

**CITY OF TUMWATER
HEARING EXAMINER STAFF REPORT
Hearing Date: August 28, 2024**

Project Name: New Market Apartments/Landing

Case Numbers: TUM-23-0909 Preliminary Binding Site Plan

Owner: Grandviews New Market, LLC
PO Box 159
Arlington, WA 98223

**Project Proponent/
Representative:** Glenn Wells Architect, PS and Tyrell Bradley LDC Corp.
324 West Bay Drive Ste 214, Olympia WA, 98502

Type of Action Requested: The project proponent is requesting approval of a Phased Preliminary Binding Site Plan (TUM-23-0909) to construct 416 apartment units within three buildings and over 19,000 square feet of commercial space on parcels located in the Town Center Zone District (TC). The TC zone allows mixed use commercial/residential developments as a permitted use. The proponent wishes to develop the project in phases through the binding site plan process, which allows development to be constructed in up to 4 phases.

Project Location: The project is located at the corner of New Market St. SW and 73rd Ave. SW, south of Tumwater City Hall on unaddressed vacant parcel, further defined as Thurston County Tax Parcel Number; 82701500000.

Project Permit: The following have been issued for the project:

1. Notice of Application issued on July 14, 2023 (TUM-21-1322) (Exhibit 6)
2. Mitigated Determination of Non-Significance on March 29, 2024 (TUM-23-0844) (Exhibits 5 and 7)

Public Notification: Public notification for the August 28, 2024, public hearing was mailed to property owners within 300 feet of the subject property and various agencies, posted on-site and published in *The Olympian* on August 16, 2024, in conformance with Tumwater Municipal Code TMC 14.06 (Exhibits 5 and 8).

Staff Recommendation: Approval, subject to conditions identified at the end of the staff report in Section IV *Recommendation*.

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I. BACKGROUND INFORMATION

A. Application and Review Process

A formal site plan review application was reviewed by the development review committee on May 18, 2023 (TUM-21-1322). The Preliminary Binding Site Plan (TUM-23-090) application was submitted on June 21, 2023, and was deemed complete on July 14, 2023

Under TMC 2.58.090, and TMC 14.08.020(A), review authority for the phased binding site plan application falls under the purview of the Hearing Examiner.

B. Existing Conditions

The property is vacant with a mixture of open and treed area. The topography of the property is mostly flat with some small changes in topography (Exhibit 3).

C. Project Description

The applicant is proposing to construct mixed use commercial/residential developments with 416 units and over 19,00 square feet of commercial space in a phased development with associated open space, parking, landscaping, and infrastructure.

II. REGULATORY FRAMEWORK

The proposal is subject to the following policies and regulations:

- A. Tumwater Comprehensive Plan:** The project site is located in the New Market Neighborhood as designated by the Land Use Element of the City's Comprehensive Plan. The land use designation for the approximately 8.11-acre site is Town Center (TC) Mixed Use (Exhibit 4).

Comprehensive Plan Land Use Element, Section 2.15 Tumwater Town Center states:

“This designation is intended to provide for a mix of public and privately owned developments that will realize Tumwater's vision of a new city center. It is envisioned to include state and local government facilities, private commercial developments of office, retail, and service businesses; residential; educational; civic services; support facilities and services, such as childcare; and public assembly facilities and outdoor spaces.”

The housing element of the Comprehensive Plan identifies the need to increase housing choices to support all ranges of lifestyles, household incomes, abilities, and ages. The housing element promotes affordable housing and considers different housing types as a strategy to increase affordable housing.

The housing chapter further identifies the need to ensure that housing is compatible

in quality, design, and density with surrounding land uses by establishing design standards for multi-family housing and requiring open space as part of development.

Staff Response and Recommended Finding:

The goals stated in the Comprehensive Plan encourage multi-family development to support varied housing types, lifestyles, and household incomes.

The overall binding site plan proposes apartments and mixed-use structures (commercial and residential). The proposal includes community open space and infrastructure improvements identified in the Town Center Plan.

Citywide Design Guidelines have been adopted to ensure compatibility in the surrounding areas.

Staff finds that the project is consistent with the Comprehensive Plan with the proposed conditions.

B. Tumwater Transportation Plan: The Transportation Plan includes language speaking to regional consistency and coordination to address both motorized and non-motorized transportation links and corridor. Goals are to establish a street and road network that provides for the safe and efficient movement of goods and people, neighborhood connectivity, to ensure pedestrian connectivity, and concurrency to meet PM peak hour level of service standards.

Staff Response and Recommended Finding: *A Transportation Concurrency Application along with a Traffic Impact Analysis was submitted for review by the Transportation Manager and Transportation and Engineering Director and was incorporated as a part of the Transportation Concurrency and SEPA Review Mitigated Determination of Non-Significance.*

The transportation concurrency ruling identified specific mitigation measures to achieve concurrency. These include frontage improvements and payment of transportation impact fees. Additionally, trips are proposed to be sent through the Tumwater Blvd – I-5 Interchange which will also require payment of mitigation fees or construction of the required interchange improvements and construction of a temporary signal prior to issuance of each building permit. These findings are reflected in the MDNS issued March 29, 2024 (Exhibit 7).

Staff finds that with the required mitigation proposed in the Transportation Concurrency and MDNS, this project will not adversely affect level of service standards and that the project is consistent with the Tumwater Transportation Plan.

C. Sustainable Development Plan for Thurston Region: The Plan identifies a pent-up demand for a range of housing types, including multi-family buildings, and also identifies locating these above or close to places to shop, work, and access transit. The plan further identifies ways to support these types of housing with tax exemptions, incentivizing, appropriately scaled buildings, as well as locating high density near

public transit and major transportation routes.

