

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

IN RE: ) HEARING NO. 18-1869  
)  
SOUTH PUGET SOUND COMMUNITY ) FINDINGS OF FACT,  
COLLEGE HEALTH AND WELLNESS ) CONCLUSIONS OF LAW  
CENTER EXPANSION (BUILDING 31), ) AND DECISION  
)

**APPLICANT:** South Puget Sound Community College  
2011 Mottman Road S.W.  
Olympia, Washington 98512

**REPRESENTATIVES:**

Ruben Nunez  
KMB Architects  
906 Columbia Street S.W.  
Olympia, Washington 98501

Laura Price  
South Puget Sound Community College  
2011 Mottman Road S.W.  
Olympia, Washington 98512

**SUMMARY OF REQUEST:**

A Conditional Use Permit to expand the College's existing Health and Wellness Building (Building 31) from 21,300 square feet to approximately 40,000 square feet. The project will require the demolition of existing Building 33. The project will allow for renovation of existing classrooms and locker rooms, new practice gym and exercise facility, and additional student communal space. The project is not expected to cause an increase in student enrollment or College employees, and no new parking facilities are proposed.

**LOCATION OF PROPOSAL:**

2011 Mottman Road S.W.

**SUMMARY OF DECISION:**

The permit application is **approved** subject to revised conditions.

**BACKGROUND**

In accordance with its current Master Plan, South Puget Sound Community College (the "College") seeks to renovate and expand its existing Health and Wellness Building, referred to as "Building 31", to allow for a second gymnasium, classrooms, new locker rooms and additional

*Findings of Fact, Conclusions of Law  
and Decision - 1*

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1 student communal space. The requested expansion will require demolition of the adjoining  
2 Building 33.

3 The project is noteworthy as it will be financed by the College's students rather than by  
4 the standard State financing of Community College facilities. The project reflects the student's  
5 desire for increased emphasis on health and wellness and the project has been designed to  
6 encourage students to make use of the facility.

7 The project will roughly double the size of the current Health and Wellness Center, from  
8 approximately 21,300 square feet to nearly 40,000 square feet. This expansion will require the  
9 demolition of adjoining Building 33. Both buildings are within a cluster of buildings associated  
10 with the health sciences.

11 The need for a Conditional Use Permit for the project is not entirely clear. In 2009 the  
12 City's then hearing examiner, who was jointly serving as pro tem hearing examiner for  
13 Tumwater, approved a Master Conditional Use Permit for campus development effective for ten  
14 years, or until 2019, Case 08-0095. It could be argued that the 2009 Master Conditional Use  
15 Permit provides all necessary permission for the current project. Nonetheless, City Staff  
16 concludes that the project should be granted its own Conditional Use Permit and the College  
17 does not disagree.

18 Except for one person's concern about the College's current parking there has been no  
19 public opposition to the project.

20 Prior to the public hearing I undertook a brief independent site examination.

21 The public hearing commenced at approximately 6:30 p.m. on Monday, November 26,  
22 2018, in the Council Chambers in the City Hall. The City appeared through Nicole Floyd of  
23 Planning Staff. Ms. Floyd was appearing on behalf of fellow Planning Staff member Catherine  
24 McCoy, author of the Staff Report, who was unable to attend. The College appeared through  
25



1 Ruben Nunez of KMB Architects and Laura Price from the College Administration. There were  
2 no members of the public present. Testimony was received from Ms. Floyd, Mr. Nunez and Ms.  
3 Price. A verbatim recording was made of the public hearing and all testimony was taken under  
4 oath. Documents considered at the time of the hearing were the City Staff Report including  
5 Attachments 1 through 27. There were no other exhibits presented during the hearing.

