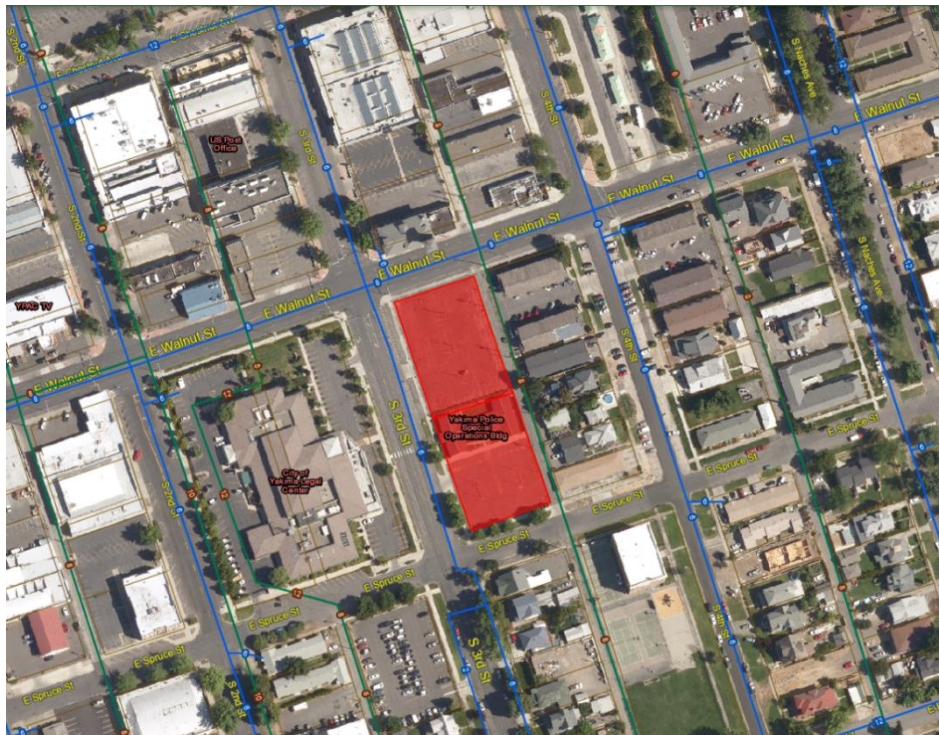




# Request for Proposals (RFP) 12226P Development of City-Owned Property (2022 - Phase 1)

Yakima County Assessor Tax Nos: 191319-24514 & 191319-24459



Submit Proposals To:

Yakima City Hall  
City Clerk's Office  
129 N 2<sup>nd</sup> Street  
Yakima, WA 98901

Issue Date:

May 12, 2022

Proposals Due:

July 15, 2022  
11:00 a.m. PT

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**City of Yakima**  
**Request for Proposals (RFP) 12226P**  
**Development of City-Owned Property (2022 – Phase 1)**

**Section 1      Project Summary**

The City of Yakima (“City”) is seeking development proposals (“Proposals”) from qualified firms (“Developers”) for the opportunity to purchase and develop two contiguous City-owned properties in the downtown area of Yakima. The site consists of two properties located on South 3<sup>rd</sup> Street between East Walnut Street and East Spruce Street (see Exhibit C).

Because of its proximal location to the downtown business core, the City Council considers this site important in that it offers a unique opportunity for downtown development to include housing with a retail or commercial first floor component and green space for the development’s occupants and users. The site is zoned General Commercial.

The City has a preference for developments that propose underground or under-unit parking. Additional points will be provided to proposals utilizing these design components in whole or in part. See the Evaluation Criteria in Section 10.

Development Vision

The City is interested in maximizing use of the site and providing a new anchor for downtown housing development. The City is seeing continued growth at Pacific North West University, retail development in the downtown, and breweries and opening of bars/clubs/restaurants along with significant increases in tourism around the beer and wind industries. The City is seeking to enhance the downtown resident population that will provide regular business for our downtown establishments during variations in the tourism season.