To implement the goals in the Plan to reduce vehicle miles traveled, strategies are stated including connecting streets, sidewalks, and trails to provide multiple safe travel routes and shorter distances for all travel modes and encouraging a multimodal transportation system that includes walk, bike, bus, carpool, vanpool, telework, car, truck, and rail transportation systems.

Staff Response and Recommended Finding: *The proposal includes multi-family housing in standalone residential and mixed-use commercial/residential building. The development includes the connection between Israel Road and Tumwater Boulevard by completing the connection of New Market St. SW. Additionally, 72nd Ave SW, 73rd Ave SW and North-South connector road will be completed as a part of various phases of the development. The public improvements will connect commercial and residential properties to public facilities such as the library and City Hall with new multi-modal connections.*

Staff finds that the project is not in conflict with the Sustainable Development Plan for Thurston Region.

D. Thurston Regional Trail Plan: The City of Tumwater is a participating member of the Thurston Regional Planning Council (TRPC). TRPC adopted the Thurston Regional Trail Plan in December 2007.

The Regional Trails Plan defines a trail network blueprint and a set of guidelines and recommendations for all of Thurston County and its cities, towns and communities. The Goals and Policies section of the Plan serves to link local trail planning efforts within the broader context of planning the regional transportation network. The plan charts a systematic path creating interconnected corridors that improve access to community destinations.

Staff Response and Recommended Finding: *The project site is not affected by the regional trail network outlined in the Thurston Regional Trail Plan.*

Staff finds that approval of the project will not affect implementation of the Thurston Regional Trail Plan.

E. Hearing Examiner – TMC 2.58.090, 14.08.020.A: The Hearing Examiner has authority to review Phased Preliminary Binding Site Plans.

Staff Response and Recommended Finding: *Phased binding site plans require a public hearing and decision by the Tumwater Hearing Examiner. Final Binding Site Plan approval authority is administrative and will be completed by City of Tumwater staff.*

F. Public Notice Requirements –TMC Chapter 14.06: TMC Chapter 14.06 requires the City to provide public notification of certain application types by issuing a Notice of

Application (TMC 14.06.010) and a Notice of Open Record Hearing (TMC 14.06.070).

Staff Response and Recommended Finding: A public notice for the Preliminary Binding Site Plan application was mailed to property owners within 300 feet of the subject property, affected agencies and posted on-site; and published in the Olympian on July 14, 2023. (Exhibits 5 & 6)

Public comments:

Nisqually Indian Tribe requested a cultural survey.

The Squaxin Island Tribe had no cultural concerns.

Thurston County requested a copy of the Transportation Impact Analysis, and after review had no comment.

The Port of Olympia relayed concerns about residential development occurring in close proximity to the airport.

Several citizen comments were received. They include comments about tree retention, best planning practices and gopher studies.

Public comments received from the Notice of Application are found in Exhibit 9.

The City's SEPA threshold determination was mailed to property owners within 300 feet of the subject property, affected agencies and posted on-site; and published in the Olympian on March 29, 2024. (Exhibit 7)

Public comments:

Nisqually Indian Tribe requested a cultural survey.

Washington State Department of Ecology provided comments regarding solid waste and toxic cleanup.

Public comments received from the Mitigated Determination of Non-significance are found in Exhibit 10.

Public notice for the August 28, 2024 public hearing was mailed to property owners within 300 feet of the subject property, affected agencies, and those who provided comment, posted on-site, and published in the Olympian on Friday, August 16, 2024, in conformance with TMC 14.06.070 (Exhibits 5 & 8).

G. State Environmental Policy Act - TMC 16.04: The City of Tumwater Community Development Department reviewed a SEPA Environmental Checklist and other information submitted by the project proponent and issued a Mitigated Determination of Non-Significance on March 29, 2024.

Staff Response and Recommended Finding: *The City of Tumwater Community Development*

Department, as lead agency, completed environmental review in accordance with TMC 16.04, RCW 43-21C and WAC 197-11. The City's SEPA threshold determination, a Mitigated Determination of Non-significance was issued on March 29, 2024 (Exhibit 7).

H. Transportation Concurrency – TMC 15.48: The project is subject to the requirements of the City's transportation concurrency test outlined in TMC Chapter 15.48.

Staff Response and Recommended Finding: The applicant submitted a Transportation Impact Analysis for the project. The report was reviewed by the City's Transportation Manager who has issued a transportation concurrency ruling stating that the project is concurrent in regard to transportation when 1) transportation impact fees are paid, 2) payment of mitigation fees for trips through the Tumwater Boulevard/I-5 Interchange (Exhibit 11).

I. Tree Protection and Replacement Ordinance – TMC 16.08: TMC Chapter 16.08 regulates the removal and preservation of existing trees on a site to be developed and provide a tree tract of at least 5% of the buildable area.

Staff Response and Recommended Finding: A professional forester's report that included a tree inventory, and tree protection plan in compliance with TMC Chapter 16.08 was submitted. The inventory showed a total of 137 trees located on site. TMC 16.08 requires retention of 20% or 12 trees per acre, whichever is greater equaling 118 trees to be retained.

The proposal is to retain 23 trees within the required tree tracts, leaving a shortfall of 95 trees. TMC 16.08.070.R states that the standards may be waived or modified when the tree retention standard cannot be achieved because of the necessity of complying with applicable zoning and development requirements. In this case, the applicant shall plant not less than three trees for each tree cleared (3:1).

The minimum number of trees to be planted for this development is 285 (95*3=285). (Exhibit 15)

Staff finds that the proposed preliminary binding site plan and preliminary landscape plan are consistent with TMC 16.08.

