

**Paula Smith**

---

**From:** Tim Smith  
**Sent:** Friday, December 14, 2018 12:25 PM  
**To:** paul.larsen1@gmail.com  
**Cc:** Councilmembers; Steve Hall; Leonard Bauer; Keith Stahley; Cari Hornbein; Paula Smith  
**Subject:** Wellington Heights 18-1315

Mr. Larsen,

Thank you for your email. The action by staff was to request that the Hearing Examiner modify the mitigation measures in accordance with provisions in the Olympia Municipal Code. This request was outlined in a memorandum to the Hearing Examiner dated December 10<sup>th</sup> which was available to the public at the sign-in table for the public hearing. This memorandum was presented to the Hearing Examiner at the public hearing as an exhibit for the record. Staff did not remove the SEPA mitigation measures prior to the hearing. Such an action is outside the authority of City staff.

The question of whether the requested change to the SEPA Mitigated Determination of Nonsignificance (MDNS) should be undertaken by the Hearing Examiner is now under his consideration. The Examiner has continued the hearing to allow staff and the applicant to provide additional legal arguments on this issue. Staff is working with the City Attorney's Office to prepare a response. If the Examiner determines that the MDNS should be returned to staff for modification, the City will issue a new MDNS.

**Tim Smith, AICP | Principal Planner**

City of Olympia Community Planning & Development  
 P.O. Box 1967 | 601 4th Avenue E | Olympia, WA 98507-1967  
 (360) 570-3915  
[tsmith@ci.olympia.wa.us](mailto:tsmith@ci.olympia.wa.us)

**From:** Paul Larsen <[paul.larsen1@gmail.com](mailto:paul.larsen1@gmail.com)>  
**Sent:** Thursday, December 13, 2018 10:00 AM  
**To:** Cheryl Selby; Clark Gilman; Jessica Bateman; Renata Rollins; Lisa Parshley  
**Subject:** Wellington Heights 18-1315

Mayor Selby and members of the Olympia City Council,

Attached is a letter pertaining to the Wellington Heights development project in my neighborhood. I thank you for taking the time to read and address this issue.

Individually members of the City Council cannot fix this issue. I am asking that you come together as a Council and call for the City Manager to follow the laws pertaining to the Mitigated Determination of Non-Significance. I implore you to bring this to the next City Council meeting and have an open discussion and vote to have our City Manager instruct city staff to follow the legal process and not subvert the integrity of the City's SEPA process.

I would very much appreciate a response. My hope is that as a City Council you will stand with the people that have entrusted you to work on our behalf.

Sincerely,

Paul Larsen  
1525 Division St SW  
Olympia, WA 98502

**Paula Smith**

---

**From:** Kate Fehsenfeld <katefeh1@gmail.com>  
**Sent:** Friday, December 14, 2018 9:48 AM  
**To:** Paula Smith; Jeff Fant; Steve Thompson; Keith Stahley; Tim Smith; Cheryl Selby; Nathaniel Jones; Jessica Bateman; Clark Gilman; Renata Rollins; Lisa Parshley; Steve Hall; Jay Burney  
**Subject:** Wellington Heights process irregularity

Dear City Council Members, CityStaff and Planners,

I attended the public hearing on December 10th 2018 for the Wellington Heights Development Application. I am concerned that two environmental conditions regarding drainage and storm water recommended in the SEPA determination on October 26th 2018 were removed literally days before the hearing. I personally witnessed flooding on the Bruce Titus Auto site last winter. These mitigations were legitimate concerns. At the hearing it sounded like the developers did not want to comply with the expensive concerns of Bruce Titus so they asked the city staff to strike the requirements from the plan.

At the meeting it appeared that the City did not follow its own processes or have any clear reason for changing their proposal besides honoring a request by the Developer Alex Vo. . I am concerned that the City Staff members are not adhering to their own decisions.

Does the city care at all about how its paid staff is handling these issues? Why were the 147 parties of record not informed of this last minute change? I am one of these parties. Cari Hornbein had approved these conditions, but at the meeting was unable to explain why they were suddenly unneeded.

In light of these unusual last minute changes I hope that the Mitigation question be reconsidered by the Environmental/SEPA officer so there can be due process and review of these changes. I hope that Steve Hall is aware that the staff is not following the laws pertaining to development.

I challenge each of you to consider this situation more carefully and to review how the staff is processing development proposals. I would appreciate a response from City Council and know that the

Kate Fehsenfeld  
103 Thomas St NW  
Olympia, WA 98502  
360-584-0400

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.

**Paula Smith**

---

**From:** Kate Fehsenfeld <katefeh1@gmail.com>  
**Sent:** Sunday, December 23, 2018 9:11 PM  
**To:** Steve Thompson; Keith Stahley; Tim Smith; Cheryl Selby; Nathaniel Jones; Jessica Bateman; Clark Gilman; Renata Rollins; Steve Hall; Jay Burney; Paula Smith; Jeff Fant; parshle@ci.olympia.wa  
**Subject:** Wellington Heights Management Follow up

Dear City Manager Steve Hall and Mayor Cheryl Selby and Council Members:

I am writing to you again as a Party of Record in regard to the Alex Vo/Chris Merritt Wellington Heights Project. I want this memo inserted in the public comment file associated with this project.

I am concerned that the city staff did not follow the rules and laws surrounding the Wellington Heights project.

Although I was relieved that the Hearing Examiner returned the MDNS SEPA determination of October 26th back to staff after they changed the environmental mitigation plan at the last minute in response to a note from Alex Vo's engineer Chris Merritt, there is more to be done.

1) If the SEPA Determination is revised, it should be subject to comment and appeal periods as required by Olympia Municipal Code. (Order Continuing the Hearing, Mark C. Scheibmeir, December 18, 2018.)

2) The staff failed to notify the public and the parties of record when they decided to make changes to the environmental mitigation rules pertaining to Wellington Heights. Only Bruce Titus was notified. I think that the staff should notify the public and the parties of record of their mistake in making this change outside of the time allotted for appeals and not informing or notifying anyone as required by law. They should clarify that since the process was violated there has been a return to the SEPA determination.

3) I no longer trust Jeff Fant, Paula Smith, Tim Smith, Cari Hornbein and Steve Thompson and want them to recuse themselves from further work on this project. Their attempt to sidestep procedures to seek important substantial changes on behalf of the applicant (Alex Vo/Chris Merritt) without public notice and comment shows their lack of concern for protecting the city, the citizens, neighbors, and environment (Fant to Titus Memo, December 6, 2018). They are clearly biased in favor of development even to the point of breaking their own laws, rules and procedures.

4) My neighbor, Mauri Shuler, paid \$1,000 for legal representation at the December 10<sup>th</sup> hearing where I learned that this private agreement between staff and Chris Merritt was not based on anything besides a request by Alex Vo and his engineer Chris Merritt who did not want to follow the rules made by the staff based on previously determined legitimate concerns.

5) Moreover, I challenge the city to start considering neighborhood concerns as they pertain to the quality of life in Olympia. Why do we not consider funding sources for projects? The city should care about the effects of developments on neighbors including neighborhoods and adjoining businesses. Do they not consider housing aesthetics, housing costs of finished projects and who these developments are serving, including long and short term environmental effects including drainage and traffic.

While this project has opened my eyes as to the disregard of the City Staff when it comes to following the City's rules, I am also sad that not one City Council member has taken the time to acknowledge any of the letters they have been sent in regards to this project. No one has supported our neighborhood or even taken the time to listen. Thoughtless development will ruin the few healthy neighborhoods Olympia has.

Please rectify some of these unnecessary and illegal wrongs by admitting mistakes were made, removing untrustworthy staff and paying back Mauri Shuler. I would appreciate a response to this letter so I know someone is at least aware of and is considering this disturbing scenario.

Sincerely,

Kate Fehsenfeld

--

Kate Fehsenfeld

103 Thomas St NW  
Olympia, WA 98502  
360-584-0400

**From:** Dan Leahy <danleahy43@yahoo.com>  
**Sent:** Monday, December 31, 2018 3:56 PM  
**To:** Paula Smith  
**Cc:** Kenneth Haner  
**Subject:** Re: City of Olympia - Notice of Revised SEPA MDNS and Continuation of Public Hearing - 18-1315 Wellington Heights

This is all nice, Paula, but you should have updated your records before sending out a December 27th re-issued MDNS with a January 10th comment deadline.

On Monday, December 31, 2018, 3:25:11 PM PST, Paula Smith <psmith@ci.olympia.wa.us> wrote:

Dan- Thanks for contacting staff. It would be preferred if you have any comments on this project, that those be directed to me or if it is a SEPA related comment that it **also** be provided to Cari Hornbein at [chornbei@ci.olympia.wa.us](mailto:chornbei@ci.olympia.wa.us), so that your comments can be saved into the record. I have provided some responses to your email below.

Hope you have a Happy New Year.

Paula

Paula Smith, Associate Planner

*City of Olympia / Community Planning & Development*

601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967

360.753.8596 | [olympiawa.gov](http://olympiawa.gov)

[psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)

**Note: Emails are public records and are potentially eligible for release.**

---

**From:** Kenneth Haner <[khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)>  
**Sent:** Monday, December 31, 2018 7:33 AM  
**To:** Paula Smith <[psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)>  
**Subject:** FW: City of Olympia - Notice of Revised SEPA MDNS and Continuation of Public Hearing - 18-1315 Wellington Heights

FYI

Ken Haner

City of Olympia

PO Box 1967 | 601 4th Avenue | Olympia WA 98507

Phone: (360) 753-8735

Email: [khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)

---

**From:** Dan Leahy <[danleahy43@yahoo.com](mailto:danleahy43@yahoo.com)>  
**Sent:** Saturday, December 29, 2018 8:53 AM  
**To:** Kenneth Haner <[khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)>  
**Cc:** Nathaniel Jones <[njones@ci.olympia.wa.us](mailto:njones@ci.olympia.wa.us)>; Cari Hornbein <[chornbei@ci.olympia.wa.us](mailto:chornbei@ci.olympia.wa.us)>  
**Subject:** Re: City of Olympia - Notice of Revised SEPA MDNS and Continuation of Public Hearing - 18-1315 Wellington Heights

Hi Ken,

Thanks for this notice to the Parties of Record.

I do want to make a few comments to you on your notice as part of my comment on the re-issued MDNS itself.

I do this because I assume the Hearing Examiner expects the City staff to repair its "appearance of fairness" and "impartiality" practice given the December 6th staff debacle.

1. The Parties of Record did not receive nor is it posted on the City's Wellington Heights site the City's December 17th memo to the Hearing Examiner noting the substantive nature of the two contested mitigating conditions. **The Wellington Heights webpage is currently being updated.**

2. The Parties of Record did not receive nor is it posted on the City's Wellington Heights site the Hearing Examiner's decision of December 18th. **The Wellington Heights webpage is currently being updated.**

3. Emailed communication to the City staff by Parties of Record after the Hearing Examiner's decision of December 18th are not posted on the City's public comments Wellington Heights site. The last public comment posting is dated 11/14/18. **Updates to webpage regarding comments will be updated after the end of this coming week.**

4. Your notice of this MDNS directs comments to Paula Smith. However, the notice itself states that comments "should be directed to the SEPA Official", in other words, Cari Hornbein. **You are correct. Email notices sent from our office typically indicates to send any questions or comments to the lead planner of the project and on the SEPA Notice it is indicated that comments should be directed to the SEPA Official. I have noted this and will discuss with other staff regarding how it might seem confusing. I appreciate your feedback on this.**

5. Calls for the staff involved in the December 6th debacle to recuse themselves from this project have not been implemented.

I don't know whether it is your job to help the City staff conform to its obligation to keep the Parties of Record informed and up to date, but these five facts, at least to me, indicate on-going irregularities with regard to "development procedures."

Sincerely,

Dan Leahy

Party of Record



1415 6th Avenue SW

Olympia, WA. 98502

cc: Mark C. Scheibmeir. City of Olympia Hearing Examiner.

147 Parties of Record.

On Thursday, December 27, 2018, 7:59:47 AM PST, Kenneth Haner <[khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)> wrote:

The City of Olympia has issued the following **Notice of Revised State Environmental Policy Act Mitigated Determination of Nonsignificance (SEPA MDNS) and Continuation of Public Hearing** for the project known as **Wellington Heights** at **2000 BLK 18th Avenue SW**.

PROJECT: **18-1315**

See the above attachments for further details.

Please forward questions and comments you may have regarding this project to the staff contact listed below:

- **Paula Smith, Associate Planner, 360.753.8596, [psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)**

Ken Haner

City of Olympia

PO Box 1967 | 601 4th Avenue | Olympia WA 98507

Phone: (360) 753-8735

Email: [khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 02, 2019 10:04 AM  
**To:** Dan Leahy  
**Cc:** Kenneth Haner; Paula Smith; Nathaniel Jones; Tim Smith; Leonard Bauer  
**Subject:** RE: Request for extension of comment & appeal deadlines.

Good morning, Dan –

Thank you for your e-mail. I've looked over your comments from 12/29 and spoke with Paula just a few moments ago. There were no instructions from the Hearing Examiner regarding notice to parties of record, but all of the referenced materials are now available on the Wellington Height's webpage. Regarding commenting instructions in the notice, the intent is for project-related comments to be directed to the lead planner, and SEPA-related comments to the SEPA Official. As noted in her response, Paula will be bringing this matter to staff, but in the meantime, both Paula and I keep each other informed when SEPA comments come in. When I receive comments, I forward them to her for inclusion in the record; if she receives comments, she forwards them to me for my review and consideration.

When deciding whether a comment period should be extended, I consider the following (generally based on WAC 191-11-550, Specificity of Comments): 1) whether there are issues with the City's methodology in arriving at its threshold determination, 2) if there is information the City is not aware of, and 3) if mitigation measures are needed.

Given that none of these have been raised, and given that I and the lead planner and I are in direct communication during the comment period, there is no basis for extending the comment/appeal period.

I know this isn't the outcome you hoped for, but I appreciate your input.

Regards,

**Cari Hornbein, AICP, Senior Planner**  
 City of Olympia  
 Community Planning and Development Department  
 360-753-8048 | [chornbei@ci.olympia.wa.us](mailto:chornbei@ci.olympia.wa.us)

---

**From:** Dan Leahy <[danleahy43@yahoo.com](mailto:danleahy43@yahoo.com)>  
**Sent:** Monday, December 31, 2018 4:38 PM  
**To:** Cari Hornbein <[chornbei@ci.olympia.wa.us](mailto:chornbei@ci.olympia.wa.us)>  
**Cc:** Kenneth Haner <[khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)>; Paula Smith <[psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)>; Nathaniel Jones

<njones@ci.olympia.wa.us>

**Subject:** Request for extension of comment & appeal deadlines.

Cari,

Based on the admission by Ms. Smith with regard to the need to update available materials and notices to the parties of record pertinent to the re-issue of the SEPA MDNS of December 27th, I request that comment and deadlines be extended by the number of days between December 27th and the date upon which Ms. Smith completes her updates and corrects Mr. Haner's notice to parties of record indicating comments on the MDNS be directed to you.

Dan Leahy

Cc: Mark C. Scheibmeir.

Sent from my iPad

On Dec 31, 2018, at 3:25 PM, Paula Smith <[psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)> wrote:

Dan- Thanks for contacting staff. It would be preferred if you have any comments on this project, that those be directed to me or if it is a SEPA related comment that it **also** be provided to Cari Hornbein at [chornbei@ci.olympia.wa.us](mailto:chornbei@ci.olympia.wa.us), so that your comments can be saved into the record. I have provided some responses to your email below.  
Hope you have a Happy New Year.  
Paula

Paula Smith, Associate Planner  
*City of Olympia / Community Planning & Development*  
601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967  
360.753.8596 | [olympiawa.gov](http://olympiawa.gov)  
[psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)

*Note: Emails are public records and are potentially eligible for release.*

---

**From:** Kenneth Haner <[khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)>  
**Sent:** Monday, December 31, 2018 7:33 AM  
**To:** Paula Smith <[psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)>  
**Subject:** FW: City of Olympia - Notice of Revised SEPA MDNS and Continuation of Public Hearing - 18-1315 Wellington Heights

FYI

Ken Haner  
City of Olympia  
PO Box 1967 | 601 4th Avenue | Olympia WA 98507  
Phone: (360) 753-8735  
Email: [khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)

---

**From:** Dan Leahy <[danleahy43@yahoo.com](mailto:danleahy43@yahoo.com)>  
**Sent:** Saturday, December 29, 2018 8:53 AM

**To:** Kenneth Haner <[khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)>  
**Cc:** Nathaniel Jones <[njones@ci.olympia.wa.us](mailto:njones@ci.olympia.wa.us)>; Cari Hornbein <[chornbei@ci.olympia.wa.us](mailto:chornbei@ci.olympia.wa.us)>  
**Subject:** Re: City of Olympia - Notice of Revised SEPA MDNS and Continuation of Public Hearing - 18-1315 Wellington Heights

Hi Ken,

Thanks for this notice to the Parties of Record.

I do want to make a few comments to you on your notice as part of my comment on the re-issued MDNS itself.

I do this because I assume the Hearing Examiner expects the City staff to repair its "appearance of fairness" and "impartiality" practice given the December 6th staff debacle.

1. The Parties of Record did not receive nor is it posted on the City's Wellington Heights site the City's December 17th memo to the Hearing Examiner noting the substantive nature of the two contested mitigating conditions. **The Wellington Heights webpage is currently being updated.**
2. The Parties of Record did not receive nor is it posted on the City's Wellington Heights site the Hearing Examiner's decision of December 18th. **The Wellington Heights webpage is currently being updated.**
3. Emailed communication to the City staff by Parties of Record after the Hearing Examiner's decision of December 18th are not posted on the City's public comments Wellington Heights site. The last public comment posting is dated 11/14/18. **Updates to webpage regarding comments will be updated after the end of this coming week.**
4. Your notice of this MDNS directs comments to Paula Smith. However, the notice itself states that comments "should be directed to the SEPA Official", in other words, Cari Hornbein. **You are correct. Email notices sent from our office typically indicates to send any questions or comments to the lead planner of the project and on the SEPA Notice it is indicated that comments should be directed to the SEPA Official. I have noted this and will discuss with other staff regarding how it might seem confusing. I appreciate your feedback on this.**
5. Calls for the staff involved in the December 6th debacle to recuse themselves from this project have not been implemented.

I don't know whether it is your job to help the City staff conform to its obligation to keep the Parties of Record informed and up to date, but these five facts, at least to me, indicate on-going irregularities with regard to "development procedures."

Sincerely,

Dan Leahy  
Party of Record  
1415 6th Avenue SW  
Olympia, WA. 98502

cc: Mark C. Scheibmeir. City of Olympia Hearing Examiner.  
147 Parties of Record.

On Thursday, December 27, 2018, 7:59:47 AM PST, Kenneth Haner <[khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)> wrote:

The City of Olympia has issued the following **Notice of Revised State Environmental Policy Act Mitigated Determination of Nonsignificance (SEPA MDNS) and Continuation of Public Hearing** for the project known as **Wellington Heights** at **2000 BLK 18th Avenue SW**.

PROJECT: **18-1315**

See the above attachments for further details.

Please forward questions and comments you may have regarding this project to the staff contact listed below:

- **Paula Smith, Associate Planner, 360.753.8596, [psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)**

Ken Haner

City of Olympia

PO Box 1967 | 601 4th Avenue | Olympia WA 98507

Phone: (360) 753-8735

Email: [khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)

<18-1315 Continuance Hearing Notice MDNS.pdf>

**Paula Smith**

---

**From:** MEGAN PILON <Impilon@comcast.net>  
**Sent:** Saturday, January 05, 2019 6:40 PM  
**To:** cdpinfo@ci.olympia.wa.us; Cari Hornbein; Paula Smith  
**Subject:** Wellington Heights Comments/Concerns

Hello,

My name is Megan Pilon and I live at 1908 14th AVE SW, Olympia WA. I am also the secretary for the Wellington West HOA Phase 1.

I just wanted to express my concerns that 14th AVE is a very open road and with additional traffic I imagine traffic will increase on our road as well. I wondered if the city had considered traffic calming on our road as well?

Thanks for your consideration.

Megan Pilon

1908 14th AVE SW

Olympia WA 98502

Impilon@comcast.net

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Monday, January 07, 2019 4:24 PM  
**To:** Paula Smith  
**Subject:** FW: Alex Vo's Development Proposal: Decatur Connection--Please Eliminate

For the record

---

**From:** Kathy Harrigan <kmharr48@gmail.com>  
**Sent:** Monday, January 07, 2019 4:23 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Alex Vo's Development Proposal: Decatur Connection--Please Eliminate

Hello,

The proposal for Wellington Heights includes a stub for a "future connection" to Decatur St. SW at 18<sup>th</sup> Ave. Eighteenth Ave in this development would be a new section of street that, if connected to Decatur St. as part of the grid, will meet up at the juncture of Carriage Court Loop and Decatur. It would cross the designated bike and pedestrian path now in a park built by the nearby community in conjunction with the city. The park was constructed after the removal of a clause formerly allowing for a vehicular connection of these two roads from the Comprehensive Plan a few years ago. The stub at 18<sup>th</sup> Ave threatens not only the park, pedestrians, and the many bicyclists that use this path, but directly undermines the intent of the change to the Comprehensive Plan, one brought after thoughtful consideration by forward thinking city leaders and residents on the westside over the past two decades.

Please remove this "future connection" to Decatur street at 18<sup>th</sup> part of Alex Vo's proposal before it goes before the examiner again.

Sincerely,  
Kathy Harrigan



**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Monday, January 07, 2019 10:48 AM  
**To:** Paula Smith  
**Subject:** FW: Southwest Neighborhood

For the record

**From:** Karma Arslanian <karma.arslanian@gmail.com>  
**Sent:** Sunday, January 06, 2019 9:24 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Southwest Neighborhood

Dear Cari Hornbein -

Please delete the "Future Roadway Connection" from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway. This "future road connection" is part of Alex Vo's proposed Wellington Heights project.

I choose to live in the Southwest Olympia neighborhood because of the quiet streets where my two young children can play and ride their bikes without fear of traffic. I also connect with my neighbors daily because they feel safe to walk our quiet neighborhood with their dogs, friends and partners. The proposed "connection" would greatly diminish the livability of our neighborhood.

Thank you - Karma Arslanian  
1314 7th Ave. SW  
Olympia 98502

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Monday, January 07, 2019 1:40 PM  
**To:** Paula Smith  
**Subject:** FW: Opposition to the Decatur "Future Roadway Connection" from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway.

For the record

---

**From:** Michael Arslanian <michael.arslanian@gmail.com>  
**Sent:** Monday, January 07, 2019 11:08 AM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Opposition to the Decatur "Future Roadway Connection" from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway.

