

**Paula Smith**

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**From:** Fred Schmidt <schmidt@ewlaw.net>  
**Sent:** Wednesday, July 24, 2019 4:43 PM  
**To:** Tim Smith; Paula Smith  
**Cc:** Peter Eglick  
**Subject:** Harrison Avenue (Rexius) Mixed Use Binding Site Plan, Project No. 16-9112-P  
**Attachments:** Letter to CPD 072419.pdf

**External Email Alert!**

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Greetings,

Attached please find Peter Eglick's letter to you of today's date. Copies are also being sent to you via U.S. mail.

Thank you,



Fred Schmidt  
Paralegal  
Eglick & Whited PLLC  
1000 Second Avenue, Suite 3130  
Seattle, WA 98104  
206.441.1069

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**Peter J. Eglick**  
eglick@ewlaw.net

July 24, 2019

*Via email and U.S. Mail*

Tim Smith  
Principal Planner  
City of Olympia  
Community Planning & Development  
601 4th Avenue E, 2nd Floor  
Olympia, WA 98501

Paula Smith  
Associate Planner  
City of Olympia  
Community Planning & Development  
601 4th Avenue E, 2nd Floor  
Olympia, WA 98501

RE: Harrison Avenue (Rexius) Mixed Use Binding Site Plan, Project No. 16-9112-P

Dear Mr. Smith and Ms. Smith:

As you know, I represent the Grass Lake Village HOA. My clients and I have previously written to register a specific objection to the above-noted project with regard to its proposed opening of the Third Avenue stub for additional access. We have also submitted analysis by an expert engineer explaining that opening the Third Avenue stub for additional access to serve the intensive BSP development violates City standards, is unsafe, and threatens the Grass Lake neighborhood's character and viability. See attached April 1, 2019 letter from Tom Hansen, P.E.

My clients have asked more than once to be kept apprised of the project's status. In response they were assured by the City:

It is anticipated, that the city will receive this revised submittal on this project on or before July 15, 2019. Once received, the city will issue and send you a notice of the revised application and neighborhood meeting, which will be hosted by city staff to allow all interested parties the opportunity to review revised materials and plans, provide feedback, raise concerns or provide any comments they would like the city to consider on this project.

So, when July 15 came and went, having heard nothing from the City, the City's website was checked. As of today, it tells the public that the BSP application has "Expired." This could be good news, if it were true. However, the website representation is apparently false. If a member of the public knew to look past the initial conclusive "Expired" notation and search for more information, it would be seen that the City apparently received several application

July 24, 2019

Page 2 of 2

component submittals on July 12. Additional search past the "Expired" notation shows that the City apparently has since been processing and approving the recent submittals, all with no head's up to the interested public on this controversial application.

In light of this, Grass Lake HOA requests a meeting with City staff responsible for review and recommendation on the BSP, including particularly on the BSP aspect involving opening the Third Avenue stub as additional access for the development through the Grass Lake community. A general "neighborhood" meeting is not a substitute for a sit down meeting at the City around a table with specific staff responsible for addressing the particularized Third Avenue access issue. And, of course, it would be incongruous if the City of Olympia could make time for a closed door meeting with the developer's attorney, which the City record reflects occurred here, but will not do so for representatives of a community directly impacted by the proposal to open the Third Avenue stub.

I look forward to hearing from you concerning the status of the BSP application and our request for a meeting at City Hall with City staff. Meanwhile, all rights are reserved.

Sincerely,

EGLICK & WHITED PLLC

A handwritten signature in black ink, appearing to read 'P. Eglick', with a stylized flourish at the end.

Peter J. Eglick  
Attorney for Grass Lake Village HOA

Enclosures: T. Hansen Letter dated 4/1/19

cc: client

**THOMAS E. HANSEN PE**  
**PROFESSIONAL CIVIL ENGINEER**

Transportation Engineering, Project Management, Construction Management

10320 159<sup>th</sup> Ave SE, Snohomish, WA 98290  
425-231-3821  
headlaufer@gmail.com

April 1, 2019

Mr. Peter Eglick  
Eglick & Whited PLLC  
1000 Second Ave., Suite 3130  
Seattle, WA 98104

Dear Mr. Eglick

As requested, I have completed my evaluation and analysis of the impacts that the proposed Harrison Avenue Mixed Use development would have on the existing Grass Lake Village neighborhood and its street system. In short, if the development is approved as is, it will not meet City of Olympia codes and standards and will result in severe impacts to the neighborhood street system.

The Harrison Avenue Mixed Use Project was submitted for approval to the City of Olympia as a Binding Site Plan. Complete application status was granted on November 30, 2016 (Convs. with P. Smith, City of Olympia staff). OMC 17.34.060.A states that approval of a binding site plan requires satisfaction of certain criteria including:

1. Conformance with requirements of all city and state ordinances, codes, standards and policies including those found in: the building code, the fire code, public works standards, the state environmental policy act, and the comprehensive plan.
2. Appropriate provisions have been made for streets, utilities, drainage ways, water supplies, and sanitary wastes.

If the proposed binding site plan does not meet all City codes and standards, then it cannot be approved according to OMC 17.34.100.A.4. As will be explained further, the proposed development, in its current configuration utilizing 3<sup>rd</sup> Avenue as an access route to the development, does not meet these criteria because it violates City codes and standards.

## EXISTING CONDITIONS

Yauger Way and 3rd Ave. were constructed as part of Grass Lake Village Phase 1 about the year 2000. The record drawings for the constructed roads were signed in May 2001. Yauger Way was designated Road “A” and 3rd Ave. was Road “B” on the record drawings. Yauger Way was designed and constructed as a Neighborhood Collector/Blvd with an 11 foot lane in each direction, a 7 foot wide parking strip on each side of the street, concrete curb and gutter, planter strips, and sidewalks on both sides of the street. There is either a two way left turn lane or a 10 foot wide median between the through lanes. The posted speed limit is 25 mph. There are no signs in the vicinity of the intersection of Yauger Way and 3rd Ave. allowing for or restricting on-street parking of vehicles.

3rd Ave was designed and constructed as a local access street with a total paved width between the curbs of 20 feet. City Standards allow for parking on one side of a local access street, but it is not designated by signage or traffic bulbs, either allowing or prohibiting. There are curb and gutters, planter strips, and sidewalks on both sides of the road. There is no posted speed limit. There is 48 feet of right of way, with the right of way lines located one foot behind the back of the sidewalks, restricting roadway widening unless a roadway section feature is removed or additional right of way is acquired.

There is lane striping in the middle of Yauger Way for the two way left turn lane, but there is none on 3rd Ave. There are no marked crosswalks or stop bars at the intersection of Yauger Way and 3rd Ave, and there no stop or yield signs on any leg of the intersection. There is street illumination, but its design and operation are beyond the scope of my review.

I did calculate the existing sight distance for drivers on 3rd Ave. wishing to enter onto Yauger Way. Looking to drivers left, there is only about 69 feet of sight distance available if a car is parked on Yauger Way just to the north of the radius return on the west side of the street. This is less than the 115 foot City Standard at an uncontrolled intersection (EDDS, 4B.150, Table 9). The sight distance for the driver looking right with a car parked at the end of the radius return south of the intersection on the west side of Yauger Way calculates to be 96 feet, which is also less than City Standards.

### **SIGNIFICANT TRAFFIC INCREASE BEYOND CAPACITY OF 3<sup>RD</sup> AVE.**

As stated earlier, 3<sup>rd</sup> Ave. is a local access street, only 20 feet wide between concrete curbs. It is designed to have only a single lane for traffic with parking allowed on one side of the street. The limited amount of traffic using this type of street would expect to alternate directions, with opposing traffic pulling into openings against the curb between parked cars to let the car get by. The street designed, constructed, and operated as a residential street, meets City standards.

City of Olympia EDDS, 4B.030 and 4B.035, Tables 2 and 3, lists as a design standard and street characteristic for local access streets a limit of average daily traffic (ADT) of 0 to 500 ADT. The proposed development is predicted to generate 1,681 ADT (Table 2 of the Traffic Impact Analysis, prepared by Heath & Associates, dated 11/29/2016, for the Harrison Mixed Use Project). It is further predicted that 65 PM peak hour trips will use the primary entrance to the site directly from Harrison Ave. and 60 PM peak hour trips will be using 3<sup>rd</sup> Ave. to enter and exit the proposed development. By applying the same ratio of trips using each entrance during the PM peak hour to the predicted ADT volumes, it can be calculated that 806 ADT would be using 3<sup>rd</sup> Ave.

The volumes are high enough that during the peak hour, residents on 3<sup>rd</sup> Ave. can expect to see a car each minute on this street to either enter or exit the proposed development, a significant change from current neighborhood characteristics. This amount of predicted traffic far exceeds the allowed volume for local access streets in the EDDS. Therefore, use of 3<sup>rd</sup> Ave. by the development would violate City standards. This impact was not identified in either the SEPA Checklist or the Traffic Impact Analysis that were submitted to the City in support of the proposed development.

A Policy on Geometric Design of Highways and Streets (AASHTO), Chapter 5.3.2 allows for the use of single lane roadways for residential streets; for commercial areas, it calls for traffic lanes (plural). If connected, 3<sup>rd</sup> Ave., designed to serve residential land uses, would now be required to serve commercial land uses, with a significantly higher and different traffic volumes and characteristics. This should not be lightly dismissed.

Being a stub road, the residents might have expected the traffic on it to perhaps increase within the limits of the standards as it was extended as allowed in EDDS 4B.035 Table 2, 4B.035 Table 3, or 2.040.B.7, about 120 ADT (12 single family residences), for a total of 180 ADT using 3<sup>rd</sup> Ave. The increase effectively proposed by the BSP design is over eight times in excess of that.

## SIGNIFICANT UNDISCLOSED IMPACTS

The development, as proposed, creates several significant impacts to the street system, and the adjoining Grass Lake Village neighborhood, which were not identified in the application materials that I have reviewed. Both the SEPA Checklist and the Traffic Impact Analysis are largely silent on the impacts created by the proposed development in the area of traffic and transportation.

These impacts are:

- Significantly increasing the amount of traffic using a local access street (3<sup>rd</sup> Ave.) beyond its design limits, rendering the street unsafe and inadequate.
- The existing intersection sight distance at the intersection of Yauger Way and 3<sup>rd</sup> Ave. does not currently meet City standards. This needs to be addressed by the City of Olympia whether the development proceeds or not. The existing intersection sight distance available will not meet the increased requirements by City standards if traffic from the proposed development uses this intersection.
- Insufficient road width for 3<sup>rd</sup> Ave. to be used as a fire apparatus access road unless drastic changes are made to the current neighborhood use including elimination of on-street parking.

Again, both the Traffic Impact Analysis and the SEPA Checklist are deficient in that they do not identify these potential impacts and propose how to avoid them.

Thank you for the opportunity to be of service in this matter. If you have any questions, please feel free to contact me at 425-231-3821 or [headlaufer@gmail.com](mailto:headlaufer@gmail.com).

Sincerely,



Thomas E. Hansen PE  
WA License No. 25725

## Paula Smith

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**From:** Candace Jacobs <candacejacobs99@gmail.com>  
**Sent:** Thursday, July 25, 2019 6:10 PM  
**To:** Paula Smith  
**Subject:** Re: City of Olympia- 16-9112 Public Comments

### External Email Alert!

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Thanks, Paula. Wow, those concerns about the use of 3rd Avenue are significant. I'm worried. The submitted plan is problematic from a safety perspective as well as neighborhood disruption.

I'll send some comments along.