J. Fish and Wildlife Habitat Protection – TMC 16.32:

TMC Chapter 16.32 regulations fish and wildlife and species.

Staff Response and Recommended Finding: The parcel has soil preferred by the Mazama Pocket Gopher. A Mazama Pocket Gopher Screening report dated October 2022 concluded no mound formations exhibiting characteristics created by the Mazama pocket gopher were identified on the subject property during gopher screenings or by agency databases. (Exhibit 16)

K. General Binding Site Plan Design Standards – TMC Title 17:

The subdivision is required to comply with the following standards of design and development as required by TMC 17.12.010.

- 1) TMC 17.12.020 – Future Subdivision and Access: All land divisions shall be designed to accommodate the future land division of adjoining land by providing adequate future access and utility service. Pedestrian and bicycle access to schools, parks, shorelines, recreation areas, and open space shall be provided by walkway where street access is unsafe or inadequate.

Staff Response and Recommended Finding: *In this instance, future access is created by constructing frontage improvements for each phase which will ultimately connect Israel Road to Tumwater Boulevard by extending New Market Street from where it currently ends through 73rd Ave. Additionally, it will extend 72nd and 73rd Ave. and a north-south connector road.*

Pedestrian access is provided by constructing the frontage improvements which includes sidewalks and bicycle lanes. Internal pathways and crosswalks provide access internally and to open spaces.

With these conditions, staff finds that the preliminary binding site plan is consistent with TMC 17.12.020.

- 2) TMC 17.12.040 – Minimum Lot Size: Lots or tracts shall conform to the size set forth in the zoning district unless dedicated or restricted by covenant for open space, park, recreational or other community or public use. In subdivisions intended for single family dwelling units or townhouse/row house development, a separate lot or tract shall be provided for each dwelling unit, not including accessory dwelling units. If the land division is submitted in phases/divisions of development, each phase/division submitted for approval shall meet all provisions of this section.

Staff Response and Recommended Finding: *There is not a minimum or maximum lot size in the Town Center (TC) zone district, and the proposal does not include single family, or townhouse units.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.040.

- 3) TMC 17.12.060 – Residential Lot Building Sites: Each residential lot in low density residential zones shall have a building site no less than 1,600 square feet in area within which a suitable building can be built and served by utilities and vehicular access unless dedicated or restricted by covenant for open space, park, recreation or other public use. The building site area herein required shall not exceed a 25% cross slope or include any very severe development limitation areas. Such building sites shall be indicated on the face of the preliminary land division.

Staff Response and Recommended Finding: *The proposed project is not in a low-density residential zone.*

Staff finds that the project proposal is not subject to the requirement of TMC 17.12.060.

- 4) **TMC 17.12.070 – Natural Vegetation and Features:** Natural vegetation and features such as trees, streams, wetlands, and wildlife habitat shall be preserved to the greatest extent possible and in accordance with the requirements of Title 16 TMC and Chapter 18.47 TMC.

Staff Response and Recommended Finding: *A professional forester’s report, tree inventory, and tree protection plan that complies with TMC Chapter 16.08 was submitted, reviewed, and is recommended for approval with the proposed preliminary binding site plan. There are no indications of wetlands or streams on site, and the applicant provided a gopher survey that showed no evidence of Mazama Pocket Gopher.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.070.

- 5) **TMC 17.12.080 – Clearing and Grading:** Proposed clearing and grading should be minimized by the use of shared access driveways and careful location of streets and building sites.

Staff Response and Recommended Finding: *Site development grading plans have been submitted that show access for the first phase and work area. Future site development grading plans should provide similar protections.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.080.

- 6) **TMC 17.12.090 – Wetlands and Drainage:** Wetlands and natural drainage ways shall be subject to review under Chapters 16.28 (Wetlands) and 16.32 (Fish and Wildlife Conservation Areas) of this code.

Staff Response and Recommended Finding: *There are no wetlands or natural drainage ways on the property regulated by TMC Chapter 16 (Environment)*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.090.

- 7) **TMC 17.12.100 – Hazards:** Where land division and development of land may pose a hazard to the land division and nearby properties because of steep slopes, unstable soils, excessive stormwater runoff or soil erosion, the land divider shall have the burden of presenting the evidence satisfactory to the City of hazard mitigation. In the absence of such evidence, division of such land shall be denied.

Staff Response and Recommended Finding: *A preliminary drainage report, including soils report has been submitted. All stormwater runoff, treatment and release shall meet the minimum standards of the City of Tumwater Drainage Design and Erosion Control Manual.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.100.

- 8) **TMC 17.12.110 – Streets:** The size of streets and their associated rights-of-way shall be as shown on the street standards chart for the class of street, which is appropriate to serve the land division, and anticipated community traffic, existing and potential. In areas where the division is adjacent to an existing street, right-of-way dedications shall be made to the existing street centerline.

Staff Response and Recommended Finding: *The development proposal includes the extension of New Market Street to 73rd Ave, the extension of 71st and 73rd Ave along with a north-south connector road (not yet named). This street is designed in accordance with the Town Center Street Design Plan and Tumwater Development Guide. Internal traffic movement is through joined parking, and internal parking lot connections.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.110.

- 9) **TMC 17.12.120 – Driving Surfaces and Rights-of-Ways:** All roads shall be designed and constructed in accordance with the adopted “Development Standards for the City of Tumwater” in effect at the date of acceptance of the preliminary land division.

