



September 26, 2019

Greetings:

**Subject: Intercity Transit North Parcel Expansion
File Number 19-1636**

The enclosed decision of the Olympia Hearing Examiner hereby issued on the above date may be of interest to you. This is a final decision of the City of Olympia.

In general, any appeal of a final land use decision must be filed in court within twenty-one (21) days. See Revised Code of Washington, Chapter 36.70C, for more information relating to timeliness of any appeal and filing, service and other legal requirements applicable to such appeal. In particular, see RCW 36.70C.040.

Please contact the City of Olympia, Community Planning and Development Department, at 601 4th Avenue East or at PO Box 1967, Olympia, WA 98507-1967, by phone at 360-753-8314, or by email cpdinfo@ci.olympia.wa.us if you have questions.

Sincerely,

Kenneth Haner
Program Assistant
Community Planning and Development

Enclosure:

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

IN RE:) HEARING NO. 19-1636
)
INTERCITY TRANSIT NORTH) FINDINGS OF FACT,
PARCEL EXPANSION,) CONCLUSIONS OF LAW
) AND DECISION
Applicant.)

APPLICANT: Intercity Transit
P. O. Box 659
Olympia, Washington 98507

REPRESENTATIVES:

Eric Phillips
Barb Beristegue

SUMMARY OF REQUEST:

A Conditional Use Permit for Phase 2 of improvements to the Intercity Transit Maintenance and Operation Facility.

LOCATION OF PROPOSAL:

526 Pattison Street S.E.

SUMMARY OF DECISION:

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

BACKGROUND

The existing Intercity Transit facility at 526 Pattison Street was approved in 1982 and includes offices, maintenance and operations activities and vehicle (bus) storage. In 2015, Intercity Transit and the City entered into a Development Agreement for the construction of a new Intercity Transit campus at the same location to be constructed in two phases.

A Conditional Use Permit was granted in 2016 for Phase 1 of the new campus (Hearing No. 15-0049). Phase 1 largely involved infrastructure improvements to the site including: The

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

CITY OF OLYMPIA HEARING EXAMINER
299 N.W. CENTER ST. / P.O. BOX 939
CHEHALIS, WASHINGTON 98532
Phone: 360-748-3386/Fax: 748-3387

1 replacement of underground storage tanks; upgrades to the fueling station; new paved parking;
2 dedicated rights-of-way and temporary sidewalks; pedestrian crossings; and preliminary
3 landscaping. All of the work proposed in the Phase 1 Permit has since been completed.

4 Intercity Transit now seeks approval of Phase 2 of the project. Phase 2 will allow for
5 construction of a new main headquarters with 43,500 square feet of office area; a new fuel wash
6 and facilities building with 25,000 square feet, vehicle storage areas, parking areas, and
7 significant landscaping consistent with the Development Agreement.

8 The City Staff recommends approval of the requested Conditional Use Permit subject to
9 ten conditions. Intercity Transit agrees with the proposed conditions. There has been no public
10 opposition to the project or the proposed conditions.

11 **PUBLIC HEARING**

12 Prior to the public hearing I undertook a brief site inspection.

13 The public hearing commenced at 6:30 p.m., on Monday, September 23, 2019, in the City
14 Council Chambers in City Hall. The City appeared through Nicole Floyd of Planning Staff.
15 Intercity Transit appeared through its Development Director, Eric Phillips, as well as through
16 Barb Beristegue. A verbatim recording was made of the public hearing and all testimony was
17 taken under oath. Documents considered at the time of the hearing were the City Staff Report
18 including all attachments. No other documents were received during the hearing.

19 In her testimony Ms. Floyd explained that the Phase 2 work is the completion of the site's
20 development per the 2015 Development Agreement. The proposed work has minor deviations
21 from what was envisioned in the Development Agreement but not in any substantive way, and
22 only to reflect changes in conditions or regulations since the Agreement was entered into four
23 years ago.