The City will review Developer proposals and evaluate them based on pre-determined criteria which will include: number of housing units created, market demand, job creation through first floor commercial use, types of housing created, and best benefit to the City (see Section 10). Note: the final award determination will be made by the City Council.

**Section 2      Project Introduction**

Community Overview

The City of Yakima, county seat of Yakima County, was incorporated in 1886 and is located in central Washington State. It encompasses 28.7 square miles in an area of rich volcanic soil. The City is 145 miles southeast of Seattle, and 200 miles southwest of Spokane, Washington. The region is served by rail, highway and air transportation facilities, which have helped develop the City as the commercial and business center of Central Washington. With a 2020 population of 96,968, Yakima is the eleventh largest city in the State of Washington.

The City provides a full range of municipal services contemplated by charter or statute. These include public safety (police, fire, and building), public improvements (streets, traffic signals), sanitation (solid waste disposal, sanitary

wastewater utility), water and irrigation utilities, transit, community development, parks and recreation, airport, and general administrative services.

The City of Yakima lies within Yakima County in the fertile Yakima River Valley. Apples, cherries, pears, grapes, and other fruits, plus a wide variety of field crops and vegetables make the Yakima Valley one of the top agricultural producing areas of the nation. There are over 400,000 acres of Agriculture zoned land within the County which produce over thirty types of fruits and vegetables. With its farm production base, the Yakima area is a major food processing region.

Adding to the area's economy are over 250 manufacturing firms in the Yakima area that produces a variety of products including wood products, packaging, plastic products, produce and aircraft parts.

### Community Housing Needs Overview

The following is a brief summary of housing needs in the City of Yakima. The most recent City of Yakima housing needs assessment data is contained in the city's recent [Housing Action Plan](#).

The City of Yakima has grown since 2010. The most recent decennial census counted 96,968 residents and the population is expected to continue growing to an estimated 110,387 people by 2040.

The average household size in Yakima is 2.71, slightly larger than the statewide average of 2.55. While the average household size is larger relative to the state, more than half (58%) of the city's residents live in single or two-member households. Renters are more likely to be single-person households than owners.

There is a housing shortage in Yakima for all income levels. Vacancy rates for both apartments and homes for sale are extremely low, below 1%. When vacancy rates are so low, people looking for new homes have fewer options, increasing competition for the limited supply of units available. This drives up both rents and home prices.

Local housing prices are rising faster than local incomes. The median home value in Yakima has risen by 38% between 2010 and 2019. Over the same period, the median family income has increased by 19%. This indicates that homeownership is getting further and further out of reach for many prospective buyers.

In the last 3 years, the city grew by an annual average of 530 new residents, a greater annual amount compared to 2010-2017 at 386 persons per year. To achieve its growth target, the city is projected to add about 745 persons per year over the next 20 years.

The average household size in Yakima is 2.71. If applying a 2.7 household size to the remaining population target, about 5,517 dwelling units would be needed between 2020 and 2040.

Many households in Yakima are cost burdened. Between 2012 and 2016, 36% of all households in Yakima were cost burdened. Cost-burdened households spend a large portion (over 30%) of their available income on housing costs. This leaves less money available for other important needs like food, transportation, clothing, and education. With rising housing costs, the number of cost-burdened households has almost certainly increased during the past few years.

Cost burden is not evenly distributed across households. For example, renters are more cost-burdened than owners. Nearly 50% of renter households were cost-burdened, compared to about a quarter of all homeowners.

Needs are greatest among low-income households. About three fourths of all households with incomes below 50% of the county median family income are cost-burdened. Nearly half of these households are severely cost-burdened, meaning they spend over 50% of their income on housing costs. While there are low-income households living in

neighborhoods across the city, the greatest concentration of low-income households is in eastern Yakima, and many of these households are Hispanic/Latino ethnicity.

Yakima needs more housing diversity. Over 65% of all housing units in Yakima are single-family homes. Not all households require or can afford that much space. For example, about 30% of all households in Yakima are singles living alone, yet only 5% of housing units in Yakima are studios and only 13% have just one bedroom. Increasing the diversity of housing options available will increase housing supply and provide more choices for residents seeking more affordable housing that meets their current needs.

