

**CITY OF OLYMPIA HEARING EXAMINER
STAFF REPORT**

Hearing Date: September 23, 2019
File Number: 19-1636
Project Name: Intercity Transit North Parcel Expansion
Applicant: Intercity Transit
Representative: Eric Phillips of Intercity Transit
Project Location: 526 Pattison Street SE
SEPA Determination: DNS issued on August 16, 2019, no appeals filed.
Zoning Designation: HDC-4
Comp. Plan Designation: Urban Corridor / High Density Neighborhood

Request Action: Applicant requests a Conditional Use Permit (CUP) for a public facility encompassing the construction of a new administration and operation building (43,500sf), and a new fuel, wash, and facilities building (25,000sf). The project is phase II of Pattison Street Campus master plan and is subject to a development agreement between Intercity Transit and the City of Olympia.

Documents Reviewed: Plans were submitted on April 24, 2019. Project documents generally include land use application forms and checklists, architectural, civil, and landscape plans, stormwater site management plan, trip generation report, and soil and vegetation plan.

Public Notification: Notice of Application: May 2, 2019
SEPA Decision: Aug. 16, 2019
Notice of Public Hearing: Published in the newspaper –Aug. 17, 2019. Distributed to parties of record, adjacent property owners, and agencies – Aug. 16, 2019

Staff Contact: Nicole Floyd, Senior Planner, 360.570.3768,
nfloyd@ci.olympia.wa.us

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

BACKGROUND INFORMATION:

This site is the main headquarters for Intercity Transit. The site occupies approximately 12 acres and is divided into two distinct parts, the north parcel and the south parcel. The south parcel is the current base of operations and has looked much the same for the past 30 years. The north parcel is the subject of this report and is located on the corner of Pattison Street and Martin Way, to the north of the existing facility. Site improvements began in 2006 and a development agreement was recorded in 2015 that provides a specific development plan for the site. The agreement identifies the various phases of development, establishes the overall layout, addresses the responsibility for frontage improvements and vests the project to the development regulations in effect in 2015.

Previous site improvements associated with Phase I included construction of utilities and the stormwater management system. This project encompasses Phase II. The plans submitted are generally consistent with those of the master plan (shown in the Development Agreement). The master plan documents are conceptual in nature and provide an overall project scope, but detailed review for compliance with the municipal code was not been performed with the development agreement approval. The proposed plans are slightly different from those shown in the development agreement, which is consistent with expectations from both parties involved.

CITY REVIEW PROCESS:

Application Submittal: The application was submitted and deemed complete on April 24, 2019. Application materials were routed to City staff for review.

Neighborhood Meeting: The City and applicant co-hosted a neighborhood meeting on May 16, 2019. The purpose of this meeting was to enable early coordination and information sharing between the project proponent and applicant. No members of the community attended.

Design Review: The Design Review Board held a public meeting to review the project on June 27, 2019. The Boards findings are attached as Attachment 8 and their recommendations are included as conditions of approval at the end of this report.

Staff Review: The City's project review team reviewed the project for compliance with applicable codes and ordinances. Following their review, the project was taken to the Site Plan Review Committee for a recommendation on August 14, 2019; the Committee recommended approval of the project subject to a number of conditions.

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.

GT 12: The transportation system provides attractive walking, biking, and transit options, so that land use densities can increase without creating more traffic congestion.

GT18: Intercity Transit's short and long-range plans are supported.

GT19: The region is prepared to advance high capacity transportation.

GT28: Transportation facilities and services are funded to advance the goals of the City and the region.

Staff Response: *This project will increase the capacity for Intercity Transit to provide additional services to the City. This will provide more attractive transit options and reduce traffic congestion. Project approval will support Intercity Transits short and long range plans.*

UNIFIED DEVELOPMENT CODE, TITLE 18:

- 1) **Purpose of the High Density Corridor 4 Zone:** Pursuant to OMC 18.06.020 this zone is intended to transform into commercial and residential activity centers over time. To do so, the code requires development to be placed up to the street frontage with multiple floors, distinctive windows and entrances that are visible from the street. In part, this is intended to create an attractive environment for pedestrians, transit riders and bicyclists.

Staff Finding: The proposal has been designed to meet this intent. The new administrative building and fuel/wash building are placed at the street edge and the bus storage is tucked behind. This will facilitate an urban street edge while facilitating the need for bus storage.

- 2) **Permitted Uses Standards – OMC Table 6.01:** Public Facilities are listed as a conditional use within this zone. It should be noted that the code draws distinction between “Public Facilities” which this project is, and “Essential Public Facilities” which this project is not. The differentiation is made within the definition section. OMC 18.02, definitions, states that land, buildings or structures operated by a municipal or other governmental agency to provide ...mass transportation services directly to the general public are “public facilities”. The definition includes storage of equipment and materials as well as accessory functions such as administrative offices etc.