Staff Response and Recommended Finding: *As part of the site development/grading permit review, all roads shall be constructed pursuant to the specifications outlined in the City of Tumwater Development Guide and Town Center Street Design Plan. Approval of the Preliminary Binding Site Plan application (TUM-23-0909) is required for the internal connections.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.120 with the proposed conditions.

- 10) **TMC 17.12.130 – Cul-de-sacs:** All cul-de-sacs shall be designed in accordance with the adopted “Development Standards for the City of Tumwater” in effect at the date of acceptance of the preliminary land division. Parking is prohibited in the cul-de-sac turnarounds and shall be posted. An improved pathway for pedestrian and bicycle use shall be dedicated to the public to connect cul-de-sac streets to nearby areas where such a pathway is necessary to provide convenient access to schools, parks, public transit stops, shopping centers, other cul-de-sacs or pathways, and other community services, or as otherwise necessary for public convenience and safety. Such pathways shall be designed to maintain the safety of pedestrians and bicyclists and owners of properties adjacent to the pathway.

Staff Response and Recommended Finding: *The proposed project does not include cul-de-sacs.*

Staff finds this section is not applicable to the project.

- 11) TMC 17.12.140 – Street Signs: Street signs shall be installed by the subdivider as specified by the Community Development Department.

Staff Response and Recommended Finding: *Street signs are required. Signage and placement shall be reviewed and approved as part of site development and grading permit review.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.140.

- 12) TMC 17.12.150 – Topography: All streets should be designed to conform to the topography of the site, in order to reduce street grades and minimize the need for cuts and fills.

Staff Response and Recommended Finding: *Streets are proposed to be designed to conform to the topography of the site which is generally level.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.150.

- 13) TMC 17.12.160 – Maximum street grades: Maximum street grades shall be in accordance with the adopted “Development Standards for the City of Tumwater”.

Staff Response and Recommended Finding: *All proposed street grades shall be designed in accordance with the adopted standards.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.160.

- 14) TMC 17.12.170 – Street Names: All streets shall be named or numbered as specified by the City. The land divider is encouraged to submit requested street names to the city for its consideration.

Staff Response and Recommended Finding: *The street names and addresses for the preliminary binding site plan shall be assigned by the City of Tumwater Building Official.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.170.

- 15) TMC 17.12.180 – Lot Access: Each lot shall have a minimum of 10 feet of unobstructed access to a street, directly or by access easement.

Staff Response and Recommended Finding: *The proposal shows all parcels fronting a public street, with direct street access or through shared access easements.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.180.

- 16) TMC 17.12.190 – Private Streets: Private streets shall be constructed to meet or exceed the design standards established on the street standards chart for the City.

Public access to developments or parts of developments containing private streets shall not be limited by the use of gates or other measures.

Staff Response and Recommended Finding: *The proposal does not include private streets.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.190.

- 17) TMC 17.12.200 – Underground Utilities: Electrical power, telephone, cable television, fiber optics and other transmission lines shall be installed underground.

Staff Response and Recommended Finding: *In accordance with TMC 17.12.200 and Section 3.14 of the Tumwater Development Guide, all utilities associated with this project shall be underground.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.200.

- 18) TMC 17.12.210 –Park and open space area standards for divisions of land.

[...]

C. For subdivisions or binding site plans that will contain mixed use development, a minimum of fifteen percent of the gross site area shall be set aside for park and open space area.

[...]

E. For the purpose of calculation of the park and open space area, the park and open space area shall be separate and distinct from required yards, setbacks, and landscaped areas.

[...]

L. Maintenance of park and open space areas shall be provided for as described in TMC Chapter 17.22.

Staff Response and Recommended Finding: *The preliminary binding site plan encompasses 8.11 acres and requires 1.52 acres (66,125 sq. ft.) of open space. The proposal includes a total of 69,195 sq. ft., including active and passive open space.*

Staff finds that the preliminary binding site plan is consistent with TMC 17.12.210.

L. Land Division

1. Preliminary Land Division TMC 17.14 and RCW 58.17: TMC 17.14 and RCW 58.17 regulate the submission, review criteria, and consideration of proposed divisions of land.

Staff Response and Recommended Finding: *The project proponent completed the pre-submission process described in TMC 17.14.020.*

The application submission requirements listed in TMC 17.14.030 have been met.

TMC 17.14.040 and RCW 58.17.110 require the Hearing Examiner to inquire into the public use and interest proposed to be served by the establishment of the proposed land division and any public dedications associated with a project.

Criteria to be considered include if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, other grounds, transit stops, potable water supplies, sanitary wastes, parks and recreation playgrounds, schools and school grounds, fire protection and other public facilities, and shall consider all other relevant facts, including the physical characteristics of the site, and determine whether the public interest will be served by the land division and dedication. Further, consideration shall be given to sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

Staff concludes that adequate provisions will be made for public health, safety, and general welfare as follows:

1. *The proposal includes both passive and active open spaces (Exhibit 2).*
2. *A storm drainage system complying with the City of Tumwater's 2022 Drainage Design and Erosion Control Manual will be constructed for the site. A preliminary storm drainage report, including a geotechnical investigation was submitted to support the preliminary design and will be approved as a part of the Site Development/Grading Permit (Exhibit 12).*
3. *New Market Street is required to be extended as a part of Phase 1. Construction of the other frontage improvements will occur in phases. Traffic impact fees and mitigation fees for the identified level of service failure at the Tumwater Boulevard/I-5 interchange are due at building permit issuance (Exhibit 2).*
4. *The City of Tumwater Water Resources and Sustainability Department has issued a water and sewer availability ruling indicating that the City has the ability to serve the preliminary binding site plan with water and sewer connections (Exhibit 13).*
5. *The site is within the Tumwater School District and will pay school impact fees at building permit issuance.*
6. *City of Tumwater Fire Department facilities are adequate to service the proposed project.*

2. Binding Site Plans - TMC 17.08 and Phased Development TMC 17.14.090

Staff Response and Recommended Finding: A Preliminary Binding Site Plan application was submitted on June 21, 2023. The binding site plan was submitted to allow for the phasing of the development and required improvements. The application was deemed complete on July 11, 2023.

