

**CITY OF OLYMPIA HEARING EXAMINER
STAFF REPORT**

Hearing Date: March 11, 2019
File Number: 18-4309
Project Name: Olympia High School Classroom Addition
Applicant: Kurt Cross of the Olympia School District
Representative: Ron Harpel of BLRB Architects
Project Location: 1302 North Street SE
SEPA Determination: DNS issued on October 22, 2018, no appeals filed.
Zoning Designation: Residential 4-8
Comprehensive Plan Designation: Low Density Neighborhood

Request Action: Applicant seeks Conditional Use Permit (CUP) and Variance application approval. The Proposal includes a 36,000sf addition to the existing school to accommodate 25 new classrooms (four classrooms are to be constructed up to 10 years from now), interior modernization, relocation of a practice field to include synthetic turf and lighting, and relocation/addition of vehicular and bicycle parking. School capacity is anticipated to be increased by approximately 255 students. The variance application is to exceed the residential limits on impervious surfaces by approximately 13% and hard surfaces by approximately 7%.

Documents Reviewed: Original plans were submitted on October 10, 2018, revisions were received on January 16, 2019. Project documents generally include land use application forms and checklists, architectural, civil, and landscape plans, preliminary stormwater site plan, tree report, and a Level 1 Traffic Impact Analysis.

Public Notification: Notice of Application: October 22, 2018
SEPA Decision: October 22, 2018 (Issued and noticed by the Olympia School District)
Notice of Public Hearing: Published in the newspaper – February 12, 2019. Distributed to parties of record, adjacent property owners, and agencies – February 28, 2019

Staff Contact: Nicole Floyd, Senior Planner, 360.570.3768,
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Staff Recommendation: Approval, subject to conditions identified at the end of this report.

BACKGROUND INFORMATION:

The project is located in a developed residential neighborhood. The school was built in 1961 and remained mostly un-changed until the year 2000 when a series of updates and expansions were completed. Of those updates, the one that received the most community attention was the 2003 application to remodel Ingersoll Stadium. The project received Land Use Approval in 2004, and was appealed to the Hearing Examiner due to concerns that the stadium modifications would lead to increased impacts on adjacent residences. The appeal resulted in additional conditions of approval to minimize potential impacts related to the field lighting, hours of operation, limitations of non-district users of the stadium etc. The portion of this project to re-locate the practice field and add lighting has caused a resurgence of concerns similar to those raised with the Ingersoll Stadium project.

This parcel of land includes Olympia High School, Pioneer Elementary School, and a large undeveloped tract of land separated from the main campus by Henderson Boulevard. Although all three of these uses are on the same parcel, they are functionally separate. The “project site” for this project includes only the area associated with Olympia High School.

REGULATORY FRAMEWORK:

This project has been reviewed for compliance with all applicable City regulations as necessary to determine if this project’s design will conceptually meet the City’s development standards. The proposal will be subject to engineering and building permit review upon receipt of complete civil and construction applications and plan sets. This report will address project code compliance in relation to the Comprehensive Plan and the Olympia Municipal Code (OMC) and all other applicable City development standards.

COMPREHENSIVE PLAN: Generally, the project is in compliance with the goals and policies of the Comprehensive Plan. The following citations reflect this compliance:

GL 1: Land use patterns, densities and site designs are sustainable and support decreasing automobile reliance.

Staff Response: *Incorporating and supporting schools in existing neighborhoods helps minimize the need for excessive auto travel.*

GL 20: Development maintains and improves neighborhood character and livability.

Staff Response: *Improvements to the school have been reviewed and recommended for approval by the Design Review Board. Careful attention was paid to the impact on neighborhood character and potential impacts to the surrounding land uses.*

PS2.1 Encourage school districts to retain their existing sites, as the schools are critical to maintaining a strong and healthy neighborhood.

Staff Response: *This expansion will promote the School Districts ability to serve the*

needs of the students in the district.

OMC TITLE 14. ENVIRONMENTAL PROTECTION:

The Olympia School District is acting as the lead agency and issued a SEPA Determination of Non-Significance on October 22, 2019 with an appeal period of November 6, 2018 pursuant to WAC 197-11. The appeal period was extended to November 13, 2018. The Olympia School District did not receive an appeal.