6 Ms. Floyd testified briefly but relied primarily on the Staff Report earlier prepared by Ms.  
7 McCoy. Ms. Floyd explained that the project has been thoroughly reviewed by City Staff and has  
8 been well received. The City received one written comment (Attachment 11) expressing concern  
9 regarding the College's available parking but otherwise the City has not received any public  
10 opposition to the project. As to the concern over parking, Ms. Floyd responds that the College  
11 currently satisfies all parking requirements established by the 2009 Master Conditional Use  
12 Permit. In addition, the project is not expected to increase student enrollment or College staffing  
13 nor will it eliminate any existing parking, and therefore will not have an impact upon parking.

14 When asked by the Hearing Examiner why this project was not already covered by the  
15 2009 Master Conditional Use Permit, Ms. Floyd explained that as the permit is nearing the end  
16 of its ten year life, and as various development regulations suggest that a separate permit is  
17 needed, City Staff concluded that it would be best to have the project be given its own  
18 Conditional Use Permit. The College's application materials have mildly questioned the need for  
19 this permit but the College has not challenged the Staff's decision to require a separate permit.

20 Following Ms. Floyd's testimony the architect's representative, Ruben Nunez, provided  
21 more information on how the project will be integrated into the existing campus. Mr. Nunez  
22 explained how the choice of materials and colors will allow the project to blend comfortably into  
23 the existing surrounding buildings and the campus as a whole. In addition, the project is  
24 designed to entice students to come to it and make use of its facilities.

1 Following Mr. Nunez's testimony Ms. Price spoke briefly and questioned the need for  
2 two of the conditions imposed on permit approval. Ms. Price felt that the second sentence in  
3 proposed Condition 3, as well as proposed Condition 11, were unnecessary. These conditions  
4 would require the College to calculate the three-year cost of maintaining the project's  
5 landscaping and provide a landscaping bond equal to 125% of this cost. Ms. Price notes that the  
6 College has a fulltime landscaping staff and is already committed to maintaining the proposed  
7 landscaping. Ms. Floyd acknowledged that the College's points were well taken and that, under  
8 these unique circumstances, the standard requirements for a landscaping bond were unnecessary.  
9 Ms. Floyd therefore agreed that the second sentence of Condition 3 and all of Condition 11 could  
10 be removed.

11 The proposed expansion of Building 31 will increase the health and wellness facilities for  
12 College students, will blend with existing College facilities and will add an aesthetically pleasing  
13 new structure to the campus without any added burden on environmentally sensitive areas or  
14 existing parking. I conclude that the requested permit should be granted subject to revised  
15 conditions of approval as requested by the College.

16 I therefore make the following:

17 **FINDINGS OF FACT**

18 1. The Applicant, South Puget Sound Community College, requests a Conditional  
19 Use Permit in order to expand the existing Health and Wellness Building (Building 31) on the  
20 College campus. The expansion would increase the square footage of Building 31 from 21,300  
21 square feet to approximately 40,000 square feet and would provide for a second gymnasium,  
22 classrooms, locker rooms, exercise facilities and additional student communal space.

23 As part of the project the existing Building 33 on the campus will be demolished.

24 The project does not call for any additional on campus parking.



1           2.       Any Findings of Fact contained in the foregoing Background section are  
2 incorporated herein by reference and adopted by the Hearing Examiner as his Findings of Fact.

3           3.       Other site improvements associated with the project include revised pathways,  
4 lighting and landscaping, all as reflected on site plans.

5           4.       The project is not expected to cause an increase in student enrollment or an  
6 increase in College employees and is therefore expected to have no impact upon traffic or  
7 College-related parking.

8           5.       The project site is zoned Residential Single Family (R 4-8).

9           6.       The project site is designated as Low Density Neighborhood in the City  
10 Comprehensive Plan.

11          7.       Pursuant to the State Environmental Policy Act a Determination of  
12 Nonsignificance was issued on October 30, 2018. No appeal to the DNS has been filed.

13          8.       Notification of the public hearing was mailed to the parties of record, property  
14 owners within 300 feet and recognized neighborhood associations, posted on the site and  
15 published in The Olympian in conformance with the OMC 18.78.020.