The binding site plan is an alternative method of land division that is more flexible than traditional land division procedures. The binding site plan allows provisions for shared access, parking, streets, and other required aspects of development such as park and open space.

Subject to TMC 17.14.090, residential binding site plans containing ten or more dwelling units and commercial or industrial binding site plans covering more than twenty acres are eligible to attain approval in phases. Phased approval of final plats and binding site plans is limited to developments with at least two but not more than four phases.

The applicant proposes to complete the proposed project in three phases.

Phase I includes frontage improvements along New Market Street including completing the connection between Isarel Road and Tumwater Blvd with 139 residential apartment units and over 19,000 sf of commercial space in a 4-story structure, 157 parking stalls, 18 short term and 139 long-term bicycle stalls. This phase includes a clubhouse, passive and active open space, construction of a portion of 71st and 73rd Ave.

Phase II includes 5-story structures with 130 apartment units, 187 parking stalls, 33 short-term and either 130 in unit long-term bicycle stalls or 49 centrally located bike parking stalls. This phase includes passive and active open space, the construction of frontage improvements along 71st Ave and the north-south connector road.

Phase III includes one 5-story apartment building with 147 apartment units and 199 parking stalls (87 surface stalls and 92 garage stalls). This phase includes passive and active open space and the construction of frontage improvements along the north-south connector road and 73rd Ave.

The period of time between the date of the preliminary approval of the phased land division by the hearing examiner and the date of filing for final plat approval for the first phase shall be consistent with TMC 17.14.080.

Construction plans for each phase of a phased development shall include stormwater management facilities that comply with all state and local requirements in effect at the beginning of the time period allotted for that phase.

Applications for final plat or binding site plan approval for each successive phase must be submitted within three years of the submittal for final plat or binding site plan approval on the previous phase.

Under TMC 14.08.030 review authority for binding site plan - phased shall be considered by the Hearing Examiner.

As discussed above, staff finds that, as conditioned:

- This proposal is in conformance with the Tumwater Comprehensive Plan.
- This proposal complies with the binding site plan regulations.

M. Tumwater Zoning Code - TMC Title 18:

1. TC Town Center Zone District TMC 18.23 - Permitted Uses and Development Standards

Staff Response and Recommended Finding: The project site is located in the Town Center (TC) zone district, Town Center Mixed Use Subdistrict (Exhibits 4 and 19).

TMC 18.23.020 lists mixed use commercial/residential developments as a permitted use in the Town Center Mixed Use subdistrict. The Development and design standards – Specific to properties fronting on main streets section of the TMC states that first floor uses in commercial and residential developments are required to site a minimum 20% of the gross floor area on the first floor to be dedicated to a commercial use as listed in 18.23.050.E.

The development proposes to include all of the required commercial uses within Phase I of the development with the calculation of required commercial space as follows:

<i>Building 1 First Floor</i>	<i>Building 2 First Floor</i>	<i>Building 3 First Floor</i>	<i>Total SF</i>	<i>20% of Total</i>	<i>SF Commercial Proposed</i>
51,093	21,968	17,753	90,814	18,162.8	19,047

There is not a maximum impervious surface in the Town Center (TC) zone district according to TMC 18.23.030(E). Adequate space must be provided for required parking, yards, landscaping and open space.

The maximum building height in the Town Center (TC) zone district according to TMC 18.23.030 is 65 feet. The proposed development does not penetrate any airspace surface that would impact the Olympia Regional Airport.

The minimum required setbacks for the Town Center (TC) zone district for the perimeter of the property and the proposed lots according to TMC 18.23.030 and 18.23.050A are provided below.

The minimum required setbacks for the Town Center (TC) zone district around the perimeter of the property are as follows:

- a. Zero feet along all public street frontages except where any structures or portions of structures are adjacent to the Town Center Residential Subdistrict the minimum setback shall be ten feet and shall be screened in accordance with TMC 18.47.

The maximum required setbacks for the Town Center (TC) zone district along main streets shall be consistent with 18.23.050.A.

The project is subject to the Town Center design guidelines (18.23.040 and 050) and Commercial, Mixed Use and Multi-Family Design Guidelines.

Staff finds that the preliminary binding site plan is consistent with the permitted uses in the Town Center (TC) Zone.

2. Aquifer Protection Overlay (AQP) zone district - TMC 18.39 – Restricted Land Uses

Staff Response and Recommended Finding: The intent of the aquifer protection (AQP) overlay zone district is to identify, classify, and protect vulnerable and/or critical aquifer recharge areas within the city and urban growth area. Protection is to be accomplished by controlling the use and handling of hazardous substances.

The uses proposed with the preliminary binding site plan are not restricted land uses in the aquifer protection (AQP) overlay zone district.

3. Site Plan Review:

Staff Analysis and Recommended Finding: Site Plan Review approval assures that the proposal meets all requirements of the Tumwater municipal code pertaining to zoning, design, building, fire and engineering.

The applicant attended preliminary and formal site plan review and has provided a binding site plan that includes the minimum requirements for site plan review approval. Specific design review standards not shown on the binding site plan must be provided.