1 Ms. Floyd's testimony largely reiterated the information contained in her Staff Report.
2 She noted that the project is consistent with the City's Comprehensive Plan provides significant
3 landscape screening from adjoining properties; has had no public oppositions; and that Staff
4 recommends the project's approval subject to several conditions. Ms. Floyd noted that these
5 conditions propose that the fees related to Urban Forestry, Chapter 16.60 OMC, be deferred to
6 the point of engineering permit approval rather than at the time of land use approval. The
7 Applicant agrees. Ms. Floyd also noted that a condition of approval is that the administrative
8 building have at least four long-term and four short-term bike parking spaces, and at least two
9 short-term and two long-term bike spaces in the fuel and wash building. Again, the Applicant
10 agrees.

11 Following Ms. Floyd's testimony Eric Phillips, the Applicant's Development Director,
12 and Barb Beristegue testified on behalf of the Applicant. They expressed Intercity Transit's
13 appreciation for the City's cooperation with the project. Ms. Beristegue explained that the
14 project has been designed to advance the City's goal of making Martin Way a commercial
15 corridor, with this building being the first in the area to stress urban transit. Intercity wants the
16 building to be contemporary and forward thinking yet timeless in its design. Its layout will stress
17 both urban transit as well as bicycling through its "walk n roll" bike program. The three story
18 administrative building will have a dynamic presence along Martin Way and serve as the
19 project's main focal point with an inviting public entry. The project will have a significant
20 presence along Martin Way with required screening that reduces the public visibility of the site's
21 bus activity, yet provides public viewing opportunities to view the facility's operations.

22 Following the Applicant's testimony the hearing was open for public comment. There
23 were no members of the public present except for individuals affiliated with the Applicant.
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There have been a few written comments from interested agencies. These comments have been fully incorporated into the proposed conditions of approval.

This project completes the makeover of the Intercity Transit campus, provides improved regional mass transit facilities and will add a handsome building along the Martin Way commercial corridor. There has been no public opposition to the project.

Accordingly, I make the following:

FINDINGS OF FACT

1. The Applicant, Intercity Transit, requests a Conditional Use Permit to undertake Phase 2 of a project to improve and expand the main Intercity Transit facility at 526 Pattison Street.

2. Phase 1 of the project was approved by Conditional Use Permit 15-0049 in 2016.

3. Phase 2 of the project poses the construction of a 43,500 square foot administration and operation building; a 25,000 square foot fuel wash and facilities building; parking areas; vehicle storage areas and site landscaping all as shown in the Design Plans (Attachment 3).

4. The previously approved Phase 1, and the currently proposed Phase 2, are pursuant to a Development Agreement entered into between the City and Intercity Transit in 2015.

5. The Findings of Fact contained in the foregoing Background and Public Hearing Sections are incorporated herein by reference and adopted by the Hearing Examiner as his own Findings of Fact.

6. The proposed site is located at 526 Pattison Street S.E.

7. The site's zoning designation is HDC-4.

1 8. The Comprehensive Plan designation for the site is Urban Corridor/High Density
2 Neighborhood.

3 9. Pursuant to the State Environmental Policy Act, a SEPA Determination of Non -
4 Significance (DNS) was issued on August 16, 2019. No appeals have been filed.

5 10. Notification of the public hearing was mailed to the parties of record, property
6 owners within 300 feet and recognized neighborhood associations, posted on the site and
7 published in The Olympian in conformance with Olympia Municipal Code 18.78.020.

8 11. The Staff Report, at page 3, contains Findings relating to the project's consistency
9 with the Olympia Comprehensive Plan. The Hearing Examiner has reviewed those Findings and
10 adopts them by reference.

11 12. The Staff finds that the project has been designed to meet the intent of OMC
12 18.06.020 and the permitted uses within the High Density Corridor 4 zone. The project has been
13 placed up against the street frontage with multiple floors; has distinctive windows and entrances
14 visible from the street; creates an attractive environment for pedestrians, transit riders and
15 bicyclists; and will facilitate an urban street edge while also facilitating the need for bus storage.

16 13. The project is a "public facility" but not an "essential public facility". OMC Table
17 6.01. As such, the project must obtain a conditional use permit.