16          9.       The project site is within the area regulated by the Master Conditional Use Permit  
17 issued in 2009, Case No. 08-0095. The project is consistent with the terms and conditions of the  
18 Master Conditional Use Permit.

19          10.      The project is also consistent with the College's current Master Plan, issued in  
20 2015 (Attachment 26).

21          11.      The project facility is an "Essential Public Facility" under the City's Development  
22 Regulations.

23          12.      Essential Public Facilities are allowed as conditional uses in the R 4-8 zoning  
24 district subject to the requirements imposed on "Type 2" Essential Public Facilities. OMC  
25 18.04.040 and Table 4.01; OMC 18.04.060.W.

*Findings of Fact, Conclusions of Law  
and Decision - 5*

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1           13.     As a Type 2 Essential Public Facility early notification and public involvement  
2 must be allowed, including ninety (90) days notice. These requirements have been met.

3           14.     Type 2 Essential Public Facilities must not have any probable unmitigable  
4 significant adverse impacts on critical areas. This requirement has been met.

5           15.     Essential Public Facilities expected to generate more than 500 motor vehicle trips  
6 during the peak traffic hour must be within one-quarter mile of a highway or arterial, or served  
7 by mass transit. This criteria does not apply.

8           16.     Type 1 Essential Public Facilities must provide analysis of alternative sites for the  
9 proposed facility. This requirement does not apply.

10          17.     The Staff Report at pages 3 and 4, contains further analysis of the project's  
11 compliance with the requirements for conditional use permits for Essential Public Facilities. The  
12 Hearing Examiner has reviewed those additional Findings and adopts them as his own Findings  
13 of Fact.

14          18.     When located in residential zoning districts, including the R 4-8 District, school  
15 facilities, including college facilities, must obtain a conditional use permit if a building is  
16 expanded by more than 10% of a preapproved floorplan. OMC 18.04.060.CC. The proposal  
17 would expand Building 31 by more than 50% of its gross floor area and a conditional use permit  
18 approval is therefore required.

19          19.     With the exception of certain residential development, all building expansions  
20 equal to or greater than 50% of the assessed property valuation must comply with the  
21 requirements of the Landscaping and Screening Ordinance, Chapter 18.36 OMC. The proposed  
22 improvements to Building 31 are less than 50% of the assessed property valuation and the  
23 ordinance therefore does not apply.



1           20.     Landscaping plans are still required, however, as there are areas disturbed by the  
2 improvements, and disturbed areas must comply with the Landscaping and Screening Chapter.  
3 As set forth on Page 5 of the Staff Report, Staff has revised the Conceptual Landscaping Plan  
4 and, after certain revisions, finds that the Landscaping Plan meets the applicable provisions of  
5 the code. Further review will be conducted with the engineering and building construction  
6 permit application review which is currently underway.

7           21.     Whenever a main building is relocated or expanded off street parking must be  
8 provided. Chapter 18.38 OMC. The number of vehicle parking spaces for educational facilities  
9 is not provided for in the Development Regulations. In situations where parking requirements  
10 are not established by code, the City requires that parking study be conducted to evaluate vehicle  
11 parking needs.

12           22.     As part of the 2009 Master Conditional Use Permit the Hearing Examiner  
13 determined that a parking ratio of .22 vehicle parking stalls shall be provided per student. This  
14 ratios is to be reevaluated every ten years (2019). The 2009 Conditional Use Permit also  
15 requires an analysis of off site parking with every future land use application.

16           23.     Consistent with these requirements the Applicant has submitted a Trip Generation  
17 Study, a Parking Analysis and a Parking Utilization Study (Attachments 7 through 9).