The use table cites OMC 18.04.060(v) for additional regulations related to public facilities, however upon review of this section it specifically states that the requirements are applicable to facilities in residential districts, which this property is not. Staff believes that this section is not applicable for this project, nevertheless, the project meets the criteria because it is located on a major arterial, meets the minimum lot size and other development standards for the zone, is owned by a governmental agency, and includes storage of equipment and materials that serve the community in which the service is being provided.

Staff Finding: The use “public facility” is conditionally permitted within the zone although not strictly applicable; the project meets the siting criteria for public facilities.

- 3) Applicable Development Standards OMC 18.06.080: The project has been reviewed for compliance with dimensional standards such as setbacks, height, maximum building coverage and impervious surface limits. It is important to note that the project is vested to the development standards in effect in 2015. The only difference between the current code and 2015 code relates to impervious surface and hard surface limits. The code was amended to address technologies not previously available such as porous concrete and pervious pavements. The previous code did not limit “hard surfaces” such as pervious pavement therefore, they were essentially unregulated. Plans (Sheet A-015) show the anticipated coverage for the site. While more than 85% of the site will be covered with a mix of hard and impervious surfaces, the amount of impervious surface is within the limit of the code requirement.

Staff Finding: The code is satisfied related to development standards of OMC 18.06.

- 4) Landscaping, OMC 18.36: The project is required to comply with the landscaping chapter, and to adequately plan for landscape plantings. The applicant has submitted a Landscaping Plan (Pages 9-12 of the combined plan set). The plans have been reviewed for conceptual compliance and have been found to address the necessary elements. The landscaping along the eastern portion of the site is intended to provide a dense vegetated screen to minimize potential impacts to the adjacent residential neighborhood. The parking in this location is more accurately described as “vehicle storage” because it is not accessible, nor visible by the public and is intended to house the vanpool vehicles while not in use. Vehicle storage requires the increased screening when adjacent to residential uses, but eliminates internal parking lot island requirements. Parking lots available for public use are required to provide islands and meet minimum prescriptive standards. The plan shows adequate size, planting bed locations, and appropriate planting materials. Additional detailed review of the plan will be performed with the construction permit review. Staff anticipates additional detail regarding screening and fencing at that time.

Staff Finding: The project conceptually complies with the landscaping requirements.

- 5) Parking OMC 18.38: Pursuant to OMC 18.38.060, the project must comply with the parking standards. Due to the overlap in site amenities between the existing buildings on the campus and the proposed new buildings, it was determined that parking should be calculated based on the entire campus, rather than by parcel. The applicant has submitted a detailed parking analysis (Page 14 of the Plan set, Sheet A-014) concluding that the proposal exceeds the vehicular parking requirements by 16 spaces.

The code requires both long-term and short-term bicycle parking. These parking spaces are required based on use. The administrative building will require the addition of four long-term and four short-term parking spaces. The fuel and wash building will require two of each type. The project plans divide the proposed parking more evenly between the buildings and show three short-term and long-term bicycle parking spaces within the administrative building, rather than four of each type. Although only two of each type are required for the fuel/wash building, three of each type are shown. While the sum total required is being provided staff is concerned that the employees and guests of the administrative building may not know that the additional parking in the adjacent building is intended for their use. The buildings are a significant distance apart; therefore, the parking is unlikely to be particularly convenient. For this reason, the City recommends that the Hearing Examiner condition the approval to require a minimum of four bicycle parking spaces for both short-term and long-term storage to be located within the administrative building. If it is determined that the bicycle parking must be located more than 50' from the main entry, signage shall be provided that guide the rider to the proper location, as outlined in OMC 18.38.220(c). Additionally, the project should be conditioned to ensure the requisite bicycle parking is shown on the building permit plans in a way that ensures the size requirements for bicycle parking are able to be met. A condition of approval has been provided.

Staff Finding: As conditioned, the project complies with both vehicular and bicycle parking standards.

- 6) Design Review OMC 18.100: The project is within the High Density Corridor and is therefore required to comply with all design criteria of the Basic Commercial (OMC 18.110) and High Density Corridor (OMC 18.130). The Design Review Board held a meeting on July 27, 2019 to discuss this project. The Board recommended conceptual approval of the project with several conditions, which are provided as recommended conditions at the end of this report. The project is required to undergo Detail Design Review with the building permit application process.

Staff Finding: The project, as conditioned complies with the applicable design criteria.

- 7) 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), Storm and Surface Water Utility, and the Drainage Manual and Erosion Control for Olympia (DDECM). 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. Given the amount of work that has already been constructed, the amount of utility work associated with this project is significantly less than what would typically be expected with a project of this scale. The City has found the 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.