18 14. OMC 18.04.060(iv) imposes additional regulations for public facilities. Staff
19 finds that these additional regulations only apply to public facilities in residential districts, not
20 the current project, but even if the regulations applied Staff finds that the project satisfies these
21 additional criteria for minimum lot size and other development standards. The Hearing
22 Examiner has reviewed those Findings them and adopts them as his own Findings of Fac.

23 15. The project has been reviewed for compliance with dimensional standards
24 pursuant to OMC 18.06.080. Staff notes that, as a result of the 2015 Development Agreement,
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1 the project vests to the development standards in effect at that time. Staff concludes that the
2 project is in compliance with the development standards found in OMC 18.06.080 including
3 those for hard surfaces, and that the project satisfies the development standards of Chapter 18.06
4 OMC. The Hearing Examiner has reviewed those Findings and adopts them as his own Findings
5 of Fact.

6 16. The project must comply with the requirements of the Landscaping Ordinance,
7 Chapter 18.36 OMC. The Applicant has submitted a Landscaping Plan. This plan have been
8 reviewed for conceptual compliance and has been found to address all necessary elements
9 including sufficient landscaping along the eastern boundary to minimize potential impacts to
10 adjacent residential neighborhoods.

11 17. A portion of the "parking area" for the project is more accurately described as
12 "vehicle storage" area, that is, an area that is not assessible to the public, not visible to the public
13 and intended to house transit vehicles while not in use, not public parking. The existence of this
14 vehicle storage area requires increased screening adjacent to residential neighborhoods but
15 eliminates the need for internal landscaping islands. Separate parking area intended for public
16 use are required to have landscaping islands and meet other parking standards. City Staff finds
17 that the conceptual Landscaping Plan satisfies all of these landscaping requirements. Additional
18 detail review of the Landscaping Plan will be performed with construction permit review.

19 18. The project must comply with the parking requirements of OMC 18.38.060.
20 Parking requirements have been calculated by Staff based upon the entire campus, not just the
21 Phase 2 development. Taking this into consideration, the Applicant has submitted a Parking
22 Analysis which concludes that the project exceeds the vehicular parking requirement by sixteen
23 spaces.

1 19. The City's Development Regulations require that the project have both long-term
2 and short-term bicycle parking. City Staff has calculated that the administration building will
3 require four long-term and four short-term parking spaces, and the fuel and wash building will
4 require two short-term and two long-term parking spaces.

5 20. The Applicant's initial designs proposed three long-term parking spaces in the
6 administration building and three in the fuel and wash building. City Staff has proposed a
7 condition of project approval that requires four long-term bike parking spaces in the
8 administration building. The Applicant does not object to this proposed condition and agrees to
9 revise its design accordingly.

10 21. City Staff finds that the project, as conditioned, complies with all parking
11 standards for both vehicles and bicycles. The Hearing Examiner has reviewed those Findings
12 and adopts them as his own Findings of Fact.

13 22. The project has been reviewed for compliance with all design criteria for
14 properties meeting the definition of "basic commercial" and also meeting the definition of "high
15 density corridor", Chapter 18.130 OMC. City Staff finds the project, as conditioned, satisfies all
16 of these design criteria. The Hearing Examiner has reviewed those Findings and adopts them as
17 his own Findings of Fact.

18 23. The project has been reviewed by City Staff for compliance with the Engineering
19 Design and Development Standards (EDDS) and is found to be in compliance for conceptual
20 approval. Further analysis for compliance will be undertaken when the Applicant requests a
21 Detailed Engineering Construction Permit. Staff finds that the project, as conditioned, complies
22 with the EDDS.

23 24. Staff finds that the project is consistent with the anticipated traffic growth
24 estimated in the Development Agreement. Mitigation for those traffic impacts were incorporated
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1 into the Development Agreement and were undertaken as part of the Phase 1 project. City Staff
2 finds that Levels of Service along Martin Way and Pattison Street will not be affected by the
3 Phase 2 project.