### Site Overview

The site consists of two contiguous parcels: Yakima County Tax Assessor Parcels 191319-24514 and 191319-24459. The site is located on South 3<sup>rd</sup> Street between East Walnut Street and East Spruce Street. It is currently being used as offices and training rooms for the Yakima Police Department and a parking lot.

- **Site size and topography:** The site is approximately 1.26 acres, with level topography. It has approximately 140 ft of frontage on E Walnut, 400 ft of frontage on S 3<sup>rd</sup> St, and 140 ft of frontage on E Spruce St. A boundary line adjustment can be completed in order to combine the two parcels.
- **Zoning:** The property is zoned General Commercial (GC), which allows for multi-family residential development up to 50 ft in height. The GC does not have a density minimum or maximum. The complete table of permitted land uses can be found here: <https://www.codepublishing.com/WA/Yakima/#!/Yakima15/Yakima1504.html#15.04.030>
- **Parking:** The off-street parking requirements range from 2 spaces per dwelling for 10 units or less, to 1.5 spaces for each dwelling unit over 10. The complete table of off-street parking standards can be found here: <https://www.codepublishing.com/WA/Yakima/#!/Yakima15/Yakima1506.html#15.06.040>
- **Lot coverage:** Allowable lot coverage in the GC is 100%.
- **Setbacks:** S 3<sup>rd</sup> St is designated as a Collector Arterial which requires a 30 ft front yard (or side yard) setback from the centerline of the road; Alley – zero foot setback along alley. ft. It is anticipated that entrance and exit from the development will be off of South 3<sup>rd</sup> Street and/or use the alley right-of-way.
- **Located in an Opportunity Zone: Census Tract 15.01 is a Qualified Opportunity Zone. Information from the Washington State Department of Commerce about Opportunity Zones can be found here:** <https://www.commerce.wa.gov/growing-the-economy/opportunity-zones/>
- **Close to transit:** East Walnut Street is a major bus line and the Downtown bus terminal for most routes throughout the City of Yakima is located within approximately 500 feet of the property on East Walnut Street and South 4<sup>th</sup> Avenue.
- **Close to Downtown Services:** The site is within walking distance of downtown services including restaurants, coffee shops, the Capitol Theatre, parks, a movie theater, retail establishments, office buildings, banks and City Hall.
- **Traffic:** The site is located southeast of the intersection of South 3<sup>rd</sup> Street and East Walnut Street at an intersection controlled by a traffic signal. East Walnut Street is a Minor Arterial street which carries 11,200 Average Daily Trips (ADT). South 3<sup>rd</sup> Street carries approximately 3,560 ADTs and is a Collector Arterial Street.
- **Utilities:** The site is served with both public water, stormwater and public sewer.

- MFTE: The City does allow for application for a multi-family tax credit for both market rate or affordable housing consistent with State Law.

### Available Analysis

The City has not completed any environmental review, technical analysis, or other feasibility studies regarding this site. The selected Developer may need to pursue studies to support their proposed project. A Washington State Environmental Policy Act (SEPA) analysis and review was completed for the purpose of the surplus process only, and the City Council will need to declare the property surplus prior to or concurrent with the award of this RFP. The City anticipates that the surplus will be finalized at the same time as the successful proposal is approved. Additional environmental review and procedure will likely be required for development pursuant to state and local law.

### **Section 3      General Project Comments/Standard Condition of Approval**

The intended outcome of this Request for Proposals (“RFP”) process is a Letter of Intent to Award, subject to negotiations per this RFP, that will establish a negotiation period to negotiate the terms and conditions, and further define the scope, design, overall use and development of the Project, upon which the selected Developer can develop the preferred project on the City Parcels, including purchase of the Site.