Candace

On Thu, Jul 25, 2019 at 4:23 PM Paula Smith <[psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)> wrote:

Candace- Thanks for contacting me.

I have attached the public comments received prior to the revision submittal.

Let me know if you have any questions.

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.*



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Dr. Candace A. Jacobs  
121 Maple Park Ave. SE  
Olympia WA 98501  
360-489-1010 home  
609-922-1562 cell

**Paula Smith**

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**From:** Richard Derosa <richardcderosa@gmail.com>  
**Sent:** Monday, July 29, 2019 11:30 AM  
**To:** Paula Smith  
**Subject:** Fwd: City of Olympia - Notice of Revised Site Plan Application Public Mtg 16-9112 Harrison Ave Mixed Use  
**Attachments:** 16-9112 Notice of REVISED Application.pdf; 16-9112 REVISED Binding Site Plan Map.pdf; DSCN2848.JPG; IMG\_20190728\_191553.jpg; IMG\_20190728\_191601.jpg

**External Email Alert!**

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Hi Paula,

I hope all is going well with you.

I have one concern I'd like to get out of the way right up front. Please forgive me if I'm jumping the gun, or if this is already been dealt with. I've been doing a lot of walking in my neighborhood these day. I recently had knee replacement surgery, so I get to enjoy as much walking as I like again.

One day last week I was walking up Yauger to Harrison and I noticed a couple of things. First I noticed there's a chain link fence that runs from 3rd to 4th along the back of the Capstone Multifamily unites and at the end of 3rd. And then, as I walked by the Multifamily Unit closest to 4th, I was struck by something about the property that is going to be developed.

I walked to the back of the parking lot and was stunned to see the difference in ground level between the multifamily unit and the undeveloped land. So here are my questions:

1. Is the chain link fence going to stay there, meaning no going in and out onto our neighborhood?

2. What is the plan for solving the gross difference in ground level? It would seem to me that that would be dealt with way before anything else ever happens.

Take a look at these three pictures I'm sending you. This first one is across the street from me back in 2012. Our neighborhood is full of these "rockeries". In fact, I even have one in my backyard 10' inside the property line backing up the Nature Preserve. The City of Olympia made Capstone build that wall before they could develop the last 5 houses that back up to the Preserve. And they insisted that it be 10' into the homeowner's property because they didn't want to have to deal with it from within the Preserve.

The wall in the first picture dealt with the level drop between Cimaron and Grass Lake Ave. You can't see it now because all the houses are built, but like I said, these walls are all over the place here. If Capstone was developing the area where this new development is taking place, I'm quite sure the City would have made them build a wall first.

Now look at the other two pictures I took yesterday. This is me standing in the parking lot of Multifamily unit looking into the area under question. I have to believe you plan on dealing with that level drop first, before anything else takes place.

Sincerely,  
Richard DeRosa  
3110 6th Ave NW  
Olympia, WA 98502  
209-639-3222

----- Forwarded message -----

From: **Beverly Cox** <[bcox@ci.olympia.wa.us](mailto:bcox@ci.olympia.wa.us)>

Date: Thu, Jul 25, 2019 at 11:41 AM

Subject: City of Olympia - Notice of Revised Site Plan Application Public Mtg 16-9112 Harrison Ave Mixed Use

To:  
Cc: Paula Smith <[psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)>

The City of Olympia has issued the following **Notice of Revised Binding Site Plan Application and Public Meeting** for the project known as **Harrison Ave Mixed Use Binding Site Plan** located at **3840/4004 Harrison Ave. NW**.

**PROJECT: 16-9112**

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)**

*Beverly Cox*

*Program Assistant*

City of Olympia

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

Phone: 360.753.8792

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

City of Olympia | Capital of Washington State

*All correspondence with this address is subject to public disclosure*















## Paula Smith

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**From:** Sheryl Dorney <sheryld23@comcast.net>  
**Sent:** Monday, July 29, 2019 12:01 PM  
**To:** Paula Smith  
**Subject:** Rexius Meeting

### External Email Alert!

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Dear Ms. Smith,

Unfortunately I won't be able to attend the Neighborhood Meeting on Aug 22, but wanted to let you know I oppose any traffic that is not strictly used for residential only access through 3rd and/or Craftman streets.

Having experienced commercial traffic through 3rd street, it is dangerous and noisy for our community.

Thank you.

Sheryl Dorney



## Paula Smith

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**From:** FINANCIAL,BARRON Drennon <mjdrennon@comcast.net>  
**Sent:** Monday, July 29, 2019 11:02 AM  
**To:** Paula Smith  
**Subject:** Binding Site Plan--Harrison Ave Mixed Use

### External Email Alert!

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Hi Paula

Thank you so much for your kindness, patience, and expertise in answering my questions and listening to my concerns regarding the impact of opening 3rd Ave NW to this new Site Plan. I own 3712 3rd Ave NW and would be deeply impacted by traffic if this road becomes open. I could see possibly poles be installed so folks could walk through, but not drive.

If it DID happen that it became drivable, however, I would hope there would be a "List of Conditions" that not only protects this road, but beautifies it; and that we, as homeowners, would have the opportunity for input.

I also appreciate that you clarified that this is a "Binding Site Plan" which means it is a "Commercial Subdivision", and that actual construction of both residential and commercial structures would be a different process. I believe you said this second part would include the "Design Review" which includes structures, landscaping and roads?

And lastly, I am wondering if there would be any "Condition" that shops like guns, marijuana or tatoos would be restricted since it is adjacent to residential homes?

Thank you again, and please feel free to holler as you learn anything new and/or if you need any info from me. I will see you August 22 at the meeting!

Have a great week!

Jul :)

***Have a GREAT Day!!!***

*Julie M. Drennon, M.Ed, CRPC*  
*360.791.4701*

CC: COUNCIL  
STEVE  
JAY  
KELLIE  
KEITH

LEONARD  
TIM S.

July 22, 2019

RECEIVED  
JUL 29 2019  
City of Olympia  
Executive Department

Mayor Cheryl Selby  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[cselby@ci.olympia.wa.us](mailto:cselby@ci.olympia.wa.us)

City Manager Steve Hall  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[shall@ci.olympia.wa.us](mailto:shall@ci.olympia.wa.us)

Olympia City Council  
PO Box 1967  
Olympia, WA 98507-1967  
[citycouncil@ci.olympia.wa.us](mailto:citycouncil@ci.olympia.wa.us)

RE: 3840 Harrison Avenue NW  
(Rexius Investment LLC) Binding Site Plan, Project No. 16-9112

Dear Mayor, Councilmembers, and Manager Hall,

I am a resident of the Grass Lake Village Homeowners Association. I am writing you to let you know that I strongly object to the current plan to allow Rexius to use our community for access to their project.

My neighbors and I have been trying to follow the Rexius project and let the City know about the problems that would be created by the Third Avenue access, which would completely change the character of our community. But it has not been easy to follow, and we often get no response from the City.

Additionally, the constant granting of extensions to Rexius by the planning commission has left the threat associated with Third Avenue access hanging over our heads now for several years. And, as residents, we are never given timely information by the City planners, and often we are given no information at all.

Also, we have had to register complaints with the City regarding Rexius violating municipal codes and zoning ordinances by placing an industrial business right next to our community—a business, I might add, that repeatedly violated those codes and ordinances themselves. And now they have further violated City regulations by tearing down trees that sit next to the fence dividing our community from their property.

It seems as if the City is bending over backwards for Rexius and ignoring the residents of our community. Please contact me about this problem. I look forward to hearing from you as quickly as possible.

Sincerely,

*Steve Porter*  
508 CRAFTSMAN DR NW  
OLY, WA 98502  
515.333.8076

cc: Jessica Bateman, Mayor Pro tem (jbateman@ci.olympia.wa.us)  
Nathaniel Jones (njones@ci.olympia.wa.us)  
Clark Gilman (cgilman@ci.olympia.wa.us)  
Lisa Parshey (lparshe@ci.olympia.wa.us)  
Renata Rollins (rrollins@ci.olympia.wa.us)  
Jim Cooper (jcooper@ci.olympia.wa.us)

CC: COUNCIL  
STEVE  
JAY  
KELLIE  
KEITH  
LEONARD  
TIM S

RECEIVED  
JUL 29 2019  
City of Olympia  
Executive Department

July 22, 2019

Mayor Cheryl Selby  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[cselby@ci.olympia.wa.us](mailto:cselby@ci.olympia.wa.us)

City Manager Steve Hall  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[shall@ci.olympia.wa.us](mailto:shall@ci.olympia.wa.us)

Olympia City Council  
PO Box 1967  
Olympia, WA 98507-1967  
[citycouncil@ci.olympia.wa.us](mailto:citycouncil@ci.olympia.wa.us)

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Sincerely,

A handwritten signature in black ink, appearing to read "Dianne M. Witty". The signature is fluid and cursive, with the first name "Dianne" being more prominent.

cc: Jessica Bateman, Mayor Pro tem (jbateman@ci.olympia.wa.us)  
Nathaniel Jones (njones@ci.olympia.wa.us)  
Clark Gilman (cgilman@ci.olympia.wa.us)  
Lisa Parshey (lparshe@ci.olympia.wa.us)  
Renata Rollins (rrollins@ci.olympia.wa.us)  
Jim Cooper (jcooper@ci.olympia.wa.us)

DIANNE WITTY  
3312 6TH AVE NW  
OLYMPIA WA 98502-2523

cc: COUNCIL  
STEVE  
JAY  
KELLIE  
KEITH  
LEONARD  
TIM S.

July 25, 2019

RECEIVED  
JUL 31 2019  
City of Olympia  
Executive Department

Mayor Cheryl Selby  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[cselby@ci.olympia.wa.us](mailto:cselby@ci.olympia.wa.us)

City Manager Steve Hall  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[shall@ci.olympia.wa.us](mailto:shall@ci.olympia.wa.us)

Olympia City Council  
PO Box 1967  
Olympia, WA 98507-1967  
[citycouncil@ci.olympia.wa.us](mailto:citycouncil@ci.olympia.wa.us)

RE: 3840 Harrison Avenue NW  
(Rexius Investment LLC) Binding Site Plan, Project No. 16-9112

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Sincerely,

Maria N. O'Connor  
3709 4TH AVE NW  
OLYMPIA WA 98502

cc: Jessica Bateman, Mayor Pro tem (jbateman@ci.olympia.wa.us)  
Nathaniel Jones (njones@ci.olympia.wa.us)  
Clark Gilman (cgilman@ci.olympia.wa.us)  
Lisa Parshey (lparshe@ci.olympia.wa.us)  
Renata Rollins (rrollins@ci.olympia.wa.us)  
Jim Cooper (jcooper@ci.olympia.wa.us)



CC: COUNCIL  
STEVE  
JAY  
KELLIE  
KEITH  
LEONARD  
TIM S.

RECEIVED

AUG 02 2019

City of Olympia  
Executive Department

July 25, 2019

Mayor Cheryl Selby  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[cselby@ci.olympia.wa.us](mailto:cselby@ci.olympia.wa.us)

City Manager Steve Hall  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[shall@ci.olympia.wa.us](mailto:shall@ci.olympia.wa.us)

Olympia City Council  
PO Box 1967  
Olympia, WA 98507-1967  
[citycouncil@ci.olympia.wa.us](mailto:citycouncil@ci.olympia.wa.us)

RE: 3840 Harrison Avenue NW  
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Sincerely,

*Mary Alice Olson*

Mary Alice Olson  
3625 4<sup>th</sup> Ave. NW  
Olympia, WA 98502

cc: Jessica Bateman, Mayor Pro tem (jbateman@ci.olympia.wa.us)  
Nathaniel Jones (njones@ci.olympia.wa.us)  
Clark Gilman (cgilman@ci.olympia.wa.us)  
Lisa Parshey (lparshe@ci.olympia.wa.us)  
Renata Rollins (rrollins@ci.olympia.wa.us)  
Jim Cooper (jcooper@ci.olympia.wa.us)

CC: COUNCIL  
STEVE  
JAY  
KELLIE  
REITH  
LEONARD  
TIM S.