**Ms. Hornbei,**

**I live with my family in the neighborhood in SW Oly and would be directly impacted by the roadway connection being proposed. My family values the safety of our streets and part of what makes our neighborhood so livable is the ability to walk and bike. Our kids play with their friends and I currently feel comfortable sending them down the street to visit neighbors. It's a big part of what makes this feel like a community. Increasing traffic through the neighborhood would permanently alter that.**

**This issue has come up before (and will again, I'm sure). In the past the city has agreed that the impact on the neighborhood would be negative. Please remove this proposal from consideration.**

**Thank you,**

**Michael Arslanian  
1314 7th Ave SW**

**Paula Smith**

---

**From:** Phil Cornell <phil\_cornell@yahoo.com>  
**Sent:** Monday, January 07, 2019 6:31 AM  
**To:** Cari Hornbein  
**Cc:** Dan Leahy  
**Subject:** Future Roadway Connection

The Decatur Pathway is a special place in our neighborhood and now I understand that you have added a "Future Roadway Connection" provision to Alex Vo's project that would allow vehicle traffic to obliterate all our hard work. How many times must we fight this same battle. We will not allow any development that opens the southern end of Decatur St to vehicle traffic. We have spent hundreds of hours creating and maintaining this special place in our neighborhood as part of the Neighborhood Pathways Project. It is a bicycle and pedestrian pathway that is enjoyed by residents from many neighborhoods. Sacrificing this beloved pathway to relieve traffic congestion on other streets for a proposed development is not acceptable, it is too high of a price to pay for "progress".

Remove this provision from the Vo development plan.

Phil Cornell  
Past President SWONA  
Project Manager Decatur Pathway Project  
1502 15th Ave SW  
360-515-1263

**Paula Smith**

---

**From:** Marnie Frisch <mfrisch70@gmail.com>  
**Sent:** Monday, January 07, 2019 9:24 AM  
**To:** Cari Hornbein  
**Subject:** Delete the Future Rodaway connection on Decatur

Hi Cari,

I am writing to ask you to delete the " Future Roadway Connection" from the proposed 18th Ave SW to Decatur Pedestrian and Bike pathway. This connection is part of a proposed Wellington heights Project.

This will have a heavy impact on the livability of the SW neighborhood in Olympia, of which we have been a part of for the last 10 years.

I am all for positive change and growth in Olympia, but not when it will destroy the essence and livability of a neighborhood. This especially concerns me about increased traffic and speeding, as people will try and bypass the West Olympia traffic, putting our kids, walkers, bikers, at risk.

The City Council even agreed to delete this Decatur Connection from the Comprehensive Plan in December of 2014.

Thank you for your time.

Marnie Frisch  
7th ave SW and Thomas

Be Well!

Dr. Marnie Frisch  
Naturopathic Physician  
Attentive Family Medicine  
[www.olympianaturopath.com](http://www.olympianaturopath.com)  
o: 360-943-9519  
c: 360-951-9569

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Monday, January 07, 2019 12:06 PM  
**To:** Paula Smith  
**Subject:** FW: Please Continue To Honor the City Of Olympia's Commitment to Keep Decatur St Closed

For the record

-----Original Message-----

From: Joel Greene <joelgreeneoly@gmail.com>  
Sent: Monday, January 07, 2019 11:57 AM  
To: Cari Hornbein <chornbei@ci.olympia.wa.us>  
Cc: Leahy Bethany Widener & Dan <danleahy43@yahoo.com>  
Subject: Please Continue To Honor the City Of Olympia's Commitment to Keep Decatur St Closed

Hi Cari,

I'm writing to ask the City of Olympia to honor its longstanding commitment to keep Decatur Street closed so it does not allow and encourage a significant increase in auto traffic into our Westside neighborhood. Could you please forward this email to each of the individual members of the current Olympia City Council (thank you!)?

Starting in the late 1970s, I was a member and board officer in the Westside Neighborhood Association (WNA), the predecessor neighborhood association to the current SWONA. One of the compelling issues that drove the creation and mission of the WNA was the unanimous desire of the neighbors to keep Decatur Street closed and prevent the mass influx of traffic onto our child-friendly neighborhood streets. We repeatedly approached the City Council and the Planning Commission and repeatedly, year after year, the City of Olympia agreed and publicly re-affirmed its commitment to us neighbors that Decatur Street would not be opened to traffic.

Developer Alex Vo's Wellington Heights proposal to open Decatur Street to auto traffic represents an improper attempt to promote his private gain at the expense of public safety and the public good. Mr. Vo's Pozo proposal also represents an inappropriate circumvention of a long-standing policy of the City of Olympia.

PLEASE, PLEASE DELETE THE "FUTURE ROADWAY CONNECTION" FROM MR. VO'S FLAWED WELLINGTON HEIGHTS PROPOSAL!! PLEASE CONTINUE TO HONOR THE CITY OF OLYMPIA'S LONG STANDING HISTORICAL COMMITMENT TO ITS NEIGHBORS AND OUR NEIGHBORHOODS TO KEEP DECATUR ST CLOSED.

Thank you,  
Joel

Joel Greene  
114 Sherman St N  
Westside of Olympia

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Monday, January 07, 2019 10:52 AM  
**To:** Paula Smith  
**Subject:** FW: Please delete the Future Roadway Connection to Decatur!

For the record

---

**From:** Angela Grizzle <angelagrizzle@hotmail.com>  
**Sent:** Monday, January 07, 2019 8:53 AM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Please delete the Future Roadway Connection to Decatur!

Hi Cari,

We own and live at 523 Plymouth St. SW.

Please delete the future roadway connection from the proposed 18th Ave SW to the Decatur pedestrian and bike pathway.

Thank you.  
Angela Grizzle, concerned home owner

**Paula Smith**

---

**From:** Chris Hempleman <chempleman@comcast.net>  
**Sent:** Monday, January 07, 2019 6:26 AM  
**To:** Cari Hornbein  
**Subject:** bike/pathway comment

Good morning – I request that you delete “future roadway connection” from the proposed 18<sup>th</sup> Ave SW to Decatur pedestrian and pathway. I am a long time resident of the SW neighborhood and, as you know, the neighborhood has strong support and solid reasons for our continuing objection to a roadway connection. Thank you.

Christine Hempleman

1303 8<sup>th</sup> Ave SW

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Monday, January 07, 2019 1:48 PM  
**To:** Paula Smith  
**Subject:** FW: Wellington West

For the record

-----Original Message-----

From: Ton Johnson <bierworks@gmail.com>  
Sent: Monday, January 07, 2019 1:45 PM  
To: Cari Hornbein <chornbei@ci.olympia.wa.us>  
Subject: Wellington West

I am resident of Fern Street and I object to the residential project. Fern Street cannot safely manage the increased traffic. Mitigation isn't sufficient. Thank you. Ton



**Paula Smith**

---

**From:** ben kamen <ben.kamen@gmail.com>  
**Sent:** Monday, January 07, 2019 9:48 AM  
**To:** Cari Hornbein  
**Subject:** Decatur Pathway

Hello,

I'm writing to voice my opposition to allowing the Decatur bike pathway to be turned into a road. As a former resident of that neighborhood I strongly feel that allowing the road connection there will cause major problems for the area with increases in traffic as people try to bypass Black Lake on their way to Harrison. This will be a major disruption to the neighborhood.

Thanks for listening,  
Ben Kamen

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Monday, January 07, 2019 10:48 AM  
**To:** Paula Smith  
**Subject:** FW: Decatur Street needs to stay closed

For the record

---

**From:** Steve Kirkpatrick <stevekirkp@comcast.net>  
**Sent:** Sunday, January 06, 2019 9:48 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Decatur Street needs to stay closed

Cari Hornbein, City of Olympia Environmental Officer:

I have lived and worked in W Oly since 1981. I've walked and biked down Decatur Street, between the SW neighborhood and the Automall.

If Decatur Street were to be opened up, there would be chaotic traffic, zooming through the neighborhood, from various directions, by drivers trying to avoid traffic lights.

Please do not open Decatur Street. Maybe if an arterial had been planned 50 years ago, that could have worked. Now it is too late, and would destroy the SW neighborhood.

Stephen L Kirkpatrick, DDS

[www.OlySmiles.com](http://www.OlySmiles.com)

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Monday, January 07, 2019 10:49 AM  
**To:** Paula Smith  
**Subject:** FW: Decatur

For the record

---

**From:** jhawk@gglbbs.com <jhawk@gglbbs.com>  
**Sent:** Sunday, January 06, 2019 9:52 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Decatur

Hi Cari,

I'm writing, as I'm sure many others have....to say: **Delete the "Future Roadway Connection" from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway. This "future road connection" is part of Alex Vo's proposed Wellington Heights project.....and we know that the City of Olympia Comprehensive Plan itself, deleted this option.**

This should not be rammed through because a developer in Olympia 'wants it'. There are thousands of neighborhood citizens who DON'T want it. This would inexplicably change the nature of this very peaceful SW Olympia neighborhood, and it's a no-go. Bikes, walkers? Yes, definitely. Autos, trucks, noise, pollution, speeding, and all the rest? No.

Say No.

Thank you,  
JJ Lindsey  
Olympia, WA

**Paula Smith**

---

**From:** Daniel Marcotte <danielsdot@gmail.com>  
**Sent:** Monday, January 07, 2019 5:24 AM  
**To:** Cari Hornbein  
**Subject:** Keep Decatur Closed

Good Morning , I am writing you to ask that you delete the "Future Roadway Connection" from the propose 18th Ave SW to the Decatur Pedestrian and Bike pathway. This "future road connection ' is part of Alex Vo's proposed Wellington Heights project.  
It is completely a bad idea.

Thank you for your efforts, you support us, we'll support you.

Daniel Marcotte  
609 Decatur St SW  
Olympia , WA 98502

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Monday, January 07, 2019 10:49 AM  
**To:** Paula Smith  
**Subject:** FW: 18th Ave. SW

For the record

**From:** Diane Mauerman <rdmauerman@gmail.com>  
**Sent:** Sunday, January 06, 2019 10:29 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** 18th Ave. SW

Dear Ms. Hornbein,

I am requesting that you do not open "future roadway connection" (opening 18th Ave. SW to car traffic). Our neighborhood has worked long and hard to create a safe, caring area for our families. Opening up 18th Ave. SW would take away that safety / serenity that we have been fighting for during the past 20 years that I have lived in Wellington West.

This is IMPORTANT!

Thank you.  
R. Diane Mauerman

**Paula Smith**

---

**From:** Sandia <sandia@fertileground.org>  
**Sent:** Monday, January 07, 2019 12:50 AM  
**To:** Cari Hornbein  
**Subject:** Plea to consider

Ms. Cari Hornbeam,

I am an Olympia resident who lives on the eastside of Olympia. I have elder and younger friends who live in the SW side of Olympia, and I am writing to request that you delete the future roadway connection from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway. That neighborhood lives now *without* major thoroughfares through *the middle of it*, north and south, and this roadway connection will certain end the relative peace, quiet, and safety that SW residents have worked hard to develop there, and live currently with as a strong pedestrian community. The fact that this proposal and opening is being considered so strongly due to a request from a development project speaks volumes to whom such a change will benefit and whom it won't. People who choose to move to that neighborhood, and those who are building new homes for future residents, should respect and understand who and what that neighborhood honors and provides, and that is not speed, busy-ness, higher risk to pedestrian traffic, and umpteen options to get every which way as quickly as possible. Thus, please delete the above mentioned Future Roadway Connection. It was omitted before by our elected officials looking at the Comprehensive plan for some other good reasons as well that still apply besides what I've mentioned.

Sincerely,

Sandia Slaby  
1827 Legion Way SE Olympia 98501  
360-970-2206

**Paula Smith**

---

**From:** Richard Stamey <inolyarea@gmail.com>  
**Sent:** Monday, January 07, 2019 4:52 PM  
**To:** chornbei@ci.olvm; Paula Smith  
**Cc:** Cheryl Selby; Jessica Bateman; Nathaniel Jones; Clark Gilman; Lisa Parshley; Renata Rollins; Jim Cooper  
**Subject:** Wellington Heights, ABS Investments and the "Comp Plan"

Dear City of Olympia planning dept. and council,

I would like to point out that the current comp plan does NOT allow for a connection from the proposed development Wellington Heights to Decatur Street and yet it still shows that proposed *future connection* to Decatur in the submittals. I've had this discussion with Paula, I disagree with her interpretation of the comp plan. As I understand it The Decatur Raiders had that possibility removed in 2014. I guess you plan on amending the comp plan at some time in the future to allow that. I take exception to that. It will absolutely ruin the neighborhood. It is disheartening to say the least.

But since road does not now go thru there should be a cul de sac at the end of the developments "future roads" to allow for emergency vehicle turn around. I don't think the OFD would appreciate pulling into an essentially dead end road and have to back out. That is a life safety issue to say the least.

Also I don't know, and maybe anyone can represent themselves as whoever they'd like, but as I understand it you are trying to approve a development request for an LLC no longer recognized by the the State of Washington. That in itself should raise a question if not an eyebrow. Did anyone even bother to check the guy's credentials? If I was looking for a contractor to do work around my house the FIRST thing I look at is he registered with L&I and the state for the ability to do work and pay taxes, workers comp, bonded, lic. and insured.

Thanks for your time and consideration.

Richard Stamey  
519 Foote St. SW

<)))<



Virus-free. [www.avg.com](http://www.avg.com)

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Monday, January 07, 2019 10:47 AM  
**To:** Paula Smith  
**Cc:** David Smith  
**Subject:** FW: Wellington Hts project problem with Comprehensive Plan

For the record.

**From:** Nancy Sullivan <synodis@gmail.com>  
**Sent:** Sunday, January 06, 2019 8:14 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Wellington Hts project problem with Comprehensive Plan

Dear Chief Environmental Officer of Olympia,

Will you please delete the "Future Roadway Connection" from 18th Ave to the Decatur Bicycle and Pedestrian pathway? Our neighborhood will suffer greatly if that is opened, and we worked REALLY hard to make that point when the Comprehensive Plan was developed. It isn't in the comprehensive plan, because it will cause degradation of all the neighborhoods between it and downtown. There is already more traffic than neighborhoods can handle well.

This may seem like a small point, but it is not a small point to me, who has lived here for 20 years, and saw what happened when traffic could go through the car mall, then our neighborhood, and then get to where they were actually going, having used our streets as arterials.

Thank you for your attention to this matter.

Yours sincerely,  
Nancy Sullivan  
8th and Milroy,  
where the cars shortcut to town more and more



**Paula Smith**

---

**From:** Bruce Titus <brucet@brucetitus.com>  
**Sent:** Monday, January 07, 2019 2:27 PM  
**To:** Cheryl Selby; Nathaniel Jones; Tim Smith; Paula Smith; Cari Hornbein  
**Subject:** Wellington Heights

Dear Mayor Selby and Mayor Pro Tem Jones;

It has come to my attention that the City of Olympia staff, as well as your Hearing Examiner, are proceeding with a preliminary plat approval for an LLC that can not do business in the State of Washington.

This entity, ABS Investments LLC, has been out of compliance with the State of Washington since July 2018 and was in fact "administratively dissolved" by the State of Washington's Corporations Division on November 3, 2018. Alex Vo is listed as its "Governor." Its UBI number is: 602 627 282.

A simple corporate search at [www.sos.wa.gov](http://www.sos.wa.gov) will give you this information.

How can this be happening under your watch? Did any of you or your staff think of checking on this "applicant."

Your staff issued a Staff Report on December 10<sup>th</sup> naming "ABS Investments LLC" as the applicant that can not do business in the State of Washington. Then, your Hearing Examiner holds a public hearing on this same entity that can't do business in our state and then your staff re-issues an MDNS for this same entity that can't do business in our state.

Don't you think it is time that you stopped wasting staff time, community time and my time with Alex Vo and his Wellington Heights project.

Bruce Titus, President & CEO  
Bruce Titus Automotive [www.brucetitus.com](http://www.brucetitus.com)  
6221 Tacoma Mall Blvd, Tacoma 98409  
o. (253) 284-0140 f. (253) 474-0805  
e. [brucet@brucetitus.com](mailto:brucet@brucetitus.com)

"Count on Us, All Around the Sound"

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Monday, January 07, 2019 10:47 AM  
**To:** Paula Smith  
**Cc:** David Smith  
**Subject:** FW: Please Keep Decatur St Closed to Cars

For the record.

---

**From:** Cathy Wasserman <cathyvic@comcast.net>  
**Sent:** Sunday, January 06, 2019 9:15 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Please Keep Decatur St Closed to Cars

Cari –

I understand there is a Wellington Heights project which proposes opening the Decatur St Pedestrian and Bike pathway to motor vehicle traffic. I encourage the city NOT to open up this pathway to cars. As a Decatur St resident and daily dog-walker, I fear that such an opening would encourage drivers to take a short cut through the neighborhood. Opening the roadway would not only increase pass through car traffic in our neighborhood , it would increase noise, dust and pollution in the neighborhood and potentially threaten the safety of the neighborhood for pedestrians and cyclists. Currently, many cyclists use Decatur St as a safer alternative to Harrison, Black Lake and Cooper Point, and their numbers are growing every year.

I encourage the City to keep this bike/pedestrian pathway as is – it helps make this neighborhood such a great place to live.

Best regards,  
Cathy Wasserman  
812 Decatur St SW  
Olympia, 98502

Sent from [Mail](#) for Windows 10

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Tuesday, January 08, 2019 2:42 PM  
**To:** Paula Smith  
**Subject:** FW: Do not open Decatur

For the record.

-----Original Message-----

From: Izzy Baldo <izchica@yahoo.com>  
Sent: Tuesday, January 08, 2019 2:39 PM  
To: Cari Hornbein <chornbei@ci.olympia.wa.us>  
Subject: Do not open Decatur

Dear Ms Hornbein,  
Please do not own Decatur street in the Southwest neighborhood for the Vo development. As it is people frequently fly through there and I do believe if this request goes through we will see more accidents.  
Thank you very much,  
Elizabeth Baldo  
522 Milroy st SW/ corner of 6th Avenue

Sent from my iPhone

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Tuesday, January 08, 2019 12:32 PM  
**To:** Paula Smith  
**Subject:** FW: Decatur

For the record.

---

**From:** Rachid Benkhalti <rbenkhalti@gmail.com>  
**Sent:** Tuesday, January 08, 2019 7:10 AM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Decatur

**Please delete the "Future Roadway Connection" from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway. This "future road connection" is part of Alex Vo's proposed Wellington Heights project. I am a resident of the westside of Olympia.**

Sent from my iPhone

**Paula Smith**

---

**From:** Kate Fehsenfeld <katefeh1@gmail.com>  
**Sent:** Tuesday, January 08, 2019 9:54 AM  
**To:** Paula Smith; Jeff Fant; Steve Thompson; Keith Stahley; Tim Smith; Cheryl Selby; Nathaniel Jones; Jessica Bateman; Clark Gilman; Renata Rollins; Steve Hall; Jay Burney; parshle@ci.olympia.wa  
**Subject:** Wellington Heights

As a party of record I would like to once again submit my concerns to everyone involved directly or indirectly with the Wellington Heights proposed development plat. There have been many irregularities and foibles with how the city has handled this situation.

These include: The city staff changing its MDNS requirements at the last minute in favor of the developer in direct contrast to it's own determinations several days before the Hearing examiner reviewed the proposal with no notification to the parties of record, no period of appeal, etc. This cost Mauri Schuler \$1,000 to appeal at the December 10th Hearing Examiner meeting. This should be refunded to her on the basis that the City staff violated its own process of public argument. It appears they made an inside deal with Alex Vo and his engineer. Even the Hearing Examiner needed more information.

**Please delete the "Future Roadway Connection" from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway. This "future road connection" is part of Alex Vo's proposed Wellington Heights project. It has no place in this proposal as this connection was removed from the Comprehensive Plan on December 16th, 2014.** You know, as I do, that keeping the southern end of our neighborhood closed to automobile traffic is essential to maintaining the livability of our neighborhood. The City Council even agreed with us and deleted this Decatur Connection from the Comprehensive Plan in December, 2014. Now, Alex Vo, a land speculator, wants the City to open the Decatur pathway to cars for his proposed Wellington Heights. If he wins, our entire neighborhood loses.

**The city's own report shows that Fern Street has already exceeded its traffic volume, but no one seems to care.** The city classifies Fern Street as a "neighborhood collector with traffic volumes typically ranging from 500 to 3,000 vehicles per day. Current levels of traffic just south of 9th exceed this range (4000 vehicles per day.) The proposed project is anticipated to increase daily trips on Fern Street by 426 trips." The city staff's solution is to ask for unspecified "traffic calming devices, and yield signs." No one seems to care that this enclosed area of the west side has no other ingress and egress. The city instead suggests opening the Decatur pathway to 18th Ave as a backup when the traffic will surely be too much. Perhaps this development needs its own entrance and exit out to the Automall with no connection to the already congested Fern Street.

Sidewalks and crossing lights have not been provided for pedestrians at the busy and dangerous 9th and Fern intersection which has a large amount of foot traffic that catches the bus there. There have been pedestrian injuries here in the past.

**And now, to top it all off, it comes to our attention that Alex Vo's company ABS Investments LLC is a non-entitiy in Washington state!** How can the city do business with a false company?

Carrie Hornbein has not made one determination of significance for 5 years. Why is that? Does our city not care about the environment, liveability, or protection of quality of life? Consider what kind of housing is going in here. This is not in line with providing housing for lower or middle income housing. How does this fit with "the missing middle?"

The city council does not respond to any communication that it receives from the people they supposedly serve even when asked specifically to do so.

I appreciate and thank any one who took the time to consider the unprofessional, sloppy and concerning performance by the city staff. If this his how they conduct themselves with every project I fear for the future of Olympia.

Sincerely,

Kate Fehsenfeld

103 Thomas St NW  
Olympia, WA 98502  
360-584-0400

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Tuesday, January 08, 2019 11:58 AM  
**To:** Paula Smith  
**Subject:** FW: Delete "Future Roadway Connection" from 18th Ave SW to Decatur

For the record.

---

**From:** Sherri Goulet <shardon@comcast.net>  
**Sent:** Monday, January 07, 2019 3:13 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Delete "Future Roadway Connection" from 18th Ave SW to Decatur

Dear Ms. Hornbein,

The City Council and the Comprehensive Plan of 2014 agreed and deleted this Decatur Connection. To maintain livability in the neighborhood, stopping that "Connection" is imperative. I am referring to Alex Vo's Wellington Heights Project. We need to preserve the integrity of Olympia's neighborhoods. This "Connection" road will damage and even destroy the livability of that neighborhood.