During the RFP period, Developers and their employees, agents or representatives shall have the right to reasonable access to the City Parcels, undertaking any necessary due diligence to ensure that the City Parcels are suitable for Developer’s intended use. Developer agrees to the Indemnification Clause below during the due diligence period associated with this RFP when accessing the property for any purpose. However, access to Parcel 191319-24514 shall be done only after scheduling an appointment with the City.

### **INDEMNIFICATION CLAUSE**

**NOTWITHSTANDING ANYTHING ELSE IN THIS RFP, DEVELOPER AGREES TO RELEASE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, ITS ELECTED AND APPOINTED OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, REPRESENTATIVES, INSURERS, ATTORNEYS, AND VOLUNTEERS FROM ALL LIABILITIES, LOSSES, DAMAGES, AND EXPENSES RELATED TO ALL CLAIMS ARISING OUT OF THE EXERCISE BY THE DEVELOPER OF THIS RIGHT OF ACCESS, EXCEPT FOR CLAIMS CAUSED BY THE CITY’S SOLE NEGLIGENCE.**

### **Section 4      Proposal Submittal Instructions**

A complete, concise and professional response to this RFP will enable the City to identify the Developer who will provide the highest benefit to the City and will be indicative of the level of the Developer’s experience and commitment to the proposed project. Proposals must demonstrate that the approach, design, and financing plan for the proposed project will allow the project’s successful development and delivery.

The following minimum information should be provided in each proposal and will be utilized in evaluating each proposal submitted. To expedite the evaluation of proposals, submittals should be no more than thirty (30) pages. Proposals should include the following items:

1. Letter of Introduction and Project Understanding: Indicate interest in this project and working with the City, and any other information that would assist the City in making its selection, including why your firm is the best qualified to meet the needs of City of Yakima and this project. Provide a statement to the effect that the Respondent understands and agrees to obtain a City of Yakima business license, if selected. A

principal or officer of the firm authorized to execute contracts or other similar documents on the firm's behalf must sign the letter.

2. Financial Capability to perform contract

Proposer shall submit either a current Financial Review or Compilation Report by a CPA firm, which is not to be older than one (1) year, or a Financial Statement from their bank asserting that Developer has the Financial Capability to perform this contract. The City reserves the right to use other means to substantiate Financial Capability, e.g. D&B reports, BBB, etc.

3. Detailed completion of Questions 1 through 5 in Section 5.

4. Scope of Development which shall include the following:

- a. The firm/team's statement of qualifications.
- b. A narrative description that expresses the firm/team's understanding of the project and vision for development. The narrative should reflect the Respondent's development design intent, strategy and implementation expertise, and understanding of the scope of work.
- c. Resumes with related expertise of the specific Developer and any other consultant or subcontractor resumes with relevant expertise and experience.
- d. Description of the firm's/team's last three completed projects that demonstrate the Developer's:
  - (i) Experience in working with municipalities and/or public agencies to develop market rate, affordable housing, and/or mixed-use housing and commercial properties.
  - (ii) Ability to complete projects of a similar size, scope and purpose in a timely manner.
  - (iii) Description of any other completed projects (representative examples) of similar types of projects. Include current addresses, telephone numbers, and the names of reference contacts for each project. Similar project descriptions should be submitted for all subcontractors.
- e. Proposed offer price to purchase the Site(s).
- f. Analysis of the proposed housing creation, types of housing created and the benefits of the housing and Project uses proposed for the Site.
- g. If the proposed Project includes a commercial component, an analysis of the proposed job creation potential, market demand, and the economic and financial benefits of various potential uses proposed for the Site.
- h. A proposed approach for undertaking this development, including:
  - (i) Detailed scope of work; and
  - (ii) Schedule for predevelopment analysis, entitlement review, construction, etc.
- i. Standard statements:
  - (i) A statement that this RFP shall be incorporated in its entirety as a part of any resulting agreement.
  - (ii) A statement that this RFP and the Developer's proposal will jointly become part of the resulting agreement for this project when the Agreement is fully executed by the Developer and the City.
  - (iii) A single and separate section "EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL", including the attached sample Agreement (Attachment A). This section shall include a complete and detailed description of any/all of the exceptions to the provisions and

conditions of this Request for Proposal upon which the Developer's proposal is contingent. **The City will only accept or negotiate exceptions if it is in the best interest of the City to do so.**