4 25. The Development Agreement requires that 78 trees be planted onsite with all
5 remaining tree obligations being satisfied through payment of a "Fee in Lieu" into the City's Tree
6 Fund. This fee is expected to be \$27,768 based upon a rate of \$356 per tree.

7 26. City Staff recommends that the Fee in Lieu to the Tree Fund be deferred to the
8 time of engineering permit approval rather than at the time of land use approval. The Applicant
9 agrees. This requirement is imposed as a condition of project approval.

10 27. Staff finds that as conditioned, the project will comply with the Urban Forestry
11 requirements of Chapter 16.60 OMC.

12 28. The Staff Report, at pages 7 and 8, sets forth a list of agency comments and
13 responses by the Applicant and City. Staff finds that all agency comments have been
14 acknowledged and that the project has been conditioned consistent with these requirements. The
15 Hearing Examiner has reviewed those Findings and adopts them as his own Findings of Fact.

16 29. City Staff recommends approval of Phase 2 of the project subject to the ten
17 conditions set forth in the Staff Report. The Applicant agrees with the proposed conditions of
18 approval.

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

20 **CONCLUSIONS OF LAW**

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

22 2. Any Conclusions of Law contained in the foregoing Background Section, Public
23 Hearing Section and Findings of Fact are incorporated herein by reference and adopted by the
24 Hearing Examiner as his own Conclusions of Law.

1 3. The requirements of SEPA have been met.

2 4. A Conditional Use Permit is required for the proposed use at this site. The
3 locational standards for such a use the High Density Corridor-4 zone are satisfied.

4 5. A Landscaping Plan has been submitted and conceptually approved. A completed
5 Landscaping Plan meeting the requirements of Chapter 18.36 OMC shall be submitted and
6 reviewed at time of engineering plan approval.

7 6. The project, as conditioned, satisfies all parking requirements for both vehicles
8 and bicycles. Chapter 18.38 OMC.

9 7. The conditions imposed upon conditional use permit approval are appropriate for
10 the protection of the surrounding properties, the neighborhood and the general welfare of the
11 public. OMC 18.48.04.

12 8. All other conditions imposed upon conditional uses pursuant to Chapter 18.48
13 OMC have been satisfied.

14 9. The project, as conditioned, complies with the Development Standards imposed
15 under Chapter 18.06 OMC.

16 10. The project, as conditioned, complies with the design review criteria. Chapter
17 18.130 OMC.

18 11. The project, as conditioned, complies with Urban Forestry requirements. Chapter
19 16.60 OMC.

20 12. The project, as conditioned, is consistent with the City's Comprehensive Plan.

21 13. The project should be approved subject to the following conditions.
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CONDITIONS

1. The site plan shall be substantially similar with the architectural site plans (sheets A 013-015), as modified by the conditions of approval herein.

2. All development shall conform to the Interlocal Development Agreement AFN 4482282.

3. Design Review: A Detail Design Review process is required to be completed prior to issuance of the building permit. Provide the necessary modifications as follows:

a. Show landscaping and other site features that are intended to be greater than 30 in. above grade in the elevation plans with Detail Design Review.

b. The Applicant shall revise the elevation plans to show proposed screening devices and plantings to ensure 60 percent coverage between two and eight feet in height along the wall.

c. Revise plans to ensure walls are modulated at intervals of no less than 30' where visible from pedestrians.

d. Building shall be modulated as shown on the PowerPoint presented at the Concept Design Review Board Meeting.

4. Construction plans submitted with the building and engineering permit applications shall provide four long-term and four short-term bike parking spaces within the administrative building, and two short-term and two long-term spaces in the fuel wash building. Only if it is shown to be infeasible for the administrative building to accommodate the four bicycle parking spaces will an alternative configuration be permitted. If permitted, and the parking is more than 50' from the administrative buildings front door, then signage shall be

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

6 5. An engineering permit application shall be submitted for review and approval
7 prior to construction. The permit submittal shall comply with the 2015 Engineering Design and
8 Development Standards (EDDS) and the 2009 Drainage Design and Erosion Control Manual
9 (DDECM) that were in effect at the time of the Interlocal Development Agreement recording.
10 The following shall be addressed prior to submittal of the engineering permit application:
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12 a. Revise plans to reflect the approved frontage improvements currently
13 under construction on the site (Permit #18-4827).