Sincerely,

Sherri Goulet

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Tuesday, January 08, 2019 5:31 PM  
**To:** Paula Smith  
**Subject:** FW: Decatur Pedestrian and Bike pathway

For the record.

**From:** Hannah Hollander <hannahrosehollander@gmail.com>  
**Sent:** Tuesday, January 08, 2019 4:45 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Decatur Pedestrian and Bike pathway

Hello Cari,

My name is Hannah Hollander and I live in the Southwest Olympia Neighborhood at 103 Plymouth St NW.

I am writing you today to express my concerns about Alex Vo's proposed Wellington Heights project proposal to turn the Decatur Pedestrian and Bike pathway into a future roadway connection for their development. I am asking that you please delete the "Future Roadway Connection" from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway.

Interestingly, my office is on Carriage Dr, near the Auto Mall and I spend many lunches in the Decatur Pedestrian and Bike pathway.

What makes the South West neighborhood special and livable is that it is a "pocket" community. If the pathway is open it will become a busy corridor and the entire neighborhood will be changed. It will be more dangerous with so much car traffic.

Please do not approve this portion of Vo's proposal as it will have devastating impacts to our community.

Thank you for your consideration,

Hannah Hollander



**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Tuesday, January 08, 2019 12:47 PM  
**To:** Paula Smith  
**Subject:** FW: REQUEST\_Deletion\_Future Roadway Connection

For the record.

**From:** Jon Kovarik <jon.kovarik@gmail.com>  
**Sent:** Tuesday, January 08, 2019 10:56 AM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** REQUEST\_Deletion\_Future Roadway Connection

Ms. Hornbein,  
I am requesting that "Future Roadway Connection" be deleted from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway. This "future road connection" is part of Alex Vo's proposed Wellington Heights project.  
Respectfully

*Jon Kovarik  
823 Cushing St. SW  
Olympia, WA 98502  
360.790.4482*

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Tuesday, January 08, 2019 11:59 AM  
**To:** Paula Smith  
**Subject:** FW: Wellington Heights

For the record.

---

**From:** Aristides Pappidas <1234ariariari@gmail.com>  
**Sent:** Monday, January 07, 2019 3:47 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Wellington Heights

Dear Ms Hornbei,

I would like your department to omit the future roadway connection from the 18th Avenue pathway ("Wellington Heights"). As you probably know the Olympia City Council in 2014 deleted this idea in the city's Comprehensive Plan.

Thank you.

Aristides and Jane Pappidas  
12th Avenue homeowners

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Tuesday, January 08, 2019 12:31 PM  
**To:** Paula Smith  
**Subject:** FW: Alex Vo and his proposal on Opening Decatur St SW (Wellington Heights Project)

For the record.

---

**From:** JANIS RICH <randjanizy@comcast.net>  
**Sent:** Monday, January 07, 2019 6:23 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Alex Vo and his proposal on Opening Decatur St SW (Wellington Heights Project)

Dear Ms. Hornbein,

I live on Decatur St SW. We want to continue to want to live here as it is a nice neighborhood. I won't go into the myriad of reasons why Decatur should remain closed, but here is the biggest reason, it was taken out of the Comp Plan!

"The City Council even agreed with us and deleted this Decatur Connection from the Comprehensive Plan in December, 2014.

Now, Alex Vo, a land speculator, wants the City to open the Decatur pathway to cars for his proposed Wellington Heights. If he wins, our entire neighborhood loses."

Here is another reason to stop this action per a letter written by Bruce Titus to Mayor Selby:

"It has come to my attention that the City of Olympia staff, as well as your Hearing Examiner, are proceeding with a preliminary plat approval for an LLC that can not do business in the State of Washington.

This entity, ABS Investments LLC, has been out of compliance with the State of Washington since July 2018 and was in fact "administratively dissolved" by the State of Washington's Corporations Division on November 3, 2018. Alex Vo is listed as its "Governor." Its UBI number is: 602 627 282.

A simple corporate search at [www.sos.wa.gov](http://www.sos.wa.gov) will give you this information.

How can this be happening under your watch? Did any of you or your staff think of checking on this "applicant."

Your staff issued a Staff Report on December 10<sup>th</sup> naming "ABS Investments LLC" as the applicant that can not do business in the State of Washington. Then, your Hearing Examiner holds a public hearing on this same entity

that can't do business in our state and then your staff re-issues an MDNS for this same entity that can't do business in our state.

Don't you think it is time that you stopped wasting staff time, community time and my time with Alex Vo and his Wellington Heights project?"

I hope the city does not typically do business with corporations that are not allowed to do business in this state. If you do, there are larger problems going on in our local government. I think that it is clear that there are many problems with working with Alex Vo and it needs to stop.

Thank you for your time.

Janis Rich

Resident

**Paula Smith**

---

**From:** Mauri Shuler <maurishuler@icloud.com>  
**Sent:** Tuesday, January 08, 2019 10:51 AM  
**To:** Cari Hornbein  
**Cc:** Dan Leahy; Paula Smith; Jeff Fant; Steve Thompson; Keith Stahley; Tim Smith; Cheryl Selby; Nathaniel Jones; Jessica Bateman; Clark Gilman; Renata Rollins; Steve Hall; Jay Burney; parshle@ci.olympia.wa; Kate Fehsenfeld; Bruce Titus  
**Subject:** comments on Wellington Heights

Dear City of Olympia,  
 I am writing to comment on, and in fact **object to**, the approval of Alex Vo's Wellington Heights development.

I live on Fern Street,

1) a very narrow street that seems to have been originally built for use only by the limited number of houses going down to the cul-de-sac. There are always many cars parked on one side of the street and the remainder of the street is so narrow that cars often wait to allow room for oncoming traffic.

If the development is approved, it appears that 56 houses with multiple vehicles will be using Fern Street as their only ingress/egress route. However, we really don't know what the plan is, since it has yet to be revealed. The city's own report indicates Fern Street is overused... beyond its capacity. The suggested, but very vague, "calming devices" being required by the city are not backed up by any data showing that they will work. From my own experience, they will do nothing but encourage traffic accidents, especially with pedestrians involved. There is no plan to remedy a very dangerous intersection at Fern and 9th. The traffic study done by the applicant is faulty in many ways.

This nonspecific plan is entirely inappropriate for what is already a substandard street. **How can you possible determine this project has no "significant" environmental or traffic impact?**

2) There is no plan available for residents to see on how the construction traffic will be handled. City staff says that will be decided after approval of the development.

Entirely backward! Traffic mitigation plans should be open to view for the residents before approval of any project.

Opening 16th to the Auto Mall or opening the Decatur walkway would be a disaster for a neighborhood that fought hard to close it... and a violation of the city's own comprehensive plan. It would disrupt a neighborhood that is quiet and peaceful precisely because there is no through traffic and because there is a natural buffer to quiet the noise from the AutoMall. **How can you possible determine this project has no "significant" environmental or traffic impact?**

3) It is a completely unprofessional act to even consider an application by a company (ABS Investments LLC) which is a **non-entity** in Washington State. Completely illegal, I would say, for the city to allow this application. This is certainly a "shame on you" moment as it reveals the lack of research on the part of city staff.

4) Is it true that in your entire career with the city of Olympia, you have never found any projects to have significant environmental or traffic impact? It would seem that, in this environmentally conscious time in our lives, the capitol city of Washington State, known as an environmental state, would find at least one project that has significant impact. Certainly this one does have so much of an impact that it must be rejected. If approved it will destroy the neighborhood and endanger lives.

5) Finally, In addition, **I would like a refund of the \$1,000** paid to appeal this at the December 10th meeting because the city actually violated its own process. The Hearing Examiner made a quick and strong decision on that matter. The refund can be submitted as a check to me.

Mauri Shuler  
1532 Fern St. SW  
Olympia, WA 98502  
206-819-3819

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Tuesday, January 08, 2019 12:32 PM  
**To:** Paula Smith  
**Subject:** FW: Keep Decatur Pathway Park pedestrian and bike friendly

-----Original Message-----

From: Beverly Taylor <makeroomfortheladies@gmail.com>  
Sent: Monday, January 07, 2019 8:57 PM  
To: Cari Hornbein <chornbei@ci.olympia.wa.us>  
Subject: Keep Decatur Pathway Park pedestrian and bike friendly

Hello

It has just come to my attention that someone at the city is considering changing language in the comprehensive plan to perhaps allow for vehicle traffic through the established Decatur Pathway Park, which the city helped to fund to include pathway lighting and plant beds, a poetry post and benches. I and many of my neighbors worked on this project and are proud of it. It is a useful path for bikes and folks. Please keep it as it is.

Beverly Taylor  
SWONA neighbor

**Paula Smith**

---

**From:** mark toy <mctoy6@hotmail.com>  
**Sent:** Tuesday, January 08, 2019 2:44 PM  
**To:** Paula Smith; Jeff Fant; Steve Thompson; Tim Smith; Keith Stahley; Cheryl Selby; Nathaniel Jones; Jessica Bateman; Clark Gilman; Renata Rollins  
**Cc:** Steve Hall; Jay Burney; parshle@ci.olympia.wa  
**Subject:** Re: Wellington Heights

As a party of record I would like to once again submit my concerns to everyone involved directly or indirectly with the Wellington Heights proposed development plat. This is the fourth set of comments I have made via e-mail, as well as comments at the Site Review Committee meeting in October and the Hearing Examiner meeting in December. I still have not received an adequate response to my concerns about construction vehicle traffic along Fern Street. As I mentioned on several occasions from my experience with the construction of the Tuscan Village apartments, when oversized construction vehicles are parked or navigate along Fern Street it ceases to allow two-way traffic flow. This has not been addressed in the traffic analysis to date. This problem will be exacerbated by the concurrent construction of the proposed Fern Street Townhomes development and in the mornings and afternoons when school buses pick up and drop off children.

Concurring with Kate Fehsenfeld's earlier comments, there have been many irregularities and foibles with how the city has handled this situation. These include: The city staff changing its MDNS requirements at the last minute in favor of the developer in direct contrast to its own determinations several days before the Hearing examiner reviewed the proposal with no notification to the parties of record, no period of appeal, etc. This cost Mauri Schuler \$1,000 to appeal at the December 10th Hearing Examiner meeting. This should be refunded to her on the basis that the City staff violated its own process of public argument. It appears they made an inside deal with Alex Vo and his engineer. Even the Hearing Examiner needed more information.

**Please delete the "Future Roadway Connection" from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway. This "future road connection" is part of Alex Vo's proposed Wellington Heights project. It has no place in this proposal as this connection was removed from the Comprehensive Plan on December 16th, 2014.** You know, as I do, that keeping the southern end of our neighborhood closed to automobile traffic is essential to maintaining the livability of our neighborhood. The City Council even agreed with us and deleted this Decatur Connection from the Comprehensive Plan in December, 2014. Now, Alex Vo, a land speculator, wants the City to open the Decatur pathway to cars for his proposed Wellington Heights. If he wins, our entire neighborhood loses.

**The city's own report shows that Fern Street has already exceeded its traffic volume, but no one seems to care.** The city classifies Fern Street as a "neighborhood collector with traffic



volumes typically ranging from 500 to 3,000 vehicles per day. Current levels of traffic just south of 9th **exceed this range (4000 vehicles per day.)** The proposed project is anticipated to increase daily trips on Fern Street by **426** trips." The city staff's solution is to ask for unspecified "traffic calming devices, and yield signs." No one seems to care that this enclosed area of the west side has no other ingress and egress. The city instead suggests opening the Decatur pathway to 18th Ave as a backup when the traffic will surely be too much.

I am aware that Bruce Titus has hired a consulting engineer to evaluate in more technical detail the stormwater disposal aspects of the Wellington Heights proposal and should be commenting shortly.

I am deeply troubled by the path the City has taken of late by seeming to encourage developments that only exacerbate the lack of affordable housing in the City and do nothing to address the problem of homelessness. I have a hard time believing there will be a market for \$400,000-450,000 homes on undersized lots with poor traffic access adjacent to an auto mall and significant homeless encampments. Multiunit mixed use buildings (including affordable units) with an exit to the auto mall area (without vehicle traffic access into our neighborhood) and a buffer or playground area would seem a much more appropriate use of the land. However, there was absolutely no engagement or outreach conducted by the City at the beginning of this process. As the current President of SWONA, I will continue to voice our neighborhood concerns at the CNA meetings. I thought the decade long effort to get a sidewalk on the east side of 9th and Fern was an isolated problem. This process has certainly been an education for me on how unresponsive City staff seem to take their community's concerns (and by extension, our elected officials). It is telling when City staff refuse to have a 'neighborhood' meeting in the neighborhood and require we go down to City Hall to voice our concerns. Thinking of a Langston Hughes quote but I will stop here.

Sincerely,

Mark Toy  
1527 Fern Street SW  
Olympia, WA 98502

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Tuesday, January 08, 2019 12:34 PM  
**To:** Paula Smith  
**Subject:** FW: Please protect our neighborhood

For the record.

**From:** Ted Whitesell <ted.whitesell@gmail.com>  
**Sent:** Tuesday, January 08, 2019 8:39 AM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Please protect our neighborhood

Dear Cari Hornbein:

I am writing to ask you to delete the "Future Roadway Connection" from the proposed 18th Avenue SW to the Decatur pedestrian and bike pathway. As you know, this "future road connection" is part of the proposed Wellington Heights project.

Keeping the southern end of our neighborhood closed to automobile traffic is essential to maintaining the livability of our neighborhood. The City Council agreed when the council deleted this Decatur connection from the Comprehensive Plan in December, 2014. Now, Alex Vo, a land speculator, wants the City to open the Decatur pathway to cars for his proposed Wellington Heights. If he wins, our entire neighborhood loses.

Thank you very much for your consideration and support.

Edward and Jennifer Whitesell  
816 Plymouth St SW, Olympia, WA 98502

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 1:47 PM  
**To:** Paula Smith  
**Subject:** FW: Delete the future connection to Decatur,

For the record.

-----Original Message-----

From: Toby Batcheldor <toby.batcheldor@gmail.com>  
Sent: Wednesday, January 09, 2019 1:39 PM  
To: Cari Hornbein <chornbei@ci.olympia.wa.us>  
Subject: Delete the future connection to Decatur,

Hello,

My name is Toby Batcheldor, I own and live at 617 Milroy st Sw.

In regards to the Wellington Heights development. I am asking you to Delete the future connection to the Decatur pedestrian and bike pathway.

Keeping Decatur St closed to vehicle traffic is essential to the livability of our neighborhood.

Thank you for your time.  
Toby

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 3:23 PM  
**To:** Paula Smith  
**Subject:** FW: Wellington Heights, Project #18-1315

For the record.

---

**From:** Timothy Caldaron <tcal50@hotmail.com>  
**Sent:** Wednesday, January 09, 2019 3:19 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Wellington Heights, Project #18-1315

Dear Ms. Hornbein:

I am not going to go over everything that is wrong and illegal with this project. I think Dan Leahy spelled it out very clearly in his list of reasons why this (SEPA MDNS) should be withdrawn by you. If you did not receive his Official Comment let me know. This project should have been rejected a long time ago.

I live on Division st. Parking is legal only on one side of the st. so if you have someone coming in the other direction you don't fit, somebody has to pull over. The street is not made for 3 cars side by side. If this project is approved this neighborhood will be a dangerous place for everyone.  
Reject this Project.

Sincerely,

Timothy Caldaron  
Party of Record

1506 Division st sw  
Olympia, WA. 98502  
425-761-4565  
[tcal50@hotmail.com](mailto:tcal50@hotmail.com)

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 11:36 AM  
**To:** Paula Smith  
**Subject:** FW: Decatur Pathway comment

For the record.

---

**From:** Jean Caldwell <jeanecaldwell@msn.com>  
**Sent:** Wednesday, January 09, 2019 11:26 AM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Decatur Pathway comment

To: Ms. Cari Hornbein, City Environmental Officer:

I have lived in the Southwest Olympia neighborhood for many years and am a homeowner. Neighborhood livability is extremely important to me. For years, the neighborhood and the City have discussed street connections from Decatur and/or Fern Streets to the Auto Mall. It was my understanding that the issue had been resolved with the removal of the street connection idea (as opposed to a pedestrian/bike connection) from the Comprehensive Plan in 2014.

I am surprised to find that a "future roadway connection" at 18th Ave SW seems to have arisen as part of the Decatur Pedestrian and Bike pathway. As a long-term resident, I thought the sentiments of the neighborhood (supporting **no** road connection) were clear to the City and had been acted on already. I urge you to remove this proposed street connection idea from whatever process is underway.

As a resident here, I see no need to re-discuss, re-fight, or re-litigate this issue. My understanding is that it was decided already. However, I am happy to continue to oppose an automobile connection between this neighborhood and the Auto Mall.

Thank you.

Jean E Caldwell  
Caldwell & Associates  
920 Rogers St SW  
Olympia WA 98502  
360-943-4859 voice  
360-352-1707 fax  
[jeanecaldwell@msn.com](mailto:jeanecaldwell@msn.com)

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 11:23 AM  
**To:** Paula Smith  
**Subject:** FW: 18th Ave SW/Decatur Project

For the record.

---

**From:** Cresswell Suzan <suzancresswell@gmail.com>  
**Sent:** Wednesday, January 09, 2019 10:52 AM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** 18th Ave SW/Decatur Project

Dear Ms Hornbein,

As a resident of the SW Olympia neighborhood, please consider my personal observations of the effects that opening up the Decatur St Access would have on this well-established neighborhood. I have lived in the Capitol House Apts, the old St. Pete's hospital, for over eight years. My apartment faces onto 4th Street. I chose to live here because of the neighborhood. It has character, an involved neighborhood population of mixed age and ethnicity, and it is away from the hustle-bustle, besides feeling safe at any time of the day or night.

Over the last couple of years, the traffic on 4th Street has increased considerably. It used to be local traffic, with an occasional delivery truck, besides the local bus service. Today, the traffic is usually non-stop between 7am until 10PM, with less continuing on until 2:30am. Now it includes major commercial vehicles, including semi-trucks, that make the foundation of this building shudder. The roads and surfaces of these roads, besides the sewage lines beneath the roads, were never constructed to handle the volume nor weight of this traffic.

The proposal to punch a hole thru the closed end of Decatur Street would be like opening up the flood gates. Consider that the neighborhood was able to create a public walk-way and park at that end of the residential area. Destroying this, and opening it up to commuter traffic and congestion, would destroy the entire neighborhood. Having jewels like this livable residential area ought to be cherished and protected, not destroyed.

Please help protect it by deleting the "Future Roadway Connection" from the proposed 18th Ave SW/Decatur Project. Thank you for your consideration.

Sincerely, Suzan Cresswell  
420 Sherman St SW Apt. 125  
Olympia. 98502

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 8:38 AM  
**To:** Paula Smith  
**Subject:** FW: Wellington Heights

For the record.

**From:** Bob Delastrada <bobdelastrada@gmail.com>  
**Sent:** Tuesday, January 08, 2019 9:54 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Wellington Heights

Cari

I'm sure this is getting old for you. Here is yet another request to deny approval of the Wellington proposal. We know that according to the State of Washington, ABS Investments was dissolved several months ago. This should put an end to the project. My question is why so much leeway is given to Alex Vo, since there are legitimate concerns about storm water and traffic. There are the problems with the MDNS and most recently, the proposed "Future Roadway Connection." At the very least, I would hope the applicant be required to start over, and the process reflect the wishes of all parties. Currently it appears that there are too many procedural errors for this to happen.

Best Regards,  
Bob Delastrada

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 8:36 AM  
**To:** Paula Smith  
**Subject:** FW: 18th Ave. SW future road connection

For the record.

**From:** Abigail Gleason <alynnngleason@gmail.com>  
**Sent:** Tuesday, January 08, 2019 6:23 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** 18th Ave. SW future road connection

Dear Ms. Hornbein,

I am writing to you in regards to the proposed 18th Ave. SW connection to the Decatur Pedestrian pathway in the Southwest Olympia Neighborhood. From what I understand, there is ongoing discussion regarding a building development near Fern St SW, and this proposed connection would open traffic from Decatur St. to the housing development.

My name is Abby Gleason, and I am currently a resident of this neighborhood. I have lived in the neighborhood for a year and I have observed that there are a lot of pedestrians that walk along these roads every day, particularly families that walk to and from Decatur Woods Park. I have also observed many bikers share the road, which can be narrow in places. I have concerns about the amount of increased traffic the proposed connection would add to the southern end of the neighborhood, and concerns about the safety for all.

I am just learning about the proposed housing development and the proposed road connections, but I would ask that you take safety and traffic impacts into consideration when reviewing these proposals. One of the aspects that makes this neighborhood special in Olympia is the ability to walk through the neighborhood to some of the many parks throughout and enjoy the outdoor spaces - and to feel safe doing so.

Thank you very much for your time and consideration.

Sincerely,

Abby Gleason



**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 3:10 PM  
**To:** Paula Smith  
**Subject:** FW: Please Don't Allow Decatur Street to be Punched Through

For the record.

---

**From:** Terri Herinckx <terribobzien@msn.com>  
**Sent:** Wednesday, January 09, 2019 3:08 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Please Don't Allow Decatur Street to be Punched Through

Dear Ms. Hornbein

I am writing to ask you to delete the Future Roadway Connection from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway. It is vital to the southwest Olympia neighborhood that extra traffic not be routed onto Decatur.

I do not think it is an exaggeration to say that opening up Decatur to the south would ruin the quality of life for the people on that street. I believe Decatur is full of families and owner occupied homes. The huge increase in traffic which would result from the proposed connection would be appropriate only for a business or commercial type area.

My second concern is for the southwest Olympia neighborhood in general. If traffic were allowed into the neighborhood from the south end of Decatur, the volume would increase throughout the neighborhood over to Harrison, and extending from Division to the roundabouts by the 4th and 5th avenue bridges. In the area where I live by Percival street, 4th Avenue (aka hospital hill) is extensively used by pedestrians (including families, strollers, seniors, also bicycles, etc) heading downtown and back. There is already quite a bit of car traffic on 4th Avenue, and much more will surely make it difficult and unsafe for folks to try to cross the street anywhere along the length of 4th Avenue in the neighborhood. I ask you to please keep Decatur closed to the south to cars, for the sake of the people who live in this area.

Thank you for your work.

Sincerely

Terri Herinckx  
122 Percival St NW

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 8:38 AM  
**To:** Paula Smith  
**Subject:** FW: Wellington Heights

For the record.