III. RECOMMENDATION

Pursuant to TMC 2.58.110, staff recommends approval of the Preliminary Binding Site Plan described herein with the following conditions:

1. Minimum and maximum floor area ratio per 18.23.030.B.1.
2. No maximum impervious lot coverage except adequate space must be provided for required parking, yards, landscaping and open space.

3. Maximum building height is 65 feet.
4. Open space shall be provided at a minimum of 150 sf per unit. Park and open space areas shall be separate and distinct from required yards, setbacks, and landscaped areas. At least 50% of open space must be active recreation.
5. Site development and structures shall be designed to meet the Citywide Design Guidelines Chapter 2 - design standards for Multifamily and TMC Chapter 18.23, Town Center Design Guidelines.
6. Consolidated postal drop-off facilities shall be provided for the site. The location must be coordinated and approved by the U.S. Postal Service with location shown on the civil engineering plans.
7. Parking shall be provided at 1 stall for each studio, 1 and 2 bedroom unit, and 2 stalls for each 3-bedroom dwelling unit, in addition, 1 guest stall is required for each 10 units.
8. Parking shall meet the criteria found in TMC Chapter 18.23 and 18.50, and the Citywide Design Guidelines. Any proposed modification of the parking standards shall be considered under TMC 18.50.075.
9. Short-term bicycle parking shall be provided at a rate of 1 bike stall per 4 dwelling units. Long term bicycle parking shall be accessible to all units and provided at a rate of 1 bike stall per 4 dwelling units or one stall inside each unit. Bicycle facilities shall meet the requirements of TMC 18.50.120 for both short-term and long-term bicycle parking. Any proposed modifications to the parking requirements shall be considered under TMC 18.50.120(E).
10. A photometric plan meeting the requirements of section TMC 18.40.035 and section 2.F.1 of the City's Design Guidelines is required as part of building permit submittal.
11. A landscape and irrigation plan meeting the requirements of TMC 18.47 shall be submitted as part of site development grading submittal.
12. The project proponent shall complete a cultural resource study for the property which shall be reviewed and approved by the Department of Archeological and Historic Preservation (DAHP), Squaxin Island Tribe and Nisqually Indian Tribe prior to any permit approval for land disturbance for this project. After the study has been approved, the applicant shall follow the findings in the study along with the procedures in the City of Tumwater Standard Inadvertent Archaeological and Historic Resources Discovery Plan. If any archaeological or cultural resources are uncovered during construction, the project proponent shall stop work in the area of discovery and follow the procedures in TMC 18.40.065 Inadvertent Discovery of

Archaeological and Cultural Resources.

13. Conditions listed in the Mitigated Determination of Non-Significance dated March 29, 2024, are hereby referenced and incorporated.
14. A site development/grading permit is required for this site. Special inspectors approved by the building official shall perform inspections of fill placement, compaction testing, and blasting. All special inspections are to be performed by WABO registered labs and inspectors who have expertise in grading and earthwork.
15. Special inspectors may be required for the following types of work: concrete, bolts installed in concrete, special moment-resisting concrete, reinforcing steel and pre-stressing steel tendons, structural welding, high strength bolting, structural masonry, reinforced gypsum concrete, insulating concrete fill, spray-applied fireproofing, piling, drilled piers and caissons, shot-crete, special (engineered) grading, excavation and filling, soils compaction testing, retaining walls and smoke-control systems. All special inspections are to be performed by WABO registered inspectors and at the expense of the owner. IBC Section 1704.1
16. The proposed building's occupancy is R-2 of type V-A (1 Hour) construction. Or IIIB for 6 stories IBC Section 3. 5-story wood construction will require exit stairs to be pressurized per the WAC. Shall provide engineered mechanical plans showing system for all shafts.
17. A minimum of (12) barrier-free parking stalls and (4) van accessible barrier-free parking stalls and one garage parking space shall be provided for this site. IBC Section 1106.
18. The building and site are required to be accessible. An accessible route of travel shall be provided to all portions of the building, to accessible building entrances, and connecting the building and the public way. The accessible route of travel shall be shown on the engineering plans WAC 51-30
19. Where parking provides more than 20 required parking spaces for R-2, B occupancies, five percent of parking spaces shall be provided with electric vehicle charging infrastructure in compliance with Sections 429.3, 429.4 and 429.5.
20. Exterior walls are required to be of 1-hour fire-rated construction when less than 10 feet to the property line. Protected openings are required when less than 5 feet from the property line. No openings are permitted less than 3 feet from the property line. IBC Section 704.8.
21. Back flow prevention is required on all fire services and irrigation services and in accordance with the AWWA Cross Connection Control Manual. A reduced pressure backflow assembly is required on all commercial domestic services per WAC 246-290-490. Please contact maintenance at 754-4150 for more information.

