structure pursuant to OMC 18.110.040.
 - g. Proposed lighting locations and fixture types shall be provided with the Detailed Design Review packet including lighting for the pedestrian walkway, woonerf, and all three of the buildings pursuant to OMC 18.110.050 and 18.110.160.
 - h. Provide plans that clearly identify all site utility and mechanical equipment locations and the anticipated measures to screen such features pursuant to OMC 18.110.190.

- i. Look at any potential issues with the 45-degree angle parking associated with physical barriers as outlined in OMC 18.110.030.
 - j. Define landscaping and planter boxes on the east side of the building as outlined in OMC 18.110.180.
10. The engineering permit application shall comply with the 2016 Engineering Design and Development Standards (EDDS) and the 2016 Drainage Design and Erosion Control Manual (DDECM). Engineering construction plans address the following prior to permit issuance:
- a. The new water line within the woonerf shall be designed as a private 6" fireline serving all three structures, connecting into both Sylvester Street and 5th Avenue.
 - b. All water services shall be connected directly to existing water mains located within Rights of Way. The meters shall be located within the Rights of Way adjacent to the project, not on private property.
 - c. The solid waste compactor shall be placed such that the lifting bale is located directly adjacent to the door opening and shall exceed the EDDS 8.035(3) which requires it to be within two feet of the door.
 - d. The solid waste compactor guide rails shall be designed in an "L" fashion, so that they guide the compactor wheels into the room on concrete, not on steel. Guide Rails designed in a "T" fashion shall not be allowed.
 - e. To better facilitate the rolling of dumpsters, the concrete extending a minimum distance of 25' in front of the trash compactor cannot be stamped as it would impede loading and unloading. Similarly, concrete extending to the north of the solid waste room extending to the cardboard dumpster(s) collection location cannot be stamped. A light, brushed texture commonly used to prevent slips and falls is acceptable in both locations.
 - f. In order to ensure effective vehicular and pedestrian circulation within the woonerf, the refuse containers and dumpsters shall be removed from the woonerf and returned to their designated locations by the applicant immediately following pick-up.
 - g. Two perpendicular curb ramps shall be provided, at each of the three street corners of the project, meeting the standards established in Chapter 4 of the EDDS.
 - h. At the Southeast corner of the project - the crosswalk for 5th Avenue shall have the bollards with lighting re-installed.
 - i. If a mid-block crossing is proposed on Sylvester Street, it shall be revised to include: 1) a bulb-out feature on the east side of Sylvester; 2) the design shall address safety needs of both the pedestrians and vehicles, and 3) it shall have an identifying feature to enhance pedestrian safety as determined by the City.

- j. A street lighting analysis shall demonstrate compliance with standards for lighting levels and uniformity. Lack of compliance shall require the installation of additional streetlights on any of the street frontages in order to achieve compliance.
 - k. A final landscape plan shall be submitted for review and approval at the time of engineering permit review. The plan shall meet the requirements of OMC 18.36 and at a minimum, enhanced screening of site utilities, information about native plantings, and a cost estimate for the purchase, site preparation, installation and 3 years of maintenance of all landscaping and irrigation.
 - l. A minimum of 32 tree units are required for this project, however adequate area onsite is not available for compliance. A fee of \$380 shall be paid as a fee-in-lieu into the City Tree Fund for each tree unit deficiency prior to issuance of the engineering permit.
 - m. Street tree locations, species selection, tree wells and planting islands shall be reviewed and approved by the City Forester. The existing flowering cherry trees on the east side of Simmons shall be replaced.
11. A Right of Way Performance Bond other allowable securities will be required by the City to guarantee the performance of work within the subject site and rights-of-way, or maintenance of required public infrastructure intended to be offered for dedication as a public improvement. See both EDDS Section 2.030.F and Volume 1 Section 2.6.1 of the 2016 DDECM for more information.
 12. A vegetation maintenance bond (or other assurance) shall be provided following City acceptance of the landscape installation including street trees before issuance of the Certificate of Occupancy. The bond amount shall be 125% of the cost estimate submitted with the Landscape Plan and approved by the City.
 13. At no point shall the width of the east/west woonerf be revised to a width of less than 12 feet. Any proposed changes to the woonerf shall demonstrate the ability for all solid waste and recycle vehicles to adequately maneuver and facilitate collection and shall be shown on the site plan associated with the construction permit plans.
 14. Development shall comply with all recommendation of the geotechnical report dated December 23, 2016 (or as updated/amended). Should alternatives to steel piles for foundations be proposed, such materials shall be reviewed for environmental impacts by the City prior to installation.
 15. The SEPA Checklist provided by the applicant identifies use of bird friendly window glazing with a reflective ultraviolet coating on the tower structure to help reduce the number of migratory birds inadvertently colliding with the tower. Building permit plans shall identify the "bird friendly" materials selected and shall use materials significantly similar to those advised by the American Bird Conservancy.