RECEIVED  
AUG 05 2019  
City of Olympia  
Executive Department

July 25, 2019

Mayor Cheryl Selby  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[cselby@ci.olympia.wa.us](mailto:cselby@ci.olympia.wa.us)

City Manager Steve Hall  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[shall@ci.olympia.wa.us](mailto:shall@ci.olympia.wa.us)

Olympia City Council  
PO Box 1967  
Olympia, WA 98507-1967  
[citycouncil@ci.olympia.wa.us](mailto:citycouncil@ci.olympia.wa.us)

RE: 3840 Harrison Avenue NW  
(Rexius Investment LLC) Binding Site Plan, Project No. 16-9112

Dear Mayor, Councilmembers, and Manager Hall,

I am a resident of the Grass Lake Village Homeowners Association. I am writing you to let you know that I strongly object to the current plan to allow Rexius to use our community for access to their project.


My neighbors and I have been trying to follow the Rexius project and let the City know about the problems that would be created by the Third Avenue access, which would completely change the character of our community. But it has not been easy to follow, and we often get no response from the City.

Additionally, the constant granting of extensions to Rexius by the planning commission has left the threat associated with Third Avenue access hanging over our heads now for several years. And, as residents, we are never given timely information by the City planners, and often we are given no information at all.

Also, we have had to register complaints with the City regarding Rexius violating municipal codes and zoning ordinances by placing an industrial business right next to our community—a business, I might add, that repeatedly violated those codes and ordinances themselves. And now they have further violated City regulations by tearing down trees that sit next to the fence dividing our community from their property.

It seems as if the City is bending over backwards for Rexius and ignoring the residents of our community. Please contact me about this problem. I look forward to hearing from you as quickly as possible.

Sincerely,



HOLSTON  
3411 6TH AVE NW  
OLYMPIA WA 98502

cc: Jessica Bateman, Mayor Pro tem (jbateman@ci.olympia.wa.us)  
Nathaniel Jones (njones@ci.olympia.wa.us)  
Clark Gilman (cgilman@ci.olympia.wa.us)  
Lisa Parshey (lparshe@ci.olympia.wa.us)  
Renata Rollins (rrollins@ci.olympia.wa.us)  
Jim Cooper (jcooper@ci.olympia.wa.us)

CC: COUNCIL  
STEVE  
JAY  
KELLIE  
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LEONARD  
TIM S.

July 25, 2019

RECEIVED  
AUG 05 2019  
City of Olympia  
Executive Department

Mayor Cheryl Selby  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[cselby@ci.olympia.wa.us](mailto:cselby@ci.olympia.wa.us)

City Manager Steve Hall  
City of Olympia  
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Olympia City Council  
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Sincerely,

A handwritten signature in blue ink, appearing to read "John Holston".

HOLSTON  
3411 6TH AVE NW  
OLYMPIA WA 98502

cc: Jessica Bateman, Mayor Pro tem (jbateman@ci.olympia.wa.us)  
Nathaniel Jones (njones@ci.olympia.wa.us)  
Clark Gilman (cgilman@ci.olympia.wa.us)  
Lisa Parshey (lparshe@ci.olympia.wa.us)  
Renata Rollins (rrollins@ci.olympia.wa.us)  
Jim Cooper (jcooper@ci.olympia.wa.us)

RECEIVED

AUG 06 2019

City of Olympia  
Executive Department

July 25, 2019

CC: COUNCIL  
STEVE  
JAY  
KELLIE  
KEITH  
LEONARD  
TIM S.

Mayor Cheryl Selby  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[cselby@ci.olympia.wa.us](mailto:cselby@ci.olympia.wa.us)

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Olympia City Council  
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Sincerely,  
*Anne Postill*  
*417 Grass Lake N.W.*  
*Olympia, Wash. 98502*

cc: Jessica Bateman, Mayor Pro tem (jbateman@ci.olympia.wa.us)  
Nathaniel Jones (njones@ci.olympia.wa.us)  
Clark Gilman (cgilman@ci.olympia.wa.us)  
Lisa Parshey (lparshe@ci.olympia.wa.us)  
Renata Rollins (rrollins@ci.olympia.wa.us)  
Jim Cooper (jcooper@ci.olympia.wa.us)



**From:** [Devan Salter](#)  
**To:** [Paula Smith](#)  
**Subject:** Harrison ave mixed use COMMENT  
**Date:** Tuesday, August 06, 2019 12:52:34 PM

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**External Email Alert!**

This email originated from a source outside of the City's network. Use caution before clicking on links or opening attachments.

Paula Smith,

I live in the Grass Lake Community and serve on the HOA board for the community. I am unhappy with this development plan in its entirety. Not only will the construction cause a nuisance to the residents, but the completion of the project with traffic directions into the community will make the community less secluded, unsafe, and commercialised in a way unfit for greater community growth. Our neighborhood does not meet the safety requirements for this added traffic flow through 3rd Ave and Craftsman Dr due to parked cars and limited space and his ability on corners. If the plan goes through, I am deeply worried about the safety for community members walking, running, children playing, and pets walking in the neighborhood. This commercialisation will lower property values and rentability for leased units. Many of the dwellings are rented duplex, triplex, and quadplexes to a diverse group of families which will be hindered upon construction and finalization of this project. Traffic should simply NOT come through our neighborhood especially when the property has a perfectly adequate access from Harrison Ave.

Please take my notes into consideration, along with all other angry community members and please stop this project as soon as possible.

Thank you for your time,

Devan Salter  
528-530 Roycroft Dr. NW  
Olympia, WA 98502

August 8, 2019

Mayor Cheryl Selby City  
City of Olympia  
601 4th Avenue E 601  
Olympia , WA 98501  
[cselby@ci.olympia.wa.us](mailto:cselby@ci.olympia.wa.us)

Manager Steve Hall  
City of Olympia  
4th Avenue E  
Olympia, WA 98501  
[shall@ci.olympia.wa.us](mailto:shall@ci.olympia.wa.us)

Olympia City Council  
PO Box 1967  
Olympia, WA 98507-1967  
[citycouncil@ci.olympia.wa.us](mailto:citycouncil@ci.olympia.wa.us)

RE: 3840 Harrison Avenue NW  
(Rexius Investment LLC) Binding Site Plan, Project No. 16-9112

Dear Mayor Selby, Councilmembers, and Manager Hall,

My wife and I own a home in the Grass Lake Village Community. I am writing you to express my strong objection to the current proposal to allow Rexius to use our community for access to their project.

We purchased our home here in 2007 because the neighborhood was a perfect fit for our needs. It provided a safe, convenient environment that was kid and senior friendly. We have watched the neighborhood grow and prosper over the years. It's heartwarming to see kids on their trikes, bikes and skates, neighbors taking their strolls. Twelve years later we are proud to have my mother-in-law living in our home where she has made a number of close friends from the neighborhood.

It is rare to find such a close-knit neighborhood in Olympia that provides such quaint and safe surroundings.

**To open a thoroughfare and increase traffic through this idyllic community, as is proposed in the above referenced development, would be disruptive, potentially dangerous and riddled with negative consequences.**

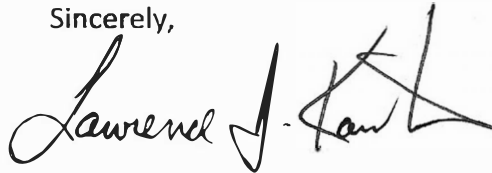
Furthermore, to allow a company that has repeatedly violated municipal codes and zoning ordinances and has shown such blatant disrespect for their existing neighbors (by tearing down trees that sit next to the fence dividing our community from their property) to develop their proposed project is unbelievable to us. Quite simply, we do not trust the Applicant.

My neighbors and I have been trying to follow the Rexius project and let the City know about the problems that would be created by the Third Avenue access, and subsequently access to Craftsman Drive, which would completely change the character of our community. But it has not been easy to follow, and we often get no response from the City.

When evaluating the proposed application, we respectfully ask you to carefully consider: the precedent established by the Applicant's past egregious behavior; and the negative impact and potential danger the proposed ingress and egress to the project would introduce to the Grass Lake Community.

We plead that you will disapprove the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence J. Kantor". The signature is fluid and cursive, with a large initial "L" and a stylized "K" at the end.

Lawrence J. Kantor  
Homeowner  
Grass Lake Village

cc: Jessica Bateman, Mayor Pro tem (jbateman@ci.olympia.wa.us)  
Nathaniel Jones (njones@ci.olympia.wa.us)  
Clark Gilman (cgilman@ci.olympia.wa.us)  
Lisa Parshey (lparshe@ci.olympia.wa.us)  
Renata Rollins (rrollins@ci.olympia.wa.us)  
Jim Cooper (jcooper@ci.olympia.wa.us)  
Paula Smith (psmith@ci.olympia.wa.us)

RECEIVED

AUG 12 2019

City of Olympia  
Executive Department

CC: COUNCIL  
STEVE  
JAY  
KELLY  
KEITH  
LEONARD  
TIM S  
PAULA S

July 25, 2019

Mayor Cheryl Selby  
City of Olympia  
601 4th Avenue E  
Olympia , WA 98501  
[cselby@ci.olympia.wa.us](mailto:cselby@ci.olympia.wa.us)

City Manager Steve Hall  
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Additionally, the constant granting of extensions to Rexius by the planning commission has left the threat associated with Third Avenue access hanging over our heads now for several years. And, as residents, we are never given timely information by the City planners, and often we are given no information at all.

Also, we have had to register complaints with the City regarding Rexius violating municipal codes and zoning ordinances by placing an industrial business right next to our community—a business, I might add, that repeatedly violated those codes and ordinances themselves. And now they have further violated City regulations by tearing down trees that sit next to the fence dividing our community from their property.

It seems as if the City is bending over backwards for Rexius and ignoring the residents of our community. Please contact me about this problem. I look forward to hearing from you as quickly as possible.

Sincerely,

*Diastene Duado*  
*Robert Manley*

*502 Grass Lake St N.W.*  
*Olympia WA 98502*  
*360-581-9784*

cc: Jessica Bateman, Mayor Pro tem (jbateman@ci.olympia.wa.us)  
Nathaniel Jones (njones@ci.olympia.wa.us)  
Clark Gilman (cgilman@ci.olympia.wa.us)  
Lisa Parshey (lparshe@ci.olympia.wa.us)  
Renata Rollins (rrollins@ci.olympia.wa.us)  
Jim Cooper (jcooper@ci.olympia.wa.us)

*Would you like to have a commercial  
setting in your back yard?*

**From:** [Connie Egeler](#)  
**To:** [Cheryl Selby](#); [CityCouncil](#); [Steve Hall](#); [Paula Smith](#); [Keith Stahley](#)  
**Subject:** HARRISON AVE MIXED USE PLAN  
**Date:** Monday, August 12, 2019 10:28:32 AM

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**External Email Alert!**

This email originated from a source outside of the City's network. Use caution before clicking on links or opening attachments.