18           24.     The information submitted by the Applicant concludes that as the project will not  
19 increase classroom size or capacity, or require additional employees, it does not require  
20 additional new parking. These studies also conclude that surrounding neighborhoods north,  
21 northwest and southwest of the development site have capacity at present and should not be  
22 affected by the expansion. Staff concurs with the Applicant's analysis.

23           25.     Building construction of greater than 5,000 square feet within a residential zoning  
24 district, and otherwise subject to conditional permit review, is then also subject to design review.  
25 Chapters 18.100 and 18.110 OMC.

26. On June 28, 2018, the Design Review Board convened and recommended approval of the preliminary design subject to certain conditions. These conditions have been incorporated into the Staff's recommended conditions of approval.

27. Pursuant to OMC 18.72.100 the Site Plan Review Committee met on October 24, 2018, and concluded that the project met all applicable municipal code requirements. It recommends approval of the project subject to twelve conditions set forth in the Staff Report.

28. The Applicant requests that the second sentence of proposed Condition 3 and all of proposed Condition 11 be eliminated. These conditions require calculation of the three years cost of maintaining landscaping and a landscaping bond equal to 125% of this estimated cost. The Applicant argues that these requirements are unnecessary given that the Applicant has a fulltime landscaping staff devoted to maintaining this landscaping. City Staff agrees and recommends that these two conditions be removed.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

## CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

2. Any Conclusions of Law contained in the foregoing Background section or contained in the foregoing Findings of Fact are hereby incorporated by reference and adopted by the Hearing Examiner as his Conclusions of Law.

3. The requirements of SEPA have been met.

4. A Conditional Use Permit is required for the proposed use in the R 4-8 zoning district in which it is located. OMC 18.04.040.

5. As conditioned, the project satisfies all requirements for expansion of an Essential Public Facility within the R 4-8 zoning district.



6. As conditioned, the project satisfies all landscaping and screening standards.

Chapter 18.36 OMC.

7. As conditioned, the project satisfies all requirements for parking and loading.

Chapter 18.38 OMC.

8. As conditioned, the project satisfies all requirements for school facilities within the R 4-8 zoning district. OMC 18.04.060.CC.

9. As conditioned, the project satisfies all other requirements for development within a residential district. Chapter 18.04 OMC.

10. As conditioned, the project meets the requirements of OMC 18.04.080.

11. As conditioned, the project meets the requirements relating to design review.

Chapter 18.100 OMC.

12. As conditioned, the project is consistent with the City's Comprehensive Plan, including those portions of the plan recognizing the benefits associated with development of educational facilities, including GL 15 and PL 15.6; GL 20 and PL 20.1; and GE6 and PE6.7.

13. The project, as conditioned, should be approved subject to the revised conditions recommended by the Applicant and City Staff.

## DECISION

Now, therefore, the Applicant's request for a Conditional Use Permit is **approved** subject to the following:

## CONDITIONS

1. **Approved Development Site Plan.** Development shall be substantially in conformance with the APPROVED Development Site Plan dated July 28, 2018 and August 28,

2018, as modified by conditions of approval herein, and as may be modified by the Hearing Examiner.

- a. Sheet AS101, Overall Site Plan.
- b. Sheet C-103, Site Improvement Plan.
- c. Sheet C-106, Water and Sewer Plan.
- d. Sheet L-001, Material Plan.
- e. Sheet L-002, Landscape Plan.

2. **Lighting.** All display and flood lighting shall be constructed and used to not unduly illuminate the surrounding properties, not create a traffic hazard and not overly illuminate the night sky. OMC 18.40.060.

3. **Landscaping Plan.** Submit a final Landscape Plan, in accordance with OMC 18.36, for review and approval prior to engineering permit issuance.

4. **Hours of Operation/Construction Noise.** Pursuant to OMC 18.40.080.C.7, construction activity shall be restricted to the hours between 7:00 a.m. and 6:00 p.m.