- (iv) A statement that the Developer will not discriminate against any employee or applicant for employment because of race, color, religion, gender identity, sex, national origin, or any protected class under federal or state law.
- (v) A statement that the Developer believes its Proposal meets all the requirements set forth in the RFP.
- (vi) A statement that the individual signing the Proposal is authorized to make decisions as to the details of the Proposal for the Developer and all of the partners and/or team members associated with the Proposal.

Developers responding to this RFP must comply with the requirements herein as well as all federal, state, and local laws. The City reserves the right to exclude any responses from consideration that do not follow the required format or include all required documents.

## **Section 5 Proposal Questions/Request for Information**

To evaluate the alternatives and select the appropriate Developer, the City is requesting development proposals that will help the City finalize its vision and move ahead with property disposition and development. Proposals must include responses to the following questions (please be thorough in your answers):

1. Description of the Developer's proposed project:
  - a. Square footage of building space;
  - b. Square footage of building space dedicated to housing units;
  - c. Number of proposed housing units and type (i.e. studio, one-bedroom, two-bedroom and three-bedroom units);
  - d. Percentage of housing units that will be considered affordable to low-income and very-low-income households as defined in RCW 43.63A.510, if any;
  - e. Percentage of housing units that will be considered market rate;
  - f. Proposed method of providing parking (i.e. underground, first floor, open parking space and whether a parking variance will be sought);
  - g. Square footage of ground floor commercial space and number of spaces proposed;
  - h. Location, size and amenities provided in green space;
  - i. Proposed building materials to be used in the façade and exterior of the building;
  - j. Proposed method of managing trash bins;
  - k. Identification of the code waivers that are being requested for modification or exemption (e.g. parking requirements);
  - l. Conceptual design, site plan and development plan; and
  - m. Anticipated timeline from time of property transfer to completion of development project. If it is intended to be developed in phases, please so state and outline each of the phases with specificity.
2. Description of the Developer's experience developing the proposed type of project elsewhere:
  - a. Name and location of project(s);
  - b. Description of project(s);
  - c. Completion date of project(s) including a specific schedule/timeline for work including benchmarks for the various phases of completion;



- d. Experience in dealing with other City projects and/or experience in purchasing government property for private development and/or affordable housing;
  - e. City project contact person and contact information for completed projects; and
  - f. Website addresses of completed projects, if any.
3. Explanation of the role the Developer’s organization will play in the proposed project and a list of other partners and their roles (if any).
  4. The proposed general timeframe for the development of the Developer’s proposed project. If multiple components or phases are planned, a list of all.
  5. Description of the benefit(s) your proposed project brings to the City including, but not limited to:
    - a. Land sale price offer to purchase the site;
    - b. Projected property tax revenues from the project;
    - c. Projected sales tax revenues or other revenues from the project (if applicable);
    - d. Projected number of direct jobs; and
    - e. Other benefits to the City.

**Section 6 Project Timeline**

Time is of the essence in completing this project and the City is seeking a firm that has availability to start work immediately and complete the scope on an accelerated schedule.

<b>Project Milestone</b>	<b>Date</b>
RFP Issued	May 12, 2022
Deadline for Submittal of Proposals	<b>July 15, 2022</b>
Evaluation of Submittals by City	July 16 through August 12, 2022
Interviews Begin (if requested)	August 22, 2022
Preliminary Presentations to City Council	September 27, 2022
City Council Considers Letter of Award	October 11, 2022
Project Awarded & Contract Signed	On or before October 31, 2022
Project Kick-Off	December 1, 2022

**Section 7 Inquiries**

All inquiries regarding this RFP may be directed to Maria Mayhue, Purchasing Manager at: [Maria.Mayhue@yakimawa.gov](mailto:Maria.Mayhue@yakimawa.gov) .