Staff Finding: The project complies with the Engineering Design and Development Standards.

- 8) Traffic: The project is consistent with the anticipated growth outlined in the development agreement. That agreement states that as part of Phase II development, a traffic signal and pedestrian crossing will be installed at the intersection of Pattison and Martin Way. This work has already begun and is nearing completion. These improvements were determined to be necessary, by Intercity Transit, for improved bus access into and out of the site. The City supports the installation of these traffic-calming devices. The City has found that the proposed project complies with the applicable code requirements and will not reduce level of service in and around the site.

Staff Finding: Mitigation measures for traffic impacts are incorporated into the project. Level of service standards for Martin Way and Pattison Street are maintained

Urban Forestry OMC 16.60: The Development Agreement very specifically stipulates the number of trees required and amount to be planted off-site or paid fee in lieu into the City of Olympia's Tree Fund. The plans show the requisite 78 trees required to be planted on this site and the City and applicant agree that the remainder will be paid into the tree fund. The agreement establishes a rate of \$356 per tree. While the Development Agreement states that the fee of \$27,768 (or per tree amount) shall be paid at the time of Land Use Approval for Phase II, the City would prefer to defer payment to the point of the Engineering Permit Approval because it is the City's standard process to pay prior to engineering construction permit issuance. This is the preferred approach because it allows time for the applicant to refine plans and for the City to review the final landscaping plan for planting location and quantity. Postponing payment until the plans are solidified will ensure accuracy of the fee amount.

A condition of approval has been provided that establishes the fee shall be paid based on the number of trees deficient, based on a rate of \$356 per tree and shall be paid prior to issuance of the engineering construction permit.

Staff Finding: As conditioned the project will comply with the urban forestry requirements of OMC 16.60.

- 9) 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. The Examiner may approve, deny, or modify any of the staff recommendations.
- 10) 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: May 2, 2019, sent to all property owners within 300', all applicable agencies and known interested parties, all nearby neighborhood associations, and posted onsite. The Neighborhood Meeting was held on May 16, 2019, and the Concept Design Review Board Meeting was held on June 27, 2019.
 - Notice of Public Hearing (OMC 18.78.020): On Aug. 17, 2019, the City sent notice to all property owners within 300', all applicable agencies, all known interested parties, all nearby neighborhood associations and was posted onsite. Notice of the hearing was also published in the Olympian, on August 17, 2019.
- 11) Public Comments: While no members of the public have submitted comments for this project, a few agencies have provided comments. They can be reviewed in Attachment 9. The comments generally relate to the following topics:

Nisqually Tribe: Request to remain informed if there are any Inadvertent Discoveries of Architectural Resources / Human Burials.

Squaxin Tribe: If DAHP recommends a survey, or other additional recommendations the Tribe will concur.

Olympic Region Clean Air Agency: Request for additional information regarding:

- Generator size: if greater than 500hp submit a Notice of Construction Application.
- Fuel / Wash Building: If a gasoline dispensing facility is anticipated with a capacity of greater than 10,000 gallons, it may require ORCAA review.
- Questions regarding demolition of the existing admin building – if part of this project, permitting requirements related to asbestos are applicable.

Department of Ecology:

- If contamination is suspected, discovered, or occurs during construction, testing must be conducted.

- All grading and filling must utilize clean fill only. Other materials maybe considered solid waste and require additional permitting.
- Erosion control measures must be in place prior to any clearing, grading, or construction.
- A Construction Stormwater General Permit is required for this project.

Staff Response:

- Tribes / Architectural Resources: The project has been conditioned to require an inadvertent discovery plan.
- Clean Air Agency: The applicant has provided responses acknowledging the potential permitting requirements. Given the project scope, it is unclear if permits are necessary and the applicant appears to be coordinating with the agency directly, therefore a condition of approval has not been provided.
- Department of Ecology: A condition of approval has been added to ensure the applicant coordinate with the Department of Ecology.

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, subject to the following conditions:

1. The site plan shall be substantially similar with the architectural site plans (sheets A 013-015), as modified by the conditions of approval herein.
2. All development shall conform to the Interlocal Development Agreement AFN 4482282.
3. Design Review: A Detail Design Review process is required to be completed prior to issuance of the building permit. Provide the necessary modifications as follows:
 - a. Show landscaping and other site features that are intended to be greater than 30 in. above grade in the elevation plans with Detail Design Review.
 - b. The applicant shall revise the elevation plans to show proposed screening devices and plantings to ensure 60 percent coverage between two and eight feet in height along the wall.
 - c. Revise plans to ensure walls are modulated at intervals of no less than 30' where visible from pedestrians.
 - d. Buildings shall be modulated as shown in the PowerPoint presented at the Concept Design Review Board Meeting.
4. Construction plans submitted with the building and engineering permit applications shall provide four long-term and four short-term bike parking spaces within the administrative building, and two short-term and two long-term spaces in the fuel and wash building. Only if it is shown to be infeasible for the administrative building to accommodate be four bicycle parking spaces will an alternative configuration be permitted. If permitted, and the parking is more than 50' from the administrative

buildings front door, then signage shall be provided that guides the rider to the proper location. Construction plans shall indicate the dimensions of the short term (6 new) and long term (6 new) bicycle parking locations. Dimensions shall include the type and size of rack, locking mechanism, cover size and design etc. Racks shall include a minimum of 24" distance to ensure both wheels can be independently locked to the frame and rack.