14 b. Show the Right of Way dedication on Pattison (15.5 feet) as required by
15 the Development Agreement.

16 c. The dedication Right of Way shall be recorded prior to certificate of
17 occupancy issuance of any buildings addressed by this Conditional Use Permit.

18 d. The driveway entrance on Martin Way shall be right in and right out only,
19 plans shall be revised accordingly.

20 e. The Applicant shall retain the existing solid waste compact and install
21 additional recycling services as needed. The Applicant proposes to use the existing
22 centralized collection and shall be responsible for collection throughout the site to the
23 existing compactor. Access is to remain.
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1 f. Plans shall further clarify the onsite sewage proposal. All onsite lines are
2 to be labeled as private and the private mains (8") shall meet the 1% slope requirement.

3 g. Tree Protection: The project forester shall provide tree protection
4 locations on the Demolition and Erosion Control Plans, and shall identify the timeline for
5 installation of fencing and all other tree protection measures. The timeline shall indicate
6 that the fencing will be installed prior to any onsite construction and inspected prior to
7 the preconstruction meeting. The project forester shall be contacted throughout
8 construction to advise if issues arise between trees and construction.
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10 h. Fee in Lieu: A fee in lieu for the tree unit deficit (as outlined in the
11 Interlocal Development Agreement) shall be paid prior to issuance of the engineering
12 construction permit. The rate per tree shall be \$356 per tree.

13 i. Landscaping: A final landscape plan, prepared in accordance with OMC
14 18.36, shall be submitted and shall include: replace rock mulch with bark/organic mulch
15 or other plant materials. Decorative use of river rock and other non-organic material is
16 permitted, but shall not exceed 20% of any landscaping area.

17 6. Stormwater Permitting: The developer or their contractor shall obtain a
18 Construction Stormwater General Permit from the Washington State Department of Ecology
19 before any permit is issued for earth-disturbing activities associated with this project.
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21 7. Building Permit: When the Building Permit is applied for the project will be
22 reviewed under the currently adopted version of the International Building Code (IBC),
23 International Residential Code (IRC), International Mechanical Code (IMC), International Fuel
24 Gas Code (IFGC), Uniform Plumbing Code (UPC), ICC A117.1, and Washington State Energy
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Code (WSEC) as amended by Washington State. All structural alterations or additions must be accompanied by plans and calculations stamped and signed by a Washington State licensed Structural Engineer.

8. Fire: This project shall adhere to the Olympia Municipal Code (OMC) Ch. 16.32, 16.36, 16.40, 16.44, and 13.04 Olympia Engineering Design and Development Standards (EDDS) Ch. 4 and 6, and the 2015 International Fire Code. Underground fire plans shall be submitted with the application for the Building Permit unless submitted sooner.

9. Cultural Resources: Pursuant to OMC 18.12.140, an Inadvertent Discovery Plan shall be prepared and submitted with the construction permit application(s). The plan outlines how the project proponent and site crew will respond in the event archaeological resources are uncovered during the course of project work. The plan shall be completed and approved prior to issuance of any construction permits or commencement of any site work, and a copy of the plan maintained on site throughout construction.

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

DECISION

Subject to the approved Conditions the requested Conditional Use Permit is **approved**.

DATED this 25 day of September, 2019.



Mark C. Scheibmeir
City of Olympia Hearing Examiner

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RECONSIDERATION/APPEAL

This is a final decision of the City. Any party may file a Motion for Reconsideration within 10 days of service of this decision in accordance with OMC 18.75.060. Appeals shall be made to Superior Court pursuant to provisions of Chapter 36.70C RCW. The filing of a Motion for Reconsideration is not a prerequisite for seeking judicial review. If a Motion for Reconsideration is filed, the time for filing an appeal shall not commence until disposition of the Motion.