**Section 8 Addenda**

The City may determine it is necessary to revise any part of this solicitation. Revisions will be made by written addenda and it is the Developer’s responsibility to understand and comply with any addenda to this solicitation.

If a Developer discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in this RFP, the Developer has an affirmative duty to immediately notify the City of such concern and request consideration

of modification or clarification of the RFP document. Any questions should be submitted via email to the contact person listed in Section 7.

All material questions will be answered in the form of an addendum and emailed to all firms on the City’s Consultant roster for this RFP.

**Section 9 Submittal**

Submit RFPs to City of Yakima Clerk’s Office: 129 N 2<sup>nd</sup> Street, Yakima, WA 98901, no later than **11:00 a.m. on July 15, 2022**. All submittals shall be clearly titled: “RFP 12226P – Development of City-Owned Property”.

**Section 10 Evaluation Criteria**

<b>Criteria</b>	<b>Maximum Number of Points</b>
Benefit to City	30
Offer price to purchase the site	20
Project understanding and examples of relative work	15
Organizational and project team experience; past performance (references)	15
Financial stability	15
Proposed project timeline and availability	5
<b>Optional Criteria</b>	<b>Maximum Number of Additional Points</b>
Underground or under-unit parking	5

Benefit to City includes but is not limited to: proposed square footage of commercial space; number of residential units; percent of market rate residential units; percent of affordable residential units, and residential units for ownership or rental.

Evaluation of proposals shall be by a committee which evaluates the proposals based on the criteria listed above.

Final award determination will be made by the City Council.

**Section 11 Notification of Award**

The resulting Letter of Intent to Award resulting from this RFP will make a tentative award and allow the City and Developer to negotiate the details necessary to transfer the property rights and ensure the proposed project is developed pursuant to the City’s vision and the RFP responsive documents. The Letter of Intent to Award is subject to successful negotiation and contracting. Developers signing the Letter of Intent to Award shall negotiate with the City in good faith with regards to the proposed development. The Letter of Intent to Award shall terminate within One Hundred Eighty (180) days of execution. If documents finalizing the transfer of the property are not signed by both parties (including, but not limited to any purchase and sale agreement, development agreement, and/or other necessary documents for title transfer) OR if the Letter of Intent to Award is terminated, the City may, upon approval by the City Council, enter into a Letter of Intent to Award to the next highest scoring Developer under this RFP, and so on, or, may choose to negotiate with none of the responders to this RFP. The decision is in the sole discretion of the City.

## **Section 12      Developer’s Responsibilities and Scope of Services**

Following Developer selection and execution of a Letter of Award, Developer shall pay to the City as a deposit Ten Thousand Dollars (\$10,000.00) within ten (10) business days of the date of the Letter. Such deposit shall be credited to the purchase price of the Property. Developer shall then proceed with detailed due diligence, pre-development, and entitlement activities while working with the City to negotiate a Purchase and Sale Agreement and Development Agreement for the property. The Purchase and Sale Agreement shall be entered into and a Development Agreement signed within sixty (60) days of the date of the Letter of Award. If such Agreements are not finalized, the City may choose to extend the time to enter into such Agreements, terminate negotiations and this RFP, or terminate the negotiations with the first chosen Developer and start negotiations with the next most-qualified Developer. If negotiations are terminated for any reason other than agreed upon extensions, the deposit shall be forfeited.

The City anticipates that the general scope of the successful Developer team’s responsibilities would include, but not be limited to:

### Entitlements

The Developer shall be responsible for all aspects of the Project including pre-development planning, environmental review, design and financing. The selected Developer shall be responsible, at its sole expense, for obtaining all land use and building permits and other government approvals required for its proposed Project.

During the Negotiation Period, the selected Developer shall prepare and process an initial study and undertake all other actions required under SEPA for City approval of the Project, at Developer’s cost. In addition to the initial study, Developer may, during the Negotiation Period, without any guaranty of approval therefore, seek City approval of any zoning changes (other than a rezone under YMC 15.23) or other changes necessary to develop the Project as allowed by Title 15 Yakima Municipal Code or other applicable code sections.