RE: File Number 16 - 9112

Dear City Staff and Officials:

Kern Rexius proposed a mixed use Binding Site Plan that is most troublesome on several levels, including traffic impact on 3rd Avenue (as well as on Yauger, Harrison and all of the Grass Lake neighborhood), a 4 story apartment building, and water runoff enhanced by more buildings, residents, pavement and tree removal. As a resident of Olympia and Grass Lake East I am concerned about this project.

The neighborhood streets most impacted are narrow, one lane residential streets with parking on one side of the street. Commercial plus 80 multifamily units destroy the character of this quiet neighborhood. 3rd Avenue off Yauger as the entrance and exit for the project is inappropriate and dangerous.

An apartment building with 4 stories would be an eyesore and where would the apartment residents and guests park their cars? How many business customers would need parking? Where is the proof and assurance of an adequate stormwater plan? How would a fire truck get through?

There are 2 crosswalks on Harrison at Yauger and 2 crosswalks on Harrison at McPhee by Bark and Garden. And there is a bus stop.  
The proposed development would make these hazardous and result in a large increase in cars on Harrison that will cause traffic backups.

Please do not destroy a pleasant neighborhood or create risks to lives by allowing access to 3rd Avenue just because a developer calls for this. Please listen to citizens who are impacted. Please keep safety a priority and leave 3rd Avenue and Craftsman streets as they are for the sake of Grass Lake homeowners and renters. As city staff and city council members it is your duty to thoroughly study and make sound, fair decisions on this Mixed Use Binding Site Plan.

The August 22 neighborhood meeting at City Hall is a welcome opportunity for citizen input and I trust you will consider the views and suggestions of the people.

Sincerely,

Connie C. Egeler



August 9, 2019

Paula Smith, Associate Planner  
Community Planning & Development  
601 4<sup>th</sup> Avenue E  
PO Box 1967  
Olympia, WA 98501-1967

RE: Kern Rexius, File # 16-9112

Dear Ms. Smith:

I am writing to express my objections to the Kern Rexius Project. My property (see address below) backs up to the proposed project and I have three problems with the proposed Project.

1. The Grass Lake Village complex is comprised of one- and two-level homes or townhomes on very small lots. The proposed project is for a four-story apartment building which will be in sharp contrast to the surrounding buildings. While higher-density planning is needed, is it the policy of the city to place multi-story buildings next to one- and two-level homes?
2. The proposed complex is for 70 apartments plus businesses. That means the complex will need to provide at least 140 parking places plus another 20 or 30 (or more) for the businesses. As currently designed, there are insufficient parking places for that many units.
3. The exits to the proposed project are 3<sup>rd</sup> Ave NW and Craftsman Drive. Both are essentially one-lane roads (Grass Lake Village has road parking on one side of the street only) which would make it impossible for the ladder fire trucks to enter or exit the complex. You need to confirm this with the Fire Marshall and make sure you visit the complex early in the morning or after 5 p.m. when parking is

Thank you for taking these objections into consideration as you review the proposed project.

Yours,

A handwritten signature in black ink that reads 'Katrina A. Meyer'.

Katrina A. Meyer  
3705 4<sup>th</sup> Ave. NW  
Olympia, WA 98502  
[Kmeyer3703@gmail.com](mailto:Kmeyer3703@gmail.com)

**From:** [Barb and/or Craig Conley](#)  
**To:** [Paula Smith](#)  
**Subject:** Harrison Avenue Mixed Use Bindng Site Plan, 16-9112  
**Date:** Wednesday, August 14, 2019 4:43:46 PM

---

**External Email Alert!**

This email originated from a source outside of the City's network. Use caution before clicking on links or opening attachments.

Paula,

My husband and I are residents of Grass Lake Village. We are retired and moved here in 2014 planning to live the rest of our lives here. It's currently a quiet respite from the busy West Olympia area. Our house is on the corner of 4th Avenue NW and Craftsman.

Since we live in Grass Lake Village, we are by default members of the Grass Lake Village HOA, and by default we are represented in the the Harrison Avenue Mixed Use Bindng Site Plan, 16-9112 by Grass Lake Village HOA Board of Directors and by extension the attorney they have hired.

My husband and I are not opposed in general to the development that was proposed a few years back except for the traffic issues which I discussed with the City Planner and the developer a couple of years ago during one of your hearings. If the City would drive into Grass Lake Village in the afternoon & evening (or before everyone leaves for work in the morning), you would see that the streets are already narrow and crowded with parked cars and frequently moving and delivery trucks or garbage/recycle trucks that makes driving-in q challenge even for my small Hyundai sedan. The problem is magnified by the size of the moving vehicle and the parked vehicle. We have only one car which we keep in the garage. Others have multiple and must park on a designated one side of the street.

As we live on the corner of 4th Avenue NW and Craftsman, I am very concerned about the traffic and noise level increase from traffic if the development is allowed to use Craftsman to exit the property. I know members of the community have already pointed out that this is a community of retired people, some with disabilities, and people with children and pets. The additional traffic anticipated by this development poses a threat to their safety.

The original plan seemed reasonable (with the exception of the traffic issue) but the latest seems much bigger and poses a much bigger threat to the well-being and serenity of our community. I implore the developer and the City to come to some kind of compromise on this issue that does not negatively impact Grass Lake Village. Can the City help with this? Is there not a different way of routing traffic into/out of this property? For example, providing a u-turn lane and light on Harrison so traffic does not have to route through Grass Lake Village. Can the developer use some of his property to aid with this kind of solution?

I hope level heads can come together and reconsider this development and the traffic situation - there must be a solution that could work for the developer/City and keep Grass Lake Residents the place and reason we all bought our homes here.

Thank you.



Barb Conley  
3804 4th Avenue NW  
Olympia WA  
360 878 0101



**Peter J. Eglick**  
eglick@ewlaw.net

August 14, 2019

*Via email and U.S. Mail*

Paula Smith  
Associate Planner  
City of Olympia  
Community Planning & Development  
601 4th Avenue E, 2nd Floor  
Olympia, WA 98501

Tim Smith  
Principal Planner  
City of Olympia  
Community Planning & Development  
601 4th Avenue E, 2nd Floor  
Olympia, WA 98501

RE: Comments re Harrison Avenue Mixed Use Binding Site Plan,  
Project No. 16-9112-P  
REVISED Site Plan Application and BSP

Dear Mr. Smith and Ms. Smith:

As you know, I represent the Grass Lake Village HOA. This letter provides comments concerning the revised application and binding site plan, and is supplemental to the HOA's previous comment letters sent by my office and by Grass Lake residents. *See, e.g.,* attached letters dated January 4 and April 4, 2019.

1. Deficient Notice of Revised Application: The July notice refers to a revised Binding Site Plan (BSP) application, but gives no notice that the BSP apparently depends on underlying deviations or variances from applicable standards. This is a significant deficiency and deprives the public of needed information. To the extent that such requests are part of or implicit in the BSP proposal, the HOA notes that they should not be granted and requests an appeal hearing on them.

Untimely Submissions: The City over the years of pendency of this BSP application has given the applicant, Rexius, extraordinary leeway by allowing it extensions of the deadlines for submitting a complete application. This has impaired the public process and the ability of the directly impacted community to participate in project review. Last spring, when City staff granted Rexius yet another deadline extension to July 15, 2019, it was understood that Rexius would at last be required to have the application submittals complete and in order by that deadline. However, that did not occur, despite facilitation by staff in private meetings and communications with Rexius' consultants and lawyer. Instead, two key application documents, a General Land Use Application and a Binding Site

August 14, 2019

Page 2 of 4

Plan Application show that they were signed and dated July 18, 2019, three days after the July 15 deadline, yet the City dated these submittals as received on July 12:

Access (name of street(s) from which access will be gained): <u>HARRISON AVE, 3RD AVE</u>	
I affirm that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm that I am the owner of the subject site or am duly authorized by the owner to act with respect to this application. Further, I grant permission from the owner to any and all employees and representatives of the City of Olympia and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application. I agree to pay all fees of the City that apply to this application.	
Signature	<b>Chris Cramer</b> <small>Digitally signed by Chris Cramer DN: cn=Chris Cramer, o=ou, email=chrispatrickharron.com, c=US Date: 2019.07.18 12:00:01 -0700</small>
	Authorized Representative Date
Initials	I understand that for the type of application submitted, <b>the applicant is required to pay actual Hearing Examiner costs</b> , which may be higher or lower than any deposit amount. I hereby agree to pay any such costs.
Applicants are required to post the project site with a sign provided by the City within seven days of this application being deemed complete. Please contact City staff for more information.	

Each complete **General Land Use Application** shall include each of the following:

- 1 Vicinity map depicting location of project with respect to nearby streets and other major features and encompassing at least

Rather than accepting and processing the applications, they should have been rejected as untimely with a requirement that the Applicant reapply *ab initio* and subject to current development regulations. All rights are reserved in this regard.

2. HOA Expert Engineer Analysis Reveals Significant Adverse Impacts and Violation of City standards: Grass Lake HOA has gone to the expense of engaging an expert engineer, Tom Hansen P.E. with significant experience as a municipal official and Public Works Director to review the original proposed BSP and its most recent iteration. Mr. Hansen's conclusions are contained in the attached two letters dated April 1 and August 6, 2019 which are incorporated here by reference. Mr. Hansen's analysis leaves no doubt that the BSP's proposed access through Third Avenue and the Grass Lake community will cause significant adverse impacts and that the access would be contrary to City standards. Further, he notes the signage and lane restriction palliatives apparently being proposed in response to fundamental problems with the Third Avenue access are ineffective paper mitigation.
3. Third Avenue Extension Through the Grass Lake Residential Neighborhood is a Fundamental Error: It will harmfully affect neighborhood character and disproportionately impact neighborhood residents. The Comprehensive Plan explicitly cautions that such connections should be avoided in circumstances as are present here. *See Olympia Comprehensive Plan, Transportation Element section titled "Connectivity."* The deleterious effects of the proposed connection here include but are not limited to significant safety and functional impacts on the neighborhood. As the Rexius project engineer noted in a June 12, 2018 11:31 a.m. email to the City: "with the traffic volume that will be using the street

1000 Second Avenue, Suite 3130 Seattle, Washington 98104

telephone 206.441.1069 • www.ewlaw.net • facsimile 206.441.1089

connection, I don't see how any parking is possible. Both directions of traffic flow will need to remain open at all times."

4. City Facilitation of Application to the Community's Detriment: To date, there is no indication in the City's record on review of the BSP application that the City has acknowledged community concerns about the proposed Third Avenue access including its significant violations of City regulations and standards. Internal communications obtained pursuant to the Public Records Act reveal a continuing pattern of working with the applicant's consultants and counsel on how to facilitate the application – and no indication of concern about the impacts of the Third Avenue access and its inconsistency with City standards. Summaries of the application's history and status provided by Planning staff to City officials in response to HOA letters to the City Manager and Councilmembers conspicuously avoid even acknowledging these impacts and issues, while providing excuses for the applicant's many years of delay in submitting a complete application. This solicitousness for Rexius might be palatable if it were accompanied by an equal solicitousness for the HOA's community objections based on City plans and regulations. However, that has not been the case.
5. An EIS is required: The revised SEPA Checklist submitted by Rexius in July, 2019 confirms a pattern of ignoring and misrepresenting the proposal's impacts. Despite the documented significant adverse impacts on the Grass Lake Community, Rexius answers "No" to the SEPA Checklist inquiry "Will the proposal affect current land uses on nearby or adjacent properties?" Similarly, when asked by the Checklist to describe "proposed measures to ensure the proposal is compatible with existing and projected land uses and plans" the Rexius response does not even acknowledge the existence and applicability of the City's Comprehensive Plan. Rexius SEPA Checklist responses simply assume access via "3<sup>rd</sup> ave/Yauger Way to the east." Rexius SEPA Checklist at 11 section 14.a. and at 12 section 14.d. And the Checklist conspicuously avoids providing a direct response to the question, "How many vehicular trips per day would be generated by the completed project or proposal?" (emphasis added). Rexius SEPA Checklist at 12 section 14.f. There is no indication to date that the City has applied the information and analysis provided by the community, including the HOA, in considering a SEPA threshold determination for the project. There is only a general allusion to SEPA, but not a direct mention of a SEPA threshold determination, in the City's neighborhood meeting/public comment notice. However, it is apparent from the record to date that there will be a significant adverse impact, inconsistent with City plans and regulations, on the Grass Lake community if the BSP is approved as proposed with the Third Avenue access.