**From:** hoyerta@harbornet.com <hoyerta@harbornet.com>  
**Sent:** Tuesday, January 08, 2019 10:33 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Wellington Heights

Ms. Hornbein:

Please delete the future road connection on 18th Ave. S.W. to Decatur Street S.W. There is no need for this connection and it will only create a greater risk that the Decatur Street pedestrian and bike path will be opened to auto traffic. Since the 2014 Comprehensive Plan designated the bike/pedestrian path, there is no reason for a future street connection on 18th. Wellington Heights has adequate street access via Cushing St. S.W. Keeping the southern connection to the southwest side neighborhood closed to auto traffic is essential to maintaining the character of the neighborhood. The bike/pedestrian path on Decatur is used constantly for exactly what it was designed for, a pathway for humans and wildlife, not cars. Don't let an unnecessary street extension threaten this valuable community asset.

Thanks,

Teresa Hoyer  
1424 13th Ave. S.W.  
Olympia, WA 98502

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 11:22 AM  
**To:** Paula Smith  
**Subject:** FW: Future Roadway Connection at Decatur

For the record.

**From:** JD Ross Leahy <jd.leahy@gmail.com>  
**Sent:** Wednesday, January 09, 2019 10:28 AM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Future Roadway Connection at Decatur

Ms. Hornbein,

I am writing to request that you delete any plan for a future roadway connection from the plan for 18th Ave SW and Decatur Bike Pathway.

I grew up on the Westside of Olympia, and visit regularly. The Westside retains a pedestrian friendly atmosphere that is conducive to supporting a neighborly community where folks are able to support each other. It would be terrible to ruin that by opening a traffic thoroughfare to the highway and auto-mall via Decatur.

The idea for this future road connection is part of the proposed development at Wellington Heights. It is important to build more housing, and bring more people into the neighborhood -- but we do not need to open Decatur to do so.

Please delete any plan for a future roadway connection from the plan for 18th Ave SW and Decatur Bike Pathway.

Thanks,

JD

**Paula Smith**

---

**From:** Steven Kant <StevenK@workingsystems.com>  
**Sent:** Wednesday, January 09, 2019 1:06 PM  
**To:** Cari Hornbein  
**Cc:** Nathaniel Jones; Paula Smith  
**Subject:** Comments on the Revised MDNS for the proposed Wellington Heights Development

The revised determination simply repeats the same unsubstantiated changes that the city staff had proposed to have the examiner approve at the original hearing; no new information was presented.

The developers had said that they did not want to make the stormwater changes in the original determination. You issued the determination anyway. Right before the hearing, the developers requested that you remove the stormwater requirements; even though they had submitted no new information, you agreed with them. After the examiner returned the determination to you, you again removed the requirements without any further information.

As I understand, you have never made a determination that a project will be significant. If this process always leads to a determination of non-significance, and even minor requirements are removed, then it appears that you are not carrying out your mandate to make sure that developers follow the rules. You do not appear to be acting in the interests of the city or its residents.

I would also like to question the definition of evidence that can be considered by the staff and the examiner. In this case, we have traffic and stormwater consultants (paid by the developers) that determine that there will be no significant addition to traffic and stormwater. Why should this be considered evidence? Do these consultants ever determine that there will be serious effects? How often do the city staff dispute the studies from these consultants? Again, if the results are always the same, the process has no purpose.

Steven Kant  
103 Thomas St NW  
Olympia WA 98502

**Paula Smith**

---

**From:** Steven Kant <StevenK@workingsystems.com>  
**Sent:** Wednesday, January 09, 2019 5:30 PM  
**To:** Nathaniel Jones  
**Cc:** Paula Smith  
**Subject:** City processes and the Wellington Heights Proposal

Dear Mr. Jones:

I am writing to ask for your help in researching and proposing alternatives to the current system of processing development applications for a preliminary plat. I am interested in doing some research on the results of the staff recommendations and the hearing examiner decisions. Would you be interested in helping with this? I intend to work with SWONA and my neighbors to formulate alternatives to the current process; would you be interested in working with us?

As you can see from your attention to this matter, the process of approving development applications is seriously flawed. The only evidence considered is from consultants paid by developers and from city staff who are friendly to the developers. The wishes and experiences of residents and voters have no weight in the process. There is no real objective evaluation of the impacts of specific proposals.

We are concerned because the Wellington Heights proposal is such an extreme example, yet the city staff still approved it with almost no restrictions. It is especially bad for several reasons:

- Traffic – This is a concentrated development with no plan other than dispersing traffic through smaller streets to avoid clogged arterials.
- Stormwater – The applicants did not seem to be aware of existing runoff and flooding problems and have no tested plan to deal with these problems.
- Integrity of Decatur Pathway and closed streets – The proposal continues to suggest road continuations through the pathway. The comprehensive plan was amended to remove these streets and the city staff members need to respect the council decision. We do not want this new development to be used as an excuse for opening up the neighborhood to more traffic.
- Unreliable Developers – Proposals were submitted under a variety of apparently sham corporations. The current corporation listed (ABS Investments) has been dissolved by the Secretary of State and has already declared bankruptcy in 2010 with claims from creditors of over two million dollars. The applicants do not even own the land in question.

It is shocking that the city staff is not concerned about any of these issues.

As we have been told, there has never been a SEPA determination of significance in the last five years. I suspect that there have been very few (if any) proposals that have been denied or have had significant requirements added to them. If the process always has the same result, then it is wasting time and money while not protecting our city and our environment.

We have been very frustrated with the lack of interest from the City Council on this issue. Although many council members have taken a favorable stand about not blindly approving all development, few members have even responded to the numerous communications from our neighborhood.

I hope you are interested in creating a new process that better represents the interests of city residents.

Steven Kant

103 Thomas St NW  
Olympia WA 98502

**Paula Smith**

---

**From:** CityCouncil  
**Sent:** Thursday, January 10, 2019 8:31 AM  
**To:** KERIN GEORGE KIRKMIRE  
**Cc:** Councilmembers; Steve Hall; Jay Burney; Kellie Braseth; Leonard Bauer; Steve Hall; Paula Smith; Keith Stahley  
**Subject:** RE: Comments on Wellington Heights proposal

Thank you for your comments. I will forward them on to all Councilmembers and appropriate staff.

Susan Grisham, Executive Assistant  
City of Olympia | P.O. Box 1967 | Olympia WA 98507  
360-753-8244 sgrisham@ci.olympia.wa.us

**Please note all correspondence is subject to public disclosure.**

---

**From:** KERIN GEORGE KIRKMIRE <kgkirkmire@msn.com>  
**Sent:** Wednesday, January 09, 2019 10:04 PM  
**To:** CityCouncil <citycouncil@ci.olympia.wa.us>  
**Subject:** Comments on Wellington Heights proposal

Mayor Selby and Council members,

My husband & I have lived at our 6th & Decatur home for nearly 30 years. During this time we have seen the traffic volume & speeds increase through our neighborhood to the point that we have been extremely concerned about the safety of our neighborhood children and our elderly neighbors, in particular. We often see drivers blowing right through stop signs at high speeds through our neighborhood with complete disregard for the safety of our children and families who are out walking or on bikes. If the Wellington Heights proposal goes forward, I would be very concerned about exposing children visiting the Decatur Woods Park, or on their way to school, to heavy traffic, at an increased risk to their health and safety!

What attracted us to this southwest neighborhood many years ago was the quality, character & quietness of this family community and the proximity to parks, schools, Capitol lake and the downtown area that make it ideal for walking & biking (not another heavy traffic road going through the middle of it).

For all of these reasons, we oppose the Wellington Heights proposal.

Thank you for your consideration,

Kerin & George Kirkmire

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 4:27 PM  
**To:** Paula Smith  
**Subject:** FW: Proposed Wellington Heights Project

For the record.

**From:** Caroline Lacey <steiner53@gmail.com>  
**Sent:** Wednesday, January 09, 2019 3:53 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Proposed Wellington Heights Project

Hi Cari,

I live in the SW Westside neighborhood, and am writing to ask that you delete the "Future Roadway Connection" from the proposed 18th Ave. SW to the Decatur Pedestrian and Bike pathway. Opening this area to vehicle traffic will ruin the liveability of our neighborhood, endanger pets and children, increase noise pollution, and otherwise reduce our quality of life here.

If you have any questions about this please let me know.

Caroline Lacey



January 9, 2019

Cari Hornbein  
Environmental Officer  
City of Olympia

Dear Ms. Hornbein:

I'm writing to you as my official comment on your re-issued Mitigated Determination of Non Significance (SEPA MDNS), dated December 27, 2018, with regard to the Wellington Heights, Project Number 18-1315.

I believe your determination is procedurally invalid and substantively flawed for the below listed reasons and should be withdrawn by you, the City of Olympia and the Hearing Examiner before the appeal deadline of January 17, 2019.

If you do not intend to withdraw this MDNS, make sure and inform me and all other parties of record before January 17, 2019 so as to keep our appeal options available.

Sincerely,

Dan Leahy  
Party of Record

1415 6<sup>th</sup> Avenue SW  
Olympia, Washington 98502  
(360) 402-0441  
danleahy43@yahoo.com

### **PROCEDURALLY INVALID**

#### **Administratively Dissolved.**

You have been presenting to me, the other 147 parties of record, SWONA and to the Hearing Examiner a project by an entity without the legal right to do business in the State of Washington. Your presentation of this non-entity as if it is a legal entity with the authority to operate a business in Washington State and to pursue a housing project is fraudulent.

The City knew by April 12, 2108 that ABS Investments LLC status in the State of Washington expired June 30, 2018. In my response to the submitted Environmental Checklist, I asked the City to check on this. The City either didn't care to or it made no difference to them.

ABS Investments LLC was administratively dissolved by the State of Washington on November 3, 2018. It had been administratively dissolved when you issued your staff report on December 10<sup>th</sup>, when you participated in the Hearing Examiner's public hearing on December 10<sup>th</sup> and when you re-

issued your SEPA MDNS on December 27<sup>th</sup>. It is, as of this date, January 9, 2019 still dissolved which makes this very SEPA “comment” process a fraudulent charade. If the Hearing Examiner doesn't put a stop to this, a Superior Court judge certainly will.

#### **Financially Irresponsible.**

Your promotion of a project sponsored by ABS Investments LLC is financially irresponsible and injurious to the City's tax payers. Regardless of the personal opinion of Keith Stahley, the City has a fiduciary responsibility to examine the financial capabilities of entities like ABS Investments LLC before devoting staff and community time to a proposed project. This has not been done.

Have you examined ABS Investments LLC's Chapter 11 bankruptcy's filing in the United States Bankruptcy Court in the Western District of Washington on September 23, 2010? It had creditors holding secured claims of \$1,750, 738 dollars and creditors holding unsecured claims of \$458,472. Many of these creditors live in Thurston County. Did you or anyone at the City of Olympia think to contact any of these creditors and get their judgment about the viability of ABS Investments LLC? No, you didn't.

Here you are asking us to comment on a non-entity with a track record of bankruptcy whose proposed project threatens a viable business that sends \$1.3 million to the City in sales tax revenue from its Chrysler/Jeep dealership. Are you planning to propose another property tax increase to cover the lost of this \$1.3 million like you did when you lost the sales tax revenue after Toyota moved to Tumwater?

Until either you or the Hearing Examiner certify the financial viability of the entity itself, there is no legitimate procedural basis upon which to proceed. Mr. Vo is not building the project, ABS Investments LLC is the one seeking approval and purporting to build the project

In addition, if there is no determination of financial viability, the City planning staff is in essence inappropriately attempting to lend the credit of the city by granting an asset, a plat approval.

#### **Absence of Property Title and Site Ownership.**

You have had spent the last 15 months considering a project even though the two entities that own the 9.4 acres are not a part of the City's review. Neither Alex Vo, Nick Leung or ABS Investments LLC own the 9.4 acres which is the site of this proposed project.

Whatever agreement there is between the actual owners and ABS Investments LLC has never been a part of this 15 month process. Without the knowledge of this agreement, its terms and duration, there can be no valid SEPA MDNS procedure. Without the knowledge of any agreement between the two actual owners of this property there can be no valid SEPA MDNS procedure. You are simply presenting us with another fiction.

For all you know, whatever agreement ABS Investments LLC may have had with the two LLCs that own the 9.4 acres could already be terminated. I think this agreement has already ended especially now that ABS doesn't exist.

Until you have checked to see that there is an agreement to sell this proposed site to ABS Investments LLC, there is no legitimate procedural basis to proceed with your MDNS.

### **Improper Influence, Conflict of Interest and Appearance of Fairness**

The purpose of the Hearing Examiner is to “ensure procedural due process and appearance of fairness” (18.82.020 B)

Also, under 18.82.80 Improper influence, conflict of interest and appearance of fairness, it states “No City official, elective or appointive, shall attempt to influence the Hearing Examiner in any matter officially before him as as to constitute .... a violation of the Appearance of Fairness Doctrine.”

When the City staff on December 6<sup>th</sup> attempted to make changes “substantive in nature” to the MDNS dated October 26, 2018 without re-issuing the MDNS, without re-issuing a staff report and without informing the 147 parties of record, they violated procedural due process enshrined in the SEPA/MDNS process.

In addition, the staff associated with this December 6<sup>th</sup> attempt (Jeff Fant, Tim Smith, Cari Hornbein, Paula Smith and Steve Thompson) by attempting to sidestep these procedures on behalf of “ABS Investments LLC” have already exposed a bias, violated the appearance of fairness doctrine and should have recused themselves from all involvement in this project (Email from Jeff Fant to Bruce Titus, December 6, 2018) including this re-issued MDNS.

### **Contradictory Basis for Threshold Determination: October 26<sup>th</sup> or December 27<sup>th</sup>.**

Prior to the issuance of MDNS on October 26<sup>th</sup>, the City was in receipt of a preliminary drainage plan that was “submitted on October 11, 2018.” With this plan in hand, the City issued a MDNS that contained four mitigating conditions for off-site stormwater impacts they believed to be necessary.

Now, the City in its December 27<sup>th</sup> MDNS, has cited, without presenting any new data, this same October 11<sup>th</sup> document to say that two of these mitigating conditions are no longer necessary. Both assertions can't be true.

### **The Conduct of the Traffic Impact Analysis.**

This MDNS references traffic mitigation and also a Traffic Impact Analysis (TIA). The TIA conducted for this project violated the City's own procedures, should have been rejected and provides no legitimate basis upon which an MDNS can be based.

1. TIA Guidelines for New Developments (Ordinance No. 7110) states the TIA “must follow the City of Olympia guidelines for a Traffic Impact Analysis”.

The staff procedure on this TIA did not follow the guidelines thereby **foreclosing** the right of the parties of record access to a record/analysis upon which they could enter on substantive grounds the mandated Hearing Examiner's public hearing.

On Page 1 of the Guidelines there is a description of “Traffic Impact Analysis Scoping Meeting.” The staff did not hold a scoping meeting for this project. Despite numerous assurances to the parties of record that such a meeting would be held in the future (Paula Smith, March 15, 2018; Dave Smith,

March 19, 2018) it was not held. On March 22, 2018, Assistant Planner Paula Smith informed us that, "A meeting was not held."

In the absence of such a meeting, the parties of record are denied a subsequent written report. We received such a post meeting report on the Storm Water Scoping meeting, but not on the TIA. The absence of this written record on a TIA scoping meeting forecloses the right of the parties of record to comment before the Hearing Examiner at the mandatory public hearing.

2. The TIA Guidelines call for an analysis "on the surrounding transportation system" (p. 2) and that it "shall be a thorough review of the immediate and long range effects of the new development on the transportation system." (page 3).

The staff directions to the consultant ensured that this "thorough review" would not & could not be accomplished. Thus, both the Hearing Examiner and the Parties of Record are denied a substantive basis upon which to both critique and make judgments about the effects of this application for a preliminary plat by Mr. Vo.

As is well documented by the City's own "West Olympia Access Study," or the Westside portion of the City's recent mapping for its "Transportation 2030," the "surrounding transportation system" is much greater than what the staff determined the consultant should review for this TIA. (These studies need to be included in the record for the Hearing Examiner).

The staff limited this TIA to a minor part of West Olympia. The study, therefore, did not include any traffic flows down 9<sup>th</sup> Avenue to Percival or through the rest of the northern cut-through streets such as Decatur, Milroy or Cushing. It did not include the major intersection of Harrison and Division, let alone the traffic up and down 4<sup>th</sup> avenue.

The absence of such an analysis forecloses the ability of the Hearing Examiner and the parties of record to enter the mandated hearing on a substantive basis or for the Hearing Examiner to make legitimate judgments in the presence of accurate information.

3. The City staff did not email the TIA to the parties of record thus again foreclosing their right to participate in the mandated public hearing on substantive grounds.

The City staff did email the materials from the Storm Water Scoping meeting to the parties of record as required, but it did not email the TIA to the parties of record. The City staff noted that the TIA was available on the City's website via a link that was broken and dysfunctional. Nevertheless, the availability of the City's website is not what is legally required to meet the City's obligation to notify parties of record. This obligation requires direct communication of substantive materials to the parties of record. This did not happen with the TIA.

4. City of Olympia Transportation Engineer David S. Smith indicated to the consultant that he "discuss future connection to Decatur." (March 21, 2018). This promotion by a City staff member of a flagrant violation of the City's Comprehensive Plan which deleted this connection in 2014. The promotion by this staff member calls into question again not only the integrity of the City's procedure, but also the legitimacy and purpose of the TIA itself.

The connection to Decatur that Engineer Smith and City staff are promoting is an automobile

connection from the proposed 18<sup>th</sup> Avenue inside Mr. Vo's preliminary plat design east to Decatur SW. This automobile connection would exit across Mrs. George Johnson's property and into the middle of a 273 foot Bike/Pedestrian Pathway. Not only does the City have no right to cross Mrs. Johnson's property, but this Pathway is permanently closed to automobile traffic, as decided by the City Council and included in the Comprehensive Plan update of 2014.

Such an option can not legitimately come before the Hearing Examiner unless the City Council has changed its Comprehensive Plan. It has not.

5. The Southwest Olympia Neighborhood Association (SWONA) was denied what they believe to be observation rights to scoping meetings thus frustrating and foreclosing its ability to participate in the public hearing process on a substantive basis.

When SWONA was informed by CP&D Director Stahley that scoping meetings were not "public meetings" and therefore SWONA representatives would not be informed in advance or allowed to observe, SWONA asked for the City's legal opinion upon which Mr. Stahley's assertion was based. The City's attorney never provided SWONA with that opinion nor did the City Council direct the City attorney to respond.

In the absence of any written legal opinion justifying the exclusion of parties of record or SWONA from these scoping meetings by Mr. Stahley, the parties of record have unjustly been denied information pertinent to their ability to participate on a substantive basis in the public hearing.

## **SUBSTANTIVELY FLAWED**

### **Storm Water**

The storm water data presented in support of this project has been flawed from the time of the first submitted Environmental Checklist through to its current configuration. This series of flawed presentations provides no substantive assurance that this project can meet Storm and Surface Water Plan dated August 2017.

In addition to this series of flawed reports, the most recent attempt of the staff to circumvent established development procedures and to reverse their storm water analysis of October 26 with no new data shows again how questionable the storm water analysis has become.

### **Environmental Checklist submitted March 30, 2018.**

This environmental checklist submitted by Mr. Vo's engineer, Chris Merritt, was deeply flawed and an indicator of future mistakes and omissions. For example, Mr. Merritt was asked to identify water bodies related to the site. Mr. Merritt placed a "N/A" here.

There were in fact three very obvious water bodies related to the site.

There is a block long retention pond in Wellington West that is only a few yards from the site. Also, during times of heavy rain, runoff from this retention pond creates a stream of storm water that flows the entire length of the 9.4. acres and seeps into the back of the Chrysler/Jeep Dealership.

The third water body related to the site is Percival Creek, described as an “Urban Treasure.” Percival Creek has a nearby presence at the Capital Auto Mall. Storm water from this site and from the proposed project flows into Percival Creek.

The fact that Mr. Merritt did not identify any of these “water bodies” in his March 30, 2018 checklist indicated substantive flaws in his analytical abilities and in his certified reports.

The fact that he and the City have never included an analysis of the environmental impacts of this storm water on Percival Creek is still a major substantive flaw in the MDNS.

### **Preliminary Drainage and Erosion Control Report, dated March 29, 2018, and Updates**

The substantive flaws in Mr. Merritt's work continue with this report and its updating.

The application itself and its proposed storm water plan contradicts the three primary responsibilities of Surface Water Management (Chapter Three) by increasing the eventuality of “flooding” commercial property, impairing “water quality” by the production of undesirable, warm storm water and damaging “aquatic habitat” by sending warm storm water into Percival Creek and the Deschutes and thus impairing the City's responsibility for the Total Maximum Daily Load (TMDL).

His proposed plan was radically undersized and could not accommodate the storm water created by eliminating at least 15,557 sf of forest and covering 54% of the 9.4 acres (221,165 sf) with “hard surface areas.”

**Wellington West (WW) Storm Water.** This report did not contain a drainage examination of how the proposed site has acted to the benefit of Wellington West by absorbing its storm water run off. The report incorrectly attests to the absence of storm water on site (“puddles”- p.7)) and does not recognize the existing damage of WW storm water at the Chrysler/Jeep dealership. Without a “run-on” estimate of Wellington West's storm water onto the proposed site, **the proposed storm water plan was radically undersized and remains so.**

**The Ditch.** The report acknowledged the presence of an informal ditch caused by WW run off, but proposed to both formalize this ditch and then straighten it in the southern portion of the site. At the southern boundary of the site, they intended to use a new set of riprap over a 14 foot cliff that will direct storm water into an already existing and inadequate (east/west) ditch at the northeast corner of the Chrysler/Jeep dealership. This new riprap, among other features of their plan, would lead to increased flooding of commercial property. **None of these ditch related proposals survived a close critique by neighbors.**

**Bayfilters and StormTech Chambers.** The plan proposed to replace storm water retention ponds with an underground StormTech Chambers located in the southwest section of the site just above the Chrysler/Jeep dealership. This system of filters and chambers is suppose to deal with more than 5,000 sf of new total pollution-generating hard surface. Unlike storm water retention ponds, however, this system requires maintenance because the filters tend to clog thus leading to the spread of storm water onto the site. Maintenance of this relatively sophisticated and buried system is assigned to the site's presumed Home Owners Association with neither the expertise nor financial capacity for such a task. The current proposal still contains this system of Bayfilters and Storm Tech Chambers, **but the**

**problem of clogged filters has never been addressed and no analysis of how this system actually functions in real life developments was presented.**

**Seepage.** The bottom of the stormtech chambers are open. The presumption is that the storm water will be absorbed on site by the sand found 10 to 25 feet below the till. There is, however, a real possibility of a “seepage face” in which water seeps from the stormtech system, making the southern hillside wet, leading to slope failure and landslide. Given the stormtech's southwestern location, this would lead to direct damage of the Chrysler Jeep dealership.