UNIFIED DEVELOPMENT CODE, TITLE 18:

- 1) Purpose of Residential 4-8 Zone: Pursuant to OMC 18.04.020 the R 4-8 zone is intended to accommodate a variety of housing types within a density of 4-8 units per acre. While this project is not a residential development, the use of a school is a customary and complimentary use typically found in residential areas.
- 2) Permitted Uses Standards – OMC Table 4.01 & 18.04.060(cc): The project is located in the Residential 4-8 zone, which allows for schools as a conditional use. Specific criteria are cited within the Table as being within 18.04.060(dd). This code citation appears to be in error as 18.04.060(dd) relates to temporary uses, and the section directly above in 18.04.060(cc) is entitled “Schools”. For the purposes of review, staff has used “schools”, rather than the probable scrivener’s error of “temporary uses”. While this is not a new school, the expansion is being processed in the same manner as a new school, which triggers compliance with these criteria. There are six criteria for approval of schools within the residential zoning district. Each criterion has been reviewed to ensure the addition will continue to meet the code. Each has been found to be in compliance as follows:
 - School Site Size: A minimum of 1 acre per 100 students is required.
 - The Parking Narrative indicates the future enrollment capacity at 2,105 students and a site size of approximately 40 acres, which results in approximately 50 students per acre, which is well beneath the minimum.
 - Outdoor Play Area: N/A – Only applicable to elementary schools.
 - Building Size: A minimum of 80 square feet per student within the building.
 - According to the responses submitted by the applicant in the Review Table (Attachment 19), the school will provide approximately 130sf per student when the project is complete (including the 4 future classrooms).
 - Screening: Areas adjacent to residential uses shall be screened.
 - The building additions are tucked into the center of the site, new parking areas are proposed on the site perimeter on North Street in areas currently surrounded by existing parking. New landscaping along North Street is proposed as well as enhancements to existing areas throughout the existing parking lot.

- Portables: More than 10 require CUP Approval: N/A, no new portables are proposed. Project includes removal of 7 individual portables that currently house 10 classroom spaces. Removal is anticipated following completion of phase I construction.
 - Building Expansion: Expansion of more than 10% of the existing structure requires a CUP.
 - As this project represents an expansion greater than 10% of the existing structure size, it is being processed as a Conditional Use Permit.
- 3) Applicable Development Standards OMC 18.04.080: The project has been reviewed for compliance with dimensional standards such as setbacks, height, maximum building coverage and impervious surface limits. The project is generally in compliance with these standards, however it exceeds requirements for both impervious and hard surface limitations, which is the purpose of the variance request (see below for analysis).
- 4) Landscaping, OMC 18.36: The project is required to generally comply with the landscaping chapter, however those areas onsite that are already developed and adequately landscaped are not required to be replaced. The applicant has submitted a Landscaping Plan for the newly disturbed areas on onsite and an analysis of existing landscaping areas (Attachment 8) to demonstrate code compliance. Some of the existing parking lot landscaping has died and will therefore be replaced as part of this project. Landscaping plans do not identify replacement in all of these areas; therefore, a condition of approval has been added to ensure compliance. A more detailed review of the landscaping plan will be performed with the construction permit review.
- 5) Parking OMC 18.38: Pursuant to OMC 18.38.060, the project must comply with the parking standards. The applicant has submitted a detailed parking analysis (Attachment 14) concluding that the proposal exceeds the vehicular parking requirements by 13 spaces. Parking requirements for the school are based on a combination of the number of classrooms, offices, and number of students of a driving age. Some vehicular parking spaces are being relocated to accommodate the building addition. This will result in a net gain of 11 parking spaces on the campus.

Both the auditorium and stadium are accessory uses associated with the school. These facilities are heavy users of the onsite vehicular parking, but typically do not use the parking during school hours. The additional 11 parking stalls will increase the amount of parking available for these existing uses onsite. The proposed practice field is not anticipated to significantly increase parking demand, as it will be replacing the existing practice field. Although the new field will include lighting, its

size and anticipated use is comparable to the existing field that is being removed. The existing field will be replaced with vehicular parking.

The code requires both long-term and short-term bicycle parking. These parking spaces are required on a per classroom basis. Current site conditions include several different bicycle parking areas, of which only some meet the current requirements for covered, secure bicycle parking. The requirement for covered bicycle parking has been in effect since 1995 and has therefore been applicable to the various school expansions that have occurred since the codes were adopted. The applicant's proposal includes evaluation of the bike parking requirements for the entire school, rather than just the additional classrooms. This is the preferred approach primarily because several of the existing bike parking areas are intended to be removed and replaced, making it difficult to determine which areas meet current code, and which do not. This approach will likely result in a significant enhancement of the quality and convenience of bike parking throughout the site. Long-term bike, and short-term bicycle parking is calculated at the same rate: one space per five classrooms, plus one for every 40 students, as such 73 of each type are required and have been identified in various places throughout the site, on the site plan. A condition of approval to ensure the design of all bike parking areas is shown on construction plans has been added.