August 14, 2019

Page 4 of 4

6. Conclusion: It is understandable that the City may try to maintain a working relationship with an applicant's consultants and lawyer. However, that should not result in apparent indifference to community concerns and in undue dispensations for an application. The community's longstanding concerns about Rexius' proposed use of Third Avenue are well-grounded in City plans and standards. Yet, there is no indication in the record that the City has seriously considered requiring a less harmful alternative. Instead it appears that the City has facilitated an application that pretends that paper mitigation -- unenforceable signage -- will solve the problem. That is not what City Codes and plans require. The Rexius application should therefore be denied so long as it utilizes Third Avenue as an access.

Grass Lake HOA reserves all rights in this process and concerning this project. It further requests that the City provide notice directly to the HOA and the undersigned of all appealable decisions concerning the Rexius project.

Sincerely,

EGLICK & WHITED PLLC

A handwritten signature in black ink, appearing to read 'P. Eglick', with a stylized flourish at the end.

Peter J. Eglick

Attorney for Grass Lake Village HOA

Enclosures: January 4, 2019 Comment Letter  
April 4, 2019 Letter (and attached T. Hansen 4/1/19 letter)  
T. Hansen Letter dated August 6, 2019

cc: client



**Peter J. Eglick**  
eglick@ewlaw.net

January 4, 2019

*Via email and U.S. Mail*

Tim Smith  
Principal Planner  
City of Olympia  
Community Planning & Development  
601 4th Avenue E, 2nd Floor  
Olympia, WA 98501

Paula Smith  
Associate Planner  
City of Olympia  
Community Planning & Development  
601 4th Avenue E, 2nd Floor  
Olympia, WA 98501

RE: 3840 Harrison Avenue Binding Site Plan  
Project No. 16-9112-P (Rexius LLC)

Dear Mr. Smith and Ms. Smith:

This office is outside land use counsel for the Grass Lake Village HOA. In follow-up to informal telephone conversations and emails with Ms. Smith, this letter represents further comment by the HOA in the above matter, in which we should already be listed as a party of record.

As reflected in public comments already received by the City, a primary concern of the HOA is the extension of 3rd Avenue NW into and through its residential community. While the evolution of this extension is unclear, it appears that the connection has become “normalized” in plan submissions by the applicant and interaction with the City.

The Third Avenue extension through our residential neighborhood is a fundamental error. It will harmfully affect neighborhood character and disproportionately impact neighborhood residents. The Comprehensive Plan explicitly cautions that such connections should be avoided in circumstances as are present here. See *Olympia Comprehensive Plan, Transportation Element section titled “Connectivity;”* The deleterious effects of the proposed connection here include but are not limited to significant safety and functional impacts on the neighborhood. See, e.g., project engineer’s June 12, 2018 11:31 a.m. email to the City (“with the traffic volume that will be using the street connection, I don’t see how any parking is possible. Both directions of traffic flow will need to remain open at all times.”).

EGLICK & WHITED PLLC

January 4, 2019

Page 2 of 2

Grass Lake Village HOA further objects to facilitation of the BSP application through various dispensations and extensions. The application has languished, but still not been treated as expired, placing it below the public's radar. No further extensions or dispensations should be granted and the application should be deemed expired rather than extended.

The HOA will have more to say as this process, including appeals, evolves. Meanwhile, thank you for your consideration of the above.

Sincerely,

EGLICK & WHITED PLLC

A handwritten signature in black ink, appearing to read 'P. Eglick', with a stylized flourish at the end.

Peter J. Eglick

Attorneys for Grass Lake Village HOA

cc: client



**Peter J. Eglick**  
eglick@ewlaw.net

April 4, 2019

*Via email and U.S. Mail*

Keith Stahley  
Director  
City of Olympia  
Community Planning & Development  
601 4th Avenue E, 2nd Floor  
Olympia, WA 98501

Tim Smith  
Principal Planner  
City of Olympia  
Community Planning & Development  
601 4th Avenue E, 2nd Floor  
Olympia, WA 98501

Paula Smith  
Associate Planner  
City of Olympia  
Community Planning & Development  
601 4th Avenue E, 2nd Floor  
Olympia, WA 98501

RE: Rexius Applications:  
Harrison Avenue Mixed Use Binding Site Plan, Project No. 16-9112-P; and  
Harrison Avenue Mixed Use, Project No. 18-0026

Dear Messrs. Stahley and Smith and Ms. Smith:

As you know, I represent the Grass Lake Village HOA. Attached is an analysis from a traffic and road perspective of the proposed Rexius BSP including in particular its proposed opening and use of Third Avenue for access. The analysis has been prepared by Tom Hansen P.E. who has substantial experience in the field, including many years as Public Works Director for the City of Woodinville.<sup>1</sup>

Mr. Hansen's analysis concludes that the project's proposed use of Third Avenue for access would grossly violate City standards, result in unsafe conditions, and drastically alter the character of the neighborhood. In light of this, Grass Lake urgently suggests that the City has allowed the threat of neighborhood character destruction and unsafe disruption to hang over the community for far too long. The City should therefore stop granting serial extensions for the

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<sup>1</sup> A copy of Mr. Hansen's resume is attached to this letter.



EGLICK & WHITED PLLC

April 4, 2019

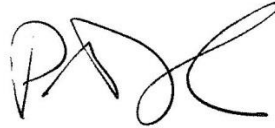
Page 2 of 2

Rexius BSP application. Instead, the City should advise the applicant that the aspect of the proposal that calls out Third Avenue as an access for the project is DOA.

Please advise as to how the City will proceed. Meanwhile, all rights are reserved.

Sincerely,

EGLICK & WHITED PLLC

A handwritten signature in black ink, appearing to read 'P. Eglick', with a stylized, looping flourish at the end.

Peter J. Eglick  
Attorney for Grass Lake Village HOA

Enclosures: T. Hansen Letter dated 4/1/19  
T. Hansen Resume

cc: client

**THOMAS E. HANSEN PE**  
**PROFESSIONAL CIVIL ENGINEER**

Transportation Engineering, Project Management, Construction Management

10320 159<sup>th</sup> Ave SE, Snohomish, WA 98290  
425-231-3821  
headlaufer@gmail.com

April 1, 2019

Mr. Peter Eglick  
Eglick & Whited PLLC  
1000 Second Ave., Suite 3130  
Seattle, WA 98104

Dear Mr. Eglick

As requested, I have completed my evaluation and analysis of the impacts that the proposed Harrison Avenue Mixed Use development would have on the existing Grass Lake Village neighborhood and its street system. In short, if the development is approved as is, it will not meet City of Olympia codes and standards and will result in severe impacts to the neighborhood street system.

The Harrison Avenue Mixed Use Project was submitted for approval to the City of Olympia as a Binding Site Plan. Complete application status was granted on November 30, 2016 (Convs. with P. Smith, City of Olympia staff). OMC 17.34.060.A states that approval of a binding site plan requires satisfaction of certain criteria including:

1. Conformance with requirements of all city and state ordinances, codes, standards and policies including those found in: the building code, the fire code, public works standards, the state environmental policy act, and the comprehensive plan.
2. Appropriate provisions have been made for streets, utilities, drainage ways, water supplies, and sanitary wastes.

If the proposed binding site plan does not meet all City codes and standards, then it cannot be approved according to OMC 17.34.100.A.4. As will be explained further, the proposed development, in its current configuration utilizing 3<sup>rd</sup> Avenue as an access route to the development, does not meet these criteria because it violates City codes and standards.

## EXISTING CONDITIONS

Yauger Way and 3rd Ave. were constructed as part of Grass Lake Village Phase 1 about the year 2000. The record drawings for the constructed roads were signed in May 2001. Yauger Way was designated Road “A” and 3rd Ave. was Road “B” on the record drawings. Yauger Way was designed and constructed as a Neighborhood Collector/Blvd with an 11 foot lane in each direction, a 7 foot wide parking strip on each side of the street, concrete curb and gutter, planter strips, and sidewalks on both sides of the street. There is either a two way left turn lane or a 10 foot wide median between the through lanes. The posted speed limit is 25 mph. There are no signs in the vicinity of the intersection of Yauger Way and 3rd Ave. allowing for or restricting on-street parking of vehicles.

3rd Ave was designed and constructed as a local access street with a total paved width between the curbs of 20 feet. City Standards allow for parking on one side of a local access street, but it is not designated by signage or traffic bulbs, either allowing or prohibiting. There are curb and gutters, planter strips, and sidewalks on both sides of the road. There is no posted speed limit. There is 48 feet of right of way, with the right of way lines located one foot behind the back of the sidewalks, restricting roadway widening unless a roadway section feature is removed or additional right of way is acquired.

There is lane striping in the middle of Yauger Way for the two way left turn lane, but there is none on 3rd Ave. There are no marked crosswalks or stop bars at the intersection of Yauger Way and 3rd Ave, and there no stop or yield signs on any leg of the intersection. There is street illumination, but its design and operation are beyond the scope of my review.

I did calculate the existing sight distance for drivers on 3rd Ave. wishing to enter onto Yauger Way. Looking to drivers left, there is only about 69 feet of sight distance available if a car is parked on Yauger Way just to the north of the radius return on the west side of the street. This is less than the 115 foot City Standard at an uncontrolled intersection (EDDS, 4B.150, Table 9). The sight distance for the driver looking right with a car parked at the end of the radius return south of the intersection on the west side of Yauger Way calculates to be 96 feet, which is also less than City Standards.

### **SIGNIFICANT TRAFFIC INCREASE BEYOND CAPACITY OF 3<sup>RD</sup> AVE.**

As stated earlier, 3<sup>rd</sup> Ave. is a local access street, only 20 feet wide between concrete curbs. It is designed to have only a single lane for traffic with parking allowed on one side of the street. The limited amount of traffic using this type of street would expect to alternate directions, with opposing traffic pulling into openings against the curb between parked cars to let the car get by. The street designed, constructed, and operated as a residential street, meets City standards.

City of Olympia EDDS, 4B.030 and 4B.035, Tables 2 and 3, lists as a design standard and street characteristic for local access streets a limit of average daily traffic (ADT) of 0 to 500 ADT. The proposed development is predicted to generate 1,681 ADT (Table 2 of the Traffic Impact Analysis, prepared by Heath & Associates, dated 11/29/2016, for the Harrison Mixed Use Project). It is further predicted that 65 PM peak hour trips will use the primary entrance to the site directly from Harrison Ave. and 60 PM peak hour trips will be using 3<sup>rd</sup> Ave. to enter and exit the proposed development. By applying the same ratio of trips using each entrance during the PM peak hour to the predicted ADT volumes, it can be calculated that 806 ADT would be using 3<sup>rd</sup> Ave.