The two mitigating conditions designed to protect the Chrysler/Jeep dealership from this seepage problem have been deleted in this new MDNS thereby assuring increased seepage into the dealership. **Mr. Merritt's last minute email to staff on December 4<sup>th</sup> proposing a 36 inch pipe to absorb overflow that is not infiltrated on site is yet another example of Mr. Merritt's unsubstantiated presentations.**

**Warm Storm Water Run-Off into Percival Creek.** While the report states “no stormwater will be discharged into a fresh waterbody,” storm water does already and will flow into Percival Creek at an intensified rate thus impairing the Creek's water quality and the City's responsibility for Total Maximum Daily Load (TMDL). **There still has been no analysis related to Percival Creek.**

### **Traffic**

There are numerous substantive flaws in the MDNS many of which occur because of all the procedural inadequacies of the conduct of a TIA by both the City and Mr. Vo's consultants.

### **Violation of the Comprehensive Plan.**

The largest number of comments received on the update of the City's Comprehensive Plan in 2014 concerned keeping the southern end of Decatur closed to automobile traffic and keeping 16<sup>th</sup> and Fern closed to automobile traffic. In response to this, the City Council, under the leadership of Mayor Stephen Buxbaum, deleted both of these automobile connections from the Comprehensive Plan in December 2014.

The staff, Mr. Vo and Chris Merritt's placement of a “Future Road Connection” from 18<sup>th</sup> Avenue to the middle of the neighborhood created Decatur Pedestrian and Bike Pathway is an attempt to override the City Council, the Comprehensive Plan and the citizenry of the SW neighborhood. If the staff is successful in this endeavor whatever legitimacy the Council may have remaining in the eyes of the citizenry will be lost.

**This “future road connection” must be deleted.**

### **Anti-Pedestrian-No Sidewalks- No bike lanes on Fern Street to 9<sup>th</sup> Avenue**

Despite Comprehensive Plan language and years of effort by the SWONA, there is no mention of the completion of sidewalks, incorporation of bike lanes to and from the project or on Fern street. This is a serious error.

The TIA conducted for this project stated – referring to pedestrians on Fern to 9<sup>th</sup> Avenue as “Non-Motorized Traffic:

“The area has well developed pedestrian facilities in the form of sidewalks, crosswalks, and bike lanes that help alleviate any potential conflict between motorist and non-motorist.” (Page Ten).

**This statement is pure fiction. There is no sidewalk or curb on either side of Fern Street for one block from 9<sup>th</sup> Avenue south to the Tuscany gated community. There is also no street lighting. There is no sidewalk on the south side of 9<sup>th</sup> Avenue from Black Lake Blvd to the Fern Street intersection. There is no sidewalk from the bus stop on 9<sup>th</sup> Avenue and Fern east to Cushing SW, except in front of Village Gardens.**

There are also, of course, no bike lanes inside Wellington West nor any proposed by Alex Vo for his preliminary plat, only two car garages. This is in line with the City of Olympia's de facto transportation policy which is the continual movement of automobiles to retail sites.

**The only project implication is the elimination of bike and pedestrian pathways by the future road connection to the middle the Decatur Bike/Pedestrian Pathway by driving automobiles through it.**

#### **Volume Not Speed**

The MDNS states that the anticipated 426 daily trips on Fern Street which exceeds the range for a neighborhood collector will “intensify and increase traffic volumes on Fern Street.”

The intensification of traffic volumes on Fern Street has been a de facto policy of the City's traffic engineers for decades as it approves large scale apartment complexes on this unimproved street for years. This policy has led to a disastrous intersection at 9<sup>th</sup> and Fern for which this project offers no remedy.

The only proposed remedy for this project – yield signs at 15<sup>th</sup> – or for Fern street -traffic calming devices – between 14<sup>th</sup> and 9<sup>th</sup> are supposedly designed to “help slow traffic on Fern.” There is no data in this report about “speed.” The City simply refuses to acknowledge their promotion of automobiles as the source of the problem.

#### **Absence of Construction Plan.**

There has been no plan presented to the neighbors of Wellington West about how the elimination of the tree cover, the bulldozing of 18,000 cubic yards of earth and the construction activity involved in building 56 single family homes will affect their neighborhood environment, especially when all this activity will take place utilizing the narrow street confines of Wellington West.

The only reference to construction in all of the consultant reports and staff reports is signage on a Plan diagram stating: “Temporary Construction Entrance” at the southern end of a very narrow Fern Street SW.



**“Probably Will Not Have a Significant Adverse Impact”**

You make this statement on page two of your MDNS. I disagree.

This project has already had a significant negative impact on the legitimacy of the Comprehensive Plan as policy, on the integrity of the City's development procedures, on the impartiality of its staff, on the integrity of a public hearing conducted by your Hearing Examiner, on the public statements made by City Council members and on the relationship of the Selby/Jones Administration to one of its most active and involved neighborhoods.

To proceed with the approval of this procedurally invalid and substantively flawed project will simply add to the significant damage it has already caused. Please withdraw it.

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 8:37 AM  
**To:** Paula Smith  
**Subject:** FW: 18th to Decatur Bike path

For the record.

---

**From:** Sky Myers <svdervish@gmail.com>  
**Sent:** Tuesday, January 08, 2019 9:44 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** 18th to Decatur Bike path

I recently learned of the proposed Wellington Heights project in the southwest neighborhood. The project itself raises concerns, but the most alarming is the Future Road Connection in the proposed 18th To the Decatur bike path. If this road connection were to reach completion, the surrounding neighborhood will be heavily impacted. The city eliminated the Road Connection from the 2014 Comprehensive Plan. The neighborhood didn't want it then, and they don't now.

The future roadway connection should be removed from the 18th Ave to Decatur Bike pathway proposal.

I oppose both the Roadway Connection and the Wellington Heights project.

Sincerely,

Sky Myers  
425-345-7913

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 3:10 PM  
**To:** Paula Smith  
**Subject:** FW: Wellington Heights Debacle

For the record.

---

**From:** Delores Nelson <deloresknelson@comcast.net>  
**Sent:** Wednesday, January 09, 2019 2:12 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Wellington Heights Debacle

January 9, 2019

Cari Hornbein

Environmental Officer City of Olympia

Dear Ms. Hornbein:

I'm writing to you as my official comment on your re-issued Mitigated Determination of Non Significance (SEPA MDNS), dated December 27, 2018, with regard to the Wellington Heights, Project Number 18-1315.

I believe your determination is procedurally invalid and substantively flawed for the below listed reasons and should be withdrawn by you, the City of Olympia and the Hearing Examiner before the appeal deadline of January 17, 2019.

If you do not intend to withdraw this MDNS, make sure and inform me and all other parties of record before January 17, 2019 so as to keep our appeal options available.

Sincerely,

Delores Nelson

Party of Record

1509 6<sup>th</sup> Avenue SW

Olympia, Washington 98502

(360) 943-3075

[deloresknelson@comcast.net](mailto:deloresknelson@comcast.net)

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 8:37 AM  
**To:** Paula Smith  
**Subject:** FW: Keep Decatur Closed

For the record.

---

**From:** Jeanne Rynne <jeanne\_rynne@hotmail.com>  
**Sent:** Tuesday, January 08, 2019 7:56 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Keep Decatur Closed

Hi Cari!

I hope you are doing well!

I am writing, as owner of my house at 1513 7th Ave SW (between Decatur and Thomas) to request that Decatur Street remained close between 18th SW and the Decatur Bike/Pedestrian path. Our neighborhood fought hard to get this eliminated from the 2014 Comprehensive Plan and were successful. We ask that the City deny this request of Mr. Vo who has submitted this as part of his proposal for the Wellington development. Our neighborhood is already surrounded by congestion on Black Lake Blvd. and Harrison. Open access at the end of Decatur would only allow the congestion to permeate the neighborhoods without solving the congestion problem.

Thank you for considering my request.

Jeanne Rynne  
1513 7th Ave SW  
Olympia, WA 98502

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 1:49 PM  
**To:** Paula Smith  
**Subject:** FW: Future roadway connection in Westside neighborhood

For the record.

**From:** Zoe Torres <zoetorres7@gmail.com>  
**Sent:** Wednesday, January 09, 2019 12:47 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Future roadway connection in Westside neighborhood

Hello,

I own a home on the Westside (on 4th and Perry st.), and am urging you to delete the "Future Roadway Connection" from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway. This "future road connection" is part of Alex Vo's proposed Wellington Heights project.

I am very concerned about the proposal, and the negative impact the roadway connection would have on our neighborhood and the residents who love living here. Please act on our behalf.

All the best,

Zoë Torres

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Wednesday, January 09, 2019 2:00 PM  
**To:** Paula Smith  
**Subject:** FW: proposed Wellington Heights housing project

For the record.

---

**From:** Gary Wiles <wilesharkey@yahoo.com>  
**Sent:** Wednesday, January 09, 2019 1:54 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** proposed Wellington Heights housing project

Dear Ms. Hornbein,

We wish to express our concern about a part of the proposed Wellington Heights housing project in southwest Olympia. The development includes a proposed 18th Avenue SW extension to run between the development property and the Decatur Pedestrian and Bike Pathway. We ask that you remove this "future roadway connection" from the project proposal. This connection is not a necessary part of the proposed project and we believe that its inclusion will strongly encourage the eventual opening of the Decatur Pedestrian and Bike Pathway to automobile traffic. The City Council previously deleted this Decatur Street connection from the Comprehensive Plan in December 2014 and we believe its continued closure to traffic is needed to prevent much greater volumes of traffic in the Southwest Neighborhood.

We've recently learned that the development company, ABS Investments LLC, involved in proposing the Wellington Heights housing project was administratively dissolved by the State of Washington in November 2018. Thus, we wonder why City staff are continuing to consider this project if the developer does not legally operate in the state.

Sincerely,

Gary Wiles and Jan Sharkey  
Party of Record

521 Rogers St SW  
Olympia, WA 98502  
360.943.8786

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Thursday, January 10, 2019 11:40 AM  
**To:** Paula Smith  
**Subject:** FW: Proposed Wellington Heights Project # 18-1315

For the record.

-----Original Message-----

From: Kathleen Byrd <katbyrd9@gmail.com>  
Sent: Wednesday, January 09, 2019 3:19 PM  
To: Cari Hornbein <chornbei@ci.olympia.wa.us>  
Subject: Proposed Wellington Heights Project # 18-1315

Dear Cari Hornbeam,

This is an official comment on Alex Vo's proposed Wellington Heights Project # 18-1315 in the Southwest Olympia Neighborhood, and to your reissued SEPA MDNS issued on 27 December 2018.

I am opposed to Alex Vo's proposed project for many reasons, and I am aware of various violations of the city's procedures as well as of the city's comprehensive plan. I will speak here to two items of significance:

1. Please remove the "Future Roadway Connector" from the proposed 18th SW to Decatur Pedestrian and Bike Path. The 2014 comprehensive plan update protects the bike and pedestrian path from a street or roadway connection. I understand the vision and the intent of the comprehensive plan is to develop our city and its neighborhoods in ways that preserve neighborhoods and grow them in ways that promote sustainable, non-automobile dependent places and routes for travel. The bike-pedestrian path preserves a non-auto dependent route for Westside residents to Westside offices, businesses, and SPSCC. I have lived in the Southwest neighborhood for 25 years. I am a year-round bicycle commuter and I travel this path regularly. A roadway connection would significantly impact the safety and perceived safety (which matters greatly to encourage future cyclists and walkers) of walkers and cyclists. I know the dangers of cycling with cars, especially as more and more motorists are distracted. The bike and pedestrian pathway offers a safe travel option for current residents and shows a commitment to a future with non-auto depended options. Please abide by and commit to the vision and intent of the comprehensive plan and omit any future roadway connections or opening to automobiles.

2. In regards to impacts on storm water drainage and potential impacts on Percival Creek. I expect that as an "environmental officer" you would hold any proposed development to the highest possible standards to protect our fragile water ways and all that they impact, including salmon and orcas in the Puget Sound. I am shocked by the omission of the various potential impacts to Percival Creek and stormwater drainage more generally. I know that current stormwater, or non-point pollution, is the major source of pollution affecting the Puget Sound. Any action taken and any approval offered by the City of Olympia by or for developers should hold to the highest standards within the city's codes and procedures in consideration of long-range impacts on our water. As a faculty member at South Puget Sound Community College, I have taught courses on the Puget Sound and water quality issues. We begin with Percival Creek and follow the watersheds that flow into the Puget Sound. Any impact on storm water and on Percival Creek has an impact for future generations and for the Puget Sound. Please do not disregard the potential and perhaps unforeseeable impacts on waterways and water quality when making development decisions for our city and its future.



I am a full-time teacher and I devote much of my life to the integrity of this work for each student and for our community collectively. I was an active member of SWONA in opposing a 7-11 on the corner of Harrison and Division. A few of our dedicated neighbors committed most of their time and much money to opposing that development. Many others showed up for meetings and wrote letters to protect that corner that has since become a beloved and thriving park. At the time, city staff and council members repeatedly dismissed our appeals and opposition as “mere emotional appeal” and failed to recognize the many ways that city staff were violating city codes, procedures, and the comprehensive plan. It took a costly and time-consuming appeal to the Thurston County Superior Court for that project to be overturned on all 3 counts for which the neighborhood made an appeal to the city’s decision. I am sure that now and in the future, the City will take pride in this park even though it took a long and costly neighborhood appeal against the city to make it possible.

I see the same violations happening with this proposal and a similar level of neighborhood engagement and opposition. We do this because we care. We take our “free time” to be involved. The city should welcome this kind of engagement and appreciate our desire to help foster and create a sustainable and livable city. As an “environmental officer” please reconsider your “Mitigated Determination of Non-significance” and reject Alex Vo’s proposal for Wellington Heights in the Southwest Olympia neighborhood it does not meet the city’s vision in the comprehensive plan and it has potential impacts on our water ways that drain to the Puget Sound and on Percival Creek.

I would also like to be informed of any future decisions and proceedings in regards to this project.

Thank you,

Kathleen Byrd  
206.351.1596

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Thursday, January 10, 2019 11:34 AM  
**To:** Paula Smith  
**Subject:** FW: Wellington Heights 18-1315

For the record.

---

**From:** LAURA CANNON <lauracannon@comcast.net>  
**Sent:** Thursday, January 10, 2019 6:26 AM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Wellington Heights 18-1315

January 9, 2019

Cari Hornbein  
Environmental Officer  
City of Olympia

Ms. Hornbein,

Regarding the re-issued Mitigated Determination of Nonsignificance (SEPA MDNS), Wellington Heights Project:

The revised MDNS **should not** be approved. There was no new evidence/data presented regarding off-site storm water impacts after the original MDNS to deem the last two bullets under Mitigation Measure number 3 unnecessary.

Sincerely,

Laura Cannon  
1201 4<sup>th</sup> Ave W

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Thursday, January 10, 2019 11:36 AM  
**To:** Paula Smith  
**Subject:** FW: Wellington Heights SEPA MDNS

For the record.

---

**From:** Linda Condon <lmkcondon@gmail.com>  
**Sent:** Wednesday, January 09, 2019 10:39 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Cc:** Rick Hoonan <rhoonan@gmail.com>  
**Subject:** Wellington Heights SEPA MDNS

Ms. Hornbein,

This is my and my husband Rick Hoonan's official written comments on the 12-27-18 re-issued Wellington Heights project #18-1315 SEPA MDNS.

Your determination is procedurally invalid and substantively flawed. You, the City of Olympia, and the Hearing Examiner must withdraw the Wellington Heights SEPA MDNS.

Please notify me and other parties of record with your decision to withdraw or proceed before the 1-17-19 deadline to appeal.

The applicant, ABS Investments LLC, allowed their status as a legal entity to do business in the State of Washington to expire 6-30-18. And the State of Washington administratively dissolved ABS Investments LLC on 11-3-18.

The traffic impact analysis (TIA) didn't extend to my street on 9th Avenue between Decatur and Percival. Nor did the TIA assess Cushing, Milroy, or Decatur north of 9th Avenue, nor intersections of Harrison & Division, nor the very busy 4th Avenue.

Would the Wellington Heights residents be teleporting to downtown and Westside commercial zones? Please use common sense! Do your job! Withdraw the Wellington Heights SEPA MDNS.

The future road connection at the east end of 18th Avenue must be removed. The future road connection violates the City of Olympia comprehensive plan. Our neighborhood has opposed an automobile roadway connecting Decatur to the Auto Mall and Cooper Point Boulevard for decades. We want to protect our neighborhood. This is a public safety issue.

Why would the City of Olympia promote this future roadway connection? Delete the future roadway connection.

I shudder to think that all the resources spent producing the comprehensive plan were merely a window dressing exercise rather than the agreed system for sound and sensible community planning that protects our resources and preserves the attributes that make Olympia great.

The applicant, without legal status to do business in the State of Washington, and your office expect us to believe the last minute change for dealing with water drainage is somehow scientifically feasible and sustainable without any technical review. The new plan sounds too good to be true. We don't buy your story. Prove to us that this new drainage plan is worthy of approval.

This has been a frustrating process to follow and understand. We think the integrity of the City of Olympia development procedures are suspect. We wonder how many other development applications have been approved using the same questionable decision-making system.

Use common sense. Uphold the value of the City of Olympia comprehensive plan. Protect our neighborhood. Withdraw the Wellington Heights SEPA MDNS.

Respectfully,

Linda Condon  
1417-9th Avenue SW  
Olympia WA 98502

Linda - Sent from my iPhone

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Friday, January 11, 2019 10:16 AM  
**To:** Paula Smith  
**Subject:** FW: Keep Decatur Closed

For the record. Apologies if this is a duplicate.

**From:** olycross@aol.com <olycross@aol.com>  
**Sent:** Thursday, January 10, 2019 2:56 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Keep Decatur Closed

Ms. Hornbein--

As a member of the neighborhood who volunteered hours to help develop the Decatur Pedestrian and Bike Pathway, and who sees the influx of more traffic as degrading the livability of our neighborhood, I ask you to honor the 2014 city council decision that deleted the Decatur Connection from the city's Comprehensive Plan.

Keep the Decatur Connection closed to traffic.

Thank you,

Wanda Cross  
515 Decatur St. SW

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Friday, January 11, 2019 9:18 AM  
**To:** Paula Smith  
**Subject:** FW: "Wellington Heights Project" Problem

For the record.

---

**From:** JOAN HARLOW <joanderbyharlow@comcast.net>  
**Sent:** Thursday, January 10, 2019 3:41 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Cc:** Dan Leahy <danleahy43@yahoo.com>  
**Subject:** "Wellington Heights Project" Problem

Dear Cari:

Please delete the "Future Roadway Connection" from Alex Vo's proposal. The city's current comprehensive plan ultimately excluded opening Decatur Street to the auto mall, after visiting the site, which is in a residential neighborhood. The consequences of funneling high traffic volumes into that neighborhood would have a significant detrimental impact on the families who live there, as well on adjoining neighborhoods.

To implement this change to the city's comprehensive plan would show that the Traffic Impact Analysis in this proposal is not based in reality. People who live in Westside neighborhoods are already inconvenienced by the lack of foresight by planners who approved the creation of the Cooper Point/Black lake intersection nightmare years ago. I encourage you to use your influence to make sure there is not another assault on the taxpayers who live in West Olympia. The "Future Roadway Connection" verbiage in the plan should be deleted.

Thanks for considering the needs of West Olympia residents,

Joan Harlow  
603 Percival St SW  
Olympia, WA 98502

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Friday, January 11, 2019 9:22 AM  
**To:** Paula Smith  
**Subject:** FW: Keep Decatur Closed

For the record.

---

**From:** Walt Jorgensen <[waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net)>  
**Sent:** Thursday, January 10, 2019 11:24 PM  
**To:** Cari Hornbein <[chornbei@ci.olympia.wa.us](mailto:chornbei@ci.olympia.wa.us)>  
**Subject:** Keep Decatur Closed

Cari Hornbein

City of Olympia Environmental Officer

Dear Cari,

Please delete the "Future Roadway Connection" from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway.

Thank you,

Walter R. Jorgensen  
823 North St SE  
Tumwater, WA 98501-3526  
[waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net)  
360-489-0764 (home)  
360-819-0678 (cell)

**Paula Smith**

---

**From:** Paul Larsen <paul.larsen1@gmail.com>  
**Sent:** Thursday, January 10, 2019 2:29 PM  
**To:** Cari Hornbein; Paula Smith; Jeff Fant; Steve Thompson; Keith Stahley; Tim Smith  
**Cc:** Cheryl Selby; Nathaniel Jones; Jessica Bateman; Clark Gilman; Renata Rollins; Steve Hall; Dan Leahy  
**Subject:** Comments on Wellington Heights

Dear City of Olympia,

I am writing to comment on, and in fact **object to**, the approval of Alex Vo's Wellington Heights development.

Bruce Titus did a simple corporate search on the entity "AMC Investments LLC" this is the business that Alex Vo is using to build Wellington Heights. After that search, it seems that the city has been dealing with a business that the Washington Secretary of State's Office is saying is "administratively dissolved". Please do not tell me that my tax dollars do not pay city staff enough money to verify that the city is dealing with legitimate and legal business in Washington State.

I live on Division Street, a very narrow street that seems to have been originally built for use only by the limited number of houses going down to the cul-de-sac. There are always many cars parked on one side of the street and the remainder of the street is so narrow that cars often wait to allow room for oncoming traffic.

If the development is approved, it appears that 56 houses with multiple vehicles will be using Division Street as their only ingress/egress route. However, we really don't know what the plan is since it has yet to be revealed. The city's own report indicates Division Street is overused... beyond its capacity. The suggested, but very vague, "calming devices" being required by the city are not backed up by any data showing that they will work. From my own experience, they will do nothing but encourage traffic accidents, especially with pedestrians involved. There is no plan to remedy a very dangerous intersection at Fern and 9th. The traffic study done by the applicant is faulty in many ways.

This nonspecific plan is entirely inappropriate for what is already a substandard street. **How can you possibly determine this project has no "significant" environmental or traffic impact?**

There is no plan available for residents to see how the construction traffic will be handled. City staff says that will be decided after approval of the development.

Entirely backward! Traffic mitigation plans should be open to view for the residents before approval of any project.

Opening 16th to the Auto Mall or opening the Decatur walkway would be a disaster for a neighborhood that fought hard to close it... and a violation of the city's own comprehensive plan. It would disrupt a neighborhood that is quiet and peaceful precisely because there is no through traffic and because there is a natural buffer to quiet the noise from the AutoMall. **How can you possibly determine this project has no "significant" environmental or traffic impact?**

To reiterate is a completely unprofessional act to even consider an application by a company (ABS Investments LLC) which is a **non-entity** in Washington State. Completely illegal, I would say, for the city to allow this application. This is certainly a "shame on you" moment as it reveals the lack of research on the part of city staff.