- 6) Variance 18.66: The applicant is requesting a variance from two similar standards, impervious surface limits and hard surface limits as follows:
- Request to increase the impervious surface coverage onsite by approximately 3.2%, which will result in an exceedance of approximately 14% above the code limitation.
 - Request to increase the hard surfaces onsite by approximately 3.5%, which will result in an exceedance of approximately 7%.

The Hearing Examiner has the authority to grant variances from specific development standards provided all the criteria in OMC 18.66.020 are met. The applicant has submitted a Variance Request (Attachment 3) demonstrating how their project complies with each criterion. The memo lists each requirement and provides a detailed analysis for each. The City concurs with the applicant's conclusions and recommends approval of the variance request to increase the amount of impervious and hard surface the project covers beyond the limits established in OMC 18.04. Table 4.04.

Related to this variance request is the City's current municipal code amendment proposal to modify the impervious and hard surface limits within all residential zones. If approved, the amendments would relax the hard surface limits for all development types within residential zones and would relax impervious and hard surface limits for non-residential uses (churches, schools, parks) within residential zones. These variance requests to increase impervious and hard surface are well below the proposed limits of the proposed amendments. The amendments have been reviewed and recommended for approval by the Planning Commission. A hearing

before the City Council has not yet been scheduled, but is expected to occur within the next few months.

The reason for amendment relates to the 2016 Low Impact Development (LID) code update. At that time, all impervious surface limits were reduced by 10%, and a new category of surfaces called “Hard Surfaces” was created. Hard surfaces include all surface types including those that allow water to penetrate through them, such as pervious pavement. Code changes to impervious and hard surface limits created several nonconforming conditions for non-residential developments in residential zones, such as this school campus. Following implementation, the City has found that the new limits do not adequately incentivize the use of new technologies intended to retain stormwater onsite and generally do not achieve the intent of the LID update.

The City concurs with the applicant’s justification for a variance and recommends approval of both variances requested.

- 7) Wetlands 18.32.500: The area on the site plan identified as “Freshman Pond” is considered a Kettle Wetland, which is regulated by the City’s Critical Area Regulations. The current site conditions include highly modified wetland with a fully developed buffer area. Although the current wetland regulations would prohibit development within several hundred feet of the wetland, the provisions of the nonconforming chapter supersede due to the developed nature of the site. The code states that existing structures located within a critical area or its buffer may continue and shall be exempt from further review if there is no negative impact to the critical area and its buffer (OMC 18.37.070). Key Environmental Solutions, LLC. has provided a memo (Attachment 9) outlining their professional opinion of how the addition would affect the wetland. The memo states that the proposal will include minor increases in stormwater entering the wetland, but that these increases will likely benefit the wetland functions as it will be treated to remove pollutants and the increased flow could help wetland plants survive the dry summer months. The code is satisfied.
- 8) Design Review OMC 18.100: All non-residential projects over 5,000 sq. ft. within a residential zoning district are required to be reviewed for compliance with specific design criteria. Due to this project’s size, Board Level Design review was required. The Design Review Board held a meeting on December 6, 2018 to discuss this project. The Board recommended approval of the project with no conditions or recommendations for changes to the project design. The project is required to undergo Detail Design Review with the building permit application process. A condition of approval has been added to ensure compliance.
- 9) Engineering Design and Development Standards (EDDS) Review: This project has been reviewed for compliance with the following: OMC, Title 12 and 13, including the Olympia Development Standards, Engineering Design and Development Standards (EDDS), December 2016 Edition, Storm and Surface Water Utility, and the Drainage

Manual and Erosion Control for Olympia (DDECM), 2016 (Manual). The plans have been reviewed to ensure adequate provisions for water, sewer, storm drainage, solid waste, street lighting, frontage improvements and traffic safety are adequately provided for. The city has found plans adequate for conceptual approval, but requires a detailed engineering construction permit be submitted, reviewed, and approved prior to construction. A condition of approval has been added to ensure compliance.

- 10) Traffic: The City reviewed the initial Traffic Impact Analysis (TIA) submitted by the applicant with the first round of review and found additional information was necessary. As requested, a revised TIA was submitted in January of 2019 (Attachment 12). Upon review of the revised TIA, the City found that the proposed expansion and accompanying increase in student capacity will contribute to safety impacts at the intersection of Henderson Boulevard and Carlyon Avenue. The revised TIA points out that the level of service (LOS) at the Carlyon Avenue portion of the Henderson Boulevard and Carlyon Avenue intersection are projected to be LOS F during the morning traffic peak. Additionally, increased safety concerns have been identified by the City's Transportation Engineer related to the increase to vehicle delay, presence of a school crossing, and lack of gaps in traffic on Henderson Boulevard (EDDS Appendix 7). Existing data indicates that most vehicle speeds are in excess of the 20 mph school zone speed limit in this area, which further intensifies the safety hazard for children walking and biking to school.