### Predevelopment Costs

The selected Developer shall bear all predevelopment costs relating to this Project. All fees and/or expenses of engineers, architects, financial consultants, attorneys, planning or other consultants or contractors retained by Developer for any study, analysis, evaluation, report, schedule, estimate, environmental review, surveys, planning and/or design activities, drawings, specifications or other activity or matter relating to the Project shall be the sole responsibility of and undertaken at the sole cost and expense of Developer and no such activity or matter shall be deemed to be undertaken for the benefit of, at the expense of, or in reliance upon the City.

### Legislative Action

City and Developer acknowledge that the City must exercise its independent legislative authority in making any and all findings and determinations required of it by law concerning City Parcels. Developer selection does not restrict the legislative authority of the City in any manner whatsoever and does not obligate the City to enter into the Letter of Award, surplus the property, enter into any Purchase and Sale Agreement or Development Agreement, or to take any course of action with respect to the City Parcels or the Project.

### Construction

The Developer shall be responsible for demolition, construction and commissioning of the Project including obtaining all permits, fees, and approvals necessary for construction of the Project.

## **Section 13 RFP General Terms and Conditions**

### Public Disclosure

Per Washington State Public Disclosure Act (RCW 42.56 et seq.), documents submitted under this Specification shall be considered public records and, with limited exceptions, will be made available for inspection and copying by the public.

Respondents should be aware that any records they submit to the City or that are used by the City, even if the Respondents possess the records, may be public records under the Washington Public Records Act (RCW 42.56). The City must promptly disclose public records upon request unless a statute exempts them from disclosure. Respondents should also be aware that if even a portion of a record is exempt from disclosure, generally, the rest of the record must be disclosed. Exemptions, including those for trade secrets and "valuable formula," are narrow and specific.

Appropriately identified trade secrets will be kept confidential to the extent permitted by law. Any proposal section alleged to contain proprietary information will be identified by the proposer in boldface text at the top and bottom as "PROPRIETARY." Designating the entire proposal as proprietary is not acceptable and will not be honored. Submission of a proposal will constitute an agreement to this provision for public records. Pricing information is not considered proprietary information.

It is the intention of the City to maintain an open and public process in the solicitation, submission, review and approval of this RFP. RFP proposal openings and review will be public.

### Retention of Rights

The City reserves the right to cancel this RFP or accept or reject any or all proposals submitted or to waive any minor formalities of this call if the best interest of the City would be served.

The City reserves the right to retain all proposals submitted and to use any ideas in a proposal, regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the proposing Developer of the conditions contained in this RFP, unless clearly and specifically noted.

### Costs for developing responses

The City will not reimburse Respondents for any costs involved in the preparation and submission of responses to this RFP or in the preparation for and attendance at subsequent interviews. Furthermore, this RFP does not obligate the City to accept or contract for any expressed or implied services. The City reserves the right to request any Respondent to clarify their Proposal or to supply any additional material deemed necessary to assist in the evaluation of the Respondent. All responses and accompanying material will become the property of the City and will not be returned.

### Cooperative Purchasing

The Washington State Interlocal Cooperative Act (RCW 39.34) provides that other governmental agencies may purchase goods or services on this solicitation or contract in accordance with the terms and prices indicated therein if all parties agree. The City of Yakima does not accept any responsibility or involvement in the purchase orders or contracts issued by other public agencies.

### Non-Discrimination

The City hereby notifies all Respondents that it will affirmatively ensure compliance with WA State Law Against Discrimination (RCW chapter 49.60) & the Americans with Disabilities Act (42 USC 12101 et set.)

Developer will be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990, and will be an equal opportunity employer as defined in Title VII of the Civil Rights Act of 1964, and applicable Washington

State law. As such, Developer will not discriminate against any person on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, age, gender identity, or sex with respect to hiring, application for employment, tenure or terms and conditions of employment. Developer agrees to abide by all federal, state and local laws, regulations, ordinances and resolutions.