Is it true that in your entire career with the city of Olympia, you have never found any projects to have significant environmental or traffic impact? It would seem that, in this environmentally conscious time in our lives, the capital city of Washington State, known as an environmental state, would find at least one project that has a significant impact. Certainly, this one does have so much of an impact that it must be rejected. If approved, it will destroy the neighborhood and endanger lives.

Please stop pushing through housing developments for the sole purpose of increasing your tax base for the city. I would hope that the people we elect to represent us, would represent those that live here and not those that are looking for financial gain.

Maybe now the City of Olympia can put forth a plan that will turn this property into a walking park for the neighborhood. The city can change the zoning on this property. We passed a property tax increase last year to purchase new parks for the city. Who can I work with to make sure this happens?



Thank you,

Paul Larsen  
1525 Division St SW  
Olympia, WA 98502

January 10, 2019  
Cari Hornbein  
Environmental Officer  
City of Olympia

Dear Ms. Hornbein:

Please do not let another large developer change the character of our amazing Olympia neighborhoods. In an era when we should be investing in making our neighborhoods more walkable and safer for our children, we should not be making decisions that support Mr. Vo's Wellington Heights (Project Number 18-1315) development.

It has come to my attention, after sitting through a very long public hearing about this project, that Mr. Vo and his business, ABS Investments LLC has been banned from doing business in the State of Washington. Why is the City of Olympia even considering this application? Why are we all spending our time on an entity without the legal right to do business in our state?

ABS Investments LLC was administratively dissolved by the State of Washington on November 3, 2018. Any further action by the City, the Hearing Examiner, or other city officials on behalf of this applicant should be halted.

This development goes counter to decisions already made by the City Council and the Comprehensive Plan for Olympia. The current proposal requests a "Future Road Connection" from 18<sup>th</sup> Avenue to the middle of the SW neighborhood. It would replace the Decatur Pedestrian and Bike Pathway which would severely influence the SW neighborhood. We have an active neighborhood association (SWONA), for which I am the treasurer, and many of our members have shown up for public hearings in opposition to this development. This "Future Road Connection" must not become part of this application if it continues to be developed illegally.

Carri LeRoy  
Treasurer  
SWONA (Southwest Olympia Neighborhood Association)  
705 Percival St. SW  
Olympia, WA 98502

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Thursday, January 10, 2019 11:36 AM  
**To:** Paula Smith  
**Subject:** FW: Please stop the proposed opening of Decatur road

For the record.

---

**From:** George Man <balboa850@gmail.com>  
**Sent:** Wednesday, January 09, 2019 7:21 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Please stop the proposed opening of Decatur road

Hi, I am a resident of Olympia and am against the opening of Future Roadway Connection" from the proposed 18th Avenue SW to the Decatur Pedestrian and Bike pathway. This will only make the neighborhoods less safer for our children because it will become a shortcut to get to downtown from Cooper point road. Though this access would make my commute shorter, the safety of our neighborhood is most important.

Sent from [Mail](#) for Windows 10

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Friday, January 11, 2019 9:17 AM  
**To:** Paula Smith  
**Subject:** FW: Wellington Heights proposal/Alex Vo

For the record.

---

**From:** judy manley <carverchick57@hotmail.com>  
**Sent:** Thursday, January 10, 2019 2:29 PM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Wellington Heights proposal/Alex Vo

Ms. Hornbein,

I am writing to ask that you delete the "Future roadway connection " from 18th Ave SW to Decatur Pedestrian and Bicycle walkway.

This roadway connection is a part of Mr. Vo's proposal for the Wellington Heights project in our SW Olympia neighborhood. As you may know, **many** SWONA residents have been fiercely active in their opposition to the Wellington Heights project and any future roadway connection at the SW end of Decatur. If you haven't already, I encourage you to read Bruce Titus's letter to Mayor, Pro Tem Jones and staff.

It contains vital and embarrassing questions as to how Mr. Vo's Wellington Heights project has gotten this far in the first place. Again, I ask

as a person of record, that the "Future roadway connection" be deleted from Mr. Vo's proposal. Thank you for your time and consideration.

Sincerely,

Judy Manley  
520 Foote St SW  
Olympia WA, 98502

January 9, 2019  
Cari Hornbein  
Environmental Officer  
City of Olympia

Paula Smith  
Assistant Planner  
City of Olympia

Ms. Hornbein and Ms. Smith,  
I submit to you my official comments regarding the Mitigated Determination of Non-Significance (SEPA MDNS) in regard to the Wellington Heights Project # 18-1315.  
I believe your acceptance of the original SEPA Checklist and issuing of a Mitigated Determination of Non-Significance is invalid. The SEPA Checklist, as was originally submitted, was substantially flawed. Even with the suggested mitigation measures, it does not fulfill the spirit of SEPA and will significantly harm the neighborhood. Please see my comments below.  
I expect you to inform all parties of interest of any acceptance or withdrawal of the MDNS so all parties can keep appeal options open.

Sincerely,  
Rebecca Niggemann  
1501 Fern St. SW  
Olympia, WA 98502

#### SEPA Checklist Comments

3.b.2: Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Answer: None.

Comment: This cannot possibly be true. There are likely many household chemicals that will be discharged into the ground water including, but not limited to insecticides, herbicides, fungicides, etc., pet waste, and fluids leaking from vehicles that may not be parked on impermeable surfaces. On top of groundwater issues, the proposed development is upslope of Percival Creek. As information on the control of surface runoff is written in the vaguest of terms, there is no way to assure that runoff will be kept out of the groundwater or Percival Creek.

3.c.2: Could waste materials enter ground or surface waters? If so, generally describe.

Answer: Not likely. A pollution source control plan will be a part of a storm drainage maintenance agreement that is recorded on the title of each lot. This plan will outline the Best

Management Practices to help reduce the potential for common residential waste materials to enter ground water.

Comment: Even though the answer states that a plan will be written, it is unclear whether or not the plan will be implemented, how information will be collected to make sure the plan is adhered to, and what happens if the plan is not adhered to. There is no contingency for materials discharged into Percival Creek, a salmon bearing river below the proposed site.

4.e. List all noxious weeds and invasive species known to be on or near the site.

Answer: None known.

Comment: This answer proves that the applicant has not visited the site. It also shows that the applicant has not done their due diligence when researching this site. There are three known cases of tansy ragwort, *Senecio jacobaea*, a Class B noxious weed according to the Washington State Noxious Weed Control Board and on the Thurston County Noxious Weed List. There are also Himalayan blackberries, English ivy, holly trees, Scotch broom, and various thistle, to name a few invasive species.

5.a.: a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Answer: songbirds, deer

Comment: There is a communal roost of 3 species of bats approximately 275 feet away. As bats have come under threat of white nose syndrome, recently found in Washington, this could further threaten these listed WDFW PHS species. There is also a Biodiversity Area and Corridor 275 feet away that is described as "Remnant wooded shoreline and all aquatic habitat associated with Capitol Lake. *Myotis* bats regularly forage over Capitol Lake and night roost in trees along shoreline. Bald eagle nesting habitat. Forage habitat for ospreys and great blue herons." This is PHS listed habitat.

5.b. List any threatened and endangered species known to be on or near the site.

Answer: none

Comment: The applicant failed to list the four *Oncorhynchus* species that occur in Percival Creek, approximately 750 ft. away from the proposed project area, most of which are federally threatened and state species of concern.

5.c. Is the site part of a migration route? If so, explain.

Answer: Unknown

Comment: This proposed project is in the Pacific Flyway for migratory birds. This could remove habitat critical to birds using this area as part of their annual migration in the spring and fall. This area is also a migration area for the salmon mentioned in my comment for section 5.b.

5.d. Proposed measures to preserve or enhance wildlife, if any:

Answer: Proposed Open Space Tract A will be a continuation of the Wellington West Tree Tract to the north of the project, providing for a continuous vegetated wildlife corridor.

Comment: While it is true that Tract A Open Space will be contiguous to a current, but extremely narrow greenspace, if it can even be called that, it is only adding less than 1/5 of an acre. The measurements are stated as 61' x 146' which is tiny compared to the 56 brand new residential lots with possibly more than 56 families residing on these lots. This does not seem like it will preserve and will certainly not enhance wildlife or wildlife habitat.

5.e. List any invasive animal species known to be on or near the site.

Answer: None known.

Comment: Bullfrogs, a Washington state invasive species, are known in the general area, but no surveys were conducted to see if there are any present on the site. As it is unclear if the applicant has been onsite, an answer of "none known" seems like a bit of a farce.

7.a.3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Answer: None

Comment: It is very unlikely that the answer is none. Certain construction materials and equipment are made of or contain toxic and hazardous chemicals.

7.a.4. Describe special emergency services that might be required.

Answer: None

Comment: Any construction taking place during summer months could potentially cause fires, needing EMS fire response and potentially ambulance services.

8.c. Describe any structures on the site.

Answer: None

Comment: There are unhoused residents currently using the property for shelter and temporary residences.

8.d. Will any structures be demolished? If so, what?

Answer: N/A

Comment: This will displace the unhoused residents in that area when their temporary structures are demolished.

8.j. Approximately how many people would the completed project displace?

Answer: None

Comment: As stated above, it will displace unhoused residents.

8.k. Proposed measures to avoid or reduce displacement impacts, if any:

Answer: None

Comment: Taking no action places more pressure on unhoused residents, the neighborhood, and the City to absorb these citizens for no cost to ABS Investments (which, according to others that have submitted comments, may or may not actually exist anymore) and Mr. Vo.

9.b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Answer: None

Comment: See comment for 8.j.

9.c. Proposed measures to reduce or control housing impacts, if any:

Answer: None

Comment: See comment for 8.k.

11.c. What existing off-site sources of light or glare may affect your proposal?

Answer: None

Comment: As a homeowner living next to the automall, this is blatantly false. There is quite a bit of light coming into the neighborhood adjacent to the automall.

11.d. Proposed measures to reduce or control light and glare impacts, if any:

Answer: Street light fixtures will be shielded.

Comment: Living across from streetlights causes lack of sleep due to very bright blue LED bulbs streaming into bedrooms. Shielding does little to nothing for surrounding neighbors. Also, outdoor nighttime lighting causes light pollution, causing harm to human health and harm to wildlife. As an example, American robins now start singing at 3:30am in front of my house, across from a very bright streetlight.

12.c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Answer: The project will have two Open Space Tracts that may be utilized for recreation opportunities. City Parks mitigation fees will be paid if required.

Comment: There does not seem to be any response from the City about setting City Parks mitigation fees. The dense forested areas, covered with invasive weeds, in Proposed Open Space Tract A, and the stormwater runoff areas cannot possibly be considered a place for recreation.

14.b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Answer: No. The nearest stops are located at Sherman St./4<sup>th</sup> Ave. and at Black Lake Blvd. near 24-Hour Fitness, both located approximately 1-mile north of the parcel.

Comment: Small Intercity Transit buses serve the area for residents that have special needs. The bus stop locations listed above may exist, but they are much further from the location than the stops in the neighborhood, showing once again, that the applicant has not conducted proper research. The closest stops are at Fern and 9<sup>th</sup>, Cushing and 9<sup>th</sup>, and Decatur and 9<sup>th</sup>. This



may make the proposal appear more desirable. However, the City has failed to create a safe area around the Fern and 9<sup>th</sup> corner, where one of these bus stops exists. It is exceedingly dark for an overused corner, it has also been made much narrower with the addition of curbs. There are also no real sidewalks with curbs along them. There are people with wheelchairs, baby strollers, grocery carts, children, bicyclists, and other pedestrians that are at great danger of being struck, particularly in fall, winter, and spring, when there aren't many hours of natural light. The addition of around another 533 vehicles every day would only compound the issue. In addition to this corner's issues, 9<sup>th</sup> street between Black Lake Blvd, and Decatur has no traffic calming devices and people speed down that road all of the time, leading to people having to stop short if vehicles are turning onto Fern. There is also a barely lit crosswalk at 9<sup>th</sup> and Fern that is hard for pedestrians to use. I have submitted comments to previous City Councils regarding this corner, only to receive an answer that could be summed up as "not our problem" which seems very irresponsible. I suspect that if our neighborhood contained higher income residents, this would not be the case. The City must take the safety of residents using this corner more seriously, whether the citizens are in a motorized vehicle or not.

14.d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Answer: Yes, Fern St. SW, Division St. SW, and Cushing St. SW will be extended and looped through the parcel.

Comment: See comments for section 14.b. In addition, there is no mention of making sure to put a proper bike lane on Decatur, as that is a major bicycle route. The answer does not state whether or not proper sidewalks will be installed in addition to the road extensions. Sidewalks are a very important part of our neighborhood and must be included as part of any road changes. This neighborhood wants no more gravel areas on the side of the road where people are expected to walk and bike.

14.f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Answer: 533 average daily trips with peak volumes between 4-6 p.m. weekdays per Traffic Impact Analysis prepared by Heath & Associates.

Comment: As many other neighbors have already mentioned that Fern is already overused, according to City plans. The City cannot allow more traffic to affect this street. Not only is it overused, but there is a big speeding problem. This causes residents and other travelers to encounter unsafe conditions not of their making. Some time in late spring 2017, if my recollection is correct, I was driving down Fern towards my house after work and came upon a very bad accident with a child lying in the street, bloody. It was sad and shocking, but not actually surprising, seeing how people drive down Fern. I hope the boy is well today, but he will never be the same after the damage that was inflicted upon him. I don't know if anyone was ever held responsible. I was riding my motorcycle to work when I was rear-ended at the turn

lane on 9<sup>th</sup> to Black Lake. There were no repercussions for that driver. These are only two personal encounters, and as such, I can't imagine the number of other stories my neighbors have of negligent drivers in our neighborhood.

There is no plan to demonstrably calm traffic at Fern and 15<sup>th</sup>. There is a traffic circle at that intersection, but it does not serve to calm traffic, only to guide it. I live at the intersection of Fern and 15<sup>th</sup> and have had many frightful moments when I thought a vehicle would come barreling through my living room as people choose to speed up 15<sup>th</sup>. There are no traffic calming devices on 15<sup>th</sup>. Most neighbors cut the traffic circle at that intersection when moving south on Fern turning onto 15<sup>th</sup>, which will eventually lead to a head-on collision. If the traffic circle was changed to something that would slow all vehicles down, not just large fire response vehicles and large commercial vehicles, it might make a difference, but I don't have any faith that the City will accept the responsibility for the dangerous intersection they approved when this subdivision was first proposed. The City now has a chance to remedy this dangerous situation. I encourage the City to have the courage to do so. I do not accept that the City's recommendation merely that yield signs should be installed on the three corners of the intersection. That will not improve the current situation, much less the extra 533+ cars that will be coming through the neighborhood. As people routinely cut the traffic circle, the yield signs will be ignored. Adding speed bumps to the traffic circle or the areas directly in front of the traffic circle would certainly help. Another option would be to extend the sidewalks and road verges in front of the houses on the traffic circle. As a citizen that has lived on this traffic circle for over 10 years, I know that these are likely the only options to verifiably slow down traffic at that intersection.

14.h. Proposed measures to reduce or control transportation impacts, if any:

Answer: Mitigation fees will be paid if required

Comment: There is no amount of mitigation fees that can ameliorate the stress caused to residents living on these already busy roads, and in particular, the intersections of these roads, when an additional 533+ vehicles drive by every day. This will lower neighborhood morale and property values. This is not a financially rich neighborhood, but many of us value the diversity of the citizens and their income levels. Adding more traffic will make it harder to connect with our neighbors, go on walks with our children and dogs, and sit on our front porches enjoying a nice summer evening. This answer is frankly an insult to our neighborhood. The supposed mitigation fees will likely not be invested back into our neighborhood. Do not accept this as an answer to the problems the investor will create in a neighborhood the investor does not appear to reside within.

It is not unimaginable that the acceptance of this plan could also lead to the opening of Fern and 16<sup>th</sup>. This would all but ruin that part of our neighborhood. I moved in just after that intersection was closed, but I spoke with many of my neighbors that who conveyed to me how they could not cross the street to collect their mail, take their kids to a school bus pickup location, or walk their dog. Fern is already overused, as the City admits. Opening Fern and 16<sup>th</sup> would make vehicle traffic on Fern unbearable. I strongly object to any proposal that will even remotely add

the possibility that Fern and 16<sup>th</sup> will be opened. The City already tried to get this neighborhood to accept that mess, and this neighborhood successfully resisted and proved their point when Council members could not cross the neighborhood street. This neighborhood will resist should the City put us in that situation again.

It should also be noted that the parties of interest never received the Traffic Impact Analysis, which was near impossible to find on the City's website, making it exceedingly difficult, if not impossible to comment on traffic issues. I had to ask a neighbor to send the TIA to me. Only later in the process did the City create a web page with links to all of the relevant documents.

In conclusion, I expect that the City of Olympia will deny this proposal on the basis that the SEPA Checklist was not completed with correct information, missing many publicly available sources of information, the Traffic Impact Analysis was never sent to the parties of interest, and that this proposal is not in the best interest of the City and the neighborhood. I expect that the City will not approve any amended SEPA Checklist with the inclusion the information I have included above. Applicants should pay for the work completed, not relying on private citizens to complete their work for them. All information in this document was gathered from publicly and easily available information online. It is unacceptable that a consultant could not be bothered to do the same and it seems that the City accepted these answers without much fact checking.

Rebecca Niggemann  
1501 Fern St. SW  
Olympia, WA 98502

**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Thursday, January 10, 2019 11:32 AM  
**To:** Paula Smith  
**Subject:** FW: City of Olympia - Notice of Revised SEPA MDNS and Continuation of Public Hearing - 18-1315 Wellington Heights  
**Attachments:** 18-1315 Continuance Hearing Notice MDNS.pdf

For the record.

---

**From:** Audrey Pitchford <marinazaira@comcast.net>  
**Sent:** Thursday, January 10, 2019 9:43 AM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Fwd: City of Olympia - Notice of Revised SEPA MDNS and Continuation of Public Hearing - 18-1315 Wellington Heights

Hi Ms. Hornbein, my name is Audrey Pitchford, and my husband Greg Valenti and I live at 1530 Division St. SW. We dispute this determination of non-significance of this project, for the same reasons and concerns submitted in our past comments. The Fern Street traffic is already more than the street is designed for, and drivers ignore the existing traffic calming devices. Existing traffic impacts have not been addressed by the city - what guarantee will the city provide us if these new mitigations also are ineffective for the planned increased traffic? Also, the neighborhood associations currently pay insurance for the existing retention pond. I have not yet seen any mitigation plans for if this proposed development increases insurance costs. Thank you for the chance to comment and in advance for your consideration of these issues, sincerely, Audrey Pitchford and Greg Valenti

----- Original Message -----

From: Kenneth Haner <[khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)>  
 To:  
 Date: December 27, 2018 at 7:59 AM  
 Subject: City of Olympia - Notice of Revised SEPA MDNS and Continuation of Public Hearing - 18-1315 Wellington Heights

The City of Olympia has issued the following **Notice of Revised State Environmental Policy Act Mitigated Determination of Nonsignificance (SEPA MDNS) and Continuation of Public Hearing** for the project known as **Wellington Heights** at **2000 BLK 18th Avenue SW**.

**PROJECT: 18-1315**

See the above attachments for further details.

Please forward questions and comments you may have regarding this project to the staff contact listed below:

- **Paula Smith, Associate Planner, 360.753.8596, [psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)**

Ken Haner

City of Olympia

PO Box 1967 | 601 4th Avenue | Olympia WA 98507

Phone: (360) 753-8735

Email: [khaner@ci.olympia.wa.us](mailto:khaner@ci.olympia.wa.us)

**Paula Smith**

---

**From:** CityCouncil  
**Sent:** Thursday, January 10, 2019 3:27 PM  
**To:** Mauri Shuler  
**Cc:** Councilmembers; Steve Hall; Jay Burney; Kellie Braseth; Connie Cobb; Paula Smith; Keith Stahley  
**Subject:** RE: Investigation needed on ABS LLC

Thank you for your comments. I will forward them on to all Councilmembers and appropriate staff.

Susan Grisham, Executive Assistant  
City of Olympia | P.O. Box 1967 | Olympia WA 98507  
360-753-8244 sgrisham@ci.olympia.wa.us

**Please note all correspondence is subject to public disclosure.**

---

**From:** Mauri Shuler <maurishuler@icloud.com>  
**Sent:** Thursday, January 10, 2019 11:05 AM  
**To:** CityCouncil <citycouncil@ci.olympia.wa.us>  
**Cc:** Steve Hall <shall@ci.olympia.wa.us>  
**Subject:** Investigation needed on ABS LLC

Dear Olympia City Council,

It has come to my attention that Alex Vo has just become compliant with the WA Secretary of State's office corporate filings requirements. This is only a day after it was pointed out to the city that his LLC was dissolved.

However, since the City was dealing with an LLC out of compliance for two months and administratively DISSOLVED, the fiduciary responsibilities required by your elected oath of office are certainly triggered.

Why were they out of compliance? Why didn't the staff know that they were out of compliance? What is the background of this corporation? If they cannot comply with simple rules of corporations in the state of Washington, how can they be trusted to comply with more complicated requirements of development?

As you have a fiduciary duty to the citizens of Olympia, you now have a duty to authorize the city attorney to investigate every aspect of this corporation. They are proposed a massive development that has the potential to disrupt the lives and safety of neighborhoods. Therefore, it is imperative that you take more time to make sure this corporation can fulfill even the slightest of its commitments to the city before any further action can be taken.

Sincerely,  
Mauri Moore Shuler  
206-819-3819

**Paula Smith**

---

**From:** Bruce Titus <brucet@brucetitus.com>  
**Sent:** Thursday, January 10, 2019 4:22 PM  
**To:** Cari Hornbein; Paula Smith; Tim Smith; Nathaniel Jones  
**Cc:** Daniel Rehberger; Tom Skillings  
**Subject:** Wellington Heights  
**Attachments:** Bruce Titus Drainage Analysis PDF.PDF

Dear Cari Hornbei,

Your re-issued MDNS of December 27, 2018 means significant damage to my dealership.

I've attached a report from Skillings and Connolly.

I want you to include all their recommendations into a new MDNS and re-issue it.

If you do not intend to include these recommendations into a new MDNS, please let me know before January 17, 2018 so that I can appeal your decision.

In addition, I object to the fact that your office continued to deal with ABS Investments LLC after it had been administratively dissolved on November 3, 2018 by the State of Washington.