The volumes are high enough that during the peak hour, residents on 3<sup>rd</sup> Ave. can expect to see a car each minute on this street to either enter or exit the proposed development, a significant change from current neighborhood characteristics. This amount of predicted traffic far exceeds the allowed volume for local access streets in the EDDS. Therefore, use of 3<sup>rd</sup> Ave. by the development would violate City standards. This impact was not identified in either the SEPA Checklist or the Traffic Impact Analysis that were submitted to the City in support of the proposed development.

A Policy on Geometric Design of Highways and Streets (AASHTO), Chapter 5.3.2 allows for the use of single lane roadways for residential streets; for commercial areas, it calls for traffic lanes (plural). If connected, 3<sup>rd</sup> Ave., designed to serve residential land uses, would now be required to serve commercial land uses, with a significantly higher and different traffic volumes and characteristics. This should not be lightly dismissed.

Being a stub road, the residents might have expected the traffic on it to perhaps increase within the limits of the standards as it was extended as allowed in EDDS 4B.035 Table 2, 4B.035 Table 3, or 2.040.B.7, about 120 ADT (12 single family residences), for a total of 180 ADT using 3<sup>rd</sup> Ave. The increase effectively proposed by the BSP design is over eight times in excess of that.

## SIGNIFICANT UNDISCLOSED IMPACTS

The development, as proposed, creates several significant impacts to the street system, and the adjoining Grass Lake Village neighborhood, which were not identified in the application materials that I have reviewed. Both the SEPA Checklist and the Traffic Impact Analysis are largely silent on the impacts created by the proposed development in the area of traffic and transportation.

These impacts are:

- Significantly increasing the amount of traffic using a local access street (3<sup>rd</sup> Ave.) beyond its design limits, rendering the street unsafe and inadequate.
- The existing intersection sight distance at the intersection of Yauger Way and 3<sup>rd</sup> Ave. does not currently meet City standards. This needs to be addressed by the City of Olympia whether the development proceeds or not. The existing intersection sight distance available will not meet the increased requirements by City standards if traffic from the proposed development uses this intersection.
- Insufficient road width for 3<sup>rd</sup> Ave. to be used as a fire apparatus access road unless drastic changes are made to the current neighborhood use including elimination of on-street parking.

Again, both the Traffic Impact Analysis and the SEPA Checklist are deficient in that they do not identify these potential impacts and propose how to avoid them.

Thank you for the opportunity to be of service in this matter. If you have any questions, please feel free to contact me at 425-231-3821 or [headlaufer@gmail.com](mailto:headlaufer@gmail.com).

Sincerely,



Thomas E. Hansen PE  
WA License No. 25725

**Thomas E. Hansen, PE**  
**10320 159<sup>th</sup> Ave. S.E.**  
**Snohomish, WA 98290**  
**425-231-3821, headlaufer@gmail.com**

## **KEY ACCOMPLISHMENTS AND ATTRIBUTES:**

- Innovative problem solver. Skilled at finding solutions to problems on public works projects/contracts that are acceptable to all stakeholders.
- Sought out for reviewing contract documents for constructability, conflicts, practicality, and feasibility of the constructed product and to ensure conformance with standards, codes, guidelines, regulations, permit requirements, laws, and funding restrictions.
- Recognized as a technical expert in the area of road, intersection and interchange design, contract document presentation and construction management.
- Outstanding judgment displayed for over 36 years in the planning, design, and execution of public works projects.

## **EMPLOYMENT HISTORY:**

### **City of Woodinville, 2008 to 2016**

#### **Public Works Director/City Engineer**

Supervisor: Richard A. Leahy, City Manager (425) 489-2700  
Brandon Buchanan, City Manager

- Oversee and direct the Public Works Department for the City
- Responsible for operation and efficient functioning of the City's Street and Storm Drainage Systems
- Responsible for all Professional Engineering work and review of submitted engineering documents for the City. This includes contract documents, permit applications, traffic engineering studies, traffic impact studies, geotechnical reports, development construction plans, plats, and surveys.
- Responsible for Development Review, Capital Project Construction and Management, Traffic Engineer, Maintenance of Street System, Storm Drainage System, Parks Maintenance, and Equipment Repair activities, and related permits
- Plan, Direct and Supervise the activities and long term assignments for six person Engineering Section and nine person Maintenance Group.
- Direct and manage multiple consultant contracts to accomplish Division and City goals.
- Responsible to City Manager for Division Activities and Budgets
- Serve as an engineering resource to other divisions within the City.
- Serve as the City Representative to regional boards as designated
- Responsible for all aspects of supervision of work group including hiring, mentoring, coaching, evaluating, guiding, leading, directing, disciplining, and termination

## **City of Snohomish, 2006 to 2008**

### **City Engineer**

Supervisor: Tim Heydon PE, Public Works Director, 360-568-3115

- Oversee and direct the Engineering Division of the Public Works Department for the City
- Plan, direct and supervise the activities and long term assignments for five person division, consisting of Staff Engineers, Project Managers, and Engineering Technicians.
- Responsible for all aspects of supervision of work group including hiring, mentoring, coaching, evaluating, guiding, leading, directing, disciplining, and termination
- Oversee and direct the City's Capital Construction Program, 37 on-going projects with a budget of \$8,200,000. Activities include selection and management of engineering consultant contracts, funding, environmental documentation and permitting, and management of the construction contracts.
- Coordination of Division's activities and projects with other City Departments and Divisions, outside agencies, utilities, citizen groups, affected property owners and businesses, and other interested parties. Serve as an engineering and project management resource to other Departments and Divisions within City government
- Responsible for all Professional Engineering work and review of submitted engineering documents for the City. This includes contract documents, permit applications, traffic engineering studies, traffic impact studies, geotechnical reports, development construction plans, plats, and surveys.
- Fiscal responsibility for contracts and projects including establishing and meeting both engineering and construction budgets.
- Manage an operational budget of \$650,000 annually

## **City of Mukilteo, 1999 to 2006**

### **Public Works Director/City Engineer**

Supervisor: Richard A. Leahy, City Administrator

- Oversee and direct the Public Works Department for the City
- Responsible for operation and efficient functioning of the City's Street and Storm Drainage System
- Responsible for all Professional Engineering work and review of submitted engineering documents for the City. This includes contract documents, permit applications, traffic engineering studies, traffic impact studies, geotechnical reports, development construction plans, plats, and surveys.
- Responsible for Development Review, Capital Project Construction and Management, Traffic Engineer, Maintenance of Street System, Storm Drainage System, Parks Maintenance, and Equipment Repair activities, and related permits
- Plan, Direct and Supervise the activities and long term assignments for three Staff Engineers and eleven person Maintenance Group.
- Direct and manage multiple consultant contracts to accomplish Division and City goals.
- Responsible to City Administrator for Division Activities and Budgets
- Author of the City of Mukilteo's 2004 Transportation Plan.
- Serve as an engineering resource to other divisions within the City.
- Serve as the City Representative to regional boards as designated
- Responsible for all aspects of supervision of work group including hiring, mentoring, coaching, evaluating, guiding, leading, directing, disciplining, and termination

## **Snohomish County Department of Public Works, 1986 to 1999**

### **Construction Supervisor, Engineering Services, 1989 to 1999**

Supervisor: Stephen D. Hansen, PE

- Lead a group of 10 to 12 full time engineers and technicians and up to 10 contract or temporary employees that manage \$15 million in capital improvement contracts and projects each year.
- Type of projects/contracts managed include road improvements, urban corridor widening, new road alignments, traffic signals, steel and concrete bridges, solid waste facilities, park and ride lots, surface water facilities, retaining walls, water and sewer lines.
- Fiscal responsibility for contracts and projects including establishing and meeting both engineering and construction budgets.
- Responsible for all aspects of supervision of work group including hiring, mentoring, coaching, evaluating, guiding, leading, directing, disciplining, and termination.
- Responsible for review of contract documents for constructability, conformance with guidelines, meeting future requirements and plans, matching into other projects, public or private, and meeting legal requirements.
- Assigned as a Project Manager on several emergency repair projects, compressing a normal 2 year design effort into 6 months, completing construction within 10 months of the storm event that caused the damage, with total engineering expenditures less than 20% of project construction cost, in addition to normal duties.

### **Engineer II, Engineering Services, 1986 to 1989**

Supervisor: Richard G. Andrews

- Served as a project engineer (owner's resident engineer) on public works contracts from \$600,000 to \$3,000,000 in size.
- Oversaw QA/QC, engineering budget, and contract expenditures
- Supervised 4 engineers and technicians and coordinated and scheduled the work activities of seven support groups.

## **Employment History Continued:**

### **Washington State Department of Transportation, 1980 to 1986 – Design Engineer, Design Team Leader**

### **Forest Engineer in the Logging Industry 1978 to 1979**

### **President, Prodegy Inc. D.b.a. Ski Laufer Ski School 1985 to 2002**

- Direct the operation of a 220 student alpine snow sports school employing 15 instructors on weekends
- Taught alpine skiing for 35 years and directed the school for 17 years.

## **EDUCATION/CERTIFICATES:**

- Professional Engineer's License: Civil Engineering, State of Washington, No. 25725
- Bachelor of Science, Forest Resources, Forest Engineering Major, University of Washington,
- Level III Certified Ski Instructor - PSIA
- Eagle Scout, Boy Scouts of America



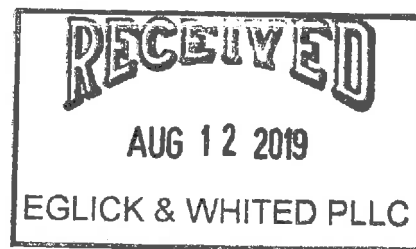
**THOMAS E. HANSEN PE  
PROFESSIONAL CIVIL ENGINEER**

Transportation Engineering, Project Management, Construction  
Management

10320 159<sup>th</sup> Ave SE, Snohomish, WA 98290  
425-231-3821  
headlaufer@gmail.com

August 6, 2019

Mr. Peter Eglick  
Eglick & Whited PLLC  
1000 Second Ave., Suite 3130  
Seattle, WA 98104



Dear Mr. Eglick

As requested, I have completed my evaluation and analysis of the revised binding site plan for the Harrison Ave Mixed Use project and how the proposed development may impact the existing Grass Lake Village community.

1. As stated in my April 1, 2019 letter to you, the existing intersection sight distance at the intersection of 3<sup>rd</sup> Ave. NW and Yauger Way does not currently meet City standards. The revised site plan does not address this issue and does not include information on how this safety issue will be addressed in conjunction with the proposed development.
2. A revised Traffic Impact Analysis was not provided to determine the amount of traffic that the proposed development will generate. I performed a quick determination myself using the methodology in the original traffic impact analysis for this development dated, November 2016. My rough calculation indicates that the proposed revised development will generate about 1,073 ADT. As before, half will go out the proposed driveway onto Harrison Ave, and the other half will exit the development using existing 3<sup>rd</sup> Ave NW and Yauger Way to head east or south. This is because as before, the driveway onto Harrison Avenue will be a right in - right out only due to the existing configuration and channelization on Harrison Avenue. This means that about 536 vehicles per day from the development will be traveling on existing 3<sup>rd</sup> Ave. NW in addition to the 60 vehicles per day that use it now (6 single family residences are on this street) for a predicted total of 596 vehicles per day. This is higher than allowed by City

Standards for Local Access Streets (500 ADT). This significant increase in traffic using 3<sup>rd</sup> Ave. NW will render it unsafe and inadequate. This is about the same impact to 3<sup>rd</sup> Ave NW as described in my April 1, 2019 letter to you. Those comments are therefore incorporated by reference.