22. If water pressure at the meter exceeds 80 psi, a pressure-reducing valve will be required to be installed on the private side of the water line.
23. The proposed buildings require automatic fire alarm systems, including pull stations throughout. Separate permits required.
24. The proposed buildings require NFPA 13 fire sprinkler systems throughout. IBC 903.2.8. Pressurized stairs per WAC if wood construction.
25. The applicant shall show the location of the Fire Department connection, post indicator valve, remote annunciator panel and key box on the engineering plans. Ductile iron pipe is required from the fire apparatus into the structures. Fire access shall meet TMC with access on exterior wall and from parking lot side of all buildings.
26. The required fire flow for this project is derived from Appendix B of the International Fire Code. Type 5A buildings of this size are required to have a fire flow of 4,500 gallons per minute at 20 psi. However, based on the approval of the Fire Chief, a 50% reduction for fully sprinkled buildings allowed in Section 105.2 will be allowed for this site. Therefore, the required fire flow will be 2,250 gallons per minute at 20 psi for 4 hours. IFC 903
27. At least 5 percent, but not less than one of the units shall be a Type A unit. All Group R-2 units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units. Where the sleeping units are grouped into suites, only one sleeping unit in each suite shall count towards the number of required Type A units.
28. Fire lane signs and yellow striping shall be provided on-site to identify Fire Department access roads and prohibit the obstruction thereof. IFC 503.3
29. Fire hydrants and paved access roads shall be installed, tested for fire flow by the Fire Department and made serviceable by the Public Works Department prior to any vertical or combustible construction. No exceptions. IFC 503
30. Each building will have a physical street address off New Marke Street. SW and 73rd Ave, SW. Buildings will not have letter or single number identifiers. Each apartment will be identified as Unit #.
 Example: XXXX New Market Street SW, unit 100 for 1st floor apartments.
 200 for 2nd floor apartments.
 XXXX 72nd Ave. SW, unit 100 for 1st floor apartments.
 200 for 2nd floor apartments.
 XXXX 73rd Ave. SW, unit 100 for 1st floor apartments.
 200 for 2nd floor apartments.
31. Building plans and specifications shall be prepared and stamped by an architect and

engineer licensed to practice in the State of Washington.

32. Fire stopping required to be inspected by WABO third party inspector.
33. Aerial fire apparatus access road is required for this project per IFC D105. The building shall not be more than 30' away or 10' closer to the fire access road.
34. Prior to the preconstruction meeting, the contractor shall provide a plan for review on how the project will be meeting fire lane requirements for vertical construction.
35. Multi-family projects over 200 dwelling units are required to have two fire access roads which shall be not more than one half the length of maximum diagonal dimension of the property served.
36. All building permit applications shall include architectural, structural, plumbing, mechanical and energy plans and specifications. No exceptions, and no deferrals. Fire sprinkler and fire alarm permits and plans may be submitted separately from the main permit application but must be submitted before the main building permit is issued.
37. Digital set of plans and specifications shall be submitted along with application and plan review fees.
38. The commercial area will be required to meet the min. code requirements for "shell areas" for Certificate of Occupancy for the building permit. Each tenant space shall submit application for Tenant improvements and will receive separate certificate of occupancies. The daycare proposed will need to meet requirements for multiple exiting from each room.
39. Retaining walls require separate permits and WABO special inspection.
40. Fire Sprinklers and Fire alarms are the only separate permit that is allowed to be Deferred, Sprinkler application shall be submitted prior to building permit issuance.
41. This project is required to provide for the storage of recycled materials and solid waste. The storage area shall be designed to meet the needs of the occupancy, efficiency of pick-up, and shall be available to occupants and haulers. The location of this facility shall be shown on the site plan.
42. Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eaves lines unless the area is protected by an approved automatic sprinkler system. IFC Section 304.3.3
43. The applicant shall be responsible for providing the City with all costs associated with the installation of water, sewer, street, and storm systems that are dedicated to

the City of Tumwater.

44. All designs/construction shall comply with the City of Tumwater's Development Guide and WSDOT standards.
45. The site development grading plans shall show all existing and proposed utilities and easements including streetlights, street trees, water, sewer, storm, gas, cable, power, telephone, signage, and striping. Show all properties involved in the project and identify them with the parcel numbers and owners. Show all existing rights-of-way and proposed right of way dedications. All rockeries proposed shall also be shown on the plans. Show phasing plan.
46. All main installation, road design and storm drainage work require engineered plans certified by a professional engineer.
47. The applicant is responsible for all plan check, inspection, and connection fees.
48. Any private or public utility relocation is the responsibility of the applicant.
49. The applicant shall be responsible for the maintenance and timely repair of all public improvements for a period of 30 months following final certification by the City and shall submit a surety for maintenance equal in value to fifteen (15) percent of the total value of the required public improvements certified by the Transportation and Engineering Director. Please refer to Chapter 3 of the Development Guide for further clarification.
50. Provide all easements and bills-of-sale documents with the engineered plans.
51. All legal descriptions must be accompanied with an appropriate drawing that the City Engineering Department can use to verify the legal description. All engineering drawings will be on 24" x 36" paper sheets or provided as otherwise requested.
52. The owner or owner's representative is also responsible for furnishing the city with electronic files compatible with release 2018 or newer Auto-CAD format. Drawings shall be in TCHPN (Thurston County High Precision Network) horizontal datum. Provide individual drawings independent of x-refs. Include all non-standard font files and plot files. Also, please furnish PDF files printed from the Auto-CAD files at 300 DPI or greater. A storm water maintenance agreement, utility maintenance agreement, easements and bills-of-sale will also be required.
53. Show all existing wells impacted by the proposal including groundwater monitoring wells and domestic water wells. Coordinate to provide any protection during construction and relocation or decommissioning to DOE standards as required.
54. Modifications may occur as a result of the engineering review process. For engineering issues, the approved engineering plans take precedence over the

approved site plan.