The proposed resolution in the revised TIA would adequately address the LOS issue, but would not help, and would likely exacerbate the safety issues for pedestrians and bicyclists. Instead, the City believes a compact roundabout delineated with pavement markings, tubular posts, and raised mountable asphalt center feature is a more viable solution. Attachment 21 identifies the conceptual design of the compact roundabout envisioned for this location.

The roundabout is a proven treatment that addresses pedestrian safety, speed management, and intersection operations; all needs identified by adjacent residents, OSD, and the applicants TIA. A condition of approval has been added to ensure this offsite improvement is installed with the first phase of this project. While off-site mitigation is typically addressed through SEPA, the SEPA DNS was issued before the revised TIA that identified the impact, had been prepared or reviewed. The City and School District agree that the compact roundabout is the best solution and that the most prudent course of action is to add its installation as a condition of Conditional Use Permit approval, rather than re-issuing the SEPA Determination. A condition of approval requiring the compact roundabout is provided.

- 11) Urban Forestry OMC 16.60: The project must comply with OMC 16.60, "Tree Soil and Native Vegetation Protection and Replacement". The project has been reviewed for compliance and found to generally comply with the tree retention requirements. An existing tract of land to the East of the site has traditionally served as the soil and vegetation protection area for the school campus. The trees within this tract remain

intact and exceed the code requirements. Details regarding tree protection fencing and other construction related activities will need to be provided on the engineering construction permit plans. A condition of approval has been added to ensure compliance.

- 12) Hearings Examiner Approval Required OMC 18.48: Certain uses, because of their unusual size, infrequent occurrence, special requirements, etc. are classified as conditional uses. This project has been identified within OMC 18.04.060(cc) as requiring such review. According to OMC 18.48.040, the Examiner may impose additional conditions on a particular use if it is deemed necessary for the protection of the surrounding properties, the neighborhood, or the general welfare of the public. The Site Plan Review Committee has identified several conditions of approval at the end of this report that will ensure the proposal does not impact properties beyond the site boundaries. The Examiner may approve, deny, or modify any of the staff recommendations.
- 13) Expiration of Approvals OMC 18.72.140(b): Typically, a Conditional Use Permit expires after 1 year; however, this code section grants the Hearing Examiner has the authority to extend such timelines. The applicant is requesting the Examiner grant an extension to allow Phase II (4 classrooms) to be constructed within ten (10) years. The applicant requests this extension to allow for adequate time to obtain funding for this next portion of the project. The City supports this request as the project review has included these additional classrooms as well as the overall design. To approve the request, a condition of approval specifying the timeline would be necessary. Such a condition has been provided.
- 14) Public Notice OMC 18.78: Specific notification requirements are applicable for different steps of the permit process. These steps are spelled out in OMC 18.78. Notice was properly given for the Notice of Application, Design Review Board Meeting, and Notice of Public Hearing as follows:
 - Notice of Application, Neighborhood Meeting and Design Review Board Meeting: Oct. 23, 2018, sent to all property owners within 300', all applicable agencies and known interested parties, all nearby neighborhood associations, posted onsite, and posted on the City's Website. The Neighborhood Meeting was held on October 29, 2018, and the Concept Design Review Board Meeting was held on December 6, 2018.
 - Notice of Public Hearing (OMC 18.78.020): On February 28, 2019, the City sent notice to all property owners within 300', all applicable agencies, all known interested parties, all nearby neighborhood associations, posted onsite, and on the City's Website. Notice of the hearing was also published in the Olympian, on February 12, 2019.
- 15) Public Comments: Several public comment letters have been submitted related to this project. They can be reviewed in Attachment 18. Many of the comment letters address concerns about the SEPA Checklist and Determination of Non-Significance

issued by the School District, whom was acting as the lead agency on this project. As the City is not acting as the lead agency and the appeal period has expired without appeal, the comments related to SEPA are not addressed in this report.

The applicant has prepared a response document (Attachment 20) addressing some of concerns raised by community members. Of the comments received, the following topics appear to be of particular concern:

- Concerns about traffic and pedestrian safety in and around the campus.