5. An engineering permit application shall be submitted for review and approval prior to construction. The permit submittal shall comply with the 2015 Engineering Design and Development Standards (EDDS) and the 2009 Drainage Design and Erosion Control Manual (DDECM) that were in effect at the time of the Interlocal Development Agreement Recording. The following shall be addressed prior to submittal of the engineering permit application:
 - a. Revise plans to reflect the approved frontage improvements currently under construction on the site (Permit # 18-4827).
 - b. Show the Right of Way dedication on Pattison (15.5 feet) as required by the Development Agreement.
 - c. The dedication of Right of Way shall be recorded prior to certificate of occupancy issuance for any building addressed by this Conditional Use Permit.
 - d. The Driveway entrance on Martin Way shall be right in and right out only, plans shall be revised accordingly.
 - e. The applicant shall retain the existing solid waste compact and install additional recycling services as needed. The applicant proposes to use the existing centralized collection and shall be responsible for collection throughout the site to the existing compactor. Access is to remain.
 - f. Plans shall further clarify the onsite sewer proposal. All onsite lines are to be labeled as private and the private mains (8") shall meet the 1% slope requirement.
 - g. Tree Protection: The Project Forester shall provide tree protection locations on the Demolition and Erosion Control Plans, and shall identify the timeline for installation of fencing and all other tree protection measures. The timeline shall indicate that the fencing will be installed prior to any onsite construction and inspected prior to the preconstruction meeting. The project forester shall be contacted throughout construction to advise if issues arise between trees and construction.
 - h. Fee in Lieu: A fee in lieu for the tree unit deficit (as outlined in the Interlocal Development Agreement) shall be paid prior to issuance of the engineering construction permit. The rate per tree shall be \$356 per tree.
 - i. Landscaping: A final landscape plan, prepared in accordance with OMC 18.36, shall be submitted and shall include:

- i. Replace rock mulch with bark/organic mulch or other plant materials. Decorative use of river rock and other non-organic material is permitted, but shall not exceed 20% of any landscaping area.
6. Stormwater Permitting: The developer or their contractor shall obtain a Construction Stormwater General Permit from the Washington State Department of Ecology before any permit is issued for earth-disturbing activities associated with this project.
7. Building Permit: When the Building permit is applied for the project will be reviewed under the currently adopted version of the International Building Code (IBC) International Residential Code (IRC) International Mechanical Code (IMC) International Fuel Gas Code (IFGC) Uniform Plumbing Code (UPC) ICC A117.1, and Washington State Energy Code (WSEC) as amended by Washington State. All structural alterations or additions must be accompanied by plans and calculations stamped and signed by a Washington State licensed Structural Engineer.
8. Fire: This project shall adhere to the Olympia Municipal Code (OMC) Ch. 16.32, 16.36, 16.40, 16.44, and 13.04 Olympia Engineering Design and Development Standards (EDDS) Ch. 4, and 6, and the 2015 International Fire Code. Underground Fire plans shall be submitted with the application for the Building Permit unless submitted sooner.
9. Cultural Resources: Pursuant to OMC 18.12.140, an Inadvertent Discovery Plan shall be prepared and submitted with the construction permit application(s). The plan 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 plan shall be completed and approved prior to issuance of any construction permits or commencement of any site work, and a copy of the plan maintained on site throughout construction.
10. Hours of Operation/Construction Noise: Pursuant to 18.40.080.C.7, construction activity detectable beyond the site boundaries shall be restricted to the hours between 7:00 a.m. and 6:00 p.m.

Report Issued Date: September 13, 2019

Attachments:

Attachment	Document Name
1	Staff Report
2	Permit Applications (CUP, LU, LU Supplement, DRB)
3	Combined Project Plans
4	Urban Forestry Report
5	Trip Generation Report
6	Interlocal Development Agreement
7	Notice of Application
8	Design Review Board Memo and Attachments
9	Public Comments
10	Legal Notice of Hearing & SEPA DNS
11	SEPA Checklist with Staff Edits
12	Public Notice of Hearing
13	Master Distribution List