Sincerely

Bruce Titus

Bruce Titus, President & CEO  
Bruce Titus Automotive [www.brucetitus.com](http://www.brucetitus.com)  
6221 Tacoma Mall Blvd, Tacoma 98409  
o. (253) 284-0140 f. (253) 474-0805  
e. [brucet@brucetitus.com](mailto:brucet@brucetitus.com)

"Count on Us, All Around the Sound"

Drainage Evaluation  
for  
Bruce Titus, Chrysler Jeep

Prepared by:

Skillings Connolly, Inc.  
Thomas E. Skillings, PE

Skillings Connolly has been retained by Mr. Bruce Titus to evaluate the drainage report prepared for the proposed Wellington Heights subdivision. I have reviewed the drainage report prepared by Olympic Engineering, dated March 29, 2018 and the soils reports prepared by Bill Parnell, PE and MTC. I have also reviewed the amendment letter to the Drainage Report prepared by Olympic Engineering, dated December 4, 2018. I offer the following observations and comments:

Project understanding: The proposed Wellington Heights subdivision is proposing to infiltrate 100% of the stormwater generated from the development using permeable concrete, drywells for roof drains, and an infiltration basin for the remainder of the site generated water. The bottom of the proposed infiltration basin will be advanced to a depth that accesses the sand layer located below the shallow till layer. The basin, with approximate dimensions of 40-feet by 80-feet will be located on the southwest edge of the development, with the edge of the infiltration basin about 17-feet from the top of the 2:1 slope leading to the Chrysler Jeep Dealership.

There are existing housing developments to the north of the proposed Wellington Heights development that contribute what is considered pass through water that flows through the project site, with an stated combined flow of 44 cubic feet per second (cfs). The existing channel is a rough channel, that generally flows directly north to south, turns to the west at the top of the slope, and ends up in a shallow ditch on the Titus Chrysler Jeep Dealership (Dealership) property.

The above referenced documents indicate the ditch along the bottom of the slope was not built per the original Anderson and Boone design, dated February 2, 1987. I have attached a copy of the ditch sections enlarged from the original plan sheet. I have also had my crew survey the ditches. A copy of the topography map of the subject area is included as an exhibit. I don't find any significant variation from the 1987 plans from what exist today, with the exception of the fill that was placed in the Dealership's ditch. This fill was apparently placed when the overflow ditch from the developments to the north of the Wellington Heights project was installed. The riprap and fill totally fill the existing ditch. The ditch section upstream and downstream of the fill is fairly consistent. I would disagree with Olympic Engineering assessment that the ditch was not constructed per the original plan. (see attached ditch sections) The ditch bottom varies in width of 2-4 feet; the back slope varies from 1.5:1 – 2:1 and the front slope varies from 1:1 – 2:1. This variation is pretty normal for a ditch that was constructed over 30-years ago.

When the Auto Mall was constructed in the late 80's there were no developments to the north. (see attached historical photo dated 1990. The next historical photo is dated 2003 where the evidence of the northerly development is evident. It was during this time the Wellington West

Skillings Connolly, Inc

Bruce Titus Drainage Evaluation  
January 10, 2019



project was allowed to construct the stormwater overflow across the subject property and directly into the Dealership's northerly ditch. It is agreed, this northerly ditch does not have the capacity to carry the anticipated 44 cfs flow-through. The developer is changing the historic drainage and infiltration patterns of the land that drain to Titus' property. The water that was traditionally infiltrated uniformly across the property will now be collected and placed into drywells, or collected and directed into the development's stormwater pond where it will be infiltrated into the ground in a very concentrated area. There will be an increased amount of water because with the removal of the trees, there will no longer be any uptake of water and no longer any evapotranspiration uptake.

**The ditch needs to be restored to provide positive drainage from east to west.**

The developer is proposing to divert the above referenced 44-cfs flow-through drainage into a 36-inch pipe. This pipe will pick the 44 cfs flow-through water at the developer's southerly property line, and pipe it to the west, and then direct the flow into the existing ditch on the west side of the Dealership's property. Note, 44 cfs is only the flow-through quantity of water. The actual maximum needs to include the anticipated "emergency overflow" from the proposed infiltration pond. The topographic survey we prepared indicates the existing ditch does not have the capacity to carry 44-cfs + emergency overflow, without modification. Depending on how the 36-inch pipe is designed to connect from the top of the slope of Wellington Height's property to the Dealership's ditch, velocities could be in excess of 40 feet per second, depending on the slope of the pipe. Energy dissipation and erosion control in this ditch is of concern. The Dealership's dumpster foundation is only 2.5 feet from the drainage easement and the existing ditch centerline is only 5-feet from the limits of the easement. The north south ditch was never designed to carry the additional 44cfs plus the emergency overflow from the development. This ditch needs to be redesigned and reconstructed to carry the additional flow. A downstream analysis is necessary to address, not only through the Titus's property, but the complete flow path of the drainage system all the way to Percival Creek.

- **I would recommend a specific condition be required for a design requirement that will guarantee protection of the Dealership's property from scour. The Developer should be required to do this analysis and design modifications to the ditch that will not impact any downstream property.**
- **I would recommend a complete downstream analysis be completed to provide assurances the ditch through the Auto Mall all the way to the ultimate discharge at Percival Creek be completed. There are several flow control features in this system that could be affected.**

The developer is changing the historic drainage and infiltration patterns of the land that drain to Titus' property. The water that was traditionally infiltrated uniformly across the property will now be collected and placed into drywells, or collected and directed into the development's stormwater pond where it will be infiltrated into the ground in a very concentrated area. There will be an increased amount of water because with the removal of the trees, there will no longer be any uptake of water and evapotranspiration uptake will be reduced.

- The east-west ditch needs to be restored to provide positive drainage.
- I would recommend the EW ditch at the bottom of the slope be cleaned and graded to provide for positive drainage. The SEPA-BASED CONDITIONS and MITIGATION MEASURES: state in Item 3, paragraph 2: *“to mitigate off-site stormwater impacts, the applicant shall make improvements to an existing conveyance system so that it can convey the existing pass-through flows from the wellington West storm ponds, provide and emergency overflow route for the proposed on-site infiltration system, and protect downstream properties from stormwater impacts.”* This recommendation is based on the following and will help *“protect downstream properties from stormwater impacts”*:

When the north – south ditch is improved to carry the anticipated flow from the development, the north south ditch will have to be deepened. The east west ditch will require re-grading to match the invert of the EW ditch with the anticipated maximum water level in the NS ditch. Doing so will prevent backwater from flowing into the EW ditch and “protect downstream properties from stormwater impacts.”

Mr. Titus has indicated he has observed a large amount of water seeping out of the bank on the north property line during high rainfall events. I believe this is most likely the result of the rain infiltrating the upper soils layer, hitting the till layer, flowing in a southerly direction and exiting out of the bank at the Dealership’s north property line. The developer is proposing to continue to infiltrate rainwater from roof drains, pervious pavement, rain gardens, yards and landscaping. Stormwater will also continue to infiltrate from the ponds in Wellington West development. Therefore, it can be anticipated stormwater induced groundwater seepage will continue to occur along the Dealership’s north property line and will impact the Dealership property.

The geotechnical engineer, MTC recommends the placement of a clay cap on top of the new infiltration pond. There is no mention of the fate of the water that is prevented from infiltrating into this area. It is assumed the intent is for the water to infiltrate into the ground around the perimeter of the proposed infiltration basin. This concentrated flow will encounter restrictive layers and will eventually seep out of the bank on the Dealership’s north property line.

There is a potential for the project’s infiltration pond to create seepage on the bank below the infiltration site. (See discussion on groundwater mounding.)

- I would recommend a “French drain” cutoff be constructed at the top of slope to intercept the seepage that can be anticipated to be generated from the Wellington Heights project. This will *“protect the downstream properties from stormwater impacts”, to facilitate compliance with mitigation measure No. 3.*

Olympic Engineering states in their letter dated December 4, 2018, “...the ditch on the northerly portion of Mr. Titus’s parcel was not constructed per the 1987 plan and/or has not been properly maintained sense then.” Mr. Titus did not place the fill in the ditch where the channel from the stormwater overflow enters his ditch. The point source channel did not exist when the ditch was built. The normal function of

the EW ditch has been impacted by the construction of the flow-through drainage ditch. Please see attached exhibits, including historical photos, survey topo map, and historical pictures.

**Mounding Analysis:**

I reviewed the soil borings and mounding analysis prepared by MTC. The proposed project infiltration basin is located in the vicinity of BH1 and TP2. The Bore hole was advanced to a depth of 51.5-feet on June 21<sup>st</sup>, 2018 and the water table was found at a depth of 40-feet below ground level. The mounding analysis estimate performed by MTC indicates the anticipated mound that will develop under the infiltration pond will be 17.9-feet. MTC indicates this will place the mound 9-feet below the bottom of the infiltration pond. This is well below the required 3-foot separation between the pond bottom and the groundwater mound surface. The spring and summer of 2018 had less than normal rain fall. There is no mention of where the groundwater would be in the winter or early spring after a wet season. I did not see any winter evaluation of water levels. If the winter water level were to rise over 5 feet, the mound surface would penetrate the required 3-foot buffer. It is not unreasonable a water tables to fluctuate 10-20-feet or more, during extreme weather cycles. If the water level rose 10-feet, the mound would intercept the bottom of the pond, and the mounding analysis assumptions would no longer be valid; the infiltration pond would fail. The predicted mound surface geometry may look significantly different than the mound predicted in the Olympic Engineering report and. (see attached exhibits)

This issue is the most concerning to me. The developer's design of the 100% infiltration for the stormwater generated from the site is based solely on one summer measurement of the groundwater. If the groundwater rises 5-feet from what was recorded, it does not meet standards. If the water table rises 8-feet above what was recorded, the system will begin to fail. It is critical the winter water table elevation be understood. Typically we would see at a minimum, a one-year analysis of the water table. In addition, because this design feature is so important, the design of the emergency overflow to prevent uncontrolled overflow, or uncontrolled lateral flow that would surface on the north slope of the Titus property. Should be design to provide 100% assurance it will not have an uncontrolled failure.

- **The Developer should be required to conduct a thorough analysis of the seasonal water table variation found in the Qvr aquifer at this site. I would recommend approval of the proposed design be withheld until the winter water surface level below the proposed drainage facility is completely understood and quantified. If the water level in the aquifer is much higher in the winter than in the summer as measured, the likelihood of failure of the infiltration system is high, and the potential impacts resulting from a failed infiltration basin can be difficult to remedy.**

Respectfully submitted,

Skillings Connolly, Inc.  
Thomas E. Skillings, PE



Skillings Connolly, Inc

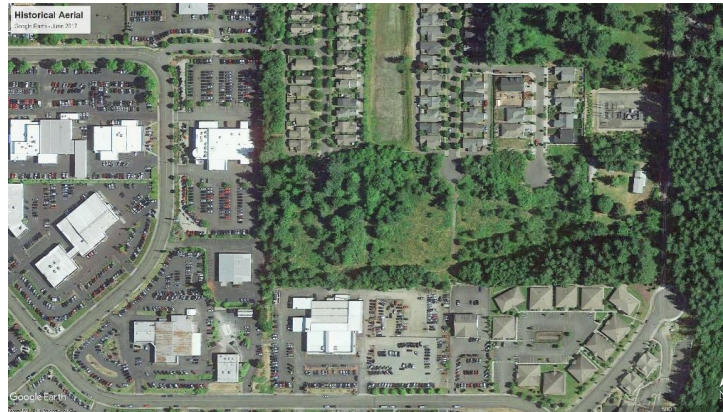
Bruce Titus Drainage Evaluation  
January 10, 2019



**Historical photo, dated June 1990**

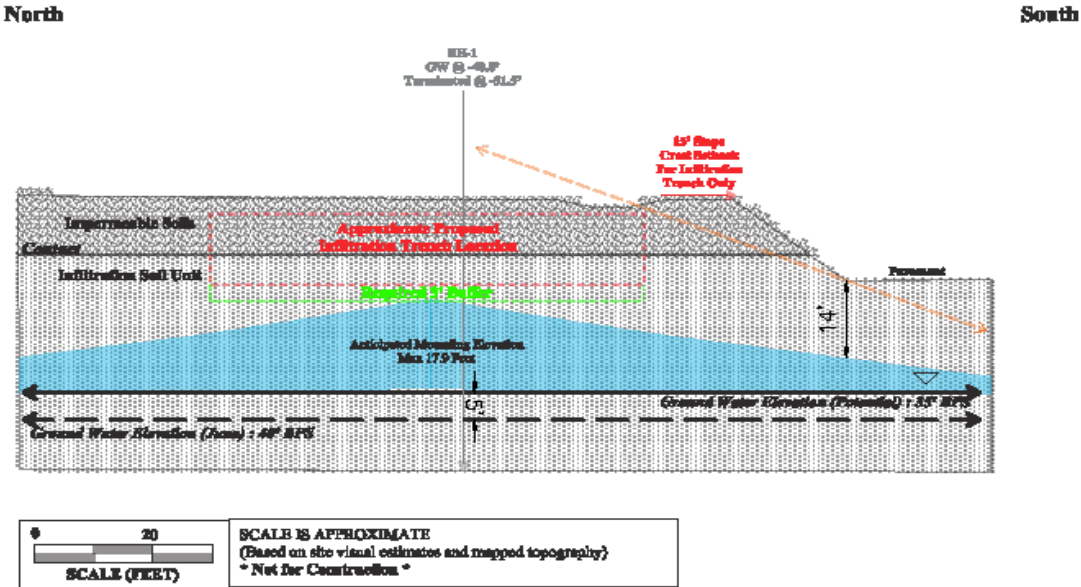


**Historical photo, dated June 2003**



**Historical photo, dated June 2017**

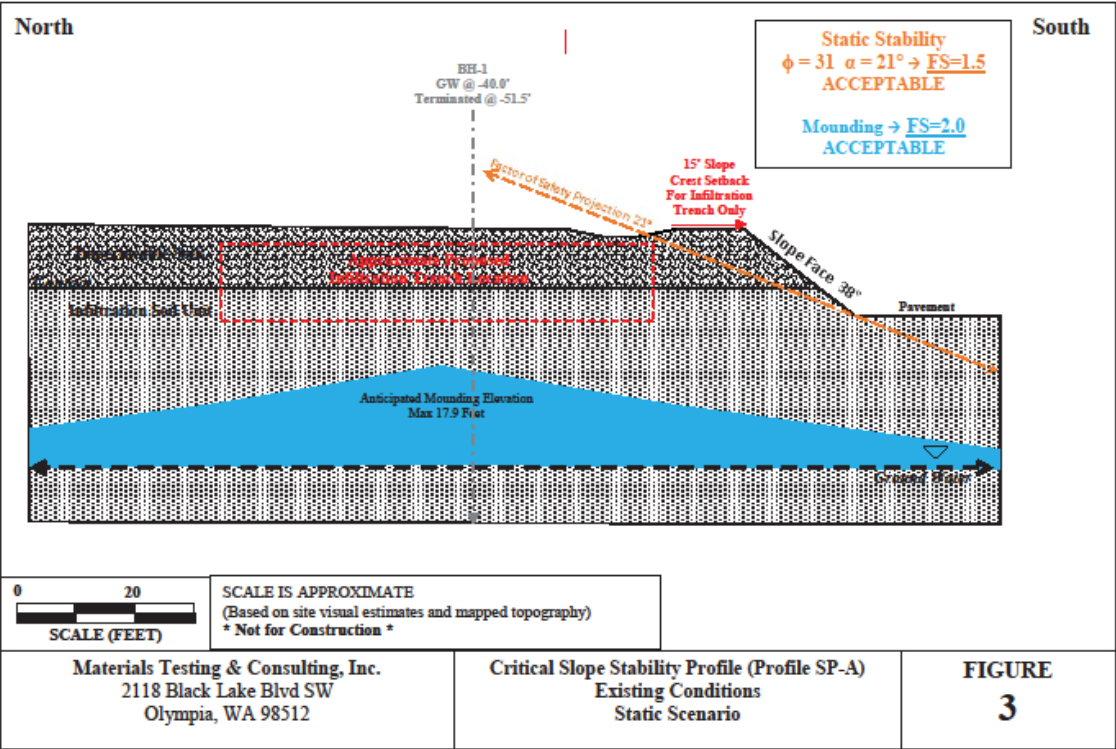
It can be seen from the photos above, there was minimal development to the north of the Titus property in 1990. As developments were constructed, overflow drainage was directed to the toe of slope ditch on the Titus property. It was never designed for 44 cfs.



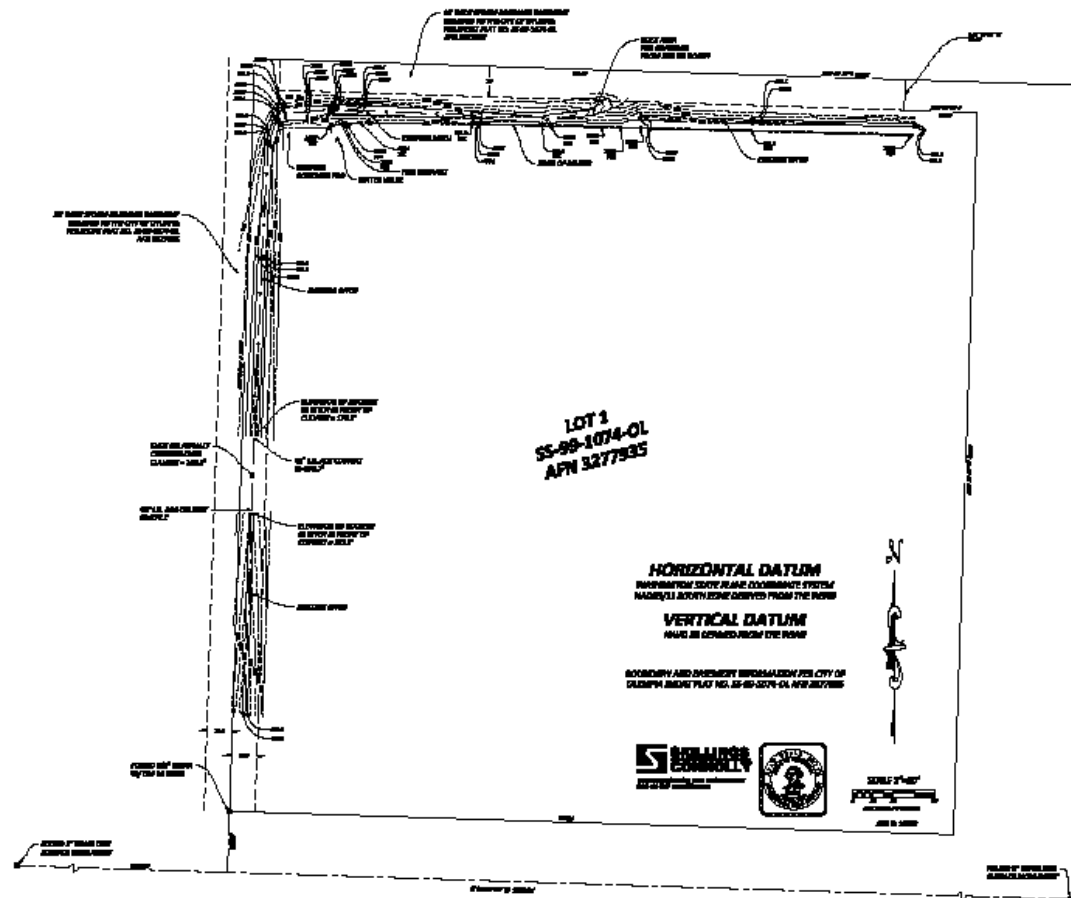
\*Mounding analysis shown published by MTC  
See attached MTC "SLOPE PROFILES"

Mound Exhibit with potential higher water table

Appendix C. SLOPE PROFILES







### Topographic Map Exhibit







**Paula Smith**

---

**From:** Cari Hornbein  
**Sent:** Thursday, January 10, 2019 11:34 AM  
**To:** Paula Smith  
**Subject:** FW: Wellington Heights Project #18-1315

For the record.

**From:** Ann M. Vandeman <amvandeman@gmail.com>  
**Sent:** Thursday, January 10, 2019 7:07 AM  
**To:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Subject:** Wellington Heights Project #18-1315

Dear Ms. Hornbein:

I'm writing to you as my official comment on your re-issued Mitigated Determination of Non Significance (SEPA MDNS), dated December 27, 2018, with regard to the Wellington Heights, Project Number 18-1315. I am in complete agreement with the comments submitted by my neighbor Dan Leahy, and I repeat them here for the record. I have submitted my comments on this project at least twice before and the following are consistent with those earlier submissions.

I believe your determination is procedurally invalid and substantively flawed for the reasons I have listed below. The SEPA MDNS should be withdrawn before the appeal deadline of January 17, 2019. If you do not intend to withdraw this MDNS, inform me and all other parties of record before January 17, 2019.

Sincerely,

Ann M. Vandeman, Ph.D.  
1609 6th Ave SW  
Olympia, WA 98502  
360-754-1928 home  
360-402-3748 cell  
[amvandeman@gmail.com](mailto:amvandeman@gmail.com)

PROCEDURAL OBJECTIONS  
Administratively Dissolved

You have been presenting to me and the other 147 parties of record, and to the Hearing Examiner a project by an entity without the legal right to do business in the State of Washington. Your presentation of this non-entity as if it is a legal entity with the authority to operate a business in Washington State and to pursue a housing project is fraudulent.

The City knew by April 12, 2108 that ABS Investments LLC status in the State of Washington expired June 30, 2018. In my response to the submitted Environmental Checklist, I asked the City to check on this. The City either didn't care to or it made no difference to them.

ABS Investments LLC was administratively dissolved by the State of Washington on November 3, 2018. It had been administratively dissolved when you issued your staff report on December 10th, when you participated in the Hearing Examiner's public hearing on December 10th and when you re-issued your SEPA MDNS on December 27th. It is, as of this date, January 9, 2019 still dissolved which makes this very SEPA "comment" process a fraudulent charade. If the Hearing Examiner doesn't put a stop to this, a Superior Court judge certainly will.

Financially Irresponsible.

Your promotion of a project sponsored by ABS Investments LLC is financially irresponsible and injurious to the City's tax payers. Regardless of the personal opinion of Keith Stahley, the City has a fiduciary responsibility to examine the financial capabilities of entities like ABS Investments LLC before devoting staff and community time to a proposed project. This has not been done.

Have you examined ABS Investments LLC's Chapter 11 bankruptcy's filing in the United States Bankruptcy Court in the Western District of Washington on September 23, 2010? It had creditors holding secured claims of \$1,750, 738 dollars and creditors holding unsecured claims of \$458,472. Many of these creditors live in Thurston County. Did you or anyone at the City of Olympia think to contact any of these creditors and get their judgment about the viability of ABS Investments LLC? No, you didn't.

