

1919 Berry Street

Overview

The vacant lot at 1919 Berry Street is a buildable parcel on a very nice street overlooking an exclusive neighborhood, East Bay Drive, with a view of Budd Bay and Cooper Point and the potential to have a breath-taking panoramic view from downtown Olympia almost to the Olympia Mountains.

Panoramic View

The view was the driving force behind the effort to develop this land.

The City of Olympia does not like having shallow-rooted large trees on steep slopes overhanging major arterials. That is exactly what the City has on its property due west of this parcel. It is in the City's interest to have these alder and maple trees removed so they do not fall onto East Bay Drive due to age, windstorms or excessive rain. This has happened before on the City's property adjacent to 1919 Berry St. Trees have fallen onto East Bay Drive from the City's right-of-way there.

Because of this, and with the help of South Sound Forestry, we submitted plans to remove seventy-six (76) alder and maple trees from the City right-of-way directly west of the parcel and extending to the south and north at a 45 degree angle from the stakes on the west corners of the property.

We paid the City to remove all saplings and to remove the first eight trees in accordance with an approved schedule and re-vegetation plan. And we did remove all saplings and the first eight trees. We also re-vegetated the area with approved plants with stronger root systems. The re-vegetation did not hold because we moved and will need to be re-done.

An example of what the City wants, and what we were trying to accomplish, can be seen by driving along Rose St. just off San Francisco Ave. and East Bay Dr., a long block south of Berry St.

Exemption From the Critical Areas Ordinance

The parcel is bracketed by two steep slopes: the “shoulder” of Berry St. to the east, and the City’s right-of-way to the west. These steep slopes made the parcel potentially subject to the Critical Areas Ordinance. As it turned out, the building footprint of the proposed home was far enough away from the west steep slope so this steep slope did not come into play. The same could not be said of the east steep slope.

At the time, we had the choice of asking for a Reasonable Use Exception or an Exemption to the Critical Areas Ordinance. We felt the Exemption afforded us the most flexibility so we pursued that option. As I recall, and I am testing my memory here, there are three conditions which have to be met to secure an exemption: 1) the condition must be man-made; and, 2) the slope must be stable; and, 3) the condition must have been constructed in accordance with approved rules and regulations. We had to prove the construction of Berry Street itself met these three conditions.

The City agreed that the street itself was man-made and that it was constructed in accordance the rules and regulations. A Hearing Examiner ruled we had to prove the street itself was stable. We offered up the first soils report from the construction of 1913 Berry St. but that report was rejected because it was several years old. We then hired a second soils engineer who attested to the stability of the parcel, but not the street. We then hired the soil engineer from the first soils report. This engineer cored the street itself and wrote soils report #3. The street itself was stable.

We then applied to appear before hearing examiner to present this evidence but were advised the City regulations had changed, we did not have to appear before the hearing examiner, and the City planning staff could administratively approve

the exemption. We received an email with a finding of “no adverse” effect and were authorized to proceed.

Architectural Options

Meanwhile, we had been studying architectural options because we did not want to build a house we did not want to live in just because it had a view. We came up with two options which are available for review. The house could be two or three levels and could be from 3,000 to 4,500 sf.

We preferred the larger, which featured three levels: the main being the common living areas, the upper being a dedicated master suite, and the lower with some bedrooms and an open covered entertainment area. We were going to put in an elevator so we could age in place and a fireplace to burn all the firewood the re-vegetation plan would generate.

The zoning allows for homes with two stories and a basement. We decided our basement could actually be almost a full level and decided to apply for a variance allowing us to construct a three-story home in lieu of a two-story home with a basement. The hearing examiner approved the variance. We have a copy of the variance. It has expired.

Conventional Foundation

As important as the view to us was the ability to construct with a conventional foundation. We did not want to be tasked with driving piles or installing augur-cast piles. One of the officials at the time was not really conversant with this type of construction so we engaged a third soils engineer who confirmed our request with soils report #4. This did not convince the official in charge so we hired a fourth engineer who prepared soils report #5. This report, in conjunction with the then current Building Official gave us the green light for a conventional foundation. I recall the Building Official telling me the parcel would support a nine story edifice.

But, one of the advantages of soils report #5 was the suggestion that, instead of digging for footings, etc., we should lay down an engineered rock and geo-textile pad. This installation would provide us with a solid surface, a mechanism to drain any seepage coming off the hill, and avoid putting a back hoe into a tight space. We liked that idea and actually procured a bid from an excavation contractor we had used on a previous project.

That effort got suspended when the City catch basin below the parcel overflowed.

Drainage Plan and Installation

We had previously installed some very serious catch basins and tight lines, not only on the parcel, but also in Berry Street itself and on the City's right-of-way to the west. This entailed a cost of more than \$80,000 encompassing design, surveying, permits, actual installation and compensation for asphalt roadway work.

The City, however, had never maintained its own catch basin on its right-of-way to the west, and it got plugged with the leaves from the alders and the maples and overflowed onto East Bay Drive.

We began negotiations with the City on how to fix their drainage installation. As it turned out, the City had a bar grate over their catch basin, had never cleaned or maintained the catch basin (that was irregularly done by the residents of 1919 East Bay Dr.) and had limited access to the catch basin with very steep and extremely slippery steps made of railroad ties. It was a danger to climb.

Ultimately the City installed concrete steps with a handrail, replaced the bar grate with a trash grate, and has undertaken routine maintenance by the Public Works Department.

To our knowledge, the catch basin west of the parcel has not overflowed since.

Miscellaneous

One of the attractions of the tree removal plan has been briefly mentioned before. We thought the remaining alders and maples would provide a nice long supply of firewood.

Another feature of the re-vegetation plan was that the cost of re-vegetating would offset the cost of buying the trees from the City. For instance, we documented that the cost of the re-vegetation the first year exceeded the value of the trees we cut the second year. The City did not charge us for the value of the trees the second year.

I have given serious thought to installing a wine cellar under the driveway into the garage.

Costs

Include, but are not limited to:

Acquisition, closing and recording expenses

Multiple surveys for topography, trees, boundaries and storm drains

Consultants, foresters and materials for tree removal and re-vegetation

Site drainage engineering, permits, and installation

Preliminary architectural and structural work

Multiple soils reports

Hearings, examiners and pre-construction conferences

And approximates **\$200,000**

Documentation

We have full documentation for all the information above.

A Grandchild

About this time we were informed we had a grandson on the way. We elected to move to Oregon, where we now live within an hour of three grandchildren and their parents.