5. **Concept Design Review.**

- a. Update the Site Plan, Sheet AS101, and the Landscape Plan, Sheet L2.01, with the location of the short-term bicycle parking stationary racks.
- b. Locate the long-term bicycle parking in the floor plan, Sheet A-101, Overall Floor Plan.
- c. Provide photos of all plants proposed in the Landscape Plan, Sheet L-002, Plant Photos.
- d. The Site Plan and the Landscape Plan shall show the same site elements, including but not limited to type of lawn or turf, and bicycle parking and mechanical equipment. Correct any inconsistencies between the Site Plan and the Landscape Plan.
- e. Show the location of all mechanical equipment and utility vaults on the Site Plan, Sheet AS101, and on the Landscape Plan, Sheets L-001 and L-002. OMC 18.110.190.



- 1 f. Show the location of the solid waste facility area and the type of screening  
2 that will be constructed. Depict the location of the solid waste facilities on  
3 sheets throughout the architectural and engineering plan sets.  
4 OMC 18.110.190.
- 5 g. Provide landscaping along the east side of the Auxiliary Gym that softens  
6 the scale of the blank wall. OMC 18.110.180.
- 7 h. Articulate façade design features to reduce the apparent size of large  
8 buildings. OMC 18.110.080.
- 9 i. Provide photos, cut sheets, and specifications of the types of windows that  
10 will be used on the building. The elevations should clearly depict  
11 windows at the pedestrian level around the entire building.  
12 OMC 18.110.100.
- 13 j. Provide a materials and colors board at the detail stage of design review.  
14 OMC 18.110.150.
- 15 k. Provide black and white and colored elevations of all sides of the building,  
16 labeled north, south, east, and west. Label colors, materials, and finished  
17 floor elevations. OMC 18.110.150.
- 18 l. Provide a lighting plan that includes fixture photos, cut sheets, building  
19 mounted heights from grade, duration of fixture illumination, and distance  
20 of illumination per fixture. OMC 18.110.160.

21 6. **Utility General Facility Charges.** General facility charges for City utilities  
22 (Water, Sanitary Sewer, Stormwater, and Solid Waste) and the LOTT sanitary sewer Capacity  
23 Development Charge will be assessed at the time engineering construction permits are issued.

24 7. **Inadvertent Discovery Plan (IDP).** Prior to engineering permit issuance,  
25 provide a signed Inadvertent Discovery Plan (IDP) that outlines how the project proponent and  
site crew will respond in the event that archaeological resources are uncovered during the course  
of the project work. The IDP shall be maintained and available for inspection on the project site  
for the duration of excavation and construction, pursuant to OMC 18.12.140.

8. **Construction.** The project shall comply with the City of Olympia Construction  
Codes as adopted through the Olympia Municipal Code, Chapter 16.04.

9. **Tree Fencing and Tree Protection.** Prior to engineering permit issuance the fence locations, tree protection fence installation notes and tree protection measures shall be shown throughout the civil plan set. OMC 16.60, Tree, Soil, and Native Vegetation and Protection and Replacement; and EDDS Chapter 4, Transportation.

## 10. Fire Protection.

- a. Separate the fire line serving the fire sprinklers from the domestic water line.
- b. Upgrade the fire alarm system to fully addressable system that reports by point via AES radio or GSM technology.
- c. Provide an annunciator at the new south building entry.
- d. Upgrade fire sprinklers to quick-response heads in the existing portion of the building and throughout the addition.
- e. Provide a Knox box at the north and south building entries.
- f. Provide Know Style locking FDC caps.

11. **Right-of-way Performance Bond.** Bonds or other allowable securities will be required by the City to guarantee the performance of work within the subject site and rights-of-way, or maintenance of required public infrastructure intended to be offered for dedication as a public improvement. See both EDDS Section 2.030.F and Volume 1 Section 2.6.1 of the 2016 DDECM for more information.

DATED this 29 day of November, 2018.

Mark C. Scheibmeir  
City of Olympia Hearing Examiner



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