Here you are asking us to comment on a non-entity with a track record of bankruptcy whose proposed project threatens a viable business that sends \$1.3 million to the City in sales tax revenue from its Chrysler/Jeep dealership. Are you planning to propose another property tax increase to cover the lost of this \$1.3 million like you did when you lost the sales tax revenue after Toyota moved to Tumwater?

Until either you or the Hearing Examiner certify the financial viability of the entity itself, there is no legitimate procedural basis upon which to proceed. Mr. Vo is not building the project, ABS Investments LLC is the one seeking approval and purporting to build the project

In addition, if there is no determination of financial viability, the City planning staff is in essence inappropriately attempting to lend the credit of the city by granting an asset, a plat approval.

Absence of Property Title and Site Ownership.

You have had spent the last 15 months considering a project even though the two entities that own the 9.4 acres are not a part of the City's review. Neither Alex Vo, Nick Leung or ABS Investments LLC own the 9.4 acres which is the site of this proposed project.

Whatever agreement there is between the actual owners and ABS Investments LLC has never been a part of this 15 month process. Without the knowledge of this agreement, its terms and duration, there can be no valid SEPA MDNS procedure. Without the knowledge of any agreement between the two actual owners of this property there can be no valid SEPA MDNS procedure. You are simply presenting us with another fiction.

For all you know, whatever agreement ABS Investments LLC may have had with the two LLCs that own the 9.4 acres could already be terminated. I think this agreement has already ended especially now that ABS doesn't exist.

Until you have checked to see that there is an agreement to sell this proposed site to ABS Investments LLC, there is no legitimate procedural basis to proceed with your MDNS.

Improper Influence, Conflict of Interest and Appearance of Fairness.

The purpose of the Hearing Examiner is to “ensure procedural due process and appearance of fairness” (18.82.020 B)

Also, under 18.82.80 Improper influence, conflict of interest and appearance of fairness, it states “No City official, elective or appointive, shall attempt to influence the Hearing Examiner in any matter officially before him as as to constitute .... a violation of the Appearance of Fairness Doctrine.”

When the City staff on December 6th attempted to make changes “substantive in nature” to the MDNS dated October 26, 2018 without re-issuing the MDNS, without re-issuing a staff report and without informing the 147 parties of record, they violated procedural due process enshrined in the SEPA/MDNS process.

In addition, the staff associated with this December 6th attempt (Jeff Fant, Tim Smith, Cari Hornbein, Paula Smith and Steve Thompson) by attempting to sidestep these procedures on behalf of “ABS Investments LLC” have already exposed a bias, violated the appearance of fairness doctrine and should have recused themselves from all involvement in this project (Email from Jeff Fant to Bruce Titus, December 6, 2018) including this re-issued MDNS.

Contradictory Basis for Threshold Determination: October 26th or December 27th.

Prior to the issuance of MDNS on October 26th, the City was in receipt of a preliminary drainage plan that was “submitted on October 11, 2018.” With this plan in hand, the City issued a MDNS that contained four mitigating conditions for off-site stormwater impacts they believed to be necessary.

Now, the City in its December 27th MDNS, has cited, without presenting any new data, this same October 11th document to say that two of these mitigating conditions are no longer necessary. Both assertions can't be true.

The Conduct of the Traffic Impact Analysis.

This MDNS references traffic mitigation and also a Traffic Impact Analysis (TIA). The TIA conducted for this project violated the City's own procedures, should have been rejected and provides no legitimate basis upon which an MDNS can be based.

1. TIA Guidelines for New Developments (Ordinance No. 7110) states the TIA “must follow the City of Olympia guidelines for a Traffic Impact Analysis”.

The staff procedure on this TIA did not follow the guidelines thereby foreclosing the right of the parties of record access to a record/analysis upon which they could enter on substantive grounds the mandated Hearing Examiner's public hearing.

On Page 1 of the Guidelines there is a description of “Traffic Impact Analysis Scoping Meeting.” The staff did not hold a scoping meeting for this project. Despite numerous assurances to the parties of record that such a meeting would be held in the future (Paula Smith, March 15, 2018; Dave Smith, March 19, 2018) it was not held. On March 22, 2018, Assistant Planner Paula Smith informed us that, “A meeting was not held.”

In the absence of such a meeting, the parties of record are denied a subsequent written report. We received such a post meeting report on the Storm Water Scoping meeting, but not on the TIA. The absence of this written record on a TIA scoping meeting forecloses the right of the parties of record to comment before the Hearing Examiner at the mandatory public hearing.

2. The TIA Guidelines call for an analysis “on the surrounding transportation system” (p. 2) and that it “shall be a thorough review of the immediate and long range effects of the new development on the transportation system.” (page 3).

The staff directions to the consultant ensured that this “thorough review” would not & could not be accomplished. Thus, both the Hearing Examiner and the Parties of Record are denied a substantive basis upon which to both critique and make judgments about the effects of this application for a preliminary plat by Mr. Vo.

As is well documented by the City's own “West Olympia Access Study,” or the Westside portion of the City's recent mapping for its “Transportation 2030,” the “surrounding transportation system” is much greater than what the staff determined the consultant should review for this TIA. (These studies need to be included in the record for the Hearing Examiner).

The staff limited this TIA to a minor part of West Olympia. The study, therefore, did not include any traffic flows down 9th Avenue to Percival or through the rest of the northern cut-through streets such as Decatur, Milroy or Cushing. It did not include the major intersection of Harrison and Division, let alone the traffic up and down 4th avenue.

The absence of such an analysis forecloses the ability of the Hearing Examiner and the parties of record to enter the mandated hearing on a substantive basis or for the Hearing Examiner to make legitimate judgments in the presence of accurate information.

3. The City staff did not email the TIA to the parties of record thus again foreclosing their right to participate in the mandated public hearing on substantive grounds.

The City staff did email the materials from the Storm Water Scoping meeting to the parties of record as required, but it did not email the TIA to the parties of record. The City staff noted that the TIA was available on the City's website via a link that was broken and dysfunctional. Nevertheless, the availability of the City's website is not what is legally required to meet the City's obligation to notify parties of record. This obligation requires direct communication of substantive materials to the parties of record. This did not happen with the TIA.

4. City of Olympia Transportation Engineer David S. Smith indicated to the consultant that he “discuss future connection to Decatur.” (March 21, 2018). This promotion by a City staff member of a flagrant violation of the City's Comprehensive Plan which deleted this connection in 2014. The promotion by this staff member calls into question again not only the integrity of the City's procedure, but also the legitimacy and purpose of the TIA itself.

The connection to Decatur that Engineer Smith and City staff are promoting is an automobile connection from the proposed 18th Avenue inside Mr. Vo's preliminary plat design east to Decatur SW. This automobile connection would exit across Mrs. George Johnson's property and into the middle of a 273 foot Bike/Pedestrian Pathway. Not only does the City have no right to cross Mrs. Johnson's property, but this Pathway is permanently closed to automobile traffic, as decided by the City Council and included in the Comprehensive Plan update of 2014.

Such an option can not legitimately come before the Hearing Examiner unless the City Council has changed its Comprehensive Plan. It has not.

5. The Southwest Olympia Neighborhood Association (SWONA) was denied what they believe to be observation rights to scoping meetings thus frustrating and foreclosing its ability to participate in the public hearing process on a substantive basis.

When SWONA was informed by CP&D Director Stahley that scoping meetings were not “public meetings” and therefore SWONA representatives would not be informed in advance or allowed to observe, SWONA asked for the City's legal opinion upon which Mr. Stahley's assertion was based. The City's attorney never provided SWONA with that opinion nor did the City Council direct the City attorney to respond.

In the absence of any written legal opinion justifying the exclusion of parties of record or SWONA from these scoping meetings by Mr. Stahley, the parties of record have unjustly been denied information pertinent to their ability to participate on a substantive basis in the public hearing.

#### SUBSTANTIVE OBJECTIONS

##### Storm Water

The storm water data presented in support of this project has been flawed from the time of the first submitted Environmental Checklist through to its current configuration. This series of flawed presentations provides no substantive assurance that this project can meet Storm and Surface Water Plan dated August 2017.

In addition to this series of flawed reports, the most recent attempt of the staff to circumvent established development procedures and to reverse their storm water analysis of October 26 with no new data shows again how questionable the storm water analysis has become.

Environmental Checklist submitted March 30, 2018.

This environmental checklist submitted by Mr. Vo's engineer, Chris Merritt, was deeply flawed and an indicator of future mistakes and omissions. For example, Mr. Merritt was asked to identify water bodies related to the site. Mr. Merritt placed a “N/A” here.

There were in fact three very obvious water bodies related to the site.

There is a block long retention pond in Wellington West that is only a few yards from the site. Also, during times of heavy rain, runoff from this retention pond creates a stream of storm water that flows the entire length of the 9.4. acres and seeps into the back of the Chrysler/Jeep Dealership.

The third water body related to the site is Percival Creek, described as an “Urban Treasure.” Percival Creek has a nearby presence at the Capital Auto Mall. Storm water from this site and from the proposed project flows into Percival Creek.

The fact that Mr. Merritt did not identify any of these “water bodies” in his March 30, 2018 checklist indicated substantive flaws in his analytical abilities and in his certified reports.

The fact that he and the City have never included an analysis of the environmental impacts of this storm water on Percival Creek is still a major substantive flaw in the MDNS.

Preliminary Drainage and Erosion Control Report, dated March 29, 2018, and Updates

The substantive flaws in Mr. Merritt's work continue with this report and its updating. The application itself and its proposed storm water plan contradicts the three primary responsibilities of Surface Water Management (Chapter Three) by increasing the eventuality of “flooding” commercial property, impairing “water quality” by

the production of undesirable, warm storm water and damaging “aquatic habitat” by sending warm storm water into Percival Creek and the Deschutes and thus impairing the City's responsibility for the Total Maximum Daily Load (TMDL).

His proposed plan was radically undersized and could not accommodate the storm water created by eliminating at least 15,557 sf of forest and covering 54% of the 9.4 acres (221,165 sf) with “hard surface areas.”

Wellington West (WW) Storm Water. This report did not contain a drainage examination of how the proposed site has acted to the benefit of Wellington West by absorbing its storm water run off. The report incorrectly attests to the absence of storm water on site (“puddles”- p.7)) and does not recognize the existing damage of WW storm water at the Chrysler/Jeep dealership. Without a “run-on” estimate of Wellington West's storm water onto the proposed site, the proposed storm water plan was radically undersized and remains so.

The Ditch. The report acknowledged the presence of an informal ditch caused by WW run off, but proposed to both formalize this ditch and then straighten it in the southern portion of the site. At the southern boundary of the site, they intended to use a new set of riprap over a 14 foot cliff that will direct storm water into an already existing and inadequate (east/west) ditch at the northeast corner of the Chrysler/Jeep dealership. This new riprap, among other features of their plan, would lead to increased flooding of commercial property. None of these ditch related proposals survived a close critique by neighbors.

Bayfilters and StormTech Chambers. The plan proposed to replace storm water retention ponds with an underground StormTech Chambers located in the southwest section of the site just above the Chrysler/Jeep dealership. This system of filters and chambers is suppose to deal with more than 5,000 sf of new total pollution-generating hard surface. Unlike storm water retention ponds, however, this system requires maintenance because the filters tend to clog thus leading to the spread of storm water onto the site. Maintenance of this relatively sophisticated and buried system is assigned to the site's presumed Home Owners Association with neither the expertise nor financial capacity for such a task. The current proposal still contains this system of Bayfilters and Storm Tech Chambers, but the problem of clogged filters has never been addressed and no analysis of how this system actually functions in real life developments was presented.

Seepage. The bottom of the stormtech chambers are open. The presumption is that the storm water will be absorbed on site by the sand found 10 to 25 feet below the till. There is, however, a real possibility of a “seepage face” in which water seeps from the stormtech system, making the southern hillside wet, leading to slope failure and landslide. Given the stormtech's southwestern location, this would lead to direct damage of the Chrysler Jeep dealership.

The two mitigating conditions designed to protect the Chrysler/Jeep dealership from this seepage problem have been deleted in this new MDNS thereby assuring increased seepage into the dealership. Mr. Merritt's last minute email to staff on December 4th proposing a 36 inch pipe to absorb overflow that is not infiltrated on site is yet another example of Mr. Merritt's unsubstantiated presentations.

Warm Storm Water Run-Off into Percival Creek. While the report states “no stormwater will be discharged into a fresh waterbody,” storm water does already and will flow into Percival Creek at an intensified rate thus impairing the Creek's water quality and the City's responsibility for Total Maximum Daily Load (TMDL). There still has been no analysis related to Percival Creek.

#### Traffic

There are numerous substantive flaws in the MDNS many of which occur because of all the procedural inadequacies of the conduct of a TIA by both the City and Mr. Vo's consultants.



Violation of the Comprehensive Plan.

The largest number of comments received on the update of the City's Comprehensive Plan in 2014 concerned keeping the southern end of Decatur closed to automobile traffic and keeping 16th and Fern closed to automobile traffic. In response to this, the City Council, under the leadership of Mayor Stephen Buxbaum, deleted both of these automobile connections from the Comprehensive Plan in December 2014.

The staff, Mr. Vo and Chris Merritt's placement of a "Future Road Connection" from 18th Avenue to the middle of the neighborhood created Decatur Pedestrian and Bike Pathway is an attempt to override the City Council, the Comprehensive Plan and the citizenry of the SW neighborhood. If the staff is successful in this endeavor whatever legitimacy the Council may have remaining in the eyes of the citizenry will be lost.

This "future road connection" must be deleted.

Anti-Pedestrian-No Sidewalks- No bike lanes on Fern Street to 9th Avenue

Despite Comprehensive Plan language and years of effort by the SWONA, there is no mention of the completion of sidewalks, incorporation of bike lanes to and from the project or on Fern street. This is a serious error.

The TIA conducted for this project stated – referring to pedestrians on Fern to 9th Avenue as "Non-Motorized Traffic:

"The area has well developed pedestrian facilities in the form of sidewalks, crosswalks, and bike lanes that help alleviate any potential conflict between motorist and non-motorist." (Page Ten).

This statement is pure fiction. There is no sidewalk or curb on either side of Fern Street for one block from 9th Avenue south to the Tuscany gated community. There is also no street lighting. There is no sidewalk on the south side of 9th Avenue from Black Lake Blvd to the Fern Street intersection. There is no sidewalk from the bus stop on 9th Avenue and Fern east to Cushing SW, except in front of Village Gardens.

There are also, of course, no bike lanes inside Wellington West nor any proposed by Alex Vo for his preliminary plat, only two car garages. This is in line with the City of Olympia's de facto transportation policy which is the continual movement of automobiles to retail sites.

The only project implication is the elimination of bike and pedestrian pathways by the future road connection to the middle the Decatur Bike/Pedestrian Pathway by driving automobiles through it.

Volume Not Speed

The MDNS states that the anticipated 426 daily trips on Fern Street which exceeds the range for a neighborhood collector will "intensify and increase traffic volumes on Fern Street."

The intensification of traffic volumes on Fern Street has been a de facto policy of the City's traffic engineers for decades as it approves large scale apartment complexes on this unimproved street for years. This policy has led to a disastrous intersection at 9th and Fern for which this project offers no remedy.

The only proposed remedy for this project – yield signs at 15th – or for Fern street -traffic calming devices – between 14th and 9th are supposedly designed to "help slow traffic on Fern." There is no data in this report about "speed." The City simply refuses to acknowledge their promotion of automobiles as the source of the problem.

Absence of Construction Plan.

There has been no plan presented to the neighbors of Wellington West about how the elimination of the tree cover, the bulldozing of 18,000 cubic yards of earth and the construction activity involved in building 56 single family homes will affect their neighborhood environment, especially when all this activity will take place utilizing the narrow street confines of Wellington West.

The only reference to construction in all of the consultant reports and staff reports is signage on a Plan diagram stating: "Temporary Construction Entrance" at the southern end of a very narrow Fern Street SW.

"Probably Will Not Have a Significant Adverse Impact"

You make this statement on page two of your MDNS. I disagree.

This project has already had a significant negative impact on the legitimacy of the Comprehensive Plan as policy, on the integrity of the City's development procedures, on the impartiality of its staff, on the integrity of a public hearing conducted by your Hearing Examiner, on the public statements made by City Council members and on the relationship of the Selby/Jones Administration to one of its most active and involved neighborhoods.

To proceed with the approval of this procedurally invalid and substantively flawed project will simply add to the significant damage it has already caused. Please withdraw it.

**Paula Smith**

---

**From:** Phil Cornell <phil\_cornell@yahoo.com>  
**Sent:** Monday, January 14, 2019 3:55 PM  
**To:** Paula Smith  
**Cc:** Dan Leahy  
**Subject:** Re: City of Olympia- Wellington Heights Project 18-1315

“...concluded that withdrawing or further revising the MDNS is not warranted.” This is a slap in the face, a gross insult, to all who took time to comment and all who will be affected by this project and, based on your attitude and the attitude of city staff, all who are affected by any and all future projects. It is clear that you “reviewed” the comments but ignored the myriad of valid arguments that this project should not be approved. The residents of this city are waiting for someone to listen to our complaints but all we get is lip service.

“...and a \$1,000.00 administrative appeal fee.” You really have no intention of listening to the residents. Outrageously high fees tell us that you are only interested in listening to developers.

Prepare for a vigorous and very noisy response to this decision. You are working for the developer, not the residents of the affected neighborhoods. This is wrong in so many ways.

Phil Cornell  
1502 15th Ave SW, Olympia

On Monday, January 14, 2019, 3:11:23 PM PST, Paula Smith <psmith@ci.olympia.wa.us> wrote:

***Dear Parties of Record:***

**SUBJECT:** Wellington Heights 18-1315

**STATUS UPDATE AS OF JANUARY 14, 2019**

City staff (including the SEPA Official) reviewed all of the comments received on the Revised Mitigated Determination of Non-significance (MDNS) and concluded that withdrawing or further revising the MDNS is not warranted. In making this determination, the SEPA Official considered provisions in WAC 197-11-340 and concluded: 1) there were no substantial changes to the proposal that would result in significant adverse environmental impacts, 2) no new information was submitted identifying significant adverse environmental impacts, and 3) mitigation measures in the Revised MDNS are appropriate for mitigating offsite traffic and stormwater impacts.

As stated in the Revised SEPA MDNS that was issued on December 27, 2018, an appeal can be filed:

Pursuant to RCW 43.21C.075 (3) and Olympia Municipal Code 14.04.160(A), the conditions (mitigating measures), or lack thereof, in an MDNS may be appealed by any agency or aggrieved person.

Appeals must be filed with the Community Planning and Development Department at the address above within twenty-one (21) calendar days of the date of issue. Any appeal must be accompanied by an Appeal of an Administrative Decision Form and a \$1,000.00 administrative appeal fee.

**APPEAL DEADLINE:** 5:00 p.m., JANUARY 17, 2019

Appeal Form can be found under the Land Use Applications at: <https://ci-olympia-wa.smartgovcommunity.com/Public/DocumentsView>

Please note that the Wellington Height webpage will be updated soon. This courtesy notice was sent to all the parties of record

Sincerely, Paula

Paula Smith, Associate Planner

*City of Olympia / Community Planning & Development*

601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967

360.753.8596 | [olympiawa.gov](http://olympiawa.gov)

[psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)

*Note: Emails are public records and are potentially eligible for release.*

**Paula Smith**

---

**From:** sharcbyte@comcast.net  
**Sent:** Wednesday, January 16, 2019 1:16 PM  
**To:** Paula Smith  
**Subject:** Re: City of Olympia- Wellington Heights Project 18-1315

Paula Smith. Seriously, this was written on Jan 14th and the deadline to appeal is Jan 17th. Thanks for the notice. I received it on the 16th since I do not read my email daily. I feel like this is already a done deal and as much as i hate the idea of disrupting a nice, quiet and diverse community in the heart of West Olympia, it is probably never going to be the same and property values are going to drop as potential owners see the safety problems for small children, the disabled and animals here. Sharron Cohen, resident of Wellington West Sub Division.

On January 14, 2019 at 3:11 PM Paula Smith <psmith@ci.olympia.wa.us> wrote:

*Dear Parties of Record:*

**SUBJECT:** Wellington Heights 18-1315

**STATUS UPDATE AS OF JANUARY 14, 2019**

City staff (including the SEPA Official) reviewed all of the comments received on the Revised Mitigated Determination of Non-significance (MDNS) and concluded that withdrawing or further revising the MDNS is not warranted. In making this determination, the SEPA Official considered provisions in WAC 197-11-340 and concluded: 1) there were no substantial changes to the proposal that would result in significant adverse environmental impacts, 2) no new information was submitted identifying significant adverse environmental impacts, and 3) mitigation measures in the Revised MDNS are appropriate for mitigating offsite traffic and stormwater impacts.

As stated in the Revised SEPA MDNS that was issued on December 27, 2018, an appeal can be filed:

Pursuant to RCW 43.21C.075 (3) and Olympia Municipal Code 14.04.160(A), the conditions (mitigating measures), or lack thereof, in an MDNS may be appealed by any agency or aggrieved person.

Appeals must be filed with the Community Planning and Development Department at the address above within twenty-one (21) calendar days of the date of issue. Any appeal must be accompanied by an Appeal of an Administrative Decision Form and a \$1,000.00 administrative appeal fee.

**APPEAL DEADLINE:** 5:00 p.m., JANUARY 17, 2019

Appeal Form can be found under the Land Use Applications at: <https://ci-olympia-wa.smartgovcommunity.com/Public/DocumentsView>

Please note that the Wellington Height webpage will be updated soon. This courtesy notice was sent to all the parties of record

Sincerely, Paula

Paula Smith, Associate Planner

*City of Olympia / Community Planning & Development*

601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967

360.753.8596 | [olympiawa.gov](http://olympiawa.gov)

[psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)

*Note: Emails are public records and are potentially eligible for release.*

**Paula Smith**

---

**From:** katstan@q.com  
**Sent:** Thursday, January 24, 2019 10:56 AM  
**To:** Paula Smith  
**Subject:** Storm Water Appeal Denied for Bruce Titus But ABS Application for Development Is Processed Despite No Corporate Charter

City Planners:

Planners processed Alex Vo's ABS LLC application re. his Wellington Heights development over a considerable period of time when his defunct LLC was no longer an entity; it was legally unable to do business in the State of Washington since its corporate charter had been administratively dissolved by the Secretary of State's office.

When Bruce Titus sent an appeal letter regarding storm water issues to be followed by a fee, when the fee was late by a few hours of operation (due by 5pm one night but arrived the next morning), Bruce Titus's appeal was denied.

This different treatment is blatantly biased; planners quite obviously have favored the developer over community concerns-a pattern in their dealings with the southwest neighborhood that has questioned their planning decisions and competence.

Kathy Harrigan,  
Community Member