55. Please note in the plans that the PLS responsible for the surveying of the project must obtain a permit from DNR before any monuments are disturbed.
56. The City vertical and horizontal datum required to be used is NGVD29 and NAD 83(HARN) / Washington South U.S. Survey Feet respectively.
57. Frontage improvements are required per Tumwater Municipal Code 12.12.010. including sidewalks, ADA access and crossings, curb and gutter, street patch, street lighting, bike lanes, street trees/landscaping and any storm drainage necessary to take care of the impervious area in the right-of-way. The applicant is responsible to the centerline of the right-of-way plus one lane. Dedication of additional right-of-way to contain the improvements is required. Overall roadways need to match the designation for each section as outlined in the Tumwater Town Center Street Design Plan (Exhibit 18).
58. Tumwater Town Center Street Design Plan Roadways (Exhibit 18):
 - New Market Street (MS 2) – Section A-A
(This section has been designed to facilitate ROW dedication for roadway design constraints and access needs for the New Market School to the west)
 - Finalize coordination with Tumwater School District for ROW needed and impacts to their parking lot and site access.
 - West Side (School Side) to be 1-12' Lane/ East Side (Frontage Side) to be 1-12' Lane, 6' Bike Lane, 7' Parking, 10' Sidewalk (including curb), 1' behind back of walk to new ROW.
 - 71st Avenue (MS 3 – Section B-B / GS 2 – Section C-C)
 - MS-3: 2-11 Lanes, 5' Bike Lane, 7' Parking, 12' Sidewalk (including curb), 1' behind back of walk to new ROW.
 - GS-2: 2-11' Lanes, 5' Bike Lane, 0.5 Curb, 6' Planter, 6' Sidewalk, 1' behind the back of walk to new ROW.
 - Coordinate with City of Tumwater for Right of Way dedication and subsequent relocation of City maintenance yard features in the vicinity of the dedication and those improvements.
 - 73rd Avenue (MS 3 – Section B-B / GS 4 – Section C-C)
 - MS-3: 2-11 Lanes, 5' Bike Lane, 7' Parking, 12' Sidewalk (including curb), 1' behind back of walk to new ROW.
 - GS-4: 2-11' Lanes, 5' Bike Lane, 0.5 Curb, 6' Planter, 6' Sidewalk, 1' behind the back of walk to new ROW.
 - Eliminate street parking east of the Phase 1 driveway access.
 - Eastern North-South Roadway (CS 3 – Section D-D)

- 2-11' Lanes, 7' Parking, 12' Sidewalk (including curb), 1' behind the back of walk to new ROW.
 - Future development to the south will be responsible for their half to the south for CS-5.
59. Detailed intersection designs including ADA access and pedestrian crossings need to be addressed for each leg of all new and intersecting roadways.
60. Overhead Utilities / Telecommunications Site
- Identify and address all overhead utility lines and poles including power on all frontages. City code and the development guide require undergrounding and/or relocation. If a deviation from that is desired, please contact City engineering for these steps.
 - The existing telecommunications structure at the southeast corner of the site is to remain protected and undisturbed. Coordinate with the utility company as required any measures needed to ensure no disturbance will take place and any compromise to safety or adverse impacts will take place as part of this proposal.
 - Verify the location will not be a site distance issue.
61. Full lane overlays will be required after patching. Additional improvements might be required on the opposing frontage, such as widening, realigning the crown to centerline of right-of-way or feathering to meet City of Tumwater standards.
62. All accesses will meet city standards. Sight distance is a concern on several access points shown on the plans. Provide sight distance triangles at all access points on site development grading plans.
63. Coordinate all construction phasing and access plans as required. Phases shall be constructed in increasing numerical order (Phase 1 first, Phase 2 second and Phase 3 third) unless otherwise agreed upon by the Community Development Director in writing.
64. A drainage design and erosion control plan will be required according to City's 2022 Drainage Design and Erosion Control Manual.
65. Maintenance of the on-site storm water system will be the responsibility of the property owner; a maintenance agreement will be recorded against the property.
66. This project will be paying a monthly storm water utility fee based on the amount of impervious surface per Tumwater Municipal Code 13.12.060.
67. If the depth from the bottom of the proposed storm facility to the high groundwater elevation or other restrictive layer is less than 6-feet, a mounding analysis will be required. In no case can the separation be less than 3-feet. The applicant will be responsible for the cost of a third-party review of the onsite and off-site storm water impacts and mitigations.

68. No storm drainage treatment or storage will be allowed in the right-of-way.
69. Any water main extension will require a minimum of an 8" system. The main size will depend on the fire flow requirements for this project. The system shall be designed for a maximum velocity of 8 feet per second.
70. Water meters need to be placed in the public right-of-way or clustered on site within an easement. The professional engineer will need to provide calculations on the maximum instantaneous water demand and size of the meter for the project.

**Submitted on Behalf
Of the City of Tumwater
Community
Development
Department by/
Staff Contact:**

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Report Issue Date: August 20, 2024

List of Exhibits:

- Exhibit 1. Staff Report 08-20-2024
- Exhibit 2. Binding Site Plan and Application Materials
- Exhibit 3. Vicinity Map
- Exhibit 4. Zoning Map
- Exhibit 5. Public Notice Certification 08-16-2024
- Exhibit 6. Notice of Application 07-14-2023
- Exhibit 7. Mitigated Determination of Non-significance with SEPA Checklist 03-29-2024
- Exhibit 8. Public Hearing Notice 08-16-2024
- Exhibit 9. Notice of Application Public Comments
- Exhibit 10. SEPA Public Comments
- Exhibit 11. Transportation Concurrency Determination 02-16-2024
- Exhibit 12. Preliminary Drainage Report 01-13-2023
- Exhibit 13. Water Sewer Availability 01-17-2023
- Exhibit 14. Traffic Impact Analysis 06-22-2023
- Exhibit 15. Forester Report 09-30-2022
- Exhibit 16. Gopher Report 10-14-2022
- Exhibit 17. Preliminary Civil Plans 10-27-2023
- Exhibit 18. Town Center Road Design
- Exhibit 19. Chapter 18.23 TC Town Center Zone District and Design Guidelines
- Exhibit 20. Narrative on Building Design and Guidelines 06-21-2023
- Exhibit 21. Elevations from First Building Permit Submittal