Staff Response: The City's transportation engineering department has reviewed the applicants Transportation Impact Analysis and has found that an off-site compact roundabout is necessary to address safety and level of service issues resulting in the increased student capacity of this project. The City has determined that installation of the said roundabout will mitigate the impacts from this project.

- Concerns about the potential neighborhood impacts from the practice field. Some commenters have asked that the conditions that limit user groups, hours of operation, etc. that were applied to the 2004 Ingersoll Stadium remodel project should be applied to this project.

Staff Response: Such a condition has not been added primarily because the proposed practice field does not represent a new function of the campus. Instead, it will replace the existing practice field currently situated adjacent to North Street. The new field will function in the same way the current practice field functions. Although the current field is not lit, the new field is tucked into the center of the campus where it is less likely to impact adjacent residents. The current practice field (and tennis courts) are not bound by the conditions of approval for Ingersoll Stadium.

CONCLUSION & RECOMMENDATION:

A review of the Conditional Use Permit application indicates that the proposal is consistent with the criteria established in the OMC. Pursuant to OMC 72.100, the SPRC recommends approval of this Conditional Use Permit and Variance, subject to the following conditions:

1. Approval. Development shall be substantially in conformance to the approved Site Plan, Sheet A.1.0 dated February 19, 2019.
2. Specific dimensional specification for the 73 long-term bike parking (fully secure and out of the weather) and the 73 short-term bike parking (covered with racks providing 2 points of lockable connection) shall be provided with the construction permit submittal. Proposed design of the signage for bike parking shall be provided on the construction permit plans as required in OMC 18.38.220(c). All required bike parking shall be installed prior to occupancy of the building.

3. The applicant shall install a compact roundabout delineated with pavement markings, tubular posts, and a raised mountable asphalt center feature, as conceptually shown in Attachment 21, at the intersection of Henderson Boulevard and Carlyon Avenue. Said improvements shall be installed prior to final occupancy of Phase I (not including the 4 additional classrooms) of the proposed project and must be shown on the engineering permit submittal.
4. Following Land Use Approval and prior to construction, the applicant shall submit engineering design plans to the Community Planning and Development Department for detailed technical review, approval and permitting. All engineering plans shall be in conformance with the City of Olympia's 2018 Engineering Design and Development Standards. The plans shall include all applicable elements as identified in the Standards, Section 3.045 Plan Checklist. The engineering submittal shall include the following:
 - a. A construction level detailed landscaping plan reflecting the layout in the approved site plan. This plan shall include a plan for replacing trees and other vegetation within the existing parking lot as outlined in the parking analysis (attachment 8).
 - b. A signed Inadvertent Discovery Plan (IDP) that outlines how the project proponent and site crew will respond in the event that archaeological resources are uncovered during the course of project work. The IDP shall be maintained and available for inspection on the project site for the duration of excavation and construction, pursuant to OMC 18.12.140.
 - c. Plans shall demonstrate compliance with all applicable requirements related to Urban Forestry, such as tree protection fencing details.
5. A complete building permit application will be required for the construction of these structures. Project shall comply with currently adopted construction codes pursuant to the Olympia Municipal Code 16.04. All construction related activities must be appropriately permitted prior to commencement of work.
6. Hours of construction noise shall comply with OMC 18.40.080.
7. The approval of this conditional use permit shall be extended by ten (10) years to allow for the second phase of construction (4 additional classrooms) to be postponed to allow time for fund raising set to occur in/around 2025.

Report Issued Date: February 27, 2019

Attachments:

Attachment	Document Name	Date Submitted
1	Staff Report	2/27/2019
2	Permit Applications (CUP, LU, LU Supplement, DRB)	10/10/2018
3	Variance Request	1/16/2019
4	Project Narrative	1/16/2019
5	Site Plan	2/20/2019
6	Architectural Plans	1/16/2019
7	Preliminary Elevations	1/16/2019
8	Landscaping Plan (Revised)	1/16/2019
9	Wetland Assessment	1/16/2019
10	Urban Forestry Report	10/10/2018
11	Stormwater Report (Revised)	1/16/2019
12	TIA (Revised)	1/16/2019
13	Civil Plans (Revised)	1/16/2019
14	Parking Analysis	10/10/2018
15	Notice of Application	10/22/2018
16	SEPA DNS and Appeal Extension	10/22/2018
17	DRB Memo	12/6/2018
18	Public Comments	Varies
19	Review Table with Responses	1/16/2019
20	Applicant Responses to Comments	1/16/2019
21	Compact Roundabout Concept Rendering	2/15/2019
22	Legal Notice of Hearing	2/12/2019
23	Public Notice of Hearing	2/28/2019