16. Signage shall be provided on the entry to the automated parking garage that clearly indicates that the parking is available for customers of all commercial uses within the site. Such signage shall be identified on construction permit plans.
17. Development and garage operation shall be consistent with the recommendations within the City Lift Preliminary Parking Operation's Plan, dated Sept. 19, 2017. At a minimum this shall include:
 - a. The project shall ensure a minimum of one dedicated staff person is assigned to facilitate the use of the automated parking garage during peak hours (8:00AM to 9:00AM and 5:00PM to 6:00PM).
 - b. Clearly defined pedestrian walkways from the parking bay(s) to the parking kiosk shall be provided to facilitate safe pedestrian travel. Defined areas shall be identified on the site plan with the construction permit plans.
18. Permit plans shall include signage that designates the surface parking spaces within the woonerf for queuing/valet only during peak AM and PM hours to ensure adequate space is available.
19. Pursuant to OMC 18.12.120, whenever in the course of excavation or development, archaeological materials (e.g., bones, shells, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains are observed during project activities, all work in the immediate vicinity shall stop. The Department of Archaeology and Historic Preservation, the City of Olympia Building Official, the City of Olympia Historic Preservation Officer, the affected Tribe(s) and the county coroner (if applicable) shall be contacted immediately by the property owner or the City in order to help assess the situation and determine how to preserve the resource(s).
20. Hours of Operation/Construction Noise. Pursuant to 18.40.080.C.7, construction activity is restricted to the hours between 7:00 a.m. and 6:00 p.m.
21. If contamination of soil or groundwater is readily apparent, or is revealed by sampling, the applicant shall notify the Department of Ecology's Environmental Report Tracking System Coordinator for the Southwest Regional Office at 360.407.6300.
22. Should more than 250 cubic yards of inert, demolition, and/or wood waste be used as fill material the applicant shall coordinate with the Thurston County Health department to obtain all necessary permits.
23. In addition to any required asbestos abatement procedures, the applicant shall ensure that any other potentially dangerous or hazardous materials present are removed prior to demolition.

Submitted on Behalf of the Site Plan Review Committee by:

Staff Contact: Nicole Floyd, Senior Planner

Site Plan Review Committee:

Todd Cunningham, Building Official, Rob Bradley, Fire Marshal, Nicole Floyd, Senior Planner, Steve Sperr, Assistant City Engineer, and Cari Hornbein, SEPA Official.

Report Issued Date: December 29, 2017

Attachments:

1. Staff Report
2. SEPA DNS with Checklist
3. Neighborhood Meeting Summary
4. Notice of Applications
5. Applications
6. Substantive Review Table
7. Design Review Board Recommendation with checklists and view analysis
8. Architectural plans, Revised
9. Landscape Plans, Revised (includes Alternative Landscaping Analysis)
10. Traffic Impact Analysis, Revised (includes addendum)
11. Parking Operations Plan
12. Civil Plans, Revised
13. EDDS Deviation Approvals
14. Street Lighting Analysis Drawing
15. Geotechnical Report, Revised
16. Cultural Resource Report
17. Adjacent Species List
18. Thurston County Economic Development Letter
19. Phase II Subsurface Investigation Report
20. Live work space justification
21. All Comment Letters Received to Date
22. Agency Comments
23. Applicant Response to DAHP Comment
24. Past HEX Decision
25. SEPA Appeal