3. The revised binding site plan has a note on it, "Commercial Traffic to and from the site will be restricted to Harrison Avenue by signage and lane restriction of the 3<sup>rd</sup> Avenue connection to Grass Lake Village." Based on my judgement from a 36-year traffic engineering career including 17 years as a Public Works Director/City Engineer, this is not practicable or enforceable. Drivers will use the perceived easiest path of travel to reach their destination despite any signing restricting that path. If a driver of any type of vehicle wants to head east on Harrison Ave from the development, they will use 3<sup>rd</sup> Ave. NE. Unless this connection is physically blocked from usage, all types of traffic, including commercial, will use this connection and the existing streets. In addition, the intent of what the Engineer means to have constructed by the term "lane restriction" is unclear. The Engineer's intent and meaning needs to be clarified so all parties understand what is intended.
4. The revised binding site plan shows a proposed drainage swale along the east side of Lot 5 and a row of Leyland Cypress trees adjacent to houses and lots within Grass Lake Village. I am not sure how practical this swale is as the ground within the proposed development is higher than the adjoining areas within Grass Lake Village. The swale is for infiltration of stormwater runoff from the development and the proposed extension of 3<sup>rd</sup> Ave. NW. This may impact ground water levels in the surrounding area and may affect existing houses and buildings in Grass Lake Village causing flooding and settlement. Further study, analysis, and review of the function of and impacts created by this swale is highly recommended. Detailed plans, available for review by the public and other interested parties, before any administrative action is taken, are needed to insure that the swale will fit within the 14 foot wide area allowed and will function as intended without impacting adjoining properties. In addition, the trees planted as close to the property line as shown will encroach onto the existing houses and property within Grass Lake Village within a few years, growing to a height of 60 to 70 feet and up to 15 to 20 feet in diameter.

Thank you for the opportunity to be of service in this matter. If you have any questions, please feel free to contact me at 425-231-3821 or [headlaufer@gmail.com](mailto:headlaufer@gmail.com).

Sincerely,



Thomas E. Hansen PE  
WA License No. 25725

Dear Mr & Mrs. Smith,

I am contacting you today to voice my opposition to the Mixed-Use Binding Site Plan, Project No. 16-9112-P. The approval of this plan will cause a serious change to the character and safety of the Grass Lake neighborhood. In addition, the application package contains inaccurate and potentially misleading information about the lot and its current use.

Adding public access to the proposed development of this site, and its future businesses and residential tenants, will cause a dramatic increase in traffic on a street that currently has multiple families with young children residing in half of the residences. Adding this increase in daily traffic will dramatically degrade the level of safety and quality of life to all of the residences on 3<sup>rd</sup> Ave NE and to the rest of the Grass Lake Village neighborhood. This includes the children who reside in the residences on 3<sup>rd</sup> Ave and the greater Grass Lake Village neighborhood. It is these children who will most likely be subject to added risks to their safety by the traffic increase the city will be endorsing with approval and seeming lack of due diligence in vetting the current application package.

The current application package contains inaccuracies (possibly purposeful) in the SEPA environmental checklist. Examples of these inaccuracies include;

*A. Background*

*8. Land and Shoreline Use*

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.*

*Commercial to the south and west, east and north is residential. No, the project will not affect the surrounding properties. Currently the existing residence has been converted to Commercial use.*

- 1) The approval of the binding site plan will increase traffic to the surrounding neighborhood that will degrade public safety in the residential neighborhood to north and west. In addition, it will increase traffic related noise and congestion that will lower the quality of life and degrade the appeal and level of safety of/in this neighborhood to current and prospective tenants. Possibly lowering property values as a result*
- 2) The “house” or current structure on the subject property is being used as a residential property and has been since the former business tenants relocated last year.*

- b. Describe any structures on the site.*

*One single story house converted to Commercial use.*

- 1) This house has been used as a rental unit for single family residential purposes since the former commercial tenants relocated last fall

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

*None. Home is not currently occupied.*

- 1) This home is currently occupied and has been for the approximately the last 6 to 9 months with tenants who likely pay rent to Kern Rexius.

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

*None.*

- 1) This is omitting the fact that there are multiple individuals living in the current structure as tenants to the current property owner who will be displaced by this development

*C. Signature*

*The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.*

*Signature: \_*

*Name of signee: Chris Cramer*

*Position and Agency/Organization: Patrick Harron and Assoc.*

*Date Submitted: 7/8/19*

- 1) The statements in this SEPA are neither true or complete and the lead agency is been given an assessment that limits its ability to make an informed decision.
- 2) Patrick Harron and Assoc. has at best completed an incomplete assessment and at worst a misleading assessment of some of the elements contained in the SEPA checklist
- 3) This document was submitted on 7/12/2019 not 7/8/2019 which potentially shows an inaccurate date of submittal and at worst misleading date of submittal for what is a document submitted right at established application deadlines.

The current SEPA checklist, of which I have made a copy, contains inaccuracies about the current use of the structure currently located on the subject lot and impacts that will accompany the redevelopment of this site. This reflects what has been a continuing pattern by Kern Rexius,

or his representatives, of not following proper procedure in Mr. Rexius' effort to rezone and redevelop the subject property that is contained in this binding site plan.

Mr. Rexius, in the past, has failed to act in good faith towards the city and the neighboring landowners (and tenants) by allowing the unpermitted redevelopment of the subject property for a past landscaping and excavation business. A business that caused a marked increase in unpermitted traffic on 3<sup>rd</sup> Ave and marked increase in ambient noise due to idling vehicles, dumping of construction refuse, and general construction activities. In addition, Mr. Rexius's has been an absentee landlord in allowing his current tenants light illegal outdoor burn piles for recreational purposes in the north end of the lot. This is a violation of city code, a major annoyance to neighboring tenants, a threat to public safety, and a potential public health concern to local residents with cardio-pulmonary health issues. The current tenants have also treated this section of the subject property like an unpermitted campground by having these unpermitted fires and pitching a camping tent in that section of the lot. A camping tent that is pitched in that location currently and has been for the last three months. A location visible from a business managed by the applicant. Mr. Rexius has also failed to abate large swaths of invasive weeds, like Himalayan blackberry, that have spread to neighboring properties and are currently encroaching on a newly constructed fence and on towards the neighboring parcels. Lastly, Mr. Rexius has utilized "barbed wire" on multiple stretches of fence on the southeast and northern fence line of the neighboring property to the subject parcel which is also a violation of city code per OMC 18.40.040.C.9.

The City of Olympia has taken the stance that they are willing to move forward in good faith with Kern Rexius in his desired redevelopment of the subject property because of what they perceive as reciprocated good faith by Mr. Rexius. However, there are multiple documented examples of Mr. Rexius violating city code in a manner that at best negligent and at worst are contrary to what can be reasonably construed as "good faith". The city, in my opinion, has abdicated their responsibility, in the permitting the process, by allowing the applicant to circumvent permitting requirements and not holding the applicant accountable when violations have been identified. The city has undermined the integrity of the permitting process by continuing to accommodate an applicant who either fails or refuses to respect the permitting process and city ordinances. This highlights an image of accommodation to wealthy and entitled individual that would not be afforded to other citizens who commit similar violations.

As a resident of the neighborhood and voting member of the electorate I am severely disappointed in the city's actions throughout this and past permitting processes for the redevelopment of the subject property. Since the City Planners are not elected officials, I cannot hold them accountable at the ballot box during future elections. However, I can hold the city officials that oversee their work accountable during future elections and I plan to do so if these concerns are not addressed. I can only assume that the voting members of the Grass Lake Village neighborhoods, and their extended, and substantial social circles will also share similar dissatisfaction.

Jacob Layman  
Grass Lake Village Resident

## Paula Smith

---

**From:** Joyce Neas <neas40@msn.com>  
**Sent:** Wednesday, August 14, 2019 4:34 PM  
**To:** Paula Smith  
**Cc:** Kacey Kimmel  
**Subject:** OBJECTION to Site Plan Application 16-9112 Harrison Ave. Mixed Site Plan

### External Email Alert!

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Joyce D. Neas

3708 3<sup>rd</sup> Ave. NW

Olympia, WA 985023

360.359.3094

[neas40@msn.com](mailto:neas40@msn.com)

August 15, 2019

Paula Smith, Associate Planner

City of Olympia

Community Planning & Development

601 4<sup>th</sup> Ave. E

Olympia, WA. 98201

RE: Harrison Avenue Mixed Use Binding Site Plan. File # 16-9112

Dear Mrs. Smith,

I am writing today to voice my **objection** regarding the application for Harrison Avenue Mixed Use Binding Site Plan. File # 16-9112 by Kern Rexius.

I have owned my home on 3708 3<sup>rd</sup> Ave. NW since 2005. At that time, my understanding was that the property was zoned residential. Sometime around 2010, it was rezoned mixed use, without notification from the City of Olympia or a required posting at the dead end of my street (3<sup>rd</sup> Ave.)

I have attached a photo of my street in 2015, prior to Mr. Rexius bulldozing down the trees and utilizing the street for a landscaping company for an entire summer making our lives a living hell. I began voicing my objection to this work to the City immediately and was told he had permits so I was out of luck. It wasn't until the "neighborhood meeting" for the last site plan, I was told he NEVER had a permit! After that meeting the landscaping company moved down the street and the little house on Harrison that is supposed to be zoned "business" has people living in it. For the past four years, myself and my neighbors have lived with constant violations to city regulations (cutting trees, people camping on the property lighting camp fires).

Now we have a new site plan in which Mr. Rexius is proposing widening our street to gain access to the businesses and apartments in his proposal. See the trees and sidewalk in my photo? They will all be gone! My front yard will basically disappear! And we will have constant traffic on our street to access the property. Our quality of life and safe little street is gone!

In addition, the plans show an apartment building that is too close to our homes! They can basically look out the back and see right into my back yard.

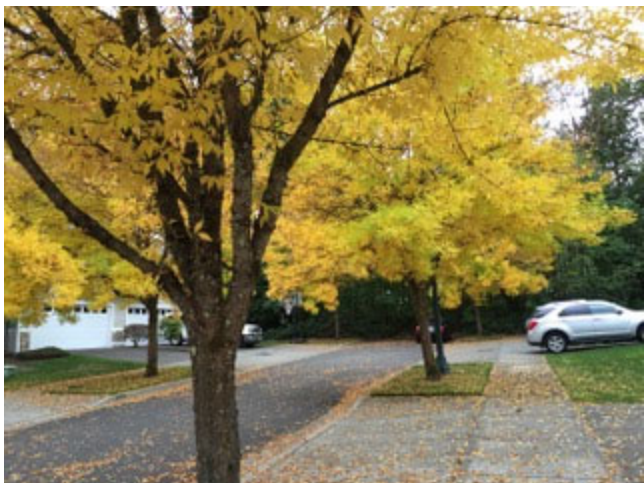
Please take a look at the second photo, that little guy has lived on 3<sup>rd</sup> Ave. since the day he was born! His name is James and he is the light of my life and he plays and rides his bike on his street!

**Please do not approve this application.**

There has to be another way for Mr. Rexius can access his property (Harrison or next to his business Bark n Garden) without destroying the serenity of our lives.

Sincerely,

Joyce Neas





## Paula Smith

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**From:** Bill Truax <billktruax@yahoo.com>  
**Sent:** Wednesday, August 21, 2019 9:51 PM  
**To:** Paula Smith; CityCouncil  
**Subject:** City Meeting

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My name is Bill Truax I'm a six year resident of grass Lake Village.

Two of us Grass Lakers helped start a block watch program with the city's encouragement. We have a pleasant tranquil environment here, and strive to keep it that way. Come anytime and see for yourself. We work hard to make Grass Lake Village a place of enjoyment for all, where people can come and enjoy each other and sit on a bench, like in a village. The city help create that, in it's required design of mixed living units. It did NOT include a plan for high-rise apartment concentrated living, for a village setting.

Now to three specific points.

Most of the 81 planned apartment residents or commercial customers will want to exit to our light on Harrison and Yaeger, due to the draw toward the city and capital medical areas, creating much heavier G.L.V. area traffic.

Second, Those 81 units do not show any provided play area in the plan so this will put pressure on our adjacent fountain entrance attraction. Our covenant Open spaces were required to be kept as natural woods, so we have no play spaces to absorb youthful energy. Surely that is a plan necessity.

Third, it looks like it would be difficult for the fire department to reach the back side of the 4 story apartment. Too tall and tight to adjacent neighbors on east with a drainage ditch and tree buffer in the 10 ft. Setback.

I am speaking as an unofficial representative of the older residents many in their 80s and 90s. It would be doing these older residents of Grass Lake Village and an injustice not to bring their voices to this hearing. The plan needs serious change. I had hoped to deliver this in person but had to visit a sick sister.

P. S. The plan map sent to residences and as posted on the signage, needed a magnifying glass to read. And should be a consideration when proposing changes.

Sent from my iPhone\pad

## Paula Smith

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**From:** Chuck Ruth <pcruth@msn.com>  
**Sent:** Saturday, August 24, 2019 10:47 AM  
**To:** Paula Smith  
**Subject:** Harrison Ave Mixed Use Binding Site Application 16-9112

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Ms Smith

My initial email to you had an incorrect email address. My apologies. Below is a summary of comments my wife and I offer for City of Olympia staff consideration:

### **Harrison Ave Mixed Use Binding Site Plan Application 16-9112**

Comments on Site Plan based on review of Plan and City of Olympia/Neighborhood Meeting of  
8/22/19

From: Charles Ruth, PE & Shari Oliver, MS, MFCC - Grass Lake Homeowners

The following professional opinions are submitted for consideration by the City of Olympia during the review/approval process for the subject site plan:

- My name is Charles Ruth. I am a licensed Civil and Structural Engineer in the states of Washington and California. I was present at the neighborhood meeting on August 22, 2019 at Olympia City Hall. I have over 45 years of professional engineering experience, and I am currently employed as a consulting engineer. I have participated in the design of numerous civil and structural residential, commercial, and public transportation projects. My former experience as an Assistant City Engineer in a moderate-sized city in Northern California gives me some insight into the city planning process. My wife, Shari Oliver, is a retired university professor and psychotherapist with professional expertise in the area of stress management.
- My general impression from the Aug 22 meeting was that a vast majority of the adjacent Grass Lake community residents were against the subject site plan as currently proposed. Many passionate pleas were made for the City of Olympia to consider and respond to legitimate concerns of the area residents. These concerns have been voiced repeatedly in the past. It appears that the City of Olympia has been remiss in responding to the Grass Lake community concerns. This apparent lack of consideration and response is not consistent with responsible and responsive city public service.
- A major concern of the Grass Lake community is the use of 3<sup>rd</sup> Ave as a primary entrance/outlet for automobile traffic generated by the subject development plan. It is my professional opinion that 3<sup>rd</sup> Ave and intersecting road of Yauger Way (extension) were designed to accommodate residential community traffic only. Using this current residential street configuration to accommodate the inevitable significant increase in development-related

traffic is not only a poor plan, it represents a likely hazardous living environment for the Grass Lake community and the new community associated with the proposed development. Not only will the current residents at or near the 3<sup>rd</sup> Ave and Yaeger Way intersection experience major congestion, traffic noise, and risk to area children and residents, but they will also experience significant loss of property value. A major improvement to the project would be for new development traffic to enter and exit from/to Harrison Ave only.

- The proposed site plan also represents a major concern for emergency vehicle access, such as fire trucks/ambulances. There appears to be little or no consideration given to how emergency vehicles would achieve immediate access to the site area, in view of the vehicle congestion associated with so many apartments and commercial businesses. It is **strongly recommended** that the City of Olympia fire department be allowed to comment on this plan. It is further **strongly recommended** that any recommendations provided by the fire department be incorporated into the site plan. If these emergency vehicle concerns are not addressed, it is my professional opinion that the City of Olympia, the developer, and the developer's engineer would be putting the associated residents and businesses at significant risk and would be accepting an extreme immediate and future liability risk.
- The proposed site plan and associated parking/vehicle access does not appear to give adequate consideration to the need for service vehicle access for delivery of goods and services to/from the commercial businesses on the ground floor of the proposed buildings, nor to trucks/vehicles that must deliver or pick up furniture and supplies to/from the proposed apartments.
- There does not appear to be any play area in consideration of the children who will undoubtedly be part of the residential demographic.
- The parking provided as part of the site plan, appears to be inadequate. In peak periods of commercial activity, apartment residents will be forced to use the already limited Grass Lake community parking along Yaeger Way. Given that this area is already crowded, such an increase will create extreme social and environmental impacts.
- I also have major technical concerns regarding the storm water that will be generated by this proposed site plan as well as how this storm water will be managed. The soil conditions at this site were described at the Aug 22, 2019 meeting as "hardpan". Many of us who live in Grass Lakes can attest to this. It is nearly impossible to aerate lawns or to plant shrubs or trees of any size. If this is the case for the general area, it is my professional opinion that intrusion swales have little chance of functioning adequately. In any case, extreme rainfall on successive calendar days may quickly overwhelm any proposed intrusion swale storm drainage system. It is imperative that the proposed storm water management system have an overflow mechanism that diverts the likely overflow storm water off the site, directly towards Harrison Ave, not towards the Grass Lake community.

- Additionally, my wife Shari has profound professional concerns regarding the inevitable stressors that will occur for everyone involved in both the Grass Lakes community and the proposed development. At minimum, the resulting population density will radically increase noise, competition for parking, and safety risks for all residents involved. There will also be unintended negative consequences. It is important to consider that the stress from such heightened density many times leads to increases in aggressive behavior and crime. Will there be sufficient law enforcement to patrol for safety? What will the quality of life become? Is each member of the City Council willing to say that they will gladly move into the area?

We appreciate the opportunity to comment on the proposed subject site plan. It is our hope that the City of Olympia will seriously consider our concerns and suggested improvements. Such reasonable and logical concerns should result in plan modifications that meet the needs of the Grass Lake community, while still allowing the developer to build in a manner that generates a reasonable profit.

Please let us know if you have any questions regarding our comments. We are ready and willing to meet with City of Olympia staff to discuss our concerns and ideas, at your convenience.

Sincerely,  
Charles C. Ruth  
WA CE/SE License #13622; CA CE License #21292; CA SE License #1933  
360-480-1208  
Shari L. Oliver  
415 Cimmaron Ln, NW  
Olympia, WA 98502

Cc: Grass Lake HOA

**Note: I also sent a copy of this email to the Mayor of Olympia, and the Olympia Fire Department**

Sent from [Mail](#) for Windows 10

## Paula Smith

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**From:** Leonard Bauer  
**Sent:** Tuesday, August 27, 2019 10:19 AM  
**To:** Paula Smith  
**Subject:** FW: Harrison Avenue NW Development Plan, #16-9112

For the file

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

From: CityCouncil <citycouncil@ci.olympia.wa.us>  
Sent: Tuesday, August 27, 2019 8:19 AM  
To: Esther Grace Kronenberg <wekrone@gmail.com>  
Cc: Councilmembers <Councilmembers@ci.olympia.wa.us>; Steve Hall <shall@ci.olympia.wa.us>; Jay Burney <jburney@ci.olympia.wa.us>; Kellie Braseth <kbraseth@ci.olympia.wa.us>; Connie Cobb <ccobb@ci.olympia.wa.us>; Paul Simmons <psimmons@ci.olympia.wa.us>; Keith Stahley <kstahley@ci.olympia.wa.us>; Leonard Bauer <lbauer@ci.olympia.wa.us>  
Subject: RE: Harrison Avenue NW Development Plan, #16-9112

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

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

From: Esther Grace Kronenberg <wekrone@gmail.com>  
Sent: Saturday, August 24, 2019 4:16 PM  
To: CityCouncil <citycouncil@ci.olympia.wa.us>  
Subject: Fwd: Harrison Avenue NW Development Plan, #16-9112

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From: Esther Grace Kronenberg <wekrone@gmail.com>  
Date: Sat, Aug 24, 2019 at 4:13 PM  
Subject: Harrison Avenue NW Development Plan, #16-9112  
To: <Citycouncil@ci.olympia.wa.us.gov>

Dear City Council,

I just became aware of this project and a neighborhood information meeting held August 22.

It seems that many neighbors were not aware of this development and that the City failed to respond to correspondence from the Homeowners Association. I am also concerned about the environmental impact on the Green Cove Basin watershed.

I do not oppose development in principle, but I think it's important that:

- 1) Environmental impacts are correctly assessed and mitigated,
- 2) All stakeholders are involved,
- 3) The process is transparent and unbiased, and
- 4) Preserving common areas and livable neighborhoods is a major consideration

It's time for City Council to figure out guidelines for development that encourage and incorporate innovative designs that protect the environment and natural resources, and preserve common areas and neighborhood character. There are many examples, including the Woodard Co-Housing on the West Side, and Village Homes in Davis, CA.

This project by project struggle is inefficient, frustrating, and breeds mistrust and conflict.

It often seems like the City is working more closely with the developer than the community.

I urge City Council to look for long range solutions that include and benefit the entire community for decades to come.

Thank you,

Esther Kronenberg



Peter J. Eglick  
eglick@ewlaw.net

September 26, 2019

*Via email and U.S. Mail*

Tim Smith  
Principal Planner  
City of Olympia  
Community Planning & Development  
601 4th Avenue E, 2nd Floor  
Olympia, WA 98501

Paula Smith  
Associate Planner  
City of Olympia  
Community Planning & Development  
601 4th Avenue E, 2nd Floor  
Olympia, WA 98501

RE: 3840 Harrison Avenue NW, Application Nos. 18-0026 and 16-9112 -P

Dear Mr. Smith and Ms. Smith:

Please be advised that effective today this office no longer represents Grass Lake Village Homeowners Association concerning the Rexus applications for projects located at 3840 Harrison Avenue NW listed above. Please make sure to direct all future communications and notices, including all notices of decisions and/or of commencement of comment and/or appeal periods concerning the projects to the Grass Lake Village HOA at:

Grass Lake Village Homeowners Association  
c/o Jennifer Walker (jwalkeratty@gmail.com)  
President  
3636 4th Avenue NW  
Olympia, WA 98502

Thank you.

Sincerely,

EGLICK & WHITED PLLC

Peter J. Eglick

cc: Jennifer Walker  
Heather Burgess

**From:** LISA QUINN <quinn.lisa@comcast.net>  
**Sent:** Tuesday, October 8, 2019 12:57 PM  
**To:** Paula Smith  
**Subject:** Harrison avenue Mixed Use Development

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Dear Ms. Smith,

As an owner of two properties on Craftsman Drive NW in Grasslake Village, I want to add my voice to those in opposition of the above project. I was unable to attend the 8/22 meeting, but I want you to know that I strongly oppose what is being considered. If the project is allowed to go forward, it will forever damage our community and our quiet enjoyment of our homes. It would be a disaster for all residents of Grasslake Village.

Again, please add my voice in strong opposition to this project.

Regards,  
Lisa Quinn  
509/513 Craftsman Drive NW  
Olympia, WA 98502